U. S. Congress

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SIXTY-NINTH CONGRESS

ALSO

SPECIAL SESSION OF THE SENATE

OF

THE UNITED STATES
OF AMERICA

VOLUME LXVII—PART 1

MARCH 4 TO MARCH 18—DECEMBER 7 TO DECEMBER 18, 1925

(Pages 1 to 1174)



WASHINGTON
GOVERNMENT PRINTING OFFICE
1926

U. S. Govt
P
8-26-1926

Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS SPECIAL SESSION OF THE SENATE

SENATE

WEDNESDAY, *March 4, 1925*

CHARLES G. DAWES, of Illinois, Vice President of the United States, to whom the oath was administered at the close of the last regular session of the Sixty-eighth Congress, called the Senate to order at 12 o'clock meridian.

Rev. J. J. Muir, D. D., the Chaplain of the Senate, offered the following prayer:

Almighty and ever-blessed God, our Father, we thank Thee for all the richness of Thy providence toward us, for every blessing vouchsafed to this our beloved land, and for all the administration of high and holy purpose in the management and conduct of our great affairs. We come this morning to Thee, recognizing the hand that has been guiding us through all these generations. Humbly would we ask from Thee Thy blessing at this hour, with the conviction, deepened and strengthened, that the days yet to come may be fraught with larger responsibility. Give unto us, we beseech of Thee, necessary wisdom in the guidance of every public and private duty.

Let Thy blessing rest, we beseech of Thee, upon this gathering here assembled and all that it means in the present as well as the future development of responsibility. Be with him who takes the chair of office, and in the administration of his duties may he find such cooperation and happy unity of purpose that his own heart shall be cheered and there may be much good accomplished.

Regard our President, we beseech of Thee, with all the favors of Thy grace and enable him always to understand that as he acknowledges God in all His ways eminent wisdom shall be afforded unto him and he shall be guided in paths where the problems are most intense and where the anxieties are perplexing and confusing.

Hear our prayer to-day, O God of Heaven. Look upon us as a people as well as individuals and may we all seek to know Thy will and be glad to do it. We humbly beseech of Thee to forgive our shortcomings. Help us to understand the privileges of life and make it more and more real to us in the understanding of the path of duty and the willingness to walk therein. May grace, mercy, and peace be our fortune. Through Jesus Christ, our Lord. Amen.

ADDRESS OF THE VICE PRESIDENT

The VICE PRESIDENT. What I say upon entering this office should relate to its administration and the conditions under which it is administered. Unlike the vast majority of deliberative and legislative bodies, the Senate does not elect its Presiding Officer. He is designated for his duty by the Constitution of the United States.

In the administration of this office his duty is to be concerned with methods of effective procedure as distinguished from any legislative policy of the body over which he presides. It is not for the Vice President to be personally concerned with the interests of political parties or with the policies or projects involved in legislative action, save in that unusual contingency where, under the Constitution, it becomes necessary for him to cast the deciding vote in case of a tie. Nor should he, in view of that unusual contingency, assume any attitude toward prospective legislation until the contingency occurs. Any other course would inevitably lessen the weight of his influence in those impartial and nonpartisan matters with which it is his duty, under the Constitution of the United States, to be concerned.

In my conduct I trust I may yield to no Senator in fairness, courtesy, and kindliness and in deference to those unwritten laws which always govern any association of gentlemen, whether official or private. It shall be my purpose not to transgress in any way those limits to my official activity determined by the Constitution of the United States and by proper parliamentary procedure. But the Vice President, in part because he is not elected by the Members of this body, nor by a State, but by the people of the United States, and his constitutional and official relations are to the Senate as a whole, should always express himself upon the relation of its methods of transacting public business to the welfare of the Nation.

For him, therefore, to officially call to the attention of the Senate any collective duty such as an improvement in the method under which its business is carried on, so far from being an irrelevant and uncalled-for action on his part, is a supreme duty.

In past years, because the Members of this body have cherished most commendable feelings of fairness, courtesy, and consideration for each other as individuals, certain customs have been evolved. These have crystallized into fixed and written rules of procedure for the transaction of public business which, in their present form, place power in the hands of individuals to an extent, at times, subversive of the fundamental principles of free representative government. Whatever may be said about the misuse of this power under the present rules of the Senate, the fact remains that its existence, inimical as it is to the principles of our constitutional government, can not properly be charged against any party, nor against any individual or group of individuals. It has evolved as a natural consequence of the mutual confidence of high-minded men, determined that in their official association as Members of the Senate, full and fair opportunity to be heard on all public questions shall be enjoyed by each and every Senator, irrespective of whether or not they are in the minority, either of opinion or of party.

But however natural has been the evolution of the present rules, however commendable that existing desire on the part of all that the rights of each individual Senator should be observed, the fact remains that under them the rights of the Nation and of the American people have been overlooked—and this, notwithstanding that their full recognition of the rights of the Nation are in no wise inconsistent with the recognition of every essential right of any individual Senator.

What would be the attitude of the American people and of the individual Senators themselves toward a proposed system of rules if this was the first session of the Senate of the United States instead of the first session of the Senate in the Sixty-ninth Congress? What individual Senator would then have the audacity to propose the adoption of the present Rule XXII without modification when it would be pointed out that during the last days of a session the right that is granted every Senator to be heard for one hour after two-thirds of the Senate had agreed to bring a measure to a vote, gave a minority of even one Senator, at times, power to defeat the measure and render impotent the Senate itself? That rule, which at times enables Senators to consume in oratory those last precious minutes of a session needed for momentous decisions, places in the hands of one or of a minority of Senators a greater power than the veto power exercised under the Constitution by the President of the United States, which is limited in its effectiveness by the necessity of an affirmative two-thirds vote. Who would dare to contend that under the spirit of democratic government the power to kill legislation providing the revenues to pay the expenses of government should, during the last few days of a session, ever be in the hands of a minority or perhaps one Senator? Why should they ever be able to compel the President of the United States to call an extra session of Congress to keep

in functioning activity the machinery of the Government itself? Who would dare oppose any changes in the rules necessary to insure that the business of the United States should always be conducted in the interests of the Nation and never be in danger of encountering a situation where one man or a minority of men might demand unreasonable concessions under threat of blocking the business of the Government? Who would dare maintain that in the last analysis the right of the Senate itself to act should ever be subordinated to the right of one Senator to make a speech?

The rules can be found, as is the custom in other deliberative and legislative assemblies, to fully protect a Senator in his right to be heard without forfeiting at any time the greater right of the Senate to act. The Constitution of the United States gives the Senate and the House of Representatives the right to adopt their own rules for the conduct of business, but this does not excuse customs and rules which, under certain conditions, might put the power of the Senate itself in the hands of individuals to be used in legislative barter. Proper rules will protect the rights of minorities without surrendering the rights of a majority to legislate.

Under the inexorable laws of human nature and human reaction, this system of rules, if unchanged, can not but lessen the effectiveness, prestige, and dignity of the United States Senate. Were this the first session of the Senate and its present system of rules, unchanged, should be presented seriously for adoption, the impact of outraged public opinion, reflected in the attitude of the Senators themselves, would crush the proposal like an egg shell. Reform in the present rules of the Senate is demanded not only by American public opinion, but I venture to say in the individual consciences of a majority of the Members of the Senate itself.

As it is the duty on the part of the Presiding Officer of the Senate to call attention to defective methods in the conduct of business by the body over which he presides, so, under their constitutional power, it is the duty of the Members of this body to correct them. To evade or ignore an issue between right and wrong methods is in itself a wrong. To the performance of this duty, a duty which is nonpartisan, a duty which is nonsectional, a duty which is alone in the interest of the Nation we have sworn to faithfully serve, I ask the consideration of the Senate, appealing to the conscience and to the patriotism of the individual Members.

PROCLAMATION

The VICE PRESIDENT. The Secretary will read the proclamation of the President convening the Senate in extraordinary session.

The Chief Clerk (John C. Crockett) read the proclamation of the President, as follows:

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas public interests require that the Senate of the United States be convened at 12 o'clock noon on the 4th day of March next to receive such communications as may be made by the Executive;

Now, therefore, I, Calvin Coolidge, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Senate of the United States to convene at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as Members of that body are hereby required to take notice.

Given under my hand and the seal of the United States in the city of Washington the 14th day of February in the year of our Lord one thousand nine hundred and twenty-five, and of the Independence of the United States the one hundred and forty-ninth.

CALVIN COOLIDGE.

By the President:
CHARLES E. HUGHES,
Secretary of State.

ADMINISTRATION OF OATH

The VICE PRESIDENT. The names of the newly elected Senators will be called, and, as their names are called they will present themselves at the desk for the purpose of taking the oath of office.

The Chief Clerk called the names of Mr. BLEASE, Mr. BORAH, Mr. BRATTON, and Mr. BROOKHART.

These Senators, escorted by Mr. SMITH, Mr. GOODING, Mr. JONES of New Mexico, and Mr. CUMMINS, respectively, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to them by the Vice President.

The Chief Clerk called the names of Mr. CAPPER, Mr. COUZENS, Mr. DENEEN, and Mr. DU PONT.

The VICE PRESIDENT (to the Chief Clerk). Call the names of all the Senators who are to take the oath.

The Chief Clerk thereupon called the names of Mr. EDGE, Mr. FERNALD, Mr. GILLETT, Mr. GLASS, Mr. GOFF, Mr. HARRIS, Mr. HARRISON, Mr. HEFLIN, Mr. KEYES, Mr. MCMASTER, Mr. MCNARY, Mr. METCALF, Mr. NORRIS, Mr. PHIPPS, Mr. PINE, Mr. RANSDELL, Mr. ROBINSON, Mr. SACKETT, Mr. SCHALL, Mr. SHEPPARD, Mr. SIMMONS, Mr. TYSON, Mr. WALSH, and Mr. WARREN.

As their names were called, these Senators, escorted, respectively, by their colleagues, advanced to the Vice President's desk, and the oath prescribed by law was administered to them by the Vice President.

LIST OF SENATORS BY STATES

Alabama.—Oscar W. Underwood and J. Thomas Heflin.
Arizona.—Henry F. Ashurst and Ralph H. Cameron.
Arkansas.—Joseph T. Robinson and Thaddeus H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Rice W. Means.
Connecticut.—George P. McLean and Hiram Bingham.
Delaware.—Thomas F. Bayard and T. Coleman du Pont.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J Harris and Walter F. George.
Idaho.—William E. Borah and Frank R. Gooding.
Illinois.—William B. McKinley and Charles S. Deneen.
Indiana.—James E. Watson and Samuel M. Ralston.
Iowa.—Albert B. Cummins and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—Richard P. Ernst and Fred M. Sackett.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Bert M. Fernald and Frederick Hale.
Maryland.—Ovington E. Weller and William Cabell Bruce.
Massachusetts.—William M. Butler and Frederick H. Gillett.
Michigan.—Woodbridge N. Ferris and James Couzens.
Minnesota.—Henrik Shipstead and Thomas D. Schall.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and Selden P. Spencer.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Andrieus A. Jones and Sam G. Bratton.
New York.—James W. Wadsworth, jr., and Royal S. Copeland.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Edwin F. Ladd and Lynn J. Frazier.
Ohio.—Frank B. Willis and Simeon D. Fess.
Oklahoma.—J. W. Harreld and W. B. Pine.
Oregon.—Charles L. McNary and Robert N. Stanfield.
Pennsylvania.—George Wharton Pepper and David A. Reed.
Rhode Island.—Peter G. Gerry and Jesse H. Metcalf.
South Carolina.—Ellison D. Smith and Coleman L. Blease.
South Dakota.—Peter Norbeck and W. H. McMaster.
Tennessee.—Kenneth McKellar and L. D. Tyson.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—M. M. Neely and Guy D. Goff.
Wisconsin.—Robert M. La Follette and Irvine L. Lenroot.
Wyoming.—Francis E. Warren and John B. Kendrick.

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate for the inauguration of the President of the United States on the east front of the Capitol.

The President elect, Calvin Coolidge, escorted by the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States, and accompanied by the joint committee on arrangements, followed by the members of the Diplomatic Corps, the Chief of Staff of the Army, the Chief of Naval Operations, and the Commandant of the Marine Corps, the Members of the Senate, preceded by the Vice President, the Sergeant at Arms, David S. Barry, and the Secretary of the Senate, George A. Sanderson, the Members of the House of Representatives, and the other guests of the Senate proceeded to the inaugural platform at the east front of the Capitol.

The oath of office having been administered to the President elect by the Chief Justice of the United States, he delivered the inaugural address.

INAUGURAL ADDRESS OF PRESIDENT CALVIN COOLIDGE

My countrymen, no one can contemplate current conditions without finding much that is satisfying and still more that is encouraging. Our own country is leading the world in the general readjustment to the results of the great conflict. Many of its burdens will bear heavily upon us for years, and the secondary and indirect effects we must expect to experience for some time. But we are beginning to comprehend more definitely what course should be pursued, what remedies ought to be applied, what actions should be taken for our deliverance, and are clearly manifesting a determined will faithfully and conscientiously to adopt these methods of relief. Already we have sufficiently rearranged our domestic affairs so that confidence has returned, business has revived, and we appear to be entering an era of prosperity which is gradually reaching into every part of the Nation. Realizing that we can not live unto ourselves alone, we have contributed of our resources and our counsel to the relief of the suffering and the settlement of the disputes among the European nations. Because of what America is and what America has done, a firmer courage, a higher hope, inspires the heart of all humanity.

These results have not occurred by mere chance. They have been secured by a constant and enlightened effort marked by many sacrifices and extending over many generations. We can not continue these brilliant successes in the future, unless we continue to learn from the past. It is necessary to keep the former experiences of our country both at home and abroad continually before us if we are to have any science of government. If we wish to erect new structures, we must have a definite knowledge of the old foundations. We must realize that human nature is about the most constant thing in the universe and that the essentials of human relationship do not change. We must frequently take our bearings from these fixed stars of our political firmament if we expect to hold a true course. If we examine carefully what we have done, we can determine the more accurately what we can do.

We stand at the opening of the one hundred and fiftieth year since our national consciousness first asserted itself by unmistakable action with an array of force. The old sentiment of detached and dependent colonies disappeared in the new sentiment of a united and independent Nation. Men began to discard the narrow confines of a local charter for the broader opportunities of a national constitution. Under the eternal urge of freedom we became an independent Nation. A little less than 50 years later that freedom and independence were reasserted in the face of all the world, and guarded, supported, and secured by the Monroe doctrine. The narrow fringe of States along the Atlantic seaboard advanced its frontiers across the hills and plains of an intervening continent until it passed down the golden slope to the Pacific. We made freedom a birthright. We extended our domain over distant islands in order to safeguard our own interests and accepted the consequent obligation to bestow justice and liberty upon less favored peoples. In the defense of our own ideals and in the general cause of liberty we entered the Great War. When victory had been fully secured, we withdrew to our own shores unrecompensed save in the consciousness of duty done.

Throughout all these experiences we have enlarged our freedom, we have strengthened our independence. We have been, and propose to be, more and more American. We believe that we can best serve our own country and most successfully discharge our obligations to humanity by continuing to be openly and candidly, intensely and scrupulously, American. If we have any heritage, it has been that. If we have any destiny, we have found it in that direction.

But if we wish to continue to be distinctively American, we must continue to make that term comprehensive enough to embrace the legitimate desires of a civilized and enlightened people determined in all their relations to pursue a conscientious and religious life. We can not permit ourselves to be narrowed and dwarfed by slogans and phrases. It is not the adjective, but the substantive, which is of real importance. It is not the name of the action, but the result of the action, which is the chief concern. It will be well not to be too much disturbed by the thought of either isolation or entanglement, of pacifists and militarists. The physical configuration of the earth has separated us from all of the Old World, but the common brotherhood of man, the highest law of all our being, has united us by inseparable bonds with all humanity. Our country represents nothing but peaceful intentions toward all the earth, but it ought not to fail to maintain such a military force as comports with the dignity and security of a great people. It ought to be a balanced force, intensely modern, capable of defense by sea and land, beneath the surface and in the air. But it should be so conducted that all the world may see in it, not a menace, but an instrument of security and peace.

This Nation believes thoroughly in an honorable peace under which the rights of its citizens are to be everywhere protected. It has never found that the necessary enjoyment of such a peace could be maintained only by a great and threatening array of arms. In common with other nations, it is now more determined than ever to promote peace through friendliness and good will, through mutual understandings and mutual forbearance. We have never practiced the policy of competitive armaments. We have recently committed ourselves by covenants with the other great nations to a limitation of our sea power. As one result of this, our Navy ranks larger, in comparison, than it ever did before. Removing the burden of expense and jealousy, which must always accrue from a keen rivalry, is one of the most effective methods of diminishing that unreasonable hysteria and misunderstanding which are the most potent means of fomenting war. This policy represents a new departure in the world. It is a thought, an ideal, which has led to an entirely new line of action. It will not be easy to maintain. Some never moved from their old position, some are constantly slipping back to the old ways of thought and the old action of seizing a musket and relying on force. America has taken the lead in this new direction, and that lead America must continue to hold. If we expect others to rely on our fairness and justice we must show that we rely on their fairness and justice.

If we are to judge by past experience, there is much to be hoped for in international relations from frequent conferences and consultations. We have before us the beneficial results of the Washington conference and the various consultations recently held upon European affairs, some of which were in response to our suggestions and in some of which we were active participants. Even the failures can not but be accounted useful and an immeasurable advance over threatened or actual warfare. I am strongly in favor of a continuation of this policy, whenever conditions are such that there is even a promise that practical and favorable results might be secured.

In conformity with the principle that a display of reason rather than a threat of force should be the determining factor in the intercourse among nations, we have long advocated the peaceful settlement of disputes by methods of arbitration and have negotiated many treaties to secure that result. The same considerations should lead to our adherence to the Permanent Court of International Justice. Where great principles are involved, where great movements are under way which promise much for the welfare of humanity by reason of the very fact that many other nations have given such movements their actual support, we ought not to withhold our own sanction because of any small and inessential difference, but only upon the ground of the most important and compelling fundamental reasons. We can not barter away our independence or our sovereignty, but we ought to engage in no refinements of logic, no sophistries, and no subterfuges, to argue away the undoubted duty of this country by reason of the might of its numbers, the power of its resources, and its position of leadership in the world, actively and comprehensively to signify its approval and to bear its full share of the responsibility of a candid and disinterested attempt at the establishment of a tribunal for the administration of even-handed justice between nation and nation. The weight of our enormous influence must be cast upon the side of a reign not of force but of law and trial, not by battle but by reason.

We have never any wish to interfere in the political conditions of any other countries. Especially are we determined not to become implicated in the political controversies of the Old World. With a great deal of hesitation, we have responded to appeals for help to maintain order, protect life and property, and establish responsible government in some of the small countries of the Western Hemisphere. Our private citizens have advanced large sums of money to assist in the necessary financing and relief of the Old World. We have not failed, nor shall we fail, to respond, whenever necessary to mitigate human suffering and assist in the rehabilitation of distressed nations. These, too, are requirements which must be met by reason of our vast powers and the place we hold in the world.

Some of the best thought of mankind has long been seeking for a formula for permanent peace. Undoubtedly the clarification of the principles of international law would be helpful, and the efforts of scholars to prepare such a work for adoption by the various nations should have our sympathy and support. Much may be hoped for from the earnest studies of those who advocate the outlawing of aggressive war. But all these plans

and preparations, these treaties and covenants, will not of themselves be adequate. One of the greatest dangers to peace lies in the economic pressure to which people find themselves subjected. One of the most practical things to be done in the world is to seek arrangements under which such pressure may be removed, so that opportunity may be renewed and hope may be revived. There must be some assurance that effort and endeavor will be followed by success and prosperity. In the making and financing of such adjustments there is not only an opportunity, but a real duty, for America to respond with her counsel and her resources. Conditions must be provided under which people can make a living and work out of their difficulties. But there is another element, more important than all, without which there can not be the slightest hope of a permanent peace. That element lies in the heart of humanity. Unless the desire for peace be cherished there, unless this fundamental and only natural source of brotherly love be cultivated to its highest degree, all artificial efforts will be in vain. Peace will come when there is realization that only under a reign of law, based on righteousness and supported by the religious conviction of the brotherhood of man, can there be any hope of a complete and satisfying life. Parchment will fail, the sword will fail, it is only the spiritual nature of man that can be triumphant.

It seems altogether probable that we can contribute most to these important objects by maintaining our position of political detachment and independence. We are not identified with any Old World interests. This position should be made more and more clear in our relations with all foreign countries. We are at peace with all of them. Our program is never to oppress, but always to assist. But while we do justice to others, we must require that justice be done to us. With us a treaty of peace means peace, and a treaty of amity means amity. We have made great contributions to the settlement of contentious differences in both Europe and Asia. But there is a very definite point beyond which we can not go. We can only help those who help themselves. Mindful of these limitations, the one great duty that stands out requires us to use our enormous powers to trim the balance of the world.

While we can look with a great deal of pleasure upon what we have done abroad, we must remember that our continued success in that direction depends upon what we do at home. Since its very outset it has been found necessary to conduct our Government by means of political parties. That system would not have survived from generation to generation if it had not been fundamentally sound and provided the best instrumentalities for the most complete expression of the popular will. It is not necessary to claim that it has always worked perfectly. It is enough to know that nothing better has been devised. No one would deny that there should be full and free expression and an opportunity for independence of action within the party. There is no salvation in a narrow and bigoted partisanship. But if there is to be responsible party government, the party label must be something more than a mere device for securing office. Unless those who are elected under the same party designation are willing to assume sufficient responsibility and exhibit sufficient loyalty and coherence, so that they can cooperate with each other in the support of the broad general principles of the party platform, the election is merely a mockery, no decision is made at the polls, and there is no representation of the popular will. Common honesty and good faith with the people who support a party at the polls require that party, when it enters office, to assume the control of that portion of the Government to which it has been elected. Any other course is bad faith and a violation of the party pledges.

When the country has bestowed its confidence upon a party by making it a majority in the Congress, it has a right to expect such unity of action as will make the party majority an effective instrument of government. This administration has come into power with a very clear and definite mandate from the people. The expression of the popular will in favor of maintaining our constitutional guaranties was overwhelming and decisive. There was a manifestation of such faith in the integrity of the courts that we can consider that issue rejected for some time to come. Likewise, the policy of public ownership of railroads and certain electric utilities met with unmistakable defeat. The people declared that they wanted their rights to have not a political but a judicial determination, and their independence and freedom continued and supported by having the ownership and control of their property not in the Government but in their own hands. As they always do when they have a fair chance, the people demonstrated that they are sound and are determined to have a sound government.

When we turn from what was rejected to inquire what was accepted, the policy that stands out with the greatest clearness is that of economy in public expenditure with reduction and reform of taxation. The principle involved in this effort is that of conservation. The resources of this country are almost beyond computation. No mind can comprehend them. But the cost of our combined governments is likewise almost beyond definition. Not only those who are now making their tax returns, but those who meet the enhanced cost of existence in their monthly bills, know by hard experience what this great burden is and what it does. No matter what others may want, these people want a drastic economy. They are opposed to waste. They know that extravagance lengthens the hours and diminishes the rewards of their labor. I favor the policy of economy, not because I wish to save money, but because I wish to save people. The men and women of this country who toil are the ones who bear the cost of the Government. Every dollar that we carelessly waste means that their life will be so much the more meager. Every dollar that we prudently save means that their life will be so much the more abundant. Economy is idealism in its most practical form.

If extravagance were not reflected in taxation, and through taxation both directly and indirectly injuriously affecting the people, it would not be of so much consequence. The wisest and soundest method of solving our tax problem is through economy. Fortunately, of all the great nations this country is best in a position to adopt that simple remedy. We do not any longer need war-time revenues. The collection of any taxes which are not absolutely required, which do not beyond reasonable doubt contribute to the public welfare, is only a species of legalized larceny. Under this Republic the rewards of industry belong to those who earn them. The only constitutional tax is the tax which ministers to public necessity. The property of the country belongs to the people of the country. Their title is absolute. They do not support any privileged class; they do not need to maintain great military forces; they ought not to be burdened with a great array of public employees. They are not required to make any contribution to Government expenditures except that which they voluntarily assess upon themselves through the action of their own representatives. Whenever taxes become burdensome a remedy can be applied by the people; but if they do not act for themselves, no one can be very successful in acting for them.

The time is arriving when we can have further tax reduction, when, unless we wish to hamper the people in their right to earn a living, we must have tax reform. The method of raising revenue ought not to impede the transaction of business; it ought to encourage it. I am opposed to extremely high rates, because they produce little or no revenue, because they are bad for the country, and, finally, because they are wrong. We can not finance the country, we can not improve social conditions, through any system of injustice, even if we attempt to inflict it upon the rich. Those who suffer the most harm will be the poor. This country believes in prosperity. It is absurd to suppose that it is envious of those who are already prosperous. The wise and correct course to follow in taxation and all other economic legislation is not to destroy those who have already secured success but to create conditions under which everyone will have a better chance to be successful. The verdict of the country has been given on this question. That verdict stands. We shall do well to heed it.

These questions involve moral issues. We need not concern ourselves much about the rights of property if we will faithfully observe the rights of persons. Under our institutions their rights are supreme. It is not property but the right to hold property, both great and small, which our Constitution guarantees. All owners of property are charged with a service. These rights and duties have been revealed, through the conscience of society, to have a divine sanction. The very stability of our society rests upon production and conservation. For individuals or for governments to waste and squander their resources is to deny these rights and disregard these obligations. The result of economic dissipation to a nation is always moral decay.

These policies of better international understandings, greater economy, and lower taxes have contributed largely to peaceful and prosperous industrial relations. Under the helpful influences of restrictive immigration and a protective tariff, employment is plentiful, the rate of pay is high, and wage earners are in a state of contentment seldom before seen. Our transportation systems have been gradually recovering and have been able to meet all the requirements of the service. Agriculture has been very slow in reviving, but the price of

cereals at last indicates that the day of its deliverance is at hand.

We are not without our problems, but our most important problem is not to secure new advantages but to maintain those which we already possess. Our system of government made up of three separate and independent departments, our divided sovereignty composed of Nation and State, the matchless wisdom that is enshrined in our Constitution, all these need constant effort and tireless vigilance for their protection and support.

In a republic the first rule for the guidance of the citizen is obedience to law. Under a despotism the law may be imposed upon the subject. He has no voice in its making, no influence in its administration, it does not represent him. Under a free government the citizen makes his own laws, chooses his own administrators, which do represent him. Those who want their rights respected under the Constitution and the law ought to set the example themselves of observing the Constitution and the law. While there may be those of high intelligence who violate the law at times, the barbarian and the defective always violate it. Those who disregard the rules of society are not exhibiting a superior intelligence, are not promoting freedom and independence, are not following the path of civilization, but are displaying the traits of ignorance, of servitude, of savagery, and treading the way that leads back to the jungle.

The essence of a republic is representative government. Our Congress represents the people and the States. In all legislative affairs it is the natural collaborator with the President. In spite of all the criticism which often falls to its lot, I do not hesitate to say that there is no more independent and effective legislative body in the world. It is, and should be, jealous of its prerogative. I welcome its cooperation, and expect to share with it not only the responsibility, but the credit, for our common effort to secure beneficial legislation.

These are some of the principles which America represents. We have not by any means put them fully into practice, but we have strongly signified our belief in them. The encouraging feature of our country is not that it has reached its destination, but that it has overwhelmingly expressed its determination to proceed in the right direction. It is true that we could, with profit, be less sectional and more national in our thought. It would be well if we could replace much that is only a false and ignorant prejudice with a true and enlightened pride of race. But the last election showed that appeals to class and nationality had little effect. We were all found loyal to a common citizenship. The fundamental precept of liberty is toleration. We can not permit any inquisition either within or without the law or apply any religious test to the holding of office. The mind of America must be forever free.

It is in such contemplations, my fellow countrymen, which are not exhaustive but only representative, that I find ample warrant for satisfaction and encouragement. We should not let the much that is to do obscure the much which has been done. The past and present show faith and hope and courage fully justified. Here stands our country, an example of tranquillity at home, a patron of tranquillity abroad. Here stands its Government, aware of its might but obedient to its conscience. Here it will continue to stand, seeking peace and prosperity, solicitous for the welfare of the wage earner, promoting enterprise, developing waterways and natural resources, attentive to the intuitive counsel of womanhood, encouraging education, desiring the advancement of religion, supporting the cause of justice and honor among the nations. America seeks no earthly empire built on blood and force. No ambition, no temptation, lures her to thought of foreign dominions. The legions which she sends forth are armed, not with the sword, but with the cross. The higher state to which she seeks the allegiance of all mankind is not of human but of divine origin. She cherishes no purpose save to merit the favor of Almighty God.

At 1 o'clock and 40 minutes p. m., the Senate returned to its Chamber, and Mr. WATSON took the chair as Presiding Officer.

HOUR OF DAILY MEETING

Mr. JONES of Washington. Mr. President, I offer the resolution which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 1) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

SIGNING OF ROSTER BY SENATORS

Mr. JONES of Washington. I move that the Senate adjourn.

Mr. REED of Missouri. I ask the Senator to withhold his motion for a moment.

Mr. JONES of Washington. I withhold the motion.

Mr. REED of Missouri. I trust that new Senators may be permitted to sign the roll in open session, so that they can appropriately take their seats in the body.

Mr. JONES of Washington. I understand that they have all signed.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that the Senator from Arkansas is the only one who has not signed, and he will approach the desk and sign the roll.

Mr. ASHURST. Mr. President, this is an important matter. Not only has a Senator a right to sign the roll in the Senate whilst it is in session, but it is his duty to do so; it is a part of the oath he must take. We could no more dispense with his signing in the presence of his fellow Senators the roster of Members than we could interrupt the oath whilst it was being administered to him.

Mr. JONES of Washington. The Senator from Arkansas having now signed the roster, I renew my motion that the Senate adjourn.

The motion was agreed to; and the Senate (at 1 o'clock and 50 minutes p. m.) adjourned until to-morrow, Thursday, March 5, 1925, at 12 o'clock meridian.

SENATE

THURSDAY, *March 5, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious and ever blessed Father, we, the children of Thy grace and mercy, look unto Thee for guidance and help through the day and its work. Be very loving and tender in Thy regard for us and help us to realize our dependence upon Thee. We ask in Christ Jesus' name. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. CURTIS. I ask unanimous consent that the formal reading of the Journal be dispensed with and that the Journal stand approved.

Mr. HALE obtained the floor.

Mr. REED of Missouri. Mr. President——

Mr. HALE. I decline to yield.

Mr. REED of Missouri. I do not ask the Senator to yield. I am rising to a point of order. I make the point of order that there is no business before the Senate and no matter subject to discussion at this time.

Mr. HALE. I rose to speak on a question of personal privilege as a member of the committee on arrangements for the inauguration.

Mr. REED of Missouri. If the Senator is speaking on a question of his own personal privilege, I withdraw the point of order.

PERSONAL EXPLANATION

Mr. HALE. Mr. President, in this morning's papers I have seen certain criticisms of the Vice President of the United States for not returning to the Senate yesterday at the close of the inaugural ceremony in order to preside over that body. I think I can explain the reason why he did not return to the Senate, and I think it is my duty to do so.

After the President had concluded his speech yesterday, the President and Mrs. Coolidge, the Vice President and Mrs. Dawes left the stand and went to the automobiles, which were waiting to take the President and party to the reviewing stand. The President started off with Mrs. Coolidge and the Senator from Kansas [Mr. CURTIS]. The Vice President then turned to me and said, "I must return to the Senate to preside over that body. How do I get there?" I replied that he was not to return to the Senate, but that he was to go with the President to the reviewing stand and review the parade. This was due to a misunderstanding on my part. The Vice President was in the hands of the committee on arrangements and he had to follow out their instructions. If any blame of any kind attaches, it rests entirely upon my shoulders.

THE JOURNAL

Mr. CURTIS. Mr. President, I renew my request for unanimous consent that the formal reading of the Journal be dispensed with and that the Journal stand approved.

Mr. REED of Missouri. I ask the Senator to withdraw the request because there are certain reasons why I want to have the Journal read, or at least an opportunity to examine it. I want to see what its recitals are, but I do not wish to interfere with the Senator's desire to offer a motion at this time if he will withhold approval of the Journal for the present.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum in order that we may proceed in order.

Mr. CURTIS. Will the Senator withhold the suggestion for just a moment?

Mr. HEFLIN. Very well; I will withhold it for a moment.

Mr. CURTIS. It is my desire that a committee be appointed to inform the President that the Senate is ready to transact business, and after the committee is appointed and a quorum is disclosed that the Senate take a recess until 2 o'clock. I suggest that the matter of approval of the Journal be by unanimous consent put over until 2 o'clock.

Mr. ROBINSON. I suggest to the Senator from Kansas that he present his resolution and ask unanimous consent for its consideration.

Mr. CURTIS. I want to call for a quorum first.

Mr. ROBINSON. There is no question of a quorum. There is a quorum present.

Mr. CURTIS. Several Senators on either side of the aisle have asked me to call for a quorum. I ask unanimous consent that the formal approval of the Journal be postponed until 2 o'clock.

The VICE PRESIDENT. If there is no objection, it will be so ordered.

PERSONAL EXPLANATION

Mr. ASHURST. Mr. President, I rise to a question of personal privilege. The press this morning carries a dispatch to the effect that I made some reflections upon the speech of the Vice President. There are some parts of the speech of the Vice President with which I agree. The strictures I drew upon the Vice President were because of his unseemly and untimely interruption of the oath being administered to Senators elect.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKinley	Schall
Bayard	Fess	McLean	Sheppard
Bingham	Fletcher	McMaster	Shipstead
Blease	Frazier	McNary	Shortridge
Borah	George	Mayfield	Simmons
Bratton	Gerry	Means	Smith
Brookhart	Gillett	Metcalf	Smoot
Broussard	Glass	Moses	Spencer
Bruce	Goff	Neely	Stanfield
Butler	Gooding	Norbeck	Stephens
Cameron	Hale	Norris	Swanson
Capper	Harreld	Oddie	Trammell
Caraway	Harris	Overman	Tyson
Couzens	Heflin	Pepper	Underwood
Cummins	Howell	Phipps	Wadsworth
Curtis	Johnson	Pine	Walsh
Deneen	Jones, N. Mex.	Pittman	Warren
Dill	Jones, Wash.	Ralston	Watson
du Pont	Kendrick	Ransdell	Weller
Edge	Keyes	Reed, Mo.	Wheeler
Edwards	King	Reed, Pa.	Willis
Ernst	Ladd	Robinson	
Fernald	McKellar	Sackett	

The VICE PRESIDENT. Ninety Senators have answered to their names. There is a quorum present.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 2), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the Vice President to wait upon the President of the United States and inform him that a quorum of the Senate has assembled, and that the Senate is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed Mr. CURTIS and Mr. ROBINSON as the committee.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 2 o'clock this afternoon.

The motion was agreed to; and the Senate (at 12 o'clock and 12 minutes p. m.) took a recess until 2 o'clock p. m., at which hour it reassembled.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON, the committee appointed to notify the President, appeared, and Mr. CURTIS said:

Mr. President, your committee appointed to wait upon the President have performed that duty, and beg to report that the President advised your committee that he would communicate with the Senate later.

CORRECTION OF THE RECORD

Mr. CUMMINS. Mr. President, in the CONGRESSIONAL RECORD for March 3 there is a mistake which I ask to have corrected for the permanent RECORD. The RECORD of that day contains the following:

Executive nominations confirmed by the Senate March 3 (legislative day of February 26), 1925

ATTORNEY GENERAL OF THE UNITED STATES

DEPARTMENT OF JUSTICE

Charles Beecher Warren to be Attorney General of the United States.

This nomination was not confirmed, and I think the permanent RECORD ought to be corrected.

Mr. ROBINSON. The Senator's statement is undoubtedly correct. The nomination was not confirmed.

The VICE PRESIDENT. The correction will be made in the permanent RECORD as requested.

Mr. WALSH. Mr. President, I should like to inquire of the chairman of the Committee on Printing how such an error could have occurred in the RECORD, which is presumed to be strictly accurate?

Mr. MOSES. The chairman of the Committee on Printing is absolutely unable now to furnish any information. I have been attempting to find out how the error occurred, but I have not yet ascertained.

Mr. FLETCHER. May I say, in connection with the observation made by the chairman of the Committee on Printing, that I am quite sure it was not a mistake of the Printing Office or of the printing officers. I think it must have been an error in the copy sent there.

Mr. MOSES. The Senator from Florida is quite correct. The error was in the copy sent to the Printing Office. We are undertaking to find out in what manner the error occurred.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, as the Senator from Missouri [Mr. REED] was interested in the approval of the Journal and is not now present, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McKellar	Schall
Bayard	Ferris	McKinley	Sheppard
Bingham	Fess	McLean	Shipstead
Blease	Fletcher	McMaster	Shortridge
Borah	Frazier	McNary	Simmons
Bratton	George	Mayfield	Smith
Brookhart	Gerry	Metcalf	Smoot
Broussard	Gillett	Moses	Spencer
Bruce	Glass	Neely	Stanfield
Butler	Goff	Norbeck	Stephens
Cameron	Gooding	Norris	Swanson
Capper	Hale	Oddie	Trammell
Caraway	Harreld	Overman	Tyson
Couzens	Harris	Pepper	Underwood
Cummins	Heflin	Phipps	Wadsworth
Curtis	Howell	Pine	Walsh
Dale	Johnson	Pittman	Warren
Deneen	Jones, N. Mex.	Ralston	Watson
Dill	Jones, Wash.	Ransdell	Weller
du Pont	Kendrick	Reed, Mo.	Wheeler
Edge	Keyes	Reed, Pa.	Willis
Edwards	King	Robinson	
Ernst	Ladd	Sackett	

The VICE PRESIDENT. Ninety Senators having answered to their names, a quorum is present.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

QUESTION OF PRIVILEGE—YESTERDAY'S PROCEEDINGS

Mr. REED of Missouri. Mr. President, I am rising to a matter of high privilege. On yesterday in the confusion of the occasion the Senate did not adjourn after the oath had been administered to Senators. It did not recess. It simply broke up. Under those circumstances Senators who had not signed the oath in the presence of the Senate proceeded to sign with the Senate not being present. I am advised by the Secretary of the Senate that certain of the newly elected Senators took

the oath and subscribed it in the regular way. I shall read his letter with the indulgence of the Senate:

In reply to your request I beg to inform you that the following Senators, namely, Mr. BLEASE, Mr. BORAH, Mr. BRATTON, Mr. BROOKHART, Mr. CAPPER, Mr. COUZENS, Mr. DENEEN, and Mr. DU PONT subscribed to the oath required by the Constitution and prescribed by law prior to the direction by the Vice President to the Sergeant at Arms to carry out the order of the Senate for the inauguration of the President on the east front of the Capitol; and that the following-named Senators subscribed to the oath after the order had been given: Mr. EDGE, Mr. FERNALD, Mr. GILLETT, Mr. GLASS, Mr. GOFF, Mr. HARRIS, Mr. HARRISON, Mr. HEFLIN, Mr. KEYES, Mr. McMASTER, Mr. McNARY, Mr. METCALF, Mr. NORRIS, Mr. PHIPPS, Mr. PINE, Mr. RANSDELL, Mr. SACKETT, Mr. SCHALL, Mr. SHEPPARD, Mr. SIMMONS, Mr. TYSON, Mr. WALSH, and Mr. WARREN.

There was, of course, as to these latter Senators a disregard of Rule II, which I read:

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

The oath was taken in the presence of the Senate. The subscription to the oath was not made in the presence of the Senate, as required by this rule.

Moreover, after the Senate broke up Senators returned to the Chamber. There was no Presiding Officer to call the Senate to order. The Senator from Indiana [Mr. WATSON], after consultation with his associates, assumed the chair and did call the body to order, whereupon it proceeded to the transaction of a small amount of business. As to the validity of this act there may be a question. We adopted an order for the hour of meeting until further ordered, and I believe that was the only business transacted.

I would on no account be understood to be raising a question here merely for the purpose of appearing hypercritical. That is not my object. Back of Rule II and back of the other rules of the Senate providing that the body shall be called to order in a certain order lie the most substantial of reasons. There are reasons for requiring the oath to be subscribed in the presence of the Senate and among them—for I shall not enter into an extended discussion—is the fact that the man who takes his seat here may cast a vote which decides the fate of this Nation. He comes as an accredited representative of a great and sovereign State. In this body he is one of two men who represents that State in particular and, with his colleagues from other States, who represents the mightiest country of earth.

A time might well arise when a dispute could be brought forward as to the right of a particular Senator to take his seat. The right to take his seat is subject to challenge up to the last moment of the ceremonies which make him a part of this body, and the most important feature of those ceremonies is the solemn subscription to the oath prescribed by the Constitution of the United States. Up to that point his right to a seat may be challenged, and to insure that the action has been regular in all respects it has been required that the subscription of the oath shall take place in the presence of the Senate duly and regularly convened.

I do not propose to dwell upon the importance of the Senate always being called to order by the regular Presiding Officer, further than to say that occasions might arise when a "rump" Senate might be brought into existence by the pretended authority of some man assuming to act. That was not the case here. A condition of confusion existed, and the action taken was regarded merely as formal, though necessary, to fix a time for the reconvening of the Senate.

In what I have said I mean to criticize no one, for whatever harsh things may be said of the Senate, either inside or outside, it is the only body that represents the States in their sovereign capacity, and it has had in the past, if not in the present, among its membership some men of the most distinguished ability and of the highest character. Taking a leaf out of the wisdom of the past, which I am not yet wise enough to disregard or treat with contumely, I venture to hope that this body will so conduct itself as to maintain the high order of the traditions which have come down to us through the years.

So, in order not to be captious or critical, but to place our records in the condition in which they ought to be placed, I venture to suggest to my colleagues a proposed unanimous-consent agreement, which I ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read the request of Mr. REED of Missouri for unanimous consent, as follows:

I ask unanimous consent that the signatures of newly elected Senators to the oath of office, made on the calendar day of March 4, 1925, be deemed and taken as having been made in the presence of the Senate, as provided in Rule II. But this unanimous consent is given in view of the special circumstances under which some of said signatures were made and shall not be taken nor considered as any relaxation of the rules of the Senate, nor as a precedent for their future disregard. For like reasons and with like reservations, the action of the Senate taken on said day after reassembling and, because of the absence of its Presiding Officer, being called to order by Senator WATSON, is in all respects ratified and confirmed.

Mr. CURTIS. Mr. President, as Rule II does require that the oath shall be subscribed in the presence of the Senate, I hope unanimous consent will be given as requested.

The VICE PRESIDENT. Upon the request of any Senator, the matter may be easily adjusted by having the Senators subscribe the oath at this time.

Mr. CURTIS. The procedure suggested by the Senator from Missouri will save time.

The VICE PRESIDENT. If it is desired to have that done, the Secretary will call their names, and the Senators will present themselves at the desk and subscribe the oath.

Mr. CURTIS. Mr. President, I repeat that the method of procedure suggested will save time.

The VICE PRESIDENT. If there be no objection, the unanimous-consent agreement proposed by the Senator from Missouri is agreed to. The Chair hears no objection, and it is so ordered.

THE JOURNAL

Mr. CURTIS. Now, I ask unanimous consent that the further reading of the Journal of yesterday's proceedings may be dispensed with, and that the Journal shall stand approved.

The VICE PRESIDENT. Is there any objection?

Mr. REED of Missouri. Mr. President, I have examined the Journal. It is unobjectionable to me, but, inasmuch as I made the objection in the first place, I will say that I consent.

The VICE PRESIDENT. If there be no objection, the Journal will stand approved.

PROPOSED LIMITATION OF DEBATE

Mr. UNDERWOOD. Mr. President, I rose a moment ago merely to submit a Senate resolution out of order and ask that it may be referred to the Committee on Rules.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 3) was read, and referred to the Committee on Rules, as follows:

Resolved, That the rules of the Senate be amended by adding thereto, in lieu of the rule adopted by the Senate for the limitation of debate on March 8, 1917, the following:

1. There shall be a motion for the previous question which, being ordered by a majority of Senators voting, if a quorum be present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

2. All motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers, if demanded.

3. When a motion for the previous question has been seconded it shall be in order, before final vote is taken thereon, for each Senator to debate the propositions to be voted upon for one hour.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SHEPPARD. Mr. President, I offer a resolution, which I ask may be referred to the Committee on Rules.

The VICE PRESIDENT. Does the Senator desire to have the resolution read?

Mr. SHEPPARD. I do not ask that it be read in full; the reading of the title of the resolution will be sufficient. I ask that the title may be read, and that the resolution may then be referred to the Committee on Rules.

The VICE PRESIDENT. The resolution will be read by title.

The CHIEF CLERK. A resolution (S. Res. 4) creating a Committee on World War Veterans' Legislation and amending paragraph 1 of Rule V.

Mr. JONES of Washington. I understood the Senator from Texas offered a resolution embodying an amendment to be proposed to the rules. I hope that the resolution will be read, so that we may have notice of what the proposed amendment is.

Mr. SHEPPARD. The title explains the resolution.

The VICE PRESIDENT. The Secretary will read the resolution as requested.

The Chief Clerk read the resolution (S. Res. 4), as follows:

Resolved, That part 1, Rule XXV, Standing Rules of the Senate, be, and the same is hereby, amended by adding a new paragraph to read as follows: "Committee on World War Veterans' Legislation, to consist of 16 Senators."

THE WORLD COURT

Mr. SWANSON. Mr. President, I offer a resolution similar to the one which I offered at the last session for the adhesion of the United States to the protocol of the World Court. I ask that the resolution may be referred to the Committee on Foreign Relations, and I hope that committee will act on it very promptly.

The resolution (S. Res. 5) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the President, under date of February 24, 1923, transmitted a message to the Senate accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein) upon the conditions and understandings hereafter stated, to be made a part of the instrument of adhesion: Therefore be it

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adhesion on the part of the United States to the said protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute) and that the signature of the United States be affixed to the said protocol; subject to the following reservations and understandings which are hereby made a part and condition of this resolution, namely:

1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting Part I of the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States, members, respectively, of the council and assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice, or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the United States shall be in no manner bound by any advisory opinion of the Permanent Court of International Justice not rendered pursuant to a request in which it, the United States, shall expressly join in accordance with the statute for the said court adjoined to the protocol of signature of the same to which the United States shall become signatory.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adhesion by the United States to the said protocol.

Mr. WILLIS submitted the following resolution (S. Res. 6), which was referred to the Committee on Foreign Relations:

Whereas the President, under date of February 24, 1923, transmitted a message to the Senate accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein) upon the conditions and understandings hereafter stated, to be made a part of the instrument of adhesion: Therefore be it

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adhesion on the part of the United States to the said protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute) and that the signature of the United States be affixed to the said protocol; subject to the following reservations and understandings which are hereby made a part and condition of this resolution, namely:

1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting Part I of the treaty of Versailles.

2. That the United States will participate through representatives designated for the purpose and upon an equality with the other States, members, respectively, of the council and assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice, or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the United States shall not be bound by advisory opinions which may be rendered by the court upon questions which the United States has not voluntarily submitted for its judgment.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adhesion by the United States to the said protocol.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 6, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 5, 1925

ATTORNEY GENERAL OF THE UNITED STATES

Charles Beecher Warren, of Michigan, to be Attorney General.

POSTMASTER GENERAL

Harry S. New, of Indiana, to be Postmaster General. (Reappointment.)

FOREIGN SERVICE

TO BE SECRETARY IN THE DIPLOMATIC SERVICE

Edwin L. Neville, of Ohio, now a Foreign Service officer of class 3 and a consular officer with the rank of consul, to be also a secretary in the Diplomatic Service of the United States of America.

CONFIRMATION

Executive nomination confirmed by the Senate March 5, 1925

Harry S. New to be Postmaster General. (Reappointment.)

SENATE

FRIDAY, *March 6, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast given us existence and continued unto us the privileges of life. We bow before Thee this morning with gratitude, for Thou hast been a very gracious God in Thy dealings with us. We supplicate Thy presence at this time. May we never forget our dependence upon Thee as an absolute necessity, whatever may be the duties which claim our attention. Guide us, we beseech Thee, ever to Thy glory and help us to fulfill our days according to Thy good pleasure. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ERROR IN EXECUTIVE SESSION PROCEEDINGS

Mr. MOSES. Mr. President, with reference to the error which appeared in the CONGRESSIONAL RECORD and to which attention was called yesterday morning by the senior Senator from Iowa [Mr. CUMMINS] and upon which the Senator from Montana [Mr. WALSH] and the Senator from Florida [Mr. FLETCHER] made comment, I have a letter from the Public

Printer in regard to the matter, in which he points out, as I stated to be the case, that the copy going to the Government Printing Office contained the error in question. May I ask that the letter of the Public Printer be published in the RECORD in connection with the remarks which I am making?

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

GOVERNMENT PRINTING OFFICE,
Washington, March 6, 1925.

Hon. GEORGE H. MOSES,
Chairman Senate Committee on Printing,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to the remarks in the Senate yesterday concerning the mistake made in the CONGRESSIONAL RECORD of March 3 in reporting the confirmation of Charles Beecher Warren to be Attorney General of the United States.

I have caused a careful investigation to be made and find that the error was made in the copy as submitted to the Government Printing Office by the office of the Secretary of the Senate. It is evident, therefore, that the regrettable mistake is not chargeable to any employees of the Government Printing Office.

Respectfully yours,

GEORGE H. CARTER,
Public Printer.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. CURTIS. Mr. President, I offer the following resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for information.

The Chief Clerk read the resolution (S. Res. 7), as follows:

Resolved, That Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, be, and he hereby is, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate in accordance with the resolution of the Senate adopted on the 12th day of March, 1890, on the subject.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ROBINSON. I know of no objection to the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBINSON. I move to amend the resolution by striking out the name of the Senator from New Hampshire [Mr. MOSES] and inserting in lieu thereof the name of the Senator from Nevada [Mr. PITTMAN]. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). On this question I am paired with the senior Senator from Nevada [Mr. PITTMAN], and because of that and for other obvious reasons I withhold my vote.

Mr. WALSH (when Mr. WHEELER's name was called). My colleague, the junior Senator from Montana [Mr. WHEELER], is unavoidably absent. Were he present, he would vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that both the Senator from New York [Mr. COPELAND] and the Senator from Mississippi [Mr. HARRISON] are unavoidably absent; and if present, they would vote "yea."

Mr. McNARY. The junior Senator from Oregon [Mr. STANFIELD] is necessarily absent. If he were present, he would vote "nay."

Mr. JONES of Washington. I desire to announce that the junior Senator from Wisconsin [Mr. LENROOT] is necessarily absent. If present, he would vote "nay."

Mr. DALE. I wish to announce that my colleague, the senior Senator from Vermont [Mr. GREENE], is necessarily absent. If present, he would vote "nay."

The result was announced—yeas 36, nays 50, as follows:

YEAS—36

Ashurst	Ferris	King	Sheppard
Bayard	Fletcher	McKellar	Simmons
Blease	George	Mayfield	Smith
Bratton	Gerry	Neely	Stephens
Broussard	Glass	Overman	Swanson
Bruce	Harris	Ralston	Trammell
Caraway	Heflin	Ransdell	Tyson
Dill	Jones, N. Mex.	Reed, Mo.	Underwood
Edwards	Kendrick	Robinson	Walsh

NAYS—50

Bingham	Cameron	Curtis	Edge
Borah	Capper	Dale	Ernst
Brookhart	Couzens	Deneen	Fernald
Butler	Cummins	du Pont	Fess
Frazier	Keyes	Norris	Smoot
Gillett	Ladd	Oddie	Spencer
Goff	McKinley	Pepper	Wadsworth
Gooding	McLean	Phipps	Warren
Hale	McMaster	Pine	Watson
Harreld	McNary	Reed, Pa.	Weller
Howell	Means	Sackett	Willis
Johnson	Metcalf	Schall	
Jones, Wash.	Norbeck	Shortridge	

NOT VOTING—10

Copeland	La Follette	Pittman	Wheeler
Greene	Lenroot	Shipstead	
Harrison	Moses	Stanfield	

So Mr. ROBINSON's amendment was rejected.

The VICE PRESIDENT. The question is on the adoption of the resolution submitted by the Senator from Kansas.

The resolution was agreed to.

ELECTION OF OFFICERS OF THE SENATE

Mr. CURTIS. Mr. President, I offer the following resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 8) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Senate do now proceed to the election of the following officers in the order named: Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, Assistant Doorkeeper of the Senate, Acting Assistant Doorkeeper of the Senate, and Chaplain of the Senate.

SECRETARY OF THE SENATE

Mr. CURTIS. I offer the following resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 9), as follows:

Resolved, That George A. Sanderson, of Illinois, be, and is hereby, elected Secretary of the Senate.

Mr. ROBINSON. I consent to the consideration of the resolution, but desire to move an amendment.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ROBINSON. I move to strike out the name "George A. Sanderson, of Illinois," and insert in lieu thereof the name, "Carl Cue, of the State of Indiana."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. CURTIS. I offer the resolution which I send to the desk and ask for its adoption.

The Senate, by unanimous consent, proceeded to consider the resolution (S. Res. 10), which was read, as follows:

Resolved, That David S. Barry, of Rhode Island, be, and is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

Mr. ROBINSON. I move to amend the resolution by striking out the name "David S. Barry, of Rhode Island," and inserting in lieu thereof the name "Burton W. Musser, of Salt Lake City, Utah."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT DOORKEEPER OF THE SENATE

Mr. CURTIS. Mr. President, I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 11) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Carl A. Loeffler, of Pennsylvania, be, and he is hereby, elected Assistant Doorkeeper of the Senate.

ACTING ASSISTANT DOORKEEPER OF THE SENATE

Mr. CURTIS. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 12) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Thomas W. Keller, of West Virginia, be, and he is hereby, elected Acting Assistant Doorkeeper of the Senate.

CHAPLAIN OF THE SENATE

Mr. CURTIS. I offer the resolution which I send to the desk, and ask unanimous consent for its adoption.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 13) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Rev. J. J. Muir, D. D., of the District of Columbia, be, and he is hereby, elected Chaplain of the Senate.

ADMINISTRATION OF OATH TO PRESIDENT PRO TEMPORE

The VICE PRESIDENT. The President pro tempore elect will present himself at the desk and take the oath of office.

Mr. MOSES advanced to the Vice President's desk, and the oath prescribed by law was administered to him.

ADMINISTRATION OF OATH TO SECRETARY OF THE SENATE

The VICE PRESIDENT administered the oath prescribed by law to George A. Sanderson as Secretary of the Senate.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS. I offer another resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 14) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the President of the United States be notified of the election of Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire as the President pro tempore, and George A. Sanderson, of Illinois as Secretary of the Senate.

STANDING COMMITTEES OF THE SENATE

Mr. CURTIS. I offer the resolution which I send to the Secretary's desk, and I ask unanimous consent for its immediate consideration.

Mr. ROBINSON. Mr. President, I ask that the resolution may be read.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 15), as follows:

Resolved, That paragraph 1 of Rule XXV of the Standing Rules of the Senate be, and it is hereby, amended so as to read as follows:

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"Committee on Agriculture and Forestry, to consist of 17 Senators.

"Committee on Appropriations, to consist of 18 Senators.

"Committee to Audit and Control the Contingent Expenses of the Senate, to consist of 5 Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

"Committee on Banking and Currency, to consist of 15 Senators.

"Committee on Civil Service, to consist of 11 Senators.

"Committee on Claims, to consist of 14 Senators.

"Committee on Commerce, to consist of 17 Senators.

"Committee on the District of Columbia, to consist of 13 Senators.

"Committee on Education and Labor, to consist of 12 Senators.

"Committee on Enrolled Bills, to consist of 3 Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

"Committee on Expenditures in the Executive Departments, to consist of 7 Senators.

"Committee on Finance, to consist of 18 Senators.

"Committee on Foreign Relations, to consist of 18 Senators.

"Committee on Immigration, to consist of 11 Senators.

"Committee on Indian Affairs, to consist of 12 Senators.

"Committee on Interoceanic Canals, to consist of 12 Senators.

"Committee on Interstate Commerce, to consist of 18 Senators.

"Committee on Irrigation and Reclamation, to consist of 15 Senators.

"Committee on the Judiciary, to consist of 16 Senators.

"Committee on the Library, to consist of 7 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"Committee on Manufactures, to consist of 12 Senators.

"Committee on Military Affairs, to consist of 17 Senators.

"Committee on Mines and Mining, to consist of 10 Senators.

"Committee on Naval Affairs, to consist of 16 Senators.

"Committee on Patents, to consist of 8 Senators.

"Committee on Pensions, to consist of 13 Senators.

"Committee on Post Offices and Post Roads, to consist of 17 Senators.

"Committee on Printing, to consist of 8 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"Committee on Privileges and Elections, to consist of 13 Senators.

"Committee on Public Buildings and Grounds, to consist of 14 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"Committee on Public Lands and Surveys, to consist of 14 Senators.

"Committee on Rules, to consist of 12 Senators.

"Committee on Territories and Insular Possessions, to consist of 14 Senators.

"2. The said committees shall continue and have the power to act until their successors are appointed."

Mr. ROBINSON. Mr. President, the resolution submitted by the Senator from Kansas [Mr. CURTIS] proposes to increase by one member each the membership of certain committees of the Senate. Those the membership of which it is proposed to increase include the Committees on Commerce, Education and Labor, Indian Affairs, Interstate Commerce, Manufactures, and Military Affairs. It is expected that the minority shall retain its present membership on the committees, the increase of one member each on the committees named going to the majority. The minority offers no objection to the adoption of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. NORRIS. Mr. President, I do not suppose there is any use in objecting to this proposed change of the rule in reference to membership of committees, because I have no doubt that it will be adopted, no matter what the objection may be. I could object to the present consideration of the resolution, but I do not feel disposed to delay action and shall satisfy myself by entering my protest against the proposed change.

One of the evils of the Senate is that Senators serve on too many committees. That statement will not be disputed. I think every Member of this body who has served here for a term or so of Congress will concede that statement to be true. We had quite an agitation a few years ago on the question, and as a result we reduced the membership on a number of committees, though in no instance to the extent to which it should have been done.

Now we are starting out to increase the membership of certain committees. There are various increases proposed besides the ones mentioned by the Senator from Arkansas [Mr. ROBINSON]. The increases are not confined to the committees which he named.

Mr. CURTIS. The only increases proposed are those named by the Senator from Arkansas.

Mr. NORRIS. For instance, what is the membership of the Committee on Agriculture?

Mr. WATSON. The membership on that committee, I will say to the Senator, has not been changed.

Mr. CURTIS. The membership of the Committee on Agriculture has heretofore been 17 members, and the same membership is provided for by the resolution which I have offered.

Mr. ROBINSON. My information is that it is not proposed to increase the membership of the Committee on Agriculture and Forestry.

Mr. NORRIS I have understood that the membership of the committee was 16.

Mr. CURTIS. The membership of the committee was increased to 17 by putting the former Senator from Minnesota, Mr. Johnson, on the committee during the last Congress.

Mr. NORRIS. The present rules of the Senate provide, I think, for a membership of 16.

However, Mr. President, the number on the committee is quite immaterial. I am discussing the principle which is involved. We are going back again to the old practice and shall continue to drift in that direction unless the Senate shall refuse to take such action. It is like increasing the congressional apportionment every 10 years. It is easy to increase it, but it is almost impossible to decrease it.

Everybody concedes that the membership of committees ought to be decreased. Under the present system Senators are members of perhaps five or six committees. They are mostly the older Senators. When new Senators come in the older Members stick tight to what they have, and in order to give the new Members of the Senate an opportunity to be assigned properly to committees, instead of taking some of the older Members off, we increase the membership of the committees. Everyone who has had any experience with the activities of

the committees realizes that their work is very much handicapped by the fact that the various members of the committee, the older members particularly, are on four or five other committees meeting at the same time. I am not stating anything new; everybody here knows that is true. The right course to pursue, it seems to me, would be to take the older Members off the committees. That applies to me, just the same as it does to every other Member of the Senate.

At the last session, in order to have my colleague [Mr. HOWELL] appointed on a committee where he is particularly qualified to serve, I gave up one of my committees upon which I was ranking member. I ought to have been required to give up membership on some other committee. I would be perfectly willing to give that membership up if the same rule were applied to every other Senator. If the membership of committees of the Senate were reduced to 11 we would get much more effective service; and the committees could do much better work than they are doing now.

Furthermore, Mr. President, the older Members of the Senate gradually, by the process of elimination of other Members, climb to the top of the important committees. The result is that one Senator will be chairman to-day of one of the major committees, and he will also be the first in line on two or three other major committees. So when conference committees are appointed he will be a member of conference committees on bills coming from various committees of the Senate of which he is a member. That is a very important consideration in legislation, for often the most important work of legislation is performed in conference committees, and the membership on conference committees should not be confined to a few Senators.

The situation is not now so bad as it was, but a few years ago, before we cut down the committees somewhat, no matter what the bills were which went to conference, if they had been reported by some of the major committees of the Senate, the same Senators were practically always on the conference committees. One Senator, for instance, who was chairman of the Interstate Commerce Committee, when a bill coming from that committee went to conference would be on the conference committee and would be chairman of the conference committee. The same Senator, perhaps, would also be ranking member of the Finance Committee; so that when a tariff bill or other bill coming from the Finance Committee went to conference the same Senator would also be on the conference committee on that measure. He might also be the ranking member of the Judiciary Committee, and in the same way he would be on the conference committee on bills coming from that committee. He might also be the ranking member on the Agricultural Committee, and in the same way he would be a member of the conference committee on any bill reported out of that committee.

The result was that whatever legislation took place in conference committees—and a great deal of legislation always takes place in such committees—there were Senators whom you could number on the fingers of one hand who were practically controlling all the legislation so far as conference committees could control it, and that often was the major part of the work. We are drifting into the same channel again, Mr. President, when we increase the membership of committees. Two years from now the same difficulty will confront us. There will be a number of Senators who do not wish to give up their committee assignments, and so the membership of the committees will be again increased in order to supply the new Senators with places on committees.

It seems to me that an evil that is conceded to be an evil, and so recognized by all Members of the Senate, ought to be remedied by going in the other direction, instead of increasing the membership of committees. I believe that a Senator who is chairman of one of the major committees of the Senate ought not to be on any other standing committee. That would give to the new blood that comes into the Senate a greater voice in legislation and a better opportunity to become informed of the legislation that is before the various committees. We will have the Banking and Currency Committee, the Agricultural Committee, the Judiciary Committee, and the Interstate Commerce Committee, perhaps, all meeting at the same time. Necessarily there will be very important legislation pending before every one of them; some Senator will be a member of each of those committees; but he can only be at one place at a time.

Mr. SMOOT. A chairman of a major committee can not be a member of that many other major committees.

Mr. NORRIS. He would not be a member of that many major committees, perhaps.

Mr. SMOOT. He could only be a member of two major committees.

Mr. NORRIS. That was the remedy we devised some time ago; that a chairman of a major committee could only be a member of two major committees. I concede that if a Senator is not chairman of one of the major committees he might serve on two major committees; but if he is chairman of one of the major committees his time is all taken up with that committee.

However, in order to give every new Senator membership on two major committees, it is necessary to enlarge the committees. That does not give the new Senator the power that he ought to have. If we increase a committee to 50, one member of that committee has one-fiftieth of the voice of all of them. If the membership is limited to 10 he has a tenth of the responsibility that rests upon the committee. Under the present system members of committees, not being able to be at two places at once, have to sacrifice some of the work; and so committees very often are left without a quorum, are unable to do anything or are very much handicapped in their work, with the result that poor legislation sometimes follows, for there can not be a proper analysis made by committees.

It seems to me it is such an important thing, Mr. President, so apparent to all Members of this body, that it is almost a sin, especially for the older Members of the Senate, still to hold on to these places, and in order to give newly elected Senators places anywhere such as they ought to have it is necessary to enlarge the committees.

This is one step. The next step will be taken the next time we have new Members to supply with committee appointments, and we will go on until the committees are unmanageable. They are now, in fact.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I rather think the Senator from Nebraska has unwittingly misstated the attitude of the older Senators with reference to this matter. If the Senator will examine the record I think he will find that the older Members of this body in service have not to the extent that he indicates, or to any extent, lent themselves to the monopolization of appointments to the exclusion of younger Members.

As a matter of fact, the oldest Senator in service in this body is the Senator from Wyoming [Mr. WARREN]. The record shows that he is upon only three committees. The next oldest Senator in service in this body is myself. I am on only three committees. That is one more than I think I ought to have. It is one more than I can give adequate attention to.

My colleague [Mr. OVERMAN] and the Senator from Utah [Mr. SMOOT] are the next oldest Senators in service in this body. My colleague has only three committees, and the Senator from Utah has four.

The Senator from the great State of Iowa [Mr. CUMMINS]—who has been here, I think, probably as long as any other Senator except the four I have named—has only three committees, and I think if the Senator from Nebraska will examine the record he will find that that is true with reference to practically all the Senators who have had very long service in this Chamber.

Mr. NORRIS. Mr. President, I think what the Senator from North Carolina says bears out my statement; but I am not trying by any means to cast any reflection upon the older Members of the Senate. The Senator, however, speaking of himself, says that he is on one more committee than he ought to be on. If that were taken clear down the line, and every Senator were taken off one committee, it would not be necessary to increase the membership of any of the committees. It seems to me the Senator from North Carolina admits the whole case in his own individual capacity.

Mr. SIMMONS. I do admit that we all have more committees than we can adequately attend to.

Mr. NORRIS. That is all I am arguing.

Mr. SIMMONS. But I do not admit that the older Senators have been in any way greedy, if I may use that term, with reference to committee assignments.

Mr. NORRIS. Oh, no; I am not charging anyone with being greedy. Until the last Congress I was on four committees. I am on three now. I am chairman of one of the major committees up to date. If I am continued as chairman of that committee I think I ought to be taken off all the other committees. I am not willing, however, that that rule shall be applied to me unless it is applied to everybody else. I think it ought to be.

Mr. BORAH. Mr. President, does the Senator mean that he favors taking the chairmen of committees off other committees?

Mr. NORRIS. Perhaps that is going too far.

Mr. BORAH. Yes; that is a little drastic.

Mr. NORRIS. I think it ought to be drastic. It is a condition that deserves a drastic remedy.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. WATSON. Under the new arrangement each Senator is supposed to be entitled to two major committee memberships. There are in the Senate 10 major committees. The aggregate membership on those 10 committees is 164. There are 96 Senators in the body. Twice 96 is 192. That is 28 short of a sufficient number of places to give each Senator two major committee memberships. That is the situation. What we are trying to do is to arrange, if we can, to give each Member two major committee memberships.

The rule and the spirit of the rule is that each Member should have two major committee memberships. If each of the new Senators——

Mr. NORRIS. Let me answer the Senator as far as he has gone. Suppose we apply that rule, that each Member shall have two major committee assignments. That ought not to apply to the chairman of a major committee.

Mr. WATSON. I do not think so.

Mr. NORRIS. Let me take the Senator from Wyoming [Mr. WARREN], the oldest Member in length of service in this body. I mention his name because the Senator from North Carolina called attention to him. He is chairman of the Committee on Appropriations. I should like to have anybody tell me, if he performs his duty as chairman of the Committee on Appropriations, whether he has any time to give to the legislation that is pending before the Military Affairs Committee, another major committee of which he is a member.

Mr. SMOOT. He does it.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from New York.

Mr. WADSWORTH. It so happens that the Senator from Wyoming is a very valuable, useful, and industrious member of the Military Affairs Committee. He does pay attention to it.

Mr. NORRIS. I have no doubt of it. I am not questioning that. Senators seem to think, because I object to this arrangement that I am questioning this Senator's ability or that Senator's ability, or something of that kind. I am not doing that. We are all human. I know, and everybody else knows who knows anything about the conduct of business here, that the chairman of the Committee on Appropriations has piled upon his shoulders almost more than any one pair of shoulders can stand up under. The Senator from Wyoming is one of the most industrious, hard-working Members of this body. He is on the following committees: Appropriations, Military Affairs, and Public Buildings and Grounds. He used to be on the Committee on Agriculture and Forestry. He has been here so long, and has served on so many committees, that as a matter of fact he knows a great deal about the work coming before all these committees. No doubt he is a valuable member of any committee where he may be placed. I have not tried to controvert that kind of a statement. I admit that he is valuable; but, because he is valuable, if he is chairman of a great committee like the Committee on Appropriations, we ought to have, and the country ought to have, the benefit of all of his ability, all of his industry, all of his time, on that one great committee; and he will have all that he can do if he works 24 hours a day if he keeps it up as he has been doing.

Mr. President, the same thing applies to practically every other Senator. If these chairmen should be taken off other committees—as I think they ought to be, because they have too much to do now—there would not be any trouble about supplying committee assignments to the newer Members who come into the Senate. The trouble would all disappear at once, and while that trouble would be disappearing we would have more efficient work on all the committees. How often does it occur, for instance, in the Committee on Agriculture and Forestry, that a Member comes in and says: "The Committee on Public Lands and Surveys are meeting at this same hour. I have to be there." Another Member says: "The Committee on Banking and Currency have a session right now. They are waiting for me to get a quorum. Count me for a quorum here, and I will go down and be counted for a quorum there, and perhaps after a while I will come back."

I do not care how able the Member is; do you expect good work from committees when Senators have to do that running back and forth from one floor and one room to another, to be counted here and then counted there, and perhaps in the end not be present in either place, but being counted as present in both places or perhaps three places? It is apparent right on its face that the best legislative work that we ought to be able to get can not be done under those circumstances.

Mr. President, I realize that nothing can be accomplished in this matter. I only wanted to enter my protest before the resolution goes through.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMISSION OF GOLD AND SILVER INQUIRY

Mr. ODDIE submitted the following resolution (S. Res. 16), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the provisions of Senate Resolution No. 469, Sixty-seventh Congress, agreed to March 3, 1923, creating the Senate Commission of Gold and Silver Inquiry, be, and the same hereby are, made applicable to the Sixty-ninth Congress.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 1 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, March 7, 1925, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1925

MEMBER OF UNITED STATES TARIFF COMMISSION

Alfred P. Dennis, of Maryland, to be a member of the United States Tariff Commission for the term expiring September 8, 1936, vice David J. Lewis, term expired.

APPOINTMENT IN THE REGULAR ARMY

AIR SERVICE

To be assistant to the Chief of the Air Service, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from April 27, 1925

Lieut. Col. James Edmond Fechet, Air Service, vice Brig. Gen. William Mitchell, assistant to the Chief of the Air Service, whose term of office expires April 26, 1925.

SENATE

SATURDAY, *March 7, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious and ever-living God, the same yesterday, to-day, and forever, granting unto us the constancy of life and giving unto us evidences that Thou wilt be with us as we turn our faces in that direction and seek heavenly guidance, be very near and precious to us constantly as we look at life from a larger and higher standard of obligation and of privilege. Be very close to the hearts of the troubled, relieve the anxiety, clarify the vision, and may we walk in paths of righteousness. For Thy name's sake, O Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

STANDING COMMITTEES OF THE SENATE

Mr. WATSON. Mr. President, I offer the order which I send to the desk.

The VICE PRESIDENT. The order will be read.

The Chief Clerk read the order, as follows:

Ordered, by unanimous consent, that so much of Rule XXIV as provides for the appointment of the standing committees of the Senate by ballot be suspended.

Mr. BORAH. Mr. President, what is the effect of the unanimous consent?

Mr. WATSON. The effect of the unanimous consent is that we shall elect the committees en bloc.

Mr. BORAH. I object to the unanimous consent at this time, until I understand a little more about it.

Mr. WATSON. The Senator understands that committees are selected always by resolution, and that under Rule XXIV it is provided that—

In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

Always hitherto, except in the last Congress, a resolution has been offered for the purpose of naming all the committees at one time.

Mr. BORAH. I understand, in case the unanimous consent is agreed to the Senator then makes a report disposing of the committee memberships en bloc?

Mr. WATSON. That is correct.

Mr. BORAH. There can be no change of any part of the program?

Mr. WATSON. The resolution which will then be offered will be on providing "That the following shall constitute the standing committees of the Senate of the Sixty-ninth Congress."

Mr. BORAH. Mr. President, I suppose we may as well have our understanding now as later. Before the matter is consented to I would like to ask what disposition the Committee on Committees has made with reference to the senior Senator from North Dakota [Mr. LADD], the junior Senator from North Dakota [Mr. FRAZIER], and the junior Senator from Iowa [Mr. BROOKHART]?

Mr. WATSON. The Senator from Iowa [Mr. BROOKHART] is left on the same committees he was on before. The senior Senator from North Dakota [Mr. LADD] is left on the same committees he was on before except that he is no longer chairman of a committee. The junior Senator from North Dakota [Mr. FRAZIER] is on the same committees he was on before with the exception of the Committee on Indian Affairs. He was transferred from the Committee on Indian Affairs to the Committee on Banking and Currency.

Mr. BORAH. As I understand, the senior Senator from North Dakota [Mr. LADD] has been demoted from his chairmanship.

Mr. WATSON. He has.

Mr. NORRIS. Mr. President, right in this connection, if I may interrupt, that is true of all the other Senators named, is it not? Have they not all been demoted?

Mr. WATSON. They have been placed at the bottom of the list.

Mr. NORRIS. They have been placed at the foot of the list?

Mr. WATSON. Yes; they have been placed at the foot of the list.

Mr. BORAH. May I ask upon what theory the committee did that?

Mr. WATSON. Upon the theory that the first Republican conference held at this session provided that those Senators should not be invited to attend any further conference on the Republican side and that they should not be placed on any committees to fill vacancies on the Republican side.

Mr. BORAH. If these Senators are not Republicans and are not to be considered as Republicans or treated as Republicans, why did the Republican Committee on Committees presume to dispose of them and place them?

Mr. WATSON. I can answer that question. Two years ago the Committee on Committees requested the senior Senator from Minnesota [Mr. SHIPSTEAD] and the junior Senator from Minnesota [Mr. Johnson] to state whether or not in the assignment of committee memberships to them they wanted to be assigned by the Republican Committee on Committees or by the Democratic Committee on Committees. They responded that they wanted to be assigned by the Republican Committee on Committees and were so assigned. The caucus having taken the action it did, the Committee on Committees instructed me to write to these four Senators and make the same request of them, asking whether or not they wanted to be assigned by the Republican Committee on Committees or by the Democratic Committee on Committees. The responses were such that we felt justified in assigning them to their committeeships. I will read for the information of the Senator from Idaho two of those responses.

Mr. BORAH. Has the Senator the response of the Senator from Iowa [Mr. BROOKHART]?

Mr. WATSON. Yes.

Mr. BORAH. Read that.

Mr. WATSON. The Senator from Iowa [Mr. BROOKHART] said:

Your letter in reference to committee assignments at hand. In answer will say that I do not belong to the party of Senators Johnson and SHIPSTEAD, and their action is no precedent for me.

In my letter to him and to the others I had cited this precedent. The Senator from Iowa [Mr. BROOKHART] continued:

It is my desire that I be assigned to committees as a Republican under the same rights and rules as all other Republicans. I desire that this question be submitted to the committee and to the caucus, and if approved I shall abide by the action of the committee and caucus on all committee assignments. However, if this request is denied, I then desire to become my own committee on committees and request my own committee assignments from the Senate itself.

Inasmuch as he answered in that vein we felt justified in assigning him to committees. If these Senators are not satisfied with their committee assignments we are entirely willing that they shall reassign themselves to the positions to which we have assigned them, but not otherwise.

Mr. BORAH. That perhaps would be a fruitless effort upon their part which they would not take the time to enjoy.

Mr. WATSON. That may be.

Mr. BORAH. In other words, if they are not satisfied with where they are, they may assign themselves to the same positions?

Mr. WATSON. Or some other positions to which some of the other Senators of their class have been assigned. In other words, we did not feel justified in assigning these Senators as Republicans, and the committee so decided, and at the conference this morning the action of the Committee on Committees was ratified.

Mr. BORAH. The able Senators who have outlined and designated this program are far better capable than myself of determining what ought to be done from a party standpoint. Nevertheless, it is a matter about which some of us have decided views.

I take this occasion to say that I think it not only impolitic from a party standpoint but I think it is exceedingly impolitic from the standpoint of the interests of the working capacity of the Senate. I think it also unjust and unwise from any viewpoint. I do not myself get any comfort out of going back and reviewing the incidents of the last campaign and undertaking to assign men to their particular positions in the party by reason of a difference of view which prevailed during that campaign among some of those who had hitherto claimed to be Republicans and still claim to be Republicans. I think it much better for the country, much better for the party, and much better for the Senate that as these men indicated their desire to be assigned as Republicans, they should be assigned as Republicans, they should be given their positions as Republicans.

In my opinion it is not only unfair to the Senators themselves, but it is signally unjust to the constituencies which they represent. These Senators represent Republican States, Republican constituencies. They were elected to this body by Republicans. They could not be here unless that were true. I think it a good idea in the hour of victory, when we are enjoying the fruits of success, to cast a look ahead and to practice some degree of breadth and tolerance with reference to these matters. It is a good time to build for the future. I prefer to determine my course by a survey of the coming elections rather than by dwelling upon those which are over and now a matter of history. These elections come swiftly, and the fruits of victory are fleeting.

I would not know where to establish the line of loyalty or party devotion under conditions as they have prevailed in this country for the last 10 or 15 years. I do not know what the test is, and unless I do know what the test is I very much fear that I might get outside of the line myself. The fact is that about 90 per cent of the present Republican voters are the sons and daughters of renegades if the test which is to be applied here is the test which should have been applied during the last 35 or 40 or 50 years. When we go back to 1872 and think of the renegades who went away; to 1876 and the vast horde that went away; to 1896 and the vast number who went away; to 1912, when practically all of them went away, if we should adopt a rule of reading everybody out of the party, testing not only the present status of them but that of their ancestors we would have a very small group of really loyal people left. The great leaders of the past seldom indulged in such proceedings as these, and when they did they lived to regret it.

I think there will come a time in this body in the next two years when my colleagues will regret this action. There will be more than one occasion when they will, in my judgment, look back on it as a mistaken policy growing out of the feel-

ings which always come as the result of a great victory. I think, too, when we come to the campaign of 1926, which is not very far away, every man who goes into the States where these constituencies now are and into a number of adjoining States will spend most of his time in explaining to the voters of those States how this mistake was made.

I can see no benefit to be derived from it in any way. It is proposed to demote these men. The punishment is offered and they take the punishment, but they have a vote upon the committees. They are still upon the committees. They have their vote in the Senate. They have their influence here just the same as they had before so far as the effect of a single vote is concerned. I do not see where we can gain anything by it except to engender here a feeling which ought not to obtain at the beginning of this administration. We can afford so far as these committee assignments are concerned to do our full part at least to establish harmony and strengthen the party. These men have asked that they be assigned as Republicans. I venture to say that during the two years to come their votes will stand the test of republicanism quite as well as many other votes which will be cast upon this side of the Chamber.

There is a wide difference of view among Republicans upon questions which are now before us for consideration, and which will be before us for a number of years to come; and I beg my friend from Indiana to remember that that difference of view exists not only as between political leaders but it also exists as between voters and constituencies in this country. The Republicans lost a campaign in 1916 because they did not know that a certain large portion of the country existed, were utterly unfamiliar with the views of the people of that section of the country, and utterly unfamiliar with the economic conditions which obtained in that part of the country. If we are wise, we shall recognize the fact that these differences of view honestly exist and that when differences of view do exist it is by reason of the fact that different conditions prevail in different sections of the country. This is a vast country and only by a wide difference of view and full and free interchange of opinions can we secure legislation in harmony with the interests of the whole country.

I regret, Mr. President, that it has seemed necessary to take this course. I look back upon two incidents in our history, one in the Democratic Party and one in the Republican Party, when men of those parties were demoted because their views differed from those of their associates. It would be very difficult to calculate the injury which flowed to each of the parties from that fact. When we go back and study the demotion of Stephen A. Douglas by Buchanan and the demotion of Charles Sumner by Grant, we obtain some realization of the fact that what seems to be a small matter may in reality become vital to the harmony, the success, and progress of the party.

If these three men stood alone, and they alone would be dealt with, it might be said that it would be insignificant; but I pledge you that there are men sitting in this Chamber to-day whose seats will be imperiled in 1926 if this program shall go through. Do not thoughtlessly, do not unwisely, invite trouble or challenge the Republicanism of hundreds of thousands of voters who sent these men here and who believe they are loyal to the great principles of government and of economics as taught by Lincoln and McKinley and Roosevelt. These are times, as I have said, of wide differences of view in politics and a wide difference of view as to what constitutes Republicanism, and I am deeply thankful under present conditions that it is so. Let us recognize these conditions and deal with them as broad-minded leaders and not as narrow partisans.

Mr. WATSON. Mr. President, a political party is a voluntary association of individuals who tacitly agree upon a platform of principles which they desire to be enforced in administration. It is organized for one election. To that end members of the party select delegates to a convention; they formulate a platform of principles upon which they go before the people; and they impliedly understand throughout the campaign that, if given power, they will transform those platform pledges into the statute law of the land at the earliest opportunity. A political party, I repeat, in reality is organized for one election. If its policies are continuing, the organization may be continuing; but, after all, it is for one contest, one election, subscribing to one platform, one set of principles, and having one body of candidates to represent the people comprising that party and those principles in the ensuing administration.

I am not concerned about what men did in 1912 or in 1916 or in 1920; I am concerned about what they did in 1924; and I know that at that particular time and at that particular election these particular individuals left the Republican Party.

Mr. BROOKHART. Mr. President, that statement I will have to challenge. I did not leave the Republican Party. I am a better Republican than is the Senator from Indiana to-day. [Laughter.] I stand for the principles of Abraham Lincoln and Theodore Roosevelt, the greatest Republicans, more consistently than has the Senator from Indiana in his votes in this Chamber.

Mr. WATSON. That illustrates how entirely inaccurate my friend is as to the principles that were embodied in the last Republican platform and the integrity of political organizations and political harmony in a political party. Mr. President and Senators, we all know what we mean by party regularity and by party harmony. We know that these gentlemen do not represent the Republican Party or its present principles as announced in its last political platform. We know that they championed the cause of another candidate for the Presidency; we know that they organized another political party; that they held another political convention; that they adopted contrary principles to those embodied in our platform; that they nominated and tried to elect another candidate. If they had had their way, Calvin Coolidge would not to-day be the President of the United States; if they had had their way, ROBERT MARION LA FOLLETTE would to-day be the President of the United States. How, then, can they come in and ask to be assigned as Republicans when they did everything in their power to prevent the success of the Republican Party, the success of the Republican candidate for the Presidency, and the success of those principles and policies that were embodied in our Republican platform?

I do not know what these Senators may conclude to do in 1928; they may realign themselves with the Republican Party as then constituted and officered; I am not concerned about that; but I am concerned about what they did in 1924; and they having decided and determined to wreck the Republican Party, to defeat its candidate, and to overturn its principles, I deny that they have a right to come here at this time and ask to be assigned under its banner and among its votaries. Therefore I think that we are entirely justified in declining to assign these gentlemen to committees as Republicans. We have not, except in one instance, taken them off the committees to which they have been assigned.

Mr. BORAH. Mr. President, why did you not take them off the committees?

Mr. WATSON. They are to be on the same committees.

Mr. BORAH. If they are to be ostracized, why demote them and give them a lower place and deprive them of the advantage which they have gained by reason of their service?

Mr. WATSON. As Republicans they were entitled to no committee assignments from us, but as Senators they were entitled to their right to be assigned to some committees; and having answered in the fashion they did, with the knowledge that we had the right to assign them, we offer them these assignments. They are not compelled to take them if they do not desire to do so; but that is the best that we can offer under existing conditions.

Mr. President, I have asked unanimous consent that Rule XXIV shall be set aside in order that the other resolution may be offered, and I should like to have the request put.

Mr. NORRIS. Mr. President, I should like to ask the Senator, before I give consent to the request, whether there are any other demotions except in the case of the four Senators?

Mr. WATSON. There are not any.

Mr. NORRIS. Has the committee determined to observe what is ordinarily known as the seniority rule? Has it been observed in these assignments, with the four exceptions noted?

Mr. WATSON. Not altogether, for the very reason that circumstances and conditions arise, I will say to the Senator from Nebraska, that sometimes prevent such action.

Mr. NORRIS. Exactly. Mr. President, I have been told—I have not had an opportunity as yet to examine the list—that the demotions which have been indicated are not the only ones that have taken place——

Mr. WATSON. There are not any other demotions.

Mr. NORRIS. And that there are violations in this list of the seniority rule. I am not a defender of the seniority rule, I will say to the Senator; I do not care whether it is abolished or not; but I either want it to be followed or to be abolished—one or the other. I do not want it observed to-day when it suits some one's convenience and not observed to-morrow when it does not. I am perfectly willing that any committee may say whether we shall observe it or not observe it; but I should like to have that understood. I will say to the Senator it may be, if afforded a few hours' time to examine this list and to consider the effect the proposed unanimous-consent agreement might have, that, so far as I am personally concerned, I would

not make any objection to it; but I am not going to permit it to be agreed to now, however, without objection, and an objection, of course, will put it over. It is very possible that we could agree on a system of procedure and let the Senator's resolution go through; but I should like to confer with some Senators first, as well as to examine the list before I give consent.

Mr. WADSWORTH. Would the Senator come to a Republican conference?

Mr. NORRIS. My own hands are free now, and I have not taken any steps to tie them, and I do not intend to do so, I will say to the Senator from New York.

Mr. WATSON. The Senator from Nebraska has not been demoted.

Mr. NORRIS. I am not thinking about my own case, I will say to the Senator. I should like to be in good society, and hence I would not feel badly if I were demoted with the four other Senators. I do not care what happens to me; I am not thinking about my own committee assignments when I say that I want to examine the list. I have had the rule applied to me a good many times since I have been in the Senate, whenever my wishes conflicted with those of somebody else closer to the powers that be. I conceive that that is likely to happen during the remainder of my life, and I am not making any complaint about that, but I do not want anybody to think that I do not have sense enough to observe it and see it.

I should like to have this question go over. I will say to the Senator it may be that if it shall go over there will be no objection to his request for unanimous consent. Personally, I am inclined to think there will not be. I want an opportunity to debate the question. I am not very particular as to how it comes up. The rule, however, is specific in its command, as I understand it, and objection will not only put it over, but the Senator, without unanimous consent, could not adopt a procedure that would conflict with the standing rule of the Senate.

Mr. WATSON. Mr. President, I do not agree with the Senator. The rule recites, if the Senator will pardon me—

In the appointment of the standing committees, the Senate, unless otherwise ordered—

That is by majority rule—

shall proceed—

And so forth.

Mr. NORRIS. The Senator will have some difficulty in disposing of it to-day, I think, even if his theory be correct, because, as a matter of fairness, I think before we make this modification as suggested by the resolution there ought to be at least a reasonable opportunity to look into the assignments that have been proposed and just reported to the Senate. The copy which I have on my desk has been placed there since the convening of the Senate this morning. For the present, Mr. President, I object to the request.

Mr. BORAH. Mr. President——

Mr. WATSON. Does the Senator from Idaho desire the floor?

Mr. CURTIS. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I will yield in case this matter is going over; otherwise I will occupy the time.

Mr. CURTIS. I wish to suggest to the Senator from Indiana that we consent to let the matter go over until next Monday, and that we proceed with the Warren nomination. I think we can save time in that way.

Mr. WATSON. At the request of the majority leader, I am quite content to have that arrangement made.

Mr. REED of Missouri. Mr. President, I ask unanimous consent that the Warren nomination shall be considered in open executive session.

Mr. CURTIS. That can only be decided in executive session.

Mr. REED of Missouri. It can be decided now by unanimous consent.

Mr. CURTIS. All questions of that character heretofore have been determined in executive session.

Mr. WADSWORTH. The nomination is not before us.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Kansas withhold that motion for a moment?

Mr. CURTIS. I withhold it.

Mr. REED of Pennsylvania. Mr. President, I have not had time to put it in writing, as required by the Senate rule, but I ask consent that I may put this notice in writing and file it as of to-day's legislative session.

Mr. ROBINSON. What is the notice?

Mr. REED of Pennsylvania. That if objection is made to the unanimous-consent order asked for by the Senator from Indiana, I shall on Monday move to suspend the rule as requested in the proposed unanimous-consent order.

Mr. BORAH. Mr. President, I do not care to be captious, but as we have taken up other matters for the purpose of enabling us to get together, I think that had better go over also, because when we are settling part of these matters I think perhaps we had better settle them all together.

Mr. WADSWORTH. Can not the Senator file a notice?

Mr. BORAH. The Senator has asked unanimous consent.

Mr. NORRIS. The Senator has not attempted to file a notice. He has not attempted to comply with the rule.

Mr. REED of Pennsylvania. I understand that the notice can be filed in executive session just as well, so I will prepare the notice in writing and I will not ask unanimous consent.

Mr. ROBINSON. I ask the Senator from Pennsylvania, as a matter of information, whether he thinks under Rule XXIV it is necessary to suspend the rule, or whether the procedure may be otherwise.

Mr. CURTIS. Mr. President, before the Senator answers that question I should like to suggest that the rule provides how committees shall be selected in case unanimous consent is not given. I think ample provision is made, and I hope the Senator will not give his notice. We do not need unanimous consent. The rule provides how committees shall be selected in case this order is not made.

Mr. REED of Pennsylvania. I see, upon referring to the rule, that it provides that the Senate may otherwise order. That would not require suspension, if it is done otherwise, so I withdraw the notice.

HEARINGS BEFORE MILITARY AFFAIRS COMMITTEE

Mr. WADSWORTH. I ask unanimous consent to offer a resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 17) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

EXECUTIVE SESSION

Mr. CURTIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 45 minutes spent in executive session the doors were reopened.

NOMINATION OF CHARLES BEECHER WARREN

During the executive session this day, Mr. REED of Missouri moved to proceed to the consideration in open executive session of the nomination of Charles Beecher Warren to be Attorney General, and the President pro tempore [Mr. MOSES] held that the consideration of the motion involved a suspension of the rules and required a two-thirds vote to sustain it. Mr. REED of Missouri having taken an appeal from this ruling, and the question being, Shall the decision of the Chair stand as the judgment of the Senate? the yeas and nays were ordered, and the roll call resulted—yeas 38, nays 39, as follows:

YEAS—38

Bingham	Glass	McMaster	Schall
Butler	Goff	Means	Shortridge
Cameron	Gooding	Metcalf	Smoot
Curtis	Hale	Norbeck	Spencer
Dale	Harreld	Oddie	Stanfield
Deneen	Jones, N. Mex.	Overman	Wadsworth
du Pont	Jones, Wash.	Pepper	Watson
Ernst	Keyes	Pine	Weller
Fernald	McKinley	Reed, Pa.	
Gillett	McLean	Sackett	

NAYS—39

Ashurst	Dill	Johnson	Ransdell
Bayard	Ferris	King	Reed, Mo.
Blease	Fletcher	Ladd	Sheppard
Borah	Frazier	McKellar	Shipstead
Bratton	George	McNary	Simmons
Brookhart	Gerry	Mayfield	Swanson
Broussard	Harris	Neely	Trammell
Bruce	Harrison	Norris	Tyson
Capper	Heflin	Pittman	Walsh
Couzens	Howell	Ralston	

So the Senate refused to sustain the decision of the Chair.

The question was then taken on the motion of Mr. REED of Missouri to consider the nomination in open executive session. The yeas and nays having been ordered, the roll call resulted—yeas 46, nays 39, as follows:

YEAS—46

Ashurst	Ferris	Kendrick	Ransdell
Bayard	Fletcher	King	Reed, Mo.
Blease	Frazier	Ladd	Robinson
Borah	George	McKellar	Sheppard
Bratton	Gerry	McLean	Shipstead
Brookhart	Glass	McMaster	Simmons
Broussard	Harris	McNary	Stephens
Bruce	Harrison	Mayfield	Trammell
Capper	Heflin	Neely	Tyson
Caraway	Howell	Norris	Walsh
Couzens	Johnson	Pittman	
Dill	Jones, N. Mex.	Ralston	

NAYS—39

Bingham	Fess	Metcalf	Shortridge
Butler	Gillett	Moses	Smoot
Cameron	Goff	Norbeck	Spencer
Cummins	Gooding	Oddie	Stanfield
Curtis	Hale	Overman	Wadsworth
Dale	Harreld	Pepper	Warren
Deneen	Jones, Wash.	Pine	Watson
du Pont	Keyes	Reed, Pa.	Weller
Ernst	McKinley	Sackett	Willis
Fernald	Means	Schall	

So the motion was agreed to, and the Senate proceeded to consider the nomination in open executive session.

On motion of Mr. REED of Missouri, the injunction of secrecy was removed from the foregoing proceedings and votes relative to the nomination of Charles Beecher Warren to be Attorney General.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Charles Beecher Warren to be Attorney General of the United States? The Senator from Montana [Mr. WALSH] is recognized.

Mr. WALSH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk (Harvey A. Welsh) called the roll, and the following Senators answered to their names:

Ashurst	Ernst	King	Ransdell
Bayard	Fernald	Ladd	Reed, Mo.
Bingham	Ferris	McKellar	Reed, Pa.
Blease	Fess	McKinley	Sackett
Borah	Fletcher	McLean	Schall
Bratton	Frazier	McMaster	Sheppard
Brookhart	Gerry	McNary	Shipstead
Broussard	Gillett	Mayfield	Shortridge
Bruce	Glass	Means	Smoot
Cameron	Goff	Metcalf	Spencer
Capper	Gooding	Moses	Stanfield
Caraway	Hale	Norbeck	Stephens
Cummins	Harris	Norris	Tyson
Curtis	Heflin	Oddie	Walsh
Dale	Howell	Overman	Warren
Deneen	Johnson	Pepper	Watson
Dill	Jones, Wash.	Pine	Weller
du Pont	Keyes	Ralston	Willis

The PRESIDENT pro tempore. Seventy-two Senators having answered to their names, a quorum is present.

RECESS

Mr. REED of Missouri. Mr. President, I desire to make a suggestion.

We have been held here past our lunch hour. This, I think, is the most important matter to come before this session. Senators all would like to get a bite to eat, and I suggest unanimous consent that we recess until 2 o'clock. That will allow 35 minutes for luncheon.

Mr. CUMMINS. Mr. President, I very much hope that the request made by the Senator from Missouri will be granted. The debate on the question now before the Senate will be one which all Senators ought to hear, and at this time I am afraid it will be impossible to secure the presence of a large number of Senators.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the Senate stand in recess until 2 o'clock. Is there objection? The Chair hears none.

Thereupon (at 1 o'clock and 25 minutes p. m.) the Senate took a recess until 2 o'clock, at which hour it reassembled in open executive session.

NOMINATION OF CHARLES BEECHER WARREN

The Senate, in open executive session, resumed the consideration of the nomination of Charles Beecher Warren, of Michigan, to be Attorney General of the United States.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	King	Robinson
Bayard	Ferris	Ladd	Sackett
Bingham	Fess	McKellar	Schall
Blease	Fletcher	McKinley	Sheppard
Borah	Frazier	McLean	Shipstead
Bratton	George	McMaster	Shortridge
Brookhart	Gerry	McNary	Simmons
Broussard	Gillett	Mayfield	Smoot
Bruce	Glass	Metcalf	Spencer
Butler	Goff	Moses	Stanfield
Cameron	Gooding	Neely	Stephens
Capper	Hale	Norbeck	Trammell
Caraway	Harreld	Norris	Tyson
Couzens	Harris	Oddie	Wadsworth
Cummins	Harrison	Overman	Walsh
Curtis	Heflin	Pepper	Warren
Dale	Howell	Pine	Watson
Deneen	Johnson	Pittman	Weller
Dill	Jones, Wash.	Ralston	Willis
du Pont	Kendrick	Reed, Mo.	
Ernst	Keyes	Reed, Pa.	

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present. The Senator from Montana [Mr. WALSH] is entitled to the floor.

Mr. WALSH. Mr. President, I subscribe to the doctrine that under all ordinary circumstances the nominations of the President of the United States for members of the Cabinet should be confirmed by the Senate without delay and that opposition of a political or factional character ought to be discountenanced. The President is charged by the Constitution to take care that the laws be faithfully executed, and he ought to be given the greatest liberty possible in the selection of those who immediately under him are to carry out his policies in accordance with the laws of Congress. Nevertheless the founders of our Government, the framers of our Constitution, deemed it unwise to trust unrestrictedly to any one man the appointment of any of the principal officers of the Government, and accordingly provided that in the case of all nominations made by the President of the United States confirmation by the Senate should be necessary except in the case of such inferior officers as Congress might provide should be appointed by the President alone, by the courts, or by the heads of the departments. The responsibility, accordingly, for the appointment of all the Federal officers where confirmation is necessary rests upon this body jointly with the President of the United States. Whether equally or in lesser degree it is unnecessary to canvass. It is indisputable that we share that responsibility and that we must assume it, at least in part.

All will agree that if a nominee, even for a Cabinet position, is lacking in moral character, he should be rejected by the Senate; but it is contended by some that otherwise his confirmation should follow as a matter of course. I can not think so. A man may have some serious blemishes in the matter of his private character and still be an able administrator and a courageous and patriotic official. Instances of that character will readily occur to any student of history. On the other hand, a man may have led the most exemplary life and yet be totally unfit for the duties and responsibilities of high official position. It is unwise, even if it were possible, accordingly to attempt to lay down any general rule which ought to govern the Senate in its action upon nominations for public office.

The nomination before us warrants, and as I think imperatively demands, a departure from the general rule. In the active propaganda which has been carried on through the press to break down or wear down the opposition to the nomination of Mr. Warren it has been repeatedly asserted that there is no instance on record of the rejection by the Senate of the nomination for the head of any of the departments. That is not correct. So good a man as Roger B. Taney, afterwards Chief Justice of the Supreme Court of the United States, was rejected by the Senate as a nominee for Secretary of the Treasury by Andrew Jackson. The illustrious Caleb Cushing, afterwards Attorney General of the United States, and whose career is a part of the glory of that office, was rejected for Secretary of the Treasury during the administration of President Tyler. Two other nominations for Cabinet positions sent to the Senate by that President were likewise rejected—that of James M. Porter, of Pennsylvania, nominated for Secretary of War, and David Henshaw, of Massachusetts, for Secretary of the Navy. During the administration of President Johnson the nomination of Henry Stanbery, of Ohio, for Attorney General, was rejected by the Senate.

As I understand the matter, the nomination of Mr. Warren was made without the approval of the Senators from the State of his residence. The nomination having been referred to those Senators by the Committee on the Judiciary, charged with the duty of inquiring into the nomination in the first instance, they responded as follows:

Senator COUZENS. Believe him to be a bright, intelligent lawyer.

Senator FERRIS. I shall not oppose the confirmation of Charles Beecher Warren to be Attorney General of the United States. I had hoped the new Attorney General would be selected from a group of high-grade, active attorneys. I appreciate the fact that Mr. Warren is a high-grade politician.

Three times, Mr. President, within the past six years the office of Attorney General has been filled, as in the instance of the present nominee, by men who were named for the place not as a reward for eminent success at the bar or brilliant attainments in the law but as a reward for active political service. In two of these instances the career has not shed any particular luster upon the office nor any particular credit upon the appointing power, whatever may be said with reference to the Senate in confirming them. It is neither exaggeration nor hyperbole to assert that the result has approached disaster, so far as the public interests are concerned. What may happen in the case of the confirmation of the nomination of Mr. Warren we can only speculate, but, in the language of the orator of the Revolution, "I know no way of judging of the future but by the past."

Mr. Warren, it is no injustice, I think, to say, has no reputation whatever as a lawyer. The attachés of the Supreme Court of the United States apparently have no recollection of ever having seen him before that tribunal in the presentation of a case. It is said in his behalf, Mr. President, that he represented the United States in two important international arbitrations—the Bering Sea fur-seal arbitration and the North Atlantic fisheries case. He did, indeed, appear on the record in the fur-seal arbitration, but we were represented in that proceeding by Mr. Don M. Dickinson, of the city of Detroit, Mich., and, as my information is, Mr. Warren, at that time being 26 years of age, was a clerk in his office and went on the record with him. He did, however, make an argument in the North Atlantic fisheries case at The Hague, and I must say, to his entire credit, that the argument was lawyerlike in character, and indicated that Mr. Warren is a man of ability; but, as I have stated, I think I do him no injustice whatever to say that he has no reputation whatever as a lawyer.

I think that he ought not to be made Attorney General not only because he is not eminent in the profession but chiefly because for years he was a representative in his State of the Sugar Trust, one of the most offensive and oppressive trusts with which the American people have unfortunately been familiar in the present and past generations.

In the course of the efforts of that organization to monopolize the supply of sugar of the American people it first secured control of the Atlantic coast refineries, refining raw sugar imported from Cuba and other places. Having practically accomplished the consolidation of all of the competing companies engaged in the refining business, it encountered the opposition of the beet-sugar producers. Then, in the early part of the present century, it set out to secure control of all the beet-sugar companies.

At that time there were in the State of Michigan a half dozen small beet-sugar companies, each competing with the others and entirely independent. Prosecuting its purpose, the Sugar Trust sought to secure control of these various companies. One of them, the Peninsula Sugar Co., was, I believe, organized by Mr. Warren; at least, he owned a considerable amount of stock in the company as well as some stock in the other companies to which I have adverted. Mr. Havemeyer, who was then the dominant intellect of the Sugar Trust, was desirous of getting control of those companies, and Mr. Warren acted as his agent in securing that control. He went out and bought up enough of the stock of the independent beet-sugar companies of the State of Michigan to control them, taking the conveyance in his own name but using the money of Mr. Havemeyer and his associates and holding the stock in trust for them.

Subsequently they organized the Michigan Sugar Co., of which Mr. Warren became the president and remained president down to the 25th of January last, as my information is. In the same way the stock of the local companies was turned in in exchange for stock in the Michigan Sugar Co., the stock being issued again in the name of Mr. Warren and being held by him for some time, the trust having acquired 46 per cent of the stock of the Michigan Sugar Co. Thereafter, in the year 1910, the Government of the United States began suit under the Sherman Antitrust Act to dissolve the Sugar Trust, making the Michigan Sugar Co., as well as Mr. Warren individually, defendants in that action, and charging they had both participated in the conspiracy to monopolize the beet-sugar industry of the country.

I might say in this connection—and I should properly say—that, coincidentally with their efforts thus to secure control of the Michigan companies, control was secured of the Spreckels' companies in California, the Mormon Co. at Salt Lake, the Western Sugar Co. at Denver, Colo., representing the Colorado field, and the beet-sugar companies in the States of Iowa and Minnesota until they had practically dominated the beet-sugar industry as well as cane-sugar refining.

The story will not be fully appreciated without the background and without some appreciation of the earlier history of the Sugar Trust. It has, Mr. President, for over 40 years been almost continuously the object of prosecution, either before State or Federal courts. It has been made the subject of inquiry by innumerable congressional investigations, so that the story is reasonably familiar to most of those who follow questions of that character. The proceedings are reviewed in a small book before me entitled "The Trust Problem in the United States," by Eliot Jones, professor of political economy in Stanford University, from which I shall take the liberty, even though it may seem tedious to some, to read at considerable length. After telling of the organization of the Standard Oil Trust, the Cotton-oil Trust, the Linseed-oil Trust, and of several other trusts, the author tells about the original organization of the Sugar Trust, as follows:

Another group resorting to the trustee device was the sugar refiners. During the seventies and eighties competition in the sugar-refining industry had been quite keen; between 1867 and 1887 some 36 refineries had been closed. By 1887 there were left only 26 refineries, operated by 23 companies. The concerns that survived this period of severe competition were those that resorted to large-scale production, with its resulting economies. In August, 1887, 17 of these companies, owning 20 refineries and possessing among them approximately 78 per cent of the refining capacity, entered into a trust agreement to become effective October 1, 1887.

In its main provisions this agreement was substantially like the trust agreements already described. Eleven trustees constituted a board known as the Sugar Refineries Co. and distributed trust certificates ($50,000,000) to the shareholders of the corporation in return for the securities held by them. The trustees thereupon caused themselves or their representatives to be elected directors of the separate corporations and were thus able to manage the affairs of all in unison. It was provided that 15 per cent of the certificates allotted to the several companies should be left with the board and that these and any part of the $50,000,000 of certificates not allotted might be employed by the board for the acquisition of other refineries or for certain other purposes. A unique feature of the Sugar Trust deed was the provision that no trustee should be interested directly or indirectly in the purchase or sale of sugar, whether for the purpose of speculation or otherwise, without the consent of a majority of the board. Of the 20 refineries acquired by the Sugar Refineries Co. 12 were soon dismantled, and the other 8 were consolidated into 4.

In this same year (1887) there was organized the National Lead Trust and Cordage Trust. The latter, known as the National Cordage Association, controlled at this time only 30 per cent of the country's output of rope and cordage; it was not until 1891 that it attained a monopolistic position in the industry.

The organization of these "trusts" was followed by a general outcry against monopolies. How fully the attention of the public had been called to the establishment of "trusts," and what its reaction was, is shown by the numerous laws forbidding combinations and trusts enacted by the State legislatures from 1889 to 1893, and by the passage by the National Congress in 1890 of the Sherman Antitrust Act, which prohibited every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations and every monopoly or attempt to monopolize. And it soon proved the "trusts" were particularly vulnerable, much more so than the pools.

It will then be noted that this same Sugar Trust and its exactions from the people of the United States gave rise to the Sherman Antitrust Act.

The author continues:

Hardly had the "trusts" been created when legal proceedings were instituted against them. The State of Louisiana attacked the Cotton-oil Trust, the State of Nebraska the Whisky Trust, the State of New York the Sugar Trust, and the State of Ohio the Oil Trust. The action against the Sugar Trust came in 1888. In that year the attorney general of New York State brought suit under the common law against the North River Sugar Refining Co., a New York corporation, praying that the charter of the company be vacated and the company dissolved. In a decision in June, 1890, the circuit court of appeals decided against the company. The court held that the North River Sugar Refining Co. in entering the "trust" had given over the control of the affairs to an irresponsible board, and that such delega-

tion of its essential corporate powers was a perversion of the privileges conferred by the company's charter. Furthermore, the court held that the company had helped to create a trust which in substance and effect was a partnership of separate corporations, and for corporations to enter a partnership was illegal. The company's charter, therefore, was taken away and its corporate existence terminated.

In order to avoid the effect of that decision the American Sugar Refining Co. was incorporated. The story of that company, being the company which absorbed the Michigan companies, will be of interest in this connection.

The author continues:

The early history of the Sugar Trust, touched on in Chapter III, may be briefly reviewed. The Sugar Refineries Co.—a trustee device—had been organized in 1887. In 1890 this arrangement was declared illegal by the New York courts, and as a result a reorganization was determined upon. In January, 1891, the American Sugar Refining Co. was chartered in the State of New Jersey, then a place of refuge for combinations and trusts. The new company had an authorized capitalization of $50,000,000, half preferred stock and half common. The American Sugar Refining Co. exchanged its capital stock for the trust certificates of the Sugar Refineries Co., and thus obtained control over the various corporations previously controlled by the trustees. The American Sugar Refining Co. next caused the several corporations—17 in number—to convey to it their entire property, real and personal; and thereupon dissolved them. Upon the completion of this series of tranactions, the American Sugar Refining Co. became a property-owning trust, as distinct from a holding-company trust.

The American Sugar Refining Co. operated only four refineries—the Standard Sugar refinery at Boston, the Matthiessen and Weichers refinery at Jersey City, the Havemeyers & Elder refinery at Brooklyn, and the Louisiana Sugar refinery at New Orleans. These four refineries among them had a daily melting capacity of about 70 per cent of that of the whole country. There were only six other cane sugar refineries in the country, and one of these—the Havemeyers & Elder plant in San Francisco—was for all practical purposes a part of the trust. The owners of the San Francisco plant had gone into the "trust" in 1888, the year after its organization, but because of the opposition of the State of California the plant had been transferred to Messers. H. O. Havemeyer, T. A. Havemeyer, and C. H. Senff, members of the board of trustees of the Sugar Refineries Co. These three men had thenceforth carried on the business under the name of Havemeyers & Elder, but always in cooperation with the Sugar Refineries Co., and its successor, the American Sugar Refining Co. Including the output of this San Francisco refinery, as is only proper, the American Sugar Refining Co. controlled at its organization about 75 per cent of the country's melting capacity.

The only cane-sugar refining companies outside of the trust in January, 1891, were the California Sugar Refinery at San Francisco, the Franklin Sugar Refining Co., the E. C. Knight Co., and the Delaware Sugar House, all located at Philadelphia; and the Nash, Spaulding & Co. at Boston (later known as the Revere Sugar Refining Co.). During the course of the year 1891 the Spreckels Sugar Refining Co. began the operation of a large new refinery at Philadelphia and the Baltimore Sugar Refining Co. had under construction a refinery in Baltimore. The Sugar Trust set out to overcome all these competitors, and by 1892 had acquired all of them but one.

The first to succumb was the California Sugar Refinery at San Francisco, owned by John D., Adolph B., and Claus Spreckels. In March, 1891, in order to bring to an end the competitive campaign which had been instituted against this company by the firm of Havemeyers & Elder, the Spreckels concern entered into an agreement with the firm of Havemeyers & Elder whereby there was incorporated the Western Sugar Refining Co., a California corporation, half of the stock in which was taken by each party. The newly organized corporation, in accordance with the provisions of the agreement, leased for a term of 10 years both the Havemeyers & Elder refinery and the Spreckels refinery. Shortly thereafter the Western Sugar Refining Co. permanently closed the Havemeyers & Elder refinery, and its former owners sold their plant and their half interest in the Western Sugar Refining Co. to the American Sugar Refining Co. The factory continued to be so owned (subject to lease) until 1906, when it was destroyed by fire, and the stock continued to be owned by the American Sugar Refining Co. until 1911, when, in accordance with the policy of the new management, the American Co. disposed of its stock to the Spreckels interests. By agreement between the American Sugar Refining Co. and the Western Co. the territory in which each was to sell its products was fixed, and also the prices at which sugar was to be sold.

Mr. REED of Missouri. When was that?

Mr. WALSH. That was in 1906.

The control of the Baltimore Sugar Refining Co. was effected through purchases of its stock in 1891 and 1892. The factory of this company was never operated, and subsequently it was dismantled and the company itself dissolved. The purpose was clearly to stifle a prospective competitor. Obviously no economies were effected through the closing of a plant that was never allowed to operate.

In March and April, 1892, the American Sugar Refining Co. acquired all but one of the remaining competitors. Up to March of this year competition between the trust and the independents (the Franklin Sugar Refining Co., the Spreckels Sugar Refining Co., the E. C. Knight Co., and the Delaware Sugar House) had been severe, and the price of sugar had fallen so low that failure confronted some of these companies. Relief from this contingency was secured by selling out to the trust, the capitalization of the trust being increased for this purpose from $50,000,000 to $75,000,000. Shortly after 1892 the American Sugar Refining Co. consolidated the Spreckels refinery and the Delaware house into one; and the Franklin and Knight refineries into one. In 1897 the Franklin Sugar Refining Co. closed its plant and became simply a selling agency for the Spreckels concern.

By April, 1892, then, the first period of competition with the trust had come to an end. The struggle had been severe, but brief. It ended in the purchase by the American Sugar Refining Co. of its leading competitors. In the whole country there were left only two refineries that did not belong to the trust. One of these was the California Sugar Refinery, leased to the Western Sugar Refining Co., half of the stock of which was held by the trust; and the other was the small refinery in Boston owned by Nash, Spaulding & Co.—a plant which the trust had attempted to buy in 1892, but without success. The American Sugar Refining Co. produced in 1892, including the output of the California Sugar Refinery, substantially controlled by it, about 98 per cent of the country's output of refined sugar.

But not for long did the American Sugar Refining Co. maintain its well-nigh complete monopolistic control of the industry. It immediately took advantage of the situation and advanced the price of refined sugar until the margin between the raw and refined had much increased. Naturally new refineries were built in order to profit by the higher prices; in fact the history of the trust for a number of years after 1892 was one of constant endeavor to crush or to bring into working relations with it interests that would not sell out.

Already in 1891 the Mollenhauer Sugar Refining Co. had been incorporated, and soon after the purchase of the independent refineries at Philadelphia, this company began to operate its plant at Brooklyn. In September, 1892—only a few months after the acquisition by the Sugar Trust of all the Philadelphia refineries—the National Sugar Refining Co. was organized.

I will ask the attention of Senators to this, because we will recur, later on, to the National Sugar Refining Co.

In October of the same year the W. J. McCahan Sugar Refining Co. was chartered, and in the following year started to refine sugar. To hold this competition within the bounds the American Sugar Refining Co. in 1893 acquired 30 per cent of the stock of the Mollenhauer concern, and in 1894 it succeeded in effecting agreements with its competitors looking toward a limitation of the output and the fixing of prices. In 1895 the United States Sugar Refining Co. was formed for the purpose of constructing a sugar refinery in Camden, N. J. (just across the river from Philadelphia). But before the plant was ready for operation the American Co. purchased all its stock and the plant was never completed. In 1897 the California & Hawaiian Sugar Refining Co. was incorporated, and in the same year it entered upon the refining of sugar at Crockett, Calif. This concern refined both cane and beet sugar. Another independent enterprise established in 1897 was the New York Sugar Refining Co., fathered by Claus Doscher, a capable refiner who had disposed of his property to the trust in 1887 and had given up the business. The New York Sugar Refining Co. was formed in March, 1897, and its refinery was completed toward the close of 1898.

Now comes the story of the famous controversy between the trust and the Arbuckles, which perhaps many of the Senators will recall.

Mr. CUMMINS. Mr. President, will the Senator yield for a question only?

Mr. WALSH. I yield.

Mr. CUMMINS. I am right, I assume, in supposing that the history of the American Sugar Refining Co., already given, relates entirely to cane sugar?

Mr. WALSH. Yes. I shall presently take up their efforts to acquire the beet-sugar companies. My purpose in thus detaining the Senate is to impress upon them the background of the operations with which Mr. Warren was directly connected, and to show that this company persistently, for a period of 15 or 20 years prior to that time, had been engaged in an effort to stifle every bit of competition that raised its head against their monopoly of the sugar supply of the United States.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield to the Senator.

Mr. SMOOT. Was Mr. Warren ever a director of any sugar-refining company in the United States?

Mr. WALSH. I think not.

Mr. SMOOT. I am quite sure he was not.

Mr. WALSH. I do not think he ever had anything to do with the cane-sugar business.

Mr. SMOOT. I was wondering what the Senator wanted to bring in the cane-sugar question for, because Mr. Warren never has been connected with the cane-sugar business in any way.

Mr. WALSH. I have tried to explain that having thus stifled every bit of competition in the cane-sugar refining business, they then turned their attention to the other branch of the industry.

Mr. SMOOT. That is, the sugar refiners did.

Mr. WALSH. The same companies. The sugar refiners are nothing more nor less than the Sugar Trust.

Mr. SMOOT. I agree with the Senator as to that.

Mr. WALSH. Certainly. The Senator and I have no controversy about that. This was not an independent, entirely disassociated effort upon the part of the Sugar Trust to get these Michigan companies. It had altogether an immediate and direct relation to its efforts, to which I am endeavoring to call the attention of the Senate, to monopolize the sugar supply of the United States.

Mr. SMOOT. Of course the Senator knows that the Sugar Trust undertook to control all of the beet sugar produced in the United States.

Mr. WALSH. I am going to try to show that.

Mr. SMOOT. I do not think there is any question at all about that; and not only that, but it was a question of either destruction or giving control to them for a number of years.

Mr. WALSH. Yes.

Mr. SMOOT. But I want to say, and I am delighted to say, that they do not hold that control to-day. They did for a while, however.

Mr. WALSH. They do not hold that control to-day because the decree of the courts had forbidden them to, and not only that, but the decree had compelled them to dispose of the property which they thus acquired in violation of the law.

Mr. SMOOT. I want to say to the Senator that a great deal of that property was bought before ever that decree was issued.

Mr. WALSH. Why, of course it was.

Mr. SMOOT. Yes; I say it was, and it was not because the beet-sugar companies did not want to retain control of the beet-sugar industry, but it was because they were forced to sell control or be destroyed.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I should like to have that point made entirely clear. It was not, for instance, because the Utah Sugar Co. wanted to sell to the Sugar Trust, but the Sugar Trust practically said to them: "You sell to us or go out of business." I want to impress that idea upon the Senator.

Mr. SMOOT. I want it impressed upon the Senate, too.

Mr. CUMMINS. Mr. President, does the Senator refer to the decree of 1922?

Mr. WALSH. I do. The Senator from Utah was calling my attention to the fact that they do not now control the beet-sugar industry. They do not now control the beet-sugar industry because we have the Sherman law, against which they were obliged to contend.

Another very important competitor was Arbuckle Bros., best known as a coffeehouse. This firm owned a machine used for filling, packing, and weighing coffee—a machine which it believed could also be profitably used in the sugar business. In 1893, therefore, it began to buy sugar from the refineries and put it up in packages suitable for distribution by wholesale grocers. After some three or four years the firm decided that it would build a refinery of its own, and by the middle of 1898 the plant was in operation.

Competition was thus springing up on all sides, and it was imperative that something be done unless the Sugar Trust was to abandon its monopolistic purposes. Accordingly, in September, 1898, the American Sugar Refining Co. appointed a committee to acquire the factories of any and all independents, this committee being authorized to pay such purchase prices as it might deem fit. In order to facilitate the work of the committee, the price of refined sugar was much reduced. Mr. Jarvie, one of the partners in the firm of Arbuckle Bros., testified before the industrial commission that when his company's refinery was completed in August of 1898 the margin ranged from 80 to 90 cents per 100 pounds, that prices were first cut in September, and that this price cutting continued unremittingly throughout the spring of 1899. At the date of his testimony—June, 1899—the margin was 51 cents per 100 pounds, which was approximately the cost of refining, and the margin had been as low as 31 cents, which was 20 to 30 cents below cost.

In other words, the Sugar Trust was selling sugar to the American people at from 20 to 30 cents below cost for the purpose of breaking the Arbuckle Bros. or compelling them to sell to the trust.

As a result of this price war Arbuckle Bros. lost a great deal of money, approximately a million and a quarter dollars. Another officer of the Arbuckle firm testified that his company was hard put to it to develop its business because the wholesale grocers in some localities refused to distribute the goods of competitors of the American Sugar Refining Co. This difficulty was obviated in Boston by Arbuckle Bros. dealing directly with the retailers. The latter were given sugar at the same price as the wholesalers, irrespective of quantity; and even as late as 1911 the firm still dealt directly with the retailers in that city. A special retaliatory measure directed against the Arbuckle firm was the invasion by the American Sugar Refining Co. of the coffee business. In 1896, having failed in an attempt to buy the patented packing machine of the Arbuckle firm, the American Sugar Refining Co., through Havemeyers & Elder, purchased a large interest in the Woolson Spice Co., of Toledo, at a cost of $1,150 per share, plus commissions. The Woolson Spice Co. promptly reduced the price of coffee and forced the Arbuckle concern to do likewise. But this campaign did not bring about the desired result. The Arbuckle Bros. did not give in, and they are still in the sugar business. Moreover, the American Sugar Refining Co. deemed it advisable subsequently to give up its coffee business, the sale of this business being reported by the directors in their annual report to the stockholders in 1909.

The remaining competitors, or "interlopers," as Mr. Havemeyer called them, proved more tractable. Through the formation in May, 1900, of a holding company, organized largely by individuals dominant in the management of the American Sugar Refining Co., the other refiners of cane sugar were brought into harmony with the trust. The name of the holding company was the National Sugar Refining Co. of New Jersey, capitalized at $20,000,000, half preferred and half common. The National Sugar Refining Co. of New Jersey acquired the entire capital stock of the Mollenhauer Sugar Refining Co., the National Sugar Refining Co., and the New York Sugar Refining Co. (also its entire bond issue), giving in exchange therefor $8,250,000 of its own preferred stock. Most of the balance of the preferred stock was used to buy 25 per cent of the stock of the McCahan Sugar Refining Co. The National Sugar Refining Co. of New Jersey continued to hold the stocks and bonds of these companies and managed their affairs in harmony. The common stock of the National Sugar Refining Co. of New Jersey ($10,000,000) was given to Mr. H. O. Havemeyer, the president of the American Sugar Refining Co., as promoter's profit.

Mr. Havemeyer thereupon delivered this stock to himself and to Mr. I. M. Palmer, both of them directors in the American Sugar Refining Co., as trustees under a voting trust for five years, the beneficiaries being Mr. Havemeyer, Mr. Palmer, Mr. W. B. Thomas, Mr. J. E. Parsons, and Mr. J. H. Post, all of them, with one exception possibly, officers in the American Sugar Refining Co. As part of this same set of transactions, the American Sugar Refining Co. on its own account acquired $5,128,000 of the preferred stock of the National Sugar Refining Co. of New Jersey. (This included the $900,000 of preferred stock in this company received by the American Sugar Refining Co. in exchange for the Mollenhauer stock acquired by it in 1893.)

Further efforts to eliminate competition which sprang up from time to time I omit and pass to the effort of this organization to control the beet-sugar industry of the United States. I read now on that subject from page 103 of the work:

The beet-sugar industry, however, was steadily growing in importance, and in some localities was becoming a serious competitor of cane sugar. By 1901 there were 31 separate concerns manufacturing beet sugar, and 8 others were planning to enter the business. The American Sugar Refining Co. apparently came to the conclusion that it must eliminate this growing competition. Having obtained the necessary funds by an increase in its capital stock from $75,000,000 to $90,000,000, the company, in the summer of 1901, manufactured an unusually large quantity of refined sugar for the purpose, so the Government petition alleged, of selling it in the markets of its rivals. About the same time Mr. H. O. Havemeyer and Mr. I. M. Palmer entered into unlawful agreements with various railroads leading out of Boston, New York, Jersey City, Philadelphia, and New Orleans for the transportation, at rates much below the published tariffs, of large quantities of refined sugar, and for the free storage of this sugar in warehouses belonging to the railroads.

The amount of rebates paid to the American Sugar Refining Co. during the years 1901–1904 totaled $500,000. The next step was the sale of this sugar in the markets of the beet-sugar companies at prices

below the cost of production. This move forced the beet-sugar refineries to sell out to the American Sugar Refining Co. or face the prospect of ruin, and many of them decided to sell.

That is the situation which is presented in brief by the Senator from Utah.

The most important concern over which control was secured was the American Beet Sugar Co. This concern, with a capital of $20,000,000, was the leading beet-sugar enterprise in the country; it had five plants and was steadily increasing its business. The American Sugar Refining Co. and the American Beet Sugar Co. entered in 1902 into a 10-year contract whereby the former was to become the supervising agent for the disposal of the product of the latter at a commission of one-quarter of a cent per pound. The American Sugar Refining Co. agreed during the beet-sugar season—beet sugar comes on the market only during a limited period following the maturing of the beet-sugar plant—not to sell sugar in the markets of the American Beet Sugar Co. except at its regular open price at the point of production, plus freight. This clause was inserted, according to the vice president of the Beet Sugar Co., to prevent local price cutting by the trust. A drop in the price of refined sugar at the Missouri River from 5 cents to 3½ cents in one day was not competition, in his opinion, but warfare. At about the same time the American Sugar Refining Co. acquired $7,500,000 of the Beet Sugar Co.'s stock. The agreement remained in force until 1907 and the stock continued to be held until 1907 or later, but after 1909 the two companies do not seem to have acted in cooperation. The president of the American Beet Sugar Co. testified that the agreement was abrogated on the recommendation of counsel, who advised that the contract, if not canceled, would land the parties thereto in the penitentiary.

Several other companies were acquired by the Sugar Trust in the years that followed, but we need not go into the details. Suffice it to say that at high-water mark the American Sugar Refining Co. had about $35,000,000 in beet-sugar companies, not including the very large personal interest of the various officials of the company—the Havemeyer estate, for example, in 1911 had about $10,000,000 of stock in beet-sugar companies. Of the $35,000,000, approximately $12,000,000 was subsequently disposed of, some during Mr. Havemeyer's life, but most of it after his death. Yet even as late as 1911 the company had a majority interest in two beet-sugar factories and a minority interest in 31. The total number of beet-sugar factories in the country was 68. The trust, therefore, had some interest in approximately one-half of the factories, and presumably on the whole the more important ones.

I again hurry over the discussion of this to one or two other interesting features of the discussion found on page 111:

The record of the trust's relations with the Federal Government is not one of which it can be proud. The trust has been a noted recipient of tariff favors. Without venturing to discuss the merits of the protective system, it may be said that the sugar duties for many years have been arranged without reference to any legitimate protective principle. The differential on refined sugar under the act of 1883, for example, was considerably greater than the total cost of refining, and this virtually prevented the importation of refined sugar. The prohibitory duty undoubtedly promoted the establishment of the trust in 1887 and enabled it to make enormous profits. In the act of 1890 raw sugar was admitted free (a bounty being given to domestic producers), but the differential on refined was still high enough to shut out foreign competition and therefore to facilitate the charging of monopoly prices, especially upon the practical elimination of domestic competition in 1892. Hostility toward the Sugar Trust became intense during the early nineties, and for a time bade fair to lead to the entire removal of the duty on sugar, both raw and refined, in the Wilson tariff act of 1894. Yet it is a matter of history that from this struggle the trust emerged the victor.

It will be remembered that because of the incorporation of that provision in the tariff act of that year, President Cleveland, although he was a noted tariff reformer, refused to sign the bill.

Duties were somewhat reduced, but they were still more than ample. From 1894 down to the enactment of the Simmons-Underwood bill of 1913, the duties on sugar restrained foreign competition and thus made it easier for the trust to maintain monopoly prices. Mr. Havemeyer, the head of the Sugar Trust until his death in 1907, stated before the Industrial Commission that "the mother of all trusts is the customs tariff bill."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. SMOOT. I call the Senator's attention to the fact that in the sugar hearings Mr. Atkins testified that he wanted a rate of 50 cents a hundred on sugar, for the reason that with a rate of 50 cents a hundred he felt that the refiners who refined only the raw sugar would be perfectly protected against importations from foreign countries, but that it would kill the local industry. That is exactly what he said in his testimony should be done.

Mr. WALSH. Quite right; the Senator has accurately stated the situation.

Another interesting feature of this rather dramatic story is found on page 113:

One of the worst charges that may be made against the American Sugar Refining Co. is the fact that, though at times it practically framed the sugar schedule, it sought to avoid payment of the custom duties on raw sugar by tampering with the weighing scales at the ports in such manner as to register false weights. An investigation undertaken by the Government in 1907 resulted in a suit against the company to recover the amount of money stolen from the Government through false weighing at the Brooklyn plant. The evidence in the suit, according to the Attorney General, revealed a long-continued system of defrauding the Government of unparalleled depravity. The district court gave a judgment ordering the company to pay the United States $134,411, representing unpaid custom duties. Thereupon the company opened negotiations with the Government, and in 1909 a compromise was made whereby the latter accepted the judgment of $134,411 plus an additional sum of $2,000,000, in full settlement of all civil liabilities of the company for any underweighing at either the Brooklyn refinery or the Jersey City refinery.

The Government especially reserved the right to institute criminal prosecutions against the officials responsible for the underweighing. Subsequently suit was brought against the secretary of the company and the general superintendent of the Brooklyn refinery. Both of them were convicted of fraud, and upon appeal their conviction was sustained by the higher courts. The former was given a sentence of eight months' imprisonment and a fine of $8,000 and costs, and the latter was given two years in jail and a fine of $5,000. Both petitioned for Executive clemency, and by order of President Taft the sentence of the former was commuted to fine and costs and of the latter to 30 days in jail.

The importance of these underweighing practices, however, must not be exaggerated. They evidence the cupidity of the sugar companies, or perhaps the desire of their managers to get results, and thus earn their salaries, but even if never discovered they would not have helped the trust appreciably to maintain its position, except by providing it with the sinews of war. At best they would merely have enabled it and the other companies that carried on these practices to make somewhat larger profits.

Now, as to the effect of this monopolization on the American people, I read from page 119, as follows:

The dividends of the American Sugar Refining Co. point to monopoly prices during the period when the company was at the height of its power and to the leveling effect of competition on prices.

Since its organization in 1891 the American Sugar Refining Co. has regularly paid 7 per cent on its preferred stock and the following rates on its common stock:

Common stock dividends of the American Sugar Refining Co., 1891–1915

	Per cent
1891	8
1892	9
1893	22
1894	12
1895	12
1896	12
1897	12
1898	12
1899	12
1900	6½
1901	7
1902	7
1903	7
1904	7
1905	7
1906	7
1907	7
1908	7
1909	7
1910	7
1911	7
1912	7
1913	7
1914	7
1915	7

Just how much water there was in the stock can not be stated with certainty. The capitalization of the companies that went into the trust in 1887 was $6,590,000; the amount of trust certificates issued in 1887 and of stock in 1891 was $50,000,000, minus 15 per cent treasury stock. The capitalization of the trust thus exceeded the capitalization of the constituent companies by more than six times. But, according to Mr. Havemeyer, the constituent companies were undercapitalized.

I thought I had here the story given by the author of the acquisition of the American Sugar Co., but the facts are as I have heretofore stated. In their effort to gather up the beet-

sugar companies throughout the country they secured control of the Michigan companies in the manner in which I have stated. The important thing is that Mr. Havemeyer and his associates and the American Sugar Refining Co. did not go to the State of Michigan and buy the stock of those local companies and have the stock in their own names and disclose to the world that they were stockholders in the company. They procured Mr. Warren to buy the stock and take the stock in his own name and thus conceal from the world that the American Sugar Refining Co. was securing the control of those companies.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. SMOOT. That may be true in some cases, but I do know that when Mr. Warren came to buy the stock of the Western concerns it was distinctly understood that Mr. Havemeyer was to have absolute control of it. We were told so. We were threatened with the fact that there was money and power sufficient to destroy us unless we sold a controlling interest in the company.

Mr. KING. That would only add to the dishonor of Mr. Warren if he participated in the scheme to get control of the companies to which my colleague refers.

Mr. SMOOT. I am not saying this was done by Mr. Warren. The Senator from Montana was speaking of the Michigan factors. If it was done in Michigan in the same way it was done in Idaho and Utah and the West, then, of course, the same instructions that were given in those cases must have been given in the case of Michigan.

Mr. WALSH. I thank the Senator for giving his contribution to the policies of the organization of which Mr. Warren was the representative and to whose purposes he lent his powerful aid. Of course, if this was a new situation, having no such background as that to which I have endeavored to invite the attention of Senators, Mr. Warren could say: "I did not know anything about this. They asked me to take the stock in my own name and I did not know what it was for, and I was perfectly willing to accommodate them." But if Mr. Warren did not know all about what they were endeavoring to do to secure the control of the beet-sugar industry of America, he did not have sagacity enough to become Attorney General of the United States.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH. I yield.

Mr. BAYARD. Does not the record show, I would ask the Senator from Montana, that Mr. Warren himself was a heavy stockholder in the Michigan Sugar Co. and therefore knew about the matter?

Mr. WALSH. He owned stock in the company to the extent of $445,000 in his own right and held stock for Havemeyer and his associates or the Sugar Trust to the amount of $800,000 more. He held that for a number of years, both in the local companies and in the general company until, as I have heretofore stated, Mr. Havemeyer and his associates owned 46 per cent of the stock of the American Sugar Refining Co. and then were charged with having entered into a conspiracy with the American Sugar Refining Co. in violation of the Sherman antitrust law and became the subject of a suit on the part of the Government of the United States, instituted during the Taft administration by Attorney General Wickersham, then Attorney General of the United States. The charges in that bill of complaint will be of interest. I might say, before I reach that point, that I should advert to another thing.

In the year 1909 there came before the Congress what was known as the Payne-Aldrich tariff bill. Extensive hearings were held by the Ways and Means Committee of the House considering that measure, and particularly the sugar schedule. When it was quite generally charged that the sugar tariff would simply benefit the Sugar Trust, the American Sugar Refining Co., those who were interested in the beet-sugar industry, as indicated by the Senator from Utah [Mr. SMOOT], insisted that it was in order to preserve the beet-sugar industry, and the disposition was, of course, evinced to help out that industry if it could be consistently done. In order to relieve that industry from the imputation that it was controlled by the Sugar Trust and the American Sugar Refining Co., Mr. F. R. Hathaway, secretary of the Michigan Sugar Co., came before the Ways and Means Committee of the House and told them in the course of his testimony that the American Sugar Refining Co. owned not one dollar of stock in the Michigan Sugar Refining Co. and that the Sugar Trust had no interest in it whatever.

Mr. SMOOT. Has the Senator the record showing when they bought the controlling interest in the Michigan factories?

Mr. WALSH. Yes.

Mr. SMOOT. It was after 1909 when they purchased control of the western factories.

Mr. WALSH. It was from 1902 to 1904 when they picked up the stock of the individual original independent sugar companies. They organized the Michigan Sugar Co. in 1906, turning in the stock of the local companies until, as I said, they had acquired 46 per cent of the stock of the Michigan Co.

Mr. SMOOT. I did not remember the date of the acquisition of the control of the Michigan Co. I do know the date with reference to the western concerns.

Mr. WALSH. Upon the evidence thus given by Mr. Hathaway, secretary of the Michigan Sugar Co., before the House Committee on Ways and Means, Senator Burrows, of the State of Michigan, on the floor of this Chamber solemnly assured his colleagues that the American Sugar Refining Co., the Sugar Trust, and the Havemeyers, had absolutely no stock whatever in the Michigan Sugar Co.—I have the record here before me—when as a matter of fact at that time they owned 46 per cent of the stock of the Michigan Sugar Co. It is stated in a circular letter which I suppose has come to every Member of the Senate that at the time Mr. Hathaway gave that testimony Mr. Warren was present before the Ways and Means Committee of the House. I have not been able to confirm that and I shall assume, as I think is the case, that it is without foundation. Nevertheless Mr. Warren at that time was the president of the Michigan Sugar Co. and he could not by any possibility have been ignorant of the testimony given by Mr. Hathaway before that committee. I submit whether it was not his duty to come forward at once with a public statement correcting the misinformation given by the secretary of his company.

However, the Government soon thereafter discovered the truth about the matter, notwithstanding the asseveration made by the secretary of the Michigan Sugar Co., and in 1910 began the suit to which I have adverted.

Mr. CUMMINS. Was not that suit brought in 1912 instead of 1910?

Mr. WALSH. No; it was brought in 1910.

Mr. CUMMINS. I think it was brought in 1912.

Mr. SMOOT. I think so, too.

Mr. CUMMINS. I am not altogether sure about it, but that is my recollection. The suit was brought after the so-called Hardwick investigation.

Mr. WALSH. My information is otherwise.

Mr. CUMMINS. The Senator may be right. I am not sure.

Mr. WALSH. However, it is not a matter of any consequence.

Mr. NORRIS. Mr. President, may I make an inquiry of the Senator?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I yield.

Mr. NORRIS. The Senator said that Senator Burrows, of Michigan, assured the Senate that the so-called Sugar Trust did not own any of the stock of the Michigan Beet Sugar Co. Was that an occasion when a tariff bill was before the Senate?

Mr. WALSH. It was.

Mr. NORRIS. And at that time the Sugar Trust owned 46 per cent of the beet-sugar company?

Mr. WALSH. Of the Michigan Sugar Co.

Mr. NORRIS. The Michigan Beet Sugar Co.?

Mr. WALSH. Yes.

Mr. NORRIS. Was that in the name of Mr. Warren at that time? Was that being held at that time in the name of Mr. Warren?

Mr. WALSH. Just when the stock was transferred on the record from Mr. Warren to the real owners I am unable to apprise the Senator.

Mr. NORRIS. It would be interesting to know, or at least I think it would be interesting to know, in regard to that particular point.

Mr. WALSH. I will read from the speech of former Senator Burrows to which I have adverted. It appears at page 2413 of the CONGRESSIONAL RECORD of May 26, 1909:

> From this, Mr. President, I think it will be evident that the charge is absolutely groundless that the beet-sugar industry, so far as Michigan is concerned, and I think it will appear so far as other States are concerned, is in any way connected with the Sugar Trust. I trust this will be sufficient to at least put Senators on their guard, and that they will not be deceived by such misrepresentations.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. KING. If the Senator is not able to apprise the Senate of the date when the stock was transferred by Mr. Warren to the real owners, to Havemeyer or the Sugar Trust, does the Senator have the matter in mind as to when the stock was transferred to Mr. Warren?

Mr. WALSH. Yes. The stock was acquired in varying quantities from the original six independent companies between 1902 and 1904. The Michigan Sugar Co. was organized in 1906 and then the stock of the local companies thus standing in the name of Mr. Warren was surrendered and new certificates in his name taken in the Michigan Sugar Co.

Mr. KING. And he was the president of the sugar company for some time?

Mr. WALSH. Yes.

Mr. CUMMINS. At what time did Mr. Warren become president of the Michigan Sugar Co.?

Mr. WALSH. He became president of it upon its organization in 1906.

Mr. CUMMINS. How long did he remain president?

Mr. WALSH. According to my information, until the 25th of January last.

Mr. CUMMINS. I think the Senator is right. But the Havemeyer people, the American Sugar Refining Co., acquired their stock in the Michigan Beet Sugar Co. beginning in 1902.

Mr. WALSH. Yes.

Mr. CUMMINS. And continued to acquire it until 1904 or 1905.

Mr. WALSH. Yes.

Mr. CUMMINS. And the certificates had been issued—I want that distinctly to appear—the certificates had been issued or transferred to Mr. Warren, and he transferred them for delivery to the purchasers.

Mr. WALSH. Mr. Warren indorsed the certificates in blank and sent them to Mr. Havemeyer; that is correct; and, of course, when the Michigan Sugar Co. was organized Mr. Havemeyer must have sent back the same certificates to Mr. Warren, and Mr. Warren must have surrendered them to the Michigan Sugar Co. and taken the new certificates in his name—the name of Mr. Warren—which he in turn indorsed in blank and sent to Mr. Havemeyer.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH. I yield.

Mr. BAYARD. Does not the record still further disclose the fact that until a later period, 1909, 1910, or 1911, Mr. Havemeyer and his associates failed to transfer these certificates so transferred by Mr. Warren to any other persons than themselves, and kept them, still indorsed in blank?

Mr. WALSH. I believe it is so stated, at least.

Mr. BAYARD. Did not Mr. Warren himself testify as to that?

Mr. WALSH. They did not dispose of any stock until after the suit was instituted, when counsel advised them that they were in danger to have so much of the Michigan sugar stock as 46 per cent. Then they disposed, through Mr. Warren, of enough of their stock one way or another—Mr. Warren himself being the individual purchaser of some of it—so that their holdings were reduced to within the safe limit of 33 per cent.

Mr. COUZENS. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. I yield to the Senator.

Mr. COUZENS. In answer to the Senator from Iowa [Mr. CUMMINS], I will say I think that the records do not show at any time that the stock was owned by anyone other than Mr. Warren.

Mr. WALSH. That is quite right.

Mr. COUZENS. The stock as reported in the office of the secretary of state of the State of Michigan indicates that at all times it was owned by Mr. Warren. When they were compelled to sell the American Sugar Refining Co.'s stock it was then sold by Mr. Warren, and transfers were made from Mr. Warren's name to the names of the individual purchasers who bought the stock in the State of Michigan.

Mr. CUMMINS. Mr. President, I think the Senator from Michigan is not entirely accurate, but I shall deal with that question a little later.

Mr. WALSH. Mr. President, before I undertake to canvass the Government's suit, I should be very derelict if I did not call your attention to the acquisition by the Sugar Trust of the properties of the E. C. Knight Co., of Philadelphia, to which reference has been made several times by the author of the book from which I have quoted.

Mr. KING. Mr. President, I dislike to interrupt the Senator from Montana, but will he yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. KING. In view of the investigation which was going on, and Mr. Warren being president of the company and knowing that a Senator from his own State upon the floor of the Senate had made a statement that the Sugar Trust did not own any particle of this stock, and knowing that that statement made by a Senator was for the purpose of influencing legislation and determining the conduct of his colleagues, I can not understand how it is possible that Mr. Warren did not make some statement to correct the Senator or to bring to the attention of Congress the fact that the Sugar Trust owned 46 per cent of that stock.

Mr. SMOOT. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the senior Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. I think, perhaps, I ought to say that at the time of the purchase of the control of the sugar industries of the West it was distinctly understood there that that stock was not for the American Sugar Refining Co., but that it was for Mr. Havemeyer individually. I think more than likely, though I do not know, that in Michigan the situation was the same. I do know, however, that that stock was carried in the name of Mr. Havemeyer, was transferred to Mr. Havemeyer, and that to-day Mr. Havemeyer owns some of the stock in one of the western concerns. It is in his own name. I do not know whether he carries it for the sugar-refining company or not, but I do know that it was in his name and a part of it is in his name to-day.

Mr. COUZENS. That was not true in Michigan.

Mr. WALSH. Mr. President, the record to which I have adverted shows that they did just exactly the same thing with a company out in California. The law of California forbade the Sugar Trust to buy it, and so Havemeyer and his associates bought it. But what is the difference?

Mr. NORRIS. There is no difference.

Mr. WALSH. There is no difference at all. What is the difference whether technically the stock was taken to Henry O. Havemeyer, who was the president of the American Sugar Refining Co., or taken to the American Sugar Refining Co.?

Mr. SMOOT. The only difference is as to the statement which was made by the then Senator from Michigan, Mr. Burrows, that the American Sugar Refining Co. did not own any of the stock. Technically, perhaps, that was true at the time he made it; it certainly was true if individuals themselves owned the stock.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I yield.

Mr. NORRIS. If the Senator from Montana will permit me to interrupt him, I do not wish to have passed unnoticed the statement of the Senator from Utah [Mr. SMOOT]. Mr. Havemeyer was president of the Sugar Trust——

Mr. WALSH. He was not only the president but he was conceded to be the dominant intellect in it.

Mr. NORRIS. Yes. Now for the proceeding that happened in the Senate, the statement made by the Senator from Utah [Mr. SMOOT]—which he undoubtedly made in good faith and unquestionably he believes what he says—affords no excuse. It is no defense to say, "The Sugar Trust did not own that stock; it was owned by the president of the Sugar Trust." No Senator would try to control the votes of his colleagues in the Senate by making that kind of a statement, which, while technically correct, was, as a matter of fact, absolutely incorrect. No Senator would make that kind of a statement knowing that other Senators were relying on his statement and that their votes would be controlled, perhaps, on the tariff schedule by it. It would not make a bit of difference whether the stock was owned on the books in the name of Havemeyer or Havemeyer's companies, the effect would be just the same.

Mr. SMOOT. Mr. President, I was not excusing the statement made. I merely said that the stock, no doubt, was held in the names of individuals, and I really believe it was, whatever may have been the effect indirectly. I am in no way, Mr. President, excusing any statement that has been made, but I simply answered the statement that was made by my colleague as to just what the situation was. I believe that that

was the situation, although I do not know as to the Michigan companies.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I yield to the Senator from Iowa.

Mr. CUMMINS. I would not have anyone for a moment think that I make any distinction between Mr. Havemeyer and the American Sugar Refining Co.; but, at the same time, I do not think Mr. Warren is to be criticized because he did not publicly deny the statement made by the then Senator Burrows in the Senate Chamber. There were 500 people in Michigan—I do not know but a thousand people in Michigan—who knew that the American Sugar Refining Co., through some one connected with it, had acquired a large interest in the Michigan Beet Sugar Co.; it was not a secret at all.

Mr. REED of Missouri. Mr. President——

Mr. WALSH. If the Senator from Missouri will excuse me for a moment——

Mr. REED of Missouri. Certainly.

Mr. WALSH. I can not follow the Senator from Iowa. If it were the fact that 500 or 1,000 people in the State of Michigan knew that the Sugar Trust had, as a matter of fact, a large, if not a controlling, interest in the beet-sugar companies, and Senator Burrows, a representative from that State, declared upon the floor of the Senate that they had no interest, it seems to me that the reason was all the stronger for Mr. Warren to come out and tell the truth about it.

Mr. CUMMINS. I do not want to reflect upon Senator Burrows; he undoubtedly was in perfect good faith in making the statement, if he made it.

Mr. WALSH. I have no doubt of that.

Mr. CUMMINS. I have not inquired into that at all.

Mr. WALSH. I assume he was.

Mr. CUMMINS. All that I know is from the record to which the Senator has already referred; there were hundreds of stockholders in these six or seven beet-sugar companies in Michigan, and those stockholders, long before Mr. Warren had anything to do with the matter, approached Mr. Havemeyer, or some representative of the American Sugar Refining Co., for help, because they were all, with one possible exception, losing money; and the stockholders of these companies knew——

Mr. WALSH. They were losing money because the trust was underselling them.

Mr. CUMMINS. They were losing money because they were inefficiently and incapably managed, as well as because, possibly, the American Sugar Refining Co. was underselling them. I do not know at that particular moment as to the price of sugar, but all the stockholders of the original companies knew that a part of their stock, as well as some unissued stock, had been sold to the American Sugar Refining Co. or to some person who bought it in the interest of the American Sugar Refining Co. It was as public as any other business transaction could possibly be.

Mr. WALSH. Let me inquire of the Senator upon what authority does he say that it was public?

Mr. CUMMINS. I say it upon the authority that all the stockholders of these companies knew it.

Mr. WALSH. How does the Senator reach that conclusion?

Mr. CUMMINS. It appears from the testimony of Mr. Warren as well as the testimony——

Mr. WALSH. It escaped my notice.

Mr. CUMMINS. I am sure that there is no other inference to be drawn from the testimony than that.

Mr. WALSH. I can not recall any testimony of that character.

Mr. REED of Missouri. Mr. President, will the Senator from Montana now indulge me on this point?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I yield to the Senator.

Mr. REED of Missouri. Mr. President, if this fact were known to everybody, I should like to have the Senator from Iowa tell me how he accounts for the fact that in the organization of the Michigan Sugar Co. it appears that Frederick R. Hathaway was one of the organizers, and it appears that Charles B. Warren was one of the directors? I find that at page 633 of the hearings of the Hardwick committee. Over and over again in those hearings it appears that Mr. Hathaway and Mr. Warren were associated in the transactions; and now I find this testimony when Mr. Warren was upon the stand:

The CHAIRMAN. Mr. WARREN, I want to call your attention to exactly what Mr. Hathaway did say on this subject of your connection with this company and the American Sugar Refining Co. This is a colloquy between himself and Mr. UNDERWOOD:

"Mr. UNDERWOOD. What is the name of the company you represent?

"Mr. HATHAWAY. The Michigan Sugar Co.

"Mr. UNDERWOOD. That has six factories?

"Mr. HATHAWAY. Yes.

"Mr. UNDERWOOD. Some in Michigan and some in Colorado?

"Mr. HATHAWAY. No, sir; all in Michigan.

"Mr. UNDERWOOD. Has that company any connection whatever with the American Sugar Refining Co.?

"Mr. HATHAWAY. No, sir."

Then, after Mr. Smith concluded his testimony, he said:

"Mr. HATHAWAY. What I want to say is this: That every director of the Michigan Sugar Co. is a Michigan man. I want to say next that every certificate of stock issued by the Michigan Sugar Co., so far as the records are concerned, with the exception of about $100,000 of stock, is held by a Michigan man or Michigan men.

"The CHAIRMAN. What about the $100,000?

"Mr. HATHAWAY. That is scattered around in different places.

"The CHAIRMAN. Let us have the whole truth.

"Mr. HATHAWAY. That is scattered around in different places outside the State.

"Mr. BONYNGE. What is your capitalization?

"Mr. HATHAWAY. $12,500,000.

"The CHAIRMAN. Is there one director that represents that $100,000?

"Mr. HATHAWAY. No.

"The CHAIRMAN. Is there any director outside the Michigan people in the concern?

"Mr. HATHAWAY. No, sir.

"Mr. GAINES. Are any of those Michigan people directors, directly or indirectly, connected with the Sugar Trust?

"Mr. HATHAWAY. Not to my knowledge in any way.

"Mr. GAINES. Does not a Michigan man hold it as trustee?

"Mr. HATHAWAY. He does not."

That testimony was given by the associates in business of Mr. Warren at the time the particular business in which Mr. Warren had been concerned was under investigation.

Mr. KING. And this man was the secretary and Mr. Warren was the president of the company?

Mr. REED of Missouri. Yes. Then the chairman said——

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED of Missouri. Will the Senator let me finish the reading? Then the chairman said:

Mr. Fordney suggests that I should ask Mr. Warren if that is a correct statement.

Mr. WARREN. I do not think I can add anything to what I have already said about that statement of Mr. Hathaway.

Mr. KING. The Senator says Mr. Warren said that?

Mr. REED of Missouri. Yes.

The CHAIRMAN. While the stock stood in your name, there was no trust?

Mr. WARREN. No; he was accurate about that. There was no stock issued to me as trustee.

The CHAIRMAN. And he did not know that this stock was owned by these eastern sugar people?

Mr. WARREN. He said he did not, and I had never told him about it.

If there is anybody in this Chamber who wants to believe that Mr. Warren did not know what Mr. Hathaway had testified to, of course he is entitled to his opinion.

Mr. CUMMINS. Mr. President, I do not know anything about Mr. Hathaway's testimony; but Mr. Warren was asked a dozen times whether he held any stock as trustee for the American Sugar Refining Co. or for any one connected with it, and he invariably replied that he did not hold any stock as trustee, and immediately explained precisely how he did hold that stock. It had been issued to him; he had indorsed it in blank; he had delivered it to the company for delivery to the owners of the stock. One can not question Mr. Warren's good faith when he explains exactly how he held the stock, for what purpose he held the stock.

Mr. KING. Did not Mr. Warren know that it was held by Havemeyer, that he had indorsed it in blank to Havemeyer and the trust?

Mr. CUMMINS. He did not hold it in trust, because he had indorsed it for delivery; but Mr. Warren testified 40 times during the course of his examination that the American Sugar Refining Co. and Mr. Havemeyer did own this stock and that they had owned it beginning with 1902. He made no concealment whatever of that.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. CUMMINS. I have not the right to yield. The Senator from Montana has the floor.

Mr. WALSH. Before I yield to the Senator from Michigan, which I shall do presently, I desire to say now that in view of

what I regard as the very remarkable statement made by the Senator from Iowa concerning this testimony, when I get through with my discussion of this matter I am going to ask my seat mate, the Senator from Tennessee [Mr. McKELLAR], to read the testimony given by Mr. Warren both before the Hardwick committee and before the lobby committee. I can not at all agree with the Senator from Iowa, and it is strange that we should differ about the matter. I have the testimony here. I can not agree at all with the statement made to the effect that Mr. Warren explained his ownership of the stock. We dragged out of him a few admissions concerning his ownership; and he was not at all desirous of explaining anything to us, as is perfectly well disclosed by the testimony.

Mr. CUMMINS. I am not asserting that Mr. Warren wanted or was particularly anxious to reveal the affairs of his clients in that investigation; but I do say, and the Senator from Montana will not, of course, dispute it, that whether it was dragged out or whether it came out willingly, Mr. Warren disclosed just exactly what he had done in the purchase of the stock of the original beet-sugar companies, and what he had done with the stock when he had acquired it.

Mr. WALSH. Yes; the testimony, I think, discloses in substance what he did, how he acquired the stock, and what he did with it. Unfortunately, the Senator from Iowa and I do not read the testimony just exactly the same, and for that reason I am going to ask that it be read.

I was interrupted, however, by the inquiry addressed to me by the Senator from Utah [Mr. KING] concerning how it could come about that Mr. Warren did not feel impelled, in view of the statement made upon this floor by Senator Burrows, and the statement made by the secretary of his company before the Ways and Means Committee, to acquaint the Congress of the United States in both branches with the actual facts in relation to the matter. I may say in that connection that Mr. Judson C. Welliver, who now occupies a position very close to the President, as I am informed, about this time, in the year 1910 published in Hampton's Magazine a number of articles telling the story of the Sugar Trust much as I have detailed it to-day from the author to whom I have had recourse, telling of the acquisition of the controlling interest in the Michigan Sugar Co. by the Sugar Trust, and telling of Mr. Warren's connection with the acquisition in that way. In one of these articles he referred to the speech of Senator Burrows, to which I have adverted, and then, in that connection, incorrectly stated that a letter had been read before the Ways and Means Committee from the Michigan Sugar Co. saying that the Sugar Trust had no interest whatever in the Michigan companies.

Mr. Warren then, in view of the statements made in the article by this publicist and journalist, who now, as I have indicated, has a position in the White House, published in the Detroit papers an interview in which he denied that such a letter had ever been written by the Michigan Sugar Co.; but even then he did not correct the statement made by Senator Burrows that the Sugar Trust had no interest in the company. I do not take time to read the article. I have it here if the situation becomes the subject of dispute.

Thereupon Mr. Welliver came back at him in another article on the Sugar Trust, printed in Hampton's Mazagine, in which he called attention to the fact that no reference had been made to the statement made by Senator Burrows; and finally, then, Mr. Warren made public the fact that the Sugar Trust had some interest in the Michigan companies, the extent of which he did not disclose. This is his second interview—

Sugar Trust's interest small—

These are the black headlines of the article—

Sugar Trust's interest small—

Forty-six per cent only!

Mr. NORRIS. What is the date of the matter which the Senator is reading?

Mr. WALSH. This is February 25, 1910.

Mr. Warren, who is general counsel of the Michigan Sugar Co., when asked for a statement regarding the assertions of Mr. Welliver as to the ownership of the beet-sugar manufacturing companies in Michigan, said:

"In the January number of Hampton's Magazine Mr. Welliver gave a list, on page 98, of the companies manufacturing beet sugar in Michigan, which he denominated trust concerns. And at page 84 of the same article he stated that 'probably a majority' of the stock of the Michigan Sugar Co. was held by the American Sugar Refining Co.

"In an interview shortly afterwards I said that the statements of Mr. Welliver were a mass of fabrications, and that statement I now repeat and am willing to close the matter by putting my word in this community against the word of Mr. Welliver.

"Mr. Welliver included in his list of companies which he denominated trust concerns the West Bay City Sugar Co., the Holland Sugar Co., the Owasso Sugar Co., the German-American Sugar Co., the Mount Clemens Sugar Co., the St. Louis Sugar Co., and the West Michigan Sugar Co.

"I now assert that the American Sugar Refining Co. does not own a dollar of stock in any one of these concerns, either directly or indirectly, and that it has no beneficial interests in any stock of any one of these companies.

"And I now assert in addition that the so-called trust does not own the control of a single corporation engaged in the manufacture of beet sugar in the State of Michigan. Mr. Welliver has tried to make it appear as though I had stated that the American Sugar Refining Co. was not a stockholder in the Michigan Sugar Co. I never made such a statement either recently or at any time, but do deny the statement that the American Sugar Refining Co. controls a majority of the stock of the Michigan Sugar Co."

That is the extent of the statement.

Mr. CUMMINS. Is not that statement absolutely true?

Mr. WALSH. Why, of course it is absolutely true. They did not own 51 per cent of the stock of the Michigan Co. They owned 46 per cent. Of course, it is true. True? It is only the half truth. Why did not Mr. Warren come forward and say, "They do not own control of the company; that is, they do not own a majority of the stock of the company; they own only 46 per cent." Anybody who knows anything about corporate management and corporate organization knows that 46 per cent is enough to control any of the great companies whose stock is distributed throughout the country. The Michigan Sugar Co. was controlled, unquestionably, by the trust.

Now I want to recur, if you will pardon me, to the acquisition of the E. C. Knight Co. by the American Sugar Refining Co. That acquisition having been made, the Government attacked the transfer under the Sherman Antitrust Act, so that in 1910 the American Sugar Refining Co. for the second time became the object of attack for having violated the Sherman Antitrust Act. That case was heard, and was decided in favor of the Sugar Trust by the Supreme Court of the United States; so that Knight against The United States became a controlling case in the law of trusts and monopolies under the Sherman Act. It was believed by those desirous of organizing these great combinations to prey upon the American people that that decision had drawn the teeth out of the Sherman Act; and as a consequence there followed, in the closing years of the last century and the first years of this century, a perfect orgy of the creation of trusts and monopolies that continued until it was brought to a halt by the institution under President Roosevelt of the famous case against the Northern Securities Co., attacking the combination of the Northern Pacific, the Great Northern, and the Burlington roads.

The Knight case became a stumbling block in the way of every case that was afterwards brought. The Packers' Trust, Swift & Co., the Sewer Pipe Trust, and every other trust, appealed to the Knight case, until finally the Supreme Court began whittling it down and whittling it down and whittling it down, until finally it is a repudiated decision at this time and has no weight in any court. The author gives us a brief review of that case, which I dare say will be interesting. I read from page 389:

The first case to come before the Supreme Court was United States *v.* E. C. Knight Co. In 1892 the American Sugar Refining Co., producing about 65 per cent of all the sugar refined in the United States, had purchased control of E. C. Knight Co. and three other independent sugar refining companies, producing among them some 33 per cent of the country's output of refined sugar. The Government charged that the contracts under which these purchases had been made constituted combinations in restraint of trade; and it brought suit to compel their cancellation. Both the circuit court and the circuit court of appeals ordered the suit dismissed. Thereupon an appeal was taken to the Supreme Court.

The Supreme Court in its decision rendered on January 21, 1895, sustained the lower courts. "The fundamental question," said the court, "is whether conceding whether the existence of a monopoly in manufacture is established by the evidence, that monopoly can be directly suppressed under the act of Congress in the mode attempted by this bill." The argument which was advanced by the Government was, to use the court's summary, that "the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government in the exercise of the power to regulate commerce may repress such monopoly directly and set aside the instruments which have created it." With reference to this argument the court said: "Doubtless the power to control the manufacture of a

given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture, and is not a part of it.

"The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly." And by the act of July 2, 1890, Congress did not attempt "to assert the power to deal with monopoly directly as such. * * * What the law struck at was combinations, contracts, and conspiracies to monopolize trade and commerce among the several States or with foreign nations; but the contracts and acts of the defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, and bore no direct relation to commerce between the States or with foreign nations. * * * It is true that the bill alleged that the products of these refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States and with foreign nations; but this was no more than to say that trade and commerce served manufacture to fulfill its function. * * * There was nothing in the proofs to indicate any intention to put a restraint upon trade or commerce, and the fact, as we have seen, that trade or commerce might be indirectly affected was not enough to entitle complainants to a decree."

A vigorous dissenting opinion was rendered by Justice Harlan, who discussed the legal aspects of the case fully. With respect to the economic effects of the decision, he held that freedom of commercial intercourse embraces the right to buy goods to be transported from one State to another, without buyers being burdened by unlawful restraints imposed by combinations or corporations or individuals; and that if this principle were not adhered to "interstate traffic, so far as it involves the price to be paid for articles necessary to the comfort and well-being of the people in all the States, may pass under the absolute control of overshadowing combinations having financial resources without limit and an audacity in the accomplishment of their objects that recognizes none of the restraints of moral obligations controlling the action of individuals; combinations governed entirely by the law of greed and selfishness—so powerful that no single State is able to overthrow them and give the required protection to the whole country, and so all pervading that they threaten the integrity of our institutions."

Now, recurring to the 1910 suit. The Government of the United States, speaking through the Attorney General, George W. Wickersham, charged in the bill of complaint in that case as follows—and bear in mind that the Michigan Sugar Co. and Charles B. Warren were both defendants:

The defendants for some time past have been and now are engaged in an unlawful combination and conspiracy to restrain the trade and commerce among and between the several States and Territories of the United States and with foreign nations in raw sugar, sugar beets, refined sugar, molasses, sirups, and other by-products of raw sugar and sugar beets, and to monopolize the same.

Such unlawful combination and conspiracy is the result and outgrowth of a series of wrongful acts extending over a period of many years, and participated in by defendants, respectively, in the manner and to the extent hereinafter more fully set forth. In participating in the various acts, agreements, and combinations hereinafter described all of the defendants have been actuated by wrongful intent to restrain said interstate and foreign trade and commerce in raw and refined sugar and related articles, and to monopolize parts thereof.

(Page 104:) In 1901, pursuing their unlawful plans, Henry O. Havemeyer, acting for the American Sugar Refining Co., entered into an unlawful agreement with defendant Charles B. Warren, whereby Warren was to purchase and endeavor to purchase for the American Sugar Refining Co. a controlling interest in all of the following beet-sugar companies as and when Havemeyer might thereafter designate, and also to assist the American Sugar Refining Co. to prevent any new company or companies from building beet-sugar factories in said States, and to assist it to prevent any new companies from engaging in the business of selling and shipping refined or beet sugar in said States, and when unable to prevent any such new companies from so building or engaging in such business, to endeavor to purchase a controlling interest therein for the American Sugar Refining Co.

(Page 103:) In the year 1901, within the States comprising the "eastern group," 17 corporations were actively engaged and 6 were about to begin operations independently in the manufacture of and interstate trade and commerce in beet sugar. Their names, the locations of their factories, their capital stocks, and daily slicing capacities in tons follow. They were in active competition with each other, and with all others engaged in the trade and commerce in refined sugar among the States, especially with the American Sugar Refining Co.

IN OPERATION

Michigan Sugar Co., Bay City, Mich., $200,000, 500 tons.
Alma Sugar Co., Alma, Mich., $650,000, 750 tons.
Bay City Sugar Co., Bay City, Mich., $600,000, 600 tons.
The Peninsular Sugar Refining Co., Caro, Mich., $1,000,000, 1,100 tons.
Saginaw Sugar Co., Saginaw, Mich., $650,000, 600 tons.
The Continental Sugar Co., Fremont, Ohio, $1,200,000, 400 tons.
Detroit Sugar Co., Rochester, Mich. $500,000, 500 tons.
Kalamazoo Beet Sugar Co., Kalamazoo, Mich., $350,000; 500 tons.
Holland Sugar Co., Holland, Mich., $400,000; 350 tons.
West Bay City Sugar Co., West Bay City, Mich., $200,000; 600 tons.
Marine Sugar Co., Marine City, Mich., ———; 350 tons.
Lansing Sugar Co., Lansing, Mich., $300,000; 600 tons.
German-American Farmers' Cooperative Beet Sugar Co., Salzburg, Mich., $1,000,000; 440 tons.
Wisconsin Sugar Co., Menominee Falls, Wis., $350,000; 400 tons.
Minnesota Sugar Co., St. Louis Park, Minn., ———; 400 tons.
Binghamton Beet Sugar Co., Binghamton, N. Y., ———; 600 tons.
Empire State Sugar Co., Lyons, N. Y., ———; 600 tons.

ABOUT TO BEGIN

The Sebewaing Sugar Co., Sebewaing, Mich., $300,000; 600 tons.
Sanilac Sugar Refining Co., Cornell, Mich., $600,000; 600 tons.
Valley Sugar Co., Carrollton, Mich., $500,000; 600 tons.
Macomb Sugar Co., Mount Clemens, Mich., $300,000; 600 tons.
St. Louis Sugar Co., St. Louis, Mich., $450,000; 600 tons.
Charlevoix Sugar Co., Charlevoix, Mich., ———; 600 tons.

* * * * * * *

(Page 104:) In January, 1902, the "beet-sugar committee" commenced purchasing the capital stock of the aforesaid beet-sugar companies, and by July, 1902, with the assistance of Charles B. Warren, had purchased for the American Sugar Refining Co. at least 50 per cent of the issued capital stock of the above-mentioned Michigan Sugar Co., Bay City Sugar Co., the Peninsular Sugar Refining Co., Alma Sugar Co., and Sanilac Sugar Refining Co., respectively; and by August, 1903, had purchased for it at least 50 per cent of the issued capital stock, respectively, of the above-mentioned Saginaw Sugar Co. and Valley Sugar Co.

(Page 105:) During their respective lives each of said corporations was engaged in operating its factory and in interstate trade and commerce in beet sugar, except as hereinafter stated, and at all times until the acquisition of their stock by the American Sugar Refining Co., as above set forth, each of them was separate and distinct from, independent of, and actually competing with all of the others and with the American Sugar Refining Co. in interstate trade and commerce in refined sugar. After the acquisition of such stock the American Sugar Refining Co. dominated and controlled all of said companies during their respective lives and elected their boards of directors, managed their affairs, and restrained all of them from all competition with it and with each other in interstate and foreign trade and commerce in refined sugar.

(Page 107:) In June, 1904, through its ownership of capital stock of Bay City-Michigan Sugar Co., Alma Sugar Co., the Peninsular Sugar Refining Co., Sebewaing Sugar Refining Co., Sanilac Sugar Refining Co., and Saginaw-Valley Sugar Co., the American Sugar Refining Co. caused each of them to appoint Gilbert W. Lee, William H. Wallace, Worthy L. Churchill, Charles Bewick, Thomas A. Harvey, Frank B. Ewen, Gilmore G. Scranton, Frederick H. Hathaway, and Charles B. Warren its joint agents, with power and authority as such to manage and conduct its business of purchasing sugar beets, manufacturing the same, soliciting purchasers for and selling its refined sugar; and from June, 1904, to September, 1906, these agents conducted such business for each of said companies and so regulated the same that there was no competition between them or between any of them, and the American Sugar Refining Co., or any of the companies whose capital stock it held, in the business of purchasing raw sugar or sugar beets, manufacturing, selling, and shipping refined sugar throughout the United States; and at all such times the prices at which each of said companies sold its refined sugar were fixed by agreement between said agents and the American Sugar Refining Co.

(Page 108:) In August, 1906, the American Sugar Refining Co. and Charles B. Warren, with the purpose of further assuming the elimination of competition between the above-mentioned Michigan companies and of establishing a monopoly of interstate trade and commerce in beet sugar in the "eastern group" of States, caused defendant Michigan Sugar Co. to be incorporated under the laws of Michigan, and upon its incorporation the American Sugar Refining Co. became the purchaser and holder of one-half of its authorized capital stock, and in September, 1906, it caused Bay City-Michigan Sugar Co., the Peninsular Sugar Refining Co., Alma Sugar Co., Saginaw-Valley Sugar Co., Sebewaing Sugar Refining Co., and Sanilac Sugar Refining Co. to sell, transfer, and deliver their respective factories and all other assets to defendant Michigan Sugar Co., and it has ever since owned and operated the said factories, located, respectively, at Bay City, Caro, Alma, Sebewaing, Carrollton, and Crosswell. In February, 1907, the American Sugar Refining Co. caused Bay City-Michigan Sugar Co., Saginaw-Valley Co., the Peninsular Sugar Refining Co., Alma Sugar Refining Co., Sanilac Sugar Refining Co., and Sebewaing Sugar Refining Co. to be dissolved.

(Page 109:) Ever since the incorporation of defendant Michigan Sugar Co., the American Sugar Refining Co. has held and voted approximately 50 per cent of its issued capital stock, through which it has dominated and controlled said company, and, at the date of filing this petition, of 37,035 shares of preferred and 55,343 shares of common stock of Michigan Sugar Co., issued and outstanding, the American Sugar Refining Co. holds and votes 20,438 shares of preferred and 20,555 shares of common.

Thus the complaint. The case hung fire until after the two investigations to which reference has been made took place, the investigation of the Sugar Trust by the Hardwick committee appointed by the House in the year 1911, and the investigation of the lobby conducted by a committee of this body in the year 1913, in the course of both of which the actual facts concerning the matter were disclosed.

As I have said, at the same time the Steel Trust case was before the courts, and had found its way to the Supreme Court. It was believed that the principles which would be announced by the Supreme Court in the Steel Trust case would be influential in the correct determination of the Sugar Trust case, and so it was held in abeyance until the war came on, when all of the trust prosecutions were, for public reasons, suspended.

However, the Steel Trust case was eventually decided, and then a consent decree was entered in the Sugar Trust case in the year 1922, in which a decree was rendered against all of the companies, the American Sugar Refining Co. and the Michigan Sugar Co., and the action was dismissed as to the individual defendants, all of the relief which was secured under the consent decree being available to the Government by the injunction against the companies, the relief against the individual defendants being of no consequence.

Mr. CUMMINS. Was the relief granted against the Michigan Sugar Co.?

Mr. WALSH. I propose to read from the decree. Bear in mind that the American Sugar Refining Co., or at least Havemeyer and his associates, had secured control of 46 per cent of the stock. Pending the determination, on an intimation from the office of the Attorney General apparently or the Department of Justice, that that would indicate a desire to monopolize the business, they were permitted to dispose of their stock until it was reduced to 33⅓ per cent, the stock having been disposed of as heretofore indicated. The decree reads as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, SOUTHERN DISTRICT OF NEW YORK

The United States of America, petitioner, v. The American Sugar Refining Co. et al., defendants. In equity

FINAL DECREE

This cause having come on for final hearing upon the pleadings and all the proof heretofore taken and on file, and agreement of the parties stated by counsel in open court, before three circuit judges of the second judicial circuit sitting in the district court under the provisions of the act of Congress known as the expediting act of February 11, 1903; and the said pleadings, proofs, and agreement of the parties having been duly considered by the said judges, it is now, on this 9th day of May, 1922, by the said judges, ordered, adjudged, and decreed as follows:

First. That sufficient of the allegations of the original petition stating acts done and performed at and prior to the date of filing said petition, to wit, November 29, 1910—

That is the answer to the inquiry addressed to me by the Senator from Iowa [Mr. CUMMINS] some time ago—

have been proved to entitle the complainant to a decree as herein provided; that the American Sugar Refining Co. and certain other defendant corporations were when said petition was filed, and had been for some time theretofore, engaged in an unlawful combination and conspiracy to restrain the trade and commerce among the several States and Territories of the United States and with foreign nations in refined sugar and to monopolize the same.

Mr. KING. The allegation, as the Senator read it in the bill of complaint, showed that Mr. Warren was the instrumentality, or one of the instrumentalities, in securing the stock?

Mr. WALSH. The instrumentality.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. WALSH. I yield to the Senator from Massachusetts.

Mr. BUTLER. I assume the Senator desires to place before the Senate the entire record. I would like to call his attention to what appears to be an important factor in this situation.

Mr. WALSH. I have not quite finished reading the decree. I shall be very glad to have the stipulation put in the RECORD.

Mr. BUTLER. The Senator is reading from the decree?

Mr. WALSH. Yes; I am reading from the decree. I trust that will be agreeable to the Senator.

Mr. BUTLER. Certainly.

Mr. BAYARD. Will the Senator pardon a question?

Mr. WALSH. Will the Senator wait until I finish reading the decree?

Mr. BAYARD. Certainly.

Mr. WALSH. I continue reading from the decree as follows:

But during the pendency of this action the said defendants, the American Sugar Refining Co., and said certain other defendant corporations, have abandoned their said combination and conspiracy to restrain said trade and commerce and to monopolize the same, and have ceased to carry on their business pursuant thereto; the stockholders of the American Sugar Refining Co. in other corporations and the personnel of the officers of said corporations and the conditions of the commerce in refined sugar have so changed that full relief against said unlawful combination and conspiracy and said attempt to monopolize said interstate and foreign commerce will be obtained by the several inhibitions herein set forth.

* * * * * * *

Fourth. When this action was brought the Michigan Sugar Co. had a capital stock of $9,237,700, of which the American Sugar Refining Co. owned $4,098,300, which stock had been procured pursuant to the aforesaid combination and conspiracy to restrain and to monopolise the interstate and foreign trade and commerce in refined sugar. During the pendency of this suit the American Sugar Refining Co. has disposed of a part of its holdings of the stock of the Michigan Sugar Co. and is now the owner of only 34 per cent thereof, and neither of the directors or other officers of the American Sugar Refining Co. is a director or officer of the Michigan Sugar Co., and but one is the owner of any stock and his holding is but 400 shares of $10 each; and the affairs of said corporations are not now conducted pursuant to the said combination and conspiracy to restrain and monopolize the interstate and foreign trade and commerce in refined sugar.

Therefore while the American Sugar Refining Co. is not required to dispose of the stock of the Michigan Sugar Co., which it now owns, yet it is perpetually enjoined from acquiring, directly or indirectly, any greater proportion of the stock of said Michigan Sugar Co. than it now owns, and from voting or in any way using the stock now held by it in such way as to impair or restrain competition between it and the Michigan Sugar Co., or to otherwise restrain interstate or foreign commerce in the products of sugar cane and sugar beets; and the Michigan Sugar Co. is perpetually enjoined from issuing or permitting to be transferred upon its books any stock to the American Sugar Refining Co. or any trustee for its use and benefit the effect of which would be to increase the proportion of stock of said Michigan Sugar Co. owned by the American Sugar Refining Co., and from electing or appointing as a director or other official any person who shall be at the same time an official of the American Sugar Refining Co.; and both of said corporations and their officers and agents are perpetually enjoined from agreeing, combining, or conspiring together to fix or affect the price of refined sugar, or to impair or in any way affect full and free competition between said companies herein.

Fifth. Each and every one of the said defendants, the American Sugar Refining Co., National Sugar Refining Co. of New Jersey, Great Western Sugar Co., and Michigan Sugar Co., are perpetually enjoined from further committing any of the acts described in the petition the effect of which would be to prevent full and free competition between said the American Sugar Refining Co., National Sugar Refining Co. of New Jersey, Great Western Sugar Co., and Michigan Sugar Co., and from further agreeing, combining, or conspiring among themselves to restrain interstate and foreign trade and commerce in said products, or either or any of them, and from hereafter committing any act pursuant to the aforesaid combination and conspiracy to restrain and to monopolize interstate and foreign trade and commerce in refined sugar.

The said defendant corporations, or any of them, at any time in the future may apply to this court for a modification of this decree as to any of the provisions hereof and jurisdiction hereof is retained for such purpose.

The petition is dismissed as to all defendants other than said The American Sugar Refining Co., National Sugar Refining Co. of New Jersey, Great Western Sugar Co., and Michigan Sugar Co.

Filed May 9, 1922.

HENRY WADE ROGERS,
CHAS. M. HOUGH,
MARTIN T. MANTON,
Circuit Judges.

I shall now be glad to have the Senator from Massachusetts place in the RECORD the stipulation under which the decree was made.

Mr. BUTLER. It seems appropriate to submit this part of the record at this time in order that the whole matter may be before the Senate. I refer to the stipulation which is found in volume 15, page 8942, of the record in the case of the United

States against American Sugar Refining Co. That was in 1915. At the conclusion of the testimony with reference to the Michigan Sugar Co. and Mr. Warren, the stipulation is as follows:

It is admitted by Mr. Knapp, on the part of the Government, that Charles B. Warren or the law firm in which he is a partner is not now employed in any capacity by the American Sugar Refining Co. and has not been so employed since the organization of the Michigan Sugar Co. in September, 1906. And it is further admitted that the American Sugar Refining Co. paid no service charge for the organization of the Michigan Sugar Co. to Mr. Warren or any firm with which he was connected.

That stipulation was filed in 1915 by Mr. Knapp, a representative of the Government under the Wilson administration.

Mr. WALSH. The Michigan Sugar Co. was not only engaged thus in a conspiracy with the American Sugar Refining Co. in violation of the Sherman antitrust law, but it likewise, as shown in the case of the Michigan Sugar Co., was watering its stock. I have before me the Detroit News of Friday, April 25, 1913, containing an article headed as follows:

Buyers of Michigan Sugar Co.'s stock paid $5,000,000 for good will. Less than half the stock sold is represented by tangible property. Exactly $4,500,000 was added to the "value" of the "good will" in a single year. Sugar Trust now owns most of preferred stock, which has first title to property that now exists.

A detailed statement from the reports of the companies is set forth in the article sustaining the charge that is thus made. I shall not take the time to read it, but ask that it may be incorporated in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The article is as follows:

When buyers of stock of the Michigan Sugar Co. invested their money they got $5,000,000 worth of "good will" for their cash.

They also invested $909,165.90 in stock that is represented by no value at all, either tangible or intangible.

The value of the tangible holdings of the company do not amount to one-half the amount of stock sold.

The last report of the financial condition of the company, filed with the secretary of state (July 3, 1912), shows the following "assets":

Real estate	$2,994,217.41
Goods, chattels, merchandise, materials, and other intangible property	1,569,007.13
Cash on hand and in banks	275,171.05
Good will	5,000,000.00
Credits due company	487,038.51
Total	10,265,434.10

The stock issues of the company are listed as follows:

Common stock sold and paid for	$7,471,100.00
Preferred stock sold and paid for	3,703,500.00
Total	11,174,600.00

The good will of the company was carried on the books at $500,000 until 1909, when $4,500,000 more was added to this item, making a total of $5,000,000.

Taking the "good will" out of the assets it leaves $5,365,434.10 of tangible property.

It means that the Michigan Sugar Co. was doing business to that amount of real value, was formed with an authorized capitalization of $12,500,000, of which stock $11,174,600 was sold and paid for.

That means for every $100 of stock sold only $47 of real property was put into the company.

The question that naturally interests the men, their wives, daughters, and sons, who have invested in the common stock of this company is, what is the real value of their holdings now? The preferred stock comes in first. There is $3,703,500 of this stock out. More than half of this preferred stock is owned by the Sugar Trust; to be exact, $2,043,800 worth.

Deducting the preferred stock from the tangible property and the following is reached:

Value of tangible property	$5,265,434.10
Amount of preferred stock	3,703,500.00
Difference	1,561,934.10

Against this value of $1,561,934.10 over and above the preferred stock there has been $7,471,100 worth of common stock sold and paid for.

That is, for every dollar of value in property above the preferred stock there has been $5 of common stock sold. This common stock is held by the "investing public."

The amount of stock sold in excess of the tangible value of the property is $5,909,165.90.

At the company's office in this city the News was told that the company did not care to give out to the public the amounts that had been paid in dividends.

"I don't think it is a matter that interests the public," said Secretary Douglass. "The statement of dividends concerns the stockholders only."

With the sugar companies asking that the tariff on their products be continued and that the public pay for it, there is much interest at this time.

With the company refusing to give exact information, the nearest accurate statement available is from the evidence given by Charles B. Warren, president of the company, before the congressional committee.

In 1906 the company was formed with $4,644,153.26 worth of property.

This was capitalized at $12,500,000 and $9,245,755 of stock issued on the property that year.

The company, for the first four years, paid 6 per cent dividends on the preferred stock, and 6 per cent one year and 7 per cent another year on the common stock, had a surplus left of about $3,000,000, making the total profit of about $4,000,000 for the four years, or about $1,000,000 a year. The surplus was afterwards distributed among the stockholders in the shape of stock dividends.

The investment (in round figures) of $5,000,000 paid 11 per cent on a capitalization of $9,000,000.

Here is where the tariff comes into question and is of vital interest to both holders of sugar stock and buyers of sugar for table use.

The Democrats figure that if a company goes into business with an investment of $5,000,000 and gets 6 per cent on the investment, it does fairly well.

Six per cent on the $5,000,000 invested in the Michigan Sugar Co. would produce an annual dividend amounting to $300,000.

To raise 6 per cent on the $5,000,000 of assets classed as good will would require another $300,000 a year, but, according to Mr. Warren, the company was able to raise both items during each of the first four years and have $400,000 a year besides.

Mr. Warren's testimony covered up to 1910. What the company's profits have been since then can not be stated, as the officers in charge refuse the information.

The Democrats figure that if the company can pay the profits it did under the tariff, it can pay a reasonable profit without the tariff, and that the $300,000 asked for dividends on "good will" should remain in the hands of the consumers by reducing the price of sugar.

The Republicans claim to take the tariff off will injure the industry and reduce the profit to nothing.

Charles B. Warren, the president of the Michigan Sugar Co., who unloaded most of his holdings in the company before the recent slump in market price of stock, reducing his interest from $455,000 to $84,000, has invested in a Minnesota sugar factory.

A statement sent out by the wholesale grocers' committee on holdings of the Sugar Trust says:

"In 1912 the Sugar Trust announced the sale of its holdings in the Carver County Sugar Co. (Minnesota) to Charles B. Warren, president of the Michigan Sugar Co. The effect of this transfer was a change of name to the Minnesota Sugar Co., and the increase in the capital stock from $600,000 under the trust to $1,200,000 under Mr. Warren and the rest of his associates of the Michigan Sugar Co. The officers of the Iowa Sugar Co., with one or two exceptions, are either officers or directors of the Michigan Sugar Co."

Mr. WALSH. It will be remembered that the National Sugar Co. of New Jersey was made a party defendant in this suit by the Government, and the American Sugar Refining Co. was restrained by the decree from ever acquiring more than 25 per cent of the stock of the National Sugar Co. of New Jersey. But, as will have been observed by the decree, any one of the defendants is permitted at any time to ask for a modification of the decree. Under that provision the American Sugar Refining Co. submitted to Attorney General Stone some time ago a petition asking the Attorney General to consent to a modification of the decree so that the American Sugar Refining Co. would be entitled to become the owner of more than 25 per cent of the stock of the National Sugar Co. of New Jersey. That petition was denied by Attorney General Stone. A paper devoted to the sugar trade, which I have on my desk in my office, giving the result of this application to the discretion of the Attorney General, said that the American Sugar Refining Co. would withdraw its petition "for the present," clearly indicating that it proposes to renew the application for that modification of the decree which will, of course, accordingly come before Mr. Warren for resolution should he become Attorney General of the United States.

I want to call the attention of the Senate now to what is before us in the way of trust prosecutions which we are to intrust to Mr. Warren. I do not recall just exactly what

amount of money we now vote annually for the prosecution of these cases under the antitrust law. Perhaps the Senator from North Carolina [Mr. OVERMAN], who serves so well upon the Committee on Appropriations, will be able to tell us. I remember very distinctly that for a long time the sum was $400,000 annually that we turned in to the Department of Justice for the prosecution of these great trusts that thus prey upon the people of the United States.

Mr. OVERMAN. That is correct, and I think the amount is about the same now.

Mr. WALSH. It is about the same.

Mr. KING. Mr. President, if the Senator will pardon me, I should like to state that liberal appropriations have been made for a number of years for the enforcement of the Sherman antitrust law, as well as all other criminal statutes. In 1915 nearly $485,000 were appropriated for the detection and prosecution of crime. In 1921 the amount was increased to $2,400,000. In 1924, $2,242,000 were appropriated, and for 1926, $2,224,500 have been appropriated. In addition, there were amounts aggregating several hundred thousand dollars appropriated specifically for antitrust prosecutions. As a matter of fact, it was understood that the appropriations for the prosecution of antitrust cases would be more than $1,000,000, possibly $1,500,000.

I remember asking the former Attorney General, Mr. Daugherty, to prosecute the trusts, and stated that I was sure the Democrats would join with the Republicans in appropriating additional funds to enforce the provisions of the Sherman law and the Clayton Act. I regret that, notwithstanding the large appropriations made, the results have been unimportant.

Mr. WALSH. So deeply concerned, Mr. President, are the people of the United States in the effort to preserve competition in this country that they are willing to appropriate a million and a half dollars annually for the prosecution of those who violate the laws intended to preserve that precious competition. Well may we do so, for not since the early years of the present century has there been such a furor in the matter of the organization of great trusts and monopolies as now. The junior Senator from Nebraska [Mr. HOWELL] the other day delivered in the Senate a remarkable speech which was entitled to greater consideration than was accorded it. He called attention at that time to a letter which had been addressed to him by the Acting Attorney General, disclosing the enormous burden thrown upon the Department of Justice in the prosecution of cases of this character.

I do not recall that that letter was put into the RECORD in connection with the speech of the Senator from Nebraska, but it will do no harm to repeat it, and I ask permission to have the letter which is addressed to the Senator from Nebraska by the Acting Attorney General incorporated in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 16, 1925.

Hon. ROBERT B. HOWELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your request I have the honor to hand you herewith a copy of a pamphlet and supplement thereto published by the department containing the Federal antitrust laws and a very brief description of the cases instituted thereunder by the United States, together with copies of such pleadings, briefs, and opinions, of which the department has copies, in cases instituted since March 4, 1921, involving combinations or monopolies formed for the purpose of fixing or maintaining prices or necessarily having the effect of controlling prices. In addition to the cases instituted since March 4, 1921, I am inclosing a copy of the brief for the United States and final decree in the case of United States *v.* American Column & Lumber Co. et al., and a copy of the bill of complaint, opinion, and decree in the case of American Linseed Oil Co. et al., as these two cases were the first of the series of very important trade association cases which the department instituted.

The following is a list of the cases involved, together with a description of the documents therein which the department is able to furnish:

American Column & Lumber Co. et al., appellants, *v.* United States of America. Brief for the United States and final decree.

United States of America, plaintiff, *v.* American Linseed Oil Co. and others, defendants. Bill of complaint, opinion, and final decree.

United States of America, petitioner, *v.* Cement Manufacturers' Protective Association et al., defendants. Brief for the United States and final decree.

United States of America, plaintiff, *v.* Hiram Norcross, sole owner and manager of and operating as the Norcross Audit & Statistical Bureau, Ash Grove Lime & Portland Cement Co., the Bonner Portland Cement Co., Dewey Portland Cement Co., the Monarch Cement Co., Oklahoma Portland Cement Co., and the Western States Portland Cement Co., defendants. Final decree.

The United States of America *v.* the Atlas Portland Cement Co. et al. Indictment.

United States of America, plaintiff, *v.* Mid-West Cement Credit & Statistical Bureau et al., defendants. Petition.

The United States of America *v.* Lehigh Portland Cement Co. et al. Indictment.

Maple Flooring Manufacturers' Association et al. *v.* United States of America, in equity. Reply brief on behalf of the United States.

United States of America *v.* Mitchell Bros. Co. et al. (Maple Flooring Manufacturers' Association.) Indictment.

United States of America, plaintiff, *v.* General Electric Co. et al., defendants. Petition and brief on behalf of the Government.

United States of America *v.* Standard Oil Co. (Indiana), Standard Oil Co. (New Jersey), Texas Co., Gasoline Products Co. et al. Petition.

United States of America *v.* Tile Manufacturers Credit Association et al. Final decree.

United States of America, petitioner, *v.* Oscar Kern and others, defendants. Original petition.

United States of America, petitioner, *v.* American Coated Paper Co. (Inc.) et al., defendants. Original petition.

The United States of America *v.* James B. Clow & Sons et al. Indictment.

The United States of America *v.* Andrews Lumber & Mill Co. et al. Indictment.

The United States of America *v.* Atlantic Terra Cotta Co. et al. Indictment.

The United States of America *v.* The America Terra Cotta & Ceramic Co. et al. Indictment.

United States of America *v.* Johnston Brokerage Co. et al. Indictment.

United States of America *v.* The Central Foundry Co. et al. Indictment.

United States of America, petitioner, *v.* National Enameling & Stamping Co. et al., defendants. Original petition and final decree.

United States of America *v.* The Trenton Potteries Co. et al. Indictment.

United States of America, petitioner, *v.* A. Schrader's Son (Inc.), Henry P. Kraft, Philip G. Cole, William T. Hunter, jr., Frederick Trisman, and Julius Volckhausen, defendants. Final decree.

United States of America, petitioner, *v.* New York Coffee & Sugar Exchange (Inc.), New York Coffee & Sugar Clearing Association (Inc.) et al., defendants. Original petition, memorandum of authorities, and appeal.

United States of America, petitioner, *v.* Live Poultry Dealers Protective Association (Inc.) and others, defendants. Original petition and opinion of judges.

United States of America *v.* National Malleable & Steel Castings Co. et al. Indictment.

United States of America, complainant, *v.* California Wholesale Grocers' Association et al. defendants. Bill of complaint.

United States of America, complainant, *v.* Southern California Wholesale Grocers' Association et al., defendants. Bill of complaint.

United States of America, complainant, *v.* Utah-Idaho Wholesale Grocers' Association et al., defendants. Bill of complaint.

United States of America, plaintiff, *v.* Jeffrey Manufacturing Co. et al., defendants. Petition.

The United States of America, plaintiff, *v.* The Wheeler-Osgood Co. et al., defendants. Petition.

United States of America, complainant, *v.* Seattle Produce Association, a corporation, et al., defendants. Bill of complaint.

United States of America, complainant, *v.* Oregon Wholesale Grocers' Association et al., defendants. Bill of complaint.

United States of America, petitioner, *v.* Colgate & Co., defendants. Original petition.

The United States of America *v.* Lindsley Bros. Co. et al. Indictment.

United States of America, petitioner, *v.* The National Peanut Cleaners & Shellers' Association et al., defendants. Original petition.

The United States of America, petitioner, *v.* International Harvester Co. et al., defendants. Supplemental petition.

The United States of America, petitioner, *v.* Sisal Sales Corporation, Eric Corporation, The Equitable Trust Co. of New York, The Royal Bank of Canada, Interstate Trust & Banking Co., Comision Exportadora de Yucatan, Hanson & Orth, Charles D. Orth, Alvin W. Krech, Frederick T. Walker, Lynn H. Dinkins, F. W. Black, J. A. Beatson, Michael J. Smith, Charles D. Orth, jr., and Tomas Castellanos Acevedo, defendants. Brief for the United States on motion to dismiss.

A reference to the pamphlet containing the description of the cases instituted will disclose the outcome or present status of the abovementioned cases and the following cases in which the department is unable to supply a copy of any of the pleadings, briefs, or opinions, which latter cases also involve price-fixing combinations:

United States v. American Lithographic Co. et al. (p. 138).
United States v. Alexander & Reid Co. et al. (p. 142).
United States v. Cement Securities Co. et al. (p. 146).
United States v. American Window Glass Co. et al (p. 148).
United States v. Wickwire Spencer Steel Corporation et al. (p. 149).
United States v. Richard Hudnut (Inc.) (p. 154.
United States v. Gypsum Industries Association et al. (p. 154).
United States v. Krytok Co. et al. (p. 156).
United States v. Western Pine Manufacturers' Association et al. (p. 157).
United States v. American Chain Co. (p. 159).

The department has file copies of most of the documents not here inclosed and will be very glad to permit an examination of them by anyone you may designate.

Very truly yours,

A. T. SEYMOUR,
Acting Attorney General.

Mr. WALSH. Mr. President, the letter of the Acting Attorney General summarizes the information given in the last report of the Attorney General telling of the work of the antitrust division. In that report will be found a list of "cases terminated since July 1, 1923," among which are the following:

United States against Whiting and others. Indictments returned May 26, 1911, in the district of Massachusetts, charging a conspiracy to restrain and monopolize trade in milk throughout the New England States. On October 22, 1923, defendant Whiting paid a fine of $500, and the cases were filed as to the remaining defendants.

United States against Lehigh Valley Railroad Co. and others. Petition filed March 18, 1914, in the District Court, Southern District of New York, charging the defendants with having monopolized the production, transportation, and sale of anthracite coal from mines tributary to Lehigh Valley Railroad Co. in violation of the Sherman Act.

United States against William Rockefeller and others. Indictment returned November 2, 1914, in the District Court, Southern District of New York, against 21 individuals, each at some time a director or officer, or both, of the New York, New Haven & Hartford Railroad Co., charging them with conspiring to monopolize the transportation facilities of New England.

United States against Feeney and others. Indictment returned April 27, 1915, in the District Court, Northern District of Illinois, charging a conspiracy amongst labor unions and certain manufacturers in Chicago to prevent the installation in Chicago of electrical appliances and lighting fixtures manufactured elsewhere, the purpose being to eliminate competition from that source.

United States against Cowell et al. Indictment returned October 27, 1916, in the District Court, District of Oregon, charging certain officers and agents of nine cement-manufacturing companies with engaging in a combination to restrain and with monopolizing interstate trade and commerce in cement on the Pacific coast.

United States against Mead et al. Indictment returned April 12, 1917, in the District Court, Southern District of New York, charging defendants with entering into a combination in restraint of interstate and foreign trade in commerce in newsprint paper.

United States against Chicago Mosaic & Tiling Co. et al. Indictment returned May 5, 1917, in the District Court, Northern District of Illinois, charging defendants, each a member or a representative of a member of the Chicago Mantel & Tile Contractors' Association, with combining and conspiring to restrain interstate trade and commerce in wall and floor tiles.

United States against A. Schrader's Son (Inc.). Indictment returned June 19, 1918, in the District Court, Northern District of Ohio, against A. Schrader's Son (Inc.), manufacturer of valves and valve parts, pneumatic pressure gauges, and various other accessories for use in connection with pneumatic tires on automobiles and other vehicles.

United States against American Linseed Oil Co. et al.

United States against James B. Clow & Co. et al. Indictment returned April 1, 1921, in the district court of Chicago against 16 corporations and 25 individual defendants charged with carrying on a conspiracy in violation of the law to restrain trade in plumbing and heating materials.

United States against Alexander & Reid Co. et al., charged with conspiring to restrain trade in tiles.

United States against Atlantic Terra Cotta Co. et al.

United States against the American Terra Cotta & Ceramic Co. et al.

United States against Hiram Norcross et al., charging that they are engaged in a combination and conspiracy in restraint of interstate trade and commerce in Portland cement.

United States against Tile Manufacturers' Credit Association et al.

United States against James (Tip) O'Brien et al., for conspiring to prevent the transportation by motor truck of a steel billet from the plant of the Andrews Steel Co., Newport, Ky., to Cincinnati, Ohio.

There are various other cases of like character.

Then there is a list of "pending cases instituted prior to July, 1923," and a formidable list is included in the letter sent to the Senator from Nebraska [Mr. HOWELL].

Furthermore, Mr. President, the Michigan Beet Sugar Co. is now charged by the Federal Trade Commission with being engaged in another conspiracy to restrain trade. It is charged that the Michigan Sugar Co. and a large number of other companies have entered into an unlawful contract with the Larrowe Milling Co. under which the Larrowe Milling Co. becomes the agent of all these corporations in the sale and disposition of beet pulp, except as to small quantities held for local distribution and consumption.

It should be understood that when the saccharine juices are expressed from the beets there remains a fibrous substance, containing, as a matter of course, more or less sugar, which constitutes a most valuable food product for the fattening of cattle. Out in our country it is mixed with chopped alfalfa and sold to the farmers with which to feed their stock; in the eastern section of the country it is mixed with chopped corn and other fodder and thus likewise bought by those engaged in the stock business for the purpose of fattening cattle.

The charge made in the complaint is summarized in the following statement:

A complaint issued by the Federal Trade Commission charges the Larrowe Milling Co., of Detroit, Mich., and 17 manufacturers of beet sugar, with the use of unfair methods of competition in the marketing of beet pulp, a by-product of beet-sugar manufacturing. The complaint alleges that the respondents are engaged in a wrongful combination and conspiracy to suppress competition in the distribution and sale of beet pulp in interstate commerce. Beet pulp, the complaint states, is a by-product in the manufacture of beet sugar, the pulp being the residue after the sugar has been extracted from the beet. This pulp is used by stock raisers and dealers in cattle feeds. The complaint further states that the respondent manufacturers in the aggregate produce approximately 75 per cent or more of the total quantity of beet pulp produced in the United States.

The complaint recites in detail numerous methods alleged to have been used by respondents in effectuating its conspiracy to suppress competition in the distribution and sale of beet pulp. Among such methods, according to the citation, are the following: Respondent manufacturers enter into contracts with the Larrowe Milling Co., giving exclusive right of selling all beet pulp produced by the manufacturer each season, except a small supply retained for local distribution; the respondent Larrowe Co., acting upon information received from respondent manufacturers, as to the quantity of beet pulp on hand, and other pertinent information and data, withdraws beet pulp from the market in certain localities and pushes the sale in other places, and otherwise manipulates the market in such a manner as to secure high prices for all the beet pulp sold by it.

I omit the names of the manufacturers included in the complaint, but the Michigan Sugar Co. is one of them.

Under the law whenever the commission has reason to believe that an unfair method of competition has been used, and it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue its complaint. However, the question whether or not such method has been used is not passed upon by the commission until after respondents have had 30 days in which to answer and the issue has been tried.

As is well known, if it should be found by the commission that such unfair methods have been employed an order will be issued, commanding the various parties to desist from that method of procedure; they may then appeal from the order of the commission to the circuit court of appeals, and it then becomes the duty of the Attorney General of the United States to represent the Government. On such an appeal, therefore, Mr. Warren, if his nomination shall be confirmed, will be called upon to represent the Government of the United States in proceedings in which the Michigan Sugar Co. is a party defendant.

But, Mr. President, that is not all. There are now before the Department of Justice a long list of cases referred to that department by the Federal Trade Commission for appropriate proceedings under the various laws enacted by Congress concerning the restraint of trade and commerce. I shall not take the time now to refer in detail to those cases; but let me refer to the fact that the Federal Trade Commission some

time ago found that the Aluminum Trust, at the head of which is the present Secretary of the Treasury—I say at its head; he was at the head of it before he became Secretary of the Treasury, and presumably still holds his interest in the organization—has not only been guilty of monopolizing trade and commerce in violation of the Sherman Act, but has actually violated a decree of the court rendered against that organization and is now in contempt of the court. Just imagine the Aluminum Co. of America being brought to book by Charles B. Warren for having violated the Sherman Antitrust Act!

Bear in mind that that case was referred by the Federal Trade Commission to the Attorney General, and the late Attorney General, Mr. Stone, practically approved the findings of the Federal Trade Commission and declared that the Aluminum Trust, as a matter of fact, was in contempt of court for a violation of the decree against it. After having stated the facts at some length, the Attorney General, in a letter directed to the chairman of the commission, Mr. Van Fleet, says:

> Briefly stated, the above represents the competitive conditions of the aluminum industry in the United States.
>
> 2. The decree against the Aluminum Co. of America—has it been violated?
>
> The decree perpetually enjoined the Aluminum Co. of America, its officers and agents, among other things, from—
>
> 1. Without reasonable cause and notice, delaying shipments of material to a competitor;
>
> 2. Refusing to ship, or ceasing to ship, crude or semifinished aluminum to a competitor on contracts or orders placed or on partially filled orders;
>
> 3. Charging a competitor higher prices for crude or semifinished aluminum than are charged at the same time, under like or similar conditions, a company in which defendant was interested;
>
> 4. Refusing to sell crude or semifinished aluminum to a prospective competitor upon like terms and conditions of sale, under like or similar circumstances, as defendant sells the same to any company in which it is financially interested; and
>
> 5. From furnishing competitors known defective material.
>
> The complaints of competitors, with respect to deliveries and quality of materials furnished, may be classified as follows:
>
> 1. Cancellation of quotas;
>
> 2. Refusal to promise shipments;
>
> 3. Unreasonable delays in deliveries;
>
> 4. Where two or more gauges of metal are ordered, shipping one kind or gauge and withholding shipment of the other;
>
> 5. Unreasonably delaying shipment and then suddenly dumping upon the competitor large quantities of metal;
>
> 6. Unreasonably delaying shipment and then suddenly dumping upon competitors large quantities of metal shortly after they have been forced to purchase foreign metal to supply their necessities; and
>
> 7. Shipping competitors large quantities of materials known at the time of shipment to be defective.
>
> Without attempting to review the evidence submitted in your report, it is sufficient to say that the evidence submitted supports to a greater or less extent the above-recited complaints of the competitors. And especially is this clear and convincing in respect to the repeated shipments of defective materials, known at the time of shipment to be defective. This became so common and so flagrant as to call forth remonstrances from Mr. Fulton, of the Chicago office of the company. On July 28, 1920, he wrote the company.

Giving the letters.

Then the Attorney General concludes:

> It is apparent, therefore, that during the time covered by your report the Aluminum Co. of America violated several provisions of the decree. That with respect to some of the practices complained of, they were so frequent and long continued the fair inference is the company either was indifferent to the provisions of the decree or knowingly intended that its provisions should be disregarded, with a view to suppressing competition in the aluminum industry. There does not appear to be much in your report touching the methods of the company since the year 1922.
>
> In order that the department may act with full knowledge of the course of conduct of the company up to the present time, I have instructed that the investigation of the facts be brought down to date by the Department of Justice. This will not interfere in any way with any further investigation which the Federal Trade Commission may find it proper to make.
>
> Very truly yours,
>
> HARLAN F. STONE,
> *Attorney General.*

I ask that the entire letter be incorporated in the RECORD as an appendix to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See appendix.)

Mr. WALSH. Mr. President, if this nomination is confirmed by the Senate of the United States, there is just one consistent thing for the Congress of the United States to do, and that is to wipe the Sherman Act off the statute books, to repeal it forthwith. Confirm this nomination and you might as well hang out a sign that for the period of the life of this administration the Sherman Act is suspended. Confirm this nomination and you extend an invitation to every plundering monopoly in the country to extend and fasten its tentacles upon the American household.

I can not believe that Senators can consider this record and think that they discharge their duty in voting for the nomination of Charles B. Warren for Attorney General of the United States.

APPENDIX

JANUARY 30, 1925.

Hon. VERNON W. VAN FLEET,
Chairman Federal Trade Commission, Washington, D. C.

DEAR MR. VAN FLEET: Referring to your letter of October 17, 1924, transmitting a copy of the report of your commission (Vol. III) on "Kitchen furnishings and domestic appliances":

Immediately upon receipt of the report it was referred by me to the proper officers of the department for careful study and report, a brief summary of which follows:

The branches of industry covered by your report are the following:

1. Vacuum cleaners;
2. Washing machines;
3. Aluminum cooking utensils;
4. Refrigerators;
5. Sewing machines;
6. Household brooms and brushes;
7. Miscellaneous kitchen furnishings; and
8. Association activities of hardware dealers.

These various activities will be referred to somewhat in the reverse order in which they are set forth.

8. Association activities of hardware dealers: Some of the associations referred to are local, and some general. While no doubt some of the things aimed at by some of the associations were unlawful, yet from the evidence contained in the report there seems to have been too much diversity of interests to have accomplished much. While attempts were made in some instances to fix and maintain "ruling prices" and to control "resale prices" there were too many dealers with divergent interest to make such attempts effective. The main efforts of the retail dealers seem to have been directed against "catalogue" houses and to prevent wholesale dealers from selling direct to consumers.

Your report states that "no evidence was found of any direct action by the associations to compel manufacturers or jobbers to confine their sales to 'legitimate dealers,'" and you make no recommendation with respect to their activities.

7. Miscellaneous kitchen furnishings: Under this heading are embraced enameled cooking utensils, kitchen cabinets, tables, and similar domestic appliances.

With respect to these industries you state that competitive conditions were not studied, and you make no complaint or recommendation with respect to them.

6. Household brooms and brushes: With respect to "broom corn" dealers your report states that your records do not show that the association has ever attempted to fix prices; and that its only activity, the propriety of which might be questioned, was the blacklisting of customers with which members have had difficulties without giving the accused party an opportunity to explain his side of the case. However, that has been changed, and the accused party is now given a hearing.

With respect to "broom manufacturers" you state that the great number of small manufacturers make it difficult to fully organize the industry. However, such associations have been formed and efforts have been made to prevent price cutting; and efforts made, apparently without success, to adopt a standard cost system. About the only successful effort of the association is its department for the cooperative purchasing of supplies used in the manufacture of brooms.

The Broom Handle Manufacturers' Association was organized in 1919. Price fixing was a topic of discussion soon after its organization. The "Open competitive price plan" was also discussed; but the decision in the Hardwood Lumber case at Memphis in 1920 put an end to further discussion of that subject. The method of keeping in touch with each other, which seems to have continued up to the closing of your investigation, was that of making weekly and monthly reports of production and sales for the alleged purpose of fixing the dues of the members of the association. However, according to your report, members were lax in this respect; and, owing to the fact that membership in the association "has fluctuated greatly from time to time," it is difficult to determine the effect the association had upon

the trade. While it is fair to presume one purpose of the association was to enhance prices, there is doubt as to what effect, in fact, it did have upon production and prices.

Your report of the activities of this association seems to have closed with the year 1922. Before it can be determined whether its present activities are such as to fall within the condemnation of the antitrust acts it will be necessary to bring the investigation up to the present time.

Brush Manufacturers' Association. This association was formed in 1917, its purpose being "to promote the interest of the manufacturers of brushes in the United States." Running through the letters and other information on file is the idea of maintaining and not cutting prices. But your report states that the material found in the files of the association indicates that it has opposed price agreements and price maintenance.

You make no recommendation with respect to the various branches of the broom and brush industry.

5. Sewing machines: The sewing-machine industry may properly be divided into two classes—the Singer Manufacturing Co. and the so-called independents. The industry is an old one and all basic patents have long since expired. Your report states that the competition between the Singer Co. and the independents "is very marked."

In this instance the complaints seem to come from the Singer Co. and not from the smaller independent companies, and relate only to methods of advertising. There is nothing in the industry at the present time upon which to base a complaint under the antitrust acts. If anything of that character has existed in the past, the statute of limitations has long since run against a prosecution for any illegal conduct.

4. Refrigerators: With respect to the refrigerator industry, as shown by your report, the vice consists largely in the agreement or understanding of the members of the association, not only to maintain but also to increase prices.

In this connection it is proper for me to say that during the past year the special agents of the department have made a thorough investigation of the refrigerator industry. A summary report has recently been filed. This report, with reports of investigations of allied industries, is being given careful consideration. Upon its completion appropriate action will be taken by the department.

1. Vacuum cleaners: The Vacuum Cleaner Manufacturers' Association was composed of the licensees under the Kenney patents. These patents were the basic patents of the industry. They expired March 19, 1924.

Your report states that "an examination of the records did not disclose any efforts on the part of the association to fix or maintain prices."

In 1922 an effort was made to form a vacuum cleaner "patent pool," of the so-called "converter" patents. Upon the advice of counsel that such a pooling of subsidiary or improvement patents would be illegal, the matter was dropped.

With respect to resale prices there is not shown any concert of action between the different manufacturers upon this point. Each had his own prices for his cleaners, which were not uniform as between manufacturers, and each tried to have his fixed prices maintained by his dealers. This fact alone would not violate the Sherman Act. As said by the Supreme Court in Federal Trade Commission v. Beechnut Packing Co., 257 U. S. 452:

"By these decisions (therein above referred to) it is settled that in prosecution under the Sherman Act a trader is not guilty of violating its terms who simply refuses to sell to others, and he may withhold his goods from those who will not sell them at the prices which he fixes for their resale. He may not, consistently with the act, go beyond the exercise of this right, and by contracts or combinations, express or implied, unduly hinder or obstruct the free and natural flow of commerce in the channels of interstate trade."

The report upon this industry does not seem to have been brought down beyond the year 1922. Unless it can be shown that the members of the association have adopted some new methods, such as the establishing of a patent pool, or some agreement or understanding to enhance prices, or similar scheme, since the close of your investigation there does not appear to be sufficient in your report to justify the conclusion that this association exists or is employing methods in violation of the antitrust law.

2. Washing machines: The basic patent in the washing-machine industry was the Stocking-Mendenhall patent, which expired June 14, 1921.

That patent was owned by the Iowa Washing Machine Co., which was organized in 1907 for the purpose of holding and granting licenses under the patent. The main criticism to be made of that company, if subject to criticism, was its methods of threatening to bring and of bringing infringement suits, and of its failure to bring suits against strong companies. This leads to the suspicion that in some instances its claims to infringement were not believed to be well founded. But if that company was guilty of unlawful conduct prior to the expiration of its patent, more than three years having elapsed since that time, a prosecution would be barred, and a court would not restrain acts no longer being committed.

The real vice in the washing-machine industry consists in the pooling of patents owned by the Maytag Syndicate and the National Household Devices Co., and in forcing other manufacturers to secure a license under them, under threat of infringement suits, and apparently, in some instances, whether there was real reason to believe there was an infringement or not.

I fully agree with what your commission has so well said in its report, that—

"The combining of competing patents by large and financially strong competing manufacturers, accompanied by the legal rights of patent owners under existing patent laws to control production and fix the price at which the patent article is to be sold constitutes a combination no less dangerous to the consuming public than a monopoly created by acquisition of competitors or agreements among competitors in restraint of trade, which are condemned by the antitrust laws."

These so-called pooling contracts seem to have been drawn in the light of the opinions of the courts in the National Harrow case (184 U. S. 70); the Seeded Raisin case (126 Fed. 364); and the Rubber Tire Wheel case (142 Fed. 531). But the department has taken the position that these so-called pooling contracts go beyond the limits of the patent right as stated in those cases; and suits were brought by the department some months ago against certain combinations, attacking the validity of such agreements.

In what is known as the Electrical case, to be heard within a few days, there is attached the restrictive clauses in the license agreement between the General Electric Co. and the Westinghouse Co. respecting patents upon incandescent lamps. This agreement, among other things, limits the number of lamps the Westinghouse Co. may manufacture, and requires that they shall not be sold for a less price than that fixed by the General Electric Co. for its lamps. They further restrict competition, by attempting to designate all dealers as their agents, and by fixing the price at which their lamps shall be sold.

In what is known as the Mining Machinery case, soon to be tried, the mining machinery companies assigned all of their patents to the Jeffrey Co.; and the latter company in turn granted licenses to each of the other companies to use all pooled patents in the manufacture of their respective mining machinery. The license agreements also attempt to fix the prices at which each manufacturer may sell his machinery, and apply not only to the patented, but also to the unpatented parts.

Other cases are pending in which similar questions are involved, but the two cases referred to clearly raise the validity of the so-called pooling agreements, in the respects indicated.

If the Government shall be successful in its contentions in these cases, it will open the way to a successful attack upon all such agreements, the effect of which is to suppress all effective competition in the same lines of industry.

If the department is right in its contentions, then the pooling of the washing machine patents under the agreements set out in your report is unlawful, and appropriate action will be promptly taken.

It would seem from your report that your investigation of the washing machine industry closed with the end of the year 1922. Before any action is taken it will be necessary to bring the investigation up to date.

3. Aluminum cooking utensils: Aluminum Co. decree: Your report covers two phases of the aluminum industry:

1. Competitive conditions; and
2. Decree against the Aluminum Co.

To understand the importance of the decree, competitive conditions become important.

1. COMPETITIVE CONDITIONS

Your report lists 30 companies as being engaged in the manufacture of spun and stamped aluminum ware. It does not include the manufacturers of cast-aluminum ware.

The Aluminum Goods Manufacturing Co., of Manitowoc, Wis., is the largest manufacturer of aluminum cooking utensils. Nearly 31 per cent of its capital stock is owned by the Aluminum Co. of America. The latter company has two of the six members on the board of directors of the manufacturing company and practically controls its policies.

The second largest manufacturer of aluminum cooking utensils is the United States Aluminum Co., which is 100 per cent owned by the Aluminum Co. of America.

These two companies produce about 65 per cent of the total output of aluminum cooking utensils.

When the Aluminum Goods Manufacturing Co. was organized in March, 1909, it took over the business of two Wisconsin and one New Jersey company. Later, the New Jersey company sold its interest to the Wisconsin companies. These three companies, at the time they were absorbed by the Aluminum Goods Co. in 1909, had for some 10 years been active competitors.

In 1924, the Aluminum Goods Manufacturing Co. submitted to your commission a plan looking to the purchase of the entire New Kensington, Pa., business and property of the United States Aluminum Co. and the Aluminum Cooking Utensil Co., subsidiaries of the Aluminum Co. of America, engaged in the manufacture and sale of cooking utensils; and also the Toronto, Canada, subsidiary of that company, operated under the name of Northern Aluminum Co. (Ltd.), and having a rolling mill and manufacturing plant in that city.

You state that the combined cooking-utensil output, in 1920 and 1921, of the Aluminum Goods Manufacturing Co., and of the plants it desired to purchase, was at least twice as large as the total combined output of all other competing companies. You further state that the New Kensington plant has in the past supplied a substantial portion of the requirements of sheet aluminum for the cooking-utensil companies.

Your report does not show whether the proposed plan of purchase was completed; but you state that such a merger is entirely inconsistent with the antitrust laws of the United States.

The Aluminum Goods Manufacturing Co. rolls practically all of the sheet aluminum used in its present three owned plants, each being equipped with a rolling mill.

The independent manufacturers of aluminum kitchen utensils are almost entirely dependent upon the Aluminum Co. of America for their supply of raw materials, the quantity imported being relatively small.

The Aluminum Co. of America at present controls more than 90 per cent of all known deposits of bauxite in North America, that are of such a character that aluminum can be manufactured therefrom in commercial quantities. Having this practically complete control of the sources of supply of the raw materials, it is in a position to and does control the domestic price of sheet aluminum to utensil manufacturers.

Briefly stated the above represents the competitive conditions of the aluminum industry in the United States.

2. THE DECREE AGAINST THE ALUMINUM CO. OF AMERICA—HAS IT BEEN VIOLATED?

The decree perpetually enjoined the Aluminum Co. of America, its officers and agents, among other things, from—

1. Without reasonable cause and notice delaying shipments of material to a competitor;

2. Refusing to ship, or ceasing to ship, crude or semifinished aluminum to a competitor on contracts or orders placed or on partially filled orders;

3. Charging a competitor higher prices for crude or semifinished aluminum than are charged at the same time, under like or similar conditions, a company in which defendant was interested;

4. Refusing to sell crude or semifinished aluminum to a prospective competitor, upon like terms and conditions of sale, under like or similar circumstances, as defendant sells the same to any company in which it is financially interested; and

5. From furnishing competitors known defective material.

The complaints of competitors, with respect to deliveries and quality of materials furnished, may be classified as follows:

1. Cancellation of quotas;

2. Refusal to promise shipments;

3. Unreasonable delays in deliveries;

4. Where two or more gauges of metal are ordered, shipping one kind or gauge and withholding shipment of the other;

5. Unreasonably delaying shipment and then suddenly dumping upon the competitor large quantities of metal;

6. Unreasonably delaying shipment and then suddenly dumping upon competitors large quantities of metal shortly after they have been forced to purchase foreign metal to supply their necessities; and

7. Shipping competitors large quantities of materials known at the time of shipment to be defective.

Without attempting to review the evidence submitted in your report, it is sufficient to say that the evidence submitted supports to a greater or less extent the above-recited complaints of the competitors. And especially is this clear and convincing in respect to the repeated shipments of defective materials known at the time of shipment to be defective. This became so common and so flagrant as to call forth remonstrances from Mr. Fulton, of the Chicago office of the company. On July 28, 1920, he wrote the company:

"In my opinion the grade of sheet which we are shipping is, in many cases, considerably below our pre-war standard. * * *

"The last six months we have had some very critical situations with several of our customers on account of the buckled sheet which we have been shipping. So much so that at least two have told us plainly that if they were able to get better sheet, they would reject every bit that we had shipped to them. * * *

"Of the sheet on which we have authorized replacement or credit, I would say that at least 90 per cent of it should never have left our mills and without any extra expense or trouble to the company should have been caught at the inspection."

On October 21, 1920, Mr. Fulton again wrote the company:

"I think it again of vital importance to call your attention to the class of sheet which is slipping through our inspection department. * * *

"The greatest complaint is in reference to our coiled sheet.

"About three different customers within the last week have stated that they have hardly used any of our coiled sheet on account of the wide variation of gauge, there being as much of a variation as 4 and 6 B. & S. numbers in the same coil. This, of course, indicates nothing but careless rolling and more careless inspection.

"The next most general complaint is our shearing, in that the shearing is not correct to dimensions, especially width."

In December, Mr. Fulton, after an inspection tour of several plants, again calls attention to the complaints and to the defects in materials being shipped. Among other things, he says:

"There are many things which I know the operating end could remedy without delay which now are causing a great deal of trouble. No doubt one of the biggest sources of our poor sheet is the apparent increased quantities of scrap that we are putting into our 28 sheet. The appearance of the drawn sheets is a direct give-away as to what is going into the metal.

"This is something I have in no way discussed with any of our customers, and have steered them off the track whenever they have brought it up, but went over it thoroughly with Mr. Yolton, and he assured me he would discuss this at length with Mr. Hunt."

There is also to be found this complaint from a Cleveland customer, under date of May 9, 1921:

"Now * * * can your inspectors pass all this up at your mills? This is an idea that I wish you could confer to your mill heads with force enough to get them to take a little interest in it and not burden us with the tremendous expense of running and handling this metal. The mere fact that we send it back for full credit don't mean anything to us for we are out all the labor, time, and trouble of handling, which is a very expensive proposition."

It is apparent, therefore, that during the time covered by your report the Aluminum Co. of America violated several provisions of the decree; that with respect to some of the practices complained of, they were so frequent and long continued, the fair inference is the company either was indifferent to the provisions of the decree or knowingly intended that its provisions should be disregarded with a view to suppressing competition in the aluminum industry.

There does not appear to be much in your report touching the methods of the company since the year 1922.

In order that the department may act with full knowledge of the course of conduct of the company up to the present time, I have instructed that the investigation of the facts be brought down to date by the Department of Justice. This will not interfere in any way with any further investigation which the Federal Trade Commission may find it proper to make.

Very truly yours,

HARLAN F. STONE,
Attorney General.

Mr. REED of Missouri obtained the floor.

Mr. WALSH. Mr. President, if the Senator will pardon me——

Mr. REED of Missouri. Certainly. I was going to make a motion.

Mr. WALSH. In view of the controversy which seems to have arisen concerning the testimony taken before the two committees I am going to ask the Senator from Delaware [Mr. BAYARD] to be so good as to read the entire testimony. It will not take long.

Mr. BAYARD. I read as follows:

EXTRACTS FROM THE HEARINGS OF THE SO-CALLED HARDWICK COMMITTEE, SIXTY-SECOND CONGRESS, SECOND SESSION, HOUSE REPORT 331, FEBRUARY 17, 1912

The committee was directed "to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act by the American Sugar Refining Co. and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government. Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co. and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar and their relations with each other; and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

"Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corpo-

rations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the results:

"First, the restriction or destruction of competition among manufacturers or refiners of sugar; second, an increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beet to the producer thereof."

Mr. Charles B. Warren was called before the special committee on the investigation of the American Sugar Refining Co. and others June 21, 1911. Hearings, volume 1, page 624.

He testified that he was general counsel and president of the Michigan Sugar Co.; that he owned $445,000 worth of the stock of the Michigan Sugar Co. (637).

[Hearings of June 22, 1911, p. 680]

Mr. RAKER. Mr. Warren, it was generally understood and supposed that the American Sugar Co. was controlling the several beet-sugar companies in Michigan and Colorado. Was not that the fact?

Mr. WARREN. I know nothing about Colorado, Mr. Raker.

Mr. RAKER. Well, the general public's feeling and understanding was that the American Sugar Co. were controlling the beet-sugar interests in Michigan?

Mr. WARREN. I should not say so. I know they never did control it, so I do not see why anybody should think that it was the popular understanding they did. Mind you, the American Sugar Refining Co. or Mr. Havemeyer and Mr. Havemeyer's holdings are largely in the American Sugar Refining Co. As it now turns out, they have not been interested in so many companies in Michigan, and their holdings, when you total them up, compared with the holdings of the Michigan people, are exceedingly small.

Mr. RAKER. You are Charles B. Warren, of Detroit, are you not?

Mr. WARREN. I am; yes, sir.

Mr. RAKER. Was it not understood that you were representing the American Sugar Refining Co. in Michigan?

Mr. WARREN. It was not, after 1906.

Mr. RAKER. And that you were holding stock in your name for them?

Mr. WARREN. Not after 1906.

Mr. RAKER. Well, did you at any time?

Mr. WARREN. Pardon me just a moment. It is fair for me to be understood here. After 1906 I never performed any services for the American Sugar Refining Co. in connection with the industry in Michigan. After I became an officer and a trustee, as a director, for all the stockholders of that company, I never received $1 of pay from the American Sugar Refining Co. for any service of any kind, character, or description.

Mr. RAKER. You had before——

Mr. WARREN. Before, I had performed services in connection with the negotiation and transfer of the stock, which I explained yesterday, and have been paid for my services as a lawyer.

Mr. RAKER. And you were representing the American Sugar Refining Co.?

Mr. WARREN. No, sir; I was not paid to represent the American Sugar Refining Co. After I performed the services I never was paid, and I never was on their salary list or anything like that.

Mr. RAKER. Now, Mr. Warren, let us keep to the point. Were you before this organization representing the American Sugar Refining Co.?

Mr. WARREN. Not in the sense of continuing to represent them.

Mr. RAKER. Well, were you representing them?

Mr. WARREN. No.

Mr. RAKER. At any time?

Mr. WARREN. I performed services for them——

Mr. RAKER (interposing). You performed services for them——

Mr. WARREN (interposing). Just one moment. I performed services for the American Sugar Refining Co. and for Havemeyer and his associates. Remember, I could not always tell whether it was the American Co. or Havemeyer.

Mr. RAKER. You were performing services for them?

Mr. WARREN. And for Havemeyer and his associates.

Mr. RAKER. That is the American Sugar Refining Co. and Mr. H. O. Havemeyer and his company?

Mr. WARREN. And his associates.

Mr. RAKER. You were representing them in Michigan?

Mr. WARREN. No, sir. That is what I say I was not doing.

Mr. RAKER. You acted for them?

Mr. WARREN. I acted for them as occasion required.

Mr. RAKER. In what capacity?

Mr. WARREN. In the capacity of assisting them in the negotiations for the acquisition of certain stock in certain corporations, and passing upon the question of whether they got a legal title to what they thought they were receiving, and whether it was a good title.

Mr. RAKER. Well, in what capacity?

Mr. WARREN. As a lawyer, and, of course, in a sense I say it is fair to call it still, legal services. If the negotiations were started with them in the East, I might have, and often did, continue to negotiate on terms that I was informed about.

Mr. RAKER. Then, as a matter of fact, you did represent them in the way you have designated?

Mr. WARREN. Certainly; I represented them in the way I have designated.

Mr. RAKER. And that was a representation of that interest, was it not?

Mr. WARREN. No, sir; except in the way I have designated.

Mr. RAKER. What do you call a man's acting as attorney for a corporation? Do you not call that representing them?

Mr. WARREN. Yes; when you perform any work, and when I was performing any work I was representing them. But there is this distinction, which I thought perhaps you were trying to find out, whether it existed or not; everything I did in the sugar business in Michigan was not as a representative of the American Sugar Refining Co., nor H. O. Havemeyer nor any of his associates.

Mr. RAKER. Do you not think it would be better and we would get it clearer before the committee if you would state the facts and then let the committee draw the conclusions?

Mr. WARREN. I have stated the facts, sir.

Mr. RAKER. Then you represented the American Sugar Refining Co. as their attorney. You were their attorney?

Mr. WARREN. When they were making the purchases.

Mr. RAKER. Certainly. If you were not their attorney, you could not represent them. But you did act as their attorney?

Mr. WARREN. When they furnished the money to buy the stock.

Mr. RAKER. Mr. Warren, you can answer my question, can you not?

Mr. WARREN. I did, sir.

Mr. RAKER. You were then representing the American Sugar Refining Co. in Michigan as the attorney for that company?

Mr. WARREN. I would not say so.

Mr. RAKER. At no time?

Mr. WARREN. I certainly did when I performed certain transactions.

Mr. RAKER. Then when you performed the transactions you were representing them as their attorney?

Mr. WARREN. That is right.

Mr. RAKER. And also represented Mr. Havemeyer and his associates?

Mr. WARREN. When they furnished the money.

Mr. RAKER. Then, just at the moment when you were doing the particular act, you represented them; but when you were getting ready to perform the act and gather the information and the data together you did not represent them?

Mr. WARREN. No, sir; I do not say that. I think you quite understand my distinction.

Mr. RAKER. I understand; but I want to know the facts.

Mr. WARREN. The facts are I was under no general retainer to the American Sugar Refining Co. in Michigan.

Mr. RAKER. Whenever you were gathering information as to the sugar business for the purpose of getting stock, finding out what you could do, for the purpose of acquiring interests for the Havemeyers and the American Sugar Refining Co., you were getting that information together as the attorney of this company, were you not?

Mr. WARREN. I told you yesterday that in every case but one——

Mr. RAKER (interposing). Can you not answer my question?

Mr. WARREN (continuing). In every case but one the people came to the American Sugar Refining Co. and wanted to sell, so I was not always seeking them.

Mr. RAKER. Do you understand my question?

Mr. WARREN. Yes, sir.

Mr. RAKER. Can you answer it?

Mr. WARREN. Yes, sir; I have.

Mr. RAKER. What is your answer?

Mr. WARREN. When I performed services for the American Sugar Refining Co., I represented them. When I performed services for Mr. Havemeyer and his associates, I represented them.

Mr. RAKER. Then, when you were gathering information together for the purpose of consummating a deal, were you representing the sugar refining interests and Havemeyer, or not?

Mr. WARREN. Certainly; when I was devoting my mind or my time to any given transaction.

Mr. RAKER. They did not pay you a general retainer?

Mr. WARREN. No, sir. (Hearings, pp. 679, 680, 681, 682.)

* * * * * * *

[Hearings, p. 683]

Mr. RAKER. Mr. Warren, those six factories you spoke of yesterday, in Michigan, were in active competition, were they not, before the time of this reorganization?

Mr. WARREN. I think they cut such a small figure in the sugar world that you can not say——

Mr. RAKER (interposing). Aside from the figure they cut in the sugar world, they were located in Michigan and were separate and independent institutions, governed and controlled by separate boards of directors, doing an interstate business, were they not?

Mr. WARREN. They were.

Mr. RAKER. They were refining and shipping sugar?

Mr. WARREN. Your statement is true.

Mr. RAKER. And in competition with each other?

Mr. WARREN. They were selling their sugar in the same market; yes, sir.

Mr. RAKER. In competition with each other?

Mr. WARREN. Yes, sir.

Mr. RAKER. Now, is there anything in the laws of Michigan, or was there at that time, that one man could not be a director of each one of those corporations?

Mr. WARREN. No, sir.

Mr. RAKER. There was nothing of that kind?

Mr. WARREN. No, sir; nor now.

Mr. RAKER. Is there anything in the laws of that State prohibiting such a transaction?

Mr. WARREN. No, sir. If I understand your question, it is: Is there anything in the State law which prohibits a man being a director in more than one corporation at a time?

Mr. RAKER. Yes; competing with each other.

Mr. WARREN. Certainly not.

Mr. RAKER. Is there anything in the law, then or now, prohibiting people owning various factories combining together and stifling competition?

Mr. WARREN. Well, I suppose there are State laws against stifling competition.

Mr. RAKER. In Michigan?

Mr. WARREN. In Michigan.

Mr. RAKER. Was there such a law then?

Mr. WARREN. Practically the same law as now, but it would not apply to this case.

Mr. RAKER. Well, was there such a law then?

Mr. WARREN. There was not any law which applied to this case then.

Mr. RAKER. I did not ask you about this case. I am asking you generally.

Mr. WARREN. There is an antimonopoly law in Michigan.

Mr. RAKER. And was then?

Mr. WARREN. And was then.

Mr. RAKER. Then if six or seven independent businesses like these went in together for the purpose of preventing competition, there was a law then in Michigan preventing such a combination?

Mr. WARREN. No, sir.

Mr. RAKER. If it was done for the purpose of stifling competition?

Mr. WARREN. If a lot of men got on the witness stand and said they were trying to stifle competition, I suppose they would be violating the law.

Mr. RAKER. You understand my question and I think you can answer it. I did not ask you what men might go on the stand and say. I am asking you if six or seven independent factories engaging in competition should enter into a business and combine the six factories for the purpose of stifling competition, was there a law then in Michigan that would prevent such a combination?

Mr. WARREN. I do not think there was any law in Michigan which prevented the combination of these six companies in the way it was done.

Mr. RAKER. Now, if there were six independent corporations engaged in manufacturing in Michigan that were independent and competing with each other, if they should get together and combine in one organization for the purpose of controlling competition and changing prices, was that prohibited by the laws of Michigan in 1905 and 1906? * * *

Mr. WARREN. I think there are conceivable conditions under which corporations doing business in Michigan might consolidate and violate the Michigan law.

* * * * * * *

[Hearings, p. 694]

The CHAIRMAN. They did not make enough to supply their own localities, did they?

Mr. WARREN. The Michigan sugar people can not market their sugar all in Michigan.

The CHAIRMAN. Yet the Michigan people, but for these combinations, might get the benefit of lower sugar than they otherwise get?

Mr. WARREN. No, sir; I do not think so. Suppose one man controlled the six companies, or suppose they were in competition and were controlled by six different men. The total sugar offered for sale against all the other sugar in the United States would be as 1 to 99. Now, the man who had the 1 per cent certainly would not cut his price below the price at which the 99 per cent was sold, would he?

Mr. GARRETT. At the same time you were holding stock for the American Sugar Refining Co. in your own name you were also holding stock for Havemeyer?

Mr. WARREN. No stock for anybody else has stood in my name since the American Sugar Refining Co. transferred their stock. The Havemeyers have no interest in the Michigan Sugar Co.

Mr. GARRETT. The Havemeyers have no interest in the Michigan Sugar Co.?

Mr. WARREN. None whatever.

Mr. GARRETT. Did they ever have?

Mr. WARREN. They did have. Mr. Havemeyer owned most of the stock at one time.

Mr. GARRETT. It stood in your name during that time?

Mr. WARREN. The stock stood in my name for whoever owned it; but it appears now from what I have read in this bill that they have filed, and what I have heard since, that Havemeyer at one time owned a large amount of stock and sold it to the American Sugar Refining Co. at various periods, and for various amounts, perhaps; but the Havemeyer family now own no stock in the American Sugar Refining Co., nor does any director in the American Sugar Refining Co. own any stock in the Michigan Sugar Co.; and all the stock they have any interest in stands in their own name.

Mr. GARRETT. At the time this stock of other persons was standing in your name did you know whose it was?

Mr. WARREN. I had no means of knowing accurately whose it was, except that it belonged to the Havemeyer interests or the American Sugar Refining Co.

Mr. GARRETT. You sent it to the Havemeyers?

Mr. WARREN. Generally speaking, they were sent to Havemeyers. Sometimes—for instance, Lowell M. Palmer, I believe, was a stockholder for a short time, and I think W. B. Thomas was a stockholder for a short time; and Arthur Donner and C. R. Heike, I think, held some stock.

Mr. GARRETT. As individuals?

Mr. WARREN. As individuals. Whether they owned the stock as individuals or whether they were holding it for other people I do not know, but that is of record, I say.

Mr. GARRETT. How did you know who to send the stock to, then?

Mr. WARREN. Because my dealings were with Havemeyer.

Mr. GARRETT. Were all your dealings with Havemeyer?

Mr. WARREN. Practically all my dealings were with Havemeyer.

Mr. GARRETT. Who else besides Mr. Havemeyer?

Mr. WARREN. Some subordinate that did some part of it, but Mr. Havemeyer directed it.

Mr. GARRETT. You mean some subordinate of Mr. Havemeyer?

Mr. WARREN. Some subordinate of Mr. Havemeyer; yes, sir.

Mr. GARRETT. Reference has frequently been made here to Mr. Havemeyer and those associated with him. That expression has been used very often during this examination.

Mr. WARREN. Yes.

Mr. GARRETT. Who were those individuals associated with him?

Mr. WARREN. He never informed anybody. He spoke of them that way himself.

Mr. GARRETT. That was his expression?

Mr. WARREN. That was his expression. He would say that he would accumulate the money to buy this, because he had to consult his associates; and he would call them his associates. (Hearings, vol. 1, p. 731.)

EXAMINATION BY THE CHAIRMAN

[Hearings, vol. 1, p. 639, June 21, 1911]

The CHAIRMAN. I have this statement here, and I think it has some foundation—from the corporate records. Whether it is right or not I do not know, but it is to the effect that by 1902 your stock holdings in seven beet-sugar companies in Michigan had increased to 87,167 shares; that appears from the corporate records of the State of Michigan. Whether it is true or not I do not know. I will find out.

Mr. WARREN. In 1902?

The CHAIRMAN. Yes; is that true or not?

Mr. WARREN. I could not say.

The CHAIRMAN. Is this anywhere near the truth?

Mr. WARREN. I presume it is.

The CHAIRMAN. Did you own that stock—87,167 shares—yourself?

Mr. WARREN. No, sir; not all of it.

The CHAIRMAN. How did it appear in your name—as trustee then?

Mr. WARREN. It did not. I never held any stock as trustee.

* * * * * * *

The CHAIRMAN. Well, it would depend somewhat on how anxious he was to do business. Perhaps some of them were about to fail.

Mr. WARREN. You do not want people to do business in the United States on the basis that they are about to fail.

The CHAIRMAN. Not at all; but I want every purchaser of sugar in the United States to get the advantage he ought to get from natural location and from the rate that ought to obtain.

Mr. WARREN. Now, let me add this, they do not get it on any commodity.

The CHAIRMAN. That is one of the reasons why there is so much talk about injustice to the consumer, because the business men of this country have been wise enough to get together in that way.

Mr. WARREN. The business men of the country form a large percentage of the people.

The CHAIRMAN. And the retailers and wholesalers constitute a large percentage?

Mr. WARREN. And I am just as much in favor of them as you are.

The CHAIRMAN. It seems to me you do not want to give the people of Michigan the natural advantages they ought to have on account of their location.

Mr. WARREN. Now, let me give you an illustration: There are some coal mines in Saginaw. The price of coal in West Virginia at the mines is $1 or 90 cents, is it not?

The CHAIRMAN. I do not know.

Mr. WARREN. Well, it usually is. The cost to transport that coal to Chicago or to Detroit is a fixed item. Now, do you think the owners of those coal mines in Saginaw give the same price per ton on coal at the mine that they do in West Virginia, or do they add that advantage?

The CHAIRMAN. I think they add every cent they can, and every combination they form is for the purpose of adding more.

Mr. WARREN. Now, if you will name me any article in the United States, with very few exceptions, that is not sold in that way I would like to be instructed.

The CHAIRMAN. I think that is part of the trouble with the country now.

Mr. RAKER. The more combinations they make, the better they can handle the situation.

Mr. WARREN. I am not in favor of combinations in restraint of trade.

Mr. RAKER. But, I say, the more combinations they form, the easier it is to handle; is not that correct?

Mr. WARREN. They do not have to handle it any differently, because everybody conducts business that way now. I presume if one man controls the whole output of any commodity in the country, of course, he could do that. (Hearings, vol. 1, p. 695, June 22, 1911.)

Mr. Warren testified that as president and general counsel he drew a salary of $15,000 a year (p. 697).

EXAMINATION BY MR. GARRETT

[Page 729]

Mr. GARRETT. I understand you to say that there is no stock now standing in your name belonging to anyone besides yourself?

Mr. WARREN. The American Sugar Refining Co. stock stands in its own name on the books of the company.

Mr. GARRETT. I understand you to say that all of the stock which stands in your name belongs to you?

Mr. WARREN. That is right.

Mr. GARRETT. You are the——

Mr. WARREN. The bona fide owner of it.

Mr. GARRETT. The legal, equitable, complete owner of all that stock?

Mr. WARREN. I am absolutely the owner of it, and I paid for it.

Mr. GARRETT. Pardon me, but how much did you say it was?

Mr. WARREN. Four hundred and forty-five thousand dollars worth.

Mr. GARRETT. How long has it been since there was any stock of any other individual standing in your name?

Mr. WARREN. I think the stock that belonged to—I will go back of that. I was in Europe last summer, and I left here in May and went over to The Hague for the Government in connection with the arbitration with Great Britain, where I was one of counsel for the Government. When I came back I asked the American Sugar Refining Co. to take that stock out of those stock certificates and transfer them unto whoever owned them, and they put them of record some time after I got back last fall.

Mr. GARRETT. Since that time no stock of the American Sugar Refining Co. has been in your name?

Mr. WARREN. No, sir.

The CHAIRMAN. Why did it appear in your name, then?

Mr. WARREN. I acquired the stock and the stock certificates were indorsed in blank and delivered.

The CHAIRMAN. For whom did you acquire that stock?

Mr. WARREN. Some of that stock I owned personally, and the stock that I did not own personally was acquired by Mr. Havemeyer and his associates, or whoever they were.

The CHAIRMAN. Exactly. That is exactly the point I want to get at.

Mr. WARREN. Yes. All I was correcting, Mr. Chairman, was the statement that any stock certificate was ever issued to me as trustee.

The CHAIRMAN. Well, that is a mere technicality. After all, this stock stood in your name, and was indorsed in blank to these gentlemen of the American Sugar Refining Co.?

Mr. WARREN. I do not know whether they were all in the American Sugar Refining Co.

The CHAIRMAN. You named them. Who did you say—Mr. Havemeyer and who else?

Mr. WARREN. Mr. Havemeyer conducted the negotiations.

The CHAIRMAN. In other words, you bought them for Mr. Henry O. Havemeyer?

Mr. WARREN. For Mr. H. O. Havemeyer and his associates in the American Sugar Refining Co.; and once in a while they bought direct.

The CHAIRMAN. And these 87,167 shares to which reference is made represented their interest in the concern?

Mr. WARREN. No; because that probably includes my own.

The CHAIRMAN. Yes; except the four hundred and some odd thousand you had?

Mr. WARREN. No; I did not have any 400,000 shares. There was no Michigan Sugar Co. then.

The CHAIRMAN. No; that was the Peninsular. There were seven separate companies then?

Mr. WARREN. Six. There might have been more than seven that I was interested in.

The CHAIRMAN. There were seven that you were interested in, according to this report.

Mr. WARREN. Seven or eight.

The CHAIRMAN. In 1906, according to the statement made in this report, the public records showed your holdings in these companies as 271,840 shares. Except your own individual holdings, the volume of which you have described, that was the Havemeyer transaction still? You acted as the agent of Mr. Havemeyer?

Mr. WARREN. No; I was not his agent. I would not regard myself as the agent at all.

The CHAIRMAN. Tell us how you would regard yourself.

Mr. WARREN. When they got to negotiating, sometimes they would negotiate themselves; in general, they participated in the negotiations at all times. I examined the legal title of the corporations, and their condition, and my office assisted in various work that was performed; and the stock transaction was completed always with the board of directors of the company.

The CHAIRMAN. I understand; the stock was left in your name when, really, you were doing it for Mr. Havemeyer?

Mr. WARREN. And the stock certificates issued to me.

The CHAIRMAN. Transferred by you in blank to Mr. Havemeyer, and the corporate records left to show the stock in your name?

Mr. WARREN. The corporate records showed the stock in my name, the corporation knowing always whose stock it was. (Hearings, p. 629.)

Mr. WALSH. Mr. President, this completes the testimony before the Hardwick committee. The remainder consists of excerpts from testimony before the lobby committee in 1913, and simply elaborates general information given in testimony already read. Accordingly I ask that the excerpts from the testimony before the lobby committee may be incorporated in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The excerpts are as follows:

SENATE HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY ON THE MAINTENANCE OF A LOBBY TO INFLUENCE LEGISLATION

(Vol. 2, p. 1621)

Senator WALSH. When did you first become interested in the sugar business?

Mr. WARREN. I was a stockholder in the old Peninsular Sugar Refining Co. when it was organized, I think, in 1899, though I would not be certain about that date. It was within a year or two of that, either way. * * * The company was sold in 1906.

Senator WALSH. What became of it?

Mr. WARREN. It was sold to the Michigan Sugar Co.

Senator WALSH. You said that changed then. What amount of stock did you own at that time?

Mr. WARREN. I think in that particular company—the Peninsular Sugar Refining Co.—I had a very small holding at that time; something like $1,000 or $2,000.

Senator WALSH. And did that represent all the stock standing in your name?

Mr. WARREN. No; it did not.

Senator WALSH. What other amount stood in your name at that time?

Mr. WARREN. I could not tell you the amount, but I can tell the fact that there was other stock which stood in my name.

Senator WALSH. And who was the actual owner of that stock?

Mr. WARREN. Either the Havemeyer interests or the American Sugar Refining Co.—either Mr. Havemeyer and his associates or the American Sugar Refining Co.

Senator WALSH. You do not know really whether it was owned by the American Sugar Refining Co. or not?

Mr. WARREN. Either the American Sugar Refining Co. or Mr. Havemeyer and his associates.

Senator WALSH. Mr. Havemeyer was at the head of the American Sugar Refining Co. at that time?

Mr. WARREN. He was.

Senator WALSH. How did that stock come to be standing in your name?

Mr. WARREN. Because when they purchased stock in that company—I mean when either Mr. Havemeyer and his associates or the American Sugar Refining Co. purchased stock—some of the individuals in the Peninsula Co. approached Mr. Havemeyer or some of his associates regarding the purchase of the stock. A committee visited Mr. Havemeyer. It is immaterial, I suppose, of whom that committee consisted.

Negotiations were opened and I performed legal services; made an examination of the title of the company and participated in the negotiations as a lawyer. I think the first stock they purchased was bought from the treasury of that particular company, and the certificates were issued to me and forwarded to New York for the purpose of being transferred to whoever might own them.

Senator WALSH. Whatever stock they purchased or acquired was issued to you in your name?

Mr. WARREN. I think in the first instance; yes.

Senator WALSH. And the certificates thus delivered to you were by you transmitted to New York to go to whomsoever might be entitled to them?

Mr. WARREN. That is correct.

* * * * * * *

Senator WALSH. What other companies did you become interested in?

Mr. WARREN. What other companies with similar transactions to this?

Senator WALSH. No; in what other beet-sugar companies did you acquire stock? You started with the Peninsula in 1899.

Mr. WARREN. Do you mean acquired stock for these same people?

Senator WALSH. No; in any way.

Mr. WARREN. The Havemeyer people, or the American Sugar Refining Co. interests, purchased stock in the Peninsular Sugar Refining Co., in the Saulnac Sugar Refining Co., in the Alma Sugar Co., in the Bay City Michigan Refining Co., in the Sebewaing Sugar Refining Co., and in the Saginaw-Valley Sugar Co.

Senator WALSH. How many, altogether?

Mr. WARREN. I think there are six that went into the Michigan Sugar Co.

Senator WALSH. Did the stock thus acquired by them in the same way pass to them through you? That is, were the certificates originally issued to you?

Mr. WARREN. Wherever I performed any service in connection with it I think that generally the certificates were handled in that way. There was a time when Mr. Heike, the secretary of the company, and Mr. Donner, the treasurer of the company, took stock that stood in their own names. I can not tell the period at which they made the transfer.

Senator WALSH. They were officers or employees of the American Sugar Refining Co.?

Mr. WARREN. I said one was secretary and the other treasurer. (Hearings, p. 1624.)

* * * * * * *

Senator WALSH. When the organization [of the Michigan Sugar Co.] came to be effected did you in the same manner represent the Havemeyer and the American Sugar Refining Co. interests?

Mr. WARREN. I did not represent the Havemeyer and American Sugar Refining Co. interests in that transaction. I was paid for the organization of the company by the Michigan Sugar Co., and I did not represent the Havemeyer interests, although stock in those companies still remained in my name that belonged to the Havemeyers or the American Sugar Refining Co.

Senator WALSH. Yes.

Mr. WARREN. But in the organization of the company I did not represent the American Sugar Refining Co. nor the Havemeyer interests, but I cooperated with these local men in the Michigan Sugar Co.

Senator WALSH. When the stock was issued, that stock which had thus stood in your name which belonged to the Havemeyer interests, in whose name was that issued?

Mr. WARREN. Whatever stock stood in my name in the old companies was reissued in the Michigan Sugar Co. in my name, and the certificates were forwarded to New York in the same way. But let me add, the certificates, in the first place, had been delivered to the committees for each of the six factories, the same as certificates of other stockholders.

Senator WALSH. And what amount of stock was by you thus transmitted to the New York office?

Mr. WARREN. I could not say to-day how much stock, at the time of the organization of that company, those interests owned. I know that Mr. Atkins has stated that they owned 42 per cent at one time. At the present time the stock is in the name of the American Sugar Refining Co. itself on the books of the company, and they own approximately one-third of the stock of the company. (Hearings, p. 1628.)

* * * * * * *

Senator WALSH. I did not quite understand how much interest you still retain in the Michigan Sugar Co.

Mr. WARREN. I have at the present time in the Michigan Sugar Co. in the neighborhood of $60,000 or $70,000. (Hearings, pp. 1629–30.)

Senator WALSH. You hold some official position, do you, in connection with the Republican National Committee?

Mr. WARREN. I am a member of the committee.

Senator WALSH. You are national committeeman from Michigan?

Mr. WARREN. From Michigan. (Hearings, p 1631.)

Senator WALSH. Have you told us now, Mr. Warren, about the entire extent of your activity in the campaign carried on in the last year or two? * * *

Mr. WARREN. In addition to the things that we have spoken of I have always, since I have been connected with these companies, been a believer in the upbuilding of the domestic sugar industry. It appeals to me as a fair industry to be built up, and I have no hesitancy in saying that I am a firm believer in that, and if the occasion has presented itself for me to express an opinion about it I have not been backward about expressing an opinion about it. (Hearings, p. 1632.)

EXAMINATION OF MR. WARREN BY SENATOR REED

[Page 1639]

Senator REED. What do you know about the reduction of the holdings of the American Sugar Refining Co. in the Michigan Co.; that is, the recent reduction?

Mr. WARREN. I do not think there has been any recent reduction. The holding has been reduced since 1910.

Senator REED. Did any part of that stock pass through your hands that had been held in your name?

Mr. WARREN. What do you mean by that?

Senator REED. The stock that was used for reduction purposes.

Mr. WARREN. Some of the people interested in the Michigan Sugar Co., including myself, have bought stock from the American Sugar Refining Co.

Senator REED. You bought stock when they were reducing their holdings. To what extent did you buy stock when they were reducing their holdings?

Mr. WARREN. I could not say.

Senator REED. Can you not approximate it?

Mr. WARREN. No; I would not undertake to.

Senator REED. Was it a few thousand dollars or a few hundred thousand?

Mr. WARREN. It was a large sum.

Senator REED. As much as a million dollars?

Mr. WARREN. I say that I have bought hundreds of thousands of dollars' worth of stock.

Senator REED. How many hundreds of thousands?

Mr. WARREN. I can not say. I can tell you, but I could not tell you offhand.

Senator REED. Have you some correspondence that you had with the American Sugar Refining Co. or its officers in regard to this matter about which I am inquiring?

Mr. WARREN. I do not know. If I have, I am willing that you shall have it.

Senator REED. You did, as a matter of fact, embark with them or act for them in their efforts to reduce their stock holdings?

Mr. WARREN. I did not embark with them and act for them. I thought it was desirable for them to reduce their holdings.

Senator REED. Were you their representative in that matter?

Mr. WARREN. I was not their representative in any matter since 1906—since I was connected with the Michigan Sugar Co.—except as I have explained, that these stock certificates which they had stood in my name up to a certain time.

Senator REED. You thought it was desirable for them to reduce their holdings? It was not simply because you thought it was desirable for them to reduce their holdings that you purchased their stock? You did not go and invest your money to the extent of hundreds of thousands of dollars in stock held by the Sugar Trust just because you thought it was desirable that they should reduce their holdings?

Mr. WARREN. Partially I did; yes, sir.

* * * * * * *

Senator REED. Will you tell us what your real motive was and all of your motives and all of your reasons for the purchase of these hundreds of dollars' worth of that stock?

Mr. WARREN. Because from the decisions that had been handed down by the courts in this country it had come to be pretty definitely understood by lawyers that a holding by one company in another company in excess of a third of its capital stock makes it liable to be regarded as violating the Sherman law. These holdings were finally collected in various places in the country into the hands of the American Sugar Refining Co., and we believed that that would get the Michigan Sugar Co. into difficulty, so I thought it a wise thing for the stockholders that the American Sugar Refining Co. should lessen its holdings.

Senator REED. You thought that was a wise thing for your stockholders?

Mr. WARREN. I did; yes.

Senator REED. That was your motive from your standpoint, but how did you induce the Sugar Trust to sell its stock?

Mr. WARREN. The American Sugar Refining Co. was not particularly desirous of selling its stock.

Senator REED. It was not particularly desirous, but how did you induce it to sell?

Mr. WARREN. Because they realized what the situation was, themselves.

[Hearings, p. 1642]

Senator WALSH. Senator REED has asked you about the recent reduction in the stock of the American Sugar Refining Co. since the Hardwick testimony. You told us that they then had 42 per cent of the stock of the Michigan Sugar Co. and that they had since reduced it to 33 or thereabouts, did you not?

Mr. WARREN. I think the testimony showed that they owned 42 per cent.

Senator WALSH. Forty-six per cent, as a matter of fact; but you have told Senator REED now about some reduction that was made in 1910.

Mr. WARREN. And since.

Senator WALSH. Did you not answer Senator REED that the reduction spoken of was made in 1910?

Mr. WARREN. I said it began in 1910.

Senator WALSH. The reduction since the Hardwick testimony was from 42 per cent to 33 per cent?

Mr. WARREN. I believe so; 33 and a fraction.

Senator WALSH. And that reduction was made upon the consideration that you speak of?

Mr. WARREN. It was made because of those motives.

* * * * * * *

Senator REED. When you purchased these hundreds of thousands of dollars' worth of stock that were held by the American Sugar Refining Co. in your Michigan Co. with whom did you transact your business?

Mr. WARREN. With the treasurer of the American Sugar Refining Co. or with the president.

Senator REED. Do you remember how much you purchased in the first batch that you obtained from them?

Mr. WARREN. I do not.

Senator REED. Did you actually send them money?

Mr. WARREN. I did.

Senator REED. Do you remember the amount?

Mr. WARREN. I can not remember the amount. I remember that at the time of the Hardwick hearing I held about $450,000 worth of stock.

* * * * * * *

Senator REED. That $450,000 worth of stock that you had when you testified before the Hardwick committee was not stock that you had acquired for the purpose of assisting the American Sugar Refining Co. in reducing its holdings?

Mr. WARREN. Some part of that stock I had bought from the American Sugar Refining Co.

Senator REED. Had you done it at that time for the purpose of assisting them in reducing their holdings? Was that any part of the campaign to reduce holdings?

Mr. WARREN. Not only to assist them, but because I thought it was desirable for the holdings to be reduced.

Senator REED. Had there been any conference before that?

Mr. WARREN. Before the Hardwick committee testimony?

Senator REED. Yes.

Mr. WARREN. Yes; of course, the bill had been filed before that.

Senator REED. What bill?

Mr. WARREN. The dissolution proceedings.

Senator REED. Oh, yes. So that after suit had been brought to dissolve the American Sugar Refining Co. or the Michigan Sugar Refining Co., which was it?

Mr. WARREN. The bill was brought against the American Sugar Refining Co.

Senator REED. Then the allegation was made that it owned stock in the Michigan Sugar Refining Co., and that was one of the allegations upon which the trust claim was based?

Mr. WARREN. Yes.

Senator REED. Did you start then to acquire stock for the purpose of reducing the holdings of the trust in the Michigan Sugar Refining Co.?

Mr. WARREN. We tried to reduce those holdings so that the Michigan Co. would not be adversely affected.

Senator REED. Who was it made the arrangement that the American Sugar Refining Co. was to unload?

Mr. WARREN. I do not know why you call it unloading.

Senator REED. I mean reduce its stock holdings in your company.

Mr. WARREN. That was done for a purpose——

Senator REED. I am not saying that it was illegitimate, but who was it who made the arrangement that it should reduce its holdings?

Mr. WARREN. I asked them to.

Senator REED. Whom did you ask?

Mr. WARREN. I presume it was Mr. Thomas at that time.

Senator REED. Who was Mr. Thomas?

Mr. WARREN. I think he was the president of the company.

Senator REED. Of the American Sugar Refining Co.?

Mr. WARREN. Yes. (Hearings, p. 1645.)

* * * * * * *

Senator REED. All the stock you bought from the American Sugar Refining Co. in helping them reduce their holdings in the Michigan Sugar Co. you bought in good faith and paid cash for?

Mr. WARREN. I did, sir.

Senator REED. And it amounts to some hundreds of thousands of dollars?

Mr. WARREN. Yes.

Senator REED. And you have sold some of that stock and part of it you still have?

Mr. WARREN. Part of it I still have, and some of it went to the general manager and some of it to the vice president and some of it to the secretary and some to the treasurer of that company.

Senator REED. Of what company?

Mr. WARREN. Of the Michigan Sugar Co. The great bulk of it that was disposed of by me went there. " (Hearings, p. 1645.)

Senator REED. You people were simply buying it to cut your company loose, as I understand, from the American?

Mr. WARREN. We thought that it would be beneficial. (Hearings, 1645.

* * * * * * *

Senator REED. The amount of reduction that you undertook to bring about, however, was just enough so that you thought you would get down to a point of safety from prosecution under the trust act?

Mr. WARREN. It was not especially desirable to have anybody buy any more than they had to, Senator.

Senator REED. That was the point you tried to reach?

Mr. WARREN. Exactly.

Senator REED. You thought 33 per cent was permissible, and you would cut it to about 33 per cent?

Mr. WARREN. That seemed to be the line of cleavage. (Hearings, 1646.)

Senator REED. What were your holdings in the Michigan Co. at that time?

Mr. WARREN. What do you mean by "at that time"?

Senator REED. At the time you started upon this campaign and paid these largs sums.

Mr. WARREN. I can not tell you that.

Senator REED. Was it a substantial holding—a large holding?

Mr. WARREN. I think it was a substantial holding.

Senator REED. Does it amount to as much as the stock you bought?

Mr. WARREN. I do not think so.

Senator REED. I am trying to get at what was the inducement or reason for you to pay this large sum of money in to acquire the stock from the American Sugar Refining Co. in order to benefit the Michigan Co., when you only had a small interest in the Michigan Co.

Mr. WARREN. I was very vitally interested in the Michigan Co. I was its president and general counsel, and men who are my friends are interested in it. I had the same motives that the vice president and the general manager and the secretary and the treasurer had. I think the practice is a good one. I do not find fault with the fact that the holdings of these large companies in smaller companies should be decreased.

Senator REED. I do not find any fault with their being decreased.

Mr. WARREN. I think it is a good thing.

Senator REED. I do not think it ought ever to have existed in the first place.

Mr. WARREN. You recall that the Michigan Co. was not any part of the general plan—that is, that the Michigan Co. had no knowledge of the general plan of the New York people—and when it came to be disclosed what their ramifications were it was a very natural thing for the Michigan Co. to seek to get itself out of trouble if it were in trouble. (Hearings, p. 1646.)

SENATE HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE THE CHARGE THAT A LOBBY IS MAINTAINED TO INFLUENCE LEGISLATION PENDING IN THE SENATE.

[Vol. 2, p. 1633]

Senator WALSH. Our attention has been called to this letter marked "Hamlin correspondence, Exhibit 1," which purports to be a letter-press copy or a carbon copy of a letter sent to you under date of March 20, 1912. I wish you would look it over.

Mr. WARREN (after examining the letter). I have looked it over.

Senator WALSH. Do you remember receiving the original of that letter?

Mr. WARREN. I received the original of that letter, I believe.

[Page 1370]

The CHAIRMAN. The following letters, checks, and copies of letters are taken from the box containing the papers which, at the request of the committee, produced under subpœna duces tecum by Harry A. Austin, clerk to Truman G. Palmer and to C. C. Hamlin, employed by the United States Sugar Industry:

"EXHIBIT HAMLIN 1

"MARCH 20, 1912.

"Mr. C. B. WARREN,

"*Union Trust Building, Detroit, Mich.*

"DEAR MR. WARREN: Since our meeting on Saturday I have had two conferences with Mr. Hinman, who controls the Chicago Inter-Ocean. It seems to me that the matters discussed deserve our serious consideration. Mr. Fordney may have spoken to you something about the matter. It seems that Mr. Hinman has purchased or arranged to purchase $200,000 of the bonds of the Inter-Ocean, formerly held by the Yerkes Estate, but, as I gather it, he is not in shape to handle the proposition personally and desires to place these bonds. The total bond issue against the paper is $600,000, including the above, and bear interest at 5 per cent and mature in 1926. Of the $200,000 mentioned, $165,000 has already been placed, and Mr. Hinman desires assistance in handling the remaining $35,000. In placing the bonds already sold Mr. Hinman has had the assistance of the Vice President and ex-Speaker Cannon, both of whom are interested in seeing him carry through this transaction. His proposal is that we assist him in taking care of the remainder of these bonds, $50,000 of the proceeds to go to working capital.

"The Inter-Ocean has had its vicissitudes and is now operating at some loss, but Mr. Hinman assures me that it is on the upgrade. He tells me that they are practically free from floating indebtedness and have never defaulted in an interest payment. The Inter-Ocean is one of the three papers which hold Associated Press franchises in the city of Chicago and is the only Chicago daily which publishes a weekly edition. This weekly edition has a circulation of nearly 100,000, almost exclusively among the farmers in sections which it is most desirable for us to reach. I think no paper published in that section of the country is so generally quoted by the agricultural and country press as is the Inter-Ocean. The paper has always been friendly to our interests, and should we aid Mr. Hinman a specialty will be made of the sugar tariff and our business will receive particular attention all along the line. The daily circulation of the paper is about 86,000. Mr. Hinman tells me that he has a standing offer of $1,000,000 for the paper, and while these securities are not such as to be disposed of readily, it seems to me they are perfectly safe, as a paper with the circulation, franchise, and standing such as the Inter-Ocean surely ought always to be worth $600,000. It certainly seems to me that it would be a good business for our people to make this investment and thereby establish an organ in the Middle West which will give our industry the attention it deserves. So far as my own company is concerned, I feel safe in saying that we will do our share.

"If these bonds, or a considerable portion of them, were taken over and then distributed among the larger concerns, the amount invested by any one would not be large, neither would the money be given in the way of a contribution.

"I gather from my talk with Mr. Hinman that the matter is somewhat urgent in so far as time is concerned. Mr. Hinman personally owns about three-fourths of the stock of the company. Mr. Oxnard seems to think that his people would look with favor upon helping.

"I am writing only to yourself and Mr. Morey. If two or three of the stronger concerns could underwrite the remainder of these bonds, or a substantial portion of them, I believe we would have no difficulty in distributing them among the various interests affected.

"You had better communicate with me by wire on receipt of this, giving your general impressions concerning same."

Senator WALSH. Did you wire?

Mr. WARREN. I do not know whether I wired or not; but that reminds me of a man who said he almost sold his horse. He asked somebody if they wanted to buy it, and they said "No." We did not buy it.

Senator REED. This letter was sent you by Mr. Hamlin, was it?

Mr. WARREN. Yes.

Senator WALSH. You did not subscribe for any of the bonds?

Mr. WARREN. We did not.

Senator WALSH. Do you remember having any communication with Mr. Hamlin about the matter?

Mr. WARREN. Any communication other than that letter, do you mean?

Senator WALSH. Yes.

Mr. WARREN. I think Mr. Hamlin, when he saw me sometime, spoke to me about that.

Senator WALSH. Did you answer the letter?

Mr. WARREN. I do not recall. If I did, we did not take any bonds.

* * * * * * *

Senator WALSH. Did you have any communication with him at that time at all?

Mr. WARREN. About this matter?

Senator WALSH. Yes.

Mr. WARREN. That matter of the Inter-Ocean was an activity of Mr. Hamlin's that originated in his own mind, apparently, and evidently some Republicans were talking about helping Mr. Hinman out in getting control of the Inter-Ocean. I had nothing whatever to do with it.

Senator WALSH. Do you recall whether you had any communication with him at or about that date at all?

Mr. WARREN. I do not remember anything about it except that I received that letter, and the matter was up.

Senator WALSH. The question is whether you did have any communication.

Mr. WARREN. If I did, sir, I will send you the letter.

Senator REED. Or telegram?

Mr. WARREN. Or telegram.

Senator WALSH. As I understand you now, you do not know whether you did or not?

Mr. WARREN. I do not.

* * * * * * *

Senator WALSH. I call your attention to this telegram, which has just been marked "Warren Exhibit No. 1," and ask you if you recollect having sent that telegram?

Mr. WARREN (after examining telegram). I do not. It appears to be on a regular blank of the Western Union, and I have no doubt it is authentic.

Senator WALSH. It is not in answer to the letter sent the day before, is it?

Mr. WARREN. About the Chicago Inter-Ocean?

Senator WALSH. Yes.

Mr. WARREN. It is not.

Senator WALSH. About how long does it take for mail to go from Washington to Detroit?

Mr. WARREN. I do not know. But that telegram is not an answer to that letter.

Senator WALSH. I want an answer to my question.

Senator NELSON. He has answered it. He has said he did not know, but that the telegram was not an answer to that letter.

Senator WALSH. You answer me that you do not know how long it takes for mail to be transmitted from here to Detroit?

Mr. WARREN. There is a train leaving Washington at noon and arriving in Detroit the next morning.

Senator WALSH. That train carries mail, I suppose?

Mr. WARREN. I suppose so.

Senator WALSH. We offer that telegram in evidence.

The telegram referred to, marked "Exhibit Warren, No. 1," is as follows:

[Night message. The Western Union Telegraph Co.]

(Received at Wyatt Building, corner Fourteenth and F Streets, Washington, D. C. 420 g sy 1 nite)

DETROIT, MICH., *March 21, 1912.*

C. C. HAMLIN,

Care New Willard Hotel, Washington, D. C.:

Yes.

C. B. WARREN.

(1017 p.)

Senator WALSH. Do you recall any other correspondence with Mr. Hamlin than this you spoke of, concerning the failure to get what he wanted in the Associated Press?

Mr. WARREN. In further explanation of whatever that telegram refers to, I will say that neither the Michigan Co. nor I bought any bonds of the Chicago Inter-Ocean.

Senator WALSH. I think you told us that before, Mr. Warren.

ADJOURNMENT

Mr. CURTIS. Mr. President, to-day I am going to ask the Senate to adjourn until 12 o'clock on Monday, but after Monday, if satisfactory to the Senator from Iowa [Mr. CUMMINS], I shall ask that the sessions begin at 11 o'clock. I now move that the Senate, as in legislative session, adjourn until 12 o'clock Monday.

The motion was agreed to; and the Senate (at 5 o'clock and 3 minutes p. m.) adjourned until Monday, March 9, 1925, at 12 o'clock meridian.

SENATE

MONDAY, *March 9, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we do thank Thee for Thy care over us, for the blessings of yesterday, and we rejoice in the sunshine of to-day. We would recognize the hand that is guiding our ways and feel constantly that we are children of Thy care. So help us to live, so help us to do, that with each day's work accomplished we may be able to look into Thy face and be assured of Thine acceptance. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Robinson
Bayard	Ferris	McKellar	Sackett
Bingham	Fess	McKinley	Schall
Blease	Fletcher	McLean	Sheppard
Borah	Frazier	McMaster	Shipstead
Bratton	George	McNary	Shortridge
Brookhart	Gerry	Mayfield	Simmons
Broussard	Gillett	Means	Smoot
Bruce	Glass	Metcalf	Spencer
Butler	Goff	Moses	Stanfield
Cameron	Gooding	Neely	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harreld	Oddie	Tyson
Copeland	Harris	Overman	Wadsworth
Couzens	Harrison	Pepper	Walsh
Cummins	Heflin	Pine	Watson
Curtis	Howell	Pittman	Weller
Dale	Johnson	Ralston	Wheeler
Deneen	Jones, Wash.	Ransdell	Willis
du Pont	Keyes	Reed, Mo.	
Ernst	King	Reed, Pa.	

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

STANDING COMMITTEES OF THE SENATE

Mr. WATSON. Mr. President, I desire to call up the order in regard to the appointment of committees which was offered last Saturday and went over under objection.

The VICE PRESIDENT. The Chair lays before the Senate the order.

The Chief Clerk read the order, as follows:

Ordered (by unanimous consent), That so much of Rule XXIV as provides for the appointment of the standing committees of the Senate by ballot be suspended.

Mr. NORRIS. Mr. President——

Mr. WATSON. I yield to the Senator from Nebraska.

Mr. NORRIS. As I understand it, if the order is agreed to the Senator from Indiana then proposes to offer the motion which he suggested last Saturday, which is an order providing for all of the standing committees.

Mr. WATSON. That is correct.

Mr. NORRIS. I have talked with the Senator from Indiana. He has the same understanding that I have, that when he offers that order it will be subject to debate and it will be subject to amendment. I have no doubt that that is true. I think there can be no question about it. But in order to avoid any difficulty I am going to waive any objection to the entering of the order now pending, with the understanding that the Senator from Indiana will offer the other order, and when it is laid before the Senate it will be like any other order of the Senate, subject to debate and subject to amendment.

Mr. WATSON. There is no question about it.

Mr. NORRIS. I have no objection so far as I am concerned.

The VICE PRESIDENT. The question is upon agreeing to the order.

The order was agreed to.

Mr. WATSON. Mr. President, I move the adoption of the order which I now send to the desk. I will state that this is to be accompanied by a list of the minority members of the committees furnished by the Senator from Arkansas [Mr. ROBINSON], the minority leader.

The VICE PRESIDENT. The order will be read.

The Chief Clerk read the order, as follows:

Ordered, That the following shall constitute the standing committees of the Senate of the Sixty-ninth Congress.

Mr. ROBINSON. Mr. President, I present the list of committee assignments for the minority and ask that the list of committee assignments for members of the minority be agreed to.

Mr. WATSON. There is certainly no objection on this side of the Chamber to agreeing to that list. It is all one order, of course, as the Senator understands, embodying the membership of all the committees. May it not be just as well to consider them all together, or does the Senator from Arkansas want to have his list considered separately?

Mr. ROBINSON. I understand there is no objection to the list for the minority, and that some amendments may be offered to the list for the majority. In that view of the matter, I have submitted the request that the minority assignments be now concurred in.

Mr. NORRIS. Mr. President, if the Senator from Indiana will yield——

Mr. WATSON. Certainly.

Mr. NORRIS. As I understand it, the Senator from Indiana includes in his motion all the designations submitted by the Senator from Arkansas, and so far as I know there is no objection to any of the list submitted by the Senator from Arkansas.

Mr. ROBINSON. That was my understanding.

Mr. NORRIS. It does seem to me, if the Senator from Indiana will permit, since it is all in one order, that we ought not to adopt a part of it until we vote on the whole thing.

Mr. BRUCE. Mr. President——

Mr. WATSON. I yield to the Senator from Maryland.

Mr. BRUCE. Speaking for myself, because I do not know what is the case so far as other Democratic Senators are concerned, I have never had communicated to me any information as to the minority assignments. Therefore, naturally I feel a little hesitation in voting to agree to them or to agree to anything as to which I have no knowledge.

Mr. ROBINSON. If there is objection I shall not, of course, insist upon action at this time.

Mr. WATSON. Of course, the Senator from Arkansas understands that I have offered the names submitted by him as a part of my motion. Hitherto the leader of the majority has always offered both lists, but out of deference to my friend from Arkansas I asked him to present the Democratic list.

Mr. ROBINSON. Very well.

Mr. WATSON. I think inasmuch as it is all included within one order it may just as well all go in together.

The Chief Clerk proceeded to read the list of committee assignments.

Mr. CURTIS. Mr. President, I suggest to the chairman of the committee on committees that we might save time by asking unanimous consent to dispense with the reading of the complete list and only read those as to which there is a contest.

Mr. WATSON. The chairman of the committee on committees has not yet been advised as to where the contest is to come.

Mr. NORRIS. There is no objection to having the list printed in the RECORD as though read. I do not care to have it read, so far as I am concerned.

Mr. WATSON. I am entirely willing to have it agreed to, and if the Senator does not want it read I have no objection to dispensing with the reading, but I do not know where the objections may arise.

Mr. NORRIS. The list is a part of the order submitted by the Senator from Indiana. Of course, if anyone demands it the list will have to be read, but like any other motion we all know what it is. It will all be printed. So far as I am concerned, the list can be printed in the RECORD just as though read, but not read.

The VICE PRESIDENT. Is there objection to dispensing with the reading of the list? The Chair hears none, and the reading will be dispensed with.

Mr. NORRIS. Now, Mr. President, I make the following motion: I move that in the membership of the Committee on Public Lands and Surveys the name of the Senator from North Dakota [Mr. LADD] be inserted as chairman in the place of the name of the Senator from Oregon [Mr. STANFIELD].

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska.

Mr. NORRIS. Now, Mr. President, I hope that in anything——

Mr. ASHURST. Mr. President, will the Senator from Nebraska yield to me at this juncture?

Mr. NORRIS. Yes.

Mr. ASHURST. We now see the error into which we have fallen by not having the list of names of the committees read. The Senator from Nebraska [Mr. NORRIS] moves to strike out the name of the Senator from Oregon [Mr. STANFIELD] and to insert the name of the Senator from North Dakota [Mr. LADD]. We have no notice whatever that any name has been proposed for membership of that committee. We should have proceeded to have had the names read, so that the Senate would have been advised as to what names have been proposed. Officially we do not know, but are only informed by the statement of the Senator from Nebraska.

Mr. NORRIS. I have no objection to the list of names being read, if it be desired to take up the time of the Senate in that way.

Mr. ASHURST. I ask for the reading of the names.

Mr. WATSON. Mr. President, if the Senator from Nebraska will yield, I will ask that the Secretary read the names of the Committee on Public Lands and Surveys as proposed.

Mr. NORRIS. I yield for that purpose, if that will suit the Senator from Arizona.

Mr. ASHURST. I will say that it does not suit the Senator from Arizona. I ask for the reading of the names of all committees. We ought not to be acting in this matter in the dark.

The VICE PRESIDENT. If there be no objection——

Mr. SHORTRIDGE. One moment, Mr. President. I raise the point that there has been a unanimous-consent agreement entered into and recorded waiving the reading of the names on the list of committees.

Mr. NORRIS. Mr. President, I should like to call the Senator's attention to the fact that, while I think what he states is technically true, I hope no one will take any advantage of that technicality. If the Senator from Arizona [Mr. ASHURST] desires that the names be read, he is entitled to have that done, as it seems to me. I do not see the necessity of it, but certainly if any Senator demands it, it seems to me, we ought to have the list read, although we have entered into a unanimous-consent agreement to dispense with its reading.

Mr. WATSON. I trust the Senator from California will permit the names to be read.

Mr. SHORTRIDGE. Let me be understood, however. Of course, I shall respect the wishes of the Senator from Arizona [Mr. ASHURST], but I venture to appeal to him in the interest of the saving of time. We are here to do business, and I see no necessity and, with respect, I see no reason for the reading of these names when the list has been printed and is lying on our several desks. I therefore hope the Senator from Arizona will not insist on his present request.

Mr. ASHURST. If the list is printed and lying on our desks, I shall ask that a printed copy be sent to my desk. I was not aware of that fact.

Mr. ROBINSON. I do not think that the committee lists have been printed.

Mr. ASHURST. Nobody knows officially anything about the list.

Mr. WATSON. Mr. President, if the Senator from Arizona will yield, I ask unanimous consent that the reading of the list of committees shall now proceed.

The VICE PRESIDENT. If there is no objection, it is so ordered. The Chair hears none, and the Secretary will read as requested.

The Chief Clerk resumed and concluded reading the list, which is as follows:

Ordered, That the following shall constitute the standing committees of the Senate of the Sixty-ninth Congress:

On Agriculture and Forestry: Messrs. Norris (chairman), McNary, Capper, Keyes, Gooding, Norbeck, Harreld, Deneen, Sackett, Ladd, Smith, Ransdell, Kendrick, Heflin, Caraway, Ralston, and Ferris.

On Appropriations: Messrs. Warren (chairman), Smoot, Jones of Washington, Curtis, Hale, Spencer, Phipps, McKinley, Lenroot, Keyes, Overman, Harris, Glass, Jones of New Mexico, McKellar, Broussard, Bayard, and Kendrick.

To Audit and Control the Contingent Expenses of the Senate: Messrs. Keyes (chairman), Fess, Greene, McKellar, and Gerry.

On Banking and Currency: Messrs. McLean (chairman), Weller, Norbeck, Edge, Pepper, Phipps, Sackett, Frazier, Fletcher, Glass, Edwards, Stephens, Mayfield, Bratton, and Tyson.

On Civil Service: Messrs. Couzens (chairman), Stanfield, Dale, Howell, du Pont, Pine, McKellar, Ransdell, Heflin, George, and Bruce.

On Claims: Messrs. Means (chairman), Capper, Stanfield, Howell, Deneen, Goff, Pine, Brookhart, Trammell, Bayard, Caraway, Stephens, Mayfield, and Tyson.

On Commerce: Messrs. Jones of Washington (chairman), Fernald, McNary, Edge, Willis, Weller, Couzens, Johnson, Bingham, Ladd, Fletcher, Ransdell, Sheppard, Simmons, Stephens, Harris, and Copeland.

On the District of Columbia: Messrs. Capper (chairman), Jones of Washington, Weller, Harreld, McKinley, du Pont, Sackett, King, Sheppard, Glass, Copeland, Edwards, and Neely.

On Education and Labor: Messrs. Phipps (chairman), Borah, Couzens, Metcalf, Bingham, Gillett, Brookhart, Jones of New Mexico, Caraway, Ferris, Copeland, and Ralston.

On Enrolled Bills: Messrs. Greene (chairman), Gillett, and Blease.

On Expenditures in the Executive Departments: Messrs. Reed of Pennsylvania (chairman), Moses, Wadsworth, Sackett, Underwood, Swanson, and Ralston.

On Finance: Messrs. Smoot (chairman), McLean, Curtis, Watson, Reed of Pennsylvania, Ernst, Stanfield, Wadsworth, McKinley, Shortridge, La Follette, Simmons, Jones of New Mexico, Gerry, Harrison, King, Bayard, and George.

On Foreign Relations: Messrs. Borah (chairman), Johnson, Moses, Lenroot, Willis, Pepper, McLean, Edge, Capper, Butler, Shipstead, Swanson, Pittman, Robinson, Underwood, Walsh, Reed of Missouri, and Harrison.

On Immigration: Messrs. Johnson (chairman), Keyes, Willis, Reed of Pennsylvania, Means, Bingham, King, Harris, Harrison, Copeland, and Blease.

On Indian Affairs: Messrs. Harreld (chairman), Curtis, McNary, Cameron, Schall, McMaster, La Follette, Ashurst, Kendrick, Wheeler, Dill, and Bratton.

On Interoceanic Canals: Messrs. Edge (chairman), Couzens, Greene, Howell, Schall, Pine, Brookhart, Walsh, Trammell, Ransdell, Mayfield, and Blease.

On Interstate Commerce: Messrs. Watson (chairman), Cummins, Fernald, Gooding, Couzens, Fess, Howell, Goff, Pine, Sackett, La Follette, Smith, Underwood, Pittman, Bruce, Dill, Wheeler, and Mayfield.

On Irrigation and Reclamation: Messrs. McNary (chairman), Jones of Washington, Phipps, Gooding, Cameron, Oddie, Shortridge, Johnson, Sheppard, Walsh, Kendrick, Pittman, Simmons, Dill, and Ashurst.

On the Judiciary: Messrs. Cummins (chairman), Borah, Norris, Ernst, Spencer, Means, Harreld, Deneen, Gillett, Overman, Reed of Missouri, Ashhurst, Walsh, Caraway, King, and Neely.

On the Library: Messrs. Fess (chairman), Pepper, Howell, Gillett, McKellar, Broussard, and Ferris.

On Manufactures: Messrs. McKinley (chairman), McNary, Weller, McLean, Metcalf, La Follette, Brookhart, Smith, Reed of Missouri, Edwards, Wheeler, and Tyson.

On Military Affairs: Messrs. Wadsworth (chairman), Warren, Cameron, Reed of Pennsylvania, Greene, Bingham, Goff, McMaster, Pine, Brookhart, Fletcher, Sheppard, George, Ralston, Bruce, Tyson, and Blease.

On Mines and Mining: Messrs. Oddie (chairman), Cameron, Means, du Pont, Goff, Frazier, Walsh, Ashurst, Pittman, and King.

On Naval Affairs: Messrs. Hale (chairman), Pepper, Oddie, Norbeck, Shortridge, Weller, Butler, Metcalf, Schall, Swanson, Gerry, Trammell, Broussard, Copeland, Edwards, and Dill.

On Patents: Messrs. Ernst (chairman), Norris, Butler, Metcalf, Shipstead, Smith, Broussard, and ———.

On Pensions: Messrs. Norbeck (chairman), Fernald, Dale, Wadsworth, Gooding, Schall, Frazier, Shipstead, Gerry, Ralston, Wheeler, Neely, and Bratton.

On Post Offices and Post Roads: Messrs. Moses (chairman), Phipps, Oddie, Stanfield, Dale, Metcalf, du Pont, Schall, McMaster, Frazier, McKellar, Heflin, Trammell, Ferris, Blease, Bratton, and ———.

On Printing: Messrs. Pepper (chairman), Moses, Fess, McKinley, Shipstead, Fletcher, Ransdell, and Bruce.

On Privileges and Elections: Messrs. Spencer (chairman), Watson, Ernst, Shortridge, Greene, Deneen, Goff, King, George, Neely, Stephens, Smith, and Caraway.

On Public Buildings and Grounds: Messrs. Fernald (chairman), Warren, Lenroot, Keyes, Harreld, Fess, McMaster, Shipstead, Reed of Missouri, Ashurst, Trammell, Swanson, Mayfield, and Edwards.

On Public Lands and Surveys: Messrs. Stanfield (chairman), Smoot, Norbeck, Cameron, Spencer, Oddie, Dale, Ladd, Pittman, Jones of New Mexico, Kendrick, Walsh, Dill, and Ashurst.

On Rules: Messrs. Curtis (chairman), Hale, Moses, Watson, Dale, Smoot, Spencer, Overman, Underwood, Harrison, Robinson, and Ralston.

On Territories and Insular Possessions: Messrs. Willis (chairman), Johnson, Cummins, Reed of Pennsylvania, Lenroot, Butler, Bingham, Ladd, Pittman, Robinson, Harris, Broussard, Bayard, and Dill.

Mr. COPELAND. Mr. President, the clerk omitted the Committee on Appropriations, I think.

The VICE PRESIDENT. The first and second committees on the list were read before the reading was interrupted.

Mr. COPELAND. I would be glad if the Clerk would read the membership of the Committee on Appropriations.

The VICE PRESIDENT. Without objection, the list of members proposed for the Committee on Appropriations will be read.

The Chief Clerk read as follows:

On Appropriations: Messrs. Warren (chairman), Smoot, Jones of Washington, Curtis, Hale, Spencer, Phipps, McKinley, Lenroot, Keyes, Overman, Harris, Glass, Jones of New Mexico, McKellar, Broussard, Bayard, and Kendrick.

Mr. WALSH. Mr. President, I rise to a parliamentary inquiry. What is the question before the Senate?

The VICE PRESIDENT. The question before the Senate is on agreeing to the motion of the Senator from Nebraska to substitute the name of the Senator from North Dakota [Mr. LADD] for the name of the Senator from Oregon [Mr. STANFIELD] as chairman of the Committee on Public Lands and Surveys. That is the question before the Senate.

Mr. WALSH. I rise to a point of order that that motion is not in order, and I refer to Rule XXIV, as follows:

In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

Mr. NORRIS. That has been modified by the unanimous-consent agreement which was entered into this morning, making the motion in order.

Mr. WALSH. I did not know that any unanimous-consent agreement was entered into.

Mr. WATSON. I understand, I will say to the Senator from Montana, that that was to be the program.

Mr. WALSH. Yes; but will the Secretary read the unanimous-consent agreement as entered into.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That so much of Rule XXIV as provides for the appointment of the standing committees of the Senate by ballot be suspended.

Mr. WALSH. Very well, that does not affect the situation at all. If that portion of the rule is suspended, then the question is presented as to how we shall proceed.

Mr. NORRIS. That is what the resolution now pending, to which I have offered an amendment, provides.

Mr. WALSH. Then, Mr. President, if I am in order, I move as a substitute that the roll be called, and that each Senator, as his name is called, announce his choice of a candidate for chairman of this committee. That, I submit, is the only fair way. Why should we be compelled to choose as between these two Senators?

Mr. NORRIS. Let me say to the Senator that I should not have any objection to that if it were the procedure that we had agreed to. However, we had a definite understanding as to the procedure when we made the unanimous-consent agreement. Moreover, it seems to me that the Senator's motion is not in order while the motion I have made is pending. I have a motion pending to amend the resolution of the Senator from Indiana.

Mr. WALSH. I offer this amendment to the amendment, in the nature of a substitute. I appeal, however, to the sense of fairness always dominant in the mind of the Senator from Nebraska whether that course ought not to be taken.

Mr. NORRIS. That would be one way to do it; I concede that; but we have an understanding and an agreement here that we would take it up in another way.

Mr. WALSH. I regret to say that this is the first intimation I have had of any unanimous-consent agreement.

Mr. NORRIS. The Senator perhaps was not in the Chamber when the agreement was made.

Mr. WALSH. That is quite likely. I certainly should have objected to it, because it seems to me eminently unfair to proceed in this way; and if the Senator feels that my motion is not in order I should like to appeal to the Senator that the Senate agree by unanimous consent to pursue the course which I have suggested.

Mr. WATSON. I will say to the Senator from Montana that when I offered the resolution this morning the Senator from Nebraska asked me whether or not I would be willing to have his amendment offered, and I told him entirely so. I have discussed the matter with several of my colleagues, and they said they were entirely willing to have it taken up in that way, because it finally leads to a vote. My understanding was that the Senator from Nebraska intended to offer his amendment, which he has offered, and that on it we would vote; but if the Senator has something else in mind I shall be glad to have him suggest it.

Mr. NORRIS. That will be a roll-call vote?

Mr. WATSON. Yes; that will be a roll-call vote.

Mr. WALSH. Of course, that will be a roll-call vote. I appeal to the Senator, however, not to pursue that course. That would be a roll-call vote in which the Senate would express themselves as between those two Senators, leaving us no opportunity whatever to vote for some other candidate whom we may prefer to either of those.

Mr. NORRIS. The Senator can make a motion when this amendment is disposed of, no matter whether it prevails or is defeated, to substitute a different name, if he want to do so.

Mr. WALSH. Yes; but then the choice would be between those two. I never before, Mr. President, in any deliberative body, when there was more than one candidate for an office, found an insistence that it should be determined otherwise than by ballot or some equivalent method, so that every representative would have an opportunity to express his choice.

Mr. FLETCHER. Mr. President, I can not see anything inconsistent between the agreement entered into and what the Senator from Montana now proposes, as far as that is concerned. The agreement was that this resolution should be subject to amendment. It is subject to amendment. The Senator from Nebraska offers an amendment. That is in line with the offer of any other amendment which might be made. I do not see anything inconsistent between this proposal and the agreement that was entered into.

Mr. WATSON. Mr. President, I will say to the Senator from Florida as well as to the Senator from Montana that there was an understanding that the Senator from Nebraska should be permitted to offer this amendment. He has offered, as a substitute, to insert the name of Senator LADD in place of that of Senator STANFIELD. If the Senator from Montana desires to move to substitute the name of some other Senator for that of Senator LADD, I think his motion would be in order.

Mr. WALSH. I appreciate that perfectly; but in each case we would be making a choice as between two Senators, perhaps neither of whom might be satisfactory to a large number of the Senators.

I am astonished that anybody should resist such a suggestion as I make, giving every Senator on the floor an opportunity to vote for whomsoever he pleases.

Mr. WATSON. I can say to the Senator that I am not resisting it. I want every Senator to have a chance to vote for anyone he wants to vote for; but we had an understanding about how it should be done, and I am simply trying in good faith to carry out the understanding. I should think it perfectly in order for the Senator to move to substitute some other name for that of Senator LADD if he so desires.

Mr. WALSH. That would simply make it a matter of choosing between the two.

Mr. WATSON. No; three, because the Senator from Nebraska moves to substitute the name of Senator LADD for that of Senator STANFIELD.

Mr. WALSH. Very good.

Mr. WATSON. If the Senator from Montana wants to move to substitute the name of some other Senator for that of Senator LADD, I think he is within his rights in so doing.

Mr. WALSH. But why should I move to substitute the name of some other Senator for that of Senator LADD? Then the vote in the Senate would be as between my nominee and Senator LADD, and probably a large number of Senators who would be obliged to vote for either one or the other under those circumstances would not desire to vote for either of them.

Mr. WATSON. I think that is quite likely.

Mr. CURTIS. Mr. President, I should like to suggest a unanimous-consent agreement, if I can have the attention of the Senator from Nebraska and the other Senators. I ask unanimous consent that the committees be adopted in the order in which they are read by name, and that where an objection is made or an amendment offered, especially in the case of chairmen, the vote be taken by a roll call for the candidates that may be favored by the various Senators.

Mr. NORRIS. I object to that; and I should like to state to the Senator that in my judgment, first, it is contrary to the unanimous-consent agreement, the understanding which was publicly stated on the floor of the Senate when it was proposed.

Mr. CURTIS. I knew it was contrary to the previous agreement, but I wanted to suggest another agreement, hoping that we might get out of this situation.

Mr. NORRIS. The Senator's proposition would necessitate passing on the committees first in the order in which they are presented. Some Senator may want to make a motion to amend, which under our rules he has a right to do to the very last paragraph of a bill or joint resolution, and afterwards he can move to amend the preamble if he wants to. This is just the same as a bill or joint resolution. Under our unanimous-consent agreement a motion was made that the following Senators be members of the following standing committees. Under our rules that is subject to amendment.

Mr. CURTIS. I thought my unanimous-consent proposal included the right to amend any of the names which might be called upon any committee.

Mr. NORRIS. Yes; but it modifies the procedure.

Mr. CURTIS. If the Senator objects to my proposal, I withdraw it.

Mr. WATSON. Mr. President, the Senator from Nebraska has offered an amendment to the original proposition. Does the Senator want a vote on that one point?

Mr. NORRIS. Yes.

Mr. WATSON. Right now?

Mr. NORRIS. No; I want to debate it, and then I want a vote on it.

Mr. WATSON. The Senator does not intend to offer any other amendment in connection with the amendment already offered?

Mr. NORRIS. No.

Mr. WALSH. Mr. President, in view of the inability to secure unanimous consent, I move as a substitute for the motions now pending that the roll be called and that each Senator

rise in his place and announce his choice for chairman of the Committee on Public Lands and Surveys.

Mr. NORRIS. Mr. President, I believe that under the unanimous-consent agreement and understanding that motion is subject to a point of order, but I am not going to make it. I want to call the attention of the Senator from Montana, however, to the fact that that means that we will probably get into the dilemma that we were in before and get no chairman at all. This was a method that did not preclude any Senator making any motion with regard to any Senator. He can do it now. My amendment is subject to amendment. If it is agreed to or if it is defeated, the chairmanship is still subject to another motion as long as any Senator wants to move to put in any other chairman. That was the understanding. If Senators do not want to agree to that, I shall go at it in some other way.

Mr. HARRISON. Mr. President, may I ask the Senator from Indiana, in the event his motion should carry, whether any Senator would be precluded from voting "present" as between the nominees?

Mr. WATSON. Certainly not.

Mr. HARRISON. I may explain my inquiry by saying that I do not want to enter into the family row over there, and I do not want to vote for either one of the nominees.

Mr. WATSON. We do not want the Senator to enter into our family rows.

Mr. HARRISON. I know the Senator does not want me to enter into them.

Mr. BORAH. I do, if the Senator is on the right side.

Mr. WALSH. Mr. President, the rule of the Senate controls the question as to when a Senator may remain silent.

Mr. BORAH. Mr. President, understanding that this was a family affair, we entered into an understanding with the other faction; and I would gladly support the proposition of the Senator if it were not for the fact that I feel that we have had an understanding which I must carry out. I have no objection to voting as the Senator suggests, and perhaps that is the way in which we proceeded before when we had this matter up; but, having something of an understanding in regard to this matter, I feel that I must vote in accordance with the understanding had.

Mr. SWANSON. Mr. President——

Mr. WATSON. Mr. President, if the Senator from Virginia will yield a moment, let me make a suggestion. Suppose that we vote on the motion offered by the Senator from Idaho, and suppose that the name of Senator LADD is or is not substituted; That does not preclude the Senator from Montana or any other Senator from offering as a substitute some other name and having a vote on that. I do not know when we would get through if we should proceed in that way, but I am talking about the mere right.

Mr. NORRIS. Mr. President, will the Senator yield for a moment? If, as seems to be the case, some of the minority members want to be on record in favor of some other Senator than these two, there will be plenty of opportunity for them to do it. They can make the motion now, or they can wait until this one is disposed of and make it then. They can go on record at least as to their first choice. When it comes to a decision as between these two, I take it that a Senator can do what the Senator from Mississippi suggests; he can answer "present," or he need not vote at all.

As between these two, I think we have had—and it was done fairly, as far as I could see—this very morning a fair understanding as to how we were going to proceed. It was done in the open Senate. I believe we ought to proceed in that way. Outside of that, I have not any objection to the Senator's method.

Mr. SWANSON. Mr. President, there seems to be a misunderstanding as to the unanimous-consent agreement. As I understood the unanimous-consent agreement as it was first submitted, it was that we would dispense with the reading of all these appointees on the various committees, and that was agreed to. Subsequently, the agreement as to the method of voting was embodied in that. Subsequently, as I understand, upon the Senator from Arizona objecting to that, the unanimous-consent agreement was unanimously set aside. Thus, it would seem to me that the proposed unanimous-consent agreement abolishing the rule and method fixed for appointing chairmen of committees has not been made. As I understand the proceedings, it was made at the same time that we dispensed with the reading of the appointees as submitted by the respective leaders of the two parties. That unanimous-consent agreement, as I understand, was subsequently changed by another unanimous-consent agreement. As I understand, when they were ready to be adopted the Senator from Nebraska offered his motion.

Mr. WATSON. What does the Senator from Virginia want to do?

Mr. SWANSON. I want to proceed under the rule established.

Mr. WATSON. But we had an understanding this morning that was a square understanding.

Mr. SWANSON. The understanding was not with the Senate. The Senate has nothing to do with the understandings of the two divisions of the Republican Party. As I understand, the Senate has not agreed to abolish its rule. Consequently, not having agreed to abolish its rule, the result can be obtained only by changing the rules or by a unanimous-consent agreement; one or the other. The unanimous-consent agreement embodying the method of voting was contained in the unanimous-consent agreement to omit the reading of the motion, as proposed by the respective leaders.

Mr. KING. Will the Senator from Virginia yield to me?

Mr. SWANSON. I am through.

Mr. KING. Mr. President, I confess that I understood the unanimous-consent agreement first submitted to call for a vote, as indicated by the Senator from Indiana, and not a vote under the rule, as suggested by the Senator from Montana. So far as I am concerned, speaking only for myself, I believe that that unanimous-consent agreement, as I understood it, and, I think, as most of us understood it, ought to be carried out. It is not our controversy; and when I say "our," I mean the minority. The Republicans are in the majority; they are entitled to this chairmanship, and they ought to be permitted to select the chairman they desire. As far as I am concerned, I shall answer "present," but shall not vote, and I hope the Senator from Montana will not press his motion.

Mr. WATSON. That sounds to me like very good doctrine.

Mr. WALSH. Mr. President, I have not been convinced, however, and I insist on my motion.

Mr. HEFLIN. Mr. President, if the suggestion of the Senator from Utah is agreeable to the Republican side, I am afraid there is something wrong with them. [Laughter.]

This is the situation we are in: A majority of the Republican Party has submitted the name of the Senator from Oregon [Mr. STANFIELD]; a minority of the Republican Party has submitted the name of the Senator from North Dakota [Mr. LADD]. The Democratic Party in the Senate would like to vote for somebody; so I ask, Will it be in order for us to vote for the ranking Democrat on the committee?

Mr. ASHURST. Mr. President, the Republican majority has this morning demonstrated that, according to its philosophy, when its factions bind each other they have bound the country. The Senator from Nebraska has done something that has discouraged every true progressive. If he insists on this course, he is going to be an instrument that will deprive the minority of an opportunity to express its opinion on this question. He is the last man who should have done this. I never was more astonished. A reactionary standpatter could not have contributed to more reactionary standpat rule than the Senator from Nebraska has attempted. [Laughter.]

Mr. HEFLIN. Mr. President, what I object to is the attempt to disfranchise the whole Democratic side. There are two candidates from the Republican side running for office, and under the program as it now stands it seems that the Democrats will just have to sit silent and permit the Republicans to vote. Of course, we might refrain from having anything to do with it under the Scripture, which says, "Abstain from every appearance of evil." [Laughter.]

Mr. NORRIS obtained the floor.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. Following the raising of this question last Saturday, when the unanimous-consent agreement was stated, and when I said that, as far as I knew, I would not have any objection, the question was brought up again in the open Senate this morning and agreed to. It seems, after we have agreed on a procedure, that some Senators on the minority side are questioning the good faith of some of us on this side because we made that agreement.

Mr. WALSH. Mr. President——

Mr. NORRIS. I do not intend to sit here and be condemned by anybody, to remain silent under the condemnation of men who were themselves here and heard the agreement read. If they are so wise and if they are so all-seeing, they should not have agreed to that unanimous-consent agreement. There was nothing surreptitious about it. It was made in the open Senate. I think it was a fair proposition. I would just as leave have the other method adopted, but we have made one agreement, and I think we ought to carry it out.

Mr. WALSH. Mr. President——

Mr. NORRIS. I will yield in a moment. When the unanimous-consent agreement was suggested, I rose in my place and told the Senate what I proposed to do. I laid my cards on the table face up. Why did not somebody object? Why was there no objection from the wise man from Arizona at that time? Why was it that he, who seems to have taken upon himself the guardianship of all the progressive ideas in creation, remained silent then, and now condemns somebody else who——

Mr. ASHURST. Had I heard the agreement read, I surely would have objected, and if I were in the Senator's place——

Mr. NORRIS. The Senator was here. I am not going to impugn the Senator's motives, and it ill becomes him to impugn mine. I may be ignorant, but the transaction took place in the presence of the Senator from Arizona, and he made no objection, until it was all over.

Mr. ASHURST. I am not trying to impugn the Senator's motives. His motive will be made manifest by the action he takes on pressing the present technical advantage he has secured. If he presses that advantage, then I am not responsible for what construction he places on my speech. If he gives up that technical advantage, secured in haste, and when others were not listening, then his motives are above anybody's challenge.

Mr. WALSH. Mr. President——

Mr. NORRIS. In just a moment. It seems to me that when a Senator sits here and makes no objection to what he thinks deprives Senators of their constitutional rights, who agrees to a proposition which I believed then, and believe now, to be fair, when it is all over and he has given up whatever rights he has and submitted to the agreement himself, it ill becomes him to take the position that everybody else except himself is moved by motives that are corrupt.

Mr. ASHURST. Will the Senator yield to me?

Mr. NORRIS. Not now; I will in a moment.

Mr. President, there is no reason why a Member on the minority side shall not express his choice as between the two Senators who are involved in the motion now before the Senate. If they want to express their choice it is open to them now to make a motion to strike out the name of Senator LADD and insert the name of some Senator who sits on the other side of the aisle. If such a motion were made those on this side, no matter to which faction they belonged, would have to choose between the name thus suggested and the name of Senator LADD. If the minority won in that they would have substituted the name of a man in the place of Senator LADD, and then we would come to a vote between that Senator's name and the name of Senator STANFIELD.

Mr. HEFLIN. Mr. President——

Mr. NORRIS. It is not wrong, it is not a hardship, it does not deprive any Democrat of his right to express his preference. There is no intention of doing anything of that kind.

Mr. HEFLIN. I would like to ask the Senator a question.

Mr. NORRIS. The question eventually will be the choice between these two men or two other men, one of whom may be a Democrat. As far as I am concerned, I am ready to vote on the choice between a Democrat and a Republican if the name of a Democrat is suggested.

Mr. HEFLIN. I would like to ask the Senator what objection there can be to permitting this course to be pursued. When a Senator's name is called let him call out the name of Senator LADD or Senator STANFIELD or Senator PITTMAN. Senator PITTMAN is the ranking Democrat on the committee.

Mr. PITTMAN. Mr. President——

Mr. HEFLIN. Why not permit that to be done if Senators want to vote that way?

Mr. NORRIS. I will answer the Senator's question.

Mr. PITTMAN. Mr. President, will the Senator from Nebraska allow me to answer the suggestion of the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. PITTMAN. I have been mentioned as the ranking Democrat on the Public Lands Committee. That is a fact, but before the debate goes any further, I desire to say that I do not care to be mixed up in this matter at all. I will not do it voluntarily, and I do not intend to permit it involuntarily. When I am chairman of a committee, I always like to have a majority of that committee in harmony with the views I hold. The Republicans have already selected an overwhelming Republican membership on the Committee on Public Lands and Surveys, and I would not feel that I was in the right place if I were selected as the chairman of that committee.

There is still another reason why I object to my name being mentioned. This is a Republican matter. I have always recognized—and I think on sound grounds—that the majority party is entitled not only to have a majority on a committee but to have a member of the majority as chairman of the committee. We have party government in this country. We all approve it; it is proper in every sense of the word. We on this side have had no voice at all in the nomination of the two Republicans. We can not nominate some other Republican. As far as I am concerned, Senator LADD is a friend of mine. He has made an able, courteous, and conscientious chairman of that committee. But that is not the question. We are asked, as Democrats, to help select a Republican as chairman of that Republican committee. I am not going to join in that. I am not going to take any part in it whatever. I do not think it is right to do so, and I want to say——

Mr. NORRIS. Let me answer the Senator right there as he goes along. I have no objection to the Senator taking that course. I am not trying to prevent that. If he does not want to vote, if he has no choice between the two, he has a perfect right not to vote. I am not trying to compel him to vote.

Mr. PITTMAN. I know the Senator is not.

Mr. NORRIS. But before the Senator gets too far away, I want to answer the question asked by the Senator from Alabama, which I think was a fair question.

Mr. PITTMAN. May I not finish my speech before the Senator gets to the argument with the Senator from Alabama? I will take only a moment, and will then sit down.

I will ask that my name be not voted on, if this matter comes in that way. I therefore request that because I am the senior Democratic member on the committee my name be not offered as a substitute for the name of Senator LADD. There could be but one result if I should be elected chairman. What would happen was demonstrated last session when we elected the Senator from South Carolina [Mr. SMITH], a Democrat, chairman of the Committee on Interstate Commerce. The result has been that when a question is before the committee there is either a deadlock, or, if a motion is made, the chairman of the committee is defeated.

It would be a futile thing to nominate a Democrat for the chairmanship of this committee, for we would be defeated and we would come right back to a vote as between two Republicans. So what would be the object in offering the name of a Democrat as a substitute for one of the Republicans, when it would be a foregone conclusion what the vote would be?

Mr. NORRIS. I will answer that question. In the first place, I have not made such a motion, and nobody has made such a motion. Every Senator has a right, however, to make such a motion. The right of no Senator is taken away. The only object in offering such a motion, as I understand it, would be to give the Democratic Members of the Senate an opportunity to express themselves as to their choice, and when they voted on that question they would make a record. The roll call would show their preference.

Mr. PITTMAN. As a matter of fact, at least half the Senators on this side, perhaps four-fifths, I should think 99 per cent, do not want to vote at all. They know that a Democrat can not be elected, and they do not want to do the foolish thing of mixing in this.

Mr. NORRIS. Mr. President, Senators have a right to take that course. The Senator himself has partly answered the question propounded by the Senator from Alabama.

The objection I see to the course suggested by the Senator from Alabama—and I concede it is not a very serious objection— is that if that had been proposed as a method of selecting the chairman, I myself would not have objected to it, but I can see where that might lead us. It might result in a deadlock, so that there would be no chairman elected. The method suggested in the agreement will not result in a deadlock. Somebody will become chairman. If there were three candidates and we voted for them on a roll call, unless one received a majority of all the votes cast there would be no election. I wanted to avoid that if I could. It never occurred to me that any Democrat would feel aggrieved because this motion was made. I thought, first of all, that if they did feel aggrieved they would object to taking it up in this way, and I would not have any objection to taking it up in any other way that is fair. I think this plan eminently fair. Most of the Senators who have expressed themselves have said, "We do not care; you ought to have the chairmanship. We do not care who it is, we are not going to vote on it." That is the privilege of Senators. They would lose no right, as I understand it.

Now, I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I want to call the Senator's attention and the attention of the Senate to Rule XXIV providing for the appointment of committees. I find nothing in the rule that says the chairmen of committees shall be elected or selected by the Republican Party nor by any particular party.

The rule states that the chairmen of the committees shall be selected by the Senate. It is a prerogative and the business of the entire Senate to select the chairmen of the committees.

Mr. NORRIS. I have no quarrel with that suggestion. The trouble with it is that the unanimous-consent agreement has suspended the rule at the present time.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. While we are making records I want to make my own record plain. I have no complaint whatsoever concerning the unanimous-consent agreement. I think I shall never permit myself again to be drawn into a position that will compel me to vote for a Democratic chairman of a Republican committee. I want to commend the Senator from Nevada [Mr. PITTMAN] for his refusal to be put in that position. To any Democrat of sensibility, it seems to me, it is a distinct violation of that provision of the Bill of Rights which guarantees citizens against cruel and unusual punishment. I am not going to interfere with the dispute on the other side of the Chamber. I recognize the proper right of the majority to organize their part of the Senate committees as they please and I am going to leave with them that function. I am not going to vote when my name is called unless I vote "present."

Mr. NORRIS. That is a perfectly consistent position to take, it seems to me. I am not caring myself.

Mr. ASHURST. Mr. President, will the Senator from Nebraska yield to me at that juncture?

Mr. NORRIS. I yield.

Mr. ASHURST. I do not wish to interfere in a family quarrel. But the able Senator from Nebraska—and I am not reflecting on his motives—puts us into a position where the Democratic minority can not express itself. The question comes as to substituting the name of Senator LADD for the name of Senator STANFIELD. We will not be in a position where we can vote "present," as we may wish to do when the roll is called.

Mr. NORRIS. Why is not the Senator in that position on this very motion? He can vote "present" if he wants to. He does not have to vote as between the two Senators.

Mr. ASHURST. I shall not prolong the controversy. Nothing I said must be construed by the Senator from Nebraska as offensive. I do not want the Democratic Senators to be deprived of their rights.

Mr. NORRIS. I have not done it. The Senator is wrong entirely. I have not done any such thing.

Mr. ASHURST. I think the Senator has done so, but I know it has been unwittingly done.

Mr. NORRIS. The Senator can make a dozen motions to get the minority on record and vote for anybody he chooses, and I certainly do not object to that method of procedure. I do not want to take any course that could by any remote construction be construed in that way, and I have not done anything of that kind.

Mr. ROBINSON rose.

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. I desire to take the floor in my own right.

Mr. NORRIS. Very well; I yield the floor.

Mr. ROBINSON. Mr. President, there is not the slightest occasion for resentment or criticism of the agreement that has been entered into. The Senate, as everyone knows, is composed of 96 Members, 50 of whom sit among the majority and 40 of whom belong to the minority. As a representative of the minority I feel that the majority are entitled to the opportunity to organize the Senate. If they can not do so, of course the Democrats may have to take over the task. It is not a part of the duty of members of the minority to determine the rank or precedence which the majority may or shall assign to its members. We have enough difficulty in performing that service for our own members.

When Members on the other side of the Chamber realize that they ought not to belong to the majority party, that they ought to serve with the minority party, they can flee the wrath to come and seek new associations. We may have to exercise the privilege of using disinfectants, but we respectfully decline to perform that service for the majority. All Republicans look alike to us, and none of them look good from a political standpoint. [Laughter.]

It grieves my heart as a representative of the minority to find that with 16 more Members than the Democrats possess the majority is unable apparently to effectuate arrangements for the assignments of its Members to committees and for the determination of who shall serve as chairmen of those committees. Do not deceive yourselves. The country is going to suffer, no matter who are selected chairmen of those committees. The public business is going to be neglected or poorly performed, and erroneous or wrong principles of government are going to be pursued.

I am interested primarily in promptly effectuating the organization of the Senate. Majority Members may think or say anything about one another that they please. So long as they confine themselves to parliamentary procedure, they will find no objection and no resentment on my part.

The Senator from Nevada [Mr. PITTMAN] is right. Democrats should not accept committee chairmanships when the opposition is clearly in the majority on the committees. The Democratic Members of the Senate ought not to suffer themselves to be used as cat's-paws to pull hot chestnuts out of the fire for Republican Senators or for the majority in this Chamber. I ask unanimous consent, therefore, that all Members of the minority who desire to do so may be permitted to refrain from voting or to vote "Present" on the pending motion.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. WALSH. Mr. President, of course the pending motion is my motion to substitute. The unanimous-consent agreement, which has been read, goes no further, as I understand it—and I rose some time ago to inquire of the Senator from Nebraska whether his understanding was in accordance with mine—than to abrogate Rule XXIV, which requires the selection of the committees by ballot. That is now eliminated, so it leaves the matter, in my estimation, under the unanimous-consent agreement so that any method the Senate chooses to adopt now may be pursued.

Mr. NORRIS. I agree to that. Will the Senator let me make just a brief statement?

Mr. WALSH. In just a moment. Then we understand the situation perfectly. The Senate is at perfect liberty under the unanimous-consent agreement to adopt the plan proposed by the Senator from Indiana and the Senator from Nebraska to vote upon a motion that a certain individual be elected chairman of a certain committee, or to adopt the method proposed by myself, namely, that the roll be called and that each Senator announce his choice. That is the situation as it presents itself.

Mr. NORRIS. Will the Senator permit an interruption now?

Mr. WALSH. I yield now to the Senator from Nebraska.

Mr. NORRIS. I have no fault to find with that construction. I think it is fair, but the Senator ought to remember that when the unanimous-consent agreement was proposed I rose in my place, asked if the Senator from Indiana proposed to submit the motion which he mentioned on last Saturday, which is the motion now submitted, and said that my understanding was that it would be subject to amendment, indicated the kind of amendment I wanted to make, and said that with that understanding I had no objection. I think the Senate has always been so careful in its unanimous-consent agreements that where it was not fully expressed in the agreement itself, if there was stated on the floor of the Senate an understanding, even that understanding went with the contract of unanimous consent. I agreed to it on that theory. If Senators feel hurt or deprived of a right, I shall not object if a unanimous-consent agreement is submitted here to abrogate all of the agreements that have been made in regard to it, and go back to the rule. If the Senator wants to make that kind of a suggestion, I shall not object.

Mr. WALSH. I have no such suggestion to make.

Mr. NORRIS. I do not think it is fair, when we made the agreement with the understanding explicitly stated by me as the reason why I did not object to it. No objection was heard. There was no question about it.

Mr. SMOOT. Mr. President, what the Senator from Nebraska has said is absolutely correct. I would object to any further unanimous-consent agreement. Let us carry the understanding as stated by the Senator from Nebraska.

Mr. WALSH. I have not requested a cancellation of the unanimous-consent agreement, and even after the statement now made by the Senator from Nebraska I can not understand how he seeks to impose this method of selection upon the Senate. That he made the inquiry and that the Senator from Indiana said he intended to make the motion and that the Senator from Nebraska would be entitled to offer his amendment, does not by any means preclude the Senate under the unanimous-consent agreement from adopting any other method of selection that it may see fit to adopt. That simply meant that if the Senator from Indiana did make his motion, the Senator from Nebraska would have the right to submit his amendment. That has been done. The Senator has had that right. Now, I propose that we do not proceed in that way at all and we may take any other method under the unanimous-consent agreement that we choose.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Montana what procedure he proposes to submit?

Mr. WALSH. My motion is, as a substitute for the pending motion, that the roll be called and that each Senator announce his choice.

Mr. SHORTRIDGE. As the matter now stands there is a motion in the form of a resolution which calls for the naming of the Senator from Oregon [Mr. STANFIELD] as chairman of the committee. The Senator from Nebraska moves to amend by the substitution of the name of the Senator from North Dakota [Mr. LADD]. Necessarily there will be a call of the roll and the Senate will express its choice. Will we not then achieve the very end the Senator from Montana has in view? If the roll is called without further suggestion of names, must we not necessarily vote for one or the other, or, if the Senator from Montana desires to do so, he may by way of suggested amendment name a third Senator. In any event the roll will be called.

Mr. HEFLIN. What objection can there be, when the roll is called, to follow the suggestion of the Senator from Arkansas and permit Senators not to vote at all or to vote "present" or to vote for the Senator they may desire to have chosen? I can see no objection to that, and we can dispose of this matter.

Mr. NORRIS. Mr. President, if the Senator will yield to me, I desire to say that I think, as I have several times said, it was a fair, square agreement, but from what the Senator from Montana [Mr. WALSH] has said—and he was, I believe, not present when the agreement was made and stated he would have objected if he had been here—it seems to me to be eminently fair to him and to those who think as he does to grant his request, and, so far as I am concerned, I am willing to concede what he desires. I wish to have the understanding, however, that after his motion shall prevail, if it does prevail, that the question shall be open to debate. I doubt whether if his motion shall prevail, unless we have such an understanding, after it prevails debate will be in order. I wish to debate the question for a short time.

Mr. WALSH. I should think that unquestionably it would be open to debate.

Mr. NORRIS. The Senator's motion is that the roll be called, and that the Senators name their choice as chairman of this committee. I am rather inclined to think that that would close debate.

Mr. WALSH. I should not think so; I should think that pending that motion any Senator might speak.

Mr. NORRIS. We could debate the matter now, it is true, but I had rather debate it when the question shall be immediately before us. I am not going to resist the Senator's motion. I think, however, it is likely to place us in a dilemma. It may not, of course, but it is likely to get us into a tie-up, so that perhaps days and days of time will be spent without accomplishing anything. That may not happen, but there is a possibility of that occurring. I think that is the only objection I have to the Senator's proposition.

It seems to me to be a little inconsistent also, I will say to the Senator from Montana, that Senators, one after another, on the other side, say, "We do not want anything to do with a Republican chairmanship; it belongs to you; do what you please with it"; and yet all object to any procedure that does not permit them to vote for any Senator on their side for chairman of the committee. I can not quite understand how a Senator can take both of those positions. If Senators on the other side do not care anything about the selection of the chairmen and claim no right to and have no desire to interfere or to participate in the selection, why are they anxious to be given an opportunity to vote in the way they have suggested? But that is an inconsistency that, I suppose, a Senator, and especially a Democratic Senator, is entitled to; and I do not want to take it away from him.

Mr. COPELAND. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. COPELAND. Does not the Senator from Nebraska think, on the whole, that is a reasonable position for the Democrats to take?

Mr. NORRIS. I am not finding any fault with that position; I have not criticized anybody's position; I am not finding fault in the least. If Senators on the other side of the Chamber feel that they want an opportunity to vote for a Democrat, I do not want to take that opportunity away from them. I myself could make a choice as between different Democrats; I would not hesitate to do it; but I can not see how Democratic Senators can feel, as some of them have indicated, that they have no choice. It does not make any difference who it is, if they are Republicans, they, of course, do not want them and have no choice as between different Republicans. That is their right; I am not criticizing that position; but, in order to give them an opportunity to vote for Democrats, so far as I am concerned, I am willing to accept the proposition of the Senator from Montana, if there shall be coupled with it, if it shall prevail, the right to debate before the roll shall be called.

Mr. NEELY. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. NEELY. Since the second paragraph of Rule XII requires that Senators declining to vote shall state their reasons for so doing, and since I purpose to refrain from participating in the fratricidal contest now raging on the other side of the aisle, I wish to state why I shall not vote for either of the Republicans nominated for chairman of the Committee on Public Lands and Surveys. I can indicate my reason for not participating in the election by telling a story.

In commenting on the war between the Progressives and regular Republicans in 1912, Champ Clark, who was then Speaker of the House of Representatives, said, among other things, that he was once riding past a farmhouse in Missouri when he discovered a man in a near-by woodshed beating his wife; that he rushed to the aid of the woman and attempted to rescue her from her pugnacious husband. Whereupon they "double-teamed" against him, one attacking him with a scythe and the other with an ax, making it necessary for him to flee in order to save his life. The venerable Speaker added in his inimitable way: "I then and there resolved that I would never again interfere with a family fight, but would, on the contrary, let it continue to extermination, and if need be, let the participants go to a hot place together." [Laughter.] For a similar reason I shall refrain from voting for either of those who have been nominated for chairman of the Committee on Public Lands and Surveys.

Mr. WATSON. Mr. President, my understanding is that a unanimous-consent agreement was entered into by the Senate this morning. A unanimous-consent agreement can not be set aside except by unanimous consent, and the Senator from Montana, except by unanimous consent, in my judgment, has no right to offer his amendment. Wherefore I object to that amendment being offered, and ask for a vote on the original proposition.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The question before the Senate is the request of the Senator from Arkansas [Mr. ROBINSON] that the Senators of the minority be excused from voting on the question of electing a chairman of the Committee on Public Lands and Surveys.

Mr. ROBINSON. That such Members as so desire may be excused from voting on that question.

The VICE PRESIDENT. That such Members of the minority as so desire may be excused from voting on the question. Is there objection?

Mr. WATSON. Mr. President, before request for unanimous consent is put to the Senate, may I ask the Senator from Arkansas whether he will not modify his request so that Senators on the minority side may vote "present" if they so desire?

Mr. ROBINSON. That was a part of the original request.

The VICE PRESIDENT. That provision was embodied in the request of the Senator from Arkansas.

Mr. WATSON. I beg pardon; I did not so understand.

Mr. ROBINSON. Of course, Senators of the minority may vote otherwise when they desire to do so, but the rule requires that a Senator desiring to be excused from voting must procure consent to do so. That is the reason I submitted the request. I know that there are a number of Senators on this side who do not desire to vote in this contest as between two Republicans.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. WALSH. Mr. President, a parliamentary inquiry.

Mr. ERNST. Mr. President, if it be in order, I desire to be heard before the motion of the Senator from Nebraska shall be acted upon.

Mr. WATSON. Mr. President, if the Senator from Kentucky will yield, I should like to understand whether the parliamentary question which was raised has been decided?

Mr. WALSH. Mr. President, that was the inquiry I desired to make of the Chair. I desire to inquire of the Chair whether my motion is the motion before the Senate?

The VICE PRESIDENT. Of course, the present occupant of the chair is new here, but, as he sees it, the question before the Senate is on the amendment offered by the Senator from

Nebraska [Mr. NORRIS] to the motion made by the Senator from Indiana [Mr. WATSON].

Mr. WALSH. I move as a substitute for the amendment of the Senator from Nebraska and for the motion of the Senator from Indiana that the Senate proceed to vote by roll call and that each Senator may name his choice when the roll shall be called.

The VICE PRESIDENT. The Chair should like to submit the question of order to the Senate, not being familiar with the procedure; but he should think that the motion of the Senator from Montana [Mr. WALSH] at this time would be out of order, and that it is not one of those motions which are in order while another motion is pending. The Chair, however, will submit the question to the Senate if the Senator desires a vote on it.

Mr. NORRIS. Mr. President——

Mr. HEFLIN. Mr. President, if the Senator from Nebraska will permit me, I think we can simplify matters and also expedite business if consent may be granted that when the roll is called any Senator may vote for any member of the committee for chairman for whom he desires to vote when his name is reached.

Mr. NORRIS. That was the motion of the Senator from Montana.

The VICE PRESIDENT. Does the Senator make a request for unanimous consent?

Mr. HEFLIN. If we could have unanimous consent to that effect, as unanimous consent was granted at the request of the Senator from Arkansas, I think it would expedite matters.

Mr. NORRIS. I have no objection to that.

Mr. WALSH. I asked unanimous consent to that effect, but objection was made, as I understood, by the Senator from Nebraska. I then moved that we proceed in that way, and, as I understand, the Presiding Officer ruled that my motion was not in order.

Mr. NORRIS. Let me say to the Senator from Montana I did object to begin with, but when several Senators, it seems to me without reason, though I concede that they were acting honestly, felt that they were deprived of a right by my motion or by the procedure proposed, I was willing to throw it all overboard and start anew, if that was desired; and I am perfectly willing to agree to the Senator's motion or to any procedure that will make the Senator's motion in order. I would withdraw mine now and let him offer it, but, as I take it, it goes contrary to the agreement previously made.

Mr. WALSH. The fact that the Senator from Indiana raises a point of order against my motion obviously indicates that he opposes it.

Mr. NORRIS. Yes.

Mr. WALSH. So what is the use of asking unanimous consent?

Mr. HEFLIN. I ask unanimous consent—and if any Senator desires to object, of course, he may do so—that when the roll is called a Senator who desires to do so may vote for the candidate of his choice.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent that when the roll is called each Member of the Senate may vote his choice for chairman.

Mr. WATSON. Mr. President——

Mr. NORRIS. Mr. President, I hope the Senator from Indiana will not object to that request.

The VICE PRESIDENT. Is there objection?

Mr. WATSON. Mr. President, I was constrained to object because of the fact that we had agreed to a somewhat different procedure, but my leader rather suggests to me that I do not object; and, following his advice, I refrain from objecting.

The VICE PRESIDENT. The question is upon the amendment of the Senator from Nebraska [Mr. NORRIS] to the motion of the Senator from Indiana [Mr. WATSON].

Mr. NORRIS. As I understand, that unanimous-consent agreement was made.

Mr. HEFLIN. I understand that the unanimous-consent agreement proposed by me was entered into.

The VICE PRESIDENT. Yes. The question is upon the amendment of the Senator from Nebraska, proposing that the name of Senator LADD be substituted for the name of Senator STANFIELD as chairman of the Committee on Public Lands and Surveys.

Mr. NORRIS. Mr. President, I hope that what I may say on this matter will not be misunderstood or misconstrued by my colleagues. It is so difficult, often, when you are doing what you think is your duty, to avoid having your motives impugned by various people. I dislike to have anything of that kind occur in the Senate, where Members of the Senate honestly feel that you are moved by a motive that is not worthy.

This is a question mainly, I think, for the Republican side of the Chamber, although I do not agree with my Democratic friends who think there is no responsibility upon their shoulders in its decision. I presume the reason why I can not agree to that assumption is that I do not possess—perhaps it is my misfortune—the party spirit that many of them possess. Allegiance to a party rests upon my shoulders perhaps more lightly than upon those of many of my friends on either side of this Chamber.

I am not contending that I am right and you are wrong. I am only contending that I believe I am right. I believe it is a mistake to let partisanship control us to the extent that it ordinarily does, and that seems now to move Senators in this body on this question.

To my mind, upon the motion that is now pending every Member of the Senate, whether he be a Republican or a Democrat, owes a responsibility not only to the question but to the country. Without any disrespect, without any lack of courtesy to either of the Senators who are mentioned for the chairmanship——

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. May I ask the Senator from Nebraska what is the difference between this particular chairmanship and any other chairmanship? When the question before us was the election of a President pro tempore of the Senate why did not the Senator from Nebraska propose somebody else? I know that my friend from Nebraska realizes that nobody on this side has voted more consistently with the progressives than the Senator from New York. Am I right in that?

Mr. NORRIS. I think that is right. I will not dispute it, at least.

Mr. COPELAND. But, now, why should the Senator from Nebraska find any fault with the minority if at this time the minority chooses to say, "We do not purpose having any part in the dispute"?

Mr. NORRIS. I do not find any fault. That is where the Senator is wrong. I am not complaining—not for a moment. If the Senator feels that that is his duty, I know he will perform it in that way, and I am the last man in the world to complain on account of it. I am not finding fault because a Senator on the other side does not vote. I am only telling him my idea. It does not agree with the idea of the Senator from New York. I am not even claiming that my idea is right and that the Senator's is wrong.

Mr. COPELAND. Mr. President, it would seem to me that if the Senator were entirely consistent he would say to the Senators on this side, "We, the progressives, have candidates for the chairmanship of all of the committees, and in combination with Senators on this side we might organize the Senate."

Mr. NORRIS. Maybe. I do not know whether it could be done, but that is a possibility; not with the present membership, perhaps.

Mr. COPELAND. But let me say to the Senator from Nebraska that last year we did that with reference to the Committee on Interstate Commerce, and from one end of the country to the other there was criticism both of the few progressive Senators on the Republican side and all the progressives on this side because we entered into that combination. The country has determined that the Republican Party shall run the Government.

Mr. NORRIS. I hope the Senator will not take up my time with a speech. If he has a question to ask me, I shall be glad to have him do so, but he will have plenty of opportunity in his own time to make a speech.

Mr. COPELAND. Of course, I would not want to take any of the time of the Senator, but I supposed that we had nothing but time during this special session. If the Senator feels that way about it, however, I will desist.

Mr. NORRIS. We have the time, but I think the Senator must concede that if I am to make any remarks on this question I must at some time be permitted to proceed without other Senators making speeches in my time.

Mr. COPELAND. I concede that, Mr. President.

Mr. NORRIS. The Senator asked me a question at the beginning of his remarks. He asked me why I did not propose somebody else for President pro tempore. He could ask me a lot of questions as to why I did not do this and why I did not do that which I could not answer satisfactorily to him or to myself or to anybody else. In the first place, even if I had felt disposed to do it, it would have been per-

fectly useless, it seems to me; and, while it might have been my duty to do it, I did not understand that it was.

In the next place, I did not care very much who was the President pro tempore. I was perfectly satisfied with the Senator I voted for. I would have been perfectly satisfied with almost any other Member of the Senate.

Now, Mr. President, if I can, I want to discuss the question that is immediately before the Senate.

Senator LADD, of North Dakota, has been a Member of the Senate for some time, and up to this Congress has been chairman of the Committee on Public Lands and Surveys. He was elected to the Senate as a Republican. The Republican conference, for reasons which they deemed sufficient, have taken it upon themselves to demote certain members of the Republican Party. Senator LADD is one of them; and let me pause here to say that in this discussion I shall have to deal with names. I shall not do it in any disrespectful way. I shall refer to no Senator because of any personal feeling or ill will. I have not any against any of the Senators; and the fact that I am taking somewhat of an active part in this matter is not because I have any objection to Senator STANFIELD being chairman of the Committee on Public Lands and Surveys, and it is not particularly that I have any reason to ask that Senator LADD should be the chairman, except that I believe that the course taken by the Republican conference is not only unfair and unjust but in the end it will do more harm to the Republican Party of the country than any one thing that has happened in a generation.

I lay down this statement, Mr. President; and while at first blush some may think it unreasonable, I believe if you will analyze it you will have to reach the conclusion that it is true: The question as to what political party—at least under present conditions and circumstances—any Member of this body or any other person gives allegiance must be decided by himself. Any other course will lead to an illogical conclusion.

Senator LADD was elected to this body as a Republican. He obtained a nomination at the hands of the Republican Party in North Dakota under the law of that State. He was the legally nominated candidate of the Republican Party. In my opinion, we have no right to go behind those returns.

It is true that there is no appeal from the action of the Senate; and if this action of the conference of Republicans is agreed to by the Senate it must stand, not because it is right, necessarily, but because there is no appeal from that decision. We are handling now a matter in which we are supreme. In order to affirm the action of the conference we must say that Senator LADD does not know himself to what party he belongs or, if he does know, that he has wrongfully stated the facts. We must do it in the face of the laws provided by the people of North Dakota for the nomination of their officers and the undisputed certificate of those State officials certifying to the Secretary of the Senate that he was the legal nominee of the Republican Party.

But who is going to be the judge, and what is going to be the conduct, if somebody sets himself up as a judge, as to what will be sufficient to drive some one out of the Republican Party? Is there any authority in this body, is there any authority in the Republican conference, to make them the judges of the consciences of their fellows? Can they say that the certificate coming from the legally constituted officials of North Dakota has no weight or that their judgment and opinion is superior, and that they have the right to set it aside? What constitutes a Republican, anyway?

Everybody knows that no two men will agree on that proposition. The Senator from Indiana the other day in discussing this question briefly said that he did not care what happened eight years ago, six years ago, or at any other time except in the last campaign. Who made the Senator from Indiana the judge? By what authority does he set himself up as the critic that shall say who is a Republican and who is not? Has he a certificate from any legally organized body that says he shall be the person that shall decide? He has a perfect right to his opinion. I am not even saying that his opinion is wrong; but he bases his judgment entirely on what happened during the last campaign. Some other Republican will say, "It is the tariff that makes a Republican. The man who stands with the Republican machine and votes for their tariff schedules is a Republican." Who constituted him the judge? If you measure it by that standard, there is not a better Republican here than the Senator from North Dakota, who stood for all the things in the tariff bill that gagged me, for instance, that I could not stand for, and who voted for the bill in the end.

Thousands of Republicans over this country say that the difference, and the only difference, between the Republican Party and the Democratic Party is over the tariff. They believe that. They are honest in that view. If those men are right, then the Senator from Indiana is wrong in saying that the Senator from North Dakota is not a Republican.

What happened a few years ago when Colonel Roosevelt ran for President on a separate ticket? Does anyone now claim that he was not a Republican? Republicans praise him to the sky in every convention they hold. They mention his name in their platforms. They hang his picture over the presiding officer's desk. They go as far in claiming that Roosevelt was a Republican as any man ever went in praise of anyone. Yet in 1912 he did not support the man who was claimed, at least technically, to be the nominee of the Republican Party for President. Would this self-constituted purification committee of the Republican conference ostracize him if he were here to-day as a Member of this body?

Mr. President, this theory would apply not only to the Republican Party but to the Democratic Party. When President Wilson went into the White House he appointed a man as Attorney General who had openly fought a regular Democratic nominee for President. Nobody criticized him for that appointment. I do not mention these cases in criticism. I am not finding fault. I am only mentioning the facts, to show that this self-constituted committee which is going to pass on the politics of the other Members of this body is as far away from the real fact as anybody ever was or ever could get.

When Bryan was nominated for President he was fought, he was opposed, by many men who were immediately afterwards elected or appointed as Democrats to high, important offices by Democrats. Do not get the idea, again let me say, that I am criticizing that conduct or that I am claiming those men were not Democrats. I am simply coming to the point that there is no tribunal known that has the authority or the power or the jurisdiction to say who is a Democrat or who is a Republican.

Suppose the position of men on the tariff settles the question; then we go over on the other side and take the two Senators from Louisiana, high protectionists, who vote for a higher protective tariff than I would vote for or than many other Members of this body would vote for. Are they not Democrats? Would it not be just as reasonable for a self-constituted committee over there to drive those Senators out of their party and say they should not be assigned to committees as Democrats because they have voted with the Republicans on the tariff question and for Republican tariff measures, had opposed practically all the items that Democrats favored, and supported practically all the items in the tariff bill that Republicans stood for? Are they therefore not Democrats. Is not the tariff one of the things to be considered when deciding such a question? As I said a while ago, there are thousands of people in this country who think it is the real, definite line. I am not claiming they are right; I am simply claiming that this purification committee over here, this organization which undertakes to censor men on this side, are setting up a standard based on nothing, absolutely nothing, so far, at least, as the Senator from North Dakota [Mr. LADD] is concerned.

The Senator from Indiana said, "I am not concerned about what happened before 1924." He draws the line right there. Who gave him authority to put it there? Has he any more authority to put it there than I would have to put it at 1920? Why are we selecting that particular time? Who gives us any authority to do it?

More than that, Mr. President, in political campaigns the Republican Party is anxious to get the approval of such men as Senator LADD of their candidates and their policies. There are some places where, when they were trying to campaign and win, they would keep secret the approval of other prominent Republicans, because they would think it would do more harm than good to let it be known that they had such approval. Who gives to the Senator from Indiana the prerogative and the power to say who shall be counted Republicans and who shall not?

It all comes back to the proposition that there is no one who is competent to judge. It is as Benjamin Franklin said about free speech and a free press. When he was arguing for it, attention was called to the fact that the privilege of free speech and free press would be abused. He said, "I admit that, but who is going to be the judge? Just the minute you set up a censor, you tear down the temple itself, because ultimately it will be handled and controlled by men with selfish views for selfish purposes."

Why should not the people of the States settle this question for us under their laws? It does not mean that this Republican or that Republican must agree with me in my ideas of Government. It does not mean that they must come to the Senator from Indiana and ask him what to do before they do it, but if they go into a primary, if a primary is provided for under the laws of the States, secure the nomination, and are elected, it seems to me we are going very far afield if we do not accept that judgment, whether we like it or not. Any other course means ruin and destruction in the end.

Mr. ERNST obtained the floor.

Mr. FRAZIER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Robinson
Bayard	Fess	McKinley	Sackett
Bingham	Fletcher	McLean	Schall
Blease	Frazier	McMaster	Sheppard
Borah	George	McNary	Shipstead
Bratton	Gerry	Mayfield	Shortridge
Brookhart	Gillett	Means	Simmons
Broussard	Glass	Metcalf	Smoot
Bruce	Goff	Moses	Spencer
Butler	Gooding	Neely	Stanfield
Cameron	Hale	Norbeck	Swanson
Caraway	Harreld	Norris	Trammell
Copeland	Harris	Oddie	Tyson
Couzens	Harrison	Overman	Wadsworth
Cummins	Heflin	Pepper	Walsh
Curtis	Howell	Pine	Watson
Dale	Johnson	Pittman	Weller
Deneen	Jones, Wash.	Ralston	Wheeler
du Pont	Keyes	Ransdell	Willis
Ernst	King	Reed, Mo.	
Fernald	Ladd	Reed, Pa.	

The VICE PRESIDENT. Eighty-two Senators have answered to their names; a quorum is present.

Mr. ERNST. Mr. President, a conference of the Republican Members of the Senate was held in December last, soon after the opening of the short session of the Sixty-eighth Congress. At that time the following resolution was adopted:

Resolved, That it is the sense of the conference that Senators LA FOLLETTE, LADD, BROOKHART, and FRAZIER be not invited to future Republican conferences, and be not named to fill any Republican vacancies on Senate committees.

That was the action, not, as just stated by the Senator from Nebraska [Mr. NORRIS], of any self-constituted committee, but it was the action of the Republican conference after due notice had been given of the time of the meeting of the conference.

I voted for that resolution, and not only have I no regret for so doing, but am clearly of the opinion that such action by the Republicans of the Senate should long ago have been taken. In my judgment, the failure to act and the continued recognition of Senator LA FOLLETTE as a Republican by keeping him on some of the most important committees of the Senate, in spite of his determined and continued opposition to Republican principles and measures, has been deeply prejudicial to the best interests of the Republican Party.

As was said by VICTOR BERGER in giving reasons for supporting LA FOLLETTE's candidacy for the Presidency, Senator LA FOLLETTE has not been a Republican for 20 years.

Whatever difference of opinion there might have been as to the justice of depriving Senator LA FOLLETTE of his committee assignments prior to his candidacy for the Presidency, I can not understand how there can now be doubt in the minds of any Republicans as to either the wisdom or the justice of the action of the Republican conference in refusing longer to recognize him as a Republican.

Senator LA FOLLETTE not only left the Republican Party, but he assumed the leadership of the party whose purpose was to destroy the Republican Party and to wipe it out of existence.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. ERNST. No; I want to finish my statement first.

Mr. NORRIS. Will the Senator yield then?

Mr. ERNST. In letters and in public addresses and on innumerable occasions he stated in substance that the Republican Party and its leaders were not deserving of the confidence or support of the people; that they had proven a failure and that the time had come for "a militant political movement" independent of the Republican and Democratic Parties; that the so-called Progressive Party was the only hope of a much-abused and long-suffering people.

Mr. NORRIS. Mr. President, will the Senator now yield?

Mr. ERNST. If the Senator will pardon me, I am going to complete my statement, and when I get through if I can answer any questions I shall be happy to do so.

The action of the Republican conference was therefore but a simple recognition of a condition which Senator LA FOLLETTE had himself created. When he took the leadership of the party whose hope was to destroy the Republican Party no one can fairly or honestly complain because he must suffer the logical consequences of such act.

Furthermore, the great body of the Republicans throughout the United States are not complaining. The action of the Republican conference three months ago received widespread approval. The principal criticism to reach me at that time was that such action had been too long delayed.

I was deeply interested in the remarks of the Senator from Idaho [Mr. BORAH] last Saturday upon the action of the Republican conference. However, I disagree entirely with the Senator, except as to one statement, and that is:

> The able Senators who have outlined and designated this program are far better capable than myself of determining what ought to be done from the party standpoint.

The Senator from Idaho asked the Senator from Indiana [Mr. WATSON]—

> what disposition the committee on committees has made with reference to the senior Senator from North Dakota [Mr. LADD], the junior Senator from North Dakota [Mr. FRAZIER], and the junior Senator from Iowa [Mr. BROOKHART].

The Senator did not ask concerning Senator LA FOLLETTE. His subsequent remarks related more especially to these three Senators, namely, Messrs. BROOKHART, FRAZIER, and LADD.

As I view the situation, there can be no question that the conference was entirely right in treating all four Senators in the same manner.

It is true that Senator LA FOLLETTE was the leader of the progressive movement, so called, which sought the downfall of the Republican Party, but he received hearty and earnest support from the other three Senators. They did everything in their power to bring about his election. The defeat of Senator LA FOLLETTE was not due to any lack of effort on their part.

The La Follette-Wheeler campaign textbook for 1924 quotes Senator LADD as follows:

> The record of Senator LA FOLLETTE in State and Nation makes him the logical candidate for President of the United States.

If that be the deliberate judgment of the Senator from North Dakota, whatever else he may be, he is not a Republican, nor has he any right to sit in Republican counsels.

Senator BROOKHART, in one of his speeches, said:

> I belong to the farm bloc; the President belongs to the Wall Street bloc.

In commenting upon this statement and others made by Senator BROOKHART the New York Times in an editorial of Saturday, October 4, 1924, said:

> Senator BROOKHART, of Iowa, was expected to come out for LA FOLLETTE. Instead he has come out violently against President Coolidge. He condemns and denounces the whole present management of the Republican Party. Yet, he proposes to stay in it, partly to "bore from within," like another Foster, in the American Federation of Labor, and partly to lead an open rebellion.
>
> Having previously demanded that General Dawes be forced off the Republican ticket, Senator BROOKHART now rises to arraign President Coolidge as a member of "the Wall Street bloc." This is obviously more dangerous and deadly to Republican plans than if the Iowa Senator had shaken the Republican dust off his feet and gone boldly and bodily over to the La Follette movement.
>
> His attacks upon the President are unconcealed and are couched in as bitter language as any La Follettian could use.
>
> * * * * * * *
>
> If Senator BROOKHART were a man of fine sensibilities or delicate scruples he could not, of course, proudly announce that he was going to stay within the Republican temple for the express purpose of pulling down its pillars. He is too much like an avowed and defiant heretic insisting upon staying within a church where he does not belong. One course is as dishonorable as the other.
>
> * * * * * * *
>
> The cleavage between the Republican Party and a man like BROOKHART goes deep. If he is a Republican, President Coolidge is not. How can two walk together except they be agreed? Especially how can a party rebel walk alongside a party leader into whose back he is vengefully sticking a knife? The whole spectacle is abhorrent to fair-minded men. If a man, whether in public or private life, ceases to believe in the essentials of Republican policy and declares open war upon the Republican management let him not seek to maintain the grotesque position of longer calling himself a Republican. * * *

And yet Senator BROOKHART is even now calling himself a Republican and demanding recognition upon its committees.

Referring again to the La Follette-Wheeler campaign textbook for 1924, I find that it contains the following:

LYNN J. FRAZIER, Republican Senator from North Dakota: There are millions of voters, regardless of former political affiliations, who are utterly dissatisfied with present conditions; who have long since lost all confidence in both the old parties and their leaders—

I regret that there are not more Senators present upon the Democratic side of the Chamber, in order that they might hear the compliments that have been passed upon them—

lost all confidence in both the old parties and their leaders; who demand an opportunity to vote in the coming election—

Listen to this—

who demand an opportunity to vote in the coming election for an honest man, for a man who represents the people, for a man who is not dominated by Wall Street, for a man who has proven that he can not be bought, or bluffed, or bribed, for a man who has the courage, if elected, to clean house from top to bottom. For, after all, one of the highest duties of public officials is to keep the Government clean.

There is a great work to be done. We must get the truth to the people. Popular sentiment must be aroused strong enough to sweep the country and put Fighting BOB LA FOLLETTE in the President's chair.

That was said by a Senator who now desires to be placed on an important committee of the Senate as if he were a Republican in good and regular standing.

It will be noted from the foregoing quotation that the Senator states that millions of voters long since have lost all confidence in both the old parties and their leaders, so that he is paying his respects and compliments to our Democratic friends, as well as to the Republicans.

Next, he demands an opportunity to vote in the coming election for an "honest man." He is slandering by innuendo, for his statement means, if it means anything, that neither of the then outstanding candidates for President, namely Calvin Coolidge and John W. Davis, was an honest man.

Then this Senator demands that public interest be aroused, 'strong enough to sweep the country and put 'Fighting Bob' LA FOLLETTE in the President's chair"; and now, what a sorry spectacle he presents in demanding recognition from the Republican conference and the Republican Party as a member of the Republican Party, which he has so foully slandered.

If he were honest in the statement which is above quoted, and believed what he then said, he can not have any sympathy with the Republican Party or its ideals, and I am amazed that he desires again to be associated with those in whom he states the public has lost confidence. It must not be overlooked, furthermore, that there are those in this body on both sides of the Chamber who are rightly recognized as leaders in their respective parties. To them the Senator from North Dakota pays his compliments.

There seems, however, to be degrees in this lost confidence of the Senator from North Dakota. He prefers, as evidenced by his request to be assigned to committees by the Republican conference, to cast his lot with the Republicans, who now happen to be the majority party, rather than with the Democrats. Whether he includes in his list of leaders who have lost the confidence of the people the senior Senator from Idaho [Mr. BORAH], he does not state. If, however, the Senator from North Dakota, when he made this statement, had in mind the Senator from Idaho, that name, doubtless, has been stricken off since the latter's address of Saturday last. I quote from that address. The Senator from Idaho then said:

I do not, myself, get any comfort out of going back and reviewing the incidents of the last campaign and undertaking to assign men to their particular positions in the party by reason of a difference of view which prevailed during that campaign among some of those who have hitherto claimed to be Republicans and still claim to be Republicans. I think it much better for the country, much better for the party, and much better for the Senate, that if these men indicate their desire to be assigned with the Republicans they should be assigned as Republicans. They should be given their positions as Republicans.

I may say, Mr. President, as did the Senator from Idaho, that neither do I get any comfort out of going back and reviewing the incidents of the last campaign, so far as they relate to the conduct of the Senators under discussion; but, in my judgment, I would be untrue to the highest interest, not only of the Republican Party, but of our country, if by any act of mine these four Senators, who have proven untrue to their party, who deserted it in its time of need, and sought actively to encompass its downfall, should again be given an opportunity to betray their party by obtaining important places on committees of the Senate. Their places should and will be filled by those Republicans whose Republicanism and fidelity to party can not be questioned.

The Senator from Idaho further stated that the action of the conference—

is not only unfair to the Senators themselves, but is signally unjust to the Senators' constituencies which they represent.

I submit that the Senator is in error. The constituency of the Senator from Wisconsin [Mr. LA FOLLETTE] has known for many years that he is wholly out of tune with the Republican party, and notwithstanding that fact this constituency has seen fit to return the Senator from Wisconsin to the Senate.

If those who comprise his constituency think as he does—and the majority vote of Wisconsin would so indicate—they are not Republicans. The Republican conference has, therefore, done them no wrong. They have no just complaint.

Granting, however, that all these Senators have Republican constituencies, then it is perfectly clear that these Senators are not fairly representing those constituencies, and there will, in my judgment, be found few Republicans, even among the constituents of those Senators, who will complain when the Republican conference of the Senate refuses to place a premium on party perfidy.

The senior Senator from Idaho further states that—

It is a good time to build for the future—

And he continues—

I prefer to determine my course by a survey of the coming election, rather than by dwelling upon those that are over and now a matter of history.

Mr. President, I would remind the Senator that the only way of judging of the future is by the past. If these Senators have proven false to their party at a time, when he whom they saw fit to follow, attacked the very basic principles upon which our Constitution is founded and upon which we believe that not only the prosperity of this country but its very life depends; when they would have destroyed the party which placed them in their present high station, we can see no good, no sane reason for believing that they will stand true in the future to either Republican principles or candidates.

The Senator from Idaho further states—

I think there will come a time in this body within the next two years when my colleagues will regret this action.

A time may come in the next two years, possibly much sooner, when we would be glad to have their support, but I would far rather lose that support if it can not be obtained otherwise than by now recognizing them as Republicans, and dealing with them on the same basis as we do with loyal, faithful members of the Republican Party. We would be paying too high a price.

The Senator from Idaho also stated, "that elections come swiftly and the fruits of victory are fleeting." The conference has not forgotten that fact. If elections do come swiftly and if the Republicans are defeated it will not be, I remind the Senator from Idaho, because the Republicans, either of the Senate or of the country, refuse to treat deserters from their ranks as loyal Republicans. The time will never come when it will pay from any standpoint to place a premium upon party dishonesty. In my judgment, the highest and best interests of our country are dependent upon the continuance of two great political parties, and party solidarity is dependent upon party discipline. If one may leave the party to-day, and to-morrow try to encompass its defeat, and the day thereafter be restored to full fellowship with his former associates, we may well bid farewell to party lines.

The Senator from Idaho further says—

that there is a wide difference of view among Republicans upon questions which are now before us for consideration and which will be before us for a number of years to come.

This may be true, but it only furnishes an additional reason for refusing recognition to those members of the Republican Party who, after the Republican Party has declared its principles in its platform and has selected its candidates, decline to abide by that platform or support its candidates.

Mr. President, if these four Senators have in some miraculous manner changed their principles overnight, if they have accomplished the wonderful feat of jumping from BOB LA FOLLETTE in November to Calvin Coolidge in December; if these four Senators have abandoned the wild and vicious doctrines of the Progressive Party, so-called, for which they so strongly contended, for the principles set out in the Republican platform;

if these four Senators now believe that the Republican Party and its leaders—and the Democratic Party and its leaders—which in November were unfaithful to the country and unfit to be trusted with this Government, are now faithful and fit; if these four Senators believe that the predatory interests led by Wall Street, which in November had a death grip upon the Republican Party and its leaders—and upon the Democratic Party and its leaders—have in December relinquished their grasp, and the Republican Party, and especially Calvin Coolidge, is no longer under this malign influence; if these four Senators believe that the oil which they pictured as oozing from the pockets of Republican, yes, and Democratic Senators, in November has in December oozed entirely away, so that now there is left upon them not even the odor of oil; if these four Senators believe that corruption, pure and undefiled, which in November honeycombed every department in Washington and was rampant even among Senators, Republican and Democratic, other than these four, and which only "Fighting Bob" could eradicate, has in December entirely disappeared and without the aid of "Fighting Bob"; if these four Senators will make solemn affidavit, into which the truth sometimes creeps, that these changes have actually occurred; and if, as an essential condition, these affidavits are accompanied by one from the distinguished Senator from Idaho [Mr. BORAH] that he knows of his own knowledge that this transformation has occurred, speaking for myself, there is no good reason why these four Senators may not be received back into the Republican Party after a probationary period of at least 10 years. [Laughter.]

Mr. NORRIS. Mr. President, before the Senator from Kentucky takes his seat——

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NORRIS. I do not want the floor; I merely wish to ask the Senator from Kentucky a question. He said he would yield when he got through with his statement.

The PRESIDENT pro tempore. The Senator from Nebraska invites the attention of the Senator from Kentucky.

Mr. NORRIS. I hope the Senator will now yield to me for a question. At the beginning of his remarks he quoted quite a lengthy statement about the Republican Party in condemning their party. I know the Senator wants to be correct. He ascribed that statement to the Senator from Wisconsin [Mr. LA FOLLETTE]. I thought from the reading that it was what Roosevelt said about the Republican Party at the time he organized the Progressive Party.

Mr. ERNST. The Senator is in error in that respect.

Mr. NORRIS. Am I wrong about that?

Mr. ERNST. The Senator is entirely wrong.

Mr. NORRIS. The Senator can find, can he not, very much more severe language of condemnation by the lamented Roosevelt? Let me ask the Senator, did he require the same length of probation for Roosevelt to become a good Republican as he now requires for these men?

Mr. ERNST. First, let me say, Mr. President, I do not think the Republicans of the Senate will have the slightest difficulty in distinguishing the case of the four Senators from that of Mr. Roosevelt. Roosevelt had the backing of more than half of the Republican Party.

Mr. BORAH. Is it a question of numbers?

Mr. ERNST. The number of the final votes I do not recall. I am speaking of the electoral vote.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. ERNST. I yield.

Mr. WATSON. As far as 1912 is concerned, it has not anything to do with this case.

Mr. NORRIS. That is what the Senator says.

Mr. WATSON. But, inasmuch as the question has been raised, the fundamental thing in the Progressive platform of 1912 was the recall of judges and judicial decisions growing out of the Columbus speech made by Theodore Roosevelt; and but for that speech I have always believed that he would have been nominated for the Presidency in that year.

Mr. BORAH. It was for wholly different reasons.

Mr. WATSON. I do not think so, and I was at the convention.

Mr. BORAH. So was I.

Mr. WATSON. But I was taking part in it.

Mr. BORAH. So was I. I was on the committee on credentials.

Mr. WATSON. I was the Taft floor leader in the convention.

Mr. BORAH. Well, I had something to do with Roosevelt.

Mr. CARAWAY. Are both of the Senators confessing?

Mr. WATSON. I am not going to quarrel about that, because that is an old straw pile that has been thrashed over time and again. What I am going to say is that the fundamental thing in that platform was the recall of judges and judicial decisions, to which we old-time Republicans took exception, and Theodore Roosevelt afterwards abandoned that theory of government. Then, during the war time his services to the country were so conspicuous, together with those of his family, that his case stands out in clear contradistinction not only to that of these four Senators whose right to sit as Republicans is now questioned, but to almost any other, in fact any other, instance in our entire history.

Mr. NORRIS. Was he not back in the Republican Party long before the war?

Mr. WATSON. He was. He came back of his own choice.

Mr. NORRIS. Yes.

Mr. BORAH. And after the most urgent solicitation upon the part of the leaders who threw him out.

Mr. WATSON. I will say to the Senator that I had never heard of that.

Mr. BORAH. Well, I heard of it.

Mr. President, I think it permissible to make some observations in addition to those I made upon Saturday, although I have no desire to detain the Senate unnecessarily.

Mr. LADD has been chairman of the Public Lands Committee for some time. I think it is conceded upon both sides of the aisle by those who are familiar with the work of that committee that the committee has had few chairmen more efficient, more industrious, more capable than Senator LADD. I have heard that remark made many times by those who are on the committee and those who have had to do with it. He has been a faithful and efficient chairman.

Senator LADD was elected to this body as a Republican. I think it correct to say that the State from which he comes is a Republican State. He holds a certificate of election as a Republican, and he has been treated as a Republican until the present time, when it is proposed to demote him on the claim that he is no longer a Republican. The other Senators, Mr. FRAZIER and Mr. BROOKHART, have also been treated as Republicans in the assignment of committees until the present time.

I do not speak in behalf of these Senators because of any particular personal relationship which I bear to them other than that which I trust I bear to the other Members of the Senate, but solely on the theory that I think the procedure an unwise one; and I am especially confirmed in that belief now, since I have heard the speech of the Senator from Kentucky [Mr. ERNST]. The doctrine laid down by the Senator from Kentucky might possibly fit the precincts of Kentucky, but it would not fit the precincts of any other part of the country that I know of where Republicanism would be the test. If his standard is to prevail, there will only be a few of the elite left.

There must be something in the way of a statute of limitations with reference to this question of loyalty and this question of party support. The Senator from Indiana says that 1912 has nothing to do with the present situation. I presume that is upon the theory that the statute has run against that incident in the party, but even so, certainly we may use it as an illustration of what should constitute good leadership in the Republican Party. The boldest rebels in that fight were welcomed back; we were happy when they came.

I know that the Senator from Kentucky was not only willing but most anxious to receive the support of those who did not support Taft in 1912 when he was a candidate for election before his people. There was no question raised as to the Republicanism of the men who went into his State and campaigned for him, not only by his desire but by his request; and judging from that it seems to me that we are liable to draw a line here with reference to Republicanism which may not even fit the situation of the Senator from Kentucky when he again goes before the voters of his State. Really, Mr. President, while I am not primarily concerned about the Senator from Kentucky except in the fact that he is a Republican, I think that he himself will conclude that some of us here had a wiser view as to what constitutes Republicanism when he gets before the people than perhaps he has expressed here to-day.

As I said upon Saturday, there is not only a difference of view here in the Senate Chamber among Republicans as to what constitutes Republicanism, but there is a wide difference of view among the constituents whom we claim as Republican voters; and that difference of view obtains to a marked extent by reason of the different conditions in different parts of the country. I have no doubt but that the 400,000 who voted for Senator BROOKHART, of Iowa, claiming from the time of their childhood to be Republicans, and who are still supporting Mr. BROOKHART, would stand the test of Republicanism to-day under any reasonable rule which should be applied with reference to the principles of that party. The thousands of people

who voted for Mr. LADD and Mr. FRAZIER are also Republicans as they view it.

I would not undertake to say for others what constitutes a Republican; but when you say, as the Senator from Kentucky said, that these men are to be condemned because they denounced the oozing of oil from the hands and pockets of Republicans, if I understand him correctly, he is proposing to defend the people who disgraced and dishonored the Republican Party and would have made it impossible for it to win the election in 1924, and condemn all who criticized them. Is that Republicanism? Men who have the courage to denounce wrong within their party and who refuse to support those unworthy of public office are in the long run true party men.

If any man here thinks that the great Northwest could have been carried in 1924 for the party, as a party, upon the record which it had made until Mr. Coolidge became President, he is greatly mistaken. There were more Republicans who would agree with the view which those men expressed, and who still believed themselves sound Republicans, and contend that they are now, than there were Republicans who would disagree with it.

When I went West last summer no man could speak with any degree of success before anybody or any audience for the party as an organization. The Republican Party did not win in 1924, in the true sense of that term. We elected Calvin Coolidge. The voters cast their votes for the individual, and had it not been for the individual the Republican Party would not have been successful in those States. So the fact that men differed with and denounced conditions in the party, to my mind, is no evidence of disloyalty to the party, but, on the other hand, is evidence of loyalty to the party. I was one of them and I never felt I was disloyal to my party.

I say again, What is the test of loyalty? Does it consist in supporting the President? These men have been as loyal to the President in their votes here—some of them, at least—as the men who framed these committees. There are more votes recorded by Mr. LADD in favor of Mr. Coolidge's views than on the part of some of the men who organized these committees.

Does loyalty consist of supporting the Republican candidate for President? There are at least half a dozen men sitting in this Chamber as Republicans who at different times have refused to support Republican candidates for President. I venture to say that the gentleman who occupies the chair as Vice President could not stand the test if we go back to 1912. The gentleman who holds the office of Secretary of State at the present time could not stand the test of 1912. What is the test?

Let us dismiss, therefore, this question of a test upon the question of loyalty to the candidate, unless you are going to say that that is the sole test, and organize your committees upon that basis, and that basis alone. Would the Senator from Indiana claim that that is the test?

Are all to be demoted who do not vote with the President and support his measures? If so, we will have to have a new Committee on Committees.

Mr. WATSON. What? My attention was diverted for a moment.

Mr. BORAH. What is the test of loyalty for a Republican?

Mr. WATSON. The platform and its candidate at the time.

Mr. BORAH. At the time of the election?

Mr. WATSON. At the time.

Mr. BORAH. How long after the election? If long, who could stand the test?

Mr. WATSON. A political party is organized for one election and the succeeding administration, to advocate certain principles of government and policies of administration for the next four years. All who believe in those principles and policies rally to their support and the support of the men chosen to represent those principles and policies; and in the case of the Republican Party those who vote for those principles and policies are Republicans, and those who vote against them are not Republicans.

Mr. BORAH. Mr. President, if there was any issue in the last campaign more distinct and outstanding than all others, it was that of economy.

Mr. WATSON. Certainly.

Mr. BORAH. It was that of reduction of taxes.

Mr. WATSON. Which was in the Republican platform, and which was represented by Calvin Coolidge.

Mr. BORAH. Precisely; and the Senator from Indiana and other Senators upon the committee have declined, since this session opened, to stand by Mr. Coolidge in his fight for economy.

Mr. WATSON. That is a question, whether we did or did not.

Mr. BORAH. It is not an open question. The record tells the story.

Mr. WADSWORTH. Mr. President, will the Senator yield at that point?

Mr. BORAH. Yes.

Mr. WADSWORTH. Does the Senator contend that the Republican majority in the last Congress, in the aggregate of appropriation bills authorizing expenditures, violated the principle of economy as laid down in the Budget?

Mr. BORAH. I do—no; not as laid down in the Budget.

Mr. WADSWORTH. Is not that the test?

Mr. BORAH. The Budget is not the Republican Party or its platform. I claim that we have most signally violated the pledges which we made in the last campaign, with reference to economy. We have refused to support and we have disregarded our platform.

Mr. WADSWORTH. If the President is the leader in the economy program, which I cheerfully agree to, and the Congress appropriates a sum of money less in the aggregate than that requested in the Budget, would the Senator say that the Republican Members of the Congress have violated the economy program?

Mr. BORAH. I will say that if a distinct issue with reference to economy is put into the campaign, distinct measures illustrating the economy campaign, and we make our pledges upon that proposition, we are in honor bound to carry it out. The Budget is not the test. I say that that was not done by the last Congress.

Mr. ERNST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. ERNST. The Senator asks, "What is party loyalty?" That is not the issue or the question we are now discussing. It is whether or not the acts of these four Senators are party disloyalty. When four men unite together to destroy the party under whose banner they were elected, they are disloyal. Whatever line may distinguish the loyal from the disloyal Republican, there can be no question, when they seek to destroy their own party, that they are disloyal; they are no longer Republicans.

Mr. BORAH. Mr. President, we still have to come back to the question of the test. I have refused myself to support the head of the ticket. I did not feel I was sacrificing Republican principles.

Mr. ERNST. Is the Senator a Republican?

Mr. BORAH. I think I am.

Mr. ERNST. That is a question.

Mr. BORAH. I take notice that the distinguished Senator from Kentucky and a number of other Senators who have been candidates for election in their respective States think I am a Republican from about the 1st of September until the 3d day of November during the election year.

Mr. WATSON. Mr. President, if the Senator will not mind my saying it, that is when the Senator regards himself as a Republican.

Mr. BORAH. I regard myself as a Republican all the time, and the reason Senators speak for me, and the reason they ask me to help, is because I am speaking to those people for whom I am speaking here upon this floor, the men who may not agree with the Senator from Indiana as to just what constitutes Republicanism, but who do agree with my view as to what constitutes Republicanism. Senators are always anxious to have the votes of those people recorded for their candidates on the 3d day of November.

Mr. President, I notice that the press very generally states that the reason these men are being thrown out of the party is because they are radical; in other words, to use the phrase of one of the leading papers, not of our party, but nevertheless always giving us advice, the Republican Party is purging itself of the radicals.

I ask, What is a radical? Certainly Senator LADD is not a radical. Even the loyal Senator from Kentucky [Mr. ERNST] has no finer record here for voting with the administration than Senator LADD has. The Senator from Indiana [Mr. WATSON] has no better record than Senator LADD has.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WATSON. Questions that would determine whether or not a man was or was not a radical have not been presented to this Congress. Where would the Senator stand on the Government ownership of railroads?

Mr. BORAH. Where would I stand?

Mr. WATSON. No; where would the Senator from North Dakota [Mr. LADD] stand? Where would he stand on the re-

call of judges and judicial decisions? Where would he stand on the proposition which Senator LA FOLLETTE put to the front, of forbidding the Supreme Court of the United States to pass on the constitutionality of measures enacted by Congress? I could name many other propositions which have not been presented for solution at the hands of the Senate. The question of whether a man did or did not vote for an appropriation does not raise the question of radicalism.

Mr. BORAH. Is the Senator proposing to make that the test, a man's view on Government ownership, and so forth?

Mr. WATSON. I am talking about the things that were in the last radical platform, if you choose to call it that, the La Follette platform, which these men supported, which I say are absolutely contrary to all the principles ever advocated by the Republican Party at any time, in any platform, from Abraham Lincoln down to Calvin Coolidge. Am I right or wrong about that?

Mr. BORAH. I think the Senator is right in the statement that they were in the Progressive platform. How the Senator from North Dakota would vote on those matters, I do not know. I am speaking now of the votes which he has cast in this body. That is the only test we can deal with here.

Mr. WATSON. We have not had any question presented by which it might be determined as to whether or not he is radical, or conservative, or otherwise.

Mr. BORAH. I fear I would lose my position if that test should be applied. The Senator from Indiana and I differ so widely upon some of these propositions that we never could get together.

Mr. WATSON. On what propositions?

Mr. BORAH. I could name half a dozen.

Mr. WATSON. They have not been presented here for action.

Mr. BORAH. No; neither have these other questions.

Mr. WATSON. That is what I am saying. The Senator says that the votes cast by Senator LADD here show he is not a radical. The fact that a man votes for an appropriation is no indication as to whether he is radical or not. The way a man voted on the Muscle Shoals question is no evidence of radicalism. Such questions as those are the only propositions that have been presented to the Senate.

Mr. BORAH. I am glad we are finding out what the test is. It is whether or not they supported the candidate in the last campaign.

Mr. WATSON. And the platform, as represented by the candidate.

Mr. BORAH. I would not say the platform, because we repudiated two of the planks in the platform of 1920, absolutely refused to carry them into effect. We have done that over and over again with reference to our platforms. Nobody paid any attention to the platform in the last campaign; the candidate was the whole thing. The people believed he was the platform. But we could not follow that as the test here. If we had done so, the Senator from Indiana would have voted differently upon some of the bills that have come before us. There are a dozen men who under that rule would have to be demoted.

Mr. WATSON. I do not know to what the Senator has reference.

Mr. BORAH. Take the postal employees bill, for instance.

Mr. WATSON. What about it?

Mr. BORAH. The Senator voted against it, did he not?

Mr. WATSON. The postal employees bill? I did not. I voted for it.

Mr. BORAH. Exactly; and the President was against it.

Mr. WATSON. The President was for it, provided it paid its own way.

Mr. NORRIS. The Senator from Indiana was for it even if it did not pay its own way.

Mr. WATSON. The President signed it. You can not test a man's party loyalty by his inclination to run up to the White House and ask the President how he stands on every appropriation bill that may be presented to Congress. That is not the test of party loyalty. That must be left to the individual judgment of the man. The test of party loyalty is the stand one takes on the great, everlasting fundamentals which underlie all government, and which must be embodied in political platforms. That is where I claim these gentlemen have departed from the line of Republicanism.

Mr. BORAH. The Senator contends, I suppose, that the protective tariff is distinctly a Republican doctrine?

Mr. WATSON. The Republican Party is either a protective tariff party or it is nothing.

Mr. BORAH. Exactly. Let me call the Senator's attention to the test to which the western farmer had to submit himself with reference to this fundamental principle of the party—protection. Let me call his attention to the time when the western Republicans thought you of the East were no longer Republicans.

Mr. WATSON. Does my friend from Idaho deny that the tariff is one of the tenets of Republican faith?

Mr. BORAH. If the Senator speaks of the tariff in the sense that Hamilton and the men who believed with him, who founded our party, used it, I say that it is a test of Republican faith.

Mr. WATSON. From Abraham Lincoln down to this hour?

Mr. BORAH. Absolutely; and I am going to show that the leaders of the Republican Party, when it became their interest to do so, abandoned it.

Mr. WATSON. I would like to have the Senator show that.

Mr. BORAH. I will show it.

Mr. WATSON. The Senator would open a new light in history.

Mr. BORAH. No; I am going to show something that is perfectly familiar to the Senator. No new light at all, but one which revealed to western Republicans how little you who talk now of loyalty care about real Republican principles when it is to your interest to sacrifice them.

The American farmer has been told, from the time of Alexander Hamilton down, that his interest in the protective tariff was by reason of the fact that it built up markets for him in this country; that while he had to sell in an open market, he did not get any direct benefit, such as a manufacturer ordinarily does, but in proportion as we built up the eastern manufacturer it would furnish a market for his products. That was a fundamental principle of the Republican Party. It always has been, has it not?

Mr. WATSON. That is correct.

Mr. BORAH. In 1911, the Senator will recall, the Republican leaders in this Chamber brought in a bill which abandoned that principle entirely, which proposed that the American manufacturer might go and purchase, without any protective tariff intervening, anywhere where he could find the American farmer's product, particularly in Canada. That would have absolutely destroyed the whole theory upon which the protective tariff was based, so far as anybody outside of the immediately protected manufacturing industries was concerned. It was a betrayal of the most fundamental principle of republicanism.

Mr. WATSON. Mr. President——

Mr. BORAH. Wait just a moment.

Mr. WATSON. Very well.

Mr. BORAH. The American farmers from the West came here and pleaded with the Republican leaders not to leave them to the mercy of the eastern manufacturer, when the eastern manufacturer was permitted to go into Canada, to Australia, or anywhere else and purchase their products. The western Senators pleaded here for weeks and months against the abandonment of what was a cardinal principle of the Republican Party. But such men as Senator Root, Senator Lodge, Senator Penrose, and Senator Crane, the leaders of the party, left the Republican farmers of the West absolutely without any protection, direct or indirect, and helped to pass a bill through this body. Now, because the farmer of the West becomes somewhat radical, becomes somewhat doubtful, has his faith somewhat shaken, selects men who agree with him, and sends them here to represent him, you call them radical and question their loyalty; you say they and their Senators are not Republicans.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WATSON. The Senator is not entirely accurate in saying that a tariff bill was passed in 1911.

Mr. BORAH. The reciprocity bill was passed.

Mr. WATSON. The reciprocity bill; but the Senator must remember that that was put up to a Republican Congress by President Taft, and the Senator must remember that that Republican Congress declined to pass the bill. The Senator must further remember that Congress adjourned without passing it. The Senator must recall that President Taft immediately called a Democratic Congress into session for the purpose of putting up to them the proposition of Canadian reciprocity, and they adopted it, and not a Republican Congress.

Mr. BORAH. Mr. President——

Mr. WATSON. Wait until I finish.

Mr. BORAH. I know something about that myself.

Mr. WATSON. I was here when it happened.

Mr. BORAH. So was I.

Mr. WATSON. Not only that, but the Senator must remember that after President Taft, who was a candidate after that, had forced upon Congress the policy of Canadian reciprocity, the whole West got up and left him.

Mr. BORAH. Precisely. The farmers of the West insisted on true Republicanism.

Mr. WATSON. I left him myself for a time.

Mr. BORAH. They were sticking to Republicanism. But the Senator supported Mr. Taft.

Mr. WATSON. Ah, I supported Mr. Taft because in 1912 Theodore Roosevelt announced a doctrine which I thought far more dangerous; namely, the recall of judges and judicial decisions, and a liquid Constitution. Between the two, I chose Mr. Taft.

Mr. BORAH. And left the western farmer.

Mr. WATSON. I can tell my friend about that, if he cares to go into it. It is a mere personal matter and not important. I will say this to the Senator, that Theodore Roosevelt wired me asking me to come to New York and see him, and I went over there. He told me he wanted to be a candidate for President, and wanted to know whether I would be for him. I told him I would be, because I was opposed to the Taft reciprocity idea as contrary to the doctrine of protection, which I had always been taught to believe in.

After that, Colonel Roosevelt went to Columbus and made his Columbus speech, in which he advocated those things which I thought were subversive of the fundamentals of government. I went back to New York and saw him there and told him that I withdrew my pledge, that I would not support him for the nomination because he chose to announce those doctrines which I thought were destructive of the Constitution of the United States, and which I thought would lead ultimately to the dissolution of the government founded upon them. I went out and spent six months of time for the purpose of beating Roosevelt for that nomination, wholly and solely because of the announcement of that doctrine.

Mr. BORAH. Roosevelt got over 4,000,000 Republican votes, notwithstanding the efforts of the Senator from Indiana.

Mr. WATSON. Yes; but he was not elected.

Mr. BORAH. But he got 4,000,000 votes—all Republicans; all Republicans now.

Mr. WATSON. I will not enter into a dispute about that, because, as I have said, it is old straw; but the Senator gets away from the proposition that these four Senators did not support Calvin Coolidge in the last campaign, that they repudiated the Republican platform, that they repudiated the Republican candidate, that they tried to defeat Calvin Coolidge, that they tried to elect another man, and that that other man was running on a platform as wide apart from the platform announced at Cleveland as the east is from the west, or as the North Pole is from the South Pole. Is not that true?

Mr. BORAH. Yes; it is as far as the east is from the west. That is just the distinction.

Mr. WATSON. Does the Senator say there is any similarity between the two platforms?

Mr. BORAH. I say, they are as far apart as the east is from the west.

Mr. WATSON. That is a long way, is it not?

Mr. BORAH. Yes; it was in the last campaign.

Mr. WATSON. How far?

Mr. BORAH. If the election had been held in September, it would have been so far it would have been very distressing to have heard the returns.

Mr. WATSON. I am not going to discuss that with my friend.

Mr. BORAH. What I am contending for is that these men truly and faithfully represent their constituencies, and that those constituencies claim they are Republican constituencies. That is my contention. It that is not sound, then I am upon unsound ground. I know the people in those Northwestern States. I know their problems. I know their disappointments. I know how sorely their Republicanism has been tested. Do not test it any further.

I venture to say that these men represent their views, and they claim that they are Republicans. I venture to say to my friend from Indiana that if he undertakes to apply the rule which has been announced here to-day, just so sure as time goes on he will turn those States over to our friends who I now see sitting on the other side of the isle with such a look of contentment upon their faces.

Another thing. The Senator from Indiana said that President Taft had to call the Democrats in session in order to pass the reciprocity bill. Was Taft a Republican when he did that?

Mr. WATSON. I can answer that question. The Republican voters afterwards repudiated him in the nomination.

Mr. BORAH. Yes; but the Republican leaders did not repudiate him. The men who are organizing the Senate to-day and their predecessors did not repudiate him.

Mr. WATSON. The Senator is entirely mistaken about that. I am helping to organize the Senate, and I never was for that thing a holy minute.

Mr. BORAH. I know that the Senator was for Taft.

Mr. WATSON. When the true issue was presented, and never before.

Mr. BORAH I was in Chicago a few days and sat on the committee. I never heard the question of judicial recall discussed in that body. It was loyalty to the organization which Roosevelt had denounced.

Mr. WATSON. I am not asking this in any controversial or unkind spirit, but did the Senator support Taft in 1912?

Mr. BORAH. I did not.

Mr. WATSON. I thought the Senator voted for him?

Mr. BORAH. I did not. I refused to leave the Republican Party. I made my fight within the party; but I stated publicly in a speech to the people of my State at the beginning of my campaign for reelection—and I have that speech in my possession now—that I regarded Mr. Taft's nomination as having been accomplished through fraud, and that I would not support him. That was stated in my speech in the beginning of my campaign in the State of Idaho, and my reelection was the issue, and I elected every member of the legislature except six, notwithstanding my statement that I did not propose to support Mr. Taft. I regarded myself as a Republican from the crown of my head to the soles of my feet in that campaign—clean, uncontrolled, and unbought republicanism.

I do not believe, so far as my record is concerned, that the Senator can find that I have supported a proposition in this body that can not be laid down within the rules of true and sound republicanism.

Mr. WATSON. Has the Senator ever declined to support any other Republican candidate than Taft?

Mr. BORAH. No other President, I believe, but would have refused to support Mr. Harding had it not been for his more pronounced view upon a certain question.

Mr. WATSON. I mean presidential candidates.

Mr. BORAH. I can not remember any other now. I do not think so. Does the Senator have any in mind?

Mr. WATSON. No; but the Senator a while ago said there are men here who declined to support Republican candidates for the presidency, and I wondered whether or not he had declined to support any other candidate than Taft.

Mr. BORAH. No; I do not think so.

Mr. President, the reason why I referred to radicalism was because of the fact that these men, if they are radical, are simply representing the radical wing of the Republican Party because their constituents believe as they do. I maintain when Mr. BROOKHART got 400,000 Republican votes out in Iowa that they are Republicans just as much as those who did not vote for him, but they have a different view of what constitutes Republicanism. I want to say, too, that there is going to be more radicalism in the West.

The last Congress having adjourned and left its pledges unfulfilled to the farmers of the West, if we now go home and remain until the 1st day of next December there will be more of radical Republicans in the West than there are now. We were under a solemn pledge to enact legislation which would relieve the agricultural situation. That was one of the distinct pledges made in the campaign. It was in the platform. If support of the program or support of the platform is a test of party loyalty we will not be loyal Republicans unless we carry out that program.

The gentleman who delivered the inaugural address in this Chamber the other day, and who is now absent, referred to the fact that the rules of the Senate were in such condition that a man might have filibustered and forced an extra session. He said:

> Who would dare to contend that under the spirit of democratic government the power to kill legislation providing the revenues to pay the expenses of government should during the last few days of a session ever be in the hands of a minority or perhaps one Senator? Why should they ever be able to compel the President of the United States to call an extra session of Congress to keep in functioning activity the machinery of the Government itself?

If some Republican had been brave enough and courageous enough to have filibustered and killed the appropriation bills and thereby brought on an extra session in which we could have fulfilled our pledges and carried out our program, it would have been a distinct act of patriotism. It would have been a service to the public. I wholly disagree with the able gentleman in believing that it would have been a misfortune or a disaster. It would have been a distinct and worthy act. It would have been a distinct service to the people of the Nation,

and it would have been in accord with the pledges which we made to those people whose representatives we are to-day demoting in the Senate of the United States. I could very well accommodate my feelings to the fact that these men should be demoted if it were simply the individual punished and if I thought the party itself or the people whom they represent would be advantaged by it. I think they themselves would be willing to take the punishment if that were true. But I know that their demotion is a demotion of the West. I know it is diminishing the power of the West in this Chamber. I know it is a distinct political action against our part of the country. I know it is an ostracism of these men whom the people have sent here to represent them. For that reason it is unwise as a political movement, and it is unjust toward the constituencies whom they represent.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the senior Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. On that I demand the yeas and nays.

Mr. FRAZIER. Mr. President, some of us have been referred to as radicals from the West. I want to say just a few words as to why we are classed as radicals and why we became so-called radicals.

North Dakota has been a Republican State since statehood, and the history of the Republican Party in that State, I presume, is not much different from the history of the Republican Party in other States. It was a boss-ridden party. I remember well when a certain gentleman coming from North Dakota as a Republican Senator in this body was told by a party boss that he could not come back to the United States Senate because he had refused to follow a certain dictate with reference to a vote as he was instructed, and he did not come back. The Republican organization of our State went so far at one time as to put up a candidate for governor of the State——

Mr. NORBECK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. FRAZIER. I yield to the Senator from South Dakota.

Mr. NORBECK. The Senator is very interesting in his omission. I should like to know what Senator came back in the place of the Senator to whom he just referred?

Mr. FRAZIER. Senator Johnson came back in his place.

The Republican organization of our State went so far at one time as to name as candidate for the governorship of the prohibition State of North Dakota a man whom they knew was not a prohibitionist and had not practiced it or pretended to practice it. He was elected. While he was in office—and this is open history in North Dakota—people who were there at the time know it, and I have made the statement hundreds of times in campaigns in North Dakota in regard to his record, because he attacked my record. While he was in office he so far violated his oath and the integrity of the statutes of the prohibition State of North Dakota as to come under the influence of liquor while he was representing that prohibition State in other States. The Republican organization had the nerve to nominate him again for a second term. He was repudiated and the Democratic candidate was elected and afterwards reelected twice more as Governor of the State of North Dakota.

The Republican Party time after time, year after year, adopted a platform in the State of North Dakota generally comprised of glittering generalities, as was the last Republican national platform composed of glittering generalities. They adopted planks in those platforms pledging to do something for the benefit of the farmers. They failed after the election to carry out their pledges. We had an initiative law in that State, and the people, after due and careful deliberation, and after the recommendation made by the bankers' association of our State, in order to get better grain markets, initiated a measure to build State-owned terminal elevators, within or without the State of North Dakota, so we might get a better market for wheat, which is our main product in that State. At the election in 1914, when that measure was up for the consideration of the voters, about 83 per cent of the people of the State who voted in that election voted for State-owned terminal elevators.

That measure came before the legislature, which met in January, 1915, because it was necessary for them to make provision for the State-owned terminal elevators. After all, if the men who are elected to office are not the servants of the people and do not represent them after they are in office, then our representative form of government is a failure. A majority of the men elected failed to represent the people, and saw fit to turn down the wishes of the 83 per cent and do the bidding of the other 17 per cent who had voted against the terminal elevator bill and killed the measure.

North Dakota is an agricultural State. Practically 80 per cent of the people of our State are farmers and make their living upon the farms. It is a mighty poor living in many instances, but they subsist at least out on the farms. A delegation of farmers and representatives of farmers' organizations went to Bismarck during the session of the legislature when the elevator bill was up for consideration. They were actually told by members of the legislature, regular Republicans, too, to "Go home and slop your hogs and we will attend to the legislation." It was immediately after the close of that session that the farmers of North Dakota started to organize and to take control of the political situation of the State. They organized what was known as the Nonpartisan League of North Dakota and went before the people in 1916 with a definite industrial program. Everyone in the State knew what it was. They indorsed men and elected them. They were nominated as Republicans at the Republican primaries and then they were elected in the fall. They could not carry out that program at the session which met in 1917, because the State senate was still controlled by those in opposition to our movement. They went before the people again in 1918 and with the same definite industrial program were reelected, as Republicans in North Dakota, with the control of the Republican State central committee. They elected again a majority of the officials in both houses of the legislature. In the session of 1919 they made provision for carrying out the whole program upon which they were elected.

Immediately at the close of the session of 1919 the so-called 100 per cent Republicans—real Republicans, they called themselves up there—circulated referendum petitions to bring to a vote of the people seven of the important measures passed by the legislature having to do with putting into operation the program which the people had voted for at two of the previous state-wide elections.

Then a special election was called in June, 1919. The people again said by their ballots that they wanted to try out those measures. They upheld every one of the very important measures that were up to them in the election of 1919.

Did the opposition, the 100 per cent Republicans, stop then? No; they did not. They immediately took us into court. The last resort of the financial interests always is to take matters into court; if they can not beat a measure in any other way, they tie it up in court. So they took the contest into court and fought the case through the courts of our State clear up to the Supreme Court here in Washington. One of those measures had to do with the sale of our bonds, involving the validity of State bonds of North Dakota. While that case was being argued and the operation of the law being held up it was impossible to sell our North Dakota bonds. There was an absolute boycott against those bonds. I know that to be so, because I myself tried to sell such bonds during that time. I went to the city of Chicago, to one of the largest bankers there, and put the proposition up to him. He admitted that the North Dakota bonds were just as good as any other State bonds in the United States; he said, in fact, they were better than many of the bonds which his firm had to sell, but he further stated, "I can not afford to handle them." I asked him, why not? He said, "You can not get the indorsement of the bankers' association of your State." I told him no; we could not. He said, "Then I can not afford to handle your bonds; it would hurt my business." Yes; there was a boycott against North Dakota bonds.

And, by the way, in North Dakota ever since the election of 1916, at every election since then, after the primary election, which is held in June in my State, there has been a fusion ticket composed of Democrats and Republicans of the reactionary type against the regularly and duly nominated Republican candidate on the Republican ticket at the primaries in our State. The same thing is true now. I want to read presently from a newspaper which I have, which is published in North Dakota, as to the action they are taking at the present time up there.

Another case that was taken into court was the grain-grading case. The farmers in North Dakota who produce wheat felt that they should have something to say about how their wheat should be graded; that it should be graded according to its milling value and according to the amount and kind of flour which that wheat made. Under the existing grading laws it was graded in that way. We passed a law to that effect. That law also was taken into court, and finally declared to be unconstitutional by the Supreme Court of the United States.

Then in the election of 1922 another grading law was initiated, which is pending before the Supreme Court of the United States to-day. It was reargued only the other day—

I think it was either the 2d or 3d day of March—although it had been argued in May, 1923, without any decision. It was suggested by one of the men who were interested that it had been so long since it was argued the judges had evidently forgotten all about the case, so they called for another argument in the case in order to refresh the memories of the judges. Judging from the questions which the judges asked of the attorneys before the court the other day it would seem that they had forgotten all about the case.

I mention these things to show Senators that the people of North Dakota who organized to try to better their conditions, to try to get a square deal for 80 per cent of the people of the State, were blocked by a minority, and with the assistance of outside influences, especially financial influences from the Twin Cities of Minnesota, from Chicago, and from as far east as New York City.

We came along to the session of our legislature in 1921. During that session the proposition was put up to the administration in the State of North Dakota that we must change some laws which we had on our statute books. We were told that if we did not do so recourse would be had to the recall and we would be recalled from office. I told them that I would not, so far as I was concerned, agree to the compromises which they wanted; that such action meant the killing of the program for which the people had voted time after time in North Dakota. They instituted the recall, however, and recalled three of the State officials from office because they would not sell out, because they would not do the bidding of the political bosses there, or the would-be political bosses, who represented the financial interests of the State and of other States.

I am of the same opinion to-day. It would be a great deal easier to go along the line of least resistance, to float down the current peacefully, and vote with the administration crowd on this side; oh, yes, and stay with the party, and all that. Then if one should happen to lose out at the next election he would probably be taken care of with a "lame-duck" appointment. That is the way such men are taken care of. It pays to be regular, oh, yes; and it is a great deal easier to be regular. However, there are a few of us who feel that we represent our constituents at home who are fighting for a square deal, who sent us here to try to get a square deal, and we are going to continue to fight for that square deal and refuse to be told how we must line up.

It has been said here that we are radicals, and perhaps we are; but after the fight that we have gone through out there in those western agricultural States it is a wonder that we are not more radical than we are. Yes; it is a wonder that the farmers are not more radical than they are after all they have gone through and after all the promises that they have had made to them have been absolutely ignored by the candidates following their election to office.

I wish to read a portion of an article that appeared in the Bismarck Tribune of March 3, 1925. It says:

> New I. V. A. will be organized in North Dakota.

I wish to explain that "I. V. A." means the Independent Voters' Association, composed of the reactionary element of the Republican Party and the reactionary element of the Democratic Party.

> Independents, in meetings here, organized for the 1926 campaign.
>
> Plan is drawn up.
>
> Nomination of candidates, both Republican and Democratic, is planned.
>
> Formation of an organization to include both Republicans and Democrats who are opposed to the Nonpartisan League, but which will place all candidates which it may indorse for the 1926 election on the Republican ballot, was effected here Sunday.

The article goes on:

> The candidates upon this ticket are to be selected from the ranks of the Republican and Democratic Parties on an equitable basis, but will be placed on the Republican ballot.

The reference is to the Republican primary election in North Dakota next June, and it indicates, of course, that Democrats are being placed on the Republican ballot for the Republican primaries.

Mr. NORBECK. Mr. President, will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. FRAZIER. I yield.

Mr. NORBECK. Is it the first time that has been done in North Dakota?

Mr. FRAZIER. I have made the statement that it has been done ever since the election in 1916—not at the primaries, however, but after the primaries. This is the first time, so far as I know, that it has been done with reference to the primaries.

I wish to state that one of the men on the Democratic committee, whose name is R. A. Bolton, is the present postmaster at Jamestown, N. Dak. Mr. Bolton was reappointed by the present administration about a year ago as postmaster at that place, after holding the office for eight years; is now a member of the Democratic committee and of this organization to put Democrats on the Republican ballot at the next primary in North Dakota. The same organization has commended the Republican caucus here in the Senate for the action they have taken against my colleague [Mr. LADD] and myself. One of the newspapers of North Dakota, the Grand Forks Herald, goes on to say that it is the Republican State central committee which has passed this resolution, but that is an absolute lie, because it was not the action of the Republican State central committee. The Republican State central committee of North Dakota is controlled, and strongly controlled, by the progressive group up there. There can be no doubt about that, for the records will bear it out. They did not even invite the progressive Republicans to attend this convention; they did not even invite progressive Democrats, so far as I know, with one exception. In that connection I wish to read a letter which the progressive Democrat, whom I have in mind, wrote to the organization:

> Grand Forks, February 27, 1925. Mr. John Gammons, Bismarck, N. Dak.—

Mr. Gammons was the secretary of the Democratic committee that was called in for this conference—

> I have your letter, dated the 24th, announcing a meeting of the Democratic State central committee for to-morrow. I had previously noticed in the press the announcement that there was to be a joint Republican-I. V. A.-Democratic meeting, but I had passed this without giving it credence. I saw you yesterday in Bismarck, also Mr. Murphy, the national committeeman, and I rode on the train from Fargo to Bismarck with Mr. Hughes—

Mr. Hughes is one of the leading Republicans—a "real" Republican—

> Neither you nor Mr. Murphy mentioned the meeting to me.
>
> Of course, I understand why you and Mr. Murphy did not call my attention to the meeting of the State central committee, of which I am a member. I consider it a compliment from you who have arranged this meeting that I am not wanted. Your treacherous scheme of selling out the Democratic Party now as you have done in the past would be opposed by me if I were present.
>
> This is the first information, Mr. Gammons, that I have had that you were secretary of the State central committee. It seems you were not functioning during the last campaign. At least, you were not using "Democratic" stationery and letterheads in the "campaign." I do recall one begging letter in which you asked for money, and thereafter the "organization," as represented by you and those for whom you run errands, was as silent as the tomb.
>
> Do you fellows really take yourselves seriously when you plan to again "throw" the party to which you are supposed to belong? Do you think that the plight of the Democratic Party in the State is not directly attributable to the treason of some of your associates, self-appointed "leaders" whose whole idea seems to have been to trade the Democratic Party off for a few measly appointive jobs for some Democratic officeholders who might be in danger to become a county charge if they were separated once in their lives from a public trough?
>
> Thanks, John, but I'll not bother your I. V. A.-Republican-Democratic meeting to-morrow. Perhaps some day the honest Democrats of the State will hold a meeting in the interest of those principles for which we think the party stands. If they do I should like to attend "just for old times' sake," But I never liked the rôle of Benedict Arnold, either in history or North Dakota politics.
>
> Yours truly,
>
> F. F. BURCHARD.

The letter shows that this progressive Democrat refused to be a party to this fusion proceeding.

I have been criticized here because sometimes I have voted with Senators on the other side of the Chamber on certain measures in connection with which I believed they took a better and a more nearly correct view than did the majority on this side. But after all, perhaps I owe just a little debt to the National Democratic organization. After I was nominated on the Republican ticket in June, 1922, as a candidate for the United States Senate, the chairman of our State committee

wrote to the chairman of the Republican National Committee asking him for a little fund to help carry on the campaign in North Dakota. The national chairman absolutely refused to put any money in that campaign. I understand also that the State chairman took the matter up with the committee here in the Senate, which is supposed to be a sort of campaign committee for the Republican Party, and that committee likewise refused to put any money in the North Dakota campaign. The Democratic National Committee, however, did expend some money in that North Dakota campaign in 1922; I am informed, upon very good authority, that they put $10,000 into it, which amount was handled by this joint committee of I. V. A.'s, or Republicans and Democrats; and when the people of North Dakota found out that the Democratic National Committee were interested in defeating me, for some reason or other, it in a way woke them up; they took more interest in the campaign, and I am sure I received a great many votes because of that $10,000 contribution. So I owe something to the Democratic National Committee, and therefore Senators should not criticize me so much because once in a while I vote with the Democrats.

Mr. President, it seems a little strange to me to have any one dictate or try to dictate to us as to what we should do and what party we should affiliate with, and all that. Such an attempt is contrary to all the precedents that have ever been established in the Senate, and also to the seniority rule about which Senators have talked so much. So far as I know, never before in the history of the Senate has action of this kind been taken. Although I do not doubt, from what old-time Senators have said, that similar situations have heretofore arisen, yet no such action as is now proposed has been taken.

Of course, the majority rules, and we are perfectly willing that it should. I am not like the so-called "real Republicans" in North Dakota who have fought against majority rule there ever since 1916, and have obtained from the outside money with which to help them in their fight; but I believe in majority rule, and if the majority here want to put a few of us at the bottom of the list, that is all right with me. I must, however, raise my voice in protest.

My colleague [Mr. LADD] has been the chairman of the Committee on Public Lands and Surveys for some time, and, so far as I know, has made a very good chairman; at least, I have not heard any complaint. Knowing, of course, that he will be up for reelection next year, that his term will expire in 1927, I have wondered whether or not this action is to be taken in an effort to discredit him with his constituents in North Dakota. If so, I wish to assure Senators that, in my estimation, it will raise his chances in North Dakota quite materially should this action be taken. So I think, perhaps, after all, it may be a good thing; but I want to state that, so far as I am concerned, I will continue the fight which I have tried to make here for the benefit of the common people, the farmers especially, and to get a square deal for them by endeavoring to secure the enactment of some legislation designed to put farming on a plane with other lines of business. The Republicans have promised it in campaign after campaign, in their platforms, and through different public speakers, but it has not been carried out. If the Grand Old Party which the Senator from Indiana is proud to represent, and which he so gallantly fights for here on the floor, expect to continue to get the votes of the farmers without carrying out their platform pledges, I think they are badly mistaken. I do not see how they can expect to hope for the support of the farmers unless they do something to carry out these pledges.

So far as I am concerned, I still believe in the Republican principles of Abraham Lincoln, and, as I stated here on the floor the other day, I shall continue to believe in them, regardless of the action taken here. I do feel, however, that the people of North Dakota are entitled to representation here on these committees and through the chairman of the committee under discussion.

Mr. President, I was a little surprised that my friends on the other side of the aisle should adopt the attitude they did a short time ago here. There was no objection raised on the other side of the aisle, at least that I heard of, to accepting the arrangement made here for chairmen of committees by the Republican caucus; but when a move was made to put up a progressive who has been chairman of a committee, who is entitled to the chairmanship of that committee by precedent and seniority, and all that kind of thing, the Democrats, or a great many of them, absolutely refused to go on record on a vote of that kind. It surprised me just a little.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New York?

Mr. FRAZIER. Yes; I yield.

Mr. COPELAND. I think the Senator from North Dakota is very unjust. I do not think any Senator on this side of the aisle is taking any position in this matter, because it is a fight between a progressive and a conservative. The feeling over here is that this is a Republican fight.

Mr. FRAZIER. Yes; but the Senator is a Member of the United States Senate, even if he is upon the Democratic side.

Mr. COPELAND. I can not speak for the other Senators over here; but I do say that I am sure the Senator from North Dakota is unjust and mistaken in his position that the attitude taken here by the Democrats is taken because Mr. LADD happens to be a progressive.

Mr. FRAZIER. Mr. President, since the Senator has taken the stand that he has, I will say that several days ago information came to me that there was no use in fighting this proposition; that there was an understanding on the subject, and that it was all settled; that it was useless to fight; and it looks as if there was or had been an understanding.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota further yield to the Senator from New York?

Mr. FRAZIER. I yield.

Mr. COPELAND. Unfortunately, I have been away from the Senate for a few days, and if there is an understanding I have not heard about it; but I have been here long enough to believe there is no understanding.

So far as I am concerned, personally, in all probability I shall vote for Mr. LADD; but I do not think any Senator on this side is in any conspiracy or combination against the Senator from North Dakota. I think the position taken by the Senators on our side is a very reasonable one, and I want to say to the Senator from North Dakota what I said to the Senator from Nebraska, that I think his position is a very inconsistent one. If the Senator from North Dakota had been so anxious to vote for a progressive, why did he ever vote for the able Senator who now sits in the Chair as President pro tempore of the Senate? I have never heard that the Senator from New Hampshire [Mr. MOSES] was ranked as a progressive. On the other hand, the Democrats had a candidate for that office. Why did not the Senator from North Dakota vote for our candidate instead of for this nonprogressive member of the Republican Party?

Mr. FRAZIER. Mr. President, I think the Senator from New York is mistaken. I have always understood that the Senator from New Hampshire was at times quite progressive. I have understood that he even went so far as half-heartedly, at least, to support Senator LA FOLLETTE at one time, and that must be considered progressive.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield further to the Senator from New York?

Mr. FRAZIER. I do.

Mr. COPELAND. The Senator from New York hesitates for a moment, waiting for the Senator from New Hampshire to call some other Senator to the chair and defend himself. He is well able to do it. I want to say to the Senator from New Hampshire that there is no more charming, agreeable, delightful soul in the Senate than that same Senator, but I never heard him accused of being a progressive.

Mr. WATSON. Mr. President, if the Senator from North Dakota will yield, I think if the Senator from New Hampshire were charged with that he could prove an alibi.

Mr. COPELAND. I agree fully with that statement. I do not think I ever agreed before with the Senator from Indiana, but I do now.

Mr. FRAZIER. Mr. President, something has been said on the floor here by the able Senator from Kentucky [Mr. ERNST] about our demotion in the committees and about our not being allowed now to hold responsible places in committees, and so forth. I can say for myself that in the past I have not had any very important places on committees. I have not been called into conference very much, and any recommendations that I, perchance, may have made for appointments in North Dakota have been ignored up to the present time. The action of the caucus really simplifies matters in my case, because the people up there—some of them, at least—thought I was going to be able to get something in the way of patronage up in my State. I have not been able to do it, and now it is quite evident that I am not going to have anything to say about patronage in the future, so it simplifies matters considerably. I objected to the appointment of this postmaster at Jamestown that I spoke of just a little while ago because he was a Democrat and always fought against the Republican administration. I put it up to the Postmaster General and also to the President and

the President's Secretary, and yet he was appointed. It is all right, so far as I am concerned, if they wish to do that kind of thing, but we have not had anything of that kind in the past.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from California?

Mr. FRAZIER. Yes; I yield.

Mr. SHORTRIDGE. May I ask the Senator a question? Did the Senator from North Dakota support or oppose Calvin Coolidge, the regularly nominated Republican candidate for President?

Mr. FRAZIER. In the last campaign?

Mr. SHORTRIDGE. Certainly.

Mr. FRAZIER. I opposed him. I am not ashamed of it at all—no; not in the least ashamed of it. I am ashamed, though, of the regular Republican majority on this side who went on record for a platform and weat out over the Nation and advocated that platform, and then have not lived up to the platform here in carrying out the promises they made to the people, especially the people of the agricultural districts of the Middle West and the West.

Mr. COUZENS. Mr. President, I just want to point out to the Senators that all party discipline is not administered in the Senate. Party discipline is administered throughout the States, and party discipline is administered in the departments of the Government here. I just want to read into the RECORD some discipline that is proposed to be administered to the senior Senator from Michigan because he has not been regular, and because he has persisted in endeavoring to eliminate rottenness in governmental departments, no matter under what administration it may occur.

On Saturday afternoon I was called out of the Chamber by the Commissioner of Internal Revenue and his deputy commissioner, Mr. Nash, and presented with the letter which I am going to read, dated March 7. I want to point out that this happened right upon the heels of some disclosures which came out as a result of a report made by the special committee of the Senate investigating the Internal Revenue Bureau, and became public as a result of the testimony being reported to the Senate and a copy of it being on file in the office of the Secretary of the Senate. It did not become public through any act of mine, but it became public as a result of the committee in its entirety signing a report and presenting it to the Senate.

MY DEAR SENATOR COUZENS: I inclose herewith copy of a memorandum which has been received in the Treasury Department in connection with your 1919 income taxes. An examination of your return for that year shows that the figures mentioned in the memorandum as of March 1, 1913, market value of the stock for taxation purposes, approximate the value upon which the tax was originally assessed, but there appears nothing in the files of the bureau to sustain the correctness of this value. The memorandum, on the other hand, makes out a prima facie case of too low a March 1, 1913, value.

Being put upon notice, the bureau necessarily must take action to establish the correct value. The bureau records show that your return for 1919 was filed on March 13, 1920. The statute of limitations will, therefore, run on March 13, 1925, less than a week from to-day. In order that the bureau may have time to investigate the information contained in the memorandum, and that you may have an opportunity to present to the bureau evidence tending to justify the figure estimated for the March 1, 1913, value, it is suggested that you sign and return to me the inclosed waiver, upon receipt of which you will be given ample opportunity to present your case to the bureau.

In the event, however, that the bureau does not receive the waiver promptly, in order to protect the United States it will be necessary to assess against you an additional tax based upon the information now available to the bureau.

Under the practice in force, hearing to review such an assessment may be had in the solicitor's office, and in the event the assessment is there confirmed you will, of course, have your appeal to the Board of Tax Appeals.

Yours very truly,

D. H. BLAIR, *Commissioner.*

They presented some waivers for me to sign, which I declined to do.

With this letter they presented this memorandum, the source of which they declined to tell me. It apparently was drafted in the bureau:

1. In the summer of 1919, following a court decision in a minority stockholders' suit requiring the Ford Motor Co. (contrary to the previous low dividend policy of its majority shareholder, Mr. Henry Ford) to pay dividends proportionate to its earnings, Mr. Ford offered to buy out all the minority shareholders of the company at a price of $12,500 per share. These minority holders owned 41 per cent of the 20,000 shares of the company's stock, Mr. Ford holding the remainder.

2. The minority shareholders agreed to sell out at this price, provided the Treasury could be induced to state in advance a figure satisfactory to them at which it would appraise the market value of their stock as of March, 1913. They could then take that amount into their accounts free of tax; their taxable profit would be the difference between that figure and the selling price.

3. The Treasury was accordingly procured contrary to its rule—

I think that should be "induced, contrary to its rule," but it says "procured."

The Treasury was accordingly procured, contrary to its rule in such cases, to make the advance appraisal desired. In the absence of actual sales in 1913, its statisticians proceeded to make sundry computations and estimates, and shortly it fixed the 1913 market value of the stock at approximately $9,000 per share ($8,900), nearly three-quarters of the 1919 value established by the offer of $12,500 mentioned. Thereupon the trade was closed and Mr. Ford paid the price stated, in cash.

4. It will be instructive to compare the artificial figure of $9,000 for 1913 with the true value for 1919 disclosed by the actual sale for $12,500. For the latter was tangible, an actual transaction for cash money between men dealing at arm's length; but the former was a mere estimate or guess. From the actual sale we may learn what the estimate ought to have been.

5. For we can take the volume of business and the net earning power of the company in 1919 and see their relation to the 1919 selling price of the stock whose purchase conveyed 41 per cent thereof. We then can apply this index or ratio to the volume of business and the net earning power in 1913. The result will be a stock value for 1913 which, being directly related to the 1919 actual selling price by the same formula, will probably be not far off from the truth. And if any corrections are required because of changed conditions of special kind, it will then be simple to make them.

In order to save the time of the Senate I ask unanimous consent to have this entire memorandum printed in the RECORD at the conclusion of my remarks, and I will read such parts of it as appear pertinent at this time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. COUZENS. This memorandum then gives some figures as to the number of motor cars produced in 1913 and in prior and subsequent years, and attempts from those figures to arrive at a basis of what the stock was worth on March 1, 1913, and as of date of sale in 1919.

The Treasury officials who drafted this proposal evidently had in mind a conclusion which they desired to reach in advance, because they have used some ridiculous computations and some ridiculous figures, which will appear in the RECORD, and which I will not take the time of the Senate to discuss.

However, going down to paragraph 9 of this memorandum, they arrive at the conclusion that the value of the stock as of March 1, 1913, was $2,500 per share, in comparison with the value fixed by the Treasury in March, 1913. The memorandum states:

The resulting underpayment of taxes by all minority shareholders together is around $35,000,000. The corresponding underpayment by the largest individual minority shareholder, who was Mr. JAMES COUZENS (now Senator COUZENS), of Detroit, would be about $10,000,000 to $11,000,000.

That is the proposed assessment for Republican irregularity. It is more expensive than demotion on a committee. The Treasury, because of my irregularity, proposes to charge me additional taxes amounting, in the aggregate, to between $10,000,000 and $11,000,000.

For the benefit of the Senate I want to say that I think it was under the administration of our able colleague, the Senator from Virginia [Mr. GLASS], that Commissioner of Internal Revenue Roper, at the solicitation of Mr. Ford, fixed the valuation which is herein referred to. Mr. Ford, being anxious to purchase the minority stock interests, had to assure the minority stockholders what the value would be as of March 1, 1913, so that the sellers might know what taxes they would have to pay as a result of the profit or gain in value during the period between March 1, 1913, and 1919. So Commissioner Roper at least on one if not on more occasions wrote letters, of which I have copies in my private office, fixing the value of the stock as of March 1, 1913, at some $9,400 per share. The minority stockholders with that assurance sold their stock, reported the profits, paid the Federal Government, the Federal Government accepted the ruling of the Treasury, received the income taxes on that basis, and closed the cases, and the cases have been closed for from three to four years. But because the chief minority stockholder, who is the only stockholder referred to in this memorandum, has the temerity to dare to criticize a Republican administration, or a Republican Cabinet officer, they

propose immediately, when things commence to get warm, to penalize that Senator, because it is easier to get at him and because he, perhaps, is the prime mover, to the extent of between ten and eleven million dollars.

So I say that my colleagues, the Senators from North Dakota and Iowa, need not feel distressed, because they will not be penalized to anywhere near the same extent the Senator from Michigan will be, who supported the President, but yet claims no Republican regularity.

Mr. McKELLAR. Mr. President, I desire to ask the Senator a question. As I understand it, the Senator is on a committee which is investigating the Internal Revenue Department. Does the Senator regard this as a sort of an effort to intimidate him and will it have any effect upon the further investigation of that department, as far as the Senator is concerned?

Mr. COUZENS. It will have a most vital effect, because the Senator from Michigan will be more energetic than ever in prosecuting the investigation.

APPENDIX

Memorandum re overappraisal of 1913 value of Ford Motor Co. "minority stock," in an advance appraisal made by the Bureau of Internal Revenue in 1919, resulting in a large underassessment of income and surtaxes March 15, 1920

1. In the summer of 1919, following a court decision in a minority stockholders' suit requiring the Ford Motor Co. (contrary to the previous low-dividend policy of its majority shareholder, Mr. Henry Ford) to pay dividends proportionate to its earnings, Mr. Ford offered to buy out all the minority shareholders of the company at a price of $12,500 per share. These minority holders owned 41 per cent of the 20,000 shares of the company's stock, Mr. Ford holding the remainder.

2. The minority shareholders agreed to sell out at this price, provided the Treasury could be induced to state in advance a figure, satisfactory to them, at which it would appraise the market value of their stock as at March, 1913. They could then take that amount into their accounts free of tax; their taxable profit would be the difference between that figure and the selling price.

3. The Treasury was accordingly procured, contrary to its rule in such cases, to make the advance appraisal desired. In the absence of actual sales in 1913, its statisticians proceeded to make sundry computations and estimates, and shortly it fixed the 1913 market value of the stock at approximately $9,000 per share ($8,900), nearly three-quarters of the 1919 value established by the offer of $12,500 mentioned. Thereupon the trade was closed and Mr. Ford paid the price stated in cash.

4. It will be instructive to compare the artificial figure of $9,000 for 1913 with the true value for 1919 disclosed by the actual sale for $12,500. For the latter was tangible, an actual transaction for cash money between men dealing at arms' length, but the former was a mere estimate or guess. From the actual sale we may learn what the estimate ought to have been.

5. For we can take the volume of business and the net earning power of the company in 1919 and see their relation to the 1919 selling price of the stock, whose purchase conveyed 41 per cent thereof. We then can apply this index or ratio to the volume of business and the net earning power in 1913. The result will be a stock value for 1913, which being directly related to the 1919 actual selling price by the same formula, will probably be not far off from the truth. And if any corrections are required because of changed conditions of special kind, it will then be simple to make them.

6. Proceeding thus it appears that the Ford Motor Co. produced 165,000 cars in 1913 and in 1919, 850,000 cars, five time as many—Poor's Manual publishes the figures. Passing from physical to financial results the comparison is not dissimilar. In 1913 the company's annual profits were reaching the $25,000,000 class, and in 1919 the $100,000,000 dollar level, which is four to one. But the true growth in market value of the stock was greater, for in 1913 the company had been on its feet barely six years and had made really large profits, ten millions or more, only two years. But by 1919 it had a dozen years of unparalleled growth behind it; it had become an institution whose stability and continuity were assured. In fact, the prospective future growth was greater in 1919 than it had been in 1913. Consider also the enormous growth of the steady and exceedingly profitable business in repair parts. In the meantime there had been no change in the issue of capital stock, which stood at 20,000 shares as before. The earning power per share thus rose from $1,250 per share per annum in 1913 to $5,000 per share per annum in 1919.

7. That is to say, the 1919 selling price of $12,500 per share was two and one-half times the 1919 earning power of $5,000 per share. On the same basis the 1913 earning power of $1,250 per share discloses a market value of $3,125 per share.

8. This last figure is, however, too high. For it does not allow any discount for (1) the relatively unproven condition of the company in 1913, or again for (2) the difference in the expectation of dividends to be paid in 1913 and in 1919. It is elementary that the market value of stock in the hands of minority shareholders is adversely affected by a small dividend policy on the part of the majority in control. So in 1919 the actual sale reflects the bulge in the value of the stock due to the victory of the minority shareholders in the litigation before mentioned; whereas in 1913 the minority faced a period of low dividends. In view of these considerations, if the stock in 1919 was worth $12,500 a share, its market value per share in 1913 can not fairly be placed above one-fifth of that figure, which is $2,500. This is high rather than low.

9. Let us, nevertheless call it $2,500 and proceed to compute the difference in taxable profits resulting to the minority on 8,200 shares sold, thus:

1913 market value of 8,200 shares sold in 1919 for	$112,400,000
As appraised by Treasury in 1919, $8,900 per share	72,980,000
By comparison with actual in 1919, $2,500 per share	20,500,000
Overappraisal free of tax, $6,400 per share	52,480,000

That is, tax was paid on $112,400,000 minus $72,980,000, or on $39,420,000; should have been $112,400,000 minus $20,500,000, or on $91,900,000.

The resulting underpayment of taxes by all minority shareholders together is around $35,000,000. The corresponding underpayment by the largest individual minority shareholder, who was Mr. JAMES COUZENS (now Senator COUZENS) of Detroit, would be about $10,000,000 to $11,000,000.

10. But we may say if the Treasury hadn't fixed the 1913 figure too high the 1919 sale wouldn't have gone through. There are two answers to this. The first is that it might have, for the shareholders might have concluded it was better to get what they could into tax-exempt securities at once rather than pay taxes on their future dividends. The other answer is, What if it hadn't gone through? Mr. Ford might have been disappointed, and the Treasury would not have at that time taken in the $20,000,000 or so that it actually collected in taxes on the understated profits of the sale instead of getting a larger sum later on the future dividends. But such considerations do not justify Mr. Ford as one party, Mr. COUZENS and his fellow minority stockholders as another party, and the Bureau of Internal Revenue as the third party in making a three-cornered deal based on an appraised 1913 market value of Ford motor stock manufactured for the occasion. Of if not made to order, then worked out by clerks inexperienced in large transactions, from whom the 1919 sales price was sedulously concealed. The vast extralegal authority which public officers became used to wielding during the war and the ingrained habit of the Bureau of Internal Revenue to assess taxes to suit themselves (ordinarily with little regard to the taxpayers' proofs that they should be less), these things may explain, or even perhaps excuse, this sort of taxation by special ukase. But they do not justify it, and the unjustified actions of public officials do not bind their successors in office. And after the special pleaders have all been heard this fact remains: These stockholders owe the Treasury $35,000,000, which the Treasury should proceed to collect from them.

11. The present Treasury officials should be informed of the facts set forth above in order that they may corroborate (or disprove) them from the files of their predecessors. If the facts prove to be as stated, prompt attention will be necessary, as but a short time remains (before the statute of limitations runs out) for the Treasury to start action to recover the unpaid taxes, with interest and penalties, if any. And such action will accomplish far more than the collection of sundry millions of tax money, for it will serve notice on wealth and influence that these things can't be done—or if they appear to get done, they won't stay done.

(See notes on product and income.)

1. Ford Motor Co. product of cars, by years; from Poor's Manual of Industrials, 1917, and Poor's and Moody's 1924; 1923 corrected, and 1924 and 1925 estimated from data derived from automobile trade sources; all to nearest round figures:

	Cars
1925	1,800,000
1924	1,800,000
1923	2,000,000
1922	1,350,000
1921	1,090,000
1920	1,145,000
1919	850,000
1918	706,000
1917	735,000
1916	533,000
1915	308,000
1914	248,000
1913	164,500
1912	68,500
1911	34,500
1910	18,700
1909	10,600
1908	6,400
1907	8,800
1906	1,600
1905	1,700
1904	1,700

2. Net income of Ford Motor Co.: Published figures scattered and not always reliable; accurate figures should be taken from the bureau's

files. The figure of income before rather than after income and profits taxes is the controlling factor in making comparative evaluations of the stock for 1913 and 1919, because the taxes had already been cut in two before the summer of 1919 and it was then manifest that they would soon be further greatly reduced, as in fact happened.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. WALSH. I was laboring under the impression that the unanimous-consent agreement proposed by the Senator from Alabama had been assented to.

Mr. HEFLIN. That is correct.

The PRESIDENT pro tempore. The Chair does not understand, however, that that changes the question before the Senate. The Senator from Nebraska has not withdrawn his amendment.

Mr. HEFLIN. But under the unanimous-consent agreement each Senator, when his name is called, may vote for whomever he pleases.

The PRESIDENT pro tempore. The Chair would be glad to be instructed by the Senator from Nebraska and the Senator from Alabama in just what way the question should be stated under the parliamentary situation.

Mr. HEFLIN. Under the unanimous-consent agreement each Senator may vote for his choice.

The PRESIDENT pro tempore. The Chair understands the question before the Senate to be on the motion of the Senator from Nebraska, and since that motion was made the Senator from Alabama has made a request for unanimous consent, which has been granted, and under that unanimous-consent agreement any Senator is at liberty to vote for whomever he pleases. The Chair has been in doubt as to how to state the question.

Mr. WALSH. I ask the Chair whether the adoption of that unanimous-consent agreement did not supersede the motion?

The PRESIDENT pro tempore. The Chair is of the opinion that the effect of the unanimous-consent agreement is virtually to nullify the motion, but still, in the strict parliamentary sense, the motion of the Senator from Nebraska is before the Senate, the Senator not having withdrawn it.

Mr. SHORTRIDGE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Reed, Mo.
Bayard	Ferris	Ladd	Reed, Pa.
Bingham	Fess	McKellar	Robinson
Blease	Fletcher	McKinley	Sackett
Borah	Frazier	McLean	Schall
Bratton	George	McMaster	Sheppard
Brookhart	Gerry	McNary	Shipstead
Broussard	Gillett	Means	Shortridge
Bruce	Glass	Metcalf	Simmons
Butler	Goff	Moses	Smoot
Cameron	Gooding	Neely	Spencer
Capper	Hale	Norbeck	Stanfield
Copeland	Harreld	Norris	Swanson
Couzens	Harris	Oddie	Trammell
Cummins	Harrison	Overman	Tyson
Curtis	Heflin	Pepper	Wadsworth
Dale	Howell	Pine	Walsh
Deneen	Johnson	Pittman	Watson
du Pont	Jones, Wash.	Ralston	Wheeler
Ernst	Keyes	Ransdell	Willis

The PRESIDENT pro tempore. Eighty Senators have answered to their names. There is a quorum present.

Mr. NORBECK. Mr. President, this question seems to be largely a political matter that affects one section of the country, to wit, the Northwest—that section which is so often accused of being provincial of not having a grasp of national affairs. I suppose the conclusion is reached by sizing up the the kind of Senators who are sent from those Northwestern States to Washington. It has also led to the opinion on the part of some that there must be a different grade of intelligence west of Lake Michigan than east of there. But I say to Members of the Senate that they are pretty much the same kind of people who live on the prairies as those who live on the Atlantic coast. The main difference is that a large per cent of the people who reside on the prairies are still the original settlers, who came there from every State in the Union, but largely from the Eastern and New England States. Tens of thousands of our farmers grew to manhood in the industrial States and therefore are not ignorant of the problems of that section of the country. There are not many people living in the East who were raised on western prairies. They are largely ignorant of our conditions. They have not had an opportunity to get acquainted. Therefore they do not understand. In a country as large as this, nearly every section has its provincialism, but the East is by far more provincial than the West. They can not help it, but we do not hold that against them.

I am not here to defend the Republicanism of the Nonpartisan League. That is the political group that has made me most of my trouble. They invaded my State and fought me. They raised the largest campaign fund in South Dakota that has ever been raised in any State that I know of. But we are not here to pass upon that question to-day. The question before the Senate is, Shall the senior Senator from North Dakota [Mr. LADD] be permitted to retain his position as chairman of the Committee on Public Lands and Surveys?

I am frank to say that when he and I became Members of this Senate on the same day I thought I was a better Republican than he was. I came from a State which has always stood with the party. North Dakota had wabbled a good deal. I remember well that when the junior Senator from North Dakota [Mr. FRAZIER] was elected governor of that great State his victory was a vote of 4½ to 1, but in that same year the electoral vote of North Dakota went to Woodrow Wilson for President. South Dakota has been more steadfast in its political adherence. But when I came here the party leaders decided that the Senator from North Dakota was a better Republican than I was. I had to do penance and was compelled to sit for the first two years on the Democratic side of the Chamber.

The Senator from North Dakota, who was elected by the efforts of the Nonpartisan League, was accorded a seat on the Republican side of the Chamber. We both became members of the Committee on Public Lands and Surveys. I thought that I should be first on the list, but the party leaders decreed otherwise, and it was the Senator from North Dakota who became chairman of that committee. I did not complain then and I do not complain now. The committee on committees has been very fair to me on committee assignments. I have no complaint to enter, although I can not refrain from making this comparison.

Now, I am much at a loss to understand why this change in policy. I do not know of anything that the Senator from North Dakota has done that warrants this proposed action. He has supported the Republican tariff bill, and even voted with the leaders on the Muscle Shoals question.

I do not agree with the Senators from North Dakota. I do not think they are as good Republicans as I am. I do not think they stand for as good national policies as I do. I am not sure that they will support sound and practical farm legislation. Nevertheless they are here because the agricultural communities of the Northwest have risen up in protest against the kind of Republicans that preceded them and they prefer these Senators for a change. My home is out West and I am not ignorant of the conditions that have brought about this political turnover.

I think I can also understand the frame of mind of the Iowa farmer who was asked for an explanation as to why he voted for the junior Senator from Iowa [Mr. BROOKHART]. Replying to the question, "Do you think Senator BROOKHART can do something for you in Washington?" he said, "No, we do not." He was then asked, "Why do you vote for him then?" The reply was, "He 'hollers' for us and that's more than the other fellows are doing." [Laughter.]

This proposed action is evidently intended by the Republican leaders as political discipline to Members of this body who have not seen fit to always support the prepared program. It may not be accepted very well by the voters back home, who are responsible for the election of these Senators. It may be interpreted as a punishment. The voters are responsible rather than the representatives here. The voters may feel that you are trying to punish the men who "holler" for them, even if they are unable to do anything more. Having at heart the welfare of the Republican Party I want to protest against this action as not being in the interest of the future success of the party. The East is not strong enough to elect a Republican President; they are dependent upon the support of the West and the Northwest also. I think the Senator from North Dakota [Mr. FRAZIER] is right when he says the effect will be the opposite from what you are trying to accomplish.

The farmers who voted for these men are not hidebound politically. They do not regard party labels highly. The Northwest is pretty nearly without party prejudice; they are almost without party affiliation, though believing generally in the policies of the Republican Party and would prefer to support its leaders. The farmers on the prairies care very little about the Republican or Democratic labels. As evidence of this I might cite the case of Hon. John Burke, of North Dakota, who was Treasurer of the United States during the Democratic administration. He moved to New York, entered business there, and went broke. A short time ago he went back to the Republican State of North Dakota, that he had left a dozen

years ago, and he said to the voters, "I would like to be judge of the supreme court." The Republicans by the tens of thousands said, "We are for you, John; we believe in you." The fact that the Democratic Party had no political strength in the State did not matter. He was elected with a large majority just because they had confidence in him.

The question of party regularity is a hard question to determine even in this Senate. It is easy to find fault with others for not being regular, but there are very few Senators here who can show a clean slate. I can come very near to it, but even I went "Bull Moosing" with Theodore Roosevelt in 1912. I have not apologized yet, and I have no intention of doing so. If the Republican leaders should draw the line on those Republicans who did the same thing in 1912, they would not have a Republican majority in this Senate; they would be far from it. But they have largely forgiven those who bolted 12 years ago, and that was a wise thing to do.

Four years ago our people were promised some laws that they thought would be helpful. Among others, they were promised that if an article was shoddy it should be labeled as shoddy, so as to protect the person who buys woolen clothing and pays for real wool. It was intended to protect the wool producer and also the customer. It was called "truth in fabric." The whole Republican Party got back of this proposition, but the party is now in the fifth year of its power and the "truth in fabric" law has not yet been enacted. If you were to read out of the party the men who failed to stand by the platform you would not be able to hold a Republican caucus. There are shortcomings on the part of others as well as the Senators from North Dakota.

The leaders are mistaken when they think the political disturbances of the Northwest grow out of ignorance or a spirit of mischief toward the party. On the other hand, it is the direct reflection of a policy of economic injustice that has added unfairly to the burden of every man, woman, and child on the farms, and especially those farms where the great agricultural staples—grains and meats—are produced.

The Republican Party recognized this in the platform adopted at the Cleveland convention and appropriate pledges were made. The farmers were told that justice would be done and not favoritism; that if they elected the Republicans to power they were going to put the farmers on the "same basis as industry and labor." I refer now to the agricultural plank in the platform. By this the platform admits the inequality. Farmers accepted the pledge of the party, but the relief has not yet been granted. Let us hope that this sacred pledge will not be ignored as was the pledge of the "truth in fabric."

All the farmer is asking for is that he gets the same day's wage for a day's work as people in other sections of the country. We admit that his dollar has been depreciated. Everyone knows that the plow that could be bought for $65 a few years ago now costs $150. Everything the farmer sells is low and what he buys is high. The Democratic Party may be responsible for the inauguration of the unfair policy, but the Republicans have now been in power over four years.

The farmers are groping for a remedy. They turn to the right and they turn to the left. Perhaps they do not know how to get the best results; many times I think they do not. But many of them will continue to vote for the man who hollers for them until they get a better line on what they want; so I say they are liable to resent as punishment the action that is now proposed.

Anyhow, it seems to be a sectional matter, and our people may admit the shortcomings of some of the Senators here; but it is rather a family affair with them. They do not like to have others who live a thousand miles away from them say, "These Northwestern Senators are not doing as we want them to do, therefore we will demote them." The voters back home have sent these Senators here, and they believe the same opportunity should be accorded them as other Senators.

This matter of party regularity is not a new issue for 1925; it is an old, old question. The remedy proposed, however, is new and entirely at variance with the plan followed heretofore.

When the now departed great Senator from Pennsylvania sat in this Chamber he fought President Roosevelt without paying any attention to the Queensberry rules. Nobody suggested that the Senator should be driven out of the party. The voters of my section of the country felt that was a matter for the State of Pennsylvania to determine. It seemed that this was a kind of Republican that the Pennsylvania Republicans wanted.

Our voters believe in home rule. They believe it is for each State to decide these questions and not for a group of Senators here in Washington. The voters of the Dakotas feel they have just as much right to pass on the Republicanism of their representatives as do the voters of Pennsylvania, New York, or Delaware.

I do not know who worked out this program or plan, but it is my opinion that they have not consulted with anybody from the States affected, except politicians who have lost out and are now in the minority. These discredited leaders would much appreciate the help of the United States Congress to restore them into power or to invoke revenge. The thought I want to leave with the Republican Senators is that I am not responsible for this course, and I have not been consulted regarding this plan that is so vital to us. We have been trying to keep the Republican banners afloat in our section. The situation has often been difficult. At times we have hardly known what to do, even though we were intimately acquainted with the difficulties. I for one believe that those who have prescribed the remedy know much less about it than we do.

I repeat, I am making no complaint as to the committee assignments given me, and I will close by saying that I am afraid this action will be resented by the voters of the Northwest, and it will operate to the further handicap of the Republican Party and make it more difficult to hold our voters in line. Why do you add to our trouble?

Mr. PITTMAN. Mr. President, the reason why I rise now is because the Senator from Alabama [Mr. HEFLIN] during the debate suggested that the Democrats might vote for me by reason of the fact that I am the senior Democratic member of the Public Lands Committee. I rose at that time and stated that I did not desire to have any of my colleagues on this side of the Chamber vote for me, that I would not permit my name to be used for that purpose, that I felt that the majority in this body was not only entitled to select its committees, but also to select its chairmen; that ours is a party Government under which the country exists.

I stated then that if I were offered the chairmanship by this body I would not accept it, because it would be entirely inconsistent for me as a Democrat to be chairman of a committee that is overwhelmingly Republican. I referred to the election last session of a Democrat to the chairmanship of the Interstate Commerce Committee as being unfortunate. I contend that if a policy were pursued here of Democrats voting for a Democratic candidate, we would have a deadlock and that deadlock could only be resolved as it was resolved in the case of the Senator from South Carolina [Mr. SMITH] at the last session, which would mean that the Democrats would stand by their candidate, the regular Republicans would stand by their candidate, and the Progressives would stand by the Senator from North Dakota [Mr. LADD]. There is no question that the Democratic candidate would have two or three times as many votes in such a case as would the Senator from North Dakota. The natural result of breaking that tie would be that the minority on the other side of the Chamber would have to surrender as they did in the case of the Senator from South Carolina [Mr. SMITH]. I do not want to be a party to any such thing and so stated awhile ago. I desire to say to any of my friends, who may feel impelled to vote for me and consider it a compliment, that instead of accepting it as a compliment I would accept it on the other hand as an embarrassment.

I notice in this evening's Star the headline "Democrats want candidate of own." It seems to me strange that a paper, which claims to be responsible, should publish such a headline as that. Here is what the article went on to quote with reference to the senior Senator from Arkansas [Mr. ROBINSON], the minority leader:

> Senator ROBINSON, the Democratic leader, pointed out that the Republicans have a majority in the Senate. He said that there are 50 Republicans and 40 Democrats, apparently leaving 6 Senators unplaced politically.
>
> HAVE OWN WORRIES
>
> "The majority is entitled to organize the Senate," said Senator ROBINSON. "Of course, if it can not do so, the Democrats may have to take over the task. But it is no part of the duty of the minority to decide as to the precedence given Republican Senators on the committees. The majority may assign whom it desires as chairmen. The Democrats have enough difficulty caring for their own committee assignments.
>
> "When Members on the other side of the Chamber realize that they should not belong to the party now in the majority, they can seek new associations," continued Senator ROBINSON. "We may have to use disinfectants, but we respectfully decline to enter into Republican differences. All Republicans look alike to us, and none of them look good to us."
>
> Senator ROBINSON said that no matter whom the Republicans elected chairmen of the committees the country was going to suffer.

Yet, in spite of that statement by the minority leader on this side, we find this misleading headline in a leading newspaper

of this city. The statement that I made prior to the statement of the Senator from Arkansas in which I stated my position as the senior Democratic member on that committee is never mentioned in the article. I will state it once more for my own protection and for the purpose of again informing my friends who do not desire to vote for a Republican candidate that they are not to relieve themselves by voting for me. It is my purpose to vote "present."

Mr. BRUCE. Mr. President, if a Democratic Member of this body had been placed in nomination for the chairmanship of the Committee on Public Lands and Surveys, I should, of course, be strongly disposed to vote for him, provided that his name should have been presented free from such unfortunate associations as those that I conceived to have surrounded the selection of the Senator from South Carolina [Mr. SMITH] as the chairman of the Committee on Interstate Commerce during the last Congress. But no such situation is presented to me now, and a vote for a Democrat for the chairmanship under consideration would be but an empty compliment in any view of the case.

I think that the majority of the Republicans on the other side of the Chamber have the right to name the Republicans who are to be selected as the Republican members of the various committees of the Senate, and I also think that they have the right to name the chairman of those committees. The Republican Party is the majority party in this Chamber. It is entitled to all the rights of the majority party; it is subject to all the responsibilities of the majority party.

Moreover, I am bound to say that, so far as I can see, it has treated us very fairly. As I look at it, I have not shared at all generously in the distribution of the minority committee assignments, but I have no complaint to make; and I can only repeat that I think the Republican majority in this body have dealt not only fairly but liberally with the minority. That is another reason why, it seems to me, that I might well feel that it is incumbent upon me to do what I can to see that the chairmanships of all the Senate committees are duly allotted to the majority element of the Republicans in the Senate.

So I myself propose to vote as to the chairman of committee under consideration for the individual Senator who has been selected by that majority. I leave it to them to determine what constitutes a true Republican. I confess that the onerous responsibility of saying what constitutes a true Democrat is responsibility enough for me.

In conclusion, I desire to add that, after all, my chief motive in rising is to declare that I regret that I am compelled to make a choice between the Senator from Oregon [Mr. STANFIELD] and the Senator from North Dakota [Mr. LADD]. I share the respect in which the Senator from North Dakota is held, so far as I know, by all the Members of this body; that respect is, I believe, universal. In my opinion he is one of the truly able and useful Members of the Senate. Therefore it is with great reluctance that I shall cast a vote which will necessarily signify that I have not cast it for him.

The PRESIDENT pro tempore. The question before the Senate is the motion of the Senator from Nebraska [Mr. NORRIS]. Since that motion was made, however, a unanimous-consent agreement has been entered into as proposed by the Senator from Alabama [Mr. HEFLIN]. The language of that unanimous-consent agreement is:

> That when the roll is called a Senator who desires to do so may vote for the candidate of his choice.

Under these circumstances, therefore, the roll will be called, and Senators will name the candidate of their choice for chairman of the Committee on Public Lands and Surveys. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. If he were present, I should vote "present." In his absence, I withhold my vote.

The roll call was concluded.

Mr. BRATTON. I wish to announce that my colleague, the senior Senator from New Mexico [Mr. JONES], is unavoidably absent from the Senate.

The roll call resulted—for Mr. STANFIELD 36, for Mr. LADD 13, for Mr. JONES of New Mexico 3, voting "present" 26, as follows:

FOR MR. STANFIELD—36

Bingham	Dale	Goff	McKinley
Bruce	Deneen	Gooding	McLean
Butler	du Pont	Hale	McNary
Cameron	Ernst	Harreld	Means
Cummins	Fess	Jones, Wash.	Metcalf
Curtis	Gillett	Keyes	Moses
Oddie	Reed, Pa.	Shortridge	Wadsworth
Pepper	Sackett	Smoot	Watson
Pine	Schall	Spencer	Willis

FOR MR. LADD—13

Borah	Fernald	McMaster	Wheeler
Brookhart	Frazier	Norbeck	
Copeland	Howell	Norris	
Couzens	Johnson	Shipstead	

FOR MR. JONES OF NEW MEXICO—3

Blease	Heflin	Walsh

VOTING "PRESENT"—26

Ashurst	Glass	Overman	Simmons
Bayard	Harris	Pittman	Stanfield
Bratton	Harrison	Ralston	Swanson
Broussard	King	Ransdell	Trammell
Ferris	Ladd	Reed, Mo.	Tyson
Fletcher	McKellar	Robinson	
Gerry	Neely	Sheppard	

NOT VOTING—18

Capper	George	Lenroot	Underwood
Caraway	Greene	Mayfield	Warren
Dill	Jones, N. Mex.	Phipps	Weller
Edge	Kendrick	Smith	
Edwards	La Follette	Stephens	

The PRESIDENT pro tempore. Three Senators have voted for the Senator from New Mexico [Mr. JONES], 13 Senators have voted for the Senator from North Dakota [Mr. LADD], 26 Senators have voted "present," and 36 Senators have voted for the Senator from Oregon [Mr. STANFIELD]. The Senator from Oregon [Mr. STANFIELD], having received a majority of all the votes cast for any Senator, is declared elected chairman of the Committee on Public Lands and Surveys. The question recurs upon agreeing to the order submitted by the Senator from Indiana [Mr. WATSON].

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. Is it not necessary, in order to be elected chairman, that the Senator must receive a majority of all the votes; and do not those voting "present" count?

The PRESIDENT pro tempore. The declaration just made by the Chair would indicate to the contrary.

Mr. NORRIS. I make the point of order that under the vote cast there has been no election.

The PRESIDENT pro tempore. The point of order is overruled.

Mr. NORRIS. Mr. President, I intended to make one or two other motions. I intended to make one with reference to the chairmanship of the Interstate Commerce Committee, and two or three others as to the positions of Senator BROOKHART and Senator FRAZIER upon the committees to which they have been assigned and to the chairmanships of which they have not been assigned. After consultation with several other Senators, I have made up my mind that, as far as I am concerned, I will not make the motions. The debate has been rather full, and the questions involved and up to the Senate for decision have been rather elaborately debated and discussed. Unless some other Senator wants to make a motion, I am not going to make any; but while I have the floor I want to submit just a few remarks on the motion that is now pending—the adoption of the report of the committee on committees as submitted by the Senator from Indiana [Mr. WATSON].

For instance, this report takes off from the Committee on Interstate Commerce Senator LA FOLLETTE, who under the seniority rule would be the chairman of that committee. It puts in the place of Senator LA FOLLETTE the Senator from Indiana [Mr. WATSON], who is chairman of the committee on committees. The report made to the Senate by the Senator from Indiana [Mr. WATSON] names himself as chairman of perhaps the most important committee in the Senate, and in order to do it he has to take some other Senator who has served here longer than he has and demote him. It seems to me it is rather an illustration of what one of the characters in The Hoosier Schoolmaster said: "While you're gittin', git a plenty."

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. NORRIS. Yes.

Mr. REED of Pennsylvania. The report made by the Senator from Indiana, which nominated him for chairman of that committee, was unanimously approved by the Republican conference after a report by the committee on committees, of which the Senator from Indiana is only one member out of nine.

Mr. NORRIS. I have no doubt but that all the Senator from Pennsylvania says is true, but that does not change anything I have said.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. WATSON. Time and again, as the Senator from Iowa [Mr. CUMMINS] will bear me witness, I have insisted on his remaining as the chairman of the Interstate Commerce Committee. Many times in private conversation we have discussed the matter. Because of his peculiar fitness for that position, I have insisted on his remaining there; and not only that, but I asked other members of the committee to talk to the Senator from Iowa about it and try to persuade him to remain as chairman of that committee, and he declined to do so. Undoubtedly, if he cares to say anything about it, he will confirm what I say; and other members of the committee on committees at my request talked the matter over with the Senator, and he declined to accede to their request.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. While I have the floor, if Senators will permit me just to have a sentence in between speeches that are made in my time I shall be very much obliged.

Now, let me refer to what the Senator from Indiana said. All that the Senator from Indiana has said has not modified a word that I have said; not a word. I do not think it has anything to do with it. I am glad to have it there, however.

Now I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I can only confirm what was said by the Senator from Indiana. Two years ago the Senate decided that I was not a fit person to be chairman of the Interstate Commerce Committee, and it was utterly impossible to offer me any inducement that would make me accept the position at this time. That is all there is to it; and the Senator from Nebraska is one of the persons who decided that I was not a fit person two years ago to hold that position.

Mr. NORRIS. Mr. President, after all that the Senator from Iowa says, what I have said remains still uncontradicted. These Senators are wandering around the meadows and not getting to the point if they are trying either to contradict or to explain what I said; and I supposed that was the cause of their interruptions.

Mr. CUMMINS. I was just confirming what the Senator from Indiana said.

Mr. NORRIS. It needed no confirmation. The Senator protests too much. Nobody had disputed what the Senator from Indiana had said. It was not necessary to be confirmed, although I am perfectly willing that it should be confirmed by so illustrious a Senator as the Senator from Iowa.

Mr. President, it seems to be taken for granted by some of these Senators, not only from what I have said now, but from what I said before, that the course I have pursued is personally offensive to some Senators. I am sorry about that. I can not make these motions and discuss them without mentioning names. I have not anything in the world against the Senator from Indiana; and while I should be very much grieved if I thought he or any of his friends were offended at what I had said, the fact that I felt that way about it would not prevent me from saying it if I thought it was my duty.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. I have known the Senator from Indiana almost as long as I have known any other Senator here. I served with him in the House of Representatives; and while we never voted together—he always voted with the Democratic machine——

Mr. WATSON. With what?

Mr. NORRIS. And I voted with the progressive Democrats, and we were never together—yet I never had any personal difficulty with the Senator from Indiana. I have always had a very high personal regard for him. I want to continue to have it when we get through; but I disagreed with him then just the same as I do now. The Senator from Indiana, however, is named here as chairman of a committee. I do not want him as chairman of that committee. I can not discuss the matter without mentioning his name.

Now I yield to the Senator.

Mr. WATSON. I wanted to say that so far as there being any personal feeling in this whole proposition is concerned, the Senator can not charge it to me. I never take these things as personal to myself.

Mr. NORRIS. I do not either.

Mr. WATSON. I am in the best humor in the world with all of my colleagues, and always have been. There is only one thing I want to dispute, and that is that the Senator said that when I was a Member of the House I voted with the Democratic machine. I resent that. That never happened in the world.

Mr. NORRIS. I am not surprised that the Senator is ashamed of it.

Mr. WATSON. I am not ashamed of it, because I never did it. I would have been ashamed of it.

Mr. NORRIS. I do not blame the Senator for trying to get out of it.

Mr. WATSON. We had a machine of our own in those days, as the Senator will recall.

Mr. NORRIS. Yes; and it was a pretty well worked-up machine.

Mr. WATSON. It was.

Mr. NORRIS. And the Senator was one of the cogs.

Mr. WATSON. I was.

Mr. NORRIS. The Senator was always one of the cogs; and that is what I like about him—he never denied it; he always admitted it, and he always admits it yet.

The Senator from Iowa [Mr. CUMMINS] answers with some feeling. I did not know that he had such feeling. Evidently he has had it for two years against me——

Mr. CUMMINS. The Senator from Nebraska is entirely wrong. I have no feeling.

Mr. NORRIS. And he said it with fire in his eyes, Mr. President, looking right at me——

Mr. CUMMINS. No——

Mr. NORRIS. And charged me with being one of the fellows who had brought about that disagreeable situation.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I do.

Mr. CUMMINS. I did not quite like it at the time; I think the Senator from Nebraska knew that; but I hold no resentment about it. I have the highest regard for the Senator from Nebraska, and I usually vote the same way he does—not always, of course.

Mr. NORRIS. No.

Mr. CUMMINS. We can not always agree about these great matters.

Mr. BORAH. Mr. President, I think if we do not adjourn pretty soon we shall have a love feast. [Laughter.]

Mr. CUMMINS. I could not resist the temptation of saying to the Senator from Nebraska that he had been somewhat instrumental in demoting me two years ago.

Mr. NORRIS. Yes; I plead guilty. I never apologized for it, and I am not sorry for it now.

Mr. CUMMINS. Certainly not.

Mr. NORRIS. I went to the Senator, and told him to his face, in private conversation, what I was going to do.

Mr. CUMMINS. Certainly the Senator did. That is true.

Mr. NORRIS. And I told him why I was going to do it; and, as I remember now, the Senator himself rather admitted that I was right. I said to the Senator at that time that while he was performing the duties of Vice President of the United States I did not believe that he could fully perform also the duties of chairman of the Committee on Interstate Commerce. I said to him then, "As far as I am concerned, I am willing that you should take your choice. I will support you for either place you want, but not for both." That is about what I said to the Senator, and I reached the conclusion—I may be wrong about this; the Senator can correct me if I am—I reached the conclusion, and I have held it ever since, that the Senator not only thought I was right, but that he wanted to make a selection, he wanted to select the position of President pro tempore in preference to the other place, and I could recall to him now much that was said, and some of it in the words in which he said it, but that he would not dare do it because the machine—and I speak of it in a respectful way—would not let him make that kind of a choice. They insisted that he should be chairman of the Committee on Interstate Commerce, because, if he did not, under the seniority rule the position would fall to Senator LA FOLLETTE, and they did not want that to happen.

Mr. CUMMINS. The Senator does not say that he had any such conversation with me?

Mr. NORRIS. No; I said I reached the conclusion that that was the reason why the Senator did not make a choice. The Senator declined to make a choice.

Mr. CUMMINS. Certainly I did.

Mr. NORRIS. And the Senator wanted them both.

Mr. CUMMINS. I would decline again under like circumstances.

Mr. NORRIS. I do not find fault with the Senator if he wanted them both. I thought it was too much even for the great Senator from Iowa to have, and that he could not perform his duty here properly if he held both positions; and I

do not recall a single Senator on either side of this Chamber who ever talked to me about that—and I have talked with dozens of them—who did not agree with me that no Senator ought to have two positions of that kind at the same time.

If anybody is entitled to that, and if anybody can perform the work, it is the Senator from Iowa. He can come as near to filling the place as any other human being I know of, and there was nothing personal in what I said about the Senator from Iowa. I am sorry the Senator, to some extent, at least, takes it as a reflection on him. Of course, I can not help that. I would conceive it my duty, even if I did lose what little good opinion others in this body have of me, to do just as I have done. I am frank and I am honest when I state that there is nothing personal in it.

We are going to vote upon a report which makes the Senator from Indiana [Mr. WATSON] chairman of the Committee on Interstate Commerce. I want to ask any Senator from the great Middle West whether in his campaign he would have stood up before his people and said, "If I am elected to the Senate of the United States, right after I take my oath of office, one of the first things I shall do will be to vote to put the Senator from Indiana [Mr. WATSON] in the chairmanship of the great railroad committee, in preference to the Senator from Wisconsin [Mr. LA FOLLETTE]." I wonder if anybody, making a campaign in the Middle West, boasted that he was going to do that. I wonder if anybody would go out and do it now if he were making a campaign.

The Committee on Interstate Commerce handles all questions affecting the railroads of the United States. This is the committee which has jurisdiction over what, through the great West, is considered one of the vital questions always before the people, and with great respect to my friend, the Senator from Indiana, I think it can be said that the action which the Senate I presume is about to take, which would make the Senator from Indiana chairman of this committee, will be of the greatest satisfaction to all the railroads in the United States. They kill two birds with one stone; they get rid of one man they do not want, and get another man they do want. I presume if they had raked the country from ocean to ocean, and from Gulf to Lakes, they could not have found a man who would suit them any better than the Senator from Indiana will; and I say that without casting any reflection on the Senator. As he says, he is part of the machine. He belongs to the machine. He is proud of it; and he may be right in his position. It may be that the best way to serve your country is to get into the machine, and to go with it as one of its cogs.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. I can not understand the Senator from Nebraska to-day. There is no man in the Senate whom I love more than I love the Senator from Nebraska.

Mr. NORRIS. I am glad I have one friend left, but I am afraid the Senator is going to apologize for that, now. [Laughter.]

Mr. COPELAND. I am not sure but that I ought to apologize for it to-day——

Mr. NORRIS. Very well; I accept the apology in advance.

Mr. COPELAND. The Senator from Nebraska has not behaved well to-day, if I may say so. If the Senator from Nebraska has felt about the Senator from Indiana as he says he has, why has he not made a protest about that chairmanship?

Mr. NORRIS. I am making one now. The Senator ought to understand what I am trying to do.

Mr. COPELAND. Why not go down the line and take all the chairmanships?

Mr. NORRIS. The Senator does not know but what I will, does he?

Mr. COPELAND. No; I am prepared to believe that the Senator will.

Mr. NORRIS. I do not think I will. I think I know when it is unnecessary to go any further. The Senate has expressed itself, and I accept the judgment of the Senate. I do not agree with my colleagues in the Republican Party. I think they are making a great mistake from a party standpoint, if from no other. I do not agree with the Democrats, on the other side, who think that they have no responsibility; but I may be wrong in both cases.

I believe that this action, particularly as applied to the Interstate Commerce Committee of the Senate, will be resented without regard to party, by Democrats and Republicans, all through the Middle West. It will suit one branch, the so-called stand-pat element. It will be just what they want. I use the words "stand pat" in a perfectly respectful sense. I am willing to call them "conservatives." It will suit them. But the other element all through the West will not be pleased with it. They will condemn it, and they will hold any Senator or any Representative responsible when they get an opportunity to vote for or against him through all that great West.

I want to touch on another branch of this subject. I was very much interested in what the Senator from Michigan [Mr. COUZENS] said. After all, Senators, the Committee on Interstate Commerce is the important one. In my judgment, there would have been no action by the conference, or any committee of the conference, if it had not been for the desire to control that committee, to prevent it from getting a chairman like Senator LA FOLLETTE, to begin with, and, on the other hand, if possible, to give it a chairman like the Senator from Indiana.

As to the Committee on Public Lands, the assignments of the senior Senator from North Dakota and the junior Senator from Iowa were made because it would not have looked very well if the action had been confined to that one committee. There will be rejoicing in the railroad camps all over the United States to-night when they know that this is put across; but, after all, there is another motive in it all. It is to give notice to Senators on the Republican side that they must obey or be punished. This is not the only punishment that is included in this list of committee assignments. There are other Senators who, by the adoption of this program, will feel the lash that is being put upon them because of independent action on the floor of the Senate. These four men are not the only ones who are being punished by the Republican conference, which action, when the report shall be approved, will be action of the Senate of the United States.

We have had what has been known as a seniority rule. The Republican machine in the Senate has always applied it wherever it would be to their benefit to apply it, and have always ignored it where it would be to their benefit to ignore it. I am not afraid to make that charge, because I am acquainted with what has been done for the last 12 years by the operation of Republican conferences and committee assignments. It has been applied to me; and I speak of this for the first time in my life. When I first came into the Senate I was always ignored when I came in contact with the rule, and the rule was always enforced where it would keep me out of a place when the Republican machine wanted me kept out of it. But that is past and gone. That was several years ago. I mention it now for the first time in my life only because I wanted Republicans to know that, if there be Republicans who think that the rule has not been observed or has not been noticed.

I am not asking anything. I am not complaining personally because of anything that appears in this list, not by any means. I would have no cause to complain, as far as this report is concerned. My punishment came long ago. This does not hurt my feelings, and that is the reason I can mention it in passing. God bless you, I have no feelings. They were burned into ashes by the application of the cruel, illogical, and often discourteous rule that has kept me out of places which I wanted to get on committees, and to which, under the seniority rule, I was entitled. But I always had to take a back seat for somebody who, as the Senator from Indiana has said, belonged to the machine. They got what was coming.

The Senator from Michigan [Mr. COUZENS] has called attention to the fact that even outside of the Senate men who are not regular and will not obey will get their punishment. Here in this list are assignments made to my colleague from Nebraska [Mr. HOWELL]. In response to the letter which I presume was sent to all Senators asking them to state their preferences, he answered giving his preferences for committee assignments. He did not expect an assignment on every one of the places named, probably did not expect more than one assignment, but he gave several, and in the order in which he gave them he expressed his preference. This was the order:

First, Foreign Relations.
Second, Commerce.
Third, Territories and Insular Possessions.
Fourth, Naval Affairs.

He was not given a place on any of those committees. He has been rather independent in the two years he has been in the Senate. There has been nobody, from the President down, who has been able to control his vote or his voice in this body. But he has been as regular in the Republican Party as any man who ever lived, he has supported it from top to bottom, at all times under all circumstances, and at all places; sometimes, I think, to his discredit; sometimes, in my opinion, having gone

too far, having been too regular. But he has been his own master here, and everybody in the Senate knows it. He was entitled, under the ordinary rules and understandings of the Senate, to one of these places. He got none. What happened? In every instance the men who were put on these committees had served a shorter time in the Senate than had my colleague, in every instance, without a single exception.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. REED of Pennsylvania. There was a good reason in each of those four instances——

Mr. NORRIS. I understand that. There was a reason every time; but I know that when I apply for a place and there is a desire by the machine which is in control to put somebody else in the place, if the other Senator is senior in service, it is said, "He outranks you. He has served longer in the Senate than you have," and that is the end of it. But when the applicant, as in this case, had to be superseded by somebody who had served a shorter time, then they must find a reason for it; and they always find one.

Mr. REED of Pennsylvania. The Senator does not want me to state the reasons?

Mr. NORRIS. The Senator may if he wants to do so. I think I have heard the reasons. I will yield to the Senator if he wants to state them.

Mr. REED of Pennsylvania. I will state them.

Mr. NORRIS. Very well.

Mr. REED of Pennsylvania. The Senator from Nebraska wanted to go on the Committee on Naval Affairs, and criticizes the fact that the name of Senator BUTLER appears on that committee. The answer is that Senator BUTLER was on that committee in the last Congress and had a right to stay there.

Mr. NORRIS. That is the explanation?

Mr. REED of Pennsylvania. That is the explanation as to that one.

Mr. NORRIS. Let me discuss that one and then the Senator can take up another one. Let us take up that explanation.

I have not mentioned the name of Senator BUTLER. Senator BUTLER was on the Naval Affairs Committee at the last session, just as the Senator from Pennsylvania has said. He was on that committee at the last session, and my colleague [Mr. HOWELL] was not.

As between Senator BUTLER and Senator HOWELL for a place on the Naval Affairs Committee, I concede that Senator BUTLER is entitled to it. Does that satisfy the Senator from Pennsylvania? There is no question about that, if the seniority rule is to be enforced. They enforced it there. Why? Because it is the seniority rule. But is the new Senator from Minnesota put on the Committee on Naval Affairs?

Mr. REED of Pennsylvania. The junior Senator from Nebraska does not criticize our placing the new Senator from Minnesota on the Committee on Naval Affairs.

Mr. NORRIS. The Senator is not dealing with the junior Senator from Nebraska; he is dealing with me. I am criticizing it. I do not care what my colleague says. A Republican who just came into the Senate on the 4th of March is put on the Committee on Naval Affairs. As between him and Senator HOWELL, Senator HOWELL is entitled to a place on the Committee on Naval Affairs under the seniority rule.

Mr. REED of Pennsylvania. Then I understand the Senator finds cause for criticism which the aggrieved Senator, his colleague [Mr. HOWELL], had not thought of. Is that so?

Mr. NORRIS. I do not know anything about that. The Senator can have any understanding he pleases with my colleague and my colleague can speak for himself, but my colleague is not making this speech. I am making it. I am making the criticism, and here is the answer. The Senator thought, and wrongfully thought, that I was going to criticize the committee on committees for putting the Senator from Massachusetts [Mr. BUTLER] on the Naval Affairs Committee over my colleague. I have no such intention. He gave seniority as the reason for putting the Senator from Massachusetts on that committee. Then I come right back and say what about the Senator from Minnesota [Mr. SCHALL] and my colleague? But seniority does not work then. There is another reason given then. Is there some specific reason why the new Senator from Minnesota [Mr. SCHALL] should be placed on the Committee on Naval Affairs as against my colleague, the junior Senator from Nebraska [Mr. HOWELL]?

My colleague is a graduate of Annapolis. He served in the Navy of the United States after his graduation, and after a few years resigned. The Spanish War broke out and he reenlisted in the Navy and served in the Navy during the entire Spanish War. When the World War came on my colleague again enlisted in the Navy and served in the Navy during the World War. Does that give him any particular call for being placed on the Committee on Naval Affairs—educated in the Naval Academy, served in the Navy, not only in time of peace but through two wars? But even with the seniority rule in his favor he is put out and somebody else put in. Why was that?

I am not finding fault with those Senators who are put on the committee. Somebody will be saying pretty soon that I am making an attack on them. I do not blame them. I do not suppose they know what went on behind closed doors in the secret session of the committee on committees. They applied for their places and took what came out of it. I am not criticizing any of them in any way.

But now let us go up another notch. Another one of the preferences of my colleague was the Committee on Territories and Insular Possessions. I will concede that he is not possessed of the same great qualifications for that committee that he is with reference to the Committee on Naval Affairs, because I think it can be truthfully said, without any exception and without any disrespect to any Member of the Senate, that there is not a Member of the body who is any better qualified, and I believe I could say who is as well qualified, to serve on the Committee on Naval Affairs as is the junior Senator from Nebraska [Mr. HOWELL]. He has served in the Navy for many years. He knows it from top to bottom and has been through the Naval Academy and commanded a ship during the war with Spain. He has all that in addition to the seniority rule for being placed on the Committee on Naval Affairs.

But now we come to the Committee on Territories and Insular Possessions. We find a new Member, the Senator from Connecticut [Mr. BINGHAM], put on the Committee on Territories and Insular Possessions. As between the Senator from Connecticut and my colleague under the seniority rule my colleague was entitled to it. The Committee on Commerce is another committee where the Senator from Connecticut [Mr. BINGHAM] was placed over my colleague. Again, if the seniority rule is any good, my colleague would have been entitled to a place on that committee. My colleague gave the Committee on Foreign Relations as his first choice. The senior Senator from Massachusetts was put on that committee. He has served here longer than the Senator from Connecticut [Mr. BINGHAM], but not as long as the junior Senator from Nebraska [Mr. HOWELL].

Now, Senators, I am not a champion of the seniority rule. I am willing to abolish it at once and throw it in the discard if we can get something better. I am willing that Senators should settle their own rules without consulting me. Let them make any rule they please in their conference, in their secret conference, but when they make a rule let them apply it to everybody alike. I can live under any rule under which anybody else can live. If I can not I will die, and I will not whimper about it either. The idea of applying a rule where it is wanted and throwing it aside where it will injure in its application makes me think of the old, old story that has been told so often that I would be ashamed to tell it again if it were not so very applicable here, the story of the old farmer and his son who were hunting deer. The old farmer, looking across the distance, said to his son, "There is a deer." The son, with better eyesight, said, "Father I am not sure about it. I am afraid it is our neighbor's calf." So the old man said, "Well, son, you take aim, and aim so you will hit it if it is a deer and so you will miss it if it is our neighbor's calf." [Laughter.] That is what the committee on committees are doing with the seniority rule. Where they wanted to hit they aim to have it hit. "Aim so it will miss if it will be to your benefit to have it miss."

I can not be classed as one who is advocating the seniority rule. There are a good many things about it that I do not like. If it were to be said, "We are going to put men on committees in accordance with the way they have obeyed their masters and cast their votes in this Chamber," and let that be known to the people, I would be willing that such a rule should be adopted. I shall not make any objection to it. That is really the rule that is being enforced here right now. That is the rule we are going to enforce when we adopt the report of the committee. All I want is to have the people know it.

These are not the only instances, either. I could mention others. What does it mean? It merely says to other Senators, particularly to new Senators, "Here is your lesson. See how these other Senators were punished." The new Senator will say to himself, "I know what is coming to me if I am not good. If I show some independence of spirit in the Senate, this is what is going to happen to me. Look at the junior

Senator from Nebraska [Mr. HOWELL]. Even with reference to the Committee on Naval Affairs, where he was the best qualified man in the Senate, he has been denied the opportunity to go on that committee because he has been independent, because he has been his own master here in the Senate, because he has served the people of his State according to the dictates of his own conscience and as he thought they ought to be served." That is the lesson that Senators evidently want to have go out to the other Members. That is the message of fear that they want instilled in the hearts of other Members of this body. That is what it is for. I wonder if it is going to have its effect? All I care about it is to let the country know the situation.

Mr. FRAZIER. Mr. President, in the assignment of Senators to the various committees, I was changed from one committee to another. I was not consulted in any way and have not been able to learn the reason why, or any reason, at least, that I felt was logical. I was taken from the Committee on Indian Affairs and put on the Committee on Banking and Currency. Personally I know more about Indians than I do about banking. I can not quite understand why I was taken off the Committee on Indian Affairs and put on the Committee on Banking and Currency unless it was for that reason. I understand the junior Senator from South Dakota [Mr. MCMASTER], a banker, who knows the banking business, applied for a place on that committee, and was not allowed to have it, perhaps for the same reason that the junior Senator from Nebraska [Mr. HOWELL] was kept off the Committee on Naval Affairs. Perhaps those two Senators know too much about the committees for which they applied, but it is hard to tell.

Mr. NORRIS. In the one case they applied the seniority rule and in the other they did not. It works in that way.

Mr. FRAZIER. I have taken a great deal of interest in the Committee on Indian Affairs. I think the chairman of that committee, if he were here, would bear me out in the statement that I have attended more meetings of the Committee on Indian Affairs during the time I have been a member than any other member of the committee, with the exception of the chairman himself. It is true that in some instances I have gone contrary to the views of the Bureau of Indian Affairs, and I have wondered if that is why I was left off the committee.

Mr. REED of Pennsylvania. Mr. President, I can answer that question if the Senator cares to have it answered.

Mr. FRAZIER. I would be glad to have the Senator answer it.

Mr. REED of Pennsylvania. We would have been glad to leave the Senator from North Dakota upon the Committee on Indian Affairs, but the senior Senator from Wisconsin [Mr. LA FOLLETTE] ranked him there, and if we had left two of the progressives, if I may call them that, upon the Committee on Indian Affairs they, with the Democrats, would have put the Republicans in the minority. We were unable to obtain an agreement to increase the total membership of the committee. That was the sole and only reason, and because we did not want it thought that the Senator was being cut down in the importance of his committee we arranged to put him upon the Committee on Banking and Currency, which seemed to us to be more important.

Mr. FRAZIER. I would like to ask the Senator from Pennsylvania about the Committee on Manufactures. Both the Senator from Wisconsin [Mr. LA FOLLETTE] and the junior Senator from Iowa [Mr. BROOKHART] were left on that committee.

Mr. REED of Pennsylvania. That is true. We could not effect the change there. We could not apply the same rule. We tried to do so. We tried to get an increase in the membership of that committee. We had to take the best we could get.

Mr. NORRIS. Mr. President, will the Senator from North Dakota yield to me?

Mr. FRAZIER. Certainly.

Mr. NORRIS. I take it from the answer now given by the Senator from Pennsylvania that the Committee on Manufactures has just gone to the devil.

Mr. REED of Pennsylvania. I think that is fairly evident from its behavior during the last two years.

Mr. NORRIS. The great committee on committees, of which the Senator from Pennsylvania is a member, ought to have saved it from perdition. He ought to have taken those recreants off. As I understand it, they have left that committee so that the so-called Progressives and Democrats will be in control of it. Great God! Just think what may happen to our manufactures and even to our country!

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The question is on agreeing to the motion of order submitted by the Senator from Indiana [Mr. WATSON].

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. If he were present, he would vote "yea." I am therefore at liberty to vote, and I vote "yea."

Mr. CARAWAY answered "present" when his name was called.

Mr. GLASS (after having voted in the affirmative). I desire to withdraw my vote and to answer "present."

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. HEFLIN (after having voted in the affirmative). I desire to make a similar request to withdraw my vote and to vote "present."

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. JONES of Washington. I was requested to announce that the Senator from New Jersey [Mr. EDGE], the Senator from Vermont [Mr. GREENE], the Senator from Wisconsin [Mr. LENROOT], the Senator from Colorado [Mr. PHIPPS], and the Senator from Wyoming [Mr. WARREN] are necessarily absent. If present, those Senators would vote "yea."

The result was announced—yeas 65, nays 11, as follows:

YEAS—65

Ashurst	Fess	McMaster	Sackett
Bayard	Fletcher	McNary	Schall
Bingham	George	Mayfield	Sheppard
Bratton	Gerry	Means	Shortridge
Broussard	Gillett	Metcalf	Simmons
Bruce	Goff	Moses	Smoot
Butler	Gooding	Neely	Spencer
Cameron	Hale	Oddie	Stanfield
Copeland	Harreld	Overman	Swanson
Couzens	Harris	Pepper	Trammell
Cummins	Harrison	Pine	Tyson
Curtis	Jones, Wash.	Pittman	Wadsworth
Dale	Keyes	Ralston	Watson
Deneen	King	Ransdell	Willis
du Pont	McKellar	Reed, Mo.	
Ernst	McKinley	Reed, Pa.	
Ferris	McLean	Robinson	

NAYS—11

Blease	Frazier	Norbeck	Walsh
Borah	Howell	Norris	Wheeler
Brookhart	Ladd	Shipstead	

VOTING "PRESENT"—3

Caraway	Glass	Heflin

NOT VOTING—17

Capper	Greene	Lenroot	Warren
Dill	Johnson	Phipps	Weller
Edge	Jones, N. Mex.	Smith	
Edwards	Kendrick	Stephens	
Fernald	La Follette	Underwood	

So the order submitted by Mr. WATSON was agreed to.

SUBCOMMITTEE ON WORLD WAR VETERANS' RELIEF

Mr. SMOOT. Mr. President, there is a subcommittee of the Committee on Finance on World War veterans' relief. That committee does not report. In consultation with the Senator from North Carolina [Mr. SIMMONS], the senior member of the Finance Committee on the minority side, he has suggested—and I think his suggestion is agreeable to everyone—that the Senator from Georgia [Mr. GEORGE] be named a member of that subcommittee in place of the former Senator from Massachusetts, Mr. Walsh, who, having failed of reelection, is not now a Member of the Senate. I therefore move that the name of the Senator from Georgia be substituted for the name of former Senator Walsh, of Massachusetts, on the subcommittee of the Committee on Finance on World War veterans' relief.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to.

Mr. SMOOT. For the RECORD, I desire to state that the subcommittee will then stand as follows:

The Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. REED], the Senator from Kentucky [Mr. ERNST], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Georgia [Mr. GEORGE].

SENATORIAL ELECTIONS IN IOWA, NEW MEXICO, AND MINNESOTA

Mr. SPENCER. Mr. President, there have been sundry notices of contests and protests with regard to senatorial elections in the States of Iowa, New Mexico, and Minnesota. They have been filed with the Secretary of the Senate. I present them to the Senate and ask that they be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR FROM NEW MEXICO

Mr. SPENCER submitted the following resolution (S. Res. 19), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas notice of contest touching the right to a seat in the Senate of the United States of SAMUEL G. BRATTON, of New Mexico, has been filed: Therefore be it

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, or any person or persons designated by them, be, and it is hereby, authorized and directed to investigate the charges and countercharges, if any, as may be made in the matter; and that the Sergeant at Arms in the Senate and his deputies and assistants be, and they are hereby, instructed to carry out the instructions of such Committee on Privileges and Elections, or any subcommittee thereof, in that behalf.

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate or during any recess of the Senate or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; and to conduct the same, if so deemed wise, by agents or representatives appointed by said committee, and to have full power to subpœna parties and witnesses, and to require the production of all papers, books and documents and other evidence relating to the said investigation; and to employ clerks and other necessary assistants, and stenographers (at a cost not to exceed 25 cents per 100 words) to take and make a record of all evidence taken and received by the committee, or under its authority; and to keep a record of its proceedings, and to have such evidence, records, and other matter required by the committee printed.

Resolved further, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members, or other agents, to represent the committee at the various places in the making of the recount or the taking of evidence, and the committee may appoint such supervisors of any recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

SENATOR FROM MINNESOTA

Mr. SPENCER submitted the following resolution (S. Res. 20), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas a petition of contest concerning the election of THOMAS D. SCHALL, as Senator from Minnesota, for the term beginning March 4, 1925, has been filed and charges have been made touching the excessive and illegal expenditure of money in said election, and touching the qualifications of the said THOMAS D. SCHALL to hold the said office, and touching violations of law in connection with the said election,

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, or any person or persons designated by them be, and it is hereby, authorized and directed to investigate the charges and countercharges, if any, as may be made in the matter, and that the Sergeant at Arms of the Senate and his deputies and assistants be and they are hereby, instructed to carry out the instructions of such Committee on Privileges and Elections, or any subcommittee thereof in that behalf.

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate or during any recess of the Senate, or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation, and to conduct the same if so deemed wise by agents or representatives appointed by said committee, and to have full power to subpœna parties and witnesses, and to require the production of all papers, books, and documents, and other evidence relating to the said investigation; and to employ clerks and other necessary assistants, and stenographers (at a cost not to exceed 25 cents per 100 words) to take and make a record of all evidence taken and received by the committee, or under its authority; and to keep a record of its proceedings; and to have such evidence, records, and other matter required by the committee printed.

Resolved further, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members or other agents to represent the committee at the various places in the making of the recount and the taking of evidence, and the committee may appoint such supervisors of any recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

SENATOR FROM IOWA

Mr. SPENCER submitted the following resolution (S. Res. 21), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas charges of illegal voting and of incorrect counting and tabulating of votes, and of unlawful practices have been made in connection with the primary nomination and election of a Senator from the State of Iowa, which election was held on the 4th day of November, 1924, and of lack of qualifications of contestee for membership in the Senate of the United States: Therefore be it

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, acting directly or through such agents or representatives as they may select, be, and it is hereby, authorized to investigate the said charges and any unlawful practices in connection with the election of a Senator from the State of Iowa, including the proceedings of the nomination of the candidates at the primary election held, and to examine and take possession of the ballots, poll lists, registration lists, tally lists, and all other documents and records relating to the said primary nomination and election including voting machines or their contents and the Sergeant at Arms of the Senate, and his deputies and assistants, be, and they are hereby, instructed to carry out the directions of the said Committee on Privileges and Elections, or any subcommittee thereof, in that behalf; and that the said Committee on Privileges and Elections, or any subcommittee thereof, be, and it is hereby, directed as herein provided to proceed with all convenient speed to take all necessary steps for the preservation of the said ballots, poll lists, registration lists, tally lists, and other documents, including voting machines or their contents and to recount the said ballots, and to take and preserve all evidence as to the various matters alleged in the said charges and countercharges and any answers hereafter filed, and of any alleged fraud, irregularity, and of any unlawful practices in the said election and primary.

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate and during any recess of the Senate, or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; and to act by or through such agents or representatives as it may deem best; and to have full power to subpœna parties and witnesses, and to require the production of all papers, books, and documents, and other evidence relating to the said investigation; and to employ clerks and other necessary assistants, and stenographers (at a cost not to exceed 25 cents per one hundred words), to take and make a record of all evidence taken and received by the committee; and to keep a record of its proceedings; and to have such evidence, records, and other matter required by the committee printed.

Resolved further, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members or other agents or representatives to represent the committee at the various places in the making

of the recount and the taking of evidence, and the committee may appoint such supervisors of the recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

HEARINGS BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS

Mr. SPENCER submitted the following resolution (S. Res. 22), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE POST OFFICE COMMITTEE

Mr. MOSES submitted the following resolution (S. Res. 23), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE JUDICIARY COMMITTEE

Mr. CUMMINS submitted the following resolution (S. Res. 24), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject that may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

PROPOSED AMENDMENT OF THE RULES

Mr. COPELAND. Mr. President, I should like to ask the chairman of the Committee on Rules, the Senator from Kansas [Mr. CURTIS], am I right in assuming that everything referred to that committee at the last session is now in the discard?

Mr. CURTIS. The Senator is correct in that assumption.

Mr. COPELAND. I send a resolution to the desk and ask that it may be read and referred to the Committee on Rules.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 25) was read and referred to the Committee on Rules, as follows:

Resolved, That wherever the rule of the Senate permits a single objection to defeat action on any matter presented, that the rule be changed to require every such objection to be seconded by two Members, thus requiring three objections instead of one as is the rule at present.

ACTIVITIES OF WAR FINANCE CORPORATION IN IDAHO (REPT. NO. 1)

Mr. HOWELL. Mr. President, out of order I wish to make a report from the select committee appointed to investigate certain activities of the War Finance Corporation in distributing loans in the State of Idaho, and I ask that it may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report is as follows:

Mr. HOWELL, from the select committee appointed to investigate certain activities of the War Finance Corporation in distributing loans in the State of Idaho, submitted the following report, pursuant to Senate Resolution 208 (68th Cong., 2d sess.):

The select committee, to whom was referred Senate Resolution 208 (68th Cong., 2d sess.), appointed to investigate the activities of the War Finance Corporation in distributing loans and advances for agricultural and livestock purposes in the State of Idaho, and particularly any alleged favoritism shown in such distribution to FRANK R. GOODING, a Senator from the State of Idaho, or any member of his family, or any of his business associates, having considered the same and having held a hearing thereon, report as follows:

1. Under date of April 10, 1924, there appeared in the Idaho Farmer an article entitled "Who got War Corporation livestock funds?" This article was written by Mr. J. E. Nessly, who is field agent for that weekly publication. While no specific charges were made, the allegations to be inferred were substantially as follows:

(a) That in the distribution of loans and advances for agricultural and livestock purposes in the State of Idaho by the War Finance Corporation favoritism was shown to Senator FRANK R. GOODING, to members of his family, and to his business associates.

(b) That because of said favoritism others needing accommodations were unable to secure loans, due to the limited funds available for the State of Idaho.

2. On June 7, 1924, the select committee herein referred to was appointed, and on June 8 Congress adjourned until December, 1924.

PRELIMINARY CORRESPONDENCE

3. On January 7, 1925, the chairman wrote Mr. Nessly as follows:

"Some time since a committee was appointed by the United States Senate to hear and investigate any charges that might be preferred against United States Senator FRANK R. GOODING, the junior Senator from Idaho, in connection with loans made by the United States War Finance Corporation.

"Your name has been afforded me in this connection, and as chairman of the committee I desire to know if you wish to appear and give testimony, and, if so, the date that you can be in Washington, so that arrangements may be made for a meeting of the committee to hear your testimony.

"Trusting to hear from you as early as possible, I remain

"Yours very truly,

"R. B. HOWELL."

---

4. On January 12, 1925, the following reply was received from Mr. Nessly:

[NOTE.—There is deleted from this letter and some others to follow the name of another Senator not included in the resolution of inquiry.]

"DEAR SENATOR HOWELL: Replying to your letter of January 7, requesting me to name a date that I can be in Washington to give testimony against United States Senator GOODING, of Idaho, if I wish to appear and give testimony, will say that neither I personally nor the publication by which I am employed have made any charges against Senator GOODING, nor are we desirous of pushing any charges against him.

"I, as field editor of the Idaho Farmer, reported action taken by the grange of Idaho, of which I was a member, demanding an investigation of the alleged discrimination in favor of Senators GOODING * * * in the distribution of War Finance funds in Idaho.

"As a member of the grange committee I sent the records, all that were obtainable, to several United States Senators, requesting them to take action to investigate the charges and ascertain why two United States Senators had been enabled to get vast sums of the War Finance funds, which were denied to the common farmers of Idaho, who so badly needed assistance and to whom the loans requested by them and refused by the War Finance Board would have been of inestimable help at a time when they needed help.

* * * * * * *

"The Idaho Farmer is making no charges against Senator GOODING; on the contrary, is enthusiastically supporting his "long and short haul" freight rate bill, the passage of which will be of inestimable benefit to the agricultural and business interests of Idaho as well as other Intermountain States.

"The State grange meets at Jerome, Idaho, next Monday, January 19, for a session of five days. I shall attend and bring the matter of your letter before the grange and ask that it take such action as it thought best in the matter. Personally, I would be delighted to go to Washington and appear before a Senate committee if such action would in any way benefit the agricultural interests of Idaho, but not for the purpose of condemning or injuring Senator GOODING or any other Senator or Representative. If such an investigation can be helpful to the farmers of the West, I and the firm I represent will be delighted to lend our help in any way that will prove beneficial.

"Sincerely yours,

"J. E. NESSLY."

5. Not hearing from Mr. Nessly, on January 26, 1925, the chairman wired him as follows:

"Have you anything to report respecting action of Idaho Grange in reference to Gooding investigation? Please wire.

"R. B. HOWELL."

6. In answer to the above telegram, the chairman received the following reply under date of January 27, 1925:

"Answering your wire of to-day, State grange referred Gooding investigation to Ada County Pomona Grange, which started inquiry last April, resulting in demand for Senate investigation of War Finance distribution in Idaho. Pomona Grange meets February 5. I shall attend and will report to you action taken by Pomona Grange.

"J. E. NESSLY."

7. On January 28, 1925, the chairman wrote Mr. Nessly as follows:

"Your telegram has been received, stating that the State grange had referred the Gooding investigation matter to the Ada County Pomona Grange, which meets February 5.

"I thank you for your prompt reply and trust you will communicate with me at the earliest possible moment following the meeting of the Pomona Grange.

"Very sincerely,

"R. B. HOWELL."

8. Subsequently the chairman received the following letter, dated February 7, 1925, from Mr. Nessly:

"I was unable to attend the meeting of the Ada County Pomona Grange, which was held at Locust Grove last Thursday, hence the delay in writing to tell you of the action taken.

* * * * * * *

"Briefly, the position of the Pomona Grange is this:

"The grange wants to get the facts about the distribution of the War Finance funds and wants to ascertain why men of wealth and influence who did not need Government help were able to get that money without any difficulty and red tape, while farmers to whom a loan at that time would have meant the difference between bankruptcy and progress, were denied loans and in the few cases wherein loans were made to such farmers or dairymen or owners of small numbers of livestock, these were charged 10 per cent 'bonus' for the loan and, although the loans have been repaid in full, the 10 per cent is still retained by some one, we know not who.

* * * * * * *

"One United States Senator and his relatives got $382,000 of the War Finance loans and another United States Senator got $670,000 of these loans and were not taxed 10 per cent bonus as were the small borrowers.

"* * * The grange is perfectly willing to help in any way it can to bring about justice and fair treatment for the 'little fellows' who have been discriminated against by Senators GOODING and * * *, and the big sheep interests that 'hogged' the war finance loans. But the grange is not willing to assist in making Senator GOODING the goat at a time when this bill to give justice to the farmers' business interests and all interests of Idaho and the intermountain country is pending in Congress. * * *

"Sincerely yours,

"J. E. NESSLY."

9. On February 18, 1925, the chairman wired Mr. Nessly as follows:

"The Senate committee appointed as a result of Senator GOODING'S resolution to investigate and report to the Senate the facts in respect the activities of the War Finance Corporation in distributing loans and advances for agricultural and livestock purposes in the State of Idaho, and particularly any alleged favoritism shown to Senator FRANK R. GOODING or any member of his family or his business associates, will meet on Thursday, February 26, at 10 a. m. in room 117, Senate Office Building, and will be pleased to have you present at that time any facts that will assist the committee to arrive at a conclusion in connection with this matter. There need be no hesitancy about presenting evidence because of Senator GOODING'S long-and-short-haul bill as that measure has passed the Senate. As a matter of fact Senator GOODING is urging the committee to proceed.

"R. B. HOWELL."

10. As a result of this telegram, Mr. Nessly replied, in part, as follows, under date of February 19, 1925:

"Neither the grange nor any individual has the money to spend to send witnesses to Washington to present evidence. * * *."

11. Upon receiving this letter, the chairman sent the following telegram to Mr. Nessly, under date of February 24, 1925:

"Letter received. If the Pomona Grange or yourself desire further time for appearance the same will be granted if you will wire such request immediately. You should not hesitate because Senator GOODING is the subject of investigation. The committee is acting solely as a result of a Senate resolution introduced by Senator GOODING providing for such investigation. Moreover, he is demanding action.

"R. B. HOWELL."

12. Under date of February 25, 1925, Mr. Nessly sent the following telegram to the chairman:

"T. A. Allen, master Ada County Pomona Grange, says grange has no desire to assist in whitewashing Senator GOODING and no money to send witnesses to Washington, but if committee is sent here will supply evidence to prove charges previously made as to 'hogging' of War Finance loans.

"J. E. NESSLY."

HEARING BEFORE COMMITTEE

13. As announced, on February 26, 1925, at 10 a. m., the committee met to receive testimony in this matter, and there appeared before it Senator FRANK R. GOODING and Mr. Eugene Meyer, jr., managing director of the War Finance Corporation.

EVIDENCE ELICITED

14. From the evidence elicited, it appears:

(1) That under the law, the War Finance Corporation could not loan funds directly to individuals, but only through agencies, such as banks, loan companies, and cooperative associations.

(2) That through such agencies the War Finance Corporation loaned in Idaho $6,399,220.74 to 2,300 borrowers, not including those who were members of the Idaho Wheat Growers' Association.

(3) That the War Finance Corporation did not limit the funds available for loans in Idaho.

(4) That the loans made in Idaho did not exceed $6,399,220.74 because this was the limit of the requests for funds made by lawful loaning agencies in that State.

(5) That the Southern Idaho Livestock Loan Co., at Boise, Idaho, was one of the loaning agencies through which the War Finance Corporation operated, and that the total amount loaned through this company was $993,133.

(6) That the only loans made to Senator GOODING or those related to him by blood or through business connections, were made through the said Southern Idaho Livestock Loan Co., and totaled $167,000, as follows:

Company	Amount	Remarks
F. W. Gooding & Son	$60,000	Made Mar. 16, 1922; paid Aug. 9, 1922.
Fred Gooding & Sons	35,000	Made Nov. 29, 1921; paid June 5, 1922.
Crane & Gooding	34,000	Made Dec. 21, 1921; paid Sept. 9, 1922.
Do	23,000	Made Apr. 25, 1922; paid Oct. 16, 1922.
T. H. Gooding	15,000	Made Jan. 17, 1922; paid Aug. 12, 1922.

(7) That all of these loans were obtained, and repaid, with interest, on the dates indicated opposite the same.

(8) That the War Finance Corporation was at no time during its operations short of funds for loaning purposes.

(9) That at no time did the funds available for loaning purposes, and standing to the credit of the corporation in the United States Treasury, fall below $220,000,000.

(10) That the great problem always confronting the War Finance Corporation was to develop legal avenues through which additional funds might be loaned, as evidenced by the following testimony (see p. 43, Hearing, February 26, 1925):

"The CHAIRMAN. If you could have put out more money through the agencies in Idaho would you have been ready and willing to do so?

"Mr. MEYER. We were not only ready but anxious. We did a great deal of work in order to be able to put out as much money as we did. You understand that in view of the general agricultural situation out there and because of lack of funds it was very hard to get people to organize loan companies, to put up capital in order to create institutions which could borrow our money. As a matter of fact, one company was formed in the spring of 1922 as the result of my urging, at a dinner, the business men, bankers, and others of Odgen and Salt Lake, Utah, to set up an organization in conjunction with the business men and bankers of Pocatello, Idaho, through which advances could be made to assist farmers in southeastern Idaho to make their crops. I almost had to kidnap some of the bankers and business men at a meeting we were having. I asked them into a meeting the next day and suggested the organization of a company, because the banks in southeastern Idaho were not in a position even to furnish the money to the farmers to buy the seed necessary to plant their crops."

* * * * * * *

(See p. 58, Hearing, February 26, 1925)

"The CHAIRMAN. Because you did not lend more was not for lack of funds but because you could not get the money out on a safe basis?

"Mr. MEYER. Yes, sir. Our problem was to get the money out if we could do so. And we did some things in Idaho, I might say, that we did not do in any other State, in our anxiety to help them out there."

(11) That there is no evidence that bonuses of 10 per cent, or in any other amounts, were paid to secure loans. Any impression to this effect has undoubtedly arisen from the fact that cooperative loan associations required stock subscriptions amounting to 10 per cent of loans, which subscriptions, of course, would not be returned until the affairs of the loan association were finally liquidated, and not then if the losses of the loan association were of such amount as to absorb such subscriptions.

FINDING OF THE COMMITTEE

15. The committee finds from the evidence elicited:

(1) That the War Finance Corporation, with never less than $220,000,000 of available funds on hand, made especial effort to serve the State of Idaho in the matter of loans.

(2) That Senator GOODING and his related interests did borrow War Finance Corporation funds through the Southern Idaho Livestock Loan Co. amounting to $167,000.

(3) That the Novinger & Darrah Sheep Co. also borrowed $30,000 through the Southern Idaho Livestock Loan Co., and that Mrs. Novinger is the sister of the wife of Senator GOODING'S brother.

(4) That all of these loans were repaid with interest.

(5) That the loans secured by Senator GOODING and related interests, including the loan obtained by the Novinger & Darrah Sheep Co., in no wise curtailed the privilege, ability, or opportunity of other interests or individuals in Idaho to secure War Finance Corporation funds.

R. B. HOWELL,
Chairman.
GEO. P. MCLEAN.
LEE S. OVERMAN.

AMERICAN BUSINESS IN FOREIGN COMBINATIONS

Mr. LADD submitted the following resolution (S. Res. 18), which was referred to the Committee on Foreign Relations:

Whereas the United States is endeavoring to help American business corporations and to find a market for their products abroad;

Whereas it is alleged that American business interests are establishing themselves in many foreign countries in combination with similar business interests in those countries; and

Whereas section 6, paragraph (h), of the Federal Trade Commission act empowers the Federal Trade Commission "to investigate from time to time trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable"; and the Federal Trade Commission is vested with the administration of the export trade act, "An act to promote export trade, and for other purposes," generally known as the Webb-Pomerene Export Trade Act: Therefore be it

Resolved, That the Federal Trade Commission be requested to report to the Senate as soon as possible whatever information it has regarding the nature of combinations being formed abroad by American business, commercial, and financial firms and corporations in alleged violation of antitrust laws and the amount of investment made by American interests abroad in connection with such combinations and trade organizations, and the extent to which said American business interests are working with foreign combinations, and whether in any cases American goods are sold cheaper to foreign customers as a means of maintaining the prices of such goods manufactured in the United States to American consumers.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 10, 1925, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 9, 1925

MEMBER OF THE WORLD WAR FOREIGN DEBT COMMISSION

Frank B. Kellogg, the Secretary of State, to be a member of the World War Foreign Debt Commission, vice Charles E. Hughes, resigned.

COLLECTOR OF CUSTOMS

Jeannette A. Hyde, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii, in place of Harry E. Murray, resigned.

PUBLIC HEALTH SERVICE

The following-named passed assistant surgeons to be surgeons, to rank as such from the dates set opposite their names:

Thomas Parran, jr., March 26, 1925.
John W. Tappan, March 26, 1925.
Roy P. Sandidge, March 26, 1925.
Ralph C. Williams, March 26, 1925.
Paul D. Mossman, March 24, 1925.
Richey L. Waugh, March 23, 1925.

These officers have passed the examinations required by law.

CONFIRMATION

Executive nomination confirmed by the Senate March 9, 1925

DIPLOMATIC SERVICE

Edwin L. Neville, to be secretary.

SENATE

TUESDAY, *March 10, 1925*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we do rejoice before Thee that life is continued unto us. May we have such a realization of its dignity and significance in bearing burdens, in meeting obligations, and evidencing our concern in the welfare of our fellows not only in our own land but beyond the seas that the great demands of humanity may appeal to us constantly. But here we ask, our Father, that Thy will may be done and that gracious goodness may be our fortune continually. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Ferris	McKinley	Sackett
Bingham	Fess	McLean	Schall
Blease	Fletcher	McMaster	Sheppard
Borah	Frazier	McNary	Shipstead
Bratton	George	Mayfield	Shortridge
Brookhart	Gerry	Means	Simmons
Broussard	Gillett	Metcalf	Smoot
Bruce	Goff	Moses	Spencer
Butler	Gooding	Neely	Stanfield
Cameron	Hale	Norris	Swanson
Capper	Harreld	Oddie	Trammell
Copeland	Harris	Overman	Tyson
Couzens	Heflin	Pepper	Underwood
Cummins	Johnson	Pine	Wadsworth
Curtis	Jones, Wash.	Ralston	Walsh
Deneen	Keyes	Ransdell	Watson
du Pont	King	Reed, Mo.	Weller
Ernst	Ladd	Reed, Pa.	Wheeler
Fernald	McKellar	Robinson	Willis

The VICE PRESIDENT. Seventy-six Senators having answered to their names, there is a quorum present.

BUNKER HILL SESQUICENTENNIAL COMMISSION

The VICE PRESIDENT, pursuant to the provisions of House Joint Resolution 318, establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes, appointed Mr. FESS, Mr. METCALF, Mr. ROBINSON, and Mr. SWANSON members of the commission on the part of the Senate.

PROPOSED TAX ON COTTONSEED-OIL PRODUCTS

Mr. SHEPPARD. Mr. President, I present for insertion in the RECORD letters from the Governors of Wisconsin and Nebraska in reply to a telegram from southern Senators regarding vegetable-oil products.

The VICE PRESIDENT. Without objection, the letters will be inserted in the RECORD as requested.

The letters are as follows:

EXECUTIVE OFFICE, STATE OF NEBRASKA,
Lincoln, March 4, 1925.

Senator MORRIS SHEPPARD,
Washington, D. C.

MY DEAR SENATOR SHEPPARD: Answering your wire of March 2, relative to any bills before the Nebraska Legislature that might be construed as discriminatory against products of the South—particularly the cottonseed-oil products—will say that a bill was introduced here during the present session providing for a tax of 5 cents per pound on all products offered for sale, in this State, as a substitute for butter, and said bill has been indefinitely postponed. There is another measure, however, pending before our legislative body providing that our State officials shall purchase butter instead of a substitute for butter for the use of our dependent institutions.

This measure is intended to foster, protect, and benefit the dairy industry of our State and in no wise is meant to discriminate against the agricultural or dairy products of another State.

May I, in passing, call your attention to the fact that Nebraska is one of the largest consumers, among all States, of oil meal in connection with our livestock industry, and that one of the most important constituent parts of such meal is cottonseed oil.

We are pleased to know that our State affords such a good market for one of your products, and I assure you that the people of Nebraska desire to cooperate in every way possible with her sister States of the South in building up all branches of agriculture.

With highest regards, I have the honor to remain

Yours truly,

ADAM MCMULLEN, *Governor.*

EXECUTIVE CHAMBER,
Madison, Wis., March 2, 1925.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR SIR: The governor directs me to acknowledge telegram of even date, signed by yourself and other Senators from the Southern States, concerning pending legislation affecting the use of cottonseed oil.

I am directed to advise you that your message will be brought to the attention of the proper legislative committee.

Yours very truly,

FRANK W. KUEHL,
Executive Secretary.

Mr. FLETCHER. Mr. President, I have received a letter from the Governor of Nebraska on the same subject. It appears to be almost identical with the letter from that governor just presented by the Senator from Texas [Mr. SHEPPARD], and for that reason I do not ask that it be printed in the RECORD.

Mr. OVERMAN. Mr. President, I have also received a letter from the Governor of Nebraska on the same subject, clothed in similar language. Therefore I do not ask to have it printed in the RECORD.

ASSISTANT CLERK TO THE DISTRICT COMMITTEE

Mr. DU PONT submitted the following resolution (S. Res. 26), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia is hereby authorized to employ a resident assistant clerk until the end of the first session of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, at the rate of $2,500 per annum.

HEARINGS BEFORE THE COMMERCE COMMITTEE

Mr. JONES of Washington submitted the following resolution (S. Res. 27), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE MILITARY AFFAIRS COMMITTEE

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolutions 17, 22, 23, and 24. They are in the usual form, authorizing standing committees to hold hearings and employ stenographers. I first report without amendment Senate Resolution 17 and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 17) submitted by Mr. WADSWORTH on the 7th instant, and it was read and agreed to, as follows:

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably and without amendment the resolution (S. Res. 22) submitted yesterday by Mr. SPENCER, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE POST OFFICE COMMITTEE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably and without amendment the resolution (S. Res. 23) submitted yesterday by Mr. MOSES, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE JUDICIARY COMMITTEE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses, reported favorably and without amendment the resolution (S. Res. 24) submitted yesterday by Mr. CUMMINS, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per hundred words, to report such hearings as may be had in connection with any subject that may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

SENATOR FROM NEW MEXICO

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably and without amendment the resolution (S. Res. 19) submitted yesterday by the Senator from Missouri [Mr. SPENCER], and I ask unanimous consent for the present consideration of the resolution.

I will say that this resolution and two others which I shall immediately report, provide for the payment of expenses to be incurred by the Committee on Privileges and Elections in the investigation of certain contests affecting seats in the Senate.

Mr. ROBINSON. Mr. President, I inquire of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate what election contests are pending?

Mr. KEYES. There is one such case pending as to the Senatorship from New Mexico, another from Iowa, and another from Minnesota, there being three in all.

Mr. ROBINSON. Does the Committee on Privileges and Elections propose to proceed with the investigation of all those contests?

Mr. KEYES. So far as I am informed, I understand that they do, but the chairman of the committee can answer the Senator's question.

Mr. SPENCER. I can answer the Senator from Arkansas. So far as it may be convenient both to the parties to the contest and to the committee. There is much work that the committee would like to get through with before the session of December next, particularly with regard to the contest in Iowa, where it looks as if the ballots would have to be counted, and both sides seeming to agree that the count should proceed. The committee has not yet met, but the committee will consider the advisability of counting the ballots. I understand

there is no counting of ballots necessary in the Minnesota case, but I am not clearly informed as to the New Mexico case.

Mr. ROBINSON. Very well.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection the resolution was considered and agreed to, as follows:

Whereas notice of contest touching the right to a seat in the Senate of the United States of SAMUEL G. BRATTON, of New Mexico, has been filed: Therefore be it

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, or any person or persons designated by them, be, and it is hereby, authorized and directed to investigate the charges and countercharges, if any, as may be made in the matter; and that the Sergeant at Arms in the Senate and his deputies and assistants be, and they are hereby, instructed to carry out the instructions of such Committee on Privileges and Elections, or any subcommittee thereof, in that behalf.

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate or during any recess of the Senate or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; and to conduct the same, if so deemed wise, by agents or representatives appointed by said committee, and to have full power to subpœna parties and witnesses, and to require the production of all papers, books, and documents and other evidence relating to the said investigation; and to employ clerks and other necessary assistants, and stenographers (at a cost not to exceed 25 cents per 100 words) to take and make a record of all evidence taken and received by the committee, or under its authority; and to keep a record of its proceedings, and to have such evidence, records, and other matter required by the committee printed.

Resolved further, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members, or other agents, to represent the committee at the various places in the making of the recount or the taking of evidence, and the committee may appoint such supervisors of any recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

SENATOR FROM IOWA

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably and without amendment the resolution (S. Res. 21) submitted yesterday by Mr. SPENCER, and it was read and considered by unanimous consent, as follows:

Whereas charges of illegal voting and of incorrect counting and tabulation of votes, and of unlawful practices, have been made in connection with the primary nomination and election of a Senator from the State of Iowa, which election was held on the 4th day of November, 1924, and of lack of qualifications of contestee for membership in the Senate of the United States: Therefore be it

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, acting directly or through such agents or representatives as they may select, be, and it is hereby, authorized to investigate the said charges and any unlawful practices in connection with the election of a Senator from the State of Iowa, including the proceedings of the nomination of the candidates at the primary election held, and to examine and take possession of the ballots, poll lists, registration lists, tally lists, and all other documents and records relating to the said primary nomination and election, including voting machines or their contents; and the Sergeant at Arms of the Senate, and his deputies and assistants, be, and they are hereby, instructed to carry out the directions of the said Committee on Privileges and Elections, or any subcommittee thereof, in that behalf; and that the said Committee on Privileges and Elections, or any subcommittee thereof, be, and it is hereby, directed as herein provided to proceed with all convenient speed to take all necessary steps for the preservation of the said ballots, poll lists, registration lists, tally lists, and other documents, including voting machines or their contents, and to recount the said ballots, and to take and preserve all evidence as to the various matters alleged in the said charges and countercharges and any answers hereafter filed, and of any alleged fraud, irregularity, and of any unlawful practices in the said election and primary.

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate and during any recess of the Senate, or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; and to act by or through such agents or representatives as it may deem best; and to have full power to subpœna parties and witnesses, and to require the production of all papers, books, and documents, and other evidence relating to the said investigation; and to employ clerks and other necessary assistants, and stenographers (at a cost not to exceed 25 cents per 100 words), to take and make a record of all evidence taken and received by the committee; and to keep a record of its proceedings; and to have such evidence, records, and other matter required by the committee printed.

Resolved further, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members or other agents or representatives to represent the committee at the various places in the making of the recount and the taking of evidence, and the committee may appoint such supervisors of the recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

Mr. REED of Missouri. Mr. President, I merely desire to suggest that I think the investigation in Iowa is wholly superfluous, because all that is necessary is for the Republican caucus to meet and expel the junior Senator from Iowa [Mr. BROOKHART] from the Senate as well as from the party.

The resolution was agreed to.

SENATOR FROM MINNESOTA

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably and without amendment the resolution (S. Res. 20) submitted yesterday by Mr. SPENCER, and it was considered by unanimous consent and agreed to, as follows:

Whereas a petition of contest concerning the election of THOMAS D. SCHALL as Senator from Minnesota for the term beginning March 4, 1925, has been filed and charges have been made touching the excessive and illegal expenditure of money in said election, and touching the qualifications of the said THOMAS D. SCHALL to hold the said office, and touching violations of law in connection with the said election.

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, or any person or persons designated by them, be, and it is hereby, authorized and directed to investigate the charges and countercharges, if any, as may be made in the matter, and that the Sergeant at Arms of the Senate and his deputies and assistants be, and they are hereby, instructed to carry out the instructions of such Committee on Privileges and Elections, or any subcommittee thereof, in that behalf.

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate or during any recess of the Senate, or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation, and to conduct the same if so deemed wise by agents or representatives appointed by said committee, and to have full power to subpœna parties and witnesses, and to require the production of all papers, books, and documents, and other evidence relating to the said investigation; and to employ clerks and other necessary assistants and stenographers (at a cost not to exceed 25 cents per 100 words) to take and make a record of all evidence taken and received by the committee, or under its authority; and to keep a record of its proceedings; and to have such evidence, records, and other matter required by the committee printed.

Resolved further, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members or other agents to represent the committee at the various places in the making of the recount and the taking of evidence, and the committee may appoint such supervisors of any recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

NOMINATION OF CHARLES BEECHER WARREN

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business in open session.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

Mr. CUMMINS. I now move that the Senate proceed to the consideration of the nomination of Charles Beecher Warren for Attorney General.

The motion was agreed to; and the Senate, in open executive session, resumed the consideration of the nomination of Charles Beecher Warren, of Michigan, to be Attorney General of the United States.

Mr. REED of Missouri. Mr. President, I desire to inquire whether the proponents of the confirmation of the nomination of Mr. Warren intend to say anything in favor of Mr. Warren. If they do, I submit it would be in order for them to proceed, as the Senator from Montana [Mr. WALSH] has made a very full opening statement of our side of the case. While there is no rule of procedure demanding it, I think it would be in order for those who advance the cause of Mr. Warren to attempt to meet, if they can, the evidence which has been produced by the Senator from Montana.

Mr. CUMMINS. Mr. President, in response to the suggestion just made by the Senator from Missouri, I desire to say that I recognize the ability with which the opposition to the confirmation of Mr. Warren was presented by the Senator from Montana; but I have assumed—I may be in error with regard to that—that the Senator from Missouri intends to approach this subject from a different standpoint. If he does, I desire to hear what he has to say as well as to consider what the Senator from Montana has said. May I ask the Senator from Missouri whether he intends to rely upon the same objection or objections to the confirmation of Mr. Warren as Attorney General that have been relied upon by the Senator from Montana?

Mr. REED of Missouri. I shall answer that question, which is a perfectly fair one, with entire frankness. I intend to base my argument upon the same facts that were produced by the Senator from Montana, or kindred facts, by which I mean that there are other quotations from records bearing upon exactly the same questions that were presented, but nothing really new. I have never heard a case more fully presented than was this case as set forth by the Senator from Montana.

Mr. CUMMINS. I am to understand, then, that the objection made by the Senator from Montana to Mr. Warren that he is not a proper person to whom to intrust the administration of the antitrust law is the objection that will be urged by the Senator from Missouri?

Mr. REED of Missouri. That is the objection I have to him.

Mr. CUMMINS. Precisely. I am perfectly willing to go forward.

Mr. REED of Missouri. I will stand aside, then, for the Senator from Iowa.

Mr. CUMMINS. Mr. President, I have an advantage in presenting this matter that is not enjoyed by every Member of the Senate. I have known Mr. Warren for more than 20 years; I hold him in such high esteem as a man and I have such admiration for his brilliant qualities of mind that it is a peculiar pleasure for me to attempt, at least, to respond to the charges made by the Senator from Montana.

Mr. Warren, since the happenings that were cited by the Senator from Montana, has been twice confirmed by the Senate for high and responsible office. I am not sure that I am correct in my recollections, but I think I have heard the Senator from Montana say, either in the very able speech that he made on Saturday on or in the consideration of this subject before the committee, that if Mr. Warren had been nominated for the position of ambassador to a foreign country, if he had been nominated for Secretary of State, if he had been nominated for any other office than that of Attorney General, he would have presented no objection to his confirmation. I should like to be sure that I quote the Senator from Montana correctly when I say that.

Mr. WALSH. The Senator has quoted me with substantial accuracy.

Mr. CUMMINS. Upon that assumption, there lies no objection to this confirmation by reason of the character of the nominee; there lies no objection by reason of any infirmities, if I may so call them, of his mind or his heart. The objection comes to this—and it was clearly stated by the Senator from Montana, to whom I want to pay the compliment of saying that, while I do not always agree with him, I always understand what he says and what he means to impart to the Senate—the objection to Mr. Warren is, projecting ourselves into the future as best we can, that he would not faithfully execute the laws of the United States and especially that he is unfitted by reason of his experience and associations to enforce what is commonly known as the antitrust law. That narrows the consideration of the subject before this body within very limited bounds, and I shall endeavor just as briefly as I can to examine that objection.

First, let me remark that the objection implies a very serious disparagement of the profession to which the Senator from Montana belongs and to which he is so great an honor. It implies that because a lawyer has been faithful to one client he will not be faithful to another. There is no escaping the proposition that the Senator from Montana means to say, and I predict the Senator from Missouri [Mr. REED] will say, that Mr. Warren will abandon his duty if he becomes Attorney General and will not serve the United States as diligently and as faithfully and as successfully as he has served the clients who heretofore have employed his services.

I want, with all the earnestness that I have, to dissent in the beginning from that proposition. I intend to examine just what Mr. Warren's connection with the American Sugar Refining Co. and the Michigan Sugar Co. was; but I want to begin by saying that if he is an honest man—and that seems to have been implied in the statement that I have imputed to the Senator from Montana—he will execute the laws of the United States just as faithfully and as diligently and as perfectly as it lies within his power to do so.

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I do.

Mr. BAYARD. I should like to ask the Senator a question. As I understand the proposition as far as the Senator has advanced it, his theory is that Mr. Warren, as a member of the bar, is entitled to due credence by whatever clients may retain him. Is that the Senator's general proposition?

Mr. CUMMINS. I think that is the general proposition.

Mr. BAYARD. That is the Senator's primary proposition as far as he has gone, as I understand. Is that right?

Mr. CUMMINS. I think it may be said to be right.

Mr. BAYARD. Let me suggest this to the Senator, then: Will not Mr. Warren, if he is confirmed and enters upon his office, be called upon to act in a quasijudicial manner in so far as he must determine whether or no certain prosecutions must be put through as against people who break the Federal laws?

Mr. CUMMINS. I have no doubt of it.

Mr. BAYARD. That being true, is it not also a fact that all over our country, all through our judicial operations, a man who has been a member of the bar and who has advocated certain cases, when he comes upon the bench is barred from acting as a judge in that line of cases?

Mr. CUMMINS. Mr. Warren never has advocated anything before the courts, so far as I understand from this testimony.

Mr. BAYARD. Not necessarily before the courts, if the Senator please; but as a general proposition of law he has advocated them in his practice.

Mr. CUMMINS. I think he has, Mr. President; and I intend to deal with that in a manner that will leave no room for the operation of the inference that is suggested by the Senator from Delaware.

Before I proceed, however, to the history of Mr. Warren with regard to the sugar industry in Michigan, I want to con-

firm the view that has been announced by the Senator from Montana with regard to our duty in this matter. I may not do it in the exact language which he has used, but there is no substantial difference between us with respect to it.

It should be borne in mind throughout the consideration of this nomination that it is for a place among the close, intimate, and confidential advisers of the President; and in my judgment the rule which should be applied in performing the functions of the Senate in connection with such a nomination is not quite the same as the rule which ought to be applied to other officers of the Government whom the President under the Constitution must appoint. We should, of course, insist that the men he selects for his official family are men of high character. That seems not to be disputed here. We should insist that they are men well disposed toward their country and its institutions. That test seems to be fully answered. In addition to all the other services which Mr. Warren has rendered to his country, his work during the war was of the highest order; and if anyone is in doubt with respect to his legal qualifications, his qualifications as a lawyer, I would suggest that he inquire of Gen. Enoch H. Crowder, whose assistant he was during the war. I think we all know that his service in that capacity merits the highest esteem.

Mr. REED of Missouri. Mr. President, may I inquire what particular service the Senator refers to?

Mr. CUMMINS. He was one of the judge advocates of the Army.

Mr. REED of Missouri. Yes. There were a very large number of them.

Mr. CUMMINS. Oh, there were a great number of them, and necessarily so.

Mr. REED of Missouri. I just wanted to ask the Senator what he referred to.

Mr. CUMMINS. That is the tribute that I desire to pay to Mr. Warren for his work during that perilous time.

We should also insist that these members of Mr. Coolidge's official family have an understanding of public affairs, and we should insist that the execution of the laws can be fairly intrusted to them. That, I think, is the substance of the test announced by the Senator from Montana, and I am entirely satisfied with that announcement.

Further than that, however, we ought not to go. We ought not to deny Mr. Warren confirmation simply because we would not have selected him had the choice been ours. The President has selected him, and we ought to leave the President a free choice and hold him responsible for the faithful execution of the laws.

With these broad and preliminary suggestions I am going to examine the reasons urged against the appointment of Mr. Warren as Attorney General. I shall not enter into details. I do not believe there is any difference of opinion with regard to the fundamental, the essential, facts which must control our action on this nomination; but I will content myself with stating, as I understand them, the facts which are essential to a complete understanding of the matter under consideration, and I again want to refer to a very sound suggestion made by the Senator from Montana.

I do not know how intimately the lawyers in this body have been acquainted with the administration of the antitrust law. I take it for granted, however, that all of them, if they have not been concerned in cases themselves, have kept themselves fairly familiar with the progress and development of that law. It was passed in 1890. The Senator from Montana said that the case of United States against Knight, which was brought in 1894, was considered by the profession generally as having emasculated, rendered innocuous and ineffective, the antitrust law. I do not quite agree with that, but in a general way it states the truth.

After the Knight case had been decided, I think in 1895, the lawyers of the United States felt, and they very properly felt, that the combinations or centralizations which occurred between 1890 or 1894 and 1901 were lawful combinations, and could be carried on and effected without any violation of the law, and according to the economic view which might be held by any particular group of persons. I am not essaying to determine whether the original view or the view that is now held with regard to the antitrust law is the right view; but it is sufficient to say that until 1904 the lawyers of the United States believed that they might serve their clients in perfecting combinations which would have some effect upon competition.

In 1904 or 1905 the Supreme Court decided the Northern Securities case, which put an entirely new and different aspect upon the antitrust law, and for the first time that law began to be effective in controlling centralizations or combinations that had some effect upon the limitless competition that we now assume must prevail.

I want those who are judging Mr. Warren and the quality of his conduct to remember what I have said, which is merely a repetition of the statement made by the Senator from Montana, as they come to weigh the things that Mr. Warren did in connection with the beet-sugar companies of Michigan.

It is said that Mr. Warren is not a fit person to become Attorney General because from 1902 to 1904 or 1905 he acted as counsel for certain persons connected with the American Sugar Refining Co. in the purchase of a large amount of the capital stock of certain beet-sugar corporations carrying on business in the State of Michigan.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. WALSH. I should not interrupt the Senator except that he now undertakes to state my contention, and he has not stated it. I make no claim at all of impropriety upon the part of Mr. Warren as counsel for anybody. I charge that for years he has been the business representative of the American Sugar Trust in Michigan.

Mr. CUMMINS. The charge is not sustained by any evidence in the possession of the Senate, and I did not understand the Senator from Montana in his address on Saturday to say that Mr. Warren was the business representative of the American Sugar Refining Co. in Michigan. If he does charge so, I can only say that I have examined the three sources of evidence which were referred to, which are accessible to all Senators, and which are the only sources from which we have any information upon this subject, and I do not find anything to sustain the suggestion just made.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. I read the complaint against Mr. Warren and the Sugar Trust and other defendants, in which it was alleged that he, with the other defendants, conspired to do certain acts which, under the law, were denounced as offenses. It seems clear to me, from the statements which have been made, and the records which we have before us, that Mr. Warren acted as counsel and as business representative of the Sugar Trust; that he went out acting for Mr. Havemeyer in consummation of this scheme which the Attorney General denounced as an offense, and purchased stock, taking it in his own name, and acting not as counsel exclusively but as counsel and as business manager, and as a business agent, and as a party in interest in the consummation of this scheme. Does not the Senator admit that the evidence supports that?

Mr. CUMMINS. I do not. The allegations made in a bill of complaint filed by the United States are just as apt to be exaggerated if filed by the Attorney General as if filed by a private individual. I do not accept the allegations made in the bill of complaint. I do accept the conclusions which the court finally reached in rendering the decree, and I think the Senator from Utah will agree with me that the conclusions which the court reached in disposing of the case are more to be relied upon than the allegations made from the office of the Attorney General.

Mr. KING. If the Senator will pardon me, there may be a great difference of opinion as to the conclusions which the court did reach.

Mr. CUMMINS. Is the Senator from Utah familiar with the testimony in the case?

Mr. KING. Reasonably so.

Mr. CUMMINS. What does the Senator find in the testimony elicited in the case upon which to found the inferential statement just made?

Mr. KING. I think the whole record conclusively demonstrates that Mr. Warren connived—and I do not use that word in the offensive sense—with Mr. Havemeyer and others to destroy the sugar-beet industry in the United States, or at least to bring it under the control of the Sugar Trust; that they attempted to secure control of the sugar factories in Utah; that they did secure a large block of stock, at least 46 per cent——

Mr. CUMMINS. Mr. Warren never had anything to do with securing control of the sugar companies in Utah——

Mr. KING. I concede that.

Mr. CUMMINS. He never had anything to do with the business of the sugar companies in Colorado or in California. His activities were confined entirely to the State of Michigan, and I will come to that in a moment. But I hope that so fair-minded a Senator, one so analytical in his methods as is the Senator from Utah, will keep an open mind upon this subject until the discussion is finished.

Mr. KING. I thank the Senator very much for the compliment——

Mr. CUMMINS. But I fear he will not.

Mr. KING. I hope the Senator from Iowa will.

Mr. CUMMINS. I am hoping. When we speak about fair minds I am reminded of a story I once heard. It is like the old lady whose husband was given to inebriety and spent most of his time upon the couch in the parlor dead drunk. She had a boy who was going to school, and he came home from school one day and told his mother that his teacher had asked him to get the distinction in meaning between the words "hope" and "expect." His mother said, "My boy, I don't know that I can give it to you in words, but if you will come in here a moment you will see. There is your father lying on the couch dead drunk. I hope that I will meet him in heaven, but I do not expect to."

I am going to do my best to convert the Senator from Utah before I finish.

Mr. KING. Mr. President, that shows that the Senator is starting out with a prejudiced mind.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. WALSH. My position with respect to this matter was stated I think quite clearly, as follows:

> I think that he ought not to be made Attorney General not only because he is not eminent in the profession but chiefly because for years he was a representative in his State of the Sugar Trust, one of the most offensive and oppressive trusts with which the American people have unfortunately been familiar in the present and past generations.

Mr. CUMMINS. I think the context of that statement shows that the Senator did not intend to charge that Mr. Warren had anything to do with the American Sugar Refining Co. in a business way, or in a legal way, outside the State of Michigan.

Mr. WALSH. Then I have failed to convey my ideas to the Senate.

Mr. CUMMINS. The Senator has in that respect, although he does not often fail.

The facts with regard to the connection of Mr. Warren with the matter to which I have just referred, namely, the organization of these beet sugar companies in Michigan, are found in three separate investigations; first, the investigation of the American Sugar Refining Co., conducted by a committee of the House of Representatives in 1911; second, in the investigation concerning the maintenance of a lobby, conducted by a committee of the Senate in 1913. In each of those investigations Mr. Warren was a witness. Third, in the suit brought by the United States against the American Sugar Refining Co., the Michigan Sugar Co., and others, based upon the charge of a violation of the antitrust law.

I have examined with some care the record of the first investigation—that is, what is known as the Hardwick investigation, carried on by a committee of the House of Representatives in 1911—and with a great deal of care the testimony of Mr. Warren in that inquiry. I was a member of the subcommittee which carried on the maintenance of a lobby investigation, and I am quite familiar with the testimony developed in those hearings. I remember with great distinctness the cross-examination conducted by the Senator from Montana [Mr. WALSH] and the Senator from Missouri [Mr. REED]. I have examined the essential facts of the testimony in the Government's case, and with this information I am fairly well qualified to express an opinion with regard to the bearing which this vast volume of testimony has upon the subject of the fitness of this nominee to be Attorney General.

I will ask Senators to remember, now, that it was not regarded as a violation of the antitrust law in 1901 or 1902 for one company, or people connected with one company, to buy up the stock of another company engaged in the same business.

Mr. REED of Missouri. For the sake of clarity, does the Senator not think that it is now the law, and always has been the law, that it is not unlawful for one corporation to acquire the stock of another corporation, if the act be limited to the mere acquisition of some stock, but if there is coupled with that the purpose and intent to throttle competition, to fix prices, or to establish monopoly, has not that intent and purpose, plus the overt act, always been illegal?

Mr. KING. At common law.

Mr. CUMMINS. I agree with the last suggestion of the Senator from Missouri, but not with the first. In the course of my legal experience I have had a good deal to do with the antitrust law, and I have very decided opinions with respect to it.

I think that a combination that is intended to cheapen the cost of production is never a violation of the antitrust law unless the object is to so stifle and prevent competition that the particular combination will be able to fix the price of the commodity which it manufactures or in which it deals. I did not agree with the Supreme Court in the Knight case. I did not agree with the Supreme Court when it announced in a subsequent case the rule which is called the rule of reason. I have my own view with regard to the proper interpretation of the antitrust law, and I say that in 1902 Mr. Warren could have had no conception, even, that what he did for the Havemeyer people or the American Sugar Refining Co. in purchasing the stock of some losing companies in the State of Michigan was a violation of the antitrust law. I do not believe it was a violation of the antitrust law, tested by any standard, I do not care how severe. It depends entirely upon what Mr. Warren did.

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I yield.

Mr. BAYARD. May I ask the Senator if he does believe that Mr. Warren was unaware of the trend of the operations of the Havemeyer interests, whom he represented at that time in this way? Nobody questions that Mr. Warren is an intelligent and a well-informed man. He must have known the record and reputation of the Havemeyer interests, and what they were doing. Does the Senator suppose for a moment that Mr. Warren thought that in representing the Havemeyer interest in buying up those Michigan companies he was doing something for the benefit of anybody else except the Havemeyer interests?

Mr. CUMMINS. I have no doubt that he had just this purpose in mind, to put the Michigan beet-sugar interest on its feet, so that it could make sugar. That was his purpose, and that continued to be his purpose. I am not speaking about what the purpose of the American Sugar Refining Co. was.

Mr. REED of Missouri rose.

Mr. CUMMINS. Apparently there is an effort to load Mr. Warren with all the iniquities, all the sins, and all the burdens of the American Sugar Refining Co., and I am going to vindicate him of that charge before I shall have finished.

Mr. REED of Missouri. In view of that statement I shall not ask the question I had risen to ask.

Mr. CUMMINS. I intend to vindicate him of that charge, and if the vote in the Senate does not confirm my view of the matter I shall, of course, be very greatly disappointed. I have been disappointed before, but I still retain my fine faith in the intelligence and the patriotism of the American Senate without regard to party affiliation. I am a Republican, of course, and I believe in the essential principles of the Republican Party, but I have voted as often with Senators on the other side of the Chamber on matters that did not concern the fundamental faith of the Republican Party as I have with those on my own side of the Chamber. So I want Senators to feel that I am not trying to convince my own associates alone, but I am trying my best to convince those on the other side of the Chamber that the charges made against Mr. Warren so far as the antitrust law is concerned are without foundation.

Mr. KING. Mr. President, will the Senator suffer another interruption?

Mr. CUMMINS. I am glad to yield to the Senator from Utah.

Mr. KING. I understood the Senator to state that none of the acts charged against Mr. Warren in 1902 constitute an offense. Does the Senator mean to state that the Sherman antitrust law did not denounce some of those acts, or if it did not, does the Senator mean to state that at common law the acts charged against Mr. Warren would not constitute an offense?

Mr. CUMMINS. What I mean to say, in the first place, is that Mr. Warren acted entirely and solely as counsel and that he had a right, within the freedom of the legal profession, to represent Mr. Havemeyer in the purchase of the stock. He is no more to blame for it than the Senator from Utah would be to blame for defending a criminal or a man charged with a crime who was afterwards convicted. I would hesitate to say, if the Senator from Utah had unsuccessfully defended one who was accused of a crime that therefore he was illy disposed toward the execution of the laws and that he would not make a fit Attorney General. I can imagine no man who is better qualified to be Attorney General of the United States than the Senator from Utah, and he can not lose that place in my estimation simply because he defends somebody who may be guilty of a wrong.

Mr. REED of Missouri. Mr. President, I apologize for interrupting the Senator, because he ought to be allowed to proceed, and I think I shall not interrupt him again.

Mr. CUMMINS. I am very glad to yield to the Senator from Missouri at any time.

Mr. REED of Missouri. Upon this point we all agree, that a man who has committed a crime is entitled to be defended in the courts of the land, no matter how heinous the crime may be, because, however black it may be, whatever there is of palliation or excuse or defense he is entitled to have produced in his behalf, and therefore the lawyer who undertakes to defend a man accused or guilty of a crime after the crime has been consummated is only performing the office of a minister of justice. But suppose that a lawyer helps to commit the crime, what then? Is he excused because of his profession?

Mr. CUMMINS. Certainly not.

Mr. REED of Missouri. I may defend a man charged with murder and be justified in doing it, but if I go to the hardware store and buy the gun which is to become the lethal weapon and know it is to be so used, I become particeps criminis and must stand in the dock along with the man who fired the shot.

Mr. CUMMINS. I do not, of course, nor would any person dispute the proposition just stated by the Senator from Missouri. But that is not the present case.

Mr. REED of Missouri. How can the Senator say it is not the present case when this man for years was buying the stock secretly for the Havemeyer interests and knew the history of the Sugar Trust and knew that this was a process of consolidation and of bringing those companies under a common control? How can the Senator say that Mr. Warren did not know what he was doing?

Mr. CUMMINS. I assume that he did know what he was doing, but there is nothing to show that Mr. Warren had entered into a conspiracy with the American Sugar Refining Co. to monopolize all the beet-sugar interests and all the cane-sugar interests of the United States in order to violate the antitrust law. The Senator from Missouri smiles at that statement, and he may be able to prove that what I have stated is not well founded, but I think he will fail in the attempt.

In 1902 there were at least seven beet-sugar factories in Michigan. Perhaps there may have been more, but I do not know. Those companies were owned by as many separate corporations. Most of them, probably all save one, were losing money in their operations. About that time the American Sugar Refining Co., or persons connected with that corporation—and I make no distinction in that respect, because I am not hiding behind any technicality of that character—began buying stock in some or all of the Michigan corporations. How did that operation begin? We have only to consult the testimony that was read on last Saturday by the Senator from Delaware [Mr. BAYARD]. We have only to consult the testimony taken in the case brought by the Government against the American Sugar Refining Co., or, if we want to go to some remote date, we have only to read the testimony that was given in the Hardwick investigation, to know how it happened that the American Sugar Refining Co. began interesting itself in the beet-sugar factories of Michigan.

How did it happen? The companies that were losing money and were doomed to failure went, without any intervention on the part of Mr. Warren, to Mr. Havemeyer or some of the companies—went to Mr. Havemeyer personally in order to solicit from him the aid which they thought he would give them in order to rebuild or to restore their factories to a fair and reasonable basis.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. I yield.

Mr. BROUSSARD. Will the Senator please state to the Senate why the Michigan factories were losing money?

Mr. CUMMINS. They were losing money because they could not make and sell sugar for the cost of production.

Mr. BROUSSARD. I understand that the Sugar Trust was shipping sugar there and underselling them, selling sugar at less than the cost of production in Michigan. Mr. Warren, who was in the business, certainly knew of those shipments into that territory and the underselling by the Sugar Trust.

Mr. CUMMINS. I do not know that.

Mr. BROUSSARD. It is so alleged in the petition filed by the Government.

Mr. CUMMINS. There is nothing in the testimony which indicates that. The only thing in the testimony on that point is that the companies, being badly managed and inefficiently handled, were losing money. Their machinery was somewhat obsolete or obsolescent and they wanted to become modern in their facilities for making sugar. It may be that what the Senator from Louisiana stated is entirely true. I do not know about that.

Mr. BROUSSARD. I understand that, and I get the information from the petition filed by the Government against the Sugar Trust.

Mr. CUMMINS. At any rate, Mr. Warren did not originate the approach to the American Sugar Refining Co. or to Mr. Havemeyer for whatever connection afterwards came about.

Mr. REED of Missouri. Will the Senator kindly cite us to the record which sustains that statement?

Mr. CUMMINS. Yes; I have already cited it. The Senator from Delaware [Mr. BAYARD] read it on Saturday last, and it is contained in the testimony of Mr. Warren and others a dozen times. There is no more doubt about it than there is about the fact that afterwards a suit was brought against the American Sugar Refining Co.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. I am interested in the question propounded by the Senator from Louisiana. In fact, I was on my feet to ask the same question of the Senator from Iowa. The Senator from Iowa said in answer to the interrogatory that he does not know whether that was true or not. I would like to ask the Senator, if it develops that it was true, whether the Senator would think that that would place the attitude of Mr. Warren in a different light?

Mr. CUMMINS. I do not think so, for reasons which I will state in a moment.

Mr. NORRIS. I should think the conclusion might be drawn from what happened afterwards, if it be true that the Sugar Trust was engaging in unfair competition in order to lay the foundation, perhaps, for the purchase of those other factories. If that be true, while not necessarily in itself sufficient, yet would not that be a very important item in determining whether or not, after all, it was not done to get control of the sugar factories and thus get a monopoly of business?

Mr. CUMMINS. I am not defending the American Sugar Refining Co. I suppose my views with regard to the Sherman antitrust law are even more rigid and strict than those of the Senator from Nebraska. I do not base the argument I am making for Mr. Warren upon the conduct of the American Sugar Refining Co.

Mr. NORRIS. I am not charging that. I do not want to intimate that. But to determine the fact whether Mr. Warren was engaged with the American Sugar Refining Co. in any unlawful practice, it seems to me it would be quite important to know whether prior to the purchase of the stock there was such an unfair competition and also to know, of course, if Mr. Warren was aware of it, or aware of facts from which it would be reasonable to conclude that he must have knowledge.

Mr. CUMMINS. There is not the very slightest intimation in all the testimony, so far as I have been able to read it and digest it, that Mr. Warren knew anything whatever about what was being done by the American Sugar Refining Co., except what was done with the Michigan beet-sugar companies.

Mr. NORRIS. Was he not president of one of those companies?

Mr. CUMMINS. Oh, no.

Mr. NORRIS. That came afterwards?

Mr. CUMMINS. Yes; that came afterwards.

Mr. WALSH. Mr. President, if the Senator will permit me, Mr. Warren was president of the Peninsular Sugar Co.

Mr. CUMMINS. Mr. Warren was not president of the Peninsular Sugar Co. at the time he began to buy stock in 1901 or 1902.

Mr. WALSH. He was a stockholder not only of the Peninsular Sugar Co., but of two or three other companies.

Mr. CUMMINS. I understand that.

Mr. WALSH. And my recollection is that he was president of the Michigan Sugar Co.

Mr. CUMMINS. I do not think so. There are 500 or 1,000 people who were stockholders in the various beet-sugar companies of Michigan.

Many people, either from desire of profit or because of loyalty to the State, had taken a deep interest in the organization of the beet-sugar factories and had become stockholders in them. But in 1902 Mr. Warren was employed by Mr. Havemeyer to purchase stock in the six beet-sugar companies that afterwards were consolidated into the Michigan Sugar Co. It was simply an ordinary, common employment of a lawyer to do a specific thing. As I have said, Mr. Warren did not originate the plan to combine or to sell the stock of the Michigan companies to Mr. Havemeyer or to the American Sugar

Refining Co. That movement had been initiated by the men who wanted money in order to continue their operations as independent concerns. I think that was a perfectly innocent thing for either the stockholders of those sugar companies in Michigan or for Mr. Warren to do. I should have been horrified in 1902—and I had some experience with organizations about that time or earlier—if anyone had told me as a lawyer that the stockholders of those losing beet-sugar companies in Michigan were not at liberty to sell some part of their stock to the American Sugar Refining Co. There is not a lawyer in the United States who, if we were to consult the view held of the statute at that time, would have declared or have dared to declare that that operation was in violation of law.

Mr. BROUSSARD. Mr. President, will the Senator from Iowa yield to me?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. I yield.

Mr. BROUSSARD. I understand the facts to be—and I get this from the petition filed in the Federal court, a printed copy of which I hold in my hand—that while Mr. Warren was a stockholder in some of the Michigan companies, the Sugar Trust acquired a great deal of stock in those companies. I read from paragraph 11 of the petition:

> That in the policy, and for the purposes aforesaid, the American Sugar Refining Co. has acquired over $20,000,000 in the stock of 28 companies which own and operate 67 factories——

Mr. CUMMINS. The Senator from Louisiana is reading from an allegation which was made by the Government in a lawsuit which, however, was never established and never proven.

Mr. BROUSSARD. It was established, I will say to the Senator.

Mr. CUMMINS. I do not think it was, if we may judge by the decree.

Mr. BROUSSARD. It was established, because judgment was rendered in this case in the Federal court in the State of Louisiana.

Mr. CUMMINS. I disagree with the Senator.

Mr. BROUSSARD. Here are the facts. I will read further——

Mr. CUMMINS. The Senator from Montana [Mr. WALSH] read the decree of the court at length on Saturday.

Mr. BROUSSARD. This is a different case, I will say to the Senator from Iowa. This was a case arising in Louisiana.

Mr. CUMMINS. I am not familiar with that case.

Mr. BROUSSARD. The allegations were taken from the case filed in New York. Here is the allegation with reference to the Michigan companies:

* * * * * * *

> That before buying into the beet-sugar business, said American Sugar Refining Co. opened war on the beet-sugar companies by shipping and storing large and unusual quantities of refined sugar into the territory supplied by said beet-sugar companies——

Mr. CUMMINS. What was the decree in that case?

Mr. BROUSSARD. Let me finish the quotation—

> after arranging with various railroad companies, with lines out of Boston, New York, New Jersey, Philadelphia, and New Orleans, for unlawful rebates in freight rates of about $500,000, and for free storage of many million pounds of sugar.

This will answer the question of the Senator. This was a case filed by the sugar planters of Louisiana, each in his individual capacity, following the allegations set out in suits filed in New York, and those planters recovered $675,000 from the American Sugar Refining Co. I think that the record discloses, so far as I have been able to understand it, that Mr. Warren was a stockholder in some of the Michigan companies.

Mr. CUMMINS. He was a very small stockholder.

Mr. BROUSSARD. Yes, sir. The American Sugar Refining Co. declared war against the beet industry after having gained control of 98 per cent of the cane-sugar production and refining of this country. They then shipped large quantities of sugar into the beet-sugar territory, and forced the price below the cost of production.

Mr. Warren, then, acting for the American Sugar Refining Co., organized a company in Michigan, which absorbed the other companies who were willing to sell; and Mr. Warren out of the number of stockholders was the only one who was acting in that capacity for the American Sugar Refining Co., taking advantage of the situation which the Sugar Trust had created there for the purpose of gaining control of the beet-sugar production in Michigan and the adjoining States. Under that statement of facts, I will say to the Senator that it seems to me that Mr. Warren was not acting in the capacity of counsel.

Mr. CUMMINS. The Senator from Louisiana understands the sugar business a great deal better than do I. He has had a very intimate relation to the sugar tariff; and undoubtedly he has studied this question more than have I. All that I say is that there is nothing in this record that even tends to sustain the suggestion of the Senator from Louisiana. It all may be true; but it has not yet been disclosed to the Senate except through the assertion of the Senator from Louisiana.

The Senator speaks about the cost of production. We are now imposing a duty on sugar very largely because it is necessary to maintain that industry in Louisiana and because it is necessary to maintain it in the beet-sugar territory. The difference between the cost of production of beet sugar in Colorado and California and Iowa is so wide—speaking now outside the record entirely just as the Senator from Louisiana did—that I absolutely declined to stand for a duty on sugar that would enable the beet-sugar factories in my State to live, because I thought it was an outrage upon the sugar consumers to attempt to establish a price for sugar that would give the people in Iowa an opportunity to raise sugar beets and slice them and convert them into sugar. I thought it was perfectly ridiculous, and I have taken that position ever since.

Mr. BROUSSARD. Mr. President, will the Senator yield again?

Mr. CUMMINS. I yield.

Mr. BROUSSARD. The Senator is now discussing the tariff. I should like to call his attention, and I should like also to have the Senators who are present give their attention to this fact: It is disclosed in the records and hearings before the Senate Committee on Finance that the American Sugar Trust and associated capitalists own more than a billion dollars worth of sugar property in Cuba, and control practically 70 per cent of the output there. The Senator makes reference to the small duty in favor of the domestic industry. What about the 20 per cent preferential duty given not to the Cubans but to the American competitors who try to exploit them?

Mr. CUMMINS. The Senator from Louisiana is speaking as though he thought I were opposed to his position with regard to Louisiana sugar. I am not; I have helped the Senator from Louisiana.

Mr. BROUSSARD. So have I helped the domestic beet-sugar industry. We agree as to that; but I thought the Senator was making a criticism of the cost of production when he said——

Mr. CUMMINS. I am making just this criticism, that the difference between the cost of producing sugar in various localities in the United States is so great that it can not be covered by any just and reasonable tariff duty.

Mr. BROUSSARD. But the Senator places the wrong construction on my reference to cost of production. I was referring to the Michigan factories; I was referring to the cost of production in Michigan and not in Louisiana when I made that reference.

Mr. CUMMINS. There are no beet-sugar factories in Louisiana, I believe.

Mr. BROUSSARD. No; but I was referring to the cost of production of sugar in Michigan and to the fact that the American Sugar Refining Co. sent sugar there, stored it, and sold it when the beet sugar was placed on the market below the cost of the beet sugar produced in Michigan. They pursued a similar course toward the sugar producers of Louisiana.

Mr. CUMMINS. I confess I do not quite understand the application the Senator from Louisiana desires to make of his observation, and I proceed with the statement I have been trying to make.

Mr. Warren, as I have previously said, was employed in 1901 or 1902 by Mr. Havemeyer and his associates, acting, I have no doubt, in the interest of and for the American Sugar Refining Co., to examine the legality or the validity of the organization of the various beet-sugar corporations in Michigan whose stock Havemeyer and his associates intended to buy. Originally there was no suggestion other than the employment of Mr. Warren for the service of ascertaining whether the stock which Mr. Havemeyer intended to buy in these corporations was valid stock. Mr. Warren, as a lawyer, did examine the articles of incorporation and the proceedings of the corporations in the issuance of the stock so that he could render advice to Mr. Havemeyer and his associates concerning the validity of the stock.

Mr. BAYARD. Mr. President——

Mr. CUMMINS. I yield.

Mr. BAYARD. The contention of the Senator is that up to this point Mr. Warren was simply passing upon the title of the holdings of those Michigan companies and certifying to Have-

meyer and his associates that the title was good. Is that correct?

Mr. CUMMINS. The Senator may make his own statement and I will try to follow it.

Mr. BAYARD. I wish to understand the Senator's argument. His contention is, as I understand it, that up to this point in 1902 Mr. Warren simply represented the Havemeyer interests in passing upon the legality of the organization of the several companies that the Havemeyer interests were trying to buy in Michigan—their stock issues, and so on—from a purely legal point of view?

Mr. CUMMINS. That is part of what he did.

Mr. BAYARD. Does the Senator intend to go beyond that or does he intend to stop there and simply say that it was a purely legal relation, or did it develop into something else than a legal relation?

Mr. CUMMINS. There was nothing that was not of a legal character, nothing that did not fairly belong to the province of a lawyer. But I had not completed my statement at the time I was interrupted by the Senator from Delaware. I will be glad to yield to him later.

Mr. BAYARD. I merely wanted to ask that one question.

Mr. CUMMINS. With this as the origin of the employment of Mr. Warren, and with this as the scope of the employment, it did come about later, and as it would naturally come about, that Mr. Warren assisted Mr. Havemeyer and his associates in the negotiations for the purchase of the stock of the original six beet-sugar companies in Michigan.

The Senator from Delaware and myself might not agree with regard to the scope of the work of a lawyer, although we belong to the profession; but if he condemns that participation on the part of Mr. Warren he will condemn nine-tenths of all the lawyers in the United States, because that is one of the provinces of a lawyer—to aid his client in the negotiation of contracts that he is seeking to make.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. BAYARD. The Senator misunderstands me. I do not criticize Mr. Warren for giving a legal opinion on all these matters which were submitted to him. I think he was thoroughly qualified to do it by virtue of his professional relation, and should not be a subject of comment because he performed those duties; but, as I understand the development which is coming in the Senator's argument, it is that having entered upon this relation with the Havemeyer interests purely for legal purposes, he merged that legal operation into a quasi-brokerage operation before he got through.

Mr. CUMMINS. I do not so understand the showing of the testimony. I do not think there was any brokerage about it. There was no commission ever paid. It was simply a straight employment for the purpose I have indicated; and in my judgment Mr. Warren simply used the privilege which every lawyer has, and which every lawyer must have if he is successfully to practice his profession, in carrying forward that work.

That work was completed when there had been purchased by Mr. Havemeyer and his associates 37 per cent of the capital stock of these six beet-sugar companies; and it was finished, I think, in 1905. The operation of the beet-sugar companies still continued to be unprofitable. I am not prepared to say why it was unprofitable. It may have been on account of the competition of the American Sugar Refining Co. That may have been the cause. I do not know, and it is not necessary for me to know in order to ascertain the merits of this nomination for Attorney General.

Let me say another thing. This stock, or a part of this stock, and I think it may be fairly said a large part of the stock, bought by Mr. Havemeyer and his associates, under the supervision, as a lawyer, of Mr. Warren, when it came to be reissued in these original companies was issued to Mr. Warren, and he transferred it in blank and sent it to Mr. Havemeyer or the American Sugar Refining Co., whichever you may be pleased to call the people in the East who were interested in this transaction. I do not believe that it was the duty of Mr. Warren to see to it that these certificates that had been issued in the original beet-sugar companies in Michigan, and sent by him to Mr. Havemeyer, were transferred upon the books of the company. I notice signs of disapproval on the part of my friend from Michigan, but I think he will agree with me when I come to the details of the matter later that there was no obligation of that kind resting upon Mr. Warren, and I think that a large part of this stock was not transferred on the books of the company and stood in Mr. Warren's name up to 1906.

Mr. COUZENS. Mr. President, will the Senator yield there for a moment?

Mr. CUMMINS. I yield.

Mr. COUZENS. On Saturday, when I drew the attention of the Senate to the fact that the annual reports filed with the secretary of state for the State of Michigan showed that all of this stock was in the name of Mr. Warren, that there was none of it in the name of Mr. Havemeyer or the American Sugar Refining Co., the Senator from Iowa rose and stated that he thought I was inaccurate.

Mr. CUMMINS. Yes; I thought so.

Mr. COUZENS. The record does not show that I was inaccurate, because as late as 1911, in one of these hearings, Mr. Warren said he returned from Europe, and, after returning from Europe, requested that the stock standing in his name be removed, and that the stock be transferred to the proper owners; and I contend that the statement I made on Saturday and the statement I make now is accurate, notwithstanding the statement made by the Senator from Iowa.

Mr. CUMMINS. The Senator from Michigan is talking about one thing, and I was talking about another.

Mr. COUZENS. The Senator should not question my statement, then, unless he knew what I was talking about, because the testimony clearly shows that the stock stood in the name of Mr. Warren.

Mr. CUMMINS. The Senator is speaking about the stock of the Michigan Sugar Co., I assume.

Mr. COUZENS. I am talking about the stock that was owned by the Havemeyers and the American Sugar Refining Co. in the Michigan Sugar Co.; and that was the statement I made on Saturday.

Mr. CUMMINS. To be sure. I was not talking about anything of that sort.

Mr. COUZENS. That is the statement I was making on Saturday when the Senator from Iowa questioned the statement.

Mr. CUMMINS. The Senator from Michigan knows perfectly well that I explained to him that I misunderstood him on Saturday. I understood that he was speaking about the stock of the original sugar companies in Michigan, and those are the companies that I am speaking about now. I am not speaking about the stock of the Michigan Sugar Co. at all. I will come to that in a moment.

In 1906, the companies in Michigan still being in financial difficulty, it was concluded to organize the Michigan Sugar Co.; and I want to pause just here to say that after the organization of the Michigan Sugar Co. Mr. Warren never had any connection whatever of any kind as a lawyer with the American Sugar Refining Co. His connection with the American Sugar Refining Co. ceased in 1906, and it is so stipulated and declared in the suit brought by the Government of the United States against the American Sugar Refining Co.

Mr. COUZENS and Mr. REED of Missouri addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield; and if so, to whom?

Mr. CUMMINS. I yield first to the Senator from Michigan.

Mr. COUZENS. Mr. President, I observe that the Senator from Iowa said that after the organization of the Michigan Sugar Co. Mr. Warren had no connection with the American Sugar Refining Co. as a lawyer. With that qualification I might agree; but does the Senator mean to say that he had no connection with the American Sugar Refining Co. as a business partner or an associate or an agent?

Mr. CUMMINS. None whatever.

Mr. COUZENS. I want to say, Mr. President, that that is an inaccurate statement, because as late as 1911 and 1912 Mr. Warren acted as agent for the American Sugar Refining Co. in selling their ownership in the Michigan Sugar Co. after they decided to reduce their holdings in the Michigan Sugar Co.

Mr. CUMMINS. I have no quarrel with what the Senator from Michigan has said except in the use of the word "agent." In 1910 this suit that was referred to by the Senator from Montana was brought against the American Sugar Refining Co., and at that time the American Sugar Refining Co. had something like 44 or 46 per cent of the stock of the Michigan Sugar Co. The decisions of the Supreme Court of the United States had been changing rapidly in that period; and every man connected with the Michigan Sugar Co., if he had any sense, understood perfectly that the Michigan Sugar Co. was in danger of being dissolved because it was in violation of the antitrust law, inasmuch as the American Sugar Refining Co. had 44 or 46 per cent of its capital stock; and Mr. Warren did precisely what every honest man would do under those circumstances. He endeavored to induce the American Sugar Refining Co. to sell a part of its stock, so that it would not come under the condemnation of the antitrust law as the antitrust

law was understood at that time; and he did his best to induce the American Sugar Refining Co. to reduce its holdings to 33 per cent, that being regarded as the line of safety at that time.

Mr. NORRIS. Mr. President, does the Senator think that when he was doing that he was acting as an attorney or otherwise?

Mr. CUMMINS. He was acting as the representative, either attorney or president or whatever you may call it, of the Michigan Sugar Co. He was not caring anything about the American Sugar Refining Co. He wanted to get the Michigan Sugar Co. out of trouble.

Mr. NORRIS. That was the company of which the American Sugar Refining Co., the trust, owned either 44 or 46 per cent of the capital stock.

Mr. CUMMINS. Yes; and Mr. Warren was president of that company, as well as its general counsel.

Mr. NORRIS. Oh, yes.

Mr. CUMMINS. Does not the Senator think that wisdom and foresight and a reasonable precaution for the safety of the people who had invested their money in that company would have led him to bring it within the scope of safety if he could? That is just what he did. He sought to induce and he did induce the American Sugar Refining Co. to sell enough of its holdings in the Michigan Sugar Co. so that it would be within the law. That is the fact about it.

Mr. SHIPSTEAD and Mr. REED of Missouri addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield; and if so, to whom?

Mr. CUMMINS. I yield first to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, I think the Senator stated that Mr. Warren severed his connection with the American Sugar Refining Co. in 1902.

Mr. CUMMINS. In 1906.

Mr. SHIPSTEAD. Am I right when I arrive at this conclusion from the argument and debate: He continued as president of the Michigan Sugar Co.——

Mr. CUMMINS. I think he was president from the beginning.

Mr. SHIPSTEAD. And the stock of the Michigan Sugar Co. was held by the American Sugar Refining Co.?

Mr. CUMMINS. Some of it.

Mr. SHIPSTEAD. So he continued as president of a sugar company in which the American Sugar Refining Co. had a large amount of stock?

Mr. CUMMINS. That is true. Now I yield to the Senator from Missouri.

Mr. REED of Missouri. Mr. President, the Senator states that Mr. Warren concluded, as an honest man, that they ought to get out of the trust. Did not that change of heart occur after the Attorney General of the United States filed a bill against the American Sugar Refining Co., the Michigan Sugar Co., Charles B. Warren, and others; and does the Senator think that it was a change in ethical standards or that it was a scurrying to safety? Which does he think it was?

Mr. CUMMINS. That is practically the question that the Senator from Missouri asked Mr. Warren when he was on the stand. I wish I had his own answer here, but I have not a copy of it.

Mr. REED of Missouri. I will read it in my own time.

Mr. CUMMINS. I will answer it as best I can, however.

The Senator from Missouri evidently does not agree with me that there was any change in the construction given to the antitrust law at any time. I say that in 1902, when Mr. Warren became the attorney for Mr. Havemeyer in the purchase of this stock of the Michigan Sugar Co., there was not a lawyer in the United States who would have ventured to declare the opinion that that purchase was in violation of the law, although I quite agree that in 1910 the interpretation of that law had so changed that it might well be questioned whether the original purchases were in violation of the law or not.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED of Missouri. The Senator speaks about the time of the purchase of the Michigan Sugar Co. stock as 1902. He did not mean to say that. The Michigan Sugar Co. was not organized until 1906.

Mr. CUMMINS. I meant to say these Michigan sugar companies.

Mr. REED of Missouri. The Knight case was decided in 1905. Some of the stock in the small sugar companies of Michigan, before their consolidation into the Michigan Sugar Co., was purchased in 1901 and 1902. I call the Senator's attention to the fact that on March 14, 1904, two years before the organization of the Michigan Sugar Co., which was organized by Mr. Warren, the United States Supreme Court in the Northern Securities case had overruled or distinguished the Knight case, and had laid down the rule in the Northern Securities case, which has been the law ever since; so that every act in the consolidation which made the Michigan Sugar Co. and every act in securing the stock of that company, was done after the Knight case had been distinguished or overruled.

Mr. CUMMINS. Mr. President, the Senator from Missouri, careful student as he is of the decisions of the Supreme Court with regard to the antitrust law, must agree with me that it required something more than the decision in the Northern Securities case to put the law upon the basis which we now understand to be its correct interpretation. It required years. Moreover, Mr. Warren did not buy for the refining company one share of stock, so far as this testimony shows, so far as the Senator from Montana declared, after 1904, and they continued the operation of these several companies up to 1906, and then organized the Michigan Sugar Co.

Mr. REED of Missouri. And transferred its control at once to the Sugar Trust, by turning over 46 per cent of the stock——

Mr. CUMMINS. It could not transfer it. It had no option about it.

Mr. REED of Missouri. Certainly.

Mr. CUMMINS. What the Senator calls the Sugar Trust owned certain shares of stock in these several beet-sugar companies in Michigan.

Let me say just a word with regard to the way they were organized. There were 12 men, 2 from each of the 6 companies, selected from the boards of directors of these companies. They were selected by their respective boards of directors, with the knowledge of all the stockholders in Michigan, for the purpose of valuing the property of the several companies. Mr. Warren was not one of those men; but they met, and these 12 men agreed upon the valuation of the property of these companies, and agreed to sell to the Michigan Sugar Co., which was then being organized, their respective properties upon the basis that had been fixed by the committee of 12, consisting of 2 from each company.

Mr. BAYARD. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield.

Mr. BAYARD. Is it not a record fact that at the time the valuation was made the controlling interest in the stock of these several companies stood in the name of Mr. Warren?

Mr. CUMMINS. I think so, although I do not know. I do not know, and there is nothing in this record to show when the stock which had been taken in his name in the original companies was transferred upon the books of those companies to Mr. Havemeyer and his associates.

Mr. BAYARD. On just that one point may I interrupt the Senator again? Is it not a fact that it was not transferred on the books of the company to Mr. Havemeyer until after the formation of the Michigan Co. in 1906? I will tell the Senator why I ask that. It is because the record distinctly shows, as I recollect it, that when the Michigan Co. was formed these other six component companies put in their stock in exchange, and the certificates came in signed in blank in Mr. Warren's name, and the new certificates in the Michigan Sugar Co. were issued to Mr. Warren on account of his holdings in the several companies?

Mr. CUMMINS. The Senator may be right about that. I do not know.

Mr. BAYARD. The record shows it.

Mr. CUMMINS. I do know that the shares of stock in the Michigan Sugar Co. which were owned by Havemeyer and the Sugar Trust people were issued originally in the name of Mr. Warren.

Mr. BAYARD. And remained so until 1911.

Mr. CUMMINS. I do not know. I do not think the record shows just when they were transferred; but that is immaterial. They were issued in his name, and they remained in his name for several years.

Mr. WALSH. The record shows that they were transferred in 1910. There is no opportunity for cavil or controversy about this. Under the original purchases by Havemeyer the stock was issued in the original local companies to Mr. Warren, indorsed in blank by him, and sent to New York, to Mr. Havemeyer and his associates. When the Michigan Sugar Co. was organized those certificates were sent back to Mr. Warren. Mr. Warren surrendered those certificates to the new Michigan Sugar Co. and took in lieu thereof new certificates to C. B. Warren and the Michigan Sugar Co.

Mr. CUMMINS. I think that is right, although——

Mr. WALSH. Which he likewise transferred to Mr. Havemeyer, at New York, and it remained so until Mr. Warren insisted that the stock be taken out of his name, in the year 1910. These certificates were sent on and new certificates were issued to Mr. Havemeyer and the American Sugar Refining Co.

Mr. CUMMINS. I think there is a little stock about which that may not be true. I do not remember the testimony with regard to the transfer of the shares of stock in the original companies, but I will agree to the Senator's statement. The Senator need not quarrel with me about that. A great part of this stock remained in the name of Charles B. Warren, as far as the books were concerned.

Mr. REED of Missouri. Mr. Warren's personal holdings were over $400,000.

Mr. CUMMINS. Of course that came later.

Mr. BAYARD. One more question, if the Senator will bear with me. Inasmuch as the outstanding control was in Mr. Warren's name, is it not fair to assume that the directors were elected, accordingly, to suit Mr. Warren's whims and ideas in regard to the management of those companies? Or does the Senator think that this valuation was made in contravention of any idea Mr. Warren had?

Mr. CUMMINS. I do not infer evil of any man if I can avoid it. I do not know that Mr. Warren had anything to do with this valuation. He says he had not; and if he is an honest man, as has been asserted here, I think he ought to be believed. The valuation of these companies was made by Michigan men, every one of whom was connected in some way with one of these original companies. They were men of the highest prominence. I would like to have the Senator from Michigan [Mr. COUZENS] read over the names of these men and tell the Senate whether he believes they are honest or dishonest. I do not see the Senator in the Chamber just now, but I have no doubt he will comply with my request when he comes in.

Those men fixed a valuation upon this property, the property was transferred to the Michigan Sugar Co., and it was paid for either in cash or by the issuance of new certificates of capital stock. The part of the capital stock which had theretofore been owned by the Sugar Refining Co. was issued again to Mr. Warren, and again sent by him to Mr. Havemeyer, or those connected with Mr. Havemeyer. I am told—I am not quite able to verify this by my recollection of the record—that it remained in his name, so far as the books of the Michigan Sugar Co. were concerned, until he began to reduce the capital stock, or attempt to reduce the holdings of the Sugar Refining Co., in 1910, and he continued that work until that holding was reduced to 33 per cent. I think it has been reduced since to 25 per cent. So it could not be said that the American Sugar Refining Co. controlled the election of the directors of the Michigan Sugar Co., or could influence the policy of the Michigan Sugar Co.

That is the whole history of this matter. Mr. Warren never acted as representative of the refining company after the Michigan Sugar Co. was organized, in 1906. He was never paid one penny for any service, whether legal service or otherwise, after the organization of the Michigan Sugar Co. He became deeply interested financially in the Michigan Sugar Co., and I take it that he did all he could do to make that company successful.

It has never been claimed by any responsible person that the Michigan Sugar Co. was in violation of the antitrust law. It was alleged in the suit brought in 1910 that the connection between the American Sugar Refining Co. and the Michigan Sugar Co. was such that they constituted a conspiracy in restraint of trade, but by the time the case was decided the interests of the American Sugar Refining Co. had been reduced to 25 or 33 per cent, and the court held that that was not in violation of the antitrust law; that it was a perfectly innocent and legal relation; and that is the way it has continued until the present time, Mr. Warren doing all he could to make the Michigan Sugar Co. a successful corporation.

There is no evidence of any complicity or any relation between Mr. Warren and the American Sugar Refining Co. after 1906, except that he sought to induce these people to sell enough of their stock so that his company, the Michigan Sugar Co., would not be subject to the condemnation of the law.

Mr. BAYARD. Mr. President, did not the decree of the court in 1922 prohibit the Sugar Trust from holding more than 25 or 30 per cent of stock in the Michigan Sugar Co.? Did it not further directly name the Michigan Sugar Co., and state that it should not have its stock held to a greater extent than that?

Mr. CUMMINS. I do not know about that.

Mr. BAYARD. In other words, it is a party defendant in the decree itself, so far as the inhibitions and prohibitions of the law are concerned?

Mr. CUMMINS. We can see about that. I have the decree here.

Mr. BAYARD. I think the Senator will find that the Michigan Sugar Co. is mentioned in the decree.

Mr. CUMMINS. I know that the court enjoined the American Sugar Refining Co. from acquiring or holding any more stock than it then held in the Michigan Sugar Co., and in a great number of other companies in which it had holdings, and I know that it dismissed the suit as to Mr. Warren. I do not think it made any provision with regard to the Michigan Sugar Co. selling stock.

Mr. BAYARD. I think the Senator will find that the trust is forbidden to hold more than a certain amount of stock in the Michigan Sugar Co., either directly or indirectly.

Mr. CUMMINS. We will see.

Mr. BAYARD. Which, of course, would include the holders of the stock.

Mr. CUMMINS. That would not change matters at all. They have not done so, have they?

Mr. BAYARD. Not since the decree; no.

Mr. CUMMINS. Then why does the Senator cite that?

Mr. BAYARD. I misunderstood the remark of the Senator from Iowa a moment ago, perhaps. I thought the Senator said nothing had been done since then with regard to the Michigan Sugar Co.

Mr. CUMMINS. No; I said Mr. Warren had had no relation whatever, of any kind, with the American Sugar Refining Co. He has been the president and general counsel of the Michigan Sugar Co. from 1906 up until, I think the Senator from Montana said, January of the present year. It has been, I take it, rather a successful institution. I have the decree here.

Mr. KING. The final decree is to be found on page 31 of the record.

Mr. CUMMINS. Yes. That portion of it to which I refer reads as follows:

> Each and every one of the said defendants, the American Sugar Refining Co., National Sugar Refining Co. of New Jersey, Great Western Sugar Co., and Michigan Sugar Co., are perpetually enjoined from further committing any of the acts described in the petition the effect of which would be to prevent full and free competition between said the American Sugar Refining Co., National Sugar Refining Co. of New Jersey, Great Western Sugar Co., and Michigan Sugar Co., etc.

But I do not see any provision in the decree that would restrain any stockholder of the Michigan Sugar Co. from selling his stock to the American Sugar Refining Co., and I think that could not be in the decree, because the defendant, who was so restrained, would have to be a party to the suit, and there are no parties of that kind to the suit.

Mr. BAYARD. I think the Senator misunderstood me. I did not mean to suggest in any way that Mr. Warren was selling his stock in a clandestine manner to the Sugar Trust, so called, nor do I think he would do so. I certainly think the Sugar Trust would be forbidden under the decree to acquire any such stock beyond the amount therein limited.

Mr. CUMMINS. That is the injunction with reference to the American Sugar Refining Co., but there is no injunction against the Michigan Sugar Co. buying some stock of the Alma Sugar Co. or some other sugar company.

Mr. BAYARD. Except in principle; that is all.

Mr. CUMMINS. It has not done so. I would be very glad if the Michigan Sugar Co. would buy some stock in the two companies in Iowa, so they could again resume operations and contribute to the prosperity of my State. I hope nothing done here will have a tendency to prevent the restoration of those companies to some kind of operation.

I think the Senate did not fully grasp or understand the significance of the stipulation that was made in the Government's suit. This was made in 1915. It was during the taking of the testimony. Mr. Knapp was one of the counsel for the Government, and this is the admission or stipulation that he made:

> It is admitted by Mr. Knapp, on the part of the Government, that Charles B. Warren or the law firm in which he is a partner is not now employed in any capacity by the American Sugar Refining Co. and has not been so employed since the organization of the Michigan Sugar Co. in September, 1906. And it is further admitted that the American

Sugar Refining Co. paid no service charge for the organization of the Michigan Sugar Co. to Mr. Warren or any firm with which he was connected.

Mr. BAYARD. That was the stipulation placed in the RECORD on last Saturday by the Senator from Massachusetts [Mr. BUTLER]?

Mr. CUMMINS. It is the same stipulation.

Mr. KING. Before the Senator leaves that point, may I interrupt him again?

Mr. CUMMINS. I am about to yield the floor, but I am glad to yield to the Senator from Utah.

Mr. KING. I understood the Senator to state that there could be no criticism or that there had been no criticism of the formation of the Michigan Sugar Co.

Mr. CUMMINS. None whatever.

Mr. KING. May I ask the Senator if it be a fact that the Michigan Sugar Co. absorbed a number of independent sugar companies which were operating in Michigan, that that absorption was pursuant to an effort upon the part of Havemeyer to acquire control of or a very large interest in the sugar factories of Michigan, and that to effectuate that object he must have organized a new company which would absorb all of those companies, and if it be a fact that the ultimate result was that a trust was formed and that competition was stifled, is the Senator entirely accurate in saying there could be no criticism of the formation of the Michigan Sugar Co. in which Mr. Warren played such an important part?

Mr. CUMMINS. If I were to admit the premises of the Senator from Utah, he is such a clear logician that I would be compelled to admit his conclusion, but I do not admit his premises. I think the Michigan Sugar Co. was brought together to save those institutions from destruction, and I think it was a very wise thing to do. I think Mr. Warren, in helping to organize the Michigan Sugar Co., had no regard for and did not represent in any way the American Sugar Refining Co. I think he rendered a distinct service to the people of Michigan when he accomplished that consolidation.

I have now come to the only matter upon which I desire to express my dissent, if you please, from what Mr. Warren did. I believe he is an honest, upright, honorable, brilliant gentleman, and that if he is made Attorney General he will execute the antitrust law with such diligence and such severity that he is likely to lean backward in the matter. I think that we can expect from Mr. Warren a most rigid enforcement of the antitrust law. But I want to be absolutely candid. The record shows one thing that I regret to find, which I would not have done—I think I would not have done it if I had been in Mr. Warren's place—and that is that he allowed the stock of the Michigan Sugar Co., which had been issued in his name in 1906, to remain in his name, so far as the books of the company are concerned, until 1910 or 1911. I do not think he ought to have done that.

Mr. WALSH. Why start with 1906? Why not go back to 1902?

Mr. CUMMINS. The Senator has gone back to 1902.

Mr. WALSH. But the Senator said that he questions the propriety at least of Mr. Warren allowing the stock to stand in his name from 1906 to 1910.

Mr. CUMMINS. Mr. Warren sustained an entirely different relation to the original beet-sugar companies of Michigan than he sustained to the Michigan Sugar Co. He was under no obligation to see that the stock was transferred. That is simply my judgment. But being president of the Michigan Sugar Co. and intimately connected with the management of its affairs, if I had been in his place I think that when I delivered the certificates of stock to Mr. Havemeyer I would have insisted that they be transferred upon the books of the company. In that respect I think he made a mistake. It is not a mistake that unfits him for the office of Attorney General, but it was something that he ought not to have done. It had no effect upon events because, as I said in interrupting the Senator from Montana on Saturday last, there were 500 or more men in the State of Michigan who knew that Mr. Havemeyer or the American Sugar Refining Co. owned the stock. The Government knew it and the Government disclosed its information when it brought its suit in 1910.

Mr. COUZENS. Does the Senator find in the record anywhere that 500 or 1,000 people in Michigan knew that Mr. Warren knew that fact?

Mr. CUMMINS. I am assuming that the people of Michigan are just as intelligent as the people of any other State in the Union and that they keep thoroughly abreast of the times. There were more than 500 stockholders, as I understand the evidence, in the original companies and they must have known that the American Sugar Refining Co. or Mr. Havemeyer or some one in their interest was buying stock in the various companies; and, therefore, I think my estimate was well within the limit and very conservative. But, of course, the Senator from Michigan understood that that is simply a conclusion of mine. There is nothing in the testimony that shows that 500 or 1,000 men knew that these transactions were taking place.

Mr. COUZENS. That is the question I asked, whether it was in the record.

Mr. CUMMINS. No; I do not think so.

Mr. WALSH. If that view is correct and there were 500 or 1,000 people in the State of Michigan who knew about the matter, how can the Senator account for Mr. Hathaway's statement before the committee denying that they had had any interest whatever in the business?

Mr. CUMMINS. I do not know. I do not account for it. There is one way in which it can be accounted for, and that is that Mr. Hathaway differentiated between the American Sugar Refining Co. and Mr. Havemeyer, Mr. Palmer, and several others who did own the stock individually. He might have believed that the American Sugar Refining Co. had no stock in the Michigan Sugar Co., although that tests one's credulity. I agree to that. But that has nothing to do with Mr. Warren. When Mr. Warren was asked about it, both in 1911 and in 1913, instead of the information being dragged out of him as suggested by some one here, I think Mr. Warren was absolutely frank and stated without the least hesitation or least reluctance just what his relation was to that stock. He denied that he was trustee for the American Sugar Refining Co., and I think he was right about that, legally speaking, but he immediately said that he had bought the stock or had acted as counsel for those people in buying the stock, and that it had been issued in his name, so that the whole truth was known.

Mr. WALSH. I directed the attention of Senators to that item of testimony merely as affecting the question of the notoriety which he insists obtained concerning the ownership of the stock.

Mr. CUMMINS. The Senator will have to ask somebody else to explain that testimony of Mr. Hathaway. I am not defending him and I am not interested in him.

Mr. COUZENS. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. Does the Senator desire me to yield the floor—I am going to yield the floor in a moment—or does he want to ask a question?

Mr. COUZENS. I want to ask a question. I observe that the Senator from Iowa read from the CONGRESSIONAL RECORD of Saturday the stipulation which the Senator from Massachusetts [Mr. BUTLER] put into the RECORD, as follows:

It is admitted by Mr. Knapp, on the part of the Government, that Charles B. Warren or the law firm in which he is a partner is not now employed in any capacity by the American Sugar Refining Co.

I want to point out that all kinds of interpretations may be drawn from that statement. It may have been a trick stipulation, drafted for the purpose of misleading and tricking people, because, as a matter of fact, Mr. Warren may not have been actually employed in the sense that a person is employed and paid a salary or a fee.

The stipulation proceeds further:

And it is further admitted that the American Sugar Refining Co. paid no service charge for the organization of the Michigan Sugar Co. to Mr. Warren or any firm with which he was connected.

Technically that may be true, and yet the whole statement may be misleading. In substance, Mr. Warren was acting for the American Sugar Refining Co. in some capacity, whether he was a paid employee or received a fee, because as late as 1911 or 1912, at least as late as 1911, he was peddling or selling—or any other word may be used which will imply the same meaning—the stock of the American Sugar Refining Co. among the citizens of Detroit, Mich., and those same citizens did not know that the stock belonged to the American Sugar Refining Co., notwithstanding that those citizens are assumed to be reasonably intelligent and ought to have known it.

Therefore, I do not agree with the Senator from Iowa that from 500 to 1,000 people knew that the American Sugar Refining Co. had a 46 per cent interest in the Michigan Sugar Co.

Mr. CUMMINS. They did not at that time probably; but does the Senator from Michigan mean to imply that Mr. Knapp, who represented the Government, and who made the statement which I read and which the Senator has now repeated, attempted to trick the court or to trick the people of the United States? Does he intend to charge that Mr. Warren had anything to do with that stipulation?

Mr. COUZENS. I should like to know how the Senator from Iowa knows that Mr. Warren had nothing to do with that stipulation.

Mr. CUMMINS. I know it because Mr. Knapp is the man who made the statement on the record.

Mr. WALSH. That is a marvelous statement for the Senator from Iowa to make. A stipulation is signed by the opposing parties. Then, of course, if it was a stipulation it was signed by both parties, and, inasmuch as it is in the interest of Mr. Warren, it is almost conclusive presumption that it was drawn up by him or by his attorney and that Mr. Knapp simply conceded whatever statement is made in that; and, as the Senator from Michigan has shown, it is nothing.

Mr. CUMMINS. That statement is just as marvelous as is the one just attributed to me. The record does not show anything of the kind. The record shows that in the taking of the testimony Mr. Knapp made the statement. It is not a stipulation signed by the parties to the suit; it is a statement made by the counsel for the Government of the United States.

Mr. WALSH. But, Mr. President, can the Senator from Iowa conceive how it came about that the attorney for the Government made such a statement as that? We are bound to assume that it was done at the suggestion of the other party.

Mr. CUMMINS. I know the Senator from Montana seems to be bound to assume that. I do not. I assume that it was for the purpose of limiting or restricting, if you please, the scope of the testimony; and though I do not know that I have it here, the further record will show that fact.

Now this is what happened immediately afterwards—I do not know who asked the question, but suppose it was the attorney for either the Michigan Sugar Co. or for some one of the defendants in the case—

> Do I understand that the testimony elicited from this witness regarding the details of transactions in the State of Michigan from the year 1902 up to the year 1906 is offered with any intention of seeking to dissolve the Michigan Sugar Co. or to interfere with its corporate entity? If the testimony is not offered for any other purpose than that indicated by the specific prayers of the petition in the case, it will have an important bearing upon my cross-examination of this witness, because I do not care to go into matters other than those that affect the defendant, the Michigan Sugar Co.

To this query the district attorney who had made this statement, or I assume that he was the man who made the statement—I do not remember the name of the district attorney in New York at that time—replied:

> No. It was not offered for any such purpose, and we have no intention of making application for any such relief; that is to say, we have no intention of making any application under the general prayer for relief for a decree dissolving the Michigan Sugar Co. back to its component parts or creating separate companies out of the factories now belonging to the Michigan Sugar Co.

That will explain why that statement was made. Senators can construe it as they like; I construe it as an absolute vindication of Mr. Warren, so far as any connection with the American Sugar Refining Co. after 1906 is concerned.

That is my view of the matter. I have detained the Senate too long, and I can only say that I could have said everything that I desired to say in a very short while had it not been for the very valuable and helpful interruptions which have occurred from time to time. With that, Mr. President, so far as I am concerned, I submit to the Senate the case of Charles B. Warren.

Mr. BAYARD. Mr. President, will the Senator yield? I should like to ask just one question of the Senator from Iowa before he resumes his seat.

Mr. CUMMINS. I yield.

Mr. BAYARD. I am afraid I misunderstood the Senator, and I do not want to be incorrect in making statements hereafter on the record. Am I correct in my recollection that the Senator said in the earlier part of his remarks to-day that if the President saw fit to nominate Mr. Warren or any other Cabinet officer as a member of his official family and secured his confirmation by the Senate thereafter we would hold the President responsible for the shortcomings of Mr. Warren or any other officer in his Cabinet? Am I right in substance?

Mr. CUMMINS. I said substantially that; and let me say that the Senator and his party did hold the President responsible for Mr. Daugherty; they did hold him responsible for Mr. Denby.

Mr. BAYARD. Oh, yes.

Mr. CUMMINS. They did hold him responsible for Mr. Fall. Why not hold him responsible, then, for the other members of his official family?

Mr. BAYARD. I think I can answer that now, if the Senator will allow me a moment. Last year, when we undertook to advise the President that the opinion of the Senate was that he should get rid of Mr. Denby, the President very frankly told us that was none of our business. That is all we got out of the present President. He is in for another four years more and wants to start in on the new term of four years with an Attorney General against whom we shall have nothing to say. That is the President's point of view. If we confirm Mr. Warren our lips are sealed, according to President Coolidge's stand on this matter; that is, if we shall once confirm an officer of his Cabinet, from that time on we shall say nothing about him.

Mr. CUMMINS. The Senator does not understand me to say that he is precluded from voting against Mr. Warren. He evidently intends to do so, and I think he has a perfect right to do so.

Mr. BAYARD. No; I do not mean that; the Senator misunderstands me. What I mean is this——

Mr. CUMMINS. The Senator must mean that. The questions which he has asked me indicate very clearly his attitude toward Mr. Warren.

I think that if Mr. Warren is confirmed and does not enforce the laws of this country, not only against those who violate the antitrust law but those who violate all other laws of the country, I think the Senator will hold the President responsible; I think he will say that Mr. Coolidge is a very poor President, and possibly he will say that anyway. But I have not said that we ought to confirm any man who may be proposed for a Cabinet office merely because he is a member of the official family of the President; I have not said that. I tried to repeat with a variety of phrase the view presented by the Senator from Montana.

Mr. BAYARD. The Senator has misunderstood me. I understood the Senator, in substance, to say that if we should confirm this nominee and thereafter Mr. Warren should be derelict in his duty in any respect—I do not care what—that we would then have to complain to the President or could criticize the President or, as the Senator puts it, hold him responsible. That is the substance of it.

Mr. CUMMINS. I think there is a fine sense in which the President is held responsible for the performance of the duties of the officers composing his Cabinet; I think that is so; but that does not relieve such officers of the criticism which would fall upon them if they failed to perform their duties. I can not quite catch the nice and delicate view the Senator from Delaware is trying to express.

Mr. BAYARD. I will repeat it, then, in another form. Last year we told the present President that the Senate was of the opinion that he ought to dismiss Mr. Denby because of certain things Mr. Denby had done. The President told us very frankly that was none of our business; that was his business alone, and that a Cabinet officer having once been confirmed, the President had the right to keep him in office so long as he saw fit and so long as the President was in office himself; that was the substance of what we got from the President. Over and above that, with his knowledge of what Mr. Daugherty was doing he kept Mr. Daugherty in office, although we were "showing up" Mr. Daugherty; and so it is in evidence on the part of the President as to how he will conduct himself with a positive knowledge of the acts of his Cabinet officers.

The point I want to bring out in regard to what the Senator from Iowa said in the beginning of his remarks is this: He said we would hold the President responsible for the acts of his Cabinet officers.

Mr. CUMMINS. The Senator and his party did hold the President responsible during the entire campaign last fall. Holding the President responsible for the conduct of Mr. Denby and Daugherty and of Mr. Fall, all of whom were appointees of the former President, constituted the greater part of their campaign. Is not that true?

Mr. BAYARD. No; I do not think so. I think the campaign went off on another matter entirely.

Mr. REED of Missouri. Mr. President, if the Senator will pardon me, the plea on the other side was that Mr. Coolidge was a perfectly good and honest man who had inherited these wicked creatures and that he should not be at all blamed.

Mr. CUMMINS. We had better not drift into these reminiscences of the campaign. I think that the Senator from Delaware understood me perfectly.

Mr. BAYARD. If I did, then I shall go ahead later on and say what I have to say.

Mr. CUMMINS. Precisely. I think the President is responsible for his Cabinet in a way in which he is not responsible for the other or general officers of the Government. I understood the Senator from Montana substantially to state that,

and I was merely trying to agree with the Senator from Montana. If the Senator from Delaware feels that I ought not to agree with him, I will retract my statement.

Mr. BAYARD. I did not mean that for a moment.

Mr. CUMMINS. No; I know that.

Mr. WALSH. Mr. President, in the regular course of the debate upon this matter the Senator from Missouri [Mr. REED] would now address the Senate; but in view of the rather remarkable position, as it addresses itself to me, taken by the Senator from Iowa [Mr. CUMMINS], I feel, and the Senator from Missouri agrees with me, that I should take the floor at this time to correct a perfectly obviously mistaken view that the Senator from Iowa has about this whole matter. He said that he hoped to convince not only his own associates on the other side of the Chamber but those on this side; and I will go so far as to hope that I shall be able to convince even the Senator from Iowa that his whole argument is based upon an entire misapprehension of the facts.

I desire to say in this connection that thus far the debate has proceeded, as far as we have information upon the subject, only upon such testimony as the two committees have been able to wring out of Mr. Warren; and I do not undertake to say that that testimony is not susceptible, by a strained construction, of the interpretation given to it by the Senator from Iowa. Because it can be thus tortured into that conclusion I shall take occasion now to submit some further evidence upon the matter, consisting of letters from Mr. Havemeyer to Mr. Warren and from Mr. Warren to Mr. Havemeyer, disclosing that Mr. Warren was not the counsel for Mr. Havemeyer or his associates or the American Sugar Refining Co., but was the business agent and representative of those people in all these transactions, and that his acts were not the acts of an attorney at all, but were the acts of a business representative who entered into all their purposes and carried out their plans and purposes; and not only that, but that he did not cease in 1906, but from his own letters I shall disclose that he continued at least as late as October, 1907, and not only that, but that he helped them to fix the price at which sugar should be sold in the United States, and that the fact is not, as suggested by the Senator from Iowa, that he had nothing to do with the beet-sugar industry anywhere else. I propose to show by his own letters that he knew all about the entire transaction, and actually helped in the other sections of the country to secure the monopoly for the American Sugar Refining Co.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MEANS in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ernst	McKinley	Sackett
Bayard	Fernald	McMaster	Schall
Bingham	Ferris	McNary	Sheppard
Blease	Fletcher	Mayfield	Shipstead
Borah	Frazier	Means	Simmons
Bratton	George	Moses	Smoot
Brookhart	Gillett	Neely	Spencer
Broussard	Goff	Norbeck	Stanfield
Bruce	Gooding	Norris	Swanson
Butler	Hale	Oddie	Trammell
Cameron	Harris	Overman	Wadsworth
Capper	Heflin	Pepper	Walsh
Copeland	Johnson	Pine	Weller
Couzens	Jones, Wash.	Ralston	Wheeler
Cummins	Keyes	Ransdell	Willis
Curtis	King	Reed, Mo.	
Deneen	Ladd	Reed, Pa.	
du Pont	McKellar	Robinson	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, the Senator from Iowa having taken the position that everything Mr. Warren did in connection with the acquisition by the Sugar Trust of an interest in the beet-sugar factories of the State of Michigan was done merely in his capacity as an attorney at law, I propose to read to the Senate now letters passing between Mr. Havemeyer and Mr. Warren disclosing that as a matter of fact, as I have heretofore stated, he was the business representative of the Sugar Trust in the State of Michigan; he represented them in the acquisition of these interests; he managed the business for them; he joined with them in fixing the prices of sugar; and he was cognizant of their purpose to acquire the beet-sugar industry of the entire country and to monopolize it.

I proceed at once to read the letters. I regret that the opportunity has been denied me, by reason of want of time, to make a more careful selection of the letters; but the letters which I shall read demonstrate absolutely the perfect baselessness of the contention made by the Senator from Iowa in that behalf.

These letters are found in the record of the evidence of what is known as the Sugar Trust case. I read from volume 8 of the testimony, at page 4493, a letter under date of March 7, 1905, from Mr. Havemeyer to Mr. Warren, as follows——

Mr. SIMMONS. Mr. President, the Senator said these letters were from the record in the Sugar Trust case. Does the Senator refer to a case in court or to an investigation by the Senate?

Mr. WALSH. I refer to the case in court. It will be remembered that the Government started the suit against the American Sugar Refining Co., the Michigan Sugar Co., and Charles B. Warren in the year 1910. That case went to issue, and testimony was taken in that case, and I read from the testimony. The Government secured possession in some way or other—I do not know how—of the files of the American Sugar Refining Co.; and these letters, thus put into the record, are from the files of the American Sugar Refining Co.

MARCH 7, 1905.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: I have answered the inclosed by denying it, which is a fact. Will you have the goodness when you are in contact with these people, as well as all others in the stock of corporations in which we may be interested, to request them to refrain from revealing in any way our relations to it.

I fail to see what is gained by officers of a company revealing their stockholders to anyone.

Yours truly, H. O. HAVEMEYER.

So that the stock was taken in the name of Mr. Warren, and he was enjoined by Mr. Havemeyer not to disclose that Mr. Havemeyer or any of his associates were interested in any way in the Michigan companies.

Mr. SIMMONS. What is the date of that letter?

Mr. WALSH. March 7, 1905.

I now read from a telegram of March 22, 1902.

CHARLES B. WARREN,
Union Trust Building, Detroit, Mich.:

Close Alma as per your telegram beginning I closed. Wrote yesterday about Boutelle inclosing all papers.

H. O. H.

"Alma" refers to the Alma Sugar Co., one of the six or seven Michigan beet-sugar companies; and "H. O. H." obviously means "Henry O. Havemeyer."

NEW YORK, *April 25, 1902.*

Mr. CHARLES B. WARREN,

DEAR SIR: You are authorized to buy for account of me and my associates up to one-half of the capital stock of the Sanilac Sugar Co. of Michigan at par, and to complete the purchases of the Bay City factory up to $300,000 at par, and to take into consideration—without committing me to the purchases—the acquiring of the interest in the Saginaw factory, and the Valley and McComb enterprises, and possibly the Lansing.

Yours truly,

H. O. HAVEMEYER.

Again enjoining upon Mr. Warren not to disclose that Mr. Havemeyer was the purchaser.

Mr. President, I regret exceedingly that the distinguished Senator from Iowa, for whose special benefit I wanted to put these letters into the RECORD, is absent from the Chamber at the present time, but I suppose it is quite likely that he is at lunch.

117 Wall Street, New York City, December 29, 1902. Mr. Worthy L. Churchill, Bay City Mich.—

I pause to remark that Mr. Churchill was another Michigan man who, the other letters will show, was closely associated with Mr. Warren in this business of acquiring control of the Michigan factories for Mr. Havemeyer and his associates.

DEAR SIR: Your understanding of the City Bank proposition is the correct one. I should very much like your interest in the matter of securing a pecuniary interest in the other beet-sugar factories in Michigan.

Bear in mind, the Senate has been told by the Senator from Iowa that the acquisition of these properties did not originate at all with Mr. Havemeyer or with the American Sugar Refining Co., but that the poor Michigan beet-sugar companies, on the point of dissolution, just went to Mr. Havemeyer and begged him to take the thing off their hands.

Mr. REED of Missouri. Will not the Senator read that again?

Mr. WALSH. It reads:

Your understanding of the City Bank proposition is the correct one. I should very much like your interest in the matter of securing a

pecuniary interest in the other beet-sugar factories in Michigan. I understood this was the way we left it when we parted, that you were to see what could be done. You did write me about two companies at a price of 110, which I thought rather high. If you get some refusals for 30 days, with the privilege of my examining the books, to show the acreage, the beet contracted for, test, purity, etc., I would give it my immediate attention.

I am somewhat embarrassed about Warren. He was to undertake looking into these matters, but I guess his marriage has diverted him. You can either go it on your own hook or advise with him.

Yours truly,

H. O. HAVEMEYER.

AUGUST 12, 1902.

MR. CHARLES B. WARREN,
Union Trust Co., Detroit, Mich.

DEAR SIR: I have yours of August 8. I wired you the other day my assent to the increase of the capital stock of the Peninsular Co., and to-day that I would take my share of the increase, and that I would probably invest $50,000 more, on the conditions which you state it to be issued. I believe you said two for one.

Yours truly,

H. O. HAVEMEYER.

It will be recalled that I put into the RECORD on Saturday a newspaper account showing the watering of the stock of all these companies.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. NEELY. While I have no doubt about the matter myself, I beg to inquire if the Senator will not complete the record by reading into it any evidence he has in his possession that Mr. Warren received these various letters and telegrams which have just been read and which were directed to him.

Mr. WALSH. The record states these were all taken from the files of the American Sugar Refining Co.

NOVEMBER 17, 1905.

MR. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: Yours of the 13th at hand. I only recall that you wished the company to buy 1,500 shares of the Bay City-Michigan Co., and I have directed Mr. Heike to send you a check for same under separate inclosure.

That does not look as if the whole proceeding was inaugurated by the Michigan companies.

I infer that you want the company to buy the 632 shares of the Peninsular Sugar Refining Co. I shall have to ask you to write me a letter making the request and I will put it before them on Tuesday next. If this does not reach you in time, you can send me a dispatch on Monday or Tuesday and I will make the application.

Yours truly,

H. O. HAVEMEYER.

MARCH 3, 1903.

CHARLES B. WARREN, Esq.,
Union Trust Building, Detroit, Mich.

DEAR SIR: I wired you to buy the 31,337 shares of the Crosswell-Sanilac Co. at par, and to do better if possible. There is no hurry about this, so in case you can make a better bargain by deferring it, defer it. Please send all matters pertaining to it to C. R. Heike.

This retains Messrs. Berry, Farr, Kirby, and Black in the management, $10,000 each to the three former and $5,000 for the latter. The management, however, is subject to our control. This is absolute.

After the matter shall have been concluded we will make a thorough examination again of the works to see what improvements we can make, and in the meantime we hope the gentlemen will give the agricultural feature of it their very best attention.

Yours truly,

H. O. HAVEMEYER.

Mr. Havemeyer was not getting into any of these companies that he was not able to control.

SEPTEMBER 30, 1904.

MR. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: I have had the opportunity to examine the agreement between the Alma Sugar Co., yourself, and others. I do not think it is worth the paper it is written on, and I am informed by those whom I think competent judges that it has no merit whatever. The parties I represent declined to pay the sum requested in yours of September 24 or any other sum for services in that direction.

I am much surprised that the Alma people should have gone into this without our approval.

Yours truly,

H. O. HAVEMEYER.

So much for the legal services of Mr. Warren in this behalf in drawing up a contract which Mr. Havemeyer told him was not worth the paper it was written on.

SEPTEMBER 10, 1902.

MR. CHARLES B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR SIR: What about the Carrollton and Mount Clemens enterprises? Who is interested in them? I imagine it is the Penoyer party. What about the Penoyer people? W. C. Penoyer went to Fort Collins in our interest, and our lawyers there wrote that his conduct was reprehensible.

Yours truly,

H. O. HAVEMEYER.

Fort Collins is in the center of the beet section of the State of Colorado. So that Mr. Warren perfectly understood that Mr. Havemeyer and his associates had already acquired the same interest in the beet fields in Colorado that he was seeking to acquire in the State of Michigan.

SEPTEMBER 10, 1902.

MR. CHARLES B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR SIR: The Sebewaing factory, located on the Saginaw Bay, who owns that?

Is it a new factory? Why should we not secure a half interest in the same?

Yours truly,

H. O. HAVEMEYER.

These were poor, decrepit factories, and the owners of them went and begged of Mr. Havemeyer that he take them off their hands. That is the argument of the Senator from Iowa. This refers to a factory he had just heard of. He wants to know of Mr. Warren, "Why should we not get a half interest in that factory and control that, as well as the remainder of the factories in the State of Michigan?"

JUNE 10, 1907.

MR. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: How about taking in the German-American?—

That is another Michigan beet-sugar factory—

and what about the Continental Co.?

The Continental Co. should have worked last year in both factories 100,000 tons of beets; they had 132,000—even more—which they had to dispose of.

You might see what the German-American interests could be acquired for, and I will reflect over the Continental.

Outside of the Colorado interest, I have no other interest in beet sugar, except that of the Continental, where I own about one-third; the American Co. owns one-third.

Instead of having a very profitable year, which the extraordinary quantities of beets would have indicated, through very culpable mismanagement they have lost considerable money, and I think the change into Michigan would be an advantage to everyone.

Think it over. Of course, everything I have written is absolutely confidential between us.

Yours truly,

H. O. HAVEMEYER.

JUNE 12, 1907.

DEAR SIR: I have your letter under date June 10 and will see what the situation now is regarding the German-American. It would undoubtedly be of benefit to the separate plants operating in Michigan, to go into the Michigan Co., and I believe it would be a good thing for the Michigan Co. to take in the plants. Will write you as soon as I know anything definite.

Very truly yours,

CHARLES B. WARREN.

H. O. HAVEMEYER, Esq.,
New York.

SHAW, WARREN, CADY & OAKES,
Detroit, January 18, 1904.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

DEAR SIR: I beg to acknowledge receipt of letter from Earle & Bend addressed to you. I have taken this matter up with the Sebewaing Co. and am trying all along the line to make the Michigan sugar people see that Meinrath cuts the market with the sugars of one house to force down the price on contracts made for the benefit of other houses.

Yours truly,

CHARLES B. WARREN.

Mr. REED of Missouri. What is the date of that letter?
Mr. WALSH. January 18, 1904.

AUGUST 23, 1906.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: Before you conclude to confine the sales of refined sugar to any one or more parties, I wish you to consider the advisability of including Messrs. Edgar—

Of course, that means that Mr. Warren had a plan by which he was going to give the control of all the sugar produced by the Michigan factories to one or two brokers. No one else could get any sugar from any of the Michigan factories.

Before you conclude to confine the sales of refined sugar to any one or more parties, I wish you to consider the advisability of including Messrs. Edgar; not in any discriminative manner—that goes without saying—but they perhaps are our best customers, and with no one have we had more satisfactory business arrangements. My policy is to take the business where it is offered to the best advantage and on the best terms, and when the time arrives I should put Edgar on as favorable a footing as anyone.

It goes without saying that no broker, no matter who he is or where he is, should be able to say that he gets the slightest advantage over any other reputable broker, and if they are not with you they certainly are against you.

Yours truly,

H. O. HAVEMEYER.

SEPTEMBER 18, 1906.

CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: As telegraphed you, I will leave New York for two or more weeks probably next Monday. I have your letter of the 17th instant. It might be well to arrange with F. C. Letts on the same basis as Edgar. They sell about as many sugars as Edgar does and have a great deal wider territory.

They are the only two that I think I could recommend you to make special concessions with.

I am not sure but what Letts will want 5 cents a hundred instead of 3 cents.

It is very important, I think, to get a large percentage of sugar sold on the basis of the American Co.'s price, as it leaves so much less to seek a market for.

I recommend Letts to go to outside interests; they would probably be 10 cents under your price. He is disinclined to do it.

He is a very loyal customer of the American Co., and his stores have sold as high as 30,000 barrels a month.

Yours truly,

H. O. HAVEMEYER.

Mr. REED of Missouri. What is the date of that?
Mr. WALSH. September 18, 1906, found at page 4530.

OCTOBER 16, 1907.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: I think you should overcome your prejudice against opening the product of the Michigan companies to Meinrath. Meinrath does the largest refined-sugar business as a broker in the United States, and it is simply preposterous folly to exclude him. In excluding him you not only shut off your avenues for a larger distribution of your product but you awaken the antagonism of a very capable, hustling broker. By all means change your policy and open the business to him. It is not unlikely that he may make overtures to Edgar, which will result in a general demoralization out there. I do not think their contracts or relations with Edgar are worth 2 cents if they are up against a proposition with Meinrath to sell all their sugars at 5 cents under the customary differential allowed.

Yours truly,

H. O. HAVEMEYER.

SHAW, WARREN, CADY & OAKES,
Detroit, November 25, 1904.

H. O. HAVEMEYER, Esq.,
New York.

DEAR SIR: I forwarded to Mr. Oxnard, New York, the papers showing the dealings in the Chicago market, and suggested that for the balance of this year his Denver office and the Saginaw office should maintain the same price and the same terms of guaranty. Am in receipt of a letter from Mr. Howe, general manager American Beet Sugar Co., which is satisfactory and puts the matter in good shape.

Mr. Howe's letter is as follows:

"We have just authorized Meinrath to begin selling again for our account in Chicago, for prompt shipment only, price to be 10 points below American or Howell's.

"As far as I can say at the present time, we will in the future confine ourselves to this basis of prices for the Chicago and Minneapolis and St. Paul territories."

Very truly yours,

CHARLES B. WARREN.

UNION TRUST BUILDING,
November 29, 1907.

DEAR SIR: Your letter regarding the Continental Co. received. I was in Cleveland last week and went over the matter thoroughly, and have taken steps to have the output of that company preferred in the matter of distribution. It is so difficult for the small independent companies to borrow money that they are making the price below any regular price that might be put out in order to secure immediate deliveries. Both Edgar and Meinrath have been instructed in writing to make every attempt to sell the Continental sugar and the Michigan Co. will give the Continental Co. the advantage of the Ohio trade.

To-day everyone seems to be firm at 4.50 New York as a basis for beet, but Mimford has been making considerable trouble by securing from small independent refineries the privilege of selling, and then advertising a cheap price all over the country. This morning I had a talk with his representative in Detroit and he has agreed not to go below Michigan price hereafter.

The business of the Michigan Co. consists largely in deliveries on its contracts where confidential prices are given, and the business is keeping up. The jobbers in Michigan are not looking for a cut, but seem to prefer to have the price kept steady.

Very truly yours,

CHARLES B. WARREN.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

Were the Senator from Iowa in the Chamber at this time I should like to inquire of him whether he thinks that transactions of that character fall within the domain of services of counsel.

SHAW, WARREN, CADY & OAKES,
Detroit, April 6, 1905.

DEAR MR. HAVEMEYER: I have your letter under date March 30 regarding the sending of an investigating party to the Philippine Islands for the purpose of inquiring into the sugar interests.

Have written Mr. Morey and will undertake to see that the Michigan and Wisconsin people unite with the western interests in the work.

It occurs to me that if the representatives should go to the Philippines prior to the arrival of Secretary Taft's party, for the ostensible purpose of inquiring into the advisability of engaging in the sugar business, the exact facts would be uncovered; but if the object of the party was disclosed to be to obtain information for the purpose of combating the effort to reduce the duty on sugar from the Philippines into this country the attempts of the investigators to get at the real facts would be almost fruitless.

I have had a talk with a cousin of mine, who is the president of the railroad company organized to build the street railroad in Manila and the steam railroads throughout the island. He is associated with New York interests in the enterprise and has been in Manila and goes again next winter, and is very intimate with Colonel Edwards, of the Insular Bureau at Washington. Mr. Swift, to whom I referred, is an intimate personal friend and I can rely explicitly on what he says. He will put us in the way of obtaining letters from Colonel Edwards, which will undoubtedly be of assistance to our party in investigating the desirability of sugar business in the Philippine Islands.

I have simply written Mr. Morey of the receipt of your letter and told him that I would see that the Michigan and Wisconsin interests cooperate. Shall I take up the method of going at the investigation with Mr. Morey?

Very truly yours,

CHARLES B. WARREN.

FEBRUARY 4, 1904.

Mr. CHARLES B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR SIR: I send you, for your confidential perusual, a communication from a Mr. Bewick. Is there any truth in what he says about Mr. Churchill in his relation particularly to the farmers and the beet growers?

I have had a talk with Mr. Churchill, and I have disabused his mind of some impressions that he alleged he had—inference, I imagine, from people who do not admire him; and I have charged him that his representations, so far as our interests are concerned, are restricted to the attention and faithful management of the Bay City and Tawas factories.

How would it do for me to have an interview at Wall Street sometime with the presidents of the Saginaw and the Valley combined, and the Alma and Caro presidents, or would it be best to see them separately? I should like to get the situation, so far as the beets are concerned, on a fair basis for all concerned, and I think that an interview with them as a body or separately, as you deem best, would have a tendency to very materially improve matters, if it did not correct them entirely.

Yours truly,

H. O. HAVEMEYER.

SHAW, WARREN, CADY & OAKES,
Detroit, February 9, 1904.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

DEAR SIR: I beg to acknowledge receipt of yours under date of February 4, inclosing letter from Mr. Bewick, which I herewith return.

Regarding Mr. Bewick's criticisms I will explain his position as I get it from him when next in New York. He disagrees violently with Mr. Churchill regarding the handling of the agricultural side of the beet-sugar business, and has been considerably disgruntled about the matter of salaries going to Mr. Churchill and his assistants at Tawas.

There is a great deal of friction among the various companies of the Saginaw Valley regarding the beets, and it is for that reason that I suggested, when last in New York, that a central board would be necessary to straighten out the relations among the companies.

These companies were competing with each other in the purchase of beets from the farmers, and of course the farmers were profiting by that competition. That was creating a good deal of friction, and Mr. Warren suggested the establishment of a committee, on which all of these companies should be represented, for the purpose of making level prices for beets, and that was afterwards done.

I note your request for an interview at Wall Street with the presidents of the Saginaw-Valley combine and Alma and Caro plants. I am going to Saginaw to-night to complete the arrangements regarding the Saginaw and Valley combination and will arrange for the manager of that business, who also manages the Sebewaing business, for an interview with you in New York, and will wire you for some date upon my return. Will also speak to Mr. Wright and his manager, Mr. Hathaway, and have them down there some time in the near future. Mr. Lee, president of the Caro plant, is at present in Florida, but will see that he calls upon you as soon as he returns.

I have talked with all the active men in the plants with the exception of Mr. Churchill regarding the central board, and they all favor it, and I do not think there will be any trouble when the matter is presented to him. Will come to New York at the time the Saginaw Valley and Sebewaing men go down to see you.

Yours truly,

CHARLES B. WARREN.

Next is a letter dated "Union Trust Building, March 4, 1907," a letter from Mr. Warren to Mr. Havemeyer—bear in mind the date, March 4, 1907. Notwithstanding the stipulation read in the record that Mr. Warren's relations with these people ceased in 1906, I will introduce a number of letters during 1907 passing between those people of the same character as those to which Senators have thus far listened.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	du Pont	McKinley	Robinson
Bayard	Ferris	McMaster	Sackett
Bingham	Fletcher	McNary	Sheppard
Blease	Frazier	Mayfield	Shortridge
Borah	George	Means	Simmons
Bratton	Gerry	Metcalf	Smoot
Brookhart	Gillett	Moses	Spencer
Broussard	Goff	Neely	Stanfield
Bruce	Hale	Norbeck	Swanson
Butler	Harris	Norris	Trammell
Cameron	Harrison	Oddie	Tyson
Capper	Heflin	Overman	Wadsworth
Caraway	Johnson	Pepper	Walsh
Copeland	Jones, Wash.	Pine	Watson
Couzens	Keyes	Ralston	Weller
Cummins	King	Ransdell	Wheeler
Curtis	Ladd	Reed, Mo.	Willis
Deneen	McKellar	Reed, Pa.	

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, a quorum is present. The Senator from Montana will proceed.

Mr. WALSH. The letter which I am now about to read will, I am sure, prove of the very highest interest to all Senators who care to listen to it—

Union Trust Building, March 4, 1907. Dear Sir—

The letter is addressed to Mr. H. O. Havemeyer and is signed Charles B. Warren—

The sugar of Michigan Sugar Co. is moving out now as rapidly as cars can be obtained. We are using every endeavor to expedite the obtaining of cars, and at present shipments are being made very fast. The territory in which the sugar is being marketed has been broadened.

Regarding the indefinite contracts with Edgar, Musselman, Judson, and Lee & Cady, there will be no delay in selling sugar because of these contracts. They simply mean that while the Michigan Co. has sugar these firms will take their wants on special terms.

I am leaving for Minnesota to-morrow, as the western situation is being complicated by organizations among the farmers. Presume that the organization known as the Sons of Equity among the farmers will interfere somewhat with the writing of acreage this year in Michigan, Wisconsin, and Minnesota; but, of course, the movement is temporary and will go out like all farmers' movements.

Very truly yours,

CHARLES B. WARREN.

H. O. HAVEMEYER, Esq., *New York.*

I should like to call the attention of the Senator from Iowa, now that he is in the Chamber, to the date of the letter I have just read, which is March 4, 1907.

I read another letter from Mr. Warren:

SHAW, WARREN, CADY & OAKES,
Detroit, May 2, 1904.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

DEAR SIR: I herewith hand you copy of the form of resolution which is being adopted by the various companies in Michigan, for the purpose of creating a central board to handle and supervise the business. You will gather from the paper itself exactly what field the board will cover.

The division of territory which I took up, after the conference with you, has been accomplished and is working out favorably to all the companies——

Mr. REED of Missouri. What is the date of that letter?

Mr. WALSH. The letter is dated May 2, 1904.

In other words, Mr. Warren engineered an agreement between various Michigan companies competing for the farmers' beets so that each agreed to confine itself within certain territory.

The past two seasons have been so bad agriculturally that it is going to take a good deal of work to get the agricultural conditions back into a normal state, but the division of the territory and creation of this board will go far to steady the industry so that there will be no abnormal losses in any event.

Yours truly,

CHARLES B. WARREN.

I inquire of the Senator from Iowa whether, in his judgment, that falls within the domain of legal services?

Mr. CUMMINS. That is exactly what we are trying to do for the farmers now.

Mr. WALSH. The question is whether or not in the opinion of the Senator from Iowa that falls within the domain of legal services?

Mr. CUMMINS. That was in 1904?

Mr. WALSH. Yes; it was in 1904.

Mr. CUMMINS. Yes; I think it does. A lawyer when he is intrusted with the office with which Mr. Warren was intrusted must be the business adviser to his client as well as the adviser in the trial of lawsuits. Everyone knows that, and what Mr. Warren was doing is exactly what we are now trying to do for the farmer—putting him in a position so that he can combine and can cooperate. I suppose the Senator from Montana does not think there is anything criminal in farmers cooperating?

Mr. WALSH. Oh, I do not concede that this is the same thing at all.

Mr. CUMMINS. I do not see that there is anything criminal in that, and I hope farmers will be able to cooperate.

Mr. WALSH. I continue the reading:

SHAW, WARREN, CADY & OAKES,
Detroit, June 21, 1904.

H. O. HAVEMEYER, Esq., *New York.*

DEAR SIR: Your letter under date of June 14, regarding the Sanilac and Tawas Cos. in the sale of sugar, at hand.

Regarding the management of the Sanilac Co. Its affairs are managed by Charles Montague, vice president of the Peninsular Co., but Mr. Montague is unfortunate in his financial affairs, and it is necessary for him to go through bankruptcy. This, of course, retired him from the affairs of both companies. The remaining executive officers of the Sanilac Co. continued to handle affairs until it was evident a change was needed there, and they have now been retired, and the company is proceeding along good lines and the business will be handled economically. There was no one in the Peninsular Co. who would give the time to the management of the affairs of the Sanilac Co., and so Mr. Wallace, of the Sebewaing Co., whom you will remember, has been elected vice president of the Sanilac Co. and chairman of its executive committee, and Mr. Scranton, who has been managing its affairs since the beginning of January last, is now manager. Mr. Niese knows both of these men and can tell of their competency.

While it is true the Sanilac Co. has only about 2,800 or 3,000 acres, and that 800 acres of this is the Berry farm, run by the company, the factory expects a large yield, and at this time it is probably not best to make any public decision regarding the operation of that plant; but, of course, when the time for harvest comes near that question has to be decided.

Regarding the Berry farm. The beets have been grown by the company on parts of this farm for three years, and it has never resulted in any loss to speak of. The land is all tile drained and a railroad runs through it, and if beets can be grown by anyone on a large scale, they ought to be successfully raised on that farm.

* * * * * * *

Regarding the operation of the Tawas plant. For the purpose of ascertaining whether or not it was advisable, I had a meeting of the board called, and was at Tawas last week. For the effect that the announcement would have on the farmers now, it was voted to operate the plant, but of course the condition of the crop will determine this question, and it will actually be decided later. There seems to be a strong sentiment against raising beets for the Bay City plant, and the local directors told Mr. Churchill at the meeting that the farmers would not raise and ship their beets to Bay City. Any public announcement of the plan of shipping to Bay City would be injurious to the future of the business in Tawas.

Regarding the sale of sugar. The central board has been elected by every company, and meets in Saginaw this week for the purpose of organizing, and will select one man to handle the sugar of all the plants, including, of course, the Peninsular output—

Mr. REED of Missouri. What is the date of that letter?

Mr. WALSH. It is dated June 21, 1904.

Mr. WATSON. Mr. President, will the Senator from Montana permit an interruption?

Mr. WALSH. Yes.

Mr. WATSON. Did that mean all of the sugar plants in Michigan?

Mr. WALSH. Yes.

I will be in New York either next week or the following week, and will go more fully into the matter of marketing the sugar, and also talk over with you the matter of officers and their salaries, as you request.

The answer to your letter was somewhat delayed by reason of my absence in the State with Doctor Weichmann and Mr. Mabadeau.

Yours truly,

CHARLES B. WARREN.

In this connection I remind the Senator of the testimony of Mr. Warren, which was adverted to by the Senator from Iowa in the course of his remarks, in which Mr. Warren stated that all he did was to pass upon the title to the stock as it was transferred.

Here is his testimony. In answer to a question by the chairman of the Hardwick committee, Mr. Warren said:

When they got to negotiating, sometimes they would negotiate themselves; in general, they participated in the negotiations at all times. I examined the legal title of the corporations and their condition, and my office assisted in various work that was performed; and the stock transaction was completed always with the board of directors of the company.

I now read a letter addressed by Mr. Havemeyer to Mr. Warren:

OCTOBER 25, 1904.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: There is some talk with Mr. Churchill, and Mr. Meinrath went west, and through Meinrath was placed a considerable quantity of beet sugar. Of course, Mr. Churchill's association with the business warrants the transaction perfectly sound and legitimate.

I think Mr. Hathaway should see that the other two brokers at Chicago get their ratable proportion of the entire output, so that Mr. Meinrath is in no way the gainer by the preference shown him by Mr. Churchill. There may be no truth in the above.

I thought Mr. Hathaway was to control the sale of the output of all the factories; at least of those in which we had the preponderance of interest.

Mr. Churchill seems very desirous that something should be done to control the agricultural features so that each factory shall get the beets which its geographical relation to their cultivation entitles it.

I think the refined feature quite as important and should be under some control.

Yours truly, H. O. HAVEMEYER.

So that it will be observed, Senators, that there were two purposes; first, to organize these companies under the control of a central board, so that there would be no competition among the factories for the farmers' beets; and second, so that there should be just one sales agency, so that the factories would not compete with each other in the sale of their products.

Another letter from Mr. Warren to Mr. Havemeyer reads as follows:

SHAW, WARREN, CADY & OAKES,
Detroit October 28, 1904.

H. O. HAVEMEYER, Esq.,
New York.

DEAR SIR: I received your letter under date October 25, regarding sale of sugar. Our central board sells every pound of sugar manufactured by all of the factories in which you have an interest in Michigan, except Menominee. There have been no sales made except through the office at Saginaw, of which Mr. Hathaway has charge.

The matter to which you refer regarding Mr. Churchill placing some orders through Meinrath came before the board, and inasmuch as the orders were actually placed by Meinrath with the Saginaw office, it did not seem to me a violation of the agreement unless Mr. Churchill had promised some rebate in order to obtain the business. I do not know that he promised any rebate, although the two Chicago brokers asked to have this matter investigated. The total sales, however, amounted to but 65 cars divided among Reid, Murdock & Co., Franklin McVeagh & Co., Sprague, Warner & Co., of Chicago, and Roundy, Peckham & Co., Milwaukee.

I infer that all that was done was to direct that when these houses place their orders they should be placed to Meinrath and that he should order sugar from the Bay City, Mich., plant. Inasmuch as one of the factories was to receive the business, Mr. Hathaway took it.

I note what you say regarding a fair division of the business between the Chicago sugar brokers, and this is being done. In fact, every broker has an opportunity to sell all the sugar that he can sell. Meinrath is doing little business for the board except the original orders.

The selling department is working splendidly. In fact, every factory is shipping its sugar as fast as it can make it, and to-day each factory has unfilled orders.

Regarding Mr. Churchill's desire that something should be done to control the agricultural feature, I beg to hand you copy of a letter which was mailed to the Bay City-Michigan Co. April last, after the meeting called to distribute the territory in pursuance of my talk with you regarding the adjustment of this question. The results since the distribution of acreage has been gratifying. The clashing of factories has almost entirely disappeared. Mr. Churchill, however, makes a request now for some modification of the agreement, and I have asked him to file his request with the central board, and the matter is now being investigated. There will be no difficulty in arriving at a just conclusion so that all plants will be treated fairly. The change that Mr. Churchill desires affects only his relations with the Saginaw factory.

Very truly yours,

CHARLES B. WARREN.

Mr. REED of Missouri. Will the Senator give me the date of that letter?

Mr. WALSH. That letter is dated October 28, 1904. I read now a letter from Mr. Hathaway to Mr. Havemeyer, as follows:

SUGAR MANUFACTURERS,
Saginaw, Mich., November 10, 1904.

H. O. HAVEMEYER, Esq.,
New York.

DEAR SIR: Yours of the 7th instant received. We are strictly following your advice. Our price is held firm at 5.10 New York beet market, less 1 per cent for cash in 7 days. This quotation has been held by us since your last advance on November 4.

Yours respectfully,

SUGAR MANUFACTURERS,
Per F. R. HATHAWAY, *Secretary.*

In other words, the Michigan sugar factories were making just the price that was dictated by the American Sugar Refining Co.

BAY CITY-MICHIGAN SUGAR CO.,
Bay City, Mich., August 11, 1905.

H. O. HAVEMEYER, Esq.,
New York.

DEAR SIR: Yours containing New York Herald clipping headed "Russia seeking tariff revision" received. I took the matter up myself and wrote a synopsis of the article to Senators Burrows and Alger, Congressmen Smith, Loud, and Fordney, also wrote a letter to each of the 16 sugar factories in operation and asked them to orally or by letter see their Congressman and have them oppose any tariff reduction either in the Treasury Department or Congress. As presi-

dent of the Michigan Sugar Manufacturers Association, I thought it better to take up the matter myself than through Mr. Warren's central committee.

Will you be in New York, say, between the 21st and 24th of this month?

Respectfully yours,

W. L. CHURCHILL.

BAY CITY-MICHIGAN SUGAR CO.,
Bay City, Mich., December 30, 1903.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

MY DEAR SIR: Ten days ago I wrote you I would visit New York in the early part of January. Owing to the delay in finishing our campaign at Tawas, I will not be able to leave until later in the month.

I desire a long talk with you on the general situation. First, we have too many factories in the Saginaw Valley—too much competition in obtaining acreage. It struck me that it might be policy to move one or more of these factories into a better location, believing that I could obtain sufficient stock to pay all expenses of moving and at the same time obtain a fair price for any factory that we may desire to move.

Since writing you I am in receipt of a letter from George W. Conrad, of Great Falls, Mont., a gentleman of great wealth, who states that he has decided to build a sugar factory at a town called Conrad, a short distance north of Great Falls. Mr. Conrad states he has 50,000 acres of fine irrigated beet lands. That he grew small patches of beets last year, and they turned out high in sugar and a big yield. He is coming here next month and desires to meet me and parties who would be willing to embark in the enterprise with some money and with knowledge. Inclosed I hand you some newspaper clippings that will give you some idea of what the gentleman is doing.

I would not consider Mr. Conrad's proposition only for the purpose of selling, say, the Michigan sugar factory to a company to be organized by himself and others, thereby reducing the number of factories in the Saginaw Valley. It is practical to move the machinery from this factory and reinstall it in Montana at a reasonable price, at which place, I believe, it would be a paying proposition. Here it is very problematic whether a stock of beets can be obtained sufficient to operate both the Bay City and Michigan, which lie side by side—

Incidentally, I may say that the factory never was built at Conrad, Mont., the Billings sugar factory having meanwhile been absorbed by the American Sugar Refining Co. Consequently they did not want to compete against themselves in our territory.

The climatic conditions for two years have been such as to discourage the beet raisers of the Saginaw Valley, and the competition in obtaining beets has spoiled the farmer.

If all the factories were under one management—

Mr. REED of Missouri. Mr. President, what is that about the farmer? I did not catch it.

Mr. WALSH. The letter says:

The climatic conditions for two years have been such as to discourage the beet raisers of the Saginaw Valley, and the competition in obtaining beets has spoiled the farmer.

If all the factories were under one management or one head, we could then control these conditions. As it is we have the German-American cooperative, with 400 farmer stockholders, and the West Bay City factories to compete against the so-called trust factories.

There is too much to be said along these lines to write. At a future date (if you will give me the time) I will lay the matter before you orally.

Wishing you a happy New Year, I am your friend,

W. L. CHURCHILL.

JULY 24, 1906.

Mr. W. B. THOMAS,
Boston, Mass.

DEAR SIR: You will be interested in seeing the detail of the proposed consolidation of the six or seven Michigan beet companies. It is proposed to issue preferred stock, 6 per cent cumulative, for the plants according to their daily capacity, and for a considerable portion of their net assets, which is indispensable to the operation of them during the year, and for good will, etc., two shares of common for one of preferred.

It may be necessary to put up about $300,000 to buy out some interests which are reluctant to take the preferred stock.

Mr. Warren who has the matter in charge assures me that the preferred stock will be sold at par. I have told Mr. Warren to proceed with the matter up to the actual transfer point, when the whole affair is to be again brought to my attention for definite approval, and the inventory, etc., examined by the auditors.

I should like you to go over the matter with me and will submit it to you. In the meantime if you are in Wall Street, Mr. Heike has enough data to give you a clear account of what is proposed to be done.

Yours truly,

H. O. HAVEMEYER.

AUGUST 3, 1906.

Mr. CHARLES B. WARREN,
Union Trust Building, Detroit, Mich.

DEAR SIR: The plan outlined by you for the beet-sugar merger satisfactory.

The new inventories to be finally adjusted, I understand, are to be taken on September 1.

Yours truly,

H. O. HAVEMEYER.

SHAW, WARREN, CADY & OAKES,
Detroit, December 1, 1904.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

DEAR SIR: Saginaw office has an offer for all of the sugar of Alma Sugar Co. remaining unsold, amounting to from 70 to 100 cars, on the following terms: Present American price, less 10 points for beet; provided the price is guaranteed up to January 1.

They ask for my recommendation. Do you advise to make the guaranty against declines up to January 1? Please wire answer.

Very truly yours,

CHARLES B. WARREN.

I think probably the Senator from Louisiana [Mr. BROUSSARD] will confirm my understanding of this 10 points. At that time, and possibly at this time, beet sugar was sold in the market at one-tenth of a cent less than cane sugar. The American price—that is, the American Sugar Refining Co.'s price—was the price of refined cane sugar; and if beet sugar was selling at 10 points less, then the beet-sugar price was fixed by the American Sugar Refining Co.

Have I stated the facts?

Mr. BROUSSARD. Yes.

Mr. SMOOT. Yes; that is correct.

Mr. REED of Missouri. And may I ask if there is not supposed to be a difference in the actual value of these sugars—not the market value but the actual money value?

Mr. WALSH. The beet-sugar people insist, and they have demonstrated that to what ought to be the satisfaction of everybody, that there is absolutely no difference whatever in the intrinsic value of the two qualities of sugar; but the housewife persists in believing that there is, and consequently the beet sugar will not sell on the market at the same price that the cane sugar will. The Senator from Utah knows definitely about that. Have I stated it correctly?

Mr. SMOOT. Absolutely correctly.

Mr. WALSH (reading)—

DECEMBER 5, 1904.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: In response to your letter of December 1, I wired you against the sale of the Alma product as the market will probably be advanced 10 points, and no doubt a further 10, making 5½ f. o. b. New York, at which basis I would sell the product. Perhaps even some at a lower price.

Yours truly,

H. O. HAVEMEYER.

SHAW, WARREN, CADY & OAKES,
Detroit, December 31, 1904.

H. O. HAVEMEYER, Esq.,
New York.

DEAR SIR: The Peninsular Co. (Caro) shows a good profit this year. As the statements of the company in your office show, the Peninsular Co. has a capital stock of $1,000,000 and an outstanding bond issue of $200,000. The profits will enable the payment of 6 or 7 per cent dividend and the payment of $50,000 on the bonds. Inasmuch as the declaration of the dividend will come up within a short time, please advise me whether or not this policy is agreeable to you.

Apparently none of these companies were able to do anything except upon the consent of Mr. Havemeyer, showing his absolute control of the entire situation.

Sebewaing, Saginaw, and Alma will all show a good profit. The directors of the Sebewaing Co. favor a declaration of a dividend and the investment of the balance of the profits in a pulp drier. Our central board sent Mr. Wallace, of the Sebewaing Co., to Germany for the purpose of making seed purchases and familiarizing himself with the agricultural conditions on the Continent, and also for the purpose of generally broadening his knowledge of the business. You will re-

member that he is the man I made chairman of the agricultural committee and whose powers are being gradually enlarged as he seems able to handle matters.

Will you advise me as to whether or not I shall favor declaration of a dividend by the Sebewaing Co. and the building of a drier out of the earnings?

The statement of the Alma Co. is not available yet, as the work of the campaign is not entirely closed.

Scranton and Wallace, who took charge of the operation of the Sanilac plant after the old management was let go, have made a creditable showing there this year. They had a hard agricultural condition, owing to previous bad management, but seem to have overcome the unfavorable sentiment.

Very truly yours,

CHARLES B. WARREN.

Mr. REED of Missouri. What is the date of that?

Mr. WALSH. That is dated December 31, 1904.

F. R. HATHAWAY,
Saginaw, Mich.:

Five cents net cash free on board New York at which we recommend contracts.

H. O. H.

F. R. HATHAWAY,
Saginaw, Mich.:

Have advanced to five-five net cash advise your selling not under five net cash f. o. b. New York.

H. O. H.

Mr. BAYARD. Has the Senator the dates of those telegrams?

Mr. WALSH. They do not seem to be dated.

MAY 17, 1905.

W. L. CHURCHILL,
Bay City, Mich.:

Sell all your sugar through central board at once, very important.

H. O. H.

BAY CITY, MICH., *May 17, 1905.*

H. O. HAVEMEYER,
117 Wall Street, New York:

Dispatch received, central committee ordered as requested by you.

W. L. CHURCHILL.

Observe: A central committee is organized in the State of Michigan by Mr. Warren for the purpose of selling the product of the Michigan factories, but this central committee simply does what Mr. Havemeyer tells it to do. It is ordered by Mr. Havemeyer to fix the price thus and so, and it proceeds to carry out the orders.

Mr. REED of Missouri. That is the kind of competition we have heard about—independent management!

Mr. WALSH (reading)—

BAY CITY-MICHIGAN SUGAR CO.,
Bay City, Mich., May 17, 1905.

H. O. HAVEMEYER, Esq.,
117 Wall Street, New York.

DEAR SIR: Your telegram received and answered as follows: "Dispatch received. Central committee ordered as requested by you."

Please notify central committee, or myself, the New York base price on which central committee can order brokers to sell.

I see from dispatches there is a difference of 10 points between Federal and Arbuckle and 10 points between Arbuckle, Howell, and American.

We have 1,250,000 pounds of sugar at Tawas. This sugar I began shipping prior to the last declines. We have 1,500,000 pounds at Bay City, which I was holding for the summer Saginaw Valley trade, to save 13 cents per hundred freight, but on your advice have ordered Miss Sullivan, stenographer for the central committee, to instruct brokers to sell.

Respectfully yours,

W. L. CHURCHILL.

JANUARY 18, 1906.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: The raw market is weakening again and I thought it advisable to send you a telegram, that I doubt if refined sugars will be any higher for some time.

Perhaps not until May or June, and then not sufficiently to warrant carrying the product of any of the beet factories until then.

Our lowest price f. o. b. New York is 4.45 net cash. This is for your guidance.

Yours truly,

H. O. HAVEMEYER.

I would let it go as occasion offers, and I have told Mr. Churchill.

MAY 21, 1906.

Mr. CHARLES B. WARREN,
Detroit, Mich.

DEAR SIR: Some one has been writing to somebody that the Menominee Sugar Factory thought something of refining raw sugar. I suppose any experiment of this kind would be at the risk of those engaged in it. I should be very glad to have the interests of the company furthered in any way, but I know so well that any attempt to refine raw sugar in a beet factory would only result in disaster that if anything like that is contemplated, I think due notice should be served on the directors. As far as our interests are concerned we should hold them personally liable.

Of course you will be discreet in handling this matter so as not to awaken any unnecessary antagonism.

Yours truly,

H. O. HAVEMEYER.

SEPTEMBER 14, 1906.

CHARLES B. WARREN,
Detroit, Mich.

Special three advisable.

Recommend refrain from selling fixed price until Cuba affairs are settled. Might sell basis our delivered price date your actual delivery.

H. O. H.

October 14, 1907—

Will the Senator from Iowa give his attention to this date? October 14, 1907, a letter from Mr. Havemeyer to Charles B. Warren.

Mr. CUMMINS. 1907?

Mr. WALSH. October 14, 1907.

CHARLES B. WARREN, Esq.,
Detroit, Mich.

DEAR SIR: You will have to take care of the product of the Continental Co. That of the Blissfield output can easily be arranged. A good Ohio broker or brokers (say two of them) would take care of the output of Fremont, selling it at the corresponding rate of the American Co.'s f. o. b. price, plus freight, less the 10 cents or whatever differential the Michigan companies allow.

Please give this your attention through channels which Mr. Harper may indicate.

Representatives of the Franklin Sugar Refinery in Cincinnati or Cleveland might be the proper ones to intrust the business to. It might be that one of the most prominent and most reliable brokers would be better than more than one.

My judgment is that at ruling rates—which I understand approximate the American Co.'s price plus the freight, with 10 or 15 cents differential—the output should be marketed, and of course on terms that will insure prompt delivery of same.

Yours truly,

H. O. HAVEMEYER.

Mr. CUMMINS. Why does the Senator call my attention to that letter?

Mr. WALSH. I understood the Senator to assert upon the strength of the so-called stipulation that all relations between Mr. Warren and the American Sugar Refining Co. and Mr. Havemeyer ceased in the year 1906.

Mr. CUMMINS. The relation of attorney and client, and the relation of dependency, if you may so term it, ceased. Mr. Warren was the president of the Michigan Sugar Co.

Mr. WALSH. Certainly.

Mr. CUMMINS. And he was carrying on its business. Nothing was more natural than a letter of that sort between companies engaged in the same business.

Mr. WALSH. Certainly not; but is it possible for the Senator from Iowa to differentiate in any wise whatever between these letters which passed between these parties before 1906 and after 1906?

Mr. CUMMINS. The difference is perfectly obvious, perfectly plain.

Mr. WALSH. I would be very glad to have it explained to me.

Mr. CUMMINS. I tried to explain it this morning, and I do not care to repeat what I said. The Senator knows just what happened in Michigan from 1902 up to 1906.

Mr. WALSH. I think so.

Mr. CUMMINS. There was an effort made, which Mr. Warren explained in full in his testimony, to create a central board among the Michigan companies for the disposition of the Michigan product. It failed, and therefore the Michigan Sugar Co. was organized. When the Michigan Sugar Co. was organized the relation between Mr. Warren and the American Sugar Refining Co., which had been that of attorney and client, became that of rival business associations, that is all. There is no more

doubt with regard to what the testimony shows on that point than there is about the time of the rising and setting of the sun. The Senator does not believe that. He believes that the Michigan Sugar Co. was simply an adjunct of the American Sugar Refining Co. after 1906. I do not so believe. I do not believe the testimony so shows. All the testimony shows otherwise.

Mr. WALSH. Perhaps the Senator has not at all appreciated my question, because he certainly has not replied to it.

Mr. CUMMINS. I did not understand the Senator asked me a question.

Mr. WALSH. Yes; I asked the Senator if he discovers anything in these letters which discloses in anywise whatever a difference in the relations between Mr. Warren and Mr. Havemeyer at any time?

Mr. CUMMINS. My answer——

Mr. WALSH. Wait a moment. Prior to the organization of the central committee Mr. Warren had acquired this stock for Mr. Havemeyer. He was the representative of Mr. Havemeyer upon the ground. Whatever policy Mr. Havemeyer desired that any of these independent companies should pursue he communicated to Mr. Warren, and Mr. Warren proceeded as best he could to carry out the desires of Mr. Havemeyer. But these were independent companies. They were competing among the farmers for beets. They were competing among the brokers and dealers in sugar for the sale of their product, and that gave rise to friction. In order to eliminate that friction Mr. Havemeyer and Mr. Warren conceived the idea of adjusting all these things by the organization of a central committee, and they proceeded to organize that committee. But that was not a perfect success. The friction still obtained to a greater or less extent. Not only that, but the letters clearly show that the central committee was merely a tool of Mr. Havemeyer; that they simply carried out his wishes. But it was not, as I have said, as complete a success as they would have liked to have it, and, accordingly, they conceived the idea of putting all of these companies into one company—the Michigan Sugar Co.—which they proceeded to do, and thereafter Mr. Warren acted with reference to Mr. Havemeyer just exactly the same as he had been acting before.

If before that time he was merely the attorney for Mr. Havemeyer, transacting for Mr. Havemeyer only legal business, thereafter, after 1906, he was simply the attorney for Mr. Havemeyer, counsel for him, transacting his legal business for him. If, on the other hand, prior to 1906 he was the business representative of Mr. Havemeyer, carrying out his purposes and intents in business lines and not in legal lines, after 1906 he sustained exactly the same relation?

Mr. CUMMINS. What is the question?

Mr. WALSH. The question I address to the Senator is whether he sees in these letters anything which shows any difference whatever in the relations sustained between Mr. Warren and Mr. Havemeyer prior to 1906 and after 1906?

Mr. CUMMINS. I know that the testimony shows that there was a different relation, and the Senator knows that. I do not see any inconsistency between the letters as produced, written after 1907, and the relation which Mr. Warren says, and which everybody says, did exist between the Michigan Sugar Co. and the American Sugar Refining Co. I can see a very great deal of difference between the relations, even as shown by these letters, that Mr. Warren sustained to Mr. Havemeyer prior to 1905 and the relation he sustained thereafter.

Mr. WALSH. I do not. They mean just exactly the same thing. I can not for the life of me see that he was attorney prior to 1906 and sustained some other relation after 1906, or that he was business manager before 1906 and sustained some other relation after 1906. To me it is an unbroken, continuous relation.

Mr. BUTLER. Mr. President, I desire to ask the Senator if he knows that Mr. Havemeyer died in 1907?

Mr. WALSH. The record so states. I suppose, however, he wrote the letter before he died.

Mr. SMOOT. Mr. President, will the Senator yield for a question, to clear up one point?

Mr. WALSH. I yield.

Mr. SMOOT. Is there any letter in the hearings from Mr. Havemeyer dated after 1906 in which he gave specific instructions as to the price for which sugar should be sold, or what the policy should be? I have not read the testimony, so I can not say, but before 1906 Mr. Havemeyer would send a telegram and state that sugar should be sold for 5.05 or 5, and that it should be shipped to certain markets to be sold; that it should be either held or sold immediately. I was wondering whether there were any telegrams in the record bearing dates following 1906 along the same line, wherein he took the position that he had a right to demand the sale of sugar, direct its storage or sale, or otherwise.

Mr. WALSH. I have a letter here under date of October 14, 1907, that is not quite as imperious in its command as some of those which have been read; but to those of us who had a slight acquaintance with Mr. Havemeyer, we understood perfectly well that the expression of a belief on his part that "this ought to be done" or that "that ought to be done" was all that was necessary to his subordinates. Thus, in the letter of October 14, 1907, he said:

> A good Ohio broker or brokers (say two of them) would take care of the output of Fremont, selling it at the corresponding rate of the American Co.'s f. o. b. price, plus freight, less the 10 cents or whatever differential the Michigan companies allow.

In the same letter he said:

> My judgment is that at ruling rates—which, I understand, approximate the American Co.'s price plus the freight, with 10 or 15 cents differential—the output should be marketed, and, of course, on terms that will insure prompt delivery of same.

Mr. SMOOT. That is not mandatory; that is not a command.

Mr. WALSH. I quite agree with the Senator.

Mr. SMOOT. That is the expression of an opinion only.

Mr. WALSH. I quite agree; but I would like to see the subordinate of Mr. Havemeyer who would disregard his judgment thus expressed.

Mr. REED of Missouri. Does not the Senator understand that the invitation of the king is always a command?

Mr. SMOOT. No; I do not so understand it in business.

Mr. REED of Missouri. It is even so down here at the White House when there is an invitation for buckwheat cakes in the morning.

Mr. WALSH. I want to read one more letter, dated January 2, 1903:

JANUARY 2, 1903.

SANILAC SUGAR REFINING CO.,
Crosswell, Mich.

GENTLEMEN: In response to your letter of the 1st, we inclose herewith a copy of the contract we have been using, and beg to advise that this is the standard contract adopted by the Michigan Sugar Manufacturers' Association some two or three months ago.

In this connection, however, I wish to say that at the present time we are not writing any contracts, and we understand that your company also is not, as that is the agreement made by 11 of the companies of this section of the State, among which 11 the Sanilac is included.

Very truly yours,

VALLEY SUGAR CO.,
W. A. BAKER, *Secretary.*

I called the attention of the Senator to the letter of October 14, 1907, to show that whatever relations obtained between Mr. Havemeyer and Mr. Warren prior to 1906 continued at least to that date. Of course, the Senator has found it possible to harmonize that with the statement made by Mr. Warren in his testimony that his relations with the American Sugar Refining Co. ceased in 1906.

Mr. CUMMINS. That is not only my statement, but it is the statement of the Government.

Mr. WALSH. It is the statement of Mr. Warren in his testimony.

Mr. CUMMINS. It is the decree of the court. I do not rely entirely upon my own inferences from this correspondence and testimony.

Mr. WALSH. In his testimony before the Hardwick committee Mr. Warren said:

> Pardon me just a moment. * * * After 1906 I never performed any services for the American Sugar Refining Co. in connection with the industry in Michigan.

I call attention to the letter under date of June 10, 1907, which I have already read, in which Mr. Havemeyer wrote him, "How about taking in the German American? How about the Continental Co.?"

Here is a letter dated as late as November 29, 1907, from Warren to Mr. Havemeyer:

> Your letter regarding the Continental Co. received. I was in Cleveland last week and went over the matter thoroughly, and have taken steps to have the output of that company preferred in the matter of distribution. It is so difficult for the small independent companies to borrow money that they are making the price below any regular price that might be put out in order to secure immediate deliveries.

Both Edgar and Meinrath have been instructed in writing to make every attempt to sell the Continental sugar, and the Michigan Co. will give the Continental Co. the advantage of the Ohio trade.

Mr. CARAWAY. That was after he had sworn he had had nothing to do with the company for a year?

Mr. WALSH. Exactly. Has the Senator from Iowa given his attention to this letter?

Mr. CUMMINS. I am giving my attention to it.

Mr. WALSH. What would the Senator say as to that being consistent with the statement that Mr. Warren had never had any further relations?

Mr. CUMMINS. What I say about it is this: That prior to 1906 Mr. Warren was trying to make money by his services as a lawyer for the American Sugar Refining Co. After 1906 he was trying to make some money for himself as an independent producer. He had become a large owner in the sugar interests in Michigan, and he was trying to do the best he could for himself. The Senator understands there is a difference between a man working for himself and working for somebody else.

Mr. WALSH. The Senator amazes me every time he rises to his feet. There was not the slightest difference. Prior to 1906 Mr. Warren was an individual stockholder in at least three or four of the Michigan companies. He surrendered that stock and took stock in the Michigan Sugar Co. in exchange for it. He was not any more engaged in the sugar business after 1906 than he was before 1906. Prior to 1906 Mr. Havemeyer was an individual owner of stock in those individual, independent companies. He was interested in their success. Mr. Warren was a holder of stock in those independent companies. He was interested in their success. They did not buy, so far as the record discloses, any more stock in the Michigan Sugar Co. They exchanged the stock they had in the independent companies for stock in the Michigan Sugar Co.

Mr. SMOOT. Mr. President, does the record show that Mr. Warren was president of any company before 1906?

Mr. WALSH. No; it does not. It shows that he was a stockholder.

Mr. SMOOT. Just a stockholder?

Mr. WALSH. Yes.

Mr. CARAWAY. Is not a stockholder about as much interested in a company as its president?

Mr. WALSH. Of course.

Mr. CARAWAY. His interests are the same, are they not?

Mr. WALSH. Certainly. So that when he went to Cleveland in order to do business with a company down in Ohio after 1906 at the instance of Mr. Havemeyer he was acting in exactly the same capacity as he did when he went elsewhere in the State of Michigan and out to the State of Minnesota prior to 1906 in order to promote the business of those companies.

I have read a letter of March 4, 1907. He was leaving for Minnesota to destroy the equities and was trying to get the beet farmers in Minnesota to organize and have something to say about the price that the factories in Minnesota would be paying them for the beets, and Mr. Warren ventured the opinion that that would dissolve the same as all those evanescent farmers' companies, and so forth. On October 14, 1907, was written a letter which I have already read.

Mr. President, I do not desire to comment upon these letters. They tell their own story. They are a complete and comprehensive refutation of every position taken by the Senator from Iowa in defense of this indefensible appointment.

Mr. HARRIS. Mr. President, I move that when the vote is taken on the pending matter the Senate shall proceed to the consideration of the World Court and continue its consideration until there shall be a vote taken upon that matter. I wish to say just one word with reference to the motion. Last year in going through my State as a candidate for reelection I promised the people that I would do anything I could to prevent war. The World Court question has been before the Senate for several months. It has been recommended by President Wilson, President Harding, and President Coolidge. Therefore I move that after the vote has been taken on the Warren nomination the Senate take up the World Court question for consideration.

The PRESIDENT pro tempore. The motion which the Senator from Georgia makes is the equivalent of a motion to set a special order.

Mr. REED of Missouri. I raise the question that it is out of order.

Mr. CUMMINS. May I make an inquiry? The motion of the Senator from Georgia is not to be taken up at this time?

Mr. REED of Missouri. He has made the motion and is asking that it be taken up.

Mr. WATSON. I will say to the Senator from Iowa the Chair has ruled on the question that the motion is out of order.

Mr. CUMMINS. I do not want to have the disposition of the pending nomination interrupted; that is all.

Mr. REED of Missouri. I did not understand that the Chair had ruled. Did the Chair rule the motion to be out of order?

The PRESIDENT pro tempore. The Chair has not ruled the motion out of order. The Chair has ruled that the motion is in the nature of setting a special order, and therefore will take a two-thirds vote.

Mr. REED of Missouri. And in addition to that, the World Court proposition is still pending before the Committee on Foreign Relations, as I understand it.

The PRESIDENT pro tempore. It is.

Mr. REED of Missouri. Therefore it is not subject to consideration by the Senate until it is recalled from the committee.

The PRESIDENT pro tempore. Not until the committee is discharged. That point of order is well taken.

Mr. HARRIS. As the World Court is still before the committee, I move that the Committee on Foreign Relations be discharged from the further consideration of the measure and that after the Senate shall have voted on the pending Warren nomination it shall proceed to the consideration of the World Court matter.

Mr. REED of Missouri. That motion has to lie over a day?

The PRESIDENT pro tempore. It has.

Mr. CUMMINS. I make the point of order against the motion of the Senator from Georgia that it is not in order so long as the Senate is considering the pending nomination in open executive session.

The PRESIDENT pro tempore. The motion of the Senator from Georgia to establish a special order is not in order at the moment. The Senator from Georgia, however, has filed notice of a motion to discharge the Committee on Foreign Relations from the further consideration of the matter, and of course that motion goes over for one day.

The question is, Shall the Senate advise and consent to the nomination of Charles Beecher Warren to be Attorney General of the United States?

Mr. REED of Missouri obtained the floor.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Reed, Mo.
Bayard	Ferris	McKinley	Reed, Pa.
Bingham	Fess	McLean	Robinson
Blease	Fletcher	McMaster	Sackett
Bratton	Frazier	McNary	Schall
Brookhart	George	Mayfield	Sheppard
Broussard	Gerry	Means	Shipstead
Bruce	Gillett	Metcalf	Shortridge
Butler	Goff	Moses	Simmons
Cameron	Gooding	Neely	Smoot
Capper	Hale	Norbeck	Swanson
Caraway	Harris	Norris	Trammell
Copeland	Harrison	Oddie	Tyson
Couzens	Heflin	Overman	Wadsworth
Cummins	Johnson	Pepper	Walsh
Curtis	Jones, Wash.	Pine	Watson
Dale	Keyes	Pittman	Weller
Deneen	King	Ralston	Wheeler
du Pont	Ladd	Ransdell	Willis

The PRESIDING OFFICER (Mr. GILLETT in the chair). Seventy-six Senators having answered to their names, a quorum is present.

Mr. REED of Missouri. Mr. President, I had intended to discuss in some detail the position taken by the distinguished Senator from Iowa [Mr. CUMMINS], but the reading of the letters which are incorporated in the record of the suit brought by the Government against the Sugar Trust has answered nearly all of his argument so effectively that further discussion is absolutely unnecessary. If those letters have not demonstrated to the minds of all who listened the connection of Mr. Warren with the organization, perpetuation, and practices of the Sugar Trust over a period of at least 15 or 16 years, then nothing that I might be able to say would be of any avail.

I shall have something perhaps to say further in this connection as I proceed, but for the present and merely by way of fixing some landmarks I desire to call attention to a few dates and to a statement made by the Senator from Iowa. His argument was practically an admission that the practices and the conduct of the various sugar companies in Michigan with which Mr. Warren was connected were illegal practices as the law now stands, but that they were not regarded as illegal practices at the time they occurred.

Let me say, first, that the law as it now stands is the statute law of the United States. In so far as this particular matter

is concerned that statute has not been changed since it was enacted in 1890. It was the law then; it is the law now.

Reference has been made, however, by way of palliation to the Knight case, which was decided in 1895. It is asserted that the Knight case had apparently drawn a distinction which would permit the practices referred to without infringement of the statute.

Mr. President, the Knight case announced no such doctrine. The Knight case was strictly limited in its application to a peculiar situation, and was not susceptible of any such construction as counsel for the Sugar Trust attorney sought to give it here to-day. I do not put my opinion forward as settling that question, but Mr. Justice Harlan, in the Northern Securities case, makes this comment upon the Knight case:

> In the United States v. E. C. Knight Co. it was held that the agreement or arrangement there involved had reference only to the *manufacture or production* of sugar by those engaged in the alleged combination—

The words "manufacture or production" are italicized—

> but if it had directly embraced interstate or international commerce, it would then have been covered by the antitrust act and would have been illegal.

So the Knight case was confined merely to a narrow state of facts applying to that particular case, and did not concern the interstate transactions and conspiracies which have been disclosed in this case. I affirm that there never has been a decision of any respectable court in the United States that has undertaken for a moment to sanction the practices disclosed by the letters of Charles B. Warren that have been read in the presence of the Senate.

Moreover, if the Knight case had so held, the Northern Securities case, which announces an entirely different doctrine, and numerous other cases decided subsequent to the Knight case, had all been decided and had all been made public prior to most of the practices which have been here exposed. The Northern Securities case was decided on March 4, 1904. A very large part of the practices revealed by the letters which the Senator from Montana [Mr. WALSH] has produced occurred after the Northern Securities case had cleared up all doubt as to the meaning of the Knight case.

So Mr. Warren could not even plead ignorance; but a plea of ignorance of law, which is not allowed to the layman, comes with peculiarly bad grace from one who aspires to be the chief law officer of the greatest Nation on earth. I affirm that I have not the slightest doubt he knew exactly what he was doing.

Even if it had been held by the court that the statute law of the United States was not broad enough to cover these practices, still engagement in them ought to bar any man from the high position to which Mr. Warren aspires. Wrong and right are not always to be settled by the question whether an act is legal or illegal. There are many things that may be done that are legal; that is, they may not have been declared by any positive law to be illegal, and yet the doing of those particular acts is inhuman, barbarous, or merely contrary to the ordinary tenets of honesty and fair dealing. I say that if we had never had a Sherman Act placed upon the statute books of this country, nevertheless the man who used his power to control a market for the purpose of extorting an unjust price from the consumer or used his power in conspiracy with others to fix a price upon the farmers' beets and to specify at which factory the farmer might sell his beets, was an unfair man, and the man who did it violated the common law, if there had never been a Sherman Act upon the statute books. So the plea that a certain construction had been placed upon the Sherman Act does not exculpate the man who chooses to indulge in practices that are contrary to good morals, contrary to fair business, and contrary to everything to which men who love justice and equity adhere.

Mr. President, I shall not further consume time with reference to what the Senator from Iowa argued. Let me only say this, that those who heard the colloquy between him and the Senator from Montana [Mr. WALSH], and the construction he placed or attempted to place upon the letters read in evidence, and the fine distinctions he drew must have felt that the distinguished Senator from Iowa had lapsed back to that period in his early life when he was trying to defend a guilty man in a criminal court and was drawing all the nice and technical distinctions he could.

For myself, I would not say an unkind word of the Senator from Iowa. He is a lawyer of distinction, a man of ability, and a man of very high character; but, as we heard him speak, we must all have been impressed with the wisdom of the old adage that—

> A man convinced against his will
> Is of the same opinion still.

As these letters came forward, an avalanche of them, demonstrating illegal practices, demonstrating the fixation of prices, demonstrating an interlocking of interests, and a common conspiracy, the Senator from Iowa managed to find some sort of distinction in his own mind; but those who heard the letters and stand here fairly to weigh them know that in all the trust litigations which have taken place in this country, in State courts or Federal courts, there has never been so complete a demonstration of a corrupt and criminal conspiracy to violate the laws of the country as existed here.

I have not the slightest hesitation to say, sir, that if the law were enforced against the rich and powerful as it is enforced against the weak and lowly all of these gentlemen would have been behind the bars. I read the other day, not once but several times, in the press of an old negro in the State of Maryland who was arrested for harboring a dog without a license. He came into court, stretched out his old black hands, and said: "Jedge, I don't know whether he is my dog or not; he come to my house one snowy morning, and he was hungry and cold, and I opened the door and let him in, and he jest stayed here 'cause I didn't have the heart to drive him out. I hasn't got no money to pay the license with." The judge then said, "The law must be enforced; you harbored a dog; while your heart may have bled for him and although my heart bleeds for you, I have to fine you $100, and you must go to jail until you serve it out." Then some colored woman, who had enough humanity about her to love a dog, raised enough money to pay for the dog's license, and so saved the dog from death; but, if the newspaper accounts are true, the negro languishes in jail because the humanity and kindness of his heart made him give harbor to a helpless, starving, freezing dog.

That is the law we have given to the poor. But when men, now rich and mighty, deal in millions, it appears that consent decrees can be entered, and even an attempt made to whitewash and to give some kind of a bill of character to the man who for years was engaged in a conspiracy which was illegal in its conception, illegal in its prosecution, illegal in its consummation, and declared illegal by a consent decree.

Mr. President, when I speak in this case I do not speak as a partisan. I do not speak as a Democrat. Many years ago upon this floor a Democratic President nominated for a high position in this country—membership upon the Federal Reserve Board—a Democrat. I believed him to be in alliance with the Morgan interests, and himself to be the proprietor of a trust. I stood on this floor and inveighed against him until the President withdrew his name.

What President Woodrow Wilson did in that instance is what Calvin Coolidge, President of the United States, ought to have done in this instance.

It is said, by way of defense, that the Senate twice in the past has confirmed this man to high office. So far as I am concerned, I never knew that the Charles Beecher Warren who was appointed Ambassador to Japan, or the Charles Beecher Warren who made what I regard as an almost disgraceful contract with Mexico recently, was the same Charles Beecher Warren whom I examined when we were investigating and exposing the sugar lobby, and whom the Senator from Montana [Mr. WALSH] also examined at much greater length and with much greater ability. I know it now, however, and I am here to make my protest, not because of any partisan reason, but because this man's nomination for such a high position is in my opinion inexcusable.

Neither do I want to be understood, Mr. President, as inveighing here against mere wealth. I have no objection to offer to, and I have never attacked, the acquisition of great fortunes by honest means. I believe that the prizes for energy and ability ought to be great, and that the man who is able to add to the wealth of the country and thus add to his own, who has genius and ability in business, ought to be allowed the fruits of his industry. I have no criticism, sir, of Mr. Henry Ford because he has gained an immense fortune. He gained it by fair means. He employs it in a fair way. Neither do I inveigh against any other great capitalist who obtains his money in that way.

What I do object to, sirs, is that the man who acquires wealth or the man who is seeking to acquire wealth sometimes goes into combinations with others, gathers into the hands of one or two men a great power, and, without producing something useful or better, employs it to destroy the enterprises of weaker men.

Let me say that I look at the question of commercial freedom much as I look at the question of freedom of the seas. There was a time when no merchant ever sent out his cargoes in the search of foreign markets but he anticipated that some scoundrel sailing under a black flag, with more of guns and metal, would rob the craft and murder the crew. Finally civilization drove the black flag from the high seas. It is quite as necessary to drive from the open ways of commercial adventure the pirate craft that sinks, because of its superior power, the smaller enterprise that is seeking by honest means to live.

I warn those who are closely allied with the interests of wealth that the march of monopoly and the continued advancement of trusts will spell disaster in the end for those who to-day seek by every means in their power to defeat the purposes of the law and to enthrone great wealth in this country. I warn them that great combinations have resulted in the past in Government control, and great combinations in the future will bring Government control. Government control once set fully in motion will result in socialistic control. Those of you who propose to stand here to-day and uphold the hands of this trust organizer, this trust promoter, this trust conspirator, thinking you are doing a service to wealth, are in the end doing it a great disservice; for be assured of this: When the markets are sufficiently closed, when competition has been practically throttled, when a few men have gathered to themselves the power of domination in this country over the mighty mass, the mighty mass will be heard.

I stand here as a conservative, one who believes in preserving our institutions and our conditions so that there shall be fair competition always possible, so that the highway may be open, that the eager feet of every boy who is born on American soil can run unobstructed, and that he shall not be stricken down by highwaymen who lurk in the bushes, or forced to join the thieves.

Mr. President, I desire to take up another question. An insidious argument has been whispered around this Chamber, has been promulgated in the press, has been instilled into the minds of some wise men—for wise men do not always think. It is that the Senate has no responsibility; that we should say to the President: "This is your office. Do with it as you please. Handle it as you might your own private property, and then in the end we will hold you responsible."

Mr. President, a falser doctrine was never promulgated. It is false in fact, false in theory, false in its logic, and infamous to a degree that can scarcely be portrayed.

Let us see. When our fathers established this Government they did not set up a one-man government. They trusted no man. They created a government of checks, of safeguards, and of balances of power. Beginning with the structure of the States, in which there was to be left an enormous independent power, and proceeding to the formation of the Federal Government, they vested substantially all power in the legislative branch; for I affirm that the legislative branch of this Government could, if it saw fit, absolutely paralyze the arm of the Executive, and it was intended that it should be so. But they did not trust the business to one body of Congress. They divided it into two branches so that one should be a check upon the other. They gave to the President the power of veto, that he might be a check upon both.

They gave to the Congress the power to overturn the veto, that it might still work its will; and they vested in the Congress the power to impeach the President of the United States.

They gave to the Executive only a few limited powers. They made him commander in chief of an army, but they gave him no army to command. For that he must come to Congress. They made him commander in chief of a navy, but they gave him no navy to sail the seas. For that he must come to Congress. They made him the head of all the executive departments of the Government, but those executive departments can not function for a single day save Congress shall sanction it by the appropriation of money. They gave him the power to appoint certain officers, but in every instance, unless Congress waives its right, he must make those appointments by and with the advice and consent of the Senate.

It was not intended that we should waive that right. We have no more business to waive our sworn duty to advise properly and honestly—for that is what our oath means—to an appointment than the President has the right to waive the responsibility of his appointment, and say: "I pass it over to Congress. They need not consent if they do not wish to consent."

Moreover, substantially all of these executive offices, and particularly this office, were created by the Congress. We made the office. The Constitution did not make it. When we erected this office, we provided that the Senate should advise and consent in the appointment to fill it.

It is said, "This man and others are the Cabinet of the President." There is no such thing as a presidential Cabinet. That is a mere name, a mere figure of speech that has been devised. These 10 men usually called the Cabinet are only the heads of the 10 departments each created by a particular law.

It is said they are the advisers of the President. If they are the advisers, they are those whom he voluntarily calls in, and he has as much right to call in outsiders as to call in any one of these men. He has the right never to call them in consultation if he desires. It is purely a voluntary act on his part. But they have certain legal duties to perform under the law, and those duties embrace finally the entire conduct of the administrative business of the United States. Every bit of it is in the hands of these 10 men.

They represent, therefore, not the President, not themselves, not a combination known as the Cabinet. They represent the majesty of the law, of Congress, and the effective and practical government of 110,000,000 people. We stand here charged under our oaths of office to see to it that proper men assume these positions, and he who can anoint his conscience with any kind of salve that will enable him to escape that responsibility has a conception of the duties of the office of Senator of the United States widely differing from my own.

What is this office we are asked to fill? It is that of Attorney General of the United States. The President can call upon him for legal opinions. Aye, but every department of the Government can call on him for opinions. He is the adviser of every department of this Government except the Congress, and it can consult him if it sees fit to do so. His opinions are to be printed and preserved, and to them in the past has been given great weight. They are regarded and treated as the law, and followed by all the departments of this Government.

There is under the Attorney General, as a part of that department of the Government—not appointed by him, but under him—a solicitor general, who attends to all of the civil legal business of the United States. There are four Assistant Attorneys General. There is an Assistant Attorney General in charge of customs, the Solicitor of the Treasury, the Solicitor of the Internal Revenue, Solicitors for the Department of State and other executive departments. All of these are under the Attorney General; his opinions control them, and when his opinions are rendered, or when his policy is announced, it is carried into every one of these great departments of our Government.

He also superintends every district attorney's office in the United States. The various district attorneys are required to report to him the progress of their cases. They can scarcely initiate or dismiss an action without his permission.

So this man controls the whole machinery of our Government. He has under him, first and last, probably not less than a thousand men. They are located in every quarter of the United States. At his behest the machinery of the law may be put in motion. At his command, or at the mere winking of his eye, it can be paralyzed.

When you tell me that we have no responsibility in placing a man in a position of that kind, I say to you, you may reconcile your consciences as you will, but as for me, this man is not the private counsel of the President; he is the official head of the legal department of the greatest government there is on this earth, and a wise selection or an unwise selection will affect for good or ill all of our people.

So we have a responsibility. Those of you who want to shift it, if any such there be here, and say that the responsibility rests upon the President, I answer, not so says the Constitution. The Constitution places the responsibility upon the President to appoint. The responsibility is upon us here to advise and to consent to that appointment.

Let us take a comprehensive view of what transpired in the State of Michigan. To use an expression of a shrewd old Irish friend of mine, "We did not come to town yesterday." There are some things that we know so well that we do not need them to be proved or every gap completely filled. When I see a fox's tracks around a chicken coop, I do not need to have somebody swear he saw the fox. I know he has been there, and the more feathers there are the greater the industry of the fox. Applying that somewhat roughly to the case in hand, we have some knowledge of how pools, trusts, combinations, and conspiracies in restraint of trade are brought about and how monopolies are builded. If there ever was a typical case which ought to be recorded in the books as a guide for those who desire to organize trusts hereafter to follow, we find it in the transactions and matter now pending before us.

Let us begin at the beginning. This country had suffered from what were claimed to be the exactions of combinations between the sugar refiners. Much complaint existed, and at last somebody came forward and said, "We can raise our own sugar. We can promote beet culture in the United States." Immediately there appeared upon the floors of both branches of Congress the advocates of tariff protection for the benefit of the beet-sugar industry.

The Department of Agriculture became interested in it. Farmers and investors were told that large fortunes could be made in the beet-sugar industry. So it was started with the direct assistance of the Federal Government, for the express purpose of creating in this country a domestic industry that would enable us to become finally independent of the sugar produced abroad.

Under these circumstances, gentlemen in the State of Michigan began to organize sugar companies, and farmers were induced to plant. One of the early companies was created in 1899. It was the Peninsular Sugar Co., and Mr. Charles B. Warren helped to organize it. Other men undertook the organization of other companies, so that in 1900 or 1901 there were some seven important, independent, competing beet-sugar companies in the State of Michigan. At the same time similar enterprises were started in other States.

That was a most desirable situation. It meant for the farmer that if he could not sell his beets at a fair price at one sugar factory he could take them to another. He had the benefit of a competitive price for his product. It meant for the consumer that he could buy the sugar from any one of these factories in competition with other factories. So that the principle of competition was established and promoted by the organizations as thus created.

The Sugar Trust—to give it its legal name—however, had its eye on such thriving competition. Mr. Warren had helped to organize the beet-sugar industry. He had associated himself with these men who were engaged in that business. He owned 500 shares of stock in the Peninsular Co. He had been prominent and active. He was, of course, regarded as the friend of, and as an associate with, those who were engaged in the prosecution of the business, not only of the Peninsular Co., but the other companies.

Occupying that relation of confidence, friendship, and copartnership, if you please, with these other men, he secretly entered into an arrangement to betray his associates and this business into the hands of the Sugar Trust, the very institution with which the beet-sugar business had been created to compete.

Was it secret? The evidence shows that in 1905 and again in 1909 his associates testified before committees of Congress that the trust had no interest in these factories. Yet the fact was that although his company was organized in 1899, within two years, within 24 months, thereafter, he entered into an unlawful agreement with H. O. Havemeyer, acting for the American Sugar Co., by which he was to buy up the control of these Michigan companies. The letters read by the Senator from Montana [Mr. WALSH] from the record of the United States court demonstrates that to be an absolute fact. There can be no denial of it.

But it is said these companies were not making money. Why were they not making money? It might be answered that they had hardly existed long enough to be able to make money. But it is asserted and not denied that the trust, for the purpose of destroying them, had cut the price of refined sugar to less than the cost of production, that it had put vast quantities of sugar in the market where beet sugar had to find its purchasers and that therefore those companies were in great danger. That was the frontal attack.

Such is the attack that every trust has made upon its competitors since the days when John D. Rockefeller destroyed the early refiners of oil and gathered the industry into his hands. That is the frontal attack. The trust always does that for the purpose of acquiring the rival plants. But they always have a rear attack. While they are destroying the business and the markets of the competitors in front they invariably try to break their morale from the rear, and so when they can they will acquire stock, they will put men who represent their interests secretly upon the boards, they will disturb the policies of the companies, they will dominate their methods of doing business, until at last the man who is not in on the deal throws up his hands and surrenders at discretion and takes whatever he can get. So while they were cutting prices and swamping the markets with huge quantities of sugar Mr. Warren was betraying his associates into their hands by buying the stock secretly, holding it in his own name, and transferring the certificates of stock over to Mr. Havemeyer and his fellows. If I did not know anything more about Charles B. Warren than that, I would know that he was unfit to hold any office of honor, profit, or trust.

Did he do this? Something has been said about the decree of the Federal court. You will find but cold comfort in reading the decree, ye who would put the Sugar Trust conspirator in charge of the trust prosecutions of the country. The consent decree, after the charges of the petition were referred to, recited:

> This cause having come on for final hearing upon the pleadings and all the proof heretofore taken and on file, and agreement of the parties stated by counsel in open court, before three circuit judges of the second judicial circuit sitting in the district court under the provisions of the act of Congress known as the expediting act of February 11, 1903; and the said pleadings, proofs, and agreement of the parties having been duly considered by the said judges, it is now, on this 9th day of May, 1922, by the said judges, ordered, adjudged, and decreed as follows:
>
> First. That sufficient of the allegations of the original petition stating acts done and performed at and prior to the date of filing said petition, to wit, November 29, 1910, have been proved to entitle the complainant to a decree as herein provided; that the American Sugar Refining Co. and certain other defendant corporations were when said petition was filed, and had been for some time theretofore, engaged in an unlawful combination and conspiracy to restrain the trade and commerce among the several States and Territories of the United States and with foreign nations in refined sugar and to monopolize the same.

That is the solemn finding of the court. Who formed the combination? The decree runs against the American Sugar Refining Co. and it runs against the Michigan Sugar Co. Who, pray, organized or dominated the Michigan Sugar Co.? The story is easily told, and what a story it is!

As early as 1901 Warren had acquired secretly in his own name 87,167 shares of the seven Michigan companies. The total capital of the seven concerns was $5,800,000, divided into shares of $10 each. One-half of that amount is 290,000 shares. By 1906 there were 271,840 of those shares in the seven Michigan companies that had been acquired secretly for the Sugar Trust by Charles B. Warren and were held by him in his name. During that time that committees were being formed to fix the price of sugar members of them were in almost daily consultation with Havemeyer in regard to prices, as is demonstrated by letters and telegrams. It is also in evidence that all during that time they parceled out the territory in which each of them should sell sugar. They likewise parceled out the territory in which each of them would buy beets, so the farmers would be compelled to take the prices fixed by the particular scoundrel who ran the particular factory in his particular district. I say "particular scoundrel," and I say that because a man who will seek to deprive another man of his chance in the open market is a scoundrel, is a criminal under the laws of God and man and under the statutes of the United States of America.

Then what was the next step? Having acquired what was in fact a control of the seven companies, some 46 per cent of the stock—and everyone acquainted with corporations knows that means a complete control when the rest of the stock is scattered—so that they could dominate the policies of those seven companies, the companies were brought into one company. Why? They had tried theretofore through the organization of committees to fix absolutely the prices between these companies and also to make those prices conform to the regulations of Mr. Havemeyer, who was the secret principal of Charles B. Warren, the secret agent. But they thought they could perfect the monopoly by consolidating the several trust-controlled Michigan sugar plants into one corporation.

Therefore the second step in the service of this trust in carrying out the original conspiracy of 1901 was to organize the Michigan Sugar Co. Stock therein, equivalent to the hundreds of thousands of shares he held for the trust in the subsidiary companies, was issued to Charles B. Warren. Doubtless many men believed they were investing in an independent company that would compete with other companies when it was organized. Yet at the hour of its birth it came forth from the womb of the conspiracy controlled by the Havemeyer interests. Charles B. Warren was the agent of the trust and acted throughout as coconspirator.

Upon the evidence here he could have been convicted in any court of this land where a fair jury could have been impaneled. He did it as coconspirator. That was the conspiracy begun in 1901. It proceeded step by step until it resulted in consolidation of the six companies and the Michigan Sugar Co. in 1906, and in the control of that company at the hour of its birth, as I have stated.

Then what happened? The same manipulation of prices went on. As Mr. Warren was the president of the new company, those practices which had been attempted by the committee for the seven companies were now carried on by this company. Its officers were in consultation with, receiving advice and orders from, and directed by Mr. Havemeyer. They fixed the price of their sugar at exactly the price fixed by the Sugar Trust, with a differential of one-tenth of 1 per cent made because there was presumptively an actual difference in the value of the sugar to that amount, and save also the difference in freight rates. An absolute nation-wide combination now existed. All kinds of competition had been destroyed unless, indeed, as I am reminded as I look at my friend, the senior Senator from Louisiana [Mr. RANSDELL], there may have been some kind of competition still existing through the cane sugar raised in his State.

They proceeded step by step until 1910 the Government got after them. George W. Wickersham was Attorney General. With the exception of Mr. Justice McReynolds, he was the only real Attorney General we have had since I have been a Member of this body—a great lawyer, an honest man, a man who did not move without carefully studying his steps. He did not attack wealth indiscriminately. He was not a "trust buster." He was not a radical. He could have been received even into a caucus of the Republican Members of the Senate and remained in good standing. [Laughter.] He was a regular of the regulars, but he was a man who appreciated his oath of office and the high duties and responsibilities resting upon him. George W. Wickersham filed this bill of complaint after thorough investigation, as shown by the evidence here adduced.

Then it was that this man Warren had his change of heart. We are told that he wanted to put the Michigan Sugar Co. into a perfectly legitimate business, that he wanted to stop the wrongdoing of the Michigan Sugar Co. He wanted to save his own precious skin. I reply that not until the Government had filed these charges declaring that he was the instrument used in the organization of the trust, not until the Government had charged that the Michigan Sugar Co. and the Sugar Trust were part and parcel of each other, not until the Government had charged that there was a common ownership and a common control and that the law was violated—not until then did the sweet flood light of repentance penetrate the soul of Mr. Warren.

Then it was he was converted, but the conversion came to him because he feared the lash of the law upon his back and heard in the distance the clanging of a prison door. Even then he proceeded secretly. He began secretly for somebody—and he never would tell the Senate committee who it was—to acquire, as transferee, enough stock of the Michigan Sugar Co. from the trust so that they could go into court some day and say, "We were a trust, but we are not now. We have quit." That plea never should have been accepted in any court.

What would you think, sir, of a man who was arrested and indicted as a member of a horse-thief association for "running out" horses, who would come in and plead in his defense, "It is true, and we admit in court that we were once in the horse-stealing business, but we are not stealing them any more." What would you say to a court that would accept that kind of a plea? I submit that one of the dangers to this country is that these consent decrees have been entered and so the law paralyzed.

To whom did he transfer these shares? How did he get them? We tried to find out on an occasion when we were investigating the Sugar Trust. Mr. Warren was on the stand, and as I read this testimony and as you follow the meanderings of this gentleman, bear in mind that he had been previously examined by the Senator from Montana [Mr. WALSH], who had exhausted the ingenuity of his splendid mind in trying to get Mr. Warren to tell us something. What I did was merely by way of supplement. I present it here for two reasons—one, to show how secret were these dealings, and the other to show the lack of frankness of this man.

I have examined a good many witnesses in my time, and one can usually tell, after the second answer or so, whether a man is an honest witness or not; whether he is going to tell the truth and the whole truth frankly or whether he is going to cut and cover and double and twist. If you have ever hunted a fox, you know the characteristic that when you are chasing him and when he is apparently going north he is, in fact, going south. If you do not think of the fox as you hear this testimony, then your imagination is not as good as mine.

Senator REED. What do you know about the reduction of the holdings of the American Sugar Refining Co. in the Michigan company; that is, the recent reduction?

Mr. WARREN. I do not think there has been any recent reduction. The holding has been reduced since 1910.

That was recent, was it not?
We were examining him in 1913.

Senator REED. Did any part of that stock pass through your hands that had been held in your name?

Mr. WARREN. What do you mean by that?

Senator REED. The stock that was used for reduction purposes.

Mr. WARREN. Some of the people interested in the Michigan Sugar Co., including myself, have bought stock from the American Sugar Refining Co.

Senator REED. You bought stock when they were reducing their holdings. To what extent did you buy stock when they were reducing their holdings?

Mr. WARREN. I could not say.

Senator REED. Can you not approximate it?

Mr. WARREN. I could not say.

Senator REED. To what extent did you yourself buy stock or hold stock of any character during this reduction? I refer to this reduction of stock.

Mr. WARREN. I bought some stock from them when they were reducing, and various people bought stock from them when they were reducing.

Senator REED. How much did you buy?

Mr. WARREN. I could not say.

Senator REED. Can you not approximate it?

Mr. WARREN. No; I would not undertake to.

Senator REED. Was it a few thousand dollars or a few hundred thousand?

Mr. WARREN. It was a large sum.

Senator REED. As much as a million dollars?

Mr. WARREN. I say that I have bought hundreds of thousands of dollars' worth of stock.

He had not said so, but he stubbed his toe there and the truth fell out of his mouth. [Laughter.]

Senator REED. How many hundreds of thousands?

Mr. WARREN. I can not say. I can tell you, but I could not tell you offhand.

Does anybody believe that he did not know how many hundreds of thousands of dollars of stock he had bought? If he has so poor a memory and he shall be appointed Attorney General, he will forget that he holds the office some day and go over here to the Havemeyer interests and proceed to act as counsel for them.

Mr. CARAWAY. Mr. President, may I interrupt the Senator from Missouri?

Mr. REED of Missouri. I yield to the Senator.

Mr. CARAWAY. Let me ask the Senator what time intervened between the period when Mr. Warren bought this stock and the date when he gave the testimony to which the Senator is referring?

Mr. REED of Missouri. It was not quite three years.

Mr. CARAWAY. I understood the Senator from Missouri to say that this evidence was taken in 1913.

Mr. REED of Missouri. It was taken in 1913. The suit was filed in 1910 and the American Sugar Refining Co. began to get rid of the stock after the suit was filed. The testimony continues:

Senator REED. You have some record of it that would show?

Mr. WARREN. I probably could.

Senator REED. You say you could tell me?

Mr. WARREN. I think I could tell you.

Senator REED. Have you some record some place that you could go to and find out the fact?

Mr. WARREN. Yes. I could refresh my recollection about it, I think.

Senator REED. Have you some correspondence that you had with the American Sugar Refining Co. or its officers in regard to this matter about which I am inquiring?

Mr. WARREN. I do not know. If I have, I am willing that you shall have it.

But he never produced it.

Senator REED. You did, as a matter of fact, embark with them or act for them in their efforts to reduce their stock holdings?

Mr. WARREN. I did not embark with them and act for them. I thought it was desirable for them to reduce their holdings.

He went to them and told them that they ought to reduce their holdings; he became the medium through which they did reduce them, but he did not "embark" with them.

Senator REED. Were you their representative in that matter?

Mr. WARREN. I was not their representative in any matter since 1906—

The statute of limitations had run by that time—

since I was connected with the Michigan Sugar Co.—except as I have explained—that these stock certificates which they had stood in my name up to a certain time.

Senator REED. You thought it was desirable for them to reduce their holdings? It was not simply because you thought it was desirable for them to reduce their holdings that you purchased their stock? You did not go and invest your money to the extent of hundreds of thousands of dollars in stock held by the Sugar Trust just because you thought it was desirable that they should reduce their holdings?

Mr. WARREN. Partially I did; yes, sir.

Senator REED. How much did you hold of the stock in the company at that time outside of the stock you held as representing them?

Mr. WARREN. At what time?

Senator REED. At the time that you bought these hundreds of thousands of dollars worth of stock—since 1910.

Mr. WARREN. I could not say how much.

Senator REED. At the time you say you thought it was desirable that the holdings of the trust in the Michigan Sugar Co. should be reduced, and at the time when you say that one of your motives and reasons was your desire to have them reduce their holdings, I want to know what your financial interest was in the Michigan Sugar Co.?

Mr. WARREN. I could not tell you how much stock I held at that time.

Senator REED. Did you hold any considerable amount?

Mr. WARREN. I held considerable at various times, but what amount I held at the specific time when I purchased the amount from them I can not tell.

Senator REED. Will you not please tell the committee why you purchased these hundreds of thousands of shares of stock?

Mr. WARREN. I beg your pardon, but I did not say hundreds of thousands of shares of stock; I said hundreds of thousands of dollars.

Senator REED. I do not mean that you purchased that many shares. I mean hundreds of thousands of dollars represented by shares.

Did I get an answer to that question? Here is the answer:

Mr. WARREN. You spoke of $100,000, and the purchase was over $100,000.

I had said hundreds of thousands of dollars.

Senator REED. You said it ran into hundreds of thousands?

Mr. WARREN. I think it did.

Senator REED. Will you tell us what your real motive was and all of your motives and all of your reasons for the purchase of these hundreds of thousands of dollars' worth of that stock?

Mr. WARREN. Because from the decisions that had been handed down by the courts in this country it had come to be pretty definitely understood by lawyers that a holding by one company in another company in excess of a third of its capital stock makes it liable to be regarded as violating the Sherman law. These holdings were finally collected in various places in the country into the hands of the American Sugar Refining Co., and we believed that that would get the Michigan Sugar Co. into difficulty—

The Michigan Co. was just as much a part of the combination as a centipede's leg is a part of the centipede. The things upon which the body of that insect travels are its legs, and one of the things by which a trust propagates itself and moves about is the subsidiary which it controls for the purpose of fixing prices. The gentleman who secures the subsidiary, who supplies that leg, is just as criminal and just as vicious as the gentlemen who constitute the principal body of the concern.

I read on:

and we believed that we would get the Michigan Sugar Co. into difficulty.

They were all in difficulty. He was in difficulty: Havemeyer's company was in difficulty. Havemeyer had been then gathered to his fathers, but his company was in difficulty, and those who controlled wanted to get its affairs in such shape that upon the face of the record the various subsidiaries apparently were not under one absolute control, although everybody who knows anything about it knows 33 per cent in any one of these corporations held by a trust is a substantial control.

Mr. Warren continued—

so I thought it a wise thing for the stockholders that the American Sugar Refining Co. should lessen its holdings.

Senator REED. You thought that was a wise thing for your stockholders?

Mr. WARREN. I did; yes.

Senator REED. That was your motive from your standpoint, but how did you induce the Sugar Trust to sell its stock?

Mr. WARREN. The American Sugar Refining Co. was not particularly desirous of selling its stock.

Now, just bear that answer in mind for a moment—

The American Sugar Co. was not particularly desirous of selling its stock.

Senator REED. It was not particularly desirous, but how did you induce it to sell?

Mr. WARREN. Because they realized what the situation was, themselves.

Senator REED. When was that?

Mr. WARREN. I said it was in 1910, and since.

Senator REED. You said a little while ago, when talking with Mr. WALSH, "We are both lawyers," and you are still included in that definition. You understand perfectly well that I want you to tell the committee all about the reduction of that stock, why it was done, and how it was brought about—the whole thing—and I will thank you to just answer my question.

Mr. WARREN. Senator Reed, I have answered frankly. That is why it was done.

Senator REED. You have told us very little about it.

Mr. WARREN. I have told you just exactly why it was done.

Senator REED. Who was it that proposed it in the first instance?

Mr. WARREN. I could not say that, because it would be the consensus of opinion of the board.

Senator REED. Where was it first discussed?

Mr. WARREN. I could not say that.

Senator REED. Who first wrote about it?

Mr. WARREN. I could not say that.

Senator REED. What is your first recollection about it?

Mr. WARREN. My first recollection is that they were willing to sell some stock. My opinion is that they originated it themselves.

And yet a moment before he had stated that they were not particularly anxious to sell their stock.

Senator REED. Who?

Mr. WARREN. The American Sugar Refining Co.

Senator REED. I thought you said the reason that you bought it was that you thought your company ought for the sake of your company, the Michigan Co., to have the holdings of the American Co. reduced, but that, on the other hand, the trust was not anxious to sell?

Mr. WARREN. Then you have not recollected accurately what I stated. I stated that both sides appreciated the situation, although the American was not exactly anxious to sell the stock at that price.

Senator REED. Did they reduce the price of their stock below the price at which it had been held up to that time?

Mr. WARREN. What do you mean?

Senator REED. When you started upon this campaign of reduction, I want to know what happened to the price of the stock? Did the trust reduce to the purchaser the price of the stock that it held?

Mr. WARREN. The trust fixed a price on that stock. Whether they reduced it or not——

Senator REED. Did they fix it lower than it had been originally regarded as being worth?

Mr. WARREN. I do not know that they did.

Senator WALSH. Senator REED has asked you about the recent reduction in the stock of the American Sugar Refining Co. since the Hardwick testimony. You told us that they then had 42 per cent of the stock in the Michigan company, and that they had since reduced it to 33 or thereabouts, did you not?

Mr. WARREN. I think the testimony showed that they owned 42 per cent.

Senator WALSH. Forty-six per cent, as a matter of fact; but you have told Senator REED now about some reduction that was made in 1910.

Mr. WARREN. And since.

Senator WALSH. Did you not answer Senator REED that the reduction spoken of was made in 1910?

Mr. WARREN. I said it began in 1910.

Senator WALSH. That was your testimony, was it not?

Mr. WARREN. 1910 and since.

Senator NELSON. 1910 and since. He repeated that several times.

Senator WALSH. The reduction since the Hardwick testimony was from 42 per cent to 33 per cent?

Mr. WARREN. I believe so; 33 and a fraction.

Senator WALSH. And that reduction was made upon the consideration that you speak of?

Mr. WARREN. It was made because of those motives.

Senator WALSH. And those motives had been operative since 1910, when the reduction commenced?

Mr. WARREN. Yes.

Senator WALSH. What was the amount in 1910, before the reduction did commence and until the testimony in the Hardwick hearings was taken in 1911?

Mr. WARREN. I do not recall what their holding was in 1911. At the time of the Hardwick hearings it was shown to be 42 per cent, you say.

Senator WALSH. You say the reduction commenced in 1910?

Mr. WARREN. I think it did.

Senator WALSH. But you can not tell how much larger than that it was at that time?

Mr. WARREN. No, sir.

Senator REED. I am going to see if I can get at this matter in another question or two, and it may save us coming back here to-night. When you purchased these hundreds of thousands of dollars' worth of stock that were held by the American Sugar Refining Co. in your Michigan Co., with whom did you transact your business?

Mr. WARREN. With the treasurer of the American Sugar Refining Co. or with the president.

Senator REED. Do you remember how much you purchased in the first batch that you obtained from them?

Mr. WARREN. I do not.

Senator REED. Did you actually send them money?

Mr. WARREN. I did.

Senator REED. Do you remember the amount?

Mr. WARREN. I can not remember the amount. I remember that at the time of the Hardwick hearing I held about $450,000 worth of stock.

I should like to make a wager that he never paid $450,000 for that stock, and that if he held it the most of it was water. I believe he is a rich man to-day through these practices, and I feel myself warranted in saying that from his testimony.

Notice his answer. I asked him if he sent the money.

Mr. WARREN. I did.

Senator REED. Do you remember the amount?

Mr. WARREN. I can not remember the amount. I remember that at the time of the Hardwick hearing I held about $450,000 worth of stock.

Senator REED. At the time of the Hardwick hearing?

Mr. WARREN. I think I testified to that at that time.

Senator REED. You had held that stock all of the time for this company, had you?

Mr. WARREN. For what company?

Senator REED. The American.

Mr. WARREN. I said that I testified at the Hardwick hearing that I owned that amount of stock myself.

Senator REED. So that you had actually purchased with your own money $450,000 worth at that time?

Mr. WARREN. I did not say that I had actually bought $450,000 worth, because I might have accumulated the stock before I bought.

So it is difficult to tell how he got most of this stock. He might have accumulated it before he bought, and he does not say how much he bought; and as they doubled the capital stock at the time they went into the Michigan Sugar Co.—they issued stock in the amount of $9,000,000 for stock that had previously had a face value of $5,800,000—it is not hard to tell how much water went in at that time.

At the time the Hardwick testimony was given I owned in the neighborhood of $450,000 worth of stock.

Senator REED. Of course, you bought it sometime from somebody?

Mr. WARREN. Senator, you have got a mistaken notion to think I should remember these things. I certainly could not remember them without refreshing my recollection. They were big transactions, and it is imposible for me to remember about them.

The bigger the transaction the harder it is, I suppose, to remember about it.

I had no idea of being examined on such a subject as that before this committee. I can recollect, because I have read the Hardwick testimony over, that in the Hardwick testimony I testified I owned $450,000 worth of stock.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? If he only knew by reading what he had sworn before, how did he find out what he swore that time?

Mr. REED of Missouri. I do not know. That is beyond my comprehension.

But I proceed:

The stock of this company sold very cheaply in the first instance, and the common stock started to sell as low as $7.50, I believe, and sold at $10, $20, $30, and $40, and went up with the rise in the earnings of the company; and I stand by what I said before the Hardwick committee—that I owned $450,000 worth of stock at that time.

If the stock was $100 a share and he was taken in at $7.50, it is not hard to tell how cheaply he obtained a large interest in the company, not as an attorney but as joint owner and fellow conspirator; and that is what he was from first to last.

The serpent that started out in 1902 was a little thing then; it began to twist and crawl, and it got bigger. By 1906 the Sugar Trust performed for it a repetition of the miracle of Aaron's rod. You will remember that all the magicians threw down their little rods, which at once turned into snakes, and wiggled and twisted, but they were only snakes. Aaron threw down his rod; it became a great serpent, just proceeded to swallow up all of the snakes, waltzed around the room, and was the whole snake show. [Laughter.] So in this instance the Michigan sugar companies had all been absorbed into the belly of the trust. They were a part of it when it robbed the farmers and exploited the consumers of sugar throughout the country. The man who can not see that is not fit to sit, in my judgment, on a jury.

He continues:

The stock of this company sold very cheaply in the first instance, and the common stock started to sell as low as $7.50, I believe, and sold at $10, $20, $30, and $40, and went up with the rise in the earnings of the company; and I stand by what I said before the Hardwick Committee—that I owned $450,000 worth of stock at that time, and what I have bought from the American Sugar Refining Co. I did buy and pay for.

Of course, what he bought from them he did buy and pay for. How much did he get that he did not buy? How much was he custodian and conduit for, as he was in these other transactions? How much of that reduced stock was taken out of the American Sugar Co., apparently out of the hands of the proprietors of that company, and put secretly into the hands of somebody else who did what Warren had been doing all these years—voted the stock as the Sugar Trust wanted? Have you heard of any competition since that day between the beet-sugar companies and these refiners? Has a different condition existed? Not that I have heard of.

There was not any question about my agreeing to take it and not paying for it. I paid for it.

Senator REED. And then you afterwards disposed of it?

Mr. WARREN. I disposed of some part of it. In that particular instance that you speak of there, afterwards some of the men in the company bought a large quantity of stock; the men interested in the company bought some of that stock.

Senator REED. In which company?

Mr. WARREN. Those interested in the Michigan Sugar Co.

Senator REED. That $450,000 worth of stock that you had when you testified before the Hardwick committee was not stock that you had acquired for the purpose of assisting the American Sugar Refining Co. in reducing its holdings?

Mr. WARREN. Some part of that stock I had bought from the American Sugar Refining Co.

Senator REED. Had you done it at that time for the purpose of assisting them in reducing their holdings? Was that any part of the campaign to reduce holdings?

Mr. WARREN. Not only to assist them, but because I thought it was desirable for the holdings to be reduced.

Senator REED. Had there been any conference before that?

Mr. WARREN. Before the Hardwick committee testimony?

Senator REED. Yes.

Mr. WARREN. Yes; of course, the bill had been filed before that.

Senator REED. What bill?

Mr. WARREN. The dissolution proceedings.

Senator REED. Oh, yes. So that after suit had been brought to dissolve the American Sugar Refining Co. or the Michigan Sugar Refining Co., which was it?

Mr. WARREN. The bill was brought against the American Sugar Refining Co.

Senator REED. Then the allegation was made that it owned stock in the Michigan Sugar Refining Co. and that was one of the allegations upon which the trust claim was based?

Mr. WARREN. Yes.

Senator REED. Did you start then to acquire stock for the purpose of reducing the holdings of the trust in the Michigan Sugar Refining Co.?

Mr. WARREN. We tried to reduce those holdings so that the Michigan Co. would not be adversely affected.

Senator REED. Did you have a meeting or a consultation about that at any time with the men that were interested in the company?

Mr. WARREN. I talked with others about it.

Senator REED. With whom did you talk?

Mr. WARREN. I talked with the general manager, Mr. Wallace, for one.

Senator REED. The general manager of which company?

Mr. WARREN. The Michigan Sugar Co.

Senator REED. Who was it made the arrangement that the American Sugar Refining Co. was to unload?

Mr. WARREN. I do not know why you call it unloading.

Senator REED. I mean reduce its stock holdings in your company.

Mr. WARREN. That was done for a purpose——

Senator REED. I am not saying that it was illegitimate, but who was it who made the arrangement that it should reduce its holdings?

Mr. WARREN. I asked them to.

Senator REED. Whom did you ask?

Mr. WARREN. I presume it was Mr. Thomas at that time.

Senator REED. Who was Mr. Thomas?

Mr. WARREN. I think he was the president of the company.

Senator REED. Of the American Sugar Refining Co.?

Mr. WARREN. Yes.

Senator REED. Where did you see Mr. Thomas?

Mr. WARREN. I either wrote him or saw him in New York.

Senator REED. Do you remember now whether you went to New York to see him or not?

Mr. WARREN. I do not recollect.

Senator REED. Where did you see him in New York?

Mr. WARREN. If I saw him in New York, I saw him at his office.

Senator REED. You have seen him at his office in New York, then, at some time in regard to some matters; you have seen him often there, have you not?

Mr. WARREN. I have not seen him often. I have seen very little of Mr. Thomas, but I have seen him there, of course.

Senator REED. All the stock you bought from the American Sugar Refining Co. in helping them reduce their holdings in the Michigan Sugar Co. you bought in good faith and paid cash for?

Mr. WARREN. I did, sir.

Senator REED. And it amounts to some hundreds of thousands of dollars?

Mr. WARREN. Yes.

Senator REED. And you have sold some of that stock, and part of it you still have?

Mr. WARREN. Part of it I still have; and some of it went to the general manager and some of it to the vice president and some of it to the secretary and some to the treasurer of that company.

Senator REED. Of what company?

Mr. WARREN. Of the Michigan Sugar Co. The great bulk of it that was disposed of by me went there.

Senator REED. All good-faith transactions?

Mr. WARREN. Yes, sir.

Senator REED. No understandings on the side, or anything of the kind?

Mr. WARREN. None whatever, sir. The money was paid by each of them and paid by me.

Senator REED. Did the American Sugar Refining Co. offer any special inducements for that transaction; cut the price down and give you a bargain?

Mr. WARREN. I do not think so. It is not worth as much now as it was then.

Senator REED. You people were simply buying it to cut your company loose, as I understand, from the American?

Mr. WARREN. We thought that it would be beneficial.

Senator REED. What were your holdings in the Michigan Co. at that time?

Mr. WARREN. What do you mean by "at that time"?

Senator REED. At the time you started upon this campaign and paid these large sums?

Mr. WARREN. I can not tell you that.

Senator REED. Was it a substantial holding—a large holding?

Mr. WARREN. I think it was a substantial holding.

Senator REED. Does it amount to as much as the stock you bought?

Mr. WARREN. I do not think so.

Senator REED. I am trying to get at what was the inducement or reason for you to pay this large sum of money in to acquire the stock from the American Sugar Refining Co. in order to benefit the Michigan Co., when you only had a small interest in the Michigan Co.

Mr. WARREN. I was very vitally interested in the Michigan Co. I was its president and general counsel, and men who are my friends are interested in it. I had the same motives that the vice president and the general manager and the secretary and the treasurer had. I think that the practice is a good one. I do not find fault with the fact that the holdings of these large companies in smaller companies should be decreased.

Senator REED. I do not find any fault with their being decreased.

Mr. WARREN. I think it is a good thing.

Senator REED. I do not think it ought ever to have existed in the first place.

Mr. WARREN. You recall that the Michigan Co. was not any part of the general plan; that is, that the Michigan Co. had no knowledge of the general plan of the New York people, and when it came to be disclosed what their ramifications were it was a very natural thing for the Michigan Co. to seek to get itself out of trouble, if it were in trouble.

Senator REED. The amount of reduction that you undertook to bring about, however, was just enough so that you thought you would get down to a point of safety from prosecution under the trust act?

Mr. WARREN. It was not especially desirable to have anybody buy any more than they had to, Senator.

Senator REED. That was the point you tried to reach?

Mr. WARREN. Exactly.

Senator REED. You thought 33 per cent was permissible, and you would cut it to about 33 per cent?

Mr. WARREN. Yes. That seemed to be the line of cleavage.

Senator REED. Do you still represent the American Sugar Refining Co. in New York?

Mr. WARREN. I do not represent the American Sugar Refining Co. in New York.

Senator REED. You have no kind of connection with it?

Mr. WARREN. None whatever.

Mr. President, for 40 years our people have struggled with this sugar combination in its various forms. As was said by the Senator from Montana [Mr. WALSH], it has been in the courts of State after State. It has been found guilty time after time. With all the evidence before him, with a knowledge of all those facts, Mr. Warren enlisted in this great campaign to absorb the beet-sugar business of this country. He became a partner and a profiteer in that transaction. He aided and abetted it at every step, and he did it secretly, so that Mr. Hathaway, testifying before the Hardwick committee in 1909, practically denied that the Sugar Trust had any interest in the Michigan companies. When Mr. Warren took the stand he undertook to give the same impression by saying that he did not own the stock himself and that he did not hold the stock in trust. It took a corkscrew, with the sharp end of it inserted into Mr. Warren and the other end in the legal hand of the able Senator from Montana, to corkscrew out of him the distinction that he was trying to make, namely, that he did not hold it in trust and he did not own it; it just stood in his name on the books, but he had forwarded the shares indorsed in blank.

Now, let us see. He sat upon the board as the representative of this company and, of course, voted this stock as his own, for the company did not know otherwise. Then, when they found it necessary to change the form of their holdings in any way, the stock was sent back to Mr. Warren, and again he transferred it and sent it back. Of course, they did not let him hold it. Everybody knows that these rascals did not trust each other; so they would require him, if they put the stock in his name, to indorse it in blank and send it back. That goes as a matter of course; but we could not get the facts about that matter until finally they were literally dragged out of him by a series of questions that did not permit evasion. Those questions only began to be answered, the inside of the matter only began to be exposed, when he and his fellow conspirators who were testifying before the Hardwick committee, particularly his fellow conspirators, were confronted with a record of the State of Michigan, and so we had such answers as this: "Well, if the record shows it, it is so."

Sirs, I trust that a sufficient number of Senators remain who have not been, as was Henry, seduced to political apostasy by the family sap bucket, or gorged into stupefaction by buckwheat cakes and Vermont maple sirup, or lulled to moral insensibility by the melody of waves breaking against the prow of the *Mayflower*, to vote against delivering the Department of Justice into the hands of the Sugar Trust, et alios ceterorum.

To appoint Charles Beecher Warren to enforce the trust laws against himself and his associates is as wicked as to appoint Albert Fall special prosecutor of Harry Sinclair.

Fall could be bought. Warren is owned in advance, for his interests are there.

Fall could be induced to betray the law that he might put money in his purse. Warren needs no inducement to paralyze the law that he may keep money in his pocket.

Fall hoped to escape prosecution. Warren will be assured against punishment.

Fall aided others to commit crime. Warren contrived and assisted in the execution of crime.

Fall's unlawful purpose was secret. Warren's corrupt practices are to-day known.

Do Senators tell me this man was vindicated by the decree of the district court? The court found the Michigan Co. to be a part of this trust and only absolved it as far as an injunction against its present condition was concerned because the stock had been reduced. It made it a part of the decree by forbidding it to permit any larger amount of its stock to get into the hands of the Sugar Trust. A stipulation put into the record by lawyers who were trying to patch up the record is also relied on. What is it?

It is admitted by Mr. Knapp, on the part of the Government, that Charles B. Warren or the law firm in which he is a partner is not now employed in any capacity by the American Sugar Refining Co. and has not been so employed since the organization of the Michigan Sugar Co., in September, 1906. And it is further admitted that the American

Sugar Refining Co. paid no service charge for the organization of the Michigan Sugar Co. to Mr. Warren or any firm with which he was connected.

Of course he is not employed any longer. Of course he was not employed after 1906 under a salary. He was then the joint owner of a part of the trust and he was working for himself every day. He was working against the people of the United States every day and against the beet-sugar producers every hour. Of course he was not employed. But do you find anywhere a statement that Charles Beecher Warren's connections with these transactions were honorable and legal? Do you find anywhere in this decree the statement that Charles Beecher Warren had not violated the law, that he was not a part of this conspiracy? You do not find it.

Finally, to-day stands this situation, that the Federal Trade Commission charges that at this blessed hour a combination and conspiracy in restraint of trade exists whereby these other companies, the Michigan Sugar Co. and others, have combined to control the price of beet pulp so that the farmer can be compelled to pay an extortionate price for this food product. That is a present, existing, living thing, and it occurred not before 1906, but since 1906, to wit, in the year of our Lord 1925, and it still exists.

Yet it is said that we will take this man and put him at the head of the Department of Justice, where, by a single wave of his hand, he can paralyze every prosecution of every trust, and grant immunity to every scoundrel who has been engaged in conspiracy against the people of the United States. There has never been, in my judgment, a thing so bald, so insolent, and so indefensible.

As I sat with my associates, a member of the lobby investigating committee, as we found after pursuing many tortuous paths a way into the story of the Sugar Trust, as we brought their reluctant witnesses before us, and as I examined this man, who undoubtedly was the keystone in the arch of that combination, which took over or controlled the sugar business of this country and brought it within the domination of the trust—as I sat and examined this man and saw him twist and squirm and dodge and double and turn in his tracks, and refuse to be frank, but, after all, forced to admit his connection with this infamy, no man on earth could have made me believe the time would ever come when any President would have the temerity to appoint him as the head of the Department of Justice, which is presumed to prosecute trusts and malefactors who conspire against the welfare of the people.

I wonder, sirs, what that wise lawyer, that great man, and that great Republican, George W. Wickersham, who drew this bill and made these charges and who tried to vindicate the laws of his people—I wonder what he thinks as he sees the man whom he by name charged in the petition as being a conspirator against the public now about to occupy the seat he once honored and to undo the work he accomplished.

I wonder what the people of the United States will say as they gaze upon this scene. What will the bar and bench say when they behold a law nullified by a single appointment; when they behold the spectacle of trusts putting in their own organizer, their one-time attorney, a man himself to-day interested in a company standing indicted by the Federal Trade Commission as a conspirator against the farmers of the State of Michigan, in this year of our Lord when farmers are crying for aid and Congress has been ineffectively endeavoring to extend that aid?

What will the people say as they behold the spectacle of the trusts naming the Attorney General of the United States, of the Sugar Trust presiding over the Department of Justice, and from that high place protecting the combinations of the past and of the present? Ah, what will the people of the United States say? We meet and pass laws. We inscribe statutes, which represent the sovereign will of a great people, and then we put the criminal at the bar, the villain who stands in the dock, the conspirator himself, in charge of the execution of these laws.

Mr. President, I have finished with all I desire to say, except this one thing. I hope that the indictment of the old poet against the statesmen of other days will not be found true of this day, this generation, and this Senate. He said:

> The bawd would give her trade a gallant name,
> And statesmen vaunt their shame as worth and fame.

The Senate must decide. Upon your consciences and on your oaths you can not pass responsibility elsewhere. The Constitution places it here. It rests upon our consciences. We can only discharge it by exercising the power given to us by the people in accordance with the mandate of the Constitution.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Reed, Pa.
Bayard	Fernald	McKinley	Robinson
Bingham	Ferris	McLean	Sackett
Blease	Fess	McMaster	Schall
Borah	Fletcher	McNary	Sheppard
Bratton	Frazier	Mayfield	Shipstead
Brookhart	George	Means	Shortridge
Broussard	Gillett	Metcalf	Simmons
Bruce	Goff	Moses	Smoot
Butler	Gooding	Neely	Spencer
Cameron	Hale	Norbeck	Stanfield
Capper	Harreld	Norris	Swanson
Caraway	Harris	Oddie	Trammell
Copeland	Harrison	Overman	Tyson
Couzens	Heflin	Pepper	Wadsworth
Cummins	Johnson	Pine	Walsh
Curtis	Jones, Wash.	Pittman	Watson
Dale	Keyes	Ralston	Weller
Deneen	King	Ransdell	Wheeler
du Pont	Ladd	Reed, Mo.	Willis

The PRESIDENT pro tempore. Eighty Senators having answered to their names, there is a quorum present. The question is, Will the Senate advise and consent to the nomination of Charles Beecher Warren to be Attorney General of the United States?

Mr. SHORTRIDGE. Mr. President, the people of the United States have confidence in the President. The President of the United States has confidence in Charles Beecher Warren. As a Senator of the United States, I have confidence in them both. That is sufficient.

Mr. COUZENS. Mr. President, in view of the fact that Mr. Charles Beecher Warren is from my home State, and I have been personally and intimately acquainted with him for 20 years, nothing would give me greater pleasure than to be able to stand upon this floor and urge with all of my power his confirmation. When during the last Congress one of my fellow Michiganders was in difficulty I stood upon this floor and with my limited ability defended him to the utmost. I believed that Mr. Denby was an honest, faithful Secretary of the Navy. I did everything I could to prevent the Senate passing a resolution condemning him. I would rather stand upon the floor of the Senate and talk for somebody and for something than to stand here and talk against anybody or anything.

But, Mr. President, on this question I feel so keenly that I am convinced I should not let the matter come to a vote without expressing not only my personal feelings, but I am sure I am expressing the feelings of my colleague from Michigan [Mr. FERRIS], and the feelings of at least nine-tenths of the citizens of Michigan when I say that we do not believe that Mr. Warren would make a good Attorney General. We do not believe that he would elicit public confidence, and if there is any one thing the Government needs at this particular time it is that the great masses of the people should have confidence in their Government.

I would not hesitate particularly to put Mr. Warren in the Department of Justice if I were going to have the right to watch him and follow him. I would not hesitate to declare that he might under those circumstances do his duty. But we have 110,000,000 citizens who must have confidence that the laws are going to be enforced, and I want to say that the American public will not have confidence if Mr. Warren is placed at the head of the Department of Justice.

I am, first of all, interested in my country. I am, first of all, interested in all the people. Next, I am interested in my party. I can not condone, however, many things that my party has done and things that my party continues to do. I am sorry that my party is insisting upon the confirmation of this nominee. I am sorry that the President made the appointment. I am sorry to have to talk against it. I am sorry, finally, to have to vote against it.

Mr. FERRIS. Mr. President, I shall not consume any of the time of the Senate in discussing Mr. Warren's nomination. I have known him for many years, and as we meet men and know men I esteem him very highly. But the information that has been brought out in the Senate is of such a character as to make me feel that I owe it to the State of Michigan and I owe it to the United States to oppose the confirmation of Mr. Warren as Attorney General.

Mr. OVERMAN. Mr. President, I voted in the Committee on the Judiciary to report favorably the nomination of Mr. Warren to be Attorney General. I wish to say just a few words in explanation of my vote.

Calvin Coolidge was elected President of the United States by an unprecedented majority. Congress makes the laws. The President enforces the laws. The Supreme Court interprets the laws. If Calvin Coolidge does not enforce the antitrust

laws or any other laws, which he has sworn to do, he is responsible and the people will hold him responsible.

For 136 years it has been the policy of the Government to allow the President of the United States to appoint his own official family without hindrance with perhaps six rare exceptions. I took the position when Woodrow Wilson was elected President, when there was threatened a fight against two of the members of his Cabinet, that the President ought to have the right to select his official family, for the responsibility had been placed upon him by the American people, and that he would enforce the laws. I took that position then, 16 years ago, and I take it now.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Charles Beecher Warren to be Attorney General of the United States?

Mr. REED of Missouri. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Wyoming [Mr. WARREN] and vote "yea."

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I am not able to obtain a transfer and therefore withhold my vote.

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce that my colleague, the junior Senator from Nebraska [Mr. HOWELL], is detained from the Senate on account of illness.

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness. If the senior Senator from Wisconsin were present, he would vote "nay."

Mr. McLEAN (when his name was called). I transfer my pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from Vermont [Mr. GREENE] and vote "yea."

Mr. STANFIELD (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. KENDRICK]. I transfer that pair to the junior Senator from Wisconsin [Mr. LENROOT] and vote "yea."

The roll call was concluded.

Mr. GEORGE. I transfer my pair with the Senator from Colorado [Mr. PHIPPS] to the junior Senator from New Jersey [Mr. EDWARDS] and vote "nay."

Mr. BRATTON. I desire to announce that my colleague, the senior Senator from New Mexico [Mr. JONES], is absent from the Senate on account of the death of a business associate.

Mr. HARRISON. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is paired with the Senator from New Jersey [Mr. EDGE]. If the Senator from Rhode Island [Mr. GERRY] were present he would vote "nay," and if the Senator from New Jersey [Mr. EDGE] were present he would vote "yea."

Mr. REED of Missouri. I ask that the vote be announced.

Mr. JONES of Washington. I desire to announce that the Senator from Wyoming [Mr. WARREN], the Senator from New Jersey [Mr. EDGE], the Senator from Vermont [Mr. GREENE], the Senator from Colorado [Mr. PHIPPS], and the Senator from Wisconsin [Mr. LENROOT] are necessarily absent. If they were present they would each vote "yea."

Mr. REED of Missouri. I ask that the result be announced.

The Chief Clerk recapitulated the vote, which resulted as follows:

YEAS—39

Bingham	Fernald	McLean	Schall
Butler	Fess	McNary	Shortridge
Cameron	Gillett	Means	Smoot
Capper	Goff	Metcalf	Spencer
Cummins	Gooding	Moses	Stanfield
Curtis	Hale	Oddie	Wadsworth
Dale	Harreld	Overman	Watson
Deneen	Jones, Wash.	Pepper	Weller
du Pont	Keyes	Pine	Willis
Ernst	McKinley	Sackett	

NAYS—41

Ashurst	Ferris	McMaster	Sheppard
Bayard	Fletcher	Mayfield	Shipstead
Blease	Frazier	Neely	Simmons
Borah	George	Norbeck	Swanson
Bratton	Harris	Norris	Trammell
Brookhart	Harrison	Pittman	Tyson
Broussard	Heflin	Ralston	Walsh
Bruce	Johnson	Ransdell	Wheeler
Caraway	King	Reed, Mo.	
Copeland	Ladd	Reed, Pa.	
Couzens	McKellar	Robinson	

NOT VOTING—16

Dill	Glass	Kendrick	Smith
Edge	Greene	La Follette	Stephens
Edwards	Howell	Lenroot	Underwood
Gerry	Jones, N. Mex.	Phipps	Warren

Mr. REED of Pennsylvania (after having voted in the affirmative). Mr. President, so that I may be in a position to move a reconsideration of the vote, I desire to change my vote. I vote "nay."

Mr. KING. Mr. President, what is the vote?

Mr. ASHURST. Let the result be announced.

The PRESIDENT pro tempore. It will be.

Mr. ASHURST. Let it be announced soon; let there be no unseemly delay in the announcement.

The PRESIDENT pro tempore. If the Senator from Arizona will cease interrupting the Chair, the Chair will announce the result of the vote.

Mr. ASHURST. That will be very satisfactory to all of us on this side.

The PRESIDENT pro tempore. On this question the yeas are 39, the nays are 41. So the Senate does not advise and consent to the nomination. [Applause in the galleries and on the floor.] The rules of the Senate do not permit occupants of the galleries to indulge in manifestations of pleasure or displeasure. The occupants are present as the guests of the Senate and must obey the rules.

Mr. REED of Pennsylvania obtained the floor.

Mr. HEFLIN. Mr. President——

Mr. REED of Pennsylvania. I move a reconsideration of the vote just taken, and on that I ask for the yeas and nays.

Mr. WALSH. I move to lay the motion of the Senator from Pennsylvania on the table, and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded by the Senator from Montana on his motion to lay the motion of the Senator from Pennsylvania on the table, the motion of the Senator from Pennsylvania being to reconsider the vote just taken. Is the demand seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before in regard to my pair and its transfer, I vote "nay."

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the junior Senator from New Jersey [Mr. EDWARDS], and vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I repeat the announcement previously made, that my colleague [Mr. HOWELL] is detained on account of illness.

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness. If he were present, he would vote "yea" on this motion.

Mr. McLEAN (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. STANFIELD (when his name was called). Making the same announcement as before concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). In order that the matter may be settled, and as it seems that my side of the Chamber does not want to have this man for Attorney General, I change my vote from "nay" to "yea."

Mr. HARRISON. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is paired with the Senator from New Jersey [Mr. EDGE]. If the Senator from Rhode Island were present he would vote "yea," and if the Senator from New Jersey were present he would vote "nay."

The result was announced—yeas 41, nays 39, as follows:

YEAS—41

Ashurst	Ferris	McMaster	Sheppard
Bayard	Fletcher	Mayfield	Shipstead
Blease	Frazier	Neely	Simmons
Borah	George	Norbeck	Swanson
Bratton	Harris	Norris	Trammell
Brookhart	Harrison	Overman	Tyson
Broussard	Heflin	Pittman	Walsh
Bruce	Johnson	Ralston	Wheeler
Caraway	King	Ransdell	
Copeland	Ladd	Reed, Mo.	
Couzens	McKellar	Robinson	

NAYS—39

Bingham	Cummins	du Pont	Gillett
Butler	Curtis	Ernst	Goff
Cameron	Dale	Fernald	Gooding
Capper	Deneen	Fess	Hale

Harreld	Means	Reed, Pa.	Stanfield
Jones, Wash.	Metcalf	Sackett	Wadsworth
Keyes	Moses	Schall	Watson
McKinley	Oddie	Shortridge	Weller
McLean	Pepper	Smoot	Willis
McNary	Pine	Spencer	

NOT VOTING—16

Dill	Glass	Kendrick	Smith
Edge	Greene	La Follette	Stephens
Edwards	Howell	Lenroot	Underwood
Gerry	Jones, N. Mex.	Phipps	Warren

So the motion of Mr. WALSH to lay on the table the motion of Mr. REED of Pennsylvania to reconsider was agreed to.

ISLE OF PINES TREATY

Mr. PEPPER obtained the floor.

Mr. HARRISON. Mr. President——

Mr. PEPPER. I yield to the Senator.

Mr. HARRISON. I move that the Senate adjourn.

Mr. PEPPER. I yielded to the Senator merely for the purpose of asking me a question. I did not yield the floor.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. PEPPER. I move that the Senate, in open executive session and as in Committee of the Whole, proceed to the consideration of the treaty between the United States and Cuba respecting the Isle of Pines; and in making this motion, Mr. President, I beg to say that if it prevails I will agree that the treaty may be immediately laid aside in order that a motion to recess or adjourn may be made.

Mr. HARRIS. Mr. President, as a substitute for that motion——

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

Mr. HARRIS. Mr. President, I had the floor and was asking the Chair's recognition. I move that as a substitute for that motion we consider the World Court proposal.

Mr. MOSES. Mr. President, a point of order.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON. I suggest to the Senator from Georgia that a substitute motion for a motion to proceed to the consideration of a given matter is not in order; and if necessary, I will make the point of order that it is not in order.

The VICE PRESIDENT. It is not in order. The point of order is well taken.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. I understand that the motion of the Senator from Pennsylvania was agreed to.

The VICE PRESIDENT. It was; and the Chair lays before the Senate the treaty regarding the title to the Isle of Pines.

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. CURTIS obtained the floor.

Mr. WILLIS. Mr. President——

Mr. COPELAND. Mr. President, a point of order.

Mr. CURTIS. I yield to the Senator from Ohio.

Mr. WILLIS. I desire to offer an amendment to the Isle of Pines treaty. It is an amendment to the resolution of ratification. I ask that it be printed and lie on the table.

The VICE PRESIDENT. Without objection, it will be so ordered.

EXECUTIVE SESSION WITH CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business, with closed doors.

Mr. COPELAND. Mr. President, I rise to a point of order. The Chair did not put the negative of the question about proceeding to the consideration of the Isle of Pines treaty.

Mr. KING. Mr. President, I raise the point of order that the suggestion made by the Senator from New York comes too late. The Chair announced the result some time ago, and we proceeded with other matters.

The VICE PRESIDENT. The point of order is well taken.

Mr. COPELAND. Mr. President——

Mr. CURTIS. I insist on my motion. It is not debatable.

Mr. COPELAND. Mr. President, a point of order.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas.

The motion was agreed to, and the doors were closed. After five minutes spent in secret executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 11, 1925, at 11 o'clock a. m.

REJECTION

Executive nomination rejected by the Senate March 10, 1925

ATTORNEY GENERAL OF THE UNITED STATES

Charles Beecher Warren, of Michigan, to be Attorney General.

SENATE

WEDNESDAY, *March 11, 1925*

(Legislative day of Tuesday, March 10, 1925)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Ransdell
Bayard	Fernald	Ladd	Reed, Mo.
Bingham	Ferris	McKellar	Reed, Pa.
Blease	Fess	McKinley	Robinson
Borah	Fletcher	McLean	Schall
Bratton	Frazier	McMaster	Sheppard
Brookhart	George	McNary	Shipstead
Broussard	Gillett	Mayfield	Shortridge
Bruce	Glass	Means	Simmons
Butler	Goff	Metcalf	Smoot
Cameron	Gooding	Moses	Spencer
Capper	Hale	Neely	Stanfield
Caraway	Harreld	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Tyson
Cummins	Heflin	Overman	Wadsworth
Curtis	Johnson	Pepper	Walsh
Deneen	Jones, Wash.	Pine	Watson
du Pont	Keyes	Ralston	Willis

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The VICE PRESIDENT. The Chair, in accordance with section 5581 of the Revised Statutes, appoints the Senator from Michigan [Mr. FERRIS] to fill the vacancy in the membership of the Board of Regents of the Smithsonian Institution caused by the expiration of the term of Senator Stanley, of Kentucky.

STANDING COMMITTEES OF THE SENATE

Mr. McKELLAR. Mr. President, I rise for the purpose of making a correction of a mistake that was made on yesterday in the Washington Post. I read as follows from the headlines of an article on the first page:

Insurgents ousted from committee places by Senate—LA FOLLETTE, FRAZIER, LADD, and BROOKHART are demoted, 64 to 11—Democrats assist in punishing group.

In the beginning of the article it says:

By a vote of 64 to 11, the majority ranks were purged of the "borers from within" and Senators LA FOLLETTE, LADD, BROOKHART, and FRAZIER are now out of the party by a vote of the Senate.

Mr. President, prior to that vote of 64 to 11 the Senate had voted on the contest between Mr. LADD and Mr. STANFIELD for the chairmanship of the Public Lands Committee, and 26 Democratic Senators, of whom I was one, voted "present."

I voted "present" because it was my purpose to take absolutely no part whatsoever in the contest that was going on within the Republican Party. I felt that we Democrats should leave it to the members of the Republican Party to settle their own troubles. I certainly did not intend to vote to "oust" anyone from that party. I was not joining in "punishing" anyone. The fight was over when the final vote on the resolution came. The Senator from Nebraska [Mr. NORRIS] had so stated. He said he was making no further fight. I voted "present" previously for the purpose of avoiding taking any

part whatsoever in that contest. When I voted for the resolution as it was finally adopted the contest within the Republican Party was over, and I voted for the resolution because it contained the names of the Democratic members of the various committees, my own included, and not for the purpose of purging any body from anywhere. So that when the splendid and gifted writer of the article in the Post of yesterday made the statement that I, as one of those, undertook to say who was regular and who was irregular in the Republican Party he inadvertently made a mistake, and I want to correct the error at this time.

THE FRENCH DEBT

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD some articles by William P. Helm, jr., on the French debt. The Current News Features (Inc.), which distributed these articles and which articles are copyrighted, has kindly consented for me to reproduce them in the RECORD. I do not believe any articles have been written in reference to the French debt that are at all comparable in value to these articles by Mr. Helm. I believe them to be articles that every Senator would like to read and I hope there will be no objection to their being printed in the RECORD. They give more accurate information about this most interesting subject than any other articles that I have seen.

Mr. SMOOT. Mr. President, I desire to ask the Senator if there is any direct criticism of France in the articles, because if there is then under the rule such matter could not be printed in the RECORD.

Mr. McKELLAR. I think not, but I will submit the articles to the Senator from Utah and if there are any such criticisms we will strike out that part of the articles.

Mr. SMOOT. The Senator knows that under the rule the articles could not be printed in the RECORD if there should be in them any criticism against a foreign country.

Mr. McKELLAR. I think there is not. I did not recall the rule, but I do not think there is any such criticism. I will ask further permission to have them printed in eight-point type.

Mr. SMOOT. That is against the law. That could not be done unless the House consented to it.

Mr. McKELLAR. Very well, I ask merely for the printing of the articles in the RECORD.

Mr. SMOOT. It is understood that there is no criticism of France or the French Government in the articles.

Mr. McKELLAR. Yes.

The VICE PRESIDENT. Without objection the articles will be printed as requested.

The articles are as follows:

[From Current News Features (Inc.), Evening Star Building, Washington, D. C.]

(Copyright, 1925, by Current News Features (Inc.))

ARTICLE I

THE STORY OF THE FRENCH DEBT

(By William P. Helm, jr.)

[EDITOR'S NOTE: A pointed fact about this country's loan to France is that more than half of France's present obligation to the United States was incurred after the armistice was signed. Included in the total are immense supplies of surplus material which the United States owned in France at the end of the war. The series of nine articles which William P. Helm, jr., has written about the French debt will show when this money was borrowed, how much interest the American people have paid on the bonds which made the loan possible, how France spent the money, and the approximate value of the supplies which France bought at a figure admittedly far below the value of the materials. This background of the French debt will be of immense interest to newspaper readers, because in current discussions of the subject the history of the transaction is rarely kept in mind.]

At 11 o'clock in the morning of November 11, 1918, when the last gun of the World War was silenced, the principal of the French national debt to the United States Government stood at an even $2,000,000,000. That sum represented the cash actually advanced to France from the American Treasury. She had spent it all in the ways of war—for munitions, cotton, food, tobacco, shipping, transportation; in a word, for whatever she needed to carry on the conflict.

Four days later, or on November 15, 1918, her official representatives in Washington, along with the representatives of four other allied powers, waited on the Secretary of the Treasury and advised him of the need of still more money. France wanted at that time $40,000,000; Great Britain, $50,000,000; Czechoslovakia, $5,000,000; Belgium, $3,400,000; and Serbia, a sum which she had somewhat meticulously tabulated at $209,697.70.

"Very well, gentlemen," the Secretary said, in substance. "You shall have it to-day. I shall direct that the sums shall be made available to you on demand."

Thus, with an advance totaling some hundreds of thousands in excess of $100,000,000, the American Government made her first step in the long and costly process of helping her late allies back upon their feet financially and on the road to a prosperous peace. It was a good day's spending, even for the hectic period of war, but not so good measured by the stack of dollars handed over to the Allies, as were to be the spendings of some of the days to come.

France took her $40,000,000 and departed. But she had learned the way to the Treasury at Washington and found it easy to travel. Within a month after the armistice her representative was back again, and this time the cash advanced him totaled $71,427,000. Twice again in the month of December, 1918, France called on the United States for further cash advances, and each time they were made—once $5,000,000 and once $10,000,000.

Thus between Armistice Day and New Year, a period of seven weeks, during which no gun was fired and no blood was lost, the French Government borrowed $126,427,000. That was at the rate of $18,000,000 a week, or nearly $3,000,000 a day. The money went not to the conduct of the war, for the war was over, but to make possible the return to peace.

Authority for making the loans was unquestioned. Long before—on April 24, 1917—Congress wrote such authority into the law, under which the first Liberty loan was issued. Again the following September authority to lend money to the Allies was reenacted. Additional authority was given by Congress on April 4, 1918, and finally on July 9, 1918. On each of these occasions, it will be noted, America was pressing her war policy and the end of the struggle was neither in sight nor definitely thought of.

The entire national effort was being strained, in every direction that seemed to offer advantage, to bring Germany to her knees. One of the obvious ways to victory was the financial strengthening of the Allies. So Congress voted, with a single thought, to give such strength unstintingly. The thing uppermost in the minds of Members of both House and Senate, the record of debate discloses, was the prosecution of the war.

There appears no reference in the debate, so far as can be found by a cursory examination, of strengthening the Allies financially on their way back to peace. Congress probably would have granted specifically the authority which it clearly granted by implication had it occurred to the leaders to do so.

In January, 1919, the American Government made two more cash advances to France, the total running to $91,050,000. In February we lent France an additional $20,000,000, in three loans. It was not until March, 1919, however, that France's representative began to make frequent pilgrimages to the Treasury. At that time, it will be recalled, the war was becoming a memory. The armistice had been signed four months before. American troops had already begun their return, and American industry was feeling the burden of the peak of taxation.

In March, 1919, France sent her representative to the American Treasury 10 times. The smallest sum he asked for was $10,000,000, the largest $85,000,000. Here is the record of French borrowings in March, 1919:

March 4	$10,000,000
March 6	20,000,000
March 11	30,000,000
March 13	10,000,000
March 14	10,000,000
March 18	20,000,000
March 20	10,000,000
March 25	15,000,000
March 27	10,000,000
March 31	85,000,000

The total sum lent France that month—more than four months after the war had ended—was $220,000,000, an average of more than $7,000,000 a day. Going back over the record, it is found that March, 1919, recorded the high mark of French borrowings. At no time within the two previous years, or since American entry into the war, did France borrow so much within a single month as she borrowed from us that month of March, 1919, long after the war had been brought to a successful termination.

Loans to other Allies that month totaled $60,000,000 to Great Britain, $88,500,000 to Italy, $26,600,000 to Belgium, $5,000,000 to Rumania, and $5,000,000 to Serbia, a total of $179,100,000.

In other words, France was borrowing from us four months after the armistice as much as all the other Allies put together and $40,000,000 a month additional.

That is a part of the French loan as it stands on our books to-day. That money, spent by France in meeting her problems incidental to a return to peace, is included in the grand total, about which there has been much talk of cancellation recently.

Clearly, no part of those millions was spent to carry on the war. There were other millions, too, hundreds of them, borrowed by France

in numerous visits to our Treasury months later. The borrowings lasted for two years after the armistice was signed. They ran to almost an even $1,000,000,000.

Details of those borrowings and, what is equally important, how the sums were spent, will be discussed in subsequent articles.

ARTICLE II

During the year 1919, when the days of war were becoming a fading horror and all the world was turning to the ways of peace, the statesmen of France found many things to occupy their attention. The burning subject of debt cancellation was not then among their problems; indeed, it was not, at that time, even a burning subject. But among current events which did concern France greatly were numerous calls made by her Washington representatives on funds in the American Treasury.

Fifty-seven times during the year 1919—long after the war had ended—did France send her emissaries to the Treasury of the United States to ask for cash. The pleasant stretch of well-paved street between the French Embassy at Washington and the Federal Treasury became a groove along which rolled weekly a fresh demand for money. There was no talk then of debt cancellation—not even a whisper. Far from it.

France went to the Treasury, left her promise to pay, and departed—with the money she asked for. An agreeable thing it was in those days to have the United States Treasury to draw upon. France saw to it that the pleasant condition was not marred by doubt of her willingness or ability to pay the reckoning in time. Congress, it will be recalled, sat in almost continuous session throughout the year, and any hint of debt cancellation from French lips undoubtedly would have ended abruptly the American advances which France so needed to restore her stricken country.

Once every week on the average, and sometimes oftener, France called on the United States to advance her money, but not money to hold at bay the enemy at her door, for that enemy had been thrown back and the French tricolor waved in triumph across the Rhine. It was not for war that France needed American gold in those days, but for peace. Germany lay prostrate; there was no need for a single American dollar to make certain her defeat.

During the year 1919, while France was nursing her wounds in the quiet aftermath of the great conflict, the American Government lent her a total of $801,050,000 solely on her promises to pay. There is not recorded a single instance where France asked in vain for American money in 1919. Her borrowings tapered down from $220,000,000 in March to $35,000,000 in August, but shot up again to $85,000,000 in September, 10 months after the conflict had ended.

In October, 1919, France borrowed $40,000,000. In November she sent her emissary to our Treasury only once. With true French delicacy, she selected the anniversary of the armistice as the appropriate date for requesting her November loan of $10,000,000. In December she borrowed $10,000,000 more.

While the United States was thus financing France, to large extent, at Washington during the year, there were other money matters across the water in which the French Government and people also were interested. These concerned the huge stores of equipment and supplies shipped from the United States to France during the war for the use of the American Expeditionary Forces.

Monumental in their cost and physical dimensions were these stores, paid for with moneys borrowed by the American Government from the American people on Liberty bonds, and from the heaviest burden of taxation which this Nation had ever been called upon to assume. They included an entire railroad built in France with American material supplied by American money; tremendous stores of explosives and shells made to fit French guns; mountains of foodstuffs and other necessary supplies, not forgetting millions of dollars' worth of American tobacco.

The physical aspects and the value of these mammoth stores—the largest ever assembled by this Nation either at home or abroad—will be discussed in subsequent articles in which such discussion will be more to the point. Suffice it to say here that their cost ran into the billions and that the materials themselves were all stored behind the French lines when the armistice was signed.

What to do with these stores in our haste to get our soldiers back home became a real problem in the months immediately succeeding the cessation of hostilities. To ship them back to America would have involved tedious and delaying effort as well as enormous expense. Besides, there were other large stores of surplus materials in the United States—stores which had to be disposed of piecemeal and with great skill to avoid breaking American markets and precipitating American industry into a postwar panic.

And over and above all, bleeding France needed sorely nearly everything we had stored upon her soil, munitions alone excepted. She had vast and crying need for our foodstuffs, our cotton, our railroad equipment. The obvious thing to do, the thing which could work out only to the advantage of both the United States and the French people, was to leave intact these huge depots of supplies as they stood, so that they might be put to their most useful purpose in relieving the wants of the war-weary French people.

And that was done. With a superb gesture, reminiscent of the fervor of our war-time endeavor, America waved her billions of surplus supplies on French soil into the hands of France, leaving it to France herself, almost without supervision, to fix the price to be paid. And France fixed the price, with peace-time thrift, at but a small fraction of the original cost.

With that there was no quarrel, for the war was over and peace time is the time for driving bargains, even between the best of friends. No one, however, can truthfully assert that the United States acted the close trader in her dealings then with her great ally.

So France took the goods and gave us in return her promise to pay. Not a dollar changed hands in actual coin or currency over the transfer of our substance. The transfer was virtually completed on August 1, 1919. On that day the French Government handed the United States its 10-year note for $400,000,000. That was the sum she paid for our surplus materials, subject to subsequent adjustments which swelled the total to about $407,000,000.

That 10-year note provided on its face that interest should be paid on the $400,000,000 at 5 per cent annually, but the sum was to bear no interest at all for a year. The first semiannual interest payment on this item was to be made 18 months from the date of the obligation.

France met that interest payment and has met every subsequent interest payment on that time. The principal of the note, or $400,000,000, now becomes due in about four years, or on August 1, 1929. All of which, of course, is in the nature of a commercial transaction between nations, every detail of which has been punctiliously observed thus far. If that were all there were to it, there would be little point in rehearsing the transaction at such length here.

But that is not all. The point is that France borrowed $801,050,000 in cash and $400,000,000 in supplies, a total of $1,201,050,000, in 1919, or from 2 to 14 months after the war had ended. That sum is almost 40 per cent of the principal of her debt. And that sum, some of her statesmen would have us believe, should be canceled along with the rest as a matter of fairness and justice.

ARTICLE III

French promises to pay, delivered to our Government in 1919, as shown in previous articles, ran to the grand total of $1,201,050,000 for the year. But her borrowing did not end with 1919. Again in 1920 the record shows France was the most frequent caller of all the Allies at the cashier's counter of our Federal Treasury.

She began her 1920 borrowings as soon as the Treasury opened. New Year's Day, of course, was a holiday and no business was transacted. On the day following, however, or January 2, France obtained a cash advance of $10,000,000. The armistice had been signed nearly 15 months before, yet there still appeared need of our financial assistance. The record of French borrowings from our Treasury in 1920 reads as follows:

January 2	$10,000,000
February 3	10,000,000
February 5	10,000,000
March 11	10,000,000
April 6	10,000,000
May 11	10,000,000
July 6	10,000,000
August 5	10,000,000
August 31	10,000,000
September 28	10,000,000
Total	100,000,000

Once a month, on the average, between New Year's Day and late September of 1920, France traveled the well-worn route to the Treasury. Each time she made the same request, "Please lend me $10,000,000." Each time she got what she asked for.

Manifestly no part of these 1920 borrowings went to fight the Allies' battles. They did help, as our governmental authorities knew, of course, in the reconstruction work which France had begun within her own boundaries. That, for one thing; for another, the funds were applied to other purposes peculiarly French—purposes in which the United States had a friendly and sympathetic, but not an allied, interest.

On September 28, 1920, the record shows our loans to France definitely ceased. Bear in mind the date, for it has a two-fold relevancy. In the first place, the Harding-Cox presidential campaign was in full swing and Members of a hostile and inquisitive Congress were inquiring into the subject with increasing insistence. Perhaps those inquiries had something to do with ending our relations as banker to France. And, in the second place, the armistice had been signed two years, lacking six weeks, when the last cash advance was made.

These advances ran the total lent France up to approximately $2,933,000,000. In return our Treasury held her promises to pay. In addition it held her 10-year notes for surplus war materials which she had purchased when our troops were withdrawn. The largest of these

notes, as mentioned in a previous installment, was $400,000,000. Subsequent adjustment had resulted in her giving us two more 10-year notes, due in 1930, whose total ran to somewhat more than $7,000,000. The $407,000,000 in notes represented her full obligation for our surplus supplies.

Thus, all told, France owed us when our loans ended in 1920 a total of approximately $3,340,000,000 in principal. The unpaid interest on this sum ran to more than $211,000,000, making the total French indebtedness on the termination of our loans approximately $3,551,000,000. But France had paid the interest on her obligation to us up to May 15, 1919. True she had paid it by borrowing from our Treasury a sum sufficient to pay it, but nevertheless it had been paid.

The interest charge contained in the present French debt, therefore, does not go back of the armistice, but begins more than seven months after the armistice had been signed. The entire amount of the interest due to-day is the accumulation of postwar interest. At the present time it runs to more than $800,000,000, representing the accumulations of nearly six years, or from May 15, 1919. The total of the French debt November 15 last, as set forth by the Secretary of the Treasury, was $3,340,512,817.49 principal and $796,711,537.08 interest, an aggregate of $4,137,224,364.57.

Of that sum $2,000,000,000 was due on Armistice Day. The remaining $2,137,224,364.57 has accumulated since the war ended.

The record of France's borrowing since the war would hardly be complete without reference to the sums borrowed by other Governments with which the United States was associated in the war. Looking into the detail of the entire picture, France stands prominently in the foreground as our most frequent banking customer in the two years following the war. During that period she obtained 71 separate cash advances from the American Treasury, as compared with 41 advances to Belgium, 32 to Great Britain, and 46 to Italy.

It might be noted at this point that Italy, whose present debt runs to about $2,100,000,000 and is as yet unfunded, was our next best customer in postwar borrowing. Her emissaries obtained $600,000,000 in cash from the American Treasury after the armistice was signed.

But France stands out, par excellence, as the greatest of all borrowers after the armistice. In cash advances and by the purchase of surplus materials she ran a bill with us totaling, in principal only, $1,340,000,000 between November 11, 1918, and September 28, 1920. Cash advances to all the other Allies combined, including Italy and her $600,000,000, ran to a grand total of $1,469,000,000 during the same period.

Thus, France obtained from the United States after the armistice the equivalent in cash and goods of almost as much as all the cash advanced the other Allies put together. If Italy is left out of the reckoning, the record shows that France alone received more than half as much again as the cash advanced to Great Britain, Belgium, Czechoslovakia, Greece, Serbia, Rumania, and Liberia—the only other borrowing nations—put together in one lump sum.

ARTICLE IV

Picture, if you can, the supplies needed to maintain 2,000,000 American soldiers in the field. Lay the scene in France, and over that far-flung panorama scatter the huge depots of supplies. Visualize, if possible, 150,000 installations of barracks, camps, hospitals, warehouses, machine shops, docks, telephone and telegraph offices, railroad yards, and other enterprises. Here are more than 1,100 modern locomotives; there are more than 14,000 freight cars—all made in the United States.

Everywhere behind the lines lie products of American mills and factories, bought in America by the American Government out of funds raised through the Liberty loans and transported 3,000 miles to the theater of war. Day and night, at fever heat, American establishments turned out their maximum to win the war. Over a clear right of way—for all other things properly had to take second place—American railroads hurried the finished product to the seaboard. And there, guarded by American soldiers and convoyed by American warships, they were carried where they would do the most good—to France.

They were a mighty factor in winning the war, but the day the armistice was signed they became so much supplies. They had been needed to keep men in the field, but they were not needed to bring American soldiers home. At 11 a. m. on November 11, 1918, far and away, the great bulk of this huge accumulation became merely surplus materials.

That accumulation of materials, almost in its entirety, is a part of the French debt to-day.

France bought those supplies. She gave us in return her 10-year bonds for $407,000,000, which we now hold. What did she get for her promise to pay?

There was an inventory taken, hurriedly but fairly accurately, of these great stores some six months or more after the armistice had been signed. They were somewhat depleted at that time, for our forces had been drawing on them since the armistice, but even when the inventory was taken the total rolled up to the imposing figure of $1,739,189,302.05. That represented cost to American taxpayers.

Under one inventory heading there were clothing, caps, boots, wearing apparel, blankets, mattresses, pillows, bedding, carpets, rugs, linoleum, draperies, tents, tarpaulins, jute, bagging, sacks, and burlap costing $323,000,000. Under another heading was $259,000,000 worth of flour, meats, canned goods, fresh fruits and vegetables, tobacco, cigars, cigarettes, hay, feed, coal, coke, and other fuel.

There were also $92,000,000 worth of machinery and supplies; $14,000,000 worth of kitchen utensils and household furniture; $14,000,000 worth of building materials; $8,000,000 worth of lumber; $46,000,000 worth of hospital and toilet supplies and chemicals; $15,000,000 worth of office fixtures, stationery, and supplies; nearly $5,000,000 worth of hides and leather; $14,000,000 worth of oils, gasoline, and paints; $9,000,000 worth of electrical supplies.

Automobiles and motor trucks by the tens of thousands; great stocks of tires and tubes, automobile parts, accessories and tools, bicycles and motor cycles and supplies, wagons, carts and trailers, and harness and saddlery, as well as hundreds of thousands of horses and mules were inventoried under the heading of transport equipment at more than $352,000,000.

In addition, there were locomotives and cars, rail, frogs and switches and other track material, locomotive cranes, hoisting and conveying machinery, railroad and dock equipment and other floating equipment, costing more than $186,000,000.

We had, too, a goodly share of surplus munitions. They included guns and accessories, gun carriages and caissons, rifles and pistols, ammunition, target supplies, gas masks, flame throwers, hand grenades, and gas bombs. All this deadly machinery of war stood the American taxpayers at more than $76,000,000.

Of these France had no need whatever. She was not in the market for fine rifles or hand grenades immediately after the war.

Most of the surplus supplies, however, France needed sorely. The American problem was to dispose of the entire lot and the authorities in whose hands was placed the problem wisely decided to sell the whole accumulation in bulk. Thus France acquired the good and the bad together, the things she needed and the things for which she had no use whatever. And the United States Government got the whole accumulation off its hands at one transaction.

How it was done, in itself an absorbing story, will be left to a subsequent installment. The general policy, however, was substantially as follows:

Having ascertained by inventory that the cost price of the surplus materials ran to more than $1,700,000,000, the United States Liquidation Commission, taking into consideration all the circumstances, attempted to fix a fair value on the whole. It scaled down each item. On clothing, for instance, it fixed the fair value at $80,000,000, or one-fourth less than cost. It knocked one-third off the cost of the railroad equipment; 60 per cent off the cost of automobiles and other transport equipment; 70 per cent off the cost of household furniture; and so on.

The $76,000,000 store of munitions it cut more than 95 per cent, fixing $3,000,000 as a fair value.

All told, the commission placed a fair value of $969,000,000 on the supplies which had cost $1,739,000,000, a 44 per cent reduction. From that it deducted $220,000,000 as the fair value of supplies needed for our own forces or disposed of elsewhere. That left a fair value of $749,000,000 on the supplies for sale to France.

And then, as a further inducement, that figure was cut another 25 per cent, or to $562,230,800. That was the sum—nearly 60 per cent below cost—which the commission named to France as the price.

How France bargained will be told later. Eventually she bought—at another reduction. The point made here is that these supplies sold at give-away prices are included in the present French debt which many persons believe should be canceled.

ARTICLE V

In times of peace, as many tourists know, the French are shrewd traders. And peace had settled over the world again in 1919. Hence it was natural and to be expected that France would drive a bargain in buying our huge depots of surplus supplies stored on her soil. She did. The final agreement to pay $407,000,000—for which sum we still hold her promises to pay as part of her debt to the United States—represented the culmination of months of bargaining.

The cost of these supplies, a previous article has disclosed, was $1,739,000,000; a "fair value" of $969,000,000 had been set on them after the armistice; $220,000,000 worth were withdrawn, leaving $749,000,000 in supplies offered to France; and on these the American Liquidation Commission had made a discount of 25 per cent, offering the whole to France for $562,050,000. That sum, as stated, represented about 40 per cent of cost.

What then followed? Did France hurry to buy the supplies she needed at 40 per cent of their cost? Edwin B. Parker, the chairman

of the American Liquidation Commission, says not. Associated with Mr. Parker were Gen. Charles G. Dawes, now Vice President elect, Homer H. Johnson, and Henry F. Hollis. Their report tells something of the long-drawn-out negotiations between the American commission and the French authorities, headed by M. Morel. It cites the vexing delays and continues:

"Finally, after much pressure, on July 2, M. Morel submitted his first bid, viz, 1,500,000,000 francs."

The value of the franc at that time had fallen below 10 cents. Hence France's first offer was somewhat less than $150,000,000—about 10 per cent of cost.

That offer, the commission's report goes on to say, "was submitted orally in conference and the reply was immediately made that the commission could not give the bid serious consideration.

"Numerous prolonged conferences followed. In order that there might be no misunderstanding of the commission's position, the chairman wrote at length to M. Morel on July 7"—it had been negotiating since April—"a letter the spirit of which can be gathered from the following excerpt:

"'After the sacrifices, which can not be measured in terms of dollars, which have been made by both of our peoples, it would be criminal stupidity on the parts of the representatives of both our governments to fail to agree to the disposition to be made of the surplus war materials remaining on French soil.

"'This commission sincerely hopes it will not be forced to sell for shipment out of France anything that the French people really need or can utilize to advantage, and we are therefore not only willing but anxious to make to the Government of France a price for this property which will be attractive to it and to extend credit for the entire purchase price.'"

And again, from the same letter to M. Morel:

"May I not in conclusion remind you that as the treaty of peace with Germany has been signed and measures have been taken by your Government and ours, together with their associates, to insure a lasting peace, and as the American Expeditionary Forces are being very rapidly withdrawn and returned to their homes, it is imperative that the surplus war supplies belonging to our Government in France should be speedily disposed of; if not to the French Government, then to others who urgently need and are seeking to acquire them, to the end that they may be promptly and fully utilized to bring back a measure of prosperity to the suffering peoples of the world."

That ringing and somewhat indignant reminder of the business at hand had the effect 12 days later, or on July 19, of bringing another bid from the French authorities. This time France offered to pay five years later 2,035,000,000 francs (about $200,000,000) and to sell the supplies in her own way, and after deducting expenses divide equally with the United States anything received over the price named.

That offer was rejected, and the commission suggested to the French authorities that the sale be "definite, final, complete, and unconditional, leaving behind no loose ends to breed trouble."

Five days later, or on July 24, 1919, a tentative agreement was reached on the purchase price which was fixed at $400,000,000, subject to minor adjustments (which later swelled the total to $407,000,000) plus certain other considerations, one of which, at least, probably will seem somewhat surprising to the average American citizen unacquainted with the ways of French negotiations.

It probably had never occurred to the average American civilian during the hectic days of war that France would welcome with anything but open arms—and open ports—the flood of supplies which American industry was pouring into France. But the French had a tariff on imports, and although American supplies were flowing in to maintain American troops holding the line against the German advance into France, the tariff question raised its head when the time came to dispose of our surplus supplies.

In substance, the point raised was that the United States had paid no tariff on the huge reservoirs of war supplies thus constructed in France. The tariff had not been collected during the war, but the war was over and here was this great accumulation of American goods on French soil, duty free. What about the tariff? Here is how the report of the American commission answers the question:

"The commission had the inventories studied in connection with the French tariff schedules, and it was found that $150,000,000 was a conservative estimate of the aggregate duties, payable under the normal rules for all of our stocks in France. This claim was given weight in fixing the final purchase price of $400,000,000."

And what about rent for the space occupied by the American supplies? What, too, about the claims of French citizens for damages, etc., in connection with the docks, depots, railroad yards, and other installations made by the American forces? These questions figured prominently in the bargaining, and they, too, were given weight in arriving at the $400,000,000 purchase price.

France agreed to pay the rent after August 1, 1919, and to assume herself all the claims of the kind mentioned.

That is the sort of bargain France drove with America when she bought our surplus materials on 10-year credit. And during the time of these negotiations at home her representative at Washington was loaned more than $150,000,000 in cash from the American Treasury.

ARTICLE VI

Any detailed study of the French debt to America to-day—which includes $407,000,000 for surplus materials stored in France at the time of the armistice—at once raises two questions: Why did the United States sell France her surplus materials at about one-fourth of their cost? Why not sell them elsewhere at better figures and terms?

The answer is that the United States had virtually no choice but to sell the goods where they were sold, for the best price and under the best terms obtainable. The liquidation commission sums it up in its report as follows:

"We had either to sell to the French Government or tear down and salvage the constituent materials.

"Under a salvage program many of the properties would have turned out to be distinct liabilities instead of assets, especially as we would have been required at a very heavy overhead expense to have negotiated and settled a very large number of claims for rents, damages, and restorations.

"It is estimated that it would have required the labor of 40,000 men for a period of six or eight months to dismantle these installations and salvage the constituent materials. This labor would have fallen on our Army Engineer Corps, for competent French labor was not obtainable.

"Under agreement reached with M. Morel, however, the selling value of each piece of property was arrived at, not by considering its salvage value to the United States, but by taking into account every factor entering into the determination of the net utilization value of such piece of property to the French Government. On the whole, it is believed that the result obtained was a very fair one, alike to America and to France."

In making its first offer to the French Government, the American liquidation commission, as shown in previous articles, fixed the "fair value" of the supplies at $749,000,000. That sum represented a price which, in the commission's judgment, would have enabled France to classify, sort, and condition the supplies and resell them at wholesale without loss. But obviously, although the bulk of the materials was badly needed by the French people, the French Government should properly have been allowed an element of profit for carrying on this work.

It was for that reason that the commission discounted the "fair value" by 25 per cent, bringing it down to $562,000,000. At that figure the French Government could have sold the goods, at prevailing wholesale prices, at a profit of one-third after paying all handling and selling costs. The profit in that case would have amounted to about $187,000,000—nearly 2,000,000,000 francs—a tidy sum in the French treasury.

As an instance of the manner in which the American Commission scaled down the cost price in dealing with France may be cited the negotiations covering the various installations—barracks, camps, hospitals, warehouses, railroad yards, etc—of a more or less permanent nature on French soil.

An inventory was made by a committee of American Army officers of the Engineering Corps, headed by General Jadwin, and a 500-page report, covering each item, both as to war cost and estimated normal cost, was prepared. Says the commission:

"The Jadwin report showed total war costs of all American installations in France, including transportation and handling of materials, soldier labor, and all other elements, at $165,661,000, and normal costs of the same properties at $81,543,000. The joint American and French committee, after making deductions for the estimated liabilities assumed by France for rents, requisitions, restorations, and damages, placed the net present estimated value of all American installations in France at $39,256,000."

From that sum was deducted 25 per cent, thus fixing the price to France in the first offer at about $29,500,000. And as France paid—or, rather, promised to pay—only 70 per cent of the price named in the first American offer, the net cost of these installations to France was scaled down 30 per cent more and became somewhat less than $21,000,000.

And there we are in a nutshell: Cost to the American taxpayer, $165,000,000; cost to France, $21,000,000, not in cash but on 10 years' time.

Recently the suggestion was warmly applauded in the French Chamber of Deputies that the debt should be canceled entirely.

What was the opportunity that confronted France when she purchased the American surplus materials? In a word, and on the basis of the Liquidation Commission's report, it was this:

France had in her possession badly needed surplus materials worth $749,000,000 at wholesale prices. She had given America her promise

to pay $407,000,000. She could have sold the entire accumulation at a net profit, as estimated by the commission, of about $342,000,000, or approximately 3,500,000,000 francs. At the same time her population would have received at wholesale cost materials of which, in the main, they stood in great need.

Moreover, France would have had available not only the cash representing the profit, but the entire proceeds of the sales, amounting to between 7,500,000,000 and 8,000,000,000 francs, for her obligation for the purchase price did not mature for 10 years.

In other words, through the transaction France stood to make a profit of 3,500,000,000 francs and to have the use of not less than 4,000,000,000 francs additional for 10 years. Whether this was done or not can not be said from information at hand. The point is made that such were the possibilities.

ARTICLE VII

It has been claimed repeatedly that France spent nearly all the $3,000,000,000 lent her by the United States in payment for American munitions, but the facts do not support such a claim. Far from it. The Treasury's record of French spendings of American funds do disclose the fact that virtually all the money was spent in this country, but they show that less than 30 per cent of the amount went for munitions.

Further, the record shows that after the armistice France spent in the United States approximately $1,000,000,000 lent her by the American Government for other things than munitions. Only $158,000,000 was spent by France for American munitions after the war ended and these spendings represented sums included for the adjustment of many contracts for munitions which France had made with American manufacturers.

All told, the French Government spent in the United States, for all purposes, the record shows, $3,151,506,337.80 between April 6, 1917, the date of our entry into the war, and November 1, 1920, some weeks after the last cash advance had been made to France from the American Treasury.

For American munitions, the record shows, France spent $827,194,625 during that period. The sum also covers French spendings for remounts. Large as the total looms, it is but little more than 25 per cent of the sum loaned France by the United States. And as $158,000,000 of the sum represents expenditures after the armistice, largely in adjusting munitions contracts in the United States, total French spendings for munitions and remounts in the United States during the period of our participation in the war were about $670,000,000.

That sum is about $100,000,000 more than half of the sum spent by Great Britain in the United States for the same purpose during the same period.

For exchange and cotton France spent, the record shows, $806,630,000—less than half of what Great Britain spent—and for foodstuffs other than cereals, $295,000,000. It is interesting to note that of the spendings for foodstuffs about $217,000,000 represents the amount expended by France after the armistice had been signed and the war ended. During those 23 months France spent for American victuals to be shipped overseas for her troops (and probably her civilians; the record does not show) nearly three times as much as she spent for the same purpose during the 19 months that the United States was actively at war.

France spent $40,710,000 of the money we lent her for tobacco, the record shows, but here again her spendings after the armistice had been signed were heavier than they were while she was actively at war. The record shows that tobacco bought in the United States and shipped to France, paid for out of the American Treasury, totaled $22,300,000 in value during the 23 months immediately following the armistice, as compared with about $18,400,000 during the 19 months immediately preceding the armistice.

For many other supplies than munitions and foodstuffs, France spent $276,500,000 in the United States during the 42 months of borrowing from the American Treasury. And once more, the trend of this sort of spending is the same. During the period prior to the armistice French spendings in the United States for these assorted supplies totaled $86,500,000; after the armistice they ran to $190,000,000. For which, of course, the United States Treasury paid, taking, in exchange, the French promises to pay which now constitute a part of the French debt.

Transportation and shipping charges of French purchases in the United States during the 41 months totaled about $155,000,000. Of that sum, about $87,000,000 was spent prior to the armistice and $68,000,000 subsequent to the armistice.

Fifty-four million dollars of American borrowings were spent for French relief work during the 23 months following the armistice; $89,000,000 prior to the armistice. Those spendings represented the sums expended by the French Government out of money borrowed from the United States and were in addition to American spendings for relief, which in themselves were considerable.

The largest single item charged against the Government of France on the American ledger is put down as "reimbursements." This item amounts to $1,045,781,623.40. It is purely a bookkeeping charge, made for the convenience of the Allies, and is offset by countercredits. The Treasury Department thus explains it:

"The items of reimbursements included in the statements of expenditures consist principally of payments by France and Italy to Great Britain for cereals (of which France appeared to purchase none in the United States), sugar, meats, and munitions, and for neutral freights and other disbursements made to neutrals, and of payments by Belgium to Great Britain for horses, petrol, oats, flour, and certain relief supplies furnished by Great Britain out of supplies obtained actually or constructively from the United States."

The total of these reimbursement debits against all governments on American ledgers during the 42-month period was $1,872,914,603.92. The total credited all governments as reimbursements on the same ledgers during the same period was $1,872,914,603.92. It will be observed that the items balance. Hence this largest of all items appearing on the French list of expenditures of American loans in reality was purely a bookkeeping arrangement due to a transfer among the various Allies of debits and credits.

As stated in a previous article, France paid interest due on American loans up to May 31, 1919. She did this simply by borrowing from the American Treasury a sum sufficient to meet the interest as it became due. Her borrowings for that purpose, the record shows, totaled $268,791,426 during the 25-month period in which she kept her interest payments up to date. She also borrowed $289,744,755 to meet maturing obligations.

For silver France spent $6,300,000 in the United States during the 42-month period, and for miscellaneous purchases about $41,300,000.

The money for all these purchases, lacking about $150,000,000, France obtained from our Treasury. None of the money borrowed from the United States was re-lent to French allies by France. That was a policy not in keeping with the American idea of doing business, for America made her loans direct.

However, the record shows that between March 1, 1914, and December 31, 1919, or during the period of the war and immediately thereafter, France made loans to its allies totaling 7,575,000,000 francs, a sum approaching, at the various rates of exchange, $1,000,000,000. Thus while France was borrowing in this country she also was lending in Europe, and while she did not lend the actual dollars borrowed from the American Treasury, those dollars made it possible for her to lend her francs.

ARTICLE VIII

Failure on the part of France to pay her debt to the United States, now amounting, exclusive of purchases of surplus materials, to approximately $3,800,000,000, would entail, a study of Treasury records discloses, an annual tax burden of about $202,000,000 on the American people for 25 years to come. On the other hand, funding of the French debt along lines of the British agreement would lighten our present tax burden by approximately $114,000,000 a year and make possible at once another reduction in income taxes almost as large as the tax reduction of 1924.

It is not a matter of common knowledge, but, nevertheless, it is true, that no arrangements whatever have been made by the United States to retire that part of its public debt which is represented by money loaned to France during and after the war. Every year the Treasury at Washington puts into a fund, called the sinking fund, a sum of money which is devoted to paying off the public debt. But all calculations to date have been based on the assumption that our late associates in the war would meet their obligations, and no provision has been made for retiring that part of the public debt which went to them.

In other words, our public debt to-day stands at about $21,000,000,000, and we have arranged to retire only $11,000,000,000 or so of this total. Great Britain through her debt-funding arrangement has made an agreement which automatically will retire $4,600,000,000 additional. Several other smaller nations have made similar agreements. But approximately $5,250,000,000 lent to other nations is still outstanding, without any arrangements for retirement.

About 60 per cent of this sum, Treasury figures show, is represented by sums lent to France, and about 32 per cent, or $1,647,869,198, represents sums lent to Italy. These two nations, neither of which has done anything tangible toward funding its debt, are thus responsible for more than 90 per cent of our outstanding unfunded public debt to-day.

The $5,250,000,000, records disclose, is the principal only. In addition there is due the United States $1,500,000,000 in accumulated interest on all outstanding unfunded foreign loans, making a grand total of about $6,750,000,000, principal and interest, due and unfunded.

American taxpayers at the present time are making payments of about $275,000,000 a year into the sinking fund. Those payments are in addition to the interest payments on Liberty bonds and other secur-

ities, amounting to more than $850,000,000 a year. In the course of about 20 years under this arrangement, or by 1945, the national debt will be almost entirely wiped out, except for that part of it which represents money advanced our recent war associates.

If France should decline to pay her debt, the retirement of the $3,000,000,000 obligation as yet unfunded—that sum represents the principal only—would fall on the shoulders of American taxpayers. Such a contingency would mean that the taxpayers would have to pay $75,000,000 additional into the sinking fund, bringing the total up to about $350,000,000 a year, instead of its present $275,000,000.

Under our present arrangement the Treasury puts into the sinking fund each year 2½ per cent of the public debt less the amount of the principal loaned the Allies. The payment, which was begun in 1920, will automatically retire the total in 25 years, it is estimated. If France and Italy were to make a funding arrangement, as Great Britain has done, the retirement of the great bulk of the outstanding debt at present unfunded would be taken care of.

If France—and, of course, Italy—don't pay, then we shall have to pay the principal. And automatically the sinking-fund payments must rise.

Also, as the situation stands to-day, the records disclose, American taxpayers have been carrying a burden of $127,000,000 a year in interest payments on money that went, to the last dollar, to the French Government, for France has paid no interest on the principal of her debt since May 15, 1919, and owes the United States at the present time more than $800,000,000 in interest.

Meantime somebody has been paying the interest on the $3,000,000,000 lent France. That somebody is the American taxpayer. Assuming that the interest rate is 4¼ per cent, or the Liberty bond rate, American taxpayers have been paying $127,000,000 a year, or more than $10,500,000 a month. And if it becomes necessary for American taxpayers to arrange to retire the principal of the French debt, as well as pay interest on it, the burden will be increased by $75,000,000 annually for sinking-fund charges and rise to $202,000,000 a year.

On the other hand, a funding arrangement with France would relieve American taxpayers from the day it becomes effective of most of their present burden of $127,000,000 a year in interest on this loan. Even if France paid only 3 per cent interest, the American taxpayer would be relieved almost in full of the burden, for any funding arrangement with France necessarily would include funding the accumulated and unpaid interest on her loan as well as the principal.

Interest and principal, exclusive of obligations for the purchase of war materials, run to about $3,800,000,000. Three per cent interest on that sum equals $114,000,000. That deducted from $127,000,000 leaves $13,000,000 a year as the sum which the American taxpayers would have to pay under such an arrangement.

That procedure, the record shows, was followed in the case of Great Britain. Interest and principal totaled about $4,600,000,000 and Britain funded the whole. She is now paying interest on this sum at 3 per cent and gradually retiring the principal. Last year she paid $23,000,000 on the principal. Great Britain is paying about $161,000,000 a year under this arrangement. Under a similar arrangement France would pay less than $135,000,000 a year.

During the years that have elapsed since the French Government stopped paying interest on its debt, the American taxpayers have paid the interest to the extent of almost $750,000,000. Obviously the American Government could not go to holders of $3,000,000,000 in Liberty bonds and tell them that it would not pay interest on their bonds because France was not paying in turn her interest to the American Government on the $3,000,000,000 lent her.

Such a course would not only have been utterly idiotic, it would have spelled financial disaster to the Nation. So the interest on the $3,000,000,000 Liberty bonds covering the money lent to France was paid—by American taxpayers.

What would it mean to lighten the taxpayers' burden by that sum? Lift the tax burden to the extent of $114,000,000 a year and what benefits follow?

The answer can be found in past performances. Take the 1924 income-tax reduction, for instance. The Treasury's figures show that it amounted to about $142,500,000 last year. It was a material reduction, too.

When France funds her debt, American taxes can be cut $114,000,000 more. And that would mean, apparently, a tax reduction amounting to about 80 per cent of the reduction last year.

ARTICLE IX

France herself apparently has not yet realized how greatly to her own interest it would be to fund her debt to the United States. But the official figures at Washington tell the story of huge savings that would accrue to the French taxpayers if the Government of France were to make a funding arrangement similar, for instance, to that already made by Great Britain. Let the figures tell the story:

The principal of the amount loaned France (exclusive of her notes for purchases of war supplies) is $2,933,171,672.48. For that we hold her demand notes bearing 5 per cent interest. Every year the interest on this sum runs to somewhat more than $146,600,000. Every year the Federal Government charges France on its books with this unpaid interest. It has been accumulating since May 15, 1919. The total unpaid interest now runs to more than $800,000,000, or considerably in excess of one-fourth of the principal.

That, of course, is at simple interest. It is equivalent to an accumulating bill of somewhat more than $12,000,000 a month, $400,000 a day, $16,500 an hour. Thus as France procrastinates she is storing up a penalty which, of course, must be met some time in the future, of $16,500 an hour for her procrastination. That figure is based on a 5 per cent interest rate on her loan.

Leaving the French situation for a moment to examine what has been done in the case of Great Britain, we find that she, too, was paying interest at the rate of 4¼ per cent until arrangements were made to fund her debt. When that was done the interest rate, by mutual agreement, dropped to 3 per cent for the first 10 years and 3½ per cent thereafter. What was the result? The annual interest charge against Great Britain dropped from $230,000,000 a year, on a 5¼ per cent basis, to about $138,000,000 a year or a 3 per cent basis, a saving to British taxpayers of approximately $92,000,000 annually.

And so came about that the interest charge against Great Britain, under the funding arrangement, is now less each year by nearly $9,000,000 than the interest charge against France. And Great Britain owes us, in round figures, about $4,600,000,000 as compared with $2,933,000,000—on which the $146,600,000 annual interest charge is made—owing to us by France. In other words, Great Britain, owing us half as much again as France, is paying annually less in interest than the amount charged annually on our books against the French Government.

That has been brought about purely through the British debt funding arrangement.

How would it work out in the case of France?

There is no doubt whatever that the United States Government would welcome French debt funding on the same basis as that on which the British debt is funded. Equally, there is no doubt that the interest rate on the French debt, now 5 per cent, will drop to 3 per cent—at least for a 10-year period, as in the case of Great Britain—the day such a funding arrangement is consummated with France.

At the present rate of 5 per cent the annual interest on the French debt is about $146,600,000; at 3 per cent it would fall to about $88,000,000, a saving of $58,600,000 a year to the French people. And as savings go, that sum is considerable. It would mean that the present charge of $400,000 a day would be cut to $240,000; that the French Government would pay hourly interest of $10,000 instead of $16,500.

France thus could save more than $100 a minute in interest by funding her debt on the same basis as that on which the British debt is funded. France made one step, two and one-half years ago, to fund her debt. Here is how Secretary Mellon describes it:

"In July, 1922, the French Government sent a special mission, headed by Jean V. Parmentier, director of the movement of funds of the French treasury, to the United States to discuss with the American Debt Funding Commission (of which Mr. Mellon is chairman) certain data relative to the French debt to this Government. M. Parmentier placed in the hands of the commission certain data relative to the financial and economic situation of France.

"He explained the position of his Government in respect to funding its debt, stating that he had been designated by the French Government to afford the commission complete information as to the financial condition of his Government, but that the latter did not consider it possible at that time to enter into any definite engagements for a funding or settlement of its debt.

"He further stated that it was his Government's desire to postpone for an indefinite period consideration of this matter, until the financial situation of France should become more clear, particularly as to reparation receipts from Germany. The commission's position on the subject was explained to M. Parmentier, and especially its desire that a funding of the French debt should take place in the near future.

"On August 17, 1922, M. Parmentier informed the chairman of the commission that he had been keeping his Government informed of the progress made in the negotiations and that he had received a cable instructing him to return for a full discussion with his Government of the situation as it had developed.

"The chairman replied that in his view it could only be beneficial if M. Parmentier should in person discuss with his Government the negotiations which had taken place between him and the commission. M. Parmentier returned to France shortly after this conference."

That was the first—and last—move taken by France officially to fund her debt to the United States. The next development of consequence was the recent Marin speech in the French Chamber of Deputies, lasting five hours, in which an attempt was made to show that the debt should be canceled. The echo of that speech and the warm applause it evoked in the chamber and in France generally is still ringing throughout the United States.

OPEN-PRICE ASSOCIATIONS

Mr. McKELLAR submitted the following resolution (S. Res. 28), which was ordered to lie on the table:

Whereas the Federal Trade Commission in its annual report for 1922 states that at the request of the Joint Commission of Agricultural Inquiry the commission undertook a special investigation concerning the activities of trade associations, and found by response to its questionnaires that there were 150 "open-price associations, or those distributing or exchanging price information"; and

Whereas the commission reported: "Most of the open-price associations also distributed or exchanged information on other features of business, such as orders received, purchases, production, stocks, cost of production and merchandising, and matters of general interest to members"; and

Whereas such associations may exert a large influence in maintaining prices at an exorbitant level, particularly in the case of manufacturing concerns the products of which are protected by a high-tariff duty: Therefore be it

Resolved, That the Federal Trade Commission is hereby directed to investigate and to report to the Senate at the next session of Congress:

First. The present number and nature of open-price associations, the names of such associations, the number of their members thereof, and the importance of such association in the industry.

Second. To what extent, if any, the effect of such open-price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform or approximately uniform increases in such prices.

Third. Whether such open-price associations engage in other activities, and if so, the nature and effects thereof, with respect to alleged violations of the antitrust laws.

HEARINGS BEFORE THE PATENTS COMMITTEE

Mr. CURTIS (for Mr. ERNST) submitted the following resolution (S. Res. 29), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

RULES OF THE SENATE

Mr. PITTMAN. Mr. President, I have in my hand a letter addressed to me by Mr. Perry Belmont. It contains a very interesting history of efforts made at various times in the history of the Senate toward modifying the rules in various particulars. As it is a matter of interest, I ask to have it published in the RECORD.

The PRESIDING OFFICER (Mr. GOFF in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Hon. KEY PITTMAN,
United States Senate.

DEAR SENATOR PITTMAN: A change in the rules of procedure which would most effectively bring about cooperation between the executive and legislative branches of the Government, avoiding the temporary supremacy of either one or the other, and situations generally regretted in and out of Congress, is one which has repeatedly been urged since the foundation of the Government. The most competent living authority upon the subject is the present Chief Justice. Mr. Taft's experience as a member of the Cabinet and as President led him in 1912 to recommend in a message to Congress the change in the rules to which reference is made. After his retirement from the Presidency he frequently took occasion to urge its favorable consideration. Chief Justice Story held the same opinion in regard to the existing lack of direct personal intercourse between the heads of the departments and Congress. He said:

"The heads of the departments are in fact thus precluded from proposing or vindicating their own measures in the face of the Nation. Thus open and public responsibility which properly belongs to the Executive, especially in a republican government, as its greatest security and strength, is done away with. The Executive is compelled to resort to secret and unseen influences, to private interviews, and private arrangements. * * * Measures will be adopted or defeated by private intrigues, political combinations, and all the deadening weight of silent patronage. * * *"

It can not be too often repeated that the men who founded the Confederate Government preserved the existing provisions of our Constitution, distributing the functions of the three separate and independent departments—the executive, legislative, and judicial—and after the words "And no person holding any executive office under the Confederate States shall be a member of either house during his continuance in office," they introduced the following clause:

"But Congress may, by law grant to the principal officers in each of the executive departments a seat upon the floor of either House with the privilege of discussing any measures appertaining to their departments."

The Confederate Government was practically in the saddle during the Civil War, and therefore we have no means of judging in what manner this change of practice was carried out which they undoubtedly believed to be an improvement upon that which still prevails in our Government.

In 1864 Mr. Pendleton, of Ohio, introduced in the House of Representatives a bill which reads as follows:

"That the Secretary of State, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Attorney General, and the Postmaster General shall be entitled to occupy seats on the floor of the Senate and House of Representatives, with the right to participate in debate on matters relating to the business of their respective departments, under such rules as may be prescribed by the Senate and House, respectively.

"That the said Secretaries, the Attorney General, and the Postmaster General shall attend the sessions of the Senate on the opening of the sittings on Tuesday and Friday of each week, and the sessions of the House of Representatives on the opening of the sittings on Monday and Thursday of each week, to give information asked by resolution or in reply to questions which may be propounded to them under the rules of the Senate and the House; and the Senate and House may, by standing orders, dispense with the attendance of one or more of said officers on either of said days."

Mr. Garfield, of Ohio, later elected President, signed the report in favor of the bill. Mr. Pendleton in 1881, as Senator, introduced a similar bill. The report of the Senate committee in its favor was signed by Senators George H. Pendleton, of Ohio; W. B. Allison, of Iowa; J. G. Blaine, of Maine; John J. Ingalls, of Kansas; O. H. Platt, of Connecticut; D. W. Voorhees, of Indiana; M. C. Butler, of South Carolina; and J. T. Farley, of California.

In order to carry into effect the provisions of the bill, they recommended a set of rules, to be amended as experience might dictate:

"That the Secretary of the Senate (or Clerk of the House) shall keep a notice book, in which he shall enter, at the request of any Member, any resolution requiring information from any of the executive departments, or any question intended to be propounded to any of the Secretaries, or the Postmaster General, or the Attorney General, relating to public affairs or to the business pending before the Senate (or House), together with the name of the Member and the day when the same will be called up.

"The Member giving notice of such resolution or question shall, at the same time, give notice that the same shall be called up in the Senate (or House) on the following Tuesday or Friday: *Provided*, That no such resolution or question shall be called up, except by unanimous consent, within less than three days after notice shall have been given.

"The Secretary of the Senate (or Clerk of the House) shall, on the same day on which notice is entered, transmit to the principal officer of the proper department a copy of the resolution or question, together with the name of the Member proposing the same, and of the day when it will be called up in the Senate (or House).

"In the Senate (or House), on Tuesday and Friday of each week, before any other business shall be taken up, except by unanimous consent, the resolutions and questions shall be taken up in the order in which they have been entered upon the notice book for that day.

"The Member offering a resolution may state succinctly the object and scope of his resolution and the reasons for desiring the information, and the Secretary of the proper department may reply giving the information or the reason why the same should be withheld, and then the Senate (or House) shall vote on the resolution, unless it shall be withdrawn or postponed.

"In putting any questions to the Secretaries or the Attorney General or Postmaster General, no argument or opinion is to be offered nor any fact stated, except so far as may be necessary to explain such question; and in answering such questions the Secretary, the Attorney General, or Postmaster General shall not debate the matter to which the same refers, nor state facts or opinions other than those necessary to explain the answer."

Ours not having the disadvantages of the typical parliamentary system, interrogatories could not be instituted or debates undertaken for the purpose of "turning out a government."

President Taft incorporated the Pendleton report in his message to Congress. Since then bills have been introduced in every Congress. Senator McLEAN, of Connecticut, has repeatedly introduced the bill which was before the Senate in the Congress just ended. Representative MONTAGUE, of Virginia, has followed the same course.

With the enormous development of the country and the consequent increase in legislative and administrative business, the necessity for the adoption of some such plan becomes daily of more vital importance. It is remarkable that President Wilson, in 1886, wrote an

excellent treatise upon the subject. The frequent personal appearances before Congress of Mr. Wilson himself, as President, furnished strong arguments for the presence of members of the Cabinet. But the President can not well be subjected to interrogatories; nor can it be supposed that he is sufficiently familiar with the affairs of each of the executive departments to be enabled to represent them all upon the floor of Congress.

The suggestion belongs to the development of our own laws and must be discussed within its capacity of adjustment to our American system. The President must remain independent of Congress as to the manner in which he may choose to communicate information in regard to executive matters. The heads of the executive departments are there to aid him in the performance of certain duties, and so far are responsible to him alone. But Congress creates offices by law and as all the heads of the departments are creatures of congressional legislation, new duties may be assigned to them.

The law organizing the Treasury may be accepted as a solution of this question. Congress in creating the office of Secretary of the Treasury declared that the Secretary "shall make report and give information to either branch of the Legislature, either in person or in writing, respecting all matters which shall appertain to his office," as either House may require.

The Constitution does not contain the words "Cabinet officers" or "constitutional advisers." It says that the President may require the opinion in writing of the "principal officer in each department." For this reason such officers are said to be "constitutional advisers" to the President. The executive officers of our Government would, under the proposed change of rules, be subject to a more definite form of accountability, having great advantages over the purely parliamentary systems of Europe and South America, in which the cabinets or governments are in reality in most instances committees of the majority in the parliamentary body, selected to carry into execution its general policy. Such cabinets are subject to the instability resulting from parliamentary changes of opinion, and an adverse vote is generally interpreted as involving the resignation of the cabinet or government. To endeavor to bring about the English parliamentary system, for instance, would involve amendments of the Constitution, creating endless confusion. We have fixed periods for the election of the Chief Executive, Members of the Senate and of the House of Representatives. If the head of one of our departments, under the proposed change in the rules of procedure, were seriously opposed by the majority in Congress, there would be more than one course open to him. He might resign, and the President could then appoint some one in his place without being under the necessity of removing any other member of the administration, or the head of the department might modify his views and submit a more acceptable measure.

No encroachment by the legislative branch upon the constitutional privileges of the President or of his Cabinet is suggested and no invasion by the Executive of the jurisdiction of the legislative branch, nor any modification of the constitutional distribution of the functions of the three independent departments of our Government, its distinctive and characteristic feature. It would simply be a change in the rules of procedure, which would not even interfere with the existing methods of communication by written reports or by the personal presence before congressional committees of members of the Cabinet and subordinate chiefs of bureaus of executive departments. A few words spoken by a competent head of a department would place the whole of Congress and the country on the same vantage ground as the members of a congressional committee. Direct information from the heads of the departments would enable Congress to be more quickly advised by oral communication, rendering legislation much less subject to the present serious delays.

The discussion of the Isle of Pines treaty, pending for 20 years, is an illustration. Certainly, had the Secretary of State at any time during that long period been able to present personally and orally to Congress the identical arguments made by certain able senators, the treaty would have long since been ratified.

The Executive may advocate a policy which Congress opposes and the absence of authorized means of oral communication may prevent the establishment of the harmony of action necessary for the public welfare. When, on the contrary, there exists an agreement between the legislative and executive branches, an intercourse resulting from a common purpose would be promoted by free oral communication.

The proposition that the members of the Cabinet be invited to appear before Congress would virtually be a request to communicate orally and directly what they now communicate in writing. The volume of printed matter is growing enormously, until it becomes physically impossible for Members of either House to deal with it effectively. The great number of printed reports, although of value for reference, are in the mass practically unavailable for the purpose of supplying Congress with facts and information for immediate use. They have created a situation in which Congress is unable to act with any degree of promptness.

There is no legislative body in the world containing men of higher qualifications of ability and character for legislative and executive office, including the Presidency, than are found in our Senate and House of Representatives. To have served with distinction many years in Congress greatly adds to the important qualifications for that great office.

Very sincerely yours,

PERRY BELMONT.

PROHIBITING THE AUTOMOBILE

Mr. BROUSSARD. Mr. President, I have here an article written for the American Monthly by the junior Senator from Maryland [Mr. BRUCE] on the question of prohibiting the automobile by constitutional amendment, which I ask may be printed in the RECORD.

The PRESIDING OFFICER (Mr. GOFF in the chair). Without objection, it is so ordered.

The article is as follows:

PROHIBITING THE AUTOMOBILE BY CONSTITUTIONAL AMENDMENT

(By Hon. WILLIAM CABELL BRUCE, United States Senator from Maryland)

The radical vice in the argument of Wayne B. Wheeler that the automobile is too reputable and useful a thing to be placed in the same class with such a disreputable and injurious thing as strong drink is bared in his statement that "Intoxicating liquor is made to intoxicate." It is not. He might as well say that tea and coffee are made to shatter the nerves, or that food is prepared to produce gastric upsets. They are not. Tea and coffee are usually drunk for the agreeably stimulating effect that follows their use when imbibed in moderation. To drink them to the point of excess that works nervous derangement is to turn them to a totally unnatural application. Food is usually eaten for the indispensable nourishment that it supplies to the human stomach, and the grateful sensations that it awakens in the human palate. To eat it until the stomach sickens and revolts, and the throat regurgitates, is to make it an agency of morbid perversion. All this is especially true when said of strong drink. It is not made to intoxicate, but to delight our physical senses, to quicken our mental activity, and to vivify our social sympathies. Consumed temperately, wine, beer, even whisky, is a good, cheerful creature that has bred far more human happiness than it has ever destroyed.

Thousands, hundreds of thousands, millions of individuals, indeed, the vast majority of the human race, can drink any one of these beverages without the least detriment to health and with a degree of wholesome sensual enjoyment as legitimate as that which is derived from masticating a piece of tenderloin steak or part of the breast of canvasback duck. It is only a small minority of human beings that can not indulge in strong drink without physical and moral injury; and it would seem that in their case it is not so much that the drink is strong as it is that the drinker is weak, and that he will contrive by some means or other to secure the gratification of his appetite, prohibition or no prohibition. Indeed, it is the ability of the great mass of men to drink and to derive nothing but harmless pleasure from drinking that will always render violations of prohibitory laws mere paper crimes in the eyes of thoroughly normal men and women, and make it impossible for the Federal Government to suppress the sale and use of intoxicants; no matter how much money it may expend or how many catchpolls and spies it may set loose on sea or land, unless it should finally succeed by mere brute force like that brought to bear by the inquisition upon Protestantism in Spain in crushing out all the instincts of personal liberty in the breasts of the American people.

No! The editor of the American Monthly is not a mere humorist but a sound moralist and a wise publicist when he contends that the prohibition of the automobile—at least as far as it is used merely for pleasure—can be justified by the same, or very much the same, train of reasoning as that by which the prohibition of intoxicating beverages has been justified.

If the analogy between the two cases is not manifest, it is simply because the sins that can be charged up to the automobile have been accumulating for a much briefer time than those that can be charged up to the wine glass, and consequently have not had the full opportunity that the latter have had to impair the mental balance of the large class of individuals who are usually inclined to take an extreme fanatical view of public questions, and are never so happy as when in the name of an overstrained or impossible morality they make other persons miserable. It is true that the majority of persons who use the automobile as an instrument of pleasure, like the majority of persons who drink intoxicating beverages, are void of all offense; but it can not be denied that in the hands of many other persons the pleasure automobile has much to answer for. The overmastering desire to own one involves a large number of individuals in debt, with all the demoralizing and distressing consequences that result from debt. The chorus in King Henry the Fifth, speaking of pending preparations for war, exclaims: "They sell the pasture now to buy

the horse." Not a few individuals, I am told, have mortgaged their houses to buy motor cars; or in other words, have been as imprudent as if they had been common drunkards.

It is a well-recognized fact that the ownership of a motor car often fosters a spirit of selfish, arrogant disregard of the rights of others in the bosom of the owner. That is to say, it has some of the heady effect that an intoxicant has when used immoderately.

It is also a well-recognized fact that the reckless speed of a "joy ride," in which a number of young people participate frequently, even when there is no liquor abroad, generates a heedless, irresponsible state of mind closely resembling that created by inebriety.

Anyone who has occasion at night to use the roads in the environs of one of our cities can not fail to have his attention called to the fact that thousands of automobiles are nothing but perambulatory brothels. It is no longer the primrose path of dalliance but the paved highway that leads to moral ruin.

Alexander Pope tells us that every liquorish mouth has a lecherous tail, and the same thing can be said of the wheeled nighthawk.

The automobile has become a terribly effective instrument in the hands of the highwayman, the housebreaker, and the murderer because of the facility with which it enables him to get away from the scene of his crime with his booty or to escape detection. It leads, therefore, to the commission of the gravest offenses just as naturally as the maddening or deadening influence of drink.

Nor in dwelling upon the destructiveness of drink should we forget the thousands of individuals who are killed in the United States every year by motor cars, and largely by cars kept for pleasure merely.

Down, therefore, with all this devilry and destruction. The pleasure car "is made" to beget pecuniary improvidence and misery, recklessness, lewdness, criminality, and death. Let an antiautomobile league be formed to inveigh against it day and night; let another amendment be added to the Federal Constitution prohibiting the manufacture, sale, transportation, importation, or exportation of such a car; and let us have still another sour eructation of the Puritan spirit which led Macaulay to say that the English Puritan did not object to bear baiting so much because of the pain that it gave to the bear as because of the pleasure that it gave to the spectator.

ISLE OF PINES TREATY

Mr. PEPPER. Mr. President, I move that the Senate proceed in open executive session to the consideration of the treaty between the United States and Cuba with reference to the Isle of Pines.

The motion was agreed to, and the Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. WILLIS obtained the floor.

Mr. COPELAND. Mr. President, will the Senator from Ohio yield to me?

Mr. WILLIS. I yield.

Mr. COPELAND. Of course I do not know what may be the temper of the Senate about this matter. There may be a thought in the Senate Chamber that debate on the Isle of Pines treaty can be disposed of in a few hours or a day or two. It can not be done. It is going to take a long time. There are a good many Senators who want to speak on the matter. There are 11 new Senators in the body, many of whom, doubtless have no knowledge except a casual knowledge of the subject.

My thought about it is, while I have been one to resist the fixing of a date in the immediate future for voting, that we could fix a date early in the next session, perhaps the middle of December, a day certain, when we would vote. That would give assurance to every Senator that there is to be a vote at a certain time and give time for every Senator to acquire the knowledge that he should have to vote intelligently upon the matter. As I said, I have no way of knowing what the sentiment of the Senate is about it, whether it actually desires to go forward in the matter or not.

Mr. TRAMMELL. Mr. President——

Mr. WILLIS. I am willing to yield to the Senator from Florida, but I do not desire to lose the floor because of this debate.

Mr. TRAMMELL. Does the Senator from New York desire more time for the purpose of studying the question himself, or is he asking it for some one else?

Mr. COPELAND. I am seeking to relieve the Senate of the instruction which I perhaps might feel inclined to offer, if I am forced to that duty. I do not want any more time to study the question, but I do believe there may be other Senators who might desire to have more time.

Mr. McKELLAR. Does the Senator think we have not had enough time already?

Mr. COPELAND. I may say in all seriousness that there will probably happen again what has happened every time when the matter has been discussed, that half a dozen or perhaps 10 Senators will stay in the Chamber and the others will go away. If we were now to fix a date, we will say next Monday or the middle of next week, for a vote, Senators would disappear until that day. The only way I can see to arrange the matter is to fix a day some time in the future, but I want that day fixed at a time so that every new Senator may have had time in the interim to acquire the knowledge that some of us have already acquired.

Mr. BAYARD. Mr. President——

Mr. WILLIS. Mr. President, I do not desire to yield indefinitely. If the Senator from New York desires to submit a request, I yield for that purpose; otherwise I want to proceed.

Mr. COPELAND. I desire to propose a unanimous-consent agreement, that on the calendar day of Thursday, December 17, 1925, at 4 o'clock p. m., the Senate shall proceed without further debate to vote upon the Isle of Pines treaty.

Mr. FESS and others. I object.

Mr. COPELAND. Very well.

Mr. WILLIS. Mr. President, the matter of the adjustment of the title to the Isle of Pines has been before the Senate for some time. So far as I am concerned, while I have no particular desire to discuss it, if the Senate desires to dispose of the matter at this session, I am perfectly willing to proceed with my humble part of that discussion.

The Constitution of the United States in speaking of the power of the Executive, in Article II, section 2, provides:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

In view of that provision, Mr. President, I have always taken the position that the attitude of the Executive in the matter of making treaties should be entitled to very great weight even if it ought not to be followed in every case. I have taken the pains to look up the record of the treaties that have been under consideration since I have been a Member of this body. I find that in the last Congress but one 32 treaties were ratified. In all of those instances I was very glad to give my support to the recommendations of the Executive, and I voted for the ratification of the treaties. In the last Congress approximately 40—I do not have the exact number, but about 40—treaties were ratified, making in the two Congresses a total of some 70 or 75 treaties. In every instance in considering these 75 treaties I regarded it as a privilege to support the views of the Executive, believing then, as I believe now, that the Executive has special sources of information that are not available to the Senate. My record is therefore fairly good from the standpoint of treaty consideration.

But, so believing, I can not overlook the fact that Members of the Senate have a responsibility in this behalf; it is not entirely the responsibility of the Executive, because, as I have just read, the Constitution states:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Mr. President, I have given considerable attention to the pending treaty. I approached it from the viewpoint of one desirous if he could to give his assent to the ratification of the treaty, which, by the way, was not made, of course, by the present administration, but was made some twenty-odd years ago.

The further I have gone into the investigation of the subject, however, the more I have become convinced that this treaty ought not to be ratified; and, if I may speak with the utmost frankness, Mr. President, I think this treaty ought not to be here at this time at all. If we are really sincere in our desire to take some step that will have an important bearing upon the foreign relations of this Government, there are other matters here that, in my judgment, are vastly more important than the settlement of this little treaty. As was stated the other day by the Senator from Idaho [Mr. BORAH], we can get rid of United States territory at any time, but there are other questions here to the settlement of which the Government is pledged that, in my judgment, ought to have consideration before this relatively unimportant treaty. For instance, there is the Lausanne treaty, which is of the very greatest importance in our relations with the Near East. No one contends that the ratification or the failure of ratification of this treaty relative to the Isle of Pines will have any very material effect, but everybody acquainted with the facts knows that the con-

sideration of the Lausanne treaty is of the greatest importance; yet in this short session, in order to make a gesture at dealing with foreign relations, we pick out this little, unimportant treaty and insist that the time of the Senate shall be given to its consideration.

If I may speak further with the utmost frankness, Mr. President, I think it would very much more become the dignity of the Senate and its devotion to high principle and duty if it took up at this time and settled the question of the World Court.

I recognize that there are Senators about me who will, perhaps, not entertain the same view which I entertain regarding that important question, but everybody will concede that it is a question of tremendous importance. It is a question upon which, as I regard it, Members upon this side of the Chamber, at least, have through their party platform taken a very definite position and have made a very definite pledge. The country is very much more interested in knowing what the Senate proposes to do about the World Court proposal, whether it will ratify it or reject it, than it is in knowing what it proposes to do about the treaty relative to the Isle of Pines; yet we are simply making a gesture here of dealing with foreign relations and leaving the World Court without consideration. In my judgment the World Court should be taken up and acted upon at this session of the Senate. I subscribe to the thought expressed in the following newspaper paragraph:

> It is doubtful, all things considered, if there will be a better time than this to place it before the Senate. No legislative questions are under consideration. The calendar is free from everything other than Federal appointments and treaties. The membership will be able to concentrate upon this subject to the exclusion of others.
>
> The question has been before the Senate more than two years. Eighty-five Members of the new Senate had it before them throughout the session just closed. The 11 new Senators have had time since last November to familiarize themselves with it, and doubtless they have made up their minds one way or another.
>
> These proposals went to the Senate in February, 1923. Approval of them was written into the Republican national platform last year by President Coolidge. The majority party in the Senate is pledged to the World Court. It is not opposed by the minority party. There has been enough delay. The Senate is as ready to vote as it will ever be. Why not, then, take up this matter now and make an end of it?

Mr. KING. Mr. President, will the Senator yield to me?

Mr. WILLIS. I yield to the Senator from Utah.

Mr. KING. I wish to ask the Senator, in all good faith, whether he does not think that there is a very serious and solemn obligation resting upon the Senate, in view of the fact that the treaty of the Isle of Pines was negotiated many years ago? It has been urged repeatedly by successive administrations, and it has been urged by the present administration, that the Senate take the matter up and dispose of it. Is it conducive to good relations with other countries to have lying upon the desk here for years and years and years a treaty undisposed of? It seems to me foreign peoples may challenge the good faith of our Government. Certainly they have a right to say that there is considerable chaos here; that a treaty may be negotiated by our Executive and yet it may lie here upon the desk of the Senate or at least in the Foreign Relations Committee for two decades—20 years—undisposed of. It does seem to me that the Senator—wise man as he is, a man who has been the executive of the great State of Ohio—ought to see the propriety of either defeating this treaty, or ratifying it, and getting it out of the road, and letting Cuba know just what our disposition toward her will be in regard to the matter.

Mr. WILLIS. Mr. President, I was very unfortunate in my language if I indicated to the Senate that I was favoring delay; I am not. I am perfectly willing to proceed with the consideration of this treaty and to vote on it. What I was undertaking to say was that the other matters to which I referred, and particularly the World Court, are of vastly more importance to this country and to the world than is this treaty, in the consideration of which it has been announced considerable time must be taken.

Mr. FLETCHER and Mr. NEELY rose.

Mr. WILLIS. I desire to proceed, but I will yield briefly to the Senator from Florida, and then I will yield to the Senator from West Virginia.

Mr. FLETCHER. Mr. President, I merely arose to suggest that this treaty was laid before the Senate by President Roosevelt in 1904, and that it has been ratified by Cuba.

Mr. ROBINSON. It was laid before the Senate in 1903, if I may so suggest to the Senator from Florida.

Mr. FLETCHER. Well, it was negotiated in 1903.

Mr. ROBINSON. It was first signed on July 2, 1903, and submitted to the Senate on November 10, 1903, but lapsed because of a limitation as to the time in which ratification should take place, and was again signed in March, 1904.

Mr. WILLIS. I am perfectly well acquainted with the historic facts; I understand them.

Mr. FLETCHER. I merely wish to suggest to the Senator that in the interest of all parties concerned, in the interest of the people who are opposed to the treaty, in the interest of Cuba, which ratified the treaty, in the interest of everybody, it seems to me we ought to get rid of this question. I agree that the other matters mentioned by the Senator are of vast importance, and we will take them up as we get to them; but that is no argument for postponing action or minimizing the importance of the Isle of Pines treaty, it seems to me.

Mr. WILLIS. Mr. President, again I say I must have been unfortunate in my expression. I am not at all opposing consideration of this treaty, but I am saying that there are other matters that we might well consider that are of very much greater importance. I am perfectly willing, however, to proceed to consider and vote on this question.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. WILLIS. I promised first to yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, I concur in the Senator's opinion to the effect that the most important matter before the Senate is the resolution of the Senator from Virginia [Mr. SWANSON] proposing adhesion on the part of the United States to the World Court protocol. The President and presumably a large majority of the American people desire that this country participate in the activities of the court. Therefore, since the President's party has a substantial majority in the Senate, I inquire of the Senator from Ohio why that majority does not insist that we immediately consider the World Court question?

Mr. WILLIS. That is precisely the inquiry that I am seeking to make. That is what, in my judgment, ought to be done.

Mr. NEELY. The Senator is such a wise and influential Republican leader that I thought he might be able to explain the inertia of the other side of the Chamber in regard to this matter.

Mr. WILLIS. I should like to be able to do that.

Mr. HEFLIN and Mr. McKELLAR addressed the Chair.

Mr. WILLIS. I will yield to my two friends who are on their feet, and then I am going to proceed. I yield first to the Senator from Alabama.

Mr. HEFLIN. Has the Senator from Ohio any doubt whatever that President McKinley, who was President at the time the war with Spain was concluded, regarded the Isle of Pines as United States territory?

Mr. WILLIS. There is not the slightest doubt about that proposition.

Mr. HEFLIN. The Senator and I are in accord as to that.

Mr. McKELLAR. Mr. President——

Mr. WILLIS. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Not only that, but statements were made by various officials of the McKinley administration urging many of our people to go down and settle on the Isle of Pines?

Mr. WILLIS. That is correct, and I expect to deal with that very briefly later on.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. WILLIS. I must yield to my friend from Virginia always.

Mr. SWANSON. The Senator said there was no doubt about the McKinley administration considering the Isle of Pines as part of the territory of the United States.

Mr. WILLIS. I understood the Senator from Alabama to say that was the attitude of President McKinley. That is what I understood to be the inquiry of the Senator from Alabama.

Mr. SWANSON. President McKinley finally issued an order for an election in Cuba, in which the Isle of Pines was included as a part of Cuba, and the inhabitants of the Isle of Pines voted in that election.

Mr. WILLIS. If the Senator will possess his soul in patience, I will get to that in due time, and I think I will be able to satisfy him.

Mr. President, the arguments that have been made heretofore in favor of the ratification of this treaty from my viewpoint might all be conceded—thought I do not concede them at all—and yet the position which I propose to take would not be thereby affected. My contention is that we owe something to the citizens of the United States who, under representations of the Government of the United States, went to the Isle of Pines, made their homes there, invested their money there, many of

whom are still living there. If we are to ratify a treaty whereby whatever title this country possesses should be yielded up, then there ought to be in it some provision for the protection of the rights of those people. There is absolutely nothing in this treaty that guarantees to our citizens living there the rights to which they are entitled.

Much was said in the previous argument about the case of Pearcy v. Stranahan (205 U. S.). Into a discussion of that case I do not propose in detail to enter, other than to say that that case does not at all decide that the Republic of Cuba has the title to the Isle of Pines. All it decides is that, for the purpose of the tariff law, Isle of Pines de facto was under the jurisdiction of the Government of Cuba. Let me read a portion of the syllabus in that case:

The Isle of Pines under the provisions of the Platt amendment and the constitution of the Republic of Cuba is de facto under the jurisdiction of the Republic of Cuba, and, as the United States has never yet taken possession thereof, it has remained and is foreign country in the meaning of the Dingley Tariff Act of 1897.

That is from the syllabus of the case. The case does not decide the question that de jure the title to that island resides in the Republic of Cuba.

In this connection, Mr. President, I ask unanimous consent to have printed at this point in the RECORD the dissenting opinion of Mr. Justice White, which, it seems to me, covers the case very fully.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. Justice White, with whom was Mr. Justice Holmes, concurring.

My reasons for agreeing to the conclusion announced by the court are separately stated to prevent all implication of an expression of opinion on my part as to a subject which in my judgment the case does not require and which, as it is given me to see it, may not be made without a plain violation of my duty.

The question which the case raises, by way of a suit to recover duties paid on goods brought from the Isle of Pines, is whether that island by the treaty with Spain became a part of the United States or was simply left or made a part of the island of Cuba, over which the sovereignty of Spain was relinquished.

I accept the doctrine which the opinion of the court announces, following Jones v. United States (137 U. S. 202), that "who is the sovereign de jure or de facto of a territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as other officers, citizens, and subjects of that government." That the legislative and executive departments have conclusively settled the present status of the Isle of Pines as de facto a part of Cuba and have left open for future determination the de jure claim, if any, of the United States to the island, as the court now declares, is to me beyond possible contention.

Thus, by the amendment to the act of 1901, which was enacted to determine the de facto position of the island and to furnish a rule for the guidance of the Executive authority in dealing in the future with the island, it was expressly provided "that the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty." So, also, when the Island of Cuba was turned over to the Cuban Government by the military authority of the United States, that Government was expressly notified by such authority, under the direction of the President, that whilst the de facto position of the Isle of Pines as a part of Cuba was not disturbed it must be understood that its de jure relation was reserved for future determination by treaty between Cuba and the United States. And this notification and relation was in terms accepted by the President of the Republic of Cuba. If the opinion now announced stopped with these conclusive expressions I should, of course, have nothing to say. But it does not do so. Although declaring that the de facto position of the Isle of Pines as resulting from legislative and executive action is binding upon courts, and although referring to the conclusive settlement of that de facto status and the reservation by the legislative and executive departments of the determination of the de jure status for future action, the opinion asserts that it is open and proper for the court to express an opinion upon the de jure status; that is, to decide upon the effect of the treaty. In doing so, it is declared that all the world knew that the Isle of Pines was an integral part of Cuba, this being but a prelude to an expression of opinion as to the rightful construction of the treaty. To my mind, any and all expression of opinion concerning the effect of the treaty and the de jure relation of the Isle of Pines is wholly unnecessary and can not be indulged in without disregarding the very principle upon which the decision is placed; that is, the conclusive effect of Executive and legislative action. In other words, to me it seems that the opinion, whilst recognizing the force of Executive and legislative action, necessarily disregards it. This follows, because the views which are expressed on the subject of the meaning of the treaty amount substantially to declaring that the past action of the Executive and legislative departments of the Government on the subject have been wrong, and that any future attempt by those departments to proceed upon the hypothesis that the de jure status of the island is unsettled will be violation of the treaty as now unnecessarily interpreted.

Mr. Justice Holmes concurs.

(Pearcy v. Stranahan, 205 U. S. Repts. 273–274.)

Mr. WILLIS. The fact is that the men of that time who had to do with the making of the treaty of Paris were somewhat divided in their opinions, and we may just as well recognize the fact that there is now a dispute about it; but in order to determine, if we may, what the rights of citizens of the United States are, let me refer, in the first instance, to a pamphlet which was prepared by the Government of the United States and sent out in large numbers. I hold that pamphlet in my hand, being Senate Document No. 311, Fifty-ninth Congress, first session, under date of 1906, entitled "The Isle of Pines (Caribbean Sea): Its Situation, Physical Features, Inhabitants, Resources, and Industries." It was printed as a document, as I have said, in 1906. When it was written I do not recall. The very first thing in this document is what? A quotation from the act of March 2, 1901, so that people may be advised as to the attitude of their Government.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Mr. President, I am contending that the Government of the United States by the issuance of this illuminated pamphlet, in which I shall show that it undertook to urge people to go to the Isle of Pines to live, and held out to them the idea that that was United States territory, has by that act assumed an obligation to its people which can not be discharged justly or fairly in the method proposed by this treaty.

Mr. BAYARD. Mr. President——

Mr. WILLIS. I yield to the Senator from Delaware.

Mr. BAYARD. I should like to ask the Senator what was the cause of that pamphlet being printed? Does the Senator know?

Mr. WILLIS. I think I can answer that question. I refer to volume 5, Senate Documents, at page 75. There was a great deal of inquiry about this island. The people wanted to know about it, and so the matter was taken up by the War Department. At page 75 of this document I find the following copy of a telegram to Capt. J. Van Ness Philip, at Habana, signed by General Edwards. It says:

Page proof Isle of Pines pamphlet in office. Have just completed index. Think wise to order final printing unless you have special information which is recent and wise to embody. Makes about 40 pages.

Then that is followed on March 15, 1902, by another telegram, which says:

Please answer my telegram about Isle of Pines. Want to hurry it through press, as many inquiries are being made for it. Unless you have found out something in error or some additional important information to embody in it, would like to get it printed at once.

In other words, inquiries were being made, as I shall show before I finish, about the Isle of Pines. People understood, and President McKinley understood, and other officials of his administration understood, and it was given out and shown on official maps of the United States which I have hanging on the wall here, that the Isle of Pines was United States territory. People were inquiring about it, and in order to furnish them the information this pamphlet was prepared.

Mr. BAYARD. Mr. President, if the Senator will indulge me a little bit further, does it not as a matter of fact appear from a careful and a sober reading of the documents relating to this phase of the case at this period of time that certain people were then interested in the Isle of Pines from what I might call, for lack of a better term, baser motives? They wanted to exploit what they could down there in the Isle of Pines, and they procured all these inquiries at the War Department as to what the Isle of Pines consisted of, and what its possibilities were in the way of development, and in response to those inquiries the War Department caused this pamphlet to be drawn up.

If the War Department got up that pamphlet, with all the information it contained, and if a mistake was made—and I think a mistake was made in stating in the beginning of the pamphlet that the Isle of Pines was the property of the United

States—I do not know why we should be precluded by a mere statement of the War Department. We know that there is a statement by Assistant Secretary Meiklejohn and by then Acting Adjutant General Pershing in regard to the title to the Isle of Pines, and both of those statements were denied and overruled by their superiors; so why should the Senate be precluded or bound by something which seems to have been done in the department?

Mr. SIMMONS. Mr. President——

Mr. WILLIS. Just a moment. I am not now discussing the question of technical legal title. What I am saying is that by the issuance of this pamphlet, which evidently was calculated to create in the minds of the people the impression that this was United States territory, and by the sending out of numerous letters and telegrams the Government of the United States did mislead the people of the United States if it did not have title, and that these people went there, and therefore that it is the duty of the Senate to see to it that the rights of those people are to some extent protected.

Mr. BAYARD. Even though this information was sent out improvidently, does the Senator contend, and without real authority?

Mr. WILLIS. Why, certainly. Will the Senator hold, will any Senator hold, that the Government of the United States can mislead its people, and from his viewpoint give them false information, and induce them to take certain steps, get them out on the end of a limb and then saw off the limb, and say that it has no responsibility? I repel such a suggestion as that.

Mr. ROBINSON. Mr. President, will the Senator from Ohio yield for a question?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. WILLIS. Yes; I yield to the Senator from Arkansas.

Mr. ROBINSON. Assuming that an Assistant Secretary of War or some other officer of the Government of the United States makes a mistake, and misrepresents to citizens that the United States has sovereignty over territory which it has no sovereignty over, how, in the Senator's opinion, could that bind or affect the foreign government that actually has sovereignty over the territory? Why does the Senator from Ohio insist that citizens of the United States should be the beneficiaries of the mistakes of officers of the United States to the detriment of foreign governments? If such a policy were embarked upon and consented to by the Senate of the United States, it would be impossible for this Government to retain the respect, much less the confidence, of foreign governments.

Mr. WILLIS. Mr. President, our friends who favor the ratification of this treaty evidently are thinking all the time about a matter to which I have not referred, but to which I shall come in due time, and that is the letter that was sent by Assistant Secretary Meiklejohn, at one time Acting Secretary Meiklejohn. I will come to that in a little bit, but I still want to enforce this, if I may:

For the purposes of the argument I am now making I am perfectly willing to concede that the United States had no title. I do not concede it, understand, but for the purpose of this argument I would be willing to concede that. I am talking about an obligation of the Government of the United States to its people, whom it has deceived if the contention of the friends of this treaty be correct.

Mr. BAYARD. Mr. President, will the Senator let me interrupt him again?

Mr. WILLIS. Just once more, and then I do want to proceed.

Mr. BAYARD. The Senator's proposition, then, is that inasmuch as several Government officials have improvidently made a statement on behalf of the Government without authority, without right, without power, without fact——

Mr. WILLIS. I do not concede any of that, of course, but I will hear the Senator's question.

Mr. BAYARD. All right. Inasmuch as this statement has been made without the various qualifications which I have described, it is the Senator's proposition that thereafter the whole Government of the United States must back up these officials, whether or not they have made a mistake? That is the contention the Senator makes?

Mr. WILLIS. As I say, I do not concede at all the things that the Senator says, but what I do say is this——

Mr. BRUCE. Mr. President——

Mr. WILLIS. Let us proceed just one at a time, if you please. I will yield to the Senator from Maryland in a moment. What I am contending for is that through the issuance of the circular and the various letters and telegrams and the statement by the President of the United States the people of the United States were led to believe, either rightfully or wrongfully, that the United States did have title to the Isle of Pines. My contention is that if they have been so led to believe, we, when we come to make a treaty, owe some obligation to those people.

I promised to yield next to the Senator from Maryland.

Mr. BRUCE. Mr. President, may I ask the Senator just one question. Did I understand him to read from that pamphlet, a few moments ago, Article VI of the Platt amendment?

Mr. WILLIS. Yes; a portion of it.

Mr. BRUCE. Namely——

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Mr. WILLIS. Yes; that is placed at the heading of the pamphlet.

Mr. BRUCE. I thought so. That is at the very head of the pamphlet?

Mr. WILLIS. Yes.

Mr. BRUCE. Did not the fact that it was at the head of the pamphlet apprise every resident of the United States that the title to the Isle of Pines was unsettled, and that if he went to the Isle of Pines and took up land he would do so at his own risk?

Mr. WILLIS. We will see about that as I proceed. Answering the Senator's question directly, I will say that I do not think so. Here, however, is a pamphlet gotten out at Government expense. It tells all about the Isle of Pines; and since at least one Senator has inquired of me as to just where the island is, perhaps it might be worth while to look at the map back here for just a moment, so that we will get that fixed in our minds.

Here is a map of the United States. I will read what it says down here:

> Department of the Interior, United States General Land Office. Hon. Benger Hermann, commissioner. United States, Territories, and insular possessions.

I direct the attention of Senators to the map. It is an ordinary map of the United States. Here are the various possessions shown upon this map. Here is Porto Rico; here are the Hawaiian Islands; here, under the portion that I have pinned on, are the Philippines; and here is the Isle of Pines. Now, Senators understand about these maps. They are sent out by the thousands. They hang in the sitting rooms and the kitchens of the people. They look at these maps; and here on the official map of 1899, as definitely as it can be set forth, is the statement that the Isle of Pines is United States territory. Over yonder, at the other side of the entrance, is a map for the next year.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. WILLIS. Just a moment, until I direct attention to this. This map, it will be seen by Senators, is substantially the same. Here the Isle of Pines is shown as a part of the territory of the United States upon this official map.

Now I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I again ask the Senator the question: Assuming that an officer of the United States who makes maps for it makes an error, and prints an island in the same color that territory of the United States is printed in, by what process of reasoning does the Senator from Ohio think that affects the actual title or the actual sovereignty over the territory of the island? How does the Senator from Ohio arrive at the conclusion that that affects in any way the title of Cuba to the Isle of Pines?

The CONGRESSIONAL RECORD stated the other day that the nominee for Attorney General, Mr. Warren, had been confirmed. It was manifestly an error. Does the Senator think that an error in the CONGRESSIONAL RECORD gives title to the office of Attorney General? How can an error in map making give title to territory to the United States?

Mr. HEFLIN. Mr. President——

Mr. WILLIS. Now, just wait. I will ask Senators to come on one at a time. I do not concede at all that there was any error in the making of the map. If I should grant the Senator's premise, I probably would be forced to admit his conclusion, but there was not any error in the making of the map. The map was made as the President of the United States directed that it should be made. There was no error at all.

Mr. HEFLIN. Mr. President, will the Senator yield to me right there? The next day the mistake in the RECORD was corrected.

Mr. WILLIS. Precisely.

Mr. HEFLIN. These maps have continued to be printed, and they have not been corrected yet.

Mr. ROBINSON. Why, Mr. President, there has been an effort through this treaty to correct the error made in that map which has extended over a period of 21 years and more, and throughout that 21 years every executive agent of the Government, from President down, has insisted that it was a mistake and that the sovereignty over the Isle of Pines is in Cuba.

Mr. WILLIS. Mr. President, that is an interesting statement which it would be worth while to canvass. The Senator from Arkansas has repeated that which has been stated many times in this argument and stated in propaganda, that all the Presidents have been for this treaty. I challenge that statement. President McKinley never was for it for a moment. I should like to know the day and date when President Wilson advocated this treaty, or President Taft advocated this treaty. I should like to know the day when Philander Knox, a distinguished Member of this body, then Secretary of State, advocated this treaty. The only trouble about the statement is that it is a mistake.

Mr. HEFLIN. On the other hand, Senator Knox was against the treaty.

Mr. WILLIS. Absolutely so.

Mr. McKELLAR. Mr. President, will the Senator yield? Did President Wilson or President Taft, either one, ever send that treaty to the Senate for ratification?

Mr. WILLIS. Never. They regarded that the proper thing had been done when the Senate put this treaty in cold storage, where it ought to have stayed.

Mr. SWANSON. Mr. President, the Senator wants the facts, does he not?

Mr. WILLIS. I have the facts, but I am always glad to hear the Senator's poetry.

Mr. SWANSON. I will correct the Senator right now. President McKinley at that time issued two orders for elections in Cuba, and the people of the Isle of Pines voted each time as a part of Cuba.

Mr. WILLIS. I understand that history.

Mr. SWANSON. That map was suppressed in two years.

Mr. WILLIS. There was no change in the map for four years. For four years the executive departments of this Government went on saying to the people through the issue of these maps that that was United States territory.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WILLIS. I yield.

Mr. ROBINSON. If the Senator from Ohio makes a mistake and refuses to permit its correction, then, under the logic of his argument in this case, he thinks that it never can be corrected.

Mr. WILLIS. Oh, no, Mr. President. I have not made a mistake. The Senator has made a mistake in saying that all the Executives have repudiated this. They have not, and the Executives have not favored this treaty. I challenge the Senator to find a word that President Taft——

Mr. SWANSON. Does the Senator make the challenge?

Mr. WILLIS. I was making it to the Senator from Arkansas; but it does not make any difference.

Mr. SWANSON. This treaty was sent here and it has remained here. If an Executive does not approve a treaty, he withdraws it. Every administration has urged the Foreign Relations Committee to report it, if I understand it, and there has not yet been a President who has not urged that the Foreign Relations Committee report it.

Mr. WILLIS. The Senator said "if I understand it." He does not understand it. President Wilson never recommended this treaty. President Taft never recommended this treaty.

Mr. SWANSON. If they had not favored it, they would have withdrawn it.

Mr. WILLIS. If the Senator means by "approval" that they did not take it by the scruff of the neck and drag it out into the alley, if that is what he means, I am willing that that shall stand.

Mr. SWANSON. It was pending here, reported by the committee, during Wilson's administration.

Mr. WILLIS. And the Senator was a distinguished Member of the Senate. Why did he not call it up?

Mr. SWANSON. Why did I not call it up?

Mr. WILLIS. Yes.

Mr. SWANSON. For the very reason that it was prevented from being done.

Mr. WILLIS. Did the Senator endeavor to call it up?

Mr. SWANSON. We tried to call it up before, but you said you would talk on it to the 4th of March.

Mr. WILLIS. I am talking about when the Senator's party had control, when President Wilson was President, and the Senator was a distinguished member of the Foreign Relations Committee. Did he ever try to call it up then?

Mr. SWANSON. We did not try to call it up. It was in executive session, in secret session, and we let it go over. It was reported under every President's administration.

Mr. WILLIS. When was it reported under President Wilson's administration?

Mr. SWANSON. The record will show.

Mr. WILLIS. It does not show it was reported.

Mr. SWANSON. I will show that it was reported.

Mr. WILLIS. Or that President Wilson ever recommended it, or that President Taft ever recommended it.

Mr. PEPPER. Mr. President, will the Senator yield to me?

Mr. WILLIS. I want to get back to the course of my argument, but I will, of course, yield to the Senator.

Mr. PEPPER. Before the Senator from Ohio proceeds with his argument, and leaves the point he has just been discussing, I wish he would indicate to the Senate his reason for thinking that the map to which he has pointed indicates the Isle of Pines as American territory?

Mr. WILLIS. If the Senator will permit me to proceed, I will show him the documents.

Mr. PEPPER. I am not talking about the documents. The Senator——

Mr. WILLIS. I can prove my statement by them. I thought the Senator wanted the proof.

Mr. PEPPER. The Senator approached this map and, with a rather convincing gesture said that the map—an official map—showed the Isle of Pines there indicated as territory of the United States.

Mr. WILLIS. What does the Senator think about Porto Rico as it is shown on that map?

Mr. PEPPER. I am inquiring of the Senator——

Mr. WILLIS. I am inquiring of the Senator. What does the Senator think the showing of that map is touching Porto Rico?

Mr. PEPPER. I think the showing of this map touching Porto Rico is the same as it is with regard to the Samoan group—Manua and Tutuila—namely, that it indicates it has been surveyed by the United States Land Office. With regard to the Isle of Pines, the map shows with perfect clearness that it is part of the Island of Cuba, and it is not surrounded by the markings that indicate the proposition contended for by the Senator from Ohio.

Mr. WILLIS. I shall have to explain this map to the Senator. He is looking at this portion of it down here [indicating]. I call his attention to the portion of the map right there. What does that mean when it prints Porto Rico there inclosed in a parallelogram? It means that it is a part of the United States. Of course, the Senator knows that every citizen of this country who looks at that map would so recognize that.

Mr. PEPPER. The Senator has asked me a question, and I am glad to answer it. The portion of the map which he indicates is to be explained by reference to the legend at the lower right-hand corner, which shows that matter surrounded with these blue lines indicates that it has been surveyed in the United States surveyor general's office. That is all it indicates. When you come to a study of the Isle of Pines, shown in its geographic relation to the nearest land, namely, Cuba, it is there indicated in precisely the same character as the Cuban mainland.

Mr. WILLIS. Of course, in showing it geographically, they would not put the Isle of Pines near the North Pole. They would put it where it belongs. The Senator is a good lawyer, a splendid one, and an exceedingly fair man, and he can not escape the conclusion that this map, hung up in the homes of the people, would lead those who looked at it to believe that the Isle of Pines was territory of the United States.

Here are these sections. Here is Alaska, here are the Philippines, here is Guam, here are the Hawaiian Islands, here is the Isle of Pines, here is Porto Rico. I submit to any reasonable man that a citizen looking at that map would understand that this is United States territory [indicating].

Mr. BORAH. When you take into consideration the fact that the next year, when they did not intend to show that, they eliminated it, I think it is conclusive.

Mr. WILLIS. Of course.

Mr. PEPPER. I rose and ventured to interrupt the Senator merely because it seemed to me that inadvertently he has used the map to demonstrate one proposition, when to my mind it conclusively establishes another, but I did not mean to interrupt him further.

Mr. WILLIS. That is perfectly all right. The map is all right, but the Senator is wrong in his study of it.

Mr. HEFLIN. Mr. President, if the Senator will permit me, I will state to him that I am informed that Senator Knox, Senator Penrose, and Senator Crow, the three Senators representing Pennsylvania who served in this body immediately before the Senator from Pennsylvania who has just spoken [Mr. PEPPER], and his colleague [Mr. REED], were all against this treaty.

Mr. WILLIS. My friend the senior Senator from Pennsylvania [Mr. PEPPER] is the only one who has fallen from grace.

Mr. WADSWORTH. Mr. President, the discussion about the map is exceedingly interesting, of course, as it goes to the discussion of the map, but I want to ask the Senator if the mere making of a map establishes sovereignty?

Mr. WILLIS. Certainly not, but it does establish an obligation on the part of the Government, when those maps are sent out to the people, and the people understand that those maps certify that this is United States territory.

Mr. WADSWORTH. Obligation on the part of the Government to take the island?

Mr. WILLIS. Obligation on the part of the Government to protect the citizens who have been thereby deceived, if the Senator's view is correct. I am not now talking about the title. I am talking about our obligation to the people who went there.

Mr. WADSWORTH. Has our Government failed to protect our citizens?

Mr. WILLIS. Absolutely. That is why I object to this treaty.

Mr. WADSWORTH. In what respect has it failed?

Mr. WILLIS. I will come to that later. It has failed, and I will try to convince the Senator that he should support my amendment, and I think the Senator will vote for it.

Mr. WADSWORTH. I could not possibly vote to impose such a thing on a foreign government.

Mr. WILLIS. I will discuss that when I come to it.

Mr. FESS. Mr. President, will my colleague yield?

Mr. WILLIS. Always.

Mr. FESS. Article III of the proposed treaty seems to me to guarantee protection to American citizens, and if they are not being protected now, if my reading of this is correct, it would seem to me that this article would do just what the Senator wants. Article III is specific in its protection to American citizens in the island of Cuba?

Mr. WILLIS. I am quite familiar with Article III, and I am quite familiar, too, with the Cuban constitution, a copy of which I hold in my hand. I want to say to my colleague that the rights that Americans depend upon, and which have been theirs since the days of Magna Charta and the Bill of Rights, find no expression in the Cuban constitution. There is no guaranty of the right of trial by jury, of freedom of speech and of the press, and the various guaranties of that sort.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. WILLIS. Certainly.

Mr. WADSWORTH. Did we not after a fashion approve the constitution of Cuba when we recognized Cuba as an independent country?

Mr. WILLIS. Yes.

Mr. WADSWORTH. Have not Americans lived in Cuba under the Cuban constitution without any trouble?

Mr. WILLIS. No; not without trouble. They have stayed there, but they have had great trouble.

Mr. BORAH. No, indeed, not without trouble. There was plenty of trouble.

Mr. WADSWORTH. If that is the case, would not the Senator urge the administration, whichever administration was in power, or is now in power, to redress those wrongs by diplomatic arrangements?

Mr. WILLIS. If the Senate made the mistake of giving away the title we had in this territory, so that it did then become absolutely Cuban territory, of course that would be the only recourse. I think we have another and better remedy now.

Mr. WADSWORTH. I am speaking of the Americans living in what might be termed Cuba proper.

Mr. WILLIS. I was speaking of those living in the Isle of Pines.

Mr. WADSWORTH. They are on the same basis with Americans living in Cuba.

Mr. WILLIS. I do not at all concede that.

Mr. WADSWORTH. Constitutionally?

Mr. WILLIS. I do not concede that at all. The Government of the United States never undertook to get people to go to Cuba to live. It never issued any circulars telling about Cuba, but it did issue circulars to induce people to go to live in the Isle of Pines. The conditions are altogether different.

Mr. WADSWORTH. The Senator has not answered my question at all. Let us pin it right down to this: Is it not a fact that the Americans on the Isle of Pines have been living under the same constitution and the same laws as the Americans on the mainland of Cuba?

Mr. BORAH. No; they have not.

Mr. WILLIS. They have been living under the same constitution, but not under the same laws, and not with the same treatment. If the Senator were acquainted with the situation, he would not ask that question.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. WILLIS. I yield.

Mr. BORAH. Does the Senator from New York believe that they are living under the constitution of Cuba?

Mr. WADSWORTH. In its application to the Isle of Pines; yes.

Mr. BORAH. I will come to that when I discuss the subject.

Mr. WADSWORTH. The laws and constitution of Cuba have been in force in the Isle of Pines for 20 years.

Mr. BORAH. I maintain the Cuban constitution has never been in force there.

Mr. SWANSON. If it has not been in force, it is because this treaty has not been ratified.

Mr. FESS. Mr. President, one of the embarrassing situations that has grown out of this is the repeated statement that President McKinley gave instructions, or otherwise the map would not have appeared as it did. I have gone through this document very carefully, and have read many, many letters of inquiry sent to the White House about the status of the Isle of Pines. Some of these letters are not altogether complementary, as my colleague will recognize.

I can not conceive how the President of the United States would act in a determining way upon a question involving our relationship with another country and do it verbally. I should think there would be some record of it, and I can not find any such record. Is it not possible that action was taken without instructions? Senators have said all along, "Assuming that the instruction was given by President McKinley." Of course, that is a hypothetical position. I can not find anywhere any evidence that the instruction was given, and it would seem to me that it would involve so much that if it were given it would appear somewhere in documentary form, and not finding it in that form but, on the other hand, finding that the President did give in documentary form instructions to proceed to an election in which the people of the Isle of Pines were included, it seems to me that the weight is rather in favor of the contentions of the proponents of the treaty, rather than against them, with nothing considered except the attitude of President McKinley.

Mr. WILLIS. I think I can answer the Senator.

Mr. BORAH. May I ask the Senator to permit me to answer the question, because the Senator has made a statement which may be correct, which I do not challenge, but I have never been able to find it before? Did the order of President McKinley with reference to an election in Cuba specifically include the authority to the people of the Isle of Pines to vote in that election?

Mr. FESS. I think so. I take it that that is so, from Senator Platt's statement. I will look it up. I think the order did include them.

Mr. BORAH. I have a letter in my possession—and I think it is printed in the document—from a minister who was living in the Isle of Pines at the time, and he said that at the first election the people of the Isle of Pines were not permitted to vote. I am only giving what the document shows. I think President McKinley gave an order that there should be an election in Cuba, but he did not say that the people of the Isle of Pines should participate in that election. That is my recollection. If I am mistaken, I would be glad to be corrected.

Mr. FESS. The Senator may be correct that the order was for Cuba, but the people of the Isle of Pines participated in it.

Mr. BORAH. That is the question. The people of the Isle of Pines—according to the authority I have—did not participate.

Mr. SWANSON. The Supreme Court found these facts: That on June 16, 1900, an election was held throughout the island and that the inhabitants of the Isle of Pines participated in this election as a part of the people of Cuba; that on September 15, 1900, a constitutional convention was called to be participated in by the people of Cuba, and that the inhabitants of the Isle of Pines participated in the election to that convention; that after the convention concluded its work, on

October 31, 1901, an election was held to choose governors of the Provinces and that the inhabitants of the Isle of Pines participated in such election as a part of the Province of Habana.

Mr. BORAH. But the Supreme Court had no evidence before it at all upon the subject except the general statements which we all have had. It is a fact that the residents of the Isle of Pines claimed that at the first election the people of the Isle of Pines were not permitted to participate.

Mr. SWANSON. I do not presume the Supreme Court would make such a statement simply on hearsay. I am satisfied that the Supreme Court must have had documents before it.

Mr. BORAH. If the Senator will look at the record of the case he will find that there was no evidence taken on the subject at all.

Mr. SWANSON. But official acts were taken judicial notice of.

Mr. ROBINSON. Mr. President, if the Senator from Ohio will permit me, I read from the opinion of the Supreme Court itself at page 266, United States Reports, volume 205, as follows:

> The Spanish evacuated Habana January 1, 1899, and the government of Cuba was transferred to a military governor as the representative of the President of the United States. The President ordered, August 17, 1899, a census to be taken as a first step toward assisting "the people of Cuba" to establish "an effective system of self-government." In accomplishing this the island was divided into 1,607 enumeration districts. Three enumerators took the census of the Isle of Pines, which was described as a municipal district of the judicial district of the Bejucal, in the Province of Habana. The report on the census, as published by the War Department in 1900 stated: "The Government of Cuba has jurisdiction not only over the island of that name, but also over the Isle of Pines, lying directly to the south of it, and more than a thousand islets and reefs scattered along the northern and southern coasts. * * * The Isle of Pines, with an area of 840 square miles, is a municipal district of the Province of Habana. * * * The total population of Cuba, including the Isle of Pines and the neighboring keys," etc.

Further on the Supreme Court proceeded to say:

> The [constitutional] convention concluded its work by October 1, 1901, and December 31, 1901, an election was held to choose governors of provinces, provincial councilors, members of the House of Representatives, and presidential and senatorial electors, under an order of General Wood of October 4, 1901, No. 218, approved by the War Department, which divided the Province of Habana into four circuits, the third being composed of several ayuntamientos, of which the Isle of Pines was one.
>
> February 24, 1902, the electors met, chose senators, and elected Senor Palma President and Senor Romero Vice President.
>
> The government was transferred to Cuba May 20, 1902, and in making the transfer and declaring the occupation of Cuba by the United States and the military government of the island to be ended, the military governor wrote to "the President and Congress of Cuba" among other things: "It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government, pending the settlement of the title to said island by treaty, pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1902.

Mr. BORAH. Mr. President, will the Senator from Ohio let me put in the RECORD what I had reference to a moment ago?

Mr. WILLIS. Certainly.

Mr. BORAH. Senator Morgan in his report upon this matter, when he made his minority report as a member of the Committee on Foreign Relations, quoted from a letter from a Rev. E. W. Frazee, who was an inhabitant of the Isle of Pines, as follows:

> At the first presidential election in the Republic of Cuba the people of the Isle of Pines were not allowed to vote because the Isle of Pines was not a part of Cuba.

That is what I had reference to.

Mr. WILLIS. Now, if I may recur to the inquiry propounded by my colleague, I want to answer it briefly. A little bit later on in the course of my remarks I shall go into that matter fully, but I say now that in my judgment there were two reasons why the Senator has not been able to find any written document. In the first place, I assume that it was rather an unusual thing for the President as such to be consulted about such a matter as map making. I do not suppose that the present Chief Executive is consulted by the Secretary of the Interior about it, and I have no idea that he is. It is rather an unusual thing, and consequently the President, who without any doubt in my mind was deeply and firmly convinced as to who owned the territory, contented himself simply by making the statement which is shown on oath to have been made. I do not believe we are justified in assuming that all the people who have made affidavits and Members of the House who have made statements upon their honor are falsifiers. That is one reason.

Another reason, and I think even the moving reason, was that at that time there was not any question about this thing. The question about it came up some time later. When the order for these maps was given there was not any doubt about it in the mind of any public man so far as I know.

Mr. FESS. Mr. President, will my colleague yield at that point?

Mr. WILLIS. Certainly.

Mr. FESS. Prior to the making of the map in 1899 there was considerable correspondence with the Government. Some of the letters went directly to President McKinley, others to the Secretary of State, all making inquiry about the Isle of Pines and as to its status. It would appear to me that there would be somewhere an official statement which would answer all of those inquiries. I have not been able to find it at all. The only thing I have found is Meiklejohn's statement, which was afterwards repudiated by his chief.

Mr. WILLIS. But not by Meiklejohn.

Mr. FESS. No.

Mr. WILLIS. Now, if the Senate will permit me, I will come to that feature a little later.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. WILLIS. I yield, though I am very anxious to proceed.

Mr. COPELAND. I simply want to say to the Senator's colleague that of course the Senator from Ohio is familiar with the statement of Mr. Hermann made on the floor of the House on December 8, 1903.

Mr. WILLIS. I intend to cover that in my remarks. I want to finish first with this pamphlet. I am not going to take the time to read it in full. I wish Senators would get it and read it. It is a pamphlet published for the purpose of telling the people about what a wonderful place this is. Here is a page about the mineral springs:

> The mineral springs, for which the island has a world-wide reputation, judged from official and individual certification as to curative properties and results of the waters, are remarkable.

It goes on to tell about the baths and says:

> It is claimed that the waters rival Saratoga in the United States. * * *
>
> The climate is described as "delicious, the air pure and balmy, and notwithstanding the island being surrounded by water it is considered dry."

Then, to make the picture complete, a little further on it talks about the temperature and its range between summer and winter never exceeding 11 degrees, and refers to the climate of the Isle of Pines, and so forth. Then they go on to tell on page 17 of the pamphlet just how much it costs to go down there from all the different places in the United States and gives the railroad fare from New York, Philadelphia, and various other places.

Mr. WADSWORTH. Mr. President, would the Senator from Ohio be willing to say whether or not a Californian was the author of that pamphlet?

Mr. WILLIS. I would be very willing to say if I knew. All I know is that it is an official pamphlet issued by the Government, illuminating and gotten up beautifully, evidently for the purpose of advising the people of the United States that that was United States territory and that they ought to go down there.

Mr. SIMMONS. Mr. President——

Mr. WILLIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I simply want to ask the Senator what evidence he has that that is a Government pamphlet? I recognize the fact that it contains certain information given by the Government as a result of certain things, but the part the Senator was reading a little while ago sounded to me very much like the output of a land company.

Mr. WILLIS. Precisely.

Mr. SIMMONS. I question very much whether any Government publication has ever been printed that contains that sort of statements.

Mr. WILLIS. That is exactly the argument I am making. It sound like the prospectus of a land company, but the Government of the United States is the authority that wrote it

and issued it, and that is why I am saying the Government of the United States owes some responsibility to those people who were deceived if this contention of the Senator is correct.

Mr. SIMMONS. Is not that a part of a Government report to which additions have been made?

Mr. WILLIS. I will read the Senator what is contained on the first page and when I get through with it, I will hand it to the Senator for his further examination. It reads as follows:

[Senate Document No. 311, 59th Congress, 1st sess.]

The Isle of Pines (Caribbean Sea), its situation, physical features, inhabitants, resources, and industries. With maps.

Prepared in the Division of Insular Affairs, War Department, 1902.

If that is not official, there can not be anything official.

There is no doubt about it. It is an official document.

Mr. SIMMONS. Does the Senator think the statements contained in the pamphlet which he has in his hand are official?

Mr. WILLIS. Absolutely; there is no doubt about it. As soon as I complete my statement with reference to it, I shall tender the pamphlet to the Senator and he will be convinced, I am sure.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. WILLIS. I yield.

Mr. McKELLAR. Suppose that the treaty were to be entered into by the Government and those Americans who have gone down there—I think about 900 in number, owning about 90 per cent of the island—should come back to Congress, as I have no doubt they will if the treaty is ratified, and say that the American Government induced them to go there and invest their money in those lands and that they did so and that the lands have been made useless to them by reason of the ratification of the treaty, why would they not have a just claim against the United States for whatever losses they may have sustained by reason of going down there under those conditions?

Mr. WILLIS. Whether they would have a just claim, as I have tried to show, there would undoubtedly be equity in that contention, because if the contention of those who are in favor of the treaty and claim that we have no title is correct, then without doubt the Government has deceived those people.

Mr. SWANSON. Mr. President, if that contention is true, the Government has misled them and ought to pay them.

Mr. WILLIS. I do not say it did; but I say that if the Senator's position is correct, it misled them.

Mr. SWANSON. If my contention is right that under the treaties made with Spain the Isle of Pines belongs to Cuba as much as any other part of Cuba, then there is no justification in this Government paying its obligations by despoiling Cuba, is there?

Mr. WILLIS. I am not now discussing that question. I have tried to say to the Senator and to the Senate that for the purpose of the argument I am now making I am perfectly willing to waive that point. The trouble about this matter is that Senators have undertaken to decide it upon technical points of law and not according to the dictates of justice. While I am on that point I want to refer to the most amazing thing that has occurred in the course of this discussion which I have ever known in a very limited experience in the history of legislation. Here is a propaganda pamphlet, a portion of which was published in certain newspapers and magazines. This pamphlet sets forth the argument of the Republic of Cuba. The title is "The Title of the Republic of Cuba to the Isle of Pines." This came to me from the State Department of the United States with the following letter:

With reference to the treaty between the United States and Cuba dated March 2, 1904, regarding the Isle of Pines, now awaiting the consideration of the Foreign Relations Committee of the Senate, I beg to send you herewith, at the request of the Cuban ambassador, a recently published pamphlet entitled "The Title of the Republic of Cuba to the Isle of Pines."

So far as I know, this is the first time in the history of the United States of America that the American State Department has so far forgotten the proprieties as to make itself an agency for placing in the hands of Senators arguments against claims of the United States Government.

Mr. WADSWORTH. Does the Senator mean a claim against the United States Government?

Mr. WILLIS. I mean the title of the United States Government. What I am trying to say is, the United States surely has certain rights in this matter; and yet here is a pamphlet which has been sent to me by the State Department——

Mr. ROBINSON. Mr. President, will the Senator from Ohio yield to me?

Mr. WILLIS. I promised first to yield to my colleague [Mr. FESS].

Mr. ROBINSON. I merely wish to say, with the indulgence of the colleague of the Senator from Ohio, that I am astonished at the statement made by the Senator from Ohio. He has certainly said something more violent than anything I have heard said by any Senator who is among the list of Senators recently turned out of the Republican Party.

Mr. WILLIS. It is not what I have said; it is simply a bald statement of fact. Here is a propaganda pamphlet, which has been sent out, I am advised, at the request of the Cuban minister, so that the State Department puts itself in the attitude of arguing against the case of the United States.

Mr. ROBINSON. The Senator is challenging the authority of the State Department?

Mr. WILLIS. I am not challenging anything; I am merely stating a fact.

Mr. FESS. Mr. President, will my colleague yield to me?

Mr. WILLIS. I yield to my colleague.

Mr. REED of Missouri. Mr. President——

Mr. WILLIS. In just a moment I will yield to the Senator from Missouri. I have promised to yield first to my colleague.

Mr. FESS. I am trying to find a way to explain the pamphlet which the Senator from Ohio has mentioned. I find there were a great many inquiries concerning the Isle of Pines before the date of that pamphlet, and they were all sent to the Government. Would it not be reasonable to believe that if those letters were sent to the Senator from Ohio or to any other Senator here he would prepare a statement in reference to the island, as a general answer to those letters? Is there anything in that pamphlet which indicates that the Government owns the island or that we intend to exercise sovereignty over it?

Mr. WILLIS. If the Senator has ever read the pamphlet I think he will be convinced that on every page of it there is that suggestion. For example, right at the beginning it quotes the portion of the Platt amendment referring to the Isle of Pines. Here is another thing that seems to me very significant. It is written between the lines all through the pamphlet what a wonderful place the island is. The pamphlet states:

The mainland of Mexico and Central America, almost in sight, produces some of the best rubber in the world. The conditions of soil and climate on the Isle of Pines being the same, it is claimed, should make rubber production a profitable industry. The growth of gutta-percha which is generally found in the same zone, would also make a particular valuable addition to the productive wealth of the island. For the production of gutta-percha, Holland, Great Britain, and France have established extensive plantations and nurseries in their tropical possessions.

What is the suggestion of all that? Why does the pamphlet speak of the "tropical possessions" of other countries?

Mr. FESS. The Senator will admit that there have been volumes written upon the resources of the Philippines, and he and I both have not only read them but have taught them in the university. Because that information was sent out as to the resources of the Philippines by the American Government, does it mean that we own the Philippines?

Mr. WILLIS. I think we do own the Philippines. Does the Senator deny it?

Mr. FESS. We exercise sovereignty there; but I understand that it is not permanent, and it never has been permanent.

Mr. WILLIS. That is a question to be determined. There is no doubt of that.

Mr. FESS. Mr. President, will the Senator yield further?

Mr. WILLIS. Yes.

Mr. FESS. The Senator is aware that under the administration of the Pan American Union, as it used to be called, there was a publication which was known as the Bulletin of the Bureau of American Republics. The issues of that publication were constantly filled with suggestions as to the possible development of Mexico and Central America, and American capital was invited to go there. While it is true that was not purely an American document, John Barrett was the president of the union, and the document always bore his name. The Senator will recall that he and I both resented the attitude of President Wilson's administration, which was, in effect, that American citizens who went down there of their own accord would have to suffer the consequences of what might be an unwise course. My thought was that the Government was in a way inviting them, and therefore we ought to

follow them with the protection of the flag. Really, is that the correct position to take? After all, was not President Wilson correct about it?

Mr. WILLIS. I wish to say to my friend and colleague, if his position and mine was justified, that we ought to give some measure of protection to those people who were induced to go there only by an unofficial publication, how much more is the obligation when an official publication, which, as the Senator from North Carolina has said, reads like a prospectus of a land company, is issued by the United States and sent out by the thousand copies? There is where the obligation rests, it seems to me.

Mr. FESS. Mr. President, if the Senator will permit a personal reference, I desire to say that I think one Senator upon the floor of the Senate now was induced to make an investment in Cuba on the representation that we were ultimately going to possess Cuba; he has more experience and less profit, and yet he would not be inclined to say we shall take over Cuba in order to protect that investment.

Mr. WILLIS. Neither would I, Mr. President; I am not talking about taking over Cuba or, for the present purpose, about taking over the Isle of Pines, either, but I am talking about some measure that will give those people the protection to which they are entitled, in view of the representations that have been made to them.

I do not want to delay the Senate by quoting at length from this pamphlet, but it is an exceptionally interesting pamphlet. In connection with it I want to call attention again to the map. In this pamphlet it is further stated, reading now from page 37:

> Considering the island in its broader relations, it is evident that it has little in common with Cuba. Its geologic structures appear to have no close connection with those of the larger island; in fact, the strike of its structural axes is nearly at right angles with those of Pinar del Rio, the nearest part of Cuba. No trace of mesozoic or tertiary formations, which make up so large a part of Cuba, was observed on the Isle of Pines, though such formation may possibly occur in the southern portion south of the great cienaga. Further, the island appears to have had an extremely simple geologic history and to have suffered few of the geologic vicissitudes of its northern neighbor.
>
> Considered from the economic viewpoint the Isle of Pines is scarcely to be compared with Cuba.

So it goes on in the concluding portion of the pamphlet to say that which is perfectly evident.

I wish now I might have the attention of the Senator from Virginia [Mr. SWANSON], whose good opinion I crave. I wish to call the attention of the Senator especially, and the attention of the Senate, to the fact, as suggested by what I have just read, that the Isle of Pines is not a key of the island of Cuba. If the Senator will get an enlarged map he will find that it is an independent island with its own system of keys, as shown here on this map [indicating]. It has a different geologic history; it has a different formation; it never was a part of Cuba, geologically speaking. I recognize that at times it was administered from Cuba, but it is a separate island, with its own separate group of keys, so that it is in quite a different situation, I think, from the little mangrove islands that are closely attached to the island of Cuba.

Now, I wish to refer to what the men who made this treaty understood. There are differences of opinion at present. Some Senators think that the title to this island resides and has always resided in Cuba, while some take a contrary view. Let us see what the men of the time thought. In the first place, let me read the instructions to the American commission and see what was said there. Here is the language of that instruction:

> The United States will require:
>
> First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island.
>
> Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States.

It seems to me that that language is exceedingly important. The President will require—what?

> The cession to the United States * * * by Spain of the island of Porto Rico and the other islands now under the sovereignty of Spain in the West Indies.

The question is, Is the Isle of Pines an island? Yes; it is. It is as large as Rhode Island. Senators have discussed it here upon the theory that it is simply an outlying key of Cuba. It is 40 miles from Cuba, with deep water between it and Cuba. I have in my desk here the latest surveys made by the Hydrographic Office which show that there is a channel of 16 feet between the Isle of Pines and the mainland of Cuba. It was said here in the course of the debate a few days ago that formerly it was used as a penal colony, but that it had to be abandoned because the prisoners would wade across to Cuba. The picture of a man wading through 16 feet of water would be most edifying.

Mr. WADSWORTH. How wide is it?

Mr. WILLIS. I should say that at the widest point it is perhaps 50 miles and the nearest probably 35 miles or something like that—in the neighborhood of 40 miles—from the coast of Cuba.

Mr. WADSWORTH. In discussions of marine matters, would not a body of water 50 miles wide and 16 feet deep be called a shoal?

Mr. WILLIS. I want to say to the Senator that which he knows very much better because of his thorough knowledge of military and naval affairs, in my humble opinion a depth of water of 16 feet with our modern craft might be exceedingly useful in time of war. I suggest another consideration at that point for the Senator to think about. The Isle of Pines is about five hours ordinary flight from the Panama Canal; it is about 45 minutes from Habana; about 2 hours from Florida. If aviation shall develop as we think it will, it might be an exceedingly useful thing to have a landing place somewhere between here and the Isthmus, and that is the only place we have.

Mr. WADSWORTH. Have we not Guantanamo?

Mr. WILLIS. Is it good for a landing place?

Mr. WADSWORTH. Absolutely.

Mr. WILLIS. Does the Senator think that Guantanamo, located as it is at the far end of Cuba, clear out of line, would be as convenient as the Isle of Pines, which is on a direct line with the Panama Canal?

Mr. WADSWORTH. I have no opinion on that myself, but I know that the military authorities of the United States are entirely satisfied with the safety of the Panama Canal with the outlying stations which we now possess.

Mr. WILLIS. I simply call the attention of the Senator to that in passing.

Mr. FESS. Will my colleague yield?

Mr. WILLIS. I will yield in just a moment. I have copies of the recent surveys which have been made of that locality; I have before me some of the advance sheets, together with a letter from Captain Bassett, of the Navy. I think, for the sake of certainty about it, I will put his letter in the RECORD at this point. I ask unanimous consent to have inserted in the RECORD here the letter from Captain Bassett, of the Hydrographic Office, showing as I have just stated, that there is a 16-foot channel.

The VICE PRESIDENT. Without objection, the letter will be put in the RECORD.

The letter referred to is as follows:

HYDROGRAPHIC OFFICE,
Washington, D. C., December 15, 1924.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with a request by telephone for a chart of the Isle of Pines, there is forwarded herewith a copy of Hydrographic Office chart No. 2145 and photographic copies of the survey field sheets of the U. S. S. *Hannibal* for the seasons 1923–24. The data in this region on chart No. 2145 is from old Spanish surveys, which have been found to be very inaccurate. The U. S. S. *Hannibal* survey shows that 16 feet of water can be carried from the sea to Batabano.

The photographic copies of the survey sheets show the latest available accurate information in this region and may be of interest.

The U. S. S. *Hannibal* is now en route to the Gulf of Batabano to continue the survey and will endeavor this year to complete the shore line of the south coast of the Isle of Pines sufficient for the office to get out a complete detail chart of the Gulf of Batabano.

Similar data was supplied the office of Senator Lodge last winter for similar use, except the photographic sheets supplied herewith contain more complete data, and I trust it will be of interest to you.

Very sincerely,

F. B. BASSETT,
Captain, United States Navy, Hydrographer.

Mr. WILLIS. Mr. President, I wish to state further that recent surveys of the U. S. S. *Hannibal* show that in the bay to the north called Siguenea there is a depth of water

of 30, 35, or 40 feet, with a small sand bar across, which, at a very little expense, could be removed and there could be made a harbor that would float the navies of the world. Yet it is proposed entirely to relinquish all control of it.

I now yield to my colleague.

Mr. FESS. Mr. President, is the Senator sure as to the naval value of the Isle of Pines? There is no doubt after reading what Senator Platt says concerning the conference that was held here in Washington by a subcommittee that the plan for a naval station was in his mind.

Mr. WILLIS. There is no doubt whatever.

Mr. FESS. I find that he did make reference to the use of the Isle of Pines as a naval station——

Mr. WILLIS. I intend to refer to his letter later on.

Mr. FESS. But subsequently was not any idea as to the use of the Isle of Pines for such a purpose totally abandoned?

Mr. WILLIS. Oh, yes; and we know, the Senator knows, that these matters of offense and defense change. We have had a lot of discussion in another body recently on that general topic. Some men think it is useless to build battleships any more, that airplanes are the only adequate means of national defense, and some think otherwise; so that these are matters of fluctuating opinion. Men might think to-day that this island was of no military value, and to-morrow they might think it was of great value.

Mr. FESS. I think the Senator is taking a different view from what I have taken. My point was that after a survey it was found that the island was not located as they had supposed; in other words, that it would not serve as a valuable station because of its topography.

Mr. WILLIS. If the Senator, in view of what I have just said concerning the recent surveys, will look at the map and notice the location of this island, he will see that it is just off the Yucatan Channel; and I think it is of the greatest importance. In other words, I take the view set forth by Senator Platt in that letter.

Mr. FESS. The agitation was at the very moment when they were developing the plan of the Panama Canal; and there is no doubt but that Cuba, with its surroundings, was in the minds of many people. In fact, a great many Americans thought we ought never to give up Cuba for the same reason.

Mr. WILLIS. Yes.

Mr. FESS. Now let me ask my colleague whether he agrees with his colleague from New York that the term "and other islands" includes all the islands adjacent to Cuba?

Mr. WILLIS. I think that is a matter as to which much can be said on both sides. I want to be frank with my colleague. He taught me to be so. I think there is very much room for argument on both sides of that question; but the point I am making is that while that can become a matter of dispute, there can not be any dispute upon the proposition that we owe something to the people who went to the island under the recommendation of the Government of the United States. That is what I am talking about.

Mr. FESS. Frankly, I did not suppose anyone would think that the 1,360 islands and keys adjacent to the island of Cuba were included as United States territory.

Mr. WILLIS. No; and I am not so contending; but I want again to call the attention of my colleague to the fact, which I fear may have escaped him, that the situation of the Isle of Pines is totally different from the situation of these keys.

Mr. FESS. Certainly.

Mr. WILLIS. If the Senator will recall, the geological strike of those islands is along the same line as that of the island of Cuba. Generally those islands are parallel to the general line of the coast and relatively near the coast. They are, most of them—so far as I know, all of them—uninhabited mangrove swamps. This island is of a different geological formation. It is about 40 miles from the coast and has its own line of keys surrounding it, just as Cuba has its own line of keys surrounding it. It is just as much a separate island as Porto Rico or Jamaica.

Mr. FESS. But never considered so by Spain or Cuba.

Mr. WILLIS. The latter part of the suggestion of my colleague has no point, because there never was any such political entity as Cuba.

Mr. FESS. What I had in mind was the phrase "Cuba and other islands." The Isle of Pines, as I understand from my reading, was always considered by Spain and also by Cuba in government, politically and otherwise, as a part of Cuba.

Mr. WILLIS. Sometimes it was and sometimes it was not.

The Isle of Pines Chamber of Commerce prepared the following chronological digest of Spanish control in the West Indies from 1494 to 1898:

The Isle of Pines was discovered by Columbus in 1494 and occupied as a separate discovery under the flag.

In 1630 it was a gift from the Crown of Spain to a Spanish General Pedrosa.

It passed to the Duarte family in 1706.

In 1828 by royal order Spain established thereon a colony named La Reina Amalia.

From 1526 to 1835—309 years—Cuba was governed from Haiti, the audiencia or seat of government for all the Spanish Indies.

It was not until 1835—63 years before the Spanish-American War—that Cuba was granted an audiencia.

In 1855—43 years before the Spanish-American War—the Isle of Pines was attached for judicial purposes to the district of Bejucal Cuba.

In 1878—20 years before the Spanish-American War—it was attached to the Habana Province for municipal purposes.

Spain used the Isle of Pines for a penal colony, sending prisoners from Haiti, Porto Rico, and Cuba; a Spanish captain general was in command, and when insurrections broke out in Cuba, he took his prisoners over to Cuba to help put down the revolt.

Article 1 of the treaty of peace only mentions Cuba; Cuba is an island, not an archipelago.

Cuba was an island possession of Spain, being a possession, she could not own.

The Isle of Pines is a distinct island with mountain ranges and rivers.

The Isle of Pines, a lesser island, came in with the cession of Porto Rico as one of "the other islands" then under Spanish sovereignty.

Cuba is administering de facto government over the Isle of Pines, which is in direct violation of article 6 of the Platt amendment, and in violation of our own Constitution.

In that connection, while we are on that point, I want to refer the Senate and my colleague to what the Spanish commissioners thought about this thing—the understanding of the men who were designated by the Spanish Government to make this treaty. Here is the way they understood it. I have already read the instructions to our commissioners. The Spanish commissioners made this statement to their Government. They say:

The United States require, as an indemnity for or an equivalent to the sacrifices they have borne during this short war, the cession of Porto Rico and of the other islands now under the sovereignty of Spain in the West Indies.

Now, the question is, Was the Isle of Pines under the sovereignty of Spain? Yes. Was it in the West Indies? Yes. Then it certainly seems to me that this description fits in exactly, and yet I concede that there is room for argument upon that point. I concede it because I do not regard the point as at all essential.

A little bit later here there is something to which I want to invite especially the attention of my colleague and of any other Member of the Senate who honors me with his attention. Here is the report, in the annex to the ninth protocol. Now, let us get the geography of this thing. This is the report of the Spanish commissioners to their own Government. They say:

They—

That is, the American commissioners—

did not make the same demand regarding Porto Rico, and did subsequently claim the sovereignty of the latter island—

Now, note this—

and of others surrounding Cuba.

What other island is there, except the Isle of Pines, that could be said to be surrounding Cuba? The Isle of Pines is down here. Porto Rico is away up here. I will read that again:

They did not make the same demand regarding Porto Rico, and did subsequently claim the sovereignty of the latter island and of others surrounding Cuba.

It was argued here some time ago that that referred to the little island of Culebra and some others away off up here to the eastward of Porto Rico. That can not be said to be "surrounding Cuba." Unless we shall say that the other islands in the West Indies under Spanish domain include the Isle of Pines, then the statement that is made by the Spanish commissioners themselves becomes utterly meaningless, because they go on to say:

They * * * did subsequently claim the sovereignty of the latter island and of others surrounding Cuba (which will render impossible

its independence without the will and gracious consent of the United States, which will always have it at their mercy owing to their control over the islands surrounding it like a band of iron).

Where are the surrounding islands that the Spanish commissioners themselves talk about, unless you are going to include the Isle of Pines as one of these islands?

Mr. FESS. Mr. President, will my colleague yield there?

Mr. WILLIS. Yes.

Mr. FESS. If the phrase "and other islands surrounding Cuba" includes the Isle of Pines, it must necessarily, if the Senator's contention is correct, include the other adjacent islands, 1,360 of them. Does the Senator think that anybody on that commission believed that we were taking the sovereignty of all those islands?

Mr. WILLIS. Not at all, for the reason that I have just explained to my colleague. If he will look at this map—here is the Isle of Pines, 40 miles from Cuba, with its own line of keys surrounding it. That is in a different situation from these little mangrove swamps within half a mile of the coast.

Mr. FESS. Then why did not the Spanish commissioners use the term "Isle of Pines" instead of "other islands"?

Mr. WILLIS. The Senator will have to ask the Spanish commissioners about that. I do not know. I am reading the Senator what the Spanish commissioners said.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question?

Mr. WILLIS. Oh, yes.

Mr. SWANSON. Does the Senator believe more Mr. Day, of Ohio, who was Secretary of State and chairman of the American commissioners, or the Spanish commissioners? Whose statement is entitled to greater value from the Senator?

Mr. WILLIS. I will get to that.

Mr. SWANSON. I just ask the Senator that question: Whose judgment——

Mr. WILLIS. But the Senator can not both ask and answer the question. He has asked it now, and I will answer it as I please.

Mr. SWANSON. I ask the Senator whose judgment he would prefer.

Mr. WILLIS. I will tell the Senator when I get to it. I am now talking about what the Spanish commissioners said.

Mr. SWANSON. If the Senator will permit me, I want to show him that Mr. Day, who was the chairman of the American commissioners and a member of the Supreme Court of the United States, said that it did not include the Isle of Pines, but it went to Cuba. The Senator is trying to place a Spanish commissioner's judgment against that of Mr. Day, who was chairman of the American commissioners. I simply ask him whose judgment is worth the most?

Mr. WILLIS. The Senator is referring to the fact that Justice Day, than whom there was no greater American or greater judge or lawyer, was a member of the Supreme Court when it rendered the obiter dictum that has been read here half a dozen times, and went into a discussion of a question that was not before the court, and rendered a decision with a divided court——

Mr. SWANSON. Let us say it is an obiter dictum; would the Senator rather believe the obiter dictum of Mr. Day, who was chairman of the American commissioners and Secretary of State at that time, or would he rather believe a Spanish commissioner?

Mr. WILLIS. I will take the weight of evidence; and when I show the Senator, as I shall, that Senator Frye, who was a member of the commission, took an exactly contrary view, and that Cushman K. Davis took an exactly contrary view——

Mr. SWANSON. I take the weight of evidence, because Mr. Day was the first man who ever used the expression "other islands." It was in his correspondence that it originated. He was the father of the expression "Porto Rico and other islands," and consequently I say he is the best authority to give an interpretation to it, not the Spanish commissioners.

Mr. WILLIS. Of course I do not agree with the Senator, but I shall permit the Senator to interrogate me. I see that this matter has struck fire; the Senator realizes the importance of it, so I am going to read it again. His agitation about the matter indicates that there is something here.

Here is what the Spanish commissioners understood. Here is what they said in their protocol. I will read it all again.

Mr. SWANSON. I heard it.

Mr. WILLIS. No; but I did not read it loudly enough for the Senator.

Mr. SWANSON. I hope the Senator will read it loudly.

Mr. WILLIS. Here is what the Spanish commissioners said, and I hope that I may have the Senator's undivided and pious attention. In talking about the American commissioners, the Spanish commissioners reported to their Government:

They did not make the same demand regarding Porto Rico, and did subsequently claim the sovereignty of the latter island and of others surrounding Cuba.

If you leave out the Isle of Pines, what does that phrase mean? Nothing:

Mr. ROBINSON. Mr. President, the Isle of Pines does not surround Cuba.

Mr. WILLIS. It is part of a chain that surrounds it. It is to the south of Cuba, and Porto Rico is to the north and east of Cuba. It comes near surrounding it.

Mr. ROBINSON. Does the Senator from Ohio say that the United States ever claimed any other island in that vicinity than the Isle of Pines?

Mr. WILLIS. Oh, of course not, because, as I have explained, it is in a different situation. It is 40 miles from the coast.

Mr. ROBINSON. How can the Senator, then, quote as an argument the statement that the United States claimed other islands surrounding Cuba, when he himself admits that it never did anything of the kind?

Mr. WILLIS. It does not make any difference what the Senator from Arkansas thinks or what I think.

Mr. ROBINSON. Oh, yes, it does. It makes a great deal of difference.

Mr. WILLIS. I am reading to the Senator what the Spanish commissioners reported to their Government.

Mr. ROBINSON. In the ratification of a treaty it makes a little difference as to what the Senator from Arkansas thinks, and it makes a very great difference on any occasion what the Senator from Ohio thinks.

Mr. WILLIS. I salute the Senator. With that compliment I want to finish this reading.

Mr. FESS. Mr. President——

Mr. WILLIS. I want to finish the reading of this now, because evidently it has great clarifying value.

The Spanish commissioners understood what they were giving away. They reported to their sovereign that they had ceded, in response to the demand of the United States—what, now?

Sovereignty of the latter island and of others surrounding Cuba (which will render impossible its independence without the will and gracious consent of the United States, which will always have it at their mercy owing to their control over the islands surrounding it like a band of iron).

Mr. FESS. Mr. President——

Mr. WILLIS. I yield to my colleague.

Mr. FESS. I am not actuated by any controversial spirit in these inquiries, I am sure my colleague knows that; but I am considerably disturbed over some of the interpretations. It seems to me, if the Senator takes the expression of the Spanish commissioners, that they meant Porto Rico, Mona, Vieques, and Culebra.

Mr. WILLIS. Does the Senator think those islands surround Cuba?

Mr. FESS. Those islands are in the West Indies.

Mr. WILLIS. Do they surround Cuba, or come anywhere near it?

Mr. FESS. No; they are near Haiti; but if they included the islands about Cuba they certainly would include more than the Isle of Pines, or they would not use the plural, and if they meant the Isle of Pines they would have said so. Otherwise, the Senator is limited to the alternative that if they do include the Isle of Pines we must include the other adjacent islands.

Mr. WILLIS. I, of course, do not agree to that, because the Senator loses sight of the geography of that situation. There is not one of these islands that is inhabited, or was then. They are just little, low, swampy tracts—keys—parallel to the general course of the shore. Does not the Senator see a difference between a little patch as big as a calf lot and an island as big as the State of Rhode Island, that is 40 miles from the island of Cuba, with its own keys surrounding it, that is clearly an island, while the others were not?

Mr. FESS. Then, if that was the only thing in mind, why should they say "the other islands surrounding Cuba"? Why should they not say "and the Isle of Pines"?

Mr. WILLIS. Because they had in mind this fact—and it is a fact: The general situation was such that Porto Rico, Culebra, and the Isle of Pines, some of them to the north and east, some of them to the south and west, all, in a general way, surround it. At any rate, I will leave those who are favorable to this treaty to explain away, if they can, this statement of the Spanish commissioners, in which they say, as definitely as language can say it, that they had in mind an island some-

where to the south and west of Cuba, and if it is not the Isle of Pines, what is it?

Mr. FESS. Mr. President, will my colleague yield to a specific question?

Mr. WILLIS. Certainly.

Mr. FESS. If that is the interpretation that is proper, why is it that we have the opposite view by Judge Day, who wrote the original proposal, and why do we have the opposite view of Elihu Root, and of John Hay?

Mr. WILLIS. Then I ask the Senator why do we have the view of Cushman K. Davis, of Orville H. Platt, and of Senator Frye, opposite to the opinions he has quoted?

Mr. FESS. I have the statement of Orville H. Platt here, and Orville H. Platt only expresses an opinion as to what we ought to do; that is, that if we can not hold the Isle of Pines, then we ought to buy it.

Mr. WILLIS. I shall get to all of those. I think I shall satisfy the Senator upon that point.

I have attempted, in the face of some interruptions, to cover the documentary history of this matter. First, the instructions to the American commissioners, which I have read, indicated as clearly as the English language could indicate, that this island was to be ceded. Secondly, the report of the Spanish commissioners to their own Government showed that they understood that something had been ceded to the United States other than Porto Rico and the little island of Culebra.

It has been said—and considerable stress was placed upon the point—that we had secured a coaling station and had not kept faith with Cuba. Of course I take a view contrary to that. I think we have absolutely kept faith with reference to the lease that was made. I have a copy of that lease before me here, and that agreement for a lease quotes the authority under which it is made. It says:

The United States of America and the Republic of Cuba, being desirous to execute fully the provisions of Article VII of the act of Congress approved March 2, 1901, and of Article VII of the appendix to the constitution of the Republic of Cuba * * * which provide—

Here is Article VII of the constitution:

To enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States.

Here is the contract of lease for the coaling station at Guantanamo, and then following it is the lease with the consideration stipulated, $2,000 a year. That was a complete transaction in itself; and if the question be raised as to why that consideration was entered into, do not lose sight of this:

To enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as to provide for its own defense.

In other words, the idea which has been put forward that we ought to give up the Isle of Pines in exchange for the coaling station is without foundation, because the consideration had already passed in the payment of the $2,000 per year. That was by itself a complete transaction.

Now, I want to see how these documents to which I have referred and which I shall place in the RECORD somewhat fully, if I have permission, were understood by the men of that time. There has been some question about that. First, as to the attitude of President McKinley. Let us see if we can find anything about that. I have here volume 5 of Senate Documents, and I turn to page 442. Here is an interesting letter:

War Department, Office of the Assistant Secretary, Washington, D. C., January 15, 1900—

This is a letter to Mr. A. C. Goff, Bluff Springs, Fla. It says—and I want Senators to note this:

I have the honor to acknowledge the receipt, by reference from the President, of your letter of the 6th instant, asking if the Isle of Pines belongs to the United States, and whether it is subject to the homestead laws of this country.

In reply I beg to advise you that the Isle of Pines was ceded to the United States by Spain, and is therefore a part of our territory, although it is at present attached to the division of Cuba for governmental purposes. The homestead laws of the United States have not as yet been applied thereto, and this question must await congressional action.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

I call special attention to the fact that this statement is made:

I have the honor to acknowledge the receipt, by reference from the President.

We do not know just what conversation was had, but we do know that this was referred to the Assistant Secretary of War for reply, and that the later action of the President was tantamount to a confirmation of the action of the Assistant Secretary of War.

Mr. WADSWORTH. Mr. President, does the Senator believe that President McKinley referred that to the Assistant Secretary of War for his decision?

Mr. WILLIS. All I know is what I have read in this letter.

Mr. WADSWORTH. What does the Senator infer from it? Does the Senator suppose that William McKinley said to Meiklejohn, "You go ahead and decide whether we own that island or not?"

Mr. WILLIS. I have no means of knowing what took place between the President and the Assistant Secretary.

Mr. WADSWORTH. The Senator has called attention to something that states that it was referred to Meiklejohn by the President. The Senator knows that the President refers thousands of letters to his subordinates.

Mr. WILLIS. I understand that; but, as the Senator will see in a moment, President McKinley was pretty definite in his position about that. I do not know what conversation they had about it, or whether they had any. I have simply read the document for what it is worth. But I say to the Senator that there is absolutely no doubt in my mind as to what the attitude of President McKinley was on this question.

Here is a subsequent communication from Assistant Secretary Meiklejohn, under date of January 13, 1900. This was referred to him from the Secretary of State. It has been intimated that Mr. Meiklejohn was a mere interloper and had no right to say anything. Here is a matter referred to him by the Secretary of State. It is as follows:

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., January 13, 1900.

SIR: I have the honor to acknowledge the receipt, by reference from the honorable the Secretary of State, of your letter of the 20th ultimo asking if the islands south of Cuba, formerly belonging to Spain, now belong to the United States or to Cuba; whether you have a right to hunt along the coasts thereof in a boat too small to enter at the customhouse, carrying probably 100 pounds of ammunition, two or three guns, and two months' provisions for two men, and requesting publications descriptive of said islands.

In reply you are advised that the Isle of Pines was ceded by Spain to the United States, and therefore is a part of our territory, although it is attached at present to the division of Cuba for governmental purposes.

In reply to your inquiry relative to guns and ammunition, your attention is invited to the inclosed copy of an order of the military governor of Cuba, dated September 18, 1899, modifying the instructions dated April 27, 1899. You are further informed that the department has no publications descriptive of these islands.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War

Mr. L. C. LEITH,
Northwest corner Market and Eighteenth Streets,
Galveston, Tex.

In one instance there was a letter referred by the President of the United States, and in the next, on another date, a letter referred by the Secretary of State.

That is not all of that story. Let us see about it further.

Mr. WADSWORTH. Does the Senator contend that the Secretary of State at that time believed that the United States had title to the Isle of Pines?

Mr. WILLIS. I am somewhat in doubt about that. I have sought to determine that point. The then Secretary of State, a very great Secretary of State, seems to have expressed at one time an opinion that would lead one to think that there was some doubt about his attitude. I do not know about it. All I know is that the then Secretary of State was one of the very greatest we have had.

A little time ago my colleague, I think it was, or some other Senator who interrupted me, referred to statements that were made touching the attitude of President McKinley. I shall now refer to the CONGRESSIONAL RECORD of December 8, 1903. My colleague has had a long and most distinguished service in the House of Representatives. I think he will agree with me that ordinarily the Members of the House of Representatives are moved by the highest considerations, and when a Member will stand up in his place and make a statement, a

response to an inquiry such as I am about to read, it could be relied upon. The colloquy to which I am about to call attention occurred during the consideration of a resolution introduced by Judge Crumpacker, of Indiana, whom my colleague will remember. He was asking questions, and finally Mr. Hermann, the same man whose name appears upon both these maps I have had placed upon the wall, the former Commissioner of the General Land Office, under whose authority these maps were prepared, made the statement I am about to read; and I beg Senators to note this language. This was said on the floor of the House on the 8th day of December, 1903:

Of my personal knowledge I know that it was the last wish of President McKinley, after carefully looking into the question as to the ownership of the Isle of Pines and as to the right we acquired from Spain to that domain, that it should be understood to belong to the United States under the treaty, and he was so emphatic—I may say sensitive—as to that conviction that he gave specific instructions to the department that the Isle of Pines should be noted upon the large session map of the United States that shows the different acquisitions of public domain to our country from the various sources through which we derived original title and that the Isle of Pines should be placed there as inuring to the United States under the Paris treaty.

That was done, and publication has been made upon each annual issue of that map since that time, and our claim of ownership of the Isle of Pines has thus been proclaimed through one of the great executive departments of the Government to all the world, and with the approval, the wish, and the direction of the Chief Magistrate of this country. For one, I think the conclusion is irresistible as to our right and title to that province, and I sympathize with the citizens of our Nation who have gone there.

The rest is simply an expression of opinion which I shall not read, but I do call special attention to this statement, upon his honor, made by a Member of the House, as to the attitude of President McKinley.

That is not all. Let me follow that up with other evidence on that point, which I propose to produce. That was the statement made by Mr. Hermann as a Member of the House and upon his honor as a Member of that distinguished body.

Subsequently he made another statement in the form of a deposition. We have no right to assume that men, simply because they give testimony that is somewhat contrary to our convictions are all mistaken, and that they are all falsifiers. Here is a statement by Mr. Hermann upon his honor as Member of the House. Here is his sworn statement:

STATE OF OREGON,
County of Douglas, ss:

Binger Hermann, being first duly sworn, deposes and says that following the treaty of Paris at the conclusion of the war with Spain he was Commissioner of the General Land Office, and one of his duties was that of preparing and publishing a large map of the landed area of the United States, upon which was shown the latest public land cessions. Having acquired the Philippines and other island possessions as a result of the war with Spain, he felt that it was his duty to have those cessions placed upon the large Land Office map which he was then preparing, subject to the approval of the Secretary of the Interior; that he had a consultation with President McKinley as to this matter, and he referred particularly and on his own motion to the Isle of Pines, and manifested a special interest as to this subject. The President referred to it several times, saying at one point with much force, "Do not forget to place upon that map the Isle of Pines," and as affiant was leaving, with even more emphasis the President repeated his request and warning, saying, "Now, Mr. Hermann, do not forget to place the Isle of Pines on the map as United States territory"; affiant furthermore recalls that in suggesting to the President that certain people in the United States were contending that we had no constitutional right to acquire the Spanish-American possessions which we claimed under the treaty of Paris, and that many persons made it an issue in some of the public press of the country, he retorted with considerable feeling in these words: "Issue? It is not an issue; it is an established fact."

That following this interview affiant immediately called up the chief draftsman of his office and warned him not to overlook a proper place on the map for showing the Isle of Pines as United States territory and cautioned him in express terms as to the necessity for embracing this possession among the others acquired under our treaty with Spain. This map was duly prepared, approved by the Secretary of the Interior, and published.

BINGER HERMANN.

Subscribed and sworn to before me this 7th day of September, A. D. 1916.

ELBERT B. HERMANN,
Notary Public for Oregon.

My commission expires January 17, 1920.

The map is hanging on the wall at the back of the Senate. A little while ago my distinguished friend the able Senator from Pennsylvania [Mr. PEPPER] sought to show to the Senate that all that that map showed was that the Isle of Pines was territory that had been surveyed by the United States. Of course, when the Isle of Pines, Porto Rico, Alaska, and the Philippines are shown in special blocked portions of the map an ordinary citizen would understand that that represented them to be American territory. But we are not left to hypothesis in that respect, because here is a direct statement under oath that that was placed on the map because the President of the United States understood that it was American territory and specifically directed that that should be done.

Mr. President, I am unwilling to believe that Mr. Hermann would stand up in the House of Representatives and make this statement falsely and subsequently would make his oath, such as I have read here. I have no doubt in the world that the facts were as they are here alleged to be.

Now, let us pursue this thing a little further. Mr. Hermann stated further in his statement which I have read that he directed the draftsman to proceed. Let us see what the draftsman has to say about it, if anything. I read his affidavit, as follows:

CITY OF WASHINGTON,
District of Columbia, ss:

Harry King, being first duly sworn, deposes and says that he is and has been a resident of Washington, D. C., for more than 26 years; that during the year 1899 he was in the employ of the United States Government and held the position of chief draftsman in the office of the Land Commissioner; that he remembers preparing the changes in the large cession map early in the year 1899 in order to show our new acquisitions from Spain through the Paris treaty.

Deponent further says that he distinctly remembers that the then Land Commissioner, Binger Hermann, particularly charged him not to overlook to place the Isle of Pines upon this map showing it as United States territory, and that said commissioner emphasized the request by saying that he had specific instruction from President William McKinley to show the Isle of Pines on said map as one of our insular possessions ceded to us by Spain.

Deponent further says that it made a deep impression on his mind, because said commissioner manifested such earnestness and anxiety and repeated that it was the order of President McKinley.

Deponent further says that said cession map was accordingly prepared and published in 1899, with the Isle of Pines shown as United States territory.

Deponent further says that he has no interest in the Isle of Pines and that he makes this affidavit in the interest of justice to the American settlers.

HARRY KING.

Subscribed and sworn to before me this 26th day of January, 1924.

[SEAL.] GERTRUDE B. SPAULDING,
Notary Public.

My commission expires March 18, 1924.

That is cumulative evidence, it seems to me. Here is Mr. Hermann's oath, and here is the sworn statement of the man to whom he gave the directions. But so much for that and so much for the preparation of the map. There is no doubt about it that for four years the official map of the United States, that was sent all over the country and studied by the people, showed that the Isle of Pines was a part of the United States. It may be that it ought not to have been, but that is what the map showed. I am saying, Mr. President, that the Government of the United States can not afford to play that sort of game with its people, to deceive them, if it did deceive them, and then leave them unprotected, as the treaty proposes to leave them.

Something has been said about the attitude of various of the commissioners who had to do with the making of the treaty of peace. Let us see what they said. One of the most distinguished members of the commission was a former occupant of the office of President pro temopre of this body, a Member of the Senate from the State of Maine. He was a member of the peace commission, as I recall it. Let us see what he had to say about it. I turn to Senate Documents, volume 5, page 193. Let us see what Senator William P. Frye had to say. I am quoting now from the minority report made by Senator Morgan when this matter was up for consideration. He said in this report a lot of interesting things, only a portion of which I shall read:

Article VI of the Platt amendment, in its widest possible interpretation, contains no admission of title in Cuba to the Isle of Pines. On the contrary, it disaffirms the existence of such title in the provision "That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba." No title to the Isle of Pines could legally exist beyond those boundaries.

There is an interesting thing to think about. When this treaty was signed, what became of the title to the Isle of Pines? It certainly did not reside in Cuba, because Cuba was not a political entity. It could not remain suspended in the air. It had to reside somewhere. As a matter of fact, by every possible intendment of reason it passed to and resided in the United States of America—not to Cuba—and if it did not pass to the United States there is only one other possible place that it could have passed. It certainly did not pass to Cuba. No one contends that it did. If it passed to Cuba, what is the use of this treaty?

Mr. WADSWORTH. If it passed to the United States, why did the United States agree to discuss that question later?

Mr. WILLIS. It may have had its own reason. If it did not pass to the United States, where did it go?

Mr. WADSWORTH. That was uncertain at the time, and it was agreed as being uncertain by the United States; hence the treaty.

Mr. WILLIS. It certainly could not go to Cuba.

Mr. WADSWORTH. It certainly did not go to the United States.

Mr. WILLIS. It certainly did not remain in a state of suspension as a fog.

Mr. WADSWORTH. It has been in a state of suspension all this time. We are trying to settle it. That is the whole point.

Mr. WILLIS. I understand about that, but there has to be title to it somewhere. If whatever title there was did not come to and reside in the United States, it must have remained in Spain.

Mr. WADSWORTH. If there was no question about the title, there would be no treaty.

Mr. WILLIS. It is a controversial question, but there is no doubt about the proposition that I am seeking to enforce, which is that the people of the United States have been led to believe that this was and is American territory and therefore we owe them something.

Mr. WADSWORTH. That is not what the Senator said in his last discussion. He said there was no doubt whatsoever that this island belongs to the United States. If that is the case, why was the title of it reserved for future consideration, the United States being a party to that consideration?

Mr. WILLIS. So far as that is concerned the United States might be willing to discuss the passing of title so far as it had authority to pass the title of any of its territory.

Mr. WADSWORTH. Then our discussion of this title is only a bluff?

Mr. WILLIS. If the Senator's contention is true, our claim that we are passing title to Cuba is not only a bluff, but it is the shadow of a bluff; there is nothing to pass in that event.

Mr. WADSWORTH. I have not made any claim of that sort.

Mr. WILLIS. But the proponents of the treaty claim that very vigorously.

Mr. WADSWORTH. Are we really settling the title by the treaty or not?

Mr. WILLIS. I think we are.

Mr. WADSWORTH. But the Senator said the title was already settled.

Mr. WILLIS. But we can pass it if it is settled, and I am opposing passing it until we have some guaranty of the rights of the American citizens.

Mr. WADSWORTH. Did not the United States join with Cuba in deciding that they would discuss the title later on?

Mr. WILLIS. Undoubtedly.

Mr. WADSWORTH. Then the title is in Cuba.

Mr. WILLIS. I do not think so. You can not have a title in nubibus in that way. Titles have to be somewhere.

I was reading what Senator Morgan said:

> The possession of the island is not specifically provided for, but it follows the title by the intendment of law, and did not break away from the title and cross "constitutional boundaries" to claim a rightful lodgment in Cuba. Congress made no such absurd provision in the Platt amendment.
>
> In fact and in law the title and the possession remained in the United States until the island should be otherwise disposed of.

I am reading from the minority report.

Mr. WADSWORTH. I know it is the minority report.

Mr. WILLIS. Yes; and it ought to have been the majority report. I call attention to what Senator Frye said about it. Senator Morgan stated further on as follows:

> This understanding is sustained positively by the statement of one of our commissioners who negotiated the treaty of Paris and is acting chairman of this committee, Hon. William P. Frye, Senator from Maine. He stated to the committee that the commissioners of the United States did not regard the Isle of Pines as being a part of Cuba but as a separate island that was ceded to the United States in article 2 of the treaty of Paris, which is in these words:
>
> "Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianaroes or Ladrones."

That was the understanding of Senator Frye, of Maine, who was one of the commissioners. Let us see what some of the rest of them thought about it. I have tried to show what the document said. Now I am trying to get the interpretation placed upon those documents by the men of that time. Let us ascertain, if we may, what was the attitude of Senator Cushman K. Davis, because he was a distinguished member of this commission. I will place in the RECORD, if I may, an affidavit by Henry A. Castle, of St. Paul, as follows:

> Henry A. Castle, being duly sworn, deposes and says: My legal residence is and has been for more than 40 years in the city of St. Paul, Minn.; for 30 years I was on terms of confidential intimacy in personal, official, and political matters with the late Cushman K. Davis, United States Senator from Minnesota and a resident of St. Paul; that while Senator Davis was in Paris, France, in the autumn of 1898 as one of the commissioners of the United States for negotiating a treaty of peace with Spain, I was serving in Washington as Auditor for the Post Office Department, and maintained, at his request, a frequent correspondence with him. As showing the confidential nature of his communications with me, I quote the following from a letter, all in his autograph handwriting, dated November 23, 1898:
>
> "I think we are nearing the end of our negotiations, either a treaty or a rupture. It looks to me like a treaty. The Spanish chancellor is changeable and no one can tell what his appearance will be to-morrow. The twenty millions may fix his color. I advised the President by cable against this offer and against paying Spain a dollar. Each of the commissioners wired his opinion on this point, and in mine I stood alone. I hope the President and my associates are right in their view."
>
> During the winter following, after Senator Davis's return to Washington, I had many conversations with him respecting the incidents of his trip and the provisions of the treaty. He then told me that he did not greatly value the acquisition of Porto Rico, but that he was reconciled to the unnecessary payment of twenty millions for the Philippines, as it was expressed, by the fact that we would get title to the Isle of Pines, which has a harbor that would float the navies of the world, and where we could build a naval station which would be the key to the Gulf of Mexico and the Isthmian Canal. I had but a vague idea of the Isle of Pines and no knowledge whatever of this great harbor. Hence the statement was vividly impressed on my mind and recollection. I have no interest in the Isle of Pines or acquaintance with its people. I voluntarily state these facts as confirming my belief that Senator Davis understood that the United States was acquiring full title to that valuable possession.
>
> HENRY A. CASTLE.
>
> DISTRICT OF COLUMBIA,
> *City and county of Washington, ss:*
> Subscribed and sworn to before me this 12th day of December, 1908.
> [SEAL.] MAUDE H. YATES, *Notary Public.*

Senator Frye said the Isle of Pines came to us. He was one of the commissioners. Senator Davis said that the Isle of Pines came to us. He was one of the commissioners. President McKinley, who appointed both of them, said that the Isle of Pines came to us. He was the President of the United States. Yet it is here averred that the men of that time and that all the Presidents had been in favor of the contention of the Cuban Government. So much for the attitude of Senator Davis. There are others who had something to say about this. I ran across an interesting statement from a gentleman by the name of Pershing——

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. WILLIS. I yield.

Mr. SWANSON. The Senator was discussing Senator Frye. On November 21, 1903, the Foreign Relations Committee reported favorably, without a record vote, this treaty. The members of the committee at that time were Senators Frye, Lodge, Clark of Wyoming, Foraker, Spooner, Fairbanks, Kean, Morgan, Baker, Money, Clark of Montana, and McCreary. The only two who signed the minority report of Senator Morgan at that time were Morgan and Clark of Montana. Thus it is evident from the membership of the committee at that time, with only two dissenting votes on the treaty, that Frye concurred in the ratification of the treaty.

Mr. WILLIS. On the contrary, nothing of the kind is evident, and I will prove it to the Senator. The Senator made

exactly the same argument some time ago touching my former colleague, Senator Pomerene, and he read certain names to prove, as he thought, that Senator Pomerene was in favor of the treaty. I put in the RECORD at that time the statement that Senator Pomerene made in 1923 and the resolution he introduced showing that he was absolutely opposed to the treaty.

Mr. SWANSON. If the Senator will permit me, there were only two who dissented at that time and they were Morgan and Clark of Montana. As to Senator Pomerene, the recorded vote in the Senate Committee on Foreign Relations on December 11, 1922, showed that Senator Pomerene, among others, voted "yea," and that there were no "nay" votes. I do not know what he thought in 1923. He was recorded on a yea-and-nay vote in the Committee on Foreign Relations as voting "yea." The secretary of the committee who gave me this memorandum is Miss Rubin, and it is signed by her.

Mr. WILLIS. Is the Senator through with that statement? That is the second time he has made it and it is delightful.

Mr. SWANSON. I say the record shows it, and I have cited it. I do not know what Senator Pomerene may have thought, but I have shown how he voted.

Mr. WILLIS. I have the advantage of the Senator from Virginia, then, if the Senator does not know. When he brought up exactly the same matter and read it before, I immediately placed in the RECORD, as I shall now do, the statement by Senator Pomerene on the floor of the Senate on the 5th day of February, 1923, in which he positively stated that he was opposed to the treaty. The mere fact that a member of the committee does not bring in a minority report does not make him responsible for any majority report.

Mr. SWANSON. I do not say that he did not bring in a minority report. I say he voted to report favorably on the treaty with the recommendation that the Senate should ratify it.

Mr. WILLIS. He was not in favor of the treaty.

Mr. SWANSON. Then he had a curious way of voting one way and thinking another way.

Mr. WILLIS. The only reason I refer to that is because it is on a parity with the reasoning of what the Senator said before, that because there was a majority report from the Committee on Foreign Relations, therefore Senator Frye must have concurred in the report and been in favor of it. Against that I placed the direct statement of the then Senator from Alabama, John T. Morgan, one of the greatest men that ever occupied a seat in this body. He said upon his honor as a Senator that Senator Frye did not entertain that view. I again read it to the Senator.

Mr. SWANSON. He might not have entertained the view as to where the islands went under the treaty, but every presumption is that he voted to report the treaty favorably, because the minority report only shows two Senators dissenting from the majority report.

Mr. WILLIS. Whatever that may be, here is what Senator Morgan said.

The PRESIDENT pro tempore. Before getting too far away from Senator Pomerene's statement, the Chair desires to say that he understands the Senator from Ohio to have asked that it be printed as a part of his remarks without reading?

Mr. WILLIS. Yes. I thank the Chair for calling my attention to that. I ask that I may have that permission.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ISLE OF PINES

Mr. POMERENE. Mr. President, if the Senate will bear with me just a minute on a matter which is perhaps not directly in order, on January 3 I offered a resolution calling upon the Secretary of State for certain information with respect to American interests in the Isle of Pines. On January 29 the Secretary responded to that resolution, and his reply has been printed as Senate Document No. 295.

Without taking time to read the communication, it develops, in substance, that there are 10,000 American property holders in the Isle of Pines; that they own 90 per cent of the whole island; that there are 700 Americans now residing permanently on the island; that the citrus fruit groves in that island are worth about $1,000 per acre; that there are 10,470 acres of those groves, valued at about $10,470,000; that there are other lands owned by Americans estimated as worth $11,280,000, making the American holdings in all worth $21,750,000. General Crowder, who was also asked as to the value of those lands, said, in substance, that he thought they did not exceed $15,000,000 in value.

The area of this island is about 800 square miles, or 512,000 acres. Americans own 90 per cent, or 460,800 acres. The other 10 per cent is owned by Cubans and others. Most of that land was acquired by the Americans shortly after the Spanish-American War and under the representation and belief that the Isle of Pines belonged to the United States. There has been considerable contention about it, and it is now an open question, to say the least, as to what Government owns this island.

Whether the title belongs to Cuba or not ought to be finally determined. The State Department has been of the opinion that the island belongs to Cuba. There is a treaty pending before the Senate in executive session virtually quitclaiming to the Government of Cuba the title to this island. Without attempting to discuss this question, I want to submit to the Senate this proposition: With 10,000 Americans owning 90 per cent of the acreage of the island, valued at from $15,000,000 to $21,000,000 and over, should we not, out of deference to the rights of those American citizens, try to secure sovereignty over that island? To that end I submit the following resolution, and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 433) was read, as follows:

"Whereas there is a dispute as to whether the Isle of Pines is territory of the United States or of Cuba; and

"Whereas a large number of American citizens purchased and acquired land and other property in and on the Isle of Pines under the representations and belief that it was territory of the United States; and

"Whereas it is estimated from the best available sources of information that 10,000 American citizens own in the aggregate 90 per cent of the whole island, or about 460,800 acres, variously estimated to be worth from $15,000,000 to $21,750,000; and

"Whereas only about 10 per cent of the area of said island, or about 51,200 acres, is now owned by Cubans, or others than citizens of the United States: Therefore be it

"*Resolved*, That the President be, and he is hereby, requested to enter into negotiations with the Republic of Cuba for the cession of the Isle of Pines to the United States upon such terms and conditions as may be equitable and just to the Governments and peoples of the United States and of Cuba and to the residents and property holders of the Isle of Pines."

Mr. WILLIS. Here is what Senator Morgan said, as it appears at page 193 of his report:

This understanding is sustained positively by the statement of one of our commissioners who negotiated the treaty of Paris and is acting chairman of this committee, Hon. William P. Frye, Senator from Maine. He stated to the committee that the commissioners of the United States did not regard the Isle of Pines as being a part of Cuba, but as a separate island that was ceded to the United States in article 2 of the treaty of Paris.

That is the statement by Hon. John T. Morgan and is to be found at page 193 of Senate Documents, volume 5.

Mr. SWANSON. Mr. President, if the Senator will permit me, I desire to say that that does not contravene anything that I have stated.

Mr. WILLIS. Then we are both happy.

Mr. SWANSON. I said that even if Senator Morgan entertained that view the record shows that only two members filed a minority report against reporting the treaty favorably; and regardless of his opinion as to whether we had a title to the Isle of Pines, considering all the circumstances, the presumption is that he favored the treaty as reported favorably from the committee of which he was a member, as there were only two dissenting votes.

Mr. WILLIS. Of course I do not admit at all that there is any such presumption as that in the statement of Senator Morgan. I have read his statement, and I am willing to rest the matter there. Much has been made of an alleged statement by Mr. Justice Day, who was one of the great men of this Republic. I am now calling attention to the fact that there were differences of opinion among men of that time. President McKinley did not entertain that view; Senator Frye did not entertain that view; Senator Davis did not entertain that view; and both Senator Frye and Senator Davis were members of the commission that drafted the treaty.

Now let us proceed. I happened across an interesting statement from General Pershing that might be of value at this point. At page 40 of this same volume 5 I find the following letter to Mr. George Bridges, of Carlisle, Pa., dated Washington, August 14, 1899:

Referring to your communication of the 10th instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that this island was ceded by Spain to the United States and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes. A copy of an official report on the Isle of Pines is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.

That was the opinion of John J. Pershing, at that time Assistant Adjutant General of the United States Army.

Then, if I may have permission, I wish to have placed in the RECORD at this point certain other statements, particularly from Gen. Clarence Edwards, showing that he entertained exactly the same view and so responded to inquiries.

The PRESIDENT pro tempore. The Chair understands that the Senator from Ohio prefers another request to have printed in the RECORD the matter to which he has referred without reading.

Mr. WILLIS. I thank the Chair.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,
DIVISION OF INSULAR AFFAIRS,
Washington, D. C., March 8, 1901.

Mr. IRA A. BROWN,
Fostoria, Iowa.

SIR: By direction of the Secretary of War I have the honor to acknowledge the receipt, by reference from the President, of your letter of the 21st ultimo, stating that yourself and friends have purchased a tract of land in the Isle of Pines, and asking whether that island will become American or Cuban property.

In reply, I beg to invite your attention to Paragraph VI, page 4, of the Army appropriation act approved March 2, 1901, which reads:

"That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty."

Very respectfully,

CLARENCE R. EDWARDS,
Lieutenant-Colonel, Forty-seventh Infantry,
United States Volunteers, Chief of Division.

APRIL 16, 1901.

Hon. R. J. GAMBLE,
Yankton, S. Dak.

SIR: By direction of the Secretary of War, I have the honor to acknowledge the receipt of your letter of the 10th instant, requesting information relative to the Isle of Pines, particularly as to whether or not the lands on that island are open for settlement and as to the necessary steps to be taken to secure concessions there.

In reply I beg to invite your attention to the following provision of the Army appropriation act, approved March 2, 1901.

"VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty."

and to advise you that in accordance therewith the disposition of public lands and the granting of concessions in said island will have to await such adjustment and action thereon by Congress.

The inclosed copy of the report of Captain Foltz contains the only data regarding that island available for distribution by the department.

Very respectfully,

CLARENCE R. EDWARDS,
Lieutenant Colonel, Forty-seventh Infantry,
United States Volunteers, Chief of Division.

MAY 7, 1901.

Mr. H. WISE,
Fostoria, Clay County, Iowa.

SIR: By direction of the Secretary of War, I have the honor to acknowledge the receipt of your letter without date, stating that you and other American citizens have made investments in the Isle of Pines in the belief that the said island is United States territory, that you understand from certain press dispatches that the President is inclined to promise the committee from the Cuban convention his support to have this island given to Cuba, and protesting against such a course.

In reply I beg to advise you that this department is now informed that the President has not made any such promise to the Cuban committee, and to invite your attention to paragraph 6, page 4, of the Army appropriation act approved March 2, 1901, which reads:

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Very respectfully,

CLARENCE R. EDWARDS,
Lieutenant Colonel Forty-seventh Infantry,
United States Volunteers, Chief of Division.

[Telegram]

WAR DEPARTMENT, *March 13, 1902.*

Capt. J. VAN NESS PHILIP,
Care General Wood, Habana:

Page proof Isle of Pines pamphlet in office. Have just completed index. Think wise to order final printing unless you have special information which is recent and wise to embody. Makes about 40 pages. Let me hear from you.

EDWARDS.

[Telegram]

WAR DEPARTMENT, *March 15, 1902.*

Capt. J. VAN NESS PHILIP,
Care General Wood, Habana:

Please answer my telegram about Isle of Pines. Want to hurry it through press, as many inquiries are being made for it. Unless you have found out something in error or some additional important information to embody in it would like to get it printed at once.

EDWARDS.

DECEMBER 5, 1903.

MY DEAR SENATOR: In answer to your letter of November 30, let me quote a copy of a letter which I find on file in the Bureau of Insular Affairs:

WAR DEPARTMENT,
Washington, August 14, 1899.

Mr. GEORGE BRIDGES, *Carlisle, Pa.*

SIR: Referring to your communication of the 10th instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that this island was ceded by Spain to the United States, and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes.

A copy of an official report of the Isle of Pines is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.

Very respectfully,

JOHN J. PERSHING,
Assistant Adjutant General.

The answer that has always been made to such inquiries since I have been in the office, and by direction of Secretary of War Root, has been to say that it was a question that must await the determination of the legislative branch; that no executive department was authorized to decide the same. However, in view of our present pending treaty, why isn't Assistant Secretary Meiklejohn's decision proper?

Very truly yours,

CLARENCE R. EDWARDS.

Hon. O. H. PLATT,
Chairman Committee on Relations with Cuba,
United States Senate.

Mr. WILLIS. I wish now, before concluding my remarks, to revert to a matter which was referred to by my colleague [Mr. FESS], being a letter from Senator Platt. I note that my colleague is, as usual, in his place, and I think it will be useful to insert at this point in the RECORD the letter from Senator Platt. I shall read at least a portion of it. It is found at page 249 of volume 5. It is directed to Mr. J. C. Lenny, of New York, and states:

MY DEAR SIR: I have your favor of the 3d instant. I can not answer it at great length.

Then he goes on to say:

I think it is a very fair question as to whether the cession of "Porto Rico and other islands" embraces the Isle of Pines. I have always maintained that it did, although I recognized the force of the other contention. There are a great many islands adjacent to Cuba which it is acknowledged go with Cuba. The Isle of Pines is larger than any of the others and situated farther from Cuban shores, and I have never been able to see what other island or islands the treaty referred to, but the Cuban people have claimed that it was always within the administrative jurisdiction of Cuba and belonged to Cuba the same as other adjacent islands; consequently, when preparing the amendment to the Army bill, which has come to be known as the "Platt amendment," I inserted a clause to the effect that the title should be subject of treaty negotiations. I feel that it is of the utmost importance that it shall be ours. It will give us the most advantageous point from which to defend the entrance of the isthmian canal. I supposed, when I provided that it should be the subject of Cuban treaty negotiation, that unless we could satisfy the Cuban Government that it passed to us in the cession, that it would come to us by purchase, and that is still my belief.

In other words, there is the opinion of Senator Platt, who, while recognizing that it is a controversial matter, understood that the title to the Isle of Pines did pass to the United States.

Summarizing what I wish to say, I ask what is the situation? The situation is simply this: The instructions that were issued by President McKinley to the American commissioners show, in my judgment, clearly that the Isle of Pines was to be included in the ceded territory. Whether that is true or not, it is perfectly apparent that the understanding of the Spanish commissioners was that the territory of the Isle of Pines did pass to the United States. I believe that view was carried out in the terms of the treaty of Paris, likewise in the Platt amendment. At all events, whether my humble views are correct or not, here are the unquestioned facts. President McKinley understood that the Isle of Pines was ours; Secretary Meiklejohn so understood it, and under their joint direction the maps were prepared and circulated amongst the people of the United States showing that fact. Senators Frye and Davis, who were members of the peace commission, understood that the Isle of Pines came to the United States, and Senator Platt, who had very much to do with all of these negotiations, entertained a like view.

It might be interesting at this point, Mr. President, to call attention to a rather singular circumstance. I learned by the newspapers this morning that to-day there is being celebrated, very properly, an interesting historic occasion. There is being unveiled in Statuary Hall a statue of the great Gen. Joseph Wheeler. By a strange coincidence I came across a statement that may properly be attributed to him, because I recall that soon after the Spanish War there was issued a book under his management and control and editorship, and the statement which I desire to quote is taken from that book. We are to-day unveiling a monument to the memory of Gen. Joseph Wheeler, and here is what he thought about the title to the Isle of Pines if we may judge by the statement in his own book.

> As one of the fruits of our recent victory over Spain the United States acquired by right of conquest the beautiful West Indian island known as Isla de Pinos, which translated signifies the Isle of Pines.

It has been stated by my good friend, the able Senator from Virginia, that a great Senator from Ohio, Senator Foraker, has taken the position that under no circumstances should this island belong to the United States and that this treaty should be ratified. Of course, Senator Foraker wrote the majority report. I happen to have a letter written by that great Senator on September 5, 1916, which was 11 years after he wrote the report, and in that letter he says:

> It may be that we never can acquire those islands of the Caribbean Sea that are owned by other powers and thus make sure that they can not be made the bases of hostile operations against us; but in so far as we can do so on reasonable terms we should acquire and take into our hands all these outlying possessions.

Then he goes on to talk about the possibilities of the purchase of the Danish West Indies, which subsequently was consummated. Then he goes on further to say touching the Isle of Pines—

> In view of the fact that the population has become so largely American, and in view of the fact that this part of the population owns 95 per cent of the island, and in view of the propriety of our acquiring and controlling all such outlying territory in that part of the Caribbean Sea, I should think Cuba would recognize that the United States has good ground to seek to acquire this territory in that way.

I ask permission, Mr. President, to print all of Senator Foraker's letter in the RECORD. I think it is illuminating and of considerable historic value.

The PRESIDING OFFICER (Mr. GOFF in the chair). Is there objection? The Chair hears none, and the letter will be printed in the RECORD.

The letter referred to is as follows:

CINCINNATI, *September 5, 1916.*

W. F. NELSON, Esq.,
630 Dole Avenue, Chicago, Ill.

DEAR MR. NELSON: With reference to the Isle of Pines, I can only repeat what I said to you when here. I entertain the same opinions now with respect to the title and the rights involved therewith that I expressed in my report when, as a member of the Senate Committee on Foreign Relations, I investigated that subject.

Since then, however, conditions have greatly changed. At that time there were, according to my present recollections, only about four or five hundred Americans living there. According to your statements there are now several thousand citizens of the United States living on the island and several thousand more have invested in land there and intend making their homes there; that these Americans own 95 per cent of the territory of the island and amount to about 66 per cent of its total population.

While these changes have been occurring on the island general conditions have been changing in that part of the globe. The Panama Canal has been completed and put into operation. The United States has asserted a right to fortify and take all measures necessary for the protection of the same. In this behalf we are expending many millions of dollars to prepare for the defense of our interests against all possible enemies of the future.

In view of the important relation the canal has, and ever must have, to our national defense this is not only a wise policy but it is one that should be carried further than the mere construction and armament of forts on the Isthmus.

It may be that we never can acquire those islands of the Caribbean Sea that are owned by other powers, and thus make sure that they can not be made the bases of hostile operations against us; but in so far as we can do so on reasonable terms, we should acquire and take into our hands all these outlying possessions.

For years negotiations have from time to time been had between the United States and Denmark with respect to the Danish islands. Postponement has only made more manifest their value.

What you have said about the harbor facilities of the Isle of Pines, and how with but little dredging and improvement they can be made capacious and invaluable to us for purposes of national defense, is sufficient to justify prompt and favorable action as to that island also.

This seems to me so clear, looking to the possibilities of the future, that I could most heartily support a treaty between the United States and Cuba by which for an agreed consideration in money or corresponding advantages and privileges Cuba would relinquish her title to the Isle of Pines in favor of the United States.

In answer to your request for my advice, I venture to suggest that you take steps to induce the authorities at Washington to open negotiations with Cuba for the acquisition of the Isle of Pines under the provisions of a treaty that will be fair to both countries. You have encouragement in the treaty just ratified by the Senate for the purchase of the Danish islands.

In view of the fact that the population has become so largely American, and in view of the fact that this part of the population owns 95 per cent of the island, and in view of the propriety of our acquiring and controlling all such outlying territory in that part of the Caribbean Sea, I should think Cuba would recognize that the United States has good ground to seek to acquire this territory in that way; and in view of the past relations of Cuba to the United States, I think she might be willing on fair and acceptable terms, to be specifically agreed upon, to convey her title to us.

Thanking you for the compliment involved in the consideration shown me in connection with the matter, I remain,

Very truly yours, etc.,

J. B. FORAKER.

Mr. WILLIS. Mr. President, I have concluded substantially what I have to say, but I wish to call attention to a further fact. The citizens of the United States who went to the Isle of Pines under the practical guaranty of their Government, so far as such guaranty could be made by the President of the United States, by the statement of its commissioners to which I have referred, by the Assistant Secretary of War, by the showing made upon the maps which were distributed throughout the country—the people who went there are entitled to some consideration at the hands of the Senate if the Senate is determined to give up this exceedingly important island. I would not if I could, and could not if I would, take away from Cuba a single thing that belongs to Cuba, but, so far as I am concerned, I am rather weary of the contention that some seem always ready to make that we are taking advantage of somebody. We are not saying anything, for example, about the Cuban debt.

The second intervention there, made at the request of the Cuban Government, cost us about $10,000,000, for which we were to be paid, but not a penny has ever been paid. We are not saying anything about that, and yet Senators contend that we are taking an unfair advantage of Cuba.

However, Mr. President, what I started to say was that the people who went to the Isle of Pines under the guaranty of their Government have never had an opportunity to be heard. I was a member of the Foreign Relations Committee of the Senate when this treaty was reported, over my protest, and the people of the Isle of Pines who were here asking for a chance to present their case never had that opportunity. It is now proposed by the Senate to ratify this treaty without giving the people concerned an opportunity even to state their case. I do not believe, Mr. President, that sort of proceeding is wise and in accordance with the best traditions of American history.

By the way, there is another matter to which I am merely going to refer: Senators speak sometimes rather sneeringly

about this matter and say that there are just a few people who own large tracts of land in the Isle of Pines. Here [exhibiting] is a package of letters from citizens of my State, scores of whom I know, workingmen in factories, small storekeepers and farmers, who have made investments there, and some of whom have gone there to live, under the representations made by the Government of the United States, and particularly relying upon the well-known opinion of the great Ohio President—President McKinley. These people write to me and beg for an opportunity to be heard by the American Senate. Yet, in these closing hours of the session, we are told that this treaty shall be pushed through without these men and women, American citizens, having an opportunity to say a word in their own defense. What right would be lost, Mr. President, if this treaty were permitted to go over for a sufficient period to give these folks a chance to be heard? These are Americans; they love the American flag; they thought they were going to live under the American flag when they went to the Isle of Pines; and when in the great World War the call came American boys down in the Isle of Pines heard the grand, wild music of war, and 130 of them enlisted in the American Army. Yet it is now proposed to say to those people, "We will have nothing to do with you; you went there upon our recommendation, under the guaranty that it was American soil and would remain under the American flag; and yet we now propose to set you adrift. It was all very nice of you to enlist in the Army and to keep alive American traditions, to build American schoolhouses, to speak the English language, to develop the island, as it has been developed amazingly in the last 20 years." Yet we are now told that these people shall be pushed off into the sea without an opportunity to say a word in their defense.

Mr. President, if the American Senate is to decide that it wants to do that, I think it ought, at least, to be willing to give these people some guaranties. Therefore I have introduced an amendment, which at the appropriate time I shall offer.

What are some of the things provided in this amendment? Things that you and I and our forbears have enjoyed back as far as the history of Anglo-Saxon liberty goes. I propose to say, and do say, in this amendment:

The Senate advises and consents (to ratification) with the understanding to be expressed as a part of the instrument of ratification to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the following conditions are understood and accepted by each of them as a part of this treaty.

Now, what are some of these conditions?

1. The Government of Cuba shall make no law applicable to the Isle of Pines respecting an establishment of religion, or prohibiting therein the free exercise thereof—

Who is there that shall object to that proposal? That is taken from the Constitution of the United States. Will it be said that it is a hardship upon the Republic of Cuba to require them to make no law respecting the establishment of religion?

Further—

or abridging the freedom of speech, or of the press; or of the right of the people of the Isle of Pines peaceably to assemble and to petition the Government of Cuba for a redress of grievances.

Here is another thing:

4. The right of the people of the Isle of Pines to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

Who is going to object to that?

Here is another guaranty:

5. No person in the Isle of Pines shall be subject to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of grand jury.

In other words, I am reciting in this amendment the guaranties that are made to every American citizen in the first eight amendments of the Constitution of the United States. I can not imagine any sane argument that can be made against the adoption of such an amendment.

This amendment in full is as follows:

ADJUSTMENT OF TITLE TO THE ISLE OF PINES

IN THE SENATE OF THE UNITED STATES,
March 10, 1925.

Amendment by Mr. WILLIS, intended to be offered as an amendment to the resolution of ratification of Executive J, Fifty-eighth Congress, second session, adjustment of title to the Isle of Pines.

The Senate advises and consents (to ratification) with the understanding to be expressed as a part of the instrument of ratification to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the following conditions are understood and accepted by each of them as a part of this treaty:

1. The Government of Cuba shall make no law applicable to the Isle of Pines respecting an establishment of religion, or prohibiting therein the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people of the Isle of Pines peaceably to assemble and to petition the Government of Cuba for a redress of grievances.

2. A well-regulated militia being necessary to the security of the Isle of Pines, the right of the people thereof to keep and bear arms shall not be infringed.

3. No soldiers shall in time of peace be quartered in any house in the Isle of Pines without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

4. The right of the people of the Isle of Pines to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

5. No person in the Isle of Pines shall be subject to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; neither shall any person in the Isle of Pines be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

6. In all criminal prosecutions in the Isle of Pines the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district in the Isle of Pines wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

7. In suits at common law in the Isle of Pines, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the Republic of Cuba than according to the rules of the common law.

8. Excessive bail shall not be required in the Isle of Pines, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

It is the least we can do. If we are going to set these people adrift, we ought at least to insist that the Republic of Cuba shall guarantee to them in this treaty the rights that they had when they left this country; and if it shall be said that the constitution of Cuba already provides for that, I have here a copy of the constitution of Cuba, and I have studied it rather carefully, and these things to which I have referred are not guaranteed in that constitution at all.

Mr. President, I ask permission to print at the close of my remarks certain documents and papers to which I have referred, but which I do not care to take the time to read in full.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. WILLIS. So, Mr. President, I say this in conclusion: I beg the pardon of the Senate for having detained it so long. I had hoped that our time might be spent in the discussion of other subjects, but it seemed to be the desire that this treaty should be taken up. In view of the fact, whatever the contentions on the one side or the other, that there is a dispute about this title, and in view of the fact that these guaranties were made to people by the Government of the United States and its responsible agents to induce them to go to the Isle of Pines to live and make their homes and invest their savings, I think it would be a grievous wrong now to ratify this treaty and turn over whatever title we have to Cuba without any attempt to guarantee the rights of American citizens now residing in Cuba.

I beg of the Senate to consider well its course before deciding upon any such step.

From the large number of petitions and letters I have received from Ohio people I present the following as typical of the viewpoint of those who are opposed to ratification of the pending treaty in its present form. The matter referred to is as follows:

WASHINGTON, D. C., *February 26, 1925.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR SENATOR: On behalf of more than 10,000 American citizens we earnestly request you to read the attached reply to the anonymous Cuban pamphlet and our appeal to the Senate heretofore handed you.

As the Foreign Relations Committee has held no public hearings on the matter, we take this opportunity to present our case, and we implore you to speak and to vote against the pending Cuban treaty.

We plead for an open session, that we and the American people may know for what consideration our homes and property rights are sacrificed.

We have submitted to great wrongs for 20 years, and now ask for simple justice from our Government and that it live up to its representations that the Isle of Pines is "United States territory."

Very respectfully,

EDWARD YANISH,
J. D. POTTS,
HARRIET POWELL WHEELER,
MINNIE DRAKE HEEREN,
MARGUERITE GARDNER FETTER,
Isle of Pines Committee.

REPLY TO CUBAN CLAIM TO ISLE OF PINES

WASHINGTON, D. C., *February 21, 1925.*

DEAR SENATOR: Permit us to invite your attention to a few of the glaring misstatements and contradictions in the pamphlet sent to Senators entitled "The Title of the Republic of Cuba to the Isle of Pines."

The pamphlet is anonymous; no one vouches for the statements therein, and it is, therefore, not entitled to credit. The only part signed is an article published by Quesada in the North American Review.

On page 24 of said pamphlet appears the following:

"The unvaried practice during four centuries of treating the Isle of Pines as a part of Cuba. It was in that light that the Spanish commissioners approached the peace negotiations at Paris in 1898, and in that sense that they used the term Cuba in the protocols and in the treaty of peace."

Please note that they convict themselves of the untruthfulness of the above statement in their pamphlet, on page 52, as follows:

"The only one adduced to support the claim that the Isle of Pines belongs to the United States is far-fetched and only shows the spiteful animus of Spain toward Cuba and was a contemptible innuendo hinting at duplicity in the motives of this great country. It is as follows:

"'They [the United States] did claim sovereignty over the latter [Porto Rico] and over the other islands surrounding Cuba, which will render impossible the independence of tlie latter without the good will and gracious consent of the United States, which will always have it at their mercy through their control over the islands which inclose it like a band of iron.'

"This claim on the part of the United States is not on record, nor was the contention of the Spanish commissioners ever admitted by the American representatives."

This proves conclusively that their statement on page 24 is untrue, and admits that the Spanish commissioners understood the question exactly as stated by the American commissioners, that the Isle of Pines was ceded to the United States under article 2 of the Paris treaty.

Senator William P. Frye, one of the American commissioners who negotiated the treaty, testified before the Foreign Relations Committee in 1906 as follows:

"The commissioners of the United States did not regard the Isle of Pines as being a part of Cuba but as a separate island that was ceded to the United States in article 2 of the treaty of Paris, which is in these words:

"'Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies.'" (See S. Doc. 205, 59th Cong., 1st sess., p. 193.)

This testimony is corroborated by Senator Cushman K. Davis, also a commissioner, and given effect through the executive action of President McKinley in ordering the Isle of Pines placed on the official map as United States territory. No one has ever attempted to deny these facts. It therefore seems incredible that any fair-minded person can ignore such conclusive proof.

Several references are made in said pamphlet to the Supreme Court decision in the case of Piercy v. Stranahan, attempting to convey the impression that the court decided that the Isle of Pines belonged to Cuba. The court did not so decide.

The pamphlet fails to give Justice White's opinion, concurred in by Justice Holmes, which clearly defines the decision. The court held the shipment subject to duty following the Porto Rican case and decided that determining the title to the Isle of Pines was not a judicial but a political question.

Much stress is laid on the quotation from William Edward Hall's Treatise on International Law (London, 1895, p. 129), given on page 36 of said pamphlet. The opinion expressed in the last paragraph on said page 36 is based on the assumption that waters between the Isle of Pines and Cuba form an inland lake and that the depth of water is at no time sufficient to permit navigation of sea-going vessels. At the time Mr. Hall wrote this opinion many believed that the waters were as assumed by him. Our recent Government survey shows that it is wholly untrue and that the opinion of Mr. Hall is not applicable. The said survey shows that there is an entrance from the Yucatan channel into Siguanea Bay with 20 feet of water and a large area inside of said bay with from 20 to 40 feet of water and extending north on the west side of the Isle of Pines and thence along the north side of the isle away beyond the east boundary of the island, thus showing that ocean-going vessels can enter Siguanea Bay and sail around the island. If Mr. Hall had known this he would not have expressed the opinion he did. His premise was wrong; hence the conclusions based upon it must be wrong.

On page 31 of the pamphlet appears a part of an alleged royal decree, but it can not be found in the official gazette of Habana or Madrid, under the date of the publication of the decree given on page 30 of the pamphlet.

There are no references given in this anonymous pamphlet to book, page, date, or name of publication from which their assertions may be verified or disproved.

Porto Rico was a Spanish colony and Cuba was a Spanish colony, and the Isle of Pines was simply attached to the colony of Cuba for convenience and economy for governmental purposes. The Governor General of Cuba received his orders and instructions through the Spanish Ministro Ultramar (Minister of Colonies Oversea) from the King of Spain. The Governor General of Cuba was a subordinate Spanish officer, not a Cuban officer.

It appears from their pamphlet, on pages 25 and 26, that the Isle of Pines, from the time of its discovery by Columbus in 1494 until 1828, never had over 100 inhabitants, all told. That in 1828 it was in a depopulated state, and that His Majesty the King of Spain by royal order dated August 1, 1828, established a colony called La Reina Amalia, and that the Isle of Pines of itself alone forms the jurisdiction of La Reina Amalia. All this was done in the name of the King of Spain. The men in charge were Spanish officers. (See p. 28 of the pamphlet.)

It is a notorious fact that during the largest part of the eighteenth century the Isle of Pines was the rendezvous of outlaws, buccaneers, and pirates. It is therefore absurd to talk about four centuries of Cuban government. There was no such thing as Cuban government with sovereignty until 1902.

The Isle of Pines was not attached to the judicial district of Bejucal until 1855, by royal decree. All royal decrees, orders, and warrants refer to the island of Cuba; never islands. In none of the parts of decrees given in the pamphlet is the Isle of Pines made an integral part of Cuba.

On pages 7 to 14 of the pamphlet are references to maps, but they fail to give the official maps of the United States published in 1899, 1900, and 1902, which show the Isle of Pines as "United States territory." It was on these maps that the settlers relied, bought their lands, and built their homes.

Reference is made by Quesada, on page 54, to the pending treaty, which states that the relinquishment of claim of title to the Isle of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

Why conceal the consideration, if there were any grants? There is no evidence of any absolute grant or conveyance of land or water rights except the conditional lease at Guantanamo and Bahia Honda. Article 7 of the Platt amendment provides as follows:

"To enable the United States to maintain the independence of Cuba and protect the people thereof, as well as for its defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations."

The lease for both Guantanamo and Bahia Honda specifically states that the "United States agrees and covenants to pay to the Republic of Cuba the annual sum of $2,000 in gold as long as the former shall occupy and use said areas of land by virtue of said agreement." It also states that it is in fulfillment of article 7 of the Platt amendment and the constitutional appendix of Cuba.

In article 2 of the agreement referred to in the lease it is specifically provided that the United States can use the premises for coaling and naval stations only and for no other purpose.

Now, then, we are advised that Bahia Honda has never been occupied or used under the terms of the agreement and lease and has been relinquished. Therefore one-half of the pretended consideration for the Isle of Pines is gone. Unofficially it is claimed that the above lease embraces the grants referred to in the treaty. Now, suppose Guantanamo is also abandoned for a coaling or naval station, we will have nothing left as a consideration for the Isle of Pines.

Quesada, on page 53 of said pamphlet, states "that the Isle of Pines was considered as the basis of defense for American interests in the Caribbean Sea, or that if the Isle of Pines was found unsuitable, as it was afterwards shown to be, for coaling and naval stations, it could be made the basis for the acquisition of other sites."

If Quesada states the truth, then ratification of the pending treaty means trading the Isle of Pines for a conditional lease at Guantanamo and Bahia Honda. It means, further, that if we abandon Guantanamo as a naval station in like manner as Bahia Honda, since we have no right to use it for other purposes, we have been euchered out of the Isle of Pines, and the American settlers will lose their homes, for no American colony can live under a Cuban carpetbag government.

The records show that the United States paid $102,887.03 rent in advance to enable Cuba to purchase the property covered by the lease, and as Bahia Honda has reverted to Cuba, which, according to their contention, forms half of the consideration for the Isle of Pines, should they not return half the island besides one-half the rental?

The Cuban debt to the United States was entirely overlooked in the pamphlet. Is it not time for Cuba to begin to pay up? Cuba owes the United States for the second intervention, which was made at the request of the Cuban Government, for extra expenses incurred by the War Department and Navy Department, amounting to $10,958,683.02, from 1906 to 1909, which sum, with simple interest at 5 per cent for 16 years, amounts to $19,715,629.43.

The cost of the first intervention after the close of the war, from 1899 to 1902, amounts to more than the second intervention, to say nothing of the $281,000,000, the cost of the war, the lives that were lost, and the hundreds of millions we will pay for pensions. There can be no question about the cost of the second intervention, for the President was authorized by resolution of Congress in 1907 to receive from Cuba from time to time the expenses incurred in the second intervention.

We have faith and confidence that you will not vote to ratify this unjust treaty and sacrifice the rights of 10,000 American citizens who made their homes and purchased over 90 per cent of the land on the Isle of Pines under the representation of President McKinley and his administration, including the commissioners who negotiated the treaty of Paris, that it was "United States territory."

Sincerely yours,

EDWARD YANISH,
ASA G. BRIGGS,
T. J. KEENAN,
J. D. POTTS,
HARRIET POWELL-WHEELER,
MINNIE DRAKE HEEREN,
MARGUERITE GARDNER-FETTER,
W. R. J. MILLER,
Committee.

Addendum: The peace commissioners and the President, who negotiated the treaty of Paris, the official map of the United States, and correspondence of the then existing administration all stated in positive terms that the Isle of Pines was ceded by Spain to the United States.

Can the United States afford, in the face of such proof, to sacrifice the rights of more than 10,000 American citizens and act upon the assumption that this Spanish possession, the Isle of Pines, surrounded by navigable waters, was a part of the island of Cuba and belonged to the Cuban Republic, which had no existence until we gave them the island of Cuba, from which the Isle of Pines was excepted by act of Congress?

Congress did not authorize trading the Isle of Pines for a lease, as blindly proposed in the pending treaty.

SQUIRE, SANDERS & DEMPSEY,
THE LEADER-NEWS BUILDING,
Cleveland, November 30, 1923.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is pending before the Committee on Foreign Relations of the Senate a treaty between the United States and the Republic of Cuba the purpose of which is to quiet the title of Cuba to the Isle of Pines. I introduced a resolution to authorize the State Department to enter into negotiations with the Cuban Government looking to the ceding of this island to the United States. I spoke upon this resolution at the last session of the Senate, giving my views as I understood the situation.

You will note that perhaps 90 per cent of this island and all its improvements belong to citizens of the United States, who are very desirous to have the island become United States territory.

There has been a serious question as to what country is in fact the owner of this island. President McKinley was of the opinion that the island belonged to the United States, but Mr. Root, while Secretary of State, and other Secretaries of State since that time have held that the island belonged to Cuba. Questions of this character are regarded as political questions rather than juridical, and any final decision of the executive department of the Government is probably controlling. I think that is the law.

However, there are a great many Ohio people who are interested in this island. Among them is former Chief Justice Shauck, whom you know. I feel that the island ought to be brought under our flag if it can be done on reasonable terms by amicable adjustment.

Recently I have had several letters from the Isle of Pines bearing upon this subject, and I have promised my correspondents that I would call the subject to your attention. Senator GEORGE, of Georgia, is also very much interested, as a number of his constituents are likewise interested in the island, and I am sure he will be glad to join with you in any effort you may feel free to make on behalf of the property owners in the island, who are our fellow citizens.

With all good wishes.

Very sincerely,

ATLEE POMERENE.

THE GUARDIAN SAVINGS & TRUST CO.,
Cleveland, Ohio, April 10, 1924.

In re Isle of Pines treaty.

Senator FRANK B. WILLIS,
Washington, D. C.

MY DEAR SENATOR: This bank represents many clients who own real estate on the Isle of Pines, West Indies. We especially represent a valuable grapefruit and orange grove owned by the estate of the late C. O. Hart, which involves an investment of many thousands of dollars.

It is our understanding that by the treaty of Paris in 1898, the Isle of Pines became American property, and it was with this understanding that many citizens of the United States made investments in the Isle of Pines property during several years following this treaty of Paris.

The so-called Hay-Quesada treaty, which has been pending since 1902, gives the control of this island over to Cuba and we most heartily believe that this treaty should be defeated and that the United States Government should take over the control and government of the Isle of Pines. As long as the Isle of Pines is under the Cuban or Spanish control it is impossible to make real progress on this island, and we most earnestly hope that the so-called Hay-Quesada treaty can be defeated at this session of Congress.

We trust that you will use every effort to accomplish the above result.

Yours very truly,

THE GUARDIAN SAVINGS & TRUST CO.,
By E. A. STOCKWELL, *Assistant Secretary.*

CROTON, OHIO, *February 29, 1924.*

Hon. FRANK B. WILLIS,
Senate Building, Washington, D. C.

HONORED SIR: There is a treaty pending now in regard to turning the Isle of Pines over to Cuba, and I am writing to protest against the ratification of said treaty.

There are 6,000 Americans owning property in the Isle of Pines, of which 1,000 are Ohioans. They pay taxes and vote here.

Hoping you will do all you can to prevent the alienation of said American territory,

Very respectfully,

Mr. and Mrs. BERT WELLS.

MIAMI BEACH, FLA., *February 23, 1924.*

Hon. FRANK B. WILLIS,
Senate Office Building, Washington, D. C.:

As a resident of Cleveland and one of your constituents, respectfully urge your active effort to prevent the Isle of Pines being ceded to Cuba. It is my understanding the United States acquired title by treaty and that a measure is now before the Senate proposing to hand that important strategic and highly potential island to Cuba, wholly disregarding the vast interest of Americans who were encouraged by our Government to establish homes and productive enterprises. Our flag should be hoisted to top staff and its protecting support is rightfully sought by our fellow countrymen. I have no personal, financial, or property interest there, but having visited the island and believing in its value to the United States, I sincerely hope that our country's title may be forever maintained and never abandoned.

W. G. WILSON.

Hon. FRANK B. WILLIS,
Senate Building, Washington, D. C.

HONORED SIR: In regard to the treaty pending toward turning the Isle of Pines over to Cuba I write protesting against the ratification of said treaty for this reason: Being a property holder and a resident part of the time I know whereof I speak. Cubans on the Isle of Pines are more or less Americanized, having taken up our customs and to a great extent have changed their mode of living on account of American association; they have built better homes; a number

of instances of improvements could be cited. If Cubans were to rule the Isle of Pines there would be no incentive for the Americans to reside there and the Cubans would go back to their old customs. For the sake of both nationalities I plead for American rule.

Very respectfully yours,

EMMA LIBEY,
59 N. Morris St., Newark, Ohio.

ELYRIA, OHIO, *December 3, 1924.*

Hon. FRANK B. WILLIS,
Care of the Senate, Washington, D. C.

DEAR SIR: Being interested in property in the Isle of Pines I write to ask that you use your influence against the Hay-Quesada treaty giving the Isle of Pines to Cuba.

The Isle of Pines is owned about 90 per cent by Americans, and under Cuban rule Americans can not get recognition and justice. So why should Americans be put under her government, especially as the treaty of Paris recognizes the Isle of Pines as one of the islands belonging to Spain (as Porto Rico, etc.) and never a part of Cuba. Were the Isle of Pines part of the United States and the American property owners had the privileges of Porto Ricans they could make their properties pay, while they can not under present conditions.

The majority of the Americans owning property in the Isle of Pines were led to believe that the Isle of Pines was to become a part of the United States prior to purchase of their property, and the majority of property owners in the Isle of Pines are from Ohio.

Thanking you in advance for anything you can do in this connection, I am,

Yours truly,

HENRY WICK.

THE COMMERCIAL SHEARING & STAMPING CO.,
Youngstown, Ohio, November 14, 1924.

Hon. FRANK WILLIS,
United States Senate, Washington, D. C.

DEAR SIR: I am writing you in the interests of the citizens of our country, who shortly after the termination of the Spanish-American War, made large investments in real estate in the Isle of Pines.

The cession of the Isle of Pines to the Republic of Cuba will result in very heavy losses to these citizens.

I trust you will give the matter consideration from this angle when it comes up for action in the United States Senate.

Very respectfully yours,

GEO. F. ALDERDICE.

CINCINNATI, OHIO, *November 19, 1924.*

Hon. FRANK B. WILLIS,
Washington, D. C.

MY DEAR SENATOR: Back in 1902 after the close of the Spanish-American War, and after being assured by our own War Department that the beautiful Isle of Pines had been ceded to the United States, I bought lands on the Isle of Pines, and induced many of my friends to do likewise, and after closing out my business affairs here, I gathered together several of the friends who had invested in Isle of Pines lands, and with my own family, we moved to the Isle of Pines, fully expecting to make it our future home, as did hundreds of other American families, from every State in the Union.

After being assured by our War Department on numerous occasions, that the Isle of Pines was United States territory and that the United States was never known to relinquish territory it got possession of, we were naturally surprised and shocked to learn that a treaty had been negotiated ceding our loved Isle of Pines to Cuba.

I remained on the Isle of Pines with my family for nearly seven years, and did my bit in trying to have our United States Senate defeat this treaty, but as I saw day by day and year by year slip by, and nothing developing, and being a 100 per cent American, with my determination to live only under the American flag, I gave up everything that I had worked for on the Isle of Pines for nearly seven years and returned to my native State, Ohio.

This treaty will come up on December 10, of this year, for final disposition, and I beg of you to vote "no" when you cast your vote.

I am asking this, in the name of our faithful Americans that are still holding out on the Isle of Pines, with a firm hope that their "Uncle Sam" will not turn them down in the last hour.

Sincerely,

F. S. ROTHENHOEFER.

LORE CITY, GUERNSEY COUNTY, OHIO,
June 2, 1924.

Mr. WILLIS,
United States Senator from Ohio,
United States Senate Building, Washington, D. C.:

We feel very much distressed, as land and grove owners on the Isle of Pines, West Indies, account of the pending treaty giving Isle of Pines to Cuba, and feel that we have lost all if the treaty is not defeated and beg of you to use all your power as Senator from Ohio to defeat same. I own 61 acres of land and two groves that I have spent a small fortune to improve same, and like all other property owners on the island, if treaty giving Isle of Pines over to Cuba, there would be thousands of American people ruined. It was our original abiding faith in our United States Government that the island was United States territory, or it would have remained a wilderness and not a cent put in the island by American people had they not the assurance that it was United States territory. Then Cuba would not have been the least interested to own the island. Kindly look into this matter and use every means to save the American people from financial destruction.

S. D. JACKSON.

Hon. FRANK B. WILLIS,
Senate Building, Washington, D. C.

HONORED SIR: There is a treaty pending in regard to turning the Isle of Pines over to Cuba, to misrule, and I am writing to protest against the ratification of said treaty.

It is desired and hoped that the following reasons, among many others, may elicit your interest and sympathy in behalf of the American citizens living there and of those owning property there.

Ninety-five per cent of the land is owned by Americans.

Probably more than half of the inhabitants of the island are Americans.

Over 6,000 Americans own property in the Isle of Pines, of which probably 1,000 are Ohioans, the most of whom live in the United States and pay taxes and vote here.

The first of these to settle in the Isle of Pines were assured by the War Department and by President McKinley that the Isle of Pines was American territory, in fact, besides letters to that effect, they were assured by the fact that the Isle of Pines was marked on Government maps as being American territory. Cuba owes the American Government millions of dollars and should be made to relinquish claim on the Isle of Pines in view of this debt, which they probably will never make any effort to pay.

Hoping that you will do all you can to prevent the alienation of American territory and that you may favor the interests of American citizens rather than that of Cubans who can not govern themselves and know only how to misgovern and who are incapable of being grateful to the United States for their existence and liberties anyway.

Very respectfully yours,

W. W. LONG,
Pastor North Arlington M. E. Church, Akron, Ohio.

THE CORCORAN MANUFACTURING CO.,
Cincinnati, Ohio, February 29, 1924.

Hon. F. B. WILLIS,
United States Senate, Washington, D. C.

MY DEAR SIR: As one of a very large number of American citizens owning property in the Isle of Pines I am very much interested in seeing that further action be taken to settle once and for all the treaty under which President Roosevelt and Secretary Root, during the former's administration, were to cede the Isle of Pines to Cuba in return for a coaling station for the use of our Navy in Cuba.

No doubt you are fully familiar with this treaty and the fact that it has been "pigeonholed" and never ratified by the Senate, and also the fact that our Government never got the coaling station.

Notwithstanding this, however, the Cuban Government exercises control of the Isle of Pines and sees to it that the customs are regularly collected for the benefit of the Cuban treasury.

All Americans who purchased property in the Isle of Pines did so with the assurance that the island was and would remain United States territory, and it was so shown on United States Government maps during the administration of President McKinley, and a good many of those Americans sold their property in this country and took up their homes in the Isle of Pines.

Notwithstanding repeated efforts by those who are interested in seeing that justice be done, it seems impossible to get definite action on this treaty, nor any encouragement that the situation will be handled as the rights and interests of the American residents in justice demand.

I do not feel it is necessary to go into greater detail regarding this matter, but something should be done once and for all to settle the question, and now is the time to do it.

There are a good many citizens of Ohio who are either property owners or residents of the Isle of Pines, and as you are their official representative in the United States Senate they look to you to protect their interests.

Very sincerely yours,

F. J. NORRIS.

THE SOUTHERN FRUIT CO.,
Cleveland, Ohio, February 2, 1923.

Senator FRANK B. WILLIS,
Washington, D. C.

MY DEAR SENATOR: You are of course aware that Secretary Hughes has called from committee the treaty ceding the Isle of Pines to Cuba with the recommendation that this treaty be passed.

I wish to say to you that a large number of Clevelanders, myself, father, and brothers among the others, have purchased lands in the Isle of Pines and have interested ourselves in the development of such lands. In so doing we ourselves have spent a very large amount of money and others associated with us have also expended very considerable sums. Among about 40 persons in Cleveland who are interested with us in the island we have spent about $500,000. Of this amount nearly one-half has been furnished by T. M., F. L., R. H., and A. H. Swetland.

This money has all been used in the development of properties on the island. This does not include the funds originally expended in the purchase of lands. We ourselves did not sell lands to Clevelanders, with the exception of two or three individuals, but joined, as we have indicated, in improving the property which we had purchased. A very great amount of lands were, however, sold to Clevelanders by land companies who were interested in the Isle of Pines. With these companies we had no connection whatever.

We feel that a substantial injustice will be done to everyone who has invested money in the Isle of Pines in the purchase of lands upon which they expected to build homes and to live either in the winter or during the whole year if this treaty is passed and the island ceded to Cuba. It will be a gratuitous act upon the part of the United States and one wholly unnecessary and, as far as I can see, uncalled for.

The majority of purchasers of land in the island believed the isle to be United States territory, and probably the major portion of the other buyers felt that although the question had arisen that the isle would never be ceded to Cuba. If the isle is ceded to Cuba, the temper of some of the local Cuban officials has been such in the past and undoubtedly will be such in the future that the lives of the Americans on the isle, of which there are a considerable number, will be made very uncomfortable.

I trust you will go into the matter carefully, and I believe that when you have informed yourself thoroughly on the subject (if you are not already informed) that you will not be in favor of the treaty. I am handing you herewith a copy of a letter addressed by Mr. E. Yanish, of St. Paul, Minn., to Secretary Hughes. This gives some information on the subject, and there is a vast amount of subject matter on file in Washington to which you of course have access. I would be very glad to furnish you with any information that you felt you might like to have covering the matter.

I wish to thank you for your consideration of my letter and also your consideration of the subject.

Very truly yours,

R. H. SWETLAND.

NUEVA GERONA, ISLE OF PINES, *October 22, 1923.*

Hon. FRANK B. WILLIS,
United States Senate, Delaware, Ohio.

SIR: It is my understanding that sometime after Congress convenes the Isle of Pines treaty is to be voted upon.

As I am from your State (city of Cleveland), I beg you to use your influence and vote to kill this 18-year-old treaty.

We Americans came here with the full understanding that the Isle of Pines was United States territory. Senate Document No. 311, Fifty-ninth Congress, first session, was as fine a piece of advertising as was ever put out by any land company. It was also placed upon the official maps as United States territory; also many statements by men prominent in governmental affairs at that time, including President McKinley, that the Isle of Pines was United States territory.

It was all this that lured the Americans to the Isle of Pines. We came here, purchased land, cleared our farms, planted our groves, built our houses, and prepared to make this our future home, believing that our Government would do as it had promised. But, behold, for some unknown reason we were turned over to Cuba for governmental purposes.

* * * * * * *

We have come to a place where we are going to lose our all if something isn't done. The Cubans tax us to death, that they may have the more for graft.

The United States has placed such an outrageous duty on all our products that we can not make both ends meet. We are between two great millstones, paying duty and taxes to both, and they are certainly seeing to it that the grist is well ground.

We are taxed to the very limit, without representation, denied the right of trial by jury, arrested and made to pay the most outrageous fines or imprisoned for the most trivial offenses. All this under a de facto government, mind you.

Therefore I ask you to vote to kill the old treaty and see to it that a new one be drawn up whereby the Isle of Pines will become a part of the United States, either by treaty or purchase, or chase the "niggers" off. They have been over us long enough.

But for heaven's sake help.

Sincerely yours,

E. A. HUGHSON.

Cuban officials censoring our mail, so necessary to forward to Key West for mailing by people going that way.

CLEVELAND, OHIO, U. S. A., *May 26, 1924.*

Hon. FRANK B. WILLIS,
Senate Office Building, Washington, D. C.

DEAR SENATOR: You have already received and will continue to receive many letters from property owners in the Isle of Pines, who appreciate very deeply your support in their behalf in their opposition to the treaty now on the calendar awaiting action by the Senate, which proposes to relinquish the United States claim on this island.

There are several hundred of us here in Cleveland and Cuyahoga County who own property on the Isle of Pines and nearly 2,000 in the State.

I believe you will appreciate knowing that interest in the treaty extends beyond merely the property holders. The result of a limited canvass made, showed that every single person interviewed expressed opposition to the treaty.

How any fair-minded man who has read article 2 of the Paris treaty; the testimony of the American commissioners; the letters sent by our Government officials; the circular prepared to attract settlers to the island and mailed to inquirers, describing the island's wonderful climate, agricultural possibilities, etc., giving the distance and fare from various points in the States, could have taken any other stand than that of opposition to the treaty, it is difficult indeed to understand. And the final act of the McKinley administration in connection with the matter, was to place the island on the official map as United States territory. These were the facts and these were the things done that induced American citizens to go to the Isle of Pines, invest their money, establish American schools and churches and build there an up-to-date progressive American community.

The policy of President McKinley respecting the Isle of Pines was clearly defined in the Platt amendment. Under this enactment the Isle of Pines was omitted from the constitutional boundaries of Cuba. Mr. Platt states in his letter, page 249, Senate Document 205, that he inserted article 6 providing for fixing title by future treaty, for the purpose of acquiring the island by purchase if we could not convince Cuba that it came to us in the cession. That letter proves that it was never intended that the island should be turned over to Cuba under any circumstances.

The query is put by some, "Why does the treaty pretend to relinquish our claim in exchange for territory, said territory to be used for the protection of Cuba against invasion, when, as a matter of fact, this same territory had been previously leased under contract by the United States in consideration of an annual rental of $2,000, payable in gold?" Others say, "How did it come about that this treaty was not made until long after the death of President McKinley?"

Many of us feel, Senator, that it is the purpose of those favoring ratification to take no action on the treaty at the present session. This has been the method followed by its supporters on the various occasions that it has been brought up since its birth, over 20 years ago.

I sincerely hope you will be able to maneuver it out on the floor for open discussion and defeat it.

The only way, in my judgment, to settle the Isle of Pines question is to defeat the treaty, thus clearing the way for the negotiation of a new treaty. The present treaty ignores every single American interest; even Root said: "They have a strong, equitable claim to have our Government take special pains to see that their rights are protected."

Again thanking you, Senator, for your interest in our case, I am,

Yours very truly,

A. EDMUND HANSON.

SAN PEDRO, ISLE OF PINES, WEST INDIES, *May 31, 1924.*

Senator WILLIS,
United States Senate Office Building, Washington, D. C.

DEAR SENATOR: We are writing you to-day to protect us in the coming treaty giving the Isle of Pines to Cuba. As you are aware, President McKinley placed the Isle of Pines officially on the United States map and we Americans all bought property here. We are very heavy investors in the Isle of Pines and trust that when this treaty comes up you will vote it down. This island is 90 per cent owned by Americans; it has our American bank and business places all owned by Americans. Please help us, so that this island does not get into the hands of these foreign people.

Sincerely yours,

J. C. ARHEIT & SONS.
Per FRED J. ARHEIT.

THE STATS,
Kansas City, Mo., May 31, 1924.

United States Senator WILLIS,
United States Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am writing you on the question of Cuba-Isle of Pines treaty. I am only one of hundreds of other Ohio people who between the years of 1909 and 1913 invested heavily in Isle of Pines land and property, and planted acres of grapefruit and pineapple groves, under the impression and belief that we were under the American flag and on American soil, as the Isle of Pines was shown to be American territory as shown by American colored United States maps sent out at that time, and also the wording of the Paris treaty made under the McKinley administration. Now all holdings of grove property, on which I have spent many thousand dollars, will be a total loss, as well as the property of hundreds of other good, loyal Americans, should the island be turned back to Cuba.

We hope and trust, Senator, that you will do what you can to protect us in the coming treaty negotiations.

Thanking you in advance for anything you may be able to do for us, I remain,

Very sincerely yours,

CHARLES W. STUBEN,
1351 Neil Avenue, Columbus, Ohio.

Mr. FESS obtained the floor.

Mr. ROBINSON. Mr. President, would not the Senator like a fuller attendance of the Senate? I think there should be, and that the Senate should be afforded an opportunity of hearing the Senator. I will suggest the absence of a quorum if the Senator will yield for that purpose.

Mr. FESS. That is better than talking to empty seats.

Mr. ROBINSON. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Deneen	Keyes	Ralston
Bayard	du Pont	King	Ransdell
Bingham	Edwards	Ladd	Reed, Mo.
Blease	Ferris	McKellar	Reed, Pa.
Borah	Fess	McKinley	Robinson
Bratton	Frazier	McLean	Sheppard
Brookhart	George	McMaster	Shipstead
Broussard	Gillett	McNary	Shortridge
Bruce	Glass	Mayfield	Simmons
Butler	Goff	Metcalf	Smoot
Cameron	Gooding	Moses	Stanfield
Capper	Hale	Neely	Swanson
Caraway	Harreld	Norbeck	Trammell
Copeland	Harris	Norris	Tyson
Couzens	Harrison	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh
Curtis	Johnson	Pepper	Wheeler
Dale	Jones, Wash.	Pine	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present.

Mr. FESS. Mr. President, it is with considerable trepidation that I enter upon the discussion of the treaty, in view of the fact that I am taking a different position from what I originally thought I would take. At the time the matter first came up my prejudices were all in opposition to the treaty. That was because I had not looked into it, and I had been appealed to by individuals who were interested, in person and through their representatives, and had read a good deal of testimony that came from those interested, and I must confess that on first impression I thought that the treaty should not be ratified.

When it was opened up for discussion I went into the matter a little more fully, and, quite unlike my colleague, the further I went the further away from my original view I was driven, and I took the position favoring the ratification of the treaty, therefore, as a result of a judgment formed from the evidence that has been submitted. I think I fully agree with my colleague on the importance of some of the other treaties that are before us, and I wish we might have immediate action on them, if we could get it. I do not think, however, that my colleague's conclusion—which I took by inference, at least, to be that, having ratified so many treaties, we are not now derelict if we defer further this treaty—is not really a legitimate conclusion, for the reason that, so far as I know, with the great number of treaties we have ratified there was no controversy, that there was not even a difference of opinion on either side of the aisle; on the contrary, both sides pretty generally voted for ratification.

I wish we might take up the Turkish treaty, but I know that it would involve a long controversy. If the Senate could be kept here, I would be willing to go on with it, but I do not believe it is quite wise, if we can foresee a long-drawn-out controversy with doubtful decision in the end, to take on additional burdens.

I might say exactly the same thing in regard to the World Court. I have favored the proposal that we adhere to the protocol of the World Court, which was originally announced by President Harding, and reannounced by President Coolidge, and I would be very glad to vote for the proposal at this session if we could come to a vote, but I do not think that because it is difficult to get a vote on these two we ought also to lay aside a treaty which has been before us for 20 years. If for no other reason, that one is a sufficient one for us to take action.

I think the length of time consumed by my colleague in stating his position, and the forcefulness of his argument—for it must be admitted that it was strong—should disprove the contention that this is a little thing, or that this is an unimportant treaty. I think that the amount of time consumed and the interest developed among the various Members of this body demonstrate that the treaty is of great importance.

The main dispute is over the evidence. It seems to grow out of a confusion in testimony. I think the opponents of the treaty are weakened in the fact that the testimony they give to support their contention is altogether hearsay, outside of one or two instances, testimony of those who claim they heard the parties immediately interested say something, but when the source of the testimony is sought we find that all of those parties have passed beyond.

For example, it is constantly contended by the opposition that President McKinley favored the position that the Isle of Pines belonged to the United States. I can not find a single utterance, that is a matter of record, showing that McKinley ever took that view, and the only evidence that is given would not be accepted as evidence. It is testimony in a sense. But it is hearsay. It is the statement of somebody who heard the President use the expression. Anybody knows that that of itself is weak, as furnishing a basis for a judgment on a disputed question.

On the other hand, on an issue so important as the sovereignty of a people, or the possession of an island, we would necessarily expect a person giving instructions to give them in documentary form. I have been searching diligently the life of President McKinley, and through utterances that are quoted from him, and I have not found a single one that would indicate that the President was in favor of this contention.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield.

Mr. COPELAND. I know how just the Senator is and how anxious he is, as we all are, to have the full truth. Does not the Senator consider that the evidence offered by Mr. Hermann is pretty direct evidence as to the opinion of President McKinley? Of course, I know the Senator remembers that Mr. Hermann, afterwards a Congressman, made a positive statement—which I think the Senator's colleague this morning repeated, in the form of an affidavit from Mr. Hermann—in which he said that President McKinley was so eager about this thing, so sensitive, indeed, that he gave to Mr. Hermann positive orders that the Isle of Pines should be included upon the map as a part of the American territory.

Mr. FESS. I shall say nothing further than to suggest to the Senator that he might make a little investigation of the character of the testimony and the witness to whom he has referred. That is as far as I shall go.

I state again that in a matter so important as that, involving the sovereignty of a people, under the direction of the President of the United States, where that President has an opinion that is different from the general opinion of those interested, any instruction the President may have given ought to be a matter of record and not dependent upon a posthumous repetition of a statement of one who has passed on and whose lips are for all time sealed.

The same thing can be said about Cushman K. Davis. I attended a banquet about this time where he was the orator of the occasion, and his subject was the Philippines and Porto Rico. I recall most distinctly his statement that "We will bring these people up peacefully if we can, but surely we will do it in whatever way the exigencies require."

I know the attitude of Cushman K. Davis toward those people. Yet I find no utterance from Cushman K. Davis, one of the most brilliant men the Northwest ever produced, that would indicate the position he is said to have taken, except that somebody, after he is dead, makes a statement that he took such and such a position. Cushman K. Davis, one of the most brilliant men of America, died suddenly in 1900, if Senators recall, and his lips were sealed for all time from giving testimony on this matter.

The same thing might be said of Senator Frye. I have searched the Library for utterances of Senator Frye. I was somewhat surprised that I could find no volume giving his life, but I could find many volumes quoting from Senator Frye. On the other hand, we find somebody who heard him say this, and how much they are interested in bringing this testimony to bear upon their case is to be left not to me, but to those who are interested. We have the word, thus repeated, that Senator Frye was in favor of rejecting a proposal like this, notwithstanding the fact that he was on the Committee on Foreign Relations which reported in favor of this treaty, and was not recorded against it. The same thing might be said of the others whose testimony has been quoted, but it would not be accepted in any court of law as conclusive.

On the other hand, if it is a matter of testimony, what can be said of Justice Day? Justice Day was appointed as Secretary of State by President McKinley. Justice Day headed the commission which adopted the treaty in December, 1898. Justice Day, as our Secretary of State, wrote the proposal submitted to the Spanish commissioners, and it was Justice Day who outlined the protocol. The one was in July, the other was in the following August, and the treaty of peace was signed on the 10th of December, 1898, and was ratified in the early part of the next year—1899. If any man knew the meaning of the words he used, it would be Justice Day, for he was the author. He later sat on the Supreme Court.

In 1907, when this case was brought before that court, while there is a technicality as to whether the court took judicial cognizance of this particular issue, the court did make a decision, and in that decision Justice Day concurred. If there is anybody who would know whether the Isle of Pines went to the United States under the treaty, it would be the man who wrote, first, the proposal; second, the protocol; third, the man who was chairman of the commission which made the treaty. His position was that the United States did not get possession of the Isle of Pines under the treaty. His position was, on the other hand, that the island of Cuba included the Isle of Pines, and that the phrase "Porto Rico and other islands in the West Indies" included Mona, Vieques, and Culebra, and only those. If "other islands in the West Indies" included the Isle of Pines, why did not the treaty mention the Isle of Pines when it used the word "Cuba"?

There are two expressions in the two articles. The one is that Spain relinquishes her sovereignty over Cuba. How much did that include? I insist that it includes 1,360 keys, islands, and islets immediately about Cuba, and the other island that is 35 miles from Cuba.

If, on the other hand, the term "Cuba" did not include the Isle of Pines or the phrase "other islands" did include the Isle of Pines, then they would not have used the term "Cuba" in one article and in the other "Porto Rico and other islands" without specifying the difference between those immediately adjacent to the island of Cuba and those that are 35 miles away from the island of Cuba. So if we take the question of dispute in evidence, it would appear to me that the one conclusive bit of evidence would be not that which somebody who is dead and who was heard some time to speak about a certain thing, but the man who is living and sitting upon the Supreme Bench, charged with finding a verdict in accordance with the facts, and thus finding that the treaty he wrote specifying other islands did not include the Isle of Pines. That, to me, is as conclusive as evidence can be.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield.

Mr. COPELAND. When the Senator from Ohio speaks about the opinion of Mr. Justice Day he has reference to the case of Pearcy against Stranahan?

Mr. FESS. I refer to the only decision the Supreme Court has made on the subject.

Mr. COPELAND. Did Mr. Justice Day sit in that case?

Mr. FESS. Mr. Justice Day concurred in the decision.

Mr. COPELAND. I had not found that Mr. Justice Day did concur. I want to be corrected if I am wrong about it, and I assume that the Senator has investigated carefully. I confess that I did not find it.

Mr. FESS. If the Senator is quibbling over the word "concur" and wants me to use the word "assent," it does not change the significance of the subject in dispute.

Mr. COPELAND. I want to say that much as I would like to agree with the Senator I can not do so. The question before the court was the question of the duty of the Internal Revenue Department to levy a tax on goods from the Isle of Pines.

Mr. FESS. I shall not permit the Senator to use a technicality. I mentioned it a moment ago that a mere technicality raising the question as to whether the decision covered the particular subject or not, because it was or was not before the court, is not going to enter into this dispute. If it were a matter of technicality, then it is a subject of dispute, but the difference between a lawyer and a Senator should be that the lawyer may be an advocate, but the Senator must be an expositor. He must not take advantage of mere technicality as to jurisdiction over this thing or that thing or whether the decision covered the whole subject or only hinted at it.

Mr. COPELAND. The Senator seems to imply that the Senator from New York is a lawyer. Since I can not plead guilty to that, I shall raise the point in my own time.

Mr. FESS. What I had in mind was that many of those who represented the interests in the Isle of Pines have as lawyers appealed to me that the Supreme Court decision has no effect here because the court did not have jurisdiction over that particular case. I am answering the Senator in the same terms that I have answered my friends from Cleveland, Columbus, Cincinnati, and other places where their representatives have presented the case of the people of the Isle of Pines, in which I stated that a mere technicality is not going to be a determining factor in the decision of the Senate.

Mr. COPELAND. It is only right, and I am sure the Senator agrees, that this particular case which has been urged should be placed fairly before the Senate in order that the Senate may realize its significance. The question involved really was not whether the United States owned the Isle of Pines, but the question was, until there should be a settlement of the question of title, whether or not the goods coming from the Isle of Pines should be taxed. I am sure that even the lawyers of the Senate would agree that the decision rendered by the court was the only decision which it could properly render, but it did not settle the question of title to the Isle of Pines. That is the point I wanted to make.

Mr. FESS. If the Senator from New York can take any comfort in that statement he is entitled to all that he can get. It is the same thing I mentioned a while ago. I am quite well aware of the basis on which the case reached the Supreme Court. It grew out of the question of whether the people of the Isle of Pines could be regarded as the people in Cuba and therefore have the customs duty assessed against them, and because that question came specifically before the court, and technically the question of whether the Isle of Pines belonged to the United States was not a question to be decided, yet if the Supreme Court does decide it, that is final for me so far as the decision touches the question in dispute here. I am not raising the question whether they had the question before them or not. If it is simply a voluntary suggestion that was not in dispute, and yet they make it, it has the same force as if it were in dispute so far as I am concerned in my vote upon the issue before us to-day.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FESS. I yield.

Mr. SWANSON. It must be remembered that in this case it was not the United States that brought the suit. It was the people of the Isle of Pines who insisted that the Isle of Pines was included in the term "other islands." They insisted they had a de jure government, but they had no authority to have a de jure government created by the Executive in United States territory, and the United States was called upon to interpret the protocol of peace, the resolution of Congress declaring war, and the treaty. They were directly involved, and the court, exercising its judicial power to interpret treaties, to interpret acts of Congress, was really called on to determine whether the Isle of Pines was conveyed to the United States under that article of the treaty. The dissenting opinion said it decided the case without going that far. But, as the Senator well said, our Supreme Court did go far enough to decide that question de jure, considering all the facts, and, as I have said, that ought to be binding on the American people.

Mr. FESS. As far as I am concerned, although I might admit as a technicality that they were not called upon to do it, nevertheless they did do it, and it is final, so far as a Supreme Court decision would go on any question.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield.

Mr. COPELAND. If the Senator would go further and read the dissenting opinion written at that time, he would realize that the court itself, or some of the minority members of the

court, felt that Mr. Justice Fuller had gone too far in the statement he made about the ownership of the Isle of Pines. But I do not wish to take the time of the Senator, because in my own time I shall go into that question more extensively.

Mr. FESS. Mr. President, there are other witnesses to the meaning of the proposed treaty that spoke during their time. Among them was the famous John Hay, one of America's greatest diplomats. He took the position that we had no title under the contractual relations between the two nations and that the treaty should be ratified. There were also included in the list such men as Elihu Root and Senator J. B. Foraker. Elihu Root repudiates the attitude or the statement of Meiklejohn, the Assistant Secretary of War, who had made the statement in reply to inquiries that the Isle of Pines was ceded to the United States. No stronger statement or clearer utterance could be made than was made by Mr. Root, in which he said that the Isle of Pines was just as much a part of Cuba as Nantucket was a part of Massachusetts. There is the chief, whose underling had said that the Isle of Pines had passed to the United States. So if we are going to take the statement of men charged with responsibility, it is not only the position that they occupy that would give some prestige to their utterances, but it would be their ability in matters of international relations, and as between Mr. Meiklejohn and Elihu Root on questions of treaty obligations, without desiring to be in any way capricious or captious in comparisons, I know that the Senate would assent to the statement that Elihu Root's opinion is such that we must give credence to his utterances.

In addition to that the views of Senator Foraker, who was a member of the Committee on Foreign Relations and who by the way is the author of the famous utterance that the people of Cuba should and by right ought to be free and independent, should be put next to those of Mr. Justice Day, for no man in this body had a greater part in bringing to pass what took place than did Senator Foraker—author in the latter part of 1898 of the famous declaration of independence for Cuba, author in the latter part of 1899 of the statute forbidding the granting of franchises, the chairman of the subcommittee on Foreign Relations on the control of Porto Rico. This man of all the men in this body had some acquaintance with the meaning of the wording that controls the relationship between ourselves and the people of Cuba. Senator Foraker saw that when action had been taken and the treaty of peace was ratified there was going to be a general flood into the island of Cuba as well as the Isle of Pines and Porto Rico, and he knew that because of the peculiar financial ability of the American citizen the new country would be used at once as a place for exploitation, and consequently Senator Foraker introduced a bill which became a law forbidding the granting of franchises in the island of Cuba, including the Isle of Pines. That bill was passed by both bodies and signed by the President in protection of the rights of the people in those particular specified countries. Senator Foraker later on became the chairman of the subcommittee that had control of Porto Rico. Senator Foraker wrote the organic law under which Porto Rico is now governed. Senator Foraker had in mind the islands of Mona, Vieques, and Culebra that came with the cession of Porto Rico, but he said the Isle of Pines was not included, and no stronger proof could be adduced than the letter read by my colleague a while ago from Senator Foraker as late as 1915.

Mr. COPELAND. Mr. President, I know that the Senator would like to proceed with his remarks, and I dislike very much to interrupt him with questions, but he was good enough to say it would be all right if I did so; otherwise I should not want to interrupt him.

Mr. FESS. I assure the Senator it is no interruption at all.

Mr. COPELAND. I want to call the Senator's attention to page 37 of Senate Document 166, which undoubtedly he has before him. It is the report which was submitted by Mr. Foraker, from the Committee on Foreign Relations. The Senator will find it on page 33 of this document. The report was presented to the Senate and advocated the ratification of the treaty which is now pending. Now, again turning to page 37, the second paragraph states:

> In addition to the foregoing attention is also called to Exhibit C hereof, the same having been prepared by the chairman of the Committee on Foreign Relations and printed for the confidential use of members of the committee.

The Senator from Ohio has just referred to Senator Foraker as believing that the Isle of Pines belonged to Cuba. Let me call the attention of the Senator from Ohio to page 205 of this document, where we find Exhibit C, just referred to, on page 37. This is found at the top of the page:

> EXHIBIT C
>
> [Confidential. For use of members of Committee on Foreign Relations.]

Let me say that, of course, any injunction of secrecy has been removed, so that we may properly refer to this. At the bottom of page 205—and bear in mind, this is the confidential statement of Chairman Foraker, referred to just now by the Senator from Ohio—he states:

> A strict construction of the treaty of peace with Spain would probably give to the United States title to the Isle of Pines.

That is the statement of Mr. Foraker, that—

> A strict construction of the treaty of peace with Spain would probably give to the United States title to the Isle of Pines.

Mr. FESS. Mr. President, the statement which the Senator from New York has just quoted, the confidential Exhibit C, that was laid before the Committee on Foreign Relations, might be construed to represent the technical view of a lawyer who had interpreted the language strictly. It certainly can not mean that Senator Foraker, even though he might have been—although I do not conceive it that he could have been—the author of this statement, believed that the treaty gave to the United States the Isle of Pines, for we have from him officially utterance after utterance to the contrary. As I stated a moment ago, no stronger corroboration of his early view could be made than the letter which my colleague [Mr. WILLIS] has submitted to the Senate.

In that letter he speaks about the increase in population and American interests in the Isle of Pines, and raises the question in connection with our purchase of the Danish Islands, when that matter was before the country, as to whether or not it would be a feasible thing for us to purchase from Cuba the Isle of Pines, which means, of course, that Cuba owns it; otherwise we would not be offering a purchase price for it. That was as late as 1916.

Now, of all the people outside of Justice Day who would be interested in the meaning of this treaty, I know of no one who would have a fuller conviction of our duty than Senator Foraker, for he in this body was responsible as chairman of the subcommittee that had charge of matters affecting Porto Rico, and Senator Platt, who was chairman of the subcommittee that had charge of matters affecting Cuba. Another of those Senators whose name has escaped my memory for the moment had charge of matters affecting the islands which are called the Philippines.

I wish to cite another incident that will be of interest in interpreting the meaning of those men. Senator Platt had a conviction that we had a basis for claiming the Isle of Pines. I have his statement here on my desk. He said that he had believed that the Isle of Pines came to us under the treaty, but his interest in the Isle of Pines was as a possible naval station.

In view of the fact that we were just then proposing to build the Panama Canal, and the one national issue then before the American people—not a political issue, but a great economic issue—was whether we should marry the two oceans by the construction of the proposed canal, Senator Platt's idea was that Cuba was strategic, and that if we did not hold Cuba we ought at least to secure coaling stations at contiguous points. It was Senator Teller who offered the amendment to the original Foraker resolution, which is now known as Article IV, which pledged the United States to withdraw from Cuba just as quickly as we had pacified the people and secured order in the island. Senator Foraker, the author of the resolution, was very much opposed to that particular Teller amendment, but it was adopted by the Senate and became a part of the organic act.

When Senator Platt was appointed chairman of the subcommittee he had a conference at his home in this city with certain Members of the Senate, including Chandler, of New Hampshire; Frye, of Maine; and Cullom, of Illinois. They were asked before they came to frame a plan of control as between the United States and Cuba. In that conference various plans were submitted. The conference was not official, but only a conference of men who were interested in working out this problem.

Those Senators would report to Senator Platt because he was chairman of the subcommittee that would afterwards report to the Senate. In every single plan proposed there is found one significant item. The plan proposed by Senator Platt himself contained four articles, the third of which was in these words:

> Naval stations, and a force necessary for their maintenance.

That was in Senator Platt's mind as the chairman of the subcommittee in charge of these matters. Here is the position of one of the other members:

Second, the right of the United States to maintain two coaling and naval stations in said island.

Here is the position of Senator Chandler as indicated in his plan which was submitted to the conference as Article III:

The right to have and hold a coaling station at some suitable harbor.

Senator Cullom, a member of the subcommittee, also had a plan. Keep in mind, Mr. President, these were individual Senators taking part in a conference which would propose a plan of control. Nearly every one had three, four, or five articles in his proposal. Senator Cullom's proposal was:

To protect the commercial interests of the United States; and shall lease perpetually two safe and convenient harbors, one near the eastern and one near the western limits of said island, with sufficient land for repair and supply stations for the Navy of the United States.

Each of the members of the subcommittee engaged in drafting a plan for working out the relationship between this Government and Cuba, after we had decided that we would withdraw as soon as pacification was secured, in his proposal referred, in one or the other of the articles, to a naval station. That was also the position of the chairman of the committee, who stated that he supposed under the treaty we did get the island, but, if we did not, then we would purchase it, for he thought that that was the place for us to establish one of the coaling or naval stations.

The result of that conference was a report, more or less confidential, that went to the Secretary of War, and the then Secretary of War, Elihu Root, sent instructions to Governor General Leonard Wood, the military governor of Cuba. Those instructions are encompassed in only five articles. When they came back to President McKinley and were referred to Congress, to the House of Representatives—especially to the House—the Committee on Military Affairs of the House, which then had the power to recommend appropriations, reported, in obedience to the instructions of the Secretary of War, and indorsed by the Secretary of State and by the President of the United States, what now is known as the Platt amendment. In the original instruction was there anything said about the Isle of Pines? There was not.

There were three articles added to the original instructions made by Elihu Root, the then Secretary of War. One of them was asked by the military governor, General Wood, to the effect that there must be given to the United States authority to clean the cities of filth and to eradicate yellow fever.

That article in regard to sanitation was put in the famous Platt amendment. Another article that was added was presented by Senator Platt, and that is the one that is so often quoted. It is in the famous Platt amendment, and it is Article VI:

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Why was that put in there? It was not in the original instructions of the Secretary of War. It was not sent in here by the indorsement of the President of the United States. It was put in for the same reason that the conference upon relationship between this Government and Cuba had, in every single proposal made, suggested a naval station. The chairman of that committee is the author of this article, and anyone who can put things together and think two thoughts in a row will know why it was placed there.

My colleague [Mr. WILLIS] says that because that statement was put at the head of a Government publication, the Government intended to invite people into the islands as citizens of the United States located in an island which belonged to the United States. Mr. President, I can not accept that conclusion. This statement is placed at the head of a publication, whether it is governmental or not—we will assume, for this purpose, that it is—as an announcement that the Isle of Pines has a title that is unsettled and that is to be settled by treaty. If that statement is at the head of the Government publication, there was no better warning that the people who went to the island went on their own risk.

I am giving the genesis that is back of the writing of that article. Later on it developed that the topography of this particular location was not such as to make advisable the location of a naval station or a coaling station there; and it would be quite easy, after we had located two stations in other parts of the island of Cuba, for us to forget that we once had in mind the Isle of Pines as a place to locate such a station. So the statement of Senator Platt, which is quoted here constantly as the law in our relationship with Cuba, which will give us the island, is not, it seems to me, to be drawn from the facts as they are adduced.

So much for the testimony that is being offered. Senator Foraker, who held an official position here and who wrote the original declaration of independence for Cuba, and who was the author of the statute forbidding the issuance of franchises, and who was also the author of the Porto Rican organic law, became the chairman of the committee to report on this treaty. I do not believe that anybody who knew Senator Foraker would believe that he would easily deny to American citizens their rights. I am quite certain that no man was ever more jealous of the rights of American citizens than was Senator Foraker; and yet he, as chairman, made a long survey and had printed as a document the facts on our relationship to this matter. Here is the document, which has been reprinted. It covers many pages. He says in his "Life and works" that it took arduous labor and tedious investigation. After this man, as well versed in our relationship to this issue as anyone in this body, had gone through this research he reported that we ought to ratify the treaty and thus relinquish any claim to the Isle of Pines. We have no right to give the Isle of Pines to Cuba; we do not have the Isle of Pines to give. Senators continue to misquote the wording. The only thing we do is simply to relinquish any sort of claim that we might have to the Isle of Pines in behalf of Cuba.

Why should we relinquish claim? This document is full of letters, individual and corporate, that were sent to the Government of the United States making inquiry as to whether the United States owned the Isle of Pines and whether the writers of the letters could safely go in and buy land there. I can only indicate the number by the size of the volume; and, as I said a moment ago, time after time individuals from Ohio, as well as other States, wrote to the Government making specific inquiry as to the ownership of the Isle of Pines.

Because people went in there, or because people took the risk, that is no evidence that we own the Isle of Pines. The truth about the matter is that the American spirit of aggressive adventure in financial matters goes to every nook and corner of this world where there is any chance to prosper financially. Why, Mr. President, 65 per cent of the oil development in Mexico has been brought about by American capital. One billion two hundred and fifty million dollars of American capital are invested in the island of Cuba. Nobody knows how much American capital is invested in Europe nor in South America. The investor is everywhere. He is ubiquitous. There is a passion in the average American to go where he can better his fortunes; and the mere fact that Cuba fell for a time under the control of the United States caused any number of people to become interested in Cuba.

I mentioned a moment ago the fact that I myself was persuaded to make an investment in a sugar plantation down in the island of Cuba upon the representation that it was a great opportunity for making money. When, in the Cuban revolution that came soon, losses were sustained I can easily see how a great many persons who thus invested and lost wanted the United States to step right over and become the collecting agency of the individual citizen. While I believe in the American flag followed by the authority of the American Government, I do not think the United States is to become a collecting agency of any group of citizens who go at their own risk into any section of the world, no matter how little or how much profit they may experience; and these parties, I feel certain from the letters that are written and here republished, went into the Isle of Pines at their own risk, and therefore can not claim that the United States should take the position of taking over the island in order to protect their rights.

Mr. President, there may be a phase of this matter that should command our interest. I frankly state to the Senate and to the country that if American citizens are in any way by American authority wronged in the Isle of Pines by the action of the Government—by no fault of theirs but by the fault of the Government—I would be willing to vote the authority to recompense them for any suffering or injury they received; but I do not propose, in the interest of anybody, to involve the honor and integrity of America and wound the feelings of a small country by taking advantage of them in the name of American rights. I can not be brought to that position, and one reason why I can not is the bad effect it would have upon our relations with the nations of the world.

Mr. President, for a long while we have been more or less under suspicion on the American continent. We took the position of the "big brother," not so much for our own sakes as

for the sake of peace and harmony in the New World. When in 1815 there was a conference in Europe, and later on when a pronouncement was made, following the revolt and rebellion of the South American countries, that in the interest of the peace of the world the Spanish Provinces in South America must return to the allegiance of Spain, we had a President who announced a famous doctrine. While it is true that there has been some dispute as to the real author of that pronouncement, the honor is big enough for all Americans.

James Monroe made a statement, in answer to that pronouncement in Europe, that has gone around the world. We want friendship with all nations, but entangling alliances with none; and any attempt on the part of any European government to interfere with the sovereignty of any American colony or government will be regarded as unfriendly. That is an announcement that we call the Monroe doctrine—a simple utterance that did not at the time mean much; but, fellow Senators, it was restated three years later, in 1826, in the Panama mission. It was again restated 23 years later in the famous treaty of New Grenada, in 1846.

That announcement was reaffirmed in the next year in the Yucatan episode. It was again reannounced in the famous Clayton-Bulwer treaty of 1850. It was also announced by James Buchanan at the very beginning of his administration, and in 1863, when our country had troubles of her own, France took advantage and sent Maximilian into Mexico and established a French Empire, with Maximilian at the head of it, and all that our Government could do was to protest, because two wings of the Anglo-Saxon peoples were in a struggle in a great Civil War, and we had all we could handle. Consequently we had to pass over the ignoring of our request by France until the close of the war, when, as the Senators will recall, "Phil" Sheridan went to the border of Mexico with 50,000 drilled troops, and the French Army was withdrawn.

In 1878 the Monroe doctrine again came up in the pronouncement of President Hayes in regard to a canal which we proposed to cut, against which Europe had protested on the ground that it was forbidden by the Clayton-Bulwer treaty. The decree of the President was that the proposed route of the canal was a part of the coast line, and we had a right to do it in spite of the treaty.

Then, Senators will recall that in 1887, and again in 1893, Cleveland being President in each one of those years, we had our dispute with what used to be called the "mother country" over Venezuela. The manner in which President Cleveland maintained the integrity of the Monroe doctrine was somewhat of a wonder to European statesmen, for, as I recall, it was Salisbury who read the message of President Cleveland and stated, "Is it possible that two Anglo-Saxon peoples may go into a war over an unimportant boundary in South America?" The result of that controversy was an arbitration, and the Monroe doctrine was maintained.

I could go through the list, including Roosevelt and every other President up to the present hour. We have always maintained the Monroe doctrine—every political party and every President—not alone in the interest of the composure of the United States, but in the interest of the Western Hemisphere.

Other nations have suspected us. They have wondered what our ulterior purpose was. There are times when certain South American countries are wondering what the purpose of the people of America is. Suppose that America, in the face of the recommendation of our Presidents, of our Secretaries of State, of our Secretaries of War, and of several Committees on Foreign Relations of this body, should refuse to respect the recommendations of this galaxy of conviction and opinion on behalf of holding what, to say the least, is a most questionable right over a little island, Cuba, a little country, claiming it, with good right, conceded on all hands, against one of the greatest and most powerful nations of the world; what would be the feeling of Central America, of Mexico, of South America?

Our relation to those countries all along has been more or less sensitive. We have tried to show to them that we want nothing in the world except their natural evolution and development to the fullest extent of their own selves, and yet, if we reject this treaty, I want to know what will be the opinion of those countries.

Mr. President, no matter what one's predilection might be, we can not afford to do a small thing on the basis of ownership that, to say the least, is much in dispute. We went to Cuba not for self-aggrandizement. For years Cuba suffered under a government for which we had little sympathy in policy, and yet we could not interfere. The Monroe doctrine did not apply. That doctrine does not drive out any existing nation. It only limits an outside nation from coming in. Cuba, at our next door, was, it is true, of deep concern to us, but we could not, under any form of doctrine, interfere.

Finally, matters had gone to the point where revolution was continued, and the peace of our own country was involved. Over and over marauders went from our own coasts over into Cuba, and we were being involved in difficulty with Spain because of that. At last the American Government sent two Senators to Cuba, one from Vermont, the other from Nebraska. I shall never forget the impression that the report of the Senator from Nebraska made upon me. He spoke in this Chamber. He had been accompanied to Cuba by his wife, and he stated that he had seen not less than 15 different people dead in midday, starved to death under the shadow of the governor's mansion in Cuba. On his return from the island his wife took ill and passed away, and she made him promise that he would come to the Senate and tell the story as she and he had witnessed it.

His first utterance on this floor, after saluting the Senate, was, "I speak at the command of lips that are closed in death." I never have been more deeply impressed in reading a speech than in reading the speech of Senator Thurston on that occasion, and from the hour that he spoke, there was no doubt about what the American people would demand—intervention. President McKinley, of all men a man of peace, afraid to go into war, not because he was cowardly but because he knew what war meant, could not stand the pressure. Then, on the 15th day of February, 1898, the good ship *Maine* went down in Habana Harbor, carrying over 260 American sailors. From that moment the public opinion of America sped us on into war.

Senators will recall how President McKinley said, "Let the American people suspend their judgment until we get the facts." He was criticized on both sides of the aisle, in the Senate and the House, and throughout the country, for not rushing into war. But we went in finally, and for what purpose? For aggrandizement? No. For American aggression? Never. For new territory in the islands of the West Indies? No. To secure naval stations or anything else for the advantage of America, no matter how much they might have meant to us? No; I do not assert that. On the contrary, I assert that it was for the sake of humanity, to give Cuba and the Cuban people a different form of government, and in due process of time we outlined our policy; we decided not to stay there; we only protected the American rights by adopting this Platt amendment, thought by a good many people as not our right, but I think, on the basis of our going in, measured by the purpose of our intervention, it was our right. We said that Cuba must be limited in her treaty-making power.

A good many people thought we could not do that. We said that Cuba must be limited in making her financial contracts, so not to be beyond her financial ability. A great many people said, "That is interfering with her sovereignty, and we can not afford to do it." We said that the American Government must have the right to go into Cuba in case future developments demanded it in the interest of law and order. A great many people thought we ought not to do that.

Mr. President, only once have we gone into Cuba in the interest of order. We will not limit Cuba in her treaty-making power, except for her own interest. Neither will we limit her in making contracts. But we cleaned up the pest cities of Cuba; we banished yellow fever; we turned the government over to her own people with the promise that, so long as they would maintain order, the United States would certainly stay out.

It would be the last thing the American Government could afford to do, after carrying on for the interests of humanity in this fashion, to turn about, surrender it all, ignore treaty obligations, and by continuing to hold up this question of the title to the Isle of Pines, for if we refuse to ratify this treaty it will be just where it has been. We will have nothing more and Americans in the island will have nothing more. But if we ratify it we perform our obligations to those people, especially to Cuba; we will write into it a provision that will insure complete protection to all Americans in the island. To me, it would be a most dangerous thing, from any standpoint from which you could view it, for us to reject the treaty which proposes to settle for all time the title to the Isle of Pines. This is our duty. In it lies American integrity and American honor.

Mr. WADSWORTH. Mr. President, as has been stated quite often in this debate, this treaty has been pending before the Senate of the United States for something like 21 years. Speaking for myself alone, let me say that I am not in favor of depriving the Senate of its right, under its rules, to debate matters coming before it to a logical conclusion, but it would

seem to me, believer though I am in the present rules of the Senate, that the Senate owes it to itself and to the country to cut short this 21-year consideration.

I may remind Senators that the rules of this body have been under some criticism of late, the criticism uttered in most conspicuous and emphatic fashion. For one I shall hope that the Senate by its action at this extra session will do something, and indeed a great deal, to show that that criticism is not deserved; and it can do it by terminating this matter, which has been pending here so long.

The testimony as to the transactions which took place in 1898, 1899, 1900, 1901, and 1902, that period including the Spanish war and the negotiations of peace following it, and the making of our treaties with Spain and with Cuba, has been reviewed and analyzed very thoroughly.

Especially has an important side of it been reviewed and analyzed by the Senator from Ohio [Mr. FESS], who has just finished a lucid and compelling address upon the subject. I shall not attempt to go over that ground, but, rather, to approach the question from another angle, and I think I can do it briefly. It may be that I shall be accused of approaching it from the sentimental viewpoint. If so, I shall have to plead guilty to the charge.

Let us understand something about the feeling of "the other fellow," the feeling of the Cuban in this case. Let us try to put ourselves in his shoes and ascertain how he views the discussion and the issue involved in the treaty. Does the Cuban believe that the Isle of Pines has always been a part of Cuba? If he does so believe, why? Let us remember a few things about the history of the island and of Cuba. The Isle of Pines was first sighted by Christopher Columbus in the year 1494. At that time it, as well as the mainland of Cuba, if we may use that expression, was inhabited by Indians. The exploring Spaniards found that the Indians of Cuba and of the Isle of Pines had a crude form of government, of course tribal in character, but that even in those days, the days of the aborigine, dating back long before the white man appeared upon the scene, the tribal form of government carried on by the Indians at that time in that part of the world grouped Cuba and the Isle of Pines as one politically.

Some years elapsed after the first discovery of the island until the year 1511, when a lieutenant governancy was established over what then became known as Cuba. This was the first step, partial though it may have been, in the establishment of a government by the Spaniards and at that early time, in the year 1511, the lieutenant governancy of Cuba included the Isle of Pines. From that date to 1898, or, rather, from that date until the freedom of Cuba was won as a result of the war with Spain, the Isle of Pines and Cuba have been one politically. Not one year has gone by in that long period but what witnessed the Isle of Pines being considered by the Spaniards as a part and parcel of Cuba politically. Let us revert to some of the things that happened which indicate the truth of what I have just stated.

In 1607 Cuba was divided into two Provinces, the occidental and the oriental Provinces, the western and the eastern, and in the decree setting up the occidental Province of Cuba the Isle of Pines was specifically named as a portion of the Province.

In 1765 the Isle of Pines was declared, in another governmental reorganization, as it were, to be a district or partido of Cuba, and an officer was stationed upon the island representing the Cuban Government.

In 1773 when tax laws were imposed upon Cuba, those tax laws were specifically made to apply to the Isle of Pines and those laws were administered from the mainland of Cuba and its capital at Habana.

In 1774 a census was taken of Cuba Province by Province. The Isle of Pines was included in the census as one of the Provinces of Cuba. It may be of interest to note that at that time there were 78 people in the Isle of Pines.

Later on, as the Government of Cuba developed and became elaborated to meet its growing needs, these facts may be noted: The Isle of Pines was part of the military district of Habana and the troops on the Isle of Pines were commanded from the headquarters at Habana. That state of affairs continued until the time of Spain's disappearance from the scene. The Isle of Pines belonged to the judicial district of Habana up until 1855. From that year until the disappearance of the Spanish Government it was a part of the judicial terminal of the Bejucal, a subdivision of the same district of Habana.

In the administration of the maritime laws the Isle of Pines was part of the maritime province of Habana and the maritime laws were administered from Habana over the Isle of Pines. In the administration of the fiscal laws the Isle of Pines was a part of the Province of Habana and continued as such until Spain disappeared from the scene. In the administration of the affairs of the church, and of course the church and the state were joined in those days under Spanish rule, the Isle of Pines was a subdivision of the Bishopric of Habana. In the administration of the customs laws of Cuba the Isle of Pines was a subcustoms district of the Province of Habana. In the administration of the postal laws the Isle of Pines was a part of the postal district of Habana. In the administration of sanitation, such as it was in those days, the Isle of Pines was considered as a subdivision of the same province of Habana. And in another census of Cuba the Isle was included.

So it will be seen that in all matters relating to governmental and political activities for 400 years the Isle of Pines has been considered by the Spaniards and Cubans as a part of Cuba. If we want the crowning piece of evidence in this matter we will recollect that when Cuba rebelled against the tyranny of Spain and embarked upon those years of bitter struggle, the inhabitants of the Isle of Pines joined in the insurrection and fought the battle of freedom just as their compatriots upon the mainland of Cuba fought against their oppressors.

Can any act of the American Congress, can any speech or series of speeches made upon the floor of the United States Senate persuade any Cuban that the Isle of Pines is not a part of Cuba? One may just as well hope to persuade an inhabitant of the State of New York that Long Island does not belong to New York or an inhabitant of the State of Massachusetts that Nantucket does not belong to Massachusetts. All the facts of history indicate as clearly as can be that morally and politically as well as geographically the Isle of Pines and Cuba are one. And the men who negotiated this treaty 21 years ago, facing that historical picture, could not reach any other conclusion. But, as treaties must be ratified with the advice and consent of the Senate, and as they could not claim that title to the Isle of Pines had ever rested in the United States, the treaty perforce was submitted in this fashion, to wit, that the United States surrenders all claim to the Isle of Pines in favor of the people of Cuba.

The Senator from Ohio [Mr. WILLIS] endeavors to hold forth certain tempting prospects about this little island. I am not convinced that this country of ours needs any more territory, whether it be this little island or some very much larger expanse of territory. Personally I think we have enough problems right here at home—economic, racial, and otherwise—to engage our attention for many generations to come. The possession of this island is not essential to the safety of the United States. If it were, I might suggest its purchase, but never its seizure. But it is not essential as a military outpost or defense. We already possess in the West Indies Guantanamo as a great naval base, or susceptible of being developed into one, at the eastern end of the island of Cuba. We hold Porto Rico. We hold the Virgin Islands. We hold Culebra. Collectively they command the passages to the Panama Canal. We also, by virtue of treaties made with Central American countries, have the right to establish coaling stations and naval bases in the Bay of Fonseca, on the Pacific side of the Isthmus, and also to establish naval bases on certain islands off the coast on the Atlantic side of the Isthmus.

We have done everything that precaution would lead us to do in making safe our immense investment in the Panama Canal. The possession of the Isle of Pines would not add one iota to our safety. There is no military authority in the country to-day, nor has there been for 20 years, who urges the acquisition of this island in the interest of the national defense. Nor is there any authority in this country to-day that would urge the acquisition of this island for commercial advantages.

I regret that the Government—if the Government did do it—ever sent out such a prospectus as was read by the Senator from Ohio [Mr. WILLIS] this morning. I did not know that we had men in governmental employ equipped with such extraordinary imaginations. The picture which the writer painted in that document of the glories and possibilities of the Isle of Pines, of course, was calculated to attract people there; and it is extraordinary, Mr. President, how many people are attracted to a far away and unknown place by glittering language describing it.

The fact of the matter is that the Isle of Pines is not a fertile island. In fertility it does not compare with the mainland of Cuba. Did it compare with the mainland of Cuba, the Spaniards would have developed it in the growing of sugar, tobacco, and fruits generations ago. As a matter of fact, the best the Spaniards could do upon the Isle of Pines was the raising of cattle and engaging in the fishing industry.

Mr. ROBINSON. And the raising of hogs.

Mr. WADSWORTH. Yes. Our people were enticed there. If it was done by the Government of the United States, then it is our Government that owes them something for having deluded them and not the Cuban Government. If I gather the meaning of the Senator from Ohio aright, he would have the Cuban Government penalized or punished because, forsooth, 700 Americans went to that island as the result of an American governmental pamphlet describing the island in false colors.

I think I am not far wrong in saying that the original 700 settlers who went there in 1899 or in 1900 are no longer there; their places have been taken two or three times since. The property which they acquired there has changed hands in large measure at least twice and in many cases three times, each time, Mr. President, as the result of the advertisement of some land shark, who finding that one group of people have gone broke—and that is their present condition, and I am sorry for them—and are willing to sell out, has enticed another group of victims.

That has been the commercial experience of the Americans upon the Isle of Pines for the last 21 years. It is regrettable that they ever went there. It was no place for them. They found out that it was no place for them by bitter experience. They do have the hope, however, that if the United States, in some way or another, will but take possession of that island and establish sovereignty over it, their products grown upon the island will come to the United States free of tariff duties; and I venture to say, Mr. President, that much of the agitation urging the acquisition of this little island by the United States comes from the hope that if that is done the tariff wall, so called, now erected between the island and the United States will be taken down and those poor people will have a chance to get upon their feet. The men who make that suggestion forget that if it is to be carried out, it is to be carried out at the expense of the people of Cuba, who have believed for 400 years that the Isle of Pines is a part and parcel of their country. Now, what alternative have we if this treaty is defeated?

Mr. PEPPER. Mr. President, will the Senator from New York yield for an observation before leaving the point which he is now discussing?

Mr. WADSWORTH. I yield.

Mr. PEPPER. The Senator has in mind, no doubt, the fact that the American residents in the Isle of Pines are under no disadvantage as compared with the residents of the mainland of Cuba in the matter of tariff duties.

Mr. WADSWORTH. Certainly.

Mr. PEPPER. They enjoy the 20 per cent Cuban differential.

Mr. WADSWORTH. I am very glad the Senator from Pennsylvania made that observation. Of course, when I made my observation I assumed that Senators recollected that the Americans who live upon the Isle of Pines or try to scratch the soil there and make a living, with little success, have been living under the same economic conditions, so far as statutes govern economic decisions, as have the Americans upon the mainland of Cuba. The Americans upon the mainland of Cuba have managed to get along side by side with the Cubans. They raise sugar; they raise tobacco; they raise fruit; they engage in the livestock business and in commercial business, and with varying degrees of success they have gone along for 21 years. The same laws govern there as govern in the Isle of Pines; there is no difference whatsoever.

The trouble with the Isle of Pines is that it has little fertility, and it can not stand the competition of Cuba upon an equal basis. All these glorious stories about its being a paradise are nonsense. It is true that it is 40 or 50 miles from the mainland of Cuba, but the water which separates it from the mainland in its deepest portions is only 16 feet deep. What do we say of a body of water 40 or 50 miles wide which at its deepest point is only 16 feet deep? We say it is shoal. All around the Isle of Pines there are shoals. No deep-draft vessels can approach the shores. Everything that comes to the Isle of Pines has to be lightered ashore for 5, 6, or 7 miles in lighters. There is no harbor there. There is no chance for us to make anything of value of it for ourselves, even if we wanted to purchase it.

As I was about to say, however, what is the alternative to the defeat of the pending treaty? Will the rejection of the treaty settle the title? Not at all. The title will still have to be settled by some treaty between the United States and Cuba. Can anyone pretend to believe that the Cuban people will ever sign a treaty giving the United States title to the Isle of Pines? We might just as well ask the people of the United States to urge us to negotiate and ratify a treaty giving away Long Island.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. WADSWORTH. I will.

Mr. ROBINSON. Can the Senator from New York conceive of any reason why the Cubans should be expected to do that, in view of the fact that in two cases the Supreme Court of the United States has held that the sovereignty over Cuba never extended to the United States; and in one of those cases that sovereignty over the Isle of Pines has always been in Cuba?

Mr. WADSWORTH. It is inconceivable, Mr. President, that the Cubans would ever do such a thing.

Mr. ROBINSON. Does it not seem that a decision of the Supreme Court of the United States as to the question of sovereignty would be binding upon the conscience and the judgment of the citizens of the United States?

Mr. WADSWORTH. One would think so, but apparently they do not all feel thus bound. But, Mr. President, suppose this question were left to arbitration, and suppose American delegates had to argue this matter before The Hague tribunal, with Cuban delegates there to argue against them, how many eminent lawyers in the United States could be persuaded to go before The Hague tribunal and defend the claim of the United States to title to the Isle of Pines, with all the facts of history and even the decision of our own Supreme Court against the contention of the United States? No; we can never expect to negotiate a treaty with Cuba by which Cuba will consent to give us the Isle of Pines. It is folly to expect it. Any Cuban government that did it would fall the next day, and the succeeding government would repudiate the action of its predecessor and withdraw the treaty.

There is only one thing left to do if the ideas of those who say that we ought to have that island are to be carried out, and that is to go there with battleships and take it. Would the American people consent for one moment to a seizure of this island by the United States by force of arms? We might just as well look at the logical conclusion of the situation. It is all very well for us to debate a treaty for 21 years and keep these people waiting all that time, but when we come right down to it we might as well make up our minds that we will either take that island by force or give it to the Cubans, who believe, as all the world believes, that they have owned it for 400 years.

It has been a matter of intense surprise to me, Mr. President, that certain Members of this body who upon former occasions have protested against the militaristic actions of the United States in the Western Hemisphere, especially in the Caribbean Sea and the countries bordering thereon, now apparently maintain the attitude that this little island is ours and we will never give it up. If we were to adopt such an attitude with respect to this island our aforetime acts in our interference in the government of Nicaragua or the occupation of Haiti or San Domingo would be mild by comparison. We had to show force, as it were, in some of those instances in the interest of decency and good government and to save those people, as well as to protect our own interests, and I hope and believe that by so doing we have given them a better chance to build up stable governments. I am sure we have, and that as we do help them build up stable governments we will withdraw; but if we seize the Isle of Pines how can we look Central America in the face? If we refuse to ratify this treaty how can we look them in the face?

The Senator from Ohio says that the presence of this treaty here or its consideration is a mere diplomatic gesture. Ask the Cubans about that! Ask the Central Americans and the South Americans about it! They regard it as something much more than a mere diplomatic gesture. It is something very real to them. By our action upon this treaty, Mr. President, I venture to state that we are to be tested by them as to our good faith.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. I yield.

Mr. CARAWAY. In what I am about to say I am not, of course, referring to the Senators here who oppose the ratification of the Isle of Pines treaty; but, outside of the Senate Chamber, has the Senator from New York been approached by anyone and asked to oppose the ratification of this treaty except by people who bought property down there?

Mr. WADSWORTH. In no case whatsoever.

Mr. CARAWAY. Is there any sentiment, so far as the Senator knows, among the thinking people of America in opposition to the ratification of this treaty?

Mr. WADSWORTH. I have never discovered it. America does not want the island. Why not admit the fact? What would we do with it if we had it? Of course we want our citizens who live there protected in their rights, and this treaty does that.

Mr. CARAWAY. I think possibly that one amendment or reservation should be made to the treaty, and that is to fix the status of children born in the Isle of Pines of American parents. I think they ought not to lose their citizenship, as possibly they would if we should ratify the treaty without some reference to that question. Of course we could take care of their property and their political interest in the treaty, but I have not examined it, as the Senator doubtless has, as to the other aspect; and I will ask him what would be the effect of the ratification of the treaty upon children who have been born of American parents living in the Isle of Pines?

Mr. WADSWORTH. I am not familiar with the naturalization laws of Cuba, and I can not answer the question; but if the naturalization laws of Cuba provide that a child born in that island is a Cuban citizen, I do not see how we can contend that a child born in the Isle of Pines should not be subject to the same legal provision.

Mr. CARAWAY. I had only this question in mind: It is contended here—with how much real reason I am not prepared to say—that American citizens were induced to go to the Isle of Pines under the belief that it was American territory.

Mr. WADSWORTH. No doubt some of them did so believe.

Mr. CARAWAY. If they have gone there as American citizens and their children were born there, they believing that they were born American citizens, it would be hardly fair to ratify the treaty and leave them citizens of Cuba and not of the United States. That was the idea I had in mind; and I thought possibly the Senator had given some thought to it, and I was anxious to learn his view.

Mr. WADSWORTH. No; I have not. I have no doubt that a matter of that sort could be adjusted in the future. A provision of that kind would require some negotiation.

Mr. CARAWAY. I hardly think so. I think we might stipulate in a reservation to this treaty that the children of American citizens in the Isle of Pines should remain American citizens. That is the impression I have.

Mr. WADSWORTH. Or we might request the President to negotiate a separate treaty for that purpose.

Mr. CARAWAY. It may be that the matter is taken care of under the laws of Cuba. I am not prepared to say.

Mr. WADSWORTH. I am not familiar with them myself.

Mr. President, I do not intend to ask the Senate to listen to me any further. I believe that we owe it to ourselves and the preservation of our self-respect to act upon this treaty at this extra session of the Senate, and within a very few days. I believe that we owe it to our own country first and to the Cuban Republic second to treat this matter fairly and squarely and return to the Cubans that which they have believed for four centuries to be theirs.

Mr. HEFLIN. Mr. President, I can not understand how the Senator from New York [Mr. WADSWORTH] gets the idea in his head that the American people want to have this treaty ratified. I believe that if the American people could vote upon the proposition with all of the facts before them, 9 out of every 10 would vote against the ratification of this treaty.

In order that the Senator from New York [Mr. COPELAND] may have Senators who must vote upon this question here to hear him, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bayard	Ferris	King	Pittman
Bingham	Fess	Ladd	Ralston
Blease	Fletcher	McKellar	Reed, Pa.
Bratton	Frazier	McKinley	Robinson
Brookhart	George	McLean	Sheppard
Broussard	Gillett	McMaster	Shipstead
Bruce	Goff	McNary	Simmons
Butler	Gooding	Means	Smoot
Cameron	Hale	Moses	Stanfield
Capper	Harris	Neely	Swanson
Caraway	Harrison	Norris	Trammell
Copeland	Heflin	Oddie	Tyson
Couzens	Johnson	Overman	Wadsworth
Cummins	Jones, Wash.	Pepper	Wheeler
Curtis	Keyes	Pine	Willis

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, in the course of the discussion, which has now extended over a considerable period of time, there have been two things brought out, one of which I should like to explain and one of which I should like to answer.

In the first place, it was brought out by the junior Senator from New York [Mr. COPELAND] some time ago that there was a peculiar distinction in the use of the words "Island of Cuba" or "Cuba" and the use of the words "Porto Rico and adjacent islands," particularly in reference to the fact that in regard to the Philippine Islands at the same time the expression "the Philippine Archipelago" was used; and it was suggested by the Senator from New York that—it would seem to imply—since it was necessary to speak of the various Philippine Islands as "the Philippine Archipelago," and since it was necessary to speak about the islands near Porto Rico as "other islands in the West Indies," if the Island of Pines had been included in the world "Cuba" the language would have been "Cuba and adjacent islands" or "the Cuban Archipelago." This can be explained historically.

Mr. President, in regard to the Philippines, there is no single island known as "the Philippine Island." The archipelago, when it was discovered by Magellan, was named after King Philip of Spain, and as a governmental entity it has always been known as "the Philippine Archipelago" or "Las Islas Filipinas." With regard to Cuba, on the other hand, the word "Cuba" has for hundreds of years in Spanish documents covered Cuba and adjacent islands, just as to-day the words "the State of New York" cover Long Island, Staten Island, and so forth.

The Island of Pines is geographically a part of the island of Cuba. There is no deep water between the Island of Pines and the Island of Cuba. In fact, at one time, when Spain used the Isle of Pines as a penal settlement, the penal settlement, I have been informed, was given up by reason of the fact that it was so easy for prisoners to escape at low tide by wading and a short distance of swimming, even though the Isle of Pines is some 20 or 25 miles away from Cuba. It is geographically a part of Cuba, and historically has always been so considered; and governmentally, whenever Spain issued any decree regarding the Island of Cuba, as a matter of course the Island of Pines was included in that governmental decree; and, curiously enough, the municipality of Habana has always included the Island of Pines as one of its wards or dependencies, just as the city of New York, if I am correctly informed, includes Staten Island as one of its parts.

In regard to the islands near Porto Rico, the case is quite different. The treaty, you remember, refers to what shall happen to Porto Rico and the other islands. The question is very naturally asked, "Why was it necessary to say 'the other islands' if you only meant the islands near Porto Rico, which is claimed?"

One of those islands is the island now called Vieques. It happened that some years ago it was my duty to visit that island in order to obtain information for a thesis that I was at that time writing with regard to the attempts of Scotland to seize the Isthmus of Panama and found a colony there in 1698. William Patterson, of the Bank of England, had started this idea. He obtained his information through the buccaneers and the filibusters. They had told him that there was in the West Indies a convenient half-way point known as Crab Island, and that it would be an excellent thing for Scotland to seize Crab Island and hold that as a half-way point, and then go on and seize the Isthmus of Darien southeast of where the Spaniards were located at Panama.

Crab Island is the old name for Vieques. This expedition, which has been very vividly described by Macaulay in the eighth volume of his History of England, sailed from Edinburgh about 1698, and stopped at Crab Island. The documents show that they went ashore at this island, which is some 30 or 40 miles east of Porto Rico, and is to-day under the American flag as part of the government of Porto Rico. The Scots found that there were no Spaniards on shore at Crab Island and there was no Spanish flag flying over it. On the other hand, when they crossed the island they found that a party of Danes had recently landed on the northern shore, having come over from the Danish West Indies as soon as they heard that there was a Scottish fleet in the West Indies about to seize this island.

The Danes, coming over in their longboats, had raised the Danish flag on shore so as to establish the claim of Denmark to Crab Island. I mention that fact in order to show that in 1698 there were no Spaniards on the island of Vieques. The island was not under the control of Spain, and Scotland and Denmark were struggling in order to secure it. As a result, in the early documents relating to Porto Rico, there is no indication that the island of Vieques, or Crab Island, was included in the government of Porto Rico. In 1698 it contained no Spaniards. There was no claim of sovereignty over it, except a very general claim of sovereignty which applied to the entire Western Hemisphere.

That being the case historically, as proven by documents, it was very natural that when the treaty should be drawn, and there were other islands which had come under Spanish sovereignty in the eighteenth or nineteenth century they could not say "Porto Rico," they could not say "the Archi-

pelago of Porto Rico," for there was no such geographic entity. It was absolutely necessary for them to say "Porto Rico and the other islands," meaning Crab Island, or Vieques, as it is called, Culebra, and one or two others in the vicinity, which are separated from Porto Rico by many miles of open ocean, some of the roughest ocean in the world; in fact, deep water. Vieques does not belong geographically to Porto Rico. Hence the geographical and historical necessity for the words "other islands." They would not have been included by the treaty had only the words "Porto Rico" been used, whereas the word "Cuba" had for centuries included and implied to the Government of Spain the Island of Pines. So much for that point.

Now, in the second place, I should like to answer the remark made by the junior Senator from Ohio [Mr. FESS], who said he would be interested to know what attitude Latin America was taking toward this matter, and what attitude Latin America would take toward any action on our part in refusing any further to concede that the Isle of Pines belonged to Cuba. There have been some remarks made here to the effect that we should not pull down the flag on the Isle of Pines. The American flag does not fly over the Isle of Pines to-day. It is the Cuban flag that flies there. It is the Cuban Government that governs the island and has governed it for years. The de jure title is in debate to-day in the Senate. The de facto title is in Cuba and has been for many years.

The question raised by the Senator from Ohio was as to what attitude Latin America takes in regard to this issue, and I think that is an important consideration.

It has been my good fortune to spend two and a half years of my life at different periods in visiting and exploring in the Latin American countries. I mention that because my reason for addressing the Senate is that I speak from a certain amount of personal acquaintance with those countries and with their point of view.

The people in Latin America feel rather timid toward the great Republic to the north of them. They do not understand our attitude and our point of view. Their racial history, the psychology of their races, is quite different from ours. It is as difficult for them to understand our attitude toward them as it is for us to understand their attitude toward us.

In little matters of social conventions and in questions as to what constitutes good manners and propriety a Latin American regards things quite differently from us. I remember being somewhat embarrassed when I first spent two or three months in the interior of Peru by the fact that every time I met one of the leading citizens on the street during the course of the day each time he would take off his hat, shake hands, and inquire for my health and the health of my family, a proceeding which to us would seem almost ridiculous; but to them it seemed the only proper thing to do. So I might go on pointing out the differences between the way they look at things and the way we look at things.

If we are to have friendly feeling in the Western Hemisphere, if we are to have a development of Pan Americanism, if we are to have an acceptance of the Monroe doctrine, which was becoming obsolete before the Great War, but which, since the Great War, has become revivified in great strength, we must show that we are ready to acknowledge the rights of those small Republics to the south of us. The Great War showed us that human nature had not changed, as some of us had supposed, and that the time might come when we might have to defend ourselves against aggression on the part of powerful nations. The Great War showed us the absolute necessity of maintaining the Monroe doctrine, especially in so far as tropical America is concerned. The Great War has brought out the absolute proof of the fact that the Monroe doctrine must be maintained, actively so far as tropical America and the Caribbean are concerned, passively so far as temperate America is concerned. We can not permit any power to get a naval station anywhere near the Panama Canal. We can not for a moment let down the bars of the Monroe doctrine so far as any of the countries within easy striking distance of the Panama Canal are concerned.

With regard to the countries in temperate America it is not so necessary, but we could not for a moment consider any alliance between them and any power in the world that might have a quarrel to pick with us. In a word, we need the support of America for the maintenance of the Monroe doctrine.

Recently, since the question of the Isle of Pines treaty was brought up in the Senate, the newspapers of the largest and most powerful city in Latin America have had several things to say about it, and these articles, to my mind, answer the question of the junior Senator from Ohio with regard to the attitude of Latin America. I have here a translation from an interview in La Nacion, of Buenos Aires. La Nacion, I need hardly say to Senators, is the largest and most influential journal, perhaps, in the Southern Hemisphere, a first-class, up-to-date newspaper with a very large circulation and a tremendous influence.

On January 27, 1925, it published an interview with Dr. R. S. Naon. Doctor Naon, as many Senators will remember, is a very polished, dignified, and highly trained diplomat, who, as the first ambassador from Argentina, represented his country in Washington in a most favorable manner for a long period of time. Of distinguished ancestry, of extremely refined taste and remarkable training, he had a real friendliness toward the United States. He had learned the English language. He had lived here long enough to appreciate our point of view. Nevertheless, he was extremely proud of his own country. He was one of the Argentinians who never wanted to be called an "American." There are some people in Argentina who object to our being called American. If you look in the telephone book in Buenos Aires, for instance, for the American Legation, you will not find it under "A" for "America," or under "E" for "Estados Unidos," or under "U" for "United States." You will find it under "N" for North America.

To those people we are the "United States of North America." But Doctor Naon is the kind of Argentine and the kind of world citizen who said he did not want to be called an American; that he wanted to be called an Argentine. With his friendliness for the United States, it is worthy of notice that in this interview, printed in Buenos Aires on the 27th of January—I will not read the Spanish, but will read a translation—he said:

> * * * All the governments and all the statesmen of the Union [i. e., the United States] had already manifested their definite opinion in respect to this question. Roosevelt first, as President, and his two eminent Secretaries of State, Hay and Root, rejected in the most categorical manner the pretensions formulated years ago by a group of United States dwellers in that island to have the Government of the great Republic declare the island under its sovereignty. It was a question of a negotiation very like that which the Welsh in Chubut advanced before the British Government. * * *
>
> What seems grave to me in this case is not, then, the present campaign against ratification of the treaty alluded to—which, in my opinion, will not succeed—but is the fact that it gives a disagreeable impression to those of us who look with sympathy on the development of the Pan American movement, confident of the loyalty and prudence of the United States, a movement in which we recognize the natural influence which the Government of the United States should have in the application of this continental policy. * * *

There, Senators, you have the expression of an opinion by a friend of the United States, one of the leading statesmen in the largest and most powerful of the Spanish-American Republics.

In the newspaper El Diario, perhaps the second in circulation and influence in any of the South American countries, an editorial of January 23, 1925, contains this significant expression of opinion:

> The old inquietudes and prejudices about American preponderance in the international relations of the continent are declining and confidence is appearing as their substitute.

To interpose just a moment, that is an extremely interesting statement, in view of the fact that a few years ago a citizen of Argentina, one Ugarte, was devoting his time and attention, supported by a large amount of money, the source of which I do not know, traveling about the countries of the Western Hemisphere in an effort to influence people against the United States, to break down any Pan American idea, and to build up a Hispanic-American idea as opposed to it. But here we have El Diario admitting—

> * * * The old inquietudes and prejudices about American preponderance in the international relations of the continent are declining and confidence is appearing as their substitute.
>
> For this reason the diplomatic controversy which Cuba is waging with the United States at the present moment has above all an extrinsic value * * *.
>
> The solution will have for Cuba positive importance while for Spanish America it will above all have a political and diplomatic importance.

Mr. President, there is no threat implied in these editorials or interviews. There is no attempt whatsoever to influence our action by threatening us with their enmity, but there is called to our attention in these great newspapers of the greatest of the Spanish-American republics, the important fact, as brought out by a recent visitor to those countries, that we do not fully realise the unfortunate impression that is being created throughout Latin America by reason of the long delay in the ratification of the Isle of Pines treaty. In all the countries

which he has visited, he says, constant inquiry was made, both by those in official and those outside of official circles, as to the reason for the delay in ratifying the treaty.

This question, strange as it may seem to some of us, is one that has been carefully studied by publicists and jurists in all sections of Latin America. Their conclusions are in entire harmony with those reached by successive Secretaries of State of the United States.

In fact, Mr. President, the ratification of this treaty has come to be regarded throughout Latin America as a test of the good faith of the United States. Further delay, increasing doubt regarding the spirit of justice and fair dealing of our country, is to be deplored.

In the third most important paper in Buenos Aires, La Razón, on the 21st of January, 1925, a long editorial appeared concerning this question, from which I quote two short paragraphs.

Referring to the debate in the Senate of the United States, which had begun at that time and is now being continued, the editor says:

* * * This debate, in which all America is interested, and especially the nations of Spanish origin, will serve to put to the proof the great democracy of the north in its cordial relations with the Republic of Cuba, which, as is well known, owes its independence to that Nation.

There is no doubt that the United States and Cuba maintain close relations of international cordiality, which the debate will accentuate still more if, as is expected, the authorities of Washington in this case confirm the evidences of loyal and intelligent Pan Americanism and decide this matter in short order.

To conclude, geographically, historically, and governmentally there is no question that since the time when there was a Spanish government over Cuba the Isle of Pines was included within the sovereignty of Cuba, just as much as Staten Island or Long Island is within the sovereignty of New York State. There is no question that the other islands referred to were not included in the sovereignty of Porto Rico, but were outside of it and had to be mentioned separately.

Finally, there is no question that, knowing our strength, knowing our boasted reputation for the square deal and for treating honestly with all people and our reputation for not desiring to seize more land, the eyes of our neighbors are upon us to see whether in dealing with this small Republic we shall respect the lessons of history, whether we shall respect the conventions, whether we shall respect the claim to the Isle of Pines made by the people of Cuba, to secure whose independence we shed our blood and spent our treasure; or whether we shall find some way of declining to give them that title de jure which they now have de facto.

Mr. FLETCHER. Mr. President, I ask permission to have inserted in the RECORD an article which appears in The Cuba Review, entitled "Cuba's title to the Isle of Pines," as written by Fernando Ortiz, of Habana, Cuba, and translated by R. G. Ward, of New York City. It is in the issue of The Cuba Review for December, 1924. It is a very calm, clear, and fair discussion of the whole subject. I think it presents the subject from the standpoint of history and logic and the development of events in a very reasonable and fair manner.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

The article is as follows:

CUBA'S TITLE TO THE ISLE OF PINES

(As written by Fernando Ortiz, of Habana, Cuba, and translated by R. G. Ward, of New York City)

In a recent editorial of the New York Times, under the caption "Title to the Isle of Pines," reference was made to the fact that certain Americans owning lands on the Isle of Pines had called upon President Coolidge at Washington and told him that it would be a "blot on American history" for the Senate to ratify the pending treaty confirming Cuban sovereignty over that island, which treaty was submitted by President Roosevelt to the American Senate in 1904, and has already been ratified by the Cuban Government, that approved and accepted it as evidence of good faith on the part of the Government of the United States in its dealings with the Cuban people, to the end that there should be no blot upon American honor, on which that people did, do, and must confidently rely: Such confidence being more than justified in this particular instance by the unqualified and unequivocal statement made by Mr. Root as proclamatory of the attitude of the Government of the United States, which was quoted from in the editorial mentioned, to the effect that he had no doubt whatever that the Isle of Pines was a part of Cuba, and that "it is not and never has been American territory," adding that "This is the view with which President Roosevelt authorized the pending treaty and Mr. Hay signed it," which treaty reads as follows:

"The United States relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines, situate in the Caribbean Sea, near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain, signed at Paris on the 10th day of December, 1898.

"This relinquishment on the part of the United States of America of claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

"Citizens of the United States of America who at the time of the exchange of ratifications of this treaty shall be residing or holding property in the Island of Pines shall suffer no dimunition of the rights and privileges which they have acquired prior to the date of the exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining, in either event, all their rights of property, including the right to sell or dispose of such property or its proceeds, and they shall also have the right to carry on their industry, commerce, and profession, being subject in respect thereof to such laws as are applicable to other foreigners."

It is understood that the committee of American landowners referred to, who called upon President Coolidge to protest against the ratification of the Isle of Pines treaty mentioned, claim to have recently discovered documentary evidence which proves conclusively that, prior to the year 1855, the Isle of Pines was governed from the city and island of Santo Domingo; and that between that date and the signature of the treaty of Paris, which terminated the Spanish-American War, it had been governed from Bejucal, located in the Province of Habana, and not from Habana; nor was it included "within the territorial, administrative, and political entity of Cuba," as generally understood and accepted. It should be clear that the acceptance of such a contention would apply with equal force to the large islands of Cayo Romano and Sabinal, lying on the north coast of Cuba, which, administratively speaking, have been governed from Puerto Principe—now Camaguey—located in the recently renamed Province of Camaguey; and also to the thousand or more smaller islands and islets comprised within the territorial and political entity of Cuba, which surround that island, and in administrative and judicial matters are governed from it. The following are the historic and chronological facts applying to the subject, which, under the circumstances, may be both interesting and useful at this time:

The Isle of Pines was discovered by Columbus in 1494, during his second voyage; since which time it and some 1,300 other small islands and cayos adjacent to the island of Cuba have been governed by the same authorities that have governed Cuba.

Since 1512, beginning with Diego Velasquez, whose authority extended "over Cuba and its dependent isles and keys," Cuba has always had a governor of its own; and since 1556 Habana has been the recognized capital of the whole of that island and its outlying insular territory, of which the Isle of Pines has been reckoned as a component area from its discovery. Therefore, except as to ecclesiastical matters and with reference to judicial appeals from the decisions of the lower Cuban courts to the audiencia, or supreme court of the Spanish West Indies, which was first established at Santo Domingo, Cuba has never been subject in any way to the jurisdiction of that island. Moreover, in the year 1796 the audiencia of Santo Domingo ceased functioning, and on June 30, 1800, the audiencia of Puerto Principe was created and assumed judicial authority over Cuban territory. This innovation having been forced upon the Spanish Government by the loss of its colony of Santo Domingo as a result of the revolution in Haiti and the invasion of that colony by the Haitian negroes under the command of Toussaint L'Ouverture. From 1800 the Isle of Pines and all other Cuban territory was subject to the audiencia of Puerto Principe in matters of a judicial character until, on April 8 of the year 1839, the real audiencia of Habana was created, with jurisdiction over the territorial entity of Cuba.

Spanish sovereignty over the island of Santo Domingo having ceased to exist, on the 16th of July, 1804, a pontifical decree transferred the archbishop from Santo Domingo to Santiago de Cuba, with the title of primate of the West Indies; consequently, from this time onward, the ecclesiastical authority previously exercised from Santo Domingo over Cuba, including the Isle of Pines, ceased to exist. These have been the only circumstances indicating that the Isle of Pines, as an integer of the territorial entity of Cuba, has ever been subject to the authorities of Santo Domingo. Indeed, the discovery of an Indian temple on the Isle of Pines made by the writer indicates quite clearly that the aborigines of that island were Ciboneys and of the same race that occupied the western portion of the island of Cuba; while the inhabitants of the eastern portion of Cuba were Tainos, and therefore kin to the aboriginal race of the island of Santo Domingo, from which came Hatuey, the Indian chief, who led the first serious insurrection against the Spanish conquistadores, which indicates clearly that, except in matters ecclesiastical and judicial, the Isle of Pines has never been governed from Santo Domingo.

All maps of Cuba, beginning with the oldest and including those executed during the sixteenth century by the best known cartographers,

include the Isle of Pines as belonging to Cuba; and this is true of the maps made in the United States, including those officially authorized and recognized by the Government of the United States.

Since 1581 the island of Cuba and its 1,800 islets and cayos, including the Isle of Pines, have been governed absolutely independently of Santo Domingo, except in judicial and ecclesiastical matters; for in that year the first captain general of Cuba was appointed by the Spanish Government with ample powers covering the island of Cuba and all contiguous islands. From this time dates the white colonization of the Isle of Pines, by fishermen, cowherders, woodcutters, and charcoal burners from Cuba, until in 1596 Drake and his marauders were tempted to sack and pillage the island; and because of this invasion of his territory, Don Juan Maldonado Barnuevo, the then captain general of Cuba, dispatched a squadron, under the command of Admiral Delgadillo, which dispersed from the waters surrounding the Isle of Pines the ships of Drake, who had recently died.

In the year 1765 Count de Ricla, then captain general of Cuba, created the "partido de la Isla de Pinos," naming a functionary to care for the public order of the district, to be known as the "capitan pedaneo." In 1773 another captain general of Cuba, the Marques de la Torre by name, ordered that the inhabitants of the Isle of Pines should pay an annual tax in cattle for the sustenance of the city of Habana, which was confirmed in 1776 and demonstrates that the first taxes paid by the residents of the Isle of Pines were imposed by the Government of Cuba.

The first census of the population of Cuba was taken in 1774 and included the inhabitants of the Isle of Pines, who then numbered only 78 persons.

In 1797 the then captain general of Cuba, Bassecourt by name, sent Captain Tirry, of the Spanish Navy, to the Isle of Pines to study the matter of colonizing that island. A similar study was ordered in the year 1823 by the then captain general of Cuba, Vives by name; the report of which study was approved by that captain general and also by the then King of Spain, who, by a decree dated August 1, 1828, provided that the Colonia de la Reina Amalia should be founded in the Isle of Pines and governed from the city of Habana by a subdelegate, who should reside in the Isle of Pines; thus demonstrating that the Isle of Pines was in fact a Spanish colony subject administratively to the Government of Cuba, domiciled in the city of Habana. This Colonia Amalia in the Isle of Pines had a church, which was subject to the curate of the town of Quivican, located in the Province of Habana; also a military commandante, a lieutenant of marine, a justice of the peace, an agent of the treasury, a public hospital, a guard of soldiers, and a gunboat, all of which were subordinate to their respective authorities at Habana.

Since 1830 the Cuban authorities sent criminals to the Isle of Pines, and sometimes Cubans suspected of revolutionary affiliations who, however, could not be lawfully sent beyond the limits of Cuban territory; but as the Isle of Pines was recognized as Cuban territory, the captains general were enabled to banish unruly Cuban patriots from the island of Cuba to the Isle of Pines without committing any official or legal violations.

During the term of one of the captains general of Cuba, extending from 1823 to 1832, the territory of Cuba was divided into three military departments, known as the eastern, central, and western departments, the Isle of Pines being included in the western department. Its inhabitants were also included in the Cuban census of 1827, and it is shown as Cuban territory in an official map executed under the orders of the same authority. Furthermore, the map of Cuba made in 1829 by Laborde shows the Isle of Pines as belonging to the Provincia Maritima de la Habana, of which province that island, with all of its adjacent cayos, constituted the "fifth district," in charge of the lieutenant of marine residing thereon. In the year 1880 the Isle of Pines was constituted a municipality, which has been since known as the "Municipio de Nueva Gerona"; and when Major General Brooks took possession of Cuba in behalf of the Government of the United States on the 1st of January, 1899, the municipality of the Isle of Pines continued belonging to the Province of Habana, under authority of the Cuban governor of that province; moreover, the census of 1899 that was taken by the War Department of the Government of the United States includes the Isle of Pines as a part of Cuba in the sense of its geographical and political entity.

In 1900 the "Pineros," or naturals of the Isle of Pines, voted for delegates to the constitutional convention, which, at the instance of General Wood, drafted the constitution of the Cuban Republic, for whose national independence those Pineros had fought in common with all other Cuban patriots; General Fitzhugh Lee having testified that when visiting the Isle of Pines in 1899 that he encountered there a squad of the "soldiers of liberty" under the command of a captain, all of whom had done service in the small but heroic armies of "Cuba Libre."

Politically the Isle of Pines has always been subject to Habana, which is verified by the fact that in every election, past and present, it has voted conjointly with the citizens of the Province of Habana on all matters of public interest. Bejucal, through which the American landowners on the Isle of Pines mentioned are said to claim that that island has heretofore been governed from Santo Domingo and not from Habana, is a municipality located in the southern part of the Province of Habana, in the island of Cuba. Prior to the development of Guines and Batabano Bejucal was the principal center of wealth in that part of the island of Cuba; and it was from there that people sailed for the Isle of Pines, as well as for Jamaica and other islands located in the Caribbean Sea, including points on the south coast of Cuba. But Bejucal has never been the seat of government for the Isle of Pines. It is true, however, that since 1855 and until recently the Isle of Pines formed part of the judicial district of Bejucal; but this does not signify that the authorities at Habana did not have jurisdiction over the Isle of Pines, for the audiencia, or supreme court of Habana, was certainly superior to the judge at Bejucal, just as that judge in turn would be superior to the justice of peace in the Isle of Pines.

The Isle of Pines and municipality of Bejucal have both belonged to and formed a part of the Province of Habana, since Cuba was subdivided into six Provinces in the year 1879; just as both had previously belonged to and formed a part of the western department of Cuba. Or, in other words, the Isle of Pines and municipality of Bejucal had always been subject to the superior authorities of Habana in political, judicial, military, administrative, fiscal, and ecclesiastical matters. To say that the Isle of Pines does not belong to and form a part of Cuba because it has, in judicial matters only, been administered in part from Bejucal and not from Habana, would be to contend that Staten Island does not belong to or form a part of the United States, because its local affairs are administered from New York.

The jurisdiction and authority of the captains general of Cuba extended from Habana to and over all of the thirteen hundred or more islands in the vicinity of that island; for Habana was the centering point of the fleets of Spanish merchantmen and ships of war that kept the mother country in touch with its rich colonies in the Gulf of Mexico, the Caribbean Sea, and the West India Islands; indeed, they extended over Florida, which included also Louisiana up to the year 1769, when that territory was ceded to France. In view of these puissant facts is it reasonably possible, or at all probable, that the Isle of Pines was the one area not covered by such authority or included within such territorial jurisdiction? These facts should certainly prove that the Isle of Pines has always been, is, and should be regarded as Cuban territory. Why, then, should anyone of intelligence question the fact?

At this point the following quotation, from the fourth edition of William Edward Hall's Treatise on International Law, published at London in 1895, before the Spanish-American War and the resulting treaty of Paris gave occasion to question the territorial integrity of Cuba, is both pertinent and worthy of consideration. In discussing the "territorial property of a State," he says that "it comprises the whole area of land or water included within the definite boundaries ascertained by occupation, prescription, or treaty—together with a certain margin of water—when such area abuts upon the sea"; adding that "certain physical peculiarities of coasts, in various parts of the world, where lands impinge upon the sea in an unusual manner, require to be noticed as affecting the territorial boundary," and concludes by saying: "To take a specific case. On the south coast of Cuba the Archipelago de los Canarrios stretches from 60 to 80 miles from the mainland to La Isla de Pinos, its length from the Jardines Bank to Cape Frances is over a hundred miles. It is inclosed partly by some islands, but mainly by banks, which are always awash, yet upon which, as the tides are very slight, the depth of water is at no time sufficient to permit of navigation; spaces along these banks, many miles in length, are unbroken by a single inlet; the water is uninterrupted, but access to the interior gulf or sea is impossible. At the western end there is a strait, 20 miles or so in width, but not more than 6 miles of channel intervene between two banks which rise to within 7 or 8 feet from the surface, and which do not consequently admit of the passage of sea-going vessels. In cases of this sort the question whether the interior waters are, or are not, lakes inclosed within the territory, must always depend upon the banks, and the width of the entrances. Each must be judged upon its own merits. But, in the instance cited, there can be little doubt that the whole Archipelago de los Canarrios is a mere salt-water lake, and that the boundary of the land of Cuba runs along the exterior edge of the banks," which includes the Isle of Pines!

The protocol of agreement of August 12, 1898, outlining the basis of peace between the United States and Spain, stipulates:

"ARTICLE I. Spain will relinquish all claim of sovereignty over and title to Cuba.

"ART. II. Spain will cede to the United States the island of Porto Rico, and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones, to be selected by the United States."

And the treaty of peace, ratified on April 11, 1899, contains the following:

"ARTICLE I. Spain relinquishes all claim of sovereignty and title to Cuba.

"ART. II. Spain cedes to the United States the island of Porto Rico, and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones."

What were these other islands? They were La Mona and other small islands near Porto Rico! But the claim, put forth by the American landowners on the Isle of Pines, referred to, would indicate that the United States had acquired all of the islands of the Spanish West Indies, except the island of Cuba, several of which, such as the Isle of Pines, Cayo Romano and Cayo Sabinal, have areas larger than that of the Virgin Islands, recently purchased by the United States from Denmark—and this, too, without consideration of the geographical, historical, and political accepted facts related thereto! Certainly such a construction of the language of the protocol and treaty quoted is as applicable to any and all of these "other islands" as it is to the Isle of Pines, if no consideration is to be given to the facts mentioned; all of which can be readily verified by anyone who will take the trouble to make the necessary research in any of the best known libraries of the United States. A decision of the Supreme Court of the United States, rendered by Chief Justice Fuller, on April 8, 1908, in the case of Pearcy v. Stranahan, which made the same claims, supported by substantially the same arguments now presented by the American landowners on the Isle of Pines, demonstrates conclusively that such contention as to the legal status of that island is absolutely erroneous, and that the word "Cuba" contained in the protocol and treaty of peace mentioned signifies the political entity that was comprehended under Spanish sovereignty, up to the year 1898, and states that "in view of the joint resolution of April 20, 1898 (demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters) it seems clear that the Isle of Pines was not supposed to be one of the 'other islands' ceded by Article II of the treaty of Paris"; concluding that "as the United States has never taken possession of the Isle of Pines, and as it has been and is being governed by the Republic of Cuba, it has remained foreign country within the meaning of the 'laws of the United States.'" This decision also mentions that "on or about August 14, 1899, the United States War Department, in an official letter, stated that 'the Isle of Pines was ceded to the United States, and is, therefore, a part of our territory'"; and also that certain "maps and other data, prepared and issued by the General Land Office of the Department of the Interior, indicate the Isle of Pines as United States territory"; but adds that "we do not regard (these matters) as seriously affecting the conclusion that the Executive has consistently acted on the determination that the United States had no substantial claim to the Isle of Pines, under the treaty" of Paris.

On March 2, 1901, the so-called "Platt amendments" to the proposed Cuban constitution were promulgated, and embodied in the army appropriation act, Article VI reading as follows: "That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty." It is idle and useless to speculate as to the reasons or motives for the insertion of this article in those amendments. At the time that article was inserted in such amendments it was the opinion of Señor Gonzalo de Quesada, the first minister from Cuba to Washington, that it was thought in the United States that the Isle of Pines might serve as a naval base in the Caribbean; or, in any event, as a diplomatic lever in effecting the then pending negotiations looking to the acquisition of territory surrounding the Bays of Guantanamo and Bahia Honda as a naval and coaling station, for which purpose it was actually utilized. The first and second articles of the pending and unratified treaty state specifically that "The United States of America relinquishes, in favor of the Republic of Cuba, all claim [not right] of title to the Isle of Pines * * * which has been or may be made in virtue of Articles I and II of the treaty of Paris"; and that "This relinquishment on the part of the United States of America of claim [not right] of title to said Isle of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba, heretofore made to the United States by the Republic of Cuba," which stations are now, and since July 2, 1903, have been actually in the possession of the United States, although Cuba has not yet received the "consideration" for which they were specifically granted.

On November 27, 1905, the Hon. Elihu Root, then Secretary of State, replying to a communication from the president of the American Club of the Isle of Pines, stated that "The island is lawfully subject to the control and government of the Republic of Cuba, and you and your associates are bound to render obedience to the laws of that country so long as you remain in the island. If you fail in that obedience, you will be justly liable to prosecution in the Cuban courts and to such punishment as may be provided by the laws of Cuba for such offenses as you commit. You are not likely to have any greater power in the future. The treaty now pending before the Senate, if approved by that body, will relinquish all claim of the United States to the Isle of Pines. In my judgment the United States has no substantial claim to the Isle of Pines. The treaty merely accords to Cuba what is hers, in accordance with international law and justice. At the time of the treaty of peace, which ended the war between the United States and Spain, the Isle of Pines was, and had been for centuries, a part of Cuba. I have no doubt whatever that it continues to be a part of Cuba, and that it is not and never has been territory of the United States. This is the view with which President Roosevelt authorized the pending treaty, and Mr. Hay signed it, and I expect to urge its ratification. Nor would the rejection of the pending treaty put an end to the control of Cuba over the island. A treaty directly contrary to the one now pending would be necessary to do that, and there is not the slightest prospect of such a treaty being made. You may be quite sure that Cuba will never consent to give up the Isle of Pines, and that the United States will never try to compel her to give it up against her will."

In the year 1906, former President and now Chief Justice Taft, when Provisional Governor of Cuba, stated that it would be "absolutely impossible to recognize for one moment that the Isle of Pines is not completely under the jurisdiction of the Provisional Government of Cuba," and added that any action on its part, looking to the separation of the Isle of Pines from Cuba, "would be a violation of a sacred trust."

On February 20, 1903, Gen. Leonard Wood, then Military Governor of Cuba, wrote to Mr. Root, then Secretary of War, as follows:

"All Americans in the island [Isle of Pines] are living under exactly the same conditions as other foreigners; and if they comply with the laws in force, it is safe to say that they will not have any difficulty or need any protection. At the time these people purchased property [in that island] they understood distinctly that the question of ownership of the Isle of Pines was one pending settlement and in locating there they took the risks incident to the situation."

Finally we have the authority of Mr. James Brown Scott, the writer of a well-considered article favoring the ratification of the pending treaty that was published in The American Journal of International Law for January, 1923, for believing that the Hon. Charles E. Hughes is in complete accord with his illustrious predecessors, mentioned, with reference to the political and legal status of the Isle of Pines; which, it is hoped, the foregoing amply demonstrates, has always been, is, and always will be, an integral part of Cuba! Surely no higher authorities can be cited in justification of that hope; and, in concluding, it may be stated, as an axiomatic truth, that no intelligent Cuban questions its ultimate realization; although some doubts may be justly entertained as to the wisdom of its long deferment. We Cubans recognize that the Platt amendments, and the treaties resulting herefrom, give to the United States special rights in relation to the affairs of Cuba; but we also believe that these same rights carry, and impose upon the United States, corresponding duties; and the interest of both peoples, including the continued development of those cordial and inspiring bonds of sympathetic consideration that should unite them, demand that the United States perform its duties toward a weaker but confiding people.

In face of the above-cited facts, the continued postponement of the ratification of the pending treaty of the Isle of Pines by the American Senate is an inexplicable enigma to the Cuban people, who have heretofore had, and want always to have, a boundless confidence in the high purposes, unselfishness, sense of justice, and good faith of the people and Government of the United States, in all of their dealings and relations with the people and Government of Cuba. Why, then, should such an irritating thorn be left indefinitely to fester in the Cuban flesh, and thus contribute to lessen, if not actually to destroy, that confidence and faith? We Cubans feel that it is not alone a matter of honor and good faith, but also of wisdom and good policy, that it should not be! For it is unquestionably a provocative and justifying cause of anti-Americanism in Cuba.

Mr. PEPPER. Mr. President, I suggest that the pending treaty be read article by article for amendment under the rule.

The PRESIDING OFFICER. The Clerk will proceed to read the treaty.

The legislative clerk read as follows:

ARTICLE I

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines, situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain, signed at Paris on the 10th day of December, 1898.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Bayard	Bratton	Butler	Copeland
Bingham	Brookhart	Cameron	Curtis
Blease	Broussard	Capper	Deneen
Borah	Bruce	Caraway	Ferris

Fess	Johnson	Metcalf	Shipstead
Fletcher	Jones, Wash.	Moses	Shortridge
Frazier	Keyes	Neely	Simmons
George	King	Oddie	Smoot
Gillett	Ladd	Overman	Stanfield
Goff	McKellar	Pepper	Swanson
Gooding	McKinley	Pine	Tyson
Hale	McLean	Ralston	Wadsworth
Harris	McMaster	Reed, Pa.	Wheeler
Harrison	McNary	Robinson	Willis
Heflin	Means	Sheppard	

The PRESIDENT pro tempore. Fifty-nine Senators having answered to their names, a quorum is present. The question is on the ratification of the first article of the treaty as read.

Mr. WILLIS. Mr. President, I desire to offer an amendment. I was not aware that we had reached that stage of the proceedings.

Mr. PEPPER. I suggest to the Senator from Ohio that under the rule we should proceed with the reading of the treaty article by article, and only after its completion are amendments other than committee amendments in order.

Mr. WILLIS. I think the Senator is correct about that.

The PRESIDENT pro tempore. The Senator from Pennsylvania is correct, and the question is upon the ratification of the first article of the treaty as read.

Mr. WILLIS. I am perfectly willing that the amendments of the committee shall be first acted on. I came into the Chamber only a moment ago and did not understand that the proceedings had been begun in that way.

Mr. COPELAND. Mr. President, I assume the proceedings are being continued to-day because some Senators are anxious to give the President an opportunity to find an Attorney General. I notice from the evening paper that there has been a stream of Senators visiting the White House to-day; that by 9.30 this morning Senators WATSON, of Indiana; REED, of Pennsylvania; WADSWORTH, of New York; SMOOT, of Utah; MOSES, of New Hampshire; and CUMMINS, of Iowa, had called. They were followed by Senators HARRELD, of Oklahoma; PINE, of Oklahoma; METCALF, of Rhode Island; and KEYES, of New Hampshire. Therefore, if we have missed any of the Senators to-day from the Chamber, we know where they have been.

Mr. PEPPER. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. COPELAND. Certainly.

Mr. PEPPER. If, by what the Senator has just said, he means to imply a lack of serious determination upon the part of those who are pressing for the ratification of the treaty, he is grievously mistaken. The Senate, unless I am seriously mistaken, will remain in session to-day and upon ensuing days until the treaty has been ratified. If the Senator from New York or anyone else imagines that the treaty is being pressed for any other purpose than ratification, I think he will discover before long that he is in error.

Mr. COPELAND. I have no doubt, so far as the Senator from Pennsylvania is concerned, that he is in earnest, and I want to say for him that I think he presents very logical and convincing reasons for taking the position he does take. But I desire to say that in my judgment a great many Senators are not interested in the question of the Isle of Pines and that we are detained here over a little treaty, a matter which has been pending for 21 years, because of the anxiety of Senators on the other side of the aisle to save the face of the President and make possible the confirmation of an Attorney General.

It is not possible, as I see it, that a matter which has been pending so long should now become of such supreme importance that it must be settled this week. When I was a young doctor my telephone rang one night and a woman said over the telephone, "Doctor, come and see me right now. I can not stand this pain another minute." I said, "How long have you had it?" She replied, "Twenty-eight years." [Laughter.] A treaty which has been pending in the Senate for 21 years could very well wait until its importance—because from my standpoint it has importance—could be so thoroughly understood and appreciated by Senators that every Senator, old and new, could vote with full information as to the signification of the treaty.

Mr. NEELY. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I yield.

Mr. NEELY. If the importance of the treaty can not be understood after 21 years' deliberation, how many more years does the Senator think ought to be devoted to its consideration?

Mr. COPELAND. That is a fair question. I think we ought to wait until we have had one session of the Senate where a majority of the Senators have been present to hear the arguments pro and con.

This morning after the senior Senator from Ohio [Mr. WILLIS] had finished his address there were 11 Senators in their seats. When the junior Senator from Ohio [Mr. FESS] got through there were 13 Senators here, and I congratulate him upon that fact. I assume that when I conclude there may be two or three of my warm personal friends who will have remained to see me through. I am sure the Senator from Indiana [Mr. RALSTON] will stay, no matter how long I speak. The answer to the Senator from West Virginia [Mr. NEELY] is that we must discuss the treaty until Senators have absorbed as much knowledge of the treaty as undoubtedly the Senator from West Virginia has.

Mr. NEELY. Mr. President, I am very much obliged to my distinguished friend from New York for that compliment. I wish to inquire now if the Senator advised his patient who had suffered from the malady of which she complained for 28 years as he is now advising the Senate? [Laughter.]

Mr. COPELAND. Well, I did tell the patient that I thought she could wait until morning, and I think we might wait until to-morrow morning on this matter.

Mr. President, I have reread the speeches which have been made in the Senate on this subject, and I also listened to them all, which is more than many Senators did. I said privately just now to the Senator from Pennsylvania [Mr. PEPPER] that I was much impressed by his remarks on the treaty.

It would not be fair for any man to rise in this place and say there are not two sides to this question. It is, of course, a debatable question; but, Senators, we have been appealed to by American citizens. I do not personally know any person who is living in the Isle of Pines or holding property there. Three or four have talked to me for 10 or 15 minutes, perhaps, during the past winter, but I have no interest, direct or indirect, in this matter or in any citizen. American citizens, however, have made appeals to the United States Senate.

There is one particular chapter in the Bible that always impressed me. When Paul appeared before Festus and King Agrippa they sought to judge him. He said, "I appeal unto Cæsar," and they took Paul to Rome in order that he might present his appeal in person to the Emperor. Senators, there are American citizens who, in good faith, relying upon the statements of Government officials, relying upon Government publications, relying upon the maps which were issued by the Government, purchased property in the Isle of Pines, believing it to be American territory. They have appealed to us.

Mr. NEELY. Mr. President, will the Senator from New York again yield to me?

The PRESIDENT pro tempore. Does the Senator from New York yield further to the Senator from West Virginia?

Mr. COPELAND. I yield for a question.

Mr. NEELY. I presume that the able Senator's statement, made a moment ago, to the effect that he, like the Apostle Paul, will appeal to Cæsar, means that he intends to appeal to the Vice President.

Mr. COPELAND. Mr. President, I have not heard the Vice President compared to Cæsar, though I have heard him compared to Goliath of Gath, who came out from the camp of the Philistines with a helmet of brass upon his head, clothed in a coat of brass mail, with greaves of brass upon his legs, and a target of brass between his shoulders, the staff of his spear being like a weaver's beam, and one bearing a shield going before him. He had a voice of brass and a manner of brass. I have heard no reference to Cæsar.

Mr. NEELY. But the Senator will admit that, so far as we have any information on the subject, Goliath was never late when the Philistines were attempting to confirm a presidential nomination.

But, levity aside, I am really anxious to know to whom the Senator is going to appeal the case of the Isle of Pines?

Mr. COPELAND. Mr. President, do you know I wonder about that, and I think the citizens of the Isle of Pines also wonder.

I should like to have a committee of the Senate, the Foreign Relations Committee, perhaps, or a special committee, appointed in order that those Americans in the Isle of Pines may have some human beings to whom they can make their appeal. I would be satisfied, I wish to say now, to pledge myself to the effect that if the Senate would appoint a committee of five Senators—I do not care what Senators may be selected or from what States they may come—who would listen to the Americans living in the Isle of Pines and make a thorough investigation of all questions involved and come back here on the

15th day of December next, or some date in December to be fixed, and say, "We have listened to these persons; we find they have no just grievance; it is the duty of the United States Senate to ratify this treaty and to disregard their appeals"; for myself I would say, Mr. President, I would vote to ratify the conclusion of such a committee.

That is the kind of an appeal I should like to have provided. The Americans living in the Isle of Pines have had no such opportunity; they have not had the opportunity to make an appeal to Cæsar or to anybody else.

Mr. NEELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield further to the Senator from West Virginia?

Mr. COPELAND. I yield for a question.

Mr. NEELY. To the best of my recollection Paul was beheaded as a result of his appeal to Cæsar; and, if the distinguished Senator from New York is successful in obtaining the kind of an appeal he has specified, but nevertheless continues his vigorous opposition to the ratification of this 21-year-old treaty, I fear that he may eventually be brought to a metaphorical guillotine in this Chamber.

Mr. COPELAND. Mr. President, I dare say the Senator is right; he usually is, but, even so, for the time being I want to put myself in the position of these Americans in the Isle of Pines.

Mr. McKELLAR. Mr. President, before the Senator leaves that point——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. Article II of the pending treaty provides:

> This relinquishment on the part of the United States of America of claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba, heretofore made to the United States of America by the Republic of Cuba.

As I understand, the title to this island comes through the United States. It has been argued here by a number of Senators that if, instead of being a small island nation, Cuba were a great power for whom we had more respect, perhaps, or of whom we had more fear, we would not hesitate at all about ceding this island. It is also said that we ought to cede it because we have no title and no right to it. If we have no title to it, if we have no right to it, why do we not relinquish the island to Cuba without consideration? Why are we asking a consideration? Why mention a consideration in the treaty? Why should we undertake in this treaty to cite a consideration flowing to us from the Cubans for giving them what is actually theirs and what they are entitled to?

In my humble judgment, I will say to the Senator from New York, the only way the Cuban Government can receive title to the Isle of Pines is through the United States, and confessedly, after looking at the treaties involved, I do not see how in the world any lawyer can doubt for a moment that no title to this island has ever passed to Cuba. The title is expressly reserved by the Cuban constitution itself and, regrettable as it may be, the title is still in the United States. Even the makers of this treaty have agreed that it is there. They concede that it is there by citing a consideration for its cession. If the title is in the United States and we are to convey it, why do we not convey it with proper reservations as to the treatment of our own people who have gone to the island through the representations of the American Government?

We should do the fair and right thing toward our own people while attempting to do the right and fair thing toward the people of Cuba. I can not understand why it is that Senators can vote to do what they call justice to Cuba and at the same time are willing to do an injustice to the 900 Americans who are in the Isle of Pines and who have gone there at the invitation and solicitation of the American Government. I think the Senator from New York is right, and that we owe some duty to the American citizen there. Of course, we want to have amicable relations with Cuba; we want to do the right thing by Cuba, and we will do the right thing by her; but while we are doing the right thing by Cuba, in Heaven's name let us do the right thing by our own people who are on the Isle of Pines. Let us put reservations in this treaty to protect them.

I think the suggestion of the Senator from New York that a committee might be appointed to investigate and to aid in bringing about a treaty that will be alike fair and just to Cuba, and fair and just to the American citizens on the island, is a good one. So far as I am concerned, I regret to find that the title to that island is in the United States; I am sorry that it is not in Cuba. I regret that we have got anything to do with it. I do not want any more mongrel nations brought under the flag of the United States; I would prefer to leave them out; but the fact is, Senators, that we have the title to that island, and, having the title to that island, we ought to deal fairly when we dispose of it. I thank the Senator from New York.

Mr. COPELAND. I thank the Senator from Tennessee.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I will yield to the Senator from California for a question in just a moment.

I want to say to the Senator from Tennessee that, since I am not a lawyer, may be the reason why I get what may be a distorted view of this matter; but I know enough about the Constitution to know that if the Isle of Pines is ours by cession from Spain it can not be disposed of by treaty. It can be done only by act of Congress.

I shall be glad to answer a question from the Senator from California. I wish my friends would bear in mind, however, the fact that I might be ruled off the floor if they were to make speeches in my time.

Mr. SHORTRIDGE. I did not purpose making any speech; but, by the Senator's permission, I wish to ask the Senator from Tennessee [Mr. McKELLAR] just one question or two.

I understand the Senator from Tennessee to contend, to be positive, that the title to this island rests in the United States of America.

Mr. McKELLAR. Why, certainly. Surely the Senator does not doubt for a moment that the title to this island was vested by the treaty of Paris in the Government of the United States. I am sure the Senator is too good a lawyer to say that it was not.

Mr. SHORTRIDGE. If the Senator will be patient, I understand the Senator to object, among other reasons, that we are receiving some consideration for relinquishing our claim of title to the island.

Mr. McKELLAR. We have already received the consideration.

Mr. SHORTRIDGE. I am at a loss to understand why the Senator objects to the United States receiving some valuable consideration——

Mr. McKELLAR. If the Senator will permit me to answer that question——

Mr. SHORTRIDGE. Permit me to put the question in some grammatical form. I say, I am at a loss to understand why the Senator objects to our receiving some valuable consideration for parting with title, assuming that we have a perfect, valid, legal, equitable title.

Mr. McKELLAR. The point the Senator overlooks is that these gentlemen who say that we ought to enter into this treaty do not concede that we have the title, as I understand them. Here is what I want to say, though, to the Senator in answer to his question: If we have no equitable title or legal title to this island, we should transfer it to Cuba without any consideration. We ought to be too big a Nation and too honest a Nation and too unselfish a Nation to demand a consideration for something to which we are not justly entitled.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. Just a moment before I yield. There are rules in the Senate. I understand that there are some who want to change them. There are some that I should like to change. I do not want to lose the floor, however, because I have enough material to last me a couple of weeks, and I want to use it. Now I shall be glad to yield to the Senator from Arkansas.

Mr. CARAWAY. No; I do not want to interrupt the Senator.

Mr. COPELAND. I want to say now what I have said before in this Chamber, that Cuba has no better friend than I am. I suppose it would be hard to make a Cuban believe that; but almost the first public speaking I did was to travel up and down my State begging our country to intervene to stop the outrages in Cuba, and to liberate that people. I am proud to say that I had the friendship of Mr. Quesada, who was our first minister. I begged that the United States might intervene in Cuba; and I want to say now, as my conviction, that unless we find that the Isle of Pines is of military and naval value to use in the defense of the Panama Canal—and for that reason it would be equally valuable to Cuba—I think the island should be given over to Cuba at the earliest moment that it can be done in honor to all concerned, including those American citizens who went to the Isle of Pines in good faith.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. COPELAND. For a question.

Mr. NEELY. Then the Senator's position, if I understand him correctly, is that if the Isle of Pines is worthless we should give it to Cuba, which owns it. If it has any value, regardless of the right of the case, the United States should retain it. That is not what the Senator says, but it seems to me that is the necessary inference from what he says.

Mr. COPELAND. Of course I recognize the sarcasm and facetiousness of the Senator's remark; but if the Senator had done me the honor to listen to other speeches I have made in the Senate on the subject of the Isle of Pines he would know that I think we acquired ownership of the Isle of Pines under Article II of the treaty of Paris, and that it is our property, and will be until Congress cedes it to Cuba. That is the answer.

Mr. NEELY. I know that the Senator from New York is quite sincere in his contention, as he always is, and he is always interesting in his speeches, and I have listened to all that he has made on this subject; but it seems to me that his latest assertion was a very distinct departure from anything I have heard him say on previous occasions.

Mr. COPELAND. I am sorry if the Senator misunderstood me. If he did perhaps others have misunderstood me.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Florida?

Mr. COPELAND. I yield.

Mr. FLETCHER. According to the Senator's position, as I understand it, then, Cuba has not clear title to the island of Cuba, because that was not granted by act of Congress. It was a treaty that gave to Cuba the island of Cuba. If the Senator's argument is correct that it requires an act of Congress to convey land, title to which has been acquired by the United States, then Cuba's title is subject to question.

Mr. COPELAND. I am going to assume that the Senator from Florida is asking me the question seriously. Of course the two cases are not analogous at all.

Mr. FLETCHER. We got Cuba as the result of the Spanish war.

Mr. COPELAND. We got Cuba—that is to say, Spain relinquished title to Cuba—with full knowledge that we were going to transfer it to the Cuban people.

Mr. FLETCHER. We did it by treaty.

Mr. COPELAND. That is all right; that is a perfectly proper transaction, because, as the Senator from Pennsylvania [Mr. PEPPER] so well put it, we received it in trust, with the intention and the knowledge of all the world, with the knowledge of Spain and the knowledge of Cuba, that we were going to transfer that island to Cuba.

Mr. FLETCHER. And we did transfer that territory to Cuba; and in that same treaty, which provided—

> Spain relinquishes all claim of sovereignty over and title to Cuba. * * * Spain cedes to the United States the island of Porto Rico——

Mr. COPELAND. It is quite different, is it not?

Mr. FLETCHER. Then we arranged to transfer Cuba by treaty; and the question is whether the Isle of Pines is not included in the transfer to Cuba, except for the amendment that was attached to that treaty. The ownership of the Isle of Pines being disputed, it was provided in Article VI of the Platt amendment:

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

In other words, Cuba claimed that the Isle of Pines was a part of Cuba. We did not concede whether it was or not, but we left it open for future adjustment, and now the adjustment is here.

Mr. COPELAND. Yes.

Mr. FLETCHER. We do not say in this treaty that the title of the United States is to be relinquished. We say that all claim of title is to be relinquished, so as to leave it beyond any doubt that all claim of title that we may have or assert, or that any one may have supposed we had, is to be relinquished to Cuba.

Mr. COPELAND. Mr. President, after we had defeated Spain, and Spain communicated with us to see upon what terms the war could be ended, as the Senator from Florida knows, there was various correspondence between the Secretary of State, representing the President of the United States, and the French ambassador, who acted for Spain. There grew out of that correspondence a gradual understanding as to the terms of adjustment of the differences between Spain and this country. It was difficult to transmit all this information by wire, and there was so much confusion in the messages passing back and forth that it was finally determined that the Secretary of State, Mr. Day, should put the position of this country in the form of a protocol. That protocol was the basis upon which the treaty was afterwards written. The first article of the treaty, which was written in harmony with the protocol, provided that there should be a relinquishment of title to Cuba.

Article I of that treaty reads in part as follows:

> Spain relinquishes all claim of sovereignty over and title to Cuba.

Article II states:

> Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

And Article III states:

> Spain cedes to the United States the archipelago known as the Philippine Islands.

Of course, one has but to read the protocol written by Mr. Day under date of August 10, 1898, and the treaty to which I have referred, to find that the treaty follows the protocol exactly. As the Senator from Pennsylvania [Mr. PEPPER] so ably pointed out, we received under Article I the claim of title to Cuba in order that we might transfer it to the Cuban people when they should be qualified to receive it. That was the understanding. If the Isle of Pines was a part of Cuba, it was transferred under Article I and belongs to Cuba, because if the Isle of Pines was a part of Cuba we received the Isle of Pines in trust just exactly as we received the island of Cuba in trust, and it was our business, as an honorable Nation, to transfer to the Cuban people everything we received under Article I of the treaty.

Mr. FLETCHER. That is what Cuba claims. May I say that the Secretary of State of the Government of Cuba on August 10, 1900, made that precise claim, that the Isle of Pines is an integral part of the territory of the island of Cuba and constitutes a municipality under the jurisdiction of the civil governor of the Province of Habana.

Mr. COPELAND. I am well aware of those statements, and the articles referred to, of the attitude of the Cuban people, and the attitude, I fear, of a majority of the Senate.

I want to call the attention of the Senator from Florida to this article of the proposed treaty. The Senator from Tennessee spoke of it a moment ago. Article II of the treaty which is before us—ah, Mr. President, if Paul did not have any more attention from Cæsar when he got before him than these Americans in the Isle of Pines have to-day, no wonder he met the fate spoken of by the able student of the Scriptures from West Virginia [Mr. NEELY].

I want to read Article I of the treaty.

Mr. SHORTRIDGE. The treaty of Paris?

Mr. COPELAND. No; of the proposed treaty with Cuba, the pending matter, this matter which excites the enthusiasm of the Senate, to which we are all listening with so great interest.

Mr. SHORTRIDGE. I am profoundly impressed by the argument of the Senator.

Mr. COPELAND. The Senator thanks the Senator from California. When there is a determination in our hearts that justice shall be done to Americans who in good faith purchased land on the Isle of Pines, believing it to be American territory, we approach the matter in a spirit to settle it right.

I refer to that treaty. Article I provides:

> The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Isle of Pines, situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain.

That is a ridiculous statement to begin with. If we got the Isle of Pines under Article II, it was ceded to us in the same way that Porto Rico and the other islands and Guam were ceded, and we could not dispose of it by treaty. If it came to us under Article I, we have not any claim of title anyhow; it belongs to Cuba.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question in the utmost good faith?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield to the good-natured and charming Senator from California.

Mr. SHORTRIDGE. Is not this the situation: We lay claim to that island. Our claim may be good or it may be bad,

valid or invalid. Cuba lays claim to that island, and her claim may be good or bad, valid or invalid. Are we not setting about to adjust, compose, settle, what I may call a controversy between us and Cuba, and when we say that we are relinquishing our claim, are we not in effect saying that we are quitclaiming to Cuba whatever claim we may have, and are we not doing it for a certain consideration moving to us? If that be so, is not the question to be determined this: Is it not wise for us as a nation to enter into such a compromise, settling this whole quarter of a century controversy? Is not that the point?

Mr. COPELAND. Mr. President, almost the Senator persuadeth me he is going to vote on our side.

When Cuba receives the Isle of Pines, as she will some day, if not this week, we want it to go to Cuba with no blot upon it.

Mr. SHORTRIDGE. May I ask the Senator, is there anything dishonorable, or is there anything cruel or tyrannic on our part in asking for and receiving some adequate consideration for the waiving of our claim? I know it is excellent to have a giant's strength, and tyrannous to use it like a giant. We do not propose to exercise any such power. We could, of course, take the Isle of Pines and scoff at Cuba's claim; but we do not propose to do that.

Mr. COPELAND. Mr. President, I am going to read a little piece of doggerel. The Senate may be rested by it. The ponderous speeches we are making may be too much for us.

> We're an altruistic Nation,
> And we've earned a reputation
> For the charitable labors we've performed;
> Everywhere that people sicken
> We have rushed to aid the stricken,
> We have cured, relieved, restored, and chloroformed.
>
> To the fever-stricken regions
> Of the earth we've sent our legions
> Of practitioners to safeguard people's health;
> For the hungry hordes of China
> And the slums of Argentina
> We have generously given of our wealth.
>
> Among folks that used to knife us
> We have chased the plague and typhus;
> We have banished beriberi from Japan;
> We have nourished German babies,
> Saved the Hottentots from rabies,
> Trailed the hookworm to his lair in Hindustan.
>
> We have spanned the earth's dimensions
> With gratuitous attentions;
> With a lavish hand these blessings we have thrown
> Over nearly every nation
> Up and down the whole creation
> And o'er every race and creed—except our own.

The answer to the Senator from California is, there are American citizens who have rights to be adjusted. Are they to be neglected and cast aside? Are we to forget our own?

We have pending here the French spoliation claims. How long have they been before the Congress? It is 119 years, or about that, is it not?

Mr. President, unless some adjustment is made beforehand, the great, great, great grandchildren of the Americans now living in the Isle of Pines will be before Congress begging that justice may be done them, and I purpose, if I have my way, to have the adjustment made first and not be here to plague our Nation for the next century.

Furthermore, I do not think I am chauvinistic or "Fourth of July" in what I have to say. I think it is better for Cuba to have the adjustment made. If I wanted to set up a lot of revolutionists and pirates and bandits, I would tell these people in the Isle of Pines that they could go farther south, where it is hotter than it is here, and I would say, "Your country does not care anything about you. We are going to turn you over, body and soul, to Cuba, whether you have anything to say about it or not." By this performance the Cubans would breed worse revolutions than they ever had in the past, because generation after generation of those people, the same as persons in the mountains of our own country, will carry on the feud and the fight and the battle, and there will be trouble for Cuba forever more. That is not necessary.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield further to the Senator from Florida?

Mr. COPELAND. I yield for a question.

Mr. FLETCHER. I know the Senator wants to be fair.

Mr. COPELAND. I certainly do, and I am trying to be.

Mr. FLETCHER. I ask the Senator if he keeps in mind the provisions of Article III of the proposed treaty?

Mr. COPELAND. Let me ask the Senator from Florida: Is the Senator from Florida willing to have the Congress of the United States cede Florida to Cuba?

Mr. FLETCHER. No.

Mr. COPELAND. With all the Bill of Rights sets forth, with all the protection that Congress can give, all the safeguards that can be placed around the Senator from Florida by the Senate of the United States, is he willing to give up his right as an American citizen, and his allegiance to the Stars and Stripes? Of course he is not. I do want to be fair, and I am being fair when I say that no American, native or naturalized, would ever give up his flag or his country for any other flag or any other country. I want these persons in the Isle of Pines to believe and to know that justice is to be done them.

I am not so sure that these persons in the Isle of Pines have a just claim against this Government. My colleague [Mr. WADSWORTH] to-day said a thing which is rather suggestive. My colleague and I do not always agree, except socially and personally, but he said something to-day that has great force. He said that the number now owning property in the Isle of Pines, who acquired it before the adoption of the Platt amendment, must be very small, and I think that is true. I do not think there are many such persons. But I do not care whether the number is 1,000, or 100, or 10; if there are any Americans in the Isle of Pines who have just complaint against this Government, I contend it is the business of the Senate of the United States, before it takes final action in this matter, to see to it that those citizens have an opportunity to present their cause, to have their day in court. We pride ourselves on that right that Americans always have.

I may say to the majority leader that the Senator from Alabama [Mr. HEFLIN] has suggested to me that an executive session is desired.

Mr. CURTIS. We would like to have an executive session.

Mr. COPELAND. I can just as well continue this to-morrow.

Mr. CURTIS. That is fine. I am glad to hear it.

Mr. COPELAND. If I may yield the floor for the purpose of allowing a motion to be made with the understanding that I am to have the floor to-morrow morning——

The PRESIDENT pro tempore. The Chair will say to the Senator from New York that he can hardly retain the floor unless the Senate takes a recess. If the Senate adjourns, the Senator can not retain the floor.

Mr. McKELLAR. I offer as an amendment a reservation to the pending treaty, and ask to have it printed.

The PRESIDENT pro tempore. It will be printed and lie on the table.

EXECUTIVE SESSION WITH CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business, with closed doors.

The motion was agreed to, and the doors were closed. After 20 minutes spent in secret session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate, in open executive session, take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 20 minutes p. m.), in open executive session, took a recess until to-morrow, Thursday, March 12, 1925, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate March 11 (legislative day of March 10), 1925

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

Charles C. Eberhardt, of Kansas, now a Foreign Service officer of class 1 on detail in the Department of State, to be envoy extraordinary and minister plenipotentiary to Nicaragua.

George T. Summerlin, of Louisiana, now a Foreign Service officer of class 1, assigned as counselor of embassy at Rome, to be envoy extraordinary and minister plenipotentiary to Honduras.

MEMBER OF THE WAR FINANCE CORPORATION

Eugene Meyer, of New York, to be a director of the War Finance Corporation for a term of four years. (Reappointment.)

REGISTER OF THE LAND OFFICE

Leon H. Christensen, of Utah, to be register of the land office at Vernal, Utah, vice Albert Hulen, resigned.

PROMOTIONS IN THE ARMY

TO BE SECOND LIEUTENANTS IN THE AIR SERVICE, WITH RANK FROM FEBRUARY 25, 1925

Second Lieut. John Harding, jr., Air Service, Officers' Reserve Corps.

Technical Sergt. Henry Herbert Ogden, Air Service, United States Army (second lieutenant, Air Service, Officers' Reserve Corps).

PROMOTION IN THE NAVY

Rear Admiral William A. Moffett to be Chief of the Bureau of Aeronautics in the Department of the Navy, with the rank of rear admiral, for a term of four years.

POSTMASTERS

ALABAMA

Amos Gibbs to be postmaster at Tarrant, Ala., in place of Ellis Bynum, resigned.

Mrs. Walter N. Cobb to be postmaster at Bellamy, Ala., in place of I. B. Eatman. Office became third class April 1, 1924.

Eddie H. Payne to be postmaster at Wilsonville, Ala., in place of W. A. Daniel. Incumbent's commission expired February 11, 1924.

Charles O. Johnson to be postmaster at Ensley, Ala., in place of R. S. Hickman. Incumbent's commission expired June 4, 1924.

ALASKA

Charles W. Carter to be postmaster at Juneau, Alaska, in place of Z. M. Bradford. Incumbent's commission expired June 4, 1924.

CALIFORNIA

Mabel Winter to be postmaster at Moneta, Calif., in place of L. A. Pitman, removed.

FLORIDA

Marion K. Wright to be postmaster at Fort Lauderdale, Fla., in place of C. C. Ausherman, resigned.

KANSAS

George E. Corbin to be postmaster at Anthony, Kans., in place of W. M. Burkholder. Incumbent's commission expired May 6, 1924.

MARYLAND

Floyd L. Kurtz to be postmaster at Freeland, Md., in place of J. M. Routson. Office became third class July 1, 1923.

MISSISSIPPI

Laura L. McCann to be postmaster at Norfield, Miss., in place of O. C. Grenn, declined.

Ida F. Thompson to be postmaster at Dlo, Miss., in place of M. E. Daniel, resigned.

MISSOURI

George T. Holybee, jr., to be postmaster at Platte City, Mo., in place of J. W. Davis. Incumbent's commission expired August 12, 1923.

Ulysses S. G. Evans to be postmaster at Farmington, Mo., in place of J. B. Smith. Incumbent's commission expired August 12, 1923.

MONTANA

Leslie E. Robinson to be postmaster at Columbia Falls, Mont., in place of A. N. Smith. Incumbent's commission expired May 10, 1924.

NEW HAMPSHIRE

Lilla B. Sargent to be postmaster at Canaan, N. H., in place of E. M. Allen, deceased.

NEW YORK

Melvin B. McCumber to be postmaster at Henderson, N. Y., in place of R. K. Forward. Office became third class October 1, 1924.

Clyde H. Ketcham to be postmaster at Islip, N. Y., in place of J. E. Downs. Incumbent's commission expired October 24, 1922.

NORTH CAROLINA

Maggie S. Cooley to be postmaster at Wagram, N. C., in place of M. S. Cooley. Office became third class January 1, 1925.

W. Sherman Daniels to be postmaster at Newland, N. C., in place of Otis Banner, resigned.

NORTH DAKOTA

Elizabeth L. Stahl to be postmaster at McGregor, N. Dak., in place of E. E. Stahl. Office became third class October 1, 1924.

Jacob Krier to be postmaster at Gladstone, N. Dak., in place of Jacob Krier. Office became third class April 1, 1923.

Daisy Thompson to be postmaster at Carpio, N. Dak., in place of D. B. Stromstad, resigned.

William R. Tucker to be postmaster at Agricultural College, N. Dak., in place of A. E. Ross, removed.

Edwin O. Larson to be postmaster at Crosby, N. Dak., in place of E. O. Larson. Incumbent's commission expired January 23, 1924.

OHIO

Plummer D. Folk to be postmaster at Leipsic, Ohio, in place of O. T. Place. Incumbent's commission expired February 24, 1924.

OREGON

Adelle M. March to be postmaster at Myrtle Creek, Oreg., in place of O. A. Kirby. Incumbent's commission expired February 11, 1924.

PENNSYLVANIA

James T. Troxell to be postmaster at Gallitzin, Pa., in place of R. B. McCaa, removed.

SOUTH CAROLINA

William H. Lott to be postmaster at St. George, S. C., in place of S. L. Johnston. Incumbent's commission expired September 19, 1922.

TENNESSEE

Alonzo A. Patterson to be postmaster at Henryville, Tenn., in place of A. A. Patterson. Office became third class October 1, 1924.

TEXAS

Nellie Whitten to be postmaster at Waskom, Tex., in place of R. C. Ditmore, resigned.

Fred Norris to be postmaster at Onalaska, Tex., in place of Mildred Jordan, resigned.

George O. Buckhaults to be postmaster at Madisonville, Tex., in place of Ross Manning. Incumbent's commission expired June 4, 1924.

Jennie Baccus to be postmaster at Frisco, Tex., in place of D. B. Shrader. Incumbent's commission expired September 5, 1922.

Crave R. Davis to be postmaster at Bedias, Tex., in place of R. B. Tuck. Incumbent's commission expired January 31, 1924.

VERMONT

Martha G. Kibby to be postmaster at Randolph Center, Vt., in place of M. G. Kibby. Incumbent's commission expired June 5, 1924.

Gary S. Heath to be postmaster at Derby Line, Vt., in place of G. S. Heath. Incumbent's commission expired August 20, 1923.

VIRGINIA

James B. Dyson to be postmaster at Crewe, Va., in place of K. H. Woody. Incumbent's commission expired February 14, 1924.

WASHINGTON

Harry L. Griffin to be postmaster at Yacolt, Wash., in place of H. J. Louctot, resigned.

WISCONSIN

Gunnil S. Peterson to be postmaster at Scandinavia, Wis., in place of C. A. Knudson, resigned.

Giles H. Putnam to be postmaster at New London, Wis., in place of Henry Knapstein. Incumbent's commission expired June 5, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11 (legislative day of March 10), 1925

MEMBER OF THE WORLD FOREIGN DEBT COMMISSION

Frank B. Kellogg to be a member of the World Foreign Debt Commission.

MEMBER OF THE TARIFF COMMISSION

Alfred P. Dennis to be a member of the Tariff Commission.

COLLECTOR OF CUSTOMS

Jeannette A. Hyde to be collector of customs, Honolulu, Hawaii.

PUBLIC HEALTH SERVICE

TO BE SURGEONS

Thomas Parran, jr.	Ralph C. Williams.
John W. Tappan.	Paul D. Mossman.
Roy P. Sandidge.	Richey L. Waugh.

PROMOTIONS IN THE ARMY

James Edmond Fechet to be Assistant to the Chief of the Air Service, with rank of brigadier general.

TO BE SECOND LIEUTENANTS IN THE AIR SERVICE

Second Lieut. John Harding, jr., Air Service, Officers' Reserve Corps.

Technical Sergt. Henry Herbert Ogden, Air Service, United States Army (second lieutenant, Air Service, Officers' Reserve Corps).

SENATE

THURSDAY, *March 12, 1925*

(Legislative day of Tuesday, March 10, 1925)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Chair lays before the Senate the treaty with Cuba relative to the Isle of Pines, on which the Senator from New York [Mr. COPELAND] is entitled to the floor.

Mr. NORRIS. Mr. President——

Mr. COPELAND. I yield to the Senator from Nebraska.

Mr. NORRIS. I will say to the Senator from New York that I would like to have the floor in my own right for about three minutes.

Mr. COPELAND. I am glad to yield to the Senator if it may be understood that I am to have the floor when he finishes.

The VICE PRESIDENT. The Senator from Nebraska.

COMMENTS ON THE VICE PRESIDENT'S ABSENCE TUESDAY

Mr. NORRIS. Mr. President, it is not my desire to keep fresh in the minds of Senators any unpleasantness that may have occurred a few days ago, things that perhaps were better forgotten than remembered, but it seems to me that I ought to read to the Senate a short poem given me by a friend. I understand that the author of the poem gained the idea contained in the verses from a remark which was made to him by a prominent Senator with whom he had lunch yesterday:

Up from the east out into the day,
Bringing to the Willard fresh dismay,
The affrighted air with a shudder bore,
Like a herald in haste, to the chieftain's door,
The terrible grumble, and rumble, and roar,
Telling the battle was on once more,
And Dawes fully fifteen blocks away.

And wider still those billows of war
Thundered along the horizon's bar;
And louder yet into the Willard rolled
The roar of that Senate uncontrolled,
Making the blood of the listener cold,
As he thought of the stake in senatorial fray,
And Dawes fully fifteen blocks away.

But there is a street from the Willard's feast,
A good, broad highway leading east,
And there, through the flush of the fading light,
An auto as black as the steeds of night
Was seen to pass, as with eagle flight,
As if it knew the terrible need;
It stretched away with its utmost speed;
Hills rose and fell; but its heart was gay,
With Dawes now only ten blocks away.

Still sprung from those swift wheels, thundering on,
The dust, like smoke from the cannon's mouth;
Or the trail of a comet, sweeping faster and faster,
Foreboding to traitors the doom of disaster.
The heart of the auto and the heart of the master
Were beating like prisoners assaulting their walls,
Impatient to answer the Senate's fierce calls;
Every nerve of the auto was strained to full play,
With Dawes now only five blocks away.

Under its spurning wheels the road
Like an arrowy Alpine river flowed,
And the Willard sped away behind
Like an ocean flying before the wind,
And the auto, like a bark fed with furnace fire,
Swept on, with its wild shriek full of ire.
But lo! it is nearing its heart's desire;
It is sniffing the smoke of the roaring fray,
With Dawes now only two blocks away.

The first that the general saw were the groups
Of Senators, and then the retreating ones.
What was done? What to do? A glance told him both;
And striking his fist, with a terrible oath,
He dashed down the aisle, 'mid a storm of buzzas,
And the wave of retreat checked its course there, because
The sight of the master compelled it to pause.
With steam and with dust, the black auto was gray
By the flush of its light and its red fire's play,
It seemed to the whole great Senate to say,
"I have brought you Dawes all the way
From the Willard, down to save the day!"

Hurrah! hurrah for Dawes!
Hurrah! hurrah for this high-minded man!
And when his statue is placed on high,
Under the dome of the Capitol sky,
The great senatorial temple of fame,
There with the glorious general's name
Be it said, in letters both bold and bright,
"Oh, Hell an' Maria, he has lost us the fight."

[Laughter.]

The VICE PRESIDENT. The Chair can not refrain from expressing his appreciation of the delicate tribute.

Mr. NEELY. Mr. President, there seems to be a conflict of opinion as to how far the Vice President was from the Senate Chamber last Tuesday at the critical moment when his vote would have confirmed the President's nomination of Mr. Charles Beecher Warren for Attorney General. An editorial that appears in to-day's edition of that voluminous chronicler of alleged information, the New York Times, speaks to the point, as follows:

It was not the fault of General Dawes that he was not in the chair when there was a tie vote in the Senate on the Warren nomination. He had been assured that the matter would not be brought to a test on Tuesday. When one Senator led off in rebuttal with a speech four hours long it certainly seemed as if there would be an endless debate, to the hard labor of listening to which no Vice President ought to be condemned except on clear proof of crime. Yet it was a piece of bad luck for the general that he chanced to be absent. On March 4 he began his hortatory remarks to the Senate by saying that the Vice President had nothing to do with party divisions in the Senate, and was not concerned in its legislative action "save in that unusual contingency where, under the Constitution, it becomes necessary for him to cast a deciding vote in case of a tie." Within less than a week that unusual contingency became an actual fact, and the general was 20 miles away from the battle!

In the light of the foregoing it is very respectfully submitted that our Presiding Officer was not 15 blocks but 20 miles away.

Mr. COPELAND. Mr. President, I assume that the Vice President, now presiding over the Senate, has been here long enough to realize that Senators are, in the language of the street, "hard-boiled eggs." I have no doubt that what the Vice President said about revising the rules is a thing which the country approves, and which many Senators approve, but I would remind him, if I may, that one of the unwritten rules of the Senate is that the President of the Senate is supposed to be in the chair, so perhaps it is not Senators alone who are disagreeable or fail to live up to the traditions of the Senate. However, unfortunate things happen both on the floor and in the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. COPELAND addressed the Senate. After having spoken for some time,

NOMINATION OF CHARLES B. WARREN

Mr. CUMMINS. Mr. President, will the Senator from New York yield to me for a moment?

Mr. COPELAND. I yield with pleasure to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I ask, as in closed executive session, that the nomination of Charles B. Warren for Attorney General of the United States be referred to the Committee on the Judiciary.

The VICE PRESIDENT. If there be no objection, it will be so ordered.

NAVAL OIL LEASES

As in legislative session,

Mr. WALSH. Mr. President——

Mr. COPELAND. I yield to the Senator from Montana.

Mr. WALSH. I thank the Senator from New York for his kindness.

Mr. President, it will be remembered that the counsel representing the Government in the litigation to cancel the leases on the naval oil reserves uncovered some important testimony concerning the history of the Continental Trading Co., a corporation organized under the laws of the Dominion of Can-

ada. It appears from the contention of the Government's counsel that this was a mere cover for the transfer of Liberty bonds to the amount of something over $100,000 from Harry F. Sinclair to Albert B. Fall in connection with the lease of the Teapot Dome.

An effort was made to secure the testimony of one Osler, a lawyer of the city of Toronto, who carried out the transaction and made the distribution of the Liberty bonds. An effort was made to take his testimony, but he declined to answer, alleging that he was privileged to refrain from testifying because he acted as counsel in the matter. An effort then was made to compel him to answer through the Canadian courts. The lower court overruled his objection, and held that he was obliged to answer. Thereupon he betook himself to some other continent, meanwhile prosecuting an appeal to the appellate court. The court has just rendered an opinion affirming a decision of the lower court and holding that Osler can claim no privilege of exemption from testifying. As the matter is of considerable public interest, I ask that there be printed in the RECORD the opinion of the appellate court of the Province of Ontario appearing in the New York Times of to-day.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

OSLER APPEAL LOST IN CANADIAN COURT—APPELLATE DIVISION HOLDS HE WAS NOT ACTING AS COUNSEL IN OIL DEAL HERE—CLAIM OF PRIVILEGE DENIED—AND RULINGS OF OUR COURT ARE UPHELD THAT HE MUST GIVE TESTIMONY IN TEAPOT SUIT

(Special to the New York Times)

TORONTO, March 11.—The appellate division of Ontario to-day rejected the appeal of H. S. Osler and his six associates in the Continental Trading Co. (Ltd.), of which he is president, from the order of Justice Riddell requiring them to give testimony in the Teapot Dome oil suit.

The court held that Mr. Osler was not in the relation of counsel and client with the American party to the transaction whereby the Continental Co. purchased and resold oil, the profits therefrom being disposed of in the form of Liberty bonds. The counsel of the American Government sought to have Mr. Osler tell whether any of these bonds came into the possession of the former Secretary of the Interior, Albert B. Fall.

COURT'S RULING ON THE APPEAL

The text of the court's ruling was as follows:

APPELLATE DIVISION

United States of America v. Mammoth Oil Co. and others.

Copy of reasons for judgment of first divisional court, delivered 11th March, 1925.

Rodell, K. C., and E. G. McMillan for the United States of America; Anglin, K. C., and G. R. Munnoch for H. S. Osler and other witnesses.

Ferguson, J. A.; appeal by Mr. H. S. Osler and other officers and directors of the Continental Trading Co. (Ltd.), called as witnesses at the trial of this action pending in the United States Federal Court, Wyoming District, from an order of the Hon. Mr. Justice Riddell, directing them to answer certain questions which they refused to answer before a commissioner appointed by the United States court to take evidence here; cross appeal by the United States from a refusal by the Hon. Mr. Justice Riddell to direct the witnesses to answer questions which the commissioner has ruled they need not answer.

The questions the witnesses seek to be excused from answering divide themselves into classes, or under two heads:

(1) Those seeking information as to the acts of the Continental Trading Co. (Ltd.), and in reference to the information on which the corporation and its agents acted in the transactions referred to in the affidavits and evidence, and in reference to the distribution of the assets of the corporation.

(2) The name of the person who, Mr. Osler says, retained him in New York to prepare, revise, and settle contracts for the purchase and resale of oil, and to act as agent of his client in reference to the performance of such contracts.

RIVAL CONTENTIONS REVIEWED

The appellants contend:

(a) That the information sought was communicated to Mr. Osler as the professional legal adviser of his employer or was obtained by Osler in the course of his employment as such professional legal adviser.

(b) The Continental Co. and its officers were merely confidential agents and employees of Mr. Osler, used and directed by him as professional legal adviser of his client for the better performance of his duties to his client, and that therefore all communications be made to the corporation or its officers and all transactions of the corporation and all the acts of its directors and officers are privileged.

THE RESPONDENTS CONTEND

(1) That the Continental Co. was not an agent or employee of Mr. Osler or of his client, and did not act as such.

(2) That Mr. Osler was not employed or retained as professional legal adviser of his employer, but as his commercial agent.

(3) That even if Mr. Osler was retained and employed as professional legal adviser of his employer, yet in acting as president of the trading company he must be regarded as agent of the corporation rather than as either agent or counsel of his client, and that if the corporation was neither the agent nor employee of Mr. Osler or his client, Mr. Osler and his coofficers must disclose the business of the trading company and the information on which he and they acted in carrying on the business of the corporation and in the distribution of its assets.

(4) That the name of Mr. Osler's client was known to Mr. Osler before the alleged retainer and was therefore not made known to Mr. Osler in confidence.

(5) That if the name of Mr. Osler's client was knowledge on which the corporation as such acted in the distribution of his shares, share warrants or moneys, Mr. Osler must disclose that name.

(6) That the names of those associated with Mr. Osler's client were not made known or communicated to Mr. Osler as professional legal adviser of client, but as president of the trading company, in order that the persons named might receive shares, share warrants, and such a portion of the company's assets.

(7) That the communications made to Mr. Osler or the other officers of the trading company to enable the corporation to act or to enable them to act as agents of the corporation are not privileged.

(8) That the identity of the client claiming privilege must in all cases be made known to the court.

(9) That in a foreign country, advising there a person neither a resident or citizen of Canada in reference to business in no way connected with this country or its laws, Mr. Osler had neither in this country nor in the foreign country the status of a professional legal adviser.

HOLDS INFORMATION NOT PRIVILEGED

I am of opinion that the trading company was not either the clerk or employee of Mr. Osler, or the agent of his employer. Its acts and the information communicated to it and its officers for the purpose of carrying on its business and distributing its assets can not be privileged as being the acts of either Mr. Osler or of his employer or as being information communicated by Mr. Osler to his clerk or agent for the purpose of carrying out the confidential business which he claims he was employed to perform by unnamed client.

I have carefully perused and considered the affidavits, the oral testimony, and the documentary exhibits therein referred to in the light of the arguments of counsel and am of the opinion that agency on the part of the corporate entity known as the Continental Trading Co. (Ltd.) in making the contracts referred to in the evidence and in distributing the profits arising therefrom is not made out.

The written contracts of purchase and resale drawn by Mr. Osler and executed by the corporation under its corporate seal and by the hand of its president, Mr. H. S. Osler, take the form of contracts between principals, and that it was intended and understood that the corporation contracted as principal and not as agent is, I think, indicated by the following circumstances:

1. It is not alleged that the Continental Trading Co. (Ltd.), made any express contract with Mr. Osler or with his employer to act as agent in the purchase and resale of the oil or to account to them or either of them for the profits on such sale and resale in the absence of such express contract. The contract of agency or employment relied on by Mr. Osler and his employer must be one implied from the facts and circumstances surrounding the transaction and the acts and conduct of the parties.

2. The corporation known as the Continental Trading Co. (Ltd.), of which Mr. Osler was a director and president, and of which the other witnesses were directors, admittedly dealt with the profits as if they were the property of the corporation and distributed them among its shareholders as such, and by reference to the shares and share warrants of the corporation outstanding.

3. The corporation did not purport to receive, or, in fact, receive and distribute the profits arising from such purchase and resale as money or property belonging to another.

4. Humphreys would not accept the corporation as a purchaser in the place and stead of the original purchaser (presumably Mr. Osler's employer) unless performance of the contract by the corporation was guaranteed.

5. In the contract of purchase and resale the corporation is described as vendee and vendor, and not as agent.

DECLARES AGENCY NOT PROVED

This is a case where action should, I think, speak louder than arguments as to what was the relationship of this corporation to Mr. Osler and his client. The form of the contracts of purchase and sale and the circumstances surrounding the giving and making of the

guaranty, and the fact that Mr. Osler and his employer had, through the shareholders nominated by them or either of them, absolute control of the acts of the corporation, and that Mr. Osler and these shareholders permitted and directed the corporation to distribute the profits arising from the contracts among the shareholders of the company, as if the profits were the property and moneys of the corporation rather than the property and moneys of Mr. Osler, are not facts or circumstances from which it should be implied that the corporation was a mere clerk, employee, or agent, but are facts and circumstances that at least indicate that the corporation was not and was never intended to be and act as a mere agent.

However, whatever the fact may be, I am unable to imply a contract of employment or agency on the part of the corporation from the facts, acts, and circumstances disclosed in the evidence, and as such a contract is, in my opinion, the basis of the claim of privilege in reference to the first class or series of questions, it seems to follow that the appeal in reference to these questions must fail.

No evidence was given as to the circumstances surrounding the issue and allotment of shares or the consideration given to the company therefor, and the presumption is that such shareholders personally purchased the same on their own account. It is just possible, though I can not think it probable, that further evidence may make out agency on the part of the corporation, which, in my opinion, is neither indicated nor established by the evidence now before the court.

That brings me to the series of questions by which it is sought to obtain the name of the person who employed Mr. Osler in New York to act as his agent in performing two contracts for the purchase and resale of oil, and to prepare, revise, and settle the proposed contracts.

Mr. Justice Riddell was of the opinion that, because Mr. Osler knew his employer before they met in New York in reference to the business which it is now sought to investigate, the name could not be taken to have been communicated to Mr. Osler in confidence for the purpose of the business.

AS TO DISCLOSURE OF CLIENT'S NAME

Mr. Osler testified that at the opening of the interview which took place in New York, and at which he says he was retained, his employer stipulated that his name should not be made known in connection with the business.

With deference, I am unable to agree in this opinion of the learned judge appealed from. It seems to me the essence of the question is not did Mr. Osler know the name of the client before or when Mr. Osler accepted the retainer but the identification of Mr. Osler's client with the confidential legal business in reference to which Mr. Osler was retained.

Nor am I prepared to say that the result of the authorities is that privilege can not be claimed without disclosing to the court the name of the client or person on whose behalf it is claimed. I have read and considered the cases cited by counsel, and in my opinion they do not carry the law that far, and it seems to me it should not be so held on principle.

The principle is that mankind should be able and free to consult professional legal advisers without fear that their confidential communications to such professional legal advisers shall be disclosed.

Let us stop to consider the now too common automobile accident in which some one is killed by a car driven by an unknown person, after which the unknown driver goes to counsel, and after communicating the facts for advice directs the counsel to attend the inquest, watch the proceedings, and keep him advised. What would become of the principle enunciated if the counsel attending such inquest may be put in the witness box and questioned as to why and for whom he is attending and watching the proceedings?

I am clearly of opinion that counsel so employed could and should refuse to answer such questions. Therefore if it were clear that Mr. Osler was retained to advise and give counsel in reference to legal business at a place and in circumstances which cloaked him with the status of professional legal adviser to his employer I would allow the appeal on this branch.

But I am not satisfied that Mr. Osler was retained at a place or under circumstances or for a purpose that gave or entitled him or his client to claim that in reference to the business in hand Mr. Osler had the status of professional legal adviser to his employer until some time after Mr. Osler's client had disclosed to him the business on which he wished to consult and his name in connection with such business.

It is, I think, clear that at the opening of the interview in New York at which Mr. Osler was retained, and the nature of his client's business was disclosed, Mr. Osler was not asked to advise a Canadian, nor to advise his employer in reference to Canadian business or Canadian laws; also that Mr. Osler was not then or now a member of the New York bar or practicing or entitled to practice his profession in the United States or even residing in New York.

FINDS NO RELATION AS CLIENT

The formation of the Canadian corporation, known as the Continental Trading Co. (Ltd.), was an afterthought of Mr. Osler's, suggested for his own rather than his client's protection, and was not thought of until some time after the client had made known to Mr. Osler his name in connection with the confidential business in respect of which he sought Mr. Osler's advice, assistance, and cooperation.

The proposition, then, is that if a resident and citizen of the United States brings a Canadian counsel to the United States or meets him there, and there consults the Canadian counsel in reference to purely United States business, this court should regard communications made to that counsel in the course of the interview in New York in reference to such foreign business as being made to such Canadian counsel in his capacity of barrister, solicitor in this court, or as made by his client to a professional legal adviser, and as such protected from disclosure not only in proceedings in this court but in litigation prosecuted by the United States in its own courts against its own citizens, and for that reason refuse its assistance to the United States court in efforts directed to making such foreign counsel disclose what was communicated to him in the United States in connection with purely United States business.

In Lawrence v. Campbell (1859), 4 Drury's Report, 489, Vice Chancellor Kindersley said:

"The question is now in specie, but the cases have settled the principle. The general principle is founded upon this: That the exigencies of mankind require that in matters of business which may lead to litigation men should be enabled to communicate freely with their professional adviser and their communication should be held confidential and sacred."

BRITISH CASE NOT A PARALLEL

In the Lawrence case the protection of privilege was by an English court extended to Scotch solicitors and law agents practicing their profession in London. But it was there pointed out that the Scotch solicitors had in London the status of legal advisers because they were entitled to appear before the House of Lords and to practice as parliamentary agents, and that they were consulted by a Scotchman. It seems to me that the Lawrence case falls far short of establishing a protection to Mr. Osler in the circumstances surrounding his retainer outlined in the evidence.

Here Mr. Osler was not consulted by a Canadian; in the Lawrence case the Scotch solicitors were consulted by a Scotchman. In this case Mr. Osler had, in the State of New York, no status as a professional legal adviser, while in the Lawrence case the Scotch solicitors had a well-recognized status in England.

The facts and circumstances of the Lawrence case are so different from the facts and circumstances surrounding the retainer here in question we are, I think, left to determine this case on principle, and the question seems to be, Are the exigencies of mankind such as to require that the man may import from a foreign country a counsel and intrust him with business to be conducted in the country of the client, such business having no connection with the laws of the country which has alone given the counsel legal status?

If not, it should, I think, be held that in this case Mr. Osler did not have the status of a professional legal adviser at the time his client disclosed his name to him in connection with the business in reference to which Osler was consulted and retained. In the absence of binding authority I am not prepared to hold that the exigencies of mankind require us to hold that Mr. Osler had, in the circumstances disclosed and at the time the name was made known in connection with the business, any such status as is claimed for him.

UPHOLDS RULINGS OF OUR COURTS

It should not be overlooked that the client is claiming this status for Mr. Osler in a United States court in reference to acts of Mr. Osler in the United States and in reference to communications made to him in connection with United States business, and that the United States courts have ruled that the questions should be answered and that the question before us is, Must we refuse to enforce that ruling simply because Mr. Osler is a solicitor of this court?

My opinion is that we should not refuse to enforce the rulings of the United States courts unless they require us to order something to be done which is clearly contrary to natural justice, public policy, or our laws, none of which are, in my opinion, made out.

I would, for these reasons, dismiss the appeal.

I am also of opinion that the cross appeal must be dismissed. It seems to me that all we can be asked to do in these proceedings is to aid the United States court by requiring the witnesses to attend and answer questions which the United States court has determined should be answered.

True we can, on an application for our aid, refuse that aid for reasons which seem good to us; but I am unable to find any ground or reason for saying that we may sit in review and reverse the rulings of the United States court and direct the witnesses to answer questions which the United States court has ruled need not be answered.

I do not think I should leave this case without saying that in disclosing the facts and submitting them to this court for consideration and direction, before answering the questions in dispute, Mr. Osler only performed what his duty and obligations to his client required him to do, and that the conclusion at which I have arrived should

not be interpreted as indicating that I doubt the propriety of Mr. Osler's conduct in the transactions sought to be investigated, or the propriety of his claim of privilege or the propriety of his conduct in prosecuting this appeal.

It was not in argument suggested that Mr. Osler had been a party to any wrongdoing, and in my opinion his duty to his client required that he should raise the question of privilege and not abandon it until thoroughly satisfied that it had been rightly determined.

MULOCK, C. J. O.

I agree.

SMITH, J. A.

TEXT OF DISSENTING OPINION

While it will have no effect upon the judgment of the court, the finding of Justice Hodgins dissents from the majority. Justice Hodgins says in part:

"When this court is asked to commit one of its officers, it is surely its duty to decide whether or not the questions are such as he should answer, having regard to the matters actually alleged, and not to those which indicate merely an inquiring mind.

"Our laws of evidence must govern this court in a proceeding to compel a resident here to give evidence. It may be that the Government of the United States is reluctant to charge a former Cabinet minister with receiving a bribe, but on the present state of the record and under conditions disclosed by the appellant evidence regarding the distribution of the profits of the Continental Trading Co. and cognate facts would not be admitted in any court unless counsel undertook to connect it relevantly to the charges in that record."

HEARINGS BEFORE THE PATENTS COMMITTEE

Mr. KEYES, as in legislative session, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 29) submitted by Mr. CURTIS (for Mr. ERNST) on the 11th instant, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMERCE COMMITTEE

Mr. KEYES, as in legislative session, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 27) submitted by Mr. JONES of Washington on the 10th instant, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

ASSISTANT CLERK TO THE DISTRICT COMMITTEE

Mr. KEYES, as in legislative session, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 26) submitted by Mr. DU PONT on the 10th instant, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the District of Columbia is hereby authorized to employ a resident assistant clerk until the end of the first session of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, at the rate of $2,500 per annum.

BROAD RIVER POWER CO., COLUMBIA, S. C.

Mr. BLEASE, as in legislative session, submitted the following resolution (S. Res. 30), which was referred to the Committee on Military Affairs:

Resolved, That the Chief of Engineers of the War Department be, and is hereby, authorized and instructed immediately to inquire, investigate, and report to the Senate of the United States from time to time as the investigation proceeds—

First. To ascertain who are the incorporators and stockholders of the Broad River Power Co., of Columbia, S. C.

Second. To investigate its merger with the Columbia Railway, Gas & Electric Co.

Third. To investigate if it had the legal right and power to build a dam or dams across Broad River or the Congaree River at or near Columbia, S. C., or near Peak, S. C.; and if such dam has been constructed, to ascertain if the corporation has fully complied with the act of Congress authorizing the construction; and if additional projects are contemplated, to see that they fully comply with the act of Congress.

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. COPELAND resumed his speech. After having spoken for some time,

Mr. BINGHAM. I ask unanimous consent to present a resolution of the Pan American Society of the United States and that it may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas a treaty between the United States and Cuba definitely fixing the status of the Isle of Pines was negotiated in 1904, pursuant to an act of the Congress of the United States, and the said treaty has had the approval of every administration in authority at Washington in the intervening time, and has been three times favorably reported to the Senate by its Committee on Foreign Relations, but has not been acted upon by the Senate; and

Whereas an indefinite period of uncertainty as to the status of the Isle of Pines is a continuing source of controversy and irritation, and the object for which this society exists is the promotion of good will and good relations between the United States and the countries of Latin America: Therefore be it

Resolved, That in the interest of justice and as an act consistent with the high purpose of the United States to establish the sovereignty of the Cuban people over all the territory historically identified with Cuba, we respectfully urge the ratification of the pending treaty.

The president of the society is requested to advise the Members of the United States Senate for the State of New York of this action.

REPORT OF TREATIES WITH GREAT BRITAIN

Mr. BORAH. I desire, in executive session, to make a report of two treaties from the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Idaho makes a report from the Committee on Foreign Relations of two treaties, which the clerk will read by title.

The legislative clerk read as follows:

A treaty signed between the United States and His Britannic Majesty in respect of Canada, to define more accurately at certain points and to complete the international boundary between the United States and Canada, and to maintain the demarcation of that boundary.

The PRESIDING OFFICER. The Senator from Idaho does not ask for the immediate consideration of the treaty?

Mr. BORAH. No; I ask that it may be placed on the Executive Calendar.

The PRESIDING OFFICER. The second treaty reported will be read by title.

The legislative clerk read as follows:

A treaty concluded February 24, 1925, between the United States and His Britannic Majesty in respect of Canada to regulate the level of the Lake of the Woods.

Mr. COPELAND. While the chairman of the committee is present I should like to ask him if he expects to have action on all these treaties at the present session.

Mr. BORAH. On these two treaties?

Mr. COPELAND. And the Lausanne treaty and the World Court proposal and the matter pending?

Mr. BORAH. I hope to get action upon these two treaties. I do not know about the others. The way things are moving, I hardly think so.

Mr. COPELAND. I assume that the Senator from Idaho is not unsympathetic with the afternoon's activities.

Mr. BORAH. I want to see a thorough discussion.

The PRESIDING OFFICER. The two treaties just reported will be placed on the Executive Calendar.

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. COPELAND resumed his speech. After having spoken for some time,

Mr. McKELLAR (at 3 o'clock and 50 minutes p. m.). Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. COPELAND. I yield for that purpose.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sheppard
Bayard	Fess	McKinley	Shipstead
Bingham	Fletcher	McLean	Shortridge
Blease	Frazier	McNary	Simmons
Bratton	George	Mayfield	Smoot
Brookhart	Gillett	Means	Spencer
Broussard	Glass	Metcalf	Stanfield
Bruce	Goff	Moses	Swanson
Butler	Hale	Neely	Trammell
Capper	Harreld	Oddie	Tyson
Caraway	Harris	Overman	Wadsworth
Copeland	Harrison	Pepper	Watson
Couzens	Johnson	Pine	Weller
Cummins	Jones, Wash.	Pittman	Wheeler
Curtis	Keyes	Reed, Pa.	Willis
Deneen	King	Robinson	
Dill	Ladd	Sackett	

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present. The Senator from New York will proceed.

Mr. KING. Will the Senator yield to me to offer a resolution, to which I challenged attention a moment ago?

Mr. COPELAND. I will yield with the assurance of the Chair that I do not lose my place on the floor.

Mr. PEPPER. I did not hear the request of the Senator from Utah.

Mr. KING. I ask that the resolution which I sent to the desk a moment ago be read and lie upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WADSWORTH. Is it contemplated that the Senator from Utah will ask the Senate to take some action upon the resolution?

Mr. KING. No; merely that it be read and lie on the table.

Mr. WADSWORTH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WADSWORTH. In the judgment of the Chair, would that action be regarded as the Senate having done business?

The PRESIDING OFFICER. The Chair thinks he ought to state, for the protection of the junior Senator from New York, that that Senator has yielded the floor several times, and the Chair thinks he should enforce the rule, and gives the warning now that if the Senator yields any further, the Chair will enforce the rule.

Mr. KING. I would not want to jeopardize the right of the Senator from New York. I therefore withdraw the request.

The PRESIDING OFFICER. The Chair would like to state that he has permitted interruptions all afternoon, but he thinks it has gone to a point now where the rule ought to be enforced.

Mr. COPELAND. I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. Suppose a Senator rises to ask me a question. Do I have a right to yield to him to ask the question?

The PRESIDING OFFICER. A Senator has a right to yield time if no one objects. If any one objects, the Senator has no right to yield. The Senator has no right to yield to any Senator for any business without yielding the floor. Rule XIX would take him off the floor after making two speeches unless permitted to continue by vote of the Senate.

Mr. COPELAND. Does that involve a question and a reply to the question?

The PRESIDING OFFICER. It would not involve an inquiry and reply if the Senator should yield, provided no one objected to the Senator yielding.

Mr. COPELAND. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. COPELAND resumed his speech. After having spoken for some time,

Mr. CURTIS (at 6 o'clock and 25 minutes p. m.). Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Kansas will state it.

Mr. CURTIS. I desire to know if I shall now present a privileged motion under Rule XXII it will cause the Senator from New York to lose the floor?

The PRESIDENT pro tempore. Does the Senator from Kansas refer to a privileged motion under the first paragraph of Rule XXII?

Mr. CURTIS. No; I refer to the paragraph in relation to cloture.

The PRESIDENT pro tempore. The Senator refers to the second paragraph of the rule, beginning—

> If at any time a motion, signed by 16 Senators—

And so forth.

Mr. CURTIS. I refer to that rule.

Mr. SWANSON. I do not think the Senator would lose the floor unless he consented to quit.

The PRESIDENT pro tempore. The Chair holds that "at any time" means "*at* any time," and that the Senator from Kansas is privileged to present his motion now if he wishes to do so, and that it will not take the Senator from New York from the floor.

Mr. CURTIS. I submit the following privileged motion——

Mr. COPELAND. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New York will state it.

Mr. COPELAND. What is the significance of this? Of course I have been conscious and warned the Senate half an hour ago that the conference between the Republican leader and the President pro tempore, now in the chair, over the rules was not for nothing. Now, what is the significance of this? What does it mean?

The PRESIDENT pro tempore. The Chair does not recognize in the question of the Senator from New York a parliamentary inquiry.

Mr. COPELAND. I think that it is very proper for the Chair to give the Senate——

Mr. CURTIS. I submit a privileged motion and ask that it may be read.

The PRESIDENT pro tempore. The Senator from New York is undertaking to restate the parliamentary inquiry, as the Chair understands.

Mr. COPELAND. I asked the Chair a question. The Chair having ruled that this motion can be presented, the question I ask is, Can action be taken upon it now?

Mr. CURTIS. Oh, no; it can not be acted on until Saturday.

The PRESIDENT pro tempore. The Chair will state to the Senator from New York and to the Senate that Rule XXII provides that at any time a motion signed by 16 Senators, and so forth, may be presented, that the motion shall be read, or the Chair, under the rule, shall state the motion to the Senate, but that the motion can not be acted upon until one hour after the Senate meets day after to-morrow.

Mr. COPELAND. Mr. President, of course, I realized that this motion would be presented, but the President pro tempore is making a ruling now which may embarrass him at some other time. I think that I have a right to object to the presentation of the motion in the midst of my speech. I did not yield for any purpose. I have the floor in my own right; I seriously question the propriety of the proceeding, and I think if the President pro tempore will consider the matter for a few minutes he will see the force of my statement. I repeat I seriously question the propriety of the proceeding.

The PRESIDENT pro tempore. Does the Chair understand the Senator from New York to appeal from the decision of the Chair?

Mr. COPELAND. Not at all. I recognize how useless it would be to appeal from the decision of the Chair.

Mr. BLEASE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I do not yield to anybody.

Mr. BLEASE. Mr. President——

Mr. WILLIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WILLIS. Mr. President, I have given notice that at the proper time I will offer an amendment to the resolution of ratification. That amendment has not yet been read. I desire to submit the inquiry to the Chair as to when that amendment should be read. As I understand the rule, it must be read sometime before the notice is filed and the proceedings had thereunder. Would this be the proper time to have read the amendment to which I refer?

The PRESIDENT pro tempore. The amendment of the Senator from Ohio must be read at some time prior to the vote upon the motion proposed to be presented by the Senator from Kansas.

Mr. WILLIS. I ask unanimous consent that it may be read now. It has to be read at some time. Let it be read now.

Mr. CURTIS. I ask for the presentation of the privileged motion which I have made.

Mr. BLEASE. Mr. President, I ask the Senator from Kansas to withdraw it.

Mr. CURTIS. I can not do that.

Mr. BLEASE. Very well, sir. Then, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from South Carolina will state his parliamentary inquiry.

Mr. BLEASE. I quote from the proceedings of the Senate on February 23, 1925, as follows:

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I do.

Mr. COPELAND. It seems to me we ought to have a call of the Senate.

Mr. NORRIS. There is no way to compel Senators to stay. I hope the Senator will not make the point. There are some few here yet.

Mr. COPELAND. Mr. President, unless the Senator seriously objects, I feel inclined to suggest the absence of a quorum. I think it is a shame to have a matter of this importance discussed in the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum.

Mr. NORRIS. I do not yield for that purpose, Mr. President.

The PRESIDING OFFICER. In the opinion of the Chair, the Senator can make the point of order whenever he desires to do so.

Mr. NORRIS. Whether I yield or not?

The PRESIDING OFFICER. Yes.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. The Secretary will call the roll.

I suggest the absence of a quorum and demand a roll call.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. The Chair is constrained in response to the parliamentary inquiry propounded by the Senator from South Carolina to state that the precedents of the Senate, particularly as found on pages 494, 495, and 496 of the Precedents of the Senate, indicate clearly that a demand for a quorum can not be made in the event that no business has intervened since the calling of the last roll call.

Mr. BLEASE. Then, Mr. President——

The PRESIDENT pro tempore. Just a moment, please.

Mr. BLEASE. If the motion of the Senator from Kansas is put before the Senate, then business has been transacted.

The PRESIDENT pro tempore. As soon as the Senate shall have acted upon the motion presented by the Senator from Kansas the present occupant of the chair is of the opinion that then business will have been transacted, and a quorum call may be demanded.

Mr. BLEASE. That is the position I take, sir.

Mr. CURTIS. I ask for the reading of the motion which I have presented.

Mr. COPELAND. I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Senator from New York appeals from the decision of the Chair.

Mr. COPELAND. And on that I ask for a roll call.

The PRESIDENT pro tempore. Just a moment, please.

Mr. WATSON. From what decision is the Senator appealing?

The PRESIDENT pro tempore. Under Rule XXII, paragraph 2, page 25, of the Senate Manual, the paragraph beginning "If at any time a motion, signed by 16 Senators."

And so forth, the Chair has ruled that the words "at any time" mean at any time, and that the motion presented by the Senator from Kansas is a privileged motion and may be presented, and, in the language of the rule, "the Presiding Officer shall at once state the motion to the Senate." From that decision of the Chair the Senator from New York takes an appeal.

Mr. COPELAND. Mr. President, on that I call for the yeas and nays.

The PRESIDENT pro tempore. Upon that appeal the Senator from New York demands the yeas and nays. Is the demand sufficiently seconded? [A pause.] Not a sufficient number having seconded the demand, the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BLEASE. Mr. President, I raise the point of order that there is not a quorum present, and that the Senate has no right to transact business without a quorum being present.

Mr. CURTIS. I raise the point of order that no business has been transacted as yet.

Mr. BLEASE. This is business.

Mr. FESS. No; not until we vote.

The PRESIDENT pro tempore. No business will have been transacted until——

Mr. BLEASE. All right. We want to go on record. We want the country to know what is being done.

The PRESIDENT pro tempore. The Chair holds that the point of order raised by the Senator from South Carolina is not well taken, and the question is upon the appeal taken by the Senator from New York. The question, therefore, is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BLEASE. Mr. President, I am going to vote with the Chair; but I still hold that my point of order is good, that there is no quorum present.

Mr. CUMMINS. Mr. President, will the Chair kindly state the question ruled upon?

The PRESIDENT pro tempore. The Senator from Kansas [Mr. CURTIS] presented a motion under the terms of paragraph 2 of Rule XXII. The Chair held that that motion might be presented, in the language of the rule, at any time, and therefore might be presented now. The Chair collaterally held, however, that the presentation of that motion did not necessarily take the Senator from New York from the floor, and that at the conclusion of the vote upon this question a call for a quorum would be in order, inasmuch as business would have been transacted. From the opinion of the Chair the Senator from New York has taken an appeal; and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OVERMAN. Mr. President, I usually agree with the Chair, because he is always right, I believe, except this time. Whenever new business is proposed, as it is proposed here, I agree with the Senator from South Carolina; and that ought to be the rule, that there must be a quorum here when new business is proposed.

Mr. WATSON. No; not when it is proposed.

Mr. OVERMAN. When it is proposed to be transacted, there ought to be a quorum here.

Mr. McKELLAR. Mr. President, upon the suggestion of the absence of a quorum under the circumstances, as it has been suggested by the Senator from South Carolina, unquestionably he is entitled to have the roll called.

The PRESIDENT pro tempore. Undoubtedly the presence or absence of a quorum will be demonstrated upon the vote which will be taken.

Mr. McKELLAR. Not necessarily, because the yeas and nays were denied. Of course, this is proposed action, and this body can not proceed——

The PRESIDENT pro tempore. Then let the Senator demand the yeas and nays. That may be done.

Mr. OVERMAN. Mr. President, the principle of this whole thing is that a quorum shall be present when business is transacted. Now it is proposed to transact business, and there ought to be a quorum here.

The PRESIDENT pro tempore. The Chair will say to the Senator from North Carolina that the precedents of the Senate do not say that. The precedents say that business has to be transacted before a second call for a quorum may be entertained.

Mr. McKELLAR. Business was transacted when a new matter was brought before the Senate.

Mr. FESS. Mr. President, I move to table the appeal, to stop this debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the appeal of the Senator from New York.

Mr. COPELAND. I call for a division.

On a division, the motion to lay on the table was agreed to.

Mr. BLEASE. Mr. President, I ask for the vote.

The PRESIDENT pro tempore. Under a division it never is stated.

Mr. BLEASE. I ask for it now. I still maintain my point that there is not a quorum present, and the Senate has no right to transact business without a quorum. I call for the announcement of the vote.

The PRESIDENT pro tempore. Under the practice of the Senate——

Mr. McKELLAR. Mr. President, I now suggest the absence of a quorum.

Mr. BLEASE. Yes; so do I.

The PRESIDENT pro tempore. Inasmuch as a vote has been taken, the Chair holds that the call for a quorum is in order, and the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bayard	Brookhart	Capper	Deneen
Bingham	Bruce	Copeland	Ferris
Blease	Butler	Cummins	Fess
Bratton	Cameron	Curtis	Fletcher

George	McLean	Pine	Smoot
Goff	McNary	Ralston	Stanfield
Hale	Means	Ransdell	Swanson
Johnson	Metcalf	Reed, Pa.	Trammell
Jones, Wash.	Moses	Sackett	Wadsworth
Keyes	Oddie	Sheppard	Watson
McKellar	Overman	Shipstead	Willis
McKinley	Pepper	Shortridge	

The PRESIDENT pro tempore. Forty-seven Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absentees.

The legislative clerk called the names of the absent Senators, and the following Senators answered to their names:

Dill, Fernald, Mayfield, Pittman, and Schall.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum is present. The question is upon the ratification of the first article of the treaty as read.

Mr. COPELAND. Mr. President——

Mr. CURTIS. I ask that the motion I made be read.

The PRESIDENT pro tempore. The privileged motion presented by the Senator from Kansas will be stated to the Senate.

The legislative clerk read as follows:

We, the undersigned Members of the United States Senate, move to close the debate on the treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines (Executive J, 58th Cong., 2d sess.) in accordance with the provisions of Rule XXII of the Standing Rules of the Senate:

Charles Curtis, G. W. Pepper, Reed Smoot, Seldon P. Spencer, David A. Reed, F. H. Gillett, W. B. Pine, Fred. M. Sackett, Arthur Capper, W. L. Jones, James E. Watson, George H. Moses, Samuel M. Shortridge, Guy D. Goff, J. W. Wadsworth, jr., Smith W. Brookhart, Hiram Bingham, Frederick Hale, Joe T. Robinson, Cole. L. Blease, L. D. Tyson, Claude A. Swanson, William H. King, Duncan U. Fletcher, Woodbridge N. Ferris, Walter George, Sam G. Bratton, Key Pittman, Thomas F. Bayard, M. M. Neely, E. S. Broussard, T. H. Caraway, Henry W. Keyes, George P. McLean, Albert B. Cummins, O. E. Weller, Carter Glass, W. B. McKinley, Charles S. Deneen, William M. Butler, Jesse H. Metcalf, Tasker L. Oddie, S. D. Fess, J. W. Harreld, F. M. Simmons, Lynn J. Frazier, Henry F. Ashurst.

The PRESIDENT pro tempore. The question is upon agreeing to this motion; and that question will be submitted to the Senate, in accordance with the rules, one hour after the Senate meets on day after to-morrow.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. The Senator from New York.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. COPELAND. I can not yield, Mr. President.

I want to say, so that the RECORD will show it for all time, that the Senator from South Carolina [Mr. BLEASE] was right when he said that there was no quorum present. It was only by a second call of the Senate, and the driving in of the stragglers, that the majority was able to assemble enough to make an official quorum. The Senator from South Carolina was entirely right in his contention that no quorum was present.

Sometime this overriding of Senators will come home to haunt those who did this to-day. No fair-minded person who has listened to the debate to-day, or who will read it, if so inclined, can ever say that my speech was in the nature of a filibuster. I have spoken to the point. I have discussed the question at issue, and there is much more about this subject which I intend to say. We have just started the fight.

I may say, for the comfort of those here now who do not want to stay, who have dinner and theater engagements, that, so far as I am concerned, they are privileged to go and keep their engagements. I can see no reason for having the roll of the Senate called again very soon.

Mr. SHORTRIDGE. In view of that remark of the Senator, will he excuse me until 8 o'clock?

The PRESIDENT pro tempore. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. Mr. President, may I say to my charming friend from California, and to the other Members of the forced quorum, that anybody here who goes home to dinner goes with my full approval and permission, and I trust that digestion will wait on appetite, and that they will come back to-morrow refreshed to hear the balance of my speech.

Mr. SHORTRIDGE. The Senator will not regard it as a discourtesy if I absent myself for an hour?

Mr. COPELAND. Not in the slightest.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

The PRESIDENT pro tempore. No business having intervened since the last call of a quorum——

Mr. REED of Pennsylvania. A parliamentary inquiry. Was not the notice——

The PRESIDENT pro tempore. Wait a moment. There has been a motion made, and business has been transacted. Therefore, the suggestion of the absence of a quorum is in order. Does the Senator from New York yield to the Senator from Pennsylvania for the purpose of suggesting the absence of a quorum?

Mr. COPELAND. With the greatest of pleasure, and I hope that some of the Senators will go home, so that there will not be a quorum.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania suggest the absence of a quorum?

Mr. REED of Pennsylvania. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Deneen	Mayfield	Sackett
Bingham	Fernald	Means	Schall
Blease	Ferris	Metcalf	Sheppard
Bratton	Fess	Moses	Shipstead
Brookhart	George	Oddie	Shortridge
Bruce	Goff	Overman	Smoot
Butler	Hale	Pepper	Stanfield
Cameron	Jones, Wash.	Pine	Swanson
Capper	Keyes	Pittman	Trammell
Copeland	McKinley	Ralston	Wadsworth
Cummins	McLean	Ransdell	Watson
Curtis	McNary	Reed, Pa.	Willis

The PRESIDENT pro tempore. Forty-eight Senators having answered to their names, there is not a quorum present. The Secretary will call the names of absent Senators.

The legislative clerk called the names of the absent Senators.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. There is not a quorum present.

Mr. PEPPER. I move that the Senators present direct the Sergeant at Arms to request, and if necessary compel, the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. ROBINSON and Mr. MCKELLAR entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators having answered to their names, there is a quorum present.

The Sergeant at Arms having executed the order of the Senate to request the attendance of absent Senators, further proceedings under the order will be vacated. The Senator from New York is recognized.

Mr. COPELAND resumed and concluded his speech, which is entire as follows:

Mr. COPELAND. Mr. President, yesterday I undertook to state what must be the feeling of Americans who in good faith left their homes in America on the mainland, made purchases in the Isle of Pines, and went there to build new homes under the Stars and Stripes, to this island which they had every reason to believe was American territory and would continue through all time to be American territory.

I have here a letter written to me by Col. T. J. Keenan, of Pittsburgh, a large owner of property in the Isle of Pines. I desire to read the letter in order that Senators may know exactly the attitude of mind of those who have purchased property in the Isle of Pines upon the good faith of the American Government. Colonel Keenan's letter is dated February 26, 1925, addressed to me, and reads as follows:

The Senate Committee on Foreign Relations having refused a hearing to representatives of the American colonists on the Isle of Pines and the discussion on the floor of the Senate of the Hay-Quesada treaty having demonstrated a misunderstanding on the part of many Senators as to the circumstances attending the American colonization of the territory which the treaty referred to proposes to surrender to Cuba, I feel impelled, as one who has personal knowledge of those circumstances, to lay before you certain facts which will, I trust, deter the Senate from becoming a party to the immediate expatriation and ultimate ruin of thousands of American citizens.

The Senators from Pennsylvania, to one of whom this appeal might naturally have been addressed, are, I regret to say, for the first time since the Spanish-American War, ranged upon the Cuban side of the Isle of Pines question. The Senators who had contemporaneous knowledge of all the facts in the case held without exception the American point of view. Some of these facts I had hoped to present in person

to the Committee on Foreign Relations before that body passed upon the Hay-Quesada treaty. Having been denied that opportunity, I wish now, with your concurrence, to lay these facts before the entire senatorial body.

When the writer visited the Isle of Pines and erected a home early in 1901 there was absolutely no question from any source as to the American title to the island.

And I say, Mr. President, that Colonel Keenan states the fact when he makes this statement, because, until the adoption of the Platt amendment, which was on March 2, 1901, as I recall, I doubt if there were any considerable number of persons holding the thought that the Isle of Pines was anything other than American territory.

Upon the wall of the Senate Chamber hang several maps, and yesterday the Senator from Pennsylvania [Mr. PEPPER] asked a question of the Senator from Ohio [Mr. WILLIS] as to just exactly what those maps purported to be, raising the point or alleging, as I understood him, that those maps are nothing more than simply a record of public surveys. Now, I appeal to you, Mr. President, that the average citizen seeing this map [indicating map on the wall] for the first time, and, for that matter, after continued study of it, must be impressed with the idea that this is a map showing the territorial possessions, the insular possessions, in fact, all the possessions of the United States. The legend says:

United States Territories and insular possessions.

How anybody in the world can get any other idea than that this is an official map showing the extent of territory over which the Stars and Stripes should wave I can not understand. This is a map of "United States Territories and insular possessions," and there are shown on this map, among those insular possessions, the Isle of Pines. This map, as I understand, was published in 1901 and the one on the other side of the door was published in 1900, and I am not sure but that there was a similar map published in 1903. Anyway, these maps indicate that in 1900, or certainly in 1901, the Isle of Pines was regarded by the authorities of this country as a possession of the United States. So when Colonel Keenan states that "when the writer visited the Isle of Pines, and erected a home early in 1901, there was absolutely no question from any source as to the American title to the island," I have no question that he is stating what was the current belief.

Mr. SWANSON rose.

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. SWANSON. Cuba is on that map, and the Isle of Pines is on it as a part of Cuba.

Mr. COPELAND. Mr. President, is not the Senator from Virginia, who ordinarily is so fair and just, a little technical in that statement? May I ask the Senator from Virginia to be so kind as to step over to the map with me.

Mr. SWANSON. I have seen it.

Mr. COPELAND. Canada also is on the map, but are we to infer from that fact that Canada is a United States possession?

Mr. SWANSON. I think not.

Mr. COPELAND. But here [indicating] are squares which contain small maps of the insular possessions of the United States. In this space [indicating] is Porto Rico. May I ask the Senator from Virginia is Porto Rico a United States possession? [A pause.] The Senator from Virginia does not answer.

Mr. SWANSON. Yes; the treaty made it so.

Mr. COPELAND. Here [indicating] are the Hawaiian Islands, which are a United States possession; here [indicating] is Guam, which is a United States possession; here [indicating] are the Philippine Islands and the Aleutian Islands, which are United States possessions. In a square of exactly the same sort is found the Isle of Pines. There is no escape, Mr. President, from the conviction that this map, which was issued by the Department of the Interior, is a map which contains the official statement of the United States that the Isle of Pines was recognized at the time the map was issued to be American territory.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. There is another map, which was prepared by the War Department at that time, that also shows that the Isle of Pines was American territory. So, not only did the Department of the Interior print maps at that time showing that the Isle of Pines was American territory, but the War Department, which at that time had control of the Isle of Pines and also of Cuba, also printed maps. The maps prepared by these departments at that time showed that Cuba was not a part of the United States, while the Isle of Pines was a part of the United States, and the colors used on the map so indicated.

Mr. SWANSON. Mr. President, if the Senator from New York will permit me, those maps and all that they implied were considered by the Supreme Court of the United States, and that court further said that, despite all that and despite the letters and other documents read by the Senator from New York, de jure the Isle of Pines always had been and then was a part of Cuba.

Mr. SHIPSTEAD. Mr. President, I am aware of the fact there may be some basis for the claim that the United States Supreme Court transferred this piece of territory to Cuba, but I fail to find any provision in the Constitution where such authority has been given to the Supreme Court of the United States. The Constitution says that territory belonging to the United States shall be disposed of only by act of Congress.

I am aware that the decision of the Supreme Court said that, so far as the application of the tariff law was concerned, the Isle of Pines having been transferred for governmental purposes to Cuba by an act of General Wood, contrary to the instructions sent to him by his superior officer, the Secretary of War, Mr. Root, we, of course, at that time lost possession of the Isle of Pines. However, I fail to see how by that act we could lose title to the Isle of Pines any more than I would lose title to a farm in Minnesota, having placed it in charge of a manager who while in possession of it for me should transfer this possession to one of the neighbors. I might by that act lose possession of the farm, but I certainly would not feel that I had lost my title to it.

Mr. SWANSON. If the Senator from New York will permit me, the decision of the Supreme Court was based, first, on the resolution declaring war, in which we guaranteed the sovereignty of Cuba to the Cuban people; second, on the protocol of peace that was before it, and which had been signed by our representatives; third, on the treaty made with Spain, including the provision in regard to Porto Rico and other islands; fourth, the election held there. These maps and affidavits also were before the court. Of course, the court could not dispose of property belonging to the United States, but the court decided, six judges of nine, that de jure under these treaties and under the act of Congress that the Isle of Pines belonged to Cuba.

We can exercise our power, we can exercise force, we can send battleships there and take the Isle of Pines, but it would be contrary to what our Supreme Court has said in holding that de jure the Isle of Pines belongs to Cuba. We can seize that island, and the political powers may say it is a part of the United States; we can do that despite right; but if we are going to respect right and give a proper interpretation to treaties and understandings, we must come to the conclusion that de jure the Isle of Pines belongs to Cuba.

Mr. SHIPSTEAD. Mr. President——

Mr. COPELAND. I yield a little further to the Senator from Minnesota.

Mr. SHIPSTEAD. If the Senator from New York will permit me, I will say that I did not intend this morning to revive the debate about the Supreme Court's decision. That has been debated here all winter, and I do not think we are any nearer to an agreement upon that decision and how it applies to this treaty than we were in the beginning. There are, however, a few questions involved that, it seems to me, have not been covered in the debate.

Mr. COPELAND. Just one moment, Mr. President, if the Senator will yield for a moment?

Mr. SHIPSTEAD. Certainly.

Mr. COPELAND. I want it understood, Mr. President, that if the Senator wishes to discuss this matter now, I do not want to be ruled off the floor. I want it understood that I am to have the floor when he finishes.

Mr. SHIPSTEAD. There is no intention on my part of taking the Senator off the floor.

Mr. COPELAND. I simply say that for reasons of safety.

Mr. BRUCE. Mr. President, the Senator had better take heed of what the Senator from New York has said to him, for I shall deem it my duty to make the point if the Senator from Minnesota continues his remarks. He can ask the Senator from New York questions, of course, but I shall object to anything more than that.

Mr. COPELAND. Mr. President, I am in the embarrassing position, by reason of the obsolete rules of the Senate, of which the Chair and I complain, of being ruled off the floor if I should permit the Senator to continue. Therefore, I do not wish the Senator to continue unless, by consent of the Senate, it is understood that when he finishes I shall have the floor.

The VICE PRESIDENT. The matter as between the Senator from New York and the Senator from Minnesota is one for determination by unanimous consent.

Mr. BRUCE. Mr. President, I am very sorry, but I find myself unable to unite in a unanimous consent of that character.

Mr. COPELAND. Then, Mr. President, I regret that I can not yield further to the Senator from Minnesota.

Mr. SHIPSTEAD. I will say to the Senator from New York that it was certainly not my intention to take the floor away from him.

The VICE PRESIDENT. For how many minutes does the Senator from New York yield the floor to the Senator from Minnesota?

Mr. COPELAND. For 20 minutes, if that is agreeable to the Senate.

Mr. SMOOT. O Mr. President, I do not think we had better make any arrangement of that kind.

Mr. SHIPSTEAD. Very well. I thank the Chair for his courtesy, and I shall continue my remarks at the conclusion of the address of the Senator from New York, if I can then obtain the floor.

Mr. COPELAND. Mr. President, I want the Senator from Minnesota to understand that by no means do I consider that anything that I might say would be of more importance than what he might say, but I am not permitted to yield under these obsolete rules, which we agree ought to be changed.

I am sure the Senator from Minnesota will appreciate the situation.

Mr. SHIPSTEAD. The Senator does me great honor.

Mr. COPELAND. Mr. President, I have heard the Senator from Virginia on various occasions make reference to the case which through his frequent mention has become famous. I refer to the case of Pearcy against Stranahan. I hope the Senator from Virginia will not leave the Chamber while I am expounding the law on this subject.

Mr. SWANSON. Mr. President, if the Senator will give me an assurance as to how long he will speak, I will be very glad to remain in the Chamber, but I have some important engagements that make it impossible for me to keep if he is going to speak very extensively.

Mr. COPELAND. I may say to the Senator from Virginia that if he has engagements which he thinks are more important than to be enlightened upon the pending subject, he has my full permission to leave the Chamber now. I may say to him that he probably will have the rest of the day to transact that business.

Mr. SWANSON. I have listened with a great deal of enlightenment to the Senator. I appreciate very much his able exposition of constitutional law, and I feel very grateful to him.

Mr. COPELAND. I thank the Senator for his kind remarks. Coming from a source so eminent, I can not help but feel flattered.

Mr. President, the case of Pearcy against Stranahan was a case which was presented to the Supreme Court, not to determine the title to the Isle of Pines, as the vanishing Senator from Virginia would seem to intimate. Such was not the purpose of that case. It was presented to the court on March 4, 1907, and I find written in the records of the Supreme Court in Two hundred and fifth United States Reports that it involved the political status of the Isle of Pines; whether it was under the jurisdiction of Cuba or that of the United States; and whether merchandise therefrom should be subject to tariff duties as coming from a foreign country under the meaning of the Dingley Tariff Act. That is stated in the opinion.

The question to be determined in that case, which was carried up from the southern district of New York, was whether merchandise shipped into the United States was or was not, or is or is not, subject to the tariff laws of this country, and whether such merchandise should pay the tariff duties imposed by the law. That was the question. The question to be determined was not the ownership of the Isle of Pines. The Isle of Pines at that time, Mr. President, was under the de facto jurisdiction of the Cuban Government, so placed by the act which turned over to Cuba the ownership of the island, but under the Platt amendment the question of title to the Isle of Pines was to be determined later by treaty. I wish to make that perfectly clear.

In a moment I will read to the Senate the Platt amendment, in order that there may be before us once more the exact facts regarding the status of the Isle of Pines. Suffice it to say at the present moment that under the Platt amendment Cuba had de facto possession of the island, and was to administer it until title should be determined; and the title through a period of 21 years has not been determined under the Platt amendment. Of course, so far as I am concerned, I have no doubt, and never had any doubt, that America gained title to the Isle of Pines through Article II of the Paris treaty.

Mr. President, I repeat that the purpose of this case in the Supreme Court was not to determine the title to the Isle of Pines; but in view of the peculiar political situation existing, the island being under the de facto rule of Cuba, the question in the case of Pearcy against Stranahan was, should merchandise from the Isle of Pines shipped into the United States be taxed as if it came from Germany or France or some other foreign country? That was the question involved.

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Delaware?

Mr. COPELAND. I yield to the Senator.

Mr. BAYARD. By the same line of reasoning, why did not the court determine that the Isle of Pines was not American territory?

Mr. COPELAND. The court was not called upon to determine whether the Isle of Pines was American territory.

Mr. BAYARD. May I interrupt just once more? I beg the Senator to read carefully the opinion in Pearcy against Stranahan, and he will find some very interesting things. He will find, among other things, that the Supreme Court first determined whether or not Cuba was American territory; and the court found that Cuba was not American territory when it came to the imposition of tax, and therefore the tax would lie. The court went further than that, and determined that for the purpose of levying the tax in that case the Isle of Pines was Cuban territory.

Mr. COPELAND. I want to be perfectly fair with the Senate, and I want to be perfectly fair with the Senator from Delaware. I am sure that he gives me credit for having read the decision. I may say, indeed, that the Senator from Delaware is the first man in the Senate who called my attention to this decision. I am well aware that the majority of the court, going entirely aside from the question at issue, by obiter dictum, as I think my friend would call it, did say that the Isle of Pines was Cuban.

Mr. BAYARD. May I interrupt the Senator once more? I do not agree at all that it was obiter dictum. I think the very point before the court was to determine what the territorial relation of the Isle of Pines was to the United States, in order that the question before the court, which was the laying and collecting of a duty on tobacco, should be determined. That was the whole point involved; and for the proper adjudication of that point they had to determine whether the Isle of Pines was American or foreign territory.

Mr. COPELAND. Mr. President, I am very happy that in this particular matter the Senate does not have to take my opinion. That would not be worth much; but I read from page 273 of Two hundred and fifth United States, the dissenting opinion, or the opinion rendered by Mr. Justice White, concurred in by Mr. Justice Holmes.

I do not need to remind the Senator from Delaware, as suggested to me just now by my friend the Senator from Indiana [Mr. RALSTON], that no greater jurist has ever graced the bench than Mr. Justice White. This is what he said:

> My reasons for agreeing to the conclusion announced by the court are separately stated to prevent all implication of an expression of opinion on my part as to a subject which in my judgment the case does not require and which, as it is given me to see it, may not be made without a plain violation of my duty.
>
> The question which the case raises by way of a suit to recover duties paid on goods brought from the Isle of Pines is whether that island by the treaty with Spain became a part of the United States or was simply left or made a part of the island of Cuba, over which the sovereignty of Spain was relinquished.
>
> I accept the doctrine which the opinion of the court announces, following Jones v. United States (137 U. S. 202), that "who is the sovereign de jure or de facto of a territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as other officers, citizens, and subjects of that government." That the legislative and executive departments have conclusively settled the present status of the Isle of Pines as de facto a part of Cuba and have left open for future determination the de jure claim, if any, of the United States to the island, as the court now declares, is to me beyond possible contention.

Mr. BAYARD. Mr. President, may I interrupt the Senator once more?

Mr. COPELAND. I yield.

Mr. BAYARD. I do not say this because I happen to be a humble follower of the profession of the law; but if the Senator will read that case with care, he will find that there are

two opinions, the prevailing opinion and the assenting opinion of Mr. Justice White, and he will find that Mr. Justice White agrees in the conclusions of the court but differs from the majority of the court on certain grounds.

The majority opinion said that the question of title to the Isle of Pines was a judicial question and Mr. Justice White and his associate said it was not a judicial question, that it was a political question, and that therefore they did not find themselves qualified to pass on it from that point of view. That is the whole thing. It could not give the Senator any comfort to read an opinion based upon that plain demonstration by Mr. Justice White in his opinion, giving the reasons why he differed, not in the conclusion, but as to the law governing the case.

Mr. COPELAND. I am very glad that the dissenting opinion gives the Senator from Delaware no discomfort, but I want to say to the Senator from Delaware that it does give the Senator from New York some comfort to find that the opinion of a lay mind is coincided in by the opinion of so eminent a jurist as Mr. Justice White. Now, I will continue the reading, because, Mr. President, this gives me some comfort, and it gives comfort to American citizens who in good faith went to the Isle of Pines and invested their money, believing that the Government of the United States would never forsake an American who had a just claim upon it. The opinion continues:

> Thus by the amendment to the act of 1891—

That is a mistake. It should be 1901. It is too bad to find a mistake in a judgment which otherwise is so accurate, but I am sure the Senator from Delaware will concede that that was a mistake. It was 1901.

Mr. BAYARD. 1901, the Platt amendment.

Mr. COPELAND. We will agree upon making that amendment to the record.

Mr. BAYARD. I do not know that I can assume the liberty to amend any Supreme Court record.

Mr. COPELAND. This is a rather informal way to do it, is it not? The United States Senate is such an informal body, except on occasions when its feelings have been hurt, and then, Mr. President, it becomes tremendously insistent that the formalities shall be observed. I read from the opinion:

> Thus by the amendment to the act of 1901, which was enacted to determine the de facto position of the island and to furnish a rule for the guidance of the executive authority in dealing in the future with the island, it was expressly provided—

Then the second provision of the Platt amendment is stated—

> that the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

That is the end of the quotation and that is the sixth article of the Platt amendment, passed, I think, on the 2d of March, 1901, and to which the court refers. Then, Mr. Justice White continues:

> So, also, when the island of Cuba was turned over to the Cuban Government by the military authority of the United States, that Government was expressly notified by such authority—

That is, the Government was notified by the military authority, by General Wood, then in command:

> That Government was expressly notified by such authority, under the direction of the President, that whilst the de facto position of the Isle of Pines as a part of Cuba was not disturbed it must be understood that its de jure relation was reserved for future determination by treaty between Cuba and the United States.

That is why we are here discussing this matter. The court could not pass over to Cuba the Isle of Pines. If the Isle of Pines was a part of Cuba, in the sense implied by Article I of the Paris treaty, it was Cuba's then, and is Cuba's now; but if the Isle of Pines came to us through cession under Article II of the Paris treaty, it is our property and, in spite of the Platt amendment, can not be disposed of by treaty, as I see it.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BAYARD. Does not the Senator from New York admit that both the prevailing opinion and the opinion rendered by Mr. Justice White and his associate justices both determined the law to be that the duty lay upon the tobacco imported from the Isle of Pines to the United States on the ground that the Isle of Pines was not American territory—yes or no?

Mr. COPELAND. No; I do not admit that.

Mr. BAYARD. The Senator denies that?

Mr. COPELAND. Yes, Mr. President; and I shall refer the Senator from Delaware very soon, when I get through this exposition of constitutional law, to an earlier case, upon which this is founded. The Isle of Pines, under the decision in Downes against Bidwell, had not become incorporated in the United States. By specific act of Congress, the Platt amendment, the Isle of Pines was excluded from the geographical boundaries of Cuba and was placed by that specific act under the de facto administration of Cuba, and it was because the Isle of Pines had not become incorporated in the legal sense that the court was fully justified, in my opinion, in the decision which it made relative to the imposition of the duties.

Mr. BAYARD. Mr. President, I say with the utmost courtesy that I would like to ask the Senator whether we are now hearing COPELAND on the Constitution, or is he quoting the Supreme Court of the United States?

Mr. COPELAND. Mr. President, I am very happy to say——

Mr. BAYARD. The case of Bidwell certainly does not say what the Senator said.

Mr. COPELAND. I am very happy to say, in reply to the Senator, that the Senator from New York is not giving his opinion. He is quoting, in spirit, from a decision of the United States Supreme Court. I will read it.

Mr. BAYARD. Will not the Senator quote in words rather than in spirit?

Mr. COPELAND. Yes; Mr. President, in order that the Senator from Delaware may be sure that the Senator from New York is on safe ground he will use the language of the court, and not any feeble words which the Senator from New York might employ.

I read from the case of Downes v. Bidwell (182 U. S. 345):

> The civil government of the United States can not extend immediately and of its own force over territory acquired by war. Such territory must necessarily, in the first instance, be governed by the military power under the control of the President as Commander in Chief. Civil government can not take effect at once, as soon as possession is acquired under military authority, or even as soon as that possession is confirmed by treaty. It can only be put in operation by the action of the appropriate political department of the Government, at such time and in such degree as that department may determine. There must of necessity be a transition period.

Mr. BAYARD. That is from the Bidwell case?

Mr. COPELAND. That is from the Bidwell case.

Mr. BAYARD. And the Bidwell case preceded the case of Pearcy against Stranahan?

Mr. COPELAND. Yes; it did.

Mr. BAYARD. That is what I thought.

Mr. COPELAND. Does the Senator from Delaware get any comfort from that?

Mr. BAYARD. No; I am not asking any particular comfort, but I am wondering how the Senator from New York gets any comfort from it.

Mr. COPELAND. Of course, there are some things which, like the peace of God, are past all understanding. Perhaps this is one of them.

But I say, Mr. President, that the Senator from New York does get some comfort from this particular confession, because for some reason or other the Senator from New York believes in the United States courts. He does not share the opinion held by some that the courts should be abolished or restricted. I want to say for myself that I think every child in America should be taught that the courts demand, compel, and deserve the respect of every citizen of America. It is a matter of great pride to me, too, to think that in the 136 years of the life of our National Government only 38 acts of Congress have been determined unconstitutional. When I find orators going up and down the country talking about the courts and demanding that the laws be changed in order that 5 to 4 decisions may be eliminated, it is a matter of pride to me to know that our courts have been so unanimous in their sentiments that in those 136 years there have only been nine instances of 5 to 4 decisions of the Supreme Court.

Mr. BAYARD. Mr. President, may I interrupt the Senator again for a short question?

Mr. COPELAND. Certainly.

Mr. BAYARD. In view of the high regard held for the Supreme Court of the United States and the allegiance which the Senator gives to it, might it not be well for the Senator to bow to the will of the court as expressed in the opinion he has recently read and accept that as the law of the land?

Mr. COPELAND. The Senator from New York, I hope, tells the truth when he says that he will always bow to a decision of the Supreme Court when that decision is rendered on the issue presented to the court. No citizen of the United States is under obligation to submit to the obiter dictum of the Supreme Court or any other court. It is the decision of the court that the Senator from New York follows and respects, and I follow

and respect the decision of the court in the case of Pearcy against Stranahan.

I have not yet finished my quotation from the minority opinion—the opinion of Mr. Justice White. I regret, of course—I do not know that I should say that; I do not know that I regret that my training was just what it was. I think I rather enjoy my profession. But I regret that it is not given to every Senator to have a training in all the learned professions in order that he might speak with authority on any subject which might be presented to the Senate. But if the Senator from Delaware who is on his feet again to make further objection to the exposition of the law as given by the lay Member—of course, I am sorry, I may say to him, that my training has not been so perfect as his. However, I shall be glad to listen to any comment he has to make on my exposition.

Mr. BAYARD. I would merely suggest to the Senator that he has made a very interesting point in his argument in that he said a moment ago that he did not feel himself bound by the obiter dictum which he found in the Supreme Court decision when that decision was given by a majority of the court, but at the same time he undertakes to read and to approve of—and to maintain that it is controlling—a minority opinion, which, of course, can never control in any case. So he is placing himself in the position of taking neither one horn nor the other of the dilemma, his first proposition being to read from the obiter dictum, which he says does not bind anybody, and next to read from the minority opinion, which, of course, he knows binds nobody. So I do not see where he is going to get off.

Mr. COPELAND. The Senator from Delaware need not worry any about that. The Senator from New York knows where he is going to get off. He probably will not be able to convince the Senator from Delaware that he got off on the right side. However, Mr. President, I have found myself before now on the wrong side even in the fight with death, but that did not disturb me because I did the best I could to defeat the grim reaper, and I purpose here if I can to let every citizen of the United States know that there is at least one Senator—yes; I am happy to say, there are more; but there is at least one Senator who is willing to give of his energy and of his strength to try to see to it that the rights of American citizens are protected. I said yesterday and I repeat now that I do not know anybody living in the Isle of Pines. I have no interest directly or indirectly with anybody down there. But I am a Senator of the United States. I conceive it to be my duty, even though I should be alone. You know, "One with God is a majority," and even though I am alone I am going to fight this fight. This morning somebody sent me a letter from down in the Isle of Pines. Down in the Isle of Pines every day all the people assemble together to pray. They did it yesterday, they are there to-day, to pray that this treaty may not be confirmed. In that letter it was said:

> The people of the Isle of Pines have decided to close all places of business for five minutes at 11 o'clock to pray for success in defeating the treaty.

I do not know that we ought to get religious in the Senate. It would be a little bit unusual, I think; but I feel very deeply about this matter. As I have said, for no personal reason, but just because my sense of justice impels me to make the fight for those Americans down there, whether 10 or 100 or 10,000 I do not care, I am going to do the best I can to defeat the ratification of this treaty. I have said and I repeat now that I have no desire to set up my individual opinion against the majority of the Senate, but I have a right and it is my duty to impress upon the Senate the thought that every American is entitled to his day in court. Twenty-one or twenty-two years ago Americans were heard by the Committee on Foreign Relations. Every time I speak about this in a group antagonistic to the views I hold it is said, "It is all printed in a volume and you can read it all." Is it not the right of every Senator in every generation to have his day?

I am firmly of the opinion myself that we received title to this property through Article II of the Paris treaty. I think it belongs to us, but there are many reasons why we do not want it, and that I recognize, unless it should happen to have military or naval value or aerial value in the new development. I think on the whole it would be better if the Isle of Pines were given over to Cuba, and my lifelong friendship for Cuba would make me very happy if I could assist in transferring the property to Cuba with no stain upon that ownership. But I have proposed in the Senate before, and I repeat it now, that I would like to see a committee—I do not care whether it is the Foreign Relations Committee under instructions of the Senate or a special committee—take the question and deal with it as committees do in the Senate.

Let me say in passing that a newcomer to the Senate has a very wrong impression of the Senate. If he has the idea that the business of the Senate is transacted in this Chamber, he makes a mistake. It is not transacted here; it never could be. One has but to look about the Senate Chamber now to know that. The work of the Senate is done in the committee. Let me say, too, that dilatory as are the tactics of the Senate, when we get into the committees we see real work. When I was elected to the Senate it seemed to me that I was elected to the easiest job I had ever had. I have never had an easy job, but it seemed to me that at last I had been given one. I thought I would not have to get up in the morning until 10 o'clock. I thought it was wonderful. I thought I could take an hour for a delightful bath and the reading of the opposition newspapers.

Mr. WHEELER. The Senator could sleep in the afternoon, could he not?

Mr. COPELAND. Yes; I will stand corrected on that. I do not know what Senators do in the afternoon. Has the baseball season opened yet? I am not sure about that. If there is a ball game this afternoon, I assume Senators are there.

But that is not the way Senators do their work. They do not get up at 10 o'clock and have the leisure I have suggested. They have committee meetings, and they earnestly and faithfully perform their duties as Senators of the United States. When we come into this Chamber we come here as Democrats and Republicans and Farm-Laborites. We come here to struggle for political preferment and advantage.

The only time that we are free from that frame of mind and that activity is when we have a session with closed doors; but in the presence of the galleries, Mr. President, every opportunity is given to the charming people who come from every section of the United States to see what the Senate is like. We strive to impress the press gallery that the Democratic view is the right one and that we are in possession of all the brains, and our friends on the other side of the Chamber make like efforts to impress the galleries.

The work is not done here. That is the pathetic thing about this treaty, Mr. President. This treaty should be considered before a committee of the Senate. I should prefer a special committee, because the Foreign Relations Committee has many matters of much greater importance to consider. It has now before it the Lausanne treaty, and there is a great question in the minds of many people whether or not the Lausanne treaty should be favorably acted upon by the Senate. I think nearly every church denomination in my State of New York has written me almost violent appeals that the Lausanne treaty be defeated because of outrageous treatment by Turkey in times past of the Christians over there. That is a matter that must engage the attention of the Foreign Relations Committee. That committee is a new committee. Everything it did at the last session died with the session. Everything relating to the Lausanne treaty must be considered anew by the Foreign Relations Committee.

Then, Mr. President, there is the question of the World Court. To me it seems perfectly absurd to have the Senate of the United States detained here—I suppose it is unseemly for me to say so, Mr. President, in view of the fact that I am detaining the Senate just now—it seems to me absurd to have the Senate of the United States detained here to discuss this matter, which, while vital to a few persons, is of no world-wide significance, when there is pending before the Senate the great question of our relationship to the other nations of the earth—the question of the World Court.

Mr. President, I am well aware that we are not detained here because of the interest of the Senate or of the country in the Isle of Pines treaty. We are detained here in order that the President of the United States may determine what should be his action in relation to the Attorney Generalship of the United States.

A few minutes ago the proceedings were interrupted in order that a message from the President might be received. Very soon one of these nice boys passed around a paper showing that the President of the United States had again nominated Charles Beecher Warren for Attorney General. That is why we are here, Mr. President. We are not here—and let me say it to everybody within the sound of my voice—because of any interest on the part of the Senate in the Isle of Pines treaty. We are here while these absentees, in conference, are determining where the votes are, and whether Mr. Warren is to be confirmed by the Senate or whether he is to be rejected.

Mr. President, every Senator here knows that I speak the truth. I suppose I am assisting in playing the game of the Republicans; but, you see, if I did not play the game, there

would be a roll call, and 50 or 60 Senators—perhaps I had better not be so specific—a good many Senators who do not know anything in the world about the Isle of Pines, except the name of the place, would come in here and vote to ratify this treaty because the whip has been cracked, and they have been told that is the thing to do.

Mr. President, let me say that I am not being fooled a bit; but in the meantime I am going to do the best I can not to have this waste time used to do an injustice to those persons, citizens of the United States who gave up all they possessed in the States to go down and make the Isle of Pines bloom like the rose. I am going to help all I can to defeat that injustice. But, Mr. President, after the Republicans have determined that they have or have not votes to confirm Mr. Warren, I am willing at any time to say that I will accept with joy the reference of this matter to a committee of the Senate in order that it may be considered through the summer. When a report is brought back by a committee doing the kind of work which I have suggested—that thorough work which is done by committees of the Senate—which says: "We have listened to the complaints of the owners of land in the Isle of Pines; we know what their agony is, and we have made plans for their protection; we have found a way to adjust any differences which may exist between citizens of the United States living in the Isle of Pines and the government of Cuba; we offer a means of monetary relief for persons who have bought property there under misrepresentations of our own Government"—Mr. President, if that committee will come back here with such a report as that, and then say that it is our duty, having done this, to ratify the Isle of Pines treaty, I will give my vote cheerfully to adopt the report of the committee and to ratify the treaty.

But we have pending before the Senate the French spoliation claims. How long have they been here? Mr. President, those claims date back to the time when your great-great-grandfather and mine were playing marbles, 119 years ago. Are we going to impose upon the American citizens in the Isle of Pines the obligation to fight through a period of four or five generations for their rights? We are not, Mr. President, if I can help it. The time to make adjustment is now, before the treaty is confirmed.

Mr. President, I was reading from the dissenting opinion of Mr. Justice White in the case of Pearcy against Stranahan. You know, I have hopes that the leaders have determined what is to be the fate of Mr. Warren. The return of a few of the leaders makes me think that perhaps some decision has been reached.

However, Mr. Justice White says:

So, also, when the island of Cuba was turned over to the Cuban Government by the military authority of the United States, that Government was expressly notified by such authority, under the direction of the President, that whilst the de facto position of the Isle of Pines as a part of Cuba was not disturbed, it must be understood that its de jure relation was reserved for future determination by treaty between Cuba and the United States. And this notification and relation was in terms accepted by the President of the Republic of Cuba. If the opinion now announced stopped with these conclusive expressions I should, of course, have nothing to say. But it does not do so. Although declaring that the de facto position of the Isle of Pines as resulting from legislative and executive action is binding upon courts, and although referring to the conclusive settlement of that de facto status and the reservation by the legislative and executive departments of the determination of the de jure status for future action, the opinion asserts that it is open and proper for the court to express an opinion upon the de jure status; that is, to decide upon the effect of the treaty. In doing so, it is declared that all the world knew that the Isle of Pines was an integral part of Cuba, this being but a prelude to an expression of opinion as to the rightful construction of the treaty. To my mind, any and all expression of opinion concerning the effect of the treaty and the de jure relation of the Isle of Pines is wholly unnecessary and can not be indulged in without disregarding the very principle upon which the decision is placed; that is, the conclusive effect of Executive and legislative action.

Mr. President, one does not have to be a lawyer to see the sense of that. It is perfectly plain, as I shall show you in detail from a previous case, that the actual ownership of the Isle of Pines can not be determined by judicial decision. If that were the case, any court could say that the property which has been held by the President of the Senate is not his property; it is the property of the Senator from New York. It would be perfectly absurd to have any such possible power in a court, and the President of the Senate knows very well that no such power exists in a court; and certainly, when we come to deal with the ownership of the Isle of Pines, its fate is a matter of congressional and Executive action. That is perfectly plain, as stated here in so forceful a way by Mr. Justice White.

To continue the quotation:

In other words, to me it seems that the opinion, whilst recognising the force of Executive and legislative action, necessarily disregards it. This follows, because the views which are expressed on the subject of the meaning of the treaty amount substantially to declaring that the past action of the Executive and legislative departments of the Government on the subject have been wrong, and that any future attempt by those departments to proceed upon the hypothesis that the de jure status of the island is unsettled will be violation of the treaty as now unnecessarily interpreted.

That was the opinion of Mr. Justice White, concurred in by Mr. Justice Holmes.

Mr. President, within an hour of the time that I stop my tirade some Senator who has not been here this morning will get up and say that the Supreme Court of the United States has determined that the ownership of the Isle of Pines rests in the Republic of Cuba. That is utter nonsense. Of course, the court held in this case, and every member of the court agreed to it, that there should be an imposition of duty upon merchandise sent out from the Isle of Pines. One has but to read the case of Downes against Bidwell—and, Mr. President, if I were to read into the RECORD everything said in the case of Downes against Bidwell I would be speaking so long that the Republican Party would have an opportunity to determine its action not alone as it may relate to the Attorney General but to form a Cabinet for every Republican President from now to the end of time—but this case of Downes against Bidwell, which I hope not to have to read in its entirety, is another case which was before the court, argued on the 8th, 9th, 10th, and 11th of January, 1901.

There are many interesting things in this decision. They make it perfectly clear that the court, in the case of Pearcy against Stranahan, did exactly right in imposing tariff duties upon the products of the Isle of Pines.

The syllabus of this case is very interesting. This relates to Porto Rico. You see, Mr. President, it becomes very interesting, because nobody has ever contended that the United States gained possession of Porto Rico in any other way than by Article II of the Paris treaty.

We did a heroic thing, spectacular, more or less "Fourth of July" in its attitude, and yet, after all, I am sure that in this generation every American approves it. Before we went into the Spanish War, or at that time, on April 20, 1898, Congress passed a joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry the joint resolution into effect. This is practically the declaration of war; and may I say, Mr. President, that no citizen of the United States was happier than I when we decided to go to Cuba, release that noble people from the fetters binding them, and do away with the horrors and abominations of Spanish domination in that island. No citizen was happier than I when that declaration was made, and I regret exceedingly that circumstances have made it necessary for me to take any active part in thwarting the desire—the natural, proper desire—of the Cuban Republic to possess the Isle of Pines. I hope that out of this debate may come some decision which will not only make it possible to turn over to Cuba the de jure possession of this island but to give it over to Cuba unencumbered by any blot or doubt as to the legality of the action and free from those heartburnings which are bound to come if by force we arbitrarily ratify the treaty without first making the adjustments which in all justice should be made.

I suggest that the way to raise up bandits and pirates and revolutionists is by force to detach this island from the United States, where, in my judgment, it belongs under the law, and turn it over to Cuba under circumstances which must for all time make for discord and conflict between those who live there now and their descendants with the Government of Cuba.

So I repeat, when this declaration was made there was no one happier than I, and what was this declaration?

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a dis-

grace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana—

Ah, you remember, Mr. President, the thrill of horror that went over this country when we read that the *Maine* had been blown up; and every time I pass the *Maine* monument at the entrance to Central Park, very close to my own home in New York, every time I gaze upon that monument something of that old feeling of horror comes upon me. And so this joint resolution spoke of the visit of that ship, and its destruction while on a friendly visit to the harbor of Habana.

And it can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, to which the action of Congress was invited: Therefore

Resolved, etc.—

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth—

And this fourth article is the statement of the Congress of the United States, and through the Congress of the United States of the people of America, that the purpose of intervention in Cuba was not to gain any advantage for this country, but that Cuba should be taken in sacred trust, to be delivered afterwards to the people of Cuba.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

When the protocol was written by Mr. Day, then Secretary of State, Spain was reminded that the intervention in Cuba had cost a lot of money and lives, many millions of dollars, and it was determined that, in addition to the relinquishment of title to Cuba, which was provided for under Article I of the protocol and Article I of the Paris treaty, our country should be indemnified for its losses by the cession of certain territory. So Article II of the treaty provides for the cession of territory and is more or less specific. I say more or less, because if the Isle of Pines had been named in Article II we would not be here to-day; we would be taking a recess while the Republicans determine what they are going to do about the Attorney Generalship.

Unfortunately, however, the protocol was written in language more or less indefinite, and the treaty itself was more or less indefinite in regard to such matters. Article II of the treaty, which I quote, provides:

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

Therefore, you can see, Mr. President, there was no question as to the cession of Porto Rico. Porto Rico was ceded specifically by name. I have quoted from the decision in Downes against Bidwell, relating to the imposition of duties upon merchandise or vegetables or fruit shipped from the island of Porto Rico to the United States, and everybody knew that that property was coming from a possession of the United States.

My friend, the Senator from Delaware [Mr. BAYARD], asked me two or three questions and then slid away before he got full answers—not an uncommon practice, Mr. President, and I can not blame the Senator; I would not blame the Vice President if he called some other Senator to preside for a time, and let me say to him that I would be entirely satisfied if he did, because I have been here a long time, and I am going to be here a long time yet.

The VICE PRESIDENT. The Senator will excuse me, then, while I go to lunch?

Mr. COPELAND. Certainly; I will be very happy to do so.

Mr. FESS thereupon took the chair.

Mr. COPELAND. As I have said, there was no doubt regarding the island of Porto Rico. That was American territory. That was ours, ours by right of conquest, ours by right of our victory over Spain, a victory which gave happiness and joy to the hearts not only of all Americans but to all others whose hearts beat warmly. So there was no question at all about the ownership of Porto Rico.

Here is the interesting thing, Mr. President. I read from the syllabus in the case of Downes against Bidwell:

The island of Porto Rico is not a part of the United States * * *.

That is rather startling, is it not? We fought a victorious war, we gained a victory by our arms, but the Supreme Court of the United States said, "This is not a part of the United States." Of course that is modified by the further language:

The island of Porto Rico is not a part of the United States within that provision of the Constitution which declares that "all duties, imposts, and excises shall be uniform throughout the United States."

That is found in the syllabus to the case of Downes *v.* Bidwell (182 U. S. pp. 244, 245, and 246). I read further:

There is a clear distinction between such prohibitions of the Constitution as go to the very root of the power of Congress to act at all, irrespective of time or place, and such as are operative only throughout the United States or among the several States.

A long-continued and uniform interpretation put by the executive and legislative departments of the Government upon a clause in the Constitution should be followed by a decision of the judicial department, unless such interpretation be manifestly contrary to its letter or spirit.

Note this language:

A long continued and uniform interpretation put by the executive and legislative departments of the Government upon a clause in the Constitution should be followed by a decision of the judicial department, unless such interpretation be manifestly contrary to its law or spirit.

Yesterday the Senator who is now in the chair, the junior Senator from Ohio [Mr. FESS], made much of the case of Pearcy against Stranahan. He disregarded the minority opinion and overlooked entirely the case of Downes against Bidwell, a case which makes it so clear that the wayfaring man or fool need not err therein and that he who runs may read that the judicial department can not settle a question of ownership unless the executive and legislative departments of the Government have taken proper action.

Wherefore, in view of the fact that the legislative and executive departments of the Government have not taken such action with regard to Porto Rico, the court held that "the island of Porto Rico is not a part of the United States within the provision of the Constitution which declares that all duties, imposts, and excises shall be uniform throughout the United States." That was exactly the decision which Mr. Justice White, and Mr. Justice Holmes concurring, followed in the matter of Pearcy against Stranahan. So it is laid down here by Mr. Justice Brown:

A long-continued and uniform interpretation, put by the executive and legislative departments of the Government, upon a clause in the Constitution should be followed by the judicial department.

Which, if I may say in all respect, of course was not followed in the obiter dictum laid down by the Supreme Court in the case of Pearcy against Stranahan.

It is very interesting to note that this opinion, which was rendered by Mr. Justice Brown, and another, rendered by Mr. Justice White, concurred in by Mr. Justice Shiras and Mr. Justice McKenna, agreed as to the relationship of Porto Rico to the United States, as far as the collection of revenue was concerned. I quote further:

The Government of the United States was born of the Constitution, and all powers which it enjoys or may exercise must be either derived expressly or by implication from that instrument. Even then, when an act of any department is challenged because not warranted by the Constitution, the existence of the authority is to be ascertained by determining whether the power has been conferred by the Constitution, either in express terms or by lawful implication, to be drawn from the express authority conferred or deduced as an attribute which legitimately inheres in the nature of the powers given, and which flows from the character of the Government established by the Constitution. In other words, whilst confined to its constitutional orbit, the Government of the United States is supreme within its lawful sphere.

Every function of the Government being thus derived from the Constitution, it follows that that instrument is everywhere and at all times potential in so far as its provisions are applicable.

Hence it is that wherever a power is given by the Constitution and there is a limitation imposed upon the authority, such restriction operates upon and confines every action on the subject within its constitutional limits.

Consequently it is impossible to conceive that where conditions are brought about to which any particular provision of the Constitution applies, its controlling influence may be frustrated by the action of any or all of the departments of the Government.

You see, Mr. President, that was so clear in the case of Pearcy against Stranahan. The court said:

It is impossible to conceive that where conditions are brought about to which any particular provision of the Constitution applies, its controlling influence may be frustrated by the action of any or all of the departments of the Government.

So it will be seen that the court itself might improperly, if I may say with respect, frustrate the legitimate action of government.

Those departments when discharging within the limits of their constitutional power the duties which rest on them may, of course, deal with the subjects committed to them in such a way as to cause the matter dealt with to come under the control of provisions of the Constitution which may not have been previously applicable. But this does not conflict with the doctrine just stated, or presuppose that the Constitution may or may not be applicable at the election of any agency of the Government.

The Constitution has undoubtedly conferred on Congress the right to create such municipal organizations as it may deem best for all the Territories of the United States, whether they have been incorporated or not, to give to the inhabitants as respects the local governments such degree of representation as may be conducive to the public well-being, to deprive such Territory of representative government if it is considered just to do so, and to change such local governments at discretion.

That is great power, Mr. President, remarkably well expressed in the language of this decision. I continue the quotation:

As Congress in governing the Territories is subject to the Constitution, it results that all the limitations of the Constitution which are applicable to Congress in exercising this authority necessarily limit its power on this subject. It follows also that every provision of the Constitution which is applicable to the Territories is also controlling therein. To justify a departure from this elementary principle by a criticism of the opinion of Mr. Chief Justice Taney in Scott v. Sandford (19 How. 393) is unwarranted. Whatever may be the view entertained of the correctness of the opinion of the court in that case in so far as it interpreted a particular provision of the Constitution concerning slavery and decided that as so construed it was in force in the Territories, this in no way affects the principle which that decision announced that the applicable provisions of the Constitution were operative.

In the case of the Territories, as in every other instance, when a provision of the Constitution is invoked, the question which arises is not whether the Constitution is operative, for that is self-evident, but whether the provision relied on is applicable.

As Congress derives this authority to levy local taxes for local purposes within the Territories, not from the general grant of power to tax as expressed in the Constitution, it follows that its right to locally tax is not to be measured by the provision empowering Congress "to lay and collect taxes, duties, imposts, and excises," and is not restrained by the requirement of uniformity throughout the United States. But the power just referred to, as well as the qualification of uniformity, restrains Congress from imposing an impost duty on goods coming into the United States from a Territory which has been incorporated into and forms a part of the United States.

Which had not been done as yet in the case of Porto Rico and which has never yet been done in the case of the Isle of Pines.

This results because the clause of the Constitution in question does not confer upon Congress power to impose such an impost duty on goods coming from one part of the United States to another part thereof, and such duty besides would be repugnant to the requirement of uniformity throughout the United States.

Then Mr. Justice Gray said:

The civil government of the United States can not extend immediately and of its own force over territory acquired by war. Such territory must necessarily, in the first instance, be governed by the military power under the control of the President as commander in chief.

That, it will be recalled, in the case of Cuba was done by General Wood, who first had military control of Cuba and at the same time had military control over the Isle of Pines, and then later the control of the Isle of Pines was given over to Cuba, the de facto government—not the legal government, not the de jure government, but the de facto government—and so, as Mr. Justice Gray said:

The civil government of the United States can not extend immediately and of its own force over territory acquired by war. Such territory must necessarily, in the first instance, be governed by the military power under the control of the President as commander in chief. Civil government can not take effect at once, as soon as possession is acquired under military authority, or even as soon as that possession is confirmed by treaty. It can only be put in operation by the action of the appropriate political department of the Government, at such time and in such degree as that department may determine.

So in the case of the Isle of Pines. The Isle of Pines has never even yet been incorporated in the United States. Therefore for the purposes of taxation it must of necessity be considered foreign soil.

To continue the quotation from Mr. Justice Gray:

In a conquered territory, civil government must take effect, either by the action of the treaty-making power, or by that of the Congress of the United States. The office of a treaty of cession ordinarily is to put an end to all authority of the foreign government over the territory; and to subject the territory to the disposition of the Government of the United States.

But the Congress determined that it would not incorporate the Isle of Pines into the territory of the United States, as I feel it could have done, because in my opinion we acquired title to the Isle of Pines through Article II of the treaty of Paris, which is the identical article of the treaty which gave us Porto Rico and which we afterwards incorporated into our territory. If we had chosen to incorporate the Isle of Pines and made it a part of our country in that sense, then of course the Isle of Pines would have had a territorial government and would have had the same freedom from duties and taxes that any other section of the United States would have.

Mr. Justice Gray continues:

The government and disposition of territory so acquired belong to the Government of the United States, consisting of the President, the Senate, elected by the States, and the House of Representatives, chosen by and immediately representing the people of the United States.

So long as Congress has not incorporated the territory into the United States, neither military occupation nor cession by treaty makes the conquered territory domestic territory, in the sense of the revenue laws. But those laws concerning "foreign countries" remain applicable to the conquered territory, until changed by Congress.

If Congress is not ready to construct a complete government for the conquered territory, it may establish a temporary government, which is not subject to all the restrictions of the Constitution.

In this case, so far as the Isle of Pines is classed, instead of getting it to incorporate in our territory and get a government of its own, it chose deliberately to turn it over for the de facto administration of the Cuban Republic, where it remains to-day.

Mr. President, I am well aware that this long and possibly specious argument has not convinced any of the proponents of the treaty, because the proponents of the treaty have not been here. In all probability they would not have been convinced had they been here.

A man convinced against his will
Is of the same opinion still.

But, Mr. President, it will be recalled that in the church to which you and I belong, sir, they sometimes sing that old song:

While the lamp holds out to burn,
The vilest sinner may return.

So I hope that some influence, which must be far above that which I possess, may bring to you, sir, new light on the subject so that you may take the same view of it which the Senator from New York holds.

When I was diverted into this long rambling departure from my main argument I was reading a letter from Col. T. J. Keenan, of Pittsburgh, Pa. I will now resume the reading of that letter.

When the writer visited the Isle of Pines and erected a home early in 1901, there was absolutely no question from any source as to the American title to the island.

To that statement I think we must agree. I exceedingly regret that the Platt amendment was ever enacted. If it had not been, I doubt if there would be to-day the slightest question in the mind of any person who examined at all into the merits of this question that the Isle of Pines is American territory. The adoption of the Platt amendment on March 2, 1901, was unfortunate. It was unfortunate, in my judgment, for several reasons. In the first place, it seems to me like the act of a

bully for this powerful Government to say to the little Republic of Cuba, which had just been born, "You must change your constitution; you must add to it certain articles." As all the world knows, those articles were added by the constitutional convention of Cuba.

Some of the articles of the Platt amendment are very important, and I think that they have been of great value to the people of Cuba and to the people of the United States; but there might have been found, it seems to me, some other way than the one which was chosen by Congress at that particular time. The debates in Congress at that period indicate that there was serious difference of opinion as to the propriety at least of some of the articles of the Platt amendment. The first article of the Platt amendment denied to Cuba the right to impair her independence by treaty with a foreign power. That article, which is in force now because it is a part of the constitution of Cuba, was forced into that constitution by the action of this Congress. It deprives Cuba of any right to make any treaty with a foreign power which might impair her independence.

The other day, Mr. President, a Member of the Senate said that we would hesitate to impose upon Cuba any obligation as to the future rights of American citizens in the Isle of Pines should the Isle of Pines be turned over by treaty to the Republic of Cuba; in other words, in case this treaty should be ratified. The question raised by that Member of the Senate was that we would not impose upon a sovereign power any obligation to do this, that, or the other thing. Yet when we made Cuba a free nation we did impose upon Cuba, by action of the Congress, certain duties and responsibilities. I think I am right in saying that we bullied Cuba and forced her into a position relative to these matters.

The second article of the Platt amendment defines Cuba's fiscal policy. If there is anything a good American resents it is to be told how much money he can spend and how much he can not spend. I had the pleasure, Mr. President, to visit my dear old father and mother on last Friday. My father was 87 years of age on that day and it was the sixty-third anniversary of my parents' wedding. My father, a New England Yankee, believing in thrift, insisted on knowing whether or not I was saving any money. I think he was leading up to asking me what I intended to do with the $2,500 a year extra which Congress has voted each of us. Of course, one will take such a question from his father, but if anybody else talks to him about how he is going to spend his money and whether he is going to save it and what he is going to do with it, he is apt to resent it a little bit.

However, Mr. President, we did not hesitate in the second article of the Platt amendment to tell Cuba how she should spend her money. We determined what should be her fiscal policy. Article III recited the right of the United States to intervene to preserve the independence and repose of Cuba. It gave us the right to go down there at any time when some persons may stir up a revolution and create enough sentiment here to give the spectacular newspapers an opportunity to say that great outrages are being perpetrated in the island of Cuba which deserve the immediate attention of the United States. In such contingencies resolutions are passed by the thousand, and petitions by the hundreds come to the Senate demanding intervention in Cuba. We did go down to Cuba and intervene a second time. So Congress decided to fix matters so that we could go at any time; and the Platt amendment, which we forced Cuba to write into her constitution, recites the right of the United States to intervene. For what? For the ostensible purpose of preserving the independence and repose of Cuba.

Mr. President, Article IV of the Platt amendment validated the action of the military authorities of the United States during the occupancy of Cuba. I suppose we feared that by reason of the acts which were perpetrated by our military forces we should get a release, and so this particular article of the Platt amendment provides for that release.

The fifth article guaranteed the sanitation of Cuba. It will be recalled, Mr. President, that when we first occupied Cuba yellow fever was prevalent there. One of the most remarkable advances in sanitary science was put in effect by General Gorgas. I am proud to think that an American did this great work. Americans discovered that not only is malaria carried by the mosquito but that yellow fever is so conveyed.

Some of our brave soldiers permitted themselves to be shut in rooms, screened off from the possible admission of mosquitoes, and there slept upon bedding moist with the secretions of persons who died of yellow fever, in order to make clear that it was not the excretions or secretions or emanations of the victim of yellow fever which made possible the transmission of that disease to other persons, but that it has to be carried through the intermediary of a mosquito.

I am surprised, Mr. President, that the Congress of the United States would do so human a thing as to give thought to the health of the people. I recall that when the tax bill was pending last year I proposed an amendment to exempt from taxation losses incurred by reason of sickness, including doctors' bills, medicine bills, nurses' bills, and hospital bills. The Senator from Utah [Mr. SMOOT], mistaking the point entirely, asked, "You are not serious about this, are you?" I replied, "I certainly am." He said, "If you are going to do something for the doctors, why do you not do it for the lawyers?" I answered, "The lawyers are already in the bill." He said, "I will defy you to show where the lawyers are in the tax bill." I replied, "The bill provides exemptions for losses incurred by reason of theft and other casualties, and that covers the lawyers." That got a laugh from the Senate, but it did not help put my amendment in the bill. Afterwards I asked one of the venerable Members of this body what was wrong with my proposal. He answered, "Well, the purpose of government is to protect property." When I thought about that it disturbed me, and I spent practically the entire summer last year studying the Constitution and its origin. I was amazed to find that in the Constitutional Convention the thread ran all through that the purpose of government is to protect property.

Mr. President, I dispute that with all the strength of my body and soul. The purpose of government is to serve humanity. So, while I find fault with the spirit of the Platt amendment in many respects, I am glad that it contained that provision in regard to sanitation in Cuba, because it guaranteed that not alone should the Cuban people be protected but our people should also be protected by wiping out the source of infection. So that was one of the clauses of the Platt amendment.

Then we come to Article VI, which says:

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

It is that article of the Platt amendment, forced into the constitution of Cuba by action of the this Congress, which raised a doubt as to the ownership of the Isle of Pines, and which, as I have said before in this body, placed a moral mortgage upon the title of the United States to that island. So long as the Platt amendment remains in force, there is a mortgage upon that title which I think no fair-minded person can disregard. That is one reason why I am so insistent that the Senate shall commit this subject to a committee, because if it were not for that mortgage placed upon the title by the action of Congress in passing the Platt amendment I should insist, so far as I am concerned, that the title to the Isle of Pines is in the United States, and that we should proceed to incorporate it in the territory of the United States. Candor forces me to state, however, that with that mortgage upon the title we can not take possession of the Isle of Pines without the consent of Cuba.

Mr. President, I begin to feel a sense of relief. I find that more and more of the real leaders of the Republican Party are appearing, and I feel hopeful that the differences which existed have been ironed out, and that soon there will be transmitted to the Senate the message of what it is the Senate's duty to do in the matter of the confirmation of an Attorney General.

So, to revert to the letter of Colonel Keenan, he says:

> When the writer visited the Isle of Pines and erected a home early in 1901 there was absolutely no question from any source as to the American title to the island.

He was there, you see, before the mortgage of the Platt amendment had been placed upon this title.

Continuing, Colonel Keenan's letter says:

> Not only had assurance of such title been officially given to various inquiries addressed to the Government at Washington and by President McKinley to personal friends—

I should be glad to direct the attention of the Senator from Ohio [Mr. FESS], now in the chair, to this statement, because I was much impressed yesterday by his insistence that President McKinley never had expressed himself on this subject. Here is a witness, Mr. President, who should be a competent witness to bring to the committee any evidence which he may possess as to the actual attitude of President McKinley, because he says this in the letter:

> Not only had assurance of such title been officially given to various inquiries addressed to the Government at Washington and by President McKinley to personal friends—

I have no testimony on the subject, but I wish that might be followed out; and I had in mind, after hearing the Senator from Ohio yesterday, that I should attempt to find from Colonel Keenan what he knows about any statement which may have been made by President McKinley—

but the island had by the direction of the President himself been placed upon the official map of the United States and its colonies. The United States Government had even issued a pamphlet of information for the benefit of prospective settlers in the new American territory.

That was so ably presented yesterday by the Senator from Ohio [Mr. WILLIS], who brought before the Senate the copy of that particular pamphlet which emphasized the many attractions of the Isle of Pines that after one read that pamphlet he would wonder why anybody would want to go to heaven instead of going to the Isle of Pines, because it certainly did give a picture of a most marvelous piece of ground; and when my colleague [Mr. WADSWORTH] a day or two ago spoke about the lack of fertility of the Isle of Pines and its uselessness generally I regretted that he did not hear the words used by the Senator from Ohio, quoted from this particular description of the Isle of Pines.

Here is a very important statement made by Colonel Keenan:

The Catholic Church, regarded as an authority in Spanish-American countries, had formally attached the island to the diocese of Florida instead of that of Habana.

According to this statement, there had been a formal transfer of the Isle of Pines from the diocese of Habana to the diocese of Florida. That is a very important statement. I want to read it again.

Mr. BLEASE. Mr. President, whose letter is that?

Mr. COPELAND. This is a letter of Colonel Keenan, of Pittsburgh, a large owner in the Isle of Pines:

The Catholic Church, regarded as an authority in Spanish-American countries, had formally attached the island to the diocese of Florida instead of that of Habana, and innumerable publications, official and unofficial, classed it—

Meaning the Isle of Pines—

with Porto Rico, the Philippines, and other territory that had come to the United States as a result of the war with Spain. To cite a single instance, that standard work, Our Islands and Their People, published the year following the Spanish-American War, and edited by Gen. Joseph Wheeler, one of the heroes of that war—a book which reached a greater circulation than any similar publication had ever attained—says, in referring to the Isle of Pines—

This is a quotation from Gen. Joseph Wheeler's book—

as one of the fruits of her recent victory over Spain, the United States acquired by right of conquest the beautiful West Indian region known as the Isla de Pinos, which translated signifies the Isle of Pines.

So apparently General Wheeler, one of the heroes of the war, whose statue was unveiled to-day in Statuary Hall, a great publicist, familiar with all the details of the matter, had not the slightest doubt, as this quotation indicates, that the Isle of Pines was acquired by the United States by right of conquest.

Continuing the quotation from the letter of Colonel Keenan:

The text of official utterances from Acting Secretary of War Meiklejohn, General Pershing, and others, which the above quotation reflects, have already been laid before the Senate and need not be repeated here.

You will recall those letters—the letter of Mr. Meiklejohn, Assistant Secretary of War and at one time Acting Secretary of War; General Pershing, at that time an officer in the War Department; and others who wrote in reply to inquiring persons that the Isle of Pines was American territory. It is all a matter of record. I do not think we can refer to them too frequently, because they indicate the responsibility of our Government in this matter of the purchase of land in the Isle of Pines by American citizens. Sneer at it as we may, the fact remains that the Assistant Secretary of War, Mr. Meiklejohn, on August 14, 1899, directed John J. Pershing, Assistant Adjutant General, to write to George Bridges, of Carlisle, Pa. Mr. Bridges had said he was no land-grabber, but desired to operate sawmills on the island. General Pershing replied:

This island was ceded by Spain to the United States, and is, therefore, a part of our territory, although it is attached at present to the division of Cuba for governmental purposes.

On January 13, 1900, and January 15, 1900, Mr. Meiklejohn again replied to correspondents, stating that the Isle of Pines was a part of our territory.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. BLEASE. I should like to ask the Senator if he can tell us to what religious denomination the Americans in that island belong?

Mr. COPELAND. I think the Americans are all Protestants.

Mr. BLEASE. I thank the Senator.

Mr. COPELAND. I have been so told by persons who know. So that is what Mr. Keenan means when he says:

The text of official utterances from Acting Secretary of War Meiklejohn, General Pershing, and others, which the above quotation reflects have already been laid before the Senate and need not be repeated here, but as a matter of personal knowledge I wish to state that President Roosevelt himself previous to the negotiations of the Hay-Quesada treaty favored the American annexation of the Isle of Pines; that Secretary of State Hay openly stated that the treaty did not represent his personal views, which coincided with those of President McKinley, and that P. C. Knox, Attorney General in the Roosevelt Cabinet, refused to concur in the opinion that the Isle of Pines should be surrendered to the Cuban Republic.

This is an interesting statement from Colonel Keenan, because if this statement can be verified, it shows that prominent officials knew the fact, and opposed the treaty which has been pending here for 21 years, and which we seem to be under some obligation to ratify this week. It seems to me that a treaty which has been pending 21 years might well be put over for six months while American citizens by the hundreds, our own flesh and blood, of our own Nation, should be given the privilege of explaining their desires to Senators of the United States. It seems to me that we might well wait a few more months and do this in a decent way rather than now, after waiting all these years, by unseemly haste to rush into a decision.

Continuing the letter from Colonel Keenan:

Even the Cuban officials from President Palma down with whom I talked in Habana in 1901, and previous to the American evacuation in 1902, voiced the universal impression that the Isle of Pines was American territory, and many of them, in view of this fact, advised me to increase my investments on the island.

The national responsibility is piling up if this man tells the truth. He was advised by responsible persons that this island belonged to us, and he was advised to increase his holdings in the island.

As the result of this advice—

You know, Mr. President, Lincoln said he was the most advised man in the world. I suppose every man, looking back on his own life, would feel that he was the most advised man in the world, but there is one good thing about advice—you do not always take it. There is no obligation resting upon you to do so, but it seems that Colonel Keenan took the advice that was offered him. So I continue his letter:

As a result of this advice, in which Gen. Leonard Wood, the military governor of Cuba, concurred—

Here is another witness, Mr. President, who can be called in, a man still with the Government, now in the Philippines. This writer quotes him:

As a result of this advice, in which Gen. Leonard Wood, the military governor of Cuba, concurred—

The present occupant of the chair [Mr. FESS], who spoke yesterday, said that a remarkable thing about this whole transaction is that reference is made always to dead men. Here is a living one to whom reference has been made:

As a result of this advice, in which Gen. Leonard Wood, the military governor of Cuba, concurred, I largely increased my holdings on the Isle of Pines, and invested over $50,000 in buildings and other permanent improvements.

I did not know there was that much money in the world, but this man bought $50,000 more of property in the Isle of Pines because persons in authority, including General Wood, as he says, advised him to do this.

I largely increased my holdings on the Isle of Pines and invested over $50,000 in buildings and other permanent improvements. My total investment of approximately a quarter of a million dollars was all made under what I regarded as unquestionable assurances that the Isle of Pines would remain American territory.

A quarter of a million dollars! I do not know Colonel Keenan. A quarter of a million dollars may be to him what a postage stamp would be to me; but he made this investment,

That is not the worst of it, however. There were others who made investments, who did not have a quarter of a million dollars, who could not, on the advice of anybody, invest $50,000 more. They invested a few hundred dollars, or a thousand dollars, or two or three thousand dollars. They built little homes, and planted orange and grapefruit trees. They cultivated the soil, and made it, as I said, to bloom like the rose. They put all they had into the Isle of Pines, because they thought it was American territory.

I continue reading from the letter of Colonel Keenan:

As to the attitude of Secretary Hay and Attorney General Knox I have already submitted affidavits which are, I believe, in the possession of Senator UNDERWOOD. The views of Governor Wood are clearly set forth in the following set of resolutions which by his advice—

Once more, Mr. President, here is a reference to a man who is alive. He can be brought before the committee. He can be asked whether these statements are true or not. He must know a lot about what was going on down in Cuba, for he was down there a long time. This correspondent says:

The views of Governor Wood are clearly set forth in the following set of resolutions which by his advice were submitted and approved by a meeting of American settlers held at Nueva Gerona, Isle of Pines, on January 25, 1902.

I quote the resolution:

Whereas the treaty of Paris and the act of the United States Congress, commonly called the Platt amendment, plainly foreshadow that the Isle of Pines, a territory at present within the jurisdiction of the War Department of the United States Government, is to become a permanent possession of the United States—

This was in 1902. These were some resolutions which this writer, Colonel Keenan, says were prepared on the advice of General Wood:

And whereas large investments in real estate and improvements upon the island have been made under the assurances of future ownership by the United States Government; and

Whereas any period of transition from the present military government (with which we desire to express our entire satisfaction) to a permanent civil administration must be a period of unrest and uncertainty; and

Whereas it is our firm belief that as United States territory the Isle of Pines, with its exceptional advantages of soil, climate, and geographical location, will become one of the most favored and prosperous spots on earth:

Resolved, That we, the undersigned property owners and residents on the Isle of Pines, representing in our own persons or as authorized agents the ownership of more than one-half the area of the Isle of Pines, respectfully petition that the formal acquisition of the island by the United States be accomplished as speedily as possible; and we earnestly hope that whatever change in government such acquisition may involve may be a change in form only, and that the flag of the United States, which for more than three years has floated above our island, may never be hauled down.

Colonel Keenan continues:

While Governor Wood, after carefully reading the above resolutions, informed me that they exactly expressed his own sentiments—

Now, it can be seen, Mr. President, that here is reference to a man who is alive, who is quoted. I do not know whether this is true or not. I am assured that the gentleman who writes this letter is a man of character.

I never saw him but once in my life and that for about 10 minutes. He came into my office, having flown from the Isle of Pines by airplane over to Key West. He is an able-bodied man who seemed to me to possess the qualifications of manhood and uprightness which characterize every American citizen. He said, to repeat:

While Governor Wood, after carefully reading the above resolutions, informed me that they exactly expressed his own sentiments, he made one suggestion regarding them with which I could not agree. I told the general that the resolutions dealt with a subject of such great importance that I thought they should be addressed to the President of the United States. General Wood insistently urged, however, that they be addressed to the Secretary of War. When I explained the general's views to my fellow colonists on the Isle of Pines, they unanimously agreed with me that the resolutions should go direct to the President. A final decision in the matter was, however, left to my judgment, as it was fully recognized that the influence of the governor would be potential in securing the early annexation of the Isle of Pines to the United States.

That was the ambition of those persons in the Isle of Pines, that there should be a speedy incorporation of the Isle of Pines into the territory of the United States in order that there should be no doubt at all as to the ownership and particularly as to the administration of the island after the military occupation should end.

Returning again to the letter:

Immediately after the passage of the resolutions I left the island for Habana en route to Washington. Calling upon General Wood I asked if he would not formally approve the resolutions that had been passed at his suggestion. He said that his official position made it inadvisable to do this, but that he would do the next best thing by giving me a letter of introduction to Secretary of War Root to accompany the resolutions. This letter read as follows:

HEADQUARTERS MILITARY GOVERNOR, ISLAND OF CUBA,
Habana, January 27, 1902.

Hon. ELIHU ROOT,
Secretary of War.

DEAR MR. SECRETARY: Permit me to introduce to you Col. T. J. Keenan, of Pittsburgh, Pa., a large landowner in the Isle of Pines and one who has done much to improve and develop the island.

Yours sincerely,

LEONARD WOOD.

When I reached Washington a few days later I showed the resolutions to Senators Quay and Penrose, of Pennsylvania, with an explanation of the circumstances relating to their adoption. Both of the Senators advised me to take the resolutions to President Roosevelt, volunteering to accompany me. On the following day we met the President by appointment at the White House. I handed him the resolutions and letter of introduction from General Wood as well as the following letter of explanation:

NUEVA GERONA, ISLE OF PINES,
January 25, 1902.

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

DEAR SIR: At a meeting of the American residents and property holders of the Isle of Pines held at the Isle of Pines Hotel in Nueva Gerona on Friday evening, January 24, the accompanying resolution was passed by a unanimous vote.

The resolution was subsequently circulated as a general petition and signed not only by those present but by a large proportion of the native property holders of the island.

Very respectfully yours,

CHARLES RAYNARD, *Secretary.*
T. J. KEENAN, *Chairman.*

Senators Quay and Penrose explained to the President that I had brought the resolutions to him at their suggestion, as they regarded the question of territorial acquisition of sufficient importance to warrant presidential consideration.

President Roosevelt read the resolutions and accompanying letters carefully and said:

"I am glad that you took the advice of your Senators and brought these papers to me. The subject interests me very much, as I am anxious, if possible, to retain the Isle of Pines. Although the resolutions are addressed to the Secretary of War, I would suggest that you leave them with me, and I will myself hand them to Mr. Root."

That President Roosevelt kept his promise to personally transmit to Secretary Root the papers I had left with him is demonstrated by the production of those papers by the War Department in response to a request conveyed in a resolution of the Senate. They are printed on page 108, Senate Document 166.

On May 20, 1902, about four months after my interview with President Roosevelt, General Wood formally transferred the Government of Cuba to the duly elected President of the new Republic, Estrada Palma. I was present at the inaugural ceremonies in the presidential palace in Habana and talked freely with the leading Cuban officials who were in attendance. I heard no dissent from the general opinion that the constitutional omission of the Isle of Pines from Cuban territory, in accordance with the Platt amendment, was a preliminary step toward annexation of the island to the United States. This was undoubtedly the view of the matter taken by General Wood when he informed me less than a week before the inauguration of President Palma that he intended, when he evacuated Cuba, to send a military force to hold the Isle of Pines. Telegraphic orders received at the last moment from Secretary of War Root changed this decision, as he afterwards explained.

That Secretary Root persuaded President Roosevelt, against the latter's own better judgment, to order the preparation of the Hay-Quesada treaty, I have never had the slightest doubt.

The writer brings out the fact it will be seen that the territory was not prized previous to American occupation. It was a very poor territory—I mean poor in the sense of more or less

poverty-stricken persons living there. I was much impressed by the report of the census to which reference was made by a Senator a few weeks ago. He gave emphasis, I thought, to the persons of superior education in the Isle of Pines at the time the enumeration was taken in 1899.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. I understand there are on the island about 900 white people—Americans—and 4,000 Cubans. Is that correct?

Mr. COPELAND. I think that is about right.

Mr. McKELLAR. And, of course, if the Americans are left there, they will be under the absolute domination and control, locally——

Mr. COPELAND. And politically.

Mr. McKELLAR. Yes; and politically, of the Cubans. I also understand that of the 4,000 Cubans practically none of them can read or write in any language.

Mr. COPELAND. That is the point I was about to bring out.

Mr. McKELLAR. And what the American Government will be doing if the treaty is ratified, as I understand it, after having invited the 900 white people to go there and settle on that island as American territory and after they have acquired 90 per cent of the real estate of the island, is then to turn them over to the tender mercies of the colored population of the island, practically all of whom can not read or write, and put those white persons under their dominion and control. I take it that it is hardly humane to treat American citizens in that way. Of course, Congress, as I look at it, will have to take the back track if we attempt to turn the island over to Cuba and turn these white people over to the dominion and control of the colored population of that island, and that for humanitarian reasons, if for no other reason, we will have to pay the American citizens for their holdings in the island—for their property in the island—and in addition to that we will have to bring them back to America. May I ask the Senator if that is not the situation?

Mr. COPELAND. I may say that undoubtedly there will be complications very difficult to deal with. Let me warn the Senator that unless the Republicans are ready to proceed with the confirmation of the nomination of an Attorney General I do not want to be ruled off the floor, so I hope the Senator will not speak too long.

Mr. McKELLAR. If there is any intention to take advantage of the rule in that way, I do not want to deprive the Senator from New York of his rights.

The PRESIDING OFFICER. The Chair will protect the Senator from New York until objection is made.

Mr. COPELAND. I thank the Chair.

Mr. McKELLAR. Why not send the treaty back, if we can not do any better, with request to the President to negotiate a treaty in keeping with the facts as they are to-day, and not the historic facts as they were twenty-odd years ago. The entire situation has changed. Why ratify a treaty that was made so long ago? The statute of limitations has run against the treaty. Two Presidents passed by without ever knowing there was a suggestion of such a treaty. If they did, they never made it known to the Senate.

Mr. BRUCE. Mr. President, I serve warning that I propose to raise the point of order if the Senator from Tennessee continues.

Mr. McKELLAR. I ask the Senator from New York if he does not agree with that state of facts?

Mr. COPELAND. I must reserve my right to the floor and proceed.

What the conditions were previous to the American occupation will probably be the most illuminating answer which I could possibly make to the Senator from Tennessee. I have here the report of the census of Cuba made by the War Department in 1899. At that time there were 3,199 persons on the island, a total population of 3,199. There were 1,782 males and 1,417 females. There were 2,480 natives and 190 foreign whites, according to the census. Of these persons 2,990 appeared to be natives, at least; whether born there or not, I do not know. But here is the interesting thing: A Senator said, or I thought the inference from his statement was, that the educational facilities were so superior that everybody was educated, but that there were 22 persons who had what might be called technically a superior education. Now, what are the facts? Of the Cuban citizenship of the males who can neither read nor write there are 316; who can read but not write, there are 2; who can read and write, there are 283. Out of 617 male natives more than half could not read or write. Of the colored persons, there were 110 who could not read or write, and only 33 who could read and write.

The school attendance is interesting. Of children under 10 years of age, only 38 attended school; 784 did not go to school at all.

Mr. McKELLAR. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield for a question.

Mr. McKELLAR. Certainly the people down there do not need any schooling to rule over and dominate and control the 900 Americans whom we have sent down there?

Mr. COPELAND. Of the children of what we call school age, above 10 years of age, attending school, there were 37, and of the children of school age who could not read or write there were 1,343; of those who can read and write there were 954. Three-fourths of those children of school age could not read or write. That shows how little interest was taken in the Isle of Pines before American occupation. Wherever there is civilization the first effort is to disseminate knowledge. Schools are the means of education; so are the churches and other uplifting organizations. So Colonel Keenan says:

> I heard Gonzalo de Quesada make the first declaration of Cuba's intention to demand the Isle of Pines. I know that that demand was inspired solely by a realization that American settlement and development had given a new value to a despised and neglected territory.

Mr. President, was it not despised and neglected when three-fourths of the children of school age could not read or write? Colonel Keenan continues:

> I have seen the demand grow proportionately insistent as Cuban cupidity became more and more excited by the growing value of the Isle of Pines. I know that if the island is turned over to them by a vote of the United States Senate it is the intention of the Cubans to drive away the American colonists by a campaign of persecution and repression and gain possession of their property. The treatment which the colonists have already received at the hands of the carpet-bag Cuban officials is ample evidence of what is in store for them when those officials no longer fear the restraining hand of Uncle Sam.

Quoting further from Colonel Keenan's letter:

> I venture to predict that the fate of the American colony on the Isle of Pines under unrestricted Cuban rule would lie heavily upon the conscience of every Member of the United States Senate who voted for the approval of the Hay-Quesada treaty. At the very moment when our Government is wrestling with Holland, the most competent of colonial administrators, for possession of an insignificant islet in the vast Philippine Archipelago, it is proposed to turn over to a weak and incompetent Government an island of great strategic and commercial value as large as an American State and only 160 miles distant from our own coast line.
>
> As publisher of a Pittsburgh newspaper, I strongly supported the cause of Cuban independence in 1897 and 1898, for I had in the former year witnessed in Cuba the inauguration of Weyler's inhuman recontrada policy; a policy which in a few months wiped out one-fourth of the Cuban population. At the time of the establishment of the independent Cuban Government, my prejudices were all in favor of the new Republic, but aside from my own unpleasant experiences with Cuban officials on the Isle of Pines I have found nothing but black ingratitude toward the United States on the part of the Cuban Government and people. The advice of the United States on matters of vital importance that came plainly within the purview of the Platt amendment has been openly flouted, and the platform upon which the present President of Cuba was elected declared boldly for the abrogation of the amendment itself.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I will yield for a question.

Mr. KING. I wish to be entirely frank with the Senator. I wish to introduce a resolution, to have it read, and then have it lie upon the table, if the Senator will consent to yield to me for that purpose.

Mr. COPELAND. Mr. President, if my yielding does not endanger my possession of the floor, I will yield.

Mr. KING. I do not think it will do so; and if it does, I shall not press the request.

Mr. SMOOT. The only objection to the Senator from New York yielding to my colleague would be that the presentation of a resolution by my colleague might be considered business; and so the Senator from New York on resuming the floor would be making his second speech during the day.

The PRESIDING OFFICER. The Chair will say to the Senator from New York that he will protect him so long as he proceeds in order.

Mr. KING. I will not press my request for a moment.

Mr. COPELAND. Let me say, Mr. President, that I have no objection at all, if it shall be a parliamentary procedure, to the introduction of the resolution by the Senator from Utah, but I do not want it to interfere with my rights.

Mr. KING. It might do so, and so I shall not press the request for the moment.

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. COPELAND. Of course, this statement made by Colonel Keenan is a very strong one, and I do not vouch for it, but it is a statement which should be verified by the Senate or else disproven. Colonel Keenan says:

The advice of the United States on matters of vital importance that came plainly within the purview of the Platt amendment has been openly flouted, and the platform upon which the present President of Cuba was elected declared boldly for the abrogation of the amendment itself. It is openly boasted in Habana that as soon as Cuba has secured the Isle of Pines under the provisions of the Platt amendment repudiation of that document will follow as a matter of course.

In this connection I desire to read a statement which was mailed to me by a correspondent in which there is copied a quotation, as the writer says, from a reputable magazine. I do not wish to insert a lot of hearsay material in the RECORD, but I do want to put this into the RECORD for the purpose of further study and investigation. The quotation is as follows:

July, 1923, the Cuban Congress passed a joint resolution condemning American interference and urging that "all parties unite in order to impress upon the Government of Cuba and the United States that the Cuban people do not desire any outside interference with their civil affairs," and hinting that any such interference might end in the breaking of the moral and historical ties which have hitherto bound our country to the great Republic of North America.

I simply speak of that at this moment because it is apropos the statement made to me in the letter of Colonel Keenan from which I have been reading and to which I desire again to direct my attention.

And yet Secretary Root in a letter to Senator T. C. Platt on December 18, 1903, found in Senate Document 166, at page 284, after declaring that Assistant Secretary Meiklejohn and Assistant Adjutant General Pershing had no authority to say that the Isle of Pines was American territory, concludes:

"I also think, however, that the Americans who settled in the island could not be expected to know whether it was a part of the duty of an Assistant Secretary of War to decide or make representations about the title of the island, and that they have a strong equitable claim to have our Government to take special pains to see that their rights are protected."

That is the letter of Secretary Root to Senator T. C. Platt, dated December 18, 1903.

Who can dispute the logic of that statement. I have heard on the floor of the Senate statements belittling the importance of Assistant Secretary Meiklejohn's letters, whether he acted as Assistant Secretary of War or as Acting Secretary of War; but I ask you, Mr. President, who can doubt that the average American citizen, reading the letters written by Mr. Meiklejohn and by General Pershing, reading the pamphlet issued by the Government calling attention to the beauties and the desirability of the Isle of Pines, and gazing upon any one of these maps, whether issued in 1899 or 1900 or 1901 or 1903—who can doubt that any average citizen, with that evidence before him, would naturally form the conclusion that the Isle of Pines is American territory and a suitable place for an American to make his domicile who desires at the same time to live under the Stars and Stripes.

There is not any doubt in my mind, Mr. President—not the slightest doubt—that that would be the logical conclusion for any person, no matter how intelligent, no matter how well informed, except he had expert knowledge of government, to reach regarding the ownership of this island.

So Secretary Root well says in this letter:

I also think, however, that the Americans who settled in the island could not be expected to know whether it was a part of the duty of an Assistant Secretary of War to decide or make representations about the title of the island, and that they [such citizens] have a strong equitable claim to have our Government take special pains to see that their rights are protected.

Mr. President, why belittle Secretary Meiklejohn? In my judgment, Secretary Meiklejohn in the statements he made and the letters which he wrote was simply giving out to the public the information that the Isle of Pines was American territory. Why? Because it was the belief of the Government at that time that the Isle of Pines belonged to the United States.

If I may continue the reading of this letter, Mr. President:

None of the Senators who advocate the approval of the Hay-Quesada treaty seem to be willing to go as far as the instigator of that treaty himself in protecting the rights of the American colonists on the Isle of Pines.

It might be remarked in passing that Secretary Root, in undertaking to repudiate the assurances which an "Assistant Secretary of War" gave to the Isle of Pines colonists, ignores the fact that at least one of his communications is signed by Mr. Meiklejohn as "Acting Secretary of War." In this capacity it must be admitted that Mr. Meiklejohn's assurances were as authoritative as those of Mr. Root himself would be.

I do not think anybody can question that statement; and my surprise is that there are not more of these letters in evidence, because I am convinced by my study of this question that there never was a doubt in the mind of William McKinley, beloved by everybody in this great country, regardless of his political affiliations, that the Isle of Pines was acquired under Article II of the Paris treaty; and if so acquired, and if by some legerdemain, if by some magic, if by some revelation it could be made clear to Senators who oppose the view I take upon this subject, Senators who are proponents of the treaty, that we acquired title to the Isle of Pines under Article II of the treaty, we would not be here to-day. We would be in recess, as I said a little while ago, while the Republicans are determining what shall be done about the nomination of Mr. Warren as Attorney General of the United States.

Painful as it may be to you, Mr. President, to listen to these remarks of mine, I confess that there are things which I would rather do than to hold forth on this particular subject; but there never was any question in the mind of President McKinley that the Isle of Pines belonged to the United States, and 10,000 American citizens, or at least some reasonable fraction of this number of citizens, located in the Isle of Pines because of assurances given by officials of the United States Government that the Isle of Pines was the property of the United States.

There is not anything quite so formidable or impressive to one unfamiliar with such matters as to receive a letter under the frank of the United States. Whenever you can send something through the mail and not pay for it, it is like riding on a pass on a railroad; somehow or other there is a joy in it and an impression made by it which is irresistible to the ordinary human being. In my city of New York if you put on the front of an automobile a "P. D." sign, showing that that automobile is franked by the police department, it immediately increases the social standing of the possessor of the automobile and of the sign! There is something in human nature which renders the average person susceptible to the influence of the emblem of authority; and so when these American citizens received letters under the frank of the Government, with the official emblem of the department in the corner, sent out to one who is anxious to make his removal to some other section of our great country, who can doubt that Mr. Root was right in saying that—

Americans who settled in the island could not be expected to know whether it was a part of the duty of an Assistant Secretary of War to decide or make representations about the title of the island, and * * * they have a strong, equitable claim to have our Government take special pains to see that their rights are protected.

And, besides that, Mr. President, the Assistant Secretary himself, at the time he gained his information as to the title of the Isle of Pines, undoubtedly received it from an authoritative source, a source which he could not ignore.

I continue the reading of the letter:

It might be remarked in passing that Secretary Root in undertaking to repudiate the assurances which an "Assistant Secretary of War" gave to the Isle of Pines colonists ignores the fact that at least one of his communications is signed by Mr. Meiklejohn as "Acting Secretary of War." In this capacity it must be admitted that Mr. Meiklejohn's assurances were as authoritative as those of Mr. Root himself would be.

On November 10, 1902, I was a member of a delegation which called upon Secretary John Hay to urge the retention of the Isle of Pines by the United States.

The delegation was headed by Senator Cullom, chairman of the Senate Committee on Foreign Relations. Responding to remarks by Senator Cullom and others, Secretary Hay stated that he had no hesitation in saying that he believed that the Isle of Pines had been ceded by Spain to the United States, and that it was as much American territory as the ground on which the War, State, and Navy Building stood. President Roosevelt had, however, directed him to prepare a treaty ceding the island to Cuba and it was his official duty, as Secretary of State, to obey those instructions.

I had subsequent assurances from Hon. P. C. Knox, Attorney General in the Roosevelt Cabinet, that he shared Secretary Hay's views regarding the Isle of Pines, and that the Hay-Quesada treaty did not have his approval. If the treaty had been brought up during Mr. Knox's senatorial term I had his assurance that he would vote against its confirmation.

As Secretary of State in the Taft Cabinet Mr. Knox never asked for the approval of the Hay-Quesada treaty, and it was at his suggestion that I prepared the open letter, of which I send you a copy. Mr. Knox finally decided, I was informed, that out of courtesy to a predecessor in the State Department he would permit the treaty to be disposed of by the Senate without suggestion from him. Neither President Taft nor President Wilson during their terms of office ever asked the Senate to ratify the treaty, and even President Roosevelt, in whose administration the treaty was negotiated, refrained from any effort to influence the Senate in its favor. Among all the Secretaries of State who have been in office since the Spanish-American War, Root and Hughes alone have urged the Senate to ratify the Cuban treaty, and even Secretary Root had too much respect for the dignity of his office to permit the State Department to be made a disseminating agency for the paid propaganda of a Cuban lobby.

It has been stated several times—and it has seemed to me that the statement is unfair—that we should ratify this treaty because every President from Roosevelt to Coolidge, and every Secretary of State from Hay to Hughes, has recommended its ratification. That is not the fact. During Mr. Taft's administration nothing was said about the treaty. During the two terms of Mr. Wilson's administration nothing was said about it. Why has it become so tremendously important just now to ratify the treaty? What is there about this year of grace, 1925, which makes it the particular year when this treaty must be ratified?

I have suggested to the Senate a means of ratification, so far as I am concerned, a ratification which could occur in the year 1925, if necessary and essential. Why is it, I ask, that any Senator is so insistent that the treaty should be ratified now? What is there about it that makes that necessary? Why is it that I find in a bulletin of the National City Bank a strong argument in favor of the treaty? What interest has the National City Bank in the ratification of this treaty? Why should the National City Bank in a bulletin devoted to the financial interests of this country, devoted to economic conditions, Government finances, and United States securities—why should that great organization, that great Standard Oil organization, be so interested in the Isle of Pines treaty? What concern, may I ask, has the sugar interest, or the tobacco interest, or the citrous fruit interest, in this question?

[At this point Mr. COPELAND yielded to Mr. MCKELLAR, who suggested the absence of a quorum, and the roll was called.]

Mr. COPELAND. Mr. President, it has seemed remarkable to me that a great financial institution like the National City Bank should be so excited over this matter. I do not know what are the great interests behind this question. There is no doubt about their being here. It costs a lot of money to put out the sort of propaganda which has been distributed in behalf of this enterprise. So I am not surprised that Colonel Keenan in his letter makes reference to it.

Colonel Keenan continued in his letter:

> The amount of credence to which this propaganda is entitled may be judged from the declaration in paid advertising in American newspapers that every President from McKinley down, and every Secretary of State, favored the surrender to Cuba of the Isle of Pines.

As I said a few moments ago, it is not true that every President from McKinley down and every Secretary of State from Hay to the present time has recommended it. Through a period of at least 16 years no President and no Secretary of State made any appeal to the Senate. Why is it, I ask again, that it should become a matter of such vital importance that immediate action is demanded? Methods are already in mind to shut off debate. Why this great necessity? If the Senate of the United States would get as excited as this over the World Court a lot of folks in the United States who now think the Senate is not of much use in the world would have confidence restored.

Why is it that there should be this great excitement over the ratification of the treaty? Why is it that these great capitalistic institutions have an interest in what shall become of an island the size of Rhode Island and where live only 4,000 persons? Why is it, I ask, that the Senate actually considers the violation of the moral rights and I believe the legal rights of American citizens in order that now, this week, by Saturday night, this treaty shall be ratified? What is there about the treaty of such vital importance all at once? Why should a document, which for 16 years has reposed in the dust of the archives of the Capitol, now be resurrected? There have been so many changes and so many vicissitudes in the personnel of committees and in the physical location of committee rooms that the first treaty could not even be found, or was not found until I advertised to the world that the treaty had been lost. The treaty would have been lost, too, if there had not been some great power back of it, a power which all at once realizes that for some reason of its own the treaty must be put into effect and the Isle of Pines turned over to Cuba. What reason is there? I ask the proponents of the treaty, what reason is there? What reason is there that they are not willing to let the Committee on Foreign Relations or a special committee of the Senate take the matter in charge, have hearings, and let those persons have their day in court who are going to be heard anyhow? Why not? Why not? Ah, I hope there are enough fair-minded, open-minded, generous-hearted, warm-blooded, and red-blooded Americans in the United States Senate to say "We decline to take conclusive action in this matter until our brothers and sisters, American citizens, have been heard." Is there anything wrong about that? Is there anything unreasonable about it?

Mr. President, once more I want to test the sentiment of the Senate. I ask through you, sir, are not the proponents of the treaty willing to let the matter be considered and fix a day, I do not care what day it is, in December when the report shall be received and voted upon? That is a fair offer. There is not so much at stake surely that the matter must be acted upon now and action taken immediately. That is what I am asking Senators. I think I can even see the document which, under that unusual rule of the Senate that can be invoked on occasion, is being prepared, where 16 Senators sign a petition and present it to the Presiding Officer. On the second day thereafter, which would be Saturday, without debate, two-thirds of the Senate concurring, and to the exclusion of everything else, this matter is to be before the Senate, each Senator having an hour to debate it, and at the end of that limited debate a vote shall be taken upon whether or not the treaty is to be ratified.

Senators, I can not believe it possible, I can not believe it possible that the men chosen by the various States of the Union should so disregard the property rights and the moral rights and the legal rights of those citizens who have gone to the Isle of Pines. To me it is an amazing thing. I feel humiliated almost beyond words to think that it should be necessary, as I believe it is or I would not be here, to go forward in this manner in order to defer action. This is an action which will cause shame in my humble judgment in the years to come to every Senator voting to ratify a treaty giving over these persons and their property to a people with whom they have nothing in common, and sacrificing the property and personal and natural rights of these citizens—and why? Because, forsooth, the treaty has been pending for 21 years and must be settled this week. At least, Mr. President, I have a comfortable place to go and when I go to my home and look up into the trees and the mountains I shall have the consciousness in my soul that I have done the best I could do to save these Americans from the humiliation and the miseries which will come to them if the treaty shall be ratified.

Colonel Keenan's letter continues:

> The American colonists who were fighting for their homes and liberties in the Isle of Pines have neither the means nor the inclination to imitate the methods by which a subsidized lobby of Cubans and Americans at Washington are seeking support for the Hay-Quesada treaty. They have right, justice, and American patriotism on their side, and with these they feel confident that their cause will ultimately prevail.

A little while ago—it might have been two or three hours ago, because I am on my fifth hour now—I read a letter stating that every day at 11 o'clock the men, women, and children in the Isle of Pines meet to pray that Senators will not ratify this treaty. It was in old-fashioned times when people resorted to prayer. The method now, Mr. President, is to advertise, so this propaganda has gone out; and the question involved here

is whether the prayers of those poor persons, American citizens on the Isle of Pines, shall prevail or whether the propaganda put out by the great financial interests of this country shall prevail. This letter goes on to say:

Senator Foraker, whose favorable report of the Hay-Quesada treaty, as the chairman of the Senate committee in 1906, has often been referred to, at a later date changed his mind completely in regard to the matter. In a letter to W. F. Nelson, of Chicago, written September 5, 1916, he strongly advocates the retention of the Isle of Pines by the United States.

Yesterday the Senator from Ohio [Mr. FESS] laid great stress upon the position taken by Mr. Foraker, the chairman of the Subcommittee on Foreign Relations, who at first recommended the ratification of the treaty. I quote from the CONGRESSIONAL RECORD of yesterday, page 136, and from a speech made by the Senator from Ohio.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from New York a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I will yield for a question.

Mr. SHORTRIDGE. Certainly; I only ask the Senator to yield for a question. About how many hours does the Senator expect to continue his address?

Mr. COPELAND. Mr. President, I am willing to stop now——

Mr. SHORTRIDGE. Thank God!

Mr. COPELAND. Yes; thank the Lord. I have felt that way when the Senator from California is talking, even when he is talking for a shorter time than I have occupied this afternoon. I am willing to stop now if the Senate is willing to fix a date in December, 1925, for a vote on this treaty, in the meantime instructing the Committee on Foreign Relations, or a special committee, to hear these persons from the Isle of Pines and to take into consideration all the features involved. As I have previously stated, if that committee, after having heard these persons, shall bring in a report saying that such and such an adjustment should be made and that the treaty should be ratified, I pledge myself, as I have done repeatedly, that I shall vote for the report of the committee. I am willing at this moment to yield the floor if it may be the understanding that such a motion shall be agreed to. I do not wish to talk; I have had 4 hours and 22 minutes of it already.

Mr. SHORTRIDGE. Mr. President——

Mr. COPELAND. Mr. President, I yield for a question. I do not want to lose the floor.

Mr. SHORTRIDGE. I merely ask the Senator to yield for a question. Inasmuch as the Senator from New York has so elaborately and earnestly advised the Senate and the country as to the facts, would he not be willing to agree to vote upon the treaty on Saturday next, say, at 2 o'clock; in view of all that he has said and the full and elaborate explanation he has given of the subject matter?

Mr. COPELAND. Mr. President, I do not believe for one moment that I am pushing out the boundaries of knowledge regarding this matter. I assume that every Senator in this body knows at this moment how he is going to vote. He knows at this moment how he is going to vote, regardless of how much he knows or how little he knows about the subject. What I am asking and what I am seeking to bring about as the grain of wheat out of all the chaff, which I hope some proponent of the treaty may discover, is the desirability of permitting the sort of investigation which I have described. Is there anything wrong about that?

Senators are going to put over the Lausanne treaty. There is not any more chance to consider the Lausanne treaty than there is to consider the golden streets of heaven; it will not be done. Senators are going to put over the World Court proposition. There is not any desire on their part to do otherwise, but I know that so far as Republicans are concerned they are rather indifferent as to how much physical effort I expend, because the Republicans have got to stay here anyway until the Warren matter shall be disposed of. So I do not think the Senator from California has any very great grievance. If he did not listen to me, he would have to listen to some other Senator; and if he does not want to listen to me, he can go and play, and I should like to go with him, but he has got to stay here anyway. He would not be permitted to leave the town until the confirmation or the refusal of the confirmation of Mr. Warren is consummated. So I do not think the Senator from California has any grievance.

The particular appeal that I am making is to a Senator whose view in favor of the treaty is just as earnest, just as conscientious, and just as honest, and just as well founded as mine. If the Senator from Pennsylvania [Mr. PEPPER], who is the leader in this matter, would rise in his place and say, "We will agree to the appointment of a special committee, or we will agree to instruct the Committee on Foreign Relations to consider this matter and to hear these persons," and then he should move that a vote be taken on some date certain, within the next few weeks or months, if the Senator feels that we are to be kept here that long, or at any date, I do not care what it may be, in December and at an hour fixed, I will leave the floor at once.

I pause for a moment to see if the Senator from Pennsylvania, whose advocacy of this matter is just as disinterested and unselfish as my attitude on the opposite side, will give me that assurance. If he will, I shall desist at once, as I should like to do.

May I say, Mr. President, that if light should come to the mind and heart of the Senator from Pennsylvania in five minutes, or this evening, or some time to-morrow, I should be glad to yield the floor at once, and we would have a love feast and go home.

Mr. President, yesterday the Senator now in this chair, the Senator from Ohio [Mr. FESS], said:

Senator Foraker, who held an official position here and who wrote the original declaration of independence for Cuba, and who was the author of the statute forbidding the issuance of franchises, and who was also the author of the Porto Rican organic law, became the chairman of the committee to report on this treaty. I do not believe that anybody who knew Senator Foraker would believe that he would easily deny to American citizens their rights. I am quite certain that no man was ever more jealous of the rights of American citizens than was Senator Foraker; and yet he, as chairman, made a long survey and had printed as a document the facts on our relationship to this matter. Here is the document, which has been reprinted. It covers many pages. He says in his "Life and works" that it took arduous labor and tedious investigation. After this man, as well versed in our relationship to this issue as anyone in this body, had gone through this research he reported that we ought to ratify the treaty and thus relinquish any claim to the Isle of Pines; we have no right to give the Isle of Pines to Cuba; we do not have the Isle of Pines to give; Senators continue to misquote the wording. The only thing we do is simply to relinquish any sort of claim that we might have to the Isle of Pines in behalf of Cuba.

That is what the Senator from Ohio said about Mr. Foraker. I referred to the matter yesterday in a brief colloquy with the Senator from Ohio, but I wish to refer again to the report to which reference was made by the Senator from Ohio in his speech yesterday.

This is Senate Document No. 205 of the Fifty-ninth Congress, first session, reprinted as Document 166 of the Sixty-eighth Congress. Mr. Foraker, from the Committee on Foreign Relations, submitted the report. It is the report which transmitted to the Senate the treaty which is now pending before the Senate. It is the report made February 1, 1906. That is 19 years ago. This egg has been incubating for 19 years. It is not to be hatched until Saturday. This report, with the treaty, was submitted by Mr. Foraker. I want to call the attention of Senators to page 37 of this report, to this one sentence. It gives information about the protests, and all that sort of thing, and it says:

In addition to the foregoing, attention is also called to Exhibit C hereof—

Now, note this—

the same having been prepared by the chairman of the Committee on Foreign Relations and printed for the confidential use of members of the committee.

Attention is called to Exhibit C. Now, what is Exhibit C? At page 205 is Exhibit C. It is marked:

Confidential.—For use of members of the Committee on Foreign Relations.

I do not want anybody to think I am revealing something that was a confidential document. The injunction of secrecy was long since removed, and this is now an official document; but this was originally a confidential document for the exclusive use of the members of the Committee on Foreign Relations. Now, you know, there are no secrets in the committee.

Mr. Foraker or any other Senator jealous of the prerogatives and rights and privileges of Senators and the relationship of his country to other countries might hesitate to speak freely in the open; but in a confidential report for the exclusive use of the members of the committee, prepared, as the report shows, by the chairman of the committee personally, the whole structure built up yesterday by the Senator from Ohio [Mr. FESS],

now in the chair, falls to the ground, because, listen to the chairman's words in confidence to the committee:

A strict construction of the treaty of peace with Spain would probably give to the United States title to the Isle of Pines.

That is the language of a confidential report to the Committee on Foreign Relations. I may be mistaken, but I thought yesterday that the Senator from Ohio [Mr. Fess] was somewhat embarrassed when I read him the statement made by the chairman of the committee at a time when officials had intimate knowledge of the problems relating to this great subject. He said:

A strict construction of the treaty of peace with Spain would probably give to the United States title to the Isle of Pines.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. For a question.

Mr. DILL. What reason has been given for never giving the Americans who are interested in the Isle of Pines a hearing before the Foreign Relations Committee?

Mr. COPELAND. Certain letters were placed before the committee 20 years ago, when the charming Senator from Washington was not yet a citizen with the right of voting, a period so long ago that a man who was then a youth has grown into eminent manhood and so distinguished himself that he has been elected to the great office of United States Senator. Think of it! That question could come from no other Senator with the same appropriateness that it comes from my charming friend the Senator from Washington.

Twenty years ago—20 years! A man has grown from a youth and is serving his third year as a Senator, after a distinguished service in the lower House. Twenty years ago, or 25 years ago, letters were put before this committee. Whether persons were permitted to say anything or not I am not fully informed, but my impression is they were not. A generation has come up, just as this young man has grown to bright manhood and to achieve fame for himself. A generation has grown up on the Isle of Pines. Men and women, boys and girls, are on their knees at 11 o'clock every day in the Isle of Pines with faith yet in Almighty God, a faith, Mr. President, which I hope will not be dispelled and destroyed by any action taken by the Senate. These persons, many of them born since this treaty first appeared in the Senate, had no opportunity to express their feelings. Why should they not have? Why should they not have?

Ah, if the Senator in charge of this measure were a different man than he is; if the Senator from Pennsylvania [Mr. Pepper], warm of heart and lofty of character, were a different man, I could quite understand why such a course might be taken. But, Mr. President, the Senator from Pennsylvania is too fine of character and too warm of heart to disregard the appeal of these American citizens who live in the Isle of Pines. Their ancestors went there because they had faith in the Government of the United States. They believed what their eyes revealed. They took seriously and believed what they read. They believed that nobody could hold office in an executive department of this great Government without being an honest man, a man who would perform his official duty in accordance with the dictates of morality and law and decency.

I do not know, I say to the Senator from Washington, I can not understand, why there should be any unwillingness now to listen to these people. I do not know anybody living down there. I have seen three or four people 10 or 15 minutes, perhaps, at a time, all told perhaps two hours. They look to me like persons having the same impulses and the same natures that we possess. I can not see anything about these persons that should make them formidable or dangerous to the Senate of the United States or to the able Senator from Pennsylvania, who leads the fight for the treaty. I can see no reason why they should not be heard. I can not answer the inquiry of the Senator from Washington. I do not know. I wish I did.

There is a tremendous amount of mystery about this thing. There have been more mental gymnastics performed, more antics and didoes cut up in connection with this thing, more somersaults performed, more changes of sentiment, than in regard to any similar matter that I can recall. Why, no wonder that a Senator who lives in a new generation, who lives in the great West, where the mountains are high, where the trees grow great, where men have their heads above the clouds, asks this question. I wish I could answer it, but I can not.

Mr. President, to return to Colonel Keenan's letter:

Senator Fornker's views regarding the value of the Isle of Pines for naval purposes are strikingly supported by the results of the survey of Isle of Pines waters now being made by the Hydrographic Bureau of the United States Navy Department. A depth of 40 feet of water has been found in Siguanea Bay, with a clear channel of 20 feet leading to it. An ordinary sand dredger can deepen this channel indefinitely. A copy of this survey would contain information valuable for the Senate of the United States to study in this connection.

That is what Colonel Keenan said, and I say it, too. If I could coax one or two Senators to look at this map I have here, I would be quite content. Perhaps the Senator from Washington [Mr. Dill], who seems, by reason of his youth, perhaps, to be uncrystallized in his views, might help me.

I have heard the statement made time and time again that the Spaniards gave up using the Isle of Pines as a penal colony because the water was so shallow that prisoners could walk to the Cuban shore. Of course, I have read in Holy Writ about the children of Israel going over the Red Sea dry-shod, and I suppose there might be some kind of a miracle which would make it possible to wade from the Isle of Pines 30 or 40 miles to the shore of Cuba, but whoever made that statement founded it apparently on those old Spanish surveys, many of which were 7 miles off in their locations.

How do I know all this? Because I had a man from the Hydrographic Office of the United States Navy, an official of the Government, come and give me a little instruction on the subject.

Let me say to the Senator from Washington that there are statements in this Foraker report, made 19 years ago, which have been obsolete ever since the Senator from Washington could vote, perfectly absurd statements.

Wade ashore from the Isle of Pines! Mr. President, we have before us a blue print of this territory, with the depths of water marked everywhere, as the Senator who sits by me [Mr. Dill] will observe. There are depths indicated here of 24 feet, 30 feet, 27 feet, 23 feet, and so forth. Wade ashore? Goliath of Gath, who was 6 cubits and a span in height, could not wade ashore there, out on these keys, which are marked on the map as islands, little fringes of land, with lagoons in the center, guano making up very much of the soil and mud the rest.

When they were making this chart the hydrographic experts set up one of these tripods to run the triangle. They set up a tripod 40 feet high, and the next morning it had sunk out of sight in the mud and guano. Wade ashore? It is ridiculous; perfectly absurd.

I took down what this hydrographic man told me. He said that if a man were 75 feet tall and had the strength of 50 giants, he could not get his feet out of the mud along in those flats over which this man who wades ashore would make his way to Cuba.

Entirely surrounding this island is deep water. In this Siguanea Bay, where, as somebody said here yesterday, could be floated the navies of the world, there is a channel now 700 feet wide, going into that bay, which would take vessels of 19 feet draft, and an ordinary sand dredger could deepen it so that you could take in a vessel of 27 feet draft. At present you could take destroyers and submarines and submarine chasers into that bay and around the island.

Let no man rise in his place in the Senate and tell me that you could wade ashore from the Isle of Pines. As a matter of fact, very much less money than we have spent at Pearl Harbor would make this bay on the west side of the Isle of Pines as fine a harbor as could be found on the face of the earth. Those are the facts about the depth of water and the conditions surrounding this island.

Our late lamented friend, Senator McCormick, made very much of what we would do with these other islands around Cuba if we finally decided that we had the Isle of Pines under Article II of the treaty. As a matter of fact, these other islands are, as I have said, only fringes of land, with lagoons in the center, and at most there are only a few fishing huts, two or three here and there, in various places throughout this body of water. So I may say of Mr. Keenan's letter that he is entirely right in his statements relative to the depth of the water in this bay. He says:

A depth of 40 feet of water has been found in Siguanea Bay, with a clear channel of 20 feet leading to it.

That was his statement, and that is exactly the statement made to me by the officer from the Hydrographic Survey. He said that there was a depth of 40 feet in the bay, and that vessels of 19-foot draft could make the passageway into it. So the statement made by Colonel Keenan in his letter is verified by the official of the Government. I agree with the statement of Colonel Keenan that a copy of this survey would contain

information valuable for the Senate of the United States to study in this connection.

I hope these maps may be placed upon the wall, if I may say that to some official of the Senate, so that they will not be misplaced.

I continue reading from the letter of Colonel Keenan:

Secretary of the Treasury Mellon, responding to a recent inquiry, states that Cuba has taken no steps whatever toward the liquidation of its obligations to the United States for the intervention of 1906.

In the report of the Secretary of War for the fiscal year ending June 30, 1909, the total expenditures for military purposes during the second occupation are given as $6,262,104.58. This, however, does not include naval or incidental expenses. Congressman F. C. Stevens, a former member of the House Committee on Military Affairs, in a careful compilation of the cost of the second intervention reached the total of $10,958,683.02, which, with simple interest at 5 per cent, would now amount to considerably over $20,000,000. This constitutes a clear legal obligation of Cuba to the United States, as the intervention was reluctantly ordered by President Roosevelt at the urgent request of the Cuban Government. Congress took official notice of the debt in 1907 when, in the deficiency act of that year, the President was authorized to receive from time to time such payments in liquidation of the cost of the intervention as Cuba might be able to make.

While persistently urging an alleged claim to the Isle of Pines, Cuba seems to have forgotten entirely her obligation of $20,000,000 to the United States. It might be pertinent to inquire why she has never been reminded of it by the United States Government, as contemplated by an act of Congress passed 18 years ago. That is a fair question. Here we are, Senators of the United States, proposing to give away the Isle of Pines—which, virtually, I believe, is the property of the United States—to a country which owes us $20,000,000. So far as I am concerned I would be willing, I will say to the Senator from Pennsylvania, to contribute that amount or my share of that amount for some peaceful arrangement and adjustment of the matter.

I heard the Senator from Pennsylvania make a splendid speech. It impressed me strongly at the time, because I felt it was more or less destructive of my view of the treaty. I have read it since and I have read it again. In his speech the Senator from Pennsylvania indicated—and I want to quote him correctly. The impression I had was, as I said in responding, that a "deal" was made; there had been a transaction involving secret diplomacy. He implied that they sat around a table and in exchange for a treaty there was passed over a lease for certain coaling stations in Cuba. If we are in the habit of dealing with Cuba through the instrumentality of a diplomatic card game I think $20,000,0000 would be a pretty good stake to have in the game. I do not want that kind of diplomacy myself, and at some time during the discussion I shall attempt to present to the Senate what I think really happened in connection with those leases. But that is another matter to which I shall refer at a later hour.

Anyhow Cuba owes us $20,000,000. That is a lot of money, I think, but Cuba owes us that money. I do not think Cuba has very much of a grievance. We spent a lot of money and a lot of human lives gaining independence for Cuba. As for myself, much as I hate war and much as I deplore the suffering which came from those deaths, I think the money was well spent in the cause of humanity and that the lives were well sacrificed. There must be a satisfaction in the heart of every relative of every boy who died in that war that he sacrificed to free a people and to bring into existence a great nation which may perhaps become one of the powerful nations of the earth.

Mr. WILLIS (at 5 o'clock and 5 minutes p. m.). Mr. President, will the Senator yield?

Mr. COPELAND. I yield for a question.

Mr. WILLIS. I do not desire to put the Senator's position in doubt. I was about to ask him if he would yield to me to permit me to make an inquiry of the Senator from Pennsylvania.

Mr. COPELAND. Mr. President, will it be permissible for me to so yield?

The PRESIDING OFFICER. The Senator yields the floor if he does so.

Mr. COPELAND. I am sorry then, I must say to my friend from Ohio. I think he will have to ask the question privately.

Mr. WILLIS. Will the Senator yield to me for a question?

Mr. COPELAND. I yield for a question.

Mr. WILLIS. Will the Senator from New York inquire of the Senator from Pennsylvania what are the plans of the Senator from Pennsylvania with reference to continuing this afternoon and whether he intends to hold the Senate in session this evening? Will the Senator from New York make that inquiry of the Senator from Pennsylvania?

Mr. COPELAND. May I ask the Senator from Pennsylvania what his plans are, Mr. President, and whether he intends to continue this agony or to move an adjournment?

The PRESIDING OFFICER. The Senator may ask, and if the Senator from Pennsylvania gets the floor the Senator from New York loses it.

Mr. COPELAND. Mr. President, I observe that the Vice President is present on the floor. There is one nice thing about the Senate of the United States. There are some rules which are made for the limitation of debate. In the very nature of things I may say to the Vice President that human endurance must wear out and after a while relief will come. Apparently the able Senator now in the chair has a thorough understanding with Senators upon the floor that the rules are to be invoked; so if the Vice President will stay here and not go down to the Willard Hotel he will see how the rules really work. [Laughter.]

Colonel Keenan continued:

In over 20 years of de facto occupation the Cubans and their government have done absolutely nothing to develop the Isle of Pines. They have, on the contrary, done everything in their power to hamper American development by vexatious restrictions and the enforcement of inapplicable and obsolete laws. American planters are heavily fined for cutting timber for their own use on their own lands, and it is a notorious fact that American litigants have no standing in the Cuban courts.

These are strong statements. It would seem to me that if any American citizen in the world could prove to the United States Senate that an American is being deprived of his rights the Senate of the United States ought to be in the forefront in its endeavor to right those wrongs. That is what government is for. The nation which makes its flag respected and makes itself a power is the nation which flies to the relief of its citizen if he has just complaint, no matter where he may be in the world. The long arm of power should reach out to lend a hand to the American citizen wherever he is if he has a just claim upon his Government.

The Roman Empire at the time of the Apostle Paul had extended its boundaries to cover practically the entire known world. Almost the entire known world was contained within the boundaries of the Roman Empire. The Romans built up a system which made of every Roman citizen a power so great in his own community that no matter where he might be, I care not where, an appeal to Cæsar meant that he had the right to go in person to the Emperor to present his claim.

Is it possible that the United States in the year 1925, with all the advances which have been made during our national life and with the enforcement of all the laws we make for the betterment of the health and the happiness of our people—is it possible that in this generation this great Nation, the greatest on the face of the earth, is going to fail to heed the call of American citizens who have made appeal to the Senate? Why, Mr. President, I can not believe it is possible that any Member of the Senate should insist upon an adjustment of the treaty now before these citizens have been heard and before opportunity is given to adjust their differences, if any they have, with this Government. If I felt that there was anything unreasonable or improper in the stand I am taking to-day I certainly would not be here at the expense of body and mind to try to impress upon Senators the significance of the thing about to be performed.

Mr. President, after 21 years what difference does it make whether the treaty is ratified on the 14th day of March, 1925, which will be Saturday, or on the 14th day of December next? What difference can it make?

One would think, to listen to speeches which are made in the Senate, that if we did not ratify the treaty on the 14th of March, next Saturday, we shall have a war with Cuba, a war with Colombia, a war with Panama, a war with all the Latin nations to the south of us. What an absurdity. I have not heard anybody yet suggest that we will have a war with Ireland if we do not ratify the treaty, but that we are going to have a Latin-American union against us. Senators, does anybody believe that? Of course not. Why should we have a war? What are we going to fight about? If we do not ratify the treaty, Cuba will not be any worse off than it has been; it will still have de facto possession. Likewise if we do not ratify the treaty our people will not be any better off. I realize that. That is the reason why I suggest that we talk about this in committee and let those folks come and tell their story. When

I see the stony faces of Senators in opposition, I realize that their hearts also must be of stone. Anybody who has warm blood in his veins and a love of humanity in his heart and the milk of human kindness in his soul must believe that these citizens are entitled to an adjustment of their affairs now. I think we may well wait until the 14th of December before we make our decision.

Colonel Keenan says that—

In over 20 years of de facto occupation the Cubans and their Government have done absolutely nothing to develop the Isle of Pines. They have, on the contrary, done everything in their power to hamper American development by vexatious restrictions and the enforcement of inapplicable and obsolete laws. American planters are heavily fined for cutting timber for their own use on their own land, and it is a notorious fact that American litigants have no standing in the Cuban courts.

Can Senators hear those things and fail to be impressed by them? The only answer that can be made is that it is not so. Like the Irishman who saw the hippopotamus for the first time, and who shook his head and said, "There ain't no such animal," Senators say, "This is not so."

I am no prophet; when you hear from the Senator from Idaho [Mr. BORAH] you will know whether these things are true or not. This letter continues:

If this state of affairs prevails when Cuba has no title to the Isle of Pines, what may be expected to happen to the American colonists who have not already been driven away if the island, as contemplated by the Hay-Quesada treaty, is placed unrestrictedly in Cuban hands? The Cuban Government has deliberately violated the provisions of the Platt amendment, which is embodied in its own constitution, by extending its full constitutional government to the Isle of Pines. Ex-Secretary of State Bryan who, during a visit to the island, expressed full sympathy with the American colonists and who did not urge the approval of the treaty by the Senate when he was Secretary of State, declared that the Cuban residents of the island had no right to participate in local and national elections while the Americans, whose country was conceded at least an equal interest in the island by the Platt amendment, had no voice whatever in the management of their own affairs or in the disposition of the revenues of the island, which they almost exclusively provided. Some years after Mr. Bryan's somewhat precipitate retirement from office, when he had been dined and grape-juiced in Habana—

I am not sure, Mr. President, what that reference means. It probably would be more familiar to the present occupant of the chair than to the Senator from New York. However, the letter says:

Some years after Mr. Bryan's somewhat precipitate retirement from office, when he had been dined and grape-juiced in Habana, he began to write letters advising the surrender to Cuba of the Isle of Pines. Some people were unkind enough to say that Mr. Bryan also favored the surrender of the United States to Germany during the World War.

There is no reason on earth why the Isle of Pines, being outside of the constitutional limits of Cuba, should not during the period of the Cuban de facto administration have been given a government suitable to its needs and development. It will never be accorded such a government if it is turned over to Cuba, as the Hay-Quesada treaty provides.

Not only do Americans own over 90 per cent of all land and control the public and private enterprises on the Isle of Pines, but the agricultural development has been entirely in their hands. It is a noteworthy fact that not a single one of the many plantations on the island is Cuban owned.

That is a very significant thing; not a single plantation, according to this statement, on the Isle of Pines is owned by a Cuban. They are all owned by Americans, Mr. President. And yet there is some sentiment in the Senate in favor of turning over this American-owned property to Cuba, although not a single plantation on the island is owned by anybody but Americans.

Mr. President, if there were any constitutional way to do it, I am very much afraid that there would be Senators who would propose that Staten Island and Long Island, which are always referred to in this debate, and Nantucket be turned over to Cuba. Why not? The Isle of Pines is just as much American as is Staten Island; the Isle of Pines is just as much American as is Long Island; the Isle of Pines is just as much American as is Nantucket. It is an American possession owned by Americans, its institutions are maintained by Americans, and yet we have to turn it over to Cuba on Saturday. Senators, how can you do it?

Mr. President, I have been speaking so long in this isolated position that I do not know the gossip; I wish I knew what was going on. I should like to get into one of the groups of Senators I can see conversing here and there in the Chamber and hear all the news about who is to be the Attorney General. It looks to me, I may say to my Democratic colleagues, as if the Republicans were feeling pretty good. My advice to the Democrats is, while I am holding the fort, to go out and use the telegraph wires and bring in all of our Members. As soon as there can be found any parliamentary excuse for doing it we will have a vote on the question who is to be the Attorney General.

Mr. BLEASE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. Mr. President, I wish to say to my friend from South Carolina that he, too, is new here, and the present Presiding Officer, hard-hearted as he is, has warned me that if I permit a question and give up the floor I will lose it. I am sorry; I want to yield; but I want the Senator to understand the situation.

Mr. BLEASE. I will say, that being the case, under no conditions would I ask the question. I am interested in the Senator's speech, and I hope he will just keep on going.

Mr. COPELAND. I am very much obliged to the Senator for his kind remark. I have noticed that he has been an attentive listener, and I want to say to him that he has grown into my heart to-day, for anybody who would listen for 5 hours and 28 minutes to me is a man either of mighty good heart or else in some way he is one of my own kin.

Mr. BLEASE. I am both, Mr. President.

Mr. COPELAND. I want to thank the Senator from South Carolina, and I intend at the earliest possible moment to have a visit with him because he looks to me like a human being. And here is the good Senator from Indiana [Mr. RALSTON]. God bless him!

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I do not yield to anybody.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. NEELY. I am surprised at the Senator.

Mr. COPELAND. I want to say to my friend from West Virginia that I should like to yield the floor to him, so far as I am concerned. I have been preaching health for a good many years, strange as it may seem, I have practiced some of the things which I have preached, but I do not think I ever before realized how really valuable they are. I have been asked to write an article on "Do statesmen dig their graves with their teeth?" Now, you can see just how I can treat that subject. I am digging my grave with my teeth to-night. But I do find, Mr. President, that Senators gain too much weight during sessions.

I suppose I am the greatest authority on fatness in the world. My specialty, really, is fat women rather than fat Senators. At one time one of the New York papers thought they would like to have a fat contest. They asked me if I would take 50 fat women, while one of their women editors took 50 fat men, and we would have a contest of a month to see which group took off more weight.

We were going to have a health show before long, and I saw the advertising value of this contest to a health show. Consequently I said I would be glad to do it if they would have the last week of the contest coincide with the week of the health show. That was agreed to, so one Monday morning, this newspaper announced that at 2 o'clock the health commissioner would be glad to see fat women in his office. They started coming at 10 o'clock in the morning, and I will give you my word, Mr. President, that at 2 o'clock there never was such an aggregation of fatness gathered together in one place in the world. There were 500 of these fat women. They varied in weight from 180 to 368. We put them under training, and in 30 days they took off seven and one-half feet of waist measure and half a ton of weight. [Laughter.]

Senators do dig their graves with their teeth; and it is only right that I should give you such advice as I can, and make use of my time here in a way which will really appeal to your sympathetic attention.

I was speaking about the ownership of the Isle of Pines and it leads me now, according to Colonel Keenan's letter, to this statement, which is made here:

Attention has been called to the apparently small consideration of $2,000 a year paid by the United States for the use of the Cuban coaling stations. This may be regarded as merely nominal. The great and real consideration for Cuba was contained in the clause: "To enable the United States to maintain the independence of Cuba and protect the people thereof."

Were Cuba required to fortify her coasts and maintain an army and navy for defensive purposes, it would cost her many millions of dollars annually, ineffective as such defense would be against the attack of any considerable power. The prosperity of Cuba and the stability of her government are based entirely upon the guaranteed protection of the United States, typified in the naval station at Guantanamo. Even the profit to Cuba involved in the cost to the United States of maintaining the Guantanamo naval base, which probably amounts to as much in a week as the entire annual rental paid by our Government, is trifling in comparison with this tremendous consideration of the guaranteed protection of Cuban independence.

In the discussion of the terms of the treaty, no note has been taken of the fact that only one coaling station has in reality been obtained by the United States. Bahia Honda has been found useless, and has never been utilized. The Isle of Pines, on the contrary, as the recent United States naval survey of its waters has shown, could be converted into a first-rate naval base, and is, as naval officers who have investigated the subject can testify, the only available base for the defense of the Yucatan Channel and the Gulf of Mexico.

At this point I want to call attention to the map. Upon the wall is a map that shows the Caribbean Sea. If Senators took any note at all of the resolution which I presented in the last Congress, calling for a special committee to listen to the protests of the Isle of Pines residents, and to consider what claims, if any, they hold, such Senators will recall that I proposed other things in the resolution. In addition to this proposal I suggested that the committee should give consideration to the possible use of St. Thomas, in the Virgin Islands, as our naval base, instead of Guantanamo.

We bought the Virgin Islands at great expense. Of course, I was not in Congress at the time, and do not know the underlying reasons for the purchase of the Virgin Islands; but the Virgin Islands represent a very valuable property, a property of tremendous possibilities in industrial and agricultural development. As I understand, the harbor at St. Thomas is wonderfully situated and capable of development as a great naval base.

Putting the station there, and abandoning the station at Guantanamo, would permit us to develop on our own soil, with all the advantages which accrue from the location of such an establishment, this territory which is ours—ours, purchased at great expense. So I had in mind not alone the question involved in this treaty, but also that this committee might give consideration to our entire Caribbean policy.

We have the Panama Canal, tremendously important to us commercially and for military purposes, vital to us and to our safety. One thing which has been in my mind in relation to the Isle of Pines is the importance of a resurvey of its possible use to us, not alone as a naval base. I know the objections which have been raised, and which will be raised tomorrow, and by others who will speak before we vote on Saturday under the cloture rule, or whenever 96 Senators have spoken an hour apiece.

I have spoken six hours. Let me see: That would be 96 days—well, about three months—April, May, June. We ought to get away from here by the 4th of July under the cloture rule, I should say. You know there are Senators who are circulating the cloture petition who do not realize the number of Senators who have speeches in their systems. You can count on at least 90. So the Isle of Pines for two reasons is a matter of greater importance to us now than it was when the report was made upon which we are acting.

My colleague [Mr. WADSWORTH] referred, in his able speech the other day, to the futility of any thought of using the Isle of Pines as a naval base, on the theory that it had been surveyed and had been considered as such, and rejected. I have put into the RECORD to-day these maps and my explanation of them, founded wholly on opinions given me by the experts, which indicate that this property has much greater value from a naval and military standpoint than was anticipated when this report was made a generation ago.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. DILL. If the Senator will yield to me, I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Washington is out of order.

Mr. DILL. There is no quorum present.

The PRESIDING OFFICER. The Senator from Washington is out of order. Nothing has intervened since the last point of no quorum was made.

Mr. DILL. The Senator from New York has been speaking all the time.

The PRESIDING OFFICER. That is not business.

Mr. COPELAND. Mr. President, let not the Senator from Washington worry; the Senator from New York has made his own bed and he must sleep in it. The Senators who make use of technicalities on an occasion like this usually get caught ultimately in their own net; so I may say to the Senator from Washington that they will wear us out ultimately, if we do not wear them out. It is all right, and we are not going to worry at all about that.

Senators who are so hard-hearted that they have no consideration for the rights of American citizens, I may say to the Senator from Washington, certainly are not going to have any consideration for the ordinary rules of common parliamentary decency, so do not let us worry about that. It is quite all right.

I was speaking of these hydrographic surveys which are in process now and which I think even the Senators who think this treaty should be ratified on Saturday might well look at. I have not seen any enthusiasm on their part to look at these maps, but we hardly expect enthusiasm from persons who disregard the rights of American citizens. These surveys indicate that the Isle of Pines is capable of development into a very wonderful naval and military base, and I assume, since majority Senators have no interest in the World Court and any plans which make for peace throughout the world, that they certainly must be in favor of national defense. Therefore it may be that some Senators here might think of the possible use of the Isle of Pines as a naval base.

Why do not Republican Senators give some thought to the Caribbean policy. They ought to have interest enough in the proposal I have made to accept this idea of the committee in order that a Caribbean policy may be established. It should determine whether or not the Air Service might not make good use of the Isle of Pines, if we ever have an Air Service.

All through their campaign the Republicans told about what a great thing the disarmament conference was, how much it had accomplished. What did the disarmament conference accomplish? It accomplished the destruction of some good American ships. That is the first thing it accomplished. It relieved France of the necessity of keeping up with the naval procession, so she did not have to spend millions for capital ships, and France used that money to build airships and submarines, and moved into the Ruhr, to disturb the peace of the world.

Every nation in the world, of the major nations, is building airships. What is the matter with the United States? It is the best country in the world; yes, and we want to keep it the best country in the world. As I conceive, as I understand it, as I view it, it is the duty of the party in power to make possible the construction of these airships, so that America may keep up in this procession.

As a result of the war, Germany was forced to stop the construction of airships which could be used for military purposes, a perfectly proper regulation. But the Council of Ambassadors, having charge of the operation of the treaty, has taken a very peculiar view about the Zeppelin works in Germany. It has said to Germany, "You can not make airships except for commercial purposes." Then it has defined what is a commercial airship, and has held that no airships shall be made of a greater capacity than a million cubic feet.

Permission was given Germany to build the *ZR-3*, which we now call the *Los Angeles*. The *ZR-3* had a cubic content of 5,000,000 cubic feet. Germany sold that to America for 38 cents a cubic foot. We can not build such airships in America for less than $1.38 a cubic foot. Germany could deliver those airships in five or six months. It would take us several years to produce them. I protest against the failure of the Republican Party to make known to the Council of Ambassadors that America is unwilling to have the Zeppelin plant destroyed, as will probably be the case very shortly. We have no business to let that be done.

The PRESIDING OFFICER. The Chair must admonish the Senator from New York that he must proceed in order.

Mr. COPELAND. Must do what?

The PRESIDING OFFICER. Proceed in order.

Mr. COPELAND. A parliamentary inquiry. What does the Presiding Officer mean by that?

The PRESIDING OFFICER. No Senator can speak from a seat. He must stand on his feet.

Mr. SMOOT. I will say to the Senator that I have had that rule applied to me.

Mr. COPELAND. I do not want any sympathy from the Senator from Utah. I have two feet and am quite able to stand upon them. I am enough of a sportsman to take my medicine,

whatever it is, and I will be here when some of the rest of you have gone home. I suppose there must be a way of adjourning the session at some time or other, but when that time comes we will deal with it as circumstances dictate.

I never supposed that a Methodist could be so hard-hearted. I have always looked upon the Methodists as being kind, considerate, and thoughtful of other people's welfare, and as a Methodist I have tried to live up to that standard. But I see that the Presiding Officer has forgotten for the time being that he is a Methodist, and for the time he is an advocate of that most unmethodistic procedure, the rape of the Isle of Pines.

I return to what I was saying when interrupted by the Presiding Officer when I was violating the rules by leaning upon a desk. By the way, a parliamentary inquiry, Mr. President. Am I permitted to drink milk between times? Is there anything in the rules that prevents that?

The PRESIDING OFFICER. That is not a parliamentary inquiry.

Mr. COPELAND. Very well. Then I assume it is not a violation of the rules, because if it were mentioned in the rules, of course, the question would relate to a matter which is a proper subject to deal with by a parliamentary inquiry.

Mr. OVERMAN. Mr. President, I will say to the Senator——

Mr. COPELAND. I regret to say and I would be glad, Mr. President, if you would say to my friend, the Senator from North Carolina, that I am under injunction of the Chair that I must not yield to anybody.

The PRESIDING OFFICER. The Senator from New York will suspend just a moment. If the Chair were to enforce the rule strictly he would require the Senator from New York to remain at his desk.

Mr. COPELAND. I can do that if need be. Does the Presiding Officer desire that I shall do that?

The PRESIDING OFFICER. The Chair has not decided upon the enforcement of that rule.

Mr. COPELAND. Very good. I begin to realize that the advent of the new Vice President who believes in revision of the rules has already made itself felt, and I am the first recipient of its benefit under the new regime.

When interrupted by the hard-hearted verdict of the Presiding Officer I was discussing the Zeppelin plant in Germany. My thought about it is that we should make known in a proper way to the Council of Ambassadors, even though we have no direct affiliation with countries abroad, our unwillingness to have that plant dismantled. I do not know how thoroughly understood this matter is by the Senate, but the progress of aeronautics in Germany in the matter of commercial airships is remarkable.

I stop a moment to felicitate myself that the Senator from New Hampshire [Mr. MOSES] has taken an interest in the blue print I have upon my desk which has to do with the hydrographic soundings of the Isle of Pines. I trust that the Senator will study the map carefully. He will find there much information which will be of interest even to his brilliant mind and be helpful to him in performing his duties as a Senator of the United States, although I do say for him that he performs those duties very well indeed now, except that he is intensely partisan on some occasions, which of course I hold against him.

Germany has made such progress in aeronautics that her airships are extremely safe. The pilot of a German airship has the same favorable life-insurance rate that a citizen has who drives a truck or works as a mail carrier or is engaged in any enterprise which is free from extraordinary hazards. For 15 years she has developed the airship enterprise.

The Senator from Missouri [Mr. REED] has just reminded me of what I knew before, but in order that my friends on the other side may know that I know it, let me say that I am not disposed of when I get through with this speech, because we will take up the treaty article by article and amendments will be offered, and in spite of the cloture rule I think I am good for three or four days yet.

Mr. SHORTRIDGE. Mr. President, will the Senator yield? It is not for the purpose of having him lose the floor at all.

Mr. COPELAND. I can not yield to the Senator from California.

Mr. SHORTRIDGE. It will not cause the Senator to lose the floor. It is merely to ask a question in the utmost good faith.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California for a question?

Mr. COPELAND. If by so yielding and answering the question I do not lose the floor. I would like a ruling, Mr. President.

Mr. SHORTRIDGE. I wish to ask just a simple question in the best of faith.

The PRESIDENT pro tempore. The present occupant of the chair hesitates to reverse the ruling made by his predecessor in this place.

Mr. COPELAND. That being the case, I will have to say to my friend from California that I shall have to forego the ordinary courtesy which would make it necessary to answer a question from a fellow Senator; but I must remind the Senator from California that the hard-hearted Methodist who just left the chair had ruled that I would lose the floor if I yielded to a question, and the kind-hearted non-Conformist who is now in the chair, who would be more considerate if he could be, feels that he is bound by the ruling of the late occupant of the chair. Therefore I can not yield, and I am sorry.

Mr. SHORTRIDGE. I do not want to be rude, but it was merely in kindness and in candor and in the utmost courtesy that I wanted to ask the Senator the question whether he desires to proceed——

The PRESIDENT pro tempore. The Senator from New York declines to yield.

Mr. BLEASE (at 6 o'clock and 5 minutes p. m.). Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. BLEASE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from South Carolina will state the parliamentary inquiry.

Mr. BLEASE. Is it proper for this body to proceed with any business without a quorum? A quorum is not present. I take the position that the Senate should have a quorum present in the transaction of any important matter.

The PRESIDENT pro tempore. The Chair will state in answer to the inquiry that upon a call of the Senate a short time ago a quorum was disclosed to have been present, and no business having been transacted in the meantime the assumption under the practice in the Senate is that a quorum is still in attendance.

Mr. COPELAND. I may say to the Senator from South Carolina that he always has the right of appeal from a decision of the Chair if he is so disposed. I thank him. Undoubtedly it is out of kindness that he proposes the inquiry, and the only reason in the world why I would agree to his following it up is because it is unkind to the Senator from South Carolina to keep him here so long. However, so far as I am concerned, I was well aware of what would take place, and I take my medicine, whatever it is.

Mr. President, to revert to the question of the Zeppelins, I can see that there are very important uses to which we can put the airships in the carrying of mail, and undoubtedly for commercial purposes, but there can be no doubt that with the development of both the airship and airplane, until we have that harmonization which makes war impossible, it is wise for this country to keep up with the military procession.

I believe that the country is very greatly aroused over the revelations which have taken place in the last few weeks, and I say that without any feeling of partisanship as regards the persons involved in the controversy. But out of this controversy has grown the feeling for our country that we are not doing our duty in keeping up with the advances in the air. We have the Panama Canal, tremendously important commercially and for the purposes of defense, but if we have not supremacy in the air or at least protection from the air to guard the canal, its uses in time of war, its commercial uses and military uses become as nothing. They are destroyed. When we look at the map carefully we realize that the Isle of Pines, situated as it is, bears a very important relationship to the protection of the Panama Canal. One has but to look at a map of the Caribbean Sea to realize what the possibilities there are, and I speak not with any desire to rattle the sword in the scabbard, but simply to point out the significance of the geography of that region.

We have, at the eastern extremity of the Caribbean, for instance, the British possession of Trinidad, and above that the French possession of Martinique, and then in the very heart of the basin the British possession of Jamaica, and down at the bottom of the basin in Curaçao, owned by Holland. Think of the possibilities in case of unfortunate complications with the British, the French, the Dutch, and with the progress made in aeronautics and of the possibility of that great flight around the world in airships; it is not an academic question at all. We have here a question involving the national defense and the very safety of our country. In view of our hydrographic knowledge and our knowledge of the surroundings of the Isle of Pines, with our knowledge that this

bay on the western side could be made capable of accommodating our Navy, in view of the relationship that the Isle of Pines bears to the Panama Canal and to foreign possessions in the Caribbean Sea it must be perfectly apparent to every American that America is far behind in airship development and that by giving up the Isle of Pines we are robbing ourselves of a very important location in the Caribbean Sea.

Of course, I could not hold any brief in favor of a surrender of morals. If I thought that Cuba had acquired the Isle of Pines under Article I of the Paris treaty, and that the Isle of Pines were the property of Cuba, no matter what its military importance was, no matter what its possession might mean to our country, I should not, of course, for one moment advocate its retention simply because of its military importance; but, Mr. President, my study of the treaty of Paris, and the study of all the circumstances leading up to its formulation, convinces me that the Isle of Pines is American property and has been American property since the treaty was written and ratified.

It has been mentioned here before now that in the protocol submitted by the Spanish commissioners they gave voice to the demand of the American commissioners that everything around the island of Cuba——

[At this point Mr. CURTIS submitted a privileged motion under Rule XXII, and debate and roll calls ensued.]

Mr. COPELAND. Mr. President, it becomes more and more evident that the Senator from South Carolina [Mr. BLEASE] was right when he said there was no quorum present when the cloture rule was invoked. Here we find a group of men determined to take action which will disfranchise, humiliate, and impoverish American citizens, our own flesh and blood, our own nationals, who in good faith, believing in the honor and integrity of governmental officials, relying upon the information furnished by these officials, left their homes in America to take up homes on this Isle of Pines. I am not surprised that those in control of a group so oblivious to the highest instincts of the human heart should be anxious over the display of force and end discussion of a subject which should be made clear to every Senator before he undertakes to vote upon the pending treaty.

[At 7 o'clock p. m.] I leave my formal remarks for a moment to say that I welcome to the chair the Vice President, refreshed by a couple of meals and a nap, and ready to come here and help the Senator from New York to do away with those rules which are so obstructive to the highest purposes of statesmanship.

Mr. President, I tried the best I could to prevent the application of the cloture rule. I did it not because I am in opposition in general to that rule, but I did it because I am so confident in mind that a great injustice is being done innocent American citizens that I was willing to give of everything in me to prevent the consummation of such an act, which historians of the future will write down as one of the blots, the black splashes, upon the fair pages of American history. No man voluntarily does an unkind act to a child.

A man who goes out of his way to hurt a little child in person or in mind is regarded in any community as a bully, as a tyrant, as an undeserving citizen, and is reviled of all mankind. Is there any difference, Mr. President, between a man who would do a dastardly deed of that sort and a nation which would willfully and deliberately harm the children of the nation, the citizens of the nation?

I am ashamed of the Senate. I am not surprised at its action. To me personally it means nothing. In personal grief over any individual or in pocket so far as American interests are concerned, it means nothing to me. But as a Senator, as one who has taken an oath to do his duty as a Senator, I am frank to say, as I see it, that we have gone out of our way to do a wicked thing, and the historians of the future will point to this act of ours as a dastardly, degrading act. I speak feelingly because I feel deeply.

Senators, we are doing wrong. When I think about the matters which have been passed here, the bills passed to benefit this material industry and that one, measures which had to do with the advancement of wealth and financial prosperity—when I think of those measures, some of them debated over day after day, week after week, and year after year, and yet involving nothing but money, I am astounded. Here is a matter involving the educational, the religious, the social, the personal, the national welfare of hundreds of American citizens. Their rights are swept aside and given no more consideration than the sands upon the seashore.

If the Isle of Pines were a great populous community with potential votes, with the possibility of great contributions to political parties, with the possibility of advancing the political interests of would-be statesmen, there is no doubt about what the Senate would do. It would defeat the treaty in 20 minutes, and there would be a mad scramble on the part of political parties to take possession of the loot. But there is nothing involved here except the welfare of a few men and women, boys and girls. What do we care about them? They do not mean anything to us. We do not care whether they shall be fined for cutting timber on their own lands. We do not care whether they are deprived of the privilege of schools and churches. We do not care whether they have roofs over their heads. Why, Mr. President, it is amazing! I wish I could look into the mind of the Vice President, now presiding over the Senate, who came here with no preconceived ideas about the subject and who, in spite of "Hell and Maria," has a heart as big as an ox. I wish I could know what he thinks about this calm, cool, deliberate disregard of the rights of human beings, the nationals of the United States.

The senior Senator from Indiana [Mr. WATSON] just passed me with a broad smile on his face. The future must look brighter to the Republican Party when the Senator from Indiana beams like that. Is it because he has eaten a few Isle of Piners or had some great glorious Republican victory?

In the letter of Colonel Keenan he said:

> Bahia Honda and Guantanamo are leased, not ceded, to the United States, and both leases can be terminated under certain conditions. Even were it conceded that the Isle of Pines were an ex post facto consideration for those leases and Guantanamo, like Bahia Honda, should ever be given up, would not the recession of the Isle of Pines to the United States follow as a matter of course?
>
> While Guantanamo is unquestionably an excellent harbor as far as it goes—

But before I come to that I want to speak briefly with reference to those leases. Article I of the pending treaty reads:

> The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines, situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain, signed at Paris on the 10th day of December, 1898.

As I pointed out this afternoon, it is perfectly absurd to make reference to Articles I and II, because if the Isle of Pines is a part of Cuba it came to us in trust, as I said, under Article I of the treaty of Paris; and if it came under Article II, it is ours, and can not be transferred by treaty. Somebody, someday is going to test that in court. Sometime the Supreme Court will have a chance to decide the ownership of the Isle of Pines. As I have said, it has not had an opportunity so far; that question was not involved in the case of Pearcy against Stranahan, but it will be involved in a case some day. However, Article II reads:

> This relinquishment on the part of the United States of America of claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

I hope, Mr. President, if this treaty shall be ratified that article will be stricken out in the interest of good morals. How can this relinquishment be made the consideration of the grants of coaling and naval stations in the island of Cuba when on the 2d of July, 1903, the Government of Cuba made lease to the United States of these stations, and the consideration named in Article I of the lease is—

> The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of $2,000, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said agreement.

Cuba entered into a solemn agreement with the United States; she leased to the United States these stations, two of them, in the island of Cuba, and the consideration is named in the contract as being $2,000 a year. I think I am correct in saying that we have made an advance for 51 years on that. In order to enable Cuba to acquire the land, as I understand, we advanced $102,000. I think that is correct. However, I will ask the chairman of the Committee on Finance, the senior Senator from Utah [Mr. SMOOT], if he remembers as to that?

Mr. SMOOT. I did not hear the Senator's statement.

Mr. COPELAND. We were to pay Cuba $2,000 a year rent for those stations, and in order that Cuba might have the money with which to buy the land we advanced $102,000.

Mr. SMOOT. It was something over $100,000, although I do not remember the exact amount. I think, however, that is correct.

Mr. COPELAND. Yes. We have paid 51 years' rent, beginning on July 2, 1903, so that we have paid the rent until

July 2, 1954. That was the consideration. How can anything else be a consideration? It is foolishness of the highest type to put in this treaty that "this relinquishment on the part of the United States of America to claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made" to us when we have paid for the concession for a period extending over 50 years.

Mr. President, the more one finds out about this treaty the more he wishes to find out. One becomes filled with curiosity to know what there is back of it all. I should like to know what great influences are back of this treaty. Is it the National City Bank, the Sugar Trust, the Tobacco Trust, or the Citrus Fruit Trust? What is back of it, Mr. President?

This letter continues:

While Guantanamo is unquestionably an excellent harbor as far as it goes, nothing is to be gained by overestimating its advantages. As every naval officer knows, it is too small to serve as a great naval base, and it has been stated that it could not even accommodate a great war-time fleet with all its accessories.

Who knows why the Vice President has come into power? Who knows but this is an opportunity for him to use his great talents to investigate for the good of his country the conditions down in the Caribbean and the approaches to the Panama Canal?

The letter continues:

For the defense of the Yucatan Channel, 600 miles away, it would be practically useless.

I wish every Senator would take time to look at this map. Here [indicating] is the Yucatan Channel, next door to the Isle of Pines, a channel which in case of war would have to be protected in order that the southern coast of the United States might be protected from an enemy which might take possession of the Panama Canal or come through the Caribbean. For the defense of the Yucatan Channel Guantanamo is 600 miles away and therefore would be practically useless, as the writer says. He continues:

Siguenea Bay, fronting the Yucatan Channel on the Isle of Pines, is indispensable. A small part of the money already expended at Guantanamo would make Siguenea Bay one of the greatest naval stations in the world.

This antiquated, obsolete book [indicating], this report made 20 years ago, is the law and gospel to all the proponents of this treaty. Because some naval officer who knew nothing more about it than the Spanish surveys reveal said the bay is no good for naval purposes that statement is accepted as the truth. A hydrographic expert the other day told me that errors of 7 miles in location in that region were apparent upon these charts. We have not known anything about the real surroundings of this island until recently; and when those of us who believe in the treaty are not looking if some Senators who are proponents of it will just creep over here and take a glimpse at this chart [indicating] they will find it very illuminating; they will find out how valuable the Isle of Pines is, and I am not sure but Cuba has found out how valuable it is. My observation of the Cubans is that they are a very intelligent, alert people; they have brains and ability and they know, if we do not, the strategic as well as the commercial value of this island.

The letter continues:

Naval aviators who have studied the capabilities of the Isle of Pines in flights between Panama and the United States ports are prepared to testify that the island is almost essential as a flying station on this all-important route. Its other strategic advantages as an air port may be judged from the fact that it is within 2 hours' flight from ports in Florida and the Gulf of Mexico—

The Gulf of Mexico is within two hours by airplane—

3 hours from Jamaica, 45 minutes from Cuba, and 6 hours from the Canal Zone.

It is a six-hour flight from the Canal Zone. If we had possession of the Isle of Pines as a great naval and aviation center, there would not be any question of our protection of the Panama Canal.

The letter goes on:

Topographically it is exceptionally suited to the accommodation of both land and sea planes. Aviation, naval, and air forces in cooperation on the Isle of Pines could not only make the Yucatan Channel impregnable to the greatest fleet afloat, but could render impossible a successful attack on the Panama Canal.

That mere statement, Mr. President, should be enough to make Senators pause. I may say to the Senator from Minnesota [Mr. SHIPSTEAD] that it is unfortunate for us that our political proclivities are such that we are not invited to the White House.

If the President had taken the Senator from Minnesota and the Senator from New York on his yacht, we, too, would use nautical language and, on orders from the White House, say "Aye, aye, sir"; and when our turn came around we would have been invited to take breakfast at the White House. I suppose it is getting a little late in the season now for buckwheat cakes and maple sirup, but if we had been feasted on these delicacies we would vote right. There are some Senators who are so dyed in the wool, so thoroughly committed to Republicanism that they do not need to be invited; so if the Senator from Utah [Mr. SMOOT] has not been invited for two years——

Mr. SMOOT. No, Senator; I waited 22 years.

Mr. COPELAND. Oh, I see! The Senator from Utah waited 22 years. The Senator from Minnesota and the Senator from New York will wait 220 years before they are invited. However, I want Senators to know that I am not speaking in an unfriendly sense at all of the President. I admire him greatly; and I have had the feeling that if somebody could only tell him this story about the Isle of Pines so that he would understand how these men and women, boys and girls, are being outraged, the President would be one of the first to say, "This must not be."

I suppose it is due to my dumbness, but I have not been able to figure out, in spite of the eloquence yesterday, why the Senator from Ohio [Mr. FESS], who is now in the chair, changed his mind about the Isle of Pines. I am sure it can not be on orders from the White House, because if there is one Senator who on all occasions is independent of the orders from the boss, and who votes his convictions regardless of what those orders are, that Senator is the Senator from Ohio; and yet I have felt that his regularity is never questioned. I refer to the junior Senator from Ohio.

The letter continues:

All the facts which I have stated can be fully verified by the adoption of your suggestion that a senatorial committee be appointed to investigate and report before final action is taken on the Hay-Quesada treaty.

I did not need to have that written to me to know that that is so. What possible harm could follow a delay of eight or nine months in the ratification of this treaty? I hope that by day after to-morrow, when the ax is to fall, according to the schedule now proposed, there may be a change of heart. I hope that the prayers which are now being offered up in the Isle of Pines may have their appeal. I wish I had some gift of tongue so I could say the words to convince Senators that this wicked thing should not be done. It is wicked—wicked beyond words.

In conclusion—

The letter says—

let me ask, Mr. Senator, whether in your judgment, taking into consideration all the circumstances attending the American colonization of the Isle of Pines, any Member of the Senate can conscientiously say that the colonists were not fully justified in their conviction that they were acquiring lands and building their homes on territory of the United States?

Mr. President, who can doubt it? Who can doubt it? These poor, misguided persons, through no fault of their own, trusted to a Government which had never failed them, strong in the belief that Uncle Sam, in his benevolence and his kindness of heart, would never do a wrong act. Much as I regret it, however, I feel that in all human probability the 14th of March will be the fatal day; and I say to Senators, as has been said in times past, "Beware the ides of March." It is not well for Senators to take this cruel stand.

A few weeks ago, Mr. President, a question arose in the Senate, I think in a debate over the speech of the Senator from Pennsylvania [Mr. PEPPER], about the attitude of the people living in the Isle of Pines at the time of the Cuban revolution or rebellion. The statement was made, and the usual quotation from the law and gospel of the proponents, that quarter-century-old report, that after the war was over, after our intervention and our military occupation of Cuba, certain American officials went down to the Isle of Pines, and they found a ragged company of Cubans lined up, and they said: "Viva Cuba!" "Hurrah for Cuba!" which proved that they were insurgents in the Isle of Pines. I want to dispose of that theory, Mr. President.

I have here a book which was published by the Cuban committee in London, the Revolution in Cuba. This was published in 1895 by the Cubans. They had a propagandistic organization in Europe to influence sentiment abroad in order that funds might be raised and moral support given to the efforts of the Cubans to gain their liberty, a very proper undertaking, I should say; a very proper missionary effort. These Cubans prepared some maps, and one of the maps shows Cuba and the Isle of Pines, and indicates exactly the progress of the revolution in Cuba. If any Senator is interested, he will find that all the eastern part of the island, which is colored yellow on this map, at the time of its making was held by the Cubans. The part colored red, in the middle of the island, was a sort of neutral ground, one group holding it part of the time and the other group the rest of the time. It was territory in dispute much of the time; while all the western part, printed in blue on this map, is the part conceded by the Cubans to be held by the Spanish. I want you to see that the Isle of Pines here is in blue, indicating that it was held by the Spanish.

The Isle of Pines from early times was used by the Spanish as a penal colony. From all parts of the Caribbean, from all sections of the West Indies where the Spanish had holdings, they would take their prisoners to the Isle of Pines; from Porto Rico, and years before from Haiti, when the Spanish had possession of Haiti, from Cuba, from all sections of the Western Hemisphere: so it was always a penal colony.

At the time we intervened there were about 350 Cubans who were prisoners on the Isle of Pines. They roamed at large, and the Spaniards had a company of guards—soldiers—very poorly armed, but nevertheless armed sufficiently to keep the prisoners from "wading ashore."

When our soldiers went down there, of course word was sent that the Spaniards were out of business, and there was a man there who was secretary to the captain general. His name, which I will not undertake to pronounce, was Don Felix Arras Segrera, a political deportee. He had been sent there as a prisoner, and he had talent, so the captain general made him his secretary. The secretary commenced to play the game of revolution in the islands, and trapped the captain general as he went to make love to a certain maiden of the island. I will not enlarge upon that because the sentimental hearts of Senators would be so touched and they would be so moved by these love-makings that I fear their hearts might melt, and that, of course, would be a disaster too terrible to contemplate.

So they had the makings on the island of a little company, and just as soon as word came that the Americans had taken the island they turned their guns over to these prisoners, and they had a little straggling line to show when the American troops came. But the Cubans themselves—and I have shown that by the evidence—never made any claim that there was any insurgency in the Isle of Pines; and there never was. Therefore that disposes thoroughly, if I am right, of the contention that the Isle of Pines having joined with Cuba in the revolution, the island was entitled to the same consideration, should be dealt with in exactly the same way as Cuba, because it had a revolutionary partnership with Cuba. But that is not the fact.

There is no reason—geographic, geologic, historic, sentimental, no reason in the world—why the Isle of Pines should of necessity go to Cuba. As a matter of fact, the Isle of Pines came to the United States by cession under the second article of the treaty and, if it were not for the Platt amendment, would be just as much our property as Florida or Porto Rico or any other piece of land formerly owned by the Spanish.

We won the Spanish-American War and got certain land by right of conquest, in spite of our high pretense of disinterestedness and unwillingness to share at all in the outcome of the war. As a matter of fact, we did, under the second article of the Paris treaty, take Porto Rico, Guam, and all the islands under Spanish dominion in the West Indies, and under Article III the Philippines.

What is it that puts it into the hearts of Senators—I have seven minutes yet, I will say to the Senator from Virginia. I did not promise to stop until 8 o'clock; and the Senator need not worry, I am just as anxious for 8 o'clock to come as he is. You know, to speak eight hours is some achievement.

I was walking down the street the other day with a friend of mine, when he said, "Doctor, I have been married 15 years to-day." Of course, I congratulated him and felicitated him; wished him many returns of the day. He said, "A remarkable thing about my married life is that during these 15 years I have never spoken to my wife." Of course I was embarrassed, and said, "I am sorry; I hope there is nothing wrong." He said, "Oh, no; there is nothing wrong, everything is all right; but I did not want to interrupt her."

I may say to the Senator from Virginia that to talk eight hours, with the decision of the Presiding Officer that I must not be interrupted, and to keep it up without interruption, is one of the achievements that will be marked down in the annals of the Senate, and if there were anything to be gained by it, I would be very happy to go along for another eight hours. I feel entirely ready for it, and have material which, if listened to and absorbed by Senators, I feel would be enlightening to them. I perhaps am wrong, because the interesting thing about these performances is that after one has done all that, he has not made a vote, not one.

As Senators intended to vote at 12 o'clock to-day, they will vote next Saturday. There is no change.

I shall look back on this debate with a clear conscience. I have done my level best to present the cause of a thousand American citizens who live in the Isle of Pines, not one of whom I know personally. I have done my level best to protect the property interests of 10,000 American citizens who own property in the Isle of Pines. Ninety-five per cent of that island is owned by American citizens. I have done my level best to protect the rights of the owners of the plantations in the Isle of Pines, plantations capable of raising tobacco and sugar cane and citrous fruits and vegetables to feed a multitude; and if it were not for the fact that the Isle of Pines has soil capable of raising the things I have suggested, there would be no enthusiasm in this country for the ratification of the treaty.

Ah, my friends, I want to say that the ratification of the treaty at this time, without opportunity afforded these citizens to be heard, without opportunity for them to tell how they feel about it, to present the evidence which they claim they have—I say that to permit the ratification of the treaty under such circumstances is little short of infamy.

I regret that there is not some way, I hope there may be some way presented, so that the prayers of these people may be answered. I hope that the Great Father who oversees us all may somehow soften the hearts of those who must vote. I pray that somehow there may come a way to defeat the immediate ratification of this treaty, that good counsels may prevail, and the Senate may decide to appoint a committee to give consideration to all these matters, and that that committee may have wisdom in its acts, and that its decision may be a just one.

Senators, I am sure that you know me well enough to know that this long talk of eight hours has been made because of an honest desire to have justice done to these people. I am sincere when I say to you that I think it is a terrible thing, an unkind thing, an unjust thing, an unchristian thing to disregard the rights of these Americans. I am not asking Senators to defeat the ratification forever. I am not asking Senators to change their convictions. I am merely asking Senators to defer action until those persons can be heard. After these 21 long years a few months more will make no difference, and so I beg that my colleagues may review all the elements involved and, if possible, bring about some solution or some means of averting what will be a disastrous thing to these men and women, our brothers and sisters, now living in the Isle of Pines.

Mr. SHIPSTEAD. Mr. President, I can assure Senators that I rise at this late hour not for the purpose of prolonging the discussion and the debate, but because in the treaty with reference to the Isle of Pines it seems to me we find a new departure, a deviation in the public policy of the Government of the United States. The debate has been prolonged throughout the winter, and one would naturally believe that all the facts and all the arguments pertaining to the discussion of the treaty had been presented. I have followed the debates and the arguments, and I still believe there are some facts that should be presented. It is for that reason I rise at this late hour to address the Senate. I shall speak as hurriedly as I can, and for the benefit of Senators who may have an idea that I intend to talk for any extended length of time, I will say that if I am not interrupted I expect to conclude within an hour.

The proponents of the treaty say that the Isle of Pines has always belonged to Cuba. They say that it belongs to Cuba because for a long time it was united with Cuba for governmental purposes; that it belongs to Cuba because it is near Cuba, like Nantucket is near Massachusetts and Long Island near New York. The islands near Alaska are adjacent to Alaska. They also claim that we never had title to the Isle of Pines under the treaty of Paris; that it is not ours now and never has been ours. Then they say we are disposing of it to Cuba for a "consideration," that "consideration" being

coaling stations. The treaty has been pending for something like 20 years. It seems to me that the questions involved are—

First. Is the title to the Isle of Pines vested in the Government of the United States?

Second. If we are in possession of the title, should we dispose of it to Cuba?

Third. Is the treaty the proper method of transferring title?

Fourth. Are the rights of the American citizens protected in their equity accruing to them as a result of damages due to this prolonged controversy?

An equity was admitted by Mr. Root, under whose Secretaryship of War the Isle of Pines for governmental purposes was transferred to Cuba.

The Isle of Pines is situated about 30 miles south of the island of Cuba. It contains an area of about 900,000 acres. Prior to the treaty of peace following the war with Spain the Isle of Pines, together with Cuba, Porto Rico, and other islands of the West Indies, were possessions of the Kingdom of Spain.

The treaty of peace with Spain, known as the treaty of Paris, was signed December 10, 1898. This treaty contained the following provisions as to the islands in the West Indies:

ARTICLE I. Spain relinquishes all claim of sovereignty over and title to Cuba.

ART. II. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies and the island of Guam in the Marianas or Ladrones.

The act of Congress providing for a constitutional government for the island of Cuba was approved March 2, 1901. This act had the following provision, which is known as the Platt amendment:

That the Isle of Pines shall be omitted from the proposed constitution and boundaries of Cuba, the title thereto being left to future adjustment by treaty.

In 1903 the first proposed treaty was prepared, proposing to relinquish to Cuba all claim to the Isle of Pines, but this proposed treaty lapsed, because it failed of ratification by the United States Senate within the seven months' time limit fixed for its ratification.

On March 2, 1904, almost 20 years ago, the pending proposed treaty was prepared. Its provisions are as follows:

ARTICLE I. The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Isle of Pines situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain signed at Paris on the 10th day of December, 1898.

ART. II. This relinquishment on the part of the United States of America of claim of title to the Isle of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

From the time of the treaty of Paris and until the Republic of Cuba was inaugurated on May 20, 1902, Cuba was ruled by military governors appointed by the United States; first by Major General Brooke and later by Governor General Leonard Wood, who succeeded him, and during this time the Isle of Pines was attached to the division of Cuba for governmental purposes.—Letter of C. G. Meiklejohn, Senate Document No. 205, Fifty-ninth Congress, page 212.

On May 16, 1902, Secretary of War Root cabled to Governor General Wood at Habana, in reply to dispatches that he had received relating to the Isle of Pines, as follows:

It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government, pending the settlement of the title of said islands by treaty pursuant to the Cuban constitution and an act of Congress of the United States approved March 2, 1901.

Note that this instruction from Secretary Root was given many days prior to the transfer of the Government of Cuba to the President and Congress elected by the people thereof, and that the instruction was that the then present government of the Isle of Pines should continue as a de facto government. At the time this message was sent, and for several days thereafter, the only government the Isle of Pines had was the military government of the United States, and this is the government that Secretary Root intended should continue. But these instructions seem to have been misunderstood by General Wood, and in place of retaining the military government over the Isle of Pines he transferred the Isle of Pines as a de facto government to the Cuban Republic and withdrew the military government of the United States from the Isle of Pines. This mistake has been very injurious to public and private interests and rights.

Ever since May, 1902, the Isle of Pines has remained under the Government of Cuba, and the treaty the Senate is now considering has been lying dormant for many years.

After briefly reciting the facts in this case, let us now look at the treaty more closely and determine in ordinary business terms what kind of a transaction this really is. Is it a bargain and sale by which we sell property that we absolutely own to the island of Cuba for a stated consideration? If so, we ought to inquire into the adequacy of the consideration. Or is it simply a relinquishment of a cloud on the title that the United States may have on Cuba's title to the Isle of Pines; and if this is the case are we not charging Cuba entirely too much for a quitclaim deed if we have no interest whatever in this island? Is the United States to be in the same position as the real-estate shark that files a lis pendens on a piece of real estate simply for the purpose of beclouding the title to the land and then asking a substantial consideration for giving a quitclaim?

It appears to me from a careful examination of all the data on this subject that I could get hold of that the United States is the absolute owner of the Isle of Pines—that is, has absolute sovereignty over it—and that the treaty we are now considering is a sale or cession of the Isle of Pines to the Republic of Cuba.

I have been presented during the last year with numerous documents and briefs from both sides, those in favor of this treaty claiming that the Isle of Pines is an integral part of the Island of Cuba. Most of the arguments advanced to support this claim are that the Isle of Pines has for centuries been attached to Cuba for governmental purposes, and by reason thereof the Isle of Pines is an integral part of the island of Cuba. I do not think that these arguments are worthy of any consideration. The second argument advanced is that the Isle of Pines is physically, geographically, or geologically a part of the island of Cuba, and it is upon this point alone that we must determine the question whether the Isle of Pines is an integral part of the island of Cuba. If so, it was never intended to be ceded to the United States under Article II of the treaty of Paris, but comes within the provisions of Article I of said treaty and within the policies of the United States declared when we entered the war with Spain that we were going to intervene to make Cuba free.

In a circular entitled "Cuba's Claims to the Isle of Pines," by Gonzalo de Quesada, reproduced from the North American Review, November, 1909, and which reproduction last year was distributed by the Department of State, an extensive quotation is made from William Edward Hall's International Law, from which I quote the following:

On the south coast of Cuba the Archipielago de los Canarios stretches from 60 to 80 miles from the mainland to la Isla de Pinos. The length from the Jardines Bank to Cape Frances is over a hundred miles. It is inclosed partly by some islands, mainly by banks, which are always awash, but upon which, as the tides are very slight, the depth of water is at no time sufficient to permit of navigation; spaces along these banks, many miles in length, are unbroken by a single inlet; the water is uninterrupted, but access to the interior gulf or sea is impossible. At the western end there is a strait 20 miles or so in width, but no more than 6 miles of channel intervenes between two banks, which rise to within 7 or 8 feet from the surface and which do not, consequently, admit of the passage of seagoing vessels. In cases of this sort the question whether the interior waters are, or are not, lakes inclosed within the territory must always depend upon the depth upon the banks and the width of the entrances. Each must be judged upon its own merits. But in the instance cited there can be little doubt that the whole Archipielago de los Canarios is a mere salt-water lake and that the boundary of the land of Cuba runs along the exterior of the banks.

I will not dispute the law as laid down by Doctor Hall, but he is mistaken as to the facts so far as the Isle of Pines is concerned, and, for that reason, the principle of law that he has enunciated does not apply to the case at bar. Doctor Hall was under the impression when he wrote the above-quoted paragraph that this whole archipelago was a mere salt-water lake. Anyone who has visited the Isle of Pines and sailed the waters surrounding it knows that this is not so; but the best proof of all that Doctor Hall was mistaken is that the United States has almost completed a survey, or rather soundings, of the water surrounding the Isle of Pines, and the map of these surveys shows that this island is surrounded by water, the depth of which is at no place less than 20 feet. Doctor Hall must have based his opinion upon the rumors or gossip that

existed throughout Europe that the Isle of Pines could not be used as a penal colony for the reason that the prisoners could wade from the Isle of Pines over to the island of Cuba at stages of low water.

Doctor Hall's statement as to the status of the Isle of Pines seems to have misled many experts on international law.

In an article by Gonzalo De Quesada, former minister of Cuba to the United States, published in the North American Review, November, 1909, the learned writer states:

> And in no case the Isle of Pines has been considered other than a part of Cuba, as much as Staten Island or Long Island are part of New York State; the keys to the southwest of Florida, extensions of the mainland; Nantucket a portion of Massachusetts; and the Isle of Wight a part of England.

In a letter to Senator McCormick dated October 16, 1922, Secretary of State Charles E. Hughes states as follows (p. 2, S. Doc. No. 166, 68th Cong.):

> The Isle of Pines is situated about 50 miles from the coast of Cuba, and therefore, as was indicated by the Supreme Court of the United States in its opinion in the case of Pearcy v. Stranahan (205 U. S. 257), under the principles of international law applicable to such coasts and shores as those of Florida, the Bahamas, and Cuba, it would ordinarily be regarded as an integral part of Cuba.

There we have the eminent former Secretary of State enunciating international law in regard to the Isle of Pines.

In letter to Senator Shelby M. Cullom, dated January 8, 1906, Secretary of State Root, in answer to inquiry in regard to Isle of Pines, inclosed a typewritten copy of the paragraph that I have heretofore quoted from Hall's International Law. In the letter Secretary Root states:

> You will see that it contains a very good description of the physical condition, and that, as I mentioned to you, the undoubted appurtenance of the Archipielago de los Canarios, including the Isle of Pines, to the country called Cuba, is used as in illustration of the general proposition. (S. Doc. 166, 68th Cong., p. 3.)

In letter to Senator T. C. Platt, dated December 18, 1903, Secretary of State Elihu Root states as with reference to the Isle of Pines (S. Doc. 166, 68th Cong., p. 284):

> I think at the time the treaty was made it was as much a part of Cuba as Nantucket is a part of Massachusetts.

So we have the opinion of two former Secretaries of State, two very eminent authorities on international law. Certainly, Mr. President, it is not from vanity that I question their authority. I am not so vain as to want to set myself up as an authority on international law. If I so attempted to do, it would be the best evidence that I knew nothing about international law. It may be presumptuous on my part, a layman, to discuss constitutional law, but I want to remind you, Mr. President, that there is an old saying that you can find out something about religion almost anywhere except in a theological seminary; and so you can find out something about constitutional law almost anywhere except in the office of a man who claims to be a constitutional lawyer.

It is interesting to note that these eminent authorities on international law claim that the Isle of Pines is a part of Cuba because it is contiguous to Cuba, because it lies near Cuba, as Long Island lying near the mainland of New York and Nantucket lying near the mainland of Massachusetts and the islands lying near the Peninsula of Florida are a part of the mainland of the United States, because they lie near that mainland. But, Mr. President, an examination of the treaties that the United States has made for cessions of land will show that the title of the United States to islands in the Atlantic and Pacific Oceans and the Gulf of Mexico is based upon treaty stipulations particularly in regard to treaties with Great Britain, Spain, France, and Russia.

In the treaty of peace between the Colonies and Great Britain at the close of the Revolutionary War, Great Britain ceded to the Colonies all islands within 20 leagues of the shore line and lying between lines to be drawn due east from the main land ceded.

In the Florida treaty of 1819 Spain ceded to the United States the mainland of Florida and the adjacent islands owned by Spain.

Adjacent islands are also included in the Louisiana purchase and the Alaska purchase. The title of the United States to the Florida keys, Long Island, Nantucket, and other islands mentioned is not based upon the contiguity of these islands to the mainland, but these rights are specifically secured by treaty.

These eminent authorities all seem to claim that because Nantucket belongs to Massachusetts, the Isle of Pines belongs to Cuba. Nantucket belongs to Massachusetts not on account of its contiguity to the mainland of Massachusetts but is entirely based upon treaty rights.

King Charles the Second by patent to the Duke of York, in 1664, ceded a part of the mainland embraced in the State of New York which is in said treaty drawn by metes and bounds and "also all that island or islands commonly called by the several names of Mattawacks or Long Island, situate, lying, and being toward the west of Cape Cod and the Narro Higanset * * * and also all those several islands called or known by the names of Martins Vineyard and Nantukes, otherwise Nantuket." A similar grant was made by King Charles the Second in 1674 to obviate the objections raised against the validity of the first charter. Macy's History of Nantucket states that a certain Governor of New York notified the inhabitants of the Isle of Nantucket that if any of them had any private claims to ownership of land thereon they should present their claims to ownership of such land within a certain time. In pursuance of this notice a delegation from Nantucket appeared before the Governor of New York and presented their claims. The Governor of New York recognized these claims to private ownership of land on the condition that the inhabitants of Nantucket furnish to the Governor of New York every year four barrels of merchantable codfish. (This was before the adoption of the gold standard in New York.) Afterwards, and about the year 1692, the Isle of Nantucket was transferred to the Colony of Massachusetts by an act of Parliament. This shows that the claim to sovereignty by the State of Massachusetts over the Isle of Nantucket is not based upon geographical location of the island, but is based upon an act of Parliament.

In Senate Document No. 205, Fifty-ninth Congress, page 198, it is stated:

> It is not true, in point of fact, that the Isle of Pines was always a part of Cuba either politically or geographically. It was discovered by Columbus in 1494, and was named La Evangelista by him, and occupied as a separate discovery under the flag and the name of Spain. For a great many years it was not included in the Government of Cuba by any edict or act of the Spanish Government. It was never so included as a separate political department of Cuba.
>
> HOW WAS THIS ISLAND CONSIDERED DURING THE NEGOTIATIONS OF THE TREATY OF PARIS AND DURING THE YEARS IMMEDIATELY FOLLOWING?

From evidences that I have examined, I am satisfied that Senators William P. Frye, of Maine, and Cushman K. Davis, of Minnesota, two of the commissioners who negotiated the treaty, claimed that the Isle of Pines was not a part of Cuba, but was ceded to the United States under Article II of the treaty of Paris. That President McKinley was of the same opinion is also well established. The fact that he ordered the Commissioner of the General Land Office, Hon. Binger Hermann, to indicate on the map prepared by the General Land Office that the Isle of Pines belonged to the United States and not to Cuba, is conclusive evidence that President McKinley understood that this island was ceded to the United States under Article II of the treaty of Paris. Senator O. H. Platt, of Connecticut, who introduced the Platt amendment, and Senator John T. Morgan, of Alabama, who filed the minority report when this treaty was first reported, were of the same opinion.

Mr. President, I am aware that the charge has been made that the map prepared by Mr. Binger Hermann was based upon a mistake.

Mr. KING. Mr. President, before the Senator proceeds to that, will he yield for a question?

The PRESIDING OFFICER (Mr. FESS in the Chair). Does the Senator from Minnesota yield to the Senator from Utah?

Mr. SHIPSTEAD. Yes.

Mr. KING. I understood the Senator to state that Senator Cushman K. Davis and Senator Frye, who participated in the negotiation of the treaty, both took the position that the Isle of Pines was ceded to the United States; and I deduced from the Senator's statement that his contention was that they insisted or concluded that it was territory belonging to the United States. I was anxious to know where such a statement was made by those Senators—where the Senator finds the authority for it.

Mr. SHIPSTEAD. There are several letters on the subject in the records. I have not the letters here. I have read them. I think there are several affidavits to that effect.

Mr. KING. If the Senator will pardon me, I think he will find that Senator Davis and Senator Frye did not contend that the Isle of Pines came in the same category as Porto Rico and was carried as territory ceded to the United States in virtue of the provisions in the treaty by which Porto Rico and other islands—of course, referring to those that were contiguous to Porto Rico—were ceded to the United States. I

confess that I have given some little attention to the matter, and I can find no statement by either of those Senators which would justify or warrant the assertion that they regarded the Isle of Pines as territory ceded to the United States, as an independent cession, the same as Porto Rico was, and under the terms of which cession the United States might exercise complete sovereignty—quite the reverse. I reached the conclusion, from the investigations which I made, that they took the position that the Isle of Pines was a part of Cuba, and would go as Cuba went.

If the United States retained jurisdiction and sovereignty over Cuba, it might then retain jurisdiction and sovereignty over the Isle of Pines; but if, on the contrary, Cuba became an independent state, or we had a protectorate over it, then we would bear the same relation to the Isle of Pines, and no other, that we would bear to Cuba under any arrangement which we might make with the Cuban people.

Mr. SHIPSTEAD. May I ask the Senator where he found any evidence to arrive at that conclusion?

Mr. KING. All I can say to the Senator is, as he replied to me, that I think the hearings before the committee, the multitudinous documents which have been presented to the committee from time to time, bear out the position which I have assumed. I have not time now to go through the record and point them out.

Mr. SHIPSTEAD. I do not mean to say that Senator Frye and Senator Davis went into such detail as the Senator from Utah does in his statement denying their position; but I think there is considerable evidence in the records to show that they had an opinion, and that they considered that it was United States territory. I went through the various documents a year ago, and I remember distinctly the statement in a letter that I read from Senator Davis, he being from my State.

Mr. KING. If the Senator will pardon me, I think the Senator would be entirely within the bounds of accuracy if he were to state that they regarded the treaty as a complete dispossession—if I may be permitted to use that term—of Spain of any title which Spain had in the Isle of Pines, the same as the treaty constituted a dispossession of Spain of any title which she had in Cuba. In other words, they regarded the treaty as having deprived Spain of all sovereignty, all right of possession, all proprietary interest, not only in Cuba but in the Isle of Pines and Porto Rico and contiguous islands; but I think that they differentiated Cuba and the Isle of Pines from Porto Rico and the contiguous islands to which I have referred.

I hope the Senator will pardon me for having taken so much of his time.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. SHIPSTEAD. Yes; I yield.

Mr. WILLIS. I do not desire to intrude upon the Senator's very able argument, but I should not like to have the statement made by the Senator from Utah go unchallenged. In my remarks yesterday at some length I undertook to place in the RECORD and did place in the RECORD very definite evidence to the contrary of the statement which the Senator from Utah has just made. There was no direct statement from Senator Frye, but there was and is to be found in the minority report written by Senator Morgan when the treaty was before the Senate the first time the very definite statement that Senator Frye, in the private deliberations of the committee, had stated that he regarded the Isle of Pines as coming to the United States; and then I placed in the RECORD—the Senator will find them in to-day's RECORD—the sworn statements of the men to whom Senator Davis, likewise a member of the commission, had made similar statements indicating his clear opinion that the Isle of Pines was not a part of Cuba.

I thank the Senator for yielding to me.

Mr. KING. Mr. President, of course the Senator will recall that Senator Frye joined in reporting the treaty favorably and asked for its ratification.

Mr. WILLIS. There is no evidence that he joined in the majority report. He did not make a minority report, but we have no evidence at all that he joined in the majority report.

Mr. KING. I think it is very evident that Senator Frye took the position that the treaty should be ratified.

Mr. WILLIS. I will say to the Senator that there is no evidence of that.

Mr. SHIPSTEAD. Let us assume that he did. Senators very often change their minds, if for no other reason in order to be regular. I will say to the Senator from Utah that I thought the evidence of the opinion of Senator Frye, and particularly of Senator Davis, had been so thoroughly established that I did not bring a copy of the letters to read into the RECORD.

On this wall we have a map prepared by the Geodetic Survey in 1901 for the use of the President of the United States. It is reproduced by the Military Intelligence Division of the United States Army, and if you will look on that map you will see that the Isle of Pines is shown to belong to the United States. So we have not only the Department of the Interior and the General Land Office making maps of the possessions of the United States, but we have the Geodetic Survey making them, and we have the Department of War copying and reproducing the maps printed by the Geodetic Survey showing that the Isle of Pines was then United States territory.

How can we account for the pending treaty, by which the United States is to cede all its claims both under the first and second articles of the treaty of Paris?

If we have any claim it must be under either one or the other—either the first article or the second article. It can not be under both, and certainly not under the first, because the first article states that the Kingdom of Spain relinquishes all claim of sovereignty over and title to the island of Cuba. It does not say that it gives Cuba to the United States. Consequently, we could not, under any stretch of the imagination, obtain title under Article I of the treaty of Paris. We could only have it under Article II.

The Senator from Ohio [Mr. WILLIS] presents to me the letter he inserted in the RECORD of yesterday showing the position of Senator Davis, of Minnesota. I shall not take the time of the Senate to read it, however, because it is already in the RECORD, and I do not care to have it printed again. The very able Senator from Ohio, in his remarks of yesterday, covered that point.

Then, to make it doubly strong, the pending treaty is based upon a consideration; but this consideration is purely fictitious, because the lease for coaling and naval stations in the island of Cuba had been made long before this treaty and was to be for a consideration of $2,000 a year paid by the United States as long as the United States chose to occupy said stations for the purposes set forth in said treaty, but for no others. This treaty does not relieve the United States from paying this $2,000 a year rental.

We are called upon to ratify this treaty 20 years after it was negotiated, when the eminent statesmen that I have mentioned, such as Senators Frye, Davis, and Morgan, are no longer with us, after over 10,000 American citizens have acquired interests in that island upon the belief that this island would remain under the sovereignty of our country, relying upon the policy of this Government never to cede any of its territory and transfer its citizens to that of another.

How can it be contended that the Isle of Pines was politically a part of Cuba? Up to the time of the treaty of Paris, Cuba was absolutely under Spanish sovereignty. So were Porto Rico and the other islands in the Caribbean Sea.

Cuba had no sovereignty except that given it by the United States under the Platt amendment. Until that sovereignty was established by the Government of the United States, Cuba could not hold sovereignty over the Isle of Pines, because it did not have sovereignty of its own. It could not own anything.

Mr. SIMMONS. Mr. President, referring to the statement the Senator just made—and I do not interrupt him with any idea of disturbing his discourse——

Mr. SHIPSTEAD. I am glad to yield to the Senator.

Mr. SIMMONS. I think the Senator is clearly in error in saying that Cuba had no sovereignty at the close of the insurrection. If that were true, then the United States had no sovereignty at the close of the War of the Revolution. In 1897, more than a year before the war against Spain terminated, the Cuban people, in insurrection, just like the American people, met in convention, duly and formally called, with delegates elected from and representing all the Provinces of Cuba, including the Province of Habana, the delegates from the Province of Habana being voted for by the people of that part of the Province of Habana termed the "Isle of Pines" as well as by the people of that part of Habana Province lying in the island of Cuba, and adopted a regular constitution, declaring that the Republic of Cuba was free and of right entitled to be an independent nation. That constitution was modeled very largely upon our own Constitution. The first article of that constitution undertook to declare, and did declare, the territorial limits of the new government of the Republic of Cuba, and that declaration included the Isle of Pines.

At that time the revolution had been in progress for more than two years. More than 50,000 Cuban soldiers were under

arms. The Isle of Pines contributed a part of that army. The constitution went into effect providing for the civil government of the new Republic of Cuba. That constitution was filed with the Department of State of this Government, and it was upon the request of the representatives of the new Government of the Republic of Cuba that the United States intervened in the war between Cuba and Spain. So that Cuba was a Government—an orderly, regularly, and legally organized Government—at the time we intervened, and we intervened at the request of that Government.

How the Senator can say, therefore, that Cuba had no sovereignty, I can not understand. According to my theory of this matter, whether the Isle of Pines was geographically and integrally part of the island of Cuba or not, the Isle of Pines had a right to associate itself in the rebellion with Cuba, and it did associate itself in that rebellion with Cuba. It furnished its just and fair quota of soldiers in the struggle. It joined itself with Cuba in the formation of this new Government and became politically a part of the Republic of Cuba, and when we entered the war we recognized that Government and declared that it was free and of right ought to be free and independent.

We did not win the war with Spain ourselves, alone. We won it in cooperation with the new Republic of Cuba, organized as formally as the Government of the United States, under the Declaration of Independence of 1776, was organized. We acquired the same status among the nations of the earth that we had at the time France came to our assistance, and at the close of that war we had the same status and no other status than that which the Republic of Cuba had at the time of the close of the rebellion of that country against the Kingdom of Spain.

So that to my mind it makes but little difference, in the consideration of this problem, whether the Isle of Pines was geographically a part of Cuba or not; she became politically a part of Cuba, as she had a right to do, and after the adoption of a constitution, in which she participated, she became a part of the Cuban Government.

During the whole of the insurrection, before the constitution was adopted and after the constitution was adopted, the Isle of Pines was engaged, just as the island of Cuba was engaged, in the contest against Spain. We intervened in behalf of the liberty and the freedom of those people who were engaged in insurrection against Spain, and there can not be a scintilla of doubt that the Isle of Pines was as much in insurrection against the oppression and misrule of Spain as the island of Cuba was, and there can not be a doubt that those two countries, even if they were before independent of each other politically, did come together and did organize and agree in solemn constitutional convention, that thereafter they would be one political unit under the name of the Republic of Cuba.

Mr. SHIPSTEAD. Mr. President, I want to say that the Senator from North Carolina is always worthy of consideration when he expounds his views. When I made the statement that Cuba was not a sovereign nation until the United States made her so, of course I made the statement with this in mind, that Cuba was not able to maintain or enforce her sovereignty until the United States came to her assistance.

When the treaty of peace was signed, the disposition of the territory of Cuba was provided for in the treaty of Paris between the United States and the Kingdom of Spain, and in that treaty, Article I, Spain gave up title and claim to and possession of the island of Cuba, and the United States held possession at the time. We might say that the Government of the United States held the island in trust for the Cuban people until a government could be established, and a government was established after the enactment of the Platt amendment providing for a constitution for the people and government of Cuba.

There may be a difference of opinion as to the exact time when Cuba became a sovereign nation, and due to the lateness of the hour I do not intend to go into any extended discussion of that, but, as a matter of fact, sovereignty over Cuba, so far as the nations of the world were concerned, was in the Kingdom of Spain until possession over the island of Cuba was wrested from the Kingdom of Spain by the armies of the United States. I might add that I was under the impression that during the Cuban rebellion a majority of the people of the Isle of Pines were noncombatant Spaniards who did not support the rebellion.

If Spain had seen fit to put Cuba and Porto Rico under the same governor, would that have given Cuba the right to claim Porto Rico under the treaty of Paris? Certainly not. Spain could place as many of these islands under one governor or local legislature as she saw fit and could change this arrangement from time to time. Further, the treaty of Paris deals with geographical subdivisions only. Under Article II Porto Rico and all other islands are ceded to the United States. The rights of the United States under this treaty are governed by geographical subdivisions.

The Isle of Pines is not a physical, geographical, or geological part of the island of Cuba. On the wall is a photographic copy of a War Department map of the Isle of Pines, showing that the Isle of Pines has its own set of keys and that it is a separate geographic structure from the island of Cuba. It is more than 30 miles away from the mainland of Cuba, and is separated from Cuba and its keys by a navigable channel of a depth of 20 feet and upward, has its own harbor, which connects directly with the Yucatan Strait and not with the harbors in Cuba, and from a geological standpoint it is not of the same formation as Cuba and has its own sets of keys. All these facts show that the Isle of Pines is not geographically or geologically an integral part of the island of Cuba.

In the report of the Secretary of the Treasury for 1924, page 54, it is stated that the Government of Cuba has paid its obligations in full, both principal and interest. A similar statement appears in the report of the Secretary of the Treasury for 1923, but it must be noted that this statement appears in connection with the Secretary's report of settlements made with foreign countries of debts growing out of advances made during the World War, and the Secretary's statement does not refer to debts due the United States from Cuba on account of any of the interventions made by the United States in behalf of Cuba.

I ask leave to have printed in the RECORD as part of my remarks a copy of letter that I sent to the Secretary of the Treasury on December 23, 1924, together with the reply thereto by Garrard B. Winston, Undersecretary of the Treasury, dated December 29, 1924.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 23, 1924.

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR SECRETARY: I desire to secure some information in regard to repayment to the United States by the Republic of Cuba of the expenses incurred by the United States in the first intervention, 1899–1902, and the second intervention, 1906–1909.

My attention has been called to page 54 of the Annual Report of the Secretary of the Treasury, 1924, where it states that the Government of Cuba has paid in full both principal and interest due on its obligations. I presume this refers only to the advancements made by the United States out of the sale of Liberty bonds during the late war, and does not refer to any other obligations.

Was any payment ever made to the United States by the Republic of Cuba as authorized by the act of March 2, 1907, volume 34, United States Statutes at Large, page 1381?

If you can give me the information as to the amount expended by the United States on account of these interventions and how much still remains unpaid, I shall consider it a great favor.

Very respectfully,

HENRIK SHIPSTEAD.

TREASURY DEPARTMENT,
Washington, December 29, 1924.

MY DEAR SENATOR: Referring to your letter of December 23, 1924, making inquiry as to whether the United States has ever been paid any part of the debt incurred by the Cuban interventions, you are advised as follows:

The deficiency act of March 4, 1907 (34 Stat., pt. 1, p. 1381), under the caption "Military Establishment," authorized the President "to receive from the Treasury of the Cuban Republic and pay into the Treasury of the United States from time to time such amounts to reimburse the United States for the expenditures from the United States Treasury made necessary on account of the present intervention as he may consider the Cuban Treasury then able to pay without serious embarrassment."

From a careful examination of the records of this department it does not appear that any sum has ever been deposited in the Treasury of the United States on account of the expenditures due to the Cuban interventions.

In this connection, however, it may be stated that the report of the Bureau of Insular Affairs for 1909 to the Secretary of War contains, on page 26, a statement of extraordinary expenditures on account of the army of intervention in Cuba, which shows the amount of such extraordinary expenditures for the fiscal years 1907, 1908, and 1909 to be $6,509,511.26. The report of the Bureau of Insular Affairs appears to have been contained in the Annual Report of the Secretary of War for the fiscal year ended June 30, 1909, but no copies of this

report are available in the Treasury Department. It is suggested, however, that, if any further detailed information is desired pertaining to this matter, you communicate with the War Department, Bureau of Insular Affairs.

By direction of the Secretary.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

Hon. HENRIK SHIPSTEAD,
United States Senate.

Mr. SHIPSTEAD. A great deal had been said to the effect that the United States should be generous in dealing with this small Republic of Cuba. Have we not been generous? I desire, in connection with this, to show the attitude of the Republic of Cuba in regard to fulfilling their obligations under the Platt amendment, and I can best accomplish this by reading the following extracts from the message of President Palma to the Congress of Cuba, dated April 6, 1903, and published in House Documents, Volume I, "President's Message and Foreign Relations," for 1903 (pp. 354 to 359):

It is to our interest to worthily cultivate those sentiments of the American people, and we can do it in no more certain a way than by acting frankly, promptly, and correctly in the fulfillment of our obligations to the Washington Government, be this to grant what we should or refuse what we consider unjust to concede.

The agreement which under article 7 of the constitutional appendix was made with the President of the United States fixing the places we are to lease for naval and coaling stations has already been submitted to the Senate for its approval. I do not hesitate to call the attention of the Congress to the difference between what has been agreed upon and the purpose of the Washington Government to obtain two more places—Nipe and Cienfuegos—in addition to Guantanamo and Bahia Honda for the establishment of such stations.

The constant energy of that Government to secure the first two stations can only be compared with the efforts made by the Cuban Government not to cede more than the two stations previously mentioned. As it is not possible to elude the obligation assumed in consequence of the seventh article of the Platt amendment, accepted by us, the Executive believes that the agreement made, by which there is fixed for naval or coaling stations a part of the Bay of Guantanamo and likewise a part of Bahia Honda, is the most favorable that could have been made. Therefore the Executive did not hesitate to recommend its prompt approval, so that it could proceed immediately to make the additional agreement establishing the consideration of the lease and all other conditions and particulars which should regulate the possession of the areas of land and water designated in Guantanamo and Bahia Honda.

I also quote from President Palma's message to the Cuban Congress, dated November 2, 1903, published in said House document, pages 361 to 369:

Of two formulas of grant—"sale or lease"—of portions of territory to which the United States had had the right for the establishment of naval and coaling stations, the one that would least wound Cuban sentiment was accepted; of said stations we granted the least number possible, and the conditions inserted in the convention regulating the lease of the same are so many more limitations of that grant, all favorable to the Republic of Cuba.

It has been argued in support of the ratification of the treaty that the leasing by Cuba of naval stations to the United States was a consideration for the cession of the Isle of Pines. Such was apparently not the understanding of President Palma, because in his message to Congress on April 6, 1903, he states, after the paragraph which I have quoted, in which he reports to Congress the leasing of the naval stations, as follows:

We are now busy with the matter of the Island of Pines, and are hopeful that the negotiations will result satisfactorily to us.

This shows that the contract for leasing the naval stations to the United States was completed before the terms of the treaty for ceding the Isle of Pines to Cuba were agreed upon and clearly shows that the lease of naval stations was not a consideration for ceding the Isle of Pines to Cuba, and corroborates the statement that I made at the beginning of my address that the consideration expressed in the pending treaty is mere fiction.

It has been claimed that the $2,000 annual rental is only a nominal consideration, but when we examine Article I of the lease to the United States of said naval station—Senate Document No. 166, Sixty-eighth Congress, page 310—we find the following provisions which are very advantageous to Cuba:

All private lands and other real property within said areas shall be acquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties, and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said agreement.

It will be seen from the provision quoted that the United States had to advance all the money necessary to pay for the lands occupied by the United States for said coaling stations.

In view of the fact that the Isle of Pines was ceded absolutely to the United States under Article II of the treaty of Paris we must agree fully with the able argument of Senator Morgan, of Alabama, in the minority report on the treaty as set forth in said Senate Document 205, in which he claims that the Senate alone has not the right to cede territory that belongs to the United States, but that the only way that this can be done is by an act of Congress. The Senate should be careful not to exceed its rights in transferring property. During the last session of Congress we heard in this Chamber a large amount of criticism of one executive department transferring its jurisdiction over property to another executive department, and this second department in turn transferring the property to private parties. By this treaty we are called upon to ratify the acts of the War Department in transferring the government of the Isle of Pines from the War Department to the Government of Cuba. We have been charitable toward Governor Wood in saying that he misunderstood the orders of his superior officers, but this mistake of Governor Wood certainly does not give Cuba any more right to the island than it had before. If Cuba has incurred any expenses in governing the island over and above the revenues therefrom, let us pay her dollar for dollar. The United States spent millions of dollars and thousands of lives in setting Cuba free, paid out millions of dollars of pensions to those who fought in said war, and twice intervened to suppress insurrections in Cuba, the second time at Cuba's express request, and spent many millions of dollars in said intervention which Cuba has not repaid us, and, judging by her actions, never intends to pay. The fair thing to do would be to give Cuba credit upon her indebtedness to us for the amount that she has lost during the 20 years that she has unlawfully governed the Isle of Pines.

We can not come to any other conclusion than that the title to the Isle of Pines is vested in the United States. Possession was illegally transferred to Cuba by General Wood when he disobeyed the order of his chief, the Secretary of War. The United States can not lose title by this illegal act of General Wood, and subordinates in the War Department can not transfer title of territory. That can only be done by act of Congress.

Article IV, section 3, of the Constitution says:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The Constitution does not say that when United States territory is to be transferred or disposed of to a small nation that the Senate and executive department can do it. It does not differentiate in the matter at all. Territory can only be disposed of by act of Congress. Neither does the Constitution say that the Supreme Court can by a decision transfer territory of the United States to a foreign nation, as has been claimed was done under the Supreme Court decision involving the revenue act of the United States in the case of Pearcy against Stranahan.

If it was the intention to transfer the Isle of Pines to Cuba it should have been done by the treaty of Paris instead of that treaty passing title to the United States. If the United States wanted to give the Isle of Pines to Cuba it should have been done by an act of Congress before American citizens were allowed and encouraged to settle on the island, acquiring property rights there while the island was American territory, and being led to believe that it was to continue to be American territory.

To transfer title now would be to transfer these American citizens from the protection of the Constitution of the United States to a foreign nation. This is setting a precedent which I would submit to with great reluctance. This is placing upon the American citizens on the Isle of Pines the penalty of paying for illegal acts of Government officials who in the discharge of their duties did not confine their actions within the limits imposed upon them by the Constitution.

Mr. President, I merely want to say in conclusion that when the rights of these American citizens are now jeopardized, their constitutional rights of property and citizenship, their right to remain citizens of the United States, I am wondering what

has become of the constitutional lawyers of the United States who for years have upheld the policy of imperialism on the part of the American Government in Central and South America? Where nothing but the profits of American citizens were at stake the policy of imperialism has been followed and has been supported by the great constitutional lawyers of the Nation, a policy which I regret. But here we have an occasion where the property and rights of a few American citizens residing on American soil under the Constitution of the United States are involved. It is interesting to see with what facility and agility the Constitution of the United States has been made to cover Mexico and Central America and even Europe, but is now becoming so restricted that it can not cover American citizens in the Isle of Pines. I said in the beginning that it seems to me in this treaty we are departing from an old, established policy of the Government of the United States. We are transferring territory of the United States and citizens of the United States to a foreign country. Before we vote upon the treaty I wish to ask what has become of all these valiant defenders of the constitutional rights of American citizens?

Mr. PEPPER. Mr. President, I desire to submit a request for unanimous consent, as follows:

It is agreed by unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow, and that at not later than 3 o'clock p. m. on said day it will proceed, without further debate, to vote upon any and all amendments to the treaty and upon the resolution of ratification and upon any reservations that may be offered thereto.

I submit that request for unanimous consent, Mr. President.

Mr. BLEASE. Mr. President, I suggest that before the word "treaty" the words "Isle of Pines" should be inserted.

The PRESIDENT pro tempore. The Chair will state to the Senator from South Carolina that there is but one treaty pending at the minute before the Senate.

Mr. BLEASE. The Chair holds that the unanimous-consent agreement will restrict it to the Isle of Pines treaty?

The PRESIDENT pro tempore. The Chair so holds.

Mr. BLEASE. I do not want to get mixed up on it, because there are some other treaties on which I am not ready to vote.

The PRESIDENT pro tempore. The words "Executive J" might be inserted if the Senator from Pennsylvania would consent.

Mr. ROBINSON. Or the words "pending treaty."

Mr. PEPPER. Let it read "the pending treaty."

The PRESIDENT pro tempore. The Chair, however, would be of the opinion, there being but one treaty before the Senate at the minute, that the unanimous-consent agreement could apply only to it; but in order to make the unanimous-consent agreement entirely clear the word "pending" will be inserted before "treaty."

Mr. ROBINSON. There can be no objection to that.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement as modified?

Mr. BLEASE. I object, unless the words "Isle of Pines" appear in the agreement.

The PRESIDENT pro tempore. Does the Senator from South Carolina object with the words "the pending treaty" included?

Mr. BLEASE. If the present occupant of the chair were going to stay in the chair, I would not object.

Mr. ROBINSON. There can be no objection to describing the treaty by name as the Isle of Pines treaty.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania accept the modification?

Mr. BLEASE. There are some treaties here that I shall object to, and I do not propose to be caught asleep.

Mr. PEPPER. I think the Senator is entirely right, and I suggest that we designate it by its official number and title.

Mr. BLEASE. That is all right. Then I shall have no objection to the proposal.

The PRESIDENT pro tempore. The Secretary will read for information the proposed unanimous-consent agreement as now modified.

The Chief Clerk read as follows:

It is agreed by unanimous consent that when the Senate concludes its business to-day it takes a recess until 12 o'clock meridian to-morrow, and that at not later than 3 o'clock p. m. on said day it will proceed without further debate to vote upon any and all amendments to the treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, being "Executive J," Fifty-eighth Congress, second session, and upon the resolution of ratification and upon any reservations that may be offered thereto.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement?

Mr. BRUCE. Mr. President, I did not hear anything about a limitation of the time that may be taken in the discussion of the treaty to-morrow.

The PRESIDENT pro tempore. There is none, except that without further debate a vote shall be taken at 3 o'clock.

Mr. BRUCE. If the question had come up before to-night I would have been very glad to waive any objection, but there are one or two other Senators I know of in addition to myself who would like to have an opportunity to express their views.

Mr. CURTIS. Debate runs from 12 until 3 o'clock. There are three hours for debate to-morrow.

Mr. BRUCE. I did not understand that part of it. It is all right.

Mr. PEPPER. The unanimous-consent request was offered by me with the understanding on my part, which I think is borne out by the language, that there will be three hours for debate in the interval between 12 and 3 o'clock.

Mr. BRUCE. Suppose some one Senator takes up the entire three hours?

Mr. PEPPER. I am entirely willing to insert in the unanimous-consent agreement a provision that no Senator shall speak more than once or for longer time than 15 minutes on the treaty or any amendment or upon the resolution of ratification.

Mr. BRUCE. That is satisfactory.

Mr. SHORTRIDGE. Mr. President, we entered into a unanimous-consent agreement the other day to take up and vote upon a certain proposition at a certain hour, and a certain Senator obtained the floor and consumed the whole period of time up to the hour of voting, thereby depriving other Senators of an opportunity to say a word. If we meet at 12 o'clock to-morrow, and are to vote at 3 o'clock, the question is, What shall be the limit of time as to a particular Senator?

Mr. ROBINSON. Let me ask the Senator from California if he objects to the modification suggested by the Senator from Pennsylvania [Mr. PEPPER] to limit the length of time that any one Senator may speak upon the resolution of ratification or upon any amendment or reservation to 15 minutes?

Mr. SHORTRIDGE. I was about to suggest a shorter time.

Mr. ROBINSON. I do not believe that is necessary.

Mr. SHORTRIDGE. I was about to suggest 10 minutes. There may be many Senators who desire to briefly express their views upon this important matter.

The PRESIDENT pro tempore. May the Chair suggest that fixing the hour of meeting at 11 o'clock might obviate the objection?

Mr. ROBINSON. It is not desired that that be done. May I suggest to the Chair and to the Senator from California that after great difficulty and much consultation this arrangement has been effected, and, unless the Senator is prepared to disturb it and upset it, I think he ought to consent to the modification suggested by the Senator from Pennsylvania.

Mr. SHORTRIDGE. I very cheerfully shall do so if the hour of meeting shall be fixed at 11 o'clock, which would give ample time.

Mr. ROBINSON. I shall object to the Senate meeting at 11 o'clock. Meeting at 12 o'clock will give three hours.

Mr. SHORTRIDGE. I shall not urge my objection.

Mr. REED of Missouri. Mr. President, I am not going to object to this unanimous-consent request, but it is in a form that I have frequently objected to and which I think ought never to be agreed to. It proposes to fix an absolute hour for voting upon the main proposition and upon all amendments. I have often seen a case, as have other Senators, where important amendments were offered and no possible opportunity given even to the proponent of the amendment to explain its import. I thought we had nearly come to a time here when we were going to follow the practice that has been often adopted of fixing an hour when debate would be limited to a certain number of minutes for each Senator. In that way every amendment can be discussed. However, I shall not object to this proposal in its present form, though I think it is not a desirable form to adopt.

Mr. BRUCE. May I invite the attention of the Senator from Missouri to the fact that this is a treaty with which we are dealing and therefore there will be no amendments.

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Maryland that there is now pending an amendment which has been offered by the Senator from Ohio [Mr. WILLIS].

Mr. BRUCE. In most cases what I have stated is true so far as treaties are concerned.

Mr. PEPPER and Mr. ROBINSON. Question!

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement?

Mr. SHORTRIDGE. Mr. President, begging the pardon of everybody, for I have just returned to the Chamber, what, in a word, is the substance of the proposed unanimous-consent agreement?

The PRESIDENT pro tempore. The Secretary will state the proposed unanimous-consent agreement as modified.

The Chief Clerk read as follows:

It is agreed by unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock meridian to-morrow, and that at not later than 3 o'clock p. m. on said day it will proceed without further debate to vote upon any and all amendments to the treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, being Executive J, Fifty-eighth Congress, second session, and upon the resolution of ratification and upon any reservations that may be offered thereto, and no Senator shall speak more than once or longer than 15 minutes on the treaty or resolution of ratification or any amendment offered to either thereof.

Mr. SHORTRIDGE. Mr. President, would Senators who have devoted earnest thought to the subject agree to this tentative suggestion: That the hour be made 4 o'clock? I know a number of Senators——

Mr. ROBINSON. I shall have to object to the suggestion of the Senator from California.

Mr. SHORTRIDGE. Why does the Senator object?

Mr. ROBINSON. I object to the Senator's suggestion because I will state that after a consultation extending over a period of perhaps an hour or two hours this arrangement has been effected. If the Senator from California now objects to the unanimous-consent agreement, he may do so; he has the power to do it; and we can proceed to-night, if necessary, to take some action.

Mr. SHORTRIDGE. Very well, Mr. President.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement?

Mr. SHORTRIDGE. One moment. I desire to say that I have made my suggestion not for myself but for the reason that I happen to know that there are a number of Senators who desire to say a word on the treaty, and it occurred to me that perhaps my suggestion, if agreed to, would afford them the opportunity to do so.

Mr. ROBINSON. There will be 3 hours for debate to-morrow, and each Senator will be limited to 15 minutes.

Mr. SHORTRIDGE. I do not urge my suggestion, Mr. President.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement proposed by the Senator from Pennsylvania [Mr. PEPPER]? The Chair hears none, and the unanimous-consent agreement is entered into.

PRICES OF CRUDE OIL, GASOLINE, ETC.

Mr. CURTIS. Mr. President, I move that the Senate——

Mr. TRAMMELL. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. CURTIS. I yield.

Mr. TRAMMELL. As in legislative session I desire to submit a resolution which I ask may go over under the rule.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent to submit a resolution which will be read by its title for the information of the Senate.

Mr. TRAMMELL. Mr. President, under the rule, I believe the resolution should be read and then go over under the rule.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 31), as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate at the next session of Congress:

First. The very material advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products and whether or not such price increases were arbitrarily made and unwarranted.

Second. Whether or not there has been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices, or any conditions of ownership or control of oil properties or of refining and marketing facilities in the industry which prevent effective competition.

Third. The profits of the principal companies engaged in the producing, refining, and marketing of crude oil, gasoline, kerosene, and other petroleum products during the years 1922, 1923, 1924, and 1925, and also such other matters as may have bearing upon the subjects covered by the provisions of this resolution.

The PRESIDENT pro tempore. The resolution will lie over under the rule.

AFFAIRS IN TURKEY

Mr. KING. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. I yield.

Mr. KING. As in legislative session, I send to the desk a resolution which I ask may lie on the table and be printed in the RECORD. It requests the State Department for certain information relative to conditions in Turkey.

The resolution (S. Res. 32) was read and ordered to lie on the table, as follows:

Whereas it is incompatible with the dignity and interests of the United States to have diplomatic correspondence or relations with any government which does not discharge its international obligations, and which does not protect the property of the United States and the lives and property of American nationals within the territory subject to its jurisdiction; and

Whereas the so-called Kemalist government, claiming to be the de facto Government of Turkey, is seeking to be recognized by and to enter into diplomatic relations with the Government of the United States; and

Whereas it has been charged that military forces under the command of said Kemalist government in September, 1922, willfully sacked and burned the greater part of the city of Smyrna, including the American consulate and the property of American nationals in said city; and

Whereas the consul general of the United States at Smyrna was an eyewitness to the sack and burning of Smyrna, and thereafter made a report to the State Department respecting the destruction of the American consulate and of other American property in Smyrna; and

Whereas said report of the American consul general fixing the responsibility for the burning of the American consulate and giving specifications as to the outrages suffered by the American colony in Smyrna, and was not made public by the State Department; and

Whereas it has been reported that the State Department has cautioned American officials and private citizens who were residing in Turkey at the time of said outrages and who have since returned to the United States, that they should refrain from making public statements in this country respecting conditions in Turkey, or respecting the question of responsibility for the sack and burning of Smyrna: Now therefore be it

Resolved, That the Secretary of State is requested to forward to the Senate said report of the consul general of the United States at Smyrna and any other official reports respecting the sack and burning of Smyrna in September, 1922, and further to report to the Senate whether the State Department has admonished or requested American officials or citizens returning from Turkey that they should refrain from making any public statements respecting conditions in said country or affecting the responsibility of the so-called Kemalist government for outrages which have been committed therein as against American citizens or as against other persons lawfully residing in Turkey.

EXECUTIVE SESSION WITH CLOSED DOORS

Mr. CURTIS. I renew my motion that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in secret session the doors were reopened, and (at 9 o'clock and 35 minutes p. m.) the Senate in open executive session took a recess, the recess being under the unanimous-consent agreement until to-morrow, Friday, March 13, 1925, at 12 o'clock meridian.

DEFINING BOUNDARY BETWEEN UNITED STATES AND CANADA

During the consideration of executive business with closed doors this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty signed between the United States and His Britannic Majesty, in respect of Canada, to define more accurately at certain points and to complete the international boundary between the United States and Canada and to maintain the demarcation of that boundary.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 26, 1925.

To the PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty concluded on February 24, 1925, between the United States and His Britannic Majesty, in respect of the Dominion of Canada, to define more accurately at certain points and to complete the international boundary between the United States and Canada and to maintain the demarcation of that boundary.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, February 24, 1925.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, desiring to define more accurately at certain points and to complete the international boundary between the United States and Canada and to maintain the demarcation of that boundary, have resolved to conclude a treaty for these purposes, and to that end have appointed as their respective plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Britannic Majesty, in respect of the Dominion of Canada: The Honorable Ernest Lapointe, K. C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

Whereas Article V of the Treaty concerning the boundary between the United States and the Dominion of Canada concluded on April 11, 1908, between the United States and Great Britain, provided for the survey and demarcation of the international boundary lines between the United States and the Dominion of Canada from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of Lake of the Woods, as defined by the treaties concluded between the United States and Great Britain on September 3, 1783, and August 9, 1842;

And whereas Article VI of the said Treaty concluded on April 11, 1908, provided for the relocation and repair of lost or damaged monuments and for the establishment of additional monuments and boundary marks along the course of the international boundary between the United States and the Dominion of Canada from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains, as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose by joint action of the Contracting Parties in 1872;

And whereas it has been found by surveys executed under the direction of the Commissioners appointed pursuant to the said Treaty of April 11, 1908, that the boundary line between the United States and the Dominion of Canada from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of Lake of the Woods as defined by the treaties concluded on September 3, 1783, and August 9, 1842, is intersected by the boundary from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains as established under existing treaties and surveyed, charted, and monumented by the Joint Commission appointed for that purpose in 1872, at five points in Lake of the Woods adjacent to and directly south of the said northwesternmost point, and that there are two small areas of United States waters in Lake of the Woods, comprising a total area of two and one-half acres, entirely surrounded by Canadian waters;

And whereas no permanent monuments were ever erected on these boundary lines north of the most southerly of these points of intersection;

The Contracting Parties, in order to provide for a more practical definition of the boundary between the United States and the Dominion of Canada in Lake of the Woods, hereby agree that this most southerly point of intersection, being in latitude 49° 23′ 04.″49 north, and longitude 95° 09′ 11.″61 west, shall be the terminus of the boundary line heretofore referred to as the international boundary line between the United States and the Dominion of Canada from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of Lake of the Woods and the initial point of the boundary line heretofore referred to as the international boundary between the United States and the Dominion of Canada from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains, in lieu of the said northwesternmost point.

The aforesaid most southerly point shall be located and monumented by the Commissioners appointed under the said Treaty of April 11, 1908, and shall be marked by them on the chart or charts prepared in accordance with the provisions of Articles V and VI of the said Treaty, and a detailed account of the work done by the Commissioners in locating said point, together with a description of the character and location of the several monuments erected, shall be included in the report or reports prepared pursuant to the said Articles.

The point so defined and monumented shall be taken and deemed to be the terminus of the boundary line heretofore referred to as the international boundary line between the United States and the Dominion of Canada, from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of Lake of the Woods and the initial point of the boundary line heretofore referred to as the international boundary between the United States and the Dominion of Canada from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains.

ARTICLE II

Whereas Article VI of the Treaty concerning the boundary between the United States and the Dominion of Canada concluded on April 11, 1908, between the United States and Great Britain, provided for the relocation and repair of lost or damaged monuments and for the establishment of additional monuments and boundary marks along the courses of the international boundary between the United States and the Dominion of Canada from the northwesternmost point of Lake of the Woods south to the 49th parallel of north latitude and thence westward along said parallel of latitude to the summit of the Rocky Mountains, as established under existing treaties and surveyed, charted and monumented by the Joint Commission appointed for that purpose by joint action of the Contracting Parties in 1872;

And whereas Article VI of the said Treaty concluded on April 11, 1908, further provides that in carrying out the provisions of that article the agreement stated in the protocol of the final meeting of the said Joint Commission, dated May 29, 1876, should be observed, by which protocol it was agreed that in the intervals between the monuments along the 49th parallel of north latitude the boundary line has the curvature of a parallel of 49° north latitude;

And whereas the Commissioners appointed and acting under the provisions of Article VI of the said Treaty of 1908 have marked the boundary line wherever necessary in the intervals between the original monuments established by the said Joint Commission, appointed in 1872, in accordance with the agreement stated in the protocol of the final meeting, dated May 29, 1876, of the Joint Commission aforesaid, and as set forth in Article VI of the Treaty of 1908, by placing intermediate monuments on lines joining the original monuments, which have in each case the curvature of a parallel of 49° north latitude;

And whereas the average distance between adjacent monuments as thus established or reestablished along the 49th parallel of north latitude from Lake of the Woods to the summit of the Rocky Mountains by the Commissioners acting under Article VI of the Treaty of 1908 is one and one-third miles and therefore the deviation of the curve of the 49th parallel from a straight or right line joining adjacent monuments is, for this average distance between monuments, only one-third of a foot, and in no case does the actual deviation exceed one and eight-tenths feet;

And whereas it is impracticable to determine the course of a line having the curvature of a parallel of 49° north latitude on the ground between the adjacent monuments which have been established or reestablished by the Commissioners and the demarcation of the boundary would be more thoroughly effective if the line between adjacent monuments be defined as a straight or right line;

And whereas it is desirable that the boundary at any point between adjacent monuments may be conveniently ascertainable on the ground, the Contracting Parties, in order to complete and render thoroughly effective the demarcation of the boundary between the United States and the Dominion of Canada from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains, hereby agree that the line heretofore referred to as the international boundary between the United States and the Dominion of Canada from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains shall be defined as consisting of a series of right or straight lines joining adjacent monuments

as now established or reestablished and as now laid down on charts by the Commissioners acting under Article VI of the Treaty of 1908, in lieu of the definition set forth in the agreement of the aforesaid Joint Commissioners, dated May 29, 1876, and quoted in Article VI of the said Treaty of 1908, that in the intervals between the monuments the line has the curvature of the parallel of 49° north latitude.

ARTICLE III

Whereas the Treaty concluded on May 21, 1910, between the United States and Great Britain, defined the international boundary line between the United States and the Dominion of Canada from a point in Passamaquoddy Bay lying between Treat Island and Friar Head to the middle of Grand Manan Channel and provided that the location of the line so defined should be laid down and marked by the Commissioners appointed under the Treaty of April 11, 1908;

And whereas it has been found by the surveys executed pursuant to the said Treaty of May 21, 1910, that the terminus of the boundary line defined by said Treaty at the middle of Grand Manan Channel is less than three nautical miles distant both from the shore line of Grand Manan Island in the Dominion of Canada and from the shore line of the State of Maine in the United States, and that there is a small zone of waters of controvertible jurisdiction in Grand Manan Channel between said terminus and the High Seas;

The Contracting Parties, in order completely to define the boundary line between the United States and the Dominion of Canada in the Grand Manan Channel, hereby agree that an additional course shall be extended from the terminus of the boundary line defined by the said Treaty of May 21, 1910, south 34° 42′ west, for a distance of two thousand three hundred eighty-three (2,383) meters, through the middle of Grand Manan Channel, to the High Seas.

The course so defined shall be located and marked by the Commissioners appointed under the Treaty of April 11, 1908, and shall be laid down by them on the chart or charts adopted in accordance with the provisions of Article I of the said Treaty, and a detailed account of the work done by the Commissioners in locating and marking said line, together with a description of the several monuments erected, shall be included in the report or reports prepared pursuant to Article I of the Treaty of April 11, 1908.

The course so defined and laid down shall be taken and deemed to be the boundary line between the United States and the Dominion of Canada in Grand Manan Channel from the terminus of the boundary line as defined by the Treaty of May 21, 1910, to the High Seas.

ARTICLE IV

Whereas, pursuant to existing treaties between the United States and Great Britain, a survey and effective demarcation of the boundary line between the United States and the Dominion of Canada through the Great Lakes and the St. Lawrence River and through the Straits of Georgia, Haro, and Juan de Fuca from the 49th Parallel to the Pacific Ocean and between Alaska and the Dominion of Canada from the Arctic Ocean to Mount St. Elias have been made and the signed joint maps and reports in respect thereto have been filed with the two governments;

And whereas a survey and effective demarcation of the boundary line between the United States and the Dominion of Canada from the Gulf of Georgia to Lake Superior and from the St. Lawrence River to the Atlantic Ocean and between Alaska and the Dominion of Canada from Mount St. Elias to Cape Muzon are nearing completion;

And whereas boundary monuments deteriorate and at times are destroyed or damaged; and boundary vistas become closed by the growth of timber;

And whereas changing conditions require from time to time that the boundary be marked more precisely and plainly by the establishment of additional monuments or the relocation of existing monuments;

The Contracting Parties, in order to provide for the maintenance of an effective boundary line between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada, as established or to be established, and for the determination of the location of any point thereof, which may become necessary in the settlement of any question that may arise between the two governments hereby agree that the Commissioners appointed under the provisions of the Treaty of April 11, 1908, are hereby jointly empowered and directed: to inspect the various sections of the boundary line between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada at such times as they shall deem necessary; to repair all damaged monuments and buoys; to relocate and rebuild monuments which have been destroyed; to keep the boundary vistas open; to move boundary monuments to new sites and establish such additional monuments and buoys as they shall deem desirable; to maintain at all times an effective boundary line between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada, as defined by the present treaty and treaties heretofore concluded, or hereafter to be concluded; and to determine the location of any point of the boundary line which may become necessary in the settlement of any question that may arise between the two governments.

The said Commissioners shall submit to their respective governments from time to time, at least once in every calendar year, a joint report containing a statement of the inspections made, the monuments and buoys repaired, relocated, rebuilt, moved, and established, and the mileage and location of vistas opened, and shall submit with their reports, plats and tables certified and signed by the Commissioners, giving the locations and geodetic positions of all monuments moved and all additional monuments established within the year, and such other information as may be necessary to keep the boundary maps and records accurately revised.

After the completion of the survey and demarcation of the boundary line between the United States and the Dominion of Canada from the Gulf of Georgia to Lake Superior and from the St. Lawrence River to the Atlantic Ocean, as provided for by the Treaty of April 11, 1908, the Commissioners appointed under the provisions of that Treaty shall continue to carry out the provisions of this Article, and, upon the death, resignation, or other disability of either of them, the Party on whose side the vacancy occurs shall appoint an Expert Geographer or Surveyor as Commissioner, who shall have the same powers and duties in respect to carrying out the provisions of this Article, as are conferred by this Article upon the Commissioner appointed under the provisions of the said Treaty of 1908.

The Contracting Parties further agree that each government shall pay the salaries and expenses of its own commissioner and his assistants, and that the expenses jointly incurred by the Commissioners in maintaining the demarcation of the boundary line in accordance with the provisions of this Article shall be borne equally by the two Governments.

ARTICLE V

This treaty shall be ratified by the Contracting Parties and the ratifications shall be exchanged in Washington or Ottawa as soon as practicable. The treaty shall take effect on the date of the exchange of ratifications.

Upon the expiration of six years from the date of the exchange of ratifications of the present treaty, or any time thereafter, Article IV may be terminated upon twelve months' written notice given by either Contracting Party to the other, and following such termination the Commissioners therein mentioned and their successors shall cease to perform the functions thereby prescribed.

In faith whereof, the respective Plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 24th day of February, A. D. 1925.

[SEAL.] CHARLES EVANS HUGHES.

[SEAL.] ERNEST LAPOINTE.

On request of Mr. BORAH, and by unanimous consent, the following letter from the Secretary of State concerning the foregoing treaty relating to the boundary between the United States and Canada was ordered to be printed in the RECORD:

DEPARTMENT OF STATE,
Washington, March 12, 1925.

The Hon. WILLIAM E. BORAH,
United States Senate.

MY DEAR SENATOR BORAH: In response to your request by telephone for information concerning the treaty relating to the boundary between the United States and Canada signed on February 24, 1925, by the United States and His Britannic Majesty, I beg to inform you that the points dealt with in the treaty are four in number as follows:

1. The definition and permanent location of the point of the boundary line between the United States and Canada to be known as the northwesternmost point of Lake of the Woods;

2. The definition of the boundary line between the United States and Canada from the northwesternmost point of Lake of the Woods to the summit of the Rocky Mountains along the forty-ninth parallel of north latitude as consisting of a series of straight lines joining adjacent monuments;

3. The extension of an additional course of the boundary line in Grand Manan Channel between the coasts of Maine and Grand Manan Island from the terminus of the present line, as defined by the treaty of May 21, 1910, to the high seas.

4. The maintenance of an effective boundary line throughout the whole course of the boundary between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada by the commissioners appointed under the treaty of 1908 and their successors in office as provided in the treaty under consideration.

I inclose for the information of the Committee on Foreign Relations a copy of the joint report made on April 7, 1924, by the boundary commissioners for the United States and His Britannic Majesty to the Secretary of State of the United States and the Minister of the Interior of Canada recommending the conclusion of such a treaty. This report contains a clear statement of the reasons for each provision. Except for a few minor verbal changes the treaty as signed follows exactly the draft submitted by the two commissioners.

The territorial changes effected by the treaty are as follows:

1. By Article I about about two and one-half acres of American waters in Lake of the Woods, entirely surrounded by Canadian waters, are transferred to Canadian territory.

2. By Article II a series of narrow segments of Canadian territory between the monuments along the forty-ninth parallel from Lake of the Woods to the summit of the Rocky Mountains, having a total area of 30 to 35 acres, are transferred to the United States.

3. By Article III a triangular area of approximately 185 acres of water in Grand Manan Channel, which is of controversial jurisdiction because the 3-mile limit measured from the Canadian shore and the 3-mile limit measured from the coast of Maine overlap, is apportioned between the United States and Canada by extending an additional course from the terminus of the present boundary line through the middle of Grand Manan Channel to the high seas. The effect of this additional course is to allot 88 acres of the above-mentioned area of water to the United States and 97 acres to Canada.

It will be observed from the foregoing three paragraphs that by the treaty the United States will surrender to Canada about 2½ acres of water in Lake of the Woods and 97 acres of water of controversial jurisdiction in Grand Manan Channel, and that the United States will acquire from Canada 30 to 35 acres of land along the forty-ninth parallel and 88 acres of water of controversial jurisdiction in Grand Manan Channel.

The engraving of plates for the final maps of the boundary between the United States and Canada, which the commissioners are required to prepare under the boundary treaty of April 11, 1908, is being rapidly completed. The plates which include the line through the Lake of the Woods dealt with in Articles V and VI of the treaty of 1908 and in Article I of the treaty now under consideration by the Senate, and the plates which include the line through Grand Manan Channel, dealt with in Article I of the treaty of 1908 and Article III of the treaty now under consideration by the Senate can not be completed by the commissioners in a manner which will completely define those sections of the boundary until authority for so doing shall have been given to them by treaty between their governments, nor can the commissioners make all the final reports which they are required to make under the treaty of 1908 until the definition of those two sections of the boundary shall have been agreed upon by the two governments. The section of the boundary along the forty-ninth parallel defined in Article VI of the treaty of 1908 and in Article II of the treaty now before the Senate is also involved in the final report on the boundary along the forty-ninth parallel which the commissioners are preparing.

I am, my dear Senator BORAH, sincerely yours,

FRANK B. KELLOGG.

NOMINATIONS

Executive nominations received by the Senate March 12 (legislative day of March 10), 1925

ATTORNEY GENERAL OF THE UNITED STATES

Charles Beecher Warren, of Michigan, to be Attorney General.

APPOINTMENT IN THE NAVY

NAVAL RESERVE FORCE

George A. Berry, ex-lieutenant commander, United States Naval Reserve Force, to be a lieutenant commander, United States Naval Reserve Force, from the 29th day of January, 1925, in accordance with a provision contained in an act of Congress approved January 29, 1925, to correct an error appearing in the prior nomination.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12 (legislative day of March 10), 1925

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

Charles C. Eberhardt to be envoy extraordinary and minister plenipotentiary to Nicaragua.

George T. Summerlin to be envoy extraordinary and minister plenipotentiary to Honduras.

DIRECTOR OF THE WAR FINANCE CORPORATION

Eugene Meyer to be a director of the War Finance Corporation for a term of four years.

SENATE

FRIDAY, *March 13, 1925*

(Legislative day of Tuesday, March 10, 1925)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Chair lays before the Senate the treaty with Cuba relative to the Isle of Pines.

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

The VICE PRESIDENT. The Chair lays before the Senate a communicaton embodying a resolution adopted by the Council of the Pan American Society of the United States upon the subject of the pending treaty, which will be printed in the RECORD and ordered to lie on the table.

The communication is as follows:

THE PAN AMERICAN SOCIETY OF THE UNITED STATES (INC.),
New York, March 12, 1925.

To the Senate of the United States of America,
Washington, D. C.

GENTLEMEN: The Council of the Pan American Society of the United States on March 5, 1925, unanimously passed the following resolution, which is respectfully called to your attention for thoughtful consideration at this time, pending the decision on that important question, the ratification of the Isle of Pines treaty:

"Whereas a treaty between the United States and Cuba definitely fixing the status of the Isle of Pines was negotiated in 1904, pursuant to an act of the Congress of the United States, and the said treaty has had the approval of every administration in authority at Washington in the intervening time, and has been three times favorably reported to the Senate by its Committee on Foreign Relations, but has not been acted upon by the Senate; and

"Whereas an indefinite period of uncertainty as to the status of the Isle of Pines is a continuing source of controversy and irritation, and the object for which this society exists is the promotion of good will and good relations between the United States and the countries of Latin America: Therefore be it

"*Resolved*, That in the interest of justice and as an act consistent with the high purpose of the United States to establish the sovereignty of the Cuban peoples over all the territory historically identified with Cuba, we respectfully urge the ratification of the pending treaty.

"Dated: New York, March 5, 1925."

M. CARRYL OTTMER, *Secretary.*

Mr. McKELLAR. Mr. President, I am going to occupy just a few moments of the time of the Senate on the Isle of Pines treaty. Article I of the protocol between Spain and the United States provides as follows:

> Spain will relinquish all claim of sovereignty over and title to Cuba.

Article II provides:

> Spain will cede the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

Article I of the treaty of Paris, afterwards entered into between Spain and the United States, provides as follows:

> Spain relinquishes all claim of sovereignty over and title to Cuba.

It then proceeds with other matters which I need not quote.

Article II of the treaty of Paris is substantially the same as Article II of the protocol, and I need not read that.

As I view the matter, it is perfectly clear that the Cuban Government received the title to Cuba through the United States. It could not have obtained it in any other way. There was not any real existing government at the time in Cuba, and the title thereto was put by Spain in the United States and afterwards transferred by the United States to the Government of Cuba. The Isle of Pines was specifically excepted from that transfer and from that treaty. It was specifically excepted by the action of Congress in what is known as the Platt amendment. It was specifically excepted in the treaty. It was specifically excepted in the constitution of Cuba, so that the constitution of the present Government of Cuba does not apply to the Isle of Pines at all and never has.

The only way that Cuba can get title to the Isle of Pines is by a transfer from the United States as proposed in the pending treaty or in some other way. I regret that that is so. I am sorry that we have the title to the island. I would much prefer that there be no question about it, but that the title to the island might be in Cuba. So far as I am personally concerned, I do not want to take in any more territory in that neighborhood. We already have an island or two down in the West Indies, and that is enough. I do not want to take in any more mongrel populations. I wish it were so we did not have this title at all. But we have it. When we first took it over our Government, believing that we had it, invited a great number of American citizens to go down there. They have gone down there and made their homes there. They have bought 90 per cent of the lands of that island and own them now. There are 900 of them there. On the same island there are about 4,000 Cubans, a mixed population, an ignorant population. Only a very small portion of them can read and practically none of them can write.

What we are doing, if we ratify the treaty, is to put those 900 American citizens under the dominion and control of an ignorant half-breed population down there in that island. I am opposed to it. I am not willing to indorse such a proposal by my vote.

I think we owe some duty to Cuba. I want to be generous to Cuba. I am perfectly willing to convey the island to Cuba. I believe we own it and am perfectly willing to convey it to Cuba, but when we convey it we ought to convey it in such manner as to protect the rights of those American citizens whom we have induced to go there. That is the sole question involved here. I wish the treaty were so worded that we could grant the Isle of Pines to Cuba. It is nearer to Cuba, and the United States does not want it. The only reason why I am opposed to the treaty as it is written is because it does not properly protect the rights of those 900 Americans whom our Government expressly invited to go down there and to obtain and acquire property down there, and who have become the fee simple owners of property. Under those circumstances we owe a duty not only to Cuba, but to those American citizens who are down there at our invitation. It is a duty that I do not believe we can conscientiously escape. As for myself I shall not attempt to escape it.

Mr. President, I am one of those who believe that it is the duty of the American Government to protect its own citizens. I believe it is the duty of the American Government to protect American citizens anywhere and everywhere. That policy is one of the dominating British policies, and has long been so. In this regard we may well follow her example. Especially is our duty intensified and enlarged when the American Government invites its own citizens to pursue a certain line of conduct. We have invited them to do certain things in the matter. Whether we were right or wrong about it is immaterial. We have invited those people to go down there: we urged them to go down there. Whether we were right or wrong in urging them to go down there, it has been done and is past, and they have acquired definite rights and interests.

Mr. CARAWAY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. CARAWAY. If any misrepresentations were made to the American citizens, the American Government made them, did it not?

Mr. McKELLAR. Yes.

Mr. CARAWAY. We ought not make Cuba pay for a wrongful act of the American Government, ought we?

Mr. McKELLAR. With the first part of the Senator's question I agree entirely. With the last part I do not agree at all. In my judgment there can not be a doubt that America owns the title to this island, and the reason why I say that is that title is not a vague indefinite thing floating around through the universe. That title has to come from somewhere and has to go somewhere. The Cuban Government did not deal directly with Spain. Spain conveyed the title to the United States and the United States conveyed the title to the Cuban Government, but it excepted from its conveyance the Isle of Pines. If that were not true, then there would be no necessity for this treaty at all. Cuba owns it now, if that is not true.

Mr. ROBINSON. Mr. President, there is no question about it under the Supreme Court decision. The case of Pearcy against Stranahan expressly holds that Cuba does own the Isle of Pines.

Mr. McKELLAR. That is merely dictum. It was not decided as a matter of fact.

Mr. ROBINSON. Yes; it was decided as a matter of fact.

Mr. McKELLAR. That has been discussed here a number of times. I do not agree with the conclusion of the distinguished Senator from Arkansas.

Mr. SWANSON. Just on that point, the Senator said the title is in the air.

Mr. McKELLAR. Oh, no; I said title is not in the air.

Mr. SWANSON. We had declared Cuba a free and independent nation when we passed the resolution declaring war against Spain. Cuba was declared a free and independent people in the resolution declaring war. Spain relinquished sovereignty to that free and independent people.

Mr. McKELLAR. Mr. President, I can not yield to the Senator to make a speech. I want to answer that statement of the Senator, however. If Cuba was a free and independent nation and got the title from Spain, why did we not content ourselves by letting Spain convey the title to Cuba? She did not do it. We made the treaty with Spain. Spain did not make a treaty with Cuba. Spain conveyed the title to the United States and the United States conveyed the title to Cuba by a subsequent treaty, and in that subsequent treaty——

Mr. SWANSON. The Senator is mistaken. He has not read the treaty.

Mr. McKELLAR. Oh, no. The Senator is again mistaken. That conveyance excepted from the conveyance the Isle of Pines, and the title to the Isle of Pines is now in the United States, and the sole purpose of the treaty now pending before us is to convey to Cuba that which was not conveyed in the original instance.

Mr. SWANSON. The Senator is mistaken.

Mr. ROBINSON. The United States has never claimed title to the Isle of Pines.

Mr. McKELLAR. Of course that is the question.

Mr. ROBINSON. The most that can be said about it is that the Platt amendment left the matter to be investigated and adjusted by treaty.

Mr. SWANSON. Mr. President——

Mr. McKELLAR. I have but 15 minutes and I do not want to yield too much of my time to other Senators.

Mr. SWANSON. The Senator is making this mistake: Article I does not convey property to Cuba. It simply relinquishes the property.

Mr. McKELLAR. It is a quitclaim deed, and the Senator knows from having practiced law that a quitclaim deed conveys title just like a warranty deed. It was a quitclaim deed of the title to the Republic of Cuba.

The senior Senator from Arkansas said that the United States had never claimed title to the Isle of Pines. I want to call the attention of the Senate again to that splendid minority report prepared by one of the greatest lawyers and one of the greatest statesmen this country ever produced, the late John T. Morgan, a Senator from the State of Alabama, a man whose name and fame are respected by all. I do not see how a lawyer can carefully examine that great document prepared by Senator Morgan some 20 years ago, in which he demonstrates as it seems to me that the title to the island was then and is now in the United States, and then claim otherwise. We have by solemn declaration two or three times reserved and excepted the question of the title to the Isle of Pines for future consideration. It is in the constitution of Cuba itself. We required Cuba to agree that the title was not in Cuba, and the very purpose of the treaty is to convey that which belongs to the United States. We are actually asking a consideration for it.

Mr. ROBINSON. Mr. President, will the Senator yield again?

Mr. McKELLAR. I yield, but I have just a moment or two left.

Mr. ROBINSON. I merely desire to say that the treaty does not purport to convey title. It merely relinquishes any claim the United States may have. It is in the nature of a quitclaim or quietus.

Mr. McKELLAR. We are quitclaiming for a valuable consideration. We are quitclaiming for a valuable consideration the title to the Isle of Pines to the Republic of Cuba. I say that if the island belongs to Cuba, as is contended by Senators on the other side, in God's name we should be generous enough and fair enough and just enough to convey it to Cuba without any consideration. If we have no title to the island, why is it that we are asking a consideration for it? I say that we ought to be big enough as a nation to convey it without consideration if it does not belong to us.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Yes; but please make it short, because I have just a moment left.

Mr. FLETCHER. I inquire whether or not it signifies anything in the Senator's mind that at the time we made the agreement of July 2, 1903, leasing Guantanamo and Bahia Honda for a coaling station, naval base, and so forth, at that same

time and by the same authority and by the same officials representing both the Cuban Government and the Government of the United States, the first treaty of which the one now pending is a duplicate was entered into between the two countries? Was it not a part of the same transaction?

Mr. McKELLAR. I do not think that has a particle of effect on the question at issue here. Mr. President, in conclusion I merely wish to say that, having these convictions as to our title, having these convictions as to the duty of the American Government to protect the rights of American citizens whom we have induced to go to the Isle of Pines, I can not find it within my view of what is right to vote for this treaty. Therefore, unless a reservation which I have prepared and offered shall be adopted by the Senate, I shall vote against the ratification of the treaty.

Mr. BRUCE. Mr. President, it seems to me that the proper beginning point in the discussion of the Isle of Pines treaty is the Platt amendment, which was adopted on March 2, 1901, as a part of an Army appropriation bill. That amendment is digested into various articles. Article VI provides:

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

It is perfectly obvious that if there was any real controversy as to the title to the Isle of Pines this amendment left that controversy exactly where it was before. It did not vest title in the United States or in Cuba; it did not divest any title that belonged to the United States or Cuba. If the United States had no title to the Isle of Pines before the amendment was adopted, it had no title after it was adopted; and if Cuba had title before the amendment was adopted, that title was not forfeited by its adoption. The amendment simply left the question of title for the time being in a state of suspense.

Now, let us pass from the Platt amendment to the various documents on which the question of title really depends, remembering that physically the Isle of Pines is clearly a part of Cuba, and that administratively it has for centuries been governed as a part of Cuba. First, there is the declaration of war of April 20, 1898, for practically that was a declaration of war by the United States. Then there is the protocol of the treaty of Paris; then there is the treaty of Paris itself. I can not see how anyone can read the declaration without being forced to form the conclusion that in it "Cuba" was intended to mean Cuba and all the islands adjacent to Cuba, including the Isle of Pines. What does the declaration say?

> First, that the United States demands that the Government of Spain at once relinquish its authority and Government in the island of Cuba.

Can anybody believe that Congress was simply calling on Spain to relinquish the control of the island of Cuba as distinguished from islands adjacent to Cuba, including the Island of Pines, that had always been treated as part of Cuba. In other words, can anyone believe that it was the intent of Congress that Spain withdraw its civil officers and its military forces from the island of Cuba but not from the Island of Pines; that Cuba should be freed from the odious yoke of Spain but not the Isle of Pines? Then the declaration goes on to declare:

> That the United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts the determination when that is accomplished to leave the government and control of the island to its people.

Can anyone believe that this declaration, too, was intended to apply only to the island of Cuba, strictly speaking, and that it was not the intent of the United States to disclaim the purpose of exercising sovereignty over the Island of Pines but only over the island of Cuba? If the argument of our friends on the other side of the pending question is valid, when the United States declared war against Spain it was its intent either to leave the Isle of Pines in the clutches of Spain or to take it into its own selfish grasp.

So much for the declaration. When we come to the protocol that preceded the treaty it seems to me that its meaning is entirely clear. One thing, first of all, is observable about this protocol and that is that it is in connection always with the words "Porto Rico" that the words "other islands now under Spanish sovereignty" occur. The argument of our friends, of course, upon the other side of the pending controversy is that the United States obtained title to the Isle of Pines as distinguished from Cuba under the words "other islands now under Spanish sovereignty in the West Indies." Three times in the protocol are the words used, and in each instance they are used, as I have said, in connection with the words "Porto Rico." Since there are islands immediately adjacent to the island of Porto Rico, such as the island of Vieques, the island of Culebra, and the island of Mona, I contend that those words were meant to apply only to those three islands. When we read the whole protocol and the treaty based on it, any other conclusion, I submit, is absolutely impossible.

The latter part of the protocol provides for what? It provides for two sets of commissioners: One set to supervise the evacuation of Cuba and "the adjacent Spanish islands," one of which is the Isle of Pines; and the other set to supervise the evacuation of Porto Rico and "other islands now under Spanish sovereignty in the West Indies." Surely it can not be contended for a moment, under these circumstances, that the one set of commissioners were to supervise the evacuation of the Isle of Pines as one of the "Spanish islands adjacent to Cuba" and that, yet, the other set of commissioners were also to supervise the evacuation of the Island of Pines as one of the islands "now under Spanish sovereignty in the West Indies." Accept, however, the words "the adjacent Spanish islands" as including the Isle of Pines and the words "other islands now under Spanish sovereignty in the West Indies" as limited to the islands of Vieques, Culebra, and Mona, and effect is given to every part of the protocol, and the treaty based on it, and everything is plain. I submit that this reasoning is unanswerable. If the question had arisen on demurrer no court would allow any lawyer to express his views in regard to it for more than 15 or 20 minutes, and it would not take such a court more than 10 minutes to decide that, under the terms of the protocol and the treaty based on it, all sovereignty over or title to the Isle of Pines passed to the United States in trust for Cuba, and that all sovereignty over or title to Porto Rico and to the islands of Vieques, Culebra, and Mona as "other islands now under Spanish sovereignty in the West Indies" passed to the United States of America.

So far, Mr. President, I have argued the pending issue entirely as if it were a mere question of law. In its essence, that is all that it is. It might without great violence be argued in much the same way as that in which a lawyer argues a demurrer or tries an ordinary action of ejectment. But, in conclusion, I wish to say that there are some higher considerations involved in this controversy than any mere technical considerations.

Cuba is one of the great family of civilized powers. It is a sister Republic of ours. It is one of our closest neighbors. It lies at our very doors. Even if we were not disposed to be generous to Cuba for any other reason, we should be generous to her because she is one of our best customers. Our imports from Cuba are larger than our imports from any other country in the world except Canada and the United Kingdom, and our exports to Cuba are larger than our exports to any other country in the world except Canada, the United Kingdom, France, Germany, and Japan. Our import and our export trade with Cuba is greater in volume than our import and export trade with any other part of Latin America. Our exports to Cuba amount to not less than 4.6 per cent of our exports to all countries, and our imports from Cuba to not less than 9.9 per cent of all our imports from all countries. So, as a matter of mere self-interest, we should not be quick to cast discredit upon the ownership of the Isle of Pines by Cuba, and moreover, as a matter of sentiment and affection, we should be slow to do the same thing. Not only are the Cubans connected with us by the very closest ties of commercial association, but we can not shut our eyes to the fact that, in no limited sense, Cuban liberty is the child of the United States. In all probability but for our intervention the splendid valor and devotion of the Cuban people would have been insufficient to throw off the detested tyranny of Spain. Animated by as pure, exalted, and unselfish motives as any country ever responded to, we finally came to the conclusion that the state of oppression which existed in Cuba was intolerable, a disgrace to human civilization, a reproach to us as a neighbor of Cuba, and we intervened in the Cuban revolution and twice planted our foot upon the shores of Cuba, only to withdraw it, thereby setting an example of national unselfishness and magnanimity to the civilized world which few other countries have ever set.

Among the finest things that I have ever read in my life were the words in which Elihu Root many years ago—I believe at one of the Republican national conventions—with his extraordinary powers of statement and reasoning and the

kindling imagination of a true statesman, pointed out most effectively how generous, how magnanimous, how noble the spirit of our people had been in dealing with Cuba.

Now, are we to discredit that record? Are we to permit a blot to deface that story?

Are we to act as the individual so often acts, and acts to the cost of his character—that is, do a generous thing and yet accompanying the doing of it with some petty, selfish, irritating reservation that destroys the whole effect of the act? For years the conciliation of the respect and good will of all Latin America has been one of the cardinal objects of American policy. Are we to abandon this object and involve ourselves in the bitter resentment of every country in Latin America, including Cuba?

For one, Mr. President, I do not believe that the American people will ever approve the refusal of this body to ratify the Isle of Pines treaty; and now that they have been told by great men as jealous of the national honor as Theodore Roosevelt, John Hay, Elihu Root, and Charles Hughes and by the Supreme Court of the United States that we have no title to the Isle of Pines, I think that we should accept that conclusion and promptly carry it into effect.

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. HEFLIN. Mr. President, there is a great deal that I should like to say in opposition to this treaty. The time for debate has been limited to 15 minutes, however, and I can say but very little in that time.

One of my predecessors in this body, the late Senator Morgan, of Alabama, made the minority report against the adoption of this treaty. It is unanswerable. He was one of the most conscientious and one of the most profound statesmen that ever served in this body. He had the confidence of the country. The fact that he opposed the treaty would influence me to oppose it even if I had not read his report. But I have read his report and I am convinced that he is right in the position that he took in this matter.

I have not the slightest doubt that President McKinley regarded the Isle of Pines as our territory and intended to hold that island. The United States maps after the war with Spain until his death carried this island as territory belonging to the United States, and not until he died did this territory disappear from the maps of the United States.

The Washington Herald of January 21 of this year has an interesting article upon this subject. It says:

> Article II of the protocol embodied this preliminary understanding in the following words:
>
> "Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States."
>
> For some reason, never explained—

The paper goes on to say—

> this country did not openly assert her unquestioned ownership of the Isle of Pines.

Mr. President, I confess that there is something strange about that. The Tobacco Trust and the Sugar Trust are both in favor of the ratification of this treaty. They do not want this territory to come under the jurisdiction of the United States.

This paper says, further:

> Some strange and powerful influence intervened between the signing of this protocol and the carrying out of the details of evacuation of Cuba "and the adjacent Spanish islands."
>
> Just what this intervening influence was has never been made known, but it has been charged that it was due to private American interests which had a monopoly of the tobacco raised on the Isle of Pines.
>
> * * * * * * * *
>
> That our ownership of the Isle of Pines was not doubted by President McKinley is clearly proved by the statement of former Congressman Hermann in the House of Representatives December 8, 1903, to the effect that President McKinley instructed Hermann, then Commissioner of the General Land Office, to note the Isle of Pines on the large cession map of the United States as a part of the United States which came to us as a result of the Spanish War.

That statement, it seems to me, is sufficient to convince anyone that those dealing with the matters growing out of the war with Spain regarded the Isle of Pines as territory belonging to the United States. What they did and what they said at that time should have great weight with us. The Supreme Court, in construing a statute, will frequently read the debates in Congress touching the subject to see what Senators and Members of the House had in mind when they were enacting the measure into law. What occurred in the months immediately following the war when we claimed that this island belonged to us? Mr. President, the Isle of Pines was being advertised throughout our country as a very desirable place to live.

The opportunities and advantages that it offered were held out to our people as an inducement to go there. Now let us see what occurred. American citizens commenced to write to Federal officials here in Washington expressing the desire to know whether or not the Isle of Pines belonged to the United States.

Mr. George Bridges, of Carlisle, Pa., addressed the following letter to the War Department here:

> GENTLEMEN: I am seeking information about the timber interests in the Isle of Pines and would be obliged for any information you would be able to give me, especially what will be the governmental status of the island. Does it come in as Porto Rico or under the same conditions as Cuba? And how can title be secured, etc.? I expect to go in November.
>
> For which information I will say thanks in advance.
>
> Yours,
>
> GEORGE BRIDGES.
>
> I expect to operate sawmills. Am no land-grabber.

Here is the reply of General Pershing, then Assistant Adjutant General in the War Department here at Washington:

> SIR: Referring to your communication of the 10th instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that the island was ceded by Spain to the United States, and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes.
>
> A copy of an official report on the Isle of Pines is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.
>
> Very respectfully,
>
> JOHN J. PERSHING,
> *Assistant Adjutant General.*

Mr. President, that letter was written August 14, 1899, soon after the war with Spain was over. Our citizens did not accept statements contained in Isle of Pines advertisements in our country. They desired to know the truth about this important matter. Did they manifest the proper precaution? To whom do they go for this information? They went to the officials of the War Department and to the Commissioner of the Land Office, and they were invariably told, "It is the property of the United States." So, having obtained that information from the constituted authorities of their own Government, several thousand of them went down to the Isle of Pines, bought land, built houses, and made their homes there, and went into business there, feeling and believing that they were still living in the United States. The United States map at that time had printed upon it the Isle of Pines as a part of the United States territory, and our map continued to contain the Isle of Pines until President McKinley died and Roosevelt became President.

Did Mr. Roosevelt reverse the McKinley policy? I am sorry to say that I think he did. But, Mr. President, it was Mr. McKinley who had to do with making the final settlement with Spain; and, for one, because of that, I would rather follow McKinley, who was President at the time, who was Commander in Chief of the Army and Navy when the war with Spain was fought to a successful conclusion. He knew what the questions were that confronted him, and I am convinced that he had a purpose in taking over this island. We need that island as a military base, because of its proximity to the Panama Canal; and some Senators here are exceedingly generous in a strange way when they express a willingness to cede to Cuba territory that belongs to us and is inhabited by some of the best and most patriotic citizens of the United States.

What else do we find in the report made by Senator Morgan? He says this understanding that it was the territory of the United States is sustained, positively, by the statement of one of our commissioners who negotiated the treaty of Paris, and is acting chairman of this committee, Hon. William P. Frye, Senator from Maine. He stated to the committee that the commissioners of the United States did not regard the Isle of Pines as being a part of Cuba, but as a separate island that was ceded to the United States in Article II of the treaty of Paris.

How can Senators console themselves in the face of that statement if they vote to ratify a treaty giving to the people of Cuba this territory belonging to the United States? How can they ease their consciences after doing a thing that places some of the best citizens of our country under the control of half-breeds, as the Senator from Tennessee has pointed out, turning American territory and these Anglo-Saxons of America over to such rule as will come upon them. It ought not be done.

If it is done, I fear that trouble will come from it and that the United States will have to go there in some way to protect the rights and lives of American citizens.

Mr. President, it is true that this treaty has been pending here for nearly a quarter of a century, and I hold that the fact that the Senate has failed and refused for more than 20 years to ratify it is a strong argument against its ratification.

The Senator from Maryland [Mr. BRUCE] referred to our commercial relations with Cuba, spoke of the extent of our export trade with Cuba. I appreciate that, but I put the rights of American citizens and my duty in the premises above any matter of traffic and barter.

I do not want to see these American citizens turned over to Cuba. God only knows what will come to them if they are turned over to those who will be in control in the Isle of Pines.

Of course, I can understand how the Sugar Trust and the Tobacco Trust would like to have us give to Cuba this American territory. It is to their interest.

Mr. SIMMONS. Mr. President, will the Senator pardon me one word?

Mr. HEFLIN. The Senator will have to hurry, as my time is short.

Mr. SIMMONS. I simply wanted to say, in reference to the suggestion of the Senator, that this treaty might have been inspired by the Sugar Trust or the Tobacco Trust, that Gen. Fitzhugh Lee, after he had visited the island, made a report in which he said that the soil was suited for the successful production of neither sugar cane nor tobacco.

Mr. HEFLIN. They are producing both there now.

Mr. SIMMONS. That the soil was only 2 inches deep, and that underneath that was sand.

Mr. HEFLIN. That situation is somewhat like the incident where some people speaking to a man who had been placed in jail said, "They couldn't put you in jail." Whereupon he said, "But they did."

And I understand that they are now producing both tobacco and sugar cane on the island.

Mr. SIMMONS. Not successfully.

Mr. HEFLIN. Mr. President, let me say, in conclusion, that Senator Morgan, in closing this report, said in reference to the American citizens living on the Isle of Pines whose rights are involved:

> In the opinion of the minority, these petitioners are asserting their rights in respectful terms and are entitled to a full and patient hearing by the Senate. If they are contemptuously turned away without the security and protection they honestly deserve, the Senate will fail in its duty to them and to the country.
>
> Two papers are hereto appended, marked "Appendix E," that should be considered together. They are the agreements relating to naval stations in Cuba, and "The other side of the Isle of Pines question; a voice from the people," signed by A. A. Cole, of Chicago.
>
> The facts stated by Mr. Cole and his arguments show in a powerful light our title to the Isle of Pines and the reasons for holding to it. They refute the policy of buying the Isle of Pines from Cuba, and the minority of this committee oppose any such arrangements. Such offers to Cuba are not demanded by justice, and they only encourage Cubans in making unjust claims upon the United States.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. CARAWAY. Mr. President, I do not think I should be able to add materially to this discussion, and therefore I rise for but one purpose. The question as to whether the United States misled certain citizens as to the true status of the Isle of Pines, and induced them to invest there, has nothing to do with the question as to who owns the Isle of Pines. The question as to whether certain American citizens will be affected adversely if this treaty shall be ratified has nothing to do with the question of the obligation resting upon the Senate to act.

If any misrepresentations were made as to the ownership of the Isle of Pines, they were made by the United States. Under what theory, then, could we insist that Cuba's right should be prejudiced because we made statements to our citizens which the facts did not bear out? In other words, why should we ask Cuba to surrender title to a part of her territory because we made representations to some of our citizens that the island was American and not Cuban territory? Nobody could justify himself for so doing, and therefore the question of whether there are American citizens upon the Isle of Pines, and under what representations they went there, has nothing to do with the question before the Senate, whether the United States or the Republic of Cuba is the lawful owner of the Isle of Pines.

If I might say it without criticizing those who have taken the opposite view, it strikes me that it is begging the question to say that we should refuse to ratify the treaty because American citizens' interests would be affected adversely should we ratify. That is not the question. The question is, To whom does the Isle of Pines belong? If it belongs to Cuba, then the Cuban Republic should have it. If it belongs to the United States, then the United States should keep it. The question of whether somebody has been misled in investing money in the Isle of Pines should be settled by another tribunal. If, in fact, we have misled American citizens to their hurt, and they have some right to look to Government for redress, to which Government should they look—to the Government which misrepresented the facts or to the Republic which had nothing to do with the misrepresentation?

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. CARAWAY. With pleasure.

Mr. HEFLIN. What object could Government officials here have had in making misrepresentations to and deceiving patriotic citizens of the United States, when they advised them to go down and buy land in the Isle of Pines, stating that that territory belonged to the United States?

Mr. CARAWAY. Let me ask the Senator a question. Suppose some Government official, however void of information he might be, should advise somebody that it had been discovered that the State of Alabama never was a part of the United States and induced people to make investments there, believing that it still belonged to the British Crown. Nobody would contend that that misrepresentation alienated Alabama from the United States, and nobody can successfully contend that any representation made by an official of this Government, in however good or bad faith it may have been made, would change the status of the title to the Isle of Pines.

That question has absolutely nothing to do with the matter now before us. I am not without sympathy for the people who made investments there. If they were misled, if they acted in honest, good faith, believing they were investing in American territory, and their investments are not so valuable when they discover that the title is in the island of Cuba, while that gives them no legal claim upon the Government, I, for one, would recognize their equitable right, and would say that this Government ought to make restitution to them because the misrepresentation was made to them. But under no theory could I conceive that the Republic of Cuba should be compelled to pay for a misrepresentation made by an official of the United States.

Mr. HEFLIN. Mr. President, I will ask the Senator another question.

Mr. CARAWAY. Very well.

Mr. HEFLIN. What does the Senator do with the statement of Mr. Hermann, then Commissioner of the Land Office, who was afterwards a Member of Congress, who said that McKinley told him to print the Isle of Pines on the map as a part of our territory?

Mr. CARAWAY. I should say that if the representation were made in good faith and people were misled, it is the duty of this Government, which made the misrepresentation, to make good in a financial way to the people who suffered loss by reason of the misrepresentation on the part of this Government. Could the Senator from Alabama contend that Cuba ought to suffer because President McKinley was mistaken about who was the owner of the Isle of Pines?

Mr. HEFLIN. I am not willing to agree that President McKinley was mistaken or that Federal Government officials were mistaken or that Cuba is right about it. I take the side of my own country on the question.

Mr. CARAWAY. The question of the representations, and the people acting upon them, has absolutely nothing to do with our duty here. The question of American citizens being there rightfully or wrongfully has nothing to do with the title to the Isle of Pines.

Mr. HEFLIN. If it appears that the President directed that it be printed on our maps as a part of the territory of the United States, does not that convince the Senator that the only man who had the right to negotiate treaties knew it to be United States territory?

Mr. CARAWAY. Oh, no. That does not show that he was right about it. The fact that he repudiated his own position and that all the Government officials concerned recognized that they were mistaken would be more convincing.

Mr. HEFLIN. President McKinley never did repudiate his position.

Mr. CARAWAY. I heard that for the first time the other day, and I am frank to say it failed to convince me.

Mr. HEFLIN. I would like to have the Senator show me where they did repudiate it.

Mr. CARAWAY. How does this question ever come in dispute if there never was any question about where the title of the Isle of Pines belonged under the treaty?

Mr. SWANSON. Mr. President, will the Senator permit me to tell the Senator from Alabama where McKinley repudiated his position?

Mr. CARAWAY. I shall be very willing to have the Senator do that.

Mr. SWANSON. President McKinley repudiated it when he ordered an election in Cuba, for all the inhabitants of Cuba—an election for the choosing of delegates to a constitutional convention, to a legislative body, and the people of the Isle of Pines, under that order, voted with the Cuban people under the direction of the President.

Mr. HEFLIN. General Pershing set out that they were under Cuba for governmental purposes for the time being, not conceding the title.

Mr. CARAWAY. Does that mean that they were given the right to participate in the government of a territory to which they owed no allegiance, and which had no control over them? But I do not see that we get anywhere by this constant wrangling.

The Senator from Tennessee has introduced a resolution, in the way of a reservation, which the property owners down there desire. That is, they want the American market without having to pay duty. That is the question here before the Senate. There is not a person I know—and I am acquitting Senators, because they act upon the information they have, and they have a perfect right to do it—there is not any well-considered authority that I know anything about that contends that the Isle of Pines belongs to the United States. The only appeal that has been made to me, the only contention that has been made upon the floor of the Senate, is that if we ratify this treaty we leave at a very great disadvantage certain American citizens who went to the Isle of Pines under the belief that it was a part of the territory of the United States. That is the only argument that is made, and a moment ago the Senator repudiated the justice of that argument by saying he did not stand upon it, although that was his entire argument. He said that he did not want white people to be put under negro rule. I had thought that Cuba was a Government with some claim to civilization. But certainly we can not take away territory that belongs to somebody else because our citizens do not like the Government under which they find themselves living. There has been constant complaint about the Mexican Government, but we have not thought that we had a right to annex Mexico because we had certain investments in Mexico of which we do not feel that they have been altogether considerate. We did not believe that we had the right to take the island of Haiti and San Domingo, although we objected very strongly to the treatment received by our citizens from the Governments there.

This consideration does not affect the title to this island. It gives America no legal claim to the territory, and that is the only question. I think the only consideration that ought to move Senators in determining whether or not they will vote to ratify or reject the treaty with reference to the Isle of Pines is, does the territory belong to us or does it belong to the Republic of Cuba, not whether American citizens will be advantaged or disadvantaged by reason of the fact it may be determined to be American or Cuban territory.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Reed, Mo.
Bayard	Ferris	McKellar	Reed, Pa.
Bingham	Fess	McKinley	Sackett
Blease	Fletcher	McLean	Schall
Bratton	Frazier	McNary	Sheppard
Brookhart	George	Mayfield	Shipstead
Broussard	Gerry	Means	Shortridge
Bruce	Gillett	Metcalf	Simmons
Butler	Glass	Moses	Stanfield
Cameron	Goff	Neely	Swanson
Capper	Hale	Norbeck	Trammell
Caraway	Harreld	Norris	Tyson
Copeland	Harris	Oddie	Wadsworth
Couzens	Harrison	Overman	Walsh
Cummins	Heflin	Pepper	Watson
Curtis	Johnson	Pine	Weller
Dill	Jones, Wash.	Pittman	Wheeler
du Pont	Keyes	Ralston	Willis
Ernst	King	Ransdell	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present.

PERSONAL STATEMENT

Mr. COUZENS. Mr. President, a few days ago when there was debate going on in the Senate with relation to the so-called Republican irregulars or radicals, I drew the attention of the Senate to what I said was a disciplinary proposal from the Treasury Department to place an additional tax upon myself. During the course of those remarks I stated that in my opinion the proposed additional tax had been computed in the Treasury Department. I made that statement for the reason that the Commissioner of Internal Revenue declined to tell me who had made the additional computation and proposed the additional tax.

Since making that statement I think it is due to the Treasury to say that I am in receipt of information which indicates that they did not make the computation, but that the computation was made by a firm of tax experts or lawyers, or both, by the name of Thompson & Black, of New York. I am also informed from sources that seem reliable that the information has been in the hands of the Treasury Department for over two years. I am informed that the Treasury had the information in the fall of 1922, that the information was submitted to the Treasury in an effort to "get" Mr. Ford, who was at that time in a political fight with Mr. Truman H. Newberry, who later resigned from the Senate. I think that was in the late fall of 1922. I am informed that the computation was arranged by this firm largely because of antagonism to Mr. Ford and in an effort to discredit his campaign against Mr. Newberry.

I am also informed that during the summer of 1922 a Washington newspaper correspondent was assigned by his paper to investigate the methods used by the Treasury in arriving at the figure——

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from California?

Mr. SHORTRIDGE. I rise to a point of order. I dislike very much to interrupt the Senator's statement, but I submit that under the unanimous-consent agreement the Senator from Michigan is out of order. As I understand the spirit, the purpose, the very meaning of the unanimous-consent agreement which we entered into last evening, it was and is that from 12 o'clock on, if necessary, until 3 o'clock, the Senate shall devote its attention exclusively to the subject of the proposed treaty with Cuba with reference to the title to the Isle of Pines.

Mr. COUZENS. Mr. President, I am rising to a point of personal privilege.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken.

Mr. HEFLIN. I suggest that the time occupied by the Senator from California be not taken out of the time of the Senator from Michigan.

The VICE PRESIDENT. If there is no objection, it will be so ordered.

Mr. SHORTRIDGE. May I ask if the ruling of the Chair is based on the statement of the Senator from Michigan that he rises to a question of personal privilege?

The VICE PRESIDENT. No; the ruling of the Chair is based on a reading of the unanimous-consent agreement.

Mr. SHORTRIDGE. Very well.

Mr. COUZENS. I shall not take the full 15 minutes which I might take to talk on the treaty, because I am not going to talk on the treaty.

The point I wanted particularly to correct was the impression, if not the absolute statement I made, that those figures had been computed in the Treasury for the purpose of arriving at this assessment. I believe that was an error. I believe the figures were computed by others. I believe they were computed by the firm of Thompson & Black, of New York, and I believe they were in the hands of the Treasury as early as the summer of 1922. If that is so, I submit that the Treasury was on notice not only six days in advance of the expiration of the statute of limitations, but it was on notice two years and three or four months earlier than the expiration of the statute of limitations. I submit that it is perfectly apparent that if the Treasury was on notice in 1922 at a time prior to the time when I became a Member of this body, that was the time for them to have taken action. But no, they waited until within six days of the expiration of the statute of limitations; they let all of the latter part of the year 1922, the entire year of 1923, the entire year of 1924, and over two months of the year 1925 go by before they thought they were justified in making the additional assessment. Notice of the assessment has been served upon my legal

residence in Detroit in the sum of $10,861,131.53, and I have been notified that if I am to be saved whole I must put up a bond to that extent.

I think it must be apparent to the Members of this body what the real purpose is back of the assessment. I am asking for no sympathy. I am simply drawing these matters to the attention of the Senate, so that Senators may understand the price they perhaps will have to pay if they attempt to interfere with or discredit in any way the conduct of the Treasury Department.

SALE AND EXPORT OF FARM IMPLEMENTS

Mr. REED of Missouri. Mr. President, as in legislative session, I ask unanimous consent to introduce a resolution for which this afternoon I am going to ask consideration. For the information of the Senate, I ask unanimous consent that it may be read at this time. It is short.

The VICE PRESIDENT. Is there any objection? If not, the resolution will be read.

The resolution (S. Res. 33) was read and ordered to lie on the table, as follows:

Whereas in the year 1924, the export of agricultural machinery and implements exceeded the export of 1923 by over 10 per cent and these exports included threshers, horse and power plows, drills and seeders, and all varieties of agricultural implements among which were 24,053 wheel tractors valued at $13,178,332, an average of only $548 each, and harvesters and reapers valued at $7,639,288; and

Whereas the Secretary of Agriculture in his annual report for 1924 states as follows:

"Probably we must be prepared for a further decrease in our farm exports. European agriculture is getting back on its pre-war productiveness and the competition of other surplus food producing nations whose land and labor is cheaper than ours is increasing in the European market"; and

Whereas it is charged that the prices of farm implements purchased by the farmers of the United States increased on an average of 73 per cent during the period from 1914 to 1918, inclusive, and that such increase resulted in enormous and unjustifiable profits to the manufacturers and dealers during said period, and it is further charged that in part such excess prices were the result of unlawful understandings, agreements, and combinations; and

Whereas it is charged that the protected manufacturers of farm implements sell such implements in foreign countries to the competitors of the American farmer for substantially less prices than they exact from the American farmer; and

Whereas if such custom does in fact exist it is manifestly unjust and unfair to the American farmer: Therefore be it

Resolved, That the Federal Trade Commission be requested to investigate and not later than December 7, 1925, report to the Senate whether during the past 10 years or at the present time there have been or are any agreements, arrangements, understandings, combinations, or conspiracies between American manufacturers or dealers in agricultural implements to fix prices, restrain competition, or otherwise to do any acts or things in violation of what are commonly known as the trust statutes of the United States, and also whether such manufacturers or dealers are now or have been selling agricultural machinery or implements in foreign countries cheaper than the same or similar machinery or implements are sold to the American farmer and the extent of such shipments and practices.

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

The VICE PRESIDENT. If there are no amendments to be proposed, the question is on agreeing to Article I of the treaty.

Mr. WALSH. Mr. President, I desire to say a few words on the pending treaty and to express my purpose to vote in favor of its ratification. I reach that conclusion mainly by reason of the fact that, in my judgment, the matter has been passed upon by the Supreme Court. I realize that in all probability the determination of the question at issue by the court was not necessary in order to render in the case the judgment at which the court arrived, and it may be said that what was said in connection with the matter was in the nature of obiter; but that is of very little consequence to me in this connection. The matter was actually considered by the court; both sides of the question at issue were presented for the consideration of the judges, and six of the eight judges sitting in the case reached a conclusion that the Isle of Pines is and always has been considered to be a part of Cuba in exactly the same sense as other outlying islands are regarded as a part of Cuba. It seems to me, therefore, accordingly that when we pledged the people of the United States to establish the independence of Cuba, and declared that it was no part of the purpose of the United States to annex Cuba, we declared to the world our purpose not to exercise sovereignty over the Island of Pines but to transfer it, if any transfer from us was necessary, to the people of Cuba.

That may not be a satisfactory reason to anyone else, but it is so to me; and I think it would be singularly unfortunate, Mr. President, if the people of the United States, represented by the Senate of the United States, should not recognize in this instance the binding force upon them of that adjudication by the Supreme Court of the United States. We have held up to the people of the world the Supreme Court of the United States as a model of what a tribunal dealing with international problems should be, and if we should now attempt to make a distinction between a matter which was decided by the court as of necessity in order to arrive at the judgment which it rendered and a matter which though under consideration was not necessary, asserting that the remarks in the opinion of the court on the subject were in the nature of obiter, it seems to me it would be singularly unfortunate and leave a most unfavorable impression.

I desire, however, Mr. President, to advert to one line of argument which was pursued in this matter, which, to my mind, is not well founded and might lead to very unfortunate consequences. I refer to that line of argument which maintains that, if we can act in the matter at all, action must be taken by a joint resolution of both Houses of Congress or some other proceeding by Congress rather than by treaty. The contention is made, as I understand, that by virtue of the original treaty of Paris title to the Isle of Pines passed to the Government of the United States and that it is beyond the power of the treaty-making authority, the President and the Senate, to dispose by treaty of any territory over which the Government of the United States exercises jurisdiction. That argument seems to be founded upon some line of thought pursued by Senator Morgan, of Alabama. It is based upon the second clause of section 3 of Article IV of the Constitution, which reads as follows:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

That part of the Constitution, Mr. President, I think, by adjudications of the Supreme Court of the United States can have no possible application. Everyone will recognize the difference between sovereignty exercised over a territory and the ownership of property by the Government. This clause of the Constitution does not refer at all to the exercise of sovereignty. It refers to the property rights of the United States. That is perfectly evident because it is found in section 3 of Article IV, which deals with the admission of new States into the Union. It was contemplated at the time the Constitution was adopted that new States would be carved out of the Northwest Territory and from time to time be admitted into the Union, and at the same time the various States claiming the ownership of land within that territory ceded their rights to the Government of the United States, so that it became the owner of the land or a large portion of the land which was within that territory. The second clause of section 3 of the Constitution relates to the disposition of that land, and it is perfectly evident that the use of the word "territory" refers to ownership of land, because it is followed by the language "or other property."

While the Government of the United States exercises sovereignty over the District of Columbia and everything within it, it does not own all the land within the District of Columbia. So in my State the Government of the United States owns a very considerable area of land, the public land, but it does not own all the land in my State, much of it having passed into private ownership. However, it exercises sovereignty over the whole State. So that, Mr. President, this particular clause of the Constitution does not at all affect the question of sovereignty over the Isle of Pines.

In my mind, sovereignty over the Isle of Pines can be surrendered, no doubt, by treaty. If we owned property in the Isle of Pines itself, if the Government of the United States owned some property there, that property could not be disposed of without an act of Congress.

But it is also contended, Mr. President, that the treaty-making power of the United States does not extend to the surrender of territory over which the Government of the United States has acquired sovereignty. I do not agree with that; indeed, I have heretofore stated on the floor that, in my judgment, the treaty-making power extends so far as that the State of Montana might be ceded to the Dominion of Canada

and the State of Maine or any other State in the United States might be ceded to another country.

However, it is not necessary to go that far. The question of whether the United States can cede sovereignty over territory over which it has exercised sovereignty is presented in three different aspects: First, it arises in the case of disputed boundaries, as, for instance, in the northeastern boundary question and in the northwestern boundary question. In the case of the northeastern boundary question the Government of the United States claimed to exercise jurisdiction over territory which is now within New Brunswick. In the case of the northwestern boundary it claimed to be entitled to jurisdiction over territory now in the Dominion of Canada; but by treaty we surrendered all of our claim in both instances.

Second, it may present itself with reference to territory with respect to which there is no dispute but which lies beyond the continental area and not within any particular State. We have by treaty surrendered jurisdiction over territory of that character—for instance, the Samoan Islands. We once exercised jurisdiction over those islands, but we surrendered it. Take the Philippines; if the doctrine is correct that we can not by treaty surrender sovereignty, we could never transfer the Philippines to any other country, if we saw fit to do so.

Finally, it may present itself as a question as to whether territory within a State may be ceded. That is a question upon which very considerable controversy has arisen ever since the adoption of the Constitution, and with respect to which some of the ablest expounders of the Constitution have differed. It is not, however, of grave concern here, because this particular territory is outlying territory; it is not within the jurisdiction of any State, and there can arise no possible question, if precedent is to be regarded, because it is in exactly the same situation as were the Samoan islands, jurisdiction over which, as I have said, we surrendered.

The various phases of the question and the controversies in which it arose are collated in Crandall's Treaties, Their Making and Enforcement, at section 99. It is introduced by the following comment:

> In the Federal Convention, August 15, 1787, while the treaty power was still vested in the Senate alone, George Mason, in urging that all bills for raising or appropriating money should originate in the House of Representatives, said that he was extremely anxious to take this power from the Senate, which "could already sell the whole country by means of treaties."

Continuing, he added:

> The Senate might, by means of treaty, alienate territory, etc., without legislative sanction. The cessions of the British islands in the West Indies by treaty alone were an example. If Spain should possess herself of Georgia, therefore the Senate might by treaty dismember the Union.

And when the Constitution was before the legislatures of the various States for ratification, particularly before the Legislature of the State of Virginia, it was violently attacked upon the ground that the treaty-making power extended so far as that by treaty the Union might be dismembered. That was urged again before the legislature by George Mason, and was met by James Madison with the contention that the treaty-making power did not extend so far. Mr. Madison said in that connection:

> I do not conceive that power is given to the President and Senate to dismember the empire or to alienate any great, essential right. I do not think the whole legislative authority have this power.

But it will be remembered, Mr. President, that there was a very close fight in the Virginia Legislature over the adoption of the Constitution, and this was one of the strong arguments made by those who, led by Patrick Henry, were in opposition, and Mr. Madison on that occasion was under every possible constraint to meet the arguments of his opponents and yield nothing that would imperil the resolution of ratification. So, although I have a most profound respect for his opinion upon all of these questions, I do not conceive that the opinion expressed by him on that particular occasion is entitled to the weight which it would have and should receive under other circumstances. My view about the matter is that the treaty-making power extends to all subjects which are ordinarily subject to negotiation between independent nations.

I can find no other restriction upon the power to make treaties, and of course the cession of territory from one government to another is one of the most common things in the negotiation of treaties between independent powers.

As I say, however, the subject as it has been considered at various times is treated at length in this section of the work to which I have adverted, and without taking the time of the Senate I ask leave to insert at this place in the RECORD section 99 of this volume.

The VICE PRESIDENT. If there is no objection, it will be so ordered.

The matter referred to is as follows:

[From Treaties, Their Making and Enforcement, by Samuel B. Crandall]

SEC. 99. Power to cede territory.—In the Federal Convention, August 15, 1787, while the treaty power was still vested in the Senate alone, George Mason, in urging that all bills for raising or appropriating money should originate in the House of Representatives, said that he was extremely anxious to take this power from the Senate, which "could already sell the whole country by means of treaties." "The Senate might," he added, "by means of treaty alienate territory, etc., without legislative sanction. The cessions of the British islands in the West Indies by treaty alone were an example. If Spain should possess herself of Georgia therefore, the Senate might by treaty dismember the Union." Elbridge Gerry on August 17, in supporting a motion to give Congress the power to make peace, said: "Eight Senators may possibly exercise the power if vested in that body, and 14 if all should be present, and may consequently give up part of the United States." On September 7, during the debate on the question of the proportion of the Senate to be required for concurrence in treaties of peace (it having been voted to except them from the requirement of a two-thirds vote), Gerry urged that a greater proportion should be required than in case of other treaties, since in treaties of peace the dearest interests would be at stake, such as the fisheries and territories. He objected to putting the "essential rights of the Union" in the hands of a majority of the Senate which might represent less than a fifth of the people. An amendment was offered by the terms of which no treaty of peace should be entered into whereby the United States should be deprived of any of their present territory or rights without the concurrence of two-thirds of the Members of the Senate present. Another amendment was offered which provided that no rights established by the treaty of peace should be ceded without the sanction of the legislature. Upon a reconsideration of the clause the exception as to treaties of peace was stricken out.

In the Virginia convention that ratified the Constitution Patrick Henry, in a bitter attack on the treaty-making provision, said that the President and two-thirds of a quorum of the Senate "might relinquish and alienate territorial rights and our most valuable commercial advantages. In short, if anything should be left us, it would be because the President and Senators were pleased to admit it." George Mason, in the same convention, declared that there was "nothing in the Constitution to hinder a dismemberment of the empire"; and he urged the adoption of an amendment by which it should be expressly provided that no treaty to dismember the empire should be made except in case of the most urgent and unavoidable necessity, and then only with the consent of three-fourths of both branches of Congress. Madison, in replying to these objections, said: "I do not conceive that power is given to the President and Senate to dismember the empire, or to alienate any great, essential right. I do not think the whole legislative authority have this power." Grayson contended that express provision ought to be made that no dismemberment should take place without the consent of the legislature. He added: "There is an absolute necessity for the existence of the power. It may prevent the annihilation of society by procuring a peace. It must be lodged somewhere. The opposition wish it to be put in the hands of three-fourths of the Members of both Houses of Congress. It would be then secure. It is not so now." Similar objections were raised in the first North Carolina convention. An amendment to the Constitution, that no treaty ceding or compromising in any manner the rights or claims of the United States to territory, fisheries in the American seas, or navigation of American rivers should be concluded except in case of the most urgent and extreme necessity, and then only with the concurrence of three-fourths of all the Members of both Houses of Congress, was proposed both by the Virginia convention and by the first North Carolina convention.

The question as to the power of the Central Government to cede by treaty territory lying within a State came under consideration in President Washington's administration during the negotiations with Spain relative to the boundary between Georgia and the Floridas. In the draft of the instructions of March 18, 1792, to Carmichael and Short, the American commissioners, Jefferson, Secretary of State, stated that the right to alienate even an inch of territory belonging to a member of the Union did not exist in the Central Government. In another part of the instructions he admitted that, as the result of a disastrous war, necessity might compel an abandonment of a part of a State. Hamilton, in commenting on these instructions, expressed doubt that there was such a limitation on the power of the Central Government to accommodate itself to exigencies that might arise, especially as to unpeopled territory. The instructions remained unchanged.

During the northeastern boundary controversy the Legislature of Massachusetts in 1838 passed a resolution in which it was asserted

that no power delegated to the Central Government by the Constitution authorized it to cede territory within the limits of the States of the Union. To a request of Edward Everett, Governor of Massachusetts, for an opinion on the resolution, Mr. Justice Story, in a private communication dated April 17, 1838, replied that he could not admit it to be universally true that the Government of the United States was not authorized to make such cessions. He recalled that Chief Justice Marshall, when the question was under discussion some years before, was "unequivocally of opinion that the treaty-making power did extend to cases of cession of territory, though he would not undertake to say that it could extend to all cases, yet he did not doubt it must be construed to extend to some."

Mr. Webster, in the final negotiations for the settlement of the boundary, for reasons which were not necessarily constitutional ones, sought to a certain extent the cooperation of the States of Maine and Massachusetts. Shortly after the arrival of Lord Ashburton, letters were addressed to the two States inviting the appointment of commissioners to confer with the Central Government as to terms, conditions, considerations, and equivalents, with an understanding that no line would be agreed upon without the assent of such commissioners. Commissioners were duly appointed, and the final settlement was communicated to them for approval before the treaty was signed. The treaty was not strictly a determination of the actual line but a friendly adjustment of it, in which it was admitted that concessions had been made on the northeastern boundary in consideration of equivalents elsewhere received. By the same instrument the United States agreed to pay to the two States in equal moieties the sum of $300,000 "on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty." The stipulation in Article IV of the treaty, that all grants of land theretofore made by either party, which by the treaty fell within the dominion of the other, should be held valid, ratified, and confirmed to the person in possession under such grant to the same extent as if such territory had by the treaty fallen within the dominion of the party by whom such grants were made, was held by the Supreme Judicial Court of Maine for the county of Washington to be so far self-operative as to confirm the grant without the aid of legislation; and that one, who at the time of the ratification of the treaty was, and for several years prior thereto had been, in possession of land under a grant from the Province of New Brunswick, had, by virtue of this article of the treaty, a title good as against one claiming under a grant from the State of Massachusetts, although the land in question lay within the limits of the United States as conventionally established by the treaty. In the course of the opinion Shepley, C. J., said: "It is the duty of this court to consider that treaty to be a law operating upon the grant made under the authority of the British Government, and declaring that it shall be held valid, ratified, and confirmed. It is further insisted that it can not be permitted so to operate and thereby defeat the title of the demandant to the land without a violation of that provision of the Constitution of the United States which declares that private property shall not be taken for public use without just compensation. It is not in the argument denied that public or private property may be sacrificed by treaty; but it is said that such a provision of a treaty as would take private property without compensation must remain inoperative or suspended until compensation has been made. Such a construction would infringe upon the treaty-making power, and make its acts depend for their validity upon the will of the legislative department, while the Constitution provides that treaties shall be the supreme law. The clause of the Constitution referred to is a restriction imposed upon the legislative department in its exercise of the right of eminent domain. It must of necessity have reference to that department, which has the power to make compensation, and not to the treaty-making power which can not do it. This provision of the Constitution will not prevent the operation of the treaty upon the grant of the tenant. * * * The demandant must seek compensation for the loss of his land from the justice of his country." As a result of this decision numerous claims were presented to and paid by Congress for compensation for land, title to which was lost by operation of Article IV of the treaty.

In Fort Leavenworth Railroad Co. *v.* Lowe Mr. Justice Field, in delivering the opinion of the court, observed that before the cession to a foreign country "of sovereignty or political jurisdiction" over territory within a State could be made the consent of the State was necessary, and that conversely a State could not make such cession without the concurrence of the central Government. The case decided in this relation only that lands acquired by the Central Government in a State without the consent of the latter were exempt from the legislative power of the State only when such lands were used as instrumentalities of the Central Government, and that lands acquired with the consent of the State for purposes specified in Article I, section 8, of the Constitution were entirely exempt from State legislation. The same learned justice in the case of Geofroy *v.* Riggs said: "The treaty power as expressed in the Constitution is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. Fort Leavenworth Railroad Co. *v.* Lowe (114 U. S. 525, 541). But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." Likewise Mr. Justice White, in his concurring opinion in the case of Downes *v.* Bidwell, observed: "True, from the exigency of a calamitous war or the necessity of a settlement of boundaries it may be that citizens of the United States may be expatriated by the action of the treaty-making power impliedly or expressly ratified by Congress. But the arising of these particular conditions can not justify the general proposition that territory which is an integral part of the United States may, as a mere act of sale, be disposed of."

In the consideration of this question a distinction is to be made between territory organized into States and that still in Territorial form. In respect of territory within the boundaries of a State, it is not to be considered that the President and Senate will ever attempt by treaty to transfer title and sovereignty to a foreign power, except in case of extreme necessity in making terms of peace or in establishing boundaries. That the President and Senate, exclusively intrusted by the Constitution with the power of making treaties and without express limitation and charged with the duty of conducting all negotiations with foreign powers, have the power to meet such an exigency, should it arise, is not to be doubted. Treaties for the submission to arbitration of disputed boundaries which have involved territory over which States claimed jurisdiction have from the first been concluded, and their validity has never been successfully assailed. Mr. Justice McLean, in the case of Lattimer *v.* Potect, observed: "It is a sound principle of national law and applies to the treaty-making power of this Government, whether exercised with a foreign nation or an Indian tribe, that all questions of disputed boundaries may be settled by the parties to the treaty. And to the exercise of these high functions by the Government within its constitutional powers neither the rights of a State nor those of an individual can be interposed." A treaty for the determination of a disputed line operates not as a treaty of cession but of recognition.

In respect of territory not within the boundaries of a State, the Central Government exercises, subject to the express prohibitions of the Constitution applicable thereto, all the powers of government enjoyed by both the Central and State Governments over territory within the limits of a State. Accordingly, the power to cede such territory, if it exists as a power of government, resides in the organs of the Central Government. That the consent of the inhabitants of the territory to be ceded is essential to give validity to the transfer can not be maintained. The power to cede outlying territory is no less essential to the full exercise of the treaty-making power of the United States, which "extends to all the proper subjects of negotiation between our Government and the governments of other nations," than is the power to acquire. Various treaties have been concluded by which the United States has relinquished extraterritorial rights theretofore enjoyed in other countries. By the convention between the United States, Great Britain, and Germany, signed December 2, 1899, the United States renounced in favor of Germany all its rights and claims in respect of certain islands of the Samoan group, in consideration of like renunciations by Great Britain and Germany in favor of the United States of all rights and claims to the island of Tutuila and all other islands of the Samoan group east of longitude 171° west. As the result of decisions of tribunals of arbitration, to which the determinations of disputed boundary lines have been referred, territory over which the United States had theretofore exercised jurisdiction has fallen within the jurisdiction of foreign powers. Thus, to take a recent case, by the decision of the Alaskan boundary tribunal, constituted under the treaty with Great Britain of January 24, 1903, to determine the boundaries of Alaska as described in the treaty between Russia and Great Britain of 1825, Wales Island fell to Great Britain, although Russia and her successor, the United States, had continuously exercised jurisdiction over the island since 1825, in which Great Britain had acquiesced. It also appears that the Government of the United States had erected a public building on the island. In treaties for the adjustment and direct settlement of disputed boundaries, notably in case of the Oregon treaty of 1846 and of the Florida treaty of 1819, the United States has accepted, in compromise, boundary limits much more restricted than those to which claim had been made. In the Oregon treaty the United States accepted the forty-ninth parallel, although the parallel of 54° 40' had been claimed. In the reciprocal renunciations of the Florida treaty the United States, in the language of the treaty, agreed to "cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south" of a line beginning at the mouth of the Sabine. The United States had claimed

the Rio Grande as the boundary. In referring to the Florida treaty, President Monroe, in his annual message of December 7, 1819, said: "On the part of the United States this treaty was evidently acceded to in a spirit of conciliation and concession. * * * For territory ceded by Spain other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her (Spain)." Resolutions were introduced in the House of Representatives by Mr. Clay, in which it was asserted that no treaty purporting to alienate any portion of the territory belonging to the United States was valid without the concurrence of Congress; and that the equivalent proposed to be given by Spain to the United States in the treaty for that part of Louisiana lying west of the Sabine was inadequate. The resolutions were debated at length in the Committee of the Whole April 3 and 4, 1820, but no vote appears to have been taken on them.

Mr. Clay in his argument admitted that a treaty could, without the cooperation of Congress, fix the limits of the territories of the United States in dispute "when the fixation of the limits simply was the object, as in the case of the River St. Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty with Spain in 1795. In all these cases the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims in a tangible form the existence of the boundary; it does not make a new boundary; it asserts only where the new boundary was. But it can not under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of Congress, whole provinces." He contended that if the subject were one of a mixed character, being partly of cession and partly for the "fixation" of prior limits, the consent of Congress was necessary; but that in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit was; that it was, on the contrary, the case of an avowed cession of territory from the United States to Spain.

Mr. Lowndes, of South Carolina, in replying to Mr. Clay, said: "In relation to questions of boundary it was admitted on all hands that the treaty-making authority was competent to their adjustment; its competency must be equally admitted in relation to all unadjusted claims. He submitted then to the committee whether there could be any case of an adjustment of a claim to boundary which did not include a cession of supposed right to territory by one or the other party. You may establish points; you may say there a colony was planted, here a man was shipwrecked; you may assert that these points include the territory to which you have a right; but the lines of your boundary must, after all, be adjusted by negotiation—by reciprocal agreement." Mr. Anderson, of Kentucky, likewise observed: "There is nothing which can, under the distribution of powers in our Constitution, be more certainly assigned to the President and Senate than the settlement of disputed boundaries. Probably there is no single subject on which so many treaties have been made. None which is more peculiarly the attribute of the department to which belongs the peace-making power. From the very great extent of our territory and the undefined state of its limits on several sides, this power must be frequently called into exercise. Its frequent operation on the settlement of differences of this kind must have been contemplated by the convention; and it could never have been intended that in a general grant of the power it should be construed not to apply to cases which had been invariably, in all countries, the subjects of its operation."

Mr. WILLIS. Mr. President, while I should have preferred to address myself a little bit later in the afternoon to the amendment which I have offered, knowing that there probably will be very great difficulty in obtaining the floor at that time I will take a few moments to explain it now, believing that if this treaty is to be ratified—which I trust it will not be—we at any rate ought to provide in it, so far as we have authority so to do, for the preservation of the rights of American citizens who, under the representations of the Government of the United States, went to the Isle of Pines, located there, and are still making their homes there.

With that idea in view, Mr. President, I have undertaken to embody the substance of the first eight amendments to the Federal Constitution in the form of a reservation or understanding to be attached to this resolution of ratification and to be made a part thereof.

Mr. President, I can not understand how any Senator or any citizen of the United States, in the Senate or out of it, can object to the guaranties proposed here to be made. It may be said that this is an improper interference with the prerogatives of a sovereign government. That is the only suggestion that has been made thus far by way of opposition. The able senior Senator from New York [Mr. WADSWORTH] the other day suggested, in the course of colloquy with myself, that he thought it would be an improper interference with the prerogatives of a sovereign government. I want to meet that suggestion right at the outset by saying that we have already very much more seriously interfered with the alleged independence of a sovereign nation through the adoption of the Platt amendment.

By the way, Mr. President, I think it would be useful to have the Platt amendment in the RECORD at this place; and I therefore ask unanimous consent to print in the RECORD the appendix to the Cuban constitution, which is the Platt amendment.

The VICE PRESIDENT. Is there any objection? If not, it will be so ordered.

The matter referred to is as follows:

APPENDIX TO THE CUBAN CONSTITUTION—HABANA, JUNE 12, 1901

(Translation)

HABANA, *June 15, 1901.*

HONORABLE SIR: Replying to your official letter, dated the 8th, whereby you forward to the undersigned the report of the honorable the Secretary of War, dated the 31st May last, I have the honor to advise you that at the session held yesterday, the 12th June, by the constitutional convention, there was taken the following—

Resolution

The constitutional convention, in conformity with the order from the military governor of the island, dated the 25th July, 1900, whereby the said convention was convened, has determined to add, and hereby does add, to the constitution of the Republic of Cuba, adopted on the 21st February ultimo, the following:

APPENDIX

ARTICLE 1. The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization, or for naval or military purposes or otherwise, lodgment or control over any portion of the said island.

ART. 2. That the said Government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island of Cuba, after defraying the current expenses of the Government, shall be inadequate.

ART. 3. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States now to be assumed and undertaken by the Government of Cuba.

ART. 4. That all acts of the United States in Cuba during the military occupancy of said island shall be ratified and held as valid, and all rights legally acquired by virtue of the said acts shall be maintained and protected.

ART. 5. That the Government of Cuba will execute and, as far as necessary, extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

ART. 6. The Island of Pines shall be omitted from the boundaries of Cuba specified in the constitution, the title of ownership thereof being left to future adjustment by treaty.

ART. 7. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States the lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

ART. 8. The Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

With the testimony of our greatest consideration,

Very respectfully,

THE PRESIDENT,
DOMINGO MÉNDEZ CAPOTE.

Mr. WILLIS. Mr. President, in the Platt amendment, which is now a part of the Cuban constitution, it is provided, amongst other things:

The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers * * * nor in any way authorize or permit any foreign power or powers to obtain by colonization or for naval or military purposes, or otherwise, lodgment or control over any portion of the said island.

We have already interfered with the prerogatives of the Republic of Cuba in the Platt amendment much more seriously than it is proposed to interfere with those prerogatives in the amendment which I propose.

The Platt amendment also provides that under certain circumstances the Government of the United States may intervene in the affairs of Cuba, and it already has intervened twice—once upon the invitation of the Cuban Government.

In the fifth section of the Platt amendment it provides certain restrictions as to sanitary conditions in the island of Cuba; and yet Senators object to a guaranty in this amendment of right of trial by jury, or freedom of speech, or freedom of the press, on the theory that that infringes upon the sovereignty of an independent State, although we put in the Platt amendment even sanitary regulations, and Senators swallow that sort of a provision without batting an eye.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator.

Mr. DILL. Is the Senator sufficiently familiar with the Cuban constitution to know whether there are any such reservations of the rights of citizens under the Cuban constitution as are suggested in this amendment?

Mr. WILLIS. I thank the Senator for that very pertinent and proper question. I have before me a copy of the Cuban constitution, which I have read and reread with a great deal of care, and I will say to the Senator that the very guaranties proposed to be made in the amendment now pending before the Senate are not to be found in the Cuban constitution.

At the risk of being tedious, I want to read what some of these guaranties are. I want Senators to think of what their position should be. I propose to say here, under this reservation:

1. The Government of Cuba shall make no law applicable to the Isle of Pines respecting an establishment of religion—

Will Senators say, by voting against that reservation, that they think that the Cuban Government ought to have the right to make a law touching an establishment of religion in the Isle of Pines? That would be the effect of such a negative vote.

1. The Government of Cuba shall make no law applicable to the Isle of Pines respecting an establishment of religion, or prohibiting therein the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people of the Isle of Pines peaceably to assemble and to petition the Government of Cuba for a redress of grievances.

Senators, of course, will recognize that I have taken the well-known provisions of the first amendment to the Constitution of the United States and put them in a form applicable to this situation; and I am asking, if we shall adopt this, that the Cuban Government shall give to these American citizens those guaranties of personal rights to which they were entitled as American citizens.

Here is another. I shall not take the time to read all of them. Turn to the third one, for example:

3. No soldiers shall in time of peace be quartered in any house in the Isle of Pines without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

That is a familiar provision of our Bill of Rights. What objection can be made to a solemn promise from the Republic of Cuba that the rights of the American citizens now resident in the Isle of Pines shall be protected in that regard?

4. The right of the people of the Isle of Pines to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

That is an important right guaranteed to American citizens in this country. What objection can be found to having that guaranty extended to these people now living in the Isle of Pines through the invitation of the Government of the United States of America? I repeat that it is no such infringement upon the sovereignty of Cuba as we have already made through insistence upon the adoption of the Platt amendment.

Now, I beg Senators to note this:

5. No person in the Isle of Pines shall be subject to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; neither shall any person in the Isle of Pines be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

What objection can there be to insisting that these rights, which ought to be enjoyed by free people all the time everywhere, shall be guaranteed to the citizens of the United States now living in the Isle of Pines?

6. In all criminal prosecutions in the Isle of Pines the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district in the Isle of Pines wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Here is another one, the eighth one:

8. Excessive bail shall not be required in the Isle of Pines, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Mr. President, these rights that are guaranteed in the first eight amendments to the Federal Constitution are the very bulwarks of American and English liberty. They are the rights for which the men and women of our race have contended through the centuries. These rights are guaranteed in the most solemn fashion by having them placed in the Federal Constitution. I can not understand the viewpoint of any lawyer who says, "Well, that is all very good. We recognize that those rights are important—trial by jury, freedom of speech, freedom of the press, freedom of religious worship—but as to these American citizens of ours who live in the Isle of Pines, American citizens patriotic enough to send 130 of their boys into the World War, we decline to make any guaranties, and prefer to leave them under the provisions of a constitution that makes no such guaranties."

Mr. President, it seems to me that if the Senate is determined to ratify this treaty it ought at least to be willing to make some reservations which would protect the inherent rights of the American citizens residing in the Isle of Pines.

In that connection I want to suggest another thing touching the Platt amendment. I have not drafted an amendment on this subject. I hope some Senator has done so, or will do so. Article VI of the Platt amendment and of this appendix to the Cuban constitution provides:

The Isle of Pines shall be omitted from the boundaries of Cuba specified in the constitution, the title of ownership thereof being left to future adjustment by treaty.

I trust there can not be any argument or any doubt about that. That is perfectly clear. Under the Platt amendment the Isle of Pines was omitted from the boundaries of Cuba. That being the case, I beg Senators to think of this question: It was not a part of Cuba. It was not within the boundaries of Cuba under the terms of the Platt amendment. Very well. Then does this guaranty apply which is found in Article I, that—

The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for naval or military purposes or otherwise, lodgment or control over any portion of the said island.

The Platt amendment specifically excluded the Isle of Pines. Then, I say, Mr. President, that unless we shall have some amendment or reservation, if we now quitclaim to Cuba whatever right, title, or interest we have in the Isle of Pines, Cuba, if she wants to, has a right to-morrow to lease the Isle of Pines to Holland or to England or to France or to any other nation for a coaling station. We have no guaranty at all; and yet Senators propose to put this tremendously important island, of the greatest strategic value, entirely within the control of the Cuban Government.

Here is another suggestion: Under the Platt amendment, the Isle of Pines being excluded from the boundaries of Cuba, the Government of Cuba, if it desired so to do, could decline in its sanitary arrangements to have those arrangements and laws and provisions extend to the Isle of Pines, and we should be absolutely without remedy.

If this treaty is to be ratified, there ought to be an amendment or reservation providing that the terms of the Platt amendment shall extend to the Isle of Pines, as they certainly do not in the present situation.

The thing I desire to impress upon the Senate, however, is the provision of the amendment which is pending. I beg Senators to consider whether they are willing to vote down guaranties of trial by jury, freedom of speech, freedom of the press, and freedom of religious worship. Those are the sacred things in our form of government. They are not guaranteed in

the Cuban constitution. We are now in position to make those guaranties, and let us do it by adopting the amendment.

The VICE PRESIDENT. The Senator's time has expired.

Mr. REED of Missouri obtained the floor.

Mr. RALSTON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Ernst	Ladd	Reed, Pa.
Bingham	Fernald	McKellar	Robinson
Blease	Ferris	McKinley	Sackett
Borah	Fess	McLean	Schall
Bratton	Fletcher	McNary	Sheppard
Brookhart	Frazier	Mayfield	Shortridge
Broussard	George	Means	Simmons
Bruce	Gerry	Metcalf	Smith
Butler	Gillett	Moses	Stanfield
Cameron	Glass	Neely	Swanson
Capper	Goff	Norbeck	Trammell
Caraway	Hale	Norris	Tyson
Copeland	Harreld	Oddie	Wadsworth
Couzens	Harris	Overman	Walsh
Cummins	Harrison	Pepper	Weller
Curtis	Heflin	Pine	Wheeler
Dale	Johnson	Pittman	Willis
Deneen	Jones, Wash.	Ralston	
Dill	Keyes	Ransdell	
du Pont	King	Reed, Mo.	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. There is a quorum present.

Mr. BORAH. In order that I may not be shut out under the unanimous-consent agreement I desire at this time to read a reservation which I shall offer, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the treaty with Cuba signed at Washington, D. C., on the 2d day of March, 1904, for the adjustment of title to ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties, so as to make it plain that this condition is understood and accepted by each of them:

That all the provisions of existing and future treaties, including the permanent treaty proclaimed July 2, 1904, between the United States of America and the Republic of Cuba, shall apply to the territory and the inhabitants of the Isle of Pines.

That is for the purpose of leaving no doubt as to the application of the Platt amendment to the Isle of Pines.

Mr. REED of Missouri. Mr. President, I do not intend to go over the ground which has been covered by other Senators, but I seek to enlist the attention of the Senate for the few moments allotted to me under the rule to lay before the Senate a phase of this question which I think demands very serious consideration. As a preliminary, let me remark that, in my judgment, it must at least be conceded that there is serious question whether the Government of Cuba has any just claim to the Island of Pines. I admit the proposition to be debatable, but I believe the weight of the argument rests in favor of the United States.

In the second place, with all respect in the world to the opinion of my associates, I very seriously question the right of the Senate of the United States and of the Executive by a treaty to alienate territory of the United States. I am unable to give clause 2 of section 3 of Article IV of the Constitution a construction other than that in the alienation of territory Congress must act. The language is:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

In my judgment, that was intended to cover the question of the alienation of property, and certainly no territory ever once belonging to the United States ought to be aliened to a foreign country without very serious consideration. A mere clause might easily be slipped into a treaty susceptible of such a construction, and it might be accepted by the Senate when it would be contrary to the will of Congress as a whole. These questions have been discussed, however, and we are to vote now within a few moments.

I want to call attention to the national defense. A few years ago we were asked to purchase the Virgin Islands, which, as nearly as I can estimate from the map, lie about 550 miles farther from the Canal Zone than does the Isle of Pines. Yet we were told that those islands were essential to the defense of the canal, although they lie within a few miles of Porto Rico, which we own and which we can fortify at will.

I voted for the purchase of those islands, although the price was far beyond any reasonable consideration. I voted for it because, according to my way of thinking—and, of course, I may be mistaken—the United States ought to exercise sovereignty over every piece of land that lies within striking distance of her coast.

The Government of Cuba has no just right to complain of the treatment received from the United States. We gave Cuba her liberty. She was suffering from a thralldom which in its atrocious character has not been equaled since the Dark Ages. She was helpless in the grip of Spain. Her people were being herded like cattle in places where they were compelled to concentrate. They were suffering intolerable exactions. The United States gained for them their liberties.

Having taken this property from Spain, we turned the island over to Cuba, and what then? We have aided and supported them in every way since. I do not at all reflect upon Cuba or her people when I say that it is to the backing of the United States that she owes her present condition of peace and prosperity and safety. We have given to her a 20 per cent advantage upon what is practically her only great product—sugar—and she enjoys that advantage in the markets of the United States as against any other country on earth. So when we come to consider the question in its practical aspect, we have the right to say to those who accuse us of injustice toward Cuba that our attitude throughout has been one of generosity, of kindliness, and of protection. Indeed, a great American soldier is there now for the purpose of aiding Cuba in some matters of such delicacy that they need not be discussed in open session.

Mr. President, even if it were conceded that Cuba had somewhat the better of the claim legally to this piece of land, nevertheless under the conditions I have named I insist that we ought not to ratify the treaty and turn this land over to Cuba; but if Cuba does have some claim it would be better for us to compose our differences with her and do a generous thing toward her by a money compensation.

Referring again to the subject of national defense, I want to challenge the attention of the Senate to some maps which I produced here over a year ago. He who looks at those maps will observe that, beginning not very far south of New York, England owns the Bermudas. From the Bermudas airplanes could be launched that could attack New York City and other cities of the American Continent and could return to their bases without much danger of attack from us unless we fortunately had an airplane fleet immediately at hand. Following down the coast we come to the southern part of Florida and there we find upon the map marked in red, which most of the Senators can see with their naked eyes from where they sit, a group of islands extending from Florida north of Cuba down to Haiti. Immediately south of Cuba we find the island of Jamaica, which is the key to the Panama Canal beyond any question, and it is marked in British red. We find in addition to that British Honduras, so located that it also commands one of the great passages to the Panama Canal and embraces a bay in which the entire fleet of a great foreign nation can lie in harbor. Going on down toward the South American coast we find another chain of islands, part of them British, part of them French, but all together completely commanding every channel of the sea from that direction and all of them resting at last upon British Guiana, another great British possession.

I say to the Senate solemnly this afternoon, and although Senators may not agree with me, yet I venture to say that the Panama Canal in its present state is absolutely defenseless if we should have a conflict with Great Britain. I am discussing this now with reference to the remote future, for we all hope we will never have a conflict with Great Britain, but we also all hoped that we would never be involved in a European war and confidently believed we would not be. Every nation confidently hopes and believes that it will remain at peace with its neighbor, but the history of the world has demonstrated that at the time of apparently greatest security the greatest danger swings into being.

I say that it ought to be the fixed and settled policy of the United States to acquire all of these islands. They lie in substantially a semicircle embracing the eastern or northern extremity of the Panama Canal. We may examine the maps and we find that there is not a single channel of the sea, not a single trade route leading into these waters that is not under the command of foreign territory which can be at any time equipped with foreign guns. This situation our naval authorities have sought in part to embrace by the establishment in Cuba of a naval base, but that is only one point from which we can launch an attack. We have Porto Rico and there practically our possession ends, whereas all the rest of that territory is under foreign flag and could be fortified at any time without our consent.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. REED of Missouri. Mr. President, I ask for a ruling of the Chair on the unanimous-consent agreement; that is, whether there are 15 minutes allowed on the treaty and 15 minutes on amendments, or whether there are only 15 minutes as a total.

The VICE PRESIDENT. As the Chair understands it, there are 15 minutes allowed on the treaty and 15 minutes on an amendment or reservation.

Mr. REED of Missouri. Then I desire just a few minutes on the pending amendment.

The VICE PRESIDENT. The Senator can speak now on the amendment of the Senator from Ohio [Mr. WILLIS].

Mr. REED of Missouri. An examination of the map will show Senators that the Isle of Pines lies within 50 miles of the principal passage of vessels moving from the Gulf to the canal. On that island an airplane base could be established, and from it one or two airplanes could proceed to destroy all of the ships passing through that channel. They could proceed from that island to attack our fortress on the island of Cuba. They could proceed from that island to attack the southern portion of Florida.

I say to the Senate, without entering into any long discussion, that airplane fighting has revolutionized the military operations of the future, that airplanes can not successfully operate without places to light and refuel, and that every piece of land, every rock of the sea that is large enough for an airplane to light on, is now of vital importance if that piece of land lies within a flight of one or two hours of the coast of the United States.

Instead of giving away our land in the West Indies we ought to be securing lands. I would be willing to cancel a part of the French debt in order to secure the French possessions in the West Indies. I would be willing to make large concessions to Great Britain in a financial way in order to secure those islands which she controls and which lock the waters of the Gulf of Mexico and the Panama Canal. The day may come, not in our lifetime—it may come in a remoter period, it may never come, but it may come—when we must concentrate the fleet of the Atlantic and the fleet of the Pacific in one or the other of those oceans, and do it within a few hours' time, when a single airplane proceeding from one of these islands by dropping a single bomb in the locks of the Panama Canal could block those waters and prevent the concentration of our fleet and involve us in some great naval disaster. England looks ahead. France looks ahead. All other countries look ahead. We alone proceed in a haphazard way, without consideration for the future, regarding ourselves at all times as perfectly secure.

I ask the Senate of the United States to tell me why these countries cling to the islands of the West Indies? They are of no financial benefit to them to-day. The time was when the enslaved inhabitants of those islands, raising sugar and other tropical products, were a source of profit to their European masters. That condition no longer exists. There is no profit to these nations from those islands, and yet they cling to them. If you want to know the reason, it is because they are wise enough to look ahead to the hour when there may be conflict, and when those islands shall constitute for them so many points from which they may attack the United States. They are, to use the expression of another, so many cannons pointed at the heart of the United States of America. Yet we propose to vote away territory to which we have at least a good equitable claim.

I would not mistreat Cuba; if necessary, I would pay her handsomely for a quitclaim deed; but I will never vote to relinquish one foot of land lying within 500 miles of the coast of the United States or commanding any of our trade channels, nor any of those waters which we must command in order to defend the coast of our country.

Mr. PITTMAN. Mr. President, there is no doubt that the argument which has just been presented by the Senator from Missouri is appealing. I think everyone must agree that we should have due regard for the protection of the Panama Canal and of our coast, but it is more important, in my opinion, that we should act honorably, keeping the self-respect of our own people and the confidence of the nations of the world than that we should own any island in the Caribbean Sea. It is not a question of what we want nor what we shall obtain. The question is how we may honorably obtain it.

If we are going to buy the Isle of Pines from Cuba, let us buy it from her after we shall have relinquished any claim of title to her, and not before, at a price fixed by us as a condition of relinquishment. I think the strategic importance of the Isle of Pines in this argument is greatly overestimated. It was within the power of the United States to obtain from Cuba the Isle of Pines as a coaling station and naval base if it had seen fit, but it did not want the Isle of Pines. The Isle of Pines is not adapted for a naval base. What the Government of the United States wanted was bases on the mainland of the island of Cuba, where they have one of the greatest harbors in the world, and that is the only reason why it would not admit the claim of Cuba to the Isle of Pines. There is no question about that. The Isle of Pines was held as security, so that when there was a government formed in Cuba which could carry out the informal agreements which had been made between our Army officers and the leaders of the revolutionary army in Cuba, there would be some means of forcing the constitutional government of Cuba to grant us the naval bases that we actually did want and which we afterwards received.

All of us are interested, of course, in the protection of American citizens; that sentiment is not peculiar to any individual in this Chamber or to any individual in the United States; yet we are equally solicitous as to the honor of our Nation and the esteem in which our people may be held at home and in every country throughout the world. The question is, Have we any just claim of title to the Isle of Pines?

Let us go back to the history of our connection with the Isle of Pines. How did we ever become connected with the Isle of Pines? For years the people who were known as the Cuban people were fighting for their independence from the Spanish Government. As has been said, they were fighting a bitter fight against extreme cruelties. The situation reached such a point that in 1898 our Government could stand it no longer, and it went into the fight. For what purpose? For the purpose of giving the Cuban people independence of the government which had ruled them under Spain. For control of what territory were the Cuban people fighting, Mr. President? Were they fighting solely in the island of Cuba? If that were true, then there may have been some excuse for saying that we were going down there to give them independence alone in the island of Cuba. That, however, is not true. The undisputed fact of the case is that the revolution was going on in the Isle of Pines just the same as it was going on in the island of Cuba; that the revolutionists of the Isle of Pines were under the command of the same great commander who had charge of the forces of the island of Cuba. Is it consistent to believe that we desired to free the revolutionists of the island of Cuba, but did not desire to free those in the Isle of Pines?

Whatever our intentions were before we went into that war, let us see what the declaration was when we entered the war.

Here is the first article of our resolution declaring war upon Spain:

Resolved, etc.—

First, that the people of the island of Cuba are, and of right ought to be, free and independent.

The Government of the island of Cuba since 1774 has embraced the Isle of Pines, just as much as the government of the State of New York has embraced Long Island. Throughout the whole history of Spanish control of Cuba it has always been considered that Cuba included the Isle of Pines. It was included in the Cuban census, in the Cuban tax department, in the Cuban judiciary department. It has always been a part of the Province of Habana on the island—island of Cuba.

But that is not all. When we finally conquered Spain and the first protocol of peace was signed, what did it say? It said in Article I:

Spain will relinquish all claim of sovereignty over or title to Cuba.

And when the treaty of peace was finally signed on April 11, 1899, it said this:

Spain relinquishes all claim of sovereignty over and title to Cuba.

Why did those who drafted the treaty not say "the island of Cuba"? Because after that war was over and our diplomatic representatives were construing the intent of this Government in entering that war they knew that we had gone into it to assist the Cubans in their fight, and they were fighting in the Isle of Pines as a part of the municipal territory of Cuba. What did we mean when we said "Cuba"? What would you mean, Mr. President, if you said "the State of New York"? Would you include Long Island? What would you mean if you said "the State of California"? Would you not mean the islands adjoining her coast and which are administered as a part of the State? There are a hundred islands around Cuba besides the Isle of Pines. Do those islands belong to the United States or to the Cuban Government? If they are not claimed by the United States, then why not? They are just as much separate islands as is the Isle of Pines. Why is it that the Isle of Pines is picked out? The Isle of Pines, as has

been disclosed, was reserved for a definite purpose. I read from the statement by Gonzalo de Quesada, who was the first President of Cuba and who was the first negotiator of the treaty. What does he say?—

As a member of that convention and of the committee in charge of fixing the political relations between Cuba and the United States, I recollect that when the other provisos, afterwards included in the Platt amendment, were suggested nothing was said of the Isle of Pines, but the general opposition shown by the Cuban people to the granting of coaling stations undoubtedly caused the matter of the Isle of Pines to be included.

That is the answer to the question. That statement has been of record in this country for years, and it has never been denied. We, as reasonable men, know that the reason that the Isle of Pines was reserved was so that we could obtain naval bases on the main island of Cuba.

Take the Platt amendment, for instance. Does the Platt amendment claim the ownership of the Isle of Pines to be in the United States? Is it not strange, when you stop to think about it, Mr. President, that if this Government conscientiously believed that it owned the Isle of Pines it did not say so? Is it not strange that if this Government believed that it owned the Isle of Pines it would not use the words "cede it to Cuba," instead of "relinquish claim of title"?

Let us see now what the Platt amendment had to say. It was adopted March 2, 1901, and was subsequently included in the Cuban constitution. It provides, among other things:

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Is there in that provision any claim of title by the United States? Not a particle. It is couched in language that absolutely negatives such an idea. The Platt amendment also provides for the naval bases on the island of Cuba to be leased or sold to the United States Government.

There is no confirmation here that the Government of the United States misled the Americans who have gone to the Isle of Pines. Here is the statement on which the opposition rely:

On August 14, 1899, the Assistant Secretary of War, in answer to an inquiry regarding the Isle of Pines, said:

"The island was ceded by Spain and is, therefore, a part of our territory, although it is attached at present to the division of Cuba for governmental purposes, * * * and the disposition of public lands must await the action of Congress."

An Assistant Secretary of War in answer to a private letter attempted to fix the status of the Isle of Pines, but even then he warned the proposed immigrants to that island when he said:

The disposition of public lands must await the action of Congress.

Did they not have notice?

That is not all, however, for when the Platt amendment was adopted in 1901 it served notice on every American citizen that the determination of title to the Isle of Pines was in suspension. It explicitly says that the title of the island is left for future determination. How, then, can those who entered there say that they were deceived by the United States Government?

Again, in the first treaty that was entered into between Cuba and the United States, in 1903, which expired because it was not ratified within the seven months required, we find the same thing:

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Isle of Pines.

That was in 1903. Was that notice to these people at that time? "The United States of America relinquishes * * * all claim of title." It does not cede this island to Cuba, as it would have done if the United States had owned the island; and while that treaty was not ratified, we find the same provision in the treaty of 1904, now under consideration.

The Platt amendment provided that we should relinquish claim of title to the Isle of Pines in consideration of these naval bases. We have the naval bases, and no formal relinquishment of claim of title has ever been made by this Government. That is a situation which it seems to me is absolutely abhorrent. But after that statement made by the Assistant Secretary of War, what do we find? Three days afterwards, on August 17, 1899, President McKinley ordered a census of Cuba to be taken; and when the island of Cuba was divided into enumeration districts the Isle of Pines was included in Cuba, and three enumerators took its census. The Isle of Pines, in the official census documents, was described as a municipal district of the judicial district of Bejucal, in the Province of Habana; and the Americans in the isle knew all this, and were enumerated.

In the report of such census, as published by the War Department in 1900—and, mind you, that is the census superintended by the United States and upon which the constitutional election of Cuba was held, and in which they voted for a provision carrying the Platt amendment—we find this:

The Government of Cuba has jurisdiction not only over the island of that name, but also over the isle of Pines lying directly to the south of it and more than a thousand islets and reefs scattered along its northern and southern coasts.

The VICE PRESIDENT. The time of the Senator from Nevada has expired.

Mr. SWANSON obtained the floor.

Mr. PITTMAN. Mr. President, I desire to take about three minutes to finish this statement. I will take that time on the amendment. I will not take up the time of the Senator from Virginia, who has been leading such a gallant fight. The speech that he made in the opening of the debate upon this matter covered the whole subject. I would not have spoken at all—it was entirely unnecessary—except for the fact that I am a member of the Foreign Relations Committee, which voted favorably upon the ratification of this treaty.

I simply wish to say in conclusion that there is not any doubt in my mind that it was the intention of this Government at the time it went to the aid of the Cubans to seat them in the government of all the territory that theretofore had been governed under Spain as Cuba. I have not any doubt that when Spain relinquished sovereignty over Cuba, without describing it, it meant Cuba as it had been governed for over 100 years. I have not any doubt whatever that this Government never intended to set up a claim of title to the Isle of Pines, and that, as was said by Mr. Quesada, the question was held in suspension to await the organization of a Cuban Government to insure the granting to us of the naval bases on the mainland of Cuba.

I am sorry for those citizens who thought they were going into American territory. I know, however, that many of them went there against the notice that was placed in the Platt amendment and in the constitution of Cuba itself. They do not lose their property and they are protected in all their rights, the same as are our citizens on the island of Cuba. But even if they should suffer, I would rather that this Government should compensate them in the way that they should be compensated than that we should have a doubt remain in our minds as to whether we had acted honorably and justly with a little country like Cuba, which we have brought into existence, with a people who are honorable, a people who like us, a people who are fair to our citizens in the island of Cuba. There are over $3,000,000,000 of American capital invested there today, and on my recent visit to Cuba I found that the owners and holders of that property felt just as safe under the Cuban Government as they would feel under any other foreign government. We must maintain the confidence of these little nations, we must maintain the confidence of all the nations to the south of us, if we are to hold the place in the world that we are entitled to hold.

Mr. SWANSON. Mr. President, so far as the Senate is concerned, it seems to me that this treaty and its discussion and decision lie in a very narrow compass.

We have had day after day of varied statements of facts. We have had two letters read from the Assistant Secretary of War stating that he thought the Isle of Pines belonged to the United States, and a letter written by General Pershing stating that fact. We have had the Platt amendment discussed. We have had the treaties discussed. We have had an interpretation sought to be given to "Porto Rico and other islands in Spanish sovereignty" under the treaty of peace; but we have had this whole matter decided so far as we are concerned if we are going to decide it according to conscience and what any great nation ought to do in dealing with a weaker nation.

The letter of the Assistant Secretary of War was before the Supreme Court. The Platt amendment was before the Supreme Court. The interpretation of the words in Article II, "Porto Rico and other islands now under Spanish sovereignty in the West Indies," was before the Supreme Court. Every fact that has been introduced here for our consideration and decision was presented to the Supreme Court. It went before the Supreme Court, how? Not by the Government of the United States, but by the American citizens in the Isle of Pines. They invoked the Supreme Court to pass on the title of the United States to the Isle of Pines. They invoked it, not the United States Government. Having invoked that court to pass on all these facts, the resolution for the declaration of war, the pro-

tocol, the treaty, the Platt amendment, and every act of our officials, the Supreme Court reached a decision.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. SWANSON. I yield for one minute only.

Mr. REED of Missouri. Does the Senator claim that a decision rendered between a private citizen of the Isle of Pines and some other party binds the United States Government and is res adjudicata as between it and Cuba?

Mr. SWANSON. I will get to that in a few minutes. I am appealing to the conscience of the Senate. They invoked the decision. They said that under the article which uses the expression "Porto Rico and other islands" the Isle of Pines became a part of the United States.

They invoked the decision of the Supreme Court on that specific question. These people who are now complaining brought the case, and the Supreme Court considered every fact, considered the Platt amendment, considered the letters of Pershing, considered the maps that are here; and what did the Supreme Court decide?

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. SWANSON. I will.

Mr. ROBINSON. The direct issue in the case of Pearcy against Stranahan was whether the Isle of Pines was subject to the sovereignty of the United States. That was the question to be determined; and in the determination of the case the court necessarily decided that question, and it decided that the sovereignty over the Isle of Pines was not in the United States.

Mr. SWANSON. That is true. What was invoked? They invoked our resolution for the declaration of war, declaring Cuba a free and independent people. They invoked the protocol of peace and the treaty of peace relinquishing all sovereignty over Cuba. Everything was before the Supreme Court that we have heard here to-day; and what did the Supreme Court decide?

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. SWANSON. I will.

Mr. ROBINSON. The Government appeared by the Attorney General, the Solicitor General, and Mr. Otis J. Carlton, special assistant to the Attorney General.

Mr. SWANSON. Here is what the Supreme Court decided, and I want to read it. It goes on to consider the resolution declaring war, in which we pledged to the Cuban people all that was Cuba. It recites the protocol of peace; it recites the articles of peace; and the conclusion is this:

> In short, all the world knew that it—
>
> Meaning the Isle of Pines—
>
> was an integral part of Cuba, and in view of the language of the joint resolution of April 20, 1898—
>
> That is the resolution declaring war—
>
> It seems clear that the Isle of Pines was not supposed to be one of the "other islands" ceded by Article II. Those were islands not constituting an integral part of Cuba, such as Vieques, Culebra, and Mona Islands, adjacent to Porto Rico.

Now, what is this case?

Mr. GERRY. Mr. President, will the Senator yield?

Mr. SWANSON. I can not yield right now.

What is this case? Nine justices of the Supreme Court constitute that court. Six justices out of nine—one not sitting, Justice Moody—decided what? That considering the treaty of peace, considering the resolution for declaration of war, considering every act of the United States Government, the Isle of Pines de jure belonged to Cuba and not to the United States.

There was a minority opinion of two justices. They did not decide that the Isle of Pines belonged to the United States. That minority opinion—which was a concurring opinion—said that it was not necessary for these six justices to decide that the Isle of Pines belonged to Cuba, and that they could have decided the case without going that far. The minority opinion, however, establishes what? They concede that six justices of the Supreme Court had decided, after full argument, full deliberation, after hearing all the facts and all that is presented here, that de jure the Isle of Pines belonged to Cuba. Then what attitude are we put in if we refuse to concede what six judges out of eight have decided, as a matter of honor and a matter of right and a matter of justice?

I concede that Congress could declare war against Cuba, send its battleships and take the Isle of Pines, and pass a resolution annexing the Isle of Pines to the United States, and the Supreme Court would have to acquiesce; but if we did that it would not be an act of justice. It would be an act of force. We are deciding what is right and honest under these treaties, what is right and honest under the resolution of the declaration of war, what is the honest interpretation of these treaties; and there can be no higher tribunal in America than the Supreme Court of the United States.

Is there a nation in the world, after its own supreme court by six judges out of eight had decided that the title to certain land belonged to another nation, which would stand up and contend that it did not, and refuse to ratify a treaty conceding such ownership? Cuba did not appear in that case. Cuba made no argument. It was simply an argument by the counsel for the people in the Isle of Pines and the Attorney General of the United States.

I now yield to the Senator from Rhode Island.

Mr. GERRY. Mr. President, I should like to ask the Senator from Virginia if it is not true that one of the judges who concurred in the majority opinion was also a member of the commission in Paris who signed the treaty?

Mr. SWANSON. That is true.

Mr. ROBINSON. He was also Secretary of State.

Mr. SWANSON. Secretary of State Day. He was one of the commissioners who negotiated the treaty. He was the man who drew the protocol of peace. He was the head of the American commissioners who negotiated the peace. He was a Justice of the Supreme Court. He was the first man who ever used the term "Porto Rico and other islands under Spanish sovereignty in the West Indies." That language was used first in a letter to Cambon, the French ambassador, who negotiated for Spain. He knew better than all others what the words "other islands under Spanish sovereignty in the West Indies" meant, and he said on his oath as a Justice of the Supreme Court that they did not include the Isle of Pines.

How can Senators contend against this treaty when our own Supreme Court, after full deliberation, at the instigation of Americans who called upon it, rendered such a decision as that referred to? They should be willing to acquiesce in the opinion when they invoked it.

There is something more than that, even if that were not all true. Let us see what attitude America would be in if this treaty were rejected. On the 2d of July, 1903, commissioners representing the Cuban Government and commissioners of the United States met to give force and effect to two articles in the Platt amendment, one giving a naval base to the United States and one settling by treaty the title to the Isle of Pines. Listen, Senators. On the same day, by the same people, as a part of the same transaction, and so recognized in this treaty, the Cuban commissioners agreed to give us Guantanamo, the greatest naval base in all the Caribbean Sea, to perfect which we have spent $9,000,000, and in consideration of Cuba giving us Guantanamo we entered into a treaty relinquishing any title we had to the Isle of Pines.

Under the Platt amendment the treaty giving us Guantanamo had only to be ratified by the President of the two Republics. The President of the United States and the President of Cuba promptly ratified the separate treaty regarding Guantanamo, and Guantanamo came into possession of the United States. It is the greatest naval base in the Western Hemisphere.

This treaty, which had to be ratified by the Senate, came before the Senate for ratification on the 2d day of July, 1903, and for 21 years the Senate has refused to ratify the treaty relinquishing our title to the Isle of Pines, and during all that time we have had Guantanamo.

Is this honest dealing? We took Guantanamo, but we refused to relinquish title to the Isle of Pines. When that is supplemented with the decision of our Supreme Court, it seems to me in justice, in fairness, in honor, there should be no hesitancy in our ratifying this treaty. If we are not willing to ratify this treaty, in honor, in all justice, we ought to give back to Cuba Guantanamo, which was recited as a consideration for the execution of the treaty.

Mr. President, the greatest thing a nation can have is a reputation for character, and for honest, generous, and fair dealing, as in the case of an individual. It seems to me that in honor, in justice, in fairness, America owes it to Cuba to ratify this treaty promptly and decisively.

Mr. COPELAND. Mr. President, I send to the desk a reservation, in order that it may be before the Senate at the proper time.

The VICE PRESIDENT. It will lie on the table for the present.

Mr. ROBINSON. Mr. President, there has been substantially no discussion of the amendment proposed by the Senator from Ohio [Mr. WILLIS] and the substitute resolution of ratifica-

tion intended to be offered by the Senator from Tennessee [Mr. McKELLAR].

I merely desire to say to those Senators who believe that the pending treaty should be ratified that, in my judgment, the amendment and the substitute resolution referred to should be rejected by the Senate. Their general purpose and effect would be to extend the Constitution of the United States and the principles of government which we believe in to the Isle of Pines. I do not believe that the United States has the right to impose, as a condition of ratification, its form or principles of government upon Cuba, or upon any part of Cuban territory, and if we ratify this treaty subject to the rights guaranteed to American citizens in the treaty, we ought to permit Cuba to govern the Isle of Pines as it sees fit, and as the people of that country provide.

There is no question in my mind but that this treaty should be ratified. It ought to have been ratified years ago. In my humble opinion, the United States has never had any substantial claim to the Isle of Pines. For hundreds of years the island constituted a part of Cuba. The United States, in the resolution adopted April 20, 1898, declared its purpose to be to secure independence and liberty for the people of Cuba, and we never departed from that purpose. It would be out of accord with the principles adhered to by the United States in its dealings with foreign governments to wage a war for the independence of a people only to require them to submit to the jurisdiction and sovereignty of the United States. We must keep faith with Cuba. To do this let us no longer leave in doubt the title to the Isle of Pines.

The Platt amendment merely recognized the existence of a state of uncertainty concerning the sovereignty over the Isle of Pines, and provided for the adjustment of the title by treaty. This treaty makes that adjustment, and it is a proper and fair arrangement.

The Supreme Court of the United States, in a case which has been frequently referred to during the course of this discussion, has declared that the sovereignty over the Isle of Pines is fairly and justly in Cuba; that the United States has never had sovereignty over the Isle of Pines. I believe that the Senate of the United States should be controlled by the decision of our Supreme Court on a question of that character.

I yield now to the Senator from Pennsylvania.

Mr. PEPPER. Mr. President——

Mr. REED of Missouri. Mr. President, will the Senator permit one question?

Mr. PEPPER. Yes.

Mr. REED of Missouri. Does the Senator claim that the case of Pearcy against Stranahan decided that the ownership of the Isle of Pines, under the treaty between the United States and Cuba, was in Cuba as a matter of fact?

Mr. ROBINSON. I say that it did so decide, that it discussed every feature of the controversy that has arisen during the discussion of this treaty, and that the majority opinion actually holds that the United States has no sovereignty over the Isle of Pines and that sovereignty is in Cuba.

Mr. REED of Missouri. Mr. President, will the Senator from Pennsylvania indulge me just one minute?

Mr. ROBINSON. I believe I have the floor. I yielded to the Senator from Pennsylvania. I think the Senator from Pennsylvania is entitled——

Mr. REED of Missouri. I was asking the Senator from Pennsylvania.

Mr. ROBINSON. I have the floor, and the Senator must make his request of me.

Mr. REED of Missouri. I thought the Senator had yielded to the Senator from Pennsylvania.

Mr. ROBINSON. I yielded to the Senator from Pennsylvania and then I yielded to the Senator from Missouri; but I desire now to yield to the Senator from Pennsylvania.

Mr. REED of Missouri. There was a misunderstanding; I thought the Senator had yielded to the Senator from Pennsylvania, and I was asking that Senator to yield to me. But I do not want to trench on his time, as he has been very generous. But I would like to read the last clause of that opinion. I do not agree with my friend at all as to what the court decided.

Mr. ROBINSON. The Senator from Pennsylvania would not have any time left if he yielded for that purpose. The Senator from Missouri and I frequently agree, and we occasionally disagree. This is one occasion when we disagree very emphatically.

Mr. PEPPER. Mr. President, the rejection of this treaty by the Senate would, in my judgment, settle nothing. I think it would be of no substantial advantage to American residents in the Isle of Pines. It would suffice merely to dangle before their eyes the false hope, too long dangled there in the past, that some day the Isle of Pines will become American territory.

If one were to imagine the substitution for the treaty before the Senate of a treaty ceding to the United States title to the Isle of Pines, or confirming the title, if we had it now, I think few Senators could be found in this body willing to vote for the ratification of such a treaty. An international engagement of that sort is, in my judgment, an unthinkable treaty, both from the point of view of Cuba and from the point of view of the United States. Therefore I make the point that the rejection of the pending treaty would settle nothing.

On the contrary, the ratification of this treaty will accomplish three definite and desirable results. In the first place, as respects American residents in the island, it will terminate the period of intolerable suspense to which our delay has subjected them. It will enable them to realize that the thing they have been wishing for is really an international impossibility, and it will turn their attention in the direction of pressing against the United States any claim they may have for indemnity for wrongs done them by the United States.

In the second place, the ratification of this treaty will, as it seems to me, discharge once and for all what I think is a clear duty of national trusteeship. It will represent the return by us, as trustees, to the beneficiary of that which we took possession of as trustee, and the United States can not afford, out of a trust estate in its keeping, to draw an indemnity for any misrepresentation which our officials may have made.

In the third place, the ratification of this treaty will be a clear evidence to all our neighbors to the south of us that the United States means to deal fairly with the weak as well as with the strong.

With respect to the reservations that are suggested, I very much hope that the Senate will approve the reservation proposed by the Senator from Idaho [Mr. BORAH], because, while I should have supposed it to be clear at any rate, I think it ought to be made superabundantly clear that the Platt amendment will be applicable to the Isle of Pines when this treaty shall have been ratified, as it is applicable to the rest of Cuba to-day.

With regard to the other two amendments, I very much hope the Senate will not accept them. They are an attempt to engraft upon a Latin-American government institutions distinctive of American constitutional history. However desirable they may be from our point of view, it will not do for us to attempt to insist upon the setting up of capitulatory tribunals in the Isle of Pines, where an Anglo-Saxon jurisdiction would be set up in the midst of a Latin-American civilization. That will not do. I suggest that there is no sound reason, even if it were possible of accomplishment, why we should throw the ægis of the protection of our institutions around the handful of Americans in the Isle of Pines, when that is not done for the benefit of our citizens in the island of Cuba.

I hope the treaty will be ratified by a decisive vote, as an evidence that we play fair with the weak as well as with the strong.

The VICE PRESIDENT. The time for debate under the unanimous-consent agreement having expired, the question is, If there is no amendment to be proposed to the first article, shall it be agreed to?

Mr. REED of Missouri. Let it be read.

The VICE PRESIDENT. The clerk will read the first article of the treaty.

The Chief Clerk read as follows:

ARTICLE I

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain, signed at Paris on the 10th day of December, 1898.

Mr. REED of Missouri. On that I ask for the yeas and nays.

Mr. BORAH. Mr. President, ought we not to dispose of the question of the reservations before we begin to vote?

Mr. SWANSON. Under the rule the amendments are to be disposed of first.

Mr. BORAH. But after the treaty is adopted article by article it would be rather a difficult matter to have any reservations, it seems to me.

Mr. PEPPER. May I suggest to the Senator from Idaho a view of the rule which he may possibly accept, that the

treaty is to be read article by article for amendments, but that we do not vote upon the treaty article by article until all amendments have been proposed, and then that there should be a vote upon the amendments and subsequently a vote for or against the resolution of ratification?

Mr. BORAH. That seems to be a wise rule, whether it is the rule or not.

Mr. PEPPER. I so interpret the rule.

Mr. BORAH. That is satisfactory to me.

Mr. FESS. Let the second article be read.

Mr. PEPPER. As no amendment has been proposed to the first article, I suggest that the clerk read the second article.

The VICE PRESIDENT. The clerk will read the subsequent articles of the treaty.

The Chief Clerk read as follows:

ARTICLE II

This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines, is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

ARTICLE III

Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Island of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners.

ARTICLE IV

The present treaty shall be ratified by each party in conformity with the respective constitutions of the two countries, and the ratifications shall be exchanged in the city of Washington as soon as possible.

In witness whereof, we, the respective plenipotentiaries, have signed this treaty and hereunto affixed our seals.

Done at Washington, in duplicate, in English and Spanish, this 2d day of March, 1904.

[SEAL.] JOHN HAY.

[SEAL.] GONZALO DE QUESADA.

The VICE PRESIDENT. The treaty is in Committee of the Whole and open to amendment.

Mr. WILLIS. I offer an amendment to the resolution of ratification which I ask to have read. I send it to the desk.

The VICE PRESIDENT. The Clerk will read the amendment proposed by the Senator from Ohio.

The CHIEF CLERK. The Senator from Ohio proposes the following amendment to the resolution of ratification: At the end of the resolution of ratification, before the period, insert the following:

with the understanding to be expressed as a part of the instrument of ratification to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the following conditions are understood and accepted by each of them as a part of this treaty:

1. The Government of Cuba shall make no law applicable to the Isle of Pines respecting an establishment of religion, or prohibiting therein the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people of the Isle of Pines peaceably to assemble and to petition the Government of Cuba for a redress of grievances.

2. A well-regulated militia being necessary to the security of the Isle of Pines, the right of the people thereof to keep and bear arms shall not be infringed.

3. No soldiers shall in time of peace be quartered in any house in the Isle of Pines without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

4. The right of the people of the Isle of Pines to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

5. No person in the Isle of Pines shall be subject to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; neither shall any person in the Isle of Pines be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

6. In all criminal prosecutions in the Isle of Pines the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district in the Isle of Pines wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

7. In suits at common law in the Isle of Pines, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the Republic of Cuba than according to the rules of the common law.

8. Excessive bail shall not be required in the Isle of Pines, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The VICE PRESIDENT. The Chair suggests that the proposed amendment is really in the nature of a reservation, and that first amendments should be considered before reservations are taken up. Such reservations should be considered when the treaty is in the Senate at the time the resolution of ratification comes before the Senate.

Mr. ROBINSON. Mr. President, it was impossible, because of confusion in the Chamber, to hear the announcement of the Chair. Will he be good enough to repeat it?

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio seems to be in the nature of a reservation. Being so, it should be considered in the Senate at the time of the consideration of the resolution of ratification. At this time the Senate will consider amendments that are to be offered as amendments.

Mr. GLASS. Mr. President, I did not hear all of the amendment offered by the Senator from Ohio read. Was there anything said in it about the enforcement of the Volstead Act in the Isle of Pines? [Laughter.]

The VICE PRESIDENT. Are there any amendments to be offered as in Committee of the Whole?

Mr. COPELAND. Mr. President, I have sent to the desk an amendment which is also in the nature of a reservation.

The VICE PRESIDENT. It will be considered in the Senate as a reservation.

Mr. SWANSON. The treaty has not yet been reported to the Senate?

The VICE PRESIDENT. No. Are there any amendments to be offered as in Committee of the Whole? If not, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

Mr. BORAH. I presume the resolution of ratification should be read?

The VICE PRESIDENT. It will be read.

The Chief Clerk read as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of Executive J (58th Cong., 2d sess.), a treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. WILLIS. I understand that the Chair holds that my amendment is in order at this time?

Mr. BORAH. I desire to offer a resolution of ratification, as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advises and consents to the ratification of the treaty with Cuba signed at Washington, D. C., on the 2d day of March, 1904, for the adjustment of title to ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties so as to make it plain that this condition is understood and accepted by each of them:

That all the provisions of existing and future treaties, including the permanent treaty proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

Mr. WILLIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Chair would hold that the reservation proposed by the Senator from Idaho is in the nature of a substitute and that it is in order.

Mr. WILLIS. That answers the parliamentary inquiry I desired to submit to the Chair. My proposition is in the nature of an amendment to the original resolution, and it would be in order to perfect that before considering the substitute. I ask for a vote upon my reservation, and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The reservation submitted by the Senator from Ohio will take precedence.

Mr. WILLIS. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PEPPER. Mr. President, before the vote is taken I suggest that as I read it the amendment in the nature of a reservation proposed by the Senator from Ohio is scarcely in form to be acted on.

Mr. WILLIS. It is not quite in form as it was read at the desk. It is in proper form as an amendment to the existing resolution of ratification.

Mr. ROBINSON. Mr. President, a point of order. No further debate is in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. REED of Missouri. I ask that the amendment submitted by the Senator from Ohio be again reported. There has been a good deal of discussion since it was previously read.

The amendment submitted by Mr. WILLIS to the resolution of ratification was again read.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio to the resolution of ratification, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. As I am unable to procure a transfer, I withhold my vote.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS], and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], but understanding that if present he would vote as I intend to vote, I shall vote. I vote "nay."

Mr. RALSTON (when his name was called). On this question I have a pair with the senior Senator from Missouri [Mr. SPENCER]. If he were present, he would vote "nay." I transfer my pair with the Senator from Missouri to the senior Senator from Alabama [Mr. UNDERWOOD] and vote. I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the senior Senator from Utah [Mr. SMOOT] is absent on account of illness, and that the junior Senator from Wisconsin [Mr. LENROOT] is absent on account of serious illness in his family.

Mr. BRATTON. I desire to announce the absence of the senior Senator from New Mexico [Mr. JONES] on account of illness.

Mr. GERRY. I wish to announce that the junior Senator from Wyoming [Mr. KENDRICK] is paired with the Senator from Wisconsin [Mr. LA FOLLETTE]. If the junior Senator from Wyoming were present, he would vote "nay."

Mr. HARRISON. My colleague, the junior Senator from Mississippi [Mr. STEPHENS], is necessarily absent. He has a general pair with the senior Senator from New Jersey [Mr. EDGE].

The result was announced—yeas 13, nays 64, as follows:

YEAS—13

Borah	Heflin	McNary	Willis
Copeland	Ladd	Ralston	
Dill	McKellar	Reed, Mo.	
Frazier	McMaster	Shipstead	

NAYS—64

Bayard	du Pont	King	Robinson
Bingham	Ernst	McKinley	Sackett
Blease	Ferris	McLean	Schall
Bratton	Fess	Mayfield	Sheppard
Brookhart	Fletcher	Means	Shortridge
Broussard	Gerry	Metcalf	Simmons
Bruce	Gillett	Moses	Smith
Butler	Glass	Neely	Stanfield
Cameron	Goff	Norris	Swanson
Capper	Hale	Oddie	Trammell
Caraway	Harreld	Overman	Tyson
Couzens	Harris	Pepper	Wadsworth
Cummins	Harrison	Pine	Walsh
Curtis	Johnson	Pittman	Watson
Dale	Jones, Wash.	Ransdell	Weller
Deneen	Keyes	Reed, Pa.	Wheeler

NOT VOTING—19

Ashurst	Gooding	La Follette	Spencer
Edge	Greene	Lenroot	Stephens
Edwards	Howell	Norbeck	Underwood
Fernald	Jones, N. Mex.	Phipps	Warren
George	Kendrick	Smoot	

So the amendment of Mr. WILLIS was rejected.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The Chair suggests to the Senator from Idaho that there is another amendment which it would seem should come first. The Senator from New York [Mr. COPELAND] has offered an amendment to the resolution of ratification, which will be read.

The CHIEF CLERK. The Senator from New York offers the following amendment to the resolution of ratification:

The Senate advises and consents (to ratification) with the understanding to be expressed as a part of the instrument of ratification to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the treaty does not take effect until a committee provided by the following resolution shall report:

Whereas the debate on the Isle of Pines treaty has developed that the national and property rights of American citizens are involved; and

Whereas one article of the pending treaty alleges that relinquishment of title to the Isle of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba; and

Whereas the Virgin Islands may be better situated for the Caribbean coaling and naval stations, as well as for naval maneuvers; and

Whereas the protection of the Panama Canal and our entire national policy as to the Caribbean is involved in the pending treaty and the conditions growing out of its adoption or rejection: Therefore be it

Resolved, That a committee of five Senators be appointed to inquire into all the circumstances connected with the Isle of Pines treaty, its effects upon the national and property rights of American citizens, and to report to the Senate such recommendations as it may determine to be the duty and to the interests of the United States.

Resolved, That this committee be authorized to take testimony and, if need be, to visit the Caribbean, to the end that a detailed report may be made to the Senate on all the subjects mentioned in this resolution, not later than December 15, 1925.

Resolved, That the Secretary of the Navy be requested to assist the committee in every proper way.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

Mr. BORAH. Mr. President, have all the other amendments been disposed of?

The VICE PRESIDENT. The Chair so understands.

Mr. BORAH. If the amendments have been disposed of, then I offer as a substitute for the resolution of ratification the amendment which I have already read.

The VICE PRESIDENT. The amendment in the nature of a substitute for the resolution of ratification will be stated.

The CHIEF CLERK. In lieu of the resolution of ratification as reported by the committee it is proposed to insert:

Resolved (*two-thirds of the Senators present and concurring therein*), That the Senate advises and consents to the ratification of the treaty with Cuba signed at Washington, D. C., on the 2d day of March, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties, so as to make it plain that this condition is understood and accepted by each of them:

That all the provisions of existing and future treaties, including the permanent treaty proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

Mr. REED of Missouri. Mr. President, I offer an amendment as section 2 of the reservation just proposed by the Senator from Idaho. I am going to take the liberty of reading it, because it has been hastily written. It is as follows:

The term "other foreigners" appearing at the end of article 3 shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

Mr. PEPPER. Mr. President, so far as I may, I am very glad to accept the amendment proposed by the Senator from Idaho and the additional amendment proposed by the Senator from Missouri. They seem to me to be consonant with the resolution of ratification.

Mr. WALSH. Mr. President, I ask that the amendment may be read as it would be if the amendment offered by the Senator from Missouri should be adopted.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

1. That all the provisions of existing and future treaties, including the permanent treaty proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

Mr. ROBINSON. Mr. President, I ask leave to submit a question to the Senator from Idaho or to the Senator from Pennsylvania.

The VICE PRESIDENT. If there is no objection, leave will be granted.

Mr. ROBINSON. I ask the Senator from Idaho if the substitute is intended merely to make it clear that the so-called Platt amendment applies to the Isle of Pines as well as to Cuba?

Mr. BORAH. That is the sole object.

Mr. ROBINSON. Now I ask the Senator from Missouri, if I may be permitted to do so, if the object of his amendment is merely to make it clear that the most-favored-nation treatment shall be accorded to the people of the Isle of Pines?

Mr. REED of Missouri. That is all.

Mr. ROBINSON. Very well. I see no objection to either the amendment or the amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri to the amendment, in the nature of a substitute, of the Senator from Idaho.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is upon the amendment of the Senator from Idaho, in the nature of a substitute, as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question now is on the resolution of ratification, as amended.

Mr. ROBINSON and Mr. HEFLIN called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll, and Mr. ASHURST voted in the negative.

Mr. WADSWORTH. Mr. President, will the Chair state the question?

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification offered by the Senator from Idaho [Mr. BORAH], as amended by the amendment of the Senator from Missouri [Mr. REED].

Mr. HEFLIN. I make the point of order that the Senator from Arizona [Mr. ASHURST] had answered to his name, and that the roll call can not be interrupted.

The VICE PRESIDENT. The Secretary will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. ROBINSON. Mr. President, I rise to a point of order. It is manifest to me that the Senate does not understand the question. I ask unanimous consent that the Chair state the question before the Senate.

The VICE PRESIDENT. If there is no objection, the Chair will state that he understands the question before the Senate to be upon the resolution of ratification offered by the Senator from Idaho [Mr. BORAH], as amended by the amendment of the Senator from Missouri [Mr. REED].

Mr. SWANSON. No; will the Chair permit me? As I understand, the Senator from Pennsylvania [Mr. PEPPER] accepted the substitute offered by the Senator from Idaho [Mr. BORAH]. That having been accepted, the question is on the resolution of ratification reported by the Senator from Pennsylvania, as amended by the amendment of the Senator from Idaho.

Mr. PEPPER. Mr. President, if the Chair will indulge me, I understand that the question is, Will the Senate advise and consent to the ratification of the treaty; and that a vote "yea" is in favor of ratification, and a vote "nay" is to the contrary?

Mr. ROBINSON. That is correct.

The VICE PRESIDENT. The Secretary will continue the roll call.

The Chief Clerk resumed the call of the roll.

Mr. FERNALD (when his name was called). On this question I am at liberty to vote. I vote "nay."

Mr. GEORGE (when his name was called). Upon this particular question I have a pair with the senior Senator from Colorado [Mr. PHIPPS] and the senior Senator from Wyoming [Mr. WARREN]. I therefore withhold my vote. If those Senators were present, they would vote "yea" and I would vote "nay."

Mr. LADD (when his name was called). I am paired with the Senator from Idaho [Mr. GOODING] and the Senator from Wisconsin [Mr. LENROOT]. If they were present, they would vote "yea" and I would vote "nay." I withhold my vote.

Mr. NORBECK (when his name was called). Upon this question I am paired with the senior Senator from Utah [Mr. SMOOT] and the senior Senator from Vermont [Mr. GREENE]. If they were present they would vote "yea," and if I were at liberty to vote I would vote "nay."

Mr. RALSTON (when his name was called). On this question I have a pair with the junior Senator from Missouri [Mr. SPENCER] and the junior Senator from New Jersey [Mr. EDWARDS]. If they were present, they would vote "yea" and I would vote "nay." Under the circumstances I withhold my vote.

The roll call was concluded.

Mr. HARRISON. The senior Senator from Alabama [Mr. UNDERWOOD], the senior Senator from New Jersey [Mr. EDGE], and my colleague from Mississippi [Mr. STEPHENS] are all necessarily absent. They are paired on this question. If they were present, the senior Senator from New Jersey [Mr. EDGE] and my colleague [Mr. STEPHENS] would vote "yea" and the senior Senator from Alabama [Mr. UNDERWOOD] would vote "nay."

Mr. BRATTON. I desire to announce the necessary absence of the senior Senator from New Mexico [Mr. JONES].

Mr. GERRY. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] and the Senator from New Mexico [Mr. JONES] are paired with the Senator from Wisconsin [Mr. LA FOLLETTE]. If present, the Senator from Wyoming and the Senator from New Mexico would vote "yea," and the Senator from Wisconsin would vote "nay."

The roll call resulted—yeas 63, nays 14, as follows:

YEAS—63

Bayard	Fess	McMaster	Sackett
Bingham	Fletcher	McNary	Schall
Bratton	Gerry	Mayfield	Sheppard
Broussard	Gillett	Means	Shortridge
Bruce	Glass	Metcalf	Simmons
Butler	Goff	Moses	Smith
Cameron	Hale	Neely	Stanfield
Capper	Harreld	Norris	Swanson
Caraway	Harris	Oddie	Trammell
Couzens	Harrison	Overman	Tyson
Curtis	Johnson	Pepper	Wadsworth
Dale	Jones, Wash.	Pine	Walsh
Deneen	Keyes	Pittman	Watson
du Pont	King	Ransdell	Weller
Ernst	McKinley	Reed, Pa.	Wheeler
Ferris	McLean	Robinson	

NAYS—14

Ashurst	Copeland	Frazier	Shipstead
Blease	Cummins	Heflin	Willis
Borah	Dill	McKellar	
Brookhart	Fernald	Reed, Mo.	

NOT VOTING—19

Edge	Howell	Lenroot	Spencer
Edwards	Jones, N. Mex.	Norbeck	Stephens
George	Kendrick	Phipps	Underwood
Gooding	Ladd	Ralston	Warren
Greene	La Follette	Smoot	

The VICE PRESIDENT. Two-thirds of the Senators present and voting being recorded in the affirmative, the resolution of ratification, as amended, is agreed to.

STANDING COMMITTEES OF THE SENATE

As in legislative session,

Mr. REED of Pennsylvania. Mr. President, in the election of standing committees of the Senate on March 9 there was omitted from the resolution presented by the Senator from Indiana [Mr. WATSON] the Select Committee on Revision of the Laws. I ask unanimous consent, as in legislative session, that the Senator from Kentucky [Mr. ERNST], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from Maryland [Mr. BRUCE] be named as the Select Committee on Revision of the Laws, with the same effect as if they had been included in the resolution presented by the Senator from Indiana.

Mr. ROBINSON. Did I understand the Senator from Pennsylvania to state that the majority members of the select committee are not named in the resolution that was presented?

Mr. REED of Pennsylvania. They were not.

Mr. ROBINSON. The minority member, the Senator from Maryland [Mr. BRUCE], was named in the list that I presented.

Mr. REED of Pennsylvania. But the resolution, as read and as printed in the CONGRESSIONAL RECORD, did not show that committee, although the minority had named their member.

Mr. ROBINSON. Very well. I have no objection to the request of the Senator from Pennsylvania.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. BORAH. There was another omission in that list which I presume we are not ready to correct yet.

Mr. ROBINSON. I understand that it has been corrected.

EXECUTIVE SESSION WITH CLOSED DOORS

Mr. BORAH. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 40 minutes spent in secret executive session the doors were reopened.

WORLD COURT

During the consideration of executive business with closed doors,

Mr. CURTIS proposed the following unanimous-consent agreement:

It is agreed by unanimous consent that on the 17th day of December, 1925, the Senate proceed to the consideration of a resolution providing that the Senate advise and consent to the signature of the United States to the protocol of signature of the statute for the Permanent Court of International Justice, and that the consideration of the said protocol be in open executive session.

Mr. DILL objected.

Mr. ROBINSON moved that on December 17, 1925, the Senate in open executive session proceed to the consideration of Senate Resolution 5, submitted by Mr. SWANSON on March 5, 1925, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

Mr. ROBINSON demanded the yeas and nays on his motion.

The yeas and nays were ordered and, being taken, resulted—yeas 77, nays 2, as follows:

YEAS—77

Ashurst	Ferris	McKinley	Sackett
Bayard	Fess	McLean	Schall
Bingham	Fletcher	McMaster	Sheppard
Blease	Frazier	McNary	Shipstead
Borah	George	Mayfield	Shortridge
Bratton	Gerry	Means	Simmons
Brookhart	Gillett	Metcalf	Smith
Broussard	Glass	Moses	Stanfield
Bruce	Goff	Neely	Swanson
Butler	Hale	Norris	Trammell
Cameron	Harreld	Oddie	Tyson
Capper	Harris	Overman	Wadsworth
Caraway	Harrison	Pepper	Walsh
Copeland	Heflin	Pine	Watson
Couzens	Johnson	Pittman	Weller
Curtis	Jones, Wash.	Ralston	Wheeler
Dale	Keyes	Ransdell	Willis
Deneen	King	Reed, Mo.	
du Pont	Ladd	Reed, Pa.	
Ernst	McKellar	Robinson	

NAYS—2

Dill	Norbeck

So Mr. ROBINSON's motion was agreed to.

On motion by Mr. CURTIS, the injunction of secrecy was removed from the foregoing proceedings and vote.

COOPERATIVE ASSOCIATIONS

The Senate having resumed legislative session,

Mr. SHIPSTEAD submitted the following resolution (S. Res. 34), which was ordered to lie on the table:

Whereas the successful development of cooperative organizations in production, distribution, and consumption affords needed opportunities for increasing the income of the producer, especially the farmer, and for diminishing the cost of living of the consumer, and appears to be of great public benefit, as shown by the experiences of numerous foreign countries; and

Whereas the President's agricultural conference recommends constructive Federal assistance in the development of producers' marketing organizations; and

Whereas complete and conclusive information with respect to the economic advantages or disadvantages of the cooperative movement in this country as compared with other types of marketing farm products has not been made available in comprehensive form; and

Whereas it is frequently charged that various cooperative organizations of farmers engaged in marketing grain, tobacco, cotton, livestock, and other products, as well as consumers' cooperative purchasing organizations, are being discriminated against and injured by various corporations and trade associations in alleged violation of the antitrust laws: Now therefore be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distribution of such cooperatives as compared with the corresponding costs of other types of distributors, and (2) into the extent and importance of the interferences with and obstructions to the formation and operation of cooperative organizers of producers, distributors, and consumers by any corporation or trade association in alleged violation of the antitrust laws, and to report thereon with recommendations for legislation, or other remedial action if the same appears necessary.

TREATY WITH TURKEY

Mr. KING submitted the following resolution (S. Res. 35), which was ordered to lie on the table:

Whereas the United States and the allied nations, following the World War, contended for the establishment of an Armenian state and for the return to Greece of territory to which she was entitled, and the protection of Christian minorities residing within Turkish territory; and

Whereas the treaty of Sevres made provisions for the realization of such contentions, and an independent Armenian state was set up and certain territories, to which Greece was entitled, were restored to her; and

Whereas President Harding on the 8th of November, 1922, gave assurance that "everything which may be done will be done to protect the Armenian people and preserve to them the rights which the Sevres treaty undertook to bestow"; and

Whereas Turkey repudiated said treaty and joined with Soviet Russia in the destruction of the Armenian state, brutally murdered hundreds of thousands of Armenians and drove those remaining in Anatolia and in Turkish Armenia from their homes and confiscated their property, and also massacred hundreds of thousands of persons of Hellenic descent who were residing in Anatolia and Thrace and expelled more than a million others from their homes and appropriated their property; and

Whereas the United States participated in the Lausanne conference which met on November 20, 1922; and prior to its meeting the Secretary of State laid down seven conditions, to be complied with before any treaty would be entered into by the United States with the Turkish Government; and

Whereas Ambassador Child, the American official observer, declared before the Lausanne conference in December, 1922, a number of the essential conditions, laid down by the Secretary of State, and implied in the assurance given by President Harding; and

Whereas a treaty with Turkey was negotiated by the United States August 6, 1923, which abandons the essential conditions announced by Secretary Hughes, and indicated in the assurances of President Harding and is also tantamount to a betrayal of Armenia; and

Whereas certain concessions were obtained by citizens of the United States, said concessions being commonly called the Chester oil concessions, and it is claimed that said concessionary rights were granted by the Angora or Turkish Government prior to the negotiation of the Lausanne treaty, and said concessions were a matter of consideration in the negotiation of said treaty, and were potential in bringing about a treaty which was unfavorable to the United States and its citizens and contrary to the position taken by the officials of our Government with respect to Turkey and the Christian minorities therein and with respect to Armenia; and

Whereas said treaty so negotiated has been transmitted by the President of the United States to the Senate for its action thereon, and the same is now pending before the Committee on Foreign Relations of the Senate; and

Whereas no hearings have been had upon said treaty and no information has been submitted by the State Department with reference to the matters herein referred to or justifying the ratification of said treaty; and

Whereas the Turkish Government, both before and since the signing of said treaty, has exhibited a contemptuous disregard of treaty obligations and has continued its cruel and despotic course toward Christian minorities within its borders, and has expelled more than a million persons of Greek descent and hundreds of thousands of Armenians, more than a million and a quarter of whom have taken refuge in Greece and are now the recipients of financial and other aid from the people of the United States, as well as from other countries; and

Whereas the American people are profoundly interested in all questions affecting the Near East, and particularly the Armenians and the Christian minorities who have resided within the Turkish Empire, and they are desirous of knowing the facts surrounding the negotiation of said treaty of Lausanne and the present condition of the Turkish Empire, and whether or not it is a government worthy of being recognized by the United States and is competent to discharge its international obligations and is willing to conform to the standards which should guide civilized nations in their relations: Therefore be it

Resolved, That the Committee on Foreign Relations be, and is hereby, directed to inquire into the matters and things herein recited, and particularly to ascertain:

(A) What reasons led to the abandonment of the conditions laid down by the Secretary of State October 30, 1922, as conditions precedent to the negotiation of a treaty with Turkey and to the disregard of the assurances contained in the statement of President Harding under date of November 8, 1922.

(B) What, if any, action was taken by the State Department in procuring, preserving, or protecting the Chester oil concessions.

(C) What action, if any, was taken by the State Department in organizing, or reorganizing, the Ottoman Development Co., or any other

company, to take over and hold any rights obtained under such concession, or what action was taken by said department in the control of the stock or the selection of any officers of said company.

(D) What instructions, if any, were given by the State Department to the representatives of the United States at the Lausanne conference in connection with said Chester oil concessions, or said Ottoman Development Co., and what correspondence was had between the State Department and said representatives concerning said oil concessions.

(E) Whether it is a fact that the American representatives at the Lausanne conference cordially supported the Allies in the Lausanne conference prior to the ratification of the Chester concessions, April 10, 1923, and thereafter supported the position of the Turkish representatives as against the Allies in favor of the abrogation of capitulations and the abandonment of the conditions announced by the Secretary of State as essential terms of any treaty with Turkey.

(F) What causes led to the abandonment by American representatives at the Lausanne conference of the position theretofore taken by the State Department and by President Harding, and what reasons led to the signing by the American representatives of the Lausanne treaty.

(G) What discussions ensued at the Lausanne conference concerning the Chester concessions or the Ottoman Development Co., and what notes or other communications were exchanged between the State Department and the representatives of the United States at said conference, or between the representatives of the United States and the representatives of the Turkish Government concerning the concessions; also what conversations occurred between the representatives of the Turkish Government and the United States respecting said treaty, and particularly with reference to said Chester concessions, or any other concessions with respect to oil, or railroads within Turkish territory.

AFFAIRS IN ARMENIA

Mr. KING submitted the following resolution (S. Res. 36), which was ordered to lie on the table:

Whereas the Armenians participated in the war with the allied powers and the United States against the Central Powers, and 100,000 Armenians fell on the fields of battle—in the east and west—in support of the allied arms and of their solemnly professed aims; and

Whereas Armenia declared her independence on May 28, 1918, and was extended recognition by the Allies on January 27, 1920, and by the United States on April 23, 1920, as the Government of United Armenia; and

Whereas Armenia was a signatory to the Sevres treaty of August 10, 1920, as one of the allied states, and on November 22, 1920, the President of the United States, at the invitation of the allied powers and of Armenia and Turkey, and in conformity with the provisions of Part III of said Sevres treaty, relating to Armenia, defined the southwestern (Turkish) boundaries of Armenia; and

Whereas Armenia was, and is, recognized by the allied and associated powers as an ally, both during the war and during the negotiations leading to peace; and

Whereas, by article 259 of the treaty of Versailles, Germany assigned, transferred, and surrendered to the principal allied and associated powers, including the United States, 6,500,000 Turkish gold pounds, equivalent to $29,185,000, deposited by Turkey in 1916, in the Reichsbank, Berlin, whereby the United States has an interest in said deposit, which has not been renounced or otherwise disposed of by the Government of the United States; and

Whereas under article 58 of the treaty of peace, between the allied powers and Turkey, signed at Lausanne, on July 24, 1923, which is now in effect as between the contracting powers,

"Turkey renounces in favor of the other contracting parties, (except Greece) any right in the sums of gold transferred by Germany and Austria under article 259 (1) of the treaty of peace of the 28th of June, 1919, with Germany, and under article 210 (1) of the treaty of peace of the 10th of September, 1919, with Austria"; and

Whereas the allied powers, subsequently, agreed that the funds mentioned in the article quoted above should be applied in settlement of the claims of their nationals against Turkey; and

Whereas the funds in question were forcibly, arbitrarily, and unlawfully seized, in 1915, by the Turkish Government from the Armenians, who were deported or murdered, as set forth in a memorandum dated September, 1924, signed by the Right Hon. H. H. Asquith and the Right Hon. Stanley Baldwin, and addressed to the then Prime Minister of Great Britain, the Right Hon. Ramsay MacDonald, to wit: "* * * the sum of 5,000,000 (Turkish gold)—$22,450,000—deposited by the Turkish Government in Berlin in 1916, and taken over by the Allies after the armistice, was in large part—perhaps wholly—Armenian money. After the enforced deportation of the Armenians in 1915 their bank accounts, both current and deposit, were transferred by order of the state treasury at Constantinople. This fact enabled the Turks to send 5,000,000 sterling to the Reichsbank, Berlin, for a new issue of notes"; and

Whereas Armenia is not obligated in any sum whatever to the Allies, but, on the contrary, the Allies have heretofore failed to fulfill their political pledges to Armenia, who during the war suffered in lives and in treasure in common with the belligerent nations; and

Whereas the fund in question, together with accrued interest, now amounting to more than $40,000,000, belongs in law and in equity to the Armenians, from whom the same was seized, or to their legal representatives; and

Whereas the seizure by the principal allied powers of these funds belonging to the nationals of Armenia, a recognized ally of the Allies, and appropriation thereof to their own uses, with the knowledge of their origin, violate the established and recognized principles of both international law and municipal law, and constitute a grave injustice against the Armenians; and

Whereas the United States Government has an incontestable right and interest in said fund, arising (a) from its reserved rights in the benefits of the Versailles treaty; (b) from the sale to Armenia during 1919–20 through the American Relief Administration and the United States Grain Corporation of foodstuffs in the value of about $12,000,000; (c) from the continuous financial assistance given by the American people since 1915 toward the relief of the stricken Armenian people and the maintenance, still continuing, of 30,000 orphans; and finally (d) from the broader principle of international comity and morality, which sanctions the friendly intercession by one nation in behalf of the violated rights of an oppressed people; and

Whereas nearly 800,000 Armenian refugees are now in a state of destitution, a considerable number of whom would return to Armenia but for lack of funds, and over 1,000,000 Armenians in Russian Armenia are hindered in their efforts for economic and physical betterment also through lack of funds: Now therefore be it

Resolved, That the President of the United States is requested to make representations to the allied powers that the United States has an interest in said deposit and has a right to be consulted in respect to any allocation, distribution, or disposition of the same, and that said deposit, principal and interest, now amounting to about $40,000,000, should not be applied to the use of the allied powers or to the payment of the claims of their nationals against Turkey, but, on the contrary, should be set aside and held as a trust fund for the Armenian people, the part thereof which is not claimed by individual Armenians or their personal representatives to be hereafter expended by a commission, including representatives of the Armenian people, for the removal to and settlement in Armenia of Armenian refugees now in the Mediterranean and Black Sea countries and for hygienic, reclamation, agricultural, and educational purposes in Armenia.

STATUE OF GEN. JOSEPH WHEELER

Mr. UNDERWOOD. Mr. President, I desire unanimous consent to get an order to print.

The State of Alabama has selected the late Gen. Joseph Wheeler, a deceased citizen of Alabama, as worthy of national commemoration on account of his historic renown and for his distinguished civic and military services, and has provided for the placing of a statue of him in the National Statuary Hall of the Capitol. On March 12, 1925, exercises appropriate to the reception and acceptance from the State of Alabama of the statue of General Wheeler were held in the Capitol and addresses were made by Senators and Representatives. I ask unanimous consent that the addresses of the Senators and Representatives delivered at these exercises may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The proceedings referred to are here printed in full, as follows:

EXERCISES IN STATUARY HALL IN THE CAPITOL AT WASHINGTON, D. C., MARCH 12, 1925, ON THE OCCASION OF THE UNVEILING AND PRESENTATION BY THE STATE OF ALABAMA OF THE BRONZE STATUE OF GEN. JOSEPH WHEELER

Representative EDWARD B. ALMON, of the eighth district of Alabama, presided.

The Chaplain of the House of Representatives, Rev. James Shera Montgomery, offered the following prayer:

Almighty God, our Heavenly Father—unto whom all hearts are open and all desires known—do Thou hear our prayer. We praise Thee for the past that is all glorious with Thy providence. Surely Thou hast stood within the shadows keeping watch upon Thine own. We are grateful that the principles of free Government were condensed in the patriotic devotions of our forefathers. We bless Thee that the finest ideals of free institutions were divinely ordained in the character and services of him whose memory we commemorate to-day. What an illuminous page he has written in the volume of our national history! Bless unto us the chivalry of soul, the fervent love of country, and the undaunted spirit of this hero of the Southland. He loved his country, his State, and his home with a heart that was in tune with the best ideals of our civilization. Upon the altar of his homeland he poured a devotion worthy of the bravest and the best. Do Thou, O Lord, bless our beloved country and direct with Thy infinite wisdom all the affairs and problems of our Government and people. Forever bless and preserve the great fundamentals, upon which

our Republic must rest for its safety and perpetuity. Do Thou continue to make permanent the mighty bulwarks of our Nation's life and character. Again we pray—bless the services of this hour and abide with us throughout all the days of our lives—through Jesus Christ our Lord. Amen.

The CHAIRMAN. Ladies and gentlemen, by an act of Congress each State is invited to place in Statuary Hall in the National Capitol the memorial statues of two citizens of such State who may be distinguished and exalted for patriotic service. The people of Alabama through its legislature have decided that the distinguished services, both in war and in peace, of Gen. Joseph Wheeler entitle him to this tribute of affectionate appreciation, and that there should be erected to his memory a statue of bronze in Statuary Hall.

The committee appointed to procure the statue has discharged its duty, and the statue is now ready for unveiling and presentation. Miss Julia Wheeler Harris, the daughter of Senator and Mrs. William J. Harris, of Georgia, and granddaughter of Gen. Joseph Wheeler, will now unveil the statue.

(Miss Julia Wheeler Harris thereupon unveiled the statue.

A photograph was then taken of the statue, grouped around which were Senator and Mrs. Harris; Col. Joseph Wheeler, United States Army, son of General Wheeler; Miss Julia Wheeler Harris; Representatives from the State of Alabama, and others.)

ADDRESS BY REPRESENTATIVE EDWARD B. ALMON

Representative ALMON. Ladies and gentlemen, we regret exceedingly that the Governor of Alabama is not here to make the speech of presentation for the State of Alabama. I am in receipt of the following telegram from Gov. William W. Brandon explaining why he could not attend these exercises:

"I regret I can not attend the presentation of the Wheeler statue. I have an important engagement here the 12th, vital to the State. I authorize you to act in all things for me and the State of Alabama in the presentation of the statue of our distinguished statesman and soldier. Trust the ceremonies will be marked with that degree of patriotism which characterized his useful life to the Nation and State."

Now, by direction of the Governor of Alabama, I present to the United States this bronze statue of Gen. Joseph Wheeler, which is done by authority of a resolution which was unanimously adopted by the Legislature of Alabama. Wheeler was trusted, honored, and loved by the people of Alabama for his splendid character and distinguished service as a citizen and soldier, and the placing of his statue in this pantheon of the Nation is a token of their appreciation of him.

Alabama has not been in a hurry to occupy the second and last place assigned her in this hall. In selecting Wheeler she has been mindful of her obligation to consider with justice all of her distinguished citizens, many of whom could stand here as peers among the foremost of the Republic.

Joseph Wheeler, soldier and statesman, youngest son of Joseph and Julia Hull Wheeler, was born at Augusta, Ga., September 10, 1836. He graduated at West Point in 1859, was promoted to lieutenant, United States Army, in the Cavalry arm of the service, and served in Kansas and New Mexico in several scouting expeditions against the Indians. On February 27, 1861, he resigned his commission as an officer in the United States Army and on April 3, 1861, was appointed a first lieutenant of artillery in the Confederate Army.

Notwithstanding his youth, being but 24 years of age, and his still more youthful appearance, he soon earned the confidence and respect of his commanders, and on September 4, 1861, he was commissioned colonel of the Nineteenth Alabama Infantry. He commanded a brigade at the Battle of Shiloh, April 6 and 7, 1862, and was preeminently distinguished from the first to the close of the battle. General Bragg complimented his skillful maneuvers and determined gallantry, which very largely contributed to the capture of Major General Prentiss and his division, together with much of the division of Major General Wallace. General Bragg in his official report spoke of "the noble service of Col. Joseph Wheeler," and by his order Wheeler was designated to command the rear guard when at the close of the second day's fighting the Confederate Army retired from the field.

This bloody battle was the commencement of the career of this brave young officer. General Chalmers in his report of the battle spoke of Wheeler in very high terms and commended "his gallantry in leading a charge and bearing the colors of his command."

Major General Withers, his division commander, in his report of the Battle of Shiloh says:

"Wheeler proved himself worthy of all trust and confidence, a gallant commander and accomplished soldier."

Gen. Basil W. Duke's History of Morgan's Command says:

"General Wheeler possessed in an eminent degree all the attributes of the gentleman. He was as brave as a Palladin, just, high-toned, and exceedingly courteous, full of fire and enterprise, vigilant and energetic, thoroughly instructed in the duties of his profession, and perfectly conversant with the elaborate details of organization and military business."

General Duke also speaks of "his eminent fitness as the commander of a large body of cavalry, permanently attached to the army."

And Gen. Robert E. Lee in speaking of the most noted commanders said:

"The two ablest cavalry officers which the war developed were General Stuart, of Virginia, and Gen. Joseph Wheeler, of the Army of Tennessee."

General Wheeler bore a prominent part in the great Battle of Shiloh, Farmington, the fights around Corinth, the Battles of Perryville, Murfreesboro, Tullahoma, and Chickamauga; the battles preceding and incident to the siege of Knoxville, the Battles of Ringgold, Rocky Face, Dalton, Resaca, Adairsville, Cassville, New Hope, Dallas, Pickett's Mill, the various battles around Kenesaw Mountain, the Battles of Peach Tree Creek, Chattahoochee, and Decatur, the battles around Atlanta, the siege of Savannah, and the Battles of Averysboro and Bentonville. Besides engaging in these great battles and being under fire in over 400 skirmishes, General Wheeler commanded in more than a hundred battles, many of which, considering the numbers engaged, were the most severe recorded in the history of cavalry. Always in the front of battle, he was wounded three times, 16 horses were shot under him, 8 of his staff officers were killed and 32 wounded. From 1861 to the surrender of 1865, rising from lieutenant to lieutenant general, brave, skillful, enduring and full of energy and dash, it was to him four years of work, adventure, romance, and heroism.

In 1866 General Wheeler was married to Daniello, a daughter of Richard Jones, whose father, Harrison Jones, was wounded, losing a leg at the Battle of Guilford Courthouse. Her mother was a daughter of Governor Early, of Georgia, who comes from an Irish family of very distinguished lineage. Mrs. Wheeler died May 19, 1896. There were born to General and Mrs. Wheeler four daughters—Lucy, who died at the old home place at Wheeler, Ala., December 25, 1924; Annie Early, who was a volunteer with Clara Barton and distinguished herself by organizing, equipping, and superintending the Yacht Club Hospital at Santiago, Cuba, during the months of July, August, and September, 1898, and who now resides at the old home at Wheeler, Ala.; Julia Knox, wife of Senator WILLIAM J. HARRIS, of Georgia; and Carrie Payton, the wife of Gorden M. Buck, of New York City. Two sons were also born to General and Mrs. Wheeler—Joseph, a graduate of West Point, performed distinguished service in the Battles of San Juan and Santiago in the Spanish War, and afterwards as a major he won distinction in 20 battles or minor engagements in the Philippines. He is now a colonel in the Regular United States Army. Thomas served as a midshipman, United States Navy, in the Santiago squadron during the Cuban war and was drowned September 7, 1898, at Montauk Point, Long Island, in an attempt to rescue a brother officer.

General Wheeler was of sterling character, a true and loyal friend, a fond and loving father and husband. He and his family have been my good friends for many years, and I am glad of an opportunity to be present and take part in these exercises.

The brilliant military record of General Wheeler is unique in many respects. He was first an officer of the United States Army, a distinguished cavalry general in the Confederate Army, and afterwards a major general in the United States Volunteers. His last service, being for the Union, was as distinguished as that while in the Confederate Army, thereby contributing much to the healing of the breach between the South and the North. He enjoyed the distinction of defending his native city, Augusta, Ga., and kept it from being taken by the Union Army. He was 10 times elected as a Democrat to Congress from the eighth district of Alabama, his first election being to the Forty-seventh Congress. I have had the honor to represent that district for the past 10 years.

General Wheeler and William McKinley were good friends, and served together as members of the Ways and Means Committee of the House. He was afterwards, while a Member of the House and at the beginning of the Spanish-American War, commissioned major general, United States Volunteers, by President McKinley, May 4, 1898, and was assigned to command Cavalry division, United States Army, at Tampa, Fla., May 14, 1898. He landed at Daiquiri, Cuba, June 23, 1898; planned and commanded at the Battle of Las Guasimas, June 24, 1898; engaged in the Battle of San Juan, July 1–2, 1898; and was in command of the Cavalry division, Fifth Corps, in Cuba, from June 22 to the surrender of Santiago, July 17, 1898. General Wheeler was commended in general orders of July 4, 1898, Fifth Army Corps, for conduct in battle. He engaged, being in command of Cavalry Division, in all the conflicts in front of Santiago, which terminated in the surrender of the Spanish Army and the city of Santiago July 17, 1898.

Gen. William T. Sherman was very emphatic in commending General Wheeler's high qualities, and often repeated:

"That in the event of war with a foreign country, Gen. Joe Wheeler was the man to command the Cavalry of our Army."

President Roosevelt was warm in praise of General Wheeler's services in Cuba, and gave him credit for much of our success in

that campaign, and especially for his bold and determined stand against retreating from San Juan Hill.

In his history of the Rough Rider Regiment, which he commanded in Cuba, President Roosevelt, in speaking of the events on the night of the Battle of San Juan, July 1, 1898, says:

"A very few words from General Wheeler reassured us about retiring. He had been through too much heavy fighting in the Civil War to regard the present fight as very serious, and he told us not to be under any apprehension, for he had sent word that there was no need whatever of retiring, and was sure we could stay where we were until the chance came to advance. He was second in command, and to him more than any other one man was due the prompt abandonment of the proposal to fall back—a proposal which, if adopted, would have meant shame and disaster.

"Shortly afterwards General Wheeler sent us orders to intrench."

In speaking of the fight of Las Guasimas, in which General Wheeler commanded, President Roosevelt said:

"General Wheeler was in command ashore; he was told to get in touch with the enemy, and being a man with the 'fighting edge,' this meant that he was certain to fight. No general who was worth his salt would have failed to fight under such conditions; the only question would be as to how the fight was to be made. War means fighting; and the soldier's cardinal sin is timidity. General Wheeler remained throughout steadfast against any retreat from before Santiago."

General Shafter's order to the Santiago army, dated July 4, 1898, upon the Battle of San Juan, says:

"To Major General Wheeler, of the Cavalry division, was probably given the most difficult task, that of crossing a stream under fire and deploying under the enemy's rifle pits. These he almost immediately charged and carried in the most gallant manner, driving the enemy from his strong positions to the shelter of the stronger works in the rear. This was only accomplished by the most persevering and arduous efforts, officers and men exposing themselves to the deadly fire of the Spanish troops."

General Kent's official report of San Juan battle says:

"I desire, in conclusion, to express my gratitude to Major General Wheeler for his courteous conduct to me, and through me to my division, under the trying circumstances enumerated. Though ill and suffering, General Wheeler was so perfectly at home under fire that he inspired all of us with courage."

After his retirement from active service in the United States Army on September 10, 1900, General Wheeler made his first trip to Europe. He took great pleasure in attending the maneuvers of the French Army in 1901 and in visiting the battle fields of Napoleon. He was very much pleased with England, where his reception was the most cordial and where he formed a friendship with Field Marshal Lord Roberts, whom he much admired.

During the winter of 1904–5 he spent several months in Mexico, where every honor was shown him, and the friendship then formed with President Diaz was one of the pleasantest features of his later years.

The following winter, while visiting his sister in Brooklyn, he was stricken with pleurisy. At first his condition did not appear to be dangerous, but on the third day pneumonia developed and on the seventh day, Thursday, January 25, 1906, he died.

During his last days the gentleness and sweetness of his disposition changed not at all, and even as death approached he thought only of others and not of himself.

At most times his mind was quite clear, but at others it wandered back and he heard the bugle call and the battle cry.

From many lands came messages of sympathy and sorrow, and from his mother country every high tribute of love, honor, and reverence to the memory of her son.

The following Sunday the escort presented arms at the casket of the dead soldier, draped with the Stars and Stripes and the Stars and Bars entwined, was borne forth and placed upon the caisson, followed by the riderless horse.

Between two long lines of people standing with uncovered heads the procession moved to the service at the Church of St. Thomas in New York.

Thence the body was taken to St. John's Church in Washington and lay in state, with a guard of honor, till Monday afternoon, when the service was held, attended by the Chief Executive and other principal officers of the Government.

Then the escort of blue and of gray took up the march for the grave at Arlington, where the bugle sounded its last call and the rifles rang out their last salute for Joseph Wheeler.

A beautiful towering marble shaft near the Robert E. Lee home in the Arlington National Cemetery, across the Potomac River in view of the Capitol of the Nation, marks the last resting place of "Fighting Joe" Wheeler. Probably no grave in that great, beautiful, and historic cemetery is visited by more people or is the recipient of more beautiful floral tributes than that of General Wheeler. [Applause.]

ADDRESS BY HON. HENRY B. STEAGALL, OF ALABAMA

The CHAIRMAN. It affords me pleasure to present Hon. HENRY B. STEAGALL, Representative in Congress from the third Alabama district, who will now address you.

Representative STEAGALL. Mr. Chairman, ladies, and gentlemen, I deem it a high honor to be invited to participate in these exercises and, as a Representative in Congress from the third congressional district of Alabama, to voice the sentiments of the people of that district, as well as of the entire State, in paying tribute to the illustrious career of the great soldier and statesman whose memory we attempt to honor to-day.

General Wheeler was born in Georgia, but he lived in Alabama during the period of his life when the greater part of his service was rendered. So the people of Alabama and of Georgia take chiefest pride in the rich legacy left by his splendid service to his State and to the Nation, but his fame belongs to the South, to the United States, and to the world. His deeds of dauntless daring, his marvelous courage, his self-sacrifice, his devotion to duty, his spectacular leadership in the armies of the Confederacy, and later under the Nation's flag in Cuba, constitute a career that must form one of the brightest and most fascinating pages in human history. He is one of the outstanding military figures of all time.

Being firmly fixed in faith in the fundamentals of our Government, though a graduate of West Point, holding a commission as lieutenant in the Cavalry of the United States, he, like the immortal Lee, believed that his first duty was to the State that gave him birth. So, when the dread conflict of the sixties was begun, he surrendered his commission in the Army of the United States and cast his lot with the armies of the Confederacy. He turned his back on the richest Government beneath the sun to fight for the flag of a new nation, without a treasury, and offered his life upon the altar of State rights and local self-government, guaranteed by the Constitution of the United States, without regard to the effect of his action upon his personal fortunes in the years to come. He was made lieutenant in the forces of the Confederacy and was soon commissioned colonel of the Nineteenth Alabama Infantry. He led a brigade at the Battle of Shiloh and at once won distinction for superb gallantry and splendid leadership. In 1863 he was commissioned major general. He commanded in more than a hundred battles before the close of the conflict and the period of his command was marked by a continuous series of victories that meant much in the great struggle and won for him the frequent plaudits of President Davis, General Lee, and other leaders of the Confederacy. He was wounded three times, eight of his staff officers were killed by his side, 32 were wounded, and 16 horses were shot down under him. Such a record is almost without parallel in the history of warfare. He was a fighting general, always at the front, where danger was greatest, leading his men and inspiring them by his own valor.

In every struggle in which the Nation has engaged, beginning with the War for Independence, and down to this good hour, the sons of the South have played a part that has shed luster upon American arms. But not in any contest with a foreign foe could there be found a real test of the heroism and courage of Southern soldiers. It was only when matched against their own kin and kind, commanded by Americans, that the sons of the South found opportunity to show their real quality and to offer the world its sublimest exhibition of heroism and courage. History affords no parallel to the dauntless devotion and unfaltering courage of the half-fed, half-clothed, and poorly equipped followers of the immortal Lee and Jackson and other leaders of the Confederacy who for four long years fought on and on against the overpowering numbers of the North, with nothing to look forward to, save death and defeat. [Applause.]

I believe history will declare, when all passions and prejudice have passed away and the whole truth shall be told, that, had they fought against any other race or any other flag, they would have written victory at last upon the banners of the Confederacy. [Applause.]

In the field of statesmanship the sons of the South have borne their part with like distinction and rendered imperishable service to the Nation and its destiny. But, great as was the service of the statesmen of the South in kindling the fires of the Revolution which led to our independence, in writing our Constitution, and in laying the foundations of our great Republic, it may be truly said that statesmanship encountered its greatest task in the problems thrust upon the stricken people of the South during the period following the Civil War. But the soldiers of the Confederacy, returning to a land of ruin, to find their homes devastated, their property gone, industry crushed, credit gone, and their governments in the hands of aliens and ignorant negroes, fresh from slavery and wholly unfitted for the responsibilities of citizenship, without the loss of a day or an hour, set about the work of rehabilitation. Opposed by Federal bayonets and a horde of ignorant voters, vastly greater in number, quietly, peaceably, without bloodshed, they took charge of their local governments, reestablished public credit, and restored orderly civilization in the States of the South with a success that became the marvel of the world. History furnishes no parallel to this exhibition of the fitness of a great people for the exercise of the inalienable right of self-government.

When the armies of the Confederacy went down in defeat General Wheeler, with the same courage that had characterized his conduct on the field of battle, accepted bravely and without murmur the result of the conflict and went back home to engage in the struggle to bring order out of chaos, to free his people from misrule and usurpation, and to set his State once more on the glad highway of peace and happiness. Bright and glorious as is the record of General Wheeler in war, it can never be more beautiful or resplendent than his service to his State during the period of reconstruction.

General Wheeler fought for the preservation of the Constitution in its original integrity and force, and I but voice the sentiment of the thoughtful statesmen of America when I declare that 99 per cent of the serious ills that confront the American people are the result of departure from the fundamental principles of our Government for which General Wheeler and the other heroic sons of the South struggled so bravely during the conflict of the sixties. [Applause.] There is not an ill that besets us that can not be remedied nor a problem that challenges the statesmanship of this hour that can not be solved successfully by the application of the great principles of local self-government, State sovereignty, and the recognition of constitutional rights for which the people of the South fought so bravely and well. [Applause.]

General Wheeler was one of the heroic few along the upward pathway of humanity who have held aloft the light of liberty. It is to them and their labors—the principles hallowed by their sacrifices—to which a distressed world is turning for hope and guidance in the struggle toward brighter and happier things.

Not gold, but only men
Can make a people great and strong,
Brave men, who for truth and honor's sake
Stand fast and suffer long;
Brave men, who work while others sleep,
Who dare when others fly—
These build the Nation's temple deep,
And lift its pillars to the sky.

[Applause.]

ADDRESS BY REPRESENTATIVE WILLIAM B. OLIVER, OF ALABAMA

The CHAIRMAN. I now take pleasure in presenting to you Hon. WILLIAM B. OLIVER, Representative in Congress from the sixth district of Alabama.

Representative OLIVER. Mr. Chairman and fellow countrymen, these exercises express the deep admiration and affectionate esteem, not only of the people of Alabama but of the Nation for a soldier, a statesman, a citizen, who did his duty always with "conscientious solicitude." My distinguished colleagues, Mr. ALMON and Mr. STEAGALL, who have just spoken, partially reviewed from memory and from history the remarkable life and achievements of this illustrious American, and though the field of his activities is so abundantly rich and broad as to urge a further recital of his individual accomplishments, yet the time limits of this occasion admonish me that I must be content with merely a brief reference to some of the outstanding factors that entered into his greatness.

He was a man of force and vision, of faithfulness and courtesy, of boldness and of self-restraint, of initiative and enthusiasm; a man of superior guidance and inspiration. He possessed in abundant measure those qualities of mind and heart which preeminently fitted him for the high places of responsibility that he held in war and in peace. In addition to these qualities, he had the rare gift of winning and holding the affections not only of those with whom he was associated or merely came in passing contact with but he won the love and loyalty of thousands who had never seen him. For in his latter years how eagerly vast numbers of people from every section of our common country read everything written by him or about him, and they loved him ever thereafter as fervently as did those who knew him at home. If the editorials, telegrams, letters, and memorial addresses that followed his passing in 1906 could be collected and published, what a rich fund of information they would supply for some future historian.

"Nothing is truer," says an old philosopher, "than that the good and experienced man is the last measure of all things," and now Alabama, in the spirit of an intelligent manhood, is by this ceremony inviting the present and all future generations to turn and recall the life and service of Gen. Joseph Wheeler, to read and reflect on what he did in his day and generation for the family, for the community, for the State, for the Nation. Follow him into the home, go with him into the Halls of the National Congress, tread with him the paths of martial duty and success. You will not, it is true, find him without some human faults, but you may safely ask yourself, where, in all history, will be found a higher, purer, better, nobler example of virtue, courage, patriotism, and Christian character than is recorded of him whose memory we honor to-day?

There is no sphere of public life, in war or peace, where he served in which he was not eminent, nor of private life in which he was not influential and beloved. He was preeminently a man of strong convictions, who saw clearly, reasoned fearlessly, and never hesitated to follow where duty led the way. All his thoughts, his impulses, and his actions from the time he grew to manhood were for the best interests of the country that gave him birth. In scientific and literary attainments he stands high among the learned men of our country, and his papers and writings show an extensive research and profound knowledge. To know and properly appraise his vision, accuracy, completeness, versatility, energy, and industry one need only read his Military History of Alabama, his later history of the Santiago campaign, and four speeches made by him in Congress on the subjects, Federal Courts, Justice to Mexican War Heroes, Vindication of Gen. Fitz-John Porter, Internal Revenue, and Tariff Bill of 1888.

Truly it can be said of him that he has indelibly traced his life upon the Book of Time in characters so luminous that they shine and glow to-day, and will forever.

May I say, in conclusion, that while our mission here to-day is truly a labor of love, yet it is in a sense an unnecessary one? Gen. Joseph Wheeler needs no bronze statue here, nor memorial elsewhere to perpetuate his memory. That is one thing that can never grow dim. It is more enduring than bronze, more storm defying than granite, and will serve to animate with noble purpose generations yet unborn. For a great life, such as he lived, is never lost, never lived in vain, but it will pulsate through all the ages to inspire American youth in crises now undreamed of.

What was said of another great American is equally true of him: "So long as patriotism, good citizenship, faithfulness to domestic virtues, devotion to official duties, and broadest human charity and kindliness are prized, so long will Joseph Wheeler's life and example be an inspiration, and so long will his memory be a benediction." He is one—

Of those immortal dead who live again
In minds made better by his presence; live
In pulses stirred to generosity,
In deeds of daring rectitude, in scorn
For miserable aims that end with self,
In thoughts sublime that pierce the night-like stars,
And with their mild persistence urge man's search
To vaster issues.

[Applause.]

ADDRESS BY REPRESENTATIVE JOHN M'DUFFIE, OF ALABAMA

The CHAIRMAN. I now take pleasure in presenting another of my colleagues, Representative JOHN MCDUFFIE, of the first district of Alabama.

Representative MCDUFFIE. Mr. Chairman, ladies, and gentlemen, as one of the Representatives of the people of Alabama, the State which proudly claims General Wheeler and seeks to honor him to-day, I deem it a great privilege to take part in the exercises of this hour, and yet nothing we might say here to-day could add to the illustrious name and everlasting fame of this truly great man.

As has been already suggested, probably no one did more than this distinguished Alabamian to bridge the broad chasm of bitterness that once existed between the two great sections of our common country. Nothing did so much in bringing about a reunion of the hearts and souls of the sons of the South with the sons of the North as did the genuine patriotism and splendid leadership of General Wheeler when he volunteered to defend the flag he had fought and went hand in hand with Frederick Grant to free the Spanish slave at Santiago.

The brave are ever ready to forget and forgive the differences of the past. General Wheeler was brave. He had shed his blood on countless fields of battle for principles which he and his proud people deemed just and right, principles as everlasting as the hills. Issues which drew him into the conflict were settled at the end of four terrible years of lurid warfare, settled by the arbitrament of the sword. He accepted the result as a great soldier must always do, and without reservation renewed his allegiance to the Stars and Stripes. With a courage that was surpassing and a heart that was stout, he then reconsecrated his useful life to the reclamation of that section he loved so well.

I received a few moments ago the expression of some sweet singer of long ago who has set to verse his conception of this great military genius and leader as he appeared at the heights of Santiago. Unmindful of the dangers of disease and death as they lurked about him, General Wheeler never flinched nor faltered. Unselfish to a superlative degree, he never forgot the comfort of those who were always willing to follow him to the front lines. I have been requested to read the following verses on this occasion.

WHEELER AT SANTIAGO

Into the thick of the fight he went, pallid and sick and wan,
Borne in an ambulance to the front, a ghostly wisp of a man;
But the fighting soul of a fighting man, approved in the long ago,
Went to the front in that ambulance in the body of Fighting Joe.

Out from the front they were coming back, smitten of Spanish shells—
Wounded boys from the Vermont hills and the Alabama dells.
"Put them into this ambulance; I'll ride to the front," he said;
And he climbed to the saddle and rode right on, that little old ex-Confed.

From end to end of the long blue ranks rose up the ringing cheers,
And many a powder-blackened face was furrowed with sudden tears,
As with flashing eyes and gleaming sword and hair and beard of snow,
Into the hell of shot and shell rode little old Fighting Joe.

Sick with fever and racked with pain, he could not stay away,
For he heard the song of the yesteryears in the deep-mouthed cannon's bay—
He heard in the calling song of the guns there was work for him to do,
Where his country's best blood splashed and flowed 'round the old Red, White, and Blue.

Fevered body and hero heart! This Union's heart to you
Beats out in love and reverence; and to each dear boy in blue
Who stood or fell 'mid the shot and shell and cheered in the face of the foe,
As, wan and white, to the heart of the fight rode little old Fighting Joe.

The memory of Gen. Joseph Wheeler is the common heritage not only of Alabamians, not only of Georgia, his native State, not only of the South, but, indeed, it is the heritage of the American people. So long as appreciation of valor, fidelity to duty, love of humanity, and genuine patriotism remain amongst the chief characteristics of the American heart so long will the memory of this man live. Fearless and faithful, brave as a warrior, unselfish and patriotic in civil and political life, the name of Joe Wheeler will go down through the ages as that of a great national figure and an outstanding American of his day and generation. [Applause.]

ADDRESS BY REPRESENTATIVE LAMAR JEFFERS, OF ALABAMA

The CHAIRMAN. The eloquent words of the Representatives of every part of Alabama are greatly appreciated. Mr. STEAGALL, the first speaker, comes from the southeastern part of the State and from the district formerly represented by Judge Henry D. Clayton; Mr. OLIVER from the Tuscaloosa district; and Mr. MCDUFFIE from the Mobile district. I am sure that in paying tribute to the services and record of Gen. Joe Wheeler they are doing no more than expressing the views of their constituents, many of whom knew General Wheeler during the days of the Civil War and the Spanish War and would be glad of an opportunity to be here on this occasion. I now take pleasure in presenting Representative LAMAR JEFFERS, of the fourth district of Alabama.

Representative JEFFERS. Mr. Chairman and friends, I will detain you but a few moments. I wish to say that I am indeed thankful that it is my high privilege, representing the people of the fourth congressional district of Alabama, to take part in the ceremonies upon this occasion when we pay tribute to the memory of that great soldier and statesman, Gen. Joseph Wheeler. It is indeed an historic occasion, my friends, and one which will be a bright page in history for our children and our children's children forever.

In studying the life of this great man it seems to me that his unselfishness, which has just been referred to by Mr. MCDUFFIE, and the sweetness of his character stand out even above all his many other most admirable qualities.

I want to refer just here to a letter which he wrote to his soldiers, the spirit of which is indicative of his pure unselfishness. It is dated August 5, 1864, and was written near Atlanta. Let me say that it has always struck me as being particularly interesting that a great part of General Wheeler's activities was upon the soil of his own native State, the State of Georgia.

In this letter to his command he said:

"Soldiers: The major general commanding thanks his command for the energy and determined gallantry displayed in their recent operations. The foiling of a most stupendous effort on the part of the enemy to destroy our country is due to your valor and patriotism. During the present campaign you have captured or killed a number of the enemy equal to your own strength. You have defeated him in every action in which you have engaged, captured his cannon, colors, and arms. Your great commander, General Hood, appreciates your services.

"Stand together, my brave soldiers; continue your good conduct, and the lasting gratitude of your country will be your reward.

"JOSEPH WHEELER, *Major General.*"

He pays his tribute in his letter not only to the valor of the soldiers under his own command but also mentions the greatness of General Hood. His self-effacement stands out here, as in all the record of his life.

Reference has already been made to what Gen. Robert E. Lee said concerning General Wheeler's extraordinary capability as a Cavalry officer. The high spots of his career are too numerous to attempt to enumerate them at this time.

He was the ideal Cavalry commander, a giant in heart, and we can imagine his graceful figure dashing down his lines like a ray of light, giving utterance in ringing tones to that command for which he was famous, "Come on, boys!" Nothing could possibly be more inspiring to soldiers in the ranks than the presence on the field of a leader like that. He was known as "Fighting Joe Wheeler," the beloved commander who never sought to command or urge his men to go where he himself was not always ready and more than willing to lead. [Applause.]

ADDRESS BY REPRESENTATIVE MILES C. ALLGOOD, OF ALABAMA

The CHAIRMAN. I now take pleasure in presenting the youngest member of our delegation from Alabama, Hon. MILES C. ALLGOOD, who represents the Gadsden district, which was ably represented for many years by the late John L. Burnett.

Representative ALLGOOD. Mr. Chairman, ladies, and gentlemen: The name "Joe Wheeler" is a household word in Alabama. We loved Wheeler in his lifetime, and we love his memory to-day. Often it is the case that the heroes of our childhood fade away as we come to maturity; but to-day marks a striking contrast to this rule in the life of one whom in childhood I worshiped as a hero. As the years have come and gone his heroic deeds have become magnified, until he is not alone the hero of the State of Alabama or a section, but of a Nation.

Many men from Blount County, Ala., which is my home, joined General Wheeler's command, among whom were my father and three of my uncles. My mother's brother, A. J. Ingram, rose to the rank of major under his command; and many are the times I have heard him live over again the daring deeds of "Fighting Joe Wheeler."

General Wheeler knew how to take men who were not soldiers and make soldiers out of them. He knew how to inspire confidence in their souls which caused them to follow him into the very strongholds of an enemy that often greatly outnumbered his own forces.

His marked military ability and strategy place his name high among the leaders of the generals of the world of all ages. However, with his military honors we of Alabama are not content; for during reconstruction Joe Wheeler again came to the forefront with his leadership, and with his steady, untiring, quiet, and unostentatious activities as a Representative in Congress, he aided in a large measure in restoring national confidence in our Government.

The people of this Nation were thrilled in 1898 when he volunteered his services in the war against Spain. This one act did more to blot out sectionalism and heal up the wounds between the North and South than had been accomplished by legislation in a quarter of a century; for with Joe Wheeler fighting in 1898 under the flag against which he had fought in 1865, there were rekindled throughout the Nation the fires of a new patriotism; and well might the poet say:

"Together!" shouts Niagara his thunder-toned decree;
"Together!" echo back the waves upon the Mexic sea;
"Together!" sing the sylvan hills where old Atlantic roars;
"Together!" boom the breakers on the wild Pacific shores;
"Together" cry the people—and "together" still shall be,
An everlasting charter-bond forever for the free;
Of liberty the signal-seal, the one eternal sign,
Be those united emblems, the Palmetto and the Pine.

[Applause.]

POEM BY HORACE C. CARLISLE, OF ALABAMA

Representative OLIVER. Mr. Chairman, we have with us to-day Mr. Horace C. Carlisle, of Alabama, who recently published a book entitled "Poems of Purpose," which has been well received by discriminating readers. A few days since he penned a tribute to the statesman and hero whom we to-day honor, in three short stanzas—the first letters of each line spelling "General Wheeler, Alabama"—which I hope Mr. Carlisle will be requested to read.

The CHAIRMAN. Mr. Carlisle will please come to the front. We shall be delighted, Mr. Carlisle, if you will read the poem suggested by Mr. OLIVER.

Mr. Carlisle read the following verses:

ALABAMA STATESMAN IN STATUARY HALL

Gratitude grows for the great and the glorious,
Even the more, with the passing of years—
Nothing save death, over life is victorious,
Ending its tasks, be they loved or laborious,
Ridding its soul of all sorrow and fears—
And, with the passing of peril and pain,
Life, laid aside, lives in splendor again.

When down the centuries, far in futurity,
History's pages shall perish, unsought;
Even this statue shall stand in its purity,
Emblem of loyalty, love, and security,
Long to ennoble mankind in its thought—
Each statue, standing in Statuary Hall,
Raises the hopes and the aims of us all.

And the great Southland, with perfect propriety,
Loyal to principles, settled by wars;
Aiding the Union, in times of anxiety,
By men and means, won renewed notoriety,
As she defended the Stripes and the Stars—
Mindful, the Union now answers her call,
And places Wheeler in Statuary Hall.

[Applause.]

ADDRESS BY SENATOR LAWRENCE D. TYSON, OF TENNESSEE

The CHAIRMAN. I now present to you the junior Senator from Tennessee, General TYSON, of Knoxville, a life-long friend of General Wheeler, a brigadier general during the recent World War, with a very distinguished record, who suffered the greatest loss of his whole life, no doubt, in the death of his only son on the battle field in France.

Senator TYSON. Mr. Chairman, ladies, and gentlemen, I did not expect to be here to-day, but I am very glad that I have the opportunity of being here. I consider it one of the greatest honors of my life that I am permitted to participate in these exercises.

I regret that I have not had the opportunity to hear the addresses that have been made, except a short part of the last one; but, ladies and gentlemen, I feel that this is one of the greatest occasions that can happen in our great country.

Think of the significance of this wonderful occasion and this beautiful hall! Think of the spirits of the great men of our country that are looking down upon this scene to-day! Think of all of the assembled wisdom represented by the men whose statues have been placed here by the various States to represent the best that is in our country; and think of the great honor, the wonderful distinction, that it is to have a sovereign State select a man to represent all that is great in it and to have his statue placed here for all time!

My friends, I can not say much to-day. I have not prepared an address. I feel entirely unable, in so far as I shall be able to express my feelings, to do justice to this great occasion; but I had the honor of having this great man for my personal friend. I knew him not as a soldier alone, but I knew him as a statesman, and later in the Spanish-American War, where I had the honor to serve, as he did.

I want to say that the first recollection of my life of a general officer, the first great man of the great Civil War that I have known, that comes to me, is that as a little boy, just about 3 years of age. I got up one morning on my father's farm in North Carolina, where I was born, and they said at that time that Wheeler's Cavalry had been through the night before. He was there at that very late day, in the latter part of April, 1865, still fighting the enemy and trying to bring victory to the cause of the Southern Confederacy. He was one of the very last of all the generals to surrender the great cause for which he had fought so long and so valiantly; and, my friends, when I look at this magnificent statue of this great man I feel that Alabama has done herself proud to have selected him to represent her here for all time in this the greatest company, perhaps, that is to be found in any place in all the world.

Think of it! Standing here with Washington, the very first, great President, and all these other great men that have come on during all of these years, and Frances Willard and these great women, too. Think of it—being considered great enough to stand in this great company representing such a great State as Alabama! Alabama has had great men. She has sent great men to the Halls of Congress. She has had distinguished men to fight in the great battles of our country; but think of what this man did! Here was a man of whom it may be said that he had been in all the walks of life. He had had distinction in every way. He had had distinction in the same way that Washington had it. Few men have had distinction in all the various walks of life. Washington is one of the few men in our great country who had it. But think of a man who was great in war, great in peace, and great in the hearts of his countrymen! That is Joe Wheeler. You know it, and nothing can ever take that from him.

I am proud of the fact that I had the honor of being educated at the same academy where he was educated. The great principles that were there inculcated into his mind and heart and soul lived throughout his life. He went into the Confederacy, as you know; he was one of the very first men to resign from the Army and offer his services to the Confederacy; and let me say to you that in my judgment—and I have studied the Civil War to a certain extent—Joe Wheeler was one of the greatest generals of that war. He covered more territory, fought in more States, was in more battles perhaps, than any other man who fought in the Confederate Army as a general officer. [Applause.]

There were 800 skirmishes when he was under fire. I have been under fire myself, ladies and gentlemen, and if you have not been under fire you will not realize all that it means; but think of that man being under fire in skirmishes 800 times and 200 times when he commanded a large force of men in battle! Show me a like example; and when I say that I realize what I am saying. He fought in Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, South Carolina, and North Carolina. What other general of the great war covered so much territory? None, so far as I know.

He was a great man, a great soldier, and his heart was filled with all the patriotism and love of his country that has ever been in the breast of the greatest patriots of this country. My friends, he did great things in the great Civil War. After the war, as you know, he took up the duties of peace and gained distinction. He was one of the most influential men in Congress for the 20 years that he served. But after having come back under the Stars and Stripes, when the great Spanish-American War broke out, what did he do? He was a man then 63 years of age, already practically at the retiring age for officers of the Regular Army; and yet he volunteered immediately to go to the front. When I say to you that he volunteered to go to Cuba we do not fully appreciate what that meant at that time, because while there might have been a great deal of danger on the battle field there, there was more danger lurking in the possibility of having yellow fever, the danger of disease, than there was even on the battle field. Yet this man, throwing aside the great position which he held in Congress, went forth and said: "My country, I am ready." And thank God, we had at that time in the White House a man who was broad enough and patriotic enough and realized the situation sufficiently so that he appointed General Wheeler a major general in the United States Army; and I say to you that in my judgment there is no man in this country who did more to bind up the Nation's wounds than did this great man whose statue you have unveiled here to-day.

The North and South have come together so much more since the Spanish-American War, as you know. It was the binding up of the wounds of this country; and if the Spanish-American War had accomplished nothing else, it was worth all that it cost to show this country that the South was just as loyal to the United States of America as any other portion of the country.

I can not tell you all that I think of this man. I can not express to you my feeling for him. I have a great admiration for him. He has done what few men are able to do. His statue is placed here as an example for our people, for the young men and the young women of our country to look upon for all time, and to realize that a life of service and sacrifice such as his was is the greatest of all lives, and that ultimately it is the one that is most appreciated in our country.

He was a loving father, a tender husband, and almost the sweetest man I ever knew in my life. He had a most delightful and charming family. I knew him, and I knew his family, and I loved him, my friends. I loved him for what he was. Everybody loved him, for that matter. Alabama loved him. You could not know him and not love him; and his great character as a soldier and as a statesman was excelled only by his great sweetness and kindness and Christian character as a citizen. [Applause.] Without the last quality, without Christian character as a citizen, the others count for but little, and no man can be a success who has not that idea of Christian character and citizenship in him. I never knew a man who had it more than General Wheeler.

In conclusion, ladies and gentlemen, because I do not wish to detain you, I want to lay at his feet a wreath, such as has been the greatest tribute that could be paid to any man. It is the thing that all the people throughout the world since the World War do when they want to do honor to those who deserve honor; they bring and lay at the feet or upon the grave of those who are to be honored a simple wreath, and it was the crowning act of the French people when they did the last great honor to the Unknown Soldier of France. It was the last and crowning honor that we did to our Unknown Soldier who sleeps at Arlington. I now lay at the feet of this statue this wreath as the loving tribute of Tennessee, which I have the honor to represent to-day, and not only Tennessee but the United States of America—to a man who will live in the hearts of his countrymen as long as this great Republic of ours shall endure. [Great applause.]

ADDRESS BY REPRESENTATIVE LISTER HILL OF ALABAMA

The CHAIRMAN. I am glad now to present Hon. LISTER HILL, Representative in Congress from the second district of Alabama.

Representative HILL. Mr. Chairman, ladies, and gentlemen, I have lingered here in the Capital of the Nation that as a son of Alabama I might be present this hour to offer tribute to him chosen to stand among these immortals, the apogee of her greatness, her genius, her glory. Others who knew Gen. Joseph Wheeler will this day gather the golden threads of his life and weave that story, so thrilling, so inspiring, so full of good report.

I salute him as the Confederate soldier. What a flood of mighty memories is awakened by that heroic title! What a glorious panorama of patriotic achievement it presents to view! How it seems to fathom the very depths of duty and of devotion, the innermost springs of sympathy and of sorrow! As we pronounce it reverently to-day the trials and tragedies of the South's supreme struggle pass in review, and rising above the stress and strife of conflict is the steadfast faith, the abiding patience, the unending loyalty of the Confederate soldier.

I salute him as the soldier of the Republic, as the soldier of an army with victory after victory, without a single defeat or a single

disaster; an army that at San Juan and El Caney added new luster to the flag and maintained the honor and glory of American arms; an army that drove the hand of tyranny from this Western Hemisphere and showed to the world that men could fight and suffer and endure for heroic ideals and for the liberties of other peoples.

I salute him as the soldier of the past whose intrepidity and high courage moved and inspired the American doughboy as he crossed 3,000 miles of sea, marched down into Picardy and into the fields of Flanders, smashed the Hindenburg line, and saved to the peoples of the earth the salvation and the hope that had been given to them on Calvary's heights.

I salute him as the statesman who turned to Justice and obeyed her, who trusted Liberty and followed her.

I salute him as the Alabamian proud of his State, firm in her faith, loyal to her hallowed past, true to her traditions, and cognizant of her potential glory.

Last and best of all, I salute him as the man holding the high commission of citizenship, an estate higher than public office or public honor. His the will to serve and bear; his the will to love and dare; his to build the brother future, to rise to high-born part, on to the city of God.

The fast-falling shadows of the past leave few names of men not unshrouded by their gloom. To-morrow's sun will lighten up new shrines surrounded by tireless hosts of hero worshipers. This day Alabama places in this hall, sacred with memories, shrine of the States, with Washington and Lee, her son, the soldier, the statesman, the patriot, the citizen, and thus she speaks to all who come, be they from the ends of the earth: Stranger, ponder here; this figure molded in bronze, inanimate and voiceless of itself, bespeaks the strength and the beauty, the wonder and the glory of as brave, as true, as knightly a people as ever loved liberty or cherished human freedom. [Applause.]

ADDRESS BY SENATOR J. THOMAS HEFLIN, OF ALABAMA

The CHAIRMAN. I regret exceedingly the unavoidable absence, on account of illness, of the senior Senator from Alabama, Hon OSCAR W. UNDERWOOD. I now take pleasure in introducing the junior Senator from that State, Hon. J. THOMAS HEFLIN.

Senator HEFLIN. Mr. Chairman, ladies, and gentlemen, we are assembled here to do honor to one of Alabama's ablest, most popular, and best beloved sons, Gen. Joseph Wheeler. The story of his life is an interesting and inspiring one. In the years of his early manhood he followed the fortunes of Lee—when knighthood was in flower. When only 26 years old he was an officer in the Confederate Army, a distinguished army corps commander. He was soon promoted to the office of general of cavalry and in this high and responsible office for one so young, by his marvelous knowledge of military science and his daring and genius as a commander of cavalry, he won such distinction on the field of battle that the Confederate Congress passed a resolution expressing gratitude for his heroic service and praising him for his valor and skill in battle. The historian tells us that he commanded in more than a hundred battles, and that the courage and extraordinary skill displayed in all of them marked him as one of the most fearless, able, and useful commanders in the Confederate Army. Then General Wheeler was helping to settle a question of far-reaching importance—a question first seriously raised by some of the New England States—as to whether or not the State had the right to secede or withdraw from the General Government?

Charles Francis Adams, of Massachusetts, in his tribute to Gen. Robert E. Lee a few years ago, said, "Prior to the War between the States, the opinion was almost universal that in case of conflict between State and Federal Government sovereignty resided in the State and to it allegiance was due." He said that Rawle's view of the Constitution was the accepted textbook at the West Point Military Academy when Lee was a cadet there and that it specifically taught that the secession of a State depended solely upon the will of the people of the State.

Doctor Ellis in his history of our country says that "The question of secession was never authoritatively settled until the war settled it."

General Wheeler fought for and was willing to give his life for what he conceived to be his patriotic duty in the premises. He accorded to the northern soldier the same patriotic impulse and lofty purpose that he claimed for himself, for he frequently said after the War between the States was over that "Both sides fought for the right as God gave them the power to see it." He accepted in good faith the settlement of the sword and devoted himself whole-heartedly to the work then at hand. He rendered signal service in rebuilding the South amidst the difficulties and horrors of reconstruction. Just as he had been the idol of his people as a masterful commander on the field of battle in time of war he now became in the time of peace one of the most popular and powerful political figures in our State, and the great Huntsville district in the Tennessee Valley in north Alabama elected him term after term for 20 years as their Representative in the Congress of the United States.

His career in Congress was noted for marked ability, constant and efficient work for his people, and for splendid service to his country. He was a great Democrat in all that that term implies. Every throb of his big, brave heart beat loyal to the masses of the people. He loved the rank and file and served them well and faithfully, and in return they were deeply devoted to him.

He was a Member of Congress when Cuba, our sorely afflicted door neighbor, cried out for deliverance from the cruelties of Spanish tyranny. He not only favored recognizing the belligerent rights of Cuba but he made known to the President not only his willingness but his desire to join the United States Army and follow Old Glory to the battle field against her foreign foe. President McKinley named this great cavalry general of Confederate fame a major general in the United States Army. And he was in the forefront of every important battle in the war with Spain and won distinction and renown by his daring, skill, and genius in the decisive battles of San Juan Hill and Santiago. He who had worn the uniform of gray in the settlement of a great question—a question that had to be settled before the Federal status of the Union was finally and forever fixed—was now wearing the uniform of blue in the service of a reunited country against a foreign foe. Joe Wheeler and Fitzhugh Lee, General Shafter and Frederick Grant, marshaled beneath the same flag and bivouacked on the same battle field.

President McKinley did a noble and praiseworthy thing when he appointed the one-time Confederate general, Joe Wheeler, a general in the United States Army. His great service in the war with Spain was so noteworthy and brilliant, and so much appreciated by the American people, that when the war ended in victory for American arms and General Wheeler's earthly career was ended the constituted authorities of the Government asked the privilege and the honor of laying his body to rest in the national cemetery at Arlington. And there on the slope of a hill near the magnificent and historic old home of General Lee the Government erected a splendid monument to his memory.

That General Lee greatly appreciated General Wheeler's services and highly regarded him as an officer in the Confederate Army is borne out by his own statement when he said, "The two ablest cavalry officers which the war developed were General Stuart, of Virginia, and Gen. Joseph Wheeler, of the Army of Tennessee."

Thirty years later Gen. William T. Sherman, who had commanded Union soldiers in the War between the States, and who knew at first-hand of the courage and skill of General Wheeler, said, "In the event of war with a foreign country Joe Wheeler is the man to command the Cavalry of our country."

In 1898, when the war with Spain came on, General Wheeler was placed in command of the American Cavalry, and General Shafter, in command of the American Army, said that General Wheeler, of the Cavalry division, performed the most difficult task in crossing a stream under fire and helping to rout the enemy and win the battle at San Juan Hill.

President Roosevelt, then commander of the Rough Rider Regiment, praised General Wheeler for his superb and heroic part in the battle at San Juan Hill. He said, "To him, more than to any other man, was due the prompt abandonment of the proposal to fall back, a proposal which, if adopted, would have meant shame and disaster."

He was the popular idol of his comrades in two important struggles and a hero of two important wars. And when he was laid to rest in the cemetery at Arlington soldiers who had worn the blue in the War between the States and his old comrades, who had worn the gray, followed his remains to their last resting place in the national cemetery here at Washington.

Alabama, through her legislature at the last session of that distinguished body, designated General Wheeler as one of those that she is entitled to have represent her in the American Hall of Fame, and it gives me pleasure to participate in the exercises at which the State that I in part represent in the Senate presents for occupancy in Statuary Hall the statue of General Wheeler. [Applause.]

The CHAIRMAN. On behalf of the people of Alabama, I desire to thank this large audience for assembling here to honor the memory, the life, and character of Gen. Joe Wheeler.

You may now consider yourselves dismissed.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 14, 1925, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 13 (legislative day of March 10), 1925

APPOINTMENT IN THE ARMY

CHIEF OF MILITIA BUREAU

Col. Creed Cheshire Hammond, National Guard of Oregon, colonel, Infantry Reserve, to be Chief of the Militia Bureau

of the War Department, with the rank of major general from June 29, 1925, for a period of four years from date of acceptance, vice Maj. Gen. George C. Rickards, Chief of the Militia Bureau, whose term of office expires June 28, 1925.

POSTMASTERS

ALABAMA

Charlie D. Price to be postmaster at Castleberry, Ala., in place of A. B. Kennedy, removed.

CALIFORNIA

John M. Francisco to be postmaster at Los Altos, Calif., in place of Orynthia Copeland, resigned.

George P. Lovejoy to be postmaster at Petaluma, Calif., in place of E. E. Drees. Incumbent's commission expired September 5, 1922.

GEORGIA

Louis A. Mauldin to be postmaster at Clarkesville, Ga., in place of F. L. Asbury. Incumbent's commission expired July 28, 1923.

William G. Smith to be postmaster at Loganville, Ga., in place of T. W. Allgood. Incumbent's commission expired July 28, 1923.

NORTH CAROLINA

Felix M. McKay to be postmaster at Duke, N. C., in place of O. R. Simpson, resigned.

Albert P. Clayton to be postmaster at Roxboro, N. C., in place of H. J. Whitt, deceased.

Ollie C. McGuire to be postmaster at Zebulon, N. C., in place of L. L. Massey. Incumbent's commission expired September 5, 1922.

PENNSYLVANIA

Seeley F. Campman to be postmaster at West Middlesex, Pa., in place of H. V. Gibson, removed.

TEXAS

Bena B. Clack to be postmaster at Peacock, Tex., in place of B. B. Clack. Office became third class October 1, 1924.

WEST VIRGINIA

Howard E. Tatterson to be postmaster at Sandyville, W. Va., in place of C. E. Baker. Office became third class July 1, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 13 (legislative day of March 10), 1925

PROMOTION AND APPOINTMENT IN THE NAVY

CHIEF OF THE BUREAU OF AERONAUTICS

Rear Admiral William A. Moffett to be Chief of the Bureau of Aeronautics in the Department of the Navy, with the rank of rear admiral, for a term of four years.

NAVAL RESERVE FORCE

George A. Berry, ex-lieutenant commander, United States Naval Reserve Force, to be a lieutenant commander, United States Naval Reserve Force, from the 29th day of January, 1925.

SENATE

SATURDAY, *March 14, 1925*

(Legislative day of Tuesday, March 10, 1925)

The Senate met at 11 o'clock a. m. in open executive session, on the expiration of the recess.

REPORT OF THE NEAR EAST RELIEF

The VICE PRESIDENT. The Chair lays before the Senate a communication from the general secretary of the Near East Relief, transmitting, pursuant to law, a report of that corporation for the year ended December 31, 1924, which, with the accompanying report, will be referred to the Committee on Foreign Relations.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Couzens	Edwards
Bayard	Bruce	Cummins	Ernst
Bingham	Butler	Curtis	Fernald
Blease	Cameron	Dale	Ferris
Borah	Capper	Deneen	Fess
Bratton	Caraway	Dill	Fletcher
Brookhart	Copeland	du Pont	Frazier
George	King	Oddie	Shortridge
Gerry	Ladd	Overman	Simmons
Gillett	McKellar	Pepper	Smith
Glass	McKinley	Pine	Spencer
Goff	McLean	Pittman	Stanfield
Gooding	McMaster	Ralston	Swanson
Hale	McNary	Ransdell	Trammell
Harreld	Mayfield	Reed, Mo.	Tyson
Harris	Means	Reed, Pa.	Wadsworth
Harrison	Metcalf	Robinson	Walsh
Heflin	Moses	Sackett	Watson
Johnson	Neely	Schall	Weller
Jones, Wash.	Norbeck	Sheppard	Wheeler
Keyes	Norris	Shipstead	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

COMMISSION OF GOLD AND SILVER INQUIRY

Mr. ODDIE. Mr. President, I move, as in legislative session, that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of the resolution (S. Res. 16) providing for a continuation of the Gold and Silver Inquiry Commission.

Mr. NORRIS. Mr. President, under the rule, as I understand it, the motion will lie over one day.

Mr. ODDIE. It is my intention that it shall lie over a day.

The VICE PRESIDENT. The Senator from Nevada enters his motion, and it will lie over one day.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state the inquiry.

Mr. KING. The senior Senator from Utah [Mr. SMOOT] is absent from the Chamber this morning. He is ill to-day. He heretofore has opposed the movement which is being initiated by the Senator from Nevada. The parliamentary inquiry is, By what right does the Senator from Nevada, when the Senate is now in open executive session, submit his motion which relates to legislative matters?

The VICE PRESIDENT. If any Senator objects, the motion is not in order.

Mr. KING. I object.

The VICE PRESIDENT. Objection is made.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

ADDITIONAL ASSESSMENT OF INCOME TAXES

Mr. ERNST. Mr. President, I am a member of the committee known as the Couzens committee, which has been investigating the Internal Revenue Bureau. Upon Monday, the 9th day of March, the chairman of this committee, Mr. COUZENS, made a statement to the Senate, a part of which is as follows:

Mr. President, I just want to point out to the Senators that all party discipline is not administered in the Senate. Party discipline is administered throughout the States and party discipline is administered in the departments of the Government here. I just want to read into the RECORD some discipline that is proposed to be administered to the senior Senator from Michigan [Mr. COUZENS] because he has not been regular and because he has persisted in endeavoring to eliminate rottenness in Government departments, no matter under what administration it may occur.

Senator COUZENS then read a letter from Mr. D. H. Blair, Commissioner of Internal Revenue, inclosing a copy of a memorandum which, as stated therein, had been received in the Treasury Department in connection with the 1919 income taxes of Senator COUZENS. The letter stated that the memorandum made out a prima facie case of too low a valuation having been placed upon the stock of the Ford Motor Co. owned by the Senator as of March 1, 1913. The letter further stated that being thus put upon notice it became necessary for the bureau to take action to establish the correct value; further, that inasmuch as the statute of limitations would run on March 13, 1925, less than a week from the date of the letter, March 7, the bureau would not have time to investigate as to the correctness of the memorandum. Therefore, in order that the Senator might have an opportunity of presenting evidence to justify his valuation, Commissioner Blair suggested that the Senator sign a waiver of the statute, upon receipt of which he would be given ample opportunity to present his case. In the event, however, that the waiver was not received, it would be necessary, in order to protect the United States, to assess an additional tax against the Senator based upon the information available to the bureau.

In other words, a memorandum was received from some one outside the bureau making a charge of such serious character and involving such a large amount that the Government could not afford to ignore it. The bureau thereupon, because only a

few days would elapse before the statute of limitations would run against any action by the Government, gave the Senator an opportunity to sign a waiver in order that the Senator might be given full opportunity to present his case before the Government took any action or made any assessment. Had this waiver been executed no assessment would have been made, and if, upon investigation, the Government had ascertained that the information it had received was not correct, no other steps would have been taken. This proceeding by the bureau has been followed in thousands of cases and works no hardship whatever against the taxpayer. On the contrary, it is a distinct help both to the taxpayer and to the Government. It gives the Government time to investigate and the taxpayer time to properly present his case.

There was nothing either unfair or unusual in the action of the bureau. Had it acted otherwise, it would have been grossly in fault. It could not afford to pass lightly over information which upon its face seemed trustworthy, where a failure to act might deprive the Government of some $10,000,000. The Senator from Michigan, in his statement to the Senate, pointed out that this happened right upon the heels of some disclosures which came out as a result of a report made by the special committee of the Senate, and that this action is the "proposed assessment for Republican irregularity. It is more expensive than demotion on a committee. The Treasury, because of my irregularity, proposes to charge me additional taxes amounting in the aggregate to between $10,000,000 and $11,000,000."

The Senator then adds that because he "has the temerity to dare criticize a Republican administration, or a Republican Cabinet officer, they propose immediately when things commence to get warm to penalize the Senator, because it is easier to get at him and because he, perhaps, is the prime mover, to the extent of between $10,000,000 and $11,000,000."

Upon yesterday the Senator from Michigan made another statement to the Senate in reference to this same matter. The first thing he does in that statement is to confess that the charge which he had made with such assurance, namely, that this memorandum, upon which the assessment was made, had been drafted in the Bureau of Internal Revenue, was not correct; that he had since learned that the bureau did not make this computation, but it was made by a firm of tax experts or lawyers of New York City. He then said that this information had been in the hands of the department for over two years.

I endeavored to get in touch with Secretary Mellon and found that he was out of the city. This morning I received from him the following telegram:

NEW YORK, N. Y., *March 14, 1925—7 a. m.*

Senator RICHARD ERNST,
United States Senate, Washington, D. C.:

I understand that you wish to learn from me when first there was brought to my attention the question of an additional tax being due from Senator COUZENS on his 1919 taxes. While Finance Committee was considering extension of life of COUZENS's committee in February, this year, the person who later furnished the memorandum which Mr. Blair sent Senator COUZENS called on me and stated that the minority stockholders, including Senator COUZENS, who sold out to Mr. Ford in 1919, owed large additional taxes. The information was entirely new to me. I was unwilling to raise the question then, because I would be charged with attempting to intimidate Senator COUZENS in his effort to have his committee extended. On March 6, of this year, I received a memorandum giving detailed information with respect to the valuation of Ford stock, a copy of which was delivered to Senator COUZENS the next day by Mr. Blair.

A. W. MELLON.

I repeat and emphasize the statement that it would have been a gross and unpardonable neglect of duty, if the Secretary, with such information before him as contained in the memorandum, had refused to take the steps necessary to protect the Government.

The Senator from Michigan, in this last statement, also adds that—

It must be apparent to the Members of this body what the real purpose is back of the assessment. I am asking for no sympathy. I am simply drawing these matters to the attention of the Senate, so that Senators may understand the price they perhaps may have to pay if they attempt to interfere with or discredit in any way the conduct of the Treasury Department.

There is not one fact brought out during the hearings, nor is there any foundation whatever to justify the several statements of the Senator which I have heretofore quoted. He is endeavoring to pose as a martyr. He would have us believe that he is being persecuted because he is making this investigation of the Internal Revenue Bureau. The very reverse is true.

If ever a department was misrepresented, if ever an effort was made to besmirch the head of a department, that effort has been and is being made by the Senator from Michigan.

The time has come when the Senate and the country should be given the facts.

When the question was under consideration as to whether the work of this investigating committee should be extended beyond the last Congress, I was opposed to it and had expected to state my reasons therefor to the Senate. I wanted the Senate to understand the real animus back of the investigation as conducted by Mr. COUZENS. In view, however, of certain statements made by Mr. COUZENS and the attorney for the committee, that the investigation could be fully and finally concluded and the agents of the committee taken from the Treasury Department within the next two or three months, I offered no objection to the continuance of the committee.

I do not now speak for the purpose of offering any objection to this committee's continuing its work as authorized in the resolution recently adopted; I speak, however, for the purpose of presenting certain facts which will, in my judgment, enable the Senators to understand, at least to some extent, the animus back of this investigation.

The charges and insinuations made by Senator COUZENS against the Bureau of Internal Revenue, and especially against its head, Mr. Andrew Mellon, the Secretary of the Treasury, are wholly without foundation and their virulency deserves a stinging rebuke. The facts as disclosed in the hearings and contained in the printed record of the hearings filed with the Senate, together with certain other facts which are a matter of common knowledge, will enable any fair and impartial person to determine who is the persecutor and who the persecuted.

The Members of this body will clearly remember that a controversy by correspondence started on December 20, 1923, between Senator COUZENS and Secretary Mellon. This controversy, which was at the time given wide publicity, arose over a question of governmental fiscal policy, namely, the continuance of the existing high surtax rates. It was a question simply of economics, and there was no reason whatever for the controversy descending to personalities. When, however, the arguments of Senator COUZENS were completely refuted by the Secretary of the Treasury, the Senator became extremely bitter, and his last letters contained principally personal attacks upon the Secretary. I quote from his letter of February 26, 1924:

I am sorry you decline to tell the public what your total taxes are. Of course, I also was not interested personally in your case, but wanted to cite it as an example to show just how little taxes are paid to the Government by those who are subject to the highest surtax rates.

In this connection it is interesting to note that the list of income tax paid by taxpayers, and which was recently published, shows that, while Secretary Mellon paid an income tax for 1923 of $1,173,987.85, Senator COUZENS, a man whose reputed wealth is in excess of $30,000,000, succeeded, through investments in tax-exempt securities, in reducing his tax to the small amount of $5,676.

Mr. KING. Mr. President, will the Senator from Kentucky yield for a question?

Mr. ERNST. I yield.

Mr. KING. Does the Senator think that he is within the limits of the statute respecting the publicity of the income-tax returns in making known upon the floor of the Senate the income taxes heretofore paid by one of his colleagues?

Mr. ERNST. I will answer that in two ways: First, it is a matter of common knowledge; it has been published in every newspaper throughout the United States. I am saying nothing to the Senate which it does not already know. Second, the chairman of our committee has seemed to disregard whatever rule or law there may be upon that subject. I have no question, therefore, of the right to mention the matter here.

Mr. KING. My suggestion to the Senator is that we do not all know it; but if it be a fact, as he states, that everybody knows, what is the use of consuming the time of the Senate to state it?

Mr. ERNST. I could not hear the statement of the Senator from Utah, but I imagine that what the Senator said was all right.

The Senator from Michigan should be the last man, under such circumstances, to attack the Secretary of the Treasury. The latter has set him a splendid example.

Some time thereafter the Senator from Michigan introduced his resolution providing for a committee to investigate the Bureau of Internal Revenue.

Not a little light is thrown upon the animus of this investigation by a statement which Senator COUZENS made April 9 at a meeting of this investigation committee. I quote:

> The correspondence I had with the Secretary [Mr. Mellon] developed so many misstatements, so many misleading conclusions, that I think we ought to go into the Internal Revenue Bureau to see whether or not these estimates and the arguments advanced by the Secretary were correct.

I shall now refer to the records of the hearings of Senator COUZENS's committee for the purpose of showing that there was not one minute of time during the investigation that he forgot his personal feeling against the Secretary; that from first to last he has been hunting, not for facts which would enable him to suggest constructive legislation but to ascertain something which would be harmful, first, to Secretary Mellon personally, and second to the Bureau of Internal Revenue.

Let me say at the outset, Mr. President, that during all the months of this investigation, conducted at the pleasure of the chairman and assisted by attorneys, engineers, and many others employed by Senator COUZENS at an expenditure of many thousands of dollars, it has not brought out a single fact which would reflect upon the character and integrity of either the Secretary of the Treasury or of any of the heads of the bureaus under the Secretary. If there is one fact which has been demonstrated beyond the peradventure of a doubt, it is that the affairs of the department have been conducted with signal ability and the highest integrity.

The Senator from Indiana [Mr. WATSON] was originally chairman of the committee, but because of the disinclination to participate in the muckraking activities of the committee he resigned in favor of Senator COUZENS, who has since been in complete control of the actions of the committee. Its first meeting was on March 14, 1924.

It secured for its counsel Dr. T. S. Adams, of Yale University. Doctor Adams is one of the staunchest friends of the income tax in this country and for many years has been an active outstanding figure in any constructive movement for its improvement. Hoping that something constructive might develop from the committee, he agreed to serve and assist. It did not take Doctor Adams long to ascertain that the real purpose of Senator COUZENS was not constructive legislation, but a pursuit of and an attack upon the Secretary of the Treasury and the Bureau of Internal Revenue, and he refused, for reasons set out in his letter of resignation, which I will hereafter read, to continue his association with the committee.

A number of meetings were held by the committee to discuss matters of procedure and similar questions. The first real meeting of the committee was held March 19, 1924. The Senator from Michigan was so eager to develop something which he thought might prove prejudicial to the Secretary of the Treasury that the first case which was taken up by the committee was that of the Gulf Oil Corporation, a so-called Mellon company. At the very beginning of this investigation, therefore, he evidenced his personal animosity to Secretary Mellon.

Some one might say that this selection of a Mellon company was simply a coincidence. That this was not a coincidence is made clear beyond the possibility of a doubt by consideration of the following: The committee continued its meetings until April 9, 1924, at which time it adjourned until September 18, 1924. From the latter date it has been in continuous session until the present time. During this period the subject most often referred to was the "Mellon companies."

That the Members of the Senate may clearly understand the situation, I deem it important to set out a list of the so-called Mellon companies, which have been demanded by the chairman of the committee from the Bureau of Internal Revenue. This committee has called for the complete file in the following so-called "Mellon companies":

The Gulf Oil Corporation.
The Gulf Refining Co.
The Gulf Production Co.
The Gulf Pipeline Co.
The Gulf Refining Co. of Louisiana.
The Gypsy Oil Co.
The Gulf Pipeline Co. of Oklahoma.
The Mexican Gulf Oil Co.
The South American Gulf Oil Co.
The Panama Gulf Oil Co.
The Gulf Cooperage Co.
The Gulf Commissary Co.
The Standard Steel Car Co.
The Middleton Car Co.
The Baltimore Car & Foundry Co.
The Verona Steel Castings Co.
The Forged Steel Wheel Co.
The Steel Car Forge Co.
The Butler Bolt & Rivet Co.
The Butler Carwheel Co.
The Lyndora Land & Improvement Co.
The Mellon National Bank.
The Union Trust Co.
The Union Savings Bank.
Aluminum Co. of America.
Aluminum Cooking Utensil Co.
Aluminum Die Casting Corporation.
The Aluminum Ore Co.
The Aluminum Seal Co.
The Electric Carbon Co.
The Knoxville Power Co.
The St. Lawrence River Power Co.
The St. Lawrence Securities Co.
The Tallahassee Power Co.

In all, 34 companies.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. ERNST. Pardon me one moment.

In addition to the foregoing 34 cases, the entire file of which was called for by Senator COUZENS, the following so-called Mellon companies had been mentioned and discussed at the committee sessions:

McClintic-Marshall Co.
Union Shipbuilding Co.
Carborundum Co.
The Pittsburgh Plate Glass Co.

Mr. NORRIS. Now may I interrupt the Senator?

Mr. ERNST. One moment; I will give the Senator an opportunity.

Is it possible that the selection of all of these so-called Mellon companies was a coincidence? There were comparatively few cases in all considered by the committee, and of these 38 are Mellon companies; and yet I have no doubt that Senator COUZENS will stoutly affirm that his investigation is made solely for constructive purposes and actuated by no personal malice toward Secretary Mellon. Doubtless Senator COUZENS was of the opinion that information for constructive purposes could better be obtained from the Mellon companies rather than from the many thousands of other companies throughout the United States.

I now yield to the Senator from Nebraska.

Mr. NORRIS. I think the Senator has answered my question. I wanted to be sure whether all these companies are Mellon companies.

Mr. ERNST. They are.

Mr. NORRIS. To what extent? Will the Senator tell us?

Mr. ERNST. I do not know. He was interested as a stockholder or otherwise.

Mr. NORRIS. He is interested in all of these corporations—38 all together?

Mr. ERNST. Thirty-eight.

The expense of the investigation of the Mellon companies, running into many thousands of dollars, the taxpayers will defray, and simply in order that the Senator from Michigan may satisfy his grudge against the Secretary of the Treasury.

Further evidence should not be needed to show Senator COUZENS's purpose in this investigation. I desire, however, to read the statements made from time to time by Senator COUZENS at the committee hearings. They demonstrate beyond peradventure his purpose and what was constantly uppermost in his mind. When any company was mentioned his first thought seemed to be "Is it a Mellon company?" If so, he wanted it carefully investigated. I will quote a few of these remarks, that the Senators may judge for themselves as to their purpose and intent.

At the very first meeting of the committee, on March 14, and before any specific cases were under consideration, Senator COUZENS asked the Commissioner of Internal Revenue, Mr. D. H. Blair, the following question:

> Senator COUZENS. I say—before another committee of the Senate to-day a witness testified, who was formerly with the Department of Justice, that former President Harding had instructed the department to make an investigation of Mr. Mellon's relations with the liquor warehouses, etc., and particularly in the New York district, if I am correctly informed. Do you know of any investigation that was made in the Prohibition Bureau by the Department of Justice in that connection?

Commissioner Blair knew of no such investigation.

On March 31 Mr. Adams, a disgruntled former employee of the income-tax department, was testifying, when the following conversation occurred:

Mr. ADAMS. I would suggest that a comparative statement be made of the allowances made to the Standard Steel Car Co., the Aluminum Co. of America——

Senator COUZENS. They are both Mellon companies, are they not?

On March 24 Senator COUZENS said:

One of the witnesses testifying Friday—I think it was Mr. Adams—referred to a letter he had seen concerning the Standard Steel Car Co., one of Mr. Mellon's concerns. The possessor of these papers was a Mr. Cully, and he was subpœnaed to come here and testify.

On the same day—March 24—Senator COUZENS asked Mr. Hartson, Solicitor of Internal Revenue, if it would be agreeable to the Secretary of the Treasury, Mr. Mellon, to submit to the committee all the cases in connection with which the Secretary's name was mentioned.

On the same day Senator COUZENS made the following request of Mr. Hartson:

Senator COUZENS. Now, we may not have any witnesses to-morrow, and if convenient I would like you to bring down those cases that you thought there would be no objection to, including some of these Mellon companies. * * *

An incident of March 31 is significant as further showing Senator COUZENS's attitude toward the Secretary of the Treasury. Mr. Nash, Assistant Commissioner of Internal Revenue, requested to be allowed to submit an exhibit which showed conclusively that the Gulf Oil Co., one of Mr. Mellon's companies, which had been under consideration by the committee, had failed to press a very large claim for amortization, to which it was clearly entitled, in order that the case might be finally closed before Mr. Mellon became Secretary of the Treasury. Note Senator COUZENS's statement:

Senator COUZENS. I do not think that matter is relevant. You are bringing in something entirely outside the question. The question is not what might have happened. The question is not what was waived to get under the gateway before Mr. Mellon came in, but what was allowed and what actually happened.

At this point in the hearing I stated that I would like to know the facts, because I thought that the company's action in waiving a just claim should be commended rather than otherwise. Thereupon Senator COUZENS stated:

I want to say right here that I will object to this, because it is not a part of the record.

The answer, however, was put in the record.

On March 31 the following conversation occurred between Senator COUZENS and Mr. Hartson:

Senator COUZENS. Would you mind asking the Secretary [Mr. Mellon] to submit a list of all the corporations and companies that he is interested in?

Mr. HARTSON. I would be very glad.

Senator COUZENS. I think that will probably be more convenient than to subpœna the Secretary to produce the records.

On April 1 Senator COUZENS asked the following:

Senator COUZENS. I would like to ask the witness before he leaves the stand this question: Did you see in any of the correspondence that passed between one unit or one section and another that this was for a Mellon company and that the case was to be expedited?

On April 2, in speaking of the agreement under section 1312—that is, the agreement for a final closing of the case—the following conversation occurred:

Senator COUZENS. Who signs these settlements under section 1312?

Mr. HARTSON. The commissioner and Secretary.

Senator COUZENS. Then the Secretary signs an agreement closing the tax on his own companies, does he not?

The above-quoted statements of Senator COUZENS are only some of those made by him disclosing unquestionably that his motive in conducting the investigation was to disclose something harmful or hurtful to Secretary Mellon. I listened to questions of this character concerning Secretary Mellon and his companies until I could stand it no longer, and in the committee meeting of April 6 I stated:

What I did say at that time and what I repeated a little while ago and what I repeat now is that I have not seen anything before this committee which did not have the appearance that Mr. COUZENS was after somebody. Every time the name of Mellon or the Mellon company was mentioned up he went like a horse at a country fair, with his head and tail in the air, to find out what it was about Mellon. He wanted the books brought in and he wanted everybody here that knew anything about it.

Now, I am one of those who believe that Mr. Mellon is honorable, is capable, is efficient, and I do not think simply because he spanked our good friend in an argument over taxes he ought to be pursued.

Senator COUZENS states that he does not ask it, but he is certainly deserving of sympathy. For many months he has been prying into the tax cases of Mr. Mellon's companies. It should be noted that during this time Mr. Mellon actively assisted Senator COUZENS, even to the point of having those companies in which he had an interest waive their statutory right to privacy of their returns. Notwithstanding this labor and effort Senator COUZENS has discovered no fraud, no corruption, no irregular treatment or favoritism of these companies or any others. He has actually found, as heretofore stated, that in one instance one of Mr. Mellon's companies gave up substantial claims against the Government solely for the purpose of closing its case prior to Mr. Mellon's taking the office of Secretary of the Treasury.

After several months of investigation it was thought the committee would discontinue its activities, but shortly after the 1st of April Mr. Frank Vanderlip—whose fondness for broadcasting unfounded rumors has been demonstrated in a manner most humiliating to the American people, and a well-known political enemy of Mr. Mellon's—went into conference with Senator COUZENS. As a result of this conference Senator COUZENS appeared at the committee meeting on April 9 with a resolution to continue the work of the committee. He desired also to employ additional counsel—to show how eager he was to pursue this investigation—and it developed that the fees and expenses of this additional counsel were to be paid by Senator COUZENS out of his own pocket.

The counsel Senator COUZENS selected for this purpose is strong, if not conclusive, evidence as to the character of investigation which he desired. He did not select a man experienced in taxation; he did not select a man qualified to study our revenue system and make constructive suggestion; he did not select a man of judicial temperament, qualified after his study of the present internal revenue laws and their administration to make constructive and helpful suggestions. The person he selected was Mr. Francis J. Heney, of California, a man known not for work of this character but principally as a prosecutor in criminal proceedings.

If Senator COUZENS had been actuated by a desire to improve the revenue laws and their administration and not to muckrake, Mr. Heney, brilliant and gifted as he is in his own especial line, was the last person to be selected for this work.

Up until this time Doctor Adams, above referred to, had remained with the committee, because he hoped that its activities might be diverted into constructive channels. However, this last act of Senator COUZENS in selecting Mr. Heney convinced Doctor Adams that the sole object of Senator COUZENS was to attempt to fasten on the bureau the suspicion of corruption and graft. Doctor Adams, a true friend of the income tax, was willing to make any reasonable sacrifice to assist the committee in constructive work, but was not willing to be a party to muckraking proceedings. On April 11 he sent in the following letter of resignation to the committee:

WASHINGTON, D. C., *April 11, 1924.*

Hon. JAMES E. WATSON,
Chairman Select Committee to Investigate the Bureau of Internal Revenue.

MY DEAR SENATOR WATSON: When I agreed to assist in the work of your committee it was understood that I should confine my efforts largely to the constructive work of the committee. Recent developments within the committee indicate that its constructive work is likely to be postponed indefinitely, and on this account I request the committee to accept my resignation, to take effect on the receipt of this communication. * * *

Mr. President, there are other parts of the letter I do not wish to read, but which I ask consent to have inserted as a part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

The Bureau of Internal Revenue is charged with the responsibility of administering throughout a Nation of 110,000,000 people some of the most complicated and burdensome taxes ever adopted by a self-governing people. The bureau employs in its work over 19,000 persons who assess and collect $2,500,000,000 taxes, and at the present time are authorizing for payment over $100,000,000 refunds annually.

I have been rather intimately familiar with its (the bureau's) tax functions since the summer of 1917. I know that the personnel of the bureau has been singularly clean; that its responsible officials have been, with few exceptions, serious and intelligent; that its leaders have fought with vigor and success the interjection of politics and politicians of undesirable type. The bureau deserves the respect and gratitude of the American people. * * * The bureau does not deserve and can not bear without demoralization much more buffeting. The brief investigation already made has practically stopped some of its most important activities. Decisions and settlements which should be made, either to collect needed revenue for the Government or to relieve harassed taxpayers from further apprehensions, are being held up. Throughout many sections of the bureau the attitude toward the taxpayer has become strained and unnatural. Officials of the timid type are evading responsibility. Others have stiffened their attitude and are now deciding points against the taxpayer which a few weeks ago they would have decided in his favor.

Officials of the belligerent type are tempted to let down the bars in sheer defiance of what they regard as unmerited criticism. Intricate tax laws can not be fairly administered in an atmosphere charged with suspicion, misconstruction of motives, and accusation of graft.

Mr. ERNST. Mr. President, this review of the activities of Senator COUZENS starting on December 20, 1923, and continuing to the present time, shows conclusively that he has been prompted in his action solely by a desire to vent his personal spite against Secretary Mellon. He began by attempting to embarrass Mr. Mellon through an investigation of Mr. Mellon's companies. He later attempted to embarrass Mr. Mellon by an attack upon his administration of the Treasury Department. Both attempts by Senator COUZENS have signally and miserably failed. The motive behind each of these attacks is the same, namely, his desire to retaliate by personal attack for the humiliating defeat which he received at the hands of Secretary Mellon in their debate over surtaxes.

As the result of the developments with reference to his personal income tax, he attempts to switch the blame and pose as one being persecuted for his unselfish acts in attempting to improve the administration of the Bureau of Internal Revenue.

It is perfectly clear that this pose as the unselfish public servant is only a screen to hide his personal attack upon Mr. Mellon. Let us therefore examine the facts as disclosed by the data which he inserted in the RECORD, to ascertain if they substantiate his claim of persecution.

The memorandum inserted in the RECORD with reference to Senator COUZENS's personal tax liability shows that the facts are these: Senator COUZENS sold his minority interest in the Ford Motor Co. in 1919 for, the memorandum states, approximately $12,500 a share. This stock was acquired by him prior to March 1, 1913. Under the income tax law his taxable profit from this sale is the difference between the March 1, 1913, value of this stock and the amount for which it was sold. Senator COUZENS in his return stated the value of the stock as of March 1, 1913, at approximately $9,000 a share, and this valuation was originally accepted by the Bureau of Internal Revenue. Consequently, his only profit from the sale on which he paid a tax was the difference between this $9,000 a share and the $12,500 a share for which it sold; that is, a profit of approximately $3,500 a share.

If the value of the Ford stock is decreased from the valuation of $9,000, used by Senator COUZENS in his return, the taxable gain from the transaction, and consequently Senator COUZENS's tax, is increased.

This memorandum which was received by the Treasury Department, and which, as I have stated, was inserted in the RECORD by Senator COUZENS himself, contains facts which on their face indicate a tremendous overvaluation of the stock by him as of March 1, 1913.

Mr. GLASS. Mr. President, let us have order. We can not hear the Senator from Kentucky.

The VICE PRESIDENT. The Senate will be in order.

Mr. ERNST. I want to make it perfectly clear why this is true. The sale price of the stock in 1919 of $12,500 a share was arrived at between Mr. Ford and the minority stockholders—obviously the people most familiar with the value of the stock—and the price at which they traded must be considered the fair market value as of that date. The two factors which very plainly, more directly than anything else, establish the value of the stock, are the earnings of the company and its production. In 1919, the year in which the sale was made for $12,500, the company produced 350,000 cars, and its earnings amounted to approximately $100,000,000; but in 1913, the year for which the stock must be valued in determining Senator COUZENS's profit from its sale, the company produced only one-fifth as many cars, and its earnings were only $25,000,000, or approximately one-fourth the earnings for 1919.

Mr. GLASS. Mr. President, will the Senator permit me to interrupt him right there?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Virginia?

Mr. ERNST. I yield.

Mr. GLASS. There was so much confusion a while ago that I am not sure whether the Senator is now simply quoting from the memorandum which was sent to Senator COUZENS or whether the Senator is making himself responsible for the statements which he is now making.

Mr. ERNST. The statement I am now making is the deduction I made from the facts as set forth in the memorandum.

Mr. GLASS. Would it not have been better for the Senator to have said "the alleged facts"?

Mr. ERNST. I will accept that statement. I will say from the statements set forth in the memorandum. These two factors indicate that the value as of 1913 should not have been in excess of one-fourth of the sale price in 1919; that is, not in excess of $3,000, but, as I have pointed out before, the figure used by Senator COUZENS in his return was $9,000. These facts—or these statements, if true—indicate on their face a tremendous overvaluation with the consequential large underpayment of tax by Senator COUZENS in 1919. But it seems to me unnecessary to discuss this technical side of the valuation question. We here know as a matter of common knowledge that if the stock in the Ford Motor Co. was worth only $12,500 a share in 1919, when the automobile industry was at its peak and when the Ford Motor Co. had become an established institution in this country, and, in addition, when it was known as a result of the Supreme Court's decision in the suit brought by the minority stockholders that the company could be forced in the future to pay regular dividends, then the stock was not worth $9,000 in 1913, at which earlier date the automobile industry was in its infancy and the company had been paying no dividends to its stockholders. Certainly these facts necessitated an investigation of the case by the Treasury Department. The department's action in this case was not, as Senator COUZENS stated, the result of or because of the recent disclosures of the testimony received by the investigating committee. The memorandum was received by the department at a time that its immediate action thereon happened to be contemporaneous with these disclosures.

At the time of the receipt of this memorandum by the department only a few days remained before the expiration of the statute of limitations which would bar an additional assessment of income taxes against Senator COUZENS. The memorandum stated facts which on their face indicated a tremendous overvaluation of the Ford stock.

Mr. GLASS. Mr. President, will the Senator permit me to interrupt again?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Virginia?

Mr. ERNST. I do.

Mr. GLASS. Will the Senator be kind enough to point to anything said in this telegram by Secretary Mellon which would indicate that this memorandum was received by the department only three days before the expiration of the time?

Mr. ERNST. As far as I recall that subject is not touched upon in the telegram.

Mr. GLASS. Will the Senator give us any evidence that will assure us——

Mr. ERNST. I have no knowledge upon that subject.

Mr. GLASS. Then the Senator is making a very specific statement without knowledge.

Mr. ERNST. Yes; but, like the Senator from Virginia, I do not know everything. Now, let me continue.

Mr. GLASS. The Senator from Virginia, I will say, generally knows what he is talking about.

Mr. ERNST. I think I have demonstrated that I do.

Mr. GLASS. No; the Senator admits that he does not.

Mr. ERNST. This necessitated, at least, an investigation of all the facts in the case. Since there was not sufficient time for this to be done prior to the running of the statute of limitations, Senator COUZENS was requested to file a waiver for 1919 in order that the department might have adequate time to investigate the case thoroughly. This was necessary to protect the interests of the Government, and similar action, contrary to Senator COUZENS's statement, however, was taken where necessary to protect the interests of the Government in the cases of the other stockholders who sold in 1919. The tax was not assessed; no levy was made on Senator COUZENS; he was merely requested to give the department time to inquire into the case. This he stated on the floor of the Senate he would refuse to do, which refusal, according to the Secre-

tary's public statement, necessitated an assessment of the tax to protect the Government's interest.

But even now that the tax has been assessed, Senator COUZENS is not yet forced to pay it. Since he seems to feel that the Treasury Department is prejudiced in this matter, he can have the case immediately sent to the Board of Tax Appeals, an independent agency entirely outside the Treasury Department, which was specifically created by Congress to decide such cases as this one. There the case will be heard and determined, and the real issue in the case—does Senator COUZENS owe an additional tax—will be decided. If no additional tax is due from Senator COUZENS he will have to pay none; if the board determines that he does owe an additional tax he will have to pay it and should have to pay it.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. ERNST. I yield.

Mr. NORRIS. Is it not true that all the members of the board which would pass on it have been appointed by Secretary Mellon himself?

Mr. ERNST. It is not true; very far from it.

Mr. NORRIS. I think it is true as a matter of law.

Mr. ERNST. They are men whose records have been most carefully investigated as to their ability and as to their integrity.

Mr. NORRIS. But all of that investigation was made by Secretary Mellon.

Mr. ERNST. If the Senator means to infer by that question that the President and the Secretary will select men who will deliberately fail in their duties he is welcome to that assumption, and I do not think it requires an answer.

Is there anything in this action of the Secretary of the Treasury which warrants the charge of persecution? He did not levy a tax against Senator COUZENS; he merely requested additional time in which to investigate his case. The amounts involved in the case were so large that a failure to protect the Government's interest by appropriate action would have been gross neglect by the Treasury Department.

Thus Senator COUZENS's charges of persecution and punishment are utterly groundless. And in addition Senator COUZENS is placed in a very ludicrous position by his charges when his attitude with reference to his own case is compared with the position he has taken when the cases of other taxpayers have been involved. In the investigating committee he has consistently taken the position that the action of the department in the cases of other taxpayers should be reopened and additional taxes levied because he disagrees with the action previously taken by the department. The absurdity of his setting up his judgment against the judgment of the trained officials of the bureau in settling the cases of other taxpayers seems never to have occurred to him. To be specific I should like to cite two cases. With reference to the copper companies Senator COUZENS was quite critical of the department because the officials of the Treasury Department after very thorough consideration of the question refused to reopen and revise the returns for 1917 and 1918 of the copper companies along the lines which Senator COUZENS thought proper. And in the case of the Standifer Construction Co. Senator COUZENS demanded that the case be reopened and that large additional taxes be assessed in spite of the fact that on the point of law involved, the decision of which Senator COUZENS, although he is not a lawyer, had criticized, the highest legal officer of the Bureau of Internal Revenue maintained that the decision of the bureau was legally sound. This inconsistency on the part of the Senator is amusing. But consistency is nothing to Senator COUZENS when his own tax liability comes into question, when it is his money involved, when he is the one to feel the pinch. When his own tax is involved he completely reverses his position and charges persecution because the department merely requests time within which to investigate.

I am sorry to have had to discuss personalities and personal controversies, but when Senator COUZENS, who has been prosecuting and persecuting Secretary Mellon since December, 1923, has the temerity to pose as a martyr and charge persecution because of a single act by the Treasury Department in his own tax case, which was by no means as drastic as the action which he had advocated when other taxpayers were involved, I could not remain silent.

Mr. COUZENS. Mr. President, I am greatly indebted to the Senator from Kentucky [Mr. ERNST]. I am sorry, however, that I did not have some advance notice that he was going to make the statement. I hesitate to take up the time of the Senate at this time, when I know Senators are anxious to get away, and when I know that they have other business at hand. However, it seems incumbent upon me to make some statement, even though unprepared, in reply to his statements. I want to say before I begin that if the Senate should happen to remain in session during any part of next week, I shall be better prepared to answer some of the statements of the Senator from Kentucky.

First, with respect to his allegation, I want to say that the chairman of the Committee of the Senate Investigating the Internal Revenue Bureau selected the so-called Mellon cases at the written request of the Secretary of the Treasury. When the resolution was first adopted by the Senate the Secretary wrote a letter inviting the committee's attention to all of the some 38 or 40 companies in which he was interested, to investigate those particular cases to determine whether or not the so-called Mellon companies had received any unusual or undue favorable consideration. In response to the Secretary's request, and because of the charges made by employees of the bureau at that time there employed, and some of whom had been previously employed, and who had made serious charges against the companies in which the Secretary of the Treasury was interested, and in justice to Mr. Mellon, those inquiries were made, and as a result of those inquiries the representative of the Treasury on the committee takes exception to the fact that we did what the Secretary, his own superior officer, requested that we should do.

In the course of his remarks the Senator from Kentucky referred to the question of my personal taxes, and in his comment referred to "his own valuation," meaning my valuation. I want to read a letter issued by the Treasury Department over the signature of Mr. Daniel C. Roper, Commissioner of Internal Revenue, dated May 19, 1919, and addressed to Mr. Arthur A. Ballantine, Boston, Mass., as follows:

> This office is in receipt of your letter of the 29th ultimo, requesting, on behalf of the Old Colony Trust Co. of Boston, which proposes to buy all of the 41 per cent of the stock of the Ford Motor Co. of Detroit not held by the Ford interests, what value the bureau places upon the stock of the Ford Motor Co. as of March 1, 1913, in order that the parties at interest may have some definite idea as to the amount of taxes they will be required to pay upon the profits made through such sale. You state that it is believed that the purchase, if consummated, will tend to promote the interests of one of the largest concerns in the country, and that the purchase can not be effected unless it is possible first to ascertain the judgment of the Bureau of Internal Revenue as to the value of the stock on March 1, 1913.
>
> In reply you are advised that while ordinarily it is not the practice of the bureau to determine such questions in advance of actual transactions, in view of all the circumstances surrounding this case the bureau feels justified in departing from that practice, and you are accordingly informed that upon consideration of the figures shown by the books and returns of the company it is disposed to regard $9,489.34 as the fair valuation of the stock on March 1, 1913, and one which should be used in computing any profits made by the sale.

It is perfectly evident that that valuation was not my valuation. The facts are that at the time the valuation was made our distinguished colleague, the junior Senator from Virginia [Mr. GLASS], was Secretary of the Treasury, and it was made at the request and solicitation of Mr. Ford and prior to his attempt to buy out the minority stockholders. This letter, it will be remembered, was dated May, 1919, and I did not sell my stock to Mr. Ford until September or November, 1919, some five or six months later, and at no time between the time this valuation was fixed and the time the option was secured from me did I know that any valuation had been placed upon the Ford motor stock as of March 1, 1913.

I also want to thank the Senator from Kentucky for proving what I contended with regard to surtaxes. When this controversy, to which the Senator from Kentucky has referred, started between the Secretary and myself, I wrote a letter to the Secretary and asked him for certain information. I think that was in December, 1923. Because of his sarcastic and arrogant reply to the questions propounded for certain information, I determined that no officer would write such an arrogant letter unless he had some personal interest, because men do not usually get arrogant and exercised unless they have something personal involved in the matter. The Senator from Kentucky has stated that Mr. Mellon paid, I think, in 1923, $1,173,987 in taxes. I submit that that in itself indicates how vitally interested he was in having the taxes reduced. Had his plan been accepted and the surtaxes reduced to the extent that he estimated and fought for, he would have saved at least half a million dollars. I submit that I had no interest in the rate of surtaxes, as is evidenced by the statement of the Senator from Kentucky that my entire income tax for that year was $5,676.

So that it must be apparent, Mr. President, that I have no personal interest in what the surtax rate may have been or what the Congress may have determined it should have been. I submit that as evidence that I had no interest at all in that matter, I had no interest in Mr. Mellon; and I had no interest in the Treasury Department until Mr. Mellon attempted arrogantly to ride over the Senator from Michigan when he politely asked for certain information as to how the Secretary arrived at his figures for surtax purposes.

Now, referring to the statement of the Senator from Kentucky that I am inconsistent in complaining about my own tax returns being opened up, I desire to say that Mr. Mellon made this statement, which was published in the Washington Post:

> It was felt the department should not substitute its present judgment for the honest judgment of those officials of a prior administration who were formerly in authority in the department and finally closed the cases for 1917 and 1918.

I submit, Mr. President, if that is a correct policy, as the Secretary has stated and as he has contended before the Committee to Investigate the Bureau, that it is a correct policy, I do not understand how it is that he does not take the honest judgment of those officials, which judgment was reduced to writing in 1919, with respect to the value of the Ford stock as of March 1, 1913.

As I have stated, I have no prepared remarks to make, because the Senator from Kentucky sprung this on me rather suddenly this morning. It leaves me in a position entirely unprepared to reply to the comments he makes about the conduct of the investigation, the record of which it is obvious he has gone through and picked out certain comments and remarks to sustain his statements, which are the worst kinds of statements, because they are only half true; and he has left out of the testimony, which is now before the Senate, many comments made by the chairman of the committee sustaining the action of the Treasury in certain of their rulings and in certain of the cases which were under criticism, and differing with the counsel and the experts of the committee in their conclusions. But the Senator from Kentucky is so anxious to support and so allied with the Secretary, and he is so one-sided, that he has represented the Treasury better than their own counsel have been able to represent them through these entire hearings. He has been in contact with the solicitors and the agents and the experts of the bureau day after day. They have been running back and forth to his office. I know that because his office is next to mine.

The Prohibition Unit agents have been in touch with him hour by hour, by telephone and by personal calls, so that they might know in advance what the committee has proposed to do, what it has proposed to investigate. As evidence of that, the record will show that letters have disappeared out of the files, that communications have disappeared. Letters have been lost because, apparently, it was to the advantage of the Treasury that they should disappear; and undoubtedly they were informed by the Senator from Kentucky, so that they might do those things.

Now I want to point out, Mr. President, a matter that I had not——

Mr. ERNST. Mr. President, I do not hear very well, and I should like to have the last statement made by the Senator from Michigan repeated. What did he say about missing letters?

Mr. COUZENS. I say that the Reporter can report what I said, because I do not intend to repeat it or to yield at this time.

Mr. ASHURST. Let it be read. I should like to hear it.

Mr. ERNST. Let it be read, because I should like to know what the Senator from Michigan is saying.

Mr. COUZENS. I decline to yield now. The Senator can have that done at some later time. I desire to——

The VICE PRESIDENT. The Senator from Michigan declines to yield.

Mr. MOSES. The Senator from Kentucky can demand to have the words of the Senator from Michigan taken down.

Mr. HARRISON. We on this side of the Chamber should like to know what is going on on the other side. We are interested in it.

Mr. COUZENS. Recently the committee submitted in its entirety all of the testimony taken by the committee to the Senate in a report which, I think, was submitted on March 3 and included all the testimony taken up to that date; and yet we are charged with using ex parte statements; we are charged with publishing ex parte evidence.

I want to say on the floor of the Senate, Mr. President, that the chairman of the committee has given out no information whatever. The information the press has published has been taken from the public records of the Senate. If the press has published ex parte statements, if the press has published only one side, that certainly can not be charged to the committee or to the chairman of the committee.

I have purposely refrained from attempting in any manner, shape, or form to bias public opinion and have left it entirely to the record. When asked by members of the press for statements I have referred them to the testimony. Only yesterday an attorney for the Shipping Board came to my office and dictated a memorandum with respect to the case of the Atlantic Gulf & West Indies Steamship Co. and its subsidiary companies. As Senators will remember, the press published a statement taken from the records of the committee that in 1924 the Government had a tax liability against the Atlantic Gulf & West Indies Steamship Co. and its subsidiaries amounting to $9,913,841.86 and that the Bureau of Internal Revenue, with the approval of the Secretary of the Treasury, settled this claim for a cash payment of $1,230,000, plus the release of a judgment of the Court of Claims against the United States of $1,351,381, making an aggregate of approximately $2,600,000. So the department waived about $7,300,000 of taxes on the theory that the company could not afford to pay the tax, on the theory that to have forced the payment of the tax would have bankrupted the company.

I submit, Mr. President, that the power placed in the hands of the Secretary of the Treasury was placed there by a statute passed, if I remember correctly, in 1880. That statute was not passed for the purpose of dealing with the abatement of income taxes or excess-profit taxes. But we will waive that and assume, as I think the Secretary was within his legal rights, perhaps, in abating the tax; but I warn the Senate——

Mr. KING. Mr. President, will the Senator yield?

Mr. COUZENS. Yes.

Mr. KING. Did the Senator state that the Secretary of the Treasury was within his legal rights in abating the amount of the tax except as to $1,250,000? The Senator stated accurately the amount of the original tax, and the abatement was the difference between the $1,250,000 and over $9,000,000 of taxes, which had been properly levied against these corporations.

Mr. COUZENS. What I said, Mr. President, was that I think the Secretary of the Treasury was within his rights, his legal rights, in abating the tax. The question of the amount may be a question of judgment, and not a question of legal rights.

Mr. KING. What I meant to infer was that I have no doubt—and I am familiar with the case, being a member of the committee—that the situation presented did call for some abatement, but I deny that the Secretary of the Treasury had the right to make the abatement which he did. I think the diminution of the tax from over $9,000,000, as I recall, down to $1,250,000 simply because representations were made that it might bring about bankruptcy, when the condition of this company did not warrant that assumption, and when more than $1,250,000 could have been paid without bringing about bankruptcy—in abating the tax to the full extent that the Treasury Department did, I think that a wrong was done to the Government.

Mr. COUZENS. Mr. President, I desire to point out the absurdity of this abatement and to show how much power the Secretary has. In other words, the taxes for, I think, the years 1917, 1918, 1919, 1920—I have not the exact figures before me——

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Tennessee?

Mr. COUZENS. I will yield in a moment if the Senator will excuse me.

Mr. McKELLAR. Certainly.

Mr. COUZENS. I wish to point out that, for whatever years the taxes were assessed, that corporation or any other corporation could have paid out their earnings in dividends and gone along to 1924, and said that to have then to pay the tax would bankrupt them, and received an abatement, notwithstanding the fact that they may have paid out their earnings in dividends, notwithstanding the condition of their finances, and notwithstanding such conditions as existed in this particular case which I am going to indicate. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, do I understand the Senator to say that this case in which there was an abatement was or was not that of a corporation in which Mr. Mellon was a stockholder?

Mr. COUZENS. Oh no, I do not think he was a stockholder in it; in fact, I am quite certain that he was not a stockholder in this company.

The time the abatement was made was in January, 1924. The company had outstanding at that time some 287,000 shares of stock, with a marketable value, as quoted in the public press, of some $4,113,730.50; and because of this abatement, or, rather, after this abatement, the value of the stock went up, so that on February 21, 1925, it was worth $10,488,738. After the Government had abated the tax to the extent of $7,000,000 plus, there was an increment in the value of the stock outstanding in the stockholders' hands of $6,375,000 plus.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Florida?

Mr. COUZENS. I do.

Mr. FLETCHER. Will the Senator state for what year the abatement was made? The abatement was made in 1924, but what tax year does it cover?

Mr. COUZENS. It covers the years 1917, 1918, 1919, and 1920. In response to the question of the Senator from Florida I will state that these taxes were computed by fixing an additional tax for 1917 of $1,482,000 plus—I will not read the odd dollars and cents—for 1918, an additional tax of $4,437,000 plus; for 1919, an additional tax of $1,501,000 plus; for 1920, an additional tax of $1,661,000 plus; and a penalty for 1920 of $830,806 plus; total, $9,913,841 plus.

Under date of May 1, 1923, the president of the Atlantic, Gulf & West Indies Steamship Co. submitted an offer of compromise of any and all additional income, excess profits, and war taxes of itself and its subsidiaries for the years 1917 to 1920, inclusive, and any and all penalties in connection therewith, in the sum of $1,250,000. That offer in compromise was accepted so far as cash was concerned, but the Treasury added to that the amount of a judgment which this company had against the Shipping Board for the loss of a ship.

An examination of the balance sheet of January 1, 1923, discloses current or liquid assets made up as follows:

Cash in bank, $2,686,434.
Cash coupons, $551,775.
Cash with agents, $1,618,623.
Marketable securities, $127,395.
Notes receivable, $237,634.
Accounts receivable, general, $841,000 plus.
Insurance claims, $1,650,849.
Shipping Board claims, $1,661,000.
Materials and supplies, $234,000 plus.

Or, in other words, a total of liquid assets of $9,709,407.

I am not going into this case particularly to criticize the Bureau of Internal Revenue in this particular abatement, but to show the lack of relation between the departments of the Government in dealing with Government business.

Mr. KING. Mr. President, will the Senator yield?

Mr. COUZENS. Yes.

Mr. KING. I think the Senator might add, with propriety, that the records in the Internal Revenue Department and before our committee showed that the grossest kind of frauds had been perpetrated by this corporation and its subsidiaries, and that one of the frauds was the juggling of the accounts by which more than $950,000 in cash was concealed and paid out in dividends so as to avoid taxation, and every possible scheme was devised for the purpose of concealing not only the earnings but the assets of the corporation, showing criminal offenses which ought to have brought indictments against the members of the corporation for their frauds against the Government.

Mr. COUZENS. I thank the Senator for mentioning that, because I had not desired to detain the Senate an unreasonable length of time; but the testimony taken before the committee on February 24, 1925, indicates that this company attempted on several occasions to defraud the Government not only of $900,000 but of millions of dollars, and in one particular item of between three and four million dollars, by jockeying of receipts from the sale of some of its property; and the Treasury ignored all this. They let this company, after its deceit and efforts at corruption, get away with it on a matter of abatement.

This is the memorandum that the attorney for the Shipping Board left in my office yesterday to show the lack of coordination and relation between the departments of the Government:

The first information the Department of Justice had as to the reduction of the taxes of the Atlantic, Gulf & West Indies Corporation was early this week, when the announcement came out as to the reduction in the taxes of this corporation of about $7,000,000. At the time this reduction was made the Department of Justice was vigorously engaged in defending a suit for $5,000,000 brought in the United States Court of Claims by the Atlantic Gulf Oil Corporation against the United States Shipping Board, and under the law the Department of Justice must defend all actions brought against the Shipping Board.

The alleged claim of $5,000,000 grows out of a contract entered into between the Atlantic Gulf Oil Corporation and the Shipping Board, according to the terms of which the Shipping Board was to take 15,000,000 barrels of oil during the year 1921. It is understood that as the result of the falling off of shipping, and due to the inability of the selling company to furnish the oil, but 9,000,000 barrels was taken, and the Atlantic Gulf Co. is suing to recover $5,000,000, its alleged profits on the undelivered oil.

It is a well-known fact, and the records of the litigation show, that the Atlantic Gulf Oil Corporation is and has been owned outright by the Atlantic, Gulf & West Indies Co. The officers are the same, and the testimony bears out this fact. What the Shipping Board and the Department of Justice can not understand is why the taxes of the Atlantic, Gulf & West Indies Co. were reduced $7,000,000 when one of these subsidiaries of the West Indies Co. had a claim pending for $5,000,000, and the claim was actually being tried. The Shipping Board and the Department of Justice up to the present time have expended thousands of dollars in defending this litigation. Experts have been employed at tremendous salaries, and as the defense has just started in on its side of the case considerable more money will be expended before the case is concluded.

An unusual feature in this case is that the action against the Shipping Board was brought by Sullivan & Cromwell, prominent lawyers of New York City.

I want to say to the Senator that I am quoting from a memorandum left in my office by an attorney of the Shipping Board.

Mr. Sullivan has been dead for years, and Mr. Cromwell spends all of his time in Europe. One of the leading members of this legal corporation is Mr. Harlan F. Stone, and he assisted in the prosecution of the case against the Government up to the time he was appointed Attorney General, whereupon he had to reverse his position, and from the time he became Attorney General until he took his seat as a judge of the Supreme Court he had to actively defend the Shipping Board, and on every occasion when anything important developed was consulted by the trial counsel of the Department of Justice.

I read this, Mr. President, for the purpose of indicating the lack of proper coordination between departments. Here the Government is subject to a claim of $5,000,000 by a corporation owned by the company which has just had its taxes abated to the extent of $7,000,000.

If time permits, and the Senate is in session after to-day, I am going to ask the floor to reply to some further statements made by the Senator from Kentucky.

Mr. GLASS. Mr. President, I have neither desire nor purpose to be drawn into the quarrel between the Secretary of the Treasury on the one hand and the Senator from Michigan [Mr. COUZENS] on the other. That I may the better indicate how entirely impartial I am in that dispute, I may say that it was not my judgment that the so-called Couzens committee of inquiry should have been continued; and had I been in the Chamber when it was proposed, I should have objected to a continuation of the inquiry. I am perfectly confident that it is not going to result in a return to the Treasury of a single dollar in taxes, whereas I am quite as thoroughly convinced that the continuation of the inquiry has produced a state of mind in the Treasury among those officials, major and minor, charged with the duty of assessing taxes that will inevitably result in disadvantage to the public and in hardship to taxpayers. In other words, these officials, feeling that they are beset by a useless inquiry, will make it a point in all of their adjustments of values to overvalue rather than undervalue the things upon which the tax returns are made, and I am confident that in the end the inquiry will result in a very much greater disadvantage to the mass of taxpayers than in advantage to the Government. In this I could hope I may be mistaken.

It may be recalled that more than a year ago I said on the floor of the Senate that I had not the remotest idea this inquiry into the activities of the Treasury would disclose that the Secretary of the Treasury had been in any degree partial to a single company in which he formerly was interested. That seemed to me a matter of course. No man with the ability to amass a great fortune, with the capacity to head great enterprises, would be, as it seemed to me, simple enough to show partiality, in a great place of distinction, to those enterprises with which he had been associated, because he would at least have sense enough to know that the fact would be disclosed and he would accordingly be discredited. There-

fore I am not at all surprised to find that no such partiality has been traced to the Secretary of the Treasury.

I very greatly regret that my estimate of Mr. Mellon's wisdom has been somewhat modified by his action in the case now under discussion. The facts are simple, and they are in positive contravention of the very attitude taken by the Treasury in this Couzens case.

In justice and fairness to the Senator from Michigan it should be said that he had nothing whatsoever to do with this assessment, if he had any real knowledge of it, which he now denies. The assessment was not made at his suggestion or request. It was made at the request of the majority stockholders of the Ford automobile manufacturing establishment.

It was an unusual course for the Treasury to pursue, but the Treasury was dealing with an extraordinary case and with unusual circumstances. Great bitterness had arisen between the minority and majority stockholders of the Ford corporation. The friction was so pronounced that Mr. Ford would not deal directly with his associates, but engaged the services of a Boston trust company. It was stated to the Treasury that in consequence of the dispute great alarm was being felt in the city of Detroit over the threatened removal of the Ford establishment from that place to some other point.

As I recall the circumstances the collector of internal revenue for the Detroit district and Mr. Lucking made a personal visit to Washington and asked that the Treasury make an assessment of these valuations as of 1913, in order to facilitate the pending business transaction, to wit, the purchase by Mr. Ford of the minority stock in his company. The request was seriously considered and all of the circumstances taken into account. It finally was decided to comply with the request, because of the extraordinary circumstances, and because of the further fact that it involved an acquisition of some $20,000,000 or more in taxes to the United States Treasury, then badly needed. Moreover, unless the Treasury had agreed the transaction would not have been effectuated and the Government would have been deprived of the tax.

The report quoted from by the Senator from Kentucky, who astonished the Senate by admitting that he did not know everything, states that the valuation fixed by the Treasury in 1919 was made by inexperienced persons.

Mr. ERNST. By what?

Mr. GLASS. By inexperienced persons.

Mr. ERNST. I did not say so.

Mr. GLASS. Oh, no; the Senator did not say so. I said the report from which he quoted, and for which he was apparently making himself responsible, said so. If the theories put forward in the report are not sounder or the alleged facts stated therein are not more accurate than that statement, the report is utterly worthless. So far from the valuation being assessed by inexperienced persons, the Commissioner of Internal Revenue dispatched to the city of Detroit in person the most experienced man in tax matters connected with the United States Treasury.

Mr. ERNST. Mr. President, will the Senator permit me to interrupt him?

Mr. GLASS. Yes.

Mr. ERNST. I said nothing whatever from which it could be inferred that I stated the assessment was made by inexperienced persons. I simply used the statement which the Senator from Michigan had inserted in the RECORD. I did not make myself responsible for the statements in that, and have never done so for one moment. What I have emphasized is that those statements justify the action which the Secretary of the Treasury took, and beyond that I made no personal statement, nothing from which it can be inferred that I thought the assessment was made by inexperienced persons.

Mr. GLASS. The Senator from Kentucky suffers from the same affliction I have to endure; he does not hear well. I have not said that the Senator from Kentucky made that statement. I said the paper from which he quoted contained the statement.

Mr. ERNST. Very well.

Mr. GLASS. And if its other statements are not more to be credited than that one, it is utterly worthless. The Treasury dispatched to Detroit its best and most experienced expert, a man who was at the head of the technical branch of the Internal Revenue Bureau, through whose hands passed and to whose judgment was submitted every complicated matter of taxation that came to the bureau, Mr. Tolbert, and he took with him a crew of experts, trained actuaries, men who did not know what they were going for, simply that they were subject to the direction of the head of this branch of the Internal Revenue Bureau.

They spent weeks in Detroit, in the offices and plants of the Ford automobile-manufacturing corporation, ascertaining the tangible values of its property, its book values, and its good name, and made this assessment in the accustomed way employed by actuaries in assessing values. They assessed the valuation of the Ford stock, as it will be observed, down to the cents. Does the Senator claim, does the Treasury Department claim, for one moment that there was either irregularity or concealment in the transaction? Does the Senator claim, or does the Treasury Department pretend to claim, that there has been disclosed any fraud whatsoever with respect to the transaction?

Mr. ERNST. Does the Senator desire to have me answer that?

Mr. GLASS. I would not have asked the question if I had not desired an answer.

Mr. ERNST. Sometimes we ask questions which we do not expect to have answered.

Mr. GLASS. I never do, and I never make statements I am not prepared to support.

Mr. ERNST. Let me say to the Senator that I did not anywhere charge any irregularity or unfair dealing on the part of the department at that time. So far as I am aware, not one thing has been done by the Secretary of the Treasury, or by Mr. Blair, his commissioner, which could possibly be so construed, and I therefore am at a loss to understand why the Senator asked that question.

Mr. GLASS. The Senator will in a little while understand why I asked the question. I wanted it to go into the RECORD. I state of my personal knowledge that the Treasury does not charge there was any irregularity or fraud; that it does not think there was either irregularity or concealment.

Mr. ERNST. If the Senator will permit a further interruption, I do not see how it is possible, in the shape in which the Treasury Department has placed this matter, to discuss that question. I do not see how it is fairly brought up. All the Treasury Department has done is to say to the Senator from Michigan, "Here is a statement. Upon its face it shows that there is a large tax liability. We want to have time to look into it." Not one thing further has been said or done, so far as I have any knowledge of or information about.

Mr. GLASS. The Senator will pardon me if I assume the right to judge the pertinence of my own remarks.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Michigan?

Mr. GLASS. I yield.

Mr. COUZENS. Apropos of what the Senator from Kentucky has said about the shortness of time which the Treasury Department had in which to investigate this claim, I want to say that Mr. Winston, the Undersecretary, admits that this information was in the Treasury Department for over two years.

Mr. GLASS. I am coming to that, if the Senator will permit me.

I have tried to indicate that this case was treated without suggestion of irregularity or concealment or fraud of any description. It was not, as has been stated here, I believe by the Senator from Kentucky, that this assessment of the value of the stock of the Ford corporation was "the Senator's own assessment." I am referring to the Senator from Michigan. The Senator had no knowledge of the valuation of the stock. It was made to facilitate, to effectuate, a great transaction, involving millions of dollars in taxes to the Treasury, and it should be understood that had the Treasury refused to assess the valuation there could have been no intelligible or sure basis for consummating the sale of the stock of the Ford company.

The Senator from Kentucky undertakes to emphasize the suggestion that this is newly discovered evidence, so newly discovered as that the Treasury Department had but a few days to avert the disadvantage of a plea of the statute of limitations. In accentuating that suggestion the Senator from Kentucky put into the RECORD a dispatch from the Secretary of the Treasury to him. I challenge him now to point to one word or sentence in that dispatch which indicates that the Treasury has any newly discovered evidence. I invite the Senator to point to a word in the Secretary's telegram which indicates that it was essential for the Treasury to proceed in haste in order to avert an appeal to the statute of limitations by the Senator from Michigan. The Senator from Kentucky will not find it there; and if, as I have suggested, it was his purpose to give color to that contention by reading the telegram from the Secretary of the Treasury, I ask the Senator if, upon

reflection, he considers that he was altogether fair and frank with the Senate?

Mr. ERNST. Mr. President, I shall take pleasure in answering. I will read the telegram:

I understand that you wish to learn from me when first there was brought to my attention——

Mr. GLASS. Yes; "my attention."

Mr. ERNST (reading)—

the question of an additional tax being due from Senator COUZENS on his 1919 taxes. While the Finance Committee was considering the extension of the life of the Couzens committee in February of this year——

Mr. GLASS. Oh, Mr. President, it is not necessary to take the time of the Senate in reproducing the telegram in its entirety. I call the Senator's attention to the fact that the Secretary of the Treasury said it was first brought "to my attention."

Mr. ERNST. I emphasized that.

Mr. GLASS. Does the Senator undertake to say that the Commissioner of Internal Revenue was unaware of the fact that the statement was in his archives and had been there for two years?

Mr. ERNST. When the Senator asked me that question while I was on my feet addressing the Senate I said to him plainly, and he could not have misunderstood me, that I had neither knowledge nor information upon that point.

Mr. GLASS. Well, I have.

Mr. ERNST. Then, do not bring the charge home to me. Let the Senator state what he knows about it, but he should not bring his knowledge home to me when I am discussing the question with the light which I have.

Mr. GLASS. My contention is that the Senator was discussing the question without first informing himself as to the facts.

Mr. ERNST. But I have not done that.

Mr. GLASS. He is undertaking to accentuate a suggestion which is vital to his contention and which the evidence he produces does not justify or in any way establish.

Mr. ERNST. When I heard from the Secretary of the Treasury that it was for the first time brought to his attention and that he promptly advised the Senator from Michigan about it, I supposed he had done his full duty. I repeat, not having that knowledge which the Senator from Virginia states that he has, I was perfectly fair and perfectly frank in reading the telegram. I supposed and I still suppose that it meant exactly what it said, and I did not seek by any statement or insinuation to suggest that it meant other than what it says upon its face.

Mr. GLASS. The Senator was simply unfortunate in not having prosecuted his inquiry further than he did.

Mr. ERNST. Let me say as to that that I did not expect to make these remarks concerning the committee until the Senator from Michigan said what he did within the last few days. I did not finish dictating what I had to say this morning until within a very few minutes of the time of the convening of the Senate. I did not get the telegram until this morning shortly before coming to the Senate Chamber. I have had no time, therefore, to make that investigation about the lack of which the Senator from Virginia is complaining. The Senate will probably adjourn to-night. I did not want it to adjourn until Senators knew something of the workings of that committee, and so I took the opportunity of saying what I did.

Mr. GLASS. I have no desire to inject myself into the disagreements of the members of that committee. My sole purpose in taking any part in the discussion at all is to emphasize the proposition that when the Government of the United States regularly and fairly, without concealment and without any taint of fraud whatsoever, reaches a conclusion as to taxable valuations for purposes of income tax and announces that conclusion as an official basis of a business transaction of great magnitude, it is bad policy, subject to misuse, subject, indeed, to tyranny, for any official to undertake to reopen that question and apply a theory of valuation which would destroy the basis of such transaction.

Mr. ERNST. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Kentucky?

Mr. GLASS. I yield.

Mr. ERNST. I wish to say to the Senator that that position was more than once taken by me. The member of the committee who most desired to reopen and inquire into such cases——

Mr. GLASS. I wish the Senator would maintain that position in the matter.

Mr. ERNST. Cases which I think were then closed, was the chairman of that committee, the Senator from Michigan [Mr. COUZENS].

Mr. GLASS. I call the Senator's attention to the fact that the position just stated by me is the avowed position of the Treasury to-day.

Mr. ERNST. That meets my entire approval.

Mr. GLASS. In one of those very cases criticized by the chairman of the so-called Couzens committee the Secretary of the Treasury himself takes the very position which I here avow. It is sound and right and the Treasury should adhere to it. Why did the Secretary not adhere to it in this Ford corporation case? Simply because he and the Senator from Michigan apparently hate one another and because, as it seems to me, either would go to any extreme to discredit the other. Both have done that very thing.

I am not here contending for the validity of the criticisms made by the Senator from Michigan against the Treasury Department. I think it was perfectly competent and proper for the Secretary of the Treasury to call attention to the fact that if the line of action advocated by Senator COUZENS had been pursued it would have traversed the personal case of Senator COUZENS himself. That would have been all right; but for the Secretary of the Treasury, in the circumstances, to undertake to do what he himself said should not be done, to wit, reopen a case that was adjusted by a previous administration of the Treasury causes me to think that he is not as wise to-day as I said he was a year ago. Why, Mr. President, no citizen may ever feel himself acquit of his obligation to the Government if this thing shall be done on an extensive scale. The Treasury six years ago found this valuation, regularly, without concealment or suggestion of fraud. It was the Treasury's valuation, not that of the Senator from Michigan, and it furnished the basis of a transaction of great magnitude, involving millions of dollars to the Treasury. I do not believe the Secretary will have a foot to stand on in a court of equity or court of law in undertaking to recover one dollar from the minority stockholders of the Ford Motor Co. Therefore, it has seemed to me amazing, in the circumstances, that the Secretary of the Treasury should have undertaken to reopen the case in contravention of his own avowed policy.

The Senator from Kentucky [Mr. ERNST] may plead for him, as the Secretary himself may disavow, that he has any purpose of intimidation. Yet I venture to say it would be well-nigh impossible to convince the Secretary's adversaries, if any he have, that he did not intend intimidation. I shall not say so. I have personal admiration for the Secretary of the Treasury and a high regard for his ability, but not now, in this case, a great deal of confidence in his tactfulness. It will be said in this case, just as it was said in the Wheeler case, that it is an attempt to impede legislative inquiry. I do not say the junior Senator from Montana [Mr. WHEELER] is innocent of the charges against him; but I do say, if he is saturated with guilt, the first indictment of him in the circumstances, was immoral and wrong. It can not be justified in any forum on earth. If the intent was to arrest an investigation of the Department of Justice, it was a deliberate affront to the dignity of the United States Senate, or the other branch of Congress for that matter, intent upon an investigation of public officials. There is no man in this Chamber who could more greatly be distressed than I that the Secretary of the Treasury, however inadvertently, has made himself a target for bitter criticism because of his action in this case. He will not recover a dollar, as I think he must know.

He will not discredit the administration of his predecessors, as I am firmly convinced he did not intend to do. He will only incur the embarrassment incident to the reaction of the country to what he has done. He has already gotten that from the greater public journals of his own party, which dissent from what he has done.

It happens that I was Secretary of the Treasury when this valuation was made. I do not desire to escape any responsibility whatever for it, though, in all frankness, I will say to the Senate that at the time I knew nothing about it. Those matters of detail are usually attended to, as everybody knows, by the Undersecretary of the Treasury in charge of fiscal affairs. At that time we had in the Treasury one of the ablest men associated with its operations since the day of Alexander Hamilton, who has never, in my judgment, received an ample meed of praise for his great accomplishments—Mr. Russell C. Leffingwell. I would be willing to say confidently that any transaction approved by him would receive my unquestioned approval. Therefore, I am not seeking to escape any responsibility for this valuation; but it is not right, it is

not just to the taxpayers of this country, it is a menace to the activities of this body, for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to reopen this case six years after the event.

Mr. MOSES. Mr. President, will the Senator from Virginia yield to me for a question?

Mr. GLASS. I will.

Mr. MOSES. I assume that the Senator from Virginia, like many other Senators here, has been approached by constituents who have found themselves in exactly the same circumstances as the victim, if he be a victim, in this case, except that the amount of money involved was by no means so great. I myself chance to know in my own State of constituents who are undergoing exactly the experience now suffered by the Senator from Michigan. If the Senator from Virginia, in what he has had to say with reference to the procedure of the Treasury Department in the case of the Senator from Michigan, is undertaking to make a general denunciation of the practice of the Treasury Department in withholding action on many of these tax cases until we are up to the eve of the date when something must be done in order to protect the taxpayer's rights, I shall agree with him up to the hilt in everything that he has said; but, in view of cases that have come to my attention, I have been wondering as the Senator from Virginia has been speaking whether, after all, this was a case out of the ordinary, except from the distinguished personality of the Senator from Michigan——

Mr. GLASS. That has nothing to do with it.

Mr. MOSES. And except for the great amount of money involved, or whether it was a case on all fours with a case now in my office of a small taxpayer from the State of New Hampshire who is confronted by exactly the same situation that now confronts the Senator from Michigan, and who must sign a waiver or go into court.

Mr. GLASS. Mr. President, let us get away from this thing about "on the eve of." I will say this: If the Senator from New Hampshire were the Commissioner of Internal Revenue and there should be in his office a tax case involving, as is now pretended, $11,000,000 to the Government of the United States, which had been there for two years, he would not wait until the eve of the expiration of the time allowed by the statute of limitations to bring the matter to the attention of the Secretary of the Treasury.

Mr. MOSES. Mr. President, if the Senator from Virginia means if I were Secretary of the Treasury, no; but I happen to have now a case exactly like this, where the amount involved proportionately would be as fatal to the taxpayer as the $11,000,000 would be to the Senator from Michigan, and I am objecting now before the Treasury Department that I am called in as a death-bed consultant at a time when the patient is in extremis, for to-morrow action has to be taken unless I can get some relief for him. I am complaining in that case, Mr. President, as I would complain if I had as a constituent the Senator from Michigan, against the general practice of the Treasury in waiting until the last minute before giving a taxpayer or a Senator or a Representative here in Washington an opportunity to protest.

Mr. GLASS. O Mr. President, the Senator from New Hampshire ought to be above that sort of argument. He can not place me in the position of being neglectful of the small taxpayer and partial to a man because he has millions of dollars. I do not care anything about the Senator from Michigan. [Laughter.] I do not mean I have not a warm personal regard for him, but I mean that his distinction as a Member of the Senate and his millions in bank have nothing in the world to do with this proposition.

I am so careful of the interests of the small taxpayers that I went in person to the Secretary of the Treasury two weeks ago to protest against the action of a minor official there who, as it seemed to me, deliberately maneuvered the Government into a position to plead the statute of limitations against one of its citizens.

Mr. MOSES. I hope the Senator was more successful than I have been in similar cases.

Mr. GLASS. I was, because I succeeded. [Laughter.] My attitude is that we should put an end to this uncertainty to the business interests of this country. I think the Treasury, with its trained experts, should make the adjustments in the beginning and stand upon them, unless irregularity, concealment, or fraud shall afterwards be discovered, and that when people pay their taxes they may know they are acquit of their obligation to the Government.

Not long ago the bureau notified a citizen of Virginia that on his 1917 tax return he had underpaid the Government $2,300, and unless he appeared at a certain time—"on the eve," too [laughter]—he would not only be assessed that amount but a penalty besides. He was put to the necessity and expense of employing a lawyer here in Washington, who went before the proper board of the Internal Revenue Bureau and demonstrated to the satisfaction of the board that he not only did not owe the Government $2,300 but that the Government owed him $386.30. Then, what happened? The adjustment, admitted by the Treasury, was held up for 18 days, until after the period when the Government might plead the statute of limitations against that taxpayer. It is things like that, Mr. President, that cause men who should love the Government actually to hate it.

Mr. MOSES. Mr. President, the Senator from Virginia and I are moving along exactly the same path with reference to this whole matter of the conduct of the Internal Revenue Bureau.

Mr. GLASS. Well, but a rich man is entitled to just as much consideration in law and in fact as a poor man; and here we have the Treasury Department reopening a case that was fairly and satisfactorily adjusted six years ago. What does the event show? That there was an overvaluation of the Ford stock? The event shows there was an undervaluation of it; it shows that the actuary who ascertained that value underestimated rather than overestimated its value. People do not buy stocks because of dividends they have paid; they buy stocks because of the dividends which they may pay, and since that adjustment the value of the Ford stocks has gone out of sight.

Mr. MOSES. Mr. President, I do not wish the Senator from Virginia to misinterpret the purpose of the inquiry which I first propounded to him. In view of the fact that my files are clogged with cases exactly like this, I could not help escaping at least the inquiry in my own mind whether this case, even though involving a Senator, even though involving the most wonderful industrial plant in the world, even though involving $11,000,000, might not have been exactly on a level with the cases of my poorer constituents for whom I am now contending before the Treasury Department. Why is it necessary to assume that this case has a personal aspect?

Mr. GLASS. I did not know the Senator from New Hampshire had any "hill billies" in his State.

Mr. MOSES. Oh, indeed, yes. The White Mountains are in my State.

Mr. GLASS. Well, the Senator is speaking to the White Mountains, then, if the inhabitants are "hill billies." It is not a question of the amount involved. I venture to say that the cases referred to by the Senator from New Hampshire are cases in which the taxpayer has made his own valuation, or in which he has employed a more or less competent income-tax expert to make his valuation. They are not cases which were determined by the Treasury officially; they were not cases in which the best experts known to the activities of the Treasury were employed in fixing the valuation for a specific purpose, involving millions of dollars of taxes to the Government.

Mr. MOSES. Mr. President——

Mr. GLASS. The adjustment in this case was an official one; it was an ascertainment by the Government itself. I do not think the Senator will believe that the Government can recover a dollar in the circumstances; and if it recovers any amount, let me say, it will not recover it from the Senator from Michigan; it will recover it from Henry Ford, who guaranteed it.

Mr. MOSES. I pass no judgment on that question, Mr. President; but let me say this to the Senator: This case, which was passed upon by the then Commissioner of Internal Revenue, who sent the most gifted man in the department, and was brought after making a personal investigation, is no different from the tax returns made by Members of the Senate who have for their aid an expert sent up here by the Treasury Department.

Mr. GLASS. Yes; and I think if the Treasury Department thereafter sends up here and undertakes to discredit its own expert, it is doing a discreditable thing.

Mr. MOSES. Well, that is exactly what happened to me.

Mr. GLASS. Then it should not have happened to the Senator.

Mr. MOSES. I was called upon in my 1919 tax report, the same year as the tax report now in question, to answer some interrogatories of the department after my return had been

made by this expert sent up here by the Treasury Department to help Senators.

Mr. GLASS. It is not to the credit of the Treasury Department that it was done, and if the Senator had asked me to go and see the Secretary for him I would have done so gladly.

Mr. MOSES. I went myself.

Mr. ERNST and Mr. REED of Missouri addressed the Chair.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Kentucky.

Mr. ERNST. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERNST. I wish to know if there be any way under the rules of the Senate whereby I can, without breaking those rules and without offending the Senators about me, call a fellow Member a willful, malicious, wicked liar? Is there any way of doing that?

Mr. ROBINSON. Mr. President——

Mr. GLASS. Let me ask the Senator——

Mr. ROBINSON. Mr. President, I rise to a point of order.

Mr. MOSES. So do I.

Mr. ROBINSON. The Senator from Kentucky is not in order.

Mr. MOSES. I wish to make the same point.

Mr. ROBINSON. I insist that the Senator from Kentucky be in order.

Mr. GLASS. I want the Senator to be specific.

Mr. ERNST. Mr. President——

Mr. ROBINSON. Just a minute, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. I will take the occasion to say that every Senator owes it to the body to which he belongs to prevent outrages upon the feelings of other Senators and to protect the good name of the Senate itself from such conduct as the Senator from Kentucky has just indulged in. There is not anyone living who does not know—certainly no Member of this body who does not know—that it is not in order to make of a fellow Senator the statement that the Senator from Kentucky has made; and I insist that the Senator from Kentucky take his seat under the rule of the Senate.

Mr. GLASS and Mr. REED of Pennsylvania addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. GLASS. Before the Senator from Kentucky takes his seat I want him to be specific.

Mr. ROBINSON. No; that is just the point.

Mr. GLASS. He and I have been cross-questioning each other here, and I had just ended my speech. I want to know——

Mr. ROBINSON. That is just the point, Mr. President.

Mr. ERNST. Mr. President, I was about to explain why I said what I did.

Mr. ROBINSON. No, Mr. President; I insist that the point of order be ruled upon.

The PRESIDING OFFICER. The Senator will take his seat.

Mr. REED of Pennsylvania and Mr. MOSES addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. REED of Pennsylvania. I move that the Senate go into closed executive session.

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. REED of Pennsylvania. Upon that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Is the demand seconded? [A pause.] The yeas and nays are ordered.

Mr. WATSON. Mr. President——

Mr. ROBINSON. A point of order, Mr. President.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. WATSON. I trust that my good friend from Pennsylvania [Mr. REED] will withdraw his motion, and I hope also that my equally good friend from Kentucky [Mr. ERNST] will not make the charge that he was about to make.

Mr. GLASS. What I want to know is who he is going to make it against.

Mr. McKELLAR. He should withdraw it.

Mr. WATSON. I am sure he had no reference to the Senator from Virginia.

Mr. GLASS. He has not said so.

Mr. WATSON. But I say so.

Mr. ERNST. If I be given an opportunity, I will.

Mr. GLASS. Oh, well——

The PRESIDING OFFICER. Let the Chair make a statement.

Mr. WATSON. There is no reason——

The PRESIDING OFFICER. Wait until the Chair makes a statement. No Senator can proceed until he has addressed the Chair and been recognized by the Chair. Otherwise we will have confusion. The Senator from Indiana.

Mr. WATSON. Mr. President, will not the Senator from Pennsylvania [Mr. REED] withdraw that motion? I trust he will.

Mr. REED of Pennsylvania. Mr. President, I made the motion hoping it would bring the Senate to order. It seems to have done so.

Mr. MOSES. If the Senator withdraws it, I wish to make a proper motion.

The PRESIDING OFFICER. The Senator withdraws his motion.

Mr. MOSES. I wish now to make a proper motion, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. MOSES. My motion is that the Senator from Kentucky [Mr. ERNST] be permitted to proceed in order.

Mr. BORAH. Mr. President, before that question is put I want to make a suggestion.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. It was perfectly apparent to me, when the Senator from Kentucky was speaking this morning, that the Senator from Kentucky was inviting just exactly this situation. He violated the rules of the Senate some four or five times in his speech by charging another Senator with sinister and improper purposes in the conduct of public business. It is a pathetic thing, a very pitiable thing, that we have reached a point here in the Senate of the United States where we can not discuss public questions without indulging in personalities. There is sufficient room for discussion upon a broad plane if we are able to conduct it along that line. Of course, if we are not able to conduct it along that line, it is natural for us to get into personalities, because it requires much less ability to indulge in those things.

If the RECORD is going to be cleared, Mr. President, I want the Senator from Kentucky to eliminate the remarks which he made this morning with reference to the sinister motives of the Senator from Michigan.

The PRESIDING OFFICER. Let the Chair state the parliamentary situation. Whenever a Senator is called to order, and an objection is raised to his continuing, the Presiding Officer must order him to take his seat. Then the only motion in order following that is that the Senator may proceed, or may proceed in order, and that must be decided without debate. Therefore, the motion——

Mr. NORRIS. I ask for the yeas and nays on that motion.

Mr. ASHURST. I call for the yeas and nays. The motion is not debatable.

Mr. HEFLIN. Mr. President, I make the point of order that the Senator from Virginia [Mr. GLASS] was addressing the Senate, and the Senator from Kentucky was not recognized or yielded to by him to inject into the debate what he did. The Senator from Virginia was taken off his feet by the occurrence; and if that is permitted to be done, all that a Senator has to do to get the floor is to insult some other Senator.

The PRESIDING OFFICER. The Chair must declare the point of order not sustained.

Mr. NORRIS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. WATSON. Mr. President, in order that the question may be thoroughly understood, will the Chair kindly state it once more to the Senate?

The PRESIDING OFFICER. The question before the Senate is, Shall the Senator from Kentucky be allowed to proceed in order?

Mr. REED of Missouri. Mr. President, how can that motion be put when the Senator from Kentucky was out of order in undertaking to take the floor when the floor belonged to the Senator from Virginia?

The PRESIDING OFFICER. The question is whether the Senator from Kentucky shall be allowed to proceed in order. The yeas and nays are ordered, and the Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. The Senator can not interrupt the roll call. The Senate will be in order.

The Chief Clerk resumed the calling of the roll.

Mr. FERNALD (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES], and therefore withhold my vote.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. Not knowing how he would vote on this question, I withhold my vote. If at liberty to vote, I should vote "nay."

The PRESIDING OFFICER. The Senate must be in order. The Clerk can not hear the responses. This includes the occupants of the galleries.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Wyoming [Mr. KENDRICK], and will vote. I vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDGE] and the Senator from Mississippi [Mr. STEPHENS] are paired and that if the Senator from Mississippi were present he would vote "nay."

The result was announced—yeas 32, nays 48, as follows:

YEAS—32

Bingham	Fess	McMaster	Sackett
Butler	Goff	Means	Shortridge
Cameron	Gooding	Metcalf	Spencer
Cummins	Hale	Moses	Stanfield
Curtis	Harreld	Oddie	Wadsworth
Dale	Keyes	Pepper	Watson
Deneen	McKinley	Pine	Weller
du Pont	McLean	Reed, Pa.	Willis

NAYS—48

Ashurst	Edwards	Jones, Wash.	Ransdell
Bayard	Ferris	King	Reed, Mo.
Blease	Fletcher	Ladd	Robinson
Borah	Frazier	McKellar	Sheppard
Bratton	Gerry	McNary	Shipstead
Brookhart	Gillett	Mayfield	Simmons
Broussard	Glass	Neely	Smith
Bruce	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Trammell
Caraway	Heflin	Overman	Tyson
Copeland	Howell	Pittman	Walsh
Dill	Johnson	Ralston	Wheeler

NOT VOTING—16

Couzens	George	La Follette	Smoot
Edge	Greene	Lenroot	Stephens
Ernst	Jones, N. Mex.	Phipps	Underwood
Fernald	Kendrick	Schall	Warren

So Mr. MOSES's motion was rejected.

Mr. ROBINSON. Mr. President, I move that the Senate proceed, as in open executive session, to the consideration of the nomination of Charles B. Warren to be Attorney General of the United States.

Mr. ERNST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. ROBINSON. I yield to the Senator from Kentucky, with the understanding that I reserve the right to resume the discussion myself, at pleasure, if that arrangement is satisfactory to him and to my colleagues.

The PRESIDING OFFICER. Does the Senator yield?

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. ERNST. Mr. President, I realize that the language I used was harsh. I desire to withdraw that parliamentary inquiry, and, in justice to myself, I desire to read what it was that brought forth that statement.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Is there objection?

Mr. ERNST. I had no reference to the Senator from Virginia.

Mr. ROBINSON. I think, Mr. President, that that constitutes an implied justification of the statement——

Mr. ERNST. No: I wish to state——

Mr. ROBINSON. And I will not yield for that purpose.

The PRESIDING OFFICER. The Senator from Arkansas declines to yield.

Mr. ROBINSON. I take occasion to explain that the Senator impliedly justifies the language which he withdraws——

Mr. ERNST. Not at all.

Mr. ROBINSON. By reading what he says——

Mr. ERNST. I think that under similar circumstances the Senator——

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. ERNST. Here was the statement made by the Senator from Michigan. Such a statement I have never before had made concerning me:

> The Prohibition Unit agents have been in touch with him—
>
> Meaning the Senator from Kentucky—
>
> hour by hour by telephone and by personal calls, so that they might know in advance what the committee has proposed to do, what it has proposed to investigate. As evidence of that the record will show that letters have disappeared out of the files, that communications have disappeared. Letters have been lost because, apparently, it was to the advantage of the Treasury that they should disappear, and undoubtedly they were informed by the Senator from Kentucky so that they might do those things.

I do not think that the Senator heard that statement, or the Senator from Michigan would never have been permitted to continue. No exception was taken to it, and I am charged——

Mr. ROBINSON. Mr. President——

Mr. ERNST. Permit me to finish my statement.

Mr. ROBINSON. I did not hear the language read by the Senator, but it was the duty of the Senator himself to call a Senator to order who was making such a statement——

Mr. ERNST. The Senator is aware that I am hard of hearing. Something that happened in the Rocky Mountains last summer caused my right ear to cease to do its ordinary duty. I did not hear at all, nor did I know, what was said until I called for a copy of what was said and noted it.

Mr. WILLIS. Mr. President——

Mr. ERNST. One moment; I would like to finish reading this:

> Letters have been lost because, apparently, it was to the advantage of the Treasury that they should disappear, and undoubtedly they were informed by the Senator from Kentucky so that they might do those things.

That was a charge that in some way or other I connived with the Treasury Department in taking papers which might be of value to the investigating committee.

That is a serious charge. I am amazed that those who heard it did not take exception to it, as exception has been taken to what I said in refuting it. I never heard of a paper disappearing. I do not know where a file is. I have never been asked by the Treasury Department or anyone else to assist them in getting papers, and I know of no paper which it would be of the slightest value to the Treasury Department to have. That was a serious charge, and when no one believes such a charge, can Senators blame me for saying what I think of a charge of that sort?

Mr. ROBINSON. Mr. President, I resume the floor.

Mr. ERNST. I admit it was not parliamentary——

The PRESIDING OFFICER. The Senator from Arkansas declines to yield further.

Mr. ERNST. And I withdraw the remark, because it was not parliamentary.

Mr. ROBINSON. The Senator certainly knows how to proceed in accordance with parliamentary rules. He can say that a charge that has been made against him is unfounded, or that it is without facts to sustain it or to support it, that it is wholly without facts to support it.

Mr. ERNST. I trust that the Senator from Arkansas will make that statement for me, for I confess to him that I was not——

Mr. ROBINSON. The Senator from Arkansas knows nothing about it. The Senator from Arkansas can not testify on either side of this case, and declines to be called as a witness.

Mr. ERNST. Let me make one other statement.

The PRESIDING OFFICER. Does the Senator yield further?

Mr. ROBINSON. I yield.

Mr. ERNST. Because I want to have it made clear——

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. ERNST. Here is another statement made by the Senator from Michigan:

> But the Senator from Kentucky is so anxious to support, and so allied with the Secretary, and he is so one-sided, that he has represented the Treasury better than their own counsel have been able to represent them, through these entire hearings. He has been in contact with the solicitors, the agents, and the experts of the committee, day after day. They have been running back and forth to his office. I know that, because his office is next to mine.

Mr. President, if I have ever had secret conferences with the representatives of the Treasury I do not know when they occurred. I said what I did because—though I do not have to explain—I felt incensed at the course of conduct which was pursued in this investigation, and I did determine, and I stated publicly at the hearings of the committee that I intended, to see that the Treasury Department had an opportu-

nity to explain their own side of the case, and when attacked, that they should be given an opportunity to reply.

Here these charges are made as utterly without foundation as it is possible for any charges to be. I am inclined to believe that if my mild-mannered friend the Senator from Arkansas, one who never loses his temper, had been in the position which I am in, there would have been a knock down and a drag out, and I would have voted for him to remain in the Senate.

Mr. ROBINSON. Mr. President, the Senator has at last abused the privilege or courtesy which I, by the permission of the Senate, extended him. Such allusions disclose an improper spirit upon the part of a Senator who has flagrantly violated every sense of propriety controlling the proceedings of a great body such as the Senate of the United States is presumed to be. I think that we should proceed to the consideration of business. The whole discussion this morning, precipitated by the Senator from Kentucky, was out of order. There was no motion pending before the Senate, so far as I know.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. ROBINSON. I yield.

Mr. GLASS. As a matter of fact, I had not concluded my remarks——

Mr. ROBINSON. Very well——

Mr. GLASS. And had not taken my seat, when all of this disturbance intervened, not that I am going now to extend my remarks, further than a single statement, which I very earnestly desired to make when interrupted by the Senator from New Hampshire, a statement in justice to the Treasury Department.

When I brought to the attention of the Secretary the case of a taxpayer in my State, he very promptly stated to me that it was an indefensible thing for the Treasury to have done, and he very promptly overruled the action, as did the Commissioner of Internal Revenue. I felt that that statement ought to be made, and I would have concluded my remarks with that statement.

NOMINATION OF CHARLES BEECHER WARREN

Mr. ROBINSON. I move that the Senate, in open executive session, proceed to the consideration of the nomination of Charles Beecher Warren, to be Attorney General of the United States.

The motion was agreed to.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Charles Beecher Warren to be Attorney General of the United States?

Mr. HARRISON. I ask for the yeas and nays.

Mr. PEPPER. Mr. President, I desire to trespass for a few moments upon the patience of the Senate by stating, as briefly and as clearly as I can, the reasons why on a former occasion I voted for the confirmation of this nomination, and why I propose to vote for confirmation when the vote is taken on this occasion.

On the former occasion I had intended to make the remarks which I now propose to make. I withheld them because at the end of a long and tiresome day it seemed good, in the judgment of those who were guiding the business of the Senate, to proceed at once to a vote, without further debate.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. PEPPER. I yield to the Senator.

Mr. WALSH. I was temporarily out of the Chamber, and have just returned. I regret to interrupt the Senator, but I understand he is proceeding to speak on the Warren nomination?

Mr. PEPPER. Yes; I will say to the Senator.

Mr. WALSH. Let me say to the Senator that I have prepared a brief report, to accompany the report of the Committee on the Judiciary on this nomination, and if it would not be troublesome to the Senator, I should like to get leave to have it read from the desk before the Senator proceeds, so that he may address himself to it, if he desires to do so.

Mr. PEPPER. Certainly, Mr. President; I shall be glad if the Senator from Montana will follow that course.

Mr. WALSH. I submit, to accompany the report made by the Judiciary Committee, the following observation on the nomination, and ask that it be read from the desk.

The VICE PRESIDENT. The Secretary will read the report.

The Chief Clerk read as follows:

On the 5th day of March, 1925, on the assembling of the Senate in extraordinary session upon the call of the President of the United States, he transmitted to it the nomination of Charles Beecher Warren for the office of Attorney General. On the 10th day of the same month, at the same session of the Senate, after due deliberation, and in conformity with the regular parliamentary procedure, the Senate, by a roll call vote, refused to advise and consent to the nomination. On the 12th day of March, at the same session, the nomination was resubmitted by the President.

It is not deemed necessary to submit in this connection any comment on the fitness or unfitness of the nominee for the office for which he has been named. The debate attending the discussion of the nomination when heretofore before the Senate affords full information upon that feature. Other considerations are now involved to which attention is hereby directed.

(1) Whether the President has the right or authority under the Constitution to submit to the Senate a nomination for public office theretofore, at the same session, rejected by it is open to the gravest doubt. No President has ever ventured to do so, so far as your committee in the limited time at its command has been able to ascertain, save President Tyler, who, on the same day, three times submitted to the Senate the name of Caleb Cushing for Secretary of the Treasury, the nomination being as often rejected by the following vote:

First. Yeas, 19; nays, 27.

Second. Yeas, 10; nays, 27.

Third. Yeas, 2; nays, 29.

Not even President Jackson, fiercely uncompromising fighter that he was, assumed any such authority, notwithstanding his nominations were repeatedly rejected by the Senate in the midst of one of the most heated and acrimonious political contests recorded in our annals. It is a very reasonable inference that no President except Tyler ever assumed such authority, because no other ever believed the Constitution warranted him in pursuing such a course. The point was not debated in the instances in which the right was asserted by the President, the opponents of confirmation apparently contenting themselves with a prompt vote upon the nomination which they undoubtedly knew would be rejected.

The provision in the Federal Constitution touching the necessity of confirmation by the Senate of nominations made by the President for public office has its counterpart in the constitutions of nearly every State in the Union. Quite generally, if not universally, they provide for the appointment of certain officers by the governor on the advice and with the consent of the branch of the State legislature corresponding to the Senate in the National Government. A hurried search of the law books has failed to reveal a case in which a governor has ventured to resubmit a nomination for confirmation theretofore at the same session rejected by the legislative body whose sanction was essential to the appointment.

The Constitution was framed in view of and is to be construed in the light of well-established principles of law. That it is to be read in connection with the common law all will admit, and equally it must be interpreted with such aid as may come from established principles of parliamentary law. A universally recognized principle of that branch of the law is that a question once having been considered by a parliamentary body and finally disposed of adversely it can not be again presented during the current session. The principle was expressed in a formal rule of the House of Commons of Great Britain, dating from 1610, and by a similar rule of the House of Lords, dating from 1606. Presumably the framers of the Constitution knew of this principle and intended that considering that when the Senate had acted adversely upon the question of the appointment of one nominated by the President to public office it could not at the same session consistently, with established parliamentary usage, consider the subject further, he was not to be invested and was not invested with the power to resubmit the nomination.

(2) But if there be no implied denial of the right of the President to resubmit a nomination, the Senate is forbidden by its rules to entertain it. As they are to be construed in the light of established parliamentary usage, no specific prohibition would be necessary, but Rule XIII specifically provides that:

"1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move for a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion."

Such a motion was made with reference to the vote by which the Senate on March 10 refused to advise and consent to the nomination of Charles Beecher Warren for Attorney General and was by vote laid on the table. The question now before the Senate is the identical ques-

tion then voted on, namely, Will the Senate advise and consent to the nomination of Charles Beecher Warren as Attorney General? What significance can be attached to the resubmission of his name for the same office unless it be a request from the President for a reconsideration by the Senate of the nomination then rejected? The rules forbid that the request be complied with.

(3) Even though the constitutional authority existed and the rules did not forbid, it would be in the last degree unseemly in the absence of any showing from any quarter in the Senate at the mere request of the President of the United States to reverse its action in such a matter. The power of his great office is said to be in excess of that enjoyed by any constitutional monarch. The wisest and most patriotic among the founders of our Government and the framers of our Constitution harbored anxieties about intrusting him with the power to appoint all Federal officers, and dreaded the influence it would permit him to exercise over the action of either or both Houses of Congress. The distribution of what has come to be called patronage was reluctantly placed in his hands because no safer or more practicable method could be devised. The peril of permitting him again and again to endeavor to impose upon the people a nominee unacceptable to the Senate, particularly in a case in which as in the present instance the vote taken upon the nomination is close, need not be enlarged upon. It is the opinion of the committee that the nomination should be promptly rejected.

Mr. PEPPER. Mr. President——

Mr. SPENCER. Mr. President, will the Senator from Pennsylvania yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. PEPPER. I yield.

Mr. SPENCER. May I ask the Senator from Montana whether the report just read was ever voted upon by the Committee on the Judiciary?

Mr. WALSH. Does the Senator refer to the statement?

Mr. SPENCER. Yes.

Mr. WALSH. No. It has been prepared since the vote was had. The Senator from Missouri, I suppose, is quite familiar with the ordinary procedure before committees. The vote on a question of this character is taken and some one on the prevailing side is directed to report the same to the Senate, and he ordinarily accompanies it with a written report. That procedure was followed in this particular instance.

Mr. SPENCER. So that the report which the Senator has now presented to the Senate was never considered by the Committee on the Judiciary?

Mr. WALSH. I have so stated. It was not considered by the Committee on the Judiciary, but it was considered by those Senators who voted in the majority. It is their report. The Committee on the Judiciary having determined to reject the nomination, the reasons which impelled the majority to vote as they did were, as a matter of course, not submitted to those in disagreement.

Mr. SPENCER. I do not criticize the Senator at all in the matter, but, as I heard it read, it seemed to indicate that it was a report which had been considered by the committee itself. Being a member of that committee, I knew I had not been present on such an occasion, but I understand quite perfectly what the Senator said.

Mr. WALSH. The Senator from Missouri was not present when the committee voted.

Mr. SPENCER. Not the last time; that is quite true. I gave a proxy for my vote, as the Senator knows. I quite understand the Senator's position that the report represents the views of a majority of the committee who voted adversely to the nomination, and it is within the usual practice, I quite concede.

Mr. PEPPER. Mr. President, I think it would be unfortunate if in the course of a debate respecting the fitness of a nominee for high office statements doubtless made in the heat of argument and without proper reflection were allowed to pass unchallenged if, in the opinion of other Members of the body, the statements represented exaggerations or, in the case of the good qualities of the nominee, a grievous underestimate. I have particularly in mind the suggestion made by one of the Senators who opposed the confirmation of Mr. Warren that it was no injustice to him to say that he enjoyed no legal reputation whatever. I can not help thinking that this statement would not be made again if time and trouble enough were taken to gain information respecting the very notable career which Mr. Warren has had at the bar both in the service of private clients and as representing his country in international proceedings.

Mr. President, it is seldom the case nowadays that any lawyer enjoys the nation-wide reputation which was enjoyed by some of the great leaders of the past. There were days when the professional attainments of one lawyer were well known all over the country, but the American bar is now so large, the country so vast, our interests so diverse, that it is seldom nowadays that any one man attains a national reputation until he actually enters the service of the Government at Washington and in some particularly conspicuous case.

It so happens in the case of Mr. Warren that I have known of him professionally for many years, and in the good temper and good spirit which I think should characterize these discussions I rise simply to bear my testimony as a fellow member of the profession to what I conceive to have been his professional achievement and to bear my own witness of regard for his character and for the abilities which I think abundantly qualify him for the office to which he has been nominated.

I knew Mr. Warren first because it so happened that many years ago I became interested in the then pending dispute between Great Britain and the United States respecting the Bering Sea and the rights acquired by the United States under cession from Russia when Alaska became a Territory of the United States. I first knew Mr. Warren at that time because he was the counsel for the United States in that international proceeding.

I learned at that time what has been confirmed by personal observation, that Mr. Warren is a man of unusual native ability, of a peculiarly sound educational equipment, of the kind of legal capacity which enables a man not only to know the law but to try his cases effectively, whether before a jury or before an appellate tribunal. He studied law under a distinguished teacher, Judge Carpenter. He won his spurs in the active practice of his profession in his home community. He soon gained a recognized place for himself among the leaders of the profession and was heard with respect when he rose to speak in the appellate courts of his State.

He acquired a substantial practice before the Federal courts; and it was because he was an outstanding figure that he was retained in Mr. Roosevelt's administration as counsel for the United States, with distinguished associates, in connection with the North Atlantic fisheries arbitration between the United States and Great Britain before The Hague Tribunal. In that case he conducted himself with the credit which was freely accorded to him, even by those who criticized him most sharply in the course of this debate. I have read with interest and profit the oral argument which he made on that occasion, and I entirely subscribe to the view that it was not only "lawyerlike" but an extraordinarily able presentation of an extremely difficult international question. The difficulty and delicacy of the question involved is indicated to some extent by the fact that even the international tribunal was not at one in regard to the proper decision of it. There was a division of opinion in the court.

Mr. President, I can not pass over without further reference the part that Mr. Warren took early in his career in the Bering Sea case, to which I have already referred, because it was intimated, I think improvidently, that his relation to that matter was purely that of a clerk or junior assistant to an older and distinguished lawyer. Mr. Warren was at that time a young man; but he was retained in that case on account of his merit. There was confided to him the very difficult and responsible task of examining and cross-examining the most important witnesses who appeared before the tribunal, and he also took part in the oral argument before the commissioners who had been selected to adjudicate or adjust the differences.

The sum total of the whole matter is, Mr. President, so far as Mr. Warren's legal experience and his demonstrated ability in active practice are concerned, that gradually he acquired a greater and greater regard in his community and in his State, and that in the process of time he came to be one of the outstanding figures at the bar in that part of the country.

I am not merely stating impressions that I have drawn from my individual observations, although they are in part the basis of my statement, but I am voicing the views which have been communicated to me by those whose expressions on such a subject are abundantly entitled to weight. I have in hand communications from the president of the State Bar Association of the State of Michigan and of the distinguished lawyer who preceded the incumbent of that office. With the permission of the Chair and of the Senate, I should like to read these messages, which are brief, and, as it seems to me, convincing as respects the estimation in which the senders of the messages hold this man. One of them runs:

My attention has been called in the daily papers to a Senator's remarks challenging the ability and experience of Charles B. Warren,

who has been appointed to the office of Attorney General. Lawyers in Michigan are astounded at such unfounded statements. Mr. Warren is a lawyer of many years' experience at the bar of Michigan, and his integrity, courage, and professional experience qualify him in every way for the office of Attorney General. He has achieved an enviable record of success as a lawyer during his years of active practice. He has personally and through his firm, which is one of the largest in Michigan, handled litigation and other legal matters of first importance and responsibility. I know of no one in the State of Michigan who would in any way question his qualifications, integrity, and courage, and in this I believe I speak for the united bar of Michigan.

WALTER S. FOSTER,
President Michigan State Bar Association.

I read another telegram, as follows:

Through the press my attention has been called to the fact that a certain Senator has challenged the ability and experience of Charles Beecher Warren, who has been appointed to the office of Attorney General. Lawyers in Michigan are astounded at such unfounded statements. Mr. Warren is a lawyer of many years' active experience at the bar of Michigan, and his integrity, courage, and professional experience eminently fit him for the office of Attorney General. During his many years of active practice he has achieved a fine record, having personally and through his firm, which is one of the largest in Michigan, handled litigation and other legal matters of the highest importance and responsibility. No lawyer in Michigan would for a moment question his experience, qualifications, or integrity. The bar of Michigan asks for his confirmation.

GEORGE W. COOK,
President State Bar Association, 1924.

I have at hand also resolutions of confidence in Mr. Warren and indorsement of him as an eminently fit person for the office to which he has been nominated, adopted at a meeting of the Bar Association of Detroit, at which some 400 members are represented as having been present.

I have at hand also, Mr. President——

Mr. WATSON. Mr. President, will not the Senator read those resolutions?

Mr. PEPPER. Mr. President, I am anxious not to trespass too greatly on the time of the Senate, but I am glad to comply with the suggestion of the Senator. [A pause.] Mr. President, I find that the copy of the resolutions to which I refer has been for the moment mislaid. I shall take pleasure in reading the resolutions into the RECORD at the close of my remarks.

I have in hand, Mr. President, testimonials to the esteem in which Mr. Warren is held by the judiciary of his State.

I read from a telegram sent to me by Arthur J. Tuttle, who since 1912 has been United States district judge in the Federal district of Mr. Warren's residence. He says:

Knowing that the confirmation of the appointment of Hon. Charles Beecher Warren as Attorney General is now being considered, I can not resist expressing myself on the subject. I have known Mr. Warren during all of my years at the bench and bar. No one in this State stands higher as man or lawyer. His ability is the very highest, and he has always been recognized as one of the most able lawyers. He is one of those high-grade lawyers who has always been more interested in the justness of the cause than any compensation which he was to receive. He has always associated himself with men of the same type, and his firm has always borne this same high reputation. There is no act of his, either in private or public life, which will not bear the closest scrutiny. As Attorney General he will be certain to give a fearless and very able administration to that office. While during the last few years, during the war and since, he has been called upon to give much of his time to important public duties of more or less legal character, he has nevertheless been connected with many very important lawsuits and during a long period of years was very active in the actual trial of cases. He not only knows the law, but he knows how to try a lawsuit, and do it well.

ARTHUR J. TUTTLE.

Again, from Judge Clyde I. Webster, who for the last 25 years has presided as a trial judge in an important State court in Michigan, I read the following telegram:

Relative to appointment of Charles B. Warren as Attorney General of the United States, I wish to say that Mr. Warren is eminently qualified in every way for such appointment and the vigorous and impartial discharge of the duties of such office. Mr. Warren is a brilliant and able lawyer of many years' experience, with an enviable record of honorable achievement at the bars of the city of Detroit and State of Michigan, as well as other Federal judicial circuits. He has been actively engaged in the practice of law in the city of Detroit from the time he was admitted to the bar in 1892 to the present time, except during the war and the time thereafter, when he was called into the service of the Government and acted as ambassador to Japan and Mexico and negotiator of the treaties with Mexico. During all of his years of active practice he has had a very broad experience in connection with many and important cases, and is a senior member of one of the largest and most active law firms in the State of Michigan. I have been active on the bench and at the bar in the city of Detroit for the last 25 years, and am now serving as judge of the circuit court for the county of Wayne, at Detroit, and, knowing Mr. Warren's broad experience as an active practitioner intrusted with large and important cases, and his eminent qualifications and fitness as an able and experienced lawyer, I trust that his appointment may be confirmed because of his already distinguished record as a lawyer and also because he will be of great benefit to the country. He is in every way qualified by character, experience, and courage.

And finally, as respects testimonials from judges, I beg leave to read a telegram from Judge Alfred J. Murphy, who for 30 years last past has been judge of the circuit court in the judicial circuit of Mr. Warren's residence. His telegram is as follows:

As judge of the Third Judicial Circuit Court of Michigan, at Detroit, I ask the privilege of attesting the eminent character of Charles B. Warren as lawyer, man, and public-spirited citizen. I have known him throughout his entire career in this community. Very early in his professional life he attained leadership at the bar of this court. He has maintained that eminence to the present time. Learned in the principles of the law, he has from his earliest beginning been regarded as one of the wisest counselors and ablest advocates at this bar. He has been an outstanding figure in the civic life of this city. He has earned and always carried both the respect and admiration of his fellow citizens here. We look with amazement at any attack upon him. No one in Michigan would for a moment dare to question his honor, integrity, capacity, and experience. His public services have been of so eminent a character and so widely recognized that we here in Detroit feel that he has reflected renown upon this city and this his native State. I know he possesses most adequately, in legal capacity and in personal character, the high qualifications requisite for an able and vigious administrator of the Department of Justice.

Further asking the indulgence of the Senate, I should like to read two telegrams which seem to me to be somewhat notable because they come from men of opposing political faith. The first reads thus:

In the interests of clean Government and political fairness, I can not resist sending you a copy of a telegram which I sent under date February 26 to Senator OSCAR W. UNDERWOOD:

"The confirmation of Charles B. Warren as Attorney General will secure for the people of the United States an able lawyer of unblemished reputation, with long and valuable experience in the Democratic administrations of Cleveland and Wilson, as well as in Republican administrations. He has always been fair and clean in his partisan activities, and your fellow Democrats here would heartily approve his confirmation."

W. F. CONNOLLY,
Michigan Member Democratic National Committee from 1916 to 1924.

And this from a gentleman who, I believe, is now or certainly has been chairman of the Democratic State Committee in Michigan:

On February 27 I wired Senator FERRIS, of Michigan, as follows:

"My professional contact with Charles B. Warren during the past 25 years has led me to regard him as extremely able, competent, and ethical lawyer, possessing a peculiar gift of executive qualifications in managing legal affairs that came to his office and organization. I firmly believe that he possesses all the requisite qualifications to conduct the affairs of Attorney General's office in a fair, impartial, and vigorous manner. My experience with him has shown him to be always loyal with his client. His appointment, if confirmed, is to Michigan a prestige in the Cabinet which this State seldom attains. As a citizen of this State and member of the same profession, having a personal and professional acquaintance with Mr. Warren for at least 25 years, I earnestly request you to acquiesce in and vote for his confirmation."

EDMUND C. SHIELDS.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Tennessee.

Mr. McKELLAR. To whom were these telegrams or letters addressed?

Mr. PEPPER. All of the telegrams that I have read were addressed to me. The two last that I have read—the ones from the two Democratic correspondents—were telegrams likewise addressed to me, but they included quotations from telegrams which the same sender had sent to the Senator from Alabama [Mr. UNDERWOOD] in one case and the Senator from Michigan [Mr. FERRIS] in the other. I may say that I was careful to take the one which contains a reference to the junior Senator from Michigan to that Senator and submit it to him and ask his permission before reading it, and he was courteous enough

to give it; and the Senator from Alabama not being in the Chamber, I assumed that I might follow a similar course in his case as in the case of the Senator from Michigan.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Ohio.

Mr. FESS. When we discussed the matter before, it was stated on the floor of the Senate that 90 per cent of the people of Michigan would be against this confirmation. While I should not regard that statement, even if true, essential as to the determination of the qualifications for this particular office, has the Senator any evidence as to the popular viewpoint in the State of Michigan?

Mr. PEPPER. Mr. President, I am informed that one or more Senators in the Chamber are in possession of an indorsement of the nomination of Mr. Warren by the Legislature of the State of Michigan. I am not advised myself on that point, and I may be misinformed. My own information is derived from personal observation of Mr. Warren and professional contact with him, and the testimony of the telegrams I have read, supplemented by a number of other telegrams which seem to me less significant, and which therefore I am not reading into the RECORD, but which in their way bear testimony to the same effect.

Mr. FESS. If the Senator will permit me, I had understood that there had been action in the State legislature, but I did not know where the information was.

Mr. BORAH. Mr. President, the matter was published in the public press, and the resolution as passed by the legislature was printed. I think there is no doubt about it.

Mr. PEPPER. I hesitate, Mr. President, to state it as a fact, because it has not come to me in the form of an authorized communication. I saw the statement in the press to which the Senator from Idaho refers, and I assume that it correctly states the fact: to wit, that the Legislature of Michigan has indorsed this nomination, and has urged confirmation.

Mr. FESS. Mr. President, may I further interrupt?

Mr. PEPPER. I yield to the Senator from Ohio.

Mr. FESS. I should think that would be a reasonable interpretation of what the public mind in Michigan is on the matter.

Mr. PEPPER. I should so regard it, Mr. President. It seems to me that very great weight should be attached to a legislative action of that sort, because we know from our common experience that Representatives and Senators in State legislature assembled are to a peculiar degree in touch with the sentiments of their home communities, and collectively they represent the entire population of their States.

Mr. CUMMINS. Mr. President——

Mr. PEPPER. I yield to the Senator from Iowa.

Mr. CUMMINS. While the Senator from Pennsylvania is upon that particular subject, in order to make the showing somewhat complete, I should like to read a telegram that I have received from the Union League Club of Detroit, which I take it is a very respectable institution, and ought to command the confidence of the Senate. This telegram I received on the 12th day of the present month. It is addressed to me, and reads:

> The Detroit Union League Club, comprising 2,000 representative Republican voters of Michigan, herewith express their sincere appreciation of your support of President Coolidge in the confirmation of our fellow member, Hon. Charles B. Warren, for the great office of Attorney General of the United States, and we are confident that the great majority of Republican voters in Michigan, as well as in the Nation, indorse the President's action in resubmitting Mr. Warren's name for further consideration by your honorable Senate. We know that he possesses the professional qualifications and the requisite integrity for the office, and most respectfully urge you to further efforts to secure his confirmation.

That is signed by the board of directors of the Union League Club of Detroit.

Mr. BLEASE. Mr. President, will the Senator permit a question?

Mr. PEPPER. I yield to the Senator from South Carolina.

Mr. BLEASE. Was that resolution passed in a convention of those people or signed, without the consent of the people themselves, by the officers? I am addressing the Senator from Iowa. I have had some experience with matters of that kind. Was it passed by a convention?

Mr. CUMMINS. The telegram is signed—and that is all the information I have about it—"Detroit Union League Club, by its board of directors."

Mr. BLEASE. I thank the Senator. I am satisfied that it is by the officers only.

Mr. McKELLAR. Mr. President, will the Senator yield for another question?

Mr. PEPPER. I yield to the Senator.

Mr. McKELLAR. I want to ask whether this is a social organization, or a political organization, or what kind of an organization is it?

Mr. CUMMINS. The Union League Club?

Mr. McKELLAR. Of Detroit, Mich.

Mr. WATSON. Of any place—every place.

Mr. CUMMINS. I never investigated the character of the organization, but I assume that the Union League Club of Detroit is a club founded upon the same principles that characterize the Union League Club of Chicago, the Union League Club of New York, and various other union league clubs throughout the United States. It is founded for the purpose of cultivating and advancing the fundamental principles of the Constitution of the United States.

Mr. KING. Mr. President, will the Senator yield?

Mr. CUMMINS. I have no power to yield. I will yield so far as I can.

Mr. PEPPER. I am glad to yield to the Senator from Utah.

Mr. KING. The Senator, of course, is familiar with current events, and with our history, and with political clubs. Does he not know that the Union League Clubs of Pennsylvania and New York and all of the subsidiary organizations and the children bearing the same name are devoted particularly to protectionism and generally to Republicanism?

Mr. WATSON. No.

Mr. CUMMINS. No, Mr. President; no greater mistake was ever made than is suggested in the remarks of the Senator from Utah. The union league club has a much broader mission and foundation than the advancement of the doctrine of a protective tariff. I have no doubt that most of these clubs are advocates of the protective tariff, as all good citizens should be.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Missouri.

Mr. PEPPER. I do.

Mr. REED of Missouri. If the Senator will refer to the telegram, he will see that it states in the body of the telegram that the Union League Club of Detroit is a Republican organization, of course, and I am not complaining of that; but there ought to be no trouble in identifying the clubs. They are Republican organizations.

Mr. CUMMINS. I think in the main it is a Republican organization, although I have reason to believe that there are a good many men of the faith professed by the Senator from Missouri who are members of union league clubs throughout the country.

Mr. REED of Missouri. They are not very strong in the faith.

Mr. WATSON. Mr. President——

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. WATSON. The union league club originally, if the Senator will permit me to say so, was founded during the Civil War, and primarily was designed to aid in saving the country. It was what its name purports and implies—a union league. These clubs are scattered over the country in the large cities, and they are Republican clubs, the object of which is to promote the principles of the Republican Party. Of course, there are Democrats in them, but they are Democrats who vote the Republican ticket. [Laughter.]

Mr. PEPPER. Mr. President, I assent to what has been said by the Senator from Indiana. I am inclined to think that the Union League Club of Philadelphia is, if not the parent organization, at least coeval with the oldest. I believe that it has, like every union league club throughout the country, a high reputation for standing; and while a partisan organization in the sense that it is devoted to those principles which its founders esteemed to be essential to the preservation and maintenance of the Union, they know merit when they see it, and they have been known on occasion to recommend for office or indorse or extend hospitality to those of opposing political faiths.

Mr. President, my particular concern this afternoon is, in an informal way, and, as I said, in the spirit in which I think one member of the bar should speak of another, to bear testimony to my own conviction of this man's peculiar legal qualifications for this high office.

I do not propose to discuss at length the constitutional question or the parliamentary question which was the subject of the report read a few moments ago at the request of the Senator from Montana [Mr. WALSH]. I have not devoted to that subject anything like the study that he has given to it, but I venture to think that upon reflection Senators will agree

that there is a very clear and substantial distinction between the parliamentary rules that are evolved by a legislative body for its own government, and the course which should obtain when to the legislative body, as a coordinate department of government, the Executive submits from time to time official communications.

I should suppose, Mr. President, that every time the Executive sends a communication to the Senate, whether by way of submitting a treaty, or by way of submitting a nomination, that that is a new act, a new Executive act, and that if by chance, by accident, by design, there is resubmitted a treaty or a name which has theretofore been the subject of a previous communication, the Senate is bound to receive this as a new Executive act, and must proceed to consider it irrespective of the circumstances, quite subordinate in importance, as it seems to me, that the Executive has seen fit to send the same name or the same treaty or the same document back a second or a third time. That is a mere question of Executive discretion.

The President is charged with the responsibility for the execution of the laws. He must have an Attorney General. He must, under the Constitution, seek the advice and consent of the Senate. If he sends the name of Mr. Warren to the Senate, and the Senate rejects the nomination, the President's responsibility is to make another submission to the Senate. If, in his good judgment, the public interest requires that he should make Mr. Warren's name the subject of a new submission, he may do that thing, and he might do it a third time. I know of no limit to which the thing might not go, excepting the limit of Executive discretion.

The precedent in the case of President Tyler's administration is a precedent in point, although I believe objection was not raised. I quite agree to what the report outlines as a matter of parliamentary procedure, self-imposed regulations in the interest of going ahead with business. It must be true that a legislative body can determine that after once acting upon a matter at a given session the thing can not be recalled except by motion to reconsider, and if that be laid on the table, the thing is ended.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. FESS. The Senator will recall that Tyler was elected as a Whig on the ticket with Harrison, and, Harrison dying within one month after inauguration, Tyler ultimately, and very quickly, came into conflict with his party. Instead of continuing as a Whig he was distinctly a Democrat, in accordance with the predominant views in his State, Virginia, and there was a controversy between him as Executive and a Senate which was elected with him, but which did not take the same course. Consequently, it was just a personal controversy, which is very easily understood.

Mr. PEPPER. Mr. President, I had a general recollection of the precedent, not nearly so clear and substantial as the Senator's. It is a precedent, and must be taken into account, and my judgment is that when the whole subject has been calmly and dispassionately reviewed the Senate will come to the conclusion that it can not properly take the position that an Executive communication will not be received by it, or will not be acted upon by it, merely because a previous Executive communication has been disposed of in a certain way.

Mr. WATSON. Mr. President, has that question been raised here?

Mr. PEPPER. The report of the majority of the Judiciary Committee, which was read at the desk, raised the point, and the Senator from Montana [Mr. WALSH], when he asked me to yield for the purpose of enabling him to present the report, did me the courtesy to ask me to have that in mind in the course of what I might say.

Mr. WATSON. Did he state that the question would be raised in a parliamentary way?

Mr. PEPPER. I do not anticipate that any such question will be raised, because I fancy that if it was to be raised it would have been affirmatively recommended by the majority of the committee.

Mr. WATSON. That is what I thought.

Mr. PEPPER. I have given such study and consideration as I am capable of giving to the testimony and arguments adduced here as tending to show that Mr. Warren is unfit for the office of Attorney General, the unfitness in this instance depending upon circumstances other than those that have to do with his legal ability and experience.

I must confess that I am not impressed with the weight of those considerations. I listened with great attention to any word that might fall from the lips of Senators in the way of impugning the integrity or honor of Mr. Warren, but I heard none. Indeed, it should be realized by the country, when the country calmly reviews the transactions of to-day and of the days that have preceded, that the most responsible of those who have opposed the nomination have conceded the entire fitness of Mr. Warren to be appointed an ambassador to a foreign government or Secretary of State of the United States. I think it is only fair to Mr. Warren that it should be realized that it has been conceded upon the floor that if the presidential nomination had been to what in popular judgment is the most important place in the Cabinet—the office of Secretary of State—there would have been no justification on the part of the Senate in voting adversely on the nomination.

Therefore what the Senate is really confronted with is the rather delicate discrimination between two Cabinet offices, beginning with the concession that the man whose nomination has been sent to us would have been a perfectly proper appointee for the greatest office in the Cabinet, but that in a rarefied ethical atmosphere we are to discriminate between the Department of State and the Department of Justice, and to decide that he is not qualified for the particular task to which the President has designated him.

Will that position bear analysis? I wonder what would have happened, when there was a vacancy in the office of Secretary of State and Mr. Warren had been named for that position and confirmed by the Senate, as he would have been—just as the Senate has twice confirmed him on Executive appointments to important diplomatic posts—if after the Senate had confirmed him as Secretary of State it had seemed wise to the President, upon the occurring of a subsequent vacancy in the office of Attorney General, to send in to the Senate the nomination of the man who was acceptably filling the office of Secretary of State to become Attorney General of the United States. Would it not have been a very difficult matter for Senators to persuade the country that an adverse vote upon that nomination was dictated by any other desire than a desire to embarrass the President?

Please observe, Mr. President, that I am not suggesting that any Senator has either spoken or voted in this matter with any desire to embarrass the President. I am suggesting that in the contingency which I am supposing, where Mr. Warren is in imagination sitting as Secretary of State and functioning satisfactorily in that high place, if he were to be nominated to us for transfer, as it were, to a not more important office in the same Cabinet, would there not be great difficulty in persuading the country that the withholding of confirmation of that nomination was not something that was due largely to a desire to embarrass the President?

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. PEPPER. I yield.

Mr. GLASS. The Senator from Pennsylvania has not said that those who voted against the confirmation of Mr. Warren were prompted by a desire to embarrass the President, but certain newspapers have made that assertion, and it would be interesting to me, at least, if the Senator from Pennsylvania would point out, if he at all concurs in that opinion, just why Senators who are opposed to the confirmation of Mr. Warren would want to embarrass the President as to this particular appointment.

Mr. PEPPER. Mr. President, I hope the Senator will not press me for an answer to that question. I want, in everything I say, to err on the side of temperateness and moderation. There may be things in my mind which it seems wiser to me not to express. I do not want to have my inmost thoughts on this situation elicited by a question.

Mr. GLASS. Some Senators who have voted against the confirmation of Mr. Warren, and perhaps other Senators who now think they shall vote against the confirmation of Mr. Warren, would like to know—and it is not a question of idle curiosity—if they are charged with taking that position merely to embarrass the President, why they should not have taken it in the case of Mr. Stone merely to embarrass the President. Why attempt to embarrass the President on this occasion, and fail to try to embarrass him on numerous other occasions?

Mr. PEPPER. Mr. President, without reference to what the press has said, or without reference to what individuals have said, it can be recorded as part of the record of this debate that the Senator from Pennsylvania has made no such statement. I say nothing with regard to the motives which have actuated any gentleman in this Chamber in respect of his vote on the former occasion, or the vote which he is about to cast now.

Mr. GLASS. That is undoubtedly true, but knowing what an astute and keen mind the Senator has, I thought maybe he might be willing to come to the aid of the newspapers which

have taken this position, and give us a reason for a statement of that sort.

Mr. PEPPER. Mr. President, I think, however much I may need the support of the press, the press needs no support from me.

Mr. GLASS. It needs the support of somebody in a statement of that sort.

Mr. PEPPER. I shall make no affirmation and no denial. I merely content myself with observing that I personally, after giving as much attention as seemed possible to the arguments and the evidence adduced here respecting the gentleman whose name is before us, have come to the conclusion that he is qualified for this office, and that he ought to be confirmed; and I am perfectly willing to assume that any gentleman who differs from me, differs for the best of reasons, and without any purpose to embarrass anybody.

In a moment I am going to state what I really believe to be at the bottom of the question of this gentleman's fitness or unfitness for the office.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. PEPPER. I yield.

Mr. WALSH. Before the Senator goes to that matter I should like to see if I correctly understand the Senator's statement made just before the interruption of the Senator from Virginia. It was, as I understood it, to the effect that if Mr. Warren's name had been submitted to the Senate for the office of Secretary of State and in view of his record as a diplomat the Senate should be prevailed upon to confirm the nomination, and then afterwards he was named for Attorney General, the inference would be quite conclusive that any opposition to him for that office would be inspired by a desire to embarrass the President.

Mr. PEPPER. I think the stenographic notes will show, but my clear recollection of what I said is that if such a contingency as the Senator from Montana has now outlined were to arise Senators would find it hard to persuade the country that their votes had not been cast, if in opposition to the transfer, out of a desire to embarrass the President. I use that expression advisedly, because there is a great difference between the motives that people on a large scale and in the mass impute to Senators and the motives with which Senators actually act. I am quite aware in such a contingency as we have under discussion that the Senator from Montana would vote not to confirm the nomination of the gentleman for Attorney General not at all from any motive of embarrassing the administration but because he could make a delicate distinction between the qualifications for the two offices which would be out of the reach of the common vision.

Mr. WALSH. Then I understand the Senator now to assert that if the Senate should be prevailed upon to confirm him for the office of Secretary of State and then afterwards he were named for Attorney General, whatever might have been the motives of Senators voting against his confirmation the country would believe that they had done it to embarrass the President.

Mr. PEPPER. I can scarcely speak even for my own constituency, let alone for the country. I have just hazarded the opinion, and that is the proper phrase to use, because when any Senator in debate expresses his view of what the country will think under certain circumstances, he is hazarding an opinion. I have hazarded the opinion that in such a contingency as has been suggested a vote not to confirm the transfer of an acceptable Secretary of State to another branch of the President's own official family would be regarded by the country as an attempt to embarrass the President, unless Senators were able to persuade the country differently, and I do not think they could do that.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. PEPPER. I yield.

Mr. CARAWAY. The Senator would not urge, however, that because the country might misunderstand their motives, Senators should surrender a conviction?

Mr. PEPPER. Not at all. I am not asking any Senator to surrender a conviction. Indeed, Mr. President, in a very real sense I am not even asking Senators to vote for the confirmation. I am doing what I conceive to be the duty of an individual Senator who has a conviction on the pending question. I am bearing my witness to my conviction respecting the way in which I ought to decide it. But far be it from me to suggest to the Senator from Arkansas or any other Senator that he should yield a conviction merely because he might be misunderstood if he were to try to do it.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. PEPPER. I yield.

Mr. KING. Does not the Senator think he is unfair in giving some support, if not much support, to the unfounded statements of the press with respect to the idea that there is a desire upon the part of Senators to embarrass the President? Does he not know that some of the stoutest opponents upon this side of the Chamber of the confirmation of Mr. Warren are Senators who have supported the President upon matters which he considered most important, and the defeat of which he would have regarded not only as a defeat of the administration but a personal humilitaion, whereas upon the other side of the Chamber on those same questions Republicans who call themselves loyal were opposed to the President? For instance, on the Japanese question, the question of the postal salary bill, the question of the bonus, there were Democrats who stood with the President at a time when a defeat for the President would have been a humiliation, and their support saved him and the administration from defeat. How can the Senator justify the charge that there is an attempt upon the part of the opponents of the confirmation of Mr. Warren to embarrass the President of the United States?

Mr. PEPPER. Mr. President, the Senator from Utah will do me the justice to recall that I made no reference to the press statements on this subject. I have not suggested or meant to imply that any Senator has voted or will vote on this question from any motive but the best, and certainly with regard to the Senators who have interrogated me it would be furthest from my thought to make any such implication. I was asked by a Senator on the other side of the Chamber, who asked me to yield for the purpose, what comment I cared to make on certain statements in the press which he called to my attention, and I did what I think I had a right to do—decided to leave them severely alone, because I had not intended to refer to them, and it is no part of my purpose to do so now.

Mr. GLASS. Mr. President——

Mr. PEPPER. I yield to the Senator from Virginia.

Mr. GLASS. I interjected the inquiry because it seemed to me that, suggestively, at least, the Senator from Pennsylvania was giving color to that very comment.

Mr. PEPPER. I did not mean to do so, Mr. President.

Mr. GLASS. I had some genuine curiosity to know by what process of reasoning anybody could reach that conclusion. I am concerned this much, if the Senator will pardon me, right on that point now. So far from wanting to embarrass the President in this case—and I can not conceive why anyone should particularly want to embarrass him in this case who had not ever attempted to embarrass him in any other case—it had been my purpose from the first to vote for the confirmation of Mr. Warren, just as it was my purpose from the first, to which I adhered throughout to the conclusion of the event, to vote for Mr. Stone. But if now I feel convinced that I should vote against the confirmation of Mr. Warren, what justification on earth can anyone have for the supposition that I am actuated by a desire to embarrass the President?

Mr. PEPPER. No one who knows the Senator from Virginia could possibly have such an idea in his head. I certainly have not.

Mr. GLASS. I do not assume the Senator has; but his process of reasoning, as it seemed to me, was giving color to the comments of certain partisan newspapers to the effect that those who should vote against Mr. Warren would be actuated by a desire to embarrass the President.

Mr. PEPPER. I did not intend that inference, and I did not mean it to be drawn. I will say, Mr. President, that irrespective of the question of whether individual Senators have voted or intend to vote from a motive of embarrassing the President, it is certainly true that there are many Senators in the Chamber who are departing, perhaps for the first time, from the fixed principle of facilitating the formation of his own official family by a President who has recently been inducted into office. There certainly has been a paucity of precedent in the history of the country for objection to the selection by the President of those for whom he thinks he is willing to stand sponsor in the discharge of his duty faithfully to execute the law.

Mr. SHIPSTEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PEPPER. I yield.

Mr. SHIPSTEAD. The Senator raises a very interesting question which comes to my mind and has been in my mind for the last two or three days, and that is the question of whether

or not the Senate should assert its prerogative to veto an appointment of the President for a position in the Cabinet or any other appointment. We have that question before us every time there is a question about confirming an appointment made by the President.

We have heard a great deal said about the right of the President to choose the members of his own Cabinet, or what he calls his own official family. There is or seems to be a general opinion in the country that it is not any of the business of the Senate to question his exclusive right to choose the members of his Cabinet. I think that is an entirely erroneous opinion. It has been acquiesced in in practice, I believe, to the great detriment of the country, and when I say that I do not wish to impugn the motives of the President. I have the highest personal regard for him.

But when Senators come to the Senate they take an oath to support the Constitution. They do not take an oath to support the President. The Constitution grants the President the right to veto acts of Congress, because it was intended that this should be a government of checks and balances, and the President was granted the veto power in order at certain times, according to his best judgment and conscience, that he might check the action of Congress to protect what he might consider to be the best interests of the country. I think it was a wise provision. I do not believe in a centralized government. I believe as the forefathers believed, that government and the power of government should be divided. Section 2, Article III, of the Constitution, provides that when the President makes an appointment for ambassador or minister or "for judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and shall be established by law," he shall do so with the advice and consent of the Senate.

Mr. PEPPER. Mr. President, I do not like to break in on the Senator's line of argument. Is this a question which I must ultimately answer "yes" or "no"?

Mr. SHIPSTEAD. Yes. [Laughter.]

Mr. PEPPER. I hope that I shall have the same success in giving a single answer to the question as the Senator has given to mine.

Mr. SHIPSTEAD. I am sure the Senator will always be successful in answering any question.

Mr. PEPPER. Seriously, I am going to ask the Senator not to make a speech in my time. I want to extend to him every courtesy, of course.

Mr. SHIPSTEAD. I do not intend to do so. I simply wanted to bring to the attention of the Senate the constitutional permission or the mandate upon the President and upon the Senate giving them the right in either case to veto the action of the other. If the Senate can be accused of trying to embarrass the President by refusing to confirm an appointment, is it not also then right to assume that when the President vetoes an act of Congress he does so for the purpose of embarrassing the Senate?

Mr. PEPPER. So far as the constitutional question is concerned, it seems to me that none is involved in the matter I was discussing. The question of the attitude which a minority party will adopt toward a nomination submitted by the Executive is purely a question of government policy expressed in terms of party tactics. I am merely calling attention to the fact that many—I should say most—members of the minority party in the Chamber have been true heretofore to the proposition that the President ought to be held accountable for the appointment to his official family and that his nominations ought to be confirmed. I believe, if my memory serves me rightly, that they successfully urged upon the Republican side the application of that principle of party policy during the last Democratic administration.

Now, Mr. President, I wish to come back to my line of thought. I had stated in answer to a question from the Senator from Virginia [Mr. GLASS] that I was imputing to nobody any improper motives in this matter, and I was not suggesting that anybody had voted or was going to vote out of a desire to embarrass the President.

But I said I would superadd this remark, that I thought there were a great many in this Chamber—and I refer particularly to the other side of the aisle—who heretofore have been consistent in their advocacy of the principle that a President should be permitted to choose his own official family, that the Senate should confirm his nominations, and that the Senate, the House of Representatives, and the country should then hold the President responsible for his failure faithfully to execute the laws with the instruments of his own choice, or should commend him and reward him if he is true to the trust which the Constitution imposes upon him.

Mr. GLASS. Mr. President——

Mr. PEPPER. I yield to the Senator from Virginia.

Mr. GLASS. If the Senator will pardon me for once more interrupting him, just because, as he states, it has been the practice to confirm without question the nominations by the President of the members of his Cabinet—and I happen to know that quite a number of Senators on this side of the Chamber, including myself, would have instantly voted for the confirmation of Mr. Warren as Attorney General purely because that has been the practice—does the Senator from Pennsylvania contend, if upon an inquiry, upon an investigation, a Senator comes to the serious conclusion that a nominee for such an office is not fit, that, therefore, because of precedent that Senator should vote to confirm him?

Mr. PEPPER. No; I do not say that, Mr. President, but all of us reach our conclusions upon these matters as the result of weighing all sorts of considerations, one against the other. I think that a Senator might very well properly take the precedent into consideration when he is estimating the propriety of a particular nomination; but I quite agree that if he comes to the conclusion that he can not conscientiously vote for a nomination that has been sent in by the President, then, of course, he must be true to himself and to his word and to his plighted oath. I quite concede that.

Mr. GLASS. Then, to that extent, the Senator from Pennsylvania agrees that, in circumstances of that sort, the comment of the partisan press upon a Senator to the effect that he is trying to embarrass the President is not justified?

Mr. PEPPER. I think the Senator has misunderstood me. I am not agreeing or disagreeing with the statements of the press, which I have not seen. I am trying fairly to answer the Senator's question, and I answer by saying that in making up one's mind as to what one should do as to a nomination which has been sent here by the President a member of the minority party may, as I see it, very properly take the precedent into consideration, and give the benefit of reasonable doubt to the nomination.

Mr. GLASS. And if he has doubt he ought to act on his own judgment?

Mr. PEPPER. If a Senator, having considered the matter, comes to the conclusion that there is a question of principle, of conscience involved, of course he must vote in such way as to be true to himself.

Mr. KING. Mr. President, will the Senator from Pennsylvania suffer just one interruption?

Mr. PEPPER. I will yield in a moment.

I had in mind, Mr. President, this sort of a situation, where a Senator on the minority side, for instance, after making a very strong statement of the principle which I have tried to enunciate as to the attitude that the majority should take toward a presidential nomination without any new light on the situation, uses language like this—and I read from page 101 of the CONGRESSIONAL RECORD:

> In order that the matter may be settled, and as it seems that my side of the Chamber does not want to have this man for Attorney General, I change my vote from "nay" to "yea."

I have in mind situations in which the question is so far open in the mind of a Senator that it becomes a mere question of party regularity whether he will vote for a nomination or whether he will not; and I say that under those circumstances I think there is much to be said in favor of the precedent of the Senate, with only a few exceptions over a long period of years, that the motion to confirm should receive affirmative support. Now I yield to the Senator from Utah.

Mr. KING. Mr. President, I thank the Senator from Pennsylvania for his courtesy. Suppose that some Senators honestly believe that for a number of years the Sherman antitrust law and the Clayton Act have not been enforced as they should have been enforced, that our economic—indeed, our political—life depends upon the preservation of the principle of competition in industry; that corporations and trusts have obtained control largely of the industries of the country, and that if they are not checked and curbed our industrial and economic life, as well as our political life, will not only be menaced but will be perhaps destroyed. Suppose they further believe that Mr. Warren was for years connected with one of the most corrupt and powerful trusts in the United States; that he aided it in its machinations, and that he only recently separated himself from a corporation which was for a long time dominated by that trust, and in which that trust is still interested; and, further, that they believe that, because of his former associations he would be controlled or led or influenced by them, and therefore would be indifferent to the enforcement of these laws, the enforcement of which, as I have in-

dicated, is so necessary to the preservation of our economic life. Does not the Senator think, under those circumstances, that any Senator who would vote for Mr. Warren for Attorney General would be violating his oath of office?

Mr. PEPPER. Well, Mr. President, the question might be more compendiously stated as to whether, if I were convinced that a nominee whose name had been sent here by the President had violated all of the Ten Commandments, and had done it flagrantly and openly, he should not be refused confirmation. I will say that I think so.

Mr. KING. I did not say the Ten Commandments; one of them is enough.

Mr. PEPPER. Mr. President, I come, in concluding my remarks, to this phase of the subject: It is said this man may be a lawyer of distinction; he may have the qualities of character and experience which fit him for this place; but some 20 years ago he was the attorney, the business adviser, and, it is even said, the business agent of the American Sugar Refining Co. or the Sugar Trust in putting together some corporate structures which at that time were believed to be legal, and engaging in the process of fixing the price of sugar, the commodity in which the refining company was dealing. It is said that because these things are true, therefore, this man, while he might be a good ambassador or a good Secretary of State, would not make a good Attorney General.

Now, Mr. President, I said a few moments ago that I was going to attempt to state what seems to me to be really the fundamental question in the minds of Senators who are trying to decide this case squarely and fairly. The fundamental question in their minds is, whether at that time this man acquired such a slant, such a bias in favor of "big business," of trusts, of industrial combinations on a large scale, that if he were translated into an office where his business was not to build structures which he believed to be within the law, but to bring proceedings for the dissolution of those which he assumed to be without the law, he would not be able to prove himself faithful to that trust. That is the fundamental question, because nobody can draw the inference that there was anything morally culpable in what Mr. Warren did 20 years ago and at the same time say that he would be eligible for appointment as Secretary of State or as ambassador to a great foreign country. It must be a question of the effect upon his own character and future conduct of the associations which were then his.

Mr. WALSH. Mr. President——

Mr. PEPPER. I yield to the Senator from Montana.

Mr. WALSH. I think on reflection the Senator will care to modify his statement as to the question. As I understand, the Senator said the question was whether Mr. Warren would faithfully prosecute those combinations which he conceived to be outside of the law. The trouble is that we are afraid he will not conceive that any of them are outside of the law.

Mr. PEPPER. Mr. President, the Senator's analysis is always helpful, and it aids me greatly on this occasion, for it enables me to state more clearly than I otherwise could have done the point I am trying to make. The question is, whether the associations formed 20 years ago, the habits of mind formed at that time were such as to disqualify the man in the use of his legal powers to discriminate between the taste of a thing that is illegal and the taste of a thing that is in conformity with the law, because if his sense is blunted, if his palate is dulled, if he can not know illegality when he sees it, and if he has not the character to brand it as illegal when he sees it, then, of course, he must not be Attorney General; but I think, Mr. President, that the Senator from Montana mistakes the effect on really strong men of the kind of experiences which are charged up against Mr. Warren.

Mr. WALSH. Mr. President——

Mr. PEPPER. I yield to the Senator.

Mr. WALSH. I am very glad the Senator put the statement in that form, because the initial statement is that Mr. Warren was engaged in effectively combining corporate aggregations which he believed to be within the law; but the trouble about it is that the court found that they were without the law. The court adjudged that the Michigan Sugar Co., of which Mr. Warren was the president and the dominating intellect, had engaged in a conspiracy to restrain trade, violative of the Sherman law, in company with the American Sugar Refining Co. Mr. Warren, according to the statement of the Senator, as I understand him, conceived those transactions to be entirely within the law, but the court found that they were entirely without the law.

Mr. PEPPER. Mr. President, I am somewhat familiar with the facts to which the Senator refers. I think the best comment I can make upon what the Senator from Montana has just said is to call attention to something that is quite notable, I think, in the legal history of this country, and that is that the man who turned the tide in favor of law enforcement against the trusts, the man who first demonstrated the power of the Sherman antitrust law to deal effectually with illegal combinations, was that distinguished Senator from Pennsylvania, Philander C. Knox, who had obtained his training by putting together corporate organizations in a day when it was supposed that those organizations were consonant with the law.

Mr. WALSH. Mr. President——

Mr. PEPPER. I yield to the Senator.

Mr. WALSH. I am very glad the Senator has referred to that. I inquire of the Senator whether Philander C. Knox was ever made a defendant in a suit brought against him by the Government of the United States in which he was charged with having effected combinations violative of the law?

Mr. PEPPER. Mr. President, I do not know; but I am quite sure that if he was the same thing happened to him that happened to Mr. Warren; that is, that a stipulation was entered into to the effect that he was entirely without fault in the premises.

Mr. WALSH. Does not the Senator know that he never was?

Mr. PEPPER. Mr. President, I have never heard that my distinguished predecessor was made defendant in an antitrust suit, and I am quite sure that I should know it if he had been.

Mr. WALSH. Neither did I. So that up to the present time we have no information that Philander C. Knox ever did engage in an unlawful conspiracy to restrain trade.

Mr. PEPPER. Mr. President, the situation is, as I understand it, that in the proceeding to which the Senator refers it was so demonstrated that Mr. Warren was without fault in the premises that a stipulation to that effect was entered into by the representative of the Government, and was filed of record.

Mr. WALSH. Mr. President——

Mr. PEPPER. I yield to the Senator from Montana.

Mr. WALSH. I am constrained to interrupt again. I think the Senator has not the right idea at all about the document to which he refers. If I have construed it aright, there is no admission whatever that Mr. Warren was without fault. It has been repeatedly stated, in the press and otherwise, that a stipulation was entered into entirely exonerating Mr. Warren. Nothing is farther from the truth. The stipulation has been read here in evidence, and it contains nothing of the kind. Moreover, the suit was, as a matter of fact, dismissed against all the individual defendants, but it was found that the Michigan Sugar Co. had engaged in an unlawful conspiracy with the American Sugar Refining Co.; and the Michigan Sugar Co. was Charles Beecher Warren so far as the acts under consideration were concerned.

Mr. PEPPER. Mr. President, I am assuming, and shall continue to assume, unless the Senator from Montana contradicts me, that nothing in his study of the litigation to which he refers, or any part of Mr. Warren's record, disclosed on Mr. Warren's part any conduct which the Senator from Montana would have regarded as inconsistent with a vote of confirmation if he had been nominated to be Secretary of State of the United States. When I say that what happened in that litigation entirely exonerated Mr. Warren, I mean that it left him unblemished as respects his character and integrity; and in so far, Mr. President, as Mr. Warren had been of opinion that the business of refining sugar was not interstate commerce within the meaning of the antitrust law, just to that extent he shared the legal views of the legal giants of those days. I grew up under the professional influence of the man that I conceive to have been the leader of the American bar, Mr. John G. Johnson. I remember perfectly well, as a young lawyer, the decision in United States against E. C. Knight Sugar Refining Co., where it was decided, as has been mentioned so often in the course of the debate, that the production and refining and sale of sugar was not interstate commerce and was not within the purview of the antitrust laws, where it was alleged that the combination refining and selling the sugar was engaged in an attempt to restrain interstate commerce, commerce among the several States and with foreign nations.

That view, we now know, was wrong. Looking back over it, we see that that which is not primarily a legal development, but an economic development, was in its infancy then. The country had not realized the necessity for the restraining effect of the antitrust laws in actual application to big business; and in that era John G. Johnson, Philander C. Knox, and other great men of that day acted upon the assumption that

these great industrial concerns might be put together and might operate in a way that we would now recognize, on the basis of ordinary law-school teaching, is in contravention of the act of 1890.

My point is, Mr. President, that it is not true, and the history of the bar shows it, that a man who gets his training at one stage of economic development under our antitrust laws is not able fearlessly and effectively, when it becomes his official duty so to do, to turn around and pursue relentlessly the very types of combination which a few years before he would have regarded as entirely permissible to put together.

These are not questions of wrongs in themselves. They are not questions affecting character. They are questions of intellectual judgment and economic conviction; and the experience that the great lawyers of the past gained in putting together these combinations which, when once put together, menaced the industrial welfare of the country was experience which in Senator Knox's case was turned to the account of his country's good when he proceeded to set the high-water mark of law enforcement after having come out of the same kind of environment that is charged against Mr. Warren.

Mr. President, we must not be astute to see in the events of long ago things determinative of the character and future conduct of the men who had relation to those transactions. I believe that Mr. Warren will be a better Attorney General for the experience that he had, however you describe that experience, either in the stages preceding the putting together of the combinations that have been charged against him, or in acting as agent or business representative or however the Senator from Montana chooses to phrase it in the days that followed.

Mr. President, it is true, as I said a while ago, that the thing that is going to determine a Senator like the Senator from Virginia [Mr. GLASS], for example, as to whether to follow the general principle of confirming a Presidential nomination or rejecting it, is his own interior judgment as to whether this man did get such a slant, such a bias, in the days gone by, that if he is put into this responsible position he will be unable to detect the illegality of the combination and proceed against it according to law.

Mr. GLASS. Mr. President, I have been intensely interested in all that the Senator from Pennsylvania has said, but especially interested in what he has said within the last 10 minutes. It must be a very strong man who may divest himself of his early training and of his lifetime environment and turn to the exact justice of a case without prejudice.

I recall that I was responsible in the last Democratic administration largely, if not almost exclusively, for the appointment of a man to one of the most responsible positions in the Federal Government. I knew him to be a man of irreproachable character, a man of great firmness and courage, a man of large information and peculiar knowledge that should have been of great service to him in this particular position. I had not the remotest question but that he would be a credit to himself and of great use to the Government in this highly responsible place. Other people shared my confidence in his integrity and my admiration of his abilities to such an extent that he was appointed by a succeeding adversary administration to the same position, as his own successor. He never did divest himself of his early training or his environment. He was completely subservient to those interests with which he had been associated, so much so that I was positively distressed that I ever had any part in his elevation to this high and responsible position.

So I have considered that it takes a man of more than ordinary strength of character and mind to turn from the saturation of his early ideas to a judicial consideration of the other sides of questions that may arise; and I think a Senator may very readily conclude that a nominee who has been associated so constantly with the organization of trusts and the defense of trusts in litigation may be incapable of efficiently discharging the duties of the office of Attorney General, and that a Senator may vote against that nomination without subjecting himself to a suggestion of the suspicion that he desires to embarrass the President of the United States.

Mr. PEPPER. Mr. President, I think that is perfectly true and perfectly fair. The only difference between the Senator and me on that point is that he, I think, makes an unsound generalization from a particular case which has evidently given him concern in the past, while I am trying to appeal to the common understanding of mankind. The common understanding of those who study their fellow men is that the people who come from the kind of training school from which Knox and Wickersham and Warren have come are the people who are best equipped, if they keep their integrity, to serve their country in undoing wrongs which, peradventure, they themselves unconsciously have been instrumental in doing. That is my contention, Mr. President; and while I do not want to say anything that is personally or politically offensive to Senators on the other side of the Chamber, I want to say this:

I never took the least stock in the arguments that were made against Mr. Davis during the last campaign on the theory that he would not be able faithfully and conscientiously to enforce the laws, the Sherman law and all the rest of them. I never had any doubt but that if he were elected he would choose a good man to be his Attorney General, and if I had been in the Senate and he had sent in the name I would have voted for him, because I would have trusted Mr. Davis and I would have held him responsible for the result.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Tennessee.

Mr. McKELLAR. When Mr. Warren was rejected the other day, and his name was sent in again, and went before the Committee on the Judiciary, it was stated in the newspapers that Mr. Warren would go before the Committee on the Judiciary and there make a full and frank statement of his defense. When everyone knows that he had the right and the privilege of going before this committee, can the Senator give me any reason why he did not go before the committee, after having seen the charges against him?

Mr. PEPPER. Mr. President, I reply to the Senator that in point of fact I have not seen Mr. Warren, and have not talked with him, since the convention in Cleveland. I do not know what his attitude toward this matter is. But I will say, answering the Senator's question as best I can, that if my advice had been asked, I should have advised him not to go before the committee, because I believe that this thing is something like a question of original apprehension. It is a question whether, upon the facts as ascertained, upon the record as disclosed, the impression made upon two minds of equal honesty and intelligence is the same or different.

I am willing to concede to the Senator from Montana the impression made upon him so definitely to the effect stated by the Senator from Virginia, that this man would not be able to see illegality when it confronted him, or that he would not go out of his way to find it, and that if he found it he would not proceed to redress it—I am willing to concede to him that impression, and accord him freely the right to oppose it by his vote; but I ask him to concede to me the right to have an equally upright and intelligent judgment that this man's training fits him for this place, and I will vote for him, because I would like to see him the Attorney General.

Mr. WALSH. Mr. President, I am a little surprised, if the Senator will permit an interruption, at the question addressed to the Senator from Pennsylvania by the Senator from Tennessee. Why should Mr. Warren come forward to be heard on this matter? There has not been a word offered in this Chamber against Mr. Warren except from his own mouth, or letters either sent or received by him. He has had every opportunity to say whatever he wanted to say before the committees before which the testimony was taken, or in the hearing of the lawsuit. Why should he come again?

Mr. CUMMINS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Iowa.

Mr. CUMMINS. As chairman of the Judiciary Committee, I think I can answer the question of the Senator from Tennessee.

Mr. Warren was not invited to come before the Judiciary Committee, the suggestion was never made by any member of the committee that he ought to be invited, and personally I did not see any reason for Mr. Warren coming before the committee. He had been examined at very great length in 1911, and again in 1913, and the whole discussion in the Senate was with respect to his own statements regarding the part he took in the organization of the Michigan Sugar Co., and afterwards with the American Sugar Refining Co. I hope that the fault on the part of the committee in not asking Mr. Warren to come before that body, if it was a fault, will not be imputed to Mr. Warren.

Mr. McKELLAR. Mr. President, will the Senator from Tennessee yield to me to ask the Senator from Iowa a question?

Mr. PEPPER. I yield.

Mr. McKELLAR. The Senator will recall that on the day after the rejection of the nomination it was stated in the public print——

Mr. CUMMINS. What of it?

Mr. McKELLAR. It was stated in the public print everywhere that that was the course which was going to be pursued, and the question I wanted to have answered is, Did any of Mr. Warren's friends on the committee ever ask, or did the chairman of the committee ask, that he be allowed to come before the committee, or did Mr. Warren ask that privilege?

Mr. CUMMINS. I say, as the Senator from Pennsylvania has said, that I have not seen Mr. Warren. I have had no communication with him of any kind. It has not been suggested that he ought to come before the committee.

Mr. McKELLAR. The statement in the papers was that he had letters in his possession which would refute the other letters which were read into the RECORD.

Mr. CUMMINS. I am not responsible for the statements in the newspapers. They do not disturb me in the least, and with respect to such matters as we have before us, such statements are very largely surmises on the part of the very energetic correspondents of the newspapers.

Mr. WALSH. Mr. President——

Mr. PEPPER. I yield.

Mr. WALSH. I am very glad the chairman of the committee has made his statement, because one of the leading journalistic supporters of Mr. Warren a few days ago endeavored to minimize the effect of the testimony that was produced before the Senate, upon the ground that Mr. Warren had never had an opportunity to be heard, even upon these matters, and stated that he was going to demand that an opportunity be given him to come before the Judiciary Committee. He not having done that, the same stout advocate this morning says that, of course, Mr. Warren did not come before the committee, because a majority was against him; that the majority controlled the committee, and they did not invite him. Does the Senator from Iowa think it was at all incumbent upon those who were opposed to Mr. Warren to invite him to come before the committee?

Mr. CUMMINS. Of course, I do not, and, so far as I am concerned, I am not at all in sympathy with the notion of cross-examining candidates who have been nominated for office. I think I would have voted against the invitation if it had been suggested by anyone. I think there was no occasion for calling Mr. Warren before the committee.

Mr. PEPPER. Mr. President, I am quite in accord with the views the Senator from Montana expressed a few moments ago in his colloquy with the Senator from Tennessee. It seems to me that this is not a case which is to be decided by accumulating testimony or by the making of explanations. The question is one of original apprehension. You can take into consideration the record as it stands, the man's acts, his words, the environment in which he worked, his individual characteristics, his personal qualities, his educational equipment, his legal training, and his public service; and if the impression made upon you is that somehow or other, while he would make a good Secretary of State or a good ambassador to the Court of St. James, as he did make a good ambassador to Japan and to Mexico, he would not do as Attorney General, then there is no use of Mr. Warren coming before the committee, there is no use of anybody going before the committee to contend differently, because those minds who from that record draw the inference of unfitness would be unchanged, though one rose from the dead.

I have trespassed upon the patience of the Senate far more than I had intended when I rose. As I said in opening, my purpose was to say now what, but for a parliamentary situation which forbade it, I would have said when the nomination was before us previously. I wanted to bear my witness, as a member of the American bar, to my admiration and regard for this man, whom personally I know but slightly. I wanted to say that it seems to me a grave injustice has been done to him when it has been heralded over the country that he was a man without any considerable legal reputation whatsoever, and I wanted to say that, so far as his legal antecedents and environment are concerned, I think that his character and his caliber are such that he would be abundantly able to use the experience that he gained at an earlier day to the advantage of his country at this later day and that in the office of Attorney General he would be a credit to the President of the United States, who appointed him. There is yet time for the Senate, not to call on him for an explanation, but to purge itself by voting for the confirmation when we shall come to a vote.

Mr. COUZENS. Mr. President, I will not keep the Senate very long. The Senator from Pennsylvania [Mr. PEPPER] has introduced into the RECORD some telegrams he received from Michigan, and while I was not in the Senate during his entire speech, and am not familiar with all he said, I think it is incumbent upon me to put into the RECORD some telegrams and letters I have received from Michigan supporting the position I took when this nomination was up for confirmation before.

I said at that time that I was convinced that 90 per cent of the people of Michigan were against the confirmation of Mr. Warren. I based that statement largely upon my personal knowledge, and upon the fact that the representatives in Congress from Michigan, numbering in all 15—13 in the House of Representatives and 2 in the Senate—were, so far as I knew, unanimously against the confirmation of Mr. Warren. I was not sure about one of them, so I reduced the percentage to nine-tenths. If Members of Congress represent their constituencies, I think it is safe to say that 90 per cent of the people of Michigan are against the confirmation of Mr. Warren.

In substantiation of some of the things which have been said, and with particular reference to a resolution passed by the House of Representatives of the State of Michigan, in Lansing, it was heralded in the press, so far as I saw, at least, that the resolution was unanimously adopted. The truth is that there never was a roll call. There was never a yea-and-nay vote. When the resolution was submitted, it was suggested that it be referred to the committee on resolutions, but the statement was made that if it went to that committee it would be buried, the proponents knowing that the committee on resolutions would not report out favorably a resolution like that. So the Chair put the question, a few hands went up, and the resolution was declared carried. I refer now to the resolution introduced in the Michigan Legislature indorsing the appointment of Mr. Warren as Attorney General.

On the 12th of March I received the following telegram:

> Any newspaper report to effect that Michigan House has unanimously indorsed Warren incorrect. We and many others think you should have this information.
>
> CHARLES A. SINK,
> JOSEPH E. WARNER,
> *Representatives.*

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. COUZENS. I yield.

Mr. PEPPER. Does the Senator draw from that telegram the inference that no action in confirmation was taken, or merely that it was not unanimous?

Mr. COUZENS. Merely that it was not unanimous. In respect to that I wish to say that there was no roll call, no yea-and-nay vote, and no one knows, either the proponents or the opponents of Mr. Warren's confirmation, the attitude of the house of representatives in Lansing.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. COUZENS. I do.

Mr. BINGHAM. Was there any objection raised, or was it agreed to by unanimous consent?

Mr. COUZENS. There was objection raised to the resolution going to the committee on resolutions.

Mr. BINGHAM. Was there objection raised to the passage of the resolution?

Mr. COUZENS. I do not know. I was not there. I have no evidence of it.

Mr. BINGHAM. Were there any speeches made against the resolution?

Mr. COUZENS. Oh, yes; there were speeches made against the resolution urging that it be sent to the committee on resolutions.

Mr. BINGHAM. But no votes against it?

Mr. COUZENS. There was no record of any vote. There were just a few hands held up, from the information I get, and the resolution was declared by the Chair to be carried.

Another telegram I received is from Lansing, dated March 12:

> As one member of the lower house, Michigan Legislature, I was not for Warren resolution reported as having been unanimously adopted yesterday's session.

Another telegram from a prominent resident of Adrian, Mich.:

> Heartily appreciate your opposition to Warren. Only the Federal office seekers are yelling about it.

Another one from Lansing:

> Your position on the Warren appointment approved, and the four transportation brotherhoods of Michigan appreciate the stand you have taken. The confidence of the people in their Government must be maintained, and we believe the appointment of Warren would have a tendency to destroy it.

That telegram is signed by the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, and the Order of Railway Trainmen.

I have a number of other communications written by individuals who do not maintain law offices and who do not employ stenographers and who write with some difficulty. I am not going to detain the Senate to read those, because the atti-

tude of the Senate would perhaps be that those are little fellows and of no particular consequence, but with which idea I do not agree at all.

I have a letter from an attorney in Port Huron, dated March 12, as follows:

> The action of the legislature yesterday in extolling the ability as a lawyer of Mr. Warren was ridiculous in the extreme.
>
> You are well aware of the fact that not a handful of that bunch ever met Mr. Warren personally, and as he has not been in active practice himself to any extent for years, they sure are not speaking from actual knowledge.
>
> I shall venture to say that not 5 per cent of the Republicans of Michigan knew that Mr. Warren was an attorney or was ever admitted to the bar until he received State-wide publicity as such in connection with his selection as Attorney General.
>
> Mr. Warren, as you well know, is a fine gentleman and has made a success in life, but in other lines of endeavor from the law, and unless the duties of the Attorney General are largely of an executive nature you were everlastingly right in voting against his confirmation.

Mr. President, I want to be perfectly frank. I have some telegrams of like tenor to those which were read by the Senator from Pennsylvania, but I assume Mr. Warren's proponents are taking care of those, so I shall not burden the Senate by reading them.

I want to say further, and I say this knowing that Senators on the other side of the Chamber need no defense, that the statement contained in the press that this is a party question is absolutely ridiculous and absurd. I have always been a Republican. I have never voted any other ticket than the Republican ticket. I am as earnest and sincere in my objection to the confirmation of Mr. Warren as any Senator on the other side of the Chamber, and just as earnest and sincere against this confirmation as any Senator who is in favor of his confirmation.

An editorial that I read the other day said it was absolutely impossible for all the Democrats to agree that he was not fit to be Attorney General, and therefore it must have been decided as a party issue. I want to say that it might be equally well said that the 39 or 40 Republicans who voted for his confirmation must have done so for party reasons, and therefore it would have been just as absurd as the other statement. I know that in talking with Senators on this side of the aisle many of them have said they are voting in favor of his confirmation because of party regularity. Senators have told me that they wish the appointment had not been made, that they wish he was not going to be Attorney General, but they want to be regular, and they believe in giving the President the benefit of the doubt. I found no fault with those Senators. I am not now finding any fault. But I object to those Senators in turn finding fault with a Republican Senator who conscientiously disagrees with them as to whether or not Mr. Warren ought to be confirmed.

[A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.]

Mr. REED of Missouri. Mr. President, the closing sentence of the distinguished Senator from Pennsylvania [Mr. PEPPER] was to the effect that it is not for Warren to purge himself, but for the Senate to purge itself. I take it that he feels Charles B. Warren got his immunity bath when he persuaded the United States district attorney to stipulate that he had not been attorney for the Sugar Trust since 1906. Indeed, that is the only thing brought forward in exculpation.

I repeat now what I said when first the nomination was before the Senate, that stipulation is in the nature of a confession. Mr. Warren was a codefendant with the Sugar Trust and the Michigan Sugar Co. and several other companies in the Federal courts. After the long delay of 12 years the case came to the point for the entering of a consent decree. A consent decree with a finding of guilty is never made unless the Government has made out so clear a case that defense is impossible. Such was the situation, as is abundantly demonstrated in the printed testimony, a volume of which I hold in my hand.

Whenever a defendant dare not go to trial, he undertakes to make the best peace he can. The best that could be done by the defendants in this case was a solemn adjudication of fact that the laws of the United States against pools, trusts, monopolies, and combinations had been grossly violated, that each one of the defendant companies was guilty, but that because during the 12 years of time there had been a transfer of a part of the stock which was held by the Sugar Trust, the stockholdings had been so reduced that the court in the consent decree would not order a dissolution, but in lieu of a dissolution enjoined the Sugar Trust from ever acquiring any more stock of the subsidiary companies, and likewise enjoined the several companies from transferring or permitting to be transferred to the Sugar Trust any more of their stock than it then held. The object and the purpose of the decision was to prevent a repetition of the iniquities which had been perpetrated.

All that Mr. Warren got out of it was a deceptive stipulation written undoubtedly for the purpose of endeavoring to give him apparently a clean bill of health. But when we come to examine it, we find it did nothing of the kind. It merely stipulated that since 1906 he had not been the attorney for the Sugar Trust, and that was not any part of the charge of the Government or any part of the case. When a lawyer will come in and seek a stipulation of that kind its purpose is so evident and so manifest that it needs no comment. The fact that he did not get a stipulation declaring his conduct to have been honorable and fair throughout is sufficient evidence that he could not get it.

But when the Michigan Sugar Co. was found guilty, what then? He was the Michigan Sugar Co. The only way a corporation acts is by its human agents. The principal agency in the management of every corporation is its president. Mr. Warren was the president of the Michigan Sugar Co., which was condemned for illegal practices from the year 1906, when it was brought forth in fraud and in iniquity, down to the 25th day of January, 1925, when the President sent his name to the Senate for the high office of Attorney General of the United States.

The Michigan Sugar Co. had violated the law. The court not only said so by its decree but the decree was consented to by the Michigan Sugar Co., represented in court by Mr. Warren who appeared for it for himself in his own proper person. If the Michigan Sugar Co. had been guilty, then it was guilty through the acts of its officers. They made it guilty. The poor corporation could not do anything except through its officers. It was a mere incorporeal thing. So if it violated the law, if it trampled upon the statutes, if it was guilty of an illegal practice, if it had gone into an illegal combination, if it had run counter to the welfare of the people of the United States, if it had fixed prices, if it had made unholy combinations, it was Mr. Warren who caused it to do those things. Therefore the finding against it was a solemn finding by consent of Mr. Warren himself that he is the guilty party.

So, Mr. President, the Senate of the United States does not need to purge itself for voting against the confirmation of a man who consented to a decree that the corporation of which he was president had while under his management been guilty of violating the laws of the United States. Let those who vouch for his name in the Senate or outside purge themselves, if purging be necessary. As for us, we are content.

In my preliminary statement I desire to go a little aside from this case to defend the character, the patriotism, and the honor of the man whose name has been brought in comparison with that of Charles Beecher Warren. For a number of years I sat here and looked into the face of Philander C. Knox. He was an intellectual giant, and he was intellectually as honest as he was intellectually great. I challenge the right of any man to name him in the same breath, in the same sentence, in the same day, in the same Chamber, in the same century, in comparison with Charles Beecher Warren. I stand to defend the honored dead against that aspersion. Will any man say that Philander C. Knox ever entered into an agreement with men to organize companies in order to stand in competition with some great giant of the commercial world, and then immediately began secretly to buy the stock of the new companies and to betray them into the hands of the great company they had organized to combat? Will any man dare say that of Philander C. Knox? Will any man dare say that Philander C. Knox ever went around among companies that he secretly controlled in the interest of the rival or supposed rival of those companies and arranged with them to fix prices for the consumers or to parcel out territory? Did Philander C. Knox ever engage in such a delectable and honorable business as fixing the price of beets for farmers who had been induced to go into the business; of arranging it so that they could not sell their beets except to one factory; of fixing it so that they had to sell to a factory that was cheating them upon the sugar content of their beets; or finally engage in such a business as fixing the price of beet pulp so that the farmers would be compelled to pay an extortionate price for it when they brought it back for feed? What is there in the career of Philander C. Knox that would warrant paralleling his life and services with so sordid a story as this?

I think I am saying for him what he would much better have said for himself if his tongue still had the power of speech and his lips could give expression to the thoughts of his heart. What a pity! How often the demagogue takes refuge behind the cloak of a Lincoln or a Washington! How often he who has no defense will in impious impudence compare himself with the immortal dead! But it remained for the Senator from Pennsylvania [Mr. PEPPER] to drag from the tomb the corpse of his predecessor and endeavor to hold it up before us to obscure our vision of Warren.

Mr. President, I had intended to discuss this question this afternoon in a judicial manner, if I could possibly do so. I want first, lest I forget it later on, to make an observation or two with reference to the return to the Senate of this nomination. I do not say it of the President in harshness. Personally, I have for the occupant of that great office the kindliest of feeling. He presided here in this body. He was amiable, pleasant, and fair; and no matter what may occasionally transpire in this Chamber, there grows up among us all a feeling of mutual respect and of good will and some considerable element of charity. But, Mr. President, Mr. Coolidge occupies an office of the United States Government, and when he acts he does not act in his personal capacity but in his official character. We occupy our respective positions not as individuals but as officers of the people. It is entirely proper, therefore, that we should, if our judgments differ, disagree in accordance with our judgments.

It is entirely respectful and proper for the President to send us the name of a man whom he may think the majority of us do not want. It is quite as proper for us to reject a man who we think is unfitted for the position. When we pass a bill and the President vetoes it, as was suggested by the Senator from Minnesota, he casts no reflection upon the Congress thereby; it is his duty to veto it if he believes the legislation a mistake. If we pass it over his veto we do not thereby slap the President in the face or mistreat the President. We simply express our judgment upon our oaths and endeavor to perform our duty. So I think the President may have felt justified in sending back this name to us, although I believe that when he did so he made a very great mistake, and that his action can not be sustained under the law.

Mr. President, let us see where the argument of the distinguished Senator from Pennsylvania would lead us. He says that the President can send in a name and the Senate may reject it; that the President thereupon may send it in again the same day or on a different day, and the Senate may reject it, and that that process may be repeated so long as the President sees fit to send the name to the Senate. I do not agree with that statement. If we should give to the Constitution that kind of construction the Government of our country could be turned into a farce. If the President should continue to send in the same nomination for each Cabinet office day after day and week after week and month after month, although each were rejected as often as sent in, we would soon have a Government without a single head to a single department, and the President who did that would come under very severe condemnation. To my mind—and with this one thought I dismiss the subject, for it is too large a one to argue here to-day—the true meaning of the Constitution is that the President has the right to select and nominate a man for a position. When the Senate advises and consents to that appointment the man goes into office and the incident is closed. Likewise, if the Senate shall reject the nomination, the nominee is rejected for that term of Congress at least. The proper authority of the Government has said that he shall not take that place, and the President has no more right to send in the same name again than the Senate would have the right to confirm a man one day and the next day to rescind its confirmation.

Therefore, to my mind, the action of the President is not only contrary to the spirit of the Constitution, but it is a very great mistake as well. Certainly, it will not do for either department of this Government to attempt to put coercion upon the other. It would hardly do for the Senate arbitrarily and stubbornly to refuse to confirm any man the President might send here. That would be exactly on a par with the action of a President in sending here repeatedly a name that the Senate had expressed itself as unwilling to confirm and refusing to send any other name. What would the country say of us, what would we say of ourselves, if we were arbitrarily to refuse to confirm for any office any man that the President might send here and thus paralyze the Government? The framers of our Constitution never conceived that either branch of the Government would endeavor to proceed to such an extreme as that.

Mr. KING. Mr. President, before the Senator leaves that point, will he yield to me briefly?

Mr. REED of Missouri. I will.

Mr. KING. Confirming what the Senator has said, if he cares to have it put into the RECORD, I have before me the work of Justice Miller, formerly of the Supreme Court of the United States, one of the most distinguished jurists that our country has ever produced. In his great work upon the Constitution he discusses this question, and he states that such conduct as that which the Senator has been describing—that which has characterized Mr. Coolidge in sending the name of Mr. Warren again to the Senate—is a violation of the spirit, if not the letter, of the Constitution of the United States.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I do.

Mr. BORAH. Do I understand that the Senators are now discussing a constitutional right or a mere question of policy?

Mr. REED of Missouri. The question is a mere incident in my remarks. If, however, the Senator desires to say anything with regard to it, I shall be glad to yield to him for that purpose.

Mr. BORAH. I was going to say that while it may be an incident to this matter before the Senate, I have no doubt about the right of the President to send this name back here as often as he desires or thinks it wise to do so. It is a mere question of policy. His constitutional right to do so, it seems to me, is not in doubt.

Mr. REED of Missouri. There is undoubtedly a difference of opinion. The Senator from Utah calls my attention to this work of Justice Miller, and while I do not desire to argue this question I shall read his opinion:

> This perhaps is not the time nor the place to express my opinion upon the nature of that controversy—

He had been speaking of the impeachment of Andrew Johnson—

> but I think it clear that, while the right of removal remains in the President, he can put no one in the place thus made vacant for a longer period than the end of the next succeeding session of the Senate; and that, whether by failure to nominate some person to fill the place during that session of the Senate, or by the refusal of the Senate to give its assent to such nomination, the office is, at the end of that session, vacant; and that an effort of the President to keep in office the man of his choice by reappointment under such circumstances is, at least in spirit, a violation of the Constitution.

Mr. BORAH. Mr. President——

Mr. REED of Missouri. I am coming to the next question, if the Senator will wait a moment.

> The functions of the President and of the Senate in relation to appointments to office are so clearly stated in the Constitution that it would not seem to be necessary that any question should arise about it. The initiative is with the President, the right to nominate and refer that nomination to the Senate is with him, and the Senate can have no right to dictate to him whom he shall nominate.
>
> Their right is one of approval or disapproval. When they have exercised that right, the President has as little authority to make other efforts to impose the same nominee upon the Senate, or to continue him in office, as that body would have to interfere with the President's choice among all eligible persons to such office. Hence any attempt, by giving the commission to the same person who had been rejected by the Senate, after the expiration of its session, or to renominate the same person to the Senate after its rejection during the same session, is equally opposed to the spirit if not to the letter of the Constitution and to the just right of either the President or the Senate to exercise the functions and powers which the Constitution confers upon either of them.

That seems to be the opinion of Mr. Justice Miller, who, as we all know, was one of the greatest of our American jurists.

Mr. BORAH. Mr. President, I wish to say further I do not regard this feature of the discussion as controlling; but I did not desire to have it pass that it was conceded by those who were not voting for Mr. Warren that the President did not have any right to send his name back. It is always dangerous to take the views of the men who were associated with the impeachment of Andrew Johnson with reference to the particular matters which were involved in that case. There were many circumstances and conditions which entered into that controversy which are not here at all. Besides, that was a matter which arose in an hour of frightful passion and no feature of it should be regarded as a guide. I have no doubt myself but that the President has the constitutional authority, if he

thinks it is the proper policy, to send the name back here for our reconsideration.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. KING. One of the ablest writers upon the Constitution, as the Senator from Idaho knows, is Mr. Watson. In volume 2, page 996, if the Senator will pardon me, without reading the entire paragraph, he states:

> The President by reappointing the rejected appointee practically strikes against the provision of the Constitution which requires confirmation by the Senate.

He approves of the doctrine announced by Justice Miller and condemns the effort of the President to attempt to enforce his will upon the Senate by sending the name again to the Senate.

Mr. WALSH. Mr. President, let me inquire from whom the Senator is now reading?

Mr. KING. From Watson on the Constitution.

Mr. BORAH. Mr. President, it does not make much difference what the commentators say in the way of a general expression; it is at best an opinion. The fact is, all we have to do is to take the simple language of the Constitution itself, and a layman may construe it without any difficulty whatever, it seems to me. There may be a very serious question of policy involved, both upon the part of the President in returning the name and upon the part of the Senate in arbitrarily rejecting names. I can well understand the question of policy being a serious one; but it is a question of policy, in my opinion, and not a question of constitutional law.

Mr. WALSH. Mr. President, I trust that we shall not get into a discussion of this constitutional question. The report submitted by the majority of the committee merely says that the question is involved in some doubt, and I think everybody will concede that much, at least—that the constitutionality of this act of the President is at least in doubt, and it has been declared to be violative of the Constitution by eminent writers on the Constitution. I fully agree with the Senator from Idaho, however, that it by no means signifies that any one here adopts that view, whatever course he takes with reference to the nomination.

Mr. REED of Missouri. No; Mr. President, and I had not meant to inject the question here as a matter of controversy; but I did want to say, in the course of my remarks, what my own personal opinion was and is.

Now, Mr. President, to clear the ground a little further, it has been urged, as the sole defense of Mr. Warren's attitude, that the Knight case, decided in 1895, had justified the practices indulged in by Mr. Warren. I deny that.

I say that no good lawyer reading the Knight case ever found in it anything to justify the practices which here appear. I do not intend to read the Knight case or discuss it. I fortify what I have said by the quotation from the Supreme Court of the United States in the Northern Securities case. In the Northern Securities case the court makes this statement regarding the Knight case:

> In The United States v. E. C. Knight Co. it was held that the agreement or arrangement there involved had reference only to the *manufacture or production* of sugar by those engaged in the alleged combination.

And the words "manufacture or production" are italicized.

But—

Says the Supreme Court—

> if it had directly embraced interstate or international commerce, it would then have been covered by the antitrust act and would have been illegal.

If it had embraced interstate or international commerce, *it would then have been covered by the antitrust act and would have been illegal!*

What are the facts here? The evidence taken by the Government in the prosecution of this trust combination showed conclusively that the transactions did embrace interstate business, did embrace interstate arrangements, the sale and purchase of goods across the lines of States, and the fixation of prices in the various markets of several States; so that there never was a time when the practices which were shown in this case could have been construed as protected by the doctrine of the Knight case. Therefore I say that that defense must be abandoned.

But, Mr. President, we have had some telegrams read to us. I think a man would sink to a very low estate who could not get at least a few telegrams sent from his own State in his own behalf. On the other hand, I have a flood of letters on my desk congratulating me and congratulating the country upon the rejection of this nomination. The best character witness this man has produced is the Senator from Pennsylvania [Mr. PEPPER], and for his judgment, if he had been closely associated with this man, I would have very great respect. I have very great respect for it anyway, under any circumstances; but against his opinion of the man I oppose the record of the man, as sworn to by himself or as demonstrated over his own signature, and as finally confirmed by the United States Court for the District of New York by his consent and his admission. That is the answer I make.

You know, when a man sends a telegram you have not much chance to cross-examine him, and sometimes it transpires on cross-examination that a situation develops as it did once in a country court in my State. Certain lawyers were trying to prove a good character for a man who did not have a very good character. They hunted around and appealed to the sympathy of everybody that they might discover somebody to say that the man's reputation for truth, veracity, moral character, and honesty was good.

Finally they appealed to a particularly honest and sincere old gentleman, who disliked to say anything against anybody, and yet who hated awfully to commit perjury. They asked him what the man's general reputation for truth and veracity and honesty was. Knowing that there is a distinction between reputation and character, the old man said that his reputation was good. Then they said to him, "Well, don't you believe, yourself, that he is a perfectly honest man?" The old gentleman said, "Well, now, if you are going to put it that way, I will have to say that from my dealings with him he is somewhat twistiful." [Laughter.]

So cross-examination sometimes develops things. I take very little stock in these telegrams. At least, they have no weight at all against the testimony of the man himself.

The Senator from Pennsylvania made a peculiar argument, namely, that as this man has had long experience with these trusts and combinations, therefore that he is eminently qualified to destroy them. I know there is an old maxim that it takes a rogue to catch a rogue, but, like a good many other maxims of this world, it does not work, for while a rogue might catch a rogue, a rogue very seldom starts out to catch a rogue. The only men who catch rogues, first and last, are honest men.

If the Senator from Pennsylvania is right, then let us establish a preparatory school for public office. Let us insist that every man who goes in as Attorney General of the United States must at some time have violated the trust statutes of the United States, and then we will have a yardstick by which to measure them, a true pair of scales in which to weigh them. We will have a competitive examination and the fellow who has organized the most trusts and produced the most outrages will, of course, be entitled to the job.

I desire to call attention to the character of Mr. Warren's operations. I traced them the other day almost from their inception, but I now challenge attention to some of the letters which were put into the RECORD by the Senator from Montana [Mr. WALSH]. These letters are a part of the official record of the prosecution of the Sugar Trust and Mr. Warren in the Federal court.

First, I want to challenge attention, when standards of business honesty are being fixed, to the fact that Mr. Warren engaged in the business of helping to organize sugar-beet companies that were to compete with the trust. While he was engaged in that kind of organization he was secretly in the employ of the trust and secretly acquiring the stock for the trust.

Am I making a harsh charge? I am, but it is based upon letters written by and to that gentleman. Let me read a few sentences from a letter of March 7, 1905, from Havemeyer to Warren:

> * * * when you are in contact with these people, as well as all others in the stock of corporations in which we may be interested, to request them to refrain from revealing in any way our relations to it.

Havemeyer to Warren, April 25, 1902:

> * * * buy for account of me and my associates up to one-half of the capital stock of the Sanilac Sugar Co. of Michigan at par * * * without committing me to the purchases.

There are other similar letters. It was said that these companies were sold out by desperate stockholders, who implored the Sugar Trust to take them over. What is the truth about that? Here is a letter from Havemeyer to Churchill, of December 29, 1902:

> I should very much like your interest in the matter of securing a pecuniary interest in the other beet-sugar factories in Michigan,

Churchill was one of their organizers, and he and Warren were as close as two cooties roosting in the same seam of the same soldier's clothes in the same trench in France. [Laughter.]

Then, Warren was too slow to suit Havemeyer. He absented himself, I believe, on some social matter, so Havemeyer wrote to Churchill on December 29, 1902:

I am somewhat embarrassed about Warren. He was to undertake looking into these matters, but I guess his marriage has diverted him.

That related to the acquisition of stock in these other companies. This eminent lawyer was getting the stock. Think of it! If my distinguished friend from Pennsylvania, who is a great lawyer and who had a great law business, will permit me to put him into a personal application, I can imagine him getting in his "Henry Ford" and traveling up and down the byways of the State of Pennsylvania, picking up the stock of various companies. I think he would tell his client to go out and get his own stock, that he would pass on the question of the legality of the transfers, and as to the amount he needed to get.

Was there any water in this stock? Havemeyer wrote to Warren on August 12, 1902:

* * * I would take my share of the increase and that I would probably invest $50,000 more, on the conditions which you state it to be issued. I believe you said two for one.

Warren did not have the slightest compunction in organizing a company in the State of Michigan to take two for one in stock. Is a man who is engaged in that kind of business the man to punish people who do that sort of thing? Manifestly, according to the Senator from Pennsylvania, that only adds to his qualifications. It is a recommendation of him. According to that, the wickedest man who has ever cursed this earth ought to be the first admitted to heaven, because he is the best qualified now to know all that was wicked, and therefore is the best subject for regeneration.

Warren helped to organize the Sanilac Sugar Co. He was one of the men who went in with the other men to organize it, and yet we find Havemeyer wiring to him on March 3:

I wired you to buy the 31,357 shares of the Crosswell-Sanilac Co. at par *and to do better if possible.*

Undermining this company, carrying its control over to the trusts, buying the stock of his associates and former partners in the enterprise as cheaply as he could, doing it secretly for Mr. Havemeyer.

Then Havemeyer wrote to Warren on March 3, 1903:

The management * * * is subject to our control. This is absolute.

Can it be imagined that a man who did not think that when he was helping to gather up a large number of companies secretly, at the instance of the head of the Sugar Trust, and was getting them an absolute control, did not know that he was violating the trust statutes of the United States, the common law of his country, and the common law of Almighty God?

Here is Havemeyer's opinion of Warren as a lawyer, which incidentally comes out. This is in a letter from Havemeyer to Warren on September 30:

* * * the agreement between the Alma Sugar Co., yourself, and others. I do not think it worth the paper it is written on, and I am informed by those whom I think competent judges that it has no merit whatever.

Is not that a strange letter for a man to write to the man who is doing business for him as his lawyer all the time? He was a partner in this venture, and one business partner writes to the other that he does not think the contract he has is worth anything, that he had submitted it to competent judges and they did not think it was worth anything. Then the letter continues:

I am surprised that the Alma people should have gone into this *without our approval.*

This is the great lawyer. We were told that Warren did not know anything about the trust's operations in other States, that it was just a Michigan venture he was in, trying to protect himself. But, unfortunately for him, the record in this case discloses otherwise.

On September 10, 1902, Havemeyer wrote to Warren:

W. C. Penoyer went to Fort Collins in our interest, and our lawyers there wrote that his conduct was reprehensible.

So Warren knew the trust was engaged in the same unlawful business in Colorado as in Michigan.

Let us see about plans for controlling the market. As to all sugars produced in Michigan, on August 23, 1906, Havemeyer wrote and made suggestions. On September 18, 1906, Havemeyer wrote to Warren:

It is very important, I think, to get a large percentage of sugar sold on the basis of the American Co.'s price, as it leaves so much less to seek a market for.

Let us stop a moment over that letter, Havemeyer to Warren:

It is very important, I think, to get a large percentage of sugar sold on the basis of American Co.'s prices, as it leaves so much less to seek a market for.

Were they engaged in price fixing when the proprietor of the trust wrote Mr. Warren, who had been engaged in getting control of the Michigan Sugar Co., that it was important to sell all of the output they possibly could—at what? At the price fixed by the trust, so there would not be any sugar or but little sugar outside to break the market.

My friends, I do not say that Mr. Warren should be sent to the penitentiary, but I know two laboring men who were sentenced to the penitentiary for violating the antitrust act upon not one-tenth part of the evidence contained in the four lines I have just read.

Again, in order to show the extent of the control of Havemeyer, we find that on October 16, 1907, and October 26, 1904, in both of those years, Warren absolutely commanded, against his own judgment, by Havemeyer, to deal through a particular broker named Meinrath. Everybody knows that that is the way the prices are controlled, by dealing through special brokers. In April, 1906, and as late as November 29, 1907, Warren was still continuing to take his orders from Havemeyer.

Price "jobbing"? Was there anything in that? Warren wrote to Havemeyer November 29, 1907, and the consent decree only undertakes to say that he was not employed by the American Sugar Co. after 1906:

The business of the Michigan Co. consists largely in deliveries on its contracts where confidential prices are given and the business is keeping up.

He was in concert at that time with Mr. Havemeyer. Again, to show Mr. Warren's attitude with reference to the right of the people and with reference to the law, on February 9, 1904, Warren wrote to Havemeyer:

There is a great deal of friction among the various companies of the Saginaw Valley regarding the beets, and it was for that reason that I suggested, when last in New York, that a central board would be necessary to straighten out the relations among the companies.

The companies were buying beets in competition with each other. There was more than one place where the farmer could sell his beets that he had worked all the summer to raise and that he had crawled on his knees through the sand and dirt to weed. There was more than one place where he could sell his beets, so Mr. Warren said, "Let us get together and organize a board that will control the matter, so there will be no more bidding of one company against another company for the farmer's beets."

Did that come within the decision of any respectable court that ever sat anywhere in the United States? Does it come within anyone's idea of fairness and of decency? Ah, my friends, it seems to me that about the wickedest thing a man can do in this world is to try to deprive another man of a fair reward for the fruits of his industry. The man who stands on the highway with his gun and robs one of his purse has simply applied force to take that property. The man who creates an industrial condition that denies one the opportunity to sell his goods in a fair market is a highwayman in one sense of the word, for as one stands with his gun and deprives one of that which he already possesses, the other stands with his power and deprives one of the chance to get what his property is worth in the market. It is immoral, it is dishonest, it is wicked, it is villainous. It can not be palliated by technicality. A fair man never did it in the world. A fair man is always willing to let his neighbor sell wherever he can get the best price. Only the unfair man takes advantage of another man's necessities. Only the unfair man places obstacles in the way of a man driving his goods to market or places obstacles in the way of the man selling his goods when he gets them to market.

A picture rises before me of the beet fields of Michigan, of Colorado, of Ohio, of Nebraska, and of other States. The farmers have worked hard during the long bitter years and

now they are told they can make more money if they adventure into new fields of raising beets. They are told that factories are about to be established, that they will give employment to labor and will make an additional market for all that they produce and that especially they will be able out of every acre of land they put in beets to make much larger profits than before. They have visions of paying off the mortgages upon their farms, of sending their children to school, and so they embark into this new venture. But they discover something they did not know before, that it is the hardest, most grueling, most toilsome work on the farm, that they and their wives and little children must go out to pick the beets and cull them out and pick the weeds. On hands and knees they crawl—for that is the way they work in the beet fields. Next they find the beet factory has fixed the price so low that they can not afford to sell. Ah, but they say, "A few miles away there is another beet factory and we will take them there." So they take their beets to the other factory and get an honest weight and an honest estimate and an honest price. Then they learn next year that a committee has been organized, that all the companies have been brought into that committee, and that there is now only one price offered for their beets, because a gentleman named Warren has been about secretly. They must take whatever is offered. They are in the absolute grip of the trust.

Is that a demagogue's plea? If that be demagoguery, then let every man in the world stand up and be a demagogue. That is a plea for human justice. That is a plea for human decency. That is a plea for the very salvation and stability of our country. When we deny the right of men or the power of men to make independent livings we destroy the independence of this great race, and upon the independence of the individual man rests at last the majesty of our Government and the progress of our civilization. The man who would destroy it is not fit to hold any office, sir.

March 4, 1907, after the consent decree, Warren to Havemeyer:

Regarding the indefinite contracts with Edgar, Musselman, Judson, and Lee & Cady * * * they simply mean that while Michigan Co. has sugar these firms will take their other wants on special terms.

March 4, 1907—and notice in this we get a photograph of Mr. Warren's conception of the farmer. I want my friends of the farm bloc to give me their attention:

Presume that the organization known as the Sons of Equity among the farmers will interfere somewhat with the writing of acreage this year in Michigan, Wisconsin, and Minnesota; but, of course, the movement is temporary and will go out like all farmers' movements.

The Sons of Equity would interfere somewhat with the writing of acreage—how? Plainly because the Sons of Equity were going to insist that they would have a decent price or they would not sign up. Mr. Warren, who had organized the combination so there would be only one party to purchase, objected to the Sons of Equity getting themselves in the same shape, so they could bargain across the table. He wanted to have a combination on his side of the table, air-tight and under his seal, but he would let those on the other side of the table deal as individuals. Contemptuously he remarks, "The movement is temporary and will go out like all farmers' movements. The trust will last forever. Our combination is perfected." That was the thought unquestionably present in his mind.

What else were they doing to the farmer? Here is another letter. March 2, 1904, Warren to Havemeyer:

The division of territory which I took up after the conference with you has been accomplished and is working out favorably—

To whom? To the farmers? To the Sons of Equity? To the producers? To the consumers? No!

To all the companies.

To all the companies!

It is going to take a good deal of work to get the agricultural conditions back into a normal state, but the division of territory and the creation of this board—

Which was to control prices—

will go far—

To do what? To skin the farmers on one hand and to skin the consumers on the other? No; that is not the way Warren puts it—

will go far to steady the industry so that there will be no abnormal losses in any event.

But were there abnormal losses? I have shown that they doubled the stock in these concerns, and as a matter of fact I think it is easily susceptible of demonstration that they probably issued eight or nine times as much stock as there ever was money put in, and yet they have been paying enormous dividends year after year after Mr. Warren's learned and honest hand was grasped in the equally honest hand of Mr. Havemeyer and they made these combinations.

Sometimes when a farmer took his beets to a plant other than the one where he had been told to deliver them in pursuance of these contracts he was turned over to the plant that was entitled to have them. They farmed these farmers out and farmed the farmer.

What is it to be a serf? To be a serf is to be a man who is attached to the soil and who can not get away and who has to take the prices that are paid him by a single man. That is all there ever was to serfdom, except back in remotest ages when serfdom blended into slavery absolute.

Warren is not the innocent man into whose honest brain evil thoughts were put by others; he is not the fair man who, being hard pressed, is obliged to obey the command of a financial master. On the contrary, he is the man who originates; it is his mighty brain, teeming with splendid thoughts, that produced the schemes which these gentlemen put into operation.

June 21, 1904.

Warren to Havemeyer—

There seems to be a strong sentiment against raising beets for the Bay City plant, and the local directors told Mr. Churchill at the meeting that the farmers would not raise and ship their beets to Bay City.

They were getting in their work.

Any public announcement of the plan of shipping to Bay City would be injurious to the future of the business in Tawas.

So they were going to ship from one plant to the other, and all standing together, each would sustain the other.

June 21, 1904.

Warren again to Havemeyer. As I read these letters, I have about concluded that Havemeyer was the poor innocent who was imposed upon; that it was the bad advice of Warren that led Mr. Havemeyer to insist upon having a Sugar Trust.

June 21, 1904—

Warren to Havemeyer—

Regarding the sale of sugar. The central board has been elected by every company, and meets in Saginaw this week for the purpose of organizing, and will select one man—

One man—

to handle the sugar of all the plants, including, of course, the Peninsular output.

Does anybody here still think these practices were covered by the Knight case; that some great lawyer, reading the statutes of the United States, was misled by the Knight case into believing practices of this kind were legal?

Warren to Havemeyer, June 21, 1904:

I will be in New York either next week or the following week, and will go more fully into the matter of marketing the sugar.

Why is he writing to Havemeyer about marketing the sugar if he was in competition? Why were these gentlemen meeting there? Does anyone think they met there for any other purpose than to fix the price?

And also talk over with you the matter of officers and their salaries, as you request.

At the same time the associates of this gentleman in his State did not know that he represented the sugar combination, and two or three of them testified to that effect before House of Representatives committees in 1905, and again in 1909.

Again, on October 28, 1904, Warren writes to Havemeyer:

Our central board sells every pound of sugar manufactured by all of the factories in which you have an interest in Michigan, except Menominee. There have been no sales made except through the office at Saginaw, of which Mr. Hathaway has charge.

And yet Mr. Hathaway testified that he did not know about this control.

The results since the distribution of the acreage have been gratifying.

Sons of Equity, you can organize all you please; if Warren and the trust "distribute acreage" they will soon put you out of business!

The results since the distribution of acreage have been gratifying. The clashing of the factories has almost entirely disappeared.

"Knight case!" "Ignorance of law!" "Mere attorney in this matter!" "Just an honorable lawyer practicing his profession!" Yet he is engaged all the time in these practices. I have great respect for my profession, but the fact that a man is a lawyer does not grant him immunity for his own illegal acts.

Mr. Churchill was the close associate of Mr. Warren. These men were hunting in pairs. On December 30, 1903, Mr. Churchill wrote Mr. Havemeyer, as follows:

First, we have too many factories in the Saginaw Valley—too much competition in obtaining acreage. It struck me that it might be policy to move one or more of these factories into a better location, believing that I could obtain sufficient stock to pay all expenses of moving and at the same time obtain a fair price for any factory that we may desire to move.

That is a pregnant sentence. Manifestly they intended to get some one who was uninitiated to buy enough stock to move the factory and pay for the factory, but they would still own the factory. That is a fair inference when one knows the kind of dealings these gentlemen indulged in.

The competition in obtaining beets has spoiled the farmer.

I may say I think I know now what is the matter with the farm bloc. They were primarily spoiled by competition in the sale of beets, and that is probably the thing that led to the original formation of a farm bloc in the Senate. [Laughter.]

Havemeyer writes to Thomas, another one of the associates of Mr. Warren, on July 24, 1906, as follows:

You will be interested in seeing the detail of the proposed consolidation of the six or seven Michigan beet companies. * * *

Mr. Warren, who has the matter in charge, assures me that the preferred stock will be sold at par. I have told Mr. Warren to proceed with the matter up to the actual transfer point, when the whole affair is to be again brought to my attention for definite approval, and the inventory, etc., examined by the auditors.

Did Mr. Warren know when he organized the Michigan Sugar Co. that it was to be controlled by the trust? Was the trust already in charge through the ownership of the stock of the subsidiary companies? Both of those questions are answered by the letter I have just read.

On December 1, 1904, Mr. Warren wrote to Mr. Havemeyer to ask him what the price should be. Price fixing! These letters not only hint at it or suggest it, but they demonstrate it. Price fixing is a violation of the trust laws if anything in the world can be:

DECEMBER, 1, 1904.

Saginaw office has an offer for all of the sugar of Alma Sugar Co. remaining unsold, amounting to from 70 to 100 cars, on the following terms: Present American price, less 10 points for beet, provided the price is guaranteed up to January 1.

How was it to be guaranteed? It was to be guaranteed, of course, by this company, with the trust back of it, and the two together would keep the price at that point. That is all there is to that.

They ask for my recommendation. Do you advise to make the guaranty against declines up to January 1? Please wire answer.

Why should not they make a guaranty against a decline? They control it all, and all they had to do was to sell to a man and say, "We will not lower the price," and the price would not go down.

Havemeyer to Warren on December 5, 1904:

In response to your letter of December 1, I wired you against the sale of the Alma product, as the market will probably be advanced 10 points—

Do not let anybody else have it at this price. We are going to advance it; the price will probably go up—that is, "we are probably going to put it up"—

and no doubt a further 10, making 5½ f. o. b. New York, at which basis I would sell the product.

Price fixing! If this does not demonstrate price fixing, then all the evidence that could be accumulated would not demonstrate it. Who were they robbing here? They were robbing the breakfast table.

Every time a man dropped a lump of sugar in his coffee in the morning he paid his little tribute; every time a housewife used a little sugar in her cooking she paid her little tribute.

Mr. President, there may have been 20 years ago some so benighted as to follow a custom which was more or less prevalent in the days of my youth, when the mother took a little square piece of cloth, put a little sugar in it, and tied it up with a string and stuck it in her baby's mouth. If so, every time an American baby took a suck at that he had to pay the tribute to this sugar combination.

December 31, 1904, Warren wired to Havemeyer and asked his gracious permission to declare a dividend had been earned.

The Peninsular Co. (Caro) shows a good profit this year. * * * The profits will enable the payment of 6 or 7 per cent dividend and the payment of $50,000 on the bonds. Inasmuch as the declaration of the dividend will come up within a short time, please advise me whether or not this policy is agreeable to you.

They tell us these companies were broke; that they had to sell; that Mr. Warren was engaged in trying to rescue the wreckage from the sea and hence took it into the trust port! Here is a letter written in December, 1904, which shows that they were able to pay a 6 or 7 per cent dividend and pay off $50,000 of the bonds of the company. At that time the investment was not in probability at all large.

Again on December 31, 1904, Warren writes to Havemeyer:

Will you advise me as to whether or not I shall favor declaration of a dividend by the Sebewaing Co. and the building of a drier out of the earnings?

Warren was the executive officer of the trust, just as he will be the executive officer of the Department of Justice if we confirm him for this office.

MAY 21, 1906.

MR. CHAS. B. WARREN,
Detroit, Mich.

DEAR SIR: Some one has been writing to somebody that the Menominee sugar factory thought something of refining raw sugar. I suppose any experiment of this kind would be at the risk of those engaged in it. I should be very glad to have the interests of the company furthered in any way, but I know so well that any attempt to refine raw sugar in a beet factory would only result in disaster; that if anything like that is contemplated, I think due notice should be served on the directors. As far as our interests are concerned, we should hold them personally liable.

Of course you will be discreet in handling this matter so as not to awaken any unnecessary antagonism.

Yours truly, H. O. HAVEMEYER.

So the master spoke; and so, of course, obedience came.

In 1911 Warren testified before the Hardwick committee:

After 1906 I never performed any service for the American Sugar Co. in connection with the industry in Michigan.

I have read you a dozen letters and telegrams which show that he was cheek by jowl with Havemeyer long after 1906!

Now, Mr. President, I have another theme to discuss that I am willing to go into if it is the will of the Senate to remain in session and to vote to-night. But if we are to adjourn, I think this would be a good time to do it.

Mr. WALSH. Mr. President, I feel like saying to the Senator from Missouri that I hope we shall be able to get a vote before adjournment this afternoon.

Mr. REED of Missouri. Very well. If that is the case, I shall make my remarks all the briefer.

Mr. HEFLIN. Mr. President, is there any way for us to find out whether we are going to get a vote this evening or not?

Mr. SMITH. Only to vote.

Mr. ROBINSON. Mr. President, I should like to inquire of the Senator from Kansas in that regard.

Mr. CURTIS. Mr. President, there are several Senators on our side who desire to speak on this matter. I do not think it will be possible to get a vote this evening. I should be perfectly willing at this time to enter into an agreement, as soon as the executive session is ended, to take a recess until 11 o'clock on Monday and vote not later than half-past 2; that debate on Monday be limited to 30 minutes to each Senator, and that the time be divided equally between those who are for and those who are against the confirmation of Mr. Warren.

Mr. WALSH. Mr. President, the Senator from Kansas has been very eager all day, has he not, to carry this matter over until Monday?

Mr. CURTIS. I have asked several times that that be done; yes.

Mr. WALSH. Why did the Senator want to carry it over until Monday?

Mr. CURTIS. I think I told the Senator once. I do not care to repeat it on the floor of the Senate. I may state to

the Senator that I think it best that the matter go over until Monday. I do not think there will be any change in the result of the vote if it goes over until Monday, if that is the information the Senator desires.

Mr. HEFLIN. Mr. President, I suggest to the Senator from Kansas that we might fix the hour for voting at 4 o'clock.

Mr. ROBINSON. I will state to my colleague from Alabama that it would be impossible to reach an agreement to that effect. I have been all through the matter for an hour or two, and there is at least one Senator here who desires that the vote be taken not later than 2.30 o'clock; and if an agreement is made it would contemplate voting not later than 2.30.

Mr. HEFLIN. Mr. President, as far as I am individually concerned, I do not want over 15 minutes; but——

Mr. WALSH. Mr. President, I can cut this matter short. I object to the proposed unanimous-consent agreement.

Mr. CURTIS. Mr. President, has the Senator from Missouri yielded the floor?

Mr. REED of Missouri. No; I have not. I inquired whether it was the desire to go on to-night, or whether we were going over until Monday. I am perfectly willing to yield the floor to the Senator if he desires to present anything.

Mr. CURTIS. I have suggested a unanimous-consent request, and I understand that the Senator from Montana objects.

Mr. ROBINSON. Mr. President, I wish to make a statement, with the indulgence of the Senator from Missouri.

I realize that no vote can be forced this evening if a sufficient number of Senators desire to prolong the discussion throughout the evening. I am satisfied that it will not affect the result if the vote goes over until Monday. I myself do not see anything to be accomplished by the Senate remaining in session throughout the evening and hearing speeches, some of which, at least, will be made for the purpose of carrying the vote over until Monday. In that view of the matter, so far as I am concerned, I consent to the arrangement suggested by the Senator from Kansas; indeed, I should be glad to see it effected.

I thank the Senator from Missouri for yielding to me.

Mr. REED of Missouri. Mr. President, I have no desire to consume time in this debate if there is hope for a vote. Indeed, I suggested to those who represent Mr. Warren that we on our side were willing to submit the question without a word having been said on this second vote. They, however, declined that suggestion and proposed to debate the question.

I have taken much more time than I had any thought of taking, but when one starts to read letters and telegrams he consumes time far beyond the amount he would consume if he were speaking merely his own sentiments. I can go on now. If it is intended to hold the Senate here to-night and pass on this matter, I shall bring my remarks to a close very speedily.

Mr. President, I simply want to say that I have examined further the evidence submitted in the trust case to which reference has been so often made. I assert that it demonstrates, first, that Warren was acting for the American Sugar Refining Co. even in the very inception of the organization of the beet-sugar companies of Michigan, and that he was acting secretly. I assert that his operations were not confined to the State of Michigan but that they extended into the State of Ohio, in which substantially the same processes were employed that were used in the State of Michigan.

I assert that this record demonstrates that Mr. Warren was undermining those who thought he was their associate, and that this course of conduct proceeded from the first to the very last of these operations. I assert that some of these operations continued at least to the year 1909; and I affirm that when the record is all read, if Mr. Havemeyer could have been convicted for organizing a trust to control the price of sugar, Mr. Warren necessarily would have been convicted with him.

Mr. President, I have too long wearied the Senate. I am simply making these statements, and I say the evidence is here in this record, and it is here in such powerful array that no candid man can read it without coming to the conclusion which I have just announced.

Mr. President, I understand that the United Press is sending out this statement, and to this I ask the attention of the Senate particularly:

> While the Senate was heatedly debating the nomination of Charles Beecher Warren as Attorney General, President Coolidge announced at the White House he would give Warren a recess appointment to the post if the Senate did not confirm him.

I should like to have the Senator from Kansas hear this, if he did not hear it.

The White House statement follows:

> Notwithstanding various reports and rumors, the President is making every possible effort to secure the confirmation of Mr. Warren. As the time is very short, and to accommodate the Senate, he has consulted certain men and certain Senators as to what course should be pursued in case Mr. Warren is not confirmed.
>
> He has decided on no other appointment. He will offer him a recess appointment. He hopes, however, that the unbroken practice of three generations of permitting the President to choose his own Cabinet will not now be changed, and that the opposition to Mr. Warren, upon further consideration, will be withdrawn in order that the country may have the benefit of his excellent qualities and the President may be unhampered in choosing his own method of executing the laws.

Mr. President, that is handed to me with the statement that it is the announcement that is to be made by the press associations. These associations generally, in dealing with matters of grave importance, attempt to be accurate. It is not for me to say that this statement is accurate. It is not for me to say that the President has adopted this policy.

Mr. WALSH. Mr. President, will the Senator pardon an interruption?

Mr. REED of Missouri. Yes.

Mr. WALSH. I have a statement from one of the press associations differing in language from that read by the Senator, which I should like to read, with his permission.

Mr. REED of Missouri. Certainly. I hope it does differ.

Mr. WALSH. It says that the White House issued the following official statement:

> Notwithstanding various reports and rumors, the President is making every possible effort to secure the confirmation of Mr. Warren. As the time is very short, and to accommodate the Senate, he has consulted certain men and certain Senators as to what course should be pursued in case Mr. Warren is not confirmed.
>
> He has decided on no other appointment. He will offer him a recess appointment. He hopes, however, that the unbroken practice of three generations of permitting the President to choose his own Cabinet will not now be changed and that the opposition to Mr. Warren, upon further consideration, will be withdrawn in order that the country may have the benefit of his excellent qualities and the President may be unhampered in choosing his own method of executing the laws.

Mr. REED of Missouri. Mr. President, nothing is so necessary in sustaining any government as the orderly compliance by the officers of the government with not only the letter but the spirit of the law. There is no man who holds a public position who can not, if he sees fit so to do, while acting strictly within the cold letter of the law, nevertheless defeat its most beneficent purposes.

It would be a very sad day for this country if the Congress were arbitrarily to exercise a power granted to it in order to paralyze the arm of the Executive in the performance of the duties of his office. It will be a sad day for our country if we should to-night, or on Monday, reject Mr. Warren's name, and then send word to the President and to the country that we did not propose to approve any man whose name the President might send in. A Congress that would do that would be within the limits of its legal authority, but it would be serving the country but poorly.

If the President were to take the attitude indicated by these press accounts, then we would only have the converse of the case I have just put, of the President saying to the Senate, "The Constitution gives you the power to advise and consent, but I will override that power. I will trample that right in the dust. I will do it by waiting until you adjourn. Then I will put in office the man whom you, under the authority granted you by the Constitution and the commission of the American people, have rejected, and about whom you have said, 'This man is unfitted for the position.'"

I can not bring myself to believe that the President of the United States is so lost to a proper conception of his duty as to take a position so arbitrary, so unjustifiable, and so violative of the spirit of the Constitution. I hope the information received is not true, for if it be true then indeed there has come a condition of contest and failure of cooperation between two departments of the Government which the American people have the right to believe never will exist.

Mr. WALSH. Mr. President, in view of the statement issuing from the White House, to which I have directed the attention of the Senate, I am disposed to withdraw my objection to the unanimous consent requested by the Senator from Kansas. I am quite content that the President of the United States shall continue until Monday making "every possible effort to secure the confirmation of Mr. Warren." I am a little curious to know if there shall be any results of that continued effort during the next two days.

I venture to say that the annals of our country may be searched in vain for a parallel to this extraordinary statement which thus defies the Senate of the United States. Presidents have in the past, after the Senate has rejected an appointment, ventured to give a recess appointment, but none, sir, I undertake to say, has ever beforehand ventured to advise the Senate that, regardless of what they do, he will have his way about the appointment to a high office. This matter now presents a question that far transcends any inquiry concerning the fitness of Mr. Warren for this office. The Senate is now itself under test, whether this power reposed in it by the Constitution shall simply be disregarded by the Executive hereafter in the selection of men for high office.

Mr. CURTIS. Mr. President, I think the President was wholly within his rights, under the circumstances, in issuing this statement to the press, and as he gave the statement to the press I do not intend to comment on the wisdom of his having done so.

I have tried this afternoon to arrange to get a vote upon this question Monday. I believe that arrangement should have been made early in the day. It would have been better all around if that had been done. I now renew my request that at the conclusion of executive business to-day the Senate take a recess until 11 o'clock Monday morning; that at 11 o'clock Monday morning we take up the nomination of Mr. Warren for Attorney General, and vote at not later than 2.30 o'clock on that day; that no Senator be permitted to speak for more than 30 minutes, and that the time be equally divided between those who oppose and those who favor the confirmation of Mr. Warren.

Mr. ROBINSON. Mr. President, in view of the announcement from the White House challenging the right of the Senate to exercise its constitutional power, and to perform the duty which individual Senators swear they will perform when they become Members of this body, to advise and consent to nominations made by the Executive, a brief statement should be made.

I call the attention of the Senator from Kansas and of other Senators to the fact that the power to advise and consent is coextensive with the power to nominate, and that the power and right of the Senate to exercise its functions under the Constitution being challenged by the Executive, there is raised an entirely different question from that involved in the determination of the fitness of an individual nominated to perform the functions of an office for which he has been selected by the Executive.

The challenge having been made, the Senate of the United States must meet it, and it must meet it fearlessly and decisively. No Executive has the right to insist that an officer whose nomination has not been advised and consented to by the Senate, but whose nomination has been rejected by the Senate, shall perform the functions of an office, high or low.

This question must be considered and determined by the Senate with a proper regard for the rights and prerogatives of the Executive. As the Senate has no justification to assume that the Executive, for a wrongful purpose, or for any purpose not sounding in the public interest, has nominated or will nominate for office an individual known to be unfit, so the Executive should recognize that no presumption must be indulged that this body, in performing its duty, in discharging the obligation imposed upon it by the Constitution, is transcending its authority and violating the rights of the Executive.

There is now subject matter for debate which an hour ago did not exist. As I can not tell the Executive whom to nominate, neither can the Executive tell me whose nomination I must consent to.

It is regrettable, sirs, that any conflict should arise between coordinate branches of this Government. It was the theory of those who framed the Constitution that the Executive should have certain duties and should exercise certain prerogatives, and that the Senate should likewise be charged with responsibilities distinct from those imposed upon the Executive. When either branch of the Government challenges the constitutional authority of the other it becomes of great importance that the authority as vested by the Constitution shall be maintained.

I consent to the arrangement suggested by the Senator from Kansas, with the suggestion, made to me by one of my colleagues, that the hour of meeting be made 10.30 o'clock.

Mr. HEFLIN. So that there will be four hours for debate.

Mr. CURTIS. I am willing to agree to that amendment. Let the hour be made 10.30 o'clock Monday morning.

The VICE PRESIDENT. Senators have heard the request for unanimous consent. Is there objection?

Mr. REED of Missouri. Let it be read, so that we may all understand it.

The VICE PRESIDENT. The request will be read.

The Chief Clerk read as follows:

It is agreed by unanimous consent that at the conclusion of executive business to-day the Senate take a recess in open executive session until 10.30 o'clock a. m. Monday; that upon convening Monday it resume the consideration of the nomination of Charles Beecher Warren to be Attorney General, and that a vote on the confirmation of the said nomination be had not later than 2.30 o'clock p. m. on that day; that no Senator shall speak more than once nor longer than 30 minutes; and that the time shall be equally divided between those who are opposed to and those who favor the confirmation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and the unanimous-consent agreement is entered into.

STATEMENT OF APPROPRIATIONS

As in legislative session,

Mr. McKELLAR. Mr. President, I have a statement dealing with appropriations made at the last session of Congress and the preceding session, together with the Budget estimates and a comparison of the same, and some notes which I have made on them. I have been endeavoring all day to find an opportunity to get this matter in the RECORD. I now ask unanimous consent that I may have printed in the RECORD as a part of my remarks the statement of the figures taken from the committee data together with my comments thereon. They are not long.

Mr. CURTIS. I could hardly consent to printing the comments. That has never been done.

Mr. McKELLAR. I do not want to do it if it is in violation of the rule.

Mr. CURTIS. I suggest that the Senator hold the matter until Monday and let us see if we can not arrange it in some way satisfactory to him.

Mr. McKELLAR. I want to have it appear in the RECORD and I think it should go in the RECORD at this session.

Mr. CURTIS. I am perfectly willing that it should appear in the RECORD, and there will be no objection to printing the figures in the RECORD. I think we can agree on it in some way if the Senator will hold the matter until Monday.

Mr. McKELLAR. Very well.

CHILD LABOR AMENDMENT

Mr. BAYARD. Mr. President, I ask permission to have printed in the RECORD two addresses, one by Louis A. Coolidge, and one by Mrs. Benjamin L. Robinson, with reference to the proposed child labor amendment to the Constitution.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The addresses are as follows:

LOUIS A. COOLIDGE

This is a message to sentinels of the Republic wherever they may be. It is a message to citizens of the Republic—no matter where—who join with us in fighting rash experiments which may transform and wreck the greatest of all government experiments—the Government of the United States. It is a message to every citizen who would maintain the fundamentals of our written Constitution, who is opposed to further dangerous encroachment upon the reserved rights of the States and of the individual, who would stop now the spread of communism and government socialism, who would stop centering in Washington power to control our homes and families through multiplying bureaus filled with petty despots—who would preserve our liberties and save our form of government.

It is a message, vital and compelling, a call to speedy action to avert a pressing peril, a peril which involves our liberty, the perpetuity of the Republic, perhaps the future welfare of mankind.

Legislatures in 38 States assemble in the next four weeks. Is your State among the number? Each will be called upon at once to ratify or to reject a new amendment to the Federal Constitution, just proposed by Congress—the child labor amendment, it is called.

Let me read to you the words of this proposed amendment. Listen closely as I read:

"The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age."

I beg of you to listen once again. Note the significance of every word:

"The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age."

Power, absolute, unqualified, and unconditional. Power to prohibit, to prevent, to make a criminal offense.

The labor—not "employment" not "harmful occupation"—mark these words. The labor of persons—not necessarily children—under 18 years of age, not 14, not 16—18. At that age in the Civil War more than a million men wore uniforms and carried arms.

It is a grant of limitless authority to Congress to enact at any time, now or a generation hence, such laws as Congress may see fit to pass,

assuming absolute control of all the youth of the United States—a grant of power to nationalize the youth of the United States—as they are nationalized to-day in Moscow.

So we appeal to fathers and to mothers in behalf of generations still to come. We appeal to them with all the strength we have to study this proposed amendment carefully and prayerfully, to study it with open minds, to make sure that it is not ratified in haste. What is its origin; what its purpose; what its necessity; in what it may result?

It might well have come from Moscow. Its purpose is in harmony with the program of Trotski and Lenin. It is the dream of socialism, the spawn of communistic groups, presented by these groups and by misguided welfare workers to a deluded House and Senate. It makes no difference where the thing was first conceived. It bears a hideous birthmark—the spirit of the soviet.

There is no legislative body now on earth which is intrusted with so broad a power as Congress under this amendment would possess, for it includes the power of life and death, if working for a livelihood can be prohibited. It includes the power to say that no youth can engage in labor unless he has been nurtured in some preferred religious faith or educated in a certain kind of school; yet Christian ministers and Christian men and women have urged the swift acceptance of this revolutionary scheme. They are impatient even of debate. Have they considered whither it may lead?

Congress accepted this amendment almost without discussion or debate by great majorities. Members were pledged far in advance to vote for it before they knew its terms. The opposition were refused a hearing by the committee in the Senate. We had scant hearing in the House. The thing was rushed through Congress with indecent haste, although it meant the transformation of the Constitution and held the germs of the destruction of our Government.

We are told that Congress probably would never exercise the power we grant it. Can we be sure of this? Have we such confidence in Congress that we are ready to intrust it with the unbounded power it seeks? Shall we be justified in this by past experience?

If Congress does not want to exercise the power, what is the purpose in demanding it? Are we prepared to give to Congress all it wants—a blank check signed? A deed unqualified by stipulations or conditions? What is this folly that is asked of us? What place in history will be ours if we so lightly sign away our children's priceless heritage, their sacred birthright—liberty? Why trust this great and vital thing to Congress, which we all distrust in less important things?

Congress, on demand of groups who fashioned this amendment as it stands, refused to modify it. The Senate refused to confine the power to "labor in pursuits involving special hazard to health, life, or limb." The House refused to confine the power to prohibit to power "comprehensive but not greater than that exercised by any State prior to April, 1924." They refused to incorporate the word "reasonably." They refused to exempt the labor of girls in the home or boys on the farm. They insisted that Congress shall have unrestricted power to do at any time whatever it may want to do.

Mr. MAJOR of Missouri is a member of the Judiciary Committee of the House. He voted for the amendment and argued for it in the House. Mr. RAMSEYER, of Iowa, in debate asked him why the committee did not limit the proposal, and this was his reply: "I can not tell why this amendment was adopted or was drafted in the particular form it is, other than to say that all of the organizations—some 15 or more—that advocated it asked it in this form, and their reason was, I suppose, that in certain vocations children under 18 years of age should not be permitted to work, and they had confidence in the Congress to see that no law was passed including them."

That was his reply—a strange reply for one intrusted with the sacred task of seeing that no harm is done our form of government through dangerous amendments to the Constitution, the charter of our liberties. This was the sole reply which could be given honestly by any Member of the Senate or the House who stood for the amendment.

Whither are we drifting in this craze to centralize all power in Washington? Who are these organizations which draft amendments to the Constitution, force them through Congress, and seek to force them through the legislatures of the States? We know who they are. But from what constituency do they derive their power? Have they any mandate from the voters in any State or district? There was a time when Congress shaped its own amendments to the Constitution, after profound and prayerful thought. But now we look to outside blocs and groups without authority, without responsibility. Let us rebuke such methods. Let us teach a needed lesson to a subservient Congress.

In Massachusetts this question was fought out before the people. It was discussed intensively. The leader in this fight among the women of the State was Mrs. Benjamin L. Robinson, president of the Massachusetts Public Interests League. Mrs. Robinson will tell you briefly how the fight was won. When she has spoken I will briefly speak again.

MRS. BENJAMIN L. ROBINSON

The so-called child labor amendment is not primarily a measure to limit the harmful employment of children, nor is such an amendment needed. Conditions of child labor in the United States have improved enormously. Every State now has compulsory education laws and laws prohibiting children under 14, 15, or 16 from factory labor. The rapid improvement of State laws during the last five years for protecting childhood is without a parallel in social reform.

This amendment has a very different object from the protection of children from harmful occupation. It is a measure to give Congress power to prohibit all labor by minors under 18, even in their own homes. In the opinion of eminent constitutional lawyers the amendment would destroy all constitutional rights of both parents and minors, and would give to the Federal Government the right to control both the labor and education of minors up to the age of 18. Congress would have the power to prohibit the selling of newspapers, to make it impossible for boys and girls under 18 to work their way through high school or college, or even to help their parents on the home farm.

This amendment was first proposed in the platform of the Socialist Party.

Mrs. Florence Kelley, one of the drafters of the amendment, is a member of the Socialist Party, a lecturer at the Rand School of Socialism, and ex-president of the Intercollegiate Socialist League.

Owen Lovejoy, the secretary of the National Child Labor Committee and chief propagandist for the amendment, is an intimate friend of Eugene Debs.

VICTOR BERGER, Socialist Representative from Wisconsin, once expelled from Congress for disloyalty, said: "It is a socialist amendment. That is why I am for it."

It follows the orders issued from Moscow to the young communists in the United States to work for the abolition of labor by minors under 18.

The communist paper, called The Daily Worker, for December 5, 1924, says: "State legislatures must be compelled to ratify immediately the child labor amendment to the Constitution. Capitalism's Congress and State legislatures must be compelled to pass laws providing for full Government maintenance of all school children of workers and poor farmers, without which, the Workers' Party declares, a child labor law is useless."

Here we have the real program of which the abolition of labor up to 18 is only the beginning. When American children are fed and clothed by the Government, when the Government decides whether or not they may work, where and how they shall be educated, they will have been nationalized as completely as the children in Soviet Russia.

Senator KING, of Utah, who visited Moscow a year ago, stated in the Senate that a Bolshevik commissar in Moscow told him that this amendment was being pushed by the socialists in this country; that it would pass, and that the Federal Government would then control the youth of America as the communists control the youth of Russia.

It was Abraham Lincoln who said: "No man is good enough to own another man." Is Congress good enough or wise enough to have full power over 40,000,000 American boys and girls under 18, and to take away from parents the authority to direct the labor and education of future generations for all time?

In no State except Massachusetts have the people had an opportunity to pass judgment on this question at the polls. In Massachusetts on November 4 the question was put on the ballot. At the beginning of the six weeks' campaign for and against the amendment public opinion was favorable to the amendment on the strength of its name alone, since Massachusetts has always been a pioneer in good child-labor legislation. But as the campaign of education went on and the people began to realize the full significance of the text of the amendment, which says that "Congress shall have power to limit, regulate, and prohibit the labor of persons under 18," a tremendous change in public opinion set in until on November 4, when the vote was taken, only 241,000 men and women voted for the amendment—697,000 against. This is the largest majority ever given on any question submitted to the people of Massachusetts.

The American people in every State are much too sane and sensible to stand for such a measure unless they are thoroughly deceived both as to its real meaning and as to the actual conditions of child labor in our country.

During the campaign in Massachusetts the advocates of the amendment stopped at nothing in their efforts to mislead the people as to actual child-labor conditions.

We were told that almost no States prohibit child labor at night. Almost all States do prohibit it.

We were told that no Southern State restricts child labor. All Southern States restrict it.

We were told that 89,000 children are working in the mills in Georgia, and that the mills can run all night. In 1923 there were only 71 children under 14 working by special permit in the Georgia mills, and the law forbids them to work after 7 p. m. and before 6 a. m. These are samples of the propaganda used by advocates of the amendment.

These perversions of fact acted as a boomerang. The people of Massachusetts decided that there must be something radically wrong with a measure whose advocates felt obliged to resort to such easily disproved statements in order to make out any sort of a case, and every class in every community except the socialists and their dupes joined in defeating it.

Early in the campaign the advocates of the amendment attempted to secure the support of textile manufacturers by an appeal to their self-interest in the form of an assurance that the amendment would eliminate hurtful competition with southern mills. These manufacturers at first favored the amendment, but when they learned its real significance they refused to swallow the bait. The advocates of the amendment had expected great results from this appeal, and their bitterness against the manufacturers is accordingly great. In revenge they are circulating all over the country statements that Massachusetts was flooded with money by the manufacturers to defeat the amendment. The citizens' committee which opposed the amendment consisted solely of educators, clergymen, philanthropists, and other public-spirited men and women. They had little help or sympathy from textile manufacturers. The contributions to our fund came in small sums from many hundreds of individuals.

Bishop Lawrence, head of the Episcopal Church in Massachusetts, opposed the amendment. So did Cardinal O'Connell. So did the Rev. A. Z. Conrad, one of the leading Congregational clergymen in the country. So did Rev. J. M. Shepler, presiding elder over 59 Methodist Churches in Massachusetts. So did President Lowell, of Harvard, and President Stratton, of the Institute of Technology. So did Joseph Lee, head of the playground association, known all over the United States as a social worker for children. So did several of the most distinguished members of the Massachusetts Child Labor Committee, because they believed the amendment threatens serious evil to children. Farmers were up in arms against it. One farmer said, "I wish I had 1,000 votes to cast against it." In fact, college presidents, high church officials, labor men, teachers, eminent lawyers, members of the churches, of the Young Women's Christian Association, farmers in great numbers, club women by the thousand, and mothers and fathers by the hundred thousand, all combined to render their verdict that in this great free country of ours the majority of parents can still be trusted to care for the well-being of their children, and that we are not ready to turn over to a socialist bureau at Washington the control and education of the youth of America.

Now the other States must act, and it is your duty to see to it that the legislature of your State refuses to ratify an amendment which places 40,000,000 young Americans under 18 in the control of Congress, and which, once ratified, can not be repealed.

MR. COOLIDGE IN CONCLUSION

Mrs. Robinson has told you what was done in Massachusetts, where this question came before the people. She might well have spoken for an hour and held your interest, for this is a tremendous theme. What was done in one State we believe will happen everywhere, if once the people have a chance to hear the truth and vote, and on such a question affecting their own liberty they are entitled to a vote.

The question now is up to you. It is your duty to protect your children and your homes. What next? Bring every ounce of influence to bear upon your legislature. Tell your own member how you feel. Insist that he shall study thoroughly the problem before he acts. Send him the facts. Show him the truth. We told the truth in Massachusetts. We did not lie. We did not misrepresent. If you want facts, go to official sources. Don't take my word for anything. Don't take the unsupported word of anybody else. * * * Organize local groups! Hold local meetings! Bombard the legislature, man by man! In such a crisis we must not miss a single chance! We have no right to gamble with our children's happiness as stake. We have no right to risk contamination of our homes. Our fathers died to win for us the rights we now enjoy. Our sons must not be made to die to win them back again!

Are you a member of a legislature? Everything which has been said applies with double force to you. Did you pledge yourself before election to vote to ratify? Did you know fully then to what you pledged yourself? No pledge before election can outweigh the sacred oath you are about to take to guard the Constitution and make sure that through no willful act of yours the Republic suffers harm! Congress refused to give the people any voice. Why not give the people in your State a voice? Can you do less? Congress must not be given added power to limit liberty of States or individuals until the people in each State, whose freedom is involved, have had an opportunity to vote on the surrender of their rights. Let no more proposed amendments be ratified until the Constitution so provides. Let us give no more power to Congress until we have assurance that Congress will wisely exercise the powers which it already has.

The nations of the earth all look to us for leadership. We hold a sacred trust. Let us do nothing which may lead to national collapse. We have grown great under the Constitution, which some would weaken and destroy. Around the body of our liberties we draw the magic circle of the Constitution and defy the enemies of the Republic to invade that sanctuary.

Let us march on to larger freedom and to loftier heights among the nations of the world. And may the God of Nations guide us!

LEADED OR ETHYLATED GASOLINE IN COMMERCE

Mr. SHIPSTEAD (by request) submitted the following resolution (S. Res. 37), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures and the Committee on Interstate Commerce of the United States Senate shall investigate and report to the Senate before February 10, 1926, whether and to what extent leaded or ethylated gasoline enters into commerce for use as ordinary gasoline in self-propelled motor vehicles, or for any other use; and if so, whether and to what extent such use is deleterious and requires to be restricted or forbidden, and what measure or measures shall in such case be taken.

Resolved further, That for the purpose of this investigation the said committees, or any subcommittee thereof, are authorized to conduct their investigations during the recesses of the Senate, are empowered to administer oaths, summon and compel the attendance of witnesses, and send for and compel the production of books and papers, and to employ a stenographer at a cost not exceeding 25 cents per hundred words to report such hearings as may be had in pursuance hereof. All expenses incident to the accomplishment of the purposes of this resolution to be paid out of the contingent fund of the Senate.

LIMITATION OF ARMAMENTS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 38), which was ordered to lie on the table:

Resolved, That the President be, and he is hereby, advised of the readiness of the Senate to hear, either in executive session or through its Committees on Foreign Relations and on Military and Naval Affairs, together with the respective subcommittees of its Appropriations Committee, concrete proposals which the Executive may deem it proper at this time to formulate looking to the conclusion of binding international agreements between all interested American, European, and Asiatic powers (1) for the limitation of preparations for warfare, whether offensive and defensive, whether military, naval, aeronautical, chemical, economic, or of some other sort, whether in respect of enlisted personnel, classifications and periods of training, stocks and kinds of material, labor, or appropriations; (2) for the prohibition of the use of any and all measures of warfare directly or indirectly menacing or impairing the lives, health, and peaceful pursuits of noncombatant populations; and (3) for the effectuation of the substantial recommendations of the International Commission on the Codification of the Rules of Warfare.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in secret session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess in open executive session, the recess being under the unanimous-consent agreement, until Monday at 10.30 a. m.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate in open executive session took a recess until Monday, March 16, 1925, at 10.30 o'clock a. m.

REGULATION OF LEVEL OF LAKE OF THE WOODS

During executive session this day, with closed doors, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty concluded on February 24, 1925, between the United States and His Britannic Majesty, in respect of Canada, to regulate the level of the Lake of the Woods.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 26, 1925.

The PRESIDENT:

The undersigned the Secretary of State has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty concluded on February 24, 1925, between the United States and His Britannic Majesty, in respect of the Dominion of Canada, to regulate the level of Lake of the Woods in order to secure to the in-

habitants of the United States and Canada the most advantageous use of the waters thereof and of the waters flowing into and from the lake on each side of the boundary between the two countries.

Accompanying the treaty is a protocol of agreement between the plenipotentiaries, a copy of which is inclosed for the information of the Senate.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, February 24, 1925.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

Desiring to regulate the level of Lake of the Woods in order to secure to the inhabitants of the United States and Canada the most advantageous use of the waters thereof and of the waters flowing into and from the Lake on each side of the boundary between the two countries, and

Accepting as a basis of agreement the recommendations made by the International Joint Commission in its final report of May 18th, 1917, on the Reference concerning Lake of the Woods submitted to it by the Governments of the United States of America and Canada,

Have resolved to conclude a Convention for that purpose and have accordingly named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Britannic Majesty, in respect of the Dominion of Canada: The Honorable Ernest Lapointe, K. C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

ARTICLE I

In the present Convention, the term "level of Lake of the Woods" or "level of the lake" means the level of the open lake unaffected by wind or currents.

The term "Lake of the Woods watershed" means the entire region in which the waters discharged at the outlets of Lake of the Woods have their natural source.

The term "sea level datum" means the datum permanently established by the International Joint Commission at the town of Warroad, Minnesota, of which the description is as follows:

"Top of copper plug in concrete block carried below frost line, and located near fence in front of and to the west of new schoolhouse. Established October 3, 1912. Elevation, sea level datum, 1068.797."

"The International Joint Commission" means the Commission established under the Treaty signed at Washington on the 11th day of January, 1909, between the United States of America and His Britannic Majesty, relating to boundary waters and questions arising between the United States and Canada.

ARTICLE II

The level of Lake of the Woods shall be regulated to the extent and in the manner provided for in the present Convention, with the object of securing to the inhabitants of the United States and Canada the most advantageous use of the waters thereof and of the waters flowing into and from the Lake on each side of the boundary between the two countries for domestic and sanitary purposes, for navigation purposes, for fishing purposes, and for power, irrigation, and reclamation purposes.

ARTICLE III

The Government of Canada shall establish and maintain a Canadian Lake of the Woods Control Board, composed of engineers, which shall regulate and control the outflow of the waters of Lake of the Woods.

There shall be established and maintained an International Lake of the Woods Control Board composed of two engineers, one appointed by the Government of the United States and one by the Government of Canada from their respective public services, and whenever the level of the lake rises above elevation 1061 sea level datum or falls below elevation 1056 sea level datum the rate of total discharge of water from the lake shall be subject to the approval of this Board.

ARTICLE IV

The level of Lake of the Woods shall ordinarily be maintained between elevations 1056 and 1061.25 sea level datum, and between these two elevations the regulation shall be such as to ensure the highest continuous uniform discharge of water from the lake.

During periods of excessive precipitation the total discharge of water from the lake shall, upon the level reaching elevation 1061 sea level datum, be so regulated as to ensure that the extreme high level of the lake shall at no time exceed elevation 1062.5 sea level datum.

The level of the lake shall at no time be reduced below elevation 1056 sea level datum except during periods of low precipitation and then only upon the approval of the International Lake of the Woods Control Board and subject to such conditions and limitations as may be necessary to protect the use of the waters of the lake for domestic, sanitary, navigation and fishing purposes.

ARTICLE V

If in the opinion of the International Lake of the Woods Control Board the experience gained in the regulation of the lake under Articles III and IV, or the provision of additional facilities for the storage of waters tributary to the lake, demonstrates that it is practicable to permit the upper limit of the ordinary range in the levels of the lake to be raised from elevation 1061.25 sea level datum to a higher level and at the same time to prevent during periods of excessive precipitation the extreme high level of the lake from exceeding elevation 1062.5 sea level datum, this shall be permitted under such conditions as the International Lake of the Woods Control Board may prescribe. Should permission be granted, the level at which under Article III the rate of total discharge of water from the lake becomes subject to the approval of the International Lake of the Woods Control Board may, upon the recommendation of that Board and with the approval of the International Joint Commission, be raised from elevation 1061 sea level datum to a correspondingly higher level.

ARTICLE VI

Any disagreement between the members of the International Lake of the Woods Control Board as to the exercise of the functions of the Board under Articles III, IV, and V shall be immediately referred by the Board to the International Joint Commission whose decision shall be final.

ARTICLE VII

The outflow capacity of the outlets of Lake of the Woods shall be so enlarged as to permit the discharge of not less than forty-seven thousand cubic feet of water per second (47,000 c. f. s.) when the level of the lake is at elevation 1061 sea level datum.

The necessary works for this purpose, as well as the necessary works and dams for controlling and regulating the outflow of the water, shall be provided for at the instance of the Government of Canada, either by the improvement of existing works and dams or by the construction of additional works.

ARTICLE VIII

A flowage easement shall be permitted up to elevation 1064 sea level datum upon all lands bordering on Lake of the Woods in the United States, and the United States assumes all liability to the owners of such lands for the costs of such easement.

The Government of the United States shall provide for the following protective works and measures in the United States along the shores of Lake of the Woods and the banks of Rainy River, in so far as such protective works and measures may be necessary for the purposes of the regulation of the level of the lake under the present Convention: namely, the removal or protection of buildings injuriously affected by erosion, and the protection of the banks at the mouth of Warroad River where subject to erosion, in so far in both cases as the erosion results from fluctuations in the level of the lake; the alteration of the railway embankment east of the town of Warroad, Minnesota, in so far as it may be necessary to prevent surface flooding of the higher lands in and around the town of Warroad; the making of provision for the increased cost, if any, of operating the existing sewage system of the town of Warroad, and the protection of the waterfront at the town of Baudette, Minnesota.

ARTICLE IX

The United States and the Dominion of Canada shall each on its own side of the boundary assume responsibility for any damage or injury which may have heretofore resulted to it or to its inhabitants from the fluctuations of the level of Lake of the Woods or of the outflow therefrom.

Each shall likewise assume responsibility for any damage or injury which may hereafter result to it or to its inhabitants from the regulation of the level of Lake of the Woods in the manner provided for in the present Convention.

ARTICLE X

The Governments of the United States and Canada shall each be released from responsibility for any claims or expenses arising in the territory of the other in connection with the matters provided for in Articles VII, VIII, and IX.

In consideration, however, of the undertakings of the United States as set forth in Article VIII, the Government of Canada shall pay to the Government of the United States the sum of two hundred and seventy-five thousand dollars ($275,000) in currency of the United States. Should this sum prove insufficient to cover the cost of such undertakings one-half of the excess of such cost over the said sum shall, if the expenditure be incurred within five years of the coming into force of the present Convention, be paid by the Government of Canada.

ARTICLE XI

No diversion shall henceforth be made of any waters from the Lake of the Woods watershed to any other watershed except by authority of the United States or the Dominion of Canada within their respective territories and with the approval of the International Joint Commission.

ARTICLE XII

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the exchange of the ratifications, which shall take place at Washington or Ottawa as soon as possible.

In faith whereof the above named Plenipotentiaries have signed the present Convention and affixed thereto their respective seals.

Done in duplicate at Washington, the 24th day of February 1925.

(Signed) CHARLES EVANS HUGHES. [SEAL.]
(Signed) ERNEST LAPOINTE. [SEAL.]

PROTOCOL ACCOMPANYING CONVENTION TO REGULATE THE LEVEL OF LAKE OF THE WOODS

At the moment of signing the Convention between the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, regarding the regulation of the level of Lake of the Woods, the undersigned Plenipotentiaries have agreed as follows:

1. The plans of the necessary works for the enlargement of the outflow capacity of the outlets of Lake of the Woods provided for in Article VII of the Convention, as well as of the necessary works and dams for controlling and regulating the outflow of the water, shall be referred to the International Lake of the Woods Control Board for an engineering report upon their suitability and sufficiency for the purpose of permitting the discharge of not less than forty-seven thousand cubic feet of water per second (47,000 c. f. s.) when the level of the lake is at elevation 1061 sea level datum. Any disagreement between the members of the International Lake of the Woods Control Board in regard to the matters so referred shall be immediately submitted by the Board to the International Joint Commission whose decision shall be final.

2. Should it become necessary to set up a special tribunal to determine the cost of the acquisition of the flowage easement in the United States provided for in Article VIII of the Convention, the Government of Canada shall be afforded an opportunity to be represented thereon. Should the cost be determined by means of the usual judicial procedure in the United States, the Government of Canada shall be given the privilege of representation by counsel in connection therewith.

3. Since Canada in incurring extensive financial obligations in connection with the protective works and measures provided for in the United States along the shores of Lake of the Woods and the banks of Rainy River, under Article VIII of the Convention, the plans, together with the estimates of cost, of all such protective works and measures as the Government of the United States may propose to construct or provide for within five years of the coming into force of the Convention shall be referred to the International Lake of the Woods Control Board for an engineering report upon their suitability and sufficiency for the purpose of the regulation of the level of the lake under the Convention. Any disagreement between the members of the International Lake of the Woods Control Board in regard to the matters so referred shall be immediately submitted by the Board to the International Joint Commission whose decision shall be final.

4. In order to ensure the fullest measures of cooperation between the International Lake of the Woods Control Board and the Canadian Lake of the Woods Control Board provided for in Article III of the Convention, the Government of Canada will appoint one member of the Canadian Board as its representative on the International Board.

5. Until the outlets of Lake of the Woods have been enlarged in accordance with Article VII of the Convention, the upper limit of the ordinary range in the levels of the lake provided for in Article IV of the Convention shall be elevation 1060.5 sea level datum, and the International Lake of the Woods Control Board may advise the Canadian Lake of the Woods Control Board in respect of the rate of total discharge of water from the lake which may be permitted.

In faith whereof the undersigned Plenipotentiaries have signed the present Protocol and affixed thereto their respective seals.

Done in duplicate at Washington the 24th day of February, 1925.

(Signed) CHARLES EVANS HUGHES. [SEAL.]
(Signed) ERNEST LAPOINTE. [SEAL.]

NOMINATIONS

Executive nominations received by the Senate March 14 (legislative day of March 10), 1925

ASSISTANT ATTORNEYS GENERAL

Herman J. Galloway, of Indiana, to be Assistant Attorney General, vice Robert H. Lovett, resigned.

Ira Lloyd Letts, of Rhode Island, to be Assistant Attorney General, vice Albert Ottinger, resigned.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Hoffman Philip, of New York, now envoy extraordinary and minister plenipotentiary to Uruguay, to be envoy extraordinary and minister plenipotentiary of the United States of America to Persia.

COMMISSIONER OF PENSIONS

Wilder S. Metcalf, of Kansas, to be Commissioner of Pensions, vice Washington Gardner, resigned.

ENGRAVER IN THE MINT

John R. Sinnock, of Philadelphia, Pa., to be engraver in the mint of the United States at Philadelphia, Pa., to fill an existing vacancy.

JUDGES OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA

George H. MacDonald, of the District of Columbia, to be judge of the police court, District of Columbia. (Additional position.)

Isaac R. Hitt, of the District of Columbia, to be judge of the police court, District of Columbia. (Additional position.)

UNITED STATES ATTORNEY

John W. Goldsberry, of Oklahoma, to be United States attorney, northern district of Oklahoma. (Additional position created by the act approved February 16, 1925.)

UNITED STATES MARSHAL

Henry G. Beard, of Oklahoma, to be United States marshal, northern district of Oklahoma. (Additional position created by the act approved February 16, 1925.)

POSTMASTERS

KENTUCKY

Chester A. Dixon to be postmaster at Lothair, Ky., in place of Bud Morgan, resigned.

PENNSYLVANIA

Ozro N. Barclay to be postmaster at Bridgeville, Pa., in place of J. D. Moore. Incumbent's commission expired June 29, 1920.

WISCONSIN

Vivian Bottrell to be postmaster at Dale, Wis., in place of H. R. Bock. Office became third class April 1, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 14 (legislative day of March 10), 1925

REGISTER OF THE LAND OFFICE

Leon H. Christensen to be register of the land office at Vernal, Utah.

POSTMASTERS

ALABAMA

Walter N. Cobb (Mrs.), Bellamy.
Charlie D. Price, Castleberry.
Amos Gibbs, Tarrant.

CALIFORNIA

John M. Francisco, Los Altos.
Mabel Winter, Moneta.
George P. Lovejoy, Petaluma.

FLORIDA

Marion K. Wright, Fort Lauderdale.

GEORGIA

Louis A. Mauldin, Clarkesville.
William G. Smith, Loganville.

KANSAS

George E. Corbin, Anthony.

MISSISSIPPI

Ida F. Thompson, Dlo.
Laura L. McCann, Norfield.

MISSOURI

Ulysses S. G. Evans, Farmington.

MONTANA

Leslie E. Robinson, Columbia Falls.

NEW YORK

Melvin B. McCumber, Henderson.
Clyde H. Ketcham, Islip.

NORTH CAROLINA

Felix M. McKay, Duke.
W. Sherman Daniels, Newland.
Maggie S. Cooley, Wagram.

OREGON

Adelle M. March, Myrtle Creek.

PENNSYLVANIA

Seeley F. Campman, West Middlesex.

TENNESSEE

Alonzo A. Patterson, Henryville.

TEXAS

Crave R. Davis, Bedias.
Jennie Baccus, Frisco.
George O. Buckhaults, Madisonville.
Fred Norris, Onalaska.
Bena B. Clack, Peacock.
Nellie Whitten, Waskom.

VIRGINIA

James B. Dyson, Crewe.

WASHINGTON

Harry L. Griffin, Yacolt.

WISCONSIN

Gunnil S. Peterson, Scandinavia.

SENATE

MONDAY, *March 16, 1925*

(Legislative day of Tuesday, March 10, 1925)

The Senate met at 10.30 o'clock a. m., in open executive session, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Ernst	King	Robinson
Bingham	Fernald	Ladd	Sackett
Blease	Ferris	Lenroot	Sheppard
Borah	Fess	McKellar	Shipstead
Bratton	Fletcher	McKinley	Shortridge
Broussard	Frazier	McLean	Simmons
Bruce	George	McMaster	Smith
Butler	Gerry	McNary	Spencer
Cameron	Gillett	Means	Stanfield
Capper	Glass	Metcalf	Swanson
Carraway	Goff	Moses	Trammell
Copeland	Gooding	Neely	Tyson
Couzens	Hale	Norbeck	Wadsworth
Cummins	Harreld	Norris	Walsh
Curtis	Harris	Oddie	Watson
Dale	Harrison	Overman	Weller
Deneen	Heflin	Pepper	Willis
Dill	Jones, Wash.	Pine	
du Pont	Kendrick	Ralston	
Edwards	Keyes	Reed, Mo.	

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

NOMINATION OF CHARLES BEECHER WARREN

The Senate, in open executive session, resumed the consideration of the nomination of Charles Beecher Warren, of Michigan, to be Attorney General.

Mr. GOFF obtained the floor.

The VICE PRESIDENT. If the Senator from West Virginia will yield for a minute, the Chair will direct the Clerk to read the unanimous-consent agreement entered into on Saturday, so that it may be in the minds of all.

The Chief Clerk read as follows:

It is agreed by unanimous consent that at the conclusion of executive business to-day the Senate take a recess in open executive session until 10.30 o'clock a. m. Monday; that upon convening Monday it resume the consideration of the nomination of Charles Beecher Warren to be Attorney General, and that a vote on the confirmation of the said nomination be had not later than 2.30 o'clock p. m. on that day; that no Senator shall speak more than once nor longer than 30 minutes; and that the time shall be equally divided between those who are opposed to and those who favor the confirmation.

The VICE PRESIDENT. The Chair will state that it has been suggested by the majority and minority leaders that the speakers be recognized alternately, for and against confirmation. The Chair will proceed in that way, the time not consumed by any Senator on one side to be left as a credit to that side. The Senator from West Virginia will proceed.

Mr. GOFF. Mr. President, the question now before the Senate, as I view it, as indicated by the action of the Judiciary Committee and the report accompanying that action, is this: Will the Senate advise and consent to the nomination of Charles Beecher Warren as Attorney General of the United States?

That question, in and of itself, involves essentially the question of the fitness of the President's nominee. That fitness has been debated during the week last past, and many things were said that would support and qualify him for this great office, and some things were said which, if they were justified by the record in this case, would tend to disqualify Mr. Warren for the great office of Attorney General.

I desire in the time which is allotted to go somewhat particularly into the question involving the fitness of Mr. Warren. I desire to say now that much that I shall refer to in the course of this discussion is based upon my personal acquaintance with Mr. Warren, my knowledge of him, and my association with him. I would be ungrateful and unresponsive to the obligations of cordial acquaintanceship and of friendly association if I did not raise my voice in witness to some of the things I know that bespeak the high quality of Mr. Warren, not only as a member of the bar but as a man and as a citizen of this our common country.

With the permission of the Chair and the consent of the Senate, because I feel that with these facts before us we will have a better understanding of this discussion, I desire to read a certain short biographical sketch of Mr. Warren.

Mr. Warren was born at Bay City, Mich., April 10, 1870, the son of Robert L. and Caroline (Beecher) Warren. His father was a graduate of the University of Michigan and founded, owned, and edited newspapers in Bay City, Saginaw, and Ann Arbor, Mich., and served in the Federal Army in the Civil War. The son was educated at Albion College and at the University of Michigan, being graduated as a bachelor of philosophy at the latter in 1891, having specialized in history, philosophy, and constitutional law, and being the first editor in chief of the university magazine founded by his class. He studied law under Don M. Dickinson, of Detroit, was graduated at Detroit Law School in 1893, and for four years was attached to Mr. Dickinson's firm.

In 1897 he became a partner in the firm of Dickinson, Warren & Warren, one of the largest law firms in Detroit, and in 1900 he organized, with John C. Shaw and William B. Cady, the firm of Shaw, Warren & Cady. Upon the death of Mr. Shaw in 1911 he became head of the firm, which is now Warren, Cady, Hill & Hamblen. Mr. Warren is an authority on international law. In 1896, at the age of 26, he was associate counsel for the United States in the Bering Sea controversy with Great Britain.

It is at this stage I desire to say that his participation in that great controversy was not that of a law clerk whose name was signed to the papers. It was that of an attorney, who not only understood the underlying issues that were then before the commission but who did, as the records indicate, examine and cross-examine the witnesses who came before that tribunal, and he did that intelligently, he did it constructively, he did it with a spirit that meant the progress of the issue and the elimination of the immaterial questions involved.

He was later one of the attorneys for the United States in the North Atlantic fisheries dispute with the British Government in 1909, and made one of the oral arguments in that connection before The Hague Tribunal in 1910.

The Senator from Pennsylvania [Mr. PEPPER] referred at length, in his very splendid and in his very fair and impartial address on Saturday, to this argument which was made by Mr. Warren, and it is unnecessary for me to add any word of detail, except to say that the argument presented by Mr. Warren before The Hague Tribunal reflected not only the mind of the student, not only the vision of the investigator, not only the ideals that actuated the United States, but it was an argument that contributed to the solution of the matters then before that great tribunal, and to the satisfaction of the countries involved. Later, during the war with Germany, he entered the United States Army as major in the Reserve Corps, Judge Advocate General's Department (April, 1917), serving as chief of staff to Gen. E. W. Crowder, Provost Marshal General. In this capacity he rendered able service in organizing the selective service law machinery and in preparing and administering the regulations under which 24,234,021 men were registered and 2,810,296 were inducted into the military service. He was promoted to lieutenant colonel on February 13, 1918; colonel in the National Army on July 19, 1918; and was awarded the distinguished-service medal by the President with the following citation:

For especially meritorious and distinguished service to the Government in connection with the administration of the selective service law during the war. In all of his varied and important duties he displayed unselfish devotion, tireless energy, and extraordinary executive ability.

Mr. Warren has served his party as delegate to Republican national conventions and as member from Michigan on the Republican national committee from 1912 to 1920. Of this body he was a member of the executive committee and chairman of the subcommittee which revised the procedure of the party organization and reapportioned the representation of the Southern States in future conventions.

President Harding appointed him United States ambassador to Japan in June, 1921, and he discharged his duties at Tokyo with ability and distinction. His term of office included the period of the Washington Conference on the Limitation of Armament, and the last and most important of his negotiations resulted in the abandonment of the Lansing-Ishii agreement of 1917, in which the United States recognized Japan's interests in the Far East. He resigned his post in March, 1923, and in the following May President Harding sent him and John Barton Payne to Mexico as special commissioners to represent the United States in the negotiations with President Obregon, of Mexico, to reestablish formal relations between the two countries. Following the recognition of the Mexican Government by the United States, President Coolidge appointed Mr. Warren ambassador to Mexico in February, 1924. He is a member of the American Society of International Law, the Michigan and Detroit bars, and of the following associations and clubs: The Phi Beta Kappa; the University Club (New York); the Metropolitan Club (Washington, D. C.); the University, Detroit, and County Clubs (Detroit). He is a director of the National Bank of Commerce, of Detroit, and in 1914 and 1915 was president of the Detroit Chamber of Commerce. The honorary degree of M. A. was conferred upon him by the University of Michigan in 1916. He was married December 2, 1902, to Helen Hunt, daughter of Charles Wetmore, of Detroit, Mich., and has four sons: Wetmore, Charles B., jr., Robert, and John Buel Warren.

At this point I desire to read, with the permission of the Chair and the consent of the Senate, certain letters passing between Mr. Warren, President Harding, and President Coolidge.

On the 2d day of March, 1923, President Warren G. Harding addressed Mr. Warren in the following terms:

MARCH 2, 1923.

Hon. CHARLES B. WARREN,
Detroit, Mich.

MY DEAR MR. AMBASSADOR: I am in receipt of your favor of March 1, in which you tender to me your resignation as ambassador to Japan. I am writing to accept your resignation, effective at once. I can not permit the occasion to pass without expressing to you my unbounded gratitude for the distinguished services which you have rendered to the Government and your country in this position of very great responsibility and importance.

I have noted with gratification the pleasing conditions of international relationship which you report, and I do not hesitate to say that you have had a very large share in bringing about this highly gratifying state.

When I asked you to accept the diplomatic post at Tokyo I was confident of your possession of that ability and personality which would tend to promote our fortunate relationships. You have more than met my expectations. It has been a matter of greatest satisfaction to note the progress of your work and the success which has attended it. Please be assured that your retirement is accepted only because your personal affairs require it, and the gratitude of those of the Government in any way associated with the Diplomatic Service will ever be yours.

Very truly yours,

WARREN G. HARDING.

I further desire, with the permission of the Chair and of the Senate, to read a letter addressed to Mr. Warren by the Hon. Charles E. Hughes, under date of March 2, 1923, as follows:

MARCH 2, 1923.

Hon. CHARLES B. WARREN,
Department of State.

MY DEAR MR. WARREN: I have received your letter informing me that you have tendered to the President your resignation as ambassador to Japan. I view with deep regret your retirement and yet I fully understand the reasons which have prompted you to this action.

Permit me to express the highest appreciation of the notable service that you have rendered to your country. You undertook the duties of your important mission at a time of special interest and you have represented this Government most effectively and contributed in the most signal manner to the advancement of our friendly relations with the great people to whose Government you were accredited.

I desire also to express my sense of personal obligation for your valuable cooperation in our mutual labors to maintain the sound traditions of our diplomacy and to promote peace and good will among the nations.

With high esteem, believe me, very sincerely yours,

CHARLES E. HUGHES.

Again craving the indulgence which has been granted me, I desire to read to the Vice President and to the Senate the letter of President Coolidge addressed to Mr. Warren under date of August 27, 1923, as follows:

AUGUST 27, 1923.

Hon. CHARLES B. WARREN,
State Department, Washington, D. C.

MY DEAR MR. WARREN: it is with the utmost satisfaction that I am taking this early occasion to express to you my great appreciation of the work performed by yourself and your colleague, Judge Payne, in conducting and successfully consummating the negotiations with Mexico. The accomplishment of this fine piece of work, looking to the guaranty of peace and stabilization of economic and political relations throughout this continent is a notable achievement at this time. It is more than the settlement of a long-standing, complex, and difficult series of differences between the Republic of Mexico and our own country. It is a demonstration that patience, good will, and the purpose of peace can overcome the most discouraging obstacles between nations which sincerely wish amicable and mutually helpful relations. Because it is all this, it is a fine thing to have had such a part as your own in making it possible at this time in a distraught world. To your skill as negotiator and wisdom as a man of affairs is due large credit for the result, which we are all sure will be of great benefit to both countries. I have all confidence that it will mark an important step in the progress of Mexico, and this assurance is among the reasons for my satisfaction in the accomplishment and for these congratulations to yourself.

Most sincerely yours,

CALVIN COOLIDGE.

It is in the light of those facts—recording, as they do, the accomplishments of Mr. Warren; reflecting, as they do, his wisdom and his brilliancy of mind; embodying, as of necessity they must, his sterling integrity and his upright, outstanding character—that there has been conceded, as I assume and understand it, that there can be no possible attack upon either the integrity, the uprightness, or the personal honesty of Mr. Warren.

It was only because Mr. Warren some thirty-odd years ago became associated with the so-called Sugar Trust in its relations to the beet-sugar companies of the State of Michigan, in the long ago, when he, a young man, started the practice of his profession, that we heard, as has been said upon the floor of the Senate and in the campaign that has closed, these issues raised.

We heard it then said that men could not be relied upon, that men could not be trusted if they had passed through certain experiences, even though they had grown away from them and left them far in the rear. Are men always to be said to be effected, especially in the profession of the law, with the different experiences through which they pass? I know it is a common reflection against the greatest of all professions that

lawyers to succeed must make their client's case their own, but no lawyer within the sound of my voice believes or indorses that principle. Men represent their clients because they are faithful to their trust. Men represent the cases intrusted to them as members of the bar, without being contaminated by the issues involved and without being blinded to the opposing principles.

It was suggested in the course of the discussion in the Senate a few days ago that a lawyer was not permitted when he took a seat upon the bench to sit in the decision of matters that have possibly been his vocation at the bar. Let me refer to the debate that occurred on Tuesday, March 10, 1925, at page 74 of the RECORD. It was during the discussion of this matter by the senior Senator from Iowa [Mr. CUMMINS]. He was asked by the Senator from Delaware [Mr. BAYARD]:

Let me suggest this to the Senator, then: Will not Mr. Warren, if he is confirmed and enters upon his office, be called upon to act in a quasi judicial manner in so far as he must determine whether or no certain prosecutions must be put through as against people who break the Federal laws?

I have no doubt of it—

The Senator from Iowa replied. Then this question was propounded by the Senator from Delaware:

That being true, is it not also a fact that all over our country, all through our judicial operations, a man who has been a member of the bar and has advocated certain cases, when he comes upon the bench is barred from acting as a judge in that line of cases?

That is, I submit, a mistaken view of the profession. If that rule were ever entertained or invoked it would bar from judicial positions the wisest and the most experienced members of the bar. It would mean, if I may use the illustration——

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Delaware?

Mr. GOFF. I yield.

Mr. BAYARD. Does the Senator deny the general proposition that when a member of the bar has been engaged in a certain line of cases or in a certain case or has had certain clients, when he is elevated to the bench is barred by practice and morals from sitting in such a case?

Mr. GOFF. Does the Senator mean a case which he has tried in the lower court?

Mr. BAYARD. No; I did not say that. The Senator could not have misunderstood me. I said if a man has a client or is engaged in a series of transactions in his profession and thereafter becomes a member of the bench, when those matters come before him on the bench would good morals and practice under the laws and proceedings now in our country forbid him from acting as judge and would he step to one side and get some other judge to hear the case?

Mr. GOFF. I will answer the Senator's question. I do not for one moment admit the Senator's general proposition. If I did, then we would find this anomaly, that we would have sitting upon the bench—and the annals of our country are full of such cases—men prominent as railroad attorneys when they were at the bar. Does not the Senator know that such judges always sit when cases involving railroad interests and railroad rights are before the appellate court for decision, because their impartial knowledge and their intimate views acquired in the participation in the solution of those questions make them an invaluable addition to the bench? That is where the bench obtained its wisdom. It receives it from men who in their experience at the bar have risen up to the bench with that honor and that manhood which this great profession of ours trains men to possess.

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia again yield to the Senator from Delaware?

Mr. GOFF. I can not yield. I have only a moment left and I can not yield.

In closing, Mr. President, I desire to say that on the 7th day of October, 1919, in the Senate of the United States, in this Chamber, Senator Chamberlain was discussing the question whether General Crowder should be commissioned a lieutenant general in the Army, and in the course of that discussion Senator Chamberlain, a man who stood out as one of the bright beacon lights of America's contribution to the jurisprudence of the war, made use of the following language:

Mr. CHAMBERLAIN. Mr. President, when the Senate went into executive session yesterday I was discussing the propriety of recognizing General Crowder by having him appointed a lieutenant general after his retirement, while ignoring the men who abroad had done the actual fighting, and men in this country who had rendered just as efficient and just as effective service in the prosecution of the war as General Crowder did as Provost Marshal General. Without any intent to minimize the service of General Crowder, but rather commending him for what he did, it seems to me he is not entitled to any higher commendation than other men who, whether at home or abroad, did their patriotic duty in prosecuting this war to a successful conclusion.

* * * * * * *

Did General Crowder come before the conferees to assist them? Not at all. It was recognized by some of the members of that committee, at least, that General Crowder was not the man to undertake to popularize that measure. The man who was called into consultation was Mr. Charles Warren.

Mr. BRANDEGEE. Charles Warren, of Detroit, Mich. He afterwards went into the service.

Mr. WARREN—

That is, the senior Senator from Wyoming [Mr. WARREN]—

Mr. President, I think the Senator will remember that Mr. Warren was in the Provost Marshal General's Department, and really was the next man and ranked next to Crowder, and came before us by direction of General Crowder.

Mr. CHAMBERLAIN. Yes; that is right.

Mr. WARREN. I think he was a lieutenant colonel.

Mr. CHAMBERLAIN. He was when he went out of the service. I am not criticizing that. I am suggesting the fact that the man who was sent before the committee for the purpose of assisting in perfecting this bill and bringing the local communities into touch with the Military Establishment was a civilian lawyer of distinction from Detroit, Mich., as I have before stated; and I want to pay him the compliment of saying here and now that there never was a man who appeared before the committee who tried harder to give to the country the best service that was in him, without fear or favor, and without any regard to what effect his course might have upon himself.

Now let us see what the conferees did in reference to that matter.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. CHAMBERLAIN. Yes, sir.

Mr. FLETCHER. The whole plan of the draft was all settled, decided on, arranged for, and prepared before Mr. Warren came to the department at all, was it not?

Mr. CHAMBERLAIN. I do not know whether that is a fact or not. The bill may have been prepared long before it was introduced on the 19th day of April, 1917, and it may be that Mr. Warren was not in the department. It may be that he did not participate in its framing. It is claimed, however, by the Secretary of War that practically all credit is due to General Crowder after consultation with him. However that may be, the man who did assist the conferees in order to try to get a tribunal that would not only be fair but whose decisions would satisfy the communities in which these young men lived was Mr. Warren.

The VICE PRESIDENT. The time of the Senator from West Virginia has expired.

Mr. REED of Missouri. Mr. President, I apologize to the Senate for taking a moment more of time, but I had not quite concluded my remarks on Saturday, and I do not now desire to make a speech. I want to read for the edification of the Senate not the eulogies, solicited or unsolicited, that may have been written to a man by his party associates, but the cold record in the case of the United States against the American Sugar Refining Co., Charles B. Warren, et al.

Let me observe that I agree that Mr. Warren has been faithful to his trust. His trust was the Sugar Trust. He was a part of it. So that I need not interrupt my reading I will also remark in advance that it requires a rather vivid imagination, in view of the facts disclosed here, to set up the claim that Mr. Warren's connection with the Sugar Trust was 30 years ago. He sat as a lawyer for the Sugar Trust in hearings that were had and which were only concluded in 1922. He appeared there for himself and I know not how many others, and examined witnesses. If he could plead nothing but the statute of limitations, he would not be able to set it up as a bar at all. He will have to get a much shorter statute than that.

With this preliminary statement, I invite the attention of the Senate for just a few moments to some of the evidence which was produced in the case to which I have referred. Mr. Charles Bewick had at the time, as a part of the contemporary proceedings, filed this letter of the Tawas Sugar Co.

After organization, Mr. Churchill (who was an associate of Mr. Warren's) forced himself on the T. S. Co. as president and general manager, claiming that he should receive a salary of $5,000 per annum. * * * However, he hired his man Orton as manager, salary $2,500. Then Messrs. Churchill and Warren stated that the T. S. Co. had to pay a promoter's fee of about $5,000 cash and $30,000 stock, of which they offered me a share.

likely has [illegible] promoters.

refused to go any further into the T. S. Co., and pay no further assessments. * * * Mr. W.—

That is, Mr. Warren—

asked me to reconsider my refusal, stating this matter might prejudice A. S. Rfg. Co.—

That means the American Sugar Refining Co.

That the T. S. Co. was now well managed; was assured of over 40,000 tons of beets.

He further assured me Mr. Neise had improved the Kilby plans and the T. & S. Co. would have the best plant in Michigan. He also stated he had reduced the promoter's fee to about $1,500 in cash and $15,000 in stock. I finally consented and paid my subscription.

That shows where Mr. Warren was getting some of his fortune—from promoter's fees.

January 1, 1906—

This is a letter to Mr. Havemeyer by Mr. Bewick—

Last August your Mr. Warren invited me to go with Mr. Wallace to Minnesota and look over the burned-down St. Louis Park Sugar Co.—

I am making omissions in the reading, but the whole letter may go in—

Warren told me that the new company would be organized and managed direct from New York.

That takes the gentlemen into Minnesota.

At a shareholders' meeting last September, when the Tawas Sugar Co. accepted the American Sugar Refining Co.'s offer of $300,000 for the Tawas Sugar Co., machinery, etc., the offer had the provisions, first, that this $300,000 should be divided and checks sent to each shareholder; second, that then each shareholder had the privilege to take stock in new company or not.

October 9 Mr. Warren invited me to go with him to Minnesota to organize new company. During the interview it developed that Mr. Churchill also would be there to organize. October 10 I wrote Mr. Warren that I would have nothing to do with the new company whatever.

Mr. Warren is still trying to drag me into new company. All other shareholders have received their checks. He is still holding me up and has not sent check due me. He says that he had informed you I would go into the new company, and you would think it strange if I now refused to go into the new company. * * *

Conditions in Michigan are growing worse. The good farmers refuse to grow any beets. They say that they have been cheated; that Messrs. Warren and Churchill are the representatives of the Sugar Trust hired to destroy the beet industry in Michigan. If you would induce Mr. Morey, of Denver, to reorganize the Michigan sugar companies, he would soon change conditions.

I ask that the entire letter be printed at this point.

There being no objection, the letter entire was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *January 1, 1906.*

Mr. H. O. HAVEMEYER,
President American Sugar Refining Co.

DEAR SIR: At a director's meeting of the Tawas Sugar Co. about a year ago we considered affairs of said company. We saw plainly that within four years this ill-managed company would be eaten up with debts and every dollar invested lost. I suggested to move plant to either Fort Morgan or Brush, Colo., and put under the entire jurisdiction and management of Mr. Morey, of Denver. I offered to keep up my $75,000 stock in said new company.

Last August your Mr. Warren invited me to go with Mr. Wallace to Minnesota and look over the burned down St. Louis Park Sugar Co.; also examine the surrounding country for a new sugar company. Our report stated that it was the best location, etc., we had ever seen in any unirrigated country.

On our return Mr. Warren asked if I was willing to become a shareholder in a new company. I replied that all would depend on the organization. If any of the officers who had the mismanagement of the Tawas Sugar Co. to make an utter failure of it went into new company I would have nothing to do with it. Warren told me that the new company would be organized and managed direct from New York.

At a shareholders' meeting last September, when the Tawas Sugar Co. accepted the American Sugar Refining Co.'s offer of $300,000 for the Tawas Sugar Co. machinery, etc., the offer had the provisions, first, that this $300,000 should be divided and checks sent to each shareholder; second, that then each shareholder had the privilege to take stock in new company or not.

October 9 Mr. Warren invited me to go with him to Minnesota to organize new company. During the interview it developed that Mr. Churchill also would be there to organize. October 10 I wrote Mr. Warren that I would have nothing to do with the new company whatever.

Mr. Warren is still trying to drag me into new company. All other shareholders have received their checks. He is still holding me up, and has not sent check due me. He says that he had informed you that I would go into the new company, and you would think it strange if I now refused to go into the new company. Of course, that is all nonsense. The American Sugar Refining Co. does not care a penny if I go in or stay out.

Conditions in Michigan are growing worse. The good farmers refuse to grow any beets. They say that they have been cheated; that Messrs. Warren and Churchill are the representatives the Sugar Trust hired to destroy the beet industry in Michigan. If you would induce Mr. Morey, of Denver, to reorganize the Michigan sugar companies he would soon change conditions.

He would come together with the farmers and restore confidence and good will. Caro and Saginaw plants should remain where they are. They are the two best plants and largest, and we would have within two years plenty of good beets for these two plants. Move the Bay City-Michigan, Croswell, and Shebawing plants. I know some excellent locations in the Northwest for these four sugar plants. Under able and clean managements all would pay fair returns. If they are left as now, every dollar in these companies will be wasted and lost. I have no ax to grind. I wish to preserve the business in our State and prevent the waste of all the money invested.

Kindly instruct Mr. Warren to send check due me from the sale of the Tawas sugar plant. Please keep this letter confidential. I wish to create no further strife and ill feeling with Churchill and Warren. There is too much already in our State.

Yours truly,

C. BEWICK.

P. S.: Every State has a grange. Every good farmer belongs to it. All the State granges have formed a national grange. This is now getting to be the strongest organization in our country. It is strong and clean, controlled entirely by country people; object, to give everybody a fair deal, no favors for rich or poor. This organization will put all the political State machines out of business. In the future they will elect our United States Senators. The sugar industry has to deal directly with this organization. We must be on good terms with it.

Mr. REED of Missouri. From page 3830 of the record I read the following:

Mr. C. B. Warren stated that if in the judgment of Messrs. Churchill and Bewick—

The latter being the man who made the comment I have just read—

the conditions warranted the investment, he was prepared to subscribe for one-half the capital stock when the other half was subscribed.

And the record shows that the half he was to subscribe was to be paid for with American Sugar Refining Co. money.

Here is an excerpt that is interesting because it brings in another familiar name to the Senate. The date is January, 1903.

The president reported to the board that, acting under the authority of the board previously granted him, he had entered into and executed in behalf of the corporation an agreement with all or nearly all of the beet-sugar companies of the State relative to the securing of acreage and the prices to be paid for beets during the next two campaigns, and had agreed to deposit in behalf of the corporation the sum of $2,500 to secure the performance by this company of its undertakings entered into in and by said agreement. After discussion of the matter, on motion of Mr. Newberry—

That is our old friend Truman H. Newberry again—

duly seconded, the action of the president in executing said agreement was unanimously approved, and the treasurer authorized and instructed to place the sum of $2,500 at the disposal of the president for the purpose of carrying out the terms of said agreement.

Now let us see about the statute of limitations. Mr. Fred P. Sholes was testifying.

Q. Mr. Charles B. Warren became a member of the board of directors about September 9, 1907, did he not, Mr. Sholes?

That is of the Continental Sugar Co., of Ohio, which was trust controlled.

A. Mr. Warren became a member of the board of directors on September 9, 1907.

Q. Mr. Sholes, I call your attention to a minute of the meeting of the executive committee of the Continental Sugar Co., held November 1, 1909, as follows: "The secretary reported that an agreement had been made between the beet-sugar manufacturers, generally represented by the Central Western States, to raise the selling basis from 4.75 to

lawyers to succeed must make their client's case their own, but no lawyer within the sound of my voice believes or indorses that principle. Men represent their clients because they are faithful to their trust. Men represent the cases intrusted to them as members of the bar, without being contaminated by the issues involved and without being blinded to the opposing principles.

It was suggested in the course of the discussion in the Senate a few days ago that a lawyer was not permitted when he took a seat upon the bench to sit in the decision of matters that have possibly been his vocation at the bar. Let me refer to the debate that occurred on Tuesday, March 10, 1925, at page 74 of the RECORD. It was during the discussion of this matter by the senior Senator from Iowa [Mr. CUMMINS]. He was asked by the Senator from Delaware [Mr. BAYARD]:

Let me suggest this to the Senator, then: Will not Mr. Warren, if he is confirmed and enters upon his office, be called upon to act in a quasi-judicial manner in so far as he must determine whether or no certain prosecutions must be put through as against people who break the Federal laws?

I have no doubt of it—

The Senator from Iowa replied. Then this question was propounded by the Senator from Delaware:

That being true, is it not also a fact that all over our country, all through our judicial operations, a man who has been a member of the bar and has advocated certain cases, when he comes upon the bench is barred from acting as a judge in that line of cases?

That is, I submit, a mistaken view of the profession. If that rule were ever entertained or invoked it would bar from judicial positions the wisest and the most experienced members of the bar. It would mean, if I may use the illustration——

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Delaware?

Mr. GOFF. I yield.

Mr. BAYARD. Does the Senator deny the general proposition that when a member of the bar has been engaged in a certain line of cases or in a certain case or has had certain clients, when he is elevated to the bench is barred by practice and morals from sitting in such a case?

Mr. GOFF. Does the Senator mean a case which he has tried in the lower court?

Mr. BAYARD. No; I did not say that. The Senator could not have misunderstood me. I said if a man has a client or is engaged in a series of transactions in his profession and thereafter becomes a member of the bench, when those matters come before him on the bench would good morals and practice under the laws and proceedings now in our country forbid him from acting as judge and would he step to one side and get some other judge to hear the case?

Mr. GOFF. I will answer the Senator's question. I do not for one moment admit the Senator's general proposition. If I did, then we would find this anomaly, that we would have sitting upon the bench—and the annals of our country are full of such cases—men prominent as railroad attorneys when they were at the bar. Does not the Senator know that such judges always sit when cases involving railroad interests and railroad rights are before the appellate court for decision, because their impartial knowledge and their intimate views acquired in the participation in the solution of those questions make them an invaluable addition to the bench? That is where the bench obtained its wisdom. It receives it from men who in their experience at the bar have risen up to the bench with that honor and that manhood which this great profession of ours trains men to possess.

Mr. BAYARD. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia again yield to the Senator from Delaware?

Mr. GOFF. I can not yield. I have only a moment left and I can not yield.

In closing, Mr. President, I desire to say that on the 7th day of October, 1919, in the Senate of the United States, in this Chamber, Senator Chamberlain was discussing the question whether General Crowder should be commissioned a lieutenant general in the Army, and in the course of that discussion Senator Chamberlain, a man who stood out as one of the bright beacon lights of America's contribution to the jurisprudence of the war, made use of the following language:

Mr. CHAMBERLAIN. Mr. President, when the Senate went into executive session yesterday I was discussing the propriety of recognizing General Crowder by having him appointed a lieutenant general after his retirement, while ignoring the men who abroad had done the actual fighting, and men in this country who had rendered just as efficient and just as effective service in the prosecution of the war as General Crowder did as Provost Marshal General. Without any intent to minimize the service of General Crowder, but rather commending him for what he did, it seems to me he is not entitled to any higher commendation than other men who, whether at home or abroad, did their patriotic duty in prosecuting this war to a successful conclusion.

* * * * * * *

Did General Crowder come before the conferees to assist them? Not at all. It was recognized by some of the members of that committee, at least, that General Crowder was not the man to undertake to popularize that measure. The man who was called into consultation was Mr. Charles Warren.

Mr. BRANDEGEE. Charles Warren, of Detroit, Mich. He afterwards went into the service.

Mr. WARREN—

That is, the senior Senator from Wyoming [Mr. WARREN]—

Mr. President, I think the Senator will remember that Mr. Warren was in the Provost Marshal General's Department, and really was the next man and ranked next to Crowder, and came before us by direction of General Crowder.

Mr. CHAMBERLAIN. Yes; that is right.

Mr. WARREN. I think he was a lieutenant colonel.

Mr. CHAMBERLAIN. He was when he went out of the service. I am not criticizing that. I am suggesting the fact that the man who was sent before the committee for the purpose of assisting in perfecting this bill and bringing the local communities into touch with the Military Establishment was a civilian lawyer of distinction from Detroit, Mich., as I have before stated; and I want to pay him the compliment of saying here and now that there never was a man who appeared before the committee who tried harder to give to the country the best service that was in him, without fear or favor, and without any regard to what effect his course might have upon himself.

Now let us see what the conferees did in reference to that matter.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. CHAMBERLAIN. Yes, sir.

Mr. FLETCHER. The whole plan of the draft was all settled, decided on, arranged for, and prepared before Mr. Warren came to the department at all, was it not?

Mr. CHAMBERLAIN. I do not know whether that is a fact or not. The bill may have been prepared long before it was introduced on the 19th day of April, 1917, and it may be that Mr. Warren was not in the department. It may be that he did not participate in its framing. It is claimed, however, by the Secretary of War that practically all credit is due to General Crowder after consultation with him. However that may be, the man who did assist the conferees in order to try to get a tribunal that would not only be fair but whose decisions would satisfy the communities in which these young men lived was Mr. Warren.

The VICE PRESIDENT. The time of the Senator from West Virginia has expired.

Mr. REED of Missouri. Mr. President, I apologize to the Senate for taking a moment more of time, but I had not quite concluded my remarks on Saturday, and I do not now desire to make a speech. I want to read for the edification of the Senate not the eulogies, solicited or unsolicited, that may have been written to a man by his party associates, but the cold record in the case of the United States against the American Sugar Refining Co., Charles B. Warren, et al.

Let me observe that I agree that Mr. Warren has been faithful to his trust. His trust was the Sugar Trust. He was a part of it. So that I need not interrupt my reading I will also remark in advance that it requires a rather vivid imagination, in view of the facts disclosed here, to set up the claim that Mr. Warren's connection with the Sugar Trust was 30 years ago. He sat as a lawyer for the Sugar Trust in hearings that were had and which were only concluded in 1922. He appeared there for himself and I know not how many others, and examined witnesses. If he could plead nothing but the statute of limitations, he would not be able to set it up as a bar at all. He will have to get a much shorter statute than that.

With this preliminary statement, I invite the attention of the Senate for just a few moments to some of the evidence which was produced in the case to which I have referred. Mr. Charles Bewick had at the time, as a part of the contemporary proceedings, filed this letter of the Tawas Sugar Co.

After organization, Mr. Churchill (who was an associate of Mr. Warren's) forced himself on the T. S. Co. as president and general manager, claiming that he should receive a salary of $5,000 per annum. * * * However, he hired his man Orton as manager, salary $2,500. Then Messrs. Churchill and Warren stated that the T. S. Co. had to pay a promoter's fee of about $5,000 cash and $30,000 stock, of which they offered me a share.

Warren was one of the promoters.

I then refused to go any further into the T. S. Co., and pay no further assessments. * * * Mr. W.—

That is, Mr. Warren—

asked me to reconsider my refusal, stating this matter might prejudice A. S. Rfg. Co.—

That means the American Sugar Refining Co.

That the T. S. Co. was now well managed; was assured of over 40,000 tons of beets.

He further assured me Mr. Neise had improved the Kilby plans and the T. & S. Co. would have the best plant in Michigan. He also stated he had reduced the promoter's fee to about $1,500 in cash and $15,000 in stock. I finally consented and paid my subscription.

That shows where Mr. Warren was getting some of his fortune—from promoter's fees.

January 1, 1906—

This is a letter to Mr. Havemeyer by Mr. Bewick—

Last August your Mr. Warren invited me to go with Mr. Wallace to Minnesota and look over the burned-down St. Louis Park Sugar Co.—

I am making omissions in the reading, but the whole letter may go in—

Warren told me that the new company would be organized and managed direct from New York.

That takes the gentlemen into Minnesota.

At a shareholders' meeting last September, when the Tawas Sugar Co. accepted the American Sugar Refining Co.'s offer of $300,000 for the Tawas Sugar Co., machinery, etc., the offer had the provisions, first, that this $300,000 should be divided and checks sent to each shareholder; second, that then each shareholder had the privilege to take stock in new company or not.

October 9 Mr. Warren invited me to go with him to Minnesota to organize new company. During the interview it developed that Mr. Churchill also would be there to organize. October 10 I wrote Mr. Warren that I would have nothing to do with the new company whatever.

Mr. Warren is still trying to drag me into new company. All other shareholders have received their checks. He is still holding me up and has not sent check due me. He says that he had informed you I would go into the new company, and you would think it strange if I now refused to go into the new company. * * *

Conditions in Michigan are growing worse. The good farmers refuse to grow any beets. They say that they have been cheated; that Messrs. Warren and Churchill are the representatives of the Sugar Trust hired to destroy the beet industry in Michigan. If you would induce Mr. Morey, of Denver, to reorganize the Michigan sugar companies, he would soon change conditions.

I ask that the entire letter be printed at this point.

There being no objection, the letter entire was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *January 1, 1906.*

Mr. H. O. HAVEMEYER,
President American Sugar Refining Co.

DEAR SIR: At a director's meeting of the Tawas Sugar Co. about a year ago we considered affairs of said company. We saw plainly that within four years this ill-managed company would be eaten up with debts and every dollar invested lost. I suggested to move plant to either Fort Morgan or Brush, Colo., and put under the entire jurisdiction and management of Mr. Morey, of Denver. I offered to keep up my $75,000 stock in said new company.

Last August your Mr. Warren invited me to go with Mr. Wallace to Minnesota and look over the burned down St. Louis Park Sugar Co.; also examine the surrounding country for a new sugar company. Our report stated that it was the best location, etc., we had ever seen in any unirrigated country.

On our return Mr. Warren asked if I was willing to become a shareholder in a new company. I replied that all would depend on the organization. If any of the officers who had the mismanagement of the Tawas Sugar Co. to make an utter failure of it went into new company I would have nothing to do with it. Warren told me that the new company would be organized and managed direct from New York.

At a shareholders' meeting last September, when the Tawas Sugar Co. accepted the American Sugar Refining Co.'s offer of $300,000 for the Tawas Sugar Co. machinery, etc., the offer had the provisions, first, that this $300,000 should be divided and checks sent to each shareholder; second, that then each shareholder had the privilege to take stock in new company or not.

October 9 Mr. Warren invited me to go with him to Minnesota to organize new company. During the interview it developed that Mr. Churchill also would be there to organize. October 10 I wrote Mr. Warren that I would have nothing to do with the new company whatever.

Mr. Warren is still trying to drag me into new company. All other shareholders have received their checks. He is still holding me up, and has not sent check due me. He says that he had informed you that I would go into the new company, and you would think it strange if I now refused to go into the new company. Of course, that is all nonsense. The American Sugar Refining Co. does not care a penny if I go in or stay out.

Conditions in Michigan are growing worse. The good farmers refuse to grow any beets. They say that they have been cheated; that Messrs. Warren and Churchill are the representatives the Sugar Trust hired to destroy the beet industry in Michigan. If you would induce Mr. Morey, of Denver, to reorganize the Michigan sugar companies he would soon change conditions.

He would come together with the farmers and restore confidence and good will. Caro and Saginaw plants should remain where they are. They are the two best plants and largest, and we would have within two years plenty of good beets for these two plants. Move the Bay City-Michigan, Croswell, and Shebawing plants. I know some excellent locations in the Northwest for these four sugar plants. Under able and clean managements all would pay fair returns. If they are left as now, every dollar in these companies will be wasted and lost. I have no ax to grind. I wish to preserve the business in our State and prevent the waste of all the money invested.

Kindly instruct Mr. Warren to send check due me from the sale of the Tawas sugar plant. Please keep this letter confidential. I wish to create no further strife and ill feeling with Churchill and Warren. There is too much already in our State.

Yours truly,

C. BEWICK.

P. S.: Every State has a grange. Every good farmer belongs to it. All the State granges have formed a national grange. This is now getting to be the strongest organization in our country. It is strong and clean, controlled entirely by country people; object, to give everybody a fair deal, no favors for rich or poor. This organization will put all the political State machines out of business. In the future they will elect our United States Senators. The sugar industry has to deal directly with this organization. We must be on good terms with it.

Mr. REED of Missouri. From page 3830 of the record I read the following:

Mr. C. B. Warren stated that if in the judgment of Messrs. Churchill and Bewick—

The latter being the man who made the comment I have just read—

the conditions warranted the investment, he was prepared to subscribe for one-half the capital stock when the other half was subscribed.

And the record shows that the half he was to subscribe was to be paid for with American Sugar Refining Co. money.

Here is an excerpt that is interesting because it brings in another familiar name to the Senate. The date is January, 1903.

The president reported to the board that, acting under the authority of the board previously granted him, he had entered into and executed in behalf of the corporation an agreement with all or nearly all of the beet-sugar companies of the State relative to the securing of acreage and the prices to be paid for beets during the next two campaigns, and had agreed to deposit in behalf of the corporation the sum of $2,500 to secure the performance by this company of its undertakings entered into in and by said agreement. After discussion of the matter, on motion of Mr. Newberry—

That is our old friend Truman H. Newberry again—

duly seconded, the action of the president in executing said agreement was unanimously approved, and the treasurer authorized and instructed to place the sum of $2,500 at the disposal of the president for the purpose of carrying out the terms of said agreement.

Now let us see about the statute of limitations. Mr. Fred P. Sholes was testifying.

Q. Mr. Charles B. Warren became a member of the board of directors about September 9, 1907, did he not, Mr. Sholes?

That is of the Continental Sugar Co., of Ohio, which was trust controlled.

A. Mr. Warren became a member of the board of directors on September 9, 1907.

Q. Mr. Sholes, I call your attention to a minute of the meeting of the executive committee of the Continental Sugar Co., held November 1, 1909, as follows: "The secretary reported that an agreement had been made between the beet-sugar manufacturers, generally represented by the Central Western States, to raise the selling basis from 4.75 to

4.85, effective at the beginning of business on this day." And I ask you whether you remember that item of those minutes, or the transactions to which it refers?—A. I don't remember the particular transactions, but recognize the minutes.

Q. Who were the beet-sugar manufacturers in the Central States referred to in those minutes, if you recollect?

Mr. WARREN. When was that?

Mr. KNAPP. November, 1901.

A. I don't remember the incident sufficiently in detail to say what it meant.

Q. Do you remember with whom that agreement was made?—A. Such a matter would naturally come from the brokers, and that is the only information in tangible form that I can suggest.

Mr. Warren remained an officer of the company until 1909; and here is a bit of light about it. Mr. Harper then was the president of the American Sugar Co., and Mr. Havemeyer was the chairman of the board of directors. On August 30, 1907, Mr. Havemeyer wrote Mr. Harper, as follows:

I have your communication of August 28. Mr. Collings presented himself and wanted to sell his stock, likewise that of Mr. Sholes. I have made an effort, but unsuccessful, and I have so advised him. I have written to you that a meeting of the directors should be called and the resignation of the two officers acted upon, which, by the way, I inclosed therewith, and you to be elected as Mr. Collings's successor.

If Mr. Collings has not called this meeting, will you have the goodness to do it, and if necessary take any other steps to bring this to a speedy conclusion?

It is important for the interests of the company that this arrangement be carried out as early as possible. I recommend that Mr. Charles B. Warren, of Detroit, be elected a director of the company to fill a vacancy, due notice of which be sent to him, when he will at once qualify in stock ownership.

On June 9, 1908, Mr. Heike, secretary of the trust, wrote Mr. Harper, president of the trust, saying (I will not read all of the letter):

We request that you consult Mr. Warren and afterwards write us.

Again on September 17, 1907, Mr. Havemeyer wrote Mr. Harper, the president of the trust:

You could not do better than to place the refined—

That is, the refined sugar—

absolutely under the control of Charles B. Warren.

That was some of the law business that qualifies him for this position.

Again, on September 5, 1907, Mr. Harper, president of the trust, wrote to Mr. Havemeyer:

* * * At that meeting your instructions will be carried out, except possibly in the case of electing Mr. Warren a director. It may be that we will be obliged to adjourn the meeting until Monday, September 9, in order to have the necessary qualifying shares of stock issued to Mr. Warren.

There is a volume of this kind of material, Mr. President.

Mr. CARAWAY. Mr. President, may I ask the Senator when has it been required that a lawyer shall be a stockholder in a company in order to transact its law business?

Mr. REED of Missouri. That is probably a rule that exists in but few States. It may be that it does exist in some States. It may be the rule in West Virginia; I do not know. I am sure that it is not in Delaware.

[A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.]

Mr. GILLETT. Mr. President, I appreciate that the sentiment of this body is that new Senators, like children, should be seen and not heard; but I am a member of the committee which reported this nomination, and I will endeavor by my brevity to try to make some amends for my presumption, although I must admit that during the few days which I have spent here the deepest impression I have received is the different estimate of the value of time here and in the body at the other end of the Capitol. I hope I shall not show that I am already unduly infected by this atmosphere. [Laughter.]

The rejection of the nomination of Mr. Warren is, we all recognize, an extraordinary happening. During a period of over 50 years never has the nomination of a man for a position in the President's Cabinet been rejected. During that time both Republicans and Democrats on the stump have assailed and denounced and reviled and vituperated some of their opponents, compared with which the invective of the Senator from Missouri the other day was but as the cooing of a turtle dove; and yet when the nominations of those same men for Cabinet offices were subsequently sent to the Senate for confirmation not a word was raised against them and they were confirmed. Why? Because it is, I believe, the general opinion and conviction of the people of this country—and I would have said, until last week, the settled opinion and conviction of this body—that any man nominated by the President to be a member of his official family should be confirmed unless there are against him flagrant charges of incompetency. There are no such charges against Mr. Warren. Those attacking him admit that they would confirm him for any other Cabinet position. Why will they not confirm him for the position of Attorney General? They say it is because from 15 to 25 years ago, as a young man, he was counsel for "trusts" and probably himself acted as a member of what were called "trusts." That of itself, they do not claim, disqualifies him; but the argument is made that because in those years he acted as counsel for "trusts" he became so affected and so mentally biased and so fixed in his resolution that he could not now efficiently prosecute the law against "trusts."

I would prefer that Mr. Warren had never had any such connections. I would wish that any lawyer who is presented for Attorney General had never been on anything but the right side of every case he had ever had. I would wish he had never advised any client to do something which a court subsequently held to be illegal; but if we should take that as a test of confirmation, we would shut out a majority of the big lawyers of the country. Big lawyers are attracted to the big cities, when they are employed by big business. Big business during all the early years of this century was trying to adjust itself to the constantly changing interpretations of the trust laws, and every big lawyer who was employed by them, uncertain what the law might be next year, was trying to advise them as he thought was for their interest. The Sugar Trust was not then the object of general contumely that it afterwards became, because those scandals which turned against it the decent sentiment of the country had not then been revealed. But because this lawyer acted for the Sugar Trust and perhaps participated in local trusts as a director and president is he thereby to be shut out forever from public employment against trusts? The only question is, and that is the question which I understand is raised on the other side, Did he thereby become so mentally warped, did his attitude become so biased and so narrow that he can not now properly perform the duties of Attorney General?

As was said the other day, we have had one very conspicuous instance of the contrary, where Mr. Knox, counsel for the United States Steel Corporation and for the Pennsylvania Railroad, became, as Attorney General, the greatest "trust buster" this country has ever had. What reason have the opposition to know that Mr. Warren will not be equally successful? They can not know it. They only surmise it.

To be sure, the Senator from Michigan [Mr. COUZENS] says that 90 per cent of the people of Mr. Warren's State, where he is known, do not believe he ought to have the office. I appreciate that the Senator from Michigan believed what he said, but it is quite probable that he got his information from those who knew what information he wanted. It is quite possible that in the circles in which the Senator moves in Detroit there was such a feeling, but the Legislature of Michigan—although an effort was made to sidetrack the resolution by sending it to a committee and the opponents of Mr. Warren could not even do that—the Legislature of Michigan, whose members I contend are quite as good judges of public opinion and quite as responsive to it as the tax-ridden Senator from Michigan, say that they want Mr. Warren confirmed.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. GILLETT. Certainly.

Mr. COUZENS. I should like to ask the Senator from Massachusetts if he believes that the Representatives in Congress from Michigan represent any sentiment in Michigan?

Mr. GILLETT. I do.

Mr. COUZENS. I should like to say that out of 13 Members in the House of Representatives and 2 Senators in this body I have been able to find no one who wants to have Mr. Warren confirmed. I ask the Senator if that is not an indication that there is some sentiment in Michigan against Mr. Warren, and if also the Representatives from Michigan in the Congress are not supposed to represent their constituents in Michigan?

Mr. GILLETT. Mr. President, that would be some indication if the Senator from Michigan had prosecuted his inquiries thoroughly and accurately; but I can tell the Senator from Michigan that he is mistaken; that there are Members in the delegation from Michigan who do want to have the Attorney General confirmed; and it seems to me that there the Senator

very likely has prosecuted his inquiries simply along lines where he knew the result would be what he was looking for.

I presume very likely a large part of the dominating politicians of Michigan to-day do not want Mr. Warren, but the Senator from Pennsylvania [Mr. PEPPER] the other day read to us the names of some men there who do want Mr. Warren. The president of the bar association, the leaders of the bar, think Mr. Warren ought to be confirmed. Perhaps the politicians of Michigan, headed by the influential Senator from Michigan, are opposed to Mr. Warren. I do not believe, however, that he knows about the people of Michigan any better than the legislature does, and with me the leading lawyers of Michigan carry great weight.

In my opinion the President of the United States, who is responsible for Mr. Warren's appointment, who has a greater stake than anybody else in having that appointment a good one, who will be afterwards always advised by him and held responsible for what he does, has better means, by confidential information and by personal contact, of determining whether Mr. Warren has to-day an intellectual bias which will enable him to prosecute the trust laws than have the Senators on the other side who are arguing against him.

The Senator from Montana [Mr. WALSH], who is leading this opposition, assured us that he had no spirit of partisanship in it, and I accept his assurance. Of course, the Senator is a good partisan. I do not quarrel with him for that, I have some tendencies in that line myself; but the Senator from Montana was chairman of the last Democratic convention, and presided over it with great distinction. It is reported that he was offered the vice presidential nomination. He declined it, fortunately, because it would have been pretty hard on Montana if both her Senators had been defeated for Vice President in the same year [laughter]; but the Senator from Montana, though he is a partisan, says that in this question he has no partisanship, and I accept his statement.

Mr. ROBINSON. Mr. President, will the Senator from Massachusetts yield to me for a question?

Mr. GILLETT. Certainly.

Mr. ROBINSON. While the Senator is discussing the subject of partisanship, and insisting that those who oppose the confirmation of Mr. Warren are moved by partisan motives, and is referring to candidates for Vice President, I ask the Senator from Massachusetts if he does not know that one of the leaders of the opposition to the confirmation of Mr. Warren—namely, the Senator from Idaho [Mr. BORAH]—was, at the suggestion of the President himself, offered the vice presidential nomination by the Republican convention, or representatives of the Republican convention, when President Coolidge was nominated?

Mr. GILLETT. I know that he was discussed. I think very likely he could have had the nomination if he had wanted it.

Mr. ROBINSON. Does not the Senator know that the Senator from Idaho refused to accept the vice presidential nomination?

Mr. GILLETT. I think that probably is true. I confess I think it was rather creditable to him, for——

Mr. ROBINSON. And yet——

Mr. GILLETT. Will the Senator please let me finish my sentence? For I never have known of the Senator from Idaho showing any enthusiastic support for the President.

Mr. ROBINSON And yet the President insisted upon his being tendered and upon his accepting the vice presidential nomination, and the Senator from Idaho and nearly everybody else to whom it was offered refused it. [Laughter.]

Mr. GILLETT. I do not think the fact that the Senator from Idaho declined the vice presidential nomination is a very strong argument that at the present time he is strongly addicted to what the President desires.

I did not say, as the Senator from Arkansas suggests, that partisanship was responsible for the opposition on the other side. I am going to imitate the Senator from Pennsylvania [Mr. PEPPER] the other day, and discreetly decline to state my opinion on that question. I will say, however, that there is one Senator on the other side who openly, frankly, and avowedly said that he was acting as a partisan, and only as a partisan. He had expressed himself in favor of the nomination, and yet when he found that his vote was decisive he changed his action and stated that because his side did not want to have the nomination confirmed he would vote against it. He did not dwell on those lofty heights of nonpartisanship where the Senator from Montana [Mr. WALSH] resides. I admire his frankness and his honesty more than I do his judgment and courage of conviction.

I refuse to state my opinion on the question of partisanship; but I believe that the people of the United States, when they see a solid Democratic Party voting with the Senators on this side who oppose the President, will not have much difficulty in drawing their inference. The Senator from Virginia [Mr. GLASS] the other day asked the Senator from Pennsylvania [Mr. PEPPER] if it was thought that they were voting to embarrass the President now why they could not have voted to embarrass the President in the nomination of Mr. Stone for the Supreme Court judgeship. The Senator from Pennsylvania very prudently declined to answer. I shall be less discreet. Without stating my opinion, I will say that I believe the inference the public will draw from it is not that there was any less partisanship then than now but that there was less safety then than now. They were "willing to wound, but yet afraid to strike." The argument against Mr. Stone was so flimsy that they did not dare to follow it. I suspect there was the same feeling on the other side at first as to Mr. Warren; but the arguments which have been made, associating him with that which is most repugnant to the American people, the trusts, trying to make him appear to be a representative of the trusts and of great wealth, have apparently changed the view of Senators on the other side; and, like the open avowal of the Senator from North Carolina [Mr. OVERMAN], other Senators think that here is a chance perhaps that the mortification and humiliation which was given them by President Coolidge last November can now in some way be reciprocated.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. GILLETT. Certainly.

Mr. REED of Missouri. Does the Senator feel that he is justified in making the charge he has just made, that we are acting from partisan motives, when the record of the Democrats during all of Mr. Harding's administration and during all of Mr. Coolidge's administration has been an unbroken record of confirmation for all important offices?

Mr. GILLETT. Mr. President, in the first place I wish to disavow what the Senator imputes. I took great pains not to make the charge myself. I simply stated what I thought the country would infer. Secondly, what he asks about President Harding's Cabinet reminds me of what I saw in the New York Times, which opposed President Coolidge. The New York Times this morning says:

> What will the country think of a Senate who swallows Harry Daugherty and strains at Charles Warren?

Mr. BORAH. Mr. President, what will the country think if the Senate takes two swallows?

Mr. REED of Missouri. The philosophy of the Senator this morning seems to be that we should not only have swallowed Daugherty, but that we ought to swallow Warren because we swallowed Daugherty. We had a lesson in the swallowing of Daugherty. We also swallowed Fall. I take it that we swallowed Fall without knowing that he was going to fall.

Mr. GILLETT. Mr. President, I suggest to the Vice President that the Senator ought to use his own time for his remarks.

Mr. REED of Missouri. I do not mean to take up the Senator's time; but the Senator says now that he does not mean to charge that we are acting from partisan motives. Then why does he make the kind of speech he has been making, "That the country will believe," and so forth. What, really, is the Senator trying to impute to us?

Mr. GILLETT. Mr. President, I suspect that both Senators, and those people throughout the country who may chance to notice what I have said, will not be in great difficulty in discovering what my purpose was.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. GILLETT. I am glad to yield for a question.

Mr. BRUCE. May I not ask the Senator from Massachusetts whether that is not another illustration of the desire to wound without the courage to strike? [Manifestations on the floor and in the galleries.]

The VICE PRESIDENT. The occupants of the galleries are admonished that under the rules of the Senate they must maintain order.

Mr. GILLETT. Mr. President, I admit that I am myself a good partisan. I do not pretend that I can approach such questions as this without some bias, and I do not believe that Senators on the other side can, but I will say this, that if four years from now we are punished for our sins with a Democratic President, which to-day looks as improbable as it is undesirable, if that shall come about, I promise that I will vote for the confirmation of any Cabinet officers whose names the

Democratic President may send down to the Senate if they have half the fitness Mr. Warren has, even though the whole Republican Party may be against me.

Mr. ROBINSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator yield to the Senator from Arkansas?

Mr. GILLETT. I yield.

Mr. ROBINSON. Does not the Senator from Massachusetts think it would be more consistent with the high standard of service to which he has heretofore conformed to say that he will not vote for the confirmation of a nominee for office sent in to the Senate by any President, whether Democratic or Republican, whom he believes for any substantial reason to be unfitted to perform the duties of that office?

Mr. GILLETT. Certainly, Mr. President——

Mr. ROBINSON. Why does the Senator——

The VICE PRESIDENT. Does the Senator from Massachusetts yield further to the Senator from Arkansas?

Mr. GILLETT. I will yield under this condition, that Senators will count these interruptions against their own time. I have only a few minutes left.

Mr. ROBINSON. I will not interrupt the Senator further.

Mr. GILLETT. I do not think it is quite fair for Senators to take my time, and then when I suggest that they use their own time decline to do so.

Mr. ROBINSON. If the Senator will permit me one interruption——

Mr. GILLETT. No——

Mr. ROBINSON. The Senator was making such poor use of his time that I thought better use of it could be made.

Mr. GILLETT. If that is an illustration of the fairness and courtesy which prevails on the other side of the Chamber, I confess I am surprised.

Mr. ROBINSON. It was an effort——

Mr. GILLETT. I decline to yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. ROBINSON. I merely want to say that it was an effort——

Mr. GILLETT. I decline to yield.

Mr. ROBINSON. I merely wanted to say it was an effort to be humorous.

The VICE PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. GILLETT. Mr. President, it was argued on the other side that the President had no constitutional right, after a nominee had once been rejected, to send his name back a second time. The President is given that constitutional right by the Constitution itself. It may not be wise often to exercise it, but the occasion was extraordinary. There had been a tie vote, broken by the change of a vote by one for avowedly partisan reasons. Was not the President justified in hoping that in the lapse of time that partisanship might be abandoned? A good many Senators were absent, and it was an entirely justifiable action on the part of the President, without flouting in any way the rights of the Senate.

It is said that the suggestion made within the last few days that the President will give Mr. Warren a recess appointment is an insult to the Senate. I confess that I think it is unfortunate that we are in this condition, that the cooperation which we all want to have exist between the President and the Senate seems to have been broken; but I want it to be remembered that the first blow to that cooperation was given by this body when it refused to confirm the nomination of a man to be a Cabinet officer, breaking a precedent of 50 years, and the President, I assume, had good reason for his recent statement.

In connection with this claim to "nonpartisanship" let me suggest that in the Cabinet of President Wilson there was a great, outstanding statesman, a man of ability and courage and character—Franklin K. Lane—whose delightful letters have recently been published. One of them was written to ex-Attorney General Wickersham, to whom the Senator from Montana [Mr. WALSH] paid such a graceful compliment the other day, in which I heartily concur. In that letter Secretary Lane—or Mr. Lane, as he then was—amusing himself, as we often do, by framing ideal Cabinets, suggested his candidates for the Cabinet of President Harding. A star Cabinet it was. He was not bound, as a President always is, to maintain a certain balance between different wings of his party and different localities. Whom did Mr. Lane pick out, among all the lawyers of the United States, as the best man to be Attorney General in the Cabinet of President Harding? He picked Warren of Michigan. I set up the opinion of Franklin K. Lane against the opinions of some members of the Democratic Party on the other side of this Chamber.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. GILLETT. May I ask how much time I have left?

Mr. REED of Missouri. I will not interrupt the Senator.

The VICE PRESIDENT. The Senator has three minutes left.

Mr. GILLETT. I thank the Senator from Missouri. It is unfortunate, extremely unfortunate, for the country, and still more so for the Senate, to have such a conflict between the President and the Senate. Many years ago Andrew Jackson was censured by the Senate. Years afterwards the Senate of the United States was obliged, under the lash of public opinion, to rescind that censure, and, as Senators will remember, here on the floor of the Senate black lines were drawn around the resolution of censure, showing that it was no longer the sentiment of the Senate.

I do not claim that President Coolidge has the hold on the affections of the people that Andrew Jackson had—I neither affirm it nor deny it—but one thing I do feel certain of, that in that day the Senate had more of the respect and confidence of the people of the United States than the Senate has to-day. The President having been elected, as he was, by an overwhelming majority; standing, as he does, high in the confidence of the people, when both the President and the Senate are acting within their rights, he nominating a man and the Senate rejecting him, I think the odds of public approval are on the side of the President.

I do not think the Senate to-day stands so high in the opinion of the American people that it is wise for us to provoke a conflict, as seems to be the purpose, against the man who received the greatest majority that was ever given to any President.

Mr. BORAH. Mr. President, it was not my original purpose to take any part in this debate. As chairman of the subcommittee which had to do with passing upon the fitness of Mr. Warren to be Attorney General, I reached a conclusion to the effect that I could not cast my vote for his confirmation. I announced that conclusion and felt that in all probability I could fully discharge my obligations to the situation by simply casting my vote. But as the debate has proceeded and some phases of the controversy have been developed, and for the purpose of helping to complete the record, I have concluded to take a few moments of the time of the Senate to express my views upon some features of the controversy.

I am not very much concerned about the charges and countercharges of partisanship or of party disloyalty. It would be more fitting to discuss those matters in other bodies than in this, and they will have to be settled in another forum; but there is one feature of the subject which is of concern and which I think ought to be fully considered not only for the present case but for all future time.

The President of the United States is authorized by the Constitution to nominate men for certain public offices, and the Senate of the United States must advise and consent before the appointments take place. The powers of the President with reference to appointments to office are very limited, most circumscribed. His power to appoint obtains only and alone concerning those appointments which are necessary to fill up vacancies that happen during a recess. In this instance before us he has only the power to nominate, and the question arises, What are the duties of a Senator and what is the duty of the Senate in case a Senator or a majority of the Senate have fairly and honestly reached the conclusion that they should not advise and consent?

Is the obligation which rests upon us merely a perfunctory one? Is not the obligation a most exacting one? Have we not a full share, and an inescapable share, of the responsibility for a strong, a clean, and a patriotic Government?

The argument has been advanced here and elsewhere, and particularly in the able editorial pages of the press, that the Senate ought to yield entirely to the judgment of the President; that we ought to treat the obligation which is imposed upon us by this provision of the Constitution as nothing more than a courteous gesture, and that really no part of the responsibility for this official or for other officials rests upon us; that it rests wholly and exclusively upon the President. Such is not the Constitution. Such is not the obligation we have assumed.

I am frank to admit, Mr. President, that to a marked degree, in practice, that has been the construction of the Constitution. It has arisen very largely out of the fact that all people regardless of party respect the Presidency and all people respect the man who has become President of the United States regardless of which party places him there. Therefore no Senator and no Senate ever challenges an appointment of the President of the United States unless upon most substantial

and controlling reasons which appear to them to be guiding and conclusive reasons. In all the long history of nominations by Presidents and the confirmations which have taken place there have been but few controversies in regard to the matter. In my humble opinion if there has been dereliction of duty it has not been on the side of opposing the President but it has been rather a disposition to shirk for ourselves and to put upon the President the sole responsibility, a very large portion of which is upon the Senate, inescapably upon the Senate.

I have no doubt either that things have happened within the last few years which have not only aroused the country, but aroused the Senate to the necessity of reexamining its duty and its obligation with reference to this important part of executive duties devolving upon us. I have no doubt that incidents could be recalled, if it were not unpleasant to do so, which, even if there had never been a precedent before, would be sufficient to justify the Senate in adopting a more rigid and more exacting and more determined rule in regard to its conduct in these matters. It is not a perfunctory duty. It should no longer be considered as such. I agree, however, perfectly with those who say that only upon the most substantial grounds and the most controlling reasons should we oppose a nominee of the President.

I am not going to trespass upon the time of the Senate today—I know it would be irksome should I undertake to do so—to go back and recall the reasons why the Senate of the United States was made the confirming power. But it might be enlightening to the distinguished Senator who has just taken his seat to invade that domain of literature and inform himself concerning some of the reasons why this body was made the confirming power and why it should without hesitation and always with courage meet the obligation which was imposed upon it. I know of no source of knowledge more calculated to recall us to our task, unpleasant as it may be.

If we should care to do so and examine the arguments particularly by perhaps the greatest constructive genius who ever had to deal with the science of government, Mr. Hamilton, we would find that there was a reason, a sound reason, why they were unwilling to leave the appointing power to the President and why, as Mr. Hamilton argued, the Senate of the United States would be expected in all exigencies to meet its full share of the responsibility. When the argument was made against the adoption of this provision of the Constitution, that the President of the United States would undoubtedly have the same effect upon the Senate that he seems to have had upon the junior Senator from Massachusetts in the present case and exert his influence to such an extent as to deprive a Senator of his courage and exercise powers to such an extent as to rob a Senator of forming his own judgment, Mr. Hamilton contended that no such Senate would likely ever be assembled in the United States.

But for want of time, Mr. President, I pass from Mr. Hamilton. I do want, however, to pause long enough to read a paragraph from Mr. Webster, who almost 100 years ago gave expression to his views in regard to this particular matter. I appeal from the distinguished Senator from Massachusetts to a former Senator from Massachusetts and leave the Senate and the country to make the comparison.

Mr. Webster, in refusing to vote for the confirmation of Mr. Van Buren as minister to England, dealt with the subject, and, as usual, dealt with it to a conclusion. It will be remembered that Mr. Van Buren had been sent to England during a recess. It will be remembered that the objection to Mr. Van Buren arose out of a letter which he had written while Secretary of State to the then minister of England, in which it was believed that he had reflected upon Mr. Adams's administration and the integrity of his program, and, therefore, when his confirmation came along for consideration this letter was made the basis of an objection. Mr. Webster said:

> While I have been in the Senate I have opposed no nomination of the President, except for cause, and I have at all times thought that such cause should be plain and sufficient and that it should be real and substantial, not unfounded or fanciful.

All will certainly agree with that. Of course, it is easy to cry "partisanship" or "insurgency" or "disloyalty," but while I assume that the Senators who are supporting Mr. Warren are supporting him for substantial reasons, reasons which they believe ought to control in the discharge of their duty, I think I am entitled to contend that the class of Senators who are opposed to him may be justified in making the same claim. It is much easier in Washington to go along than it is to disagree. If there is any atmosphere in God's world that weakens a man's backbone, it is the atmosphere of Washington. The diluting process is constant and drastic. Mr. Webster continued:

> I am now fully aware, sir, that it is a serious, a very serious matter to vote against the confirmation of a minister to a foreign court, who has already gone abroad and has been received and accredited by the government to which he is sent. I am aware that the rejection of this nomination, and the necessary recall of the minister, will be regarded by foreign states at the first blush as not in the highest degree favorable to the character of our Government. I know, moreover, to what injurious reflections one may subject himself, especially in times of party excitement, by giving a negative vote to such a nomination. But, after all, I am placed here to discharge a duty. I am not to go through a formality; I am to perform a substantial and responsible duty. I am to advise the President in matters of appointment. This is my constitutional obligation, and I shall perform it conscientiously and fearlessly. I am bound to say, then, sir, that, for one, I do not advise nor consent to this nomination. I do not think it a fit and proper nomination.

Mr. President, if I should be called by chance to the White House to advise the President concerning an appointment coming from my State, what would be my plain duty? If any Senator in this Chamber were called to the White House for the purpose of advising with reference to the appointment of a Federal judge or a district attorney or a United States marshal, what would be his plain duty? If he thought the man unfit, it would be his solemn obligation to so advise the President; and if he did not do so, he would either be an intellectual coward or he would be unfit for other reasons not mentionable to advise the President or to represent a State. And now, sir, when the obligation is imposed upon me not only by the confidence which might be reposed by the people whom I represent, but when that obligation is imposed upon me by the Constitution itself and when I have taken an oath to support the Constitution, what is my plain duty when the facts are presented to me and they convince me that Mr. Warren is unfit? It is put up to me by the charter under which and by authority of which we are here. The Constitution imposes upon the President the duty to nominate. It imposes upon me the duty to advise. How shall I advise—honestly and sincerely or in deception and insincerity?

What is my plain duty? It is not a formality. It is not a matter about which I have a right to surrender my opinion. In refusing to treat it as a formality, in refusing to surrender my opinion, I challenge not at all the integrity of mind or purpose of the President of the United States; I challenge not at all his performance of duty as he sees it. I expect him, knowing him as I believe I do, to meet that obligation according to his convictions, and if I do less than meet mine here I shall quickly forfeit the respect of the President and, most of all, my self-respect.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH. I inquire of the Senator whether President Jackson gave Martin Van Buren a recess appointment as minister to Great Britain after the adjournment of Congress?

Mr. BORAH. No; but he had him elected as President of the United States. [Laughter.]

Said Mr. Webster:

> If, in a deliberate and formal letter of instructions, admonitions and directions are given to a minister, and repeated once and again, to urge these mere party considerations on the foreign government, to what extent is it probable the writer himself will be disposed to urge them in his thousand opportunities of informal intercourse with the agents of that government?

Now, let me read just a few lines in conclusion:

> I will not pursue the subject. I am anxious only to make my own ground fully and clearly understood, and willingly leave every other gentleman to his own opinions. And I cheerfully submit my own vote to the opinions of the country. I willingly leave it to the people of the United States to say whether I am acting in a factious and unworthy part.

Mr. GILLETT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I yield.

Mr. GILLETT. Does the Senator think the rejection of Mr. Van Buren by the Senate at that time was a nonpartisan action?

Mr. BORAH. Nonpartisan? I have no doubt at all that it was nonpartisan so far as Mr. Webster was concerned. The

Senator from Massachusetts is much less familiar with Mr. Webster's speeches and public works than I think he ought to be if he does not know that if there was ever a man in the Senate of the United States who when performing his service here refused to be controlled by purely partisan feelings, it was Mr. Webster. When we go through the history of that debate and his long contest and struggle with Mr. Jackson over the removal of deposits from the banks and rechartering of the bank, as intense a controversy perhaps as ever took place between a President and a Senator or a Senate, there will not be found anything in the discussion by Mr. Webster which indicates the slightest partisanship or the slightest partisan feeling. He was a bold, consistent expounder of the Constitution, and in this instance he was about his lifelong task, nobly performed to the end.

Instead of partisanship, almost with glowing praise he approved the courage, the integrity of purpose, and patriotism of Mr. Jackson and conceded that Mr. Jackson was doing as we here concede Mr. Coolidge is doing, acting along lines which he believes for the public interest. But he differed with him upon these vital questions. Mr. Webster was not partisan. He did not belong to that breed when it came to dealing with this kind of questions.

Mr. President, under present circumstances and conditions the Attorney Generalship, to my mind, is the most important office within the nominating power of the President of the United States, with the possible exception of the Chief Justiceship of the Supreme Court. That would not always be true. That has not always been true. But in the circumstances which now confront us and with which we have to deal there is no more important office in the nominating power of the President than the Attorney Generalship of this Government. He is to stand forth to enforce the laws and to administer justice through a vast machinery for 110,000,000 people. In view of the conditions which now confront the country, no more burdensome task, no task requiring greater breadth, greater courage, and finer character, can be conceived than are required in the discharge of the duties of that office. It is not, in other words, an office which is calculated to lull Senators into being disregardful of their duty in this instance, and that is particularly true when we look over what has happened in the last few years. Past events call to us to be vigilant and to assume our full share of responsibility.

Without going back to discuss individuals, I venture to say that there is no Senator here but has felt humiliated more than once and discomfited many times by reason of conditions which have prevailed in that office for the last 10 or 15 years. There have been exceptions. The exceptions are well known. Therefore, my generalization should not be regarded as an indiscriminate attack; but under the conditions which confront us the country expects us to meet, and we ought to be impelled by our own sense of duty to meet in the fullest measure our part of the obligation incident to the filling of this office.

There are those who believe that Mr. Warren is well fitted for the position, and they will undoubtedly vote for him for that reason. I have no quarrel with them. The only man with whom I quarrel is the man who, while thinking Mr. Warren unfit, yet would surrender his judgment when it comes to the vote, or those who tell us it is none of our concern who fills these positions.

If there is any one question which is of deep concern, from a domestic standpoint to the people of the United States now, it is that of enforcement of the law. It, perhaps, ought not to be said without some degree of reluctance, but the facts and figures show that at the present time we are the most disregardful people of law in the civilized world. The American Bar Association appointed a committee a year or so ago to make an investigation of lawlessness in the United States and of the disregard of law upon the part of the people of the United States. That committee submitted a report. No man can read that report without realizing that the question of enforcing the law is the most serious problem with which the Federal Government and the State governments are now confronted. May I recall some figures and facts from that report?

In 1920 there were 9,000 homicides in the United States; in 1921, 9,500.

These figures, Mr. President, sound like a report from a battle field.

During the last 10 years there have been 85,000 murders in the United States.

In 1922 there were 17 murders in the city of London; 260 in the city of New York, 137 in the city of Chicago.

In 1921 there were 121 robberies in all England and Wales combined; 1,445 in the city of New York, and 2,400 in the city of Chicago.

These statistics, Mr. President, are taken from a mass of figures and facts showing the condition of affairs in this country with reference to law enforcement, with reference to safety of human life, and security for property.

Mr. President, I trust I am not one of those who believe that because a man has property he should stand in a different or more unfavorable light under the law than a man who has not; I trust that I do not regard a man who has acquired wealth as one who should have less protection or less respect paid to him by the law than should anyone else; but, nevertheless, the figures here indicate but a small portion of that nation-wide disregard for law which now characterizes this country. There are literally hundreds of men who have acquired vast wealth, who have acquired great property, who are living in daily violation of the laws of this Government. They have more reason, in one sense, to regard the law and to obey the law than has anyone else, and yet we know that day after day illegal combinations are being formed or continue to exist, and that men are persistently pursuing methods by which they hope to escape the net of the law. Such action forms and constitutes the most menacing feature of the disregard for law in the whole Government.

Obedience to the law because it is the law is the fundamental principle upon which this Government rests, and when I read the correspondence between Mr. Havemeyer and Mr. Warren I can not draw any other conclusion than that upon the matters therein referred to Mr. Warren thought it was permissible that the men for whom he was acting should escape the law if a means could be found or a device could be provided by which the evidence could not be secured to convict them.

What Senator in this Chamber, what lawyer in this Chamber would permit Mr. Havemeyer to write the kind of letters to him that he wrote to Mr. Warren? He was a conspirator. He was a violator of the law. He was getting ready to escape punishment. A combination was being formed for the purpose of controlling the production of sugar, and another combination was being formed for the purpose of controlling the output of the product. It was open, deliberate, and unmistakable. The only question involved was whether it could be done so successfully as to enable the violators of the law to escape the meshes of the law and to escape punishment. This aspect of the question is wider than the matter which is involved in the formation of a trust. It strikes deep into the whole problem of this lawlessness with which we as a people must contend.

I am unwilling to vote for the confirmation of a man, however high may be his intellectual attainments or his capacity, who took the part that Mr. Warren did with Mr. Havemeyer in connection with a conspiracy which had for its purpose peculating from the pockets of the people of the United States concerning one of the necessaries of life. I am unwilling to accept the doctrine that the bigger the crime and the bigger the criminal, the more respectable it is to aid and advise.

So, Mr. President, how can the Senate be asked to be disregardful of the obligation which rests upon us at this time? How can it be said that this is a mere party matter or that we should be unconcerned and place the responsibility elsewhere? It is an obligation which we will either meet according to our convictions or, having failed to do so, must pass under that condemnation which justly belongs to a Senator who surrenders his convictions in a vital matter concerning his Government.

Something has been said, Mr. President—and I only wish to mention it in passing—about the President's proposed recess appointment. "Sufficient unto the day is the evil thereof." I do not propose to discuss that matter here at this time. I do not assume, unless there is full constitutional authority for it, that such an appointment will ever be made. All we have to do now, Mr. President, is to meet the issue which is before us; those who believe Mr. Warren fit voting for him and those who believe he is unfit voting against him, and let the future take care of itself. We will meet other issues when they arise and meet them, I presume, as we shall meet this, according to our light and according to our judgment.

Now, Mr. President, one other word. The Senator from Massachusetts [Mr. GILLETT] was kind enough not to refer to it, but he referred to editorials in which reference was made to there being a combination of Democrats and radicals for the purpose of wreaking revenge upon the President of the United States. I do not know why we should wish to be revengeful, but for some reason that was the intimation. What is a radical, Mr. President? I think it has come to the time when a radical is a man who believes in the Constitution of the United States. [Laughter.] If that is the charge which is laid to me and to those who believe as I do upon this side of the Chamber, no other definition could be given to it.

When the resolution proposing to call upon the President to discharge Mr. Denby from the office of Secretary of the Navy was before us I refused to vote for it, because I believed then, as I believe now, that the dismissing power belonged exclusively to the President. I may have been in error, but that was my judgment, and therefore I opposed the action of this body when it called upon the President to dismiss an officer from his Cabinet, because the Constitution, in my judgment, does not impose upon us any obligation with reference to the dismissing of public officials whom the President may have nominated and the Senate confirmed. That power belongs to the President, and therefore I was just as much opposed to encroaching upon the Executive authority as I am now to the Executive encroaching upon the prerogatives of the Senate. I do not desire ever, if I know it, to challenge his authority or question his sincerity of purpose when performing his duty. Neither do I want to be charged with factionalism, neither do I propose to be charged with recreancy to duty when I am trying to meet my constitutional obligations as a Senator.

The VICE PRESIDENT. The time of the Senator from Idaho has expired.

Mr. BINGHAM. It may seem presumptuous on my part to follow the Senator from Idaho, who is universally recognized throughout the United States as one of the ablest orators in this country. I do not remember that Connecticut has ever produced a very great orator; we are not noted for our public speakers. Only the other day when asked to vote as to what Yale could do in the way of additional courses that would be to the greatest advantage and supply the most important need, a majority of the senior class of Yale College voted for a new course in public speaking and oratory.

Furthermore, I should be the last, Mr. President, to impute to the senior Senator from Idaho any narrow partisanship. He has always in his record here shown that he makes up his own mind without regard to partisanship and acts in accordance with the dictates of his own conscience. Although I have only been here a short time, perhaps hardly long enough to have my backbone weakened by the Washington atmosphere, he has been here a great many years and has not had his backbone weakened. I desire to have note made of the fact that in nothing that I say do I refer to his action in this case or any other case; but, Mr. President, in some of the arguments that have come across the aisle I have noticed something which is inclined to make me rather suspicious.

There was once a small boy in Connecticut who was told by his mother not to go near the beehive and try to get any honey. He knew that if he disobeyed she would spank him. Nevertheless he disobeyed, got stung, and came in rubbing his shoulder. She asked, "Did you go near the beehive?" He replied, "No, mother, no." Then she laid her hand on his shoulder and he jumped, and she asked, "What makes you jump?" Now, I noticed a few moments ago, Mr. President, when the Senator from Massachusetts [Mr. GILLETT] was very delicately suggesting that the people of this country believed a certain amount of partisanship was involved, they jumped; three of them jumped; and they kept on jumping until it was noted that they were taking some of the time allotted to this side; and that was the only reason, so far as I could see, why they stopped jumping.

Mr. President, if the Senate will pardon me, I should like to relate a story of a Connecticut Yankee who was traveling on a train. Like most Connecticut Yankees, he was rather reticent; but another Connecticut Yankee, who was, like many Connecticut Yankees, consumed with curiosity, got onto the train and sat down in the seat next to him, and noticed that there was a basket on the floor in front of him which kept slightly moving and in which there was a certain amount of scratching. The curious Yankee tried to penetrate the reserve of the reserved Yankee, and asked, "What you got in your basket?" "None of your business." "Is it a dog?" "No; 'taint a dog; it is against the rules to take dogs on trains." "Well, have you got a cat there?" "No; 'taint a cat; I don't like cats." "Well, have you got a rabbit?" "No; 'taint a rabbit." "I swan; what is it, anyhow?" "Well, its a mongoose, if you got to know." "A mongoose. What do you want to do with a mongoose?" "Well," he said, "mongooses is good for snakes. That's all a mongoose is good for—to chase snakes. I don't like to disclose family secrets, but I got a brother down in the eastern part of the State that drinks more'n is good for him, and—I hate to admit it—but he occasionally gets the D. T's." "Well," said the other fellow, "but those ain't real snakes." "No," said the first one, "and this ain't a real mongoose." [Laughter.]

This opposition that is being thrown across the aisle is not a real "mongoose." The distinguished Senator from Missouri [Mr. REED], whose oratory I admire, and to whom I always listen with interest, has produced in this Chamber an impression that this opposition is genuine; that this gentleman whom the President has recommended is unfit for the position for which he has been recommended; that he is engaged in some form of business which makes him unfit. The impression has been created that he is now so engaged. On page 245 of the CONGRESSIONAL RECORD, in the debate reported from Saturday, the Senator from Missouri [Mr. REED] is quoted as saying:

> Is a man who is engaged in that kind of business the man to punish people who do that sort of thing?

"Is a man who is engaged"—Mr. President, that creates a false impression. Notwithstanding the efforts of the opponents of Mr. Warren to dig up everything that they could find against him, they have been unable to find anything in the last 10 or 12 years except what redounds to his credit—that he has been a servant of the United States in important matters; that he has been a most distinguished and successful diplomat, representing us in foreign parts with great distinction; that he has taken our part as attorney for the United States Government in special dealings with foreign countries; that he is one of the most distinguished lawyers in this country. They can not find anything else; so what do they do, Mr. President? In their anxiety to discredit this administration they go back 20 or 25 years and find things that happened in 1897, and 1902, and 1904, and 1906, and letters are read here on the floor of the Senate in such a fashion as to create the impression that they were written last week or a couple of years ago. It sounded like 1922 when some some of them were read, and the impression was conveyed that this man "is engaged in that kind of business," and so forth, whereas the actual fact is that they can find nothing since 1907, even granting, for the sake of argument, what they found before that.

In point of fact, Mr. Havemeyer, whose letters have been quoted, died in 1907. There is no evidence that I have seen presented before this body that Mr. Warren has represented the Sugar Trust recently, or is representing it now, or is now "engaged in this kind of business." In order to endeavor to discredit him his opponents have to go back long beyond what the statute of limitations would admit if he were accused of a definite crime. In our Anglo-Saxon ideas of justice and fairness, and with that spirit of fair play which we have inherited from our American ancestors, we have always taken the point of view that a man was innocent until he could be proven guilty. That is not the point of view taken in some other countries, where it is believed that an accused man is guilty until he is proven innocent. We have taken a different view, however. There is nothing in Mr. Warren's recent record, within the past 10 or 15 years, that his opponents can find to bring up against him. Why, then, is it necessary for them to go back 20 or 25 years to bring up something? The truth is that Mr. Warren is not "a real snake," and that the opposition put up against him is not "a real mongoose."

As a matter of fact, the real issue is this: The Democratic Party in the last campaign had a candidate who was a representative of big business in its best sense, a candidate for whom I have the highest regard and respect; but within their own ranks there were things said about their candidate that caused trouble. I heard nothing said against him on our side; but within their own ranks there were things said about their candidate to the effect that he was the representative of the Morgan interests; that he was the representative of Wall Street; that he was the representative of things that the Democratic Party did not stand for; and it looks to me, Mr. President, very much as though they were endeavoring to drag a herring across the trail. In order to make good with their party they come out and say that a man who was interested in a trust 20 or 25 years ago, at a time when any good lawyer would have been glad to take such business, is now engaged in such activities and is not fit for this nomination.

Mr. FESS. Mr. President, will the Senator yield for a question there?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. Certainly.

Mr. FESS. Does the Senator recall the remarkable defense of the candidate for President by the former chairman of the Democratic national convention, who is a Member of the Senate to-day, his defense of Mr. Davis on the basis that that did not disqualify him in the speech in which John W. Davis was notified of his nomination?

Mr. BINGHAM. I thank the Senator for calling that to our attention.

As a matter of fact, the people of my State—and I make no effort to speak for the people of any other part of the coun-

try—the people of my State do feel that they have confidence in the President of the United States. They gave him a larger vote than they ever gave to any other nominee for any other office in the history of the State. They believe in his honesty and integrity. Even the keynoter of the Democratic State convention last fall in his keynote speech said that he had the highest regard for the honesty and integrity of the President. Our President has gone on record, year after year, ever since anyone has known anything about him, as being interested in law and order, and in carrying out the laws. He has selected for the important position of Attorney General a man who, he believes, will do more to prosecute offenders and to carry out the laws than any other man he could find; and yet, so interested are the members of the Democratic Party in this body in seeing to it that the Republican who occupies the White House should not make a mistake in this regard, with curious and singular unanimity they vote against the confirmation of his nominee.

I do not mean to imply for a moment that there are no Senators on the other side who have personally convinced themselves that Mr. Warren is not fit; but when you see an entire body of men voting solidly one way it leads one to believe that the papers are right when they say this is a partisan issue, when they say things such as this, which has appeared in the leading Republican paper of the southern part of Connecticut, the New Haven Register. That paper says in its editorial column:

> Elected by a majority the like of which never was seen nor heard of in self-governing States before, President Coolidge starts in to do the very things he offered in exchange for those votes, and names the men he would rely upon to do his personal bidding in carrying through those pledges. Right away a few Senators, some of whom hang by an eyelash in the political spotlight, get the idea that they are bigger than the millions of the majority that voted to support the President.
>
> That there is hope for reformation is evidenced by the return of Mr. Warren's name by the President this second time. The people will watch every move of every one of these men, who have thus essayed to throw monkey wrenches into the machinery of the Coolidge governmental machine. It will be a good test, and much profit will be had by the people in the watching.

I submit, Mr. President, that that represents a very large section of the popular view in the part of the country from which I come.

The editor concludes:

> Nobody pretends that all of the votes cast for Mr. Coolidge were Republican votes. An enormous number of Democrats cast their ballots for the man from New England because they believed in him and in the safe and sane program he promised. These Democrats are just as anxious to have Mr. Coolidge given a fair chance to demonstrate his theories unhampered by petty politics as they were when they exercised the highest privilege of an American citizen in his behalf.

Mr. President, I agree with what the Senator from Idaho [Mr. BORAH] has said about the duty of this body in confirming appointments. I remember that the history of our ancestors shows that there was a time when the Kings of England appointed people who as judges or administrators were tyrannical, and that our ancestors secured the right from those Kings hundreds of years ago, hundreds of years even before our country was settled, that the King should appoint his ministers and his judges "with the consent and advice" of his counselors, in order that the people might be protected against tyranny. That has come down to us through our constitutional history; and I subscribe absolutely to the doctrine, as stated by the Senator from Idaho, that it is our duty to examine into the facts and to advise the President. But, Mr. President, here is a case in which an Executive who has received the greatest majority ever known in the history of the country, whose whole record is one in favor of law and order, has selected a man to help to carry out the laws and preserve order. Here is a man against whom not even the most brilliant Senators on the other side have been able to bring out anything recent, but they have had to go back long beyond any statute of limitations to bring up things in which they have sought to make us believe he is now engaged. Here is a man who is fitted for this post by every test that we can apply at the present time, who the President assures us is the best man he can find to prosecute those who break the law; and we find a very curious state of affairs—a desire on the part of those on the other side of the aisle to join unanimously together to see to it that the President shall not have in his council the man whom he thinks best fitted to hold the post of Attorney General.

Mr. President, I ask permission to have printed in the RECORD at the end of my remarks an unsolicited letter I have received from a representative group of Connecticut women.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, *March 13, 1925.*

Senator HIRAM BINGHAM.

DEAR SIR: A friendly group of Connecticut women, assembled in Washington, have read with mingled feelings of dismay and disgust of the recent action in the Senate which resulted in defeating the confirmation of Mr. C. B. Warren as Attorney General of the United States.

If a political combination of Democrats and disgruntled so-called Republicans can so misread the will of the people and flout the right of the President to choose his personal advisers, it would seem a fitting time for the new voters, the women of both parties, to express their unqualified disapproval of such action.

It would gratify the undersigned if in some way this protest could be made public.

Most cordially yours,

MARY D. COLVOCORESSES (Mrs. GEORGE C.),
ALICE B. MUNROE (Mrs. HENRY S.),
MARY F. VAN WINKLE (Mrs. EDGAR B.),
KATE I. THOMAS (Miss),
ISABEL D. CURTIS (Mrs. CHARLES B.),
Of Litchfield, Conn.

Mr. HEFLIN. Mr. President, the Senator from Connecticut [Mr. BINGHAM] says that we are trying Mr. Warren for something that he did some 15 or 20 years ago. I want to remind the Senator and the Senate that Mr. Warren resigned the office of president of the Michigan Sugar Trust in January of this year, just about two months ago, and I believe that he severed his connection with it then in the hope that he would be appointed to the office of Attorney General. The chief work of his life was that of bringing into being the stupendous and dangerous thing known as the Sugar Trust. The wealth that he has accumulated, the fortune that he holds to-day, was made through his service and connection with the Sugar Trust. The Senator from West Virginia [Mr. GOFF] said that he would be "faithful to his trust," and that is why we are opposing him. We are afraid that he will be faithful to "his trust"—the Sugar Trust. [Laughter.]

The Sugar Trust has shown by its generous treatment of Mr. Warren that, while it has held up and robbed the beet-sugar producers with one hand and the beet-sugar consumers with the other, it has given many evidences of its true and tried friendship for him.

> Freeze, freeze, thou bitter sky,
> That dost not bite so nigh
> As benefits forgot;
> Though thou the waters warp,
> Thy sting is not so sharp
> As friend remembered not.

Mr. President, the Sugar Trust has been Mr. Warren's very best friend in a business way. In fact, it is his own offspring. And his fortune, I repeat, came to him as a reward for the long and skillful service rendered by him to the Sugar Trust. And I want to say right here that the Sugar Trust is one of the most stupendous and dangerous trusts that exists in our country to-day, and let us not forget that the Attorney General of the United States has it in his power to say whether or not any prosecutions shall be had against the Sugar Trust or any of its subsidiaries. Unless the Attorney General has the desire and disposition to vigorously use the power vested in him to wholeheartedly prosecute cases involving the Sugar Trust you may rest assured that there will be no prosecutions.

But, Mr. President, it has been suggested that if Mr. Warren had been nominated to be Secretary of State, where he would have to do only with our foreign affairs, that he might have been confirmed. I do not know about that. The matters under his control as Secretary of State would not have involved the rights and interests of the people in the immediate, peculiar, and vital way that they are involved in the most important and varied questions that come under the absolute control of the Attorney General The Attorney General, if he so desires, can proceed against the Secretary of Commerce and any and everybody in his department; he can do the same thing against the Secretary of Agriculture, or any other Cabinet officer, and the employees of his department; but no other man in the President's Cabinet can proceed against the Attorney General or the employees under his control. So the office of Attorney General is fast becoming in many respects the most important appointive office in the Government. Unscrupulous, predatory interests fear it and seek to control it. The beet-sugar producers of Michigan and other States are not heard here except as we speak for them. I listened to the great speech of the Senator from Missouri [Mr. REED], describ-

ing the beet producers of the United States moving along in fields upon their hands and knees, farmers and their wives and children, pulling the weeds and grass with their hands, struggling against intolerable conditions imposed upon them by the Sugar Trust, which was seeking to deprive them of fair prices by destroying competitive buying, before they could reach the market place.

Mr. President, I believe that every Senator here who voted against the confirmation of Mr. Warren did so from a sense of patriotic duty.

The Washington Post of March 13 contained an article regarding the Senate's action in declining to approve the appointment of Mr. Charles B. Warren to be Attorney General of the United States. That article states that the President regards it as a matter of principle that he has the right to determine who shall be members of his Cabinet.

The President well knows that the Constitution of the United States imposes upon the Senate the solemn duty of carefully considering the qualifications and fitness of persons suggested by the President for positions requiring the advice and consent of the Senate.

The heads of the great departments of government, who direct and control the policies and activities of these departments, are called members of the President's Cabinet. The Constitution does not, however, give to the President the power to determine within himself who shall fill these positions. The members of the President's Cabinet are Federal officers. Their salaries are paid out of taxes paid into the Treasury by the American people.

The Senate, acting in harmony with the House, can create or abolish Cabinet offices at will. Without the consent of the Senate, Cabinet officers would not receive a dollar in salary from the Treasury of the United States. The Constitution gives the President the right to single out and name the men he would like to have in his Cabinet. But what then? The Constitution requires that the President *shall*, not *may*, submit the name of such persons to the Senate of the United States, and under the Constitution the persons named by him can not become heads of departments or Cabinet members unless the Senate agrees that they may do so.

Mr. President, if the framers of the Constitution and those who ratified it had not intended that the Senate should be consulted, and that it should have the right to accept or reject persons suggested by the President for positions as chiefs of the departments called members of the Cabinet, the Constitution would have said that the President shall have the right to appoint these Federal officers called members of his Cabinet without consulting the Senate. But no such position was taken, and no such dangerous power was conferred.

In one form or another these heads of departments or Cabinet members have to do with the rights and interests of every man and woman in the country. They direct and control practically all of the machinery of our great Federal Government, and the Constitution has wisely provided that no President can fill these important positions until the Senate, composed of representatives from every State in the Union, shall place its approval upon the persons submitted by the President. And when Senators undertake to remain true to the interests of the people who sent them here, and seek to discharge their duty under the oath they took to support the Constitution, they are not in any way interfering with the rights and prerogatives of the President. Those who put that provision in the Constitution had a noble purpose in placing it there. They had in mind the rights and interests of the American people, and it was their desire and purpose to protect and safeguard those rights and interests.

Mr. President, it is plain that the framers of the Constitution intended to place restraints and restrictions around the President so that he could not, even if he so desired, appoint to these important positions improper and undesirable persons. Those who framed the Constitution were not willing that any one man, acting as President, should have the power to determine by his own will who should be the chief officers of every great department of our Government. They no doubt felt that if the time should ever come when any one of our Presidents should be besieged and importuned by men who thought more of their particular material interests than they did of good government and the welfare of the people, and they should insist that he appoint one of their kind to a certain position in the Cabinet, the Senate, representing all the States, would be here to relieve the President of his embarrassment and to safeguard the rights and interests of the American people.

They knew how unwise and dangerous it was to place too much power in the hands of any one man, even though he were the President of the United States. They made it clear that they were not seeking to take away from the representatives of the people from the various States important rights and powers in order that they could place them in the hands of one man—the President. What they did clearly shows that they were especially concerned about the matter of keeping out of his hands the power that would enable him to build up a powerful political machine and establish in the Capital of the Nation a strong and dangerous centralized government. So, Mr. President, in order to make sure that our free institutions could and would be preserved in all their integrity, they provided in the Constitution itself that the President should consult the Senate and be required to obtain its consent in the selection of important Federal officials, now called members of the President's Cabinet.

It is our sworn duty to meet the requirements of the positions that we hold here and to protect the rights and interests of the American people. And it is our solemn duty to accept and discharge the obligation which rests upon us as United States Senators to share with the President responsibility for those who are to fill these high and exceedingly important positions in our Federal Government.

We do not intend to be discourteous, and it is not our purpose or desire in any way to offend the President when we insist upon doing our plain duty, simply and solely what the Constitution requires us to do. There is no desire or disposition on this side of the Chamber to embarrass the President in these appointments. In fact, the Senate has been not only considerate and fair but exceedingly kind to the President. No other member of his Cabinet whose name has been sent here has been held up for a single day. Hundreds of his other appointments have been speedily confirmed.

Does that record of the Senate warrant anyone in saying now, when the Senate has a well-founded and justifiable objection to Mr. Warren becoming chief law officer of the United States, that the Senate is playing politics, and seeking to embarrass the President? There is no truth in such a suggestion.

The fact is that a number of Senators who were not personally acquainted with Mr. Warren, who knew nothing about his very active and leading part in forming the Sugar Trust, had already expressed the intention of voting for his confirmation. And it is also a fact that when the undisputed testimony of his record in this regard was laid before the Senate, a majority of Senators were convinced that it was an unwise and dangerous thing to place him at the head of the Department of Justice, where he would have the power to determine what prosecutions should and should not be commenced and carried on by the great law department of our Government.

Mr. President, we have been given the power to say who shall or shall not be Attorney General of the United States. That power was given to the Senate to be used when, in its judgment, it should be used to protect and safeguard the rights and interests of the American people and preserve in its integrity the Government of the United States. The question that now confronts us is, Shall we shirk the responsibility the Constitution has laid upon us, and prove recreant to our trust as Senators from sovereign States, simply because, if we do our duty, we may displease the President?

Mr. President, it will be a sad day for this Republic, and a sad day for the American people, when any Senator thinks more of the wishes of any President than he does of his oath to support the Constitution and his obligation to love and safeguard the highest and best interests of his country.

I would like to know, and other Senators would like to know, why Mr. Warren and those back of him, in the face of what has happened in the Senate, still persist in demanding that he, and only he, shall be made Attorney General of the United States, and placed in control of all prosecutions that may be sought at the hands of the Federal Government. If more care had been taken, and more attention had been paid to the selection of the Attorney General four years ago, the country would have been spared the truckling subserviency to predatory interests, the shame and humiliation that came with the national crimes and scandals, that covered and blackened the doings of Attorney General Daugherty.

Mr. President, there are thousands of lawyers in the country courageous, clean, and capable men, who are free from embarrassing and dangerous connections, whom the President could appoint to the office of Attorney General. The Senate would gladly receive and speedily confirm such an appointment.

I have no desire to embarrass the President. I know that the President has the right to name a Republican, and I am willing to help confirm a clean and capable Republican, but I am not willing to vote to confirm for this place a man whose chief work

in life has been building up of one of the most oppressive and dangerous trusts that the country knows, and who has made his fortune out of that kind of business; to have him made the head of the Department of Justice, where he can suppress any prosecution that may be sought by the cane producers and the beet producers and the consumers of sugar in the United States.

I hold, Mr. President, that a man of that kind ought not to be placed at the head of the great Department of Justice. So far as I am concerned I am willing to remain in session week after week until the President sends in the name of some one whom the Senate will confirm. I might suggest the Solicitor General, Mr. Beck. From what I can learn he is an able and clean lawyer. I should think that there would be no serious objection to him. There are other Republican lawyers that the President could name and have no trouble in getting them confirmed. But as to this man—Warren—under the undisputed testimony submitted by the Senator from Montana [Mr. WALSH] and the Senator from Missouri [Mr. REED], our position can not in justice be assailed, it is simply unanswerable. We can not in justice to ourselves and in justice to the people of the United States in the face of these facts vote to confirm Mr. Warren for the high office of Attorney General of the United States.

Mr. BUTLER. Mr. President, at this stage of the debate it may be difficult to introduce any new matter or to make any suggestions which may alter or affect the vote of any Member of this body, but it may not be amiss in the closing moments of the debate to make a few suggestions, perhaps reiterate some of the ideas which have heretofore been expressed, and to say a word about the real situation as it confronts us.

The President of the United States, Calvin Coolidge, has made a nomination for the office of Attorney General. It is our duty under constitutional privilege to advise the President and to consent to the nomination or, if in our opinion it is an unfit nomination, to reject it. Now, what is the first thing to consider in connection with the nomination by the President?

Our friends on the other side of the aisle, it may be, do not like to have questions of party politics introduced into the debate, but party politics all the time underlies all of our discussion and can not be taken away from this discussion by the present desire of those on the other side of the Chamber. Calvin Coolidge was elected President of the United States on November 4, 1924, by an overwhelming majority of all the voters of the country participating in the election. What does that mean? It means an expression of confidence and trust in his judgment and in his honesty and in his integrity. What has he done? He has sent to the Senate the name of Charles Beecher Warren for confirmation for the office of Attorney General. Mr. President, do we believe on this side of the Chamber or on the other side of the Chamber that President Coolidge does not believe in the enforcement of the laws of his country? It is a question involving the fitness of Charles Beecher Warren, but it first of all is a question of your confidence in the appointing power. If you have faith in the President of the United States, Calvin Coolidge, how can you come to the conclusion that he has selected an unfit man knowingly and purposely and that he knows that that man is in no position to enforce all the laws of his country? That is the simple question involved.

The statement was made in the beginning of the argument by those who opposed Mr. Warren that they did not intend to impeach his character. They admitted somewhat reluctantly his ability as a lawyer, and they did not attack his fitness for the office except that by reason of his connection with the sugar business about 18 or 20 years ago his bent of mind was such that he could not be expected to enforce the laws with reference to trusts and monopolies in restraint of trade, and they cite among other things a possible question that may come up with reference to the National Sugar Co., which may again apply for a modification of a decree enabling the American Sugar Refining Co. to become the owner of more than 25 per cent of the stock of the National Sugar Co., which was denied by Attorney General Stone—a contention which is preposterous—and also that he is not competent to pass upon matters which may arise with reference to the aluminum companies, in which it has been erroneously alleged that Mr. Mellon is head. And also that he is disqualified from acting in very many suits and complaints which have been instituted and which may be instituted by the Government against alleged trusts existing in restraint of trade.

This is all there is to the case. If this is the objection, it can not consistently be made unless those who make it intend to impeach the honesty and professional integrity of Mr. Warren, and if they persist in this charge they must take the responsibility, and it is theirs alone.

This matter can not be determined upon eloquence and oratory. It must be settled on the facts and not upon pure assumption. We have not only a duty to the Government in the consideration of the approval or disapproval of Mr. Warren, but we are bound as individuals to be decent and fair to this man who, more than anyone else, is personally concerned in the outcome of this matter.

It is a singular situation. Many of the men who have taken part in the debate do not know Mr. Warren, never heard of him; they have had no opportunity to know his character, and yet they would assail him. He has not had the opportunity of stating his own case, and he must succeed or fail without hearing.

We have examined into the record of Charles Beecher Warren. It does appear that 15 or 20 or 25 years ago, when all of these matters were looked upon in a very different way than after some of the decisions of the Supreme Court, he did participate as a lawyer and also he did participate as a business man in some of the transactions connected with collecting together some of those little feeble companies engaged in the sugar business in the State of Michigan in order to make them prosperous and in order to obtain for them financial support. They were willing to take that help from Mr. Havemeyer and they did take it from him. Mr. Warren participated properly, legally, and ethically in the transaction so far as anybody understood the situation in those days.

These acts are now criticized. But a change came over the understanding of our people concerning the conduct of business by reason of the enlightening decisions of the Supreme Court on the antitrust laws. That is a very important factor to be considered in connection with the matter under discussion. The Senator from Missouri [Mr. REED] read certain letters. He did suggest the date of the letters he read, but then he went on in the fullness of his oratory, and on and on and on until he produced the impression in this Chamber that those letters were written day before yesterday. That may be a tribute to his oratory. If it is, I am glad I have paid it to him. But although these letters were written, none from Mr. Warren later than 1907, nothing appears which can in fairness or justice infer any wrongful act.

Mr. President, there have been some collateral questions raised in this matter which may be interesting but which have no practical importance. It has been claimed that the renomination of Charles Beecher Warren to be Attorney General could not properly be made, could not within the limits of the Constitution be made after a rejection. Other constitutional questions have been raised as to the right of the President to deal with this matter a second time. I have had the interest to collect a number of precedents in connection with the matter and I would submit a brief which I would like to have inserted in the RECORD. I ask permission to have these papers, both connected with the legal discussion of the constitutionality of the resubmission of Mr. Warren's name, inserted in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and permission is granted.

The memoranda are as follows:

MEMORANDUM A

Is it unconstitutional for the President to resubmit to the Senate for confirmation to office the name of a person who has already been rejected by the Senate at the same session?

I

The constitutional appointing power is with the President in the first instance. As Attorney General Butler ruled in 1837 (Coxe's case 3 O. A. G. 189):

"The Senate has no power to originate an appointment; its constitutional action is confined to a simple confirmation or rejection of the President's nomination. Whenever the Senate disagrees to such a nomination it fails; and no appointment can be made, except on a new nomination to be made by the President. Suggestions as to the views of the Senate in cases where that body disagrees to the President's nomination, may, no doubt, be informally communicated to him; but should he think it proper to conform to those views, I know of no way in which it can be done, consistently with the provisions of the Constitution except by the making of a new nomination in accordance therewith."

The President is the originating power with regard to appointments. The Senate can not control the appointment of a particular person. (13 O. A. G. 516, 519.) The responsibility for the naming of a person is with the President. The Senate can not select; it must confirm or reject.

II

Suppose then that the Senate has rejected a name sent to it by the President. What is the effect to be attributed to such rejection? It

can not be argued that such rejection imposes upon the rejected nominee the stigma of perpetual disqualification from office. The action of the Senate in refusing to confirm is not res adjudicata. The doctrine of res adjudicata applies to courts of law, whose decisions are final. It has no application to legislative or executive functions. Because the Senate has rejected a man to-day it does not mean that it is forever precluded from considering his name. To hold otherwise would mean in effect that the rejection of a nomination would be more or less equivalent to a conviction on an impeachment. Rejection would then disqualify the rejected person forever from holding public office, or at least from holding the office with respect to which he was rejected. But impeachments are in the nature of judicial proceedings and require a two-thirds vote of the Senate, whereas a rejection can be made by a simple majority. It is altogether absurd to argue that the Senate is precluded from reconsidering on a new nomination the name of a person previously rejected by them. Such an argument would attribute to the action of the Senate a degree of finality which the action of legislative bodies has never been held to possess and would impose upon the rejected nominee the perpetual stigma of disqualification without trial and without the opportunity to make his defense.

III

Turning now from theory to practice we find that Presidents have again and again resubmitted to the Senate the names of rejected nominees. In many of those cases the Senate has proceeded forthwith to vote upon the name thus resubmitted. In other words, they have by their action acknowledged that there is nothing unconstitutional or wrong in such a resubmission. If the practice were unconstitutional it is only reasonable to suppose that the Senate would have ignored the resubmission. By voting upon it they have acknowledged its legality.

An example is to be found in the case of Samuel Gwin. Gwin was given a recess appointment as registrar of the land office for the district of Mississippi during the summer of 1831. When Congress met in December, 1831, the President submitted to the Senate a regular nomination for a full term. The Senate rejected it. In June, 1832, the President again submitted the nomination. On its second submission the nomination was considered and laid on the table and the Senate adjourned without taking any further steps in the matter. In pursuance of an opinion by Attorney General Taney (2 O. A. G. 525) President Jackson again gave Gwin a recess appointment. The Senate did not deny the constitutionality of the resubmission of Gwin's name, although there was some discussion on the subject.

Further examples are to be found in the cases of—

Henry A. Wise, nominated by President Tyler as minister to France in 1843, and in the case of Caleb Cushing, nominated at the same time as Secretary of the Treasury. Mr. Wise's nomination was submitted on February 27, 1843, and rejected by a considerable majority on March 3. It was resubmitted on March 3, and again rejected. It was resubmitted a third time on the same day (March 3) and was again rejected. Mr. Cushing's nomination was submitted on March 2, 1843, and rejected on March 3. It was again resubmitted twice more on the same day and was twice again rejected. (Senate Journal, 3d sess. 27th Cong., pp. 314–316.)

President Wilson several times submitted the name of Marjorie Bloom to be postmistress at Devils Lake, N. Dak. Her husband's name had been previously rejected for the same place. Marjorie Bloom was nominated on September 29, 1914, and rejected on October 13. She was again nominated at the next session on December 18, 1914, and rejected January 4, 1915. She was again nominated and confirmed on August 2, 1916. (It must be noted, however, that these successive nominations were made to the Senate at different sessions.) The Senate by several times acting upon it and by finally confirming her, notwithstanding two previous rejections, acknowledged the validity of the resubmission.

A further striking instance is to be found in the case of Walter L. Cohen, nominated comptroller of the customs at New Orleans, La., by President Harding. His name was sent to the Senate on November 23, 1922, and the Senate on December 4 adjourned without taking any action. President Harding again sent his name to the Senate at the next session on December 22, 1922. He was rejected on March 1, 1923. His name was again sent by President Coolidge to the Senate on December 10, 1923. He was again rejected for the second time on February 18, 1924. But on March 17, 1924, the Senate, notwithstanding the two previous rejections, confirmed his appointment.

These cases, and especially the last, conclusively demonstrate that the practice in the past has been to acknowledge the validity of a resubmission of a name and to act upon such resubmission. If Cohen's name is to be considered as perpetually disqualified by reason of rejection, why did the Senate, notwithstanding two rejections, confirm him?

In conclusion, therefore, I would submit that the President has an undoubted right to resubmit the name of a rejected nominee as many times as he sees fit, and there is no reason either in constitutional law or in sound sense why the Senate should not be able to consider and act upon such resubmission.

MEMORANDUM B

(Constitution, Art. II, sec. 2)

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session."

Opinions of Attorneys General have frequently dealt with this. The following is a brief summary of the facts in each case upon which an opinion was given, so far as these facts are known. In all of the following the power of the President to appoint to a vacancy existing during the recess was sustained, regardless of when or how the vacancy first occurred, and in some instances regardless of whether the person appointed had been previously rejected by the Senate.

[1 O. A. G. 631, President Monroe, Attorney General Wirt, October, 1823]

General Swartwout's commission as Navy agent expired during a session of the Senate. The President nominated another person, but the Senate did not confirm him. It was held that the President could make a recess appointment.

[2 O. A. G. 525, President Jackson, Attorney General Taney, July, 1832]

President Jackson gave Gwin a recess appointment as register of the land office for the Mount Salus district of Mississippi in 1831. When the Senate next convened Gwin's name was submitted for permanent appointment. The Senate rejected him. The President renominated him, and the Senate adjourned without acting on the second nomination. At the ensuing recess he was given another recess appointment. The Senate requested the President to send them a copy of his commission and of the opinion given by Taney, with other opinions in point, which he did. A resolution of censure on the President was discussed, but failed to pass by a large majority.

This same opinion cites (2 O. A. G. 530) the case of Binney, which arose in the administrations of Monroe and J. Q. Adams. Binney's commission as Navy agent expired during a session of the Senate, on February 15, 1825. He was nominated on February 28, 1825, to succeed himself, and the Senate adjourned on March 4 without acting on the matter. The new Senate was convened in extra session and Binney's name was submitted again on March 7, 1825. On March 9 the Senate postponed consideration until the following December and then adjourned. On March 22, during the recess, he was given a recess appointment.

[3 O. A. G. 673, President Tyler, Attorney General Legare, October, 1841]

This was a hypothetical case, so far as the opinion goes, and I can not find the case of the particular person with reference to whom it was given. The case assumed these facts:

X is given a recess appointment. The Senate subsequently sits. The President makes a nomination for a permanent appointment. The Senate adjourns without acting upon it. Can the President then make a second recess appointment? The Attorney General said that he could.

[4 O. A. G. 523, President Polk, Attorney General Mason, August, 1846]

Here a recess appointment was made in 1845 to the deputy postmastership at Buffalo, N. Y. A nomination was later sent to the Senate for permanent appointment. The Senate rejected the nomination on August 8, 1846. On August 10 a different nomination for the same post was submitted, on which the Senate took no action. It was held that another recess appointment could be made.

[7 O. A. G. 186, 212, President Pierce, Attorney General Cushing, May, 1855]

Here the remarks in favor of the power were made obiter without reference to any particular case, in the course of an exhaustive opinion dealing with the reorganization and grading of the Diplomatic Service.

[10 O. A. G. 356, President Lincoln, Attorney General Bates, 1862]

Here President Lincoln doubted whether he could fill by recess appointment two vacancies on the bench of the Supreme Court which were existing during a recess, but which had existed during and before the last session of the Senate.

The vacancies occurred in the summer of 1861 during a recess. They continued during the winter, throughout the session, and on into the summer of 1862, when they were filled by the appointment of Mr. Justice Davis and Mr. Justice Miller. I do not know whether or not these were recess appointments originally, but they were confirmed by the Senate before the occasion arose for them to take their seats on the bench.

[11 O. A. G. 179, President Johnson, Attorney General Speed, March 25, 1865]

Peter McGough was given a recess appointment in July, 1864, as collector of internal revenue for the twentieth Pennsylvania district. This commission expired March 3, 1865. His name, by mistake, was

not sent to the Senate during the session which ended March 3, 1865, nor to the new Senate, which met in extra session on March 4. It was held that the vacancy could be filled by a second recess appointment.

[12 O. A. G. 32, President Johnson, Attorney General Stanbery, August, 1866]

Here several postmasters were given recess appointments. Their names were later sent to the Senate, which rejected some and failed to act on others. It was held that the places could again be filled by recess appointments.

[12 O. A. G. 449, President Johnson, Attorney General Evarts, August, 1868]

A vacancy occurred in the office of collector of customs at New Orleans during a session of the Senate. A nomination was submitted to the Senate and was not confirmed. It does not appear whether it was rejected or merely tabled. It was held that a recess appointment could be made.

[12 O. A. G. 455, President Johnson, Attorney General Evarts, August, 1868]

Here a new office was created by statute (collector of customs for Alaska), and shortly after the statute was passed the Senate adjourned before there was time to make a nomination.

It was held that a recess appointment could be made.

[14 O. A. G. 562, President Grant, Attorney General Williams, April, 1875]

Two vacancies were created in the grade of paymaster of the Army by act of March 3, 1875. The Senate adjourned the same day. The new Senate was summoned in extra session on March 4, 1875, and adjourned without acting on the nominations sent to it.

It was held that the President could fill the vacancies by recess appointment, and that he might fill them with the persons whose names had been submitted but not acted upon.

[15 O. A. G. 207, President Hayes, Attorney General Devens, March 17, 1877]

This merely affirms 12 O. A. G. 449 without stating any facts.

[16 O. A. G. 522, President Hayes, Attorney General Devens, June, 1880]

A vacancy occurred during a session of the Senate in the office of collector of the port of Philadelphia. The President nominated John F. Hartranft at the same session. The Senate adjourned without acting upon it. Thereupon the President gave Hartranft a recess appointment.

The Secretary of the Treasury was instructed that he might lawfully countersign the commission.

[17 O. A. G. 521, President Arthur, Attorney General Brewster, February, 1883]

The office of United States attorney for the northern district of Georgia became vacant during a session of the Senate. The President was advised that he could fill the vacancy during the coming recess.

[18 O. A. G. 29, President Arthur, Attorney General Brewster, June, 1884]

Previous opinions affirmed; no facts stated.

[19 O. A. G. 261, President Cleveland, Attorney General Miller, March, 1889]

Previous opinions affirmed; no facts stated. The question (apparently an abstract one) was this:

"Whether, when a vacancy in an office occurs during a session of the Senate, the President has power to fill it by a recess appointment."

[26 O. A. G. 234, President Roosevelt, Acting Attorney General Hoyt, April, 1907]

Here a special act was passed authorizing the President, by and with the advice and consent of the Senate, to restore Leonard Cox to the post of civil engineer in the Navy. It was ruled that the President could give Cox a recess commission, even though the vacancy occurred during the session.

[30 O. A. G. 314, President Wilson, Attorney General Gregory, November, 1914]

John H. Bloom was nominated as postmaster of Devils Lake, N. Dak. He was rejected by the Senate. It was ruled that he could be given a recess appointment, notwithstanding the rejection. (This was not done, however. Instead, Marjorie Bloom was nominated, and after two rejections, she was finally confirmed.)

[32 O. A. G. 271, President Wilson, Acting Attorney General Ames, July, 1920]

On April 30, 1920, President Wilson nominated Henry Jones Ford and James Duncan to be members of the Interstate Commerce Commission. On May 6 he nominated Mark Potter and Samuel W. McCall to be members of the Tariff Commission. The Senate adjourned without acting on them. Thereupon the President gave recess appointments to all of the above. There was no question as to the legality of the appointments, but it was held, under R. S. 1761, that they could not be paid until confirmed.

[33 O. A. G. 20, President Harding, Attorney General Daugherty, August, 1921]

This opinion considered simply the question as to what period of adjournment constituted a "recess." But the prior views as to recess appointments were affirmed obiter. No particular facts are stated; the question was general.

Total in favor of the power—16 Attorneys General in 14 administrations, extending over a period of 102 years.

This view is also supported by Mr. Justice Woods, of the Supreme Court of the United States, sitting in the Circuit Court for the Western District of Tennessee, in 1886, in the case of In re Yancey (28 Fed. 445). It is also supported by the decision of the same justice in the Circuit Court for the Northern District of Georgia, in 1880, in the case of In re Farrow (3 Fed. 112).

Attorneys General have expressed views contrary to the above in the following cases:

[2 O. A. G. 333, 334, President Jackson, Attorney General Berrien, April, 1830]

The remark in question was, however, an obiter dictum so far as the real point of the decision was concerned.

[4 O. A. G. 361, Mason, April, 1845]

Here it was held that the President could not appoint during a recess if the vacancy had arisen and was known to exist during a session of the Senate. But Mason later changed his mind and adopted the view of the other Attorneys General in favor of the power of the President in such cases. (See 4 O. A. G. 523 supra.)

The contrary view is also supported by District Judge Cadwalader in the case of the District Attorney (7 Fed. Cas. No. 3924), and by Mr. Justice Miller in Schenck v. Peary (21 Fed. Cas. No. 12451). Both of these cases arose under President Andrew Johnson in 1868.

There are remarks by Sergeant (on the Constitution, p. 373) and Story (on the Constitution, par. 1559) which might be taken as supporting this view (denying the power) but which are not very conclusive. There are also dicta in People ex rel v. Forquer, 1 Breese (Ill.), but the statute in that case was very differently worded from the Constitution of the United States.

On the whole, a very clear preponderance of legal opinion is in favor of the power. R. S. 1761 sems to assume that the power exists, but by prohibiting the payment of any salary until confirmation, the power is sought to be rendered ineffective.

Mr. BUTLER. Mr. President, it is too late to go into all of the different phases of the investigations to which allusion has been made. However, I have prepared a digest of the testimony before the Hardwick committee and now ask that that also may be printed as a part of the record.

The VICE PRESIDENT. Without objection, it is so ordered.

The digest of testimony is as follows:

DIGEST OF MR. WARREN'S TESTIMONY BEFORE HARDWICK COMMITTEE

The CHAIRMAN. Who are the other executive officers of the Michigan Sugar Co.?

Mr. WARREN. The board of directors of the Michigan Sugar Co., consists of Benjamin Boutell, Bay City, Mich.; C. F. Bach, Sebewaing, Mich.; Clarence A. Black, Detroit, Mich.; H. A. Douglas, Detroit, Mich.; Benton Hanchett, Saginaw, Mich.; Watts S. Humphrey, Saginaw, Mich.; Charles H. Hodges, Detroit, Mich.; F. R. Hathaway, Detroit, Mich.; W. T. Knowlton, Saginaw, Mich.; Cyrus E. Lothrop, Saginaw, Mich.; Gilbert W. Lee, Detroit, Mich.; George B. Morley, Saginaw, Mich.; George Peck, Detroit, Mich.; Gilmore G. Scranton, Croswell, Mich.; W. H. Wallace, Saginaw, Mich.; A. W. Wright, Alma, Mich.; Charles B. Warren, Detroit, Mich. (p. 625).

* * * * * * *

The CHAIRMAN. How much as trustee?

Mr. WARREN. I never held any stock as trustee for anybody.

The CHAIRMAN. Did you ever make your return to the——

Mr. WARREN. There were stock certificates held in my name which were not transferred by the owners, perhaps; but I never held any stock as trustee for anybody (p. 626).

* * * * * * *

The CHAIRMAN. Do you hold any stock now as trustee for anybody?

Mr. WARREN. I do not, nor is there any stock in my name that I do not own.

The CHAIRMAN. There is no stock in your name that you do not own?

Mr. WARREN. No (p. 627).

* * * * * * *

Mr. WARREN. When they got to negotiating sometimes they would negotiate themselves; in general, they participated in the negotiations

at all times. I examined the legal title of the corporations and their condition and my office assisted in various work that was performed and the stock transaction was completed always with the board of directors of the company (p. 629).

* * * * * * *

Mr. WARREN. Except the Tawas; yes.

First, the following men were appointed to represent their respective stockholders: Arthur Hill, of Saginaw, and Benjamin Boutell, of Bay City, were appointed to represent the Saginaw Valley Sugar Co. stockholders, and all the stockholders of the Saginaw Valley Sugar Co. indorsed their stock in blank and delivered it to Mr. Hill and Mr. Boutell to be exchanged for such price and such consideration as, in the discretion of Mr. Hill and Mr. Boutell, they wished to receive for it.

The stock of the Sanilac Sugar Refining Co. was delivered to George Peck and G. G. Scranton under the same conditions.

The stock in the Alma Sugar Co. was delivered to A. W. Wright and W. T. Knowlton for the same purposes.

The stock in the Bay City-Michigan Sugar Co. was delivered to W. L. Churchill and N. B. Bradley for the same purposes; and the stock of the Sebewaing Sugar Refining Co. was delivered to Watts S. Humphrey and George B. Morley for the same purposes; and the stock in the Peninsula Sugar Refining Co. was given to Henry B. Joy and Gilbert W. Lee for the same purposes.

Those 12 men acted for those 6 corporations; 2 men for each corporation.

Those men are residents and business men of Saginaw Valley and Detroit. They are men, all of them, of great prominence in the State, and they were intrusted by the stockholders because they believed in them.

Those men met and agreed upon valuations which they would mutually allow the other man to receive for his property.

* * * * * * *

Mr. WARREN (continuing). Those 12 men—in conjunction with Thomas Harvey, of Saginaw; myself; Benton Hanchett, of Saginaw; William H. Wallace, who became the general manager; and F. R. Hathaway—became the organizers of the Michigan Sugar Co. (pp. 631, 632).

* * * * * * *

The CHAIRMAN. At the agreed values?

Mr. WARREN. At the values which these 12 men had agreed upon.

The CHAIRMAN. Give me the stock distribution among the companies.

Mr. WARREN. These 12 men, as I have stated, held all the stock then, it having been indorsed in blank by all the stockholders; and every stockholder in those six corporations—and there were hundreds of them—delivered their stock certificates, every one of them, without any agreements at all, simply reposing confidence in these men.

The CHAIRMAN. Oh, yes; but they were rights that could have been enforced in any court in Michigan or anywhere else?

Mr. WARREN. Certainly; but it was by unanimous consent (pp. 633, 634).

* * * * * * *

Mr. WARREN. And the 12 men who held the old stock surrendered the old stock certificates and took out new stock certificates in the names of the old stockholders in proportion to their holdings, and the new stock was delivered to every stockholder in proportion to what he was entitled to.

The CHAIRMAN. Exactly.

Mr. WARREN. No stock of the Michigan Sugar Co. was issued to anybody for promotion; no stock was issued to anybody for a bonus of any kind, character, or description to cover legal fees or any services of any kind (p. 634).

* * * * * * *

Mr. WARREN. These 12 men did; yes.

The CHAIRMAN. These 12 men were taken because they were stockholders, each two of them in the constituent companies, were they not?

Mr. WARREN. Certainly (p. 634).

* * * * * * *

Mr. WARREN. I suppose that is substantially the way they conducted the negotiations.

The CHAIRMAN. You were in it, were you not?

Mr. WARREN. I was not one of the 12. I was their lawyer (p. 635).

* * * * * * *

The CHAIRMAN. And too much competition?

Mr. WARREN. No, sir. Largely because of poor management, and some dishonesty; a good deal of it. And the Peninsula Sugar Refining Co. was not making money; had not paid dividends for some two or three years. The Bay City Co. was not paying dividends and was in debt. The Sanilac Co. had a bond issue and owed over $200,000 besides its bond issue. They were all in bad shape except the Alma and the Sebewaing (p. 637).

* * * * * * *

Mr. WARREN. All of these companies with one exception, which I will explain later, sought to have this outside money invested in their enterprise. They were not approached for the purpose of being bought out. They sought to have the money interested in it.

The CHAIRMAN. In other words, they approached Mr. Havemeyer instead of his approaching them?

Mr. WARREN. In every instance except one.

The CHAIRMAN. Whom did they approach him through?

Mr. WARREN. They approached him directly sometimes, and he would refer them to me for the legal side of it, at Detroit, saying that he would pay par for the stock. He approximately paid par for all the stock; and all I would have to do would be to say whether there was a legal corporation—whether their stock had been legally issued (p. 638).

* * * * * * *

The CHAIRMAN. Did you advise him, Mr. Warren, upon any question as to whether or not this involved possible violations of the Sherman law?

Mr. WARREN. No, sir.

The CHAIRMAN. Was your advice asked as to that?

Mr. WARREN. No, sir; not at all.

The CHAIRMAN. In other words, you were only asked for your advice as to the legal validity of the corporation?

Mr. WARREN. Yes. I never performed any legal services outside of Michigan for the American Sugar Refining Co., and had nothing to do with their general business in New York (pp. 638–639).

* * * * * * *

The CHAIRMAN. The Michigan Sugar Co. has not to-day any connection directly with that sugar company?

Mr. WARREN. The Michigan Sugar Co. has not any connection with any other company—not one dollar invested in any company except its own.

The CHAIRMAN. Do you know anything about the Continental Sugar Co.?

Mr. WARREN. I know there is such a company (p. 642).

* * * * * * *

Mr. WARREN. The Michigan stockholders own 63 per cent and the American Sugar Refining Co. owns 37 per cent.

The CHAIRMAN. I am asking you for the amount. Is four million and some odd right?

Mr. WARREN. I will have that computed.

The CHAIRMAN. Have you not got the amounts?

Mr. WARREN. Yes; I have got that.

The CHAIRMAN. Give me that. I want to see what that is. They said they owned $4,398,000 of that stock now.

Mr. WARREN. That is approximately correct.

The CHAIRMAN. They own 37 per cent and the Michigan people own 63 per cent (p. 645)?

* * * * * * *

The CHAIRMAN. Mr. Warren, do you know F. R. Hathaway?

Mr. WARREN. I do.

The CHAIRMAN. He is the secretary of the Michigan Sugar Co., is he not?

Mr. WARREN. He is.

The CHAIRMAN. Are you familiar with the evidence he gave before the Ways and Means Committee of the House of Representatives about two years ago?

Mr. WARREN. I could not say I was familiar with it.

The CHAIRMAN. You have read it, have you not?

Mr. WARREN. I would not say I have read it all; no.

The CHAIRMAN. Did you read the statement he made at that time that the American Sugar Refining Co. had no interest in the company?

Mr. WARREN. I have recently read it.

The CHAIRMAN. How do you account for that, if it is a fair question or if you desire to answer it?

Mr. WARREN. I certainly should like to answer it.

The CHAIRMAN. I thought you possibly would like to answer it.

Mr. WARREN. I should. I think what Mr. Hathaway stated—would you allow me to have the testimony?

The CHAIRMAN. Yes; I would be glad to do so. Would you like me to direct your attention to his statement on that matter?

Mr. WARREN. I will proceed without the testimony. What Mr. Hathaway stated there, as I recollect the testimony, was that the American Sugar Refining Co. was not on the books of the company a stockholder. Now, that was accurate. I have no doubt but that Mr. Hathaway, in all the years I have known him, was inclined to tell just what he knew when he gave that statement. Mr. Hathaway had been spending a great deal of time in looking up information about the tariff. He had been to the Philippines, to Cuba, and all around, working on that matter. He was not one of the men who ever signed stock certificates in the company. He had no access to the stock books of the company. His signature is not required on the stock certificates, and the Detroit Trust Co. is the registrar and transfer agent of the corporation, and Mr. Hathaway was not informed by anybody as to whether the American Co. had any interest or not, and, as a matter of fact, nobody was in position to know, even myself, because Mr. Havemeyer and his family and his associates at one time owned the stock, and later it appears he sold the stock or portions of the stock to the American Co. When the American Co. transferred its

stock holdings to his own name was after the date of Mr. Hathaway's testimony. It appears now from various things that have gone on before your committee that Mr. Havemeyer himself was largely interested in the beet-sugar business; that he had practically shifted his investments from cane sugar to beet sugar.

The CHAIRMAN. And you think the reason Mr. Hathaway made that statement was because there is no record anywhere of what the American Sugar Refining Co.'s holdings were?

Mr. WARREN. They had never appeared as a stockholder at any meeting, and they have never had any officer or anybody present in Detroit to represent them at any meeting, or sent any agent to represent them.

The CHAIRMAN. And the stock they really owned was in your name, as far as the records of the company show?

Mr. WARREN. You could not tell who owned it, Mr. Hardwick, until after they transferred it themselves.

The CHAIRMAN. But on the records of your company the stock stood in your name?

Mr. WARREN. Yes; that stock which was owned down East, or which Havemeyer owned, was in my name, but not as trustee, and there was no trust connected with it, and I had no proxies. I mean I had no agreement about what should be done with the stock and had no understanding about what should be done with the stock.

The CHAIRMAN. Mr. Hathaway, as the secretary of the company, must have known that this tremendous block of stock stood in your name?

Mr. WARREN. He certainly knew that.

The CHAIRMAN. But your proposition is that he did not know who really owned that stock?

Mr. WARREN. No; he did not know it (pp. 676–677).

* * * * * * *

Mr. WARREN. Pardon me just a moment. It is fair for me to be understood here. After 1906 I never performed any services for the American Sugar Refining Co. in connection with the industry in Michigan. After I became an officer and a trustee, as a director, for all the stockholders of that company I never received one dollar of pay from the American Sugar Refining Co. for any service of any kind, character, or description.

Mr. RAKER. You had before?

Mr. WARREN. Before I had performed services in connection with the negotiation and transfer of the stock, which I explained yesterday, and have been paid for my services as a lawyer.

Mr. RAKER. And you were representing the American Sugar Refining Co.?

Mr. WARREN. No, sir; I was not paid to represent the American Sugar Refining Co. After I performed the services I never was paid, and I never was on their salary list or anything like that (p. 680).

* * * * * * *

Mr. WARREN. In the capacity of assisting them in the negotiations for the acquisition of certain stock in certain corporations, and passing upon the question of whether they got a legal title to what they thought they were receiving, and whether it was a good title.

Mr. RAKER. Well, in what capacity?

Mr. WARREN. As a lawyer; and, of course, in a sense I say it is fair to call it still legal services. If the negotiations were started with them in the East, I might have and often did continue to negotiate on terms that I was informed about (p. 681).

* * * * * * *

Mr. WARREN. The facts are I was under no general retainer to the American Sugar Refining Co. in Michigan (p. 682).

* * * * * * *

Mr. GARRETT. I understand you to say that all of the stock which stands in your name belongs to you?

Mr. WARREN. That is right.

Mr. GARRETT. You are the——

Mr. WARREN. The bona fide owner of it.

Mr. GARRETT. The legal, equitable, complete owner of all that stock?

Mr. WARREN. I am absolutely the owner of it, and I paid for it.

Mr. GARRETT. Pardon me, but how much did you say it was?

Mr. WARREN. $445,000 worth (p. 729).

* * * * * * *

Mr. MALBY. Do you have any understanding, express or implied, with the American Sugar Refining Co. that you shall at all confine your sales within a certain radius?

Mr. WARREN. We have absolutely no understanding with them about the market price or the district in which sales shall be made or the time when sales shall be made.

Mr. MALBY. Are they your active competitors during the months in which you are actively engaged in selling?

Mr. WARREN. They certainly are (p. 743).

* * * * * * *

Mr. WARREN. There is no director of the American Sugar Refining Co. now a director of the Michigan Sugar Co. at any time who ever was a director of the Michigan Sugar Co. at any time (p. 744).

* * * * * * *

Mr. WARREN. I say this, as I said yesterday: I have never made any statement that can be used here to examine me on as to whether I ever made divergent statements. I never appeared before any committee of Congress on any subject until I came here yesterday. I never appeared before any committee of any legislature.

The CHAIRMAN. I will say to you frankly that my question was for the purpose of calling your attention to this speech of Senator Burrows, and my only object in calling your attention to that speech and to the Hathaway statement was to find out why it was that for such a long time your company apparently denied that fact, or let others deny it, in connection with this Sugar Trust.

Mr. WARREN. A magazine article was written telling what the holdings of the American Sugar Co. were in Michigan, and I answered that article over my own signature; that is, in the interview it showed on its face that it was written, whether the name was appended below or not, so that anybody accustomed to reading newspaper statements would know it was a written interview.

The CHAIRMAN. With one of the Detroit papers?

Mr. WARREN. Yes. It was an interview making a broad statement about it and telling what companies they were interested in.

The CHAIRMAN. When was that, Mr. Warren?

Mr. WARREN. I do not remember.

The CHAIRMAN. Was it before this Hathaway business or since?

Mr. WARREN. No; of course not.

The CHAIRMAN. You mean the trouble growing out of this Hathaway statement?

Mr. WARREN. Yes. I went as far as I could go.

The CHAIRMAN. I did not know that, and I am glad you told me that. Your explanation of Hathaway's mistake about it was that he simply was going on what the books of the corporation showed?

Mr. WARREN. Yes.

The CHAIRMAN. And that he did not know the real facts to be otherwise?

Mr. WARREN. He would not know the American Co. as a company—that is, a man could reasonably draw a distinction between somebody that lived down East and the American Sugar Refining Co., couldn't he?

The CHAIRMAN. Yes.

Mr. WARREN. There is a great distinction between the amount of money Mr. Havemeyer has in the Great Western Sugar Co. to-day, according to Horace Havemeyer's testimony, and the American Sugar Refining Co.'s holdings and the present attitude of the two, is there not?

The CHAIRMAN. Yes. Did Mr. Hathaway know at the time he made that statement that you held all these hundreds of thousands of shares for some eastern people?

Mr. WARREN. I think it would be a fair presumption to say Mr. Hathaway would be quite dense if he did not know that.

The CHAIRMAN. Did he know who these eastern people were?

Mr. WARREN. No.

The CHAIRMAN. Did you not think it was rather reckless of him saying right out in that way that the American had no interest in this thing when he knew the tremendous value of that stock?

Mr. WARREN. Do you think that cut any figure before that committee that had testimony given two years ago?

The CHAIRMAN. No; except they may have wondered why he said it.

Mr. WARREN. The whole matter was before them in testimony two years old anyway, at the time he said it.

The CHAIRMAN. Before the Ways and Means Committee?

Mr. WARREN. Yes.

The CHAIRMAN. The testimony of whom?

Mr. WARREN. The testimony of Watts S. Humphrey, of Saginaw, for one.

The CHAIRMAN. During the Philippine hearings, you mean?

Mr. WARREN. I guess it was in the Philippine hearings; yes.

The CHAIRMAN. As to the interest of the American Co.?

Mr. WARREN. As to the interest of the American; yes.

The CHAIRMAN. That was a supposition?

Mr. WARREN. No; he used my name and said it was supposed——

The CHAIRMAN (interposing). It was supposed to be your stock, and he was not giving a guess, but here was a man denying it, an agent of the company, was he not? But that is another matter, neither here nor there, for us to debate on at this time.

Mr. WARREN. I made a public statement about the matter.

The CHAIRMAN. Yes; I am very glad to hear that you made that statement. How soon was that after Hathaway's statement?

Mr. WARREN. I do not recall.

The CHAIRMAN. Was it shortly afterwards?

Mr. WARREN. After the magazine article was printed referring to this subject and misquoting the speech.

The CHAIRMAN. I wonder if that is the magazine article in this book here which I have?

Mr. WARREN. I do not know.

Mr. RAKER. Mr. Chairman, find out what paper that interview was in.

The CHAIRMAN. Mr. RAKER asks me to inquire what paper that interview was in.

Mr. WARREN. I think it was the Detroit Journal.

The CHAIRMAN. Could you give us approximately about how long it was after the incident?

Mr. WARREN. No; I do not know.

The CHAIRMAN. Was it a month afterwards?

Mr. WARREN. It was not very long afterwards.

The CHAIRMAN. Within the course of two or three months at the latest, was it not?

Mr. WARREN. I do not know. It was when this magazine article brought up the question, and the magazine subsequently printed the contents of my statement and gave it wide circulation (pp. 752, 753, 754).

* * * * * * *

Mr. BUTLER. Then we come to the litigation which has been referred to by the Senator from Montana [Mr. WALSH]. I introduced the fact sometime during his statement, the fact that there had been a stipulation filed which relieved Mr. Warren from any charge that after 1906 he was connected with the Michigan Sugar Co. That stipulation was made in 1915 in the course of the trial of the case at the end of the testimony with reference to the Michigan Sugar Co. and Mr. Warren.

I have noticed that whenever that stipulation has been referred to it has been the cause of some irritation on the part of Senators on the other side of the aisle, and I do not wonder. It was a stipulation freely made by reputable counsel connected with the case representing the Attorney General's office under the Wilson administration. I presume a stipulation of that kind made under such circumstances can be relied upon, especially on the other side of the Chamber.

But more important than that is the decree of the court. We have had paraded before our eyes the bill of complaint. The Senator from Montana [Mr. WALSH] made a great attempt to create an impression by reading that long document and by emphasizing from time to time as he read it the charges which were made against the defendants in that case. We all know what a bill of complaint is. The Government always charges all the high crimes and misdemeanors that the young men who prepare those documents can think of. That is a statement of the case which the Government hopes to sustain. It represents merely a charge. The conclusion of the case is in the decree, whether it is a consent decree or not. What did the court do in that case? The court did in its decree deny the American Sugar Co. the right to pursue its arrangements in the matter described in the complaint and the right to acquire more stock of the Michigan Co. It did perhaps have that effect, but what did it do with reference to the other defendants? Here is the language of the decree:

> The petition is dismissed as to all defendants other than said the American Sugar Refining Co., the National Sugar Refining Co. of New Jersey, the Great Western Sugar Co., and the Michigan Sugar Co.

One of the defendants was Charles B. Warren, and the complaint was dismissed as to Charles B. Warren, and he at that time was absolved from all the charges contained in the bill of complaint which contained the charges in the case.

There has been one other matter brought up with reference to Mr. Warren to which there has not been much emphasis given, but which I wish now to clear up. I refer to a statement that the Federal Trade Commission has recently made an investigation of the Michigan Sugar Co. and of other sugar companies with reference to certain transactions. That investigation came mysteriously after the nomination of Mr. Warren. It is peculiar that that inquiry was instituted after Mr. Warren's name was sent to the Senate and he came to the attention of the American public as the nominee of the President for the office of Attorney General. As to that matter and whatever use may have been made of it by the Senator from Montana [Mr. WALSH], any inferences derogatory to Mr. Warren are dismissed by certain answers which have been made by the Michigan Sugar Co. and the Toledo Sugar Co. These answers conclusively prove the absence of any knowledge on the part of Mr. Warren of any of the acts complained of and that its inquiry is futile.

I ask unanimous consent to have printed in the RECORD the answers of the Toledo Sugar Co. and the Michigan Sugar Co.

The VICE PRESIDENT. If there is no objection, it will be so ordered.

The matter referred to is as follows:

United States of America before the Federal Trade Commission. In the matter of Larrowe Milling Co. et al. Docket No. 1262

ANSWER OF RESPONDENT, MICHIGAN SUGAR CO.

Answering the complaint of the Federal Trade Commission as filed in the above-entitled cause, the respondent, Michigan Sugar Co., respectfully says:

That it has no knowledge or information as to the various matters and things averred in respect to the Larrowe Milling Co. and the other respondents herein.

That it has not and never has had any understanding or agreement whatsoever with any of the sugar company respondents named in respect to the sale of dried beet pulp, and it has no knowledge as to the contractual or other claimed relationships between said Larrowe Milling Co. and the other respondents named, nor has it any knowledge as to the matters and things averred against said Larrowe Milling Co. in respect to the manner in which it is claimed said Larrowe Milling Co. transacts its dried beet pulp business, nor does it own any stock or have any interest either directly or indirectly in said Larrowe Milling Co. whatsoever, nor does the said Larrowe Milling Co. own any stock or have any interest whatsoever directly or indirectly in this respondent.

That the only contract or agreement which this company has with said respondent Larrowe Milling Co. is a contract made and dated July 17, 1924, for the selling on commission for one year only of its dried beet pulp, for a brokerage of $1 per ton, which said contract was made in the ordinary course of business, and which said contract was not and never has been submitted to its board of directors or its general counsel, who was in Mexico.

That it has not and never has had any agreement or understanding directly or indirectly with said Larrowe Milling Co. or said other respondents concerning division of territory or unified plan of distribution of said dried beet pulp, nor the fixing of price of said product, but on the contrary this respondent states that the price at which its dried beet pulp is sold from time to time is determined solely by this company, said price fluctuating from time to time as does the market of other cattle food products.

That this respondent has no knowledge concerning the acts and things charged as between said Larrowe Milling Co. and the other respondents named in said complaint, but as to this respondent it specifically denies any combination, conspiracy, or unfair methods of competition by reason of any of its acts or practices or otherwise, or from any understanding or agreement with any of said other respondents, and further denies the commission of any illegal acts as averred in said complaint.

That as to this respondent, Michigan Sugar Co., it hereby consents that after due hearing on said complaint, that said commission may enter such appropriate order as may be found necessary to carry out any finding or order entered against said Larrowe Milling Co. or the respondents named in this complaint.

MICHIGAN SUGAR CO.,
(Signed) By W. H. WALLACE,
By H. S. WITHINGTON,
Its president.

Dated, FEBRUARY 12, 1925.

United States of America, before the Federal Trade Commission. In the matter of Larrowe Milling Co. et al. Docket No. 1262

Answering the complaint of the Federal Trade Commission as filed in the above-entitled cause, this respondent, Toledo Sugar Co., respectfully says:

That it has no knowledge or information as to the various matters and things averred in respect to the Larrowe Milling Co. and the other respondents herein.

That it has not and never has had any understanding or agreement whatsoever with any of the sugar company respondents named in respect to the sale of dried beet pulp, and it has no knowledge as to the contractual or other claimed relationships between said Larrowe Milling Co. and the other respondents named, nor has it any knowledge as to the matters and things averred against said Larrowe Milling Co. in respect to the manner in which it is claimed said Larrowe Milling Co. transacts its dried beet-pulp business, nor does it own any stock or have any interest, either directly or indirectly, in said Larrowe Milling Co. whatsoever, nor does the said Larrowe Milling Co. own any stock or have any interest whatsoever, directly or indirectly, in this respondent.

That it has no contract or agreement of any kind whatsoever, directly or indirectly, with the Larrowe Milling Co. relating in any manner to dried beet pulp or otherwise; that the dried beet pulp produced by this company during its last operations, which ended December 28, 1924, was sold to said Larrowe Milling Co. under a contract of sale, which was fully completed and ended on December 31, 1924, and which said contract was made and dated July 17, 1924, in

the ordinary course of business, and was not and never has been submitted to its board of directors or its general counsel, who was in Mexico.

That it has not and never has had any agreement or understanding, directly or indirectly, with said Larrowe Milling Co. or said other respondents concerning division of territory or unified plan of distribution of said dried beet pulp, nor the fixing of price of said product, but, on the contrary, this respondent states that the price at which its dried beet pulp is sold from time to time is determined solely by this company, said price fluctuating from time to time, as does the market of other cattle food products.

That this respondent has no knowledge concerning the acts and things charged as between said Larrowe Milling Co. and the other respondents named in said complaint, but as to this respondent it specifically denies any combination, conspiracy, or unfair methods of competition by reason of any of its acts or practices or otherwise, or from any understanding or agreement with any of said other respondents, and further denies the commission of any illegal acts, as averred in said complaint.

That as to this respondent, Toledo Sugar Co., it hereby consents that after due hearing on said complaint that said commission may enter such appropriate order as may be found necessary to carry out any finding or order entered against said Larrowe Milling Co. or the respondents named in this complaint.

TOLEDO SUGAR CO.,
By W. H. WALLACE,
By H. S. WITHINGTON,
Its President.

Dated, FEBRUARY 12, 1925.

Mr. BUTLER. Mr. President, without prolonging the discussion, I wish to finish by making a few observations as to my impressions received in the course of this inquiry from the time it began, I think on January 10, down to the present time. It seems to me that somehow there is a feeling on the other side of the Chamber that Mr. Charles B. Warren is not wanted in the office of Attorney General. [Laughter.] That may possibly amuse some of my friends on the other side. I am glad it does amuse them. They know that Mr. Warren is smart; that he knows his Washington; that he knows his United States; that he is able; that he is a resourceful lawyer; that he is fully informed; that he knows politics and political people; and that he is qualified to pursue his work in the great office of Attorney General with effectiveness; and that he will enforce the laws of his country.

Some people do not want a militant Attorney General; some people would prefer a complaisant individual in that office. Some people prefer an Attorney General who knows no politics, who does not know the significance of opposition. To be sure, the office should not be administered as a political office; to be sure, the office should be administered without fear or favor; to be sure, the Attorney General should be just and fair; to be sure, the office should not be made the instrument of revenge or reprisal; to be sure, the Attorney General should be judicial and fair-minded. Some people do not want all the laws enforced; some people do not want the prohibition laws enforced; some people do not want other laws enforced. I predict that Charles Warren will enforce all laws, else the President would never nominate him to that office. Does anyone believe that the President favors the nonenforcement of law? Is that his record? The people of the country have faith in the President and faith in his character and purpose.

Then, what is all this clamor against Mr. Warren? What is it all about? His opponents say he is unfit for the office because 18 or 20 or 25 years ago he was connected with the sugar business; that he acted as a lawyer in connection with transfers of stock of the little unfortunate sugar companies of Michigan seeking to obtain financial assistance from Mr. Havemeyer, and that he had certain correspondence with Mr. Havemeyer even so late as June, 1907, about the conduct of the business. What of it? Does it mean that 18 or 20 years afterwards he is to be condemned for what was then regarded as a perfectly legal undertaking? Do Senators forget his public service, always competently and patriotically done, his service as ambassador to Japan and to Mexico, his service in war time, or is the antagonism toward him some indication of some personal pique because this man years ago engaged successfully in a sparring match of words with two of the able Senators who now oppose him?

I am amazed that this opposition should develop into a party opposition which would lead the Democratic Party, as represented on this floor, to deny, first, the decency of giving to a President the choice of a member of his Cabinet, and, second, the full responsibility of the President for the conduct of the office of Attorney General. It seems to me—though perhaps I should not venture any remarks concerning Democratic politics—that such action does reflect poor party politics.

But, Mr. President, I am told that Senators are held by a gentleman's agreement to aid in the condemnation of Mr. Warren. If such is the case, I am at a loss to understand why it is that Senators would adopt such a course. There is nothing to justify it; there is no logical reason for such an arrangement. The only standard of action is an individual one. The only real question is whether we as Senators personally desire to take the responsibility of denying the President the appointment; whether we think it good policy to reverse the practice of a hundred years and oppose the President's wish in the selection of his Cabinet; whether we want to take the responsibility and relieve the President; and, finally, whether we want to decide an important matter of public concern according to a gentleman's agreement and not upon the facts, conditions, and circumstances surrounding the matter under discussion.

Mr. President, we heard delivered in this Chamber on the 10th day of March, during the first discussion of this subject, a short speech, but one which covered the ground. I am going to take the liberty, if I may, of reading that short speech, which was delivered by a good Democrat and a good friend of mine. I regret that afterwards, on account of party pressure, he changed his vote. I will read the speech delivered by the Senator from North Carolina [Mr. OVERMAN] on the occasion referred to:

Mr. OVERMAN. Mr. President, I voted in the Committee on the Judiciary to report favorably the nomination of Mr. Warren to be Attorney General. I wish to say just a few words in explanation of my vote.

Calvin Coolidge was elected President of the United States by an unprecedented majority. Congress makes the laws. The President enforces the laws. The Supreme Court interprets the laws. If Calvin Coolidge does not enforce the antitrust laws or any other laws, which he has sworn to do, he is responsible and the people will hold him responsible.

For 136 years it has been the policy of the Government to allow the President of the United States to appoint his own official family without hindrance with perhaps six rare exceptions. I took the position when Woodrow Wilson was elected President, when there was threatened a fight against two of the members of his Cabinet, that the President ought to have the right to select his official family, for the responsibility had been placed upon him by the American people, and that he would enforce the laws. I took that position then, 16 years ago, and I take it now.

That is good doctrine, and I commend the Senator from North Carolina for uttering that speech. It seems to me that is a doctrine that should control the Senate in acting on the confirmation of Charles Beecher Warren.

The VICE PRESIDENT. For the information of the Senate, the Chair desires to state the amount of time remaining which belongs to the affirmative and the negative. The time left to the affirmative is 13 minutes, and to the opponents of the nomination 50 minutes.

Mr. NORRIS. Mr. President, it is not a difficult matter to reach a fair conclusion as to just what the facts are in this case, for they are practically undisputed. Mr. Warren, quite a good many years ago it is true, was quite active in assisting the American Sugar Trust in obtaining a complete control and domination of the sugar market and sugar production in the United States. No man, in my judgment, can read the record that has been produced before the Senate during this debate and fail to reach the conclusion that, when the Sugar Trust undertook to dominate sugar production and sugar prices in the United States and started out to acquire the beet-sugar factories and control them and bring them into their illegal combination, they selected Mr. Warren as their representative, particularly in the State of Michigan.

It is said that he acted only as attorney, but, Mr. President, the evidence is abundant, and it stands practically uncontradicted, that he went much further than any attorney would ever be justified in going in the interest of his clients. He became a party at interest, he invested his own money; he became president of the corporation that was organized to take over the Michigan sugar-beet factories, and, incidentally, to those who think we are talking about ancient history, let me call attention to the fact that the record discloses that he only resigned as president in January of this year.

That was an unholy combination. Do not forget, Mr. President, that the Sugar Trust was dealing in one of the necessaries of life.

Do not forget that it was this same trust that bribed the officials, that changed the weights at the customhouses, that robbed the Treasury of the United States of millions of revenue to which it was honestly and legally entitled. Do not forget that it was the Sugar Trust of America that performed the most disreputable, the most unholy, and unpatriotic acts against the laws of our country of any trust that ever existed; and, to the shame of the United States and its officers authorized to enforce the law, as far as I know none of them were ever put behind the bars.

It was this trust, having gotten control of the sugar-refining business of the United States, controlling the refining of cane sugar, that reached out into the West to get control of the beet-sugar factories, and Charles Beecher Warren was the man they selected to go into Michigan and other States to get that control. He succeeded. He was able, in working for the American Sugar Trust, to gather together these several factories, combining them into one corporation; and after practically doubling the corporation with watered stock, much of which went into his own pocket, they gathered into one control, under the control of the Havemeyer interests of New York, all the beet-sugar factories of the West. This was done secretly, and Mr. Warren permitted the stock thus acquired to stand upon the books in his own name, when in fact it was owned by the Sugar Trust. This conduct in good morals and common honesty should disqualify him from becoming the head of the department whose duty it is to prosecute such acts when done by others.

Mr. President, it is said that that was years ago; that the statute of limitations has run against that. We are not trying Mr. Warren for a crime. If we were, he could plead the statute of limitations and make a technical defense. Do those who desire the confirmation of Mr. Warren to take place want to rely on a technicality like the statute of limitations to vindicate his character? The statute of limitations saves the criminal from the prison cell. Honest men do not defend themselves by pleading the statute of limitations. It is a guilty man's defense. He is better now, they say. That was years ago. It is practically admitted here on the floor of the Senate that he was the instrumentality, he was the agent of the gigantic trust that fastened this octopus upon the American people, because until he began operations the Sugar Trust did not completely control or dominate the American market. It controlled only cane sugar. The beet-sugar factories in those days were competitive.

It is said in Mr. Warren's defense, too, that these sugar companies of Michigan were losing money. True. When the Standard Oil Trust undertook to buy up its competitors it always saw that its competitors first commenced to lose money. That is what the Sugar Trust did. They put sugar in the markets supplied by the beet-sugar interests at less than the cost of production, and of course the beet-sugar companies lost money. It was part of the plan. It was part of the scheme, as it always is when a trust wants to reach out and grasp a competitor and take it under its wing; and when the losses had occurred they said, "Why, even these men who owned the sugar companies went to Havemeyer and tried to sell." That is natural enough. They were unable to compete. They were glad to sell to anybody. You would have done it, Mr. President; so would you, my brother Senators, when you saw yourselves powerless to compete against this great combination.

When the time was ripe, when the seed was sown, when they were ready to reap the harvest, who was the agent that they sent to gather in these companies and fasten them into one corporation under the grip of the American Sugar Refining Co.? It was Charles Beecher Warren.

Senators say now that he did not know then that it was illegal; that the courts had not yet construed the law fully. In the next breath they cry out that he ought to be confirmed because his great ability as a lawyer makes it necessary that the American people should have him in the Attorney General's office.

Mr. President, can it be argued that we ought to close our eyes, seal our lips, fold our hands, and let this nomination go through without a protest, simply because the nomination is made by the President and that we ought to acquiesce; that it is part of his official family? There is no such thing in law as a President's official family. There is no such thing in law as a Cabinet officer. The Attorney General has under his control enforcement officers in every locality under our flag. It is his duty, as a sort of general controlling an army of prosecutors and marshals and investigators and detectives all over the land, to enforce every Federal law that is on the statute books. His power, his influence for the upholding of law, for the stability of our institutions, goes into every State, into every hamlet, into every Federal court, and even before every Federal commissioner; so that the importance of the office can not be exaggerated.

It is said: "Oh, well, even if he did go into this business with a trust to control not only the production but the sale of sugar, even if he did make it impossible for the farmers of Michigan and other States to make a profit out of growing sugar beets, even if he did extort an unreasonable profit from the consumers of sugar in order to give value to this fictitious stock, this watered stock owned by him and other members of the American Sugar Trust—even if he did all that," they say, "the time has long since passed, and he will do better now. He is the man that you ought to select to enforce all the laws of the United States."

Mr. President, it must be admitted, I think, that he may do all those things. It is possible, it has sometimes occurred, that men have gone into the gambling dens to get the best gamblers there were in order to enforce the law against gambling. Is that the argument that you want to make in favor of Mr. Warren—that he will be a good fellow to enforce the law against trusts because he has had so much to do with the organization and management of this great Sugar Trust? I can not deny that argument. We may do better, when we enforce the prohibition law, if we will hunt up all the ex-saloon keepers and put them in office to do it; but that is not the way we generally think it ought to be done. We may get better United States marshals if we will go behind the prison doors and get the worst criminals that we can find, because they know all about the business and would be good enforcement officers. That may be true, but the ordinary citizen does not act in that way when he selects the officials. So, when we are coming to the time to select a man to enforce the law, we want a man who has a clean record of obedience of law himself, and who does not have to get behind the statute of limitations in order to have clean skirts, either.

The Senator from Massachusetts [Mr. BUTLER] referred to a case recently pending; and I think, therefore, I am justified in referring to that case also. He put in the answer of the Michigan Sugar Co. That was the company organized to take over and which did take over all these separate beet-sugar factories, which was organized by Mr. Warren, of which he became president, and the presidency of which he resigned only a month or six weeks ago. The Senator from Massachusetts put in the RECORD the answer of the Michigan Sugar Co. and the Toledo Sugar Co., another one of these trust companies with which Mr. Warren had something to do.

Let me state to the Senate just what that is; and that is not old, either. There is no statute of limitations about that. That answer which the Senator put into the RECORD was filed in answer to a complaint made by the Federal Trade Commission against 19 corporations, one of which is the Toledo Sugar Co., another one of which is the Michigan Sugar Co., and then there are several other sugar companies scattered all over the Northwest. The complaint was made by the Federal Trade Commission, after an investigation by that commission, charging these companies with a conspiracy, charging them with a violation of the laws of the United States; and this complaint of the Federal Trade Commission was only made on the 23d day of January, 1925. There are no gray hairs attached to that proposition. There is no statute of limitations involved there; and the answers of these defendants were required by that notice to be filed on the 14th day of March, 1925. There is nothing hoary and aged about that. What do they charge him with? I ask unanimous consent to put the entire complaint in the RECORD.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED of Missouri. The Senator stated that this Federal Trade Commission report was made on the 23d day of January.

Mr. NORRIS. Yes.

Mr. REED of Missouri. Was it not just two days after that that Mr. Warren resigned as president of the Michigan Sugar Co.?

Mr. NORRIS. I believe it was. He had two days to consider this complaint, and could not possibly have the statute of limitations ran against it within those two days.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. NORRIS. I yield.

Mr. SWANSON. As I understand, then, the Federal Trade Commission—a governmental agency created to find out whether people are engaged in combinations and conspiracies in restraint of trade—found a charge against the Michigan Sugar Co., of which Mr. Warren was president, in January last?

Mr. NORRIS. Yes; January, 1925. Let me state to the Senator that that was the complaint. The trial will take place later. The Federal Trade Commission, under the law, after making an investigation either upon its own motion or as a result of a complaint, can make a complaint against defendants. That is what has taken place here. That is the investigation that has been made.

Mr. SWANSON. Which indicates conspiracy?

Mr. NORRIS. Yes; it is charged specifically as being a conspiracy.

Mr. SWANSON. Then that is sent to the Department of Justice?

Mr. NORRIS. No. Notice is served upon the defendants and they come in and answer; and this sugar company has answered and the Senator from Massachusetts [Mr. BUTLER] has put the answer into the RECORD. That is the condition, as I understand it.

Mr. SWANSON. It would be the duty of the Department of Justice to conduct the prosecution if they were found guilty of violation of law?

Mr. NORRIS. Yes.

Mr. SWANSON. Consequently, if Mr. Warren becomes Attorney General, the duty of conducting that prosecution against this company would devolve upon him?

Mr. NORRIS. Let us not get into a misunderstanding. If, upon a hearing before the Federal Trade Commission, the Federal Trade Commission find that their original investigation is justified by the evidence, then they will render what is similar to a judgment in court, and the evidence would be turned over to the Attorney General for the purpose of enabling him to prosecute the defendants.

Mr. REED of Missouri. But in the meantime, if the facts have been disclosed by the Federal Trade Commission or by any other authority or person whatsoever, and if those facts show a violation of the law, it instantly becomes the duty of the Attorney General to prosecute, regardless of the proceedings before the Federal Trade Commission.

Mr. NORRIS. Oh, yes; of course it does. I shall now read a part of one of the allegations in the complaint.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. GLASS. Since the Attorney General's own company is charged with this offense, could he not very readily delegate to some subordinate in the Department of Justice the prosecution of the case?

Mr. NORRIS. Oh, yes; and I suppose it will be argued in his favor that he could do it better himself, because he is so much more familiar with the facts. [Laughter.]

I have not time to read all of this complaint—I wish I did have; but the Federal Trade Commission say:

> The above alleged acts and things done by respondents are all to the prejudice of the public and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of an act of Congress entitled, "An act to create a Federal trade commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

Mr. President, I agreed not to take all of the time——

Mr. McKELLAR. Mr. President, will not the Senator have that whole complaint printed in the RECORD?

Mr. NORRIS. I have already requested that that be done.

Mr. McKELLAR. It has not been done yet.

Mr. NORRIS. I am sure I made that request. If I did not, I ask unanimous consent now to have printed in the RECORD, at the conclusion of my remarks, the entire complaint from which I have read.

The VICE PRESIDENT. If there is no objection, it is so ordered.

Mr. NORRIS. Mr. President, can we escape our constitutional duty? It may be that the Senate ought to have nothing to say about any confirmation. It may be that our forefathers made a mistake when they provided in the Constitution that we should pass on nominations; but that is in the Constitution. Talk as we will, we can not get away from that document, and those of us who are raising our voices in protest now are doing it in accordance with the Constitution of the United States and because we respect and revere that great instrument. Those who are demanding that we do nothing except follow the President are, in effect, asking us to disregard our constitutional obligation, and when the President issues his statement and says, "Regardless of the action you may take, I will appoint this man in recess," he is practically flying in the face of the Constitution, and saying, "We will nullify that instrument."

What was the issue in the last great campaign boasted about here, at the conclusion of which Presdent Coolidge received such a wonderful majority? It was, "Follow Coolidge and save the Constitution." Now the slogan in the Senate is, "Follow Coolidge and ruin the Constitution."

One of the principal arguments in the campaign was that the opponents of our party were going to destroy the Constitution. It was not charged that they were going to destroy it by revolution, not even that they were going to destroy it by acting directly contrary to its stipulations, but it was admitted that those who were going to change the Constitution were going to do it in the constitutional way. Here we are called upon not to amend the Constitution and give this authority to the President but to say in the face of a constitutional provision that the President shall have it or that we will give it to him in defiance of the Constitution. Senators must disregard their duty and they must disobey the Constitution and do whatever they are told to do by the President.

It is no indication of disrespect for the President when we disagree with him. It shows no disrespect to a Senator if we disagree with him. There is room enough for honest men to disagree, and when the President sends in a nomination which the Senate, or any Member of the Senate, thinks is wrong, it is our duty to oppose it, and if we do not oppose it, we are violating our oaths as Members of this body to support the Constitution.

Again we hear the cry that it is the duty of a Senator to disregard his oath, to disregard his convictions, and when nominations are sent in to be a "basswood" man, to be a machine, to be an automat, to do what he is told, to vote in favor of any nomination, regardless of what he may think will be the result.

We are criticized for opposing the nomination of Mr. Warren, and in the same breath we are criticized to-day on the floor of the Senate because we did not fight Daugherty when his name was sent here by President Harding. I am inclined to think the criticism is justified. I have read many criticisms in the papers to that effect. We are told in one breath, "You must not oppose Warren because that would show disrespect for the President, but you should have opposed Daugherty, because he was unfitted for the great office of Attorney General."

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Yes.

Mr. BINGHAM. Was not that quotation one from a Democratic newspaper, and not the opinion of a Senator?

Mr. NORRIS. The one to which I have been referring?

Mr. BINGHAM. Yes; with regard to the Attorney General.

Mr. NORRIS. No; the particular one which I had in mind—and I have seen many—was one which appeared in the Nebraska State Journal, one of the leading daily papers of my State, which has connected with it some of the ablest editorial writers in that State. It was the most enthusiastic supporter of Coolidge and Dawes to be found among all the papers in the State, without any exception. It criticized the nomination of Daugherty when it was made, respectfully, I think very ably, and I believe rightly.

Mr. GLASS. Mr. President, suppose the comment did come from a Democratic paper; is a stupid comment any better because it comes from a Democratic paper?

Mr. NORRIS. No, Mr. President; if it comes from a Democratic paper, it shows that even a Democratic paper can be right once in a while. [Laughter.]

Mr. President, there are several other things I wanted to take up, but I do not want to consume all the time left, so I yield the floor.

APPENDIX

UNITED STATES OF AMERICA—BEFORE FEDERAL TRADE COMMISSION

In the matter of Larrowe Milling Co.; American Beet Sugar Co., Oxnard, Calif.; Columbia Sugar Co., Bay City, Mich.; Continental Sugar Co., Detroit, Mich.; Garden City Sugar & Land Co., Garden City, Kans.; Great Western Sugar Co., Denver, Colo.; Holland-St. Louis Sugar Co., Holland, Mich.; Owosso Sugar Co., Owosso, Mich.; Toledo Sugar Co., Toledo, Ohio; Minnesota Sugar Co., Minneapolis, Minn.; Michigan Sugar Co., Saginaw, Mich.; Northern Sugar Corporation, Mason City, Iowa; Iowa Sugar Co., Waverly, Iowa.; Iowa Valley Sugar Co., Belmont, Iowa; Ohio Sugar Co., Ottawa, Ohio; Menominee River Sugar Co., Menominee, Mich.; Spreckles Sugar Co., Spreckles, Calif.; Santa Ana Sugar Co., Santa Ana, Calif.; and Utah-Idaho Sugar Co., Salt Lake City, Utah. Docket No. 1262.

COMPLAINT

Acting in the public interest pursuant to the provisions of an act of Congress approved September 26, 1916, entitled "An act to create a Federal trade commission, to define its powers and duties, and for other purposes," the Federal Trade Commission charges that each and all the respondents named in the caption hereof have been and are

using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act, and states its charges in that respect as follows:

PARAGRAPH 1. Respondent Larrowe Milling Co. is a corporation organized under the laws of the State of Ohio, with its principal office in the city of Detroit, in the State of Michigan, and a plant for the manufacture of mixed dairy feed in the city of Toledo, State of Ohio. This respondent is engaged in the manufacture of mixed cattle feed at its said plant and the sale thereof in commerce between and among various States of the United States, and is further engaged in acting as sales agent for respondent manufacturers in the sale and distribution of dried sugar-beet pulp, all as hereinafter more fully set out.

Respondents American Beet Sugar Co., Columbia Sugar Co., Continental Sugar Co., Garden City Sugar & Land Co., Great Western Sugar Co., Holland-St. Louis Sugar Co., Owosso Sugar Co., Toledo Sugar Co., Minnesota Sugar Co., Michigan Sugar Co., Northern Sugar Corporation, Iowa Sugar Co., Iowa Valley Sugar Co., Ohio Sugar Co., Menominee River Sugar Co., Spreckles Sugar Co., Santa Ana Sugar Co., and Utah-Idaho Sugar Co. are severally corporations engaged in the manufacture of beet sugar, and respectively operating plants and factories for the manufacture of such sugar at the points and in the States set out after their names in the caption hereof.

PAR. 2. The manufacture of beet sugar consists in shredding and reducing sugar beets to a pulp and of thereafter extracting the sugar content of such pulp. After the sugar has been so extracted said pulp becomes a by-product of said sugar manufacturing and is sold and distributed to stock raisers and to manufacturers of and dealers in cattle feeds as a feed for cattle, and is used as such either of itself or as an ingredient in mixed feeds. The term "beet pulp," whenever hereinafter used, refers to sugar-beet pulp sold as a cattle feed after the extraction of the sugar content as above set out. Respondent manufacturers each annually produce large quantities of such pulp, and in the aggregate produce 75 per cent, or more than 75 per cent, of the total quantity of such pulp produced in the United States.

PAR. 3. For about three years last past respondents have been and still are engaged in a wrongful and unlawful combination and conspiracy to stifle and suppress competition in the distribution and sale of beet pulp in interstate commerce. During said time respondents, to effectuate said combination and conspiracy and its said purposes, have cooperated together and with each other in doing the following acts and things:

(a) Respondent manufacturers have entered into contracts with respondent Larrowe Milling Co., by the terms whereof said milling company is given the exclusive right and privilege of selling all the beet pulp produced by the manufacturer each season over a term of years, excepting, in some instances, a limited supply of said pulp, which is retained by the manufacturer to sell directly to ultimate consumers in the immediate neighborhood of its factory.

(b) Respondent manufacturers abide by the terms of said contracts and refrain from selling their beet pulp except through respondent Larrowe Milling Co. as such sales agent, and respondent Larrowe Milling Co. sells said pulp to manufacturers of and dealers in cattle feeds located throughout the United States, causing said pulp when so sold to be transported from the plants of the respondent manufacturers in interstate commerce to the purchasers thereof located in States other than where said plants are located.

(c) Respondent manufacturers from time to time keep respondent Larrowe Milling Co. advised of the quantity of beet pulp on hand remaining unsold and of the estimated quantity of such pulp which will be produced in the future, together with other information and data of a character to enable respondent Larrowe Milling Co. to, and it does, fix prices, terms, and discounts, and maintains price levels on the entire sales of beet pulp for respondent manufacturers, and respondent manufacturers abide by and adhere to said prices, terms, and discounts.

(d) Respondent Larrowe Milling Co., acting upon the information so received, withdraws beet pulp from the market in certain localities and pushes the sale of such pulp in other localities and otherwise manipulates the market in such manner as to secure high prices for all the beet pulp sold by it.

PAR. 4. The effect of aforesaid combination and conspiracy, and the acts and practices done and engaged in by respondents in carrying out the same, all as hereinbefore set out, has had and now has the tendency to suppress and has suppressed competition in price and otherwise in the sale and distribution of beet pulp in trade and commerce between the States, and has denied to the public those advantages in price and otherwise which would obtain in said industry under conditions of natural and normal competition between respondents and in the absence of aforesaid acts and things done by them.

PAR. 5. The above alleged acts and things done by respondents are all to the prejudice of the public, and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of an act of Congress entitled "An act to create a Federal trade commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

Wherefore, the premises considered, the Federal Trade Commission, on this 23d day of January, A. D. 1925, now here issues this its complaint against said respondents.

NOTICE

Notice is hereby given you, each and all the respondents named in the caption hereof, that the 14th day of March, 1925, at 10.30 o'clock in the forenoon, is hereby fixed as the time, and the offices of the Federal Trade Commission, in the city of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you shall have the right, under said act, to appear and show cause why an order should not be entered by said commission requiring you to cease and desist from the violation of the law charged in this complaint.

In witness whereof, the Federal Trade Commission has caused this complaint to be signed by its secretary, and its official seal to be hereto affixed at Washington, D. C., this 23d day of January, A. D. 1925.

By the commission:

[SEAL.] OTIS B. JOHNSON, *Secretary*.

Mr. SHORTRIDGE. Mr. President, deference for the wishes of others has deprived me of the privilege of expressing myself in more than two or three sentences.

The President has the power to make this nomination. We have the power to reject it. The President, in the exercise of his constitutional power and in the performance of his duty as he conceived it, has nominated a distinguished American citizen for the office of Attorney General. We, in the exercise of our constitutional power and in the performance of our duties, are to pass upon his qualification to represent our Government as its Attorney General, and to advise and consent, or refuse to advise and consent, to his appointment.

I take this opportunity to repeat what I said on March 10, premising by saying, not with feigned and pretended respect, but with sincere respect, for the opinions of others, that nothing has occurred, no argument has been advanced, no fact has been disclosed to change the opinion which I then entertained and expressed.

The people of the United States have confidence in the President. The President of the United States has confidence in Charles Beecher Warren. As a Senator of the United States, I have confidence in them both. That is sufficient.

Those facts were sufficient then, they are sufficient now, to guide me in passing upon the question we are here and again considering and must very shortly determine.

The President has performed his duty under his oath.

I have no reason to doubt that the President was conscious of that oath when he sent to us this nomination. I venture to recall to Senators that in addition to the power of nominating and appointing, to which we have so often referred, the Constitution provides that the President "shall take care that the laws of the United States be faithfully executed."

Does anyone suppose that the President took that oath with any mental reservation, or any concealed intention to escape from its legal and its divine mandate? Does anyone venture to say here, does anyone have the intellectual audacity even to think, that the President was actuated by any desire other than a desire to see to it that the laws "shall be faithfully executed"?

To advise and aid him in the discharge of his duty, the President has sought, and still seeks, the assistance of an Attorney General, and has chosen, and still chooses, the nominee whose name is before us. Is it to be supposed—and how sincerely I throw these words at my friends yonder I can not now state—is it to be supposed that the President was uninformed as to the character and the professional and other activities of the man he has chosen to advise and aid him in the enforcement of the laws of their and your and of my country.

We know the President, and the people of the United States know the President. We know that he stands for law and its enforcement. We know that he walks the path of official duty, unmoved by the clamor of volcanic oratory, unseduced by flattery, unafraid, unashamed. We know that he has walked the path of duty for over a quarter of a century, with the increasing and continuing love and confidence of the American people.

Therefore I am justified, therefore you are justified, therefore the American people are justified in believing that the President knew that in selecting Charles Beecher Warren to advise and aid him in enforcing the laws, guarding the rights of the people, and protecting the interests of the Government, he was selecting a citizen of unblemished character, of proved ability, one who would be, and, if confirmed, will be, faithful

to his oath, and one who will assist the President in taking care that the laws—not one, not two, but all the laws of this Republic—shall be carried into effect, shall be faithfully executed—fairly, justly, without fear or favor. Therefore I shall vote gladly to confirm this nomination.

The VICE PRESIDENT. The Chair should state for the information of the Senate that 24 minutes remain for those on the negative side of the question.

Mr. WATSON. How much time for those on the affirmative side?

The VICE PRESIDENT. Five minutes.

Mr. WALSH. Mr. President, in the few brief moments allowed to us on this important matter I shall attempt to do no more than refer in the most direct and concise way to some of the arguments advanced to induce the confirmation of the pending nomination.

It is said that this is a partisan attempt to embarrass the President of the United States. I remind the Senate and I remind the country that without any kind of objection of a partisan or other character, the Senate unanimously has confirmed the following nominations of the President of the United States as members of his Cabinet, namely:

Howard M. Gore, Secretary of Agriculture.
William M. Jardine, Secretary of Agriculture.
Harlan F. Stone, Attorney General.
Harlan F. Stone, Associate Justice of the Supreme Court of the United States.
Frank B. Kellogg, Secretary of State.
Harry S. New, Postmaster General.
Curtis D. Wilbur, Secretary of the Navy.

If the President of the United States is embarrassed in any wise whatever by reason of any action taken against the pending nomination, it must be because the nomination is utterly indefensible, as I have heretofore stated upon the floor of the Senate. The President of the United States can not be embarrassed by purely political reasons about his nomination. The only way he can be embarrassed is to send here a name for a high official position which can not be approved by Members of this body in consonance with their conscientious convictions of duty.

Then it is said that the President ought to be allowed to select the members of his own official family, the members of his Cabinet. It will be recalled that in opening the discussion I declared that I subscribed to the doctrine that under ordinary circumstances the President ought to be allowed to do so without any partisan or factional opposition. But I submit that this is one of the extraordinary cases. It will be remembered that in the convention which framed the Constitution of the United States it was advanced by Alexander Hamilton that the President of the United States ought to be given permission at will and without any attempt whatever to name his Minister of Finance and other members of his Cabinet. I regret that the junior Senator from Massachusetts [Mr. GILLETT] apparently is not in the Chamber. Although his erudition has been questioned to some extent here on the floor to-day, I have no doubt that he would recall that the Representatives from his great State demanded that the proposition be rejected and that the power be vested in the Senate of the United States to confirm nominees for members of the Cabinet, as well as all other officers of the United States.

But, Mr. President, the force of that combination, in view of the many precedents with which it is supported, was so great that many Members upon this side of the Chamber who were uninformed concerning the facts which have been revealed before this body declared their purpose to vote in favor of Mr. Warren. It is perfectly well known that some of them having departed without having heard the facts disclosed upon the floor declared they desired to have their votes recorded in favor of the nomination and declined to be paired against it; and yet when the information upon which the opposition has been based was laid before the Senate and when their attention was called to the indisputable evidence in the case every one of them concluded that it was not consistent with his duty to do anything but oppose the nomination.

Then it has been stated that this is a matter of playing politics, and in an article appearing a few days ago in one of the journals supporting the nomination, in which some stinging remarks were directed at Members upon the other side of the aisle who are opposing the nomination, it was said, "Of course it is all right for the Democrats to oppose it. That is politics. That is politics"; the charge, of course, being that there is no foundation whatever to the opposition except a desire for some political or partisan advantage.

My esteemed friend the junior Senator from Massachusetts [Mr. GILLETT], whose career as a public officer has always evoked my approbation, advised the Senate that I had stated that I was not actuated in any way by partisan motives in the attitude I have taken with respect to the nomination. I am sure the RECORD will be searched in vain for any statement of that character emanating from me. The Senator from Massachusetts has been misled. I do not undertake to say that in the complex motives that may actuate me in my attitude with respect to this matter political considerations do not enter. All I desire to say in that connection is that I have discovered, particularly in these controversies, that if it is possible to give to a political opponent an unworthy motive for his conduct there is always some one ready to assign it.

I said I do not disclaim the idea that to some extent I am influenced in my conduct in relation to this matter by reason of my political affiliations. Why should not I be? On this floor some time ago I declared that it was the absolute duty of an opposition body to point out defects in policies advocated by the other side and to point out to the country weaknesses and improprieties in the conduct of any man nominated for public office upon the other side. I have a letter, received just this morning from an eminent lawyer of the city of Philadelphia, calling my attention to the fact that the country depends upon the opposition to show whatever defects there may be in nominations by a President for public office, because it is not to be expected that his own political friends will disclose those facts to the country. They come reluctantly to the task. I know perfectly well how difficult it is for Members upon the other side of the Chamber to oppose the pending nomination.

If the attitude of the President were followed, the power given to the Senate of the United States to confirm nominations made by him, and to advise and consent to them, would be utterly gone. It would become a mere formality if the President of the United States could send a nomination to the Senate, and, being rejected, could then give a recess appointment and continue that man in office; and yet not a word from Senators upon the other side of the aisle attached to the President of the United Staes in denunciation of what is apparently a violation at least of the perfect spirit of the Constitution.

I do not complain about it. I understand the difficulties of their position. But what I mean to say is that if there is politics upon this side of the Chamber in opposing the nomination let me undertake to say that there is politics on the other side in supporting the nomination. Who would undertake to say that Senators upon the other side of the aisle who are supporting the nomination are actuated by perfectly pure and upright motives without any tinge of partisanship whatever in their actions?

Mr. President, I have here a copy of the New York Herald-Tribune of a few days ago in which the Washington correspondent of that stalwart Republican newspaper states that there are probably not five Senators upon the Republican side of the Chamber who are really anxious to see Mr. Warren confirmed. Why are they there? Can anybody assert that political considerations are not to some extent active with them?

Mr. President, it will be recalled that when the distinguished Senator from Iowa [Mr. CUMMINS], the chairman of the Committee on the Judiciary, rose to state the case for Mr. Warren he told the Senate that the charge against Mr. Warren was that he had been attorney for a great corporation and for a trust. I took occasion then to correct the statement as being a statement of the attitude of those who were opposing the nomination of Mr. Warren and stated then upon the floor of the Senate that the testimony of Mr. Warren himself before two investigating committees disclosed not that he was simply acting as attorney but he was the alter ego of the offensive and oppressive Sugar Trust in endeavoring to fasten the monopoly represented by that organization upon the American people; that he was their representative and their organizer in the State of Michigan, not only gathering together the feeble companies of the State of Michigan, as has been represented, into the Michigan Sugar Co. but that he actively participated in the effort of Henry O. Havemeyer and the rest to gather in control the entire beet-sugar interests of the country.

The Senator from Iowa went on, and when he concluded I said to the Senate that I should proceed to read letters which would make it clear beyond the peradventure of a doubt that what I had stated was true, and that Mr. Warren was not representing them in the attitude of a counsel advising his client as to what the law was under certain circumstances, but that he was as guilty of the trust proceeding as Henry O.

Havemeyer himself. Yet after those letters had been produced and read in the Senate establishing that and more than that, establishing not only that he was engaged in organizing a combination in restraint of trade but that he was actually engaged in the fixation of price, in the division of territory, and other obnoxious monopolistic practices, the distinguished Senator from Pennsylvania [Mr. PEPPER] rose to his defense and got right back upon the ground stated by the Senator from Iowa [Mr. CUMMINS] in his opening argument that all he did was done in the capacity of counsel, which he proceeded to justify upon the ground that at that time a different view concerning the trust laws obtained before the country and by the bar, and not one word about the damning evidence that was introduced from the records of the Michigan Sugar Co., consisting of letters from and received by Mr. Warren.

Mr. PEPPER. Mr. President, will the Senator from Montana yield to me?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. WALSH. I yield to the Senator.

Mr. PEPPER. I think the statement which the Senator from Montana has just made must have been made either in ignorance or forgetfulness of the facts which the record will disclose.

Mr. WALSH. I read the speech of the Senator from Pennsylvania this morning in the RECORD.

Mr. PEPPER. Then, the Senator's statement is made in forgetfulness, not in ignorance of the facts, the circumstance being that I took the pains to quote the Senator——

Mr. WALSH. I can not permit the Senator to take my time.

Mr. PEPPER. Very well.

Mr. WALSH. I shall have to stand by the statement which I have made, and which I am perfectly willing to stand by.

Now, Mr. President, I wish to point out that there is just one way to reach this issue. It was raised squarely by the controversy and the colloquy between myself and the Senator from Iowa [Mr. CUMMINS]. The issue is, Did Mr. Warren act merely as an attorney at law, as a counselor advising his client as to the law, or did he act as the alter ego of the Sugar Trust itself and endeavor to gather up the sugar factories of the State of Michigan? There is only one way to answer that, and that is to take the letters, to analyze them, and to show that they are entirely consistent with the theory thus advanced by the defenders of Mr. Warren. Who has undertaken to do it? No one. Mr. Warren's defenders seem to desire to keep entirely clear of those letters, to forget all about them, like my distinguished friend and able lawyer the new Senator from the State of West Virginia [Mr. GOFF], who had not the hardihood to take up these letters and canvass them one by one and to explain the damning evidence contained in them.

I merely desire to refer to the argument made by my distinguished friend the new Senator from Connecticut [Mr. BINGHAM], of whom I have formed a very high opinion, that these are old affairs, that this is an old story. Just how old is it? In the year 1922 the consent decree was entered in the Sugar Trust case, when the court found and adjudged that the Michigan Sugar Co. and the American Sugar Refining Co. had entered into a conspiracy in restraint of trade in defiance of and in violation of the Sherman Antitrust Act. In the year 1922, only three years ago, that judgment was rendered.

It is said that Mr. Warren was dismissed as a defendant in that action. So he was, but the Michigan Sugar Co. was not. It was adjudged to be a violator of the law. Who and what is the Michigan Sugar Co.? The letters read in evidence here disclose that Charles Beecher Warren was the active agent, the representative of the American Sugar Refining Co., and the president of the Michigan Sugar Co., and the adjudication against the Michigan Sugar Co. is an adjudication, in morals, at least, against Charles Beecher Warren.

The Federal Trade Commission now comes forward and tells us that even at this very day the Michigan Sugar Co. is engaged in a conspiracy with various other companies to fix the price of beet pulp to the farmers of the United States to be purchased by them for the fattening of livestock. After an investigation, as stated by the Senator from Nebraska [Mr. NORRIS], they charge that that is the case. Now the answer comes in, but if the charge should be sustained by any evidence, it will become the duty of the Attorney General of the United States to prosecute the Michigan Sugar Co.; and yet Senators are seeking to invest Charles Beecher Warren with the duty. I can not believe that Senators of the United States will put themselves in that position before the country and before the world.

Mr. President, I now yield whatever time there is on our side to the Senator from Arkansas [Mr. ROBINSON].

Mr. ROBINSON rose.

The VICE PRESIDENT. The Chair understands the arrangement was that the speeches in the discussion of this matter were to alternate.

Mr. FESS. Mr. President——

The VICE PRESIDENT. The Senator from Ohio.

Mr. FESS. Mr. President, a parliamentary inquiry. What time is left for discussion on this side?

The VICE PRESIDENT. Five minutes.

Mr. FESS. Mr. President——

Mr. PEPPER. Mr. President, will the Senator from Ohio yield to me, in order that I may read into the RECORD a few words? It will take but a moment.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield, though I have only a short time.

Mr. PEPPER. I wish to read, beginning near the top of page 235 of the CONGRESSIONAL RECORD, a quotation from my remarks upon which the Senator from Montana [Mr. WALSH] has commented:

> It is said this man may be a lawyer of distinction; he may have the qualities of character and experience which fit him for this place; but some 20 years ago he was the attorney, the business adviser, and, it is even said, the business agent of the American Sugar Refining Co., or the Sugar Trust, in putting together some corporate structures which at that time were believed to be legal, and engaging in the process of fixing the price of sugar, the commodity in which the refining company was dealing.

I thank the Senator from Ohio.

Mr. FESS. Mr. President, it appears to me that the issue has been brought now to the single inquiry whether Mr. Warren, the man nominated for the office of Attorney General, is disqualified because of any defect of character as evidenced by what he did some years ago. That issue should be determined by testimony of competent witnesses. By that standard no doubt is left in my mind, and I feel convinced it would not influence adversely anyone free from partisan bias.

I regret more than I can express the issue involving the question of the constitutionality has been raised here and stoutly contended as to whether the President shall be permitted to make up his official family as he may see fit. With two notable exceptions, that practice has been followed uninterruptedly for over 130 years, and there is now no one on the floor who is willing to commend the attitude assumed or the action taken in those two exceptions. Few, if any, Senators would commend the conduct of this body in its conflict with Jackson in 1832, Tyler in 1843, or Johnson in 1867.

The first case was where President Jackson had dismissed William J. Duane from the office of Secretary of the Treasury because he would not remove the deposits of the Government to the several States. The Secretary contended he had no constitutional authority to remove the funds to 89 State banks. When he was dismissed on behalf of another more complacent there was raised the question whether the President had the right to remove him. President Jackson announced the appointment of Roger B. Taney, with orders to make the removal of the deposits. Issue was joined immediately, and the contest was led in this body by John C. Calhoun, aided by Henry Clay and Daniel Webster, raising the question whether or not that was a constitutional act. Those three famous men, known as the "great triumvirate" in the American Senate, joined against the President and refused to confirm the nomination of Mr. Taney, not so much because he was to be Secretary of the Treasury, but because of the fact that he was ordered to do what they claimed was an unconstitutional act. That is the Roger B. Taney precedent, and I am quite certain that Senators will appreciate its significance.

In the case of Caleb Cushing, those familiar with it will recall that Tyler was elected Vice President on the ticket with William Henry Harrison, but Harrison died one month after he was inaugurated and Tyler succeeded him in the office of President.

Tyler refused the dictation of Clay and Webster and fell into bad repute and ended his administration after constant resistance as an enemy of the party which elected him. It was this situation that led to the rejection of Cushing.

The same situation obtained with Johnson, who vetoed 21 bills of Congress, 17 of which were passed over his veto. His Cabinet appointments were questioned. These cases are quoted only to indicate the unwisdom of the policy.

In the selection of the Cabinet the one responsible party should be given full power to select, otherwise he can not be made responsible. This has been the custom from the days of Washington.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. ROBINSON. Mr. President, this controversy must not degenerate into an issue between the Executive and the Senate. No justification exists for the display of animosity or resentment, either by the President toward the Senate or by Senators toward the Executive, in connection with the question whether the Senate shall advise and consent to the nomination of Charles B. Warren as Attorney General.

The law of the land requires action by both. It is the plain intent of the Constitution that neither shall act with entire independence of the other. The President nominates public officers, but, except when the Congress so authorizes, his appointments can not become effective without the advice and consent of the Senate. Wise public policy requires that both the Executive and the Senate shall act temperately and dispassionately, and that each shall proceed with due regard and consideration for the prerogatives of the other.

The Senate should not arbitrarily refuse its advice and consent to a nomination for office made by the President, and the Executive is not justified in demanding the acceptance of a candidate found objectionable by the Senate. Since the action of two coordinate departments of the Government is required by the Constitution in filling Federal offices, the representative of neither should employ compulsion or intimidation with respect to the action of the other. The advantage of requiring a joint decision is lost if the function of one of the departments becomes merely perfunctory or acquiescent.

Some who admit the correctness of the general principle now asserted think that it should not be applied to those officers commonly known as members of the President's Cabinet. Undoubtedly deference for the President's convenience and wishes should prompt the Senate to accept the President's choice for Cabinet positions when serious questions of public policy or moral deficiency are not raised. It will hardly be suggested by any Senator that this body should under no conditions object to a nominee for the Cabinet. Such a contention has never been made, and might necessarily involve a plain violation of official duty—assuming that a President might be uninformed as to the moral or mental fitness of his choice.

The country, Mr. President, has had recent instances of Cabinet members whose personal character proved so objectionable from the standpoint of morality and fidelity that one would convict himself of insincerity and ignorance if he committed himself to such a doctrine.

The office of Attorney General was created and its powers are defined by statute. The Attorney General is an adviser of the President, but his more important and far-reaching duties have relation to every department and agent of the Government and to the public at large. He supervises in a sense the enforcement of Federal laws throughout the Nation. He selects the agents to investigate violations of law and recommends for appointment the judges who interpret the Constitution and statutes, as well as the marshals and other agents who investigate charges and who execute processes.

The views of an Attorney General are inseparable from the policies of the Department of Justice, and these policies, as everyone knows, sustain an intimate relationship to the effectiveness of every criminal and penal statute. The Senate has already once decided that the President's choice for Attorney General, by reason of his record in the organization and management of certain corporations adjudged by the courts to have proceeded oppressively and in disregard of the antitrust laws and by reason of his personal responsibility for the lawless acts of those corporations, may not wisely be intrusted with the great responsibilities attached to the office of Attorney General. This is, of course, embarrassing to Mr. Warren and his friends, and some degree of embarrassment may also result to the President by reason of the Senate's decision. But this decision is just as binding, if adhered to, as would have been the President's finding had be determined that Mr. Warren could not properly be nominated to the office of Attorney General.

The course pursued by Mr. Warren in connection with the affairs of the Michigan Sugar Co. is portrayed by his own testimony before committees of the Congress and in letters over his own signature. It is urged by the opposition to him that lack of fairness and sincerity and a readiness secretly to circumvent the antitrust laws are established. After a prolonged discussion the Senate failed by a tie vote to confirm the nomination of Mr. Warren.

This of itself should have been sufficient. Unless the Executive chooses to take the position that the Senate has no business to exercise its constitutional prerogative in connection with appointments to the Cabinet; unless the Executive desires to insist that the selection of an Attorney General is a matter of no concern to the Senate; unless the President takes the position that the Constitution, which requires the Senate to advise and consent, must be ignored and disregarded, the rejection of Mr. Warren should have prompted the selection by the Executive of another candidate. Inasmuch, however, as the vote was close and the Vice President absent, the President saw fit to return the nomination for further consideration. He has insisted that the Senate reverse its attitude. Many Senators would like to earn the good will of the President by yielding to his request.

Many on this side of the Chamber were slow to cast their votes in the negative. They desired, if justified in so doing, to abide by the President's selection. But when the record was presented to the Senate they were reluctantly convinced that the President's choice for Attorney General did not deserve that confidence and could not receive that support which the high character of the office and its relationship to the liberties and privileges of our citizens should command.

The issue before the Senate is of great public importance. It should be considered solely in its public aspect. Surely no Senator can find happiness in taking a course which is embarrassing to the President or to one whom he deems worthy of selection as Attorney General of the United States. But, after all, the main consideration is the public interest. The early future promises a decisive issue relative to the enforcement of laws against trusts and combinations. The faith of the people in their Government will not be diminished through the action of the Senate in declining to confirm the nomination of Mr. Warren when they study the record, even though the action of the Senate be misinterpreted and unfairly criticized by many newspapers whose managers permit them to publish one-sided or misleading information.

Senators at last serve not only as Members of a great lawmaking body but as ambassadors of the States to the Central Government. Their highest reward must be the consciousness of duty, however unpleasant, faithfully performed.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. HARRISON, Mr. SWANSON, Mr. HEFLIN, and Mr. REED of Missouri called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination of Charles Beecher Warren as Attorney General of the United States? On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE], and will vote. I vote "yea."

Mr. GEORGE (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN], who, if present, would vote as I shall vote. I vote "nay."

Mr. McMASTER (when his name was called). I desire to announce that I am paired with the junior Senator from Pennsylvania [Mr. REED]. If the junior Senator from Pennsylvania were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], who, I understand, is now upon the high seas. I have tried to get a transfer. I have been unable to do so. Therefore I can not vote. If I were at liberty to vote, I should vote "nay," and the Senator from Wyoming would vote "yea."

The roll call was concluded.

Mr. HARRISON. My colleague [Mr. STEPHENS] is necessarily absent. He has a pair on this question with the senior Senator from New Jersey [Mr. EDGE]. If my colleague were present, he would vote "nay," and the senior Senator from New Jersey, if present, would vote "yea."

Mr. BRATTON. The senior Senator from New Mexico [Mr. JONES] is necessarily absent, but is paired with the Senator from Vermont [Mr. GREENE]. If the senior Senator from New Mexico were present, he would vote "nay."

Mr. DALE. It has already been announced that my colleague [Mr. GREENE] is paired, but I am informed that if he were present he would vote "yea."

The result was announced—yeas 39, nays 46, as follows:

YEAS—39

Bingham	Fernald	McKinley	Schall
Butler	Fess	McLean	Shortridge
Cameron	Gillett	McNary	Smoot
Capper	Goff	Means	Spencer
Cummins	Gooding	Metcalf	Stanfield
Curtis	Hale	Moses	Wadsworth
Dale	Harreld	Oddie	Watson
Deneen	Jones, Wash.	Pepper	Weller
du Pont	Keyes	Pine	Willis
Ernst	Lenroot	Sackett	

NAYS—46

Ashurst	Edwards	Kendrick	Robinson
Bayard	Ferris	King	Sheppard
Blease	Fletcher	Ladd	Shipstead
Borah	Frazier	La Follette	Simmons
Bratton	George	McKellar	Smith
Brookhart	Gerry	Mayfield	Swanson
Broussard	Glass	Neely	Trammell
Bruce	Harris	Norbeck	Tyson
Caraway	Harrison	Norris	Walsh
Copeland	Heflin	Ralston	Wheeler
Couzens	Howell	Ransdell	
Dill	Johnson	Reed, Mo.	

NOT VOTING—11

Edge	McMaster	Pittman	Underwood
Greene	Overman	Reed, Pa.	Warren
Jones, N. Mex.	Phipps	Stephens	

So the Senate refused to advise and consent to the nomination.

NORTHERN PACIFIC LAND GRANTS

As in legislative session,

The PRESIDENT pro tempore announced the appointment of Mr. ASHURST as a member on the part of the Senate of the special committee authorized under Public Resolution 24, directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, approved June 5, 1924, in place of Mr. CARAWAY, resigned.

HEARINGS BEFORE COMMITTEE ON REVISION OF THE LAWS

As in legislative session,

Mr. ERNST submitted the following resolution (S. Res. 39), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Revision of the Laws, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per hundred words to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

JOHN A. ROBINSON—WITHDRAWAL OF PAPERS

As in legislative session,

On motion of Mr. MCKINLEY, it was

Ordered, That the papers filed with the bill (S. 2439) for the relief of John A. Robinson be withdrawn from the files of the Senate, no adverse report having been made thereon.

EXECUTIVE SESSION WITH CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 15 minutes spent in secret executive session the doors were reopened and (at 2 o'clock and 55 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Tuesday, March 17, 1925, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 16 (legislative day of March 10), 1925

ASSISTANT SECRETARY OF AGRICULTURE

Renick W. Dunlap, of Ohio, to be Assistant Secretary of Agriculture.

CONFIRMATION

Executive nomination confirmed by the Senate March 16 (legislative day of March 10), 1925

POSTMASTER

OHIO

Plummer D. Folk, Leipsic.

REJECTION

Executive nomination rejected by the Senate March 16 (legislative day of March 10), 1925

ATTORNEY GENERAL OF THE UNITED STATES

Charles Beecher Warren to be Attorney General.

SENATE

TUESDAY, *March 17, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, always so gracious in Thy dealings with us and ever remembering our needs, we come this morning, while attempting to lisp Thy holy name in prayer, to realize again and again our dependence upon Thee. Teach us continually even by Thy providences how dependent we are, so that through the duties of this day and looking toward the morrow, when separation may be had, Thy guiding providence may be around each life. Keep, we beseech Thee, each from the ills and the dangers that may be threatening, and grant that in each respective home brightness and blessing may be vouchsafed. The Lord be with us constantly, helping and leading us in simple trust in Jesus our Savior. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 10, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS. Mr. President, I offer the resolution which I send to the desk and ask for its adoption.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 40) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the Vice President to wait upon the President of the United States and inform him that the Senate has about completed the business of the present session and desires to know if the President has any further communications to make to it.

The VICE PRESIDENT appointed Mr. CURTIS and Mr. ROBINSON as the committee.

PETITIONS AND MEMORIALS

Mr. LADD presented the following joint resolution of the Legislative Assembly of the State of North Dakota, which was ordered to lie on the table:

Senate bill 196

(Introduced by Mr. O. H. Olson and Mr. Magnuson)

A joint resolution requesting Congress to enact suitable legislation to protect the farmers' market and reduce his marketing cost

Be it resolved by the Senate of the State of North Dakota (the House of Representatives concurring):

Whereas agriculture is entitled to equal protection with industry and labor, and the export surplus should not be allowed to fix the domestic price and nullify tariff provisions ostensibly enacted for the benefit of agriculture; and

Whereas it is essential to successful cooperation that the local and terminal marketing machinery be cooperatively owned and operated by the producers: Be it

Resolved by the Legislative Assembly of the State of North Dakota, That Congress be requested to enact suitable legislation for the immediate benefit of agriculture, providing a practical method of segregating and disposing of the surplus, in order that the American farmer may sell at an American price and share with industry and labor equal protection against foreign prices; be it further

Resolved, That Federal aid be directed to the acquisition and operation by cooperatives of the local and terminal facilities essential to cooperative marketing, and that the market places of the great staples be opened to all buyers and sellers without discrimination and subject only to legal restrictions; and be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each Representative of the State of North Dakota in the United States Senate and House of Representatives.

WALTER MADDOCK,
President of the Senate.

C. A. VERAY,
Secretary of the Senate.

B. C. LARKIN,
Speaker of the House.

J. C. MILLER,
Chief Clerk of the House.

This certifies that the within bill originated in the Senate of the Nineteenth Legislative Assembly of the State of North Dakota, and is known on the records of that body as Senate bill No. 196.

[SEAL.] C. R. VERAY,
Secretary of the Senate.

Filed in this office this 2d day of March, 1925, at 11 o'clock a. m.

ROBERT BYRNE,
Secretary of State.

Mr. McNARY presented the following joint memorials of the Legislature of the State of Oregon, which were severally ordered to lie on the table:

STATE OF OREGON,
HALL OF REPRESENTATIVES,
THIRTY-THIRD LEGISLATIVE ASSEMBLY, REGULAR SESSION.

House joint memorial No. 1

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Legislature of the State of Oregon, respectfully represent that:

Whereas there is now pending before the Congress of the United States a bill known by the short title of "Migratory bird refuge act," and

Whereas the provisions of this bill include the assessment of an annual hunting license fee from all persons hunting migratory game birds, and

Whereas the enactment of this bill by the Congress of the United States would greatly interfere with and impede similar measures of conservation already undertaken or contemplated by the State of Oregon: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon, the Senate jointly concurring, That we do most earnestly petition and memorialize the Senate and House of Representatives of the United States in the name of the State of Oregon that the said "Migratory bird refuge act" be not enacted into law; be it further

Resolved, That the secretary of state of the State of Oregon be, and is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America.

Adopted by the house January 28, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 12, 1925.

GUS C. MOSER,
President of the Senate.

Indorsed: House joint memorial No. 1. Introduced by Mr. R. J. Kirkwood. W. F. Drager, chief clerk. Filed: February 17, 1925. Sam A. Kozer, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 1 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 17, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 20th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER, *Secretary of State.*

STATE OF OREGON,
HALL OF REPRESENTATIVES,
THIRTY-THIRD LEGISLATIVE ASSEMBLY, REGULAR SESSION.

House joint memorial No. 3

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Legislature of the State of Oregon, respectfully represent that—

Whereas Diamond Lake, situated in the Umpqua National Forest in the State of Oregon, approximately 20 miles north of Crater Lake, was originally barren of fish life; and

Whereas the State of Oregon has stocked Diamond Lake with rainbow trout, and within a comparatively few years has developed this lake into what is undoubtedly one of the greatest fishing lakes in the world, and has developed upon the shores of this body of water the greatest rainbow trout egg-taking station on the continent, producing annually in excess of 17,000,000 trout eggs; and

Whereas any act or thing which might deprive the State of Oregon of the free use of this body of water for the uses herein mentioned would inflict inestimable and irreparable damage upon the State of Oregon: Now, therefore, be it

Resolved by the House or Representatives of the State of Oregon, (the Senate jointly concurring), That we do most earnestly petition and memorialize the Senate and the House of Representatives in the name of the State of Oregon that the said Diamond Lake and a sufficient amount of land on the borders thereof upon which to carry out the purposes of the State of Oregon in fishing, fish culture, and propagation be granted and deeded to the State of Oregon in perpetuity for the said purposes of fishing, fish culture, and propagation; be it further

Resolved, that the secretary of state of the State of Oregon be and is hereby instructed to forward a copy of this resolution to each Member of Congress of the United States of America.

Adopted by the house January 28, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 12, 1925.

GUS C. MOSER,
President of the Senate.

(Indorsed: House joint memorial No. 3. Introduced by game committee. W. F. Drager, chief clerk. Filed: February 17, 1925. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 17, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 20th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER, *Secretary of State.*

STATE OF OREGON,
HALL OF REPRESENTATIVES,
THIRTY-THIRD LEGISLATIVE ASSEMBLY, REGULAR SESSION.

House joint memorial No. 4

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully submit that—

Whereas there is situated in Harney County, Oreg., two inland bodies of water known as Malheur and Harney Lakes, which are fed by the waters of Silvies River from the north and by the Blitzen River from the south; and

Whereas there are large bodies of arable land lying along and adjacent to said streams largely in private ownership, and the owners thereof have appropriated certain of the waters of said streams for the irrigation and reclamation of said lands; and

Whereas the State of Oregon, in its sovereign capacity, claims to be the owner of the bed of said lakes and of certain of the lands riparian thereto, together with the right to the use of the waters of said lakes and streams aforesaid for the irrigation of said riparian lands; and

Whereas President Roosevelt did, on August 18, 1908, by proclamation, set aside all of the land lying within the meandered lines of said lakes, and of the waters and streams connecting the said lakes, and designated the same as the Malheur Bird Reservation; and

Whereas the State of Oregon has asserted its title to the bed of said lakes and to such of the lands riparian thereto as it may be found to be the owner of, together with sufficient of the waters of said lakes and streams aforesaid to properly reclaim and irrigate said riparian lands; and

Whereas the United States and the Department of Agriculture, claiming under the provisions of said proclamation, claim all of the lands within the meander lines of said lakes, together with the bed thereof, and certain of the waters of said streams for the purpose of perpetuating such bird reservation, and that, by reason of said claims, have made it impossible to determine what part of said waters may be stored for irrigation and how much should be allowed to escape to said bird reservation; and

Whereas such uncertainty results in hindering and delaying the reclamation of the lands adjacent to said streams and lakes and clouds the State's title to its said riparian lands; and

Whereas numerous attempts have been made to compromise and adjust the respective rights of the United States, the State of Oregon, and such riparian owners and water appropriators, and these parties have been unable to agree upon the terms of any compromise; and

Whereas the United States in its sovereign capacity can not be sued or impleaded in an action without the consent of Congress: Therefore be it

Resolved by the Legislative Assembly of the State of Oregon, That the Congress of the United States be, and the same is hereby, memorialized to pass at its earliest opportunity appropriate legislation enabling and permitting the State of Oregon to sue the United States in the Federal courts of the district of Oregon, with proper rights of appeal, in a suit or action that will speedily determine the respective rights of all parties therein concerned to the use of the waters of said lakes and streams, and the respective rights, titles, and ownerships of the United States, the State of Oregon, and the respective riparian owners in and to the beds of said lakes and streams and the lands riparian thereto; be it further

Resolved, That the secretary of state of the State of Oregon be, and is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America.

Adopted by the house February 4, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 17, 1925.

GUS. C. MOSER,
President of the Senate.

(Indorsed: House joint memorial No. 4. Introduced by committee on public lands. W. F. Drager, chief clerk. Filed: February 19, 1925. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 19, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 20th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER, *Secretary of State.*

STATE OF OREGON,
SENATE CHAMBER,
THIRTY-THIRD LEGISLATIVE ASSEMBLY, REGULAR SESSION.

Senate joint memorial No. 6

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate of the State of Oregon and the House of Representatives concurring, respectfully represent that—

Whereas the battleship *Oregon* symbolizes valiant service to our country by reason of her world-famed voyage of 14,000 miles from the shores of the Pacific to the rendezvous of the American fleet before Santiago, Cuba, at the commencement of the Spanish-American War, and again by reason of her achievement in the great naval battle before Santiago July 3, 1898, thus bringing to the name "Oregon" traditions that will endure so long as time shall last;

Whereas a patriotic people deem it fitting and proper that the valorous performance of the noble ship and the valiant deeds of the crews that manned her shall be perpetuated;

Whereas the preservation of the battleship *Oregon* as a national historic museum would be an enduring tribute to the glorious history of the United States Navy, which, unconquered and undaunted, has for 150 years sailed the seven seas; and, moreover, would be to all citizens an inspiration for patriotism and loyalty;

Whereas the battleship *Oregon*, the last historical monument of the Spanish-American War, was expressly and unanimously excluded from the scrapping provisions adopted by the Limitation of Arms Conference held at Washington, D. C., for the reason that the people of this Commonwealth, speaking as true Americans, had claimed this gallant ship, with its many noble traditions, to be revered and forever cherished as a shrine of national devotion: Be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we do hereby petition and memorialize Congress to enact legislation which shall provide for the immediate transfer by the United States Government of the battleship *Oregon* from the Puget Sound Naval Station to the harbor at Portland, Oreg., and for its maintenance there by the United States Government as a national historic museum; be it further

Resolved, That the secretary of state of the State of Oregon be, and he is hereby, instructed to transmit by mail a copy of this memorial to each Member of the Congress, the Secretary of the Navy, and the President of the United States for action.

Adopted by the senate February 19, 1925.

GUS. C. MOSER,
President of the Senate.

Concurred in by the house February 23, 1925.

DENTON G. BURDICK,
Speaker of the House.

(Indorsed: Senate joint memorial No. 6. Introduced by Senator Upton. Jno. P. Hunt, chief clerk. Filed February 25, 1925. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 6 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 25, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 3d day of March, A. D. 1925.

[SEAL.] SAM A. KOZER, *Secretary of State.*

BROAD RIVER POWER CO., SOUTH CAROLINA

Mr. BLEASE. From the Committee on Military Affairs I report back favorably, with amendments, Senate Resolution 30, to investigate the Broad River Power Co., of South Carolina. The report is a unanimous one, and I ask unanimous consent for the immediate consideration of the resolution. It will take only a moment.

The PRESIDENT pro tempore. Let the resolution be read for the information of the Senate.

The chief clerk read Senate Resolution 30, submitted by Mr. BLEASE on the 12th instant, as follows:

Resolved, That the Chief of Engineers of the War Department be, and is hereby, authorized and instructed immediately to inquire, investigate, and report to the Senate of the United States from time to time as the investigation proceeds:

First. To ascertain who are the incorporators and stockholders of the Broad River Power Co., of Columbia, S. C.

Second. To investigate its merger with the Columbia Railway, Gas & Electric Co.

Third. To investigate if it had the legal right and power to build a dam or dams across Broad River or the Congaree River at or near Columbia, S. C., or near Peak, S. C.; and if such dam has been constructed, to ascertain if the corporation has fully complied with the act of Congress authorizing the construction; and if additional projects are contemplated, to see that they fully comply with the act of Congress.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. JONES of Washington. Mr. President, I desire to examine that resolution before it is acted upon. It sounds like a

matter that ought to have gone to my committee; but it has not been there, and it may not have been proper for it to go there.

The PRESIDENT pro tempore. Objection is made.

Mr. BLEASE subsequently said: Mr. President, the Senator who objected to the consideration of my resolution has offered a modification which is perfectly acceptable, and I should like to have it considered and adopted at this time. It will take but just a minute.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection to the consideration of the resolution?

Mr. JONES of Washington. I have no objection to its consideration if amended as indicated.

Mr. BLEASE. I accept the amendment.

Mr. KING. Let it be read as modified.

The PRESIDING OFFICER. The Secretary will read the resolution as modified.

The resolution as modified was read, considered, and agreed to as follows:

Resolved, That the Secretary of War be, and is hereby, requested immediately to inquire, investigate, and report to the Senate of the United States if the Broad River Power Co., of Columbia, S. C., had the legal right and power to build a dam or dams across Broad River or the Congaree River at or near Columbia, S. C., or near Peak, S. C.; and if such dam has been constructed, to ascertain if the corporation has fully complied with the act of Congress authorizing the construction; and if additional projects are contemplated, to see that they fully comply with the act of Congress.

ELIZABETH WERNER

Mr. BORAH submitted the following resolution (S. Res. 41), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay out of the contingent fund of the Senate to Elizabeth Werner, widow of Albert E. Werner, custodian of the Senate Office Building, on maintenance roll, Senate Office Building, the sum of $1,575, being a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

COMMITTEE ON REVISION OF THE LAWS

Mr. ERNST submitted the following resolution (S. Res. 42), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Revision of the Laws, or any subcommittee thereof, is hereby authorized during the sessions, recesses, or adjourned periods of the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not to exceed 25 cents per hundred words to report such hearings as may be had in connection with any subject which may be pending before said committee; to employ such clerical, expert, and professional assistants as may be found necessary in the judgment of said committee for the completion of the task assigned it of revising the laws of the United States, the total cost incident to same not to exceed $10,000 and to be paid out of the contingent fund of the Senate.

RESTRICTION OF IMMIGRATION

Mr. HARRIS. I ask unanimous consent to have printed in the RECORD an article by the junior Senator from Pennsylvania [Mr. REED], the author of the present immigration law. I served on the Committee on Immigration with the Senator from Pennsylvania. I am familiar with the provisions of the immigration law and the splendid work he did. This is the best statement of the working of the law that I have seen.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

NEW UNITED STATES ALIEN LAW EFFECTIVE, REED SAYS—IMMIGRATION QUESTION IS SETTLED, SAYS SENATE SPONSOR OF LAW—RUMORS OF "SNEAKING" ON BORDER DENIED—SMUGGLING OF HUMAN CARGO ADMITTED, BUT CALLED ALMOST NEGLIGIBLE—INCREASE IN DEPORTATION ACCREDITED TO AGENTS' GREATER VIGILENCE—CONGESTION LESSENED ABOUT ELLIS ISLAND—POLITICAL INFLUENCE DROPPED IN GRANTING OF VISÉS IN FOREIGN PORTS

(By Arthur Sears Henning)

Our new immigration law virtually has settled the immigration question, according to Senator REED (Republican), Pennsylvania, chief sponsor of the measure in the Senate.

After an eight months' trial of the statute, Senator REED finds that the volume of net immigration is only a fraction of what it was under the old law, while the character of the addition to our population from this source has been tremendously improved.

Estimates that fully as many aliens are sneaking and being bootlegged across our borders as are entering legitimately the Senator pronounces fanciful.

"There are not ships enough crossing the ocean to bring the immigrants who are said to be smuggled into the United States in these days," said Senator REED yesterday. "We know what the human freight is on the boats coming to Mexico and to Canada."

"There are not enough of them coming to bring the numbers that are said to be smuggling themselves in. There is some smuggling from this precious crowd of lawbreakers that hovers outside of New York—the rum fleet. They do smuggle in a few immigrants, I believe, along with their liquors. There are a few smuggled across the Canadian border. It is very easy to come across on the Detroit ferry, for instance, if one speaks English and looks like an American. The inspectors do not have the time to examine them very carefully. There is some smuggling there, but it is comparatively little.

"We are guarding against it by locating our inspectors in Canadian seaports and Mexican seaports infinitely better than we could by trying to police the border. We have recently established a police force of about 250 border police; but if we allow them half of the 24 hours for sleep, it therefore follows that only half of them are on duty at one time, which means that they have about 40 miles per man to guard, and one man has a lot of difficulty guarding 40 miles of river which can be waded at any point.

"The Canadian boundary is 3,980 miles long, measured by all of its windings. The Mexican boundary is 1,744 miles long, and it is very easy to cross at any place. The coast lines of our States immediately adjacent to the boundaries furnish very easy methods of access. The St. Lawrence River and the Great Lakes coast line and the Washington and Maine coast lines add 6,000 miles of accessible frontier in addition to the land boundary. Down in the Gulf of Mexico our Gulf States add 7,600 miles more of frontier, which is comparatively easy for an alien to cross in safety. But there is encouragement, so far as that goes, in the figures regarding deportations. They have very much increased because of the increased vigilance of our immigration authorities. In the last six months the deportations amounted to 4,448, an increase of about one-third over any similar period in our history.

"It is practically impossible for an immigrant to smuggle himself in and stay hidden. It is not always that our inspectors get him, but somebody whose job he has taken, or somebody who has a personal reason for telling on him, always informs the immigration authorities, and in the end they get him.

"We have picked up a surprising number by their applications for citizenship. A good many of them think that their offense is forgotten; after a few years they apply for citizenship, and then, to their astonishment, they are arrested and deported. All I mean to say as the sum of it all is, when we are urged, as we all will be during the coming months, to take some steps against this terrible menace of smuggling, let us be a little critical in finding how terrible it is. In my judgment, it is comparatively insignificant."

Under the new law the congestion of immigrants at Ellis Island and other points of entry has been completely done away with, as well as the racing of immigrant ships to land their human freight within the quotas. Only so many are allowed to come in each month from each country and when an alien obtains a visé of his passport by an American consul he knows that he is within the quota.

"It is a pleasure to testify from my own personal experience that the State Department is applying this law in absolute fairness, without discrimination," said Senator REED. "Visés are granted in the order of application to persons who are fully qualified to come in. That is to say, no person, whatever may be his political influence, is able to have himself advanced on the list, on which the visés are granted by the various consuls, over any other entirely suitable immigrant who has applied. I know that, because partly out of a desire to test it, I tried not long ago to secure such a preference from the State Department, and was absolutely unsuccessful, although I took it clear to Secretary Hughes himself.

"I might say in passing that I did it for my most influential constituent, because it was a servant that had been engaged to work in my own home, and I tried very hard to get a visé out of turn for that servant, and although I went clear to the Secretary of State himself I could not get it; and I am delighted to testify to the fairness and firmness with which he applied that rule."

Senator REED cited some instructive figures showing the marked effect of the new law on the tide of immigration.

"In 1914, the last year of unrestricted immigration," he said, "we gained 915,000 immigrants, net, and about 85 per cent of that number came from Europe. The gain in immigrants from Europe in 1914 was 801,000 persons, nearly 1 per cent of the population of the United States, and about one-fourth of that number came from Italy, about one-fourth came from Poland, about one-fourth came from Austria-Hungary. Only about one-fifteenth were English-speaking immigrants. That was the problem we were facing when the temporary quota law

was to expire on the 1st of last July—a migration of at least 900,000 a year, and probably much greater because of the increased economic pressure.

"The immigration law that was temporarily adopted in 1921, the temporary quota law, fixed quotas at 357,000, but it left so many loopholes that the actual arrivals were twice that many, and our net gain, therefore, in the year 1924, the last year before this new law went into effect, was 630,000 persons, and about two-thirds of them came from Europe.

"It was a European problem, and a problem of southeast Europe. Most all of that immigration came from southern and eastern Europe.

"Let us see what these six months have done. From July 1 to December 31, 1924, the gross arrivals of immigrant aliens from Europe amounted to 67,303, the departures of emigrant aliens going abroad to stay amounted to 48,120, so the net gain from Europe was only 19,203. The departures of southeast and eastern Europeans far exceeded the arrivals. Our net loss to Italy was nearly 20,000. Our net loss to Poland was very considerable. We lost to all those countries that had sent us this great unassimilable body of immigration before, and the only reason there is a net gain of 19,000 from Europe is that from Germany, from France, from Sweden, from Great Britain came much larger numbers than went away.

"I think we can fairly say, for the first time in 75 years, that the problem of European immigration to America has been settled, with a net gain at the rate of less than 40,000 annually, and all of that net gain coming from northern and western Europe, mostly people who speak our language before they get here, mostly people who have inherited from their forebears a capacity for self-government. I think we can say that for once and all the problem of European immigration is settled.

"In what I have been saying, I have not meant to make any comparison of peoples. I do not mean to say that the American is a finer man than the inhabitant of this or that European country.

"In many ways there is much we ought to learn from them. But I do say this: That they are unlike us; that they have not learned by 10 centuries of struggle to govern themselves by our methods; and I say that that type of immigration does not mix in America, and that was the reason why we had an immigration problem. Those people came here with alien customs, alien language, alien habits of government, and they were increasingly unassimilable. I hail with great joy the fact that that problem is at an end."

Asiatic immigration, the Senator pronounced no problem, for the reason that fewer Asiatics are coming in than are going out. Then he took up the problem of nonquota immigration from the countries of the Western Hemisphere.

"The law," said the Senator, "provides that a native-born citizen of Canada or Newfoundland may come in outside of the quota." In the last year—that is, the year ended June 30 last—under the old law, under which they were outside of the quota we got in 200,000 and we lost only 2,600, showing a net gain of 198,000 Canadians. That has fallen off, through causes which I do not wholly understand, having nothing whatever to do with the immigration law, because they are still free to come; that has fallen off so that in the first six months under the new law our gain was only 61,000. I do not regard that as a problem. Even if they do come in at the rate of 122,000 Canadians a year, that means native-born Canadians and it means people who in almost every respect are indistinguishable from ourselves.

"As we look at the figures over the last 25 years we find that the same phenomenon has occurred before. Great numbers of them come in for two or three years, usually years of prosperity here, and then the tide ebbs and the balance is the other way, more Americans going to Canada. So that does not seem to me to be a problem in any sense.

"Turning to Mexico, there, again, we are told that America 'is being swamped by hordes of illiterate Mexicans coming across the border in great numbers.' That is not true. Last year, the year that ended June 30 last, under the old law, we did gain 87,410 Mexicans; 89,000 came in; 1,000 only went out. That was under the old law.

"For some reason which I do not understand, but which I think is partly due to the increased efficiency in enforcing the literary test, the number has been very much reduced in the present year, so that in the first six months of the current fiscal year we took in only 11,701 Mexicans and we sent out 1,432, a net gain of 10,269. That is a reduction of 75 per cent in immigration from Mexico, although there is no check up on it by the quota law. A more practical check, it seems to me, is the application of the literacy test and the head tax which every immigrant has to pay."

WORLD COURT

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD a brief by leading constitutional lawyers and judges of Buffalo, N. Y., on the power of Congress to consent to the United States adhering to the protocol annexed to the statute constituting the Permanent Court of International Justice.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The brief referred to is as follows:

BUFFALO, N. Y., *March 13, 1925.*

Senator W. J. HARRIS,
Senate Chamber, Washington.

DEAR SENATOR: The inclosed brief has been submitted to and been approved by our leading constitutional lawyers and judges here, both Democrats and Republicans. May I ask you to have the same printed in the CONGRESSIONAL RECORD and send me some copies? I hope the Senate will act in the present session on this World Court matter, and assure you of our great respect.

Yours very truly, LEWIS STOCKTON.

(Brief)

CONGRESS HAS POWER, BY JOINT RESOLUTION, TO CONSENT TO THE UNITED STATES ADHERING TO THE PROTOCOL ANNEXED TO THE STATUTE CONSTITUTING THE PERMANENT COURT OF INTERNATIONAL JUSTICE ON THE HARDING-COOLIDGE-HUGHES PLAN

I. POWER OF CONGRESS

Two provisions of the Constitution must be construed so as to give effect to both.

Article I, section 10, paragraph 3, in part reads:

"No State shall, without the consent of Congress, * * * enter into any agreement or compact * * * with a foreign power;" and Article II, section 2, paragraph 2, in part reads: "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The power of Congress to consent to one and to all States entering an agreement or compact with a foreign power is, in substance, recognition of Congress's power to give like consent as to the United States, subject to the treaty-making clause quoted above.

"Not all agreements entered into by the United States with foreign powers are held to be treaties in the sense in which that term is used in the treaty clause of the Constitution." (Willoughby on the Constitution, vol. 1, p. 467.)

For example, signing the protocol annexed to the statute constituting the World Court, with the reservations proposed by Presidents Harding and Coolidge, is in the nature of a conditional consent to the compact which has constituted the existing court. There is an accepted distinction between a treaty definitely assuming obligation and quasi-legislative conventions, such as the "statute" constituting the World Court. The latter does not unconditionally commit any nation nor provide that signatory powers agree to enforce provisions.

That such consent may be given to such an agreement by joint resolution of Congress is shown by the following:

II. PRECEDENTS

Texas was erected into a State and its territory was annexed by joint resolution March 1, 1845. Hawaii's cession of its territory was also accepted by joint resolution after nonaction by the Senate on treaties negotiated.

Compare acts authorizing the postal conventions of 1872 and 1920, and the act of May 24, 1888, authorizing a conference for promoting arbitration between the United States and the enumerated countries of Latin America. The United States entered the World War and terminated it for us by joint resolutions. The Cuban reciprocity treaty, 1902, was amended by the Senate so as to require approval by Congress.

It seems that power to prevent war by agreement to settle legal disputes in court is an implied power vested in the General Government.

The House Committee on Foreign Affairs on March 3, 1925, by a vote of 301 to 28 adopted resolutions expressing an earnest desire that the United States should adhere to the World Court and also expressing "its readiness to participate in the enactment of such legislation as will necessarily follow such approval."

Special attention is called to the signally cogent report of the Hon. THEODORE E. BURTON, filed with the report adopted as above, in which it is said: "It seems clear that by a resolution originating in the House adherence to the World Court could be secured by legislation." Mr. BURTON adds: "Though such a method is subject to the palpable objection that negotiations with numerous powers for acceptance of reservations would be necessary, and thus the ordinary methods of treaty are altogether preferable." But it is difficult to see why any negotiations are necessary. We are at present competent suitors in the World Court.

III. INTERNATIONAL LAW

The Constitution recognizes international law which, as expressed by the World Court, is the deliberate and considered judgment of most civilized nations. There can be but one system of international law, and no single nation is competent to set up a rival system. At present we may make agreements as to the future. If we were members of the court we would take part in applying international law, as it is, to the submitted controversies between national states.

IV. ORDERED DEMOCRACY

The National Republican Convention in 1924, at the instance of President Coolidge, and against the opposition of Senator PEPPER, of the Senate Committee on Foreign Relations, and of the then chairman of said committee, favored our adherence to the World Court on the Harding-Coolidge-Hughes plan. The said committee continues its obstruction, and the Republic is hindered in functioning in this matter.

This raises the issue of democracy, under responsible party government. In view of the above, the mandate from the people seems clear.

It is submitted that said committee ought to show respect for the opinions of mankind and a consideration for the expressions of leading men and women who are in the forefront of the professional and business world, and heads of the great associations of labor, of commerce, of education, of the bar, of returned soldiers, and of our highly respected religious leaders of all denominations, as well as of the organized women of the Nation.

Draft of a joint resolution consenting to the United States adhering to the protocol annexed to the statute constituting the Permanent Court of International Justice

Whereas the Permanent Court of International Justice has been established and is now functioning at The Hague; and

Whereas the House of Representatives has approved of our entering said court and expressed its readiness to participate in the enactment of such legislation as will necessarily follow such approval;

Resolved, etc., That the consent of the Government of the United States is hereby granted to the statute of December 13, 1920, constituting the said court, and consent is hereby given to the Secretary of State, on the part of this Government, signing the protocol of signature of December 16, 1920, annexed to said statute, upon reservations heretofore proposed by Presidents Harding and Coolidge (here to be set forth reservations in detail), and consent is also hereby granted that the Secretary of State, with the approval of the President, shall enter into any necessary agreements with the powers signatory to said protocol: *Provided, however*, That such agreements shall not, by involving this Government in any obligations to any power, contravene Article II, section 2, paragraph 2 of the Constitution of the United States.

VIEQUES OR CRAB ISLAND

Mr. GOFF. Mr. President. In the argument presented against the ratification of the Isle of Pines treaty the point was insisted upon that the Isle of Pines was included in the words "and other islands." In the treaty with Spain ceding Cuba, Porto Rico, etc., the argument was advanced that since the treaty did not say, "Cuba and other islands," but did say, "Porto Rico and other islands," the Isle of Pines was not included in the grant of Cuba but was included in the grant of "other islands." As a matter of fact, the term, "other islands" was used in connection with the word "Porto Rico" in order to assure to the United States the appendages of Porto Rico, namely Culebra and Vieques, or Crab Island. Therefore, Mr. President, I ask unanimous consent for the insertion in the RECORD of a chapter from an unpublished manuscript, written by the junior Senator from Connecticut [Mr. BINGHAM], relating to the attempt of Scotland to secure in 1698 a foothold in the West Indies and on the Spanish Main. Evidence is therein presented, based on original authorities, tending to show that 200 years after the discovery of Porto Rico by the Spaniards the Island of Vieques—Crab Island—was not a part of Porto Rico, and, therefore, might not have been considered as included in the treaty with Spain if the words "Porto Rico" had been used without the words "other islands."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

It was the second week in July, 1698. In Leith roadstead, ready to start on their eventful journey, lay three fairly large vessels and two smaller ones. They had been lying in the vicinity for over six months and their names and general appearance were known to almost everyone. The three larger ships carried fifty-six guns each and resembled the fourth rate English frigates of the day. All had had their names changed to suit the taste of their new owners. The *St. Andrew*, named for the Scots famous patron saint, had once been the *Instauration*. The *Caledonia* bore the favourite appellation of the home land and the name chosen for the embryonic colony. These two had come from Hamburg.[1] The third, a Dutch vessel, the *St. Fransisens*, had been renamed the *Union* by Capt. Gibson when he purchased her in Amsterdam,[2] but this had again been rechristened the *Unicorn*. The change is easily accounted for. The unicorn was the national emblem of Scotland; while union with England was particularly distasteful to the Company.

[1] MS. Accounts in Adv. Lib.
[2] MS. Accounts of Captain James Gibson in Adv. Lib.

Near these three lay the snowy *Dolphin*, a slow-sailing Dutch vessel, rigged like a brig except for a small additional trysail-mast abaft of the tiller, and smallest of all the newly acquired pink *Endeavor*, a little English vessel scarcely larger than a fishing schooner, with a narrow stern. Such was the little flotilla which was to carry to the New World the hopes of Scotland.

Among the ballads which were published to celebrate the occasion was one which contained these inspiring lines:

"COME rouse up your Heads, Come rouse up anon!
Think of the Wisdom of old *Solomon*,
And heartily joyn with our own *Paterson*,
To fetch Home INDIAN Treasures: * * *

"Then *Sawny*, and *Johnny*, and *Jemmy*, and all
Whose names are enrol'd in the INDIAN-HALL,
Prepare and be ready to answer the call
Of our brave Sea-Commanders:

"Come follow me quickly, our *Admiral* is gone
On board the SAINT-ANDREW, I've heard a gun,
You belong to the NEPTUN, and I to the SUN,
We'l try who dare withstand us."[3]

There was another side to this brave picture.

The ships had been loaded since February as we learn from the MS. account of the warehouse keeper, one of the most interesting books in the Company's archives. James Lyell, who was the keeper from the 23d of July, 1696, to the 18th of February, 1699, kept a very careful account of what goods he received, from whom they came, how they were packed, the contents of each case, to whom they were delivered, and on what ship they went. There is a pathetic note on the back of the title page, which sets forth his woes. "The Packing so many Sorts of Species in one Box or Cask made the framing of thes Aco[ts]. tedious and deficult * * * And Mi[r]. Arbuckells apointing me to give out Provitions, whyle y[e] Goods puting forth of ye Great Warehouse, for wh I was to be compt, was y[e] Cause of three Cask of Shoos omitted to be Set down." He wrote: "The Provitions came out Reasonably Considering ye time they lay & it is not easie to Judg of ye Peices of Cheeses, or Skins & tails of Stockfish." It was now six months since the last of the stores had left the warehouse and the cheese and stockfish had doubtless not improved in the meantime, as they lay in the holds of the ships which one may believe had the usual number of rats and the customary smell of bilge water.

Besides provisions their cargoes consisted of trade goods which were probably overvalued on the invoices, and were, most of them, useless for the purpose for which they were intended.[4] The cargoes of the *St. Andrew* and the *Caledonia* were valued at over £5,500 each, the *Unicorn's* at £7,000, the *Dolphin's* at about £300, and the *Endeavor's* at £400. There were among other articles, 6,000 pairs of shoes, an incredible number of combs (about 24,000), great quantities of serges, woolen stockings and slippers,[5] while things needful for trading with the Indians, such as beads, bits of glass, and gaudy trinkets, had not been provided.[6]

The Councilors of "Caledonia" assembled at Leith on the 12th of July, 1698, and took the oath to be faithful to their trust, subscribing to the constitutions and instructions.[7] It was rumoured that their directions were, to go about the north of Scotland where they were to meet the *Rising Sun*. They were then to touch at the Madeiras and take in wine. Although further instructions were not to be opened until they reached Madeira, news of them leaked out, and there was talk of Jamnica and the Crab Island and of St. Andrews (or St. Thomas), a place within three leagues of Golden Island.[8] As a matter of fact they were to sail from Madeira to Crab Island and if possible leave a colony there before heading for Golden Island, near which Fort St. Andrew was to be erected.

On the 14th the king was informed by the Earl of Seafield that the "East India fleet will sail the beginning of the next week, and of seamen and landmen there are about 1,200 men, and not one woman amongst them at all." On the 16th the earl wrote: "Our West India fleet is fallen down the length of Kirkaldie Road and will set sail to-morrow or Monday. They consist of 1,200 men, whereof 300 are gentlemen."[9] In general appearance the expedition had a military aspect. It was probably the largest single colony which had up to this time sailed from Europe for America. On the day before, the Committee on Equipment had boarded the ships where they stayed until the 18th examining the invoices and bills of lading.[10] They were handicapped by lack of funds but they had at least supplied a large quantity of freshly baked biscuit, even if none of the other provisions except some of the beer, liquor and tobacco had been brought recently.

[3] Trade's Release, Fugitive Scotish Poetry.
[4] Report by William Paterson to the Directors, Dar. Pap. p. 183.
[5] MS. Invoices in Adv. Lib.
[6] Letter from the Council to the Directors, Dar. Pap. p. 211.
[7] Appointment of the Council of the Colony, Dar. Pap., p. 52.
[8] MS. Treasury papers LV., No. 9, P. R. O.
[9] Wm. Carstares: State-Papers and Letters, p. 390, 392.
[10] Sederunts of the Committee, July 15, Adv. Lib.

On the 16th Paterson with his wife and her maid went on board the *Unicorn*.[11] After getting them settled he was rowed over to the *St. Andrew* where he requested that a council be called to consider whether the goods and provisions for the voyage were suitable. The *St. Andrew* was the flagship of her commander, Captain Pennycook, a rough old sea-dog, was so puffed up by his position that he told Paterson to mind his business, or words to that effect. The latter's fears, however, were not groundless, for the provisions were many of them entirely good for nothing. Pennycook may have known this, but the councilors and the colonists did not discover it until they were two or three days at sea.[12]

The ships finally sailed on July 18, 1698. The provisions were now opened and found to be in a very bad state—and no wonder. It was decided to land a boat at the Orkneys with letters to the directors begging to have a shipload of good provisions despatched immediately. Unfortunately bad weather came on and they were unable to communicate with the shore, so that their request was not despatched until they reached the Islands of Madeira a month later.

Owing to the poor sailing qualities of their ships and the adverse winds, it was nearly six weeks before those lovely green islands rose out of the horizon to greet them.[13] Herries says, while they were at Maderia the Council elected Paterson to fill the place of Vetch, who had not come with them.[14] It was here that they opened their instructions and found that they were to sail for Crab Island near Porto Rico. After securing some wine the expedition left Madeira on the 2d of September.[15]

They were now much restricted in their provisions. The bread, says Herries, "was not fit for dogs to eat, but it was a mercy we had a good many Highlanders in our legion who were not used to feed on many of God's creatures that's hallowed."[16] On September 19 on the *St. Andrew*, the first victim died of fever, followed two days later by another. They washed the decks with vinegar and fumigated in an effort to prevent future sickness. But the next day a seaman died of a fever and a few days later one of the coopers.[17]

However, they were now favoured by the weather and four weeks after leaving Madeira, were delighted to catch their first glimpse of the new world. At sunrise on September 30 the English island of Antigua, surrounded by its rocks and shoals lay on their right, and the bold headlands of Montserrat on their left. Passing close to the latter, they sighted about noon the romantic island of Nevis.[18] From their vantage point it seemed to be nothing but a single cone rising from the sea with a most graceful curve piercing the fleecy mass of clouds which sleep forever round its summit. As they approached, the fort hoisted the English flag, and they answered by dropping the Company's colours. It must have been with an envious heart that they passed by these three lovely islands, all owning allegiance to England.

This day there died on the *St. Andrew* the surgeon's mate. "He contracted a feaver, and had got his hands on ladanum liquidum, and took too large a doze thereof last night, and so he slept till death."[19]

Before sundown on September 30, 1698, they sighted St. Christopher's which, after being settled by Warner, the adventurous Londoner, in 1623, had had a checkered career. French, Spanish and English had fought for it; by the treaty of Ryswick in the preceding year it had been divided between French and English.[20] Leaving St. Christopher's on their right they headed for the Spanish island of Santa Cruz which they sighted at noon the next day.

Crab Island, their first objective point, lay on the other side of Santa Cruz between it and Porto Rico. Accordingly a council was held on the *St. Andrew*, when it was decided to send the *Unicorn* and the *Dolphin* to St. Thomas, the free port of the Danish West Indies, in order, if possible, to get pilots for the Spanish Main and news of Darien.[21] The other ships sailed directly for Crab Island.

We have little evidence to show what Crab Island was like in 1698, except that it seems fairly certain that it was at that time an uninhabited island, peopled only by an interesting species of land crabs from which it received its name. It is twenty miles long and six wide. At the time of my visit to it in 1906, I found it an extremely pleasant place, inhabited by about two thousand Porto Ricans and a few French mulattoes and others.

The prevailing language was Spanish, but at the same time there were a good many fishermen who spoke besides a kind of French patois. The chief industry of the island is sugar growing and there are several large plantations and two or three good-sized factories. The highest point of the island is not more than a thousand feet above the sea. There seems to be enough rainfall to keep the crops in good condition and all together, it is a garden spot. Even in 1698 the soil was considered good, for, as with all such places, it was covered with tropical vegetation. The anonymous author of a journal kept on board the *St. Andrew* says: "This Crab Island is a very good soill, bot all overgrown with busshes and thick shrubs, so that it's very uneasie to travell through; most of the trees are soft and easie cut down. There are a great many monkies in it and fowles: there is a little finger of the sea goes into it;—there are small sorts of nuts likewayes."[22] The prevailing winds were from the south, and so rendered the best anchorage, which was on that side of the island, useless. The bay is hard to beat out of.[23] The chief objection to it as a place of settlement was its location in the midst of hostile Spanish, Danish, French, and English islands. But it was uninhabited and there lay the Scots' chance.[24]

On October 3 they sent a few men ashore and took formal possession of the island in the name of the Company of Scotland Trading to Africa and the Indies. It was a proud moment. At last something definite had been done and Scotland's first American colony had been established; but their exultation did not last long.

The next day they sailed around to the north or leeward side of the island, where in Frenchman's Bay was the safest anchorage. As they rounded the point, they saw to their dismay the colours of Denmark floating gaily from a tent on shore, and in the bay a Danish sloop which had hurried over from St. Thomas as soon as the arrival there of the *Unicorn* had made known the intended settlement. Crab Island, though uninhabited, was claimed for the Danish crown, and was not considered worth fighting about, so the idea of a Scots' West India island was only too readily abandoned. A hundred men stayed ashore until the ships should return from St. Thomas.

There are a number of bays where the anchorage is fairly good and the Scots would have found themselves very pleasantly located had they settled here. To be sure, there is no gold or silver and no large harbor where foreign trade would have prospered. But so far as colonizing goes, the Scots could hardly have done better. They were well informed by whoever advised them to go to Crab Island and it is a misfortune that they were so easily frightened away from it. Who would wish to settle on Crab Island when Golden Island was the next stop?

Those who went to St. Thomas found there a sloop from New York, laden with provisions, whose captain was induced to go to Crab Island. But he found their goods so expensive and ill suited for his purposes that he refused to trade unless they reduced their prices forty per cent, which they refused to do, although urged to by Paterson.[25] However, he was encouraged by the latter to believe that there were in the ships many goods which he could use, and that, after they had reached Golden Island and seen the great necessity for provisions, the councilors would reduce their prices accordingly. After a few days, having taken in water, they sailed for Golden Island,[26] and in three weeks sighted the heavily wooded isle of Fuerte, which lies near the coast of South America about half way between the Gulf of Darien and Carthagena.[27]

The illness continued. On October 19, they lost a soldier and a midshipman who died of a high fever. Two days later two more died. On October 23 their minister, "a very good man, dyed of a fever, and is much lamented; and had four dropping guns fired at his throwing over." The following week six more deaths followed.[28]

Their arrival in the Caribbean Sea had been reported to the Governor or Caracas by way of the island of Curaçao, and he at once wrote to the Spanish government giving an account of the rumours he had received that the Scots were on their way to Darien.[29]

They had, in the meantime, sailed directly to the Isthmus and anchored on the 30th of October a few miles west of the entrance to the Gulf of Darien. Here they communicated with some Indians, to whom they gave "victuals and drink which they used very freely, especially

[11] Defense of the Scots Abdicating Darien, p. 37; Report by William Paterson to the Directors, Dar. Pap. p. 178.
[12] Ibid. 179.
[13] Ibid.
[14] Defence of the Scots Abdicating Darien, p. 36.
[15] Mr. Rose's Journal, Dar. Pap. p. 60; Dr. Wallace; "Part of a Journal Kept from Scotland to New Caledonia in Darien, with a short Account of that country," Miscellanea Curiosa, III:, 413–421. Journal of the Scots, African, and Indian Fleet, Analecta Scotica, p. 355.
[16] Defence of the Scots Abdicating Darien, p. 48.
[17] Analecta Scotica, p. 356.
[18] Mr. Rose's Journal, Dar. Pap., p. 62: Dr. Wallace's Journal, Miscellanea Curiosa, III: 414.
[19] Analecta Scootica, p. 357.
[20] Martin History of the British Colonists II: 368–369.
[21] Mr. Rose's Journal, Dar. Pap., p. 60. Dr. Wallace's Journal Miscellanea Curiosa, III: 414.
[22] Analecta Scotia, p. 359.
[23] So was Caledonia Bay.
[24] Dr. Wallace's Journal, Miscellanea Curiosa, III: 415. It is now held by the United States as an appanage of Porto Rico.
[25] Mr. Rose's Journal, Dar. Pap., p. 60. Report by William Paterson to the Directors, Dar. Pap., p. 179.
[26] Mr. Rose's Journal, Dar. Pap. p. 61.
[27] The authority for most of this voyage is Rose's MS. journal in the Adv. Library, the most important parts of which have been printed in Dar. Pap., pp. 60–78. Its trustworthiness is curiously attested by Admiralty Chart No. 1688. In regard to Fuerte, the journal says (Dar. Pap., 62) that it is "full of trees," and "may be seen seven leagues [21 miles] off." The note on the chart reads, "covered with trees—visible 20 miles."
[28] Analecta Scotica, p. 360.
[29] Carta del Gobernador de Caracas dando cuenta de las noticias que tuvo por la via de Curazao de haber pasado Escoceces á poblar en el Darien. Caracas 15 Noviembre 1698. MS. Archivo General de Indias. Seccion de Audiencias, Seville. Est. 69, Caj. 6, Leg. 8. 1 pliego copia.

the last."[30] The natives spoke some Spanish and a little English and told the Scots they had been expected for two years and were very welcome.

The next day a boat was sent six miles west of their roadstead to Carreto Bay, where nearly two centuries before, Balboa had landed on his way to discover the great South Sea.[31] They found that this harbour was fit only for anchorage in light weather, being exposed to the heavy sea thrown in by the prevailing winds which are from the north-east.[32] But they were looking for Golden Island, that gilded illusion which had attracted men ever since famous buccaneers had landed near it in 1685. In Carreto Bay they encountered the Indians whom they had had on board the night before. These in reward for the entertainment which they had received, told them Golden Island lay a few leagues further to the westward. So they weighed anchor and the next morning approached within half a mile of it, having passed by the promontory which was destined to be their home and to be called in later years Punta Escoces—Scots Point. A map of Golden Island and the harbour opposite it on the mainland where the buccaneer Sharp landed, was made by William Hack, the map-maker next the Gun Dock in Wapping, London, in 1686. It was drawn from an original by John Jennifer, late lieutenant of His Majesty's ship *Guernsey*. This map is in the British Museum. Golden Island is drawn surrounded by a broad band of gold; soundings are given correctly, varying very little from those on the modern admiralty charts, and it is entirely possible that they may have had a copy of this map.[33]

On the 1st of November they made soundings in the vicinity of Golden Island, but found that it was not convenient for their ships and that the bay around it was full of swampy ground, very unwholesome.

On the 2d of November they communicated with Captain Andreas, one of the barefooted Indian chiefs.[34] He wore an old hat and a red poncho that had been given him in token of friendship by the Spaniards. He was small of stature and very grave as is usual with American Indians, but seemed pleased with their arrival, for he took them for buccaneers who would raid his enemies as the pirates had done. He had been friendly to the freebooters who came here in 1680 with Captain Sharp.[35] They had long powwows with other chiefs, who spoke fairly good Spanish and some French. All were anxious for the Scots to join them in committing depredations. The French commodore Pointis, when on the Carthagena expedition, had had dealings with them, and had encouraged them to attack the Spaniards as often as possible.

Meanwhile they had sent a boat to explore an inlet some five miles southeast, and here they found an attractive harbour, a deep bay containing good water, and well protected. It was, however, like the others, obstructed by numerous rocks and shoals, and very difficult of egress by a vessel under sail, as it faces the prevailing winds. But they selected it as the most desirable place in the vicinity, and named it Caledonia Bay.[36] On the 3d they landed and took possession.

The voyage had not been auspicious. During its one hundred and nine days, they had suffered from lack of provisions, had lost quite a number from fevers and fluxes, and were annoyed by disagreements among those in authority. Some of their vicissitudes were thus described by Paterson: "During the voyage, our Marine Chancellors did not only take all upon them, but lykeways browbeat and discouraged every body els. I must confess it troubled me exceedingly to see our affairs thus turmoyled and disordered, by tempers and dispositions as boisterous and turbulent as the elements they are used to struggle with, which are att least as mischievous Masters as ever they can be usefull servants."[37]

STATEMENT OF APPROPRIATIONS

Mr. OVERMAN. Mr. President, it has been the custom for years and years for the chairman of the Committee on Appropriations at the end of a Congress to file a statement of the appropriations made during the Congress; also for the ranking minority member of the committee to file a similar statement. I have a statement of the appropriations for the Sixty-eighth Congress just closed which I desire to put in the RECORD without comment. In the absence of the chairman of the committee I do not think I ought to make any comment at this time, except to say that the appropriations are $11,000,000 under the estimates made by the Budget and $24,000,000 less than the appropriations for the preceding year. At the end of the next Congress I propose to submit a comprehensive statement, as I have done every two years, showing the comparative differences between the two parties in their administrations, and I predict that at the end of the next Congress, as admitted by the chairman of the Finance Committee, the appropriations for the next fiscal year will be shown to be much larger.

Mr. SMOOT. Mr. President, I think the chairman of the Appropriations Committee, the senior Senator from Wyoming [Mr. WARREN], has prepared such a statement for the RECORD. I have just sent for Mr. Rea, the clerk of the committee, and if the chairman of the committee has prepared such a statement I ask unanimous consent that it may be printed in the RECORD following my statement.

The PRESIDENT pro tempore. Let the Chair couple the requests of the Senator from North Carolina and the Senator from Utah, who ask unanimous consent that there may be printed in the RECORD certain tabulations relating to appropriations made in the Sixty-eighth Congress. Is there objection? The Chair hears none, and it is so ordered.

The statement submitted by Mr. OVERMAN is as follows:

Comparison of Budget estimates and appropriations, arranged by appropriation acts

Act	Budget estimates, Sixty-eighth Congress, second session	Appropriations, Sixty-eighth Congress, second session	Increase (+) or decrease (−) appropriations compared with Budget estimates
REGULAR ACTS, FISCAL YEAR 1926			
Agriculture	$127,752,000.00	$124,774,441.00	−$2,977,559.00
District of Columbia	30,788,891.00	31,827,797.00	+1,038,906.00
Executive Office and independent offices	450,364,295.00	452,434,334.00	+2,070,039.00
Interior	240,204,138.67	239,702,926.00	−501,212.67
Legislative, etc	15,113,764.60	14,910,971.80	−202,792.80
Navy	287,323,928.00	287,402,328.00	+78,400.00
State, Justice, Commerce, and Labor	71,966,108.77	71,737,293.77	−228,815.00
Treasury and Post Office	775,135,921.00	763,221,362.00	−11,914,559.00
War	331,401,930.00	332,282,671.00	+880,741.00
Total, regular acts	2,330,050,977.04	2,318,294,124.57	−11,756,852.47
DEFICIENCY ACTS			
First deficiency act, fiscal year 1925	159,455,338.19	159,504,838.19	+49,500.00
Second deficiency act, fiscal year 1925	58,483,501.37	58,065,006.76	−418,494.61
Total, deficiency acts	217,938,839.56	217,569,844.95	−368,994.61
Miscellaneous acts		1,000,000.00	+1,000,000.00
Grand total	2,547,989,816.60	2,536,863,969.52	−11,125,847.08

Comparison of appropriations made during the second session of the Sixty-eighth Congress with those of the first session

Act	Appropriations made Sixty-eighth Congress, first session	Appropriations made Sixty-eighth Congress, second session	Increase (+) or decrease (−) second session compared with first session
REGULAR ANNUAL ACTS			
Agriculture	$58,575,274.00	$124,774,441.00	+$66,199,167.00
District of Columbia	26,455,105.00	31,827,797.00	+5,372,692.00
Executive Office and independent offices	398,776,740.16	452,434,334.00	+53,657,593.84
Interior	263,250,455.00	239,702,926.00	− 23,547,529.00
Legislative establishment	14,229,016.00	14,910,971.80	+681,955.80
Navy	275,105,067.00	287,402,328.00	+12,297,261.00
State, Justice, Commerce, and Labor	63,269,497.80	71,737,293.77	+3,467,795.97
Treasury and Post Office	734,413,600.25	763,221,362.00	+28,807,761.75
War	327,970,465.13	332,282,671.00	+4,312,205.87
Total, regular annual acts	2,167,045,220.34	2,318,294,124.57	+151,248,904.23
DEFICIENCY ACTS			
First, fiscal year 1924	156,671,655.28		
Urgent, fiscal year 1924	2,333,000.00		
Second, fiscal year 1924	[1] 186,833,509.07		
First, fiscal year 1925		159,504,838.19	
Second, fiscal year 1925		58,065,006.76	
Total, deficiency acts	345,838,164.35	217,569,844.95	−128,268,319.40

[1] This bill failed of enactment at the close of the first session. It was completed at the second session by the adoption of the conference report in the Senate, and was approved by the President on Dec. 5, 1924.

[30] Mr. Rose's Journal, Dar. Pap., p. 63.
[31] Oviedo: Historia General y Natural de las Indias, III: 9.
[32] Admiralty Chart No. 1658.
[33] It formed the basis for the map in the General Atlas of 1721, p. 255.
[34] Mr. Rose's Journal, Dar. Pap. p. 63.
[35] A. O. Exquemelin: The Bucaniers of America, 1684–85, II: pt. IV, p. 3, 4.
[36] Dr. Wallace in Miscellanea Curiosa, III: 416.
[37] Report by William Paterson to the Directors, Dar. Pap., p. 180.

Comparison of appropriations made during the second session of the Sixty-eighth Congress with those of the first session—Continued

Act	Appropriations made Sixty-eighth Congress, first session	Appropriations made Sixty-eighth Congress, second session	Increase (+) or decrease (−) second session compared with first session
MISCELLANEOUS ACTS			
Field service pay adjustment, 1925	[2] $26,357,767.84		
Miscellaneous relief and other acts	2,992,709.88	[3] $1,000,000.00	
Total, miscellaneous acts	29,350,477.72	1,000,000.00	−$28,350,477.72
Total, regular annual, deficiency, and miscellaneous acts	2,542,233,862.41	2,536,863,969.52	−5,369,892.89
PERMANENT AND INDEFINITES			
Agriculture	12,360,750.00	12,340,750.00	−20,000.00
Commerce	3,000.00	3,000.00	
Independent offices	6,457,301.79	7,481,500.00	+1,024,198.21
Interior	27,243,269.06	28,081,457.50	+838,188.44
Labor	25,000.00	25,000.00	
Legislative	800.00	800.00	
Navy	2,103,260.00	2,460,050.00	+356,790.00
State	26,000.00	131,139.74	+105,139.74
Treasury:			
Interest on the public debt	865,000,000.00	830,000,000.00	−35,000,000.00
Public debt retirement funds	471,806,401.00	484,766,130.00	+12,959,729.00
Other permanent and indefinites	26,773,100.00	26,087,825.00	−685,275.00
War	6,583,321.00	7,149,300.00	+565,979.00
District of Columbia	1,226,962.00	1,565,356.00	+338,394.00
Total, permanent and indefinites	1,419,609,164.85	1,400,092,308.24	−19,516,856.61
Grand total	3,961,843,027.26	3,936,956,277.76	−24,886,749.50

[2] Action on this bill was completed at the first session with the exception of the signatures of the Presiding Officers of both Houses and the approval of the President. It was approved by the President on Dec. 6, 1924.
[3] This sum is approximated.

Mr. McKELLAR. Mr. President, with reference to the statements from the Appropriations Committee, just ordered to be printed in the RECORD, as a member of the Appropriations Committee, I have some comment to make.

We have read in the press, heard over the radio, and in speeches much about the great economy of this administration. Some time ago I said on the floor of the Senate that instead of reducing appropriations, the present administration was increasing appropriations. The figures now available from the printed acts of Congress show that my statement has been absolutely verified. The appropriations for the fiscal year 1925 are very considerably larger than the appropriations for the fiscal year 1924, but I will discuss that proposition presently.

I wish, first, to call attention of the Senate to the figures showing the much-advertised economy practiced by the Budget Bureau under the direction of the President.

I submit, Mr. President, a comparison of Budget estimates and appropriations arranged by appropriation acts showing the Budget estimates of the Sixty-eighth Congress, second session, as compared with the actual appropriations of the Sixty-eighth Congress, second session. I ask unanimous consent that the comparative statement may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The comparative statement is as follows:

Comparison of Budget estimates and appropriations, arranged by appropriation acts

Act	Budget estimates, Sixty-eighth Congress, second session	Appropriations, Sixty-eighth Congress, second session	Increase (+) or decrease (−) appropriations compared with Budget estimates
REGULAR ACTS, FISCAL YEAR 1926			
Agriculture	$127,752,000.00	$124,774,441.00	−$2,977,559.00
District of Columbia	30,738,991.00	31,827,797.00	+1,088,906.00
Executive Office and independent offices	450,364,295.00	452,434,334.00	+2,070,039.00
Interior	240,204,133.67	239,702,926.00	−501,212.67

Comparison of Budget estimates and appropriations, arranged by appropriation acts—Continued

Act	Budget estimates, Sixty-eighth Congress, second session	Appropriations, Sixty-eighth Congress, second session	Increase (+) or decrease (−) appropriations compared with Budget estimates
REGULAR ACTS, FISCAL YEAR 1926—continued			
Legislative, etc	$15,113,764.60	$14,910,971.80	−$202,792.80
Navy	287,323,928.00	287,402,328.00	+78,400.00
State, Justice, Commerce, and Labor	71,966,108.77	71,737,293.77	−228,815.00
Treasury and Post Office	775,135,921.00	763,221,362.00	−11,914,559.00
War	331,401,930.00	332,282,671.00	+880,741.00
Total, regular acts	2,330,050,977.04	2,318,294,124.57	−11,756,852.47
DEFICIENCY ACTS			
First deficiency act, fiscal year 1925	159,455,338.19	159,504,838.19	+49,500.00
Second deficiency act, fiscal year 1925	58,483,501.37	58,065,006.76	−418,494.61
Total, deficiency acts	217,938,839.56	217,569,844.95	−368,994.61
Miscellaneous acts		1,000,000.00	+1,000,000.00
Grand total	2,547,989,816.60	2,536,863,969.52	−11,125,847.08

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. COPELAND. Does the Senator think that while the Republicans are congratulating themselves on these alleged victories the country is going to be very happy over the failure of the Republican Party to enact any constructive legislation for the benefit of the farmer?

Mr. McKELLAR. Mr. President, I have always and uniformly voted for all legislation that I believed was for the best interest of the farmer, but I will say to the Senator that I am discussing an entirely different subject right now and I will come to that matter later if he desires to ask me a question about it then.

Mr. President, it has been heralded far and wide, circulated in all the newspapers and in many magazines, given out over the radio, put upon the moving-picture screens, and in every other way advertised that Mr. Coolidge, through his Budget Bureau, was saving the American people vast sums of money; that they were reducing the expenditures of the Government; and that General Lord, greedy and vicious for economy, at the head of the Budget, under the direction of the President, was holding the Congress down and preventing that extravagant and wicked body from wasting the people's money. So widely advertised has this program of so-called economy been that every time we received a communication from the Budget approving any item of appropriation it was most carefully guarded with the statement that it was not in opposition to the President's economy program. But, Mr. President, when we come to examine and compare the cold facts taken from the records of appropriations we find that, instead of economy, the Budget Bureau has practiced far greater extravagance than the Congress has. We find that the Congress has cut down in the majority of instances the Budget estimates. We find that the Congress has saved to the taxpayers of the United States $11,125,847.08.

In other words, Mr. President, we find that while the bureau and its head and the administration spokesmen have been talking economy, the Congress has been practicing it. In the session of Congress just closed the Congress increased the appropriation for the District of Columbia, and my recollection is that it was upon supplemental Budget estimates. It also increased the Executive offices and independent offices, the Navy and War Departments by small sums, and, as I recall, these increases were made upon supplemental estimates by the Budget. On the other hand, the Congress decreased the appropriation for the Department of Agriculture, for the Interior Department, for the legislative, and so forth, for the State, Justice, Commerce, and Labor, and for the Treasury and Post Office. It also decreased the deficiency appropriation. The result was a net saving of $11,125,847.08.

So that, Mr. President, when Republican newspapers and magazines and Republican orators claim that the Budget system, presided over by General Lord and under the immediate

direction of the President, has practiced economy and reduced the expenses of the Government, the statement is absolutely disproved by the incontrovertible facts shown in this legislation. If the Budget Bureau had had its way in the past year, it would have spent at least $11,000,000 more of the people's money than has been spent by the Congress.

In addition to this, Mr. President, it will be remembered that there was not included in the Budget estimates $68,000,000 for increase of salaries to postal employees. But this sum of $68,000,000 was to be spent in other extravagant ways, according to the Budget, because, after including this item, the saving by the Congress over the Budget was upward of $11,000,000 as above set out.

Mr. HARRISON. Mr. President, may I ask the Senator a question right at that point?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. HARRISON. I recall that the House included an item in one of the appropriation bills for $150,000,000 for public buildings. Was that included in the estimate of the Bureau of the Budget?

Mr. McKELLAR. As I recall, it was not included in the original estimate, but it was included in a supplemental estimate. The statement was made to the Appropriations Committee of the Senate that it was approved by the Budget. That item, I assume, is not contained in the figures that have been presented. With that item included, of course, there is $150,000,000 more that the Budget recommended which the Congress has refused to appropriate.

Just the other day, Mr. President, I called attention to the fact that the Budget Bureau had wastefully and extravagantly recommended the appropriation of $1,725,000 for the purpose of employing lawyers and accountants at tremendous salaries to prosecute war frauds, when, as a matter of fact, the war frauds section of the Department of Justice had collected, according to their own claims, only $170,000 during the last eight months, and I am informed that there is very great doubt whether that much has been collected and covered into the Treasury. This is just an illustration showing that the employment of high-salaried men and almost every other extravagance is recommended by the Bureau of the Budget. The Congress did not appropriate but a million dollars for that purpose, which was doubtless about a million too much, and in that particular transaction we saved $725,000, over what the Budget had recommended.

Mr. President, for a number of years I have claimed on this floor and off of it that an Executive Budget system such as we now have, instead of making for economy simply afforded another avenue for the bureaus and departments of the Government to get money from the Public Treasury. They go to the Budget Bureau in the first instance. They get all they can there, and then, if they can not get all they desire, they next go to the Appropriations Committee of the House. If they are given all they ask they stop, and if they are not given all they ask, then they go to the Appropriations Committee of the Senate. It is true that under the Budget law it is against that law for them to come before the Members of Congress of their own volition, but this provision of the law is constantly evaded by the chiefs of departments and bureaus, by getting an invitation from the committee, which invitations are usually, if not always, accepted. We have department and division chiefs with us at every session.

And so, Mr. President, these figures show beyond a shadow of a doubt that the Congress is more economical than the Budget Bureau, and that the Budget Bureau is merely an additional avenue by which money can be legally taken by the departments from the Public Treasury. There is but one kind of a Budget that would be of any value to the taxpayers of this Government, and that is a budget established by the legislative department of the Government that would not be under the control of the executive department. And, indeed, it would be better to be absolutely independent, and surely it should be absolutely independent from the demands of the departments, bureaus, and independent commissions of the Government.

In making this statement, I do not mean to reflect upon General Lord personally, of course, but it is the Budget system. He may try to do his best, but, surrounded as he is by the demands for money from all the executive departments, he is unable to withstand those demands. The only criticism I make of General Lord is his extravagance and, in the light of facts, his ridiculous claims, often published in the newspapers, that his Budget system makes for economy. If he carefully examines the figures given here, which are taken from the public records, he can not make the claim, as to this past Congress, or of any Congress since his bureau has been functioning, that his bureau has exercised economy.

COMPARISON OF APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE SIXTY-EIGHTH CONGRESS WITH THOSE OF THE FIRST SESSION

But, Mr. President, the main point I want to make in this statement is to ask where is the much-vaunted and much self-praised economy of this administration? It is not to be found in the figures taken from the appropriation acts themselves. On the contrary, Mr. President, the figures just given out show a wasteful extravagance. I herewith attach as a part of my remarks a comparison of appropriations made during the second session of the Sixty-eighth Congress with those of the first session. These figures are official and show an increase in regular annual appropriations for the fiscal year 1925–26 over those of 1924–25 in every single department of Government, except one.

I digress here long enough to say that——

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. McKELLAR. I shall yield in just one moment.

I digress here long enough to say that notwithstanding the extravagant claims of economy that are constantly sent out, as to every department of the Government except one, where there was a trifling decrease, there has been an increase in the appropriations made at the last session of Congress over those made at the preceding session of Congress. Now I yield to the Senator from Ohio.

Mr. WILLIS. Mr. President, I know that the Senator from Tennessee is a very active member of the Committee on Appropriations. I am not a member of that committee, and I desire to ask him a question entirely for information. In a statement which appears in the CONGRESSIONAL RECORD at page 5522, which was made by the distinguished chairman of the Committee on Appropriations in the House of Representatives, it is shown that the appropriations for the ensuing fiscal year are some $24,000,000 less than they were for the present fiscal year. As I understand, the Senator from Tennessee agrees with that statement, does he?

Mr. McKELLAR. I most absolutely do not. That is not a correct statement of the facts, as I now propose to show; and the Senator from Ohio, if he will listen to me for a moment, will find that the distinguished chairman of the Committee on Appropriations of the House of Representatives, for whom I have a warm regard, is wrong by at least $161,000,000, and, indeed, more than that. I will show exactly how those figures submitted by him were arrived at.

Mr. WILLIS. If the Senator will permit me, I desire to ask him another question, based upon the statement of the chairman of the Committee on Appropriations of the other House, which I have quoted. Further on is the statement, which I think the more important——

Mr. McKELLAR. Will not the Senator from Ohio wait until I get through? Then I shall be delighted to yield to him, if what I shall state does not indicate to the Senator just where the discrepancy comes in.

Mr. WILLIS. Certainly; I shall not interrupt the Senator at this point if he does not desire to yield.

Mr. McKELLAR. I ask unanimous consent to insert these figures in the RECORD at this point, Mr. President—a comparison of appropriations during the second session of the Sixty-eighth Congress with those of the first session of that Congress. As I have said, these figures show an increase in the regular annual appropriations for the fiscal year 1925–26 over those of 1924–25 in every single department of the Government except one.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The comparison is as follows:

Comparison of appropriations made during the second session of the Sixty-eighth Congress with those of the first session

Title of act	Appropriations made Sixty-eighth Congress, first session	Appropriations made Sixty-eighth Congress, second session	Increase (+) or decrease (−) second session compared with first session
REGULAR ANNUAL ACTS			
Agriculture	$58,575,274.00	$124,774,441.00	+$66,199,167.00
District of Columbia	26,455,105.00	31,827,797.00	+5,372,692.00
Executive Office and independent offices	398,776,740.16	452,434,334.00	+53,657,593.84

Comparison of appropriations made during the second session of the Sixty-eighth Congress with those of the first session—Continued

Title of act	Appropriations made Sixty-eighth Congress, first session	Appropriations made Sixty-eighth Congress, second session	Increase (+) or decrease (−) second session compared with first session
REGULAR ANNUAL ACTS—con.			
Interior	$263, 250, 455. 00	$239, 702, 926. 00	−$23, 547, 529. 00
Legislative establishment	14, 229, 016. 00	14, 910, 971. 80	+681, 955. 80
Navy	275, 105, 067. 00	287, 402, 328. 00	+12, 297, 261. 00
State, Justice, Commerce, and Labor	68, 269, 497. 80	71, 737, 293. 77	+3, 467, 795. 97
Treasury and Post Office	734, 413, 600. 25	763, 221, 362. 00	+28, 807, 761. 75
War	327, 970, 465. 13	332, 282, 671. 00	+4, 312, 205. 87
Total, regular annual acts	2, 167, 045, 230. 34	2, 318, 294, 124. 57	+151, 248, 904. 23
DEFICIENCY ACTS			
First, fiscal year 1924	156, 671, 655. 28		
Urgent, fiscal year 1924	2, 333, 000. 00		
Second, fiscal year 1924	[1] 186, 833, 509. 07		
First, fiscal year 1925		159, 504, 838. 19	
Second, fiscal year 1925		58, 065, 006. 76	
Total, deficiency acts	345, 838, 164. 35	217, 569, 844. 95	−128, 268, 319. 40
MISCELLANEOUS ACTS			
Field service pay adjustment, 1925	[2] 26, 357, 767. 84		
Miscellaneous relief and other acts	2, 992, 709. 88	[3] 1, 000, 000. 00	
Total, miscellaneous acts	29, 350, 477. 72	1, 000, 000. 00	−28, 350, 477. 72
Total, regular annual, deficiency, and miscellaneous acts	2, 542, 233, 862. 41	2, 536, 863, 969. 52	−5, 369, 892. 89
PERMANENT AND INDEFINITES			
Agriculture	12, 360, 750. 00	12, 340, 750. 00	−20, 000. 00
Commerce	3, 000. 00	3, 000. 00	
Independent offices	6, 457, 301. 79	7, 481, 500. 00	+1, 024, 198. 21
Interior	27, 243, 269. 06	28, 081, 457. 50	+838, 188. 44
Labor	25, 000. 00	25, 000. 00	
Legislative	800. 00	800. 00	
Navy	2, 103, 260. 00	2, 460, 050. 00	+356, 790. 00
State	25, 000. 00	131, 139. 74	+106, 139. 74
Treasury:			
Interest on the public debt	865, 000, 000. 00	830, 000, 000. 00	−35, 000, 000. 00
Public debt retirement funds	471, 806, 401. 00	484, 766, 130. 00	+12, 959, 729. 00
Other permanent and indefinites	26, 773, 100. 00	26, 087, 825. 00	−685, 275. 00
War	6, 583, 321. 00	7, 149, 300. 00	+565, 979. 00
District of Columbia	1, 226, 962. 00	1, 565, 356. 00	+338, 394. 00
Total, permanent and indefinites	1, 419, 609, 164. 85	1, 460, 092, 308. 24	−19, 516, 856. 61
Grand total	3, 961, 843, 027. 26	3, 936, 956, 277. 76	−24, 886, 749. 50

[1] This bill failed of enactment at the close of the first session. It was completed at the second session by the adoption of the conference report in the Senate, and was approved by the President on Dec. 5, 1924.
[2] Action on this bill was completed at the first session with the exception of the signatures of the presiding officers of both Houses and the approval of the President. It was approved by the President on Dec. 6, 1924.
[3] This sum is approximated.

Mr. McKELLAR. The figures which I have just had inserted in the RECORD are exactly the same as those used by the distinguished chairman of the Committee on Appropriations of the House of Representatives; but here is the trouble, Mr. President:

There is a combined increase over decreases of $151,248,904.23 as shown in these figures. There is an increase in the appropriations for the Executive Office and independent offices. There is an increase in the appropriations for the District of Columbia. There is an increase in the appropriations for the Navy, for the State Department, for the Department of Justice, for the Department of Commerce, for the Department of Labor, for the Treasury Department, for the Post Office Department, and for the War Department. The least increase was in the appropriations for the legislative establishment.

Mr. President, I want to call special attention to the comparative statement just set out in the RECORD, which on its face would indicate that the appropriations of the second session of the past Congress were decreased $24,886,749.50 over those for the preceding session of Congress. However, there is a note attached to which I call the especial attention of the Senator from Ohio, showing that this decrease is apparent and not real. It will be found in a note on the same statement that the Congress on December 5, 1924, during the past session, passed a second deficiency bill amounting to $186,833,509.07. Of course, that sum was appropriated at the last session of the Sixty-eighth Congress, and when that is considered it is shown that the appropriations of the second session of that Congress were increased over the appropriations of the first session by the sum of $161,946,759.57; and yet, Mr. President, it has been heralded throughout the country that President Coolidge has been paring appropriations down to the bone; that he has been ably seconded by his famous economy expert, General Lord, the Director of the Budget. Mr. President, the economy is not there. Our Republican friends have been constantly increasing their appropriations, and their talk about economy in the light of these figures is ludicrous. The total amount to be spent during the ensuing fiscal year is $3,936,956,277.76, plus $186,833,509.07, making the enormous total of $4,123,789,786.83. The war has been over for seven years, and yet we are spending nearly four times as much as we spent just prior to the war. Mr. President, these figures can not be juggled. They can not be refuted. They can not be changed by putting in an appropriation that was made this year and counting it as having been made last year as shown in the note. These figures speak for themselves.

I digress long enough to say to the Senator from Ohio that neither the chairman of the Committee on Appropriations of the House nor any other person can change these figures. No one can take an appropriation of $186,000,000 made at the last session and by any means of accounting apply it to the appropriations for the preceding session in order to show a decrease for this session. When that is done the facts are not being given to the American people. As a matter of fact, the appropriations for the last session of Congress were greater by over $161,000,000 than the appropriations for the preceding session of Congress.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. McKELLAR. I yield.

Mr. WILLIS. I do not desire to interrupt the Senator if it is not agreeable to him.

Mr. McKELLAR. I am glad to yield.

Mr. WILLIS. The statement made by the chairman of the House committee to which I refer is found on page 5522, and I want to call the especial attention of the Senator to that language——

Mr. McKELLAR. I will be glad to have the Senator read it.

Mr. WILLIS. And to ask whether or not the Senator from Tennessee challenges it. It is there specifically stated:

> The amount appropriated at this session, $3,936,921,277.76, compared with the total of all appropriations made during the first session of the Sixty-eighth Congress, $3,961,843,027.26, shows a decrease of $24,921,749.50. (Table C.)

Reference is there made to the table which appears on page 5525, which seems to bear out that statement.

Mr. McKELLAR. Well, Mr. President, it merely seems to bear it out; it does not really do so. The truth and the fact is——

Mr. SMOOT. It does bear it out, let me say.

Mr. McKELLAR. The truth and fact is that the statement leaves out a deficiency appropriation passed on the 5th day of last December in the last session of the last Congress of over $186,000,000. Of course, anybody can transfer the appropriations for the executive department for this year to the appropriations for last year and in that way attempt to juggle the figures as to any appropriation that might be made. I do not know why the second deficiency appropriation bill was singled out. Perhaps the reason was that it failed of passage in the preceding session of Congress; but, as a matter of fact, the appropriations in that bill were made by the last session of Congress.

Mr. GEORGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I yield.

Mr. GEORGE. I should like to state to the Senator from Tennessee that, whatever the figures of the distinguished chairman of the House committee may show, he has made one very significant statement—that is, that we have already reached the low-water mark, and that hereafter the next year will see constantly increasing, rather than decreasing, appropriations. I was just wondering if the economy program is coming to an end so suddenly.

Mr. McKELLAR. The announcement referred to by the Senator from Georgia is merely a statement in advance of what the people may expect in the future. Now that our Republican friends are in, they are going to continue in their wasteful and extravagant expenditures. I know the chairman of the Appro-

priations Committee of the House; he is a splendid gentleman; but he has, indeed, made a mistake in taking the second deficiency appropriations of $186,000,000 and including them in the appropriations for the preceding year, when they were made during and should be included with the appropriations for the second session of the Sixty-eighth Congress. However that may be, he is honest enough and frank enough and manly enough to say to the American people that, now that they are in, instead of expecting appropriations to be diminished in the future, the present enormous appropriations of over $4,100,000,000 are not only going to be continued but they are going to be increased in the future. Of course, the Senator from Georgia is correct; it is a mere serving of notice on the part of my friend Mr. MADDEN that the appropriations are going to increase in the future, and that we may expect every species of waste and extravagance.

But, Mr. President, the appropriations made at the last session of Congress show a wasteful, wicked extravagance; they show increased appropriations for almost every department of government. These figures show not economy, as claimed for the President and as claimed by the Director of the Budget and by Republican leaders, but they show a greater extravagance than has ever occurred at any time in the history of our Government during times of peace.

In addition to all this, Mr. President, authorizations were made by the last Congress for expenditures in the future in the enormous sum of $414,910,000, for which subsequent Congresses will have to appropriate. The last session of Congress has been the most remarkably extravagant session that has ever assembled during the history of this Republic.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield further to the Senator from Ohio?

Mr. McKELLAR. I yield.

Mr. WILLIS. Was the Senator from Tennessee opposed to those additional authorizations which he now denounces?

Mr. McKELLAR. I will say to the Senator that I was opposed to many of them. I opposed them in committee, but, of course, the appropriation bills, after they were recommended, had to be passed and the most of them passed without a record vote. The only place where they could really be opposed was in the committee. I opposed uniformly all extravagant appropriations. For instance, take the item of $150,000,000, which it was proposed by a supplemental estimate from the Budget to turn over to the Secretary of the Treasury for the purpose of erecting throughout the country public buildings with which he was not familiar and as to which he could not become familiar.

Mr. WILLIS. That does not figure in this matter, for that item of appropriation was not adopted.

Mr. McKELLAR. It does figure in it, because the administration and the Budget recommended that appropriation, but the Congress turned it down. It was the Congress that put its foot down on this extravagance.

Mr. WILLIS. Well, it was not enacted into law, so that it can not be considered as a part of the authorizations to which the Senator refers. The Senator does not mean that.

Mr. McKELLAR. The Senator can entertain his own views as to that. The figures, however, show that the last session of Congress actually appropriated four billion one hundred and some odd millions of dollars and that they authorized $414,000,000 more, or a total of a little more than four billion and a half dollars.

Mr. WILLIS. Mr. President——

Mr. McKELLAR. This economy administration, this administration that sends down with every request for an additional appropriation the statement that it is not contrary to the President's program of economy, is the most extravagant that was ever known in peace times in this country.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. McKELLAR. I yield.

Mr. WILLIS. Does the Senator consider it entirely fair to make the comparison which he has been making between the appropriations now and the appropriations before the war without mentioning the fact that the very large increase in appropriations has been necessitated because of obligations growing out of the war? For instance, here is an expenditure of $500,000,000 for the Veterans' Bureau. Does the Senator deem that extravagance?

Mr. McKELLAR. Oh, no; the Senator is mistaken about that. The largest fixed appropriations, of course, come from the increased interest charge due to the war. That has been very greatly reduced. It has been reduced nearly $200,000,000 a year. My recollection is that the present appropriation is only $830,000,000, as against nearly $1,100,000,000 two or three years ago for that purpose. The appropriation for soldiers' rehabilitation work has been largely decreased. There are probably a dozen fixed appropriations that have been largely decreased. But while they have been largely decreased, while the appropriations for war purposes have been largely decreased, the appropriations for ordinary purposes for each one of the departments except the Department of the Interior have been increased, and considerably increased.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield further to the Senator from Ohio?

Mr. McKELLAR. Yes; I yield to my friend.

Mr. WILLIS. I wanted to get the Senator's estimate of what he regarded extravagance. For example, there was an enlarged authorization for the building of good roads. Does the Senator regard that as an extravagance against which he contends?

Mr. McKELLAR. I think that is one of the most economical of all the appropriations, because it builds up the country that we all believe in and that we all live in. It is certainly economy to have good roads.

Mr. President, I call the attention of the Senate to the fact that nearly $300,000,000 of these increased and extravagant and wasteful appropriations have been for the purpose of refunding income taxes in large "gobs" to income-tax payers.

For instance, Libby, McNeill & Libby, Union Stock Yards, Chicago, this year received a refund of $1,988,201.49. I stop long enough to ask the Members of the Senate to think of what poor accountants Libby, McNeill & Libby must have that would make a mistake of nearly $2,000,000 in their taxes and require the Government to pay back to one taxpayer nearly $2,000,000 at one stroke!

Here are some other refunds:

Swift & Co., of Chicago, $1,010,427.49.
The Willys-Overland Co., Toledo, $555,690.08.
The Great Western Railway, Denver, $744,615.97.
Hawaiian Sugar Co., $184,453.04.
International Securities Co., $292,455.25.
Pierre S. du Pont, $283,238.15.
Eugene du Pont, $45,078.27.
The Aluminum Co. of America, $555,102.55.
California & Hawaiian Sugar Co., $200,762.69.
New Jersey Worsted Co., $509,906.51.
Magnolia Petroleum Co., $1,236,647.81.

My recollection is that something like $300,000,000 have been appropriated in both regular appropriations and deficiency appropriations this year for tax refunds.

In addition to the foregoing, Members of the Senate will find in the CONGRESSIONAL RECORD of January 9, 1925, a full statement of the refunds of these enormous sums. It is inconceivable that these taxpayers would make such tremendous mistakes in the payment of their taxes. Why, Mr. President, if this increase in refunding taxes goes on for the next four years as it has during the last four years it will bankrupt this Government, great as it is.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. Yes; I yield.

Mr. HEFLIN. The Senator from Tennessee doubtless remembers that when a large sum of money was refunded to Mr. Doheny, the clerk who figured out the matter and recommended that refund was taken out of the department and employed by Mr. Doheny at a large salary.

Mr. McKELLAR. Yes; that and many other instances of peculiar dealings between the Treasury Department and individuals have been brought to the public's attention from time to time.

Mr. HEFLIN. I observe, too, that the Senator read a moment ago that $500,000 had been given to the Aluminum Co. of America. That is Mr. Mellon's company?

Mr. McKELLAR. It is so understood to be. I do not know about the stock ownership, but I believe it is commonly accredited as one of the Mellon companies; and it received last year, out of this more than $4,000,000,000 of appropriations, the sum of $555,000 by way of tax refund.

Now, Mr. President, I come to the next proposition; and that is that you see in the newspapers, on motion-picture screens, and everywhere, and you hear by radio statements as to the great reductions that have been brought about by this administration in the number of employees of the Government. Do you know what the reduction has been for the last year? There has been no reduction at all. Instead, there has been an increase of 11,000 employees this year. A great many employees have been separated from the service—there

is no doubt about that—but they were Democrats. The Democrats were separated from the service under the civil service law, and I have some doubt about whether it was legal to do it; but, be that as it may, it has been done, and Republicans have been substituted in their places. I can not find any very serious fault about substituting Republicans for Democrats in a Republican administration; but the fault that I do find is that when an administration claims credit for separating employees from their jobs on the ground of economy, it ought not to fill those jobs and then employ 11,000 others in addition.

Mr. TRAMMELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. I yield.

Mr. TRAMMELL. Has the Senator found, in his observations, that the tendency in dealing with the Government employees has been, in cases of reduction of salaries, to impose those reductions principally upon clerks occupying minor positions instead of those in the more important, higher-salaried positions?

Mr. McKELLAR. The complaints that have come to me have been that clerks in minor positions were demoted, or their salaries reduced, and those in the higher and better positions were given increases everywhere.

Mr. TRAMMELL. That is my information. I think the minor clerks, drawing salaries so meager that they can hardly exist in the District of Columbia at the present time, have been the targets for the attempted economy among Government employees; and I think it is an outrage.

Mr. McKELLAR. I agree with the Senator.

Mr. President, much has been published in an attempt to show this administration's economy about the decrease in the employees of the Government. There has been no decrease, as I have just said, in the employees of the Government. Instead, there has been an enormous increase in the number of employees. New bureaus have been established, new commissions have been established, large numbers of employees have been taken on. It is true that many Democrats have been dismissed from Government service, and perhaps have been dismissed in contravention of the civil service laws; but their places have been promptly filled and innumerable other places created for the benefit of Republican office seekers. The net result is that there has been an increase of more than 11,000 employees in the past year.

As evidence of this fact, I ask unanimous consent to have inserted in the RECORD at this point an article published in the Washington Star of March 9, 1925. I am going to read the headlines before putting in the article:

Eleven thousand added to United States pay roll in 1924 despite economy plea—Bonus and Postal Service account for about 9,000 of increase—Showing astounds White House and others trying to save.

The PRESIDENT pro tempore. Without objection, the article will be printed in the RECORD.

The article is as follows:

ELEVEN THOUSAND ADDED TO UNITED STATES PAY ROLL IN 1924 DESPITE ECONOMY PLEA—BONUS AND POSTAL SERVICE ACCOUNT FOR ABOUT 9,000 OF INCREASE—SHOWING ASTOUNDS WHITE HOUSE AND OTHERS TRYING TO SAVE

[This is the first of three articles describing in detail President Coolidge's plans to cut down operating expenses of the Government in the face of a Federal pay roll which added 11,000 employees in 1924.]

(By William P. Helm, jr.)

Eleven thousand new names were added to the Federal pay roll in 1924. The tally has just been made and the totals run up. The result is almost unbelievable to the officials directing the President's campaign for reducing the number of public workers. It comes with the force of a rude shock to the White House itself. Yet there is no gainsaying the actual figures. They are official and they show the gain in detail—10,948, to be exact.

Such was the increase between New Year's Day of 1924 and New Year's Day of 1925. It was during that period that Calvin Coolidge, arch-enemy of governmental extravagance and high priest of economy in government, served his first full year as President of the United States. It was during that period, too, that Washington first became fully aware of the President's firm will to cut expenses.

BONUS PARTLY RESPONSIBLE

Certainly there has been no President within a generation so mindful of the fact that every dollar withdrawn from the Treasury means 100 cents gone. Perhaps no President of the United States in all its history has ever cut so ruthlessly into the spendings of the departments under his command. It seems grim irony that within the span of his first year as President—a year devoted to strenuous retrenchment—the steady decrease in Federal employees should have been reversed to a sudden increase. For 1924 was the first year since the armistice that the Federal force failed to shrink from its previous year's dimensions.

There are reasons, of course, to be found in the returns. Thousands of the additional employees were put on the pay roll against the President's vigorous opposition and over his veto. Other thousands came in through the simple gateway of a single department where the existing force could not meet the public demands upon it. And other thousands, or, perhaps, hundreds, just happened to get on the pay roll notwithstanding all the watch dogs at the Treasury.

More than 2,000 additional workers were placed on the pay roll through the action of Congress in passing the soldier bonus bill over the President's veto. These employees are scattered through three separate branches of the Government—the War Department, the Navy Department, and the Veterans' Bureau. In The Adjutant General's office alone extra employees number more than 1,000. And that number is not so large as the first estimate of additional help needed to carry out the provisions of the bonus law.

POSTAL SERVICE INCREASES

It is in the growing use of the mails, however, that the chief reason for the increase in personnel is found. More than one-half of the entire force of Federal workers are in the Postal Service. The number thus employed, according to civil service count, was 301,000 at the end of 1924. This was an increase of 6,714 employees within the year. The Post Office Department, however, is vitrually self-supporting, so the increase in its personnel is not a direct burden on the taxpayers. Users of the mails bear from 95 to 99 per cent of it.

The remaining 2,000 or more employees went onto the pay roll through almost every branch of the Federal service. The Department of Agriculture, for instance, added more than 300 names to its roster, notwithstanding the earnest efforts of its high officials to fall in line with the President's economy program. Part of this increase was due to the fact that the department was given $90,000,000 to spend for road building during the last half of 1924 and the first half of the current year.

But part of the increase also was due to gradual additions, a man here and a man there, to other branches of the force, not in any spirit of opposition to the President's wishes, but simply because such additions appeared necessary to do the job at hand.

COMMERCE WORK ENLARGED

The Department of Commerce also added hundreds of workers to its staff. In doing so, however, it had no choice, for under the law it must take an agricultural census every 10 years, and the work is at hand. On the other hand, the Department of the Interior cuts its forces several hundred, and is still cutting them, more than 40 employees being laid off at the General Land Office within the past 10 days or so.

Another Federal activity that added more men to its pay roll is the Government Printing Office, which now is running at approximately its highest peace-time level. Congress, it may be remembered, is in direct charge of this branch of the Government; most of the other branches come directly under the President. More Government literature, including the CONGRESSIONAL RECORD, is flowing out of Washington these days.

It is noteworthy that the President directed one of his chief drives for economy against this particular item of expense. At the beginning of the fiscal year, Mr. Coolidge told his subordinates that they must cut their printing costs. They have done so to an extent, and the Public Printer has worked loyally for economy. Yet the number of his employees, of necessity, has risen.

62,242 WORK IN DISTRICT

All told, during the year when the White House was making its greatest drive for economy, the number of Federal employees rose from 544,671 to 555,619. Leaving the Postal Service out of consideration, the force increased from 250,385 to 254,619. Of the latter number, 62,242 persons were employed in the District of Columbia. The remainder were field workers.

What's the answer? For one thing the answer is that the salaries of 4,234 extra employees, disregarding the Postal Service, will make tax reduction this year more difficult by about $7,000,000 than it would be otherwise. And tax reduction on 1925 income lies close to the President's heart. For another thing, the answer is that the President has not the say as to how much or how little money the Government may spend. That is left, under the Constitution, to Congress.

The President may exercise economy, of course, in running his branch of the Government, and that he is doing. But during 1924 Mr. Coolidge's economy drive was nullified, to some extent at least, by a Congress that wouldn't always go along. And, too, it was checked, to a less extent, by subordinates who failed to follow through on every occasion.

Mr. Coolidge is now President in his own right. He has decided ideas about reducing the force on the public pay roll. He intends to do just that thing. How he expects to go about it and what he hopes to accomplish will be told in the next two articles. (Copyright, 1925.)

Mr. McKELLAR. Mr. President, I submit these figures and these statements to the thoughtful consideration of the American people. I am not questioning the good faith of President Coolidge in the slightest. He is simply being misled. He can not be expected to go into the details of these figures and doubtless does not do it. He is not familiar with the details of appropriations by the Government and, of course, he can only speak in a general way; but he is being misled by those under him. He is being misled into believing that his administration is actually practicing economy, when as a matter of fact it is and has been practicing the most wasteful extravagance.

That is all I intended to say; but, inasmuch as so much has been said by the press of the country about the increase in salary of the legislative department of the Government, I stop here to call attention to the appropriations made for the Executive Department of the Government. I have before me the law appropriating money for the Executive Offices for the ensuing fiscal year. We appropriate for the White House a total of $442,960—$75,000 for the President's salary, $25,000 for traveling expenses, $92,760 for clerical services, $2,800 for printing and binding, $110,000 for care and maintenance and repair of the White House, $87,400 for proper policing; in all, $442,960.

Mr. President, I am not complaining of that—not at all. I think the White House and the President's establishment ought to be kept up in a liberal way. I do not complain, and I will say to my friend who asked me what I voted for a while ago that I voted for these appropriations for the Executive Department. They ought to have been appropriated for it. The President of the United States should be maintained in a position in keeping with the great office that he holds, and I think it is a mistake to undertake to pare down. I think the President makes a mistake in bothering about the small expenditures. Congress willingly appropriates that money; but what I do complain of is his claim and plea for economy when no such economy exists in any department of the Government. There is no economy anywhere. Never in the history of the Government, from the time Mr. Washington took his seat on the 30th of April, 1789, to this good moment, has there been such wasteful extravagance—yes, more than that; in the departments themselves there never was such wicked extravagance as exists during the present year of our Lord in the conduct of this Government of the United States by the present administration.

Mr. SMOOT. Mr. President, when the Senator from North Carolina [Mr. OVERMAN] presented his statement I asked unanimous consent to have printed in the RECORD a statement showing a comparison of the Budget estimates and the appropriations, arranged by appropriation acts, together with a comparison of appropriations made during the second session of the Sixty-eighth Congress with those of the first session, and other information relative to the appropriations made during the last two sessions.

I find that my request covered exactly the same material covered by the request of the Senator from North Carolina [Mr. OVERMAN]; the statement would be exactly the same, and therefore I do not ask that this be printed, because there would be a duplication.

The PRESIDENT pro tempore. The unanimous consent heretofore granted will be modified as requested by the Senator from Utah.

Mr. SMOOT. Mr. President, I have been rather surprised at the statements which have been made by the Senator from Tennessee [Mr. McKELLAR]. The Senator from Tennessee is a member of the Committee on Appropriations. I take it for granted that he will not question the statement which has been put into the RECORD by the Senator from North Carolina.

Mr. McKELLAR. Mr. President, I put that in as a part of my remarks, and the only question I make about it is that the item of $187,000,000 carried in the deficiency appropriation bill was placed under expenditures for the first session of the Sixty-eighth Congress when it should have been carried under the second session of the Sixty-eighth Congress.

Mr. SMOOT. Mr. President, the Senator is mistaken as to the result, and I want to call the Senate's attention to the facts.

There is no more doubt that there was a saving during the second session of the Sixty-eighth Congress over the first session of $24,886,000 than that we are in this Chamber. It can not be denied. It can not be figured in any way, shape, or form to bring a different result.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. McKELLAR. I ask the Senator this plain question: Was not the $187,000,000, which it is stated was appropriated during the first session of the Sixty-eighth Congress, actually appropriated on December 5, 1924, during the second session of the Sixty-eighth Congress?

Mr. SMOOT. Yes, Mr. President; but the same amount of money is charged in the second session, as will be seen from the statement itself, showing that there was an increase in the appropriations for the second session over those for the first session of $151,248,904.23. If the appropriation referred to by the Senator had been made at the first session, where it was rightfully charged, but failed of passage, then the appropriations for the first session of that Congress would have amounted to $186,000,000 more, and that saving would have been shown when those figures were compared with those of the second session, to which I have referred. In other words, the appropriations made during the first session of the Sixty-eighth Congress were $2,167,045,220.34. Congress intended that that should be $186,833,500.07 more; and if the second deficiency appropriation bill had not failed in the closing hours of the first session of that Congress, the appropriations for that first session, as I have already said, would have been increased by just that amount, as shown by the statement which the Senator from North Carolina has put in the RECORD.

So we take the appropriation of $186,000,000 and charge against it for the second session $159,000,000, which was actually appropriated for the year 1925, and that shows that it was $128,268,319.40 less.

Mr. McKELLAR. Mr. President, I want to ask the Senator this question: Congress was urged a short time ago to pass an appropriation bill carrying $150,000,000 for public buildings, but it did not do it. It made the same narrow escape that the bill carrying $186,000,000 made the year previous. In the next Congress, when we meet next December, if by any mischance—and I say that because I am very much opposed to that bill—the $150,000,000 public buildings bill shall be passed, would the Senator from Utah say that the figures ought to be juggled and the appropriation put against this year's expenditures rather than against those of next year?

Mr. SMOOT. The Senator makes a mistake. There was no appropriation of $150,000,000. No bill making any such appropriation was before Congress. There was a bill making an authorization for the expenditure of $150,000,000, and the Senate placed that on an appropriation bill; but not a dollar of it was to be paid until 1927, and then only one-tenth of the amount, or $15,000,000. So what the Senator has said can not be justified. It is a muddying of the waters for certain purposes that I can not quite understand.

I want to say frankly—and I defy anyone who knows anything about appropriations, or who has followed the appropriations made during the last three Congresses, to deny this—that there has been a steady decline in expenditure, that there has been a saving every year. I want to say also to my good friend from Tennessee that I think that from now on there will be a constant increase in the appropriations to meet the increased expenses of the Government, increased salaries and increases of costs everywhere, in every undertaking of the Government; that the appropriation this year of $3,936,956,277.76 is as low as any appropriation under which the Government can be run.

I agree with General Lord that if the appropriations that will be asked for at the first session of the Sixty-ninth Congress are made, there will be an appropriation slightly larger than the appropriation made during the second session of the Sixty-eighth Congress.

Mr. McKELLAR. Mr. President, the Senator then thinks that this prediction of Congressman MADDEN, that next year's appropriations will be larger than this year's, is accurate?

Mr. SMOOT. I think——

Mr. McKELLAR. I want to say to the Senator that I do not believe they ought to be. I think they ought to be reduced, and, so far as I am concerned, I am going to use every effort in my power, in a proper way, as a member of the Committee on Appropriations, to cut down these extravagant appropriations that are being recommended by the Director of the Budget.

Mr. SMOOT. I will come to the Budget in a little while. I want to make this matter of the appropriations clear to the Senate.

What the Senator said in relation to the increased appropriations in the Agricultural, District of Columbia, Executive Office, independent offices, Interior, legislative establishment, Navy, State, Justice, Commerce and Labor, Treasury, and Post Office, and War Department appropriation bills is true. They all carried increases during the session just closed, with the exception of one. But notwithstanding the slight increases in the appro-

priations for those departments over those of the preceding year, the total decrease in the appropriations during the second session of the Sixty-eighth Congress over the first session amounted, as I have stated, to over $24,000,000. There is no question about that at all.

The Senator may ask me why I said that the appropriations from now on are going to increase. They increase as the Government activities increase. We remember well when the country was startled with the statement that the appropriations for one session of Congress would be $500,000,000. A cry went from one end of the land to the other that that was a billion-dollar Congress. There never has been a year since that time when the cost of running the Government has not increased, and Government expenses will increase, I do not care what party is in power.

I do not intend now to call attention to the appropriations that were made under the last Democratic administration. Talk of wicked waste of money! I say, and have said before, that it was not only a wicked waste of money, but it was a criminal waste of money.

Mr. OVERMAN. Mr. President, I hope the Senator will not go into that. We have gone over that before. War is war. It takes money to fight, and, as our Vice President said, "Hell and Maria." What is the Senator talking about?

Mr. SMOOT. Mr. President, I made the statement on the floor of the Senate, and I have made it throughout the country, that during the war, no matter what the President of the United States asked for, no matter what the appropriation he demanded was, if he said it was absolutely necessary in order to carry on the war, I would vote for it. No Democrat in this Chamber can point to a Republican Member of this body and say that he did not stand squarely back of every demand made by the President of the United States during the war times.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. NORRIS. I am moved to ask this question by the interruption of the Senator from North Carolina, who said that all these expenses which the Senator from Utah has criticized came about from carrying on the war, and he itemized, saying that they were for "hell and Maria." It certainly is not improper, if we admit that to be true, to ask that those expenses be itemized, and to inquire how much was for "hell" and how much was for Maria." [Laughter.]

Mr. OVERMAN. As our Vice President has said, war is "hell and Maria."

Mr. SMOOT. It would be impossible to answer the Senator's question.

General Lord has been criticized to-day, I think unjustly criticized. The Budget has done more than its strongest advocates had an idea it could accomplish. It is not altogether the amount the Budget should send here on one particular item or one particular demand by any department coming through the Budget and that Congress, in its judgment, should cut that item down. What has been saved comes from the fact that if the Budget had not estimated and cut the demands of the various departments of the Government, the Congress itself would have added large sums to those demands, unless there had been the opportunity for a point of order to be made against them, and that would have amounted to tens of millions of dollars in every Congress since the Budget has been in operation.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I yield.

Mr. McKELLAR. The Senator was discussing the comparative figures of General Lord, the Chief of the Budget, and the appropriations made by Congress. The Senator will admit, will he not, that the Congress appropriated less money than was recommended by the economical General Lord? Is not that true?

Mr. SMOOT. Yes; and it very easily explained. It shows that during the past year there were less appropriations by Congress than the Budget estimated for, and for——

Mr. McKELLAR. The Budget estimates, the Senator will agree, should be increased by supplemental estimates made by the Budget, notably one of $68,000,000 for the postal employees, and another of $150,000,000 for public buildings, which would make the difference between the Budget estimates and the amounts actually appropriated by the Congress a little less than $250,000,000.

Mr. SMOOT. Oh, no; all of the appropriations together show only a difference of $11,756,852.47, and that includes every appropriation that was made. The Senator must know there were appropriations made to cover that amount.

Mr. McKELLAR. But the Budget estimates did not include the $68,000,000 for postal employees' salaries.

Mr. SMOOT. Because at that time the Budget did not know anything about whether they were going to secure an increase.

Mr. McKELLAR. But since that time the $68,000,000 estimate was sent down in the form of a supplemental estimate of the Budget and was not included in the original Budget figures submitted here.

Mr. SMOOT. Nor is the appropriation included in the figures I have submitted. The question as to whether the income from the increased rates in the Post Office Department would cover that additional appropriation made necessary by reason of the increased salaries is to be determined at the next session of Congress. Neither the estimate from the Budget included nor the appropriation was included in these figures. Therefore it does not make a particle of difference in the balances.

Mr. McKELLAR. The statement does not include the supplemental estimate of $150,000,000 for so-called public buildings.

Mr. SMOOT. Of course, if the Congress had appropriated that amount then there would not have been any difference at all.

Mr. McKELLAR. There would have been the same difference there is now.

Mr. SMOOT. Not at all. There would have been $11,000,000 difference. There was no $150,000,000 appropriation estimated for by the Budget. The Budget sent here an authorization for $150,000,000, not one penny of it to be paid until 1927.

Mr. McKELLAR. It was stated to the Committee on Appropriations—I was present and I am quite sure the Senator from Utah was present—that the $150,000,000 authorization had the approval of General Lord, it not being in contravention of the President's program of economy.

Mr. SMOOT. That is true. There is no doubt about it. I did not see anything different in what the Senator has stated from what I had already stated. Congress need not have made the appropriation for 20 years or never, if Congress decided not to do so. It was simply an authorization, and that was all.

I want to call the attention of the Senate to the permanent appropriations we have to meet every year. Senators do not know what they are. They do not stop to think of the amount that they involve because they do not pass at every session of Congress. They are paid because Congress has passed legislation providing that hereafter such appropriations should be annually made. When I have the time I am going through the records and prepare an itemized statement of every one of the appropriations that are made annually because of laws passed years and years ago, some of them 30 years or more ago, and yet appropriations are being made every year under those laws because Congress said "Hereafter there shall be appropriated a certain amount of money for a certain purpose."

Mr. President, out of the $3,936,956,277 we have permanent appropriations and we can not do without them. They have to be met even though a single solitary cent is not appropriated to run our Government.

Mr. McKELLAR. I want to call the Senator's attention to the fact that in addition to the appropriations made by Congress the following authorizations were made:

River and harbor act, $41,000,000.

Mr. SMOOT. The Senator voted for it with all his heart.

Mr. McKELLAR. Arlington Memorial Bridge, $14,750,000.

Mr. SMOOT. The Senator voted for that.

Mr. McKELLAR. Some of them I voted for and some I did not. Naval cruisers and gunboats and modernization, $154,560,000.

Mr. SMOOT. I do not know whether the Senator voted for that, but I think he did.

Mr. McKELLAR. Airplane carriers, $22,000,000; naval omnibus bill, $10,000,000; contract authorizing aircraft for Army and Navy, $6,250,000; roads, $165,000,000, and that is one I voted for. I take great pride and credit for that vote.

Mr. SMOOT. That amounts to more than all the questions involved in to-day's discussion.

Mr. McKELLAR. Let us see whether it does or not. Veterans' Bureau hospital, $10,000,000.

Mr. SMOOT. The Senator voted for that.

Mr. McKELLAR. District of Columbia school building program, $9,000,000.

Mr. SMOOT. The Senator voted for that.

Mr. McKELLAR. Embassy building at Tokio——

Mr. SMOOT. The Senator never said a word against that item.

Mr. McKELLAR. Miscellaneous acts amounting to more than $3,000,000, a total of $426,710,000, and only $32,000,000 was appropriated for those items.

Mr. SMOOT. Certainly, Mr. President.

Mr. McKELLAR. The party of the Senator from Utah has appropriated in cash for the ensuing fiscal year $4,100,000,000, and has obligated the Government to spend in future years $414,000,000 more—over $4,500,000,000—and yet they are talking about being economists! They are telling the American people that they are practicing economy; that this administration has reduced the expenditures of the Government in order that the taxpayers may profit by their so doing, when, as a matter of fact, I challenge the Senator to find any year in peace times during the history of this Republic when this Government has appropriated as much money.

Mr. SMOOT. Mr. President, I accept the challenge; and I tell the Senator from Tennessee that during every year since the World War closed and since the Republican Party has been in power we have decreased appropriations. I say the Senator from Tennessee can not find one year when that has not been the case. Not only that, but of the $400,000,000 of authorizations to which the Senator has referred he himself voted for about $399,000,000 of the total amount.

Mr. BORAH. Mr. President, that is the trouble with Senators on both sides of the Chamber.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I shall yield the floor in just a moment. I wish to refer only to one other matter, and then I am going to yield the floor, because on account of my physical condition I should not have spoken to-day at all. There are permanent appropriations of $1,400,092,308.24 which are included in the figures which the Senator from Tennessee has given. They are included, Mr. President, in the $3,900,000,000 appropriated for the maintenance of the Government for the fiscal year 1926. It is for that reason I say that we have gotten down to bedrock, and from now on I do not expect to see appropriations for the Government become less than they have been for the ensuing fiscal year.

During the delivery of Mr. SMOOT's speech,

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON appeared, and Mr. CURTIS said:

Mr. President, your committee appointed to wait upon the President of the United States and inform him that the Senate is about ready to adjourn if he has no further communication to make have performed that duty and beg to report that the President will communicate with the Senate a little later in writing.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

NOMINATION OF JOHN G. SARGENT

Mr. CUMMINS. Mr. President, I understand that in the message just received from the President of the United States a nomination has been made for Attorney General. I ask unanimous consent, as in closed executive session, that the nomination be referred to the Committee on the Judiciary; and I give notice now that there will be a meeting of that committee at half-past 2 o'clock.

Mr. OVERMAN. Let the message be laid down and referred to the committee.

Mr. CUMMINS. That is what I am asking.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent, as in closed executive session, that the message of the President just received be laid before the Senate, and that the nomination therein contained be referred to the Committee on the Judiciary. Is there objection?

Mr. NORRIS. Mr. President, one of the ancient and accepted rules of the Senate that has had only one or two exceptions is that all such things must be done in secret. I have been one who has been opposed to that rule, and yet, it being a part of our rules, it seems to me that it is my duty to ask that it be enforced. In order to carry out the request, if the unanimous consent is granted, and that ancient and much-respected rule of the Senate that such things should be received behind closed doors and in secret is to be broken and violated on this occasion, I suggest that at least we could go thus far in retaining our ancient rules; and hence I ask that the Presiding Officer, if the unanimous-consent agreement be entered into, that he enjoin upon the employees of the Senate who do not have access to the secret meetings of the Senate, that he enjoin upon the members of the press, and likewise enjoin upon all those who are so unfortunate as to be in the galleries listening to the deliberations of the Senate, the necessity for absolute secrecy in this matter until by due order in due course the same may be released for publicity by action of the Senate.

Mr. CUMMINS. Mr. President, I desire to add a word at this point, because the Senator from Nebraska is mistaken with regard to the rule. The rule permits the publication of the names of persons nominated by the President of the United States.

Mr. NORRIS. But the rule does not permit it until released for publicity by action of the Senate.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. Certainly.

Mr. ROBINSON. The request of the Senator from Iowa is proper, and in my opinion should be granted. The nomination has already been published. There is no secrecy as to the person who has been selected.

The PRESIDENT pro tempore. The Chair will add that exactly the same procedure was followed the other day in the Senate when the second nomination of Mr. Warren was received.

Mr. McKELLAR. Mr. President, I do not object. I want to have the nomination announced from the desk.

The PRESIDENT pro tempore. Unanimous consent must first be obtained to have the message laid before the Senate. Is there objection to the unanimous-consent request preferred by the Senator from Iowa? The Chair hears none, and it is so ordered; and in accordance therewith, as in closed executive session, the Chair lays before the Senate the following massage from the President of the United States.

The Chief Clerk read the message, as follows:

THE WHITE HOUSE, *March 17, 1925.*

To the Senate of the United States:

I nominate John G. Sargent, of Vermont, to be Attorney General.

CALVIN COOLIDGE.

The PRESIDENT pro tempore. In further accordance with the unanimous-consent agreement just entered into, the nomination is referred to the Committee on the Judiciary.

Mr. CUMMINS. I again give notice and renew the statement that at half past 2 o'clock, if the committee can be gotten together at that time, we will have a meeting of the Committee on the Judiciary to consider the nomination.

Mr. REED of Missouri. If the committee should report promptly, may I inquire whether it is the program to have the Senate remain in session so that the nomination may be acted upon to-day, possibly?

Mr. CUMMINS. It is not my purpose so to do. If the committee acts upon the nomination to-day and makes a report to-day, it will go over, of course.

Mr. ROBINSON. It will not necessarily go over unless some Senator asks that it shall go over.

Mr. CUMMINS. I am assuming that some Senator may ask that it go over, and I am assuming that the Senate will be in session to-morrow. If it is not to be in session to-morrow, the nomination would necessarily not go over until to-morrow.

Mr. CURTIS. Mr. President, if it is possible that the nomination may be reported back to the Senate this afternoon, we would like to have an executive session to consider it; but I want to state to the Senator that there will be a session to-morrow. There will be two or three other nominations coming to the Senate, and one Senator has given notice that he wants to make a speech to-morrow.

Mr. ROBINSON. I hope, if possible, that the nomination may be disposed of to-day, because other nominations are to follow it, and they are not likely to follow until this nomination has been acted on.

Mr. CUMMINS. If the Committee on the Judiciary reports the nomination favorably, I shall ask unanimous consent for its consideration at a later executive session of the Senate, but I realize that that may be prevented by the objection of any Senator.

After the conclusion of Mr. SMOOT's speech,

THE LAUSANNE TREATY

Mr. KING. Mr. President, I desire the attention of the Senate for a short time for the purpose of calling attention to the Lausanne treaty and the relations of our Government to the

present Turkish or Kemalistic régime. For many years treaties of amity and peace existed between the United States and the Turkish Empire. These treaties were broad and comprehensive in their terms and afforded guaranties and protection to American citizens within the Ottoman Empire.

On April 20, 1917, Turkey, having associated herself with the central empires, against the allied nations, severed diplomatic relations with the United States. In 1923 representatives of various governments met representatives of Turkey at Lausanne, Switzerland, for the purpose of entering into treaties to take the place of treaties which existed between such governments and Turkey prior to the World War. The United States was also there represented for the purpose of negotiating a treaty. Its representative was Hon. Joseph C. Grew, envoy extraordinary and minister plenipotentiary of the United States to the Swiss Confederation.

On the 6th of August, 1923, a treaty to regulate the general relations between the United States and Turkey was signed at Lausanne. This treaty expressly abrogated the capitulations concerning the rights of foreigners in Turkey both as regards conditions of entry and residence and as regards fiscal and judicial questions together with the economic and financial system resulting from the capitulations.

It was a renunciation by our Government of many advantages and privileges theretofore enjoyed by the United States and its nationals; it was a repudiation of the conditions which ex-Secretary Hughes had repeatedly declared as a sine qua non to the resumption of diplomatic relations and the entering into treaty relations with Turkey. I shall not at this time examine this treaty or canvass its provisions or point out its defects. That task will be attempted later, in the event that the administration shall press its ratification and the Foreign Relations Committee of the Senate shall favorably report it to the Senate.

This treaty was transmitted to the Senate May 3, 1924, by President Coolidge, who has, since that time, consistently and earnestly urged its ratification. The Committee on Foreign Relations of the Senate gave consideration to the treaty. I had the opportunity to appear before the committee upon several occasions. Upon each occasion I submitted to the committee the reasons which led me to oppose ratification. I believe that the reasons assigned were such as to call for the treaty's rejection.

Strong opposition to the treaty developed in all parts of the United States when its terms were understood by the people. They felt that American rights had been betrayed and that an impolitic and unjust treaty had been presented to the Senate. Leading educators, ministers of various denominations, scholars, historians, and patriotic and public-spirited men and women protested against the ratification of the submitted treaty. The committee, however, brought the treaty to the floor of the Senate, and efforts were made by the administration to secure favorable action.

I took the liberty of conferring with Senators upon both sides of the Chamber and reached the conclusion that there was strong opposition thereto by many Senators, and that upon the minority side of the Senate the opposition was almost unanimous. It was obvious that any attempt to secure favorable consideration and ratification of the treaty would fail during the last session of Congress, as well as during this special session of the Senate which it is understood will adjourn tomorrow.

In view of this situation, those having charge of the treaty in the Senate, had it recommitted to the Committee on Foreign Relations. What action will be taken by the committee at the next session of Congress, I shall not undertake to say. In my opinion, however, the committee will be less favorably disposed toward its ratification then than they have been at any time heretofore. I feel confident the sentiment of the great majority of the American people is not only opposed to the treaty, but is bitterly hostile to its ratification. And I am persuaded that this sentiment will be reflected in rational and earnest appeals to the Senate to repudiate this treaty which is regarded by so many as unworthy of support by this Republic.

Mr. President, some of the most formidable opponents of this treaty have been, and are, the American Committee for the Independence of Armenia, and various organizations of Americans, of Greek and Armenian descent. They have felt that this treaty was a betrayal of the Armenian people, and of the Armenian Republic which was recognized by the allied and associated powers, and the inhabitants of which had contributed in a most powerful manner to the triumph of the allied arms in the Near East. They have remembered what was declared by Great Britain, France and Italy, and also by the United States, as the objectives to be attained when the contest with the central empires was ended. The allied powers and our own Government, specifically declared that an Armenian state should be established and that the Armenian people should enjoy independence. They also declared that there should be returned to Greece territory of which she had been despoiled by the hated Turks, and that the Ottoman Government should be driven forever from Europe.

Pursuant to these repeated declarations the treaty of Sevres was negotiated, an Armenian state was established, and its boundaries delimited by the President of the United States. Greece recovered some of her ancient territory, both in Thrace and in southwestern Anatolia in the region of Smyrna. But, Turkey after having signed the treaty of Sevres contemptuously disregarded its terms, made war upon Armenia, burned and sacked Smyrna, massacred hundreds of thousands of Armenians and Greeks, and reasserted dominion over territory to which the Armenians and the Greeks were entitled by every principle of justice and right. The treaties of Lausanne negotiated by Turkey and the allied powers were flagrant violations of the solemn promises made by the allied nations. They were cruelly unjust to the Armenians and to the Greeks, and were unworthy the great Christian states, signatories to the same. And our Government meekly and impotently followed in the wake of the allied nations and negotiated the Lausanne treaty which is now before the Committee on Foreign Relations. I should add that it is less favorable to our Government and to its nationals than are the various treaties negotiated between the Turkish Government and the allied powers to the latter and their nationals.

There seems to be an obsession upon the part of our Government to enter into a treaty with Turkey. The eagerness displayed has been the subject of much unfavorable comment, and charges have been made that certain oil concessions lurked somewhere in the background during some periods of the negotiation culminating in the completed instrument.

Mr. President, now that this treaty is back with the Foreign Relations Committee, I submit that it should be carefully reexamined before action is taken by the committee. The reasons prompting the State Department to negotiate the treaty should be inquired into, and all the facts relevant and pertinent to the questions involved, should be ascertained. To aid in the accomplishment of this result, I offered on the 13th instant a resolution, being Senate Resolution 35, which is now before the Senate. The resolution is as follows:

Senate Resolution 35, submitted by Mr. KING on the 13th instant

Whereas the United States and the allied nations, following the World War, contended for the establishment of an Armenian state and for the return to Greece of territory to which she was entitled, and the protection of Christian minorities residing within Turkish territory; and

Whereas the treaty of Sevres made provisions for the realization of such contentions, and an independent Armenian state was set up and certain territories, to which Greece was entitled, were restored to her; and

Whereas President Harding on the 8th of November, 1922, gave assurance that "everything which may be done will be done to protect the Armenian people and preserve to them the rights which the Sevres treaty undertook to bestow"; and

Whereas Turkey repudiated said treaty and joined with Soviet Russia in the destruction of the Armenian state, brutally murdered hundreds of thousands of Armenians and drove those remaining in Anatolia and in Turkish Armenia from their homes and confiscated their property, and also massacred hundreds of thousands of persons of Hellenic descent who were residing in Anatolia and Thrace and expelled more than a million others from their homes and appropriated their property; and

Whereas the United States participated in the Lausanne conference which met on November 20, 1922; and prior to its meeting the Secretary of State laid down seven conditions, to be complied with before any treaty would be entered into by the United States with the Turkish Government; and

Whereas Ambassador Child, the American official observer, declared before the Lausanne conference in December, 1922, a number of the essential conditions laid down by the Secretary of State and implied in the assurance given by President Harding; and

Whereas a treaty with Turkey was negotiated by the United States August 6, 1923, which abandons the essential conditions announced by Secretary Hughes and indicated in the assurances of President Harding, and is also tantamount to a betrayal of Armenia; and

Whereas certain concessions were obtained by citizens of the United States, said concessions being commonly called the Chester oil concessions, and it is claimed that said concessionary rights were granted by the Angora or Turkish Government prior to the negotiation of the

Lausanne treaty, and said concessions were a matter of consideration in the negotiation of said treaty, and were potential in bringing about a treaty which was unfavorable to the United States and its citizens and contrary to the position taken by the officials of our Government with respect to Turkey and the Christian minorities therein and with respect to Armenia; and

Whereas said treaty so negotiated has been transmitted by the President of the United States to the Senate for its action hereon, and the same is now pending before the Committee on Foreign Relations of the Senate; and

Whereas no hearings have been had upon said treaty and no information has been submitted by the State Department with reference to the matters herein referred to or justifying the ratification of said treaty; and

Whereas the Turkish Government, both before and since the signing of said treaty, has exhibited a contemptuous disregard of treaty obligations and has continued its cruel and despotic course toward Christian minorities within its borders, and has expelled more than a million persons of Greek descent and hundreds of thousands of Armenians, more than a million and a quarter of whom have taken refuge in Greece and are now the recipients of financial and other aid from the people of the United States, as well as from other countries; and

Whereas the American people are profoundly interested in all questions affecting the Near East, and particularly the Armenians and the Christian minorities who have resided within the Turkish Empire, and they are desirous of knowing the facts surrounding the negotiation of said treaty of Lausanne and the present conditions of the Turkish Empire, and whether or not it is a government worthy of being recognized by the United States and is competent to discharge its international obligations and is willing to conform to the standards which should guide civilized nations in their relations: Therefore be it

Resolved, That the Committee on Foreign Relations be, and is hereby, directed to inquire into the matters and things herein recited, and particularly to ascertain:

(A) What reasons led to the abandonment of the conditions laid down by the Secretary of State October 30, 1922, as conditions precedent to the negotiation of a treaty with Turkey and to the disregard of the assurances contained in the statement of President Harding under date of November 8, 1922.

(B) What, if any, action was taken by the State Department in procuring, preserving, or protecting the Chester oil concessions.

(C) What action, if any, was taken by the State Department in organizing or reorganizing, the Ottoman Development Co., or any other company, to take over and hold any rights obtained under such concession, or what action was taken by said department in the control of the stock or the selection of any officers of said company.

(D) What instructions, if any, were given by the State Department to the representatives of the United States at the Lausanne conference in connection with said Chester oil concessions, or said Ottoman Development Co., and what correspondence was had between the State Department and said representatives concerning said oil concessions.

(E) Whether it is a fact that the American representatives at the Lausanne conference cordially supported the Allies in the Lausanne conference prior to the ratification of the Chester concessions, April 10, 1923, and thereafter supported the position of the Turkish representatives as against the Allies in favor of the abrogation of capitulations and the abandonment of the conditions announced by the Secretary of State as essential terms of any treaty with Turkey.

(F) What causes led to the abandonment by American representatives at the Lausanne conference of the position theretofore taken by the State Department and by President Harding, and what reasons led to the signing by the American representatives of the Lausanne treaty.

(G) What discussions ensued at the Lausanne conference concerning the Chester concessions or the Ottoman Development Co., and what notes or other communications were exchanged between the State Department and the representatives of the United States at said conference, or between the representatives of the United States and the representatives of the Turkish Government concerning the concessions; also what conversations occurred between the representatives of the Turkish Government and the United States respecting said treaty, and particularly with reference to said Chester concessions, or any other concessions with respect to oil, or railroads within Turkish territory.

It will be observed, Mr. President, that this resolution calls for full information in regard to the Chester oil concession, and for the reasons which led our Government to abandon the conditions announced by Secretary Hughes on October 30, 1922, as conditions precedent to the negotiation of a treaty with Turkey. I referred a few moments ago to some of the conditions specified by the Secretary of State. They were:

1. The maintenance of the capitulation;
2. The protection, under proper guaranties, of our philanthropic, educational, and religious institutions;
3. The open door;
4. Indemnity for damages;
5. Protection of minorities;
6. Freedom of the straits; and
7. Opportunity for archeological research.

It is important that the Senate be advised as to the reason which constrained our Government to abandon a position founded in justice and in consonance with the obligations resting upon the United States in seeking a resumption of relations with the Kemalist Government. It is important that the Senate know before action is taken upon this treaty what instructions were given by the State Department to our envoy plenipotentiary, Hon. Joseph C. Grew, who represented the United States in the negotiation.

Mr. President, there is another matter which I wish to briefly present to the Senate. Several weeks ago I introduced a resolution, which was referred to the Committee on Foreign Relations, calling attention to the fact that more than $29,000,000 which had been forcibly taken from Armenians and Armenian banks by the Turks in 1916, and deposited by the Turkish Government in the Reichsbank, of Berlin, was by the several treaties negotiated at Lausanne between Turkey and the allied powers transferred to the latter to be devoted by such Governments toward the payment of claims which their nationals had against the Turkish Government. I insisted that this fund belonged to the Armenians and not to the Turkish or the allied Governments, but that if it were to be taken from the Armenians, from whom it had been stolen by Turkey, then the United States, under the terms of the Versailles treaty which required Germany to relinquish any title she possessed in favor of the allied and associated powers, should intervene and request the allied Governments to consult with the United States in any allocation, distribution, or disposition of said fund, which now amounts to more than $40,000,000.

My resolution directed attention to the fact that in 1919 and 1920 the United States, through the Grain Corporation, had supplied wheat and other foodstuffs to the Armenians the value of the same exceeding $12,000,000. It seemed clear to me that this entire fund should be held by the allied powers and the United States as trustees, to be returned to the Armenians from whom it had been taken or, in the event of their death, to their heirs and representatives; and that if no heirs could be found—and because of the massacres of Armenians I know that many families had been exterminated—then it should be devoted to ameliorate the conditions of Armenians who had been driven from their homes by the Turks.

On the 13th of this month I offered a similar resolution amplifying somewhat the recitations as well as the resolving provisions. This resolution is upon the table, and I ask that it, together with Resolution 35, which I have heretofore referred to, be taken from the table and referred to the Committee on Foreign Relations to be by it considered if the Lausanne treaty should receive further attention by the committee. The resolution is as follows:

Whereas the Armenians participated in the war with the allied powers and the United States against the Central Powers, and 100,000 Armenians fell on the fields of battle—in the east and west—in support of the allied arms and of their solemnly professed aims; and

Whereas Armenia declared her independence on May 28, 1918, and was extended recognition by the Allies on January 27, 1920, and by the United States on April 23, 1920, as the Government of United Armenia; and

Whereas Armenia was a signatory to the Sevres treaty of August 10, 1920, as one of the allied states, and on November 22, 1920, the President of the United States, at the invitation of the allied powers and of Armenia and Turkey, and in conformity with the provisions of Part III of said Sevres treaty, relating to Armenia, defined the southwestern (Turkish) boundaries of Armenia; and

Whereas Armenia was, and is, recognized by the allied and associated powers as an ally, both during the war and during the negotiations leading to peace; and

Whereas, by article 259 of the treaty of Versailles, Germany assigned, transferred, and surrendered to the principal allied and associated powers, including the United States, 6,500,000 Turkish gold pounds, equivalent to $29,185,000, deposited by Turkey in 1916 in the Reichsbank, Berlin, whereby the United States has an interest in said deposit, which has not been renounced or otherwise disposed of by the Government of the United States; and

Whereas under article 58 of the treaty of peace between the allied powers and Turkey, signed at Lausanne on July 24, 1923, which is now in effect as between the contracting powers,

"Turkey renounces in favor of the other contracting parties (except Greece) any right in the sums of gold transferred by Germany and Austria under article 259 (1) of the treaty of peace of the 28th of

June, 1919, with Germany and under article 210 (1) of the treaty of peace of the 10th of September, 1919, with Austria"; and

Whereas the allied powers subsequently agreed that the funds mentioned in the article quoted above should be applied in settlement of the claims of their nationals against Turkey; and

Whereas the funds in question were forcibly, arbitrarily, and unlawfully seized in 1915 by the Turkish Government from the Armenians, who were deported or murdered, as set forth in a memorandum dated September, 1924, signed by the Right Hon. H. H. Asquith and the Right Hon. Stanley Baldwin, and addressed to the then Prime Minister of Great Britain, the Right Hon. Ramsay MacDonald, to wit: "* * * the sum of 5,000,000 (Turkish gold)—$22,450,000—deposited by the Turkish Government in Berlin in 1916 and taken over by the Allies after the armistice was in large part, perhaps wholly, Armenian money. After the enforced deportation of the Armenians in 1915 their bank accounts, both current and deposit, were transferred by order of the state treasury at Constantinople. This fact enabled the Turks to send 5,000,000 sterling to the Reichsbank, Berlin, for a new issue of notes;" and

Whereas Armenia is not obligated in any sum whatever to the Allies, but, on the contrary, the Allies have heretofore failed to fulfill their political pledges to Armenia, who during the war suffered in lives and in treasure in common with the belligerent nations; and

Whereas the fund in question, together with accrued interest, now amounting to more than $40,000,000, belongs in law and in equity to the Armenians, from whom the same was seized, or to their legal representatives; and

Whereas the seizure by the principal allied powers of these funds belonging to the nationals of Armenia, a recognized ally of the Allies, and appropriation thereof to their own uses, with the knowledge of their origin, violate the established and recognized principles of both international law and municipal law, and constitute a grave injustice against the Armenians; and

Whereas the United States Government has an incontestable right and interest in said fund, arising (a) from its reserved rights in the benefits of the Versailles treaty; (b) from the sale to Armenia during 1919–20 through the American Relief Administration and the United States Grain Corporation of foodstuffs in the value of about $12,000,000; (c) from the continuous financial assistance given by the American people since 1915 toward the relief of the stricken Armenian people and the maintenance still continuing, of 30,000 orphans; and finally (d) from the broader principle of international comity and morality, which sanctions the friendly intercession by one nation in behalf of the violated rights of an oppressed people; and

Whereas nearly 800,000 Armenian refugees are now in a state of destitution, a considerable number of whom would return to Armenia but for lack of funds, and over 1,000,000 Armenians in Russian Armenia are hindered in their efforts for economic and physical betterment also through lack of funds: Now therefore be it

Resolved, That the President of the United States is requested to make representations to the allied powers that the United States has an interest in said deposit and has a right to be consulted in respect to any allocation, distribution, or disposition of the same, and that said deposit, principal and interest, now amounting to about $40,000,000, should not be applied to the use of the allied powers or to the payment of the claims of their nationals against Turkey; but, on the contrary, should be set aside and held as a trust fund for the Armenian people, the part thereof which is not claimed by individual Armenians or their personal representatives to be hereafter expended by a commission, including representatives of the Armenian people, for the removal to and settlement in Armenia of Armenian refugees now in the Mediterranean and Black Sea countries and for hygienic, reclamation, agricultural, and educational purposes in Armenia.

The PRESIDING OFFICER. Are there further resolutions the Senator wishes to present on the same matter?

Mr. KING. I have one other resolution which relates to Turkish matters, which I shall refer to in a moment, and I shall ask unanimous consent that all of them be referred to the committee.

The PRESIDENT pro tempore. If the Senator from Utah will withhold his request for a reference of these resolutions to the committee until the conclusion of his remarks, then all can be covered by the same order of the Chair.

Mr. KING. That will be agreeable.

Mr. NORRIS. Mr. President——

Mr. KING. I do not want to yield the floor until I have concluded.

Mr. NORRIS. I wish to ask the Chair a question about the matter.

The PRESIDENT pro tempore. The Senator from Nebraska will state his inquiry.

Mr. NORRIS. Is not the request to refer to a committee in the nature of a motion, and is not that debatable? If it is debatable, I want to be heard briefly on it.

The PRESIDENT pro tempore. The Chair will put the question in the form of a request for unanimous consent asked by the Senator from Utah to take certain resolutions from the table, print them in the RECORD, and refer them to the Committee on Foreign Relations. The Chair understood that to be the desire of the Senator from Utah.

Mr. NORRIS. Is not that a debatable question?

The PRESIDENT pro tempore. In the form in which the Senator from Utah proposed it, no. He asked unanimous consent. The Senator from Nebraska can object, and the Senator from Utah can then make a motion.

Mr. NORRIS. That would require an objection, and I do not want to do that if I can avoid it, but I wish to be heard briefly.

Mr. KING. I hope the Senator will have full opportunity to be heard.

Mr. NORRIS. If the Senator from Utah will withhold his request until I have an opportunity to say a few words I will be obliged to him. I will only occupy a moment.

Mr. KING. Very well, I yield to the Senator if I can do so without losing the floor.

Mr. NORRIS. Mr. President, the Senator will have no trouble to obtain the floor again, of course. I do not want to take him off the floor, although I suppose, technically, he would lose the floor by yielding to me.

The PRESIDENT pro tempore. The Senator from Utah has yielded to the Senator from Nebraska.

[At this point Mr. NORRIS addressed the Senate on the nomination of Charles Beecher Warren. His remarks appear following Mr. KING'S speech.]

Mr. KING. Mr. President, when interrupted by the Senator from Nebraska, I was referring to the $40,000,000 fund transferred by Germany and Turkey to the allied nations and associated powers. The resolution which I offered several weeks ago challenging attention to this fund and directing the President of the United States to make representations to the allied nations, as to the interests which our Government had in the same, was referred by the chairman of the committee, Mr. BORAH, to the State Department. On the 21st of February, the Secretary of State submitted a reply to Senator BORAH. I have examined the letter of the Secretary of State, and have prepared an answer thereto, directed to the present Secretary of State. Without taking the time of the Senate to read these communications, I ask that they may be inserted in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, February 21, 1925.

MY DEAR SENATOR BORAH: I beg to acknowledge the receipt of your letter of February 5, 1925, transmitting a copy of Senate Resolution 319, introduced by Senator KING, relative to a deposit of so-called Turkish gold.

It appears from the preamble to this resolution that the sum of gold mentioned is believed to have been seized by the Turkish Government from Armenians and to have been deposited by that Government in the Reichsbank at Berlin. By the terms of the resolution the President would be requested to represent to the allied powers that the United States has an interest in the sum in question and a right to be consulted regarding its disposition; that this sum should be set aside in trust for the persons from whom it is said to have been taken or for the lawful representatives of such persons; and that if the sum is to be subjected to the payment of claims, it should be applied in part toward the satisfaction of a claim of the Government of the United States, in the amount of $13,000,000, for the value of wheat and flour advanced to the Armenian Republic by the United States Grain Corporation in 1919 and 1920.

In compliance with your suggestion I submit the following observations as of possible assistance to your committee in its consideration of the resolution introduced by Senator KING:

1. According to the department's information the sum of gold in question was the subject of two agreements concluded between the German Government and the Turkish Government in 1915. Under the first agreement, which was dated April 20, 1915, the German Government granted the Turkish Government an advance in gold amounting to 80,000,000 marks; and under the second agreement, which was dated July 3, 1915, the Turkish Government undertook to deliver the sum to the council of the administration of the Ottoman public debt in full ownership as security for the first issue of Turkish currency notes to the same amount. In the execution of these agreements the sum in question, or a part of it, appears to have been actually advanced to the Turkish Government by the German Government and to have been delivered to the council of the administration of the Ottoman

public debt, by which in turn it was deposited at the Reichsbank at Berlin and subsequently transferred to the Bleichröder Bank, in the same city. Prior to the signature of the treaty of Versailles a part of the sum deposited by the council of the administration of the Ottoman public debt had been withdrawn by the council, and on the date of the signature of the treaty the balance in the Bleichröder Bank was 57,919,687.44 gold marks, the equivalent of somewhat more than 3,000,000 Turkish pounds gold. This balance was transferred to the Bank of France on February 11, 1921, for the account of the Reparation Commission, and the rights of Turkey with respect to it were renounced in paragraph 3 of article 58 of the treaty of peace signed at Lausanne on July 24, 1923, between Turkey and the allied powers. The paragraph mentioned and the succeeding paragraph, which is also of interest in this connection, read as follows:

"Turkey renounces in favor of the other contracting parties (except Greece) any right in the sums in gold transferred by Germany and Austria under article 259 (1) of the treaty of peace of the 13th June, 1919, with Germany, and under article 210 (1) of the treaty of peace of the 10th September, 1919, with Austria.

"The council of the administration of the Ottoman public debt is freed from all liability to make the payments which it was required to make by the agreement of the 20th June, 1331 (3d July, 1915), relating to the first issue of Turkish currency notes or by the words inscribed on the back of such notes."

2. The question of the possible interest of the United States in the sums mentioned in paragraph 3 of article 58 of the treaty signed at Lausanne on July 24, 1923, by the allied powers and Turkey was carefully considered by the department at that time and the conclusion was reached that the Government of the United States had no proprietary interest in or claim to the sums in question which it could properly assert. As you are aware, the United States was not a party to the peace settlement with Turkey under which all right to the sum in question passed from Turkey. The department has not, therefore, raised objection to the disposition of this gold by the parties having legal title thereto.

3. The department has no information confirmatory of the statement in the preamble to Senator KING'S resolution to the effect that the sum in gold there described was seized by the Turkish Government from Armenians. This gold, as already indicated, was advanced to Turkey by Germany and subsequently deposited in Germany by the council of the administration of the Ottoman public debt. It is not felt, therefore, that this Government would have any ground for suggesting that this sum should be set aside in trust for the Armenians.

4. With respect to the claim of the United States against Armenia for wheat and flour furnished in 1919, a claim which now amounts to about $15,000,000. It may be stated that the credit in question was extended to the authorities of the Armenian Republic which was set up in 1919 in territory which lay entirely without the territory of the former Ottoman Empire and within the boundaries of Russia. It does not appear to the department that this Government could properly have asserted a claim against the so-called Turkish gold on account of the advances made by it to the Armenian authorities in 1919.

I am, my dear Senator BORAH, sincerely yours.

CHARLES E. HUGHES.

MARCH 13, 1925.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington.

MY DEAR MR. SECRETARY: I have carefully examined the letter of February 21 ultimo, addressed by the Secretary of State to Senator BORAH, chairman of the Senate Committee on Foreign Relations, with respect to Senate Resolution 319, introduced by myself in relation to the fund of 5,000,000 Turkish gold pounds which was deposited by Turkey in the Reichsbank at Berlin in 1916, and which was transferred by the terms of the treaty of Versailles by Germany to the principal allied and associated powers, including the United States.

It appears from the letter to Senator BORAH, that the State Department has information to the effect that by an agreement dated April 20, 1915, the German Government granted to the Turkish Government an advance of 80,000,000 gold marks, and that by another agreement dated July 3, 1915, the Turkish Government undertook to deliver this sum to the council of the administration of the Ottoman public debt, as security for an issue of Turkish currency notes. The department seems to entertain the view that this gold, in part at least, was of German origin, which view is not consistent with the view also set forth in the letter, that the gold belonged to Turkey and was accepted as security for an issue of Turkish currency notes. The terms of the treaty of Lausanne between Turkey and the allied powers absolved the council of administration of the Ottoman public debt from all liability with respect to the payment or redemption of the Turkish currency notes which had been issued upon the security of this gold deposit.

The gold itself was found in the hands of Germans at the armistice and was by the treaty of peace transferred to the allied powers, including the United States. This fact definitely disposes of the point as to the interest of our Government in this gold deposit. In any view of the matter, legal delivery was made of the gold then in possession of Germany, which would have the effect of vesting a legal title in the United States and the other transferees, whatever the equities of Turkey or Armenia might be.

The suggestion that this gold might have been of German origin is a mere inference which can not be entertained in the light of more definite evidence that this gold had been unlawfully taken from the Armenians. Thus in a memorandum signed by the Right Hon. H. H. Asquith and the Right Hon. Stanley Baldwin, both of whom had been Prime Ministers of Great Britain, in September, 1924, and addressed to the Right Hon. Ramsay MacDonald, then Prime Minister of Great Britain, the following statement respecting this gold deposit was made:

"* * * the sum of 5,000,000 (Turkish gold) deposited by the Turkish Government in Berlin, 1916, and taken over by the Allies after the armistice, was in large part (perhaps wholly) Armenian money. After the enforced deportation of the Armenians in 1915 their bank accounts, both current and deposit, were transferred by order of the state treasury at Constantinople. This fact enabled the Turks to send five million sterling to the Reichsbank, Berlin, in exchange for a new issue of notes."

The foregoing statement made by the most responsible officials in the British Government, one of whom is the present Prime Minister, that this deposit was of Armenian gold, which means that in equity it belongs to the Armenians from whom it was arbitrarily seized by the Turks, is not to be ignored or gainsaid. An inference is of no validity in the face of the fact to the contrary.

The situation, as I view it, is just this: This gold deposit of 5,000,000 Turkish gold pounds, which exceeds 80,000,000 gold marks, was in the legal custody of Germany, having been deposited by Turkey as security for an issue of Turkish currency notes. The transfer by Germany of this deposit to the council of the administration of Ottoman public debt, which was a mere German agency, did not change the legal status of this deposit. In any event the allied powers at Versailles acted upon the fact that Germany had the power to deliver this gold and accordingly imposed upon Germany the duty of making delivery of the same to the allied and associated powers, by reason of which, the United States, Great Britain, France, Italy, and Japan become the legal holders of this deposit, subject to whatever trusts might in morals and good conscience attach to the deposit. The United States Government has never renounced its legal interest in this deposit or renounced the right to declare whatever trusts we may be advised to announce concerning it.

If this gold is in fact the property of Armenians who were our friends and allies in the war, and the facts warrant the belief that it is, then the Government of the United States can not afford by inaction or acquiescence to be placed in the position of consenting to the seizure by the allied governments and the appropriation of the same, either by such governments or for the benefit of their nationals, and for the European powers to secure and use this gold for the benefit of their own nationals seems to me to be as immoral and dishonest as for the Turks to have forcibly taken it from the Armenians. Indeed, some may think it more immoral because the Armenians were the friends of the allied powers as joint adventurers in the World War, whereas the Armenians in a technical view may have been regarded as lacking in fidelity as subjects of the Ottoman Empire. For the powers to take from the Germans or Turks and apply to their own uses gold which was despoiled from their friends in the war is worse than the spoliations of which the Turks were guilty, because they did not cover their greedy hands with the glove of friendship. This gold deposit does not mean much to the United States, but it means a great deal to the remnants of the Armenians who are refugees and exiles from their country, the limits of which as between Turkey and Armenia were defined and demarked by the President of the United States at the instance of, and with the approval of, the powers.

If this money belonged to the Armenians we are trustees and can not in good conscience ignore our trust. We can not, like Pilate, wash our hands of the matter and rest the blame upon European powers for their confirmation of the Turkish spoliations against the Armenians. Our Government unquestionably has such legal interest in this matter as entitles us to speak for the Armenians for whom we are trustees. And besides this legal interest, our churches and charities are now supporting many thousands of Armenian orphans to whom this money in part belongs. There is much room to contend that if our Government and our people were more concerned with upholding the legal and national rights of the Armenians, we would have less need to lay out so many millions of dollars in charity for the succor and help of these people, because of systematically recurring Turkish spoliations and atrocities against them.

It seems to me that in this matter all that we lack is the will to do right in respect to this fund and to the Armenian people, and that we can not justify hiding behind any formal technicality to justify a

course which ignores the rights of the Armenians as well as our own rights and duties. To resort to this course would, in my opinion, be unworthy of the Government of the United States and would be condemned by the American people.

I should further add, in corroboration of the statements made by Mr. Asquith and Mr. Baldwin, and above referred to, that it is a matter of common knowledge not only in Europe and the Near East but in the United States that the Turks robbed and pillaged the Armenians and seized their bank deposits and treasures, and that a portion of the latter found their way into the treasury of Turkey. Certainly the State Department can not be unaware of what was generally known throughout the world. I respectfully urge that the resolution which I have offered declares the course which should be pursued by our Government.

Very truly yours,

WILLIAM H. KING.

Mr. KING. A perusal of the letter of Secretary Hughes to Senator BORAH will reveal that the former declined to recommend the course suggested in my resolution, namely, that the President of the United States make representations to the allied powers that our Government has an interest in the fund and should be consulted in respect to any disposition made of the same. His position is that the State Department has no information confirming the statement in the preamble of the resolution which I offered that the fund in question was seized by the Turkish Government from the Armenians.

Mr. President, I am somewhat amazed at the position taken by former Secretary Hughes. It is a matter of common knowledge that in 1915 and 1916 the Turkish Government forcibly seized bank deposits and other property belonging to Armenians who were residing within the boundaries of the Ottoman Empire. It is also known to all who possess any knowledge of Turkish conditions and her fiscal affairs during the World War that the Turkish Government deposited with Germany various sums of gold as a basis for advancements and credits made and extended by Germany to the former.

The State Department must have been aware of the communication addressed to the Prime Minister of Great Britain, Mr. MacDonald, in September, 1924, by the Right Hon. H. H. Asquith, former Prime Minister of Great Britain, and the Right Hon. Stanley Baldwin, the present Premier. In this communication these distinguished statesmen declared that there should be a liquidation of the Armenian question arising out of the war, and they state that £5,000,000 Turkish gold were deposited by the Turkish Government in Berlin in 1916, which was in large part, perhaps wholly, Armenian money; and, further, that this sum was taken over by the Allies after the armistice, and that—

> After the enforced deportation of the Armenians in 1915, their bank accounts, both current and deposit, were transferred by order to the State treasury at Constantinople. This fact enabled the Turks to send 5,000,000 sterling to the Reichsbank, Berlin, in exchange for a new issue of notes.

Mr. Asquith and Mr. Baldwin, in substance, state that this gold taken from the Armenians was deposited by the Ottoman Government in the Reichsbank at Berlin, and that it is this 5,000,000 Turkish pounds which, under the Versailles treaty, was transferred by Germany to the allied nations and to the associated powers. Germany recognized, as did President Wilson and the various representatives of the Allies, when the Versailles treaty was prepared, that the fund in question did not belong to Germany; and it was accordingly transferred to the governments referred to, Germany divesting herself of any title, legal or equitable, which she might have had. This fund amounts to more than $40,000,000, and in equity and in morals should be returned to the Armenians from whom it was taken.

There are some things in this memorial signed by Mr. Asquith and Mr. Baldwin, with which I do not agree; but it contains so much information concerning Armenia and the allied nations that I ask that it be inserted in the RECORD at this time. I am sure it will prove illuminating to Senators and all who will avail themselves of the opportunity to read it.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

PROPOSAL OF A GRANT FOR THE FINAL LIQUIDATION OF ARMENIAN QUESTIONS ARISING OUT OF THE WAR

SEPTEMBER, 1924.

To the PRIME MINISTER:

The British Government was invited by a letter from the secretary general to the League of Nations, dated March 24, 1924, to support the work of assistance to the Armenian people.

We desire to state the reasons why, in our opinion, a substantial contribution should be made to the scheme, approved by the council of the League of Nations (September, 1923), for the settlement in the Caucasus of the remnants of the Ottoman Armenians, now finding temporary shelter in Greece, the Balkans, etc.

(1) Because the Armenians were encouraged by promises of freedom to support the allied cause during the war and suffered for this cause so tragically.

The following is an extract from a letter from the Assistant Secretary of State for Foreign Affairs to Viscount Bryce, October 3, 1918:

"In the autumn of 1914 the Turks sent emissaries to the National Congress of the Ottoman Armenians, then sitting at Erzerum, and made them offers of autonomy if they would actively assist Turkey in the war. The Armenians replied that they would do their duty individually as Ottoman subjects, but that as a nation they could not work for the cause of Turkey and her allies.

"On account, in part, of this courageous refusal the Ottoman Armenians were systematically murdered by the Turkish Government in 1915. Two-thirds of the population were exterminated by the most cold-blooded and fiendish methods—more than 700,000 people, men, women, and children alike.

"From the beginning of the war that half of the Armenian nation which was under the sovereignty of Russia organized volunteer forces and under their heroic leader, Andranik, bore the brunt of some of the heaviest fighting in the Caucasian campaigns. [Editor's note.—Over 200,000 Armenian soldiers gave their lives for the allied cause.]

"After the breakdown of the Russian Army at the end of 1917, these Armenian forces took over the Caucasian front and for five months delayed the advance of the Turks, thus rendering an important service to the British Army in Mesopotamia."

Lord Bryce's Blue Book, describing the sufferings and losses of the Ottoman Armenians, published 1916, entitled "Treatment of Armenians in the Ottoman Empire," was widely used for allied propaganda in 1916–17 and had an important influence upon American opinion and upon the ultimate decision of President Wilson to enter the war.

(2) Because during the war and since the armistice statesmen of the allied and associated powers have given repeated pledges to secure the liberation and independence of the Armenian nation. (References: November 9, 1916: Prime Minister, Mr. Asquith; January 5, 1918: Prime Minister, Mr. Lloyd-George; January 8, 1918: President Wilson; July 23, 1918: M. Clemenceau; March 11, 1920: Marquis Curzon, Foreign Secretary, etc.)

In fact, the Armenians were promised—

(A) An Armenian State in 1920. On 10th August, 1920, Armenia was admitted as a signatory to the treaty of Sevres. The decision of Mr. Wilson upon the boundaries of Armenia—a question left to his arbitration by the treaty—was announced on 22d November, 1920. Under this award, which was never put into execution, Armenia would have acquired rather more than half of the Turkish vilayets of Erzerum, Trebizond, Van, and Bitlis. The treaty of Sevres proved abortive.

(B) A "national home" in 1921. The question of Armenia came before the second assembly of the League of Nations (September, 1921), which adopted the following resolution:

"Seeing that * * * the supreme council, in the revision of the treaty of Sevres, proposed to make provision for a national home for the Armenians;

"Seeing, further, the probable imminence of a peace treaty between Turkey and the allied powers at no distant date:

"The assembly urges the council to press upon the supreme council of the Allies the necessity of making provisions in this treaty for safeguarding the future of Armenia, and in particular of providing the Armenians with a national home entirely independent of Turkish rule."

But both of these projects were abandoned at Lausanne, 1922–23. In November, 1922, a conference of the allied powers, Greece, and Turkey assembled at Lausanne to discuss terms of peace. Lord Curzon, on behalf of the Allies, brought forward a proposal for the creation of a national home for the Armenians, referring to the Armenian question as "one of the great scandals of the world." The Turks refused to discuss the proposal and the question was dropped.

(3) Because in part Great Britain is responsible for the final dispersion of the Ottoman Armenians after the sack of Smyrna in 1922.

The Greek war against Turkey, which led to the final destruction and expulsion of the Christian minorities in Asia Minor, was initiated and protracted under the direct encouragement of the British Government.

(4) Because the sum of £5,000,000 (Turkish gold) deposited by the Turkish Government in Berlin, 1916, and taken over by the Allies after the armistice, was in large part (perhaps wholly) Armenian money.

After the enforced deportation of the Armenians in 1915, their bank accounts, both current and deposit, were transferred by order to the State treasury at Constantinople. This fact enabled the Turks to send 5,000,000 sterling to the Reichsbank, Berlin, in exchange for a new issue of notes.

(5) Because the present conditions of the refugees are unstable and demoralizing, and constitute a reproach to the western powers.

The remnants of the Ottoman Armenians are now dispersed throughout the Near and Middle East—without homes, without means, without

the prospect of settlement. Over 115,000 refugees are finding temporary shelter in Greece. About 25,000 are in Bulgaria. Syria, Palestine, and Egypt, etc., harbor a large number also.

Dispersed in all directions, they beg to be installed at the earliest opportunity on a territory where they may work and earn their living, without being a charge on public charity; they ask not to be treated as outcasts, and they wish to have a civil status that will enable them to attend to their business.

The Greek delegate at the council meeting at Geneva stated (June 12, 1924) that the Greek Government desired the immediate evacuation of the Armenian refugees from Greece, owing to the lack of room and of money to support them, and offered assistance in transport up to £60,000.

On one thing the Turks are resolutely bent. They are determined to exclude all Christians. Thus, since these people can not return to Turkey, it is necessary to install them upon other appropriate territories, as well as to regulate their legal status. Where shall they be placed?

WHAT CAN BE DONE?

We recognize with deep regret that it is impossible now to fulfill our pledges to the Armenians, for these pledges involved political and territorial rearrangements now beyond our power to achieve. But there is open to us another method of expressing our sense of responsibility and of relieving the desperate plight of the scattered remnants of the Turkish Armenians. The most appropriate territory for their settlement would be surely in Russian Armenia. Facilities are offered by the local government. In September, 1923, the council of the League of Nations approved a scheme for the land settlement of 50,000 Armenian refugees in the little Republic of (Soviet) Armenia in the Russian Caucasus. The Armenian leaders in Europe approve this plan.

The council passed a resolution that an appeal should be made to its members to give financial support to this constructive scheme, and the council would be prepared to give assistance through its technical organizations. This resolution was circulated to the 54 states members of the league, with an invitation for assistance, as stated above.

THE SCHEME OF SETTLEMENT IN RUSSIAN ARMENIA

The plans and estimates of this enterprise are thus already prepared and call for an expenditure of about £1,000,000.

The states members of the League of Nations have been invited to subscribe themselves and also to facilitate the formation of national committees which, with the help of the press in each country and through the medium of philanthropic institutions and large financial and industrial establishments, would organize public subscriptions.

Thus in France the Government, after opening the subscription list with a substantial sum, aided the formation of a national committee under the presidency of M. de Selves, chairman of the senate commission of foreign affairs. In Italy a similar committee has been formed, with the consent of Signor Mussolini, under the presidency of Senator Luzzatti, former Prime Minister. In Belgium also a national committee has been formed with governmental authorization. In Great Britain His Majesty's Government has nominated the Armenian (lord mayor's) fund, but has made no contribution. Well-to-do Armenians in England have already given or promised about £14,000.

IT IS, IN OUR OPINION, THE DUTY OF GREAT BRITAIN TO GIVE SUBSTANTIAL SUPPORT TO THIS SCHEME

We desire to express our view that, as some compensation for unfulfilled pledges is morally due to the Armenians, the British Government should forthwith make an important grant.

Lastly, be it noted that this scheme—

(1) Has no political implications; (2) is intended to be a final liquidation of allied responsibility for the Armenians.

(Signed) Right Hon. H. H. ASQUITH.
Right Hon. STANLEY BALDWIN.

Mr. OVERMAN. Is it the Senator's opinion that we are bound by the provisions of the Versailles treaty?

Mr. KING. That question is not involved in the matter under discussion. I have taken the position that the Versailles treaty dealt with this fund and divested Germany of any interest or title which it may have had therein. It is quite likely that after Turkey robbed the Armenians of their bank deposits and money it used a portion of the same in meeting the current expenses of the Government, including those incurred in the prosecution of the war. But we know that a portion of the gold so taken from the Armenians was deposited by Turkey in the Reichsbank at Berlin as security for advances which were made by Germany. Senators are aware of the fact that the German Government made large advances to Austria and to Turkey during the war.

This gold, which I think has been clearly earmarked—and this view seems to be entertained by Mr. Asquith and Mr. Baldwin—was Armenian gold, and it was in Germany's possession when the Versailles treaty was prepared. I repeat when I say that Germany transferred this fund to the allied and associated powers. The United States became one of the grantees or transferees of the fund. Even though we did not ratify the Versailles treaty, there are strong arguments to support the view that we still have an interest in that fund.

As I recall, we took the position that, with respect to the islands in the Pacific, of which Germany by the Versailles treaty was deprived, the allied nations could not dispose of them as they saw fit. Our Government insisted that it had an interest in those islands and must be consulted in regard to their disposition.

Mr. President, I regret that the State Department is so indifferent to the interest which the United States has in this fund. In my opinion our Government should bring to the attention of the allied nations the origin of the fund and respectfully represent that it should be held as a sacred trust, to be distributed to the unfortunate Armenians from whom it was taken, or if they have perished, then to their heirs and representatives, and if none, then that it be used in aiding the suffering and starving Armenians who have been despoiled of their possessions and driven from their homes and the lands of their fathers.

Mr. President, on the 12th instant I submitted Resolution No. 32, which reads as follows:

Whereas it is incompatible with the dignity and interests of the United States to have diplomatic correspondence or relations with any government which does not discharge its international obligations, and which does not protect the property of the United States and the lives and property of American nationals within the territory subject to its jurisdiction; and

Whereas the so-called Kemalist government, claiming to be the de facto Government of Turkey, is seeking to be recognized by and to enter into diplomatic relations with the Government of the United States; and

Whereas it has been charged that military forces under the command of said Kemalist government in September, 1922, willfully sacked and burned the greater part of the city of Smyrna, including the American consulate and the property of American nationals in said city; and

Whereas the consul general of the United States at Smyrna was an eyewitness to the sack and burning of Smyrna, and thereafter made a report to the State Department respecting the destruction of the American consulate and of other American property in Smyrna; and

Whereas said report of the American consul general fixing the responsibility for the burning of the American consulate and giving specifications as to the outrages suffered by the American colony in Smyrna was not made public by the State Department; and

Whereas it has been reported that the State Department has cautioned American officials and private citizens who were residing in Turkey at the time of said outrages and who have since returned to the United States that they should refrain from making public statements in this country respecting conditions in Turkey, or respecting the question of responsibility for the sack and burning of Smyrna: Now therefore be it

Resolved, That the Secretary of State is requested to forward to the Senate said report of the consul general of the United States at Smyrna and any other official reports respecting the sack and burning of Smyrna in September, 1922, and further to report to the Senate whether the State Department had admonished or requested American officials or citizens returning from Turkey that they should refrain from making any public statements respecting conditions in said country or affecting the responsibility of the so-called Kemalist government for outrages which have been committed therein as against American citizens or as against other persons lawfully residing in Turkey.

Mr. President, I do not think it compatible with the dignity or interests of the United States that our Government should have diplomatic relations with a government which refuses to discharge its international obligations or fails to protect the property and lives of American nationals within the territory subject to its jurisdiction or which systematically or deliberately perpetrates the most cruel and fiendish atrocities upon helpless peoples within its borders.

The hands of the Turks have been stained with the blood of millions of innocent people. Turkey has sought the extermination of the Armenian race and the destruction of all Hellenic people within its borders. There are not more than 5,000,000 Turks now under the Kemalist régime. They are ignorant, fanatical, and filled with an implacable hatred of all Christian peoples. They did not hesitate to burn and sack the beautiful city of Smyrna and to butcher thousands of unfortunate Armenians and Greeks who were caught between the flames of the burning city and the ruthless soldiers and guerrilla bands of Turks who encircled the city. It is important, while we are considering a treaty with this cruel and degenerate people, that we learn the facts concerning the burning and the looting of Smyrna.

It is felt by some Americans that the State Department has been unwilling to give the public information which it possesses concerning the destruction of Smyrna and the crimes and atrocities there committed by the Turks. I am advised that the American consul general who was in Smyrna when the Turkish armies advanced upon the city, and during the frightful and awful days which immediately followed, submitted a report to the State Department concerning the events which there transpired and the havoc and destruction wrought by Turkish officers and troops and the crimes committed against American nationals. I think the Senate should be advised of the contents of this report, and I have therefore offered the resolution which I have just referred to, and I ask that it be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. This resolution, as well as those offered by the Senator from Utah, will be referred to the Committee on Foreign Relations.

During the delivery of Mr. KING's speech,

NOMINATION OF CHARLES BEECHER WARREN

Mr. NORRIS. Mr. President, I have no desire to prolong the debate or to renew the debate on a question that is over and ended; but on the question of the confirmation of Mr. Warren to be Attorney General I received quite a number of letters and telegrams from various parts of the country, quite a number of such communications coming from my own State. I reached the conclusion—and I believe that I was justified in doing so—that there was a sort of propaganda from some source urging people to write and telegraph me, principally to telegraph, although I received some letters and telegrams which, I thought, showed on their face they were earnest and had not behind them any other influence. In order, however, to save me the trouble of writing a good many letters in answer to such communications I want to have read into the RECORD the answer that I should like to have go to the senders of all of such telegrams that are similar to the one which I have answered in the letter which I send to the desk. I do that more to save time for myself than for any other purpose. Therefore I send to the Secretary's desk copy of a letter and ask that it may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

WASHINGTON, D. C., *March 17, 1925.*

Mr. H. J. KENNEDY,
Chairman Republican County Central Committee,
Broken Bow, Nebr.

DEAR MR. KENNEDY: I am in receipt of telegram dated March 15, signed by yourself as chairman of the Republican county central committee, and signed also by Jules Haumont, secretary, with a statement after your names that you represent 100 other Republicans. In this telegram you say that you helped to elect President Coolidge and desire to trust to his judgment in the selection of his Attorney General. You say you do not approve my opposition to the confirmation of Mr. Warren for this office. I am, of course, glad to get your views and those of the 100 other Republicans for whom you speak. May I, however, most respectfully request that you send me the names and addresses of these "100 other Republicans"?

I regret very much that my official conduct in this matter displeases you. However, I venture the assertion that I have probably given more attention to this nomination than you have, and without ascribing to myself any superior knowledge, I believe I can safely say that I know more about this particular nomination than you do. Still, I may be wrong, notwithstanding all that, and you may be right.

I have opposed Mr. Warren because the evidence discloses, practically without any dispute, that he was the representative of the Sugar Trust in getting domination and control of the beet-sugar industries of the West and bringing not only the manufacture of sugar but its sale under the domination and control of that great trust. Mr. Warren himself profited by the organization of the holding corporation which took over all of the Michigan beet-sugar factories. One of the worst trusts of civilization was the Sugar Trust. It has levied its unholy tribute upon the people of America for many years. It controlled not only production but distribution and sale. It has taken away the profit that honestly and fairly should have come to the farmer who labors in the field and produces the beets. It has likewise laid its heavy and burdensome hand upon the consumers of sugar all over the United States, including yourself and the other "100 Republicans" in Custer County for whom you speak. A prosecution against the unlawful combination of beet-sugar companies is now pending before the Federal Trade Commission. It includes the sugar companies in which Mr. Warren is interested and one of which he has been president of until about six week or two months ago. I do not believe we ought to have an Attorney General whose activities for many years have been to organize monopolies of this kind, the only object of which could be to avoid the laws of our country and reap benefits to those who are in the unholy combination. It is hardly to be expected that such a man would perform his full duty in the prosecution of such illegal combinations. And, after all, one of the great reasons for the high cost of living is the fact that so many unlawful combinations and monopolies exist, controlling the very necessities of life.

I wonder if you have any other information on the subject except that Mr. Warren was appointed by a Republican President and that therefore, in your judgment, he should be confirmed. I ought, in all fairness to you, to say that such an argument has no weight whatever with me. It is no defense to say that a Republican President has appointed such a man, or that such a man is a prominent Republican. A combination is just as unholy and just as grievous and morally just as wrong, regardless of whether it is organized by Republicans or Democrats. I would just as soon say that we should let the Republican criminals escape who could show they supported Coolidge as to say that men of wealth, gained by unholy and unrighteous combination at the sacrifice of the toiling masses of America, should be free from all blame simply because they are Republicans.

I have no apologies to make. I accept the entire responsibility for my action. I have received a good many telegrams similar to yours, always signed by men who are officers of some Republican organization, and who claim to represent Republican sentiment in their respective communities. I deny most emphatically that the rank and file of the Republican Party favor putting into office those who organize trusts and thus increase the burdens of our people. If the Republican Party stands for such as that, I am willing to be ostracized and put out of the party. The facts are that you people who are temporarily in control of Republican organizations are misrepresenting the rank and file of the Republicans of the country. An investigation, I think, would show very clearly that you know practically nothing about this appointment. You are sending these telegrams because you are induced to do so by those who are, like yourselves, in temporary control of the Republican machine.

In conclusion, let me say that I welcome honest, constructive criticism; but these telegrams that I am receiving similar to yours, are nothing more nor less than propaganda—propaganda in behalf of monopoly. Those who are carrying it on are using the name of President Coolidge and the Republican Party. That is the only argument mentioned in any of them. I most respectfully suggest that those of you who are instrumentalities in carrying on this unrighteous campaign, before you claim to represent the rank and file of Republicans, should first acquaint yourselves with the questions involved, and then, before you act in a representative capacity, you should inform those who have intrusted you with official positions in the party, as to just what the issues are. If you will do this, you will find that you are standing alone and that your action will be repudiated by the great bulk of Republican voters.

If you will examine the CONGRESSIONAL RECORD of March 16, you will find there more in detail my reasons for opposing the confirmation of Mr. Warren.

Very truly yours,

G. W. NORRIS.

After the conclusion of Mr. KING's speech,

COOPERATIVE ASSOCIATIONS

Mr. SHIPSTEAD. Mr. President, Senate Resolution 34 is now on the table. I ask unanimous consent to take it from the table that it may be read by the Clerk, and I also ask unanimous consent for its immediate consideration.

Mr. CURTIS. Let the resolution be read.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent to take from the table and consider immediately Resolution 34, which will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 34), submitted by Mr. SHIPSTEAD on the 18th instant.

Mr. FLETCHER. Mr. President, I want to ask the Senator from Minnesota, who introduced the resolution, if he recalls that the Federal Trade Commission has recently made a report on cooperative marketing organizations, and whether or not that report, which has now been printed, does not really cover what he intends to reach by his resolution?

Mr. SHIPSTEAD. I have seen a report prepared by Mr. Huston Thompson, chairman of the Federal Trade Commission, with reference to an investigation of cooperative marketing organizations in Europe. I do not recall that the Federal Trade Commission has made a report on conditions in this country.

Mr. FLETCHER. The Senator means to cover the field in the United States?

Mr. SHIPSTEAD. Yes. It is confined to the United States.

Mr. FLETCHER. I had the impression that the resolution covered the same thing that had already been reported on.

Mr. SHIPSTEAD. No; it does not.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Whereas the successful development of cooperative organizations in production, distribution, and consumption affords needed opportunities for increasing the income of the producer, especially the farmer, and for diminishing the cost of living of the consumer, and appears to be of great public benefit, as shown by the experiences of numerous foreign countries; and

Whereas the President's agricultural conference recommends constructive Federal assistance in the development of producers' marketing organizations; and

Whereas complete and conclusive information with respect to the economic advantages or disadvantages of the cooperative movement in this country as compared with other types of marketing farm products has not been made available in comprehensive form; and

Whereas it is frequently charged that various cooperative organizations of farmers engaged in marketing grain, tobacco, cotton, livestock, and other products, as well as consumers' cooperative purchasing organizations, are being discriminated against and injured by various corporations and trade associations in alleged violation of the antitrust laws: Now therefore be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distribution of such cooperatives as compared with the corresponding costs of other types of distributers, and (2) into the extent and importance of the interferences with and obstructions to the formation and operation of cooperative organizers of producers, distributers, and consumers by any corporation or trade association in alleged violation of the antitrust laws, and to report thereon with recommendations for legislation, or other remedial action, if the same appears necessary.

VEGETABLE-OIL PRODUCTS

Mr. SHEPPARD. Mr. President, I ask that there may be printed in the RECORD a letter from the Governor of Montana in reply to a telegram from southern Senators in reference to vegetable-oil products.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, March 10, 1925.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: I am in receipt of telegram signed by yourself, Senators EARLE B. MAYFIELD, JOSEPH T. ROBINSON, E. S. BROUSSARD, DUNCAN U. FLETCHER, PARK TRAMMELL, T. H. CARAWAY, ROBERT L. OWEN, PAT HARRISON, CARTER GLASS, F. M. SIMMONS, KENNETH MCKELLAR, O. W. UNDERWOOD, E. D. SMITH, CLAUDE A. SWANSON, N. B. DIAL, R. H. CAMERON, J. THOMAS HEFLIN, J. W. HARRELD, W. J. HARRIS, H. D. STEPHENS, WALTER F. GEORGE, JOSEPH E. RANSDELL, LEE S. OVERMAN, and HENRY F. ASHURST, protesting against certain bills which have passed the Montana Assembly, prohibiting and discriminating against the use and sale of oleomargarine and other substitutes for butter. Shall be very glad indeed to give your protest my careful consideration before approving these laws.

Yours very sincerely,

J. E. ERICKSON, *Governor.*

OPEN-PRICE ASSOCIATION

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of the resolution (S. Res. 28) submitted by me on March 10. I will say to the Senate that it directs the Federal Trade Commission to make certain investigations with reference to the present number and nature of the open-price association.

Mr. CURTIS. Let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 28), submitted by Mr. MCKELLAR on the 10th instant, was read.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the immediate consideration of the resolution. Is there objection?

The resolution was considered by unanimous consent and agreed to, as follows:

Whereas the Federal Trade Commission in its annual report for 1922 states that at the request of the Joint Commission of Agricultural Inquiry the commission undertook a special investigation concerning the activities of trade associations, and found by response to its questionnaires that there were 150 "open-price associations, or those distributing or exchanging price information"; and

Whereas the commission reported: "Most of the open-price associations also distributed or exchanged information on other features of business, such as orders received, purchases, production, stocks, cost of production and merchandising, and matters of general interest to members;" and

Whereas such associations may exert a large influence in maintaining prices at an exorbitant level, particularly in the case of manufacturing concerns the products of which are protected by a high tariff duty: Therefore be it

Resolved, That the Federal Trade Commission is hereby directed to investigate and to report to the Senate at the next session of Congress:

First. The present number and nature of open-price associations, the names of such associations, the number of their members thereof, and the importance of such associations in the industry.

Second. To what extent, if any, the effect of such open-price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform or approximately uniform increases in such prices.

Third. Whether such open-price associations engage in other activities, and if so, the nature and effects thereof, with respect to alleged violations of the antitrust laws.

POSTAL RATES AND POSTAL SALARIES

Mr. GEORGE. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter from Mr. Philip S. Collins, general business manager of the Curtis Publishing Co., calling attention to what he deems to be an inaccuracy in the statement made by me in discussing the postal salaries bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

THE CURTIS PUBLISHING CO.,
Philadelphia, March 3, 1925.

Hon. WALTER F. GEORGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR GEORGE: In reading the CONGRESSIONAL RECORD of February 26 I note that in the course of the discussion of the postal pay rate increase bill, answering a question asked by Senator BROOKHART, you said:

"The cost ascertainment report, as I was about to say, does show that magazines like the Saturday Evening Post and the Ladies' Home Journal are being carried at a loss, but nothing like so great a loss as is ordinarily supposed; but it does, nevertheless, show that those publications are being carried at a loss."

Actually the Government derives a large profit from handling those two magazines, though I fully recognize that that factor is not apparent unless one has data applying to those particular publications, which detail was, of course, not incorporated in the cost ascertainment report, which covers various groups as a whole.

We have in the past known that this must be the case, but unfortunately, until the recent cost ascertainment report was presented, there were no Government figures which would definitely prove that fact, and therefore we have been obliged to rest under a not infrequently made assertion that they were enjoying a large "Government subsidy."

Anyone who has made a detailed study of the figures embodied in the cost ascertainment report knows that, to say the least, the department was not prejudiced in favor of second-class matter in its allocation of the operating costs of the service, which, as you know, constitute the larger part of the whole. Even that report, however, shows that the Government derives an annual profit of $333,769.44 from handling the Saturday Evening Post, and an annual profit of $288,930.31 from handling the Ladies' Home Journal.

That the accuracy of this statement might not be open to question, we submitted our figures to Gen. Joseph Stewart, assistant to the Postmaster General, under whose direction that report was prepared, and to his assistant, Mr. W. I. Denning, for criticism, subsequent to the hearings on the bill before the Joint Postal Committee, at which time we had only just seen that report and had not had an opportunity to thoroughly analyze it.

After careful investigation and analysis, General Stewart and Mr. Denning made only a few minor changes in our figures submitted for their criticism, which changes are embodied in the figures given above.

I may add that the second-class rates embodied in the bill just passed still further increase our rates, and therefore the profit derived by the Government in handling those two magazines.

Very truly yours,

P. S. COLLINS,
General Business Manager the Curtis Publishing Co.

GOLD AND SILVER INQUIRY COMMISSION

Mr. ODDIE. Mr. President, I desire for a short time to discuss some of the phases of the work of the Senate gold and silver inquiry investigation.

I have been repeatedly asked by Senators such questions as, What is the Senate Commission of Gold and Silver Inquiry? Is its work not being duplicated by one of the executive departments or bureaus, or could not such agencies take over the work the commission is doing? What is it doing? Who is expected to be benefited by the results of its work?

These questions, which are very natural, in view of the great pressure under which we are all compelled to work, should have an answer; and I shall take pleasure in attempting to supply it.

The prevailing high cost of production and the decreased demand for gold and silver, due to extensive currency inflation in foreign countries, created a crisis in the industries producing gold and silver.

The Senate Commission of Gold and Silver Inquiry is a fact-finding body for the industries producing gold and silver. It was created for exactly the same purpose and to perform the same character of service as was the Joint Commission of Agricultural Inquiry, with respect to agriculture, in the Sixty-seventh Congress. The latter commission came into being for the purpose of ascertaining what was the matter with agriculture and to recommend remedies to overcome such adverse conditions as were discovered.

The commission is investigating the causes of the depressed condition of the gold and silver industry in the United States; the production, reduction, refining, transportation, marketing, sale, and uses of gold and silver in the United States and elsewhere; and the effect of the decreased production of gold and silver upon commerce, industry, exchange, and prices. This work is all being performed under the provisions of Senate Resolution No. 469 of the Sixty-seventh Congress, which was adopted March 3, 1923.

The commission is further authorized, under the terms of the resolution, to confer with citizens, associations, or corporations of foreign countries, with a view to the stabilization of currency and exchange, and to propose—either formally or informally—to the President of the United States or the heads of the proper departments, plans for negotiations with foreign governments to the same end.

The commission is directed not only to investigate these matters but to report to Congress its conclusions with respect to the action necessary to improve the present adverse conditions.

It is necessary that the life of the commission be extended in order that the work it has started can be completed and a final report made.

The question has been many times asked as to whether the Geological Survey or the Bureau of Mines could not perform the work the commission is doing. They can not, because the acts creating the Bureau of Mines and the Geological Survey do not extend the authority to these agencies to deal with the subjects which have been assigned to the Senate Commission of Gold and Silver Inquiry. Many of the subjects assigned, as will be noted from reading the resolution, are in the field of banking, finance, and economics, which is wholly outside the province of either the Bureau of Mines or the Geological Survey to investigate. For instance, provision No. 4, as stated in Senate Resolution 469, creating the Senate Commission of Gold and Silver Inquiry, directs the commission to investigate:

> The effect of the decreased production of gold and silver upon commerce, industry, exchange, and prices.

And immediately following:

> The said commission is further authorized—
>
> 1. To confer with citizens, associations, or corporations of foreign countries with a view to the stabilization and wider use of silver in exchange.
>
> 2. To propose, either formally or informally, to the President of the United States, or the heads of the proper departments, plans for negotiations with foreign governments to the same end.

There is no specialized talent employed by either the Bureau of Mines or the Geological Survey which could undertake the research work involved in this investigation. In so far as possible, the Senate Commission of Gold and Silver Inquiry is now utilizing all of the information which the Bureau of Mines and the Geological Survey have at their disposal. Furthermore, in both of these agencies those who are familiar with some of the phases of the commission's investigation have been assigned to cooperate with the commission in conducting its investigation. Even had the Bureau of Mines and the Geological Survey been endowed with the legal authority to conduct the investigation which has been specifically assigned to the Senate Commission of Gold and Silver Inquiry, no funds would have been available for the purpose, and it would have required the enactment of legislation to make the necessary funds available.

Had it not been for the foregoing facts, the Senate Committee on Mines and Mining would not have reported the resolution to create the Senate Commission of Gold and Silver Inquiry, prescribing the character and extent of the investigation that the commission should make. It was only after extended hearings before the Senate Committee on Mines and Mining that this resolution was formulated; and the Senate, by concurring in the committee's recommendation, fully recognized the need for an investigation of the character and extent the commission has made and is making. It is also a further recognition of the fact that no other governmental agency was equipped or available for conducting such an investigation.

Section 2 of the act creating the Bureau of Mines sets forth the duties of said bureau. I ask that this section be printed in the RECORD without reading.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, it is so ordered.

The section is as follows:

> That it shall be the province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to said industries, and from time to time make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

Mr. ODDIE. In the law creating the Geological Survey the following paragraphs contain the statement of duties to be performed and defining the nature of publications:

> *Provided*, That this officer shall have the direction of the Geological Survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain.
>
> PAR. 11. The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology.

Attention is particularly called to the fact that the above extracts from the law setting forth the duties of the Bureau of Mines and the Geological Survey convey no authority to investigate any of the subjects specified in the resolution creating the Senate Commission of Gold and Silver Inquiry.

The question may also have occurred to some as to whether or not the Bureau of Foreign and Domestic Commerce could as well perform the work the commission has in hand. In answering such a question, I need only quote from the letters which have been received from Dr. Julius Klein, Director of the Bureau of Foreign and Domestic Commerce, and Mr. Grosvenor M. Jones, chief of the finance and investment division of the Bureau of Foreign and Domestic Commerce, calling attention to the fact that the commission's investigation is performing a constructive service which the Bureau of Foreign and Domestic Commerce will be able to utilize to the best possible advantage. From the letter of Doctor Klein, dated January 15, 1924, I quote as follows:

> I appreciate very much indeed your thoughtfulness in sending me a copy of serial 2 of the publications of the Commission of Gold and Silver Inquiry on "Foreign Exchange Quotations and Curves."
>
> The commission is to be congratulated on its enterprise in compiling this great mass of exchange data and in presenting them not only in statistical but also in graphic form. This volume will be very useful, since the data can not be obtained from other publications except at great expense of time and effort. The finance and investment division of this bureau has already found this volume useful in answering inquiries.
>
> This bureau is, therefore, pleased to cooperate as far as possible in the analytical study of the causes for the fluctuation in exchange since the war which your commission is now pursuing and which, in our opinion, should prove valuable. Your appreciation of the assistance we have given in this study is very gratifying.

From the letter of Mr. Jones, dated December 30, 1924, I quote as follows:

> You were very kind to send me 70 copies of serial 8 of the commission's publications, together with a wall map containing exchange curves for 18 countries.

The commission is to be congratulated on the excellent work it is doing. This division is looking forward with keen interest to the analytical study of the course of the European exchanges since the war which Doctor Young is conducting. It would be valuable, also, to have similar studies made for the Far East, Latin America, and South America.

These past 10 years have been most unusual in the changes which have occurred in the monetary systems of the leading countries, and in the foreign exchange situation of the world at large. The facts regarding these monetary and exchange events should be fully and carefully set down and analyzed in order that we may have a permanent record of these events. Therefore I personally am keenly interested in the progress of your work.

Now, Mr. President, I wish to refer to a very important branch of our work, the mining-cost investigation.

Nothing whatever is known about the actual investment in the metal-mining industry as a whole, and such data as are published by individual companies are obscure and in no case representative. Such investigations of the investment in metal mining as have heretofore been made are unreliable and too limited in scope to be of any value. So far as the yield on investment is concerned there is no trustworthy information whatever available. The record of dividends is without significance in the absence of an exact record of investment.

For the first time in the history of the country the facts are being developed with reference to the cost of mining, the investment in mining, and the yield upon that investment in connection with the industries producing gold and silver. The results of that investigation will be as beneficial to the country in general as to the particular industry concerned. This work when completed—that is, if the life of the commission be extended to permit its completion—will embrace all American owned and operated properties of this character, whether located in this country or abroad. The industry is fully alive to the great benefits and help which will result from this branch of the commission's investigation, and has contributed and cooperated in a way which can not be too highly commended.

A word should be said with respect to the work which is being done by the commission in its mining-cost investigation.

Detailed and accurate compilations and analyses of the direct and indirect operating and nonoperating costs of mining, milling, smelting, refining, marketing, and transportation are being made, and in the final report on this subject there will appear in detail all the principal operations involved in the industries producing gold and silver, from the development and extraction of the ore to the marketing of the metals.

The compilations on investment will consist of the actual investment, less depletion and depreciation in mines, mills, smelters, refineries, transportation facilities, and in all other agencies necessary in the recovery of the metals from the ore.

The compilations and analyses of yield on investment will show this yield by the various types and groups of mines. The comparisons on investment and yield on investment will be between various groups and types of mines and between the industries producing gold and silver and the other basic industries.

In this connection I wish to call the attention of the Senate to the fact that while the commission has expended $31,040.94 in its mining-cost investigation—which is about two-thirds complete—the gold and silver producing industries have expended no less than $150,000 for auditing expense, in answering the commission's questionnaire. The response of the producers has been general and enthusiastic, and a very large percentage of the producing agencies is represented by the questionnaires which have been returned.

While the files of the commission contain many letters from producers, expressing enthusiastic approval of and interest in this important branch of the commission's investigation, I have selected only a few of these letters, from which I will quote, in order that the Senate may know how highly this work is considered by the industry and of its desire to have the work completed.

In this connection I will say that the very small miner and producer are interested just as much as is the large producer, and later in my remarks I will show how the industry, almost as a whole, has expressed itself in regard to this work.

A letter received from Mr. R. L. Agassiz, president of the Calumet & Hecla Consolidated Copper Co., Boston, under date of February 2, 1925, expresses the hope that the commission's life may be extended during the Sixty-ninth Congress, for the reason that he believes the work to be not only very important to the metal industry but also to the Government.

A letter received from the United Verde Copper Co., of Clarkdale, Ariz., under date of March 20, 1924, states:

I wish to congratulate both yourself and the commission for the splendid work that is being done. The silver producers are certainly indebted to the commission for the pains taken and the thorough and splendid manner in which this work is being handled. * * *

From a letter received from Mr. Cleveland H. Dodge, vice president of the Phelps, Dodge Corporation, New York City, under date of February 21, 1925, I quote as follows:

Members of our corporation have followed with great interest the efforts of the United States Senate Commission of Gold and Silver Inquiry, of which you are chairman. We understand now that there is some question as to whether this investigation will be continued until a final report can be made. In the absence abroad of Mr. Walter Douglas I am writing to urge you to exert your great influence in Congress to provide the appropriations necessary to complete the inquiry and at the same time make use of all the work done for this purpose to date.

Our company, as well as other mining companies, have gone to a great deal of expense in preparing questionnaires requested by the commission. We have been glad to undertake this, however, as our industry has passed through five most difficult and unprofitable years, and we feel that the work of the commission will lead to a better understanding of our problems by members of the mining industry themselves as well as by Members of Congress and the public as a whole. * * *

I will state here, Mr. President, that the industries producing copper, lead, and zinc are equally interested with the gold and silver producers, because gold and silver are by-products of a majority of the copper, lead, and zinc mines.

Mr. E. E. Ellis, in charge of research, United States Steel Corporation, and manager of the Tennessee Coal, Iron & Railroad Co., writes, under date of February 18, 1925, as follows:

It has recently been called to my attention that some efforts are being made to discontinue the investigation under the Gold and Silver Inquiry Commission.

I happen to be familiar with the character of data being secured, and which I think is being done at a very low cost, and I believe it would be unfortunate to have the work stopped until carried to a conclusion, as the character of information which is being assembled is very unusual, and data of this character have never been assembled before. I am sure if the general results can be made available without reference to individual companies that it will be of great interest to all metal-mining companies, and even if the original thought in starting this inquiry is abandoned the results will be well worth while, as the work is now so nearly completed that the additional expense should be very light, and if abandoned the results up to date would probably all be lost.

From a letter received from Mr. F. W. Paine, vice president of the Copper Range Co., under date of February 21, 1925, I quote as follows:

We understand that there is some question about the length of the life of the Special Senate Commission on Gold and Silver. We have followed up the general work on this commission and believe that they have done excellent work. While this company is not directly concerned with precious metals, which may be the primary work of this commission, we have gone to considerale expense in putting into the hands of this commission certain data in respect to the cost of producing copper.

It would seem unnecessary and most unfortunate if the work of the Gold and Silver Commission could not be continued until it had been able to bring to a conclusion its several important lines of constructive activity. We believe that final compilation of the cost of production data on copper will be of great importance, both to the copper industry itself and to the country at large. We certainly trust that some way may be found by way of which this work can be carried to a conclusion.

I have received a letter from Tonopah, Nev., dated February 23, from John G. Kirchen, the general manager of Tonopah Extension Mining Co., which is one of the largest producers of gold and silver in the United States and has among its stockholders some of the very ablest and strongest men of the United States. I read from his letter, as follows:

I have not had time to read very much of what is contained in volume 1, serial 9—

That is one of the commission's publications—

However, what I have read interests me very much and I think its contents should be given the fullest publicity in order that people in general may see the fallacy of adopting any false money standard.

I sincerely trust that the resolution introduced by you to continue the commission's work during the Sixty-ninth Congress will pass, so that we will have information on the currency and finance of other countries with whom we do considerable business.

With kindest regards and best wishes,

Yours very truly,

JOHN G. KIRCHEN,
General Manager.

Mr. Kirchen is one of the ablest mining engineers and geologists in the United States.

The Anaconda Copper Mining Co. is particularly interested in this work and has asked that the work of the commission be completed.

Mr. President, I could read many other letters of similar import, but I will not now take the time of the Senate to do so.

I wish, however, to discuss another branch of the work which this commission is doing, namely, its investigation of foreign currency and exchange problems.

The commission, through its foreign currency and exchange investigation, has made a detailed and scientific study of present financial conditions in the European countries. It has collected from original material comprehensive data on such subjects as government finances, foreign trade, currency, exchange rates, banking, and prices for 16 of the European nations. This material has been organized, and part of it is made available in serial 9, volume 1, of the commission's publications, which has come from the printer within the last 10 days. Similar information for 12 other European countries is nearly ready for publication. No work of this kind has been undertaken since that of the Monetary Commission, created in 1908; and never in all history has the currency situation throughout the world been so confused and in need of attention.

The volume just published contains also a series of articles on currency questions, prepared for the commission by 31 of the leading bankers and economists in Europe and America. Among these contributers are governors of nine of the central banks of Europe. These articles, prepared without cost to the commission, give a broad view of the lines along which economic and financial thought is tending in currency matters, and constitute a most valuable collection. Such a comprehensive and representative symposium could scarcely have been obtained in any way other than through such a special investigation as the Senate has conducted. The Senate, in creating its Commission of Gold and Silver Inquiry, provided an agency especially well adapted to undertake such a complete study of foreign currency and finance, under the most favorable circumstances and at the least expense to the Government.

The material which the commission has just made available in serial 9 comes at an opportune time, in view of recent developments regarding interallied debts, currency, and other financial problems in which the United States has a vital interest.

The question of European currency and exchange is of extreme importance to the United States, especially in view of the abnormally large gold reserves held by this country. Trade and economic conditions in Europe have a direct bearing upon trade and economic conditions in this country. Anything that contributes to the restoration of stable financial and economic conditions abroad, and thereby increases the buying power of Europe, will be of benefit to American trade, both industrial and agricultural. It is therefore important that full information be available concerning currency and financial developments in Europe and their relation to the United States. This has been the primary aim of the foreign currency and exchange investigation.

Such complete data as the commission has collected on European financial conditions and has published in such intelligible form is not available elsewhere in this country or in the countries of Europe. Since the Senate must pass upon many questions involving European affairs, it is important that it have its own information upon these subjects; and had it not been for this study the information would not now be at hand.

The United States has rendered assistance in the settlement of reparations and other important international questions, and the President, in his message to Congress last December, urged that—

such assistance as can be given through the action of the public authorities and of our private citizens, through friendly counsel and cooperation, and through economic and financial support, should be unhesitatingly provided.

The United States has an especially intimate connection with the currency problem of Europe; also trade and business relations between Europe and the United States are becoming increasingly important. Whatever policies or actions this country undertakes should be predicated on complete knowledge; and only through a study such as this one of the commission can the real situation be ascertained.

The commission has in its files a great deal of valuable data on currency and financial conditions in the countries of South America and the Far East, countries with which the United States has also intimate economic relations. In view of the importance of the work and the interest which has been expressed in it, this material should also be made available, similarly as it has been made available in the countries of Europe. If the life of the commission be not extended, this material will be a complete loss. The material for the 12 countries of Europe not treated in the first volume is nearly ready for publication but can not be completed by March 4.

The commission is fortunate in having obtained the services of authorities on these subjects; and, as its experts and staff have become exceptionally familiar with the problems to be dealt with and with the unpublished information in the files, the commission is best fitted to complete in the least possible time the work which has been so successfully begun.

Some idea of the great value of the data developed by this phase of the commission's investigations may be gained by calling attention to the fact that when its publication on the subject of foreign currency and exchange quotations and curves was issued it was regarded by the State Department as of such importance that a special messenger was dispatched to New York to deliver the volume to the American members of the Dawes committee who were sailing for Europe the day following publication.

Now, Mr. President, I am going to read a few letters and reliable statements that have appeared in the press regarding this work on foreign currency and exchange.

The first is by a man who is regarded in the world as one of the ablest authorities on these problems of foreign currency and exchange, and who has had as much to do as anybody in advancing the financial and currency rehabilitation of Europe. This letter was written on February 23, 1925, by Hon. Charles G. Dawes, some days before he became Vice President. He wrote, as a private citizen and as a business man, as follows:

CENTRAL TRUST CO. OF ILLINOIS,
Chicago, February 23, 1925.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Since I wrote you, the volume compiled under the direction of your committee upon European Currency and Finance has arrived. I have been reading it and now realize the unusual nature of the work and its extreme value. In the selection of those who have contributed papers on currency and finance, exceptional judgment has been shown. The book is invaluable and most opportune. You and your committee are to be congratulated upon a contribution which is of immediate use to the economic, banking, agricultural, and commercial interests of the Nation. It is so timely as to be almost providential. I would like to know what will be the method of distribution of the work. Can it be had through purchase from the Government Printing Office?

I send you my best regards.

Yours, CHARLES G. DAWES.

Then a letter dated February 28, 1925, from D. R. Crissinger, the governor of the Federal Reserve Board, written to the chairman of the Banking and Currency Committee, the Senator from Connecticut [Mr. McLEAN], has this to say:

FEDERAL RESERVE BOARD,
OFFICE OF GOVERNOR,
Washington, February 28, 1925.

Hon. GEORGE P. McLEAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have just recently been handed a copy of European Currency and Finance of the Commission of Gold and Silver Inquiry of the United States Senate.

I find this investigation of the commission to be extremely interesting and valuable. It has the merit of not duplicating the work of the research division of the Federal reserve system, but it supplements our work, and I feel that it is highly commendable and meritorious, and the work of this commission should be continued until it has completed the investigation so far as it affects the countries not covered by the present publication. I therefore cheerfully recommend the work and commend highly the services of John Parke Young, who has so much to do with the result of the investigation.

Very truly yours,

D. R. CRISSINGER, *Governor.*

A letter from the former Secretary of Agriculture, Howard M. Gore, dated February 24, 1925, is as follows:

THE SECRETARY OF AGRICULTURE,
Washington, February 24, 1925.

Hon. TASKER L. ODDIE,
Chairman Commission of Gold and Silver Inquiry,
United States Senate.

DEAR SENATOR: Please accept my thanks for the copy of your report on European Currency and Finance, transmitted with your letter of February 13.

This report contains information of considerable value to us on the general economic situation in Europe in its relation to prices of and demand for our agricultural products abroad.

Sincerely,

HOWARD M. GORE.

A letter dated March 16 from the present Secretary of Agriculture, W. M. Jardine, is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 16, 1925.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR: I wish to express my appreciation of your kindness in sending to me for examination copies of serials 8 and 9 of the publications of the Senate Commission of Gold and Silver Inquiry covering the subject of European currency and exchange. The papers on the currency and financial conditions in the European countries contain much of interest, as do also the discussions of various aspects of the international price situation. The treatment of index numbers in relation to the exchange ratio is of interest to some of our men.

I shall appreciate the courtesy if you can send to Dr. O. C. Stine of the Division of Statistical and Historical Research, United States Department of Agriculture, two additional copies of the publications for official use in that division.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Mr. President, I ask that there be printed in the RECORD an article from the New York Journal of Commerce on European Currency and Finance, in which the work of this commission is very favorably commented on.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

[From the New York Journal of Commerce, February 21, 1925]

EUROPEAN CURRENCY AND FINANCE

The last volume (vol. 1, serial 9) issued by the Commission of Gold and Silver Inquiry of the United States Senate fills a gap that was strongly felt by all those interested in monetary and currency questions. In this respect the chairman of the Senate commission is fully justified in saying that "the information contained in the report is most valuable, and is available nowhere—neither in Europe nor America—in a form so complete and intelligible."

The volume is divided into three parts. The first part deals with the broader aspects of currency, the relation of gold to currency, the redistribution of gold, etc.

The second part contains a number of papers on the gold and currency situation in America and in a large number of European countries. A number of these papers were prepared by some of the greatest American and European economists and experts. Although some of these papers are too short to give an adequate analysis of the currency problem of the particular country, yet even the shortest ones, such as, e. g., the note on the return to gold in France by the secretary general of the Bank of France, are of great value, for they present the views of some of the leading financiers and statesmen of the respective countries on the currency question.

Perhaps of the greatest value to the student as well as to the business man is the third part, which deals in great detail with the currency and financial conditions of Great Britain, France, Italy, and Germany. The material dealing with each country is well arranged, the statistical data up to date, and the report contains a number of graphs and tables which make even such intricate problems as purchasing power parities more easily understood.

The volume as a whole, although not overlooking the many difficulties that are still to be overcome before normal currency conditions are established in Europe, is optimistic and gives the general impression that a return to the gold standard by most European countries may occur in the near future.

Mr. ODDIE. I also ask that an article by Mr. Frederic William Wile, appearing in the Philadelphia North American of February 23, 1925, and in other papers, on the work of this commission be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

WORLD CURRENCY PARLEY PLANNED—"BAD MONEY" ABROAD HARMFUL TO UNITED STATES, IT IS POINTED OUT

(By Frederic William Wile)

WASHINGTON, February 22.—A world currency conference to be called by the American Government has just been proposed to the Commission of Gold and Silver Inquiry established by the United States Senate two years ago. The commission, of which Senator TASKER L. ODDIE, of Nevada, is chairman, and Senator KEY PITTMAN, of Nevada, vice chairman, has received a voluminous report on the currency and financial problems of Europe.

The general tenor of the report is that the continuance of "bad money" in the Old World is directly inimical to conditions in the United States. To restore European countries as soon as possible to the gold standard, in line with the policy just readopted by Great Britain, is described as a factor of as much importance to this country as to Europe.

The interest of the United States in the international currency problem is thus set forth:

"The relation of the United States to the European currency problem is intimate, owing to unescapable economic and financial circumstances; furthermore, the United States is concerned with the question of European currency reforms from the standpoint of self-interest. The United States also has a desire to help in European recovery, and has certain responsibilities in the matter because of being well supplied with gold and with financial and other resources which can be of assistance to Europe.

"As the leading gold-standard country, the United States is interested in seeing a restoration of the gold standard as such for the protection of its own currency and financial system. The large and growing trade between Europe and the United States is of mutual benefit, and whatever factors, such as stable currencies, contribute to facilitate intercourse and remove some of the existing difficulties is advantageous to all parties. Thus the currency problem is an international one, and its solution affects not only European countries but the United States as well."

The Gold and Silver Commission intrusted Dr. John Parke Young to make its foreign currency and exchange investigation. Doctor Young's chief coadjutor was M. L. Jacobson, the financial statistician of the Federal Reserve Board. Included in Doctor Young's survey is a series of remarkable reports specially prepared for the gold and silver commission by Europe's foremost monetary experts.

These include John Maynard Keynes, director, British Economic Journal, London; Walter Leaf, chairman of Westminster Bank, London; Sir Arthur Salter, director, economic-financial section, League of Nations; Sir Josiah Stamp, British member of Dawes commission; Albert Aupetit, secretary general, Bank of France; Charles Gide, professor of political economy, University of Paris; F. Hautain, governor, National Bank of Belgium; Prof. Riccardo Bachi, editor L'Italia Economica; Dr. G. Vissering, president of the Netherlands Bank; Dr. Hjalmar Schacht, president of the German Reichsbank; Prof. Gustav Cassel, University of Stockholm; N. Rygg, managing director, Bank of Norway; J. Winther, managing director, Danish National Bank; Dr. Richard Reisch, president, Austrian National Bank; Dr. Alexander Popovics, president, Hungarian National Bank; Augustin Novak, director of Czech-Slovakia Banking Office; S. Karpinski, president, Bank of Poland; V. S. Korobkoff, managing director, Soviet Russian Bank for Foreign Trade.

Senator ODDIE, chairman of the gold and silver commission, commenting on Doctor Young's recommendations, says:

"Your suggestion of an international currency conference is an important one, which should receive early official consideration. As the currency question is an international one, it can be handled most advantageously only by international agreement. If the problem is to receive a satisfactory solution, unified action is practically essential."

The Young report makes timely reference to President Coolidge's project for another disarmament conference in Washington. It says:

"Balancing the budget will be assisted greatly in many countries by a reduction in expenditures on armament and military establishments. Thus measures looking toward a reduction of armaments are very important from the standpoint of currency and finance as well as from the standpoint of political conditions and the avoidance of war.

"Large armaments have been a heavy burden on the treasuries and on the people, and have been a chief source of budgetary deficits. Since the deficits have led to inflation the burden has been greatly intensified. The Washington conference, by reducing armaments, contributed to a reduction of expenditure in several countries."

Mr. ODDIE. Mr. President, another branch of the work of this commission was the Western States hearings, which were completed some weeks ago and printed as serial 6 of the commission's publication. The volume containing the report of the examiner in charge of this work, together with the hearings and his recommendations, has been received from the printer. The

commission has had no opportunity to act upon the recommendations in the report, which are very important and far-reaching in character and of vital interest to the mining industry in our Western States. Unless further time is given the commission to consider and carry out such of these recommendations as may be found necessary, it will mean a practically complete loss of the sum of $20,859.93 expended on this work. A very able mining engineer, known throughout the western country, conducted these hearings before the mining operators in many of the Western States.

The investigation and hearings on silver purchases under the so-called Pittman Act—another branch of the commission's work—are complete.

The foreign currency and exchange investigation is more than half complete and the mining-cost investigation about two-thirds complete. On neither of these important subjects, however, will it be possible for the commission to formulate its conclusions into recommendations and a report until the investigations now in process are complete. If the life of the commission be not extended, the loss upon the uncompleted portion of these three branches of its work will amount to approximately $85,000.

To indicate the value of the foreign currency and exchange investigation which is being conducted by the commission, I have selected from its files a few of the more important letters which have been received, from which I would like to quote the essential parts.

Representative A. PIATT ANDREW, formerly Assistant Secretary of the Treasury and assistant to the National Monetary Commission, writes, under date of February 17, 1925, as follows:

I am most grateful for your kindness in sending me copies of the publications of the Senate Gold and Silver Commission.

Your work has assumed a scope which will surprise economists and financial students who have not been conversant with it. The volumes now appearing, especially that one entitled "Foreign Currency and Exchange Investigation," contains a mine of information not hitherto available and of the utmost importance and timeliness. Students of the very complex and unprecedented monetary problems now confronting the world will refer to it over and over again in the coming months as these problems, so profoundly vital to our commerce and industry, begin to be recognized. Every important financial library in the country should possess this volume, and I trust that your appropriation is sufficient to allow of such wide distribution.

Representative CORDELL HULL, who formulated the first income tax law for this country, under date of February 14, 1925, writes:

I am very thankful for set of publications of the Senate Commission of Gold and Silver Inquiry, to the extent that they have come out to date.

I consider the data and information in these publications of much current and permanent value both to Congress and the country. It seems to me that your commission is engaged in performing an excellent public service and that it will be but the part of wisdom for Congress to authorize your commission to complete this important work.

Dr. Jacob H. Hollander, professor of political economy, Johns Hopkins University, under date of February 18, 1925, writes:

Very many thanks for sending me the copy of your report on European Currency and Finance. It contains in most convenient form a wealth of material, and the brief notes contributed by various authorities are of the utmost interest.

The late Henry C. Wallace, Secretary of Agriculture, under date of January 19, 1924, wrote as follows:

Upon my return to the city, your report on Foreign Exchange Quotations and Curves has been brought to my attention.

This report contains some statistics of considerable value to us in the study of prices of agricultural products in foreign countries and the general economic situation in those countries in relation to the demand for our agricultural products.

Acting Postmaster General Bartlett, under date of January 14, 1924, has this to say of one of the commission's publications:

I desire to thank you for your communication of January 10, 1924, and a copy of serial 2 of the publications of the Commission of Gold and Silver Inquiry.

That is the one to which I have just referred; and General Bartlett, by the way, is a particularly able economist and executive. I quote further from his letter:

The description of the commission's foreign currency and exchange investigation and the tables accompanying the pamphlet have proven most interesting.

The need for a stabilized foreign exchange market is particularly felt in the financial branch of this department, where obligations to foreign nations must be discharged in the currency of the creditor country. In the postal money-order system alone more than $20,000,000 is paid annually for bills of exchange on foreign countries and to prevent loss to the postal revenues these bills must be purchased at a rate as low or lower than that at which money orders are sold to patrons. Thus it will be readily seen that great care must be exercised to so administer this service as to avoid loss to the revenue and complaints from the public.

Any steps which can be taken to stabilize exchange will therefore lessen the burden now imposed upon this department and enable those who desire to send money abroad to purchase money orders at a rate more nearly the exact market equivalent. The investigation conducted by your commission will do much to enlighten the people of the United States on the subject, and thereby aid in finding a remedy for the present unsatisfactory conditions.

Should you find it possible to furnish me with copies of subsequent reports of the commission, it will be very much appreciated.

The Secretary of War, himself a financier and banker, who was formerly a member of the National Monetary Commission and a member of this body, has this to say, under date of January 24, 1924:

It gives me pleasure to acknowledge receipt of your letter of January 11, 1924, in which you state that you have forwarded under separate cover a copy of serial 2 of the publications of the Commission of Gold and Silver Inquiry entitled "Foreign Exchange Quotations and Curves," prepared by Mr. H. N. Lawrie, assistant to the commission. The volume was received in due time.

Pages 1 to 3, which describe the commission's foreign currency and exchange investigation, have been read with considerable interest. The charts have been examined and it is found that they will be of great assistance to the finance department of the War Department as a reference book. It frequently happens that the question of foreign exchange on a certain date in the last few calendar years has to be ascertained. Your publication gives just the information that is desired.

Hon. George R. James, a member of the United States Federal Reserve Board, under date of January 15, 1924, states:

I have read with very great interest the article on pages 1 and 3 (Foreign Exchange Quotations and Curves), to which you referred. I concur fully in the conclusions reached by the commission, and agree most heartily with the closing sentence, "Not until European countries return to a gold basis and provide sufficient means of maintaining it can trade function to the greatest advantage and realize its fullest possibilities."

I feel that you and your associates are making a real contribution to agriculture, industry, and commerce in carrying on your investigations and in reporting on the findings.

I would also like to insert for the RECORD a letter from Vice President-elect Charles G. Dawes, thanking the commission for having made available important information on European currency and financial conditions for the confidential use of the committee of experts of the Reparation Commission, as follows:

AMERICAN SECTION, COMMITTEE OF EXPERTS,
REPARATION COMMISSION,
15 Bellevuestrasse, Berlin, February 5, 1924.

Senator TASKER L. ODDIE,
Chairman Commission of Gold and Silver Inquiry,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: I beg to acknowledge, with thanks, on behalf of the American section, committee of experts of the Reparation Commission, the receipt of your letter of January 24, together with the following documents sent us by your committee:

(1) Four copies of your report on Foreign Currency and Exchange Investigation—Foreign Exchange Quotations and Curves;

(2) A confidential report prepared by Dr. John Parke Young, on Finance—Currency and Foreign Exchange;

(3) Statistical tables, covering the subjects of currency, banking, prices, and trade, for the principal European countries;

(4) Three sets of charts on the subjects of exchange rates, purchasing power parities, prices, note circulation, and foreign trade for the principal European countries.

This material arrives at an opportune time and we shall find it very useful in our work. I am glad to know that you plan to send us, from time to time, other information of this type as it is prepared by your committee. We shall treat unpublished material that you send us as confidential, in accordance with your request.

We appreciate keenly your thoughtfulness and fine spirit of cooperation in sending us, in advance of publication, this valuable material in manuscript form.

Very cordially yours,

CHARLES G. DAWES,
Chairman Committee of Experts, of the Reparation Commission.

As indicating the views of the Department of Commerce as to the importance of the commission's foreign currency and exchange investigation to the trade and commerce of the United States, I received from Dr. Julius Klein, Director of the Bureau of Foreign and Domestic Commerce, a letter of February 19, 1925, from which I quote as follows:

I am pleased to get a copy of the report on European Currency and Finance, which the Senate Commission of Gold and Silver Inquiry has just issued. The commission has done a splendid work in making this careful and thorough analysis of monetary and exchange conditions in the leading countries of Europe; and I trust that it will be able to complete the series, since developments in other European countries, as well as in those of Latin America and the Far East, are also of vital interest.

As further expressing the views of the Department of Commerce on this investigation, I quote from a letter of February 17, 1925, received from Mr. Grosvenor M. Jones, chief of the finance and investment division of the Bureau of Foreign and Domestic Commerce, as follows:

I wish to congratulate the members of the Senate Commission of Gold and Silver Inquiry upon the excellent work that is being done in connection with its studies of foreign currency and exchange. I refer particularly to serial 8 and serial 9 (vol. 1). There has been great need for a careful, scientific analysis of the important changes that have taken place since 1914 in the monetary systems and the foreign exchanges of the principal countries. This need had not been met in a satisfactory manner until the appearance of these two volumes. All students of these subjects will rely upon the facts and figures presented in these studies, and it is to be hoped that the commission's publications will reach the widest possible circle of readers.

The first results of the commission's investigation on foreign currency and exchange has so recently been released for publication that one could not expect at this time to receive a full editorial comment on the subject; but the following editorial, published in the New York Journal of Commerce, February 21, reflects the views of a conservative publication well informed in the field of currency and finance:

LIGHT ON EUROPEAN FINANCE

The Commission of Gold and Silver Inquiry of the United States Senate has issued some excellent inquiries in past years, and now produces a final volume surveying the entire situation in European currency and finance. The book is by far the most complete document dealing with the banking and currency situation abroad that has been made available to American readers. It should throw a much-needed light upon questions of which our public is far too ignorant and far too little inclined to appraise at their true importance as elements affecting our own policy and future.

There are various kinds of congressional commissions, and most of them are inclined to be lacking in either information or teaching. In most cases their findings are ambiguous and the data they present out of date. That makes the service rendered by this particular body the more striking as an exception to the general rule. Most of its papers on the various European countries are from the pens of local authorities, and the majority of them bring the information presented down to a very recent period. The work of the commission is thus far entirely informative and has nothing to say in the way of recommendations or patent remedies. The reader is left to draw his own conclusions on the strength of the information supplied him. This is the best kind of service in a long-range sense.

I now read a letter from the Jewish Welfare Society, as follows:

JEWISH WELFARE SOCIETY OF PHILADELPHIA,
February 26, 1925.

SECRETARY OF THE COMMISSION OF GOLD AND SILVER INQUIRY,
United States Senate Office Building, Washington, D. C.

MY DEAR SIR: A few days ago the first volume of the foreign currency and exchange investigation (serial 9, vol. 1) has reached me, for which I want to thank you. Among the many Government publications which naturally come to my desk there are only a few that can equal and none, in my memory, surpass the high quality of the work of this report, as well as the great interest of the facts it presents. This seems to be the first complete and authoritative presentation of the bewildering financial situation in Europe.

I am looking forward with a great deal of interest to the continuation of the report, and I very much hope that the commission's work will not be interrupted. I have called the report to the attention of many influential business men on the board of directors of this society, all of whom are highly interested. May I suggest that copies of these reports be sent, if possible, to the gentlemen whose names appear on the attached list.

Yours very truly,

I. M. RUBINOW, *Executive Director.*

Some of the principal organizations representing the gold, silver, copper, lead, and zinc mining industries have adopted resolutions asking for an extension of the life of the Gold and Silver Commission. These resolutions, which I ask may be inserted in the RECORD as a part of my remarks, have been presented to the Senate and referred to the Committee on Mines and Mining, of which I have the honor to be chairman. They are from the American Silver Producers' Association, whose membership includes the producers of more than 85 per cent of our silver, and a very large percentage of the copper, lead, and zinc produced in this country; the American Zinc Institute, representing 98 per cent of the zinc industry of the United States; the Northwest Mining Association, whose members are located in the States of Washington, Idaho, and Oregon, and the Territory of Alaska, where a substantial part of the gold, silver, and lead of the United States is produced; the Nevada Mine Operators' Association; the California Metal and Mineral Producers' Association, whose members represent our largest gold-producing State; the Spokane Chamber of Commerce; the San Francisco Chamber of Commerce; and the Seattle Chamber of Commerce.

I wish to read the resolutions of the American Silver Producers' Association and a letter from the president of the American Zinc Institute to the chairman of the Senate Appropriations Committee, urging the extension of the life of the commission, as follows:

AMERICAN SILVER PRODUCERS' ASSOCIATION,
Reno, Nev., January 17, 1925.

To the honorable the PRESIDENT PRO TEMPORE OF THE SENATE,
United States Senate, Washington, D. C.

SIR: At a meeting of the American Silver Producers' Association held in Salt Lake City August 8 last, at which more than 85 per cent of domestic silver producers was represented, the following resolution was unanimously adopted:

"*Resolved*, That the American Silver Producers' Association, now permanently organized, express its sincere thanks and appreciation to the members and staff of the Commission of Gold and Silver Inquiry of the United States Senate for the constructive and timely work which it has already done, and which is now in process of completion, in behalf of the silver producers of the United States; and further

"*Resolved*, That in view of the far-reaching importance of the completion of the investigations which are now being conducted by the commission, not only to the producers of silver but also because of the broad economic interests of the United States which are involved, the American Silver Producers' Association expresses the hope that the commission may be given full opportunity to complete the work which is now in progress, and that the commission's existence may be continued for such period beyond the Sixty-eighth Congress as may be necessary to enable it fully to complete such investigations."

Yours very respectfully,

AMERICAN SILVER PRODUCERS' ASSOCIATION,
By HENRY M. RIVES, *Secretary.*

AMERICAN ZINC INSTITUTE,
New York City, February 5, 1925.

[For the information and files of the Hon. TASKER L. ODDIE, United States Senate]

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

MY DEAR SENATOR WARREN: Stopping back at the Capitol on my way to the train I found the Senate in executive session; therefore I am writing to you what I wished to communicate to you in person while in Washington Wednesday, namely, that on behalf of the American zinc industry, at least 90 per cent of which is represented in the membership of the institute, we urge that the Commission on Gold and Silver Inquiry be continued until its important work is completed.

I personally know that a number of the members of our industry spent a great deal of time and money in preparing the zinc data now in course of analysis and that these gentlemen are looking forward with interest to the conclusions and recommendations of the commission.

The members of the zinc industry are, of course, in full accord with the plans of President Coolidge for greater economy, but they hold, as you and the other members of your committee doubtless do, that economy is not only the saving of money but also the spending of money to the best possible advantage.

While in Washington I conferred with Senators ODDIE and SPENCER in this matter, and these gentlemen will be glad to confirm what I have written to you.

Respectfully,

S. S. TUTHILL, *Secretary.*

The other resolutions and letters I shall not take the time of the Senate to read, but will ask permission that they be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Whereas the Commission of Gold and Silver Inquiry, created by resolution of the United States Senate, expires by limitation on March 5 next; and

Whereas the work on behalf of the silver producers of the Pacific Northwest and of all parts of the United States by such commission has been of the utmost value; and

Whereas the silver producers of the Pacific Northwest recognize and appreciate the value of the work accomplished by the commission on their behalf and are desirous of commending the activities of the commission as a whole; and

Whereas it is of the utmost importance to all silver producers and to the mining industry of the West as a whole that the researches and activities of the commission be further maintained: Therefore be it

Resolved at this meeting of the Northwest Mining Association, held at Spokane, Wash., Thursday, December 18, 1924, That the Senate of the United States be, and hereby is, memorialized to pass such resolution or take such action as may be necessary to the further maintenance of the Commission of Gold and Silver Inquiry; and be it further

Resolved, That copies of this resolution be mailed to each of the Senators in the United States Senate representative of Western States.

Moved by H. W. Power.

Seconded by C. F. Goodsell.

NEVADA MINE OPERATORS' ASSOCIATION,
Reno, Nev., February 10, 1925.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am directed to communicate to you the following resolution adopted by this organization February 7, 1925:

"Whereas a resolution is pending in the Senate of the United States providing for further investigations by the United States Senate Commission of Gold and Silver Inquiry, whose work thus far has been of an incalculable benefit to the silver-mining industry of the United States: Now, therefore, be it

"*Resolved*, That the Nevada Mine Operators' Association, representing silver producers of the State of Nevada, expresses the earnest hope that the United States Senate will see fit to authorize continuance of the existence of the commission until such time as its investigations shall have been fully completed; and be it further

"*Resolved*, That this resolution be communicated to Hon. KEY PITTMAN and Hon. TASKER L. ODDIE, United States Senators from the State of Nevada."

By order of the executive committee.

Yours very truly, HENRY M. RIVES, *Secretary.*

Whereas California Metal and Mineral Producers' Association believes that the constructive work inaugurated by the United States Senate Commission of Gold and Silver Inquiry will inure to the benefit of gold and silver producers, and that its findings will render valuable assistance in the stabilization of the mining industry: Therefore be it

Resolved, That in view of the far-reaching importance of such investigation this association expresses the hope that provision be made for the completion of the work of the said commission, and that its existence be continued for such period as may be necessary to enable it to present a full and complete report.

Presented and adopted this 28th day of January, 1925.

ELMER E. PAXTON, *President.*

Attest:

ROBT. I. KERR, *Secretary-Treasurer.*

Resolution

Whereas information available is to the effect that the Commission of Gold and Silver Inquiry, created by resolution of the United States Senate, expires by limitation on March 5, next; and

Whereas the investigation and work carried on by the Commission of Gold and Silver Inquiry has been of the utmost value to the silver producers of the Pacific Northwest; and

Whereas it is of extreme importance to the silver producers that the committee of gold and silver be further continued: Therefore be it

Resolved by the mining bureau of the Spokane Chamber of Commerce, That the Senate of the United States do, and hereby is memorialized to, pass such other resolution as may be necessary to the continuance of the Commission of Gold and Silver Inquiry; and be it further

Resolved, That copies of this resolution be mailed to all Senators from Western States.

MINING BUREAU SPOKANE CHAMBER OF COMMERCE,
F. H. SMITH, *Chairman.*

SPOKANE, WASH., *February 2, 1925.*

SAN FRANCISCO CHAMBER OF COMMERCE,
Washington, D. C., February 23, 1925.

Hon. TASKER L. ODDIE,
Senate Committee on Mines and Mining,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR ODDIE: Recognizing the importance of the work already accomplished by the Commission of Gold and Silver Inquiry of the United States Senate, the San Francisco Chamber of Commerce heartily indorses Senate Resolution 323, introduced by you, which would extend the life of the commission during the Sixty-ninth Congress.

The chamber hopes your resolution will prevail so that the work still remaining to the commission may be completed.

Very sincerely yours, LEWIS E. HAAS,
Washington Representative.

SEATTLE CHAMBER OF COMMERCE,
Seattle, February 23, 1925.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am informed by telegram that the board of directors of the Seattle Chamber of Commerce, at a meeting held at Seattle on February 18, passed a resolution favoring the continuance of the life of the Senate Commission of Gold and Silver Inquiry during the Sixty-ninth Congress.

The work of this commission is regarded as extremely important, and it is thought highly desirable that the foreign currency and exchange investigation be extended to the far eastern countries and the South American countries. The completion of the commission's investigation is not only important to the foreign commerce of the Pacific coast ports but we feel that it is very important to the mining industry of Alaska and the Northwest.

Your good offices in this matter are earnestly solicited and will be greatly appreciated.

Sincerely yours, J. J. UNDERWOOD, *Manager.*

UNITED VERDE COPPER CO.,
Clarkdale, Ariz., February 20, 1925.

Hon. TASKER L. ODDIE,
Chairman Commission of Gold and Silver Inquiry,
United States Senate, Washington, D. C.

DEAR SIR: I am in receipt of volume 1, serial 9, entitled European Currency and Finance.

We think very highly of the publications being sent us, and certainly feel that the entire mining industry is deeply indebted to you in connection with your splendid service to the gold and silver industry. Some months ago I took it upon myself to write the Arizona Representatives and Senators, strongly indorsing the continuation of the Commission of Gold and Silver Inquiry, and am pleased to say their replies were all favorable.

With best wishes, and hoping to see you in the not distant future,

Yours very truly,

ROBT. E. TALLY, *General Manager.*

EXPENSES OF COMMISSION

Mr. ODDIE. Mr. President, in regard to the expenses of this commission, I will say that a good deal of comment has been indulged in regarding the high cost of the work; but it is necessary to employ high-class men to do fine work, and we have done that. We have secured the best men possible, and I think if anybody interested will investigate the work and read the reports carefully, he will find that the work has been economically and well done.

The impression seems to have gained ground in some quarters that the work of the Gold and Silver Commission has been unduly expensive. If a comparison of the cost of this commission with that of other investigational agencies of the Senate during the Sixty-seventh and Sixty-eighth Congresses should be made, the commission will in nowise suffer through such comparison.

It should be remembered in this connection that the work of this commission has been almost entirely of a research nature, as contrasted with the activities of practically all the other select committees and special commissions at work during the period of the Sixty-seventh and Sixty-eighth Congresses. There are a number of congressional investigating agencies which have not been included, because to do so would unduly lengthen the list; but I shall give a list of such size as to be fairly representative. I therefore call the attention of the Senate to what appear to be the following major special or select committees and commissions which have been at work during the Congresses above mentioned:

The expenses of the committee to investigate the United States Veterans' Bureau, for a period of nine months, were $46,218.59, an average of $5,135.39 per month; of the naval oil

leases investigating committee, for a period of seven months, $35,395.33, an average of $5,056.47 per month; of the committee to investigate the charges against Harry L. Daugherty, for a period of four months, $32,395.04, an average of $8,098.76 per month; of the committee to investigate the Bureau of Internal Revenue, for a period of six months, $38,891.28, an average of $6,481.88 per month; of the committee to investigate the election of Senator MAYFIELD, for a period of nine months, $63,215.44, an average of $7,023.93 per month; and of the Joint Commission of Agricultural Inquiry, for a period of seven months, $40,381, an average of $5,768.71 per month.

The Senate Commission of Gold and Silver Inquiry, during the 22 months of its existence, has spent $110,000, or an average of but $5,000 per month.

The information upon which the data above given are based was secured from the financial clerk of the Senate.

In calling attention to these expenditures by other committees I am not, of course, intending to in any way criticize. I am satisfied that their work fully justified the expense; but, on the other hand, I do resent, and deny the truth of, any charge that this Gold and Silver Commission has been unduly expensive.

I must not omit to name one other agency—the National Monetary Commission—the investigations of which resulted in the establishment of our Federal Reserve Board. I mention this agency because, like the Joint Commission of Agricultural Inquiry and the Gold and Silver Inquiry Commission, it was engaged in research work, not in the general character of work done by the other agencies I have mentioned.

The Monetary Commission was in existence 49 months. It spent during that period the sum of $287,259.35. It should be remembered, however, in this connection that it performed its work when costs were only about half of what they are to-day. The same work if it had been done to-day would have cost in excess of $500,000. But who, in view of the magnificent accomplishments of that commission in the creation of the Federal Reserve System, ever thinks of or mentions the question of what it cost? The tremendous value of the work of the Monetary Commission and of the Senate Commission of Gold and Silver Inquiry can not be measured in terms of dollars and cents, and a lack of knowledge of their work must be the only excuse for those who would so measure their achievements.

I herewith submit for the RECORD a segregation of disbursements by the commission, for a period of 22 months, to January 1, 1925, in which each of the commission's activities is classified into the several important items of expense. An analysis of this statement will show that the items of supplies and miscellaneous expense have been kept very low, indicating the care with which even the smaller expenditures of the commission have been scrutinized before being incurred. The item for miscellaneous services is relatively high compared with the item of salaries, because the operating expenses were kept to a minimum by the employment of part-time services wherever possible, instead of unduly enlarging the commission's permanent pay roll. The item of travel is necessarily large, because of the fact that a great part of the investigation could only be conducted in the Western States, where the expense of travel is great. The item of reporting is a regular and necessary expense, the charge for which is fixed in the resolution creating the commission.

I wish to assure the Senate that if the life of the commission be extended, I shall give the same care and attention to the matter of expenditures in the future that I have given to the matter in the past.

Now that I have provided data for the purpose, a comparison of the expenditures of other investigating agencies of the Senate with those of the Gold and Silver Commission should be made by Senators. By such a comparison, as I have before stated, the commission will not suffer. With this comparison available, it would seem that a vote against my resolution providing for the extension of its life can only be construed as a vote against the mining industry, one of the greatest of our basic industries, at a time when it is so greatly in need of assistance.

I ask to have the matter to which I have referred printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

Commission of Gold and Silver Inquiry, United States Senate—Segregation of disbursements for 22 months to January 1, 1925 [1]

Activities	(1) Salaries	(2) Reporting	(3) Travel	(4) Miscellaneous services	(5) Supplies	(6) Miscellaneous expenses	(7) Total cost
A. Foreign currency and exchange investigation	$25,780.68		$1,642.85	$5,415.75	$238.61	$495.20	$33,773.09
B. Mining cost investigation	16,106.67		12,208.19	1,957.12	253.59	515.37	31,040.94
C. Western States' hearings	9,458.33	$3,172.50	.7,160.78	1,052.32		16.00	20,859.93
D. Reno hearing		212.35	1,080.80	392.43			1,685.58
E. Salt Lake hearing		316.80	836.55	157.32			1,310.67
F. Silver purchases investigation and hearings		476.25	594.88	4,489.86			5,360.99
G. General administrative	13,738.06		281.84	1,274.14	623.13	60.00	15,977.17
Total	65,083.74	4,177.90	23,805.89	14,738.94	1,115.33	1,086.57	110,008.37

[1] Complete audit by Wallick & Shorb, certified public accountants. The commission has kept account of its expenditures and has scrutinized every item of expense carefully to avoid unnecessary expenditures. It will be noted from the above statement that Item 5, supplies, and Item 6, miscellaneous expense, have been kept very low. Item 4, miscellaneous services, is relatively high compared with Item 1, salaries, indicating operating economies in employment of part-time services instead of unnecessarily enlarging the permanent pay roll. Item 3, travel, is necessarily large because travel had to be done in Western States. Item 2, reporting, a regular expense for which charge is fixed by resolution.

COMMISSION OF GOLD AND SILVER INQUIRY, UNITED STATES SENATE—STATUS AND EXPLANATION OF ACTIVITIES

A. FOREIGN CURRENCY AND EXCHANGE INVESTIGATION

More than half completed. Large amount of valuable information in commission's files, obtained at considerable expense, failure to publish which would mean entire loss. Articles specially prepared and contributed without cost by 31 of the foremost economists and bankers of Europe and America on restoration of gold standard and currency and financial situation in Europe. These articles could not have been purchased at any price. Results of this investigation, covering four European countries, in process of publication. Investigation should be extended to entire world by completing similar studies of currency and financial conditions in other European, in South American, and Asiatic countries. This can not be done unless life of commission be extended.

This information will be extremely valuable to members of the foreign debt funding committee, and, finally, to the Senate, which is charged with the duty of ratifying any agreements that are made. It is not only proper but essential that the Senate, on its own account, should, through its own investigational agency, be apprised of the currency and financial conditions in European countries, in view of the action it must take on such agreements. With over $7,000,000,000 outstanding and unfunded, any reasonable expense to determine the true financial status of Europe is obviously fully warranted. The material is nowhere else available.

B. MINING COST INVESTIGATION

About two-thirds completed. Producers of gold, silver, copper, lead, and zinc have expended $150,000 for auditing expense in answering commission's questionnaires. Figures being compiled rapidly, but unless life of commission be extended they can not be analyzed and the real condition shown. This was one of the principal subjects assigned to the commission for investigation. Senate has expended $1 to industry's $5. Industry is entitled to completion of investigation.

C. WESTERN STATES HEARINGS

While Western States field hearings have been completed, thus concluding the expense connected therewith, recommendations of report, which should be carried out in interest of industry and in compliance with resolution creating commission, can not be if life of commission be not extended. The $20,859.93 expended on this activity will be completely lost if commission be not continued.

D. Reno hearings: Complete.

E. Salt Lake hearings: Complete.

F. Silver purchase investigation and hearings: No further expense anticipated; practically complete.

G. General administrative: Item will be substantially reduced, if life of commission be continued, no hearings outside of Washington being anticipated.

MINING AND AGRICULTURE

Mr. ODDIE. Mr. President, in connection with this discussion, I think it may be profitable and interesting to call attention to the expenditures by the Government on account of the mining industry and the Government expenditures on account of the Department of Agriculture, for the purpose of making a direct comparison. This will serve to indicate the extent to which the Government has supported the agricultural industry and to what extent it has supported the mining industry. My computations are based on figures obtained from the Department of Agriculture, Bureau of Mines, and Geological Survey.

I have taken the 20-year period from 1903 to 1922. I find that the total appropriations during this period for the Bureau of Mines and the Geological Survey, together with other activities that have been administered by the Bureau of Mines but appropriated for other bureaus and departments, amounted to $44,000,000; while the Department of Agriculture, over the same period, received $458,000,000—a little over ten times as much. While I deplore the limited work the Government has done on behalf of the mining industry, I am of course heartily in favor of the extensive and important work done for the agricultural industry.

To be as accurate as possible in the comparison, I decided it would be well to develop what these appropriations had been per dollar of value of production, in order that any variations arising from intangible items might be omitted. I find on this basis the mining industry received nine one-hundredths of a cent per dollar of value of mineral products in 1903, and in 1922 it received eight one-hundredths of a cent. The Department of Agriculture in 1903 received one-tenth of a cent per dollar of value of production—just about the same as the mining industry. In 1922 it received a little better than three-tenths of a cent per dollar of production value, or three times as much. The mining industry for the entire period of 20 years has received an average of $1 for every $2.70 which the Department of Agriculture has received. In the years 1922 and 1923, however, the ratio was one dollar to four. Obviously, the mining industry has not been getting its proper share of governmental support. Certainly the problems confronting the mining industry are not any less fundamental, nor are they less complicated than those of agriculture. The fact is that there are many problems in the mining industry which are far more complicated than those in the agricultural industry, and in the solution of which the Government should participate. For instance, we have had no grave labor problem to deal with in the agricultural industry such as we have had in the mining industry, and the relations between capital and labor in the agricultural industry are practically nil as compared with those between capital and labor in the mining industry.

In the Agricultural Department bill just passed by the Senate I find that $699,451 were appropriated for the eradication of the southern cattle tick; $300,000 for the extermination of the pink bollworm; $280,000 for the extermination of the Japanese beetle; $283,630 for the extermination of the European corn borer; $740,000 for the extermination of the gypsy moth; $197,700 for a special investigation of insects affecting cereal and forage crops, including a special investigation of the Hessian fly, grasshopper, alfalfa weevil, and the chinch bug; and $255,440 for an investigation of insects affecting southern field crops and the cigarette beetle and the Argentine ant.

I realize the great importance of controlling and eliminating these pests and have always been in favor of ample appropriations for this purpose. Although metals are not affected by pests such as these, there is a type of pest to which they are subjected which is just as damaging to their productive powers as these other pests are to agricultural production. Adverse and changing economic conditions, both here and abroad, are the pests to which the metal-mining industry is subjected.

Little is known concerning the relationship of the metal-mining industry to our economic system, and still less is known concerning the precise influence of domestic and world economic changes on the industry itself. From a purely industrial standpoint, more than half the States in the Union are engaged in some degree in the nonferrous metal-mining industry; and gold and silver, the monetary metals of the world, are of great importance both to the Nation and to the world. It is therefore unreasonable that there should be opposition to the well-directed expenditure of from $100,000 to $200,000 in an investigation of the gold and silver mining industry and the effect of the decreased production of these metals upon prices and exchange, when we have voted to appropriate, for only one year, for the eradication of a single pest almost seven times the amount expended by the commission in two years. Furthermore, the smallest of these appropriation items for an investigation of insects in one year is almost twice as great as the amount expended by the commission in the two years of its investigation.

The work which the commission is doing on foreign currency and finance will greatly assist in expediting a return to normal conditions in foreign countries, thereby restoring more rapidly the purchasing power of Europe and the rest of the world to buy the products of this country, such as cotton, wheat, and copper, of which we produce a large exportable surplus. With a return to normal currency and financial conditions throughout the world the monetary demand for gold and silver will also become greater, and more stable economic conditions governing the production of these metals will exist. There can be no question that the relatively small amount of expense involved in this important investigation of the commission is not only fully justified but will yield substantial returns to the entire Nation; and it would be difficult to use public money to better advantage than to complete the commission's investigation so successfully begun.

Mr. President, as I have stated, the mining industry has furnished a very large amount of data, at an expense of $150,000, to this commission. The work of analyzing that data is only partially completed. It will require several months more work to complete it. If the life of the commission is not extended all of the money expended by the industry and all of that expended by the Senate will have been lost, and this vast amount of material will have been furnished to no purpose. The United States Senate can not afford to treat this great industry in this manner. It will be neither businesslike nor honest.

I hope the Senate will see clearly the need of continuing this work and will agree to the resolution which I have introduced. The responsibility rests on me and rests on the Senate to see that this work is completed.

It must be remembered, too, that hundreds and hundreds of millions of dollars of capital are invested in the mining industry, and that scores of thousands of people are employed in that industry, and if we can complete this work it will result in better conditions in the mining industry, which will mean better conditions generally for those men. We all hope that such conditions will be brought about which will mean better markets for the agricultural products of the country.

Much of the data furnished by this commission will be of great benefit to the Senate in its study of the problems in connection with the funding of the debts of foreign countries. I hope the Members of the Senate will give these volumes their careful attention, especially volume 9, which has recently been published, because there is a vast amount of data contained in that volume bearing on European currency and financial problems which will be of great interest to the whole country, as well as to the mining industry.

Many organizations have asked that this work be continued. The silver producers of America were organized in Nevada two years ago, and at a meeting there fully 85 per cent of the silver producers in this country were represented, as well as most of the producers of copper, lead, zinc, and gold. Last year a meeting of the same organization was held in Salt Lake City. I attended that meeting, and I wish to say that no body of men were ever more royally and splendidly treated than that body of men when they met in Salt Lake City. The meeting was enthusiastic. Fully 85 per cent of the mining industry of the United States was represented, many of the very ablest producers were there, and we all received a royal welcome.

The president of the American Mining Congress Unit of Utah, Mr. A. G. Mackenzie, one of the ablest and best mining engineers in this country and a splendid gentleman, sent a telegram on December 29 last to the Washington headquarters of the American Mining Congress requesting that the work of this commission be continued. The action of the Utah Chapter of the American Mining Congress in indorsing the work of this commission and in requesting that its life be continued during the next Congress in order that its work be completed reflects the attitude and opinion of the great majority of the mining industry of Utah. Similar requests have come from innumerable people and organizations from all the other Western States and from all over the United States.

Mr. President, I ask that a letter from me to the chairman of the Senate Appropriations Committee, explaining the work of the Gold and Silver Commission, may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The letter referred to is as follows:

FEBRUARY 3, 1925.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

MY DEAR SENATOR WARREN: This will acknowledge with much appreciation the receipt of your letter of January 31 concerning the continuation of the Commission of Gold and Silver Inquiry. I appreciate very greatly the candid expression of your views upon the subject, and believe that the commission's activities, the careful manner in which its expenditures have been made, and the successful results so far obtained will fully justify the continuation of the commission's investigation during the Sixty-ninth Congress.

Realizing not only the importance of the investigation being conducted by the commission, but also making provision for the necessary expense connected therewith, I introduced yesterday a resolution for that purpose, to be placed on the calendar and take its regular course, so that the Senate may be afforded the opportunity to be fully advised when the matter comes up for action.

From the beginning, on March 3, 1923, when the Senate passed the resolution creating the Commission of Gold and Silver Inquiry, an account of the commission's expenditures has been kept in order that the resulting close supervision might insure the direction of the investigation into the most productive channels. I have had these accounts audited, and there is perfect agreement between the commission's account of expenditures and that of the financial clerk of the Senate.

From the inclosed statement submitted by the auditor you will note that the items "supplies" and "miscellaneous expense" have been kept very low, indicating the care with which even the smaller items have been carefully scrutinized before incurring the expense. The item of "miscellaneous services" is relatively high compared with the item of "salaries," because operating expenses were kept to the minimum by the employment of part-time services wherever possible, instead of unduly enlarging the commission's permanent pay roll. The item of "travel" is necessarily large because of the fact that a great part of the investigation could only be conducted in the Western States, where the expense of travel is great. The item of "reporting" is a regular and necessary expense, the charge for which is fixed in the resolution. It is not customary, as you know, for select committees to keep accurate and detailed accounts of their expenditures; but I believe that you will concur with me that the commission in having done so has handled its fiscal matters in a businesslike way, which should commend itself to the consideration of the Senate.

If the life of the commission be continued, its general administrative cost will be substantially reduced because of the fact that no hearings outside of Washington are anticipated. The investigation and hearings on silver purchases under the so-called Pittman Act are practically complete, and no further expense on this account is anticipated. The Reno and Salt Lake hearings are also complete and, therefore, involve no additional expense. The Western States hearings, to which I have already referred in my letter of January 30, have been completed. While no further expense in connection with these hearings is anticipated, the recommendations resulting therefrom, appearing in the report by Mr. Fletcher Hamilton, should be carried into effect in the interest of the industry and in compliance with the resolution creating the commission. Unless the life of the commission be extended one of the foremost objects that the Senate had in mind in creating the commission can not, therefore, be carried out. This will mean a practically complete loss of the sum of $20,859.93 expended on these hearings.

For the first time in the history of the country the facts are being developed with reference to the cost of mining, the investment which has been made in and the yield upon that investment from the production of gold, silver, copper, lead, and zinc. The results of such an investigation will be as beneficial to the public in general as to the industry itself. Furthermore, data which are also being collected with reference to the ore reserves of this country are indispensable to our national defense and domestic prosperity. While the commission has expended $31,040.94 in its mining-cost investigation—which is about two-thirds complete—the producers of gold, silver, copper, lead, and zinc have expended no less than $150,000 for auditing expense in answering the commission's questionnaire. The response of the producers has been general, and a very large percentage of the production of these metals is represented by the questionnaires which have been returned. These figures are now being compiled as rapidly as is consistent with accuracy; but unless the life of the commission is extended they can not be analyzed and the real condition of the industry shown. This is another instance where one of the principal objects for which the commission was created will not be fulfilled unless its life be extended. The Senate has expended on this branch of its investigation $1 to the industry's $5, and it would seem that the industry, which has so willingly cooperated, is entitled to the consideration of having the commission's life extended so as to permit the completion of this important branch of the investigation.

Another most important branch of the commission's investigation is that relating to foreign currency and exchange, because the results of this investigation will be beneficial to the business, foreign trade, and economic interests of the Nation, as well as to the gold and silver mining industry per se. Fortunately the commission initiated this investigation almost immediately upon its creation and was thus able to make available confidentially to the Dawes Committee valuable information in its files on the currency, financial, and trade conditions in the European countries. Serial 2 of the commission's publications, presenting the daily rates of exchange since the armistice for 18 countries, was regarded of such importance by the State Department that a special messenger was dispatched to New York to deliver this volume to the American members of the Dawes Committee, who were sailing for Europe the day following publication.

Recently, I may say confidentially, the chairman of the Federal Reserve Board requested information in the files of the commission on the status of currency and finance in France. This request was made at about the time the French debt-funding operations were first suggested. The information which is being collected by the commission will be extremely valuable to the members of the Foreign Debt Funding Commission, and finally to the Senate, which is charged with the duty of ratifying any agreements that are made. It seems not only proper but essential that the Senate, on its own account, should be apprised of the currency and financial conditions in European countries as a premise upon which its action can be based in passing upon various agreements with foreign countries. There are over $7,000,000,000 in foreign debts owed to this country outstanding and unfunded, and it would seem that any reasonable amount of money carefully expended in determining the financial status of these countries would assist in safeguarding the interests of the United States. The material which the commission has compiled is nowhere else available.

Serial 9, volume 1, of the commission's publications, which will soon come from the printer, presents the results of the commission's investigation on European currency and finance as regards Great Britain, France, Italy, and Germany. The commission had hoped to have completed by March 4 similar studies of the currency and financial conditions of 12 of the other European countries. The manuscripts for these other countries are practically complete, but it will require some additional time after March 4 if the scientific standards which have already been set are to be maintained throughout. I feel sure that when you see the first volume of this serial you will realize the great importance of the information contained, which is set forth for the first time in an understandable and concise form. For your confidential information I am inclosing proofs, just received, of the table of contents of serial 9, volume 1.

In connection with this branch of the commission's investigation you will be interested to know that 31 of the foremost economists and bankers of Europe and America, including governors of 9 of the central banks of Europe, without cost to the commission, have contributed articles on the restoration of the gold standard and the currency and financial situation in Europe. These articles could not have been purchased at any price and their great public value is beyond calculation. Except for the fact that the Senate has undertaken this investigation, the cooperation of these European and American economists in helping to solve the complex financial and currency problems could not have been obtained.

The commission at considerable expense has collected a great deal of data on the South American and oriental countries which should be made available in the form of a publication, as well as the nearly completed studies of the remaining countries of Europe. If the life of the commission were extended and this investigation to continue, undoubtedly other noted economists and bankers especially informed on currency and financial conditions in South America and in the Orient would prepare without cost special articles. This branch of the commission's investigation is more than half completed, but a substantial portion of the money already expended in the last 22 months, $33,733.75, will be an absolute loss unless the life of the commission is extended.

In addition to the other duties assigned to the commission under the resolution, it is charged with the responsibility of determining a legislative program for the relief of the serious conditions with which the gold and silver mining industry is confronted. Obviously, in this short session just now coming to an end, it would have been impracticable to have initiated such a program; but if the life of the commission be extended the commission will be enabled maturely to consider a legislative program for action in the next Congress. I have purposely withheld, until the commission had all of its facts assembled, the presentation of legislation so as to avoid unnecessarily crowding the calendar during this session when it is essential that appropriations be given the right of way.

Thanking you for your kind cooperation and consideration, I am, with best wishes,

Sincerely yours, TASKER L. ODDIE.

Mr. ODDIE. I also herewith submit for the RECORD a list of the publications of the Commission of Gold and Silver Inquiry. So great has been the demand for these publications that five of the serials have become exhausted and the supply of the other serials is very low, notwithstanding the care with which the circulation has been supervised in order that the publications should be sent only to those who could use them to the best advantage.

COMMISSION OF GOLD AND SILVER INQUIRY,
UNITED STATES SENATE,
February 18, 1925.

Publications

Serial 0. Correspondence between Senator KEY PITTMAN, vice chairman of the commission, and the Treasury Department relative to the administration of the Pittman Act, April 23, 1923. (Supply exhausted.)

Serial 1. Parts 1 to 7: Hearings before Senator PITTMAN, chairman of the subcommittee of the commission on silver purchases under the Pittman Act. (Parts 1 and 3, supply exhausted.)

Serial 2 (see also serial 8). Daily foreign exchange quotations, November, 1918–November, 1923, for the currencies of England, France, Italy, Norway, Denmark, Spain, Argentina, India, Germany, Belgium, Netherlands, Switzerland, Sweden, Canada, Brazil, Chile, China, and Japan. (Supply exhausted.)

Serial 3. Gold and silver statistics comprehensively covering the production, sources, and recovery, imports and exports, monetary and industrial consumption, and the purchasing power of gold and silver over an extended period of time. (Supply exhausted.)

Serial 3 (revised). Same as serial 3, with addition of special articles on the production of gold and silver in 1923, new uses of silver, new silver coinages, and the return to the gold standard. This volume also contains a summary of the Dawes plan. (Supply exhausted.)

Serial 4. Silver Producers' Convention, Reno, Nev., September 4–5, 1923. Report of hearings before Senate Commission of Gold and Silver Inquiry, and proceedings of the Pan American Silver Producers' Convention.

Serial 5. Progress report of commission, February 1, 1924, presented by Senator ODDIE February 8, 1924, and also published as Senate Document No. 38, Sixty-eighth Congress. (Supply exhausted.)

Serial 6. Western States' hearings: Testimony on conditions of the gold and silver mining industry in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, and Washington conducted by Mr. Fletcher Hamilton, with Mr. Hamilton's recommendations based upon the testimony.

Serial 6–a. Field hearings: Report on, by Mr. Fletcher Hamilton.

Serial 7. Silver Producers' Conference, Salt Lake City, Utah, August 6, 7, and 8, 1924. Report of proceedings of the American Silver Producers' Conference.

Serial 8 (serial 2, revised). Daily foreign exchange quotations November, 1918–November, 1924, for England, France, Italy, Norway, Denmark, Spain, Argentina, India, Germany, Belgium, Netherlands, Switzerland, Sweden, Canada, Brazil, Chile, China, and Japan.

Serial 9, Volume I. European Currency and Finance: Great Britain, France, Italy, and Germany.

Volume II. In preparation: Currency and finance covering Austria, Belgium, Czechoslovakia, Denmark, Hungary, Netherlands, Norway, Poland, Russia, Spain, Sweden, and Switzerland.

I do not want to see the results of two years of hard work and all the money already expended by the Government and by the industry lost, and I make an earnest plea to the Senate that the commission be allowed to continue long enough to complete the work. The expenses will be kept down as low as possible and the work expedited.

I wish to call the attention of the Senate to a motion I made on last Saturday. I note from page 215 of the CONGRESSIONAL RECORD, at the beginning of the proceedings, as follows:

Mr. ODDIE. Mr. President, I move, as in legislative session, that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of the resolution (S. Res. 16) providing for a continuation of the Gold and Silver Inquiry Commission.

Mr. NORRIS. Mr. President, under the rule, as I understand it, the motion will lie over one day.

Mr. ODDIE. It is my intention that it shall lie over a day.

The VICE PRESIDENT. The Senator from Nevada enters his motion, and it will lie over one day.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state the inquiry.

Mr. KING. The senior Senator from Utah [Mr SMOOT] is absent from the Chamber this morning. He is ill to-day. He heretofore has opposed the movement which is being initiated by the Senator from Nevada. The parliamentary inquiry is, By what right does the Senator from Nevada, when the Senate is now in open executive session, submit his motion which relates to legislative matters?

The VICE PRESIDENT. If any Senator objects, the motion is not in order.

Mr. KING. I object.

The VICE PRESIDENT. Objection is made.

On the day previous, Friday, March 13, at page 206 of the RECORD, it will be seen that the Senate "as in legislative session" considered certain matters, and on page 207 of the RECORD it is said, "The Senate having resumed legislative session" it considered certain other matters and was in legislative session until the recess; whereas in the RECORD of March 14, at the beginning of the RECORD, it states that "The Senate met at 11 o'clock a. m. in open executive session on the expiration of the recess." As the Senate closes its business on the previous day in legislative session, I contend that my motion that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of the resolution (S. Res. 16) providing for the continuation of the Gold and Silver Inquiry Commission during the Sixty-ninth Congress was regularly made and according to the rules of the Senate that motion has gone over a legislative day, inasmuch as an adjournment was taken last night. Accordingly I make the motion that the resolution be considered at this time.

The PRESIDENT pro tempore. From what page of the RECORD was the Senator reading?

Mr. ODDIE. I was reading from the CONGRESSIONAL RECORD of Friday, March 13, at pages 206 and 207, especially page 207.

Mr. MCNARY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. ODDIE. I yield.

Mr. MCNARY. In the CONGRESSIONAL RECORD of March 13, page 207, under the subhead "Cooperative Associations" the Senator will observe the notation "The Senate having resumed legislative session," giving the status on which the Senator now makes his point.

The PRESIDENT pro tempore. The Senator suggests that his motion was entered on that day?

Mr. ODDIE. The motion was entered on Saturday and I call the attention of the Chair to the proceedings of that day on page 207 which show that the Senate at that time was in legislative session.

Mr. MCNARY. I desire to call the attention of the Chair to page 214, in the lower right-hand corner under the caption "Recess." Following the order when the Senate resumed legislative session it states that the Senate recessed until "to-morrow." That brings us to the point where the Senator from Nevada gave his notice.

Mr. TRAMMELL. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Florida will state the point of order.

Mr. TRAMMELL. On March 10 I introduced Senate Resolution 31, which had to go over under the rule to the next legislative day. We have reached the next legislative day and that resolution has precedence over the motion offered by the Senator from Nevada. I move that the Senate proceed to the consideration of Senate Resolution 31, which is in order and has precedence over the motion of the Senator from Nevada.

The PRESIDENT pro tempore. Let us dispose of the parliamentary situation first. According to the Journal of the legislative day of Tuesday, March 10, which legislative day includes, as the Chair understands, the calendar day of Friday, March 13, the Senate took a further recess "in open executive session until 11 o'clock a. m. to-morrow," which would dispose of the question raised jointly by the Senator from Nevada and the Senator from Oregon.

Mr. MCNARY. Of course the Journal faithfully records the parliamentary status, but according to the CONGRESSIONAL RECORD unquestionably the point raised by the Senator from Nevada is correct. I assumed that the CONGRESSIONAL RECORD reflected accurately the procedure of the Senate as taken at that time. The CONGRESSIONAL RECORD positively states that the Senate went out of open executive session into legislative session, which would give the Senator from Nevada the right to make the motion, and hence upon adjournment yesterday he would have the right to-day to press his motion to a vote.

The PRESIDENT pro tempore. Although the RECORD does not show it, the Chair is of the opinion that all the proceedings referred to were had by unanimous consent; and inasmuch as the Journal shows that the Senate took a recess in open executive session, the Chair is of the opinion that the motion of the Senator from Nevada was not properly entered as he suggests, and the Chair so holds.

Mr. ODDIE. Then I make the motion now that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of the resolution (S. Res. 16) providing for a continuation of the Gold and Silver Inquiry Commission during the Sixty-ninth Congress.

Mr. JONES of Washington. Let the motion go over for a day.

The PRESIDENT pro tempore. Upon objection the motion of the Senator from Nevada will lie over one day for consideration.

PRICES OF GASOLINE

Mr. TRAMMELL. I now ask for consideration of Senate Resolution 31, a resolution which went over one day under the rule. We have now reached the day.

Mr. JONES of Washington. Mr. President, the Senator from Oklahoma [Mr. HARRELD] is absent and wants to be here when the resolution is called up, so I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	La Follette	Robinson
Bingham	Fletcher	McKellar	Sackett
Blease	Frazier	McKinley	Schall
Borah	George	McLean	Sheppard
Brookhart	Gillett	McMaster	Shipstead
Broussard	Goff	McNary	Shortridge
Bruce	Hale	Mayfield	Simmons
Butler	Harreld	Means	Smith
Cameron	Harris	Metcalf	Spencer
Capper	Harrison	Moses	Stanfield
Caraway	Heflin	Norris	Trammell
Couzens	Howell	Oddie	Tyson
Cummins	Johnson	Overman	Walsh
Curtis	Jones, Wash.	Pepper	Watson
Dale	Kendrick	Pine	Wheeler
Deneen	Keyes	Ralston	Willis
Ernst	King	Reed, Mo.	
Ferris	Ladd	Reed, Pa.	

The PRESIDENT pro tempore. Seventy Senators having answered to their names, a quorum is present.

Mr. TRAMMELL. I now call up Senate Resolution 31 for consideration.

The PRESIDENT pro tempore. May the Chair say that, in his opinion, it is not in a position to be called except on a motion?

Mr. TRAMMELL. I move, then, that the Senate proceed to the consideration of Senate Resolution 31.

The PRESIDENT pro tempore. The Senator from Florida moves that the Senate proceed to the consideration of Senate Resolution 31.

Mr. COUZENS. Let it be read.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 31) submitted by Mr. TRAMMELL on the 12th instant was read, as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate at the next session of Congress:

First. The very material advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products and whether or not such price increases were arbitrarily made and unwarranted.

Second. Whether or not there has been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices or any conditions of ownership or control of oil properties or of refining and marketing facilities in the industry which prevent effective competition.

Third. The profits of the principal companies engaged in the producing, refining, and marketing of crude oil, gasoline, kerosene, and other petroleum products during the years 1922, 1923, 1924, and 1925, and also such other matters as may have bearing upon the subjects covered by the provisions of this resolution.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Florida [Mr. TRAMMELL] to proceed to the consideration of the resolution just read.

Mr. HARRELD. Mr. President——

Mr. TRAMMELL. I should like to perfect the resolution by adding in line 13, after the word "competition"——

The PRESIDENT pro tempore. May the Chair state to the Senator from Florida that the resolution will have to be brought before the Senate through the adoption of the Senator's motion before the language of the resolution can be perfected. The question is on the Senator's motion to proceed to the consideration of the resolution.

Mr. TRAMMELL. Mr. President, the resolution has been pending for some days. It is somewhat similar to the resolution which I introduced some three or four weeks ago during the regular session of Congress. I am not going to make any extended remarks on the resolution, but I feel that every Senator and every American citizen who has read the report which was transmitted to Congress of the investigation conducted by the Federal Trade Commission toward the latter part of 1923 and early in 1924 must be impressed with the fact that the oil industry is manipulated in such a way as to bring about great impositions upon the consumers of gasoline, kerosene, crude oil, and other petroleum products. The Federal Trade Commission plainly stated that the Standard Oil were exercising a lead in price fixing and that they were not governed as to increase in prices by the law of supply and demand, but that it was more a question of manipulating the independent territory.

In my opinion the recent increase in price was not justified and it should be investigated. The Federal Trade Commission is the only governmental agency which can thoroughly go into the question. By having a report on the proposed investigation, when Congress again meets we can take up the subject more intelligently than we could do at the present time. It may be said that the Federal Trade Commission investigated this matter last spring, but that investigation was not so thorough and so extensive as it might have been. It is my opinion that we can get some very desirable information by having this entire subject very thoroughly investigated by that organization.

Take the question of the increase of the price of gasoline in 1923. There had been a slight temporary advance in the price of crude oil, and so the price of gasoline was advanced. As the Federal Trade Commission stated, the prices were based, to begin with, on crude oil. The sellers of gasoline, the oil producers of the country, who were selling gasoline then advanced the price and continued that advance for six or eight months after the price of crude oil had been again restored to its former figure. It was unquestionably a manipulation and the exercise of a taxing power by the oil industry of the country against the consumers of gasoline. That has been done to such an extent that they are pyramiding millions and millions of dollars in prices, which does not seem to be justifiable. I should like to have the resolution brought up for consideration, and I hope that it may be adopted.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Florida to proceed to the consideration of the resolution.

Mr. HARRELD obtained the floor.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. HARRELD. I yield.

Mr. BROOKHART. I desire about five or six minutes in which to address the Senate on another question.

Mr. HARRELD. I am willing to yield to the Senator for that purpose if I shall not by so doing lose the floor.

Mr. HEFLIN rose.

The PRESIDENT pro tempore. If the Senator from Oklahoma shall yield to the Senator from Iowa for the discussion of another matter, the Chair would think it probable that he would lose the floor and would have to take his chance of further recognition.

Mr. HEFLIN. I desire to ask a question of the Senator from Oklahoma.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. HARRELD. I yield.

Mr. HEFLIN. I desire to ask if we can not consider and vote on the resolution of the Senator from Florida [Mr. TRAMMELL], thereby disposing of it, before proceeding with the discussion of other questions?

Mr. HARRELD. I think that would be better. The Senator from Iowa can get the floor later.

Mr. BROOKHART. Very well.

Mr. HARRELD. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HARRELD. What is the pending motion, if there be one?

The PRESIDENT pro tempore. The question before the Senate is on agreeing to the motion of the Senator from Florida [Mr. TRAMMELL] to proceed to the consideration of Senate Resolution 31.

Mr. HARRELD. Is that question debatable?

The PRESIDENT pro tempore. Undoubtedly it is.

Mr. HARRELD. Mr. President, I hope the motion of the Senator from Florida will not be agreed to, and I believe I can give some good reasons why his resolution should not be

adopted. It is practically the same resolution as that offered by the Senator from Florida during the last session, although differently worded, providing for an investigation by the Federal Trade Commission of the recent increases in the price of gasoline. When the resolution was previously before us I made a statement to the Senate in which I took the position that the price increases, running over the period of the last three months, were entirely justifiable. I have no doubt there are times and have been times when increases were made that were not justifiable, but I believe that the increases which have been made over the last three months are justifiable not only by the law of supply and demand but by the actual exigencies of the case.

In the first place, the price of gasoline has increased something like 3 cents a gallon.

Mr. TRAMMELL. Mr. President, will the Senator permit a question there?

Mr. HARRELD. Yes.

Mr. TRAMMELL. Does not the Senator know that the price has been increased in a great many States as much as 5 and 6 cents a gallon in the last three or four weeks?

Mr. HARRELD. Yes; I know that; but in most of those instances it has been because the State has put a tax of 2 cents a gallon on gasoline.

Mr. TRAMMELL. That is not true of my State. The 2-cent tax on gasoline has been in effect there for three or four years, and yet the price of gasoline has been increased 6 cents in the last four weeks, without any excuse whatever.

Mr. HARRELD. There may be some localities in which that is the case, but, generally speaking, the increase in the price of gasoline has only amounted to about 3 cents a gallon.

The cost of producing gasoline varies, but on the average it is approximately 12 cents. So the increase in the price of gasoline has been only one-fourth. During that same period the price of crude petroleum increased from an average of $1.10 a barrel to an average of $2.35 a barrel, showing a very much greater increase in the price of crude petroleum than there has been in the price of gasoline.

I take the position that the increase in the price of crude petroleum was absolutely necessary to the industry, and since it was absolutely necessary to the industry it justified the increase in the price of gasoline. In support of that position I want to address the Senate for a few moments.

It is a well-known fact that during the entire past year the crude petroleum producing agencies were demoralized; the price was entirely too low. It resulted in the reduction of the number of wells that were being drilled; it resulted in the evacuation of a great many small producers; it resulted in the failure to develop new fields; it resulted in October last in the production falling below consumption, and that condition has existed ever since last October. Production has been less than consumption. When production is less than consumption, naturally the law of supply and demand controls and the price of gasoline increases.

I have in my hand tables which will show that conclusively. These tables were prepared by the Mid-Continent Oil Association after very careful examination and inquiry. The Mid-Continent Oil Association is composed of practically all the producing companies. There may be a few small producing companies that are not members, but it includes all independent producing companies, and includes also the standard group of producing companies. They have experts who prepare these tables, and they are accepted by the oil industry generally as correct. The statements I have just made are verified by those reports. One of the objections I have to the proposed investigation is that the information for which it asks can be obtained at any time by anybody who wants to write to this association and secure these tables.

Taking the situation as a whole, this table shows that during the year 1924 the supply of crude petroleum, which includes both domestic production and imports, ranged from an average of 2,014,000 barrels per day in December to an average of 2,227,290 barrels per day in the month of May. During that same time, including the whole year, consumption, including exports, ranged from an average of 1,958,742 barrels per day in the month of August to an average of 2,263,419 barrels per day in the month of December. This table shows that during all the months from January to October the supply was greater than the demand. Therefore, there was no draft on the supply of oil that was in existence; but, beginning with the 1st of October, the demand and the consumption became greater than the production, and there was consequently a draft on the stocks of oil that were in existence.

That draft on the stock of crude petroleum for the month of October was 42,775 barrels per day; for the month of November that overdraft was 90,533 barrels per day; for the month of December that overdraft amounted to 248,645 barrels per day, and for the month of January of this year it was 56,161 barrels per day. That is, notwithstanding the fact that the total production was being added to that storage oil carried over from the month before, yet there was that much reduction per day in the available supply in storage for future use.

What was the reason for that? Why was it that the production during those months was falling off to such an extent that the consumption exceeded the production? It was because the prices of crude petroleum were such that people had practically quit wildcatting for new oil fields. They had practically quit operating a lot of small wells. They had practically quit drilling new wells. If there ever comes a time when gasoline will sell for a dollar a gallon in this country, it will be because the production is less than the consumption; and whenever the production is less than the consumption that is sufficient reason for an increase in the price of gasoline, and also for a corresponding increase in the price of crude petroleum.

I should not be offering any complaint here if there had been an increase in the price of gasoline without an attendant increase in the price of crude petroleum; but I have just given you the facts to show that in this case the price of crude petroleum has more than kept pace with the increase in the price of gasoline, and while that is true it is natural to suppose that the law of supply and demand in its natural operation is going to raise the price of gasoline. I insist that all the facts and figures in this case will show that the present price of gasoline is warranted, because the crude has kept pace with it, and for that reason there is no need of further investigation at this time.

That is all that the resolution of the Senator could procure. That is all that could be obtained by prosecuting the investigation; and in view of the fact that this would make the fourteenth investigation of the oil business within eight years, it would seem to have some weight. There have been 13 different investigations of the oil business in the last eight years, and for the man who has been bearing the burden of producing the crude petroleum in this country I want to make it plain that it is time to have a little peace in that industry.

There are those who, taking a few isolated cases, feel that some men are making too big profits out of the oil business and out of the gasoline business. Perhaps there are cases where it is abused. I am not protecting any particular individual; but I say to you that the facts and figures will show that, generally speaking, not only has the oil-producing business been suffering, but the refining interests have not been making any money either; and before I get through I expect to prove it.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Oklahoma yield to the Senator from Florida?

Mr. HARRELD. I do.

Mr. TRAMMELL. Does the Senator mean that they did not make money for some given period of 6 or 12 months, or does he mean that they have not made any money during the last 5 or 10 years? What has this poor industry, that is almost in bankruptcy, done for the last 5 or 10 years?

Mr. HARRELD. I will answer the Senator before I get through with the figures.

Mr. TRAMMELL. The Senator can not pick out any little isolated period of three to six months and say how this industry has been treating the American people.

Mr. HARRELD. Certainly not; but that is just exactly what the Senator's resolution does.

Mr. TRAMMELL. It does not do anything of the kind, Mr. President. It makes inquiry covering a period of five years as to the profits they have been making.

Mr. HARRELD. Why did not the Senator include 1921?

Mr. TRAMMELL. Mr. President, does not the Senator know that some of these oil companies, a great many of them, declared stock dividends amounting to two or three hundred per cent in 1922, and that many of them made 25 or 30 per cent in 1923? Does he not know that they did?

Mr. HARRELD. That is true in isolated cases, but I will answer the Senator's question right here and now. I want to assert here and now that the gasoline industry is the only one that did not profiteer during the World War.

Mr. President—and this is in part answer to the question of the Senator—gasoline, after taking full account of recent price advances, is the cheapest important commodity on the American market.

In October of last year gasoline was selling at 10½ per cent below the level for 1913. It is now only 17 per cent above

that level. The latest statistics issued by the Department of Labor for January of this year show that wheat was then selling at 109 per cent higher than in 1913, and the average of all grains was 63 per cent higher. Livestock and poultry were 23 per cent higher; "other farm products" 82 per cent higher. Meats were 40 per cent higher; butter, cheese, and milk 47 per cent higher; "other foods" 74 per cent higher. Boots and shoes were 85 per cent higher than in 1913. Cotton goods 85 per cent higher; woolen and worsted goods 119 per cent higher; silk 66 per cent higher. Anthracite coal was 128 per cent higher; bituminous coal 100 per cent higher. Iron and steel articles 45 per cent higher; lumber 90 per cent higher, and so on down the list. The average of all commodities covering 404 price series in January, 1925, was 60 per cent above the 1913 price level. These figures must be set side by side with gasoline, which, after the recent advances, was 17 per cent above 1913. The 1913 price level is not the only test, but it affords a relative comparison with the whole range of other commodities, and is the comparison used by the Government as the best single index of prices. Furthermore, the average price of Kansas-Oklahoma crude oil in 1913 was 93.4 cents per barrel, while to-day it ranges from $1.35 to $2.35, according to gravity. The average price is about double that of 1913, while gasoline is but 17 per cent higher. When one considers the consumption of gasoline at this time as compared with 1913 no figures are required to show that prices have not kept pace with demand. This is due in large measure to the great improvements which the industry has made in its refining processes.

A compilation has been made of 31 oil companies which publish their balance sheets. Their aggregate capital and surplus at the end of 1923 was $3,850,000,000. The ratio of net income to net worth for the last three years for which the figures are available was as follows: 1921, 4.3 per cent; 1922, 7.4 per cent; 1923, 5.8 per cent. The balance sheets from which these figures were taken were those of the largest and strongest companies in the industry. Thus the picture represents literally the cream of the oil business. There are thousands of producers and hundreds of refiners whose balance sheets are not published and whose assets are a part of the more than $8,000,000,000 invested in the American oil industry. They are the companies with higher costs per unit of output, less strongly financed, and less well situated as to marketing outlets. Bring the results of their operations into the picture, make due allowance for depreciation and depletion, and the industry as a whole would show a material loss.

I believe those figures are substantiated, and that is the reply to the Senator's question.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. HARRELD. I was going to yield the floor in a minute.

Mr. TRAMMELL. I just want to find out from what source the Senator was reading.

Mr. HARRELD. These figures were taken from the figures of the Department of Labor, right here in Washington.

Mr. TRAMMELL. Does the Senator think it is a proper comparison to compare the increase in the price of a natural resource with that of a manufactured or created product or article or commodity? Does he think that the increase in price of a natural resource, where all you have to do is to extract it or harness it and utilize it, would compare with that of a manufactured article or an article that was created by labor? I do not see any analogy in the comparison. That is the point I am making.

Mr. HARRELD. That has nothing to do with it, because the laborer is worthy of his hire. I am simply showing that the men who engage in this business have made from 4 to 6 per cent on their investment. How does that compare with Mr. Ford and his big profits in the industrial business that the Senator talks about?

Mr. President, I understand that a colleague of mine wants the floor, and I am going to surrender it at this time, with the chance, perhaps, of finishing my address a little later.

LEASE OF NAVAL OIL LANDS

Mr. WALSH. Mr. President, with no purpose except in the interest of historical accuracy I am moved to offer some observations on the report submitted some time ago to the Senate on behalf of the minority of the Committee on Public Lands by the junior Senator from Missouri, the author thereof, on the investigation conducted by that committee into the leasing of the naval oil reserves. It is so fantastic in its distortion of the facts revealed, so flatly contradicted in many important features by the record, that it is difficult to believe that it could have been even read by those members of the committee who are conversant with the testimony adduced and who signed it. I am sure the major part of the Senators who voted for its adoption without the least conception of its contents will some day or other be apologizing for their action, not so much because of the strained effort to defend official conduct that admits of no defense and to ameliorate the just indignation aroused by the revelation of the same as that they should have been led into sanctioning such a grossly erroneous recital, characterized in the editorial read from the desk as "hypocritical and insincere."

The general nature of the extraordinary document may be gathered from several of its initial paragraphs. Thus it says:

> We agree with the majority report that only one official connected with the Harding administration and no official connected with the present administration has been found guilty of dishonesty or of any other reprehensible conduct.

The majority report will be searched in vain for any statement in substance like that thus said to be made in it, or anything which can be tortured into such a declaration.

The report being reviewed continues:

> We agree as well with the majority opinion that the only possible criticism that could be placed upon the conduct of the Secretary of the Navy, Edwin Denby, or of any Assistant Secretary, relates entirely to the interpretation of statutes glaringly ambiguous and to the inauguration of administrative policies where no express statute exists.

The majority report is equally lacking in any statement that would, in any degree whatever, warrant the language last above quoted.

I forbear at this time from entering upon any discussion as to whether any "official connected with the Harding administration" was or was not guilty or was or was not found "guilty of dishonesty or any other reprehensible conduct," or whether the "only possible criticism that could be placed on the conduct of Edwin Denby, or of any Assistant Secretary, relates" only to the interpretation of statutes "glaringly ambiguous" or otherwise, or "to the inauguration of administrative policies where no express statute exists." I content myself with asserting that the implication to that effect in the excerpts quoted that the majority report so states is a misrepresentation for which there seems no excuse.

A further alleged "agreement" is listed in the minority report as follows:

> We agree with the general statement of fact in the majority opinion that in the management of oil deposits there has for years been more or less of a conflict.

The paragraphs quoted are preceded by one charging that inaccuracies appear in the majority report subsequently listed. These will be reviewed later. It suffices at present to say that I have carefully examined each item in the list of alleged inaccuracies and find no merit in any one of them.

The conduct of the committee in investigating rumors relating to alleged dealings of public officials in oil stocks and concerning a conspiracy entered into at or prior to the Republican convention of 1920, pursuant to which the leases in question were said to have been made, is commented on adversely. It is said that the inquiry having, as expressed in the majority report, "yielded nothing," it was "unwarranted and unnecessary." It is evidently the view of the minority, or perhaps it would be more just to say the author of the minority report, that an investigation can justify itself only if it finds some one guilty of criminal, or at least reprehensible, conduct, not when it discloses no turpitude. It is my view that as great a public service may be rendered by a demonstration through searching inquiry that rumors touching the integrity of public officials and public men are unfounded as though it had been revealed that there was too much truth in them. How shall the investigator, if he be honest, know in advance that the rumors are or are not well founded, and how shall the public be assured that they are without foundation except upon inquiry? Obviously some rumors are so improbable in themselves, so baseless that they can have no credence, at least no general credence; but when they are of such dignity as to be noticed in the public press, as were the rumors in question, it is due to officials whose conduct is impugned through them, as well as to the public, that they be followed and refuted if untrue.

The committee ought to have the gratitude instead of the criticism of their fellow members for exposing the falsity of widely credited reports that some of them had profited through stock transactions entered into with advance knowledge of the leases or upon "tips" from those who had. As to the other branch of the investigation criticized, if nothing else, there was revealed by it that an individual of dissolute and irregular

life, operating extensively in oil, had spent $105,000 to be elected Republican national committeeman from the State of Oklahoma, and afterwards spent nearly a half a million more to give the electoral vote of his State to the candidate of his party whom he subsequently publicly entertained shortly before meeting an ignominious death.

To the unsuspicious mind of the author of the minority report such circumstances may appear to be unrelated to the corruption uncovered by the hearings, if one may be excused for the use of so harsh a term, but the historian will not find them wholly so.

The value of the minority report as an historic recital of the disclosures before the committee may be estimated from the two paragraphs appearing at the top of page 7 thereof as follows:

> The majority report criticizes most severely, and predicates a conclusion of illegality of the leases upon the ground that they were made without public advertisement. No claim is made that there exists any statute to that effect, but it is claimed that an established policy was transgressed. The testimony before your committee reveals the fact that five big companies were asked to bid for the lease awarded to Mr. Doheny's company, and that three companies actually did bid. The evidence also shows that three companies were given an opportunity to bid for the lease covering Teapot Dome. More than this, it should be remembered that Secretaries Denby and Fall inherited the policy of leasing without advertisement or even competition.
>
> The evidence before your committee shows that on July 1, 1920, John Barton Payne, as Secretary of the Interior, leased to the Boston-Pacific Oil Co., a portion of oil reserve No. 2 in California without advertisement for competitive bids, and so far as the record shows, without offering it to any other company. This lease was expressly approved by Secretary Daniels in a letter dated August 20, and by President Wilson December 8 of that year. This lease, of proven oil ground, provided for a royalty of 25 per cent, while the leases complained of, much of the area being unproven, provided for royalties in one instance from 12½ to 35 per cent and in the other from 12½ to 50 per cent.

Attention is invited to the following statement found in the foregoing excerpt:

> It should be remembered that Secretaries Denby and Fall inherited the policy of leasing without advertisement or even competition.

Not only is this untrue but its untruth was demonstrated before the committee in the presence of the author of the minority report.

After the greater part of the laborious work devolving upon the committee had been done and the more important disclosures had become history, the author of the minority report became a member of the committee on the resignation of Senator LENROOT, then chairman, who was obliged to retire on account of ill health. Senator SPENCER was appointed to fill the vacancy thus occasioned.

Among other activities pursued with more or less disregard of courtesy to, if not studiously offensive toward, his associates, he offered in evidence a copy of a document which appeared to have been read in the course of a debate in the House of Representatives, purporting to be a list of questions relating to the matters under investigation propounded to Secretary Denby with his answers thereto. Objection was made to the introduction of the document, because it was not made under oath and that Secretary Denby had not been cross-examined touching the answers given by him. (Hearings, pp. 3144–3146.)

The objection was sustained. (Hearings, p. 3146.)

A second time the Senator tried to get the document before the committee. (Hearings, p. 3227.)

Objection was made on the same grounds. The fact was adverted to that Secretary Denby had been called before the committee three times, and it was remarked that he would be called again before the committee on the request of any member to make any statement under oath he cared to submit. (Id., 3228.)

Again the committee refused to admit the document. (Id., 3230.)

Thereupon the Senator called to the stand Mr. Finney, Assistant Secretary of the Interior, to whom he said:

> Mr. Finney, I want to get your judgment on a few statements, which I read with a good deal of interest, as coming from Secretary Denby, and some questions that were asked and answers that were given by him in response to an inquiry from the Committee on Naval Affairs of the House of Representatives. I should like to see what you think of them. The questions were asked and the answers given in March of this year. Here is question No. 1. (Hearings, pp. 3523–3524.)

He then read the question and the answer and asked Finney some inconsequential question concerning them, the very evident sole purpose being to get the question and answer into the record. Despite protests and even efforts to arouse his sensibilities at the pursuit of such a course he proceeded in like manner to read all 22 questions and answers. (Hearings, pp. 3523–3555.)

Question No. 5 is as follows:

> Is it a fact that Secretary Daniels approved the leasing, without public advertisement, by the Hon. John Barton Payne, then Secretary of the Interior, and drilling of new wells on naval oil reserves?

And the answer thereto, "Yes," is followed by a statement copied in substance in the second paragraph of the minority report on page 7, quoted above, where the recital is introduced by the remark, "The evidence before your committee shows, etc." Not only is there no evidence such as that recited in the report, but Mr. Finney made entirely clear that the action of Secretary John Barton Payne referred to in the report and in the answer to the question purporting to have been made by Secretary Denby, afforded no justification whatever for the assertion that Secretaries Denby and Fall "inherited the policy of leasing without advertisement or competitive bidding." In the instances adverted to the law would not permit competitive bidding, the leases could have been made only to the individuals to whom they were made. This appears in a way not capable of being misunderstood from the further examination of Mr. Finney as follows:

> Senator WALSH. What have you to say as to the imputation there made [in question 5 and the answer thereto] that the policy of leasing the naval oil reserves without competitive bidding was inaugurated and initiated by Secretary John Barton Payne?
>
> Mr. FINNEY. I do not think there is anything to that. I think the action in making these leases of these five wells and the 120 acres of section 28 was entirely correct and appropriate.
>
> Senator WALSH. What do you think of putting out a statement the purpose of which is to inform the public that the policy of leasing naval reserve No. 3, as it was by Secretary Fall to the Mammoth Oil Co., without competitive bidding, out in New Mexico, and subsequently giving Doheny all leases on No. 3 (1), was a policy inaugurated by Secretary Payne?
>
> Mr. FINNEY. I do not think there was any action by Secretary Payne or the President under the other law at all.
>
> Senator WALSH. Tell us about the matters referred to in the answer about drilling five new wells and leasing all the tract in naval reserve No. 2. It first refers to drilling five wells, and then to leasing 120 acres.
>
> Mr. FINNEY. The leasing law, section 18, is already in the record several times, and it authorized the Secretary of the Interior to lease any wells that were then producing in the naval reserves.
>
> Senator WALSH. He must lease them to whom?
>
> Mr. FINNEY. To the owner of the mining location.
>
> Senator WALSH. So there could be no possibility of a competitive bid there?
>
> Mr. FINNEY. No, sir.
>
> Senator WALSH. The law would not permit it.
>
> Mr. FINNEY. No room for any. Secondly, the President was by the same section given authority to lease additional wells within the area of any mining location which had upon it one or more producing wells. Thirdly, the President was given authority by the same section to lease the remainder of the area of any mining claim which had upon it one or more producing wells. Now, that was the law. The first step under the leasing law was naturally an application for leasing of producing wells. Then the Boston-Pacific, getting down to this case, which had been given a lease for certain producing wells within the limits of a mining claim in reserve No. 2, held by that company, applied for the privilege or the right to drill five new wells to presumably offset the production on other lands. That matter was taken up with the Navy Department and with the Interior Department, and Secretaries Payne and Daniels agreed to leasing the wells.
>
> Senator WALSH. Was there any room under the law for competitive bidding in these cases?
>
> Mr. FINNEY. No; the preference, I should have stated, was granted by statute to the owner of the mining claim. These five wells were authorized to be leased and were leased to the Boston-Pacific Oil Co., the owner or claimant under the mining title. (Hearings, 3559–3560.)

The feature just canvassed is not the only respect in which the record is misrepresented in the two paragraphs quoted from page 7. The first opens with these two sentences:

> The majority report criticizes most severely and predicates a conclusion of illegality of the leases upon the ground that they were made without public advertisement. No claim is made that there exists any statute to that effect, but it is claimed that an established policy was transgressed.

The first sentence refutes the second. By the first it is asserted that the theory is advanced that the leases are void

because made without advertisement. By the second it is stated that—

> no claim is made that there exists any statute to that effect, but it is claimed that an established policy was transgressed.

It would be interesting to know who ever advanced the idea that a contract that offends against no statute is void because it contravenes some policy. The awarding of the leases without competitive bidding was dealt with long before Senator SPENCER became a member of the committee, and that fact may account for his inaccuracy in the particular to which attention is now being invited. The attention of the committee at an early stage of the hearing was called to specific statutes claimed to require advertisement and competitive bidding. (Hearings, pp. 187–188, 190.)

In the report of the committee it is said at page 12:

> The execution of the lease without competitive bidding was effected in apparent disregard of statutes applicable to contracts let by the Navy Department enacted for the purpose of forestalling collusion with the officers of the Navy and securing to the Government the advantage of competitive bids.

Not only that, but the failure to observe the statutes mentioned in the hearings and others is urged in the suits to cancel the leases as rendering them void. The natural tendency of the statement that it was not claimed before the committee that any statute so required, whatever may have been the purpose in making such statement, must be to weaken the force of any argument for cancellation founded upon disregard of the statutes referred to.

The report of the minority is rich in declarations of admissions in the majority report giving support to the contentions advanced in the former, excusatory in their nature or exonerating the high officials of the Government with whose conduct the latter deals. Thus, at page 4, in dealing with the famous Executive order, occurs the following:

> Whether this order was without authority of law is a question for the courts, before whom it is now pending. It may, however, be said that in the interest of good administration, authority for the order should have been given and the order should have been made. Not even the majority report criticizes the motive for the order or its wisdom. They only question its validity.

The majority report was prepared as a history of the transactions investigated. It rarely attempts to characterize any feature of them or to advance any argument tending toward either approbation or condemnation. As a rule, none is needed; the bare facts are sufficiently eloquent. But with respect to the Executive order it is impossible to read the majority report or to follow the examination of the witnesses interrogated without reaching the conclusion that in both the wisdom, the necessity, and the motive of the order was questioned as well as its legality. Indeed the legality of the order is not more directly questioned than either its wisdom or the motive which was back of it. It was declared in the report that it ran counter to the well-understood policy of Congress not to repose in the Secretary of the Interior any control over the naval oil reserves. It was asserted that the policy was resolved upon by Secretary Denby without consultation with any of his assistants, civil or military, and adhered to in spite of the protests of his naval aids most conversant with the property involved. It was pointed out that the reason assigned by Secretary Denby for adopting the policy evidenced by the order—namely, that the Interior Department was equipped to discharge the duties imposed by the law touching the reserves upon the Navy Department and that his department was not—was groundless, because the Bureau of Mines and other branches of the Department of the Interior had at all times responded promptly to any call of the Navy Department for aid in connection with the reserves and that the two departments had worked in perfect harmony respecting them. It advised the Senate that Admiral Griffin, theretofore charged with all duties of the department in respect to the reserves, reduced to writing his protest against the proposed action, and that the Secretary having told the committee that he sent to the President a letter reciting the necessity for and explaining the wisdom of the order, stating therein that he was inclosing Admiral Griffin's protest, never in fact sent any such letter. When it is remembered that Secretary Denby had thus resolved upon the policy referred to within 30 days after he took his seat at the head of the department, notwithstanding the fierce contests that had been waged before Congress to keep control of the reserves from the Secretary of the Interior, the less said about the motives actuating Secretary Denby the better. In charity his conduct may be attributed to an indolent mind.

The minority report with the introduction adverted to proceeds to justify the order, in that connection making the absurd statement that it—

> saved millions to the Government and has resulted in conserving in the ground far more oil than would have remained but for the lease and the perfecting of title as above set forth.

I shall enter into no controversy as to whether the leases "saved millions to the Government." That contention is dealt with in the majority report. The discussion is not as to the value of the leases, it is as to the wisdom, the necessity, and the value of the order turning over the administration of the reserves from one Secretary to another. The leases would have been neither better nor worse had they been made by Secretary Denby instead of, as they were in fact, by Secretary Fall. In order to vindicate the value of the order it is necessary to establish that Fall made a better bargain than Denby could have made; yea, to justify the statement under review that he made a better bargain by "millions" than Denby could, or would have made. Fall, unquestionably, profited by the order, which, despite Denby's claim of paternity with respect to it, I am convinced he inspired, but there is no warrant for the statement that the Government saved "millions" or a dollar by it.

In the labored effort to uphold this order as both wise and legal the minority report exhibits a confused state of mind resulting from a want of comprehension of the laws applicable to the disposition of the public lands. Relying upon a discussion of one feature of the law in the majority report the other betrays a belief that the Secretary of the Interior exercised "jurisdiction" or "control" over all but 400 acres of the Teapot Dome, comprising in all 9,481 acres, the lesser area being under the "jurisdiction" and "control" of the Secretary of the Navy. Here the report indulges in another declaration of an important imaginative admission in the majority report saying—

> Secretary Fall of the Interior was admittedly in charge of 9,081 acres of reserve No. 3, and the Executive order gave him supervision of the other 400 acres.

Secretary Fall was "in charge" of no part of the reserve. It had been "reserved" by order of the President in 1909 and in 1915, set aside for the exclusive use of the Navy; that is, the Secretary of the Interior had thereby been divested of the power reposed in him with respect to the public lands generally, namely, to dispose of them as by law provided and meanwhile to see that they were not despoiled. He had, indeed, authority to lease producing wells within the reserve, if there were any, but there were none, as it had been determined by the predecessor of Fall. He had authority to pass upon any applications which might be filed for patents to areas within the reserve founded upon a claim of discovery of oil prior to the order of withdrawal promulgated in 1909, but the record discloses that no oil was actually discovered within the reserve prior to 1918 and no such applications were filed.

There may have been reasons other than Fall's undisclosed purposes for the promulgation of the Executive order, but a divided jurisdiction over the reserves as between the two departments and a desire to avoid duplications in administration in conformity with the promises of the Republican platform or otherwise was not one of them.

In the light of the undisputed testimony pointing to corruption in the making of the leases of Naval Reserves 1 and 3 and notably that touching the Doheny "loan," a transaction condemned even by the palliatory minority report no comment is necessary on that part of it extolling the patriotism of Fall in connection with them, nor for the matter of that of Denby, seeing that upon his own admission he was unaware of the lease of Naval Reserve No. 1, or of the Pearl Harbor contract with which it was so intimately related. (Hearings, p. 1283.)

Most of those who voted to approve the minority report will no doubt be surprised to learn that they are committed to the following extraordinary statement in it:

> The minority also deem it inappropriate and subversive of good constitutional government for any one of the three coordinate branches to criticize the motive that may have actuated another coordinate branch.

Which means that it is quite proper for the Senate to eulogize the patriotic motives which actuated Secretary Fall in connection with the lease if it thinks them such, but subversive of "good constitutional government" to express a contrary opinion if it thinks them censurable or even traitorous.

The indorsement given to that astonishing feature of the minority report by many Senators who voted for it by doing so is explicable only upon the theory that they were ignorant of its contents.

The report to which these comments are directed and which the Senate was asked by its author to substitute for the majority report is not a recital of facts disclosed before the committee, but rather a criticism of the majority report and an attempt at a defense of the leases and those responsible for them. So far as it undertakes to convey information concerning the matters inquired of it is fragmentary and incomplete. It would be meaningless to the student who did not acquaint himself with the majority report or with the testimony taken at the hearings.

In the effort to mitigate the ill opinion quite naturally raised by the plain facts revealed before the committee, the minority report descants upon the fact that the law under which the leases were made was recommended by Secretary Daniels and is exceedingly broad in its grant of power. The law is neither better nor worse, nor is there extenuation for the misdeeds of Fall or Doheny because it originated, as it did, with the predecessor of the last-named gentleman. It was, indeed, broad in its terms; perhaps too broad. But it was passed by Congress on the assumption that it was to be administered by honest men, not by rogues. It unquestionably authorized the leasing of the whole of any one of the reserves, possibly of all three, to one individual or corporation. Unquestionably, Congress contemplated no such exercise of the power it conferred, at least until there arose or was imminent some more immediate necessity for the exhaustion of the reserves. The advisability of drilling offset wells was at the time of the enactment of the law recognized, and work of that character was what the Congress unquestionably believed would be all that in the near future would be undertaken under it. This is evident from the fact that provision was made only for such storage as could be provided at an expense not to exceed $500,000, an amount wholly inadequate to take care of such production as might reasonably be expected from the development of the entire productive area. Finding the provision thus limited, the conspirators, if that term may be used, had recourse to the word "exchange" in the law and the contracts were written so as, it is claimed, to permit an exchange of crude oil for storage, the plans contemplating the use of approximately two-thirds of all the oil in the reserves to supply the storage for the other one-third. It is upon the incorporation of this feature in the leases, among other things, that reliance is placed for their annulment. Those seeking to exonerate the officials responsible for the leases must justify the policy of leasing the whole reserve, even though the law permitted such action; they must defend the resort to the precious reserve of oil to pay for storage, as a matter of policy, even though the law is capable of such a strained construction as would permit it. The minority report applauds the invasion of the all too little store for that purpose, seeing Congress had niggardly provided but $500,000 to that end, perilously near an approval of the frank admission of Robison that recourse was had to the "exchange" idea because it was believed Congress would never make either the necessary direct appropriation or explicitly authorize the exchange of oil for storage.

Much of what is said in the minority report is of a character quite like the following:

> It is believed that no reasonable man can read the express authority granted to the Secretary of the Navy under the act of June 4, 1920, which required him "to develop" the naval petroleum reserves and as well "to store" and "to exchange" the oil and gas products from these reserves, without coming to the conclusion that it was his manifest duty to do precisely what was provided.

Certainly if the law required the Secretary to do anything, it would be his "manifest duty to do precisely what was provided." The conclusion would not be open to disputation even if the hypothesis were unsound as it is. The statute did, indeed, require the Secretary to take possession, but that is all that was required of him. He was "to develop," "to store," "to exchange," at his discretion, according to important language found in the statute which left it optional with him as to whether he should or should not do either the one or the other. The effort to convey the impression that the leases were made under compulsion of the statute can not succeed with anyone who has read it.

In further extenuation of the staggering faithlessness of Fall and the supineness of Denby, the minority report asserts that—

> The efficiency of the Navy of the United States, in the opinion of every navy in the world, has been doubled by reason of the fact that there are a million and a half barrels of oil stored in the Pearl Harbors of Hawaii which are now ready for instant use in case of emergency, and 2,400,000 more barrels of oil will soon be stored in tanks which are now nearing completion.

This statement is without any warrant whatever in the record. No witness testified, no evidence was taken touching the opinion of any navy as to the extent to which the efficiency of ours would be enhanced by the unlawful acts thus extolled, nor was there any testimony before the committee concerning the views of any navy or the government or any official of any foreign power with respect to any matter whatever.

It may or it may not be true that the exigencies confronting our Nation in respect to its foreign relations were such as to warrant the speedy accumulation of the vast quantity of fuel oil referred to at Pearl Harbor. If so, the situation should have been disclosed to Congress, in confidence if necessary, for such action as it might see fit to take. Congress should have determined that great question of policy. It might or might not be impressed with the view that war is so imminent as not to admit of delay.

If it concluded that oil should be stored at Pearl Harbor in the vast quantity contemplated by the Doheny contracts, it would then be required to make provision for the storage facilities. It might conclude not to utilize two-thirds of the limited amount available from the reservoirs to that end, but to make appropriations from the Treasury for the necessary work of construction, including the dredging of a channel leading to the tanks and the installation of the necessary docks and loading and unloading equipment. It might conclude to purchase in the open market the necessary fuel oil, obtainable in abundance at a reasonable cost, maintaining unimpaired the reserves in the ground in accordance with the policy that had had the sanction of three Presidents in succession.

It is an encouragement to lawlessness, at least to usurpation, to animadvert upon the advantage that has accrued to the Government by the lawless acts of its officials. It becomes a menace to good government to do so when the acts involved are tinged with corruption. It may have been a wise policy, as the report reviewed insists, to establish a great fuel base at Pearl Harbor, but it was a usurpation on the party of any department official to do so without specific authority from Congress, as pointed out by the counsel for the Government in the suit to annul the Doheny lease and contract.

Authority was once reposed in the Secretary of the Navy to establish "depots of coal and other fuel for the supply of steamships of war." So the act of August 31, 1842, which became section 1552 of the Revised Statutes of the United States, provided, but so many abuses ensued under that statute that it was repealed by the act of March 4, 1913. The House committee recommending the bill eventuating in the act said, in their report on the measure:

> The committee recommends the repeal of section 1552, Revised Statutes, which authorizes the Secretary of the Navy to establish coal depots without the supervision of Congress as to where the depots are to be located. Heretofore a large amount of money has been expended to establish coaling stations which have been abandoned, and the committee deems it necessary to repeal the statute in the interests of economy. An appropriation of $500,000 for "Depots for coal and other fuel," to complete authorizations heretofore made, is recommended.

Thereafter, as shown by the record of the hearings to which the report under review relates, appropriations were annually made for fuel depots at such points as Congress deemed it wise they should be established until the clever ruse was resorted to of getting them constructed on the "exchange" theory. (Hearings, pp. 201–203.)

In the same connection the report repeats that credit is due for the sagacity and devotion which moved Fall to the course he took, seeing that the oil was all being drained away anyway and that it was to the interest of the Government to have even 6 per cent rather than nothing at all. That begs the question. Could the reserves be drained by wells outside? To what extent could they thus be drained? Could not the situation be taken care of by offset wells? Conceding that there would have been some drainage, would it not be wiser to suffer the loss, preserving the remainder to await the exigencies in contemplation of which the reserves were created rather than transfer the oil to tanks constructed at huge cost, the annual interest on which compounded would in time mount up to an appalling figure?

The features of the report canvassed are not all that are misleading, but what has been said ought to be sufficient to demonstrate its utter unreliability. Those only have been noticed which seemed likely to give an entirely false color to the revelations and injuriously to affect the public mind.

I now pass in review what are listed in the minority report as mistakes or inaccuracies in the report of the committee.

1. Referring to the information given in the report of the committee as to the establishment of the reserves and the policy that was or was not to be pursued with reference to them, that report says:

> It was not intended at any time that the store of oil thus assured should be drawn on for current use.

Though listed among the "mistakes" the accuracy of the statement is not challenged, at least not directly challenged, as indeed it could not be, since reference is given to the page of the record where the testimony upon which it is based will be found. The minority report, however, attempts to convey the impression that the policy to which reference is made in the alleged erroneous statement was a policy of Secretary Daniels and perhaps of Secretary Daniels only. The idea, despite the effort to confine it, is reflected by the testimony at the page referred to in the majority report and succeeding pages, for instance by the following in a letter to the Secretary of the Navy from the chief of the Bureau of Efficiency, namely:

> The oil—in the Navy petroleum reserve—thus designated for naval use should be held strictly as a reserve supply, and should not be drawn upon so long as it is possible to purchase oil in sufficient quantity. (Hearings, p. 163.)

The paragraph criticizing the statement referred to concludes with the announcement that the policy is still being adhered to, none of the oil in the tanks being drawn on for current use.

2. The committee report sought to apprise those interested that the Secretary of the Interior exercised no lawful jurisdiction over any part of the reserves except that by the act of February 25, 1920, he might lease to a mining-right claimant producing wells within his claim. In that connection it was stated that by the same act the President might lease the entire claim within which there should be a producing well or wells. Complaint is made that reference was not made to another section of the statute giving the President power to lease portions of the reserves involved in litigation. It was entirely unnecessary to refer to that provision of the statute, as none of the leases involved were executed under it, nor does the minority report indicate how it was in any degree material to a thorough understanding of any question canvassed that it should have been referred to.

3. This criticism betrays a woeful confusion of thought. It deals with a remark made in connection with an exposition of the shadowy character of the "claims" within the Teapot Dome, all controlled by a subsidiary of the Standard, to remove which Fall, through Sinclair as explained in the committee report, paid or agreed to pay the equivalent of $1,000,000. On three only of such "claims" had wells been drilled. They were all shallow and the oil encountered was so meager in quantity that the department held they were not "producing wells" within the meaning of the statute. Had the oil been encountered before the withdrawal order of 1909 the claimants would have been entitled to patent. But no discovery of oil within the claims had been made, as the undisputed testimony showed, until years afterward. That situation being developed, the committee report said:

> Their application for a lease was undeniably an admission that they were not entitled to patent for the land, for obviously they would not have contented themselves with leases on one well if under the title they were entitled to patent for the entire 160 acres embraced in the claim.

Respecting this statement, the minority report comments as follows:

> The argument would be unanswerable if the premises were conceded, but the difficulty is that the facts are not correctly stated, for what the application or claims contended for and what they received were not leases for the one well but leases for the whole 160 acres, upon which they may have had many wells. This fact is brought out in the record on pages 445 and 447. It may well be better to take an undisputed lease for the 160 acres, with a right to drill as many wells as desired on that 160 acres, than to contest the title to the land when the main value of the title, if it were secured, was merely to give the very oil privileges which they secured by the leases.

The fact is that the claimants never got even a lease of a producing well, much less of 160 acres, nor did they ever apply for a lease of an entire claim. The Secretary had no authority to grant a lease of more than a producing well or wells on a claim. The entire purport of the testimony at the pages referred to in the minority report in this connection is misconceived.

4. This item equally betrays a lack of familiarity with the law in relation to the disposition of the public lands. It is as follows:

> On page 10 of the majority report, in the middle of the last paragraph, it is stated "The only basis upon which a right to any of the land could be found is a discovery; that is, a discovery of oil antedating the withdrawal order of 1909." Doubtless through inadvertence this is neither a full nor an accurate statement, for the truth is a right to land can be founded not only upon "a discovery of oil antedating the withdrawal order of September 27, 1909, but as well upon the order of July 2, 1910, and also upon diligence with seeking such discovery from the date of withdrawal until discovery was actually made.

The report gives no intimation of the source from which the language in question comes. It is perhaps an effort to invoke the Pickett Act of 1910, which provides that "the rights of any person who at the date of any order of withdrawal heretofore or hereafter made is a bona fide occupant or claimant of oil or gas bearing lands and who at such date is in diligent prosecution of work leading to discovery of oil or gas shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work."

It is not even pretended that the claimants could invoke that act, seeing that as shown in the committee report, page 10, drilling upon which a discovery could be founded was not begun on any of the three wells before December, 1917, more than eight years after the withdrawal order was promulgated.

5. This item is equally with the two foregoing captious. The fact is that applications for leases of the alleged producing wells within naval reserve 3 having been made, the Secretary denied them. A motion for a rehearing was made in conformity to the rules, and that was denied by the Assistant Secretary of the Interior, the alter ego of the Secretary. Then a motion asking a reconsideration of the case under the supervisory power of the Secretary was filed. The committee report asserts that Mr. Finney advised the committee that no such proceeding is recognized by the rules of practice of the department. The minority report challenges the statement attributed to Mr. Finney. That is exactly what he said. He said that under the rules the case is ended when the motion for a rehearing is denied, but that sometimes such a motion is filed, the Secretary being without power to punish for contempt the filing of it as a court would under similar circumstances. The minority report then refers to the rule authorizing the Secretary to exercise supervisory power. That power, however, is exercised not over himself or his alter ego, the Assistant Secretary, acting in his stead, but over the subordinate officials, the Commissioner of the General Land Office, and the officers of the local land offices.

6. It would seem as though this criticism of the committee report is only an attempt to be facetious. It merits no comment and leads nowhere.

7. This item is illustrative of the character of the whole list of objections. The committee report says that though the Salt Creek field is capable of producing 175,000 barrels of oil per day, the output was by agreement limited to 40,000. The minority report asserts that the agreement referred to is no longer in force, and that the yield is now 81,000 to 90,000 barrels. It is utterly immaterial to the argument or to any question involved if the fact be as stated in the minority report.

8. This item does not even purport to correct any "mistake" in the committee report. That document recites the fact that nothing was disclosed in the executive session held at the dramatic insistence of Admiral Robison that had not already been made public, and expresses the opinion that the full disclosure of the facts concerning the leases has, in nowise, imperiled the national defense. The minority report simply expresses the view that the Navy Department—that is, Admiral Robison—knows better, but there is no intimation as to how the status, so far as the general defense is concerned has been affected, now that the revelations have been made.

In this connection might be noticed the excuse offered by both departments involved for the secrecy with which the negotiations were carried on, and particularly the failure to make the Teapot Dome lease public immediately upon its execution, namely, that there were military reasons. Secretary Fall took great credit to himself in his letter of June, 1922, to the President for the sturdiness displayed by him in withholding information important from the standpoint of national defense, mildly rebuking those who were seeking to elicit the facts as wanting in that heroic patriotism he exhibited. The minority report does not elucidate how the national

defense has been weakened through the publication of any military secrets. That the reserves were being operated could not be concealed, nor could the erection of the huge tanks within the naval base at Pearl Harbor. An enemy must be like those who, having eyes, see not, to be ignorant of either the development on the continent or the construction on the islands.

No word of explanation is offered as to why the public, and particularly Senator KENDRICK, were not apprised promptly upon the execution of the Teapot Dome lease, nor as to why it required action by the Senate to force admission of the fact from either department. Criticism of the departments on that score is said in the minority report at page 6 to be without foundation, since Secretary Denby gave full information to the Senate committee on the subject "within 30 days from the date of the lease of Teapot Dome." But that was after publicity had been forced by the action of the Senate, and even then the information conveyed was meager, largely, no doubt, because Secretary Denby had no exact or reliable information to convey. It does not appear that the lease was before the committee or that its terms became in any manner the subject of inquiry, probably because the Senate had directed another committee to inquire into it, more familiar with public land questions than the Committee on Naval Affairs.

9. This criticism is as follows: "On page 19 the statement is made with regard to the royalties which the Government receives, 'The Government actually realizes for use as fuel but 6 per cent of the total content of the reserves under the plan being followed.' This is a clear and unwarranted misstatement." On the contrary, the statement is entirely correct, the language having had the critical study of the committee.

10. The statement criticized under the tenth heading is also in strict conformity with the evidence. The minority report merely adds an inconsequential fact that in nowise affects the argument. It is scarcely to be expected that every fact elicited will be mentioned in the report of the committee.

11. The statement here criticized is also accurate. It relates to the so-called Southern Pacific suits. I defy anyone to comprehend the nature of this particular piece of fault finding. An effort is made to create the impression that one was lost because fraud must be proven; the other won because proof of fraud was not necessary. The fact is that both cases were founded on fraud in applying for lands as agricultural when they were known to be mineral. The minority report affords no ground for speculation as to how a patent for land can be canceled, except for fraud or mistake, or what was the basis of jurisdiction in equity in either case other than fraud.

12. Lastly the minority report seeks to arouse the resentment of the friends of the Director of the Bureau of Mines and his assistants by asserting that they are slurred in the statement in the committee report to the effect that Fall consulted with no one competent from experience to advise them concerning the terms of the lease "as a business proposition," when in fact he consulted with the officials named. The language commented on carries no imputation against the officials of the Bureau of Mines. They are technical men, capable of advising the Secretary in their respective lines. The making of involved contracts such as those reviewed in the report criticized is not in their line.

The minority report is a fly-specking affair, a straining after something to criticize for the sake of criticism, to avert some of the influence on the public mind naturally induced by the plain recital of the facts disclosed after the manner attempted in the report of the committee. It tells of a regrettable episode in our national life if not of a decadence in public morals. Lest some incautious historian might accept as reliable the strictures upon that report submitted in the name of the minority of the committee I have felt impelled to offer the observations upon it with which I have, perhaps, too long delayed the Senate in this busy hour.

OPERATING EXPENSES OF RAILROADS UNDER PRIVATE MANAGEMENT

Mr. BROOKHART. Mr. President, in the Washington Star of March 1, 1925, I read the following Associated Press dispatch:

CHICAGO, February 28.—The western railways' committee on public relations announced to-day that in the five years ending to-day since the Government turned back the railroads to their owners from the war-time administration a saving in operating expenses of $3,473,000 a day, or a total saving of $1,271,000,000 in the year 1924 as compared to the year 1920, was effected.

The dispatch further says that freight rates have been lowered from the high point of 1920 a total of $657,000,000 a year, and passenger rates a total of $26,000,000 a year, making rate reductions of $683,000,000 in 1924.

The purpose of this dispatch is to show that private operation of railroads has saved nearly three and one-half million dollars a day, or over a billion and a quarter dollars in the year 1924, and also "in the five years ending with to-day since the Government turned back the railroads to their owners." It will be noted, however, that this great saving is figured out by comparing to the year 1920, and this report does not state that the year 1920 was 10 months' private operation and only 2 months' Government operation. The failure to state this important fact seems to be deliberate, and is a fair sample of the juggling of statistics that is usually done by railroad propagandists. The western railways' committee is not ignorant enough to make such a mistake, and the people are warranted in the conclusion that it was deliberately made for the purpose of deception.

The facts are that in 1920 the 10 months of private operation increased the operating expenses by over fourteen hundred and eighty-five million dollars above the expenses of 1919, the last year of Government operation, and the first year of Government operation in 1918 the expenses were over $400,000,000 less than in 1919. If, therefore, we take the figures given by the western railroads' committee for 1924 and compare them with the last year of Government operation in 1919, we find that instead of decreasing the expenses by nearly three and one-half million dollars a day they were increased by nearly two-thirds of a million dollars per day; and if we compare them with 1918 they were increased nearly one and three-fourths million dollars per day.

The gigantic increase of operating expenses the first 10 months after the roads were turned back in 1920 is one of the darkest pages in the black record of railroad financing in the United States. Taking the figures from the Interstate Commerce Commission reports, the total operating expenses for 1920, 10 months being private operation, were $6,054,993,684 upon class 1 roads. Upon the same authority in 1919 all Government operation, the expenses were $4,569,029,750, showing that private operation increased these expenses in 10 months by more than $1,485,000,000. Using the figures of the western railroads' committee for 1924, the total operating expenses were $4,783,993,684, a decrease of $1,271,000,000, compared to the 10 months of private operation and two months of Government operation in 1920, being an increase of $214,963,934, compared to the all-Government operation in 1919.

In reference to the freight and passenger rate reductions, this committee states further that 242,000 employees have been discharged, and their wages after reduction amounted to $1,610 a year; hence the reduction in expenses because of the discharge of employees was $388,620,000. Their statement further shows that reductions in the wages of all employees were $210 per year. This reduction, according to the latest figures I have, would apply to 1,780,832 employees and would represent the total sum of $373,974,720. Adding these two items together, it will be seen that private operation has cost a total wage reduction of $762,594,720, or over $79,500,000 more than the total freight and passenger reductions. They claim a tax increase of $63,000,000; hence their wage reductions have amounted to more than all their rate reductions and all their tax increase added together.

EXECUTIVE SESSION

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

Mr. HEFLIN. Why can we not have an open executive session?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on the motion of the Senator from Iowa.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in secret executive session the doors were reopened.

CONFIRMATION OF JOHN G. SARGENT

Mr. CUMMINS. Mr. President, I ask unanimous consent that the nomination of John G. Sargent, of Vermont, to be Attorney General, be confirmed in open executive session.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection to proceeding in open executive session to the consideration of the nomination reported from the Committee on the Judiciary while the doors were closed? The Chair hears none, and the question is, Will the Senate advise and consent to the nomination? [Putting the question.] The ayes have it. The nomination is confirmed. The President will be notified.

RECESS

Mr. CURTIS. As in legislative session I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. ODDIE. I move that the Senate adjourn until 12 o'clock to-morrow.

Mr. TRAMMELL. Mr. President, a parliamentary inquiry.

Mr. CURTIS. Mr. President, I would like to make a statement. I would have no objection to the Senate adjourning, but I told the Senator from Florida [Mr. TRAMMELL], when his resolution came up, that if he would lay it aside and allow us to go on with the nomination in executive session and the confirmation I would ask the Senate to take a recess, so that his resolution would be the unfinished business, which it is. I want to keep my promise to the Senator from Florida, and therefore I insist upon my motion to take a recess.

The PRESIDING OFFICER. Does the Senator from Nevada withdraw his motion to adjourn?

Mr. ODDIE. I can not withdraw my motion. I would like to hear from the Senator from Florida, because I think he understands that I have a matter of great importance which I want to have brought before the Senate.

Mr. NORRIS. Mr. President, a motion to adjourn is not debatable.

The PRESIDING OFFICER. It is not. Does the Senator from Nevada withdraw the motion to adjourn?

Mr. ODDIE. I do not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada that the Senate adjourn.

The Senate refused to adjourn.

Mr. CURTIS. I renew my motion that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Wednesday, March 18, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 17, 1925

ATTORNEY GENERAL OF UNITED STATES

John G. Sargent, of Vermont, to be Attorney General.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Jacob Gould Schurman, of New York, now envoy extraordinary and minister plenipotentiary to China, to be ambassador extraordinary and plenipotentiary of the United States of America to Germany.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 1925

ATTORNEY GENERAL OF UNITED STATES

John G. Sargent to be Attorney General.

ASSISTANT SECRETARY OF AGRICULTURE

Renick W. Dunlap to be Assistant Secretary of Agriculture.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Jacob Gould Schurman, now envoy extraordinary and plenipotentiary to China, to be ambassador extraordinary and plenipotentiary to Germany.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Hoffman Philip to be envoy extraordinary and minister plenipotentiary to Persia.

COMMISSIONER OF PENSIONS

Wilder S. Metcalf to be commissioner.

UNITED STATES MARSHAL

Henry G. Beard to be United States marshal, northern district of Oklahoma.

JUDGE OF POLICE COURT OF DISTRICT OF COLUMBIA

George H. MacDonald to be judge of police court, District of Columbia.

ENGRAVER IN UNITED STATES MINT

John R. Sinnock to be engraver in the mint at Philadelphia, Pa.

POSTMASTERS

PENNSYLVANIA

Ozro N. Barclay, Bridgeville.

WISCONSIN

Vivian Bottrell, Dale.

SENATE

WEDNESDAY, *March 18, 1925*

(Legislative day of Tuesday, March 17, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT

Sundry messages, in writing, from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

REFERENCE OF EXECUTIVE NOMINATIONS

Mr. CURTIS. Mr. President, I ask unanimous consent that all the nominations sent to the Senate to-day by the President be referred, as in executive session, to the appropriate committees.

The VICE PRESIDENT. If there is no objection, it will be so ordered. The Chair hears no objection.

REPORT OF EXECUTIVE NOMINATIONS

Mr. REED of Missouri subsequently said:

From the Committee on the Judiciary I report favorably, as in executive session, the nomination of Judge Arba S. Van Valkenburgh, of Missouri, to be United States circuit judge, eighth circuit, an additional position created by the act approved March 3, 1925.

Mr. SPENCER. From the Committee on the Judiciary I report favorably, as in executive session, the nomination of Wilbur F. Booth, of Minnesota, to be United States circuit judge, eighth circuit, an additional position created by the act approved March 3, 1925.

ISLE OF PINES TREATY

The VICE PRESIDENT. The Chair lays before the Senate two cablegrams expressing the thanks of the Cuban Senate and Chamber of Deputies for the ratification by the United States Senate of the Isle of Pines treaty. They will be printed in the RECORD and placed on the files.

The cablegrams, as translated, are as follows:

[Western Union cablegram]

HABANA, *March 16, 1925.*

THE HONORABLE SENATE OF THE UNITED STATES OF AMERICA,
Washington:

The Senate of the Republic of Cuba, two-thirds of the Senators being present, unanimously passed a resolution to send effusive thanks to the Senate of the great American Republic for the act of justice and good friendship just done by approving the treaty recognizing the dominion and sovereignty of the Republic of Cuba over the Isle of Pines.

ANTONIO GONZALO PEREZ,
President of the Senate.

[Western Union cablegram]

HABANA, *March 17, 1925.*

THE HONORABLE SENATE OF THE UNITED STATES OF AMERICA,
Washington, D. C.:

The Chamber of Representatives of the Republic of Cuba, looking to no other solution of the Isle of Pines problem than that so wisely made by your honorable Senate when it recognized our right to sovereignty, resolved in the session of this day to express to your colegislative body, in the name of the Cuban people, which it most legitimately represents, its admiration of the great American people for their noble principles.

CLEMENTE VAZQUEZ BELLO,
President of the Chamber of Deputies.

NORTHERN PACIFIC LAND GRANTS

The VICE PRESIDENT laid before the Senate a communication from the Senator from North Dakota [Mr. LADD], which was read, as follows:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC LANDS AND SURVEYS,
Washington, D. C., March 18, 1925.

Hon. CHARLES G. DAWES,
Vice President of the United States, Capitol.

MY DEAR MR. DAWES: Finding that I shall be unable to be present in Washington this summer to attend the hearings conducted by the House and Senate Joint Committee on the Northern Pacific Land

Grant, I, at this time, resign in order that another may be appointed to take up the work from the beginning, and believe the chairman of the Public Lands Committee of the Senate should have a place on this committee.

Sincerely yours,

E. F. LADD.

The VICE PRESIDENT. The Chair appoints the Senator from Oregon [Mr. STANFIELD] as a member on the part of the Senate of the special committee authorized under Public Resolution 24, directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, approved June 5, 1924, a vacancy being occasioned by the resignation of the Senator from North Dakota [Mr. LADD].

INVITATION TO VISIT ALASKA

The VICE PRESIDENT laid before the Senate the following concurrent resolution adopted by the legislature of the Territory of Alaska, which was ordered to lie on the table:

House Concurrent Resolution 1 (by Mr. Sheldon)

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA, SEVENTH SESSION

Be it resolved by the House of Representatives of the Legislature of the Territory of Alaska (the Senate concurring), That, having full confidence in the integrity, ability, and broad vision of President Calvin Coolidge, Vice President Charles G. Dawes, and the Congress of the United States, and in their high ideals of American Government, this body, upon the occasion of national inauguration day, pledges them their loyal support, sympathy, and understanding in the administration of Alaskan affairs, and expresses the hope that their administration may be successful and may bring peace and prosperity to the Nation; and be it further

Resolved, That this body, acting in this on behalf of the people of the Territory of Alaska, respectfully tender to the President and Vice President of the United States, the members of the Cabinet, and the Congress of the United States a cordial invitation to visit Alaska, meet the people thereof, gain first-hand information as to the solution of the vast problems now confronting us, and become better acquainted with Alaska and her people.

Passed the House March 5, 1925.

C. H. WILCOX,
Speaker of the House.

Attest:

LAWRENCE S. KERR,
Clerk of the House.

Concurred in by the Senate March 5, 1925.

FRED M. AYER,
President of the Senate.

Attest:

DELIA B. CHACE,
Secretary of the Senate.

PRICES OF GASOLINE

Mr. TRAMMELL. Mr. President, the pending unfinished business, as I understand it, is Senate Resolution No. 31, which I called up on yesterday. I desire to address the Senate briefly on that question.

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from Florida to proceed to the consideration of the resolution submitted by him.

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Fletcher	McKellar	Sackett
Bingham	Frazier	McKinley	Schall
Blease	George	McLean	Sheppard
Borah	Gerry	McMaster	Shipstead
Brookhart	Gillett	McNary	Shortridge
Broussard	Glass	Mayfield	Simmons
Bruce	Goff	Means	Smith
Butler	Hale	Metcalf	Smoot
Cameron	Harreld	Moses	Spencer
Capper	Harris	Norbeck	Stanfield
Caraway	Heflin	Norris	Swanson
Couzens	Howell	Oddie	Trammell
Cummins	Johnson	Overman	Tyson
Curtis	Jones, Wash.	Pepper	Walsh
Deneen	Kendrick	Pine	Watson
Ernst	Keyes	Ralston	Wheeler
Fernald	King	Reed, Mo.	Willis
Ferris	Ladd	Reed, Pa.	
Fess	La Follette	Robinson	

The VICE PRESIDENT. Seventy-four Senators having answered to their names, there is a quorum present.

Mr. KEYES. Mr. President, will the Senator from Florida yield to me for the purpose of submitting committee reports?

Mr. TRAMMELL. I yield for that purpose.

ELIZABETH WERNER

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 41) submitted yesterday by Mr. BORAH, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay out of the contingent fund of the Senate to Elizabeth Werner, widow of Albert E. Werner, custodian of the Senate Office Building, on maintenance roll, Senate Office Building, the sum of $1,575, being a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

COMMITTEE ON REVISION OF THE LAWS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate Resolution 42, authorizing the Committee on Revision of the Laws to hold hearings.

Mr. ERNST. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ROBINSON. Let the resolution be reported.

The VICE PRESIDENT. It will be read.

The Chief Clerk read the resolution (S. Res. 42) submitted yesterday by Mr. ERNST, as follows:

Resolved, That the Committee on Revision of the Laws, or any subcommittee thereof, is hereby authorized during the sessions, recesses, or adjourned periods of the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not to exceed 25 cents per hundred words to report such hearings as may be had in connection with any subject which may be pending before said committee; to employ such clerical, expert, and professional assistants as may be found necessary in the judgment of said committee for the completion of the task assigned it of revising the laws of the United States, the total cost incident to same not to exceed $10,000, and to be paid out of the contingent fund of the Senate.

Mr. ROBINSON. Mr President——

Mr. ERNST. If the Senator from Arkansas will permit me, I will make a brief statement.

Mr. ROBINSON. I wish to make a statement myself.

Mr. ERNST. I beg the Senator's pardon.

Mr. TRAMMELL. Mr. President, I do not desire to lose my right to the floor; and if a long discussion is to come up on this resolution, I must object.

Mr. ROBINSON. This is an important resolution. It can be considered another time if the Senator from Florida objects to its consideration now.

The VICE PRESIDENT. If there is objection, the resolution will lie over.

Mr. TRAMMELL. I do not object to its present consideration; but if it is going to provoke any considerable controversy, I shall object.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ROBINSON. I do not think the resolution will provoke very much controversy. I favor the resolution, but I desire to make a statement about it.

The work of revision of the laws has been in progress for a great many years. The bill known as the Little bill failed of passage during the last Congress. There is very great necessity for the completion of the task of revising the laws of the United States. That has not been done since 1878, I think, by any public authority. Much confusion exists. An adequate authorization ought to be made, the services of men who are learned and skillful in this work ought to be procured, and the work should be finished. It has dragged along year after year, and the demands for a revision of the laws are quite general not only from the bar but also from the bench. Every Federal judge realizes the necessity for a revision of the laws. I am wondering whether it is expected that the work will go forward and that a bill may be reported early in the next session, with a view to having it considered and passed, if possible.

Mr. OVERMAN. Can the Senator tell me what happened to the Little bill?

Mr. ROBINSON. The Little bill failed of passage.

Mr. OVERMAN. There was a great deal of money spent in the preliminary work on that bill.

Mr. ROBINSON. A great deal of money has been spent and a great deal of labor performed. The bill was submitted, perhaps somewhat informally, to judges and district attorneys and other legal authorities throughout the country, and quite a number of errors were discovered—perhaps not a large number

of mistakes, considering the comprehensive character of the work itself—but they were of sufficient importance and numerous enough to prevent the passage of the bill. This work might be resumed where it was left off. For 15 years the work has been going on by piecemeal, but it has never been completed.

Mr. OVERMAN. I think a great deal of money has been wasted by employing incompetent clerks. I know that the bill came before the Committee on the Judiciary and was referred to a subcommittee, but we found so many errors in it that we would not report it back, and declined to have anything to do with it. I am glad to see that it is going before a proper committee to be digested, and I hope they will get the right sort of expert help to have the work done right.

Mr. ROBINSON. The Senate has named a strong committee. The work is very important. I make this statement in order to impress upon the committee, as well as upon the Senate, the necessity for completing the work as soon as that is possible to be done. The amount of money carried in the resolution is relatively small. It ought to be increased, if necessary, to finish the work in a proper way.

Mr. GERRY. Mr. President, if the Senator from Arkansas will yield——

Mr. ROBINSON. Certainly.

Mr. GERRY. The resolution came in very late in the session, having been introduced only yesterday by the Senator from Kentucky [Mr. ERNST]. The Committee to Audit and Control the Contingent Expenses of the Senate has not had any hearings on it. It is a question in my mind whether the amount proposed to be expended for this work is sufficient to allow the committee to carry on the work through the summer and do it satisfactorily.

I think there ought to have been a hearing before the Committee to Audit and Control on the resolution, but I realize the difficulty in which the chairman of that committee found himself during the closing days of the session, and that it was practically impossible to get the committee together. I simply want to call that matter to his attention and ask whether he or the Senator from Kentucky [Mr. ERNST] now considers the amount sufficient?

Mr. ERNST. Mr. President, the amount allowed will not finish the work as it should be done. It will not be possible, in my judgment, to have the kind of work done which must be done if it is to be finished by next December. But I wish to state to the Members of the Senate that for the first time since the work has been under way there is an absolute agreement between the members of the revision committee of the House and the revision committee of the Senate as to how the work should be done. That method will be pursued.

There ought to be a larger sum made available for this purpose. The pending resolution is very important to the work, and it will prevent the long vacation being wasted. We will be able soon to obtain the services of one of the very first men in this country upon this character of work, and we want to put him to work as soon as possible. Without this allowance that could not be done. If we should make the appropriation $20,000, it would be far better.

Mr. GERRY. Mr. President, as a member of the committee, I feel a certain responsibility in the matter, and I realize the difficulty under which the chairman of the committee is laboring, the matter coming up so late; but it seemed to me that if this work was going to be undertaken this summer a sufficient amount should be allowed in order that there might be no danger of it being held up.

Mr. TRAMMELL. Mr. President, I think this matter has been fully explained to the Senate. I wish to be courteous, but I decline to yield further except for a vote on the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PRICES OF GASOLINE

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Florida [Mr. TRAMMELL] to proceed to the consideration of Senate Resolution No. 31.

SEVERAL SENATORS. Let the resolution be read.

The VICE PRESIDENT. It will be read.

The Chief Clerk read the resolution (S. Res. 31) submitted by Mr. TRAMMELL on the 12th instant, as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate at the next session of Congress:

First. The very material advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products and whether or not such price increases were arbitrarily made and unwarranted.

Second. Whether or not there has been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices or any conditions of ownership or control of oil properties or of refining and marketing facilities in the industry which prevent effective competition.

Third. The profits of the principal companies engaged in the producing, refining, and marketing of crude oil, gasoline, kerosene, and other petroleum products during the years 1922, 1923, 1924, and 1925, and also such other matters as may have bearing upon the subjects covered by the provisions of this resolution.

Mr. TRAMMELL. Mr. President, in the discussion on yesterday upon the subject involved in the pending resolution a contention was made by the Senator from Oklahoma [Mr. HARREL] to which I wish briefly to call attention. The Senator from Oklahoma seemed to be very solicitous as to the welfare of the oil companies; he seemed to entertain the view that they had not enjoyed prosperity, that they had not been financially successful, and that, therefore, they should be given a loose rein to continue to do their will according to their own dictation in the matter of price fixing in the sale of their products. As I construe the Senator's statement, he favored the oil industry being accorded the right to impose arbitrarily upon the American people advances in prices when conditions, according to my opinion, do not justify such arbitrary increases as have been made from time to time and as the history of the oil industry in this country portrays for the last quarter of a century.

It may be that in some instances oil companies or refineries have not been successful. That is true of all industries. We can readily trace, however, more or less, the failure of such oil companies and refining companies to the monopolistic tendencies of certain large operators whose policies have been to suppress and drive out of business the small independent companies. When they were driving those companies out of business, they were only preparing the way to impose undue burdens and prices which are not justified upon the consuming public of the country. I am merely going to read a few statistics—it will take but a moment or two—in order to show something of the prosperity of the oil companies of the country, thus presenting the other side of the story which was related by the Senator from Oklahoma on yesterday.

Take the Gulf Oil Co. That company had an authorized capital in 1907 of $15,000,000; in 1913 an authorized capital of $60,000,000; and in 1922 an authorized capital of $120,000,000. On analyzing the capital stock and the business success of this company, we find that the company issued for cash stock to the amount of $16,000,000; it issued for property $8,940,800; and it issued stock dividends of $83,687,800. In other words, in addition to the annual or semiannual dividends declared by that company from 1907 to 1922, beginning with a capital stock of $15,000,000, it had accumulated a stock dividend of $83,687,800. That does not look as though that company were a failure by any means. That would run into a very extravagant percentage upon the original capital of $15,000,000. The company made an average of approximately 40 per cent per annum, for 15 years.

Take another company, the Ohio Oil Co. That company started with a capital stock of $1,000,000 in 1887. It increased its capital stock from time to time, until it finally reached $60,000,000 in 1922. An analysis of the capital stock account of that company shows that it issued for cash $15,000,000 of stock; that it issued for property no stock; and issued as stock dividends $45,000,000; in other words, three-fourths of the entire capital stock of the company represents earnings of the company in addition to the annual and semiannual dividends.

The Prairie Pipe Line Co. had an authorized capital stock, to begin with, in 1915 of $27,000,000. In 1922 they authorized $81,000,000 additional. An analysis of the capital stock account of that company on December 31, 1922, shows that the company issued for property $27,000,000, and issued a stock dividend of $54,000,000, these amounts, of course, being in addition to the annual and semiannual dividends paid upon the stock. We find on an analysis of the capital stock of this company that, although the company was only organized in 1915, two-thirds of its present capital stock represents profits. In other words, from 1915 to 1922, seven years, starting with a capital of $27,000,000, they made in profits $54,000,000 in addition to whatever dividends they declared annually or semiannually.

Take the Standard Oil Co. of California. That company started out in 1879, which was, of course, a long time ago, with $1,000,000 capital. In 1902 they authorized $3,000,000 in capital; in 1911——

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. TRAMMELL. I yield for a question only and not for a speech.

Mr. HARRELD. Does the Senator think that the whole oil industry should be condemned because a few companies may have exceeded the speed limits, any more than the real-estate industry should be criticized because of the enormous profits which are being made on the sale of Florida lands right at this time?

Mr. TRAMMELL. Mr. President, I think if any industry acquires unconscionable profits by corrupt practices, by crooked dealings, by arbitrary and monopolistic tendencies and policies, and by applying force to people who are helpless, it should be condemned; and I would condemn anyone in Florida as quickly as I would those of any other State for the application of such methods or for preying upon people that are helpless and can not defend themselves. There have been no such conditions existing in Florida, as the Senator from Oklahoma suggests, and I resent the imputation. The Senator refers to the advance in the price of property in my State, to the clamor of people throughout America for property there, and to their desire to go to Florida and to make investments and enjoy its climate and its prosperity. I am proud of that fact, but if the Senator wants to indulge in that kind of argument, I am going to ask him if he is personally interested in the oil industry?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. TRAMMELL. I ask the Senator from Oklahoma if he is personally interested in the oil industry?

Mr. HARRELD. Will the Senator yield to permit me to answer his question?

Mr. TRAMMELL. I will not yield for the Senator to make a speech, but I ask the Senator if he is personally interested in the oil industry, and I will yield to him to answer.

Mr. HARRELD. My interest in the oil industry is that I receive about $200 a month in royalties.

Mr. TRAMMELL. Then the Senator is an oil producer. I do not like to inject matters of this character into the debate, but the Senator from Oklahoma was getting a little personal and bringing up extraneous matters.

Mr. HARRELD. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. TRAMMELL. I do not yield for the Senator to make a speech, but if he wishes to ask a question, I yield.

Mr. HARRELD. I have answered the Senator's question very civilly, and I should like to ask him how much he has made out of Florida real estate during the last year?

Mr. TRAMMELL. I have made all I could in an honest, legitimate way.

Mr. HARRELD. I have done likewise.

Mr. TRAMMELL. I am not defending anything that would smack of oppression against anyone. The Senator from Oklahoma knows that the oil industry has the American people in its grip and control and domination, and that they can impose upon them whatever they see fit, at their own sweet will, and yet he is defending them.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. TRAMMELL. I yield for a question.

Mr. NORRIS. I should like to suggest to the Senator from Florida that no one is required to buy Florida real estate unless he wants to do so; but we can not anywhere in the entire country get along without in one way or the other being compelled to pay for oil in its various forms.

Mr. TRAMMELL. That is absolutely true; and the power of those who control the oil industry is equal to that of the tax-assessing power of the country, and the people are absolutely helpless unless those representing them in public positions will come to their rescue.

The question of the prosperity of the oil industry was injected into the debate on yesterday. I was reading when interrupted from statistics relative to the Standard Oil Co. of California. Starting out with $1,000,000 capital in 1879, in 1922 that company had a capital stock of $250,000,000. I do not think that company needs any particular sympathy or pity. The Senator from Oklahoma can shed all the crocodile tears that he wishes to, but I believe they are capable of taking care of themselves, as they have been doing right along so far.

An analysis of the capital-stock account of that company on December 31, 1921, shows that the company issued for cash $52,760,980 of its capital stock; it issued as stock dividends $152,080,292. In other words, this company had accumulated in stock dividends the enormous sum of one hundred fifty-two million and odd thousand dollars in addition to its annual and semiannual dividends. It looks as though that company has been rather prosperous.

Take the Standard Oil Co. of Indiana, which started out in 1889 with a capital stock of $500,000. In 1922 they had a capitalization of $250,000,000. Analyzing the stock account of this company, it is shown that they issued for cash $1,736,000; issued for property thirty-four million and odd thousand dollars, and issued as stock dividends $184,000,000, making a total of $220,000,000.

Take the Standard Oil Co. of New Jersey. That company started out in 1882 with an authorized capital stock of $10,000,000. They continued to increase the authorization until 1920, when they had an authorized capital of $200,000,000. Of this $200,000,000 approximately $3,000,000 had been paid for in cash, and $98,000,000 had been paid for in property. In 1922 the company again increased its capital stock from $200,000,000, and issued as stock dividends three hundred and ninety-eight million and odd dollars. As to that company we see that of its present capitalization 75 per cent represents profits, and that is in addition to the annual and semiannual dividends.

This data represents in a large measure the experience of the dominating factors in the oil industry in this country; and, of course, in dealing with the enterprise we have to consider and deal with the dominating factors, not with some smaller independent company that may have been crushed out by the manipulations of those who have been practicing monopolistic methods.

With the oil kings this question of supply and demand in the oil industry operates all right if there is a little increase in the price of crude petroleum; the price of gasoline and of kerosene goes up; but, as a rule, when there is a decline in the price of crude petroleum the price of gasoline and of other petroleum products declines probably months subsequently, and in some instances there has been no decline at all following a decline in the price of crude oil.

We find in the report of the Federal Trade Commission touching upon this subject that the Standard Oil group seem to have maintained a price control, possibly not in violation of the antitrust laws, but by a division of territory and by their manipulations and their understandings they maintain a reprehensible and arbitrary price control, and the independent companies follow them.

I read briefly from the report of the Federal Trade Commission on page 5379 of the CONGRESSIONAL RECORD under date of March 3, 1925:

> Data secured by the commission indicate the exercise of a very decided price leadership on the part of the Standard Oil Co. (Indiana), the Prairie Oil & Gas Co., and other Standard companies during 1923 and 1924. This leadership was responsible for the failure of both crude and gasoline prices to respond to the conditions of excess supply prevailing in the mid-continent field in the summer of 1923. As already indicated, tank-wagon prices of gasoline were maintained at a high level throughout June, July, and the early part of August, 1923, although production of crude and gasoline was increasing and stocks were mounting rapidly. Similarly, the advance in gasoline prices in December, 1923, and January and February, 1924, was effected in spite of continued increases in gasoline production and stocks. Although the commission did not discover evidence of any illegal cooperation among the several Standard companies, the activities of the Standard Oil Co. (Indiana) and the Prairie Oil & Gas Co. in maintaining gasoline and crude prices, respectively, at the high levels prevailing just prior to August 7, 1923, and in increasing their prices in December, 1923, and January, 1924, in spite of excessive supplies, may be criticized as evidence of the price control which these two Standard companies exercise in their respective areas. That the Standard companies time the price changes which they control in such a manner as best to serve their own financial interests as regards their stocks on hand is suggested by the greater rates of income which those companies earned as compared with independent companies throughout 1922 and 1923 and by the indications of very substantial profits earned by Standard companies in the first quarter of 1924.
>
> While Standard companies disregarded supply-and-demand conditions in the exercise of their undisputed power of price control in 1923 and the early months of 1924, there is no evidence that through accumulation of stocks of crude oil or gasoline they were guilty of an attempt to control the existing supply by a "corner" of the market. Data on production and stocks of crude oil and gasoline

which were obtained by the commission indicated no increases in the proportions controlled by Standard companies and no disproportionate accumulation by these companies during the period of declining prices in the last half of 1923.

In other words, the responsibility which must be placed upon members of the Standard group for the gasoline price history of 1923 and the early months of 1924 arises, not so much from an increase in their influence over the facilities and commodities of the industry, as from the large degree of control exercised at all times by the larger of these companies, individually, over their respective areas of operation, and their evident harmonious action when such action becomes necessary in their own interests.

That explains in a rather brief way the conduct of the Standard group in fixing, controlling, and dominating prices. The companies in this group not only exercise their influence and power in that respect, but they exercise it in connection with the production and buying of crude oil and the matter of fixing the prices that will be paid for crude oil; and the price they fix becomes the standard price. They only buy at that price, and other companies, of course, find it necessary to buy at the price fixed by them for crude oil. They not only control the sales price to the consuming public but they also very largely control the situation as far as those who are engaged in the production of crude petroleum are concerned, and they pay them the price that they will for their product.

The Federal Trade Commission, commenting upon this feature of their activities, make the following statement:

The buying of crude oil, with the almost autocratic influence in dictating prices generally exercised by some particular large Standard Oil company in each great oil field of the country, is an abnormal condition, which appears as a survival in part of the monopolistic régime which prevailed before the decree dissolving the Standard Oil combination. This situation seems to depend partly on the great resources and extensive operations of certain individual members of the former trust further fortified by advantageous relations with each other, particularly in the transportation and market outlets for oil. In this connection their relations with the numerous Standard pipe lines are perhaps the most important. The small crude-oil producer or purchaser can not ordinarily use these pipe lines, which by law are made common carriers, because the regulations of the pipe-line companies have (for most points of delivery in the East) unjustifiably established 100,000 barrels as the minimum quantity which will be accepted for shipment.

In the sale of gasoline and kerosene a similar abnormal condition is found, namely, a situation in which some large Standard company in each region (except Oklahoma and Texas) ordinarily determines the price, and smaller traders merely follow. This situation is the result of the method by which the business was territorially divided by the old Standard combination among 11 marketing companies. The dissolution decree, in merely breaking the formal bonds between these companies, did not disturb this division of territory which has been preserved by the Standard interests almost intact to the present day.

I am not going to take the time to read further from the report. This report from the Federal Trade Commission contains a world of information indicating and practically charging that while those who dominate the oil industry use the law of supply and demand as a subterfuge when they want to raise prices, their policy of price fixing is very largely arbitrary, and in many instances the increase or maintenance of the price of gasoline and of kerosene and of crude oil and other petroleum products is not justified by the condition of the industry.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. TRAMMELL. I do.

Mr. CARAWAY. I desire to ask the Senator from Florida a question. I have listened to his speech with much sympathy for the views he has been expressing; but I want to know what substantial good the passage of the resolution would accomplish.

Mr. TRAMMELL. I think it would furnish information and data which would enable Congress to give intelligent consideration to this subject, and enable the American people to give intelligent consideration to the question of some remedy, or some method by which the Government could control the situation, instead of the oil companies controlling and dominating the situation, as I think they do at present, to the detriment of the consuming public.

Mr. CARAWAY. I think there is no question of that. Is it the Senator's idea that from this resolution will be developed some plan for Government control? Is that the idea?

Mr. TRAMMELL. I do not know that it will develop Government control, but it will develop information upon which Congress can take action if it seems that the companies are guilty of illegal practices, and are following a policy which is contrary to fair dealing and contrary to the policy of free trading.

Mr. CARAWAY. If the Senator will permit me further, has not a voluminous report been made by the Federal Trade Commission which points out these abuses?

Mr. TRAMMELL. Yes; it points out some abuses.

Mr. CARAWAY. Last year there was quite an extended congressional investigation, under a resolution introduced by the Senator from Tennessee [Mr. MCKELLAR], I believe. I am merely asking the Senator for information now. What might we expect to accomplish by a further investigation of a subject on which there seems to be no division of opinion and as to which all the information is available?

Mr. MCKELLAR. Mr. President, I will ask the Senator to yield to me to make this suggestion about the matter. In my judgment the very existence of investigation that was ordered by the Senate some years ago under a resolution introduced by me, which investigation was carried on by the Committee on Manufactures, saved to the American people hundreds of millions of dollars in the prices of oil. As long as that investigation was going on, the oil companies were afraid to unduly raise the prices of oil and gas. If the Senator from Florida will permit me, I am inclined to think that the existence of such an investigation would have the same beneficial effect now.

Mr. CARAWAY. That is possibly true, but the thing I had in mind was that possibly the information was already available. I take it that the companies were very much more afraid when the resolution of the Senator from Tennessee was pending, because they knew it would develop certain facts of which the public had not theretofore been fully cognizant. I may be in error about that. I am merely seeking information from the Senator.

Mr. HARRELD. Mr. President——

Mr. TRAMMELL. I think the investigation would have a very desirable effect in that respect. While the Federal Trade Commission made a reasonably full investigation, I do not think they went into the subject as extensively as they might go into it if they had more time. The question of profit making is one that has a very important bearing on the subject. There is not one word of information on the question of profits in the report made by the Federal Trade Commission. The spokesman for them here, the Senator from Oklahoma, has tried to make it appear that the companies are almost bankrupt, that they have been having distressing times. That is the contention he makes, and I want to find out something about the profits.

Mr. HARRELD. Mr. President, I do not want my position misunderstood at all, and I am not going to be pressed into the attitude of defending the Peck's bad boys of the industry, any more than I want to press the Senator into the position of defending the Peck's bad boys of the real-estate industry. I have never defended the wrongs in the oil business, and I am not doing it now. In 1921 I introduced a resolution to investigate the question of whether or not the Standard Oil Co. was buying up the independent companies, and if I had not had to go to the hospital the investigation would have been carried out. I will be after them again when they are wrong.

My position in this instance is that this particular increase in price about which the Senator is speaking is warranted by the law of supply and demand. That is the only argument I have made about it.

Further than that, the investigation is unnecessary, because, while the statement of the Senator from Tennessee [Mr. MCKELLAR] may be true, that these other investigations served to keep down the price of oil, such an investigation always disturbs the equilibrium, and also disturbs the operation of the law of supply and demand, which, despite the efforts of some people, has never been repealed, and is just as necessary to commerce as ever.

Then there are already going on at this time three separate investigations of the oil business, one of them instituted by the President, an investigation by four Cabinet members, making a survey of the whole oil industry, involving the very questions the Senator is talking about.

Mr. TRAMMELL. That refers more to conservation, does it not?

Mr. HARRELD. No; they have carte blanche to go into the whole matter.

Mr. TRAMMELL. That refers more to the question of conservation. This refers to the shutting down of wells and increasing the prices to the consumers of the country.

Mr. HARRELD. They can go into this question. The Attorney General's office is also making an investigation, based on this very report made by the Federal Trade Commission a short time ago, and in addition to that the attorneys general of the different States have met together and associated themselves and have pledged themselves to investigate these very things.

Mr. TRAMMELL. They are in no such position to make an investigation of this subject as the Federal Trade Commission is.

Mr. HARRELD. I am limiting myself to the particular question of whether these increases were warranted and nothing else.

Mr. CARAWAY. Mr. President, will the Senator from Florida permit me to ask the Senator from Oklahoma a question?

Mr. TRAMMELL. Certainly.

Mr. CARAWAY. I want to ask the Senator from Oklahoma, because I am trying to find out about this—what is it that he thinks this investigation would hurt?

Mr. HARRELD. It would serve to depress the price of crude petroleum. That would serve to depress "wildcatting," the drilling of new wells, and that would keep the supply below the demand—I made this argument before—and thereby increase the price of gasoline.

Mr. CARAWAY. I heard the Senator from Oklahoma make that argument; but in what manner would it depress the price of crude? If there is no unlawful combination of the companies, engaged in some transaction that tends to unwarrantedly raise prices, an investigation of their methods would not depress the price, would it?

Mr. HARRELD. Yes.

Mr. CARAWAY. How?

Mr. HARRELD. If this investigation were ordered, there would be an investigation as to whether or not this increase was warranted. The effect of that would be to cut off that increase in the price of gasoline, whether warranted or not. I again assert that in my opinion no increase in last year's prices of crude petroleum can be brought about without a corresponding increase in the price of gasoline. An increase in the price of crude over the prices of last year is absolutely necessary for the welfare of the production end. If the price of gasoline is reduced, it will again demoralize the producing end of the industry.

Mr. CARAWAY. I hope the Senator will not merely make that assertion, as he has over and over again, but I trust he will tell me why that result would follow. That is what I want to know.

Mr. HARRELD. Agitation of any sort will affect any prices.

Mr. CARAWAY. Does the Senator think agitation has anything to do with the price of oil, either crude or refined?

Mr. HARRELD. It does in this particular instance; because if prices of gasoline go down at this time prices of crude must go down also.

Mr. CARAWAY. Tell me how it affects it.

Mr. HARRELD. I am not holding a brief for the refiners——

Mr. CARAWAY. I understand the Senator perfectly.

Mr. HARRELD. The very fear it puts in them——

Mr. CARAWAY. Why does it put fear in them if they are not engaged in some unlawful combination?

Mr. HARRELD. I will answer that. This is absolutely true. Prices of crude must go up or the supply of crude will go down. In my judgment, gasoline is not higher now than it should be, yet it is in the power of the purchasers and refiners of crude to lower the price of gasoline and then force a reduction in the price of crude. That is not unlawful on their part. It is just as if a manufacturer reduces prices of his wares by reducing the wages of his employees. That would not be unlawful. Just so those who refine gasoline can lower the price by cutting the price of crude, which is just what they will do. It would not be unlawful, but just as the public would revolt against a manufacturer reducing wages below a living wage in order to reduce prices of his wares, the public should recognize that it is not only right but good business methods to allow gasoline to sell at such a reasonable price as to encourage further production of crude; in fact, is necessary from an economic standpoint, as I have stated before.

Mr. CARAWAY. I think the Senator has gone far enough now to show that they are in a combination to raise prices.

Mr. HARRELD. Not at all.

Mr. CARAWAY. They may be justified——

Mr. HARRELD. Not at all. The price of gasoline is a certain figure. Anything which depreciates that and brings it down brings down the price of crude.

Mr. CARAWAY. If the Senator will pardon me, I am unable to follow his logic; and I am not criticizing the Senator. He has a perfect right to speak on the floor of the Senate for any honest industry, whether it is oil or cotton or corn. There is no reason to think the Senator has not a perfectly legitimate right to give to the Senate all the information he has. But I want to know—and I am coming back to it again—if there is no combination to enhance the price, why should an investigation which will disclose what they are doing depress the price?

Mr. HARRELD. Why should it? The Senator knows it does.

Mr. CARAWAY. No; I do not. That is the thing I am trying to find out about. I understand, but I am trying to get the Senator's position——

Mr. HARRELD. My position is this: Taking the Senator's own argument that the price of gasoline is fixed by a certain class of refiners—let us say it is——

Mr. CARAWAY. That is not my argument.

Mr. HARRELD. If this investigation, or any other reason, brings the price down, the price of crude goes down.

Mr. HEFLIN. If the price should go down, would it not help the consumer?

Mr. HARRELD. It would not, because, as I said a while ago—and most people do not understand it—when the price of crude is below what it ought to be, and what it must be, the production decreases, and as it decreases, the price of gasoline mounts.

Mr. CARAWAY. Let me ask the Senator a question. Then, why would not this investigation raise the price of crude, because if it is going to stop the production of crude, it will raise the price, according to the Senator's theory?

Mr. HARRELD. The Senator knows the investigations we have been carrying on have not raised the prices of anything. They have not lowered them, either. They have had no effect.

Mr. CARAWAY. If it would have no effect, then the Senator was mistaken a while ago when he said it would depress the price and depress production.

Mr. HARRELD. It may not have an effect on consumption, but it will have some effect on production.

Mr. CARAWAY. I do not follow the Senator's reasoning. It may be good, but I am frank to say I do not follow it.

Mr. HARRELD. The reasoning is good. I say that there must be as much production of oil as there is consumption.

Mr. CARAWAY. That is axiomatic; but we were trying to find out what this investigation would do to depress the production of crude.

Mr. HARRELD. Let me finish my statement. When there is not a stable price for gasoline——

Mr. TRAMMELL. Mr. President, I dislike to interrupt——

Mr. HARRELD. Let me finish this statement. When there is not a stable price for gasoline there will not be a stable price for crude. When there is not a stable price for crude production falls off, and when production falls off the market is demoralized, and ultimately gasoline will go higher, because the law of supply and demand will take it up.

Mr. TRAMMELL. Mr. President, I have been impressed, from what I have read upon the subject and from the information I can gather from publications representing the oil industry and commercial journals and from financial reports, that the whole trend of the oil industry at the present time is to try to fasten upon the American people an increase in the price of gasoline, kerosene, crude oil, and other petroleum products, and when once that higher level of prices has been reached it is their purpose to have the price remain at the higher level, or to make still greater advances, and whether there is any combination in violation of the antitrust law or not there seems to be a common understanding in the industry that they will bring about such policy and such condition in this country.

I do not believe there is any question about that. If that is true, I think we should have the Federal Trade Commission, a governmental board that is constantly in operation, that is constantly in the service and is prepared for making an investigation, look into this.

There is no more important question before the American people than this question of the control of gasoline prices, of kerosene prices, and of crude-oil prices—not that anybody would oppress the industry. I have no desire to do that. I believe they are entitled to honest, legitimate prices, but, on the other hand, the public is entitled to fair consideration and treatment at their hands, and it is the duty of Congress to see that the

public is accorded that character of treatment by these companies engaged in the oil industry.

Production fluctuates up and down, it is true, but we find that in December there was an enormous production in this country, an increased production, and following very shortly after that increase in production the companies which control or dominate the prices began increasing their prices, getting the advantage of the increase of the stock on hand as a result of the increase of production.

I will read now from the California Oil World:

WASHINGTON, February 25.—Gasoline production in the United States during December broke all previous records, states the Department of the Interior in reviewing statistics compiled by the Bureau of Mines. The record output of gasoline was accompanied by record-breaking yields of kerosene, gas oil, and fuel oil. It goes on to give the statistics as to the amount of the increase.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. TRAMMELL. I yield.

Mr. HARRELD. To what month did the Senator have reference?

Mr. TRAMMELL. That was during the month of December.

Mr. HARRELD. Last December?

Mr. TRAMMELL. Yes; the past December. That statement went out on February 25, published in the California Oil World.

Mr. HARRELD. I would like to ask the Senator if he does not know that during that same month there were drafts on the available stores of crude petroleum of 248,625 barrels per day?

Mr. TRAMMELL. Yes; there was quite a draft by a lot of those companies that were buying up the crude petroleum at low prices in order to get advantage of the price increase that they had in contemplation. They were buying it up to get advantage of the increase in price which followed.

Mr. HARRELD. No; I mean to say that, adding the production to the amount on hand December 1, there was still an overdraft.

Mr. TRAMMELL. The article from the Bureau of Mines does not sustain the Senator. The question of the increase in prices is very largely enriching the oil companies and at the expense of the consuming public. The prices seem absolutely unjustifiable. I have an article which appeared in one of the oil publications recently which said:

Oil companies enriched. As a result of advance in price of crude oil and gasoline, inventories of large oil companies have appreciated many millions of dollars during last few weeks. These inventories, which have borne down heavily upon virtually every oil company during the depression of the industry, have been transformed into sources of great wealth.

That is the stocks and accumulations they had on hand.

Take the Shell Union Co., for example. That company has in storage 10,000,000 barrels of crude oil and produces 100,000 barrels a day. The price of crude in its fields has advanced as much as 65 cents a barrel for certain grades during the last month or so. The same company has 35,000,000 gallons of gasoline in reserve. The price of gasoline has been advanced from the 8-cent level to 11 and 12 cents a gallon wholesale for motor grade, or about 33 per cent. The same grade of gasoline sold at 6 cents a gallon during the depression. The case of the Shell Union Oil Co. is typical of practically every oil-producing company in the country. Generally speaking the rise in prices is of more importance to producing companies than to refining companies, for the latter benefit but temporarily. When their reserve stocks have been exhausted they will have to pay the high price for crude. Producing companies on the other hand get the benefit not only from surplus stores, but also on new production.

That is just a little comment. Then I have an article which I clipped from the California Oil World, under date of February 11, in which it speaks of the Union Oil Co., of California, which in 1924 had an increase in its income of practically $3,000,000 and the percentage of profit in 1924 was 11¼ per cent net above all expense and depreciation on the outstanding capital as compared with 9 per cent in 1923. So they were not unsuccessful during 1924. I think the record will show that the biggest concerns which control and dominate the industry were all successful and made really abnormal profits during 1924.

I believe the investigation would serve a good purpose, that it would furnish to the Senate and to the country desirable information, and that it would continue to put the oil companies on notice that the Congress has an eye upon them and that it is not intended that they shall be permitted to carry on any monopolistic practices or policies. In that way we can accomplish some good in behalf of the consumers of oil products. The consumers of the country are absolutely helpless unless some action is taken by Congress. The legislatures of the States can not handle the situation. The attorneys general of the States can not successfully handle the situation. It seems that Congress is the only source through which the American people may seek relief and may obtain official information. These are some of the reasons why I have insisted upon the adoption of the resolution.

My friend from Oklahoma talked about the question of real estate in Florida. There is no analogy between the question of a man going out and buying something that he wants, but does not have to buy, and a man being forced to pay a price for something that he has to have, as is true in regard to gasoline, kerosene, crude oil, and so forth. I am very glad the Senator brought out the question of Florida and its prosperity and the desirability of its real estate. The people are flocking there from all over the United States. I am glad to see so many come. We welcome newcomers to Florida. We are all very proud of the era of prosperity which we are enjoying in my State. The fact that a man may make some money on real estate in Florida is not indicative of the fact that he might oppress somebody or take something away from somebody that does not properly belong to him. He is giving something of value, selling something at less value than the article is really worth. He is doing the purchaser a favor.

I am reminded of a little story I heard in my State last fall which illustrates the situation pretty well. I was told by a friend of mine that he had sold a man a piece of property for $10,000. For some ten days after making the sale whenever he saw the purchaser on the street he stayed on the opposite side of the street, feeling a little conscience stricken because of the profit he had made. He said that about three weeks after he had sold the property, his purchaser sold it at a $15,000 profit, and then his friend remained upon the opposite side of the street, because he hated to face the man from whom he bought the property at $10,000, which he sold within three weeks at $25,000. That is the way the story goes in Florida. Everybody is satisfied and happy and prosperous, and thousands and tens of thousands of newcomers are casting their lot with us. I am glad the Senator brought up the subject about my State.

LEASE OF NAVAL OIL LANDS

Mr. SPENCER. Mr. President, the senior Senator from Montana [Mr. WALSH] yesterday made a somewhat extensive résumé of the reports of the majority and of the minority in connection with the hearings held by the Committee on Public Lands and Surveys concerning leases upon naval oil reserves. I can not let it pass entirely without notice.

The Senator indicated that he was making his remarks "in the interest of historical accuracy." The majority report has been filed and the minority report is also before the Senate. It would seem, if the criticisms of the majority report, which were contained in the minority report, were not well founded and it was deemed necessary to call the attention of the Senate to the matter, that it ought to have been done long before yesterday, because that minority report has been on file since the 25th day of January of this year. If the facts and inferences in the minority report were in any way mistaken it would seem as if any criticism of them or correction of them ought to have been made long ago.

I undertake to say that as long as time lasts no impartial lawyer will ever read the record of those hearings without a sense of shame at much of the unwarranted interference with private rights and the subjecting of individuals to subpœna, requiring witnesses to come thousands of miles to Washington to testify when their testimony had nothing to do with anything except the vaguest rumors which in the last analysis were admitted to be unfounded. I am content to let the case rest upon the majority and minority reports as they are before the Senate. I undertake to say there is not a single statement in the minority report that has to do with the technical and administrative facts that will not be sustained by the records which are on file in the Department of the Interior. I undertake to say there is not a statement in the minority report of opinion or inference or judgment that is not well founded in the record, though with regard to mere matters of judgment those will, of course, be differences of opinion. Much that was brought out in the majority report was excellent and much was helpful. Much of it was unwarranted. The mistakes of fact and statement in the majority report were many, and no man will ever read it without feeling a sense of shame that

much of the alleged investigation was ever entered into. There were mere rumors that had no foundation in fact, that were either sought for or plucked out of the air, to the effect that in the Republican convention which named President Harding there was some deal by which some man should be put into the Interior Department secretaryship as a price for the support of the oil interests. It was a rumor that had no foundation. It was a rumor which in the last analysis the distinguished Senator from Montana frankly admitted had no foundation, and yet it was the only basis for the expenditure of thousands of dollars of public money and the unwarranted intrusion into personal and private matters alike unwarranted in law and unprecedented except in recent times. Witnesses were brought thousands of miles who were not even examined when they appeared before the committee. One woman, the widow of a national committeeman from a semisouthern State, was brought ostensibly for the purpose of inquiring from her about something that her dead husband might have told to her or something that had to do with his bank account, about which she was presumed to have some information. And when she appeared, much heralded in the public press, as a witness before the committee and was sworn, and I objected to her testimony—and the Senator from Montana will bear me out—there was not a single question asked of her. She was summoned, her expenses paid out of the Public Treasury, and she was sent home, and that was the result of that examination.

Mr. WALSH. Mr. President, will the Senator from Missouri be good enough to advise the Senate that the lady was subpœnaed upon the request of one of the Senators who signed the minority report?

That is a fact.

Mr. SPENCER. I accept the statement of the Senator from Montana but I was not a member of the committee when it was done.

One other thing and I am through. When the committee was in session, taking thousands of pages of testimony, much of it irrelevant and hearsay, I, a new member of the committee, requested that a series of answers which the Secretary of the Navy had made in response to questions propounded by the Committee on the Public Lands of the House of Representatives, should be incorporated in the record. He was the head of the department who had to do with the very subject matter which the committee was supposed to be investigating. His answers were the statements of fact and judgment as the Secretary of the Treasury believed to be true. Objection was made. I could not understand such objection. I made the request a second time, and objection again was made, if I mistake not, the objection was by the senior Senator from Montana [Mr. WALSH] at least the first time. Of course I did not let the objection keep such valuable information out of the record. It was incorporated in full in the record. What Senator ever heard in such a hearing of any information, not necessarily sworn testimony, but as advisory and helpful to the committee as was the statement of a Cabinet member—the Secretary of the Navy—being kept out of the record? I undertake to say that nothing like such objection to such helpful matter has ever happened before in any hearing before any committee of the Senate, at least not within my experience. When a witness was on the stand I proceeded to interrogate him with regard to the questions which the Secretary of the Navy had been asked and his answers to such questions. That such statement of the Secretary of the Navy had value is evidenced by the very fact that in the extensive résumé which the Senator from Montana [Mr. WALSH] made yesterday in criticism of the minority report, he saw fit to quote at length from the very statement of the Secretary of the Navy to the introduction of which he had interposed such serious objection and for a time had kept out of the record. I confidently leave the case with regard to the leases upon the naval oil reserves to what the majority report and the minority report have presented; and I undertake to say that no impartial lawyer will ever examine and read those reports who will not find two facts to be true; first, that every statement of a technical or administrative nature contained in the minority report is supported by the records in the Department of the Interior, and second, that for every statement of inference or judgment in that minority report there is ample foundation.

NOMINATION OF CHARLES BEECHER WARREN

Mr. HEFLIN. Mr. President, the New York Times of to-day has an editorial criticizing the Senate for its vote in rejecting Mr. Warren a second time for the office of Attorney General and bitterly criticizing the President for failing to continue to insist upon his confirmation. No Republican Senator has come to the President's defense, and I feel it my duty, in justice to the truth of the situation, to defend the President to some extent against the caustic criticisms of some of his sorely disappointed friends in New York City.

Here is what the New York Times says:

The White House raised the white flag in its fight with the Senate. The President, who said last week that he would never submit or yield and who rallied the great bulk of his party and the large body of independent opinion to his support, suddenly quit the field. Last Friday he asserted positively that he was considering no other nomination than that of Mr. Warren to be Attorney General. Yesterday he sent in another nomination. In his public statement last week he declared defiantly that if the Senate again rejected Mr. Warren the President would "offer him a recess appointment." True, he did make this offer in a half-hearted way to Mr. Warren, and the latter declined it; but it was evidently understood between the two men that the President's contest with the Senate should be called off by a surrender on his part. He had virtually asked the people to stand by an essential principle of presidential responsibility and dignity, but in the pinch he failed to stand by it himself.

* * * * * * *

The Senate set out to show him who is master, and he has meekly accepted the demonstration.

* * * * * * *

Then when the surprise of the first rejection of Mr. Warren fell upon him he seems to have listened to counselors who told him that if he showed the Senate a firm front, and announced that he would put Mr. Warren in the Department of Justice at all hazards, the Senate would submit. But that "knave"—

Referring to the Senate—

refused to stand at the summons of Constable Coolidge.

* * * * * * *

The immediate injury to the President's prestige is sad enough, but the ultimate effects promise to be even more serious.

* * * * * * *

Now that he has allowed the Senate to taste blood, what presidential policies it will next set out to devour no man can foretell. The one thing certain at present is that Mr. Coolidge, having set out to maintain the authority of the Presidency, has distinctly weakened it.

Mr. President, I am only reading the parts of this exceedingly bitter editorial that I desire to have printed in the RECORD.

In the next and last statement the agents of predatory interests show how hard hit and hurt they were when the Senate refused to agree that Mr. Warren should be made Attorney General, and they angrily show their teeth to the President because he failed to do what the special interests wanted done in this regard.

Here is what it says:

But the fact can not be concealed—it ought not to be concealed from him—that he has sorely disappointed his best friends.

Well, Mr. President, if the Sugar Trust, its subsidiaries, and its subsidized newspapers are the President's best friends, he ought to thank his stars and be grateful in his heart that the Senate refused in this instance to permit "his best friends to have their way."

It is indeed fortunate for the Senate, fortunate for the President, and fortunate for the country that this matter has been determined as it has. In my judgment the President made a great mistake when he sent in the name of Mr. Warren to be the chief officer and head of our great Department of Justice. I said the other day that I did not believe he knew Mr. Warren's record when he first named him for this important position, and that if he had known it in its details he would hardly have appointed him to the important office of Attorney General. Then, after many hours consumed in the Senate by the able lawyer from Montana [Mr. WALSH] in laying bare his record before the Senate and the country, and after the able speech of the Senator from Missouri [Mr. REED], in which he laid bare additional undisputed testimony concerning Mr. Warren's connection with the Sugar Trust and his affiliation with it up to two months ago, I could not see how any Senator could conscientiously vote for his confirmation.

But, Mr. President, in spite of the fact that Mr. Warren's bad record had been laid bare before the Senate and his reprehensible conduct in forming the Sugar Trust made known, I regret to say that President Coolidge sent his name back to the Senate, and called upon certain ones on the Republican side to see to it that Warren was confirmed. The Senate then under a further discussion of Mr. Warren's record declined for the second time to confirm him, and by an increased majority.

The able majority leader on the other side [Mr. CURTIS], who managed the fight in the first place, fell short of confirmation by only one vote, but when the stand-pat new re-

crults, the freshmen of the Senate on the other side, relegated the old guard to the rear and assumed leadership themselves, with BUTLER in command, Warren was defeated by a majority of seven votes.

If the President had sent his name to the Senate one more time I believe that he would have been defeated by a vote three times as large as that cast by the Senate on the second vote.

Mr. President, it is known here in the Senate that there are Senators on the other side who voted for Mr. Warren's confirmation who did not want to vote for him. The able Senator from Michigan [Mr. COUZENS] stated in his speech the other day that there were Republicans over there who had said that they were sorry Mr. Warren's name had been sent here, and they hated to cast their votes for him.

I want the country to know the truth about this matter. So far as I am concerned, I do not intend to sit here in silence and permit certain big daily newspapers to misrepresent the Senate and to put the Senate in a false position before the American people. In declining to confirm Mr. Warren were we trying to take from the President power that belongs to him? Not at all.

The President has not surrendered any power in yielding to what the Senate did in the exercise of its constitutional right. The President has merely acknowledged that the Senate had a right to do what it did do, when it said under its oath that it could not and would not by its vote permit Mr. Warren to be Attorney General of the United States. The Senate had a solemn duty to perform and it performed it. The Constitution does not clothe the President with the power of a dictator or monarch. In the controversy that we have just settled with the President, the Constitution provides that the Senate can accept or reject the President's choice for Attorney General, and acting as the representatives of the American people, we rejected Mr. Warren. Mr. President, when the President of the United States, even reluctantly and stubbornly, acknowledges that the Senate has the absolute power and the constitutional right to accept or reject his appointees for official positions, the New York Times ought to at least say that he showed some regard for the Constitution.

I think the President made a mistake—but he is human, of course—in threatening to give Mr. Warren a recess appointment, because there ought not to be any bitter contest between the Senate and the President. We ought to cooperate and work together for the good, not of the Sugar Trust, or of the oil kings, or of the tariff barons, or of the trust magnates, but for the good of the American people and the good of our common country. That is what Senators ought to do, and that is what the President ought to do in conjunction with the Senate.

This newspaper says that when the President "ran up the white flag" at the White House he disappointed his best friends. That is a slam at the President. I want to say that the people are with the Senate in rejecting Mr. Warren. I went to Roanoke, Va., last week and spent a day there. This matter was discussed on every hand. I talked to more than 200 men on the subject, and every one of them, without a single exception, said the Senate was right and the President was wrong. I have talked to individuals around the corridors of the Capitol; I have talked to them in the hotels of the city, and I have yet to hear one man or woman tell me that the President was right and that the Senate was wrong. On the other hand, all of them complimented the Senate, and said the Senate was entitled to be congratulated.

Mr. President, some of the newspapers—and the New York Times seems to be one of them—seem to want to create the impression that the Senate is not performing its duty; they want the Senate to truckle to the big dailies, some of them subsidized, bought outright, owned by the great predatory interests of the country. They want us so to conform ourselves to their views in our conduct in this Chamber that they may compliment us and devote columns on their editorial pages to praising us. God deliver the Senate from such a day! A Senator who will court favor in such a way with any newspaper, who will so conduct himself that he may have flaming headlines about him carried around the country, is getting in wrong and is descending in the scale of being as an honest, upright, fearless Senator of this body. Something has got to be done, Mr. President—and the day is not far distant when it will be done—to curb these subsidized newspapers and the big interests outside—the Sugar Trust, the Coal Trust, the oil kings, the tariff barons, and the trust magnates—which, uniting their forces, buy up a majority of the newspapers that carry information to the country, control them absolutely, so that when a matter affecting their interests comes up in the Senate the Senators who dare to fight for the rights of the people and dare to support the Constitution under their oaths are set upon by these yelping hounds and pursued because they dare to fight them and their crooked work. Is the Senate to sit silently by and permit that to go on, and allow such newspapers to create a sentiment in the country through that kind of false propaganda and by misrepresenting Senators in this Chamber who dare to stand up and fight for what they think is right? It ought not to be.

I want to say to the Senator from Massachusetts [Mr. GILLETT], who says the Senate has descended to the lowest level and standing in its history, that I challenge that statement.

If the Senate has descended in the scale of standing and respectability, it has been by reason of those who have truckled to special interests, to predatory power; it has been in the estimation of those who spread the false propaganda and those who read it. The Senators who, unafraid, defend the rights of the people in this body, who can not be bribed or bulldozed, stand well in the estimation of every honest man and woman in the country.

Just another thought or two before I sit down.

Was the Senator from Massachusetts [Mr. BUTLER]—who seemed to have in charge the Light Brigade in the battle on day before yesterday—speaking for special interests when he championed the cause of Mr. Warren? The Senator in his speech said that Mr. Warren had had no hearing. Mr. President, it is an open secret that the Judiciary Committee sat ready to hear him. The newspapers said that he was going to ask for a hearing, and that the Judiciary Committee would hear him. But strange to say he never asked for a hearing. Why? Let him explain why. It was because of the facts disclosed in the record that he made over the years that are gone, when he gathered his millions as a result of his contact with the Sugar Trust, where deserted farms and impoverished farmers lay broken along his way; and all through the years he built up this great Sugar Trust, sat at the head of it as president for years, and only resigned in January of this year, making ready to come here, where he could sit at the head of the Department of Justice and prevent prosecutions against the Sugar Trust and all its subsidiaries.

Oh, my Republican friends, some of you stood here and clamored for a tariff on beet sugar in the interest of the beet-sugar grower; and what did you do? You said you wanted to protect the beet producer, as the Senator from Missouri [Mr. REED] described him, with his wife and children crawling down the long rows in the field on their knees and hands, pulling the weeds and grass out from among the beets that he might earn an honest living. You said you wanted to protect him, but the tariff did not protect him. You gave a tariff on sugar, put more money in the pockets of the Sugar Trust, and then turned around and sought to put at the head of the Department of Justice a man who would not permit prosecutions against those who robbed the sugar-beet producer in the open field. These are some of the fruits of your administration, and "by their fruits ye shall know them."

What else, Mr. President? The Senator from Massachusetts [Mr. BUTLER] said that Mr. Warren ought not to be rejected without having a hearing. Who prevented him from having a hearing? I opposed the confirmation of Mr. Stone. I think it was a mistake to put him on the Supreme Court bench, but I do commend him for this: When the fight on him opened up he said: "Let me go before the Judiciary Committee. I want to tell them myself about these matters"; and he did come and was heard, and I commended him for it, and thought more of him for doing it. But what did Mr. Warren do? He no doubt was told that the committee would hear him. The papers said that he was coming to be heard. A member of the Judiciary Committee told me that they were going to hear him if he wanted to be heard, but he never asked to be heard; so the Senator from Massachusetts [Mr. BUTLER], the chairman of the Republican National Committee, can not complain that he was not heard there, and he was heard here in all that he could have presented by certain Republican Senators.

There is one other thing that the Senator said that I want to touch on before I take my seat. He said that Mr. Warren ought not to be rejected through any gentlemen's agreement. I have been studying and wondering just what he meant by that. There was no gentlemen's agreement. Senators sat in this body, and I never saw them more attentive. They were listening to the developments of this case, and Mr. Warren, who was unknown to many of them, had his record laid bare, and after Senators heard it discussed they met in groups around in this body, and they said things like this: One Senator said, "I can not vote for Warren in the face of those facts." And an-

other Senator said, "No; I would stultify myself if I did. I can not comply with the oath that I took and vote to put this man at the head of the Department of Justice." That is the sort of gentlemen's understanding that was had, and that only; and I do not want the impression to go out to those who read the record of this controversy that there was any put-up job. It is not so. I heard Democratic Senators on this side, before Mr. Warren's record was discussed, men who had just heard of him casually, say: "Oh, well, I guess it is all right to confirm him." But they took a different view of the matter after his record was laid bare, and they found that he had not only helped to build up the most monstrous trust that ever had its existence in the country, but had been the head of one of its branches as president until two months ago, and that he was going to be brought in and put at the head of the Department of Justice, where the sugar-beet producers and the cane-sugar producers and the cane-sugar consumers and the beet-sugar consumers, crying out against the tyranny of the trust, would have no friendly hand at the helm, no friendly ear to hear their cry, and no friendly disposition and determination to enforce the law, to prosecute the trust, and to do that which was best for the people throughout the country.

Mr. President, those newspapers that expect to see this Chamber made a counting room or a clearing house for tradesmen are going to be disappointed. There always will be Senators here who will dare stand by what they believe is right and who, even at the risk of being criticized by subsidized newspapers, will speak for the public weal and the good name of our Government.

Mr. President, in connection with my remarks I ask permission to insert in the RECORD an editorial from the Washington Herald of to-day entitled "No room for autocracy in the United States."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO ROOM FOR AUTOCRACY IN THE UNITED STATES

Nothing is more dangerous to this Republic than the undue concentration of power in the hands of the Executive. This is a truth to be remembered in judging the controversy between President and Senate over the appointment of Charles B. Warren to be Attorney General of the United States.

Mr. Coolidge was elected President by a gratifying majority. But he was elected President and not dictator. He was chosen to cooperate with the two other coordinate branches of the United States Government, not to invade their rights or nullify their powers. That is what the Constitution requires, and Mr. Coolidge is bound to exercise his Executive functions under the Constitution, not in defiance of it.

There is a widespread idea that the Cabinet is the President's personal affair; that the Senate's constitutional right of advice and consent regarding Cabinet appointments is a mere formality; that for some vague reason Cabinet members are members of the President's official family with which Congress has no call to meddle.

Many gentlemen in Washington seem to have this idea. Perhaps even the President has it. But the idea is false.

The members of the President's Cabinet are heads of Government departments. Their salaries and official duties are fixed by the laws of Congress. Their departments were created by Congress, are administered according to the laws of Congress, get the money that operates them from Congress, and could not function at all unless sustained and supported by Congress.

How then can anybody contend, under the Constitution, that the appointment of an Attorney General, chief of the Department of Justice, is a matter which does not vitally concern Congress, that it is some sort of family affair in which the President's wishes are alone to be consulted, that in some way it is only by courtesy that the President submits the name of this candidate for the Cabinet to the Senate for its advice and consent?

"When our fathers created this Government," said Senator REED of Missouri, in the debate on the Warren appointment, "when our fathers established this Government, they did not set up a one-man government, they created a government of checks, of safeguards, and of balances of power.

"They gave to the Executive only a few limited powers * * *.

"They gave him the power to appoint certain officers, but in every instance, unless Congress waives its rights, he must make these appointments by and with the advice and consent of the Senate.

"It was not intended that we should waive that right. We have no more business to waive our sworn duty, to advise properly and honestly—for that is what our oath means—on an appointment than the President has the right to waive the responsibility of his appointment. The Senators need not consent if they do not wish to consent."

Is the Senate, then, within its constitutional rights when it views the nomination of Mr. Warren as a proposal from the White House which the Senators are free to accept or reject? Senator REED has answered the question.

If anyone doubts the correctness of his answer, let him turn to the Constitution itself. He will be convinced.

This North American Republic has the oldest written Constitution in the world. It is a constitutional republic in every sense of the words. When it ceases to be that, it will cease to be a republic.

From the gentlemen who rule this Nation just now there come constant protests against the machinations of those who would pervert or subvert the Constitution. They should, therefore, above all other men, be careful themselves to set the example of respect and loyalty toward that majestic charter of liberty and authority—to give the example, not by lip service only, but by their daily acts in the discharge of their official duties.

If we are to make and keep the United States safe for democracy, we must preserve for the Nation's Congress its rights under the Constitution—preserve these rights unaltered, unabated, and let no taint of autocracy corrupt their powers.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

STATEMENT OF APPROPRIATIONS

Mr. McKELLAR. Mr. President, on yesterday, when we were discussing the recommendations of the Budget Bureau, I did not have before me the figures which I now have.

The Budget was created in 1922 and functioned for that fiscal year. For that year the Budget recommended expenditures by the Government in excess of what Congress actually appropriated to the extent of $312,361,792.27.

For the fiscal year 1923 the Budget recommended over what was appropriated by the Congress $10,741,504.15.

For the fiscal year 1924 the Budget recommended expenditures in excess of what Congress actually appropriated to the extent of $12,111,246.92.

For the fiscal year 1925 the Budget recommended expenditures in excess of those actually appropriated for by Congress to the extent of $11,125,847.08.

That makes a total, during the history of the Budget, of $346,340,390.42 in excess of what the Congresses appropriated. Yet we are confronted every day with advertisements, propaganda going out, stating how much the Budget is saving to the people of the country, when by a simple calculation it can be seen that for the four years the Budget has recommended an average annual expenditure of $86,585,097.60 more than the Congresses have appropriated.

I say again that the Budget as now conducted costs the American people enormous sums of money.

INHERITANCE TAX

Mr. FLETCHER. Mr. President, I want to put into the RECORD an article and to say just a word with reference to the inheritance tax.

While I have not here the President's recent address on that subject, and regret I can not give his words, he made it clear that he is opposed to the imposition of an inheritance tax by the Federal Government, and I quite agree with him. I do not think that the income-tax amendment to the Federal Constitution ever contemplated the levying by the Government of an inheritance tax. It is doubtful if such a tax is authorized by the Constitution, in my opinion. If such a tax is to be imposed, it should be imposed by the States, because it is not a tax on the property but a tax upon the right to receive and the right to transmit property; and that depends upon State laws.

In a recent article entitled "The confiscatory inheritance tax," by Mr. Dan Nelson, which appeared in the Saturday Evening Post of January 3, 1925, he makes this statement:

Thirty-four States now tax nonresident holders of stocks of companies incorporated under their laws; 8 tax the transfer of stocks of companies owning property within their limits; and 11 tax the transfer of stocks of companies which merely operate within the State. Likewise bonds of companies incorporated under their laws are taxable by 17 States, and 4 States tax the transfer of bonds of companies which merely own property or operate within their borders. Twelve States tax the nonresident holders of bonds issued by their own municipalities. In addition, holders of securities of companies incorporated in more than one State may be taxed by each State on the full value of such securities.

These are some of the consequences resulting from imposing an inheritance tax and of existing practices.

Florida recently adopted a constitutional amendment which provides that neither the State nor any authority of the State shall have the power to impose an income or inheritance tax.

In discussing that amendment lately Judge John W. Dodge, a distinguished lawyer of Jacksonville, made an address there referring to that amendment of the Florida constitution, its purposes and the reasons for it, and the legal effect, in some respects, of the amendment, and I ask to have inserted in the RECORD what he said in that regard.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, it is so ordered.

The address is as follows:

[From the Florida Times-Union, January 23, 1925]

TAX AMENDMENT IS PROGRESSIVE STEP, SAYS DODGE—ACTION OF FLORIDA PROHIBITING LEVYING OF TAXES ON INHERITANCES AND INCOMES GREAT THING FOR STATE, DECLARES ATTORNEY

The greatest single step of progress and advancement ever taken by Florida is embraced in the words "No tax upon the inheritances or upon the incomes of residents or citizens of this State shall be levied by the State of Florida, or under its authority," contained in Article IX, Section II, of the State constitution.

This belief was expressed by John W. Dodge in an address upon the advantages of the constitutional amendment delivered yesterday afternoon before the members of the Jacksonville Real Estate Board at its weekly luncheon in the Hotel Mason.

FLORIDA LEADING

"Florida is leading with the wheel of progress," he continued. "It does not need or require such taxes. It agrees not to allow any such taxes to be levied by it or by anyone under its authority.

"We have low taxes now, but we will, with increase of population and sound development, so justly and proportionately distribute our taxes as to be able to secure still lower taxes. Climate, locality, and resources cooperating with the friendly hand of 'less taxes' which we extend to others, will be, and is now, the realization of health, happiness, prosperity, and an abundant life to all who are able to join us in this State of no tax upon inheritances or upon income.

"'Live with us and forget,' 'Confiscatory inheritance and income taxes,' so clearly pictured in the Saturday Evening Post of January 3, 1925, is my parting word for you to convey to others. You and others can spread the joyful message to others elsewhere who are burdened with such taxes. The Almighty has so abundantly blessed us that Florida can and does forego any taxes upon inheritance or upon income of residents or citizens of Florida." The text of Mr. Dodge's speech follows in full:

"Mr. President and gentlemen, five years ago, during the World War, we were making four-minute talks, as four-minute men, to raise money and to raise taxes, in order to get the necessaries to 'carry on,' and to destroy life and property, in order to make the world 'safe for democracy.' To-day I am honored in being allowed to make a ten-minute talk to save money and to save taxes, to help sell Florida, its health-giving and sustaining climate, natural resources, and boundless wealth, in order to preserve the life and make happy the future of the world 'safe for posterity.' What a contrast in five years! We were at war; now we are at peace. We were destroying, now we are preserving health and wealth, property and prosperity, love and life. Florida to-day is inviting the world to come to her shores, bathed with the warm waves of the Atlantic and Gulf for a thousand miles and more—to come to her sun-kissed skies, her silvery shining shores and lakes, which are beautiful, radiant, and sparkling with health and happiness and life—to come and make here husbandry and homes, with both might and money, and without any destroying toil or confiscatory taxes—to come to the leading State of all States, because we are now at the head of the United States in economic, industrial, and other progress, with a fairer and brighter future before us. The United States is leading the world along the same pathway. We are, therefore, leading the world. The taxes of all the nations are increasing. Florida is waiving taxing powers while others are seeking new and onerous schemes of taxation. Florida has only begun to grow and we have such a solid foundation upon which to build that our temple for man will be safe, commodious and high, reaching the highest pinnacle of earthly prosperity.

"The greatest single step in progress and advancement which Florida has ever taken is embraced in these words, now made a part of our State constitution, and of the basic law of this land of sunshine, health, and life, namely, 'Article IX, section 11. No tax upon inheritances or upon the income of residents or citizens of this State shall be levied by the State of Florida or under its authority.'"

NO SUCH TAXES NEEDED

Why was it the people of Florida could dare to write, in her constitution, this waiver and release of millions of dollars in taxes, relieving the present and future generations of such a burden and charge now, or hereafter to be, imposed? It was an unknown thing for any people to agree to waive a taxing power until Florida set the example. We could not afford to do it unless we were both financially and materially so sound that we do not and will not need to resort to such taxes. We have no State bonded indebtedness held by the outside world of financial or other interests. Our own State educational department is able to absorb our small State indebtedness, an investment worth its weight in gold.

Our lands are not to-day, have never been, burdened with high taxes. We have with us untold valuations in land and other property amounting to millions, only waiting for further population, capital, and development, which will give us immeasurable State wealth, thus assuring everyone of low taxes hereafter. Few States or governments could have afforded to do as we have, because they had not such tremendous existing natural wealth nor the future promise thereof. We have said, "No State tax on inheritance or upon income." We could afford to do so. We have written this waiver and release in the most solemn and binding form a government of people can write it in our constitution; and under the Constitution of the United States the contract we have made can not be impaired in the future as to anyone who now accepts this waiver and acts upon it, whether such person be a natural or artificial person, such as a Florida corporation. Our future prosperity, by reason of climate, location, and citizenship, representing the best from all parts of the United States, is already known to us. With increasing health and strength to all who live here, with youth and manhood virile and strong, and ability and opportunity to produce 12 months every year, old age comes with richest blessings in Florida, and with no tax thereafter on our life income or accumulations, Florida does not and will not need such taxes.

NO TAX DEFINED

Taxes are of various kinds. We have said "No tax," and that is what we mean. Any burden or charge, no matter what its form, which a State imposes, with a view to raising a revenue, whether called a tax or called by some other name, the courts hold is a tax. To raise revenue in any manner, directly or indirectly, by placing a burden or charge upon what is an inheritance or income would violate our constitutional waiver of taxes. The waiver is extremely broad and it excludes all and every tax which is now or may hereafter be known in any form or character as a tax upon inheritances or upon income. Whatever is a tax is forbidden to be levied. The word tax is generic. The whole genus of such tax is excluded.

INHERITANCES

We first agree there will be no tax on what? "No tax upon inheritances." This is much broader than saying there will be "no inheritance tax." An inheritance tax varies in each State or Government. It is sometimes hard to define what is and what is not embraced in an inheritance tax, but we have no difficulty in knowing what is excluded when we say "No tax upon inheritances" shall be levied. Laws which have been sustained as to inheritance taxes are based on two principles: 1. An inheritance tax is not on property, but on the receipt or transmission of property. 2. The right to tax or receive or transmit is not based on Federal law. Only the States may impose conditions thereon. From these principles it is deduced the State may tax the privilege. (Magoun *v.* Illinois, etc., 170 U. S. Supreme Court, p. 228.) The tax is not upon the property, rem, but upon the succession or right to take property, real, personal, or mixed. This amendment applies to both persons and corporations, as owners or beneficiaries, by deed, descent, or testamentary or other mode, dependent upon the death of a person. It prohibits any death duty, no matter in what form of a law.

It is possible that the Supreme Court of Florida might hold that this amendment as to corporations applies only to a domestic or Florida corporation in view of the decision of the Illinois courts, affirmed by the United States Supreme Court, in the case of Board *v.* Illinois (203 U. S. 553). It is safer, therefore, to take and hold all kinds of property in a Florida corporation if the stockholders want to be sure to secure the benefit of this amendment and do not become residents and citizens of Florida. The stock held in such a Florida corporation, or the bonds of mortgages thereof, could not be taxed, particularly if left in deposit, having their situs in Florida, upon the death of the owner, whether transferred by deed to take effect upon the death of a person or by will or descent. This applies to debts due by or to Florida citizens or Florida corporations. (See Keeny *v.* U. S., 222 U. S. 525; Blackstone *v.* Miller, 189 U. S. 180; New Orleans *v.* Semple, 175 U. S. 309.) The amendment is probably broad enough to cover the situs of property, regardless of the domicile of the owner (decedent) or devisee, legatee, or beneficiaries, as to a tax in inheritances. Without doubt residents or citizens of Florida and Florida corporations are exempted from any tax by Florida on inheritances, whether they take property coming to them either under the laws of some other State or country. Even transfer laws as to stock in a corporation as a death duty are waived.

The devising, descent, succession, disposition of immovable property, such as land, is exclusively subject to the State government

where the land is situated. The Federal Government has no power to legislate as to the title or modes of disposition of land within the State (except its own public land) whether inter vivos or testamentary, or by deed, descent, or other mode. For that reason a devise by a man in New York to the United States Government was held void because the New York State law did not permit the same. United States *v.* Fox (94 U. S. 315). In Florida land can be devised to or conveyed to aliens, residents or nonresidents, to corporations under the laws of Florida, and to all residents and citizens of Florida, without conditions. The State may try to legislate as against foreign corporations and apply such a tax. Without question, then, "no tax upon inheritances of residents and citizens of Florida" is guaranteed by this amendment to our constitution. It may be that even nonresidents and aliens are protected, because the wording is, "No tax upon inheritances or upon the income of residents or citizens of this State shall be levied." The words "of residents or citizens of this State" may, or may not, be held by the courts to modify the word "inheritances"; they do modify and limit the word "income." We have, possibly, gone so far as to say to the world, "We will levy no tax upon inheritances," no matter whether the owner of land is a resident or nonresident, a citizen or an alien. You can see the all-extending and comprehensive provision we have made for anyone who wants to own land in Florida, or stock in a land corporation formed under the laws of Florida, or bonds or mortgages secured by Florida lands. We undoubtedly waive all tax on the inheritances of any kind of property located in Florida, owned or acquired by residents or citizens of Florida.

So, as to income, we waive not all "income taxes," but we waive the power to levy any "tax upon income of residents or citizens of this State." An income tax is defined as "a tax on the yearly profits arising from property, professions, trades, and offices." Our waiver is broad enough to cover "any tax on income," whether it is profits or what not; it covers all that comes in, whatever comes in, not that which comes in less what goes out; it waives net income, also gross income. It is doubtful if a tax can be levied, a burden or charge made, to raise revenue, based upon any classification of income, of what a person or corporation receives, no matter what the amount or value, whether a profit or not. There are many taxes based upon income but they are not "income taxes." We have waived all taxes "upon the income of residents or citizens of Florida," including, possibly, all such excise taxes as are or might be based on income.

WHO WAIVES TAXES?

One more feature is deserving of attention. The waiver is, "No tax shall be levied by the State of Florida or under its authority." The people outside of Florida are being burdened with taxes by the State, by counties, by districts, by boards, by municipalities. We have not only forbidden the Legislature of Florida to levy any such tax as described above, but we have forbidden all other authorities of this State or those acting "under its authority." An absolute prohibition to all Florida governmental agencies to levy any such tax is our contract with the world. There is no joker left in such words. Our renunciation of such taxes is absolute and complete and all inclusive.

TWO PRACTICAL RESULTS

Inheritances. No tax upon a taking or passing of any kind of property situated in Florida. This State will allow the original capital investment, its increase in value for a day or years to come, whether it amounts to thousands or millions to pass without a tax in any form to whoever the owner so desires shall have succession or take all such property. Such property will pass to heirs, devisees, or cestui que trust, all beneficiaries, without any tax upon the inheritance, if they or the owner are residents or citizens of Florida, without any question.

Income. No tax upon income of residents or citizens in this State. Whatever capital, profits, or income of any kind is received will never be taxed as an income. You may buy land for $50,000 which increases in value to $1,000,000, and there is no tax in Florida on your profit of $950,000, as an income, either while you live, or when you die and pass it on to others. Your $50,000 corporation organized in Florida may have an income, whether it is merely income or profits, without tax thereon.

Florida is leading with the wheel of progress. It does not need, nor require, such taxes. It agrees not to allow any such taxes to be levied by it or by anyone under its authority. We have low taxes now, but we will with increase of population and sound development so justly and proportionately distribute our taxes as to be able to secure still lower taxes. Climate, locality, and resources, cooperating with the friendly hand of less taxes which we extend to others, will be, and is now, the realization of health, happiness, prosperity, and an abundant life to all who are able to join us in this State of no tax upon inheritances or upon incomes.

"Live with us and forget confiscatory inheritance and income taxes," so clearly pictured in the Saturday Evening Post of January 3, 1925, is my parting word for you to convey to others. You and others can spread the joyful message to others elsewhere who are now burdened with such taxes. The Almighty has so abundantly blessed us that Florida can and does forego any taxes upon inheritance or income of residents or citizens of Florida.

Mr. McNARY obtained the floor.

Mr. NORRIS. Mr. President, will the Senator from Oregon yield to me for a moment?

Mr. McNARY. Certainly.

Mr. NORRIS. I would not ask the Senator from Oregon to indulge my interruption if it had not been for the interruption made by the Senator from Florida [Mr. FLETCHER]. I hope the Senator, therefore, will let me put in the RECORD some documents on the other side of the question. I want to preface my request by just a brief remark.

I do not want to have the statement of the Senator from Florida [Mr. FLETCHER] go unchallenged, for fear it might be judged that no one in the Senate was in favor of a Federal inheritance tax. I believe an inheritance tax or an estate tax is the easiest tax administered, the least burdensome tax ever devised by the mind of man, the fairest, the least expensive to administer, and one that will bring what it does bring into the Treasury with less hardship on the part of the citizens who have to pay it. President Coolidge recently, as the Senator from Florida said, delivered an address in which he practically said that those who favor an inheritance tax are socialists, and that it is a socialistic idea. If it is socialistic for the Federal Government, it must be socialistic for the State. It is not, in my judgment, the duty of the Federal Government to give up its acknowledged right to levy an inheritance tax or estate tax in favor of the States, because if it is done only by the States, men of great capital will move from one State to another and the States will be driven, as Florida has already been, to pass laws inducing people with immense fortunes to come to their State.

I am not going into any detailed discussion, because I had not expected to mention the subject at all. I supposed it would come up at the next session of Congress, when the President would undoubtedly officially recommend to us that we repeal the estate tax we now have. I want to content myself now by asking unanimous consent to place in the RECORD a news item printed in the Nebraska State Journal giving an account of the recent speech of President Coolidge, referred to by the Senator from Florida, an editorial on the subject from the same paper, an extract on the question of inheritance taxes from a speech of President Roosevelt, made while he was President, at the laying of the cornerstone of the House Office Building, and also extracts from two or three official messages of President Roosevelt recommending to Congress the passage of a Federal inheritance tax law.

I only want to say that if those of us who believe in an inheritance tax are socialists because of that belief, we will have some of the most noted minds, noted statesmen, economists, and writers of the civilized world that will head the list, and among the number will be the late President Roosevelt, whose followers on that particular line are now to be denominated as socialists. I do not have with me the documents to which I have referred. They are at my office, but if permission is granted to insert them in the RECORD, I will get them and have them delivered to the Official Reporters so they may be inserted in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Nebraska State Journal, February 21, 1925]

COOLIDGE ON INHERITANCE TAX

STEP TOWARD SOCIALISM—PRESIDENT SAYS INHERITANCE TAX IN SOME CASES AMOUNTS TO CONFISCATION

WASHINGTON, February 10.—Declaring that in some instances the Federal inheritance tax, when added to similar State levies, amounts to virtual confiscation, President Coolidge, in an address to-day opening the national inheritance and estate tax conference, urged the gradual retirement by the Government from this field of taxation.

Representative GREEN of Iowa, chairman of the House Ways and Means Committee, addressing a night session of the conference, which was called by the National Tax Association, took an opposite view, asserting that without a Federal inheritance tax, similar taxes imposed by the States would inevitably fail.

"If we are to adopt socialism," Mr. Coolidge said in his address, "it should be presented to the people of this country as socialism and not under the guise of a law to collect revenue."

He added that there was competition between the States to reach, through the inheritance tax, not only the property of its own citizens, but that of citizens of other States.

Greater economy in the collection of revenues also was recommended by the President.

INHERITANCE TAXES

The wealth of the United States is estimated at upward of $300,000,000,000. At an average interest rate of 5 per cent this would imply an income for the owners from interest alone of about $15,000,000,000. If this wealth were evenly divided among 3,000,000 families, each would have an income without productive work of $5,000 a year.

This would mean that about 15,000,000 of the hundred-odd millions of people in the United States could live without producing. For the use of the lands and machinery owned by but not produced by the 15 per cent the 85 per cent would support the 15 per cent and their heirs forever.

This exact situation could not arise, of course, but the substance of it could and does. A system of unobstructed inheritances, coupled with the modern tendency to centralization of ownership of wealth, develops and perpetuates a class absolved from self-supporting labor. This means a hereditary economic and social aristocracy as definitely in America as has been the case in feudal Europe.

Instinctive opposition to such a system in a country pledged to democracy and to equality of duty and opportunity accounts for the present tendency toward rather drastic inheritance taxes. President Coolidge, looking at the economic rather than the social and political aspects of the case, decries the tendency. He considers it socialistic. He wants the Federal Government to cease taxing inheritances at all.

The country at large, thinking of the political and social desirability of well distributed wealth, will in the long run disagree with the President. It is even a question whether taxing inheritances is as socialistic in ultimate effect as not taxing them. Anything that encourages concentration of wealth and perpetuation of economic privilege hastens the day of socialism. The passing of economic power into a few hands is regarded by all socialists as a necessary preliminary of the establishment of socialism. Wide distribution of wealth, on the other hand, is an insuperable barrier to socialism. The inheritance tax, touching the small fortune but lightly and the overgrown fortune heavily, is calculated to maintain such a wide distribution of the Nation's wealth as to insure the permanency of the institution of private property.

ROOSEVELT ON INHERITANCE TAX

[Roosevelt's letter to Senator Lodge—from Washington Herald, January 22, 1925]

As you know, I believe we should have a Federal inheritance tax, aimed only at the very large fortunes, which can not be adequately reached by State inheritance taxes, if they are sufficiently high and the graduation sufficiently marked. Offhand, it would seem to me that a tax on the net receipts of corporations would be the best way out of the income-tax business.

[Letter to Senator Lodge, printed in Washington Herald January 23, 1925]

A heavily progressive inheritance tax—national (and heavy) only on really great fortunes going to single individuals—would be far preferable to a national income tax. But whether we can persuade the people to adopt this view I don't know.

[From the address of President Roosevelt at the laying of the corner stone of the office building of the House of Representatives, April 14, 1906]

It is important to this people to grapple with the problems connected with the amassing of enormous fortunes, and the use of those fortunes, both corporate and individual, in business. We should discriminate in the sharpest way between fortunes well won and fortunes ill won; between those gained as an incident to performing great services to the community as a whole, and those gained in evil fashion by keeping just within the limits of mere law honesty. Of course, no amount of charity in spending such fortunes in any way compensates for misconduct in making them. As a matter of personal conviction and without pretending to discuss the details or formulate the system, I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes, beyond a certain amount, either given in life or devised or bequeathed upon death to any individual—a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand on more than a certain amount to any one individual; the tax, of course, to be imposed by the National and not the State government. Such taxation should, of course, be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.

[From the annual message of President Roosevelt to the Senate and House of Representatives, dated December 3, 1906]

The question of taxation is difficult in any country, but it is especially difficult in ours with its Federal system of government. Some taxes should on every ground be levied in a small district for use in that district. Thus the taxation of real estate is peculiarly one for the immediate locality in which the real estate is found. Again, there is no more legitimate tax for any State than a tax on the franchises conferred by that State upon street railroads and similar corporations which operate wholly within the State boundaries, sometimes in one and sometimes in several municipalities or other minor divisions of the State. But there are many kinds of taxes which can only be levied by the General Government so as to produce the best results, because, among other reasons, the attempt to impose them in one particular State too often results merely in driving the corporation or individual affected to some other locality or other State. The National Government has long derived its chief revenue from a tariff on imports and from an internal or excise tax. In addition to these there is every reason why, when next our system of taxation is revised, the National Government should impose a graduated inheritance tax, and, if possible, a graduated income tax.

The man of great wealth owes a peculiar obligation to the State, because he derives special advantages from the mere existence of government. Not only should he recognize this obligation in the way he leads his daily life and in the way he earns and spends his money, but it should also be recognized by the way in which he pays for the protection the State gives him. On the one hand it is desirable that he should assume his full and proper share of the burden of taxation; on the other hand it is quite as necessary that in this kind of taxation, where the men who vote the tax pay but little of it, there should be clear recognition of the danger of inaugurating any such system save in a spirit of entire justice and moderation. Whenever we as a people undertake to remodel our taxation system along the lines suggested we must make it clear beyond peradventure that our aim is to distribute the burden of supporting the Government more equitably than at present; that we intend to treat rich man and poor man on a basis of absolute equality; and that we regard it as equally fatal to true democracy to do or permit injustice to the one as to do or permit injustice to the other.

I am well aware that such a subject as this needs long and careful study in order that the people may become familiar with what is proposed to be done, may clearly see the necessity of proceeding with wisdom and self-restraint, and may make up their minds just how far they are willing to go in the matter, while only trained legislators can work out the project in necessary detail. But I feel that in the near future our national legislators should enact a law providing for a graduated inheritance tax by which a steadily increasing rate of duty should be put upon all moneys or other valuables coming by gift, bequest, or devise to any individual or corporation. It may be well to make the tax heavy in proportion as the individual benefited is remote of kin. In any event, in my judgment, the pro rata of the tax should increase very heavily with the increase of the amount left to any one individual after a certain point has been reached. It is most desirable to encourage thrift and ambition, and a potent source of thrift and ambition is the desire on the part of the breadwinner to leave his children well off. This object can be attained by making the tax very small on moderate amounts of property left, because the prime object should be to put a constantly increasing burden on the inheritance of those swollen fortunes which it is certainly of no benefit to this country to perpetuate.

There can be no question of the ethical propriety of the Government thus determining the conditions upon which any gift or inheritance should be received. Exactly how far the inheritance tax would, as an incident, have the effect of limiting the transmission by devise or gift of the enormous fortunes in question it is not necessary at present to discuss. It is wise that progress in this direction should be gradual. At first a permanent national inheritance tax, while it might be more substantial than any such tax has hitherto been, need not approximate, either in amount or in the extent of the increase by graduation, to what such a tax should ultimately be.

This species of tax has again and again been imposed, although only temporarily, by the National Government. It was first imposed by the act of July 6, 1797, when the makers of the Constitution were alive and at the head of affairs. It was a graduated tax; though small in amount, the rate was increased with the amount left to any individual, exceptions being made in the case of certain close kin. A similar tax was again imposed by the act of July 1, 1862, a minimum sum of $1,000 in personal property being excepted from taxation, the tax then becoming progressive according to the remoteness of kin. The war revenue act of June 13, 1898, provided for an inheritance tax on any sum exceeding the value of $10,000, the rate of the tax increasing both in accordance with the amounts left and in accordance with the legatee's remoteness of kin. The Supreme Court has held that the succession tax imposed at the time of the Civil War was not a direct tax but

an impost or excise which was both constitutional and valid. More recently the court, in an opinion delivered by Mr. Justice White, which contained an exceedingly able and elaborate discussion of the powers of the Congress to impose death duties, sustained the constitutionality of the inheritance-tax feature of the war revenue act of 1898.

[From the annual message of President Roosevelt to the Senate and House of Representatives dated December 3, 1907]

When our tax laws are revised the question of an income tax and an inheritance tax should receive the careful attention of our legislators. In my judgment both of these taxes should be part of our system of Federal taxation. I speak diffidently about the income tax because one scheme for an income tax was declared unconstitutional by the Supreme Court; while in addition it is a difficult tax to administer in its practical working, and great care would have to be exercised to see that it was not evaded by the very men whom it was most desirable to have taxed, for if so evaded it would, of course, be worse than no tax at all; as the least desirable of all taxes is the tax which bears heavily upon the honest as compared with the dishonest man. Nevertheless, a graduated income tax of the proper type would be a desirable feature of Federal taxation, and it is to be hoped that one may be devised which the Supreme Court will declare constitutional. The inheritance tax, however, is both a far better method of taxation, and far more important for the purpose of having the fortunes of the country bear in proportion to their increase in size a corresponding increase and burden of taxation. The Government has the absolute right to decide as to the terms upon which a man shall receive a bequest or devise from another, and this point in the devolution of property is especially appropriate for the imposition of a tax. Laws imposing such taxes have repeatedly been placed upon the national statute books and as repeatedly declared constitutional by the courts; and these laws contained the progressive principle; that is, after a certain amount is reached the bequest or gift, in life or death, is increasingly burdened and the rate of taxation is increased in proportion to the remoteness of blood of the man receiving the bequest. These principles are recognized already in the leading civilized nations of the world. In Great Britain all the estates worth $5,000 or less are practically exempt from death duties, while the increase is such that when an estate exceeds five millions of dollars in value and passes to a distant kinsman or stranger in blood the Government receives all told an amount equivalent to nearly a fifth of the whole estate. In France so much of an inheritance as exceeds $10,000,000 pays over a fifth to the State if it passes to a distant relative. The German law is especially interesting to us because it makes the inheritance tax an imperial measure, while allotting to the individual States of the Empire a portion of the proceeds and permitting them to impose taxes in addition to those imposed by the Imperial Government. Small inheritances are exempt, but the tax is so sharply progressive that when the inheritance is still not very large, provided it is not an agricultural or a forest land, it is taxed at the rate of 25 per cent if it goes to distant relatives. There is no reason why in the United States the National Government should not impose inheritance taxes in addition to those imposed by the States, and when we last had an inheritance tax about one-half of the States levied such taxes concurrently with the National Government, making a combined maximum rate, in some cases as high as 25 per cent. The French law has one feature which is to be heartily commended. The progressive principle is so applied that each higher rate is imposed only on the excess above the amount subject to the next lower rate; so that each increase of rate will apply only to a certain amount above a certain maximum. The tax should, if possible, be made to bear more heavily upon those residing without the country than within it. A heavy progressive tax upon a very large fortune is in no way such a tax upon thrift or industry as a like tax would be on a small fortune. No advantage comes either to the country as a whole or to the individuals inheriting the money by permitting the transmission in their entirety of the enormous fortunes which would be affected by such a tax; and as an incident to its function of revenue raising, such a tax would help to preserve a measurable equality of opportunity for the people of the generations growing to manhood.

Mr. FLETCHER. Mr. President, I regret that we can not go into the subject now.

Mr. NORRIS. So do I.

Mr. FLETCHER. But there will be opportunity to discuss it later, and we will be prepared to discuss it more fully at that time. However, I wish to correct the statement of the Senator from Nebraska to the effect that Florida was driven to any such position as she has taken. It was purely voluntary on the part of Florida. We have no bonded debt and are not hungry for taxes. The attitude taken with reference to the amendment was not one forced upon us.

Mr. NORRIS. I apologize to the State of Florida for saying "driven" and will say that she did it of her own accord. That is much more to her discredit, in my opinion.

RECLAMATION

Mr. McNARY. Mr. President, I desire briefly to discuss the subject of reclamation. The rapid expansion of the human family compels an ever-increasing interest in the subject of reclamation of the earth's waste, swamp, and barren areas. We of the West are primarily interested in reclamation by irrigation, and, in a lesser way, reclamation by drainage, and reclamation by the removal of stumps on cut-over lands; but, whatever the method employed, there are certain fundamental principles which must be understood and obeyed if reclamation is to succeed. To be sure the practice of reclamation is comparatively a new one to the American people. It was in the year 1902 that the Federal Government began its reclamation activities. So we have had but 23 years of experience. The reason of the delay in entering this field of development is plain. We to-day are living in the twilight of a great migration of the white race, which movement began in prehistoric times, probably in some unknown spot in Asia, thence moving westward, peopling Europe, then crossing the Atlantic and settling New England and steadily moving westward until the great Pacific country was settled.

During the onward march across the American Continent thrifty pioners absorbed practically all of the ready assimilable public lands. When the realization broke upon the homesteader seeking virgin land that all the ready-to-plow land had fallen into private ownership, demand was made upon Congress to make available for settlement arid areas in the Intermountain and Pacific Coast States.

Congress acted by passing the present reclamation act, which has added to the cultivated area of our country about 1,200,000 acres of land embraced within 28 distinct irrigation projects, while water has been supplied by the Federal Government for nearly 1,000,000 additional acres. This splendid undertaking has involved the expenditure of $145,000,000, a sum of money accruing from natural resources located within the States wherein reclamation is practiced. As a result of this expenditure, property values of a total of $600,000,000 has been created. That this scheme of empire building has not been a failure is attested by the fact that of the sum of money expended nearly $16,000,000 has been returned to the reclamation fund in the form of repayments on construction charges.

Mr. President, this favorable condition was made possible only by some modification of the original reclamation act, which required the settler to pay his debt in 10 annual installments, the theory being that the fund should revolve every 10 years and thus become a self-renewing investment. Experience, however, demonstrated this period of repayment was too short and the time was lengthened to 20 annual payments.

This corrective might have been sufficient in most cases for the settler to meet his obligation to the Government had not farming on the reclaimed areas suffered depression in the year 1920 and subsequent years, as agriculture has generally throughout the country. Since this time the average settler has been compelled to market his commodities at prices below the cost of production. Despite hard work and efficient management, hundreds of these farmers had to borrow money to the limit of their credit to meet losses in operation. High freight rates in some cases, where bulky and perishable commodities are involved, are prohibitive, and high prices of commodities the farmer consumes and the excessive and extravagant gap between what the settler receives for his products and what the consumers pay have placed the producers on many of the projects at a serious and special disadvantage. Indeed, conditions are so genuinely serious that a constructive and legislative mind must devise a plan and fashion legislation calculated to bring relief to the dwellers on our reclaimed lands and to prevent, if humanly possible, a repetition of the preventable errors of judgment in the development of future projects. The causes of failure must be eliminated. New plans found in the outline of experience must be adopted.

In the future the estimate of construction charges must be based upon the irrigable area rather than upon the total acreage included within a project, thereby actually advising the settler of the exact amount of his liability. Heretofore too many rough estimates have been made, with the result that construction charges in some instances are far in excess of estimates upon which the water user felt he had a right to rely. On practically every one of the Federal projects construction costs are considerably larger than the original estimates. This unfortunate situation is the cause of the con-

stant attack upon the Reclamation Service, and has bred discontent among the water users. In many instances large areas of land have been included in the project irrespective of its irrigability, and used as a foundation for a basis of cost per acre, whereas, in fact, but a portion of the land was found to be productive, and the producers are compelled to carry the load charged against the unproductive land, with the result that many settlers find before them an insuperable obstacle. In my opinion some action must be taken by Congress authorizing a reduction of construction charges in cases of this kind.

Greater care must be taken by the Reclamation Service in determining the productive power of the soil, and what crops can be grown and marketed at a profit. Certain soils may produce a big yield, but there may be no market for this crop; or, the freight haul may absorb all the profits. Therefore it is essential that an economic survey be made so that the farmers will know what crops can be produced. Information of this kind must be supplied so that these farmers can sell their products at a market that will net them the greatest cash income.

The human side of the problem has not been sufficiently considered. In the future the ability of the water user to utilize his holdings must be considered with great care, his adaptability to irrigated farming, his capacity for work, his experience, and demonstrated ability to manage. Heretofore the problem was thought to rest largely upon the trained engineers to construct huge reservoirs and conduct the water to the lands. The personal equation was not considered of great importance, but experience has taught us that it is a determinable factor. It may be that the Government must provide credit to those who can not command it—such advanced sums to be repaid on the amortization plan along with the reclamation charge. Colonization must be practiced, and it can be practiced by cooperation with agricultural colleges and commercial and civic organizations.

Land settlement means more than the mere selling of a piece of land. It means putting the settler on the land in a manner that will assure success to the settler and the repayment of all charges assessed against the land. Assistance in the building of homes, out-buildings, schoolhouses, and improvement of roads must be a part of every successful land-development project of the future.

The men and women of to-day will never go back to the old pioneer conditions of 50 years ago. Modern methods must be applied to farm buildings just as they have been applied to the modern city. If we expect to attract the best type of men and women upon these reclaimed projects, we must give more attention to developing the beauties of our countryside.

Mr. President, another mistake has been made in assuming that lands of unequal fertility can bear the same annual construction charge, or that the same repayment can be made without regard to whether or not the yield is small or large, or the price of the product is high or low. The law must be altered so that repayments shall be based upon the productive power of the land irrigated, without any fixed period when the total investment shall be returned.

Frequently the statement is made that the Government should establish a national reclamation policy. With this assertion I am in accord, but before launching a scheme to include all forms of reclamation the Government should place all the existing irrigation projects on a sound basis by the proper adjustment of construction charges and by the settlement of farmers upon the projects up to their capacity. When this is done the feasibility of reclamation will be acknowledged and the Federal Government will be justified in making available for settlement the waste lands of the country through various methods of reclamation.

Mr. President, there can be no doubt about the successful outcome of the Federal experiments in reclamation by irrigation if the experience now gained be applied to existing and coming projects. It is of the greatest importance to the stability of the country that the great work of reclamation and home making on the land continue. We must maintain the equilibrium between the urban and rural life to perpetuate and continue that splendid American institution—the farm home, the anchor of the Republic in every hour of stress and storm and strife.

SENATOR FROM TENNESSEE

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate a petition and protest of sundry citizens of the State of Tennessee praying an investigation of the primary nomination of the junior Senator from Tennessee [Mr. TYSON] and protesting against his retention of a seat in the Senate, which was referred to the Committee on Privileges and Elections.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

MUSCLE SHOALS

Mr. McKELLAR. Mr. President, I offer the resolution which I send to the desk. If there is any objection to it I will not press it. I ask that it may be read.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 43), as follows:

Resolved, That a select committee of four Senators be appointed by the Vice President, two Republicans and two Democrats, two of whom voted for what is known as the Underwood proposal for the disposition of Muscle Shoals and two of whom voted against that proposal, which committee shall investigate, during the coming recess of Congress, the question of what is the best disposition to make of the Shoals property and report its findings and recommendations to the Senate at the next session of the Congress to be held in December, 1925.

The committee is authorized to hold hearings at Muscle Shoals or in Washington or elsewhere, is authorized to visit the Province of Ontario and to examine into the workings of the hydroelectric system there, to sit during the recess after the Sixty-eighth Congress, to employ a stenographer or stenographers at a cost not to exceed 25 cents per hundred words. The committee is authorized to send for persons and papers; to require, by subpœna, the attendance of witnesses; the production of books, papers, and documents; to administer oaths; to take testimony. The expenses of the committee shall be paid from the contingent fund of the Senate.

Mr. JONES of Washington. I can not consent to the adoption of that resolution now.

Mr. McKELLAR. I hope the Senator from Washington will not object.

The PRESIDING OFFICER. Objection is made. The resolution will lie over under the rule.

Mr. BRUCE. Mr. President, if the Senator from Washington does not object, I shall do so.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska [Mr. NORRIS] is recognized.

HYDROELECTRIC POWER

Mr. NORRIS. Mr. President, in January of this year there was issued by the Smithsonian Institution a pamphlet entitled "Niagara Falls, Its Power Possibilities and Preservation." The discussion contained in this pamphlet is divided into three heads, one of which deals entirely with the activities of the Hydroelectric Commission of Ontario, Canada, which is engaged in generating and transmitting to municipalities and other users of electricity in that Province electric current.

I do not know, Mr. President, of any publication that has been issued from a governmental source that has attracted so much adverse criticism as has this pamphlet, not because of any argument that is made in it, not because of the merits of the question that is discussed, but because of a discourtesy that is involved concerning the activities of a friendly nation. The merits and the beneficial effect of the hydroelectric commission's operations in Canada are not involved. While I shall later have something to say in regard to those activities, I wish it distinctly understood that I am making no complaint, no criticism of any one's ideas upon that question. The offense—and I think it is a serious offense—on the part of the Smithsonian Institution is not because the writer of the pamphlet held any particular ideas relative to the generation, transmission, or sale of electric energy, but because this pamphlet has emanated from what is ordinarily believed to be a governmental source, a scientific bureau, one that does not take part in political controversies or discuss any question except in a scientific manner.

This pamphlet, which is written by Mr. Wyer, not only criticizes the governmentally owned water-power projects of a friendly nation, but it does it in some instances in language that on its very face is offensive when applied by one government to the activities of another governmental operation. It is entirely the business of the Province of Ontario as to whether water power shall be developed by the public or whether it shall be developed, under laws and regulations that she shall pass, by private industry. It is not our business, it is not the business of the Smithsonian Institution to criticize that Province for whatever course she may take and whatever she may think to be right in developing electricity for the benefit of her citizens.

I am not criticizing the ideas of Mr. Wyer, the author of this pamphlet. I feel humiliated, however, as a citizen of the United States, when I realize that the Smithsonian Institution, which is generally believed to be one of the instrumentalities of our Government in the study of scientific questions, has stooped so low as to participate in the discussion of the question as to whether electric energy shall be developed by private industry or by publicly owned corporations such as are operating in the Province of Ontario, Canada.

The pamphlet has drawn forth from the head of the Electric Power Commission of Canada rather a stinging reply, one that, in my opinion—and I believe that opinion would be shared in by any fair-minded student who had studied the pamphlet issued by the Smithsonian Institution—is perfectly justified. Before I quote excerpts from that pamphlet, perhaps I ought to outline briefly what is the system of generating electricity that has been provided for by the laws of the Province of Ontario just across the Canadian border.

About 1910, at a meeting of quite a large number of business men engaged in various lines of business and commerce in the Province of Ontario, it was decided to undertake a method of developing and distributing electric energy at cost.

The fight went on for quite a number of years in that Province, participated in, as the fight has been participated in here, principally, on the one side, by those who believe in government development and operation and, on the other, by those who believe in private development and operation. The result was that a system was devised in accordance with law, and that system has been for the last 15 years in operation in that Province for the generation and distribution of electric current.

There is, first, the hydroelectric commission, a governmental corporation organized under the laws of that Province and engaged in the generation and distribution of electric energy. That commission has the power to buy privately owned generating plants or to build them, and the power to buy or to erect transmission lines, and to dispose of the energy at cost to any of the municipalities in the Province of Ontario desiring to avail themselves of the opportunity of securing it. So, in reality, it is a partnership between the municipalities that voluntarily went into the scheme for the purpose of securing electricity at cost and selling it at cost to its inhabitants.

It has, in the nature of things, a sort of a wholesale bureau and a retail one. The electricity is generated and is transmitted by the hydroelectric commission. The commission issue bonds and go into the business. They deliver the current over their transmission lines to the various municipalities availing themselves of the service. There were, to begin with, only 10 municipalities which went into the system, but there are now in the neighborhood—I have not seen the latest report—300 municipalities participating in the operations of this system.

The municipality becoming a part of this system issues its bonds and builds a distributing system within its own limits; electricity is delivered by the parent company to the municipality, and it pays to the parent company, the hydroelectric commission, its proportionate share of the total cost of the operations of the hydroelectric commission, depending on the amount of current which it uses. It will be seen, therefore, that the municipalities get their current at cost. They furnish it to their citizens in the same way. Every consumer of electricity, therefore, must pay, in connection with his purchase of electric current, whether for his home, his business, or his factory, the cost of operation, interest on the bonds that have been issued, an item for depreciation, another item as a sinking fund calculated to pay off in a given time the bonded indebtedness, an emergency fund created, as a rule, by most of the municipalities for meeting some unforseen contingency, and likewise its proportionate share, measured in the same way, of the expenses of the hydroelectric commission which generates and transmits the electricity.

Briefly stated, Mr. President, that is the system that is in vogue in the Province of Ontario, Canada, and the one that was criticized and condemned by this pamphlet issued by the Smithsonian Institution.

Incidentally, let me say that this criticism has been sent all over the world under the frank of the Smithsonian Institution. It bears the stamp of approval of the Government of the United States, although technically that is not true. The United States Chamber of Commerce have taken it and reprinted the substance of the Wyer article thus issued by the Smithsonian Institution, and scattered it all over the United States, and are using it now for propaganda purposes, wherever they have an opportunity to use it, to discourage any municipality from going into the business of owning and operating its own electric system. Not only did the United States Chamber of Commerce publish this article in The Nation's Business, their official publication, but they got out a small pamphlet in condensed form, a copy of which I hold in my hand, and are sending that all over the United States. There is printed on the outside of this little pamphlet, issued by the United States Chamber of Commerce, this statement:

> More than 170,000 circulation in February, 1925.

So it is safe to say that they are going to distribute this little pamphlet by the million over the United States. It contains many statements that can not be verified, statements that are absolutely untrue, statements that are exceedingly misleading where there is any truth in them. In fact, there is very little in it that is not either misleading or absolutely untrue.

The head of the Hydroelectric Commission of Canada issued a refutation of these charges that are being circulated, in effect by the Government of the United States, through the instrumentality of the Smithsonian Institution, and I want to quote from some of the things that he says:

> In Part III of this report, under the caption "Ontario and United States electric service compared," are published statements so inaccurate that they can not possibly be justified.

At another place he says:

> Of the unjust attacks made upon the Hydroelectric Power Commission of Ontario some have come from expected and some from rather unexpected sources, but never has the commission had an attack made from a source so little expected as that from which comes the report just issued by Dr. Charles D. Walcott, the executive chief of the Smithsonian Institution of Washington. * * *
>
> The present attack upon the work of the municipalities of the Province of Ontario, through the Smithsonian Institution, would not assume the importance it does were it not for the fact that at the head of this great institution is the Vice President of the United States, the chairman of its Board of Regents has usually been the Chief Justice of the Supreme Court of the United States, while upon its board are three United States Senators and three Members of the House of Representatives.

I want to pause here to say that I am finding fault with no official named. Of course, none of the members of the Board of Regents knew that this was going to be done. Some of them, perhaps, have not yet had their attention called to the fact that it has been done; but, as Sir Adam Beck says in this reply, the fact that these eminent men in the United States are technically at the head of this institution causes it to shock the sensibilities of our neighbors over in Canada, and I think rightly so.

Speaking of their activities there, he says in this reply:

> This is the great enterprise upon which Mr. Wyer—

He is the author of this Smithsonian pamphlet—

> passes critical judgment after a few hours of his personal consideration; and the remarkable feature about Mr. Wyer's report is that, after but a brief period of personal investigation of the operations of the commission's great undertaking, he claims to have discovered damaging facts about the finances which no other investigators, even after months of close study, have been able to discover.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. By what authority did the Smithsonian Institution prepare and circulate the document to which the Senator has referred?

Mr. NORRIS. Of course the authority of the Smithsonian Institution is rather undefined and rather broad. They are supposed, however, to deal only in scientific subjects for the purpose of diffusing knowledge. I do not think they had any authority or have any authority to circulate such a pamphlet as this. I am going to offer for printing in the RECORD some comments made by some of the leading journals and some of the engineers who have read this document and who have been shocked beyond power of expression, showing just how it strikes them.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield to the Senator.

Mr. SHIPSTEAD. I might say to the Senator from Utah that originally the Smithsonian Institution was established out of moneys given by a man named Smithson for the purpose and with the idea in view that the Institution's function should be

that of diffusing knowledge among men. That is what they claim to be their mission. They do not say whether their mission is to diffuse knowledge that is reliable or not.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. Yes.

Mr. KING. I was aware of the origin of the Institution and the name which it bears; but the question that was disturbing my mind a little was the authority for this Institution to use the frank of the Government or to circulate freely views which are so controversial and which many might not think were founded upon facts or productive of any benefit. Indeed, it was not a diffusion of knowledge.

Mr. NORRIS. The idea of the Smithsonian Institution taking up the question of government ownership and operation, especially in a foreign nation, and holding it up, as they do here in some places, to ridicule! Let me read, right on that point, a quotation from this pamphlet.

In Ontario the domestic consumers are given lower rates than the true cost situation warrants because the votes of the domestic consumers are needed to carry the bond issues that must be approved from time to time in order to make the needed extensions to the governmentally owned plant. This must, of course, result in the Ontario domestic consumers, as a class, being carried at a loss.

Mr. President, in the first place the statement that these consumers are being given lower rates than the true cost warrants is, in my judgment, absolutely untrue, absolutely unfounded, and I think I can prove it. I think I demonstrated it in the recent session of Congress in the discussion of the Muscle Shoals proposition. Mr. Wyer, however, has a right to make that statement, and any other man has a right to make that statement, and go out and criticize and circulate it as he pleases. I am not complaining about that; but when a governmental institution, the Smithsonian Institution, with the stamp of our flag and our own Government upon it, starts out to circulate that kind of a statement and deceive the people of the United States, it is not only disgraceful, but it is treating a friendly nation in a way that ought to bring a blush of shame to the cheek of every true American citizen.

They say that the domestic consumers in Ontario are given lower rates than the true cost situation warrants—

Because the votes of the domestic consumers are needed to carry the bond issues.

In other words, the Smithsonian Institution is charging that the government of the Province of Ontario is going into a business that would be a disgrace to the ward politician; that it is subsidizing voters for the purpose of getting their votes; that it is giving electricity to them for less than cost in order to get their votes. That is not a respectable thing to do. That is not an honorable thing to do. If the government of Ontario is in that kind of business it is a disreputable institution, and that is what this pamphlet charges the Province of Ontario with doing.

Even if it were true, however, it is none of the business of the Smithsonian Institution. Even if it were true, the Government of the United States has not any right to start out in a propaganda charging it against the government of Ontario. Of course it is not true. It is false. There is not a word of truth in it. It does not require the answer of the head of the hydroelectric commission to disprove it. The facts going back over the history of this whole thing prove it; and I want to read you some letters from those who are managing these various municipal plants in Ontario to demonstrate that it is not true. I think this is a disgraceful pamphlet for an institution like the Smithsonian Institution to father and to spread out over the country.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD as a part of my remarks the reply of Sir Adam Beck to this pamphlet.

The PRESIDING OFFICER. Unanimous consent is requested for the printing of a pamphlet. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

MISSTATEMENTS AND MISREPRESENTATIONS DEROGATORY TO THE HYDROELECTRIC POWER COMMISSION OF ONTARIO CONTAINED IN A REPORT PUBLISHED BY THE SMITHSONIAN INSTITUTION ENTITLED "NIAGARA FALLS: ITS POWER POSSIBILITIES AND PRESERVATION," UNDER THE AUTHORSHIP OF SAMUEL S. WYER

(Examined and refuted by Sir Adam Beck)

That attacks launched from within the United States against the work of the Hydroelectric Power Commission of Ontario have not ceased is evidenced by a fresh one under date of January 15, 1925, in the form of a printed report issued by Dr. Charles D. Walcott, executive head of the Smithsonian Institution, of Washington, D. C. The volume bears the title "Smithsonian Institution's Study of Natural Resources—Niagara Falls, Its Power Possibilities, and Preservation," under the authorship of Mr. Samuel S. Wyer, associate in mineral technology, United States National Museum. In Part III of this report, under the caption "Ontario and United States electric service compared," are published statements so inaccurate that they can not possibly be justified.

The hydroelectric power commission in the past has had visits from official appointees of the Governments of Great Britain, France, Germany, Italy, and other European countries, as well as from China, Japan, and other eastern nations. Some of these official delegates have spent extended periods in studying the commission's work. Many other organizations and persons have made detailed inquiries into various aspects of the commission's operations. Most of such investigations, it is a gratification to state, have been conducted in a fair and open-minded manner, and the reports made highly commended the achievements of the commission.

On the other hand, there have been some agencies, prompted by corporate interests, which, under the pretense of making "impartial" investigations, have launched the most unfounded—though sometimes plausibly presented—attack's on Ontario's cooperative municipal-ownership undertaking. Among the assaults of this latter type may be mentioned, for example, such misrepresentations respecting the work of the Hydroelectric Power Commission of Ontario as have been made by Reginald P. Bolton, of New York City, in the form of a book, against the work of the commission; and by Senator Ferris, of the special senate committee of the State of New York, in his antagonistic but discredited report to the New York State Legislature.

In 1920 Messrs. Murray and Flood, also of New York, reporting for the National Electric Light Association, spent several months in making an investigation, so called, of the commission's work, and these engineers had in addition a great deal of information which they stated had been furnished for their guidance from private sources. Notwithstanding this "burrowing" and the assistance which they say they received, they nevertheless made, as has been so conclusively demonstrated, a feeble and discreditable report, which has been entirely refuted in a published statement, the findings of which have been accepted by the engineering and financial world at large.

Numerous other diatribes against the commission's achievements have appeared in certain financial and technical papers, so many, in fact, that one has long since become weary of them. Those, however, that have appeared to be important from a public viewpoint have been specially dealt with, and in such instances the methods adopted to mislead, and the types of inaccuracies embodied in such reports have been exposed.

Of the unjust attacks made upon the Hydroelectric Power Commission of Ontario some have come from expected and some from rather unexpected sources, but never has the commission had an attack made from a source so little expected as that from which comes the report just issued by Dr. Charles D. Walcott, the executive chief of the Smithsonian Institution of Washington. Doctor Walcott presents the report prepared for him by a subordinate, Mr. Samuel S. Wyer.

REASONS FOR REPLY TO WYER-WALCOTT REPORT

It is unnecessary to review in detail the statement of Mr. Wyer, if for no other reason than that in its plausibility it is, perhaps, per se, the most feeble of all the attacks that have been made, and Mr. Wyer's report could have no credence whatsoever with the public unless it had—as it regrettably has—the support of the fair name of the Smithsonian Institution of Washington.

The present attack upon the work of the municipalities of the Province of Ontario, through the Smithsonian Institution, would not assume the importance it does were it not for the fact that at the head of this great Institution is the Vice President of the United States; the chairman of its Board of Regents has usually been the Chief Justice of the Supreme Court of the United States; while upon its board are three United States Senators and three Members of the House of Representatives.

There is, however, a special reason for dealing with this attack made through the Smithsonian Institution because it is laid down in the articles governing the work of the Institution that copies of its published volumes are to be given "to every first-class library on the face of the earth." What can be said in support of public trust funds of the United States being employed to present to "every first-class library on the face of the earth" a printed statement containing misrepresentations and false information designed to be injurious to the general welfare of the people of a friendly nation?

Nearly 100 years ago, James Smithson, an eminent Britisher by the way, bequeathed to the United States Government, in trust, a large sum of money to found an institution for "the increase and diffusion of knowledge among men." The Smithsonian Institution is preeminently a Federal Government organization. It is, therefore, inconceivable that its executive officers could have made clear to such

honorable members of the board as the Vice President of the United States, the Chief Justice of the Supreme Court, the Senators, and Members from the House of Representatives that they were devoting public funds of the Government for a definite, controversial, and unfounded attack upon the public achievements of a great friendly neighboring people. It may safely be assumed that when James Smithson, the British founder of the institution, made his donation to the United States he little surmised that the institution he founded would be used to make an attack characterized by so little of that sense of fair play and truthfulness which is the common heritage of the Anglo-Saxon race. Nothing probably was further from his desire than that anyone should receive from the institution which he founded a mandate to publish an unwarranted and superficial report upon an undertaking launched and operated by over half the population of the great Province of Ontario, and moreover to frame the report in the form of an attack supported by statements so grossly inaccurate and misleading.

Mr. Wyer's report does not comply with the stipulation of James Smithson, who in his will stated that the institution he founded was to be for "the increase and diffusion of knowledge among men."

MR. WYER'S SUPERFICIAL INVESTIGATION

Recently Mr. Wyer called at the offices of the hydroelectric power commission presenting credentials purporting to be from the Federal Government authorities at Washington. These introductions, of course, secured for Mr. Wyer every courtesy and such definite assistance as could be rendered him by the officers of the commission during the brief period he had at his disposal for "investigating" the work of the Hydroelectric Power Commission of Ontario—Mr. Wyer could not spend more than a few hours with the commission's officers. The impression conveyed was that of an individual simply wishing to make a somewhat superficial inquiry.

Mr. Wyer was furnished with a copy of the commission's printed annual report and such explanatory memoranda as he desired to assist him in interpreting the data published by the commission. After he left, members of the staff of the financial department expressed among themselves surprise that Mr. Wyer seemed so reluctant to pursue his inquiries after their explanations began to throw a light upon facts enabling them to be appreciated in their true aspect—but evidently in an aspect which differed from Mr. Wyer's preconceived notions.

Mr. Wyer's official position, as announced from Washington, is "associate in mineral technology" in the National Museum, a position which, seemingly, in the judgment of his superiors has qualified him to pass upon the extensive financial and engineering operations of the hydroelectric power commission, after giving to these operations a casual examination in the light of his mineralogical training.

Now, the Hydroelectric Power Commission of Ontario is a large and complex organization. It has reached its present magnitude of supplying over 380 Ontario municipalities—including practically all of the larger cities and towns, as well as many villages and rural communities of the Province—with electrical energy within a period of less than 15 years. The commission's undertakings and those of the associated municipal electric utilities represent a capital investment of over $250,000,000. Its sixteenth annual report has been published and is a closely printed volume of over 600 pages, giving detailed information respecting the commission's work in its several systems. The commission is the largest distributor of hydroelectric energy in the world.[1]

[1] For those who are interested in the work of Ontario municipalities in supplying their citizens with electrical energy the commission has published an illustrated booklet entitled "The Hydroelectric Power Commission of Ontario—Its Origin, Administration, and Achievements," a copy of which may be obtained upon application to the Hydroelectric Power Commission of Ontario, 190 University Avenue, Toronto, Ontario.

In this publication it is explained that it is only with respect to the features of wholesale generation and transmission of power that the activities of the cooperating municipalities are centralized in their hydroelectric power commission; distribution of the energy within its own corporate limits is conducted separately by each of the partner municipalities; the commission in this connection merely exercises a supervisory function.

Mr. Wyer in his report makes it clear that he is not dealing with the Ontario enterprise as a whole but only with the cooperative generation and transmission enterprise, which he erroneously describes as being owned by the provincial government. Consequently, when he speaks of "the consumers from the governmentally owned system" he has reference to the commission's wholesale consumers; that is, to the partner municipalities themselves.

Here again Mr. Wyer's but partial statement of the facts is very misleading. The municipalities have been even more conservative in their financing in respect of their local individual operations than in their joint operations under the commission's administration. For instance, the local capital investments of the municipalities are usually retired within a period of from 20 to 35 years, and the surplus arising in this way now amounts to about $7,800,000. Furthermore, the commission in its wholesale operations adjusts its charges each year to exactly equal the cost of power as defined by the law, but in the case of the municipalities and their retail consumers, rates are necessarily based on advance estimates of cost, and the cost in general has been decreasing so rapidly that surpluses in excess of the amount required to retire the capital obligations have been accumulated to the amount of over $7,700,000. Mr. Wyer has omitted all mention of these facts.

This is the great enterprise upon which Mr. Wyer passes critical judgment after a few hours of his personal consideration, and the remarkable feature about Mr. Wyer's report is that, after but a brief period of personal investigation of the operations of the commission's great undertaking, he claims to have discovered damaging facts about the finances which no other investigators, even after months of close study, have been able to discover.

SUBJECT MATTER OF MR. WYER'S REPORT

Although, according to its title, Mr. Wyer's report ostensibly deals with "Niagara Falls, its power possibilities and preservation," nevertheless the largest section of the report—section 3—is devoted to a comparison of the basically different methods of supplying electric service in the Province of Ontario and in the United States.

In Ontario the electrical system, which supplies about 80 per cent of the electrical requirements of the Province, is conducted in the sole interests of the consumers, by a partnership of municipalities, whose activities in this regard are centralized in and administered by the Hydroelectric Power Commission of Ontario. In the United States, in general, the electrical utilities are owned and operated by private corporations for the personal profit of their shareholders. In section 3 of his report Mr. Wyer's endeavor is directed toward the end of showing that the United States method is greatly superior to that in Ontario.

Throughout Mr. Wyer's report there are numerous statements that could justly be controverted and shown to be erroneous, but the present discussion is confined to section 3 of his report, in which he makes gross misstatements and misrepresentations respecting the municipally owned hydroelectrical undertaking in the Province of Ontario. Mr. Wyer's statements respecting the commission display not only a complete disregard of the facts but a total ignorance of the simple financial operations involved. This may be illustrated by a few examples taken from the Wyer-Walcott report.

Mr. Wyer is chiefly concerned with trying to explain why, notwithstanding the alleged superiority of the United States system, the electric rates, and particularly the residential rates, are so much lower in Ontario than in the United States. Among the reasons he advances in explanation of this fact—all of which, by the way, are quite without foundation—the most outstanding are:

His assertion that Ontario's publicly owned electrical utilities are free from taxation.

His charge that Ontario domestic consumers are supplied at rates below cost, partly at the expense of industrial consumers.

His very serious charge that $19,000,000 of the cost of power has not been included in the rates to consumers, thereby creating a deficit to be borne either by the taxpayers through the provincial treasury or by future Ontario power consumers.

There are, in addition, a number of other gross errors in Mr. Wyer's report, which show a careless handling of data and a disregard of truth, but those under review in this discussion are more than sufficient to show that none of Mr. Wyer's statements on this subject are worthy of credence or regard.

ONTARIO MUNICIPALLY OWNED SYSTEM DOES PAY TAXES

In his report, Mr. Wyer, seeking to explain why in Ontario the rates are "considerably below those prevailing in the United States," asserts:

"The governmentally owned hydroelectric system * * * in Ontario is not taxed."

He further states:

"This means a gain of about 10 per cent to electric consumers with corresponding loss to taxpayers, as compared with conditions in the United States."

The "governmentally owned hydroelectric system" to which Mr. Wyer refers is, of course, the Hydroelectric Power Commission of Ontario, and, when he states that this organization "is not taxed," Mr. Wyer affirms what is absolutely false.

The Hydroelectric Power Commission of Ontario pays taxes both to municipalities and to the provincial government, to the extent of hundreds of thousands of dollars annually, not only on land which it occupies, but in connection with other properties which it operates. In addition, the commission has paid millions of dollars in customs duties to the Government of Canada, directly and indirectly, on materials and equipment which must be imported from the United States and other countries—a charge for which there is no similar expense of comparable magnitude in the construction and operation of United States utilities.

Far from being losers as compared with the United States taxpayers, Ontario taxpayers enjoy a decided advantage. In the United States the municipalities in their rates for street lighting, waterworks pumping, and other municipal services pay a profit to the shareholders of the public-utility corporations, which must come out of the pockets of the taxpayers. In Ontario these municipal services are supplied at cost, and in this regard the saving to the taxpayers has been estimated to be substantially in excess of $1,000,000 annually.

ONTARIO DOMESTIC RATES ARE NOT BELOW COST

Mr. Wyer in his monograph states:

"In Ontario the domestic consumers are given lower rates than the true cost situation warrants because the votes of the domestic consumers are needed to carry the bond issues that must be approved from time to time in order to make the needed extensions to the governmentally owned plant. This must, of course, result in the Ontario domestic consumers, as a class, being carried at a loss.

"Serving the Ontario domestic consumers below cost may be good 'vote getting' but it is unsound economics. While this naturally results in a lower domestic rate, it has worked out in Ontario that the industrial rate is higher than it would be if the domestic consumers were kept on a true cost basis, and, of course, this tends to retard industrial development."

He also says:

"The dominating fundamental principle of rate charging in the United States—approved by our State regulating commissions—is to make each group of consumers self-sustaining and pay for the cost of the service they are receiving."

As samples of procorporationist propaganda the above statements are admirably typical and plausible. As fulfillments, however, of the injunction of the Smithsonian Institution's founder that his bequest to the United States Government was to be used "for the increase and diffusion of knowlege among men" they represent a regrettable betrayal of trust in that they spread misinformation and prejudice instead of knowledge.

The domestic rates are not below the true cost. The votes of the domestic consumers, under the law in Ontario, are not needed to carry bond issues for extensions; the safety of the public funds is assured in other ways. "Ontario domestic consumers" are not "as a class, being carried at a loss." The industrial consumers' rate is not higher than cost, and there is no tendency "to retard industrial development" in Ontario.

The most cursory examination of relative rates as between domestic and industrial consumers in many cities of the United States will show an excessive disparity and if, as Mr. Wyer states, the "fundamental principle" of making "each group of consumers pay for the cost of the service they are receiving" exists, it is only in theory and is certainly not put into practice.

In Ontario the rate schedules are adjusted to reflect the well-recognized differences in the cost per kilowatt-hour of supplying domestic electrical service and commercial and industrial consumers, but although it is true that the cost per kilowatt-hour sold is, in general, greater for residential service than for power service the differences in cost can hardly be so great as the differences in rates charged in certain cities of the United States. It is, for example, hardly possible that the average cost per kilowatt-hour sold to domestic consumers over a whole city should be more than ten times as great as the corresponding average cost per kilowatt-hour to the industrial consumers of the same city. Yet, in certain recent instances which have come to the commission's attention, the "government-regulated" private utilities in United States cities charged actually over ten times as much per kilowatt-hour sold to domestic consumers as to power consumers, the averages including all the consumers in the two classes over the whole city.

In Ontario, however, contrary to Mr. Wyer's assertion, in support of which, by the way, he advances and can advance no evidence, all classes of consumers are protected from inequitable rates in the most thorough manner. Each municipality is required to keep its detailed records in such form as to permit of an accurate allocation of all costs to each class of service; these records are analyzed annually, and if in any year any class is found to have been bearing either more or less than the actual cost of its own service the rates for the succeeding year are adjusted to correct such a condition.

It is because similar careful supervision has not been exercised in the United States that such exorbitant charges have been permitted to be collected from the residential consumers as those cited above, and in greater or less degree in so many other cities.

THE ALLEGED $19,000,000 DEFICIT DOES NOT EXIST

In summing up his financial conclusions Mr. Wyer affirms—

"That is, up to date the electric consumers from the governmentally owned hydroelectric system have failed to pay the actual cost of the services they received—using the term 'cost' as defined in section 12—by $19,147,014."[1]

This statement that the consumers of the hydroelectric system have failed to pay the full cost is absolutely false. On the contrary, the hydroelectric power commission, notwithstanding its low rates, has collected from its customers a sum of about $7,000,000 in excess of the "cost" as the section 12 that Mr. Wyer so specifically cites defines the term, and, furthermore, the municipalities have collected from their consumers additional sums amounting to about $15,500,000 in excess of this "cost" of serving their consumers.

[1] See footnote on page 335.

Now, Mr. Wyer's alleged deficit of $19,147,014 is comprised of four items. Under the heading, "Summary of how Ontario hydroelectric system has failed to pay expenses," Mr. Wyer states:

The money that has been taken out of the Province treasury instead of out of earnings is:	
1. Subsidizing rural lines, from section 24	$1,194,422
2. General expenses, from section 25	2,245,900
The accrued deficits in sinking fund that have not been met out of earnings are:	
3. Hydroelectric commission bonds, from section 28	7,749,646
4. From money borrowings out of the Province treasury, shown in section 28	7,957,046
	19,147,014

THE AGRICULTURAL BONUS EXPLAINED

The first item by which the electric consumers are said to have failed to pay the actual cost of the services they received is one of $1,194,422. This sum, according to Mr. Wyer, is a subsidy for rural lines, but in making this statement Mr. Wyer shows that he entirely misunderstands his subject.

The situation to which reference is here made is that since 1920 the provincial government has borne, for farmers, one-half of the capital cost of rural lines which have been constructed in certain districts so thinly populated and so far from sources of electrical supply that service would not otherwise have been economically feasible. The assistance thus given by the government to farmers toward the capital cost of supply of electrical service is in pursuance of a long-established governmental policy of promoting agriculture, a policy which had previously found expression in the establishment of agricultural schools, colleges, and experimental farms in assistance for road building and in other ways.

The legislature of the Province, by majority vote, determined that it was to the general economic advantage of the Province as a whole to inaugurate a special program of rural electrical service. The hydroelectric power commission is, on behalf of agricultural development, simply carrying out the mandate of the people of the Province of Ontario as expressed through their government.

The aggregate load distributed to the rural dwellers is, and must always be, but a very small proportion of the total energy distributed by the "Hydro." In any case, this rural bonusing is of no advantage whatever to the power system as a whole, because the general demand for power in the Province is such as readily to absorb all the available supply. On the other hand, the beneficial influence of rural electrical service upon agriculture and upon the general economic life of the Province of Ontario is already a factor of recognized importance. By the substitution of electric power for much of the manual drudgery of farm life, electrical service is making life on the farm more attractive and is a most potent factor in keeping the younger generation from leaving the farm for what in the past appeared to many to be the more attractive life in urban centers.

This expenditure by the provincial government in promotion of agricultural development can in no sense be classed—as Mr. Wyer has attempted to class it—as part of the "cost of power."

GENERAL PROVINCIAL EXPENSES ARE NOT PART OF COST OF POWER

The second item of cost which, according to Mr. Wyer, the commission has failed to charge in the cost of power is $2,245,900, which he classifies as being for "general expenses" and falsely states to be "Direct contributions from Ontario Province treasury operating expenses."

In this connection it should be understood that the Hydroelectric Power Commission of Ontario performs a number of services for the government of the Province similar to those undertaken by certain Government bureaus in the United States. These services are quite apart from those which the commission performs as trustee of the municipalities and administrator of the municipally owned hydroelectric undertaking. By way of illustration, the commission conducts extensive operations in connection with the testing, approval, and inspection of certain devices and equipment, in order to aid the Province in its protection of life and property. The commission also conducts extensive hydrographic surveys for the Province, and as an example of such work may be cited the special surveys and researches made in connection with the St. Lawrence River, the study of its regimen, the effects of ice, and other features involved in the proposal to develop this great waterway jointly for navigation and for power, on behalf of all interests concerned, in both the Dominion of Canada and the United States.

Now, such work is a normal function of the provincial legislature; it, however, authorizes some of this work to be performed for it by the commission, and naturally the Government expects to, and, by regular appropriation, does, defray the expenses incurred in connection with these special services. In his desire, however, to pile up a fictitious "deficit," Mr. Wyer has rather naively surmised that because such work was performed by the hydroelectric power commission, its cost must therefore have been part of the cost of power and consequently should have been charged to the electrical consumers. There is no more justi-

fication for assuming that these expenses should be charged as part of the cost of supplying power to the commission's customers in Ontario, than there would be for assuming that expenses similarly incurred by, say, the United States Bureau of Standards or by the United States Geological Survey should be charged against the operations of power companies in the United States.

MR. WYER'S FICTITIOUS SINKING FUND SHORTAGES

The two largest of Mr. Wyer's fictitious items, one of $7,749,646, the other of $7,957,046—a total of $15,706,692—are respectively made up of what he terms "sinking-fund deficit" on the commission's bonded indebtedness and on its obligations to the Province. The processes by which Mr. Wyer arrives at these figures are described by him as follows:

On Oct. 31, 1924, the outstanding bonds of the hydroelectric power commission amounted to $41,768,523. These bonds range in life from 10 to 40 years. If the electric consumers—as originally contemplated in the slogan-made public opinion of "service at cost"—had been charged an annual sinking fund allowance each year, which would ultimately retire the bonds out of electric earnings when they mature—on the basis of a 4 per cent sinking fund compounded annually—there should have been on hand at the end of 1924 in the sinking fund to retire these bonds	$9,579,107
The accumulated sinking fund actually paid out of rates charged electric consumers, to Oct. 31, 1924, was	1,829,461
The shortage in sinking fund is, therefore	7,749,646
On Oct. 31, 1924, the total advances to the hydroelectric power commission out of the Province treasury, separate and distinct from the hydro bonds mentioned above, amounted to $138,454,638. This money is supposed to be returned at the end of 30 years. If the electric consumers—as originally contemplated in the slogan-made public opinion of "service at cost"—had been charged an annual sinking fund allowance each year, which would ultimately pay back this money, out of electric earnings at the end of 30 years—on the basis of a 4 per cent sinking fund compounded annually—there should have been on hand at the end of 1924 in the sinking fund to retire these borrowings from the Province treasury	11,859,541
The accumulated sinking fund actually paid out of rates charged electric consumers to Oct. 31, 1924, was	3,902,495
The shortage in sinking fund is, therefore	7,957,046

It is seen, therefore, that the third of Mr. Wyer's items is an alleged "sinking-fund deficit" of $7,749,646. This item relates to bonds of certain power companies assumed by the hydroelectric power commission in connection with its purchase of their properties.

This so-called "deficit" arises in two ways: In the first place, Mr. Wyer has ignored the fact that the various dates of maturity of these company bond issues have nothing to do with the period over which the commission retires its capital by means of sinking funds. This statement is made advisedly and in full cognizance of Mr. Wyer's disparaging statement regarding what he so erroneously surmises to have been "originally contemplated in the slogan-made public opinion." The capital liabilities represented by the bonds of these companies are retired in from 30 to 40 years following the date of their assumption by the commission. Mr. Wyer, however, has assumed that the sinking fund would have to be accumulated rapidly enough to meet all bond issues as they mature, and that none would be refunded, no matter how short the unexpired term may have been when the companies' capital liabilities were assumed by the commission. The commission's sinking funds have been, and are being, accumulated strictly in accordance with the law; there is no shortage.

The second place, in respect of one important bond issue, Mr. Wyer, apparently, has made a mistake of 10 years in the date of maturity, and this alone has resulted in his producing an error of $1,600,000 in his fanciful "deficit."

The fourth and largest item of $7,957,046 is also an alleged "sinking-fund deficit," in this case in respect of the commission's obligations for retirement of capital advanced by the provincial government. This item arises solely because Mr. Wyer has ignored the fact that until a plant is completed and earning a revenue it is not expected to commence repayment of its initial capital cost out of revenue. In fact, many engineering projects in the United States and elsewhere do not even pay interest for some years after completion of plant construction, and, in general, the capital expenditure is never retired. Evidently the associate mineral technologist of the National Museum ignored this fact and consequently calculated his sinking fund on the commission's great Queenston-Chippawa and Nipigon developments from the respective dates on which the various moneys were advanced by the Province, and this in spite of the fact that on the occasion of his visit to the commission Mr. Wyer was furnished with a definite memorandum informing him of the circumstances governing the time when sinking-fund payments were first applicable to these properties. The sinking-fund levy against revenue commences not when the plants are in course of construction but as they are completed and placed in commercial operation.

Thus it is seen that in not one of Mr. Wyer's items has the commission failed to charge its customers the full cost; and of the $19,147,014 there is, whether from the standpoint of the legislation under which the Ontario municipally owned system operates of recognized economic principles or of ordinary common sense, not a single dollar that could legitimately be conceived to form a part of the cost of power.

THERE IS NOT A DEFICIT BUT A SURPLUS

That Mr. Wyer is deplorably ignorant of the simplest axioms of economics, and is lamentably incompetent to pass financial matters in sane review is manifest to any who consider his report.

When Mr. Wyer records that he uses "the term 'cost' as defined in section 12" he leaves no doubt respecting the precise meaning of the word "cost" as he intends it to be used. Section 12 of his report states that—

"the word 'cost' in the inexorable law of human experience must always include the following:

"'a. Ordinary routine operating expenses necessary for carrying on the project, including insurance and taxes.

"'b. Money out of income received from customers must be set aside each year to maintain the property in the highest state of service efficiency and provide funds to replace equipment as it becomes unusable either through ordinary wear or becomes obsolete due to improvements in the art.

"'c. Rental or hire of the money used in the enterprise, ordinarily called "interest."'"

Now, as a matter of fact, the Hydroelectric Power Commission of Ontario does pay, and always has paid, in full out of its income received from customers all of the items of operating expenses, insurance, taxes, maintenance, renewals reserve, and interest thus specified by Mr. Wyer as comprising "the cost." The commission has also collected sums to form a reserve to provide against unforeseen contingencies.

In Ontario's municipally owned undertaking, in addition to these items of "cost," the commission's charges to consumers include an extra amount to provide sums in respect of sinking fund sufficient to enable the capital itself to be retired in 30 to 40 years from the respective times of commencement of sinking-fund payments.

Thus the electrical consumers of the Province of Ontario are freed now and for all time from the necessity of paying profits to private capitalists. As a result of the policy adopted by the commission and the associated municipalities of retiring their capital liabilities by including in their charges to consumers provision for sinking fund and debenture retrials the properties in time will be entirely freed from debt and even the interest and sinking fund payments now forming a large part of the cost of power from these properties will also cease.

It should be fully appreciated that Mr. Wyer has made it unmistakably clear that "cost," as he desires to use the term, is not to include capital retirement charges, for not only has he explicitly defined what he does include in the word "cost" but he further states:

"(c) Under the scheme of governmental regulation in the United States the capital invested is not retired, and frequently bonds are refunded."

According, therefore, to his own definition of "cost," sinking funds are not to be regarded as part of the cost, yet when the items which he says go to make the $19,147,014—by which amount he charges that the Ontario electric consumers "have failed to pay the actual cost of the services they received"—were under examination above, it was seen that the $15,706,692—forming over 80 per cent of Mr. Wyer's so-called "deficit"—is made up of the very sinking funds for capital retirement which he elsewhere says are not a part of the "cost" at all. The only possible explanation of this absurdity is that Mr. Wyer, the mineral technologist whom the Smithsonian Institution has delegated to investigate the financial soundness of the largest power organization in the world, does not even know enough of elementary finance to comprehend the fact that the sole purpose of the sinking funds is for capital retirement.

Far from having a deficit the Ontario system—according to Mr. Wyer's own definition of "cost"—has accumulated in its sinking fund and contingencies charges to wholesale consumers—that is to say, to the cooperating municipalities—a surplus above the "cost" amounting to about $7,000,000, while the retail consumers of the partner municipalities have paid additional sums of about $15,500,000 in excess of such "cost." The total of reserves and surplus, including the reserves for renewals, and contingenies on the whole undertaking is now approximately $40,000,000.

From the foregoing examples which have been reviewed and exposed it will be appreciated that Part III of the Wyer report, which deals with "Ontario and United States electric service," may with justice be described as simply a tissue of misrepresentations and unfounded criticisms.

NATURE OF WYER-WALCOTT ATTACK POINTS TO UNFRIENDLY MOTIVE

Mr. Wyer's presentation may be accounted for partly by the ignorance he manifests, but the numerous phrases he introduces derogatory to the people of Ontario and their publicly owned and operated under-

taking, such as "slogan-made public opinion," "good vote getting," etc., seem to point to an unfriendly motive which must have been inspired by interests inimical to public ownership.

The impropriety of the action of the Smithsonian Institution in attacking the Ontario Hydroelectric Power Commission's undertaking may be emphasized by assuming a reversal of the circumstances. By way of illustration, if the hydroelectric power commission had sent, say, one of its assistant laboratory experts to Washington, D. C., with credentials purporting to be from the government of the Province of Ontario, and this assistant had for a few hours made personal examination of the work of the Smithsonian Institution in its spheres of archæology, ethnology, geology, and astrophysics; if then, after having spent a short time in acquiring general information from the officers of the Smithsonian Institution, he had returned to Ontario and public funds had been used to publish a report characterized by gross misrepresentations and betraying motives which were not disclosed when presenting governmental credentials, and if, furthermore, his report tended to discredit the work of the Smithsonian Institution, falsely charging that its expenses were not properly cared for, and so on, what would be thought of the Hydroelectric Power Commission of Ontario for sponsoring such a course? There need be no hesitancy whatever in stating that any such procedure would be as definitely and heartily condemned by right-thinking people in the United States as the present course of Doctor Walcott and Mr. Wyer is by all public-spirited people in this Dominion.

The large corporate interests, which so bitterly resent the public receiving benefit directly from their natural resources without paying toll to the private interests that have already corralled so much of the public domain, have spared no effort to attack by various means the work of the Ontario municipalities in connection with their hydro-electrical undertaking. It is almost beyond comprehension that an institution like the Smithsonian, with such an honorable record, could have its executive head so influenced as to indorse and publish a report such as Mr. Wyer's—a report, indeed, which for prejudice and puerile superficiality leaves nothing to be desired.

If United States public funds can be made available for such purposes as those for which they have been used by Mr. Wyer, with the concurrence of his chief, Doctor Walcott—it is trusted, however, not with the full knowledge and concurrence of the honorable Board of Regents of the Smithsonian Institution—there exists a condition of affairs respecting which the public at large in both the United States and the Dominion of Canada should take full cognizance. Such a condition simply resolves itself into this: That public funds placed in the trusteeship of a federal government can be employed in an attempt to injure the cooperative efforts of people of another nation to avail themselves at the least possible cost of the benefits resulting from the development of a great natural resource which has become so necessary to the domestic, industrial, and general economic life of the people of this continent.

Dr. Charles D. Walcott, in his introduction to Mr. Wyer's report, when referring to the methods of rendering electric service on the two sides of the border, states that—

"Enough data are given in Part III to permit the reader to make an evaluation of these two methods."

He thereby gives his unqualified indorsation of Mr. Wyer's findings, notwithstanding the fact that Mr. Wyer's report is permeated with erroneous and misleading statements.

At the least Doctor Walcott is guilty of unpardonable negligence in permitting such an unworthy attack upon a great and eminently successful public undertaking to be issued in the name of the Smithsonian Institution; and furthermore, he can have no ground of either justification or excuse for giving, as he has so directly done, his approval to his subordinate's gross misrepresentations.

Mr. NORRIS. In this little pamphlet which the Water Power Trust of America is sending out to deceive the people of the United States, they quote from this pamphlet of the Smithsonian Institution. I read now from the Smithsonian pamphlet:

In Ontario, the governmentally owned system sells electric service to domestic consumers at rates considerably below those prevailing in the United States, because:

a. Governmentally owned property is exempt from taxation. This means a gain of about 10 per cent to electric consumers with corresponding loss to taxpayers, as compared with conditions in the United States.

I want to stop to comment on "a." There is some truth in that. These various municipalities in Canada do not tax their own property. The hydroelectric commission pays taxes on the greater portion of its lines and its real estate. This pamphlet states:

This means a gain of about 10 per cent to electric consumers.

For various reasons it means, as I shall demonstrate, 50 or 60 or 75 per cent to the consumers, and a loss of 10 per cent in taxation.

I quote again from this pamphlet:

b. The domestic electric rates are below cost and the loss is made up in part by higher rates for industrial power consumers than prevail in the United States, which places Canadian industry at a disadvantage.

There are two statements in that paragraph, one that these electric rates to the domestic consumers are below cost. That is not true. If it were true, it would be none of our business. As a matter of fact, it is false. The other statement contained in that is that over in Canada higher rates are charged to industrial power consumers than prevail in the United States. That is not true, either, in my judgment. There are some instances, perhaps, where it is true. But as a general proposition it is not true. I could fill the CONGRESSIONAL RECORD for months with evidence, from our own public documents, showing that that is false. We have a tariff based on the falsity of that statement of the Smithsonian Institution, as I shall show.

I quote again:

c. Part of the cost comes directly out of the Province treasury in the form of contributions and subsidies.

There is no truth in that, as a matter of fact, except in one instance, and I shall pause right now to state what that is.

The taxpayers of Ontario have never paid anything during all the years that have gone, with one exception, and this is what this Smithsonian pamphlet had reference to, but it is misleading. It leaves the impression that a subsidy is paid, and that the taxpayers have to foot the bill. That is not true. After this system had been adopted and there began to come into it the various municipalities the farmers began to want it. They said, "We want electricity out on the farm." It was just like the history of our rural free delivery. We made a few experiments, and everybody liked it, and the farming communities where it had not been tried demanded it, and we gave it to them, and it costs something to-day.

When the farmers in Canada began to demand electricity to light their homes and to run the machinery on the farm that is necessary in the operation of a farm, this hydroelectric commission was unable to supply it. Under the law as it was then they had no authority at first, because this was really a partnership of municipalities. They said, "We can not run wires out into the country because of the expense. It will make the cost too high." If you are building a transmission line down a street where there is a house every half mile, and down the next street there are 20 houses to the block, it can be seen that there is a vast difference in the cost. In the first case, if the actual cost had to be met, it would be prohibitive, and in the other case the electricity would be very cheap.

So there was introduced into the legislature a bill, which became a law, and is the law now, which provided that in supplying farms with electricity one-half of the cost of the transmission line should be paid out of the general treasury of the Province. That is the subsidy, and that is the only one involved at all. The Smithsonian pamphlet would give an idea that there was a subsidy in all these things.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BROOKHART. Does that amount to a large sum in the operation of this electrical service?

Mr. NORRIS. Oh, no.

Mr. BROOKHART. What proportion is it?

Mr. NORRIS. It is very, very small. The cry in the country for electricity is growing at a rapid rate, however, and there are parts of Canada where the country is very well supplied. But, of course, where you go out in the country and build your transmission lines, you understand that it will be more expensive to private concerns, unless some subsidy of that kind is paid.

I have among my files communications from a number of consumers in the country. I shall offer some evidence, some magazine articles showing just what is taking place in Canada in the way of electrifying the entire country. They have started on that. They are going into the business, and are adding hundreds and hundreds of miles every year, running into all the farming communities of that great Province. It will not be long before every farmer will have the electric service that any resident of the city has.

Let me read another quotation from this pamphlet issued by the Smithsonian Institution:

d. As shown in sections 26 and 30, part of the cost has been delayed by not making provision for adequate sinking fund to retire the bonds as they mature, thus placing a burden on a future group of consumers or on the public generally to be met out of general taxation of the entire Province.

As I said at the beginning, the municipalities and the general wholesale corporation known as the hydroelectric commission issued their bonds for the purpose of carrying on this business. But, as I stated before, the hydroelectric commission had the authority to buy out existing plants, and they did buy a great many. Some or most of those plants, perhaps all of them, had bonds standing against them, and the commission assumed that bonded indebtedness when they bought the companies out. Sometimes they bought the plants when some of their bonds had only a few years to run. Of course, they did not pay those bonds off when they were due. Their system is based on the proposition that they will pay off the indebtedness in from 30 to 40 years, and they add enough on the rates they compel the consumer to pay to be set aside as a sinking fund, so that in from 30 to 40 years they will pay off the bonded indebtedness. If they bought a plant to-day and the entire indebtedness was due next year, they, of course, could not pay that bonded indebtedness off when it was due, but would have to issue refunding bonds, the same as any private company would, the same as any other corporation would, except that the private corporation could not pay them off. They would renew them and refund them and run them along through all eternity. That is practically what all private companies and corporations do in the United States and everywhere else, all the railroads, all the electric railways, and the electric-light companies.

They never pay off the bonded indebtedness, but they issue new bonds, and they usually add more to it when they issue new bonds. So to that extent there is some truth in that statement. They do not always pay them off when they are due. No business man would expect that to be done. If they did that, they would have to charge very high rates, of course. After all, this is nothing but a business proposition. There is nothing else involved in it. So practically all of these statements are either untrue entirely or are very misleading.

I did not intend to take the matter up in this way, but since I have referred to that statement of the Smithsonian pamphlet, summed up, its statement is: The domestic consumer in Canada, it is true, is getting his electricity at much less than is charged in the United States, but he is getting it below cost. That is what the Smithsonian Institution in effect says. Then as to power users it says that the power users of Canada pay a higher rate than do the power users in the United States, on this side of the line, where the companies are privately owned.

That can be demonstrated to be untrue by the costs, but I am going to call this chamber of commerce, which is really behind this report, after all, in my judgment; I am going to put one of the great parts of the chamber of commerce on the witness stand. This national chamber of commerce is composed of chambers of commerce all over the United States. Among its membership is the Chamber of Commerce of the City of Niagara, in the United States. When we had a tariff bill before the Senate, the Chamber of Commerce of Niagara was here in the interest of getting a high protective tariff rate put on some things that are manufactured, and which in their manufacture require a large amount of power, cyanamide, for instance, cyanide, carbide, and other things of that kind. There is a great amount of power used in the manufacture of those things.

The Chamber of Commerce of the United States is sending pamphlets all over the country by the hundreds of thousands to the effect that the power users of Canada pay greater rates for their power, generated by publicly owned companies, than our manufacturers pay for power on this side of the line, furnished by privately owned companies. The tariff bill to which I have just referred passed the House, came to the Senate, and was referred to the Finance Committee.

I hold in my hand the report of some of the hearings, and I find here a brief filed by the Chamber of Commerce of the City of Niagara. It was on the other side of the question then. I read some from it. They say:

The very argument advanced, viz, that these are important industries which should be protected by enabling them to obtain at a reasonable figure cyanide salts, is answered by the fact which is known to all and to which we have adverted to heretofore, viz, that if a duty is not placed upon this product it will not be and can not be manufactured in this country, and these industries would then be at the mercy of the foreign manufacturer, who unquestionably would place the price at a higher figure than it would be placed if there was domestic competition, and, furthermore, in the event of any condition which would cut off importation of these products after the destruction of the business here these interests would be most seriously affected, and in a time of war we would be deprived of the use of this material, which had become most important in the hardening of steel and which was required in greater quantities by the Government in the preparation of a deadly gas which was about to be used at the time of the signing of the armistice, so that it appears clearly that by a destruction of this business in this city the Nation would suffer greatly in time of peace but even more in time of war.

They say further on:

Large units of power are consumed in the manufacture of this product, and the cost of power is a very important item in its manufacture; and partly as the result of our treaty arrangements with Great Britain and partly as a result of the wisdom of the Canadian Government in the handling of its power matters, the Canadian manufacturer gets his power at approximately one-half of what the American manufacturer on this side of the river has to pay for power.

Who is testifying? The chamber of commerce. What do they say now in the pamphlet which they are sending out to the country? They say the Canadian manufacturer has to pay much more for power than we do over here. When did they tell the truth? When were they misrepresenting the facts? Let me read on:

He—

That is, the Canadian manufacturer—

is therefore able to undersell the American in the American market and the American can not compete in the Canadian market.

There we have it. We must have a tariff on these chemicals, because it takes so much power to make them, while just across the river, where they have cheap power on account of the wisdom of their government, they have such cheap power that if we do not have a tariff they would send their products over here and put our manufacturers off the face of the earth. They get their power from the same river, from the source, from the same water, but one is privately owned and one is publicly owned.

Let me read some more from the testimony of this witness:

Particularly in the interests of this city—

That is, Niagara—

and of the State—

That is, New York—

and Nation, we urge the importance of an import duty upon all cyanide salts in an amount sufficient to equalize the difference in cost of production between this country and the foreign country producing the same the cheapest.

I could go on and on. There is an abundance of testimony like that, but I would not need to stop with the testimony. I have the marked records at my office and I can produce them, almost volumes of them. When the bill came up on the floor of the Senate the arguments made there repeated the arguments made by the chamber of commerce on various kinds of articles: "We must have this tariff or the cheap power over in Canada will drive our fellows out of business." Now, we have heralded by the same interests, by the same Electric Trust all over the United States, the claim that the generation of electricity by the public is a failure because over in Canada they charge so much more for power than they do here. Somebody lied some time, or at least somebody was woefully mistaken on one occasion or the other.

That is the argument in the Senate. It can all be found in the CONGRESSIONAL RECORD. Senator after Senator, using the same arguments that these men used, talked to the Senate and we passed the bill with that tariff provision. That shows what we thought of it. We believed them then. We thought they were not deceiving our committee. We thought this great chamber of commerce was telling the truth. We put on the tariff so as to protect our fellows. Now the very fellows whom we protected by the tariff are crying out clear to heaven that this Government ownership thing over in Canada is a failure because it costs them so much more for power over there than it does us. Of course it costs them less for power. There is no question about that.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. The Senator will recollect that in the discussion of the tariff schedule upon pharmaceuticals, medicines, and chemicals the overwhelming evidence showed that the tariff

duties were from 69 per cent to 2,100 per cent, and they insisted upon having those almost prohibitory rates because of alleged competition from poor, distracted, chaotic, and bankrupt Germany. Of course it was a fake, and they imposed upon the Senate and they imposed upon the country to get their rates.

Mr. NORRIS. Mr. President, the system over in Canada has had a fight just the same as every municipality has had a fight in the United States. The same interests have been at loggerheads there that are now at loggerheads here. The system over in Canada has been attacked many times by hirelings of the General Electric Trust. Several years they sent a man over there by the name of Murray, a very eminent engineer. I am not criticizing the engineers. I am not criticizing anybody else who has that idea. The point that I want to make is that we have a scientific institution under the Government that ought to keep its hands off. If it puts those hands on, it ought to be at least in respectful language when they are trying to condemn something that a friendly nation on our northern border is trying to do.

Mr. Murray went over there, hired by the private electric interests of America, and made a very extended examination and made a very voluminous report. The substance of the report was that the consumers of Canada were paying more for current than the consumers here. But that statement could not stand long. It was used for propaganda purposes for a little while, but the truth commenced to come out; and when the truth commenced to come out everybody could see that those municipalities were getting their electricity so cheap that if we had it that cheap here we would not stop in the daytime to shut off the current.

The effect of that report was soon enlightened by the absolute facts that percolated over the country. Now comes Wyer, who admits that all of the domestic rates over there are cheaper than ours; so he himself contradicts the other man who went ahead of him for the same interests and made the same kind of investigations. But he said the power rates are higher in Canada than here. I have demonstrated, I think, by evidence that that is not true. But I have a letter that I want to read, that I remember had attached to it a lot of bills, and some of them for power. I want to read the rates and let every Senator decide for himself.

Waterford, Ontario, is a little town about 120 miles from the source of electricity. It has a population of about 1,000 people, or a little less than 1,100, as I remember it. It is only a village, but it has gone into this system up there. I wish Senators would take down the name and write to the man who wrote me this letter. I have never seen him; I have never been in the town. I only offer the evidence as I get it, and tell the source of it. His name is D. A. Hill, and he lives at Waterford, Ontario. He is the manager of the city electric-light distributing system in that little town. I will read a portion of his letter:

We are a small town of 1,050 population.

My recollection was correct that it was a little less than 1,100.

Prior to 1914 we secured our electric light from a private company, our rate at that time being a straight 10 cents per kilowatt-hour for both domestic and commercial uses.

That was not a bad rate. Many towns in this country pay more. It is safe to say, however, although it may not be true, that this rate of 10 cents in 1914, supplied by a private company, came about because of the activities of the hydroelectric commission, which while not supplying that town had been in operation up there for 10 or 15 years at that time. That brought down rates everywhere in the Province, even though they continued to take current from privately owned companies.

In 1914 we installed a municipal system, securing our power from the Ontario Hydroelectric Power Commission. We at that time—

This is the way they raised their money—

We at that time issued seven-year debentures for $10,000—

It only took $10,000 to put in the distributing system. They did not put in a generating system, nothing but a system of distribution, and they went in debt for that for seven years.

We at that time issued seven-year debentures for $10,000 to cover the cost of installation of our system.

Our rates in 1914 were 10 cents per kilowatt hour for commercial service—

Observe that the first year they did not reduce the rates for commercial purposes at all. They could do as they pleased about that; but they did reduce the rate for domestic service.

Our rates in 1914 were 10 cents per kilowatt-hour for commercial service and 5 cents—

They cut the rate in two, with a slight addition—

for domestic service plus 3 cents per 100 square foot floor area per month service charge.

These rates were gradually reduced, and after 1921—

They kept that rate up from the time they installed until 1921—

and after 1921, when our hydro debentures were all paid off out of profits from our municipal system—

They went into debt $10,000 for seven years' time and without the taxpayers ever paying a cent; in 1921, seven years after they started in, they were out of debt and did not owe anything on their system—

they were further reduced until in June of this year they started using the present rates as shown on the statements and paid light bills inclosed.

I will read some of the bills later.

I might say that in regard to our present financial position our lighting system has a cash surplus as of November 1, 1924, of $6,377.99, with no liabilities except a few current accounts; that is, in a period of a few months over 10 years since the installation we have paid for and extended our lighting plant until it is now valued at $25,000, and have cash on hand to an amount of over $6,000, as above stated.

The paid bills I am inclosing were picked up at random and include one of our larger power consumers, two of our small power consumers, one average commercial consumer, one average and one of the larger domestic consumers, which I hope may be of service to you.

The cost of power to our municipality from the Ontario commission is $34 per horsepower per year delivered to our lines.

Here is the power-rate charge now in that little town and the domestic rates. First, the domestic rate: Service charge of 30 cents net per month to all domestic consumers. That is the service charge. No matter how much you use you have to pay that.

Two cents per kilowatt hour for the first 60 kilowatt hours used per month.

One cent per kilowatt hour for all additional consumption per month.

Prompt payment discount, 10 per cent.

Minimum net monthly bill, 75 cents.

Those are their rates. I have never been there. I only submit to the Senate what I get from the man who is in charge of the operation of that plant. Write to him or write to somebody else there and see whether or not he is telling the truth.

Now I quote the commercial rates:

Four cents per kilowatt hour for the first 50 hours' use per month of connected load or maximum demand.

Two cents per kilowatt hour for the second 50 hours' use per month of connected load or maximum demand.

One cent per kilowatt hour for all additional monthly consumption.

Prompt payment discount and minimum net monthly bill, same as above.

That means 10 per cent off if one pays cash.

Power charges.

Now we are coming to what the Smithsonian Institution pamphlet has been talking about.

Charge of $1 per horsepower per month of connected load or maximum demand.

Two and eight-tenths cents per kilowatt hour for the first 50 hours' use per month of connected load or maximum demand.

One and eight-tenths cents per kilowatt hour for the second 50 hours' use per month of connected load or maximum demand.

One-half cent per kilowatt hour for all additional monthly consumption.

Prompt payment discount before 15th of month, 10 per cent.

Now you have it just as I have it. Who is telling the truth? Is the Smithsonian Institution telling the truth or is the man who is responsible for this communication doing so? If he were telling a falsehood, it seems to me he would hardly dare to run the risk of putting the figures in a letter and quoting the prices that are charged there. No man can doubt that he is telling the truth. Let us look at some of the bills which he states he incloses. They are here, not photographic copies, but original bills that he secured from his customers. They let him have them to send them down here. Here [exhibiting] is a bill for power. I have not had anything to do with the selection of these bills either as to this town or some other town or

this rate or that rate. I have taken them at random. I have here bills from every one of these towns showing the rates charged. If any Senator will give me the name of the town as to which he desires the rates I will look them up and tell him what they are. I have gone over this matter before in the Senate; I have previously given the figures when we were discussing the Muscle Shoals bill, and I am not repeating now what I then said and I do not intend to do so.

In the case of this bill [indicating] the customer consumed during the month of September, 1924, 578 kilowatt hours. That is a considerable amount of power. According to the rates which I have read, the items here make a total of $14.60. Of that power 205 kilowatts came under the rate of one-half cent per kilowatt; he paid only half a cent a kilowatt hour for it. He got the discount of 10 per cent, and paid a bill of $13.14.

Here [exhibiting] is another bill which is a commercial bill. This man ran a store or something of that kind. He consumed 79 kilowatts during the month. His total bill was $2.66. He got a discount of 27 cents for prompt payment, and had to pay $2.39. There were 79 kilowatts; and the total bill was $2.39 for a month.

Here [exhibiting] is another bill. This is for domestic service. This customer consumed 98 kilowatt hours. He had to pay $2.30.

Here [exhibiting] is another bill for power. This customer consumed 1,250 kilowatts during the month. After getting the discount of 10 per cent for prompt payment, which he did, he paid $11.92.

Let anyone who wants to defend the charges made by the Smithsonian Institution take those figures—for they will be in the RECORD now, and I can not erase them—and undertake to find a place where, on the average, power is as cheap as that. And that is not the cheapest power in Canada by any means. I can show the Senate many instances where the cost of power is only half of the cost of power indicated by the figures I have given, because the cost is rather high in a very small town of only a thousand population.

Mr. President, while we are speaking of Waterford, let me call attention to the fact that there is a Waterford in the United States, namely, Waterford, Pa., and it happens that that town is just about the size of Waterford, Ontario, each place having a population of about a thousand, each one having electric service. The town of Waterford, in Ontario, is obtaining electric current from the publicly owned system, the so much more expensive system, according to the Smithsonian Institution, while in Waterford, Pa., there is a privately owned system, in the operation of which there is some profit, something else besides cost, and where there is no attempt ever made even to pay off the debts of the company.

Under the system employed in Ontario the consumers have an opportunity to secure a reduction of the charges when the company has its debts paid off, as is the case in the town of Waterford, Canada, the debt of the company there having been paid off, and there are more than 50 municipalities to-day in Ontario that are in the same condition, the debt having been paid off. The rates, of course, go down very perceptibly when that happens.

Waterford, Pa., is about 80 miles away from Niagara Falls, while Waterford, Ontario, is about 120 miles away, and, therefore, current should be a little more expensive because it is necessary to convey the current that much farther, and so the American town has that advantage. Mrs. Charles B. Phelps lives in Waterford, Pa. In her little home she consumed 37 kilowatts during the month. If she had lived in Canada, she would have consumed twice that amount; but, living in Waterford, Pa., she did not have any electric appliances, she did not have an electric washing machine, or an electric dishwasher, or an electric iron, and probably not many other electric appliances outside of straight electric lights, because she could not afford them under the rates charged in that town. She consumed, as I have said, 37 kilowatts, and her bill was $4.07. Take that bill up to Waterford, Canada, the namesake of Waterford, Pa. Suppose Mrs. Phelps had lived in the Canadian town, having a thousand population, and had consumed the same amount of electricity, what would she have had to pay? She would have had to pay $1.18 instead of $4.07.

But, Mr. President, I want to hurry along; I did not expect to take up the time I have already consumed. I wish, however, to offer in evidence and have printed in the RECORD that portion of a letter written by Morris L. Cooke which I have marked. It is a portion of a letter written to me, dated February 7, 1925, calling my attention to a memorandum that is attached. I ask unanimous consent to have printed in the RECORD as part of my remarks the portion of the letter which I have marked, together with the memorandum attached.

The PRESIDING OFFICER. Unanimous consent is requested for the printing in the RECORD of a portion of a letter, with memorandum attached. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

* * * * * * *

During the last 10 years the public has only had a handful of men willing to forego the rich remuneration offered by the private companies in order to defend the public interest. I couldn't give you the names of a dozen able and dependable experts willing to testify on the public side. If these men are to be thrown out by the courts because they have never worked for private companies, our cause is lost. In one year recently I three times refused employment by the most prominent local public utilities on my own terms simply because I did not want to jeopardize my opportunities for public service. If the few men practicing in this field refuse private employment in order to keep their skirts clear are to be rejected because they have never taken such employment, we are certainly up against it.

* * * * * * *

Yours very sincerely,

MORRIS L. COOKE.

THE PUBLIC'S REPRESENTATION IN RATE CASES

Who should be permitted to represent the public in utility rate cases? This question has been raised in acute form by a recent decision of the United States circuit court in the Denver tramway's case. In this decision the court held that a 6-cent fare permitted by the indeterminate ordinance under which the company was operating was confiscatory, and that early franchises had given the company perpetual rights rendering later fare limitations illegal.

More important, however, was the decision of the judge excluding all testimony offered by Delos F. Wilcox, the city's consultant, on the ground that he was not qualified as an expert. In one sentence the court, ignoring the impressive recital of utility cases in which Doctor Wilcox has figured, explains that he is not an engineer; that he has had no practical experience with street railways or other industrial plants, never having been "in their employ in any capacity." It was, therefore, an error in law to permit him to testify at all. The evidence excluded was designed to show that the cost of capital under the valuation allowed by the court was three or four times that of other cities. Further evidence relating to accrued depreciation was likewise excluded.

On the other hand, the evidence on valuation offered by the two company representatives, who were "thoroughly competent, trained, and experienced engineers," and who had seen service with J. G. White & Co., the Philadelphia Rapid Transit Co., and others, was accepted. Doctor Wilcox's estimate placed the valuation of the system at $9,000,000, figuring depreciation on a straight-line basis. The court, following the engineers whom it had commended in glowing terms, fixed the valuation of the plant at more than $23,000,000, depreciation being arrived at by inspection and amounting to less than one-third that estimated by Doctor Wilcox. It may be added that Dr. Milo R. Maltbie, whose capacity as an expert was not questioned, was prevented from testifying as to the correct theory of depreciation and the weight to be given the various price bases on the ground that these were questions of law for the court to decide. Irrespective of the question of justice or injustice worked to one man—the Minneapolis street railway company is seeking to have Doctor Wilcox's carefully prepared testimony excluded from the pending rate case in that city on the same grounds as Colorado—there is here raised a serious question as to what representation the public is to be allowed in disputes with the utilities. If the city's representative must be an engineer who has been an employee of utility companies, the talent upon which the public can draw is severely limited. The time may come when engineering attains the dignity of a profession by exalting public service; but if the other qualification, past employment by a utility, holds, the cities will soon find it difficult to secure sympathetic and enthusiastic counsel. Herein lies the real menace of the Denver decision. Is it to come about that we must seek advice only from those who by education and employment are generally partisans of the private utilities?

Mr. NORRIS. I also ask unanimous consent, instead of taking the time to read, to have printed in the RECORD a letter from Mr. Cooke, which bears on this question, directed to me and dated February 17, 1925.

The PRESIDING OFFICER. Unanimous consent is requested for the printing in the RECORD of a letter. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

PHILADELPHIA, *February 17, 1925.*

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR NORRIS: It will apparently be very easy to connect the General Electric Co. with antipublic-ownership propaganda.

The National Electric Light Association financed the Murray report on Ontario hydro, as the report itself bears testimony. N. E. L. A. is supported essentially by the dues (1) of class A members (central station companies) assessed as a varying percentage of gross receipts, and (2) of class D members (manufacturing companies), the basis of assessment of which, so far as I know, has never been published.

Several years back N. E. L. A. had a deficit of some $93,000, the raising of which was assigned to Joseph B. McCall, president Philadelphia Electric Co. He collected it, and reported that about half had come from the manufacturers. The original underwriters had been 10 companies, of which 2 were General Electric and Westinghouse. (See, p. 6, Proceedings forty-fourth convention.)

Entirely apart from these dues and so not reported in their annual statements, N. E. L. A. has been spending considerable sums on advertising campaigning. For one such campaign a year or two back I had the essential details—the advertisements, the list of publications in which they appeared, etc. Covering about a two-month period this campaign cost about $100,000. This, of course, is only one of a number of such campaigns. Most of these advertisements carry the N. E. L. A. imprint. I seem to recall some advertisements that carry the Westinghouse imprint, but obviously associated with the N. E. L. A. series, calling attention to N. E. L. A. convention, the public service it renders, etc.

The general purpose of the N. E. L. A. ads is to suggest the dependability of electric preferred stocks—indirectly to decry public ownership.

It may interest you to know that recent advertising campaigns have been handled by the Thomas F. Logan Advertising Agency. You may recall Logan as the Washington correspondent of the Philadelphia Inquirer, and investigated by Congress during the war and shown up, as I recall it, as not only giving balls, etc., for political purposes, but enjoying retainers amounting to $30,000 (?) a year from General Electric Co., Atlantic Refining, etc. He was the intimate of Hurley, Tumulty, and others occupying the seats of the mighty.

Whether you can associate Wyer directly with General Electric is another matter. The Pennsylvania branch of N. E. L. A. has published some of his stuff, but so have one or two engineering societies.

Yours very sincerely,

MORRIS L. COOKE.

Mr. NORRIS. I also ask unanimous consent to have printed in the RECORD a third letter, written January 16, 1925, by Mr. Cooke.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

PHILADELPHIA, *January 16, 1925.*

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR NORRIS: Samuel S. Wyer, consulting engineer, of Columbus, Ohio, who advertises himself broadly as an "associate in mineral technology of the National Museum" (whatever that may mean) is not only spreading a good deal of false information, but doing it for the most part under Government auspices. In the first place, the title quoted above ties him up to the National Museum. Most of his publications have gone out under the imprint of the Smithsonian Institution and he is franking bunches of his literature to farmers' organizations, engineering societies, and women's clubs, so as to get a free use of the mails.

Some time since I had some correspondence with Senator COUZENS, who in turn carried on a rather indeterminate correspondence with Charles Walcott, head of the Smithsonian. Senator COUZENS agrees with me as to the irresponsible and dangerous character of Wyer's operation, but he never got Doctor Walcott to admit it or secured from the eminent scientist any reason why Wyer should be allowed to use Smithsonian auspices for pushing out his propaganda.

My own theory is that he is in the employ of the gas interests as contrasted with the electric interests. One of his favorite themes is to show that you can neither heat nor cook with electricity. It is entirely possible that the electrical people, interested as they are in industrial current, may be back of this propaganda. They may not want the farmer's wife to realize that if she got the right kind of rates she could cook, iron, fan, and sometimes heat with electricity.

My purpose in writing is to ask you whether the Smithsonian Institution and the National Museum spend public funds, and if so, whether they are not amenable to reason in this matter. I don't think we can pay any attention to the "hired" men who work under purely private auspices, but it is pretty tough to have men of this type spreading misleading information, and doing it with the full knowledge and consent and under the auspices of Government agencies. I am inclosing herewith a clipping from last evening's Ledger, in which Wyer delivers himself of the opinion that the "Government-owned hydroelectric system in Ontario has failed to be self-sustaining."

Can you suggest to me anything that I could do to tend to make this man operate without Government support?

Yours very sincerely, MORRIS L. COOKE.

Mr. NORRIS. I wish to digress here, Mr. President, to say that Mr. Cooke is one of the leading engineers of the United States. He is at present in charge of the activities of the State of Pennsylvania in a power-development plan which they are undertaking there.

To show how the pamphlet issued by the Smithsonian Institution has struck some of the leading papers and journals of the country, I shall ask unanimous consent to print several editorials in the RECORD. First of all, I ask leave to have printed in the RECORD an editorial from the Globe, of Toronto, Canada, of February 17, 1925.

The PRESIDING OFFICER. Unanimous consent is requested for the printing in the RECORD of an editorial. Is there objection? The Chair hears none, and it is so ordered.

The editorial referred to is as follows:

[From the Toronto Globe, February 17, 1925]

POWER PROPAGANDA AGAIN

Apparently the recent attack of Samuel S. Wyer on the finances of the Ontario Hydroelectric Power Commission has had wider publicity in the United States than was thought. Mr. Wyer first issued a pamphlet under the seal of the Smithsonian Institution at Washington, to which Sir Adam Beck made a vigorous reply. Later his article was copied by certain business magazines and given additional circulation. Several of these magazines have been sent the Globe from readers in the United States. The immediate object of the pamphlet undoubtedly was to aid the private corporations in their fight for control of the Muscle Shoals power project, and in general to discredit public ownership.

According to certain inquiries made at Washington, the Smithsonian officials declared that Mr. Wyer was not on their pay roll and that he made his so-called investigation at his own expense. It is said that he arrived in Washington early in the year with his manuscript and it was rushed through to the printers with unprecedented speed. The printing was not done at a Government plant, but was paid for out of the Institution's private endowment funds. It was, however, sent out under a United States Government frank.

The officials of the Smithsonian Institution have got themselves into difficulty over their action in indorsing Mr. Wyer's attack. Already the secretary of the Institution has promised that if anyone can prove the Wyer statements untrue the Institution will publish a supplement setting forth such proof. It is said that efforts are now being made tending toward such publication.

Another bit of private corporation propaganda which had to be contradicted in Washington was that the famous Gregory report on Ontario's hydro had been burned, and not a copy remained but one which Mr. Gregory retained for himself. The suggestion was made that this report was so unfavorable that hydro officials had taken steps to insure its destruction. As a matter of fact, the Gregory report was never printed because of the expense entailed, but a number of typewritten copies are still in Toronto. One is open for inspection at the Parliament Buildings.

For the people of this Province the report of Mr. Wyer, and incidents connected with it, have valuable lessons. It is again demonstrated how far private power corporations will go, and what propaganda they will issue, in order to obtain the privileges they desire. We do not think such publicity can harm the hydro project in this Province to any extent, but the principle of public ownership is now under severe bombardment in the United States, and the power interests hope that the private corporation doctrine with regard to public utilities will seep into this country.

Mr. NORRIS. I ask unanimous consent also to have printed in the RECORD copy of a letter written by one of the leading engineers of the country in regard to the pamphlet issued by the Smithsonian Institution. I refer to a letter written by Mr. Milo R. Maltbie. Mr. Maltbie is quite a noted writer and is the public service commissioner of New York, having been appointed to that position by Governor Hughes. He was city chamberlain of New York City under Mayor Mitchell, and at present is the official adviser on utility matters in the States of New York and Pennsylvania, and in the cities of Philadelphia, Chicago, Buffalo, Boston, and many others. He is one of the most outstanding authorities in this field on the public side.

One of the documents which I have put in the RECORD already shows that we are reaching a time when there is danger that the courts are going to exclude from the witness stand experts who can not qualify by first having been employed by some branch of the great electric corporations and trusts. I call attention to this because I am honored by the presence of the chairman of the Judiciary Committee, Mr. CUMMINS, in whose judicial mind and temperament every man who knows him has absolute faith and confidence. I want him to read the particular item I am speaking of now, and which I will put in the RECORD, showing what happened in

a court in the city of Denver, and the contention that is being made now in the city of Minneapolis against permitting men to testify as to the value of public utilities unless they can qualify by showing that at some time or other they have been in the employ of the so-called electric trust or some branch of it.

Mr. Maltbie in this letter calls attention to the wickedness of this pamphlet issued by the Smithsonian Institution; and the letter is written and directed to Doctor Walcott, the head of that institution. I ask unanimous consent to have it printed as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 14, 1925.

Mr. CHARLES D. WALCOTT,
Secretary Smithsonian Institution, Washington, D. C.

DEAR MR. WALCOTT: Your letter of January 21 and the paper by Mr. Wyer came to hand duly, but not in time for me to see Mr. Wyer, as you suggested. However, I am interested not so much in what Mr. Wyer may say as in the explanation of the Smithsonian Institution of the publication of a document that seems lacking in scientific method.

The Smithsonian Institution has had a most enviable reputation, and particularly for the publication of accurate, impartial, and scientific analyses of essential facts. It is, therefore, very surprising to find in a series devoted to "Energy resources of the United States" a paper largely devoted to an attack upon the government operation of electric distribution in Ontario. This attack might be considered an expression of individual opinion were it not that in the introduction (p. 3) you have stated that, "Enough data are given in Part III to permit the reader to make an evaluation of these two methods," namely, government operation in Ontario against private management in the United States. This clearly places the Smithsonian Institution behind the statements made by Mr. Wyer.

Mr. Wyer plainly accuses Sir Adam Beck and those responsible for the management of the Ontario hydroelectric system of fixing electric rates below cost in order to obtain the votes necessary to authorize bond issues (p. 20). One might question the good taste displayed by a governmental agency of the United States in attributing such motives to another governmental agency in adjoining country. But Mr. Wyer cites no facts in support of this accusation, and I beg to ask upon what the charge is founded. It ought not to be made without overwhelming evidence.

Another indictment which Mr. Wyer brings against the Ontario system is that it has supplied electric consumers at less than cost to the extent of over $19,000,000 (p. 19). His definition of "cost" is (p. 8):

Operating expenses, insurance, and taxes.

Amounts sufficient to maintain the property in highest state of efficiency and to provide funds to replace equipment when it becomes unusable.

Returns upon money used in the enterprise, which he calls "interest."

It will be noted that no mention is here made of sinking-fund payments to retire bonds when they became due, but the $19,000,000 deficiency consists of over $15,000,000 of alleged sinking-fund deficiencies.

When Mr. Wyer compares government rates in Ontario with private rates in the United States he condemns Ontario, because sinking funds are not provided to pay off bonds when they become due, while admitting that private companies in the United States practically never provide for the retirement of securities they issue (pp. 10 and 11). If the Ontario government should pay off bonds when they fall due and not be allowed to refund them, why should not private companies in the United States be required to do so? Upon what ground is there one rule in Ontario and another in the United States? Is it scientific or fair for an author to define a term and then change its meaning in the midst of the discussion which follows?

It is obvious that the duration of a bond issue has nothing to do with the cost of service. If such were the case, a system that is largely financed with 20-year bonds would be obliged to sell energy at a much higher rate than the system that issued 100-year bonds.

Mr. Wyer's third accusation is that in Ontario domestic consumers are given low rates arbitrarily and without regard to cost (pp. 10, 16), while in the United States each group of consumers pays the cost of service (pp. 10, 16, 20). I have not made a study of Ontario electric rates, but I have some familiarity with the rate schedules in the United States, having been for eight years a member of the New York Public Service Commission and having been engaged in utility work for a much longer period. I am amazed that any man particularly an associate of the Smithsonian Institution, feels justified in stating that each group of electric consumers in the United States pays the cost of service. I can cite repeated instances in the United States where each group of consumers does not pay the cost of service. Indeed, this is a very common practice in utilities and generally in business. Every utility manager knows that large numbers of customers are carred at a loss, and often the policy is deliberately adopted, because it is recognized that by so doing use is encouraged and that consumers who are now being served at a loss may in the future pass into a class where they are served at a profit.

Mr. Wyer does not ever refer to considerations of public well-being which may justify low rates to certain classes. Apparently, he considers that public utilities are only economic institutions and that considerations of public well-being have nothing to do with their management. In this respect, also, he is obviously in error.

I trust you will not infer that I am arguing either for or against government ownership of electric systems. I am concerned with what seems to me a most unfortunate occurrence, namely, the publication of a document wholly lacking in scientific method and in fairness by an institution which ought to carefully preserve its reputation for scientific accuracy.

Very sincerely,

MILO R. MALTBIE.

Mr. NORRIS. I ask also on this subject to have printed an editorial that appeared in the Nation of February 25, 1925.

The PRESIDING OFFICER. Unanimous consent is requested for the printing of an editorial. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Nation of February 25, 1925]

Sinister propaganda is unveiled in connection with a pamphlet entitled "Niagara Falls: Its Power Possibilities and Preservation," issued by the Smithsonian Institution and O. K'd by its secretary, Charles D. Walcott. The Smithsonian Institution is under the National Government and therefore has no business with controversial propaganda. It is, besides, a scientific service whose sole aim is supposed to be demonstrable truth. Its publications, by its own account, go to "every first-class library on the face of the earth." Now a casual reading of the Niagara Falls pamphlet indicates that it is an argument rather than an exposition intended to create sentiment for a revision of our treaty with Canada so as to permit the use of more water by the power interests on the American side. To this end an effort is made to show that the wearing away of Niagara Falls would be slower if less water went over the ledges, and that the privately owned American power interests (which would benefit) are conducted more in the interest of the public than the hydroelectric power commission which supplies the Province of Ontario as a government service. Even if every word of the pamphlet were true, it was a wholly improper one for the Smithsonian Institution to make public. It is an attack by a part of our Government upon a part of the government of a friendly nation. It turns out, besides, that the "assistant in mineral technology" made such a hodge-podge of his economic data that Sir Adam Beck, chairman of the hydroelectric power commission, has issued a pamphlet in reply, in which he indicates that Mr. Wyer may be described by a word of four letters, meaning one who shows considerable coyness toward the truth.

The Smithsonian Institution's pitiful propaganda is, indeed, quite demolished, although its effect can not be undone. The "assistant in mineral technology" begins by charging that the hydroelectric power commission pays no taxes and that the public loses by that much. Sir Adam Beck replies that the commission pays not only provincial and municipal taxes but heavy custom duties besides. Mr. Wyer asserts that domestic consumers are favored in prices as against manufacturers. Sir Adam shows that an effort is made to sell to all at cost as against the unreasonable concessions often made to large users by privately owned utility companies in the United States. In answer to Mr. Wyer's most serious charge—that upkeep is met by legislative grants instead of out of earnings—figures are cited of profits of $7,000,000 for the Province of Ontario and $15,500,000 for various municipalities that buy and resell power. Some money grants are received, says Sir Adam, but for various extra services not necessary to the production of power. Also half of the capital cost of lines in some thinly settled regions has been borne—and charged to agricultural assistance. These facts in regard to Ontario's great and successful publicly owned power industry deserve emphasis at this moment of effort to jam through Congress the conference report on Muscle Shoals, which would surrender this great water power to private hands. Those who vote for such a betrayal will surely be haunted by it later in their political career. * * *

Mr. NORRIS. Also, the marked part of an editorial that appears on page 2 of the New Republic dated February 25, 1925.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New Republic, February 25, 1925]

A short time ago the Smithsonian Institution of Washington, published a document which can only be characterized as extraordinary coming from such a source. It was a "report" on the publicly owned

hydroelectric power system of Ontario, Canada. The author is Mr. Samuel S. Wyer, who is "associate in mineral technology of the United States National Museum," and his conclusion is that the Ontario experiment is far from being the bright success it is sometimes painted. He alleges that only because it is exempt from taxation is the Hydroelectric Power Commission of Ontario able to sell electricity as cheaply as it does; that while for political reasons the price to household users is kept below the cost of production, the cost to industrial users is high, and is hindering the development of industry. He says part of the cost of production is met by direct subsidization from the provincial treasury, but that even so the promise to make operating revenue meet all expenses has not been kept by the sum of about $19,000,000. There is, he maintains, no adequate sinking fund for the retirement of outstanding bonds. These are, of course, very serious charges. They have double weight when brought forward with the stamp of approval by the Smithsonian Institution, a famous scientific organization with quasi official governmental status—the Vice President of the United States, the Chief Justice of the Supreme Court, three Senators, and three Representatives being by long custom members of the board which directs its affairs. The Wyer pamphlet, therefore, was received with great respect by the American press, and was widely quoted and discussed.

Now comes Sir Adam Beck, chairman of the Ontario commission, with a pamphlet in reply, in which he states—and certainly seems to prove—that every important allegation made by Mr. Wyer is untrue. The Hydroelectric Power Commission of Ontario does pay taxes, says Sir Adam, to the extent of hundreds of thousands of dollars annually both to municipalities and the Province of Ontario. It has also paid the Dominion Government millions of dollars in duties on equipment imported from the United States, a burden which no American power company has to face. He denies that the domestic rates are below cost, and that the industrial rates are excessive. Instead of having incurred a deficit of $19,000,000, he says the commission has collected a surplus of $7,000,000, and the municipalities, which are its partners, a further one of $15,500,000. Mr. Wyer's imaginary deficit of $19,000,000 is based in great part, says Sir Adam, on the fallacious theory that no refunding of bonds is possible, and also that a new project should begin payments for amortization of its cost from the moment the money is secured to build it instead of from the time it begins to operate. Sir Adam states that the subsidies from the provincial treasury have nothing to do with the cost of operation of the power plant, but are for separate and distinct services, mostly of a scientific character, performed by the commission for the Government. As a matter of fact, Sir Adam says, the finances as they are now being conducted will pay off all indebtedness on this $250,000,000 project, which serves 380 municipalities, in from 30 to 40 years. In the meantime instead of the Ontario taxpayers being heavily penalized to keep the hydroelectric enterprise going he is actually saved about $1,000,000 a year, because all electricity for municipal lighting, power, etc., is sold to the cities at cost.

On the merits of the argument, of course, no layman can speak with authority. But the points raised by Sir Adam Beck at least justify the inquiry: How did the Smithsonian Institution happen to go out of its way to make its extraordinary assault upon a governmental enterprise in a neighboring, friendly nation (an assault, by the way, which its author repeats in an article in the current issue of the Nation's Business, published by the Chamber of Commerce of the United States)? Everyone knows that the private power interests of this country have for years been engaged in a desperate campaign of misrepresentation of the facts about government ownership; and that the highly successful experiment in Ontario has been the blackest of beasts to them. Congress is about to investigate, through the Norris resolution, the Power Trust and its ramifications. Under the circumstances it seems reasonable to suggest that the Smithsonian Institution's publication might be included in the scope of investigation with a view to discovering what relation, if any, it bears to the propaganda of the power interests.

Mr. NORRIS. I desire also to have printed an article on this subject appearing in Labor, written by Mr. Carl D. Thompson, secretary of the Public Ownership League of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From Labor for February 14, 1925]

(By Carl D. Thompson, secretary of the Public Ownership League of America)

The United States Senate has been getting some tremendously vital and important facts of late.

Senators NORRIS and HOWELL, of Nebraska, JOHNSON, of California, SHIPSTEAD, of Minnesota, and others have read into the CONGRESSIONAL RECORD the amazing story of Ontario's public superpower system—a story that marks the opening of a new era in human history, the beginning of the age of electric power with service at cost and rates so low that this, the greatest of all mechanical servants of man, and its wondrous gifts of comfort, convenience, and necessity will be brought within the reach of all, the humblest as well as the rich and mighty.

But now comes our good friend Samuel S. Wyer, "distinguished engineer," who "has just completed a study of Niagara for the Smithsonian," and tells us, in substance, in the February issue of the Nation's Business that Congress didn't get all the facts; that there are other facts about the Ontario Hydro which when told make the story altogether a different one. In fact, when these "other facts" are read into the story there is nothing to it—Ontario has nothing to offer to us.

What, then, are the "facts the Senate never got," according to Mr. Wyer? Let us take a good, square look at each one of them.

EXAMINATION OF THE ALLEGED FACTS

1. First of all, Mr. Wyer says that it is only the domestic rates that are lower in Ontario than in New York and elsewhere under private ownership; power rates are higher.

This is not true. All rates are lower in Ontario. The domestic lighting rates are 150 per cent higher under private ownership in the States than in Ontario; commercial lighting rates are 300 per cent higher, and power rates from 40 to 90 per cent higher. The following table, compiled by A. S. L. Barnes and L. S. Locke, engineers of the Ontario Hydro Commission, shows the rates charged for power on the basis of net monthly bills rendered in 40 Ontario cities as compared to similar bills in 40 cities of the United States:

Class of power used	Forty Ontario cities cost per month	Forty United States cities cost per month
5 horsepower, 500 kilowatt hours	$10.76	$27.75
5 horsepower, 5,000 kilowatt hours	74.45	130.67
500 horsepower, 50,000 kilowatt hours	853.17	1,165.17
500 horsepower, 100,000 kilowatt hours	961.84	1,842.78

That ought to settle it. But if any reader of Labor wants more proof, more data and comparison of rates, let him send for a copy of Bulletin No. 1 on "Municipal electric light and power plants in the United States and Canada," published by the Public Ownership League of America, Chicago, and he will get it in abundance.

Now, these are the facts that the Senate got. For on December 30, 1924, United States Senator GEORGE W. NORRIS read into the CONGRESSIONAL RECORD all kinds of facts and information of this kind.

The Senate got the facts, but the Smithsonian did not.

ONTARIO GIVES SERVICE AT COST

2. Next, Mr. Wyer says that the Ontario domestic rates are below cost and that "the loss"—to quote his exact words—"is made up in part by higher rates for power consumers than prevail in the United States." But the power rates are not higher, as we have shown above. Neither is there any loss to be made up. And, finally, the whole system is operated upon the principle of service at cost, charging in the rates for all classes of service and all elements of the service enough to cover all the costs.

So the domestic rates are not below cost.

3. Again, Mr. Wyer claims that because power rates are higher in Ontario than in the States (which they are not) and because domestic rates are below cost (which they are not) that therefore the Ontario system robs the industrial consumer to pay the domestic consumer.

But both of Mr. Wyer's premises being disproven by the facts which the Senate got and which the Smithsonian did not get, his conclusion falls. The Ontario system does not rob the industrial consumer to pay the domestic consumer.

MR. WYER OUGHT TO GET FACTS

And in this connection Mr. Wyer and the Smithsonian ought to get this fact which the Senate seems to have and they have not, viz, that the domestic consumer is the ultimate consumer while the power consumer adds his cost to the price of his product and passes it on to the ultimate consumer. Moreover, the power consumer is often a subsidiary of or connected with the private power companies through interlocking directorates or otherwise, and as such may in some cases be the beneficiary of especially low rates. And yet in spite of all that the power rates in Ontario average lower than those of the private companies in the States, as shown above.

4. Again, Mr. Wyer says the Ontario system is exempt from taxation. Wrong again. Both the commission and the municipalities pay taxes on their land, the same as private companies. It is true, however, that their improvements are exempt from taxation. To that extent they have less to charge into rates, and to that extent the Province loses taxes.

This, however, is a very small matter as compared to the enormous savings effected by the lower rates. We have no data at hand as to the actual amount of taxes that the hydro would pay if it paid taxes upon all its property as well as its land.

Mr. Wyer says that for the United States 10 per cent of the dollar the public pays for electric service goes for taxes.

On that basis Ontario would lose about $3,000,000 in taxes on its public system in 1923. Meanwhile it saved that year over $16,500,000 on the lower rates paid for electric service as compared to those charged by private companies, or over five times as much as it lost in taxes.

HAS NOT COST THE TAXPAYER A PENNY

5. Mr. Wyer says the Ontario system is partly supported by the Government, by contributions, and subsidies. In this Mr. Wyer is mistaken. Not one cent of the original cost or of the cost of operating this great system has ever been charged to the taxpayers of Ontario. The credit of the Province was pledged to secure the capital originally, of course. But every cent of interest, every cent of the cost of operation, every cent of the sinking fund to retire the original bonds, and every cent of the depreciation fund has been paid and is being paid out of the earnings of the system—and not one cent out of taxes.

6. Mr. Wyer says that the Ontario system does not provide a proper sinking fund. The depreciation reserve of the system now amounts to 22.1 per cent of the total depreciable plant, while the depreciation and surplus combined have already reached the sum of $20,999,114.85, approximately 43.4 per cent of the total plant cost. Here is another fact the Senate got that the Smithsonian did not get.

ONTARIO SYSTEM HELPS THE FARMER

7. Mr. Wyer says that the Ontario system subsidizes the farmer by helping him to cheaper electricity. (Farm journals please copy.) On this point, for once, Mr. Wyer is right. And we should like to emphasize it.

"Recognizing the desirability in the general interest," says Sir Adam Beck, chairman of the hydroelectric system, "of bringing the benefits of electricity to the farm, and in order to meet the difficulties involved, the rural hydroelectric act of 1921 was passed. It provided a bonus on rural primary lines to the extent of 50 per cent of their cost."

And under the provisions of this act, up to October 31, 1923, the Ontario system had made a capital expenditure of $2,125,024.12 on these rural systems, having 1,058.59 miles of primary lines with 14,010 farmers supplied, and bonuses amounting to $622,264.43 had been advanced to the farmers.

And, best of all, after the service is installed the rates are extremely low. For small farm service the charge is about $4 a month, for medium farm service $7 a month, and for heavy farm service about $11 a month.

Yes; the Ontario system helps the farmer to get electric service at low cost. The Senate got that fact, too. And it also got the fact that the United States Government is supplying electric service to the farmers on some of the reclamation projects at rates as low as 2 cents a kilowatt-hour. Senator HIRAM JOHNSON read this fact into the RECORD. We are not sure that the Smithsonian got it.

8. Mr. Wyer says that the Ontario system spends large sums of money helping municipalities in the matter of estimates, surveys, engineering advice, etc. Here again he is right. (Municipal journals please copy.)

RATES ARE STILL GOING DOWN

9. Finally, Mr. Wyer says that in view of all the conditions that he has pointed out the Ontario system must either greatly increase its rates or shift the burden to the taxpayers. As a matter of fact, Ontario is doing neither. On the contrary, the system is steadily reducing both taxes and rates. The annual reports of the system give the rates paid by each of the 235 municipalities and rural communities served for all classes of service and for all the years served since they began taking hydro. And the trend of rates is always and everywhere downward. Rates have been going down steadily in Ontario for the last 14 years and are certain to go down still further.

These are the facts the United States Senate has, and we are very anxious that the Smithsonian should get them also. Any reader can get them if he cares to take the time to write to the Ontario Hydro-electric Power Commission at Toronto, Ontario, and ask for their annual reports and literature or to the Public Ownership League at Chicago. Or he may get them by reading the CONGRESSIONAL RECORD for December and January. It is great reading.

Mr. NORRIS. I also desire to have printed an article appearing in the Baltimore Evening Sun of February 7, 1925.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The matter referred to is as follows:

CANADIAN EXPERT BRANDS SMITHSONIAN POWER BOOKLET AS "FALSE AND MALICIOUS"—BECK DENIES ALL CHARGES MADE IN PAMPHLET WRITTEN BY WYER, WHOM HE CALLS "IGNORANT"—SCORES USE OF UNITED STATES AGENCY FOR "UNJUST" PROPAGANDA

[From the Staff Correspondent of the Evening Sun]

WASHINGTON, February 7.—Sir Adam Beck, founder and manager of Ontario's great publicly owned hydropower system, to-day came back with a sizzling reply to the Smithsonian Institution's recent attack on this system, as predicted exclusively in the Evening Sun two weeks ago.

In a pamphlet similar in size to that put out by the Smithsonian as a "scientific study" of Niagara Falls as a power source, the veteran Canadian power engineer asserts that the Smithsonian booklet contains "statements so inaccurate that they can not possibly be justified."

It is inconceivable, Sir Adam adds, that a great governmental institution, dedicated to "the diffusion of knowledge among men" and headed by the President, the Chief Justice of the Supreme Court, and all the Cabinet officers, should devote public funds for an "unfounded attack upon the public achievements of a greatly friendly neighboring people."

PAMPHLET USED IN FIGHTING NORRIS'S SHOALS PLAN

"It may safely be assumed," the statement adds, "that when James Smithson, the British founder of the institution, made his donation to the United States, he little surmised that the institution he founded would be used to make an attack characterized by so little of that sense of fair play and truthfulness which is the common heritage of the Anglo-Saxon race."

The political significance of the Smithsonian's pamphlet, which was written by Samuel S. Wyer, a private consulting engineer, and contributed by him gratis for publication, lies in the fact that it was issued in the midst of Senator NORRIS's fight for public retention and operation of Muscle Shoals. Senator NORRIS has made wide use of the experience of the Ontario hydro system to prove his assertions that public development of hydropower would permit its profitable sale at from one-half to one-fourth what is customarily charged by the big private companies, which he alleged constitute a practical trust covering the entire United States.

The Wyer pamphlets were sent to Members of Congress and to the press, and the statements in it widely used to fight the Norris proposal. Mr. Wyer charged specifically that the Ontario system did not pay taxes; that its rates were below cost of production; that it had a $19,000,000 deficit, and was subsidized from the provincial treasury.

Sir Adam categorically denies every one of these statements, answering each one in detail.

The Ontario system, he says, has been studied for extended periods by official commissions from Britain, France, Germany, Italy, and other European countries as well as from Japan, China, and other Asiatic nations.

"Most of such investigations," he adds, "have been conducted in a fair and open-minded manner, and the reports made have highly commended the achievements of the commission."

TELLS OF "UNJUST ATTACKS"

On the other hand, he says, agencies prompted by corporate interests have launched so many diatribes against the project "that one has long since become weary of them."

Of these "unjust attacks," he continues, "some have come from expected and some from rather unexpected sources, but never has the commission had an attack made from a source so little expected as one bearing the fair name of the Smithsonian Institution."

The Wyer report, Sir Adam says, is "the most feeble of the attacks which have been made," and would be disregarded except for the fact that it is put out under the double imprint of a friendly neighboring government and a great scientific institution.

Wyer, the report goes on, came to the hydro commission's offices with credentials purporting to be from the Federal Government. These, it is added, secured him every courtesy. He stayed only a few hours with the commission's officers, it is added, "and the impression conveyed was that of an individual simply wishing to make a somewhat superficial inquiry."

And yet, Sir Adam continues sarcastically, Wyer attempted to pass critically in these few hours on the greatest hydroelectric system in the world, in successful operation for 15 years, representing a capital investment of over $250,000,000, and supplying over 380 Ontario municipalities.

Wyer's charges are taken up in detail and, citing the page and chapter, Sir Adam repeatedly characterizes him as "grossly ignorant," "betraying malicious motives," and "uninformed on the simplest elements of economics and accounting." The hydro commission, he asserts, not only does not have a $19,000,000 deficit, but instead possesses a $40,000,000 surplus, earned after paying all charges met by private corporations in the United States, in spite of the fact that the Ontario rates are so much lower than those in the United States.

The pamphlet concludes with a sizzling commentary on the "apparent fact" that in the United States public funds can be used to promote the false propaganda of public utility corporations at the expense of the people.

Dr. Charles D. Walcott, director of the Smithsonian, who fully indorsed Wyer's report, has said that if its statements are proved false, he will issue a retraction.

Mr. NORRIS. Also another article, in the Globe, of Toronto, Canada, of February 7, 1925.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

NEW ATTACK ON HYDRO

The people of Ontario have become so accustomed to attacks on the publically owned and operated hydroelectric enterprise that they have practically ceased to bother their heads about them. No matter what financial critics and technical experts and investigators and other detractors may say, the consumers of electric current in this Province are always able to reply to the allegations to their own satisfaction by examining their monthly bills and finding that these charges are far below similar charges in other places where electrical energy is bought from private corporations. The people of Ontario are fully aware of the fact that private interests, particularly in the United States, exhibit extraordinary anxiety lest the idea of public ownership with regard to water powers gain widespread popular favor. Most of the diatribes from the private corporations may safely be ignored, and, so far as this Province is concerned, they do little or no harm to the determination of the people to make use of their own water powers. However, the hydroelectric commission officials have seen fit to make reply to a pamphlet issued by the Smithsonian Institution in Washington last month. People the world over have more than ordinary respect for this institution, and its publications are supposed to be sent to every first-class public library on the face of the earth.

A short time ago Samuel S. Wyer, an associate in mineral technology in the employ of the Smithsonian Institution, visited the hydro offices in Toronto for a few hours, was given all the information he desired, and departed. And now we have a booklet by the same Mr. Wyer, bearing the imprint of the Smithsonian Institution, which contains more inaccuracies than one could expect from an associate in mineral technology, even when dealing with finance. The most serious blunder made by Mr. Wyer is his assertion that the Hydro has taken $19,147,014 out of the provincial treasury instead of out of earnings. He states that by paying losses to the amount of $19,000,000 out of the provincial treasury the taxpayers of the Province have contributed toward "the-below-cost service" rendered electric consumers. His classification of the nineteen millions is as follows:

Subsidizing rural lines	$1,194,422
General expenses	2,245,000
Accrued deficits in sinking funds that have not been met out of earnings for hydro commission bonds	7,749,646
Accrued deficits in sinking funds from money borrowed from the Province	7,957,046

In other words, he charges that about $3,400,000, bulking the first two items, was spent by the hydro from the provincial treasury, to which the power users did not contribute, and he alleges also that the sinking funds are now more than $15,000,000 short of what they should be according to safe business.

The hydro commission replies that the subsidy to rural lines was simply in pursuance of the government policy of promoting agriculture, and just as much a charge upon the Province as the establishment of agricultural colleges, road building, and so on. This million-dollar expenditure, it is pointed out, can not be classed as part of the cost of power. The second item, of more than two millions, was paid the hydro for the services of its experts in various scientific work which ordinarily is done by government bureaus, and which can not be taxed solely to power users.

Mr. Wyer gets his first alleged deficit in hydro bonds by stating that the outstanding bonds on October 31 last amounted to $41,768,523, and he asserts that at that time there should have been a sinking fund of $9,579,107, instead of $1,829,461, as stated. By subtraction he secures his first sinking-fund deficit of $7,749,646. This item relates to the bonds of certain power companies assumed by the commission when the properties were purchased. But it is pointed out that the dates of maturity of these company bonds have nothing to do with the period over which the commission retires its capital by means of sinking funds. The capital liabilities represented by the bonds of these companies are retired in from 30 to 40 years following the date of their resumption by the commission, whereas the Washington mineralogist apparently thought that sinking funds would have to be raised by the hydro to retire all these company bond issues as they matured and that none would be refunded.

In respect of the last so-called sinking-fund deficit of $7,957,046 on money borrowed from the provincial treasury for capital expenditure the hydro commission states that the figure Mr. Wyer uses has assumed such proportions because he ignored the fact that until a plant is completed and earning a revenue it is not expected to commence repayment of its original capital cost out of revenue. In case of the hydro the sinking-fund levy commenced when the plants were completed and placed in commercial operation, or when they were able to earn a revenue.

To get away from Mr. Wyer's details, the fact remains that to-day the hydro commission pays, and always has paid, out of its income the operating expenses, insurance, taxes, maintenance, renewals, reserve, and interest. In addition to these items the consumers are charged an extra amount to enable the capital itself to be retired in 30 to 40 years from the times of the commencement of sinking-fund payments. Briefly, that means that enough money is being set aside annually eventually to wipe out the capital and at the same time have the plant in just as good shape as the day it was started. That is an entirely different process from that followed by private corporations, which, as a rule, never retire capital expenditure; in fact, they too often add to it. So that, instead of the deficit the Washington scientist figures, there is in reality a surplus. The hydro commission, over the name of Sir Adam Beck, bluntly declares that the statement that the system has failed to pay the full cost is absolutely false. The total of reserves and surpluses, including reserves for renewals and contingencies, is to-day about $40,000,000.

Mr. Wyer also avers that the hydro system is not taxed, and that such freedom from taxation means about 10 per cent to power users and a corresponding loss to the general taxpayers. However, the hydro pays taxes to the extent of hundreds of thousands of dollars annually on land and other properties, and besides has paid millions in customs duties to the federal government on material and equipment which were imported. This latter charge, by the way, is usually escaped by the public-utility corporations across the border.

One can not help questioning the object of the Smithsonian Institution in publishing such a report as that from the pen of Mr. Wyer. People in this Province may very well ask who was the instigator of such an investigation, and why it was not done with that thoroughness which characterizes true scientific inquiry. We have had investigations of the hydro before, some of which occupied many months. This latest attack is far from creditable to a great organization like the Smithsonian Institution.

Mr. NORRIS. Also another editorial, this time in the Baltimore Evening Sun of February 9, 1925.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE SMITHSONIAN MUST ANSWER

On January 15, when the fight over the Norris bill for Government ownership of Muscle Shoals was at its height, the Smithsonian Institution in Washington published an official pamphlet on "Niagara Falls: Its Power Possibilities and Preservation." Because of the high scientific standing of the Smithsonian, its intimate connection with the Federal Government, and its purpose "for the increase and diffusion of knowledge," this pamphlet received immediate and wide recognition. And the attack which it made on the publicly owned hydroelectric power system of Ontario was widely used in discrediting the Norris bill.

A large part of the pamphlet, contributed for publication by Mr. Samuel S. Wyer, a consulting engineer of Columbus, Ohio, was devoted to charges that the Canadian Government plant does not in reality furnish electric power much cheaper than the big private companies of the United States. "In Ontario," wrote Mr. Wyer, "the domestic consumers are given lower rates than the true cost situation warrants because the votes of the domestic consumers are needed to carry the bond issues. * * * This must, of course, result in the Ontario domestic consumers, as a class, being carried at a loss." Data leading to other conclusions of the same nature were cited and approved by Dr. Charles D. Walcott, the Secretary of the Smithsonian.

Sir Adam Beck, founder and manager of the hydroelectric commission of Ontario, now replies to the publication of the Smithsonian Institution in a way which can not be ignored. In a pamphlet of about the same size as Mr. Wyer's, headed "Misstatements and Misrepresentations Examined and Refuted," he denies categorically the accuracy of practically every accusation made by the latter against the Ontario enterprise. Beyond his lengthy refutation of specific charges the veteran Canadian engineer observes that "there are, in addition, a number of other gross errors in Mr. Wyer's report which show a careless handling of data and a disregard of truth, but those under review in this discussion are more than sufficient to show that none of Mr. Wyer's statements on this subject are worthy of credence or regard."

Sir Adam Beck is not merely a famous engineer but is a responsible Canadian Government official who would never use such strong language without a firm conviction that it was abundantly justified by the occasion. The Smithsonian Institution, having used public trust funds of the United States to circularize the Wyer pamphlet widely, and having stamped it as an approved critical study, can not afford to let the matter rest with Beck's reply. The question of the dangers or the desirability of Government ownership of power plants has nothing to do with it. The high reputation of the Smithsonian Institution is called in question, and the Institution must either support or retract the stand which it has taken on this controversial and very important issue.

Mr. NORRIS. I have here an article which I wish I had time to read to the Senate. It is one of the most interesting

articles on this subject that I have ever read. It is written in a pleasing style, and gives in a very pleasing way many facts illustrating what is going on in Canada. It appeared in the Survey Graphic, a very high-class magazine, for March, 1924. The title of it is, "Following the Hydro." It is written by Martha Bensley Bruère. I ask unanimous consent to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

FOLLOWING THE HYDRO

(By Martha Bensley Bruère)

Entering the Province in the gray dawn, I saw through the car window a little mud-stopped log cabin, old, black, listing to one side, and blazing with light. The power line from Niagara, striding past on giant stilts, had dropped a wire casually upon this remnant of a past age and dragged it into the twentieth century.

The large cities, Toronto and London, have been made just as ruthlessly contemporary; I found their people using the electricity derived from Niagara Falls to operate their homes and their industries at rates which are only a fraction of what we pay. And as a result these cities were clean and prosperous—clean because there was very little soft coal burned, and so almost no smoke in the air, but also because every electric device which cleans without dust is in common use. But if the large cities were made so desirable, why should folks stay out of them? Was the answer to this to be found in smaller places?

I went to the city of Woodstock, the perfect flower of the hydro towns. This has a population of about 10,000; the foreign inhabitants are 6 Poles, 12 Chinamen, 10 Negroes, and 12 Italians—"if it ain't changed since they was counted last," my driver told me. The town line is hard to identify, because the farms blend gradually into the large fields on the outskirts, the large fields edge up against the smaller yards, the little plots of ground crowd up to the short, solid row along Main Street. The social life of the town shades out into that of the farms in the same way. I set out to call on four women of whom I knew. One after another I found them out.

"I could have told you," said my driver. "It's what they call a 'pink tea,' or maybe they're playing bridge. Every lady that ain't got a automobile of her own has had a taxi taking her out to Colbert's farm, and they ain't coming back till supper time."

Later I saw the Colbert farmhouse. Mammoth silos towered above it, with the barns set a little below, the smooth drive curved up to the door with autumn leaves blowing across it, and an electric light at the gate to guide the coming and going guest. Obviously the farmer's wife who lived there was part of the social life of the town.

But on the day of her pink tea I wandered along Main Street and talked with such uninvited males as I could discover. There was the local newspaper office, very trim and shipshape and very, very busy.

He was a brisk man, the editor. He owned a chain of three papers published in three neighboring towns, and each community shared in the benefits of the combination news service. Between telephone calls and calls from his staff he told me about his town.

It had no poverty—that is, none that lasted right along. Sometimes a family would be in hard luck for a while and have to be helped out, but they didn't need any charitable institutions. The neighbors looked after what had to be done. He didn't seem to remember much about crime. There wasn't any that you had to keep thinking about. Work? Oh, yes—work for everybody all the time. Labor shortage? Maybe somebody might want more workers than they had, but then there was usually some farmers' sons or daughters ready to come in for a while. Not many servants in the town. Most women did their own work. They had everything to do it with. But had I seen the factories in Woodstock? No. Well, after I had looked at them I would understand why there was work for everybody.

I told my driver to take me to every factory or manufacturing establishment in the town.

"There's what you would call two factory districts," he told me. "Oh, they're all run by hydro; we don't have any other kind."

This is the catalogue of the industries of Woodstock in the order that I saw them: A braid and edging mill; a tannery; flour mill; a knit-underwear mill; a lumber company which made sewing-machine tops and dashboards for automobiles; a machine company; a printing press; a pipe-organ company; a piano company—not doing much now because they supply the English trade, and "they aren't buying much over there"; another underwear mill; a factory to make concrete mixers; a factory to make farm wagons and dump carts; a paper-bag factory; a tapestry mill just taken over by an American firm; a combination lumber company and building contractors; a company making concrete pipes; a greenhouse specializing in chrysanthemums—this used a good deal of coal in addition to its hydro; another organ company; a lumber company, making wheels and sleigh runners, which, being steamed into shape, required coal in addition to electricity; an establishment which made brass curtain rods; a stove and furnace factory; a dairy and milk-bottling plant; a manufactory of seed planters and lawn mowers; a maker of farm wagons and Buster Brown wagons for children; a chopping mill; another knitting mill; a hosiery mill; a candy and biscuit factory. Of these 28 industrial plants several have been built since the coming of hydro and more than half have been improved and enlarged. The largest of these establishments of which I got the record employed about 200 men and women and the smallest 10. In this diversified collection there was work for men and women, for skilled and unskilled—work seasonal and work steady. It was an incredible number of industries for so small a place—why were they there? First, there was no differential against them; power came to them at exactly the same rate as to the manufacturers at Toronto—an absolutely reliable supply, for Niagara runs 365 days a year. Second, they had an intelligent supply of labor, which was far more dependable than in the cities, for over 80 per cent of the town's people owned their homes, and the house owner stays put. People did not have to go away in order to earn a living.

Neither did they have to go away to get an education, for in addition to the rather imposing high school there was a small college.

And there was a good-sized hospital with a new wing building. They need not go away if they were ill. It was a well-balanced town.

I sat in the office of the local druggist breathing the clean smell of drugs in a perfect blaze of electric light and absorbed more information. He ran on this way:

"Of course, they leave the farms around here. They leave the farms everywhere if there isn't enough land to keep them busy. Suppose a farmer has enough land to farm himself or with one son to help him, and then he has four sons. About three of them have got to go away, haven't they? I'm a farmer's son myself; one of my brothers is on my father's farm. We knew, of course, that some of us would have to go, but it was a mistake always to put it up to us that we would have to go to the city. They wouldn't do that now. Folks realize that you can live just as easy on a farm as anywhere else, and if there isn't room for you on your father's place, why, there's all Alberta and Saskatchewan. Plenty of young men from about here go out there for the harvesting—they get big wages and have a chance to see if they like the country. Some of them settle there, or maybe in the States. Of course, it's not like our farming; they don't have hydro.

"Do we use hydro? Of course we do. Our last bill? Average $5 to $6 a month, and we have a stove and a grate and all our lights and a toaster and an iron and a sweeper and a hot-water heater. But we'd have it if it cost twice as much. Why, the stove is about worth three times the whole bill. Now, last Sunday we put the dinner—there was a duck and things—well, we put it all in the stove before we went to church, and didn't think of it again till we were ready to set it on the table. And the way it was cooked! You going to be here next Sunday? If you were, I'd ask you down to have one like it. There's no way to roast duck that's up to the electric stove."

It was always like that. I think I could have eaten hydro-cooked food the rest of my natural life—people were so anxious to show me what their equipment would do. It was like showing off a precocious child, and much safer.

Last of all I went to the hydro show room where devices for use in the home were exhibited. An old couple who lived on a farm 6 miles outside the town were considering the relative merits of three electric cook stoves—attracted to one by a light that burned warningly till all the burners were shut off, to another by a griddle that got hot quickly, to a third by an oven which held the heat a long time. I left them still undecided and went to the office to see the chief representative of hydro in the town.

He was at the moment a very busy man. A report was due from him that evening, and he was finishing up his records. I gathered just a few facts. Here they are: In the town are 10,300 people. Two thousand homes are served by hydro. If the families average five people each, that means that practically everybody in the town is an electric customer. Four hundred and twenty-five of these 2,000 homes use electric cook stoves. For one-quarter of the town—it is divided into sections—the records were completed while I was there. This section includes 102 families who cook by electricity. Twenty-five per cent of these 102 have water heaters in their bathrooms and all of them have light and most of the small appliances, such as sweepers, toasters, and electric flatirons. The average monthly consumption of these families was 448 kilowatts and their average monthly bills were $4.96. And a ton of coal to run a cook stove a month would cost in Woodstock about $15.

I went back to the showroom. At first I thought that the same old couple were still studying the stoves, but a second glance showed me another pair of about the same age and the same speckless respectability, with the same Ford patiently waiting outside.

It seemed to me that in Woodstock the cure of cheap power was pretty effective. Ten thousand people were living together without crowding—living in houses of their own, with bits of green around them and a chance for gardens if they chose. They were living in cleanliness and apparent decency. They were living in domestic ease

through a plentiful supply of power at low enough rates, so that they could use as much of it as they chose. They were living in the practical certainty of work enough for all of them all the time. The 8-hour day prevailed, and such wages as I was able to get the facts about were fair. For amusement there were two moving-picture shows. There was also a social life, as witnessed by the bridge party on the neighboring farm. If they left Woodstock for a great city, it was not in search of work or the conveniences of life or social intercourse, but for some subtler, more personal, less definite reason, and, as a matter of fact, they tended to stay.

A town of 10,000 may not be a fair example. But I pursued the problem through a long series of little clean hydro villages with anywhere from 1,000 to 3,000 inhabitants. Petrolia, which I approached through a sparse growth of oil-well derricks, where the slow electric pumps were chugging along competently, with never a man in sight to supervise them; Watford, with its vine-draped wire mill, the home of the fly swatter, though that is only one of its products, where the company stipulated for hydro and a water system as a condition of keeping their plant in operation; Norwich, with its processions of farmers carting wagon loads of apples to the vinegar mill and milk to the condensing plant, with the payments on its electric light bonds all provided for and $10,000 in the bank to be used in further betterments or in a reduction of rates. These and many more like them with electric apparatus to make home life easy and cheap power to make wage earning certain—towns which are neither growing nor dying but remain small farming and industrial centers.

Intermediate between the villages and the open country stand the hamlets, usually where two township roads cross, a store and a blacksmith shop, a church with a parsonage, the home of the doctor, and two or three houses, sometimes the school—50 residents at the outside.

"That," said the representative of the hydro commission, "is where I first went to tell them about hydro—that blacksmith shop. Sat on the anvil, which had plenty of time to grow cold while they asked me questions. There was one kerosene lamp, and it smoked. Now look at it!"

The place was a blaze of light!

In another hamlet I found myself stopped abruptly in front of an old yellowing brick church. The hydro representative told me—

"When they got hydro in here they wanted to get it into the church the first thing, so on Saturday I had it connected up. Then, on Sunday, Sir Adam Beck spoke in the church, and Lady Beck gave the music. Well, what he said was as good a sermon as I ever heard. I don't remember if he used a text or not, but the thing he spoke about was 'Let there be light.' And there was the hydro while he talked blazing all over the place."

In another hamlet I found the wife of the physician entertaining four ladies at tea. We played conversational battledore and shuttlecock between what they wanted to know about the States and what I wanted to know about hydro.

"Do you suppose that anybody here would give up hydro?" I asked as I was leaving.

An old lady stopped her knitting and looked at me severely.

"There ain't none!" she declared.

From the hamlets its a smooth slide into the farming district—the real hydro country. We sped along on concrete roads, smooth, wide, following the long roll of the ground like bands of braid sewed on for trimming. Sometimes the poles carrying the wires followed us companionably along, sometimes the great steel towers marched off independently across the fields. If we were hunting some particularly intelligent farmer, the answer to our inquiries was always:

"Follow the hydro."

And we always found him by following it through.

The hydro road led us periodically past little square buildings into which wires seemed to plunge and then emerge refreshed for further journeying—transformer stations, where the current was "stepped down" for home use. They were about the size of anybody's dining room, and after I had peered into two or three and found them empty I asked where the men were who ran them.

"Why, nobody runs them! They run themselves! Once in a while they are inspected, of course; but that's all."

Not much labor power is required to provide the farms of the hydro country with light—a man to inspect occasionally, as balanced against the need to fill hundreds of kerosene lamps and polish smoky chimneys.

I followed the hydro far out in the country to the home of a dairy farmer. It was late afternoon, and his wife in a fresh house dress with her graying hair plied high on her head had leisure to sit and rock and talk with me. The dinner was cooking itself in the electric stove; the electric washing machine was open and drying after the weekly wash.

"Nothing to do by hand but the wrist and collar bands," she told me. "Annie!" she called to her 16-year-old daughter, "you better iron out a couple of the boys' shirts. They'll want 'em if we go to the movie after supper."

So Annie placed the ironing board in the doorway, where she could talk as she worked, connected the electric iron, and went serenely to work. A back-breaking farm washing done and the family gay and ready for a 6-mile drive to town in the evening! Two little girls ran in from school, and then there were noises from the barn. The cows were coming up. My hostess went to speak to her husband, and soon there were sounds of a farmer getting himself cleaned for company. Presently he came in and asked if I wouldn't like to see the milking. They were using three electric machines that night. It is the safest way I've ever seen to milk a cow. In the barn I met two nice sons of going-to-the-city age—but not gone, and with no present intention of going. One of them told me:

"You can milk a good cow almost as quick by hand as you can with a machine if you're a good milker, but you can only milk one at a time. With these, either one of us can do the whole 23 about as quick as we could do 3 by hand—and no hard work about it, either."

Back in the house, I asked if my hostess had an electric sewing machine, and she said, "No." She didn't use the machine enough to bother with a motor. It was so cheap to get clothes ready made and they looked better. She didn't like sewing, anyway, and the mending was as much as she cared to do.

"What are you and your neighbors going to do with the free time hydro gives you?" I asked her.

She fixed me with a stern and antagonistic eye. Obviously, I had been tactless.

"Something we like better than housework, I should hope. What do you do?"

And that's what I found all through the hydro country—farmers' wives doing something they like better than housework. In one case a flower garden, lovely even in October; in another case singing lessons; again, it was visiting about or joining a women's club in the village; sometimes it was just time to rest.

And again I followed the hydro to the home of a man who kept bees. There is a story goes with that man. He had a large rolling farm, on which he planted more than his share of apple orchards and plenty of red clover, and then began on bees. He is one of those rare people whom bees like. He can take them in his bare hands, dip masses of them up like water when they are swarming, and they do not sting him; instead they fill his hives with honey and his purse with gold. And his swarms increased so that the blossoms in his orchards and his clover fields were not enough to feed them, and he boarded them out with his neighbors. Now, hives set in the orchard mean plenty of bees while the trees are in bloom so that the pollen will be carried to every flower and the trees hang thick with fruit. So the bee man's bees were welcome boarders, and when he gathered the hives up in the autumn they were invited to come again. He laid aside money so that he could leave the farm to his son and go to town, where the mechanics of living would not press so heavily on his aging wife.

And then one day the representative of the hydro commission came down his road and tried to persuade him to sign the 20-year contract which would bring the lines to his house, telling him how much easier the housework would be and how they could have running water in the house, pumped by hydro, and light, and an electric stove, and all the things he had expected to get if he moved to town. The bee man asked for two days to consider, and when the hydro representative came back he signed the contract.

"You see, we were just about ready to do something very important—we were going to town to live. And I got to thinking about how I was going to miss my old dog that I'd raised from a pup, and how I'd have to come miles if I wanted to pull an apple off that tree by the gate, and the lilacs we'd planted over by the fence, and all the things that had happened in the 40 years we'd been married and living in this place, and so we've decided that we'll just take hydro and retire right here on the farm."

And now he and his wife are still in their own home—"retired." And his son, for whom he has built a house across the road, is running the farm. They have a cold-storage place for their ever-increasing crop of apples, and proper winter quarters for their profitable bees, and the old man and his old wife potter about happily with their old dog and pull the apples from their favorite tree and smell their lilac hedge and live in a sunset of contentment.

It seemed appropriate to leave the home of the man who kept bees and follow the hydro along the smooth roads till its steel towers stood out black against the sunset and the whole of Ontario was a field of fire fenced in by a ring of electricity, and not a factory chimney in any of the distant towns to smudge the sky with black, and all the whirling windmills that had once set like great daisies against the sky, broken and wilted and useless, and all the mud roads turned to concrete, and all the pioneer poverty done away.

The red sunset turned to black rain and we began to make haste slowly, for we were in a dairy country—little herds of cattle were crossing the road, and when has a cow been willing to make way for a car? They sloshed across the bright line of our headlights toward the twinkling lights from the barn doors, the rain streaming from

their sides. Further on, when they were all housed, the rows of barn windows blazed out brilliantly like factory lights in a town, for it was milking time. And then we began to see the kitchen lights flash up, and when the milking was done and the long rows of barn windows dark again lights came into the dining rooms, and an hour later we would see through the rain that it was the sitting-room lights that were on, so that supper was over and the dishes done and the family settled to enjoy a longer evening than had existed for them before hydro had shortened the workday. The rain blew in straight, flat sheets, and the gate lights that some of the farmers had left burning shone at us like very wet stars. Then the lower floors went dark and the upstairs lights shone through the curtains, and there were all the farm families taking their hot baths and reading their last-minute stories, and finally pulling the coverlets over their shoulders and switching off the lights in the certainty that the breakfast oatmeal was hot in the insulated oven, that there would be hot water in the morning, and no cook stove to start and no predaylight stoking to do but the furnace, and that's no more than a city dweller may have on his mind. And then the farmhouses began to go black, and we drove on in darkness, for the hydro country had put itself to bed.

The success of the Ontario experiment is due to a combination of factors; I do not know which should be called first or last.

The farms in the hydro country are generally small. Two hundred acres is considered too much, and somewhere between 100 and 150 about right. Under the Ontario conditions a strong, intelligent farmer can work 100 acres reasonably well by himself. As his sons grow old enough to help him he can cultivate about 50 more. A birth rate great enough to produce more than one son per family creates in a region of small farms a human surplus that must be drawn off. While farm life was as hard and lonesome as it was before good roads and automobiles and telephones and hydro came in, not only all the surplus sons but the one who would naturally succeed his father tended to go to the towns, where life is easier and the social needs of a gregarious animal are better met. But with hydro life on the farm is not so hard. Young men and women who have grown up in the midst of electric equipment are not so reluctant to go to new farm lands where such mitigators of toil are in prospect, nor at all adverse to staying on the paternal acres where they already exist. The farmer's son in the hydro country knows the nearest village pretty well. It has—in the hydro country—some sort of industry, usually more than one, where he may have already worked between seasons. This is the first stopping place for the farmer's son who is not going to be a farmer. Sometimes he stays there. But more often he goes on to a place with from ten to twenty thousand inhabitants and a variety of industries, in one of which he finds work, settles down, marries, and establishes a home. These small industrial centers are becoming an effective dam to keep the flood of population out of the great cities—in the hydro country.

And then all through the hydro country I saw what I saw at the home of the man who kept bees—a house built by the father for the son who stays at home. And this means that plenty of farmers are retiring on the farm and plenty of sons are taking over the cultivation of the land, so that the basic need—that the soil shall be tilled—is being met.

I came back toward the everlasting swirling, rushing source of hydro; past the tiny log cabin with the electric lights, and across the suspension bridge high above the tumbling green water which has succeeded in turning industry back upon the land, has checked the human tide toward the great cities, and created a land with no visible signs of poverty.

Mr. PEPPER. Mr. President, will the Senator yield to me?

Mr. NORRIS. Yes.

Mr. PEPPER. I regret very much the absence of the senior Senator from Utah [Mr. SMOOT]. He and the Senator from Michigan [Mr. FERRIS] and I were recently elected Regents of the Smithsonian Institution, and I am informed that the Senator from Utah is thoroughly posted respecting the matters which are being so luminously discussed by the Senator from Nebraska. I am not informed about this controversy and know nothing of its merits; but I shall, with the Senator's permission, ask leave to include in the RECORD a letter to me from the Director of the Smithsonian Institution, Doctor Walcott, referring to this matter; a memorandum upon the controversy, a single typewritten sheet, by the author of the pamphlet in controversy, Mr. Wyer; and a memorandum of the circumstances attending the production of the pamphlet, four typewritten sheets, by Mr. Mitman, the curator of the division of mining and mechanical technology in the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection?

Mr. NORRIS. Of course, the Senator does not want to put them in the midst of the remarks that I am making. I have no objection, of course, to their being printed, but they ought to come either before or after my remarks. If the Senator wants to have them put in ahead of what I say, he can put them in there.

Mr. PEPPER. My thought was that if the Senator did as he would be entirely justified in doing, and disseminated copies of his speech for general distribution under his frank, he might desire to have the corrective memoranda included in what he circulated.

Mr. NORRIS. Mr. President, I do not want some other Senator to put something that I have not read into the midst of my remarks. The Senator from Pennsylvania has no fair right to ask to do that. I am certainly glad to have him print these matters in the RECORD, but let it be at the conclusion of the exhibits I am putting in.

Mr. PEPPER. Very well, sir; I am very glad to follow the judgment of the Senator from Nebraska in that matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The matter referred to will be found printed at the end of Mr. NORRIS's speech.]

Mr. NORRIS. Mr. President, I think perhaps I have read some of those communications. This interruption by the Senator from Pennsylvania is going to make it necessary for me to extend my remarks just a little by putting into the RECORD some things that I did not expect to put in.

The Senator speaks of a memorandum written by Mr. Mitman. I have a copy of it here. I want to tell the Senate how the copy came to be written which the Senator from Pennsylvania has, and which he says the Senator from Utah [Mr. SMOOT] could take care of better than he could.

It happened, Mr. President, that soon after this pamphlet came out some newspaper man undertook to interview Doctor Walcott, the head of the Smithsonian Institution, and it developed in those interviews, several of them, that after this pamphlet had commenced to stir up somewhat of a hornets' nest, and a good many criticisms were coming in to Doctor Walcott for fathering as the head of that Institution the kind of a document that he put out, finding fault even in language that is discourteous with the activities of a foreign and a friendly nation, he anticipated that something might happen; and in an interview here with Mr. Mitman it developed that in getting ready for an attack they had posted the Senator from Utah on the matter. It developed that even Doctor Walcott did not know so much about Wyer, the author of this thing which Walcott fathered, but that he detailed Mr. Mitman to find out just who Wyer was, and to get something to him, so that he could defend himself, so that he could give it to the Senator from Utah [Mr. SMOOT], and so that he could be defended by the Senator from Utah on the floor of the Senate when, as this interviewer says, "NORRIS breaks loose" on the floor of the Senate. Those were the words used. So, in anticipation that I was going to "break loose," they had a man look up Wyer and find out all the good things that could ever be found out about him and write them up in a memorandum, which the Senator from Pennsylvania has now gotten permission, I presume, to have printed in the RECORD, and get that memorandum into the hands of the Senator from Utah at once, so that when Senator NORRIS "breaks loose" the Senator from Utah will be there to defend Mr. Wyer.

But, God bless you, I make no attack on Mr. Wyer. I have not yet done so. I do not intend to do so. I am not attacking Mr. Wyer, the man who actually wrote the pamphlet. Of course I think he is absolutely wrong. I have said so. He has not told the truth about this matter; but if he would go out himself and not travel under the guise and the head of a scientific institution that has the stamp of approval of the United States Government upon it, I would not even refer to what he said. I concede that he has a perfect right to propagandize all over the United States in his own name; but I do object to Walcott leading the Smithsonian Institution out into the open to throw mud at the activities of a friendly nation when they are developing an electrical system for their people.

In my opinion it is disgraceful. Doctor Walcott ought to be removed from his position; and I am glad that I have listening to me now some of the trustees on the part of the Senate of this Institution, the Smithsonian Institution. I do not care what individuals think about the merits of the Canadian method of developing electricity. It is not any of our business when it comes to that, and so I do not criticize or condemn Mr. Wyer. I concede that he is an able man; at least I am willing to accept the statement that he is. I do not know him. I have not a thing on earth against him. He does not want the Government to own even the Post Office Department, I presume, and I do not criticize him for that. That is his right. But let him travel under his own name. Let him go into any kind of propaganda with the United States Chamber of Commerce that he pleases. Let them put up all the money they want to.

These interviews, copies of which I hold in my hand, with Mitman and others down there, disclose the fact that Wyer once wrote a pamphlet on the use of gas or electricity or something of that kind which was distributed in Pennsylvania, the Senator's own State, for use in the public schools, and that the Senator's governor, Governor Pinchot, stopped it. I do not know anything about that; but he stopped it when he found out that it was something that ought not to be given to the school children of that State. I was not going to mention that, because it only shows the activities of this man Wyer. It only shows the trend of his mind, which I am not criticizing and which I care nothing about. That is not the point I am making to-day, Senators. He has a perfect right to his point of view; but when it was discovered all at once that the teacher of every grammar school in the State of Pennsylvania, as I gleaned from these interviews, had copies of Wyer's pamphlet and they were using them in the schools of Pennsylvania they were suppressed by the governor of that State. He did not think it was fair. I do not know what was in them. I do not know whether the governor was justified or not, but that shows the trend, the effort, to educate the people along this line.

Now here comes the attempt to creep in under the guise of a great scientific institution that stands under our flag and represents our Government, and to propagandize, on the part of a great electric trust, anything that will be detrimental to Goverment-operated electrical systems in our various cities. That is what it is for. It is done in order to build up a public sentiment here, in the name of the Government of the United States, by the deception that is practiced on the people through the instrumentality of what was supposed to be a scientific bureau, a scientific institution, and to use that name to condemn over in Canada, a friendly nation, their method of supplying their people with electric light and power and heat.

Mr. President, I could fill the CONGRESSIONAL RECORD for days and months with evidence that I could easily get from official reports showing what is happening in Canada. Let me read a little from one of these interviews.

The interviewer says:

I asked Mr. Mitman how he knew—

And Mr. Mitman is the author of the memorandum which the Senator from Pennsylvania puts in the RECORD—

I asked Mr. Mitman how he knew that there was a man from the New York American after the story. Mr. Mitman said that he had been called in by the Secretary to support statements which he made; that Secretary Hoover had called Mr. Walcott on Sunday in regard to this pamphlet; and that there was a rumor going about to the effect that Senator NORRIS was going to break loose on the subject and rip the Smithsonian up the back. Mr. Mitman did not know how Mr. Hoover got his information. In this connection it may be stated that I interviewed Mr. Clapp, secretary of Mr. Hoover's power commission, on Saturday, and Mr. Clapp directed me to go to Mr. Walcott.

Later on he says that he was directed by Walcott, when they found out that I was likely to "break loose," assuming I was going to make an attack on Mr. Wyer, which I never dreamed of, to let him know who Wyer was, so he could let the Senator from Utah defend him, and I thought perhaps the Senator from Utah would be here to-day, and having secured a copy of that memorandum, and thinking perhaps the Senator from Utah had lost his, when the debate came on I was going to tender to the Senator from Utah the memorandum that was prepared, in order that he might make a defense when I "broke loose"; but since the Senator from Pennsylvania has put it in the RECORD, I will not have to do that.

It is very eulogistic of Mr. Wyer, and I do not deny a word in it. I do not know anything about it. Mr. Wyer's ability is conceded. His right to have the views he holds is conceded by me, and I would anywhere defend his right to have those views. That is not the point at all. Do not get off on the wrong track. Remember that the real thing at issue is that in what may be a controverted question—though in Canada they do not think it is controverted—we are using a governmental agency, which is supposed to be scientific in its nature, to go across the border into the land of a friendly people and condemn their method of doing business in supplying their people with electric power, charging in one place, at least, if Wyer's charge is true, that they stoop to political methods that would be a disgrace to Tammany or any other low-down political machine.

That is what I condemn. That is what I abhor. That is what I am criticizing here. That is what the Smithsonian Institution is doing, an institution originally founded by the money of an Englishman, incidentally, for the original money to found it was a bequest by an Englishman. It sends its pamphlets into every library, all over the world, and it is being used, whether knowingly or otherwise, by the electric-light trust, to carry on a propaganda that will be used in every municipality in the United States where the fight is on. You will see the name of the Smithsonian Institution on the telegraph poles and upon the fence posts in an effort to convince the people of the villages and cities that Government operation of electric facilities is a failure and that that is proven by the Smithsonian Institution, a governmental scientific agency. That is the disgrace. That is the disreputable thing. That is what is involved in this debate, and it will not make it any better if it is shown that Mr. Wyer is related to God Almighty. I have not made any charge against him. I do not know that I find fault with him for using the Smithsonian Institution, if it can be tricked into it so easily, but the trustees and managers of that Institution ought to see to it that it is not used for such disreputable and dishonorable purposes.

Mr. President, not knowing what is in all these things which the Senator from Pennsylvania has had printed in the RECORD, I will take up another matter I did not intend to mention unless it was brought out by somebody else.

The Hydroelectric Commission of Canada has been in operation since about 1910. I have heretofore put into the RECORD a great deal of evidence, to which I only refer now, and which I do not want to have inserted in the RECORD again. It was put in during the debate on the Muscle Shoals proposition. It has been subjected to many criticisms, and I have no doubt some of them are justified. I have no brief for that commission. I have referred to two criticisms emanating from the American side of the river, paid for, in the first instance, acknowledge to be paid for, by the National Electric Light Association of the United States, when they sent Mr. Murray over there.

That has all been discounted now. Events have developed since to demonstrate that that report is practically worthless, and amounts to nothing. Wyer went over to Canada, and on his return made a different kind of a report. But outside of that, they have had their opponents even in Canada all the time, and several years ago a resolution of investigation was introduced into the legislature by the enemies of this hydroelectric system. I do not know whether it was the legislature of the Province, or of the general Dominion, but I think it was of the Province. They investigated it, spending two years in the investigation. It was investigated, not by its friends, but by its enemies. No doubt many honest people in Canada were opposed originally to going into this method of doing this business. Thousands and thousands of them, after they went in and saw what was coming, and what did come, what the results were, turned to be its stanch supporters. But private interests, still opposed to it, most of them coming from the American side, were able to get that resolution of investigation passed; in fact, it was not opposed by the friends of the hydroelectric commission. Perhaps as thorough an investigation as ever took place was made. As I have said, they were two years at it. They spent over $500,000 in making the investigation. They hired experts from everywhere. They went into every plant, they went into every investment that had ever been made by the commission, they went into everything from top to bottom. I have forgotten whether 100 or 200 volumes of testimony were taken, but it was so voluminous that it was not printed because of what that would have cost. When the investigation was completed, those who started in as the enemies of the commission, criticizing it severely in some respects, condemning some of the financial operations, in general came out with a recommendation for the system, and said that under no circumstances would they recommend its abandonment, but they wanted it continued.

I suppose in taking that testimony they got much evidence showing that this was wrong or that was wrong. Very likely in many instances witnesses testified that things were wrong, perhaps something corrupt here or there. I do not know about that; I have not been able to look into it, but it would be unnatural to find everything right during all those years, it would be almost unheard of not to find serious mistakes, sometimes corruption. That is always true in all kinds of business, private or public. It is intimated that Mr. Wyer gathered some of his information from this evidence to which I have referred as being collected by this commission.

I want to have printed in the RECORD a very extended review of that unfriendly commission's report, printed in the Toronto (Canada) Globe of March 14, 1924. I ask unanimous consent to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Toronto Globe, March 14, 1924]

HYDROELECTRIC COMMISSION VINDICATED BY INVESTIGATION IN CANADA—RASH CHARGES OF IRREGULARITIES WERE "BASELESS GHOST STORIES" THAT FADED UPON INVESTIGATION—GREGORY COMMISSION'S REPORT, TABLED IN LEGISLATURE, COMPLETELY VINDICATES HYDROELECTRIC PROJECT AND EVEN COMMENDS SIR ADAM BECK'S "NOTABLE SERVICE TO HIS PROVINCE"—NOT A BREATH OF SUSPICION FOUND OF ANY "PERSONAL WRONGDOING"—SPECIAL REFERENCE TO LOYALTY AND EFFICIENCY OF ENGINEERS GABY AND ACRES—MILD CRITICISM OF A FEW THINGS WHICH "HAVE BEEN WRONG"—THINKS RADIAL POLICY A MISTAKE

PROVINCE PAYS $505,801 TO LEARN HYDRO IS SOUND

Gregory report cost $505,801, probably the most expensive since Ontario became a Province.

Consulting engineers received $120,266 for their services, a Montreal engineer getting $56,678.

W. D. Gregory, the chairman, was paid $26,000.

Photographic work alone cost $13,781.

Nearly $1,000 was spent for newspaper clippings.

Complete vindication of the Chippawa development power project and unqualified praise of its engineering features are contained in the long-awaited Gregory Commission's report, which was tabled in the legislature yesterday afternoon by Premier Ferguson.

Charges of "irregularities, wastefulness, the improper use of property of the commission, and other wrongdoings of a greater or less degree," states the commission's report, were "ghost stories—stories which, upon investigation, proved to be baseless, and faded away."

NOT A BREATH OF SUSPICION

Concerning the management it says: "There is not a breath of suspicion of any personal wrongdoing." There are special references to the efficient and loyal services of Engineers F. A. Gaby and Harry G. Acres, and as to the results of their engineering efforts as represented in the Queenston-Chippawa development plant, its efficiency, it states, "surpassed even their own expectations."

TRIBUTE TO SIR ADAM BECK

One paragraph pays tribute to Sir Adam Beck, who through anxious years has shouldered responsibility for the world's premier public ownership power project at Chippawa. His "fighting qualities," it says, "stood him in good stead and enabled him to overcome all obstacles. From the beginning he has kept the commission free from paralyzing influences and officialdom."

There are also criticisms, nearly all, as the report says, involving matters of administration. The commissioners think construction work should have been under a manager of construction, and they find what they term $11,800,000 of "unjustifiable excess costs, which included $11,000,000 charged to the rush schedule and $800,000 of the unforeseen expenditures."

GREAT TASK FOR PAGE BOYS

Formal tabling of the report involved the labors of half a dozen page boys, who lugged bundles of books from the speaker's quarters to the table in front of the speaker's chair. It was calculated that over 100 volumes were set out on the table. In view of the quantity of reading material, the Government presented the house at the same time with its summary, which was read by Premier Ferguson, as follows:

GENERAL FINDINGS

The general report summarizes all the various activities of the inquiry commission, and contains the following general finding:

"The principle of the public ownership of water powers of the Province and their development by the people for the people is, in our opinion, fundamentally sound, and should be maintained at all hazards in its full integrity.

"The engineering department of the commission is made up of men of high professional qualifications as engineers, and as such they are serving the commission zealously and efficiently. The various plants of the commission are exceptionally well operated by them. When inspecting these plants we have been much impressed with the outstanding character and ability of the engineers in charge.

"The methods of accounting adopted by the commission we believe to be adequate and proper, both in respect to the manner in which the duties are apportioned and as regards the records kept. Certain improvements in the system now followed have been suggested by us.

"That the organization administered by the commission is financially sound there is not the slightest doubt. The commission has, to a large degree, a monopoly of something that everyone wants. Any organization that has such a monopoly should have no difficulty in paying its way, provided its method of administration is sound. To some of the practices of the commission we take strong exception in our reports, and to these reports we refer your honor.

"The things to which we have taken exception are nearly all matters of administration. But methods of administration can be reformed and wrong methods can be righted.

A FEW THINGS WRONG

"We mention a few of the things which, in our opinion, have been wrong:

"(a) There has been too great a tendency on the part of the commission to defer the time for refunding its obligations. There appears to us no reason why the time for contributions to sinking fund to meet the cost of construction should invariably be deferred for five years beyond the time specified in the power commission act, whatever the demand for power may be.

"(b) The expressed intention of the commission to extend the time for contributions to the sinking fund in respect of the Queenston-Chippawa undertaking to 40 years, with a five-year deferment period, is, we believe, absolutely wrong, and we are advised contrary to existing law. We regard it as unlikely that the legislature in passing the Ontario Niagara development acts intended to exempt the Niagara system from the provisions of the power commission act relating to contributions to the sinking fund.

SINKING FUND

"(c) The failure to provide a sinking fund for nearly all of the bonded indebtedness in respect of the Niagara developments, which are operated by the commission as private companies, in the same general manner and to the same extent as is done in respect of cash advances under the power commission act, has been, in our opinion, unsound and unjustified.

"(d) The principal estimates of cost of developments submitted by the commission to the Government have in nearly all cases been far too low. So wide has been the difference between estimates and costs that the fact that the estimates should have been submitted as representing the probable cost of the works seems almost incredible.

"(e) In 1922 the commission took a large portion of its renewal fund, which at that time was in some cases too small, and applied it in payment of outstanding balances due to it by municipalities, and established new renewal rates for the future on a much lower basis. This depletion of the renewal reserves and the reduction in the rate by the commission was, in our opinion, unjustifiable and unsound.

"(f) We fully concur in the opinion expressed by our consulting engineer that the contingency funds of the commission are, as a rule, too low.

"(g) The unauthorized use of $1,100,000 of the funds of the power commission for radial railway purposes was wholly unjustifiable, and the amount taken from these funds should be restored without delay."

SHOULD HAVE FULL LIBERTY

"While, in our opinion, the commission should be strictly accountable to the Government and the legislature, and should observe the statutes regarding it, we are strongly of the opinion that the commission should not be a 'department of the Government' in the strict sense of the term, but that it should have full liberty within itself. To make it a department of the Government in the same sense that a department of a minister of the Crown is a department of the Government would, we believe, greatly lessen its usefulness and efficiency. It should be kept free from the patronage hunter. If it were turned over to the patronage hunter and appointments made on purely political grounds, it would receive what we believe would prove to be a fatal blow. So says Sir Adam Beck, and we fully agree with him."

The inquiry commission further finds:

That the power commission has frequently exceeded its legal powers and had them extended by the legislature.

That the Government should have fuller information regarding the operations of the power commission.

That there has been a lack of frankness on the part of the power commission.

RADIALS A MISTAKE

That the power commission made a mistake in entering the radial railway field.

That the Central Ontario system should be unscrambled.

That the powers of the Government to guarantee bonds of the power commission are too wide.

That there should be regular conferences between the commission and the municipalities.

That the members of the power commission should be highly qualified men.

That the value to Ontario of the power developments under the control and management of the power commission is inestimable.

"During the course of our investigation," says the report, "a multitude of charges of irregularities, wastefulness, the improper use of property of the commission, and other wrongdoing of greater or less degree were made to us. When they were made the work on the canal had been practically finished; most of those who might have had any knowledge of the facts were scattered far and wide, and it was impossible for us to investigate all the charges without going to enormous expense and spending a great deal of time upon them. We did, however, investigate a large proportion of them. In some matters, wastefulness, extravagance, and mismanagement on the part of certain employees were shown, but these are things from which a work of this magnitude can not be expected to be free.

GHOST STORIES FADE AWAY

"The remainder of the charges inquired into by us we found were 'ghost stories'—stories which, upon investigation, proved to be baseless and faded away" (p. 348).

Concerning the management, "There is not a breath of suspicion of any personal wrongdoing" (p. 384).

"The lack of knowledge on the part of the Government of the plans and work of the commission, the lack of accurate information as to estimates and other things are largely responsible for the troubles of the past. It has bred mistrust, suspicion, and ill will" (p. 101, History and General Relations).

The inquiry commission finds that the power commission was justified in constructing the development itself rather than letting the work by contract, for the reasons that a firm bid could not be obtained and that difficulties would probably have arisen under a contract which were otherwise avoided.

The report states that the design and construction of the Queenston-Chippawa development "display a nicety and perfection beyond criticism." "It is, in short, a magnificent piece of engineering" and "an asset of inestimable value to Ontario."

EQUIPMENT APPROVED

The equipment selected meets with unqualified approval. The inquiry commission finds, however, that the construction should have been carried on by a separate construction department, directly responsible to the commission, and not under the engineers of the commission.

A study was made by the inquiry commission of the estimates submitted by the power commission.

The first estimate was dated June 23, 1915, and provided for the development of 100,000 horsepower, with a canal capacity of 6,550 cubic feet, at a cost of $10,410,233. This estimate was revised in 1916, and again in January, 1917, when an estimate of $12,490,000 was submitted, which was subsequently discarded. The commission observes that this estimate was not based on sound judgment and was entirely inadequate.

What is known as estimate No. 2 was submitted on December 26, 1917. It provided for an installation of 300,000 horsepower capacity, with a canal capable of carrying 10,000 cubic feet per second. The amount of the estimate was $24,316,815. This was the last detailed estimate made. Subsequent estimates were based upon the estimate of 1917, with such additions as were decided upon from time to time.

A SUPPLEMENTARY ESTIMATE

In 1919 a supplementary estimate was made which brought the figure up to about $27,000,000.

The inquiry commission reports "that the estimate of $27,000,000 for a 300,000-horsepower-capacity canal covered the work as finally constructed, if due allowance be made for quantities not provided for in the estimates and minor changes in design; so that the same plant that the commission stated late in 1919 would cost $27,000,000 actually cost $64,000,000, or, in other words, the actual cost exceeded the estimated cost by $37,000,000."

The inquiry commission submits the following statement of the causes which brought about the increased cost:

Increases due to changes in design	$7,196,075
Wage increases and inefficiency	13,000,000
Higher price of materials	3,700,000
Higher price of equipment	2,500,000
Higher price of plant	3,700,000
Overhead and contingencies	5,580,000
	28,480,000
Less amount provided in estimate to cover increases	2,000,000
	26,480,000
Fires	1,000,000
Strikes	613,000
Unwatering	1,250,000
Right of way in excess of requirement	400,000
Overhead and contingencies on above	815,000
	4,078,000
	37,754,075

The excess cost is analyzed as follows:

Justifiable abnormal excess costs	16,000,000
Unjustifiable excess costs (this includes $11,000,000 directly charged to the rush schedule and $800,000 of the unforeseen expenditure, which is also attributed to the rush schedule)	11,800,000

Regarding its estimate of $11,000,000 for unjustifiable excess cost, the inquiry commission quotes the evidence of Mr. Gaby to the effect that the rush schedule involved increased costs to the extent of $6,795,000, and adds:

"Using Mr. Gaby's figure of nearly $7,000,000 and crediting this with costs which may be said to be justified and adding thereto an amount in respect of the pyramiding of costs and other factors, we have a figure of about $11,000,000 as representing a conservative estimate of excessive expenditure chargeable against our figure of $26,480,000" (p. 320).

QUESTION OF EXCESS COST

As to the excess cost, the commission observes:

"Our analysis has shown clearly that the major part of the excess cost in this work was brought on by rush-schedule operations, the primary cause of which was the failure of the commission to get more construction plant on the work after it knew that the shovels were giving only about one-third the output anticipated in the estimates. Having allowed construction procedure to lag until late in 1920, we believe that the commission had no alternative course, if the plant was to be put in operation by the end of 1921, but to rush the work at an abnormal pace during the time remaining. It seems clear that the decision of the commission to rush the work was largely due to the report of Mr. Stuart and Mr. Kerbaugh, who definitely stated that in order to get the work completed on time more equipment would have to be placed on the work, that the shovels operating in the earth section of the canal would have to be relieved for work elsewhere, and the dredge *Cyclone* brought over from Toronto.

"We believe that had the advice of these men or others familiar with construction work been sought in the earlier stages of the construction period it would have been foreseen that the construction plant would have to be materially increased if the work was to be executed in time. Therefore the commission did the only thing then remaining to assure the turning on of power in 1921. It had waited too long, however, with the result that costs were pyramided to a very great extent."

And again:

"The rush schedule would never have been necessary had the construction work been under a proper management."

REGARDING MANAGEMENT

Regarding the management, the report states:

"What the commission should have done, and what, in our opinion, careful consideration of the matter at that time would have led it to do, was to engage a manager of construction of high qualifications and of wide experience in that class of work, and who, under the commission, would have organized a construction department and would have reported directly to the commission itself and been subject only to it. * * * A separate construction organization, in addition to being thoroughly experienced in work of this character, would have been in a position to confer directly with the commission on structural matters."

On this subject the inquiry commission observes in its final conclusions:

"There is no doubt that the modifications and improvements made from time to time in the design would have disturbed the best laid plans, but the man best qualified to meet conditions of this character would have been one placed in entire charge of construction, supported by a wide knowledge and varied experience of work of a similar nature. Such a manager of construction should have reported directly to the commission and have conferred with it on matters of construction policy. We have no doubt that such a man would early have realized that with the equipment on the job the work could not be completed by the time given, namely, the end of 1921, and his representations would have caused the commission to place more equipment on the job in the earlier years of construction, so that operations could be carried on in a more orderly fashion, thus obviating the necessity during the last few months of a tremendous rush."

MAN OF WIDE EXPERIENCE

The superintendent of construction, who was immediately responsible for carrying out of the whole construction work, was Mr. George H. Angell, a Canadian by birth and an executive official of wide experience. Regarding him the report states:

"A perusal of the information contained on these pages seems to indicate that Mr. Angell was a man of very wide experience in construction work and had been in active charge of very important operations. That he was a man of wide experience and considerable ability in the handling of extensive work seems to be supported by an offer recently made him by a large contracting firm of Boston, Mass., wherein he was offered the position of superintending the entire construction of the Gilboa Dam for the Board of Water Supply of New York City. In the position of superintendent of construction he reported directly to the works engineer, and when the works engineer was relieved of his duties on account of ill health the superintendent of construction reported direct to Mr. Acres. He was immediately responsible for the carrying out of the whole construction work, not as director in chief of construction operations, for his position was fourth in the line of authority in the organization, and he was in reality field superintendent directing, under the supervision of others, job operations, but having no authority in molding constructional procedure in the broad sense. He was not in direct touch with the commission at all or even with the chief engineer. He was assisted in his work by the following departmental heads: The superintendent of division No. 1, the superintendent

of divisions Nos. 2 and 3, the superintendent of the power-house division, the superintendent for the construction and maintenance of the construction railways, the plant engineer, and the master mechanic. Mr. Angell resigned in the spring of 1922 to accept a higher position at a time when the work was practically completed, and his place was taken by one of the division superintendents to discharge the lighter duties then remaining."

OFFERED $20,000 A YEAR

The report of the consulting engineers shows that Mr. Angell was the highest salaried man on the work, excepting the chief engineer. He was paid $11,750 a year, and as soon as he was free to consider other work he was offered $20,000 a year elsewhere, with a bonus in addition.

The consulting engineer examined and made a special report on the organization of the work. He states that—

"The conduct of the work naturally required cooperation by all concerned, the more so on account of the urgency demanded by the hydroelectric power commission. That such cooperation existed throughout has been indicated to me not only by the principal members of the organization but also by numerous documents, plans, and details that could not have been expeditiously done in any other way. On the other hand, the duties of the principal officers were so heavy as to leave little spare time for anything beyond their immediate departments. I have searched and inquired diligently, and I have satisfied myself that all the principal officers endeavored to discharge their duties in the interest of their several departments. * * * Speaking generally, it was necessary for the principal heads, for example, Mr. Acres and Mr. Brandon, to confer in the carrying out of a specific general order by him. In the upbuilding of the organization many of the engineers carried on their tasks until they were no longer able to do so, by which time new branches were created. Similarly, when the completion approached, numbers resigned or were laid off, and as far as necessary their uncompleted tasks were assumed by those who remained. The principal offices, however, have remained substantially as they were organized at the beginning, and they are occupied by the same persons."

RELATIONS WITH GOVERNMENT

Regarding the relations between the Government and the commission, the report states that:

"When the first estimates were submitted and throughout the whole period of the construction, information as to the cost of the work, which should have been laid before the Government, was withheld, and there was a notable lack of frankness on the part of the commission. This led to misunderstandings and mistrust which ought never to have existed" (p. 381.)

The report states that the cost of the full development of 550,000 horsepower will be $82,483,914.

Based on the figures of the hydroelectric power commission, the annual cost of power from the 300,000-horsepower development will be $14.30 per horsepower. Adding additional allowances for contingencies and reserves, as considered requisite by the inquiry commission, the cost will be $14.85 per horsepower.

For the full development of 550,000 horsepower, the cost on the hydro basis will be $11.80 per horsepower, and on the basis approved by the inquiry commission, $12.55 per horsepower. If the Queenston-Chippawa development had been built for $11,000,000 less, the price of power would have been affected to the extent of $1.80 per annum.

WATER AVAILABLE AT NIAGARA

As to the amount of water available for use at Niagara, the commission reports that, while Canada is confined by the treaty to the use of a daily aggregate of 36,000 cubic feet of water per second, it would be entitled to use for several hours of each day as much as 45,000 feet, provided the total diversion did not exceed the daily aggregate fixed by treaty. Even if Canada were restricted to the maximum of 36,000 feet, "the commission is in a position to make sufficient water available for the full and complete operation of the Queenston-Chippawa plant by regulating the operation of the two older plants."

SIR ADAM'S PERSONALITY

The report states that the chairman of the commission has been regarded in effect as the commission itself, and his forceful personality had played a great part in settling—or unsettling—the relations between the Government and the commission; he was arbitrary and inconsiderate, and allowed nothing to stand in his way. These circumstances, however, "should not blind anyone to the fact that he has rendered great and notable service to Ontario. During that critical period when the commission met with unceasing and persistent obstruction from powerful interests which desired that the development and sale of electric energy should be left in private hands, his fighting qualities stood him in good stead and helped him to overcome all opposition. From the beginning he has kept the commission free from those paralyzing influences of officialdom, which have lessened the efficiency and limited the usefulness of so many public organizations."

The inquiry commission was instructed to report whether the methods of construction, supervision, and management can justifiably be continued for the economical completion of the work. Replying to this question, the report points out that the undertaking is now well advanced toward completion, and adds:

"The engineers of the commission who are in charge of the work have acquired a vast amount of experience; they are thoroughly familiar with it. To change the plan of procedure at this stage would involve undesirable delay and would not, in our opinion, result in any saving of cost. The commission should, in our judgment, complete the work. The question as to whether the commission should undertake another development itself is an entirely different matter."

GENERAL CONCLUSIONS

In its general conclusions on the Queenston development the inquiry commission states that it would be difficult to give the answers to the questions put in the form of a short summary, and "we have not attempted to do so."

Great difficulties confronted the commission in constructing a work of the character and magnitude of the Queenston-Chippawa development. The inquiry commission has sought to remember that it is easier to be wise after than before the event.

The work should have been done by a distinct construction department, the head of which should have been a man of high standing and wide experience in the work of construction, reporting directly to the commission.

The estimate submitted to the Government in 1917 was unsound in many respects, and should have been submitted to consulting engineers at the time it was made. If it had been submitted, the inquiry commission has no doubt that the inadequacy would have been pointed out.

A LACK OF FRANKNESS

Information which should have been given to the Government was withheld by the power commission, and there was a lack of frankness. This led to misunderstandings and mistrust, which ought never to have existed.

A serious mistake was made in overestimating the capacity of the shovels. This caused delays and the adoption of a rush schedule, which would not have been necessary under a proper management, and which resulted in an unjustifiable excess cost of about $12,000,000.

The commission overspent the appropriations made by the legislature, and diverted funds which it had no authority to use for this purpose. The question of cost seems to have been lightly regarded.

The records of the proceedings of the commission were loosely kept. Many important steps that were taken and many decisions arrived at are not mentioned in the minutes.

CONCLUSION ON CHIPPAWA

The report on the Queenston-Chippawa development concludes as follows:

"But no report on this subject would be complete without further reference to the conception of the scheme and to the development itself as a finished work. At Niagara Falls, where the head is about 150 feet, power had been developed for many years; approximately 15 horsepower had been secured from 1 cubic foot of water per second. But if the waters of the Niagara River were carried 13 miles by river and canal from Chippawa to the top of the escarpment above Queenston, a head of 305 feet could be secured, and a cubic foot of water which would have developed 15 horsepower at Niagara Falls made to develop 30 horsepower at Queenston. Such a development had long been talked about, but nothing had been done. The commission had the vision and the courage to plan and execute it. We have already described how the work was done, and have pointed out the abnormal and difficult conditions which prevailed during the period of construction. Whatever mistakes were made in execution, it is unquestionable that, to the commission, backed by the resources of the Province, we owe a work which gives us 2 horsepower for every 1 that we got from the same quantity of water before and one which, at completion, will be the greatest hydroelectric development in the world.

MAGNIFICENT ENGINEERING

"The design of the Queenston-Chippawa development was based upon the most intricate calculations known in the theory of hydraulics, but, even so, there was some doubt as to whether or not the results sought for would be obtained through it. It now appears clear that the engineers of the commission, as designers of this great work, surpassed even their own expectations. The canal was designed to pass 15,000 cubic feet of water per second, but we are advised by our consulting engineer that it is capable of passing 18,000 cubic feet of water per second or more. The engineers stated that they hoped to get 30 horsepower per second-foot, but the test which we have had made indicates that the amount will be exceeded. It was originally estimated that it would develop 500,000 horsepower, but it seems clear that it will, on completion, develop 550,000 electrical horsepower—a most substantial increase. The plant now has an efficiency of over

90 per cent—an unusually high figure and one which indicates a fineness of design seldom, if ever before, attained in a work of this character. It is, in short, a magnificant piece of engineering.

"As an engineering work, it reflects great credit upon the chief engineer, Mr. F. A. Gaby, who was directly responsible for it to the commission, and upon Mr. H. G. Acres and his staff, who were responsible for the detailed planning of the work. Still greater does this credit appear when it is remembered that, in addition to the engineering work, Mr. Acres and certain of his principal assistants had to shoulder the burden of directing construction—a responsibility which they should not have had. We have been much impressed with the evidence of the spirit of cooperation which prevailed in the engineering staff, and the loyalty with which they served the commission. However difficult conditions were, they never faltered in carrying out the instructions given to them. From beginning to end there is not about them a breath of suspicion of any personal wrongdoing.

BECK'S FORESIGHT

"Had it not been for the construction of the Queenston-Chippawa power development there would have been a most serious shortage of electric power in Ontario, a shortage which would have hampered industry and disorganized municipal distribution, while power which now goes into thousands of homes and lightens the work of many a housewife would not have been forthcoming.

"It is needless to say that this great development is an asset of inestimable value to Ontario and to the Dominion at large. It is an asset of inestimable value not only on account of what it produces now but through the assurance that it gives of power in the future, for though forests may disappear and coal mines become exhausted, the waters of Niagara will be ours for countless generations to come. We shall continue to use them until science in its onward march shall discover other and still more lavish gifts of nature."

CONSOLIDATED BALANCE SHEET

The following consolidated balance sheet is reported by the inquiry commission as of October 31, 1922:

ASSETS

Capital assets:		
Plant, buildings, and equipment		$139,056,933.86
Rights, franchises, and good will		9,885,355.28
		148,942,289.14
Mortgage on Walkerton Quarry		260,000.00
Sinking funds deposited		1,484,663.19
Current and working assets:		
Materials on hand		1,471,216.39
Accounts receivable		2,901,819.90
Due from Toronto and York radial		227,973.60
Claims receivable		367,967.66
Due from Ontario, since paid		561,853.49
Power debentures held, since sold		79,844.50
Cash		3,202,322.13
		8,812,997.67
Advances for radial railways		780,035.74
Receivable from Thunder Bay system		318,320.65
Deferred charges to future operations		1,554,163.95
		162,152,470.34

LIABILITIES

Provincial treasurer:		
Advances for various systems		44,577,234.65
Advances for Queenston-Chippawa development		61,278,545.52
Deferred interest on Thunder Bay system		360,915.75
		106,216,695.92
Unexpended provincial appropriations		58,230.11
Outstanding stock, Toronto Power Co		1,150.00
Bonds and debentures:		
Guaranteed by Province		35,219,831.95
Not guaranteed		8,309,584.72
		43,529,416.67
Bank advance re Ontario Power Co		1,200,000.00
Other liabilities:		
Amounts payable and accrued charges		1,071,754.31
Accrued interest		507,062.14
Insurance claims and awards		638,547.86
Central Ontario system, cash		363,400.20
Radial railways, cash		69,310.64
		2,650,075.15
Reserves:		
Renewal reserve		4,865,359.87
Sinking fund		2,677,947.09
Reserve for contingencies		698,786.37
		8,242,093.33
Undistributed credit balances		254,809.16
		162,152,470.34
Contingent liabilities contracts for works under construction		2,138,207.69

SIR ADAM TO MR. DRURY

Correspondence between Sir Adam Beck and former Premier Drury leading up to the appointment of the Gregory commission is made public for the first time, and is noted in the Government's summary as follows:

Sir Adam Beck writing to the Hon. E. C. Drury on December 17, 1921:

"The estimate made in the month of October, 1920, of the cost of completing the Queenston-Chippawa development was confirmed by the examination and expert opinion of Messrs. Francis Lee Stuart and H. S. Kerbaugh, contracting engineers, in collaboration with Messrs. R. D. Johnson and R. S. Lee, hydraulic engineers. The qualifications of each of these engineers were submitted to you at the time. The estimates submitted by the commission to the Government on January 27, 1921, for the appropriations required to carry on the work for the completion of the first five units at a total cost of about $55,000,000 were based upon actual estimates of the same engineers.

"The work was carried on under the direction of the engineers of the commission and the supervision of Messrs. Stuart and Kerbaugh, with the advice of Messrs. Johnson and Lee. Difficulties arose in the operation of the new construction plant. The character of the rock excavation changed. The schedule for the completion of the work by the 1st of September caused unprecedented difficulties in the handling of labor and plant. Further, there were abnormal accidental contingencies, increases in the price of cement and sand, extra plant to be purchased, and obstruction and congestion of the other plant and labor due to the late delivery of the steam shovels and the defective operation of these steam shovels and of the canal-lining plant, as well as other reasons detailed in the inclosed report of Messrs. Stuart and Kerbaugh.

PROBLEMS AROSE GRADUALLY

"These matters arose gradually, and it was impossible to see and no one was aware until the end of June that the estimates might be exceeded. When this possibility arose an investigation was undertaken and a report was submitted to you on October 12 last.

"Particulars of the matters causing the necessary additional expenditures have been carefully considered, and I send you herewith the report of Messrs. Stuart and Kerbaugh, dated the 13th instant, showing exactly how the estimated expenditure of $55,000,000 is increased to about $65,000,000, and you will also note that the increase is due either to conditions which could not have been foreseen or to results which could not have been anticipated from an unprecedentedly rapid time schedule. I also send you the report of Messrs. Johnson and Lee, dated the 8th instant, on the character and capacity of the work, with the prediction that the continuous output at the ordinary water stages in the Niagara River will be 550,000 horsepower—that is, 100,000 horsepower greater than the capacity originally forecast by the commission's engineers—which will warrant the installation for peak purposes of an installation of 650,000 horsepower."

MR. DRURY TO SIR ADAM

On February 8, 1922, Mr. Drury wrote to Sir Adam Beck as follows:

"In the face of these facts we are led to one of two conclusions—either that you and your engineers did not fully disclose conditions to the Government and to the legislature when submitting your estimates at the last session, or, in the alternative, either you were not informed of conditions and the probable cost of the work as you should have been, or that there has been extravagance or inefficiency in its carrying on."

On March 3, 1922, Colonel Carmichael stated in the house:

"When it came to my attention last autumn that this estimate [for the Queenston-Chippawa development] was sure to be exceeded, I brought that fact to the attention of the Government, and told the Prime Minister that my feeling was that the commission had either been inefficient or had been dishonest in its dealings with the Government in regard to this development. * * * I can not see how any efficient and honest body of men, dealing as they were with the Government, should vary or be out so much in their estimate."

Colonel Carmichael afterwards explained that he did not mean "dishonest" in the ordinary sense of the word, but rather that the commission had not been sufficiently frank, and had furnished estimates which it had not intended to live up to.

COST OF LABOR AND MATERIAL

Mr. Drury, speaking in the legislature on March 3, said that the explanations of the increased cost given by the chairman of the commission were not satisfactory. He added:

"Among the reasons submitted was one that the cost of labor and material had gone up. The records of our own public works showed that they had gone down.

"We were told that steam shovels did not throw out as much as had been expected, but we know every contractor knows almost to an ounce what a steam shovel will throw out. And it was said that the character of rock excavation had changed, but we know that the character of

rock does not change. The rock is there, and its character is determined by drills, and so on.

"We were driven to the conclusion—not through any hostility to hydro—that one of two things was true, either that the estimates submitted last year were not true estimates or that the work was being carried on inefficiently.

"Our duty at the present moment is to find out what is wrong, and we propose to find out what is wrong."

GABY BEFORE PUBLIC ACCOUNTS

Mr. Gaby, before the public accounts committee, April 19, 1922:

"We have analyzed the pay rolls for the years 1916 to 1921, and we find that the average increase is approximately 124 per cent, or a difference in the neighborhood of $12,500,000 on that account only.

"Allowing approximately 80 per cent for the increased cost of material and equipment, we have a sum in the neighborhood of $10,000,000 to $11,000,000 as the increased cost of material entering into the work.

"Materials had increased all the way from 100 to 200 or 300 per cent, and some materials cost four times as much as in 1916.

"We had an expenditure of $4,000,000, as near as we can estimate it, over and above what was estimated as interest charges.

"The shovels did not do the amount of work it was anticipated they would do. They fell down probably 40 per cent in capacity, notwithstanding the fact that we had the same equipment under electrical operation, which was doing the work. They were 40 per cent less efficient, although steam was stated to be more efficient than electricity.

"Q. Now, as to the question of the efficiency of labor. You say that the falling off in labor efficiency was even more serious than the increase in prices?

"A. I would not say more serious. It was a serious proposition. There was a great shortage of labor and a great turnover. Men would leave the job to go to some other job and turn around and come back again. In fact, we had a turnover of 26,000 men in one year, with an average staff of between 5,000 and 6,000. That is a turnover of five times in a year, and those who handle construction work will appreciate the enormous cost in such a turnover of labor—a tremendous cost, due to conditions over which the commission has no control."

GOVERNMENT NOTES

The Government summary presented the following notes on points to which the Gregory commission has made critical reference in its report:

(1) The investigating commission blames the hydro for not having a greater force on in 1919–20.

At that time it was impossible to get any more men than the commission had at work, owing to the shortage of labor which followed the war.

(2) The investigating commission holds the hydro power commission responsible for the fact that the rate of wages was kept up until August, 1921, and did not fall off on the Queenston-Chippawa as it did elsewhere.

The fact is that as a result of an arrangement made at the instance of the investigating committee of the legislature, which went over during the strike on the Chippawa works, an agreement was made that the wages would not be reduced until July, 1921.

(3) In reference to the loss of $11,000,000 on account of the rush schedule, the investigating commission has ignored the final report of Messrs. Stuart & Kerbaugh and has used the preliminary report they gave, which was afterwards corrected in their final report.

Mr. NORRIS. Mr. President, I have a report here on that report, and on the pamphlet issued by the Smithsonian Institution, written by Mr. Judson King, who is executive secretary of the National Popular Government League, of which former Senator Owen, of Oklahoma, is president. I intended to read it, but it is getting so late that I shall not do so. I ask unanimous consent to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Bulletin No. 98, February 14, 1925

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C.

(By Judson King, Director)

WILL THE ADMINISTRATION ANSWER—

First. Sir Adam Beck's charge that the Smithsonian Institution has circulated false and derogatory propaganda concerning the hydroelectric power system of Ontario, a public institution of a friendly neighboring country?

Second. Premier Ferguson's emphatic denial of Engineer Wyer's alleged statement to Dr. Charles D. Walcott, secretary of the Smithsonian, and to others, that Sir Adam Beck suppressed a report of a royal investigating commission, which report was afterwards mysteriously burned?

On January 15, the Smithsonian Institution published a pamphlet which was in the main an attack upon the publicly owned hydroelectric system of Ontario. (See Bulletin No. 96, of January 20, "Shall Coolidge and Congress Railroad the Underwood Bill and Deliver Muscle Shoals to the Power Trust?") It was written by Samuel S. Wyer, a private consulting gas engineer of Columbus, Ohio, whose title was given only as "associate in mineral technology, United States National Museum."

Doctor Walcott, in a preface, gave indorsement to Wyer's findings, which, in effect were: That public ownership in Ontario was not the success claimed: That the true financial status of Ontario hydro is concealed under tricky bookkeeping: That it has charged its customers $19,000,000 less than the actual cost of the current produced: That future customers or taxpayers must make up this deficit: That what the people save on low rates they pay in taxes, etc.

It was obvious that this pamphlet would be used by the power interests for propaganda purposes in the Muscle Shoals fight. In addition to numerous misstatements of fact, it contains statements reflecting upon the public honesty and good faith of the hydroelectric power commission, of which Sir Adam Beck is chairman, and all the members of which are officials of the Ontario government. It is astonishing that such imputations should be set forth in a publication issued by an institution of the United States Federal Government, at the head of whose Board of Regents stands the name of William H. Taft, Chief Justice of the United States Supreme Court, and "the establishment" of which contains the names of President Calvin Coolidge and all of his Cabinet.

Sir Adam Beck has just made a vigorous rejoinder to the Smithsonian pamphlet, entitled "Misstatements and Misrepresentations Derogatory to the Hydroelectric Power Commission of Ontario Contained in a Report Published by the Smithsonian Institution. * * * Examined and Refuted," in which he charges that Wyer's statement contains "false information designed to be injurious to the general welfare of the people of a friendly nation."

Hon. G. W. Ferguson, Premier of Ontario, in answer to a query from this writer, has branded an alleged explanation made by Mr. Wyer to Secretary Walcott and others as to the chief source of his information as "so extraordinary and so unfounded that it is difficult to treat it seriously."

But so serious is Sir Adam Beck in his resentment that his counter-attack is almost tantamount to a challenge that this episode be made an international incident. He says:

"If the United States public funds can be made available for such purposes as those for which they have been used by Mr. Wyer with the concurrence of his chief, Doctor Walcott, * * * there exists a condition of affairs respecting which the public at large in both the United States and the Dominion of Canada should take full cognizance."

Premier Ferguson's flat denial would seem to raise the question of the veracity either of Mr. Wyer or of Mr. W. D. Gregory, chairman of the commission which investigated hydro. The situation stands in this wise:

WHAT WYER IS ALLEGED TO HAVE TOLD WALCOTT, MITMAN, AND CLAPP

Ever since the appearance of the Smithsonian pamphlet the question has been raised, Where did Wyer get his facts? He gave no references or documentation, apparently relying upon the fair reputation of the Smithsonian as a guaranty of his veracity and disinterestedness. I quote from a typewritten statement by a reliable Washington newspaper man who interviewed Doctor Walcott and Mr. C. W. Mitman, curator of the division of mineral technology of the Smithsonian Institution, and others, concerning this pamphlet:

"Doctor Walcott stated that he understood Mr. Wyer had access to the books of the Hydroelectric Commission of Ontario, but that he secured most of his information from an unpublished report of a royal commission. I asked him if he referred to the report of the Gregory commission. He said he was not sure of the name; that he had not examined the report, but that he presumed that that was the report in question.

DID GREGORY TELL THIS TO WYER?

"Mr. Mitman admitted that the section of Mr. Wyer's pamphlet dealing with the Ontario situation might be considered propaganda, but he was confident that Mr. Wyer had obtained his facts from the Gregory report. I asked Mr. Mitman if he understood that the Gregory report had never been published, but that Sir Adam Beck had been powerful enough to suppress this report because it showed conditions unfavorable to the hydro commission. He stated that he understood from Mr. Wyer that the report of the royal commission had been suppressed in this way, and that the only available copy of that report had in some mysterious way been burned; but that, unknown to Sir Adam Beck, Mr. Gregory had kept a carbon copy of the report; that it was this carbon to which Mr. Wyer had access, together with the books of the hydro commission, and that he had been furnished most of his information by Mr. Gregory."

IS THIS STORY DOING DUTY IN OFFICIAL WASHINGTON?

"From Mr. Paul Clapp, who is acting in the capacity of secretary for Mr. Hoover as chairman of the Northeastern Superpower Committee, it was ascertained that * * * from conversation with Wyer, Clapp was led to understand that Wyer obtained his 'facts and figures' from a report of some 'royal commission' which was appointed to investigate the Hydroelectric Commission of Ontario. He understood that this royal commission found so many facts which were damaging to the Hydroelectric Power Commission of Ontario that had the people of Canada been given these facts it would have changed Canadian opinion regarding hydro. However, 'Sir Adam Beck was powerful enough to have this report of the royal commission suppressed and it has never been published.' Mr. Clapp understood from Mr. Wyer that Wyer had spent considerable time in Ontario carrying on his investigation and in some way gained access to this suppressed report."

Note sharply the fact that Mr. Wyer does not mention the Gregory report in his pamphlet. The above is what public officials say he told them as to the chief source of his information, and it is presumable that this is the story which is going the rounds of official Washington where this subject is discussed.

Having in my files a copy of the Toronto Globe of March 14, 1924, which contains an eight-column summary of the Gregory commission report, starting with a four-column scare head on the front page, I was aware of the absurdity, to say the least, of Mr. Wyer's tale; but desiring an official statement from the highest possible authority outside the Ontario commission, I wrote Premier Ferguson of Ontario concerning the matter and received from him the following reply:

OFFICE OF THE PRIME MINISTER AND PRESIDENT
OF THE COUNCIL, ONTARIO,
Toronto, February 19, 1925.

MY DEAR SIR: I am in receipt of your letter of February 2, referring to certain statements attributed to Mr. Wyer regarding the Hydroelectric Power Commission of Ontario. The statement that the report of the Gregory commission was suppressed and burned is so extraordinary and so unfounded that it is difficult to treat it seriously.

The fact is that the full report was submitted to the legislative assembly on the 13th March last, and was referred to the house committee on printing. This committee, in consideration of the great bulk of the report, decided to defer printing of the document.

At the same time full copies of the report were given to the leaders of the different political parties in the house and to the newspapers having representatives in the press gallery. Since its presentation a copy of the report has also been on file in this office and has been open to inspection by anybody wishing to examine it. Where the examination could not be conveniently completed in this office, documents have been loaned for the purpose of inspection or copying extracts. There has therefore been the fullest possible opportunity for anyone interested to secure access to the report, and that same opportunity will be afforded in the future.

I trust that these observations will be a sufficient answer to the inquiry you make.

Yours sincerely,

G. W. FERGUSON.

A HOSTILE INVESTIGATING COMMISSION

This so-called royal commission, known in Ontario as the Gregory Commission from its chairman, W. D. Gregory, of Toronto, was in the majority hostile to Beck and to public ownership. After two years of investigation, at a cost of $505,801, it made a report on March 13, 1924, which completely exonerated the hydro managers. It, of course, made some criticisms of matters on which it differed from Beck and his associates on questions of public policy. But, unable to find any wrongdoing or trickiness, it declared the hydro managers honest and the enterprise a great success. When brought before the Parliament the complete report was comprised in 100 volumes—no wonder it was not printed! It is a public document, however.

SMITHSONIAN PAMPHLET PROMPTLY USED AS PROPAGANDA

Smithsonian officials declare that Wyer is not on their pay roll; that he made his investigation at his own expense; that he arrived in Washington with his manuscript shortly after January 1, and that it was rushed through with unprecedented speed. No hint of this, however, is conveyed to the American public, which, like Sir Adam Beck, has no doubt assumed that the whole thing was paid for from public funds.

In this instance Sir Adam has made a technical mistake. It was found upon investigation that this particular pamphlet was printed at a private printing plant and paid for from the institution's private endowment funds. But how was Mr. Beck, or how is the American public, to distinguish this nice difference? It is not stated in the pamphlet, which was sent out under Government frank as an official Smithsonian document.

"The Nation's Business," official organ of the Chamber of Commerce of the United States, in the February issue, has an article, "Facts the Senate never got," by Samuel S. Wyer—"The true story of cheaper electric current bills in Ontario and the man who finally pays the bills." Wyer says:

"I went to Niagara to study for the Smithsonian Institution."

The editor, in a boxed introduction, calls attention to Senator NORRIS's use of Ontario hydro data in the Muscle Shoals fight! Perish the thought that this "scientific investigation" had nothing to do with the political fight over Muscle Shoals!

Next, from Boston comes an 8x15 publicity "dope sheet," sent out January 21 by the "New England Bureau of Public Service Information," with a three-column summary of Wyer's pamphlet.

Next, from Chicago comes the same identical dope sheet, issued on February 2, by the "Illinois Committee on Public Utility Information." Both of them say: "The publication is the result of an exhaustive study of Niagara's power possibilities, made by Samuel S. Wyer, associate in mineral technology, United States National Museum, and is one of the Smithsonian Institution's studies of natural resources."

The Boston sheet begins: "In an official publication to be issued within a few days by the Smithsonian Institution * * *," etc. If the Smithsonian officials were not aware of the propaganda character of Wyer's pamphlet the power trust publicity men were—and they had been tipped off in advance by somebody.

The Boston Herald of February 6 ran a 17-inch double-column editorial based on this "official publication of the Smithsonian." Several New Englanders have sent me this editorial, evidently believing it. Yes; the publicity is working.

This pamphlet deals with the propaganda aspect of this episode and not with Ontario hydro rates and finances. In order that league members may be able to judge for themselves, I have purchased a consignment of Beck's rejoinder to Wyer and inclose a copy herewith. Enough of Wyer's statements are quoted by Beck to give Wyer's facts and conclusions along with Beck's answer. Our funds do not permit us to send both. Wyer's pamphlet has had wide publicity. Similar publicity will not be given to Beck's answer by the conservative press.

To the Washington correspondent of the Baltimore Evening Sun of January 24 Doctor Walcott said: "If anyone can prove Wyer's statements are not true, we will publish a supplement to this pamphlet setting forth such proof." I have no doubt Doctor Walcott will have opportunity to publish his supplement.

Keenly sensing that the honor of our Government is at stake, the Washington (D. C.) Daily News, on February 12, carried an editorial entitled "Not to be ignored," on Beck's pamphlet. It closes with: "If, as he intimates, there was some ulterior motive behind this publication, at this peculiar time, of the Smithsonian pamphlet, the fact should be disclosed."

On February 9 the Baltimore Sun had an editorial, "The Smithsonian must answer." It says: "The high reputation of the Smithsonian Institution is called in question and the Institution must either support or retract the stand which it has taken on this controversial and very important issue."

On February 9 the Hamilton (Ont.) Herald asked of Beck's answer to Wyer, "Was it worth while?" The editorial closes:

"After all, it matters little to Ontario people what our neighbors across the line think of the hydro system. We are satisfied with it and a million pamphlets like this one issued by the Smithsonian Institution could not shake our faith in the system so long as we enjoy the benefits of it. If our neighbors prefer to pay private corporations to provide them with electric services, what cause have we to worry?"

Mr. NORRIS. Mr. President, I ask unanimous consent now to have printed in the RECORD the interviews to which I have referred, and I will say in making the request that there are several of them, and before I give them to the reporter I will look over them carefully and will take out matter where I find there is a repetition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Printed in all Hearst morning papers February 7]

ONTARIO POWER HEAD SCORES UNITED STATES BOOKLET—SIR ADAM BECK SAYS SMITHSONIAN INSTITUTION ATTACK ON HYDROELECTRIC COSTS MISLEADS

(By Edwin J. Clapp)

WASHINGTON, February 6.—Sir Adam Beck, chairman of the Ontario Hydroelectric Power Commission and perhaps the most widely known public man in Canada, has issued a statement charging that American corporate interests "inimical to public ownership" inspired an attack on his enterprise in a pamphlet issued on January 14, under imprint of the Smithsonian Institution, a branch of the United States Government.

The Smithsonian pamphlet was entitled "Niagara Falls: Its Power Possibilities and Preservation."

It was written by Dr. Samuel S. Wyer. Under this pseudo-scientific title, Sir Adam says, a false and unscientific misrepresentation of the financial condition of Canada's chief public enterprise has been broadcast, prepared "with unfriendly motives."

CHARGES AND ANSWERS

Doctor Wyer's charges and Sir Adam Beck's answers are as follows:

1. Doctor Wyer, seeking the reasons why Canadian rates for electricity are lower than American, finds "that the governmentally owned hydroelectric system is not taxed."

This affirmation "is absolutely false," according to the Canadian official. Se says:

"The Hydroelectric Power Commission of Ontario pays taxes to both municipalities and to the provincial government to the extent of hundreds of thousands of dollars annually, not only on land which it occupies but in connection with other properties which it operates."

2. Doctor Wyer charges that, in the interests of "vote getting," the Government system sells electricity to domestic consumers in Canada "below cost," while private electric companies in the United States charge rates to each group of consumers which are self-sustaining.

Sir Adam asserts that:

"As samples of procorporationist propaganda the above statements are admirably typical and plausible."

NO RATE BELOW COST

He denies that any Canadian rates, however low, are "below cost." He denounces the alleged extortion practiced by private utilities in the United States cities, some of which "actually charge over ten times as much per kilowatt-hour sold to domestic consumers as to power consumers."

3. Doctor Wyer alleges that there is a deficit of $19,000,000 in the accounts of the power commission and the city-owned electric plants which are its customers.

Sir Adam alleges that Doctor Wyer made an error of $1,600,000 in compiling "his fanciful deficit," due to a mistake of 10 years in figuring the maturity date of a bond issue. The balance of the Wyer "deficit" is claimed to be due to Wyer's ignorance or disregard of the principles of finance and accounting.

Instead of accumulating a deficit, Sir Adam says that, notwithstanding the low rates charged, the hydroelectric power commission in the municipalities have collected a sinking fund of $22,500,000, available for paying off the bonds of the public-owned plants in Canada when they become due, so that the people will own them free of debt.

The Canadian official contrasts this practice with private-owned electric plants in the United States, "where, in general, the capital expenditure is never retired."

An international incident may develop out of the "Niagara Falls" pamphlet, which, according to Sir Adam, was paid for with public-trust funds of the Smithsonian, its alleged falsehoods scattered country-wide under United States Government frank. He says:

"What can be said in support of public-trust funds of the United States being employed to present to 'every first-class library on the face of the earth' a printed statement containing mispreresentations designed to be injurious to the general welfare of the people of a friendly nation?"

SCORES C. D. WALCOTT

The popular Canadian baronet, knighted by King George V for distinguished service in organizing the public-owned electric system of Ontario, pays his respects to Charles D. Walcott, executive head of the Smithsonian Institution, whom he describes as:

"Guilty of unpardonable negligence in permitting such an unworthy attack upon a great and eminently successful public undertaking to be issued in the name of the Smithsonian Institution."

Sir Adam implies that Doctor Walcott concealed from the membership of the board of the Smithsonian the nature of the publication being sent out under the authority and imprint of the Washington Government.

"The Smithsonian Institution is preeminently a Federal Government organization. It is therefore inconceivable that its executive officers could have made clear to such honorable members of the board as the Vice President of the United States, the Chief Justice of the Supreme Court, the Senators and Members from the House of Representatives that they were devoting public funds of the Government for a definite, controversial, and unfounded attack upon the public achievements of a great friendly neighboring people."

It is likely that the Beck statement will cause a profound sensation in Washington among members of the establishment of the Smithsonian Institution, its Board of Regents, and Members of Congress.

[Printed in Hearst morning papers February 8]

(By Edwin J. Clapp)

WASHINGTON, February 7.—The United States Chamber of Commerce, it is learned, has been negotiating for permission to reprint the Smithsonian Institution pamphlet on "Niagara Falls Power," by Dr. Samuel S. Wyer, an attack on public ownership in general and the public-owned Ontario Hydroelectric Power Commission in particular.

This is the pamphlet which Sir Adam Beck, chairman of the Ontario commission, denounced on Saturday as a "printed statement containing misrepresentations and false information designed to be injurious to the general welfare of a friendly nation."

The United States Chamber of Commerce is among the most prominent and active bodies fighting public ownership of water power in this country. Beck charged that American corporate interests "inimical to public ownership" had inspired the attack upon his enterprise in the Wyer report.

Editor True, of the Smithsonian, who had charge of the first edition of the Wyer pamphlet, totaling 5,000 copies, states that the United States Chamber of Commerce plans not only to print a new and larger edition of the document but may reimburse the Smithsonian for funds expended in the first printing. The Smithsonian reports that the power and electric companies are asking for more copies of the Wyer report than can be supplied. The Niagara Power Co. has asked for 100 copies. A large order came in from the National Electric Light Association. This association financed the ill-fated Murray-Flood report of 1922, the first of the privately subsidized attacks against the work of Sir Adam Beck's commission.

Wyer, it was learned to-day, is by profession a consulting engineer for private gas and electric companies. According to Smithsonian officials, Wyer himself bore the expense of compiling the Niagara Falls report. The cost of publication was met from "special" Smithsonian funds and it is being distributed through the country under Government frank.

An extraordinary feature of the Wyer document, brought out by Sir Adam Beck, is that it contains no citations of authority for the statement it makes concerning the financial soundness of Canada's chief public enterprise. According to Sir Adam Beck, "this is the method of propaganda, not of science."

Questioned to-day, Smithsonian officials admitted that no attempt had been made to check up on the accuracy of Wyer's statements, because Charles D. Walcott, executive head of the Smithsonian, had personally vouched for Wyer's scientific accuracy.

Doctor Walcott when interviewed declared that Doctor Wyer was a man of the highest character; that he was very wealthy and did not need a subsidy; and that he had prepared the attack on Ontario's public ownership at his own expense and as a public service.

The Smithsonian executive added that "they would make public the necessary corrections, provided sufficient evidence was forthcoming to prove Wyer's statements were incorrect."

It is understood that a movement will be set on foot to force the Smithsonian, in accordance with this comment of Doctor Walcott, to publish Sir Adam Beck's refutation, just as it published Doctor Wyer's charges.

It is reported from Washington to-day that an international incident may grow out of the fact that in a publication under the imprint of the United States Government, in statements alleged to be false, Doctor Wyer attacked the standing and credit of a public Canadian enterprise which has nearly $200,000,000 of bonds outstanding. Many millions of these bonds are said to be in the hands of United States investors.

[Printed in Hearst morning papers February 9]

(By Edwin J. Clapp)

WASHINGTON, February 8.—The coming week promises to bring official action in Washington as the result of Sir Adam Beck's bitter charges that Canada's chief enterprise, the Ontario Hydroelectric Power Commission, has been slandered by a United States Government publication questioning the financial soundness of the Canadian body and the honesty of its accounts. Beck is chairman of the Ontario commission.

Additional facts are coming to light regarding the record of Dr. Samuel S. Wyer, author of the publication, a Smithsonian Institution pamphlet, called "Niagara Falls, Its Power Possibilities and Preservation." Under this misleading title Wyer, a well-known consulting engineer and professional rate expert for private utilities companies in the United States, published what Beck denounces as "a definite controversial and unfounded attack upon the public achievements of a great friendly neighboring people."

The startlingly low rates at which Beck's public electric plants sell electricity to the Canadian consumers has caused more than one hostile "investigation" by consulting engineers subsidized by private electric companies in the United States. Sir Adam asserts that the present Wyer pamphlet was likewise inspired by American corporation interests "inimical to public ownership."

Wyer has a record as a propagandist.

1. In 1918, while temporarily employed by the United States Bureau of Standards, he wrote a pamphlet, "Natural Gas, Its Production, Service and Conservation." Wyer's superiors in the bureau, Doctors Strat-

ton and Rosa, refused to publish what Wyer had prepared, on the ground, it is understood, that it contained propaganda in favor of curtailing production and increasing the price of natural gas.

Over the earnest protest of Doctor Stratton, Dr. Charles D. Walcott, chief executive of the Smithsonian, accepted the Wyer manuscript and published it under Smithsonian imprint.

2. Early in 1923 Wyer prepared an expensive leather-bound "Study of Pennsylvania National Resources," which also went out as a "Smithsonian study," and was distributed under Government frank. Hundreds of copies were presented to the Pennsylvania State Board of Education for free distribution to schools and libraries.

Gov. Gifford Pinchot stopped the board of education from further distribution when he learned that the book contained propaganda against the State's attempt to get electric current to Pennsylvania farms.

3. In conflict with Wyer's statements that he personally bore the $30,000 cost of compiling the Pennsylvania resources book, a letter from his secretary has been discovered dated January 22, 1923, asserting that—

"The Smithsonian Institution funds would not permit the compilation of this work, and the number of outside funds were merged and enough money was gotten together to compile the first edition. However, no funds were available for another edition. Mr. Wyer is hoping that he can induce some of the Pennsylvania business interests to come forward and make a large enough contribution to the Smithsonian Institution for at least an edition of 25,000 copies, but he can not hold out any definite promise on this."

As a second edition was actually published in August, 1924, it is assumed that the "Pennsylvania business interests came forward."

This second edition, even after Governor Pinchot's protest to Walcott, went out as a "Smithsonian study." Pinchot had written to Walcott, "I have shown this book or extracts from it to a number of engineers and economists, and they agree with me that it is unfortunate that such material should be placed before the children of our State."

4. In November and December, 1923, Senator COUZENS, of Michigan, wrote Doctor Walcott transmitting a protest against two pamphlets published by Wyer for the Smithsonian on the ground that the pamphlets contained incorrect or misleading statements and were in effect propaganda for the power company.

5. In the case of Wyer's "Niagara Falls" report, published January 15, 1924, there was such haste to print it that the Smithsonian did not wait to have it handled by the Government Printing Office, but sent it to be printed by the Lord Baltimore Press in Baltimore, which handled it in record time. C. W. Mitman, a high Smithsonian official, says that Wyer arrived with the manuscript on January 5 and it was off the press on January 15, half the usual printing time.

It is recalled that the period January 5–15 was the crisis in the Muscle Shoals debate in the Senate, where Senator NORRIS was fighting for public operation of the Government's Muscle Shoals power plant, and citing the successful experience of Beck's public enterprise in Canada as a precedent for the United States.

6. Wyer has told his friends in Washington that the authority for his statement as to Beck's failure was an unpublished report of a mysterious Canadian investigating commission to which Wyer secured access.

In an annotated copy of the Wyer report, submitted by Wyer to Mitman, and examined to-day, there is no mention of any Canadian commission as a source of information. There are, however, frequent references to information secured from the Niagara Falls Power Co., the American corporation which owns the American share of Niagara's water power. Beck's public commission owns and distributes the Canadian share of Niagara power.

MR. HEATH TO MR. CLAPP, JANUARY 19, 1925

(Memorandum in re Smithsonian publication on Niagara Falls—Its power possibilities and preservation)

Interviewed Miss Monroe, in charge of distribution of publications at Smithsonian Institution. Secured from her four copies of the Wyer report. Miss Monroe stated that they were keeping a list of all requests for this publication, and that they were awaiting the arrival of a list of people to whom the publication was to be sent; that this list was being furnished by Mr. Wyer. Miss Monroe also stated that the edition published by the Smithsonian amounted to 5,000 copies, and that they were anticipating a heavy demand.

Interviewed Mr. True, who had charge of the publication.

Mr. True stated that Mr. Wyer's position was that of associate in mineral technology with the museum; that he was not carried on the pay roll, but that his position was more in the nature of an honorary connection; that the edition of 5,000 copies was printed and paid for out of the private funds of the Smithsonian Institution, and was not paid for by Government funds; that publications of the Smithsonian paid for by public funds were printed at the Government Printing Office. Other publications paid for by private funds were printed in outside plants—this to account for the fact that the Wyer pamphlet was published at the Lord Baltimore Press in Baltimore.

I asked Mr. True what interest the Smithsonian Institution had in publishing private papers prepared by consulting engineers. Mr. True stated that the Smithsonian published material submitted from its associate members when in the opinion of the secretary the material was of sufficient scientific interest to warrant such publication.

I asked Mr. True if the Smithsonian would be reimbursed for the expense of publishing this pamphlet. He stated that there was a possibility of such reimbursement.

I asked him if Mr. Wyer contributed anything toward defraying the expenses of publication. He stated that Mr. Wyer conducted this investigation entirely at his own expense, did not contribute to the cost of publication, and so far as he knew would not be reimbursed for the time and labor expended.

I asked Mr. True if the Smithsonian contemplated publishing another edition or if he anticipated that the small edition of 5,000 copies would be sufficient to meet the demand. He stated that the Smithsonian was not planning to publish another edition, but that negotiations were under way whereby a second and much larger edition would be published by the United States Chamber of Commerce, and there was a possibility of the United States Chamber of Commerce reimbursing the Smithsonian for the money expended in publishing the 5,000 edition.

Mr. True stated that Mr. Wyer had not been paid by the Smithsonian to do this work, was not on the pay roll, did it at his own expense as a public-spirited citizen, and would not be reimbursed.

I asked Mr. True if publications of the Smithsonian paid for out of private funds were distributed in the same manner as publications paid for out of Government funds. True said, "No"; that publications paid for by Government funds were distributed through the Government Printing Office, whereas publications paid for by private funds were distributed from the Smithsonian directly.

I asked Mr. True if the statements published by Mr. Wyer were subjected to careful scrutiny by the officials of the Smithsonian and checked against his sources in order to ascertain their scientific accuracy and reliability. Mr. True stated that so far as he knew Wyer's statements were published without check. He did not know his sources of information, but did not question statements made by a man of Wyer's reputation; that the secretary, Mr. Walcott, has placed his stamp of approval upon Mr. Wyer's work, and that was all that was necessary.

I asked Mr. True if it was not unusual in a scientific publication put out by a scientific institution to find no bibliography and no reference to source material of any kind supporting statements made in the text. He stated that this was unusual in a scientific publication, but that he did not consider Mr. Wyer's pamphlet a scientific publication. I inquired if he considered Mr. Wyer's pamphlet a pamphlet of propaganda. He stated he considered it a technical publication.

I asked him if the same would not hold true for technical publications as for scientific publications as to the citing of documentary evidence to support statements made. He said that was usually the case, but not necessarily; that he understood this was an original investigation.

I asked Mr. True if there was any connection between the publication of the Wyer pamphlet on the 15th of January and the controversy over the Muscle Shoals bill in Congress. Mr. True stated in his opinion there was absolutely no connection; merely a coincidence.

I asked Mr. True if the Wyer pamphlet was not rushed through the press in order to get it out at the psychological moment. He stated that so far as the Smithsonian Institution was concerned there was no psychological moment, but admitted that the pamphlet was rushed through the press. I inquired how long a time elapsed between the receipt of copy and the delivery of the publication, and Mr. True stated he thought about two weeks.

I asked Mr. True if Mr. Wyer in his capacity as consulting engineer was in the employ of the National Electric Light Association and was being paid for his work by that association. Mr. True stated that he did not believe that Mr. Wyer had any connection with the National Electric Light Association. I asked him in case it were proven that such a connection did exist and that this pamphlet was merely propaganda for the National Electric Light Association and that the alleged facts contained in the pamphlet were disproved what would be the attitude of the Smithsonian in regard to the pamphlet. Mr. True stated that such an occasion had never arisen in the past and that that would be a matter which the secretary would have to decide.

I came downstairs to the second floor after leaving Mr. True and inquired for Mr. Walcott, Secretary of the Institution. A man whom I have never seen before answered, "This is Mr. Walcott's office, Mr. ———, and he will see you in a few moments." I had given my name to Miss Monroe about 20 minutes earlier, and to Mr.

True possibly 15 minutes earlier, yet the staff seemed to know who I was, and the word had gone around in the 20 minutes which I had been in the building.

Mr. Walcott came in after a delay of about four minutes, greeted me by name, although I never met him before, and presented me with two publications which he had brought in—one, Mineral Industries of the United States, Bulletin 102, volume 1, and the Smithsonian Institution's Study of Natural Resources, by Samuel S. Wyer, printed in 1923.

Secretary Walcott stated that he had only a few moments, as he had an interview at 11 o'clock, but that he would be glad to answer any questions regarding this publication. He immediately began to tell me about Mr. Wyer's previous work in Pennsylvania, his study of natural resources in that State, and seemed very anxious that I should have as little opportunity as possible to question him. Mr. Walcott stated that he had the utmost confidence in Mr. Wyer. He was an engineer of recognized standing, a public-spirited citizen interested in the power question as he had formerly been interested in natural gas, and that he had conducted his investigations entirely on his own responsibility, receiving no remuneration from any source. He was a very wealthy man, and did not need a subsidy.

I stated to Secretary Walcott that I understood negotiations were under way whereby the United States Chamber of Commerce would finance the publication of a large edition of Mr. Wyer's recent pamphlet. Mr. Walcott said that any organization was at liberty to reprint the publications of the Smithsonian Institution.

I asked Mr. Walcott what the interests of the Smithsonian were in this question, and what led them to publish Mr. Wyer's pamphlet? He stated that the interests of the Smithsonian were scientific; that one of the functions of the institution was the diffusion of knowledge among men; that he had the utmost confidence in Mr. Wyer, and believed that his statements were facts. He considered it quite proper, therefore, that these facts should be brought before the people by an institution of the Government specifically charged with the diffusion of knowledge.

I asked Mr. Walcott if he considered this a scientific pamphlet. He stated that it was a technical pamphlet. I asked him if he had access to the source of material which Mr. Wyer used and if he had made any check of that material to ascertain whether or not Mr. Wyer was justified in arriving at his conclusions. Mr. Walcott stated that he understood Mr. Wyer had access to the books of the Hydroelectric Commission of Ontario, but that he secured most of his information from an unpublished report of a royal commission. I asked him if he referred to the report of the Gregory commission. He said he was not sure of the name; that he had not examined the report; but that he presumed that that was the report in question.

During this conversation another man had come into the room with a handful of pamphlets. Mr. Walcott then stated that he must hurry away. He was sorry that he could not stay longer, but that he had asked Mr. Mitman, who had been associated with Mr. Wyer and knew him very well, to come over from the other building to see me. The gentleman in waiting was Mr. Mitman.

I asked Secretary Walcott that in case it were discovered that Mr. Wyer was an under-cover man for the National Electric Light Association, subsidized by them, and if the alleged facts published in his pamphlet were proven to be untrue what the attitude of the Smithsonian Institution would be in that case. He stated that the attitude of the Smithsonian in that case would be no different than its attitude in any other case; that they would make public the corrections, provided sufficient evidence were forthcoming to prove that Mr. Wyer's statements were incorrect.

Mr. Walcott said Mr. Wyer had plenty of enemies; that he had an amazing faculty for boiling down lengthy reports into small compass. He knew of no man who could surpass Mr. Wyer at this, and that his enemies were merely those who disagreed with him in his economic opinions. I asked Mr. Walcott if the Smithsonian Institution was interested in economic opinions to the extent of circulating economic opinions that did not present all the facts. Mr. Walcott said the Smithsonian was not interested in economic opinions per se, but that every man was entitled to hold his own opinions. The Smithsonian was interested merely in presenting the facts. Mr. Walcott left, and the interview was continued with Mr. Mitman.

I asked Mr. Mitman how he knew that there was a man from the New York American after the story. Mr. Mitman said that he had been called in by the secretary to support statements which he made; that Secretary Hoover had called Mr. Walcott on Sunday in regard to this pamphlet; and that there was a rumor going about to the effect that Senator NORRIS was going to break loose on the subject and rip the Smithsonian up the back. Mr. Mitman did not know how Mr. Hoover got his information. In this connection it may be stated that I interviewed Mr. Clapp, secretary of Mr. Hoover's power commission, on Saturday, and Mr. Clapp directed me to go to Mr. Walcott.

Mr. Mitman said that he had already been interviewed by the representative of the Hearst press, a Mr. Taylor, of Washington. He seemed very anxious to know how Mr. Hearst stood on this question. I told Mr. Mitman to the best of my knowledge Mr. Hearst now stayed in California; that I had no interest one way or the other. A story was a story, and that I was merely after the facts.

Mr. Mitman supported the secretary and Mr. True in all the statements that he made and added that about two weeks ago Mr. Wyer came on to Washington for the specific purpose of putting this pamphlet through. Mr. Mitman said, "It is the most unusual piece of rapid printing for the Smithsonian that I have ever known. Wyer came down here on the 5th with his copy, and the pamphlet was out on the 15th—in 10 days. Ordinarily in the natural course of events from three to four weeks are required to put a publication through."

I asked Mr. Mitman if this extraordinary haste was in any way connected with the Muscle Shoals situation. He stated that so far as he knew it had absolutely no connection. He did not know why Mr. Wyer was so anxious to push the publication of his pamphlet. The material came to his desk, as all such material does, and he passed it on to the secretary as a matter of regular routine. He said he had no idea that Mr. Walcott would publish the pamphlet; that he was surprised to find that Mr. Walcott was apparently as anxious to publish the pamphlet as Mr. Wyer, and the publication was O. K'd by Mr. Walcott and pushed with the utmost speed.

I asked Mr. Mitman if he knew whether or not Mr. Wyer had any connection—open or otherwise—with the National Electric Light Association, or any power companies in the United States. Mr. Mitman stated that he knew of no such connections. Mr. Wyer had done a great deal of work for the public-utility corporations, had appeared in innumerable rate cases before the Supreme Court, was sending five boys and girls through college without their knowledge that he was paying for their expenses; that he was a very wealthy man, a very competent consulting engineer; that he had an amazing facility for boiling down lengthy reports into brief compass; and that he assumed that every man was honest until proven otherwise. He was therefore going to assume that Mr. Wyer was honest until it was proven that he was subsidized by the National Electric Light Association or some other power interest of the United States.

Mr. Mitman admitted that the section in Mr. Wyer's pamphlet dealing with the Ontario situation might be considered propaganda, but he was confident that Mr. Wyer had obtained his facts from the Gregory report. I asked Mr. Mitman if he understood that the Gregory report had never been published, but that Sir Adam Beck had been powerful enough to suppress this report because it showed conditions unfavorable to the hydro commission. He stated that he understood from Mr. Wyer that the report of the royal commission had been suppressed in this way, and that the only available copy of that report had in some mysterious way been burned; but that unknown to Sir Adam Beck, Mr. Gregory had kept a carbon copy of the report; that it was this carbon to which Mr. Wyer had access, together with the books of the hydro commission: and that he had been furnished most of his information by Mr. Gregory.

Whereupon the interview terminated most pleasantly.

(Memorandum for Mr. Clapp from Mr. Heath, January 20)

Pursuant to your telegram received to-day, called Mr. True, editor of the Smithsonian Institution, by telephone.

Asked Mr. True if he could give me the cost of publishing the Wyer pamphlet on Niagara Falls. Mr. True stated that he could not give me the cost, inasmuch as the bill had not been received from the printer.

Asked Mr. True if the Smithsonian did not contract for their printing jobs in advance of printing. He stated they never contracted for their printing jobs in advance.

Asked him if the policy of the Smithsonian was to send copy to the printer and pay whatever bill the printer submitted for the printing. Mr. True stated, "No," they always secured estimates. I asked him if he could give me the printer's estimates on the cost of publishing the Smithsonian edition of the Wyer pamphlet. Mr. True stated that he could not, inasmuch as in this case no estimates were called for. It was a rush job and they did not have time to ask for estimates. Therefore he did not know what the cost would be.

MR. HEATH TO MR. CLAPP, JANUARY 24, 1925

(Memorandum re Wyer pamphlet, Smithsonian Institution, United States National Museum Bulletin 102, part 7. Natural Gas: Its Production, Service, and Conservation, by S. S. Wyer. Government Printing Office, 1918)

Officials consulted at United States Bureau of Standards stated that Mr. R. S. McBride, chemical engineer, with offices in the Colorado Building, Washington, D. C., knew the inside story of the objections of Doctors Rosa and Stratton to publishing the Wyer pamphlet on natural gas. Interviewed Mr. McBride.

Mr. R. S. McBride, chemical engineer, connected also with McGraw-Hill Book Co., stated that he was familiar with the details of the Stratton-Rosa-Wyer controversy. McBride says Wyer was employed by the Bureau of Standards as an expert engineer at $10 per day plus expenses. Wyer was not masquerading under any false colors; his

connections with gas interests were well known. He was also drawing a retainer from corporations and gas companies and had figured as a rate expert in many cases for such companies and before various commissions. On instructions from Doctor Rosâ, Wyer prepared a report on "Natural Gas: Its Production, Service, and Conservation." The report was submitted to McBride and Rosâ, and while it was exceptionally well written and contained many facts of importance, technically sound from an engineer's standpoint, which made it of value, it also contained certain economic opinions "held in all honesty by Mr. Wyer." These economic opinions had to do with rates. Mr. McBride is not sure that the report finally published as Bulletin 102, part 7, by the National Museum is the same in all respects as the report which Wyer submitted to him and to Rosâ. It may have been changed somewhat before it was published by the Museum.

The Museum report as published, however, contains this statement: "Gas field operating conditions should be regarded as a natural monopoly so that in the development of the field one company, or one 'operating pool,' could space the wells properly, and drain the field only at the rate of its safe working capacity, thereby greatly increasing and strengthening the life of the field. The economic fallacy of competition between utilities is now thoroughly established. Competion, either as a guarantor of good service or regulator of rates, has failed. The doctrine that the public is served best by a legalized and regulated monopoly has become a fixed part of American public-utility jurisprudence, and ought to be applied to the mining operations in the natural-gas field." (Bulletin 102, pt. 7, p. 63.)

And again—"Since the hazards are greater than in any other mining enterprise, the profits ought to be correspondingly greater. This element of profit is the only incentive which impels men to engage in so speculative an enterprise. If, in the aggregate, this amount of profit does not measure up to the hazards in the business the men will cease their work of prospecting and put their capital in safer enterprises. Wherever a close connection exists between effort and profit a stronger resulting incentive is furnished for a further and continuous expenditure of effort. Therefore, a high rate of profit, which will induce men to prospect continuously for natural gas, brings about the condition that more people can use gas and represents a distinct saving to the community. * * * The only thing that will effectively conserve the supply for future use and thereby insure continuity of future service is an adequate price commensurate with the worth or value of the service. Therefore, the public is served best when natural-gas mining is made profitable." (Bulletin 102, pt. 7, p. 65.)

Mr. McBride states that the quarrel between Wyer and Rosâ was a difference of opinion with reference to the price of natural gas. McBride believes that Wyer was right in some cases, but Rosâ disagreed with Wyer's motives and with his proposal regarding the raise of rates. McBride believes that Doctor Stratton's objections to publishing the report as submitted by Wyer was a matter of policy. He believes that Stratton was interested in keeping the Bureau of Standards out of a field which he, Stratton, believed was improper for the Bureau of Standards to enter. McBride states that the controversy was heated and that he was fearful at times lest Rosâ and Wyer come to blows. The Bureau of Standards refused to accept the Wyer report as written, and Wyer took the material to the Smithsonian Institution. There Walcott was prevailed upon by Gilbert, who had been approached by Pough, who had met Wyer when Wyer was serving as a dollar-a-year man on the Fuel Administration with Pough, to publish the pamphlet as a Museum bulletin. Since the work on the report had been done at the instructions of the Bureau of Standards and had been rejected by them, it was held unethical for Wyer to secure its publication through another institution of the Government, and it was pointed out that it was unethical for the Smithsonian to publish this report. It was a matter solely of administrative judgment and Walcott published the report with full knowledge of the facts.

Mr. McBride stated further that in his opinion it was not necessary to search further than the gas interests for Wyer's connections. He does not know whether Wyer has any connections, open or otherwise, with the National Electric Light Association, but he has been identified for years with the gas interests, and these interests have resented any encroachment upon their operations by national, State, or municipal authorities. Wyer has always been a private-ownership man in the gas field. The same process of reasoning would lead him to be a private-ownership man in the electric field. McBride does not know whether Wyer is subsidized by any of the power companies. He is inclined to believe that material published by Wyer which favors the power companies is good advertising for Wyer and naturally brings him in additional business in his capacity as consulting engineer. McBride himself is a private-ownership man, but considers that it is highly unethical for a Government institution to place its stamp upon any paper which does not give both sides of the question consideration and which may be interpreted as special-interest propaganda.

INTERVIEWED JOHN CARSON, SECRETARY TO SENATOR COUZENS, OF MICHIGAN

Carson produced from the files a sheaf of correspondence passed between Morris L. Cooke, consulting engineer, of Philadelphia, and Senator COUZENS and between COUZENS and Walcott. I was not permitted to examine or read this correspondence. The fact was established, however, that in November and December, 1925, Senator COUZENS called Secretary Walcott's attention to the fact that a prominent engineer in the East had protested to him against a Wyer pamphlet, "Electric Service in the Home," and another pamphlet entitled "Salient Features of Electric Cooking," published October 3, 1921, charging that the facts were incorrect and misleading and intimating that Mr. Wyer was a propagandist for the power companies. Walcott, in reply, defended Wyer and praised his work. Carson stated that a part of the correspondence was missing from the files and probably the missing letter or letters were in Detroit. Carson, very friendly, expressed the hope that this story would break early next week, in time to help NORRIS.

INTERVIEWED MR. MITMAN, CURATOR, DIVISION OF MINERAL AND MECHANICAL TECHNOLOGY, UNITED STATES NATIONAL MUSEUM, WITH REFERENCE TO WYER'S ELABORATE STUDY ON PENNSYLVANIA NATURAL RESOURCES REFERRED TO IN YOUR LETTER TO KING, JANUARY 23, 1925, BE THE BOOK CIRCULATED IN THE PENNSYLVANIA PUBLIC SCHOOLS

Mr. Mitman stated that he did not know that this book had been withdrawn from the Pennsylvania public schools upon the protest of Governor Pinchot. Mitman said that this book was prepared by Wyer and published by him at his own expense; that he understood from Wyer that it cost him over $15,000, not including the time spent in the preparation of the material, and that Wyer was not reimbursed for this expenditure. Mitman furnished a carbon copy of a four-page memorandum prepared by him for Doctor Walcott, a copy of which is inclosed. Mitman understands that this memorandum requested by Walcott is for use of Senator SMOOT, who, since the death of Senator Lodge, is spokesman for the Smithsonian in the Senate.

Mitman also produced an annotated copy of publication 2820, "Niagara Falls: Its Power Possibilities and Preservation," by Wyer, January 15, 1925. This copy was received by Mitman since the interview on Thursday. In this annotated copy Wyer gives the sources of his information as follows:

Page 1, section 2, "but at Niagara Falls about 85 per cent." (F. A. Gaby, hydroelectric power commission.)

Page 3, section 3, "106,110 square miles" and "157,330 square miles." (United States Geological Survey.)

Page 3, section 4, "the Niagara River has really two falls * * * the Canadian Falls 94 per cent." (United States Geological Survey.)

Page 3, section 4, the table following paragraph 2. (United States Geological Survey and General Warren's report on diversion of water from the Great Lakes and Niagara River, November 9, 1920, p. 24.)

Page 3, section 5, table and concluding statement. (United States Lake Survey.)

Page 11, section 18, table. (Chief engineer, Niagara Falls Power Co.)

Page 11, section 19, "92,000 kw.," "9,600 cu. ft." (Chief engineer, Niagara Falls Power Co.)

Page 14, section 20, table. (Dominion Bureau of Statistics and hydroelectric power commission report, 1923, p. 9.)

Page 14, section 21, table, kilowatt-hours generated in United States and kilowatt-hours generated in New York. (United States Geological Survey.)

Page 14, section 21, table, kilowatt-hours generated in Niagara Falls and used in United States. (Niagara Falls Power Co.)

Page 16, section 23, "76 cents per horsepower of capacity." (Niagara Falls Power Co.)

Page 16, section 23, "$252,000." (Stamford Township treasury.)

Page 16, section 23, "$7,121,928." (Niagara Falls Power Co.)

Page 16, section 24, "50 per cent of the capital cost of constructing and erecting transmission lines and cables in rural power districts." (G. A. Brown, provisional auditor.)

Page 16, section 24, "$1,194,422." (G. A. Brown, provisional auditor.)

Page 17, section 25, "$2,245,900." (G. A. Brown, provisional auditor.)

Page 17, section 27, "a. Bonds handled * * * to retire the bonds." (Mr. Pierdon, auditor, hydroelectric power commission.)

Page 18, section 28, "$41,768,523," "$1,829,461," "$3,902,495." (Mr. Pierdon, auditor, hydroelectric power commission.)

Page 21, section 35, "up to January, 1900." District engineer, United States Engineer's office, Chicago, Ill., report on diversion of water from Lake Michigan, November, 1923, page 10.

Page 21, section 36, "created by the General Assembly of Illinois in 1889," same as above (p. 1).

Page 22, section 39, same as above (p. 66).

Page 22, section 40, General Warren's report (p. 19).

Page 22, section 41, district engineers, United States Engineer's office (p. 78).

Page 23, section 43, "6,800 cubic feet," "now incidentally," General Warren's report (p. 19).

Page 23, section 44, first paragraph, district engineer's report (p. 52). Second paragraph, district engineer's report (pp. 23, 24).

Page 23, section 45, district engineer's report (p. 47).

Page 23, section 46, "$157,000,000," district engineer's report (p. 54).

Page 24, section 48, same as above (p. 68).

Page 24, section 49, "900 cubic feet of water," "3,400 cubic feet per second," "2,000 cubic feet per second." General Warren's report (p. 72).

Page 24, section 50, "500 cubic feet," "1,200 cubic feet," same as above (p. 23).

Page 24, section 51, "available to both Canadian and United States vessels on equal terms," same as above (p. 67).

Page 26, section 56, "5,000 cubic feet," "4,500 cubic feet," "90,000 cubic feet," same as above (p. 49).

These are all the sources that Wyer indicates in his annotated copy. You will note that nowhere in this copy does Wyer refer to any suppressed report of any royal commission or to Mr. Gregory, although Mr. Clapp of the Department of Commerce, Secretary Walcott, and Mr. Mitman all stated that they understood from Wyer that he obtained much of his data from such a suppressed report.

The following matter, submitted by Mr. PEPPER during the course of Mr. NORRIS's speech, was ordered to be printed at the end thereof:

SMITHSONIAN INSTITUTION,
Washington, U. S. A., February 13, 1925.

DEAR SENATOR PEPPER: In continuation of the Smithsonian Institution's study of natural resources, a pamphlet was issued January 15, 1925, entitled "Niagara Falls: Its Power Possibilities and Preservation," written by Samuel S. Wyer, associate in mineral technology of the United States National Museum, mechanical engineer, and conservationist.

When the manuscript of this paper was received at the Museum it was examined and later brought to me for consideration. I was very much interested, as it appeared to be a concise, clear statement of the conditions surrounding the utilization of the energy resources of Niagara River. Parts 1, 2, 4, and 5 appealed to me strongly, as I have been in touch with the Niagara Falls and River situation since 1876, when as a young man I was an assistant on the New York State Geological Survey. I viewed part 3 as an analysis of the economic situation that will have a strong bearing upon the future development of the energy resources of Niagara River. Mr. Wyer obtained the data used from the official reports of the Ontario government, including an unpublished report of the royal commission appointed to investigate governmentally owned hydroelectric systems in Ontario.

Mr. Wyer has prepared a memorandum and has also given me copies of a pamphlet entitled "Salient Findings of the Royal Commission Appointed to Investigate Governmentally Owned Hydroelectric Systems in Ontario." This appears to sustain the statements made by Mr. Wyer in part 3 of the paper on "Niagara Falls: Its Power Possibilities and Preservation."

It now transpires that Sir Adam Beck, the chairman of the Hydroelectric Power Commission of Ontario, is particularly incensed over the statements made in part 3 of the pamphlet. He has published a bitter attack on Mr. Wyer, the author of the paper, and censures the administration of the Smithsonian Institution for publishing it.

A reply will probably be made by Mr. Wyer to the contentions of Sir Adam Beck as to matters of fact.

No public funds were used in the preparation or printing of the Niagara Falls pamphlet. It was prepared by Mr. Wyer and he paid the cost of printing.

This practice is not unusual. The Smithsonian printing funds are insufficient to publish all of the manuscripts prepared by members of its own staff or outside authors collaborating with it. The Creighton University paid for printing a monograph on The Comparative Histology of the Femur, by Dr. J. S. Foote, a member of its faculty working in our laboratories. Dr. Frank Springer, associate in paleontology, of the National Museum, has paid the cost of printing several of his papers on the fossil crinoids published in the Smithsonian Miscellaneous Collections and as special Smithsonian publications. The cost of a paper on the History of Electric Light was met by the General Electric Co., and I have frequently paid from my own private funds the cost of my scientific papers published by the Institution.

I very much regret that the Smithsonian has been brought into a controversy on the subject of public ownership v. Government regulation. My thought in issuing the paper was to clarify the situation as to Niagara Falls and River with regard to the conservation and effective use of their energy resources and scenic possibilities.

Very truly yours,

CHARLES D. WALCOTT, *Secretary.*

The Hon. GEORGE W. PEPPER,
Regent of the Smithsonian Institution,
United States Senate, Washington, D. C.

MEMORANDUM BY MR. WYER

During my study of Niagara Falls—as an incident of the investigation—I made a comparison of the methods of selling electric energy in Ontario and the United States as affecting the best method of utilization of the energy resources of the Niagara River.

The 1224-page findings of the Gregory commission—appointed by the Ontario government to "inquire into the work of the Hydroelectric Power Commission of Ontario and report the evidence and facts found," have been withheld from the Canadian public, but I was given access to these findings and permitted to make a summary of the salient features, which I did in the form of 35 sections of verbatim quotations. These findings, of course, were the findings of the Gregory commission and not my personal views.

A copy of this 35-section summary was filed at the Smithsonian, and a copy is herewith inclosed. I also made my own independent investigation of the situation when at Toronto.

Sir Adam Beck's bitter personal attack is directed primarily at what I say about "exemption from taxation and dodging sinking-fund facts."

Section 32 of the above salient findings of the Gregory commission certainly sustained what I have said regarding tax exemption, and sections 23, 24, and 25 that which has been said regarding dodging sinking funds.

Apropos to Sir Adam Beck's personal attack, it might not be amiss to call attention to sections 3, 6, 8, 11, 12, and 16 of the inclosed copy of sections of the Gregory commission report.

UNITED STATES NATIONAL MUSEUM,
January 19, 1925.

For Doctor WALCOTT.

Mr. Samuel S. Wyer is a consulting engineer, with offices in the Hartman Building, Columbus, Ohio. He is a mechanical engineer, a graduate of Ohio State University, and has specialized almost continuously since graduation (at least 20 years, to my knowledge) in the natural gas and manufactured gas industries. As early as 1905 he wrote "A Treatise on Producer Gas and Gas Producers," published by McGraw-Hill Book Co. in 1906, a second edition of which was published in 1907. This book was used to a great extent as a college textbook. At that time Mr. Wyer was a junior member of the American Society of Mechanical Engineers and the author of "A Catechism on Producer Gas."

When the fuel administration was organized during the war Mr. Wyer came to Washington and joined this organization as a dollar-a-year man and worked in his chosen field, namely, natural gas. It was during this time, namely 1917–1919, that Mr. Chester G. Gilbert and Dr. Joseph E. Pogue, curator and assistant curator of the division of mineral technology of the United States National Museum, respectively, began their studies of the energy resources of the United States, including coal, petroleum, and water power.

To make this series more complete Mr. Wyer was asked to cooperate with the division of mineral technology in the preparation of a publication on natural gas, and by his help an exhibit portraying the features of the natural-gas industry was constructed and followed up with the publication of a bulletin prepared by Mr. Wyer. This bulletin, entitled "Natural Gas: Its Production, Service, and Conservation," was published in 1918.

At the close of the war Mr. Gilbert and Doctor Pogue left the institution and I was placed in charge of the division of mineral technology. The war emergency having passed, but still desirous of continuing these studies on energy resources and believing that the cooperation of Mr. Wyer would be extremely helpful in this work, Mr. Wyer was appointed to the honorary position of associate in mineral technology upon my recommendation. The first result of this association was the preparation of an exhibit of the manufactured-gas industry and the publication of a bulletin entitled "Manufactured Gas in the Home," which was published in 1923.

Mr. Wyer's long years of intimate knowledge of the natural-gas industry, in which as a consulting engineer he amassed quite a comfortable income, and his knowledge of the enormous unnecessary wasting of this energy resource, have made him extremely desirous of doing all that he could do as an individual toward the conservation of the country's mineral resources as well as natural gas. Through contacts which he made with the department of education of the State of Pennsylvania he gradually built up an interest in and a desire for some printed word as to resource conservation which could be under-

stood and taught in the graded schools. The result was that Mr. Wyer wrote and published "The Smithsonian Institution's Study of Natural Resources Applied to Pennsylvania's Resources."

The reason the book is called "The Smithsonian Institution's Study" is that the idea of presenting the economic problems connected with the country's natural resources originated in the Smithsonian Institution, particularly in the division of mineral technology, and Mr. Wyer's study was simply the application of the Institution's idea to a single State. This book was published and paid for by Mr. Wyer himself, and a sufficient number of copies were printed so that every seventh-grade teacher in the State of Pennsylvania, every normal-school teacher, every district school superintendent, and every school principal received a copy. The issue of this book brought many requests to Mr. Wyer for lectures at the various teachers' meetings, normal schools, and colleges within as well as outside of the State, and Mr. Wyer, at his own expense, has as far as he has been physically able, fulfilled all of these requests, his addresses being simply amplifications of particular problems dwelt upon in this book. The first edition appeared in January, 1923, and the second edition in August, 1924, this latter edition having been enlarged to include the transportation industry.

Mr. Wyer has the unusual ability of abstracting and interpreting scientific and technical data in a way that can be presented to and understood by the layman. This, coupled with a keen appreciation of scientific truth and an enviable ability of sticking to facts, led him to engage in the interpretation of valuable data concerning subjects of public importance. About the first of these interpretations was the report made by the Department of the Interior of the survey of the eastern seaboard and its valuable water powers known as "Superpower Survey." Having become interested in the field of power, and particularly hydroelectric power and the linking-up of water-power and steam-power resources, Mr. Wyer was led to publish brochures entitled: "Analysis of Electric Service for Rural Homes"; "The Limitations of Superpower and Giant Power"; "The Power Situation in the United States"; and, finally, "Niagara Falls, Its Power Possibilities and Preservation."

I have been personally acquainted with Mr. Wyer for eight years and not once during these years have I had any occasion to believe that the motives back of his work in natural resources and his published writings have been other than those of rendering a public service, nor have I had the least indication of a possible connection between himself and any industrial interests. I believe that his efforts are wholly aboveboard and that they are simply his own interpretation of facts as he finds them, which interpretations I have always considered sound. I believe him to be honest in his purposes and shall continue to do so until I have received proof to the contrary.

Very respectfully,

C. W. MITMAN,
Curator Division of Mineral and Mechanical Technology.

ACTION ON EXECUTIVE NOMINATIONS

Mr. McKELLAR obtained the floor.

Mr. CURTIS. I ask the Senator from Tennessee to yield to the Senator from Iowa to move an open executive session in order to report some nominations, and ask for their confirmation.

Mr. McKELLAR. I yield for that purpose.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business in open executive session. I do this simply to avoid the delay in having the occupants of the galleries go out, and then come back.

The PRESIDING OFFICER. The Senator from Iowa asks unanmious consent for the immediate consideration of executive business in open executive session. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business in open executive session.

Mr. CUMMINS. On behalf of the Committee on the Judiciary I report five nominations, and ask immediate consideration of each of them. I ask the Secretary to report these nominations in the order in which I send them to the desk.

The PRESIDING OFFICER. The first nomination will be stated.

The Chief Clerk read as follows:

James W. McCarthy, of New Jersey, to be United States district judge, district of New Jersey.

Mr. CUMMINS. Mr. President, let me say, before we proceed, that immediately upon the coming in of these nominations this morning I appointed a subcommittee, composed of seven members of the Judiciary Committee. We met immediately and secured all the information we could get with regard not only to this nomination but as to each of the nominations that will follow it. The subcommittee unanimously submitted to the full committee a favorable report upon each of the nominations. We had a meeting of the full committee at half past 2, which received that report, and the full committee unanimously recommended the confirmation of all these nominations.

The PRESIDING OFFICER. Will the Senate advise and consent to this nomination? The Chair hears no objection, and the nomination is confirmed. The President will be notified. The next nomination will be stated.

The Chief Clerk read as follows:

Joseph W. Molyneaux, of Minnesota, to be United States district judge, district of Minnesota.

The PRESIDING OFFICER. Will the Senate advise and consent to this nomination? The Chair hears no objection, and the nomination is confirmed. The President will be notified. The next nomination will be stated.

The Chief Clerk read as follows:

John B. Sanborn, of Minnesota, to be United States district judge, district of Minnesota.

The PRESIDING OFFICER. Will the Senate advise and consent to this nomination? The Chair hears no objection, and the nomination is confirmed. The President will be notified. The next nomination will be stated.

The Chief Clerk read as follows:

William J. Donovan, of New York, to be assistant to the Attorney General, vice Augustus T. Seymour, resigned.

The PRESIDING OFFICER. Will the Senate advise and consent to this nomination? The Chair hears no objection, and the nomination is confirmed. The President will be notified. The next nomination will be stated.

The Chief Clerk read as follows:

Scott C. White, of Texas, to be United States marshal, western district of Texas.

The PRESIDING OFFICER. Will the Senate advise and consent to this nomination? The Chair hears no objection, and the nomination is confirmed. The President will be notified.

Mr. CURTIS. On behalf of the Senator from Idaho [Mr. BORAH] I present the report of a nomination from the Committee on Foreign Relations, and ask unanimous consent for its immediate consideration.

Mr. McKELLAR. Let it be reported.

The PRESIDING OFFICER. The nomination will be stated.

The Chief Clerk read as follows:

Ulysses Grant-Smith, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary to Uruguay.

The PRESIDING OFFICER. Will the Senate advise and consent to this nomination? The Chair hears no objection, and the nomination is confirmed. The President will be notified.

Mr. CUMMINS. I now ask unanimous consent that the Senate proceed to the consideration of legislative business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. McKELLAR. Mr. President, I will say to those Senators who have other business that I shall not occupy the time of the Senate over 15 or 20 minutes, so they may know just what to depend on.

Mr. TRAMMELL. I would like to say to the Senator from Tennessee and other Senators present that I am very anxious to get a vote on my motion to take up the resolution that is pending and have it agreed to before adjournment.

Mr. McKELLAR. I shall not delay the Senate over 15 or 20 minutes at most.

Mr. BLEASE. Mr. President, I ask permission to have printed in the RECORD a statement as to my vote on the Isle of Pines treaty, the organization of the Senate, and the Warren nomination.

The PRESIDING OFFICER. The Senator from South Carolina requests unanimous consent for printing in the RECORD a statement by himself.

Mr. CURTIS. Mr. President, I am very sorry to have to object, but that is not permitted under the rules. It never has been allowed. I hope the Senator will withdraw his request.

Mr. BLEASE. Then I ask permission to read it. It is very short.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BLEASE. Very well; I will present it later.

Mr. McKELLAR. The Senator will have ample opportunity to present it.

Mr. BLEASE. Very well.

MUSCLE SHOALS

Mr. McKELLAR. Mr. President, the Underwood Muscle Shoals bill had a hectic career in the last Congress. Ordinarily, as we all know, bills are introduced in one House or in both, sent to appropriate committees, reported out, then acted upon by the Senate and House, and if differences arise between the two Houses the bill is sent to a conference and the conference report is agreed to or disagreed to, as the case may be.

The Underwood measure has had no such legislative history. Previous to the introduction of the Underwood proposal the House Committee on Military Affairs had reported the Ford bill to the House. It had passed that body and had been sent to the Senate. The Senate took proof for months and finally rejected the Ford proposal and reported what was known as the Norris bill to the Senate. In the mean time the Ford offer had been withdrawn, and that left Muscle Shoals, when this Congress met on December 1, high and dry, with only the Norris proposal before the Senate. The Norris proposal provided, in brief:

THE NORRIS BILL

That the Secretary of War was authorized and directed to complete the construction of Dams Nos. 2 and 3 in the Tennessee River and to operate the plant through an instrumentality called the Federal Power Corporation. It also provided for the building of dams and reservoirs up the Tennessee and Clinch Rivers. The purpose of the bill is very carefully set out in section 20, as follows:

It is hereby declared to be the spirit and intention of Congress in passing this act (a) primarily to provide for the national defense by maintaining ready for immediate use for war purposes nitrate plant No. 2; (b) to promote agriculture by developing cheap fertilizer and other things of benefit to agriculture to the highest degree; (c) to assist in the development of electric power by the complete storage and utilization of the waters of our rivers and their tributary streams in conjunction with steam and other sources of fuel to the end that electrical energy may be carried to all citizens; (d) these objects shall be carried out as nearly as possible without interference with private enterprise.

This bill was reported out favorably last June. Ford's offer, as I recall, was withdrawn in October.

THE UNDERWOOD BILL

In December Senator UNDERWOOD introduced his proposal, which provided, in brief: First, for the use of the power for national defense in the event it was turned over to a private lessee, the Government to pay for the power in such an emergency just as it would pay for any other privately owned power; second, that it should manufacture, or, if it was leased to a private lessee, the private lessee should manufacture 10,000 tons of fixed nitrogen the first year, 20,000 the second year, 30,000 the third year, and thereafter 40,000 tons of fixed nitrogen per year. Then the President was authorized to lease it to a private individual for $1,832,000 per year. No Government regulation of either price or distribution of the power generated. In the event that the President did not make a lease of the property, then a corporation was created just as provided in the Norris bill for the Government to operate the plant.

THE AMENDED NORRIS BILL

Thereupon Senator NORRIS amended his bill so as to provide for a corporation to run the plant, substantially as provided in the Underwood plan. He then accepted an amendment for the manufacture of fertilizers, substantially the same as was in the Underwood plan, but weaker, because the plant was to be kept under the control of the Congress. He then accepted an amendment providing for the compulsory manufacture of fertilizers, as provided in the Underwood plan, but only until by experiment it was demonstrated that fertilizer could be economically manufactured. In other words, his bill was changed so as to provide that this power should be used, not alone for power purposes and for war purposes, but for fertilizer purposes as well. This amendment was introduced by me and he accepted it and incorporated it in the Norris bill. His bill, as before stated, provided not only for completion of Dam No. 2, but for building of Dam No. 3, and for all the necessary dams up the Tennessee and Clinch Rivers, with the probability that 1,000,000 horsepower would be produced. Under his plan the corporation was to be operated by the Government and the surplus power distributed under direction of the Government. Under the Underwood plan there was to be no Government regulation. The only regulation provided for in the Underwood plan is the regulation by the Alabama State Utilities Commission.

Under the Norris plan the power was to be equitably distributed. Under the Underwood plan there were to be no restrictions about distribution. Under the Norris plan perhaps a million horsepower of current was to be generated, while under the Underwood plan only 102,000 horsepower was certain to be generated. Both plans were substantially the same, in so far as the provisions of Government operation were concerned. In other words, there is no question of Government operation arising in the two plans. They both provide for Government operation. During the debate in the Senate over the Underwood bill it was vainly endeavored to obtain Government regulation of price and distribution. It was vainly endeavored to require the lessee to pay a reasonable price for it. It was vainly endeavored to regulate the distribution. It was vainly endeavored to make the acts specific about the production of fertilizer. It was vainly endeavored to provide for reasonable control. Every amendment seeking regulation of any kind or seeking an increase of compensation was voted down. Apparently every amendment offered by the proponents of the bill was for making the terms easy upon the lessee. Every amendment to the bill offered, securing the rights of the Government or the people, was voted down by a small majority. The bill was sent to conference.

THE CONFERENCE

When the bill as passed by the Senate, known as the Underwood bill, went back to the House, instead of sending the Underwood bill to a committee and having the matter determined there, the House sent it to conference on the ground that the House had already passed the Ford bill, and the Senate, having passed the Underwood bill, those two bills were sent to conference, when, as a matter of fact, the Ford offer had been withdrawn. The result is that the conferees substantially wrote a new bill, or rather the conferees put so many new provisions in the Underwood bill that a point of order was afterward made against it and sustained and the bill sent back to conference under the rules of the Senate.

Among the important changes that the conference made was: First, to strike out the George equitable distribution amendment; second, to strike out the provision giving Congress the right to alter, repeal, or amend the act, so that it could be altered, amended, or repealed; third, to strike out the provision of 1 per cent profit to be made on the fertilizers and insert 8 per cent, or eight times as much profit to be made on them; fourth, to lessen the amount of fertilizers to be made; fifth, to permit the lessee to make other products, especially phosphoric acid, in lieu of the nitrogen; sixth, that the lessee should have the property perpetually or preferential right to it perpetually; seventh, that the Government should have in the event it took it over to pay the fair value of all improvements made on said property while the lessee controlled it; eighth, that the annual rental be reduced so that all of that part of the dam used for navigation should be excluded from the 4 per cent. This would probably reduce the rental value comparatively to a mere pittance. It was estimated that the rental on this property, worth probably $200,000,000, would be reduced from $1,832,000 to some $680,000. In other words, under the conference report the Shoals property might be turned over to a lessee for all time at a rental of $600,000 on property that actually cost the Government $150,000,000 and was probably worth $200,000,000. One per cent of $150,000,000 would be $1,500,000, so that what the lessee would be getting was the power itself, in addition to the entire cost of making the power available, at about two-fifths of 1 per cent on the money invested to make it available. The Senate had hitherto, by a small majority, agreed to the first Underwood proposal. If it had remained as passed by the Senate, it might have been sustained and become the law; but the conferees in charge of the bill made so many changes, all in the interest of the lessee, that even a Senate that was favorably disposed to the bill was not willing to agree to the conference report, and the bill accordingly failed. It has one distinction, however. It probably came nearer getting through, for a bill that had never been considered by a committee of the House nor by a committee of the Senate, than any amendment that has been introduced for a long time. If it had become the law, it would have passed in violation of all rules.

INTEREST OF GOVERNMENT AND INTEREST OF PEOPLE NOT CONSIDERED

In my judgment, and so far as this record shows, this bill never at any time safeguarded the interest, either of the Government or of the people. As a consideration for the lease, the constant efforts of its proponent was to make the consideration as little as possible to the lessee. In the matter of regulation of the price at which the current was to be sold, every effort pos-

sible was made to prevent any Government regulation of price. It is true that it was said that the Alabama State Utility Commission should regulate the price, but the idea of the Government building this great institution with the money of the people of all the States and turning it over to be regulated by a public utility of a single State is, to my mind, monstrous. Nor did the proponents of the bill ever seek to have the distribution regulated either by law or by any Government-regulated body. Under these circumstances, it was impossible to have the rights of the Government or of the people protected. Not an effort was made in the bill to secure any right of the Government. In my judgment, not an effort was made in the bill to secure any right of the people to the enjoyment of this great improvement, and if the bill had gone through, either as it passed the Senate or in conference, substantially no one, in my judgment, would have profited by this great improvement except the company that leased the improvement.

THE BILL AS REPORTED THE SECOND TIME FROM THE CONFERENCE

The bill as reported the second time from the conference, while generally following the lines of the Underwood bill as it passed the Senate, still had changes hurtful to the Government and to the people and beneficial to the proposed lessee. First, it sought to get out of the manufacture of nitrogen, as required by the mandatory features of the bill, by creating a farm board to supervise the production and sale of fertilizer; second, it changed the profit that the lessee is entitled to receive from 1 per cent to 8 per cent; third, it required the nitrogen to be manufactured at plant No. 2; fourth, the rent was lessened by taking out that part of the improvements used for navigation; fifth, no reserve was required for depreciation, the 1 per cent in the original bill was changed by section 13 creating the farm board; and sixth, the right to repeal, alter, or amend was still left out of the conference report.

The remarkable thing about the conference report is that notwithstanding the ruling of the Chair that new matter should not be incorporated in the report, the conferees again incorporated new matter quite as objectionable as in their first conference report. No effort was made to bring up this second conference report, and so of course talk about a filibuster is without foundation.

HISTORY OF CONFERENCE

The proposed Underwood bill legislation, as heretofore stated, has never been to a committee of either House. It was a hotch potch passed by the Senate and referred to the conference committee. It was argued that it was like the Ford proposal. It was essentially a different proposal. The matter of its being referred to the conference committee was perhaps more unusual than the procedure on any bill ever before referred to a conference committee. The proponent of the bill, Senator UNDERWOOD, arose in his place and sought to overrule the uniform custom of the Senate by the Senate selecting conferees by voting for candidates put in nomination. The seniority rules of the Senate were disregarded. Apparently he had concluded that inasmuch as Senator NORRIS and Senator SMITH of South Carolina had both voted against the bill and inasmuch as Senator MCNARY, the ranking Republican on the committee, was not as favorable to the bill as he might be, he sought to prevent the selection of these ranking members of the committee and to have friends of the bill put on the conference. The matter was debated and the Senate elected Senators NORRIS, MCNARY, and SMITH over the protest and against the vote of Senator UNDERWOOD. Thereupon those gentlemen refused to act and other gentlemen were selected from the committee favorable to the bill. The remarkable part of the proceeding was that it was argued by Senator UNDERWOOD that Senators NORRIS, MCNARY, and SMITH would not in conference uphold the bill as passed by the Senate, but would likely depart from the bill as passed by the Senate. This was the reason given for his unusual motion. Now it transpires—wonderful to relate—the chosen defenders of this bill reported a bill back to the Senate entirely different from the bill as passed by the Senate, and inserted all kinds of new matter, to such an extent that the President pro tempore of the Senate sustained a point of order to it and sent it back to the conference and his action was upheld by the Senate.

FURTHER HISTORY

A remarkable and wonderful history has this bill had, though of such immature life. It was introduced in December. It was referred to no committee. It was given a new birth by conferees, it was sent back to these conferees, and another new bill has been reported. Though the Government owned the shoals and though it has spent $150,000,000 in cold cash in developing it, and all at the earnest instance of the Senator from Alabama and all of us, still under his proposals and under all proposed amendments not a single effort was made to obtain a fair return to the Government in the event the property should be leased. No kind of regulation on the part of the Government was desired as to price or distribution, but virtually the property was to be given in perpetuity to some unknown person or corporation at a rental so inadequate as not to cover the cost of perhaps one-fourth of the replacement charges. I say, in all frankness and in all truth, that as unfair and unjust were the leases by which Fall and Denby transferred the oil preserves to Sinclair and Doheny, the consideration named in those leases was not more inadequate than was the price named in the proposed Underwood bill for the lease of this great power plant at Muscle Shoals.

THE UNDERWOOD BILL AND TENNESSEE

Although the greater part of the waters at Muscle Shoals come from the State of Tennessee, if the Underwood bill had passed Tennessee would have been assured of no part of the benefits arising from this great development of water power. Every kilowatt of power could have been used in Alabama. It could all have been used in the neighborhood of this plant. Under the bill people of Tennessee could not have enforced the transmission of a single kilowatt across the border. There is not a line in the bill that provides for Government regulation either as to price or distribution. If a citizen of Tennessee wanted some of the power, the lessee could refuse to furnish it. If a manufacturing concern in Tennessee wanted some of the power, the lessee could refuse to furnish it. If they had furnished it they could have furnished it at any price it pleased or at any amount the lessee pleased. In other words, no city, no manufacturer, no individual in the State of Tennessee has the right under the Underwood bill to demand a single kilowatt of power.

Again, I maintain that under the bill as it passed the Senate or as it has been reported in conference, there never would be any fertilizer manufactured at Muscle Shoals. The manufacture of nitrogen at Muscle Shoals for the benefit of farmers under the Underwood bill is an iridescent dream. It is peculiar that the Senator from Alabama struck out the mandatory features of his own bill about fertilizers and accepted an amendment I had proposed to the Norris bill, which, while perfectly appropriate to the Norris bill, it providing for Government operation, yet, as attached to the Underwood bill, the amendment was meaningless and simply afforded a means by which the lessee could get out of manufacturing the nitrates for fertilizer purposes for a considerable time.

So that I say it was doubtful if fertilizers would really be manufactured, certainly not permanently. I made this statement time and again in debate on the bill. So that, in so far as Tennessee and Tennesseeans are concerned, if any one of the Underwood bill proposals had gone through, whether the bill as originally offered, the bill as it passed the Senate, the bill as reported by the conference committee, or the bill as reported afterwards by the second conference committee, Tennessee and Tennesseeans, whether farmers or manufacturers or other users of electricity, would have obtained little if any benefits from the development of this great project at Muscle Shoals, developed entirely from taxes paid by the entire Nation. For these reasons, I have been unalterably opposed to the Underwood proposals, each and all of them.

THE NORRIS PROPOSAL AND TENNESSEE

Mr. President, let us assume for a moment if the Norris proposal had passed or it should pass in the future what will be its effect upon Tennessee? Under the Norris proposal not only is dam No. 2 to be completed and dam No. 3 to be built but other dams and reservoirs up the Tennessee and its tributaries are authorized to be built, and between 500,000 and 1,000,000 horsepower generated at the Shoals, and after it is generated, the plant being operated by the Government, the power will be sold at the lowest possible price, that price to be regulated by the Government. The distribution will be fair and just and equitable, and that distribution will be regulated by the Government to insure its fairness. There can not be any mistake about it. Cities and towns in Tennessee, in Alabama, or any other of the surrounding States may buy it. They may build transmission lines and obtain it. Manufacturers in Tennessee can buy it at the lowest price and be assured of their fair distributive share of the current. I venture to say that, in my judgment, there is no man who is familiar with the two bills, situated as we are in Tennessee, could for a moment believe the people of Tennessee could benefit under the Underwood proposal, and no one could say but that the Norris proposal would mean that Tennessee could enjoy her fair share of this great development, to the great benefit of all her citizens.

The Norris bill means that the Government will not only always have the plant ready for manufacturing explosives for

war purposes but it will not have to buy the plant over again should war occur, as it would do under the Underwood proposal.

Now, as to the farmers and fertilizers. If we get fertilizers manufactured at the Shoals plant it will have to be done under the Norris bill. We need not expect any substantial amount under the Underwood proposal. The lessee will not take the plant over for that purpose. Its purpose is entirely different. So whether we want the people to have the use of this great plant for war purposes, for fertilizer purposes, or for power purposes, none of them can be obtained by the passage of the Underwood bill.

Mr. HEFLIN. Mr. President, I merely wish to say a few words replying to my distinguished friend, the Senator from Tennessee [Mr. McKELLAR].

Speaking of the Muscle Shoals project, I do not fall out with my good friend for doing whatever he thinks is right and best for the people of Tennessee, but I do complain when he reflects upon a measure which I and others in the Senate have been and are supporting.

Mr. President, the so-called Underwood bill is the Ford bill over again. My good friend from Tennessee eloquently advocated the Ford bill. I remember a speech or two that he made upon this floor in its support. The Ford bill was a good measure, but the Underwood bill embodied in its provisions just what the Ford bill contained, except that the Underwood bill was improved and made stronger by some amendments. One amendment which the Senator from Tennessee himself suggested, I think, helped the measure somewhat.

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. I do not agree at all, in the first place, that the Underwood proposal and the Ford proposal were alike. They were very dissimilar, and when the Underwood bill was finally worked out it was so entirely different from the Ford bill that the two could hardly be recognized as having had a similarity, although they did have in the beginning.

Mr. HEFLIN. The two measures are now somewhat different. The measure which was supported by my good friend from Tennessee provided that Ford should make fertilizer "if practicable." We struck out the words "if practicable" and have compelled those who operated the project to make fertilizer.

Mr. McKELLAR. For a period of six years.

Mr. HEFLIN. No. I am afraid that my friend from Tennessee is not familiar with the measure which we so recently had before the Senate and which is still pending.

Mr. President, the Ford proposition, as amended by the Underwood bill, provided for the building of Dam No. 3, which would develop navigation on the Tennessee River and back water in my friend's State clear up to Chattanooga. There is nothing that the people of Tennessee would hail with more delight than to have that river made navigable from Dam No. 3 clear up to Chattanooga.

Mr. McKELLAR. But Dam No. 3 was left out of the original Underwood proposal, and was merely authorized in the last proposal. I agree as to the importance of the building of the dam, and the Norris bill provided for its construction.

Mr. HEFLIN. The Norris bill was a Government-operation measure, and I am opposed to the Government operating anything that affects private affairs unless it can not be done otherwise. I do not believe in the Government going into competition with private enterprise and industry.

Mr. McKELLAR. Mr. President, surely the Senator does not mean that the Underwood bill did not also provide for Government operation, does he?

Mr. HEFLIN. It provided for it in the alternative that private enterprise would not operate it. So there is a vast difference between the Senator's position and mine. I want the Government to use every instrumentality at its command to have private enterprise operate Muscle Shoals, and the Senator seeks to have the Government operate it in the outset.

I want to give any patriotic citizen an opportunity to bid for and take hold of and operate this project for the good of those who will use the fertilizers produced there, while the Senator would have the Government do that. When he does that he is setting the Government up in business; it becomes a precedent; so when other things come along somebody else will want the Government to take them over, and almost before we know it, perhaps, all of the big concerns of the country will be run by the Government, and private enterprise will be choked and stifled.

Mr. President, I am sincerely in favor of making fertilizer at Muscle Shoals; I supported the Ford offer for that purpose; and the Underwood bill as we have amended it with regard to fertilizer in particular really is better for the farmer. It compels the making of fertilizer, while the Ford proposition did not unless it should be "practicable."

I am willing for my good friend to defend his position and to take care of the situation as he thinks he should so far as it affects his people, but I do not propose that the Senator shall criticize my position and those of us who supported the Underwood measure in this body. I think the Senator will give us credit for the same sincerity in trying to do what we think is best as we accord to him in his position.

Mr. McKELLAR. Why, of course I do, Mr. President. That goes without saying.

Mr. HEFLIN. As the Senator agrees to that, I hope to see him converted to our position by December.

Mr. President, I do not desire to detain the Senate longer. I simply want to say that I am in favor of doing what is necessary to compel the making of fertilizer at Muscle Shoals for the benefit of the farmers. The farmers have had the price of fertilizer raised on them this year five and six dollars a ton. Senators, it is getting to be a serious matter with the farmers of the country. The Fertilizer Trust is holding them up and fixing prices that they can not afford to pay. The Ford offer proposed to make fertilizer for about half the price for which it is sold now, and we proposed under the Underwood bill to make fertilizer for half the price it is selling for now. I remember that my good friend from Tennessee, Mr. McKELLAR, was so anxious that the Ford offer should be accepted that he joined me in sending a telegram to Henry Ford last December begging him to come back and renew his bid, in order that we might have another chance to pass his bill, which is this bill over again, I repeat, with a few minor exceptions in the instances where I declared it to be because of certain amendments stronger than before.

ATTORNEY GENERAL SARGENT

Mr. DALE. Mr. President, because of some statements appearing in the press and made in other places regarding the appointment of John G. Sargent to the office of Attorney General, I wish to make the briefest possible reference to the matter.

Respecting any political differences of opinion between Mr. Sargent and myself, they are of no consequence in effect on the issue of the appointment. They will not influence Mr. Sargent, and I have the one desire to do all within my power to make his administration one of the highest credit to the Nation, to the State of Vermont, and to the Attorney General himself.

The impression has been given out that I was not consulted in the matter of this appointment, and that I was surprised when the nomination was made. The fact is that I believe I knew about the appointment from the beginning of its consideration. I advocated Mr. Sargent's appointment days ago, and the President most courteously consulted me about it, even up to a few hours before the nomination came to the Senate. I wish to make it clear that every consideration was shown me as events developed.

HOME BUILDING AND TAX-EXEMPT SECURITIES

Mr. STANFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. STANFIELD. I have here a few remarks that I want to make on home-building and tax-exempt securities. I ask unanimous consent that my remarks may be extended in the RECORD.

Mr. CURTIS. Mr. President, we can not give that consent.

Mr. STANFIELD. Very well. Then I will proceed, Mr. President.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. STANFIELD. For a question; yes.

Mr. CURTIS. I do not want to ask a question, if the Senator has the floor. Has the Senator the floor?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. STANFIELD. Mr. President, every worthy man looks forward to the day when he can have a home of his own. Every worthy ,woman craves the shelter and comforts of a home of her own. Everyone is entitled to have that home of his own, be it tepee, dugout, shack, hut, or mansion, according to his opportunity, environment, and station in life. The interest in life inspired by ownership of something is the beginning of character building.

Mr. President, it is not my purpose to take up the time of the Senate with this speech. It will probably take me two or

three hours to finish my remarks, but if I am not to be extended the courtesy of having my remarks extended in the RECORD I must, of course, deliver them to the body.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. STANFIELD. I do.

Mr. KING. I should be very happy to offer for the RECORD the able speech which has been prepared by the Senator from Oregon; and I ask unanimous consent that I may offer the speech and have it printed in the RECORD.

The PRESIDING OFFICER. Unanimous consent is requested by the Senator from Utah for the printing of a speech in the RECORD. Is there objection?

Mr. JONES of Washington. Mr. President, that is an invasion of the uniform rule of the Senate. If this speech had been delivered outside somewhere there would be no objection; but I shall have to object to this request.

The PRESIDING OFFICER. Objection is made.

Mr. CURTIS. Mr. President, I want to state to the Senator from Oregon that no offense at all is meant, but what he requested has never been done. We have just had to object to the Senator from South Carolina [Mr. BLEASE] printing his speech in the RECORD. As notice has been given that we will adjourn to-night, and the speech will keep until next December, I do hope that the Senator will yield the floor and let us adjourn.

Mr. STANFIELD. I am very sorry, but I can not yield the floor.

The PRESIDING OFFICER. The Senator declines to yield the floor.

Mr. HEFLIN. Mr. President, the question is, Will the speech keep until December?

Mr. STANFIELD. The speech might keep as well as some of the speeches of the Senator from Alabama, but I shall take this opportunity of affording myself the pleasure of delivering it.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Florida?

Mr. STANFIELD. I yield to the Senator.

Mr. TRAMMELL. I do not mean this as any reflection upon the Senator, but I should like to know whether there is any concerted effort here to filibuster against the question of getting this oil resolution considered?

Mr. STANFIELD. No; I will assure the Senator from Florida that there is not any effort on my part to filibuster.

Mr. TRAMMELL. I have been trying to secure the consideration of that resolution, and I think it is a great deal more important to the American people than a lot of the speeches that are going on here.

Mr. STANFIELD. I disagree with the Senator from Florida. I think my speech is of vastly more importance to the American people than the oil resolution.

Mr. TRAMMELL. Mr. President, I ask unanimous consent to take a vote on the pending question, the consideration of the oil resolution.

Mr. HARRELD. I object, Mr. President.

The PRESIDING OFFICER. Objection is made. The Senator from Oregon has the floor.

Mr. STANFIELD. Mr. President, the ownership of a roof that covers and walls that protect is the inspiration that impels an interest in neighborhood, city, State, and national affairs.

The first impulse of mankind is "to have and to hold" something he can call "mine." The baby clings to his rattle, the boy fights for his kiddie car, the girl cries for her doll, and step by step the process unfolds until desire for home and family matures and compels the desire for a home with four walls and a roof, a love nest to enjoy, a castle to shield, and a home to defend.

Few people find their material possessions coming easy. A very few secure them by inheritance, speculation, or happy investment, but the great majority secure them in limited amounts after strenuous effort. Most of us find life a struggle filled with disappointments and discouragements.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

Mr. KING. Mr. President, I suggest to the Senator from North Carolina that he can not take the Senator from Oregon off the floor. He has not yielded.

Mr. OVERMAN. I can ask for a quorum at any time. We are doing business without a quorum.

Mr. KING. Mr. President, a parliamentary inquiry. May the point of no quorum be raised when a Senator has the floor and is addressing the Senate and no Senator asks to have him yield?

Mr. OVERMAN. Mr. President, the suggestion of the absence of a quorum is always in order at any time.

The PRESIDING OFFICER. The Senator from Oregon has not yielded the floor.

Mr. OVERMAN. I do not care whether he yields or not. I say there is no quorum here, and we can not do business without a quorum.

The PRESIDING OFFICER. The Chair will request the Senate to decide the point of order. The question has been raised——

Mr. CARAWAY. I ask for the yeas and nays.

Mr. CURTIS. Mr. President, will the Senator yield while I submit a unanimous-consent request?

Mr. OVERMAN. I will withdraw the suggestion for that purpose.

Mr. STANFIELD. I yield to the Senator.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business this afternoon it adjourn sine die.

Mr. TRAMMELL. I object.

The PRESIDING OFFICER. Objection is made. The question is on the point of order raised by the Senator from North Carolina. The Chair sustains the point of order made by the Senator from North Carolina and rules that the absence of a quorum may be suggested. The Chair requests a vote on the point of order. Those who are in favor of the decision of the Chair will say "Aye." [A pause.] Those who are opposed to the decision of the Chair will say "No." [A pause.]

Mr. TRAMMELL. I call for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is the request for the yeas and nays seconded? [A pause.] It is insufficiently seconded. The noes appear to have it; the noes have it, and the point of order is not sustained.

Mr. GLASS. Mr. President, who appealed from the decision of the Chair? No Senator appealed from the decision of the Chair.

The PRESIDING OFFICER. The Chair is aware of that. The Chair requested the Senate to decide the question of the point of order.

Mr. GLASS. Oh! I thought the Chair had decided the matter.

Mr. OVERMAN. Under the Constitution, a Senator can call for a quorum.

Mr. STANFIELD. Mr. President, most of us work for a wage or salary that is fixed according to the cost of living in the locality where the salary is earned, and little remains of a salary so fixed to be laid up as a defense against the proverbial rainy day. An unexpected mishap, an accident, an illness, and the little savings account is wiped away, and the struggler compelled to start all over again.

In the cost of living, upon which compensation is usually based, there always is and must be the item of "rent."

Mr. KING. Mr. President, I call for order.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order. Audible conversation will cease.

Mr. STANFIELD. If this item is always expended for "rent," it will always be required for "rent," even unto the end; but if it can be expended in payment upon a home, it matures into a title in a short time, and thereafter this item of "rent" in the family budget may be saved or built into an investment structure for relief when disability overtakes through accident, illness, or old age. But the mere acquisition of a place to live, to which the occupant may hold the title, is far from all of the benefits derived from home ownership.

Mr. President, immediately upon the purchase of a home, even though the purchaser has only made a first and very small payment, the whole scene changes; the streets seem wider, the sun shines brighter, the grass is greener, the house is warmer, and the interest of the whole family centers in the home. The little garden is spaded up, rosebushes and shrubbery are set out, the bald spot in the lawn is reseeded, watered, nursed, and mown. The pool hall and the picture show have lost their charm, and home has won in the race for supremacy in the affections of the whole family. The Idler's Club has lost its claim on the home owner.

To the few that have wealth, either by inheritance, speculation, or happy investment, what I shall say makes no appeal; but to the honest, hard-working men and women who carry the burdens and perform the real work of the world, receiving for their services the simple right to live, with enough to eat, sufficient raiment for protection of the body, and a place to sleep, the chance to own a home of their own is a blessing from heaven.

Everybody wants a home of his own. Everybody wants everybody to have a home of his own. Everybody knows that everybody having a home of his own is a better American citizen. The biggest thing our Government can do in building real American citizenship and combating the destructive forces of Bolshevism, socialism, extravagance, unemployment, and unrest is to aid men and women to secure homes of their own.

The men and women that bend their backs under the burdens of the world are entitled to the best chance to secure a home this Government can give them. To make the way easy, as the Government can, is not paternalism. It is just the spirit of brotherhood woven into the fabric of better citizenship and better government; the milk of human kindness to sweeten the cup of hard labor.

The men and women worth while do not ask for a division of another's accumulations; neither do they want the right to live decently and comfortably extended to them in a can labeled "Charity," but they do want to be delivered by their Government from the greedy grasp of the wolves of the world that prey upon the working people in their necessity by the imposition of unfair rents and unfair prices.

A system of sound financial relief can be organized under the supervision and regulation of the Government that will deliver these people from their bondage, give every man the right to own a home of his own at a very low rate of interest on deferred payments and favorable terms of payment, yet a system that will be self-sustaining and no burden upon the Government.

Mr. BRUCE. Mr. President——

Mr. STANFIELD. I yield to the Senator from Maryland.

Mr. BRUCE. I ask for order. I, for one, am very anxious to hear this sweet little domestic idyl that the Senator from Oregon is reading.

The PRESIDING OFFICER. The Senate will be in order.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. STANFIELD. I yield to the Senator from Florida.

Mr. TRAMMELL. Does not the Senator think the average poor person in this country would be in better shape to pay for a home if the Senate should pass this resolution and have a little attention given to this question of the increase in gasoline prices? Does not the Senator think he would do more good toward enabling people to acquire homes if he would adopt the course I have suggested, rather than occupying our time in making this speech?

Mr. STANFIELD. I am inclined to agree with the Senator from Florida that perhaps he might aid would-be home builders to build homes. However, his resolution does not determine a method under which they can build homes, and I am addressing my argument to a matter that will permit them the opportunity of building homes in order that they may be able to buy gasoline.

Believing that this can be done by our Government, and knowing that it should be done if it can be, I have prepared and introduced in the Senate a bill which provides for a system of national home loan banks to be organized by private individuals, with a paid-in capital of not less than that required of the commercial national banks under the national banking act.

I knew when this bill was introduced that there would be no chance at this session to give it consideration, but I desire to bring the essential features of this proposed system to the attention of the Senators and Members of Congress, as well as to the attention of the press, the commercial bankers, the builders, and the working people, that all may examine its provisions and consider it carefully before the next session of Congress, at which time I shall reintroduce it, observing in the redraft all constructive criticisms and suggestions that may be offered as to its form.

At that time I shall urge it upon the attention of Congress and hope for its favorable and early consideration.

The bill is S. 4310, introduced on the 13th day of February of the present year.

In brief, it provides for a national home loan board consisting of the Secretary of the Treasury and four commissioners appointed by the President of the United States, by and with the advice and consent of the United States Senate.

In other words, it follows very closely the provisions of the Federal farm loan law, except that it applies to home builders.

The success of this is based upon the issuance of tax-exempt securities, just as in the matter of Federal farm loans, and the joint-stock farm loan banks, and of the subdivisions of Government. The success of their debentures is predicated upon tax-exempt securities.

This board shall have power to charter national home loan banks, organized and conducted under the provisions of the national home loan act.

The board shall also have general supervisory control over the said banks, similar to that exercised by the Government over the commercial national banks and the Federal farm loan banks.

As the business grows, the board is authorized to establish districts and district offices for the convenience of banks within the district.

The national home loan banks may be organized anywhere with capital paid in not less than required of the commercial national banks, if approved and chartered by the national board.

These banks are authorized to make loans only upon residential real estate occupied by the borrower; not to exceed 60 per cent of the appraised value of the real estate, or $10,000.

The rate of interest charged by the bank to be fixed by the national board, but in no case to exceed 2 per cent above the rate paid upon the last bonds issued and sold by the bank.

Such banks are authorized to deposit mortgage securities with the registrar of the national board and, upon permission, issue and sell home loan bonds approved by the national board, in form and manner similar to the bonds of the Federal farm loan and joint stock land banks. Many essential details are written in the bill, as they must be in any law providing for such a system, but the essential purpose and essential foundation corners of the system I have stated.

May I ask that each of you examine the bill, give it your most sympathetic and careful consideration, and at some time before the beginning of the next Congress, may I have your suggestions and criticisms for consideration in preparing the bill for introduction at the beginning of the next session of Congress? Our Government came to the assistance of banking, industry, and commerce by and through the establishment of a Federal reserve system. Through this system loans to commerce and industry may be extended by local banks. If the local bank runs short of funds it can bundle up a few notes, bills of exchange, and acceptances, hypothecate them with the Federal reserve bank of that district and secure all needed funds.

If the Federal reserve bank of the district runs short of funds, it can bundle up a few bundles of these same notes, bills of exchange and acceptances, carry them across the hall or into the next room, lay them down on the desk of the Federal reserve agent, and receive therefor noninterest-bearing Federal reserve bank notes to the full face value of the securities offered.

These reserve-bank notes serve every use and purpose that gold, silver, gold or silver certificates, United States and national-bank notes, or any other kind of our national currency serves. The interest charge made by the Federal reserve bank to the borrowing member bank is profit to the Federal reserve bank. The capital of the Federal reserve bank is owned by member banks, and this profit eventually accrues to them in dividends, surplus, and undivided profits. The Government demands and receives a large portion of these profits.

Thus it is that while industry and commerce are aided by the extension of loans at the prevailing rates of interest, the Federal reserve banks, and through them the member banks, and the Government share the profits, and there is no limit except the capacity of the printing presses to print Federal reserve bank notes and the conservatism of the Federal Reserve Board to supply all the funds required by commerce or industry at any time at a low rate of interest, for be it remembered that these notes intended for use as money bear no interest and the Federal reserve bank pays no interest to the Government for the use of these notes.

Our Government later came to the rescue of agriculture by the establishment of a Federal farm loan bank system. The farmer has been able through this system to refund his land loans and refinance himself on more favorable terms and at lower interest charges, while the Federal land banks are able to secure all the necessary funds by selling interest-bearing bonds secured by the hypothecation of farm mortgages. This system as first established was broadened and extended by providing for intermediate credits. Thus it is that agriculture has been relieved in its financing requirements.

But what of the man in town? The man that works in the factory, the shop, the store, the bank? The man that consumes the products of agriculture, shop, and factory? The man that pays the cost of transportation, distribution, and the pyramid of profits added to the price received by the producer? The man that pays the highest price that is named for these products? The man that pays all taxes, insurance, repairs, improvements, overhead, and interest on investments? The man that pays the highest known price for everything his family eats, wears, uses or has, and pays and pays and pays?

What about him? Is he not entitled to a little consideration by his Government along with the banker, the merchant, the captain of industry, and the farmer? Is it asking too much that he be given the best chance to secure a home of his own on favorable terms that his Government can provide through a self-sustaining system?

TAX-EXEMPT SECURITIES—WHAT ARE TAX-EXEMPT SECURITIES

Mr. President, under the revenue act of 1921 and all acts which this supersedes, the income derived from interest upon the obligation of a State, Territory, or any political subdivision thereof, or the District of Columbia; or securities issued under the provisions of the Federal farm loan act of July 17, 1916; or the obligations of the United States or its possessions, are exempt from the Federal income tax, except, however, that in the case of obligations of the United States issued after September 1, 1917—other than postal savings certificates of deposit—the interest is only as provided in the respective acts authorizing the issue thereof as amended and supplemented by section 1328 of the revenue act of 1921, and are excluded from gross income only if and to the extent it is wholly exempt to the taxpayer from income, war profits, and excess profits taxes.

WHAT ISSUED FOR

Mr. President, all of these securities are issued for general public purposes in which all the people share alike the direct benefits, regardless of vocation, except the securities issued under the Federal farm loan act.

The farm loan bonds, which include the bonds issued by joint-stock land banks under this same act, were made exempt that ample funds might be secured by the Government to loan through these land mortgage banks at a low rate of interest and upon favorable terms of repayment to producing farmers engaged in the actual production of food.

State, county, city, and school-district bonds are voted and issued in the main for such public purposes as highways, capitol and institutional buildings, bonuses and loans to ex-service men, county buildings, city buildings, streets, sewers, water systems, and school buildings. All of them serving a general public purpose without profit and all but the water systems serving the public without producing any income.

Until Federal farm loans were provided for there was no suggestion that Government, State, and municipal bonds should be taxable, but when the money lenders and the big farm-mortgage concerns were compelled to reduce interest rates and give the farmer better terms of payment because of the Federal farm loans the fight to destroy the Federal loan banks and the joint-stock land banks and to nullify the Federal farm loan act began, first in the courts and now in the determined efforts to make these securities taxable.

The farmer is the backbone of our country, and upon him we do and must depend for our very life. If he should strike but for one season, we would all perish from the earth. From time immemorial, from "the time beyond which the memory of man runneth not to the contrary," the actual producers of our daily bread, the man upon whom we all depend for our food, has been the victim of our economic system that has crushed him between the upper and lower millstones. The price for what he produces is fixed by the buyer; the price for what he buys is fixed by the seller. If, by any chance, there should be a margin between the cost of production and the selling price of his products, the transportation company will take it.

If he needs money to improve his farm he must pay interest for the use of it, and until the Federal land banks were provided he was compelled to go to the money lender or mortgage company to get it, and there pay an additional 1 or 2 per cent in interest and often a bonus to get the money. The time for repayment was fixed at from three to five years. Pay day haunted the farmer all his days, for he knew that under ordinary conditions he could not pay the principal when due. He might get a renewal or an extension, and he might suffer foreclosure and ejectment. When the due date finally arrived he was compelled to borrow elsewhere or make new terms, and pay another broker's commission for an extension of another two or three years. The ghost of uncertainty in crops, markets, health, and life itself trailing every step, and the star of hope for the day when the home would be free from debt growing dimmer and dimmer.

The farmer should be the happiest and most independent of all God's creatures, because he is in partnership with the great Creator, and the soil, the sun, and the rain are his servants. Instead of this the farmer has been the prey of our whole white-collared population. The breaking of his shackles has well begun by Federal provision through the land banks to provide his farm-loan needs at a low rate of interest and on easy terms of payment. Congress has now provided a loan system that will meet his crop needs at a low interest rate.

The farmer himself is learning the value of group bargaining, and organizing cooperative marketing associations that will eliminate the unnecessary speculating middlemen. This will increase the price to the farmer for his products without increasing the cost to the consumer. We are making progress. To now subject the farm loan bonds to taxation means higher interest rates, a return of the farmer to the farm mortgage companies and a destruction of the Federal farm loan system. While the farm loan system and the tax-exempt securities that make it possible to function may be of immediate and direct benefit to the farmer, it is of positive, though indirect, benefit to all of us.

FURTHER ISSUE TO BE PROHIBITED

Mr. President, from time to time demand is made that there shall be no more tax-exempt securities issued. The best organized campaign has been waged inside and outside of Congress and legislative halls to secure an amendment to the Constitution that would prohibit the issue of these securities. Seductive propaganda has been spread everywhere to appeal to taxpayers generally to induce them to demand this change. The large holdings of tax-exempt securities by rich men has been pointed to as a successful dodging of taxes by these rich men, while the farmers, manufacturers, and producers generally bear a heavy burden of taxes. But the propagandists fail to say that tax-exempt bonds now outstanding can not be made to pay taxes by any constitutional amendment or statute.

They fail to tell you that all bonds for public purposes or refunding bonds will bear a higher rate of interest which taxpayers must pay. They fail to say that this becomes an added tax burden upon the taxpayers of the State, county, city, or school district that issues the bonds, and that these bonds, if taxable, will be held by the banks and insurance companies in the large financial centers. They fail to tell you the imposition of taxes on this class of public-benefit bonds will immediately increase the value of the $15,000,000,000 worth of tax-exempt securities outstanding by about $1,000,000,000, thus creating by one stroke of the pen—as the President signs such a bill—the equivalent of 1,000 new millionaires. They fail to tell you that it will put the Federal farm loan system out of business and bar the effort to bring relief to the city home builder similar to that enjoyed by the farmer under the Federal farm loan system.

WHO IS DEMANDING THIS CHANGE?

Mr. President, that a well-planned campaign of propaganda is under way and apparently well financed can not be questioned. The beautiful promise from somewhere that this change would prevent the very wealthy from investing their funds in those tax-exempt securities and compel them to pay more taxes has induced some legislatures to memorialize Congress and many organizations to adopt favorable resolutions.

It has been repeatedly stated and uncontradicted that the Farm Mortgage Bankers' Association of Chicago, the large investment bankers of our country, and the Wall Street Journal and all of their kind are pleading for this change.

MOTIVE

If this be true it is not hard to find the motive behind the movement nor the source of the propaganda flooding the country and Congress. The investors in these tax-exempt securities want it because it will increase the value of the outstanding bonds by a billion dollars without subjecting them to a single dollar's additional tax. The farm-mortgage companies and associations want it because it will destroy the competition of the Federal farm loan banks and leave the farm-loan field again to them without competition and return the farmer into their power, where they can exact and get larger interest rates, bonuses, commissions, renewals, and new loans, with terms of payment unfavorable to the borrower.

WILL INCREASE INTEREST

Mr. President, that bonds subject to income tax must bear a larger interest rate than bonds that are exempt is self-evident, but proof is not lacking. Market quotations of such bonds compared with tax-exempt bonds are daily and constant proofs that can not be rebutted. This increase has been estimated at from 1 per cent up. Refunding bonds as well as new issues must bear a higher rate of interest, and this can only be met by increased taxes.

HOW IT WORKS

Mr. President, a State votes to issue bonds for a public improvement and the interest rate will be higher. This can only be paid from the common public funds gathered by the tax col-

lector. The investment banker or broker located in a distant financial center buys the issue. The financial center gets the benefit and the borrowing State pays the penalty. The debtor sows and tills and the creditor reaps the harvest. The borrower feeds the cow and the lender milks her.

THE ARGUMENT FOR IT

Mr. President, the three essential arguments used in favor of prohibiting the further issuance of tax-exempt securities are:

First. That we should prevent the so-called idle rich, or those very wealthy people who are wont to invest their wealth in bonds, mortgages, and other securities rather than industry, from escaping payment of their proper and proportionate share of the public taxes and thereby escaping the responsibility of bearing their share of the public burden.

Second. Because these tax-exempt securities attract funds which are sorely needed to finance industry and transportation.

Third. Because low-interest rates and a ready market for these securities unduly induce the people to authorize bond issues for public improvements.

STARTLING SPECTACLE

Mr. President, it is rather a startling spectacle to witness this great throng of very wealthy people, with their pockets filled with tax-exempt securities, knocking at the door of Congress, pleading for permission to pay their share of the public taxes and bear their share of the public burdens.

It is rather unusual and leads us to look behind the scenes for the motive that prompts them to demand this right.

The first argument would be convincing, if true; but it does not apply to bonds they now hold and will only operate to compel them to invest in foreign or other forms of security that will enable them to escape taxes, which in the case of the very rich would be a very high rate if paid.

ARGUMENT FALLACIOUS

The second argument, that tax exempt securities attract money from industry and transportation where it is at present badly needed, is fallacious, for this money is not taken out of the channels of commerce, is not even taken out of the financial channels but temporarily, when it is brought from its hiding place and invested in bonds, mortgages, and other securities.

This argument has already been exploded by the abundance of money at low rates of interest available for all legitimate industrial and commercial purposes.

The owner of the money merely parts with it in exchange for a piece of paper upon which is inscribed the solemn promise of the State or the Government to pay back to him at a certain time the amount of money from which he then parts, and during the interim pay the small rate of interest provided for in the bond. The money immediately is paid out to contractors on public improvements or used to improve farms, or refund mortgages that bear higher rates of interest, and loans with less favorable terms of payment, and in every case this same money finds its way immediately into the banks of commerce and is there available for all legitimate needs of industry, production, and transportation. So the argument that these securities attract the money out of proper channels is without foundation in fact, and in some instances the very opposite has been the result.

For illustration, let us consider the money that has been borrowed by the United States through the Federal Farm Loan Board and loaned to farmers of this country for the payment of mortgages held by private companies, banks, and individuals. Immediately upon the payment of these mortgages so held the owner sought other channels for investment, and in many instances doubtless has been led to invest in industrial plants, production, or transportation. The farmer that borrowed the money made a substantial saving in the annual interest required of him and secured terms sufficiently favorable for him to see clearly the time when his farm would be clear of incumbrance. This gave courage to the producers on our land, and during the last few years courage has been much needed, for the farmer's lot has been anything but easy and far from promising.

The third argument may have some foundation at times, but those times are rare.

PERHAPS, BUT RARE

Mr. President, it may be that in some cases the low interest rates and ready market for tax-exempt securities may have induced States and their subdivisions to incur indebtedness for public highways and other public purposes in greater amounts than they should.

I desire to submit, however, that such cases are rare, and even then it was not the case of incurring the obligations but the urgent demand for the use of the public improvements that prompted the people to authorize the bond issue.

In the case of public highways the use of the improvement and the economy in time and reduced cost of transportation is well worth the cost. It is estimated that 1,000,000,000 tons of marketable farm products are purchased annually and they must be hauled from the farm to the shipping point. The average haul is said to be 10 miles and the saving per ton per mile is around 20 cents over improved roads as compared with common wagon roads. This means an annual saving to our farmers of approximately $2,000,000,000. This saving alone will pay the interest at 5 per cent on $40,000,000,000 worth of bonds.

There are 2,500,000 miles of public highways in the United States—good, bad, and indifferent. The estimated cost of improving all of this mileage in the best form required by the traffic offered is about $15,000,000,000. This means that the saving accomplished on this one item alone would pay the interest on the required amount and retire all the bonds in less than 10 years.

Which is economy—build good roads or use bad ones? To suffer a mud tax of $2,000,000,000 per year or pay an interest charge of $375,000,000 average for 10 years and apply the balance of the mud tax in extinguishing the debt? Under such conditions can it be said our States and counties have unwisely incurred large debts for improved public roads?

Many other advantages are apparent in having good, all-the-year roads over which farm products may move from the farm to market, such as orderly marketing, uncongested markets, hauling when farm work is slack, and so forth.

CAN NOT APPLY TO SECURITIES ISSUED AND OUTSTANDING

Any attempt to levy a tax on incomes derived from securities issued before such ratification for amendment to the Constitution to provide for such a levy would be void and in contravention of the plain provisions of the Constitution of the United States.

Section 9 of the Constitution recites the restrictions upon the powers of Congress and provides that—

no bill of attainder or ex post facto law shall be passed.

Section 10 also provides under limitation upon the powers of States that—

no State shall * * * pass any bill of attainder, ex post facto law, or law impairing the obligation of contract: * * *.

FIFTEEN BILLION DOLLARS SECURITIES NOW OUTSTANDING WOULD REMAIN EXEMPT FROM TAXATION

It has been estimated and stated without denial that there are now outstanding $15,000,000,000 worth of Federal, State, municipal, and farm-loan securities that are exempt from taxation on the incomes derived therefrom, and under any change that can be made in our Constitution must and will remain nontaxable.

No part of our public burdens can be transferred to the income from these securities and the holders thereof can not be made to contribute anything in taxes on account thereof. If an amendment could be made that would subject the income from these securities to taxation and thus commandeer $15,000,000,000 worth of new taxable property to come under the tax yoke, such amendment might have a stronger appeal. But would this be just?

TAXES ARE PAID

Do the holders of tax-exempt securities escape taxation? It has been contended, and the evidence sustains the contention, that a tax-exempt bond sells for a higher premium or at a lower rate of interest in the market than a bond that is not exempt from taxation. This being true, then the purchaser of a bond issued for public purposes, that must be paid out of public funds accumulated by the levy of taxes, pays the equivalent of an income tax when he pays a higher premium or accepts a lower rate of interest. If a tax-exempt bond is commanding 4½ per cent interest in the market, it has been repeatedly asserted and not denied that a bond not exempt from taxation, but in every other way the same, would command 5½ per cent interest, or the equivalent of that in discount.

A difference of 1 per cent. The purchase of the 4½ per cent tax-exempt bond is then equivalent to buying the 5½ per cent bond that is not so exempt and paying in advance an income tax of 18 per cent on the income derived from it. Because it is a contribution to the public funds in the form of a loan at a lower rate of interest, instead of a higher rate of interest, and a return of part of such interest as an income tax, does not change the actual conditions of the public fund, except that by

making the adjustment in the beginning, at the time of making the loan and the issue of the bond, all cost of collecting the income tax is waived and no chance exists for the holder of any of the bonds to escape paying this equivalent of taxation.

It may well be contended that the purchaser of a tax-exempt security does pay an income tax, but in the name of "less interest" instead of "more tax."

TO SUMMARIZE

To prohibit the further issue of tax-exempt securities means:

First. That it can not apply to the $15,000,000,000 worth now issued and outstanding and will not subject the holders thereof to an income tax. This amount is probably very near the maximum amount of such bonds that will ever be issued. Why lock the stable now?

Second. The lower rate of interest on a nontaxable bond is equivalent to the payment in advance of an income tax.

Third. The whole plan is a movement against the best interests of the farmers.

Fourth. It will increase the value of outstanding tax-exempt securities by approximately $1,000,000,000 and thereby create the equivalent of 1,000 new millionaires.

Fifth. It is demanded by the large investment bankers of our country and the farm-mortgage associations and companies.

Sixth. The motive is clear. The investment bankers want it because it will increase the market value of their holdings. The farm-mortgage associations and companies want it because it will practically eliminate farm loans through Federal land banks and the joint-stock land banks.

Seventh. It will increase the interest rate on all bonds hereafter issued, whether they be issued for a new purpose or to refund maturing tax-exempt securities.

An increase in the interest rates on farm mortgages will enable the private money lender and the farm-mortgage company to return to the field in competition with the Federal land banks and the joint stock land banks in making land loans to farmers, and "though they toil not, neither do they spin," they will again feed and fatten on the farmers as in the days before the Federal farm loan act was enacted in 1916. But they are not to be compared with the lily of the field either in beauty or purity.

Eighth. It will take money from the debtor community and give it to the creditor community, which is the large financial center.

The investment of funds in tax-exempt securities does not destroy such funds, neither does it prevent their investment in the securities of industry and transportation. This is only an argument to catch the ear and lay a smoke screen to obscure the real purpose, which is to put the farm-loan banks and the joint stock land banks out of business.

Ninth. It would delay and probably prevent the organization of a system of home loan banks to bring relief to our city workers in securing and paying for a home, similar to the relief afforded our farmers through the farm-loan banks.

STATEMENT ON VOTES AT SPECIAL SESSION

Mr. BLEASE. Mr. President, in the organization of the United States Senate, it is provided how the officers of the Senate shall be chosen and in what manner the committees of the Senate shall be appointed.

Rule 24 of the standing rules of the Senate provides:

> In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.

After carefully reading the rules, I conceived it to be my duty to vote upon the resolution offered by Senator WATSON, of Indiana, and the substitute offered by Senator NORRIS, of Nebraska, as I did vote on March 9, as will be shown by reference to pages 63 and 67 of the CONGRESSIONAL RECORD. To have answered "present" on the question to adopt or not adopt would not have been, to me on my part, a compliance with my duty as a Senator; and I, therefore, voted for Senator JONES of New Mexico, in view of the fact that Senator PITTMAN, the ranking Democratic member of the committee, had requested that no Member of the Senate cast his ballot for him. On the adoption of the resolution of Senator WATSON, of Indiana, in my opinion an answer of "present" would have been an acquiescence and a consent on my part to the selection of the chairmen and members of the committees as chosen by the Republican caucus. I felt then, and feel now, that the Democratic Party should have put up candidates for the chairmanship of each committee, and placed itself upon record, just as it did in the selection of a President pro tempore and Secretary of the Senate, and I voted "no" because I do not believe that the committee chairmen, as selected, nor the committees, as selected, are subservient to the best interests of the American people.

I made no declaration at the time on the floor of the Senate of my position in regard to this matter, because I knew that it was useless, and that being a new Member it might be construed in a manner foreign to the purposes which I had then and now have in view.

I am, first of all, an American, and then a South Carolinian, and was elected to the Senate by the Democratic Party from a State which is rock ribbed, the strongest of any in the American Union, and, in my opinion, it will continue to be so until the end of time.

I do not agree with the doctrine that the Democrats should sit idly by and concur in the selection of committees simply because the Republicans have a majority of the Members of the Senate. I hold the interests of the American people above the interests of either party, and I am convinced that both parties, no matter which might be in the minority, should go on record as favoring those things which they conceive to be for the best interests of all the States and of every individual citizen of the Union. That was my guide when I voted, and when it comes time to cast my ballot on any occasion that shall continue to be my course in the future. I can not concur with the idea which has been advanced that a minority party should sit idly by and allow the majority to rule in a legislative body without a protest. I believe that the minority party should make its fight, and if there be any members of the majority who see the issue as the minority see it that they not only be permitted but requested to join with the minority in doing what they conceive to be for the best interests of all the people of our country; and, so far as I am concerned, as a Senator from South Carolina, I shall not sit quietly without a vote at least of protest and see the interests of this Government surrendered to what have come to be commonly known as the "corporate interests."

The fight so ably managed and presented in such a way as to convince any but the most bitter partisan, and the vote on the confirmation of Mr. Warren assure me that my position in this matter of committees was and is correct. If I was right in voting against Mr. Warren and accepting the help of what is known as the "insurgent group," composed of Members of this Senate, I was right when I voted with them as to committee assignments.

In the vote on the Isle of Pines treaty I voted as I did because if the Isle of Pines did not belong to the United States it was not necessary to make a treaty. If the Isle of Pines did belong to the United States, then, in my opinion, the treaty-making power has absolutely no right to give over this piece of property or any other property of the United States without an act of Congress duly and legally passed by both Houses and signed by the President of the United States, or passed over his veto—in case there should be a veto—by two-thirds of the votes of each House. I voted against the treaty, further, because I believed then, and believe more strongly now, that the ratification of the treaty would mean that the island would be made a dumping ground for contraband liquors to be smuggled into the United States by rum runners and bootleggers, and that, instead of adding to the happiness of the people of the island, we would put a curse on them and their children and add another farce in the so-called enforcement of the so-called prohibition laws.

It is said by some that the fight on Mr. Warren was a political fight or a slap at the President. Personally, I can say that that statement is absolutely false and unwise. I intended to vote for the confirmation of Mr. Warren, and so stated to both Republicans and Democrats, because I felt that the President should be allowed to name his own Cabinet; but after hearing the arguments of Senators WALSH and REED and the evidence presented by them I do not consider Mr. Warren fit for any public position, nor would I vote for him for one.

I have repeatedly stated that I would not vote for any measure simply because it was introduced by a Democrat, nor would I vote against any measure simply because it was introduced by a Republican. I intend to vote as a Senator of the United States, both for men and measures that I believe to be for the best interests of all the people of the American Nation, and I disclaim any intention on my part to embarrass Mr. Coolidge. I have not been led by any of my Democratic associates in the matter, nor did I caucus with them on this subject.

My record in South Carolina in the past shows that I have always voted and acted as I, at the time, conceived to be for the best interests of the people of my State, and they, after 35 years of service by me, have given me the highest office within their gift, which I take as an indorsement of my record, and I shall pursue the same course in this body that I have pursued in my home State.

FINAL ADJOURNMENT

Mr. CURTIS. I move that the Senate do now adjourn without day.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The motion is not debatable.

Mr. TRAMMELL. I have suggested the absence of a quorum.

Mr. CURTIS. We can adjourn without a quorum call.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas, that the Senate adjourn without day.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m., Wednesday, March 18, 1925) the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate March 18 (legislative day of March 17), 1925

ASSISTANT ATTORNEY GENERAL

William J. Donovan, of New York, to be Assistant to the Attorney General, vice August T. Seymour resigned.

AMBASSADOR EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Peter Augustus Jay, of Rhode Island, now envoy extraordinary and minister plenipotentiary to Rumania, to be ambassador extraordinary and plenipotentiary of the United States of America to Argentina.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

George L. Kreeck, of Kansas, to be envoy extraordinary and minister plenipotentiary of the United States of America to Paraguay.

Ulysses Grant-Smith, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Albania, to be envoy extraordinary and minister plenipotentiary of the United States of America to Uruguay.

MEMBER INTERSTATE COMMERCE COMMISSION

Thomas F. Woodlock, of New York, to be a member of the Interstate Commerce Commission for the term expiring December 31, 1930, vice Mark W. Potter, resigned.

UNITED STATES CIRCUIT JUDGES

Arba S. Van Valkenburgh, of Missouri, to be United States circuit judge, eighth circuit. (Additional position created by the act approved March 3, 1925.)

Wilbur F. Booth, of Minnesota, to be United States circuit judge, eighth circuit. (Additional position created by the act approved March 3, 1925.)

UNITED STATES DISTRICT JUDGES

John B. Sanborn, of Minnesota, to be United States district judge, district of Minnesota, vice Wilbur F. Booth, nominated to be circuit judge, eighth circuit.

James W. McCarthy, of New Jersey, to be United States district judge, district of New Jersey, vice Charles F. Lynch, resigned, effective April 1, 1925.

Joseph W. Molyneaux, of Minnesota, to be United States district judge, district of Minnesota. (Appointment made under the provisions of the act approved March 2, 1925.)

UNITED STATES MARSHAL

Scott C. White, of Texas, to be United States marshal, western district of Texas, vice David A. Walker, resigned.

ATTORNEYS TO BE MEMBERS BOARD OF TAX APPEALS

William R. Green, jr., of Iowa, to fill existing vacancy.
Percy W. Phillips, of New York, to fill existing vacancy.
Logan Morris, of Utah, to fill existing vacancy.
William D. Love, of Texas, to fill existing vacancy.

APPOINTMENT IN THE NAVY

Henry F. Mulloy to be an ensign in the Navy from the 9th day of February, 1924, in accordance with a provision of an act of Congress approved February 21, 1925.

POSTMASTERS

GEORGIA

Jessimae Glenn to be postmaster at Plains, Ga., in place of S. H. Timberman. Incumbent's commission expired September 28, 1922.

LOUISIANA

Thomas H. Campbell to be postmaster at Morganza, La., in place of J. W. Campbell, deceased.

PORTO RICO

Cornelio D. Vargas to be postmaster at Guayama, P. R., in place of C. D. Vargas. Incumbent's commission expired March 14, 1925.

TEXAS

Howell D. Greene to be postmaster at Sanger, Tex., in place of Webster Waide, removed.

Alonzo C. Wood to be postmaster at Wheeler, Tex., in place of J. T. Hilburn, removed.

Felix F. Bridges to be postmaster at Como, Tex., in place of J. M. Clark, removed.

Mollie J. Holloway to be postmaster at Gordon, Tex., in place of E. P. Browder, resigned.

Chester D. Rasor to be postmaster at Plano, Tex., in place of D. I. Dudley, removed.

VIRGINIA

Pauline H. Drummond to be postmaster at Amherst, Va., in place of N. B. Campbell, deceased.

WEST VIRGINIA

John E. Pierson to be postmaster at Gassaway, W. Va., in place of C. L. Perkins. Incumbent's commission expired June 5, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18 (legislative day of March 17), 1925

ASSISTANT ATTORNEY GENERALS

William J. Donovan to be assistant to the Attorney General.
Herman J. Galloway to be Assistant Attorney General.
Ira Lloyd Letts to be Assistant Attorney General.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Peter Augustus Jay to be ambassador extraordinary and plenipotentiary to Argentina.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

George L. Kreeck to be envoy extraordinary and minister plenipotentiary to Paraguay.

Ulysses Grant-Smith to be envoy extraordinary and minister plenipotentiary to Uruguay.

UNITED STATES CIRCUIT JUDGES

Wilbur F. Booth to be United States circuit judge, eighth circuit.

Arba S. Van Valkenburgh to be United States circuit judge, eighth circuit.

UNITED STATES DISTRICT JUDGES

Joseph W. Molyneaux to be United States district judge, district of Minnesota.

John B. Sanborn to be United States district judge, district of Minnesota.

James W. McCarthy to be United States district judge, district of New Jersey.

JUDGE OF POLICE COURT OF THE DISTRICT OF COLUMBIA

Isaac R. Hitt to be judge of the police court, District of Columbia.

UNITED STATES ATTORNEY

John W. Goldesberry to be United States attorney, northern district of Oklahoma.

UNITED STATES MARSHAL

Scott C. White to be United States marshal, western district of Texas.

MEMBERS OF BOARD OF TAX APPEALS

William R. Green, jr. — Logan Morris.
Percy W. Phillips. — William D. Love.

APPOINTMENT IN THE ARMY

Creed Cheshire Hammond to be Chief of the Militia Bureau, with rank of major general.

APPOINTMENT IN THE NAVY

Henry F. Mulloy to be an ensign in the Navy.

POSTMASTERS

GEORGIA

Jessimae Glenn, Plains.

KENTUCKY

Chester A. Dixon, Lothair.

LOUISIANA

Thomas H. Campbell, Morganza.

PORTO RICO

Cornelio D. Vargas, Guayama.

TEXAS

Chester D. Rasor, Plano.
Felix F. Bridges, Como.
Howell D. Greene, Sanger.
Mollie J. Holloway, Gordon.
Alonzo C. Wood, Wheeler.

VIRGINIA

Pauline H. Drummond, Amherst.

SIXTY-NINTH CONGRESS

FIRST SESSION

Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS
FIRST SESSION

SENATE

MONDAY, *December 7, 1925*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Sixty-ninth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

CHARLES G. DAWES, of Illinois, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, we come together this morning believing in Thee and praying for Thy grace in all the movements and in every duty which call this session into being. We look back and remember that some have dropped out of this convention of interest and high endeavor, and we pray for the families thus afflicted, beseeching Thee to be the widows' God and the Father of the fatherless. As we are taught to number our days and thus to apply our hearts unto wisdom, we humbly beseech of Thee that each one may assume his task and be the better qualified for every duty and the fulfillment of every obligation to the country and to Thee as supreme. Hear us, we ask of Thee, for each Member of this body—for the Vice President who presides, for the President of the United States, and all related to him in Cabinet condition. Hear our prayer for our Nation, O God. Save us from the evils that are attendant upon other nations, and may we be exalted in righteousness. We humbly beseech Thee, in the name of Jesus our Lord. Amen.

CALL OF THE ROLL

The VICE PRESIDENT. This being the day designated by the Constitution of the United States for the assembling of Congress, the Senate, pursuant thereto, is now in session. The Chief Clerk will call the roll.

The Chief Clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Schall
Bayard	Ferris	Lenroot	Sheppard
Bingham	Fess	McKellar	Shipstead
Blease	Fletcher	McKinley	Shortridge
Borah	Frazier	McLean	Simmons
Bratton	George	McMaster	Smith
Brookhart	Gerry	McNary	Smoot
Broussard	Gillett	Mayfield	Stanfield
Bruce	Glass	Means	Stephens
Butler	Goff	Metcalf	Swanson
Cameron	Gooding	Moses	Trammell
Capper	Greene	Neely	Tyson
Caraway	Hale	Norris	Underwood
Copeland	Harreld	Oddie	Wadsworth
Couzens	Harris	Overman	Walsh
Cummins	Harrison	Pepper	Warren
Curtis	Heflin	Phipps	Watson
Dale	Howell	Pine	Weller
Deneen	Johnson	Pittman	Wheeler
Dill	Jones, N. Mex.	Ransdell	Willis
Edge	Jones, Wash.	Reed, Pa.	
Edwards	Kendrick	Robinson, Ark.	
Ernst	Keyes	Sackett	

Mr. GERRY. Mr. President, the Senator from Missouri [Mr. REED] had expected to be present at the opening session, but I am advised that his train is late in reaching the city.

The VICE PRESIDENT. Eighty-nine Senators having answered to their names, a quorum is present.

CREDENTIALS OF NEW SENATORS

Mr. CURTIS. Mr. President, I present the credentials of Mr. WILLIAMS, who has been appointed a Senator to succeed the late Senator Spencer, of Missouri.

The VICE PRESIDENT. The Chief Clerk will read the credentials.

The Chief Clerk read as follows:

THE STATE OF MISSOURI.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confident in the integrity and ability of GEORGE H. WILLIAMS, I, Sam A. Baker, Governor of the State of Missouri, on behalf and in the name thereof, do hereby appoint and commission him United States Senator of the State of Missouri until the vacancy therein is filled by election as provided by law, and do authorize him to discharge, according to law, the duties of said office, and to hold and enjoy the same, with all the powers, privileges, and emoluments thereto appertaining, vice Selden P. Spencer, deceased.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the city of Jefferson, this 25th day of May, A. D. 1925.

By the governor:

SAM A. BAKER.

[SEAL.] CHARLES U. BECKER, *Secretary of State.*

R. C. DONALDSON, *Chief Clerk.*

The VICE PRESIDENT. The credentials will be received and placed on the files of the Senate, if there is no objection.

Mr. LENROOT. Mr. President, I present the certificate of election of ROBERT M. LA FOLLETTE, JR., to succeed the late Robert M. La Follette as Member of this body, and I ask that the credentials be read.

The VICE PRESIDENT. The Chief Clerk will read the credentials.

The Chief Clerk read as follows:

UNITED STATES OF AMERICA,
STATE OF WISCONSIN, *Department of State, ss:*

To the PRESIDENT OF THE SENATE OF THE UNITED STATES.

To all to whom these presents shall come, greetings:

This is to certify that on the 29th day of September, 1925, ROBERT M. LA FOLLETTE, JR., was duly elected by the qualified electors of the State of Wisconsin a Senator of the United States from said State, to represent said State in the Senate of the United States for the unexpired term ending on the 3d day of March, 1929, to succeed Senator Robert M. La Follette, deceased, as appears from the certificate of the State board of canvassers on file in this department.

Witness: His excellency, our governor, John J. Blaine, and the great seal of the State of Wisconsin, hereto affixed at Madison, this 14th day of October, A. D. 1925.

By the governor.

JOHN J. BLAINE, *Governor.*

[SEAL.] FRED R. ZIMMERMAN, *Secretary of State.*

The VICE PRESIDENT. The credentials will be received and placed on the files of the Senate if there is no objection.

Mr. WATSON. Mr. President, I present the credentials of Hon. ARTHUR R. ROBINSON, appointed by the Governor of Indiana to succeed my late colleague, Samuel M. Ralston.

The VICE PRESIDENT. The Chief Clerk will read the credentials.

The Chief Clerk read the credentials, as follows:

THE STATE OF INDIANA,
EXECUTIVE DEPARTMENT.

To all to whom these presents shall come, greetings:

Whereas the Hon. Samuel M. Ralston, United States Senator from Indiana, departed this life October 14, 1925, and whereas a vacancy now exists in said office.

Therefore, know ye, that in the name and by the authority of the State aforesaid, I do hereby appoint and commission the Hon. ARTHUR R. ROBINSON as United States Senator from Indiana to fill said vacancy and to serve as such United States Senator from the 20th day of October, 1925, and until his successor shall have been elected and qualified.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis this 20th day of October, A. D. 1925, the one hundred and ninth year of the State, and of the Independence of the United States the one hundred and fiftieth.

By the governor.

ED JACKSON.

[SEAL.] F. E. SCHORTEMEISE,
Secretary of State.

The VICE PRESIDENT. If there is no objection, the credentials will be received and placed on the files of the Senate.

Mr. FRAZIER. Mr. President, I present the credentials of GERALD P. NYE, who has been appointed by the Governor of North Dakota to the vacancy caused by the death of the late Senator Edwin F. Ladd, of that State.

The VICE PRESIDENT. The Chief Clerk will read the credentials.

The Chief Clerk read the credentials as follows:

To the President of the Senate of the United States:

This is to certify that pursuant to the power in me vested by the Constitution of the United States and the constitution and State laws of the State of North Dakota, I, A. G. Sorlie, the governor of said State, do hereby appoint GERALD P. NYE a Senator from said State, to represent said State in the Senate of the United States until the vacancy caused by the death of Edwin F. Ladd is filled by election, duly called for June 30, 1926.

In witness whereof I have hereunto set my hand and caused the great seal of the State of North Dakota to be affixed at the capitol in the city of Bismarck, this fourteenth day of November, in the year of our Lord one thousand nine hundred and twenty-five.

A. G. SORLIE, *Governor.*

Attest:

[SEAL.] ROBERT BYRNE,
Secretary of State.

Mr. FRAZIER. Mr. President, I see no reason why Mr. NYE should not take the oath of office at this time, but I understand that there is some question raised as to the regularity of our law in North Dakota. For that reason and to avoid any unnecessary discussion at this time, I move that Mr. NYE's credentials be referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. Is there any objection? If not, it will be so ordered.

ADMINISTRATION OF OATH TO NEW SENATORS

Mr. CURTIS. Mr. President, I understand the three Senators whose credentials have been read and as to whom there is no objection are present, and I ask that they be sworn in.

The VICE PRESIDENT. The Senator elect and the two Senators appointed will present themselves at the Vice President's desk to take the oath of office.

Mr. ROBINSON of Indiana, escorted by Mr. WATSON; Mr. WILLIAMS, escorted by Mr. CURTIS; and Mr. LA FOLLETTE, escorted by Mr. LENROOT, advanced to the Vice President's desk and, the oath prescribed by law having been administered to them, they took their seats in the Senate.

LIST OF SENATORS BY STATES

Alabama.—Oscar W. Underwood and J. Thomas Heflin.
Arizona.—Henry F. Ashurst and Ralph H. Cameron.
Arkansas.—Joseph T. Robinson and T. H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Rice W. Means.
Connecticut.—George P. McLean and Hiram Bingham.
Delaware.—Thomas F. Bayard and T. Coleman du Pont.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Walter F. George.
Idaho.—William E. Borah and Frank R. Gooding.
Illinois.—William B. McKinley and Charles S. Deneen.
Indiana.—James E. Watson and Arthur R. Robinson.
Iowa.—Albert B. Cummins and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—Richard P. Ernst and Frederic M. Sackett.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Bert M. Fernald and Frederick Hale.
Maryland.—O. E. Weller and William Cabell Bruce.
Massachusetts.—William M. Butler and Frederick H. Gillett.
Michigan.—Woodbridge N. Ferris and James Couzens.
Minnesota.—Henrik Shipstead and Thomas D. Schall.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and George H. Williams.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Andrieus A. Jones and Sam G. Bratton.
New York.—James W. Wadsworth, jr., and Royal S. Copeland.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Lynn J. Frazier.
Ohio.—Frank B. Willis and S. D. Fess.
Oklahoma.—J. W. Harreld and W. B. Pine.
Oregon.—Charles L. McNary and Robert N. Stanfield.
Pennsylvania.—George W. Pepper and David A. Reed.
Rhode Island.—Peter G. Gerry and Jesse H. Metcalf.
South Carolina.—Ellison D. Smith and Cole. L. Blease.
South Dakota.—Peter Norbeck and Wm. H. McMaster.
Tennessee.—Kenneth McKellar and L. D. Tyson.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—M. M. Neely and Guy D. Goff.
Wisconsin.—Irvine L. Lenroot and Robert M. La Follette, jr.
Wyoming.—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE HOUSE

Mr. CURTIS submitted the following resolution (S. Res. 43), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 44), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Under the resolution just adopted the Chair appoints Mr. CURTIS and Mr. ROBINSON of Arkansas as the committee on the part of the Senate.

HOUR OF DAILY MEETING

Mr. CURTIS submitted the following resolution (S. Res. 45) which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

SECRETARY OF THE SENATE

Mr. CURTIS. Mr. President, I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 46) was read and considered as follows:

Resolved, That Edwin P. Thayer, of Indiana, be, and is hereby, elected Secretary of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, I move to amend the resolution by striking out the words "Edwin P. Thayer, of Indiana," and inserting in lieu thereof the words "John J. Burns, of Monticello, N. Y."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was rejected.

The VICE PRESIDENT. The question now recurs on the original resolution.

The resolution was agreed to.

The VICE PRESIDENT. Mr. Thayer is declared elected Secretary of the Senate, and will present himself at the desk and take the oath.

Edwin P. Thayer, of Indiana, appeared at the Vice President's desk, and the oath of office was administered to him by the Vice President.

Mr. CURTIS submitted the following resolution (S. Res. 47), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be notified of the election of Edwin P. Thayer, of Indiana, as Secretary of the Senate.

Mr. CURTIS submitted the following resolution (S. Res. 48), which was read, considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be notified of the election of Edwin P. Thayer, of Indiana, as Secretary of the Senate.

ACTING ASSISTANT DOORKEEPER OF THE SENATE

Mr. ROBINSON of Arkansas. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 49) was read and considered, as follows:

Resolved, That Edwin A. Halsey, of Virginia, be, and is hereby, elected Acting Assistant Doorkeeper of the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE PRESIDENT. Edwin A. Halsey, of Virginia, is declared elected Acting Assistant Doorkeeper of the Senate.

WORLD COURT

Mr. ROBINSON of Arkansas. Mr. President, during the special session of the Senate on March 13 last, a special order was made in executive session with closed doors providing for the consideration of Senate Resolution 5, "granting favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, with reservations," and so forth, the date for such consideration being fixed for the 17th of December, 1925. The injunction of secrecy respecting this order was removed, but the proceedings were not published in the RECORD. I ask unanimous consent that the record of the proceedings of that day, fixing the order of business as I have referred to it, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

During the consideration of executive business with closed doors the injunction of secrecy was removed from the following proceedings:

Mr. CURTIS having submitted a request for unanimous consent that on the 17th day of December, 1925, the Senate proceed to the consideration of a resolution providing that the Senate advise and consent to the signature of the United States Court of International Justice, and that the consideration of the said resolution be in open executive session, an objection thereto was interposed by Mr. DILL, when, on motion by Mr. ROBINSON of Arkansas that the resolution (S. Res. 5) granting favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, with reservations, be made a special order for 12 o'clock m., Thursday, December 17, 1925, for consideration in open executive session, it was determined in the affirmative—yeas 77, nays 2.

On motion by Mr. ROBINSON, the yeas and nays being desired by one-fifth of the Senators present, those who voted in the affirmative are—

Messrs. Ashurst, Bayard, Bingham, Blease, Borah, Bratton, Brookhart, Broussard, Bruce, Butler, Cameron, Capper, Caraway, Copeland, Couzens, Curtis, Dale, Deneen, du Pont, Ernst, Ferris, Fess, Fletcher, Frazier, George, Gerry, Gillett, Glass, Goff, Hale, Harreld, Harris, Harrison, Heflin, Johnson, Jones of Washington, Keyes, King, Ladd, McKellar, McKinley, McLean, McMaster, McNary, Mayfield, Means, Metcalf, Moses, Neely, Norris, Oddie, Overman, Pepper, Pine, Pittman, Ralston, Ransdell, Reed of Missouri, Reed of Pennsylvania, Robinson of Arkansas, Sackett, Schall, Sheppard, Shipstead, Shortridge, Simmons, Smith, Stanfield, Swanson, Trammell, Tyson, Wadsworth, Walsh, Watson, Weller, Wheeler, and Willis.

Those who voted in the negative are—

Messrs. Dill and Norbeck.

So Mr. ROBINSON's motion was agreed to, two-thirds of the Senators present having voted in the affirmative. [Senate Journal, Friday, March 13, 1925, legislative day of Tuesday, March 10, 1925.]

Mr. SWANSON. Mr. President, I desire to give notice that as soon as the special order shall be laid before the Senate on the 17th of December I shall address the Senate in behalf of the resolution.

DEATH OF SENATOR SELDEN P. SPENCER

Mr. CURTIS. Mr. President, I offer a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 50) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. SELDEN P. SPENCER, late a Senator from the State of Missouri.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. CURTIS. Mr. President, at some later time a request will be made to have the Senate set aside a day on which proper tributes may be paid to the life, character, and public service of our deceased colleague.

DEATH OF SENATOR ROBERT M. LA FOLLETTE

Mr. LENROOT. Mr. President, I offer the resolution which I send to the desk relating to the death of my late colleague, Senator LA FOLLETTE. At a later time I shall ask the Senate to set aside a day on which appropriate tributes may be paid to his memory.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 51) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. ROBERT M. LA FOLLETTE, late a Senator from the State of Wisconsin.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF SENATOR EDWIN F. LADD

Mr. FRAZIER. Mr. President, it is my sad duty formally to announce to the Senate the death of my late colleague and friend, Senator EDWIN F. LADD, of North Dakota.

In a life devoted to the public welfare, Senator LADD endeared himself to all who labored with him. This, however, is not the proper time and occasion for a fitting testimonial to his memory. At another time during this session I shall ask that a day be designated upon which appropriate tributes may be paid to his worth and work.

I offer the resolution which I send to the desk and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 52) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. EDWIN F. LADD, late a Senator from the State of North Dakota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF SENATOR SAMUEL M. RALSTON

Mr. WATSON. Mr. President, I offer the resolution which I send to the desk. At a later day I shall ask that a time be set aside for appropriate exercises with reference to the life, character, and public services of my deceased colleague, Senator RALSTON.

The VICE PRESIDENT. The resolution presented by the Senator from Indiana will be read.

The resolution (S. Res. 53) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. SAMUEL M. RALSTON, late a Senator from the State of Indiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

ADJOURNMENT

Mr. WATSON. Mr. President, as a further mark of respect to the memory of the deceased Senators, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 8, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *December 7, 1925*

This day in compliance with the provisions of the Constitution the Members elect of the House of Representatives of the Sixty-ninth Congress assembled in their Hall and at 12 o'clock noon were called to order by Hon. William Tyler Page, Clerk of the last House.

The Rev. James Shera Montgomery, D. D., Chaplain of the House of Representatives for the Sixty-eighth Congress, offered the following prayer:

Almighty God, unto whom all hearts are open and all desires are known, and from whom no secrets are hidden, Thou has been our dwelling place in all generations, before the mountains were brought forth or ever Thou hast formed the earth and the world, even from everlasting to everlasting, Thou art God. We come again O Lord, to the sacred duties to which we have been called—hence we approach the throne of divine help and wisdom. Mercifully grant that Thy Holy Spirit may in all things direct our minds and rule our hearts. Give us a great conception of service and a wise understanding of the sacred duties we owe the Republic. O make us all worthy of the confidence and the trust which have been reposed in us. With unswerving fidelity may we be faithful to the duties and sanctities of public and private life. Do thou direct our President with great favor and wisdom. Day by day abide with the Speaker, the Members, the officers, and the pages of this Congress. Teach us that righteousness earns its own reward, and that its highest object is man and its greatest service is love. May truth, knowledge, and good will flood the arteries of our beloved country and thus bless all citizens. Bless all our firesides with love, hope, and peace. Through Jesus Christ our Lord. Amen.

The CLERK. Representatives elect, this is the day fixed by the Constitution of the United States for the meeting of the Sixty-ninth Congress of the United States of America. The Clerk of the House of Representatives of the Sixty-eighth Congress will read the names of those present whose credentials show that they were duly elected in accordance with the laws of their respective States or of the United States. As the roll is called, following the alphabetical order of the States, Representatives elect will please answer to their names to determine whether a quorum is present.

The roll was called, showing the presence of the following Members and Delegates:

[Roll No. 1]

ALABAMA

John McDuffie.
Lister Hill.
Henry B. Steagall.
Lamar Jeffers.
William B. Bowling.
William B. Oliver.
Miles C. Allgood.
Edward B. Almon.
George Huddleston.

ARIZONA

Carl Hayden.

ARKANSAS

William J. Driver.
William A. Oldfield.
John N. Tillman.
Otis Wingo.
Heartsill Ragon.
James B. Reed.
Tilman B. Parks.

CALIFORNIA

Clarence F. Lea.
Charles F. Curry.
Florence P. Kahn.
Lawrence J. Flaherty.
Albert E. Carter.
Henry E. Barbour.
Arthur M. Free.
John D. Fredericks.
Philip D. Swing.

COLORADO

William N. Vaile.
Charles B. Timberlake.
Guy U. Hardy.
Edward T. Taylor.

CONNECTICUT

E. Hart Fenn.
Richard P. Freeman.
John Q. Tilson.
Schuyler Merritt.
James P. Glynn.

DELAWARE

Robert G. Houston.

FLORIDA

R. A. Green.
Herbert J. Drane.
John H. Smithwick.
William J. Sears.

GEORGIA

Charles G. Edwards.
E. E. Cox.
Charles R. Crisp.
William C. Wright.
William D. Upshaw.
Samuel Rutherford.
Gordon Lee.
Charles H. Brand.
Carl Vinson.
William C. Lankford.
William W. Larsen.

IDAHO

Burton L. French.
Addison T. Smith.

ILLINOIS

Martin B. Madden.
Morton D. Hull.
Elliott W. Sproul.
Thomas A. Doyle.
Adolph J. Sabath.
John J. Gorman.
M. Alfred Michaelson.
Stanley H. Kunz.
Fred A. Britten.
Carl R. Chindblom.
Frank R. Reid.
Charles E. Fuller.
William R. Johnson.
John C. Allen.
Edward J. King.
William E. Hull.
Frank H. Funk.
William P. Holaday.
Charles Adkins.
Henry T. Rainey.
Loren E. Wheeler.
Ed. M. Irwin.
William W. Arnold.
Thomas S. Williams.
Edward E. Denison.

At Large

Richard Yates.
Henry R. Rathbone.

INDIANA

Harry E. Rowbottom.
Arthur H. Greenwood.
Frank Gardner.
Harry C. Canfield.
Noble J. Johnson.
Richard N. Elliott.
Ralph E. Updike, sr.
Albert H. Vestal.
Fred S. Purnell.
William R. Wood.
Albert R. Hall.
David Hogg.
Andrew J. Hickey.

IOWA

William F. Kopp.
F. D. Letts.
T. J. B. Robinson.
Gilbert N. Haugen.
Cyrenus Cole.
C. William Ramseyer.
Cassius C. Dowell.
Lloyd Thurston.
William R. Green.
L. J. Dickinson
William D. Boies.

KANSAS

Daniel R. Anthony, jr.
Chauncey B. Little.
W. H. Sproul.
Homer Hoch.
James G. Strong.
Hays B. White.
J. N. Tincher.
William A. Ayres.

KENTUCKY

Alben W. Barkley.
David H. Kincheloe.
John W. Moore.
Maurice H. Thatcher.
Arthur B. Rouse.
Virgil Chapman.
Ralph Gilbert.
Fred M. Vinson.
John M. Robsion.

LOUISIANA

James O'Connor.
J. Zach Spearing.
Whitmell P. Martin.
John N. Sandlin.
Riley J. Wilson.
Bolivar E. Kemp.
Ladislas Lazaro.
James B. Aswell.

MAINE

Carroll L. Beedy.
Wallace H. White, jr.
John E. Nelson.
Ira G. Hersey.

MARYLAND

T. Alan Goldsborough.
Millard E. Tydings.
John Philip Hill.
J. Charles Linthicum.
Stephen W. Gambrill.
Frederick N. Zihlman.

MASSACHUSETTS

Allen T. Treadway.
Henry L. Bowles.
Frank H. Foss.
Edith Nourse Rogers.
A. Piatt Andrew.
William P. Connery, jr.
Harry I. Thayer.
Charles L. Underhill.
John J. Douglass.
George Holden Tinkham.
James A. Gallivan.
Robert Luce.
Louis A. Frothingham.
Joseph W. Martin, jr.
Charles L. Gifford.

MICHIGAN

John B. Sosnowski.
Earl C. Michener.
Joseph L. Hooper.
John C. Ketcham.
Carl E. Mapes.
Grant M. Hudson.
Louis C. Cramton.
Bird J. Vincent.
James C. McLaughlin.
Roy O. Woodruff.
Frank D. Scott.
W. Frank James.
Clarence J. McLeod.

MINNESOTA

Allen J. Furlow.
Frank Clague.
August H. Andresen.
Oscar E. Keller.
Walter H. Newton.
Harold Knutson.
O. J. Kvale.
William L. Carss.
Knud Wefald.
Godfrey G. Goodwin.

MISSISSIPPI

John E. Rankin.
Bill) G. Lowrey.
W. M. Whittington.
Jeff Busby.
Ross A. Collins.
Percy E. Quin.
James W. Collier.

MISSOURI

M. A. Romjue.
Ralph F. Lozier.
Jacob L. Milligan.
Charles L. Faust.
Edgar C. Ellis.
C. C. Dickinson.
Samuel C. Major.
William L. Nelson.
Clarence Cannon.
Cleveland A. Newton.
Harry B. Hawes.
Leonidas C. Dyer.
Charles E. Kiefner.
Ralph E. Bailey.
Joe J. Manlove.
Thomas L. Rubey.

MONTANA

John M. Evans.
Scott Leavitt.

NEBRASKA

John H. Morehead.
Willis G. Sears.
Edgar Howard.
Melvin O. McLaughlin.
Ashton C. Shallenberger.
Robert G. Simmons.

NEVADA

Samuel S. Arentz.

NEW HAMPSHIRE

Fletcher Hale.
Edward H. Wason.

NEW JERSEY

Francis F. Patterson, jr.
Isaac Bacharach.
Stewart H. Appleby.
Charles A. Eaton.
Ernest R. Ackerman.
Randolph Perkins.
George N. Seger.
Herbert W. Taylor.
Franklin W. Fort.
Frederick R. Lehlbach.
Oscar L. Auf der Heide.
Mary T. Norton.

NEW MEXICO

John Morrow.

NEW YORK

Robert L. Bacon.
John J. Kindred.
George W. Lindsay.
Thomas H. Cullen.
Loring M. Black, jr.
Andrew L. Somers.
John F. Quayle.
William E. Cleary.
David J. O'Connell.
Anning S. Prall.
Samuel Dickstein.
Christopher D. Sullivan.
Nathan D. Perlman.
John J. Boylan.
John J. O'Connor.
Ogden L. Mills.
John F. Carew.
Sol Bloom.
Fiorello H. LaGuardia.
Royal H. Weller.
Anthony J. Griffin.
Frank Oliver.
Benjamin L. Fairchild.
J. Mayhew Wainwright.
Hamilton Fish, jr.
Harcourt J. Pratt.
James S. Parker.
Frank Crowther.
Bertrand H. Snell.
Thaddeus C. Sweet.
Frederick M. Davenport.
Harold S. Tolley.
Walter W. Magee.
John Taber.
Gale H. Stalker.
Meyer Jacobstein.
Archie D. Sanders.
S. Wallace Dempsey.
Clarence MacGregor.
Daniel A. Reed.

NORTH CAROLINA

Lindsay Warren.
John H. Kerr.
Charles L. Abernethy.
Edward W. Pou.
Charles M. Stedman.
Homer L. Lyon.
William C. Hammer.
Robert L. Doughton.
Alfred L. Bulwinkle.
Zebulon Weaver.

NORTH DAKOTA

Olger B. Burtness.
Thomas Hall.
James H. Sinclair.

OHIO

Nicholas Longworth.
A. E. B. Stephens.
W. T. Fitzgerald.
Charles J. Thompson.
Charles C. Kearns.
Charles Brand.
Brooks Fletcher.
W. W. Chalmers.
Thomas A. Jenkins.
Mell G. Underwood.
John C. Speaks.
James T. Begg.
Martin L. Davey.
C. Ellis Moore.
John McSweeney.
William M. Morgan.
Frank Murphy.
John G. Cooper.
Robert Crosser.
Theodore E. Burton.

OKLAHOMA

S. J. Montgomery.
William W. Hastings.
Charles D. Carter.
Tom D. McKeown.
F. B. Swank.
Elmer Thomas.
James V. McClintic.
M. C. Garber.

OREGON

Willis C. Hawley.
Nicholas J. Sinnott.
M. E. Crumpacker.

PENNSYLVANIA

William S. Vare.
George S. Graham.
Harry C. Ransley.
Benjamin M. Golder.
James J. Connolly.
George A. Welsh.
George P. Darrow.
Thomas S. Butler.
Henry W. Watson.
William W. Griest.
Laurence H. Watres.
Edmund N. Carpenter.
George F. Brumm.
Charles J. Esterly.
Louis T. McFadden.
Edgar R. Kiess.
Frederick W. Magrady.
Edward M. Beers.
Joshua W. Swartz.
Anderson H. Walters.
J. Banks Kurtz.
Franklin Menges.
William I. Swoope.
Samuel A. Kendall.
Henry W. Temple.
Thomas W. Phillips, jr.
Nathan L. Strong.
Harris J. Bixler.
Milton W. Shreve.
William R. Coyle.
Adam M. Wyant.
Stephen G. Porter.
M. Clyde Kelly.
John M. Morin.
James M. Magee.
Guy E. Campbell.

RHODE ISLAND

Clark Burdick.
Richard S. Aldrich.
Jeremiah E. O'Connell.

SOUTH CAROLINA

Thomas S. McMillan.
Butler B. Hare.
Fred H. Dominick.
John J. McSwain.
William F. Stevenson.
Allard H. Gasque.
Hampton P. Fulmer.

SOUTH DAKOTA

Charles A. Christopherson.
Royal C. Johnson.
William Williamson.

TENNESSEE

B. Carroll Reece.
J. Will Taylor.
S. D. McReynolds.
Cordell Hull.
Ewin L. Davis.
Joseph W. Byrns.
Edward E. Eslick.
Gordon Browning.
Finis J. Garrett.
Hubert F. Fisher.

TEXAS

Eugene Black.
John C. Box.
Morgan G. Sanders.
Sam Rayburn.
Hatton W. Sumners.
Luther A. Johnson.
Clay Stone Briggs.
Daniel E. Garrett.
Joseph J. Mansfield.
James P. Buchanan.
Tom Connally.
Fritz G. Lanham.
Guinn Williams.
Harry M. Wurzbach.
John N. Garner.
C. B. Hudspeth.
Thomas L. Blanton.
Marvin Jones.

UTAH

Don B. Colton.
Elmer O. Leatherwood.

VERMONT

Elbert S. Brigham.
Ernest W. Gibson.

VIRGINIA

Schuyler Otis Bland.
Joseph T. Deal.
Andrew J. Montague.
Patrick Henry Drewry.
Joseph Whitehead.
Clifton A. Woodrum.
Thomas W. Harrison.
R. Walton Moore.
George C. Peery.
Henry St. George Tucker.

WASHINGTON

John F. Miller.
Lindley H. Hadley.
Albert Johnson.
John W. Summers.
Sam B. Hill.

WEST VIRGINIA

Carl G. Bachmann.
Frank L. Bowman.
John M. Wolverton.
James French Strother.
J. Alfred Taylor.

WISCONSIN

Henry Allen Cooper.
Edward Voigt.
John M. Nelson.
John C. Schafer.
Victor L. Berger.
Florian Lampert.
Joseph D. Beck.
Edward E. Browne.
George J. Schneider.
James A. Frear.
Hubert H. Peavey.

WYOMING

Charles E. Winter.

The CLERK. The Clerk will present for information a statement showing changes that have occurred since the regular election of Representatives to the Sixty-ninth Congress; and if there be no objection, the statement will be printed in the RECORD.

The statement is as follows:

Representatives to the Sixty-ninth Congress who have died or resigned and their successors

Representatives	Died	Successors
T. Frank Appleby, third New Jersey	Dec. 14, 1924	Stewart H. Appleby.
Julius Kahn, fourth California	Dec. 18, 1924	Florence P. Kahn.
John Jacob Rogers, fifth Massachusetts	Mar. 28, 1925	Edith Nourse Rogers.
Arthur B. Williams, third Michigan	May 1, 1925	Joseph L. Hooper.
George B. Churchill, second Massachusetts	July 1, 1925	Henry L. Bowles
Robert Y. Thomas, jr., third Kentucky	Sept. 3, 1925	John W. Moore

The CLERK. The roll call discloses the presence of 419 Members. A quorum is present. The Clerk will state that credentials, regular in form, have been filed showing the election of WILLIAM P. JARRETT as Delegate from the Territory of Hawaii and of DAN A. SUTHERLAND as Delegate from the Territory of Alaska.

The Clerk deems it proper to state that pursuant to an act of Congress a Resident Commissioner to the United States from Porto Rico is elected quadrennially, and that the Clerk has received from the Secretary of State of the United States a certified copy of the certificate of election of FELIX CORDOVA DAVILA as such Resident Commissioner for the four years commencing on the 4th day of March, 1925.

Two Resident Commissioners to the United States from the Philippine Islands are elected by the Philippine Legislature triennially. Certificates of election of ISAURO GABALDON and of PEDRO GUEVERA are on file showing their election as Resident Commissioners from the Philippine Islands for the term of three years commencing March 4, 1923.

ELECTION OF SPEAKER

The CLERK. The next business in order is the election of Speaker. Nominations will now be received.

Mr. HAWLEY. Mr. Clerk, by direction and authority of the Republican caucus, representing the majority of the membership of the House of Representatives, I have the honor to place in nomination for Speaker of the House of Representatives during the continuance of the Sixty-ninth Congress the Hon. NICHOLAS LONGWORTH, a Representative elect from the State of Ohio. [Applause.]

For 22 years Mr. LONGWORTH has been a Member of the House of Representatives, rendering public services distinguished by courage, sincerity, wisdom, and great ability. He is a profound student of legislation. His sufficiency of information and sound judgment upon it have given him leadership in his party and the country and have exalted him as a soldier of the common good. While unsurpassed in debate during the innumerable times he has taken the floor, advocating with cogent and vigorous arguments the policies that commended themselves to his judgment, he has shown an unfailing courtesy to those of opposite views. His appearances in debate have been unsullied by discourtesy, unkindly reference, or caustic humor. He is unfailing in diligence in attending to the business of the House. [Applause.] As Chairman of the Committee of the Whole House he has shown a master's knowledge of the rules of the House and its historical precedents. His rulings have been prompt, careful, competent. As a presiding officer he has been unfailing in courtesy. The consequence of

such character and attainments, long tried in the crucible of experience on many a hotly contested legislative battle field, is to elevate him to the highest position in the gift of this House, that of the Speakership. The announcement of his selection by the Republican caucus was received by the country with approval and satisfaction. We take pleasure in presenting him as our candidate for Speaker—a man to whom honor is more than life and patriotism not only a duty but highest privilege.

The CLERK. The Hon. NICHOLAS LONGWORTH, a Representative elect from the State of Ohio, has been nominated for the office of Speaker of the House of Representatives.

Mr. CARTER of Oklahoma. Mr. Clerk, by the unanimous action of the Democratic caucus I desire to present as a candidate for Speaker of this House the name of the Hon. FINIS J. GARRETT of Tennessee. [Applause.]

The CLERK. The Hon. FINIS J. GARRETT of Tennessee has been nominated for the office of Speaker. Are there any further nominations?

Mr. FREAR. Mr. Clerk and gentlemen of the House of Representatives, I have been directed by the delegation from my State to present the name of a distinguished gentleman for this high office, and also to make a brief statement of the reasons for so doing.

Gentlemen of the House, the abuses of the secret caucus system in the House of Representatives became so flagrant in the year 1913 that action was taken by the Republicans of the House to abolish the caucus and there was substituted for it a conference, and right was given thereafter to participants to act on their own judgment. The Republicans in the Senate have never attempted to bind Senators by caucus, but their meetings have been conferences, upon the conclusion of which each Member is at liberty to vote as his conscience dictates under his oath of office.

The Wisconsin delegation in the House is opposed to the caucus system. The oath of a Representative in Congress is that he will well and faithfully discharge the duties of his office to the best of his ability; and that oath will not permit him to surrender his judgment and his conscience into the keeping of a party caucus. A Member of the House attends a caucus, pledges himself in advance to abide by its decision, whatever that may be. Thereafter he is not a free agent in the discharge of his duties as a Member of the House. A conference does not seek to bind its members, and therefore the members of the Wisconsin delegation have attended them.

In February, 1925, a secret caucus was held without authority from the Republican membership of the House, more than nine months before a Speaker of the Sixty-ninth Congress could legally be elected, and also prior to the 4th day of March, the date on which the terms of office of the Members of the Sixty-ninth Congress began, for the purpose of binding the Republican Members of the new Congress to vote for the candidate for Speaker to be selected at such secret caucus. Much publicity was given at the time to the fact that the Wisconsin delegation had not been invited to attend that caucus. It should be well understood that the Wisconsin delegation would not have attended that caucus if it had been invited, although it would have been ready to attend a conference as heretofore explained.

This change back to the old discredited method to bind and gag the Members in secret was made without any meeting at which all of the Republican Members of the House had or could have had an opportunity to consider the change from conference to caucus before the call was issued.

At that caucus Representative LONGWORTH was nominated as a Republican candidate for Speaker of the Sixty-ninth Congress. Since his nomination Mr. LONGWORTH in public addresses and press statements has been repeatedly quoted as saying that the Wisconsin delegation is now on trial, and that a vote for Mr. LONGWORTH as Speaker next Monday will be considered the acid test of republicanism in the House. The Wisconsin Republican Members of the House do not concede the right of Mr. LONGWORTH or any other so-called leader to put them on trial for their republicanism.

The entire Republican delegation from Wisconsin accept responsibility for contributing to the liberalization of the House gag rules and also to the defeat of the grossly inequitable Mellon tax bill at the last session. We were largely responsible for bringing about the enactment of a substitute tax bill which was fair and equitable to the American people. The record of the 10 Wisconsin Republican Members of the House in the last Congress was approved by the people of Wisconsin by reelecting every one of them by a combined and unprecedented majority of over 320,000 votes.

The Republican Party was conceived and born in the State of Wisconsin. The people of that State and its progressive Republican Representatives in Congress believe in the broad principles of government established by the immortal Lincoln.

The beneficial effect on all the people of this Nation of the efforts of the Wisconsin delegation, which held the balance of power during the last Congress, has been attested in many ways, and is specifically set forth in the speech of Representative NICHOLAS LONGWORTH, former Republican floor leader, who in his summary of the Republican accomplishments of the last session said (CONGRESSIONAL RECORD June 5, 1924, p. 10907):

> Mr. LONGWORTH. Mr. Speaker, whatever may be said in approval or disapproval of the record of the House of Representatives in the first session of the present Congress, this fact at least must stand out uncontradicted: Its legislative accomplishment is unexampled in volume and importance in recent years. The body which many people said at the outset would be impotent to legislate at all turned out to be one of the most efficient and effective legislative machines in history.

The Wisconsin delegation in Congress to-day finds itself challenged by those assuming to be in control of the Republican Party by threats and intimidation on the one hand and by the offer of party recognition with its favors and patronage on the other. We refuse to compromise, or to bargain with Mr. LONGWORTH or with any other Member of the House, on an issue affecting our rights as Representatives in Congress to vote our convictions of duty to our constituents and the country under our official oaths.

Under the circumstances we can not vote for Mr. LONGWORTH for Speaker. Neither flattery nor suggestions concerning committee assignments nor threats will cause the Wisconsin delegation in the House to deviate from such course of action as in its judgment the public interest seems to require.

Gentlemen, in addition to the statement presented, permit me to say the House is about to select its presiding officer for the Sixty-ninth Congress, a responsible position second to none in the world.

By reason of his eminent ability, long legislative experience, and parliamentary training one of the best-equipped men for that high office that ever sat in this great body is the present dean of the House of Representatives.

Sent here by the first congressional district of the State of Wisconsin as a Republican Representative, for 32 years he has actively participated in all the momentous legislation that affected this great Nation's welfare during practically a third of a century.

Recognized throughout the country as a consistent progressive Republican, a student, scholar, statesman, and parliamentarian of high order; a strong, brave man without fear—aye, and tested in many hard battles—a just man, a lovable man, Wisconsin, the birthplace of the Republican Party, presents to you one of her finest sons of all time, her candidate for Speaker of the House of Representatives, HENRY ALLEN COOPER. [Applause.]

The CLERK. The Hon. HENRY ALLEN COOPER, a Representative elect from the State of Wisconsin, has been nominated for the office of Speaker.

Mr. NELSON of Wisconsin rose.

The CLERK. For what purpose does the gentleman rise?

Mr. NELSON of Wisconsin. To ask whether I have the right to present a seconding nomination for Mr. COOPER, of about three minutes.

The CLERK. The Clerk thinks so. The gentleman from Wisconsin, Mr. NELSON, is recognized to second the nomination of Hon. HENRY ALLEN COOPER.

Mr. NELSON of Wisconsin. Mr. Speaker, I am instructed by the Progressive group, other than Wisconsin, to present the following statement:

> Progressives from the States of North Dakota, Minnesota, and New York after a group meeting held with representatives from the State of Wisconsin, issued the following statement:
>
> "We indorse the statement issued by the Wisconsin delegation. We desire to add that the Republican Party, the party of Lincoln, was born in the State of Wisconsin but had nothing in common with the Grand Old Party as it exists to-day.
>
> "The demands of Mr. LONGWORTH, candidate for Speaker, and his threat that Progressives are to be tested by their votes on various matters commencing with the first vote for Speaker, are answered by the Progressives in their decision to vote for the Hon. HENRY ALLEN COOPER, the dean of the House, for Speaker.
>
> "The Progressive group will continue their fight against the Mellon tax plan and against a system of taxation which will make possible within two generations the concentration of the wealth of the land in the hands of a dozen families.

"The Progressive group is united, prepared, and ready to continue its fight for legislation for the benefit of the people and the producers of the country, and against legislation for a privileged and favored class.

"The farmers and consumers have learned that they have everything in common. The farmers to-day are not able to live on what the manipulators of food wish to pay them, and the consumers are not able to pay the exorbitant price for the food which the same exploiters place on the farmers' products.

"The farmers of the country want something more than an expression of sympathy in a presidential message. If concrete, constructive, and tangible relief is not assured to the farmers by the Republican Party, the Progressives will hold that party responsible."

[Applause.]

The CLERK. Are there any other nominations? If not, the Clerk will appoint the gentleman from Massachusetts [Mr. FROTHINGHAM], the gentleman from Oklahoma [Mr. MONTGOMERY], the gentleman from Illinois [Mr. SABATH], and the gentleman from Kentucky [Mr. CHAPMAN] to act as tellers. These gentlemen will please come forward to the desk in front of the rostrum and the Clerk will call the roll.

The tellers took their places at the desk.

The Clerk called the roll.

The following is the vote in detail:

[Roll No. 2]

FOR NICHOLAS LONGWORTH—229

Ackerman	Fish	Kopp	Smith
Adkins	Fitzgerald, W. T.	Kurtz	Snell
Aldrich	Flaherty	Leatherwood	Sosnowski
Allen	Fort	Leavitt	Speaks
Andresen	Foss	Lehlbach	Sproul, Ill.
Andrew	Fredericks	Letts	Sproul, Kans.
Anthony	Free	Lucce	Stalker
Appleby	Freeman	McFadden	Stephens
Arentz	French	McLaughlin, Mich.	Strong, Kans.
Bacharach	Frothingham	McLaughlin, Nebr.	Strong, Pa.
Bacon	Fuller	McLeod	Strother
Bachmann	Funk	MacGregor	Summers, Wash.
Bailey	Furlow	Madden	Swartz
Barbour	Garber	Magee, N. Y.	Sweet
Beedy	Gibson	Magee, Pa.	Swing
Beers	Gifford	Magrady	Swoope
Begg	Glynn	Manlove	Taber
Bixler	Golder	Mapes	Taylor, N. J.
Boies	Goodwin	Martin, Mass.	Taylor, Tenn.
Bowles	Gorman	Menges	Temple
Bowman	Graham	Merritt	Thatcher
Brand, Ohio	Green, Iowa	Michaelson	Thayer
Brigham	Griest	Michener	Thompson
Britten	Hadley	Miller	Thurston
Brumm	Haie	Mills	Tilson
Burdick	Hall, Ind.	Montgomery	Timberlake
Burtness	Hall, N. Dak.	Moore, Ohio	Tincher
Burton	Hardy	Morgan	Tinkham
Butler	Haugen	Morin	Tolley
Campbell	Hawley	Murphy	Treadway
Carpenter	Hersey	Nelson, Me.	Underhill
Carter, Calif.	Hickey	Newton, Minn.	Updike
Chalmers	Hill, Md.	Newton, Mo.	Vaile
Chindblom	Hoch	Parker	Vare
Christopherson	Hogg	Patterson	Vestal
Clague	Holaday	Perkins	Vincent, Mich.
Cole	Hooper	Perlman	Wainwright
Colton	Houston	Phillips	Walters
Connolly, Pa.	Hudson	Porter	Wason
Cooper, Ohio	Hull, Morton D.	Pratt	Watres
Coyle	Hull, William E.	Purnell	Watson
Cramton	Irwin	Ramseyer	Welsh
Crumpacker	James	Ransley	Wheeler
Curry	Jenkins	Rathbone	White, Kans.
Darrow	Johnson, Ill.	Reece	White, Me.
Davenport	Johnson, Ind.	Reed, N. Y.	Williams, Ill.
Dempsey	Johnson, S. Dak.	Reid, Ill.	Williamson
Denison	Johnson, Wash.	Robinson, Iowa	Winter
Dickinson, Iowa	Kahn	Robsion, Ky.	Wolverton
Dowell	Kearns	Rogers	Wood
Dyer	Keller	Rowbottom	Woodruff
Eaton	Kelly	Sanders, N. Y.	Wurzbach
Elliott	Kendall	Scott	Wyant
Ellis	Ketcham	Sears, Nebr.	Yates
Esterly	Kiefner	Seger	Zihlman
Fairchild	Kless	Shreve	
Faust	King	Simmons	
Fenn	Knutson	Sinnott	

FOR FINIS J. GARRETT—173

Abernethy	Briggs	Crisp	Evans
Allgood	Browning	Crosser	Fisher
Almon	Buchanan	Cullen	Fletcher
Arnold	Bulwinkle	Davey	Fulmer
Aswell	Busby	Davis	Gallivan
Auf der Heide	Byrns	Deal	Gambrill
Ayres	Canfield	Dickinson, Mo.	Gardner, Ind.
Barkley	Cannon	Dickstein	Garner, Tex.
Black, N. Y.	Carew	Dominick	Garrett, Tex.
Black, Tex.	Carter, Okla.	Doughton	Gasque
Bland	Chapman	Douglass	Gilbert
Blanton	Cleary	Doyle	Goldsborough
Bloom	Collier	Drane	Green, Fla.
Bowling	Collins	Drewry	Greenwood
Box	Connally, Tex.	Driver	Griffin
Boylan	Connery	Edwards	Hammer
Brand, Ga.	Cox	Eslick	Haro
Harrison	Little	Oliver, Ala.	Stevenson
Hastings	Lowrey	Oliver, N. Y.	Sullivan
Hawes	Lozier	Parks	Sumners, Tex.
Hayden	Lyon	Peery	Swank
Hill, Ala.	McClintic	Pou	Taylor, Colo.
Hill, Wash.	McDuffie	Prall	Taylor, W. Va.
Howard	McKeown	Quayle	Thomas
Huddleston	McMillan	Quin	Tillman
Hudspeth	McReynolds	Ragon	Tucker
Hull, Tenn.	McSwain	Rainey	Tydings
Jacobstein	McSweeney	Rankin	Underwood
Jeffers	Major	Rayburn	Upshaw
Johnson, Tex.	Mansfield	Reed, Ark.	Vinson, Ga.
Jones	Martin, La.	Romjue	Vinson, Ky.
Kemp	Milligan	Rouse	Warren
Kerr	Montague	Rubey	Weaver
Kincheloe	Moore, Ky.	Rutherford	Weller
Kindred	Moore, Va.	Sabath	Whitehead
Kunz	Morehead	Sanders, Tex.	Whittington
Lanham	Morrow	Sandlin	Williams, Tex.
Lankford	Nelson, Mo.	Sears, Fla.	Wilson, La.
Larsen	Norton	Shallenberger	Wingo
Lazaro	O'Connell, N. Y.	Smithwick	Woodrum
Lea, Calif.	O'Connell, R. I.	Somers, N. Y.	Wright
Lee, Ga.	O'Connor, La.	Spearing	
Lindsay	O'Connor, N. Y.	Steagall	
Linthicum	Oldfield	Stedman	

FOR HENRY ALLEN COOPER—13

Beck	LaGuardia	Schafer	Wefald
Browne	Lampert	Schneider	
Frear	Nelson, Wis.	Sinclair	
Kvale	Peavey	Voigt	

ANSWERING "PRESENT"—5

Berger	Cooper, Wis.	Garrett, Tenn.	Longworth
Carss			

The CLERK. The tellers agree in their tally. The total number of votes cast is 420, of which Hon. NICHOLAS LONGWORTH has received 229 votes, Hon. FINIS J. GARRETT has received 173 votes, and Hon. HENRY ALLEN COOPER has received 13 votes, 5 gentlemen have answered "Present."

Hon. NICHOLAS LONGWORTH, a Representative elect from the State of Ohio, having received a majority of all the votes cast, is duly elected Speaker of the House of Representatives for the Sixty-ninth Congress. [Applause.]

The gentleman from Connecticut [Mr. TILSON], the gentleman from Tennessee [Mr. GARRETT], the gentleman from Illinois [Mr. MADDEN], the gentleman from Texas [Mr. GARNER], and the gentleman from Wisconsin [Mr. COOPER] will please conduct the Speaker elect to the chair, and the Clerk designates the gentleman from Pennsylvania [Mr. BUTLER], the Member longest in continuous service in the House, to administer to the Speaker elect the oath of office required by law.

The committee appointed by the Clerk escorted Mr. LONGWORTH to the Speaker's chair.

Mr. GARRETT of Tennessee. My colleagues of the House of Representatives, the gentleman whom the majority have elected as Speaker was endowed by nature with an aptitude for public affairs of a political character, but governments can not be maintained by instinct nor administered by intuition. However brilliant the genius, it to attain helpful efficiency must be burnished by unremitting labor and kept bright by constant and studious toil.

This condition has been met by the honorable gentleman from Ohio.

In his youthful days he was made a member of the senate of his State legislature. There he soon became the titular floor leader of his party.

Transferred thence to the Halls of the Federal House of Representatives, he at an early period of his service took his proper place as a leader of his party, assiduous in his labors and wise in his counsels.

He is to-day reaping the reward of years of struggle and effort. It comes to him because of what he has been and what he is—a learned parliamentarian, an experienced and able legislator, temperamentally and intellectually fitted for the great and splendid task. We, both of the majority and the minority, respect him as a wise and gifted character and as a gentleman without reproach.

He has had opportunities for the study not only of our own parliamentary system but of those of many foreign nations, and of them he has taken full advantage. He understands not only the rules but their philosophy, and his courage and courtesy assure that he will faithfully apply that understanding. He stands splendidly equipped to succeed the long line of his illustrious predecessors, many of them world famous, with their names writ large, as his shall be, in the history of the activities of men and nations.

My colleagues, it is my pleasure and honor to present the thirty-ninth elected Speaker of the House of Representatives, the gentleman from Ohio, Hon. NICHOLAS LONGWORTH.

The SPEAKER ELECT. Gentlewomen and gentlemen of the House, a great and signal honor has been bestowed upon me.

The Speakership of the House of Representatives is matched by few governmental offices in the world.

To you, members of my political party, who, by your voices, have with unanimity elected me to this office, I extend my heartfelt thanks. It is my highest hope that I may prove not unworthy of the trust you have imposed upon me.

To you, members of the great minority party who have cast your votes, as you were in honor bound to do for that scholarly statesman, that fine gentleman, that man who I am proud to call my friend, FINIS GARRETT, I extend my thanks for the clear evidence you have given me of your cordial good will.

I am a proud and happy man this day. Yet my pride and elation are tinged with a feeling approaching humility in the contemplation of the burdens and responsibilities I shall be called upon to bear during my term of office. To administer it to the satisfaction of this House and of the country I must have the friendly cooperation of all of you. This, my colleagues, I solicit, knowing full well that without it I can not hope to be successful.

The functions and duties of the Speakership as I view them divide themselves into two general classes, the one parliamentary, the other political.

The first I propose to administer with most rigid impartiality. With an eye single to the maintenance in the fullest degree of the dignity and honor of the House, and the rights and privileges of its Members. I promise you that there will be no such thing as favoritism in the treatment by the Chair of either parties or individuals. [Applause.]

The political side, to my mind, involves a question of party service. I believe it to be the duty of the Speaker, standing squarely on the platform of his party, to assist in so far as he properly can the enactment of legislation in accordance with the declared principles and policies of his party and by the same token to resist the enactment of legislation in violation thereof. [Applause.]

I believe in responsible party government. [Applause.] I regard as among the most beneficent provisions of the Constitution those two which provide for the election of the entire membership of the House of Representatives every second year and for the divorcement of the Congress from the executive branch. Under these provisions, unique among the constitutions of the great nations, it has been proved necessary if the will of the people, biennially expressed, is to be effectively translated into legislation that it must be through the medium of one major political party, whose members are united upon basic principles and policies, and responsible every two years to their constituencies.

Just as I stand for this, the American system of responsible party government, I am against the European system of bloc government. [Applause.] I have observed its workings abroad at first hand. It works badly enough over there, where legislation is generally a matter of bluster and trafficking between groups and where governments fall over night. Here it will not work at all, because it is un-American. [Applause.]

I have said that I propose to assist, so far as I properly can, the majority party in the carrying out of its policies and in the preservation of its principles. As a direct corollary I propose to be equally insistent that the right of the minority to speech and debate and the opportunity to record their position on all matters of public moment shall be given full latitude.

The policy I have outlined will, I believe, make for efficiency in the transaction of the public business by this House. It will make, too, I hope, for a continuous feeling of mutual respect and good will among us all, whether we be for the moment united or divided upon matters of high public import.

I rejoice that we are setting forth upon our legislative voyage practically without partisan division upon the most important measure, probably, that this Congress will face, the reduction in great degree of the tax burden of the American people.

And now before I take the solemn oath of office for the eleventh time in my service here may I say to you, my colleagues, that while my ambition to successfully perform the duties of the Speakership is as high, I believe, as any personal ambition can be, I cherish also an ambition, less personal in its nature, which is even higher.

I want to effectively assist you in bringing about universal recognition of the fact that this House, closer as it is to the people than any similar body and more directly responsive to their will, is in very truth, as it ought to be, the great dominant legislative assembly of the world. Thus we may rest assured that the Republic of the United States shall forever live and that popular representative government shall never die. [Applause.]

I am ready to take the oath.

The oath of office was administered to the Speaker by Mr. BUTLER.

Mr. BUTLER. And now, Mr. Speaker, I desire publicly to congratulate you, and I promise to help you make your administration not only acceptable to my own side of the House, but to the other side as well and to the whole country. [Applause.]

SWEARING IN OF MEMBERS

The SPEAKER administered the oath of office to the Members and Delegates, the Members and Delegates presenting themselves as their names were called by States and Territories, in the area in front of the Speaker's desk and taking the oath prescribed by law.

Mr. BUTLER and Mr. GRIEST qualified by affirmation.

ELECTION OF CLERK AND OTHER OFFICERS

Mr. HAWLEY. Mr. Speaker, I wish to announce as a matter of public record that Hon. JOHN Q. TILSON, a Representative from the State of Connecticut, has been selected as majority leader of the Sixty-ninth Congress.

Also, by direction of the Republican caucus, comprising the majority of the House of Representatives, I present the following resolutions for the election of the officers of the House for the Sixty-ninth Congress.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 1

Resolved, That William Tyler Page, of the State of Maryland, be, and he is hereby, chosen Clerk of the House of Representatives;

That Joseph G. Rogers, of the State of Pennsylvania, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Bert W. Kennedy, of the State of Michigan, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Frank W. Collier, of the State of Wisconsin, be, and he is hereby, chosen Postmaster of the House of Representatives; and

That Rev. James Shera Montgomery, of the District of Columbia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. HAWLEY. Mr. Speaker, I move the adoption of the resolution.

Mr. CARTER of Oklahoma. Mr. Speaker, I desire to offer a substitute for this resolution, and upon that I ask a separation of the resolution just read in order that the name of Dr. James Shera Montgomery, as Chaplain, may be voted upon separately.

The SPEAKER. The gentleman from Oklahoma asks that in so far as the name of Dr. James Shera Montgomery is concerned, that it be voted upon separately and at once. Is there objection to the request? [After a pause.] The Chair hears none. The question is upon the resolution electing Dr. James Shera Montgomery Chaplain of the House of Representatives.

The question was taken, and the resolution was agreed to.

The SPEAKER. The question is now upon the substitute, which the Clerk will report.

The Clerk read as follows:

Resolved, That South Trimble, of the State of Kentucky, be, and he is hereby, chosen Clerk of the House of Representatives:

That C. R. Evans, of the State of Nevada, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Joseph J. Sinnott, of the State of Virginia, be, and he is hereby, chosen Doorkeeper of the House of Representatives; and

That F. E. Scott, of the State of Tennessee, be, and he is hereby, chosen Postmaster of the House of Representatives.

The question was taken, and the substitute was rejected.

The SPEAKER. The question now recurs on the resolution offered by the gentleman from Oregon.

The question was taken, and the resolution was agreed to.

The officers elected, mentioned in the resolution, appeared at the bar of the House and took the oath of office.

NOTIFICATION OF THE SENATE

Mr. GREEN of Iowa. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 2

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives is assembled; that NICHOLAS LONGWORTH, a Representative from the State of Ohio, has been elected Speaker; that William Tyler Page, a citizen of the State of Maryland, has been elected Clerk; and that the House is ready for business.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Senate Resolution 43

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Senate Resolution 44

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

Senate Resolution 48

Resolved, That the House of Representatives be notified of the election of Edwin P. Thayer, of Indiana, as Secretary of the Senate.

Senate Resolution 50

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. SELDEN P. SPENCER, late a Senator from the State of Missouri.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 52

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. EDWIN F. LADD, late a Senator from the State of North Dakota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Senate Resolution 53

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. SAMUEL M. RALSTON, late a Senator from the State of Indiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Senate Resolution 51

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. ROBERT M. LA FOLLETTE, late a Senator from the State of Wisconsin.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

NOTIFICATION OF THE PRESIDENT

Mr. TILSON. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 3

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to notify the President of the United States that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair appoints the gentleman from Connecticut [Mr. TILSON], the gentleman from Iowa [Mr. GREEN], and the gentleman from Tennessee [Mr. GARRETT] to serve on the committee.

Mr. MADDEN. Mr. Speaker, I present the following resolution and ask its immediate consideration.

The Clerk read as follows:

House Resolution 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected NICHOLAS LONGWORTH, a Representative from the State of Ohio, as Speaker and William Tyler Page, a citizen of the State of Maryland, as Clerk of the House of Representatives of the Sixty-ninth Congress.

The question was taken, and the resolution was agreed to.

ELECTION OF ADDITIONAL HOUSE EMPLOYEES

Mr. CARTER of Oklahoma. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 5

Resolved, That until otherwise ordered, Joseph J. Sinnott be authorized to act as special employee of the House of Representatives and receive compensation at the rate of $2,150 per annum; that John O. Snyder be authorized to act as pair clerk and receive compensation at the rate of $2,150 per annum; that L. M. Overstreet be authorized to act as special messenger and assistant pair clerk and receive compensation at the rate of $2,150 per annum; that W. E. Kenney be authorized to act as special messenger at $2,150 per annum until December 31, 1925, and that Truman Ward be authorized to act as special messenger at $2,150 per annum effective January 1, 1926; that Ralph E. Roberts and Hunter Osborne be authorized to act as special messengers and receive each compensation at the rate of $2,150 per annum; that James J. Kenah be authorized to act as minority telephone messenger and receive compensation at the rate of $2,400 per annum; such employees to be at all times under the control of the Speaker of the House and subject to change at any time by the House, as provided by law.

The question was taken, and the resolution was agreed to.

THE RULES

Mr. SNELL. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 6

Resolved, That the Rules of the House of Representatives in force at the close of the Sixty-eighth Congress be adopted as the Rules of the House of Representatives of the Sixty-ninth Congress, with the following amendments:

1. Clause 2, Rule X: Strike out "26" and insert in lieu thereof "25," so that as amended the clause shall read: "On Ways and Means, to consist of 25 members."

2. Clause 4, Rule X: After the word "members" strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That until March 2, 1927, it shall consist of 22 members."

3. Clause 7, Rule X: Strike out the period after the word "members" and insert in lieu thereof a colon and the following: "*Provided*, That until March 2, 1927, it shall consist of 23 members."

4. Clause 3, Rule XIII: Strike out the second sentence and insert in lieu thereof the following:

"On the first Monday of each month immediately after the approval of the Journal, and on the third Monday of each month immediately after the disposition of motions to instruct committees which may be called up, the Speaker shall direct the Clerk to call the bills which have been for three days upon the "Consent Calendar."

5. Clause 4, Rule XIII: Strike out the word "Discharge" and insert the word "Instruct" so that as amended the clause shall read: "There shall also be a Calendar of Motions to Instruct Committees, as provided in clause 4 of Rule XXVII."

6. Clause 4, Rule XXVII: Strike out clause 4 and insert in lieu thereof the following:

"4. A Member may present to the Clerk a motion in writing to instruct a committee to report within 15 days a public bill or resolution which has been referred to it 30 days prior thereto (but only one motion may be presented for each bill or resolution). The motion shall be placed in the custody of the Clerk, who shall arrange some convenient place for the signature of Members. A signature may be withdrawn by a Member in writing at any time before the motion is entered on the Journal. When a majority of the membership of the House shall have signed the motion it shall be entered on the Journal, printed with the signatures thereto in the CONGRESSIONAL RECORD, and referred to the Calendar of Motions to Instruct Committees.

"On the 3d Monday of each month, immediately after the approval of the Journal, any Member who has signed a motion to instruct which has been on the Calendar at least seven days prior thereto, and seeks recognition, shall be recognized for the purpose of calling up the motion, and the House shall proceed to its consideration in the manner herein provided without intervening motion except one motion to adjourn. Recognition for the motions shall be in the order in which they have been entered.

"When the motion shall be called up, the bill or resolution shall be read by title only prior to a second being ordered by tellers. After the reading of the bill by title the motion shall not be submitted to the House unless seconded by a majority of the member-

ship of the House to be determined by tellers and clause 4 of Rule XV shall not apply to such second; if such motion fails of a second, it shall immediately be stricken from the Calendar and shall not be thereafter placed thereon.

"If a second be ordered, debate on such motion shall be limited to 40 minutes, one-half thereof in favor of the proposition and one-half in opposition thereto. Such motions shall require for their adoption an affirmative vote of a majority of the membership of the House. Whenever such motion shall prevail the committee shall report said bill or resolution to the House within 15 days thereafter and said bill or resolution shall be referred to its appropriate Calendar."

Mr. SNELL. Mr. Speaker, pending the debate on the resolution, I would like to have the attention of the gentleman from North Carolina [Mr. POU]. I would like to see if we can agree by unanimous consent on the time for its discussion.

Mr. POU. This whole change is quite far-reaching in its provisions. There ought to be at least on this side time for debate.

Mr. SNELL. There is only one change in the rules, and that is a matter that was debated for six days in the last session of Congress, and it seems to me we should dispose of it to-day without loss of time. I would suggest 30 minutes on a side, if that is agreeable to the gentleman from North Carolina.

Mr. POU. We would like more time, but if that is the best that the gentleman can offer we shall have to be content.

Mr. FISH. Mr. Speaker, reserving the right to object, I would like to ask what opportunity there will be to offer amendments to the rules as proposed. It seems to me, Mr. Speaker, that the Members of the House should have some opportunity during the entire session to offer amendments to the rules. This is the only opportunity that can or will be had to offer amendments to the rules which we must adhere to and which will control the procedure in the House of Representatives for the next two years. I have in mind, Mr. Speaker, an amendment which I would like to offer; an amendment which, if it is not constructive and based on sound common sense and business experience, the House can easily vote down in a few moments. I would like an opportunity to offer an amendment to create a standing committee of seven to revise and clarify the rules, many of which are archaic, complicated, confusing, and contradictory. Such a standing committee should be composed of the seven best parliamentary experts of this House, and should modernize and liberalize the rules of the House generally and bring them up to date. I would like to know if there is to be opportunity offered to submit such an amendment for the consideration of the House before the previous question is ordered.

Mr. SNELL. I do not think that will be in order at this time. I think it would be better for the gentleman to introduce his resolution in the proper way and have it referred to our committee, and I am sure the committee will give him ample time and opportunity for its careful consideration.

Mr. FISH. The point I have had in mind was to take away certain powers from the Committee on Rules; and, human nature being what it is, I doubt very much if the Committee on Rules will look upon the amendment I have to offer with particular favor, and therefore I favor the creation of a standing committee to revise the rules and desire an opportunity to ask the Members of the House to consider this proposal on its merits and free from all partisanship.

Mr. SNELL. The Committee on Rules is always subject to the will of the House.

Mr. FISH. The Members of the House all know that it is impossible; that unless this amendment is offered and adopted at this time, no other opportunity will occur to offer amendments from the floor, but they must go to the Committee on Rules.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield to me for a suggestion? The proposition of the gentleman is not before the Committee on Rules, is it?

Mr. SNELL. I do not yield further, as I desire to submit a unanimous-consent request.

The SPEAKER. The gentleman from New York has not yet presented his request.

Mr. SNELL. I ask unanimous consent, Mr. Speaker, that the debate on this resolution may be limited to one hour, one-half of it to be controlled by the gentleman from North Carolina and one-half to be controlled by myself, and at the end of that time the previous question may be considered as ordered on the resolution.

Mr. POU. We can not agree to that until the motion for the previous question is agreed to.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. I object.

Mr. SNELL. Following the precedent of the Democratic majority when they adopted the old discharge rule in the Sixty-second Congress, the only thing left for me to do is to move the previous question. That will allow 20 minutes for debate on a side. I would have liked to have made some agreement as to time; but if that can not be done, there is nothing else left to do.

Mr. POU. I think we should have at least half an hour on a side.

Mr. LUCE. Mr. Speaker——

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from New York moves the previous question.

Mr. LUCE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. LUCE. The point of order is that at present we are proceeding under the general parliamentary law, of which the previous question is not a part.

Mr. SNELL. It has been ruled by many Speakers of this House that while debating the rules at the beginning of a session we should follow, as far as possible, the precedents and rules of the last House. Speaker Clark said that was the best parliamentary law he knew of, and under that parliamentary law this motion is in order at this time.

Mr. FISH. Mr. Speaker, I make the point of order also, of the high privilege of this House, that it is in order for any Member of the House, in discussing the rules of the House, to be given an opportunity to offer amendments.

The SPEAKER. The Chair overrules the points of order. The gentleman from New York [Mr. SNELL] moves the previous question on the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 192, not voting 15, as follows:

[Roll No. 3]

YEAS—210

Ackerman	Fenn	Kurtz	Smith
Adkins	Fitzgerald, W. T.	Leatherwood	Snell
Aldrich	Flaherty	Leavitt	Sosnowski
Allen	Fort	Lehlbach	Speaks
Andresen	Foss	Letts	Sproul, Ill.
Andrew	Fredericks	McFadden	Sproul, Kans.
Appleby	Free	McLaughlin, Mich.	Stalker
Arentz	Freeman	McLaughlin, Nebr.	Stephens
Bachmann	French	McLeod	Strong, Kans.
Bacon	Fuller	MacGregor	Strong, Pa.
Beedy	Funk	Madden	Strother
Beers	Furlow	Magee, N. Y.	Summers, Wash.
Begg	Garber	Magee, Pa.	Swartz
Bixler	Gibson	Magrady	Sweet
Boies	Gifford	Manlove	Taber
Bowles	Glynn	Mapes	Taylor, N. J.
Bowman	Golder	Martin, Mass.	Taylor, Tenn.
Brand, Ohio	Goodwin	Menges	Temple
Brigham	Gorman	Merritt	Thatcher
Britten	Green, Iowa	Michaelson	Thayer
Brumm	Griest	Michener	Thompson
Burdick	Hadley	Miller	Thurston
Burtness	Hale	Mills	Tilson
Burton	Hall, Ind.	Montgomery	Timberlake
Buther	Hall, N. Dak.	Moore, Ohio	Tincher
Campbell	Hardy	Morgan	Tolley
Carpenter	Haugen	Morin	Treadway
Carter, Calif.	Hawley	Murphy	Underhill
Chalmers	Hersey	Nelson, Me.	Updike
Chindblom	Hickey	Newton, Minn.	Vaile
Christopherson	Hill, Md.	Parker	Vare
Clague	Hoch	Patterson	Vestal
Cole	Hogg	Perkins	Vincent, Mich.
Colton	Holaday	Perlman	Wainwright
Connolly, Pa.	Hooper	Phillips	Walters
Cooper, Ohio	Hudson	Porter	Wason
Coyle	Hull, Morton D.	Pratt	Watres
Cramton	Hull, William E.	Purnell	Watson
Crumpacker	Irwin	Ramseyer	Welsh
Curry	Jenkins	Ransley	Wheeler
Darrow	Johnson, Ind.	Reece	White, Kans.
Davenport	Johnson, Ill.	Reed, N. Y.	White, Me.
Dempsey	Johnson, S. Dak.	Reid, Ill.	Williams, Ill.
Denison	Johnson, Wash.	Robinson, Iowa	Williamson
Dickinson, Iowa	Kahn	Robsion, Ky.	Winter
Dowell	Kearns	Rogers	Wolverton
Dyer	Kendall	Rowbottom	Wood
Eaton	Ketcham	Sanders, N. Y.	Wurzbach
Elliott	Kiefner	Scott	Wyant
Ellis	Kiess	Sears, Nebr.	Yates
Esterly	King	Seger	Zihlman
Fairchild	Knutson	Shreve	
Faust	Kopp	Sinnott	

NAYS—192

Abernethy	Auf der Heide	Black, Tex.	Box
Allgood	Ayres	Bland	Boylan
Almon	Barbour	Blanton	Brand, Ga.
Arnold	Barkley	Bloom	Browne
Aswell	Beck	Bowling	Browning

Buchanan	Garner, Tex.	Little	Rouse
Bulwinkle	Garrett, Tenn.	Lowrey	Rubey
Busby	Garrett, Tex.	Lozier	Rutherford
Byrns	Gasque	Luce	Sabath
Canfield	Gilbert	Lyon	Sanders, Tex.
Cannon	Goldsborough	McDuffie	Sandlin
Carew	Green, Fla.	McKeown	Schafer
Carss	Greenwood	McMillan	Schneider
Carter, Okla.	Hammer	McReynolds	Sears, Fla.
Chapman	Hare	McSwain	Shallenberger
Cleary	Harrison	McSweeney	Simmons
Collier	Hastings	Major	Sinclair
Collins	Hawes	Mansfield	Somers, N. Y.
Connally, Tex.	Hayden	Martin, La.	Spearing
Connery	Hill, Ala.	Milligan	Steagall
Cooper, Wis.	Hill, Wash.	Montague	Stedman
Cox	Howard	Moore, Ky.	Stevenson
Crisp	Huddleston	Moore, Va.	Sumners, Tex.
Crosser	Hudspeth	Morehead	Swank
Cullen	Hull, Tenn.	Morrow	Swing
Davey	Jacobstein	Nelson, Mo.	Taylor, Colo.
Davis	James	Nelson, Wis.	Taylor, W. Va.
Deal	Jeffers	Norton	Thomas
Dickinson, Mo.	Johnson, Tex.	O'Connell, N. Y.	Tillman
Dickstein	Jones	O'Connell, R. I.	Tinkham
Dominick	Keller	O'Connor, La.	Tucker
Doughton	Kelly	O'Connor, N. Y.	Tydings
Douglass	Kemp	Oldfield	Underwood
Doyle	Kerr	Oliver, Ala.	Upshaw
Drane	Kincheloe	Oliver, N. Y.	Vinson, Ga.
Drewry	Kindred	Parks	Vinson, Ky.
Driver	Kunz	Peavey	Voigt
Edwards	Kvale	Peery	Warren
Eslick	LaGuardia	Pou	Weaver
Evans	Lampert	Prall	Wefald
Fish	Lanham	Quayle	Weller
Fisher	Lankford	Quin	Whitehead
Fletcher	Larsen	Rainey	Whittington
Frear	Lazaro	Rankin	Williams, Tex.
Fulmer	Lea, Calif.	Rathbone	Wilson, La.
Gallivan	Lee, Ga.	Rayburn	Wingo
Gambrill	Lindsay	Reed, Ark.	Woodruff
Gardner, Ind.	Linthicum	Romjue	Woodrum

NOT VOTING—15

Anthony	Black, N. Y.	McClintic	Sullivan
Bacharach	Frothingham	Newton, Mo.	Swoope
Bailey	Graham	Ragon	Wright
Berger	Houston	Smithwick	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Bachrach (for) with Mr. Wright (against).
Mr. Graham (for) with Mr. McClintic (against).
Mr. Newton of Missouri (for) with Mr. Smithwick (against).
Mr. Swoope (for) with Mr. Black of New York (against).
Mr. Bailey (for) with Mr. Sullivan (against).
Mr. Frothingham (for) with Mr. Ragon (against).
Mr. Anthony (for) with Mr. Berger (against).

Mr. TUCKER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. TUCKER. I was listening a little, I fear, to my colleague, to whom I had been talking. I was told my name had been called, but I did not hear it, although I came in to vote.

The SPEAKER. The gentleman must have been in the Hall and listening when his name was called.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry on this proposition. The Speaker is undoubtedly correct if we had rules, but we have not adopted rules yet. Is there any provision now that a Member of the House, until rules are adopted, must qualify by being in the Hall and listening before he can vote?

The SPEAKER. The same question arose as to whether the previous question was in order, and the present occupant of the chair thought he was following the precedent laid down by Speaker Clark in holding that the rules apply in so far as they possibly can. Therefore the Chair thinks the gentleman must qualify. Was the gentleman in the Hall and listening when his name was called?

Mr. TUCKER. Mr. Speaker, I was listening to my colleague, I am afraid.

Mr. OLDFIELD. Mr. Speaker, I disturbed him; I was talking to him.

The SPEAKER. If the gentleman was present and listening he qualifies. How does the gentleman vote?

Mr. TUCKER. Mr. Speaker, I vote nay.

The result of the vote was announced as above recorded.

SWEARING IN OF A MEMBER

Mr. BRIGGS appeared at the bar of the House and took the oath of office prescribed by law.

POINT OF ORDER

Mr. CANNON. Mr. Speaker, I desire to present a point of order. No rules have been adopted as yet, and the House is proceeding under general parliamentary law. On exceptional occasions it has been held that general practices of the House may be observed prior to adoption of the rules where not in conflict with parliamentary law, but the rule providing for 20 minutes' debate on a side after the ordering of the previous question without debate is one of the most technical and arbitrary sections in the rules of the House. It could not by any stretch of the imagination be considered as in effect prior to formal adoption of the rules. Under general parliamentary law the previous question operates to cut off debate peremptorily and bring the pending question to immediate vote. Any debate is therefore precluded and the gentleman from New York is not entitled to recognition.

If the Chair entertains any doubt on the question, I cite him to the decision of one of the ablest Speakers who ever presided over this body, Speaker Reed, who passed upon this identical question in the Fifty-fourth or Fifty-fifth Congress, on a similar point of order raised by Mr. Hepburn, of Iowa, against a demand by Mr. Henderson, afterwards himself Speaker of the House, for recognition to debate a resolution to adopt rules. Speaker Reed held that before the adoption of rules the House proceeds under general parliamentary law; that provisions of the House's accustomed rules are not followed, and that the previous question of general parliamentary law does not permit the 40 minutes' debate on questions on which there has been no previous debate.

The SPEAKER. Does the gentleman make a point of order?

Mr. CANNON. If the previous question is to be demanded, and debate on this important revision of the rules of the House is to be merely perfunctory, we may as well have no debate at all, and unless the gentleman from Connecticut desires to request unanimous consent for longer debate, I make the point of order.

Mr. SNELL. Mr. Speaker, I appreciate the precedent cited by the gentleman from Missouri [Mr. CANNON], but later on we had a ruling by a distinguished Speaker, Speaker Clark, who said that notwithstanding the precedent which was quoted at that time that he believed the best precedent in parliamentary law was the previous rules of the House of Representatives, and until rules were adopted, as far as he was concerned, he proposed to follow them if they applied to the situation, and he overruled a point of order made at that time.

Mr. TILSON. Will the gentleman yield for a question? Was that on this very point?

Mr. SNELL. As I remember, it was on exactly the same situation that arose here to-day, involving the matter of debate on the previous question before the rules of the House were adopted.

Mr. BEGG. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BEGG. I call the attention of the Speaker to a little bit different angle on this question than even the one pointed out by the gentleman from Missouri [Mr. CANNON], namely, when this vote was taken the membership of the House believed that they were voting practically on whether or not they would have 40 minutes of debate or whether they would have unlimited debate.

Mr. TILSON. Mr. Speaker, I should like for the House to have 40 minutes' debate on this matter, but I can not say that the gentleman from Missouri [Mr. CANNON] is not right so far as the precendents are concerned and so far as the principle involved is concerned; and if I could get unanimous consent that we shall have 20 minutes of debate on a side, I should like for the Chair to sustain the point of order, because I think it is right in principle.

Mr. CRISP. Mr. Speaker——

Mr. TILSON. Just one moment, if the gentleman from Georgia will excuse me. I wish to say to the Chair that, as the gentleman from Missouri says, this is a highly technical rule; and while all the precedents have been that the application of the general rules of this House will be regarded as good parliamentary usage, when we are working without rules, that the highly technical rules would, of course, not be accepted as general parliamentary law, and as I understand it that is the basis of the point of order of the gentleman from Missouri, and that seems to me sound.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. I will.

Mr. BLANTON. If the gentleman from Missouri [Mr. CANNON] is correct, and that is the real, correct principle, the gentleman would not want the Speaker to rule against it just because it would shut off debate, would he? He would want the Speaker to rule correctly, whether it allowed debate or not.

Mr. TILSON. I should. I stand for the rules of this House in their integrity.

Mr. CRISP. Mr. Speaker, I am not going to bore you with a long speech. I propounded a parliamentary inquiry to you and you answered, and I think answered correctly, that until rules were adopted the present rules of the House are good parliamentary law to govern the House until a body of rules is adopted. The Speaker ruled the same way again to-day when the question arose, or it was tentatively understood that he ruled that way in the matter of 20 minutes' debate. My understanding of the procedure in the House until rules are adopted is that the general parliamentary law of the House is the old rules of the House. I am not going to take any more time, Mr. Speaker.

The SPEAKER. The Chair has before him the precedent cited by the gentleman from Missouri [Mr. CANNON] and is aware of no precedent contradicting that in terms. However, the Chair feels that before the rules of the House have been adopted in the interest of fairness generally the Chair ought to construe the subject from as broad a point of view as possible. The Chair sees nothing absolutely inconsistent in the rule for the previous question, which he not long ago sustained, following the decision of former Speaker Clark, and thinks that there should be 20 minutes' debate on a side, particularly on a matter of such great importance as this. The Chair feels he should be as little technical as possible, and therefore overrules the point of order. The gentleman from New York [Mr. SNELL] is recognized.

Mr. SNELL. Mr. Speaker, the rules as presented for the consideration of the House for the Sixty-ninth Congress are the same as the rules in force at the close of the Sixty-eighth Congress, with the following exceptions:

1. Clause 2, Rule X, strike out "26" and insert in lieu thereof "25," so that as amended the clause shall read, "On Ways and Means Committee to consist of 25 members." This is simply putting the number on the Ways and Means Committee back to the number that has always prevailed up to the Sixty-eighth Congress.

2. Clause 4, Rule X, after the word "members" strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That until March 2, 1927, it shall consist of 22 members." This is a rule that has been agreed upon by Members on both sides to increase the number of members on the Judiciary Committee of the House by one in order to take care of a man on the minority side of the House.

3. Clause 7, Rule X, strike out the period after the word "members" and insert in lieu thereof a colon and the following: "*Provided*, That until March 2, 1927, it shall consist of 23 members."

This is the same situation and applies to the Committee on Interstate and Foreign Commerce and increases the membership of that committee for this session only by two members, and is also to take care of a minority Member of the House.

4. Clause 3 of Rule XIII, strike out the second sentence and insert in lieu thereof the following: "That on the first Monday of each month, immediately after the approval of the Journal, and on the third Monday of each month, immediately after the disposition of motions," and so forth. It is not necessary to read it all. This simply changes the name of the calendar to comply with an amendment that is made to clause 4, Rule XXVII.

5. Clause 4, Rule XIII, provides for the striking out of the word "discharge" and inserting the word "instruct." This is another matter that is merely perfunctory and is necessary by reason of the change made in clause 4 of Rule XXVII.

The proposed rules strike out the discharge rule that was adopted at the beginning of the Sixty-eighth Congress. Every Member who was a Member of the House at that time knows that that was a compromise rule. It suited no one and never would have been adopted if either side had had a clear majority. It was freely discussed on the floor of the House at that time, that if it did not work it probably would not be adopted at the beginning of the following Congress. There has never been any one rule of the House of Representatives that has had as fair a trial as that discharge rule, and the result is well known to all the Members of the House. It actually accomplished nothing. The only thing it did was to waste the time of the House and to throw the House into chaos and confusion such as we have never seen before since I have been a Member of the House of Representatives. If there was ever an exact example of marching your army up the hill and then down the hill again, this example was furnished in the House of Representatives when we voted to go into committee and out of committee again and into the House and back into committee again under the old discharge rule. As a matter of fact, this rule was not only a disappointment to its most ardent proponents but it was disgusting to the American people, and no man can consistently stand on the floor of this House and advocate its adoption as a part of the rules of the Sixty-ninth Congress.

Mr. BUTLER. Would the gentleman rather not be interrupted?

Mr. SNELL. I prefer not for a few moments.

The new rule as proposed provides for filing a motion with the Clerk, the same as the rule that was in force in the Sixty-eighth Congress, only this motion is one to instruct a committee to report in 15 days instead of peremptorily discharging. In this we are accomplishing the same result, but in an orderly and natural way, following the normal procedure of the House. It also provides that, in order to complete the motion, it must contain the names of the majority of the Members instead of 150, as required under the discharge rule in the Sixty-eighth Congress.

Now, I appreciate the fact that there will be some fault found with this condition. But let me go back a minute to when the original discharge rule was adopted during the Sixty-first Congress. At that time this rule came as the unanimous report of the Rules Committee of the House, and it recognized the principle that when you did such a revolutionary thing as to discharge a committee and take away legislation that had been assigned to it, it was only right and proper to require an affirmative vote of a majority of the Members of the House to do it. When they first began to discuss the resolution some Members thought it was going too far, but before the resolution was adopted it was nearly an unanimous agreement that it was proper that it should take a majority of the membership to adopt such revolutionary procedure as to discharge a committee.

The only change we have made in the rule is that we have moved this requirement up a step. We have made the original step a majority proposition instead of waiting until the last step, and it does not take one vote more to do this than it did under the original discharge rule adopted almost unanimously. We do that because it will save the time of the House. If you have the votes to carry out the proposition, you might as well put them on record the first thing as the last. There is no use in going through the preliminary proceedings and wasting all the time if you do not have the votes to adopt the main proposition. The only thing we have changed is that we require a majority of the House to start the proposition, and on each vote, while the old rule only asked an affirmative majority vote on the final vote to discharge. The principle is the same, and, as far as I know, no one has ever advocated anything else for such drastic action.

On the third Monday of each month it will be in order immediately after the approval of the Journal for any Member who signed the motion to call for its consideration, and the motion must be seconded by a majority of the Members by tellers; the teller vote at this stage is one of the provisions in all discharge rules of the House. If it receives a second, we provide for 40 minutes' debate. We change the time of debate from 20 minutes to 40 minutes because it was freely admitted during the last discussion that 20 minutes was not enough for the chairman of the committee or Members of the House to discuss such an important proposition.

If this motion is adopted by a vote of the majority of the House, the committee is directed by the House to report the bill or resolution to the House in 15 days and it is then placed on its proper calendar.

There will be some criticism of the rule because it is not given a privileged status on the calendar, but it seems to me that that is rather unfair from the standpoint that it may be that the committee may have other important bills on the calendar that the House desires to consider just as much as it does the legislation that it has instructed the committee to report, and there is plenty of time to give it privileged status later, if the House so desires. As a matter of fact when you get this resolution or bill on the calendar it is in the possession of the House, and the House has a right to do what it likes in regard to it. No man can bring up a bill or resolution from a committee until he first has the approval of the House. The first step is to move we go into Committee of the Whole; and if the House does not want to consider the bill first proposed, it votes down the motion until it gets what it wants.

We know from actual experience that the provisions of the old rule are unworkable, and, while we do not pretend this is easy, if you have the majority you claim, every step of this rule is plainly marked, and it will accomplish the desired results.

Mr. CRISP. Will the gentleman yield?

Mr. SNELL. I will yield to the gentleman.

Mr. CRISP. My friend says that you must have a sufficient number of votes to take this matter away from the committee. Will not my friend admit that you will have to have three separate votes of a majority of the House, a majority on each one of those three votes, and will not my friend admit further that it will have to be a majority of the entire membership of the House? To illustrate: If 218 Members vote, it is a quorum, and 109 Members can pass a bill taxing the people a billion dollars or appropriating millions of dollars, while under this proposition no bill can be got out of the committee until you have 218 Members of the House signing a petition, a majority of the entire membership of the House.

Mr. SNELL. I admit that, but I will tell the gentleman the reason why. When you are passing appropriation bills you are following the rules and precedents of the House in a normal and logical way, but this is not a normal and logical thing to do. We are doing a revolutionary and radical thing, and that is why we want a vote of the majority of the Members. When you suspend the rules at other times you require a two-thirds vote. The proposition of demanding an affirmative vote of the majority of the House was originally agreed to by my friend's own party.

Mr. CRISP. It is not in the rules of the Sixty-eighth Congress.

Mr. SNELL. In the last part of the resolution.

Mr. CRISP. There is nothing in the rules of the Sixty-eighth Congress that requires a majority to discharge.

Mr. SNELL. The gentleman is correct in that, but it is in all the other rules.

Mr. CRISP. That is for the purpose of discharging the committee?

Mr. SNELL. Yes.

Mr. CRISP. That is not for the purpose of passing the bill to become a law.

Mr. TILSON. It is not to pass the law. It is just the same principle exactly that was involved in the rule written by the gentleman from Georgia.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I yield for one question.

Mr. LaGUARDIA. If the gentleman requires a majority of the membership of the House to instruct the committee, then why is not the gentleman satisfied with a majority vote on a motion to consider?

Mr. SNELL. That does not make any difference. If you have a majority of votes, you may as well have them all the way through. I reserve the remainder of my time.

Mr. POU. Mr. Speaker, it were better that the majority should leave this discharge rule out entirely rather than to adopt the absurd and impossible rule that is now proposed. The rule should be denominated a rule to prevent action by the House rather than to secure action. It should be denominated a rule to suppress the power of each individual Member. We did not expect, Mr. Speaker, after the liberal address that was delivered by the present occupant of the chair awhile ago, which pleased both sides of the House, that the steam roller would be put into action so soon, and it is hard to believe that the presiding officer, the newly elected Speaker of the House, is in sympathy with the rule that is proposed.

In the first place, as the gentleman from Georgia [Mr. CRISP] has pointed out, before any measure can be brought before the House at all the signatures of 218 Members must be secured, and then after the measure is before the House the ingenious gentleman who drew this rule provides for the repeal of clause 4 of Rule XV, that clause shall not apply to the second which must be voted. Now, what is that clause 4 of Rule XV? It is the clause which gives to the Speaker the authority to send the Sergeant at Arms out and require the attendance of absent Members. The repeal of clause 4 is notice to Members, "stay away if you wish to do so, nobody will come after you." You gentlemen who represent progressive districts, in my humble judgment, will do well to pause and consider before you vote for such a monstrous proposition, because this action that you are about to take in all probability will be the beginning of a revolution which will cause the seats of certain gentlemen who are here to-day to know them no more henceforth forever.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. POU. I am sorry, but I have only five minutes which I have allotted to myself. I wish we had time to discuss this rule. What an absurdity to stand up here and discuss a proposition which concerns the destiny of 110,000,000 people in 20 minutes! That there can be any real debate over a proposal so important in 20 minutes is a patent impossibility. As I said a while ago, it would be better that you do the frank thing of leaving out the rule altogether than to offer this impossible proposition to 435 intelligent men and expect them to approve it. I have seen men come and go. I have seen the political pendulum swing both ways. If you offend the sense of fairness in the American people, they quickly put you out of power. I was here a long time when it looked as though the Democratic Party was destined to remain always in the minority, but I remember one Congress when the so-called Cannon revolution occurred—and I speak of the former Speaker with the very greatest respect. Members realized that there was no opportunity here for individual action. You were forced to go into the Speaker's office, hat in hand, bowing and scraping, and begging for favors if you ever accomplished anything. The Speaker was in fact the czar of the House. He could make or break the Members. His will was always ratified. He wielded power which was appalling. At last Members became tired of one-man rule and they rose up and threw it off. The rules were made more liberal and most of the one-man power was taken away. No one has dared suggest a return to the old system, but this is a long step backward toward the restoration of czarism of 20 years ago. Every Member who wishes to preserve the rights of the individual Member, who is unwilling to surrender his individual rights, should unite here and now and vote down this monstrous proposition. [Applause.] I reserve the remainder of my time, and yield three minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I realize the futility of engaging in an intelligent discussion of this rule in 3 minutes or 20 minutes, but I desire to emphasize what has been said by the gentleman from North Carolina [Mr. POU] as to the effect of this rule if it be adopted. We require only a majority of a quorum of the Members of the House to pass a tax bill levying billions of dollars of taxes upon the people of the country. We require only a majority of a quorum of the Members of this House to pass appropriation bills, appropriating money out of the Treasury, and yet we have a proposition here where, if a recalcitrant committee refuses to give consideration to a bill which the House desires to consider on its merit, first, in order to get that thing in motion, a majority of all the Members elected must sign a petition which gives the right to a Member who did sign that petition to move to instruct the committee, and then the proposed rule further provides that even before the membership of the House can go on record on the proposition a majority of all the membership of the House who have been elected must pass through the tellers affirmatively seconding the motion. No such rule as that has ever been dreamed of prior to this time. A majority of the Members must first sign a petition; a majority of all the Members must go through the tellers seconding the motion to instruct a committee, and then a majority of all the Members must vote affirmatively to instruct the committee. Before you can get any action on this rule you have to have three affirmative votes of a majority of all of the Members elected. Under the ordinary rules a quorum can do business in this House. Suppose you had 220 Members on the floor. That would be a quorum. Suppose you had under consideration the question of seconding a motion to instruct the committee and that 217 of those 220 should pass through the tellers in favor of seconding the motion, and only three of them should pass through against it. Under this rule you could not even vote on whether you would instruct the committee to report in 15 days on a bill that had been introduced. [Applause.] A more ridiculous or monstrous proposition was never submitted, and I appeal to every Member here, regardless of politics, who is interested in legislation, who is interested in giving this House the right to pass on legislation, to think twice before voting for this rule.

Not only this, but the rule stipulates that if at any time during this proceeding the House finds itself without a quorum, the House is powerless to send for and bring Members in until a quorum is produced.

In other words, Members may deliberately absent themselves to break a quorum, but the House is denied the right to bring them back. This is not true of any other proceeding in this body.

Mr. HASTINGS. Will the gentleman yield?

Mr. BARKLEY. Certainly.

Mr. HASTINGS. May I call the attention in the gentleman's time to the fact that a teller vote is not a record vote.

Mr. BARKLEY. No; it is not a record vote, and the gentleman who drew this recognized that sometimes men vote one way through tellers and another way on a roll call.

Mr. POU. Mr. Speaker, I yield six minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker and gentlemen of the House, of course, I can not argue this rule in six minutes. Before I start, I desire to say that my good friend from New York [Mr.

SNELL] was in error when he said that the discharge rule of the last Congress required a majority vote of the entire House to discharge. It does not so require, and the rule has nothing in it to that effect—only a majority of those present voting, a quorum being present, is sufficient to discharge. I want to say to my new colleagues that a farce comedy is being enacted for your benefit by the leaders of the majority. They propose a rule pretending it is a workable rule to instruct a committee to report a bill, which the committee has pigeonholed when they very well know they have proposed a rule which hermetically seals the door against any bill ever coming out of a committee when the steering committee or the majority leaders desire to kill the bill without putting the Members of this House on record on the measure. Now, under this rule proposed, before you can ever have a motion filed a majority of the entire House must sign the motion. I have never yet known when the entire membership of the House was present. To-day you had only 419 of the 435. Next, you must have a majority not of those present, not of a quorum, but of the entire House, going through tellers even before you can have any debate on the motion. I desire to say to my good friend from New York—and I take off my hat to him—that he has accomplished his purpose; that he has drafted a so-called discharge rule which absolutely makes it impossible ever to discharge a committee from a bill.

Under the general rules of the House a majority of a quorum can pass legislation of tremendous importance. Let me illustrate. Say 220 Members are present—a quorum; 111 Members can pass a bill declaring war or pass an appropriation bill appropriating $1,000,000,000 out of the Treasury or could enact, so far as the House is concerned, a tax measure requiring the people of the United States to pay two or more billions of dollars in taxes. Under the proposed rule 217 Members all voting in the affirmative can not discharge a committee from further consideration of a bill of little importance. You must have at least 218 votes in the affirmative, and you are required to have this number three separate times; first, on a petition; second, by a teller vote. Under past practice when a vote is being taken by tellers and a quorum fails to vote, an automatic call of the House is ordered and a yea-and-nay vote is ordered on the question. Thirdly, if 218 second the motion by tellers, then a vote can be had in the House, but before a discharge is effective there must be at least 218 votes in the affirmative.

My friend was not going to take any chance of a yea-and-nay vote being ordered on a motion to discharge when the vote was being taken by tellers, so the rule takes away expressly the right of a record vote. A teller vote is a splendid scheme to avoid letting the public know how you vote, hence the rule requires that method of voting on a motion to discharge a committee. If, forsooth, by some miracle you get by that stage, then what? Then you would have your 40 minutes' debate, and then a vote will be taken on the motion. If a majority of the whole House, not a majority of those present, vote in the affirmative, then the committee has 15 days in which to report the bill. This is a correct analysis of the new rule.

Gentlemen, this is a poor rule. It would be better to come forward and say, "We will not have any discharge rule." It would be better to say to Members of Congress representing constituencies that if you are afraid to go on record on an issue that we will protect you and not force you to go on record and let your views be known. That would have some bravery in it. But this is simply a delusion and a snare. You simply propose to them, "Oh, we have got a rule where you can do it," and you are laughing in your sleeves, because you know that your rule hog ties this House. It is the most reactionary rule I have ever known presented to the House in recent years. I am never afraid to take a position. I may be wrong, but I am not afraid to go on a record vote.

Now, referring to the operation of the last discharge rule to discharge a committee from the consideration of a bill, I grant you the Howell-Barkley bill involved was not passed because of a filibuster led by the leaders of the majority. But I do say to you that under that old rule, if the Speaker had enforced the rule against dilatory motions, you could have legislated. And I will say further for that rule that it at least smoked certain Members of this House out and made them face the issue and let the people of the United States know where they stood on that public question, and I think your constituents and mine are entitled to know how we stand on any public question. I think the old rule of the last Congress was a good rule. I argued it at length on the 14th day of January, 1924, and if any of you Members are interested in the question, I would feel honored if you would read that speech. I was interrogated by many Members, which brought out the evil of the old rule, and I think many of you who will read that speech will say it is a good rule. It is a workable rule. It only puts it in the power of this House to go on record on any measure on which 150 of the membership desire to go on record without such a revolutionizing and overthrowing of the rules of the House as was done when that great old Speaker, Mr. Cannon, was overthrown.

Mr. BUTLER. Mr. Speaker, will the gentleman yield now?

Mr. CRISP. I can not refuse the gentleman anything.

Mr. BUTLER. How is it possible to have a record vote? We can vote by tellers. We can not wipe out the constitutional provision. Anybody can demand the yeas and nays.

Mr. CRISP. The Constitution applies to the passage of a bill, not to a rule for getting it up. You could never get the yeas and nays under this rule. I feel quite confident of it.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. POU. Mr. Speaker, we have only one more speech on this side.

Mr. SNELL. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. TILSON] five minutes.

The SPEAKER. The gentleman from Connecticut is recognized for five minutes.

Mr. TILSON. Mr. Speaker, what is a discharge rule, and what is its purpose? A discharge rule means a rule to take from a committee a bill or a resolution which it is the duty of the committee to consider; to withdraw it from that committee, and bring it before the House immediately.

The very statement of such a purpose would indicate that it is an extraordinary and dangerous thing to take away a bill from a committee and bring it before the House without the consideration of any committee whatever. This was one of the many errors of the rule that was adopted last year. Such procedure means taking the control from the duly constituted authorities of the House, the committees, and turning it over to a majority that may be formed by a combination by fear, or by any other force that may bring together a majority for a particular purpose. It should be difficult to accomplish such a thing. It has been provided in every discharge rule that has been passed——

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I regret that I can not yield now to the gentleman.

In every rule that has ever been passed here in the way of a discharge rule it is made difficult, and it should be difficult, to discharge a committee from the consideration of a matter properly referred to it. Personally I should be willing to adopt the rule which the Democrats who were in control of this House for eight years passed. It served every useful purpose that it was called upon to serve and no harmful purpose. The Republicans had it for four years, and during that time it served all useful purposes and never any harmful purpose.

We, now, propose a rule that embodies some of the features of that rule, which was in effect until the end of the Sixty-seventh Congress, and some of the features of the rule of the Sixty-eighth Congress in regard to the signing of a motion, except that the proposed rule increases the number required to sign the motion from 150 to 218.

It is absurd, Mr. Speaker, that a minority consisting of five votes more than one-third of this House, as is provided in the rule of the Sixty-eighth Congress, should be able at any time to take from a committee of this House and from the responsible majority of the House the control of a bill and force the House to take action upon it. It is a dangerous as well as a preposterous proceeding, and no such rule should ever be in force in a legislative body. Now, what does the proposed rule do?

Mr. RAYBURN. Mr. Speaker, will the gentleman yield for a question?

Mr. TILSON. Yes; but please make the question brief.

Mr. RAYBURN. Is that the only change you make? I was opposed to the rule as passed last year. If you increase it from 150 and not change the rule otherwise, I am for it.

Mr. TILSON. That is one change. The next change is requiring a majority of the House by tellers. The gentleman from Georgia [Mr. CRISP] refers to this as if it were doing something very, very wrong to prevent an automatic roll call, for that is all the change does. It prevents an automatic roll call, thereby preventing filibustering and the loss of the time of the House. It requires the vote to be by tellers only, so that the matter may be gotten through with quickly and so that it may not be used for filibustering purposes. Assuming that there is a determined majority of the membership of this house intent

upon passing any measure, let me show you how this rule will work. If such a majority are in fact determined and in earnest, they will sign their names to a motion. When such motion comes up they will march up the aisle between the tellers, and then when it comes to the vote to instruct a committee this same majority will record their votes in favor of it. I freely admit that all of this is more difficult than the orderly procedure of this House, but, gentlemen, I tell you that it ought to be more difficult. The party that has been charged by the people with a great responsibility ought to adopt such rules as will place it in a position to work its will, after giving due and fair opportunity to the minority to be heard and to be recorded. [Applause.]

The SPEAKER. The time of the gentleman from Connecticut has expired.

SWEARING IN OF A MEMBER

Mr. GRIFFIN appeared at the bar of the House and took the oath of office prescribed by law.

THE RULES

Mr. POU. Mr. Speaker, I yield the remainder of the 20 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

The SPEAKER. The gentleman from Tennessee is recognized for six minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, the distinguished gentleman from Connecticut [Mr. TILSON] opened his remarks with an inquiry: What is this proposed discharge rule and what is its purpose? I remember another inquiry made long, long ago, "What is truth?" said jesting Pilate, and would not stay for an answer. [Laughter and applause.] The gentleman from Connecticut endeavored to answer his own question, but to my mind he did not answer it satisfactorily.

I think I know what the proposed rule is, and I know I know what its purpose is. Its purpose is to absolutely emasculate and to absolutely destroy the remotest possibility of discharging any committee in this House from the consideration of legislation, no matter how recalcitrant that committee may be. That is its purpose, and it will accomplish that purpose unquestionably.

Now, my friends of the House, when we had that long discussion two years ago it was freely predicted by eminent gentlemen on the Republican side that if the Crisp rule were adopted it would be utilized for purposes of delay and for purposes of embarrassing the majority. What has been its history, Mr. Speaker? It was not used for the purposes of delay and was not used for the purpose of embarrassing the majority. The only bill that was brought before this House for consideration under the terms of that rule and the only effort that was put forth to bring a bill before this House was put forth upon a nonpartisan proposition, and the motion was signed by gentlemen upon both sides of the Chamber.

Much has been said in the press in recent days about the purpose of the powers that be on the majority side to discipline certain Members of the House of Representatives. The idea has been given forth that the committee assignments of certain gentlemen who declare themselves Republicans, coming from the State in which the Republican Party was born, are to be determined by their votes upon certain propositions, including that for the Speaker of the House, upon the rules, and upon revenue matters. They are to be disciplined unless they vote correctly. I wonder how far that is to extend? Whom are you to discipline? I shall watch this vote with great interest. Mr. Speaker, I hold in my hand a list of gentlemen on the majority side who two years ago regarded the Crisp rule as it stands as a most excellent rule, or, at least, as sufficient to command their respect and support.

I shall read the names of those gentlemen, with a view of seeing who will be disciplined by my friend from Connecticut [Mr. TILSON] and other gentlemen of the powers that be. [Applause.] BARBOUR, BECK, BIXLER, BOIES, BRAND of Ohio, BROWNE of Wisconsin, BRUMM, BURTON [laughter and applause], BUTLER, CLAGUE, COLTON, COOPER of Ohio, COOPER of Wisconsin, CRAMTON, DOWELL, FAIRCHILD, FISH, ROY G. FITZGERALD, FREAR, GARBER, GIBSON, HAUGEN, MORTON D. HULL, WILLIAM E. HULL, JAMES, KELLER, KELLY, KETCHAM, KING, KNUTSON, LAGUARDIA, LAMPERT, LANGLEY, LEATHERWOOD, LEAVITT, LONGWORTH [laughter and applause]—oh, Mr. Speaker, is it possible that your seat is in danger in the first hour of its occupancy [laughter and applause]—MAPES, MICHENER, MILLER, MOORE of Ohio, MORGAN, NELSON of Wisconsin, PEAVEY, PURNELL, RATHBONE, REID of Illinois, ROBINSON of Iowa, ROBSION of Kentucky, SCHAFER, SCHNEIDER, SCOTT, SIMMONS, SINCLAIR, SINNOTT, SNELL [laughter and applause], SPEAKS, SPROUL of Kansas, STEPHENS, STRONG of Kansas, SUMMERS of Washington, SWING, TAYLOR of Tennessee, THATCHER, TINCHER, TINKHAM, VINCENT, VOIGT, WAINWRIGHT, WHITE of Kansas, WILLIAMS of Illinois, and WOODRUFF. Seventy-one Republican gentlemen who are now Members of this House then regarded the discharge rule as proper. That rule has not been abused. Why is it that this change should come? Oh, gentlemen, they refer to the fact that when we were in the majority we changed the discharge rule. True, true; and it was changed because there was a deliberate movement to undertake to interfere with the discharge of the public business by utilizing the rule in the form in which it stood, and so we then, being in the majority, necessarily had to do it.

I beg the gentleman from Connecticut to be careful as to how he takes vengeance upon these several men. [Laughter and applause.] I beg him to remember the old biblical injunction, "Vengeance is mine; I will repay saith the Lord."

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. SNELL. Mr. Speaker, our friends on the Democratic side have made exactly the speeches we expected to hear from them on this proposition. It is mighty queer they were not so interested in a discharge rule that was workable when they were eight years in undisputed control of this House, and I would like to call on some one on that side of the House to tell me one piece of beneficial or progressive legislation that was ever passed in the history of the American Congress as a result of discharging a committee. I admit this is not an easy rule to work, and no conscientious, responsible legislator would stand on this floor and advocate one that was, but I do claim that under such extraordinary conditions as must exist, if you want to go so far as to discharge an unyielding committee from the consideration of legislation that has been assigned to it and you do have a majority in favor of it, the machinery is here set up to successfully accomplish that result.

Mr. CANNON. Will the gentleman yield?

Mr. SNELL. No; I can not yield because I have only two minutes.

We are proposing a set of rules that not only will protect every right of the minority but that will also aid and help the majority in carrying out its programs and policies, and the majority of the House is entitled to a set of rules of that kind.

Mr. BURTNESS. Will the gentleman yield?

Mr. SNELL. I am sorry I can not yield.

After all is said and done, the people of this country are not interested in how or under what rules you pass your legislation, but they are vitally interested in the kind and quality of legislation you put on the statute books of this country. By what we do we will be judged and not how we do it. As far as we are able, we intend to spend the time of this session in discussing and passing progressive, constructive legislation that will be for the benefit of all the people.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. SNELL. I can not yield now.

The SPEAKER. The gentleman declines to yield.

Mr. SNELL. And as evidence of our ability and efficiency along this line, I want to call the attention of the House and of the country to the fact that for the first time in the memory of man a Republican Ways and Means Committee has reported a carefully considered revenue bill on the first day of this session of Congress—a bill that will reduce the taxes of every man, woman, and child in America. This is an example of what we are going to do and of our ability and desire to meet the demands of the people.

The responsibility is ours, and we accept it; and we expect to perform the work of this session in such a manner that it will deserve the approval and commendation of every thoughtful American citizen.

I trust you will approve of the resolution.

Mr. Speaker, I ask for a vote.

The SPEAKER. The time of the gentleman from New York has expired; all time has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to ask a separate vote. I think there are three propositions affecting the discharge rule. Let them all be lumped together and let us have a separate vote on that, and then the others can be adopted.

Mr. SNELL. That is satisfactory.

Mr. GARRETT of Tennessee. The resolution changes Rule XIII in one or two respects, and that is an integral part of this discharge matter.

The SPEAKER. The gentleman from Tennessee, as the Chair understands, asks unanimous consent that the question be so separated that all amendments touching this discharge rule be voted on at once and separately. Is there objection?

Mr. BEGG. Mr. Speaker, I do not see any use of that, and I object.

Mr. GARRETT of Tennessee. Mr. Speaker, of course, I do not have to have unanimous consent. I have the right to demand a separate vote, but in the interest of expediting the business I simply suggested that the three propositions that related to the discharge rule might all be bunched and voted on as one.

The SPEAKER. And the gentleman asked unanimous consent for the bunching of those three propositions.

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. The gentleman from Tennessee requests that the changes with respect to the number of members on these committees shall be voted on separately.

Mr. GARRETT of Tennessee. Yes.

Mr. TILSON. Of course, the gentleman realizes that all those have been put on at the request of the gentleman and for the benefit of that side.

Mr. GARRETT of Tennessee. The gentleman does not understand my point. I do not object to that at all. All I am wanting is a separate vote on the discharge proposition. Let the others be adopted en bloc; I have no objection at all.

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. The division the gentleman asks shows clearly that he is trying to ask a separation of those rules that have been amended to meet with the wishes of the minority party from the others. I hardly think that is a sportsmanlike request; the thing that affects him, let us separate and adopt unanimously, and on the thing proposed by the majority party let us have a roll call; and I object, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, then I demand a separate vote. It will just make three roll calls instead of one. I demand a separate vote upon the three propositions.

Mr. SNELL. Mr. Speaker, if I understand the request or the demand of the gentleman from Tennessee, it is to vote on the entire resolution down to No. 4.

Mr. GARRETT of Tennessee. I have no objection to that.

Mr. SNELL. That adopts the rule on everything except with reference to the discharge rule.

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. The question, then, is upon the adoption of the first three sections.

Mr. BEGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEGG. Mr. Speaker, under what right at this stage of the proceedings have you a right to separate a single motion made by the Rules Committee? Of course, there is no Rules Committee, it is true, right now, but it is made by the gentleman from New York, who was the chairman of the Rules Committee. I would like to make that inquiry.

The SPEAKER. The Chair is informed that such a ruling was made within two years.

Mr. CRISP. I would like to say to the gentleman that, under general parliamentary law, when anybody is called upon to vote on a proposition containing separate, distinct, substantive propositions, they have a right to have them divided and vote on each one separately. [Applause.]

Mr. BEGG. Mr. Speaker, I would like to call the attention of the Chair to the fact that the motion of the gentleman from New York is that the rules of the Sixty-eight Congress be adopted with an amendment.

Mr. GARRETT of Tennessee. With amendments.

Mr. BEGG. No; with an amendment, I think the language is.

Mr. SNELL. No; with amendments.

The SPEAKER. The Chair thinks the resolution is divisible. The question is on the adoption of the first three sections of the resolution.

Mr. LAGUARDIA. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. I desire to respectfully inquire of the Speaker just when and how, according to the Longworth principle enunciated an hour ago, Members of the House belonging to a minority party are to obtain the floor to express their views on any measure that may come before the House.

The SPEAKER. Will the gentleman state what minority party he represents. [Laughter.]

Mr. LAGUARDIA. The gentleman represents a district in the city of New York, consisting of as many inhabitants as are in the district now represented by the occupant of the chair.

The SPEAKER. The Chair merely asked the gentleman out of curiosity. [Laughter.] The question is on the adoption of the first three sections of the resolution offered by the gentleman from New York.

The question was taken, and the first three sections were adopted.

Mr. GARRETT of Tennessee. Now, Mr. Speaker, I ask that there be reported the remaining amendments in the resolution.

The SPEAKER. Without objection, the Clerk will report the remainder of the resolution.

The Clerk again reported the remainder of the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, all these propositions relate to the discharge rule. I do not care to have but one vote on it, but I do want a record vote on these four propositions.

Mr. SNELL. I think there is no objection to that.

Mr. TINCHER. As I understand, we have adopted the rules of the Sixty-eighth Congress, with certain amendments, and the proposition is now whether we will have another amendment. If this amendment of the rules should fail, will we have the old discharge rule?

Mr. GARRETT of Tennessee. We will have the old discharge rule.

Mr. TINCHER. The old Democratic rule of eight years.

Mr. CRISP. The Republican rule of the Sixty-eighth Congress.

Mr. GARRETT of Tennessee. It is the rule that you voted for in the Sixty-eighth Congress.

Mr. SNELL. I think that we should have this made clear. If this amendment is voted down we will have the discharge rule of the Sixty-eighth Congress.

The SPEAKER. The question is on the adoption of the remainder of the resolution, and the gentleman from Tennessee asks for the yeas and nays.

The yeas and nays were ordered.

Mr. TILSON. Mr. Speaker, does this vote adopt the rule with this amendment, or is there to be another vote?

Mr. GARRETT of Tennessee. As far as I am concerned, this is the last roll call.

Mr. TILSON. It is adopting the resolution.

Mr. GARRETT of Tennessee. We are voting on the discharge proposition; another vote will be necessary to adopt the rule.

Mr. TILSON. If this is carried, the gentleman will not insist on another vote?

Mr. GARRETT of Tennessee. No; I will be satisfied with this vote, but may I ask the gentleman from Connecticut for information. I stated that I would be satisfied with this roll call. If it so happens that a considerable number of the 71 stand where they did before, how will the gentleman feel about another roll call? [Laughter.]

Mr. BEGG. Mr. Speaker, I think the gentleman from Tennessee is wrong in his statement. If I understood the matter correctly, we adopted the resolution with the four amendments.

The SPEAKER. The Chair understands the parliamentary situation to be this: A favorable vote has been had on the entire resolution offered by the gentleman from New York adopting the rules of the Sixty-eighth Congress with certain amendments, all except these particular amendments that are now to be voted on. The gentleman from Tennessee demands the yeas and nays, and the yeas and nays have been ordered.

The question was taken; and there were—yeas 206, nays 196, not voting 16, as follows:

[Roll No. 4]

YEAS—206

Ackerman	Brumm	Denison	Gibson
Adkins	Burdick	Dickinson, Iowa	Gifford
Aldrich	Burton	Dowell	Glynn
Allen	Butler	Dyer	Golder
Andresen	Campbell	Eaton	Goodwin
Andrew	Carpenter	Elliott	Gorman
Anthony	Carter, Calif.	Ellis	Green, Iowa
Appleby	Chalmers	Esterly	Griest
Arentz	Chindblom	Fairchild	Hadley
Bacharach	Christopherson	Faust	Hale
Bachmann	Clague	Fenn	Hall, Ind.
Bacon	Cole	Fitzgerald, W. T.	Hall, N. Dak.
Beedy	Colton	Fort	Hardy
Beers	Connolly, Pa.	Foss	Haugen
Begg	Cooper, Ohio	Free	Hawley
Bixler	Coyle	Freeman	Hersey
Boies	Cramton	French	Hickey
Bowles	Crumpacker	Frothingham	Hill, Md.
Bowman	Curry	Fuller	Hoch
Brand, Ohio	Darrow	Funk	Hogg
Brigham	Davenport	Furlow	Holaday
Britten	Dempsey	Garber	Hooper

Houston	Magee, Pa.	Reed, N. Y.	Thurston
Hudson	Magrady	Robinson, Iowa	Tilson
Hull, Morton D.	Manlove	Robsion, Ky.	Timberlake
Hull, William E.	Mapes	Rogers	Tincher
Irwin	Martin, Mass.	Rowbottom	Tolley
Jenkins	Menges	Sanders, N. Y.	Treadway
Johnson, Ill.	Merritt	Scott	Underhill
Johnson, Ind.	Michaelson	Sears, Nebr.	Updike
Johnson, S. Dak.	Michener	Seger	Vaile
Johnson, Wash.	Miller	Shreve	Vare
Kahn	Mills	Sinnott	Vestal
Ketcham	Montgomery	Smith	Vincent, Mich.
Kiefner	Moore, Ohio	Snell	Wainwright
Kiess	Morgan	Sosnowski	Walters
King	Morin	Sproul, Ill.	Wason
Knutson	Murphy	Stalker	Watres
Kopp	Nelson, Me.	Stephens	Watson
Kurtz	Newton, Minn.	Strong, Kans.	Welsh
Leatherwood	Newton, Mo.	Strong, Pa.	Wheeler
Leavitt	Parker	Strother	White, Me.
Lehlbach	Patterson	Summers, Wash.	Williams, Ill.
Letts	Perkins	Swartz	Williamson
Luce	Perlman	Sweet	Winter
McFadden	Phillips	Taber	Wolverton
McLaughlin, Mich.	Porter	Taylor, N. J.	Wood
McLaughlin, Nebr.	Pratt	Taylor, Tenn.	Wurzbach
McLeod	Purnell	Temple	Wyant
MacGregor	Ramseyer	Thatcher	Zihlman
Madden	Ransley	Thayer	
Magee, N. Y.	Reece	Thompson	

NAYS—196

Abernethy	Doyle	Lampert	Romjue
Allgood	Drane	Lanham	Rouse
Almon	Drewry	Lankford	Rubey
Arnold	Driver	Larsen	Rutherford
Aswell	Edwards	Lazaro	Sabath
Auf der Heide	Eslick	Lea, Calif.	Sanders, Tex.
Ayres	Evans	Lee, Ga.	Sandlin
Barbour	Fisher	Lindsay	Schafer
Barkley	Fletcher	Linthicum	Schneider
Beck	Frear	Little	Sears, Fla.
Berger	Fulmer	Lowrey	Shallenberger
Black, Tex.	Gallivan	Lozier	Simmons
Bland	Gambrill	Lyon	Sinclair
Blanton	Gardner, Ind.	McDuffie	Smithwick
Bloom	Garner, Tex.	McKeown	Somers, N. Y.
Box	Garrett, Tenn.	McMillan	Speaks
Boylan	Garrett, Tex.	McReynolds	Spearing
Brand, Ga.	Gasque	McSwain	Sproul, Kans.
Briggs	Gilbert	McSweeney	Steagall
Browne	Goldsborough	Major	Stedman
Browning	Green, Fla.	Mansfield	Stevenson
Buchanan	Greenwood	Martin, La.	Sullivan
Bulwinkle	Griffin	Milligan	Sumners, Tex.
Burtness	Hammer	Montague	Swank
Busby	Hare	Moore, Ky.	Swing
Byrns	Harrison	Moore, Va.	Taylor, Colo.
Canfield	Hastings	Morehead	Taylor, W. Va.
Cannon	Hawes	Morrow	Thomas
Carew	Hayden	Nelson, Mo.	Tillman
Carss	Hill, Ala.	Norton	Tucker
Carter, Okla.	Hill, Wash.	O'Connell, R. I.	Tydings
Chapman	Howard	O'Connor, La.	Underwood
Cleary	Huddleston	O'Connor, N. Y.	Upshaw
Collier	Hudspeth	Oldfield	Vinson, Ga.
Collins	Hull, Tenn.	Oliver, Ala.	Vinson, Ky.
Connally, Tex.	Jacobstein	Oliver, N. Y.	Voigt
Connery	James	Parks	Warren
Cooper, Wis.	Jeffers	Peavey	Weaver
Cox	Johnson, Tex.	Peery	Wefald
Crisp	Jones	Pou	Weller
Crosser	Keller	Prall	White, Kans.
Cullen	Kelly	Quayle	Whitehead
Davis	Kemp	Quin	Whittington
Deal	Kerr	Ragon	Williams, Tex.
Dickinson, Mo.	Kincheloe	Rainey	Wilson, La.
Dickstein	Kindred	Rankin	Wingo
Dominick	Kunz	Rathbone	Woodruff
Doughton	Kvale	Rayburn	Woodrum
Douglass	LaGuardia	Reed, Ark.	Wright

NOT VOTING—16

Bailey	Flaherty	Kendall	Reid, Ill.
Black, N. Y.	Fredericks	McClintic	Swoope
Bowling	Graham	Nelson, Wis.	Tinkham
Davey	Kearns	O'Connell, N. Y.	Yates

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Graham (for) with Mr. O'Connell of New York (against).
Mr. Reid of Illinois (for) with Mr. Bowling (against).
Mr. Kendall (for) with Mr. McClintic (against).
Mr. Bailey (for) with Mr. Black of New York (against).
Mr. Swoope (for) with Mr. Davey (against).

The result of the vote was announced as above recorded.

DAILY HOUR OF MEETING

Mr. PARKER. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 7

Resolved, That until otherwise ordered the daily hour of meeting of the House of Representatives shall be 12 o'clock meridian.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MEMBERS OF CERTAIN STANDING COMMITTEES

Mr. TILSON. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 8

Resolved, That the following Members be, and they are hereby, elected chairmen and members of the following-named standing committees of the House to wit:

Accounts.—Clarence MacGregor, of New York (chairman); Charles L. Underhill, of Massachusetts; Randolph Perkins, of New Jersey; Grant M. Hudson, of Michigan; Benjamin M. Golder, of Pennsylvania; and John M. Wolverton, of West Virginia.

Appropriations.—Martin B. Madden, of Illinois (chairman); Daniel R. Anthony, jr., of Kansas; William S. Vare, of Pennsylvania; William R. Wood, of Indiana; Louis C. Cramton, of Michigan; Edward H. Wason, of New Hampshire; Walter W. Magee, of New York; George Holden Tinkham, of Massachusetts; Burton L. French, of Idaho; Milton W. Shreve, of Pennsylvania; L. J. Dickinson, of Iowa; Frank Murphy, of Ohio; John W. Summers, of Washington; Henry E. Barbour, of California; Ernest R. Ackerman, of New Jersey; Guy U. Hardy, of Colorado; Frank H. Funk, of Illinois; John Taber, of New York; Maurice H. Thatcher, of Kentucky; Frank Clague, of Minnesota; and Robert G. Simmons, of Nebraska.

Enrolled Bills.—Guy E. Campbell, of Pennsylvania (chairman); Frederick N. Zihlman, of Maryland; Joe J. Manlove, of Missouri; and Carl G. Bachmann, of West Virginia.

Interstate and Foreign Commerce.—James S. Parker, of New York (chairman); John G. Cooper, of Ohio; Edward E. Denison, of Illinois; Schuyler Merritt, of Connecticut; Carl E. Mapes, of Michigan; Walter H. Newton, of Minnesota; Homer Hoch, of Kansas; Adam M. Wyant, of Pennsylvania; Olger B. Burtness, of North Dakota; John E. Nelson, of Maine; John D. Fredericks, of California; Thomas J. B. Robinson, of Iowa; Thomas W. Phillips, jr., of Pennsylvania; and Milton C. Garber, of Oklahoma.

Mileage.—Carroll L. Beedy, of Maine (chairman); Arthur M. Free, of California; and William P. Holaday, of Illinois.

Rules.—Bertrand H. Snell, of New York (chairman); Theodore E. Burton, of Ohio; Thomas S. Williams, of Illinois; Wallace H. White, jr., of Maine; Fred S. Purnell, of Indiana; Earl C. Michener, of Michigan; Harry C. Ransley, of Pennsylvania; and William Williamson, of South Dakota.

Ways and Means.—William R. Green, of Iowa (chairman); Willis C. Hawley, of Oregon; Allen T. Treadway, of Massachusetts; Isaac Bacharach, of New Jersey; Lindley H. Hadley, of Washington; Charles B. Timberlake, of Colorado; Henry W. Watson, of Pennsylvania; Ogden L. Mills, of New York; James C. McLaughlin, of Michigan; Charles C. Kearns, of Ohio; Carl R. Chindblom, of Illinois; Frank Crowther, of New York; Harris J. Bixler, of Pennsylvania; Charles L. Faust, of Missouri; and Richard S. Aldrich, of Rhode Island.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GARNER of Texas. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 9

Resolved, That the following-named gentlemen be, and they are hereby, elected members of the standing committees of the House, as follows:

Accounts.—Ralph Gilbert, of Kentucky; Clarence Cannon, of Missouri; Emanuel Celler, of New York; and Lindsay Warren, of North Carolina.

Appropriations.—Joseph W. Byrns, of Tennessee; James P. Buchanan, of Texas; James A. Gallivan, of Massachusetts; Gordon Lee, of Georgia; Ben Johnson, of Kentucky; Charles D. Carter, of Oklahoma; Edward T. Taylor, of Colorado; William B. Oliver, of Alabama; Anthony J. Griffin, of New York; Thomas W. Harrison, of Virginia; John N. Sandlin, of Louisiana; William A. Ayres, of Kansas; Thomas H. Cullen, of New York; and Ross A. Collins, of Mississippi.

Enrolled Bills.—Thomas L. Blanton, of Texas; Mell G. Underwood, of Ohio; and Miles C. Allgood, of Alabama.

Interstate and Foreign Commerce.—Alben W. Barkley, of Kentucky; Sam Rayburn, of Texas; George Huddleston, of Alabama; Clarence F. Lea, of California; Harry B. Hawes, of Missouri; Tilman B. Parks, of Arkansas; Robert Crosser, of Ohio; Ashton C. Shallenberger, of Nebraska; and Parker Corning, of New York.

Mileage.—William L. Carss, of Minnesota, and John W. Moore, of Kentucky.

Rules.—Edward W. Pou, of North Carolina; Finis J. Garrett, of Tennessee; William B. Bankhead, of Alabama; and John J. O'Connor, of New York.

Ways and Means.—John N. Garner, of Texas; James W. Collier, of Mississippi; William A. Oldfield, of Arkansas; Charles R. Crisp, of

Georgia; John F. Carew, of New York; Whitmell P. Martin, of Louisiana; Henry T. Rainey, of Illinois; Cordell Hull, of Tennessee; Clement C. Dickinson, of Missouri; and Robert L. Doughton, of North Carolina.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, it will be observed that only seven committees are being made up at this time. I think it is nothing but fair to say that the Democrats are prepared to nominate their entire committee assignments. It seems rather strange to me, and I think it will be strange to the House of Representatives, that on the first meeting day of the Congress the majority side is unable to nominate its committee assignments, although the minority is prepared to conduct the business of the House. It is characteristic, of course, of the majority to stall on occasions of this kind. For some reason, I do not know why, we were told to-day that the Speaker of the House was to be a brilliant Speaker, that he was to make a record. I hope he will. I do not know whether he is responsible for the majority not being able to function to-day or not; I do not know whether it is the majority leader, the gentleman from Connecticut [Mr. TILSON], or whether it is just the imbecility of the entire Republican side of the House. [Applause and laughter.]

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. One thing is certain, and that is that the minority is prepared to nominate its committee assignments to-day and the majority is not prepared to do that.

Mr. MADDEN. Oh, the minority is always prepared when they have nothing to do. [Laughter.]

Mr. GARNER of Texas. The gentleman says that we have nothing to do. Mr. Speaker, the Republican Party probably does not want to have anything to do. The trouble with the Republican side of the House is that they do not want to do anything. If I understand it, there is important legislation to be considered by the Committee on Military Affairs, by the Committee on Naval Affairs, by the Committee on the Judiciary, and by the Committee on Education, and I understand that the Committee on the District of Columbia is rearing to go. Why is it that you do not nominate your committees to-day? Is it for the purpose of holding the whip hand over some one? Is that the reason? It has been stated in the newspapers that you are not going to nominate your committees until after the holidays, and that the reason you are not going to do that is because you have the tax bill before you. How do you have the tax bill before you? You could not have done that by yourselves? You could not have reported a tax bill at this time if only the Republican organization had been working. You have to have help, and look what help you had! [Laughter and applause.]

Of course, when the Democrats assist the Republicans, the Republicans can function; but when you have something to do by your lonesome, then you are out of fix. The machine is out of fix; you have not any oil; you have not any gas; you have not even a self-starter.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. PARKER. Simply to ask the gentleman why in 1913 the Democrats did not appoint their committees?

Mr. GARNER of Texas. Oh, we were just starting out on a new régime, but you are an old established business. You have a tremendous majority here. Why do you not select your committees to-day? Why do you not let these committees go to work with their hearings and begin to function? Will somebody answer that question? I ask the gentleman from Connecticut to tell us why he does not nominate his committees to-day?

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. TILSON rose.

Mr. GARNER of Texas. Oh, I yield to the gentleman from Connecticut, who speaks with authority.

Mr. TILSON. If the gentleman will permit, through the very fine work of the committee, of which the gentleman is an honored and leading member, that committee has prepared for consideration by the House, business which we are quite sure will take several days to consider. We have just now officially elected the membership of that committee, so that as soon as the gentleman's five minutes have expired, he and his committee may retire and report a revenue bill to the House that will require at least a week for consideration. Before that time, I can assure the gentleman that we shall have assigned the membership on our side to committees where they can best serve this House and the country.

Mr. CHINDBLOM. The Committee on Ways and Means is waiting for the gentleman.

Mr. GARNER of Texas. The gentleman can go ahead and report the bill while I am making this little talk. Mr. Speaker, the gentleman has given his reasons. Do you propose to have the House of Representatives continue to do nothing while waiting for the Committee on Ways and Means to pass the tax bill? Why do you not give us an opportunity to work?

Mr. TILSON. We are going to do so.

Mr. GARNER of Texas. When, when?

Mr. TILSON. Within a week; and certainly before the revenue bill is finished.

The SPEAKER. The time of the gentleman has expired. The question is on the resolution offered by the gentleman from Texas.

The question was taken, and the resolution was agreed to.

PRINTING AND BINDING, STANDING COMMITTEES OF THE HOUSE

Mr. KIESS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 10

Resolved, That the standing committees of the House of Representatives and the floor leader and the chairman of the conference minority are hereby authorized to have such printing and binding done as may be actually necessary for the transaction of their official business during the Sixty-ninth Congress.

Mr. KIESS. I move the adoption of the resolution.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. This is the usual printing resolution?

Mr. KIESS. Yes. This is the usual resolution always offered on the first day of the session. It authorizes the committee chairmen and the leaders of the majority and minority to have printing done.

The question was taken, and the resolution was agreed to.

ADDITIONAL COPIES OF H. R. 1

Mr. KIESS. I offer another resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 11

Resolved, That there be printed 3,000 additional copies of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes, for the use of the House document room.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, could not the gentleman have a larger number printed and let them be distributed through the folding room? There are a great many calls for this bill.

Mr. KIESS. I will explain why the number is limited, and it is because that is all that we can print with a House resolution, $500, but the Joint Committee on Printing will add their 200, and that will make 1,300 more. They go to the document room.

Mr. BLANTON. They are not distributed through the folding room pro rata?

Mr. KIESS. No.

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, will the bill be so printed that the Members may have a comparison of the old bill and the new bill, such as is ordinarily printed when the bill is under consideration for amendment? I saw this morning the print, and I should judge it makes it difficult to work with.

Mr. GREEN of Iowa. It will be printed in the regular bill form.

Mr. LaGUARDIA. And will not show the lines stricken out and the new matter in italics?

Mr. GREEN of Iowa. No; we never introduce a bill in that way.

Mr. KIESS. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

HEARINGS ON THE REVENUE BILL

Mr. KIESS. Mr. Speaker, I offer another resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 12

Resolved, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed 500 additional copies of the hearings before said committee on a bill to reduce and equalize taxation, to provide revenue, and for other purposes.

Mr. KIESS. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE REVENUE BILL

Mr. GREEN of Iowa, chairman of the Committee on Ways and Means, by direction of that committee, reported a bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes; which was read a first and second time, and was referred, with the accompanying report, to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GARNER of Texas. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Texas reserves all points of order on the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. In order that the Members may understand, is it probable that consideration of this bill (H. R. 1) will begin to-morrow?

Mr. GREEN of Iowa. That is the intention, after the reading of the President's message, unless some other business intervenes.

Mr. GARRETT of Tennessee. I am glad to have that understanding.

Mr. TILSON. That is the understanding, that to-morrow morning after the House assembles there will come the report of the committee to wait on the President, notifying him that we are ready to transact business and receive any communication he may have to make. Immediately after that will be the reading of the President's message and after that the consideration of the revenue bill.

Mr. GARNER of Texas. Let me ask the gentleman from Iowa a question. It is the purpose, is it not, to have general debate begin at once and run not later than Saturday?

Mr. TILSON. It is my understanding that the Chairman of the Committee on Ways and Means will make that request, that general debate begin at once and run not later than Saturday, at 4 o'clock Saturday, with a view to taking it up under the five-minute rule on Monday; and if the debate is exhausted we will begin the reading of the bill on Saturday.

Mr. GREEN of Iowa. Yes; if the general debate is exhausted, unless Saturday afternoon has gone by.

Mr. CHINDBLOM. The reading will begin at any time that the debate is exhausted?

Mr. GREEN of Iowa. As soon as the debate is exhausted we will begin the reading of the bill.

Mr. GARNER of Texas. It is the idea, is it, that the general debate will take the entire week?

Mr. GREEN of Iowa. That is the expectation, that the general debate would take the entire week.

DEATH OF REPRESENTATIVE ROGERS, OF MASSACHUSETTS

Mr. TREADWAY. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 13

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN JACOB ROGERS, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. TREADWAY. Mr. Speaker, I ask for the adoption of the resolution.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

DEATH OF REPRESENTATIVE WILLIAMS, OF MICHIGAN

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I offer a resolution.

The SPEAKER. The gentleman from Michigan offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 14

Resolved, That the House has heard with profound sorrow of the death of Hon. ARTHUR B. WILLIAMS, a Representative of the State of Michigan.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DEATH OF REPRESENTATIVE CHURCHILL, OF MASSACHUSETTS

Mr. LUCE. Mr. Speaker, I offer a resolution.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 15

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE B. CHURCHILL, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. LUCE. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DEATH OF REPRESENTATIVE THOMAS, OF KENTUCKY

Mr. BARKLEY. Mr. Speaker, it becomes my painful duty to announce the death of the Hon. ROBERT YOUNG THOMAS, Jr., late the Representative in Congress of the Third Congressional District of Kentucky. At a later date I shall ask that a date be set aside on which to pay tribute to his memory. I now offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 16

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT Y. THOMAS, Jr., a Represenetative from the State of Kentucky.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE SENATOR SPENCER

Mr. DYER. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Missouri offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 17

Resolved, That the House has heard with profound sorrow of the death of Hon. SELDEN P. SPENCER, a Senator of the United States from the State of Missouri.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

THE LATE SENATOR LA FOLLETTE

Mr. COOPER of Wisconsin. Mr. Speaker, at the request of the delegation from Wisconsin, I offer the resolution which I send to the Clerk's desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Wisconsin offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 18

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT M. LA FOLLETTE, a Senator of the United States from the State of Wisconsin.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

THE LATE SENATOR LADD

Mr. SINCLAIR. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from North Dakota offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 19

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWIN F. LADD, a Senator from the State of North Dakota.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

THE LATE SENATOR RALSTON

Mr. WOOD. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 20

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL M. RALSTON, a Senator of the United States from the State of Indiana.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, as a further mark of respect to the deceased Senators and Representatives, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 8, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation for the relief of Lieut. Commander Garnet Hulings, United States Navy; to the Committee on Claims.

2. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize Lieut. Commander Charles Svensson, United States Naval Reserve, to accept from the Republic of Ecuador the Decoration of Estrella de Abdon Calderon, second class; to the Committee on Foreign Affairs.

3. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela; to the Committee on Naval Affairs.

4. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend that part of the act approved March 3, 1915, relating to the appointment of acting pay clerks, pay clerks, and chief pay clerks in the Navy; to the Committee on Naval Affairs.

5. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the Secretary of the Navy, under such regulations as he may deem expedient, to permit exterior articles of the uniform to be sold to former enlisted men of the naval service who have been honorably discharged therefrom; to the Committee on Naval Affairs.

6. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation designating October 27 of each year as a day to be observed as Navy Day; to the Committee on Naval Affairs.

7. A letter from the chairman of the Federal Trade Commission, transmitting report on prices of grain and grain futures, constituting Volume VI of the Federal Trade Commission's report on the grain trade; to the Committee on Agriculture.

8. A letter from the chairman of the Federal Trade Commission, transmitting report dealing with the premium prices of anthracite charged by certain mine operators, and the premium prices and gross profits of anthracite wholesalers in the latter part of 1923 and early in 1924; to the Committee on Interstate and Foreign Commerce.

9. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting report of the Public Utilities Commission of the District of Columbia for the year ended December 31, 1924, with other information relating to the regulation and operation of the public utilities in the District of Columbia coming under the jurisdiction of said commission; to the Committee on the District of Columbia.

10. A letter from the Acting Secretary of Commerce, transmitting report of the sale of 47,444 pounds of useless executive paper and the revenue derived therefrom amounting to $245.82; to the Committee on Disposition of Useless Executive Papers.

11. A letter from the Secretary of State, transmitting report of useless executive papers now in the office of the American Consulate General covering a period from March, 1908, to December, 1921; to the Committee on Disposition of Useless Executive Papers.

12. A letter from the Acting Secretary of War, transmitting a draft of proposed legislation validating the action of the War Department in extending relief to flood sufferers in the vicinities of Albany and Savannah, Ga., about January 23, 1925; to the Committee on Military Affairs.

13. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on war-time profits and costs of the steel industry; to the Committee on Interstate and Foreign Commerce.

14. A letter from the past adjutant general of the Grand Army of the Republic, transmitting the Journal of the Fifty-ninth National Encampment of the Grand Army of the Republic, held at Grand Rapids, Mich., on August 30 to September 5, 1925 (H. Doc. 100); to the Committee on Military Affairs and ordered to be printed with illustrations.

15. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation for the relief of Commander Chester G. Mayo, Supply Corps, United States Navy; to the Committee on Claims.

16. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes; to the Committee on Naval Affairs.

17. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize certain officers of the United States Marine Corps to accept from the Republic of Haiti the medal for distinguished service; to the committee on Foreign Affairs.

18. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care; to the Committee on Naval Affairs.

19. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to prevent delay in the promotion of officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

20. A letter from the Acting Secretary of War, transmitting report of The Adjutant General of the Army, relative to the financial and other affairs of the United States disciplinary barracks at Fort Leavenworth, Kans., the Pacific Branch thereof, situated on Alcatraz Island, Calif., and the Atlantic Branch on Governors Island, N. Y., together with reports from the commandants of the barracks and its branches, all for the fiscal year ended June 30, 1925; to the Committee on Military Affairs.

21. A letter from the Acting Secretary of Commerce, transmitting part 2 of the annual report of the Commissioner of Lighthouses for the fiscal year ended June 30, 1925, containing a list of purchases made by private contract or in the open market, with the reasons for such method of purchases, during the fiscal year 1925, of materials and supplies for the use of the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

22. A letter from the secretary of Hawaii, transmitting a set of the Revised Laws of Hawaii, 1925; to the Committee on the Territories.

23. A letter from the Secretary of War, transmitting report of documents received and distributed during the fiscal year ended June 30, 1925, pertaining to the War Department; to the Committee on Printing.

24. A letter from the secretary of Hawaii, transmitting a copy of the laws passed by the Legislature of the Territory of Hawaii, regular session of 1925; to the Committee on the Territories.

25. A letter from the Secretary of the Smithsonian Institution, transmitting a report regarding purchases of typewriters in which exchanges were made in part payment by the Government branches under the direction of the Smithsonian Institution during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

26. A letter from the Secretary of the Smithsonian Institution, transmitting a report of the Government publications issued during the fiscal year ended June 30, 1925; to the Committee on Printing.

27. A letter from the Secretary of the Smithsonian Institution, transmitting a report showing in detail what officers and employees of the branches of the Government service under the direction of the Smithsonian Institution have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

28. A letter from the Secretary of the Navy, transmitting a statement showing expenditures under the contingent appropriations of the Navy Department for the fiscal year 1925; to the Committee on Expenditures in the Navy Department.

29. A letter from the Secretary of the Navy, transmitting report showing changes made during the fiscal year ended June 30, 1925, of typewriters, adding machines, and other similar labor-saving devices by the Navy Department and Naval Establishment, including the United States Marine Corps; to the Committee on Appropriations.

30. A letter from the Secretary of the Navy, transmitting report showing in detail what officers and employees of the Navy Department traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

31. A letter from the Postmaster General, transmitting report of contingent expenses of the Post Office Department for the fiscal year 1925; to the Committee on the Post Office and Post Roads.

32. A letter from the Postmaster General, transmitting report of the public property in the Post Office Department on December 1, 1925; to the Committee on the Post Office and Post Roads.

33. A letter from the Postmaster General, transmitting report of the cost of the publication of the Official Postal Guide, the Postal Bulletin, and the annual report; to the Committee on Printing.

34. A letter from the Postmaster General, transmitting report regarding typewriting machines exchanged by the Post Office Department during the period from July 1, 1924, to June 30, 1925; to the Committee on Appropriations.

35. A letter from the Postmaster General, transmitting report showing in detail what officers or employees have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June, 1925; to the Committee on Appropriations.

36. A letter from the Postmaster General, transmitting a list of claims on account of loss by fire, burglary, etc., acted upon by the Postmaster General from July 1, 1924, to June 30, 1925; to the Committee on Expenditures in the Post Office Department.

37. A letter from the Clerk of the House of Representatives, transmitting the annual report of the Clerk of the House of Representatives, giving names of statutory and contingent fund employees of the House and their respective compensation, including clerks to Members, the expenditures from the contingent fund and from certain specific appropriations, the amounts drawn from the Treasury, the stationery accounts, and unexpended balances for the year ended June 30, 1925; to the Committee on Accounts and ordered to be printed.

38. A letter from the Clerk of the House of Representatives, transmitting reports to be made to Congress by public officers during the Sixty-ninth Congress; to the Committee on Accounts and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 1. A bill to reduce and equalize taxation, to provide revenue, and for other purposes; without amendment (Rept. No. 1). Referred to the Committee of the Whole House on the state of the Union.

BILLS, RESOLUTIONS, AND MEMORIALS

Under Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREEN of Iowa: A bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. McFADDEN: A bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

By Mr. UNDERHILL: A bill (H. R. 3) for the acquirement of land in the District of Columbia as sites for public buildings and other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4) relating to assuring compensation for accidental injury or death of employees in certain occupations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PERLMAN: A bill (H. R. 5) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 6) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. LEHLBACH: A bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes, approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. BLACK of New York: A bill (H. R. 8) for the relief of the State of New York; to the Committee on Claims.

Also, a bill (H. R. 9) to create the United States anthracite coal board, to relieve coal consumers from the shortage of fuel due to industrial disputes in the mining of anthracite coal, to create better conditions of labor in anthracite coal mining, and to conserve the anthracite coal supply of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 10) extending the use of metric weights and measures in merchandising; to the Committee on Coinage, Weights, and Measures.

By Mr. KELLY: A bill (H. R. 11) to clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good will, and to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH: A bill (H. R. 12) to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 13) to authorize the purchase of a site and the construction of a public building in the Borough of Manhattan, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. SCHNEIDER: A bill (H. R. 14) to prevent the use of stop watches or similar devices in the Postal Service, and guaranteeing to postal employees their lawful rights; to the Committee on the Post Office and Post Roads.

By Mr. ARNOLD: A bill (H. R. 15) to increase the limit of cost of the United States post office at Mount Carmel, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BACHARACH: A bill (H. R. 16) to supplement and amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary" (act of March 3, 1911, chapter 231), and known as the Judicial Code, and to limit the jurisdiction of the district and circuit courts in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 17) for the protection and control of anadromous and shore fishes and other aquatic forms of any State or Territory, and authorizing the Department of Commerce to define the seasons and regulate the manner and conditions under which they may be taken or destroyed; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 18) making October 27 a national holiday, to be known as Roosevelt's Birthday; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 19) to make available in the courts of the United States testimony, depositions, and exhibits had and taken in certain cases before State courts, tribu-

nals, boards, bodies, or commissions, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 20) to provide for the purchase of a site and the erection of a new public building at Wildwood, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21) to provide for the purchase of a site and the erection of a new public building at Pleasantville, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22) to provide for the purchase of a site and the erection of a new public building at Atlantic City, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23) to increase the limit of cost of post-office site and building at Millville, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Maryland: A bill (H. R. 24) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War; to the Committee on War Claims.

Also, a bill (H. R. 25) to provide for the erection of a new post-office building at Baltimore, Md., and for other related purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26) providing for the purchase of land for and the improvement of the appraisers' stores building in Baltimore, Md.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 27) to amend section 205 of the Revised Statutes by providing for the proclamation of the rejection of proposed amendments to the Constitution; to the Committee on the Judiciary.

Also, a bill (H. R. 28) to authorize United States commissioners to try certain classes of cases; to the Committee on the Judiciary.

By Mr. BEERS: A bill (H. R. 29) to increase the limit of cost of the United States post-office building in Lewistown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BRIGGS: A bill (H. R. 30) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 31) for the erection of a Federal building at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 32) for the erection of a Federal building at Huntsville, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 33) for the erection of a Federal building at Texas City, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 34) for the erection of a Federal building at Crockett, Tex., with an appropriation of $100,000 for such purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 35) for the construction and equipment of a hospital plant in the city of Galveston, Tex., and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 36) to establish a marine fish-cultural station on the coast of the State of Texas; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 37) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. COLE: A bill (H. R. 38) to amend section 4 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 39) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912; March 3, 1913; and July 24, 1919; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 40) for the purchase of additional ground and the enlargement of the Federal building at Cedar Rapids, Iowa, or the purchase of a new site and the erection of a new Federal building at Cedar Rapids, Iowa, and the sale of the present Federal building; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 41) to enlarge, extend, and remodel the post-office building at Marshalltown, Iowa, and to acquire additional land therefor; to the Committee on Public Buildings and Grounds.

By Mr. COLTON: A bill (H. R. 42) to provide for the payment of insurance; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: A bill (H. R. 43) to provide for a public building at Ilion, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 44) to provide for a public building at Herkimer, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 45) to amend an act with reference to the improvement of the public building at Utica, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Maryland: A bill (H. R. 46) to reconstitute the War Department as it originally existed by the restoration to it of all those defense functions now carried on by the Navy Department; to reorganize the War Department as thus reconstituted; to change the name of such department to the department of defense, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 47) authorizing the use for permanent construction at military posts of the proceeds from the sales of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 48) granting a good-conduct medal to all men in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 49) making eligible for retirement under certain conditions officers of the United States Army, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

Also, a bill (H. R. 50) providing for admission into the United States of certain specified relatives of American citizens; to the Committee on Immigration and Naturalization.

By Mr. DENISON: A bill (H. R. 51) to authorize the construction of bridges over navigable waters; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 52) to prevent the use of the United States mail and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 53) to determine proceedings in contested elections of Members of the House of Representatives; to the Committee on Elections No. 1.

By Mr. ELLIOTT: A bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building; to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A bill (H. R. 55) to amend an act entitled "An act in relation to the Japanese indemnity fund," approved February 22, 1883; to the Committee on Foreign Affairs.

Also, a bill (H. R. 56) for the restoration of the long-continued early successful American policy of discriminating import duties and tonnage dues for the protection of American ships and their prosperous maintenance in foreign trade; to the Committee on Ways and Means.

Also, a bill (H. R. 57) to make the Star-Spangled Banner the national anthem of the United States of America, and to punish any disrespect to said national anthem or to the national flag of the United States of America; to the Committee on the Judiciary.

By Mr. GASQUE: A bill (H. R. 58) to provide for the election of the Board of Education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HADLEY: A bill (H. R. 59) to amend the tariff act of 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 60) for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; to the Committee on Indian Affairs.

Also, a bill (H. R. 62) authorizing and directing the Secretary of the Interior to patent certain lands to school district No. 58, of Clallam County, State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. HILL of Maryland: A bill (H. R. 63) granting to alien veterans of the World War who seek citizenship certain exemptions from the requirements of the naturalization law; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 64) to authorize a preliminary examination and survey of the harbor of Ocean City, Md.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 65) to amend the national prohibition act by transferring prosecution of Volstead crimes to the Department of Justice; to the Committee on the Judiciary.

Also, a bill (H. R. 66) to amend the national prohibition act to permit 2.75 per cent beverage; to the Committee on the Judiciary.

Also, a bill (H. R. 67) to amend the national prohibition act to provide for State local option, and for other purposes; to the Committee on the Judiciary.

By Mr. HAWES: A bill (H. R. 68) extending the time for awarding medals of honor, distinguished-service crosses, and distinguished-service medals, etc.; to the Committee on Military Affairs.

Also, a bill (H. R. 69) to amend the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 70) to fix the per diem compensation of grand and petit jurors; to the Committee on the Judiciary.

Also, a bill (H. R. 71) to regulate the interstate transportation of black bass, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 72) to amend the national prohibition act as supplemented, to conform with the eighteenth constitutional amendment by permitting the use of alcoholic liquors for medicinal purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 73) to amend the national prohibition act as supplemented, to conform with the eighteenth constitutional amendment by limiting the prohibition to intoxicating liquors for beverage purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 74) to amend the interstate commerce act, being an act to regulate commerce by providing for regional commissions and defining their powers and duties; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 75) to amend the interstate commerce act, being "An act to regulate commerce" as amended July 29, 1906, April 13, 1908, June 13, 1910, February 17, 1917, March 2, 1917, May 29, 1917, August 10, 1917, and February 28, 1920, by providing a more adequate system of regulation for the railroads of the United States through an extension of the Interstate Commerce Commission and the creation of seven regional commissions to cooperate with and assist the Interstate Commerce Commission in the performance of its duties, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 76) to repeal an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 77) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 78) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 79) to repeal an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 80) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide additional hospital facilities at Jefferson Barracks, Mo.; to the Committee on World War Veterans' Legislation.

By Mr. HUDSON: A bill (H. R. 81) to repeal the excise tax on automobiles and motor cycles; to the Committee on Ways and Means.

By Mr. HILL of Maryland: A bill (H. R. 82) to tax the net income on municipal and State securities hereafter issued and to permit the State taxation of Federal securities hereafter issued; to the Committee on Ways and Means.

By Mr. MADDEN: A bill (H. R. 83) to provide for the return to taxpayers of surpluses in the Treasury; to the Committee on Ways and Means.

Also, a bill (H. R. 84) to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto; to the Committee on the Civil Service.

By Mr. McDUFFIE: A bill (H. R. 85) to quiet title and possession with respect to certain lands in Baldwin County, Ala.; to the Committee on the Public Lands.

By Mr. APPLEBY: A bill (H. R. 86) to amend the World War adjusted compensation act by adding a new section thereto under Title VII, to be known as section 704, providing for the issuance of a duplicate certificate in lieu of lost or destroyed adjusted service certificate; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 87) to provide a site and erect a building thereon at Longview, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 88) to provide a site and erect a building thereon at Chehalis, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 89) to provide a site and erect a building thereon at Centralia, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 90) to provide a site and erect a building thereon at Hoquiam, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 91) to amend section 112 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

Also, a bill (H. R. 92) fixing postage rates on hotel room keys and tags; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 93) providing for the payment of mileage to certain officers of the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 94) to provide for the revenue of the Government and to protect and maintain the cedar-shingle industry of the United States; to the Committee on Ways and Means.

Also, a bill (H. R. 95) to provide for the care of certain insane citizens of the Territory of Alaska; to the Committee on the Judiciary.

Also, a bill (H. R. 96) authorizing an appropriation of $25,000 for the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation; to the Committee on Indian Affairs.

Also, a bill (H. R. 97) authorizing an appropriation of $50,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the completion of the road from Taholah to Moclips on said reservation; to the Committee on Indian Affairs.

By Mr. LEAVITT: A bill (H. R. 98) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 99) authorizing the establishment of a fog signal at Gig Harbor, Wash.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 100) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. ARNOLD: A bill (H. R. 101) to provide for the purchase of a site and for the erection of a public building thereon at Effingham, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 102) to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 103) for the erection of a Federal building at Alexandria, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 104) for the erection of a Federal building at Leesville, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 105) for the erection of a Federal building at Winnfield, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 106) for the erection of a Federal building at Bunkie, La.; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: A bill (H. R. 107) granting allowance for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 108) to provide for the purchase of a site and the erection of a post-office building at Lindsborg, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 109) to provide for the purchase of a site and the erection of a post-office building at Caldwell, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 110) to provide for the purchase of a site and the erection of a new public building at Wichita, Kans., and also for the sale of the present post-office building and site; to the Committee on Public Buildings and Grounds.

By Mr. BARBOUR: A bill (H. R. 111) for the apportionment of Representatives in Congress amongst the several States under the fourteenth census; to the Committee on the Census.

By Mr. ALDRICH: A bill (H. R. 112) providing for the purchase of a site and the erection of a public building at Cranston, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. BLAND: A bill (H. R. 113) granting pensions to certain members of the former Life Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 114) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such additional land in the city of Newport News, Va., as may be necessary for the extension and remodeling of the post-office building in said city, to cause said building to be extended and remodeled, and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 115) for the improvement of channel connecting the deep waters in James River with Hampton Roads, Va., and for the modification of the existing project for the improvement of said channel; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 116) to provide for the erection of a post-office and customhouse building at Cape Charles, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 117) to provide for the erection of a post-office building at Phoebus, Va.; to the Committee on Public Buildings and Grounds.

By Mr. BRAND of Georgia: A bill (H. R. 118) to repeal the act of Congress entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce," approved May 8, 1924; to the Committee on Agriculture.

By Mr. BURDICK: A bill (H. R. 119) for the erection of a Federal building for the United States post office at Warren, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. BURTNESS: A bill (H. R. 120) fixing the fees and subsistence allowance of jurors and witnesses in the United States courts; to the Committee on the Judiciary.

Also, a bill (H. R. 121) providing for the calling of adverse parties for cross-examination in actions at law or equity; to the Committee on the Judiciary.

Also, a bill (H. R. 122) to provide for the purchase of a site and the erection of a public building at Pembina, N. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 123) for the purchase of a Federal building site at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 124) to stabilize the buying power of money; to the Committee on Banking and Currency.

By Mr. CANNON: A bill (H. R. 125) to extend the provisions of the pension act of May 11, 1912, and subsequent acts amendatory thereof to the officers and enlisted men of the Enrolled Missouri Militia and other State organizations that cooperated with the military or naval forces of the United States during the Civil War, who served 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other persons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 126) providing for the purchase of a site and the erection of a public building at Bowling Green, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 127) providing for the purchase of a site and the erection of a public building at Wellsville, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 128) providing for the purchase of a site and the erection of a public building at Vandalia, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 129) providing for the purchase of a site and the erection of a public building at Union, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of California: A bill (H. R. 130) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California; to the Committee on Public Buildings and Grounds.

By Mr. CHRISTOPHERSON: A bill (H. R. 131) to create the American stabilizing commission and to provide for stabilizing the prices of certain farm products; to the Committee on Agriculture.

Also, a bill (H. R. 132) to provide for the purchase of a site and for the erection of a public building thereon at Flandreau, S. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 133) to provide for the purchase of a site and for the erection of a public building thereon at Canton, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. CORNING: A bill (H. R. 134) for the purchase of a site and the erection of a post office in Watervliet, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 135) to enlarge, extend, and remodel the post-office building at Albany, N. Y., and to acquire additional land therefor if necessary; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 136) to amend the paragraph of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, relating to the pay and allowances of members of the Naval Reserve Force (40 Stat., p. 712); to the Committee on Naval Affairs.

By Mr. EVANS: A bill (H. R. 137) amending section 11 of the Federal highway act, approved November 9, 1921, providing for the construction of primary or interstate highways in certain public-land States, and also amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," and prescribing limitations on the payment of Federal funds in the construction of highways; to the Committee on Roads.

Also, a bill (H. R. 138) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 139) to provide for addition of certain land to the Challis National Forest; to the Committee on the Public Lands.

By Mr. FROTHINGHAM: A bill (H. R. 140) to provide for the erection of a Federal building at Brockton, Mass., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. FULMER: A bill (H. R. 141) to enlarge the fish-culture station at Orangeburg, S. C.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GORMAN: A bill (H. R. 142) for the purchase of a site and the erection thereon of a public building at Oak Park, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 143) for the purchase of a site and the erection thereon of a public building at La Grange, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 144) for the purchase of a site and the erection thereon of a public building at Maywood, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 145) for the purchase of a site and the erection thereon of a public building at Melrose Park, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 146) for the purchase of a site and the erection of a public building at Forest Park, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 147) for the purchase of a site and the erection thereon of a public building at Berwyn, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 148) for the purchase of a site and the erection of a public building at Riverside, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. HERSEY: A bill (H. R. 149) to provide for the purchase of a site and the erection thereon of a public building at Orono, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 150) to provide for the purchase of a site and the erection thereon of a public building at Dover-Foxcroft, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 151) to provide for the purchase of a site and the erection thereon of a public building at Dexter, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 152) to provide for the purchase of a site and the erection thereon of a public building at Presque Isle, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 153) to provide for enlarging the United States building at Houlton, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 154) to increase the limit of cost of the public building to be erected at Fort Fairfield, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 155) to increase the limit of cost of the public building to be erected at Caribou, Me.; to the Committee on Public Buildings and Grounds.

By Mr. HICKEY: A bill (H. R. 156) to create a cause of action for compensation in damages for injuries sustained and death resulting from injuries to any person through the wrongful act or omission by an agent, officer, or employee of the United States Government, and to provide the procedure therefor; to the Committee on the Judiciary.

Also, a bill (H. R. 157) to enlarge, extend, and remodel the post-office building at South Bend, Ind., or to authorize the purchase of a site and the erection and completion of a building thereon, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 158) to provide for the erection of a public building at Warsaw, Ind., and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 159) to provide for the erection of a public building at Plymouth, Ind., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Alabama: A bill (H. R. 160) providing for the purchase of a site to be used for the erection of a public building thereon at Camden, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 161) to provide for the acquisition of a site and the erection of a post-office building at Montgomery, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 162) to provide for the erection of a post-office building at Greenville, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. JEFFERS: A bill (H. R. 163) for the purchase of a site for and the erection of a post office at Clanton, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 164) for the purchase of a site for and the erection of a post office at Columbiana, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 165) for the purchase of a site for and the erection of a post office at Heflin, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 166) for the purchase of a site for and the erection of a post-office building at Montevallo, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 167) for the purchase of a site for and the erection of a post office at Piedmont, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 168) for the purchase of a site for and the erection of a post-office building at Jacksonville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 169) for the erection of a post-office building at Sylacauga, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. KENDALL: A bill (H. R. 170) for the erection of a public building at Somerset, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KIESS: A bill (H. R. 171) to authorize the acquisition of a site and the erection of a Federal building at Wellsboro, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KNUTSON: A bill (H. R. 172) granting the consent of Congress to the State of Minnesota and the counties of Sherburne and Wright to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 173) granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 174) to amend the revenue act of 1921; to the Committee on Ways and Means.

Also, a bill (H. R. 175) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 176) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 177) authorizing the Secretary of the Interior to appraise tribal property of the Chippewa Indians, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 179) authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 180) to compensate the Chippewa Indians of Minnesota for certain equities claimed by them in connection with the settlement for the Minnesota National Forest; to the Committee on Indian Affairs.

Also, a bill (H. R. 181) to aid and extend the commissary privileges to the widows of officers or enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

Also, a bill (H. R. 182) to promote civilization and self-support among the Chippewa Indians in the State of Minnesota and to carry into effect the agreements with said Indians under the provisions of the act of January 14, 1889 (25 Stat. L. p. 642); to the Committee on Indian Affairs.

Also, a bill (H. R. 183) providing for a per capita payment of $100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. LEAVITT: A bill (H. R. 184) authorizing the construction of approach roads to national parks and monuments; to the Committee on Roads.

Also, a bill (H. R. 185) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux Indians in which the commands of Major Reno and Major Benteen were engaged; to the Committee on the Library.

Also, a bill (H. R. 186) authorizing the payment of tuition of Crow Indian children attending Montana State public schools; to the Committee on Indian Affairs.

Also, a bill (H. R. 187) making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana; to the Committee on the Public Lands.

By Mr. LINDSAY: A bill (H. R. 188) to amend the United States Judicial Code and to prescribe a penalty for encroaching on or restricting the constitutional right of freedom of worship or religious belief or conviction of faith; to the Committee on the Judiciary.

Also, a bill (H. R. 189) to provide a means of recognizing heroic conduct, devotion to duty, and skill in upholding the right traditions of the United States merchant marine, on the part of the officers and crews of the steamship *Republic*, the steamship *President Harding*, and the steamship *American Trader*; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 190) to permit certain aliens to proceed to the United States when annual quota for certain groups has not been exhausted in year immediately preceding; to the Committee on Immigration and Naturalization.

By Mr. LEHLBACH: A bill (H. R. 191) to authorize the acquisition of an addition to the site for a United States post office at Montclair, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. LINDSAY: A bill (H. R. 192) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. LINEBERGER: A bill (H. R. 193) to increase the morale of the naval service; to the Committee on Naval Affairs.

Also, a bill (H. R. 194) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 195) to make the Star-Spangled Banner the national anthem of the United States of America; to the Committee on the Judiciary.

By Mr. McLEOD: A bill (H. R. 196) to provide governmental aid in commercializing aviation in the United States, its Territories, and possessions; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 197) to provide for two additional judges for the eastern district of Michigan; to the Committee on the Judiciary.

Also, a bill (H. R. 198) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

By Mr. MOONEY: A bill (H. R. 199) granting privilege of the floor and right to participate in debate to heads of executive departments; to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 200) to provide for the purchase of a site and for the erection thereon of a public building at Silver City, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 201) to provide for the enlargement of the present public building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 202) to provide for the acquisition of a site and the erection thereon of a public building at Tucumcari, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 203) to provide for the acquisition of a site and the erection thereon of a public building at Clovis, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 204) to provide for the acquisition of a site and the erection thereon of a public building at Gallup, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 205) to provide for the acquisition of a site and the erection thereon of a public building at Deming, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 206) to increase the appropriation for the construction of a public building on the site heretofore selected between the city of East Las Vegas and the city of Las Vegas, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 207) to provide for the payment by the United States of the proportionate cost of the paving of streets upon which property of the United States abuts; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 208) to authorize the consolidation and exchange of certain Government lands and privately owned lands, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 209) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, and as subsequently amended; to the Committee on Agriculture.

Also, a bill (H. R. 210) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad aid bonds, and for the payment of the principal of railroad aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on the Public Lands.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 211) to provide for the purchase of a site and the erection of a new public building at Pawtucket, R. I., and also for the sale of the present post-office building and its site; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 212) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

Also, a bill (H. R. 213) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 214) to enroll certain persons with the Cherokee Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 215) to permit rural letter carriers to act as agents or solictors or engage in any other gainful occupation; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 216) to provide for the purchase of a site and the erection thereon of a public building at Clarendon, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 217) to provide for the erection of a public building at Walnut Ridge, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 218) to provide for the erection of a public building at Brinkley, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. RAMSEYER: A bill (H. R. 219) relating to the sinking fund for bonds and notes of the United States; to the Committee on Ways and Means.

Also, a bill (H. R. 220) to amend an act entitled "An act to amend and modify the war risk insurance act," approved December 24, 1919; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 221) for the erection of a post-office building at Albia, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 222) for the erection of a post-office building at Newton, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Iowa: A bill (H. R. 223) to authorize the acquisition of a site and the erection thereon of a Federal building at Hampton, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 224) to authorize the acquisition of a site and the erection thereon of a Federal building at Dubuque, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 225) to authorize the acquisition of a site and the erection thereon of a Federal building at Manchester, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 226) to authorize the acquisition of a site and the erection thereon of a Federal building at Eldora, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 227) to authorize the acquisition of a site and the erection thereon of a Federal building at Independence, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 228) to authorize the acquisition of a site and the erection thereon of a Federal building at Clarion, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 229) to authorize the acquisition of a site and the erection thereon of a Federal building at Eagle Grove, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 230) to authorize the acquisition of a site and the erection thereon of a Federal building at Waverly, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 231) to enlarge and extend the present United States post-office building at Waterloo, Iowa; to the Committee on Public Buildings and Grounds.

By Mrs. ROGERS: A bill (H. R. 232) to provide for the purchase of a site and the erection of a new public building at Lowell, Mass., and also for the sale of the present post-office building and its site, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 233) to provide for the purchase of a site and the erection of a new post-office building at Ayer, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 234) to provide for the purchase of a site and the erection of a new post-office building at Andover, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 235) to facilitate the naturalization of aliens who served in the armed forces of the United States during the World War; to the Committee on Immigration and Naturalization.

By Mr. SINCLAIR: A bill (H. R. 236) authorizing and directing the President of the United States to appoint a commission to investigate and report to Congress a general system for the cooperative marketing of all farm products; to the Committee on Agriculture.

Also, a bill (H. R. 237) to amend the United States grain standards act; to the Committee on Agriculture.

Also, a bill (H. R. 238) to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.; to the Committee on Agriculture.

Also, a bill (H. R. 239) to establish the Killdeer Mountain National Park in the State of North Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. SPROUL of Illinois: A bill (H. R. 240) to provide for the purchase of a site and the erection of a public building at Harvey, in the State of Illinois; to the Committee on Public Buildings and Grounds.

By Mr. SWANK: A bill (H. R. 241) to establish a term of the United States Circuit Court of Appeals at Oklahoma City, Okla.; to the Committee on the Judiciary.

Also, a bill (H. R. 242) to establish a fish hatchery in the fifth congressional district of the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 243) to amend section 200 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 244) to amend the act of May 27, 1908, entitled "An act for the removal of restrictions upon part of the lands of allottees of the Five Civilized Tribes, and for other purposes" (35 Stat. 312); to the Committee on Indian Affairs.

Also, a bill (H. R. 245) for the purchase of a site and erection thereon of a public building at Cushing, in the State of Oklahoma; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 246) for the purchase of a site and erection thereon of a public building at Norman, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 247) for the purchase of a site and erection thereon of a public building at Pauls Valley, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 248) for the purchase of a site and erection thereon of a public building at Purcell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 249) for the purchase of a site and erection thereon of a public building at Stillwater, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 250) for the purchase of a site and erection thereon of a public building at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. TEMPLE: A bill (H. R. 251) providing for the purchase of a site and for the erection thereon of a public building at Canonsburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 252) to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land; to the Committee on Public Buildings and Grounds.

By Mr. THOMAS: A bill (H. R. 253) amending section 169 of chapter 335, Seventeenth Statute at Large, and relating to the printing of stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 254) to amend section 10 of the Federal reserve act approved December 23, 1913, and amended June 3, 1922; to the Committee on Banking and Currency.

Also, a bill (H. R. 255) for the erection of a public building at Temple, Cotton County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 256) for the erection of a public building at Anadarko, Caddo County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 257) for the erection of a public building at Waurika, Jefferson County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 258) for the erection of a public building at Duncan, Stephens County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 259) for the erection of a public building at Walters, Cotton County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 260) authorizing an appropriation to reimburse the State of Oklahoma for the education of Indian children in the public schools of said State; to the Committee on Indian Affairs.

Also, a bill (H. R. 261) granting public lands to the State of Oklahoma; to the Committee on the Public Lands.

By Mr. TILSON: A bill (H. R. 262) to provide for the appointment of an additional district judge for the district of Connecticut; to the Committee on the Judiciary.

Also, a bill (H. R. 263) to provide for the purchase of a site and the erection of a public building thereon at Milford, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 264) to amend an act to provide for the appointment of a commission to standardize screw threads; to the Committee on Coinage, Weights, and Measures.

By Mr. WELLER: A bill (H. R. 265) to provide for the appointment of four additional judges of the District Court of the United States for the southern district of New York; to the Committee on the Judiciary.

Also, a bill (H. R. 266) to establish a national conservatory of music for the education of pupils in music in all its branches, vocal and instrumental, and for other purposes; to the Committee on Education.

By Mr. WILLIAMS of Illinois: A bill (H. R. 267) to increase the limit of cost for a site and public building at Metropolis, Massac County, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 268) to provide for the purchase of a site and for the erection of a public building thereon at Eldorado, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. WINTER: A bill (H. R. 269) to authorize the purchase of a site and the erection and completion of a building thereon for a post office at Casper, Wyo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 270) to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. WOODRUFF: A bill (H. R. 271) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" as amended; to the Committee on Agriculture.

By Mr. ALDRICH: A bill (H. R. 272) giving rank to certain commissioned officers of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. ADKINS: A bill (H. R. 273) for the purchase of a site for and the erection of a post-office building at Weldon, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 274) for the purchase of a site for and the erection of a post-office building at Tolono, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 275) for the purchase of a site for and the erection of a post-office building at Shelbyville, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 276) for the purchase of a site for and the erection of a post-office building at Clinton, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 277) for the purchase of a site for and the erection thereon of a post-office building at Tuscola, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 278) for the purchase of a site for and the erection of a post-office building at Monticello, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 279) for the purchase of a site for and the erection of a post-office building at Sullivan, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BLACK of Texas: A bill (H. R. 280) providing for the purchase of a site and the erection thereon of a public building at Cooper, in the State of Texas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 281) for the erection of a public building at Atlanta, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 282) to increase the limit of cost of the public building at Paris, Tex., and to authorize an enlargement of the building so as to provide for the United States court and other Government offices; to the Committee on Public Buildings and Grounds.

By Mr. BLAND of Virginia: A bill (H. R. 283) for the improvement of Mulberry Creek, Lancaster County, Va., and the channel connecting the said creek with the Rappahannock River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 284) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; to the Committee on Military Affairs.

By Mr. BURTNESS: A bill (H. R. 285) to require the labeling of flour in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHRISTOPHERSON: A bill (H. R. 286) to regulate the sale of securities; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 287) to provide for universal service as part of the military forces of the United States, in event of national emergency, of citizens of the United States and the material resources of citizens, industrial organizations, and services over which Government control is necessary; to the Committee on Military Affairs.

By Mr. GALLIVAN: A bill (H. R. 288) providing for a site and public building for the United States courts, collector of internal revenue, and other Federal purposes at Boston, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 289) to provide for the enlargement, extension, and remodeling of the Federal building at Boston, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. HALL of North Dakota: A bill (H. R. 290) to amend section 99 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary, and the amendments to said acts approved July 17, 1916 (39 Stat. L., ch. 248); to the Committee on the Judiciary.

By Mr. HERSEY: A bill (H. R. 291) for the establishment of a national park and acquiring national forests in the Mount Katahdin region of the State of Maine; to the Committee on Agriculture.

By Mr. KNUTSON: A bill (H. R. 292) to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber; to the Committee on Agriculture.

By Mr. LAMPERT: A bill (H. R. 293) providing for the purchase of a site and the erection thereon of a public building at Oshkosh, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 294) providing for the purchase of a site and the erection thereon of a public building at Menasha, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 295) providing for the purchase of a site and the erection thereon of a public building at Two Rivers, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 296) providing for the extension of the post-office and public building at Manitowoc, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 297) providing for the extension of the post-office and public building at Fond du Lac, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 298) for the erection of a Federal building at Waupun, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 299) to amend sections 34, 35, 37, 39, and 40 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; to the Committee on the Judiciary.

Also, a bill (H. R. 300) to establish and maintain a fish-hatching and fish-culture station in Marquette County, Wis.; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 301) to amend an act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 302) grant of public lands to the State of Wisconsin, and for other purposes; to the Committee on the Public Lands.

By Mr. LEATHERWOOD: A bill (H. R. 303) to provide for the purchase of a site and the erection of a public building thereon at Lehi, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 304) to enlarge and extend the present United States post-office building at Salt Lake City, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 305) to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended; to the Committee on Pensions.

Also, a bill (H. R. 307) to authorize reservation of mineral rights in lands exchanged in the Manti National Forest, Utah; to the Committee on the Public Lands.

Also, a bill (H. R. 308) to authorize the temporary reserving and setting apart certain public lands for experiments in sheep growing, and for other purposes; to the Committee on the Public Lands.

By Mr. LEAVITT: A bill (H. R. 309) to authorize taxation of the interests of entrymen on Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. LUCE: A bill (H. R. 310) relating to the quality of domestic anthracite coal; to the Committee on Interstate and Foreign Commerce.

By Mr. MACGREGOR: A bill (H. R. 311) to establish a gold currency and a silver currency on a basis of interchangeable value throughout the world; to the Committee on Coinage, Weights, and Measures.

By Mr. O'CONNELL of New York: A bill (H. R. 312) to purchase a site for the erection of a post-office building in the section of the Borough of Queens, city of New York, N. Y., known and designated as Woodhaven; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 313) to purchase a site for the erection of a post-office building in the section of the Borough of Queens, city of New York, N. Y., known and designated as Richmond Hill; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 314) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 315) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 316) to amend the Judicial Code, being the act approved March 3, 1911, entitled "An act to modify, revise, and amend the laws relating to the judiciary," by inserting therein a new section to be numbered 24a, in relation to the original jurisdiction of district courts; to the Committee on the Judiciary.

Also, a bill (H. R. 317) to amend an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes"; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 318) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the war with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

Also, a bill (H. R. 319) to pension soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

Also, a bill (H. R. 320) to save daylight and to provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 321) granting leave of absence to postal employees on account of death in family; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 322) granting annual and sick leave to postal employees; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 323) granting holidays to postal employees in States where holidays are a State law; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 324) granting hospital treatment to postal employees suffering from tuberculosis, nervous diseases, or kindred occupational ailments, in Government-owned hospitals; to the Committee on the Post Office and Post Roads.

By Mr. QUAYLE: A bill (H. R. 325) to amend the war risk insurance act to provide compensation and vocational training for civilian employees who served overseas during the World War; to the Committee on World War Veterans' Legislation.

By Mr. ROGERS: A bill (H. R. 326) to amend an act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 19, 1922; to the Committee on the Civil Service.

Also, a bill (H. R. 327) authorizing the President to declare an embargo on coal; to the Committee on Interstate and Foreign Commerce.

By Mr. SINCLAIR: A bill (H. R. 328) to promote agriculture by stabilizing the prices of certain agricultural products; to the Committee on Agriculture.

Also, a bill (H. R. 329) to provide for the purchase and sale of farm products; to the Committee on Agriculture.

By Mr. SPEARING: A bill (H. R. 330) authorizing the construction of additional hospital facilities for the port of New Orleans, La., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. KNUTSON: A bill (H. R. 331) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SWANK: A bill (H. R. 332) to provide that the United States of America shall build warehouses in conjunction with the several States, and in cooperation with duly and legally organized farmers' cooperative associations in said States, for the storage of farm products not perishable, for the insurance of said products while in storage, for Government loans on warehouse receipts, providing penalties for the violation of this act, making an appropriation therefor, and for other purposes; to the Committee on Agriculture.

By Mr. DENISON: A bill (H. R. 333) for the protection of persons employed on railway express cars, railway baggage cars, and combination railway express-baggage cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATRES: A bill (H. R. 334) to provide for the purchase of a site and the erection of a public building thereon at Scranton, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 335) to increase the limit of cost of the United States post-office building in Olyphant, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 336) to provide for the appointment of an additional district judge for the middle district of Pennsylvania and fixing his salary; to the Committee on the Judiciary.

By Mr. WINTER: A bill (H. R. 337) to provide for the enlargement of the winter game (elk) reserve in the State of Wyoming; to the Committee on Agriculture.

Also, a bill (H. R. 338) granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located; to the Committee on the Public Lands.

By Mr. WOODRUFF: A bill (H. R. 339) to relinquish to the city of Harrison, Mich., all right, title, and interest of the United States in an island in Bud Lake, Mich.; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 340) to abolish the Federal Trade Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 341) to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks in the State of Oregon; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 342) to increase the clothing and cash gratuity furnished to persons discharged from prisons; to the Committee on the Judiciary.

Also, a bill (H. R. 343) to fix the retired pay of certain noncommissioned officers of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 344) to supplement the naturalization laws, to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KIEFNER: A bill (H. R. 345) to provide for the erection of a public building in the city of Farmington, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. KELLER: A bill (H. R. 346) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 347) to provide home care for dependent children; to the Committee on the District of Columbia.

By Mr. KENDALL: A bill (H. R. 348) for the erection of a public building at Uniontown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KVALE: A bill (H. R. 349) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 350) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. LANHAM: A bill (H. R. 351) to authorize the acquisition of a site and the erection of a Federal building at Arlington, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 352) to authorize the acquisition of a site and the erection of a Federal building at Stephenville, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 353) to authorize the acquisition of a site and the erection of a Federal building at Dublin, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 354) to provide for the acquisition of a site and the erection of a public building thereon at Fort Worth, Tex., and for the sale of the present post-office site and building thereon; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 355) to provide for the establishment in the State of Texas of a subsidiary fish-cultural station to the San Marcos, Tex., fisheries station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

By Mr. LEA of California: A bill (H. R. 356) authorizing an appropriation of $70,000 for the construction of a bridge across the Trinity River and a road to connect therewith within the Hoopa Valley Indian Reservation, Calif.; to the Committee on Indian Affairs.

Also, a bill (H. R. 357) placing first, second, and third class postmasters in the competitive classified service; to the Committee on the Civil Service.

By Mr. LEHLBACH: A bill (H. R. 358) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture.

Also, a bill (H. R. 359) to amend an act entitled "The classification act of 1923," approved March 4, 1923; to the Committee on the Civil Service.

Also, a bill (H. R. 360) to amend the act of Congress approved August 11, 1913 (38 Stat. L. p. 109), in so far as it applies to the Federal building at Newark, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 361) to authorize the Secretary of Commerce to release certain rights of way at Edgartown, Mass.; the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 362) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. MACGREGOR: A bill (H. R. 363) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. MILLIGAN: A bill (H. R. 364) for the purchase of a site and the erection thereon of a public building at Richmond, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 365) for the purchase of a site and the erection thereon of a public building at Cameron, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. MURPHY: A bill (H. R. 366) providing for the purchase of a site and the erection thereon of a public building at Toronto, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 367) providing for the purchase of a site and the erection thereon of a public building at Cadiz, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 368) providing for the purchase of a site and the erection thereon of a public building at Wellsville, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 369) providing for the purchase of a site and the erection thereon of a public building at East Palestine, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 370) providing for the purchase of a site and the erection thereon of a public building at Barnesville, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 371) providing for the purchase of a site and the erection thereon of a public building at Carrollton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PHILLIPS: A bill (H. R. 372) to enlarge and extend the post-office building at New Castle, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 373) providing for the erection of a public building at Rochester, Beaver County, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 374) to provide for the purchase of a site and for the erection of a public building thereon at Ambridge, Beaver County, Pa.; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: A bill (H. R. 375) to establish a Federal jail and penitentiary within the first or second judicial circuit of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 376) providing for the appointment of an additional district judge for the northern judicial district of New York; to the Committee on the Judiciary.

By Mr. STALKER: A bill (H. R. 377) to amend the national prohibition act as amended and supplemented; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts: A bill (H. R. 378) to remit the duty on a carillon of bells to be imported for the Church of Notre Dame de Lourdes, Fall River, Mass.; to the Committee on Ways and Means.

By Mr. SWING: A bill (H. R. 379) authorizing the Secretary of War to set apart as a national cemetery certain lands of the United States military reservation of Fort Rosecrans, Calif.; to the Committee on Military Affairs.

Also, a bill (H. R. 380) to extend the boundaries of the Cleveland National Forest in Riverside County, Calif., and to create therein a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; to the Committee on the Public Lands.

By Mr. THOMAS: A bill (H. R. 381) making an appropriation for the completion of the improvement of a section of roadway on the Fort Sill (Okla.) Military Reservation; to the Committee on Appropriations.

By Mr. WOLVERTON: A bill (H. R. 382) to provide for a public building at Clarksburg, W. Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 383) providing for the purchase of a site and the erection of a public building at Weston, W. Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 384) providing for the purchase of a site and the erection of a public building at Richwood, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. ANDRESEN: A bill (H. R. 385) providing for the purchase of a site and the erection of a public building thereon at South St. Paul, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. ADKINS: A bill (H. R. 386) to provide for additional ground and to double the floor space of the post-office building at Decatur, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 387) to provide for additional ground and to double the floor space of the post-office building at Champaign, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BEGG: A bill (H. R. 388) authorizing the Secretary of the Interior to compensate veterans of the Civil War for time served in Confederate prisons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 389) to increase the limit of cost of the public buildings to be erected at Fremont, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 390) to increase the limit of cost of the public building to be erected at Sandusky, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. BOYLAN: A bill (H. R. 391) authorizing the receipt and disposal by the Secretary of State of certain decorations of the former Kingdom of Montenegro; to the Committee on Foreign Affairs.

By Mr. CRAMTON: A bill (H. R. 392) to fix the amount to be contributed by the United States toward defraying expenses of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 393) to amend section 8 of an act entitled "An act to incorporate the Howard University, in the District of Columbia," approved March 2, 1867; to the Committee on Education.

Also, a bill (H. R. 394) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties, and to place its personnel under the civil service act; to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 395) to provide increased postal facilities by erection of a central distributing and general post-office building upon the acquired Federal site on East One hundred and forty-ninth Street, Borough of the Bronx, New York City; to the Committee on the Post Office and Post Roads.

By Mr. ROY G. FITZGERALD: A bill (H. R. 396) to provide for the enlargement of the Federal building at Hamilton, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 397) for the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys; to the Committee on Agriculture.

Also, a bill (H. R. 398) to carry out the provisions of Article I of the Constitution; to the Committee on the Census.

Also, a bill (H. R. 399) to amend section 3220 of the Revised Statutes; to the Committee on Ways and Means.

Also (by request), a bill (H. R. 400) to establish a division for the investigation of mentally handicapped children in the schools; to the Committee on Education.

By Mr. GOLDSBOROUGH: A bill (H. R. 401) for the erection of a public building in the town of Easton, Md.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 402) to stabilize the purchasing power of money; to the Committee on Banking and Currency.

By Mr. HADLEY: A bill (H. R. 403) to create a Pribilof Islands fund and to provide for the disposition of surplus revenue from the Pribilof Islands, Alaska, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD: A bill (H. R. 404) to increase the limit of cost of the public building in Central City, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 405) to provide for the purchase of a site and the erection of a public building thereon at Albion, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 406) to provide for the purchase of a site and the erection of a building thereon at Madison, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 407) to provide for the purchase of a site and the erection of a building thereon at Schuyler, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 408) to provide for the purchase of a site and the erection of a public building thereon at Tekamah, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 409) to provide for the purchase of a site and the erection of a building thereon at Westpoint, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 410) to amend section 3830 of the Revised Statutes of the United States; to the Committee on the Post Office and Post Roads.

By Mr. LINEBERGER: A bill (H. R. 411) to amend section 7 of the act of February 9, 1909, as amended January 17, 1914; to the Committee on Ways and Means.

Also, a bill (H. R. 412) to amend paragraph (c) of section 2 of the act approved May 26, 1922, and known as the narcotic drugs import and export act, and for other purposes; to the Committee on Ways and Means.

By Mr. McLEOD: A bill (H. R. 413) for the apportionment of Representatives in Congress amongst the several States under the fourteenth census; to the Committee on the Census.

By Mr. MORIN: A bill (H. R. 414) providing for the erection of a post-office building in the city of Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 415) to provide for the purchase of a site and the erection of a post-office building thereon at the Oakland Station of the post office in Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Louisiana: A bill (H. R. 416) to provide for the erection of a public building at Houma, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 417) to provide for the erection of a public building at Morgan City, La.; to the Committee on Public Buildings and Grounds.

By Mr. MONTAGUE: A bill (H. R. 418) for the construction of a wharf and a walk at Jamestown, Va.; to the Committee on Appropriations.

Also, a bill (H. R. 419) to give the Supreme Court of the United States authority to make and publish rules in common-law actions; to the Committee on the Judiciary.

Also, a bill (H. R. 420) for the extension and completion of the United States Capitol; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 421) for the erection of a public building at West Point, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 422) for the purchase of a site and the erection of a public building at Williamsburg, Va.; to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON: A bill (H. R. 423) providing for the purchase of a site and the erection thereon of a public building at Gloucester City, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 424) to provide for the erection of a public building at Salem, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 425) to provide for the purchase of a site and the erection of a public building thereon at Haddonfield, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 426) to increase the cost of the public building at Woodbury, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 427) to acquire additional site, making additions, extensions, and improvements to the public building at Camden, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 428) to provide for a survey of Mantua Creek, N. J., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

By Mr. SMITH: A bill (H. R. 429) to establish a fish-hatching and fish-cultural station in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 430) to authorize payments for municipal improvements on reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 431) providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 432) to provide for the erection of a Federal building at Blackfoot, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 433) to provide for the extension of the Federal building at Pocatello, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 434) to provide for the enlargement of the Federal building at Boise, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON: A bill (H. R. 435) to amend an act entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, and children of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases," approved May 1, 1920, and for other purposes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 436) to amend the act of May 1, 1920, entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows and former widows and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 437) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 438) authorizing the classification of the Chippewa Indians of Minnesota as competents and incompetents; to the Committee on Indian Affairs.

Also, a bill (H. R. 439) to carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925; to the Committee on Foreign Affairs.

Also, a bill (H. R. 440) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States; to the Committee on Indian Affairs.

Also, a bill (H. R. 441) authorizing the Chippewa Indians of Minnesota to hold a general council under the supervision of the Secretary of the Interior; to the Committee on Indian Affairs.

By Mr. ALLEN: A bill (H. R. 442) to provide for the purchase of a site and for the erection of a public building thereon at Bushnell, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BEGG: A bill (H. R. 443) to fix subsistence allowance and per diem in lieu thereof for officers and employees of the United States while away from their designated posts of duty on official business; to the Committee on the Civil Service.

By Mr. BURDICK: A bill (H. R. 444) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. CARTER of California: A bill (H. R. 445) to provide for the purchase of a site and the erection of a public building thereon at Oakland, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. CHINDBLOM: A bill (H. R. 446) to authorize the acquisition of a site and the erection of a Federal building at Winnetka, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 447) to create a department of national defense, defining the powers and duties of the secretary thereof, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 448) to divide the northern district of the State of California into two judicial districts; to the Committee on the Judiciary.

Also, a bill (H. R. 449) for the erection of a public building at Sacramento, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 450) to provide for an addition to the post-office building and for repairs and alterations in the present post-office building at the city of Stockton, Calif., for the accommodation of the post office and other Federal offices; to the Committee on Public Buildings and Grounds.

Mr. DICKINSON of Missouri: A bill (H. R. 451) for the purchase of a site and the erection thereon of a public building at El Dorado Springs, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 452) for the purchase of a site and the erection thereon of a public building at Windsor, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 453) for the purchase of a site and the erection thereon of a public building at Pleasant Hill, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. DRIVER: A bill (H. R. 454) to provide for the establishment of a dairying and livestock experiment station at Paragould, Ark.; to the Committee on Agriculture.

Also, a bill (H. R. 455) for the purchase of a site and the erection of a public building at Wynne, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 456) for the purchase of a site and the erection of a public building at Blytheville, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 457) for the purchase of a site and the erection of a public building at Earle, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 458) for the purchase of a site and the erection of a public building at Rector, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 459) providing for the extension of the public building at Jonesboro, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 460) for the erection of a public building at Forrest City, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A bill (H. R. 461) increasing the limit of cost for the erection of a public building at Yonkers, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. FENN: A bill (H. R. 462) for acquiring a site and erecting a public building thereon in Hartford, Conn., for the use and accommodation of the post office and other Government offices; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 463) providing for the erection of a public building for post-office purposes in South Manchester, in the town of Manchester, Conn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 464) for acquiring a site at Thompsonville, in the town of Enfield, Conn., to be used for the erection of a public building thereon for the use and accommodation of the post office and other Government offices; to the Committee on Public Buildings and Grounds.

By Mr. GILBERT: A bill (H. R. 465) to increase the limit of cost for a public building in the city of Shelbyville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 466) for the purchase of a site for a public building at Nicholasville, Jessamine County, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 467) to provide for the erection of a public building in the city of Harrodsburg, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 468) to provide for the erection of a public building at Stanford, Lincoln County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. HASTINGS: A bill (H. R. 469) for the purchase of a site and erection thereon of a public building at Okmulgee, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 470) for the purchase of a site and erection thereon of a public building at Wagoner, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 471) for the erection of a public building at Prescott, Ariz.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 472) to increase the cost of construction of the Federal building at Globe, Ariz.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 473) for the erection of a public building at Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. KIESS: A bill (H. R. 474) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KVALE: A bill (H. R. 475) to assist by loans any person holding an honorable discharge from the military forces of the United States of America during the period of the World War; to the Committee on Ways and Means.

By Mr. LAGUARDIA: A bill (H. R. 476) providing for the disposition of canceled and redeemed bonds, Treasury certificates, and other certificates of indebtedness; to the Committee on Banking and Currency.

Also, a bill (H. R. 477) requiring special counsel employed by the United States to take oath of office and certify that past and present retainers not in conflict with interest of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 478) for the purpose of protecting officers of the Army, Navy, or Marine Corps who are called by committees of the House and Senate to testify concerning matters before such committees; to the Committee on Military Affairs.

Also, a bill (H. R. 479) providing a trial by jury for acts constituting contempt of court; to the Committee on the Judiciary.

Also, a bill (H. R. 480) establishing transmission and carrying of mail by airplanes and flying machines; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 481) limiting the use of contributions made for the purpose of influencing elections at which presidential electors, Senators, and Representatives in Congress are elected; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, a bill (H. R. 482) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 483) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 484) to amend the revenue act of 1924; to the Committee on Ways and Means.

Also, a bill (H. R. 485) to supplement and amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary" (act of Mar. 3, 1911, chap. 231), and known as the Judicial Code, and to limit the jurisdiction of district and circuit courts in certain cases; to the Committee on the Judiciary.

By Mr. McKEOWN: A bill (H. R. 486) providing for the erection of a public building in the city of Sapulpa, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. ROY G. FITZGERALD: A bill (H. R. 487) creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and making an appropriation therefor; to the Committee on the District of Columbia.

By Mr. McKEOWN: A bill (H. R. 488) providing for the erection of a public building in the city of Bristow, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 489) for the erection of a public building at Drumright, Creek County, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 490) providing for the erection of a public building in the city of Ada, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 491) providing for the erection of a public building in the city of Holdenville, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 492) providing for the erection of a public building in the city of Okemah, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. McSWAIN: A bill (H. R. 493) to provide for the construction of a Federal building at Spartanburg, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 494) to enlarge and extend the post-office building at Greenville, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Virginia: A bill (H. R. 495) for the construction of a public building at Culpeper, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 496) for the construction of a public building at Manassas, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 497) for the construction of a public building at Orange, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 498) for the construction of a public building at Clarenden, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 499) for the construction of a public building at Cherrydale, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 500) to provide for the acquisition of a site and the erection thereon of a post-office building at Alexandria, Va.; to the Committee on Public Buildings and Grounds.

By Mr. ALDRICH: A bill (H. R. 501) granting a pension to Edward P. Coan; to the Committee on Pensions.

Also, a bill (H. R. 502) granting a pension to Mary E. McVee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 503) granting a pension to Abner L. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 504) granting a pension to Mary F. Randall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 505) granting an increase of pension to Sarah C. Webb; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 506) granting a pension to Helen L. Roberts; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 507) granting a pension to Florence Clemens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 508) granting a pension to Mary Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 509) granting a pension to Ella Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 510) granting a pension to Sophia C. Gregg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 511) granting a pension to Olive Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 512) granting a pension to Louisa Musgrove; to the Committee on Invalid Pensions.

Also, a bill (H. R. 513) granting a pension to Mary A. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 514) granting a pension to Maude E. Riggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 515) granting a pension to Adaline Poole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 516) granting a pension to Susan F. Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 517) granting a pension to Mollie Rauchman, widow of Charles Rauchman; to the Committee on Pensions.

Also, a bill (H. R. 518) granting a pension to Sarah S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 519) granting an increase of pension to Eliza J. Pate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 520) granting an increase of pension to Margaret Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 521) granting an increase of pension to Martha A. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 522) granting an increase of pension to Martha J. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 523) granting an increase of pension to Malissa Elifritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 524) granting an increase of pension to Samantha Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 525) granting a pension to Samantha Elliston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 526) granting a pension to Viola H. Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 527) granting an increase of pension to Bethena Starkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 528) granting an increase of pension to Harriet E. Tally; to the Committee on Invalid Pensions.

Also, a bill (H. R. 529) granting an increase of pension to Sarah C. Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 530) for the relief of Frederick Leininger; to the Committee on Military Affairs.

Also, a bill (H. R. 531) for the relief of John A. Bingham; to the Committee on Claims.

Also, a bill (H. R. 532) for the relief of William H. Dotson; to the Committee on Military Affairs.

Also, a bill (H. R. 533) for the relief of Henry Simons; to the Committee on Military Affairs.

Also, a bill (H. R. 534) to remove the charge of desertion from the record of Benjamin S. McHenry; to the Committee on Military Affairs.

By Mr. ASWELL: A bill (H. R. 535) granting a pension to Amelia C. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 536) granting a pension to Loreziar Walton; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 537) for the relief of A. B. Ewing; to the Committee on Claims.

Also, a bill (H. R. 538) granting an increase of pension to Agnes Kimball; to the Committee on Pensions.

Also, a bill (H. R. 539) granting an increase of pension to William C. Sherman; to the Committee on Pensions.

Also, a bill (H. R. 540) granting an increase of pension to Reuben Waller; to the Committee on Pensions.

Also, a bill (H. R. 541) granting an increase of pension to Clarence E. West; to the Committee on Pensions.

Also, a bill (H. R. 542) granting a pension to Ida M. Whitmore; to the Committee on Pensions.

Also, a bill (H. R. 543) granting an increase of pension to Clarence Wimer; to the Committee on Pensions.

Also, a bill (H. R. 544) granting an increase of pension to Marian Breeze; to the Committee on Invalid Pensions.

Also, a bill (H. R. 545) granting an increase of pension to Mary A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 546) granting an increase of pension to Eliza J. Bogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 547) granting an increase of pension to Ann M. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 548) granting an increase of pension to Elizabeth A. Bowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 549) granting a pension to William Bruce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 550) granting a pension to Jennie Pugh Carnahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 551) granting a pension to Carrie A. Carringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 552) granting an increase of pension to Anna E. Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 553) granting an increase of pension to Rachel Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 554) granting an increase of pension to Helen M. Farley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 555) granting an increase of pension to Mary J. Hedinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 556) granting a pension to Emma Heim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 557) granting an increase of pension to Sarah Hiddeson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 558) granting an increase of pension to Barbra Hinkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 559) granting an increase of pension to Gideon C. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 560) granting an increase of pension to Elizabeth Lockwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 561) granting an increase of pension to Mary S. Lovell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 562) granting an increase of pension to Ella C. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 563) granting an increase of pension to Mary N. Moody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 564) granting an increase of pension to Laura Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 565) granting an increase of pension to Matilda B. Nyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 566) granting an increase of pension to Abbie Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 567) granting a pension to Eva A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 568) granting an increase of pension to Jennie Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 569) granting an increase of pension to Mary H. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 570) granting an increase of pension to Celia Shreve; to the Committee on Invalid Pensions.

Also, a bill (H. R. 571) granting an increase of pension to Sarah A. Silverwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 572) granting a pension to Mattie B. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 573) granting an increase of pension to Caroline Winne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 574) granting a pension to Vicena Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 575) granting an increase of pension to Lucy H. Woolard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 576) granting a pension to Emma Webb; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 577) granting an increase of pension to Oliver C. Reynolds; to the Committee on Pensions.

Also, a bill (H. R. 578) granting an increase of pension to Sarah A. Millan; to the Committee on Pensions.

Also, a bill (H. R. 579) granting a pension to Harriet L. Messenger; to the Committee on Pensions.

Also, a bill (H. R. 580) granting a pension to Quintilda Chambers; to the Committee on Pensions.

Also, a bill (H. R. 581) for the relief of John H. Ballah; to the Committee on Military Affairs.

Also, a bill (H. R. 582) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.; to the Committee on Claims.

By Mr. BARBOUR: A bill (H. R. 583) granting an increase of pension to Walter S. Reynolds; to the Committee on Pensions.

Also, a bill (H. R. 584) granting a pension to Mania Vartanian; to the Committee on Invalid Pensions.

Also, a bill (H. R. 585) for the relief of Frederick Marshall; to the Committee on Naval Affairs.

By Mr. BLACK of Texas: A bill (H. R. 586) granting an increase of pension to Mary Teague; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 587) to provide for the examination and survey of Mathews Creek, Mathews County, Va., and of the channel connecting the said creek with East River, Mathews County, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 588) to provide for an examination and survey of Nomini Bay and Creek, Westmoreland County, Va., and channel connecting the same with the Potomac River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 589) to provide for an examination and survey of Mill Creek, Middlesex County, Va., and of the channel connecting said creek with Rappahannock River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 590) to provide for an examination and survey of Carters Creek, Lancaster County, Va., and of the channel connecting the said creek with Rappahannock River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 591) to provide for an examination and survey of Beach Creek, Lancaster County, Va., and of the channel connecting the said creek with Rappahannock River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 592) to provide for an examination and survey of channel leading from Oyster, Northampton County, Va., to the Atlantic Ocean; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 593) to provide for an examination and survey of Starlings Creek, Accomac County, Va., and of the channel connecting said creek with Pocomoke Sound; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 594) to correct the military record of T. Abraham Hetrick; to the Committee on Military Affairs.

Also, a bill (H. R. 595) for the relief of B. Jackson; to the Committee on Claims.

Also, a bill (H. R. 596) granting a pension to Mary L. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 597) granting a pension to Maggie Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 598) granting a pension to Frederick L. Engle; to the Committee on Pensions.

Also, a bill (H. R. 599) granting a pension to Mary Fitchett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 600) granting a pension to Leonora Paine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 601) granting an increase of pension to Clare D. Fielding; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 602) for the relief of Morris Spirt; to the Committee on Claims.

Also, a bill (H. R. 603) granting a pension to John W. Brown; to the Committee on Pensions.

Also, a bill (H. R. 604) granting a pension to Matilda Lovey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 605) for the relief of the heirs of Jacob J. Udelson; to the Committee on Claims.

Also, a bill (H. R. 606) for the relief of Jerome J. Wingers; to the Committee on Naval Affairs.

Also, a bill (H. R. 607) for the relief of William Mackin; to the Committee on Naval Affairs.

Also, a bill (H. R. 608) granting a pension to Lillian Pike; to the Committee on Pensions.

Also, a bill (H. R. 609) granting a pension to Olivia Marie Kindleberger; to the Committee on Pensions.

Also, a bill (H. R. 610) for the relief of Frank J. Simmons; to the Committee on War Claims.

Also, a bill (H. R. 611) for the relief of Louis Miller; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 612) for the relief of Clarence F. Birkett; to the Committee on Claims.

Also, a bill (H. R. 613) for the relief of Nicholas Andrew Brown; to the Committee on Claims.

Also, a bill (H. R. 614) for the relief of George F. Thomas; to the Committee on Military Affairs.

By Mr. BURDICK: A bill (H. R. 615) for the relief of John H. Barrett and Ada H. Barrett; to the Committee on War Claims.

Also, a bill (H. R. 616) for the relief of Ernest F. Church, to the Committee on Claims.

Also, a bill (H. R. 617) for the relief of Iver Boreson; to the Committee on Claims.

Also, a bill (H. R. 618) granting an increase of pension to Margaret C. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 619) granting an increase of pension to Josephine M. Hayes; to the Committee on Pensions.

Also, a bill (H. R. 620) granting a pension to Harriet G. Albro; to the Committee on Invalid Pensions.

Also, a bill (H. R. 621) granting an increase of pension to Caroline McGough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 622) granting an increase of pension to Eleanora E. Seymour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 623) granting a pension to John Nelson West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 624) granting an increase of pension to Mary A. Winsor; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 625) for the relief of Nicholas R. Snyder; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 626) granting a pension to Jordan Kidwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 627) granting a pension to Earl Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 628) granting a pension to Frances Server; to the Committee on Invalid Pensions.

Also, a bill (H. R. 629) granting a pension to Mary E. Eubank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 630) granting a pension to Roscoe W. Barker; to the Committee on Pensions.

Also, a bill (H. R. 631) granting a pension to Delaney L. Prall; to the Committee on Pensions.

Also, a bill (H. R. 632) granting a pension to Mary M. Waltman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 633) granting a pension to Harvey Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 634) granting a pension to Margaret Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 635) granting a pension to Mary Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 636) granting a pension to Abigail Nicholson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 637) granting a pension to Helen McClintic; to the Committee on Invalid Pensions.

Also, a bill (H. R. 638) granting a pension to Hannah Alice Polen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 639) granting a pension to Eldoris Y. Green; to the Committee on Pensions.

Also, a bill (H. R. 640) granting an increase of pension to Mary L. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 641) authorizing the President of the United States to appoint Samuel Woodfill to the position and rank of captain in the Army of the United States and immediately retire him with the rank and pay of a captain; to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 642) for the relief of Kate W. Milward; to the Committee on War Claims.

By Mr. CHRISTOPHERSON: A bill (H. R. 643) for the relief of Sam H. Allen; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 644) granting a pension to Ellen A. Farrelly; to the Committee on Pensions.

Also, a bill (H. R. 645) granting a pension to Charles S. Simmers; to the Committee on Pensions.

Also, a bill (H. R. 646) granting a pension to Nellie L. Grady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 647) granting a pension to John Donohue; to the Committee on Pensions.

Also, a bill (H. R. 648) granting a pension to Ida A. Chapman; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 649) granting an increase of pension to Sarah A. Evans; to the Committee on Pensions.

Also, a bill (H. R. 650) granting an increase of pension to Jennie Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 651) granting a pension to Frances McAnnany; to the Committee on Invalid Pensions.

Also, a bill (H. R. 652) granting a pension to Frank R. DeLany; to the Committee on Pensions.

Also, a bill (H. R. 653) granting a pension to Fannie K. Mensing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 654) for the relief of Morris Dietrich; to the Committee on Claims.

Also, a bill (H. R. 655) for the relief of Francis A. Grennen; to the Committee on Claims.

Also, a bill (H. R. 656) for the relief of Dommick Tahney and John W. Mortimer; to the Committee on Claims.

Also, a bill (H. R. 657) for the relief of Catherine Woods; to the Committee on Naval Affairs.

Also, a bill (H. R. 658) for the relief of Harry Coventry; to the Committee on Military Affairs.

Also, a bill (H. R. 659) for the relief of John C. Cantwell; to the Committee on Military Affairs.

Also, a bill (H. R. 660) for the relief of Banks College; to the Committee on Claims.

Also, a bill (H. R. 661) for the relief of Annie McColgan; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 662) authorizing the accounting officers of the General Accounting Office to settle the accounts of C. M. Omohundro; to the Committee on Claims.

Also, a bill (H. R. 663) granting a pension to Jessie Emma Diggery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 664) granting an increase of pension to Margaret Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 665) granting an increase of pension to Emma Schaumburger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 666) granting an increase of pension to Mary E. Pickett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 667) granting an increase of pension to Susannah Neamire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 668) granting an increase of pension to Emma Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 669) granting an increase of pension to Mary L. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 670) for the relief of John J. Gillick; to the Committee on Claims.

Also, a bill (H. R. 671) for the relief of Margaret Fitzgerald; to the Committee on Claims.

Also, a bill (H. R. 672) for the relief of Emma B. McOmber; to the Committee on Claims.

Also, a bill (H. R. 673) for the relief of Ollie Keeley; to the Committee on Claims.

Also, a bill (H. R. 674) for the relief of William McDonnell; to the Committee on Military Affairs.

Also, a bill (H. R. 675) for the relief of William S. Graham; to the Committee on Claims.

Also, a bill (H. R. 676) for the relief of Charles Springer; to the Committee on Military Affairs.

Also, a bill (H. R. 677) for the relief of the State of New York; to the Committee on Claims.

Also, a bill (H. R. 678) for the relief of Hugh O'Riley; to the Committee on Military Affairs.

Also, a bill (H. R. 679) for the relief of Walter F. Walsh, jr.; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 680) for the relief of John A. Douglas; to the Committee on Military Affairs.

Also, a bill (H. R. 681) granting a pension to Jennie E. Buckley; to the Committee on Pensions.

Also, a bill (H. R. 682) granting an increase of pension to Mary A. McKay; to the Committee on Pensions.

Also, a bill (H. R. 683) granting an increase of pension to Sarah Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 684) granting an increase of pension to Minnie Dawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 685) granting an increase of pension to Mary C. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 686) granting an increase of pension to Harriet Vosburg; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 687) granting an increase of pension to Cornelia H. Clopton; to the Committee on Pensions.

Also, a bill (H. R. 688) granting an increase of pension to Mrs. William R. Lebert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 689) granting a pension to Emma Justice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 690) granting an increase of pension to Mattie Hepler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 691) granting a pension to Marie T. Booker; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 692) granting an increase of pension to Magdelana Wilber; to the Committee on Pensions.

Also, a bill (H. R. 693) granting an increase of pension to Margaret Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 694) granting a pension to Lawrence Walrath; to the Committee on Pensions.

Also, a bill (H. R. 695) granting an increase of pension to John Cronin; to the Committee on Pensions.

Also, a bill (H. R. 696) granting an increase of pension to Elizabeth Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 697) granting an increase of pension to Louisa A. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 698) granting an increase of pension to Mary H. Briggs; to the Committee on Pensions.

Also, a bill (H. R. 699) granting an increase of pension to Agnes Putman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 700) granting an increase of pension to Maria Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 701) granting an increase of pension to Esther E. Hanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 702) granting an increase of pension to Mary Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 703) granting a pension to Lillian M. Stoddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 704) granting a pension to Bertha Scheich; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 705) for the relief of Clair A. Koch; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 706) for the relief of Irvin J. Brown; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 707) for the relief of John Purdy; to the Committee on Military Affairs.

Also, a bill (H. R. 708) granting a pension to Ida L. Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 709) granting a pension to Henry Frey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 710) granting a pension to Nancy Stanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 711) granting a pension to Thomas Yeager; to the Committee on Pensions.

Also, a bill (H. R. 712) granting an increase of pension to Lizzie H. Elliott; to the Committee on Pensions.

Also, a bill (H. R. 713) for the relief of Earl F. Heist; to the Committee on Claims.

Also, a bill (H. R. 714) granting a pension to Rebecca Manviller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 715) granting a pension to Mary A. Klapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 716) granting a pension to Annie M. Heckaman; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 717) for the relief of George A. Robertson; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 718) for the relief of William McCormack; to the Committee on Claims.

Also, a bill (H. R. 719) for the relief of Martha E. Conklin; to the Committee on Claims.

Also, a bill (H. R. 720) for the relief of Charles D. Shay; to the Committee on Claims.

Also, a bill (H. R. 721) for the relief of John J. Torpey; to the Committee on Claims.

Also, a bill (H. R. 722) for the relief of Thomas Braxton; to the Committee on Claims.

Also, a bill (H. R. 723) for the relief of Nicholas Amoroso; to the Committee on Claims.

Also, a bill (H. R. 724) for the relief of Capt. Norman D. Cota; to the Committee on Claims.

Also, a bill (H. R. 725) for the relief of Joseph McCloy; to to the Committee on Military Affairs.

Also, a bill (H. R. 726) for the relief of George J. Covert; to the Committee on Military Affairs.

Also, a bill (H. R. 727) for the relief of James Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 728) for the relief of John G. Pavek; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 729) granting an increase of pension to George A. Atkinson; to the Committee on Pensions.

Also, a bill (H. R. 730) for the relief of the estate of Elijah Abbott, deceased; to the Committee on War Claims.

Also, a bill (H. R. 731) granting a pension to Lafayette Bronson; to the Committee on Pensions.

Also, a bill (H. R. 732) granting a pension to James Burke; to the Committee on Pensions.

Also, a bill (H. R. 733) for the relief of Thomas Carroll; to the Committee on Military Affairs.

Also, a bill (H. R. 734) granting a pension to William Croft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 735) granting a pension to John G. DeCamp; to the Committee on Pensions.

Also, a bill (H. R. 736) for the relief of Joe D. Donisi; to the Committee on Claims.

Also, a bill (H. R. 737) granting a pension to Samuel L. Fiste; to the Committee on Pensions.

Also, a bill (H. R. 738) for the relief of Charles Gallagher; to the Committee on Military Affairs.

Also, a bill (H. R. 739) granting relief to James J. Haley; to the Committee on Military Affairs.

Also, a bill (H. R. 740) granting a pension to Edith Hampel; to the Committee on Pensions.

Also, a bill (H. R. 741) granting an increase of pension to Samuel J. Haslett; to the Committee on Pensions.

Also, a bill (H. R. 742) granting a pension to Ida May Hassler; to the Committee on Pensions.

Also, a bill (H. R. 743) granting a pension to Dennis Higgins; to the Committee on Pensions.

Also, a bill (H. R. 744) granting a pension to James H. Jevens; to the Committee on Pensions.

Also, a bill (H. R. 745) granting a pension to Annie Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 746) granting a pension to Henry Juvenile; to the Committee on Pensions.

Also, a bill (H. R. 747) for the relief of Maurice J. Keegan; to the Committee on Military Affairs.

Also, a bill (H. R. 748) for the relief of Dock Leach; to the Committee on Military Affairs.

Also, a bill (H. R. 749) granting back pension to Robert T. Lucey; to the Committee on Pensions.

Also, a bill (H. R. 750) granting a pension to John McDonald; to the Committee on Pensions.

Also, a bill (H. R. 751) to reimburse Hugh J. McKane for property destroyed by fire in the District of Columbia; to the Committee on Claims.

Also, a bill (H. R. 752) for the relief of Bernard Joseph Maley; to the Committee on Claims.

Also, a bill (H. R. 753) for the relief of Garrett M. Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 754) granting a pension to Allen Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 755) granting a pension to Margaret Malott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 756) granting a pension to Hannah O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 757) granting an increase of pension to William P. Parrill; to the Committee on Pensions.

Also, a bill (H. R. 758) granting an increase of pension to Barbara Ann Pence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 759) for the relief of Robert G. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 760) granting a pension to John M. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 761) granting a pension to Catherine Trushell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 762) for the relief of Herman Wagner; to the Committee on Military Affairs.

Also, a bill (H. R. 763) granting a pension to Herman Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 764) for the relief of Elmer White; to the Committee on Military Affairs.

Also, a bill (H. R. 765) for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker; to the Committee on Claims.

By Mr. FULLER: A bill (H. R. 766) granting a pension to Sarah E. Biggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 767) granting a pension to Christina Maxworthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 768) granting a pension to Cora Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 769) granting a pension to Charles R. Gillam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 770) granting a pension to Nellie Barrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 771) granting an increase of pension to Emma P. Poyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 772) granting an increase of pension to Josephine Stalker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 773) granting an increase of pension to Caroline C. Bower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 774) granting an increase of pension to Nellie Chalmers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 775) granting an increase of pension to Mary E. Cummins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 776) granting an increase of pension to Kate Payler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 777) granting an increase of pension to Lucelia M. Strunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 778) granting an increase of pension to Mildred Renwick; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 779) granting an increase of pension to Andrew Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 780) for the relief of J. S. Corbett; to the Committee on Claims.

By Mr. FUNK: A bill (H. R. 781) granting an increase of pension to Francis M. Phares; to the Committee on Pensions.

Also, a bill (H. R. 782) for the relief of Lemuel E. Reed; to the Committee on Military Affairs.

By Mr. BURTNESS: A bill (H. R. 783) granting a patent to Paul Welo; to the Committee on the Public Lands.

Also, a bill (H. R. 784) granting a pension to John M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 785) granting a pension to J. S. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 786) for the relief of Emmett Edward O'Hara; to the Committee on Claims.

Also, a bill (H. R. 787) for the relief of Fayette L. Froemke; to the Committee on Naval Affairs.

By Mr. SMITHWICK: A bill (H. R. 788) to increase the pension of Lottie C. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 789) to increase the pension of Ida L. Fay; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 790) granting pension to members of Captain Greenstreet's company, Washington Volunteers, Nez Perce Indian wars; to the Committee on Pensions.

Also, a bill (H. R. 791) granting pension to members of Capt. Thomas C. Galloway's Company E, First Regiment Idaho Volunteers, Weiser Home Guard, Nez Perce Indian wars; to the Committee on Pensions.

Also, a bill (H. R. 792) granting a pension to John Casey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 793) granting a pension to H. P. Hull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 794) granting a pension to Homer Bounds; to the Committee on Pensions.

Also, a bill (H. R. 795) granting a pension to Young Noah Bredell; to the Committee on Pensions.

Also, a bill (H. R. 796) granting a pension to Richard King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 797) granting a pension to Minnie M. Noble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 798) granting a pension to Mrs. Riley B. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 799) granting a pension to Elmer K. Corbett; to the Committee on Pensions.

Also, a bill (H. R. 800) granting a pension to Charles A. Fairfield; to the Committee on Pensions.

Also, a bill (H. R. 801) granting a pension to Arthur N. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 802) granting a pension to Jacob Munden; to the Committee on Pensions.

Also, a bill (H. R. 803) granting a pension to Aaron F. Parker; to the Committee on Pensions.

Also, a bill (H. R. 804) granting a pension to Chris H. Schmadeka; to the Committee on Pensions.

Also, a bill (H. R. 805) granting a pension to James Surridge; to the Committee on Pensions.

Also, a bill (H. R. 806) granting a pension to Maggie Timothy; to the Committee on Pensions.

Also, a bill (H. R. 807) granting an increase of pension to Samuel H. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 808) granting a pension to Louis Webber; to the Committee on Pensions.

Also, a bill (H. R. 809) granting an increase of pension to Carrie Miller; to the Committee on Pensions.

Also, a bill (H. R. 810) granting an increase of pension to Frederick Kull; to the Committee on Pensions.

Also, a bill (H. R. 811) granting an increase of pension to Jethro J. T. Garde; to the Committee on Pensions.

Also, a bill (H. R. 812) granting an increase of pension to Mary A. Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 813) for the relief of L. J. Houghtaling; to the Committee on Agriculture.

Also, a bill (H. R. 814) for the relief of James L. Cardwell; to the Committee on Claims.

Also, a bill (H. R. 815) for the relief of O. H. Lipps; to the Committee on Claims.

Also, a bill (H. R. 816) for the relief of W. F. Morgareidge; to the Committee on Claims.

Also, a bill (H. R. 817) for the relief of Sam Tilden; to the Committee on Claims.

Also, a bill (H. R. 818) for the relief of William A. Glasson, to the Committee on Military Affairs.

Also, a bill (H. R. 819) for the relief of James C. Simmons, alias James C. Whitlock; to the Committee on Military Affairs.

Also, a bill (H. R. 820) for the relief of James K. P. Welch; to the Committee on Military Affairs.

Also, a bill (H. R. 821) for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho; to the Committee on Claims.

By Mr. FROTHINGHAM: A bill (H. R. 822) granting a pension to Arthur S. Belcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 823) granting a pension to Elizabeth H. Staples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 824) granting a pension to Sadie E. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 825) granting a pension to Mary J. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 826) granting a pension to Ella F. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 827) for the relief of Philip T. Post; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 828) for the relief of Clarence C. Cadell; to the Committee on Claims.

Also, a bill (H. R. 829) for the relief of John H. Gonderman; to the Committee on Claims.

Also, a bill (H. R. 830) for the relief of John Jakes; to the Committee on Military Affairs.

Also, a bill (H. R. 831) for the relief of Levin P. Kelly; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 832) granting a pension to Isaac B. Thorn; to the Committee on Pensions.

Also, a bill (H. R. 833) granting an increase of pension to Mary A. Donaghy; to the Committee on Pensions.

Also, a bill (H. R. 834) granting an increase of pension to Everett W. Fuller; to the Committee on Pensions.

Also, a bill (H. R. 835) granting an increase of pension to Emma S. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 836) granting a pension to Lizzie Forkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 837) granting an increase of pension to Monime C. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 838) granting an increase of pension to Louise M. Prouty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 839) granting an increase of pension to Adelaide J. Balcom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 840) granting an increase of pension to Annie L. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 841) granting an increase of pension to Katie Busby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 842) granting a pension to Nellie Mooney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 843) granting an increase of pension to Lurana Silsby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 844) granting an increase of pension to Emily H. Barden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 845) granting an increase of pension to Laura I. Washburne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 846) granting an increase of pension to Ann E. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 847) granting an increase of pension to Lucinda M. Irish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 848) granting an increase of pension to Lizzie E. Streeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 849) granting an increase of pension to Margaret L. Cray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 850) granting an increase of pension to Helen F. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 851) granting an increase of pension to Emma F. Niles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 852) granting an increase of pension to Azzaline M. Bogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 853) granting an increase of pension to Josephine H. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 854) granting an increase of pension to Abbie J. Pierson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 855) granting an increase of pension to Emma L. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 856) granting an increase of pension to Elmira H. Streeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 857) granting an increase of pension to Charlotte M. Combs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 858) granting an increase of pension to Mary H. Hight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 859) granting an increase of pension to Jane L. McNichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 860) granting an increase of pension to Mary E. Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 861) granting an increase of pension to Flora P. S. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 862) granting an increase of pension to Caroline E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 863) granting an increase of pension to Salina V. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 864) granting a pension to Laura W. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 865) granting an increase of pension to Mary A. Barber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 866) granting an increase of pension to Mary L. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 867) granting an increase of pension to Fanny L. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 868) granting a pension to Alice M. Allbee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 869) granting a pension to Sarah L. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 870) granting an increase of pension to Julia L. Gregory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 871) granting an increase of pension to Ann W. Mills; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 872) granting a pension to Emaline Hoggatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 873) granting a pension to Jennie M. Wiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 874) granting a pension to John Stradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 875) granting a pension to Susan B. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 876) for the relief of Wm. F. Wilkinson; to the Committee on Military Affairs.

Also, a bill (H. R. 877) granting a pension to Louisa W. Kohser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 878) granting a pension to Sarah S. Bradfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 879) granting a pension to Emily J. Hormel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 880) granting a pension to Sarah M. Larimore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 881) granting a pension to Robert B. Printy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 882) granting a pension to Frances M. Snyder; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 883) granting an increase of pension to Theodore Hanson; to the Committee on Pensions.

Also, a bill (H. R. 884) granting an increase of pension to Mary M. Spriggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 885) granting an increase of pension to George Brotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 886) granting a pension to Steward Callahan; to the Committee on Pensions.

Also, a bill (H. R. 887) for the relief of Gustav A. Lieber; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 888) granting a pension to Susan E. Darrough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 889) granting a pension to Frederick O. Overlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 890) granting an increase of pension to Abbie M. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 891) granting an increase of pension to Sarah M. Crommett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 892) granting an increase of pension to Catherine Nelligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 893) granting an increase of pension to Laura Moore; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 894) granting jurisdiction to the Court of Claims of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 895) granting a pension to James C. Bean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 896) granting a pension to Charles Ebin Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 897) granting an increase of pension to Mary E. Sherbondy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 898) granting a pension to Christina Wickey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 899) granting a pension to Lydia A. McJimsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 900) granting a pension to Marcus C. Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 901) granting a pension to Hannah Copeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 902) for the relief of David A. Wolfe; to the Committee on Claims.

Also, a bill (H. R. 903) for the relief of the First National Bank, of New Carlisle, Ind.; to the Committee on Claims.

Also, a bill (H. R. 904) granting a pension to Martin Fluegel; to the Committee on Pensions.

Also, a bill (H. R. 905) granting a pension to Minnie E. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 906) granting a pension to Angeline C. Stuck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 907) granting a pension to Lodenia Speelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 908) granting a pension to John Swarts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 909) granting a pension to Samuel B. Osborn; to the Committee on Pensions.

Also, a bill (H. R. 910) granting a pension to George C. Mann; to the Committee on Pensions.

Also, a bill (H. R. 911) for the relief of Thomas N. Swearingen; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 912) to authorize the Secretary of the Treasury to reimburse Capt. George G. Seibels, United States Navy, the sum of $170, money stolen belonging to the United States from the said Capt. George G. Seibels while in the discharge of his duties and paid into the Treasury of the United States by him; to the Committee on Claims.

By Mr. HOCH: A bill (H. R. 913) granting an increase of pension to Margaret J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 914) granting an increase of pension to Catherine Hegner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 915) granting a pension to Helen M. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 916) granting an increase of pension to Anna Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 917) granting an increase of pension to Adaline E. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 918) granting an increase of pension to Elizabeth R. Noll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 919) granting an increase of pension to Alice J. Stebbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 920) granting an increase of pension to Melvina A. Horner; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 921) granting a pension to Mary Jane Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 922) granting an increase of pension to Evaleen M. Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 923) granting a pension to Augusta E. Husted; to the Committee on Invalid Pensions.

Also, a bill (H. R. 924) granting a pension to Ralph Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 925) granting an increase of pension to Georgiana Kilby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 926) granting an increase of pension to Elizabeth Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 927) granting an increase of pension to Emma Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 928) granting an increase of pension to Alice Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 929) granting a pension to Harriett Upright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 930) granting an increase of pension to Dovillo Warner; to the Committee on Pensions.

Also, a bill (H. R. 931) granting a pension to Emma Jane Whipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 932) granting an increase of pension to Katherine Whitaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 933) granting a pension to Ida E. Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 934) granting an increase of pension to Laura L. Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 935) granting a pension to Clara Jordan; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 936) granting an increase of pension to Harriet Best; to the Committee on Invalid Pensions.

Also, a bill (H. R. 937) granting an increase of pension to Sarah Blodgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 938) granting an increase of pension to Emily J. Farrar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 939) granting an increase of pension to Martha Jane McNeely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 940) granting an increase of pension to Dorcas Quigley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 941) granting an increase of pension to Elizabeth Jane Dodds; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 942) granting a pension to Columbus A. Bearden; to the Committee on Pensions.

Also, a bill (H. R. 943) granting a pension to William Lanier; to the Committee on Pensions.

Also, a bill (H. R. 944) granting a pension to Samantha Jane Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 945) granting a pension to Jesse A. Baggett; to the Committee on Pensions.

Also, a bill (H. R. 946) to reimburse Hugh T. Caffey, formerly postmaster at Leeds, Ala., for money and stamps stolen from said post office at Leeds, Ala., and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 947) to provide for payment of the amount of war-risk insurance to a beneficiary designated by Staff Sergt. Leslie I. Wright; to the Committee on War Claims.

Also, a bill (H. R. 948) for the relief of John Hyatt; to the Committee on Claims.

Also, a bill (H. R. 949) for the relief of John H. Cowley; to the Committee on Military Affairs.

Also, a bill (H. R. 950) for the relief of Leslie E. Drake; to the Committee on Claims.

Also, a bill (H. R. 951) for the relief of Charles H. Reed; to the Committee on Military Affairs.

Also, a bill (H. R. 952) granting a pension to Ida E. Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 953) granting a pension to Martha E. Hodges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 954) granting a pension to Louisa Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 955) granting a pension to Emma C. Alton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 956) granting a pension to Louise Holden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 957) granting an increase of pension to Ann E. Woodworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 958) granting an increase of pension to Elizabeth Sturgis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 959) granting an increase of pension to Mary F. Elliott; to the Committee on Pensions.

Also, a bill (H. R. 960) granting an increase of pension to Mary C. Brandyberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 961) granting an increase of pension to John B. Fonner; to the Committee on Pensions.

By Mr. IRWIN: A bill (H. R. 962) for the relief of the estate of William Fries, deceased; to the Committee on Claims.

By Mr. JEFFERS: A bill (H. R. 963) granting a pension to Sallie E. Copeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 964) for the relief of George Howard Gandy; to the Committee on Military Affairs.

Also, a bill (H. R. 965) for the relief of C. B. Wells; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 966) granting an increase of pension to Ruth B. Adamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 967) granting an increase of pension to Priscilla A. Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 968) granting an increase of pension to Sarah E. Beatty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 969) granting an increase of pension to Belle H. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 970) granting an increase of pension to Sophie B. Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 971) granting a pension to Sarah L. Darr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 972) granting an increase of pension to John Dudley; to the Committee on Pensions.

Also, a bill (H. R. 973) granting an increase of pension to Lizzie J. Fagin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 974) granting an increase of pension to Anne L. Fomorin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 975) granting an increase of pension to Maggie Flora; to the Committee on Invalid Pensions.

Also, a bill (H. R. 976) granting an increase of pension to Mary E. Harl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 977) granting an increase of pension to Rebecca J. Hertslet; to the Committee on Pensions.

Also, a bill (H. R. 978) granting an increase of pension to Janet Hiett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 979) granting an increase of pension to Rebecca A. Kidd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 980) granting an increase of pension to Mary H. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 981) granting a pension to Annie E. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 982) granting an increase of pension to Anna McCann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 983) granting an increase of pension to Clorinda Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 984) granting an increase of pension to Anna E. Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 985) granting an increase of pension to Mollie Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 986) granting an increase of pension to Kate Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 987) granting an increase of pension to Margaret A. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 988) granting a pension to Mary A. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 989) granting an increase of pension to Jennie Titus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 990) granting an increase of pension to Lucinda D. Woods; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 991) granting a pension to Helena Abel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 992) granting an increase of pension to Elizabeth Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 993) granting a pension to Harriet Beisel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 994) granting an increase of pension to Martha Bise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 995) granting a pension to Matilda Bittner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 996) granting an increase of pension to Nancy Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 997) granting an increase of pension to Mary Brownfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 998) granting a pension to Margaret E. Darby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 999) granting an increase of pension to Caroline Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1000) granting a pension to Anna B. Eicher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1001) granting an increase of pension to Susanna Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1002) granting an increase of pension to Mary E. Harding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1003) granting a pension to Virginia A. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1004) granting an increase of pension to Emma Hayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1005) granting an increase of pension to Belle Hickle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1006) granting an increase of pension to Margaret A. Inks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1007) granting an increase of pension to Isabella Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1008) granting an increase of pension to Annie Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1009) granting an increase of pension to Louisa A. McClarnan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1010) granting an increase of pension to Elizabeth Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1011) granting a pension to Eunice A. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1012) granting a pension to Eliza O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1013) granting an increase of pension to Julia Ann Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1014) granting a pension to Elizabeth Pringle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1015) for the relief of James W. Pringle; to the Committee on Military Affairs.

Also, a bill (H. R. 1016) granting an increase of pension to Margaret Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1017) granting an increase of pension to Sarah Ringler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1018) granting an increase of pension to Lucretia C. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1019) granting an increase of pension to Elizabeth Rossell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1020) granting an increase of pension to Lavinia P. Swaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1021) granting an increase of pension to Sophia Swaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1022) granting an increase of pension to Eve Schrock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1023) granting a pension to Elizabeth Ann Stoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1024) granting an increase of pension to Ophelia E. Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1025) granting a pension to Eliza J. Weimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1026) granting an increase of pension to Sarah E. Wilderman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1027) granting a pension to Rachel Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1028) granting an increase of pension to Annie V. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1029) granting a pension to Sarah E. Zinn; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 1030) granting a pension to Angeline Roudabush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1031) granting a pension to Mary C. Fluck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1032) granting an increase of pension to Sarah C. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1033) granting an increase of pension to Mary A. Stroup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1034) granting an increase of pension to Mary A. Bowser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1035) granting an increase of pension to Emma J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1036) granting an increase of pension to Sophia J. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1037) granting an increase of pension to Nancy A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1038) granting an increase of pension to Susanna Imler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1039) granting an increase of pension to Addie E. Hiney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1040) granting an increase of pension to Annie Conrad; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1041) granting an increase of pension to Mary Miller; to the Committee on Invalid Pensions

Also, a bill (H. R. 1042) granting an increase of pension to Kate Hollingshead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1043) granting an increase of pension to Sarah J. Kirkland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1044) granting an increase of pension to Harriet M. Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1045) granting an increase of pension to Susan Kemberlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1046) granting an increase of pension to Mary Jane Chisholm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1047) granting an increase of pension to Martha Cox; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 1048) for the relief of Emanuel Wallin; to the Committee on Claims.

Also, a bill (H. R. 1049) granting an increase of pension to Helena Bunt; to the Committee on Pensions.

Also, a bill (H. R. 1050) granting an increase of pension to John E. Hanson; to the Committee on Pensions.

Also, a bill (H. R. 1051) granting an increase of pension to Paulinus G. Huhn; to the Committee on Pensions.

Also, a bill (H. R. 1052) granting an increase of pension to James Montgomery, alias James Youns; to the Committee on Pensions.

Also, a bill (H. R. 1053) granting an increase of pension to Agnes Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1054) granting an increase of pension to Louisa J. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1055) granting an increase of pension to Euphemia Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1056) granting a pension to Reka Butts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1057) granting a pension to Peter E. Clarity; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1058) granting a pension to Esther I. Moon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1059) granting an increase of pension to Rebecca A. Septer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1060) granting a pension to Adeline M. Shaub; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1061) granting an increase of pension to Susan C. Glidden; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 1062) for the relief of Millie E. Clark and the minor children of Ernest B. Clark; to the Committee on Claims.

Also, a bill (H. R. 1063) for the relief of William F. Brockschmidt; to the Committee on Claims.

Also, a bill (H. R. 1064) granting an increase of pension to Louise Hatch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1065) granting an increase of pension to Izadorrer A. Lunceford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1066) granting an increase of pension to Clarence J. Cure; to the Committee on Pensions.

Also, a bill (H. R. 1067) granting a pension to David P. Smith; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 1068) granting an increase of pension to Joseph Hixon; to the Committee on Pensions.

Also, a bill (H. R. 1069) granting an increase of pension to George W. Vineyard; to the Committee on Pensions.

Also, a bill (H. R. 1070) granting an increase of pension to Ernest J. Logan; to the Committee on Pensions.

By Mr. LINEBERGER: A bill (H. R. 1071) granting a pension to Lillias Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1072) granting a pension to Margaret M. Bardwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1073) granting a pension to Caroline E. Hammer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1074) granting a pension to Ida M. Uline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1075) granting a pension to Carrie S. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1076) granting a pension to William J. Finley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1077) granting a pension to Anna Guthery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1078) granting a pension to Catherine A. Long; to the Committee on Pensions.

Also, a bill (H. R. 1079) granting a pension to Mary L. Kinsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1080) granting a pension to Jessie F. Loughridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1081) granting a pension to Oscar C. Settle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1082) granting a pension to William W. Shoch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1083) granting a pension to Evelyn A. Stump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1084) granting a pension to Elizabeth A. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 1085) granting a pension to Ann Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1086) granting a pension to Maria Sell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1087) granting a pension to Henrietta Downing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1088) granting a pension to Helen M. Reeve; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1089) granting a pension to Jane Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1090) granting a pension to Charlotte Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1091) granting a pension to Catherine A. Long; to the Committee on Pensions.

Also, a bill (H. R. 1092) granting a pension to Agnes D. Kier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1093) granting a pension to Francelia King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1094) granting a pension to Julia A. Tomlinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1095) granting a pension to Mary F. Butt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1096) granting a pension to James W. Daugherty; to the Committee on Pensions.

Also, a bill (H. R. 1097) granting a pension to Marcia A. C. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1098) granting a pension to Ella G. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1099) granting a pension to Hedwig L. Kirkpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1100) for the relief of Margaret Speir; to the Committee on War Claims.

Also, a bill (H. R. 1101) for the relief of C. P. Dryden; to to the Committee on Claims.

Also, a bill (H. R. 1102) for the relief of Maj. Arthur A. Padmore; to the Committee on Military Affairs.

Also, a bill (H. R. 1103) for the relief of Usher Rousch; to the Committee on Claims.

Also, a bill (H. R. 1104) for the relief of Charles R. Stevens; to the Committee on Military Affairs.

Also, a bill (H. R. 1105) for the relief of the Kelly Springfield Motor Truck Co. of California; to the Committee on War Claims.

By Mr. LINTHICUM: A bill (H. R. 1106) for the relief of the owners of the French bark *France;* to the Committee on Claims.

Also, a bill (H. R. 1107) for the relief of Harry R. Shaw; to the Committee on Claims.

Also, a bill (H. R. 1108) for the relief of Mary A. Cox; to the Committee on Claims.

Also, a bill (H. R. 1109) for the relief of Walter Kent, jr.; to the Committee on Claims.

Also, a bill (H. R. 1110) granting six months' pay to Lucy B. Knox; to the Committee on Naval Affairs.

Also, a bill (H. R. 1111) granting an increase of pension to Hester R. Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1112) granting an increase of pension to Edwina B. Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1113) granting an increase of pension to Georgianna M. Burroughs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1114) granting an increase of pension to Margaret E. Haviland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1115) granting an increase of pension to Mary J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1116) granting an increase of pension to Robert M. Maginniss; to the Committee on Pensions.

Also, a bill (H. R. 1117) granting an increase of pension to John H. Steiner; to the Committee on Pensions.

Also, a bill (H. R. 1118) granting a pension to Anna Griffin Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1119) granting a pension to John Blouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1120) granting a pension to Lida J. Blouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1121) granting a pension to Annie Donaldson; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 1122) granting an increase of pension to Martha K. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1123) granting a pension to Abby J. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1124) granting a pension to Katherine D. White; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 1125) for the relief of Laban H. Davies; to the Committee on Claims.

Also, a bill (H. R. 1126) granting a pension to Carrie H. Moffatt; to the Committee on Pensions.

Also, a bill (H. R. 1127) granting a pension to Carrie E. Miett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1128) granting an increase of pension to Melissa J. Sheffield; to the Committee on Pensions.

By Mr. McLEOD: A bill (H. R. 1129) for the relief of Giles Gordon; to the Committee on Military Affairs.

Also, a bill (H. R. 1130) authorizing the Secretary of War to donate to the Wayne County Council of the Veterans of Foreign Wars, Detroit, Mich., two brass cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 1131) for the relief of Charles William Orr; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 1132) granting a pension to Florine Kirkholder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1133) for the relief of John G. Pauley; to the Committee on Military Affairs.

Also, a bill (H. R. 1134) for the relief of William R. Connolly; to the Committee on Claims.

Also, a bill (H. R. 1135) for the relief of Edward Camp; to the Committee on Military Affairs.

Also, a bill (H. R. 1136) for the relief of Richard Weatherston; to the Committee on Claims.

Also, a bill (H. R. 1137) to correct the military record of William F. Wheeler; to the Committee on Military Affairs.

Also, a bill (H. R. 1138) to correct the military record of Clifford W. Pixley; to the Committee on Military Affairs.

Also, a bill (H. R. 1139) to correct the military record of William J. Wilson, alias John W. Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 1140) for the relief of Henry C. Ober, alias Harry G. Thompson, alias Harry McKinney; to the Committee on Naval Affairs.

Also, a bill (H. R. 1141) to correct the military record of John Dewitt Marvin; to the Committee on Military Affairs.

Also, a bill (H. R. 1142) granting a pension to Hannah M. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1143) granting a pension to Harry E. Pangburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1144) granting a pension to Leonard Merical; to the Committee on Pensions.

Also, a bill (H. R. 1145) granting a pension to Fred A. Flinn; to the Committee on Pensions.

Also, a bill (H. R. 1146) granting a pension to Nellie Ainsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1147) granting a pension to Sarah J. Benjamin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1148) granting a pension to Mary L. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1149) granting a pension to Julia Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1150) granting a pension to Mary Ann Stowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1151) granting a pension to Anna Germain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1152) granting an increase of pension to James Carroll; to the Committee on Pensions.

Also, a bill (H. R. 1153) granting an increase of pension to Raymond E. Daniels; to the Committee on Pensions.

Also, a bill (H. R. 1154) granting an increase of pension to Millie A. McKeown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1155) granting an increase of pension to Lena Emrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1156) granting an increase of pension to Harry W. Feldman; to the Committee on Pensions.

Also, a bill (H. R. 1157) granting an increase of pension to Frank A. Klein; to the Committee on Pensions.

Also, a bill (H. R. 1158) granting an increase of pension to Emily C. Benson-Merrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1159) granting an increase of pension to Mary Bershig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1160) granting an increase of pension to Mary Elseser; to the Committee on Pensions.

Also, a bill (H. R. 1161) granting a pension to Laura A. Darling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1162) granting an increase of pension to Frank Mueller; to the Committee on Pensions.

Also, a bill (H. R. 1163) granting an increase of pension to Mary Filkins; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 1164) for the relief of Mabel Lane Beck; to the Committee on Claims.

By Mr. MEAD: A bill (H. R. 1165) for the relief of John Wesley Jones; to the Committee on Naval Affairs.

Also, a bill (H. R. 1166) for the relief of Charles Schreiber; to the Committee on Naval Affairs.

Also, a bill (H. R. 1167) for the relief of William J. Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 1168) granting an increase of pension to Christina Ernest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1169) granting an increase of pension to Bridget Fogarty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1170) granting an increase of pension to Elizabeth Beckerich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1171) granting a pension to Mary L. Rupert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1172) granting an increase of pension to Katherine Timlin; to the Committee on Pensions.

Also, a bill (H. R. 1173) granting a pension to Mary Siegel; to the Committee on Pensions.

Also, a bill (H. R. 1174) for the relief of John Heinzenberger; to the Committee on Military Affairs.

Also, a bill (H. R. 1175) for the relief of Samuel F. Freiert; to the Committee on Military Affairs.

By Mr. MERRITT: A bill (H. R. 1176) granting an increase of pension to Blanche J. Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1177) granting an increase of pension to Sophia J. Bartram; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1178) granting a pension to Ellen Elizabeth Bechtel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1179) granting an increase of pension to Mary Eliza Brewster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1180) granting an increase of pension to James M. Burns; to the Committee on Pensions.

Also, a bill (H. R. 1181) granting an increase of pension to Mortimer H. Cadwell; to the Committee on Pensions.

Also, a bill (H. R. 1182) granting an increase of pension to Delia A. Castle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1183) granting an increase of pension to Mary E. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1184) granting an increase of pension to Julia E. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1185) granting a pension to Annie Davis Delevan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1186) granting a pension to Ellen W. Gregory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1187) granting an increase of pension to Elnora S. Halligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1188) granting an increase of pension to Emma L. Jimmerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1189) granting an increase of pension to Jane Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1190) granting a pension to Jennie Meyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1191) granting an increase of pension to Lida M. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1192) granting an increase of pension to Mary E. Read; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1193) granting an increase of pension to Emma Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1194) granting an increase of pension to Louisa D. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1195) for the relief of Francis M. Johnston; to the Committee on Claims.

Also, a bill (H. R. 1196) for the relief of George Rutherford; to the Committee on Military Affairs.

Also, a bill (H. R. 1197) for the relief of Carl C. Back; to the Committee on Claims.

Also, a bill (H. R. 1198) granting an increase of pension to Mary E. Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1199) granting an increase of pension to Carmelia A. Beers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1200) granting an increase of pension to Fannie S. Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1201) granting an increase of pension to Harriet N. Crabb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1202) granting an increase of pension to Mary Donovan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1203) granting an increase of pension to Emma R. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1204) granting an increase of pension to Susannah G. Newcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1205) granting a pension to Mary W. L. Pelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1206) granting an increase of pension to James B. Pitcher; to the Committee on Pensions.

Also, a bill (H. R. 1207) granting a pension to Ruth M. Poyvez; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1208) granting an increase of pension to Mary F. Smith; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 1209) granting a pension to Thirza C. Gifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1210) for the relief of Carl B. De Forest; to the Committee on Military Affairs.

Also, a bill (H. R. 1211) for the relief of Ralph W. Neelands; to the Committee on Military Affairs.

Also, a bill (H. R. 1212) granting a pension to John Wayman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1213) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells; to the Committee on War Claims.

Also, a bill (H. R. 1214) for the relief of Vanrenslear VanderCook, alias William Snyder; to the Committee on Military Affairs.

Also, a bill (H. R. 1215) for the relief of Abraham M. Auten; to the Committee on Military Affairs.

Also, a bill (H. R. 1216) for the relief of Abram H. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 1217) for the relief of Melville Van Auker; to the Committee on Military Affairs.

Also, a bill (H. R. 1218) granting a pension to Emma L. Hoisington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1219) granting a pension to Joseph H. Cote; to the Committee on Pensions.

Also, a bill (H. R. 1220) granting a pension to Margaret J. Posey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1221) granting a pension to Nancy Marie Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1222) granting a pension to Sanford S. See; to the Committee on Pensions.

Also, a bill (H. R. 1223) granting a pension to Nora Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1224) granting a pension to Lucy M. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1225) granting a pension to John Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1226) granting a pension to Harriet E. Morey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1227) granting a pension to Retta C. Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1228) granting an increase of pension to Catherine Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1229) granting a pension to Sarah E. Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1230) granting an increase of pension to Harriet G. Wheeler; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 1231) for the relief of Mary Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 1232) granting a pension to Conrad Wamser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1233) granting an increase of pension to William Woods; to the Committee on Pensions.

Also, a bill (H. R. 1234) granting a pension to Paul C. Stoval; to the Committee on Pensions.

Also, a bill (H. R. 1235) for the relief of Nellie Seywert; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 1236) granting a pension to Sarah E. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1237) granting an increase of pension to Leocadia Montoya; to the Committee on Pensions.

Also, a bill (H. R. 1238) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries; to the Committee on Claims.

Also, a bill (H. R. 1239) for the relief of the city of Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 1240) for the relief of Frank Grygla; to the Committee on Claims.

Also, a bill (H. R. 1241) for the relief of Sugmund Lindauer; to the Committee on Claims.

Also, a bill (H. R. 1242) for the relief of Fred V. Plomteaux; to the Committee on Claims.

Also, a bill (H. R. 1243) for the relief of J. H. Toulouse; to the Committee on Claims.

Also, a bill (H. R. 1244) for the relief of John H. Walker; to the Committee on Claims.

By Mr. NEWTON of Minnesota: A bill (H. R. 1245) granting a pension to Grace M. Ormsby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1246) to extend the benefits of the employees' liability act of September 7, 1916, to Carol E. Reeves; to the Committee on Claims.

Also, a bill (H. R. 1247) for the relief of Liberty loan subscribers of the Robbinsdale State Bank, Robbinsdale, Minn.; to the Committee on Claims.

Also, a bill (H. R. 1248) granting a pension to M. Elizabeth Sly; to the Committee on Pensions.

Also, a bill (H. R. 1249) granting an increase of pension to Walter Scott Lafans; to the Committee on Pensions.

Also, a bill (H. R. 1250) for the relief of W. A. McClelland; to the Committee on Claims.

Also, a bill (H. R. 1251) for the relief of Joseph Lane; to the Committee on Claims.

Also, a bill (H. R. 1252) for the relief of John Regan; to the Committee on Military Affairs.

Also, a bill (H. R. 1253) for the relief of Enza A. Zeller; to the Committee on Claims.

Also, a bill (H. R. 1254) for the relief of Dwight L. Wagner; to the Committee on Naval Affairs.

Also, a bill (H. R. 1255) for the relief of Jerome May; to the Committee on Claims.

Also, a bill (H. R. 1256) for the relief of the heirs of Henry H. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 1257) for the relief of Silas Overmire; to the Committee on Military Affairs.

By Mr. NELSON of Maine: A bill (H. R. 1258) granting an increase of pension to Mary J. Batchelder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1259) granting an increase of pension to Bodalice Le Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1260) granting an increase of pension to Frances E. Bolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1261) granting an increase of pension to Nellie L. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1262) granting an increase of pension to Harriett Chamberlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1263) granting a pension to Emma Jane Childs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1264) granting an increase of pension to Carrie Emily Colcord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1265) granting an increase of pension to Olive J. M. Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1266) granting an increase of pension to Ettie Mae Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1267) granting a pension to Louise B. Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1268) granting an increase of pension to Rocena F. Gilchrist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1269) granting an increase of pension to Henrietta A. Goldsmith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1270) granting an increase of pension to Harriet K. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1271) granting an increase of pension to Sara A. Haskell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1272) granting an increase of pension to Anglett C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1273) granting an increase of pension to Florence M. Jewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1274) granting an increase of pension to Emma J. Lent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1275) granting an increase of pension to Emma G. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1276) granting a pension to Coralie V. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1277) granting an increase of pension to Lovina E. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1278) granting an increase of pension to Alice M. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1279) granting an increase of pension to Rose A. Stacy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1280) granting an increase of pension to Harriet E. A. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1281) granting an increase of pension to Sarah L. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1282) granting an increase of pension to Mary L. Whitcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1283) granting an increase of pension to Martha J. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1284) granting an increase of pension to Ida M. Purinton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1285) granting an increase of pension to Amanda A. Ricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1286) granting an increase of pension to Hannah A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1287) granting an increase of pension to Flora Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1288) granting an increase of pension to Louisa R. Webber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1289) granting an increase of pension to Harriet M. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1290) granting an increase of pension to Lizzie B. Crandlemire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1291) granting a pension to Emma L. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1292) granting an increase of pension to Henrietta Dudley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1293) granting a pension to Mary E. Edes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1294) granting an increase of pension to Lucy R. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1295) granting an increase of pension to Annette B. Thorne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1296) granting an increase of pension to Nellie M. Withee; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 1297) for the relief of James Rowland; to the Committee on Claims.

Also, a bill (H. R. 1298) for the relief of William A. McMahan; to the Committee on Claims.

Also, a bill (H. R. 1299) for the relief of Reva N. Newcomb; to the Committee on Claims.

Also, a bill (H. R. 1300) for the relief of George W. Ponder; to the Committee on Claims.

Also, a bill (H. R. 1301) for the relief of W. H. Nelson; to the Committee on Claims.

Also, a bill (H. R. 1302) granting an increase of pension to Mary E. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1303) granting an increase of pension to Elizabeth Hampton; to the Committee on Pensions.

Also, a bill (H. R. 1304) granting an increase of pension to Talitha J. Holeyfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1305) granting an increase of pension to Fredonia Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1306) granting an increase of pension to Elizabeth Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1307) granting an increase of pension to Letitia D. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1308) granting an increase of pension to George W. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1309) granting an increase of pension to Henry P. Moonichand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1310) granting an increase of pension to Clarence E. Maynard; to the Committee on Pensions.

Also, a bill (H. R. 1311) granting an increase of pension to Henry L. Weissner; to the Committee on Pensions.

Also, a bill (H. R. 1312) granting a pension to Kate McGhehey; to the Committee on Pensions.

Also, a bill (H. R. 1313) granting a pension to Charles W. Ferrell; to the Committee on Pensions.

Also, a bill (H. R. 1314) granting a pension to Mary E. Smith; to the Committee on Pensions.

Also, a bill (H. R. 1315) granting a pension to Karl H. Lange; to the Committee on Pensions.

Also, a bill (H. R. 1316) granting a pension to James E. McAlexander; to the Committee on Pensions.

Also, a bill (H. R. 1317) granting a pension to Philip H. Louks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1318) granting a pension to C. B. Chamness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1319) granting a pension to Mary V. Rankins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1320) granting a pension to Deborah A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1321) granting a pension to Emma Withers; to the Committee on Pensions.

Also, a bill (H. R. 1322) granting an increase of pension to Gertrude Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1323) for the relief of George W. Rowland; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 1324) granting a pension to Margaret Terwilliger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1325) granting a pension to Anna Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1326) granting a pension to Joanna Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1327) granting a pension to James O. Dunnagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1328) granting a pension to Charles Trowbridge, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1329) granting a pension to James B. Rouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1330) for the relief of Helene M. Hubrich; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 1331) granting an increase of pension to Frances D. Grishaw; to the Committee on Pensions.

Also, a bill (H. R. 1332) granting a pension to Elizabeth Hutchinson; to the Committee on Pensions.

Also, a bill (H. R. 1333) granting an increase of pension to Catherine J. Lydick; to the Committee on Pensions.

Also, a bill (H. R. 1334) granting a pension to David Colfax Osburn; to the Committee on Pensions.

Also, a bill (H. R. 1335) granting an increase of pension to Silas Rogers; to the Committee on Pensions.

Also, a bill (H. R. 1336) granting an increase of pension to Moses Spray; to the Committee on Pensions.

Also, a bill (H. R. 1337) granting a pension to Lora M. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1338) granting an increase of pension to Lucinda Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1339) granting an increase of pension to Olive R. Chance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1340) granting an increase of pension to Lydia E. Chappelear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1341) granting an increase of pension to Rachel A. Drynan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1342) granting an increase of pension to Eunice Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1343) granting an increase of pension to Sarah A. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1344) granting an increase of pension to Mary Ellen Fleetwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1345) granting a pension to Charles S. Francis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1346) granting a pension to Sallie Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1347) granting an increase of pension to Caroline W. Hershberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1348) granting an increase of pension to Savannah Huffmire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1349) granting an increase of pension to Nancy A. Ginn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1350) granting an increase of pension to Martha E. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1351) granting an increase of pension to Martha Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1352) granting a pension to Albert M. Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1353) granting an increase of pension to Rachel A. LeSourd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1354) granting an increase of pension to Louisa Lookabaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1355) granting an increase of pension to Mary E. McJunkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1356) granting an increase of pension to Christiana McMurray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1357) granting an increase of pension to Lucinda E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1358) granting a pension to Ada I. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1359) granting an increase of pension to Sarah I. Osburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1360) granting an increase of pension to Elizabeth B. Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1361) granting an increase of pension to Mary A. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1362) granting an increase of pension to Phoebe A. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1363) granting an increase of pension to Rebecca Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1364) granting an increase of pension to Isabel Shurr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1365) granting an increase of pension to Mary C. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1366) granting an increase of pension to Kezia Tiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1367) granting an increase of pension to Mary M. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1368) granting an increase of pension to Savannah Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1369) granting an increase of pension to Ann Powell Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1370) granting an increase of pension to Lucinda Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1371) granting a pension to Nora B. Whelchel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1372) granting an increase of pension to Amelia A. Wood; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 1373) granting an increase of pension to Margaret Hendricks; to the Committee on Pensions.

Also, a bill (H. R. 1374) granting a pension to Eliza A. Holtz; to the Committee on Pensions.

Also, a bill (H. R. 1375) granting an increase of pension to Ann E. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1376) granting an increase of pension to Eliza M. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1377) granting an increase of pension to George W. Searcy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1378) granting an increase of pension to Edward H. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1379) granting a pension to Maria Shafer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1380) granting a pension to Margaret Ann Stennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1381) granting a pension to Elizabeth Belgard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1382) granting a pension to Mary E. Drew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1383) granting a pension to John Nidey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1384) granting a pension to Amy Nidey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1385) granting a pension to Lucinda Lunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1386) for the relief of Purdy Trager; to the Committee on Military Affairs.

Also, a bill (H. R. 1387) to correct the military record of John W. Terry; to the Committee on Military Affairs.

By Mr. RATHBONE: A bill (H. R. 1388) granting a pension to Mary Jane Howes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1389) granting an increase of pension to Henry H. C. Meinshausen; to the Committee on Pensions.

Also, a bill (H. R. 1390) for the relief of Katie O'Brien; to the Committee on Claims.

Also, a bill (H. R. 1391) for the relief of Clayton H. Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 1392) for the relief of Martin L. Duffy; to the Committee on Military Affairs.

Also, a bill (H. R 1393) granting an increase of pension to Mary J. Bunch; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 1394) for the relief of Henry O'Brien; to the Committee on Military Affairs.

Also, a bill (H. R. 1395) granting a pension to Margaret C. Tryon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1396) granting a pension to Nora Corcoran Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1397) granting an increase of pension to William A. Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1398) granting an increase of pension to Fannie Dunham; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 1399) granting a pension to Josephine A. Bihler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1400) granting a pension to Elizabeth Vizzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1401) granting a pension to Clarence Parker; to the Committee on Pensions.

Also, a bill (H. R. 1402) granting a pension to Hannah Good; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1403) granting a pension to James J. Freeman; to the Committee on Pensions.

Also, a bill (H. R. 1404) granting a pension to Mary J. Hodgkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1405) granting a pension to Adaline R. Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1406) granting a pension to Susan O. Jellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1407) granting a pension to Gilbert B. Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1408) for the relief of D. Murray Cummings; to the Committee on War Claims.

Also, a bill (H. R. 1409) for the relief of Rebecca E. Olmsted; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 1410) granting a pension to Anna Lee Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1411) granting a pension to Mary J. Alton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1412) granting a pension to John V. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1413) granting a pension to Ellen Lessing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1414) granting a pension to Lettie Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1415) granting an increase of pension to Deborah Burris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1416) granting an increase of pension to Matilda J. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1417) granting an increase of pension to Nancy C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1418) granting an increase of pension to Almira E. McArron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1419) granting an increase of pension to Lucinda E. Spillman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1420) for the relief of Morgan L. Atchley; to the Committee on Military Affairs.

By Mr. SANDERS of New York: A bill (H. R. 1421) granting an increase of pension to Nancy C. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1422) granting an increase of pension to Esther E. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1423) granting an increase of pension to Louise Mowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1424) granting an increase of pension to Mary H. Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1425) granting an increase of pension to Cora E. Willetts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1426) granting an increase of pension to Mary Elizabeth Weller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1427) granting an increase of pension to Melia A. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1428) granting an increase of pension to Frederick Sholes; to the Committee on Pensions.

Also, a bill (H. R. 1429) granting an increase of pension to Adaline Minsing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1430) granting an increase of pension to Cornelia Kenfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1431) granting an increase of pension to Mary Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1432) granting an increase of pension to Mary L. Glidden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1433) granting an increase of pension to Joan Crosby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1434) granting an increase of pension to Caroline Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1435) granting a pension to David S. Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1436) granting a pension to Mary E. Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1437) granting a pension to Eliza A. Spraker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1438) granting a pension to Mary M. Town; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1439) granting a pension to Mary Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1440) for the relief of James P. Cornes; to the Committee on Military Affairs.

Also, a bill (H. R. 1441) granting an increase of pension to Mary E. Tobias; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 1442) granting a pension to Nellie Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1443) granting a pension to Francis Blakeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1444) granting a pension to Serena Bean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1445) granting a pension to Martha Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1446) granting a pension to Helena Dearborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1447) granting a pension to Margaret Force; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1448) granting a pension to Emily J. Foust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1449) granting a pension to Mary E. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1450) granting an increase of pension to S. Celestia Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1451) granting a pension to Anna Rieck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1452) granting a pension to Leila Gillan Loupe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1453) granting an increase of pension to Caroline I. Minneley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1454) granting a pension to Adelle Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1455) granting a pension to Ella O. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1456) granting a pension to Elizabeth W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1457) granting a pension to Charlotte Tyndall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1458) granting an increase of pension to Ruth A. Wright; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 1459) for the relief of William Lentz; to the Committee on Military Affairs.

By Mr. SPROUL of Illinois: A bill (H. R. 1460) granting a pension to Anna Lee McCornack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1461) granting a pension to Lester Swanberg; to the Committee on Pensions.

Also, a bill (H. R. 1462) for the relief of John J. Beattie; to the Committee on Claims.

Also, a bill (H. R. 1463) for the relief of Nellie Hickey; to the Committee on Claims.

Also, a bill (H. R. 1464) for the relief of Charles C. Hughes; to the Committee on Claims.

Also, a bill (H. R. 1465) for the relief of Arthur F. Swanson, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 1466) for the relief of Wilder B. Thompson; to the Committee on Claims.

Also, a bill (H. R. 1467) for the relief of the heirs of Garrett Walsh, sr.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 1468) granting a pension to Rosie Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1469) granting a pension to Jennie C. Gorton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1470) granting a pension to Lewis M. Kuhns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1471) granting a pension to Mary P. Spiers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1472) granting a pension to Maria L. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1473) granting a pension to William J. Trevessick; to the Committee on Pensions.

Also, a bill (H. R. 1474) granting a restoration of pension to Sadie M. Rigdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1475) granting an increase of pension to Margaret M. Altman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1476) granting an increase of pension to Nellie Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1477) granting an increase of pension to Frank M. Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1478) granting an increase of pension to Margaret R. Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1479) granting an increase of pension to Hannah J. Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1480) granting an increase of pension to Mary Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1481) granting an increase of pension to Mary E. O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1482) granting an increase of pension to Mary E. Repine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1483) granting an increase of pension to Margaret C. Wile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1484) granting an increase of pension to Clara R. Wilson; to the Committee on Pensions.

By Mr. SWANK: A bill (H. R. 1485) granting an increase of pension to John J. Spencer; to the Committee on Pensions.

Also, a bill (H. R. 1486) granting an increase of pension to Henry B. Furbee; to the Committee on Pensions.

Also, a bill (H. R. 1487) granting an increase of pension to Oren F. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 1488) granting an increase of pension to Louis Winbray; to the Committee on Pensions.

Also, a bill (H. R. 1489) granting an increase of pension to Jacob Amberg; to the Committee on Pensions.

Also, a bill (H. R. 1490) granting an increase of pension to Catherine F. Edsall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1491) granting an increase of pension to Anna E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1492) granting a pension to John R. Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 1493) granting a pension to Winnie Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1494) granting a pension to Josephine Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1495) granting a pension to Christian Madsen; to the Committee on Pensions.

Also, a bill (H. R. 1496) granting a pension to William Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1497) granting a pension to Joseph A. Branstetter; to the Committee on Pensions.

Also, a bill (H. R. 1498) granting a pension to James Thomas Elmore; to the Committee on Pensions.

Also, a bill (H. R. 1499) granting a pension to Sallie E. Luke; to the Committee on Pensions.

Also, a bill (H. R. 1500) granting a pension to David C. Woodring; to the Committee on Pensions.

Also, a bill (H. R. 1501) granting a pension to Frank Warden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1502) granting a pension to F. M. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1503) granting a pension to Emma Moore; to the Committee on Pensions.

Also, a bill (H. R. 1504) granting a pension to James A. McGuire; to the Committee on Pensions.

Also, a bill (H. R. 1505) for the relief of Seth A. Welch; to the Committee on Military Affairs.

Also, a bill (H. R. 1506) for the relief of George H. Holman; to the Committee on Military Affairs.

Also, a bill (H. R. 1507) for the relief of Frank Linwood Pontious; to the Committee on Military Affairs.

Also, a bill (H. R. 1508) for the relief of George B. Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 1509) for the relief of John O'Brien; to the Committee on Military Affairs.

Also, a bill (H. R. 1510) for the relief of Pleasant H. Sells; to the Committee on Military Affairs.

Also, a bill (H. R. 1511) for the relief of Ruthie J. Nance, widow of Isaac N. Nance; to the Committee on Military Affairs.

Also, a bill (H. R. 1512) for the relief of Beryl M. McHam; to the Committee on Military Affairs.

Also, a bill (H. R. 1513) for the relief of John Mehan; to the Committee on Military Affairs.

Also, a bill (H. R. 1514) for the relief of W. J. Berry; to the Committee on Claims.

Also, a bill (H. R. 1515) for the relief of Morris S. Baker; to the Committee on War Claims.

By Mr. SWEET: A bill (H. R. 1516) for the relief of John L. Eveleigh; to the Committee on Claims.

Also, a bill (H. R. 1517) granting an increase of pension to Blanche E. Underwood; to the Committee on Pensions.

Also, a bill (H. R. 1518) granting an increase of pension to Ruth B. Judson; to the Committee on Pensions.

Also, a bill (H. R. 1519) granting a pension to Elanor E. Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1520) granting a pension to Emma Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1521) granting an increase of pension to Catherine Mount; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1522) granting an increase of pension to Mary A. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1523) granting an increase of pension to Almira J. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1524) granting an increase of pension to Mary E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1525) granting an increase of pension to Mary McGowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1526) granting an increase of pension to Lucena Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1527) granting a pension to Minnie Jeffers; to the Committee on Pensions.

Also, a bill (H. R. 1528) granting an increase of pension to Gertrude Horr Connell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1529) granting an increase of pension to Betsey A. Cranker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1530) granting an increase of pension to Nancy Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1531) granting an increase of pension to Jennie O'Donahue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1532) granting an increase of pension to Margaret J. Relyea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1533) granting an increase of pension to Mary Julia Sliter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1534) granting an increase of pension to Lucina I. Tamblin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1535) granting an increase of pension to Anna Vinler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1536) granting an increase of pension to Mary A. Wilder; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 1537) for the relief of Rebecca R. Sevier; to the Committee on Military Affairs.

Also, a bill (H. R. 1538) for the relief of John Milton Pew; to the Committee on Claims.

Also, a bill (H. R. 1539) for the relief of George Barrett; to the Committee on Military Affairs.

Also, a bill (H. R. 1540) for the relief of Luther H. Phipps; to the Committee on Claims.

Also, a bill (H. R. 1541) for the relief of the First National Bank of Garden Grove, Calif.; to the Committee on Claims.

Also, a bill (H. R. 1542) granting a pension to Elizabeth Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1543) granting a pension to Ida F. Tyson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1544) granting a pension to Eudora E. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1545) granting a pension to Tina C. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1546) granting a pension to Jesse N. Blakeley; to the Committee on Pensions.

Also, a bill (H. R. 1547) granting a pension to Sarah M. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1548) granting an increase of pension to Mattie L. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1549) granting an increase of pension to Mitta Foley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1550) granting an increase of pension to Malvina Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1551) granting an increase of pension to Samuel W. Van Riper; to the Committee on Pensions.

Also, a bill (H. R. 1552) authorizing the appointment of Kenneth K. Little as second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 1553) to authorize Dr. L. O. Howard, Chief of the Bureau of Entomology, Department of Agriculture, to accept certain decorations from the French Government; to the Committee on Foreign Affairs.

Also, a bill (H. R. 1554) granting a pension to Maggie E. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1555) granting a pension to Laura Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1556) granting a pension to Lyman E. Snider; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 1557) granting a pension to Henry T. Martin; to the Committee on Pensions.

Also, a bill (H. R. 1558) granting an increase of pension to Jesse Embry; to the Committee on Pensions.

Also, a bill (H. R. 1559) granting an increase of pension to Sarah R. Cahoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1560) granting a pension to Annie Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1561) granting a pension to Belle Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1562) granting an increase of pension to James Allen Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1563) for the relief of William Koop; to the Committee on Claims.

Also, a bill (H. R. 1564) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington; to the Committee on Claims.

Also, a bill (H. R. 1565) for the relief of Pirtle Handley; to the Committee on Claims.

Also, a bill (H. R. 1566) for the relief of Eugene Floyd Smith; to the Committee on Claims.

Also, a bill (H. R. 1567) for the relief of the legal representatives of Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

Also, a bill (H. R. 1568) for the relief of the estate of David B. Dowdell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 1569) for the relief of Christine Brenzinger; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 1570) granting a pension to Elizabeth S. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1571) granting an increase of pension to Mary A. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1572) granting an increase of pension to Robert McCleary; to the Committee on Pensions.

Also, a bill (H. R. 1573) granting an increase of pension to Grace E. Maddox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1574) granting an increase of pension to Margaret R. Dunbar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1575) granting an increase of pension to Mary O. Whitcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1576) granting an increase of pension to James M. Moore; to the Committee on Pensions.

Also, a bill (H. R. 1577) granting a pension to Lillie Hamby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1578) granting an increase of pension to Mary E. Longmire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1579) for the benefit of persons suffering loss on account of the Lawton fire, 1917; to the Committee on Claims.

Also, a bill (H. R. 1580) authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma; to the Committee on the Public Lands.

By Mr. TILSON: A bill (H. R. 1581) granting an increase of pension to Margaret Downey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1582) granting an increase of pension to Frederica M. Ahrens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1583) granting an increase of pension to Eunice Vincent Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1584) granting an increase of pension to Maria J. Burnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1585) granting an increase of pension to Sarah A. Chadwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1586) granting an increase of pension to Marion S. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1587) granting an increase of pension to Dora K. Flaherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1588) granting a pension to Eldora B. Harkness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1589) granting an increase of pension to Katherine R. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1590) granting an increase of pension to Ann Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1591) granting an increase of pension to Maria H. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1592) granting a pension to William F. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1593) granting an increase of pension to Mary E. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1594) for the relief of F. Joseph Chatterton; to the Committee on Claims.

Also, a bill (H. R. 1595) for the relief of Fannie Kravitz; to the Committee on Claims.

Also, a bill (H. R. 1596) for the relief of Alice P. Martin; to the Committee on Claims.

Also, a bill (H. R. 1597) for the relief of Albert O. Tucker; to the Committee on Military Affairs.

Also, a bill (H. R. 1598) for the relief of Robert E. A. Landauer; to the Committee on Military Affairs.

By Mr. TOLLEY: A bill (H. R. 1599) granting an increase of pension to Catherine E. Winchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1600) granting an increase of pension to Caroline M. Plaus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1601) granting an increase of pension to Emma F. Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1602) granting an increase of pension to Eunice A. Ingraham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1603) granting an increase of pension to Sarah A. Hinckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1604) granting an increase of pension to Jennie R. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1605) granting a pension to Aubert E. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1606) granting a pension to Anna M. Crosby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1607) granting a pension to Frank R. Bullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1608) granting a pension to Maggie Riphenburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1609) granting a pension to Mary L. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1610) granting a pension to Margaret S. Morrall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1611) granting a pension to Frank L. Norton; to the Committee on Pensions.

Also, a bill (H. R. 1612) granting a pension to Margaret B. Tew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1613) granting a pension to Maria E. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1614) granting a pension to Ella J. Duygan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1615) granting a pension to Sarah Ann Franklin; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 1616) granting a pension to Rosa C. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1617) granting an increase of pension to Harriet C. Bristol; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1618) granting an increase of pension to Julia F. A. Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1619) granting an increase of pension to Rose E. Cain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1620) granting an increase of pension to Anna Crosby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1621) granting an increase of pension to Hittie Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1622) granting a pension to Mary C. Dooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1623) granting an increase of pension to Victoria M. Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1624) granting an increase of pension to Mary A. Fife; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1625) granting an increase of pension to Alice Fern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1626) granting an increase of pension to Rose A. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1627) granting an increase of pension to Laura E. Feighery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1628) granting an increase of pension to Mary Gorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1629) granting an increase of pension to Philippine Hatzler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1630) granting an increase of pension to Ruth A. Hugins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1631) granting an increase of pension to Kate Ladam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1632) granting an increase of pension to Julia Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1633) granting an increase of pension to Ellen Manix; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1634) granting an increase of pension to Josephine McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1635) granting an increase of pension to Jennie Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1636) granting an increase of pension to Nancy M. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1637) granting an increase of pension to Alice L. Pond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1638) granting an increase of pension to Angie M. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1639) granting an increase of pension to Alice A. Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1640) granting an increase of pension to Nancy E. Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1641) granting an increase of pension to Helen J. Huntley; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 1642) for the relief of George C. Hussey; to the Committee on Military Affairs.

Also, a bill (H. R. 1643) for the relief of Frank Williams; to the Committee on Claims.

Also, a bill (H. R. 1644) for the relief of John F. O'Neil; to the Committee on Naval Affairs.

Also, a bill (H. R. 1645) for the relief of Jeannette M. Coburn, widow of Reuben B. Coburn, deceased; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 1646) granting a pension to Jesse T. Talmadge; to the Committee on Pensions.

Also, a bill (H. R. 1647) granting an increase of pension to Sarah E. Etheil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1648) granting an increase of pension to Sarah E. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1649) granting an increase of pension to Nancy E. Gum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1650) granting an increase of pension to Sarah J. Needham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1651) granting an increase of pension to Frank Bowen; to the Committee on Pensions.

Also, a bill (H. R. 1652) granting an increase of pension to Emma S. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1653) granting a pension to Eliza M. Gustin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1654) granting a pension to Lula Fallon; to the Committee on Pensions.

Also, a bill (H. R. 1655) granting an increase of pension to Charles L. Berkheimer; to the Committee on Pensions.

Also, a bill (H. R. 1656) granting an increase of pension to Wilbur C. Gahret; to the Committee on Pensions.

Also, a bill (H. R. 1657) granting an increase of pension to Edmund P. Miller; to the Committee on Pensions.

Also, a bill (H. R. 1658) granting a pension to Perry W. Snyder; to the Committee on Pensions.

Also, a bill (H. R. 1659) granting an increase of pension to Lee Snyder; to the Committee on Pensions.

Also, a bill (H. R. 1660) granting a pension to Cynthia A. Romizer; to the Committee on Pensions.

Also, a bill (H. R. 1661) granting an increase of pension to Fred C. Rowley; to the Committee on Pensions.

Also, a bill (H. R. 1662) granting an increase of pension to Rebecca Ashby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1663) granting a pension to Mary Catherine Brandyberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1664) granting a pension to Mary D. Foland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1665) granting a pension to Matilda J. Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1666) granting a pension to Ella Niccum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1667) granting a pension to Celena M. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1668) granting a pension to Mary E. Rittenhouse; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 1669) for the relief of Neffs' Bank, of McBride, Mich.; to the Committee on Claims.

Also, a bill (H. R. 1670) granting a pension to Amy Azelia Purdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1671) granting a pension to Harry E. Galusha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1672) granting a pension to Eleanor R. Gage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1673) granting a pension to Laura G. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1674) granting a pension to Lauvica A. Bitters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1675) granting an increase of pension to Kate H. Garvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1676) authorizing the Department of State to deliver to Capt. Arthur B. Cornwell, Infantry, Officers Reserve Corps, and permitting him to accept, the decoration and diploma of the Chevalier of the French Legion of Honor conferred by the President of the French Republic; to the Committee on Foreign Affairs.

By Mr. WATSON: A bill (H. R. 1677) granting an increase of pension to Elizabeth Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1678) granting an increase of pension to Emma S. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1679) granting an increase of pension to Annie H. Schuler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1680) granting an increase of pension to Virginia S. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1681) granting an increase of pension to Annie Tibbils; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1682) granting an increase of pension to Mary Ellen Kepler; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 1683) for the relief of Benjamin Stern, Melville A. Stern, and Benjamin Stern, as executors under the last will and testament of Louis Stern, deceased, and Arthur H. Hahlo, as executor under the last will and testament of Isaac Stern, deceased, all of New York City, N. Y., for compensation and in settlement of their damages and loss sustained by virtue of a lease, in writing, dated September 12, 1919, between the said parties and the United States of America, by Daniel C. Roper, Commissioner of Internal Revenue; to the Committee on Claims.

Also, a bill (H. R. 1684) for the relief of the owner of cargo aboard the American steamship *Lassell;* to the Committee on Claims.

Also, a bill (H. R. 1685) for the relief of the owner of the steamship *Neptune;* to the Committee on Claims.

Also, a bill (H. R. 1686) for the relief of Emma H. Ridley; to the Committee on Claims.

Also, a bill (H. R. 1687) for the relief of Antti Merihelmi; to the Committee on Claims.

Also, a bill (H. R. 1688) for the relief of Charles Lacy Plumb (Inc.); to the Committee on Claims.

Also, a bill (H. R. 1689) for the relief of Helen Barry; to the Committee on Claims.

Also, a bill (H. R. 1690) for the relief of Thomas P. McSherry; to the Committee on Military Affairs.

Also, a bill (H. R. 1691) for the relief of Henry F. Downing; to the Committee on Military Affairs.

Also, a bill (H. R. 1692) for the relief of Agnes De Jardins; to the Committee on Claims.

Also, a bill (H. R. 1693) granting an increase of pension to Eliza J. Creighton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1694) granting an increase of pension to Charles H. Ubert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1695) granting a pension to Annie de Toro; to the Committee on Pensions.

Also, a bill (H. R. 1696) granting a pension to Fannie Lyon; to the Committee on Pensions.

Also, a bill (H. R. 1697) granting a pension to Eliza H. Lockwood; to the Committee on Pensions.

Also, a bill (H. R. 1698) granting an extension of patent to Marie B. Froehlich and Fannie B. Froehlich, heirs of the patentee, Helen B. Froehlich; to the Committee on Patents.

Also, a bill (H. R. 1699) granting an extension of patent to Walter D. Johnston; to the Committee on Patents.

By Mr. WILLIAMS of Illinois: A bill (H. R. 1700) granting a pension to Susan McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1701) granting a pension to Elizabeth Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1702) granting a pension to Charles M. McDonald; to the Committee on Pensions.

Also, a bill (H. R. 1703) granting an increase of pension to Elizabeth Baichly; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 1704) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter; to the Committee on Claims.

Also, a bill (H. R. 1705) for the relief of John F. White and Mary L. White; to the Committee on Claims.

By Mr. WOODRUFF: A bill (H. R. 1706) granting an increase of pension to Nancy J. Sheay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1707) granting an increase of pension to Mary E. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1708) granting an increase of pension to Eva Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1709) granting an increase of pension to Mary J. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1710) granting a pension to Edith E. Dodd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1711) granting a pension to George T. Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1712) granting a pension to Supremia Gatehouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1713) granting a pension to Nora M. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1714) granting a pension to Rose McKenzie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1715) granting a pension to William R. Plessner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1716) granting a pension to Vernie Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1717) for the relief of Alonzo C. Shekell; to the Committee on Military Affairs.

Also, a bill (H. R. 1718) for the relief of Harold Holst; to the Committee on Naval Affairs.

Also, a bill (H. R. 1719) for the relief of George H. Gilbert; to the Committee on Military Affairs.

Also, a bill (H. R. 1720) for the relief of Lucius Bell; to the Committee on Military Affairs.

Also, a bill (H. R. 1721) for the relief of Francis Forbes; to the Committee on Military Affairs.

By Mr. ADKINS: A bill (H. R. 1722) granting an increase of pension to Amelia J. Edie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1723) granting an increase of pension to Amos C. Tewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1724) granting a pension to Robert Zink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1725) to correct the military record of Robert Zink; to the Committee on Military Affairs.

By Mr. ARNOLD: A bill (H. R. 1726) granting a pension to Francis M. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1727) granting a pension to Caroline Marlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1728) granting a pension to Hattie McNeely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1729) granting a pension to Charles L. Dewey; to the Committee on Pensions.

Also, a bill (H. R. 1730) for the relief of Daniel D. Swick; to the Committee on Military Affairs.

By Mr. BLACK of Texas: A bill (H. R. 1731) for the relief of John W. King; to the Committee on Claims.

Also, a bill (H. R. 1732) granting an increase of pension to Martha Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1733) granting a pension to Willie A. Mankin; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 1734) granting a pension to Emily Brune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1735) granting a pension to Henry C. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1736) granting a pension to Thomas C. Ellington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1737) granting a pension to Oliver Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1738) granting a pension to John H. Frick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1739) granting a pension to John R. Sharp; to the Committee on Pensions.

Also, a bill (H. R. 1740) granting a pension to Jennie Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1741) granting a pension to Annie M. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 1742) granting an increase of pension to Melinda Cannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1743) granting an increase of pension to Sarah I. Garner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1744) granting an increase of pension to Eliza Price; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 1745) granting a pension to Jennie E. Polhemus; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 1746) granting an increase of pension to Ellen Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1747) granting an increase of pension to Emma J. Burke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1748) granting an increase of pension to Charley Setemeyer; to the Committee on Pensions.

Also, a bill (H. R. 1749) granting an increase of pension to Laura J. Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1750) granting an increase of pension to Frances Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1751) granting an increase of pension to Elizabeth Bradford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1752) granting an increase of pension to Robert Spires; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1753) granting a pension to Alice Frances Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1754) granting a pension to Mary Jane Teal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1755) granting a pension to Laura A. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1756) granting a pension to Vica Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1757) to provide for an examination and survey of the Mississippi and Ohio Rivers at or near Cairo, Ill., for the purpose of determining the practicability and estimating the cost of a tri-State highway bridge over said rivers; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWELL: A bill (H. R. 1758) granting an increase of pension to Charity Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1759) granting an increase of pension to Sarah Vanness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1760) granting an increase of pension to Sarah Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1761) granting an increase of pension to Gesina Schell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1762) granting an increase of pension to Mattie G. Slader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1763) granting an increase of pension to Sarah E. Nutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1764) granting an increase of pension to Jane Langerak; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1765) granting an increase of pension to Caroline S. Hewitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1766) granting an increase of pension to Jane Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1767) granting an increase of pension to Elizabeth A. Guild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1768) granting an increase of pension to Mary C. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1769) granting an increase of pension to Margaret A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1770) granting an increase of pension to Sophia D. Ashpole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1771) granting an increase of pension to Delilah Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1772) granting an increase of pension to Martha Baber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1773) granting an increase of pension to Mary Perley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1774) granting a pension to Sarah J. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1775) granting a pension to Julia A. Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1776) granting a pension to Mary Hague; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1777) granting a pension to Frank Doan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1778) granting a pension to Clara J. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1779) granting a pension to Nellie L. Brackett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1780) for the relief of G. W. Bauserman; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 1781) granting an increase of pension to Samuel Andrew; to the Committee on Pensions.

Also, a bill (H. R. 1782) granting an increase of pension to Jennie E. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1783) granting an increase of pension to Susan A. Bankston; to the Committee on Pensions.

Also, a bill (H. R. 1784) granting an increase of pension to William Thomas Bond; to the Committee on Pensions.

Also, a bill (H. R. 1785) granting an increase of pension to Ellen Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1786) granting an increase of pension to Sarah C. Childers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1787) granting an increase of pension to Mary E. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1788) granting an increase of pension to Sarah Dragoo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1789) granting a pension to Caroline deWitt Flagler; to the Committee on Pensions.

Also, a bill (H. R. 1790) granting an increase of pension to Letitia Gannaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1791) granting an increase of pension to Margaret J. Hambaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1792) granting an increase of pension to Louisa J. Honaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1793) granting an increase of pension to Emma F. Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1794) granting an increase of pension to Jessie E. Ingraham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1795) granting an increase of pension to Martha M. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1796) granting an increase of pension to Clara A. Loomis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1797) granting an increase of pension to Mary E. Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1798) granting an increase of pension to Milva P. McIlvaine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1799) granting an increase of pension to Julia Moomaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1800) granting an increase of pension to Belle Ruhl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1801) granting an increase of pension to Maggie Shifflet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1802) granting an increase of pension to Litha C. Silvers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1803) granting an increase of pension to Cora Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1804) granting an increase of pension to Eda A. Thieman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1805) granting an increase of pension to Mary E. Worley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1806) granting an increase of pension to Emsey O. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1807) granting an increase of pension to Cora M. Zencker; to the Committee on Invalid Pensions.

By Mr. FUNK: A bill (H. R. 1808) granting an increase of pension to James H. Champion; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 1809) granting a pension to Ella D. Bockoven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1810) granting a pension to Melissa Couch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1811) granting a pension to Cora Ellen Delaney; to the Committee on Pensions.

Also, a bill (H. R. 1812) granting a pension to Donie C. Eakins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1813) granting a pension to Fannie E. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1814) granting a pension to Lidda J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1815) granting a pension to Amelia Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1816) granting a pension to Marie Hasemeier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1817) granting a pension to Sophronia O'Neill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1818) granting a pension to Ardilla D. Rigg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1819) granting a pension to Sarah J. Wickham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1820) granting an increase of pension to Amanda Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1821) granting an increase of pension to Sarah M. Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1822) granting an increase of pension to Nancy A. Brunsteter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1823) granting an increase of pension to Elizabeth Crosley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1824) granting an increase of pension to Rebecca Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1825) granting an increase of pension to Sarah Ellen Sunderland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1826) granting an increase of pension to Susanna E. Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1827) for the relief of Frank Rector; to the Committee on Military Affairs.

By Mr. GASQUE: A bill (H. R. 1828) for the relief of J. M. Holladay; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 1829) granting an increase of pension to Agnes I. Harris; to the Committee on Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 1830) granting an increase of pension to George W. Wise; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 1831) granting a pension to Clela C. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1832) granting a pension to Henrietta G. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1833) granting a pension to Martha M. Gardiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1834) granting a pension to Phillip Weller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1835) granting a pension to Elizabeth Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1836) granting a pension to John G. Schempp; to the Committee on Pensions.

Also, a bill (H. R. 1837) granting a pension to Harriet D. Waterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1838) granting a pension to Anna J. Manuel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1839) granting an increase of pension to Polly F. Gould; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 1840) for the relief of Edward A. Grimes; to the Committee on Naval Affairs.

Also, a bill (H. R. 1841) for the relief of C. M. Perkins; to the Committee on Claims.

Also, a bill (H. R. 1842) for the relief of John Costigan; to the Committee on Military Affairs.

Also, a bill (H. R. 1843) for the relief of Alfred Walker; to the Committee on Military Affairs.

Also, a bill (H. R. 1844) for the relief of Edward Flanagan; to the Committee on Military Affairs.

Also, a bill (H. R. 1845) for the relief of Mary Neaf; to the Committee on Military Affairs.

Also, a bill (H. R. 1846) for the relief of Henry N. Penfield; to the Committee on Military Affairs.

Also, a bill (H. R. 1847) granting an increase of pension to Charley J. Gerdes; to the Committee on Pensions.

Also, a bill (H. R. 1848) granting a pension to Herman J. Wacker; to the Committee on Pensions.

Also, a bill (H. R. 1849) granting an increase of pension to Herman Linghorst; to the Committee on Pensions.

Also, a bill (H. R. 1850) granting an increase of pension to Thomas W. Davis; to the Committee on Pensions.

Also, a bill (H. R. 1851) granting a pension to Kate Warren; to the Committee on Pensions.

Also, a bill (H. R. 1852) granting a pension to Bertha Reinhart; to the Committee on Pensions.

Also, a bill (H. R. 1853) granting an increase of pension to Henrietta Harenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1854) granting an increase of pension to Patience A. Karnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1855) granting a pension to Hattie Geske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1856) granting a pension to Lillie Geske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1857) granting a pension to Emilia Rueppel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1858) granting an increase of pension to John Weidemann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1859) granting an increase of pension to Jennie Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1860) granting a pension to Julia Beckley; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 1861) granting a pension to Moses Baker; to the Committee on Pensions.

Also, a bill (H. R. 1862) granting a pension to Clara Bolin; to the Committee on Pensions.

Also, a bill (H. R. 1863) granting an increase of pension to Elizabeth Stedman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1864) granting a pension to Agnes Folger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1865) granting an increase of pension to Lavina Hardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1866) granting an increase of pension to Nancy O. Vale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1867) granting an increase of pension to Hannah Fillinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1868) granting an increase of pension to Sarah A. Sell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1869) granting an increase of pension to Mary A. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1870) granting an increase of pension to Mary E. Noel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1871) granting an increase of pension to Sarah A. Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1872) granting a pension to Elizabeth Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1873) granting an increase of pension to Marinda Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1874) granting a pension to Sheridan McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1875) granting a pension to John M. Christy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1876) granting a pension to Mary J. Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1877) granting a pension to Dora Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1878) granting an increase of pension to Axcie K. Rathburn; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 1879) granting an increase of pension to Elizabeth Temple; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 1880) granting an increase of pension to Mary R. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1881) granting an increase of pension to Fred L. Nightingale; to the Committee on Pensions.

Also, a bill (H. R. 1882) granting an increase of pension to William R. Holt; to the Committee on Pensions.

Also, a bill (H. R. 1883) granting an increase of pension to William D. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 1884) granting an increase of pension to Deborah Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1885) granting an increase of pension to Elizabeth Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1886) granting a pension to Ada Followell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1887) granting a pension to Edward W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1888) granting a pension to Elizabeth Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1889) granting a pension to Mary E. Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1890) granting a pension to Mary Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1891) granting a pension to Mary Helton; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 1892) for the relief of Ephriam M. Beach; to the Committee on Military Affairs.

Also, a bill (H. R. 1893) for the relief of George P. Bailey; to the Committee on Military Affairs.

Also, a bill (H. R. 1894) for the relief of Mary Loy; to the Committee on Claims.

Also, a bill (H. R. 1895) for the relief of Moore L. Henry; to the Committee on Claims.

Also, a bill (H. R. 1896) for the relief of George O. Pratt; to the Committee on Military Affairs.

Also, a bill (H. R. 1897) for the relief of the heirs of the late Louis F. Meissner; to the Committee on Claims.

Also, a bill (H. R. 1898) for the relief of the heirs of George H. Hitchcock; to the Committee on Military Affairs.

Also, a bill (H. R. 1899) to correct the military records of the United States Army as to muster-in service of John A. Brimmer; to the Committee on Military Affairs.

Also, a bill (H. R. 1900) to renew and extend certain letters patent to George J. Pilger; to the Committee on Patents.

Also, a bill (H. R. 1901) granting a pension to Albert V. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1902) granting a pension to Mary K. Schautz; to the Committee on Pensions.

Also, a bill (H. R. 1903) granting a pension to Mary C. Wertley; to the Committee on Pensions.

Also, a bill (H. R. 1904) granting a pension to Mary T. Schmidt; to the Committee on Pensions.

Also, a bill (H. R. 1905) granting a pension to John A. Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1906) granting an increase of pension to Sarah E. Stills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1907) granting an increase of pension to Esther F. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1908) granting an increase of pension to Julia Embick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1909) granting an increase of pension to Sophia Wren; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 1910) granting a pension to Henry B. Schenck; to the Committee on Pensions.

Also, a bill (H. R. 1911) granting an increase of pension to Edidius J. Fehr; to the Committee on Pensions.

Also, a bill (H. R. 1912) granting an increase of pension to Rollin P. Ham; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 1913) granting a pension to Augusta Buetow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1914) granting a pension to William N. Bamforth; to the Committee on Pensions.

Also, a bill (H. R. 1915) granting a pension to Robert H. Walsh; to the Committee on Pensions.

Also, a bill (H. R. 1916) granting a pension to Margaret Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1917) granting a pension to Ella Hager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1918) granting a pension to Maria Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1919) granting a pension to Jane E. Burwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1920) granting a pension to Eliza E. Eaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1921) granting a pension to Charles J. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 1922) granting a pension to Samuel G. Gothompson; to the Committee on Pensions.

Also, a bill (H. R. 1923) granting a pension to Flora A. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1924) granting a pension to Bertha M. Park; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1925) granting an increase of pension to Margaret Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1926) granting an increase of pension to Frances M. Loper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1927) granting an increase of pension to Francis Van Name; to the Committee on Pensions.

Also, a bill (H. R. 1928) granting an increase of pension to Julia M. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1929) granting an increase of pension to Nellie Troost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1930) to correct the military record of Frank Fowler; to the Committee on Military Affairs.

Also, a bill (H. R. 1931) for the relief of Paine Lumber Co. (Ltd.); to the Committee on Claims.

Also, a bill (H. R. 1932) for the relief of Frank R. Foretich; to the Committee on Claims.

Also, a bill (H. R. 1933) for the relief of Frank Mand; to the Committee on Military Affairs.

Also, a bill (H. R. 1934) for the relief of Theresa Scherer; to the Committee on Claims.

Also, a bill (H. R. 1935) for the relief of the late George W. Buck; to the Committee on Military Affairs.

Also, a bill (H. R. 1936) authorizing the President to appoint Adolf J. Schliesser an additional chaplain in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 1937) granting a pension to Sarah Hilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1938) granting a pension to Elmeda L. Horr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1939) granting a pension to Alice Agnes Johnson; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 1940) granting an increase of pension to Elizabeth Siegler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1941) for the relief of James Kesner; to the Committee on Military Affairs.

Also, a bill (H. R. 1942) for the relief of Levi Rodenberger; to the Committee on Military Affairs.

Also, a bill (H. R. 1943) for the relief of the legal representatives of W. H. Mills, deceased; to the Committee on Claims.

Also, a bill (H. R. 1944) for the relief of Charles Wall; to the Committee on Naval Affairs.

Also, a bill (H. R. 1945) for the relief of Joseph A. Stevenson; to the Committee on Military Affairs.

Also, a bill (H. R. 1946) granting a pension to Ellen Winters Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1947) granting an increase of pension to Ida C. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1948) granting an increase of pension to Robert H. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 1949) granting an increase of pension to Alice E. Demorest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1950) granting a pension to Ellen A. Lipowitz; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 1951) granting a pension to Robert L. Bates; to the Committee on Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 1952) for the relief of T. Arthur Moore; to the Committee on the Public Lands.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 1953) granting an increase of pension to Lorinda R. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1954) granting an increase of pension to Adelia McManamy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1955) granting an increase of pension to Vincent Skosky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1956) granting an increase of pension to Sarah F. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1957) granting an increase of pension to Sarah J. Stanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1958) granting a pension to Priscilla Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1959) granting a pension to Emily Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1960) for the relief of the Ann Arbor Railroad Co.; to the Committee on Claims.

Also, a bill (H. R. 1961) for the relief of B. G. Oosterbaan; to the Committee on Claims.

Also, a bill (H. R. 1962) for the relief of Charles F. Getchell; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 1963) granting an increase of pension to Josephine Bostwick; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 1964) granting an increase of pension to Oscar A. Badder; to the Committee on Pensions.

Also, a bill (H. R. 1965) granting an increase of pension to Ruth Blaisdell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1966) granting a pension to Caroline Arnold Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1967) granting a pension to Harry W. Clark; to the Committee on Pensions.

Also, a bill (H. R. 1968) granting a pension to Alice Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1969) granting a pension to Maria Crowl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1970) granting a pension to M. Adda Dustan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1971) granting an increase of pension to Cynthia Earnest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1972) granting a pension to Howard A. Grube; to the Committee on Pensions.

Also, a bill (H. R. 1973) granting a pension to Louis U. Hilton; to the Committee on Pensions.

Also, a bill (H. R. 1974) granting a pension to Archie McDonald; to the Committee on Pensions.

Also, a bill (H. R. 1975) granting an increase of pension to Sarah W. McPherson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1976) granting a pension to Bridget Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1977) granting a pension to Melva A. Matthews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1978) granting a pension to Albert S. Riddle; to the Committee on Pensions.

Also, a bill (H. R. 1979) granting a pension to Kate Rhea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1980) granting a pension to Irene M. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1981) granting an increase of pension to Walter S. Swanger; to the Committee on Pensions.

Also, a bill (H. R. 1982) granting a pension to Archie H. Wright; to the Committee on Pensions.

Also, a bill (H. R. 1983) for the relief of John J. Waters; to the Committee on Military Affairs.

Also, a bill (H. R. 1984) for the relief of Frank D. Peck; to the Committee on Military Affairs.

Also, a bill (H. R. 1985) providing for the commissioning of William A. Pearl and granting him immediately thereafter an honorable discharge; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 1986) granting a pension to Harriett V. Olden; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 1987) granting an increase of pension to America Pace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1988) granting an increase of pension to Margaret Y. Teters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1989) granting an increase of pension to Frank L. Snoots; to the Committee on Pensions.

Also, a bill (H. R. 1990) granting a pension to Elizabeth Gille; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1991) granting a pension to Edith M. Wyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1992) granting a pension to Grace E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1993) granting a pension to Catharine Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1994) granting a pension to Cora O. Russell; to the Committee on Invalid Pensions.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 1995) granting an increase of pension to Frances O. McFarland; to the Committee on Pensions.

Also, a bill (H. R. 1996) granting a pension to Annie Broderick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1997) for the relief of K. S. Szymanski; to the Committee on Claims.

Also, a bill (H. R. 1998) granting an increase of pension to Virginia Hubley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1999) granting an increase of pension to May Pennington; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 2000) granting a pension to Palmer L. Dawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2001) granting an increase of pension to Ada Z. Murdock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2002) granting an increase of pension to Julia R. Burris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2003) granting an increase of pension to Elizabeth Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2004) granting an increase of pension to Parmelia Swan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2005) granting an increase of pension to Hannah J. Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2006) granting an increase of pension to Cassie A. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2007) granting an increase of pension to Margaret A. Brothers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2008) granting an increase of pension to Hannah Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2009) for the relief of C. M. Rodefer; to the Committee on Claims.

Also, a bill (H. R. 2010) granting a pension to Mary Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2011) for the relief of William D. McKeefrey; to the Committee on Claims.

Also, a bill (H. R. 2012) granting an increase of pension to Rebecca J. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2013) granting an increase of pension to Sarah S. Badger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2014) granting an increase of pension to Mary J. Tullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2015) granting an increase of pension to Sarah A. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2016) granting an increase of pension to Julia Ann Dyson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2017) granting an increase of pension to Eliza J. Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2018) granting an increase of pension to Sarah A. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2019) granting an increase of pension to Talitha J. Steward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2020) granting an increase of pension to Mary J. Mozena; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2021) granting an increase of pension to Albert McAllister; to the Committee on Pensions.

Also, a bill (H. R. 2022) granting a pension to Catherine Holler; to the Committee on Pensions.

Also, a bill (H. R. 2023) granting an increase of pension to Martha McGonagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2024) granting a pension to Maude Sharpnack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2025) granting an increase of pension to Martha Burdett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2026) granting a pension to Elizabeth Vanfosson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2027) granting an increase of pension to Margaret R. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2028) granting an increase of pension to Mary E. Deselms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2029) granting an increase of pension to Louisa Whiteleather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2030) granting an increase of pension to Anna F. Ault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2031) granting an increase of pension to Flora A. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2032) granting an increase of pension to Margaret J. Coss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2033) granting a pension to Ada M. Buffington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2034) granting a pension to Elizabeth Olmstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2035) granting an increase of pension to Ellen Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2036) granting a pension to Mary D. Wirebaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2037) granting an increase of pension to Maggie Fetterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2038) granting an increase of pension to Aorilla C. Culler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2039) granting an increase of pension to Elizabeth May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2040) for the relief of Frank J. Eckstein; to the Committee on Claims.

By Mr. O'CONNELL of New York: A bill (H. R. 2041) for the relief of Anna Balch; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 2042) for the relief of Joseph L. Keresey; to the Committee on Claims.

Also, a bill (H. R. 2043) for the relief of Frances E. Martin; to the Committee on Claims.

Also, a bill (H. R. 2044) for the relief of Charles J. Eisenhauer; to the Committee on Claims.

Also, a bill (H. R. 2045) for the relief of the African-American Importing Co. (Inc.), of New York City, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 2046) granting an increase of pension to Herman Henry Wendt; to the Committee on Pensions.

Also, a bill (H. R. 2047) granting a pension to Ernest W. Larkin; to the Committee on Pensions.

Also, a bill (H. R. 2048) granting a pension to Minnie Klingel; to the Committee on Pensions.

Also, a bill (H. R. 2049) granting a pension to William Whalen; to the Committee on Pensions.

Also, a bill (H. R. 2050) authorizing the Secretary of the Treasury to pay certain moneys to James McCann; to the Committee on Claims.

Also, a bill (H. R. 2051) authorizing the Secretary of the Navy to place the name of Charles Allen, formerly lieutenant, United States Navy, on the retired list with proper rating; to the Committee on Naval Affairs.

By Mr. QUAYLE: A bill (H. R. 2052) for the relief of Annie O'Neill; to the Committee on Claims.

Also, a bill (H. R. 2053) to reimburse Anna Gilbert; to the Committee on Claims.

Also, a bill (H. R. 2054) for the return of $5,000 to the New Amsterdam Casualty Co.; to the Committee on Claims.

Also, a bill (H. R. 2055) granting a pension to John C. Heims; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 2056) granting a pension to Polly Couch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2057) granting a pension to Arena Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2058) granting a pension to Lizzie McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2059) granting a pension to Mary A. Wray; to the Committee on Pensions.

Also, a bill (H. R. 2060) granting a pension to Joe H. Ross; to the Committee on Pensions.

Also, a bill (H. R. 2061) granting a pension to James M. Cawood; to the Committee on Pensions.

Also, a bill (H. R. 2062) granting a pension to Bige Hubbard; to the Committee on Pensions.

Also, a bill (H. R. 2063) granting a pension to Isaac Townsend; to the Committee on Pensions.

Also, a bill (H. R. 2064) granting a pension to Esther Meece; to the Committee on Pensions.

Also, a bill (H. R. 2065) granting a pension to Laura Hendrickson; to the Committee on Pensions.

Also, a bill (H. R. 2066) granting a pension to Edward Hall; to the Committee on Pensions.

Also, a bill (H. R. 2067) granting a pension to Cynthia Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2068) granting a pension to William Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2069) granting a pension to Ellen Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2070) granting a pension to Sarah Mobley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2071) granting a pension to Nancy C. Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2072) granting an increase of pension to Laura C. York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2073) granting an increase of pension to Nancy Lankford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2074) granting an increase of pension to Mary Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2075) granting an increase of pension to Benjamin F. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 2076) granting an increase of pension to Edward Lee; to the Committee on Pensions.

Also, a bill (H. R. 2077) granting an increase of pension to Granville Burns; to the Committee on Pensions.

Also, a bill (H. R. 2078) granting an increase of pension to Robert L. McFarland; to the Committee on Pensions.

Also, a bill (H. R. 2079) granting an increase of pension to Elizabeth J. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2080) granting an increase of pension to Clementine H. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2081) to correct the military record of John W. Hardwick; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 2082) granting an increase of pension to Catherine Yerdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2083) granting an increase of pension to Mary Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2084) granting an increase of pension to Marcelia Griffis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2085) granting an increase of pension to Sarah E. Wait; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2086) granting an increase of pension to Mary L. Flack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2087) granting an increase of pension to Agnes Badger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2088) granting an increase of pension to Elizabeth Whitmarsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2089) granting an increase of pension to Catherine Tebo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2090) granting an increase of pension to Alice Havington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2091) granting a pension to Janet West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2092) granting an increase of pension to Clara J. Crozier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2093) granting an increase of pension to Margaret Eggleson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2094) granting an increase of pension to Silas A. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2095) granting an increase of pension to Rose Bertrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2096) granting an increase of pension to Alice Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2097) granting an increase of pension to Jennie Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2098) granting an increase of pension to Catherine Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2099) granting an increase of pension to Thomas DeBuke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2100) granting an increase of pension to Mary Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2101) granting an increase of pension to Elizabeth B. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2102) granting an increase of pension to Joan Lonkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2103) granting an increase of pension to Margaret Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2104) granting an increase of pension to Julia M. Healey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2105) granting an increase of pension to Mary Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2106) granting an increase of pension to Mary E. Pearce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2107) granting a pension to Rebecca Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2108) for the relief of the Burt Wool & Leather Co.; to the Committee on Claims.

Also, a bill (H. R. 2109) granting an increase of pension to Ellen Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2110) granting an increase of pension to Cynthia L. Piercy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2111) granting an increase of pension to Rosina Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2112) granting an increase of pension to Ellen A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2113) granting an increase of pension to Cynthia A. Haynes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2114) granting an increase of pension to Eliza S. Stacks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2115) granting an increase of pension to Martha B. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2116) granting an increase of pension to Celestia F. Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2117) granting an increase of pension to Mary E. Wakefield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2118) granting an increase of pension to Electa Bellen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2119) granting an increase of pension to Lois I. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2120) granting an increase of pension to Mary Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2121) granting an increase of pension to Mary M. Files; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2122) granting an increase of pension to Mary Longto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2123) granting an increase of pension to Alma C. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2124) granting an increase of pension to Mary Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2125) granting a pension to Ellen Jane Putraw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2126) granting a pension to James McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2127) granting a pension to Jennie La Porte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2128) granting a pension to Orrilla Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2129) granting a pension to Ida V. Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2130) granting a pension to Henrietta F. Bowker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2131) granting a pension to Harriet Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2132) granting an increase of pension to Julia Laroue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2133) granting a pension to Addie Gratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2134) granting a pension to Cecil C. Cardinal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2135) granting a pension to Margaret Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2136) for the relief of Lieut. Frederick C. Matthews; to the Committee on War Claims.

Also, a bill (H. R. 2137) granting insurance to Lydia C. Spry; to the Committee on World War Veterans' Legislation.

By Mr. SUMMERS of Washington: A bill (H. R. 2138) granting a pension to Mary O. Guthrie; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 2139) granting an increase of pension to Celicia M. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2140) granting an increase of pension to Thomas M. Stroud; to the Committee on Pensions.

Also, a bill (H. R. 2141) for the relief of Gust J. Schweitzer; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 2142) granting the distinguished-service cross to Charles A. Musgrave; to the Committee on Military Affairs.

Also, a bill (H. R. 2143) granting an increase of pension to Margaret E. Reisch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2144) granting an increase of pension to Sarah Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2145) granting an increase of pension to William Robinson; to the Committee on Pensions.

Also, a bill (H. R. 2146) granting an increase of pension to Lizzie J. Yeagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2147) granting an increase of pension to Rachel Woggerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2148) granting an increase of pension to Elizabeth E. Sierer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2149) granting a pension to Franc Murray; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 2150) granting a pension to Thomas Hackett; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 2151) granting an increase of pension to Annie E. Bump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2152) granting an increase of pension to Ella J. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2153) granting an increase of pension to Betsy F. Ballou; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2154) granting an increase of pension to Arabelle E. Lyon; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 2155) granting a pension to Jesse T. Talmadge; to the Committee on Pensions.

Also, a bill (H. R. 2156) granting an increase of pension to Lavisa Baldwin; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 2157) granting an increase of pension to Mary A. Radney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2158) granting an increase of pension to Edward Sweeney; to the Committee on Pensions.

Also, a bill (H. R. 2159) granting a pension to Americo Furiosi; to the Committee on Pensions.

Also, a bill (H. R. 2160) for the relief of Patrick J. Langan; to the Committee on Military Affairs.

Also, a bill (H. R. 2161) granting a pension to Mary Wendling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2162) granting a pension to Mida Mira Crompton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2163) granting an increase of pension to Arthur K. Stearns; to the Committee on Pensions.

Also, a bill (H. R. 2164) for the relief of Edward Boyle; to the Committee on Military Affairs.

Also, a bill (H. R. 2165) for the relief of John Magill; to the Committee on Military Affairs.

Also, a bill (H. R. 2166) for the relief of Anthony Mullen; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 2167) granting a pension to William H. McIntosh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2168) granting a pension to Anna K. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2169) granting a pension to Silas Mosteller; to the Committee on Invalid Pensions.

By Mr. ALLGOOD: A bill (H. R. 2170) granting a pension to Susie Weathenington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2171) granting a pension to Sarah F. Berry; to the Committee on Pensions.

Also, a bill (H. R. 2172) for the relief of Joseph A. Choate; to the Committee on Military Affairs.

Also, a bill (H. R. 2173) for the relief of the heirs of James W. Fennell; to the Committee on War Claims.

By Mr. ARNOLD: A bill (H. R. 2174) granting a pension to Maggie Walters Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2175) granting a pension to Lizzie B. Collins; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 2176) granting an increase of pension to Mary A. Lynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2177) granting a pension to Alexander Sweeney; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 2178) granting an increase of pension to Mary A. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2179) granting an increase of pension to Martha Stadler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2180) granting an increase of pension to Katherine Kraft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2181) granting a pension to Rebecca Pedrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2182) for the relief of Elizabeth T. Cloud; to the Committee on Claims.

Also, a bill (H. R. 2183) for the relief of Ida E. Godfrey; to the Committee on War Claims.

Also, a bill (H. R. 2184) for the relief of James Gaynor; to the Committee on Claims.

Also, a bill (H. R. 2185) for the relief of Thomas N. Emley; to the Committee on War Claims.

Also, a bill (H. R. 2186) for the relief of Lee C. Davis; to the Committee on War Claims.

Also, a bill (H. R. 2187) for the relief of Robert Turner; to the Committee on Claims.

Also, a bill (H. R. 2188) for the relief of Frederick W. Peter; to the Committee on Claims.

Also, a bill (H. R. 2189) for the relief of Harry Best; to the Committee on War Claims.

Also, a bill (H. R. 2190) for the relief of Agnes W. Wilcox; to the Committee on Foreign Affairs.

By Mr. BEERS: A bill (H. R. 2191) to authorize the appointment of an ordnance storekeeper in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 2192) granting a pension to George Oscar Flowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2193) granting an increase of pension to Nancy Evaline Hammon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2194) granting an increase of pension to Mary J. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2195) granting an increase of pension to Elizabeth Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2196) granting a pension to Priscilla Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2197) granting an increase of pension to Nancy E. F. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2198) granting a pension to Myrtle Blanche Wicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2199) granting a pension to Maria Van Orman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2200) granting a pension to Elizabeth Shaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2201) granting an increase of pension to Rachel A. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2202) granting a pension to Martha E. Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2203) granting a pension to Blanche Chilcoat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2204) granting an increase of pension to Mary Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2205) granting an increase of pension to Margaret Gress; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2206) for the relief of Francis Hollingsworth Armstrong; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 2207) for the relief of Simon R. Curtis; to the Committee on Claims.

Also, a bill (H. R. 2208) to legalize the pier, wharf, and marine railway owned by George Peppler in Finneys Creek, at Wachapreague, Accomac County, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRIGGS: A bill (H. R. 2209) for the relief of C. T. Kitchen; to the Committee on Claims.

Also, a bill (H. R. 2210) for the relief of R. E. Neumann and wife; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 2211) granting a pension to Sarah E. Baker; to the Committee on Pensions.

Also, a bill (H. R. 2212) granting a pension to Rebecca J. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2213) granting a pension to Indiana Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2214) granting a pension to Mary A. Redd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2215) granting a pension to Alexander Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2216) granting a pension to Eliza J. Williams; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 2217) granting an increase of pension to Millicent S. Cisney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2218) granting an increase of pension to Mary A. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2219) granting an increase of pension to Ettie H. French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2220) granting an increase of pension to Minnie M. Merrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2221) granting an increase of pension to Elizabeth Oswald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2222) granting an increase of pension to Orrel Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2223) granting a pension to John Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2224) granting a pension to Jennie Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2225) granting a pension to Laura J. Kissell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2226) granting a pension to Catherine Shanklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2227) granting a pension to Mary J. Stotts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2228) for the relief of John S. Stotts, deceased; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 2229) to reimburse John Ferrell; to the Committee on Indian Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 2230) granting an increase of pension to Mary Elizabeth Hogue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2231) granting a pension to Albert Ostrom; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 2232) for the relief of Dent, Allcroft & Co.; to the Committee on Claims.

Also, a bill (H. R. 2233) for the relief of Allen R. Kimball; to the Committee on Claims.

Also, a bill (H. R. 2234) for the relief of Cathrine E. Morris; to the Committee on Claims.

Also, a bill (H. R. 2235) for the relief of the heir at law of James Folmsbee; to the Committee on Claims.

Also, a bill (H. R. 2236) for the relief of A. J. Baker Co. (Inc.), Horwitz & Arbib (Inc.), and Richard Evans & Sons Co.; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 2237) for the relief of Leslie Warnick Brennan; to the Committee on War Claims.

Also, a bill (H. R. 2238) for the relief of George O. Pratt; to the Committee on Military Affairs.

Also, a bill (H. R. 2239) granting a pension to Della J. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2240) to reimburse E. W. Hardendorf for supplies furnished the submarine chaser *No. 328;* to the Committee on Claims.

Also, a bill (H. R. 2241) granting a pension to Eliza Maria Inman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2242) granting an increase of pension to Julia B. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2243) granting an increase of pension to Lucy Quackenbush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2244) granting a pension to Emma J. Mason; to the Committee on Pensions.

Also, a bill (H. R. 2245) granting a pension to Martin Flint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2246) granting a pension to Benjamin F. Doxtater; to the Committee on Pensions.

Also, a bill (H. R. 2247) granting a pension to William H. Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2248) granting a pension to Mary Jane Evans; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 2249) granting a pension to William F. Glass; to the Committee on Pensions.

Also, a bill (H. R. 2250) granting a pension to Florence Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2251) granting an increase of pension to Ernest P. Gates; to the Committee on Pensions.

Also, a bill (H. R. 2252) granting an increase of pension to Carl L. Setchell; to the Committee on Pensions.

Also, a bill (H. R. 2253) granting an increase of pension to Caroline Thie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2254) for the relief of Howard A. Mount; to the Committee on Claims.

Also, a bill (H. R. 2255) for the relief of Thomas Jefferson Shropshire; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 2256) granting a pension to Margaret M. McCauley; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 2257) granting an increase of pension to William Nevius; to the Committee on Pensions.

Also, a bill (H. R. 2258) granting an increase of pension to Daniel Baker; to the Committee on Pensions.

Also, a bill (H. R. 2259) granting an increase of pension to James A. Berry; to the Committee on Pensions.

Also, a bill (H. R. 2260) granting an increase of pension to Mary U. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2261) granting an increase of pension to Martha Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2262) granting an increase of pension to Mary Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2263) granting an increase of pension to Amenda Tyner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2264) granting an increase of pension to Elizabeth M. Marples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2265) granting an increase of pension to Oliva Veal; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 2266) for the relief of Jonas Hoch; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 2267) for the relief of James J. Meehan; to the Committee on Naval Affairs.

Also, a bill (H. R. 2268) for the relief of Michael J. Leo; to the Committee on Claims.

Also, a bill (H. R. 2269) for the relief of Irene Brand; to the Committee on Claims.

Also, a bill (H. R. 2270) for the relief of David Myerle, as executor of the last will and testament of Phineas Burgess, deceased; to the Committee on Claims.

Also, a bill (H. R. 2271) granting a pension to Rudolph Allmers; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 2272) for the relief of A. R. Free; to the Committee on Claims.

Also, a bill (H. R. 2273) for the relief of Lizzie C. Ferris; to the Committee on Claims.

By Mr. HADLEY: A bill (H. R. 2274) granting an increase of pension to Laura G. Weisenburger; to the Committee on Pensions.

Also, a bill (H. R. 2275) granting an increase of pension to Alice Luth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2276) granting an increase of pension to Harriet N. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2277) granting a pension to Lucy Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2278) granting a pension to Melinda J. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2279) granting a pension to Edith Heu-de-Brouck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2280) for the relief of Frederick W. Seidell; to the Committee on Claims.

By Mr. HALL of North Dakota: A bill (H. R. 2281) granting an increase of pension to Bernard Mulhern; to the Committee on Pensions.

Also, a bill (H. R. 2282) granting an increase of pension to Kate Urell; to the Committee on Pensions.

By Mr. HAWES: A bill (H. R. 2283) to enroll certain persons with the Osage Tribe of Indians; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 2284) granting an increase of pension to Priscilla DeWitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2285) granting an increase of pension to Elizabeth A. Line; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2286) granting an increase of pension to Madium Milledge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2287) granting an increase of pension to Mary C. Parker; to the Committee on Pensions.

Also, a bill (H. R. 2288) granting an increase of pension to Mary C. Dill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2289) granting an increase of pension to Mariah E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2290) granting an increase of pension to Mary Emily Stanberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2291) granting an increase of pension to Nancy J. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2292) granting an increase of pension to James A. J. Yokum; to the Committee on Pensions.

Also, a bill (H. R. 2293) granting an increase of pension to Katharina Sparks; to the Committee on Pensions.

Also, a bill (H. R. 2294) granting an increase of pension to Lydia Gault Read; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2295) granting an increase of pension to Clara Harlan; to the Committee on Pensions.

Also, a bill (H. R. 2296) granting an increase of pension to Hattie A. Crusou; to the Committee on Pensions.

Also, a bill (H. R. 2297) granting an increase of pension to Sarah J. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2298) granting an increase of pension to Hezekiah C. Cotner; to the Committee on Pensions.

Also, a bill (H. R. 2299) granting an increase of pension to Aleda Cobb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2300) granting an increase of pension to Oliver Hull; to the Committee on Pensions.

Also, a bill (H. R. 2301) granting an increase of pension to Margaret A. Smith; to the Committee on Pensions.

Also, a bill (H. R. 2302) granting an increase of pension to William W. Rowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2303) granting an increase of pension to Nancy C. Niday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2304) granting an increase of pension to Mary E. Nies; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2305) granting an increase of pension to David A. McKee; to the Committee on Pensions.

Also, a bill (H. R. 2306) granting an increase of pension to Melinda E. Chambers; to the Committee on Pensions.

Also, a bill (H. R. 2307) granting an increase of pension to Mary Ann Griffin; to the Committee on Pensions.

Also, a bill (H. R. 2308) granting an increase of pension to Mary J. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2309) granting a pension to Alice Grant Guyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2310) granting a pension to Elizabeth Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2311) for the relief of Harvey Dunkin; to the Committee on Claims.

Also, a bill (H. R. 2312) for the relief of John Bergman; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 2313) for the relief of Amos Dahuff; to the Committee on Military Affairs.

Also, a bill (H. R. 2314) for the relief of Louis Southworth; to the Committee on Military Affairs.

Also, a bill (H. R. 2315) for the relief of J. W. LaBare; to the Committee on Military Affairs.

Also, a bill (H. R. 2316) for the relief of John Clark; to the Committee on Military Affairs.

Also, a bill (H. R. 2317) for the relief of the estate of George P. Litchfield; to the Committee on Claims.

Also, a bill (H. R. 2318) for the relief of the Brighton Mills Co.; to the Committee on Claims.

By Mr. HOOPER: A bill (H. R. 2319) granting a pension to Evvah A. Dickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2320) for the relief of Delmore A. Teller; to the Committee on War Claims.

By Mr. HUDDLESTON: A bill (H. R. 2321) granting an increase of pension to Sarah E. Smith; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 2322) for the relief of Henry P. Kinney; to the Committee on Military Affairs.

By Mr. JEFFERS: A bill (H. R. 2323) for the relief of T. Gaines Roberts; to the Committee on Naval Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 2324) for the relief of Joe F. Jenkins; to the Committee on Military Affairs.

Also, a bill (H. R. 2325) for the relief of David F. Richards, alias David Richards; to the Committee on Military Affairs.

Also, a bill (H. R. 2326) for the relief of Augustus Sipple; to the Committee on Military Affairs.

Also, a bill (H. R. 2327) to validate the war-risk insurance of Warren O. Grimm, Ernest Dale Hubbard, Arthur McElfresh, and Ben Casagranda, who were murdered while parading in the uniform of the United States Army at Centralia, Wash., November 11, 1919; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 2328) for the relief of Edith L. Bickford; to the Committee on Foreign Affairs.

Also, a bill (H. R. 2329) for the relief of John A. Olson; to the Committee on Claims.

Also, a bill (H. R. 2330) for the relief of Mrs. Frank G. Sanford; to the Committee on Claims.

Also, a bill (H. R. 2331) for the relief of Finch R. Archer; to the Committee on Claims.

Also, a bill (H. R. 2332) for the relief of George Charles Walthers; to the Committee on Claims.

Also, a bill (H. R. 2333) for the relief of Katherine Rorison; to the Committee on Claims.

Also, a bill (H. R. 2334) for the relief of Henry S. Royce; to the Committee on Claims.

Also, a bill (H. R. 2335) for the relief of Annie M. Lizenby; to the Committee on Claims.

Also, a bill (H. R. 2336) for the relief of George F. Weaver; to the Committee on Claims.

Also, a bill (H. R. 2337) for the relief of Charles H. Fullerton; to the Committee on Claims.

Also, a bill (H. R. 2338) for the relief of Anton Anderson; to the Committee on Claims.

Also, a bill (H. R. 2339) to reimburse David J. Williams for cash shortage due to theft of public funds; to the Committee on Claims.

Also, a bill (H. R. 2340) granting a pension to Lena Thackeray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2341) granting a pension to Anna Z. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2342) granting a pension to Hilaire Nallette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2343) granting a pension to Sadie E. Hagerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2344) granting an increase of pension to Laura R. Cummings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2345) granting a pension to Isaac W. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2346) granting a pension to Mary J. Leathem; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2347) granting an increase of pension to Eliza L. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2348) granting an increase of pension to Sarah Stoves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2349) granting an increase of pension to Martha A. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2350) granting an increase of pension to Merritt J. Hedges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2351) granting an increase of pension to Anne Van Ogle; to the Committee on Pensions.

Also, a bill (H. R. 2352) granting a pension to Benjamin L. Swift; to the Committee on Pensions.

Also, a bill (H. R. 2353) granting an increase of pension to Seth S. Crosby; to the Committee on Pensions.

Also, a bill (H. R. 2354) granting an increase of pension to Emma Root; to the Committee on Pensions.

Also, a bill (H. R. 2355) granting an increase of pension to Henry Luch; to the Committee on Pensions.

Also, a bill (H. R. 2356) to change the retired status of Chief Pay Clerk R. E. Ames, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. KENDALL: A bill (H. R. 2357) granting an increase of pension to Mary E. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2358) granting an increase of pension to Catherine Queer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2359) granting an increase of pension to Mary E. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2360) granting an increase of pension to Susan C. McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2361) granting an increase of pension to Sallie Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2362) granting an increase of pension to Mame D. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2363) granting an increase of pension to Mary E. Lincoln; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2364) granting an increase of pension to Mollie M. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2365) granting an increase of pension to Susan Nimiller; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 2366) for the relief of the United States Bedding Co.; to the Committee on Claims.

Also, a bill (H. R. 2367) for the relief of the St. Paul Gas Light Co.; to the Committee on Claims.

Also, a bill (H. R. 2368) for the relief of Genevieve M. Heberle; to the Committee on Claims.

By Mr. KIEFNER: A bill (H. R. 2369) granting a pension to Henriette Rowe; to the Committee on Pensions.

Also, a bill (H. R. 2370) granting an increase of pension to Sophia Bouchard; to the Committee on Pensions.

Also, a bill (H. R. 2371) for the relief of John Poston, sr.; to the Committee on War Claims.

Also, a bill (H. R. 2372) granting an increase of pension to Mary L. Smock; to the Committee on Pensions.

Also, a bill (H. R. 2373) granting an increase of pension to Milley Shrewsbury; to the Committee on Pensions.

Also, a bill (H. R. 2374) granting an increase of pension to Candacy McDaniel; to the Committee on Pensions.

Also, a bill (H. R. 2375) granting an increase of pension to Barbara Skaggs; to the Committee on Pensions.

Also, a bill (H. R. 2376) for the relief of Royace Wells; to the Committee on Claims.

By Mr. HALL of Indiana: A bill (H. R. 2377) granting a pension to America Williamson; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 2378) granting an increase of pension to Nina Holvenstot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2379) for the relief of Maj. Lester L. Lampert; to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 2380) granting a pension to Mary E. Shadle; to the Committee on Pensions.

Also, a bill (H. R. 2381) granting a pension to John J. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 2382) granting a pension to Josie Hicks; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 2383) for the relief of Edgar M. Taylor; to the Committee on Military Affairs.

Also, a bill (H. R. 2384) for the relief of Nicola Uzzolino; to the Committee on Claims.

Also, a bill (H. R. 2385) for the relief of Alexander H. Robertson; to the Committee on Military Affairs.

Also, a bill (H. R. 2386) granting a pension to Minnie E. Banks; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 2387) for the relief of N. W. Ellis; to the Committee on Claims.

Also, a bill (H. R. 2388) for the relief of Joe Griffith; to the Committee on Claims.

Also, a bill (H. R. 2389) for the relief of Andrew J. Ware; to the Committee on Claims.

Also, a bill (H. R. 2390) granting a pension to William A. Jordan; to the Committee on Pensions.

Also, a bill (H. R. 2391) granting an increase of pension to John A. Brammett; to the Committee on Pensions.

Also, a bill (H. R. 2392) granting an increase of pension to George W. Pinion; to the Committee on Pensions.

By Mr. MICHENER: A bill (H. R. 2393) for the relief of Second Lieut. Charles C. Sessions; to the Committee on Claims.

Also, a bill (H. R. 2394) for the relief of First Lieut. John R. Bailey; to the Committee on Claims.

By Mr. MILLIGAN: A bill (H. R. 2395) granting an increase of pension to Sarah Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2396) granting an increase of pension to Caroline Sublett; to the Committee on Pensions.

Also, a bill (H. R. 2397) granting a pension to John T. Burriss; to the Committee on Pensions.

Also, a bill (H. R. 2398) granting a pension to Sarah E. Tripp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2399) granting a pension to Elizabeth A. Norman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2400) granting an increase of pension to Mary E. Hollingsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2401) granting an increase of pension to Martha E. Schooler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2402) granting an increase of pension to Maranda J. McC. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2403) granting a pension to Elmer B. Pool; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2404) granting a pension to Effie Overton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2405) granting an increase of pension to Ellen Wishon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2406) granting a pension to John H. Milstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2407) granting a pension to Alonzo F. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2408) granting a pension to George W. Asbery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2409) granting an increase of pension to Sarah J. Arbuckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2410) granting a pension to Samuel C. Hassler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2411) granting a pension to Jane Prather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2412) granting a pension to Benjamin F. Ewing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2413) granting a pension to Mahala D. Heriford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2414) granting an increase of pension to Sallie Gearhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2415) granting an increase of pension to Mary Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2416) granting an increase of pension to Susan Tolbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2417) granting a pension to Francis M. Brewer; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 2418) granting a pension to Annie L. Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2419) granting a pension to Thomas C. Jones; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of New York: A bill (H. R. 2420) for the relief of James Neal; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 2421) providing for the purchase of certain inventions, designs, and methods of aircraft, aircraft parts, and aviation technique of Edwin Fairfax Naulty and Leslie Fairfax Naulty, of New York; to the Committee on Appropriations.

Also, a bill (H. R. 2422) providing for the purchase of certain inventions, designs, and methods of aircraft, aircraft parts, and aviation technique of Edwin Fairfax Naulty and Leslie Fairfax Naulty, of New York; to the Committee on Appropriations.

By Mr. PARKER: A bill (H. R. 2423) granting an increase of pension to Catherine Bridgeford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2424) granting an increase of pension to Sarah F. Vier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2425) granting an increase of pension to Elizabeth A. Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2426) granting an increase of pension to Sarah L. Hogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2427) granting an increase of pension to Lucilla B. Lobdell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2428) granting an increase of pension to Margaret Durkee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2429) granting an increase of pension to Ellen E. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2430) granting an increase of pension to Lucy Schoomaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2431) granting an increase of pension to Annie E. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2432) granting an increase of pension to Eliza Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2433) granting an increase of pension to Harriet L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2434) granting an increase of pension to Julia A. Duell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2435) granting an increase of pension to Phylinda Fountain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2436) granting an increase of pension to Sarah Capron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2437) granting an increase of pension to Mary Anne Bain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2438) granting an increase of pension to Lydia F. Barkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2439) granting an increase of pension to Julia D. Gould; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2440) granting an increase of pension to Nannie E. Ladd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2441) granting an increase of pension to Julia L. Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2442) granting an increase of pension to Sarah Hanlon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2443) granting an increase of pension to Damie Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2444) granting an increase of pension to Francis A. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2445) granting an increase of pension to Christella B. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2446) granting an increase of pension to Marion Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2447) granting an increase of pension to Mary L. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2448) granting an increase of pension to Philomen Marion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2449) granting a pension to Ellen F. Colt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2450) granting an increase of pension to Mary F. Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2451) granting an increase of pension to Elizabeth A. Crandall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2452) granting an increase of pension to Marie L. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2453) granting an increase of pension to Catherine Welden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2454) granting an increase of pension to Delia Lockwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2455) granting an increase of pension to Mary J. Harcourt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2456) granting an increase of pension to Lydia Jane Penton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2457) granting an increase of pension to Delia Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2458) granting an increase of pension to Theresa L. McCleary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2459) granting an increase of pension to Julia Farrel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2460) granting an increase of pension to Emma Rebhun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2461) granting an increase of pension to Sarah A. Tefft; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 2462) granting an increase of pension to Christina Marlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2463) for the relief of Harold G. Billings; to the Committee on Naval Affairs.

Also, a bill (H. R. 2464) for the relief of George Beach; to the Committee on Claims.

Also, a bill (H. R. 2465) for the relief of Ella E. Horner; to the Committee on Claims.

Also, a bill (H. R. 2466) granting an increase of pension to Susan B. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2467) granting an increase of pension to Martha A. Bechtel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2468) granting an increase of pension to Esther D. DeMarls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2469) granting an increase of pension to P. Elizabeth Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2470) granting an increase of pension to Annie Ireland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2471) granting an increase of pension to Frances J. McQuaid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2472) granting an increase of pension to Sarah E. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2473) granting an increase of pension to Mary Ritchie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2474) granting an increase of pension to Elizabeth G. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2475) granting an increase of pension to Margaret C. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2476) granting an increase of pension to Amanda M. Tomkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2477) granting an increase of pension to Susanna D. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2478) to authorize the appointment of Miles Gilman as a chief pay clerk on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. PHILLIPS: A bill (H. R. 2479) for the relief of Thomas Parker; to the Committee on Military Affairs.

Also, a bill (H. R. 2480) granting a pension to Clara E. Seaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2481) granting a pension to Margaret A Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2482) granting a pension to Maude S. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2483) granting a pension to Luther Leroy Funkhouser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2484) granting a pension to Emma Augusta Schramm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2485) granting a pension to Mary Weller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2486) granting a pension to Victor Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2487) granting a pension to Mary E. Rhodes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2488) granting a pension to James A. Holsinger; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 2489) granting an increase of pension to Rachel Peace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2490) granting a pension to Irvin Barrett; to the Committee on Pensions.

By Mr. SANDLIN: A bill (H. R. 2491) for the relief of Gordan A. Dennis; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 2492) granting an increase of pension to Thomas W. Botkin; to the Committee on Pensions.

Also, a bill (H. R. 2493) for the relief of Milburn Knapp; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 2494) granting an increase of pension to Mary M. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2495) granting a pension to Alice J. Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2496) granting a pension to Amelia Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2497) granting a pension to Hattie E. Harvey; to the Committee on Pensions.

Also, a bill (H. R. 2498) granting a pension to Eva B. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2499) granting a pension to Alice May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2500) granting an increase of pension to Agnes Presho; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2501) granting a pension to Sate L. Retan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2502) granting a pension to Lydia Squires; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2503) granting a pension to Violet Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2504) granting a pension to Margaret C. Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2505) granting a pension to Margaret A. DeCoursey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2506) granting a pension to Sarah E. Cushing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2507) granting a pension to Caroline Bunnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2508) granting a pension to Elizabeth Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2509) granting a pension to Cynthia L. McCaslin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2510) granting a pension to Lydia J. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2511) granting a pension to Sarah Hausner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2512) granting a pension to Mary Helm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2513) granting a pension to Amelia C. Keck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2514) granting a pension to Nettie Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2515) granting a pension to Mary H. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2516) granting a pension to Ursula Lamphier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2517) granting a pension to Anna Pruden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2518) granting an increase of pension to Mary Emily Sagar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2519) granting a pension to Nettie Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2520) granting a pension to Frances Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2521) granting a pension to Matilda Boyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2522) granting a pension to Sarah Middaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2523) granting a pension to Jennie B. Slayton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2524) granting a pension to Mary Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2525) granting a pension to Melissa Stoliker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2526) granting an increase of pension to Ada E. Van Auken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2527) granting an increase of pension to Barbara Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2528) granting an increase of pension to Charlotte R. Thornton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2529) granting an increase of pension to Mary J. Vail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2530) for the relief of George W. McNeil; to the Committee on Military Affairs.

Also, a bill (H. R. 2531) for the relief of Edward Johnston; to the Committee on Military Affairs.

By Mr. SWING: A bill (H. R. 2532) granting an increase of pension to Thomas Mahan; to the Committee on Pensions.

Also, a bill (H. R. 2533) granting a pension to Mary L. Catlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2534) granting a pension to William S. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 2535) granting a pension to Jessie M. Wilder; to the Committee on Pensions.

Also, a bill (H. R. 2536) granting a pension to Kittie M. Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2537) for the relief of Arthur L. Heckyell; to the Committee on Naval Affairs.

Also, a bill (H. R. 2538) for the relief of Vinal S. Terry; to the Committee on Naval Affairs.

Also, a bill (H. R. 2539) for the relief of John F. White and Mary L. White; to the Committee on Claims.

Also, a bill (H. R. 2540) for the relief of James W. Sweetman, C. A. A. McGee, H. R. Fay, and E. E. Hendee; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 2541) granting an increase of pension to Henrietta Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2542) granting an increase of pension to Mary E. Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2543) granting an increase of pension to Nancy E. Heller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2544) granting an increase of pension to Elisabeth Brillhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2545) granting an increase of pension to Josephine Light; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2546) granting an increase of pension to Lucy Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2547) granting an increase of pension to Ellen M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2548) granting a pension to James H. Mears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2549) granting a pension to Rosetta B. Munsel; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 2550) granting an increase of pension to Mary J. Hitchcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2551) granting an increase of pension to Amanda J. Huffman; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 2552) granting an increase of pension to Allen F. McAfee; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 2553) granting an increase of pension to Michael Halloran; to the Committee on Pensions.

Also, a bill (H. R. 2554) granting an increase of pension to Eliza J. Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2555) granting an increase of pension to Margaret Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2556) granting an increase of pension to Amelia A. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2557) granting an increase of pension to Elizabeth J. Holliday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2558) granting an increase of pension to Hellena H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2559) granting an increase of pension to Martha C. Hansberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2560) granting an increase of pension to Elnora West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2561) granting an increase of pension to Marah A. Pinkerton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2562) granting an increase of pension to Emma Marshall; to the Committee on Pensions.

Also, a bill (H. R. 2563) granting a pension to Nelsoh E. Bucknam; to the Committee on Pensions.

Also, a bill (H. R. 2564) granting a pension to Matthew McCabe; to the Committee on Pensions.

By Mr. WOLVERTON: A bill (H. R. 2565) granting a pension to Martha Highland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2566) for the relief of William A. Calloway; to the Committee on War Claims.

Also, a bill (H. R. 2567) for the relief of J. R. P. Whitecotton; to the Committee on War Claims.

Also, a bill (H. R. 2568) for the relief of G. W. Hayhurst; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 2569) granting a pension to Mary K. Stegie; to the Committee on Pensions.

Also, a bill (H. R. 2570) granting a pension to Oliver T. Butler; to the Committee on Pensions.

Also, a bill (H. R. 2571) granting a pension to Lewis C. Sparkmen; to the Committee on Pensions.

Also, a bill (H. R. 2572) granting a pension to Josephine Kitzmiller; to the Committee on Pensions.

Also, a bill (H. R. 2573) granting a pension to Mary A. Adams; to the Committee on Pensions.

Also, a bill (H. R. 2574) granting a pension to John Sence to the Committee on Pensions.

Also, a bill (H. R. 2575) granting a pension to Charles H. Boehmer; to the Committee on Pensions.

Also, a bill (H. R. 2576) granting an increase of pension to Helen A. Dougherty; to the Committee on Pensions.

Also, a bill (H. R. 2577) granting an increase of pension to Mary Elizabeth Carson; to the Committee on Pensions.

Also, a bill (H. R. 2578) granting an increase of pension to Timothy Jordan; to the Committee on Pensions.

Also, a bill (H. R. 2579) granting an increase of pension to John R. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 2580) granting an increase of pension to Phebe A. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2581) granting an increase of pension to Mary E. Northup; to the Committee on Invalid Pensions.

By Mr. ANDRESEN: A bill (H. R. 2582) granting a pension to Alphiald E. Park; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 2583) granting an increase of pension to Elizabeth L. Edler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2584) granting an increase of pension to Rose R. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2585) granting an increase of pension to Sarah Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2586) granting an increase of pension to Elizabeth B. Mott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2587) granting an increase of pension to Margaret Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2588) for the relief of Howard V. Sloan; to the Committee on Claims.

Also, a bill (H. R. 2589) for the relief of Archie O. Sprague; to the Committee on Claims.

By Mr. BARBOUR: A bill (H. R. 2590) granting a pension to Mary C. Goodrich; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 2591) granting a pension to Emma Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2592) granting an increase of pension to Barbara Apple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2593) granting an increase of pension to Prudence E. Bair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2594) granting an increase of pension to Frank M. Bennett; to the Committee on Pensions.

Also, a bill (H. R. 2595) granting an increase of pension to Phoebe E. Betts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2596) granting a pension to Edward J. Bundschu; to the Committee on Pensions.

Also, a bill (H. R. 2597) granting a pension to Nancy M. Burroughs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2598) granting an increase of pension to Millie Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2599) granting an increase of pension to William O. Bulger; to the Committee on Pensions.

Also, a bill (H. R. 2600) granting an increase of pension to Elvesta E. Carper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2601) granting an increase of pension to Jean L. H. Denig; to the Committee on Pensions.

Also, a bill (H. R. 2602) granting an increase of pension to Sarah C. Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2603) granting an increase of pension to Emma J. Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2604) granting an increase of pension to Charles A. Evans; to the Committee on Pensions.

Also, a bill (H. R. 2605) granting an increase of pension to Eliza M. Holcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2606) granting an increase of pension to James A. Ishler; to the Committee on Pensions.

Also, a bill (H. R. 2607) granting an increase of pension to Addie M. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2608) granting an increase of pension to Mary A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2609) granting an increase of pension to Mell A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2610) granting an increase of pension to Lela M. Karr; to the Committee on Pensions.

Also, a bill (H. R. 2611) granting an increase of pension to Katie Krieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2612) granting an increase of pension to Margaret Kuhn; to the Committee on Pensions.

Also, a bill (H. R. 2613) granting an increase of pension to Pauline Lieball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2614) granting an increase of pension to Eva Christina Loth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2615) granting an increase of pension to Mary M. Maloney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2616) providing for the adjustment of the original claim of and granting an increase of pension to John H. Neville; to the Committee on Pensions.

Also, a bill (H. R. 2617) granting an increase of pension to Sarah A. Nighswander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2618) granting an increase of pension to Adaline Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2619) granting an increase of pension to Flora A. Overmire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2620) granting an increase of pension to Lavinia R. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2621) granting an increase of pension to Mary J. Rickard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2622) granting an increase of pension to Mary A. Schwab; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2623) granting an increase of pension to Harriet A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2624) granting an increase of pension to Anna Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2625) granting an increase of pension to Daniel F. Stocker; to the Committee on Pensions.

Also, a bill (H. R. 2626) granting an increase of pension to Elizabeth Stowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2627) granting a pension to Clara R. Stutsman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2628) granting an increase of pension to Mary E. Wentz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2629) granting an increase of pension to Mary E. Whitmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2630) granting an increase of pension to Maria E. Witter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2631) for the relief of David C. Van Voorhis; to the Committee on Claims.

By Mr. BOYLAN: A bill (H. R. 2632) for the relief of Mr. and Mrs. Charles Vanderveer; to the Committee on Claims.

Also, a bill (H. R. 2633) for the relief of Anna Jeanette Weinrich; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 2634) to reimburse Lieut. Col. Charles F. Sargent; to the Committee on War Claims.

Also, a bill (H. R. 2635) for the relief of Mrs. W. H. ReMine; to the Committee on Claims.

Also, a bill (H. R. 2636) for the relief of Claude S. Betts; to the Committee on Naval Affairs.

Also, a bill (H. R. 2637) for the relief of Bessie B. Fowlkes; to the Committee on Claims.

Also, a bill (H. R. 2638) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy; to the Committee on Naval Affairs.

By Mr. CRUMPACKER: A bill (H. R. 2639) to clear the military record of Alfred O. Huestis from the charge of desertion; to the Committee on Military Affairs.

Also, a bill (H. R. 2640) for the relief of the Portland Electric Power Co.; to the Committee on Claims.

Also, a bill (H. R. 2641) for the relief of Lena Sorenson; to the Committee on Claims.

Also, a bill (H. R. 2642) for the relief of Hurley W. Whitmore; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 2643) granting an increase of pension to Lillie E. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2644) granting a pension to August Fischer; to the Committee on Pensions.

Also, a bill (H. R. 2645) granting an increase of pension to Ruby A. Snowden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2646) granting an increase of pension to Emma Tucker; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 2647) granting a pension to William Nussbaum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2648) granting a pension to Olive A. B. McLaughlin; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 2649) granting a pension to Thomas H. Savage, alias William Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2650) granting an increase of pension to Emily M. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2651) granting an increase of pension to Rosa Waller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2652) granting an increase of pension to Minnie B. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2653) for the relief of Bruce Bros. Grain Co.; to the Committee on Claims.

Also, a bill (H. R. 2654) for the relief of John C. Hope; to the Committee on Claims.

Also, a bill (H. R. 2655) authorizing the Comptroller General of the United States to allow certain credits in the settlement of accounts of the United States marshal for the western district of Missouri; to the Committee on Claims.

Also, a bill (H. R. 2656) granting a pension to Sarah Talbott; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 2657) granting an increase of pension to Katherine Candee; to the Committee on Pensions.

Also, a bill (H. R. 2658) granting an increase of pension to Susan W. Depew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2659) granting an increase of pension to Hattie E. Terry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2660) granting an increase of pension to Jane L. Terbush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2661) granting an increase of pension to Ellen E. Godfrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2662) granting an increase of pension to Mary T. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2663) granting an increase of pension to Marilla Couse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2664) for the relief of Joseph McCloy; to the Committee on Military Affairs.

Also, a bill (H. R. 2665) for the relief of the Commercial Union Assurance Co. (Ltd.); to the Committee on Claims.

Also, a bill (H. R. 2666) for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co. of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire & Marine Insurance Co.; and the United States Merchants & Shippers Insurance Co.; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 2667) granting a pension to Edward Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2668) granting a pension to Cora V. Spielman; to the Committee on Pensions.

Also, a bill (H. R. 2669) granting a pension to Mary A. Sutton; to the Committee on Pensions.

Also, a bill (H. R. 2670) granting a pension to William A. McCauley; to the Committee on Pensions.

Also, a bill (H. R. 2671) granting a pension to Andrew J. Adair; to the Committee on Pensions.

Also, a bill (H. R. 2672) granting a pension to Callie Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2673) granting an increase of pension to Samuel M. Griffith; to the Committee on Pensions.

Also, a bill (H. R. 2674) granting an increase of pension to Charles H. Ritter; to the Committee on Pensions.

Also, a bill (H. R. 2675) for the relief of Michael Patrick Sullivan; to the Committee on Military Affairs.

Also, a bill (H. R. 2676) to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war; to the Committee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 2677) granting a pension to Emma I. Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2678) granting a pension to Lydia A. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2679) granting an increase of pension to Philena Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2680) for the relief of the estate of Charles M. Underwood; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 2681) granting a pension to Lucy R. Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2682) for the relief of John C. Hines; to the Committee on Claims.

Also, a bill (H. R. 2683) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; to the Committee on Claims.

Also, a bill (H. R. 2684) for the relief of Roland Webster; to the Committee on Claims.

Also, a bill (H. R. 2685) for the relief of the Tilghman Canning Co.; to the Committee on Claims.

Also, a bill (H. R. 2686) to authorize a preliminary examination and survey of Synepuxent Bay from the inlet north to Ocean City, Md.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 2687) to authorize a preliminary examination and survey from Ewell to the Chesapeake Bay, in Maryland; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 2688) to authorize a preliminary examination and survey of Miles River and Oak Creek, in Maryland; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 2689) to authorize a preliminary examination and survey of Kent Island Narrows, in Maryland; to the Committee on Rivers and Harbors.

By Mr. HILL of Maryland: A bill (H. R. 2690) for the relief of Leonard R. Coates; to the Committee on Agriculture.

Also, a bill (H. R. 2691) for the relief of Daisy Brown; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 2692) granting a pension to Joseph M. Christy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2693) granting a pension to John Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2694) granting a pension to John M. Christy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2695) granting a pension to Mrs. William Gurnett; to the Committee on Pensions.

Also, a bill (H. R. 2696) granting a pension to Pearl Reed; to the Committee on Pensions.

Also, a bill (H. R. 2697) granting an increase of pension to Mary E. Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2698) granting an increase of pension to Emma J. Cummins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2699) granting an increase of pension to Maria Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2700) granting an increase of pension to Cindrella Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2701) granting an increase of pension to Anne Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2702) granting an increase of pension to John L. Roach; to the Committee on Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 2703) granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased machinist's mate, first class, United States Navy, in active service; to the Committee on Naval Affairs.

By Mr. LEHLBACH: A bill (H. R. 2704) for the relief of Emily L. Hofbauer; to the Committee on Claims.

By Mr. MARTIN of Louisiana: A bill (H. R. 2705) for the relief of the heirs of Susan A. Nicholas; to the Committee on War Claims.

By Mr. MILLIGAN: A bill (H. R. 2706) granting an increase of pension to Martha A. Kendall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2707) granting a pension to Louise M. Rees; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 2708) providing that an additional pension shall be granted to Fannie S. Skinner; to the Committee on Pensions.

Also, a bill (H. R. 2709) granting an increase of pension to William A. Hickey; to the Committee on Pensions.

Also, a bill (H. R. 2710) granting an increase of pension to Robert F. Davis; to the Committee on Pensions.

Also, a bill (H. R. 2711) granting an increase of pension to Paul W. Thomson; to the Committee on Pensions.

Also, a bill (H. R. 2712) granting an increase of pension to John Smith; to the Committee on Pensions.

Also, a bill (H. R. 2713) for the relief of Laura C. Hughes; to the Committee on Claims.

Also, a bill (H. R. 2714) for the relief of Julia A. Reid; to the Committee on Claims.

Also, a bill (H. R. 2715) for the relief of the widow of W. J. S. Stewart; to the Committee on Claims.

Also, a bill (H. R. 2716) for the relief of Frank L. Smith; to the Committee on Claims.

Also, a bill (H. R. 2717) for the relief of Walter S. Warner; to the Committee on Claims.

Also, a bill (H. R. 2718) for the relief of M. F. Snider; to the Committee on Claims.

Also, a bill (H. R. 2719) to extend the benefits of the employees' liability act of September 7, 1916, to Thomas T. Grimsley; to the Committee on Claims.

Also, a bill (H. R. 2720) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover; to the Committee on Claims.

Also, a bill (H. R. 2721) authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis; to the Committee on Claims.

By Mr. MORIN: A bill (H. R. 2722) to reimburse James J. Burns, jr., for damages to touring car by Government-owned motor truck; to the Committee on Claims.

Also, a bill (H. R. 2723) to reimburse Michael F. Callaghan for injuries sustained in an accident with a Government-owned motor truck; to the Committee on Claims.

Also, a bill (H. R. 2724) for the relief of A. S. Guffey; to the Committee on Claims.

By Mr. MONTAGUE: A bill (H. R. 2725) for the relief of Raphael Levy; to the Committee on Claims.

Also, a bill (H. R. 2726) for the relief of A. L. Jacobs; to the Committee on Claims.

Also, a bill (H. R. 2727) granting an increase of pension to Mary E. Stewart; to the Committee on Pensions.

Also, a bill (H. R. 2728) granting an increase of pension to Lottie Nugent; to the Committee on Pensions.

Also, a bill (H. R. 2729) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

Also, a bill (H. R. 2730) for the relief of Stuart Circle Hospital; to the Committee on Claims.

Also, a bill (H. R. 2731) for the relief of Lieut. James Floyd Terrell, Medical Corps, United States Navy; to the Committee on Claims.

Also, a bill (H. R. 2732) for the relief of John Worthington; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 2733) granting a pension to Floyd Green; to the Committee on Pensions.

Also, a bill (H. R. 2734) granting a pension to Malissa E. Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2735) granting a pension to Cordelia Kite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2736) granting a pension to Mitchell Lenoir; to the Committee on Pensions.

Also, a bill (H. R. 2737) granting a pension to Amanda Murrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2738) granting a pension to Nancy Lawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2739) granting a pension to Mary Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2740) granting a pension to Sallie Cope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2741) granting a pension to Laura Sisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2742) granting a pension to William Woodby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2743) granting an increase of pension to Roy Elrod; to the Committee on Pensions.

Also, a bill (H. R. 2744) to correct the military record of Charles E. Lowe; to the Committee on Military Affairs.

Also, a bill (H. R. 2745) to correct the military record of Tennessee McCloud; to the Committee on Military Affairs.

Also, a bill (H. R. 2746) granting an increase of pension to Susan A. Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2747) granting an increase of pension to Noah H. Stout; to the Committee on Pensions.

Also, a bill (H. R. 2748) granting an increase of pension to William Estes; to the Committee on Pensions.

Also, a bill (H. R. 2749) granting an increase of pension to George T. Mahan; to the Committee on Pensions.

Also, a bill (H. R. 2750) granting an increase of pension to John E. Crum; to the Committee on Pensions.

Also, a bill (H. R. 2751) granting an increase of pension to Robert Vaughn; to the Committee on Pensions.

Also, a bill (H. R. 2752) granting an increase of pension to George W. Burleson; to the Committee on Pensions.

Also, a bill (H. R. 2753) granting an increase of pension to John J. Brogan; to the Committee on Pensions.

By Mr. SCHNEIDER: A bill (H. R. 2754) to authorize the Secretary of the Interior to pay the claim of Mitchell Oshkenaniew, a member of the Menominee Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 2755) granting an increase of pension to Caroline W. Rend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2756) granting an increase of pension to Jennie L. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2757) granting an increase of pension to Lena Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2758) granting an increase of pension to Edith L. Honland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2759) granting an increase of pension to Mary Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2760) granting an increase of pension to Rachel Hill; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 2761) for the relief of Nora B. Sherrier Johnson; to the Committee on the Public Lands.

Also, a bill (H. R. 2762) for the relief of Lawrence J. Kessinger; to the Committee on Claims.

Also, a bill (H. R. 2763) for the relief of Harriet A. Carson Harris; to the Committee on Claims.

Also, a bill (H. R. 2764) for the relief of William H. Peer; to the Committee on Claims.

Also, a bill (H. R. 2765) for the relief of William M. Thomas; to the Committee on Claims.

Also, a bill (H. R. 2766) to amend the military record of Robert Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 2767) granting a pension to Sadie Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2768) granting a pension to Louise May Bray; to the Committee on Pensions.

Also, a bill (H. R. 2769) granting a pension to John T. Wamsley; to the Committee on Pensions.

Also, a bill (H. R. 2770) granting a pension to John G. Williams; to the Committee on Pensions.

Also, a bill (H. R. 2771) granting a pension to Knute Westerheim; to the Committee on Pensions.

Also, a bill (H. R. 2772) granting a pension to Calvin R. White; to the Committee on Pensions.

Also, a bill (H. R. 2773) granting an increase of pension to Jerome B. Greenslate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2774) granting an increase of pension to Edmund T. Hulanski; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2775) granting an increase of pension to Rose A. Strawman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2776) granting an increase of pension to Samuel C. Cochran; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 2777) granting an increase of pension to Rebecca J. Little; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2778) granting an increase of pension to Martha J. Forsythe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2779) granting an increase of pension to William H. McGregor; to the Committee on Pensions.

Also, a bill (H. R. 2780) granting a pension to Absalom B. Colkitt; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 2781) granting an increase of pension to Frederick Schultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2782) granting an increase of pension to Mary Ann Gilbert; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 2783) granting an increase of pension to Sarah F. Kanouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2784) granting an increase of pension to Julia Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2785) granting a pension to Mary H. Burleigh; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 2786) for the relief of C. R. Simpson; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 2787) for the relief of John T. O'Neil; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 2788) granting an increase of pension to Julia A. Hayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2789) granting an increase of pension to Henry M. Perry; to the Committee on Pensions.

Also, a bill (H. R. 2790) granting an increase of pension to Lucy E. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2791) granting a pension to Richard Haggerty; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 2792) granting an increase of pension to Letitia Clifford; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 2793) to pay the claim of the estate of B. L. Fairbanks, deceased, against the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

Also, a bill (H. R. 2794) granting a pension to Nettie Larkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2795) granting an increase of pension to Mary Hausker; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 2796) for the relief of the estate of R. B. Cuthbert; to the Committee on Claims.

By Mr. ALMON: A bill (H. R. 2797) for the relief of Mary M. Pride; to the Committee on the Public Lands.

Also, a bill (H. R. 2798) granting a pension to Mae L. Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2799) granting an increase of pension to Thomas Sims; to the Committee on Invalid Pensions.

By Mr. ANDREW: A bill (H. R. 2800) providing for the examination and survey of Danvers River, Mass.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 2801) granting a pension to Lillian Skidmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2802) granting a pension to Josie Atkins Pillsbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2803) granting a pension to Mary R. Philbrick; to the Committee on Pensions.

Also, a bill (H. R. 2804) granting a pension to Ellen Buckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2805) granting a pension to Sarah K. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2806) granting an increase of pension to Alvah C. Frink; to the Committee on Pensions.

Also, a bill (H. R. 2807) granting an increase of pension to Frances M. Gooding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2808) for the relief of Paymaster Herbert Elliott Stevens, United States Navy; to the Committee on Naval Affairs.

By Mr. ARNOLD: A bill (H. R. 2809) granting a pension to John Schiek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2810) granting an increase of pension to Rhodema Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2811) granting an increase of pension to Sarah Jane Johnson; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 2812) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the charterer of the steamship *Trontolite*, against the United States, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 2813) granting an increase of pension to Virginia H. Smith; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 2814) granting a pension to Zilpha J. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2815) granting a pension to Mary Callahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2816) granting a pension to Cora E. Farrar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2817) granting a pension to Susie Elgretta Henderson; to the Committee on Pensions.

Also, a bill (H. R. 2818) granting a pension to Linna L. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2819) granting a pension to Ida F. Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2820) granting an increase of pension to Helen M. Wyman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2821) granting a pension to Raymond R. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2822) granting a pension to Mary A. Horr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2823) granting an increase of pension to Ellen Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2824) granting an increase of pension to Mary A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2825) granting an increase of pension to Statira Pillsbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2826) for the relief of William J. Blake; to the Committee on Claims.

By Mr. BEGG: A bill (H. R. 2827) granting a pension to Nancy J. Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2828) granting an increase of pension to Peter Schoendorff; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 2829) for the relief of Hyter Myers; to the Committee on Claims.

Also, a bill (H. R. 2830) to legalize a wharf and marine railway owned by George Peppler in Finneys Creek, at Wachapreague, Accomac County, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWLES: A bill (H. R. 2831) granting an increase of pension to Julia C. Lewis; to the Committee on Invalid Pensions.

By Mr. BOWLING: A bill (H. R. 2832) granting a pension to John A. Dickinson; to the Committee on Pensions.

By Mr. BRIGHAM: A bill (H. R. 2833) granting a pension to Alice J. Selby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2834) granting an increase of pension to Ada M. Smith; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 2835) granting a pension to Eliza J. Eastman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2836) granting a pension to Mary C. Danielson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2837) granting a pension to Catherine Wolvogel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2838) granting a pension to Martha Eberlein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2839) granting an increase of pension to Thomas Stallard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2840) granting an increase of pension to Charles Head; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2841) granting an increase of pension to Hyram Colwell; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 2842) granting an increase of pension to Georgia A. Godwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2843) granting an increase of pension to Margaret M. Stratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2844) granting a pension to Louisa Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2845) granting a pension to Millo Ann Greer; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 2846) to correct the military record of Oscar P. Quiggle; to the Committee on Military Affairs.

Also, a bill (H. R. 2847) to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports; to the Committee on Claims.

Also, a bill (H. R. 2848) for the relief of the Van Dorn Iron Works Co.; to the Committee on Claims.

Also, a bill (H. R. 2849) for the relief of the heirs of Russell J. Norton; to the Committee on the Public Lands.

Also, a bill (H. R. 2850) for the relief of Anna B. Mariner; to the Committee on Claims.

Also, a bill (H. R. 2851) for the relief of Emanuel Lieberman; to the Committee on Claims.

Also, a bill (H. R. 2852) authorizing the Secretary of War to place the name of Grier P. Mobley on the list of retired second lieutenants of the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 2853) granting an increase of pension to Julia A. Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2854) granting a pension to William Camp; to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 2855) for the relief of Jabez Burchard; to the Committee on Naval Affairs.

Also, a bill (H. R. 2856) for the relief of the township of Tinicum, Pa., and Delaware County, Pa.; to the Committee on War Claims.

By Mr. BRITTEN: A bill (H. R. 2857) for the relief of Julius Goldenberg; to the Committee on Claims.

Also, a bill (H. R. 2858) for the relief of Katherine Imbrie; to the Committee on Claims.

Also, a bill (H. R. 2859) for the relief of George Horton; to the Committee on Claims.

By Mr. BYRNS: A bill (H. R. 2860) granting a pension to William Christian; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2861) granting a pension to Sam Meadors; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2862) granting a pension to Mary J. La Motte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2863) granting an increase of pension to Percy H. Allen; to the Committee on Pensions.

Also, a bill (H. R. 2864) granting a pension to Robert L. Chick; to the Committee on Pensions.

Also, a bill (H. R. 2865) for the relief of Davidson County, Tenn., and the city of Nashville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 2866) for the relief of Myer Morris; to the Committee on Claims.

Also, a bill (H. R. 2867) granting an increase of pension to Noel M. Pursley; to the Committee on Pensions.

Also, a bill (H. R. 2868) granting an increase of pension to Sallie A. Palmore; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 2869) for the relief of Jacob Shuey; to the Committee on Military Affairs.

Also, a bill (H. R. 2870) for the relief of Charles C. Ames; to the Committee on the Civil Service.

Also, a bill (H. R. 2871) granting a pension to Mary E. Scudder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2872) granting a pension to Lucinda Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2873) granting a pension to Anna C. Tonnemacher; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 2874) granting a pension to Sara de Russy Murray; to the Committee on Pensions.

By Mr. CARPENTER: A bill (H. R. 2875) granting an increase of pension to William L. Mitchell; to the Committee on Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 2876) granting a pension to Mary Marker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2877) granting a pension to E. D. Macready; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2878) granting a pension to Mary A. Raglin; to the Committee on Pensions.

Also, a bill (H. R. 2879) granting an increase of pension to Thomas V. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 2880) granting an increase of pension to Susan Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2881) for the relief of Charles B. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 2882) to remove the charge of desertion from the name of E. D. Macready; to the Committee on Military Affairs.

By Mr. CHINDBLOM: A bill (H. R. 2883) for the relief of James G. Weart; to the Committee on Claims.

Also, a bill (H. R. 2884) for the relief of Mary Davis; to the Committee on Claims.

Also, a bill (H. R. 2885) for the relief of Nicholas Paskaly; to the Committee on Claims.

Also, a bill (H. R. 2886) for the relief of Alfred E. Staps; to the Committee on Claims.

Also, a bill (H. R. 2887) for the relief of Theodore Kron; to the Committee on Claims.

Also, a bill (H. R. 2888) for the relief of James O'Brien; to the Committee on Military Affairs.

Also, a bill (H. R. 2889) for the relief of Edward Lautenschlaeger; to the Committee on Military Affairs.

Also, a bill (H. R. 2890) for the relief of Donald H. Jeffris; to the Committee on Claims.

Also, a bill (H. R. 2891) for the relief of Julius Laegeler; to the Committee on Claims.

Also, a bill (H. R. 2892) for the relief of Kenneth A. Rotharmel; to the Committee on War Claims.

Also, a bill (H. R. 2893) for the relief of Haskins and Sells; to the Committee on Claims.

Also, a bill (H. R. 2894) for the relief of Thomas A. Moore; to the Committee on Claims.

Also, a bill (H. R. 2895) for the relief of Johns-Manville (Inc.); to the Committee on Claims.

Also, a bill (H. R. 2896) granting a pension to Harriet E. Blood Cantwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2897) granting a pension to Harry B. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 2898) granting an increase of pension to Louisa J. Meitz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2899) granting an increase of pension to Elizabeth Lobenhofer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2900) granting an increase of pension to Sarah J. Mersereau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2901) granting the distinguished-service cross to Roswell Hays Fuller; to the Committee on Military Affairs.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 2902) providing for the examination and survey of the Delaware River at Philadelphia, Pa.; to the Committee on Rivers and Harbors.

By Mr. COYLE: A bill (H. R. 2903) granting a pension to Eliza Aber; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 2904) for the relief of Paul Hughes Riggs; to the Committee on Naval Affairs.

Also, a bill (H. R. 2905) granting a pension to Agnes B. Heckard; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 2906) for the relief of Emile Genfreux; to the Committee on Military Affairs.

Also, a bill (H. R. 2907) for the relief of Arthur J. Santonge; to the Committee on Military Affairs.

Also, a bill (H. R. 2908) for the relief of the San Francisco, Napa & Calistoga Railway; to the Committee on Claims.

Also, a bill (H. R. 2909) for the relief of Louie June; to the Committee on Claims.

Also, a bill (H. R. 2910) granting a pension to Maria H. Kame; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2911) granting a pension to Sarah E. Keefer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2912) granting a pension to Guy Warwick; to the Committee on Pensions.

Also, a bill (H. R. 2913) granting a pension to William B. Walker; to the Committee on Pensions.

By Mr. DAVEY: A bill (H. R. 2914) granting a pension to Mamie Gilland; to the Committee on Pensions.

Also, a bill (H. R. 2915) granting a pension to Flora M. Burbeck; to the Committee on Pensions.

Also, a bill (H. R. 2916) granting a pension to Lucy Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2917) granting a pension to Julia A. Spriger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2918) granting a pension to Delilah Crankshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2919) granting a pension to Mary A. Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2920) granting a pension to Elizabeth Jane Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2921) granting a pension to Julia Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2922) granting an increase of pension to Mary L. Hershberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2923) granting an increase of pension to Louisa Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2924) granting an increase of pension to R. Elvina McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2925) granting an increase of pension to Harriet M. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2926) granting an increase of pension to Lucy Spring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2927) granting an increase of pension to Lydia L. Robinson; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 2928) granting an increase of pension to Harry E. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2929) granting an increase of pension to Edward McCloskey; to the Committee on Pensions.

Also, a bill (H. R. 2930) granting an increase of pension to Mary J. Budd; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 2931) for the relief of John M. King; to the Committee on Military Affairs.

Also, a bill (H. R. 2932) for the relief of St. Ludgers Catholic Church, of Germantown, Henry County, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 2933) for the relief of H. R. Butcher; to the Committee on Claims.

Also, a bill (H. R. 2934) for the relief of W. J. Laffoon; to the Committee on Claims.

Also, a bill (H. R. 2935) for the relief of Ichabod J. Woodard; to the Committee on Military Affairs.

Also, a bill (H. R. 2936) for the relief of Minor H. Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 2937) granting a pension to Alice L. Shumate; to the Committee on Pensions.

Also, a bill (H. R. 2938) granting a pension to Elizabeth J. Shafer; to the Committee on Pensions.

Also, a bill (H. R. 2939) granting a pension to Julia A. Cameron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2940) granting an increase of pension to Leonora D. Mullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2941) granting a pension to Thomas T. Tally; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2942) granting an increase of pension to Hannah Spring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2943) granting a pension to Rebecca J. Crist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2944) granting an increase of pension to Amelia Viets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2945) granting a pension to Annie Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2946) granting a pension to Lou Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2947) granting a pension to Paralee Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2948) granting an increase of pension to Mary F. Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2949) granting an increase of pension to Susan Utley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2950) granting a pension to Susan A. Tolbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2951) granting an increase of pension to Phebe E. Puntney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2952) granting an increase of pension to Millie M. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2953) granting an increase of pension to Esther Mallory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2954) granting an increase of pension to Mary S. Pyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2955) granting a pension to Angeline Schofield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2956) granting an increase of pension to Louisa F. Littler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2957) granting an increase of pension to Mary A. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2958) granting an increase of pension to Martha E. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2959) granting an increase of pension to Nannie B. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2960) granting an increase of pension to Carrie Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2961) granting an increase of pension to Martha C. Glenn; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 2962) granting an increase of pension to Martha E. Gifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2963) granting a pension to Nancy L. Stone; to the Committee on Invalid Pensions.

By Mr. DOYLE: A bill (H. R. 2964) for the relief of William Knourek; to the Committee on Claims.

By Mr. DRIVER: A bill (H. R. 2965) granting an increase of pension to Nancy McKinzie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2966) granting an increase of pension to Cora Hubbard; to the Committee on Pensions.

Also, a bill (H. R. 2967) granting an increase of pension to Thomas H. Stubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2968) for the relief of James B. Fitzgerald; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 2969) for the relief of Lottie Naylor; to the Committee on Claims.

Also, a bill (H. R. 2970) for the relief of Sallie Grossenbacher; to the Committee on Claims.

Also, a bill (H. R. 2971) for the relief to Willie Hutchinson; to the Committee on Military Affairs.

Also, a bill (H. R. 2972) for the relief of John H. Rhinelander; to the Committee on Claims.

Also, a bill (H. R. 2973) for the relief of Herm[illegible] Lueking, of St. Louis, Mo.; to the Committee on Claims.

Also, a bill (H. R. 2974) for the relief of William Elder; to the Committee on Claims.

Also, a bill (H. R. 2975) for the relief of Dr. E. S. Bailey; to the Committee on Claims.

Also, a bill (H. R. 2976) for the relief of the Reliance Realty & Investment Co., a corporation, owners of the Republic Building, at the southwest corner of Seventh and Olive Streets, city of St. Louis, State of Missouri; to the Committee on Claims.

Also, a bill (H. R. 2977) granting a pension to Benjamin Ratliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2978) granting a pension to Eva Rench Hudson; to the Committee on Pensions.

Also, a bill (H. R. 2979) granting an increase of pension to William C. Pelster; to the Committee on Pensions.

Also, a bill (H. R. 2980) granting an increase of pension to Mary J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2981) granting an increase of pension to Arthur Lange; to the Committee on Pensions.

Also, a bill (H. R. 2982) granting an increase of pension to Sarah E. Trout; to the Committee on Pensions.

Also, a bill (H. R. 2983) granting an increase of pension to Louisa Fitzsimmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2984) granting an increase of pension to Mary E. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2985) granting an increase of pension to Matilda Alexander; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 2986) granting an increase of pension to Mary A. Eschelman; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 2987) for the relief of Samuel T. Hubbard, jr.; to the Committee on Military Affairs.

By Mr. FAUST: A bill (H. R. 2988) granting a pension to Phebey T. Miller; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 2989) granting an increase of pension to Harriet E. Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2990) granting an increase of pension to Margaret Horey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2991) granting an increase of pension to William H. Webb; to the Committee on Pensions.

Also, a bill (H. R. 2992) granting an increase of pension to Melissa C. Lewis; to the Committee on Invalid Pensions.

By Mr. FLAHERTY: A bill (H. R. 2993) for the relief of Harry McNeil; to the Committee on Claims.

Also, a bill (H. R. 2994) for the relief of Harry J. Dabel; to the Committee on Claims.

By Mr. FREDERICKS: A bill (H. R. 2995) for the relief of Certrude Storm; to the Committee on Claims.

Also, a bill (H. R. 2996) to reimburse the members of Company B, California Engineers, in the aggregate amount personally expended by them for United States Army equipment; to the Committee on Claims.

Also, a bill (H. R. 2997) for the relief of the Los Angeles Building & Contracting Co.; to the Committee on Claims.

Also, a bill (H. R. 2998) for the relief of Harold Edward Barden; to the Committee on Naval Affairs.

Also, a bill (H. R. 2999) granting a pension to Emily V. Buskirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3000) granting a pension to Louise E. S. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3001) granting a pension to William N. Chadwick; to the Committee on Pensions.

Also, a bill (H. R. 3002), granting a pension to William Davis; to the Committee on Pensions.

Also, a bill (H. R. 3003) granting a pension to Mary E. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3004) granting a pension to Viola J. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3005) granting a pension to Adelaide E. Frieseke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3006) granting a pension to J. Alfred Guiou; to the Committee on Pensions.

Also, a bill (H. R. 3007) granting a pension to Elizabeth J. Hibler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3008) granting a pension to Cora Edna Kuderski; to the Committee on Pensions.

Also, a bill (H. R. 3009) granting a pension to John Lange; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3010) granting a pension to Marion Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3011) granting a pension to Susan M. Leffel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3012) granting a pension to George A. McAmis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3013) granting a pension to Martha S. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3014) granting a pension to Nora Ong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3015) granting a pension to Henry J. Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3016) granting a pension to Margaret Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3017) granting a pension to William J. Sterling; to the Committee on Pensions.

Also, a bill (H. R. 3018) granting a pension to Rebecca Backman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3019) granting an increase of pension to Max Brandt; to the Committee on Pensions.

Also, a bill (H. R. 3020) granting an increase of pension to Ethel L. Coe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3021) granting an increase of pension to Michael J. Haggerty; to the Committee on Pensions.

Also, a bill H. R. 3022) granting an increase of pension to Laurence Middleton; to the Committee on Pensions.

Also, a bill (H. R. 3023) granting an increase of pension to Ellen R. Rockwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3024) granting an increase of pension to Woodville G. Stanbly; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 3025) granting a patent to Benjamin A. J. Funnemark; to the Committee on the Public Lands.

By Mr. GARDNER of Indiana: A bill (H. R. 3026) granting a pension to Rose A. Oden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3027) granting an increase of pension to Margaret A. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3028) granting a pension to Henry Willard Key; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3029) granting an increase of pension to Ophelia Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3030) granting a pension to Ellen Pesco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3031) granting an increase of pension to Florinda Pavey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3032) granting a pension to Mamie D. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3033) granting a pension to Eliza J. Rawlings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3034) granting an increase of pension to Mary Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3035) granting an increase of pension to Vilomena George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3036) granting a pension to John Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3037) granting an increase of pension to Josephine Marks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3038) granting an increase of pension to Elizabeth J. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3039) granting a pension to William Schmitten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3040) granting an increase of pension to Mary Ann Guntel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3041) granting an increase of pension to Susannah Wyman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3042) granting a pension to Susan E. Waddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3043) granting an increase of pension to Minervie Thralls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3044) granting a pension to Mary Jane Trinkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3045) granting an increase of pension to Agnes M. Sims; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3046) granting an increase of pension to Ophelia Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3047) granting an increase of pension to Ambrosia Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3048) granting a pension to Mahalia Roberson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3049) granting a pension to William Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3050) granting a pension to James R. Maston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3051) granting an increase of pension to Mary E. Lofton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3052) granting an increase of pension to Margaret A. Kennison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3053) granting an increase of pension to Louise M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3054) granting an increase of pension to Mary Igert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3055) granting an increase of pension to Carrie Hurt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3056) granting an increase of pension to Angeline Hollowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3057) granting an increase of pension to Martha E. Gilliatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3058) granting a pension to Adaline Elizabeth Fetz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3059) granting a pension to Sarah F. Esarey, to the Committee on Invalid Pensions.

Also, a bill (H. R. 3060) granting an increase of pension to Harriet A. Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3061) granting a pension to Mary E. Bowman; to the Committee on Pensions.

Also, a bill (H. R. 3062) granting a pension to Mary F. Croucher; to the Committee on Pensions.

Also, a bill (H. R. 3063) granting a pension to Maggie Gill Hall; to the Committee on Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 3064) for the relief of Richard H. Beler; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 3065) granting an increase of pension to Delia M. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3066) granting an increase of pension to Orlando S. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3067) for the relief of Tom Hunter; to the Committee on Claims.

Also, a bill (H. R. 3068) for the relief of J. V. Crain; to the Committee on Claims.

Also, a bill (H. R. 3069) for the relief of Charles O. Dunbar; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 3070) granting a pension to Matilda J. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3071) granting a pension to Cora B. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3072) granting a pension to Ralph Lots; to the Committee on Pensions.

Also, a bill (H. R. 3073) granting a pension to Grace D. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3074) granting a pension to Emma E. Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3075) granting an increase of pension to Harriet A. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3076) granting an increase of pension to Genevria Hathaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3077) granting an increase of pension to Willard L. Anthony; to the Committee on Pensions.

Also, a bill (H. R. 3078) granting an increase of pension to Clarissa A. Pettit; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 3079) granting a pension to Fred A. Martin; to the Committee on Pensions.

Also, a bill (H. R. 3080) granting a pension to Thomas J. Brickert; to the Committee on Pensions.

Also, a bill (H. R. 3081) granting an increase of pension to William A. Daniels; to the Committee on Pensions.

Also, a bill (H. R. 3082) granting a pension to Margaret I. Hauk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3083) granting an increase of pension to Amanda J. Kirkpatrick; to the Committee on Pensions.

Also, a bill (H. R. 3084) granting a pension to Sarah Ladson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3085) granting a pension to Hattie Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3086) granting a pension to Laura O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3087) granting an increase of pension to Eliza C. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3088) granting a pension to James A. Padget; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3089) granting an increase of pension to Rachel L. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3090) granting an increase of pension to Lewis C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3091) granting a pension to Martha J. Lawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3092) granting a pension to George Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3093) granting a pension to Charles B. Ring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3094) granting a pension to James H. Beaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3095) granting a pension to Mary E. Rankin; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 3096) granting a pension to John Zellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3097) granting a pension to Emma Elizabeth Steffy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3098) granting a pension to Margaret J. Murr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3099) granting an increase of pension to Harrieta Johns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3100) granting an increase of pension to Susan Bryson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3101) granting an increase of pension to Sarah Ann Eby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3102) granting an increase of pension to Elizabeth Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3103) granting an increase of pension to Mary E. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3104) granting an increase of pension to Lucy Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3105) granting an increase of pension to Richard Blickenderfer; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 3106) granting a pension to Daniel F. Healy; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 3107) for the relief of Estle David; to the Committee on Military Affairs.

By Mr. HARRISON: A bill (H. R. 3108) to erect a monument to the memory of Gen. Daniel Morgan at Winchester, Va.; to the Committee on the Library.

Also, a bill (H. R. 3109) to erect a monument to the memory of Gen. Peter Gabriel Muhlenberg at Woodstock, Va.; to the Committee on the Library.

Also, a bill (H. R. 3110) to erect a monument to the memory of Joseph Bowman, in Shenandoah County, Va.; to the Committee on the Library.

By Mr. HASTINGS: A bill (H. R. 3111) granting a pension to Mary E. Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3112) granting a pension to Samuel R. Proud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3113) granting an increase of pension to Mary A. Morrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3114) for the relief of Claude C. Brogden; to the Committee on War Claims.

By Mr. HILL of Washington: A bill (H. R. 3115) granting an increase of pension to Millie Lawson; to the Committee on Pensions.

Also, a bill (H. R. 3116) to reimburse James Doherty; to the Committee on Claims.

Also, a bill (H. R. 3117) granting an increase of pension to Julia A. Barrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3118) authorizing the issuance of a patent to R. Edward Trumble to certain lands in Chelan County, State of Washington; to the Committee on the Public Lands.

Also, a bill (H. R. 3119) directing the resurvey of certain designated lands; to the Committee on the Public Lands.

By Mr. HUDSON: A bill (H. R. 3120) to provide for payment of the amount of war-risk insurance to a beneficiary designated by Staff Sergt. Leslie I. Wright, deceased; to the Committee on War Claims.

Also, a bill (H. R. 3121) granting a pension to Emma C. Alton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3122) granting a pension to Louisa Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3123) granting a pension to Martha E. Hodges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3124) granting a pension to Louise Holden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3125) granting an increase of pension to Elizabeth Sturgis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3126) granting a pension to Ida A. Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3127) granting an increase of pension to Ann E. Woodworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3128) for the relief of John H. Cowley; to the Committee on Military Affairs.

Also, a bill (H. R. 3129) for the relief of Henry P. Kinney; to the Committee on Military Affairs.

Also, a bill (H. R. 3130) for the relief of Charles H. Reed; to the Committee on Military Affairs.

Also, a bill (H. R. 3131) for the relief of John Hyatt; to the Committee on Claims.

Also, a bill (H. R. 3132) for the relief of Leslie E. Drake; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 3133) granting an increase of pension to Joseph P. Crider; to the Committee on Pensions.

Also, a bill (H. R. 3134) granting a pension to Richard Mackadew; to the Committee on Pensions.

Also, a bill (H. R. 3135) granting a pension to Mrs. Alexander Wilkerson; to the Committee on Pensions.

Also, a bill (H. R. 3136) granting a pension to W. A. Sheppard; to the Committee on Pensions.

Also, a bill (H. R. 3137) for the relief of F. G. Alderete; to the Committee on Claims.

Also, a bill (H. R. 3138) for the relief of Sabino Apodaca; to the Committee on Claims.

Also, a bill (H. R. 3139) for the relief of the heirs of Crescencio Roybal; to the Committee on Claims.

Also, a bill (H. R. 3140) for the relief of the First State Bank of Kerrville, Kerr County, Texas; to the Committee on Claims.

Also, a bill (H. R. 3141) for the relief of the Awbrey Coal & Coke Co.; to the Committee on Claims.

Also, a bill (H. R. 3142) for the relief of Benito Viscaina and Maria Viscaina; to the Committee on Claims.

Also, a bill (H. R. 3143) for the relief of A. R. Gold; to the Committee on the Post Office and Post Roads.

By Mr. JACOBSTEIN: A bill (H. R. 3144) granting a pension to Jennie Benjamin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3145) granting an increase of pension to Anne Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3146) granting an increase of pension to Adeline Ringelstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3147) granting an increase of pension to Rosanna A. Moe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3148) granting an increase of pension to Bridget Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3149) granting an increase of pension to Melissa M. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3150) granting a pension to Sarah Morley Gillette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3151) granting an increase of pension to Susan B. Churchill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3152) granting an increase of pension to Ellen Douglass Gowin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3153) granting an increase of pension to Mary C. Gibbs; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 3154) granting an increase of pension to Maria Dalton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3155) granting an increase of pension to Mary E. Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3156) granting a pension to Clifford Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3157) for the relief of George W. Woodall; to the Committee on Claims.

Also, a bill (H. R. 3158) granting a pension to Elizabeth Power; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 3159) for the relief of Florence Proud; to the Committee on Claims.

Also, a bill (H. R. 3160) for the relief of the McGilvray-Raymond Granite Co.; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 3161) granting an increase of pension to Margaret Artis; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 3162) granting a pension to Mary M. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3163) granting a pension to James W. Craig; to the Committee on Pensions.

Also, a bill (H. R. 3164) granting a pension to John Clarence Giles; to the Committee on Pensions.

Also, a bill (H. R. 3165) granting a pension to Jane Calahan; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 3166) granting an increase of pension to Addie S. Hubbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3167) granting an increase of pension to Catherine McLaughlin; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 3168) granting an increase of pension to Susanna E. Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3169) granting an increase of pension to Nancy A. Brunsteter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3170) granting an increase of pension to Sarah M. Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3171) granting an increase of pension to Sarah Ellen Sunderland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3172) granting an increase of pension to Elizabeth Crosley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3173) granting an increase of pension to Amanda Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3174) granting an increase of pension to Harriet C. McAfee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3175) granting a pension to Ella D. Bockeven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3176) granting a pension to Rebecca Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3177) granting a pension to Fannie E. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3178) granting a pension to Melissa Couch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3179) granting a pension to Ardilla D. Rigg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3180) granting a pension to Marie Hasemeier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3181) granting a pension to Amelia Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3182) granting a pension to Cora Ellen Delaney; to the Committee on Pensions.

Also, a bill (H. R. 3183) granting a pension to Donie C. Eakins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3184) granting a pension to Lidda J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3185) granting a pension to Sophronia O'Neill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3186) granting a pension to Sarah J. Wickham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3187) for the relief of Frank Rector; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 3188) to reimburse Henry Wolf, an inmate of the United States Veterans' Bureau Rehabilitation Center No. 2, Perry Point, Md., for losses sustained as a result of a fire in the barracks at that station on or about February 21, 1924; to the Committee on Claims.

By Mr. KING: A bill (H. R. 3189) granting an increase of pension to Jerus S. Dickinson; to the Committee on Pensions.

Also, a bill (H. R. 3190) granting a pension to Joseph Houser; to the Committee on Pensions.

Also, a bill (H. R. 3191) granting a pension to Francis S. Haynes, alias Francis S. Reedy; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 3192) granting an increase of pension to Samuel P. Ballard; to the Committee on Pensions.

By Mr. LaGUARDIA: A bill (H. R. 3193) to reimburse Dominic Fracapane for injuries sustained in an accident with a Government-owned motor truck; to the Committee on Claims.

By Mr. LAMPERT: A bill (H. R. 3194) granting an increase of pension to Mary E. Hackett; to the Committee on Pensions.

By Mr. LAZARO: A bill (H. R. 3195) granting a pension to Addie I. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3196) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others; to the Committee on War Claims.

By Mr. LINEBERGER: A bill (H. R. 3197) granting a pension to Emerald R. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3198) granting a pension to Mary M. Janes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3199) granting a pension to Mathilda Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3200) granting a pension to George F. Leas; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 3201) granting an increase of pension to Margaret McCullough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3202) granting a pension to Elizabeth Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3203) granting an increase of pension to Annie Vandegrift; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3204) granting a pension to Daniel Wesley Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3205) granting a pension to William M. Silver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3206) granting an increase of pension to Amanda Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3207) granting an increase of pension to Isadora P. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3208) granting a pension to Albert M. Vance; to the Committee on Pensions.

Also, a bill (H. R. 3209) granting an increase of pension to Nancy Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3210) granting an increase of pension to Mary C. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3211) granting a pension to Joshua McWaid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3212) granting a pension to Sarah Jane Alderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3213) granting an increase of pension to Susan G. Caplinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3214) granting an increase of pension to Frances C. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3215) granting a pension to Frederick Robb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3216) granting a pension to Daniel Ransdale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3217) granting an increase of pension to Sarah Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3218) granting a pension to Eunice Catherine Dearing; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 3219) for the relief of Crawford W. Watts; to the Committee on Claims.

Also, a bill (H. R. 3220) for the relief of Ethel A. Fullwood; to the Committee on Claims.

Also, a bill (H. R. 3221) for the relief of Oscar Sorensen; to the Committee on Claims.

Also, a bill (H. R. 3222) for the relief of H. E. O. Mintz; to the Committee on Claims.

Also, a bill (H. R. 3223) for the relief of D. W. Fulcher, to the Committee on Claims.

Also, a bill (H. R. 3224) granting a pension to Ellis Empie Fulcher; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 3225) granting a pension to Mary A. Gallup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3226) granting a pension to Raymond E. Daniels; to the Committee on Pensions.

By Mr. McDUFFIE: A bill (H. R. 3227) granting a pension to Anna Marie Higgs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3228) granting an increase of pension to Sidney S. Pugh; to the Committee on Pensions.

Also, a bill (H. R. 3229) granting an increase of pension to Samuel A. Holt; to the Committee on Pensions.

Also, a bill (H. R. 3230) for the relief of James A. DeLoach; to the Committee on Claims.

Also, a bill (H. R. 3231) for the relief of Kate T. Riley; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 3232) granting an increase of pension to Eliza J. Taylor; to the Committee on Invalid Pensions.

Also, a bill (3233) granting an increase of pension to Zoe Rodd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3234) granting an increase of pension to Mary E. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3235) granting an increase of pension to Julia A. McCabe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3236) granting an increase of pension to Hattie A. Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3237) granting a pension to Benjamin L. Greer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3238) granting an increase of pension to Jane Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3239) for the relief of Isaac M. Wood, also known as J. M. Wood; to the Committee on Military Affairs.

By Mr. McMILLAN: A bill (H. R. 3240) granting an increase of pension to Susan Marsh Williams; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 3241) granting a pension to Mrs. Mary Ward; to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 3242) to credit the accounts of James Hawkins, special disbursing agent, Department of Labor; to the Committee on Claims.

Also, a bill (H. R. 3243) for the relief of the heirs of Andrew Allmann; to the Committee on Claims.

Also a bill (H. R. 3244) for the relief of H. L. Myers; to the Committee on Claims.

Also, a bill (H. R. 3245) granting a pension to Forrest L. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3246) granting a pension to Hattie E. Chavis; to the Committee on Pensions.

Also, a bill (H. R. 3247) granting a pension to Kitty Lyons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3248) granting an increase of pension to Allen A. Wesley; to the Committee on Pensions.

Also, a bill (H. R. 3249) for the relief of the General Chemical Co., the Interstate Iron & Steel Co., the Great Lakes Dredge & Dock Co., the Armour Grain Co., and the Chicago & North Western Railway Co.; to the Committee on Claims.

Also, a bill (H. R. 3250) for the relief of the Cudahy Packing Co.; to the Committee on Claims.

Also, a bill (H. R. 3251) for the relief of the heirs of Frank Kleiminger; to the Committee on Claims.

Also, a bill (H. R. 3252) for the relief of W. P. Nelson Co.; to the Committee on Claims.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 3253) for the relief of Lieut. Commander Garnet Hulings, United States Navy; to the Committee on Naval Affairs.

By Mr. MAJOR: A bill (H. R. 3254) to reimburse Newton Watts, of Boonsboro, Howard County, Mo., for the loss of pension; to the Committee on Pensions.

Also, a bill (H. R. 3255) granting a pension to Andrew Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3256) granting an increase of pension to William H. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3257) granting a pension to Elizabeth Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3258) granting an increase of pension to Rebecca B. Nowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3259) granting an increase of pension to Mary E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3260) granting a pension to Mary A. Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3261) granting a pension to Frederick Linneman; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 3262) granting a pension to Martha Braidwood; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 3263) granting a pension to Mary A. Wing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3264) granting a pension to Bridget Conroy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3265) granting an increase of pension to Margaret Cullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3266) granting an increase of pension to Ella W. Dauchy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3267) granting an increase of pension to Anna Frances Hall; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 3268) for the relief of Peter C. King; to the Committee on Military Affairs.

Also, a bill (H. R. 3269) for the relief of John C. Carlson; to the Committee on Claims.

Also, a bill (H. R. 3270) for the relief of G. W. Halleman; to the Committee on Claims.

Also, a bill (H. R. 3271) for the relief of D. Brown; to the Committee on Claims.

Also, a bill (H. R. 3272) for the relief of Frederick Schroeder; to the Committee on Claims.

Also, a bill (H. R. 3273) for the relief of E. A. Bergstrom; to the Committee on Claims.

Also, a bill (H. R. 3274) authorizing the Secretary of the Treasury to pay compensation to the mother of Harry G. Healy; to the Committee on War Claims.

Also, a bill (H. R. 3275) granting a pension to Alice E. Deitrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3276) granting an increase of pension to William C. Donlevy; to the Committee on Pensions.

By Mr. MILLS: A bill (H. R. 3277) for the relief of Lanman & Kemp (Inc.); to the Committee on Claims.

Also, a bill (H. R. 3278) for the relief of A. S. Rosenthal Co.; to the Committee on Claims.

Also, a bill (H. R. 3279) for the relief of Hans Rochl; to the Committee on Claims.

Also, a bill (H. R. 3280) for the relief of Harold Lund; to the Committee on Claims.

Also, a bill (H. R. 3281) for the relief of Katherine Hanna; to the Committee on Claims.

Also, a bill (H. R. 3282) for the relief of the estate of Carl Anderson; to the Committee on Claims.

Also, a bill (H. R. 3283) for the relief of William Bardel; to the Committee on Claims.

Also, a bill (H. R. 3284) for the relief of May Brockway Lang; to the Committee on Claims.

Also, a bill (H. R. 3285) for the relief of Flora Yost Klinowski; to the Committee on Claims.

Also, a bill (H. R. 3286) for the relief of John P. Fitzpatrick; to the Committee on Claims.

Also, a bill (H. R. 3287) for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the United States steamship *Antigone;* to the Committee on Claims.

Also, a bill (H. R. 3288) to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy; to the Committee on War Claims.

By Mr. MOORE of Kentucky: A bill (H. R. 3289) for the relief of the county court of Allen County, Ky.; to the Committee on War Claims.

Also, a bill (H. R. 3290) granting an increase of pension to Nancy E. Belk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3291) granting an increase of pension to James W. Bird; to the Committee on Pensions.

Also, a bill (H. R. 3292) for the relief of John H. Blackburn; to the Committee on Claims.

Also, a bill (H. R. 3293) granting an increase of pension to Mary E. Blanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3294) to remove the charge of desertion from the military record of Albert A. Bragg; to the Committee on Military Affairs.

Also, a bill (H. R. 3295) for the relief of Sherman P. Browning; to the Committee on Claims.

Also, a bill (H. R. 3296) granting a pension to Martha J. Burden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3297) granting an increase of pension to Lee Byrd; to the Committee on Pensions.

Also, a bill (H. R. 3298) granting an increase of pension to Robert Coleman; to the Committee on Pensions.

Also, a bill (H. R. 3299) granting an increase of pension to Sarah B. Davenport; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3300) granting an increase of pension to Lucinda J. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3301) for the relief of Dr. W. M. Ewing; to the Committee on Claims.

Also, a bill (H. R. 3302) granting an increase of pension to Margaret C. Fortney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3303) granting a pension to Ellen Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3304) granting a pension to Lona Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3305) to carry out the findings of the Court of Claims in case of Joseph B. Harris; to the Committee on War Claims.

Also, a bill (H. R. 3306) granting an increase of pension to Elizabeth L. Henson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3307) granting an increase of pension to Sarah Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3308) granting a pension to Decatur D. Kinser; to the Committee on Pensions.

Also, a bill (H. R. 3309) granting an increase of pension to Nancy S. McElroy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3310) granting a pension to Harry Miller; to the Committee on Pensions.

Also, a bill (H. R. 3311) granting an increase of pension to Francis A. Neighbors; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3312) granting a pension to Mary Ann Newkirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3313) granting an increase of pension to Martha H. Nunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3314) granting an increase of pension to Rebecca Pardue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3315) granting a pension to Francis Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3316) for the relief of John H. Wingfield; to the Committee on Military Affairs.

Also, a bill (H. R. 3317) granting a pension to Louisa Sanders; to the Committee on Pensions.

Also, a bill (H. R. 3318) granting an increase of pension to Elizabeth F. Weaver; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 3319) to extend the benefits of the employers' liability act of September 7, 1916, to Thomas T. Grimsley; to the Committee on Claims.

Also, a bill (H. R. 3320) granting an increase of pension to John Smith; to the Committee on Pensions.

Also, a bill (H. R. 3321) providing that an additional pension shall be granted to Fannie S. Skinner; to the Committee on Pensions.

Also, a bill (H. R. 3322) granting an increase of pension to William A. Hickey; to the Committee on Pensions.

Also, a bill (H. R. 3323) granting an increase of pension to Paul W. Thomson; to the Committee on Pensions.

Also, a bill (H. R. 3324) for the relief of M. F. Snider; to the Committee on Claims.

Also, a bill (H. R. 3325) for the relief of Laura C. Hughes; to the Committee on Claims.

Also a bill (H. R. 3326) for the relief of Julia A. Reid; to the Committee on Claims.

Also, a bill (H. R. 3327) for the relief of Frank L. Smith; to the Committee on Claims.

Also, a bill (H. R. 3328) for the relief of the widow of W. J. S. Stewart; to the Committee on Claims.

Also, a bill (H. R. 3329) authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis; to the Committee on Claims.

Also, a bill (H. R. 3330) for the relief of Walter S. Warner; to the Committee on Claims.

Also, a bill (H. R. 3331) granting an increase of pension to Robert F. Davis; to the Committee on Pensions.

Also, a bill (H. R. 3332) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 3333) granting an increase of pension to Lillie D. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 3334) granting a pension to Nancy B. Robison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3335) granting an increase of pension to Sarah Y. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3336) granting a pension to Nelson B. Marshall; to the Committee on Pensions.

Also, a bill (H. R. 3337) granting an increase of pension to Samantha Yant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3338) granting an increase of pension to Sarah A. Burns; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 3339) granting a pension to Fanny M. Hubbard; to the Committee on Pensions.

Also, a bill (H. R. 3340) granting a pension to Ida H. Byrd; to the Committee on Pensions.

Also, a bill (H. R. 3341) granting a pension to Emma Slattery; to the Committee on Pensions.

Also, a bill (H. R. 3342) granting a pension to Ellen Knefler Taussig; to the Committee on Pensions.

Also, a bill (H. R. 3343) granting an increase of pension to Edith Quick; to the Committee on Pensions.

Also, a bill (H. R. 3344) for the relief of Charles T. Grady; to the Committee on Claims.

Also, a bill (H. R. 3345) for the relief of George Voeltz; to the Committee on Claims.

Also, a bill (H. R. 3346) for the relief of J. H. Teasdale Commission Co.; to the Committee on Claims.

Also, a bill (H. R. 3347) for the relief of Sarah Shelton; to the Committee on Claims.

Also, a bill (H. R. 3348) for the relief of Lena Schmieder; to the Committee on Claims.

Also, a bill (H. R. 3349) for the relief of Anna Osburg; to the Committee on Claims.

Also, a bill (H. R. 3350) for the relief of Ellen Moore; to the Committee on Claims.

Also, a bill (H. R. 3351) for the relief of Maria Maykovica; to the Committee on Claims.

Also, a bill (H. R. 3352) for the relief of Eugene Henry Lever; to the Committee on Claims.

Also, a bill (H. R. 3353) for the relief of Louis F. Kestler; to the Committee on Claims.

Also, a bill (H. R. 3354) granting a pension to Mary Guth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3355) for the relief of Benjamin F. Green; to the Committee on Claims.

Also, a bill (H. R. 3356) for the relief of George W. Gilmore; to the Committee on Military Affairs.

Also, a bill (H. R. 3357) for the relief of Irene Gillespie; to the Committee on Claims.

Also, a bill (H. R. 3358) for the relief of Frieda Hoermann; to the Committee on Claims.

Also, a bill (H. R. 3359) for the relief of Walter E. Holden; to the Committee on Claims.

Also, a bill (H. R. 3360) for the relief of Gertrude Becherer; to the Committee on Claims.

Also, a bill (H. R. 3361) for the relief of the owners of the barge *Anode;* to the Committee on Claims.

Also, a bill (H. R. 3362) for the relief of the owner of the lighter *Eastman No. 1½;* to the Committee on Claims.

Also, a bill (H. R. 3363) to correct the military record of William Kern; to the Committee on Military Affairs.

Also, a bill (H. R. 3364) granting retirement pay to Christ Roesch; to the Committee on Pensions.

Also, a bill (H. R. 3365) to compensate the firm of Rothwell Bros. for repair work for the United States at Jefferson Barracks; to the Committee on Claims.

Also, a bill (H. R. 3366) for the relief of Philip J. Steiner; to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 3367) authorizing a preliminary examination and survey for a canal to connect Cooper River with Newton Creek, N. J.; to the Committee on Rivers and Harbors.

By Mr. PURNELL: A bill (H. R. 3368) granting a pension to Rachel E. Diehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3369) granting a pension to Harriett T. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3370) granting a pension to Sarah Burroughs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3371) granting an increase of pension to Jane Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3372) granting an increase of pension to Sylvia C. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3373) granting an increase of pension to Mary E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3374) granting an increase of pension to Ida V. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3375) granting an increase of pension to Mont Graham; to the Committee on Pensions.

Also, a bill (H. R. 3376) for the relief of Thomas J. Gardner; to the Committee on Military Affairs.

Also, a bill (H. R. 3377) for the relief of Michael Marley; to the Committee on Military Affairs.

Also, a bill (H. R. 3378) for the relief of Randolph Foster Williamson; to the Committee on Military Affairs.

Also, a bill (H. R. 3379) for the relief of Willard Thompson; to the Committee on Military Affairs.

Also, a bill (H. R. 3380) for the relief of Frederick Sparks; to the Committee on Military Affairs.

Also, a bill (H. R. 3381) for the relief of William T. Seward; to the Committee on War Claims.

Also, a bill (H. R. 3382) for the relief of Louis Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 3383) to carry out the findings of the Court of Claims in the case of Frank T. Foster; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 3384) granting an increase of pension to Virginia Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3385) granting an increase of pension to Mary L. Minesinger; to the Committee on Pensions.

Also, a bill (H. R. 3386) granting an increase of pension to Lucinda Dye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3387) granting an increase of pension to Margaretta E. Mower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3388) granting an increase of pension to Ulalia W. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3389) granting an increase of pension to Terrissa M. Crawford; to the Committee on Invalid Pensions.

By Mr. REED of Arkansas: A bill (H. R. 3390) for the relief of Paul B. Belding; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 3391) granting an increase of pension to Charles N. Cannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3392) for the relief of Emily J. Mullins; to the Committee on Claims.

Also, a bill (H. R. 3393) for the relief of James Clay Colson; to the Committee on Claims.

Also, a bill (H. R. 3394) for the relief of Joseph Warren; to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 3395) for the relief of the Ancona Printing Co.; to the Committee on Naval Affairs.

By Mr. ROUSE: A bill (H. R. 3396) granting an increase of pension to Louise C. Kimberly; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 3397) granting an increase of pension to Emma Parcell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3398) granting an increase of pension to Katharina Korp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3399) granting an increase of pension to Mary E. Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3400) granting an increase of pension to Elija J. Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3401) granting an increase of pension to Marietta Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3402) granting an increase of pension to Amelia Gehlhausen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3403) granting an increase of pension to Sallie Everly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3404) granting an increase of pension to Nancy A. Sumner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3405) granting an increase of pension to Susan Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3406) granting an increase of pension to Ida Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3407) granting an increase of pension to Verena Pfeffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3408) granting an increase of pension to Nancy H. Wentzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3409) granting an increase of pension to Kerilla Hedgspeth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3410) granting an increase of pension to Emily E. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3411) granting an increase of pension to Lelia Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3412) granting an increase of pension to Louisa J. Lorch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3413) granting an increase of pension to Mary E. Gudgen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3414) granting an increase of pension to Anna M. Kretchmar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3415) granting an increase of pension to Elizabeth Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3416) granting an increase of pension to Sarah C. Bunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3417) granting an increase of pension to Mary Abbie Mears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3418) granting an increase of pension to Mary A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3419) granting an increase of pension to Pauline C. Barenfanger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3420) granting an increase of pension to Percilla Erwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3421) granting an increase of pension to Elizabeth Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3422) granting an increase of pension to Rebecca McRoberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3423) granting an increase of pension to Cordelia Niehaus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3424) granting an increase of pension to Isabel Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3425) granting an increase of pension to Elizabeth G. McCutcheon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3426) granting an increase of pension to Lucy Wolfington; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 3427) granting a pension to Nancy Morgan; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 3428) granting a pension to Susie F. Austin; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 3429) granting an increase of pension to Mary C. Allen; to the Committee on Pensions.

Also, a bill (H. R. 3430) for the relief of John E. Tucker; to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 3431) for the relief of Frederick S. Easter; to the Committee on Naval Affairs.

Also, a bill (H. R. 3432) for the relief of Joel C. Clore; to the Committee on Claims.

Also, a bill (H. R. 3433) granting a pension to Thomas Kinney; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 3434) granting a pension to John Lonergan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3435) granting an increase of pension to Aroline H. Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3436) for the relief of certain officers and former officers of the Army of the United States, and for other purposes; to the Committee on War Claims.

Also, a bill (H. R. 3437) granting an increase of pension to Violet Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3438) granting an increase of pension to Lucinda Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3439) granting an increase of pension to Permelia I. Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3440) granting a pension to Roena J. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3441) granting an increase of pension to Bert Myers; to the Committee on Pensions.

Also, a bill (H. R. 3442) granting a pension to Nora B. Hardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3443) for the relief of Philip V. Sullivan; to the Committee on Naval Affairs.

Also, a bill (H. R. 3444) for the relief of Albert L. Loban; to the Committee on Claims.

Also, a bill (H. R. 3445) for the relief of Roland Baldwin Estep; to the Committee on Naval Affairs.

Also, a bill (H. R. 3446) for the relief of Ulric O. Thynne; to the Committee on War Claims.

By Mr. SUTHERLAND: A bill (H. R. 3447) to extend the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," to William J. Casey; to the Committee on Claims.

Also, a bill (H. R. 3448) for the relief of John Solen; to the Committee on Military Affairs.

Also, a bill (H. R. 3449) for the relief of Michael P. Galvin; to the Committee on Claims.

Also, a bill (H. R. 3450) for the relief of Albert E. Edwards; to the Committee on Claims.

Also, a bill (H. R. 3451) for the relief of Frank Buteau; to the Committee on Claims.

Also, a bill (H. R. 3452) for the relief of S. O. Casler; to the Committee on Claims.

Also, a bill (H. R. 3453) granting a pension to Jane Washington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3454) for the relief of certain Indian policemen in the Territory of Alaska; to the Committee on Claims.

By Mr. SWARTZ: A bill (H. R. 3455) granting a pension to Louisa R. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3456) granting a pension to Sarah Amelia Witter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3457) granting an increase of pension to Sarah A. Heilig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3458) granting an increase of pension to Mariah Schauer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3459) granting an increase of pension to Catharine Schram; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 3460) granting an increase of pension to Marella Matthews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3461) granting an increase of pension to Florence A. Rathbun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3462) granting an increase of pension to Amelia M. Felt; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 3463) to recognize and reward the accomplishment of Lieut. Oakley G. Kelly and Lieut. John A. Macready in making the first transcontinental nonstop flight across the United States, from New York to San Diego, Calif.; to the Committee on Military Affairs.

Also, a bill (H. R. 3464) for the relief of John M. Andrews; to the Committee on Military Affairs.

By Mr. SWOOPE: A bill (H. R. 3465) granting a pension to David D. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3466) granting an increase of pension to Henrietta Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3467) granting an increase of pension to Sarah Ann Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3468) granting an increase of pension to Mary A. Croft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3469) granting an increase of pension to Adda B. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3470) granting an increase of pension to Mary J. Shrauger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3471) granting an increase of pension to Margaret McKean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3472) granting an increase of pension to Catherine Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3473) granting an increase of pension to Margaret J. Starn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3474) granting an increase of pension to Harriet McGrady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3475) granting an increase of pension to Isabella M. Mahaffie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3476) granting an increase of pension to Hannah J. Milliron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3477) granting an increase of pension to Sarah A. Nash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3478) granting an increase of pension to Annie B. Bloom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3479) granting an increase of pension to Clotilda Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3480) granting an increase of pension to Mary A. Goss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3481) granting an increase of pension to Dosia A. Lester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3482) granting an increase of pension to Annie E. Brantner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3483) granting an increase of pension to Jane Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3484) granting an increase of pension to Rebecca I. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3485) granting an increase of pension to Caroline G. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3486) granting an increase of pension to Frances M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3487) granting an increase of pension to Elizabeth Hanes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3488) granting an increase of pension to Anna A. Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3489) granting an increase of pension to Hannah Hummel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3490) granting an increase of pension to Mary McMahon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3491) granting an increase of pension to Fannie J. Clements; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3492) granting a pension to Elizabeth Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3493) granting a pension to John Henry Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3494) granting an increase of pension to Elizabeth Longenecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3495) granting an increase of pension to Lovisa Buckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3496) granting an increase of pension to Amanda Jane Chesnutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3497) granting a pension to Priscilla Allison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3498) granting an increase of pension to Elizabeth R. Carlisle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3499) granting an increase of pension to Nancy J. Strickland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3500) granting an increase of pension to Annie M. Goss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3501) granting a pension to Joseph M. Alters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3502) for the relief of Zora B. Custer; to the Committee on Military Affairs.

Also, a bill (H. R. 3503) granting an increase of pension to Mae Brownlee; to the Committee on Pensions.

Also, a bill (H. R. 3504) granting an increase of pension to Jemima Mumper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3505) granting an increase of pension to Ella J. Hunsbarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3506) granting an increase of pension to Judith A. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3507) granting an increase of pension to Edith B. Burchfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3508) granting an increase of pension to Amanda M. Larkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3509) granting an increase of pension to Nancy McMonigal; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 3510) granting an increase of pension to Elizabeth Day; to the Committee on Pensions.

Also, a bill (H. R. 3511) granting a pension to Joann Thornton; to the Committee on Pensions.

Also, a bill (H. R. 3512) granting an increase of pension to Harriet J. White; to the Committee on Pensions.

Also, a bill (H. R. 3513) granting a pension to Arthur Boyd; to the Committee on Pensions.

Also, a bill (H. R. 3514) granting a pension to Harriet J. Graham; to the Committee on Pensions.

Also, a bill (H. R. 3515) granting an increase of pension to Harriet J. Webber; to the Committee on Pensions.

Also, a bill (H. R. 3516) granting a pension to Margaret S. Palmer; to the Committee on Pensions.

Also, a bill (H. R. 3517) granting an increase of pension to Caroline Worden; to the Committee on Pensions.

Also, a bill (H. R. 3518) granting an increase of pension to Augusta Ninestein; to the Committee on Pensions.

Also, a bill (H. R. 3519) granting an increase of pension to Abagial A. Butler; to the Committee on Pensions.

Also, a bill (H. R. 3520) granting an increase of pension to Johanna L. Harris Blish; to the Committee on Pensions.

Also, a bill (H. R. 3521) granting a pension to Patrick H. Bushnell; to the Committee on Pensions.

Also, a bill (H. R. 3522) granting an increase of pension to Sarah Donaldson; to the Committee on Pensions.

Also, a bill (H. R. 3523) granting a pension to Mrs. Ira Dibble; to the Committee on Pensions.

Also, a bill (H. R. 3524) granting a pension to Catherine Hitchcock; to the Committee on Pensions.

Also, a bill (H. R. 3525) granting a pension to Sarah Louise Heinzman; to the Committee on Pensions.

Also, a bill (H. R. 3526) granting a pension to Lottie Julia Heinzman; to the Committee on Pensions.

Also, a bill (H. R. 3527) granting a pension to Mrs. Cassius C. Lester; to the Committee on Pensions.

Also, a bill (H. R. 3528) granting a pension to Viola Olmstead; to the Committee on Pensions.

Also, a bill (H. R. 3529) for the relief of Genevieve Hendrick; to the Committee on Foreign Affairs.

Also, a bill (H. R. 3530) for the relief of Sadie Judevine; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 3531) granting a pension to Dorthula E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3532) for the relief of Lewis H. Easterly; to the Committee on Military Affairs.

Also, a bill (H. R. 3533) granting an increase of pension to Mary M. Sturgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3534) granting an increase of pension to Louise W. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3535) granting an increase of pension to Francis A. Lick, alias Augustus Lick; to the Committee on Pensions.

Also, a bill (H. R. 3536) granting an increase of pension to Henry Oelgardt; to the Committee on Pensions.

Also, a bill (H. R. 3537) granting an increase of pension to Joshua B. Poole; to the Committee on Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 3538) granting a pension to Emma Hawkey; to the Committee on Pensions.

Also, a bill (H. R. 3539) for the relief of Augusta Sulzer; to the Committee on Claims.

By Mr. THAYER: A bill (H. R. 3540) granting an increase of pension to Frank E. Abbott; to the Committee on Pensions.

Also, a bill (H. R. 3541) granting a pension to James B. Bentley; to the Committee on Pensions.

Also, a bill (H. R. 3542) granting a pension to Mary L. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3543) granting a pension to David C. Preston; to the Committee on Pensions.

Also, a bill (H. R. 3544) granting a pension to James Barry; to the Committee on Pensions.

Also, a bill (H. R. 3545) granting a pension to Carrie A. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3546) for the relief of William H. Armstrong; to the Committee on Military Affairs.

Also, a bill (H. R. 3547) for the relief of Ester I. Fismer; to the Committee on Claims.

Also, a bill (H. R. 3548) for the relief of Florence E. Bulley; to the Committee on Claims.

Also, a bill (H. R. 3549) for the relief of Rodney G. Chase; to the Committee on Claims.

Also, a bill (H. R. 3550) to correct the military record of Thomas F. Cooney; to the Committee on Military Affairs.

Also, a bill (H. R. 3551) to correct the military record of Maxwell Carpenter; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 3552) for the relief of Wayne Merrick; to the Committee on Claims.

Also, a bill (H. R. 3553) for the relief of Ed. F. Gauthier and Lenore N. Adams; to the Committee on Claims.

Also, a bill (H. R. 3554) for the relief of Thomas W. Killion; to the Committee on Claims.

Also, a bill (H. R. 3555) granting a pension to Joseph Dobson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3556) granting a pension to Viola Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3557) granting a pension to Delilah Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3558) granting a pension to Nathan W. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3559) granting a pension to Agnes Rayburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3560) granting a pension to Maggie Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3561) granting an increase of pension to D. A. Sawyers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3562) granting an increase of pension to Mary D. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3563) granting an increase of pension to Mary A. Reece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3564) granting an increase of pension to David S. Loudon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3565) granting an increase of pension to George S. Jenkins; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 3566) granting a pension to Elijah M. Smothers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3567) to correct the military record of Andrew J. Wilhoit; to the Committee on Military Affairs.

Also, a bill (H. R. 3568) granting an increase of pension to Jesse Walters; to the Committee on Pensions.

Also, a bill (H. R. 3569) granting an increase of pension to Floyd J. Gaines; to the Committee on Pensions.

Also, a bill (H. R. 3570) to place the heirs of Wiley L. Downum, deceased, on the rolls as Mississippi Choctaw Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 3571) granting a pension to Mary J. Quattlebaum; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 3572) for the relief of Russell H. Lindsay; to the Committee on Naval Affairs.

Also, a bill (H. R. 3573) granting a pension to Dorleski V. Ide; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3574) granting a pension to Cora R. Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3575) granting a pension to Ruth Pettit; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 3576) granting a pension to George A. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3577) granting a pension to Julia E. Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3578) granting an increase of pension to William B. Kimbrel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3579) granting a pension to Laura A. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3580) granting a pension to Richard H. Williams, alias Humphrey Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3581) granting a pension to Theodore E. Eisenbart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3582) granting a pension to Emma C. Hilliard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3583) granting a pension to John H. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3584) granting a pension to Sarah Bendle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3585) granting an increase of pension to James E. Mulford; to the Committee on Pensions.

Also, a bill (H. R. 3586) granting an increase of pension to Sarah E. Madison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3587) granting an increase of pension to Maria Sylvester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3588) granting an increase of pension to Catherine Eichhorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3589) granting an increase of pension to Mary E. Buckmaster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3590) granting an increase of pension to Louise L. Pepoon; to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 3591) for the relief of Mildred B. Crawford; to the Committee on Claims.

Also, a bill (H. R. 3592) for the relief of Johanna B. Weinberg; to the Committee on Claims.

By Mr. TINCHER: A bill (H. R. 3593) for the relief of Richard M. Fisher; to the Committee on War Claims.

Also, a bill (H. R. 3594) for the relief of Thomas G. House; to the Committee on Military Affairs.

Also, a bill (H. R. 3595) for the relief of Rosa E. Plummer; to the Committee on Claims.

Also, a bill (H. R. 3596) granting a pension to Sarah A. Moss; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 3597) for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy; to the Committee on Claims.

Also, a bill (H. R. 3598) for the relief of John H. Emmord, Emma W. Bay, and Harry C. Holloway, copartners, trading as John W. Bay & Co., and others; to the Committee on Claims.

By Mr. UPSHAW: A bill (H. R. 3599) granting a pension to Leo Pope Ott; to the Committee on Pensions.

Also, a bill (H. R. 3600) for the relief of H. F. Frick and others; to the Committee on Claims.

Also, a bill (H. R. 3601) for the relief of John Wesley Clark; to the Committee on Claims.

Also, a bill (H. R. 3602) for the relief of C. W. Shumate; to the Committee on Claims.

Also, a bill (H. R. 3603) for the relief of the widow of Ed Estes; to the Committee on Claims.

Also, a bill (H. R. 3604) for the relief of the widow of John Curtis Staton; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 3605) granting an increase of pension to Charles T. Westfield; to the Committee on Pensions.

Also, a bill (H. R. 3606) granting a pension to Josephine M. Buck; to the Committee on Pensions.

Also, a bill (H. R. 3607) granting a pension to Phoebe W. Hooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3608) granting a pension to Cora A. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 3609) granting a pension to Anna M. Blanchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3610) granting a pension to Mary E. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3611) granting a pension to Clara J. Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3612) granting a pension to Susan A. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3613) granting a pension to Elizabeth Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3614) granting a pension to Mary J. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3615) granting a pension to Mary Ann Sinclair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3616) granting a pension to Eva M. Fleck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3617) granting a pension to Charlotte S. Fink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3618) granting an increase of pension to Anna E. Hanna; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3619) granting an increase of pension to Harriett L. Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3620) granting an increase of pension to Sarah E. Miles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3621) for the relief of Sheldon R. Purdy; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3622) for the relief of William Wayne Overstreet; to the Committee on Naval Affairs.

Also, a bill (H. R. 3623) for the relief of Richard A. Schwab; to the Committee on Claims.

Also, a bill (H. R. 3624) for the relief of Hannah Parker; to the Committee on Military Affairs.

Also, a bill (H. R. 3625) for the relief of John Doyle, alias John Geary; to the Committee on Military Affairs.

Also, a bill (H. R. 3626) for the relief of N. Maxcy Tabor; to the Committee on the Public Lands.

By Mr. VINCENT of Michigan: A bill (H. R. 3627) granting an increase of pension to Sarah E. Jordan; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 3628) for the relief of Commander Chester G. Mayo; to the Committee on Naval Affairs.

Also, a bill (H. R. 3629) for the relief of Southern Railway Co.; to the Committee on Claims.

Also, a bill (H. R. 3630) granting an increase of pension to William H. Cole; to the Committee on Pensions.

Also, a bill (H. R. 3631) granting a pension to Eugene A. Rentz; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 3632) granting an increase of pension to Mary J. Herbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3633) granting an increase of pension to Mary Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3634) granting an increase of pension to Asa C. Pieratt; to the Committee on Pensions.

Also, a bill (H. R. 3635) granting an increase of pension to Frank M. Griffin; to the Committee on Pensions.

Also, a bill (H. R. 3636) granting an increase of pension to Sewell C. Rose; to the Committee on Pensions.

Also, a bill (H. R. 3637) granting an increase of pension to Nancy Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3638) granting an increase of pension to Wilburn Hall; to the Committee on Pensions.

Also, a bill (H. R. 3639) granting an increase of pension to Elizabeth Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3640) granting an increase of pension to Mary F. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3641) granting an increase of pension to Marion Thacker; to the Committee on Pensions.

Also, a bill (H. R. 3642) granting an increase of pension to Amanda J. Gee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3643) granting an increase of pension to Jane Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3644) granting a pension to Abijah Eversole; to the Committee on Pensions.

Also, a bill (H. R. 3645) granting a pension to Mary E. Voorheis; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 3646) for the relief of Herbert T. James; to the Committee on Naval Affairs.

By Mr. WILLIAMSON: A bill (H. R. 3647) granting a pension to Nelson E. Bucknam; to the Committee on Pensions.

Also, a bill (H. R. 3648) granting a pension to Matthew McCabe; to the Committee on Pensions.

Also, a bill (H. R. 3649) granting an increase of pension to Michael Halloran; to the Committee on Pensions.

Also, a bill (H. R. 3650) granting an increase of pension to Hellena H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3651) granting an increase of pension to Martha C. Hunsberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3652) granting an increase of pension to Elizabeth J. Holliday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3653) granting an increase of pension to Margaret Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3654) granting an increase of pension to Amelia A. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3655) granting an increase of pension to Eliza J. Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3656) granting an increase of pension to Emma Marshall; to the Committee on Pensions.

Also, a bill (H. R. 3657) granting an increase of pension to Marah A. Pinkerton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3658) granting an increase of pension to Elnora West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 3660) for the relief of Crawford Miller; to the Committee on Claims.

Also, a bill (H. R. 3661) to correct the military record of Francis B. Cornell; to the Committee on Military Affairs.

Also, a bill (H. R. 3662) to correct the military record of Patterson Mehaffie; to the Committee on Military Affairs.

Also, a bill (H. R. 3663) to correct the military record of G. W. Gilkison; to the Committee on Military Affairs.

Also, a bill (H. R. 3664) to correct the military record of Daniel C. Darroch; to the Committee on Military Affairs.

Also, a bill (H. R. 3665) to correct the military record of Thomas Spurrier; to the Committee on Military Affairs.

Also, a bill (H. R. 3666) providing for the payment of the findings reported by the Court of Claims in favor of Timothy C. Harrington for extra time; to the Committee on Claims.

Also, a bill (H. R. 3667) authorizing the Treasurer of the United States to pay Hattie McKelvey $1,786; to the Committee on Claims.

Also, a bill (H. R. 3668) authorizing the Treasurer of the United States to pay Catherine G. Schilling $590; to the Committee on Claims.

Also, a bill (H. R. 3669) for the relief of John D. Eldred; to the Committee on Military Affairs.

Also, a bill (H. R. 3670) to authorize the appointment of Maj. Warner A. Ross, retired, to the grade of major, retired, in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 3671) granting an increase of pension to Mary J. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3672) granting an increase of pension to Eliza Hatten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3673) granting an increase of pension to Nancy Jakes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3674) granting an increase of pension to Maria Kienle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3675) granting an increase of pension to Eliza J. Chenoweth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3676) granting an increase of pension to Mary N. Hoagland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3677) granting an increase of pension to Agnes N. Aldrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3678) granting an increase of pension to Sedate C. Cooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3679) granting an increase of pension to Malinda Pickering; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3680) granting an increase of pension to Thomas J. Haggard; to the Committee on Pensions.

Also, a bill (H. R. 3681) granting an increase of pension to Talitha C. Hoke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3682) granting an increase of pension to William R. Harkrider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3683) granting a pension to Martha E. Tilghman; to the Committee on Pensions.

Also, a bill (H. R. 3684) granting a pension to John S. Henry; to the Committee on Pensions.

Also, a bill (H. R. 3685) granting an increase of pension to Susan M. Stevenson; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 3686) granting a pension to Maria Duel; to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 3687) granting a pension to Texas Hall; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 3688) granting a pension to Worth Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3689) granting an increase of pension to Juliana Macmanus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3690) granting an increase of pension to John N. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3691) for the relief of the estate of James H. Graham; to the Committee on Claims.

Also, a bill (H. R. 3692) for the relief of Thomas M. Barret; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 3693) granting an increase of pension to Frederick Kidwiler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3694) granting a pension to Louisa C. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3695) granting a pension to Amelia Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3696) granting a pension to Anastasia Elizabeth Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3697) granting a pension to James H. Osburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3698) granting a pension to Thomas Kirk; to the Committee on Pensions.

Also, a bill (H. R. 3699) granting a pension to Mary A. E. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3700) granting a pension to Rachel B. Platter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3701) granting a pension to Mary Virginia Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3702) for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith; to the Committee on Claims.

Also, a bill (H. R. 3703) for the relief of Anthony Schartzenberger; to the Committee on Military Affairs.

Also, a bill (H. R. 3704) to correct the military record of George Patterson, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 3705) for the relief of Samuel H. Walker; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 3706) to provide for the purchase of a site and the erection of a public building thereon at Junction City, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3707) to provide for the purchase of a site and the erection of a public building thereon at Herington, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. STRONG of Pennsylvania: A bill (H. R. 3708) for the purchase of a suitable site and the erection of a public building thereon in Brookville, county seat of Jefferson County, Pa., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3709) for the purchase of a suitable site and the erection of a public building thereon in the borough of Blairsville, Indiana County, Pa., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3710) for the erection of a public building in Kittanning, county seat of Armstrong County, Pa., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. SWANK: A bill (H. R. 3711) to pension Confederate soldiers and sailors and their widows; to the Committee on Invalid Pensions.

By Mr. SWOOPE: A bill (H. R. 3712) for the purchase of a site and the erection thereon of a public building at Clearfield, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3713) for the purchase of a site and the erection thereon of a public building at Kane, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3714) for the purchase of a site and the erection thereon of a public building at Philipsburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3715) for the purchase of a site and the erection thereon of a public building at Houtzdale, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3716) for the purchase of a site and the erection thereon of a public building at Bellefonte, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 3717) to reserve certain lands and to incorporate the same and make them a part of the White River National Forest, Colo.; to the Committee on the Public Lands.

Also, a bill (H. R. 3718) to acquire a site for a public building at Salida, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3719) to increase the cost of the public building at Durango, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3720) to provide for the erection of a public building in the city of Montrose, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3721) to acquire a site for a public building at Delta, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3722) to add certain lands to the Gunnison and Cochetopa National Forests in the State of Colorado; to the Committee on the Public Lands.

By Mr. THURSTON: A bill (H. R. 3723) for the purchase of a site for and erection of a post-office building at Hamburg, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3724) for the purchase of a site for and erection of a post-office building at Osceola, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. TILLMAN: A bill (H. R. 3725) providing for hospitalization, medical treatment, nursing, and all necessary care of disabled ex-service men; to the Committee on World War Veterans' Legislation.

By Mr. TIMBERLAKE: A bill (H. R. 3726) to provide for an authorization of money to be used in the construction of a public building at Sterling, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3727) for the purchase of a site for a public building at Longmont, Boulder County, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3728) for the purchase of a site for a public building at Littleton, Arapahoe County, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3729) for the purchase of a site for a public building at Loveland, Larimer County, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3730) to provide for the purchase of additional land and for the erection thereon of an addition to the post-office building at Boulder, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. TUCKER: A bill (H. R. 3731) for the erection of a Federal building at Buena Vista, Va.; to the Committee on Public Buildings and Grounds.

By Mr. VINSON of Georgia: A bill (H. R. 3732) providing for a site and public building for a post office at Sparta, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3733) to construct a public building for a post office at the city of Sandersville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3734) to construct a public building for a post office at the city of Thomson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3735) providing for a site and public building for a post office at Warrenton, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3736) providing for a site and public building for a post office at Louisville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3737) providing for a site and public building for a post office at Tennille, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: A bill (H. R. 3738) for the purchase of a site and erection thereon of a public building at East Chicago, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3739) providing for the extension and enlargement of the post office and court building at Hammond, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3740) for the purchase of a site and the erection of a public building at Crown Point, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3741) for the purchase of a site and the erection of a public building at Monticello, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3742) for the purchase of a site and the erection of a public building at Whiting, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. WURZBACH: A bill (H. R. 3743) for the erection of a Federal building at Seguin, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3744) for the acquisition of additional ground and the erection thereon of a public building or an addition to the present public building in San Antonio, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON: A bill (H. R. 3745) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; to the Committee on the Judiciary.

Also, a bill (H. R. 3746) extending the appreciation of Congress and providing an appropriate medal to governors, adjutant generals, members of local and district boards and medical and legal advisory boards, and Government appeal agents who served as members of the selective-service system during the World War in the building of the Nation's armies; to the Committee on Military Affairs.

By Mr. ALMON: A bill (H. R. 3747) to authorize the granting of leave of absence to the employees of the Corps of Engineers in the field service, United States Government, not to exceed 30 days in any one calendar year, without forfeiture of pay; to the Committee on Civil Service.

By Mr. HAYDEN: A bill (H. R. 3748) to provide for the punishment of deported aliens who returned to the United States; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 3749) granting pensions to certain soldiers who served in the Indian wars from 1859 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 3750) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. LaGUARDIA: A bill (H. R. 3751) providing for parents to visit graves in Europe of sons killed in action; to the Committee on World War Veterans' Legislation.

By Mr. GARBER: A bill (H. R. 3752) to amend the tariff act of 1922, in order to provide for a tariff on hides of cattle; to the Committee on Ways and Means.

Also, a bill (H. R. 3753) to increase rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows of Civil War veterans, and to certain Army nurses of the Civil War; to the Committee on Pensions.

By Mr. ASWELL: A bill (H. R. 3754) to provide for the preparation and issuance of cotton reports by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. DOMINICK: A bill (H. R. 3755) granting the consent of Congress to the counties of Anderson, S. C., and Elbert, Ga., to construct a bridge across the Savannah River; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKSTEIN: A bill (H. R. 3756) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 3757) to exempt from quota husbands, fathers, and mothers of United States citizens and children under 18 and wives of declarants; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 3758) to supplement the jurisdiction of the Interstate Commerce Commission and prescribe a method for the fixing of rates of public utilities employed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3759) to amend the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. DAVIS: A bill (H. R. 3760) to amend the classification act of 1923; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 3761) to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in the respective departments; to the Committee on Military Affairs.

Also, a bill (H. R. 3762) to establish a fish-hatching and fish-cultural station in the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

By Mr. DARROW: A bill (H. R. 3763) to prevent delay in the promotion of officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. BLACK of Texas: A bill (H. R. 3764) to amend section 2 of an act approved April 2, 1924, authorizing the Director of the Census to collect and publish statistics of cotton; to the Committee on the Census.

By Mr. BRAND of Georgia: A bill (H. R. 3765) to amend section 5236 of the Revised Statutes of the United States giving preference in the payment of dividends, subject only to any claims the United States may have on account of any deficiency in redeeming the notes of such association, to depositors of insolvent national banks and of branches of national banks and to depositors of insolvent State banks now members or which may hereafter become members of the Federal reserve system; to the Committee on Banking and Currency.

By Mr. BROWNE: A bill (H. R. 3766) providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious butter, and prescribing the penalty for the violation thereof; to the Committee on Agriculture.

By Mr. CHINDBLOM: A bill (H. R. 3767) to authorize the Secretary of the Treasury to amend, in his discretion, contracts for the erection of the Edward Hines Junior Hospital; to the Committee on World War Veterans' Legislation.

By Mr. GILBERT: A bill (H. R. 3768) to amend an act entitled "An act to authorize the Director of the Census to collect and publish additional statistics of tobacco," approved April 30, 1912; to the Committee on the Census.

By Mr. FENN: A bill (H. R. 3769) for the registration of motor vehicles; to the Committee on Ways and Means.

By Mr. ELLIOTT: A bill (H. R. 3770) to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 3771) to amend the national motor vehicle theft act; to the Committee on the Judiciary.

Also, a bill (H. R. 3772) to repeal the national prohibition act and all acts amending or supplementing the same; to the Committee on the Judiciary.

By Mr. DOYLE: A bill (H. R. 3773) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. HOLADAY: A bill (H. R. 3774) to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. DYER: A bill (H. R. 3775) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 3776) to create two additional associate justices of the Supreme Court of the District of Columbia; to the Committee on the Judiciary.

Also, a bill (H. R. 3777) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; to the Committee on the Judiciary.

By Mr. AUF DER HEIDE: A bill (H. R. 3778) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 3779) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. JONES: A bill (H. R. 3780) to amend subsection (18) of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation, to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 3781) to authorize the Secretary of the Navy to permit the exterior articles of the uniform to honorably discharged enlisted men; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 3782) to prohibit employment of officers of the Navy or Marine Corps on the active or retired list by persons or companies furnishing naval supplies or war material to the Government; to the Committee on Naval Affairs.

By Mr. ANDREW: A bill (H. R. 3783) to amend section 315 of the tariff act of 1922 and to extend to articles on the free list the power of the President over import duties; to the Committee on Ways and Means.

Also, a bill (H. R. 3784) to amend the World War adjusted compensation act by making its benefits assignable to patriotic, educational, and philanthropic organizations; to the Committee on Ways and Means.

By Mr. BLACK of Texas: A bill (H. R. 3785) to amend an act approved May 3, 1924, authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce; to the Committee on Agriculture.

By Mr. APPLEBY: A bill (H. R. 3786) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, by adding a new section thereto forbidding the deposit of noxious acids and acid materials in navigable waters of the United States; to the Committee on Rivers and Harbors.

By Mr. BYRNS: A bill (H. R. 3787) to reimburse officers, soldiers, and civilian employees of the Army and their families and dependents for losses sustained as a result of the hurricane which occurred in Texas on August 16, 17, and 18, 1915; to the Committee on Claims.

Also, a bill (H. R. 3788) to amend section 4874 of the Revised Statutes of the United States providing for the selection of superintendents of national cemeteries; to the Committee on Military Affairs.

Also, a bill (H. R. 3789) to establish a fish hatchery and biological station in the sixth congressional district of the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3790) to provide for the reduction of mileage to actual transportation expenses of Representatives and Senators; to the Committee on Mileage.

By Mr. ANDREW: A bill (H. R. 3791) to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace"; to the Committee on the Library.

By Mr. FRENCH: A bill (H. R. 3792) to provide for the enforcement of laws upon Indian reservations and superintendencies; to the Committee in Indian Affairs.

Also, a bill (H. R. 3793) to provide two dormitories at the Lapwai Indian Sanatorium, Lapwai, Idaho; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 3794) granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDSBOROUGH: A bill (H. R. 3795) granting pensions to certain members of the former Life Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ABERNETHY: A bill (H. R. 3796) to establish a national military park at the battle field of Moores Creek, N. C.; to the Committee on Military Affairs.

By Mr. ALMON: A bill (H. R. 3797) to increase the limit of cost of public building at Decatur, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. ANDREW: A bill (H. R. 3798) to authorize the acquisition of a site and the erection of a Federal building at Haverhill, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3799) to authorize the acquisition of a site and the erection of a Federal building at Salem, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3800) to increase the limit of cost for a Federal building at Newburyport, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3801) for the extension of the present site, if deemed advisable, or for the purchase of a new site and peace in the District of Columbia caused by picketing; to the Committee on the District of Columbia.

By Mr. BLANTON: A bill (H. R. 3802) to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 3803) to limit mileage to actual expenses; to the Committee on Mileage.

Also, a bill (H. R. 3804) to prevent breaches of the public peace in the District of Columbia caused by picketing; to the Committee on the District of Columbia.

Also, a bill (H. R. 3805) to repeal and annul certain acts of the Public Utilities Commission of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 3806) requiring all pensioners to reside within the territorial limits of the United States; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3807) granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 3808) for the apportionment of Representatives in Congress among the several States under the Fourteenth Census, reducing the number from 435 to 304; to the Committee on the Census.

Also, a bill (H. R. 3809) to amend section 5197, Revised Statutes of the United States, regulating the rate of interest which may be charged by national banking associations and providing a penalty for violations; to the Committee on Banking and Currency.

Also, a bill (H. R. 3810) to return to the South certain of the "cotton tax" wrongfully collected from citizens of the South during the period from 1863 to 1868, by paying to each living Confederate soldier and each living widow of a Confederate soldier, as proper representatives of the South, the sum of $1,000 and a further sum of $50 per month during the remainder of their lives, and authorizing the appropriation of money therefor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3811) to safeguard the transmission of interstate traffic and United States mails, to punish unlawful conspiracies, to protect citizens in their right to labor and to punish unlawful interference therewith, and to prohibit and punish certain seditious acts against the Government of the United States, and to prohibit the use of mails in furtherance of such acts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNE: A bill (H. R. 3812) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish War soldiers, and certain maimed soldiers, and for other purposes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3813) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 3814) to protect the public against fraud by prohibiting the manufacture, sale, or transportation in interstate commerce of misbranded, misrepresented, or falsely described articles, to regulate the traffic therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 3815) to authorize Rear Admiral Philip Andrews, United States Navy, to accept from the Government of Greece the Grand Cross of the Order of the Savior; to the Committee on Foreign Affairs.

Also, a bill (H. R. 3816) designating October 27 of each year as a day to be observed as "Navy Day"; to the Committee on Naval Affairs.

Also, a bill (H. R. 3817) to provide for a site and public building at Coatsville, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of Oklahoma: A bill (H. R. 3818) for the relief of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 3819) to establish a fish hatchery in the third congressional district of the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3820) to authorize a hearing for certain former officers of the Army discharged therefrom without honor; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act; to the Committee on the Civil Service.

By Mr. DAVIS: A bill (H. R. 3822) to provide for the purchase of a site and the erection of a public building thereon at Lewisburg, in the State of Tennessee; to the Committee on Public Buildings and Grounds.

By Mr. DOWELL: A bill (H. R. 3823) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

Also, a bill (H. R. 3824) to provide for the erection of a public building in the city of Winterset, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3825) to provide for the erection of a public building in the city of Knoxville, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3826) to provide for the erection of a public building in the city of Nevada, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3827) to provide for the erection of a public building in the city of Indianola, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. GARBER: A bill (H. R. 3828) providing for the erection of a public building at Alva, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3829) providing for the purchase of a site and the erection of a public building at Ponca City, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3830) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on Civil Service.

By Mr. GRAHAM: A bill (H. R. 3831) to fix the salaries of certain judges of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 3832) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania; to the Committee on the Judiciary.

Also, a bill (H. R. 3833) to amend section 204 of an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

Also, a bill (H. R. 3834) to amend section 65 of the act entitled "An Act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. GRIEST: A bill (H. R. 3835) providing for the erection of a public building at the city of Lancaster, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3836) to provide for the purchase of a site for a public building at Columbia, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3837) authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3838) authorizing the Postmaster General to pay the actual and necessary expenses for moving the household goods of officers and regular clerks in the Railway Mail Service when arbitrarily transferred from one official station to another for permanent duty; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3839) to amend the act of May 22, 1920, relating to the retirement of printers, skilled laborers, village delivery letter carriers, watchmen, messengers, laborers, and employees of the motor-vehicle service in the Postal Service; to the Committee on the Civil Service.

Also, a bill (H. R. 3840) to amend the act of February 28, 1925, fixing the compensation of employees in post offices; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3841) to relieve postmasters and postal employees from liability for losses of customs funds; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3842) authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3843) to provide for the appointment of postmasters of the third class by the Postmaster General; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3844) to amend the act of January 21, 1914; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: A bill (H. R. 3845) providing for the erection and completion of a public building in the Borough of the Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3846) providing for a medal of honor and awards to Government employees for distinguished work in science; to the Committee on the Library.

Also, a bill (H. R. 3847) to define and regulate lobbying; to the Committee on the Judiciary.

By Mr. HARRISON: A bill (H. R. 3848) to provide for the erection of a post-office building at Luray, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3849) to provide for the erection of a post-office building at Woodstock, Va.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Washington: A bill (H. R. 3850) to provide for the purchase of a site and the erection thereon of a post-office building at Deer Park, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3851) to provide for the purchase of a site and the erection thereon of a public building at Oroville, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3852) to authorize the construction of a toll bridge over the Columbia River at a point within 2 miles downstream from the town of Brewster, Okanogan County, State of Washington, to a point on the opposite shore in Douglas County, State of Washington; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3853) to provide for free homesteads on the public lands for bona fide settlers in the diminished Colville Indian Reservations, State of Washington, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 3854) to amend paragraph (3) of subdivision (a) of section 202 of the Federal farm loan act as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 3855) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Indian Affairs.

Also, a bill (H. R. 3856) authorizing the issuance of patents to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington; to the Committee on the Public Lands.

By Mr. HOCH: A bill (H. R. 3857) to amend section 4 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSON: A bill (H. R. 3859) to validate certain declarations of intentions; to the Committee on Immigration and Naturalization.

By Mr. HASTINGS: A bill (H. R. 3860) to amend section 15 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. HUDSON: A bill (H. R. 3861) to repeal the excise tax on automobiles and motor cycles; to the Committee on Ways and Means.

By Mr. HUDSPETH: A bill (H. R. 3862) to provide for the storage of the waters of the Pecos River; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 3863) authorizing investigation by the United States Geological Survey to determine location and extent of potash deposits in the United States; to the Committee on Mines and Mining.

Also, a bill (H. R. 3864) to establish a national park in the State of Texas; to the Committee on the Public Lands.

Also, a bill (H. R. 3865) to establish an additional fish-cultural station in the State of Texas at San Angelo, Tom Green County; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 3866) to establish an additional fish-cultural station in the State of Texas at Del Rio, Verde County; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 3867) authorizing the acquisition of a site and the erection thereon of a Federal immigration building at the city of El Paso, county of El Paso, State of Texas, and for housing and furnishing of offices to Federal employees and the various departments connected with and attached to the Immigration Service, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3868) for the erection of a public post-office building at Big Spring, Howard County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3869) for the erection of a public post-office building at Kerrville, Kerr County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3870) for the erection of a public post-office building at Pecos, Reeves County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mrs. KAHN: A bill (H. R. 3871) to amend the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3872) authorizing the sale of the new subtreasury building and site in San Francisco, Calif., and providing for the erection of a Federal building in said city, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. KELLY: A bill (H. R. 3873) to provide that the principal officer of each executive department shall attend certain sessions of the Senate and House of Representatives; to the Committee on the Judiciary.

Also, a bill (H. R. 3874) to reduce night work in post offices; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3875) creating and defining the duties of a commission on an immigration policy; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 3876) to authorize the erection of a Veterans' Bureau hospital in Philadelphia, Pa., and the construction of additional facilities at Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. KETCHAM: A bill (H. R. 3877) to provide for the erection of a public building in the city of Benton Harbor, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3878) for the purchase of a post-office site at Sturgis, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. KINCHELOE: A bill (H. R. 3879) providing for a mine-rescue station and equipment at Madisonville, Ky.; to the Committee on Mines and Mining.

Also, a bill (H. R. 3880) for the purchase of a site for and the erection of a post-office building at Morganfield, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3881) to provide for the erection of a public building in the city of Madisonville, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. KINDRED: A bill (H. R. 3882) to create a national police bureau, and for other purposes; to the Committee on the Judiciary.

By Mr. KUNZ: A bill (H. R. 3883) to purchase a site west of the Chicago River for the erection of a post-office building and to erect a post office thereon in the city of Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. LAZARO: A bill (H. R. 3884) to provide a site and erect a public building at Oakdale, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3885) to provide a site and erect a public building at De Ridder, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3886) to establish a fish-cultural station at some point in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3887) to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820); to the Committee on the Judiciary.

By Mr. LEA of California: A bill (H. R. 3888) to amend the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

By Mr. LOZIER: A bill (H. R. 3889) to repeal sections 148, 149, 150, 151, 152, and 153 of the postal laws and regulations of the United States and to prohibit the printing and sale of envelopes by the Post Office Department to the public; to the Committee on the Post Office and Post Roads.

By Mr. LUCE: A bill (H. R. 3890) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Agriculture.

By Mr. LYON: A bill (H. R. 3891) to provide for a site and public building at Dunn, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3892) for the erection of a Federal building at Lumberton, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3893) for the improvement of the post-office building at Wilmington, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. McKEOWN: A bill (H. R. 3894) to distribute $50,000,000 of the "cotton tax fund" in the Treasury to the widows of soldiers and sailors of the Civil War and to Confederate soldiers and sailors and their widows; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 3895) further to provide for the national defense; to the Committee on Military Affairs.

By Mr. MAJOR: A bill (H. R. 3896) for the purchase of a site and the erection of a public building at Slater, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3897) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3898) to provide for the erection of a public building at Sedalia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. MAPES: A bill (H. R. 3899) to provide for a deep waterway for ocean-going vessels from the Great Lakes to the Atlantic Ocean by way of the St. Lawrence River and the Welland Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: A bill (H. R. 3900) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford, Conn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3901) to provide for the purchase of a site and the erection of a public building thereon at Ridgefield, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3902) to provide for the purchase of a site and the erection of a public building thereon at Norwalk, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3903) making an appropriation for the improvement of the harbor at Stamford, Conn.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 3904) to protect the public against fraud by prohibiting the sale or shipment in interstate and foreign commerce of misbranded articles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS: A bill (H. R. 3905) to amend the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3906) to amend the act entitled "An act authorizing suits against the United States in admiralty, suits for salvage service, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes," approved March 9, 1920; to the Committee on the Judiciary.

Also, a bill (H. R. 3907) to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of the United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company; to the Committee on Claims.

By Mr. MONTAGUE: A bill (H. R. 3908) to provide that the heads of the executive departments may occupy seats on the floor of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. MOORE of Kentucky: A bill (H. R. 3909) for the erection of a public building at Russellville, Logan County, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3910) for the erection of a public building at Scottsville, Allen County, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3911) for the erection of a public building at Greenville, Muhlenberg County, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3912) for the erection of a public building at Franklin, Simpson County, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3913) for the erection of a public building at Central City, Muhlenberg County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Kentucky: A bill (H. R. 3914) for the benefit of railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3915) establishing the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 3916) to correct the military record and provide for the granting of pensions to survivors of certain battalions of Kentucky Militia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3917) to determine the jurisdiction of United States courts in matters of contempt, and to regulate the trial and punishment of same; to the Committee on the Judiciary.

Also, a bill (H. R. 3918) to limit and define the powers of the judges of the district courts of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 3919) to determine the jurisdiction of circuit and district courts of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 3920) defining combinations and conspiracies in trade and labor disputes and regulating the granting of injunctions therein; to the Committee on the Judiciary.

By Mr. MOORE of Virginia: A bill (H. R. 3921) to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation; to the Committee on Military Affairs.

Also, a bill (H. R. 3922) to amend section 20 of the act to regulate commerce, commonly known as the Carmack amendment; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3923) to authorize and direct the construction and maintenance of a memorial highway connecting Mount Vernon, in the State of Virginia, with the city of Washington, in the District of Columbia, and for other purposes; to the Committee on Roads.

Also, a bill (H. R. 3924) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury; to the Committee on Military Affairs.

By Mr. MORROW: A bill (H. R. 3925) to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; to the Committee on the Public Lands.

By Mr. NEWTON of Missouri: A bill (H. R. 3926) to release custodianized property; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3927) authorizing and directing the Secretary of War to reimburse the city of St. Louis in part for improvements made in the interest of navigation in the channel of the Missouri River at a point known as Howard Bend, about 8 miles above St. Charles, Mo.; to the Committee on Claims.

Also, a bill (H. R. 3928) authorizing and directing the Secretary of War to reimburse the city of St. Louis in part for improvements made in the interest of navigation in the channel of the Missouri River at a point known as Howard Bend, about 8 miles above St. Charles, Mo.; to the Committee on Claims.

Also, a bill (H. R. 3929) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 3930) authorizing the Secretary of the Treasury to remove the quarantine station, situated at Quarantine, La., and to construct a new quarantine station at or near New Orleans; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKS: A bill (H. R. 3931) to amend the first paragraph of section 24 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

Also, a bill (H. R. 3932) to amend section 71 of the Judicial Code, as amended; to the Committee on the Judiciary.

Also, a bill (H. R. 3933) granting the consent of Congress to the State Highway Commission of Arkansas to construct a bridge across the Red River; to the Committee on Interstate and Foreign Commerce.

By Mr. PERLMAN: A bill (H. R. 3934) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; to the Committee on the Judiciary.

By Mr. PURNELL: A bill (H. R. 3935) to prohibit the importation and the interstate transportation of gambling or chance slot machines and automatic vending devices connected with chance devices, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 3936) to repeal the laws authorizing the purchase of uniforms, accouterments, and equipment from the Government at cost; to the Committee on Naval Affairs.

By Mr. REED of New York: A bill (H. R. 3937) providing for the erection of a public building at the city of Dunkirk, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3938) authorizing the Secretary of the Treasury to contract for the enlargement, extension, remodeling, and improvement of the present Federal building in the city of Jamestown, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. ROUSE: A bill (H. R. 3939) to survey, build, construct, and maintain a military road between Camp Knox Military Reservation in Hardin County, Ky., and Fort Thomas Military Reservation in Campbell County, Ky.; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 3940) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 3941) to amend section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. SINCLAIR: A bill (H. R. 3942) to establish the Roosevelt National Park in Billings County, N. Dak.; to the Committee on the Public Lands.

By Mr. SMITHWICK: A bill (H. R. 3943) for the purchase of a site for and the erection of a Federal building at Panama City, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3944) increasing the limit of cost for a Federal building at Marianna, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3945) for the erection of a post-office building at De Funiak Springs, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3946) for the relief of occupants of certain premises within the naval station at Pensacola, Fla.; to the Committee on Claims.

Also, a bill (H. R. 3947) for the purchase of a site for and the erection of a post-office building at Quincy, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3948) providing for a preliminary examination and survey of St. Marks River, Fla.; to the Committee on Rivers and Harbors.

By Mr. STEDMAN: A bill (H. R. 3949) to provide for the purchase of a site and the erection of a public building at Greensboro, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3950) to provide for the purchase of a site and the erection of a public building at Elkin, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3951) to provide for the purchase of a site and the erection of a public building at Mount Airy, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS: A bill (H. R. 3952) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela; to the Committee on Naval Affairs.

By Mr. SUTHERLAND: A bill (H. R. 3953) to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 3954) for the establishment of a land district in southeastern Alaska, and for the appointment of a register and receiver of a land office at Juneau, Alaska; to the Committee on the Public Lands.

Also, a bill (H. R. 3955) to provide for the election of the Governor and Secretary of the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. SWEET: A bill (H. R. 3956) to provide for an authorization of money to be used in the construction of a public building at Oneida, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 3957) to amend paragraph 10 of section 202 of the World War veterans' act of 1924, approved June 7, 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 3958) to amend paragraph 3 of section 202 of the World War veterans' act of 1924, approved June 7, 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 3959) to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes; to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 3960) to add certain lands to the Grand Mesa National Forest in the State of Colorado; to the Committee on the Public Lands.

Also, a bill (H. R. 3961) to establish a free guide service for the Capitol Building; to the Committee on Accounts.

By Mr. TAYLOR of New Jersey: A bill (H. R. 3962) declaring armistice day to be a legal public holiday; to the Committee on the Judiciary.

By Mr. MERRITT: A bill (H. R. 3963) to provide for the purchase of a site and the erection of a public building thereon at Bridgeport, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. THAYER: A bill (H. R. 3964) for the purchase of a site and the erection of a public building at Watertown, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3965) for the purchase of a site and the erection of a public building at Stoneham, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3966) for the purchase of a site and the erection of a public building at Belmont, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3967) for the purchase of a site and the erection of a public building at Medford, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3968) for the purchase of a site and the erection of a public building at Melrose, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3969) for the purchase of a site and the erection of a public building at Lexington, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3970) to increase the limit of cost of the erection of a post-office building at Winchester, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. THURSTON: A bill (H. R. 3971) to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof by the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

By Mr. TILLMAN: A bill (H. R. 3972) to pay to Confederate soldiers and to the widows of Confederate soldiers $1,000 and $50 per month during the remainder of their lives; to the Committee on War Claims.

Also, a bill (H. R. 3973) to create the national board of rural industrial schools for mountain children, and for other purposes; to the Committee on Education.

Also, a bill (H. R. 3974) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and children under 16 years of age; to the Committee on the Judiciary.

Also, a bill (H. R. 3975) to appoint a commission of five citizens to ascertain the persons responsible for the Mountain Meadow massacre, to ascertain the amount of property loss and by whom sustained because of said massacre, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 3976) to improve and assist in maintaining the park now established at the Prairie Grove battle field, in Washington County, Ark.; to the Committee on the Public Lands.

Also, a bill (H. R. 3977) to establish a national military park at the Pea Ridge battlefield in Benton County, Ark.; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 3978) providing for the placing of Government employees engaged in the enforcement of national prohibition under the civil service; to the Committee on the Civil Service.

By Mr. TREADWAY: A bill (H. R. 3979) to regulate interstate and foreign commerce in anthracite coal, to provide for standards of quality, to control distribution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3980) to authorize the President to declare a national emergency in case of a stoppage or threatened stoppage of a steady supply of coal, and to take over and operate mines during such emergency, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UPSHAW: A bill (H. R. 3981) to promote the safety of employees and travelers upon railroads engaged in interstate commerce by requiring automobiles and other vehicles to stop at railway grade crossings; to the Committee on Interstate and Foreign Commerce.

By Mr. VAILE: A bill (H. R. 3982) to vest title to school lands in the State in which the lands are situated if a proceeding is not instituted before the Department of the Interior within 12 years after the State is admitted to the Union, or within 12 years after the survey of the school-land sections was approved, to determine whether such lands were of known mineral character; to the Committee on the Public Lands.

Also, a bill (H. R. 3983) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act; to the Committee on Banking and Currency.

By Mr. VINSON of Georgia: A bill (H. R. 3984) to transfer calcium arsenate from the dutiable to the free list; to the Committee on Ways and Means.

Also, a bill (H. R. 3985) amending the act of March 3, 1915, relating to the appointment of acting pay clerks, pay clerks, and chief pay clerks in the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 3986) to decrease rates, fares, and charges of railroads and carriers subject to the act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 3987) to amend the Federal farm loan act so that actual farmers may borrow money for indebtedness due by them when not incurred for agricultural purposes; to the Committee on Banking and Currency.

By Mr. WAINWRIGHT: A bill (H. R. 3988) to provide for the erection of a public building in the village of Nyack, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3989) authorizing the purchase of a site and to provide for the erection of a public building for the city of White Plains, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3990) for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York; to the Committee on the Library.

By Mr. WATSON: A bill (H. R. 3991) prohibiting the sending of unsolicited merchandise through the mails; to the Committee on the Post Office and Post Roads.

By Mr. WINTER: A bill (H. R. 3992) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 3993) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. WOODRUFF: A bill (H. R. 3994) to authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care; to the Committee on Naval Affairs.

By Mr. WURZBACH: A bill (H. R. 3995) to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement; to the Committee on Military Affairs.

Also, a bill (H. R. 3996) authorizing the Secretary of War to convey certain portions of the military reservation of Fort Sam Houston, Tex., to the city of San Antonio, Bexar County, Tex., for street purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 3997) to improve the status of certain retired enlisted men who volunteered for duty and served as commissioned officers in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 3998) to provide for the enlargement of the public building at Cumberland, Md.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 3999) to increase the limit of cost and provide for the reconstruction of the Federal building at Hagerstown, Md.; to the Committee on Public Buildings and Grounds.

By Mr. ANDREW: A bill (H. R. 4000) to relieve persons in the naval service of the United States during the war-emergency period from claims for overpayment at that time not involving fraud; to the Committee on Naval Affairs.

Also, a bill (H. R. 4001) to relieve persons in the military and naval services of the United States during the war-emergency period from claims for overpayment at that time not involving fraud; to the Committee on Military Affairs.

By Mr. BYRNS: A bill (H. R. 4002) to suppress the sale of pistols, revolvers, and other firearms of like form, size, and description, commonly used in the commission of felonious homicides and assaults, and to provide punishment for violation of the provisions of the same; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKSTEIN: A bill (H. R. 4003) to authorize mothers of deceased World War veterans buried in Europe to visit the graves of their sons at the expense of the United States; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 4004) to punish the unlawful transmission in interstate commerce or through the mails of gambling machines and fraudulent devices, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLY: A bill (H. R. 4005) to transfer to the classified civil service postmasters in charge of the post offices of the first, second, and third classes; to the Committee on the Civil Service.

By Mr. MOORE of Virginia: A bill (H. R. 4006) to provide for the construction of a bridge to replace the bridge known as Chain Bridge, located in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORROW: A bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government, and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; to the Committee on the Public Lands.

By Mr. SUMMERS of Washington: A bill (H. R. 4008) amending subsection E and subsection F of section 4 of an act entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes," approved December 5, 1924, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 4009) to establish the Grand Coulee National Park in the State of Washington; to the Committee on the Public Lands.

Also, a bill (H. R. 4010) validating and confirming conveyances of lands made by allottees on the Yakima Indian Reservation, in the State of Washington; to the Committee on Indian Affairs.

By Mr. SWING: A bill (H. R. 4011) to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917; to the Committee on the Public Lands.

By Mr. WOOD: A bill (H. R. 4012) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; to the Committee on the Judiciary.

By Mr. WURZBACH: A bill (H. R. 4013) to give military status and discharges to the members of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for services during the war with Germany; to the Committee on Military Affairs.

By Mr. BIXLER: A bill (H. R. 4014) to provide for the erection of a public Federal building at St. Marys, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4015) to provide for the erection of a public Federal building at Farrell, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4016) to provide for the erection of a public Federal building at Greenville, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4017) to provide for the erection of a public Federal building at Johnsonburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4018) to provide for the erection of a public Federal building at Warren, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. DEAL: A bill (H. R. 4019) to amend section 6 of the act of April 22, 1908 (ch. 149, 35 Stat. L. 65), as amended by act of April 5, 1910 (ch. 143, sec. 1, 36 Stat. L. 291); to the Committee on the Judiciary.

Also, a bill (H. R. 4020) to purchase a site for the erection of a post-office building in the city of Norfolk, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4021) to authorize the acquisition of a site and the erection thereon of a Federal building at Boykins, Va.; to the Committee on Public Buildings and Grounds.

By Mr. ELLIOTT: A bill (H. R. 4022) to provide for the construction of certain public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4023) to revise and equalize rate of pension to certain soldiers, sailors, and marines of the Civil War and war with Mexico, to certain widows, including widows of the War of 1812, former widows, children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 4024) providing for the purchase of a site and the erection thereon of a public building at Allentown, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4025) providing for the purchase of a site and the erection thereon of a public building at Wyomissing, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A bill (H. R. 4026) to authorize the Secretary of State to acquire in Berlin a site, with erected building or buildings thereon, for the use of the diplomatic and consular establishments of the United States, and to erect additional building or buildings for the use of the establishments of the United States in Berlin; to the Committee on Foreign Affairs.

By Mr. FISHER: A bill (H. R. 4027) for the purchase of a site and the erection of a public building at Memphis, Tenn., the site and building to cost $2,400,000; to the Committee on Public Buildings and Grounds.

By Mr. FULMER: A bill (H. R. 4028) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, land in the city of Bishopville, S. C., as may be necessary for a site and the erection thereon of a post-office building in said city, to cause said building to be erected, and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4029) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, land in the city of St. Matthews, S. C., as may be necessary for a site and the erection thereon of a post-office building in said city, to cause said building to be erected, and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4030) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such additional land in the city of Sumter, S. C., as may be necessary for the extension and remodeling of the post-office building of said city, to cause said building to be extended and remodeled, and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. GARBER: A bill (H. R. 4031) authorizing an appropriation to reimburse the State of Oklahoma for moneys paid by it for the education of Indian children in the public schools of the said State; to the Committee on Indian Affairs.

By Mr. GARNER of Texas: A bill (H. R. 4032) granting consent of Congress to the Brownsville & Matamoras Rapid Transit Co. for construction of a bridge across the Rio Grande at Brownsville, Tex.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4033) granting consent of Congress to Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4034) granting consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. GASQUE: A bill (H. R. 4035) for the extension of Rittenhouse Street in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GIFFORD: A bill (H. R. 4036) to authorize the establishment of a fog bell at Vineyard Haven; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4037) to authorize the establishment of a better fog signal at Nantucket Harbor; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4038) to remit the duty paid on a carillon of bells imported for St. Stephens Church, Cohasset, Mass.; to the Committee on Ways and Means.

Also, a bill (H. R. 4039) to remit the duty on an addition to a carillon of bells imported for St. Stephens Church, Cohasset, Mass.; to the Committee on Ways and Means.

By Mr. GRIEST: A bill (H. R. 4040) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. HAUGEN: A bill (H. R. 4041) to authorize the acquisition of a site and the erection of a Federal building at Mason City, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R 4042) to authorize the acquisition of a site and the erection thereon of a Federal building at Osage, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4043) to authorize the erection of a Federal building at Oelwein, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4044) authorizing the advancement of an officer on the retired list; to the Committee on Military Affairs.

By Mr. HUDSON: A bill (H. R. 4045) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. JOHNSON of Texas: A bill (H. R. 4046) to provide for the erection of a post-office building at Groesbeck, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4047) to provide for the enlargement and remodeling of the post-office building at Bryan, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4048) to provide for the erection of a post-office building at Mexia, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. KIEFNER: A bill (H. R. 4049) to provide for a public building in the city of Farmington, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. KNUTSON: A bill (H. R. 4050) to authorize an investigation of the annuity or membership rolls of the Chippewa Indians in the State of Minnesota for the purpose of purifying said rolls; to the Committee on Indian Affairs.

By Mr. KURTZ: A bill (H. R. 4051) to provide for the erection of a public building at Everett, Bedford County, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4052) to provide for the erection of a public building in the borough of Tyrone, Blair County, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4053) to establish a national park in the State of Pennsylvania; to the Committee on the Public Lands.

By Mr. McMILLAN: A bill (H. R. 4054) to confer jurisdiction upon the Court of Claims to hear and determine the claim of the next of kin of Carsten Lilienthal; to the Committee on War Claims.

By Mr. MILLS: A bill (H. R. 4055) to establish in the District of Columbia a board of mothers' assistance in aid of destitute mothers, and making appropriation therefor; to the Committee on the District of Columbia.

By Mr. MOORE of Virginia: A bill (H. R. 4056) to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 4057) to amend an act relative to the naturalization and citizenship of married women, approved September 22, 1922; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 4058) to establish a national military park at the battle field of Yorktown; to the Committee on Military Affairs.

Also, a bill (H. R. 4059) to prohibit the importation of certain hides and furs or packages thereof from Canada, unless marked so as to indicate the country of origin, and empowering certain State officers to inspect and mark such articles and packages; to the Committee on Ways and Means.

By Mr. PARKS: A bill (H. R. 4060) for the erection of a public building at El Dorado, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4061) for the purchase of a site and the erection of a public building thereon at Warren, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. PEAVEY: A bill (H. R. 4062) to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDERS of Texas: A bill (H. R. 4063) to prevent the sale of cotton in future markets; to the Committee on Agriculture.

Also, a bill (H. R. 4064) to amend the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. SPROUL of Illinois: A bill (H. R. 4065) to enable the United States of America to become a state in the Union for the Protection of Industrial Property; to the Committee on Patents.

By Mr. SPEAKS: A bill (H. R. 4066) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

By Mr. SPEARING: A bill (H. R. 4067) for the erection of a public building at Gretna, La., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of New Jersey: A bill (H. R. 4068) to increase the limit of cost of the United States post office at Bayonne, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of West Virginia: A bill (H. R. 4069) providing for the purchase of a site and the erection of a public building at Beckley, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. PERLMAN: Joint resolution (H. J. Res. 1) providing for the admission of certain aliens as nonquota immigrants; to the Committee on Immigration and Naturalization.

By Mr. HOWARD: Joint resolution (H. J. Res. 2) authorizing and directing the Public Printer to print and mail copies of the daily issues of the CONGRESSIONAL RECORD to all public and parochial high schools in the United States; to the Committee on Printing.

By Mr. BLAND: Joint resolution (H. J. Res. 3) for the appointment of Harry H. Holt, of Virginia, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 4) authorizing the establishment of a free port of entry at Newport News, Va.; to the Committee on Ways and Means.

By Mr. BLANTON: Joint resolution (H. J. Res. 5) authorizing and directing the President to use and employ the Army and Navy, the militia of the several States, and the resources of the Government, in suppressing all smuggling into the United States of intoxicating liquors, narcotics, and aliens, and to suppress the insubordinate rebellion now being waged by those in authority in several States and large cities of the United States against the fundamental laws of the Republic, to the end that the President may obey the Constitution of the United States by faithfully executing the laws; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 6) constituting it cause for impeachment and removal from office and dishonorable discharge from the service, and discharge from Government employment, respectively, for any executive officer, member of the judiciary, Senator, Representative in Congress, officer or enlisted man in the Army, Navy, and Marine Corps, or any employee of the Government of the United States, to purchase intoxicating liquors from a "bootlegger" (as that term is commonly understood), or to manufacture, sell, or transport intoxicating liquors within, or to import the same into, the United States, for beverage purposes, or to conspire with any person to violate the eighteenth amendment to the Constitution of the United States and laws passed in enforcement thereof; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 7) to prohibit the Federal Reserve Board, its member banks, and all other governmental banking institutions, from discounting any obligation, or directly or indirectly handling any banking transaction for, and from receiving, handling, or discounting any money, credits, or securities of or for any nation, or the nationals thereof, that has defaulted in obligations due the Government of the United States, and failed and refused to fund such obligations, in violation of their understanding had with this Government at the time it advanced such loans; and to discourage American citizens and private banking institutions from rendering such banking facilities; to the Committee on Banking and Currency.

Also, joint resolution (H. J. Res. 8) prohibiting officials of the United States from issuing permits to any diplomatic representative, secretary of embassy or legation, counselor of embassy or legation, military attaché, naval attaché, commercial attaché, consul, agent, commissioner, or special envoy of any foreign country accredited to and residing in the United States, that would authorize any of them, or any member of their official family, to import into, transport within, possess, or dispense in the United States any intoxicating liquors for beverage pur-

poses, in violation of the eighteenth amendment to the Constitution of the United States and enforcement laws thereof; to the Committee on Foreign Affairs.

By Mr. BURDICK: Joint resolution (H. J. Res. 9) granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador; to the Committee on Naval Affairs.

By Mr. DICKINSON of Missouri: Joint resolution (H. J. Res. 10) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of Members of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. EVANS: Joint resolution (H. J. Res. 11) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 12) to appropriate certain tribal funds of the Flathead and other Indian Tribes in Montana, to bring test suits in the United States District Court of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. FAIRCHILD: Joint resolution (H. J. Res. 13) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Representatives in Congress and the terms of Representatives and fixing the time of the assembling of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. GALLIVAN: Joint resolution (H. J. Res. 14) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the evacuation of Boston by the British troops, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; to the Committee on the Library.

By Mr. GARRETT of Tennessee: Joint resolution (H. J. Res. 15) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GIBSON: Joint resolution (H. J. Res. 16) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GRIFFIN: Joint resolution (H. J. Res. 17) proposing an amendment to the Constitution of the United States relating to child labor; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 18) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 19) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HASTINGS: Joint resolution (H. J. Res. 20) proposing an amendment to section 7, Article I, of the Constitution of the United States, permitting the President of the United States to disapprove any item or appropriation of any bill passed by Congress; to the Committee on the Judiciary.

By Mr. HILL of Maryland: Joint resolution (H. J. Res. 21) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 22) authorizing investigating of the advisability of the creation of a department of defense, with Undersecretaries of the Army, the Navy, the Air, and National Reserves; to the Committee on Rules.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 23) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 24) for the purpose of outlawing war and to establish permanent peace in the world; to the Committee on Foreign Affairs.

By Mr. LINDSAY: Joint resolution (H. J. Res. 25) declaring October 12 a legal public holiday, to be known as Columbus Day; to the Committee on the Judiciary.

By Mr. LINEBERGER: Joint resolution (H. J. Res. 26) for the participation of the Government of the United States in the Philadelphia conference in 1926 upon narcotic education; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 27) authorizing the Federal Reserve Bank of Richmond, Va., to invest its funds in the purchase of a site and the construction of a building for its branch office at Baltimore, Md.; to the Committee on Banking and Currency.

By Mr. LUCE: Joint resolution (H. J. Res. 28) amending sections 3 and 6 of the act creating a Library of Congress trust fund board, approved March 3, 1925; to the Committee on the Library.

By Mr. McLEOD: Joint resolution (H. J. Res. 29) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918; to the Committee on Patents.

Also, joint resolution (H. J. Res. 30) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MADDEN: Joint resolution (H. J. Res. 31) creating a commission to prepare plans for and to erect a monument in the city of Washington to the memory of Pietro Alonzo, and for other purposes; to the Committee on the Library.

By Mr. MOONEY: Joint resolution (H. J. Res. 32) to provide for the erection at Washington, D. C., of a monument to the memory of Haym Salomon; to the Committee on the Library.

By Mr. NEWTON of Missouri: Joint resolution (H. J. Res. 33) providing for the immediate restoration to the owners of all private property seized by the United States during the World War under the act of October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. RAMSEYER: Joint resolution (H. J. Res. 34) authorizing the creation of a joint commission on national defense to investigate and report to Congress the best and most practical plan for drafting all the resources of the Nation, human and material, for defense in the event of future war; to the Committee on Rules.

By Mr. ROMJUE: Joint resolution (H. J. Res. 35) calling upon the President of the United States to reduce the tariff on materials and commodities essential to and generally used by the agricultural population of the United States in carrying on the farming industry and for lessening the burdens now imposed upon agriculture; to the Committee on Ways and Means.

By Mr. SINCLAIR: Joint resolution (H. J. Res. 36) authorizing the President to call an international conference of representatives of agricultural and farmers' organizations; to the Committee on Foreign Affairs.

By Mr. SMITH: Joint resolution (H. J. Res. 37) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 38) to provide for designating the route of the Oregon Trail; to the Committee on Roads.

By Mr. SWEET: Joint resolution (H. J. Res. 39) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906; to the Committee on the Judiciary.

By Mr. THOMAS: Joint resolution (H. J. Res. 40) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TINKHAM: Joint resolution (H. J. Res. 41) requesting the President to propose the calling of a Third Hague Conference for the establishment of a world court of international justice and the codification of international law; to the Committee on Foreign Affairs.

By Mr. WINTER: Joint resolution (H. J. Res. 42) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman; to the Committee on the Library.

Also, joint resolution (H. J. Res. 43) proposing an amendment to the Constitution providing for the apportionment of the Representatives and direct taxes among the several States; to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 44) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 45) to create a commission to secure plans and designs for and to erect a monument or memorial building in the city of Washington to the memory of the negro soldiers and sailors who fought in the wars of our country and the late World War; to the Committee on the Library.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 46) for the purpose of stabilizing money values and to reestablish normal trade among the nations of the world; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Concurrent resolution (H. Con. Res. 1) creating a joint commission to investigate the subject of crop insurance; to the Committee on Rules.

By Mr. ASWELL: Resolution (H. Res. 21) to print 2,500 copies of the soil survey of Winn Parish, La.; to the Committee on Printing.

By Mr. BUTLER: Resolution (H. Res. 22) authorizing payment of six months' salary and funeral expenses to Elizabeth

J. Lewis on account of death of Cassius M. C. Lewis, late assistant clerk to the Naval Affairs Committee of the House of Representatives; to the Committee on Accounts.

By Mr. BARKLEY: Resolution (H. Res. 23) to pay to Myrtle Paynter $250 and to Will L. Pannell $83.33 as clerk hire to the late Robert Y. Thomas, jr.; to the Committee on Accounts.

By Mr. DAVENPORT: Resolution (H. Res. 24) for the relief of the daughter of Harry E. Devendorf, late an employee of the House; to the Committee on Accounts.

By Mr. ROY G. FITZGERALD: Resolution (H. Res. 25) amending the Rules of the House of Representatives; to the Committee on Rules.

By Mr. FRENCH: Resolution (H. Res. 26) amending the Rules of the House of Representatives and providing for the appointment of a committee on memorials and defining the duties of such committee; to the Committee on Rules.

Also, resolution (H. Res. 27) fixing an annual memorial day for the House of Representatives and providing for the appointment of a committee on memorials; to the Committee on Rules.

By Mr. HAYDEN: Resolution (H. Res. 28) authorizing the codification of the laws relating to Indian affairs; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: Resolution (H. Res. 29) relative to precanceled postage stamps; to the Committee on the Post Office and Post Roads.

By Mr. LAGUARDIA: Resolution (H. Res. 30) providing for the appointment of a select committee of seven Members of the House for the Sixty-ninth Congress to investigate interpretation and practice of the bankruptcy laws of the United States, and for other purposes; to the Committee on Rules.

By Mr. LUCE: Resolution (H. Res. 31) amending the Rules of the House of Representatives; to the Committee on Rules.

Also, resolution (H. Res. 32) amending the Rules of the House of Representatives; to the Committee on Rules.

By Mr. McLEOD: Resolution (H. Res. 33) providing for a standing committee on aeronautics, and for other purposes; to the Committee on Rules.

By Mr. MacGREGOR: Resolution (H. Res. 34) to aid Americanism; to the Committee on Foreign Affairs.

By Mr. LEAVITT: Resolution (H. Res. 35) providing for an inquiry into the need and form of a nation-wide system for the distribution of labor and the dissemination of information in relation thereto; to the Committee on Rules.

By Mr. PATTERSON: Resolution (H. Res. 36) to pay $600 to John T. Kelly for services rendered the Sixty-eighth Congress; to the Committee on Accounts.

By Mr. THOMAS: Resolution (H. Res. 37) creating a committee on repeal of laws; to the Committee on Rules.

By Mr. MacGREGOR: Resolution (H. Res. 38) to pay out of the contingent fund of the House an amount equal to six months' compensation of the late William A. Callanan and $250 to defray the funeral expenses of said William A. Callanan; to the Committee on Accounts.

Also, resolution (H. Res. 39) to provide for three additional telephone operators; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Colorado urging Congress to repeal that portion of the Esch-Cummins law which empowers the Interstate Commerce Commission to impede the development of the West by withholding permits for the construction of much-needed railroad projects; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of New Mexico proposing an amendment to the constitution of the State of New Mexico; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Porto Rico requesting Congress to amend, reenact, and add certain sections to the organic act of Porto Rico; to the Committee on Insular Affairs.

Also (by request), memorial of the Legislature of the State of Indiana approving the policy of selective immigration and registration of aliens as advocated by Secretary of Labor James J. Davis; to the Committee on Immigration and Naturalization.

Also (by request), memorial of the Legislature of the Territory of Alaska, urging that the headquarters of the Bureau of Education, Alaska division, now located at Seattle, Wash., be removed to some convenient location in the Territory of Alaska; to the Committee on Education.

Also (by request), memorial of the Legislature of the Territory of Alaska, relative to the care of the insane persons in Alaska; to the Committee on the Territories.

Also (by request), memorial of the Legislature of the Territory of Alaska, urging that a comprehensive survey be made of the coast of southwestern Alaska; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the Territory of Alaska, indorsing the work of the board of road commissioners of Alaska; to the Committee on the Territories.

Also (by request), memorial of the Legislature of the Territory of Alaska, petitioning Congress to have the mouth of Ketchikan Creek dredged; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the Territory of Alaska, inviting the President, Vice President, the members of the Cabinet, and the Congress of the United States to visit Alaska; to the Committee on Insular Affairs.

Also (by request), memorial of the Legislature of the Territory of Hawaii, favoring the transfer of existing control and jurisdiction of the Federal Interstate Commerce Commission over public utilities operating in Hawaii, shall, except so far as regards interstate commerce, be transferred to the Public Utilities Commission of the Territory of Hawaii; to the Committee on the Territories.

Also (by request), memorial of the Senate of the Territory of Hawaii, favoring legislation which will permit boxing exhibitions to be carried on in the Territory of Hawaii; to the Committee on the Territories.

Also (by request), memorial of the Legislature of the State of California urging Congress to make appropriations in accordance with the recommendations of the Chief of Engineers, United States Army, to the Secretary of War as contained in House Document No. 554, Sixty-eighth Congress; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the Territory of Hawaii requesting Congress to amend the organic act of the Territory of Hawaii; to the Committee on the Territories.

Also (by request), memorial of the Legislature of the State of Nevada, urging Congress to establish a Government hospital in the State of Nevada for the care of War Veterans suffering from tuberculosis and other respiratory afflictions; to the Committee on World War Veterans' Legislation.

Also (by request), memorial of the Legislature of the State of California urging Congress to provide means by which the service records of persons in the military service of the United States, which have been destroyed, can be reestablished by hearings, affidavits, or some other means; to the Committee on Military Affairs.

Also (by request), memorial of the Legislature of the State of Wisconsin, urging Congress to adopt House Resolution 366, Sixty-eighth Congress, second session, relating to dollar diplomacy; to the Committee on Foreign Affairs.

Also (by request), memorial of the Legislature of the State of Nevada, urging Congress to call a convention to propose an amendment to Article XVIII of the amendments to the Constitution of the United States; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Wisconsin, favoring the enactment of legislation relating to propaganda for or against public measures; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Wisconsin urging Congress to provide for earlier seating of Senators and Representatives elect; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also (by request), memorial of the Legislature of the State of Wisconsin relating to the acquisition of pipe lines and refineries used in the distribution and refining of gasoline; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Wisconsin favoring the proposal of an amendment to the Constitution of the United States providing for the election of President and Vice President by popular vote; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Wisconsin petitioning Congress to authorize the President to expend all or part of the appropriations which it makes for the education, medical care, and industrial assistance to the Indians of Wisconsin through the departments of the State government equipped to render this service; to the Committee on Indian Affairs.

Also (by request), memorial of the Legislature of the State of Wisconsin requesting Congress to enact legislation prohibiting the manufacture and sale of oleomargarine anywhere in the United States; to the Committee on Agriculture.

Also (by request), memorial of the Legislature of the State of Wisconsin urging Congress to propose an amendment to the Federal Constitution so as to permit the drafting of wealth in time of war; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Wisconsin urging Congress and the President to increase the tariff on dairy products and eggs; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of North Dakota urging Congress to enact such legislation as will afford protection to agriculture; to the Committee on Agriculture.

Also (by request), memorial of the Legislature of the State of North Dakota urging Congress to take steps toward establishing a national park in Billings County to be called the Roosevelt Bad Lands National Park; to the Committee on the Public Lands.

By Mr. SWING: Memorial of the Legislature of the State of California urging legislation to enable persons who were in the military service of the United States and whose service records have been destroyed, to reestablish said records by hearings, affidavits, and other means; to the Committee on Military Affairs.

By Mr. GARBER: Memorial of the Legislature of the State of Oklahoma recommending the sale of the soldiers' tubercular hospital at Sulphur, Okla., to the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER (by request): Petition of the fifteenth annual convention of the National Association of Builders' Exchanges, recommending that the law creating the Federal Trade Commission be repealed; to the Committee on Interstate and Foreign Commerce.

2. Also (by request), petition of the American Supply & Machinery Manufacturers' Association, assembled at Atlanta, Ga., on May 7, 1925, favoring revision of the Sherman antitrust laws; to the Committee on Interstate and Foreign Commerce.

3. Also (by request), petition of the Porto Rican American Veterinary Association, San Juan, P. R., requesting that veterinarians be allowed to practice in the United States without examination; to the Committee on Insular Affairs.

4. Also (by request), petition of Basil George, urging Congress to consider the Basil George plan for the prevention of war; to the Committee on the Judiciary.

5. By Mr. GARBER: Petition of Chapter No. 5, the Disabled American Veterans of the World War, Sulphur, Okla., favoring the enactment of remedial and interpretative acts regarding and covering the World War veterans' act as it now exists; to the Committee on World War Veterans' Legislation.

6. Also, petition of the Oklahoma State Cotton Exchange at their seventeenth annual meeting held in Oklahoma City, September 5, 1925, recommending the discontinuance of the semimonthly reports as issued by the Department of Agriculture in Washington, D. C.; to the Committee on Agriculture.

7. By Mr. WATSON: Petition of the Board of Directors of the Philadelphia Chamber of Commerce, November 12, 1925, favoring the registration of the alien population of the United States; to the Committee on Immigration and Naturalization.

8. By Mr. BARBOUR: Petition of the National Exchange Club, urging a system of taxation whereby the Federal Government and the State governments do not levy taxes of the same kind and type on any given property right; to the Committee on Ways and Means.

9. By Mr. GRIEST: Petition of Lancaster County (Pa.) Pomona Grange, No. 71, proposing membership in the League of Nations and participation in the World Court; to the Committee on Foreign Affairs.

10. By Mr. LEHLBACH: Petition of citizens of New Jersey, favoring an investigation in the case of Marcus Garvey; to the Committee on the Judiciary.

11. By Mr. O'CONNOR of New York: Petition of the Board of Aldermen of the city of New York, petitioning the Congress of the United States for appropriation to defray expenses of the Gold Star Mothers of the city of New York for visit to graves of their sons who were slain in the great World War; to the Committee on Appropriations.

12. By Mr. STRONG of Pennsylvania: Petition of citizens of Brockway, Pa., and vicinity, for the removal or reduction of taxes on necessities; to the Committee on Ways and Means.

SENATE

TUESDAY, *December 8, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious heavenly Father, we thank Thee for the sunlight; we thank Thee for every inspiriting influence; for the guardianship of the night and for the opportunity of service with the day. We beseech of Thee that there may be given unto us such a consciousness of Thy nearness and to the great realities that press heavily upon our thoughts, so as to lead us to the largest purposes befitting the Nation and befitting the individual. We pray for Thy guidance this day, and ask Thee to lead us even when we ourselves think we can be self-sufficient. Hear and help us. For Jesus Christ's sake. Amen.

JAMES A. REED, a Senator from the State of Missouri, appeared in his seat to-day.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON of Arkansas advanced in the center aisle, and

Mr. CURTIS said: Mr. President, the committees of the House and the Senate appointed to wait upon the President, to advise him that the bodies are organized and ready to receive any message he may have to transmit, have performed that duty. The President sent his congratulations to the Senate and the House, and advised your committees that he will immediately communicate with the Senate and the House in writing.

PRESIDENT'S ANNUAL MESSAGE

Mr. Latta, one of the secretaries of the President, was announced and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received by the assistant doorkeeper (C. A. Loeffler) and handed to the Vice President.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary (Edwin P. Thayer) read the message, as follows:

Members of the Congress, in meeting the constitutional requirement of informing the Congress upon the state of the Union, it is exceedingly gratifying to report that the general condition is one of progress and prosperity. Here and there are comparatively small and apparently temporary difficulties needing adjustment and improved administrative methods, such as are always to be expected, but in the fundamentals of government and business the results demonstrate that we are going in the right direction. The country does not appear to require radical departures from the policies already adopted so much as it needs a further extension of these policies and the improvement of details. The age of perfection is still in the somewhat distant future, but it is more in danger of being retarded by mistaken Government activity than it is from lack of legislation. We are by far the most likely to accomplish permanent good if we proceed with moderation.

In our country the people are sovereign and independent, and must accept the resulting responsibilities. It is their duty to support themselves and support the Government. That is the business of the Nation, whatever the charity of the Nation may require. The functions which the Congress are to discharge are not those of local government but of National Government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform.

Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend, or its ability to administer, than from leaving the local communities

to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous, that the area within which it can function successfully is very limited. The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations.

GOVERNMENT ECONOMY

It is a fundamental principle of our country that the people are sovereign. While they recognize the undeniable authority of the state, they have established as its instrument a Government of limited powers. They hold inviolate in their own hands the jurisdiction over their own freedom and the ownership of their own property. Neither of these can be impaired except by due process of law. The wealth of our country is not public wealth, but private wealth. It does not belong to the Government, it belongs to the people. The Government has no justification in taking private property except for a public purpose. It is always necessary to keep these principles in mind in the laying of taxes and in the making of appropriations. No right exists to levy on a dollar, or to order the expenditure of a dollar, of the money of the people, except for a necessary public purpose duly authorized by the Constitution. The power over the purse is the power over liberty.

That is the legal limitation within which the Congress can act. How it will proceed within this limitation is always a question of policy. When the country is prosperous and free from debt, when the rate of taxation is low, opportunity exists for assuming new burdens and undertaking new enterprises. Such a condition now prevails only to a limited extent. All proposals for assuming new obligations ought to be postponed, unless they are reproductive capital investments or are such as are absolutely necessary at this time. We still have an enormous debt of over $20,000,000,000, on which the interest and sinking-fund requirements are $1,320,000,000. Our appropriations for the Pension Office and the Veterans' Bureau are $600,000,000. The War and Navy Departments call for $642,000,000. Other requirements, exclusive of the Post Office, which is virtually self-sustaining, brought the appropriations for the current year up to almost $3,100,000,000. This shows an expenditure of close to $30 for every inhabitant of our country. For the average family of five it means a tax, directly or indirectly paid, of about $150 for national purposes alone. The local tax adds much more. These enormous expenditures ought not to be increased, but through every possible effort they ought to be reduced.

Only one of these great items can be ultimately extinguished. That is the item of our war debt. Already this has been reduced by about $6,000,000,000, which means an annual saving in interest of close to $250,000,000. The present interest charge is about $820,000,000 yearly. It would seem to be obvious that the sooner this debt can be retired the more the taxpayers will save in interest and the easier it will be to secure funds with which to prosecute needed running expenses, constructions, and improvements. This item of $820,000,000 for interest is a heavy charge on all the people of the country, and it seems to me that we might well consider whether it is not greatly worth while to dispense with it as early as possible by retiring the principal debt which it is required to serve.

It has always been our policy to retire our debts. That of the Revolutionary War period, nothwithstanding the additions made in 1812, was paid by 1835, and the Civil War debt within 23 years. Of the amount already paid, over $1,000,000,000 is a reduction in cash balances. That source is exhausted. Over one and two-thirds billions of dollars was derived from excess receipts. Tax reduction eliminates that. The sale of surplus war materials has been another element of our income. That is practically finished. With these eliminated, the reduction of the debt has been only about $500,000,000 each year, not an excessive sum on so large a debt.

Proposals have been made to extend the payment over a period of 62 years. If $1,000,000,000 is paid at the end of 20 years, the cost to the taxpayers is the principal and, if the interest is 4¼ per cent, a total of $1,850,000,000. If the same sum is paid at the end of 62 years, the cost is $3,635,000,000, or almost double. Here is another consideration: Compared with its purchasing power in 1913, the dollar we borrowed represented but 52 cents. As the value of our dollar increases, due to the falling prices of commodities, the burden of our debt increases. It has now risen to 63½ cents. The taxpayer will be required to produce nearly twice the amount of commodities to pay his debt if the dollar returns to the 1913 value. The more we pay while prices are high, the easier it will be.

Deflation of government after a war period is slower than deflation of business, where curtailment is either prompt and effective or disaster follows. There is room for further economy in the cost of the Federal Government, but a comparison of current expenditures with pre-war expenditures is not unfavorable to the efficiency with which Government business is now being done. The expenditures of 1916, the last pre-war year, were $742,000,000, and in 1925 over $3,500,000,000, or nearly five times as great. If we subtract expenditures for debt retirements and interest, veterans' relief, increase of pensions, and other special outlays, consisting of refunds, trust investments, and like charges, we find that the general expenditures of the Government in 1925 were slightly more than twice as large as in 1916.

As prices in 1925 were approximately 40 per cent higher than in 1916, the cost of the same Government must also have increased. But the Government is not the same. It is more expensive to collect the much greater revenue necessary and to administer our great debt. We have given enlarged and improved services to agriculture and commerce. Above all, America has grown in population and wealth. Government expenditures must always share in this growth. Taking into account the factors I have mentioned, I believe that present Federal expenses are not far out of line with pre-war expenses. We have nearly accomplished the deflation.

This does not mean that further economies will not come. As we reduce our debt our interest charges decline. There are many details yet to correct. The real improvement, however, must come not from additional curtailment of expenses, but by a more intelligent, more ordered spending. Our economy must be constructive. While we should avoid as far as possible increases in permanent current expenditures, oftentimes a capital outlay like internal improvements will result in actual constructive saving. That is economy in its best sense. It is an avoidance of waste that there may be the means for an outlay to-day which will bring larger returns to-morrow. We should constantly engage in scientific studies of our future requirements and adopt an orderly program for their service. Economy is the method by which we prepare to-day to afford the improvements of to-morrow.

BUDGET

A mere policy of economy without any instrumentalities for putting it into operation would be very ineffective. The Congress has wisely set up the Bureau of the Budget to investigate and inform the President what recommendations he ought to make for current appropriations. This gives a centralized authority where a general and comprehensive understanding can be reached of the sources of income and the most equitable distribution of expenditures. How well it has worked is indicated by the fact that the departmental estimates for 1922, before the Budget law, were $4,068,000,000 while the Budget estimates for 1927 are $3,156,000,000. This latter figure shows the reductions in departmental estimates for the coming year made possible by the operation of the Budget system that the Congress has provided.

But it is evidently not enough to have care in making appropriations without any restraint upon expenditure. The Congress has provided that check by establishing the office of Comptroller General.

The purpose of maintaining the Budget Director and the Comptroller General is to secure economy and efficiency in Government expenditure. No better method has been devised for the accomplishment of that end. These offices can not be administered in all the various details without making some errors both of fact and of judgment. But the important consideration remains that these are the instrumentalities of the Congress and that no other plan has ever been adopted which was so successful in promoting economy and efficiency. The Congress has absolute authority over the appropriations and is free to exercise its judgment, as the evidence may warrant, in increasing or decreasing Budget recommendations. But it ought to resist every effort to weaken or break down this most beneficial system of supervising appropriations and expenditures. Without it all the claim of economy would be a mere pretense.

TAXATION

The purpose of reducing expenditures is to secure a reduction in taxes. That purpose is about to be realized. With commendable promptness the Ways and Means Committee of the House has undertaken in advance of the meeting of the Congress to frame a revenue act. As the bill has proceeded through the committee it has taken on a nonpartisan character, and both Republicans and Democrats have joined in a measure which embodies many sound principles of tax reform.

The bill will correct substantially the economic defects injected into the revenue act of 1924, as well as many which have remained as war-time legacies. In its present form it should provide sufficient revenue for the Government.

The excessive surtaxes have been reduced, estate tax rates are restored to more reasonable figures, with every prospect of withdrawng from the field when the States have had the opportunity to correct abuses in their own inheritance tax laws, the gift tax and publicity section are to be repealed, many miscellaneous taxes are lowered or abandoned, and the Board of Tax Appeals and the administrative features of the law are improved and strengthened. I approve of the bill in principle. In so far as income-tax exemptions are concerned, it seems to me the committee has gone as far as it is safe to go and somewhat further than I should have gone. Any further extension along these lines would, in my opinion, impair the integrity of our income-tax system.

I am advised that the bill will be through the House by Christmas. For this prompt action the country can thank the good sense of the Ways and Means Committee in framing an economic measure upon economic considerations. If this attitude continues to be reflected through the Congress, the taxpayer will have his relief by the time his March 15th installment of income taxes is due. Nonpartisan effort means certain, quick action. Determination of a revenue law definitely, promptly, and solely as a revenue law is one of the greatest gifts a legislature can bestow upon its constituents. I commend the example of the Ways and Means Committee. If followed, it will place sound legislation upon the books in time to give the taxpayers the full benefit of tax reduction next year. This means that the bill should reach me prior to March 15.

All these economic results are being sought not to benefit the rich, but to benefit the people. They are for the purpose of encouraging industry in order that employment may be plentiful. They seek to make business good in order that wages may be good. They encourage prosperity in order that poverty may be banished from the home. They seek to lay the foundation which, through increased production, may give the people a more bountiful supply of the necessaries of life, afford more leisure for the improvement of the mind, the appreciation of the arts of music and literature, sculpture and painting, and the beneficial enjoyment of outdoor sports and recreation, enlarge the resources which minister to charity and by all these means attempting to strengthen the spiritual life of the Nation.

FOREIGN RELATIONS

The policy of our foreign relations, casting aside any suggestion of force, rests solely on the foundation of peace, good will, and good works. We have sought, in our intercourse with other nations, better understandings through conference and exchange of views as befits beings endowed with reason. The results have been the gradual elimination of disputes, the settlement of controversies, and the establishment of a firmer friendship between America and the rest of the world than has ever existed at any previous time.

The example of this attitude has not been without its influence upon other countries. Acting upon it, an adjustment was made of the difficult problem of reparations. This was the second step toward peace in Europe. It paved the way for the agreements which were drawn up at the Locarno Conference. When ratified, these will represent the third step toward peace. While they do not of themselves provide an economic rehabilitation, which is necessary for the progress of Europe, by strengthening the guaranties of peace they diminish the need for great armaments. If the energy which now goes into military effort is transferred to productive endeavor, it will greatly assist economic progress.

The Locarno agreements were made by the European countries directly interested without any formal intervention of America, although on July 3 I publicly advocated such agreements in an address made in Massachusetts. We have consistently refrained from intervening except when our help has been sought and we have felt it could be effectively given, as in the settlement of reparations and the London Conference. These recent Locarno agreements represent the success of this policy which we have been insisting ought to be adopted, of having European countries settle their own political problems without involving this country. This beginning seems to demonstrate that this policy is sound. It is exceedingly gratifying to observe this progress, which both in its method and in its result promises so much that is beneficial to the world.

When these agreements are finally adopted, they will provide guaranties of peace that make the present prime reliance upon force in some parts of Europe very much less necessary. The natural corollary to these treaties should be further international contracts for the limitation of armaments. This work was successfully begun at the Washington Conference. Nothing was done at that time concerning land forces because of European objection. Our standing Army has been reduced to around 118,000, about the necessary police force for 115,000,000 people. We are not proposing to increase it, nor is it supposable that any foreign country looks with the slightest misapprehension upon our land forces. They do not menace anybody. They are rather a protection to everybody.

The question of disarming upon land is so peculiarly European in its practical aspects that our country would look with particular gratitude upon any action which those countries might take to reduce their own military forces. This is in accordance with our policy of not intervening unless the European powers are unable to agree and make request for our assistance. Whenever they are able to agree of their own accord it is especially gratifying to us, and such agreements may be sure of our sympathetic support.

It seems clear that it is the reduction of armies rather than of navies that is of the first importance to the world at the present time. We shall look with great satisfaction upon that effort and give it our approbation and encouragement. If that can be settled, we may more easily consider further reduction and limitation of naval armaments. For that purpose our country has constantly through its Executive, and through repeated acts of Congress, indicated its willingness to call such a conference. Under congressional sanction it would seem to be wise to participate in any conference of the great powers for naval limitation of armament proposed upon such conditions that it would hold a fair promise of being effective. The general policy of our country is for disarmament, and it ought not to hesitate to adopt any practical plan that might reasonably be expected to succeed. But it would not care to attend a conference which from its location or constituency would in all probability prove futile.

In the further pursuit of strengthening the bonds of peace and good will we have joined with other nations in an international conference held at Geneva and signed an agreement which will be laid before the Senate for ratification providing suitable measures for control and for publicity in international trade in arms, ammunition, and implements of war, and also executed a protocol providing for a prohibition of the use of poison gas in war, in accordance with the principles of Article 5 of the treaty relating thereto signed at the Washington Conference. We are supporting the Pan American efforts that are being made toward the codification of international law, and looking with sympathy on the investigations being conducted under philanthropic auspices of the proposal to make agreements outlawing war. In accordance with promises made at the Washington Conference, we have urged the calling of and are now represented at the Chinese Customs Conference and on the Commission on Extraterritoriality, where it will be our policy so far as possible to meet the aspirations of China in all ways consistent with the interests of the countries involved.

COURT OF INTERNATIONAL JUSTICE

Pending before the Senate for nearly three years is the proposal to adhere to the protocol establishing the Permanent Court of International Justice. A well-established line of precedents mark America's efforts to effect the establishment of a court of this nature. We took a leading part in laying the foundation on which it rests in the establishment of The Hague Court of Arbitration. It is that tribunal which nominates the judges who are elected by the council and assembly of the League of Nations.

The proposal submitted to the Senate was made dependent upon four conditions, the first of which is that by supporting the court we do not assume any obligations under the league; second, that we may participate upon an equality with other States in the election of judges; third, that the Congress shall determine what part of the expenses we shall bear; fourth, that the statute creating the court shall not be amended without our consent; and to these I have proposed an additional condition to the effect that we are not to be bound by advisory opinions rendered without our consent.

The court appears to be independent of the league. It is true the judges are elected by the assembly and council, but they are nominated by the court of arbitration, which we assisted to create and of which we are a part. The court was created by a statute, so called, which is really a treaty made among some 48 different countries, that might properly be called a constitution of the court. This statute provides a method by which the judges are chosen, so that when the court of arbitration nominates them and the assembly and

council of the league elect them, they are not acting as instruments of the court of arbitration or instruments of the league, but as instruments of the statute.

This will be even more apparent if our representatives sit with the members of the council and assembly in electing the judges. It is true they are paid through the league though not by the league, but by the countries which are members of the league, and by our country if we accept the protocol. The judges are paid by the league only in the same sense that it could be said United States judges are paid by the Congress. The court derives all its authority from the statute and is so completely independent of the league that it could go on functioning if the league were disbanded, at least until the terms of the judges expired.

The most careful provisions are made in the statute as to the qualifications of judges. Those who make the nominations are recommended to consult with their highest court of justice, their law schools and academies. The judges must be persons of high moral character, qualified to hold the highest judicial offices in that country, or be jurisconsults of recognized competence in international law. It must be assumed that these requirements will continue to be carefully met, and with America joining the countries already concerned it is difficult to comprehend how human ingenuity could better provide for the establishment of a court which would maintain its independence. It has to be recognized that independence is to a considerable extent a matter of ability, character, and personality. Some effort was made in the early beginnings to interfere with the independence of our Supreme Court. It did not succeed because of the quality of the men who made up that tribunal.

It does not seem that the authority to give advisory opinions interferes with the independence of the court. Advisory opinions in and of themselves are not harmful, but may be used in such a way as to be very beneficial because they undertake to prevent injury rather than merely afford a remedy after the injury has been done. As a principle that only implies that the court shall function when proper application is made to it. Deciding the question involved upon issues submitted for an advisory opinion does not differ materially from deciding the question involved upon issues submitted by contending parties. Up to the present time the court has given an advisory opinion when it judged it had jurisdiction, and refused to give one when it judged it did not have jurisdiction. Nothing in the work of the court has yet been an indication that this is an impairment of its independence or that its practice differs materially from the giving of like opinions under the authority of the constitutions of several of our States.

No provision of the statute seems to me to give this court any authority to be a political rather than a judicial court. We have brought cases in this country before our courts which, when they have been adjudged to be political, have been thereby dismissed. It is not improbable that political questions will be submitted to this court, but again up to the present time the court has refused to pass on political questions and our support would undoubtedly have a tendency to strengthen it in that refusal.

We are not proposing to subject ourselves to any compulsory jurisdiction. If we support the court, we can never be obliged to submit any case which involves our interests for its decision. Our appearance before it would always be voluntary, for the purpose of presenting a case which we had agreed might be presented. There is no more danger that others might bring cases before the court involving our interests which we did not wish to have brought, after we have adhered, and probably not so much, than there would be of bringing such cases if we do not adhere. I think that we would have the same legal or moral right to disregard such a finding in the one case that we would in the other.

If we are going to support any court, it will not be one that we have set up alone or which reflects only our ideals. Other nations have their customs and their institutions, their thoughts and their methods of life. If a court is going to be international, its composition will have to yield to what is good in all these various elements. Neither will it be possible to support a court which is exactly perfect, or under which we assume absolutely no obligations. If we are seeking that opportunity, we might as well declare that we are opposed to supporting any court. If any agreement is made, it will be because it undertakes to set up a tribunal which can do some of the things that other nations wish to have done. We shall not find ourselves bearing a disproportionate share of the world's burdens by our adherence, and we may as well remember that there is absolutely no escape for our country from bearing its share of the world's burdens in any case. We shall do far better service to ourselves and to others if we admit this and discharge our duties voluntarily, than if we deny it and are forced to meet the same obligations unwillingly.

It is difficult to imagine anything that would be more helpful to the world than stability, tranquillity, and international justice. We may say that we are contributing to these factors independently, but others less fortunately located do not and can not make a like contribution except through mutual cooperation. The old balance of power, mutual alliances, and great military forces were not brought about by any mutual dislike for independence, but resulted from the domination of circumstances. Ultimately they were forced on us. Like all others engaged in the war whatever we said as a matter of fact we joined an alliance, we became a military power, we impaired our independence. We have more at stake than anyone else in avoiding a repetition of that calamity. Wars do not spring into existence. They arise from small incidents and trifling irritations which can be adjusted by an international court. We can contribute greatly to the advancement of our ideals by joining with other nations in maintaining such a tribunal.

FOREIGN DEBTS

Gradually, settlements have been made which provide for the liquidation of debts due to our Government from foreign governments. Those made with Great Britain, Finland, Hungary, Lithuania, and Poland have already been approved by the Congress. Since the adjournment, further agreements have been entered into with Belgium, Czechoslovakia, Latvia, Esthonia, Italy, and Rumania. These 11 nations, which have already made settlements, represent $6,419,528,641 of the original principal of the loans. The principal sums without interest, still pending, are the debt of France, of $3,340,000,000; Greece, $15,000,000; Yugoslavia, $51,000,000; Liberia, $26,000; Russia, $192,000,000, which those at present in control have undertaken openly to repudiate; Nicaragua, $84,000, which is being paid currently; and Austria, $24,000,000, on which by act of Congress a moratorium of 20 years has been granted. The only remaining sum is $12,000,000, due from Armenia, which has now ceased to exist as an independent nation.

In accordance with the settlements made, the amount of principal and interest which is to be paid to the United States under these agreements aggregates $15,200,688,253.93. It is obvious that the remaining settlements, which will undoubtedly be made, will bring this sum up to an amount which will more than equal the principal due on our present national debt. While these settlements are very large in the aggregate, it has been felt that the terms granted were in all cases very generous. They impose no undue burden and are mutually beneficial in the observance of international faith and the improvement of international credit.

Every reasonable effort will be made to secure agreements for liquidation with the remaining countries, whenever they are in such condition that they can be made. Those which have already been negotiated under the bipartisan commission established by the Congress have been made only after the most thoroughgoing and painstaking investigation, continued for a long time before meeting with the representatives of the countries concerned. It is believed that they represent in each instance the best that can be done and the wisest settlement that can be secured. One very important result is the stabilization of foreign currency, making exchange assist rather than embarrass our trade. Wherever sacrifices have been made of money, it will be more than amply returned in better understanding and friendship, while in so far as these adjustments will contribute to the financial stability of the debtor countries, to their good order, prosperity, and progress, they represent hope of improved trade relations and mutual contributions to the civilization of the world.

ALIEN PROPERTY

Negotiations are progressing among the interested parties in relation to the final distribution of the assets in the hands of the Alien Property Custodian. Our Government and people are interested as creditors; the German Government and people are interested as debtors and owners of the seized property. Pending the outcome of these negotiations, I do not recommend any affirmative legislation. For the present we should continue in possession of this property which we hold as security for the settlement of claims due to our people and our Government.

IMMIGRATION

While not enough time has elapsed to afford a conclusive demonstration, such results as have been secured indicate that our immigration law is on the whole beneficial. It is undoubtedly a protection to the wage earners of this country.

The situation should, however, be carefully surveyed, in order to ascertain whether it is working a needless hardship upon our own inhabitants. If it deprives them of the comfort and society of those bound to them by close family ties, such modifications should be adopted as will afford relief, always in accordance with the principle that our Government owes its first duty to our own people and that no alien, inhabitant of another country, has any legal rights whatever under our Constitution and laws. It is only through treaty, or through residence here, that such rights accrue. But we should not, however, be forgetful of the obligations of a common humanity.

While our country numbers among its best citizens many of those of foreign birth, yet those who now enter in violation of our laws by that very act thereby place themselves in a class of undesirables. If investigation reveals that any considerable number are coming here in defiance of our immigration restrictions, it will undoubtedly create the necessity for the registration of all aliens. We ought to have no prejudice against an alien because he is an alien. The standard which we apply to our inhabitants is that of manhood, not place of birth. Restrictive immigration is to a large degree for economic purposes. It is applied in order that we may not have a larger annual increment of good people within our borders than we can weave into our economic fabric in such a way as to supply their needs without undue injury to ourselves.

NATIONAL DEFENSE

Never before in time of peace has our country maintained so large and effective a military force as it now has. The Army, Navy, Marine Corps, National Guard, and Organized Reserves represent a strength of about 558,400 men. These forces are well trained, well equipped, and high in morale.

A sound selective service act giving broad authority for the mobilization in time of peril of all the resources of the country, both persons and materials, is needed to perfect our defensive policy in accordance with our ideals of equality. The provision for more suitable housing to be paid for out of funds derived from the sale of excess lands, pending before the last Congress, ought to be brought forward and passed. Reasonable replacements ought to be made to maintain a sufficient ammunition reserve.

The Navy has the full treaty tonnage of capital ships. Work is going forward in modernizing the older ones, building aircraft carriers, additional fleet submarines, and fast scout cruisers, but we are carefully avoiding anything that might be construed as a competition in armaments with other nations. The joint Army and Navy maneuvers at Hawaii, followed by the cruise of a full Battle Fleet to Australia and New Zealand, were successfully carried out. These demonstrations revealed a most satisfactory condition of the ships and the men engaged.

Last year at my suggestion the General Board of the Navy made an investigation and report on the relation of aircraft to warships. As a result authorizations and appropriations were made for more scout cruisers and fleet submarines and for completing aircraft carriers and equipping them with necessary planes. Additional training in aviation was begun at the Military and Naval Academies. A method of coordination and cooperation of the Army and Navy and the principal aircraft builders is being perfected. At the suggestion of the Secretaries of War and Navy I appointed a special board to make a further study of the problem of aircraft.

The report of the Air Board ought to be reassuring to the country, gratifying to the service, and satisfactory to the Congress. It is thoroughly complete and represents the mature thought of the best talent in the country. No radical change in organization of the service seems necessary. The Departments of War, Navy, and Commerce should each be provided with an additional assistant secretary, not necessarily with statutory duties, but who would be available under the direction of the Secretary to give especial attention to air navigation. We must have an air strength worthy of America. Provision should be made for two additional brigadier generals for the Army Air Service. Temporary rank corresponding to their duties should be awarded to active flying officers in both Army and Navy.

Aviation is of great importance both for national defense and commercial development. We ought to proceed in its improvement by the necessary experiment and investigation. Our country is not behind in this art. It has made records for speed and for the excellence of its planes. It ought to go on maintaining its manufacturing plants capable of rapid production, giving national assistance to the laying out of airways, equipping itself with a moderate number of planes, and keeping an air force trained to the highest efficiency.

While I am a thorough believer in national defense and entirely committed to the policy of adequate preparation, I am just as thoroughly opposed to instigating or participating in a policy of competitive armaments. Nor does preparation mean a policy of militarizing. Our people and industries are solicitous for the cause of our country and have great respect for the Army and Navy and for the uniform worn by the men who stand ready at all times for our protection to encounter the dangers and perils necessary to military service, but all of these activities are to be taken not in behalf of aggression but in behalf of peace. They are the instruments by which we undertake to do our part to promote good will and support stability among all peoples.

VETERANS

If anyone desires to estimate the esteem in which the veterans of America are held by their fellow citizens, it is but necessary to remember that the current budget calls for an expenditure of about $650,000,000 in their behalf. This is nearly the amount of the total cost of the National Government, exclusive of the post office, before we entered the last war.

At the two previous sessions of Congress legislation affecting veterans' relief was enacted and the law liberalized. This legislation brought into being a number of new provisions tending more nearly to meet the needs of our veterans, as well as afford the necessary authority to perfect the administration of these laws.

Experience with the new legislation so far has clearly demonstrated its constructive nature. It has increased the benefits received by many and has made eligible for benefits many others. Direct disbursements to the veteran or his dependents exceeding $21,000,000 have resulted, which otherwise would not have been made. The degree of utilization of our hospitals has increased through making facilities available to the incapacitated veteran regardless of service origin of the disability. This new legislation also has brought about a marked improvement of service to the veteran.

The organizations of ex-service men have proposed additional legislative changes which you will consider, but until the new law and the modifications made at the last session of Congress are given a more thorough test further changes in the basic law should be few and made only after careful though sympathetic consideration.

The principal work now before the Veterans' Bureau is the perfection of its organization and further improvements in service. Some minor legislative changes are deemed necessary to enable the bureau to retain that high grade of professional talent essential in handling the problems of the bureau. Such changes as tend toward the improvement of service and the carrying forward to completion of the hospital construction program are recommended for the consideration of the proper committees of Congress.

With the enormous outlay that is now being made in behalf of the veterans and their dependents, with a tremendous war debt still requiring great annual expenditure, with the still high rate of taxation, while every provision should be made for the relief of the disabled and the necessary care of dependents, the Congress may well consider whether the financial condition of the Government is not such that further bounty through the enlargement of general pensions and other emoluments ought not to be postponed.

AGRICULTURE

No doubt the position of agriculture as a whole has very much improved since the depression of three and four years ago. But there are many localities and many groups of individuals, apparently through no fault of their own, sometimes due to climatic conditions and sometimes to the prevailing price of a certain crop, still in a distressing condition. This is probably temporary, but it is none the less acute. National Government agencies, the Departments of Agriculture and Commerce, the Farm Loan Board, the intermediate credit banks, and the Federal Reserve Board are all cooperating to be of assistance and relief. On the other hand, there are localities and individuals who have had one of their most prosperous years. The general price level is fair, but here again there are exceptions both ways, some items being poor while others are excellent. In spite of a lessened production the farm income for this year will be about the same as last year and much above the three preceding years.

Agriculture is a very complex industry. It does not consist of one problem, but of several. They can not be solved at one stroke. They have to be met in different ways, and small gains are not to be despised.

It has appeared from all the investigations that I have been able to make that the farmers as a whole are determined to

maintain the independence of their business. They do not wish to have meddling on the part of the Government or to be placed under the inevitable restrictions involved in any system of direct or indirect price fixing, which would result from permitting the Government to operate in the agricultural markets. They are showing a very commendable skill in organizing themselves to transact their own business through cooperative marketing, which will this year turn over about $2,500,000,000, or nearly one-fifth of the total agricultural business. In this they are receiving help from the Government. The Department of Agriculture should be strengthened in this facility in order to be able to respond when these marketing associations want help. While it ought not to undertake undue regulation, it should be equipped to give prompt information on crop prospects, supply, demand, current receipts, imports, exports, and prices.

A bill embodying these principles, which has been drafted under the advice and with the approval of substantially all the leaders and managers in the cooperative movement, will be presented to the Congress for its enactment. Legislation should also be considered to provide for leasing the unappropriated public domain for grazing purposes and adopting a uniform policy relative to grazing on the public lands and in the national forests.

A more intimate relation should be established between agriculture and the other business activities of the Nation. They are mutually dependent and can each advance their own prosperity most by advancing the prosperity of the other. Meantime the Government will continue those activities which have resulted in an unprecedented amount of legislation and the pouring out of great sums of money during the last five years. The work for good roads, better land and water transportation, increased support for agricultural education, extension of credit facilities through the Farm Loan Boards and the intermediate credit banks, the encouragement of orderly marketing, and a repression of wasteful speculation, will all be continued.

Following every other depression, after a short period the price of farm produce has taken and maintained the lead in the advance. This advance had reached a climax before the war. Everyone will recall the discussion that went on for four or five years prior to 1914 concerning the high cost of living. This history is apparently beginning to repeat itself. While wholesale prices of other commodities have been declining, farm prices have been increasing. There is every reason to suppose that a new era in agricultural prosperity lies just before us, which will probably be unprecedented.

MUSCLE SHOALS

The problem of Muscle Shoals seems to me to have assumed a place all out of proportion with its real importance. It probably does not represent in market value much more than a first-class battleship, yet it has been discussed in the Congress over a period of years and for months at a time. It ought to be developed for the production of nitrates primarily, and incidentally for power purposes. This would serve defensive, agricultural, and industrial purposes. I am in favor of disposing of this property to meet these purposes. The findings of the special commission will be transmitted to the Congress for their information. I am convinced that the best possible disposition can be made by direct authorization of the Congress. As a means of negotiation I recommend the immediate appointment of a small joint special committee chosen from the appropriate general standing committees of the House and Senate to receive bids, which when made should be reported with recommendations as to acceptance, upon which a law should be enacted, effecting a sale to the highest bidder who will agree to carry out these purposes.

If anything were needed to demonstrate the almost utter incapacity of the National Government to deal directly with an industrial and commercial problem, it has been provided by our experience with this property. We have expended vast fortunes, we have taxed everybody, but we are unable to secure results which benefit anybody. This property ought to be transferred to private management under conditions which will dedicate it to the public purpose for which it was conceived.

RECLAMATION

The National Government is committed to a policy of reclamation and irrigation which it desires to establish on a sound basis and continue in the interest of the localities concerned. Exhaustive studies have recently been made of Federal reclamation, which have resulted in improving the projects and adjusting many difficulties. About one-third of the projects is in good financial condition, another third can probably be made profitable, while the other third is under unfavorable conditions. The Congress has already provided for a survey which will soon be embodied in a report. That ought to suggest a method of relief which will make unnecessary further appeals to the Congress. Unless this can be done, Federal reclamation will be considerably retarded. With the greatly increased cost of construction and operation, it has become necessary to plan in advance, by community organization and selective agriculture, methods sufficient to repay these increasing outlays.

The human and economic interests of the farmer citizens suggest that the States should be required to exert some effort and assume some responsibility, especially in the intimate, detailed, and difficult work of securing settlers and developing farms which directly profit them, but only indirectly and remotely can reimburse the Nation. It is believed that the Federal Government should continue to be the agency for planning and constructing the great undertakings needed to regulate and bring into use the rivers of the West, many of which are interstate in character, but the detailed work of creating agricultural communities and a rural civilization on the land made ready for reclamation ought to be either transferred to the State in its entirety or made a cooperative effort of the State and Federal Government.

SHIPPING

The maintenance of a merchant marine is of the utmost importance for national defense and the service of our commerce. We have a large number of ships engaged in that service. We also have a surplus supply, costly to care for, which ought to be sold. All the investigations that have been made under my direction, and those which have been prosecuted independently, have reached the conclusion that the fleet should be under the direct control of a single executive head, while the Shipping Board should exercise its judicial and regulatory functions in accordance with its original conception. The report of Henry G. Dalton, a business man of broad experience, with a knowledge of shipping, made to me after careful investigation, will be transmitted for the information of the Congress, the studies pursued under the direction of the United States Chamber of Commerce will also be accessible, and added to these will be the report of the special committee of the House.

I do not advocate the elimination of regional considerations, but it has become apparent that without centralized executive action the management of this great business, like the management of any other great business, will flounder in incapacity and languish under a division of council. A plain and unmistakable reassertion of this principle of unified control, which I have always been advised was the intention of the Congress to apply, is necessary to increase the efficiency of our merchant fleet.

COAL

The perennial conflict in the coal industry is still going on, to the great detriment of the wage earners, the owners, and especially to the public. With deposits of coal in this country capable of supplying its needs for hundreds of years, inability to manage and control this great resource for the benefit of all concerned is very close to a national economic failure. It has been the subject of repeated investigation and reiterated recommendation. Yet the industry seems never to have accepted modern methods of adjusting differences between employers and employees. The industry could serve the public much better and become subject to a much more effective method of control if regional consolidations and more freedom in the formation of marketing associations, under the supervision of the Department of Commerce, were permitted.

At the present time the National Government has little or no authority to deal with this vital necessity of the life of the country. It has permitted itself to remain so powerless that its only attitude must be humble supplication. Authority should be lodged with the President and the Departments of Commerce and Labor giving them power to deal with an emergency. They should be able to appoint temporary boards with authority to call for witnesses and documents, conciliate differences, encourage arbitration, and in case of threatened scarcity exercise control over distribution. Making the facts public under these circumstances through a statement from an authoritative source would be of great public benefit. The report of the last coal commission should be brought forward, reconsidered, and acted upon.

PROHIBITION

Under the orderly processes of our fundamental institutions the Constitution was lately amended providing for national prohibition. The Congress passed an act for its enforcement, and similar acts have been provided by most of the States. It is the law of the land. It is the duty of all who come under its jurisdiction to observe the spirit of that law, and it is the duty of the Department of Justice and the Treasury Depart-

ment to enforce it. Action to prevent smuggling, illegal transportation in interstate commerce, abuse in the use of permits, and existence of sources of supply for illegal traffic is almost entirely imposed upon the Federal Government.

Through treaties with foreign governments and increased activities of the Coast Guard, revenue agents, district attorneys, and enforcement agents effort is being made to prevent these violations. But the Constitution also puts a concurrent duty on the States. We need their active and energetic cooperation, the vigilant action of their police, and the jurisdiction of their courts to assist in enforcement. I request of the people observance, of the public officers continuing efforts for enforcement, and of the Congress favorable action on the Budget recommendation for the prosecution of this work.

WATERWAY DEVELOPMENT

For many years our country has been employed in plans and operations for the development of our intracoastal and inland waterways. This work along our coast is an important adjunct to our commerce. It will be carried on, together with the further opening up of our harbors, as our resources permit. The Government made an agreement during the war to take over the Cape Cod Canal, under which the owners made valuable concessions. This pledged faith of the Government ought to be redeemed.

Two other main fields are under consideration. One is the Great Lakes and St. Lawrence, including the Erie Canal. This includes stabilizing the lake level, and is both a waterway and power project. A joint commission of the United States and Canada is working on plans and surveys which will not be completed until next April. No final determination can be made, apparently, except under treaty as to the participation of both countries. The other is the Mississippi River system. This is almost entirely devoted to navigation. Work on the Ohio River will be completed in about three years. A modern channel connecting Chicago, New Orleans, Kansas City, and Pittsburgh should be laid out and work on the tributaries prosecuted. Some work is being done of a preparatory nature along the Missouri, and large expenditures are being made yearly in the lower reaches of the Mississippi and its tributaries which contribute both to flood control and navigation. Preliminary measures are being taken on the Colorado River project, which is exceedingly important for flood control, irrigation, power development, and water supply to the area concerned. It would seem to be very doubtful, however, whether it is practical to secure affirmative action of the Congress, except under a joint agreement of the several States.

The Government has already expended large sums upon scientific research and engineering investigation in promotion of this Colorado River project. The actual progress has been retarded for many years by differences among the seven States in the basin over their relative water rights and among different groups as to methods. In an attempt to settle the primary difficulty of the water rights, Congress authorized the Colorado River Commission which agreed on November 24, 1922, upon an interstate compact to settle these rights, subject to the ratification of the State legislatures and Congress. All seven States except Arizona at one time ratified, the Arizona Legislature making certain reservations which failed to meet the approval of the governor. Subsequently an attempt was made to establish the compact upon a six-State basis, but in this case California imposed reservations. There appears to be no division of opinion upon the major principles of the compact, but difficulty in separating contentions as to methods of development from the discussion of it. It is imperative that flood control be undertaken for California and Arizona, preparation made for irrigation, for power, and for domestic water.

Some or all of these questions are combined in every proposed development. The Federal Government is interested in some of these phases, State governments and municipalities and irrigation districts in others, and private corporations in still others. Because of all this difference in view it is most desirable that Congress should consider the creation of some agency that will be able to determine methods of improvement solely upon economic and engineering facts, that would be authorized to negotiate and settle, subject to the approval of Congress, the participation, rights, and obligations of each group in any particular works. Only by some such method can early construction be secured.

WATER POWER

Along with the development of navigation should go every possible encouragement for the development of our water power. While steam still plays a dominant part, this is more and more becoming an era of electricity. Once installed, the cost is moderate, has not tended greatly to increase, and is entirely free from the unavoidable dirt and disagreeable features attendant upon the burning of coal. Every facility should be extended for the connection of the various units into a superpower plant, capable at all times of a current increasing uniformity over the entire system.

RAILROADS

The railroads throughout the country are in a fair state of prosperity. Their service is good and their supply of cars is abundant. Their condition would be improved and the public better served by a system of consolidations. I recommend that the Congress authorize such consolidations under the supervision of the Interstate Commerce Commission, with power to approve or disapprove when proposed parts are excluded or new parts added. I am informed that the railroad managers and their employees have reached a substantial agreement as to what legislation is necessary to regulate and improve their relationship. Whenever they bring forward such proposals, which seem sufficient also to protect the interests of the public, they should be enacted into law.

It is gratifying to report that both the railroad managers and railroad employees are providing boards for the mutual adjustment of differences in harmony with the principles of conference, conciliation, and arbitration. The solution of their problems ought to be an example to all other industries. Those who ask the protections of civilization should be ready to use the methods of civilization.

A strike in modern industry has many of the aspects of war in the modern world. It injures labor, and it injures capital. If the industry involved is a basic one, it reduces the necessary economic surplus and, increasing the cost of living, it injures the economic welfare and general comfort of the whole people. It also involves a deeper cost. It tends to embitter and divide the community into warring classes and thus weakens the unity and power of our national life.

Labor can make no permanent gains at the cost of the general welfare. All the victories won by organized labor in the past generation have been won through the support of public opinion. The manifest inclination of the managers and employees of the railroads to adopt a policy of action in harmony with these principles marks a new epoch in our industrial life.

OUTLYING POSSESSIONS

The time has come for careful investigation of the expenditures and success of the laws by which we have undertaken to administer our outlying possessions. A very large amount of money is being expended for administration in Alaska. It appears so far out of proportion to the number of inhabitants and the amount of production as to indicate cause for thorough investigation. Likewise consideration should be given to the experience under the law which governs the Philippines. From such reports as reach me there are indications that more authority should be given to the Governor General, so that he will not be so dependent upon the local legislative body to render effective our efforts to set an example of the sound administration and good government which is so necessary for the preparation of the Philippine people for self-government under ultimate independence. If they are to be trained in these arts, it is our duty to provide for them the best that there is.

RETIREMENT OF JUDGES

The act of March 3, 1911, ought to be amended so that the term of years of service of judges of any court of the United States requisite for retirement with pay shall be computed to include not only continuous but aggregate service.

MOTHERS' AID

The Government ought always to be alert on the side of the humanities. It ought to encourage provisions for economic justice for the defenseless. It ought to extend its relief through its national and local agencies, as may be appropriate in each case, to the suffering and the needy. It ought to be charitable.

Although more than 40 of our States have enacted measures in aid of motherhood, the District of Columbia is still without such a law. A carefully considered bill will be presented, which ought to have most thoughtful consideration in order that the Congress may adopt a measure which will be hereafter a model for all parts of the Union.

CIVIL SERVICE

In 1883 the Congress passed the civil service act, which from a modest beginning of 14,000 employees has grown until there are now 425,000 in the classified service. This has removed the clerical force of the Nation from the wasteful effects of the spoils system and made it more stable and efficient. The time has come to consider classifying all postmasters, collectors of

customs, collectors of internal revenue, and prohibition agents, by an act covering in those at present in office, except when otherwise provided by Executive order.

The necessary statistics are now being gathered to form the basis of a valuation of the civil service retirement fund based on current conditions of the service. It is confidently expected that this valuation will be completed in time to be made available to the Congress during the present session. It will afford definite knowledge of existing and future liabilities under the present law and determination of liabilities under any proposed change in the present law. We should have this information before creating further obligations for retirement annuities which will become liabilities to be met in the future from the money of the taxpayer.

The classification act of 1923, with the subsequent legislative action providing for adjustment of the compensation of field service positions, has operated materially to improve employment conditions in the Federal service. The administration of the act is in the hands of an impartial board, functioning without the necessity of a direct appropriation. It would be inadvisable at this time to place in other hands the administration of this act.

FEDERAL TRADE COMMISSION

The proper function of the Federal Trade Commission is to supervise and correct those practices in commerce which are detrimental to fair competition. In this it performs a useful function and should be continued and supported. It was designed also to be a help to honest business. In my message to the Sixty-eight Congress I recommended that changes in the procedure then existing be made. Since then the commission by its own action has reformed its rules, giving greater speed and economy in the disposal of its cases and full opportunity for those accused to be heard. These changes are improvements and, if necessary, provision should be made for their permanency.

REORGANIZATION

No final action has yet been taken on the measure providing for the reorganization of the various departments. I therefore suggest that this measure, which will be of great benefit to the efficient and economical administration of the business of the Government, be brought forward and passed.

THE NEGRO

Nearly one-tenth of our population consists of the Negro race. The progress which they have made in all the arts of civilization in the last 60 years is almost beyond belief. Our country has no more loyal citizens. But they do still need sympathy, kindness, and helpfulness. They need reassurance that the requirements of the Government and society to deal out to them even-handed justice will be met. They should be protected from all violence and supported in the peaceable enjoyment of the fruits of their labor. Those who do violence to them should be punished for their crimes. No other course of action is worthy of the American people.

Our country has many elements in its population, many different modes of thinking and living, all of which are striving in their own way to be loyal to the high ideals worthy of the crown of American citizenship. It is fundamental of our institutions that they seek to guarantee to all our inhabitants the right to live their own lives under the protection of the public law. This does not include any license to injure others materially, physically, morally, to incite revolution, or to violate the established customs which have long had the sanction of enlightened society.

But it does mean the full right to liberty and equality before the law without distinction of race or creed. This condition can not be granted to others, or enjoyed by ourselves, except by the application of the principle of broadest tolerance. Bigotry is only another name for slavery. It reduces to serfdom not only those against whom it is directed, but also those who seek to apply it. An enlarged freedom can only be secured by the application of the golden rule. No other utterance ever presented such a practical rule of life.

CONCLUSION

It is apparent that we are reaching into an era of great general prosperity. It will continue only so long as we shall use it properly. After all, there is but a fixed quantity of wealth in this country at any fixed time. The only way that we can all secure more of it is to create more. The element of time enters into production. If the people have sufficient moderation and contentment to be willing to improve their condition by the process of enlarging production, eliminating waste, and distributing equitably, a prosperity almost without limit lies before us. If the people are to be dominated by selfishness, seeking immediate riches by nonproductive speculation and by wasteful quarreling over the returns from industry, they will be confronted by the inevitable results of depression and privation. If they will continue industrious and thrifty, contented with fair wages and moderate profits, and the returns which accrue from the development of our natural resources, our prosperity will extend itself indefinitely.

In all your deliberations you should remember that the purpose of legislation is to translate principles into action. It is an effort to have our country be better by doing better. Because the thoughts and ways of people are firmly fixed and not easily changed, the field within which immediate improvement can be secured is very narrow. Legislation can provide opportunity. Whether it is taken advantage of or not depends upon the people themselves. The Government of the United States has been created by the people. It is solely responsible to them. It will be most successful if it is conducted solely for their benefit. All its efforts would be of little avail unless they brought more justice, more enlightenment, more happiness and prosperity into the home. This means an opportunity to observe religion, secure education, and earn a living under a reign of law and order. It is the growth and improvement of the material and spiritual life of the Nation. We shall not be able to gain these ends merely by our own action. If they come at all, it will be because we have been willing to work in harmony with the abiding purpose of a Divine Providence.

CALVIN COOLIDGE.

[Applause.]

The VICE PRESIDENT. The message of the President will lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, its reading clerk, communicated to the Senate the information that a quorum of the House of Representatives had assembled; that NICHOLAS LONGWORTH, a Representative from the State of Ohio, had been elected Speaker; that William Tyler Page, a citizen of the State of Maryland, had been elected Clerk; and that the House was ready for business.

The message also announced that the House had adopted a resolution providing for the appointment of a committee of three Members on the part of the House to join a similar committee appointed by the Senate to wait upon the President and inform him that a quorum of each House had assembled and that Congress was ready to receive any communication he may be pleased to make.

The message further communicated to the Senate the intelligence of the death of Hon. JOHN JACOB ROGERS, late a Representative from the State of Massachusetts, and transmitted the resolutions of the House thereon.

The message also communicated to the Senate the intelligence of the death of Hon. ARTHUR B. WILLIAMS, late a Representative from the State of Michigan, and transmitted the resolutions of the House thereon.

The message further communicated to the Senate the intelligence of the death of Hon. GEORGE B. CHURCHILL, late a Representative from the State of Massachusetts, and transmitted resolutions of the House thereon.

The message also communicated to the Senate the intelligence of the death of Hon. ROBERT Y. THOMAS, Jr., late a Representative from the State of Kentucky, and transmitted resolutions of the House thereon.

The message further communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. SELDEN P. SPENCER, late a Senator from the State of Missouri.

The message also communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. ROBERT M. LA FOLLETTE, late a Senator from the State of Wisconsin.

The message further communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. EDWIN F. LADD, late a Senator from the State of North Dakota.

The message also communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. SAMUEL M. RALSTON, late a Senator from the State of Indiana.

ADJOURNMENT TO THURSDAY

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate adjourns to-day it be until Thursday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. REED of Missouri. I submit the resolution which I send to the desk and ask that it may be read. I shall then ask for its immediate consideration by unanimous consent.

Mr. MOSES. Mr. President, I desire to make a parliamentary inquiry. I ask if we are to have the usual morning hour to-day?

The VICE PRESIDENT. We are.

Mr. MOSES. That being the case, may I ask the Senator from Missouri to withhold his resolution until it is properly reached?

Mr. REED of Missouri. It is proper in the morning hour.

Mr. MOSES. Yes; but we are not now under the head of business of resolutions.

Mr. REED of Missouri. The resolution which I desire to offer is simply a resolution to pay for senatorial funeral expenses. If any Senator wishes to object to it, very well.

Mr. MOSES. I have no desire to offer objection to the unanimous consent which the Senator from Missouri has asked. I wish merely to know if we are going to have a regular morning hour?

The VICE PRESIDENT. The pending order of business is the presentation of petitions and memorials in the morning hour.

Mr. MOSES. I understand the Senator from Missouri has asked unanimous consent. I do not wish to make an objection——

Mr. REED of Missouri. I said I would ask unanimous consent for the consideration of the resolution in a moment. However, if we are going to have a regular morning hour I shall not insist upon the resolution coming up at this time, but I thought we would probably adjourn right away. That is the reason why I desired that the Senate should dispose of the resolution at once.

Mr. WATSON. No; I also have a resolution which I desire to present.

Mr. REED of Missouri. Very well. The resolution which I have offered may be read in its proper order.

INDEBTEDNESS OF THE KINGDOM OF ITALY (S. DOC. NO. 3)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated November 14, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Kingdom of Italy to the United States of America. The agreement was approved by me on November 14, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

INDEBTEDNESS OF THE REPUBLIC OF ESTHONIA (S. DOC. NO. 7)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated October 28, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Republic of Esthonia to the United States of America. The agreement was approved by me on October 28, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

INDEBTEDNESS OF THE KINGDOM OF RUMANIA (S. DOC. NO. 5)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated December 4, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Kingdom of Rumania to the United States of America. The agreement was approved by me on December 4, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

INDEBTEDNESS OF THE REPUBLIC OF LATVIA (S. DOC. NO. 8)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated September 24, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America. The agreement was approved by me on September 24, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

INDEBTEDNESS OF THE CZECHOSLOVAK REPUBLIC (S. DOC. NO. 6)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated October 13, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Czechoslovak Republic to the United States of America. The agreement was approved by me on October 13, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

INDEBTEDNESS OF THE KINGDOM OF BELGIUM (S. DOC. NO. 4)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated August 18, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America. The agreement was approved by me on August 21, 1925, subject to the approval of Congress, pursuant to authority conferred

by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

WAR DEPARTMENT REPORTS

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of War for the fiscal year ended June 30, 1925, which was referred to the Committee on Military Affairs.

He also laid before the Senate the annual report of the Chief of the Militia Bureau for the fiscal year ended June 30, 1925, which was referred to the Committee on Military Affairs.

He also laid before the Senate a statement, submitted in compliance with law, of all expenditures under the appropriation of $150,000 made for the encouragement of breeding of riding horses suitable for the military service, etc., which was referred to the Committee on Military Affairs.

INDUSTRIAL REFORMATORY AT CHILLICOTHE, OHIO

The VICE PRESIDENT laid before the Senate a report signed by the Attorney General, the Acting Secretary of War, and the Secretary of the Interior, submitted pursuant to law, on the selection of a site for the establishment of an industrial reformatory proposed to be located on a portion of the Camp Sherman Military Reservation at Chillicothe, Ohio, which was referred to the Committee on the Judiciary.

NATIONAL CAPITAL PARK COMMISSION

The VICE PRESIDENT laid before the Senate a report, submitted pursuant to law, of the secretary and executive officer of the National Capital Park Commission on the operations of the commission for the fiscal year ended June 30, 1925, which was referred to the Committee on Public Buildings and Grounds.

REPORT OF THE DIRECTOR UNITED STATES VETERANS' BUREAU

The VICE PRESIDENT laid before the Senate the annual report of the United States Veterans' Bureau for the fiscal year ended June 30, 1925, which was referred to the Committee on Finance.

OBLIGATIONS OF FOREIGN GOVERNMENTS

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury on expenses of loans and expenditures from repayments of foreign loans, etc., which was referred to the Committee on Finance.

CUMULATIVE SINKING FUND

The VICE PRESIDENT laid before the Senate a report, submitted pursuant to law, of the Secretary of the Treasury with respect to the cumulative sinking fund, which was referred to the Committee on Finance.

REPORT OF THE DISTRICT PUBLIC UTILITIES COMMISSION

The VICE PRESIDENT laid before the Senate a report of the Public Utilities Commission of the District of Columbia for the year ended December 31, 1924, which was referred to the Committee on the District of Columbia.

REPORT OF THE BELLEAU WOOD MEMORIAL ASSOCIATION

The VICE PRESIDENT laid before the Senate a report of the proceedings and activities of the Belleau Wood Memorial Association, submitted pursuant to law, for the year 1924, which was referred to the Committee on Military Affairs.

TRAVEL REPORTS, UNITED STATES SHIPPING BOARD

The VICE PRESIDENT laid before the Senate a statement, submitted pursuant to law, of travel performed by the officers and employees of the United States Shipping Board during the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

INTERSTATE COMMERCE COMMISSION REPORTS

The VICE PRESIDENT laid before the Senate a statement of the Interstate Commerce Commission, submitted pursuant to law, showing the make, model, and serial number of each typewriter and labor-saving device exchanged during the fiscal year 1925, the period of its use, the allowance therefor, etc., which was referred to the Committee on Appropriations.

He also laid before the Senate a statement of the Interstate Commerce Commission, submitted pursuant to law, showing in detail the travel expenses of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

He also laid before the Senate a statement, submitted in compliance with law, showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1925, the names of all persons employed, alphabetically arranged, the State from which each was employed, the rate of compensation paid to each, etc., which was referred to the Committee on Appropriations.

He also laid before the Senate a report of the Interstate Commerce Commission, dated February, 1925, on the condition of railroad equipment, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a communication from the chairman of the Interstate Commerce Commission, submitting, in compliance with section 19a of the interstate commerce act, copies of final valuations of properties of certain carriers subject to said act, which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

PREMIUM PRICES ON ANTHRACITE

The VICE PRESIDENT laid before the Senate a report of the Federal Trade Commission, submitted pursuant to law, on premium prices of anthracite, which was referred to the Committee on Mines and Mining.

PRICES OF GRAIN AND GRAIN FUTURES

The VICE PRESIDENT laid before the Senate a report of the Federal Trade Commission on prices of grain and grain futures, constituting Volume VI of the Federal Trade Commission's Report on the Grain Trade, which was referred to the Committee on Agriculture and Forestry.

EXCHANGE OF TYPEWRITERS, ETC.

The VICE PRESIDENT laid before the Senate a statement of the Federal Trade Commission, submitted pursuant to law, showing the number of typewriters, adding machines, and other similar labor-saving devices exchanged during the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Interior on the operations of the Interior Department for the fiscal year ended June 30, 1925, which was referred to the Committee on Public Lands and Surveys.

AGRICULTURAL DEPARTMENT REPORTS

The VICE PRESIDENT laid before the Senate a report of the United States Department of Agriculture on cooperative extension work for 1923, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a statement, submitted pursuant to law, showing motor-propelled and horse-drawn passenger-carrying vehicles purchased by the Department of Agriculture during the fiscal year 1925 for use outside of the District of Columbia, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a statement, submitted pursuant to law, showing motor-propelled and horse-drawn passenger-carrying vehicles purchased by the Department of Agriculture (Bureau of Public Roads, $25,000 appropriation) during the fiscal year 1925 for use outside of the District of Columbia, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a statement, submitted pursuant to law, showing the cost of maintenance, operation, and repair of all motor-propelled and horse-drawn passenger-carrying vehicles owned by the Department of Agriculture and operated outside of the District of Columbia for the fiscal year 1925, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a statement, submitted pursuant to law, of employees in the Bureau of Animal Industry during the period July 1, 1924, to June 30, 1925, other than those whose salaries were paid exclusively from the meat-inspection appropriation, and showing designation and rates of salaries, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a report of the Secretary of Agriculture, submitted pursuant to law, of compensation or expenses paid to officers or employees of State, county, or municipal governments, Bureau of Chemistry, 1925, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a report of the Secretary of Agriculture, submitted pursuant to law, on moneys received during the fiscal year 1925 as contributions for cooperative

work with the Forest Service, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a report of the Secretary of Agriculture of refunds to depositors for the fiscal year 1925 of amounts deposited to secure the purchase price of timber or other use of national-forest resources in excess of amounts actually found due, etc., which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a report, submitted pursuant to law, on publications issued and distributed during the fiscal year 1925, giving cost of paper, printing, and preparation, etc., which was referred to the Committee on Printing.

He also laid before the Senate a statement, submitted pursuant to law, of expenditures of the Department of Agriculture for the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

He also laid before the Senate a report, submitted pursuant to law, on condition and character of papers not needed, etc., and the amount of proceeds of sale thereof for the Department of Agriculture, 1925, which was referred to the Committee on Appropriations.

He also laid before the Senate a report of the Secretary of Agriculture, submitted pursuant to law, of receipts and expenditures, Center Market, Washington, D. C., for the fiscal year 1925, which was referred to the Committee on Appropriations.

He also laid before the Senate a report of the Secretary of Agriculture, submitted pursuant to law, of travel and travel expenses of the Agricultural Department out of Washington, fiscal year 1925, which was referred to the Committee on Appropriations.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

The VICE PRESIDENT laid before the Senate a report, submitted pursuant to law, of the proceedings of the twenty-fourth meeting of the Convention of American Instructors of the Deaf, held at Council Bluffs, Iowa, June 29 to July 4, 1925, inclusive, which, with accompanying papers, was referred to the Committee on Printing.

PETITIONS AND MEMORIALS

Mr. BUTLER presented resolutions adopted by the Massachusetts Federation of Churches at its annual meeting in New Bedford, Mass., favoring the adhesion of the United States to the Permanent Court of International Justice and expressing sympathy with China in her desire for autonomy and requesting that this Government take the lead in abolishing extraterritoriality, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented a telegram in the nature of a petition from the Sundin Garage Co. and others, of Rawlins, Wyo., praying for the repeal of the excise tax on automobiles, which was referred to the Committee on Finance.

He also presented resolutions of the Hoback Live Stock Association, of Hoback, and the Big Piney Roundup Association, of Big Piney, both in the State of Wyoming, favoring the making of increased appropriations for the Bureau of Biological Survey, Department of Agriculture, which were referred to the Committee on Appropriations.

He also presented a resolution of the Jackson Hole Land & Live Stock Association, of Jackson, Wyo., protesting against withdrawal of lands in Teton County, Wyo., for the purpose of game protection, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the State Game and Fish Commission of Wyoming, favoring the purchase of lands in Wyoming for the enlargement of elk refuge, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the town of Fort Laramie, Wyo., favoring Government reservation of Old Fort Laramie on account of its historic interest, which was referred to the Committee on Public Lands and Surveys.

He also presented resolutions of the Lions Club, of Riverton, and the Yellowstone Park Chapter (Wyoming No. 2), Izaak Walton League of America, both in the State of Wyoming, favoring the extension of the present boundaries of Yellowstone National Park, which were referred to the Committee on Public Lands and Surveys.

He also presented a resolution of the Men's Progressive Club, of Kaycee, Wyo., favoring the appointment of a special commission to investigate the proposed extension of the Yellowstone National Park boundary and to report its findings to the United States Senate, which was referred to the Committee on Public Lands and Surveys.

He also presented resolutions of the Rotary Club, of Casper; the Park County Rod and Gun Club, Cody Chapter, Isaak Walton League, of Cody; the Rock Springs Chapter, No. 3, Isaak Walton League of America, of Rock Springs; and the Natrona County (Wyoming) Stock Growers' Association, all in the State of Wyoming, protesting against the extension of the boundaries of Yellowstone National Park, which were referred to the Committee on Public Lands and Surveys.

Mr. McLEAN presented petitions and letters in the nature of petitions from the Salisbury League of Women Voters, of Salisbury; Woman's Christian Temperance Union, of Stafford Springs; League of Women Voters, of Terryville; Woman's Christian Temperance Union, of Middlefield; Woman's Christian Temperance Union, of Plantsville; League of Women Voters, of Sound Beach; Woman's Christian Temperance Union, of New Haven; National Council of Jewish Women, of Bridgeport; Connecticut League of Women Voters, Inc., of Hartford; Council of Jewish Women, of Hartford; Waterbury Chamber of Commerce, of Waterbury; County League of Women Voters, of New London; Current History Class of Charter House, of New London; Woman's Christian Temperance Union, of Montville; Woman's Christian Temperance Union, of Essex; Woman's Christian Temperance Union, of Wethersfield; Wallingford Electors; League of Women Voters and Citizens' World Court Committee, of Wallingford; Fairfield County Republican Women's Association; First Congregational Church, of Thomaston; Woman's Christian Temperance Union, of Eastern Enfield; Christian Endeavor Societies of the Congregational Church, of Clinton; Woman's Christian Temperance Union, of Wallingford; the Temperance and Missionary Societies of Danbury and Bethel; and sundry citizens of Danbury and Bethel, all in the State of Connecticut, praying for the adhesion of the United States to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

Mr. McKELLAR. Mr. President, I send to the desk resolutions adopted at an Armistice Day peace meeting held in Nashville last month, and ask that they be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table, and to be printed in the RECORD, as follows:

REAL PEACE IS URGED AT MEETING—STEPS TOWARD THIS END ARE URGED AT GLEN LEVEN CHURCH

At an Armistice Day peace meeting held last night at Glen Leven Presbyterian Church resolutions drawn by Noah W. Cooper were adopted, calling upon authorities for a reduction of the Army and Navy to the basis of 1914; calling of a disarmament conference; that the sale of toy and real pistols be prohibited; and military training in schools cease. The resolution also asked that a committee be appointed to communicate the text to the President, Senators, Congressmen, mayor and city council, and city board of education.

The meeting was presided over by Dr. W. C. Alexander and the following made talks: Rev. Roy E. Grimsley, Rev. William Cook, Dr. H. Leo Boles, Judge F. M. Garard, Noah W. Cooper, and Attorney General elect Richard M. Atkinson. Music was rendered by the E. P. Bond colored quartet.

The committee appointed to present the resolutions to authorities is as follows: Albert Duling, Robert J. Wiggs, Jesse R. Cowan, Noah W. Cooper, H. Leo Boles, and Morris Hirsch. The resolutions are as follows:

"*Resolved*, That—

"1. We rejoice that our country is not in war, and we strive and pray for peace and no more war.

"2. While we know an army and navy sufficient to police our lands and coasts is a public necessity, yet we deprecate the fact that for 1925 our Army expenses aggregate $330,000,000 and our Navy expenses nearly $300,000,000. This war total is over $600,000,000, is ten times as much as the cost of all the Sunday-school literature of all denominations for this year, and is more than the total sum contributed by all America last year for all church purposes. It is nearly double our like expenses in 1914. We have 125,000 in our standing Army and nearly 100,000 in our Navy, or nearly twice as many as before the World War. We recommend that our Army and Navy expenses and men be reduced back to the 1914 status, or a peace basis.

"Our President is seeking to cut taxes and expenses. Here we can save nearly $300,000,000 a year, or nearly $15 per family, and win God's approval and the world's applause. Over half the men in our Army and Navy could far better serve God, their country, and their families in the fields or productive enterprises of our country. As it is, many of them are spending our tax money—think up new methods of killing, fighting sham battles on land, sea, and air, flooding our papers with war tales and war talk. We had far better pay them to raise corn and cattle or make shoes and clothes.

"3. We urge our United States Senate to adopt the Swanson resolution on December 17 and thus have our Nation adhere to the permanent court of international justice. This is manifest duty.

"4. We urge that our Nation convene a disarmament conference of all nations, and propose and urge a reduction of armament of all nations to a peace basis; a cessation of the invention, making and shipping of death gases, war material, and warships of all kinds, whether for sea, land, or air. Let us preach and practice peace before the nations as God expects us to do. The safety and progress of Christian civilization await our leadership.

"5. The historic and honored policy of our Nation has ever been to oppose compulsory military training, and especially so in peace times. Our Military Academy at West Point and our Naval Academy at Annapolis are filled with youthful volunteers, not conscripts; and such warriors as we must have in peace should be volunteers. Hence we urge that Congress stop appropriating millions to pay for compulsory military training of our youth in public schools, as is being done now in Nashville; and we urge that the city of Nashville, through its board of education, discontinue compulsory military training in our city high school. In the Versailles peace treaty we compelled Germany to cut compulsory military training from all her schools, telling her she had almost ruined herself and the world with this wicked perversion of youth. Why should Nashville exalt compulsory military training when the United States does not do it at West Point and Annapolis? And when we and all the world have agreed it is wrong. In the name of God and peace and duty and posterity, let us put compulsory military training out of our schools and substitute agriculture, horticulture, floriculture, or a course of godly living, inclusive of the Ten Commandments and the teachings of the Sermon on the Mount.

"6. We urge that the sale of toy pistols as well as real pistols be strictly prohibited, and that our judges be applauded for giving every one guilty of carrying concealed weapons a term of 30 or more days in the workhouse or jail. Carrying pistols is a very fruitful source of death and destruction for all we hold dear.

"7. That a committee of six be appointed to communicate to our President, Senators, and Congressmen, and to our mayor and city council and city board of education our sentiments above outlined, and to speed our purposes."

WATERS OF COLORADO RIVER

Mr. ASHURST. Mr. President, I present a memorial adopted by the Legislature of Arizona. In view of the fact that the President of the United States, in his message which has just been read to the Senate, discusses the Colorado River and the so-called Colorado River compact, and adverts to the fact that Arizona has not ratified the Colorado River compact—in which statement the President is historically correct—I ask that the memorial of the Arizona Legislature may be printed in the RECORD and that the Secretary read the resolving clause of the memorial.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

Wherefore your memorialist, the Seventh Legislature of the State of Arizona, prays that by appropriate legislative action on the part of the Congress of the United States, to be taken prior to or in connection with the enactment of any legislation providing for the development of the Colorado River, the policy and purpose of the United States be announced and declared of reserving for use within the boundaries of the United States of all waters of the Colorado River which may be stored or impounded within the United States, to the end that the Republic of Mexico, its citizens, and the owners of Mexican lands may have direct and timely notice and warning that the use by them of any of such waters as may temporarily flow into Mexico shall establish no right, legal or moral, to their continued use.

Mr. ASHURST. Mr. President, I took pains to state that the President was historically correct when he said that Arizona had not ratified the so-called Colorado River compact, and I am also historically correct when I say that the Chief Executive of this Government has to this date failed to notify Mexico to stop further diversions of the waters of the Colorado River. In view of that lapse on the part of the executive arm of the Government, I gave a notice, which I will now read and which is in the form of an excerpt from the hearings of the Senate Committee on Irrigation and Reclamation at El Centro, Calif., on Ocother 30, 1925, while Mr. Allison, representing certain American speculators in Mexican lands, was making a statement to the committee. The notice is as follows:

Senator ASHURST (to Mr. Allison). I can not help but admire the aplomb and self-assurance with which you allot to California and to Mexico 7,000,000 acre-feet annually of the waters of the Colorado River, and inasmuch as seven and one-half million acre-feet per annum is all the water of the Colorado River which the so-called Santa Fe compact—

That is, the Colorado River compact—

permits to come down to Arizona and California, you will perceive that 4,000,000 acres of irrigable land in Arizona are perpetually and forever doomed to a desert condition, so far as your statement is concerned. It occurs to me that as a patriotic American you should cease the further increase of irrigated lands in Mexico for the reason that every acre of land irrigated in Lower California means an equal area of land condemned to desert in the United States. And whilst it would be offensively presumptuous for me to attempt to encroach upon the prerogatives of the Chief Executive of our country, I, nevertheless, here and now demand that you cease further increasing the area of irrigable lands in Mexico; and I serve notice that from this hour the United States in general and Arizona in particular will not be bound by any further increase in the irrigated area in Lower California after this date.

The VICE PRESIDENT. The memorial of the Legislature of Arizona will be printed in the RECORD and referred to the Committee on Irrigation and Reclamation.

The memorial is as follows:

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that the within is a true, correct, and complete copy of senate joint memorial, No. 3, of the seventh Legislature of the State of Arizona, 1925, addressed to His Excellency, the President of the United States; to the honorable Secretary of State; and to the Senate and House of Representatives of the United States; relative to appropriate legislative action on the waters and development of the Colorado River, the original of which is on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 19th day of March, A. D. 1925.

[SEAL.]

JAMES H. KERBY,
Secretary of State.

SEVENTH LEGISLATURE, REGULAR SESSION, STATE OF ARIZONA

Senate Joint Memorial 3

To His Excellency, the President of the United States; to the honorable Secretary of State; and to the Senate and House of Representatives of the Congress of the United States:

Whereas a portion of the low-water flow of the Colorado River is now being put to use in the irrigation of lands in the Republic of Mexico, and there are large additional areas, variously estimated both as to extent and as to feasibility, which might be reclaimed through the use of the waters of the Colorado in the event that its flood waters were impounded and its floods thereby controlled; and

Whereas it is essential to the preservation and protection of American homes, American property, and American lives that such flood waters be impounded and its floods controlled without unnecessary delay; and

Whereas in the event that such waters, or any portion of them, which may hereafter be impounded on American soil and by reason of such impounding may temporarily pass into the Republic of Mexico in a more or less regulated flow should be applied to a beneficial use on Mexican lands there might arise, in the absence of a definite declaration of policy with respect thereto on the part of the United States, a certain moral claim to their continued use, and as a matter of international comity a recognition of such claim might seriously be considered; and

Whereas it appears from authentic information and data that there is a sufficient amount of arid land within the United States susceptible of practical reclamation by means of the waters of the Colorado to utilize all of the waters of said river; and

Whereas to deprive these lands of such waters would be manifestly an act of injustice to the people of the United States, and particularly to the citizens of the States of the Colorado River Basin, and would constitute an irreparable economic loss to this country;

Wherefore your memorialist, the seventh Legislature of the State of Arizona, prays that by appropriate legislative action on the part of the Congress of the United States to be taken prior to or in connection with the enactment of any legislation providing for the development of the Colorado River, the policy and purpose of the United States be announced and declared of reserving for use within the boundaries of the United States of all waters of the Colorado River which may be stored or impounded within the United States, to the end that the Republic of Mexico, its citizens, and the owners of Mexican lands may have direct and timely notice and warning that the use by them of any of such waters as may temporarily flow into Mexico shall establish no right, legal or moral, to their continued use; and

Your memorialist further prays that in any treaty, convention, or understanding between the United States of America and the Republic of Mexico which may hereafter be agreed upon or undertaken, said policy be strictly and steadfastly adhered to.

And your memorialist will ever pray.

Passed the house March 12, 1925, by the following vote: Ayes, 39; nays, 0; absent, 3; excused, 5.

CHAS. E. MCMILLIN,
Speaker of the House.
BESSE GOLZE,
Chief Clerk of the House.

Passed the senate February 25, 1925, by the following vote: Ayes, 18; noes, 1; not voting, 0.

MULFORD WINSOR,
President of the Senate.
W. J. GRAHAM,
Secretary of the Senate.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF GOVERNOR.

This bill was received by the governor this 13th day of March, 1925, at 4.45 o'clock p. m.

H. S. MCCLUSKEY,
Secretary to the Governor.
By C. W.

Approved this 16th day of March, 1925.

GEO. W. P. HUNT,
Governor of Arizona.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF SECRETARY OF STATE.

This bill was received by the secretary of state this 16th day of March, 1925, at 2.50 o'clock p. m.

JAMES H. KERBY,
Secretary of State.

ELK HILLS OIL RESERVE, CALIFORNIA

Mr. WALSH. Mr. President, it will be recalled that in the course of the investigation of the leasing of the naval oil reserves it was disclosed that section 36 of naval oil reserve No. 1, the so-called Elk Hills reserve, had been claimed some years ago by the State of California and by it conveyed to the Standard Oil Co. A joint resolution of both Houses of Congress directed the President of the United States to institute proceedings to establish the title of the Government of the United States to these lands. It will be recalled that along about 1913 the Department of the Interior directed an investigation to be made into the mineral character of this important tract of land, that the direction was given to the chief of the field service at San Francisco to institute and conduct the proceedings, and that the order was lost for a period of about seven years. It was then revived and directions were given to proceed. Proceedings were in course of progress when a motion was made before the then Secretary of the Interior, Mr. Fall, to dismiss the proceedings, and, after hearing the counsel for the Standard Oil Co., the proceedings were dismissed.

The resolution of both Houses of Congress directed the Secretary of the Interior to cause the proceedings to be reinstituted, and they were in progress when a suit was brought in the Supreme Court of the District of Columbia to enjoin the Secretary from proceeding further in the matter, upon the contention that it had been determined years ago that the property belonged to the Standard Oil Co. Recently an opinion was handed down by Judge McCoy, of the Supreme Court of the District of Columbia, overruling that contention and establishing the principle that the title to the property had never been determined and that the Department of the Interior was entirely within its province in proceeding with the investigation to establish the mineral character of the land. As the opinion is of great public interest, I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The opinion is as follows:

In the Supreme Court of the District of Columbia

Holding an Equity Court

STANDARD OIL CO., A CORPORATION, plaintiff, *v.* HUBERT WORK AS SECRETARY OF THE INTERIOR, defendant. Equity 44747

OPINION

The bill is filed for the purpose of obtaining an injunction enjoining the defendant, the Secretary of the Interior, from continuing proceedings in the Department of the Interior instituted by the department to determine the mineral character of certain lands in the State of California the title to part of which is claimed by the plaintiff and in the other part of which plaintiff claims an interest under a person claiming title.

The matter is now before the court upon a motion for a preliminary injunction.

The charges upon which the hearing in question was ordered are: "(1) That the land is mineral in character containing valuable deposits of petroleum and natural gas; (2) that the land was known to be mineral in character at and prior to the acceptance of the plat by the General Land Office January 26, 1903," "the plat" being the plat of a survey.

It is admitted that the lands in question are mineral in character containing valuable deposits of petroleum and natural gas but not that they were known to be mineral on January 26, 1903.

At the outset it is well to note certain matters admitted by one side or the other of the controversy.

It is claimed by the defendant and admitted by the plaintiff that the court is without jurisdiction to determine whether or not the lands in question were known to be mineral on January 26, 1903.

In the defendant's answer it is alleged that the proceedings sought to be enjoined were instituted in pursuance of a joint resolution of Congress of February 21, 1924 (43 Stat. L. 15), directing the Secretary of the Interior to institute proceedings to ascertain and establish title to the United States in the lands in question, but counsel for the defendant concede that the proceedings has not any different status because of that direction than it would have if it were a proceeding instituted under the general authority of the Secretary over public lands.

It is agreed by both parties that the only question for determination is whether or not such steps were taken by the Department of the Interior before the institution of the proceeding which it is sought to enjoin as to establish the fact that the title to the lands in question passed to the State of California under the grant to the State by section 6 of the act of Congress approved March 3, 1853, entitled "An act to provide for the survey of public lands in California, the granting of preemption rights therein, and for other purposes" (10 Stat. L. 244, ch. cxiv), which act so far as necessary to be considered for the purpose of this case reads:

"That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections 16 and 36, which shall be and hereby are granted to the State for the purposes of schools in each township, and with the exception of * * * the mineral lands, shall be subject to the preemption laws * * * and shall, after the plats thereof are returned to the office of the register, be offered for sale, after six months' public notice in the State of the time and place of sale, under the laws, rules, and regulations now governing such sales, or such as may be hereafter prescribed * * *."

It is conceded that this act has been conclusively interpreted not to be a grant of lands known to be mineral in character.

A survey of part of the lands conveyed by the school grant to the State of California, above referred to, was made and a plat thereof filed and approved by the Commissioner of the General Land Office in 1856, but it is not claimed that the disposition of the present matter turns in any way upon a consideration of those facts.

The bill sets forth that an application to the State of California by one Alice Miller for a certificate of purchase of the lands in question was made, and that she made upon such application an initial payment, but that later the State sold all of the right, title, and interest of said Miller for delinquent taxes and purchased at the sale, taking the tax deed to itself and filing it in the office of the surveyor general of California. It is not claimed that the State got any better title to the lands in question by this transaction than it had under the granting act of 1853 above cited.

The motion for an injunction was heard on the bill and answer, which show the following facts: The lands in question are in a "36" section.

On February 28, 1900, the General Land Office "suspended from disposition" the said section 36 by an order which stated, however, that the suspension did not include mineral lands. On July 19, 1900, the suspension was continued for a reasonable time, pending an inquiry as to the true nature of the lands then in progress. In the years 1901 and 1902 a survey was made of the section and a plat of the survey filed and duly accepted and approved on January 26, 1903, by the Commissioner of the General Land Office. On May 16, 1903, the plat was filed in the local land office in California. The lands were returned by the surveyor as mineral and the plat showing that fact has at all times been on file in the office of the Secretary of the Interior. It is alleged in the answer that the field notes of the official surveyor also showed that said section 36 was mineral in character and that such notes were also filed in the office of the Surveyor General. In argument this was denied by counsel for the plaintiff and it was conceded by counsel for the defendant that such notes did not show that the lands were mineral. Plaintiff claims that the title to the lands vested in the State of California as of the date of the approval of the plat. If the case rested at this point it would be necessary to hold that any conveyance by the State of California after the date of the suspension above mentioned passed no title, for in the absence of other evidence as to mineral character than what was shown by the notations on the plat

it is not apparent why the notations should be ignored. (See Borden v. Northern Pacific Railroad, 154 U. S. 288, 320.) However that may be, there was further action by the Land Office, for on December 10, 1903, a special agent of the General Land Office was directed to make a report based upon his examination theretofore made and on his knowledge of the lands in question and familiarity with the country generally, and to state whether there was in his opinion any necessity for a continuance of the suspension. This agent, under date of March 24, 1904, made a report to the Commissioner of the General Land Office upon the township in which the lands are located, as follows: "No wells have been bored for oil, and in my opinion all of the lands in the township should be relieved from further suspension," and on April 5, 1904, the acting Commissioner of the General Land Office in a letter to the register and receiver in California, referring to the previous directions for an examination, wrote:

"I am now in receipt of the agent's report to the effect that certain of the lands so suspended are being developed for their deposits of mineral and that numerous oil wells have been sunk, which have proved to be good producers of mineral. Other townships and portions of townships have not been developed at all, for wells that have been sunk have proved to be barren. The lands upon which he states active mineral development is in progress will be allowed to continue suspended, but as to the following tracts, where no mineral has been discovered, it is believed that no good reason exists for further suspension.

"Accordingly, the lands hereinafter described are hereby relieved from suspension."

Among the lands directed to be relieved from suspension were all of those in said township, and the register and receiver was by such letter directed to make a proper notation upon the records of his office. On January 24, 1908, the register and receiver certified to the State surveyor general, referring to the lands in question, as follows:

"This is to certify that I have examined the files, plats, and records of this office in relation to all of sec. 36, T. 30 S., R. 23 E., Mount Diablo meridian, and find that there is not any homestead, preemption, or other valid claim to any portion of said lands on file or record in this office adverse to that of the State of California, and that the plat thereof has been filed in this office more than 90 days, viz, since May 16, 1903, and was approved by the United States surveyor general on the 1st day of August, 1902."

On August 24, 1908, one Hay applied to the State of California to purchase part of the lands in question. On the same day one Buffington made a similar application for the other part of such lands. Each applicant made his initial payment. On August 25 of that year Hay and Buffington redeemed the lands from the sale to Miller, above mentioned. On January 5, 1909, certificates were issued by the State to these applicants evidencing their respective rights to purchase the lands applied for upon completion of payments therefor, as required by law. On August 21, 1909, said Buffington made an agreement with one Carman for the portion so applied for by Buffington, and on January 20, 1910, the State issued to Buffington its patent for the lands. Buffington deeded the lands so patented to Carman. Carman on May 25, 1910, together with a grantee from him of a one-half interest, entered into a contract with the plaintiff for the development of the lands so obtained from the State. Hay completed his purchase by payment of the purchase price in full, and on November 29, 1909, an agent of the plaintiff purchased Hay's interest for a valuable consideration. On January 31, 1910, the State of California issued its patent to such agent, who thereupon deeded said land to the plaintiff.

On March 7, 1903, the State of California offered the lands in question as a mineral base for a lieu selection. On August 15, 1905, the State sought to amend this lieu-land offer by offering another base. On December 18, 1909, the department canceled the lieu selection on the base of the lands in question because of a conflict therein with previous indemnity land selections submitted by the State.

On September 14, 1908, the land was withdrawn from agricultural settlement, and on June 4, 1909, it was classified as oil land. On June 7, 1909, the classification of the land as oil land was approved by the Secretary, and on September 27, 1909, by department order the land was withdrawn from mineral entry.

On January 14, 1914, the register and receiver at Visalia, Calif., was instructed by a letter from the Commissioner of the General Land Office to institute adverse proceedings with reference to the lands in question on the ground of known mineral character of the lands on December 20, 1901. No notice of these proceedings was given to the parties in interest. On October 12, 1917, the Commissioner of the General Land Office asked for a list of contests pending in respect to public lands in California, and on November 26, 1917, the land office at Visalia replied by letter to the Commissioner of the General Land Office calling attention to the pendency of these charges as to the mineral character of the lands in question. On March 2, 1921, the Commissioner of the General Land Office directed the chief of the field division in California by letter to advise the register and receiver at Visalia of the names of the parties in interest and to prosecute the proceedings against them, but in view of a decision of the Supreme Court directed that the inquiry as to known mineral quality should be as of January, 1903, instead of December, 1920. The action on these proceedings will be referred to later herein.

It is claimed by plaintiff that upon said removal of the suspension and such determination of their nonmineral character in 1904, the title of the State of California to the lands "was finally determined and settled."

The questions involved are made difficult of solution by reason of the fact that Congress has not provided for a patent to the State of lands mentioned in the statutory grant nor for a certification of a list of selections by the State. The State can not insist on having a patent. (Shaw v. Kellogg, 170 U. S. 312.) Was the State's title established before the institution of the proceedings sought to be enjoined? is the question. If it was, there could hardly be a contention that the injunction should not be granted. (Noble v. Union River Logging Co., 147 U. S. 165; Lane v. Watts, 234 U. S. 525; 235 U. S. 13; 41 App. D. C. 139.)

No case in a court of the United States has been cited by counsel nor has any been found by the court passing directly upon the effect if the approval by the land office of the plat of a survey of a school-land section as establishing finally the title in the State to the lands not shown on the plat to be mineral and so precluding any further departmental action; nor is there any decision determining whether such finality results from a finding that the lands are not mineral based on a special examination, such as that made after such approval of the plat by an agent of the land office referred to above. Of the decisions cited by the plaintiff, those most nearly similar to the present case involved the so-called Baca grant, of which decisions the first was Shaw v. Kellogg, 170 U. S. 312. That case was as follows: A dispute existing between the heirs of one Baca and the town of Las Vegas to certain lands in the Territory of New Mexico being public lands, Congress in 1860, after an investigation and report by the surveyor general of New Mexico, passed an act (12 Stat. L. 71), section 6 of which is as follows:

"SEC. 6. *And be it further enacted*, That it shall be lawful for the heirs of Luis Maria Baca, who make claim to the said tract of land as is claimed by the town of Las Vegas, to select instead of the land claimed by them an equal quantity of vacant land, not mineral, in the Territory of New Mexico, to be located by them in square bodies, not exceeding five in number. And it shall be the duty of the surveyor general of New Mexico to make survey and location of the lands so selected by said heirs of Baca when thereunto required by them: *Provided, however*, That the right hereby granted to said heirs of Baca shall continue in force during three years from the passage of this act and no longer."

The facts in the case are summed up in the opinion at page 342, as follows:

"Summing up the whole matter, it results in this: Congress in 1860 made a grant of a certain number of acres, authorized the grantees to select the land within three years anywhere in the Territory of New Mexico, and directed the surveyor general of that Territory to make survey and location of the land selected, thus casting upon that officer the primary duty of deciding whether the land selected was such as the grantees might select. They selected this tract. Obeying the statute and the instructions issued by the Land Department, that officer approved the selection and made survey and location. The Land Department, at first suspending action, finally directed him to close up the matter, to approve the field notes, survey, and plat, and notified the parties through him that such field notes, survey, and plat, together with the act of Congress, should constitute the evidence of title. All was done as directed. Congress made no provision for a patent and the Land Department refused to issue one. All having been done that was prescribed by statute, the title passed. The Land Department has repeatedly ruled that the action then taken was a finality. It has noted on all maps and in its reports that this tract had been segregated from the public domain and become private property. It made report of this to Congress, and that body has never questioned the validity of its action. The grantees entered into actual possession and fenced the entire tract. They have paid the taxes levied by the State upon it as private property, amounting to at least $66,000."

The action was in ejectment. The plaintiff and those under whom he claimed had been in possession since 1869. No question as to their title had been raised until 1887, when defendants took possession and disputed the plaintiffs' claim. The court said:

"We are of opinion that at this late day the title to the locators and their grantees is not subject to challenge, and that it is a full, absolute, and unconditional title."

The court said further at page 337:

"There was no reservation of the matter for further consideration in the Land Department or by the surveyor general. There was a finality so far as they were concerned."

This quotation from the opinion in Shaw v. Kellogg has been made to demonstrate the marked difference between that case and this, a difference as great as between the present case and Lane v. Watts, supra, in which an injunction was granted against the Secretary of

the Interior because he was about to approve an entry on lands included in a tract selected by the Baca heirs under the act of 1860, above quoted—not the same selection as that involved in Shaw v. Kellogg. As the court says in the opinion in Lane v. Watts (234 U. S. 525, 541):

"To accommodate conflicting claims and at the instance of the Government the Baca claimants gave up their rights to a definite tract of land. * * *."

And this points out a vital distinction between that case and the one under consideration.

The case of Saunders v. La Purisima, etc., Co. (125 Calif. 159) more nearly resembles the present case than any others cited for the plaintiff but the differences are such as to make a distinction necessary. In the Saunders case the plaintiff's predecessors in title had obtained in 1890 a patent from the State, seven years before the defendant corporation claimed the right to make a mineral entry. The General Land Office long before the patent issued to the State in 1890 had found in 1871 the land to be nonmineral and had thereafter so far as the report shows made no contention to the contrary nor had it done anything thereafter indicating that it was still considering the question of mineral quality of the land. The register of the local land office had issued before the patent was granted a certificate similar to the one issued in the present case. On these facts the court held that the patent was not open to collateral attack by the defendant. What the decision would have been had the General Land Office acted from time to time as it did in the present case can not be said, but at least the reasoning of the court would have had to follow a different line in order to uphold the plaintiff's title. As to the effect to be given the certificate of the register, see Cosmos Co. v. Gray Eagle Co. (190 U. S. 301, 313).

The court is of the opinion that inquiry into the known mineral character of the land was not foreclosed by the action of the land office in relieving the lands from the order of suspension in 1904 upon the report of the special agent. If it were otherwise, then, even though it had become known the next day that the land was mineral and that the report was deliberately false, the department would have been helpless to act. (In this connection see what was said in United States v. Southern Pacific Co. (251 U. S. 1, 14) about the very report upon which the General Land Office acted in the present matter in removing the suspension.) If an administrative finding had the effect to close the matter then the approval of the plat with the notation of the mineral character of the lands established conclusively that no title vested in the State. The defendant does not make that contention but claims that the question of the known mineral character of the lands was still an open one and the admitted facts show that the department has so considered it to be at least up to a hearing had in 1921 before Secretary Fall in relation to the proceedings instituted in 1914. Unless the decision on that hearing finally determined that the land was known in 1903 to be mineral an injunction should not be granted. What, if any, was the effect of that decision?

At the hearing in 1921, which was before Secretary Fall, counsel for the Standard Oil Co. stated that he was asking the department to determine that section 36 "is a school section in place, title to which is vested in the State, and that the title has been so vested since the approval of the survey in 1903." After a statement of considerable length by counsel setting forth many if not all of the facts of record in the department, some of which are mentioned above, and also stating facts not of record about some of which no one else of those present should be presumed to know, which statement was also an argument on the law, the following occurred:

"Mr. SUTRO. * * * Now, if you will ask me what it is I am asking you to do, I will say it is this: I am asking the department to close this case on the ground that the title is in the State, and there is nothing further to investigate. * * *

"Secretary FALL. What you are asking now is that if convinced that the rule is as you state it, that instead of allowing this case to go to a hearing, and then in event I would hold with you, so deciding at that time, that if I am with you that I should decide it at this time and prevent the delay in the trial?"

After some discussion as to the reason for the delay in the proceedings instituted in February, 1914, the following occurred:

"Secretary FALL. Let me ask you a question now: What is the theory of the Government in a case like this? I called your attention to it a few days ago when Mr. Sutro was here, Judge. In the first place, in 1898 certain school lands, 16 and 36, in the States of Arizona and New Mexico, were donated to those stated for certain purposes. The States came into the Union in 1911, and in the enabling act they had certain other donations, as was the custom formerly.

"Mr. FINNEY. Two additional sections.

"Secretary FALL. Two additional sections, but they had prior thereto, in 1898, had this donation of 16 and 36. Could the State of New Mexico lease either 16 or 36, either of those donations, at the present time, for oil and make a valid lease on them?

"Mr. FINNEY. Yes; the rule is, as I understand—the present rule is that if the lands were known to be mineral—take the 1898 grant first; if they were known to be mineral——

"Secretary FALL. Known to whom?

"Mr. FINNEY. Known to anyone, the general public, anyone that went on the section; known to be mineral in 1898, if surveyed at that time, that they did not pass to the State; they were surveyed subsequently, and known to be mineral at the time of the survey, and it did not pass to the State——

"Secretary FALL. But known to whom to be mineral? Isn't there any rule as to who shall have knowledge of it?

"Mr. FINNEY. Anyone who sees the land. It must not necessarily be the Government's agent, or John Smith or Tom Jones. For instance, in the case of an outcropping that is visible to anyone who passes by, that would be known as mineral land under our rule. Under the rule which Secretary Hitchcock has approved, and which I think has been sustained since by the Supreme Court, geological indications, discoveries, and developments upon adjacent land may be taken into consideration, and may be such knowledge.

"Secretary FALL. Yes; as to classification.

"Mr. FINNEY. Now, Mr. Secretary, if that condition did not exist in 1898, and the school section in New Mexico was surveyed at that time——

"Secretary FALL (interposing). But the geological situation has not changed since 1898. It is the same now as it was then, I assume. I was there in 1898, and the geological conditions have not changed, I assume.

"Mr. FINNEY. Well, there is a lot of mineral that is not disclosed on the surface.

"Secretary FALL. Then according to that theory you would never get title to the lands. That is what I am trying to get at.

"Mr. FINNEY. Well, there may be a defect in the school grants.

"Secretary FALL. Then the Government of the United States had better get to work and classify these lands.

"Mr. FINNEY. I think myself it is a good thing, and there is a bill pending which would require that very thing.

"Secretary FALL. The Geological Survey can do it without any legislation, except the appropriation.

"Mr. FINNEY. Well, the thought of this bill is that there should be a determination by the Secretary and the patents or evidence of title issued. It is very true, as you say, that it does leave a mass of State titles in an uncertain condition, because they may be lying out there, and they may have been there for 10, 20, or 30 years.

"Secretary FALL. Is Mr. Sutro's statement of the case practically admitted?

"Mr. FINNEY. I think that is substantially the case.

"Secretary FALL. The contest will be dismissed."

It would make this opinion too long to quote all the argument of counsel. It is enough to say that his argument before the Secretary of the Interior was substantially what it is here, and therefore the inference which the court draws from the foregoing colloquy is that the Secretary ruled as a matter of law that title to the lands in question was finally determined to be in the State of California in January, 1903, when the plat of the survey was approved, or in April, 1904, when the lands were relieved from suspension. The Secretary did not determine that the lands were not known in 1903 to be mineral. He said in substance that it was not worth while to waste time to inquire as to that, for even though the evidence taken on the contest might show that the lands were known to be mineral, still he could not find so, as the inquiry as to that had been precluded by the department. If the action of Secretary Fall was final, then there never has been and never will be a determination of the contest directed by the department in 1914, notwithstanding that since 1900 the department has from time to time shown that it considered the question to be an open one.

After the contest was so dismissed the Secretary filed no opinion, nor did he make any specific findings of fact or conclusions of law, but the First Assistant Secretary of the Interior in a communication to the Commissioner of the General Land Office stated that a hearing had been had on the charges of 1914 and that the Secretary after considering the law and the facts verbally directed the proceedings to be dismissed. The communication instructed the commissioner to dismiss the proceedings and to close the case upon the record. The commissioner instructed the register and receiver in California to close the case on his records.

As the court differs from the finding of Secretary Fall as to the vesting of title in the State of California, it is of the opinion that the Department of the Interior has jurisdiction to prosecute the inquiry as to the known mineral character in 1903 of the lands and that a court may interfere. (Lane v. Mickadiet, 241 U. S. 201; Cosmos Co. v. Gray Eagle Co., 190 U. S. 301. See also Lane v. Darlington, 249 U. S. 231.)

The motion for a preliminary injunction is denied.

Chief Justice.

POSTAL RATES AND CHARGES

Mr. MOSES. From the Special Joint Subcommittee on Postal Rates established by section 217 of the act of February 28, 1925, I report a joint resolution, which I ask may be read for the information of the Senate, and after that shall have been done I wish to ask unanimous consent for its present consideration.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 1) to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, is hereby extended and continued in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress.

Mr. MOSES. I ask unanimous consent for the present consideration of the joint resolution.

Mr. SMOOT. I have no objection at all to the extension of time, but I think the resolution will have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, because the money for the purpose is to be paid out of the appropriation which was made later.

Mr. MOSES. That has already been done, I will say to the Senator. The joint resolution is merely to continue an act which has already run that gantlet.

Mr. SMOOT. But it will take extra money, which will have to come out of funds appropriated by Congress, and under the law that question will have to be passed upon by the Committee to Audit and Control the Contingent Expenses of the Senate. It can be reported back to-morrow, I think; the committee is organized; and I think such reference is required under the law.

Mr. MOSES. I differ from the Senator from Utah, because I think it is merely the continuance of an authority already given, which has already been passed upon by the committee.

Mr. SMOOT. But this is a new Congress. If it were the old Congress that would be another matter.

The VICE PRESIDENT. The Senator from Utah understands that this is a joint resolution, not a Senate resolution.

Mr. MOSES. This is a joint resolution.

Mr. SMOOT. A joint resolution?

Mr. MOSES. It has to be a joint resolution, I will say to the Senator, because this committee was established by statute, and because its expenses are paid one-half from the contingent fund of the House and one-half from the contingent fund of the Senate.

Mr. SMOOT. If it is a joint resolution, then I have nothing to say about it, because it does not fall within the law. I thought it was a Senate resolution.

Mr. MOSES. No.

Mr. SMOOT. Then I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. NORRIS. Mr. President, I have no objection to the present consideration of the resolution. I want to say just a word upon its consideration. It is a debatable proposition.

Mr. MOSES. Yes, Mr. President.

Mr. NORRIS. As I understand, the proposition of the Senator is simply to extend the time within which this joint committee may make an investigation.

Mr. MOSES. Yes.

Mr. McKELLAR. And report.

Mr. NORRIS. I do not want to say "I told you so"; but I remember very distinctly, when this matter was up for consideration, when we passed the bill which contained the provision allowing the joint committee to make an investigation, that it was quite apparent, it seemed to me, that if they made any kind of an investigation they were not going to make one that was of any value and have it ready by the convening of this Congress. The bill which provided for the increase of postage, and passed and became a law, was really a bill to relieve the President of a veto message with regard to the increased salaries of the postal employees; and it had to be done at that time because an election was coming on.

Mr. MOSES. Oh, no; I will say to the Senator that the election was many months before.

Mr. NORRIS. Yes; but the promise had been made. It was quite apparent, Mr. President, that we were increasing the rates of postage to the American people without giving due consideration to the fact that we had to do it because of political exigencies at the time. Now we are getting complaints—or at least I have been getting complaints for a good while—from business men all over the country who are just beginning to find out that the rates of postage have been increased on various kinds of mail matter, and they do not understand why it was done or what was the necessity of it or whether it was done in a scientific way.

I believed then, and I think it has been demonstrated since, that this increase of postage was placed upon the business men of America without any consideration worthy of the name. We were jumping blindly into the dark in order to avoid a postal deficiency, if we could, and permit the passage of this law. It is another illustration, Mr. President, of Congress acting from motives at least partially outside of real good legislation.

We knew when we passed the law that the committee could not properly consider this question within the limited time given by the law for the investigation of the questions involved, and yet without any such investigation we increased the rates of postage on various kinds of matter; and now, after we have done it, we are going to make a further investigation, which I think myself is absolutely necessary as a basis for scientific legislation. The only difficulty is that we have already legislated, and now we are going to investigate and see whether we ought to have fixed the increases as we needed them.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I do.

Mr. REED of Missouri. I want to inquire if, in making this hasty political shift to which the Senator from Nebraska refers, we did not manage to produce a deficiency in the Post Office Department of about forty-nine or fifty million dollars, and if that is not rather a large mistake to make in order to smooth the pathway of the Republican candidates in an election?

Mr. CARAWAY. Mr. President, that was only a very small part of what it cost.

Mr. REED of Missouri. And if it continues for another year, will we not have another deficiency of $50,000,000 next year?

Mr. MOSES. The question of the deficit in postal operations is too intricate to be entered upon now, especially as the Senator from Missouri is anxious presently to pass a resolution to pay funeral expenses, from which I do not wish to delay him.

Mr. REED of Missouri. If it were the funeral expenses of the Republican Party, I should be willing to stay here a year.

Mr. MOSES. Happily, that does not prove to be the case, Mr. President.

Without admitting any of the allegations or imputations put forward by the Senator from Nebraska [Mr. NORRIS], I do want to compliment him upon his foresight; and it is with some chagrin, I will admit to the Senator, that the joint subcommittee has to come to Congress to ask for an extension of its time. We have to confess at the outset that we were too ambitious; that we thought there was sufficient time in which to deal with this subject. We now find that there is not, although the committee probably has taken substantially all of the testimony which it will wish to take. We find, however, that there is not sufficient time to make the report, as indicated by the legislation of last February, because certain statistical information which we have asked, and which can be had only from the Post Office Department, is not in our hands and can not be brought into our hands before the 1st of February, at the earliest.

I can assure the Senator from Nebraska and the Senators generally that it is the desire of the subcommittee to be rid of this question as soon as may be; but, Mr. President, we do not wish to make a report to the Congress which shall contain a schedule of postal rates which we think will be unproductive or inequitable or impermanent. If Senators would realize that every year since 1918 some portion of the postal rates schedule has been tinkered with, we would realize that it is time now for us to give some degree of assurance of permanency to the postal rates, so that the large business interests of the country, to which the Senator from Nebraska has referred, and which have to make use of the mail service

as an essential element in their business, may know the conditions under which they shall transact their business.

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

Mr. MOSES. Yes.

Mr. SWANSON. Does the Senator provide for a report in time for this Congress to act upon it?

Mr. MOSES. Yes.

Mr. SWANSON. What is the time?

Mr. MOSES. The time, as stated in the joint resolution, is not later than the opening of the next session of Congress; but, Mr. President, I hope to be able to get this report in here by the middle of April.

Mr. SWANSON. Then, as I understand, the purpose will be for the existing rates to continue until this committee can report to Congress next December?

Mr. MOSES. Mr. President, the existing rates are permanent by law now, and can be changed only by an affirmative act of Congress.

Mr. SWANSON. I realize that. Then your purpose is to let them continue until this committee, at the next session, can make a report?

Mr. MOSES. No; the Senator from Virginia misunderstands me. The beginning of the next session is the extreme limit within which the committee may act. If I may say so to the Senator, information comes to me from my State which indicates that I shall have to be busy elsewhere after a little, and I can not be continuing here with postal rates all the time.

Mr. SWANSON. The Senator wishes to adjourn this investigation to meet political conditions in New Hampshire?

Mr. MOSES. Oh, no, indeed. I wish to complete the investigation so that I may give undivided attention to whatever home problems may arise.

Mr. SWANSON. My only objection to this continuance is that at one time these rates were proposed to be temporary, to expire at a limited time. They were then made permanent.

Mr. MOSES. Yes.

Mr. SWANSON. But the permanency was to be dependent upon the report of this committee.

Mr. MOSES. Yes.

Mr. SWANSON. Now, what is it worth to businesses which can only continue in the long run upon favorable rates in the post-office, and were builded on rates that were different from these? What is the use of coming back here 18 months from now with legislation, when the businesses that are being destroyed by these rates have ceased to exist?

Mr. MOSES. Mr. President, I can not continue to yield to the Senator if the Senator continues to misinterpret what I have said. I have set no 18-month limit.

Mr. SWANSON. But if this report is not made until next December, and then will have to be considered by Congress, it will be fully 18 months or 2 years before there will be a change in these rates of postage. In the meantime, business enterprises, newspapers, and other enterprises that have been builded on these rates will be destroyed. It seems to me, therefore, that this committee ought to report earlier. In view of the fact that the troubles in New Hampshire, to which the Senator referred, will not arise until August or September——

Mr. MOSES. Never mind the troubles in New Hampshire. I will take care of those when they arise.

Mr. SWANSON. That is what I knew the Senator would do. It is my confidence in what he will be able to do that makes me insist that this report should be made earlier.

Mr. MOSES. But I want to say to the Senator from Virginia, if I may, that having once made the mistake of having set a hard and fast limitation within which a committee shall report, I do not intend to be confronted again with a contingency such as now arises. Therefore, having changed the original text of the resolution so as to give us some elasticity of time within which to complete this investigation and make our report, I want now to go on and dispose of this question as soon as we can properly; and I do not wish to dispose of it, I will say to the Senator from Virginia, in any spirit which is not helpful to the business interests of the country. I understand better than he does what has happened under these rates. I understand better than the Senator from Nebraska does the volume of complaints which arise because of certain features in these rates. I think I understand the situation better than both the Senator from Virginia and the Senator from Nebraska put together. It is for that reason——

Mr. SWANSON. The Senator is not quite as tender-hearted as the Senator from Nebraska and myself. We are affected and disturbed when we see business destroyed by the political rates that were imposed in that bill. Now, let me make this suggestion to the Senator:

Let us provide that a report shall be made by the 1st of April. Then the Senator can take up the matter actively; and if the 1st of April comes and this splendid work that he is doing has not been accomplished, he can ask for another extension. It seems to me that that would be proper.

Mr. MOSES. I do not want to keep coming here and asking for extensions. I am trying to dispose of this matter at one time, and to dispose of the other matter as promptly as possible. May I state in passing, however, that the Senator from Virginia and the President of the United States do not seem to be in accord as to the prosperity of the country or the suffering of business, because we have just heard from a most sterling state paper that we are entering upon a great era of prosperity, and that the country already is prosperous to a great degree.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Has the unanimous consent which is required for this debate been granted?

The VICE PRESIDENT. It has not.

Mr. MOSES. I understood, Mr. President, that unanimous consent had been granted for the present consideration of the joint resolution.

Mr. CUMMINS. Mr. President, there is some routine business to be transacted here, for which some of us have been waiting; and if this debate is to be continued I object to the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SWANSON. I object, Mr. President.

The VICE PRESIDENT. The Senator from Virginia objects. The joint resolution will be placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOWELL:

A bill (S. 1) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes; and

A bill (S. 2) to reestablish competition in railroad transportation rates as substantially in effect prior to the present increased railway rates and the enactment of the transportation act, 1920, popularly known as the Esch-Cummins law, by limiting the powers of the Interstate Commerce Commission to establishing and prescribing maximum rates only, with certain exceptions; to the Committee on Interstate Commerce.

By Mr. ODDIE:

A bill (S. 3) for the creation of a bureau of coal economics, and for other purposes; and

A bill (S. 4) to authorize reimbursement for net losses in connection with money expended in or toward the purchasing or leasing of property acquired or controlled under the provisions of the so-called war minerals relief act, and for interest paid on borrowed money used in producing, or preparing to produce, any of the minerals named in said act; to the Committee on Mines and Mining.

A bill (S. 5) to pay the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War; and

A bill (S. 6) for the relief of Addison B. McKinley; to the Committee on Claims.

A bill (S. 7) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev.; to the Committee on Indian Affairs.

A bill (S. 8) to authorize the acquisition of a site and the erection of a Federal building thereon at Ely, Nev.;

A bill (S. 9) to authorize the acquisition of a site and the erection of a Federal building at Yerington, Nev.;

A bill (S. 10) to provide for the acquisition of a site and the erection thereon of a Federal building at Las Vegas, Nev.;

A bill (S. 11) to authorize the acquisition of a site and the erection of a Federal building at Gardnerville, Nev.;

A bill (S. 12) to authorize the acquisition of a site and the erection of a Federal building at Elko, Nev.;

A bill (S. 13) to authorize the acquisition of a site and the erection of a Federal building at Lovelock, Nev.;

A bill (S. 14) to authorize the acquisition of a site and the erection of a Federal building at Sparks, Nev.;

A bill (S. 15) to provide for additions and extensions to the United States post office at Reno, Nev.;

A bill (S. 16) to authorize the remodeling of the building occupied by the United States mint and assay office at Carson City, Nev.; and

A bill (S. 17) to authorize the acquisition of a site and the erection of a Federal building at Ruth, Nev.; to the Committee on Public Buildings and Grounds.

A bill (S. 18) granting a pension to Thomas A. McCharles;

A bill (S. 19) granting a pension to Henry Rabbes;

A bill (S. 20) granting an increase of pension to Mary J. Forbes;

A bill (S. 21) granting an increase of pension to Carl Z. Work;

A bill (S. 22) granting a pension to Katie F. Cross;

A bill (S. 23) granting a pension to James S. Kelley;

A bill (S. 24) granting a pension to Thomas Rea;

A bill (S. 25) granting a pension to Ensign O. Lane; and

A bill (S. 26) granting an increase of pension to Arthur C. Gardner; to the Committee on Pensions.

A bill (S. 27) to correct the military record of James Mitchener, deceased; and

A bill (S. 28) for the relief of Frederick W. Drury; to the Committee on Military Affairs.

A bill (S. 29) for the relief of Thurman A. Poe; to the Committee on Claims.

By Mr. ERNST:

A bill (S. 30) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on Civil Service.

A bill (S. 31) to amend an act entitled "An act to authorize the Director of the Census to collect and publish additional statistics of tobacco," approved April 30, 1912; to the Committee on Agriculture and Forestry.

A bill (S. 32) granting the consent of Congress to the Midland & Atlantic Bridge Corporation to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; to the Committee on Commerce.

By Mr. EDGE:

A bill (S. 33) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor; and

A bill (S. 34) to amend the national prohibition act, as supplemented, in respect of the issuance by physicians of prescriptions for intoxicating liquors; to the Committee on the Judiciary.

A bill (S. 35) abolishing the United States Shipping Board, and for other purposes; to the Committee on Commerce.

A bill (S. 36) authorizing the President to reorganize the executive agencies of the Government, and for other purposes; to the Committee on Appropriations.

A bill (S. 37) for the relief of First Lieut. Harry L. Rogers, jr.; to the Committee on Claims.

A bill (S. 38) for the relief of Commander Charles James Anderson, United States Naval Reserve Force; to the Committee on Naval Affairs.

A bill (S. 39) granting an increase of pension to Matthew A. Maloney; and

A bill (S. 40) granting an increase of pension to Seffie B. Hughes; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes; to the Committee on Commerce.

By Mr. BUTLER:

A bill (S. 42) for the relief of William H. Armstrong; and

A bill (S. 43) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe; to the Committee on Military Affairs.

A bill (S. 44) for the relief of Alice M. Durkee;

A bill (S. 45) for the relief of Yvonne Therrien;

A bill (S. 46) for the relief of Fannie C. Marden; and

A bill (S. 47) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session; to the Committee on Claims.

A bill (S. 48) granting an increase of pension to Fred Nilan;

A bill (S. 49) granting an increase of pension to Richard F. Murphy;

A bill (S. 50) granting an increase of pension to George E. P. Mitchell;

A bill (S. 51) granting an increase of pension to Clara M. Megroth;

A bill (S. 52) granting an increase of pension to George Libby;

A bill (S. 53) granting an increase of pension to Eva Davis Cogswell;

A bill (S. 54) granting an increase of pension to Elizabeth Quigley (with accompanying papers);

A bill (S. 55) granting an increase of pension to Robert J. Madden (with accompanying papers);

A bill (S. 56) granting an increase of pension to John Carroll (with accompanying papers); and

A bill (S. 57) granting a pension to James L. Butler (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 58) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla., and providing appropriation therefor; to the Committee on Military Affairs.

A bill (S. 59) to make unlawful certain acts of individuals and officers at elections at which Senators or Representatives are candidates; to the Committee on the Judiciary.

A bill (S. 60) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges, according to the provisions of the acts of July 2, 1862, and July 23, 1866, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay to the State of Oklahoma in lieu thereof the sum of $1.25 per acre for the number of acres due said State; to the Committee on Public Lands and Surveys.

A bill (S. 61) to revise and equalize rate of pension to certain soldiers, sailors, and marines of the Civil War and War with Mexico, to certain widows, including widows of the War of 1812, former widows, children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 62) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims; to the Committee on Claims.

A bill (S. 63) amending subsection E and subsection F of section 4 of an act entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes," approved December 5, 1924, and for other purposes; to the Committee on Irrigation and Reclamation.

A bill (S. 64) to amend and supplement the merchant marine act, 1920, the shipping act, 1916, and for other purposes;

A bill (S. 65) to create a Pribilof Islands fund and to provide for the disposition of surplus revenue from the Pribilof Islands, Alaska, and for other purposes; and

A bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Commerce.

A bill (S. 67) to aid in the erection of a monument to Indian Timothy at his grave near Alpowa, Asotin County, Wash.; to the Committee on the Library.

A bill (S. 68) authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government; to the Committee on Foreign Relations.

A bill (S. 69) for the relief of the legal representatives of Robert Dillon, deceased;

A bill (S. 70) for the relief of Charles A. Mayo;

A bill (S. 71) for the relief of Jasper N. Hafer;

A bill (S. 72) for the relief of Nellie Harrington;

A bill (S. 73) for the relief of the M. A. Phelps Lumber Co.;

A bill (S. 74) for the relief of W. H. Presleigh;

A bill (S. 75) for the relief of Caroline M. Killough;

A bill (S. 76) for the relief of Ira M. Krutz;

A bill (S. 77) for the relief of Katherine Rorison;

A bill (S. 78) for the relief of the Pacific Creosoting Co.; and

A bill (S. 79) for the relief of Sea-Coast Packing Co. (Inc.); to the Committee on Claims.

A bill (S. 80) defining the official salute to the flag; to the Committee on Military Affairs.

A bill (S. 81) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in

any claims which the Cowlitz Tribe of Indians may have against the United States, and for other purposes;

A bill (S. 82) authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington;

A bill (S. 83) validating and confirming conveyances of lands made by allottees on the Yakima Indian Reservation, in the State of Washington; and

A bill (S. 84) for the relief of J. G. Seupelt; to the Committee on Indian Affairs.

A bill (S. 85) to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920; and

A bill (S. 86) authorizing the President to appoint George T. Swasey, jr., formerly a lieutenant commander, United States Navy, to his former rank as lieutenant commander, United States Navy; to the Committee on Naval Affairs.

A bill (S. 87) authorizing and directing the Secretary of the Interior to patent certain lands to school district No. 58, of Clallam County, State of Washington, and for other purposes; and

A bill (S. 88) to establish the Grand Coulee National Park in the State of Washington; to the Committee on Public Lands and Surveys.

A bill (S. 89) (by request) to create and establish a national United States educational peace commission to promote peace by means of education; to the Committee on Education and Labor.

By Mr. FESS:

A bill (S. 90) to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes," approved March 3, 1925; to the Committee on the Library.

A bill (S. 91) to amend and supplement an act entitled "An act relating to bills of lading in interstate and foreign commerce," approved August 29, 1916; to the Committee on Interstate Commerce.

By Mr. WADSWORTH:

A bill (S. 92) to amend section 26 of the act of February 5, 1917, entitled "An act regulating the immigration of aliens to and residence of aliens in the United States"; and

A bill (S. 93) to amend the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

A bill (S. 94) to protect navigation from obstruction and injury by preventing the discharge of oil into the coastal navigable waters of the United States; to the Committee on Commerce.

A bill (S. 95) for the relief of Carlos Tompkins;

A bill (S. 96) to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement; and

A bill (S. 97) granting leave of absence to officers and employees of the Government who attend the citizens' military training camps; to the Committee on Military Affairs.

By Mr. MEANS:

A bill (S. 98) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 99) for the relief of the owner of the lighter *Eastman No. 1½*;

A bill (S. 100) for the relief of the Union Shipping & Trading Co. (Ltd.);

A bill (S. 101) for the relief of Allan MacRossie, jr.;

A bill (S. 102) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy;

A bill (S. 103) for the relief of A. S. Rosenthal Co.;

A bill (S. 104) to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company;

A bill (S. 105) for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased;

A bill (S. 106) for the relief of Clara Percy;

A bill (S. 107) for the relief of the Commercial Assurance Co. (Ltd.);

A bill (S. 108) for the relief of the Commercial Union Assurance Co. (Ltd.), the Automobile Insurance Co. of Hartford, Conn., American & Foreign Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Merchants & Shippers Insurance Co.

A bill (S. 109) for the relief of the owner of dry dock No. 6;

A bill (S. 110) for the relief of Henry C. Wilke;

A bill (S. 111) for the relief of the owners of the ferryboat *Oregon*;

A bill (S. 112) for the relief of the owner of the American steam tug *Charles Runyon*;

A bill (S. 113) for the relief of the owner of the American barge *Texaco No. 153*;

A bill (S. 114) for the relief of the owner of the steam tug *C. R. Stone*;

A bill (S. 115) for the relief of the owner of the steamship *Neptune*;

A bill (S. 116) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook*;

A bill (S. 117) for the relief of the owner of the Coast Transit Division barge *No. 4*;

A bill (S. 118) for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the United States steamship *Antigone*; and

A bill (S. 119) for the relief of Will J. Allen; to the Committee on Claims.

A bill (S. 120) to establish in the District of Columbia a board of mothers' assistance in aid of destitute mothers and making appropriations therefor; to the Committee on the District of Columbia.

By Mr. McKINLEY:

A bill (S. 121) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; to the Committee on the Judiciary.

A bill (S. 122) granting the consent of Congress to the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 123) to correct the military record of William N. Buck; to the Committee on Military Affairs.

A bill (S. 124) for the relief of the Davis Construction Co.; to the Committee on Claims.

A bill (S. 125) granting a pension to Nellie Sargent McGann (with accompanying papers);

A bill (S. 126) granting a pension to Mary L. Simmons (with accompanying papers);

A bill (S. 127) granting an increase of pension to Clara A. Moody (with accompanying papers);

A bill (S. 128) granting an increase of pension to Emma F. Reynolds (with accompanying papers);

A bill (S. 129) granting an increase of pension to Lydia G. Dudley (with accompanying papers);

A bill (S. 130) granting a pension to Charles W. Morrill;

A bill (S. 131) granting a pension to Laura R. Smith;

A bill (S. 132) granting a pension to Irving C. Avery;

A bill (S. 133) granting an increase of pension to Ann Milnes;

A bill (S. 134) granting an increase of pension to Nellie A. Farrell;

A bill (S. 135) granting an increase of pension to Florence B. Eldred;

A bill (S. 136) granting an increase of pension to Mary L. Paige;

A bill (S. 137) granting an increase of pension to Charles A. Smith;

A bill (S. 138) granting an increase of pension to Nettie Lamprey;

A bill (S. 139) granting an increase of pension to Marion E. Laird;

A bill (S. 140) granting a pension to Eliza A. Stratton;

A bill (S. 141) granting an increase of pension to Myra McDonald;

A bill (S. 142) granting a pension to Nicholas Suosso;

A bill (S. 143) granting a pension to Mabel A. Tibbetts;

A bill (S. 144) granting an increase of pension to Albert Young;

A bill (S. 145) granting a pension to Etta H. Sleeper;

A bill (S. 146) granting an increase of pension to J. Alphonso Courtemanche;

A bill (S. 147) granting an increase of pension to Mary E. Foss;

A bill (S. 148) granting an increase of pension to Louise B. Fuller;

A bill (S. 149) granting a pension to Myra K. Emmons;
A bill (S. 150) granting an increase of pension to Charles H. Marshall;
A bill (S. 151) granting an increase of pension to Joseph Boudette;
A bill (S. 152) granting a pension to William H. Davis;
A bill (S. 153) granting an increase of pension to Nellie A. Sanborn;
A bill (S. 154) granting an increase of pension to Sarah C. Quinn;
A bill (S. 155) granting an increase of pension to Elise Pinard;
A bill (S. 156) granting an increase of pension to Augusta M. Pike; and
A bill (S. 157) granting a pension to Fanny M. Jones; to the Committee on Pensions.
A bill (S. 158) to correct the military record of Israel Huneau; and
A bill (S. 159) to correct the military record of Samuel C. Rowe; to the Committee on Military Affairs.
A bill (S. 160) for the relief of Ruth Dixon Philbrick; to the Committee on Claims.
A bill (S. 161) for the relief of Charles H. Willey; to the Committee on Naval Affairs.

By Mr. BLEASE:

A bill (S. 162) granting the consent of Congress to the counties of Anderson, S. C., and Elbert, Ga., to construct a bridge across the Savannah River; to Committee on Commerce.

By Mr. SMOOT:

A bill (S. 163) granting a pension to Alma Barney; to the Committee on Pensions.
A bill (S. 164) for the relief of the Gunnison-Mayfield Land & Grazing Co.; to the Committee on Public Lands and Surveys.
A bill (S. 165) for the purchase of a site and the erection of a public building at St. George, Utah;
A bill (S. 166) for the purchase of a post-office site at Cedar City, Utah;
A bill (S. 167) to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, Utah;
A bill (S. 168) to provide for the erection of a public building at Price, Utah;
A bill (S. 169) to increase the cost of the public building at Vernal, Utah;
A bill (S. 170) to authorize the appropriation of $50,000 for the erection of a public building at Nephi, Utah;
A bill (S. 171) for the purchase of a post-office site at Mount Pleasant, Utah;
A bill (S. 172) for the purchase of a post-office site at Tremonton, Utah; and
A bill (S. 173) to increase the cost of public building at Eureka, Utah; to the Committee on Public Buildings and Grounds.
A bill (S. 174) for the relief of Walter M. Donnelly;
A bill (S. 175) for the relief of the sureties and indemnitors of William Roberts, Oren Burke, and Ralph Myers, and of Lilly J. Roberts, as administratrix of William Roberts, deceased;
A bill (S. 176) for the relief of Ernest Mowrey;
A bill (S. 177) for the relief of David Thygerson;
A bill (S. 178) for the relief of the estate of John Scowcroft;
A bill (S. 179) for the relief of J. W. Nell;
A bill (S. 180) for the relief of Joseph H. Wilson;
A bill (S. 181) for the relief of the Utah Fuel Co.; and
A bill (S. 182) for the relief of John A. Fox; to the Committee on Claims.

By Mr. METCALF:

A bill (S. 183) to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.; to the Committee on Public Buildings and Grounds.
A bill (S. 184) granting an increase of pension to Mary J. Gillmore;
A bill (S. 185) granting a pension to Joshua H. Thomas;
A bill (S. 186) granting an increase of pension to Lucie A. Hicks;
A bill (S. 187) granting an increase of pension to Annie S. Sweetland;
A bill (S. 188) granting an increase of pension to Almira R. Eaton; and
A bill (S. 189) granting an increase of pension to Elmina J. Bliss; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 190) for the relief of Samuel S. Archer; to the Committee on Claims.
A bill (S. 191) for the relief of Moses Y. Starbuck; to the Committee on Civil Service.
A bill (S. 192) granting a pension to Pearl Brown;
A bill (S. 193) granting an increase of pension to Sarah E. Richards;
A bill (S. 194) granting an increase of pension to Eveline P. Symonds;
A bill (S. 195) granting a pension to Barbara Johnson;
A bill (S. 196) granting a pension to David C. Hostetter;
A bill (S. 197) granting an increase of pension to Virginia E. Hayden;
A bill (S. 198) granting a pension to Katharine Thompson;
A bill (S. 199) granting a pension to Mary M. Stewart; and
A bill (S. 200) granting a pension to Margaret Oram; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 201) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building; to the Committee on Public Buildings and Grounds.
A bill (S. 202) granting an increase of pension to Harriet A. Sanborn;
A bill (S. 203) granting a pension to Benjamin S. Rollins;
A bill (S. 204) granting an increase of pension to George F. Hathaway;
A bill (S. 205) granting an increase of pension to H. Rose Crooker;
A bill (S. 206) granting a pension to Chastena H. Haskell;
A bill (S. 207) granting a pension to Myra F. Brown;
A bill (S. 208) granting a pension to Emily F. Patterson;
A bill (S. 209) granting an increase of pension to Ida J. Gray;
A bill (S. 210) granting a pension to Charles R. Fish;
A bill (S. 211) granting an increase of pension to Hattie Rowe;
A bill (S. 212) granting an increase of pension to Emma J. Bickford;
A bill (S. 213) granting an increase of pension to Sarah T. Cram;
A bill (S. 214) granting an increase of pension to Mary E. Spencer;
A bill (S. 215) granting an increase of pension to Sarah J. Smith;
A bill (S. 216) granting an increase of pension to Inzetta A. Small;
A bill (S. 217) granting a pension to Joseph Simpson;
A bill (S. 218) granting an increase of pension to Belinda E. Allen;
A bill (S. 219) granting a pension to Aralena R. Moore;
A bill (S. 220) granting an increase of pension to Henrietta R. Young (with accompanying papers);
A bill (S. 221) granting an increase of pension to Jennie C. Young (with accompanying papers);
A bill (S. 222) granting an increase of pension to Helen O. Gray (with accompanying papers);
A bill (S. 223) granting an increase of pension to Annie Thurston (with accompanying papers); and
A bill (S. 224) granting an increase of pension to Corydon G. Crafts (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 225) to extend the provisions of the national bank act to the Virgin Islands of the United States; to the Committee on Banking and Currency.
A bill (S. 226) to amend an act concerning the recording of liens; and
A bill (S. 227) to provide for the appointment of an additional district judge for the district of Connecticut (with accompanying papers); to the Committee on the Judiciary.
A bill (S. 228) for the relief of Capt. Charles M. Shaller; to the Committee on Claims.
A bill (S. 229) granting the distinguished-service medal to Sergt. Donald Ralph Green;
A bill (S. 230) declaring the Quartermaster's Volunteers to be held and considered a part of the United States Army in the Civil War and to be classified as Quartermaster's Volunteers, United States Volunteers;
A bill (S. 231) declaring David Hayes to have been a member of the Quartermaster's Volunteers, United States Volunteers, and directing the Secretary of War to issue a certificate of discharge from same to his heir; and

A bill (S. 232) to correct the military record of George H. Jackson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 233) granting a pension to Herschel C. Young;

A bill (S. 234) granting a pension to George F. Smith;

A bill (S. 235) granting a pension to James J. Sullivan;

A bill (S. 236) granting a pension to Margaret Horey;

A bill (S. 237) granting a pension to Nicholas Muccino;

A bill (S. 238) granting an increase of pension to Mary Duffy;

A bill (S. 239) granting a pension to Rose A. Rafferty;

A bill (S. 240) granting a pension to Sarah B. Torrey (with accompanying papers);

A bill (S. 241) granting a pension to Eliza G. Quigley (with accompanying papers);

A bill (S. 242) granting a pension to Annie E. Smith (with accompanying papers); and

A bill (S. 243) granting a pension to Maria J. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 244) for the relief of Elizabeth W. Kieffer; to the Committee on Claims.

A bill (S. 245) granting a pension to Mary Ann Raper;

A bill (S. 246) granting an increase of pension to Marietta J. Sackett (with accompanying papers); and

A bill (S. 247) granting an increase of pension to Mary C. Burke (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 248) for the relief of the Central National Bank, Ellsworth, Kans.; to the Committee on Banking and Currency.

A bill (S. 249) for the relief of Philip V. Sullivan (with accompanying papers); and

A bill (S. 250) for the relief of George M. Baum; to the Committee on Naval Affairs.

A bill (S. 251) conferring jurisdiction upon the Court of Claims to hear and determine the claims of certain Indians of the Kickapoo Tribe;

A bill (S. 252) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians; and

A bill (S. 253) for the relief of Henry and William King; to the Committee on Indian Affairs.

A bill (S. 254) for the relief of Adaline White;

A bill (S. 255) for the relief of Rosa E. Plummer;

A bill (S. 256) for the relief of Elizabeth Jane Ann West;

A bill (S. 257) to carry out the findings of the Court of Claims in the case of Humphrey M. Woodyard;

A bill (S. 258) to carry out the findings of the Court of Claims in the case of Jacob Samuel Weaver;

A bill (S. 259) for the relief of Fritz R. White;

A bill (S. 260) for the relief of Hazel E. Simms;

A bill (S. 261) for the relief of Eliza Sturgess;

A bill (S. 262) for the relief of Mrs. Theodore Sharp;

A bill (S. 263) for the relief of Thomas W. Morgan;

A bill (S. 264) for the relief of John W. Millar;

A bill (S. 265) for the relief of the estate of John McQuiddy, deceased;

A bill (S. 266) for the relief of Ralph Laymon;

A bill (S. 267) for the relief of Joseph Edmund Hanlon;

A bill (S. 268) for the relief of John L. Hays;

A bill (S. 269) to carry out the findings of the Court of Claims in the case of Lewis H. Gest;

A bill (S. 270) for the relief of James Davidson;

A bill (S. 271) for the relief of Claude Chandler;

A bill (S. 272) for the relief of Urith Hanna Culp;

A bill (S. 273) for the relief of Sarah C. Brooks;

A bill (S. 274) for the relief of James Blakeman; and

A bill (S. 275) for the relief of R. W. Branson; to the Committee on Claims.

A bill (S. 276) authorizing the repair and maintenance of the roadway through the National Soldiers' Cemetery at Fort Scott, Kans., and for other purposes;

A bill (S. 277) for the relief of Wilson Warford;

A bill (S. 278) for the relief of Harry Wingrove;

A bill (S. 279) for the relief of Thomas J. Temple;

A bill (S. 280) for the relief of Alfred Rebsamen;

A bill (S. 281) for the relief of Charles Rayfield;

A bill (S. 282) for the relief of Elie Rivers;

A bill (S. 283) for the relief of John Minister;

A bill (S. 284) for the relief of Abner W. Loomis;

A bill (S. 285) for the relief of Sylvester P. Hill;

A bill (S. 286) for the relief of William H. Gage;

A bill (S. 287) for the relief of James R. Gristy;

A bill (S. 288) for the relief of Helen Comer; and

A bill (S. 289) authorizing the appointment of William H. Armstrong as captain of Infantry, United States Army; to the Committee on Military Affairs.

A bill (S. 290) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 291) to create a department of education, and for other purposes; to the Committee on Education and Labor.

A bill (S. 292) granting a pension to Lemuel Abbott;

A bill (S. 293) granting an increase of pension to Clement F. S. Aimes;

A bill (S. 294) granting a pension to Thomas Anderson;

A bill (S. 295) granting a pension to Mary E. Allen;

A bill (S. 296) granting an increase of pension to Ephriam Briggs;

A bill (S. 297) granting a pension to William Bruce;

A bill (S. 298) granting an increase of pension to Ella Bailey;

A bill (S. 299) granting a pension to Lillian Bramun;

A bill (S. 300) granting an increase of pension to Fermon L. Botkin;

A bill (S. 301) granting a pension to Emma Braunlich;

A bill (S. 302) granting a pension to James F. Bierly;

A bill (S. 303) granting a pension to Emma J. Berry;

A bill (S. 304) granting an increase of pension to Joseph E. Burkhart;

A bill (S. 305) granting a pension to Mary M. Billings (with accompanying papers);

A bill (S. 306) granting a pension to John W. Brown;

A bill (S. 307) granting a pension to Lucresia Burley;

A bill (S. 308) granting an increase of pension to Alice Browning;

A bill (S. 309) granting an increase of pension to Mary A. Brown;

A bill (S. 310) granting an increase of pension to Rebecca C. Burwell;

A bill (S. 311) granting a pension to George R. Carver;

A bill (S. 312) granting a pension to George Coghill;

A bill (S. 313) granting an increase of pension to Henry S. Corp;

A bill (S. 314) granting a pension to Maggie J. Carr;

A bill (S. 315) granting an increase of pension to Rosann Cooper;

A bill (S. 316) granting a pension to Pierre L. Curtenius;

A bill (S. 317) granting a pension to Lizzie C. J. Cluett;

A bill (S. 318) granting a pension to Belle Cochran;

A bill (S. 319) granting an increase of pension to Annie E. Cade;

A bill (S. 320) granting an increase of pension to Maggie Crouch;

A bill (S. 321) granting an increase of pension to James Devine;

A bill (S. 322) granting a pension to Sureno Doll;

A bill (S. 323) granting a pension to Jesse Dobyns;

A bill (S. 324) granting a pension to Nettie J. Davis;

A bill (S. 325) granting an increase of pension to Esther Dunlap;

A bill (S. 326) granting a pension to Sarah Elmore;

A bill (S. 327) granting a pension to Anthony Early;

A bill (S. 328) granting a pension to Nannie V. Elliott;

A bill (S. 329) granting an increase of pension to William J. Eaton;

A bill (S. 330) granting an increase of pension to Laura C. East;

A bill (S. 331) granting an increase of pension to Matilda M. Funk;

A bill (S. 332) granting an increase of pension to Margaret Fitzgerald;

A bill (S. 333) granting a pension to Mary M. Freiberger;

A bill (S. 334) granting an increase of pension to Laura E. Franklin;

A bill (S. 335) granting a pension to Charles Grunert;

A bill (S. 336) granting a pension to Bridget Garnett;

A bill (S. 337) granting a pension to Ethel M. Greer;

A bill (S. 338) granting a pension to Joseph Gallaway;

A bill (S. 339) granting a pension to Mary Ellen Griffith;

A bill (S. 340) granting an increase of pension to Mary T. Glancy;

A bill (S. 341) granting an increase of pension to Emily Graham;

A bill (S. 342) granting a pension to James Hurt;

A bill (S. 343) granting a pension to Cordelia Hazen;

A bill (S. 344) granting a pension to Harry Hawkes;

A bill (S. 345) granting a pension to Fannie Howard;
A bill (S. 346) granting a pension to Margaret E. Hutchinson;
A bill (S. 347) granting an increase of pension to John B. Hamblin;
A bill (S. 348) granting a pension to Robert Samuel Harris;
A bill (S. 349) granting a pension to Margaret R. Hull;
A bill (S. 350) granting a pension to Mary J. Henry;
A bill (S. 351) granting a pension to Margaret Hardesty (with accompanying papers);
A bill (S. 352) granting an increase of pension to Charles A. Heiland;
A bill (S. 353) granting an increase of pension to Julia A. Hemming;
A bill (S. 354) granting a pension to James Hogan;
A bill (S. 355) granting an increase of pension to Mary E. Hart;
A bill (S. 356) granting an increase of pension to Mary E. Hinckley;
A bill (S. 357) granting a pension to Aggie Isince;
A bill (S. 358) granting a pension to Ray D. Ingersoll;
A bill (S. 359) granting a pension to Andrew Jordan;
A bill (S. 360) granting a pension to Malinda Johnson;
A bill (S. 361) granting an increase of pension to William E. Kratzer;
A bill (S. 362) granting a pension to Malinda Kiniston;
A bill (S. 363) granting a pension to John H. Kane;
A bill (S. 364) granting an increase of pension to Jennie E. Kelsey;
A bill (S. 365) granting an increase of pension to Andrew P. Larson;
A bill (S. 366) granting an increase of pension to John O. Lind;
A bill (S. 367) granting a pension to Melissa S. Lemon;
A bill (S. 368) granting a pension to Louisa Leppla;
A bill (S. 369) granting an increase of pension to George Taylor Lee and Milton Lee;
A bill (S. 370) granting an increase of pension to Mary Ann Lucas;
A bill (S. 371) granting an increase of pension to Mary C. Lloyd;
A bill (S. 372) granting a pension to Rhoda V. Moore;
A bill (S. 373) granting a pension to James Mimford;
A bill (S. 374) granting an increase of pension to Melville C. Mallicoat;
A bill (S. 375) granting a pension to James W. Murphy;
A bill (S. 376) granting a pension to Lizzie Ann Morrison;
A bill (S. 377) granting an increase of pension to Austin L. Myers;
A bill (S. 378) granting a pension to Mary Miller;
A bill (S. 379) granting an increase of pension to John W. McAndrew;
A bill (S. 380) granting a pension to James D. Martin;
A bill (S. 381) granting a pension to Charles E. Mann;
A bill (S. 382) granting an increase of pension to Harvey C. Myers;
A bill (S. 383) granting a pension to Nancy Monroe;
A bill (S. 384) granting a pension to Helen M. McCauley;
A bill (S. 385) granting an increase of pension to Dina Schmidt (with accompanying papers);
A bill (S. 386) granting an increase of pension to Julia Martin;
A bill (S. 387) granting a pension to Eugene S. Mattoon;
A bill (S. 388) granting a pension to Alice Noble;
A bill (S. 389) granting a pension to Charles C. Newton;
A bill (S. 390) granting a pension to Alvin E. Owens;
A bill (S. 391) granting a pension to Janama Oldham;
A bill (S. 392) granting a pension to Ellen O'Donnell;
A bill (S. 393) for the relief of Ellen Oglesby;
A bill (S. 394) granting an increase of pension to John Osborn;
A bill (S. 395) granting a pension to Ida Overman;
A bill (S. 396) granting an increase of pension to Alexander C. Powell;
A bill (S. 397) granting an increase of pension to Juna Powell;
A bill (S. 398) granting a pension to Henry Philipps;
A bill (S. 399) granting a pension to Edith H. Peters;
A bill (S. 400) granting a pension to John T. Peet;
A bill (S. 401) granting a pension to Albert F. Ponath;
A bill (S. 402) granting a pension to Sarah E. Ross;
A bill (S. 403) granting a pension to Arthur G. Reed;
A bill (S. 404) granting an increase of pension to Anna Laura Pratt;
A bill (S. 405) granting a pension to Mary F. Robinson;
A bill (S. 406) granting a pension to M. L. Ralston;
A bill (S. 407) granting a pension to Melvina Roberson;
A bill (S. 408) granting a pension to Hester A. Record or Ricketts;
A bill (S. 409) granting a pension to Isabelle Raber;
A bill (S. 410) granting an increase of pension to Mary J. Rowland;
A bill (S. 411) granting an increase of pension to William F. Rogers;
A bill (S. 412) granting an increase of pension to Eliza A. Reed;
A bill (S. 413) granting an increase of pension to Mary Ann Rodgers;
A bill (S. 414) granting a pension to Hattie H. Skuse;
A bill (S. 415) granting a pension to John Thomas Snodgrass;
A bill (S. 416) granting a pension to Della E. Sanneman;
A bill (S. 417) granting a pension to Nancy K. Sadler;
A bill (S. 418) granting a pension to Tillie M. Smith;
A bill (S. 419) granting a pension to Amanda Shannon;
A bill (S. 420) granting a pension to Katherine Stapleton;
A bill (S. 421) granting an increase of pension to Alice J. Stebbins;
A bill (S. 422) granting a pension to Mary C. B. Shultz;
A bill (S. 423) granting a pension to Charles C. Spencer;
A bill (S. 424) granting a pension to Sue C. Tozier;
A bill (S. 425) granting a pension to David S. Toland;
A bill (S. 426) granting a pension to Samuel Thompson;
A bill (S. 427) granting a pension to Mary J. Thompson;
A bill (S. 428) granting a pension to Harriett P. Trudell;
A bill (S. 429) granting an increase of pension to Kate Troester (with accompanying papers);
A bill (S. 430) granting a pension to Charlotte Ann Ury;
A bill (S. 431) granting a pension to Hannah Vadenburg;
A bill (S. 432) granting an increase of pension to Reuben Waller;
A bill (S. 433) granting an increase of pension to Mattie B. Wintrode;
A bill (S. 434) granting a pension to Martha E. Ward;
A bill (S. 435) granting a pension to Richard Perry Watkins;
A bill (S. 436) granting a pension to Emma Webb;
A bill (S. 437) granting a pension to Katharine S. White;
A bill (S. 438) granting a pension to Arabella Williams;
A bill (S. 439) granting an increase of pension to Catherine Walker;
A bill (S. 440) granting a pension to Eva Hood S. Watson;
A bill (S. 441) granting a pension to George W. Beaty (with accompanying papers);
A bill (S. 442) granting an increase of pension to Charles C. Calahan (with accompanying papers);
A bill (S. 443) granting a pension to Hattie Gunn (with accompanying papers);
A bill (S. 444) granting an increase of pension to Harriet E. Geauque (with accompanying papers);
A bill (S. 445) granting a pension to Sarah E. Hargett (with accompanying papers);
A bill (S. 446) granting an increase of pension to Emeline Mentzer (with accompanying papers);
A bill (S. 447) granting a pension to Nancy McGuire (with accompanying papers);
A bill (S. 448) granting an increase of pension to Lena Waterman (with accompanying papers); and
A bill (S. 449) granting an increase of pension to Henry Wilton (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 450) authorizing the Secretary of the Treasury to remove the quarantine station now situated at Quarantine, La., and to construct a new quarantine station at or near New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. BRUCE:

A bill (S. 451) for the relief of the city of Baltimore;
A bill (S. 452) for the relief of Richard Riggles (with accompanying papers); and
A bill (S. 453) for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith (with accompanying papers); to the Committee on Claims.

By Mr. CARAWAY:

A bill (S. 454) to prevent the sale of cotton and grain in future markets; to the Committee on Agriculture and Forestry.
A bill (S. 455) to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMERON:

A bill (S. 456) to establish a Federal penitentiary within the State of Arizona; to the Committee on the Judiciary.

A bill (S. 457) to provide for the further rehabilitation of disabled veterans of the World War who have received agricultural training through the Veterans' Bureau;

A bill (S. 458) to provide for the development of the lands within the Colorado River Indian Reservation for the benefit of the Indians and of veterans of the World War; to the Committee on Irrigation and Reclamation.

A bill (S. 459) to increase the subsistence and per diem allowances of certain officers and employees of the United States; to the Committee on Appropriations.

A bill (S. 460) authorizing the Secretary of War to deliver to Frank Luke, jr., Post No. 1, the American Legion, Phoenix, Ariz., one piece of German field artillery, with certain equipment; to the Committee on Military Affairs.

A bill (S. 461) providing for the location and purchase of lands containing concentrated mineral deposits, setting out the manner of location, the requirements necessary for possession, the procedure for patenting, and the acts and omissions that will constitute a forfeiture; to the Committee on Mines and Mining.

A bill (S. 462) for the relief of Martha P. Collins;

A bill (S. 463) for the relief of Herbert R. Cornforth;

A bill (S. 464) for the relief of W. P. Dalton;

A bill (S. 465) for the relief of William Wooster;

A bill (S. 466) for the relief of Helen M. Peck; and

A bill (S. 467) for the relief of Joseph B. Tanner; to the Committee on Claims.

A bill (S. 468) granting a pension to John Bilby;

A bill (S. 469) granting pensions and increase of pensions to certain Indian-war veterans and widows; and

A bill (S. 470) granting a pension to Edward M. Foltz; to the Committee on Pensions.

A bill (S. 471) to provide for the acquisition of a site and the erection thereon of a Federal building at Yuma, Ariz.;

A bill (S. 472) for the erection of a public building in the city of Prescott, Ariz.; and

A bill (S. 473) for the erection of a public building in the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. CUMMINS:

A bill (S. 474) to create a Negro industrial commission;

A bill (S. 475) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa;

A bill (S. 476) to provide for the temporary detail of commissioned officers and enlisted men of the Army, Navy, and Marine Corps, and for other purposes;

A bill (S. 477) to give the Supreme Court of the United States authority to make and publish rules in common-law actions; and

A bill (S. 478) to amend section 198 of the Criminal Code, as amended; to the Committee on the Judiciary.

A bill (S. 479) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; and

A bill (S. 480) to amend an act entitled "Interstate commerce act," approved February 28, 1920; to the Committee on Interstate Commerce.

A bill (S. 481) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919; to the Committee on Manufactures.

By Mr. DILL:

A bill (S. 482) granting an increase of pension to John S. Gilliland;

A bill (S. 483) granting an increase of pension to Eugene Helm;

A bill (S. 484) granting an increase of pension to Inez V. Scranton;

A bill (S. 485) granting a pension to J. S. Taylor;

A bill (S. 486) granting an increase of pension to Amanda M. Startsman;

A bill (S. 487) granting an increase of pension to George W. Conner;

A bill (S. 488) granting a pension to Mary Ann Dow;

A bill (S. 489) granting an increase of pension to Mary Hoist; and

A bill (S. 490) granting a pension to Harriette B. Gunn; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims;

A bill (S. 492) for the relief of Swend A. Swendson;

A bill (S. 493) for the relief of the owner of the steamship *British Isles;*

A bill (S. 494) for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;*

A bill (S. 495) for the relief of Sophie Caffrey;

A bill (S. 496) for the relief of W. R. Grace & Co.;

A bill (S. 497) authorizing the Court of Claims of the United States to hear and determine the claims of persons or corporations who rendered services or furnished supplies used on certain steamships owned by the United States;

A bill (S. 498) for the relief of George W. Cushman;

A bill (S. 499) for the relief of George Boiko & Co.;

A bill (S. 500) for the relief of Martin Brauer;

A bill (S. 501) for the relief of Perley F. Brewer;

A bill (S. 502) for the relief of Harold Bentsen;

A bill (S. 503) for the relief of the owners of the barge *Mary M.;*

A bill (S. 504) for the relief of Anna Faceina;

A bill (S. 505) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

A bill (S. 506) for the relief of the heirs of A. S. Fogler, jr.;

A bill (S. 507) for the relief of the owners of the steam tug *Joshua Lovett;*

A bill (S. 508) for the relief of the owners of cargo laden aboard the U. S. transport *Florence Luckenbach*, on or about December 27, 1918;

A bill (S. 509) for the relief of R. H. Macy & Co.;

A bill (S. 510) to reimburse Domingo Lluanag for money deposited on the U. S. S. *President Lincoln*, lost at sea;

A bill (S. 511) for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon;*

A bill (S. 512) for the relief of Flora Yost Klinowski;

A bill (S. 513) for the relief of Ingvald A. Knudsen;

A bill (S. 514) for the relief of John Kaba;

A bill (S. 515) for the relief of Thomas F. Kenny;

A bill (S. 516) for the relief of Margaret B. Knapp;

A bill (S. 517) for the relief of Walter S. Holbrook as managing owner of the steam tug *Crescent;*

A bill (S. 518) for the relief of the Moran Towing & Transportation Co.;

A bill (S. 519) for the relief of Perley Morse & Co.;

A bill (S. 520) for the relief of Antti Merihelmi;

A bill (S. 521) for the relief of August Michalchuk;

A bill (S. 522) for the relief of the estate of James A. McErlain;

A bill (S. 523) for the relief of C. F. E. Petersen;

A bill (S. 524) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*

A bill (S. 525) for the relief of Mary Reithel;

A bill (S. 526) for the relief of the State of New York;

A bill (S. 527) for the relief of the city of New York;

A bill (S. 528) for the relief of the estate of Henry Seip, deceased;

A bill (S. 529) for the relief of Henry C. Scott;

A bill (S. 530) for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic;*

A bill (S. 531) for the relief of Emma H. Ridley;

A bill (S. 532) for the relief of C. E. Waite;

A bill (S. 533) for the relief of the Union Ferry Co., of New York and Brooklyn, owners of the ferryboat *Montauk;*

A bill (S. 534) for the relief of George W. Trowbridge;

A bill (S. 535) for the relief of Thomas Steenworth;

A bill (S. 536) for the relief of the Snare & Triest Co.;

A bill (S. 537) for the relief of owners of cargo aboard the steamship *Boxley;*

A bill (S. 538) for the relief of the owner of the steam tug *No. 26;*

A bill (S. 539) for the relief of Ida Smith;

A bill (S. 540) for the relief of Theresa H. Shea; and

A bill (S. 541) for the relief of A. W. Duckett & Co.; to the Committee on Claims.

By Mr. JONES of New Mexico.

A bill (S. 542) to amend the World War adjusted compensation act;

A bill (S. 543) to amend an act entitled "Victory Liberty loan act," approved March 3, 1919, as amended; and

A bill (S. 544) to amend Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916; to the Committee on Finance.

A bill (S. 545) for the payment of damages to certain citizens of New Mexico caused by reason of artificial obstructions to the flow of the Rio Grande by an agency of the United States;

A bill (S. 546) for the relief of J. H. Toulouse;

A bill (S. 547) for the relief of James W. Laxson;

A bill (S. 548) for the relief of Omer D. Lewis;

A bill (S. 549) for the relief of John H. Walker;

A bill (S. 550) for the relief of Eugenia Ascarate Griggs;

A bill (S. 551) for the relief of Nicholas Gallegos;

A bill (S. 552) for the relief of Bernard S. Rodey;

A bill (S. 553) for the relief of Fred V. Plomteaux;

A bill (S. 554) for the relief of Frank Grygla;

A bill (S. 555) for the relief of J. B. McGhee;

A bill (S. 556) for the relief of Sigmund Lindauer; and

A bill (S. 557) for the relief of Manuel A. Martinez; to the Committee on Claims.

A bill (S. 558) to provide for the acquisition of a site and the erection thereon of a public building at Gallup, N. Mex.

A bill (S. 559) to provide for the payment by the United States of the proportionate cost of the paving of streets upon which property of the United States abuts;

A bill (S. 560) to provide for the acquisition of a site and the erection thereon of a public building at Tucumcari, N. Mex.;

A bill (S. 561) to provide for the acquisition of a site and the erection thereon of a public building at Deming, N. Mex.;

A bill (S. 562) to provide for the acquisition of a site and the erection thereon of a public building at Silver City, N. Mex.; and

A bill (S. 563) to increase the appropriation for the construction of a public building on the site heretofore selected between the city of East Las Vegas and the city of Las Vegas, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 564) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools;

A bill (S. 565) limiting the creation or extension of forest reserves in New Mexico and Arizona; and

A bill (S. 566) granting to certain States public lands for the construction, repair, and maintenance of public roads; to the Committee on Public Lands and Surveys.

A bill (S. 567) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on Post Offices and Post Roads.

A bill (S. 568) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, and as subsequently amended; to the Committee on Agriculture and Forestry.

A bill (S. 569) to authorize the transfer of surplus books from the Navy Department to the Interior Department; to the Committee on Naval Affairs.

A bill (S. 570) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. JOHNSON:

A bill (S. 571) for the relief of John Milton Pew; to the Committee on Claims.

A bill (S. 572) granting an increase of pension to Margarett Davy; and

A bill (S. 573) granting a pension to Mary J. Tosh; to the Committee on Pensions.

A bill (S. 574) to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GOODING:

A bill (S. 575) to amend section 4 of the interstate commerce act; to the Committee on Interstate Commerce.

A bill (S. 576) to establish a fish-hatching and fish-cultural station in the State of Idaho; to the Committee on Commerce.

By Mr. GEORGE:

A bill (S. 577) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alberta Sisler Sauls;

A bill (S. 578) for the relief of the Georgia, Florida & Alabama Railway Co.;

A bill (S. 579) for the relief of the Georgia Cotton Co.; and

A bill (S. 580) for the relief of Ethel Williams; to the Committee on Claims.

By Mr. HARRELD:

A bill (S. 581) granting an increase of pension to Samaria Glenn;

A bill (S. 582) granting a pension to Emily Patrick;

A bill (S. 583) granting an increase of pension to Ida Usery; and

A bill (S. 584) granting a pension to Mary Brink; to the Committee on Pensions.

A bill (S. 585) for the relief of F. E. Romberg; to the Committee on Indian Affairs.

A bill (S. 586) for the relief of William Smith; and

A bill (S. 587) for the relief of John O'Brien; to the Committee on Military Affairs.

A bill (S. 588) for the relief of A. T. Whitworth; to the Committee on Claims.

By Mr. EDWARDS:

A bill (S. 589) for the relief of Clotilda Freund; and

A bill (S. 590) for the relief of Emily L. Hoffbauer; to the Committee on Claims.

A bill (S. 591) to amend the national prohibition act to provide for the manufacture, sale, and transportation of 4 per cent beer under Federal supervision; and

A bill (S. 592) to repeal the national prohibition act; to the Committee on the Judiciary.

By Mr. FERRIS:

A bill (S. 593) to correct the military record of James M. Patrick;

A bill (S. 594) to correct the military record of Charles T. Hollis, deceased;

A bill (S. 595) for the relief of Alonzo C. Shekell; and

A bill (S. 596) to correct the military record of Charles T. Hollis, deceased; to the Committee on Military Affairs.

A bill (S. 597) for the relief of Morgan Miller; and

A bill (S. 598) for the relief of Alexander McLaren; to the Committee on Claims.

A bill (S. 599) granting a pension to Francena Cressy;

A bill (S. 600) granting a pension to Catherine D. Bauerly;

A bill (S. 601) granting a pension to Ann E. Kennedy;

A bill (S. 602) granting an increase of pension to George H. Gilbert;

A bill (S. 603) granting a pension to Nancy A. Southwell;

A bill (S. 604) granting a pension to Amy Clark;

A bill (S. 605) granting an increase of pension to Mary Edna Peirce;

A bill (S. 606) granting a pension to Ada C. Lee; and

A bill (S. 607) granting a pension to Maria L. McShea; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 608) granting a pension to Martha Jane Hague (with accompanying papers);

A bill (S. 609) granting a pension to Mary Ann Stapleton; and

A bill (S. 610) granting a pension to Georgia Ann Fussell; to the Committee on Pensions.

A bill (S. 611) for the relief of Margaret W. Pearson and John Reed Pearson, of Jacksonville, Fla.;

A bill (S. 612) for the relief of Elizabeth Wooten; and

A bill (S. 613) for the relief of Archibald L. Macnair; to the Committee on Claims.

A bill (S. 614) making appropriations for the construction of certain public buildings; to the Committee on Appropriations.

A bill (S. 615) to authorize the Federal courts of the United States to render declaratory judgments; to the Committee on the Judiciary.

A bill (S. 616) to extend rediscount privilege to farm-loan bonds, promote their sale, and for other purposes; to the Committee on Banking and Currency.

A bill (S. 617) providing that the Government property at Black Point, on the St. Johns River, in Duval County, Fla., acquired for use as a militia target range, be donated to the State of Florida for military purposes; and

A bill (S. 618) to extend the franking privilege to commissioned officers of the National Guard, including adjutants general of the States; to the Committee on Military Affairs.

A bill (S. 619) providing for a site and public building for a post office at Fort Lauderdale, Broward County, Fla.;

A bill (S. 620) providing for a site and public building for a post office at Fort Pierce, St. Lucie County, Fla.;

A bill (S. 621) providing for a site and public building for a post office at Seabreeze, Volusia County, Fla.;

A bill (S. 622) providing for a site and public building for a post office at Daytona, Volusia County, Fla.;

A bill (S. 623) for the purchase of a site for and the erection of a post-office building at Winter Haven, Fla.;

A bill (S. 624) to provide for a site and public building at Fort Myers, Fla.;

A bill (S. 625) providing for a site and building at Arcadia, Fla.;

A bill (S. 626) to provide for a site and public building at Clearwater, Fla.;

A bill (S. 627) to provide for a site and public building at Leesburg, Fla.;

A bill (S. 628) for the purchase of a site for and the erection of a post-office building at Quincy, Fla.;

A bill (S. 629) providing for the acquisition of a site and the erection thereon of a public building at Perry, Fla.;

A bill (S. 630) providing for the acquisition of a site and the erection thereon of a public building at Monticello, Fla.;

A bill (S. 631) providing for the acquisition of a site and the erection thereon of a public building at Madison, Fla.;

A bill (S. 632) providing for the acquisition of a site and the erection thereon of a public building at Starke, Fla.;

A bill (S. 633) to acquire a site for a public building at Panama City, Fla.;

A bill (S. 634) providing for the erection of a public building at Lake City, Fla.;

A bill (S. 635) increasing the limit of cost for a Federal building at Marianna, Fla.;

A bill (S. 636) for the erection of a public post-office building at De Funiak Springs, Fla.;

A bill (S. 637) for the erection of a Federal building at Kissimmee, Osceola County, Fla.;

A bill (S. 638) for the erection of a Federal building at Key West, Monroe County, Fla.;

A bill (S. 639) for the erection of a Federal building at St. Augustine, St. Johns County, Fla.;

A bill (S. 640) providing for a site and erection thereon of a Federal building at Jacksonville, Duval County, Fla.; and

A bill (S. 641) to enlarge and extend the post-office building at Tampa, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT:

A bill (S. 642) to give a military status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the war with Germany; to the Committee on Military Affairs.

A bill (S. 643) for the relief of George C. Mansfield Co. and George D. Mansfield;

A bill (S. 644) for the relief of Henry H. Hall;

A bill (S. 645) for the relief of Hannah Roberts;

A bill (S. 646) for the relief of F. M. Gray, Jr., Co.; and

A bill (S. 647) for the relief of the devisees of William Rusch, deceased; to the Committee on Claims.

A bill (S. 648) granting a pension to Frank Brown;

A bill (S. 649) granting a pension to Seward Garthwaite;

A bill (S. 650) granting an increase of pension to Leonidas Recob;

A bill (S. 651) granting an increase of pension to Hannah J. Talbot;

A bill (S. 652) granting an increase of pension to Magdalena Lefebore;

A bill (S. 653) granting a pension to Victoria Eager;

A bill (S. 654) granting an increase of pension to Alphonso Armstrong; and

A bill (S. 655) granting an increase of pension to Frank J. Tomkiewicz; to the Committee on Pensions.

By Mr. KING:

A bill (S. 656) to establish a department of national defense, and for other purposes; to the Committee on Military Affairs.

A bill (S. 657) providing for the withdrawal of the United States from the Philippine Islands; to the Committee on Territories and Insular Possessions.

A bill (S. 658) to abolish the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, to create the United States shipping commission, and for other purposes; to the Committee on Commerce.

A bill (S. 659) to authorize the erection of an experimental oil shale refining plant in the State of Utah, and making an appropriation for such purpose; to the Committee on Mines and Mining.

A bill (S. 660) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

A bill (by request) (S. 661) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924; and

A bill (S. 662) authorizing the construction of public buildings and the purchase of sites for public buildings in the State of Utah; to the Committee on Public Buildings and Grounds.

A bill (S. 663) to authorize the Director of the Reclamation Service to make an examination of dam and reservoir sites on Green River available for the impounding of waters to be used for the generation of power and irrigation of lands in the State of Utah; and

A bill (S. 664) to authorize the President to investigate the potential utilization of the water resources of the Colorado River Basin; to the Committee on Irrigation and Reclamation.

A bill (S. 665) to repeal section 315 of the tariff act of 1922; and

A bill (S. 666) to abolish the United States Tariff Commission; to the Committee on Finance.

A bill (S. 667) to amend the Federal reserve act; to the Committee on Banking and Currency.

A bill (S. 668) to amend the act entitled "An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes"; and

A bill (S. 669) to create the Federal City planning commission; to the Committee on the District of Columbia.

A bill (S. 670) for the relief of Joseph F. Thorpe; to the Committee on Claims.

A bill (S. 671) to protect the freedom of commerce between the States; and

A bill (S. 672) to abolish the Federal Trade Commission; to the Committee on Interstate Commerce.

A bill (S. 673) to grant certain lands to John H. Barton;

A bill (S. 674) granting certain lands to the city of Kaysville, Utah, to protect the watershed of the water-supply system of said city; and

A bill (S. 675) granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city; to the Committee on Public Lands and Surveys.

A bill (S. 676) to extend the provisions of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January 31, 1891, inclusive, and for other purposes," approved March 4, 1917; to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 677) granting an increase of pension to Susan Marsh Williams, widow of George Washington Williams, late rear admiral, United States Navy; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 678) relative to the acquisition of oil lands by foreign governments; to the Committee on Foreign Relations.

A bill (S. 679) to amend and supplement the merchant marine act, 1920, and for other purposes; to the Committee on Commerce.

A bill (S. 680) regarding the education and naturalization of aliens and the children of aliens, and for other purposes; to the Committee on Education and Labor.

A bill (S. 681) to amend the classification act of 1923;

A bill (S. 682) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; and

A bill (S. 683) to provide for the relief of certain employees of the Government who have become eligible for retirement under the provisions of the retirement act of May 22, 1920, and have thereafter been continued in the service or reemployed therein; to the Committee on Civil Service.

A bill (S. 684) providing for a report on the cost of improving and maintaining a road running up Lookout Mountain to Point Lookout, a Government reservation; and

A bill (S. 685) providing additional compensation to certain employees of the Post Office Department for overtime service; to the Committee on Post Offices and Post Roads.

A bill (S. 686) to provide for the acquisition of a site and the erection thereon of a public building at Milan, Tenn.;

A bill (S. 687) increasing the limit of cost of a public building and site at Athens, McMinn County, Tenn.;

A bill (S. 688) to provide for the acquisition of a site and the erection thereon of a public building at Ripley, Tenn.;

A bill (S. 689) for the purchase of a post-office site at Dickson, Tenn.;

A bill (S. 690) to provide for the acquisition of a site and the erection thereon of a public building at McMinnville, Tenn.; to the Committee on Public Buildings and Grounds.

A bill (S. 691) relative to discharges of certain soldiers and sailors who served in the war with Germany;

A bill (S. 692) to authorize the reinstatement of honorably discharged soldiers and sailors to former positions in Government service and restoration to eligible register of the names of honorably discharged soldiers and sailors;

A bill (S. 693) authorizing the Secretary of War to donate to the town of Etowah, McMinn County, Tenn., one German cannon or fieldpiece;

A bill (S. 694) authorizing the Secretary of War to donate to the town of Athens, McMinn County, Tenn., one German cannon or fieldpiece;

A bill (S. 695) relative to the acquirement of the site of the Battle of Franklin, Tenn.;

A bill (S. 696) authorizing the Secretary of War to donate to the town of Kingsport, Tenn., one German cannon or fieldpiece;

A bill (S. 697) authorizing the Secretary of War to deliver to the town of Murfreesboro, Tenn., five condemned bronze or brass cannons or fieldpieces and suitable outfit of cannon balls;

A bill (S. 698) authorizing the Secretary of War to donate to the city of Trenton, Tenn., one German cannon or fieldpiece;

A bill (S. 699) to equalize the promotion list of the Regular Army;

A bill (S. 700) authorizing the Secretary of War to donate to the town of Winchester, Tenn., one German cannon or fieldpiece;

A bill (S. 701) authorizing the Secretary of War to donate to the town of Waverly, Tenn., one German cannon or fieldpiece;

A bill (S. 702) authorizing the Secretary of War to deliver to the town of McMinnville, Tenn., two condemned bronze or brass cannons or fieldpieces and suitable outfit of cannon balls;

A bill (S. 703) authorizing the Secretary of War to donate to the municipality of Martin, Tenn., captured German cannons and cannon balls or shells;

A bill (S. 704) authorizing the Secretary of War to donate to the town of Lewisburg, Tenn., three German cannon; and

A bill (S. 705) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

A bill (S. 706) granting an increase of pension to William H. Hart; and

A bill (S. 707) to amend the act entitled "An act to pension soldiers and sailors of the War with Spain, the Philippine insurrection, and the China relief expedition," approved June 5, 1920; to the Committee of Pensions.

A bill (S. 708) prohibiting the Public Utilities Commission of the District of Columbia from fixing rates of fare for the street railway companies in the District of Columbia at rates in excess of those stipulated in their charters; and

A bill (S. 709) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920; to the Committee on the District of Columbia.

A bill (S. 710) to incorporate the International Association of Rotary Clubs, and for other purposes;

A bill (S. 711) to amend section 725 of the Revised Statutes to provide a jury trial in the cases of contempt committed outside the presence of the court;

A bill (S. 712) to amend section 648 of the Revised Statutes regulating the procedure in civil and criminal cases triable by jury;

A bill (S. 713) to limit campaign contributions in presidential, senatorial, and congressional elections;

A bill (S. 714) to limit the liability of the United States in cases of breached, terminated, or suspended World War contracts; and

A bill (S. 715) to allow suits of all claimants to be filed in the United States district courts against the United States of America, growing out of the *Norman* disaster of May 8, 1925, on the Mississippi River, and making appropriation for the payment of any judgments obtained; to the Committee on the Judiciary.

A bill (S. 716) for the relief of Thomas J. Hunt, surviving partner of Mosby & Hunt; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 717) to amend section 9 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on Interstate Commerce.

A bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended;

A bill (S. 719) to increase the proportion of the annual receipts from national forests to be paid to the States for the benefit of the public schools and public roads; to the Committee on Agriculture and Forestry.

A bill (S. 720) to amend the act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes"; to the Committee on Indian Affairs.

A bill (S. 721) authorizing the Secretary of the Interior to grant a patent of certain lands to Truman H. Ide;

A bill (S. 722) to authorize the selection of certain publicly owned lands by the State of Oregon; to the Committee on Public Lands and Surveys.

A bill (S. 723) for the relief of J. W. La Bare; and

A bill (S. 724) to amend the military record of Charles G. Bluett; to the Committee on Military Affairs.

A bill (S. 725) granting a pension to William G. Hirschberg; to the Committee on Pensions.

A bill (S. 726) for the relief of Hilbert Edison and Ralph R. Walton; to the Committee on Claims.

A bill (S. 727) granting an increase of pension to Frank Calina;

A bill (S. 728) granting a pension to Esther Ann Hill Morgan;

A bill (S. 729) granting an increase of pension to Frederick Hinkey;

A bill (S. 730) granting a pension to Elva E. Brooks;

A bill (S. 731) granting a pension to George Wolfer;

A bill (S. 732) granting an increase of pension to Joseph H. Butterfield;

A bill (S. 733) granting a pension to Laura J. Snyder;

A bill (S. 734) granting an increase of pension to Kate McKinney; and

A bill (S. 735) granting an increase of pension to Robert Hicks; to the Committee on Pensions.

A bill (S. 736) for the relief of Reed Walworth;

A bill (S. 737) for the relief of John H. Lindstrom;

A bill (S. 738) for the relief of Thomas G. Harris;

A bill (S. 739) for the relief of Clay D. Barhyte;

A bill (S. 740) for the relief of Reed Walworth; and

A bill (S. 741) for the relief of Lincoln County, Oreg.; to the Committee on Claims.

By Mr. KEYES:

A bill (S. 742) to provide for the world-wide extension of education by the cooperation of national governments; to the Committee on Education and Labor.

A bill (S. 743) to acquire, by purchase, condemnation, or otherwise, additional land for the Federal building in the city of Manchester and State of New Hampshire, and to construct an addition thereon;

A bill (S. 744) to provide for the purchase of a site and the erection thereon of a public building in the town of Claremont and State of New Hampshire; and

A bill (S. 745) to provide for the purchase of a site and the erection thereon of a public building in the town of Exeter and State of New Hampshire; to the Committee on Public Buildings and Grounds.

A bill (S. 746) granting an increase of pension to Mary A. Murphy;

A bill (S. 747) granting an increase of pension to James N. Slater; and

A bill (S. 748) granting an increase of pension to Alvin D. Pike; to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 749) for the erection of a Federal building at the city of Austin, Tex; to the Committee on Public Buildings and Grounds.

A bill (S. 750) to amend paragraph (18) of section 1 of the interstate commerce act, as amended; and

A bill (S. 751) to amend the transportation act approved February 28, 1920 (41 Stat. L. p. 456), amending the act to regulate commerce as amended June 29, 1906 (34 Stat. L. p. 596), and to repeal paragraphs 3 and 4 of section 13 of said act as amended February 28, 1928, and to repeal section 15a of said act, and to amend paragraph 1 of section 15 of the act to regulate commerce as amended February 28, 1920, and for other purposes; to the Committee on Interstate Commerce.

By Mr. PHIPPS:

A bill (S. 752) to provide for the establishment of grazing districts on the public lands of the United States and Alaska, and to regulate their beneficial use by livestock, and for other purposes; and

A bill (S. 753) for the relief of N. Maxcy Tabor (with accompanying papers); to the Committee on Public Lands and Surveys.

A bill (S. 754) granting a pension to Ulysses G. Jones; to the Committee on Pensions.

A bill (S. 755) to reduce the fees for grazing livestock on national forests; to the Commitee on Agriculture and Forestry.

By Mr. PITTMAN:

A bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act; and

A bill (S. 757) to authorize the coinage of 50-cent pieces in commemoration of the completion of the Lincoln Highway and the Victory Highway; to the Committee on Banking and Currency.

A bill (S. 758) to amend paragraphs (3) and (4) of section 13 of the interstate commerce act; and

A bill (S. 759) to amend paragraph (18) of section 1 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

A bill (S. 760) to reappropriate the unexpended balance, if any, remaining at the close of the fiscal year 1926 from the appropriation of $500,000 made by the act approved March 3, 1925 (Public, No. 580), for continued investigations, commencement of construction, and necessary expenses in connection therewith, Newlands project, Spanish Springs Division, Nevada; to the Committee on Appropriations.

A bill (S. 761) to provide for the acquisition of a site and the erection thereon of a Federal building at Ely, Nev.;

A bill (S. 762) to increase limit of cost heretofore fixed by Congress for purchase of site and erection of building for use of post office at Fallon, Nev.; and

A bill (S. 763) to authorize the acquisition of a site and the erection of a Federal building at Tonopah, Nev.; to the Committee on Public Buildings and Grounds.

A bill (S. 764) granting a pension to John M. Evans; and

A bill (S. 765) granting a pension to Henry T. Budler; to the Committee on Pensions.

A bill (S. 766) for the relief of Adelbert B. Gray; and

A bill (S. 767) for the relief of Annie H. Martin; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 768) to fix the salaries of certain judges of the United States; to the Committee on the Judiciary.

A bill (S. 769) for the relief of the estate of Benjamin Braznell;

A bill (S. 770) for the relief of the owner of cargo aboard the American steamship *Lassell;* and

A bill (S. 771) for the relief of the underwriters of cargo aboard the steamship *Oconee;* to the Committee on Claims.

A bill (S. 772) granting an increase of pension to Alexander Snodgrass; and

A bill (S. 773) granting a pension to Jacob L. Malsberry; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 774) to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 775) to pension soldiers who were in the military service during Indian wars and disturbances, and the widows, minors, and helpless children of such soldiers; to increase the pensions of Indian war survivors and widows; and to amend section 2 of the act of March 4, 1917; to the Committee on Pensions.

A bill (S. 776) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department; to the Committee on Post Offices and Post Roads.

A bill (S. 777) to recognize and reward the accomplishment of First Lieut. Russell L. Maughan; to the Committee on Military Affairs.

A bill (S. 778) to provide for the construction of certain public buildings in the District of Columbia; to the Committee on Public Buildings and Grounds.

A bill (S. 779) to provide for the payment of charges incurred in transportation of standard silver dollars; and

A bill (S. 780) to amend section 2 of the act entitled "An act to incorporate the National Society of the Daughters of the American Revolution"; to the Committee on Finance.

A bill (S. 781) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes;

A bill (S. 782) authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior;

A bill (S. 783) granting to the State of Utah the Fort Duchesne Reservation for its use as a branch agricultural college;

A bill (S. 784) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. L. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes; and

A bill (S. 785) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah; to the Committee on Public Lands and Surveys.

By Mr. STANFIELD:

A bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on Civil Service.

A bill (S. 787) to provide for the acquisition of a site and the erection thereon of a Federal building at Klamath Falls, Oreg.;

A bill (S. 788) to provide for the acquisition of a site and the erection thereon of a Federal building at Marshfield, Oreg.;

A bill (S. 789) to provide for the acquisition of a site and the erection thereon of a Federal building at Astoria, Oreg.;

A bill (S. 790) to provide for the acquisition of a site and the erection thereon of a Federal building at Oregon City, Oreg.;

A bill (S. 791) to provide for the making of necessary improvements and extensions to the present Federal building at Eugene, Oreg., for the accommodation of the post office and other Government offices; and

A bill (S. 792) to provide for the acquisition of a site and the erection thereon of a Federal building at Corvallis, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. TYSON:

A bill (S. 793) (by request) to give war-time rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

By Mr. TRAMMELL:

A bill (S. 794) to amend paragraphs (c) and (e) of section 202 of "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved June 2, 1924, said paragraphs being relative to the income tax on profits from sales of real and personal property; to the Committee on Finance.

A bill (S. 795) for the erection of a public building for a post office and other purposes at Lake City, Fla.;

A bill (S. 796) for the purchase of a site and the erection of a post-office building thereon at Fort Myers, Fla.;

A bill (S. 797) for the erection of a public building for a post office and other purposes at De Funiak Springs, Fla.;

A bill (S. 798) for the purchase of a site and the erection of a post-office building thereon at Madison, Fla.;

A bill (S. 799) to enlarge, extend, remodel, etc., public building at Miami, Fla.;

A bill (S. 800) for the purchase of a site and the erection of a post-office building thereon at Clearwater, Fla.;

A bill (S. 801) for the purchase of a site and the erection of a post-office building thereon at Daytona Beach, Fla.;

A bill (S. 802) for the purchase of a site and the erection of a post-office building thereon at Milton, Fla.;

A bill (S. 803) for the purchase of a site and the erection of a post-office building thereon at Quincy, Fla.;

A bill (S. 804) for the purchase of a site and the erection of a post-office building thereon at Monticello, Fla.;

A bill (S. 805) for the purchase of a site and the erection of a building thereon at Chipley, Fla.;

A bill (S. 806) for the purchase of a site and the erection of a post-office building thereon at Panama City, Fla.;

A bill (S. 807) for the purchase of a site and the erection of a post-office building thereon at Fort Pierce, Fla.;

A bill (S. 808) for the purchase of a site and the erection of a post-office building thereon at Starke, Fla.;

A bill (S. 809) for the purchase of a site and the erection of a post-office building thereon at Perry, Fla.;

A bill (S. 810) for the purchase of a site and the erection of a post-office building thereon at West Palm Beach, Fla.;

A bill (S. 811) for the erection of a public building for a post office and other purposes at Key West, Fla.;

A bill (S. 812) for the purchase of a site and the erection of a post-office building thereon at Fort Lauderdale, Fla.;

A bill (S. 813) for the purchase of a site and erection of a post-office building thereon at Winter Haven, Fla.;

A bill (S. 814) for the purchase of a site and the erection of a post-office building thereon at Plant City, Fla.;

A bill (S. 815) for the purchase of a site and the erection of a post-office building thereon at Arcadia, Fla.;

A bill (S. 816) for the erection of a public building for a post office and other purposes at Marianna, Fla.;

A bill (S. 817) to enlarge, extend, remodel, etc., public building at Lakeland, Fla.;

A bill (S. 818) to enlarge, extend, and remodel the public building at Tampa, Fla.;

A bill (S. 819) for the purchase of a site and the erection of a post-office building thereon at Bradentown, Fla.;

A bill (S. 820) for the erection of a public building for a post office and other purposes at Kissimmee, Fla.;

A bill (S. 821) for the erection of a public building for a post office and other purposes at Apalachicola, Fla.;

A bill (S. 822) for the purchase of a site and the erection of a post-office building thereon at Cocoa, Fla.;

A bill (S. 823) for the purchase of a site and erection of a post-office building thereon at Titusville, Fla.;

A bill (S. 824) for the purchase of a site and the erection of a post-office building thereon at Vero, Fla.;

A bill (S. 825) for the purchase of a site and the erection of a post-office building thereon at Wauchula, Fla.;

A bill (S. 826) for the purchase of a site and erection of a post-office building thereon at Sebring, Fla.;

A bill (S. 827) for the purchase of a site and erection of a post-office building thereon at Eustis, Fla.;

A bill (S. 828) for the purchase of a site and the erection of a post-office building thereon at Dade City, Fla.;

A bill (S. 829) for the purchase of a site and erection of a post-office building thereon at Leesburg, Fla.;

A bill (S. 830) for the purchase of a site and erection of a post-office building thereon at Bonifay, Fla.;

A bill (S. 831) for the purchase of a site and erection of a post-office building thereon at Sarasota, Fla.;

A bill (S. 832) for the purchase of a site and erection of a post-office building thereon at Jasper, Fla.;

A bill (S. 833) for the purchase of a site and erection of a post-office building thereon at Winter Park, Fla.; and

A bill (S. 834) for the purchase of a site and erection of a post-office building thereon at Green Cove Springs, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIS:

A bill (S. 835) for the relief of Charles M. Rodefer; to the Committee on Claims.

A bill (S. 836) granting a pension to Bartholomew L. Byal (with accompanying papers);

A bill (S. 837) granting an increase of pension to Jane E. Davis;

A bill (S. 838) granting an increase of pension to Eliza Houser;

A bill (S. 839) granting an increase of pension to Mary C. Wood;

A bill (S. 840) granting an increase of pension to Mary A. Good;

A bill (S. 841) granting an increase of pension to Garnet A. Carpenter;

A bill (S. 842) granting an increase of pension to Malinda Jane Caldwell;

A bill (S. 843) granting an increase of pension to Mary Ellen Hanley;

A bill (S. 844) granting an increase of pension to Ralph Waite;

A bill (S. 845) granting an increase of pension to Margaret R. Sharpe;

A bill (S. 846) granting an increase of pension to Mary Jane Napper;

A bill (S. 847) granting an increase of pension to Juretta Z. Nelson; and

A bill (S. 848) granting an increase of pension to Mary E. Mauk; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 849) authorizing the Crow Tribe of Indians, residing in the State of Montana, to submit claims to the Court of Claims; and

A bill (S. 850) for the relief of Robert A. Pickett (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 851) to enlarge, extend, remodel, etc., public building at Helena, Mont.;

A bill (S. 852) to provide for the erection of a public building at Glasgow, Mont.;

A bill (S. 853) providing for the enlargement of the Federal building at Missoula, Mont.; and

A bill (S. 854) for the erection of a public building at Glendive, Mont., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 855) for the relief of Joseph Mayhew; and

A bill (S. 856) for the relief of Joseph Mayhew; to the Committee on Irrigation and Reclamation.

A bill (S. 857) to provide for building and furnishing a building at Custer Battle Field National Cemetery for use as an office for the custodian and for the convenience and comfort of the public;

A bill (S. 858) for the relief of James A. Hoey, alias Francis Fairfield;

A bill (S. 859) to correct the military record of William McCormick;

A bill (S. 860) for the relief of William O. Mallahan;

A bill (S. 861) for the relief of Edward T. Moran;

A bill (S. 862) for the relief of James W. Nugent;

A bill (S. 863) providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917;

A bill (S. 864) for the relief of W. O. Whipps;

A bill (S. 865) for the relief of Levi B. Rouse; and

A bill (S. 866) for the relief of Stella M. Musselman; to the Committee on Military Affairs.

A bill (S. 867) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees;

A bill (S. 868) for the relief of Kate Canniff;

A bill (S. 869) for the relief of Harry Ross Hubbard;

A bill (S. 870) for the relief of W. W. Payne;

A bill (S. 871) for the relief of Harry Scott;

A bill (S. 872) for the relief of George A. Robertson;

A bill (S. 873) for the relief of Homer F. Cox;

A bill (S. 874) for the relief of Nick Masonich, Isaia Fabbro, and John Disarri (with accompanying paper); and

A bill (S. 875) for the relief of Mariam Hatheway; to the Committee on Claims.

A bill (S. 876) granting an increase of pension to James Martin;

A bill (S. 877) granting an increase of pension to Clarence J. Cure;

A bill (S. 878) granting a pension to Isabelle Culbertson;

A bill (S. 879) granting a pension to Edward Murphy;

A bill (S. 880) granting a pension to Harry Conklin (with accompanying papers);

A bill (S. 881) granting a pension to Daniel O'Reilly (with accompanying papers); and

A bill (S. 882) granting a pension to Alma A. Woods (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 883) granting a pension to J. H. Martin;

A bill (S. 884) granting an increase of pension to William G. Pellow;
A bill (S. 885) granting an increase of pension to Sallie E. Patrick;
A bill (S. 886) granting a pension to William F. Murray;
A bill (S. 887) granting an increase of pension to George Morrison;
A bill (S. 888) granting a pension to Nannie Martin;
A bill (S. 889) granting an increase of pension to Frank Morgan;
A bill (S. 890) granting a pension to John H. Isiley;
A bill (S. 891) granting an increase of pension to William H. Hayes;
A bill (S. 892) granting an increase of pension to James Hanners;
A bill (S. 893) granting a pension to Raliegh H. Hamilton;
A bill (S. 894) granting a pension to James Grogan;
A bill (S. 895) granting a pension to Z. H. Golden;
A bill (S. 896) granting a pension to Lacy L. Garrison;
A bill (S. 897) granting an increase of pension to Thomas B. Fogle;
A bill (S. 898) granting a pension to Edward F. Rostock;
A bill (S. 899) granting a pension to Catherine L. Nixon Rogers;
A bill (S. 900) granting an increase of pension to James W. Fisher;
A bill (S. 901) granting an increase of pension to Edward A. Ward;
A bill (S. 902) granting a pension to Harry Wright;
A bill (S. 903) granting a pension to Daniel Wootan;
A bill (S. 904) granting a pension to Andrew J. Williams;
A bill (S. 905) granting a pension to Gallant Hays;
A bill (S. 906) granting a pension to Daniel J. Begley;
A bill (S. 907) granting a pension to Lucinda Boos;
A bill (S. 908) granting an increase of pension to Ella R. Brown;
A bill (S. 909) granting a pension to Sarah V. Burke;
A bill (S. 910) granting a pension to Rhoda Button;
A bill (S. 911) granting a pension to John T. Clark;
A bill (S. 912) granting a pension to Emilie Deetz;
A bill (S. 913) granting an increase of pension to Elizabeth Commons;
A bill (S. 914) granting a pension to John F. Ellis;
A bill (S. 915) granting a pension to Daniel Donohoe;
A bill (S. 916) granting a pension to Amelia Perry;
A bill (S. 917) granting an increase of pension to Leonidas Recob;
A bill (S. 918) granting an increase of pension to Jonathan J. Ragner;
A bill (S. 919) granting a pension to W. T. Powell;
A bill (S. 920) granting an increase of pension to Mary Reilly;
A bill (S. 921) granting a pension to Fannie Wagner;
A bill (S. 922) granting an increase of pension to Eddie Thomas;
A bill (S. 923) granting a pension to Mrs. C. A. Thomas;
A bill (S. 924) granting a pension to Mary E. Stafford;
A bill (S. 925) granting a pension to Joseph F. Shoemaker; and
A bill (S. 926) granting a pension to B. F. Shields; to the Committee on Pensions.

A bill (S. 927) granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes; to the Committee on Commerce.

A bill (S. 928) to erect a Federal building in the city of West Plains, Mo., on the site now owned by the United States Government;

A bill (S. 929) to erect a Federal building in the city of Caruthersville, Mo., on the site now owned by the United States Government;

A bill (S. 930) to purchase a site for the erection of a post-office building in the city of Frederiektown, Mo.;

A bill (S. 931) to erect a Federal building in the city of Lamar, Mo., on the site now owned by the United States Government;

A bill (S. 932) to reimburse Latimer & Benning for losses sustained in erecting a United States post office and courthouse at Las Cruces, N. Mex.; and

A bill (S. 933) to erect a Federal building in the city of Farmington, Mo., on the site now owned by the United States Government; to the Committee on Public Buildings and Grounds.

A bill (S. 934) to correct the military record of J. W. Metler;
A bill (S. 935) for the relief of Capt. W. B. Finney;
A bill (S. 936) for the relief of Ferdinand A. Roy;
A bill (S. 937) for the relief of Northrop Banks; and
A bill (S. 938) to authorize the President of the United States to promote Charles Augustus Pfeffer to the grade of major in the Medical Corps of the Army of the United States, and for the relief of said Charles Augustus Pfeffer; to the Committee on Military Affairs.

A bill (S. 939) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;

A bill (S. 940) to reimburse Martin Carroll for additional facework on the walls of officers' quarters over the price named in the contract for the United States noncommissioned officers' quarters at Fort Leavenworth, Kans.;

A bill (S. 941) for the relief of the heirs of Patrick McIntyre, deceased;

A bill (S. 942) to carry out the findings of the Court of Claims in the case of city of Glasgow, Mo.; and
A bill (S. 943) for the relief of J. B. Porter; to the Committee on Claims.

By Mr. HARRIS:
A bill (S. 944) for the relief of Capt. Charles W. Selfert;
A bill (S. 945) for the relief of Gershon Bros. Co.; and
A bill (S. 946) for the relief of Maj. Allen M. Burdett; to the Committee on Claims.

A bill (S. 947) authorizing acceptance from the Georgia Society Colonial Dames of America of a conveyance of the title to Fort Frederica, St. Simons Island, Ga., and for other purposes; and

A bill (S. 948) authorizing the appointment of Jeremiah Joseph Murphy a captain in the Infantry of the United States Army; to the Committee on Military Affairs.

A bill (S. 949) to reduce the rate of postage on farm products, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 950) to provide a procedure before the United States commissioners in prosecutions of misdemeanor offenses against the prohibition laws; to the Committee on the Judiciary.

A bill (S. 951) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances; to the Committee on Interstate Commerce.

A bill (S. 952) authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia;* to the Committee on Naval Affairs.

A bill (S. 953) granting an increase of pension to Virginia Adalade Grafton; and

A bill (S. 954) granting a pension to Elizabeth C. Marshall; to the Committee on Pensions.

A bill (S. 955) to provide for the establishment in the State of Georgia of a subsidiary fish-cultural station to the Warm Springs, Ga., fisheries station, to be under the direction of the Bureau of Fisheries, Department of Commerce; to the Committee on Commerce.

By Mr. MOSES:
A joint resolution (S. J. Res. 2) for the relief of George Horton; to the Committee on Foreign Relations.

By Mr. EDGE:
A joint resolution (S. J. Res. 3) creating a commission to investigate the problem of permitting State taxation of Federal property in certain cases; to the Committee on Commerce.

By Mr. PITTMAN:
A joint resolution (S. J. Res. 4) to suspend until February 1, 1928, the jurisdiction, power, and authority of the Federal Power Commission to issue licenses on the Colorado River and its tributaries under the Federal water power act, approved June 10, 1920; to the Committee on Public Lands and Surveys.

By Mr. HARRELD:
A joint resolution (S. J. Res. 5) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same; to the Committee on Indian Affairs.

By Mr. JONES of Washington:
A joint resolution (S. J. Res. 6) authorizing the Greene Memorial Association to erect and maintain a memorial to Gen. Henry A. Greene on the United States military reservation at Camp Lewis, Wash.; to the Committee on Military Affairs.

Mr. JONES of Washington. Mr. President, I introduce a joint resolution proposing an amendment to the Constitution of the United States. A similar joint resolution has been acted upon once by the Committee on the District of Columbia, having been referred to that committee because it related to the

District of Columbia. Therefore I ask that this joint resolution may be referred to the Committee on the District of Columbia.

Mr. REED of Missouri. I object to the reference to the Committee on the District of Columbia of a joint resolution proposing an amendment to the Constitution of the United States. The consideration of such joint resolutions is the business of the Committee on the Judiciary, and this joint resolution should go to that committee.

Mr. JONES of Washington. The Senator is undoubtedly correct in that suggestion. I merely stated that a similar joint resolution went to the Committee on the District of Columbia in another Congress, upon which hearings were had, and a report was submitted by the committee. Of course, if the Senator from Missouri insists upon this joint resolution going to the Committee on the Judiciary, I agree that that is the proper committee to consider the matter. Let me suggest to him that he consent that it shall go to the Committee on the District of Columbia, and then, if a report comes in from that committee, that it be referred to the Committee on the Judiciary for further action and report.

Mr. REED of Missouri. How could we take that course except by a motion made at the time to rerefer?

Mr. JONES of Washington. I shall then have no objection to the joint resolution going to the Committee on the Judiciary.

Mr. REED of Missouri. If there is matter in the measure which pertains particularly to the District, and requires consideration by a committee with intimate knowledge of affairs in the District, which is possessed only by the Committee on the District of Columbia, it might be proper enough to have it go to that committee; but certainly no amendment to the Constitution should ever be acted on before it has been considered by the Committee on the Judiciary.

Mr. JONES of Washington. I repeat the suggestion I made to the Senator a moment ago.

Mr. REED of Missouri. If the Senator will see that the course I have suggested is followed, I will not object to the preliminary reference of the joint resolution to the Committee on the District of Columbia.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 7) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 8) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto; to the Committee on the Judiciary.

By Mr. NORRIS:

A joint resolution (S. J. Res. 9) proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress; to the Committee on the Judiciary.

By Mr. KEYES:

A joint resolution (S. J. Res. 10) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on the Judiciary.

By Mr. CURTIS:

A joint resolution (S. J. Res. 11) proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. KING:

A joint resolution (S. J. Res. 12) appointing a joint committee to investigate the cause or causes of the wreck of the Navy dirigible *Shenandoah;* to the Committee on Naval Affairs.

By Mr. CAMERON:

A joint resolution (S. J. Res. 13) authorizing the Secretary of Agriculture to waive all requirements in respect of grazing fees for the use of national forests during the calendar year 1926; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 14) proposing an amendment to the Constitution of the United States relative to minimum wages for women and minors; to the Committee on the Judiciary.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 15) to amend the census act of March 3, 1919; to the Committee on Military Affairs.

A joint resolution (S. J. Res. 16) relative to the purchase of aircraft from any foreign nation, citizen, or corporation; to the Committee on Foreign Relations.

PREVENTION OF SPECULATION IN COTTON

Mr. HARRIS introduced a bill (S. 956) to provide for the issuance of cotton-crop reports and ginning statistics in order to prevent speculation in cotton and fluctuations in the price thereof, and for other purposes; which was read twice by its title.

Mr. HARRIS. I ask that the bill be printed in the RECORD and also certain resolutions from cotton cooperative associations in the cotton-growing States relative to the semimonthly reports and some editorial comment from the Progressive Farmer, which has the largest circulation of any southern farm paper.

There being no objection, the bill and accompanying papers were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

A bill (S. 956) to provide for the issuance of cotton-crop reports and ginning statistics in order to prevent speculation in cotton and fluctuations in the price thereof, and for other purposes.

Be it enacted, etc., That the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce," approved May 3, 1924, is amended to read as follows:

"The Secretary of Agriculture (hereinafter in this act referred to as the Secretary) shall cause to be issued annually (1) as of July 1 a report showing by States, and in total, the number of acres in cultivation in cotton in the United States as of that date; (2) as of September 1 a report showing by States, and in total, the number of acres in cultivation in cotton in the United States which have been abandoned since July 1 of the same year; and (3) as of July 1, August 1, September 1, September 16, October 1, October 18, November 1, November 14, and December 1, respectively, reports as to the condition, progress, and probable production of cotton.

"SEC. 2. (a) Each report provided for in clause (3) of section 1 shall—

"(1) State, in respect of probable production, amounts in terms of probable upper and lower limits;

"(2) Be issued as a series of partial reports. Each such partial report shall be complete as to a State or group of States selected by the Secretary to be included in such report. One such partial report shall be issued each business day, the first to be issued not later than the fourth and the last not later than the eighth business day next following the date specified in clause 3 of section 1 for such report. Such partial reports shall be arranged so that upon completion of the series all the cotton-growing States will have been so included.

"(3) Be issued as a consolidated report, to include all the partial reports, on the eighth business day next following the date specified in clause 3 of section 1 for such reports.

"(4) Be released at 12 o'clock noon: but if, in the case of the consolidated report, the Secretary determines that all of the cotton exchanges designated in section 4 will not agree to suspend dealings in contracts for cotton for future delivery for 30 minutes immediately following the time such report is released, he may release such report at any time upon that day.

"SEC. 3. (a) No report provided for in section 1 shall be approved and released by the Secretary until it has been approved by a cotton-crop reporting board consisting of at least five members to be designated by him, not less than three of whom shall be supervisory field representatives of the Department of Agriculture, located in different sections of the cotton-growing States, experienced in estimating cotton production, and who have first-hand knowledge of the condition of the cotton crop based on recent field observations, and a majority of which board shall be familiar with the methods and practices of producing cotton.

"(b) The Secretary (1) shall require the field representative who assisted in and was responsible for the preparation of any such report for a State to be a member of such board when it is passing upon such report, if such State for five years immediately preceding the date of such report has had an annual cotton production in excess of 200,000 bales, and (2) whenever he considers it advisable may require the field representative who assisted in and was responsible for the preparation of the report for any other State to be a member of such board when it is passing upon such report.

"SEC. 4. (a) The fact—

"(1) That transactions in cotton involving the sale thereof for future delivery as commonly conducted on cotton exchanges and known as 'futures' are affected with a national public interest;

"(2) That such transactions are carried on in large volume by persons engaged in buying and selling cotton and the products and by-products thereof in interstate commerce;

"(3) That the information as to amounts and prices involved in such transactions is generally disseminated throughout the United States and in foreign countries as a basis for determining the prices to producers and consumers of cotton and its products and by-products and facilitates movements thereof in interstate commerce;

"(4) That such transactions are utilized by shippers, dealers, manufacturers, and others engaged in handling cotton and its products and by-products in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price;

"(5) That such transactions in cotton on such exchanges are susceptible of manipulation and control and cause sudden and unreasonable fluctuations in cotton prices, which are detrimental to the producer, the consumer, and other persons handling cotton and its products and by-products in interstate commerce; and

"(6) That such fluctuations in prices are an obstruction to and a burden upon interstate commerce in cotton and its products and by-products—all render the procuring of the information required in this section imperative for the protection of such commerce and the national public interest therein.

"(b) The Secretary is directed to require from any exchange or board of trade which deals extensively in contracts for cotton for future delivery a report, for each business day, showing (1) the total transactions on such exchange or board in bales of cotton involved in contracts for future delivery, and (2) the total open interest by options at the close of such day on the books of the members of such exchange or board.

"(c) Such report shall be made as soon as practicable after the close of business by an officer designated by the exchange or board to make the report and in such form, by such means of communication, and subject to such regulations as the Secretary may prescribe.

"(d) Any such officer or any member of any such exchange or board who, negligently or willfully, fails or refuses to make any report required under authority of this act, or who willfully makes a false or fraudulent report shall for each offense be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed $500, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"SEC. 5. In order to facilitate the issuance of reports the Secretary and the Secretary of Commerce shall jointly determine, in advance, the State or group of States to be included in each of the partial reports provided for in this act, and in the act entitled 'An act authorizing the Director of the Census to collect and publish statistics of cotton,' approved April 2, 1924, as amended."

SEC. 2. That section 2 of the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved April 2, 1924, is amended to read as follows:

"SEC. 2. (a) That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1; but the Director of the Census may limit the canvasses of August 1 and August 16 to those sections of the cotton-growing States in which he is of the opinion that substantial amounts of cotton have been ginned.

"(b) Such statistics shall be published as of the dates specified in paragraph (a) of this section and shall—

"(1) When possible, be published, in respect of counties or parishes, on the business day they are received by the Director of the Census, and in any event on the next following business day;

"(2) Be published also in a series of partial reports. Each such partial report shall be complete as to a State or group of States selected by the Secretary of Commerce to be included in such report. One such partial report shall be published each business day, the first to be published not later than the third, and the last not later than the seventh business day next following the date specified in paragraph (a) for such statistics. Such partial reports shall be arranged so that upon completion of the series statistics for all the cotton-growing States will have been published.

"(3) Be published as a consolidated report, to include all the partial reports, on the seventh business day next following the date specified in paragraph (a) for such statistics.

"(4) Statistics of the quantity of cotton ginned as of the corresponding date for the preceding year in the county or parish, State or group of States, and cotton-growing States shall be included in the publication of statistics under subdivisions (1), (2), and (3), respectively, of this paragraph.

"(d) The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle-hours, and the statistics of cotton imported and exported shall relate to each calendar month and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported.

"(e) All publications of cotton statistics under this section shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Department of Agriculture immediately prior to the publication of each report of that department regarding the cotton crop the latest available statistics hereinbefore mentioned."

SEC. 3. The second sentence of section 5 of such act approved April 2, 1924, is amended to read as follows:

"Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section."

SEC. 4. Section 6 of such act approved April 2, 1924, is repealed.

NORTH CAROLINA COTTON GROWERS COOPERATIVE ASSOCIATION,
Raleigh, N. C., October 14, 1925.

The board of directors of the North Carolina Cotton Growers Cooperative Association at its regular session October 13, passed a resolution indorsing the semimonthly cotton reports of the Department of Agriculture, and instructed the president to communicate this action to the Secretary.

It is the desire of the North Carolina association, and the same is true of all other of the State associations, to be of any possible help in getting the most reliable cotton reports which can be obtained.

Yours very truly,

B. W. KILGORE, *President.*

Resolution of Tennessee Cotton Growers Association

MEMPHIS, TENN., *November 18, 1925.*

Whereas another well organized and widespread campaign has been started and is now being actively waged to discredit and eventually abolish some or all of the official cotton-crop reports of the United States Crop Reporting Board,

Whereas this campaign was originated and is being promoted by the recognized speculative cotton interests, which can only flourish in the absence of information or in the presence of misinformation in the public mind, and

Whereas frequent official reports are the only protection cotton producers and spinners have from the biased and inaccurate reports of speculators, merchants, and private agencies making reports: Therefore, be it

Resolved by the Tennessee Cooperative Cotton Marketing Association, as represented by its board of directors, That as producers we urgently request the continuance of the cotton-crop reports just as in the past, and that if any change be made that it be with a view to making those reports now issued more accurate and that semimonthly reports be continued for August, September, October, and November. It is also suggested that the value of the reports will be enhanced if they can be issued more quickly after the data are collected.

ROBT. S. FLETCHER, Jr.,
General Manager.

Resolution of the directors Arkansas Cotton Growers' Cooperative Association

Whereas it is absolutely essential that producers of cotton have just as reliable and unbiased reports as the people who buy and sell their cotton; and

Whereas we believe that the only agency through which this can be secured is the Department of Agriculture of the United States Government, this being the only agency having the facilities and funds at their command sufficient to give reliable reports; and

Whereas these reports simply reflect the opinion of the reporters, who in most cases are farmers, and we know that most farmers underestimate their crop, particularly this year; and

Whereas any source of reports is necessarily biased to some extent to whatever side of the market the parties making the report are inclined. Therefore, reports from consuming and trading sources have a bias toward overproduction, as well as farmers who are biased to underproduction: Now, therefore, be it

Resolved, That it is the sense of the board of directors of the Arkansas Cotton Growers' Cooperative Association, expressed in a regular meeting at the office November 17, 1925, that we hereby declare our confidence in the integrity of the Crop Reporting Board and our confidence in the attempt of the Department of Agriculture to give to the world the most complete and reliable estimate of the crop possible; be it further

Resolved, That we earnestly request all Members of Congress and the Senate from Arkansas to oppose any effect to eliminate or curtail these reports, except such changes as may be suggested by the Department of Agriculture; be it further

Resolved, That a copy of this resolution be forwarded to the Secretary of Agriculture and to each Member of Congress and the Senators from Arkansas.

Resolutions passed by the executive committee of the Alabama Farm Bureau, Montgomery, Ala., November 4, 1925

Whereas a mass of propaganda is being spread to discredit the cotton-crop reports of the United States Department of Agriculture for the apparent purpose of inducing Congress to discontinue the semimonthly reports and official interpretations thereof; and

Whereas this propaganda is emanating from the recognized speculative cotton interests, who have always sought to conduct trading in cotton under cover of misleading information; and

Whereas the official cotton reports are the consensus of opinion of intelligent growers, including in Alabama the county directors of the farm bureau, and are compiled and interpreted by statisticians of the United States department, all of whom have practical knowledge of cotton growing, and who in this and other States cooperate with the colleges of agriculture, and have the aid of the extension service in gathering the facts; and

Whereas if these official reports should be discontinued, either partially or entirely, it would become immediately necessary for the Farm Bureau Federation to set up and maintain for itself a costly system of crop reporting with which to protect its members from the biased and undependable reports of speculators and dealers: Therefore be it

Resolved, That we express our confidence in the honesty of those making these official reports, in the approximate accuracy of the forecasts of the crop in this State, in the value of the service to the cotton growers and spinners, and in the necessity for the continuance of the reports as at present maintained; be it

Resolved further, That we earnestly petition the Congress of the United States to continue these reports as at present, with such support as may be necessary to continue them, without any change in the dates, and to retain the official interpretations thereof by the statisticians of the United States Department of Agriculture.

Members of the committee are—

Edward A. O'Neal, president, Montgomery; John R. Witt, Belle Mina; R. F. Croom, Evergreen; Mrs. J. S. Morriss, Alpine; Dr. T. H. Appleton, Collinsville; W. R. Hall, Eutaw; S. P. Storrs, Wetumpka; J. B. Espy, Abbeville; Allen Northington, Montgomery; C. W. Rittenour, Montgomery.

GENERAL SALES OFFICE AMERICAN COTTON GROWERS EXCHANGE,
Memphis, Tenn., November 15, 1925.

Secretary W. M. JARDINE,
Department of Agriculture, Washington, D. C.

Mr. SECRETARY: I have read with much interest what you have had to say regarding cotton-crop reports, as well as numerous other expressions regarding them. The cooperative cotton marketing associations are insistent that these reports be continued as they are. They can be, and doubtless will be, made more accurate as time goes on and experience shows where improved methods can be adopted. We must, however, have as full and unbiased information regarding the progress of the crop throughout the growing and gathering season as can possibly be secured, with approximate acreage and every other information affecting the probable final yield. Furthermore, we must have the condition reports during the growing season translated into concrete figures of the yield indicated. Any sensible man must know that these figures are not estimates, but are merely forecasts of the probable yield provided conditions after that time are normal. A forecast of indicated yield in bales is necessary for an idea of total crop is what is wanted, and it would be practically impossible for the ordinary man to apply conditions in various States against acreage in various States and figure out indicated yield for himself. Most of the arguments urged against the semimonthly reports are really ridiculous. The cotton trade as a whole endeavors to get daily information regarding the progress of the growing crop. Unbiased information semimonthly is none too frequent. I have compared fluctuations since the semimonthly reports have been issued with fluctuations when there were monthly reports, and find that the changes are not so violent since we have had semimonthly reports. This proves that the more frequent reports minimize fluctuations through more frequent information, and this is greatly desirable.

Speculators desire violent fluctuations. They can not make money on a stable market. The sentiment against semimonthly reports has been most skillfully worked up. I believe that the cotton grower is almost the only interest which should be considered in this matter. The cotton merchant is not interested in whether cotton is 10 cents or 30 cents a pound. He simply endeavors to buy as low as possible and sell as high as possible. The spinner is only interested in the price of cotton to the extent that it should not be too high for the buying power of the consumers of his manufactured product. The cotton mills keep pretty thoroughly informed of the probable demand for their output. The grower has no accurate information of the demand for his output and should, therefore, at least, be kept as fully informed as possible regarding the amount of his output. In this matter of crop information, and semimonthly reports, the cotton grower should receive about nine-tenths consideration, the cotton mills, one-tenth, and the cotton merchant none. It is the speculator and cotton merchant who have chiefly worked up this campaign against frequent crop reports. Many of them either secure private crop reports for themselves at great expense, or are subscribers to private crop-reporting agencies, yet they are endeavoring to prevent 2,000,000 farmers who produce cotton from being furnished the same information through the only unbiased source of information.

Mr. Theo. H. Price, who is opposed to these reports, has the following in Commerce and Finance, November 4:

"For these crop estimates paralyze the business of distributing cotton."

Three paragraphs below the following occurs:

"Thus far it seems to be moving from producer to consumer with remarkable rapidity."

Comment is unnecessary, except that this is a sample of the arguments used against semimonthly reports.

I inclose you copy of letter I wrote October 11, 1924, to Mr. Edward S. Butler, who was at that time president of the New Orleans Cotton Exchange, which covers ground not included above.

When this matter comes up before Congress we will have a committee there to represent the interests of the cotton growers.

I would suggest that if there is anything the department could do to prevent manipulation in the future-contract markets, such as is now so flagrantly obvious in the December position New York, it would be of the greatest benefit to all branches of the cotton industry.

Sincerely yours,

C. B. HOWARD,
General Sales Manager,
American Cotton Growers Exchange.

MEMPHIS, TENN., *October 11, 1924.*

Mr. EDWARD S. BUTLER,
President New Orleans Cotton Exchange.

DEAR SIR: Your letter of the 8th instant received and note your request for an expression of opinion regarding Government condition reports.

I have given much thought to the pros and cons of this matter, with the result that I am strongly in favor of frequent Government reports. Everyone is agreed that we should have all possible information regarding the progress of the growing crop and of the probable yield. There are numerous individuals, cotton firms, crop-reporting bureaus, and newspapers who gather such information and give out reports on the condition and estimates of yield. We will have these reports whether or not the Government itself issues them. Of course, no investigation of condition or yield can be accurate; but that of the Government is secured through more widespread and better sources of information, and its conclusions probably more scientifically arrived at than any private report. The influence it has upon prices proves that the world accepts it as being more authoritative and more correct than any other report issued. Private estimators realize that they are going to be checked and judged by the Government report, and make every effort to have their own reports as correct as possible.

If there were no Government reports, there would soon be condition reports and crop estimates issued, purporting to represent actual facts as near as could be gathered, but which would really represent the market bias or speculative interests of those issuing or controlling the reports. If such biased reports are issued now, they have little or no effect, because the Government report is recognized as being unbiased and representing true conditions at the time of gathering the information so far as it is humanly practicable to secure. These Government reports represent the facts at the time the information is gathered as nearly as they can be secured; but, of course, are subject to change as subsequent weather, weevil, or other conditions affect the progress of the crop. We do not expect the impossible, but do desire all possible unbiased information carefully and widely gathered and scientifically considered and compiled that can be secured, and desire such reports frequently, and are strongly opposed to returning to the old system of monthly reports, as tremendous changes in the condition of the crop can take place in the course of a month without the cotton trade generally having authoritative information as to the extent of such change.

While frequent Government reports may cause slight interference with trade about the time the report is to be issued, this cuts very little figure, and with no reports at all, or with reports at long intervals, losses would be very heavy, through lack of knowledge of conditions and prospective yield, and fluctuations would be much more violent when true conditions became known. With frequent Government reports the world is kept more continuously and closely informed of conditions and prospective yield, and the fluctuations are therefore greatly minimized.

Without the protective information given by the Government reports, I feel sure in my mind that there would be, about the marketing season each fall a flood of big-crop estimates or widespread propaganda of large crop to coincide with the forced marketing of cotton in the fall, thus depressing the price below actual value, through the creation of the belief or fear of a large crop, and the forcing on the market of a supply far in excess of the immediate demand.

C. H. HOWARD,
General Sales Manager American Cotton Growers' Exchange.

AMERICAN COTTON GROWERS EXCHANGE,
Raleigh, N. C., October 14, 1925.

Hon. W. M. JARDINE,
Secretary of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: At the meeting of the trustees of the American Cotton Growers' Exchange at Memphis, Tenn., October 2 and 3, the following report was made by me to the trustees regarding the semimonthly cotton forecast of your department:

"Attacks are becoming more frequent and severe from various sources, on the semimonthly cotton reports from the Department of Agriculture in Washington. The main objection brought against these reports is that they disturb trade conditions and that business comes practically to a standstill for some days before each report. The only difference, as we see it, is that this disturbance, to the extent that this may be true, happens twice a month instead of once a month as formerly. We believe there have been less violent changes in the price of cotton with these semimonthly reports than with the monthly reports. In other words, they tend, by making known growing conditions more frequently, to reduce the opportunity of speculating in cotton.

"The ideal would be far more frequent reports than the semimonthly ones, such as weekly or even daily reports; then the changes in the price of cotton as a result of these reports would be extremely small from day to day or week to week in comparison with what they have been in the semimonthly reports or from what they were with the monthly reports. I believe that these more frequent reports are in the interest of stabilization in the price of cotton and should be continued, and should any change be made, it should be in the direction of more frequent rather than less frequent reports."

After the discussion, the trustees passed a resolution indorsing the cotton reports from your department and offering any assistance you might wish in connection with these reports, including appearance of the president, general manager, and legal counselor in connection with any hearings where these reports are involved. The cotton cooperatives want the best possible disinterested reports on cotton production, and we feel that these can only come from a Government source.

Yours very truly,

B. W. KILGORE, *President.*

ARKANSAS COTTON GROWERS COOPERATIVE ASSOCIATION,
Little Rock, Ark., November 21, 1925.

MR. W. M. JARDINE,
Secretary of Agriculture, Washington, D. C.

DEAR SIR: In view of the many and seeming universal criticisms that are coming to your department on account of the cotton estimates, it is a great pleasure to me to transmit herewith a resolution, adopted by our board of directors in session at their last regular meeting, November 17.

For your information I will advise that there were present 18 men from as many different sections of the State, all of whom are cotton producers on a more or less extensive scale and are thoroughly conversant with conditions in the South. The resolution was passed by a unanimous vote.

I shall be glad to do anything in my power, either as an individual or in my official position with our organization to assist the department and bring about a better feeling with regard to the reports. It is the opinion of the writer that instead of lessening or curtailing these reports they should carry the further information as to how much is being consumed and exported. I realize that this information is given out through another department of the Government, but believe that they should come at the same time as the ginners' and crop estimates. They—the consumption and export reports—are treated too much as daily items of news and are overlooked by the average producer. If given in connection with the estimates and ginning reports, there would always be definite comparisons.

Under separate cover I am mailing you a marked copy of our little publication and shall be glad to mail it to any of your department whom you will suggest.

Yours very truly,

J. D. ELDRIDGE, *Secretary.*

ALABAMA FARM BUREAU FEDERATION,
Montgomery, Ala., November 11, 1925.

Hon. W. M. JARDINE,
Secretary of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: I am inclosing for your information copy of resolutions passed by the executive committee of the Alabama Farm Bureau Federation, stating our position on the cotton reports of the United States Department of Agriculture.

We as farmers are very much interested in this work. We appreciate its merits and have absolute confidence in the officials and statisticians in charge.

If we can be of service in furthering it, we shall be pleased to have you call on us.

Yours very truly,

EDW. A. O'NEAL.

TENNESSEE COTTON GROWERS ASSOCIATION,
Memphis, Tenn., November 21, 1925.

The Hon. W. M. JARDINE,
Secretary of Agriculture, Washington, D. C.

MY DEAR SIR: It is my privilege to hand you the attached resolution which was unanimously passed by the board of directors of the Tennessee Cotton Growers Association at their meeting November 18. We feel that the semimonthly reports as they have been made the past year by the Crop Reporting Board have been of inestimable value to the producer and to business generally. We feel that it is important that the producer, as well as the banks who loan the money to handle the cotton crop of the South, know accurately and as often as possible the true condition of the crop each year.

We believe that the semimonthly reports this year have stabilized business conditions in the South due to the fact that we have known every two weeks of the condition of the crop. For example: The Government reports for the past season have shown nearly a million and a half increase in the crop in 30 days. Had this information been given in the 30-day period, I am quite sure that we would have seen the wildest fluctuation in the market and that cotton would have gone so much lower than it did. At the same time the banks would have been loaded with paper for cotton which would have seemed extremely high in comparison to the wild fluctuations which would have followed the announcement of such an increase in the crop.

As stated, the only thing is to know the facts as nearly as possible and we believe that the best interest of the legitimate business and of the producer will be served by the semimonthly crop reports just as have been made in the past. They would be of even greater value if they could be furnished to the public as soon after the collection of data as possible.

We submit these facts for your thoughtful consideration and trust that you will lend your support and influence to a continuance of the semimonthly report and to any improvement in same.

Very sincerely yours,

ROBT. S. FLETCHER, Jr.,
Secretary-General Manager.

GOVERNMENT COTTON REPORTS SAVED THE FARMER MILLIONS OF DOLLARS THIS SEASON—MILL OPERATIONS REFLECT RADICAL CHANGES

Few things ever seemed more misguided than the rampage of certain southern Senators who have been claiming that the Government reports have this year cost the cotton farmers millions of dollars.

That the Washington reports have a retarding influence on business, both in raw cotton and in goods, is acceded generally. But the manner in which the Government's figures have gradually reached the 15,000,000-bale mark this season has unquestionably saved millions of dollars for the farmer.

If, on the basis of the acreage of 46,000,000 bales, the Government's estimate at the end of July and the early part of August had been 15,000,000 bales instead of around 13,500,000 bales, as it was, what would have been the average price of cotton from that time to this? Would the farmer have been able to sell his cotton above 20 cents if the Government had steadily declared during the early part of the season that a 15,000,000-bale crop was in store? It is impossible to find upon what the southern Senators in question base their contentions.

THE COTTON-GOODS MARKET ALSO BENEFITED

The cotton-goods market has benefited, though not to as great an extent as the farmer, by the slow process of revealing the 15,000,000-bale supply. Disposal of high-priced goods had been permitted. In the course of the gradual settling of the market many buyers were able to adjust themselves to meet the new conditions and the new price levels.

[From the Progressive Farmer]

GOVERNMENT COTTON REPORTS CONTINUE OUR MOST ACCURATE FORECASTS

Because much higher than expected, the latest cotton crop report by the United States Crop Reporting Board has caused much consternation and criticism among merchants, speculators, and politicians.

The forecast as of October 18 was for a crop of 15,226,000 bales. Why this was considered too high or why a smaller crop was expected is difficult to understand unless due to other reports, both private and official. The Crop Reporting Board issued reports as of September 16, October 1, October 18, and November 1, which forecast a cotton crop as follows:

	Bales
September 16	13,931,000
October 1	14,759,000
October 18	15,226,000
November 1	15,386,000

Each of these reports has been higher than most farmers, merchants, and speculators thought at the time would be made, and consequently each report has caused a decided fall in the price of cotton and produced a storm of criticism and protests that the estimate was too high. Indeed, some politicians have used what they have been pleased to call these ridiculously high forecasts as a reason for joining with the speculators, merchants, spinners, and exchanges in a destructive attack on the Crop Reporting Board.

It is apparent that the forecast of September 16 was too low or that of October 18 and November 1 too high, but most critics have, on the announcement of each forecast, vehemently declared that it was too high. The facts are that each September and October forecast has been too low, which will be proved by future reports and the final ginnings, but that does not absolve the official reports from just criticism. It ought, however, to close the mouths of those who criticized them because they thought each of these forecasts too high.

Many interested people seem similarly to miss the basic fact that the purpose of the crop reports is to give information, and that no matter whether a forecast is low, which is thought favorable to the farmers, or high, which is thought favorable to the merchants, what we really want and what is best for all is a report as nearly accurate as it is possible to make it.

Let us grant that the official reports are not accurate, for that is humanly impossible; or we may grant that this year they have been unreasonably inaccurate, yet they have been at each time more nearly the right figure than the private reports and guesses of the merchants and speculators, and therefore no merchant, speculator, or politician has any ground for criticizing the reports even this year on the ground of inaccuracy when compared with other reports.

But the matter in which we are most interested is in finding some method by which such grossly inaccurate forecasts as those of September 16 and October 1 may be avoided in the future. To the writer it has been impossible to explain the causes of these two low forecasts in the light of facts as he saw them. The following are some of the facts and conditions which have caused us to believe at the time these two forecasts were made that they were much too low:

1. We planted 46,448,000 acres, much the largest acreage ever planted.
2. We fertilized and cultivated the crop well.
3. We obtained and maintained relatively good stands.
4. We had comparatively light or no damage from boll weevils.
5. We had a dry season, which is always favorable for cotton production.
6. We had the knowledge of our past experience in always underestimating the crop in dry seasons.

In view of these facts, which ought to have been known by anyone having sufficient intelligence to make crop reports, how a forecast of only 13,931,000 bales could have been made September 16 is beyond understanding. Yet at about that time the commissioners of agriculture of the Cotton States gave out a forecast of fully a million bales less. After so many years' experience in underestimating the cotton crop every dry season and overestimating it every wet season, it does seem that some method ought to be found by which that perpetual bias could be checked and the ever-recurring error at least partly corrected.

The cotton crop of 1925 is large, and why shouldn't it be? We planted, fertilized, and cultivated for a large crop, we had little boll-weevil damage, and the season was a dry one—all these conditions being favorable to a large crop.

But let us not be misled by the criticisms of the cotton merchants, speculators, and exchanges, or even by the politicians. The Government crop reports are still the nearest accurate we have; in fact, have been even this year, and that is why the speculators don't like them.

COTTON PRICES TOO LOW, CONSIDERING CONSUMPTION

Present prices of cotton are too low. Those who are dumping cotton on the market and taking what they can get at forced sale should consider conditions carefully before they sacrifice cotton which the world needs and which it would take at higher prices if unable to get it for less.

Below we give the carry-over, production, and consumption of cotton for the last five years:

Carry over, July 31, American cotton	Bales
1921	9,364,000
1922	4,879,000
1923	2,573,000
1924	2,319,000
1925	2,880,000
Average	4,403,000

Production American cotton	Bales
1921	7,954,000
1922	9,762,000
1923	10,140,000
1924	13,628,000
1925 forecast	15,386,000
Average	11,342,000

Consumption American cotton	Bales
1921–22	12,829,000
1922–23	12,681,000
1923–24	11,241,000
1924–25	14,247,000
1925–26, estimated	15,000,000

If, as estimated, the consumption of American cotton from August 1, 1925, to July 31, 1926, amounts to 15,000,000 bales, which at present seems a conservative estimate, the carry-over July 31, 1926, will be lower than the average for the last five years by more than a million bales and not more than the average for the previous four years of short crops.

The world needs 15,386,000 bales of American cotton from the crop of 1925 and the forecast of such a production does not justify a panic to sacrifice cotton such as has occurred recently.

[From the Progressive Farmer, Memphis, Tenn., November 25, 1925]

THE FIGHT IS ON

The public press continues to offer evidence that a well-organized attack on the cotton-crop reporting service of the Department of Agriculture is to be made during the coming session of Congress.

From Boston comes the report that the National Association of Cotton Manufacturers has passed resolutions urging the discontinuance of certain reports.

The Memphis Cotton Exchange is also reported to have passed resolutions favoring the "abolishment or radical modification" of the Government reports.

The International Federation of Master Cotton Spinners and Manufacturers' Associations of the outside world, through its officious secretary, Mr. Arno S. Pearse, Manchester, England, is also actively working for less frequent reports.

And later, after the report of October 18 forecasting a crop of 15,226,000 bales, there has been a perfect avalanche of criticism from cotton merchants, speculators, and politicians following each of the last three reports, because, as stated by these critics, the reports forecast more cotton than has been produced.

What makes a joke of all these criticisms is that each forecast has been too small and the one of October 18 was probably no exception, for there will almost certainly be more than 15,500,000 bales gathered if the weather continues favorable for picking from now on.

Producers and those politicians who have regard for the interests of producers should consider well the source of this criticism of the official cotton-crop reports. Merchants, speculators, and spinners do not need the official Government reports. They are able to gather the necessary information for themselves, and they can and do use the exchanges to hedge and reduce their risks, but the producers can not gather the necessary facts and can not or do not use the hedging facilities of the exchanges.

It is, therefore, not saying too much to state that the Government crop reports are for the protection of the producers.

Not only are these official reports the only trustworthy information available to the producers, but they are also what is equally important, the only protection the producers have against the biased and selfish reports of the speculators and merchants.

Beyond all doubt the cotton trade and the speculators want less frequent reports, and, better still, no reports at all; but Congress should consider well before it interferes with or in any way cripples this only source of information and protection to the producers of cotton.

ATLANTA, GA., *November 20, 1925.*

Hon. WM. J. HARRIS,
Senate Office Building, Washington, D. C.

DEAR SENATOR HARRIS: I have your wire. I am sure that something should be done along the line of your article and I indorse your plan, provided nothing better can be gotten up that will eliminate the confusion that we are having at present, while I favor the plan we now have in preference to allowing the private estimates to control and influence the market.

If this will not work, I believe your proposal would remedy the whole trouble.

Thanking you for your usual cooperation and with kind regards, I am,

Yours very truly, J. E. CONWELL,
President-General Manager Georgia Cotton Growers' Cooperative Association.

[Letter from the editor of the Progressive Farmer]

MEMPHIS, TENN., *November 19, 1925.*

Hon. WILLIAM J. HARRIS,

United States Senate, Washington, D. C.

DEAR SIR: Replying to your telegram asking that I "criticize and suggest improvements, plan outlined afternoon papers lessening cotton speculation," I submit the following, based on outline of your plan as reported in this morning's paper.

Let me state, before going further, that I am very much opposed to any lessening of the number or changing the kinds of reports now being issued. They are already too few and the producers greatest need is for more and better reports of the same kind now being issued, for these official reports are the only protection from the numerous private and biased reports of the speculative interests.

In my opinion it would be a sacrifice of the producers' interests and a distinct victory for the speculative interests to abandon the kind of reports now issued in July and August. In fact, I think we should have semimonthly reports in August as well as in September, October, and November, for the greatest changes in the crop take place in August and the first half of September. It would be a delight to the speculators if they could prevent the issuing of these July and August reports.

I also differ from your statement, as reported in the press, that the July and August reports are "guesses." A guess is a statement made without information; whereas these July and August reports are based on knowledge of the condition of the crop at the time and interpreted in bales by the light of past experience based on the continued existence of certain fairly well-defined conditions. They are as different from "guesses" as statements made without any information are different from statements made on full information of present conditions and assumed future conditions. We need these July and August forecasts as much as any other reports and in the interest of the producers I beg of you not to aid in the clamor of the exchanges and speculators for their discontinuance.

I also protest against the idea that these condition reports in July and August, if issued, should not be interpreted in terms of bales. None, except the makers of private reports and a very few who have given the matter much study, can intelligently interpret condition figures. The vast majority of producers and the public generally can not understand any other forecast than one interpreted by the experts on the knowledge which they alone possess in bales of cotton. And if the Crop Reporting Board does not interpret its data speculators and private agencies will do so less accurately. This also is just another trick of the private forecasters and speculative trade to lessen the value of the official reports.

I assume that the protection of the producers' interests is the chief object of these crop reports. The speculator and the merchant has no standing in court in so far as these reports are concerned. The producers and spinners alone should be considered, and with the jury I do not think the spinners have a right to more than 10 per cent of consideration. All other interests have ample facilities for information. The producers alone are without facilities for getting information, and the official reports are not only their only source of information from the Cotton Belt as a whole, but also their only protection from the biased reports of merchants and speculators.

I am also very doubtful of the wisdom of making the reports after the exchanges have closed for the day. This would give the Liverpool exchange an unfair advantage of the American trade, for after a report had been issued they would be open for practically a whole day before the American exchanges would be open. I am not particularly anxious to protect the American exchanges, but so long as they offer the only place where cotton can with certainty be bought or sold at any time, and so long as the whole cotton industry is dominated by the exchanges of Liverpool, New York, and New Orleans, I do not think it is fair to America to give Liverpool the advantage of the reports for one full session before the American exchanges have them. I would, however, favor keeping the American exchanges closed for 30 minutes instead of 15 minutes after the reports are issued.

My platform is, in short, give us semimonthly reports from August 1 to December 1, retain all reports that we now have both in kind and number, and then add all possible in both number and accuracy which a legitimate expenditure of money and the best brains can produce. I also suggest that the reports be issued at the earliest possible time after the data are collected.

The frequent reports interfere with speculative trade, with the emphasis on "speculative." They do not materially interfere with legitimate trade, and they help to prevent speculation and violent fluctuations on which the speculators fatten, as the record shows.

Inclosed herewith I am sending you copies of letters written by Mr. C. B. Howard, sales manager of the American Cotton Growers' Exchange, representing 280,000 producers, to Mr. W. M. Jardine, Secretary of Agriculture, and Mr. Edward S. Butler, who was then president of the New Orleans Cotton Exchange, and also copy of a resolution passed by the board of directors of the Tennessee Cooperative Cotton Marketing Association. As to your other proposals for improving the reports, as far as the information I now have will enable me to judge, I could heartily support.

Thanking you for having given me the opportunity to express to you my views on this problem, I am, with much respect,

Yours truly,

TAIT BUTLER, *Editor.*

Division of Crop and Livestock Estimates, report showing the number of cotton correspondents on the various lists as of October 31, 1925

States	Township	County	Individual farms	Special cotton	Ginners	Field aides	Total
Virginia	196	16	179	64	164	111	730
North Carolina	548	52	687	616	2,032	1,061	4,996
South Carolina	548	43	926	588	2,457	718	5,280
Georgia	742	108	6,291	729	2,514	2,183	12,567
Florida	118	15	237	158	119	411	1,058
Alabama	1,291	44	1,006	838	1,664	570	5,413
Mississippi	838	63	841	608	1,670	2,253	6,283
Louisiana	575	31	748	337	910	2,481	5,082
Texas	1,797	129	1,631	1,095	3,864	3,641	12,157
Arkansas	1,030	65	916	689	1,476	1,469	5,645
Tennessee	376	42	375	324	510	511	2,138
Missouri	104	7	107	81	166	64	529
Oklahoma	604	32	854	549	928	865	3,832
California	448	13	116	24	50	78	731
Arizona	47	4	42	18	77	135	323
New Mexico	76	3	1 69	7	35	67	257
United States	9,338	667	14,967	6,725	18,636	16,628	66,991

NOTE.—There are also about 20,000 individual farm reporters who report direct to the field offices concerning their own farms.

Most of the more than 80,000 reporters above are men actively engaged in farming.

PROPOSED AMENDMENTS OF THE RULES

Mr. JONES of Washington. Mr. President, I send to the desk three notices of proposed amendments to the rules and ask that they may be read by the clerk, pursuant to the rule of the Senate.

The VICE PRESIDENT. The clerk will read.

The legislative clerk (Harvey A. Welsh) read as follows:

Notice is hereby given that at the proper time I shall propose an amendment to Rule XVIII of the Senate Rules relating to amendments to paragraph 2 and to read as follows:

"2. No amendment shall be in order to a bill, resolution, or other amendment unless it be germane to the subject matter under consideration. If a point of order is made against a proposed amendment, it shall be decided without debate, unless the Chair desires to hear discussion. Upon any appeal from the decision of the Chair relating to such point of order no Senator shall speak more than once nor longer than 10 minutes."

Notice is hereby given that at the proper time I shall propose an amendment to Rule XIX of the Senate Rules relating to debate, proposing to add to said rule a paragraph, to be No. 7, to read as follows:

"7. Debate shall be confined to the subject matter under consideration, and all points of order relating thereto shall be decided by the Chair without debate. Upon an appeal from a decision of the Chair upon any such point of order no Senator shall speak more than once or longer than 10 minutes."

Notice is hereby given that at the proper time I shall propose an amendment to Rule XIX of the Senate Rules relating to debate by submitting an additional paragraph to read as follows:

8. Whenever a bill or resolution other than an appropriation bill or a revenue bill has been under consideration for 10 days or more, a notice to limit debate on such measure, signed by 15 or more Senators, may be filed after being read to the Senate, and on and after the next calendar day from the filing of such notice a vote shall be taken upon the question "Shall debate on the pending measure be limited," and if a majority of the Senate shall vote to limit debate thereafter no Senator shall speak more than once nor longer than one hour on the bill nor more than twice nor longer than 20 minutes on any amendment that may be offered. No dilatory or frivolous amendment shall be received and a point of order that an amendment is dilatory or frivolous shall be decided by the Chair without debate, and upon an appeal from his decision no Senator shall speak more than five minutes.

The VICE PRESIDENT. The notices will be received and lie on the table.

INVESTIGATION OF THE NAVAL ESTABLISHMENT

Mr. KING submitted the following concurrent resolution (S. Con. Res. 1), which was referred to the Committee on Naval Affairs:

Resolved by the Senate (the House of Representatives concurring), That a joint committee to consist of four Representatives, members of the Naval Affairs Committee of the House, to be appointed by the

Speaker, and of four Senators, members of the Naval Affairs Committee of the Senate, to be appointed by the President of the Senate, is authorized and directed to investigate the present condition of the Naval Establishment and particularly to inquire into and report to Congress whether or not the so-called capital ships ratio of 5–5–3 as agreed on by the Washington Disarmament Conference is being maintained on the part of the United States or is being exceeded by the other powers to the agreement; the actual number of cruisers, destroyers, submarines, dirigibles, airplanes, and other auxiliary naval craft in the naval establishments of the other powers signatory to such agreement but not subject to such ratio; the number, class, and description of such auxiliary craft as may be regarded as adequate and necessary to the defense of the country; whether adequate attention has been given by the Navy Department to the construction of submarines, airplanes, and other auxiliary craft; the reasons for delay in completing the V-boats now under construction; why no fleet submarines have been constructed; whether the submarines constructed have been efficient; why more airplanes have not been constructed and whether those constructed are effective and of types comparable to those employed by naval powers; whether the General Board of the Navy is committed to archaic naval plans and archaic types of vessels and is preventing the proper development and perfection of such submarines, airplanes, and auxiliary craft as may be required for the defense of the country; whether a change should be made in the manner of appointing the General Board of the Navy; whether the administration of the Navy Department has tended to the bureaucratic domination of the expert and technical officers of the Navy or has prevented the development of officers of such expert qualifications as are required for the technical work of the Navy; whether the recent accidents to naval vessels off the coast of California and recent casualties to submarines have been due to deficient official and other personnel or to lack of adequate sea training in the navigation of submarines and auxiliary craft; the number of navy yards, naval bases, and shore stations which should be maintained; the organization of the Navy Department, including the functions of the separate bureaus in the department, their interrelations, and their relation to the office of the Secretary of the Navy; whether the Navy Department is effectively and prudently expending the moneys appropriated for the Naval Establishment to the advantage of the Government and the potential defense of the country; and whether or not the acts of Congress respecting the organization of the Navy Department should be amended or supplemented by new legislation to secure a more effective expenditure of naval appropriations and to promote the orderly coordination and functioning of the department, and to make recommendations to Congress concerning the question in the premises set forth.

Such committee as a whole or by subcommittee is authorized to hold hearings, to sit during the sessions or recesses of the Sixty-ninth Congress at such times and places, to employ such experts and accountants, and clerical, and other stenographic assistants as it may deem advisable. The committee is further authorized to send for persons and papers; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; to administer oaths and to take testimony, as it may deem advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be liable to the penalties provided by section 102 of the Revised Statutes of the United States.

ALICE N. KELLER

Mr. CURTIS submitted the following resolution (S. Res. 54), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Alice N. Keller, widow of Thomas W. Keller, the late Acting Assistant Doorkeeper of the Senate, one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON APPROPRIATIONS

Mr. WARREN submitted the following resolution (S. Res. 55), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations, or any subcommittee thereof, is authorized, during the Sixty-ninth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MINES AND MINING

Mr. ODDIE submitted the following resolution (S. Res. 56), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

COMPILATION FOR THE INDIAN COMMITTEE

Mr. HARRELD submitted the following resolution (S. Res. 57), which was referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of the laws, agreements, Executive orders, proclamations, etc., relating to Indian affairs passed and proclaimed since December 1, 1913, to be known as Laws and Treaties Relating to Indian Affairs, volume 4.

FUNERAL EXPENSES OF THE LATE SENATOR LADD

Mr. FRAZIER submitted the following resolution (S. Res. 58), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Edwin F. Ladd, late a Senator from the State of North Dakota, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

LIMITATION OF DEBATE

Mr. FESS submitted the following resolution (S. Res. 59), which was referred to the Committee on Rules:

Resolved, That clause 1 of Rule XIX of the Standing Rules of the Senate be, and the same is hereby, amended so as to read as follows:

"1. When a Senator desires to speak he shall rise and address the Presiding Officer and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. When a bill or resolution is under consideration a Senator shall confine his remarks to the immediate question under debate. When no bill or resolution is under consideration no Senator shall proceed to address the Senate without leave first obtained by unanimous consent. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate; and during the last six days of any session of Congress no Senator shall speak more than 30 minutes upon any one question without leave of the Senate obtained by unanimous consent."

2. That clause 1 of Rule XX of the Standing Rules of the Senate be, and the same is hereby, amended to read as follows:

"1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. On a question of order submitted to the Senate, or on an appeal, no Senator shall speak more than once nor more than 20 minutes. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer."

INVESTIGATION OF WHEAT, FLOUR, AND BREAD PRICES

Mr. CAMERON submitted the following resolution (S. Res. 60), which was referred to the Committee on Agriculture and Forestry:

Whereas it appears from the public press that preparations are under way to increase the price of bread to the consumer; and

Whereas the high price of wheat is given as the reason for increasing the price of bread: Now, therefore, be it

Resolved, That for the purpose of providing the Congress with information to serve as a basis for such legislation, as in its opin-

ion may be found necessary for the regulation of improper practices in the manipulation of prices of wheat, flour, and bread, the Federal Trade Commission is authorized and directed to investigate (in pursuance of the powers conferred upon it by subdivsion (d) of section 6 of the act entitled "An act to create a Federal trade commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended, and in pursuance of any other power conferred upon it by such act) the facts relating to (a) alleged corporate violations of the antitrust laws in respect of operations in wheat, flour, and bread; and (b) the relation of such antitrust-law violations to the demand for and the supply of wheat, flour, and bread, prices of and profits in wheat, flour, and bread, and the methods of marketing wheat, flour, and bread in interstate and foreign commerce. The commission is directed to report to the Senate as soon as practicable the results of its investigations in pursuance of this resolution.

The Secretary of Commerce and the Secretary of Agriculture are requested to furnish the Senate as soon as practicable such information as they may have concerning the world's supply of wheat.

HEARINGS BEFORE THE COMMITTEE ON FINANCE

Mr. SMOOT submitted the following resolution (S. Res. 61), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized to sit during the sessions or recesses of the Sixty-ninth Congress at such times and places as they may deem advisable; to make investigations into internal revenue, customs, currency, and coinage matters, and other matters within its jurisdiction, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary; and to report from time to time to the Senate the result thereof; to send for persons, books, and papers, to administer oaths, and to employ such expert, stenographic, clerical, and other assistance as may be necessary; and all of the expenses of such committee shall be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

FUNERAL EXPENSES OF THE LATE SENATOR LA FOLLETTE

Mr. LENROOT submitted the following resolution (S. Res. 62), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Robert M. La Follette, late a Senator from the State of Wisconsin, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR RALSTON

Mr. WATSON submitted the following resolution (S. Res. 63), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Samuel M. Ralston, late a Senator from the State of Indiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. NORRIS submitted the following resolution (S. Res. 64), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR SPENCER

Mr. REED of Missouri submitted the following resolution (S. Res. 65), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Selden P. Spencer, late a Senator from the State of Missouri, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

HEARINGS BEFORE COMMITTEE ON COMMERCE

Mr. JONES of Washington submitted the following resolution (S. Res. 66), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearing as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

ADDITIONAL TELEPHONE OPERATORS

Mr. KEYES submitted the following resolution (S. Res. 67), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate hereby is authorized and directed to employ during the first session of the Sixty-ninth Congress two telephone operators to be paid from the contingent fund of the Senate at the rate of $1,200 per annum.

AFFAIRS IN HAITI

Mr. KING submitted the following resolution (S. Res. 68), which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State is requested to advise the Senate as to what powers and functions Brig. Gen. John H. Russell is exercising in Haiti or in relation to the Haitian Government, under or by authority of the Secretary of State, including the number of troops under the command of General Russell in Haiti and the military powers exercised by him for or on behalf or under the direction of the Secretary; that the Secretary transmit to the Senate the text of all instructions issued by him to General Russell and the text of all correspondence between the Haitian Government and General Russell and between the Haitian Government and any other officer or agent of the State Department respecting loans to the Haitian Government by American banks; and that the Secretary further transmit to the Senate any and all correspondence between the Secretary and General Russell and between General Russell and any officials of the Haitian Government respecting the holding of the election of the Legislature and Government of Haiti which is fixed by the Constitution of Haiti to be held in January next, and to advise the Senate whether or not General Russell has been instructed to take steps or to use his influence to prevent the holding of such election or to postpone the same or to retain the present President of Haiti in power in default of the election of a successor upon the date fixed.

Mr. KING submitted the following resolution (S. Res. 69), which was referred to the Committee on Foreign Relations:

Whereas the relations between the United States and the Republic of Haiti have assumed a condition which is unsatisfactory to the inhabitants of said country and otherwise disadvantageous to the United States, which condition is due in large measure to the presence of the naval forces of the United States in said country and the exercise by the United States of the control of the finances and revenues of said country; and

Whereas the purpose of the intervention by the United States in the political affairs of said country, the direction of their revenues and finances, and the police of the same by the United States naval forces has been accomplished, and there is no further advantage either to the United States or said country from any continued intervention in its affairs: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that the President should withdraw the naval forces of the United States now in Haiti and should arrange an abrogation of any treaty, protocol, or other agreement providing for the control of the revenues of Haiti by the United States, or providing for the intervention of the United States in the political affairs of said country, and that it is the sense of the Senate that Haiti should be free from any external interference with its domestic policies or internal administration.

THE PHILIPPINES

Mr. KING submitted the following resolution (S. Res. 70), which was referred to the Committee on Foreign Relations:

Whereas the Congress of the United States, by the act approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," vested in the Philippine Legislature created by said act general legislative power with respect to the Philippines,

in order that by the use and exercise of popular franchise and governmental powers the people of the Philippines might become prepared to assume the responsibilities and enjoy the privileges of complete independence; and

Whereas the Congress of the United States in said act expressly declared that it was the purpose of the Government of the United States to withdraw its sovereignty from the Philippine Islands and to recognize the independence of the islands as soon as a stable government should have been established therein; and

Whereas in conformity with the provisions of said act a stable government founded upon principles of political liberty and upon popular franchise has been erected in the Philippine Islands and is exercising political powers therein, subject only to the powers vested in the Governor General of the Philippines and other officials appointed by the President of the United States, and certain supervisory powers exercised by the Secretary of War, and the right of appeal to the Supreme Court of the United States from final judgments and decrees of the Supreme Court of the Philippine Islands: Now therefore be it

Resolved, That it is the sense of the Senate that the President enter into negotiations with the powers having territorial interests in the Pacific, or adjacent thereto, for the purpose of concluding a treaty or treaties whereby said powers agree to recognize the Philippine Islands as an independent State and covenant to respect the political independence and territorial integrity of such Philippine State when such State shall have been established and declared by the United States.

ACTS OF THE ALIEN PROPERTY CUSTODIAN

Mr. KING submitted the following resolution (S. Res. 71), which was referred to the Committee on the Judiciary:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property, the care of the property seized, whether or not waste has been permitted in relation thereto, and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trade-marks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and further to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other persons, to prevent criminal or civil proceedings in relation to any of such transactions; and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable. Any subcommittee duly authorized thereto shall have the same powers as are conferred upon said select committee by this resolution.

APPOINTMENT OF POSTMASTERS

Mr. McKELLAR submitted the following resolution (S. Res. 72), which was referred to the Committee on Post Offices and Post Roads:

Resolved, That the Postmaster General be, and he is hereby, directed to report to the Senate at the earliest practicable moment (1) the names of all first, second, and third class postmasters appointed in the United States since March 4, 1921, who were appointed when there were ex-service men on the eligible list; (2) the names of all ex-service men appointed postmasters; and (3) the names of all ex-service men appointed postmasters where they stood second or third on the eligible list.

ELEVATION OF BATTLESHIP GUNS

Mr. McKELLAR submitted the following resolution (S. Res. 73), which was referred to the Committee on Naval Affairs:

Whereas it has been stated on the floor of the Senate by the chairman of the Committee on Naval Affairs that "a protest has been made by another power to this country against elevating the guns of our battleships, and until that protest has been settled I do not believe we should take affirmative action and vote to appropriate for the elevation of guns"; and

Whereas it is admitted by all competent naval authorities, as well as by the chairman of the Naval Affairs Committee, that the American Navy can not attain or maintain the 5-5-3 ratio accorded to it under the limitation-of-arms agreement, without elevating the guns on these 13 battleships; and

Whereas it has been reported by the Secretary of State that there is no legal reason under the disarmament conference agreement of 1922 why our guns should not be elevated; and

Whereas it has been asserted that the protest against our elevating guns on these 13 battleships was made to this country on April 15, 1923, nearly two years ago; and

Whereas Article II of the limitation of armament treaty provides in part that: "The British Empire may, in accordance with the replacement table in Chapter II, part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons), standard displacement each"; and

Whereas in Article VII of said treaty it is provided: "The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons)"; and

Whereas Article IX of the treaty is as follows:

"No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

"However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches (152 millimeters), except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed 8"; and

Whereas Article X of the treaty provides in part as follows: "No aircraft carrier of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches (203 millimeters)"; and

Whereas it has been stated on the floor of the Senate and in the public print that the new British ships called the *Nelson* and *Rodney* are vessels supposed to be the latest thing in battleships; that they will carry nine 16-inch guns, and that these guns will be placed forward, and that the after deck will be used for an airplane platform upon which they can carry airships, and that there will be no stacks: Now, therefore, be it

Resolved, First. That the President of the United States be, and he is hereby, respectfully requested to inform the Senate, if not incompatible with the public interest, what steps, if any, have been taken by the executive department to have said protest against the elevation of guns on 13 of our battleships settled and determined; whether any suggestion has been made by the protesting nation or by the United States that the matter be submitted for arbitration; and at what time a decision in reference to the protest may be expected.

Second. That the President of the United States is hereby further respectfully requested to obtain the information from Great Britain as provided under the terms of said treaty and inform the Senate, if not incompatible with the public interest, whether said ships, *Nelson* and *Rodney*, conform to the provisions of said treaty; whether the same are battleships or aircraft carriers; if combined battleships and aircraft carriers, whether or not such ships, as aircraft carriers, do not violate Article X of the treaty by carrying guns in excess of the caliber therein permitted; whether the said ships, as aircraft carriers, do not violate Section IX of the treaty in reference to tonnage and in reference to the number of guns carried.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 10 minutes p. m.) the Senate, under the order previously entered, adjourned until Thursday, December 10, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 8, 1925

SECRETARY OF WAR

Dwight F. Davis, of Missouri, to be Secretary of War, to which office he was appointed during the last recess of the Senate, vice John W. Weeks, resigned.

ASSISTANT SECRETARY OF WAR

Hanford MacNider, of Iowa, to be Assistant Secretary of War, vice Dwight F. Davis, of Missouri.

ASSISTANT SECRETARY OF STATE

Robert E. Olds, of Minnesota, to be an Assistant Secretary of State, to which office he was appointed during the last recess of the Senate, vice John Van A. MacMurray, appointed envoy extraordinary and minister plenipotentiary to China.

SOLICITOR OF STATE DEPARTMENT

Green H. Hackworth, of the District of Columbia, to be Solicitor of the Department of State, vice Charles Cheney Hyde, resigned. (Mr. Hackworth is now serving under a recess appointment.)

ASSISTANT SECRETARY OF THE TREASURY

Lincoln C. Andrews, of New York, N. Y., to be Assistant Secretary of the Treasury in place of Eliot Wadsworth, resigned. (Mr. Andrews is now serving under temporary commission issued during the recess of the Senate.)

CIVIL SERVICE COMMISSIONER

Miss Jessie Dell, of Georgia, to be a civil service commissioner, to which office she was appointed during the last recess of the Senate, vice Mrs. Helen H. Gardener, deceased.

DIPLOMATIC SERVICE

The following-named persons for appointment to the offices in the Diplomatic Service of the United States to which they were appointed during the last recess of the Senate, as follows:

AMBASSADOR EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Charles MacVeagh, of New Hampshire, to be ambassador extraordinary and minister plenipotentiary of the United States of America to Japan.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

Charles C. Hart, of the District of Columbia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Albania.

John Van A. MacMurray, of New Jersey, formerly an Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to China.

Evan E. Young, of South Dakota, formerly a Foreign Service officer of class 1, detailed as chief of the Division of Eastern European Affairs, Department of State, to be envoy extraordinary and minister plenipotentiary to the Dominican Republic.

Alfred J. Pearson, of Iowa, to be envoy extraordinary and minister plenipotentiary to Finland.

John B. Stetson, jr., of Pennsylvania, to be envoy extraordinary and minister plenipotentiary to Poland.

William S. Culbertson, of Kansas, to be envoy extraordinary and minister plenipotentiary to Rumania.

William W. Russell, of the District of Columbia, formerly envoy extraordinary and minister plenipotentiary to the Dominican Republic, to be envoy extraordinary and minister plenipotentiary to Siam.

DIPLOMATIC AGENT AND CONSUL GENERAL

Maxwell Blake, of Missouri, a Foreign Service officer of class 1, to act as diplomatic agent and consul general at Tangier, Morocco.

FOREIGN SERVICE OFFICERS

Frank P. Lockhart, of Texas, formerly Chief of the Division of Far Eastern Affairs, Department of State, to be a Foreign Service officer of class 4 of the United States of America, to which office he was appointed during the last recess of the Senate.

James E. McKeena, of Massachusetts, formerly a drafting officer in the Department of State, to be a Foreign Service officer of class 8 of the United States of America, to which office he was appointed during the last recess of the Senate.

The following-named persons for promotion in the Foreign Service of the United States to the offices to which they were appointed during the last recess of the Senate, as follows:

From Foreign Service officer of class 3 to Foreign Service officer of class 2

Ferdinand L. Mayor, of Indiana.

From Foreign Service officer of class 4 to Foreign Service officer of class 3

R. Henry Norweb, of Ohio.
George A. Gordon, of New York.
L. Lanier Winslow, of New York.

From Foreign Service officer of class 5 to Foreign Service officer of class 4

Frank C. Lee, of Colorado.
James B. Stewart, of New Mexico.
Edwin C. Wilson, of Florida.
Alan F. Winslow, of Illinois.

From Foreign Service officer of class 6 to Foreign Service officer of class 5

Wainwright Abbott, of Pennsylvania.
Joseph Flack, of Pennsylvania.
Frederic D. K. LeClercq, of South Carolina.
William C. Burdett, of Tennessee.
H. Merle Cochran, of Arizona.
John P. Hurley, of New York.
Joseph E. Jacobs, of South Carolina.
George A. Makinson, of California.
Benjamin Reath Riggs, of Pennsylvania.
Merritt Swift, of the District of Columbia.
Harold H. Tittmann, jr., of Missouri.

From Foreign Service officer of class 7 to Foreign Service officer of class 6

Harold M. Deane, of Connecticut.
Edward M. Groth, of New York.
Edmund B. Montgomery, of Illinois.
John F. Simons, of New York.
Clarence J. Spiker, of the District of Columbia.
R. A. Wallace Trent, of Ohio.

From Foreign Service officer of class 8 to Foreign Service officer of class 7

S. Bertrand Jacobson, of New York.
Samuel H. Wiley, of North Carolina.
Robert S. Burgher, of Texas.
Leon H. Ellis, of Washington.
Waldemar J. Gallman, of New York.
Donald F. Bigelow, of Minnesota.
Edward S. Crocker, 2d, of Massachusetts.
Nathaniel P. Davis, of New Jersey.
Donald R. Heath, of Kansas.
Jack Dewey Hickerson, of Texas.
Robert D. Murphy, of Wisconsin.
George P. Shaw, of California.
John Stambaugh, 2d, of Ohio.

From Foreign Service officer, unclassified, at $3,000, to Foreign Service officer of class 8

Conger Reynolds, of Iowa.
Thomas H. Robinson, of New Jersey.
Leslie E. Woods, of Massachusetts.
Gilson G. Blake, jr., of Maryland.
James Hugh Keeley, jr., of the District of Columbia.
Carl D. Meinhardt, of New York.
Hugh S. Miller, of Illinois.
Sydney B. Redecker, of New York.
Harry L. Troutman, of Georgia.

CONSULS GENERAL

Charles B. Curtis, of New York, a Foreign Service officer of class 2, and a secretary in the Diplomatic Service with the rank of counselor of legation, to be also a consul general of the United States of America (recess appointment).

Frank P. Lockhart, of Texas, formerly Chief of the Division of Far Eastern Affairs, Department of State, to be a consul general of the United States of America (recess appointment).

CONSULS

Walter C. Thurston, of Arizona, a Foreign Service officer of class 3, and a secretary in the Diplomatic Service with the rank of first secretary, to be also a consul of the United States of America (recess appointment).

Harold M. Deane, of Connecticut, a Foreign Service officer of class 6, and a secretary in the Diplomatic Service with the rank of second secretary, to be a consul of the United States of America (recess appointment).

James E. McKenna, of Massachusetts, formerly a drafting officer in the Department of State, to be a consul of the United States of America (recess appointment).

VICE CONSUL

J. Holbrook Chapman, of the District of Columbia, a Foreign Service officer, unclassified, and a secretary in the Diplomatic Service with the rank of third secretary, to be a vice consul of career of the United States of America (recess appointment).

SECRETARIES IN THE DIPLOMATIC SERVICE

Dana G. Munro, of New Jersey, a Foreign Service officer of class 4 and a consul, to be also a secretary in the Diplomatic Service of the United States of America (recess appointment).

Hamilton C. Claiborne, of Virginia, a Foreign Service officer of class 4 and a consul, to be also a secretary in the Diplomatic Service of the United States of America (recess appointment).

Ernest L. Ives, of Virginia, a Foreign Service officer of class 4 and a consul, to be also a secretary in the Diplomatic Service of the United States of America (recess appointment).

R. A. Wallace Treat, of Ohio, a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service of the United States of America (recess appointment).

Clifton R. Wharton, of Massachusetts, to be a secretary in the Diplomatic Service of the United States of America (recess appointment).

The following-named persons to be Foreign Service officers, unclassified, of the United States of America, to which office they were appointed during the last recess of the Senate:

Clayson W. Aldridge, of New York.
Robert L. Buell, of New York.
Selden Chapin, of Pennsylvania.
Charles Henry Coster, of New York.
Miss Pattie H. Field, of Colorado.
Franklin B. Frost, of Rhode Island.
Harvey S. Gerry, of the District of Columbia.
Durward Grinstead, of Massachusetts.
Julius C. Holmes, of Kansas.
Royal R. Jordan, of Massachusetts.
David McK. Key, of Tennessee.
J. Hall Paxton, of Virginia.
Angus I. Ward, of Michigan.
Clifton R. Wharton, of Massachusetts.
David Williamson, of Colorado.
Stanley Woodward, of Pennsylvania.
Roy W. Baker, of New York.
Allan Dawson, of Iowa.
John Carter Vincent, of Georgia.
John W. Bailey, jr., of Texas.
William E. Beitz, of New York.
Julian F. Harrington, of Massachusetts.
Ellis O. Briggs, of New York.
David K. E. Bruce, of Maryland.
Augustus S. Chase, of Connecticut.
Early B. Christian, of Louisiana.
Lewis Clark, of Alabama.
Harry L. Franklin, of Kentucky.
Eugene M. Hinkle, of New York.
Edward P. Lawton, jr., of Georgia.
John H. Lord, of Massachusetts.
William H. T. Mackie, of New Jersey.
John H. Morgan, of Massachusetts.
W. Mayo Newhall, jr., of California.
Lloyd D. Yates, of the District of Columbia.
McCeney Werlich, of the District of Columbia.

The following-named Foreign Service officers for promotion in rank from vice consul of career to consul, to which office they were appointed during the last recess of the Senate:

Conger Reynolds, of Iowa.
Thomas H. Robinson, of New Jersey.
Leslie E. Woods, of Massachusetts.
Gilson G. Blake, jr., of Maryland.
James Hugh Keeley, jr., of the District of Columbia.
Carl D. Meinhardt, of New York.
Hugh S. Miller, of Illinois.
Sydney B. Redecker, of New York.
Harry L. Troutman, of Georgia.

The following-named persons to be vice consuls of career of the United States of America, to which office they were appointed during the last recess of the Senate:

Clayson W. Aldridge, of New York.
Robert L. Buell, of New York.
Selden Chapin, of Pennsylvania.
Charles Henry Coster, of New York.
Pattie H. Field, of Colorado.
Franklin B. Frost, of Rhode Island.
Harvey S. Gerry, of the District of Columbia.
Durward Grinstead, of Massachusetts.
Julius C. Holmes, of Kansas.
Royal R. Jordan of Massachusetts.
David McK. Key, of Tennessee.
J. Hall Paxton, of Virginia.
Angus I. Ward, of Michigan.
David Williamson, of Colorado.
Stanley Woodward, of Pennsylvania.
Roy W. Baker, of New York.
Allan Dawson, of Iowa.
John Carter Vincent, of Georgia.
George R. Paschal, jr., of Florida.
John W. Bailey, jr., of Texas.
William E. Beitz, of New York.
Julian F. Harrington, of Massachusetts.
John H. Lord, of Massachusetts.

GOVERNOR OF THE VIRGIN ISLANDS

Capt. Martin E. Trench, United States Navy, to be Governor of the Virgin Islands ceded to the United States by Denmark, to which office he was appointed during the last recess of the Senate, vice Capt. Philip Williams.

MEMBER OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION

C. F. McIntosh, of Indiana, to be a member of the Federal Board for Vocational Education for a term of three years from July 17, 1925, to which office he was reappointed during the last recess of the Senate.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Harry Bassett, of Indiana, to be a member of the United States Employees' Compensation Commission for a term of six years, to which office he was appointed during the last recess of the Senate, vice John J. Keegan, term expired.

COMMISSIONER OF THE DISTRICT OF COLUMBIA

Frederick A. Fenning, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years and until his successor is appointed and qualified, to which office he was appointed during the last recess of the Senate, vice James F. Oyster, deceased.

MEMBER OF THE BOARD OF CHARITIES OF THE DISTRICT OF COLUMBIA

William J. Kerby, of the District of Columbia, to be a member of the Board of Charities for the District of Columbia, for a term of three years from July 1, 1925. (A reappointment.)

DIRECTOR OF BUREAU OF MINES

Scott Turner, of Michigan, to be Director Bureau of Mines, vice H. Foster Bain, resigned.

DIRECTOR OF THE WAR FINANCE CORPORATION

Floyd R. Harrison, of the District of Columbia, to be a director of the War Finance Corporation for the unexpired term of four years from May 24, 1922, to which office he was appointed during the last recess of the Senate, vice Frank W. Mondell.

MEMBER OF THE BOARD OF TAX APPEALS

C. Rogers Arundell, of Oregon, to be a member of the Board of Tax Appeals for a term expiring June 1, 1926, to which office he was appointed during the last recess of the Senate.

OFFICERS IN THE PUBLIC HEALTH SERVICE

Dr. Raymond A. Vonderiehr to be assistant surgeon, to rank as such from April 10, 1925.

Dr. Paul W. Bailey to be assistant surgeon, to rank as such from April 13, 1925.

Asst. Surg. Ralph D. Lillie to be passed assistant surgeon, to rank as such from May 14, 1925.

Passed Asst. Surg. Harry E. Trimble to be surgeon, to rank as such from July 16, 1925.

Passed Asst. Surg. Mark V. Ziegler to be surgeon, to rank as such from August 2, 1925.

Passed Asst. Surg. James E. Faris to be surgeon, to rank as such from August 1, 1925.

Dr. Derrick A. Hoxie to be assistant surgeon, to rank as such from July 22, 1925.

Dr. Jack H. Ayers to be assistant surgeon, to rank as such from July 25, 1925.

Dr. Everett B. Archer to be assistant surgeon, to rank as such from July 29, 1925.

Dr. Fletcher C. Stewart to be assistant surgeon, to rank as such from July 30, 1925.

Dr. John F. Gates to be assistant surgeon, to rank as such from August 8, 1925.

Asst. Surg. Kenneth F. Maxcy to be passed assistant surgeon, to rank as such from October 8, 1925.

Surg. Claude H. Lavinder to be senior surgeon, to rank as such from September 1, 1925, in place of Senior Surg. B. W. Brown, placed on "waiting orders."

Asst. Surg. LeGrand B. Byrington to be passed assistant surgeon, to rank as such from October 15, 1925.

Dr. James B. Ryon to be assistant surgeon, to rank as such from October 14, 1925.

These officers are now serving under temporary commissions issued during the recess of the Senate.

COAST AND GEODETIC SURVEY

Byron Williams, of Kentucky, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, in the Coast and Geodetic Survey, vice George H. Dell, resigned.

To be aid (with relative rank of ensign in the Navy), by promotion from deck officer

Paul Albert Smith, of Michigan, vice K. G. Crosby.
David Hearn Askew, of Texas, vice Daniel Fivel.
Carl Fred Ehlers, of Iowa, vice H. A. Karo.
William Murel Gibson, of Colorado, vice H. B. Brown.
William Francis Malnate, of Massachusetts, vice R. L. Anderson.
Frank Gerard Johnson, of Massachusetts, vice G. W. Tatchell.
Ralph Leslie Pfau, of Texas, vice C. L. Nyman.
Alvin Cecil Thorson, of North Dakota, vice R. C. Wilson.
Joe Charles Partington, of Nebraska, vice E. H. Deily.

To be aid (with relative rank of ensign in the Navy), by promotion from junior engineer

Newmann Breeden Smith, of New Mexico, vice G. E. Boothe.

SUPERINTENDENT OF UNITED STATES ASSAY OFFICE

Niles R. Becker, of New York, to be superintendent of the United States Assay Office at New York, in place of Isaac H. Smith, resigned.

ASSAYER OF THE MINT

Clarence C. Malmstrom, of Denver, Colo., to be assayer in the Mint of the United States at Denver, Colo., in place of Ambrose E. Moynahan, superseded.

These officers are now serving under temporary commissions issued during the recess of the Senate.

SOLICITOR OF INTERNAL REVENUE

Alexander W. Gregg, of Texas, to be Solicitor of Internal Revenue, vice Nelson T. Hartson, resigned. (Mr. Gregg is now serving under a recess appointment.)

COLLECTORS OF INTERNAL REVENUE

Edwin A. Brast, of Parkersburg, W. Va., to be collector of internal revenue for the district of West Virginia, in place of Albert B. White, superseded.

John R. Towles, of Phoenix, Ariz., to be collector of internal revenue for the district of Arizona, in place of Frank R. Stewart.

Lee Brock, of Nashville, Tenn., to be collector of internal revenue for the district of Tennessee, in place of Louis P. Brewer.

Thomas W. White, of Newton, Mass., to be collector of internal revenue for the district of Massachusetts, in place of Malcolm E. Nichols, resigned.

These officers are now serving under temporary commissions issued during the recess of the Senate.

COLLECTORS OF CUSTOMS

Marion O. Dunning, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga., in place of George V. Denny, resigned.

Eddie McCall Priest, of Huntingdon, Tenn., to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn., in place of Charles C. Hinkle, whose term of office expired August 31, 1925.

Willfred W. Lufkin, of Boston, Mass., to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass. Reappointment.

COMPTROLLERS OF CUSTOMS

Dwight Hall, of Dover, N. H., to be comptroller of customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Harry W. Spaulding, resigned.

Collins B. Allen, of Salem, N. J., to be comptroller of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa., to fill an existing vacancy.

APPRAISER OF MERCHANDISE

Ivil O. Price, of Tampa, Fla., to be appraiser of merchandise in customs collection district No. 18, with headquarters at Tampa, Fla., to fill an existing vacancy.

These officers are now serving under temporary commissions issued during the recess of the Senate.

COAST GUARD OF THE UNITED STATES

Boatswain (life-saving) Eugene T. Osborn to be a district superintendent, with the rank of ensign, to rank as such from April 6, 1925.

District superintendent, with the rank of lieutenant, John S. Cole to be district superintendent, with the rank of lieutenant commander, to rank as such from March 24, 1925, in place of District Superintendent William E. Tunnell, retired.

District superintendent, with the rank of lieutenant (junior grade), Simon R. Sands to be district superintendent, with the rank of lieutenant, to rank as such from March 24, 1925, in place of District Superintendent John S. Cole, promoted.

Temporary Lieut. Commander William K. Scammell to be a lieutenant commander, to rank as such from March 24, 1925, in place of Lieut. Commander John P. Gray, resigned.

Lieut. (Junior Grade) Ephraim Zoole to be a lieutenant, to rank as such from March 24, 1925, in place of Lieut. William K. Scammell, promoted.

Lieut. John Trebes, jr., to be temporarily a lieutenant commander, to rank as such from March 24, 1925, in place of temporary Lieut. Commander William K. Scammell, promoted.

Harry T. Gower to be temporarily an ensign, to rank as such from June 8, 1925.

Gordon A. Littlefield to be temporarily an ensign, to rank as such from May 29, 1925.

Kenneth A. Coler to be temporarily an ensign, to rank as such from May 28, 1925.

Llewellyn Roberts to be temporarily an ensign, to rank as such from May 29, 1925.

George C. Whittlesey to be temporarily an ensign, to rank as such from May 29, 1925.

Beverly E. Moodey to be temporarily an ensign, to rank as such from May 28, 1925.

Richard L. Horne to be temporarily an ensign, to rank as such from June 15, 1925.

John A. Fletcher to be temporarily an ensign, to rank as such from June 1, 1925.

William K. Chandler to be temporarily an ensign, to rank as such from June 23, 1925.

Richard P. Hodsdon to be temporarily an ensign, to rank as such from May 29, 1925.

Frank Tomkiel to be temporarily an ensign (engineering), to rank as such from June 21, 1925.

Walter S. Anderson to be temporarily an ensign (engineering), to rank as such from June 1, 1925.

William C. Dryden to be temporarily an ensign (engineering), to rank as such from June 2, 1925.

Michael B. Singer to be temporarily an ensign (engineering), to rank as such from June 1, 1925.

Philip E. Shaw to be temporarily an ensign (engineering), to rank as such from June 1, 1925.

Leonard E. Parker to be temporarily an ensign, to rank as such from June 3, 1925.

Henry J. Betzmer to be temporarily an ensign, to rank as such from June 6, 1925.

Paul E. Purdy to be temporarily an ensign, to rank as such from June 9, 1925.

George N. Bernier to be temporarily an ensign, to rank as such from June 13, 1925.

Charles C. Plummer to be temporarily an ensign, to rank as such from June 15, 1925.

District superintendent, with the rank of ensign, Howard Wilcox to be district superintendent, with the rank of lieutenant (junior grade), to rank as such from June 30, 1925.

Lieut. Lyndon Spencer to be temporarily a lieutenant commander, to rank as such from July 10, 1925, in place of temporary Lieut. Commander Clement J. Todd, resigned.

Machinist Charles Anderson to be temporarily a chief machinst, to rank as such from August 1, 1925.

Charles L. Duke to be temporarily an ensign, to rank as such from August 26, 1925.

Lieut. (Junior Grade) Paul K. Perry to be a lieutenant, to rank as such from July 10, 1925, in place of Lieut. C. J. Todd, resigned.

Ensign Albert M. Martinson to be a lieutenant (junior grade), to rank as such from June 8, 1925.

Ensign Edward H. Fritzsche to be a lieutenant (junior grade), to rank as such from June 8, 1925.

Ensign Raymond J. Mauerman to be a lieutenant (junior grade), to rank as such from June 9, 1925.

Ensign Robert C. Jewell to be a lieutenant (junior grade), to rank as such from June 8, 1925.

Ensign Lee H. Baker to be a lieutenant (junior grade), to rank as such from June 8, 1925.

Lieut. (Junior Grade) Merlin O'Neil to be temporarily a lieutenant, to rank as such from October 1, 1925.

Lieut. (Junior Grade) Norman H. Leslie to be temporarily a lieutenant, to rank as such from October 1, 1925.

Lieut. (Junior Grade) Carleton T. Smith to be temporarily a lieutenant, to rank as such from October 1, 1925.

Lieut. (Junior Grade) Norman R. Stiles to be temporarily a lieutenant, to rank as such from October 1, 1925.

Ensign (temporary) Carl H. Hilton to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Lloyd O. Hammarstrom to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Joseph S. Rosenthal to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Frank M. Meals to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Roy F. Gilley to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Frank D. Higbee to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) John McCann to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Wellington S. Morse to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Charles Etzweiler to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) William W. Storey to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) Philip A. Short to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (temporary) John F. Kinnaly to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign Donald G. McNeil to be temporarily a lieutenant (junior grade), to rank as such from October 1, 1925.

Ensign Harley E. Grogan to be temporarily a lieutenant (junior grade), to rank as such from October 1, 1925.

Ensign William S. Shannon to be temporarily a lieutenant (junior grade), to rank as such from October 1, 1925.

Ensign Walter S. Fish to be temporarily a lieutenant (junior grade), to rank as such from October 1, 1925.

Ensign (temporary) Robert H. Furey to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Norman M. Nelson to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Chester McP. Anderson to be temporarily a lieutenant (junir grade), to rank as such from October 2, 1925.

Ensign (temporary) Robert E. Hunter to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925

Ensign (temporary) Ernest B. Johnson to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Ray W. Dierlam to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Glenn E. Trester to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Paul B. Cronk to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Clarence C. Paden to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) LeRoy M. McCluskey to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Niels S. Haugen to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Frank E. B. Stuart to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Vincent J. Charte to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Harold B. Adams to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Harold L. Connor to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) James F. Brady to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Arthur W. Davis to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Horace D. Glover to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Chester C. Childs to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Frank H. Nelson to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Jerome J. Buskin to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Angus S. MacIntyre to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Stewart P. Mehlman to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Kenneth L. Young to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Ralph R. Hayes to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Arthur G. Morrill to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (engineering, temporary) John W. Kelliher to be temporarily a lieutenant (engineering), to rank as such from October 2, 1925.

Ensign (engineering, temporary) Emetto B. Smith to be temporarily a lieutenant (engineering), to rank as such from October 2, 1925.

Ensign (engineering, temporary) Ozro H. Hunt to be temporarily a lieutenant (engineering), to rank as such from October 2, 1925.

Ensign (engineering) Charles W. Harwood to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 1, 1925.

Ensign (engineering) Frederick R. Baily to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 1, 1925.

Ensign (engineering) John P. Murray, jr., to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 1, 1925.

Ensign (engineering) Severt A. Olsen to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 1, 1925.

Ensign (engineering) Robert C. Sarratt to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 1, 1925.

Ensign (engineering, temporary) Edward S. Moale to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 2, 1925.

Ensign (engineering, temporary) Jarvis B. Wellman to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 2, 1925.

Ensign (engineering, temporary) Eugene S. Endom to be temporarily a lieutenant (junior grade) (engineering), to rank as such from October 2, 1925.

Ensign (temporary) Donald G. Jacobs to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) William L. Foley to be temporarily a lieutenant, to rank as such from October 2, 1925.

Ensign (engineering, temporary) Ben C. Wilcox to be temporarily a lieutenant (engineering), to rank as such from October 2, 1925.

Ensign (temporary) Carl E. Guisness to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Ensign (temporary) Chester B. Kirkpatrick to be temporarily a lieutenant (junior grade), to rank as such from October 2, 1925.

Temporary Commander William J. Wheeler to be a commander, to rank as such from September 10, 1925, in place of Commander George C. Carmine, promoted.

Commander Francis S. Van Boskerck to be temporarily a captain, to rank as such from September 10, 1925, in place of temporary Capt. George C. Carmine, promoted.

Temporary Capt. George C. Carmine to be captain, to rank as such from September 10, 1925, in place of Capt. Byron L. Reed, retired.

Lieut. Commander Thomas M. Molloy to be temporarily a commander, to rank as such from September 10, 1925, in place of temporary Commander William J. Wheeler, promoted.

Ensign (engineering) Herman H. Curry to be a lieutenant (junior grade) (engineering), to rank as such from September 30, 1925.

Temporary Lieut. Commander Russell L. Lucas to be a lieutenant commander, to rank as such from September 10, 1925, in place of Lieut. Commander William J. Wheeler, promoted.

These officers are now serving under temporary commissions issued during the recess of the Senate.

Ensign George E. McCabe to be a lieutenant (junior grade) in the Coast Guard of the United States, to rank as such from June 5, 1925. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Assistant Clerk United States Court for China

Louis T. Kenake, of California, to be assistant clerk of the United States Court for China, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

Solicitor, Department of Justice

William D. Mitchell, of Minnesota, to be Solicitor General, vice James M. Beck, resigned. (Mr. Mitchell is now serving under a recess appointment.)

Assistant Attorneys General

John Marshall, of West Virginia, to be Assistant Attorney General, vice Rush L. Holland, resigned. (Mr. Marshall is now serving under a recess appointment.)

Charles D. Lawrence, of New York, to be Assistant Attorney General, Customs Division, vice William W. Hoppin, resigned. (Mr. Lawrence is now serving under a recess appointment.)

Oscar R. Luhring, of Indiana, to be Assistant Attorney General, vice William J. Donovan, appointed assistant to the Attorney General. (Mr. Luhring is now serving under a recess appointment.)

Bertice M. Parmenter, of Oklahoma, to be Assistant Attorney General, vice Ira K. Wells, transferred to United States district judge, Porto Rico. (Mr. Parmenter is now serving under a recess appointment.)

United States Circuit Judges

John J. Parker, of North Carolina, to be United States circuit judge, fourth circuit, vice Charles A. Woods, deceased. (Mr. Parker is now serving under a recess appointment.)

Wallace McCamant, of Oregon, to be United States circuit judge, ninth circuit, vice Erskine M. Ross, retired. (Mr. McCamant is now serving under a recess appointment.)

United States District Judges

Ira K. Wells, of Kansas, to be United States district judge, Porto Rico, vice Arthur F. Odlin, term expired. (Mr. Wells is now serving under a recess appointment.)

Fred M. Raymond, of Michigan, to be United States district judge, western district of Michigan. An additional appointment under the act approved February 17, 1925. (Mr. Raymond is now serving under a recess appointment.)

Albert W. Johnson, of Pennsylvania, to be United States district judge, middle district of Pennsylvania, vice Charles B. Witmer, deceased. (Mr. Johnson is now serving under a recess appointment.)

William Clark, of New Jersey, to be United States district judge, New Jersey, vice Charles F. Lynch, resigned. (Mr. Clark is now serving under a recess appointment.)

Edward J. Henning, of California, to be United States district judge, southern district of California, vice Benjamin F. Bledsoe, resigned. (Mr. Henning is now serving under a recess appointment.)

Merrill E. Otis, of Missouri, to be United States district judge, western district of Missouri, vice A. S. VanValkenburgh, promoted to circuit judge. (Mr. Otis is now serving under a recess appointment.)

Louis H. Burns, of Louisiana, to be United States district judge, eastern district of Louisiana, vice Charlton R. Beattie, deceased. (Mr. Burns is now serving under a recess appointment.)

Harry B. Anderson, of Tennessee, to be United States district judge, western district of Tennessee, vice J. W. Ross, deceased. (Mr. Anderson is now serving under a recess appointment.)

United States District Attorney

Roy St. Lewis, of Oklahoma, to be United States district attorney, western district of Oklahoma, vice W. A. Maurer, term expired. (Mr. St. Lewis is now serving under a recess appointment.)

William A. DeGroot, of New York, to be United States district attorney, eastern district of New York, vice Ralph C. Greene, term expired. (Mr. DeGroot is now serving under a recess appointment.)

George J. Hatfield, of California, to be United States district attorney, northern district of California, vice Sterling Carr, appointed by court. (Mr. Hatfield is now serving under a recess appointment.)

Wayne G. Borah, of Louisiana, to be United States district attorney, eastern district of Louisiana, vice Louis H. Burns, term expired. (Mr. Borah is now serving under a recess appointment.)

Hoyt E. Ray, of Idaho, to be United States district attorney, Idaho, vice Edwin G. Davis, resigned. (Mr. Ray is now serving under a recess appointment.)

John D. Myer, of Pennsylvania, to be United States district attorney, western district of Pennsylvania, vice Walter Lyon, term expired. (Mr. Myer is now serving under a recess appointment.)

Andrew B. Dunsmore, of Pennsylvania, to be United States district attorney, middle district of Pennsylvania. A reappointment, his term having expired. (Mr. Dunsmore is now serving under a recess appointment.)

George W. Coles, of Pennsylvania, to be United States district attorney, eastern district of Pennsylvania. A reappointment, his term having expired. (Mr. Coles is now serving under a recess appointment.)

United States Marshals

W. Frank Mathues, of Pennsylvania, to be United States marshal, eastern district of Pennsylvania. A reappointment, his term having expired. (Mr. Mathues is now serving under a recess appointment.)

John H. Glass, of Pennsylvania, to be United States marshal, middle district of Pennsylvania. A reappointment, his term having expired. (Mr. Glass is now serving under a recess appointment.)

Irvin M. Lieser, of Iowa, to be United States marshal, Canal Zone, vice Horace D. Ridenour, resigned. (Mr. Lieser is now serving under a recess appointment.)

Ewers White, of Oklahoma, to be United States marshal, western district of Oklahoma, vice Alva McDonald, term expired. (Mr. White is now serving under a recess appointment.)

Frederick C. Schneider, of New Jersey, to be United States marshal, New Jersey, vice James B. Mulheron, deceased. (Mr. Schneider is now serving under a recess appointment.)

Alfred J. Chretien, of New Hampshire, to be United States marshal, New Hampshire, vice Perley B. Phillips, appointed by court. (Mr. Chretien is now serving under a recess appointment.)

William J. Keville, of Massachusetts, to be United States marshal, Massachusetts. A reappointment, his term having expired. (Mr. Keville is now serving under a recess appointment.)

Walter S. Money, of Delaware, to be United States marshal, Delaware. A reappointment, his term having expired. (Mr. Money is now serving under a recess appointment.)

James E. Harris, of Wisconsin, to be United States marshal, western district of Wisconsin, vice William R. Chellis, term expired. (Mr. Harris is now serving under a recess appointment.)

Charles Kloster, of Iowa, to be United States marshal, northern district of Iowa, vice Fred Davis, term expired.

Appointments in the Officers' Reserve Corps of the Army

To be major generals, reserve

Albert Hazon Blanding to be major general, Florida National Guard, from September 9, 1925.

Creed Cheshire Hammond to be major general, reserve, from June 29, 1925.

John Francis O'Ryan to be major general, reserve, from December 15, 1925.

TO BE BRIGADIER GENERALS, RESERVE

Perry Harrison to be brigadier general, Minnesota National Guard, from March 19, 1925.

Wilbur Moses Lee to be brigadier general, Wisconsin National Guard, from March 19, 1925.

Frank Thomas Hines to be brigadier general, reserve, from September 7, 1925.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lieut. Col. Will H. Point, Quartermaster Corps, from March 28, 1925.

Lieut. Col. William Murray Connell, Cavalry, from April 4, 1925.

Lieut. Col. Theodore Burnett Taylor, Cavalry, from April 19, 1925.

Lieut. Col. Henry Ashley Ripley, Infantry, from May 24, 1925.

Lieut. Col. William Harrison Monroe, Coast Artillery Corps, from June 18, 1925.

Lieut. Col. William Albert Kent, Adjutant General's Department, from June 18, 1925.

Lieut. Col. Theodore Schultz, Finance Department, from June 21, 1925.

Lieut. Col. Alvan Cullom Gillem, Cavalry, from July 10, 1925.

Lieut. Col. William Benton Cowin, Quartermaster Corps, from July 11, 1925.

Lieut. Col. Richard Ten Broeck Ellis, Quartermaster Corps, from July 26, 1925.

Lieut. Col. Frederick William Stopford, Coast Artillery Corps, from August 2, 1925.

Lieut. Col. Henry Holden Sheen, Quartermaster Corps, from August 12, 1925.

Lieut. Col. John Wiley Gulick, Coast Artillery Corps, from August 19, 1925.

Lieut. Col. Homer Blaikie Grant, Coast Artillery Corps, from August 28, 1925.

Lieut. Col. Frank Edward Hopkins, Field Artillery, from September 1, 1925.

Lieut. Col. Fred Thaddeus Austin, Field Artillery, from September 17, 1925.

Lieut. Col. Alexander Greig, jr., Coast Artillery Corps, from October 11, 1925.

Lieut. Col. Allen Dwight Raymond, Coast Artillery Corps, from October 20, 1925.

Lieut. Col. James Robert Pourie, Quartermaster Corps, from November 1, 1925.

TO BE LIEUTENANT COLONELS

Maj. Myron Sidney Crissy, Coast Artillery Corps, from March 28, 1925.

Maj. Oscar Foley, Cavalry, from April 4, 1925.

Maj. Frederick Dudley Griffith, jr., Cavalry, from April 19, 1925.

Maj. Albert Bowdre Dockery, Cavalry, from May 24, 1925.

Maj. Henry Edmistoune Mitchell, Cavalry, from June 18, 1925.

Maj. Charles McHenry Eby, Quartermaster Corps, from June 18, 1925.

Maj. William Henry Cowles, Cavalry, from June 21, 1925.

Maj. Henry Meredith Nelly, Infantry, from July 10, 1925.

Maj. Frederick Frasier Black, Infantry, from July 11, 1925.

Maj. William Alexander McCain, Quartermaster Corps, from July 18, 1925.

Maj. John Knowles Herr, Cavalry, from July 26, 1925.

Maj. Joseph Fulton Taulbee, Quartermaster Corps, from August 2, 1925.

Maj. David Henry Bower, Infantry, from August 12, 1925.

Maj. Hiram Marshall Cooper, Infantry, from August 19, 1925.

Maj. Troup Miller, Cavalry, from August 28, 1925.

Maj. Benjamin Franklin Miller, Field Artillery, from September 1, 1925.

Maj. William Waller Edwards, Cavalry, from September 5, 1925.

Maj. John Alexander Barry, Cavalry, from September 16, 1925.

Maj. William Whitelaw Gordon, Cavalry, from September 17, 1925.

Maj. Walter Osgood Boswell, Infantry, from October 1, 1925.

Maj. Raymond Sidney Bamberger, Adjutant General's Department, from October 11, 1925.

Maj. Malcolm Peters Andruss, Coast Artillery Corps, from October 20, 1925.

Maj. Guilelmus Villard Heidt, Infantry, from October 20, 1925.

Maj. Albert Hecker Mueller, Cavalry, from November 1, 1925.

Maj. Samuel James Sutherland, Infantry, from November 5, 1925.

TO BE MAJORS

Capt. Reese Maughan Howell, Field Artillery, from March 12, 1925.

Capt. Henry Jervis Friese Miller, Air Service, from March 17, 1925.

Capt. Alfred Schrieber Balsam, Infantry, from March 18, 1925.

Capt. Howard Donnelly, Infantry, from March 28, 1925.

Capt. John Nicholas Robinson, Infantry, from April 17, 1925.

Capt. Victor Vaughan Taylor, Cavalry, from April 19, 1925.

Capt. Tom Fox, Infantry, from May 8, 1925.

Capt. Thomas James Hanley, jr., Air Service, from May 24, 1925.

Capt. Jacob John Gerhardt, Infantry, from June 18, 1925.

Capt. Leo Andrew Walton, Air Service, from June 18, 1925.

Capt. Ralph Pittman Cousins, Air Service, from June 21, 1925.

Capt. William Putnam Cherrington, Coast Artillery Corps, from June 26, 1925.

Capt. John Franklin Stevens, Cavalry, from July 2, 1925.

Capt. Charles Robert Finley, Coast Artillery Corps, from July 10, 1925.

Capt. Vernon Edwin Prichard, Field Artillery, from July 11, 1925.

Capt. Adlai Howard Gilkeson, Air Service, from July 18, 1925.

Capt. Gilbert Smith Brownell, Infantry, from July 26, 1925.

Capt. Richard Carlton Stickney, Infantry, from August 2, 1925.

Capt. Edward James Dwan, Cavalry, from August 2, 1925.

Capt. Jesse Beeson Hunt, Field Artillery, from August 5, 1925.

Capt. John Ross Mendenhall, Infantry, from August 12, 1925.

Capt. Norman Randolph, Infantry, from August 16, 1925.

Capt. Joseph Monroe Murphy, Infantry, from August 19, 1925.

Capt. George Edward Stratemeyer, Air Service, from August 28, 1925.

Capt. Eustis Lloyd Hubbard, Cavalry, from September 1, 1925.

Capt. Frederic William Boye, Cavalry, from September 2, 1925.

Capt. Leroy Hugh Watson, Infantry, from September 5, 1925.

Capt. Henry Harold Dabney, Infantry, from September 5, 1925.

Capt. Arthur Arnim White, Field Artillery, from September 16, 1925.

Capt. John Kellher, Field Artillery, from September 17, 1925.

Capt. Benjamin Willis Mills, Infantry, from September 21, 1925.

Capt. Thomas Fenton Taylor, Infantry, from October 1, 1925.

Capt. Marshall Henry Quesenberry, Infantry, from October 2, 1925.

Capt. Richard Wilmer Cooksey, Cavalry, from October 2, 1925.

Capt. Daniel Allman Connor, Field Artillery, from October 6, 1925.

Capt. George Mayo, Corps of Engineers, from October 11, 1925.

Capt. Paul Theodore Bock, Air Service, from October 20, 1925.

Capt. Herbert Spencer Struble, Field Artillery, from October 20, 1925.

Capt. Francis Jewett Baker, Finance Department, from October 21, 1925.

Capt. Eugene Owen Hopkins, Finance Department, from November 1, 1925.

Capt. Dana Woods Morey, Finance Department, from November 5, 1925.

TO BE CAPTAINS

First Lieut. Harry Ogle Tunis, Corps of Engineers, from March 12, 1925.

First Lieut. Helmer Swenholt, Corps of Engineers, from March 13, 1925.

First Lieut. Samuel Nairn Karrick, Corps of Engineers, from March 17, 1925.

First Lieut. Grosvenor Liebenau Wotkyns, Ordnance Department, from March 18, 1925.

First Lieut. Adel Curry Harden, Finance Department, from March 22, 1925.

First Lieut. Guy Hill, Signal Corps, from March 25, 1925.
First Lieut. George Moseley Chandler, Quartermaster Corps, from March 26, 1925.
First Lieut. Irving Alvan Oppermann, Infantry, from March 28, 1925.
First Lieut. William Waite, Infantry, from March 28, 1925.
First Lieut. George Eugene Lamb, Quartermaster Corps, from April 4, 1925.
First Lieut. Harold Ogier Godwin, Quartermaster Corps, from April 5, 1925.
First Lieut. Robert Burdette Woolverton, Signal Corps, from April 7, 1925.
First Lieut. Jacob Ramser McNiel, Finance Department, from April 9, 1925.
First Lieut. Henry Clyde Clark, Judge Advocate General's Department, from April 15, 1925, subject to examination required by law.
First Lieut. Jacob Herman Osterman, Quartermaster Corps, from April 17, 1925.
First Lieut. John Joseph Devery, jr., Air Service, from April 19, 1925.
First Lieut. John Andrews MacLaughlin, Chemical Warfare Service, from May 1, 1925.
First Lieut. Samuel Houston Ware, Quartermaster Corps, from May 2, 1925.
First Lieut. Edward Bernard Schlant, Judge Advocate General's Department, from May 8, 1925.
First Lieut. Richard James Sothern, Field Artillery, from May 17, 1925.
First Lieut. James Briggs Haney, Ordnance Department, from May 24, 1925.
First Lieut. Milo Cooper Pratt, Quartermaster Corps, from May 25, 1925.
First Lieut. Harry Stockton Farish, Finance Department, from May 28, 1925.
First Lieut. Albert Jordan Brandon, Quartermaster Corps, from June 2, 1925.
First Lieut. James Laban Alverson, Quartermaster Corps, from June 7, 1925.
First Lieut. Charles Edward Ehle, Quartermaster Corps, from June 9, 1925.
First Lieut. John Robert Bailey, Quartermaster Corps, from June 18, 1925.
First Lieut. Elmer Edward Adler, Air Service, from June 18, 1925.
First Lieut. Joseph Evan Smith, Quartermaster Corps, from June 19, 1925.
First Lieut. Robert Joseph Kennedy, Finance Department, from June 21, 1925.
First Lieut. Francis Camillus Beebee, Finance Department, from June 23, 1925.
First Lieut. Guy Russell Hartrick, Ordnance Department, from June 24, 1925.
First Lieut. Edward Joseph Riordan, Quartermaster Corps, from June 25, 1925.
First Lieut. Voler V. Viles, Finance Department, from June 26, 1925.
First Lieut. Edwin Vivian Dunstan, Quartermaster Corps, from June 27, 1925.
First Lieut. Hubert Albert Stecker, Quartermaster Corps, from June 30, 1925.
First Lieut. Samuel Clinton Payne, Infantry, from June 30, 1925.
First Lieut. Hugh Pigott Oram, Corps of Engineers, from July 2, 1925.
First Lieut. Arthur William Beer, Judge Advocate General's Department, from July 3, 1925.
First Lieut. Lewis Mitchell McBride, Chemical Warfare Service, from July 4, 1925.
First Lieut. Thomas Bayton McGill, Quartermaster Corps, from July 10, 1925.
First Lieut. Robert Stanley Beard, Quartermaster Corps, from July 11, 1925.
First Lieut. Rowan Adams Greer, Judge Advocate General's Department, from July 16, 1925.
First Lieut. Chalmers Dale, Field Artillery, from July 18, 1925.
First Lieut. William James Allen, Quartermaster Corps, from July 21, 1925.
First Lieut. Henry Spencer Evans, Quartermaster Corps, from July 26, 1925.
First Lieut. Ernest Walter Wilson, Finance Department, from August 2, 1925.
First Lieut. Vaughan Morris Cannon, Cavalry, from August 2, 1925.
First. Lieut. Wilson Stuart Zimmerman, Field Artillery, from August 5, 1925.
First Lieut. Graeme Gordon Parks, Infantry, from August 12, 1925.
First Lieut. Edwin Paull Ketchum, Corps of Engineers, from August 16, 1925.
First Lieut. Frank Lee McCoy, Infantry, from August 18, 1925.
First Lieut. Cyril Clifton Chandler, Infantry, from August 19, 1925.
First Lieut. Fred Harold Norris, Infantry, from August 21, 1925.
First Lieut. James Francis Clark Hyde, Corps of Engineers, from August 24, 1925.
First Lieut. Robert James Kirk, jr., Infantry, from August 24, 1925.
First Lieut. Leo Alexander Bessette, Infantry, from August 24, 1925.
First Lieut. Kent Clayton Mead, Infantry, from August 25, 1925.
First Lieut. James Wellington Younger, Quartermaster Corps, from August 28, 1925.
First Lieut. Amory Vivion Eliot, Signal Corps, from August 28, 1925.
First Lieut. James Clarence Reed, Infantry, from September 1, 1925.
First Lieut. Oliver Wendell Broberg, Air Service, from September 1, 1925.
First Lieut. Richard Sylvester Gessford, Infantry, from September 2, 1925.
First Lieut. Benjamin Mills Crenshaw, Infantry, from September 2, 1925.
First Lieut. Alexander Garrett Olsen, Cavalry, from September 4, 1925.
First Lieut. Robert Kauch, Air Service, from September 5, 1925.
First Lieut. Arthur Riehl Wilson, Field Artillery, from September 5, 1925.
First Lieut. John Major Reynolds, Field Artillery, from September 6, 1925.
First Lieut. Basil Vernon Fields, Infantry, from September 15, 1925.
First Lieut. Bickford Edward Sawyer, Cavalry, from September 16, 1925.
First Lieut. Irwin Samuel Dierking, Infantry, from September 16, 1925.
First Lieut. Donald Boyer Rogers, Field Artillery, from September 17, 1925.
First Lieut. Clinton Fisk Woolsey, Air Service, from September 17, 1925.
First Lieut. Joseph Bartholomew Conmy, Infantry, from September 17, 1925.
First Lieut. William Randolph Watson, Infantry, from September 18, 1925.
First. Lieut. George Curtis McFarland, Coast Artillery Corps, from September 21, 1925.
First Lieut. Collin Stafford Myers, Infantry, from September 26, 1925.
First Lieut. John Peter Neu, Quartermaster Corps, from September 29, 1925.
First Lieut. William Herschel Middleswart, Quartermaster Corps, from October 1, 1925.
First Lieut. Frank Sims Mansfield, Infantry, from October 1, 1925.
First Lieut. Ralph C. G. Nemo, Infantry, from October 1, 1925.
First Lieut. Ross Franklin Cole, Air Service, from October 2, 1925.
First Lieut. John Pinuix Lake, Infantry, from October 2, 1925.
First Lieut. Heston Rarick Cole, Corps of Engineers, from October 6, 1925.
First Lieut. Russel Burton Reynolds, Infantry, from October 6, 1925.
First Lieut. Harold Douglas Dinsmore, Infantry, from October 8, 1925.
First Lieut. Paul Clarence Boylan, Field Artillery, from October 11, 1925.
First Lieut. Ralph Floyd Love, Infantry, from October 17, 1925.
First Lieut. William Irving Sherwood, Infantry, from October 17, 1925.
First Lieut. Charles Wilkes Christenberry, Infantry, from October 18, 1925.

First Lieut. Charles Andrew Beaucond, Infantry, from October 20, 1925.
First Lieut. Stewart Franklin Miller, Field Artillery, from October 20, 1925.
First Lieut. Hugh Campbell Parker, Infantry, from October 20, 1925.
First Lieut. Loyal Moyer Haynes, Field Artillery, from October 21, 1925.
First Lieut. Floyd Marshall, Infantry, from October 27, 1925.
First Lieut. William Carey Lee, Infantry, from October 27, 1925.
First Lieut. Cecil John Gridley, Infantry, from November 1, 1925.
First Lieut. Leonard Henderson Sims, Infantry, from November 3, 1925.
First Lieut. John Edwin Ray, Field Artillery, from November 5, 1925.
First Lieut. Roy Thomas Barrett, Coast Artillery Corps, from November 5, 1925.
First Lieut. Clyde Lloyd Hyssong, Infantry, from November 7, 1925.
First Lieut. Raymond Jay Williamson, Infantry, from November 12, 1925.
First Lieut. Vere Painter, Quartermaster Corps, from November 24, 1925.
First Lieut. Walter Julius Ungethuem, Chemical Warfare Service, from November 27, 1925.

TO BE FIRST LIEUTENANTS

Second Lieut. Richard Clare Partridge, Field Artillery, from March 6, 1925.
Second Lieut. Edward John McGaw, Field Artillery, from March 10, 1925.
Second Lieut. Harold Thomas Miller, Corps of Engineers, from March 12, 1925.
Second Lieut. Tyree Rivers Horn, Field Artillery, from March 13, 1925.
Second Lieut. William Chamberlain Coe, Coast Artillery Corps, from March 17, 1925.
Second Lieut. Joseph Leo Langevin, Field Artillery, from March 17, 1925.
Second Lieut. William Hardy Hill, Field Artillery, from March 18, 1925.
Second Lieut. Louis Jacob Claterbos, Corps of Engineers, from March 22, 1925.
Second Lieut. Auguste Rhu Taylor, Field Artillery, from March 22, 1925.
Second Lieut. James Kenneth Mitchell, Cavalry, from March 25, 1925.
Second Lieut. Frank Andrew Henning, Field Artillery, from March 26, 1925.
Second Lieut. Ewart Gladstone Plank, Corps of Engineers, from March 28, 1925.
Second Lieut. James Malcolm Lewis, Field Artillery, from March 28, 1925.
Second Lieut. Bernard Linn Robinson, Corps of Engineers, from March 28, 1925.
Second Lieut. John Robert Culleton, Field Artillery, from March 31, 1925.
Second Lieut. James Goodrich Renno, Coast Artillery Corps, from April 2, 1925.
Second Lieut. Charles Steinhart Whitmore, Field Artillery, from April 2, 1925.
Second Lieut. James Hobson Stratton, Corps of Engineers, from April 4, 1925.
Second Lieut. Lee Armstead Denson, jr., Coast Artillery Corps, from April 5, 1925.
Second Lieut. Lawrence Granger Smith, Cavalry, from April 7, 1925.
Second Lieut. Edward Haviland Lastayo, Field Artillery, from April 9, 1925.
Second Lieut. Alexander Romeyn MacMillan, Coast Artillery Corps, from April 11, 1925.
Second Lieut. George DeGraaf, Field Artillery, from April 15, 1925.
Second Lieut. Lathrop Ray Bullene, Coast Artillery Corps, from April 17, 1925.
Second Lieut. James Alexander Samouce, Field Artillery, from April 19, 1925.
Second Lieut. William Wallace Ford, Field Artillery, from April 26, 1925.
Second Lieut. George Dewey Vanture, Field Artillery, from April 28, 1925.
Second Lieut. Harry Earl Fisher, Corps of Engineers, from May 2, 1925, subject to examination required by law.
Second Lieut. Donald Sylvester Burns, Corps of Engineers, from May 8, 1925.
Second Lieut. Donald James Leehey, Corps of Engineers, from May 10, 1925.
Second Lieut. Carl Edwin Berg, Field Artillery, from May 12, 1925.
Second Lieut. Joseph Eugene Harriman, Coast Artillery Corps, from May 16, 1925.
Second Lieut. George Joseph Loupret, Coast Artillery Corps, from May 17, 1925.
Second Lieut. William Squires Wood, Field Artillery, from May 24, 1925.
Second Lieut. Thomas Arnett Roberts, jr., Field Artillery, from May 25, 1925.
Second Lieut. Verne Donald Mudge, Cavalry, from May 28, 1925.
Second Lieut. John Loren Goff, Coast Artillery Corps, from May 29, 1925.
Second Lieut. Francis Henry Morse, Field Artillery, from June 2, 1925.
Second Lieut. Edward Macon Edmonson, Field Artillery, from June 5, 1925.
Second Lieut. William Gordon Holder, Coast Artillery Corps, from June 7, 1925.
Second Lieut. Halstead Clotworthy Fowler, Coast Artillery Corps, from June 7, 1925.
Second Lieut. Lyman Louis Lemnitzer, Coast Artillery Corps, from June 9, 1925.
Second Lieut. Leslie Burgess Downing, Field Artillery, from June 9, 1925.
Second Lieut. William Ignatius Brady, Field Artillery, from June 11, 1925.
Second Lieut. Eugene Martin Link, Field Artillery, from June 12, 1925.
Second Lieut. Charles Himmler, Coast Artillery Corps, from June 16, 1925.
Second Lieut. John States Seybold, Corps of Engineers, from June 17, 1925.
Second Lieut. Cornelius Garrison, Field Artillery, from June 18, 1925.
Second Lieut. William Harry Bartlett, Field Artillery, from June 18, 1925.
Second Lieut. Donald Breen Herron, Coast Artillery Corps, from June 18, 1925.
Second Lieut. Edward Clinton Gillette, jr., Field Artillery, from June 19, 1925.
Second Lieut. Russell Owen Smith, Field Artillery, from June 21, 1925.
Second Lieut. Freeman Grant Cross, Field Artillery, from June 23, 1925.
Second Lieut. Rex Van Den Corput, jr., Field Artillery, from June 24, 1925.
Second Lieut. Homer Watson Kiefer, Field Artillery, from June 25, 1925.
Second Lieut. James Myron McMillin, Chemical Warfare Service, from June 26, 1925.
Second Lieut. Joseph Harris, Coast Artillery Corps, from June 27, 1925.
Second Lieut. John George Howard, Field Artillery, from June 30, 1925.
Second Lieut. Ford Trimble, Field Artillery, from June 30, 1925.
Second Lieut. Robert Hugh Kreuter, Coast Artillery Corps, from July 1, 1925.
Second Lieut. Laurence Wood Bartlett, Coast Artillery Corps, from July 2, 1925.
Second Lieut. Donald Frank Stace, Air Service, from July 2, 1925.
Second Lieut. Reynolds Johnston Burt, jr., Corps of Engineers, from July 3, 1925.
Second Lieut. John Dickerson Mitchell, Coast Artillery Corps, from July 3, 1925.
Second Lieut. Clarence Henry Schabacker, Coast Artillery Corps, from July 4, 1925.
Second Lieut. Ewart Jackson Strickland, Coast Artillery Corps, from July 6, 1925.
Second Lieut. Fred Lebbeus Hamilton, Cavalry, from July 10, 1925.
Second Lieut. John Francis Cassidy, Coast Artillery Corps, from July 11, 1925.
Second Lieut. John Foxhall Sturman, jr., Field Artillery (transferred from Coast Artillery Corps during the recess of the Senate), from July 16, 1925.
Second Lieut. Joseph Jacob Billo, Infantry, from July 16, 1925.

Second Lieut. Wilbert Engdahl Shallene, Cavalry, from July 16, 1925.
Second Lieut. Clarence Clemens Clendenen, Cavalry, from July 18, 1925.
Second Lieut. William Carleton McFadden, Coast Artillery Corps, from July 21, 1925.
Second Lieut. Eugene Collum Johnston, Cavalry, from July 23, 1925.
Second Lieut. Hugh Whitaker Winslow, Coast Artillery Corps, from July 24, 1925.
Second Lieut. James Hess Walker, Cavalry, from July 24, 1925.
Second Lieut. Claude Eugene Haswell, Infantry, from July 24, 1925.
Second Lieut. Lyman Lincoln Judge, Cavalry, from July 26, 1925.
Second Lieut. Frank Needham Roberts, Infantry, from July 28, 1925.
Second Lieut. Francis Henry Lanahan, jr., Field Artillery, from August 2, 1925.
Second Lieut. Lawrence Edward Schick, Cavalry, from August 2, 1925.
Second Lieut. Courtney Parker Young, Coast Artillery Corps, from August 5, 1925.
Second Lieut. Henry Chester Hine, jr., Cavalry, from August 7, 1925.
Second Lieut. John Donald Robertson, Coast Artillery Corps, from August 16, 1925.
Second Lieut. William Price Withers, Cavalry, from August 18, 1925.
Second Lieut. Frederick Robert Pitts, Cavalry, from August 18, 1925.
Second Lieut. Sherman Vitus Hasbrouck, Infantry, from August 19, 1925.
Second Lieut. Arthur Kenley Hammond, Cavalry, from August 21, 1925.
Second Lieut. Crump Garvin, Infantry, from August 21, 1925.
Second Lieut. Martin Charles Casey, Coast Artillery Corps, from August 24, 1925.
Second Lieut. Hamilton Peyton Ellis, Coast Artillery Corps, from August 24, 1925.
Second Lieut. Thomas Dresser White, Infantry, from August 24, 1925.
Second Lieut. Frederick Mixon Harris, Infantry, from August 25, 1925.
Second Lieut. Dwight Acker Rosebaum, Infantry, from August 27, 1925.
Second Lieut. Kenneth Gilpin Hoge, Cavalry, from August 28, 1925.
Second Lieut. Donald Robert Van Sickler, Field Artillery, from August 28, 1925.
Second Lieut. Richard Candler Singer, Field Artillery, from August 28, 1925.
Second Lieut. John Henry Hoffecker Hall, Infantry, from August 29, 1925.
Second Lieut. Aladin James Hart, Cavalry, from August 29, 1925.
Second Lieut. Robert Edwards, Cavalry, from September 1, 1925.
Second Lieut. Jefferson Denman Box, Infantry, from September 1, 1925.
Second Lieut. William Richter Tomey, Infantry, from September 2, 1925.
Second Lieut. Joseph Honore Rousseau, jr., Coast Artillery Corps, from September 2, 1925.
Second Lieut. Lawrence Joseph Carr, Air Service, from September 2, 1925.
Second Lieut. Maurice Wiley Daniel, Field Artillery, from September 4, 1925.
Second Lieut. Alexander Hamilton Perwein, Infantry, from September 5, 1925.
Second Lieut. Clovis Ethelbert Byers, Cavalry, from September 5, 1925.
Second Lieut. Oscar Raymond Johnston, Infantry, from September 6, 1925.
Second Lieut. George Andrew Rehm, Cavalry, from September 11, 1925.
Second Lieut. Edward Carl Engelhart, Coast Artillery Corps, from September 13, 1925.
Second Lieut. Charles Whitney West, Coast Artillery Corps, from September 15, 1925.
Second Lieut. Park Brown Herrick, Field Artillery, from September 16, 1925.
Second Lieut. Herbert Carl Reuter, Coast Artillery Corps, from September 16, 1925.
Second Lieut. Helmer William Lystad, Infantry, from September 17, 1925.
Second Lieut. Harold Edward Smyser, Infantry, from September 17, 1925.
Second Lieut. Esher Claflin Burkart, Cavalry, from September 17, 1925.
Second Lieut. Thomas Eginton Whitehead, Cavalry, from September 18, 1925.
Second Lieut. Alexander George, Cavalry, from September 21, 1925.
Second Lieut. Charles Kenon Gailey, jr., Infantry, from September 26, 1925.
Second Lieut. Mortimer Frederick Wakefield, Field Artillery, from September 26, 1925.
Second Lieut. Francis William Farrell, Infantry, from September 29, 1925.
Second Lieut. Wilmer Brinton Merritt, Coast Artillery Corps, from September 29, 1925.
Second Lieut. Harry Clark Wisehart, Air Service (transferred from Coast Artillery Corps during the recess of the Senate), from September 30, 1925.
Second Lieut. John Irvin Gregg, jr., Cavalry, from October 1, 1925.
Second Lieut. Charles Merton Adams, jr., Infantry, from October 1, 1925.
Second Lieut. Frank Hoben Blodgett, Infantry, from October 1, 1925.
Second Lieut. John Ferral McBlain, Air Service, from October 2, 1925.
Second Lieut. Richard Meade Costigan, Field Artillery, from October 2, 1925.
Second Lieut. Gustave Harold Vogel, Coast Artillery Corps, from October 2, 1925.
Second Lieut. Basil Girard Thayer, Cavalry, from October 6, 1925.
Second Lieut. Edward Joseph Sullivan, Chemical Warfare Service, from October 6, 1925.
Second Lieut. James Perrine Barney, jr., Field Artillery, from October 8, 1925.
Second Lieut. Wilbur Sturtevant Nye, Field Artillery, from October 9, 1925.
Second Lieut. Charles Harlan Swartz, Field Artillery, from October 11, 1925.
Second Lieut. Leland Stuart Smith, Coast Artillery Corps, from October 17, 1925.
Second Lieut. Carl Frederick Duffner, Infantry, from October 17, 1925.
Second Lieut. Millard Pierson, Field Artillery, from October 17, 1925.
Second Lieut. Harold Oliver Sand, Cavalry, from October 18, 1925.
Second Lieut. Harlan Thurston McCormick, Air Service, from October 20, 1925.
Second Lieut. Ray Olander Welch, Infantry, from October 20, 1925.
Second Lieut. John Lamont Davidson, Air Service, from October 20, 1925.
Second Lieut. Julian Erskine Raymond, Infantry, from October 21, 1925.
Second Lieut. George Honnen, Infantry, from October 27, 1925, subject to examination required by law.
Second Lieut. Charles Porter Amazeen, Cavalry, from October 27, 1925.
Second Lieut. Edward Thomas Williams, Field Artillery, from October 30, 1925.
Second Lieut. Frank Thweatt Searcy, Infantry, from November 1, 1925.
Second Lieut. George William Bailey, jr., Cavalry, from November 3, 1925.
Second Lieut. Henry Kirk Williams, jr., Coast Artillery Corps, from November 5, 1925.
Second Lieut. Alan Lockhart Fulton, Cavalry, from November 5, 1925.
Second Lieut. Terrence John Tully, Infantry, from November 5, 1925.
Second Lieut. Paul Clarence Kelly, Infantry, from November 7, 1925.
Second Lieut. James Miller Rudolph, Cavalry, from November 8, 1925.
Second Lieut. William Earl Crist, Infantry, from November 12, 1925.

Second Lieut. Claude Monroe McQuarrie, Infantry, from November 13, 1925.
Second Lieut. William Lemuel Mitchell, Infantry, from November 19, 1925.
Second Lieut. Escalus Emmert Elliott, Field Artillery, from November 23, 1925.
Second Lieut. Milton Cogswell Shattuck, Infantry, from November 24, 1925.
Second Lieut. Joseph Vincent de Paul Dillon, Coast Artillery Corps, from November 24, 1925.
Second Lieut. Hayden Adriance Sears, Cavalry, from November 24, 1925.
Second Lieut. John Thomas Lynch, Infantry, from November 28, 1925.

PROMOTIONS IN THE PHILIPPINE SCOUTS

To be major

Capt. Anastacio Quevedo Ver, Philippine Scouts, from April 4, 1925.

To be first lieutenant

Second Lieut. Pastor Martelino, Philippine Scouts, from May 1, 1925.

MEDICAL CORPS

To be lieutenant colonels

Maj. Earl Harvey Bruns, Medical Corps, from May 1, 1925.
Maj. Herbert Charles Gibner, Medical Corps, from May 1, 1925.

To be captain

First Lieut. Hubert Maurice Nicholson, Medical Corps, from July 11, 1925.

VETERINARY CORPS

To be lieutenant colonels

Maj. Robert Julian Foster, Veterinary Corps, from August 30, 1925.
Maj. George Alexander Hanvey, jr., Veterinary Corps, from September 6, 1925.

To be majors

Capt. George Henry Koon, Veterinary Corps, from September 27, 1925.
Capt. Ralph Maurice Buffington, Veterinary Corps, from September 29, 1925.
Capt. Daniel Buchter Leininger, Veterinary Corps, from September 29, 1925.

To be captains

First Lieut. Herbert Kelly Moore, Veterinary Corps, from April 2, 1925.
First Lieut. Raymond Thomas Seymour, Veterinary Corps, from June 17, 1925.
First Lieut. Oscar Charles Schwalm, Veterinary Corps, from June 18, 1925.
First Lieut. Claude Francis Cox, Veterinary Corps, from June 28, 1925.
First Lieut. Harry Lawrence Watson, Veterinary Corps, from July 18, 1925.
First Lieut. James Earl Noonan, Veterinary Corps, from August 6, 1925.
First Lieut. Gardiner Bouton Jones, Veterinary Corps, from August 11, 1925.
First Lieut. Edwin Kennedy Rogers, Veterinary Corps, from August 20, 1925.
First Lieut. John Richard Ludwigs, Veterinary Corps, from September 26, 1925.
First Lieut. Nathan Menzo Neate, Veterinary Corps, from November 24, 1925.

MEDICAL ADMINISTRATIVE CORPS

To be captains

First Lieut. Pinkney Lavater Ogle, Medical Administrative Corps, from July 1, 1925.
First Lieut. William Hunter, Medical Administrative Corps, from July 1, 1925.
First Lieut. Edward Dwight Sykes, Medical Administrative Corps, from July 1, 1925.
First Lieut. John Werry Cleave, Medical Administrative Corps, from July 1, 1925.
First Lieut. Frederick Samuel Simmons, Medical Administrative Corps, from July 1, 1925.
First Lieut. Charles Spaulding Sly, Medical Administrative Corps, from July 1, 1925.
First Lieut. Lewis Llewellyn Tanney, Medical Administrative Corps, from July 1, 1925.
First Lieut. Harry Greeno, Medical Administrative Corps, from July 1, 1925.

To be first lieutenant

Second Lieut. Thomas Pinkney Brittain, Medical Administrative Corps, from April 12, 1925.

CHAPLAINS

To be chaplains with the rank of captain

Chaplain Frank Lewis Miller from July 16, 1925.
Chaplain Ralph Conrad Deibert from August 16, 1925.
Chaplain Ralph Winfred Rogers from August 29, 1925.

REAPPOINTMENT IN THE REGULAR ARMY

INSPECTOR GENERAL'S DEPARTMENT

Maj. Gen. Eli Alva Helmick, inspector general, to be inspector general, with the rank of major general, for the period of four years beginning November 18, 1925, with rank from November 7, 1921.

AIR SERVICE

Maj. Gen. Mason Mathews Patrick, Chief of the Air Service, to be Chief of the Air Service, with the rank of major general, for the period of four years beginning October 5, 1925, with rank from October 5, 1921.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major generals

Brig. Gen. William Sidney Graves, from July 11, 1925, vice Maj. Gen. Harry C. Hale, retired from active service July 10, 1925.
Brig. Gen. Johnson Hagood, from August 2, 1925, vice Maj. Gen. Samuel D. Sturgis, retired from active service August 1, 1925.
Brig. Gen. William Durward Connor, from September 1, 1925, vice Maj. Gen. Joseph E. Kuhn, retired from active service August 31, 1925.
Brig. Gen. Benjamin Andrew Poore, from October 11, 1925, vice Maj. Gen. George B. Duncan, retired from active service October 10, 1925.
Brig. Gen. Fox Conner, from October 20, 1925, vice Maj. Gen. William H. Johnston, retired from active service October 19, 1925.
Brig. Gen. Preston Brown, from December 10, 1925, vice Maj. Gen. André W. Brewster, who will be retired from active service December 9, 1925.

To be brigadier generals

Col. Henry Carpenter Smither, Cavalry, from June 18, 1925, vice Brig. Gen. Joseph E. Kuhn, appointed major general June 18, 1925.
Col. Paul Alexander Wolf, Infantry, from July 11, 1925, vice Brig. Gen. William S. Graves, appointed major general July 11, 1925.
Col. Charles Dudley Rhodes, Cavalry, from August 2, 1925, vice Brig. Gen. Johnson Hagood, appointed major general August 2, 1925.
Col. William Mackey Cruikshank, Field Artillery, from September 1, 1925, vice Brig. Gen. William D. Connor appointed major general September 1, 1925.
Col. Michael Joseph Lenihan, Infantry, from October 11, 1925, vice Brig. Gen. Benjamin A. Poore, appointed major general October 11, 1925.
Col. Lucius Roy Holbrook, Field Artillery, from October 20, 1925, vice Brig. Gen. Fox Conner, appointed major general October 20, 1925.
Col. Merch Bradt Stewart, Infantry, vice Brig. Gen. Preston Brown, nominated for appointment as major general with rank from December 10, 1925.

CORPS OF ENGINEERS

To be second lieutenants with rank from June 12, 1925

Cadet Charles Henry Barth, jr.
Cadet Standish Weston.
Cadet Charles Eskridge Saltzman.
Cadet Raymond Burkholder Oxrieder.
Cadet Gerald Edward Galloway.
Cadet Charles Hare Nason.
Cadet Louis Charles Scherer, jr.
Cadet George Kenyon Withers.
Cadet Arleigh Todd Bell.
Cadet Edgar William Garbisch.
Cadet Leland Berrel Kuhre.
Cadet Colby Maxwell Myers.
Cadet Amos Tappan Akerman.
Cadet Everett Sprague Emerson.
Cadet Olive Cass Torbett.
Cadet Albert Harvey Burton.

Cadet Bruce Cooper Clarke.
Cadet Carl William Meyer.
Cadet David Henry Tulley.
Cadet Miles Merrill Dawson.
Cadet Timothy Lawrence Mulligan.
Cadet Finis Ewing Dunaway, jr.
Cadet Charles Woodruff Scovel, jr.
Cadet Benjamin Cobb Fowlkes, jr.
Cadet Stanley James Horn.
Cadet Frank Andrew Pettit.
Cadet Ralph Augustus Lincoln.

SIGNAL CORPS

Cadet Harrod George Miller.
Cadet Oscar Carl Maier.
Cadet Paul Maurice Seleen.
Cadet John Halliday McCormick.
Cadet Milton Taylor Hankins.
Cadet David Evans Bradford.
Cadet James Keller De Armond.

CAVALRY

Cadet John William Bowman.
Cadet Thomas Leonard Harrold.
Cadet Robert Lee Howze, jr.
Cadet Ralph Tibbs Garver.
Cadet Allen Annesley Cavenaugh.
Cadet Rogers Alan Gardner.
Cadet Frank Gilbert Fraser.
Cadet William Henry Nutter.
Cadet Ronald Montgomery Shaw.
Cadet Conrad Stanton Babcock, jr.
Cadet John Ignatius Brosnan.
Cadet William Francis McLaughlin.
Cadet Roland Ainslee Browne.
Cadet Milo Howard Matteson.
Cadet Henry Randolph Westphalinger.
Cadet Gustavus Wilcox West.
Cadet George Peter Berilla, jr.
Cadet William Albert Fuller.

FIELD ARTILLERY

Cadet Kenneth William Treacy.
Cadet William Ludlow Ritchie.
Cadet James Albert Channon.
Cadet Richard Thomas Clark.
Cadet Charles Parsons Nicholas.
Cadet Ernest Victor Holmes.
Cadet Harold Shaffer Gould.
Cadet Willard Lamborn Wright.
Cadet John Loomis Chamberlain, jr.
Cadet Frank John Hierholzer.
Cadet Charles Pearre Cabell.
Cadet James Joseph Deery.
Cadet Archer Frank Freund.
Cadet Alfred Boyce Devereaux.
Cadet Wilmer George Bennett.
Cadet Hubert Merrill Cole.
Cadet George Joseph Deutermann.
Cadet George Arthur Grayeb.
Cadet Hayden Young Grubbs.
Cadet Norman Holmes Smith.
Cadet Robert Milchrist Cannon.
Cadet Arthur Anton Ruppert.
Cadet Charles Cavelli, jr.
Cadet Thomas Byrd Whitted, jr.
Cadet George Henry McManus, jr.
Cadet John Murphy Willems.
Cadet John Franklin Bird.
Cadet Claude Franklin Burback.
Cadet John Frederic Powell.
Cadet William Nelson Gillmore.
Cadet Raymond Kimball Quekemeyer.
Cadet Littleton Adams Roberts.
Cadet Harry Clifton Larter, jr.
Cadet Harry Jean Harper.
Cadet Robert Pepper Clay.
Cadet William Leon Kost.

COAST ARTILLERY CORPS

Cadet Carl Rueben Dutton.
Cadet Kyrl Leighton-Faxford de Gravelines.
Cadet Warren Nourse Underwood.
Cadet Carl Warren Holcomb.
Cadet Armand William Walter Hopkins.
Cadet John Wilson Huyssoon.
Cadet Alvin Truett Bowers.
Cadet Harold Foster Wiley.
Cadet John Frederick Gamber.
Cadet Carl Frederick Tischbein.
Cadet Allen Ward DeWees.
Cadet John Stephan Henn.
Cadet William Holmes Wood.
Cadet Henry Ewell Strickland.
Cadet James Wilbur Mosteller, jr.
Cadet Donald Janser Bailey.
Cadet Emmor Graham Martin.
Cadet John William Davis.
Cadet Robert Matheny Sampson.
Cadet Paul LeRoy Weitfle, jr.

INFANTRY

Cadet William Adgate Lord, jr.
Cadet Aubrey Strode Newman.
Cadet William Henry Bigelow.
Cadet Ernest Andrew Barlow.
Cadet John Salisbury Fisher.
Cadet William John Carne.
Cadet Ralph Frederick Bartz.
Cadet James Wentworth Clinton.
Cadet Arthur Bliss.
Cadet Lucien Eugene Bolduc.
Cadet John Daniel, jr.
Cadet Daniel Hamilton Robertson, jr.
Cadet Ralph Edmund Tibbetts.
Cadet Stanely Meservey Plaister.
Cadet Edwin Lynds Johnson.
Cadet Clyde Eugene Steele.
Cadet Ernest Holmes Wilson.
Cadet John Wingo Dansby.
Cadet William Harrison Morford, jr.
Cadet Meredith Cornwell Noble.
Cadet Leo Francis Kengla, jr.
Cadet John Amos Hall.
Cadet Nicholas Joseph Robinson.
Cadet Gerard William Kelley.
Cadet Henry Beane Margeson.
Cadet Donald Elwood Mitchell.
Cadet William Lloyd Burbank.
Cadet Wallace Hallock Honnold.
Cadet Walter Scott Strange.
Cadet Graham Kirkpatrick.
Cadet Marcel Gustave Crombez.
Cadet John William Gaddis.
Cadet William Everton Pheris, jr.
Cadet Alexander Andrew Dobak.
Cadet John Howard Bennett.
Cadet Wayne Carleton Smith.
Cadet Godwin Ordway, jr.
Cadet Edward Clement Mack.
Cadet Ira Kenneth Evans.
Cadet John Widder Bryan.
Cadet Samuel Adrian Dickson.
Cadet Dwight Harvey.
Cadet William Eldred Long.
Cadet John Llewellyn Lewis.
Cadet Edwin Bascum Kearns, jr.
Cadet Rinaldo Van Brunt.
Cadet George Patrick Lynch.
Cadet John Francis Holland.
Cadet John Porter Kidwell.
Cadet Clarence Harwood Smith.
Cadet Waldemar Noya Damas.
Cadet James Durward Barnett.
Cadet Claude Aubrey Black.
Cadet Joe Oriel McMahan.
Cadet Harry Wells Crandall.
Cadet Joseph Pringle Cleland.
Cadet Enoch Joseph Skalandzunos.
Cadet John Robert McGinness.
Cadet Edward Daniel McLaughlin.
Cadet William Griffith Stephenson.
Cadet Thomas Quinn Ashburn, jr.
Cadet Samuel Selden Lamb.
Cadet Curtis D. Renfro.
Cadet James Edward Boudreau.
Cadet Joseph Blair Daugherty.
Cadet Haskell Hadley Cleaves.
Cadet Albert Aaron Horner.
Cadet Louis Quarles McComas.
Cadet Leif Neprud.
Cadet Theodore Lamar Dunn.

Cadet Elliott Bickley Gose.
Cadet John Irené Soulé.
Cadet Floyd Ellsworth Dunn.
Cadet Michael John Geraghty.
Cadet Donald Dunford.
Cadet Arthur Superior Peterson.
Cadet Ralph Randolph Sears.
Cadet John Miller Brabson.

AIR SERVICE

Cadet Harry Gordon Spillinger.
Cadet Vincent Joseph Esposito.
Cadet John Henry Dulligan.
Cadet Walter Grant Bryte, jr.
Cadet Russell Edward Randall.
Cadet William O'Connor Heacock.
Cadet Walter William Hodge.
Cadet William Frank Steer.
Cadet Wiley Thomas Moore.
Cadet Thomas Elton Smith.
Cadet William Gardner Plummer.
Cadet Raymond Cecil Conder.
Cadet John William Black.
Cadet Arthur Charles Boll.
Cadet Clifford Palmer Bradley.
Cadet Branner Pace Purdue.
Cadet Robert Emmett Burns.
Cadet Joseph Cyril Augustin Denniston.
Cadet Nathaniel Claiborne Hale.
Cadet Raymond Miller Barton.
Cadet Welborn Barton Griffith, jr.
Cadet Hubert Whitney Ketchum, jr.
Cadet Earl Walter Barnes.
Cadet Porter Bush Fuqua.
Cadet Thaddeus Elmer Smyth.
Cadet Russell Thomas Finn.
Cadet John Laing De Pew.
Cadet George Bateman Pepioe.
Cadet Charles Henry Caldwell.
Cadet Mitchell Alonzo Giddens.
Cadet George Wellington Madison Dudley.
Cadet Theodore Anderson Baldwin, 3d.
Cadet Judson MacIvor Smith.
Cadet Edgar Turner Noyes.
Cadet Ernest Avner Suttles.

COAST ARTILLERY CORPS

To be second lieutenants, with rank from June 13, 1925

Cadet Pierre Bacot Denson.

INFANTRY

Cadet Samuel Mason Lansing.

APPOINTMENTS IN THE BRANCHES OF THE REGULAR ARMY

To be second lieutenants with rank from June 15, 1925

Corpl. Harvey Lyon Boyden, Cavalry.
Sergt. Carl William Westlund, Infantry.
Corpl. George Randall Helmick, Field Artillery.
Master Sergt. Walter Llewellyn Wheeler, Air Service.
Staff Sergt. Norme D. Frost, Air Service.
Technical Sergt. Linus Dodge Frederick, Air Service.
Flying Cadet Willard Lynn Harris, Air Service.
Corpl. James Gordon Pratt, Cavalry.
Staff Sergt. Milton Miles Murphy, Air Service.
Staff Sergt. Lee Quintus Wasser, Air Service.
Technical Sergt. George Charles McGinley, Air Service.
Flying Cadet Otto Wienecke, Air Service.
Private (First Class) Howard Knowles Vail, Infantry.
Master Sergt. Benjamin Thomas Starkey, Air Service.

To be second lieutenants with rank from June 30, 1925

Percy Walter Thompson, Field Artillery.
Lawrence Daniel Solomonson, Coast Artillery Corps.
Aaron Jackson Yauger, Air Service.
Clarence McCurdy Virtue, Infantry.
Ralph Finch, Infantry.
Charles Howard Valentine, Air Service.
Julian Henry Baumann, Infantry.
Joseph Kerr Gibson, Air Service.
Michael Joseph Tierney, Infantry.
Frank Gilmore Irvin, Infantry.
Oscar Price Nutter, Coast Artillery Corps.
George Vernon Holloman, Infantry.
George Henry Dietz, Infantry.
Donald Hubbell Smith, Coast Artillery Corps.
Richard Hodgson Bridgman, Cavalry.
Luther Gordon Causey, Infantry.
John Meade, Field Artillery.
William Andrew Weddell, Coast Artillery Corps.
Bluford Faris Hayes, jr., Coast Artillery Corps.
John Randolph Jeter, Infantry.
John Mulford Evans, Infantry.
Theodore Anderson Seely, Infantry.
James Thomas Dawson, Field Artillery.
Burgo Doyle Gill, Field Artillery.
William Wheelet O'Connor, Infantry.
William Lewers Cornelius, Field Artillery.
Walter Hoyt Kennett, Field Artillery.
George Paul Harrison, Field Artillery.
Edward Campbell Franklin, Coast Artillery Corps.
Franklin Leslie Lichtenfels, Infantry.
William Frederick Niethamer, Infantry.
Harold Victor Roberts, Infantry.

APPOINTMENTS IN THE PHILIPPINE SCOUTS

To be second lieutenant with rank from June 14, 1925

Emilio Molina Bataga, graduate United States Naval Academy.

To be second lieutenant with rank from August 7, 1925

Jesus Airan, graduate United States Military Academy.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants

First Lieut. Richard Emmons Elvins, Medical Corps Reserve, with rank from May 28, 1925.
First Lieut. Otis Blaine Schreuder, Medical Corps Reserve, with rank from June 30, 1925.
First Lieut. Clifton Earl High, Medical Corps Reserve, with rank from June 30, 1925.
First Lieut. Henry August Roust, Medical Corps Reserve, with rank from June 30, 1925.
First Lieut. Douglas Sheldon Kellogg, Medical Corps Reserve, with rank from June 30, 1925.
First Lieut. John Paul Russell, Medical Corps Reserve, with rank from July 18, 1925.
First Lieut. John Morris Hargreaves, Medical Corps Reserve, with rank from August 1, 1925.
First Lieut. William Frank DeWitt, Medical Corps Reserve, with rank from August 3, 1925.
First Lieut. Berna Thomas Bowers, Medical Corps Reserve, with rank from August 22, 1925.
First Lieut. Walter Steen Jensen, Medical Corps Reserve, with rank from October 22, 1925.

DENTAL CORPS

To be first lieutenants

First Lieut. James Melvin Epperly, Dental Corps Reserve, with rank from July 6, 1925.
First Lieut. James Harvey Pence, Dental Corps Reserve, with rank from July 6, 1925.
First Lieut. Everitte Favor Arnold, Dental Corps Reserve, with rank from July 15, 1925.
First Lieut. Mackey Joseph Real, Dental Corps Reserve, with rank from September 10, 1925.

VETERINARY CORPS

To be second lieutenants

Second Lieut. Harry Raymond Leighton, Veterinary Corps Reserve, with rank from August 17, 1925.
Second Lieut. Verne Clifford Hill, Veterinary Corps Reserve, with rank from August 17, 1925.
Second Lieut. Elmer William Young, Veterinary Corps Reserve, with rank from August 17, 1925.
Second Lieut. Lewis Ellis Schweizer, Veterinary Corps Reserve, with rank from October 27, 1925.

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenant

Staff Sergt. Seth Overbaugh Craft, Medical Department, with rank from April 18, 1925.

CHAPLAINS

To be chaplains, with the rank of first lieutenant

Rev. Edward Robert Martin, of New York, with rank from October 3, 1925.
Rev. Edmund Emmanuel N. Savageau, of Wisconsin, with rank from November 9, 1925.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

ADJUTANT GENERAL'S DEPARTMENT

Lieut. Col. William Lay Patterson, Infantry, July 9, 1925, with rank from July 19, 1924.
Maj. John Flowers Crutcher, Cavalry, November 24, 1925, with rank from July 1, 1920.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Lieut. Col. Edmund Clarence Abbott, Infantry, June 25, 1925, with rank from July 1, 1920.

QUARTERMASTER CORPS

Lieut. Col. Leonard Lyon Deitrick, Finance Department, June 4, 1925, with rank from July 1, 1920.

Maj. Henry Roland Smalley, Cavalry, March 31, 1925, with rank from July 1, 1920.

Capt. James William Howder, Infantry, May 5, 1925, with rank from July 1, 1920.

First Lieut. John Edward Adamson, Infantry, September 2, 1925, with rank from July 1, 1920.

CORPS OF ENGINEERS

Second Lieut. Gilbert Edward Linkswiler, Field Artillery (appointed second lieutenant of Field Artillery during the recess of the Senate), August 29, 1925, with rank from June 12, 1925.

ORDNANCE DEPARTMENT

Maj. Raymond Marsh, Field Artillery, September 1, 1925, with rank from April 3, 1924.

Capt. Ittai Albert Luke, Field Artillery, September 15, 1925, with rank from February 4, 1920.

Capt. Leland Adrian Miller, Coast Artillery Corps, March 24, 1925, with rank from June 27, 1920.

First Lieut. Harry Niles Rising, Infantry (detailed in Ordnance Department), August 20, 1925, with rank as prescribed by the act of June 30, 1922.

First Lieut. William Clair Atwater, Corps of Engineers, August 17, 1925, with rank as prescribed by the act of June 30, 1922.

First Lieut. Arthur Dale Rothrock, Infantry (detailed in Ordnance Department), March 30, 1925, with rank from July 1, 1920.

SIGNAL CORPS

Maj. Clyde Leslie Eastman, Field Artillery, June 12, 1925, with rank from July 1, 1920.

Capt. Harry Lee Bennett, jr., Infantry (detailed in the Signal Corps), November 19, 1925, with rank from October 12, 1917.

Capt. John Cheney Platt, jr., Infantry (detailed in Signal Corps), October 22, 1925, with rank from October 12, 1917.

Capt. Richard Bartholomew Moran, Infantry, June 26, 1925, with rank from July 1, 1920.

First Lieut. William Oliver Reeder, Field Artillery, April 11, 1925, with rank as prescribed by the act of June 30, 1922.

First Lieut. Robert Alston Willard, Infantry, May 7, 1925, with rank as prescribed by the act of June 30, 1922.

First Lieut. Randolph Piersol Williams, Corps of Engineers, May 15, 1925, with rank from August 2, 1919.

First Lieut. Robert Robinson, Infantry, September 1, 1925, with rank from July 1, 1920.

First Lieut. John Carl Green, Infantry, October 23, 1925, with rank from July 1, 1920.

First Lieut. John Kennedy Buchanan, Infantry (detailed in Signal Corps), April 14, 1925, with rank from February 15, 1923.

First Lieut. Wiley Vinton Carter, Infantry (detailed in Signal Corps), July 7, 1925, with rank from March 2, 1923.

First Lieut. Arthur Pulsifer, Infantry (detailed in Signal Corps), March 19, 1925, with rank from March 5, 1923.

CAVALRY

Maj. Frederick Gilbreath, Quartermaster Corps, March 31, 1925, with rank from July 1, 1920.

Second Lieut. Clyde Massey, Air Service, May 28, 1925, with rank from June 12, 1924.

Second Lieut. John Harold Claybrook, jr., Air Service, June 3, 1925, with rank from June 12, 1924.

Second Lieut. Paul Ready Greenhalgh, Air Service, July 13, 1925, with rank from June 15, 1924.

Second Lieut. Donald Hudson Bratton, Air Service (appointed second lieutenant of Air Service during the recess of the Senate), December 3, 1925, with rank from June 12, 1925.

Second Lieut. August William Farwick, Air Service (appointed second lieutenant of Air Service during the recess of the Senate), December 3, 1925, with rank from June 12, 1925.

Second Lieut. Glenn Oscar Barcus, Field Artillery (appointed second lieutenant of Field Artillery during the recess of the Senate), September 30, 1925, with rank from June 30, 1925.

FIELD ARTILLERY

Col. Clarence Richmond Day, Cavalry, December 1, 1925, with rank from July 1, 1920.

Lieut. Col. William Kern Moore, Quartermaster Corps, August 14, 1925, with rank from July 1, 1920.

Lieut. Col. Edward Raymond Coppock, Cavalry, March 19, 1925, with rank from February 27, 1921.

Lieut. Col. Robert Davis, Signal Corps, March 31, 1925, with rank from May 16, 1924.

Lieut. Col. George Percy Hawes, jr., Quartermaster Corps, April 1, 1925, with rank from June 2, 1924.

Maj. Frank Keet Ross, Adjutant General's Department, November 11, 1925, with rank from July 1, 1920.

Capt. Richard Mars Wightman, Infantry, May 20, 1925, with rank from July 18, 1919.

Capt. Laurence Henry Hanley, Infantry, March 19, 1925, with rank from July 1, 1920.

First Lieut. Paul Ward Beck, Ordnance Department, May 19, 1925, with rank from September 21, 1919.

First Lieut. Ivan Downes Yeaton, Infantry, June 23, 1925, with rank from July 1, 1920.

First Lieut. Charles Roderick Mize, Ordnance Department, April 11, 1925, with rank from July 1, 1920.

Second Lieut. Kenneth Lafayette Johnson, Infantry, November 3, 1925, with rank from July 3, 1923.

Second Lieut. Eugene Barber Ely, Air Service, June 23, 1925, with rank from June 12, 1924.

Second Lieut. Conrad Lewis Boyle, Cavalry, June 4, 1925, with rank from June 15, 1924.

COAST ARTILLERY CORPS

Capt. Coleman Ferrell Driver, Infantry, July 28, 1925, with rank from July 1, 1920.

Second Lieut. Dean Stanley Ellerthorpe, Air Service, May 19, 1925, with rank from June 12, 1923.

Second Lieut. Leo Douglas Vichules, Air Service, June 11, 1925, with rank from June 12, 1924.

Second Lieut. George Almond Ford, Air Service, June 8, 1925, with rank from June 12, 1924.

Second Lieut. Will Knox Stennis, Field Artillery, June 2, 1925, with rank from June 15, 1924.

Second Lieut. George Avery Chester, Field Artillery (appointed second lieutenant of Field Artillery during the recess of the Senate), September 30, 1925, with rank from June 30, 1925.

INFANTRY

Maj. Cassius McClellan Dowell, Judge Advocate General's Department, June 25, 1925, with rank from May 15, 1917.

Capt. Walter Carey Rogers, Cavalry, June 9, 1925, with rank from July 1, 1920.

First Lieut. George DeVere Barnes, Quartermaster Corps, June 2, 1925, with rank from July 3, 1924.

Second Lieut. John Walker Childs, Signal Corps, October 23, 1925, with rank as prescribed by the act of June 30, 1922.

Second Lieut. Edward Harvey Clouser, Air Service, March 24, 1925, with rank from July 3, 1923.

Second Lieut. Joseph Aloysius Kielty, Air Service, March 19, 1925, with rank from June 12, 1924.

Second Lieut. Washington Mackey Ives, jr., Air Service, May 26, 1925, with rank from June 12, 1924.

Second Lieut. Rupert Davidson Graves, Air Service, May 16, 1925, with rank from June 12, 1924.

Second Lieut. George Edward Lightcap, Air Service, April 18, 1925, with rank from June 12, 1924.

Second Lieut. David Marshall Ramsay, Air Service, July 28, 1925, with rank from June 15, 1924.

Second Lieut. Frank Riley Loyd, Air Service, June 19, 1925, with rank from June 15, 1924.

Second Lieut. Harry William Miller, Air Service, June 16, 1925, with rank from June 15, 1924.

Second Lieut. Lewis Ackley Riggins, Air Service (appointed second lieutenant in the Air Service during the recess of the Senate), November 24, 1925, with rank from June 12, 1925.

Second Lieut. Maximilian X. Ware, Coast Artillery Corps (appointed second lieutenant in the Coast Artillery Corps during the recess of the Senate), September 30, 1925, with rank from June 30, 1925.

AIR SERVICE

Maj. Charles Janvrin Browne, Field Artillery (detailed in Air Service), September 18, 1925, with rank from July 1, 1920.

First Lieut. Jack Clemens Hodgson, Infantry (detailed in Air Service), October 19, 1925, with rank from July 1, 1920.

First Lieut. Charles Backes, Infantry (detailed in Air Service), September 29, 1925, with rank from July 1, 1920.

First Lieut. Nathan Farragut Twining, Infantry (detailed in Air Service), November 16, 1925, with rank from November 20, 1923.

Second Lieut. Arnold Hoyer Rich, Infantry (detailed in Air Service), September 16, 1925, with rank as prescribed by the act of June 30, 1922.

Second Lieut. Harvey Kenneth Greenlaw, Cavalry (detailed in Air Service), November 7, 1925, with rank as prescribed by the act of June 30, 1922.

Second Lieut. Homer Wilbur Ferguson, Field Artillery (detailed in Air Service), October 23, 1925, with rank as prescribed by the act of June 30, 1922.

POSTMASTERS

ALABAMA

George M. Baker to be postmaster at Wilsonville, Ala., in place of W. A. Daniel. Incumbent's commission expired February 11, 1924.

Ira L. Sharbutt to be postmaster at Vincent, Ala., in place of I. L. Sharbutt. Incumbent's commission expired August 23, 1925.

Emma E. Yarbrough to be postmaster at Monroeville, Ala., in place of O. O. Bayles. Incumbent's commission expired June 4, 1924.

Benjamin R. Alison to be postmaster at Minter, Ala., in place of B. R. Alison. Incumbent's commission expired November 2, 1925.

Joseph Loranz to be postmaster at Jackson, Ala., in place of Joseph Loranz. Incumbent's commission expired November 23, 1925.

William F. Barnard to be postmaster at Gordo, Ala., in place of W. F. Barnard. Incumbent's commission expired November 2, 1925.

Ella L. Rentz to be postmaster at Gilbertown, Ala., in place of E. L. Rentz. Incumbent's commission expired November 2, 1925.

Jesse L. McKay to be postmaster at Faunsdale, Ala., in place of J. L. McKay. Incumbent's commission expired November 15, 1925.

James A. Stallworth to be postmaster at Crichton, Ala., in place of J. A. Stallworth. Incumbent's commission expired November 18, 1925.

Effie Jordan to be postmaster at Chatom, Ala., in place of Effie Jordan. Incumbent's commission expired November 2, 1925.

Stella M. Stallworth to be postmaster at Chapman, Ala., in place of S. M. Stallworth. Incumbent's commission expired October 5, 1925.

Skipwith C. Taylor to be postmaster at Calvert, Ala., in place of S. C. Taylor. Incumbent's commission expired November 2, 1925.

W. Vester Walker to be postmaster at Tuscumbia, Ala., in place of H. H. Hughston, resigned.

Nannie M. King to be postmaster at Midway, Ala., in place of D. N. Cartledge, deceased.

Lewis A. Easterly to be postmaster at Hayneville, Ala., in place of S. M. Salley, resigned.

Ethel Liddell to be postmaster at Butler, Ala., in place of M. D. Ulmer, resigned.

ARIZONA

J. Fred Reeves to be postmaster at Clemenceau, Ariz. Office became presidential July 1, 1925.

Harry H. Hiener to be postmaster at Superior, Ariz., in place of H. H. Hiener. Incumbent's commission expired August 17, 1925.

CALIFORNIA

Fred Herring to be postmaster at Rio Linda, Calif. Office became presidential July 1, 1925.

Henry Barnbrock to be postmaster at Pacific Palisades, Calif. Office became presidential April 1, 1925.

Van R. Majors to be postmaster at Heber, Calif. Office became presidential July 1, 1925.

Charles W. Spalding to be postmaster at Floriston, Calif. Office became presidential July 1, 1925.

Laura W. McNeil to be postmaster at El Cerrito, Calif. Office became presidential July 1, 1924.

Ella M. Freeman to be postmaster at Cisco, Calif. Office became presidential July 1, 1925.

Charles P. Hoffman to be postmaster at Cement, Calif. Office became presidential July 1, 1925.

Byron N. Marriott to be postmaster at Alhambra, Calif. Office became presidential January 1, 1925.

Archie R. Beckes to be postmaster at Wasco, Calif., in place of A. R. Beckes. Incumbent's commission expired October 8, 1925.

Susan M. Sigler to be postmaster at Universal City, Calif., in place of S. M. Sigler. Incumbent's commission expired November 8, 1925.

Frank J. Klindera to be postmaster at Tipton, Calif., in place of F. J. Klindera. Incumbent's commission expired November 8, 1925.

Dollie L. Carr to be postmaster at Templeton, Calif., in place of D. L. Carr. Incumbent's commission expired November 18, 1925.

Olios D. Way to be postmaster at San Dimas, Calif., in place of O. D. Way. Incumbent's commission expired October 3, 1925.

Ashley L. Smith to be postmaster at Ryde, Calif., in place of A. L. Smith. Incumbent's commission expired August 24, 1925.

Frederick C. Huntemann to be postmaster at Ripon, Calif., in place of F. C. Huntemann. Incumbent's commission expired October 3, 1925.

James N. Long to be postmaster at Richmond, Calif., in place of J. N. Long. Incumbent's commission expired November 21, 1925.

Josephine Purcell to be postmaster at Represa, Calif., in place of Josephine Purcell. Incumbent's commission expired August 24, 1925.

James F. Wheat to be postmaster at Redlands, Calif., in place of J. F. Wheat. Incumbent's commission expired November 21, 1925.

Wat Tyler to be postmaster at Puente, Calif., in place of Wat Tyler. Incumbent's commission expired October 3, 1925.

Annie M. Lepley to be postmaster at Plymouth, Calif., in place of A. M. Lepley. Incumbent's commission expired October 3, 1925.

Elizabeth A. Follett to be postmaster at Pixley, Calif., in place of E. A. Follett. Incumbent's commission expired October 8, 1925.

Fred C. Skinner to be postmaster at Pine Knot, Calif., in place of F. C. Skinner. Incumbent's commission expired August 24, 1925.

Edna B. Hudson to be postmaster at Perris, Calif., in place of E. B. Hudson. Incumbent's commission expired October 3, 1925.

Edith B. Smith to be postmaster at Patton, Calif., in place of E. B. Smith. Incumbent's commission expired August 24, 1925.

Frank Fesler to be postmaster at Owensmouth, Calif., in place of Frank Fesler. Incumbent's commission expired August 5, 1925.

David I. Roth to be postmaster at Orosi, Calif., in place of F. E. McPherson. Incumbent's commission expired July 13, 1925.

William L. Robbins to be postmaster at Orange Cove, Calif., in place of W. L. Robbins. Incumbent's commission expired November 23, 1925.

William O. Hart to be postmaster at Orange, Calif., in place of W. O. Hart. Incumbent's commission expired November 23, 1925.

Clara C. King to be postmaster at Ojai, Calif., in place of C. C. King. Incumbent's commission expired October 3, 1925.

Georgia Regester to be postmaster at Oakley, Calif., in place of Georgia Regester. Incumbent's commission expired October 3, 1925.

Matie E. Bole to be postmaster at Newark, Calif., in place of M. E. Bole. Incumbent's commission expired October 8, 1925.

Oliver W. Miller to be postmaster at Murrieta, Calif., in place of O. W. Miller. Incumbent's commission expired October 8, 1925.

George V. Beane to be postmaster at Mojave, Calif., in place of G. V. Beane. Incumbent's commission expired May 13, 1925.

David W. Morris to be postmaster at Modesto, Calif., in place of D. W. Morris. Incumbent's commission expired May 13, 1925.

Ralph H. Read to be postmaster at Middletown, Calif., in place of R. H. Read. Incumbent's commission expired October 1, 1925.

Charles E. Wells to be postmaster at Maxwell, Calif., in place of C. E. Wells. Incumbent's commission expired October 3, 1925.

John W. Platt to be postmaster at Manteca, Calif., in place of J. W. Platt. Incumbent's commission expired October 3, 1925.

Anthony F. Sonka to be postmaster at Lemongrove, Calif., in place of A. F. Sonka. Incumbent's commission expired August 24, 1925.

William B. Barber to be postmaster at Live Oak, Calif., in place of W. B. Barber. Incumbent's commission expired November 8, 1925.

John P. Dickey to be postmaster at La Verne, Calif., in place of J. P. Dickey. Incumbent's commission expired November 9, 1925.

William R. Darling to be postmaster at Lakeside, Calif., in place of W. R. Darling. Incumbent's commission expired October 3, 1925.

Brayton S. Norton to be postmaster at Laguna Beach, Calif., in place of B. S. Norton. Incumbent's commission expired October 3, 1925.

John A. Liggett to be postmaster at Korbel, Calif., in place of J. A. Liggett. Incumbent's commission expired October 3, 1925.

John H. Tucker to be postmaster at Kennett, Calif., in place of J. H. Tucker. Incumbent's commission expired October 8, 1925.

Edna F. Grant to be postmaster at Hopland, Calif., in place of E. F. Grant. Incumbent's commission expired October 3, 1925.

Grace M. Leuschen to be postmaster at Highland, Calif., in place of G. M. Leuschen. Incumbent's commission expired October 3, 1925.

Carlos H. Salinas to be postmaster at Hermosa Beach, Calif., in place of D. S. Devine. Incumbent's commission expired May 13, 1925.

Louisa A. Cobden to be postmaster at Groveland, Calif., in place of L. A. Cobden. Incumbent's commission expired November 18, 1925.

George W. Turner to be postmaster at Fresno, Calif., in place of G. W. Turner. Incumbent's commission expired August 5, 1925.

Marguerite J. Decions to be postmaster at Fort Bidwell, Calif., in place of M. J. Decions. Incumbent's commission expired November 18, 1925.

Bertha V. Eaton to be postmaster at Florin, Calif., in place of B. V. Eaton. Incumbent's commission expired November 23, 1925.

Bert Woodbury to be postmaster at Fall Brook, Calif., in place of Bert Woodbury. Incumbent's commission expired September 24, 1925.

Bessie L. Rogers to be postmaster at Esparto, Calif., in place of B. L. Rogers. Incumbent's commission expired October 3, 1925.

John C. Neblett to be postmaster at Elsinore, Calif., in place of J. C. Neblett. Incumbent's commission expired August 24, 1925.

Walter E. White to be postmaster at Dos Palos, Calif., in place of W. E. White. Incumbent's commission expired November 23, 1925.

Brock Dickie to be postmaster at Dixon, Calif., in place of Brock Dickie. Incumbent's commission expired November 23, 1925.

Huron B. Brown to be postmaster at Denair, Calif., in place of H. B. Brown. Incumbent's commission expired November 9, 1925.

Winfield S. Smith to be postmaster at Del Rey, Calif., in place of W. S. Smith. Incumbent's commission expired November 18, 1925.

Emma Dodge to be postmaster at Danville, Calif., in place of Emma Dodge. Incumbent's commission expired August 24, 1925.

Ida M. Fink to be postmaster at Crows Landing, Calif., in place of I. M. Fink. Incumbent's commission expired October 8, 1925.

Roscoe J. Johnson to be postmaster at Corona, Calif., in place of C. D. McNeil. Incumbent's commission expired June 4, 1924.

John A. Perry, jr., to be postmaster at Chowchilla, Calif., in place of J. A. Perry, jr. Incumbent's commission expired November 8, 1925.

Stanton K. Helsley to be postmaster at Ceres, Calif., in place of S. K. Helsley. Incumbent's commission expired October 3, 1925.

Abraham Clevenger to be postmaster at Caruthers, Calif., in place of Abraham Clevenger. Incumbent's commission expired November 18, 1925.

Earl Van Gorden to be postmaster at Cambria, Calif., in place of Earl Van Gorden. Incumbent's commission expired November 21, 1925.

Harry A. Hall to be postmaster at Bigpine, Calif., in place of H. A. Hall. Incumbent's commission expired October 3, 1925.

William E. Mack to be postmaster at Banning, Calif., in place of W. E. Mack. Incumbent's commission expired October 3, 1925.

Alice C. Webster to be postmaster at Antioch, Calif., in place of A. C. Webster. Incumbent's commission expired May 13, 1925.

Albert Norris to be postmaster at Alvarado, Calif., in place of Albert Norris. Incumbent's commission expired November 8, 1925.

Lester S. Clark to be postmaster at Albion, Calif., in place of L. S. Clark. Incumbent's commission expired November 23, 1925.

Carl K. Mabie to be postmaster at Redwood City, Calif., in place of W. J. Dusel, removed.

Martha A. Smith to be postmaster at Winton, Calif., in place of A. E. Smith, resigned.

William Kinney to be postmaster at San Quentin, Calif., in place of Jennie Kinney, deceased.

Idessa G. Moody to be postmaster at Quincy, Calif., in place of H. P. Rogers, removed.

Earl W. Jonas to be postmaster at Palms, Calif., in place of B. E. Kelley, resigned.

Harry A. Kaufman to be postmaster at Lynwood, Calif., in place of C. N. Alexander, resigned.

Gertrude A. Bryan to be postmaster at Isleton, Calif., in place of S. W. Green, resigned.

Margaret Allen to be postmaster at Indio, Calif., in place of C. E. French, resigned.

Robert Robertson to be postmaster at Gardena, Calif., in place of C. W. Jessup, removed.

Gladys McDonald to be postmaster at Firebaugh, Calif., in place of C. J. McDonald, resigned.

Helen E. Weir to be postmaster at Fairfield, Calif., in place of C. I. Pfau, deceased.

Tracy H. McPherson to be postmaster at Escalon, Calif., in place of C. E. Murlin, removed.

Claude D. Tribble to be postmaster at Elk Grove, Calif., in place of C. E. Polhemus, resigned.

May Brown to be postmaster at Earlimart, Calif., in place of F. H. Vaughn, resigned.

James E. Van Matre to be postmaster at Downey, Calif., in place of W. T. Van Matre, deceased.

John P. Wymer to be postmaster at Delhi, Calif., in place of Alice Warner, resigned.

Arthur A. Shirley to be postmaster at Bishop, Calif., in place of A. E. Burkhart, removed.

COLORADO

Vernet A. Kauffman to be postmaster at West Portal, Colo. Office became presidential October 1, 1924.

Sylvester E. Hobart to be postmaster at Nunn, Colo. Office became presidential July 1, 1925.

Ralph W. Bidwell to be postmaster at Briggsdale, Colo. Office became presidential July 1, 1925.

Hubbard I. Boyd to be postmaster at Weldona, Colo., in place of H. I. Boyd. Incumbent's commission expired November 9, 1925.

Samuel Coen to be postmaster at Walden, Colo., in place of Samuel Coen. Incumbent's commission expired November 17, 1925.

M. Gladys Quinn to be postmaster at Stratton, Colo., in place of M. G. Quinn. Incumbent's commission expired November 2, 1925.

Ella B. Montgomery to be postmaster at Salida, Colo., in place of E. B. Montgomery. Incumbent's commission expired November 15, 1925.

Siegfried Salomon to be postmaster at Platteville, Colo., in place of Siegfried Salomon. Incumbent's commission expired November 9, 1925.

Reno H. Auld to be postmaster at Otis, Colo., in place of R. H. Auld. Incumbent's commission expired November 18, 1925.

Chester L. Snyder to be postmaster at New Raymer, Colo., in place of C. L. Snyder. Incumbent's commission expired November 2, 1925.

John H. Cunningham to be postmaster at Loveland, Colo., in place of J. H. Cunningham. Incumbent's commission expired November 2, 1925.

Clarence E. Wright to be postmaster at Lake City, Colo., in place of C. E. Wright. Incumbent's commission expired November 15, 1925.

Edward L. Boillot to be postmaster at Fort Morgan, Colo., in place of E. L. Boillot. Incumbent's commission expired November 9, 1925.

May D. Thomas to be postmaster at Eagle, Colo., in place of M. D. Thomas. Incumbent's commission expires December 15, 1925.

John H. McDevitt, jr., to be postmaster at Durango, Colo., in place of J. H. McDevitt, jr. Incumbent's commission expired October 24, 1925.

George W. Heflin to be postmaster at De Beque, Colo., in place of G. W. Heflin. Incumbent's commission expired November 23, 1925.

Edgar A. Buckley to be postmaster at Crook, Colo., in place of E. A. Buckley. Incumbent's commission expired November 2, 1925.

Melissa H. Hayden to be postmaster at Breckenridge, Colo., in place of M. H. Hayden. Incumbent's commission expired May 4, 1925.

Frank M. Shedd to be postmaster at Aurora, Colo., in place of F. M. Shedd. Incumbent's commission expired November 9, 1925.

Leona E. Backus to be postmaster at Two Buttes, Colo., in place of M. J. Fuller, resigned.

James Donaldson to be postmaster at Sopris, Colo., in place of D. J. Phillips, resigned.

Robert E. Taylor to be postmaster at Grover, Colo., in place of W. D. Woodard, resigned.

Hal Parmeter to be postmaster at Byers, Colo, in place of H. D. McCaslin, deceased.

CONNECTICUT

William T. McKenzie to be postmaster at Yalesville, Conn., in place of W. T. McKenzie. Incumbent's commission expired August 24, 1925.

John L. Davis to be postmaster at Wilton, Conn., in place of J. L. Davis. Incumbent's commission expired August 24, 1925.

Edward F. Schmidt to be postmaster at Westbrook, Conn., in place of E. F. Schmidt. Incumbent's commission expired October 11, 1925.

Gertrude W. Tracy to be postmaster at Wauregan, Conn., in place of G. W. Tracy. Incumbent's commission expired August 24, 1925.

Robert J. Benham to be postmaster at Washington, Conn., in place of R. J. Benham. Incumbent's commission expired August 5, 1925.

Lewis B. Brand to be postmaster at Versailles, Conn., in place of L. B. Brand. Incumbent's commission expired August 24, 1925.

Rollin S. Paine to be postmaster at Stony Creek, Conn., in place of R. S. Paine. Incumbent's commission expired August 24, 1925.

Benjamin D. Parkhurst to be postmaster at Sterling, Conn., in place of B. D. Parkhurst. Incumbent's commission expired August 24, 1925.

Wilbur C. Hawley to be postmaster at Stepney Depot, Conn., in place of W. C. Hawley. Incumbent's commission expired August 24, 1925.

Willis Hodge to be postmaster at South Glastonbury, Conn., in place of Willis Hodge. Incumbent's commission expired October 11, 1925.

Louis M. Phillips to be postmaster at South Coventry, Conn., in place of L. M. Phillips. Incumbent's commission expired October 11, 1925.

Dexter S. Case to be postmaster at Sound View, Conn., in place of D. S. Case. Incumbent's commission expired October 11, 1925.

Elbert W. Scobie to be postmaster at Orange, Conn., in place of E. W. Scobie. Incumbent's commission expired August 24, 1925.

Claude M. Chester to be postmaster at Noank, Conn., in place of C. M. Chester. Incumbent's commission expired October 11, 1925.

Manley J. Cheney to be postmaster at Milford, Conn., in place of M. J. Cheney. Incumbent's commission expired October 25, 1925.

Edna M. Jenkins to be postmaster at Middlefield, Conn., in place of E. M. Jenkins. Incumbent's commission expired October 11, 1925.

Ethel B. Sexton to be postmaster at Hazardville, Conn., in place of E. B. Sexton. Incumbent's commission expired October 11, 1925.

Joseph Brush to be postmaster at Greenwich, Conn., in place of Joseph Brush. Incumbent's commission expired November 22, 1925.

Moses G. Marcy to be postmaster at Falls Village, Conn., in place of M. G. Marcy. Incumbent's commission expired November 15, 1925.

Alfred W. Jeynes to be postmaster at Ansonia, Conn., in place of A. W. Jeynes. Incumbent's commission expired November 21, 1925.

S. Howard Bishop to be postmaster at Yantic, Conn., in place of W. E. Manning, deceased.

Joseph V. Serena to be postmaster at Saugatuck, Conn., in place of F. J. Serena, resigned.

Ellis Sylvernale to be postmaster at Norfolk, Conn., in place of L. J. Curtiss, deceased.

William H. Gould to be postmaster at Fairfield, Conn., in place of J. M. Donaldson, resigned.

DELAWARE

Clarence T. Esham to be postmaster at Frankford, Del., in place of C. T. Esham. Incumbent's commission expired November 15, 1925.

Richard F. McClure to be postmaster at Claymont, Del., in place of R. F. McClure. Incumbent's commission expired May 7, 1925.

FLORIDA

Bessie T. Austin to be postmaster at Sulphur Springs, Fla. Office became presidential August 1, 1925.

Abraham H. Lasher to be postmaster at Safety Harbor, Fla. Office became presidential April 1, 1924.

Wylie L. Buchanan to be postmaster at Hopkins, Fla. Office became presidential July 1, 1925.

Walter O. Brooks, to be postmaster at Gulfport, Fla. Office became presidential July 1, 1925.

Lonie M. Watkins to be postmaster at Webster, Fla., in place of L. M. Watkins. Incumbent's commission expired October 7, 1925.

Arthur L. Stevens to be postmaster at Waldo, Fla., in place of A. L. Stevens. Incumbent's commission expired September 27, 1925.

Dudley H. Morgan to be postmaster at River Junction, Fla., in place of D. H. Morgan. Incumbent's commission expired October 19, 1925.

Louis B. Ritch to be postmaster at Raiford, Fla., in place of L. B. Ritch. Incumbent's commission expired October 3, 1925.

Henry A. Drake to be postmaster at Port St. Joe, Fla., in place of H. A. Drake. Incumbent's commission expired September 26, 1925.

Goldie B. Helm to be postmaster at Oneco, Fla., in place of G. B. Helm. Incumbent's commission expired November 23, 1925.

Harriet R. Bishop to be postmaster at Tampashores, Fla., in place of R. E. L. Pryor. Incumbent's commission expired October 7, 1925.

Charlotte E. Henry to be postmaster at Nocatee, Fla., in place of C. E. Henry. Incumbent's commission expired October 7, 1925.

Nathan J. Lewis to be postmaster at Newberry, Fla., in place of N. J. Lewis. Incumbent's commission expired October 7, 1925.

Edna L. Goss to be postmaster at Mulberry, Fla., in place of E. L. Goss. Incumbent's commission expired October 7, 1925.

David S. Simpson to be postmaster at Mount Dora, Fla., in place of D. S. Simpson. Incumbent's commission expired September 27, 1925.

John H. Collins to be postmaster at Milton, Fla., in place of J. H. Collins. Incumbent's commission expired October 7, 1925.

Daniel H. Laird to be postmaster at Millville, Fla., in place of D. H. Laird. Incumbent's commission expired September 26, 1925.

Florence M. Wackerle to be postmaster at Melbourne, Fla., in place of F. M. Wackerle. Incumbent's commission expired September 27, 1925.

Daniel H. Petteys to be postmaster at McIntosh, Fla., in place of D. H. Petteys. Incumbent's commission expired September 27, 1925.

John F. Stunkel to be postmaster at Leesburg, Fla., in place of J. F. Stunkel. Incumbent's commission expired November 23, 1925.

James L. Richbourg to be postmaster at Laurelhill, Fla., in place of J. L. Richbourg. Incumbent's commission expired August 24, 1925.

William L. Bryan to be postmaster at Jasper, Fla., in place of W. L. Bryan. Incumbent's commission expired July 27, 1925.

William H. Downing to be postmaster at High Springs, Fla., in place of W. H. Downing. Incumbent's commission expired October 3, 1925.

Emma S. Fletcher to be postmaster at Havana, Fla., in place of E. S. Fletcher. Incumbent's commission expired September 26, 1925.

James T. Phillips to be postmaster at Greenville, Fla., in place of J. T. Phillips. Incumbent's commission expired October 3, 1925.

Jesse E. Franklin to be postmaster at Glen St. Mary, Fla., in place of J. E. Franklin. Incumbent's commission expired October 3, 1925.

Elwyn B. C. Nichols to be postmaster at Ellenton, Fla., in place of E. B. C. Nichols. Incumbent's commission expired October 7, 1925.

Glenna J. Pedrick to be postmaster at Dunnellon, Fla., in place of G. J. Pedrick. Incumbent's commission expired October 3, 1925.

Edna F. Hope to be postmaster at Dunedin, Fla., in place of E. F. Hope. Incumbent's commission expired September 27, 1925.

Charles A. Miller to be postmaster at Crystal River, Fla., in place of C. A. Miller. Incumbent's commission expired October 3, 1925.

Grace M. Mashburn to be postmaster at Caryville, Fla., in place of G. M. Mashburn. Incumbent's commission expired September 27, 1925.

Charles W. Pierce to be postmaster at Boynton, Fla., in place of C. W. Pierce. Incumbent's commission expired September 27, 1925.

John H. McLain to be postmaster at Auburndale, Fla., in place of J. H. McLain. Incumbent's commission expired October 7, 1925.

Walter R. McLeod to be postmaster at Apopka, Fla., in place of W. R. McLeod. Incumbent's commission expired October 7, 1925.

George W. Smith to be postmaster at West Palm Beach, Fla., in place of C. W. Campbell, resigned.

Annie B. Locke to be postmaster at Titusville, Fla., in place of S. D. Holmes, removed.

Charles M. Loy to be postmaster at Stuart, Fla., in place of J. R. Pomeroy, resigned.

Ethel C. McPherson to be postmaster at Passagrille, Fla., in place of E. E. Williams, resigned.

Walter N. Gray to be postmaster at Okeechobee, Fla., in place of O. J. Price, resigned.

John H. Hildreth to be postmaster at Live Oak, Fla., in place of C. N. Hildreth, jr., resigned.

Louis F. Randall to be postmaster at Hialeah, Fla., in place of G. R. Millard, resigned.

Wesley S. Moe to be postmaster at Fort Pierce, Fla., in place of W. C. Russell, resigned.

Fred W. Jacques to be postmaster at Fort Lauderdale, Fla., in place of M. K. Wright, resigned.

Pauline F. Colley to be postmaster at Florence Villa, Fla., in place of F. W. Oren, removed.

Frank Dean to be postmaster at Delray, Fla., in place of L. T. Hirth, resigned.

Fred Brett to be postmaster at Crestview, Fla., in place of J. H. Nelson, resigned.

Latrelle W. Greason to be postmaster at Brewster, Fla., in place of C. O. Gerber, resigned.

James E. Still to be postmaster at Bonifay, Fla., in place of C. G. Evans, resigned.

Fred H. Gibbons to be postmaster at Archer, Fla., in place of L. G. Morper, removed.

GEORGIA

Daniel M. Proctor to be postmaster at Woodbine, Ga. Office became presidential July 1, 1925.

John E. Jones to be postmaster at Lula, Ga. Office became presidential April 1, 1924.

Sara F. Greene to be postmaster at Junction City, Ga. Office became presidential July 1, 1923.

Frank R. Rountree to be postmaster at Egypt, Ga. Office became presidential July 1, 1925.

Rolland H. Freeman to be postmaster at Dover, Ga. Office became presidential July 1, 1925.

Roxie B. Goza to be postmaster at Chamblee, Ga. Office became presidential July 1, 1925.

Will P. Tate to be postmaster at Trion, Ga., in place of W. P. Tate. Incumbent's commission expired October 4, 1925.

Edmund R. Mathews to be postmaster at Talbotton, Ga., in place of E. R. Mathews. Incumbent's commission expired October 7, 1925.

Robert N. Trimble to be postmaster at Summerville, Ga., in place of H. M. McWhorter. Incumbent's commission expired February 4, 1924.

Jessie Gunter to be postmaster at Social Circle, Ga., in place of Jessie Gunter. Incumbent's commission expired September 26, 1925.

Loyd W. English to be postmaster at Pelham, Ga., in place of L. W. English Incumbent's commission expired August 20, 1923.

Janie Pinkston to be postmaster at Parrott, Ga., in place of Janie Pinkston. Incumbent's commission expired November 23, 1925.

George C. Bamberg to be postmaster at Omega, Ga., in place of G. C. Bamberg. Incumbent's commission expired October 4, 1925.

Elisha A. Meeks to be postmaster at Nicholls, Ga., in place of E. A. Meeks. Incumbent's commission expired November 21, 1925.

Ida Wyatt to be postmaster at Menlo, Ga., in place of Ida Wyatt. Incumbent's commission expired October 4, 1925.

Venter B. Godwin to be postmaster at Lenox, Ga., in place of V. B. Godwin. Incumbent's commission expired November 23, 1925.

Jefferson D. Stalvey to be postmaster at Lake Park, Ga., in place of J. D. Stalvey. Incumbent's commission expired November 24, 1925.

Henry J. Claxton to be postmaster at Kite, Ga., in place of H. J. Claxton. Incumbent's commission expired November 21, 1925.

Hugh C. Register to be postmaster at Habira, Ga., in place of H. C. Register. Incumbent's commission expired November 23, 1925.

Robert L. Williams to be postmaster at Griffin, Ga., in place of R. L. Williams. Incumbent's commission expired November 23, 1925.

Acquilla M. Warnock to be postmaster at Brooklet, Ga., in place of A. M. Warnock. Incumbent's commission expired November 21, 1925.

Eldon A. McCollum to be postmaster at Baconton, Ga., in place of E. A. McCollum. Incumbent's commission expired October 4, 1925.

Fox D. Stephens to be postmaster at Macon, Ga., in place of Hillyer Rudisill, deceased.

GUAM

James H. Underwood to be postmaster at Guam, Guam, in place of J. H. Underwood. Incumbent's commission expired July 19, 1925.

HAWAII

John Lennox to be postmaster at Ewa, Hawaii, in place of John Lennox. Incumbent's commission expired November 2, 1925.

IDAHO

Walter E. Gorrie to be postmaster at Deary, Idaho. Office became presidential July 1, 1925.

Grace Eubanks to be postmaster at Winchester, Idaho, in place of Grace Eubanks. Incumbent's commission expired November 18, 1925.

Benjamin E. Weeks to be postmaster at Shoshone, Idaho, in place of B. E. Weeks. Incumbent's commission expired August 5, 1925.

Kathryn M. Boss to be postmaster at Rogerson, Idaho, in place of K. M. Boss. Incumbent's commission expired August 20, 1925.

Esmeraldo C. Taylor to be postmaster at Rockland, Idaho, in place of E. C. Taylor. Incumbent's commission expired August 20, 1925.

Lewis N. Balch to be postmaster at Potlatch, Idaho, in place of L. N. Balch. Incumbent's commission expired August 5, 1925.

Ralph M. Castater to be postmaster at Parma, Idaho, in place of R. M. Castater. Incumbent's commission expired August 10, 1925.

Hugh H. Hamilton to be postmaster at New Plymouth, Idaho, in place of H. H. Hamilton. Incumbent's commission expired November 23, 1925.

George S. Mitchell to be postmaster at New Meadows, Idaho, in place of G. S. Mitchell. Incumbent's commission expired August 20, 1925.

Francis M. Winters to be postmaster at Montpelier, Idaho, in place of F. M. Winters. Incumbent's commission expired October 17, 1925.

Frederick J. Rodgers to be postmaster at Midvale, Idaho, in place of F. J. Rodgers. Incumbent's commission expired August 20, 1925.

Oren M. Laing to be postmaster at Meridian, Idaho, in place of O. M. Laing. Incumbent's commission expired August 5, 1925.

Lillie B. Young to be postmaster at Kuna, Idaho, in place of L. B. Young. Incumbent's commission expired August 5, 1925.

William S. Dunn to be postmaster at Hazleton, Idaho, in place of W. S. Dunn. Incumbent's commission expired August 24, 1925.

Owen D. Wilson to be postmaster at Hansen, Idaho, in place of O. D. Wilson. Incumbent's commission expired October 26, 1925.

Dalton C. Rogers to be postmaster at Culdesac, Idaho, in place of D. C. Rogers. Incumbent's commission expired November 23, 1925.

Charles B. Mirgon to be postmaster at Cascade, Idaho, in place of C. B. Mirgon. Incumbent's commission expired November 23, 1925.

George Alley to be postmaster at Bancroft, Idaho, in place of George Alley. Incumbent's commission expired November 23, 1925.

Willard G. Sweet to be postmaster at Arco, Idaho, in place of W. G. Sweet. Incumbent's commission expired August 5, 1925.

Paul Bulfinch to be postmaster at American Falls, Idaho, in place of Paul Bulfinch. Incumbent's commission expired October 11, 1925.

Willis M. Sears to be postmaster at Albion, Idaho, in place of W. M. Sears. Incumbent's commission expired June 5, 1924.

Clarence M. Oberholtzer to be postmaster at Burley, Idaho, in place of J. M. Butler, deceased.

ILLINOIS

Edwin L. Griese to be postmaster at Northbrook, Ill. Office became presidential July 1, 1925.

Samuel E. Shelton o the postmaster at Nason, Ill. Office became presidential July 1, 1925.

Emily M. Erickson to be postmaster at Mount Greenwood, Ill. Office became presidential July 1, 1925.

Anna C. Boyer to be postmaster at Logan, Ill. Office became presidential October 1, 1923.

George F. Dickson to be postmaster at Little York, Ill. Office became presidential July 1, 1925.

William E. Ford to be postmaster at Karnak, Ill. Office became presidential July 1, 1925.

Lora Johnson to be postmaster at Hudson, Ill. Office became presidential July 1, 1925.

Myrtle A. Blackward to be postmaster at Bush, Ill. Office became presidential July 1, 1925.

William C. Ohse to be postmaster at Yorkville, Ill., in place of W. C. Ohse. Incumbent's commission expired August 19, 1925.

Jay B. Hollibaugh to be postmaster at Waynesville, Ill., in place of C. M. Spelbring. Incumbent's commission expired August 24, 1925.

Fred E. Schroeder to be postmaster at Warrensburg, Ill., in place of F. E. Schroeder. Incumbent's commission expired October 6, 1925.

Roy C. Tarrant to be postmaster at Versailles, Ill., in place of J. E. Heflin. Incumbent's commission expired June 5, 1924.

Hervey E. Broaddus to be postmaster at Varna, Ill., in place of H. E. Broaddus. Incumbent's commission expired August 24, 1925.

Olin L. Browder to be postmaster at Urbana, Ill., in place of O. L. Browder. Incumbent's commission expired November 21, 1925.

Ellis H. Jones to be postmaster at Minooka, Ill., in place of E. H. Jones. Incumbent's commission expired September 24, 1925.

William L. Beebe to be postmaster at Manito, Ill., in place of W. L. Beebe. Incumbent's commission expired November 17, 1925.

Bailey H. West to be postmaster at Makanda, Ill., in place of B. H. West. Incumbent's commission expired September 24, 1925.

James M. Pace to be postmaster at Macomb, Ill., in place of J. M. Pace. Incumbent's commission expired October 11, 1925.

Lela Killips to be postmaster at Lyons, Ill., in place of Lela Killips. Incumbent's commission expired September 24, 1925.

Anna E. Paramore to be postmaster at Loraine, Ill., in place of A. E. Paramore. Incumbent's commission expired August 17, 1925.

Clyde F. Clester to be postmaster at Loda, Ill., in place of C. F. Clester. Incumbent's commission expired November 9, 1925.

Robert T. Husband to be postmaster at Litchfield, Ill., in place of B. A. Thorp. Incumbent's commission expired May 12, 1925.

James F. Harrison to be postmaster at Leaf River, Ill., in place of J. F. Harrison. Incumbent's commission expired August 24, 1925.

Leslie K. Valentine to be postmaster at Hinckley, Ill., in place of L. K. Valentine. Incumbent's commission expired October 11, 1925.

James F. Mill to be postmaster at Hillsdale, Ill., in place of J. F. Mill. Incumbent's commission expired November 19, 1925.

William H. Pease to be postmaster at Harvey, Ill., in place of W. H. Pease. Incumbent's commission expired November 9, 1925.

Maurice E. Murrie to be postmaster at Grayslake, Ill., in place of M. E. Murrie. Incumbent's commission expired November 23, 1925.

Lewis M. Crow to be postmaster at Grand Tower, Ill., in place of L. M. Crow. Incumbent's commission expired September 24, 1925.

Charles W. Meier to be postmaster at Freeport, Ill., in place of C. W. Meier. Incumbent's commission expired July 13, 1925.

William W. Harbert to be postmaster at Findlay, Ill., in place of W. W. Harbert. Incumbent's commission expired August 17, 1925.

Nellie T. Lindstrom to be postmaster at Fairview, Ill., in place of N. T. Lindstrom. Incumbent's commission expired August 17, 1925.

Chalon T. Land to be postmaster at Enfield, Ill., in place of C. T. Land. Incumbent's commission expired November 23, 1925.

Mercy Thornton to be postmaster at Elkville, Ill., in place of Mercy Thornton. Incumbent's commission expired October 11, 1925.

Joseph D. Nutt to be postmaster at East Alton, Ill., in place of J. D. Nutt. Incumbent's commission expired November 9, 1925.

Bertha I. Askey to be postmaster at Dakota, Ill., in place of B. I. Askey. Incumbent's commission expired November 8, 1925.

Mae E. Laughery to be postmaster at Cuba, Ill., in place of M. E. Laughery. Incumbent's commission expired August 17, 1925.

Charles A. Cline to be postmaster at Clinton, Ill., in place of C. A. Cline. Incumbent's commission expired November 23, 1925.

John A. Bateman to be postmaster at Clay City, Ill., in place of J. A. Bateman. Incumbent's commission expired November 8, 1925.

John Reineke to be postmaster at Cissna Park, Ill., in place of John Reineke. Incumbent's commission expired October 19, 1925.

James E. Voorhees to be postmaster at Bushnell, Ill., in place of J. E. Voorhees. Incumbent's commission expired October 20, 1925.

Harold M. Brown to be postmaster at Brownstown, Ill., in place of H. M. Brown. Incumbent's commission expired November 8, 1925.

Tice D. Mason to be postmaster at Browns, Ill., in place of T. D. Mason. Incumbent's commission expired September 24, 1925.

Fred Wilson to be postmaster at Broughton, Ill., in place of Fred Wilson. Incumbent's commission expired November 17, 1925.

Matthew G. Yarnell to be postmaster at Bowen, Ill., in place of M. G. Yarnell. Incumbent's commission expired November 8, 1925.

Nancy Jamison to be postmaster at Biggsville, Ill., in place of Nancy Jamison. Incumbent's commission expired October 11, 1925.

Fred S. Edwards to be postmaster at Troy, Ill., in place of F. S. Edwards. Incumbent's commission expired September 24, 1925.

Arthur W. Shinn to be postmaster at Toulon, Ill., in place of A. W. Shinn. Incumbent's commission expired August 16, 1925.

Elijah Williams to be postmaster at Tonica, Ill., in place of Elijah Williams. Incumbent's commission expired August 19, 1925.

John E. Miller to be postmaster at Tamms, Ill., in place of J. E. Miller. Incumbent's commission expired November 21, 1925.

Polona H. Callaway to be postmaster at Tallula, Ill., in place of P. H. Callaway. Incumbent's commission expired November 17, 1925.

John W. Vangilder to be postmaster at Sumner, Ill., in place of J. W. Vangilder. Incumbent's commission expired August 16, 1925.

Katherine Maloy to be postmaster at Summit, Ill., in place of Katherine Maloy. Incumbent's commission expired September 24, 1925.

William Faster to be postmaster at Strasburg, Ill., in place of William Faster. Incumbent's commission expired August 17, 1925.

William H. Conkling to be postmaster at Springfield, Ill., in place of W. H. Conkling. Incumbent's commission expired July 13, 1925.

Fred H. Wood to be postmaster at Sidney, Ill., in place of F. H. Wood. Incumbent's commission expired October 20, 1925.

Harry E. Gemmill to be postmaster at Shannon, Ill., in place of H. E. Gemmill. Incumbent's commission expired November 8, 1925.

Forrest E. Mattix to be postmaster at St. Elmo, Ill., in place of F. E. Mattix. Incumbent's commission expired November 8, 1925.

Charles G. Brainard to be postmaster at Round Lake, Ill., in place of C. G. Brainard. Incumbent's commission expired October 20, 1925.

Willis J. Huston to be postmaster at Rochelle, Ill., in place of W. J. Huston. Incumbent's commission expired November 23, 1925.

Edna G. Mallette to be postmaster at Reynolds, Ill., in place of E. G. Mallette. Incumbent's commission expired November 23, 1925.

Emma H. Howe to be postmaster at Ravinia, Ill., in place of E. H. Howe. Incumbent's commission expired November 19, 1925.

Willis M. Hoag to be postmaster at Princeville, Ill., in place of W. M. Hoag. Incumbent's commission expired November 23, 1925.

Ralph R. Larkin to be postmaster at Prairie du Rocher, Ill., in place of R. R. Larkin. Incumbent's commission expired November 23, 1925.

Jefferson Louk to be postmaster at Prairie City, Ill., in place of Jefferson Louk. Incumbent's commission expired November 23, 1925.

Albert S. Tavenner to be postmaster at Polo, Ill., in place of A. S. Tavenner. Incumbent's commission expired November 9, 1925.

Mary E. Lister to be postmaster at Percy, Ill., in place of M. E. Lister. Incumbent's commission expired November 23, 1925.

James W. Alexander to be postmaster at Patoka, Ill., in place of J. W. Alexander. Incumbent's commission expired August 17, 1925.

Robert B. Ritzman to be postmaster at Orangeville, Ill., in place of R. B. Ritzman. Incumbent's commission expired October 19, 1925.

Edzard Johnson to be postmaster at Oglesby, Ill., in place of Edzard Johnson. Incumbent's commission expired November 8, 1925.

William D. Abbaduska to be postmaster at Odell, Ill., in place of W. D. Abbaduska. Incumbent's commission expired November 23, 1925.

Joseph L. Przyborski to be postmaster at North Chicago, Ill., in place of J. L. Przyborski. Incumbent's commission expired November 17, 1925.

Harvie D. Harris to be postmaster at New Boston, Ill., in place of H. D. Harris. Incumbent's commission expired October 20, 1925.

William J. Thornton to be postmaster at Nebo, Ill., in place of W. J. Thornton. Incumbent's commission expired November 17, 1925.

Junius A. Beger to be postmaster at Nauvoo, Ill., in place of J. A. Beger. Incumbent's commission expired November 8, 1925.

Ruth J. Hodge to be postmaster at Mundelein, Ill., in place of R. J. Hodge. Incumbent's commission expired October 11, 1925.

Priscilla Crandal to be postmaster at Ursa, Ill. Office became presidential July 1, 1925.

Homer J. Spangler to be postmaster at Stanford, Ill. Office became presidential October 1, 1924.

William C. Kelley to be postmaster at Simpson, Ill. Office became presidential July 1, 1925.

Herman B. Schmidt to be postmaster at Roselle, Ill. Office became presidential January 1, 1925.

Carl M. Crowder to be postmaster at Bethany, Ill., in place of C. M. Crowder. Incumbent's commission expired August 16, 1925.

John P. Kopp, to be postmaster at Baldwin, Ill., in place of J. P. Kopp. Incumbent's commission expired November 21, 1925.

Henry E. Petersen to be postmaster at Ashkum, Ill., in place of H. E. Petersen. Incumbent's commission expired November 23, 1925.

Charles C. Hamilton to be postmaster at Arthur, Ill., in place of C. C. Hamilton. Incumbent's commission expired May 12, 1925.

Lizzie M. Burch to be postmaster at Western Springs, Ill., in place of J. H. Farquharson, resigned.

August Treu to be postmaster at Villa Park, Ill., in place of L. F. Meehan, resigned.

Harry L. Johnson to be postmaster at Rockport, Ill., in place of M. S. Roosa, resigned.

Frank P. Cowing to be postmaster at Homewood, Ill., in place of N. S. Cowing, resigned.

J. H. Schaefer to be postmaster at Cross Point, Ill., in place of Paul Bleser, resigned.

Elizabeth Titter to be postmaster at Glen Carbon, Ill., in place of W. B. Rasplica, removed.

William C. Borger to be postmaster at Freeburg, Ill., in place of J. C. Reuter, resigned.

Edward J. Tabor to be postmaster at Earlville, Ill., in place of Edward B. Taber, resigned.

Ralph W. Colver to be postmaster at Cherry, Ill., in place of John Cahill, resigned.

Joseph J. Janda to be postmaster at Berwyn, Ill., in place of Emil Straka, resigned.

Hazel Hayes to be postmaster at Armington, Ill., in place of J. D. Allen, resigned.

INDIANA

Henry Chapman to be postmaster at Woodburn, Ind., in place of Henry Chapman. Incumbent's commission expired August 24, 1925.

Edgar Spencer to be postmaster at Wolcott, Ind., in place of Edgar Spencer. Incumbent's commission expired November 9, 1925.

James B. King to be postmaster at Star City, Ind., in place of J. B. King. Incumbent's commission expired August 5, 1925.

William F. Kahler to be postmaster at Winamac, Ind., in place of W. F. Kahler. Incumbent's commission expired November 22, 1925.

Russell C. Wood to be postmaster at West Lebanon, Ind., in place of R. C. Wood. Incumbent's commission expired October 20, 1925.

Jesse F. McGehee to be postmaster at Washington, Ind., in place of J. F. McGehee. Incumbent's commission expired August 5, 1925.

Andrew S. Blaine to be postmaster at Walkerton, Ind., in place of A. S. Blaine. Incumbent's commission expired October 20, 1925.

Hollice C. Brown to be postmaster at Silver Lake, Ind., in place of H. C. Brown. Incumbent's commission expired October 20, 1925.

Cyrus V. Norman to be postmaster at Sheridan, Ind., in place of C. V. Norman. Incumbent's commission expired October 6, 1925.

Lowell D. Smith to be postmaster at Sellersburg, Ind., in place of L. D. Smith. Incumbent's commission expired August 17, 1925.

Jacob F. Ruxer to be postmaster at St. Meinrad, Ind., in place of J. F. Ruxer. Incumbent's commission expired October 24, 1925.

Alfonso L. Riggs to be postmaster at Rushville, Ind., in place of A. L. Riggs. Incumbent's commission expired August 17, 1925.

Loren N. McCloud to be postmaster at Royal Center, Ind., in place of L. N. McCloud. Incumbent's commission expired November 17, 1925.

Charles W. Burkett to be postmaster at Otterbein, Ind., in place of C. W. Burkett. Incumbent's commission expired November 23, 1925.

Fred J. Merline to be postmaster at Notre Dame, Ind., in place of F. J. Merline. Incumbent's commission expired October 6, 1925.

Ira F. Poling to be postmaster at Nashville, Ind., in place of I. F. Poling. Incumbent's commission expired October 20, 1925.

Charles H. Callaway to be postmaster at Milton, Ind., in place of C. H. Callaway. Incumbent's commission expired August 24, 1925.

Harold D. Johnson to be postmaster at Milroy, Ind., in place of H. D. Johnson. Incumbent's commission expired August 11, 1925.

Lee G. Corder to be postmaster at Merom, Ind., in place of L. G. Corder. Incumbent's commission expired October 4, 1925.

Jesse A. McCluer to be postmaster at Marshall, Ind., in place of J. A. McCluer. Incumbent's commission expired November 23, 1925.

John G. Sloan to be postmaster at Marengo, Ind., in place of H. W. Key. Incumbent's commission expired January 23, 1924.

Homer O. Hart to be postmaster at Linton, Ind., in place of H. O. Hart. Incumbent's commission expired August 24, 1925.

Lyman R. Rainforth to be postmaster at Leavenworth, Ind., in place of L. R. Rainforth. Incumbent's commission expired August 20, 1925.

Nellie C. Beard to be postmaster at Larwill, Ind., in place of N. C. Beard. Incumbent's commission expired November 2, 1925.

Ethel J. Pinney to be postmaster at La Crosse, Ind., in place of E. J. Pinney. Incumbent's commission expired November 23, 1925.

Albert Honehouse to be postmaster at Kouts, Ind., in place of Albert Honehouse. Incumbent's commission expired August 17, 1925.

Edward B. Spohr to be postmaster at Jamestown, Ind., in place of E. B. Spohr. Incumbent's commission expired August 24, 1925.

Homer E. Hostettler to be postmaster at Henryville, Ind., in place of H. E. Hostettler. Incumbent's commission expired October 20, 1925.

Herbert A. Marsden to be postmaster at Hebron, Ind., in place of H. A. Marsden. Incumbent's commission expired October 17, 1925.

Cyrus B. Dirrim to be postmaster at Hamilton, Ind., in place of C. B. Dirrim. Incumbent's commission expired October 17, 1925.

Kent A. Brewer to be postmaster at Greenwood, Ind., in place of K. A. Brewer. Incumbent's commission expired November 22, 1925.

Alfred S. Hess to be postmaster at Gary, Ind., in place of A. S. Hess. Incumbent's commission expired November 18, 1925.

Mollie P. Askren to be postmaster at French Lick, Ind., in place of M. P. Askren. Incumbent's commission expired August 24, 1925.

Harold H. Brinkley to be postmaster at Fountain City, Ind., in place of H. H. Brinkley. Incumbent's commission expired August 24, 1925.

Charles H. Ruple to be postmaster at Earl Park, Ind., in place of C. H. Ruple. Incumbent's commission expired November 22, 1925.

Mary W. Lawrence to be postmaster at Earlham, Ind., in place of M. W. Lawrence. Incumbent's commission expired July 27, 1925.

Roscoe N. Shroyer to be postmaster at Daleville, Ind., in place of R. N. Shroyer. Incumbent's commission expired October 20, 1925.

Marion L. Medcalf to be postmaster at Dale, Ind., in place of M. L. Medcalf. Incumbent's commission expired November 19, 1925.

Fred Y. Wheeler to be postmaster at Crown Point, Ind., in place of F. Y. Wheeler. Incumbent's commission expired October 17, 1925.

Glenn Zell to be postmaster at Connersville, Ind., in place of Glenn Zell. Incumbent's commission expired August 24, 1925.

Forrest Oilar to be postmaster at Chalmers, Ind., in place of Forrest Oilar. Incumbent's commission expired November 23, 1925.

John P. Switzer to be postmaster at Bryant, Ind., in place of J. P. Switzer. Incumbent's commission expired October 24, 1925.

Carl McKinley to be postmaster at Borden, Ind., in place of Carl McKinley. Incumbent's commission expired October 24, 1925.

Ralph C. Thomas to be postmaster at Bluffton, Ind., in place of C. A. Van Horn. Incumbent's commission expired August 24, 1925.

Ivan C. Morgan to be postmaster at Austin, Ind., in place of I. C. Morgan. Incumbent's commission expired October 20, 1925.

Mary J. Haines to be postmaster at Amboy, Ind., in place of M. J. Haines. Incumbent's commission expired November 18, 1925.

Edith B. Smith to be postmaster at Ambia, Ind., in place of E. B. Smith. Incumbent's commission expired August 5, 1925.

Grover H. Oliver to be postmaster at Monroe, Ind. Office became presidential July 1, 1925.

Mary E. Hopewell to be postmaster at Linden, Ind. Office became presidential July 1, 1925.

Durward F. Bailey to be postmaster at Lakeville, Ind. Office became presidential July 1, 1925.

William A. Carson to be postmaster at Glenwood, Ind. Office became presidential July 1, 1925.

Roy M. Nading to be postmaster at Flat Rock, Ind. Office became presidential July 1, 1925.

Homer E. Wright to be postmaster at Crandall, Ind. Office became presidential July 1, 1925.

Thomas Jensen to be postmaster at Wheatfield, Ind., in place of G. H. Williams, resigned.

Aldo M. Baker to be postmaster at Saint Joe, Ind., in place of S. W. Armstrong, resigned.

Philip E. Rowe to be postmaster at Mount Vernon, Ind., in place of A. W. Mackey, deceased.

IOWA

Pauline W. Hummel to be postmaster at Yale, Iowa, in place of P. W. Hummel. Incumbent's commission expired October 20, 1925.

Elsie Lowe to be postmaster at Woodburn, Iowa, in place of Elsie Lowe. Incumbent's commission expired October 20, 1925.

Seth B. Cairy to be postmaster at Whittemore, Iowa, in place of S. B. Cairy. Incumbent's commission expired May 24, 1925.

Roy O. Kelley to be postmaster at Westside, Iowa, in place of R. O. Kelley. Incumbent's commission expired August 4, 1925.

Henry A. Falb to be postmaster at West Bend, Iowa, in place of H. A. Falb. Incumbent's commission expired May 24, 1925.

Charles W. Tyrrell to be postmaster at Waverly, Iowa, in place of C. W. Tyrrell. Incumbent's commission expired May 24, 1925.

B. Frank Jones to be postmaster at Waukee, Iowa, in place of B. F. Jones. Incumbent's commission expired October 20, 1925.

Donald C. Gearhart to be postmaster at Washta, Iowa, in place of D. C. Gearhart. Incumbent's commission expired October 20, 1925.

Howard D. Peckham to be postmaster at Villisca, Iowa, in place of H. D. Peckham. Incumbent's commission expired May 24, 1925.

Clifford C. Clardy to be postmaster at Valley Junction, Iowa, in place of C. C. Clardy. Incumbent's commission expired August 23, 1925.

Mayme L. Petersen to be postmaster at Titonka, Iowa, in place of M. L. Petersen. Incumbent's commission expired November 8, 1925.

Howard W. Edwards to be postmaster at Tingley, Iowa, in place of H. W. Edwards. Incumbent's commission expired August 23, 1925.

Leona B. Garrison to be postmaster at Swea City, Iowa, in place of L. B. Garrison. Incumbent's commission expired May 24, 1925.

Arthur T. Briggs to be postmaster at Sutherland, Iowa, in place of A. T. Briggs. Incumbent's commission expired August 23, 1925.

Eric L. Ericson to be postmaster at Story City, Iowa, in place of E. L. Ericson. Incumbent's commission expired November 18, 1925.

William N. Horn to be postmaster at South English, Iowa, in place of W. N. Horn. Incumbent's commission expired August 23, 1925.

Elsie N. Morgan to be postmaster at Smithland, Iowa, in place of E. N. Morgan. Incumbent's commission expired August 24, 1925.

Andrew Maland to be postmaster at Slater, Iowa, in place of Andrew Maland. Incumbent's commission expired November 18, 1925.

William H. Jones to be postmaster at Sioux City, Iowa, in place of W. H. Jones. Incumbent's commission expired October 25, 1925.

Allan Muilenburg to be postmaster at Sioux Center, Iowa, in place of Allan Muilenburg. Incumbent's commission expired August 4, 1925.

William H. Moore to be postmaster at Shelby, Iowa, in place of W. H. Moore. Incumbent's commission expired October 20, 1925.

Alfred Jones to be postmaster at Shenandoah, Iowa, in place of Alfred Jones. Incumbent's commission expired November 8, 1925.

George J. Bloxham to be postmaster at Sheldon, Iowa, in place of G. J. Bloxham. Incumbent's commission expired May 24, 1925.

William W. Simkin to be postmaster at Salem, Iowa, in place of W. W. Simkin. Incumbent's commission expired October 20, 1925.

Nettie Lund to be postmaster at St. Ansgar, Iowa, in place of Nettie Lund. Incumbent's commission expired October 20, 1925.

Matilda Johnson to be postmaster at Ridgeway, Iowa, in place of Matilda Johnson. Incumbent's commission expired August 24, 1925.

George A. Bennett to be postmaster at Redfield, Iowa, in place of G. A. Bennett. Incumbent's commission expired October 20, 1925.

Alva V. Gillette to be postmaster at Randolph, Iowa, in place of A. V. Gillette. Incumbent's commission expired August 24, 1925.

George A. Fox to be postmaster as Quimby, Iowa, in place of G. A. Fox. Incumbent's commission expired August 24, 1925.

Oscar M. Green to be postmaster at Prescott, Iowa, in place of O. M. Green. Incumbent's commission expired October 20, 1925.

Oscar Smith to be postmaster at Plainfield, Iowa, in place of Oscar Smith. Incumbent's commission expired August 24, 1925.

Fred H. Seabury to be postmaster at Pisgah, Iowa, in place of F. H. Seabury. Incumbent's commission expired October 20, 1925.

Theodore E. Templeton to be postmaster at Paton, Iowa, in place of T. E. Templeton. Incumbent's commission expired November 22, 1925.

James E. Graves to be postmaster at Osceola, Iowa, in place of J. E. Graves. Incumbent's commission expired May 24, 1925.

George W. Graham to be postmaster at Oakville, Iowa, in place of G. W. Graham. Incumbent's commission expired October 20, 1925.

Everett H. Moon to be postmaster at New Providence, Iowa, in place of E. H. Moon. Incumbent's commission expired August 23, 1925.

Bruce C. Mason to be postmaster at New Market, Iowa, in place of B. C. Mason. Incumbent's commission expired October 20, 1925.

Charles P. McCord to be postmaster at Nevada, Iowa, in place of C. P. McCord. Incumbent's commission expired October 20, 1925.

Hugh L. Smith to be postmaster at Montezuma, Iowa, in place of H. L. Smith. Incumbent's commission expired October 20, 1925.

W. Serenus Peterson to be postmaster at Missouri Valley, Iowa, in place of W. S. Peterson. Incumbent's commission expired November 9, 1925.

George Kraft to be postmaster at Melvin, Iowa, in place of George Kraft. Incumbent's commission expired August 4, 1925.

Roy L. Day to be postmaster at Melrose, Iowa, in place of R. L. Day. Incumbent's commission expired October 20, 1925.

John P. McNeill to be postmaster at Melcher, Iowa, in place of J. P. McNeill. Incumbent's commission expired November 22, 1925.

Purley Jennison to be postmaster at Maynard, Iowa, in place of Purley Jennison. Incumbent's commission expired August 23, 1925.

Charles F. Brobeil to be postmaster at Lytton, Iowa, in place of C. F. Brobeil. Incumbent's commission expired October 11, 1925.

Thomas E. Halls to be postmaster at Lucas, Iowa, in place of T. E. Halls. Incumbent's commission expired August 24, 1925.

Walter E. Prouty to be postmaster at Lockridge, Iowa, in place of W. E. Prouty. Incumbent's commission expired August 23, 1925.

Benjamin F. Shirk to be postmaster at Linn Grove, Iowa, in place of B. F. Shirk. Incumbent's commission expired November 22, 1925.

Winfield Cash to be postmaster at Leon, Iowa, in place of Winfield Cash. Incumbent's commission expired October 20, 1925.

Irene Goodrich to be postmaster at Lehigh, Iowa, in place of Irene Goodrich. Incumbent's commission expired November 22, 1925.

Lillian M. Cochran to be postmaster at Lake City, Iowa, in place of L. M. Cochran. Incumbent's commission expired August 24, 1925.

Jesse O. Parker to be postmaster at Keosauqua, Iowa, in place of J. O. Parker. Incumbent's commission expired August 23, 1925.

Fred O. Parker to be postmaster at Ireton, Iowa, in place of F. O. Parker. Incumbent's commission expired May 24, 1925.

Louis H. Severson to be postmaster at Inwood, Iowa, in place of L. H. Severson. Incumbent's commission expired May 24, 1925.

Nettie B. Mullan to be postmaster at Hopkinton, Iowa, in place of N. B. Mullan. Incumbent's commission expired August 23, 1925.

William S. Ferree to be postmaster at Hillsboro, Iowa, in place of W. S. Ferree. Incumbent's commission expired August 24, 1925.

Clyde E. Wheelock to be postmaster at Hartley, Iowa, in place of C. E. Wheelock. Incumbent's commission expired November 22, 1925.

Walter B. Luke to be postmaster at Hampton, Iowa, in place of W. B. Luke. Incumbent's commission expired May 24, 1925.

Arthur M. Burton to be postmaster at Grinnell, Iowa, in place of A. M. Burton. Incumbent's commission expired November 22, 1925.

E. Ray Morrell to be postmaster at Grand River, Iowa, in place of E. R. Morrell. Incumbent's commission expired May 24, 1925.

John A. Martin to be postmaster at Floyd, Iowa, in place of J. A. Martin. Incumbent's commission expired August 24, 1925.

Charles S. Parker to be postmaster at Fayette, Iowa, in place of C. S. Parker. Incumbent's commission expired August 23, 1925.

James E. Carr to be postmaster at Farmington, Iowa, in place of J. E. Carr. Incumbent's commission expired November 22, 1925.

Dean Taylor to be postmaster at Fairfield, Iowa, in place of Dean Taylor. Incumbent's commission expired August 24, 1925.

Amel F. Wunn to be postmaster at Everly, Iowa, in place of A. F. Wunn. Incumbent's commission expired November 22, 1925.

Andrew N. Jensen to be postmaster at Elk Horn, Iowa, in place of A. N. Jensen. Incumbent's commission expired August 4, 1925.

Edwin T. Davidson to be postmaster at Duncombe, Iowa, in place of E. T. Davidson. Incumbent's commission expired October 20, 1925.

Herman Ternes to be postmaster at Dubuque, Iowa, in place of Herman Ternes. Incumbent's commission expired July 28, 1925.

William C. Rolls to be postmaster at Dow City, Iowa, in place of W. C. Rolls. Incumbent's commission expired October 20, 1925.

Ernest T. Greenfield to be postmaster at Douds, Iowa, in place of E. T. Greenfield. Incumbent's commission expired August 23, 1925.

Edna B. Wylie to be postmaster at Derby, Iowa, in place of E. B. Wylie. Incumbent's commission expired August 24, 1925.

Robert B. Light to be postmaster at Deep River, Iowa, in place of R. B. Light. Incumbent's commission expired August 24, 1925.

Edward W. Teale to be postmaster at Davis City, Iowa, in place of E. W. Teale. Incumbent's commission expired October 20, 1925.

Earle Miller to be postmaster at Cantril, Iowa, in place of Earle Miller. Incumbent's commission expired November 18, 1925.

Wheaton A. MacArthur to be postmaster at Burt, Iowa, in place of W. A. MacArthur. Incumbent's commission expired May 24, 1925.

Henry W. Pitstick to be postmaster at Boyden, Iowa, in place of H. W. Pitstick. Incumbent's commission expired October 20, 1925.

Gayle A. Goodman to be postmaster at Birmingham, Iowa, in place of G. A. Goodman. Incumbent's commission expired November 9, 1925.

Harry R. Grim to be postmaster at Belle Plaine, Iowa, in place of H. R. Grim. Incumbent's commission expired May 24, 1925.

Arthur A. Dingman to be postmaster at Aurelia, Iowa, in place of A. A. Dingman. Incumbent's commission expired October 20, 1925.

Harriette Olsen to be postmaster at Armstrong, Iowa, in place of Harriette Olsen. Incumbent's commission expired August 4, 1925.

Oltman A. Voogd to be postmaster at Aplington, Iowa, in place of O. A. Voogd. Incumbent's commission expired October 20, 1925.

Frank J. Wuamett to be postmaster at Alvord, Iowa, in place of F. J. Wuamett. Incumbent's commission expired October 11, 1925.

John Daly to be postmaster at Alta Vista, Iowa, in place of John Daly. Incumbent's commission expired August 23, 1925.

Grace Severson to be postmaster at Soldier, Iowa, in place of G. E. Olson, resigned.

Carroll A. Richardson to be postmaster at Renwick, Iowa, in place of S. P. Figi, deceased.

Austin C. McKinsey to be postmaster at Maquoketa, Iowa, in place of B. R. Mowery, resigned.

Joseph F. Higgins to be postmaster at Keswick, Iowa, in place of A. T. Parke, resigned.

John H. Nicoll to be postmaster at Harris, Iowa, in place of G. P. Reeves, removed.

Ole A. Cragwick to be postmaster at Ellsworth, Iowa, in place of I. L. Hanson, resigned.

Gustav H. Hackmann to be postmaster at Clermont, Iowa, in place of M. A. Kneeland, resigned.

Anton C. Jaeger to be postmaster at Brandon, Iowa, in place of G. C. Briggs, resigned.

Jessaline M. Weinberger to be postmaster at Ledyard, Iowa. Office became presidential July 1, 1925.

KANSAS

William T. Brown to be postmaster at Wilsey, Kans., in place of W. T. Brown. Incumbent's commission expired November 17, 1925.

Stewart M. Young to be postmaster at Wichita, Kans., in place of S. M. Young. Incumbent's commission expired November 8, 1925.

J. Raymond E. Simmons to be postmaster at Wellsville, Kans., in place of J. R. E. Simmons. Incumbent's commission expired May 6, 1925.

Louis W. Wapler to be postmaster at Wakefield, Kans., in place of L. H. Wapler. Incumbent's commission expired August 20, 1925.

Fred W. Arnold to be postmaster at Vermillion, Kans., in place of F. W. Arnold. Incumbent's commission expired October 20, 1925.

Cora L. McMurry to be postmaster at Turon, Kans., in place of C. L. McMurry. Incumbent's commission expired October 20, 1925.

Leroy C. Sandy to be postmaster at Troy, Kans., in place of L. C. Sandy. Incumbent's commission expired November 17, 1925.

David H. Pugh to be postmaster at Tampa, Kans., in place of D. H. Pugh. Incumbent's commission expired August 19, 1925.

Bruce W. Ruthrauff to be postmaster at South Haven, Kans., in place of B. W. Ruthrauff. Incumbent's commission expired August 24, 1925.

Ola G. Canfield to be postmaster at Scranton, Kans., in place of O. G. Canfield. Incumbent's commission expired October 20, 1925.

Nannie Bingham to be postmaster at Sabetha, Kans., in place of R. W. Moorhead. Incumbent's commission expired June 4, 1924.

James R. Robison to be postmaster at Riley, Kans., in place of J. R. Robison. Incumbent's commission expired November 9, 1925.

Walter H. Polley to be postmaster at Republic, Kans., in place of W. H. Polley. Incumbent's commission expired July 29, 1925.

Willis E. Baker to be postmaster at Pleasanton, Kans., in place of W. E. Baker. Incumbent's commission expired November 9, 1925.

John F. Nuttmann to be postmaster at Paxico, Kans., in place of J. F. Nuttmann. Incumbent's commission expired August 20, 1925.

Milton H. Herrington to be postmaster at Olpe, Kans., in place of B. A. C. Winter. Incumbent's commission expired August 24, 1925.

Homer M. Limbird to be postmaster at Olathe, Kans., in place of H. M. Limbird. Incumbent's commission expired September 27, 1925.

Howard L. Stevens to be postmaster at Norton, Kans., in place of H. L. Stevens. Incumbent's commission expired September 27, 1925.

Anna W. Lowe to be postmaster at Moscow, Kans., in place of A. W. Lowe. Incumbent's commission expired October 4, 1925.

Robert E. Anderson to be postmaster at Meriden, Kans., in place of R. E. Anderson. Incumbent's commission expired November 9, 1925.

John C. Braden to be postmaster at Meade, Kans., in place of J. C. Braden. Incumbent's commission expired October 20, 1925.

Olive Clements to be postmaster at Maplehill, Kans., in place of Olive Clements. Incumbent's commission expired August 24, 1925.

Hollis L. Caswell to be postmaster at McDonald, Kans., in place of H. L. Caswell. Incumbent's commission expired November 17, 1925.

Sarah Lee to be postmaster at Louisburg, Kans., in place of Sarah Lee. Incumbent's commission expired November 17, 1925.

Ethel I. Starr to be postmaster at Long Island, Kans., in place of E. I. Starr. Incumbent's commission expired May 6, 1925.

William S. Lyman to be postmaster at Lewis, Kans., in place of W. S. Lyman. Incumbent's commission expired October 20, 1925.

Ray Bartlett to be postmaster at La Harpe, Kans., in place of Ray Bartlett. Incumbent's commission expired August 24, 1925.

John E. Scruggs to be postmaster at Kincaid, Kans., in place of J. E. Scruggs. Incumbent's commission expired October 25, 1925.

Douglas M. Dimond to be postmaster at Kensington, Kans., in place of D. M. Dimond. Incumbent's commission expired November 9, 1925.

William B. Trembley to be postmaster at Kansas City, Kans., in place of W. B. Trembley. Incumbent's commission expired November 9, 1925.

LeRoy F. Heston to be postmaster at Kanorado, Kans., in place of L. F. Heston. Incumbent's commission expired May 6, 1925.

Harry E. Simpson to be postmaster at Jennings, Kans., in place of H. E. Simpson. Incumbent's commission expired October 25, 1925.

Edna N. Carlile to be postmaster at Jamestown, Kans., in place of E. N. Carlile. Incumbent's commission expired August 20, 1925.

Mana M. McKinney to be postmaster at Hoxie, Kans., in place of M. M. McKinney. Incumbent's commission expired October 20, 1925.

Herbert W. Chittenden to be postmaster at Hays, Kans., in place of H. W. Chittenden. Incumbent's commission expired September 27, 1925.

Charles M. Tinkler to be postmaster at Gypsum, Kans., in place of C. M. Tinkler. Incumbent's commission expired July 29, 1925.

Grant D. Bollinger to be postmaster at Everest, Kans., in place of G. D. Bollinger. Incumbent's commission expired July 29, 1925.

Jacob W. Wright to be postmaster at Elk City, Kans., in place of J. W. Wright. Incumbent's commission expired May 6, 1925.

Edwin A. Boyd to be postmaster at Dwight, Kans., in place of E. A. Boyd. Incumbent's commission expired September 27, 1925.

Rollin J. Conderman to be postmaster at Chetopa, Kans., in place of R. J. Conderman. Incumbent's commission expired May 6, 1925.

Francis M. Bowman to be postmaster at Bushton, Kans., in place of F. M. Bowman. Incumbent's commission expired August 24, 1925.

Ezra D. Bolinger to be postmaster at Bucklin, Kans., in place of E. D. Bolinger. Incumbent's commission expired November 23, 1925.

Pitt H. Halleck to be postmaster at Abilene, Kans., in place of P. H. Halleck. Incumbent's commission expired November 9, 1925.

Lawrence J. Barrett to be postmaster at Admire, Kans., in place of L. J. Barrett. Incumbent's commission expired August 24, 1925.

Solomon L. Crown to be postmaster at Agra, Kans., in place of S. L. Crown. Incumbent's commission expired November 2, 1925.

Ralph A. Ward to be postmaster at Alden, Kans., in place of R. A. Ward. Incumbent's commission expired November 17, 1925.

Gertrude M. Blair to be postmaster at West Mineral, Kans., in place of William Russell, resigned.

Chester E. Messler to be postmaster at Russell Springs, Kans. Office became presidential July 1, 1925.

William S. Smith to be postmaster at Rozel, Kans. Office became presidential July 1, 1925.

Byram L. Sams to be postmaster at Offerle, Kans. Office became presidential July 1, 1925.

Fred Carlson to be postmaster at Lost Springs, Kans. Office became presidential July 1, 1925.

Anna E. Waterman to be postmaster at Healy, Kans. Office became presidential July 1, 1925.

Paul H. Quinn to be postmaster at Geuda Springs, Kans. Office became presidential July 1, 1925.

Lizzie N. Reaburn to be postmaster at Allen, Kans. Office became presidential July 1, 1925.

KENTUCKY

John S. Jones to be postmaster at West Point, Ky., in place of J. S. Jones. Incumbent's commission expired November 23, 1925.

Peter H. Butler to be postmaster at Smiths Grove, Ky., in place of P. H. Butler. Incumbent's commission expired August 24, 1925.

William E. Ashby to be postmaster at Shepherdsville, Ky., in place of W. E. Ashby. Incumbent's commission expired November 23, 1925.

Verda Grimes to be postmaster at Salem, Ky., in place of Verda Grimes. Incumbent's commission expired October 5, 1925.

James M. Wolfinbarger to be postmaster at Ravenna, Ky., in place of J. M. Wolfinbarger. Incumbent's commission expired August 9, 1925.

Eli G. Thompson to be postmaster at Providence, Ky., in place of E. G. Thompson. Incumbent's commission expired November 23, 1925.

Herbert C. Miller to be postmaster at Pembroke, Ky., in place of H. C. Miller. Incumbent's commission expired November 23, 1925.

Mattie B. Mullins to be postmaster at Mount Vernon, Ky., in place of M. B. Mullins. Incumbent's commission expired August 5, 1925.

Otis C. Thomas to be postmaster at Liberty, Ky., in place of O. C. Thomas. Incumbent's commission expired November 23, 1925.

William Blades to be postmaster at Island, Ky., in place of William Blades. Incumbent's commission expired August 5, 1925.

Leonas C. Starks to be postmaster at Hardin, Ky., in place of L. C. Starks. Incumbent's commission expired October 5, 1925.

Marvin W. Barnes to be postmaster at Elizabethtown, Ky., in place of M. W. Barnes. Incumbent's commission expired May 28, 1924.

George A. Seiler to be postmaster at Covington, Ky., in place of G. A. Seiler. Incumbent's commission expired August 24, 1925.

Bennie Robinson to be postmaster at Corinth, Ky., in place of W. G. Dorman. Incumbent's commission expired October 3, 1922.

David Johnson to be postmaster at Clinton, Ky., in place of David Johnson. Incumbent's commission expired November 15, 1925.

Anna M. Seaton to be postmaster at Buechel, Ky., in place of A. M. Seaton. Incumbent's commission expired November 15, 1925.

Ray R. Allen to be postmaster at Weeksbury, Ky., in place of Leander Johnson, deceased.

Dea Whitaker to be postmaster at New Castle, Ky., in place of H. B. Duncan, removed.

Effie S. Basham to be postmaster at Leitchfield, Ky., in place of C. H. Boone, removed.

Mary A. Cage to be postmaster at Lakeland, Ky., in place of M. R. Huston, resigned.

Ernest B. Mullins to be postmaster at Greasy Creek, Ky., in place of Morris Browning, resigned.

Harlan M. Hatfield to be postmaster at Glendale, Ky., in place of J. R. Botts, resigned.

Belle Gray to be postmaster at Corbin, Ky., in place of R. C. Tipton, resigned.

Emma A. Ellis to be postmaster at Campbellsville, Ky., in place of G. R. Holt, resigned.

Fanny B. Gordon to be postmaster at Auburn, Ky., in place of M. L. Harris, resigned.

Mildred A. Day to be postmaster at Whitesville, Ky. Office became presidential July 1, 1925.

Mary K. Diersing to be postmaster at Shively, Ky. Office became presidential October 1, 1924.

Benjamin F. Wright to be postmaster at Seco, Ky. Office became presidential April 1, 1924.

Minnie O. Tschiffely to be postmaster at Pewee Valley, Ky. Office became presidential July 1, 1925.

Roy J. Blankenship to be postmaster at Hitchins, Ky. Office became presidential July 1, 1925.

Nell Hooker to be postmaster at Hickory, Ky. Office became presidential July 1, 1925.

Fannie M. Long to be postmaster at Gracey, Ky. Office became presidential July 1, 1925.

MAINE

Majorie R. Dudley to be postmaster at West Enfield, Me., in place of M. R. Dudley. Incumbent's commission expired November 23, 1925.

Edgar J. Brown to be postmaster at Waterville, Me., in place of E. J. Brown. Incumbent's commission expired November 15, 1925.

Freeman L. Roberts to be postmaster at Vinalhaven, Me., in place of F. L. Roberts. Incumbent's commission expired November 23, 1925.

Maybelle Medeiros to be postmaster at Vanceboro, Me., in place of Maybelle Medeiros. Incumbent's commission expired November 19, 1925.

Ernest L. Bartlett to be postmaster at Thorndike, Me., in place of E. L. Bartlett. Incumbent's commission expired November 15, 1925,

Everett W. Gamage to be postmaster at South Bristol, Me., in place of E. W. Gamage. Incumbent's commission expired October 5, 1925.

Nellie O. Gardner to be postmaster at Smyrna Mills, Me., in place of N. O. Gardner. Incumbent's commission expired November 19, 1925.

William R. Elliott to be postmaster at Skowhegan, Me., in place of W. R. Elliott. Incumbent's commission expired November 19, 1925.

Isaac T. Maddocks to be postmaster at Sherman Mills, Me., in place of I. T. Maddocks. Incumbent's commission expired October 6, 1925.

George H. Blethen to be postmaster at Rockland, Me., in place of G. H. Blethen. Incumbent's commission expired October 6, 1925.

Ernest E. Pike to be postmaster at Princeton, Me., in place of E. E. Pike. Incumbent's commission expired November 23, 1925.

George P. Pulsifer to be postmaster at Poland, Me., in place of G. P. Pulsifer. Incumbent's commission expired August 20, 1925.

James L. Simpson to be postmaster at North Vassalboro, Me., in place of J. L. Simpson. Incumbent's commission expired August 24, 1925.

William D. Murphy to be postmaster at Newcastle, Me., in place of W. D. Murphy. Incumbent's commission expired August 24, 1925.

Bertha D. Redonnett to be postmaster at Mount Vernon, Me., in place of B. D. Redonnett. Incumbent's commission expired November 15, 1925.

George M. Jackson to be postmaster at Millbridge, Me., in place of G. M. Jackson. Incombent's commission expired May 7, 1925.

Ralph W. Chandler to be postmaster at Machias, Me., in place of R. W. Chandler. Incumbent's commission expired October 5, 1925.

Amelia A. Swasey to be postmaster at Limerick, Me., in place of A. A. Swasey. Incumbent's commission expired August 24, 1925.

Henry H. Walsh to be postmaster at Kennebunk Beach, Me., in place of H. H. Walsh. Incumbent's commission expired August 24, 1925.

Kathryn E. Cantello to be postmaster at Hebron, Me., in place of K. E. Cantello. Incumbent's commission expired August 24, 1925.

Joseph B. Lewis to be postmaster at Hampden Highlands, Me., in place of J. B. Lewis. Incumbent's commission expired November 23, 1925.

Archie D. Clark to be postmaster at East Corinth, Me., in place of A. D. Clark. Incumbent's commission expired November 23, 1925.

Flavie Fournier to be postmaster at Eagle Lake, Me., in place of Flavie Fournier. Incumbent's commission expired November 23, 1925.

Julia E. Lufkin to be postmaster at Deer Isle, Me., in place of J. E. Lufkin. Incumbent's commission expired November 15, 1925.

David H. Smith to be postmaster at Darkharbor, Me., in place of D. H. Smith. Incumbent's commission expired October 5, 1925.

Pearl Danforth to be postmaster at Castine, Me., in place of Pearl Danforth. Incumbent's commission expired May 7, 1925.

Harvard M. Armstrong to be postmaster at Cape Cottage, Me., in place of H. M. Armstrong. Incumbent's commission expired August 5, 1925.

Burton A. Hutchinson to be postmaster at Buckfield, Me., in place of B. A. Hutchinson. Incumbent's commission expired August 5, 1925.

Geneva A. Berry to be postmaster at Brownville Junction, Me., in place of G. A. Berry. Incumbent's commission expired November 23, 1925.

Edmund O. Collins to be postmaster at Bridgewater Center, Me., in place of E. O. Collins. Incumbent's commission expired November 23, 1925.

George L. Baker to be postmaster at Bingham, Me., in place of G. L. Baker. Incumbent's commission expired October 6, 1925.

Henry W. Owen, jr., to be postmaster at Bath, Me., in place of H. W. Owen, jr. Incumbent's commission expired August 20, 1925.

Fred A. Manter to be postmaster at Anson, Me., in place of F. A. Manter. Incumbent's commission expired November 15, 1925.

Lewis H. Lackee to be postmaster at Addison, Me., in place of L. H. Lackee. Incumbent's commission expired October 5, 1925.

Parker S. Adams to be postmaster at Topsham, Me., in place of H. A. Pennell, removed.

Edna G. Chase to be postmaster at Limestone, Me., in place of H. S. Chase, resigned.

Wesley A. Stratton to be postmaster at East Millinocket, Me., in place of P. M. Hanson, resigned.

Fred M. Cole to be postmaster at Bryant Pond, Me., in place of N. I. Swan, removed.

Althea F. Smith to be postmaster at Mattawamkeag, Me. Office became presidential July 1, 1925.

Hattie M. Higgins to be postmaster at Mapleton, Me. Office became presidential July 1, 1925.

Byron E. Lindsay to be postmaster at Kingman, Me. Office became presidential July 1, 1925.

George A. Turner to be postmaster at Freedom, Me. Office became presidential July 1, 1925.

M. Estelle Goldthwaite to be postmaster at Biddeford Pool, Me. Office became presidential July 1, 1925.

MARYLAND

Willis B. Burdette to be postmaster at Rockville, Md., in place of H. A. Dawson. Incumbent's commission expired July 6, 1925.

Charles Roemer, jr., to be postmaster at Owings Mills, Md., in place of Charles Roemer, jr. Incumbent's commission expired November 9, 1925.

Calvin S. Duvall to be postmaster at Gaithersburg, Md., in place of C. S. Duvall. Incumbent's commission expired November 23, 1925.

Charles W. Miles to be postmaster at Forest Glen, Md., in place of C. W. Miles. Incumbent's commission expired November 9, 1925.

Edwin S. Worthington to be postmaster at Darlington, Md., in place of E. S. Worthington. Incumbent's commission expired November 9, 1925.

Howard F. Owens to be postmaster at Betterton, Md., in place of H. F. Owens. Incumbent's commission expired November 23, 1925.

Paul M. Coughlan to be postmaster at Silver Spring, Md., in place of C. J. Benedict, resigned.

Thomas W. Jones to be postmaster at Ridgely, Md., in place of J. C. Hammons, resigned.

Joseph S. Haas to be postmaster at Mount Rainier, Md., in place of I. S. Callaway, resigned.

Gordon Durst to be postmaster at Barton, Md., in place of H. K. Dennison, resigned.

Charles S. Houghton to be postmaster at Halethorp, Md. Office became presidential October 1, 1924.

John E. Shaver to be postmaster at Freeland, Md. Office became presidential July 1, 1925.

Minnie L. Wilson to be postmaster at Eden, Md. Office became presidential July 1, 1925.

MASSACHUSETTS

Samuel Highley to be postmaster at Woburn, Mass., in place of Samuel Highley. Incumbent's commission expired November 15, 1925.

Everett A. Thurston to be postmaster at Swansea, Mass., in place of E. A. Thurston. Incumbent's commission expired August 5, 1925.

C. Edgar Searing to be postmaster at Stockbridge, Mass., in place of C. E. Searing. Incumbent's commission expired November 23, 1925.

Jesse W. Crowell to be postmaster at South Yarmouth, Mass., in place of J. W. Crowell. Incumbent's commission expired August 23, 1925.

Raymond J. Gregory to be postmaster at Princeton, Mass., in place of R. J. Gregory. Incumbent's commission expired November 15, 1925.

Myra H. Lambert to be postmaster at Pocassett, Mass., in place of M. H. Lambert. Incumbent's commission expired August 24, 1925.

James B. Logan to be postmaster at North Wilbraham, Mass., in place of J. B. Logan. Incumbent's commission expired November 15, 1925.

William J. Sullivan to be postmaster at North Reading, Mass., in place of W. J. Sullivan. Incumbent's commission expired August 24, 1925.

Addison T. Winslow to be postmaster at Nantucket, Mass., in place of A. T. Winslow. Incumbent's commission expired August 5, 1925.

Frank M. Reynolds, jr., to be postmaster at Nantasket Beach, Mass., in place of F. M. Reynolds, jr. Incumbent's commission expired November 15, 1925.

Perez H. Phinney to be postmaster at Monument Beach, Mass., in place of P. H. Phinney. Incumbent's commission expired August 24, 1925.

Harry D. Whitney to be postmaster at Milford, Mass., in place of H. D. Whitney. Incumbent's commission expired November 19, 1925.

Harry T. Johnson to be postmaster at Medway, Mass., in place of H. T. Johnson. Incumbent's commission expired May 7, 1925.

Alliston S. Barstow to be postmaster at Marshfield, Mass., in place of A. S. Barstow. Incumbent's commission expired August 24, 1925.

Tolliston F. Phinney to be postmaster at Hyannis Port, Mass., in place of T. F. Phinney. Incumbent's commission expired August 24, 1925.

Josephine E. Worster to be postmaster at Hull, Mass., in place of J. E. Worster. Incumbent's commission expired August 24, 1925.

Mary E. Rathbun to be postmaster at Hinsdale, Mass., in place of M. E. Rathbun. Incumbent's commission expired August 20, 1925.

Harry F. Zahn to be postmaster at Hingham Center, Mass., in place of H. F. Zahn. Incumbent's commission expired November 15, 1925.

Benjamin C. Kelley to be postmaster at Harwich Port, Mass., in place of B. C. Kelley. Incumbent's commission expired October 5, 1925.

William J. Williams to be postmaster at Great Barrington, Mass., in place of W. J. Williams. Incumbent's commission expired May 7, 1925.

Winona G. Craig to be postmaster at Falmouth Heights, Mass., in place of W. G. Craig. Incumbent's commission expired August 24, 1925.

Clarence S. Perkins to be postmaster at Essex, Mass., in place of C. S. Perkins. Incumbent's commission expired August 24, 1925.

Thomas J. Drummey to be postmaster at East Pepperell, Mass., in place of T. J. Drummey. Incumbent's commission expired October 1, 1922.

Leo D. Glynn to be postmaster at East Long Meadow, Mass., in place of L. D. Glynn. Incumbent's commission expired August 20, 1925.

Charles L. Goodspeed to be postmaster at Dennis, Mass., in place of C. L. Goodspeed. Incumbent's commission expired August 24, 1925.

Lillian M. Allen to be postmaster at Deerfield, Mass., in place of L. M. Allen. Incumbent's commission expired October 5, 1925.

J. Wentworth Earle to be postmaster at Cohasset, Mass., in place of J. W. Earle. Incumbent's commission expired July 28, 1923.

Ralph L. Getman to be postmaster at Cheshire, Mass., in place of R. L. Getman. Incumbent's commission expired August 24, 1925.

Frank W. Niles to be postmaster at Charlemont, Mass., in place of F. W. Niles. Incumbent's commission expired August 5, 1925.

Augusta M. Meigs to be postmaster at Centerville, Mass., in place of A. M. Meigs. Incumbent's commission expired October 6, 1925.

Thomas F. Lyons to be postmaster at Billerica, Mass., in place of T. F. Lyons. Incumbent's commission expired November 15, 1925.

Hannah E. Pfeiffer to be postmaster at Bedford, Mass., in place of H. E. Pfeiffer. Incumbent's commission expired November 15, 1925.

Matthew D. E. Tower to be postmaster at Becket, Mass., in place of M. D. E. Tower. Incumbent's commission expired October 5, 1925.

George C. Henry to be postmaster at Ashfield, Mass., in place of G. C. Henry. Incumbent's commission expired August 24, 1925.

Arthur J. Polmatier to be postmaster at Williamsburg, Mass., in place of E. W. Polmatier, resigned.

Gladys Roberts to be postmaster at North Scituate, Mass., in place of F. W. Brown, resigned.

J. Amy Prouty to be postmaster at North Middleboro, Mass., in place of E. H. Johnson, resigned.

Herman L. Peinze to be postmaster at Northboro, Mass., in place of C. M. Brigham, resigned.

Augustus A. Hadley to be postmaster at Marion, Mass., in place of F. M. Tripp, resigned.

Benjamin S. Newhall to be postmaster at Danvers, Mass., in place of F. C. Damon, resigned.

Bruce A. Crocker to be postmaster at South Walpole, Mass. Office became presidential July 1, 1925.

Frank B. Hood to be postmaster at Somerset, Mass. Office became presidential July 1, 1925.

HOUSE OF REPRESENTATIVES

TUESDAY, *December 8, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whom we have our being, again we turn toward Thee as our blessed heavenly Father with praise and gratitude. We thank Thee that we are still the objects of Thy love and in the counsels of Thy infinite heart. May this day bring to us duty with wisdom and grace. In our failures rebuke, chasten, and forgive us. If impulsive, restrain us; if we lack knowledge, O do Thou inspire it. Make us strong in faith, clear in vision, and immovable in our allegiance to every vital interest of our country. We pray in the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER

Mr. CROWTHER appeared at the bar of the House and took the oath of office prescribed by law.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, your committee, consisting of Messrs. GREEN of Iowa, GARRETT of Tennessee, and myself, appointed as a committee on the part of the House, joining with a like committee of the Senate, to wait upon the President and inform him that a majority of each House had assembled and was ready to receive such communications as he desired to make, have performed that duty and now beg leave to report that the President has signified his intention of sending forthwith a message in writing to the Congress.

MESSAGE FROM THE PRESIDENT (H. DOC. NO. 2)

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries.

The SPEAKER laid before the House the message from the President of the United States, which was read by the Clerk.

(See Senate proceedings for message of the President at page 457.)

On motion of Mr. TILSON, the message was referred to the Committee of the Whole House on the state of the Union and ordered printed.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday to-morrow may be dispensed with. There will probably be no business on the calendar, but the formality ought to be complied with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that business on Calendar Wednesday to-morrow be dispensed with. Is there objection?

There was no objection.

THE REVENUE BILL OF 1926

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes. Pending that motion, I desire to present a request for unanimous consent with reference to the time for general debate and the control thereof. After consulting various Members on both sides I think I am able to make a request that will be satisfactory to all parties. I ask unanimous consent that general debate on the bill close not later than 4 o'clock on Saturday afternoon next; that general debate be confined to the bill; and that the time be controlled one half by the gentleman from Texas [Mr. GARNER] and the other half by myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate on House bill No. 1 close not later than 4 o'clock on Saturday afternoon, debate to be confined to the bill, and the time to be equally divided between himself and the gentleman from Texas [Mr. GARNER]. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, may I ask if Members who are not at present affiliated with either the majority or minority party, or Members who happen not to be in their good graces, will be cared for in the allotment of time.

Mr. GREEN of Iowa. I will take care of all gentlemen on this side, and I think the gentleman from New York has never found any trouble in that regard.

Mr. LAGUARDIA. I am speaking in behalf of my colleagues who are not now in the Chamber.

Mr. CHINDBLOM. There are only two, are there?

Mr. LAGUARDIA. There are only two, and the gentleman knows it.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion of Mr. GREEN of Iowa was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 1, which the Clerk will read by title.

The Clerk read the title as follows:

H. R. 1. To reduce and equalize taxation, to provide revenue, and for other purposes.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. BLANTON. I shall not object, but of course we expect the bill to be read in its entirety under the five-minute rule.

Mr. GREEN of Iowa. Of course.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, for the first time in the history of this Nation, when Congress convenes it finds ready for its consideration a great revenue measure. That this unprecedented result has been accomplished is largely due to the spirit of cooperation manifested on the part of members of the committee, the lack of any disposition to insist unyieldingly upon personal views, and the general purpose to render a service to the whole country in the preparation of the bill. I desire at this time to publicly express my thanks to all of the committee for their kindly consideration and assistance in the preparation of the measure which I now present.

Last spring, during the Sixty-eighth Congress, it became evident that the revenues which would be received under the act of 1924 would be far larger than were necessary to carry on the proper functions of the Government. The Treasury then estimated, as I recollect, that $250,000,000 surplus would be produced for the fiscal year 1925, although the original estimate has been only $67,884,000 and a surplus of about $250,000,000 for the fiscal year 1926. Please keep in mind that I am speaking now of the fiscal year, which should not be confused with the calendar years. At that time I estimated that the surplus would be about $300,000,000, and gentlemen who have been here

on occasions when we have considered prior revenue bills or bills that were likely to affect the revenue are probably aware that I have been somewhat more fortunate with reference to the accuracy of my estimates than the Treasury itself has been. Be that as it may, thanks to the wise administration of our public affairs under the guidance and direction of the Chief of the Republican Party, to the spirit of economy and disposition to reduce expenditures manifest upon the part of Congress, it has since developed that even a larger sum than anyone then anticipated has been yielded from the taxes which were levied by the act of 1924. Our country is peculiarly fortunate, indeed, at a time when a nation like England is struggling under a load of taxation which it is scarcely possible for it to endure, when nations like France are unable to balance their budget except by the issuance of large amounts of paper currency, when nations like Italy and Belgium find their standards of currency greatly depreciated, to find ourselves able to provide a great reduction in the taxes by reason of a surplus in the Treasury.

At the time when it became evident that this surplus would be manifest under the law then in force it was too late for any action in the Sixty-eighth Congress, and it seemed to some that a special session was unavoidable if the income taxes of 1925, payable in 1926, were to be reduced. In order to avoid a special session I proposed that the Ways and Means Committee be called together in advance of this session to prepare the revenue bill which is now presented to you. At that time there were many that were doubtful about the wisdom of this proposal. Some even scoffed at the suggestion that the committee would be able in the vacation that would intervene to write any effective measure and have it prepared, ready for the consideration of the Congress. I am proud to state, however, that the Congress itself did not share in these misgivings. It had confidence in its committee. There was incorporated into the special deficiency appropriation bill a provision that the members elect of the Ways and Means Committee might meet prior to the assembling of the Sixth-ninth Congress for the consideration of a revenue bill. Provision was made for the payment of its expenses and the remainder of the details were left to the chairman of the committee to attend to. This provision was adopted by the House without question or debate. Pursuant to this arrangement the committee met on the 19th day of last October. About two weeks were consumed in hearings upon the bill, in which everyone who desired had an opportunity to be heard, and more elaborate consideration was given, I think, than had ever been accorded to the hearings of any other revenue bill.

One matter ought to be especially noted, and that is that the committee not only heard those particularly interested in behalf of some industry, or who were desiring to obtain some special benefit for themselves or some part or section of the country which they represented, but we had before us great economists, students of taxation, persons who had given long study to the matters likely to come before the committee, men who had no personal interest in the matters which they represented and which the committee was to determine.

The task which was undertaken by the committee turned out to be much more difficult than had originally been expected. The reason for this was that although the committee originally believed that there would be but few amendments in the form of the present law, it was subsequently found that certain changes with reference to the Board of Tax Appeals and some other administrative changes that were made necessitated the rewriting of quite a large portion of our revenue law in some of its most technical details. That we were ready to prepare the bill on time and have it printed yesterday is largely due to the unremitting work of the corps of experts which is now called the legislative counsel of the House. By working nights, days, and Sundays they were able to have a corrected bill ready to present to the House, which was printed yesterday at the time it was introduced, copies of which have been distributed among the Members to-day.

At this time, Mr. Chairman, our country has ceased to feel the effects of the Great War, except in the national debt which it has imposed upon us. We are reaching a period when our expenses may be called normal and when our receipts should be only such that they will balance these expenses. We ought now to prepare not merely for to-day, but for the future, and lay the foundations of our revenue system broad and deep.

The bill which we now present the committee believes to be so framed, and we trust it has been so constructed that in its essential features it will become a permanent peace-time program in our national financial legislation. In this great revenue measure the Ways and Means Committee believe that the House will find the opportunity to build a financial system that will endure.

Under the early forms of government taxes were imposed without any thought of economic principles, the main purpose being to wring as much as possible from the individual taxpayer, regardless of the condition in which it left him. Gradually it has come to be seen that this method not only impoverished the individual but rendered him no longer capable of production, and thereby decreased the total wealth of the State, and that in the long run greater revenue could be derived from more just and merciful as well as a more enlightened policy of a more equal distribution of the burdens of taxation. In these days I think it ought to be apparent that a still broader policy should be followed, in that taxes should not be imposed in such a manner as to increase the burden of those who are already struggling to meet what we now consider the necessaries of life or to unduly limit opportunities for education and social improvement. For the State to do so is to injure its greatest and best asset, a useful and productive citizen. Moreover, such a course so decreases buying power as to depress business. On the other hand, taxes upon business may easily be made so onerous as to discourage enterprise and actually hinder production, thereby injuring not only the taxpayer but the whole Nation. Even the most wealthy can be taxed until the inducement to preserve and increase their capital is lost. Such action is always economic folly. Our goal should be the establishment of a system which will afford the opportunity of accumulation to all those who exercise thrift and industry. Certain it is that a wide distribution of wealth, more than anything else, contributes to the contentment and happiness of the masses and insures their support of orderly government.

We have adopted in this country a plan of progressive taxation upon incomes. Perhaps it is not too much to say at this time that it forms the keystone of our system. Your committee therefore in considering what measures should be incorporated in this bill took up first income taxes and produced a new scale of rates in the taxation of incomes. Under the bill, as the Members will perceive if they examine it, the normal rates of our income taxes have been changed from the rates of 2 per cent on the first $4,000, 4 per cent on the next $4,000, and 6 per cent on the remainder under the former law to 1½, 3, and 5 per cent, respectively. Beginning with incomes above $10,000 the surtaxes start with 1 per cent and are graded up to 20 per cent on incomes in excess of $100,000. At this time I shall have to notice some objections which have been made to this scale. It seems not to have been perceived by many who enthusiastically approve Secretary Mellon's plan of limiting the maximum surtax to 20 per cent that it will be impossible to give the same amount of reduction all through the surtax brackets as is granted on incomes above $100,000. Fixing the maximum surtax at that rate, of course reduced the surtax on incomes above $100,000 from 40 to 20 per cent. In other words, it cut the tax on such incomes one-half, and some people seem to think the committee would be able to go through the whole surtax brackets and reduce them correspondingly. Such a result was absolutely impossible. It would not only have absolutely ruined any plan of progressive taxation but would have caused such a loss of revenue as to be fatal to the bill.

Before taking up the surtax rates in detail, we should commence at the bottom of the scale and consider the exemptions which are provided under the bill. The exemption now allowed to a single man, as all Members are aware, is $1,000. The exemption allowed a married person or head of a family is $2,500. The exemption of a single man has been increased to $1,500, and to a married man or head of a family to $3,500.

This raise of the exemption has been criticized by some gentlemen, particularly my friend from Illinois [Mr. RAINEY]. He says in his report that none of these parties desired this exemption to be raised. How does the gentleman from Illinois know that they do not want this exemption raised? It is true they did not appear before us after having been brought to Washington by some bankers' leagues with sufficient money to furnish special Pullman cars and having all expenses paid, as some persons coming before the committee to attack the position and motives of myself and the gentleman from Texas [Mr. GARNER]. These people had such small incomes that they could not spare the funds to hire even a single person to represent them here. But no gentleman in the House, unless it is the gentleman from Illinois [Mr. RAINEY] would consider that because these people were not financially able to appear before the committee or send some capable representatives that they were not entitled to a consideration. Some say that this ex-

emption amounts to very little and these people cared but little about it. If there is a gentleman in the House who has tried the experiment of supporting a family upon $3,500 a year, he knows very well that the people who are obliged to live in accordance with that scale must count every penny, and it is idle to claim that people who must look after every 5-cent piece care nothing for this reduction. They do care for it, and if we are to reduce the taxes as we are to reduce them all along the line why should not these parties also have a reduction? Perhaps gentlemen would say that the reduction of one-half of 1 per cent found in the first bracket would be sufficient. This would, perhaps, make a difference of $5 to $7 to each, while the man of $11,000 income would receive double the reduction in percentage and ten times the amount in dollars. Which needs it the most? I say the man with the small income is the man entitled to receive it, and if we give him anything we should not give less than we have given them. I know there are some who say that every man ought to pay something in the way of taxes, and that the reason he should pay is that if he feels the effect of these taxes he will vote more intelligently with reference to tax measures.

There is much in this argument, but there always comes a time when we can tax a man out of the necessities of life, out of opportunities for the education for his children, out of any social pleasures, and we have come very close to it even under the rates we have established in this bill.

Let me call the attention of my friend from Illinois and also that of the gentleman from Tennessee [Mr. HULL], who also objects to these reductions, to the fact that in the revenue bill of 1916, for which both of them voted, and which I understand both of them supported, the exemptions were $3,000 for the single man and $4,000 for the married man. We have got back once more to a peace-time scale, and why should we not grade our exemptions accordingly and somewhat to match the peace-time provisions of the revenue bill of 1916? We have not increased these exemptions to that extent. Possibly we ought not to, as long as we are obliged to use a much higher rate in our surtaxes; and that brings me to this question respecting the scale of the surtax rate, which in some quarters has been considerably criticized.

The gentleman from Illinois says with reference to the surtax rates that we have not given allowance enough to those having incomes from $11,000 up to $44,000, because, so far as the surtax itself is concerned, the rates are unchanged. He says that these gentlemen are the ones who conduct the business of the country and who carry on our enterprises. I think that very likely he is correct in that respect, although other people have called my attention to others up in the $40,000 and $50,000 and $60,000 brackets and say those are the ones who carry on the great enterprises of the country and who do not get reduction enough.

The fact seems that this subject is apt to be considered everywhere in connection with the particular income that a particular individual is getting. Each one thinks that he did not get reduction enough, but that all along the scale everybody else got too much, and hence they have objections to this particular scale.

Now, if the gentleman will kindly turn to the tables contained in the appendix to the report prepared by the gentleman from Oregon [Mr. HAWLEY], on pages 48 and 49, you will be able to examine the effect of this scale, because you will be able to see the amount of tax paid and the amount of reduction given to each person. The first thing you will perceive, as you glance your eye down this scale, is that instead of none of the persons having incomes from $11,000 to $44,000 getting any reduction, is that all get a very substantial reduction, and that this reduction increases in regular progression by a nearly uniform amount and a nearly uniform percentage. Of course, it can not be absolutely uniform as to hundredths of per cents. The taxes gradually rise with reasonable uniformity as you go up the scale, and, as compared with the act of 1924, each man gets a gradually increased reduction as we go up this scale. Nor is it any trifling reduction. I repeat, it is substantial.

This scale was prepared by the Actuary of the Treasury, Mr. McCoy. We have never before had one so well prepared, never had one that worked with such uniformity as this scale does.

Now let me ask the gentleman from Illinois [Mr. RAINEY]—and I invite his reply when he comes to address this committee on these rates—Does he really believe that the man with a $11,000 income or the man with above a $10,000 income should pay at no greater rate than the man with the $8,000 income? If he does, is there any Member of the House who thinks that that rate should not be higher at that point? I doubt it very much; and yet, unless we added 1 per cent there, it was not practicable to make the man with a larger income pay more, for a difference of one-half of 1 per cent is not practicable.

Some one made a chart of these rates showing the curve of increase. In a mathematical way it was simply perfect. It is true that in some places, in comparison with the rate of 1924, you could say that one person has received more benefit than another proportionally. But gentlemen should remember how the rates of 1924 were made up. They were made up on the floor of the House, instead of in committee, and on the floor of the Senate afterwards they were still further changed. The result was that we had in the bill of 1924 an arbitrary scale of rates, which cause some apparent discrepancies. Some persons have said with reference to the rates now before you that they ought to have been graded up to a higher point; that is, the 20 per cent, instead of being applied to the $100,000 income, ought to run up to some higher point; and some of these objectors claimed that persons with $100,000 income had, as they said, received too much reduction. They failed to perceive that if the scale had been carried on as they desired, the reduction would have been still greater, because if the 20 per cent were put further up the line the percentage on the $100,000 income and those incomes close to it would have been lower.

So much for this part of the income tax.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield for a question in relation to the exemptions?

Mr. GREEN of Iowa. Yes; but I hope the gentleman's question will be very brief.

Mr. BURTNESS. The newspapers at one time carried a statement, in speaking of the exemption, to the effect that there would also be included in the exemption certain portions of income spent by parents on the education of children after they had become 18 years of age. I do not find that in the bill. I was wondering what was the gentleman's view with reference to that provision.

Mr. GREEN of Iowa. Perhaps I ought to explain that in relation to the exemptions.

The committee found that these special provisions with reference to exemptions, many of which on their face had great merit—such as the provision for the education of children beyond the age of 18 in colleges and schools, the provision for the payment of doctors' bills and surgical bills, and provisions for the allowance of other expenses of various kinds were impracticable. All of these measures, while meritorious in the abstract, were practically impossible in an administrative way, and that is another reason—and a very good reason, as I conceive it—why we have raised the exemptions in the bill. While, perhaps, the raising of the exemptions to all, here and there gives some parties a little more than they ought to have, the committee thought they had covered the matters which the gentleman from North Dakota [Mr. BURTNESS] mentioned.

The committee also believed that the provision for credit on account of earned income ought to be extended. I might say that these two tables, prepared by the gentleman from Oregon [Mr. HAWLEY], compare the allowance up to $10,000 for earned income under the act of 1924, and the allowance of $20,000 for earned income under the present bill. Earned income is something that can not escape taxation. All other kind of income is capable at times of being shaded in some way, sometimes legitimately and sometimes illegitimately, but the man who has a salary, the man who earns a definite amount as the result of his own labor, always has to pay on the full amount. There is absolutely no escape from the full amount of the tax. For that reason the committee believed that the earned-income provision ought to be extended up to $20,000.

My friend from Illinois [Mr. RAINEY] in his report says that the gentlemen who get incomes of $10,000, $15,000, $20,000, or along there, are those who are carrying on the business of the Nation. If so, they have earned income of this amount and they will get the benefit of this credit. If they have not; if they are getting incomes of $10,000, $15,000, $20,000, $30,000, or $40,000, and are mere coupon cutters, then I say there are other people who are in greater need of consideration than those fortunate individuals, who have property enough to yield them that much income without their toiling or spinning to make a dollar of it.

Another most important provision in the bill relates to estate taxes. Possibly there are more important changes in the estate taxes than in any other. The majority of the committee believed that the rates contained in the act of 1924 were excessive, and, accordingly, the maximum rate on estates was reduced to 20 per cent. That means that on an estate of over $10,000,000 the average rate will only be a little more than

13 per cent. The committee considered very carefully the question as to whether the Federal inheritance taxes ought to be abolished and came to the conclusion that for the present at least they should remain a part of our national system.

The justice of our present national system of taxation upon estates lies in the fact that nearly all of the great fortunes in this country have been built up not upon the resources of some small community but by virtue of the fact that under our Federal system the business through which they were made was able to draw, either directly or indirectly, profits from the whole or a large portion of the great territory that makes up our Union. It is often said that these great fortunes owe their existence to the business skill and genius of the persons who acquired them.

This has been generally true, but something else was needed. They derived their accumulations from nearly every part of our vast territory, and their business could not have been built up in a small country. Thus the owners of these fortunes became the beneficiaries of our system of government. But these great captains of industry did not build these fortunes unaided and alone. With but few exceptions they would never have reached the summit of their achievements without the aid of a thrifty, hard-working people, which, after all, is what we must have in order to either preserve or create wealth. With this vast expanse of territory from which to gather riches, under a stable and protective Government, aided by the industry of the masses, fortunes have been created in this country which surpass even the visions and dreams of the fabled Arabian Nights. No other country compares with it, either in size or in number, and in both respects they are rapidly increasing.

Now, one of the greatest difficulties under which we labor in framing a tax bill arises from the fact that our Nation is made up of 48 subdivisions, each with its own local laws and local governments. At the time of the adoption of the Constitution the whole scheme of our Federal Government came near being wrecked by the selfish desires of some of the several States. One State in particular considered that it had great advantages over the other States and desired to perpetuate these advantages. The benefits which were conferred by the new form of government were not realized, and even to-day we hear complaint that one part of our country is being unduly taxed for the benefit of the other under our Federal system. Those who make that complaint forget how much was given up by the other States in the compact which formed our Constitution.

The natural tendency of that instrument was to draw our financial resources toward a common center and concentrate business and manufacturing establishments in such manner that the whole of the country became tributary to a small portion thereof; but in addition to this a peculiar and strange condition has recently developed with reference to our Federal taxes upon inheritances, or estate taxes as we sometimes call them.

A claim had been set up, and a claim which I must say was not without considerable foundation, that the States needed this revenue, and that the Federal Government had appropriated to itself so much of the sources of taxation the States were unable to find the funds necessary to carry on their legitimate and proper functions. So there arose an effort, largely assisted by propaganda—I do not mean at this time improperly—in favor of the abolition of the Federal inheritance tax, in order, as it was claimed, that the States might make use of this means of raising revenue. But there also had arisen in the meantime one great obstacle to this plan, considered independently of its merits.

The State of Florida had adopted a provision in its constitution forbidding the levying of either inheritance or income taxes. The object of this provision was plain. The purpose and intent of it was to draw from other States people of wealth who would, by bringing within its boundaries such of their personal property as might be subject to tax, and with the investments they might there make greatly increase the wealth of that community. The example of Florida, and its apparent success, because it did succeed in drawing quite a number of men of wealth within its boundaries, had its influence upon other States, and it was soon apparent that not alone Florida but the whole country would be plunged into a competition between the various States as to which could offer the most favorable inducements to men of wealth to settle within their boundaries. This action could have only one result.

The whole system of our State taxation would have been thrown into utter chaos. If the Federal Government abandoned inheritance taxation, it would be impossible for the States to use it. Isles of safety would be created which would enable the great estates, which most ought to pay the tax, to escape. And yet some consideration, as it seemed to me, ought to be given to the claim of the States that they needed this revenue, and already we had in the bill of 1924 a provision that any estate or inheritance taxes paid to a State might be credited upon the Federal inheritance tax to the extent of 25 per cent of that tax.

I proposed that this credit should be increased to 80 per cent, thereby giving the States practically full freedom to make use of this tax, because they could use it in the lower brackets, if they desired. The Federal inheritance tax, as all of you are aware, exempts $50,000, and even up to nearly one-half million dollars the tax is very light.

With this provision with reference to credits in the bill it is expected that the various States, so far as their needs occur, will make use of the inheritance tax. Certainly they are given full opportunity to do so, and in the meantime permit me to also indulge in the hope that the several States—I say several States; perhaps I ought not to use that word as if it included a large number, and I should say those States—which levy a tax on the intangible property of a nonresident will cease that practice. The result of this unjust practice is sure to provoke retaliation, and again the States will be thrown into an economic and taxation war, if I may use that expression. We can proceed under the provisions of this bill, and in the meantime, if, as the President has said, a fairly uniform system of taxation is adopted by the several States, we may possibly in time be able to dispense with the Federal inheritance tax entirely.

It is difficult to estimate the loss in revenue under the estate tax. For the first year it will be almost nothing, because it applies principally to the larger estates, and few of the larger estates are settled within a year of the death of the owner. As time goes on, however, and these taxes are paid and the States avail themselves of the provision that they may obtain a credit up to 80 per cent of the Federal taxes, the amount of these taxes will gradually fall off, so far as they are received by the Federal Government, and also the effect will be that the amount paid by each estate will gradually fall off, because there will be no longer the double taxation by both the State and the Federal Government.

In addition to reductions in the income tax and the estate tax, the committee thought there ought to be reductions in what are called the minor nuisance taxes. These taxes are listed in the appendix to the report, page 40, and so forth, and it is hardly necessary I should enumerate them at this time. They bring in comparatively small revenue, and I may mention as examples of them taxes resulting from the sale of cameras; photographic films and plates; firearms, from which the tax was also removed except in the case of pistols; shells and cartridges; cigar and cigarette holders and pipes; coin-operated devices; and Mah-jongg sets.

The occupational taxes also were largely removed and taken off brokers, proprietors of bowling alleys and billiard rooms, shooting galleries, riding academies, and all persons carrying on the business of operating or renting passenger automobiles for hire, and on the special use of pleasure boats except those that are foreign built.

These taxes, like all other occupational taxes, were not equitable in their application, and produced but little revenue.

We also reduced the tax required of physicians for the privilege of administering narcotics. This was put back from $3 to the rate which prevailed before the war of $1.

There are also two other taxes which are difficult to administer and easy to evade, which the committee removed. One of these was the tax on works of art. This is very easily evaded because people can go over to Europe, if they want a valuable picture and buy it there, bring it back here without paying any tax, provided they bought it in Europe, and that is the place where most of the objects of this kind are bought. This brought in very little revenue and the committee thought it ought to be abrogated. The other was a tax on jewelry. The tax on jewelry, like all other taxes on luxuries, would seem at first glance to be an excellent tax and one that ought to be maintained, but, like nearly all the other taxes on luxuries, it had certain faults, namely, that it was difficult to collect and easy to evade.

It was hard to keep track of all the sales of jewelry, and the dishonest jeweler, particularly those who handle precious stones, could so easily evade it that there is no doubt in a large number of cases it was not paid at all. It has had the effect to put the honest jeweler at a disadvantage with the Government in the payment of taxes and in his business. Altogether the tax constituted a burden on those who desired to pay it honestly and fairly. The bill repeals it.

Another tax which is reduced is the tax on cigars. This was a tax the revenue from which was constantly diminishing as well as the number of manufacturers engaged in the business. The tax, in short, was so high that it was preventing the raising of revenue and injuring business. For that reason the committee thought it ought to be removed.

There are two other taxes which, while productive and easy to collect, are a burden upon the consumer. I refer to the tax on both alcohol and automobiles. The tax on alcohol was doubled during the war. The committee thought it best to put it back to the rate which prevailed before the war; in other words, to put it on a peace basis as we are doing in most places in the bill.

This is another tax that for some reason not clearly understood, but probably because it is too high, is falling off in the amount collected, although there is no question whatever that the amount which is being used is constantly increasing. Alcohol is used for a large number of legitimate purposes—the manufacture of medicine, pharmaceutical preparations, flavoring extracts, drugs and prescriptions, and the tax is almost invariably passed on to the ultimate consumer. There is no reason the committee could see why the ultimate user for these legitimate purposes should be burdened by a tax double what it was before the war. The bill reduces it to the prewar rate.

I understand that there has been some objection made that if we remove the tax it will in some way help the bootlegger in his nefarious practices. I am unable to see how it can. Undoubtedly some alcohol does get into the hands of the bootlegger at present, but it is because he pays no tax. He is not the kind of a party that would pay a tax on it. If he receives any of this alcohol upon which the tax is paid and the law is carried out, a record must be made of it. They have no right to sell it to a person who has no permit. If that is done, and done in any considerable amount, we might as well despair of the enforcement of the prohibitory law in that respect. I am unable to see how it can affect the situation.

The automobile tax now brings in about $150,000,000 a year. We have taken off the tax on trucks and accessories—the so-called tax on misfortune—and reduced the tax on automobiles from 5 to 3 per cent. Some gentlemen say that is not enough. About one-quarter of all the reductions made in this bill are made on automobiles—$80,000,000 on automobiles and accessories and trucks. Is not that enough? These very people who get $80,000,000 reduction on automobiles, whoever they may be, get practically all the benefits of the rest of the bill. In addition, they get $80,000,000 more. What more can they ask, and what further benefits should they receive?

The gentleman from Illinois [Mr. RAINEY] says that he never heard of anyone asking that the exemptions be raised. I live in an agricultural district where practically every farmer, without exception, has an automobile. I never had a man complain to me about the automobile tax; that is, no purchaser or owner of the automobile. How much does it amount to on a small automobile at the rates provided in the bill? About $15. If the machine lasts him four or five years, that means between three and four dollars a year. That is about all that he would save on it if the tax was repealed. I know of no reason why anything more should be done along this line.

Now, let me call your attention, while I have all these matters together, to the amount of reductions carried by the bill. On page 3 of the report you will find a statement of each of the several items of reduction, the amount collected under the present law, and the amount collected under the proposed law. I call attention to the fact that the table on page 3 is for the calendar year and not for the fiscal year. The income tax, as far as individuals are concerned, and the income tax relating to corporations are collected, as a rule, by calendar years and not fiscal years; consequently it was thought most convenient to submit a table in this form. Members will see that the total of these reductions aggregate $325,736,000. This is perhaps a little too large, on account of the refund on automobiles being estimated at $3,500,000. Probably the cost on the refund on automobiles will not reach that amount. The Secretary of the Treasury recommended that we reduce taxes only about $300,000,000. The surplus for next year, or, I should say, for the calendar year 1926, will just about absorb the amount that we have provided by this bill. In my judgment, it is unsafe to go to any greater amount. The amount of revenue that we receive from the income tax, either from individuals or corporations, and the taxes on automobiles varies greatly with the state of business and the prosperity of the country. Merely a slackening in business would cost us somewhere from $25,000,000 to $50,000,000 in revenue. If there was a general depression, a general falling off, anything even approaching a panic, it would reduce our revenues not less than $100,000,000 a year. We ought to keep our bill upon the safe side and not take chances on the Government being compelled to make a bond issue in order to meet its expenses. I insist that the amount carried in this bill ought not to be raised.

I am now compelled to pass to another matter which perhaps heretofore has not received the attention from the House which it ought, considering its importance. If the income tax is to remain the keystone of our system, we must have a more satisfactory system of administering it than we have to-day.

No less a person than Dr. Thomas S. Adams, who is considered one of the foremost experts on taxation in the country, came before our committee and told us that if we could not improve the administration of the income tax it was going to break down in the future, and I myself think there is danger of its failing; but I believe that the administration of the law can be, and we have provided means in this bill whereby it will be, greatly improved. Last summer I was in England where I spent some time in studying the English system. I became abundantly satisfied that the English administration was greatly superior to our own. They collect the income tax with far less friction, with greater satisfaction to the people, with less disturbance to business and annoyance to business men. Perhaps they do not collect it quite as meticulously as our Revenue Bureau does, and do not insist to the last cent as is usual with our revenue officials, but that is not important. The reason for this superiority in the English system is just this. The English keep their revenue officials in their positions year after year, except as they may be promoted for efficiency. They have a trained expert force in their department. The men are paid what are considered in England good salaries. The positions which they have are considered honorable and of high rank, and the consequence is that the men remain there for years, until they become letter perfect in relation to the law and its administration. Then there is another feature. England commenced administering the income tax more than a hundred years ago, although she has not kept it constantly all through that time. They have had more experience than we have had. With us there is a constant turnover down in the Revenue Department. Every little while someone resigns to get a larger salary, and some young fellow comes in in his place, ambitious, a man who wants to make a record, and he conceives that the best way to make it is to overturn the precedents of those who have gone before him. He establishes some new and different rule, upsets former procedure, or, perhaps, owing to the fact that he has had so little experience, he makes mistakes for which he is not to blame under the circumstances, and that causes more trouble. This constant turnover in our employees has greatly affected our Revenue Bureau.

Only recently one of the most competent men in that bureau resigned to go out into private practice, not simply with reference to taxation, but into the general practice of law. He was a lawyer of such high standing that he could easily get double the amount that he had been paid in the department, although he had stayed there for years at a small salary. The men who are down there in the department try cases involving such amounts that when I mention them it will almost stagger your comprehension. They run up in amount to above $100,000,000 in a single case. Cases that involve ten or fifteen, or five or twenty million dollars are common. We are paying those men between $3,500 and $5,800 in salary. In the Shipping Board we are paying attorneys anywhere from $15,000 up. I think some salaries run above $20,000 a year. One gentleman on the committee said, and I think it is true, that the amount involved in the Shipping Board cases is simply a waiter's tip as compared with the amounts involved in the cases tried by these poorly paid lawyers in the Revenue Bureau. These men go into court and have to come up against men like Charles E. Hughes and others of the greatest lawyers in the country, men who are getting $50,000 or $100,000 for a single case, and yet they are expected to meet them in court, even with inadequate preparation of only two or three days.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. FREAR. I know that what the gentleman is saying is a fact, from what experts have told me. What does the gentleman recommend? Does the committee make any suggestion there, or does any other committee make any suggestion for correcting the condition of which the gentleman complains?

Mr. GREEN of Iowa. Yes; the committee does make a recommendation. We recommend that six special deputy commissioners be appointed at a salary of $8,000 a year. That salary by itself, of course, is not commensurate with their services; but the position is made like those in England—practically a life position. These men are to be appointed for 10

years under the provisions of the bill, and it is assumed, of course, that if they properly discharge their functions during that time they will be reappointed. They can be removed only for cause, and they are not simply political appointments. The position, therefore, if they discharge their duties properly, is a permanent one for that length of time, and it is hoped that this will greatly relieve the situation.

We have also provided that the office of the Solicitor of Internal Revenue shall be abolished and we have in its stead the office of general legislative counsel. A general legislative counsel bureau is established. It is understood that if this provision is accepted by the House that the same person who occupies the present office of Solicitor of Internal Revenue will be appointed to the position of general legislative counsel, and the salary is fixed at $10,000. The gentleman who occupies this position at the present time is Mr. Gregg. I am disclosing nothing that the older Members do not know already in saying that Mr. Gregg can go out at any time and receive double the amount provided in this salary. I do not think that under the increase in salary he can be persuaded to stay there for any great length of time, but I sincerely hope that he may stay there at least a year or two, because Mr. Gregg has shown that he is not only an expert in these technical matters relating to income tax, corporation tax, and other matters for the consideration of the bureau, but he has also an unusual faculty as an administrator. He has proceeded to do something that I thought ought to have been done years ago, and that is to decentralize the bureau and enable a large number of cases, the smaller cases, to be decided out in the State where they originated, so that they will never come to Washington at all. This ought to have been done before, but for some reason Mr. Gregg has been the first one to inaugurate this practice. He hopes to extend it until finally, as I believe, when the rules and regulations and laws in relation to this tax becomes stabilized, that practically none of these cases will need to come to Washington except those taken on appeal to the Board of Tax Appeals.

Mr. TREADWAY. Will the gentleman kindly yield?

Mr. GREEN of Iowa. I will.

Mr. TREADWAY. Will the gentleman also refer to Mr. Gregg's wonderful ability to make an explanation of complicated phraseology to the committee?

Mr. GREEN of Iowa. He has extraordinary ability in explaining complicated technical matters to those who may not fully understand them.

Mr. LAGUARDIA. Does the committee understand it?

Mr. GREEN of Iowa. I think most of them do, and I am sure I do, as far as that is concerned, if the gentleman desires to propound any question when we reach those features. I want to say also that here to my right sits Mr. Middleton Beaman, who is the best person I ever saw in picking flaws in any provision that may be framed, and it is largely owing to him that we have not had more difficulty with the law than we have had during the present time. [Applause.] When he has examined a provision and passed it I do not think any of the rest of us need to be in fear about its correctness.

I want also to devote a few minutes to the Board of Tax Appeals. This is a very important matter in the administration of our law. The Board of Tax Appeals was created in the last revenue law as an experiment. I had my doubts about it at the time, and I think all the members of the committee had; but there was a great demand for it, and the reason they gave was that we ought to have some board outside of the Treasury to decide these cases. The objection was to the officials of the Treasury Department being at once judge, jury, and prosecutor, as they were in reference to the matters which came before them; and as far as that part was concerned the objections were right. We spent considerable time in reference to hearings to the Board of Tax Appeals. So, much to my surprise, everybody who came in there—and they came from all quarters—everybody who came before us commended the board. The representative of the American Bar Association, the representative of the United States Chamber of Commerce, the representative of the American Institute of Accountants, and various other mercantile organizations, by letter or otherwise, sent in their commendation for the work, and they wanted its jurisdiction extended.

I said to the Members who sat with me in the hearing that that was the first time I had ever known one act of Congress that seemed to meet with general approval. Perhaps this may be because it was a new broom, and a new broom generally sweeps clean, but at all events that is the record before us.

Mr. McKEOWN. Will the gentleman yield for a question in reference to the board now under the act——

Mr. GREEN of Iowa. I have but a few minutes remaining.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. McKEOWN. I wanted to ask about the new provisions.

Mr. GREEN of Iowa. If the gentleman will wait a moment, I will answer the question. It was asked that the jurisdiction of this board be extended to refunds, but the committee declined to do this. The board was already overwhelmed with business; and while it has been in existence and organized only about a year, over 8,000 cases have been taken to it up to last October, and probably 10,000 have now been carried to the board.

The board had disposed of something over 3,600 cases by the latter part of October; probably 4,000, or close to 4,000 by this time. It shows something of the way the members of the board are working.

And there again let me say that there is no other court in the world that considers cases which in the aggregate are of the magnitude of the cases that go before that board. The great importance of it to the Government may be judged from the fact that a case was recently decided by that board which might affect the Government in the amount of $10,000,000, and such cases are not uncommon. For the protection of the Government and in the interest of the taxpayer and from every economic consideration we need the best men we can get on that board.

There has been a vacancy on that board, as I understand, for something like six months, and they have been combing the country in an effort to get a man who would be acceptable under present conditions. We have found men who would fill the place, but they will not go there at the salary, and they have not been able to get them to take the position. The law now provides for 16, but only 7 members will remain after the 2d of June. They need every member that is now there to perform the work, and the bill provides for the retention of the present number.

Let me add that the difficulties in getting a man on this board arise from the fact that the members of the board need peculiar qualifications that I will now mention. In the first place, a member of the board ought to be an expert in the income and corporation tax law. Next he ought to be a man who has not been brought up in the department and who is not a mere bureaucrat, but a man who has had general practice and has been more or less accustomed to meeting business men and can meet them on broad business principles. Besides that, we need a young man who can work night and day. That is one of the things we need and which has kept men off the board in connection with the small salary paid. It is because the work is so unremitting and confining. According to the testimony received, not from the inside but from other persons outside the board, we understand that the members of the board have to work often in the evening and even on Sundays in order to transact the business before it, and in the meantime the Government, because these cases are not cleared up, is losing millions of dollars every month from loss of interest. The committee considered that there should be no false economy which would prevent this board from doing its work.

There is another matter I should speak of, a matter of salary, while we are on that. I will just say at this time, in view of these matters, that the committee recommended that the salaries of the members of the board be increased to $10,000, that the positions be for life, and that the members be removable only for malfeasance, incompetence, inefficiency, or failure properly to perform their duties; in other words, removable only for cause, and if they resign they are not permitted to practice before the board for a period of four years. There has been a great deal of complaint with reference to persons heretofore taking these positions, being on the board long enough to establish a reputation and then resigning, to engage in practice before the board.

Mr. McKEOWN. Mr. Chairman, I would like to ask the gentleman a question on a matter of great importance. Must the members of this board be lawyers?

Mr. GREEN of Iowa. I will come to that in a moment.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKEOWN. I would like to know whether under the language of the bill practice before this board will be confined to lawyers, or whether a business man can take his accountant and go in there and be heard. I want to be clear on that.

Mr. GREEN of Iowa. There is no provision in the bill as to that, but the rules of the board provide that a business man can go in there with an accountant and appear before the board.

Mr. OLDFIELD. And the taxpayer himself?

Mr. GREEN of Iowa. Yes; the taxpayer himself.

Mr. McKEOWN. I was just in the Supreme Court, where a man was trying to mandamus the board to let him appear down there. He was not a lawyer, and therefore they would not permit him to practice.

Mr. GREEN of Iowa. No; the gentleman does not understand that case. That man was disbarred. That was the matter with him. We will take this up later when we reach the bill under the five-minute rule.

Mr. McKEOWN. All right.

Mr. GREEN of Iowa. There was a very important change made with reference to the procedure on reassessments of taxes, as the committee thought, in the interest of the taxpayer. Under the law as it now stands, if a man objects to the assessment made by the Board of Tax Appraisers he must go to the commissioner's office, or the collector's office, pay the taxes adjudicated against him, and then commence a suit in a court which has jurisdiction to recover back the amount of taxes which he claims was wrongly collected. This method, we think, imposes a hardship on the taxpayer and makes a long and roundabout road. The committee concluded to allow a direct appeal from the Board of Tax Appeals to the circuit court of appeals, either by the Treasury or by the taxpayer.

The provisions of the present law giving a barren right, as it seems to me, of paying the tax and bringing suit in the district court are abrogated by the bill. That is done away with under the new method. There will be no such thing as a refund. The taxpayer will have a certain time in which to file an appeal to the Board of Taxation. Then after that he will have a definite time in which to take an appeal to the United States circuit court of appeals.

A review of the decision of the United States circuit court of appeals can be obtained through certiorari, as on all other decisions of the United States circuit court of appeals. Thus he may be able to go clear to the Supreme Court, if the Supreme Court grants the writ of certiorari, and he does not have to pay one cent until that decision becomes final, either through the decision of some of these courts along the line or by the final decision of the United States Supreme Court. This, we believe, to be in the interest of the taxpayer and in the interest of the Government also.

Now, I do not wish to take up any more time than is absolutely necessary, but if there is some question right there I shall be glad to answer it.

Mr. MOORE of Virginia. The gentleman from Iowa alluded to one feature, but not one of major importance, the provision creating a joint commission on taxation. I know that commission is to have a limited tenure and the expense will not be large, but, nevertheless, we understand that when commissions or bureaus are created they are apt to be protracted into the future and after a while the members are apt to be put on a salary basis. I want to ask the gentleman why it was that this provision was put in the bill. It may be entirely proper.

Mr. GREEN of Iowa. It was not in the minds of the committee that this commission would be permanent or that eventually the members of the commission would be put on a salary basis. The idea of the committee in providing for the appointment of this commission was to have it examine into our system of taxation and to make such recommendations as seemed to it best in the way of its improvement, either in the way of simplifying the laws themselves or suggesting plans of a general nature.

Mr. BEEDY. If the gentleman will permit, the amendment now proposed, which modifies the procedure and eliminates interest on the refunding of taxes, I am sure appeals to the membership of this House, but this one question occurred to several of us. In the event of a final decision, is interest assessed as of the original due date of the taxes or does the Government lose nothing?

Mr. GREEN of Iowa. The Government loses nothing. If the taxpayer does not pay and keeps the money he has to pay interest, provided an adverse judgment is rendered against him.

Mr. WAINWRIGHT. The matter of the speedy determination of these cases is of such extreme importance to the taxpayers and also the Government that I would like to ask as to how quickly, on the average, decisions are rendered after appeals are taken.

Mr. GREEN of Iowa. Well, I do not know that I can answer the gentleman from New York fully. Perhaps the gentleman from Arkansas [Mr. OLDFIELD] can answer the gentleman.

Mr. OLDFIELD. I recall that the chairman of the board said they were about three months behind now, but that they were catching up with these cases. My recollection is that the chairman said it took two or three months to get a decision.

Mr. WAINWRIGHT. But is the time increasing? Does it take longer now to get a decision or is the time decreasing?

Mr. GARNER of Texas. The board is now practically current with its work.

Mr. GREEN of Iowa. Mr. Beeman suggests something from the hearings which I had forgotten for the moment. The chairman stated that the board was ready to hear every case whenever the taxpayer was ready, but that invariably the taxpayer took some little time.

Mr. WAINWRIGHT. My question involves this: After a case is finally submitted how speedily is a decision rendered?

Mr. GREEN of Iowa. The decision itself is rendered very promptly. It is only a short time before a decision is rendered, and, as the gentleman from Texas [Mr. GARNER] said, the board is practically current with its work. The gentleman from Texas understood the question while I did not, evidently. They are practically current with their work.

Mr. JACOBSTEIN. I am interested in what led the committee to reduce the surtax to 20 per cent, in view of the argument presented so ably by the chairman of the Ways and Means Committee when the bill was last before us, and I presume he will be sustained by our leader, although I am not sure. Just what were the motives and reasons which led the Committee on Ways and Means to accept a 20 per cent surtax rate?

Mr. GREEN of Iowa. I think that was largely done on the recommendation of the Secretary of the Treasury.

Mr. JACOBSTEIN. What were the reasons which led the committee to accept that rate?

Mr. GREEN of Iowa. That will be found stated in the very first part of the hearings. The Secretary of the Treasury gives his reasons there, and I do not believe I can improve on them.

Mr. JACOBSTEIN. Does the gentleman mind telling us why he receded from his own position?

Mr. GREEN of Iowa. I do not think it necessarily follows that because I was in favor of one rate two years ago, in conjunction with some other rates, I should not now, when conditions have changed and when these other rates are lowered, conclude to accept the opinion of the majority of the committee. But I will frankly say to the gentleman that I was not in favor of so extended a reduction.

Mr. Chairman, we bring to the House a nonpartisan bill. Probably no member of the committee would individually approve every detail of it. But the bill is a composite of the views of the members of the committee, and as such carries not merely the work devoted expressly to it but the knowledge derived from years of study not only of our own national system of taxation but the principles of taxation generally. The committee feels justified in asking the support of all Members of the House for its speedy passage in substantially its present form. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1, the revenue bill of 1926, and had come to no resolution thereon.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The Chair lays before the House a message from the President of the United States.

SETTLEMENT WITH THE KINGDOM OF ITALY (S. DOC. NO. 3)

The Clerk read as follows:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated November 14, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Kingdom of Italy to the United States of America. The agreement was approved by me on November 14, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

The SPEAKER. Referred to the Committee on Ways and Means and, with the accompanying document, ordered to be printed.

The Chair also lays before the House another message from the President.

SETTLEMENT WITH REPUBLIC OF LATVIA (S. DOC. NO. 8)

The Clerk read as follows:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated September 24, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America. The agreement was approved by me on September 24, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

The SPEAKER. Referred to the Committee on Ways and Means and, with the accompanying document, ordered to be printed.

The Chair lays before the House another message.

SETTLEMENT WITH KINGDOM OF RUMANIA (S. DOC. NO. 5)

The Clerk read as follows:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated December 4, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Kingdom of Rumania to the United States of America. The agreement was approved by me on December 4, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

The SPEAKER. Referred to the Committee on Ways and Means and, with the accompanying document, ordered to be printed.

The Chair lays before the House another message from the President of the United States.

SETTLEMENT WITH ESTHONIA (S. DOC. NO. 7)

The Clerk read as follows:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated October 28, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Republic of Esthonia to the United States of America. The agreement was approved by me on October 28, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

The SPEAKER. Referred to the Committee on Ways and Means and, with the accompanying documents, ordered to be printed.

The Chair lays before the House another message from the President of the United States.

SETTLEMENT WITH CZECHOSLOVAKIA (S. DOC. NO. 6)

The Clerk read as follows:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated October 13, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Czechoslovak Republic to the United States of America. The agreement was approved by me on October 13, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

The SPEAKER. Referred to the Committee on Ways and Means and, with the accompanying document, ordered to be printed.

The Chair lays before the House another message from the President of the United States.

SETTLEMENT WITH KINGDOM OF BELGIUM (S. DOC. NO. 4)

The Clerk read as follows:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement, dated August 18, 1925, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America. The agreement was approved by me on August 21, 1925, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1925.*

The SPEAKER. Referred to Committee on Ways and Means and, with the accompanying documents, ordered to be printed.

LEAVE TO WITHDRAW PAPERS

By unanimous consent Mr. LEHLBACH was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Frederick W. Duncker (H. R. 5906, 64th Cong., 1st sess.), no adverse report having been made thereon.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, if there is nothing further, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 9, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

39. A letter from the Architect of the Capitol, transmitting the annual report of the office of the Architect of the Capitol for the fiscal year ended June 30, 1925 (H. Doc. No. 102); to the Committee on Public Buildings and Grounds and ordered to be printed, with document.

40. A letter from the Postmaster General, transmitting annual report of operations of the board of trustees of the Postal Savings System for the fiscal year ended June 30, 1925 (H. Doc. No. 103); to the Committee on the Post Office and Post Roads and ordered to be printed, with documents.

41. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Pinole Shoals and Mare Island Channel and Turning Basin, Calif. (H. Doc. No. 104); to the Committee on Rivers and Harbors and ordered to be printed, with two illustrations.

42. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Mississippi River, La., between Baton Rouge and New Orleans (H. Doc. No. 105); to the Committee on Rivers and Harbors and ordered to be printed.

43. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Apalachicola Bay, Fla. (H. Doc. No. 106); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

44. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary

examination and survey of Thames River, Conn. (H. Doc. No. 107); to the Committee on Rivers and Harbors and ordered to be printed, with five illustrations.

45. A letter from the Director of the United States Veterans' Bureau, transmitting the annual report of the Director of the United States Veterans' Bureau for the fiscal year ending June 30, 1925; to the Committee on World War Veterans' Legislation.

46. A letter from the chairman of the Interstate Commerce Commission, transmitting copies of the final valuations of properties of certain carriers subject to the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

47. A letter from the Secretary of Agriculture, transmitting reports of the Department of Agriculture covering the fiscal year 1925, including detailed statement of the expenditures of all appropriations of the Department of Agriculture; report of receipts and expenditures, Center Market, Washington, D. C.; report of travel from Washington; report of exchange of typewriters; report of useless papers and proceeds of sale thereof; report of publications received and distributed; report of compensation paid to officers or employees of State, county, or municipal governments; report of contributions for cooperative work in forest investigations; report of refunds to depositors, Forest Service; report of expenditures and means adopted in the suppression of contagious diseases of domestic animals; report of work, receipts, and expenditures in cooperative agricultural extension work; and report of expenditures for purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; to the Committee on Expenditures in the Department of Agriculture.

48. A letter from the Director of the United States Veterans' Bureau, transmitting a report of the expenses incurred by officers and employees of the United States Veterans' Bureau traveling on official business to points outside of Washington, D. C., during the fiscal year ending June 30, 1925; to the Committee on Appropriations.

49. A letter from the Director of the United States Veterans' Bureau, transmitting report to be made to Congress by public officers during the Sixty-ninth Congress and calling attention to the director's annual report for the fiscal year ended June 30, 1925; to the Committee on Ways and Means.

50. A letter from the Director of the United States Veterans' Bureau, transmitting a report of typewriters and other labor-saving devices purchased and exchanged during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

51. A letter from the Secretary of the Treasury, transmitting a report showing exchange of typewriters, adding machines, and other similar labor-saving devices in part payment for new machines during the fiscal year ended June 30, 1926; to the Committee on Appropriations.

52. A letter from the Secretary of the Treasury, transmitting a report showing claims for refund approved by the Commissioner of Internal Revenue during the fiscal year ended June 30, 1925, and forwarded to the disbursing clerk of the Treasury Department for payment or to the General Accounting Office for direct settlement; to the Committee on Ways and Means.

53. A letter from the Secretary of the Treasury, transmitting a statement of the proceeds of all sales of old materials, condemned stores, supplies, and other public properties for the fiscal year ended June 30, 1925, deposited and covered into the Treasury as miscellaneous receipts; to the Committee on Appropriations.

54. A letter from the Secretary of the Treasury, transmitting statements showing in detail what officers and employees of the Treasury Department performed travel on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

55. A letter from the Secretary of War, transmitting report covering publications issued by the War Department during the fiscal year ended June 30, 1925; to the Committee on Printing.

56. A letter from the chairman of the United States Shipping Board, transmitting statement of travel performed by the officers and employees of the United States Shipping Board during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

57. A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, dated November 14, 1925, submitting statements of the cost of manufacture at the various arsenals and at the Springfield Armory, Springfield, Mass., for the fiscal year ended June 30, 1925; to the Committee on Expenditures in the War Department.

58. A letter from the Secretary of War, transmitting reports of the Quartermaster General, the Chief of Engineers, the Chief Signal Officer, the Superintendent of the United States Military Academy, and the War Department Supply Division, of typewriters, adding machines, and other similar labor-saving devices exchanged during the fiscal year 1925, as part payment for new labor-saving devices purchased; to the Committee on Appropriations.

59. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the make, model, and serial number of each machine exchanged during the fiscal year 1925, the period of its use, the allowance therefor, and the article, make, and model thereof, and price, including exchange value paid for each article procured through such exchange; to the Committee on Appropriations.

60. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing in detail the travel expense of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

61. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1925, the names of all persons employed, alphabetically arranged, the State from which each was appointed, the rate of compensation paid to each, together with a full itemized statement showing how the moneys appropriated for the fiscal years 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, and 1925 have been expended; to the Committee on Appropriations.

62. A letter from the Secretary of the Treasury, transmitting a report in detail giving the number of the various publications issued by the Treasury Department during the fiscal year ended June 30, 1925; to the Committee on Printing.

63. A letter from Librarian of the Library of Congress, transmitting a statement showing in detail what officers or employees of the Library of Congress have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1925, giving in each case the full title of the official, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case; to the Committee on Appropriations.

64. A letter from the Librarian of the Library of Congress, transmitting a report giving the aggregate number of publications issued by the Library of Congress during the fiscal year 1924–25, the cost of paper used, the cost of printing, the cost of preparation, and the number distributed; to the Committee on Printing.

65. A letter from the Secretary of the Treasury, transmitting reports from the Departments of Commerce, Interior, and War, and the United States Shipping Board, relative to money received during the fiscal year ended June 30, 1925, which was not paid into the General Treasury of the United States, and the payments, if any, made from such funds during said fiscal year, and 26 reports from the heads of other departments stating that no moneys have been received during the fiscal year which have not been covered into the Treasury, and calling attention to the report of the acting director of supply, dated November 25, 1925, covering moneys received by the Treasury Department during the fiscal year ended June 30, 1925; to the Committee on Ways and Means.

66. A letter from the Secretary of the Treasury, transmitting report of rental collections on account of public buildings and sites, privileges, and ground rent under the control of the Treasury Department outside of the District of Columbia; to the Committee on Expenditures on Public Buildings.

67. A letter from the Secretary of the Treasury, transmitting detailed report of the expenditures under the appropriation "Preventing the spread of epidemic diseases" for the fiscal year ended June 30, 1925; to the Committee on Expenditures in the Treasury Department.

68. A letter from the Secretary of the Treasury, transmitting estimates of receipts of Indian tribal funds, expenditures recommended therefrom by the Secretary of the Interior for the benefit of Indians, and estimates of amounts required to be expended under treaty stipulations and agreements for the fiscal year ended June 30, 1927; to the Committee on Expenditures in the Interior Department.

69. A letter from the chairman of the United States Tariff Commission, transmitting a report showing in detail all travel from Washington performed by officers and employees of the

Tariff Commission during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

70. A letter from the chairman of the United States Tariff Commission, transmitting report showing the exchange of typewriters by the Tariff Commission during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

71. A letter from the Assistant Secretary of Commerce, transmitting a detailed statement concerning the publications issued by the Department of Commerce during the fiscal year 1925; to the Committee on Printing.

72. A letter from the Acting Secretary of War, transmitting the annual report of the American Red Cross; to the Committee on Military Affairs.

73. A letter from the Secretary of the Navy, transmitting report of the disposition of useless papers in the files of navy yards, naval stations, etc.; to the Committee on Disposition of Useless Executive Papers.

74. A letter from the secretary of the Federal Trade Commission, transmitting a statement showing the number of typewriters, adding machines, and other similar labor-saving devices exchanged by the Federal Trade Commission during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

75. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

76. A letter from the Comptroller General of the United States, transmitting a statement showing in detail the officers and employees of the General Accounting Office who during the fiscal year 1925 have traveled on official business from Washington, D. C., to points outside the District of Columbia; to the Committee on Appropriations.

77. A letter from the Comptroller General of the United States, transmitting a report showing the typewriters and adding machines exchanged in part payment for new machines during the fiscal year of 1925; to the Committee on Appropriations.

78. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation "to prohibit employment of officers of the Navy or Marine Corps on the active or retired list by persons or companies furnishing naval supplies or war materials to the Government"; to the Committee on Naval Affairs.

79. A letter from the president of the United States Civil Service Commission, transmitting a statement showing in detail what officers or employees of the commission have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

80. A letter from the Director General of the United States Railroad Administration, transmitting a statement showing the make, model, and serial number of typewriters exchanged by the Railroad Administration during the fiscal year ended June 30, 1925, the period of its use, the allowance therefor, the make and model thereof, and the price, including exchange value, paid for typewriters procured through such exchange; to the Committee on Appropriations.

81. A letter from the Secretary of the Navy, transmitting a copy of certificates issued in the cases of Lieutenant Commanders Willett and Izard that had not been included in the report for 1922; to the Committee on Expenditures in the Navy Department.

82. A letter from the Secretary of War, transmitting data relative to exchange of typewriters and adding machines in part payment for new machines for the same purpose as those exchanged, by the Panama Canal, for the period July 1, 1924, to June 30, 1925; to the Committee on Appropriations.

83. A letter from the Secretary of War, transmitting a report covering the number and cost of publications issued by the Panama Canal during the fiscal year ended June 30, 1925; to the Committee on Printing.

84. A letter from the Postmaster General, transmitting report of a special contract entered into with the Hudson & Manhattan Railroad for carrying mails on road on route No. 102891; to the Committee on the Post Office and Post Roads.

85. A letter from the Director of the United States Veterans Bureau, transmitting a statement showing by location, salary range, and bureau designation employees receiving an aggregate annual salary of $20,000 and over as of November 1, 1925; to the Committee on Appropriations.

86. A letter from the Assistant Secretary of Labor, transmitting report of files of useless papers now accumulated in the Department of Labor which will be of no further use in the transaction of official business; to the Committee on Disposition of Useless Executive Papers.

87. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a detailed classified statement of the expenditures made from the appropriation for contingent expenses of the government of the District of Columbia for the fiscal year ended June 30, 1925; to the Committee on Appropriations.

88. A letter from the Director of the United States Botanic Garden, transmitting information relative to travel from Washington, D. C., in connection with official business of the Botanic Garden during the fiscal year 1925; to the Committee on Appropriations.

89. A letter from the Secretary of War, transmitting a list of expenditures from the appropriation for the encouragement of breeding of riding horses suitable for the military service for the fiscal year 1925; to the Committee on Expenditures in the War Department.

90. A letter from the chief scout executive of the Boy Scouts of America, transmitting the fifteenth annual report of the Boy Scouts of America (H. Doc. No. 109); to the Committee on Education and ordered to be printed, with illustration.

91. A letter from the Secretary of the Treasury, transmitting a combined statement of the receipts and disbursements, balances, etc., of the Government during the fiscal year ended June 30, 1925 (H. Doc. No. 108); to the Committee on Appropriations and ordered to be printed, with accompanying documents.

92. A letter from the Secretary of the Interior, transmitting report of the administration of the war minerals relief act, including receipts and disbursements, for the calendar year ended November 30, 1925; to the Committee on Mines and Mining.

93. A letter from the Secretary of War, transmitting statement showing permits and licenses issued under the authority of the Federal water power act during the fiscal year ended June 30, 1925, report giving the aggregate number of the various publications issued by the Federal Power Commission during the fiscal year ended June 30, 1925, with other details, statement in detail of travel taken by officers of the Federal Power Commission to points outside the District of Columbia during the fiscal year ended June 30, 1925, and statement showing typewriters, adding machines, and other similar labor-saving devices purchased during the fiscal year 1925; to the Committee on Interstate and Foreign Commerce.

94. A letter from the Comptroller General of the United States, transmitting the annual report of the General Accounting Office for the fiscal year 1925; to the Committee on the Judiciary.

95. A letter from the Secretary of War, transmitting a report which covers the disposal of surplus property in the possession of the War Department within the United States during the period from November 15, 1924, to November 30, 1925, inclusive; to the Committee on Expenditures in the War Department.

96. A letter from the Secretary of Labor, transmitting statement showing aggregate number of publications issued during 1925, the number distributed, and the costs thereof; to the Committee on Printing.

97. A letter from the Attorney General, transmitting report of the selection of a portion of the Camp Sherman Military Reservation at Chillicothe, Ohio, as a suitable site for an industrial reformatory; to the Committee on the Judiciary.

98. A letter from the president, Board of Managers, National Home for Disabled Volunteer Soldiers, transmitting the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ended June 30, 1925; to the Committee on Military Affairs.

99. A letter from the Secretary of the Interior, transmitting report for the fiscal year ended June 30, 1925, showing exchanges made by the Department of the Interior of typewriters, adding machines, and other similar labor-saving devices in part payment for new machines; to the Committee on Appropriations.

100. A letter from the chairman of the United States Shipping Board, transmitting the ninth annual report of the United States Shipping Board, covering the period June 30, 1924, to and including June 30, 1925; to the Committee on the Merchant Marine and Fisheries.

101. A letter from the Secretary of the Interior, transmitting a detailed statement embodying the number of documents received and distributed during the fiscal year 1925; to the Committee on Printing.

102. A letter from the Secretary of the Interior, transmitting detailed statement of traveling expenses incident to the detail of employees from the office of one surveyor general to another during the fiscal year ended June 30, 1925; to the Committee on Appropriations.

103. A letter from the Secretary of the Interior, transmitting a statement of the expenditure of the appropriation for salaries for the fiscal year ended June 30, 1925, for professional and other services rendered for Freedmen's Hospital; to the Committee on Expenditures in the Interior Department.

104. A letter from the Secretary of the Interior, transmitting a statement showing the receipts from rentals, extension of Capitol Grounds, for the period from December 1, 1924, to and including November 30, 1925, aggregating $6,647.50; to the Committee on Public Buildings and Grounds.

105. A letter from the Secretary of the Treasury, transmitting report on the cumulative sinking fund (H. Doc. No. 110); to the Committee on Ways and Means and ordered to be printed.

106. A letter from the Secretary of the Treasury, transmitting reports on expenses of loans and expenditures from repayments of foreign loans through the fiscal year ended June 30, 1925 (H. Doc. No. 111); to the Committee on Ways and Means and ordered to be printed.

107. A letter from the Secretary of the Interior, transmitting report of the investigations of the proposed Columbia Basin irrigation project conducted under authority of Senate Joint Resolution 157, of December 22, 1924, also a financial statement showing the expenditures of money appropriated by the acts of Congress approved February 21, 1923, and December 22, 1924 (H. Doc. No. 112); to the Committee on Irrigation and Reclamation and ordered to be printed.

108. A letter from the Secretary of the Interior, transmitting a report showing the amounts expended at each Indian agency from the appropriation for construction, lease, purchase, repair, and improvement of agency buildings; to the Committee on Indian Affairs.

109. A letter from the Secretary of the Interior, transmitting two tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year June 30, 1925; to the Committee on Indian Affairs.

110. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1925, from the appropriation "Industry among Indians, 1925"; to the Committee on Indian Affairs.

111. A letter from the Secretary of the Interior, transmitting a report for the fiscal year ended June 30, 1925, relating to the appropriation "Indian schools, support, 1925"; to the Committee on Indian Affairs.

112. A letter from the Secretary of the Interior, transmitting statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

113. A letter from the Secretary of the Interior, transmitting report for the fiscal year 1925, showing the amounts expended at each Indian school from the appropriation for construction, lease, purchase, repair, and improvement of school buildings; to the Committee on Indian Affairs.

114. A letter from the Secretary of the Interior, transmitting a detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

115. A letter from the Secretary of the Interior, transmitting detailed report of expenditures from the $200,000 authorized from the funds of the Apache, Kiowa, and Comanche Indians for the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

116. A letter from the Secretary of the Interior, transmitting detailed report of expenditures from the tribal funds of the Confederated Bands of the Utes during the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

117. A letter from the Secretary of the Interior, transmitting report of expenditures for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

118. A letter from the Secretary of the Interior, transmitting report of all moneys collected and deposited during the fiscal year ended June 30, 1925, under the appropriation "Determining heirs of deceased Indian allottees, 1925"; to the Committee on Indian Affairs.

119. A letter from the Secretary of the Interior, transmitting report that no expenditures were made during the fiscal year ended June 30, 1925, for the construction of hospitals from the appropriation "Relieving distress and prevention, etc., of diseases among Indians, 1925"; to the Committee on Indian Affairs.

120. A letter from the Secretary of the Interior, transmitting report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

121. A letter from the Secretary of the Interior, transmitting report of expenditures for the purpose of encouraging industry and support among the Indians on the Tongue River Reservation, Mont., during the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

122. A letter from the Secretary of the Interior, transmitting a statement of expenditures on account of the Indian Service for the fiscal year ended June 30, 1925, from the appropriation "Industrial work and care of timber, 1925"; to the Committee on Indian Affairs.

123. A letter from the Secretary of the Interior, transmitting report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

124. A letter from the Secretary of the Interior, transmitting a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1925; to the Committee on Indian Affairs.

125. A letter from the Secretary of the Interior, transmitting a statement of the expenditures for the fiscal year ended June 30, 1925, of money carried on the books of the Department of the Interior under the caption "Indian moneys, proceeds of labor"; to the Committee on Indian Affairs.

126. A letter from the Postmaster General, transmitting a schedule of papers and documents which are not needed in the transaction of public business and requesting permission to destroy the same; to the Committee on Disposition of Useless Executive Papers.

127. A letter from the secretary and executive officer National Capital Park Commission, transmitting list of land acquired before June 30, 1925, and also the land acquired since that date to the present time; also a general report as to the operations of the commission; to the Committee on the District of Columbia.

128. A letter from the Secretary of War, transmitting 466 reports of inspections of disbursements and transfers by officers of the Army, received in the office of the Inspector General during the fiscal year ended June 30, 1925; to the Committee on Military Affairs.

129. A letter from the Secretary of the Treasury, transmitting detailed statement showing the number of claims filed under the requirements of the act of Congress approved August 25, 1919, an act for the relief of contractors and subcontractors for the post offices and other buildings and works under the supervision of the Treasury Department, and for other purposes; to the Committee on Public Buildings and Grounds.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LINEBERGER: A bill (H. R. 4070) to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture.

By Mr. TILLMAN: A bill (H. R. 4071) to appropriate the sum of $25,000 out of the United States Treasury to lay and construct a substantial concrete hard-surface pavement for a distance of two blocks through the United States Government property and adjacent to the national cemetery in the city of Fayetteville, Ark.; to the Committee on Appropriations.

Also, a bill (H. R. 4072) to establish a fish hatchery in the third congressional district of the State of Arkansas; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4073) to provide for the purchase of a site and the erection of a public building at Bentonville, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4074) for the erection of a public building at Berryville, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4075) for the erection of a public building at Springdale, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. TINCHER: A bill (H. R. 4076) to provide for the purchase of a site and the erection of a public building thereon at Hoisington, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. WASON: A bill (H. R. 4077) to provide for the purchase of a site and the erection of a public building thereon at Peterborough, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4078) to provide for the purchase of a site and the erection of a public building thereon at Claremont in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

By Mr. WINGO: A bill (H. R. 4079) to establish the Mena National Park in the State of Arkansas; to the Committee on the Public Lands.

Also, a bill (H. R. 4080) granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., and the Fort Smith waterworks district of said city to construct, maintain, and operate a dam across the Poteau River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4081) to provide for the erection of a public building at Van Buren, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH: A bill (H. R. 4082) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

By Mr. WINTER: A bill (H. R. 4083) to authorize the purchase of a site and the erection and completion of a building thereon, or the purchase of a site and building, for a post office at Riverton, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 4084) to create a department of air, defining the powers and duties of the secretary thereof, providing for the organization, disposition, and administration of a United States air force, and providing for the development of civil and commercial aviation, the regulating of air navigation, and for other purposes; to the Committee on Military Affairs.

By Mr. DAVILA: A bill (H. R. 4085) to amend the organic act of Porto Rico, approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. FREE: A bill (H. R. 4086) to amend paragraph 737 of schedule 7 of that certain act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. GASQUE: A bill (H. R. 4087) for the erection of a public building at Conway, S. C., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4088) for the erection of a public building at Mullins, S. C., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4089) for the erection of a public building at Dillon, S. C., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4090) for the erection of a public building at Kingstree, S. C., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HADLEY: A bill (H. R. 4091) to authorize the acquisition of a site and the erection thereon of a Federal building at Blaine, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4092) to provide a site and erect a public building at Mount Vernon, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4093) to construct a public building for a post office at the city of Port Angeles, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. SWOOPE: A bill (H. R. 4094) to create a commission to be known as the Federal motion-picture commission, and defining its powers and duties; to the Committee on Education.

By Mr. TABER: A bill (H. R. 4095) for the erection of a public building at Lyons, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4096) for the purchase of a site for the erection thereon of a public building at Seneca Falls, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. TILLMAN: A bill (H. R. 4097) to create a department of education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other puposes; to the Committee on Education.

By Mr. WEFALD: A bill (H. R. 4098) setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota; to the Committee on Indians Affairs.

By Mr. ZIHLMAN: A bill (H. R. 4099) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924; to the Committee on the District of Columbia.

By Mr. DAVILA: A bill (H. R. 4100) to erect a customhouse in Guanica, P. R.; to the Committee on Insular Affairs.

By Mr. VESTAL (by request): A bill (H. R. 4101) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines; to the Committee on Military Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 4102) granting an easement for public-road purposes to Sarpy County, Nebr., of thirty-nine hundredths of an acre near Fort Crook, United States military reservation, near Omaha, Nebr.; to the Committee on Military Affairs.

By Mr. GARBER: Joint resolution (H. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of Members of Congress; to the Committee on the Election of President, Vice President, and Representatives in Congress.

Also, joint resolution (H. J. Res. 48) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

Also, joint resolution (H. J. Res. 49) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SWOOPE: Joint resolution (H. J. Res. 50) adopting the Star-Spangled Banner, words by Francis Scott Key and music by Samuel Roberts, as the national anthem; to the Committee on the Library.

By Mr. GRIFFIN: Joint resolution (H. J. Res. 51) providing for and authorizing the President of the United States to take temporary control of and operate coal mines in certain emergencies and control the distribution of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVILA: Joint resolution (H. J. Res. 52) authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; to the Committee on Agriculture.

Memorial of the Legislature of the State of Arizona, relative to the development of the Colorado River; to the Committee on Irrigation and Reclamation.

Memorial of the Legislature of the State of Arizona, approving the Colorado River compact, subject to the lower division States agreement; to the Committee on Irrigation and Reclamation.

Memorial of the Legislature of the State of Illinois, in connection with legislation placing an export bounty on various farm products; to the Committee on Agriculture.

Memorial of the Legislature of the State of Texas, favoring the strengthening of the Army and Navy of the United States; to the Committee on Military Affairs.

Memorial of the Legislature of California, requesting placing of a duty of 8 cents per pound on Royal Anne cherries imported; to the Committee on Ways and Means.

Memorial of the Legislature of the Philippine Islands, requesting immediate consideration of legislation to provide the freedom of the islands; to the Committee on Insular Affairs.

Memorial of the Legislature of the State of Nevada, requesting the setting aside of 50,000 acres for ultimate conveyance to that State; to the Committee on the Public Lands.

Memorial of the Legislature of New Mexico, requesting the passage of a pension bill for the benefit of one Joe S. Duran, veteran; to the Committee on Pensions.

By Mr. ARENTZ: Memorial of the Legislature of the State of Nevada, requesting erection of a hospital in that State for the treatment of tubercular veterans; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of the State of Nevada, asking for a survey of the public-range problem in that and other Western States; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Nevada, requesting adequate hospitalization for Indians; to the Committee on Indian Affairs.

By Mr. SINCLAIR: Memorial of the Legislature of the State of North Dakota, requesting the establishment of a national park in Billings County, N. Dak.; to the Committee on the Public Lands.

Also, memorial of the Legislative Assembly of the State of North Dakota, memorializing Congress to take steps toward the establishment of a national park in Billings County, N. Dak., embracing the wonderful petrified forest there located, to be known as the Roosevelt National Park; to the Committee on the Public Lands.

Also, memorial of the Legislative Assembly of the State of North Dakota, memorializing Congress to enact such legislation as will effectively give relief to American agriculture; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Memorial of Wisconsin State Legislature, urging an amendment to the Constitution whereby in the event of a declaration of war by the United States against any foreign country Congress shall provide for the conscription of all money, industries, and property of whatsoever nature necessary to the prosecution thereof and shall limit the profits from the use of such moneys, industries, and property; to the Committee on Military Affairs.

Also, memorial of Wisconsin State Legislature, urging Congress to enact such rules and laws as may be necessary for Members of Congress to take their seats therein at a time not later than the 1st day of January next following the election at which they are chosen; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of Wisconsin State Legislature, urging an amendment to the Constitution of the United States providing for the nomination and election of President and Vice President of the United States by popular vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of Wisconsin State Legislature, urging the Congress of the United States to take immediate action to make possible the early completion of the Great Lakes-St. Lawrence waterway project; to the Committee on Rivers and Harbors.

Also, memorial of Wisconsin State Legislature, protesting against turning over the project known as the Muscle Shoals or any other power-producing resources, developed or undeveloped, to private enterprise, and urging that Congress take immediate steps to develop the Muscle Shoals power project and to operate it for the benefit of the people of the United States by distributing its products at cost; to the Committee on Military Affairs.

By Mr. MADDEN: Memorial of the Legislature of the State of Illinois, favoring the passage of legislation embodying a scientific plan or program by which reasonable export bounties may be provided to be paid upon all exports of wheat, corn, hogs, and cattle and their products, and by which the money to pay such bounties may be provided by the persons economically benefited; to the Committee on Agriculture.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, amending article 18 of the amendment to the Constitution of the United States relating to the manufacture, sale, transportation, importation, and exportation of intoxicating liquors for beverage purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 4103) granting an increase of pension to Hannah E. Gosline; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 4104) for the relief of John Callaghan; to the Committee on Claims.

By Mr. AYRES: A bill (H. R. 4105) granting an increase of pension to Jane Simpson; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 4106) granting a pension to Lillian Bolton Miller; to the Committee on Invalid Pensions.

By Mr. BIXLER: A bill (H. R. 4107) granting a pension to Amanda Koons; to the Committee on Pensions.

Also, a bill (H. R. 4108) granting a pension to Henrietta Leonhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4109) granting a pension to William D McGinnis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4110) granting an increase of pension to Ellen Owens; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 4111) granting a pension to Bridget McAvoy Baker; to the Committee on Pensions.

By Mr. BURTON: A bill (H. R. 4112) for the relief of the city of Cleveland, Ohio; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 4113) for the relief of Ida F. Baum; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 4114) for the relief of the legal representatives of Gallus Kerchner, deceased; to the Committee on Claims.

Also, a bill (H. R. 4115) for the relief of the legal representatives of Cobb Blasdell & Co.; to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 4116) for the relief of the legal representatives of James H. Holladay, deceased; to the Committee on War Claims.

Also, a bill (H. R. 4117) for the relief of J. Walter Payne; to the Committee on Claims.

By Mr. CLEARY: A bill (H. R. 4118) granting a pension to Jennie C. Leydet; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 4119) for the relief of Edward R. Ledwell; to the Committee on Military Affairs.

Also, a bill (H. R. 4120) granting a pension to Nettie Truman; to the Committee on Invalid Pensions.

By Mr. DAVILA: A bill (H. R. 4121) for the relief of José Louzau; to the Committee on Claims.

Also, a bill (H. R. 4122) for the relief of Maj. Daniel Rodriguez, United States Army, retired; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 4123) granting an increase of pension to Ada L. Hartley; to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 4124) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.; to the Committee on Claims.

By Mr. DEAL: A bill (H. R. 4125) for the relief of Louis A. Hogue; to the Committee on Claims.

Also, a bill (H. R. 4126) for the relief of George T. Easton; to the Committee on Claims.

Also, a bill (H. R. 4127) to extend the benefits of the employers' liability act of September 7, 1916, to James Robert Allen; to the Committee on Claims.

Also, a bill (H. R. 4128) for the relief of Lottie May Bolin; to the Committee on Claims.

Also, a bill (H. R. 4129) for the relief of the estate of Sarah Harrison; to the Committee on Claims.

Also, a bill (H. R. 4130) for the relief of Willis-Smith-Crall Co.; to the Committee on Claims.

Also, a bill (H. R. 4131) for the relief of the P. Dougherty Co.; to the Committee on Claims.

Also, a bill (H. R. 4132) for the relief of the Norfolk Dredging Co., of Norfolk, Va.; to the Committee on Claims.

Also, a bill (H. R. 4133) granting a pension to Mary A. Kane; to the Committee on Pensions.

Also, a bill (H. R. 4134) for the relief of Henry A. Kassel Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 4135) authorizing the appointment of Herbert L. Lee as Artillery officer, United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 4136) authorizing the appointment of Luther W. Dear as Infantry officer, United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 4137) authorizing the appointment of Clarence E. Barnes as naval officer, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 4138) granting six months' pay to Virginia Weaver Plonk; to the Committee on Naval Affairs.

By Mr. DOYLE: A bill (H. R. 4139) for the relief of Thomas Hannon; to the Committee on Claims.

Also, a bill (H. R. 4140) for the relief of John Hamill; to the Committee on Claims.

By Mr. DREWRY: A bill (H. R. 4141) to authorize certain officers of the United States Marine Corps to accept from the Republic of Haiti "the medal for distinguished service"; to the Committee on Naval Affairs.

By Mr. ESTERLY: A bill (H. R. 4142) for the relief of the Carbon Slate Co.; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 4143) to credit the account of R. R. Calkins, formerly major of the United States Army; to the Committee on War Claims.

By Mr. FENN: A bill (H. R. 4144) granting an increase of pension to Sarah H. G. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4145) granting an increase of pension to Arthur N. Jones; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 4146) granting a pension to Mary E. Behymer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4147) granting a pension to Maggie Neidig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4148) granting a pension to Rebecca J. Rider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4149) granting an increase of pension to Lovina E. Willoughby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4150) granting an increase of pension to Sarah Wurtsbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4151) granting an increase of pension to Mary E. Chester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4152) granting an increase of pension to Rebecca L. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4153) granting an increase of pension to Flora Weeks; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 4154) granting an increase of pension to Ludwig Wertsch; to the Committee on Pensions.

Also, a bill (H. R. 4155) granting a pension to Susana Rhoades; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 4156) for the relief of the Davis Construction Co.; to the Committee on Claims.

Also, a bill (H. R. 4157) granting a pension to Jane Tilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4158) for the relief of Sophie J. Rice; to the Committee on Claims.

Also, a bill (H. R. 4159) granting an increase of pension to Anna F. Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4160) granting a pension to Alice Mansfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4161) granting an increase of pension to Antonio Alberto Madero; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4162) granting an increase of pension to Frederick A. Knock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4163) granting a pension to Melissa Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4164) granting a pension to Frances M. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4165) granting an increase of pension to Myra C. Hawley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4166) granting permission to Lieut. Col. James I. Mabee, United States Army, retired, to accept a decoration and diploma of Officer of the French Legion of Honor, tendered by the President of the French Republic; to the Committee on Military Affairs.

Also, a bill (H. R. 4167) granting an increase of pension to Mary Edna Peirce; to the Committee on Invalid Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 4168) for the relief of Mrs. Millen McCoy; to the Committee on War Claims.

By Mr. GRIEST: A bill (H. R. 4169) granting an increase of pension to Mary E. Jackson; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 4170) granting an increase of pension to Ann Amanda Sexton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4171) granting an increase of pension to Cora E. Shomo; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 4172) to place John P. Holland on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. HALL of Indiana: A bill (H. R. 4173) for the relief of Charles E. Reyburn; to the Committee on Claims.

Also, a bill (H. R. 4174) for the relief of the Marion National Bank, of Marion, Ind.; to the Committee on Claims.

Also, a bill (H. R. 4175) granting a pension to David C. Ulrich; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 4176) for the relief of Herman O. Kruschke; to the Committee on Military Affairs.

By Mr. HOLADAY: A bill (H. R. 4177) granting an increase of pension to Robert O. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4178) granting an increase of pension to Alba B. Bean; to the Committee on Pensions.

Also, a bill (H. R. 4179) granting an increase of pension to Harry Schwartz; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 4180) granting an increase of pension to Mary E. Corliss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4181) granting an increase of pension to Georgie A. Fifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4182) granting an increase of pension to Cordelia C. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4183) granting an increase of pension to Addie M. Pullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4184) granting an increase of pension to Emma R. Morrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4185) granting an increase of pension to Matilda R. Snow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4186) granting an increase of pension to Mary F. DuRoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4187) granting an increase of pension to Dora S. Hussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4188) granting an increase of pension to Osborn Allen; to the Committee on Invalid Pensions.

By Mr. HILL of Alabama: A bill (H. R. 4189) for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 4190) granting an increase of pension to Nancy E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4191) granting an increase of pension to Julia M. McQuown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4192) granting an increase of pension to Hannah O'Connor; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 4193) for the relief of the Rochester Merchandise Co.; to the Committee on Claims.

Also, a bill (H. R. 4194) granting an increase of pension to Mary P. Gaurlay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4195) granting an increase of pension to Orpha H. Lawton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4196) granting an increase of pension to Anna J. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4197) granting an increase of pension to Lilian M. Walther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4198) granting an increase of pension to May Vickery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4199) granting a pension to John P. Carges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4200) granting an increase of pension to Julia A. Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4201) granting an increase of pension to Henrietta D. Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4202) granting an increase of pension to Priscilla A. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4203) granting an increase of pension to Caroline Boerodaile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4204) granting an increase of pension to Rachel Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4205) granting an increase of pension to Alice L. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4206) granting an increase of pension to Elizabeth Crosson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4207) granting an increase of pension to Hannah Dyslin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4208) granting an increase of pension to Mary Neff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4209) granting an increase of pension to Josephine C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4210) granting an increase of pension to Cora Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4211) granting an increase of pension to Caroline Whitney; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 4212) granting an increase of pension to Edward J. McDougall; to the Committee on Pensions.

Also, a bill (H. R. 4213) granting a pension to William Williamson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 4214) authorizing appropriation of $15,000 to reimburse Navarro County, Tex., for destruction of a bridge belonging to said county by Federal authorities; to the Committee on War Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 4215) for the relief of the legal representatives of Robert Dillon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 4216) for the relief of Leo Dueber; to the Committee on the Post Office and Post Roads.

By Mrs. KAHN: A bill (H. R. 4217) granting an increase of pension to Norman Campbell; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 4218) granting an increase of pension to Laura M. Julian; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4219) granting an increase of pension to Margaret E. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4220) granting an increase of pension to Catherine Krum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4221) granting an increase of pension to Nancy Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4222) granting an increase of pension to Alice Bricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4223) granting an increase of pension to Catharine Barngrover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4224) granting a pension to Grover Stansberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4225) granting a pension to Charles Stansberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4226) granting a pension to Elizabeth Stansberry; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 4227) granting an increase of pension to Sadie McEwen; to the Committee on Invalid Pensions.

By Mr. KIEFNER: A bill (H. R. 4228) granting a pension to Henrietta Rowe; to the Committee on Pensions.

Also, a bill (H. R. 4229) granting an increase of pension to Milley Shrewsbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4230) granting an increase of pension to Barbara Skaggs; to the Committee on Pensions.

Also, a bill (H. R. 4231) granting an increase of pension to Mary L. Smock; to the Committee on Pensions.

Also, a bill (H. R. 4232) granting an increase of pension to Sophia Bouchard; to the Committee on Pensions.

Also, a bill (H. R. 4233) granting an increase of pension to Candacy McDaniel; to the Committee on Pensions.

Also, a bill (H. R. 4234) for the relief of John Poston, sr.; to the Committee on War Claims.

Also, a bill (H. R. 4235) for the relief of Royace Wells; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 4236) granting a pension to Catherine Robbins; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 4237) granting a pension to Andrew W. Stromblad; to the Committee on Pensions.

Also, a bill (H. R. 4238) granting a pension to Patrick H. Willard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4239) for the relief of John M. Wallace; to the Committee on Military Affairs.

By Mr. KOPP: A bill (H. R. 4240) granting an increase of pension to Lurissa J. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4241) granting an increase of pension to Lula B. Trimble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4242) granting an increase of pension to Margarett E. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4243) granting an increase of pension to Mary A. Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4244) granting an increase of pension to Sabina J. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4245) granting an increase of pension to Christena E. Waitman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4246) granting an increase of pension to Sarah I. Axline; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 4247) granting an increase of pension to Anna M. Prunkard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4248) granting an increase of pension to Loretta Burket; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4249) granting a pension to Salome M. Wertz; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 4250) for the relief of Carl Ullmann & Co.; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 4251) granting a pension to Lida Baker; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 4252) for the relief of Thomas H. Burgess; to the Committee on Military Affairs.

Also, a bill (H. R. 4253) granting a pension to Belle Opdycke; to the Committee on Pensions.

Also, a bill (H. R. 4254) granting a pension to Carrie P. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4255) granting an increase of pension to Emma Steinmetz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4256) granting an increase of pension to Mary Christy; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 4257) for the appointment of William Joseph Martin as captain in the Judge Advocate General's office, United States Army; to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 4258) to credit the accounts of James Hawkins, special disbursing agent, Department of Labor; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 4259) granting a pension to Francis M. Gustin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4260) granting an increase of pension to Mary M. Howard; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 4261) granting an increase of pension to James H. Smith; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 4262) granting an increase of pension to Huldah A. Hudson; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 4263) for the relief of Etelka Bell; to the Committee on Foreign Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 4264) granting an increase of pension to Malvina Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4265) granting an increase of pension to Mary E. Brooks; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 4266) granting an increase of pension to Clarence H. Wendelken; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 4267) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 4268) granting an increase of pension to Susan L. Emery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4269) granting an increase of pension to Harriet J. Sturdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4270) granting an increase of pension to Ellen Cavanaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4271) granting an increase of pension to Sarah L. Bean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4272) granting a pension to George H. Fortier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4273) granting a pension to Jesse C. Cambridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4274) granting a pension to Sidney Potter; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 4275) for the relief of Ellen Moore; to the Committee on Claims.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 4276) for the relief of Rose L. Kiefer, widow of Theodore E. Perin, now the wife of Peter E. Buel, individually, and for the use and benefit of Edna J. Perin and Olga G. Perin, her minor children; to the Committee on Claims.

By Mr. PEAVEY: A bill (H. R. 4277) for the relief of John Kreamer, E. H. Schweppe, Richard Klessling, and William Claviter, bondsmen of Hugo Stamm; to the Committee on Claims.

Also, a bill (H. R. 4278) for the relief of Frank Murray; to the Committee on Claims.

By Mr. PEERY: A bill (H. R. 4279) granting a pension to Alice Poteet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4280) granting a pension to Amanda Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4281) granting a pension to Rebecca A. Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4282) for the relief of Isabelle R. Damron, formerly postmaster at Clintwood, Va.; to the Committee on Claims.

Also, a bill (H. R. 4283) to reimburse A. B. Buchanan, formerly postmaster at Tazewell, Va., for war-savings stamps destroyed at Tazewell, Va., and repaid by him to the post office at Coaldan, Va., from which office said war-savings stamps had been received by him as central accounting postmaster; to the Committee on Claims.

By Mr. QUAYLE: A bill (H. R. 4284) granting an increase of pension to James Shanley; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 4285) granting an increase of pension to Samuel Jackson; to the Committee on Pensions.

Also, a bill (H. R. 4286) granting a pension to T. Gilbert Floyd; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 4287) for the relief of Jacob F. Webb; to the Committee on Military Affairs.

Also, a bill (H. R. 4288) granting a pension to Addie A. Green; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 4289) granting an increase of pension to Katharina Maas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4290) granting an increase of pension to Mary A. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4291) granting an increase of pension to Sarah J. Hagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4292) granting an increase of pension to Barbra E. McCutchan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4293) granting an increase of pension to Louisa Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4294) granting an increase of pension to Alice Tretheway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4295) granting an increase of pension to Sophia Krug; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4296) granting an increase of pension to Martha A. Bilderback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4297) granting an increase of pension to Cornelia Kennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4298) granting an increase of pension to Mariah Feagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4299) granting an increase of pension to Nancy Rudel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4300) granting an increase of pension to Elizabeth J. Straube; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4301) granting an increase of pension to Julia Pfeifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4302) granting an increase of pension to Nancy A. Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4303) granting an increase of pension to Barbara Roesner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4304) granting an increase of pension to Clarinda Tuley; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 4305) for the relief of the heirs of John V. Singer; to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 4306) to provide for a survey of the channel on the northeasterly side of Marquette Island, Mich., between Mackinac Bay and Muscallonge Bay, with a view to its improvement for navigation; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 4307) for the relief of the city of Harbor Springs, Mich.; to the Committee on Claims.

By Mr. SEARS of Nebraska: A bill (H. R. 4308) granting an increase of pension to Mrs. Robley D. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4309) granting a pension to Martha Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4310) granting a pension to Ida McAllister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4311) for the relief of Edward Tigh; to the Committee on Military Affairs.

Also, a bill (H. R. 4312) granting a pension to Emily C. Minturn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4313) granting a pension to Ellen Litzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4314) granting a pension to Jane Hannan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4315) granting a pension to Betsy Jane Hazen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4316) granting a pension to Louise J. Eller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4317) granting a pension to Miriam C. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4318) granting a pension to Mrs. Ellen Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4319) granting an increase of pension to Sarah C. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4320) granting an increase of pension to Lydia A. Raynor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4321) authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.; to the Committee on Claims.

Also, a bill (H. R. 4322) authorizing the Secretary of the Treasury to pay the claim of William Quinlan; to the Committee on Claims.

Also, a bill (H. R. 4323) authorizing the Treasurer of the United States to repay to the Nebraska Buick Co. funds illegally covered into the United States Treasury; to the Committee on Claims.

Also, a bill (H. R. 4324) authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer; to the Committee on Claims.

Also, a bill (H. R. 4325) to revoke and set aside a discharge without honor issued to Wade W. Barber, Bancroft, Nebr., October 28, 1899; to the Committee on Military Affairs.

Also, a bill (H. R. 4326) to provide for the payment of amounts expended in the construction and maintenance of a hangar and flying field for the use of the air mail service; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 4327) granting an increase of pension to Margaret J. Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4328) granting an increase of pension to Jane Leist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4329) granting an increase of pension to Harriet Gale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4330) granting an increase of pension to Deborah E. Bowling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4331) granting an increase of pension to Helen M. Axline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4332) granting an increase of pension to Dorothea E. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4333) granting an increase of pension to Martha A. Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4334) granting an increase of pension to Nettie McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4335) granting an increase of pension to Frances E. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4336) granting an increase of pension to Paulina Whitehead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4337) granting an increase of pension to Rilla J. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4338) granting an increase of pension to Minerva R. Connelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4339) granting an increase of pension to Elizabeth A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4340) granting an increase of pension to Loda Shuler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4341) granting an increase of pension to Hannah Marble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4342) granting an increase of pension to Martha E. Whiting; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4343) granting an increase of pension to Harriett H. Rickenbacher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4344) granting an increase of pension to Emma McCameron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4345) granting an increase of pension to Elijah Skeaton; to the Committee on Pensions.

Also, a bill (H. R. 4346) granting a pension to Amelia A. Keith; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 4347) to entitle Edward C. Scovel and Mary C. Scovel to receive the benefits of the act entitled "An act for the retirement of employees in the classified service, and for other purposes," approved May 22, 1920; to the Committee on Claims.

By Mr. MOORE of Kentucky: A bill (H. R. 4348) granting a pension to Nancy E. Dillon; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 4349) granting a pension to Jacob Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4350) granting a pension to Hannah M. Matley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4351) granting a pension to Ellen Maniax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4352) granting a pension to John Scott; to the Committee on Pensions.

Also, a bill (H. R. 4353) granting an increase of pension to Rufus W. Jones; to the Committee on Pensions.

Also, a bill (H. R. 4354) granting an increase of pension to Conrad Nagel; to the Committee on Pensions.

Also, a bill (H. R. 4355) granting an increase of pension to Sarah Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4356) granting an increase of pension to Laura Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4357) granting an increase of pension to Mary A. Webbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4358) granting an increase of pension to Mary Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4359) granting an increase of pension to Marie Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4360) granting an increase of pension to Annie Baker; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 4361) for the relief of the McHan Undertaking Co.; to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 4362) granting a pension to Rhoda Swords; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4363) granting a pension to Katherine D. White; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 4364) granting a pension to Charlotte Gamble; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 4365) for the relief of the Ansted National Bank, Ansted, W. Va.; to the Committee on Claims.

Also, a bill (H. R. 4366) for the relief of James H. Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 4367) for the relief of Barbara Wooton, widow of John F. Wooton; to the Committee on Military Affairs.

Also, a bill (H. R. 4368) for the relief of the Kanawha Valley Coal Co.; to the Committee on Claims.

Also, a bill (H. R. 4369) for the relief of Silas L. Lawson; to the Committee on Military Affairs.

Also, a bill (H. R. 4370) to reimburse Tennie A. Anderson for money, money orders, and postage stamps stolen; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 4371) granting a pension to Maggie E. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4372) granting a pension to Lyman E. Snider; to the Committee on Pensions.

Also, a bill (H. R. 4373) granting a pension to Laura Crawford; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 4374) granting a pension to Sophie Boettger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4375) granting an increase of pension to Sallie Roark; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 4376) to allow and credit the accounts of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of $237.90, disallowed by the Comptroller General of the United States; to the Committee on War Claims.

By Mr. TILLMAN: A bill (H. R. 4377) granting a pension to W. E. Sharp, a regularly commissioned United States deputy marshal of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma; to the Committee on the Judiciary.

Also, a bill (H. R. 4378) granting a pension to James Sharp, a regularly commissioned United States deputy marshal of the United States District Court for the Western District of Arkansas, including the Indian Territory, now in the State of Oklahoma; to the Committee on the Judiciary.

Also, a bill (H. R. 4379) granting a pension to Artie Noles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4380) for the relief of Garrett Parker; to the Committee on Claims.

Also, a bill (H. R. 4381) for the relief of Porter Johnson; to the Committee on Claims.

Also, a bill (H. R. 4382) for the relief of the heirs and legal representatives of A. G. Kirby, deceased, to wit, Albert Kirby, H. L. Kirby, and Alonzo Kirby; to the Committee on War Claims.

Also, a bill (H. R. 4383) to pay $5,000 to Perry Lee, C. A. Boen, and C. A. Monroe Meadows, of Newton County, Ark.; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 4384) granting a pension to Albert O. Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4385) granting an increase of pension to Caroline Hurley; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 4386) for the relief of Blanche Winters; to the Committee on War Claims.

By Mr. VESTAL: A bill (H. R. 4387) granting an increase of pension to Johanna F. Paulin; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 4388) granting a pension to Joseph Greenwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4389) granting a pension to Mary Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4390) granting a pension to Laura A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4391) granting a pension to Charles H. Putnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4392) granting an increase of pension to Sarah F. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4393) granting an increase of pension to Clarinda A. Spear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4394) granting an increase of pension to Mary J. Hildreth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4395) granting an increase of pension to Anna V. Skinner; to the Committee on Invalid Pensions.

By Mr. WELSH: A bill (H. R. 4396) granting an increase of pension to Antoinette A. Darnell; to the Committee on Pensions.

Also, a bill (H. R. 4397) for the relief of Delaware River Towing Line; to the Committee on Claims.

By Mr. WHITE of Maine: A bill (H. R. 4398) granting an increase of pension to Mary H. Appleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4399) granting an increase of pension to Maud E. Bubier; to the Committee on Pensions.

Also, a bill (H. R. 4400) granting an increase of pension to Ida F. Libby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4401) granting an increase of pension to Dorcas M. Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4402) granting an increase of pension to Lizzie E. Whitten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4403) granting an increase of pension to Cyrena K. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4404) granting a pension to Josephine E. Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4405) granting a pension to Madora A. Lander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4406) granting a pension to Isa Landers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4407) granting a pension to Erwen C. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4408) granting a pension to Arria S. Sargent; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 4409) granting a pension to Isaac Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4410) granting a pension to Louisa Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4411) for the relief of Daniel Godsey; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 4412) granting an increase of pension to Martha Finley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4413) granting an increase of pension to Bessie A. Deems; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 4414) for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.; to the Committee on the Public Lands.

Also, a bill (H. R. 4415) granting a pension to Maria Duel; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 4416) granting an increase of pension to Isabella F. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4417) granting an increase of pension to Sarah E. Sias; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4418) granting an increase of pension to Joseph Shotts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4419) granting an increase of pension to Rachel B. Smart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4420) granting an increase of pension to Isabel A. Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4421) granting an increase of pension to Ella M. Shaffer; to the Committee on Pensions.

Also, a bill (H. R. 4422) granting an increase of pension to Rebecca Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4423) granting an increase of pension to Nora Remaley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4424) granting an increase of pension to Jemima Mechling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4425) granting an increase of pension to Margaret E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4426) granting an increase of pension to Mollie S. Hutchinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4427) granting an increase of pension to Alice R. Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4428) granting an increase of pension to Sarah A. Jellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4429) granting an increase of pension to Polly A. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4430) granting an increase of pension to Lucinda Bush; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 4431) for the relief of the P. Dougherty Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13. By the SPEAKER (by request): Petition of 694 citizens of Montana, favoring a constitutional amendment to provide a six-hour $6 work day; to the Committee on the Judiciary.

14. Also, petition of the mayor and common council of Tucson, Ariz., requesting legislation to permit that city to acquire certain Government land; to the Committee on the Public Lands.

15. Also, petition of the American Federation of Labor, requesting an investigation of conditions in Porto Rico; to the Committee on Insular Affairs.

16. By Mr. BIXLER: Petition of Sharon Automobile Association and sundry other citizens of Sharon, Pa., favoring the

repeal of tax on automobiles, accessories, etc.; to the Committee on Ways and Means.

17. Also, petition of the Farrell Motor Club, Farrell, Pa., for the repeal of excise tax on automobiles, accessories, etc.; to the Committee on Ways and Means.

18. By Mr. COOPER of Wisconsin: Memorial of Mr. Sophus Larsen, of Racine, Wis., and others, opposing the repeal of the Federal aid law for highway construction; to the Committee on Roads.

19. By Mr. DAVEY: Petition of sundry Emmet County citizens, in behalf of strengthening the immigration laws; to the Committee on Immigration and Naturalization.

20. Petition of sundry citizens of Derby, Iowa, urging that legislation be enacted which will put postmasters in the classified civil service; to the Committee on the Civil Service.

21. Petition of sundry citizens of Lake View, Iowa, recommending that postmasters be placed on classified civil service; to the Committee on the Civil Service.

22. Petition of the board of aldermen of the city of New York, petitioning Congress for an appropriation to defray expenses of the Gold Star Mothers of the city of New York for visit to the graves of their sons who were slain in the great World War; to the Committee on World War Veterans' Legislation.

23. By Mr. CULLEN: Petition of the Capital District Typotheta, of Albany, N. Y., protesting the practice of the Government printing complete return cards on Government stamped envelopes; to the Committee on the Post Office and Post Roads.

24. Also, petition of the board of aldermen, city of New York, petitioning the Congress for appropriation to defray expenses of the Gold Star Mothers of the city of New York for visit to graves of their sons who were slain in the great World War; to the Committee on World War Veterans' Legislation.

25. By Mr. FRENCH: Resolution by the Coeur d'Alene Fish & Game Association; also the Chamber of Commerce of Worley; the Commercial Club of Orangeville; the Izaak Walton League of Sandpoint; the Board of County Commissioners of Bannock County; the Wood River Fish & Game Protective Association, of Hailey; the Pocatello Central Labor Union, of Pocatello; and the county commissioners of Elmore County, Idaho, favoring the establishment of national fish hatchery in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

26. By Mr. SMITH: Petition of Phil Sheridan Post, Department of Idaho, Grand Army of the Republic, urging the enactment of legislation to increase the pension of Civil War veterans to $72 per month and the pension of their widows to $50 per month; to the Committee on Invalid Pensions.

27. By Mr. WELSH: Petition protesting against the passage of the compulsory Sunday observance bill (S. 3218) or the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

28. By Mr. WEFALD: Petition of 156 Chippewa Indians of Mahnomen, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

29. Also, petition of 34 Chippewa Indians of Nay-tah-waush, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

30. Also, petition of 42 Chippewa Indians of Ogema, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indians Affairs.

31. Also, petition of 46 Chippewa Indians of Beaulieu, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

32. Also, petition of 308 Chippewa Indians of White Earth, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

33. Also, petition of 97 Chippewa Indians of Callaway, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indians Affairs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *December 9, 1925*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, Thou art the first and the last, the beginning and the end, and infinitely more than the heart can dream or tongue can tell. This day direct us by Thy truth and bless us with the ministry of Thy grace. Lead our best selves forward that they may have their issues in deeper reflection and a wiser comprehension of our obligations to Thee and our country we are called to serve. Impress us more and more that a worthy life is founded on pure thought, clean speech, and a resolute sense of right. In every way carry on and on the better processes of our natures. We thank Thee for the teachings of the Man of Galilee. Hold Thou His cross before us and be gracious to receive and to forgive. Grant that every institution of our land that makes for righteousness, intelligence, and equal rights to all may receive the benediction of Thy grace. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER

Mr. STOBBS, a Representative from the fourth congressional district of Massachusetts, appeared at the bar of the House and took the oath of office prescribed by law.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries.

PROPOSED CHILD LABOR AMENDMENT TO THE CONSTITUTION

The SPEAKER. The Chair lays before the House the following communications, which the Clerk will report.

The Clerk read as follows:

A communication from the secretary of the state of Tennessee transmitting copy of resolution of the general assembly rejecting the proposed amendment to the Constitution relating to the labor of persons under 18 years of age.

A communication from the Governor of the State of California announcing the ratification of the proposed amendment to the Constitution relative to the labor of persons under 18 years of age.

The SPEAKER. The communications will be referred to the Committee on the Judiciary. The Chair will lay before the House a message from the President of the United States.

Mr. TILSON. Mr. Speaker, has the message from the President been laid before the House?

The SPEAKER. No. The Chair is advised that it will require only a few minutes. The Chair will recognize the gentleman from Connecticut later.

MESSAGE FROM THE PRESIDENT—THE BUDGET

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I transmit herewith the Budget of the United States for the fiscal year ending June 30, 1927. The receipts and expenditures shown in detail in the Budget are summarized in the following statement:

Summary (exclusive of postal revenues and postal expenditures paid from postal revenues)

	Estimates, 1927	Estimated, 1926	Actual, 1925
Total receipts	$3,824,530,203.00	$3,880,716,942.00	$3,780,148,684.42
Total expenditures (including reduction of the public debt required by law to be made from ordinary receipts)	3,494,222,308.44	3,618,675,186.00	3,529,643,446.09
Excess of receipts	330,307,894.56	262,041,756.00	250,505,238.33

The Budget for the fiscal year 1926, transmitted to the Congress December 1, 1924, indicated that for the fiscal year ending June 30, 1925, there would be a surplus of receipts over expenditures of $67,884,489. The actual surplus was $250,505,238. This gratifying difference between estimates and actual results was due mainly to unexpected increases in re-

ceipts, though a reduction in expenditures helped to swell the total.

In that Budget it was estimated that receipts for the current fiscal year, 1926, would amount to $3,641,295,092 and expenditures $3,267,551,378, forecasting a surplus of receipts over expenditures of $373,743,714. This estimate, which was made one year ago, has materially changed. On the receipt side of the ledger the operations of the first five months of this fiscal year indicate that we will receive $3,880,716,000, or approximately $239,420,000 more than was estimated a year ago. There is an estimated increase of $143,125,000 alone in our internal revenue, which indicates plainly the stimulating influence on business of the last tax-reduction law. On the other side of the ledger the expenditures estimated a year ago as $3,267,551,000 stand increased to-day to an estimated total of $3,618,675,000, an increase of $351,124,000. The indications to-day are that the surplus for 1926 will amount to $262,041,000.

It is appropriate here to mention the principal items which enter into this increase in estimated expenditures for the current fiscal year, for which it will be necessary to submit supplemental estimates to the Congress. The Budget for 1926 carried an estimate of $50,000,000 for the second payment to the adjusted service certificate fund established under the World War adjusted compensation act of May 19, 1924. In submitting that estimate it was stated that should the number of applications increase beyond what the then conditions indicated as being probable a supplemental estimate for the additional amount found necessary would be presented. The indications to-day are that there will be issued not less than 3,400,000 certificates of insurance at an average cost of $1,033 each. On this basis the cost of the World War adjusted compensation act will reach $3,500,000,000. The law contemplates that the financial obligation which it creates shall be equally distributed over a period of 20 years. To meet this obligation will require a payment of $106,000,000 to the fund on January 1, 1926, in addition to the $50,000,000 already appropriated. Subsequent payments to the fund will require approximately $140,000,000 annually.

To meet refundment of taxes illegally collected it was estimated that our expenditures for 1926 would amount to $90,000,000. The indications to-day are that $151,000,000 will be required, a difference of $61,000,000. The funds on hand July 1, 1925, amounted to $60,000,000, which are now practically exhausted. An additional amount of $91,000,000 will therefore be required to meet the refunds for the remainder of the current fiscal year.

For Federal aid to post roads, an additional amount of $23,000,000 will be required this fiscal year, and to meet the estimated deficit in postal revenues $37,100,000 will be required. This latter requirement grows out of the postal pay act which operated to change an estimated surplus of $10,000,000 in postal revenues over postal expenditures to the deficit above stated.

The next item of importance is that of pensions, for which it is estimated an additional $8,000,000 will be required this fiscal year.

The outlook for the coming fiscal year, 1927, is most favorable. For that year it is estimated that the ordinary receipts will be $3,824,530,000 and expenditures $3,494,222,000. This indicates a surplus of $330,307,000.

The outlook for 1926 and 1927 shows clearly that the united effort of the executive and the legislative branches of the Government for economy in Federal expenditure is bearing further fruit. In the last four fiscal years there have been two substantial reductions in taxes. We have restored to the people a part of the moneys which we required of them to finance the World War. We are now in that favorable position of making further restoration. The budget and accounting act contemplates that under the fortunate conditions in which we now find ourselves the Chief Executive will make recommendation to the Congress as to the disposition of the estimated surplus of revenue. I therefore recommend to the Congress that there be a further reduction in taxes. The satisfaction of the Chief Executive in having opportunity to make such a recommendation I know is shared by the Congress whose cooperation with the Chief Executive in the conservation of public funds has made such reduction in taxes possible.

The Ways and Means Committee of the House of Representatives has been informed of our prospective surplus for 1927. That committee has prepared a tax-reduction measure. While this measure somewhat exceeds my judgment in amount and in exemptions, yet with continuing pressure for economy in the Federal service and the stimulation to business which will result from tax reduction, perhaps we can make further reduction in taxes of about the sum total of our prospective surplus for 1927 without jeopardizing the balancing of our annual Budget. Such reduction, however, should carry an obligation not to embark upon new projects involving large annual expenditure if we are to safeguard the integrity of our Budget.

The fruits of our labors are reflected in the coming tax reduction measure. It reflects the results of the efforts of the servants of the people and of their representatives in behalf of the people. There have been no partisan politics in expediting its preparation. I hope this same condition will prevail in the consideration of the measure.

This brings us to the estimates of appropriations contained in this Budget. These estimates reflect the continuing pressure for economy in Federal expenditure. We have about reached the time when the legitimate business of Government can not be carried on at a less expenditure than that which it now requires. With regard to our legitimate business the operating costs have been reduced to nearly a minimum. The normal expansion of the business of the Government in keeping pace with a growing Nation will involve added expenditure from year to year. The effort for economy, however, must continue. So far as it lies within the power of the Chief Executive it will continue.

In the following table a comparison is made of the appropriations for 1926 with the estimates for 1927:

Estimates of appropriations for 1927 compared with appropriations for 1926

	Estimates of appropriations, 1927	Appropriations, 1926
Legislative establishment	$16,498,381.70	$14,915,001.80
Executive Office	441,960.00	489,960.00
Independent offices:		
Civil Service Commission	1,001,592.00	1,008,092.00
Employees' Compensation Commission	2,742,040.00	2,301,500.00
Federal Board for Vocational Education	8,210,620.00	8,227,000.00
Federal Trade Commission	997,000.00	1,008,000.00
General Accounting Office	3,714,400.00	3,701,960.00
Housing Corporation	674,398.00	743,915.00
Interstate Commerce Commission	6,033,309.25	6,853,932.00
Public Buildings and Public Parks	2,293,850.00	2,282,595.00
Tariff Commission	699,000.00	721,500.00
Shipping Board and Emergency Fleet Corporation	14,198,574.00	24,330,000.00
Smithsonian Institution and National Museum	858,240.00	874,020.00
United States Veterans' Bureau	458,965,600.00	405,700,000.00
Other independent offices	4,879,876.00	1,578,945.00
Total, Executive Office and independent offices	505,709,859.25	459,820,459.00
Department of Agriculture	140,717,738.00	138,075,191.00
Department of Commerce	30,402,847.00	28,542,129.00
Department of the Interior	250,967,602.00	262,255,603.50
Department of Justice	24,367,027.00	24,205,822.00
Department of Labor	8,867,305.00	9,627,625.00
Navy Department	322,859,430.00	302,862,378.00
State Department	16,614,952.64	16,277,692.51
Treasury Department	157,503,713.63	153,708,404.50
War Department, including Panama Canal	335,641,525.00	339,765,931.00
District of Columbia	35,626,579.00	36,032,853.00
Total, ordinary	1,845,546,960.22	1,785,089,050.31
Reduction in principal of the public debt:		
Sinking fund	339,423,643.44	325,304,445.00
Redemption of securities from Federal reserve bank and Federal intermediate credit bank franchise tax receipts	1,000,000.00	1,000,000.00
Redemption of bonds, etc., received as repayments of principal and as interest payments on obligations of foreign governments	175,159,750.00	174,124,150.00
Principal of the public debt	515,583,393.44	500,428,595.00
Interest on the public debt	795,000,000.00	820,000,000.00
Total payable from the Treasury	3,156,130,358.66	3,105,517,645.31
Post Office Department and Postal Service, payable from postal revenues	740,077,563.00	636,269,415.00
Total, including Post Office Department and Postal Service	3,896,207,921.66	3,741,787,060.31

The foregoing table indicates that the estimates of appropriations for 1927, payable from the Treasury, will exceed by approximately $50,600,000 the amount of the appropriations for 1926. However, in making a comparison we should take into consideration the lawful obligations for 1926 which have been determined since the appropriations were made for that year. Taking these into consideration the estimates for 1927 are less than the appropriations and lawful obligations for 1926.

For the air services the estimates carry a total of $42,447,000, being $16,793,000 for the Army, $22,391,000 for the Navy, $2,750,000 for the air-mail service of the Post Office Department,

and $513,000 for the National Advisory Committee for Aeronautics. These amounts include contract authorizations, but do not include funds provided in other Budget items for the pay of commissioned Air Service officers, pay, housing, and general maintenance for the enlisted Air Service personnel, and certain classes of supplies and services of a general character furnished for Air Service activities. If we include these items, the total for the Air Service in 1927 will amount to not less than $76,000,000. The estimates for the air services for 1927 are in furtherance of the program which was commenced this year. They propose procurement from the industries of airplanes, engines, and accessories to the amount of $20,954,000. The remaining $21,493,000 is for maintenance, operation, experimentation, and research. This Government is pursuing an orderly policy toward building up its air services. We realize that our national defense air problem is primarily an industrial problem. We also know that the airplane industry to-day is dependent almost entirely upon Government business for its development and growth. We do not contemplate any competition between the Government and industry in the production of airplanes. With the business already assured by the appropriations for the current year, and with the further assurance of the business contemplated by these estimates, there should be a normal and proper growth in this industry. If we continue this policy, there need be no fear of our national-defense situation in so far as air strength is concerned.

The estimates carry a total of $21,940,529 for prohibition enforcement. This includes $12,634,000 for the activities of the Coast Guard in preventing rum smuggling. As an adjunct to prohibition enforcement, the Coast Guard has proved most effective. Its activities should be enlarged and strengthened at the earliest date possible. To this end I propose to recommend to the Congress additional appropriations for the Coast Guard for the remainder of this fiscal year and for all of the next fiscal year. This contemplates enlargement of the Coast Guard fleet and personnel. Provision is not made in this Budget for this additional equipment and personnel for 1927 for the reason that it should be presented to the Congress as one program, involving as it does the current as well as the next fiscal year. It is also proposed to recommend to the Congress that legislation be enacted which will authorize the construction of 10 new Coast Guard cutters which will cost approximately $9,000,000. While the initial cost of these cutters is large, we will effect an economy, as they will replace the destroyers now being used and which are expensive of operation. The normal functions of the Coast Guard alone require these additional cutters so that their construction will serve a twofold purpose. Every available resource of the Government will be employed for prohibition enforcement. The recommendations which I propose to make to the Congress are for the purpose of increasing this available force. Such reinforcement is needed. It should be provided.

In furtherance of the policy of backing this salutary law with the full power of the Federal Government, funds are carried in these estimates for strengthening that branch of the Department of Justice which is charged with the prosecution of violators of its provisions.

Federal aid to States is annually requiring more than $109,000,000. The estimates for this purpose for 1927 amount to something in excess of $110,000,000. The principal item is for rural post roads, for which an appropriation is requested of $80,000,000. The law authorizing Federal aid to States for the construction of rural post roads does not extend beyond the fiscal year 1927. The amount of $80,000,000 does not discharge our entire obligation under existing law. In addition to this amount, the authorizations for which moneys have not yet been appropriated amount to $116,700,000. Without further legislative action we therefore face an obligation of $116,700,000 over and above the amount carried in this estimate.

The Federal Government has been generous in its participation in State road construction, having authorized appropriations amounting to $690,000,000. Federal contribution to State highway construction was probably necessary in the beginning. It has expedited and so coordinated construction that all expenditures would be reflected in a definite and approved connecting highway system. On the other hand, there is no question but that Federal contributions have materially added to State expenditures of State funds. I am speaking for what I consider the best interest of the people. While Federal taxes have been reduced, State and other governmental taxes have been steadily increasing. Federal aid to States has influenced this latter condition. We should keep in mind that the moneys which we have contributed to the States are taken from the people, who in turn also pay the moneys required by the States to finance their own portion of the cost. The entire cost falls upon the people. It is true that the necessity and demand for good roads are constantly increasing, but they should not be constructed faster than the taxpayers can afford to pay for them. The amount that taxpayers can afford to pay can best be determined by the citizens of each State.

Since the inauguration of the present plan of Federal aid for road construction the States have changed their methods of financing their portion of the expenses. A large majority of the States now exact a gasoline tax, thereby distributing the cost of road construction and maintenance to those who benefit by their use. The construction of roads within a State is purely a State matter and ultimately should be financed by State funds. Without further legislative enactment the States would carry on their construction to an amount which they can afford to spend on it. But the National Government is committed to the policy of assisting in the building of good roads. Commitments have been made both by the States and the Nation in this direction. It is necessary to continue them for the present.

I do, however, recommend for the consideration of the Congress that future legislation restrict the Government's participation in State road construction to primary or interstate highways, leaving it to the States to finance their secondary or intercounty highways. This would operate to diminish the amount of Federal contribution.

For reclamation projects I am recommending $6,437,000. In making appropriations this fiscal year for reclamation projects the Congress laid down certain restrictions on the use of the funds for new construction. These restrictions contemplated that the Government would have assurance of the paying ability of the projects before funds were expended on them. I am in full accord with this policy. Its continuance is recommended in the estimates appearing in this Budget.

Again I urge upon the Congress the need of additional office buildings in the District of Columbia in the interest of Federal efficiency and economy. The actual conditions that face some of the Government's most important activities because of lack of sufficient and suitable working space are almost inconceivable. The Department of Agriculture occupies 45 widely separated buildings in the District. The General Accounting Office is scattered in 20 different locations, while the Internal Revenue Bureau of the Treasury Department, with its financial problems involving the greater bulk of the Federal Government's receipts, is housed in 11 indifferent and in some cases most unsatisfactory offices. Efficient and economical administration for which we are striving is impossible under these conditions. I repeat my former recommendation that in the interest of good administration of Federal business provision be made at once by the Congress for an annual appropriation of not in excess of $10,000,000 for the construction of buildings in the District of Columbia to properly house the Government's workers.

No general building bill has been enacted since before the war. This matter must necessarily come up for consideration. I am not in favor of the passage of an act which would be characterized as a general parceling out of favors that usually bears a name lacking in good repute. I am willing to approve an act similar in character to that which has already passed the House, providing a lump-sum appropriation to be expended under the direction of the Treasury, or any other proper authority, over a term of years, with such annual appropriations as the national finances could provide.

With regard to the physical plant of the Government, the policy was adopted of reaching a firm foundation before we attempted to build or rebuild. This was necessary because of the vast expansion of Federal agencies and activities growing out of the World War. We could not hope, nor was it necessary, to maintain this vast war inheritance. The only reasonable and proper course was to ascertain what part of it we did need so that money would not be wasted on the other. The time has now been reached when we know approximately the Government plant which should be maintained and the additions which are essential thereto. I have already directed your attention to the need of additional Federal buildings at the seat of government in order to adequately house and operate the business of the Government and protect its employees and records. The construction of Federal buildings at strategic points throughout the United States will be of material assistance in the transaction of public business and reduce rentals. This is not as urgent as the need for buildings in the District of Columbia. There is urgent need for new permanent construction to house the Army. This has been neglected primarily because we had the temporary shelter erected during the World War, but this has reached a stage when it is real waste to expend further funds upon its repair. The Congress in ap-

propriating for the War Department for the fiscal year 1925 directed a study of the housing situation of the Army with a view to having laid before it a plan looking to the sale of property held by the War Department and the utilization of the proceeds to the erection of permanent buildings at places selected for permanent military posts and camps. This plan, which was reflected in bills introduced in Congress during last session, would accomplish a very substantial commencement of the housing program for the Army. I commend this plan to the Congress for early consideration. It presents the means of meeting an urgent need.

The estimates include $140,000,000 to be credited to the adjusted service certificate fund established under the World War adjusted compensation act of May 19, 1924. This amount is necessary for the third payment to the fund to be made January 1, 1927. The applications received clearly indicate that $140,000,000 is the amount which should be paid into the fund on January 1, 1927.

During the fiscal year ended June 30, 1925, the gross public debt was reduced $734,619,101.59. This was brought about through (1) retirements required to be charged against ordinary receipts, in amount $466,538,113.83; (2) a reduction of $17,575,749.43 in the general-fund balance; and (3) the application of the entire surplus of $250,505,238.33. The debt was at its peak on August 31, 1919, when the gross amount outstanding was $26,596,701,648.01. The gross amount outstanding on June 30, 1925, was $20,516,193,887.90. The reduction accordingly has been $6,080,507,760.11, and the annual saving in interest amounts to more than $250,000,000.

Certain fixed debt charges for debt retirement are included in the regular Budget of the Government. This policy, which has become firmly established and which provides for an orderly retirement of the public debt, was inaugurated by the Congress in establishing the cumulative sinking fund and in directing that certain miscellaneous sources of revenue, including the repayment of loans to foreign governments made under authority of the Liberty bond acts should be applied to debt redemption. During the fiscal year 1925 debt amounting to $306,308,400 was retired through the cumulative sinking fund. Other fixed debt charges amounted to $160,229,714.

Interest payments during 1925 aggregated $881,806,662.36 as compared to $940,602,912.92 expended in 1924, and $820,000,000 estimated to be expended during 1926. For 1927 estimated expenditures are $795,000,000.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 7, 1925.*

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I yield 40 minutes to the gentleman from Oregon [Mr. HAWLEY].

The CHAIRMAN. The gentleman from Oregon is recognized for 40 minutes.

Mr. HAWLEY. Mr. Chairman and gentleman of the House of Representatives, yesterday afternoon the chairman of the committee, Judge GREEN, made a most admirable and comprehensive statement concerning the provisions of the bill in general and in considerable detail in some instances. It is my purpose to discuss what the bill means in terms of money, what effect the changes in rates will have on taxpayers and on the Treasury, why certain conclusions were reached by the committee, what are the answers to certain criticisms; in short the mechanics of the bill.

Three times since the conclusion of the World War—that is, in 1921, 1924, and again in 1925—the Committee on Ways and Means has presented bills proposing reduction of taxation in income and excise taxes, for the purpose of gradually establishing our system of taxation to a peace-time basis. The bill, as reported by the committee in 1921, proposed reductions totaling $350,000,000; the bill for the 1924 act proposed reductions totaling $341,440,000 and a refund of $232,750,000 of taxes paid or accruing for the preceding year. The amount by which taxes could be decreased in 1921 and 1924 was not sufficiently large to enable the committee to so revise the laws as to remove all taxes levied under the emergency of war; nor can we do so at this time. During the hearings the repeal of taxes in a gross aggregate of some $800,000,000 was urged, on the ground that the "war is over." It is true that armed activities have been ended for some time, but the aftermath of a great debt incurred as a result of the war, making necessary the appropriation of about $1,275,000,000 next year for interest payments and for the sinking fund, prevents the return now to an actual peace-time basis, and will continue to do so until that time when the debt service becomes a less important factor in the annual expenditures of the Government. For this reason, in the present bill some taxes were only diminished and many not changed. Relief was given in the judgment of the committee where it was most needed or where relief would do the greatest good. There are some taxes remaining unaltered, which should, and I think will, be reduced or repealed as soon as the condition of the Treasury will permit, among which are the capital-stock tax, various stamp taxes, taxes on business operations, corporation taxes, and so forth.

Under the statement of the Treasury that taxes could be reduced by $250,000,000 to $300,000,000, the outside figure was chosen, but that enabled the committee to grant relief to the extent of 37½ per cent of the total amount asked.

In preparing the present bill (as also in the case of those of 1921 and 1924) it could not be prepared and taxes adjusted as a bill would have been prepared, had the committee had a clear field and been able to deal with the subject of Federal taxation unhampered by a fixed limit.

At the hearing over 275 witnesses appeared in person or industries presented their views and requests by brief. Their requests for modifications of the administrative features and for reduction in taxes were carefully collated by the Legislative Counsel, which rendered invaluable assistance to the committee during the preparation of the bill, and by other agencies, so that every suggestion made to the committee on behalf of the taxpayers or of the Treasury was given careful consideration. Because it could not be definitely known when another bill for further reduction of taxes could be considered, Chairman GREEN was wisely insistent that such consideration should be given to all proposals, and in this policy he had the undivided support of the committee.

INCOME TAXES AND SURTAXES

The committee considered the income taxes first, since these affect the largest number of taxpayers; directly and indirectly, practically all the people. In this revision the committee purposed to prepare rates and brackets that would tend to place these taxes on a permanent peace-time footing. These, with the corporation taxes, will continue to be the backbone of the Federal system of taxation and the most material source of Federal revenue. Since they vitally affect businesses of all kinds, some degree of finality was most desirable on whatever matters the committee took action.

Under existing law the number of personal returns filed up to September 30, 1925, was 7,298,481, the aggregate net income reported $25,023,210,893, and the tax paid thereon $689,134,185, or at the average rate of 2.75 per cent. Compared with the previous year, the number of returns decreased 399,840, or 5.48 per cent, but the total net income reported this year is $183,073,529, or 0.73 per cent greater than reported in 1924, while the total tax paid increased $25,482,680, or 3.7 per cent. The average net income reported for 1925 is $3,428.55, the average amount of tax paid $94.42, and the average tax rate 2.75 per cent.

It has been urged during this debate that greater attention should be paid to the smaller taxpayer. I am in favor of granting to those of small incomes as much relief as can be consistent with providing the Treasury with sufficient funds. But in the last three acts, including this, we have gradually reduced the normal taxes and the surtaxes, so that the small taxpayer is a continually changing body of taxpayers, and if we continue the present policy too far we shall have our whole income-tax system going out of the little end of the horn. I make that statement preliminary to a more itemized discussion

that I shall make a little later. I think the people of the United States generally are willing to pay such portion of the tax as their circumstances warrant.

I think it will be of interest to the Congress to present a statement of the operation of the present law on the net individual income of the country, giving the total amount, the amount exempt from taxation, and the amount taxable:

Total net income		$25,023,210,893
Exemptions:		
Personal exemptions and credit for dependents	$16,657,519,698	
Dividends	3,207,181,311	
Interest on Government obligations not wholly exempt from tax	20,118,684	
Capital net gain from sale of assets held for more than two years	386,735,467	
Total	20,280,555,160	
Less exemptions in excess of net income	2,670,671,037	
Net income exempt from normal tax	17,609,884,123	
Plus losses for prior year	15,759,893	
Total net income exempt from taxation		17,625,644,016
Net income subject to normal tax		7,397,566,877

That is, 70.43 per cent of the total net individual income of those reporting under the present law is exempt from taxation, and 29.57 per cent is subject to the normal tax.

The taxes earned on this amount were further reduced by $27,538,273 under the earned-income provision in the 1924 act, which was new in that law. In the 1924 act it was provided that the tax should be reduced to any taxpayer by allowing him to subtract 25 per cent of the tax attributable to the first $10,000 of his taxable income or on so much of that as was earned—$5,000 being considered earned, with certain qualifications. The earned-income base has been increased to $20,000, and it is estimated that this will cause a further loss in revenue of $7,000,000.

The deduction of 25 per cent of the computed tax is really only another form of exemption, so that if it were capitalized, so to speak, this would further materially diminish the net income subject to tax.

Proposed reduction of taxes in personal incomes are to be effected in four ways.

(1) By increasing the personal credits as shown by the following table:

	Act of 1924	H. R. 1
For single persons	$1,000	$1,500
For married persons and heads of families	2,500	3,500

These increases on account of the large number of returns affected will lessen taxes $42,000,000 for the calendar year 1926. No change is made in the allowance of $400 each for dependents.

(2) Reduction in normal tax rates:

	Act of 1924	H. R. 1
	Per cent	*Per cent*
On the first $4,000 of taxed income	2	1½
On the second $4,000 of taxed income	4	3
On the remainder of taxed income	6	5

This will result in a further diminution of $46,000,000 for the calendar year 1926.

(3) By increasing the amount of earned income on which credit of 25 per cent of the amount computed as the tax:

	Act of 1924	H. R. 1
Earned income credit	$10,000	$20,000
First $5,000 presumed to be earned	Same.	Same.

The result of this action is a further decrement of $7,000,000 for the calendar year 1926.

The earned income credit under H. R. 1 will be allowed on both normal taxes and surtaxes. This is a change in existing law.

(4) By a change in the rates of the surtax, fixing the maximum at 20 per cent to apply on incomes in excess of $100,000. This causes an additional abatement of $98,575,000 for the calendar year 1926.

The total of the four items above is $193,575,000 for the calendar year 1926. The total reductions contained in H. R. 1, for the calendar year 1926, are estimated at $325,736,000. That is, 60 per cent of all reductions have been made in the personal income taxes.

In illustration of the method of computing a personal income tax, showing the use of the normal tax, the family exemption, the earned income provision and the surtax, I submit the following examples in the case of a married couple, with no dependents.

Suppose the net income is $16,000—

Net income		$16,000.00
Less family exemption		3,500.00
Taxable amount		12,500.00
Computation of normal tax:		
$4,000 at 1½ per cent equals	$60.00	
$4,000 at 3 per cent equals	120.00	
$4,500 at 5 per cent equals	225.00	
Total		405.00
Computation of surtax:		
$10,000 to $14,000, or $4,000 at 1 per cent equals	$40.00	
$14,000 to $16,000, or $2,000 at 2 per cent equals	40.00	
Total		$80.00
Combined total		485.00
Since $16,000 is less than the earned income provision of $20,000, supposing that the income is all earned, the taxpayer is entitled to subtract 25 per cent of $485 as earned income tax credit, or		121.25
Leaving as the tax to be paid		363.75

Suppose the net income is $30,000—

Net income		30,000.00
Less family exemption		3,500.00
Taxable amount		26,500.00
Computation of normal tax:		
$4,000 at 1½ per cent equals	$60.00	
$4,000 at 3 per cent equals	120.00	
$18,500 at 5 per cent equals	925.00	
Total		1,105.00
Computation of surtax:		
$10,000 to $14,000, or $4,000 at 1 per cent equals	$40.00	
$14,000 to $16,000, or $2,000 at 2 per cent equals	40.00	
$16,000 to $18,000, or $2,000 at 3 per cent equals	60.00	
$18,000 to $20,000, or $2,000 at 4 per cent equals	80.00	
$20,000 to $22,000, or $2,000 at 5 per cent equals	100.00	
$22,000 to $24,000, or $2,000 at 6 per cent equals	120.00	
$24,000 to $26,000, or $2,000 at 7 per cent equals	140.00	
$26,000 to $28,000, or $2,000 at 8 per cent equals	160.00	
$28,000 to $30,000, or $2,000 at 9 per cent equals	180.00	
Total		920.00
Combined total		2,025.00
Less earned-income credit of 25 per cent of $2,025, or		206.25
Tax to be paid		1,818.75

The earned-income credit for incomes of $20,000 or over is $206.25 in the case of married persons where there are no dependents.

Suppose the net income is $20,000 and the married persons have two children—

Net income		$20,000.00
Less family exemption:		
Married persons	$3,500.00	
2 children, at $400 each	800.00	
		4,300.00
Taxable amount		15,700.00
Computation of normal tax:		
$4,000 at 1½ per cent equals	$60.00	
$4,000 at 3 per cent equals	120.00	
$7,700 at 5 per cent equals	385.00	
Total		565.00

Computation of surtax:		
$10,000 to $14,000 equals $4,000, at 1 per cent equals	$40.00	
$14,000 to $16,000 equals $2,000, at 2 per cent equals	40.00	
$16,000 to $18,000 equals $2,000, at 3 per cent equals	60.00	
$18,000 to $20,000 equals $2,000, at 4 per cent equals	80.00	
Total		$220.00
Combined total		785.00
Less earned-income credit		196.25
Tax to be paid		588.75

If these married persons had had no dependents, then their tax would have been $618.75.

SURTAX BRACKETS

In the act of 1924 the maximum rate of surtax was 40 per cent, made to apply to income in excess of $500,000. When this act was under consideration in the House a proposal was made to reduce the maximum to 25 per cent, to which the House refused to agree. During and prior to this discussion in the House a considerable sentiment, both in Congress and the country, favored a proposed 25 per cent maximum. Since the passage of the act the sentiment for the reduction of the surtaxes has increased in strength, until it is believed that it is favored by a great majority of the citizens. Complying with what the country believes to be sound business policy, the maximum rate of surtax in the bill is 20 per cent, to apply on income in excess of $100,000. In the act of 1924 the 20 per cent rate applied on incomes from $56,000 to $58,000. The rate of tax in the present bill on $58,000 is 16 per cent. The rate of tax on incomes in excess of $100,000 was 37 per cent in the 1924 act.

The following table shows the matter graphically:

Income in excess of—	1924 act, surtax rate	Proposed bill, surtax rate
	Per cent	*Per cent*
$56,000–$58,000	20	16
$100,000–$200,000	37	20

When this maximum of 20 per cent on income in excess of $100,000 was fixed the problem then was to arrange the brackets. A number of tables were prepared and examined, keeping in mind three things, (1) that there was a limit to the reduction of revenue from personal income taxes, (2) that it was desirable to prepare a schedule of brackets and rates that would fairly represent the principle of a graduated revenue tax in providing a gradual increase in the tax paid for each additional $1,000 of income, (3) that the surtax is only one part of the tax paid, and (4) that the maximum surtax applied to incomes in excess of $100,000. The taxpayer does not pay per cents of tax, but dollars in tax. To contend that in the new surtax schedule the rates of tax in each bracket should be reduced equally or proportionately is to contend that the rates and brackets in preceding acts were models in gradation. Such is not the case.

Not using comparison of the surtax brackets and rates in preceding acts as the sole criterion for determining the new rates and brackets, the latter were constructed (1) with reference to the total normal and surtax paid on any given amount of income, and (2) so that there should be preserved in the tax a gradual advance in the amount paid for each additional increment of income. If former acts contained faulty provisions, there is no sound reason for perpetuating such faults. The purpose of tax revision, in part, is to correct errors of all kinds and to improve the system under which taxes are levied and collected. It is being urged that some of the surtax brackets have not received as large a percentage of decrease as have other brackets, and therefore have been unfairly provided for in the revision. This ignores any consideration of the effect of the normal rates in determining a proper apportioning of the burden of taxation and is unwarranted, if, as is actually the fact, in the total tax to be paid by any taxpayer there is a gradual increase for each increment of income.

It was proposed in order to increase the per cent of reduction of surtax in certain brackets that the amounts in the brackets be increased, or that the surtax rates increase by one-half, or some other fraction, of a per cent. These proposals were given careful attention, tables made, estimates of revenue under such brackets, and rates obtained. It was impossible to make schedules on either of these proposals that would not have resulted in an additional loss of some $60,000,000 to $75,000,000 of revenue. It was not possible for the Treasury to bear this loss. The Government must have funds for its operations. Moreover, to restate and emphasize, the present system of normal and surtax rates provides that there shall be collected a fairly graduated tax, taking into consideration the total tax.

Moreover, had any such proposals been adopted, incurring a loss of $60,000,000 or $75,000,000 in revenue, it would have necessitated an increase of rates in the brackets so rearranged that those paying therein would have been required to pay practically the amounts the proposed bill provides, because the greater proportion of revenue is collected from these brackets. A taxpayer pays dollars and not rates of per cent.

I submit below a table giving the computations under the act of 1924 (the brackets being arranged as in the pending bill), as compared with the computations in the proposed bill.

In the next to the last column in Table 2 is given the per cent the tax will be of the net income. It will be observed the percentages increase fairly regularly with each increment of net income.

If you plot those percentages, you will find a gradually ascending line or curve, showing that with each additional increment of income the tax is gradually increased until you get to the $100,000 limit, where, since the rate is $200 on each additional $1,000 it becomes a straight line with a rising trend.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BLACK of Texas. Does the gentleman think it is a sound principle of graduation to cause a man who has an income of $150,000 to pay the same percentage on that $150,000 as the man who has a net income of $1,000,000?

Mr. HAWLEY. To carry that suggestion to its logical conclusion would require a continually increasing scale of surtaxes whose limit is 100 per cent. There must be some place at which it must be determined that the business interests and welfare of the country indicate that the graduation must stop. Twenty per cent is the point, I think, universally accepted by all business men, economic students, and tax experts on the subject at which to cease the graduation. Adding to that the 5 per cent normal tax makes a 25 per cent tax on the income, and that is considered sufficient to provide money for the Treasury. To take one-fourth of a man's net income in tax is taking a considerable amount from the results of his industry.

Mr. HASTINGS. Will the gentleman yield to me?

Mr. HAWLEY. Yes.

Mr. HASTINGS. Suppose you had just taken 1 per cent from the normal rate under existing law and left your surtax alone, by how much would that have reduced the revenues that would have been collected?

Mr. HAWLEY. I have not heard the Treasury make any such estimate, and I could not offhand, without their figures, make an estimate that would be of any value.

Mr. HASTINGS. Just one more statement, if I may. I do not believe the gentleman fairly answered the inquiry of the gentleman from Texas [Mr. BLACK].

Mr. HAWLEY. That is a matter of opinion.

Mr. HASTINGS. The gentleman from Texas asked whether or not the gentleman from Oregon thought that the same rate should be maintained on all incomes over and above $100,000.

Mr. HAWLEY. I think I suggested the answer. Each additional $1,000 of income pays $200 of additional tax.

Mr. HASTINGS. Does the gentleman mean it increases more than 20 per cent?

Mr. HAWLEY. No; but the amount increases continually.

Mr. HASTINGS. Does the gentleman think there ought not to be any difference between the man who makes, say, $101,000 and the man who makes $1,000,000—has an income of $1,000,000?

Mr. HAWLEY. After long and careful investigation I think that 20 per cent is the maximum rate that should be applied, and at $100,000, for the good and continued prosperity of the country.

Mr. HASTINGS. But the gentleman thinks it should be graduated up to $100,000?

Mr. HAWLEY. Yes.

Mr. HASTINGS. And there the gentleman thinks the graduation should stop?

Mr. HAWLEY. I think so.

Mr. MILLS. May I suggest to the gentleman that every income tax law which we have had in this country has recognized the principle that all income above a given amount should be taxed at the maximum figure?

Mr. HASTINGS. But the question I am propounding is, Why stop at $100,000? The gentlemen from New York comes to the relief of the gentleman from Oregon to say we should stop when we come to the maximum amount, but the gentleman from New York does not state the maximum amount. That was the inquiry, as I understood it, made by the gentleman from Texas, and it is the one I am trying to press. Why stop at $100,000?

Mr. MILLS. I will say to the gentleman that all of our income tax laws have recognized the principle that over a given amount all income should be subject to the maximum rate, and if the gentleman will study those income tax laws he will find that, generally speaking, $100,000 is the point at which the maximum rate applies.

Mr. HASTINGS. Now, why?

Mr. MILLS. In the last act, where nominally the maximum rate of 40 per cent applies at $500,000, as a practical matter it is reached at $100,000, because we tax all amounts over $100,000 at 37 per cent. In the 1921 act you will find again that the maximum rate was practically $100,000, when we taxed all incomes over $100,000 at least 52 per cent.

Mr. GARNER of Texas. I think the answer to my friend from Oklahoma [Mr. HASTINGS] would be to say: Why should you stop at $1,000,000 or $500,000? The reason was that the committee thought $100,000 ought to be the maximum amount, whereas the Treasury Department thought that $150,000 ought to be the maximum amount. You have got to find some maximum amount somewhere at some time, and the result is the committee has selected $100,000.

Mr. MILLS. May I further point out to the gentleman from Texas that the higher up you put the maximum amount——

Mr. GARNER of Texas. The less tax you get.

Mr. MILLS. The less taxes you get and the more you benefit people with larger incomes.

Mr. GREEN of Iowa. If the gentleman from Oregon will permit, I was just going to supplement the remarks of the gentleman from Texas by stating that the committee thought no income above $100,000 should pay less than 20 per cent, and that is the only way to fix it. If you carried it up further, those incomes would pay less than 20 per cent.

Mr. HAWLEY. In the column entitled "Total tax," it is shown that the total tax increases fairly regularly with each additional increment of net income. In the brackets up to $15,000 the differences in the amounts paid between any two brackets vary to some extent, but the amount of tax to be paid is small. This variation is due to the fact that some pay only in the 1½ per cent normal bracket, some pay in the 1½ per cent and 3 per cent, and some in the 1½ per cent, 3 per cent, and 5 per cent; from the $16,000 bracket to the $24,000 bracket the tax increases $10 for each additional $1,000 of income taxed. Ending with the $20,000 bracket, the deduction for earned income does not increase but remains stationary at $206.25. The increase in the amount of tax thereafter depends upon the increase in the surtax rate, and the effect of the lower brackets of the normal tax, the family exemption, and the earned-income provision are less noticeable in reducing the taxes. If you will plot the curve indicated by the column headed "Per cent tax is of the net income," it will make a perfect gradually rising curve; that it, a truly graduated income tax has been provided.

Then, following I have inserted two tables comparing the earnings under the 1924 law with the proposed bill, the 1926 act.

We reduced the lower brackets up to $6,000 or $7,000 in the last bill over 62 per cent. We now propose a further reduction of 75 per cent on that former reduction so that they will only pay one-fourth of the tax levied under the 1924 act, which was only three-eighths of the preceding act; that is, three thirty-seconds in this bill of the amount of tax collected under the 1921 act. This is a material reduction in the lower brackets. A man whose income is $4,000 will pay one-seventh of 1 per cent tax, or $5.63; a man whose income is $8,000 will pay $56.25; a man who has an income of $10,000 will pay $101.25, or 1 per cent of his income. Now, a man who is receiving $10,000 income can not be said to be in serious straits. I commend these tables to your further consideration.

ACT OF 1924

TABLE 1.—*Married persons, with no dependents, with the earned income allowance of $10,000 all being considered as earned*

Net income	Normal tax	Total surtax for each bracket	Total tax	Per cent tax is of net income
$4,000	$22.50	----------	$22.50	0.56
5,000	37.50	----------	37.50	.75
6,000	52.50	----------	52.50	.88
7,000	75.00	----------	75.00	1.07
8,000	105.00	----------	105.00	1.31
9,000	135.00	----------	135.00	1.50
10,000	165.00	----------	165.00	1.65
11,000	215.00	$10.00	225.00	2.05
12,000	275.00	20.00	295.00	2.46
13,000	335.00	30.00	365.00	2.81
14,000	395.00	40.00	435.00	3.11
15,000	455.00	60.00	515.00	3.43
16,000	515.00	80.00	595.00	3.72
18,000	635.00	140.00	775.00	4.30
20,000	755.00	220.00	975.00	4.88
22,000	875.00	320.00	1,195.00	5.43
24,000	995.00	440.00	1,435.00	5.98
26,000	1,115.00	580.00	1,695.00	6.52
28,000	1,235.00	740.00	1,975.00	7.05
30,000	1,355.00	920.00	2,275.00	7.58
32,000	1,475.00	1,120.00	2,595.00	8.10
34,000	1,595.00	1,320.00	2,915.00	8.57
36,000	1,715.00	1,540.00	3,255.00	9.04
38,000	1,835.00	1,780.00	3,615.00	9.51
40,000	1,955.00	2,040.00	3,995.00	9.99
45,000	2,255.00	2,730.00	4,985.00	11.08
50,000	2,555.00	3,540.00	6,095.00	12.19
55,000	2,855.00	4,470.00	7,325.00	13.32
60,000	3,155.00	5,480.00	8,635.00	14.39
70,000	3,755.00	7,780.00	11,535.00	16.48
80,000	4,355.00	10,480.00	14,835.00	18.54
90,000	4,955.00	13,540.00	18,495.00	20.55
100,000	5,555.00	17,020.00	22,575.00	22.58
200,000	11,555.00	54,020.00	65,575.00	32.79
300,000	17,555.00	92,020.00	109,575.00	36.53
500,000	29,555.00	170,020.00	199,575.00	39.92
1,000,000	59,555.00	370,020.00	429,575.00	42.96
2,000,000	119,555.00	770,020.00	889,575.00	44.48
3,000,000	179,555.00	1,170,020.00	1,349,575.00	44.99
4,000,000	239,555.00	1,570,020.00	1,809,575.00	45.24
5,000,000	299,555.00	1,970,020.00	2,269,575.00	45.39

PROPOSED BILL, H. R. 1

TABLE 2.—*Married persons having no dependents, with the earned income allowance of $20,000 all being considered as earned*

Net income	Surtax rate	Normal tax	Total surtax for each bracket	Total tax	Per cent tax is of the net income	Amount by which taxes will be reduced under proposed bill
	P. ct.					
$4,000	-------	$5.63	----------	$5.63	0.141	$16.87
5,000	-------	16.88	----------	16.88	.338	20.62
6,000	-------	28.13	----------	28.13	.469	24.37
7,000	-------	39.38	----------	39.38	.563	35.62
8,000	-------	56.25	----------	56.25	.703	48.75
9,000	-------	78.75	----------	78.75	.875	56.25
10,000	-------	101.25	----------	101.25	1.013	63.75
11,000	1	123.75	$7.50	131.25	1.193	93.75
12,000	1	153.75	15.00	168.75	1.406	126.25
13,000	1	191.25	22.50	213.75	1.644	151.25
14,000	1	228.75	30.00	258.75	1.848	176.25
15,000	2	266.25	45.00	311.25	2.075	203.75
16,000	2	303.75	60.00	363.75	2.273	231.25
18,000	3	378.75	105.00	483.75	2,687	291.25
20,000	4	453.75	165.00	618.75	3.094	356.25
22,000	5	553.75	265.00	818.75	3.721	376.25
24,000	6	653.75	385.00	1,038.75	4.328	396.25
26,000	7	753.75	525.00	1,278.75	4.918	416.25
28,000	8	853.75	685.00	1,538.75	5.496	436.25
30,000	9	953.75	865.00	1,818.75	6.062	456.25
32,000	10	1,053.75	1,065.00	2,118.75	6.621	476.25
34,000	10	1,153.75	1,265.00	2,418.75	7.114	496.25
36,000	11	1,253.75	1,485.00	2,738.75	7.608	516.25
38,000	12	1,353.75	1,725.00	3,078.75	8.102	536.25
40,000	13	1,453.75	1,985.00	3,438.75	8.597	556.25
45,000	14	1,703.75	2,665.00	4,368.75	9.708	616.25
50,000	15	1,953.75	3,405.00	5,358.75	10.72	736.25
55,000	16	2,203.75	4,205.00	6,408.75	11.65	916.25
60,000	16	2,453.75	5,005.00	7,458.75	12.43	1,176.25
70,000	17	2,953.75	6,705.00	9,658.75	13.8	1,876.25
80,000	18	3,453.75	8,505.00	11,958.75	14.95	2,876.25
90,000	19	3,953.75	10,405.00	14,358.75	15.95	4,136.25
100,000	19	4,453.75	12,305.00	16,758.75	16.76	5,816.25
200,000	20	9,453.75	32,305.00	41,758.75	20.88	23,816.25
300,000	20	14,453.75	52,305.00	66,758.75	22.25	42,816.25
500,000	20	24,453.75	92,305.00	116,758.75	23.35	82,816.25
1,000,000	20	49,453.75	192,305.00	241,758.75	24.18	187,816.25
2,000,000	20	99,453.75	392,305.00	491,758.75	24.58	397,816.25
3,000,000	20	149,453.75	592,305.00	741,758.75	24.73	607,816.25
4,000,000	20	199,453.75	792,305.00	991,758.75	24.79	817,816.25
5,000,000	20	249,453.75	992,305.00	1,241,758.75	24.83	1,027,816.25

Tables 3 and 4 prepared by the Treasury, based upon the act of 1921, and the act of 1918, are given here for convenience of reference, and to show the extent to which Congress has reduced personal income taxes since the war:

TAX ON SPECIFIED INCOMES UNDER ACT OF 1921

TABLE 3.—*Married person with no dependents*

Net income	Normal tax	Surtax	Total tax	
			Amount	Per cent of income
$3,000	$20	$0	$20	0.67
4,000	60	0	60	1.50
5,000	100	0	100	2.00
6,000	160	0	160	2.67
7,000	240	10	250	3.57
8,000	320	20	340	4.25
9,000	400	30	430	4.78
10,000	480	40	520	5.20
11,000	560	60	620	5.64
12,000	640	80	720	6.00
13,000	720	110	830	6.38
14,000	800	140	940	6.71
15,000	880	180	1,060	7.07
16,000	960	220	1,180	7.38
18,000	1,120	320	1,440	8.00
20,000	1,280	440	1,720	8.60
22,000	1,440	600	2,040	9.27
24,000	1,600	780	2,380	9.92
26,000	1,760	980	2,740	10.54
28,000	1,920	1,200	3,120	11.14
30,000	2,080	1,440	3,520	11.73
32,000	2,240	1,700	3,940	12.31
34,000	2,400	2,000	4,400	12.94
36,000	2,560	2,300	4,860	13.50
38,000	2,720	2,620	5,340	14.05
40,000	2,880	2,960	5,840	14.60
45,000	3,280	3,900	7,180	15.96
50,000	3,680	4,960	8,640	17.28
55,000	4,080	6,150	10,230	18.60
60,000	4,480	7,460	11,940	19.90
70,000	5,280	10,460	15,740	22.49
80,000	6,080	13,960	20,040	25.05
90,000	6,880	17,960	24,840	27.60
100,000	7,680	22,460	30,140	30.14
150,000	11,680	46,460	58,140	38.76
200,000	15,680	70,960	86,640	43.32
250,000	19,680	95,960	115,640	46.26
500,000	39,680	220,960	260,640	52.13
1,000,000	79,680	470,960	550,640	55.04

TAX ON SPECIFIED INCOMES UNDER ACT OF 1918; CALENDAR YEAR 1918

TABLE 4.—*Married persons with no dependents*

Net income	Normal tax	Surtax	Total tax	
			Amount	Per cent of income
$3,000	$60	$0	$60	2.00
4,000	120	0	120	3.00
5,000	180	0	180	3.60
6,000	240	10	250	4.17
7,000	360	30	390	5.57
8,000	480	50	530	6.63
9,000	600	80	680	7.56
10,000	720	110	830	8.30
11,000	840	150	990	9.00
12,000	960	190	1,150	9.62
13,000	1,080	240	1,320	10.15
14,000	1,200	290	1,490	10.64
15,000	1,320	350	1,670	11.13
16,000	1,440	410	1,850	11.56
18,000	1,680	550	2,230	12.39
20,000	1,920	710	2,630	13.15
22,000	2,160	890	3,050	13.86
24,000	2,400	1,090	3,490	14.54
26,000	2,640	1,310	3,950	15.19
28,000	2,880	1,550	4,430	15.82
30,000	3,120	1,810	4,930	16.43
32,000	3,360	2,090	5,450	17.03
34,000	3,600	2,390	5,990	17.62
36,000	3,840	2,710	6,550	18.19
38,000	4,080	3,050	7,130	18.76
40,000	4,320	3,410	7,730	19.33
45,000	4,920	4,400	9,320	20.71
50,000	5,520	5,510	11,030	22.06
55,000	6,120	6,750	12,870	23.40
60,000	6,720	8,119	14,850	24.72
70,000	7,920	11,210	19,130	27.33
80,000	9,120	14,810	23,930	29.91
90,000	10,320	18,910	29,230	32.48
100,000	11,520	23,510	35,030	35.03
150,000	17,520	49,510	67,030	44.69
200,000	23,520	77,510	101,030	50.52
250,000	29,520	107,510	137,030	54.81
500,000	59,520	263,510	323,030	64.61
1,000,000	119,520	583,510	703,030	70.30

I will discuss again that question of the brackets in the surtax. I have prepared here, to be inserted in the RECORD, a table by income classes giving, first, the number of returns in each class; second, the amount of net income in each class; and, third, the amount paid by each class.

TABLE 5.—*Personal income by classes, number of returns, amount of returns, and taxes paid, by each class, for the calendar year 1924, based upon returns filed up to September 30, 1925*

Income classes	Returns		Net income		Tax	
	Number in each class	Per cent of total	Amount in each class	Per cent of total	Tax paid in each class	Per cent of total tax paid
Under $1,000	344,221	4.718	$236,051,857	0.94	$143,033	0.02
$1,000 to $2,000	2,360,494	32.205	3,441,614,242	13.75	8,890,693	1.28
$2,000 to $3,000	2,308,862	31.650	5,671,134,658	22.66	7,698,983	1.12
$3,000 to $5,000	1,604,442	21.983	6,035,045,426	24.12	21,362,205	3.10
$5,000 to $10,000	433,902	5.945	2,965,766,075	11.85	29,050,326	4.22
$10,000 to $25,000	188,648	2.585	2,816,129,782	11.25	77,033,803	11.18
$25,000 to $50,000	46,524	.637	1,580,506,393	6.32	108,901,651	15.80
$50,000 to $100,000	15,634	.214	1,053,650,186	4.21	135,866,979	19.72
$100,000 to $150,000	3,054	.042	367,049,390	1.47	73,515,435	10.67
$150,000 to $300,000	1,867	.026	372,576,119	1.49	91,836,793	13.33
$300,000 to $500,000	459	.006	171,482,809	.69	45,689,311	6.63
$500,000 to $1,000,000	240	.003	157,351,247	.63	42,497,825	6.17
Over $1,000,000	74	.001	154,852,709	.62	46,657,148	6.76
Total	7,298,481	100.00	25,023,310,893	100.00	689,134,185	100.00

This graphically shows the importance of the brackets from $10,000 to $100,000 from a revenue-producing standpoint, since they yield $321,802,443 out of a total of $689,139,185, or 46.7 per cent. The brackets below $10,000 provided 0.74 per cent, while the brackets above $100,000 earned 43.56 per cent.

The following statement is based upon a careful examination of the statements of net income and collections of taxes in the form of Tables 5, 6, 7, and 8 reported by the Treasury Department. Inspection of these will be more illuminating and convincing than many pages of argument without examination of the actual results of returns.

Comparing the number of returns (Table 6), the net income reported in them (Table 7), and the tax collected thereon (Table 8), it is evident that on account of the large number of the returns in the lower brackets and the immense totals of income reported, the proportion of taxes paid in the lower brackets is very large.

All the computations below are based on net income.

On returns for 1923 incomes under $25,000 paid 36.2 per cent of the income taxes and surtaxes; on returns for 1924 incomes under $25,000 paid 21 per cent of the income taxes and surtaxes.

This has reference to a statement previously made that any change in these brackets resulted in a loss of very large amounts of revenue.

I have some short statements here that are very material to the discussion, I think.

On returns for 1923 net incomes under $50,000 paid $344,000,000 in taxes, or 52 per cent; on returns for 1924 incomes under $50,000 paid $253,000,000 in taxes, or 37 per cent.

On returns for 1923 incomes under $100,000 paid $453,000,000 in taxes, or 68 per cent; on returns for 1924 incomes under $100,000 paid $389,000,000 in taxes, or 56 per cent, a reduction of $64,000,000.

Taxes on incomes below $25,000 for 1923 were $240,393,104, while those for 1924 were $144,169,043, or a decline of $96,224,061.

Taxes on incomes from $25,000 to $100,000 in 1923 were $212,479,347, while those for 1924 were $244,768,630, or an increase of $32,289,283.

The taxes collected for 1923 on incomes less than $100,000 were $452,872,451 and for 1924 were $388,937,073, or a decline of $63,934,778, or nearly 12 per cent.

On the returns for 1923 on incomes in excess of $100,000 the tax collected amounted to $210,779,054 while those for 1924 were $300,196,512, an increase of $89,417,458, or 42 per cent. This is an important result from the lowering of surtax rates.

The net gain to the Treasury for the year 1924 was $25,482,680. There was a loss for this year in incomes below $25,000 of $96,224,061, and a gain on incomes from $25,000 to $100,000 of $32,289,283, but the outstanding gain was on incomes in excess of $100,000, amounting to $89,417,458.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. GREEN of Iowa. Does the gentleman desire additional time?

Mr. HAWLEY. May I have 10 minutes more?

Mr. GREEN of Iowa. I yield the gentleman 10 minutes additional.

Mr. ARENTZ. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. ARENTZ. The gentleman has referred to the fact that there was $25,000,000,000 of income in the United States.

Mr. HAWLEY. The returns show $25,000,000,000 of personal net income.

Mr. ARENTZ. And that $17,000,000,000 of this was nontaxed.

Mr. HAWLEY. Seventeen billions of this amount escaped taxation by reason of the exemptions and various other provisions of the law.

Mr. ARENTZ. Has the gentleman the figures showing how much of this $17,000,000,000 is comprised in nontaxable securities?

Mr. HAWLEY. There will be a table on this in the RECORD. The Treasury record is not complete on tax-exempt securities.

Mr. KINDRED. Will the gentleman yield for just one brief question?

Mr. HAWLEY. Yes.

Mr. KINDRED. Is there not a great deal of sound, economic opinion in this country, after all, that incomes of $1,000,000 can better stand a larger taxation than is provided for in this bill or than can the incomes of the average person of $4,000 or $5,000?

Mr. HAWLEY. The answer to that is—while not debating the question of whether they could stand it better or not—if you took 100 per cent of all those incomes, the Treasury would not have enough money, and there would be a very considerable portion of taxes yet to be paid. The principle the committee has adopted, I think, is this—and it is a sound one—that reasonably small taxes be levied on the lower brackets. We have levied a 25 per cent tax on the brackets above $100,000, including the normal tax. That is sufficient for the Government to take, and we should leave the rest for the operation of business of this country, for the employment of labor, the purchase of products, and every other social and industrial activity.

Mr. KINDRED. Then the needs of the Treasury could not have been met by carrying out the suggestions I have made?

Mr. HAWLEY. As I remember it, if we took all the incomes above $100,000 it would not provide half enough money for the Treasury from personal-income taxes.

The number of taxpayers on incomes in excess of $100,000 increased from 4,182 in 1923 to 5,694 in 1924, a gain of 1,512, or 36 per cent. Net incomes in excess of $100,000 paid $300,196,512, or 43.56 per cent of the entire personal-income taxes for the year 1924.

It was stated on the floor of the House many times during the debates in 1924 that a reduction of the maximum surtax would tend to fill the upper brackets with taxpayers. Here is the beginning of the answer.

The policy followed by the last Congress in reducing the normal taxes and surtaxes has proved not only an important stimulus to business but has been reflected by materially increased revenues to the Treasury. Undoubtedly the continuation of that policy by reducing the taxes again, with a maximum surtax of 20 per cent, will result in further marked benefits if business conditions continue favorable.

From the tables given below and the conclusions arrived at above, derived from a critical examination of them, and from Table No. 2, which shows that the taxes gradually increase with each increment of income, it is evident that the proposed rates are fair to all and that to change them would result in serious loss to the Treasury, the result of which loss would be to necessitate an immediate return to rates that would be adequate as well as fair. We have proposed rates both fair and adequate. If certain brackets have been favored in previous acts, that is no reason for continuing the inequality.

In previous surtax schedules the brackets increased by small steps, usually of $2,000. The result of this is to minimize the amounts of tax paid. The lower brackets benefit more in proportion to the tax paid by the exemptions, earned-income provisions, and reductions in normal tax than the higher brackets. It has been the intent of Congress to make the taxes in these brackets as low as possible consistent with the receipt of revenue sufficient for the needs of the Government.

Tables 6, 7, and 8, prepared by the Treasury, give the number of returns, the net income, and the tax yield for the calendar years from 1914 to 1924, arranged in each instance according to income-tax classes. A careful study of these is indispensable to an adequate understanding of the results of previous revisions of revenue acts as they affect the rearrangement of the income-tax classes, the gradual dropping of taxpayers into lower brackets resulting in material reductions in their taxes, and also what results may be expected to follow upon the adoption of the proposed legislation.

TABLE 6.—*Number of personal returns, calendar years 1914–1924, by income classes*

Income classes	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Under $1,000								401,849	402,076	368,502	344,281
$1,000 to $2,000				1,640,758	1,516,938	1,924,872	2,671,950	2,440,544	2,471,181	2,515,324	2,350,494
$2,000 to $3,000				838,707	1,496,878	1,569,741	2,569,316	2,222,031	2,129,898	2,470,970	2,308,862
$3,000 to $4,000	82,754	69,045	85,122	374,958	610,095	742,334	804,559	702,991	785,267	1,125,462	1,051,346
$4,000 to $5,000	66,525	58,949	72,027	185,805	322,241	438,154	442,557	369,155	404,848	592,166	553,036
$5,000 to $10,000	127,448	120,402	150,553	270,666	319,356	438,851	455,442	353,247	391,373	597,630	433,902
$10,000 to $15,000	34,141	34,102	45,309	65,800	69,992	97,852	103,570	80,014	90,278	102,506	112,058
$15,000 to $20,000	16,790	16,475	22,618	29,896	30,227	42,028	44,531	34,230	39,605	44,948	49,145
$20,000 to $25,000	8,672	9,707	12,953	16,806	16,350	22,605	23,729	18,100	21,446	24,347	27,445
$25,000 to $30,000	5,483	6,196	8,055	10,571	10,203	13,709	14,171	10,848	13,225	14,919	17,220
$30,000 to $40,000	6,008	7,005	10,068	12,733	11,887	15,410	15,808	12,047	14,283	16,441	19,261
$40,000 to $50,000	3,185	4,100	5,611	7,057	6,449	8,298	8,269	6,051	7,070	8,472	10,043
$50,000 to $100,000	5,161	6,847	10,452	12,439	9,996	13,320	12,093	8,717	12,000	12,452	15,634
$100,000 to $150,000	1,189	1,793	2,900	3,302	2,358	2,983	2,191	1,367	2,171	2,339	3,054
$150,000 to $200,000	406	724	1,284	1,302	866	1,092	590	450	763	750	1,078
$200,000 to $250,000	233	386	726	708	401	522	307	205	350	348	540
$250,000 to $300,000	130	216	427	342	247	250	166	84	210	203	249
$300,000 to $400,000	147	254	469	390	260	285	169	98	205	216	322
$400,000 to $500,000	69	122	248	179	122	140	70	64	104	111	137
$500,000 to $1,000,000	114	209	376	315	178	199	123	63	161	141	240
$1,000,000 and over	60	120	206	141	67	65	33	21	67	74	74
Total	357,515	336,652	429,401	3,472,890	4,425,114	5,332,760	7,259,944	6,662,176	6,787,481	7,698,321	7,298,481
Married women making separate returns from husbands			[1] 7,635								
Total number of returns filed	357,515	336,652	437,036	3,472,890	4,425,114	5,332,760	7,259,944	6,662,176	6,787,481	7,698,321	[2] 7,298,481

[1] In 1916 the net income on returns filed separately by husband and wife is combined and the total appears as one return. In all other years the returns of married women filed separately are included in their individual income classes independently of husband's income.
[2] Returns filed up to Sept. 30, 1925.

TABLE 7.—*Personal returns, net income reported for calendar years 1916–1924, by income classes*

Income classes	1916	1917	1918	1919	1920	1921	1922	1923	1924
Under $1,000						$213,849,934	$247,564,383	$252,513,019	$236,051,857
$1,000 to $2,000	[1] $2,461,137,600	$2,332,354,577	$2,920,113,151	$4,050,066,618	3,020,761,768	3,630,570,922	3,683,428,617	3,441,614,242	
$2,000 to $3,000	2,064,977,328	3,626,824,833	3,807,286,365	6,184,543,368	5,325,931,265	5,153,497,468	6,069,132,445	5,671,134,658	
$3,000 to $5,000	$624,609,015	2,115,864,601	3,585,219,007	4,513,264,030	5,039,607,239	4,054,891,244	4,500,557,809	6,461,142,951	6,035,045,426
$5,000 to $10,000	1,037,247,977	1,827,508,088	2,145,690,016	2,954,137,253	3,065,330,963	2,378,759,237	2,641,904,702	2,717,991,529	2,965,766,075
$10,000 to $25,000	1,235,015,786	1,687,165,619	1,736,548,050	2,412,275,757	2,547,904,786	1,958,156,206	2,255,871,780	2,558,361,589	2,816,129,782
$25,000 to $50,000	822,691,658	1,042,320,088	978,042,710	1,277,364,635	1,307,785,113	979,629,305	1,208,273,932	1,350,680,468	1,580,505,393
$50,000 to $100,000	722,795,474	846,894,335	679,720,737	896,497,209	810,386,332	582,230,218	805,223,854	833,898,237	1,053,650,185
$100,000 to $150,000	357,355,318	407,492,040	284,106,740	358,392,923	265,511,505	163,520,999	260,203,553	280,656,213	367,049,390
$150,000 to $300,000	505,859,406	474,651,960	305,024,817	371,148,536	315,138,673	145,948,047	266,814,351	260,584,012	375,576,119
$300,000 to $500,000	271,938,017	209,994,969	144,545,428	169,070,948	89,313,552	61,342,550	116,572,075	124,509,194	171,492,909
$500,000 to $1,000,000	256,771,325	214,631,270	119,075,548	128,290,396	79,962,894	42,780,426	107,670,678	95,107,209	157,351,247
$1,000,000 and over	464,263,644	306,835,914	137,486,892	152,650,245	77,078,139	49,411,329	141,386,983	152,071,881	154,852,709
Total	6,268,577,620	13,652,383,207	15,924,689,256	19,869,491,448	23,735,629,183	19,577,212,528	24,336,212,530	24,840,137,364	[2] 25,023,210,891

[1] Determined on basis of the number of returns filed and the average net income.
[2] Returns filed up to Sept. 30, 1925.

TABLE 8.—*Personal returns, tax yield for calendar years 1916–1924, by income classes*

Income classes	Tax yield								
	1916	1917	1918	1919	1920	1921	1922	1923	1924
Under $1,000						$173,678	$246,636	$316,602	$143,033
$1,000 to $2,000		$16,243,504	$26,481,602	$24,696,200	$36,859,732	29,160,654	27,081,089	18,190,038	8,890,693
$2,000 to $5,000		9,097,378	35,415,344	28,257,861	45,507,821	20,712,373	20,729,737	16,570,881	7,688,983
$5,000 to $10,000	$775,804	18,283,457	82,928,720	75,914,847	83,496,116	42,743,604	47,533,306	45,969,794	21,362,205
$10,000 to $25,000	6,301,183	44,096,389	93,057,963	91,537,910	97,886,033	68,871,422	70,387,912	55,480,078	29,050,326
$25,000 to $50,000	11,637,014	80,695,149	142,448,679	164,832,523	172,259,321	126,886,410	123,575,980	103,805,711	77,033,803
$50,000 to $100,000	11,602,631	76,593,344	130,240,648	154,946,343	154,265,276	112,909,840	125,697,249	103,600,750	108,901,651
$100,000 to $150,000	16,268,587	85,027,556	147,428,655	186,357,608	163,717,719	115,711,635	144,092,555	108,878,597	135,895,979
$150,000 to $300,000	12,423,481	55,766,236	95,680,064	118,705,303	86,587,694	52,330,056	71,337,246	55,719,390	73,515,435
$300,000 to $500,000	24,007,267	86,718,157	136,155,916	163,035,349	92,604,423	61,495,988	98,810,408	62,104,203	91,836,793
$500,000 to $1,000,000	17,951,410	50,227,598	79,164,847	86,031,032	47,043,461	31,859,630	43,488,227	31,668,552	45,689,311
$1,000,000 and over	20,901,911	39,349,187	69,834,148	76,228,132	45,641,065	25,112,090	38,550,344	25,498,434	42,497,825
Total	51,487,356	109,424,999	88,855,249	99,026,996	49,185,085	31,419,726	49,517,639	35,788,475	46,657,148
	173,386,694	691,492,954	1,127,721,835	1,269,630,104	1,075,053,686	719,387,106	861,057,308	663,651,503	[1] 689,134,185

[1] Returns filed up to Sept. 30, 1925.

CORPORATION TAXES

There are some 340,000 corporations, large and small, in this country, paying over $1,006,000,000 in taxes, which do the larger part of the business of the country and furnish the greater proportion of employment to labor.

In the act of 1924 the excess-profits tax on corporations was eliminated and the normal tax increased from 10 per cent to 12½ per cent, which really effected an increase in corporation taxes. For this important part of the Nation's business life and the social activities dependent upon them no reduction in taxes is provided, except as they may incidentally benefit by the elimination of certain nuisance taxes, except for the automobile industry, for whose benefit a reduction in taxation of $84,000,000 is made in excise taxes, in which the general public may be benefited. The automobile industry is reported to be the most prosperous in the country; and the cigar industry, which is largely conducted in corporate form, was given a reduction of $12,000,000; this industry is now in a state of decline, its production is decreasing, and the present rate of taxation is defeating its own purpose by causing a diminution in the amount received by the Treasury.

Aggregate of reductions discussed above

Personal income	$193,575,000
Automobiles, etc	84,000,000
Cigars	12,000,000
Total	289,575,000

With these diminutions, reductions, and other smaller abatements made to businesses with small or declining returns, or where the amount of tax was small or unprofitable, conducted chiefly by individuals or partnerships and totaling some $36,161,000, the committee had gone out of the safety zone of $300,000,000 submitted by the Treasury Department, and further reductions are imprudent and dangerous, as it should be remembered that under the provisions of the proposed bill relating to the estate tax the revenue will decline for a few years. Also the estimates of the Treasury are based upon our present business experience; if there is any decline in the productive and profitable activities of the Nation, the anticipated revenues will decline correspondingly. I am of the opinion that we have gone at least fully as far in the reduction of taxes as our present information justifies.

TABLE 9.—*Estimated revenue for calendar year from internal-revenue taxes*

Source of revenue	Calendar year	
	Present law, 1926	Proposed law, 1926
Total income tax	$1,880,000,000	$1,696,425,000
Miscellaneous internal-revenue taxes:		
Estate tax	110,000,000	110,000,000
Gift tax	2,000,000	
Capital-stock tax	93,500,000	93,500,000
Tobacco—		
Cigars	42,000,000	31,000,000
All other	330,000,000	330,000,000
Spirits, etc	25,000,000	21,000,000
Automobiles, etc.—		
Trucks	9,000,000	
Others, and motor cycles	116,000,000	69,600,000
Tires, parts, and accessories	25,000,000	
Cameras and lenses	700,000	
Photographic film and plates	750,000	

TABLE 9.—*Estimated revenue for calendar year from internal-revenue taxes*—Continued

Source of revenue	Calendar year	
	Present law, 1926	Proposed law, 1926
Miscellaneous internal-revenue taxes—Continued.		
Firearms and ammunition	$3,850,000	
Smokers' articles	50,000	
Automatic slot machines	650,000	
Mah-jongg sets	1,000	
Works of art	650,000	
Jewelry	8,000,000	
Brokers' tax	2,000,000	
Bowling allies, pool and billiard tables	2,100,000	
Shooting galleries and riding academies	28,000	
Automobiles for hire	1,750,000	
Tobacco manufactures	1,120,000	
Use of yachts	300,000	
Opium dispensers	312,000	
Deeds and conveyances	4,000,000	
Other stamp taxes	46,000,000	$46,000,000
Admissions and dues	33,000,000	29,000,000
All other miscellaneous taxes	10,239,000	10,229,000
Total miscellaneous taxes	869,000,000	740,339,000
Total of above	2,749,000,000	2,426,764,000
Loss from 1926 under present law		322,236,000

To this total reduction of $322,236,000 should be added the estimated cost of the rebate on automobiles under section 1204, estimated at $3,500,000, making the total reduction $325,736,000.

CAPITAL-STOCK TAX

The capital-stock tax is one tax that should be eliminated as soon as circumstances will permit. I was in favor of doing so in this bill. It taxes a corporation whether it makes or loses on the year's operations. When the value of the capital stock of a corporation has been determined, it must pay the tax provided in the law, even if it has suffered staggering losses. Corporations are not created by the Federal Government, and if the capital-stock tax is based upon the right to do business in corporate form and because of the limited liability under such form, a Federal tax imposed on capital stock is levied on the creations of political bodies other than Federal Government. Corporations are formed under State laws, to whom the right to tax them for the privilege of doing business in that form should be reserved. Also, many States tax for the privilege of doing business therein the corporations formed under the laws of other States. A corporation doing a nation-wide business will pay a capital-stock tax in some 14 States on that proportion of its total stock represented by its interests in each State. This leads to multiplicity of taxation of a burdensome and vexatious character.

Taking corporate business as an entirety, the total of the normal corporation taxes plus the capital-stock taxes imposes a rate of 13.73 per cent on such business institutions, and in addition to this, dividends from corporations are subject to the surtaxes and denied the benefit of the earned-income provision.

Mr. RAMSEYER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAMSEYER. Why did the committee go beyond the zone of safety recommended by the Treasury Department?

Mr. HAWLEY. There were certain proposals of reduction, especially in the case of the automobile tax, which involved

great sums of money, and in adjusting them we went beyond the limit of the $300,000,000.

Mr. RAMSEYER. Does the committee think that with this reduction the administration will be able to carry on its policy of debt retirement?

Mr. HAWLEY. There will be a balance in the Treasury as a result of this year's operation. I think we have sufficient money to operate the Government.

Mr. GREEN of Iowa. There will be a surplus of $100,000,000 this fiscal year.

Mr. HAWLEY. If the business of the country continues to be prosperous there is no question in my mind that we are within the limit of safety. Of course, we always take a chance in any tax law of industrial or financial crises occurring in the future.

Mr. RAMSEYER. The gentleman thinks there will be enough to run the Government and for any emergency.

Mr. HAWLEY. Yes; that was taken into consideration.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREEN of Iowa. I will yield the gentleman five minutes more, and I hope the gentleman will not be interrupted, because I have no more time to yield.

ESTATE TAX

Mr. HAWLEY. I think the estate tax is one peculiarly within the province of State action, and that the Federal Government should either abandon this field or operate in it only in a small degree. Under the present chaotic conditions of estate tax and inheritance tax legislation in the several States, it is advisable for the Federal Government to continue the collection of the tax until the States come to some mutual agreement upon proper and adequate rates and a sound policy, avoiding multiple taxation of estates. We propose to credit on the tax to be paid by any estate to the Federal Government 80 per cent of the tax paid by such estate to a State. We fixed the maximum rate at 20 per cent.

I have prepared the following table to show the operation of the new rates:

TABLE 10.—*Estate tax*

Estate	Exemption	Net estate	Taxable amount in each bracket	Rate (per cent)	Tax in each bracket	Total tax	Total tax per cent
$50,000	$50,000	----------	$0	0	$0	$0	0
100,000	50,000	$50,000	50,000	1	500	500	1
150,000	50,000	100,000	50,000	2	1,000	1,500	1.5
250,000	50,000	200,000	100,000	3	3,000	4,500	2.25
450,000	50,000	400,000	200,000	4	8,000	12,500	3.125
650,000	50,000	600,000	200,000	5	10,000	22,500	3.75
850,000	50,000	800,000	200,000	6	12,000	34,500	4.3125
1,050,000	50,000	1,000,000	200,000	7	14,000	48,500	4.85
1,550,000	50,000	1,500,000	500,000	8	40,000	88,500	5.9
2,050,000	50,000	2,000,000	500,000	9	45,000	133,500	6.675
2,550,000	50,000	2,500,000	500,000	10	50,000	183,500	7.34
3,050,000	50,000	3,000,000	500,000	11	55,000	238,500	7.95
3,550,000	50,000	3,500,000	500,000	12	60,000	298,500	8.53
4,050,000	50,000	4,000,000	500,000	13	65,000	363,500	9.0875
5,050,000	50,000	5,000,000	1,000,000	14	140,000	503,500	10.70
6,050,000	50,000	6,000,000	1,000,000	15	150,000	653,500	10.89
7,050,000	50,000	7,000,000	1,000,000	16	160,000	813,500	11.62
8,050,000	50,000	8,000,000	1,000,000	17	170,000	983,500	12.3
9,050,000	50,000	9,000,000	1,000,000	18	180,000	1,163,500	12.93
10,050,000	50,000	10,000,000	1,000,000	19	190,000	1,353,500	13.535
15,05 ,000	50,000	15,000,000	5,000,000	20	1,000,000	2,353,500	15.69
20,050,000	50,000	20,000,000	5,000,000	20	1,000,000	3,353,500	16.7675

Mr. EVANS. Will the gentleman yield?

Mr. HAWLEY. If I have the time.

Mr. EVANS. Under the law of 1921 the estate tax was 25 per cent. Under the law of 1924 it was 40 per cent. Under the proposed bill it is 20 per cent. I was advised that the committee at one time undertook to equalize that and put people whose estate was taxable on the 21 basis on an equality but it was subsequently abandoned. Why did the committee do that?

Mr. HAWLEY. There are a number of reasons, too many to state in the few minutes remaining to me. We gave the matter very careful consideration. The loss of revenue involved and the uncertainty about various matters led us to finally conclude that it was impracticable to make that change.

Mr. BACHARACH. It would have cost $70,000,000 to make the change.

Mr. EVANS. Does it seem fair that a gentleman's estate who died in 1922 should pay 20 per cent, and one who died in 1924 should pay 40 per cent?

Mr. HAWLEY. Now, in the half minute remaining I respectfully call the attention of Members of the House to the tables that are incorporated here, which I have not read. I think you will find them very useful. They have been worked out, I hope, in such a form as to be lucid and self-explanatory. I would have done other things in this bill if it had been left to me to make all the tax reductions, but I favor this bill. I think it is the best bill on the subject matters contained in it offered to the Congress of the United States for many years. It was a bill on which both great parties were in unanimity. We debated it not as members of one or another party but as servants of the public, intending to do as far as circumstances permit that which was best for the common good. I think this bill represents a distinct advance in legislation and will prove satisfactory in its operation. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent that all gentlemen who speak on this bill be granted permission to extend their remarks in the RECORD. That will save the trouble of each one making that request.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all who speak on this bill be permitted to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARNER of Texas. Before yielding to the gentleman from Illinois, Mr. Chairman, I take this opportunity to say, for the benefit of Members of the House, that there are two gentlemen on the floor whose presence here is necessary for the passage of this bill. One is Mr. Walker, from the Treasury Department, and the other Mr. Beaman, the legislative counsel. They know as much about the details of this bill as any member of the Committee on Ways and Means, and if any gentleman desires information connected with the details, he can obtain it from either one of them, and that will take considerable burden off the shoulders of the members of the committee.

I now yield 40 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman and gentlemen of the committee, we have listened to over four dreary hours of debate on the bill. The speeches so far made have been in favor of the passage of the bill, which is heralded as a nonpartisan measure, and which it is stated will provide a taxing program for the country for many years to come. I propose to talk against this bill. I am not for the bill and I do not expect to vote for the bill unless there are material changes made in it on this floor. As the debate proceeded, and in prior debates, and through the hearings, we have heard much discussion of the so-called Mellon plan. I have here the Mellon plan presented in a communication addressed by A. W. Mellon, Secretary of the Treasury, to Mr. GREEN of Iowa, the Chairman of the Committee on Ways and Means, and dated November 10, 1923. I shall not read it at this time, and I am not going to indulge in any production and parade of figures. My friend the gentleman from Oregon [Mr. HAWLEY] has done enough of that, and if I put any figures in my speech I shall ask permission to put them in the appendix to my speech. I shall read a part of this letter now and shall extend the balance of it in the RECORD. I can not find the letter in the hearings. It does not seem to have been preserved, and copies of it are scarce, indeed. Remembering that this bill reduces the maximum surtax to 20 per cent, I want to tell you now what the Mellon plan was, and I read from the letter. It contains this advice:

> Reduce the surtax rates by commencing their application at $10,000 instead of $6,000 and scaling them progressively upward to 25 per cent at $100,000.

What has happened in the last two years to make it necessary now to out-Mellon Mellon in his plan and make the highest surtax rate 20 per cent? And may I read to you now some of the reasons given by Secretary Mellon for the Mellon plan?

Mr. MOORE of Virginia. Mr. Chairman, what is the gentleman reading from?

Mr. RAINEY. I am reading from the letter of the Secretary of the Treasury, Mr. Mellon, to Mr. GREEN of Iowa, the chairman of the committee, dated November 10, 1923. Here is another section of the letter, which I read:

> Repeal the tax on admissions. The greater part of this revenue is derived from the admissions charged by neighborhood moving-picture theaters. The tax is therefore paid by the great bulk of the people whose main source of recreation is attending the movies in the neighborhood of their homes. This would mean a loss in revenue of about $70,000,000.

These are the reasons assigned for placing the surtax at the lower rate of 25 per cent on incomes over $100,000. I read further from the letter:

> The high rates put pressure on taxpayers to reduce their taxable income, and tend to dissipate individual initiative and enterprise and seriously impede the development of productive business. The tax-

payers subject to the higher rates can not afford, for example, to invest in American railroads or industries or embark on new enterprises in the face of taxes that will take 50 per cent or more of any return that may be realized. These taxpayers are withdrawing their capital from productive business and investing it instead in tax-exempt securities, and adopting other lawful methods of avoiding the realization of taxable income. * * * The growth of tax-exempt securities, which has resulted directly from the high rates of surtax, is at the same time encouraging extravagance and reckless expenditure on the part of local authorities.

Mr. Chairman, I am not going to read the rest of the letter, but I shall print it. This was the Mellon plan of two years ago. This was the plan which we on both sides of this House are really going to abandon in this bill and in it go Mr. Mellon one better, and give him more than he wanted two years ago, when he wrote this letter to the chairman of the Committee on Ways and Means. We know now that there is no capital worth speaking of invested in tax-exempt securities. The figures made public by his own department show that there are only about $2,000,000,000 invested in tax exempts by people who pay surtaxes, and much of that is invested by surtax payers who pay in the lowest bracket, and the income that the very rich get from tax-exempt securities is absolutely negligible.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. MILLS. Is it not a fact that, based on these very figures which the gentleman mentions, men with incomes of over $100,000 enjoy no less than $74,000,000 of income wholly tax free by virtue of tax-exempt securities?

Mr. RAINEY. If that is true, we ought not to give them any more income-tax exemptions.

Mr. MILLS. Five thousand six hundred and twenty-four men have an income of $74,000,000 tax free from these securities.

Mr. RAINEY. Mr. Chairman, I can not compete with the gentleman from New York and with my friend, Mr. HAWLEY, in the matter of figures in the speech that I am going to make, because I have not the data and the figures before me. But I know that there are only $14,000,000,000 in all invested in tax exempts. We used to have in this House General Grosvenor, of Ohio, who furnished us figures to prove what the administration wanted to prove, and we always must have that kind of a man here. We called General Grosvenor "Old Figures," and so we shall have to call my friend HAWLEY "Old Figures" from now on. He furnishes all of the figures the administration needs to prove what it wants to prove. As a matter of fact, the statement in this letter, as the evidence which is readily available shows, is a statement that amounts to an economic falsehood. It is not true. That is the reason he assigned for reducing these taxes as low at 25 per cent, but we have reduced them now to 20 per cent, and for the same reason.

And then, based upon this letter, there goes out false statements to the effect that we must release money from tax exempts in order that it may be invested in productive enterprises in the United States; that we need their capital for that purpose. Why, we never had as much capital as we have to-day. The United States Department of Commerce in its surveys of current business, using the monthly average of 1913 of $100 as a base, shows a monthly average of new corporations four times as great now as in 1913; that new capital security issues have grown each year until now they are twice as great as in 1920. And these reports show what an abundance of capital there is now for use in enterprises in the United States. Why, these same financial authorities who advocate the lowering of the surtax rate, that there may be more money to invest in industrial securities in the United States, are encouraging loans to foreign governments, until at the present time there is over $9,000,000,000 of them in existence, drawing high rates of interest, and over $2,000,000,000 of these loans in contemplation. This money is taken away from the enterprises of this country and is invested in the enterprises of competing foreign nations, and it consists largely of new capital. The reasons assigned, therefore, for reducing the surtax rate to even 25 per cent have absolutely failed. I am very fond of my friend from Texas [Mr. GARNER] and my friend from Iowa [Mr. GREEN]. They are pleasant gentlemen, good friends, make delightful speeches upon the floor of this House, and I want to say nice things about them, although in their speeches yesterday, which lasted nearly four hours, largely devoted to criticism of my position, they did not say any nice things about me. That does not make any difference to me. Now I want to read from some excellent speeches made on the floor of this House by my friend from Texas [Mr. GARNER].

Mr. MOORE of Virginia. Before the gentleman does that, will he permit me to ask him a question?

Mr. RAINEY. I will.

Mr. MOORE of Virginia. Not for the purpose of discrediting the Secretary of the Treasury but referring to the statement that he made in his letter of November, 1923, he said—and the gentleman has already quoted it—"Tend to destroy individual initiative enterprise and seriously impede the development of productive business." Does the gentleman know of any two years in the history of this country in which there has been more initiative of enterprise and greater encouragement of productive business?

Mr. RAINEY. Absolutely none.

Mr. MOORE of Virginia. The gentleman has given some statistics upon that point. Do not the import and export statistics also bear upon that point and show the conclusion at which the gentleman has arrived, that the Secretary of the Treasury was mistaken in his statement?

Mr. RAINEY. The gentleman is absolutely right, and I thank my friend for his contribution to my speech. Now, before I read from my friend GARNER'S speeches—and these are better speeches than he made yesterday [laughter]—I want to say I am glad my friend OGDEN MILLS is on the floor. If he is not here, I want somebody to ask him to come back because I really want to see a real fight staged on this floor between GARNER of Texas and MILLS of New York, rather than the mock battle that they had yesterday, which raged with intense fierceness, as to how much our interest on payments and how much we contribute to this retirement fund, or whatever you call it. I want to see them fight a real fight that means something. Now, I read from GARNER of Texas—an extract from a real debate he had with MILLS of New York. I just want to read part of it. You can find it in the CONGRESSIONAL RECORD of February 14, 1924, the RECORD of the Sixty-eighth Congress, first session, part 3, page 2438, first column—you can find it. They were discussing estate taxes which have been about abandoned in this bill. Mr. GARNER turned in a dramatic way to Mr. MILLS, of New York, and said:

> When your good father, Mr. MILLS, passes away and he drops into your lap from fifty to one hundred million dollars, not a dollar of which you earned yourself—I ask whether it is not just, whether it is not right, whether it would not be proper for you to at least give the Government the right to take 25, 35, or even 50 per cent? Is it not, gentlemen, in the interest of society that you should take these tremendous estates composed of almost a billion dollars back to the people through the Treasury? I love the rights of property ownership as well as any man who lives.

I would like to have Mr. MILLS answer that speech after a lapse of a year and a half and tell what he thinks about it in view of the love feast in which these two gentlemen engaged upon the floor and in view of the fact that, arm in arm, they have assailed the estate tax until there is not enough of it left to wad a shotgun.

Talk about these tax clubs coming here from Texas, intimidating the gentleman from Texas [Mr. GARNER], and from Iowa, intimidating the gentleman from Iowa [Mr. GREEN]. They have berated them, both of them, in the newspapers, and yesterday on the floor of the House here they attempted to show what terrifically courageous men they were, and how they could not be intimidated by these tax clubs coming here advocating the Mellon plan; these tax clubs came here also and advocated the elimination of the estate taxes, or most of them. I have not the slightest idea that any of them paid their own expenses to Washington. As to the banquets they gave, I do not think they paid for them themselves. They were not interested enough in the matter to pay for them themselves. If these tax clubs came here to show the gentleman from Iowa and the gentleman from Texas where to head in on this tax matter, they got all that they came for. Mr. GREEN and Mr. GARNER have done just what they wanted them to do. These gentlemen have done better than Mr. Mellon ever expected or asked them to do.

I will read you in a few minutes extracts from the RECORD showing Mr. GREEN'S attitude and Mr. GARNER'S. Mr. GREEN always means well. He is always against these propositions, but when they put a collar on him he will chain up all right and go. I want to read some of these extracts, because they are exceedingly interesting at the present time. I appeal from the GARNER of to-day, leading in the Mellon taxing plan on this side of the House, to the GARNER of two years ago, when

he made a real fight for the common people of this country. On page 2436 of the same volume Mr. GARNER of Texas said:

Let me say to the gentleman that, in my opinion, there ought to be some way or some method by which these returns could be had for the benefit of the public. But I want to say in that connection that it is a most difficult thing to do. I will go this far and say that I am in favor of a provision that any committee of either House shall be entitled to get the income-tax returns. Are you gentlemen willing to go far enough to provide in this law that any committee of either House of Congress may call for the income-tax returns of any taxpayer and examine them? Are you willing to go that far? I ask you, Mr. MILLS, because if you say it is all right it will be all right. Would you be willing to go that far? No. [Laughter.]

And in accordance with that, under Mr. GARNER's leadership on this side of the House, we put into the bill in the House this publicity feature as to income-tax returns, resulting in the payment into the Treasury of a tremendous amount of money. I believe I shall ask my friend from Wisconsin [Mr. FREAR] to discuss that side of the question.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. GARNER of Texas. The gentleman will recall that the present provision in the law was placed there in the Senate?

Mr. RAINEY. Yes; and the gentleman was one of the conferees, and agreed to it, and put it in. I am grateful for all these contributions to my speech.

I read further from Mr. GARNER on page 2435 of the same book. This is on the Garner plan, which was substituted on the floor for the Mellon plan:

I want you Republicans to understand this. The Democrats indorse everything that is good in this bill, and if the Republican committee had not been made up as the gentleman from Illinois [Mr. MADDEN] once told this House it would be the result would have been different. The gentleman from Illinois [Mr. MADDEN], one of the ablest men in the Congress, one of the ablest on either side of the House, frank, candid man, sometimes lets his thoughts flow through language that he afterwards regrets. In the last Congress he told us frankly the Republicans had 169 majority. "We have 243 Members east of the Mississippi and north of the Ohio, and we are going to write the next tax law of this country."

That is the position taken by the gentleman from Texas [Mr. GARNER]. So far as Mr. GARNER can conduct a surrender, we have surrendered completely, not in accordance with what he said his leadership would be when he made his speech in February last year, but in this bill we have surrendered completely, so far as he can make us do it, and retraced our position. The moving finger writes, and if you publish a speech in the CONGRESSIONAL RECORD it remains there forever. Sometimes Mr. GARNER does not publish his speeches, but he published this one. I will read now from page 2443 of the CONGRESSIONAL RECORD of last February. Referring to nuisance taxes, he said:

If the gentleman from Iowa [Mr. GREEN] had had as much courage as he had honesty, we would have cut them all out. The results is that the 1921 act is a monstrosity, and the gentleman from Iowa has to-day drawn an indictment against it much stronger than anything that I can do.

I agree with my friend GARNER in that statement.

That is the way he felt about it just a little over a year ago. That is what he thought of the Garner plan, which was prepared and drawn by the gentleman from Tennessee [Mr. HULL], who knows more about taxes than all the rest of the committee combined, including the gentleman from Texas [Mr. GARNER] and the gentleman from New York [Mr. MILLS] and the gentleman from Oregon [Mr. HAWLEY]. Mr. HULL is the real father of the income-tax system in this country.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there for a question?

Mr. RAINEY. Certainly.

Mr. BLANTON. I am afraid the gentleman from Illinois is placing our friend from Texas in a position between the devil and the deep-blue sea. These tax clubs are criticizing him and calling him a Socialist for putting any estate tax on. They are calling him a Socialist, and now the gentleman from Illinois says we should have had a higher rate.

Mr. RAINEY. Yes; we should. The criticisms they now make of the gentleman from Texas [Mr. GARNER] are absolutely wrong. He is with them, and he is safe.

Mr. BLANTON. Then he is not a Socialist?

Mr. RAINEY. He is not a Socialist, and I did not say that.

Mr. BLANTON. What I meant was this: The accusation of the tax clubs is certainly incorrect.

Mr. RAINEY. Well, if he is between the devil and the deep blue sea he got there himself. I did not put him there; I am reading from his speeches.

Mr. BERGER. Will the gentleman yield to me?

Mr. RAINEY. Yes.

Mr. BERGER. I will give you all a clean bill of health. None of you are Socialists.

Mr. BLANTON. Thank God for that.

Mr. BERGER. Least of all the gentleman from Texas.

Mr. RAINEY. I did not intend to reflect upon the gentleman's party nor upon the gentleman himself, for whom I have a high personal regard and whose ability I admire.

Now, here is another speech by Mr. GARNER:

I congratulate the gentleman—

Referring to the gentleman from Iowa [Mr. GREEN], in discussing the so-called Garner plan—

upon having something in the bill of his own making. [Laughter.]

And now we have presented before this House and the country, in spite of the bitter fight of two years ago and even a year ago, a proposition supported by GARNER, HAWLEY, MILLS, and GREEN, which absolutely revokes the Garner Act, and this bill is to take effect with its rates so as to apply to the 1925 income, and therefore, the so-called Garner plan was in force for only one year. We are taking it all back now and adopting the Mellon plan so that only for one year did we collect under the Garner plan. We now say we are going to abandon it. The force of that collection was broken by the fact that during that period of time we made a 25 per cent reduction just before the elections to every taxpayer in this country, and so the Garner plan really never was oppressively and objectionably in effect at all. And now we take it all back at the request of Mr. Mellon. These gentlemen, who now are so closely associated and who add so much to the gayety of nations, are now together in the Elysian fields of the very rich. Arm in arm, shoulder to shoulder, with bare feet and legs and dimpled knees, with their frocks streaming out behind in the wind and their tresses flying in the gale, they dance over ambrosial meadows to the tunes played by the very rich in New York City. I am not, as I look at them, sure about their tresses flying in the wind, because they do not have any to speak of, but I am sure of the dimpled knees. [Laughter and applause.] There never has been anything in the last two years, at least, that added so much to the gayety of nations as this combination.

The gentleman from Oregon [Mr. HAWLEY] devoted considerable time to telling how this bill was made, and I want to tell you how it was made, because I was there when it was made and I know.

I like the gentleman from New York [OGDEN MILLS]. He is perfectly frank and consistent in the positions he takes. If he stands, as GARNER said, to inherit $100,000,000, more or less, at the happening of an event—which I hope may be long prolonged—I congratulate him, and I want to say that he is absolutely frank in his leadership. He represents here on this floor the association of the multimillionaires of this country, and he does not care who knows it. He is the high muck-a-muck of high finance in the United States, and he does not care who knows that. And my friend, the gentleman from Oregon [Mr. HAWLEY], who has just taken his seat, is the official self-starter for the multimillionaires of this country. I am anxious to have his State know about it, because I want to say complimentary things about him. I want to tell you how they drew this bill. In spite of the advice received two years ago from Mr. Mellon they did more than he wanted them to do, and they did it in this way: They just loaded up the Mellon band wagon and rode right over HULL and myself and some more of us, and we did not have any chance at all. The high muck-a-muck of high finance was at the wheel steering the course, and HAWLEY stepped on the gas and GREEN went along contentedly after they roped him and put him in, while he sang that pathetic ballad, "I have got a pain in my sawdust. That is what is the matter with me." [Laughter.] But he went along just the same. While GARNER, who got in willingly and cheerfully, rode on the back seat and kicked up his bare heels and gurgled and cooed and was for the Mellon plan, provided he could go the Mellon plan one better all the time. [Applause.] And so, with the Mellon chariot loaded up in this way, they just rode right over the rest of us. Of course I voted to get the bill out of that committee. The longer it stayed there the worse it got. So I wanted to get it out of that committee, and I wanted to get it on the floor here where there are some he-men who are not afraid of millionaires. And they had better not be, inasmuch as their elections are approaching in the near future. I wanted to see whether we could not do something toward making the right kind of a bill.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. RAINEY. I prefer not to yield at this time. I have started on this line and want to finish. I shall be glad to yield to the gentleman later.

Mr. GREEN of Florida. I want to suggest that the gentleman state which GREEN he refers to and not the GREEN of Florida.

Mr. RAINEY. I will never do that.

Mr. GREEN of Florida. I am not in the millionaire class.

Mr. RAINEY. I beg the gentleman's pardon if he thought I was referring to him.

Now, when we adopted the Underwood bill some years ago GARNER jumped the Democratic fence and stood for protection on goats. But what happened to him this time was that the eagles of Mr. Mellon just swooped down on him and took him away from us and loaded him up in the Mellon band wagon, breeches, boots, goat, and all. They got his goat, too. [Laughter.]

After the passage of the Underwood tariff bill my friend from Pennsylvania, who was here then, broke into rhyme on the subject of the bill, and particularly Mr. GARNER, referring to certain sections of that bill. Mr. Moore was one of the most brilliant men who ever served in this body. He was afterwards mayor of Philadelphia. I now read from the CONGRESSIONAL RECORD a pathetic little ditty on the subject of "Garner's Goat of Texas."

Mr. MOORE (J. Hampton). A little while ago I had the pleasure of listening, as you did, to that splendid specimen of Georgia statesmanship, the chairman of the Committee on Interstate and Foreign Commerce [Mr. Adamson], whose oratory is sui generis, and who has a style like unto which there is none other in this House. He denounced the Republicans for standing up for their industries and gave us a homily upon the honesty and integrity of the Democratic Party upon the tariff question. And now comes the goat story of my friend the gentleman from Indiana [Mr. Barnhart]. I anticipated that story and find it most appropriate to illustrate the Democratic position, in Texas at least, by an effusion which is the result of the day's deliberations. I would match the Sherwood poem recited by the gentleman from Indiana with—

GARNER'S GOAT OF TEXAS

Of all the creatures in the land,
Of pedigrees supremely grand,
There's none that do respect command
Like GARNER'S goat of Texas.

The modest sheep may browse around
From Maine way out to Puget Sound,
But they don't count a cent a pound
With GARNER'S goat of Texas.

The noble steer may be of use
If freed from tyrant trust abuse;
But even that would be the deuce
To GARNER'S goat of Texas.

If you want wool, the wool is fair;
If you want hair, the wool is hair;
If you want meat, the meat is there!
That's GARNER'S goat of Texas.

So, while you kick the wool of sheep,
And beef and mutton make so cheap,
Protective tariff now will keep
The GARNER goat of Texas.

Oh, wondrous breed of Lone Star State,
Premier of wool and hair, thy rate
Of 10 per cent is truly great—
Thou GARNER'S goat of Texas!

After reading this brilliant effusion I feel my muse stirring within me, and I want to do something along the same line, and I will entitle my poem "The Pathetic Tax Ballad of 'JACK' GARNER and 'BILL' GREEN." [Laughter.] And it will run something like this:

Jack and Bill went up the hill
To fetch a bunch of taxes.
Jack fell down and broke his crown
And Bill came tumbling after.

[Laughter.]

I beg the pardon of the House for inflicting this upon them, but it is about what happened in the committee. Of course, I voted to get the bill out of the committee. Great God! it did not get out any too soon. I do not know what would have gone in this bill if both HULL and I had not voted to get it out.

The gentleman from Iowa [Mr. GREEN] yesterday in his remarks criticizing my position on the exemptions said that "we gave the little man as little as we could," and I agree with him absolutely in that particular, and in this connection, talking about exemptions——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have some more time?

Mr. GARNER of Texas. I yield the gentleman 15 minutes more.

Mr. RAINEY. And in this connection, discussing the question of exemptions, in order to show that my stand was not democratic, my friend, GARNER of Texas, called attention to the New York Democratic Convention, and he pointed with pride to the New York Democratic Convention. He is the only Democrat I have ever known to point with pride to the New York Democratic Convention. [Laughter and applause.] I was there, and, great God, I am trying to forget it. [Laughter and applause.] But the gentleman went ahead and said that there was a section of the platform adopted which stated that the income tax was a tax on wealth. It is, of course, a tax on wealth, and if that was in that platform, and as he read it, I have no doubt it is there, that is something to be commended in the New York convention. I am glad there is something we can commend about the New York convention. [Laughter and applause.]

Oh, the Democratic Party is all right. The Democratic Party is not an aggregation of individuals and it never was. It is an aggregation of principles. Its history is the history of successive resurrections, and when the Democratic Party is needed again, as it was before the war and in the legislation it passed which made possible the winning of the war, the Democratic Party will be found again in the breach discharging its full duty as the only party which can along correct, economic lines conduct the affairs of this great Government of ours. [Applause.]

It has gotten so on this floor—and they will describe me when I get through with this speech as a Bolshevist or something of that sort—it has gotten so on this floor you can not state a correct, economic principle on any subject without being charged with making a partisan Democratic speech, and that is something that leads us to hope for the future of the Democratic Party. [Applause.]

We did raise these exemptions, and I did oppose it, and I oppose it now, and I am going to continue to oppose it on the floor of this House. There is no other commercial nation in the world that has exemptions above $2,000. If there is any, will some of my friends on the committee call my attention to it? Over here in Canada the exemptions are $1,000 on the unmarried and $2,000 on the married; in England they are $675 on the unmarried and $1,125 on the married; in France they are 3,000 francs on the married, and so on. There is not any other commercial nation in this world granting greater exemptions than $2,000, and our exemptions were sufficient.

By raising these exemptions we lose $47,000,000. That is what the actuary of the Treasury, Mr. McCoy, told me. I see they have it now at $42,000,000 in the report they have submitted. We release entirely from the payment of taxes, the actuary told me, nearly 3,000,000 men. Yesterday it was stated on this floor by the gentleman from Texas [Mr. GARNER] that the actuary—I presume he changed his estimate—said it would release 2,300,000 men.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. RAINEY. If you make it short, because I have not much time.

Mr. RATHBONE. In the tax bill of 1894 the exemption limit was $4,000, was it not?

Mr. RAINEY. I do not remember that far back.

Mr. RATHBONE. I think the gentleman will find that it was.

Mr. RAINEY. The gentleman, who is much older than I, can remember it, of course.

Mr. RATHBONE. Thank you. In view of the diminishing value of the dollar and the fact that the tax bill of 1894 was a Democratic measure, is the gentleman prepared to say that the Democrats of that time were wrong in fixing the exemption at that amount?

Mr. RAINEY. It was passed at a time when we were groping in the matter of income taxes, and in the bill of 1916 we were still groping. The bill to which the gentleman refers was passed when we had Federal Government expenditures of less than one-fifth of the amount now. In 1916 our expenditures were less than $800,000,000, and now they are $3,000,000,000. We have to have more money to run this Government, and we have got to impose taxes much as they impose them in other parts of this world, through the suggestion of experts. Remember, while this loss of taxes is somewhere between $42,000,000 and $47,000,000, these 2,300,000 men who are exempted entirely do not get that much in exemptions.

They only get twenty millions of it. When we raise the exemptions you give Mr. Mellon the same amount that you give the man that has a $5,000 income. You give to Mr. Rockefeller the same amount that you give to the man that has an income of $5,000. They all get it. It is a slice cut off from the income-tax payments upon the entire income-tax bloc, and we did it; it was necessary to do it in order to get harmony in the committee. Mr. GARNER tells you that it is a thing he stood for, the thing he is most proud of. That is not the only thing he got in the bill; there are other things he is responsible for, but if it is the only thing he would not have much to hang his reputation upon.

Here is what happened; in order to make the trade—and they call this trading and balancing—in order to give $20,000,000 to 2,300,000 men, about $10 apiece, in order to do that we give a little over 3,000 men in the United States $100,000,000 in tax reduction. In order to do that we give 42 men in the United States $20,000,000 in tax reduction.

Mr. MILLS. Will the gentleman yield?

Mr. RAINEY. Yes; I will yield to the gentleman. I like to have the gentleman's remarks in my speech because he always helps me.

Mr. MILLS. My friend is undertaking to give figures to the House, and when he says 3,000 men, to whom does he refer?

Mr. RAINEY. The gentleman from New York knows them. I do not know them.

Mr. MILLS. Let me say that there are 5,674, and I will say that they are not getting $100,000,000 or anything like it. The gentleman knows that $98,000,000 represents the total surtax reduction.

Mr. RAINEY. Mr. McCoy gave me that information. He is the Government actuary and knows more about it than the gentleman from New York. He told me that the men with incomes above $100,000 get $100,000,000 out of this reduction.

Mr. MILLS. The total surtax reduction in the bill is only $98,000,000 for all surtax.

Mr. RAINEY. Forty-two men get $20,000,000 reduction. Will the gentleman dispute that? Forty-two men get just as much reduction as 2,300,000 men get. In order to do this we retain the sales taxes, we retain in major part the tax on admissions, we retain the greater part of the taxes on automobiles. This will be what you gentlemen will face in the election that is to come—every time one of these men, whom my friend MILLS always calls "the little men," are just as big as anybody on election day; every time one of them goes to a movie-picture show that charges over 50 cents admission he finds himself still charged a war tax. He will say to the man at the picture office, "The war is over; it has been over a good many years; we had a tax reduction not long ago. How does it happen that every time I take my family to a show I have to pay a war tax?"

Now, the only logical reply that can be made is, "Great God, didn't we buy you; didn't we give you $10; why don't you stay bought? Why don't you stand for the Mellon plan? We bribed you for $10 in order that we might cut these surtaxes. But we gave you $10 apiece." [Laughter.]

Now, when it comes to buying an automobile—and you can buy one now for a few dollars on the deferred-payment plan—when it comes time to buy a cheap automobile they will find that they are taxed from $15 to $30 on it, and they will say, "Isn't the war over; didn't we have a reduction of taxes; didn't the Democrats and Republicans get together and pass a reduction bill? Why do I have to pay a war tax?" The automobile dealer will say, "We gave you, as Mr. GREEN says, as little as we could; we bribed you; we gave you $10; go ahead and pay these taxes of $15 to $30 that are imposed upon you. Great God, can't you be satisfied with what we have given you?" That is going to be the position. [Laughter.]

Now, the Mellon plan contemplated the removal of all these taxes. He said if you place the surtax at 25 per cent, you can take them off, and he mentioned admissions. Well, I will tell you you what you can do if you want to. You can put the exemptions back where they were and restore over $42,000,000. You can put these surtaxes no higher than Mr. Mellon wanted them put, and you can add $10,000,000 to the amount you would save. You can remove the unearned income tax that applies now to incomes of $20,000 and add $7,000,000 more, and so you can go through this bill taking out these propositions, and if you want to do it you can take all the taxes off these automobiles; if you want to do it, you can take all the taxes off admissions; if you want to do it, you can take all the taxes off transactions on the produce exchanges. You can do this on this floor in spite of what the coalition attempts to do to you and to the country in its anxiety to be friendly, courteous, and kind to the very rich of the country.

Talk about 40 per cent maximum surtax being too much—and that is the reason for all this—do you know how many pay the 40 per cent under the present law? Two hundred and thirteen taxpayers; that is all. And they do not pay 40 per cent except on as much of their income as exceeds $500,000. Yesterday Mr. MILLS said the number was 314, but if you add them up you will find that it is 213. They only paid 40 per cent on the amount of their incomes over $500,000. Then all this publicity, all this that has been broadcast throughout the country, is to relieve 213 men, and only 213 men, of the payment of a 40 per cent surtax on incomes over $500,000. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, under the general permission to extend remarks on this bill, I herewith attach as an appendix to my speech the letter from Secertary Mellon outlining the Mellon plan:

LETTER FROM THE SECRETARY OF THE TREASURY TO THE ACTING CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, November 10, 1923.

DEAR MR. GREEN: In accordance with the request which you made shortly after the adjournment of Congress, the Treasury has been engaged for the past few months in considering the possibilities of tax revision and in developing recommendations for the simplification of the law. The situation has developed more favorably than was anticipated, and I am now presenting to you a comprehensive program to which I hope the Committee on Ways and Means will be able to give consideration at the outset of the legislative session.

The fiscal years 1922 and 1923 have each closed with a surplus of about $310,000,000 over and above all expenditures chargeable against ordinary receipts, including the sinking fund and other similar retirements of the debt. This has been possible only through the utmost cooperative between the Executive and Congress, as well as among the executive departments and establishments, all of whom have united in a sincere effort to reduce the expenditures of the Government. At the same time there has been a substantial amount of realization upon securities and other assets remaining over from the war, and the Treasury has succeeded in collecting customs and internal-revenue taxes in amounts somewhat exceeding original expectations. The result is that the Government of the United States is firmly established on the basis of having balanced its Budget each year since the cessation of hostilities, with a reasonable surplus each year after providing for fixed debt charges like the sinking fund, and stands squarely committed to the policy of including these fixed charges on account of the public debt in its ordinary Budget each year, thus assuring an orderly reduction of the war debt out of current revenues.

What has been done during the two years since the establishment of the Budget system shows clearly what united effort can accomplish, and gives every reason for hope that the task to which the administration has set itself for this fiscal year can be successfully performed, namely, the reduction of the ordinary expenditures of the Government to a total of not more than $3,500,000,000, of which about $500,000,000 will be fixed charges on account of the sinking fund and other retirements of the debt. To do this means reductions of about $170,000,000 in the estimates of expenditures submitted by the spending departments and establishments and the exercise of continued pressure all along the line for the utmost economy and efficiency in the operations of the Government.

Having these things in mind, the Treasury has been canvassing the estimates for the present fiscal year and for the succeeding fiscal years with a view to determining on the one hand what further reductions in expenditure it would be safe to count on in developing a tax-revision program, and on the other hand what receipts might reasonably be expected on the basis of existing law, assuming that no changes were to be made in internal taxes. In doing this it has had to keep in mind that under present conditions receipts from customs are abnormally high and that surplus war supplies have now been for the most part liquidated, leaving relatively little to expect on this account in the years to come. It has also had to keep in mind that many of the internal-revenue taxes, as, for example, the higher brackets of the surtax, are so rapidly becoming unproductive that it is unsafe to assume that even with no changes in the law the revenues from internal taxes would be maintained. After taking into account all these considerations, and making the most conservative estimates about the yield of existing taxes and the possibilities of further reductions in expenditure, it appears that for this year and for the next four or five years there should be a surplus of something over $300,000,000 a year over and above all expenditures chargeable to the ordinary Budget, including the fixed-debt charges payable out of cur-

rent revenues. This gives a reasonable margin not merely for tax revision but also for tax reduction.

On this basis the Treasury has the following recommendations to make:

1. Make a 25 per cent reduction in the tax on earned income. The fairness of taxing more lightly income from wages, salaries, and professional services than the income from a business or from investment is beyond question. In the first case the income is uncertain and limited in duration; sickness or death destroys it and old age diminishes it. In the other, the source of the income continues; it may be disposed of during a man's life and it descends to his heirs. It is estimated that this amendment will mean a loss in revenue of about $97,500,000 a year, the greater part of which falls in the lower-income brackets.

2. Where the present normal tax is 4 per cent reduce it to 3 per cent, and where the present normal tax is 8 per cent reduce it to 6 per cent. This affects all personal incomes, and the loss of revenue comes largely from the lower brackets. It is estimated that this will mean a loss in revenue of $91,600,000 a year.

3. Reduce the surtax rates by commencing their application at $10,000 instead of $6,000 and scaling them progressively upward to 25 per cent at $100,000. This will readjust the surtax rates all along the line, and the Treasury recommends the readjustment not in order to reduce the revenues but as a means of saving the productivity of the surtaxes. In the long run it will mean higher rather than lower revenues from the surtaxes. At the outset it may involve a temporary loss in revenue, but the Government actuary estimates that even during the first year, if the revision is made early enough, the net loss in revenue from all the changes in the surtaxes would be only about $100,000,000, and that in all probability the revenue from the reduced rates will soon equal or exceed what would accrue at the present rates, because of the encouragement which the changes will give to productive business.

The readjustment of the surtaxes, moreover, is not in any sense a partisan measure. It has been recommended, on substantially this basis, by every Secretary of the Treasury since the end of the war, irrespective of party. The present system is a failure. It was an emergency measure, adopted under the pressure of war necessity and not to be counted upon as a permanent part of our revenue structure. For a short period the surtaxes yielded much revenue, but their productivity has been constantly shrinking, and the Treasury's experience shows that the high rates now in effect are progressively becoming less productive of revenue. (See Table II, hereto attached.) The high rates put pressure on taxpayers to reduce their taxable income, tend to destroy individual initiative and enterprise, and seriously impede the development of productive business. Taxpayers subject to the higher rates can not afford, for example, to invest in American railroads or industries or embark upon new enterprises in the face of taxes that will take 50 per cent or more of any return that may be realized. These taxpayers are withdrawing their capital from productive business and investing it instead in tax-exempt securities and adopting other lawful methods of avoiding the realization of taxable income. The result is to stop business transactions that would normally go through and to discourage men of wealth from taking the risks which are incidental to the development of new business. Ways will always be found to avoid taxes so destructive in their nature, and the only way to save the situation is to put the taxes on a reasonable basis that will permit business to go on and industry to develop. This, I believe, the readjustment herein recommended will accomplish, and it will not only produce larger revenues but at the same time establish industry and trade on a healthier basis throughout the country. The alternative is a gradual breakdown in the system and a perversion of industry that stifles our progress as a nation.

The growth of tax-exempt securities, which has resulted directly from the high rates of surtax, is at the same time encouraging extravagance and reckless expenditure on the part of local authorities. These State and local securities will ultimately have to be paid, principal and interest, out of taxes, thus contributing directly to the heavy local taxation which bears so hard on the farmers and small property owners. There is no immediate remedy for this within the power of Congress except the readjustment of the surtaxes on a basis that will permit capital to seek productive employment and keep it from exhausting itself in tax-exempt securities. The productive use of capital in our railroads and industries will also tend to bring lower costs for transportation and manufactured products, thus helping to relieve the farmer from the maladjustment from which he now suffers.

4. Limit the deduction of capital losses to 12½ per cent of the loss: The present revenue law limits the tax on capital gains to 12½ per cent, but puts no limit on the capital losses. It is believed it would be sounder taxation policy generally not to recognize either capital gain or capital loss for purposes of income tax. This is the policy adopted in practically all other countries having income tax laws, but it has not been the policy in the United States. In all probability, more revenue has been lost to the Government by permitting the deduction of capital losses than has been realized by including capital gains as income. So long, however, as our law recognizes capital gains and capital losses for income-tax purposes, gain and loss should be placed upon the same basis, and the provision of the 1921 act taxing capital gains at 12½ per cent should be extended to capital losses, so that the amount by which the tax may be reduced by the capital loss will not exceed 12½ per cent of the loss. It is estimated that this will increase the revenues by about $25,000,000.

5. Limit the deductions from gross income for interest paid during the year and for losses not of a business character to the amount the sum of these items exceeds tax-exempt income of the taxpayer: The 1921 act provides that interest on indebtedness to acquire or carry tax-exempt securities is not deductible. This provision is ineffective because a taxpayer may purchase tax-exempt securities for cash and borrow money for other purposes. It is felt also that so long as a taxpayer has income which is not reached for taxation, he should not be permitted to deduct his nonbusiness losses from the income which is taxable, but should be restricted in the first instance to a deduction of these losses from his nontaxable income. The estimated increase of revenue from this source is $35,000,000.

6. Tax community property income to the spouse having control of the income: In some States the income of the husband is a joint income of the husband and wife, and each, therefore, is permitted to file a return for one-half of the income. This gives an unfair advantage to the citizens of those States over the citizens of the other States of this country, and this amendment seeks to restore the equality. It is estimated that it will increase revenue by $8,000,000.

So much for the income-tax recommendations, which should become effective January 1, 1924. In order that you may have before you a clear view of the effect of these recommendations as applied to incomes in the various brackets, I am attaching a table, prepared by the Government actuary, showing the estimated results of the proposed changes in the calendar year 1925, on the basis of the taxable year 1924. The schedule shows a loss of revenue of about $92,000,000 in the brackets under $6,000, and a further loss of revenue of about $52,000,000 in the next bracket of $6,000 to $10,000. In short, about 70 per cent of the reduction would be in the brackets of $10,000 or less, and less than 5 per cent would fall in the brackets over $100,000.

To show the effect of the proposed changes on the income of a typical salaried taxpayer, married and having two children, I call your attention to the following comparative figures:

Income	Present tax	Proposed tax	Saving to taxpayer
$4,000	$28.00	$15.75	$12.25
$5,000	68.00	38.25	29.75
$6,000	128.00	72.00	56.00
$7,000	186.00	99.00	87.00
$8,000	276.00	144.00	132.00
$9,000	366.00	189.00	177.00
$10,000	456.00	234.00	222.00

7. Repeal the tax on telegrams, telephones, and leased wires: This is the last of the transportation taxes established during the war, is a source of inconvenience to every person using the telephone or telegraph, and should now be eliminated from the tax system. This would mean a loss in revenue of about $30,000,000 a year.

8. Repeal the tax on admissions: The greater part of this revenue is derived from the admissions charged by neighborhood moving-picture theaters. The tax is, therefore, paid by the great bulk of the people whose main source of recreation is attending the movies in the neighborhood of their homes. This would mean a loss in revenue of about $70,000,000.

9. Miscellaneous nuisance taxes: Your committee may wish to consider the elimination of various small miscellaneous taxes which have an inconsiderable bearing on the general revenue of the Government, but which are a source of inconvenience to taxpayers and difficult to collect; and possibly there are some articles of jewelry which according to our standard of living can not properly be denominated luxuries, such as, for instance, ordinary table silver or watches, which you may wish to exempt from the general tax on jewelry. There is not enough margin of revenue available to permit the repeal of the special taxes which are proving productive, but the law could be revised to good advantage and some of the nuisance taxes repealed without material loss of revenue.

10. In addition to the specific recommendations which directly affect Government revenues, there should be amendments to strengthen the act and eliminate methods heretofore used by taxpayers to avoid imposition of the tax. The exact amount of additional revenue to the Government which will be brought in by these amendments can not be estimated, but certainly the amendments will reach much income that heretofore has escaped taxation.

11. Establish a board of tax appeals in the Treasury, but independent of the Bureau of Internal Revenue, to hear and determine cases involving the assessment of internal-revenue taxes: This will give an

independent administrative tribunal equipped to hear both sides of the controversy, which will sit on appeal from the Bureau of Internal Revenue and whose decision will be conclusive on both the bureau and the taxpayer on the question of assessment. The taxpayer, in the event that decision is against him, will have to pay the tax according to the assessment and have recourse to the courts, while the Government, in case decision should be against it, will likewise have to have recourse to the courts in order to enforce collection of the tax.

12. Changes should be made in the present law to simplify administration, make the law more easily understood, and permit a prompt determination of liability in a manner more satisfactory to the taxpayer.

In order that you may see the effect on Government revenues of the above recommendations, I submit the following figures as to the estimated result of these changes:

	Decrease (in millions of dollars)	Increase (in millions of dollars)
Reduction of 25 per cent in tax on earned income	97	
Reduction in normal tax	92	
Readjustment of surtax rates	102	
Capital loss limited to 12½ per cent		25
Interest and capital loss deductions limited		35
Community property amendment		8
Repeal of telegraph and telephone tax	30	
Repeal of admissions tax	70	
Total	391	6
	68	
Net loss	323	

The benefits of the reduction will be distributed among all classes of taxpayers, and the revision generally will help to free business and industry of vexatious interference and encourage in all lines a more healthy development of productive enterprise.

The present burden of taxation is heavy. The revenues of the Government are sufficient to justify substantial reductions, and the people of the country should receive the benefits. No program, however, is feasible if the Government is to be committed to new and extraordinary expenditures. The recommendations for tax reduction set forth in this letter are only possible if the Government keeps within the program of expenditure which the Bureau of the Budget has laid down at the direction of the President. New or enlarged expenditures would quickly eat up the margin of revenue which now appears to be available for reducing the burden of taxation, and to embark on any soldiers' bonus such as was considered in the last Congress or any other program calling for similarly large expenditure would make it necessary to drop all consideration of tax reduction and consider instead ways and means for providing additional revenue. A soldiers' bonus would postpone tax reduction not for one but for many years to come. It would mean an increase rather than a decrease in taxes, for in the long run it could be paid only out of moneys collected by the Government from the people in the form of taxes. Throughout its consideration of the problem the Treasury has proceeded on the theory that the country would prefer a substantial reduction of taxation to the increased taxes that would necessarily follow from a soldiers' bonus, and I have faith to believe that it is justified in that understanding. Certainly there is nothing better calculated to promote the well-being and happiness of the whole country than a measure that will lift in some degree the burden of taxation that now weighs so heavily on all.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. WILLIAM R. GREEN,
Acting Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

TABLE I.—*Estimated effect upon the revenue of the proposed changes in the individual income tax law*

Income tax brackets	Number paying tax in each bracket	Loss in tax when all changes are in full effect. On income for calendar year 1924; tax collected 1925						
		Normal tax (Loss)	Surtax (Loss)	Earned income at 75 per cent of rates (Loss)	Capital losses provision (Gain)	Certain deductions limited to nontaxable income (Gain)	Community property provision (Gain)	Net reduction in tax collected
$1,000–$2,000	7,308,200							
$2,000–$4,000	4,658,200	$64,500,000		$31,250,000	$1,000,000	$2,000,000		$92,750,000
$4,000–$5,000	1,158,200							
$5,000–$10,000	558,200	16,100,000	$17,500,000	20,000,000	500,000	1,000,000		52,100,000
$10,000–$20,000	228,200	2,000,000	4,400,000	14,000,000	500,000	1,500,000	$140,000	18,260,000
$20,000–$50,000	80,200	1,300,000	10,100,000	25,000,000	1,000,000	2,500,000	2,520,000	30,380,000
$50,000–$100,000	16,500	4,500,000	21,100,000	6,875,000	2,000,000	3,000,000	3,830,000	23,645,000
$100,000–$150,000	3,620	1,300,000	11,100,000	105,000	4,000,000	6,000,000	1,510,000	996,000
$150,000–$200,000	1,430	550,000	6,600,000	69,000	3,000,000	3,500,000		719,000
$200,000–$300,000	849	450,000	7,400,000	56,000	3,000,000	3,500,000		1,406,000
$300,000–$500,000	380	400,000	8,100,000	50,000	3,500,000	3,500,000		1,550,000
$500,000–$1,000,000	150	300,000	7,200,000	44,000	3,000,000	4,000,000		544,000
Over $1,000,000	30	200,000	8,300,000	50,000	3,500,000	4,500,000		550,000
Gain					25,000,000	35,000,000	8,000,000	
Loss		91,600,000	101,800,000	97,500,000				222,900,000

This table shows the estimated gain or loss in revenue over that estimated under the present law, due to the proposed changes in the revenue act of 1921, and allows for the estimated increase in incomes by reason of the readjustment of taxes. The figures opposite each income-tax bracket cover the total estimated receipts within that bracket.

TABLE II.—*Table showing decline of taxable incomes over $300,000*

Year	Number of returns		Net income		Dividends and interest on investments	
	All classes	Incomes over $300,000	All classes	Incomes over $300,000	All classes	Incomes over $300,000
1916	437,036	1,296	$6,298,577,620	$992,972,986	$3,217,348,030	$706,945,738
1917	3,472,890	1,015	13,652,383,207	731,372,153	3,785,557,955	616,119,892
1918	4,425,114	627	15,924,639,355	401,107,868	3,872,234,935	344,111,461
1919	5,332,760	679	19,859,491,448	440,011,589	3,954,553,925	314,984,884
1920	7,259,944	395	23,735,629,183	246,354,585	4,445,145,223	229,052,039
1921	6,662,176	246	19,577,212,528	153,534,305	4,167,291,294	155,370,223

Mr. GREEN of Iowa. Mr. Chairman, I yield 40 minutes to the gentleman from New York [Mr. MILLS].

Mr. MILLS. Mr. Chairman and gentlemen of the committee, as I listened to my distinguished friend from Illinois [Mr. RAINEY] I could not help wondering what all the shooting was about, because as I remember it the only difference between us is that he wants a 25 per cent surtax and we say 20 per cent. If that is the great iniquity in this bill, I wonder whether it is worth all the fuss the gentleman makes about it.

It is a very pleasant task for anyone who participated in the contest over the revenue act of 1924 to present a bill constructed on a nonpartisan basis and to have the assurance that

it will be considered in this House not from the standpoint of politics, but from the standpoint of sound economics. As far as this bill is concerned it is immaterial whether you apply to it the economic test or the political test. It will bear that or any other analysis to which it may be subjected.

This $325,000,000 tax reduction is the Christmas gift of the Coolidge administration and this Congress to the American people. In so far as the House of Representatives is concerned I consider it twice blessed not only because of the nature of the gift but because of the manner of the giving; and I want to pay my tribute to the Democrats, who, under the able leadership of the gentleman from Texas [Mr. GARNER], decided that on the whole they could best serve the country by constructive cooperation rather than by destructive criticism. [Applause.] And may I say to my Democratic friends, that in my judgment this was not only sound patriotism, but it was mighty good politics. This last opinion may not be worth much, because my friend from Texas [Mr. GARNER] tells me that while I am a good economist, I am probably the worst politician in the House. That certainly can not be said of the gentleman from Texas, because he never allows the economic tail to wag his political dog. [Laughter.] The reason my friend from Texas [Mr. GARNER] came along in this spirit of cooperation is because he was satisfied that it was wise politically for the Democratic Party to say "We will cooperate with the Republicans and give the country the best tax bill possible as promptly as possible, instead of obstructing, criticizing and tearing to pieces."

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. MILLS. In a minute. The only difference between the gentleman from Texas [Mr. GARNER] and the gentleman from Illinois [Mr. RAINEY] is that the gentleman from Texas knows that there was an election in 1924, and the gentleman from Illinois does not.

Mr. WEFALD. Mr. Chairman, will the gentleman now yield?

Mr. MILLS. Yes.

Mr. WEFALD. This tax bill then will make the Republican Party and the Democratic Party one party in fact?

Mr. MILLS. No; it will do nothing of the kind, but being a sound measure and the joint product of both parties, both parties will get full credit for giving it to the country. [Applause.]

Mr. WEFALD. That will make the two one party, in effect.

Mr. MILLS. Not necessarily, but as far as I am concerned, if you gentlemen who sit on the Democratic side care to come over to ours, you are very welcome.

I have no doubt that at the time my friend from Texas thought the policy pursued in 1924, which won him some temporary but very substantial victories on the floor of this House, was right smart politics, but I say to him that taking the long view, it is my judgment that the course which he has mapped out for his party this year is not only good politics but comes very close to being real statesmanship. [Applause.]

This bill is of exceptional importance not only because of the relief from high taxes which is carried but because, with the exception of the interest on the public debt, which is bound to decrease, the expenditures of the Government have about stabilized, and that means that we are no longer just laying the foundation for a permanent peace-time tax system but we are actually engaged in the task of outlining the system itself in detail.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. LAGUARDIA. In the gentleman's view of this bill, is it a bill for the reduction of taxes or is it a bill to reform the tax policy of the country?

Mr. MILLS. Both.

Mr. LAGUARDIA. How can it be both?

Mr. MILLS. Because taxation reform does not necessarily mean tax increase, and you can both reduce taxes and reform at the same time.

Mr. LAGUARDIA. The gentleman admits that it does reform and also changes taxation?

Mr. MILLS. It does both. It reduces taxes and at the same time it reforms.

Mr. LAGUARDIA. And so the gentleman concedes that?

Mr. MILLS. It is not a question of concession. I gladly claim it.

Mr. LAGUARDIA. That is what I wanted to get.

Mr. MILLS. What is to be the character of our permanent peace-time tax system?

A progressive income tax on individuals, accompanied by a flat tax on the net income of corporations, will be the backbone of the system. The personal exemptions will be liberal. The surtax rate, starting with the low minimum, will rise sharply to a maximum rate; high, according to pre-war and peace-time standards. In any sound and well-balanced tax system an income tax of this character, even when accompanied by ample revenues from customs, should be supplemented by a limited number of excise taxes specially selected, because of the semiluxury character of the objects taxed and their broad bases, which mean a light burden on the individual taxpayer and generous yield to the Government. The tax on tobacco is the best example of the kind of excise tax I have in mind.

So much for general principles. What of the bill itself? The details, and particularly the administrative details, can best be discussed under the five-minute rule when the bill is read for amendment. For the present I can only deal with the high spots, namely, the income tax, the estate tax, excise and special taxes, and important changes in the administrative machinery.

Let me say a preliminary word about the progressive income tax; and in saying this I speak as a sincere friend and a whole-hearted believer in this form of taxation, which rests on the fundamentally sound proposition that each man should pay in accordance with his ability to pay. The permanency of the progressive income tax in this country is to-day, and has been for some time, threatened not by the enemies who oppose it in the open, but by the very men who profess to be its best friends. They would make of it not a national tax but a class tax, by whittling away the number of taxpayers until a mere handful of people would be supporting the Government of all. On the one hand, by raising the exemption to $5,000 they would limit the number of income-tax payers to 690,000 out of a population of 110,000,000, and on the other hand, they would keep the rate on the large incomes so high as to offer a compelling inducement to men of large fortunes to continue the practice of using any legitimate or legal avenue of escape, the net result of which would be to place the great bulk of the tax burden on some 250,000 men with incomes of from $10,000 to $100,000 a year. Such a tax would, on the face of it, be so inequitable that it could not endure in a democracy such as ours. It is my firm conviction that the average American, after reasonable exemptions covering the necessities of life for himself and his family, wants to contribute, in accordance with his ability to pay, something to the support of his Government. I do not believe that in the long run any tax law which declared that the man with an income of $5,000 can not afford to pay $16 for the support of the United States Government, and that, on the other end of the scale, undertook to take 40 per cent of a man's income, would continue to receive his support. It is because the proposed bill steers clear of these extremes and, while granting liberal exemptions, does not undertake to impose rates demonstrated by experience to be excessive and uncollectible, and, within these reasonable limits, strictly observes the principles of a progressive tax graduated in accordance with ability to pay, that I believe it deserves and will receive the support of every true friend of progressive income taxation.

Mr. BERGER. Will the gentleman from New York yield?

Mr. MILLS. Gladly.

Mr. BERGER. I do not often interrupt.

Mr. MILLS. The gentleman's questions are very welcome, I am sure.

Mr. BERGER. Is it not a fact that 4 per cent of our population owns 64 per cent of the national wealth?

Mr. MILLS. I will say to my friend that I have not looked at those figures for the last two years, but I have on my desk a most recent investigation made on the subject which I propose to look into. In the meanwhile I want to say to the gentleman that when I last looked into the matter—that was two years ago—the figures which he gives were absolutely incorrect.

I want to say, however, to my friend from Wisconsin, that if he will take the speech which I made two years ago on this very proposition he will find that I then undertook to make a comparison between the taxes paid and the allocation of the national income.

Coming now to the bill itself, exemptions are the first items to be considered. To those who would like higher exemptions, let me remind them that in a democracy like ours, after you have granted a reasonable exemption, every man who can justly be asked to should have a direct, even though it be a very small, financial interest in the cost of his Government; and I quite agree with what the President said yesterday, that to go further than we have gone would threaten the in-

tegrity of our income-tax system. To those who feel as I do, that perhaps on the whole it would be better to leave the exemptions where they stand now, I will say that the proposed exemptions are below those granted by the 1916 law, which after all represented our peace-time conception of an income tax, and that since then the cost of living has risen materially, thus decreasing the value of exemptions. The standard of living is so much higher in this country than in any other country in the world that the exemptions given by foreign countries offer no fair basis of comparison; and since we in this country rather pride ourselves on the high level at which we establish the minimum requirements of the American family, I am inclined to believe that the American conception of a peace-time income-tax system would concede at the start very high exemptions.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman from New York is quite aware, as I think the other Members of the House are also aware, that the countries to which the gentleman from Illinois [Mr. RAINEY] referred as having a much lower exemption, have a dire necessity of raising revenue, and that is particularly true with respect to Great Britain.

Mr. MILLS. Yes. I want to point out in this connection to those who would be inclined and are inclined to minimize the concessions obtained by the gentleman from Texas [Mr. GARNER], that in peace time you can raise or lower rates, but once an exemption is granted, you can never reduce it. And I mention that to demonstrate the extent of the concession made to the gentleman from Texas by those of us who believe that the present level of exemptions is substantially right.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. BLANTON. Where there are four children under 18 years of age the present bill grants an exemption of $5,100?

Mr. MILLS. Yes.

The limit at which the earned income differential may be enjoyed is increased from $10,000 to $20,000. That is one point of which the gentleman from Illinois [Mr. RAINEY] complained. I do not think he is on the right side of the proposition. It is based on an elementary sense of fairness that the men who are earning their income, and in the actual process of accumulating savings from earnings should receive greater consideration than the men whose incomes are derived from savings already accumulated, either by themselves or others.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. HASTINGS. I wondered if I rightly understood the gentleman. Are exemptions allowed for children under the present law?

Mr. MILLS. The same exemptions are carried in the bill as in the present law.

Mr. HASTINGS. I understood somebody to say that the exemptions were eliminated.

Mr. MILLS. The gentleman has been misinformed. But something else should be called to your attention in connection with earned income. The law gives to property income certain deductions, such as depletion and depreciation, which can not be granted to earned income. There must of necessity be some offsetting credit unless earned income is to be materially discriminated against in comparison with unearned income. The man who discovers an oil well gets the deduction for depletion based on discovery value, but the scientist who discovers a cure for cancer can not even deduct his laboratory costs in making the discovery. You gentlemen who are interested in this phase of the income-tax problem will find an interesting analysis of the disadvantages under which earned income labors to-day as against unearned income, made by Doctor Adams on page 166 of our hearings. You can justify the additional deduction proposed not only on the ground of our desire to do something that will favor earned income, but as absolutely necessary if earned income is to have equality of treatment.

We have reduced the maximum surtax rate from 40 per cent to 20 per cent, making the latter applicable to incomes in excess of $100,000, and adjusted the rates in the lower brackets to give a well-balanced, gradually increasing schedule.

I suppose the question that interests the House more than any other is how we came to fix the tax at 20 per cent. Some gentlemen, like the gentleman from Tennessee and the gentleman from Illinois, would have preferred 25 per cent. My own feeling is that 20 per cent is just about right; and when I say it is just about right, I mean that 20 per cent is the maximum rate that can be collected in peace time in the long run. To be even more specific——

Mr. RAINEY. Will the gentleman yield to me?

Mr. MILLS. I will.

Mr. RAINEY. While the gentleman is discussing this matter—I did not have time to discuss it—will he explain to the committee how much surtax relief the surtax payers with incomes of $44,000 and under get out of this bill?

Mr. MILLS. I will say to my friend from Illinois that I have a table, which I will insert in the RECORD, taking 1918 as a base, which will show the tax reduction granted to classes of taxpayers from top to bottom.

Mr. RAINEY. But the gentleman can answer that question now, can he not?

Mr. MILLS. I can say to the gentleman from Illinois that we will save time if he will permit me to proceed.

Mr. RAINEY. But I yielded to the gentleman every time he asked me to do so.

Mr. MILLS. I yield to the gentleman.

Mr. RAINEY. Is it not true that in order to accomplish this reduction to 20 per cent of the surtax maximum the surtax payers who have incomes under $44,000 do not get the slightest surtax reduction?

Mr. MILLS. I say to the gentleman that those two propositions have no connection whatsoever.

Mr. RAINEY. The gentleman can say yes or no.

Mr. MILLS. I will say no; they have no connection whatsoever.

Mr. RAINEY. I will say they get no surtax reduction whatever.

Mr. MILLS. To be even more specific than I was, I believe that any attempt to impose higher rates will inevitably breed the kind of evasion that has characterized the administration of every one of our postwar statutes, and I believe to put the rate at a lower point will cause an unnecessary loss of revenue, which I do not think will occur at the 20 per cent rate; in fact, I believe that in the long run we are going to collect more money at the 20 per cent rate than we are collecting now at the higher rate.

Mr. MOORE of Virginia. May I ask the gentleman one question?

Mr. MILLS. Yes.

Mr. MOORE of Virginia. The gentleman used the general term "in the long run." What is the gentleman's prediction?

Mr. MILLS. My prediction is that we will begin picking up in the fiscal year 1927–28, and from then on very rapidly.

Mr. MOORE of Virginia. The gentleman means in excess of the present revenues?

Mr. MILLS. I think the present revenues will be very largely reduced owing to the cut applicable March 15, but I want to say that from then on I believe we will begin the process of rapidly making up the $98,000,000 which will be lost on March 15.

Mr. MOORE of Virginia. That is the gentleman's prediction?

Mr. MILLS. Yes.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. LaGUARDIA. Will the gentleman yield right there?

Mr. MILLS. I should prefer that gentlemen be kind enough to postpone their questions until a little later, because these questions interrupt the continuity of the argument.

Mr. MOORE of Virginia. I beg the gentleman's pardon. I thought he was allowing interruptions.

Mr. MILLS. I am always glad to answer the gentleman's questions, but too many questions make it impossible to continue.

Now, gentlemen, you may like it or not, but I think this is a tax truth, that there are very, very few taxes which can be successfully administered without the willing cooperation of the taxpayers. All but a very small fraction of taxpayers are honest. The average citizen stands ready at all times to pay his fair share of the cost of government, but, in free countries, at least, when governments have undertaken to impose a tax at rates conceded by public opinion to be too high, the taxpayer denies his cooperation and the law fails, no matter what penalties or methods of coercion you may devise. Mind you, I am not talking about lawbreaking. You may have scrupulous compliance with the law and still the law may fail because more is needed. Now, this is the history of the general property tax when applied to intangibles in every State of this Union, and there is not a man in this House who does not know that is true, and this is the history

of the income tax in this country during the postwar period. Let me give you a few striking examples of how uncollectible our war taxes have proved to be in practice since the war is over. Considered from the standpoint of tax yield incomes of $1,000,000 and over actually contributed $20,000,000 more in 1916 at 13 per cent than they did in 1921 at 73 per cent, and $5,000,000 more at 13 per cent in 1916 than they did at 46 per cent in 1924. Incomes of $100,000 and over in 1921 at a rate which ran from 60 per cent at $100,000 to 73 per cent at $1,000,000 and more yielded but $202,000,000. This year at a rate which runs from 43 per cent at $100,000 to 46 per cent at $500,000 the yield is $300,000,000. In other words, the 20 per cent decrease in rates yielded an additional $100,000,000 in revenue. This is not theory. These are actual figures taken from the Treasury records. The same process is plainly evident if you study the number of taxpayers in the higher brackets and the total incomes reported for tax purposes by them.

We find that 6,633 men reported incomes of over $100,000 in 1916, but that that number had fallen to 4,031 in 1922, and rose again in 1924 under the stimulus of lower rates. These men reported for income-tax purposes in 1916, $1,856,000,000, but only $892,000,000 in 1922 at the high rate.

Expressed in terms of percentages, men with incomes of $100,000 or more reported 29 per cent of the total income reported for taxable purposes in 1916 at low rates, and only 7 per cent in 1922 and in 1924; and in the face of these figures, there are still men who are saying we must maintain the high rates in order to tax the rich. What a joke.

Now, if it be contended that these changes are not due to the rates but are due to the changes in economic conditions and to the decreased income enjoyed by these classes and others, let us see what we find. I call your attention to the fact that incomes of $100,000 or more reported in 1916, $944,000,000 in dividends and only $462,000,000 in dividends in 1922. What happened as to all dividends in those years? Did they rise or fall? All dividends reported by individuals for income-tax purposes increased from $2,136,000,000 in 1916 to $2,400,000,000; in other words, while all dividends increased, dividends reported by those of $100,000 income or more were somewhat less than half, when we undertook to continue to tax them at war rates.

Mr. WEFALD. Will the gentleman yield?

Mr. MILLS. Just let me complete this statement first.

Expressed in terms of percentages, at low rates people with incomes of $100,000 or more reported, in 1916, 44 per cent of all dividends reported, and in 1922 and 1924 they only reported 19 per cent.

This represents a diminution of taxable income reported of about $500,000,000. What became of it? Do you suppose the stock on which the dividends were paid was actually sold by the men having incomes of $100,000 or more to people with smaller incomes? Why, that would have involved a transaction of $10,000,000,000 or more. It never took place. The men who owned the stock in 1916, in all human probability, owned that stock or similar stock, and more of it, in 1922. What, then, became of this half billion dollars of real income? I will tell you. The men with incomes of $100,000 and over so conducted their affairs as to bring their taxable income from the higher brackets to the lower brackets. But you will say, how does real income vanish the minute we seek to make it taxable income? Well, there are a number of methods, gentlemen, some of which can probably be provided against and some of which can not. There are probably a lot of new ones I do not know anything about, and I am simply giving you a few of the old stand-bys that are probably known to all of you: Tax-exempt securities, division of estates, incorporation, deduction of losses, failure to take profits, investments abroad and permitting profits to accumulate there, and, finally, plain failure to make use of productive capital.

Shut one door and the harassed taxpayer immediately opens another one. The example which I have given you can be multiplied indefinitely. The fundamental fact is that taxation at excessive rates is unproductive. This is a fact as old as taxation itself and just as inevitable.

In seeking to controvert these essential facts my distinguished friend from Illinois, not on the floor but in the views which he submitted as part of the committee report, has been misled by figures given by Professor Patterson in a voluminous pamphlet published by the New Republic, under date of November 4, 1925. The gentleman from Illinois tells us, and I here quote:

> The large incomes under the law of 1921, of between $500,000 and $1,000,000 a year, paid only an average of 26.81 per cent, and incomes of $1,000,000 and over paid only 23.53 per cent.

The gentleman goes on to tell us that Professor Patterson estimates that they paid only 18 per cent under our present law and that they will only pay 9 per cent under the law which the committee submits to you. Professor Patterson took the statistics published by the Bureau of Internal Revenue, and the distinguished professor utterly failed to take into consideration that in 1924 we made an arbitrary 25 per cent cut applicable to all taxes, and having failed to take that very important factor into consideration, every one of his figures is practically worthless for the purposes for which he uses them. Were this not so, I could go further and point out any number of other important factors that Professor Patterson has not bothered to take into consideration.

The professor and the gentleman from Illinois [Mr. RAINEY] estimated that the high incomes would only pay 18.82 per cent under the present law. Based on actual figures they pay something over 30 per cent. Moreover, even if their figures were accurate, which they obviously are not, far from proving their contention, they simply furnish additional evidence of what I contend is true.

Under the 1921 act the average rate on the entire income of a man with an income of $500,000 was 53 per cent. The Government's records show that on the average men with incomes of over $500,000 paid only 35 per cent on the taxable income which they reported, but what does this prove? It proves just one thing, and that is that the United States Government went out to collect 53 per cent of a man's income, and when it brought the bag home it found that it had only been able to collect 35 per cent.

Let this be clearly understood at the start then, and we are going to avoid any amount of argument and misunderstanding. We—I do not suppose I should talk for the committee, and so I will say I—I am not advocating the 20 per cent rate in order to have the rate on the high incomes cut in half.

I am advocating the 20 per cent rate because based on all the evidence—and there is considerable evidence—and on the best expert advice that can be obtained, 20 per cent is in all human probability the highest rate that you can successfully impose in this country in peace time, and that being so it is the rate that will bring in the maximum revenue.

Having agreed on the maximum revenue, the next problem was simple enough. All we had to do was to agree on the other rates so that they would increase uniformly in accordance with the size of a man's income. How successfully we have done that appears by the tables which I propose to put in the RECORD.

Married person with no dependents, all income earned

Net income	Amount	Total tax per cent of income
$3,000	$0.00	0.000
$4,000	5.63	.141
$5,000	16.88	.338
$6,000	28.13	.469
$7,000	39.38	.562
$8,000	56.25	.703
$9,000	78.75	.875
$10,000	101.25	1.013
$11,000	131.25	1.193
$12,000	168.75	1.406
$13,000	213.75	1.644
$14,000	258.75	1.848
$15,000	311.25	2.075
$16,000	363.75	2.273
$18,000	483.75	2.688
$20,000	618.75	3.094
$22,000	818.75	3.722
$24,000	1,088.75	4.536
$26,000	1,278.75	4.918
$28,000	1,598.75	5.496
$30,000	1,818.75	6.063
$32,000	2,118.75	6.621
$34,000	2,418.75	7.114
$36,000	2,738.75	7.608
$38,000	3,078.75	8.102
$40,000	3,438.75	8.597
$45,000	4,368.75	9.708
$50,000	5,358.75	10.718
$55,000	6,408.75	11.652
$60,000	7,458.75	12.431
$70,000	9,658.75	13.798
$80,000	11,958.75	14.948
$90,000	14,358.75	15.954
$100,000	16,858.75	16.859
$150,000	29,258.75	19.505
$200,000	41,758.75	20.879
$250,000	54,258.75	21.704
$500,000	116,758.75	23.352
$1,000,000	241,758.75	24.176

Married persons, with no dependents, earned income less than $5,000

Net income	Amount	Total tax per cent of income
$3,000	$0.00	0.000
$4,000	5.63	.141
$5,000	16.88	.338
$6,000	31.88	.531
$7,000	46.88	.670
$8,000	69.38	.866
$9,000	99.33	1.104
$10,000	129.38	1.294
$11,000	169.38	1.540
$12,000	219.38	1.828
$13,000	279.38	2.149
$14,000	339.38	2.424
$15,000	409.38	2.729
$16,000	479.33	2.993
$18,000	639.38	3.552
$20,000	819.38	4.097
$22,000	1,019.38	4.634
$24,000	1,239.38	5.164
$26,000	1,479.38	5.690
$28,000	1,739.38	6.212
$30,000	2,019.38	6.731
$32,000	2,319.38	7.248
$34,000	2,619.38	7.704
$36,000	2,939.38	8.165
$38,000	3,279.38	8.660
$40,000	3,639.38	9.098
$45,000	4,569.38	10.154
$50,000	5,559.38	11.119
$55,000	6,609.38	12.017
$60,000	7,659.38	12.766
$70,000	9,859.38	14.085
$80,000	12,159.38	15.199
$90,000	14,559.38	16.177
$100,000	16,959.38	16.959
$150,000	29,459.38	19.640
$200,000	41,959.38	20.980
$250,000	54,459.38	21.784
$500,000	116,959.38	23.392
$1,000,000	241,959.38	24.196

A comparison of taxes to be paid by different classes of taxpayers under the proposed law, as compared with those paid under the act of 1918, is of real value as showing how fairly the reductions have been apportioned. I take the 1918 act as a basis of comparison, first, because it contained the maximum rates that have been imposed, and, secondly, the rate of progression of the surtax was uniform, being 1 per cent for every $2,000 of additional income, which was not true of the 1921 and 1924 acts. This last is very important, because I take it no one will deny that this kind of uniformity is essential in a more or less permanent statute.

I might as well say here as elsewhere that the reason why some will apparently benefit more than others in the proposed law is due to the arbitrariness of the cuts made in 1921 and 1924 and the desirability now of making the consequent adjustments.

The revenue act of 1921 reduced the 1918 tax of the $3,000 man by 66.7 per cent. The 1924 act reduced it further to a point 87½ per cent below the 1918 tax. For the $6,000 man these percentages were, respectively, 36 per cent and 77.9 per cent; for the $10,000 man, 37.3 and 75 per cent; for the $20,000 man, 34.6 and 61.3 per cent, as compared with 16.3 and 37.8 per cent for the $80,000 man, 14 and 35.5 per cent for the $100,000 man, 14.2 and 35.1 per cent for the $200,000. Or, in other words, the 1921 and 1924 acts granted to men with taxable incomes of $10,000 or less over twice as much reduction, and to the men with taxable incomes of $20,000 or less almost twice as much reduction as was given to the incomes in the high brackets.

I am inserting in the RECORD two tables. The first one shows the tax and the percentage of total income paid in taxes by certain classes of taxpayers under the 1918, 1921, and 1924 acts, and under the proposed act:

Total tax and percentage of total income paid in taxes by different classes of taxpayers under the 1918, 1921, 1924, and 1926 acts

	1918		1921		1924		1926	
	Tax paid	Per cent	Tax paid	Per cent	Tax paid	Per cent	Tax paid	Per cent
$3,000	$60.00	2.00	$20.00	0.67	$7.50	0.25		
$4,000	120.00	3.00	60.00	1.50	22.50	.56	$5.63	0.14
$5,000	180.00	3.60	100.00	2.00	37.50	.75	16.88	.33
$6,000	250.00	4.17	160.00	2.57	57.50	.94	28.13	.46
$7,000	390.00	5.57	250.00	3.57	87.50	1.25	39.38	.56
$8,000	530.00	6.63	340.00	4.25	127.60	1.59	56.25	.70
$9,000	680.00	7.56	430.00	4.78	167.50	1.86	78.75	.87
$10,000	830.00	8.30	520.00	5.20	207.50	2.08	101.25	1.01
$40,000	7,730.00	19.33	5,840.00	14.60	4,057.50	10.09	3,438.75	8.59
$50,000	11,030.00	22.06	8,640.00	17.28	6,137.50	12.28	5,358.75	10.71
$80,000	14,830.00	24.72	11,940.00	19.90	8,677.50	14.46	7,458.95	12.43
$100,000	35,030.00	35.03	30,140.00	30.14	22,617.00	22.62	16,358.00	16.35
$150,000	67,030.00	44.69	58,140.00	38.76	44,117.00	29.41	29,253.00	19.50
$200,000	101,030.00	50.52	95,640.00	43.32	65,617.00	32.81	41,758.00	20.87
$500,000	323,030.00	64.61	260,640.00	52.13	199,617.00	39.92	116,758.00	23.35

Reductions granted in the acts of 1921, 1924, and 1926, expressed in terms of percentage of the 1918 tax

Income	1921	1924	1926
	Per cent	Per cent	Per cent
$3,000	66.7	87.5	100
$6,000	36	77.9	87.2
$10,000	37.3	75	84.4
$20,000	34.6	61.3	68.8
$30,000	29.6	53	59
$40,000	24.5	47.8	52
$50,000	21.7	44	49.6
$60,000	19.5	41.5	48.4
$70,000	17	39.5	48.5
$80,000	16.3	37.8	49
$90,000	15	36.6	50.2
$100,000	14	35.5	51.6
$200,000	14.2	35.1	58
$500,000	19.3	38.2	63.8
$1,000,000	21.7	38.9	65.7

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Chairman, may I have 15 minutes more?

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes more to the gentleman from New York.

Mr. MILLS. The second one will show the reductions granted in these various acts for different classes of taxpayers expressed in terms of percentage of the 1918 tax. These tables indicate that incomes from $40,000 to $100,000, inclusive, will, under the proposed act, have their tax just about cut in half. Incomes of $30,000 and under and incomes of $200,000 and over will pay less by 59 and 58 per cent, respectively. Those under $20,000 and over $500,000 will pay in the first case 68 per cent less than they did in the 1918 act, and in the second case 63 per cent. Incomes of $10,000 and under will pay 84 per cent less than they did in 1918, while incomes of a million dollars and over will pay 65 per cent less than they did in 1918. It is apparent, therefore, that incomes below $30,000 and above $200,000 get a larger benefit than the intermediate classes if we base the reduction on the 1918 act.

This very obviously calls for an explanation, and fortunately the explanation is reasonable and is not difficult to understand. The earned-income rebate accounts for the apparent favoritism to incomes below $30,000, because while the earned-income provision obviously applies to all taxpayers, no matter what the amount of their income may be, being limited to $20,000, the importance of that differential grows increasingly less with the size of the income, just as the comparative value of the reduction in the normal rate diminishes as the income increases. What of incomes over $100,000 and incomes below $10,000? You have this situation: There is no surtax on incomes below $10,000; therefore, all they pay is the normal tax which is imposed at a flat rate, or, under the present law, three flat rates. All incomes of over $100,000 are also, for all practical purposes, taxed at a flat rate and have been ever since 1921. Thus, in 1921, when the maximum rate was 50 per cent, we taxed incomes of $100,000 and over 48 per cent, and when we made the maximum rate 40 per cent we imposed a 37 per cent rate at $100,000. So, for all practical purposes in all of these laws you have had a flat rate below $10,000, and you have had a flat rate above $100,000, and anyone can see that when you undertake to cut a flat rate the benefit of course

is much greater than if you graduate your cut as was done in the amounts below $100,000. You can not graduate the normal tax, and I submit to the House that I think there are very few people who will care to say that the principle of taxing all income over a given amount at a maximum rate is not on the whole justified. The theory is that when you get up to $100,000 all income over $100,000 is of such character as to justify its paying the maximum rate, and if you ask us why we fixed it at $100,000 rather than any other amount, it is because, generally speaking, that seems to have been the place at which it was fixed in previous acts. Finally, you ask, that being so, why was it necessary to cut the high rate in half? That, I think, I have completely answered in giving you my reason for the selection of 20 per cent rather than some other rate as the maximum rate.

This brings us to the estate tax. There are very few people in this country who question the soundness or the righteousness of an inheritance tax as such, but there are many, many people, including myself, who believe that by tradition, by legal theory, and by virtue of revenue necessities, this is a tax that belongs to the States rather than to the Federal Government. [Applause.] The controlling factor with me is that the States need the money in order to relieve the colossal burden of local taxation and the Federal Government does not. In the course of the last few years the Federal Government has taken over the cream of the taxes—all of the big producers, all of the taxes easy to collect—and has allowed the States and the municipalities to get along as best they can on the skimmed milk. That means that the States and the municipalities to-day are raising approximately 90 per cent of their revenue from land, and that means that 90 per cent of their revenue is being raised from farmers and rent payers. We had a special legislative commission in my State last winter looking into this situation, and what did we find? We found "that property taxes consume a large part of the income from land. In a prosperous farming district 30 per cent of the net income is paid in taxes. In the less productive sections the percentage is unquestionably higher, and in the cities it varies between 12 and 30 per cent." That is being taken on the net income of the land in city and country alike, because municipal and State taxes are not only very heavy to-day but are constantly rising. I have given the House so many figures that I am not going to give you figures showing the decrease of Federal taxes and the steady increase of State and municipal taxes, but the taxes most demanding attention to-day are State and municipal taxes. They can not continue to rest on land alone, but they have got to continue to rest on land alone as long as the Federal Government whenever it gets its hand on a good, easy tax to collect, says that it will not part with it, and that is the case with the estate tax.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. GREEN of Iowa. As I understand the gentleman, he does not question the correctness of the theory of the inheritance tax, or the principles of it.

Mr. MILLS. Oh, absolutely not; there is no doubt we ought to have State inheritance taxes. On the other hand, gentlemen, it is undeniable the States have made a terrible mess of the situation, because they have been unwilling to adopt some uniform standard of taxes, and the result has been property has been taxed three or four times without any regard whatsoever for equity and justice. Moreover, three of the States—Florida being one—have come along and thrown a monkey wrench into the whole works by adopting a constitutional provision intended to make of their State a tax-free haven for the very rich. Of course that tax-free haven business, if I may be permitted to say so, is the bunk. What you do not raise in inheritance taxes you have got to raise by other taxes. Florida is a great growing State, has an enormous increase in population. They are going to need good roads, new schools, new water systems, paving, and so forth. That all costs money. Even in Florida the Government can not live off the climate. [Applause.] And I want to make a prophecy right here. You gentlemen who will not raise money by inheritance taxes will probably before long be trying to enforce a property tax on intangibles. If you do the men who have been unwise enough to leave home and go to your State will be home soon dragging their estates behind them. [Laughter.]

Mr. GREEN of Florida. Will the gentleman yield for a question?

Mr. MILLS. I will yield.

Mr. GREEN of Florida. Then does the gentleman from New York believe in State rights?

Mr. MILLS. Oh, absolutely.

Mr. GREEN of Florida. Very well. Does the gentleman believe that Congress has the right to coerce the people of a State into adopting laws contrary to what the Constitution says?

Mr. MILLS. No, sir; and I do not want to see it done.

Mr. GREEN of Florida. Very well.

Mr. MILLS. I want every right of Florida preserved, but the Florida bugaboo does not scare me one little bit. I do not believe any man will leave his home State—I do not want to disappoint you fellows, but I do not believe any man is leaving his home State in order to escape a reasonable inheritance tax—and that has been our experience in New York. But it seems to me undeniable that the horrible example of Florida has been used as a very strong and persuasive argument for a Federal estate tax.

I believe the Federal Government should get out of the field of death duties, but I think for the present we should be satisfied, having reduced the Federal rate to a reasonable point, and having taken care of the revenue needs of the States by the 80 per cent rebate clause.

Mr. GREEN of Florida. Just one question.

Mr. MILLS. Just let me finish this and then I will yield. Then, after this campaign of education, after the States themselves put their own house in order, do away with this business of double taxes, impose an inheritance tax at a reasonable rate on people and property that legitimately belong to them and do not go after citizens of other States, then I think no matter how horrible an example the State of Florida may present no one will contend the Federal Government should not get out of the field of death taxes.

Now I yield to the gentleman from Florida.

Mr. GREEN of Florida. The gentleman from New York is aware that Florida has adopted an amendment prohibiting this levy, is he not?

Mr. MILLS. Yes.

Mr. GREEN of Florida. Very well. Then, does the gentleman believe that it is fair, equitable, and just for the people who die in the State of Florida to pay 80 per cent more to maintain the Federal Government than the people of any other State are required to do?

Mr. MILLS. As a matter of fact, I think that is infinitely better than when the State of New York has levied a suitable inheritance tax the Federal Government should come along and levy another tax of the same character. As we propose it, the New York man will pay practically only one estate tax. If we fix it the way your people want, your people would not be paying any, and we would be paying two. [Applause.]

Mr. GREEN of Florida. Then, would the gentleman, in fairness to my people in Florida and his people who have gone there——

Mr. MILLS. I deny that my people have gone there. [Laughter.]

Mr. GREEN of Florida. The question is this: Will you support my amendment to this bill whereby the people of the State of Florida will not be required to pay 80 per cent more to maintain the Government in Washington than the people of any other State? Will the gentleman support it?

Mr. MILLS. I will wait to see the amendment of the gentleman from Florida before I commit myself with respect to it.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. May I have 10 minutes in which to complete this statement?

Mr. GREEN of Iowa. Mr. Chairman, I yield 10 minutes more to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes more.

Mr. NEWTON of Minnesota. Will the gentleman yield for a question?

Mr. MILLS. Yes; but make it snappy.

Mr. NEWTON of Minnesota. Is it the gentleman's idea that if the Federal Government gets out of the estate-tax business the States, having the field to themselves, could raise additional money by increasing the rate?

Mr. MILLS. Without any manner of doubt. The inheritance taxes have been developed by the States and not by the Federal Government. When we imposed the estate tax the last time we had the inheritance tax well developed in practically all the States of the Union. In New York, if the Federal Government will get out of the field, we can raise $50,000,000 immediately and take that burden right off of real property.

Two years ago we levied a brand-new tax, a gift tax. As a deterrent to tax evasion I do not think it is any more efficient than the measure we have in the proposed bill. It depends on the willingness of the taxpayer to pay the tax, because the Government is not able to check up; and if the Government undertook to enforce that tax 100 per cent, it would rival in complexity the most intricate provisions of the income tax. Moreover, as to contributions made by corporations to the welfare and insurance funds of their employees it has acted as a brake and penalty upon a sound and widespread movement in this country.

On the whole, I think you will not question the wisdom displayed by the Committee on Ways and Means in repealing this provision.

I say without any hesitation that there never was any reason for the publicity clause. An unanswerable argument was made against it the first time it was submitted to this House by the gentleman from Tennessee [Mr. HULL], who the gentleman from Illinois [Mr. RAINEY] this afternoon said knew more about income-tax legislation than any other man in the House, and I commend the statement of the gentleman from Tennessee to my friend from Illinois for his perusal. Those qualified to judge and charged with the administration of the law say it has been a hindrance rather than a help.

It is unanimously condemned by all our citizens save those few who derive an unwholesome satisfaction from prying into the affairs of their neighbors and those demagogues who hope to find material in it for soap-box oratory. [Applause.] No other country has such a publicity provision. We have tried it and there is nothing in our experience which justifies its continuance.

And now, while I would like to say something about the excise taxes, and particularly about the automobile taxes, let me say in the last few minutes which I have remaining a word about the administrative provisions.

Under the law to-day, if a taxpayer is notified of a deficiency, he has two courses open. He may either go to the Board of Tax Appeals or he may pay and go to a district court and sue for a refund. If he goes to the Board of Tax Appeals and is dissatisfied with the decision of the board, he can go to court and try it all over again. At the present time he has two shots at it. The same is true with respect to the commissioner. It is absurd to allow a dissatisfied litigant to have a case tried over again de novo. It is illogical. Moreover, under our system of jurisprudence we allow an appeal from a lower to a higher court, and from the standpoint of a broader outlook to a more competent court. With all due respect to the district judges, they are not specialists. They can not begin to know as much about the tax law as the members of the Board of Tax Appeals, who devote most of their lives to this work. So to-day we are allowing an appeal from the more competent to the less competent tribunal, and that is wholly illogical. What we have done here is to provide that the taxpayer shall have one remedy. He can appeal from a decision of the commissioner to the board; then if dissatisfied he can make an appeal to the Circuit Court of Appeals, and then to the Supreme Court of the United States. I think that is an important administrative reform that will command your support.

Now, as originally constituted, you will remember that the Board of Tax Appeals was an informal body, intended to settle difficult tax questions by hearings and discussion. In practice it has developed into a highly competent tribunal, whose decisions more and more are being accepted as decisive interpretations of our tax laws. It has proved an unqualified success, but it can not live up to our now confident expectations unless it continues to be composed of the highest type and most competent of tax men. You can not keep those men, in view of the earnings which they make outside, unless you do two things: First, pay them reasonable salaries—and I do not think that is the most important consideration—and in the second place, assure them of security of tenure as long as they do their work well. If you do that, you are going to keep the remarkably competent group of men you now have, and you are going, in a very short time, to introduce some element of certainty in the administration of your tax laws and do away with the scandals that have characterized their administration up to the present time by reason of the inordinate delay in the settlement of difficult cases.

Let me remind you in this connection that the administration of any tax law is the most important part of the law. I hope you will bear this in mind, not only in connection with the Board of Appeals but in connection with other provisions of this bill. This is something which, with strange obstinancy for intelligent people, we have persistently refused to recognize in this country, for, in spite of the enormous sums collected under our war taxes, I venture to say that the historian of the future will be amazed at the lack of emphasis which has been placed upon adequate administration in the United States during this period, and the utter failure and unwillingness to provide the proper salaries and the conditions necessary to retain the extraordinarily competent men which the Treasury Department has secured from time to time, only to see them just pass through the Treasury, acquire an education in tax matters and then become tax experts in private employment. And there is another axiom that we have consistently overlooked, and that is that the principal virtue of a good tax is certainty, and we have overlooked it in this country because of a sort of strange idealistic notion, which still remains in the back of the heads of a good many of us, that in the case of every individual tax there ought to be some equitable mathematical, final solution which, of course, never exists. That is something about which I shall have a great deal more to say when we come to the provisions providing for the six deputy commissioners appointed to make disposition of the great mass of difficult cases that have been accumulating since the war.

This, gentlemen, completes my general analysis of the revenue bill of 1926. I apologize for taking up as much of your time as I have, but you know that to me it is an intensely interesting subject. I do not agree with every provision in the bill. I know that there is not a man in the House who is going to agree with every provision in the bill, but I submit to you that this is true of every tax bill that has ever been written and will be true of every tax bill to be written in the future. There are but two tests to which this bill should be asked to conform. In the first place, whether it distributes the contemplated reduction with fairness and equity among different classes of taxpayers, and so as to bring the greatest benefit to all of the people of the country, and, in the second place, is it sound according to well-accepted principles of economics and administrative procedure. Judged by these two tests, gentlemen, I have not the least hesitation in saying to you that it is the best revenue bill that has come out of the Ways and Means Committee in 10 years; that it lays the foundation for a productive, equitable, peace-time tax system, and that, in my judgment, it would be nothing short of a national calamity if this bill is mutilated or amended in any important particular here or elsewhere for political or partisan reasons. [Applause.]

The CHAIRMAN (Mr. BEGG). The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from Iowa has used 3 hours and 30 minutes, and the gentleman from Texas 2 hours and 35 minutes.

Mr. GARNER of Texas. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. DICKINSON]. [Applause.]

Mr. DICKINSON of Missouri. Mr. Chairman, this revenue measure, entitled "A bill to reduce and equalize taxation, to provide revenue, and for other purposes," was introduced on December 7, 1925, the first day of this session, after consideration and hearings by the Ways and Means Committee in vacation sessions, commencing October 19, working nearly two months before Congress convened in regular session. The surplus in the Treasury over and above the needs of the Government was estimated to be about $300,000,000, and the conclusion reached was to reduce the surplus by reducing tax collections, so the Ways and Means Committee was called together in October to prepare a bill for that purpose.

The attention of the country has been called to the fact that this revenue measure was considered in a nonpartisan way, and I feel that such consideration will meet with the reasonable judgment of the country. However, let it be understood that this bill in its entirety does not meet the judgment of any one member, but the bill, in a measure, may be termed a compromise measure. It was not unanimously approved, and the impression as first given out is not entirely accurate. It was unanimously ordered reported, with the distinct understanding that members of the committee reserved the right to offer and vote for such amendments as their best judgment might dictate.

It does not meet my judgment in its entirety, but I predict it will meet the majority thought of the country, except perhaps as to the surtax reductions, and will, in my judgment, be approved by the House substantially as reported by the Ways and Means Committee; and particularly will the bill be approved, I believe, in so far as it repeals numerous so-called

war taxes, going farther than suggested by the Treasury Department and affecting millions of people.

Now as to the reduction of the income taxes, I think the committee did well to lower the normal taxes and to raise the exemptions. I do not feel that the country at large would have approved large reductions of surtaxes without making at the same time reductions for those of smaller incomes. To quote from the report:

> The personal credit, or what is generally called the exemption, for single persons is increased by the bill from $1,000, now allowed, to $1,500; and for married persons and heads of families from $2,500 to $3,500. The normal tax under existing law is 2 per cent on the first $4,000, 4 per cent on the next $4,000, and 6 per cent on the remainder. The proposed bill reduces these rates to 1½ per cent on the first $4,000, 3 per cent on the next $4,000, and 5 per cent on the remainder. The credit of 25 per cent on account of earned income is extended from $10,000 to $20,000. The maximum surtax is reduced from 40 per cent to 20 per cent. The latter rate is applied to incomes in excess of $100,000. The surtax rates have been carefully graded, beginning with 1 per cent on net incomes in excess of $10,000 and not in excess of $14,000, up to the maximum on incomes in excess of $100,000. It will be observed that the increase in the personal exemptions and the reduction in the normal tax, plus the earned-income credit, results in a revenue reduction of $95,000,000, while the decrease in the surtax rates results in a reduction of $98,575,000.

As to the surtaxes, I preferred 25 per cent, or a larger per cent to the 20 per cent written in the bill.

I hold in my hand a document from the Merchants' Association of New York proposing tax reductions and amendments to the Federal revenue act, and the suggestion made by them was 20 per cent or 25 per cent. The judgment of the committee was divided as to that. The major judgment was for 20 per cent founded upon the testimony of men of eminent ability, and it may be that in the last analysis 20 per cent may be nearer correct, but for one I preferred that at this time they should not go so far. By leaving it at 25 per cent, it would have brought to the Treasury millions of dollars more, to the end that there might be further reductions upon certain so-called nuisance or war taxes.

This report as it comes from the Merchants' Association of New York follows the propaganda that has gone throughout the country and has been repeated so often here, being the suggestions that come from some central source and favored, in a large measure, by the Treasury Department.

I do not believe the country would have approved large reductions of surtaxes, as I have said, without reductions for those of smaller incomes. I believe this to be a better balanced bill, and I believe it will meet the fair judgment of the country, but while you are reducing largely from the top, you should make reasonable reductions for those of smaller income and should raise the exemptions, or leave the surtaxes and smaller incomes as in present law. The income tax is a part of the fundamental law of the land and is necessary to meet the demands of government, and it must be preserved.

Income taxation exists in all the civilized nations of the world. It goes lower in the older countries, as stated, because the necessities there are greater and different from what they are in this country, said to be and known to be the wealthiest country in all the world. There is not, in my judgment, the necessity in this country to go so low as the law goes in those countries. The comparative burdens there are greater.

It is absolutely necessary for us to have an income tax law. It is a law written into the Constitution of the United States by the deliberate judgment of the people. Without income taxes this Government could not now be sustained. It could not have successfully prosecuted the World War without heavy income taxation, aided by issuance and sale of Government bonds. The collection of income taxes was necessary at that time and is necessary now to meet the enormous demands of government in the aftermath of the great World War.

I want to preserve income taxes to the end that we may not be driven to a general sales tax in this country, to which I am opposed. [Applause.]

I want to see this income tax used to help reduce the heavy debt and other legacies of the war, and I want the surtax sufficiently high so that those of large income will continue to contribute of their means and help to pay this enormous debt which now hangs upon us, as well as the accompanying legacies of the war that fall so heavily upon the people.

I listened with interest to the statement in the President's message that the expenditures of 1916 were $742,000,000, while in 1925 the expenditures were $3,500,000,000, or nearly five times as great. It takes $820,000,000 to pay the interest on our public debt for the fiscal year ending June 30, 1926, and $650,000,000, it is estimated, to care for the veterans and meet the expenditures necessary in their behalf, as a result of the war. As long as these large burdens continue I want the wealth of the country to help largely to bear this burden and continue to do so, until the burden has been largely reduced. Wealth was not conscripted during the war as was man power, and I concur in that part of the President's message about conscripting money and property in war, so that the youth of the land may not bear too heavy a burden and that wars will be less frequent. When the wealth of the nations of the earth fully understand that hereafter money and property will be conscripted if war comes, as well as man power, there will be less chance for war in the future. The heart of the world wants peace—and every effort should be made among all peoples to perpetuate peace and to banish war from the face of the earth.

I concur also in the suggestion that the war debt be paid within 20 or 25 years and not be extended over two generations, and the interest payments be rapidly reduced as the principal is paid, and taxes be correspondingly reduced.

Public debts are not public blessings any more than private, corporation, or other business debts.

As shown by the statistical abstract of 1924, the wealth of this country is estimated at $320,000,000,000, and it has been suggested that this country is growing in wealth at a rate of increase annually of 7 per cent. Its present wealth has been stated to be $340,000,000,000; some say much higher. When you deduct from our indebtedness, amounting to about $20,000,000,000, the amount owed by foreign nations, a balance remains of about $10,000,000,000. Tell me that this country, with its great aggregate wealth and the great amount of private loans and investments abroad, aggregating ten billions, can not reasonably discharge this debt without unduly extending the time of payment or without extending it through two generations. What would you think of any private debtor or any business concern continuing through years an indebtedness when its wealth and debts were as large in proportion as our wealth and our debt? How long would any creditor permit it? How long would any banking concern lend to a business that pursued such a policy?

Public debt is not a public blessing, in my judgment, any more than a private debt is a private blessing. I concede that it is right at times for the Government to sell bonds and for the States and municipalities to sell bonds for public improvements. It helps to develop the country; but these debts should be paid off in reasonable time; and I want any tax bill so drawn that it will not invite an extension of the time of payment to an unreasonable future date. I have not been unfriendly to the suggestion of letting the surplus that comes from normal incomes and surtaxes and other sources be applied to the reduction of the public debt, so as to more rapidly reduce it and lessen the enormous interest payments as well as the principal, and to hasten the day when the United States will be free from its national debt burden and economy and reduction of expenditures and peace instead of war burdens will be the heritage of our great country.

As to inheritance taxes, I am in sympathy with the governors of the great States who came to Washington and expressed their views and their desires. They wanted additional sources of income, which they could get from these great estates in order that they might be able to meet their indebtedness and needs. They have levied largely on every source of revenue. I know that local and State taxes are large as compared with Federal direct taxes. I know the evil of having burdens resting on the consuming masses everywhere by reason of indirect taxes collected at the customhouse. I would have them lowered in order that we may have in this country more trade and more competition, in order that those compelled to buy may buy at more reasonable rates. But while I have sympathy with those who want whatever sources of taxation they can have, I say to you that I approve of the action of the committee in retaining in this bill the Federal inheritance tax. [Applause.] It is a tax levied in all countries and as old as civilization itself. Let it remain until our Federal debt at least is reduced.

I do not believe the time has come when the Federal Government should abandon its inheritance tax. Thomas Jefferson desired that the great estates should be dissipated. He was opposed to primogeniture designed to prevent the disruption of great estates and wanted a tax to promote their distribution. He sought to distribute estates under the provisions of the great statute of descents and distribution proposed by him and now adopted by all the States, but he never dreamed of the condition that we have in this country to-day—large estates collecting great wealth, both individuals and corporations, located in

particular States, collecting their wealth from all sections of the country and from the world at large. I feel that the committee would have made a mistake if it had failed to preserve, for the time being at least, the Federal inheritance or estate tax as long as we have this enormous legacy of debt growing out of the World War, with the enormous expenditures and contributions from the Treasury made necessary to meet these burdens.

The time may come, and possibly at no distant day, and it may be ideal when the inheritance tax will belong to the States. The time may come, and perhaps will come, when the States have uniformly passed laws providing for a uniform inheritance tax. We have a provision here practically inviting them to raise their inheritance taxes, by which they get the credit or the benefit of 80 per cent collected under this proposed law, now 25 per cent under the present law.

What will be the future of your inheritance taxes?

A great committee recommended, as shown in the hearings, the abolition of Federal inheritance taxes at the end of six years. This bill makes no limitation or suggestion in regard to it. It may be that the law in the several States may be such that at the end of that period, with the reduction of the heavy indebtedness, that the Federal Government, notwithstanding that large estates are collected from all sections of the country, may be ready to abandon Federal inheritance taxes. [Applause.]

The CHAIRMAN. The time of the gentlemen from Missouri has expired.

Mr. GARNER of Texas. I will yield to the gentleman 10 minutes more.

Mr. DICKINSON of Missouri. I hold in my hand a statement by Mr. J. F. Mooring, a tax expert, representing the American Farm Bureau Federation, before the Ways and Means Committee, and during his testimony I asked him this question: "It is your judgment that the abandonment of the Federal estate tax logically means that finally all estate taxes will be abandoned by the States as well?" He replied, "Not necessarily all of them, but substantially so, except possibly some creditor States." But added, in further reply, "I am sure of this much—that the inheritance tax would be utterly discredited and finally destroyed, speaking generally, if the estates were allowed to handle the matter under present circumstances."

That was the testimony of a great witness, that if the Federal Government abandoned the estate tax ultimately the States themselves will abandon it. Let the Federal Government abandon it, and then the assault will be made in the various States to follow the example of Florida, Alabama, and the District of Columbia in order that these very large estates may be preserved and the legacies go to their children and their own relatives and their unearned incomes so distributed be untaxed. I know not what the future may bring forth, but this meets my judgment, and I think your own: The action of the committee for the time being is that it shall be preserved as a source of revenue. [Applause.] I attach at the end of my remarks a table relative to estate taxes.

Something has been said about the publicity of income-tax returns put on in the Senate two years ago. The propaganda went out from central points—and I will not take up the time to go into the details—but the propaganda went out from various centers and instructions apparently from Washington to the collectors of revenue in the several cities to prepare lists of income-tax payers and amounts for publication, and the newspapers were notified to go and get the lists and publish them, the object being to make unpopular the publicity provisions of the law and to help the propaganda for its repeal. The propaganda for repeal, aided by high authority, has been successful in making the change. The object of the provision put in the present law, making tax returns public records and open for inspection under proper rules, was for the purpose and with the idea that there would be less evasion of the payment of income taxes, to the end that those having large incomes would be more reluctant and less liable to attempt to conceal them. Earned incomes do not escape so much, but unearned incomes do escape, and intangible property largely escapes; and I hope that the administration features in this proposed bill have been so written that there will be less escape from Federal taxation in the future. I will insert here what was said by me and published in the Congressional Digest in December, 1924, a Washington publication, in response to a request made:

When the revenue bill was up for consideration in the first session of this Congress, I favored an amendment making income-tax returns and settlements thereon public records and open for inspection under proper rules and regulations. The taxation of incomes is a fixed policy of our Government and necessary to meet our obligations, largely increased by reason of the World War. It is a fair and just tax and more easily paid than any other tax, and returns should be honestly made. False returns constitute a crime—secrecy of returns invites false returns and avoidance of payment of taxes justly due. Congress should not so write the revenue laws as to invite criminal conduct on the part of any class of its citizens, nor should those whose duty it is to enforce the laws favor the concealment of crime. The Government has to be supported—its obligations must be met, and its principal source of revenue is from income taxation. The ability to shift the burden of taxes by false returns, invited by concealment, should be discouraged by clear provisions for income-tax publicity.

The recent publication of lists of income taxes paid by individuals and corporations in different sections of the country and agreed cases to test the law in the courts brings before the country an apparently organized effort to repeal the income tax publicity provision of the law. The result, if successful, will encourage the avoidance of payment of income taxes by making criminal avoidance safe by reason of concealment. It is well understood that concealment invites false returns, and the provision of the law making it a felony for anyone handling the returns to disclose the discovery of false returns has made it easier for income-tax payers to render false returns and thereby escape taxation. Human nature is not perfect and the temptation to avoid payment of taxes is strong among many, and laws should be so enacted as to protect the Government in collection of its just dues, and not so written as to invite wrong doing. The honest public official in the revenue department who hates crime should not be made a coward or a convict or a party to the concealment of crime for fear of punishment if false returns are disclosed.

The returns as to State and county taxes are public records. Why not make them public records as to Federal revenues, where concealment is easier and the inducement to avoid payment is greater?

Men and corporations should be encouraged by law and the administration thereof to be honest and not invited by concealment to wrongdoing. It has been charged that by reason of the secrecy that has protected settlements from disclosure that hundreds of millions of dollars have been lost to the Government. Permit the light to be turned on as against dishonest returns and settlements and honesty as to income-tax payments will be invited. Let us have common honesty written into every law and not invite unholy secrecy, criminal conduct on the part of those whose duty it is to administer the laws and those whose duty it is to make honest returns and honest payments of what is due the Government, that safeguards at great expense the rights of its citizens.

An eminent authority, Dr. Thomas S. Adams, who had been tax adviser of the United States Treasury from 1917 to 1921, made the following statement:

What can be wisely done with the upper surtaxes is dependent upon what is actually done with respect to tax avoidance, and that no decision upon the surtaxes can be helpfully made until you have decided whether it is practicable to close the larger holes in the income tax.

The big holes will not be closed by repealing the publicity provisions in the income tax law; secrecy and concealment invites avoidance of just payments.

Apparently the publicity measure has become unpopular. The press followed the thought of those who wanted to abolish it, and perhaps a majority sentiment in the country is in favor of its being abolished. It will probably go out of the law. I perhaps held on to it longer than some of my associate Members, but the purpose was good. The newspaper publication was invited by those opposed to and not by those friendly to the law.

The so-called publicity provision seems to have lost all its friends. Apparently, I stand almost alone. Before it dies at the hands of inspired propaganda, backed by the influence of the administration and the great Secretary of the Treasury, I hope I may be pardoned for saying a friendly word about a much abused common-sense provision.

A great tax-appeal board has been provided for and enlarged in this bill. With the rest of the committee I favored it, so that this great independent Board of Tax Appeals, passing upon questions involving hundreds of millions of dollars, would help give us a nearer perfect administration of our revenue laws, protecting both the Government and the taxpayer, and lessening the chances of evasion in the future by those seeking to avoid just payment of taxes. However, I want the bill amended, so that the members of the board shall not hold for life, but be named for fixed terms of years; life tenure in office is contrary to the genius of our institutions.

I have wished to have go into this bill what is known as the proposed Wicker amendment, exempting farm cooperative asso-

ciations not organized for profit from tax levies and returns, either as proposed or modified to meet certain suggested objections. It has been suggested that the Treasury Department relieves from income taxes all these organizations, but they want the exemptions as a matter of right and not as a matter of favor. They are not organized for profit. These farm cooperative associations play an important part in our farm life and are commended by the President of the United States in his message, to the end that the farmer may reap more from his production, and that less will go into the hands of those who take control of their products and sell them after they leave the hands of the farmer.

I opposed in committee the attempt to make retroactive the reduction in the estate taxes, which would have relieved certain large estates of millions of dollars of taxes due under the existing law, and I congratulate the committee on its final conclusion in this matter.

There are other amendments that I was friendly to. Personally, I preferred a bill substantially different, using the surplus to reduce our public debt. The bill needs some changes, but I believe this bill in the main will meet the judgment of the country, though not entirely my own judgment. I mean the country at large, particularly the business element. The reduction from taxation should bring relief. The large surplus in the Treasury invited this so-called tax reduction bill. This bill has been carefully prepared. It has much in it that is good, especially repeal of certain war taxes. I believe the country will approve the fact that both Democrats and Republicans have met in a nonpartisan way to endeavor to reach an agreement, Members reserving the right to vote as I did for such amendments as their judgment might dictate. The country is conservative to-day, and the world is conservative. This measure is written largely along conservative lines. I stood here a year ago or more and battled, following the distinguished leadership of the gentleman from Texas [Mr GARNER], the minority leader of the Ways and Means Committee, in his great amendment that met the approval of both Houses and became a law after the signature of the President—the Mellon plan not having been followed. We went to the country and the returns showed that the country was conservative. As I stated before, the country is conservative, and the world is conservative. How long it will remain so we can not foretell. This Congress is controlled in both branches by a majority of Republicans. Responsibility to pass legislation rests largely upon them, being the responsible party in control, and the responsibility rests with the Democrats to help frame legislation and seek to amend proposed measures where needed and to oppose vicious measures. Legislation should be to the end that it will meet the approval of the majority sentiment of the country. Taxes should be justly levied. The mistakes not remedied by amendment will be found out sooner or later. [Applause.]

I expect to vote for this revenue bill after amendments are made as the best possible under existing conditions, and while it does not meet my judgment or approval in its entirety and will be criticized in many respects, yet it is as a whole, in my belief, a bill with much merit and will be enacted into law substantially as reported from the committee and be approved by the President. I again predict it will meet the reasonable approvement of the public.

However, you can not always prophecy correctly as to what the people will do or what judgment they will render. I recall distinctly a statement made by a great Democrat, who served in this House when the Payne-Aldrich tariff bill became a law. He said he did not believe that Democrats would gain much by attacking or making an issue on the Payne-Aldrich tariff law. How little is prophecy worth! The indorsement or repudiation of that law became the issue before the people, and upon that rock the Republican Party split in twain, and in 1912, with a divided party following two Republican candidates for President—Roosevelt and Taft—it went out of power and the Democrats came into control for eight years, with Woodrow Wilson as President, leading, as he did, the great progressive and constructive forces which took full control of this country and wrote into its laws the great constructive measures that you would not change if you could and could not if you would. The Democratic Party was progressive then and controlled by progressive thought. Its greatest following before the country has been and will be when it is progressive rather than conservative. The country passes judgment upon parties as well as measures. When the Garner substitute set aside the Mellon plan two years or near ago, our Republican friends became discouraged and Democratic hope came to the front, but we saw the Democratic Party fall by the wayside when the judgment of the people was taken after the New York convention, notable for its controversies, but the Garner plan, enacted into law, was largely forgotten. The great Republican organization, clothed with power, backed by great wealth, and in practical control of the press, shifted the issue, impressed the country largely by its claim that the Democratic Party was not in the running—that the contest was between the Republicans and the so-called insurgents, following the leadership of La Follette—and under that leadership a protest vote of nearly 5,000,000 votes was recorded, denouncing both parties.

The Republican Party swept into power and control. You are now by this bill reducing the revenues, cutting off and lowering excise and direct taxes, and asking for approval of the country. I hope this measure will bring relief and approval. But remember the fate of and the verdict on the high wall of protection, when the Payne-Aldrich tariff measure was repudiated and ask whether while you are lowering the incomes of the comparatively few you should not bring relief to the producing and consuming millions by lowering the high tariff rates, under the Fordney-McCumber law, that exacts enormous prices from those who toil and must buy at increased prices the products protected by high tariff rates. I warn you that the last say is not here, but yonder, in the forum of the people—in the ballot box of the Nation.

I submit the following tables on incomes and surtaxes and on estate taxes under this proposed law, and also estimates of revenue under the present law and the proposed law.

TREASURY ESTIMATES

TAX ON SPECIFIED INCOMES UNDER PROPOSED BILL

Married person with no dependents—All income earned up to $20,000

Net income	Normal tax	Surtax	Total tax	
			Amount	Per cent of income
$3,000	$0.00		$0.00	0.000
$4,000	5.63		5.63	.141
$5,000	16.88		16.88	.338
$6,000	28.13		28.13	.469
$7,000	39.38		39.38	.562
$8,000	50.25		50.25	.703
$9,000	78.75		78.75	.875
$10,000	101.25		101.25	1.013
$11,000	123.75	$7.50	131.25	1.193
$12,000	153.75	15.00	168.75	1.406
$13,000	191.25	22.50	213.75	1.644
$14,000	228.75	30.00	258.75	1.848
$15,000	262.25	45.00	311.25	2.075
$16,000	303.75	60.00	363.75	2.273
$18,000	378.75	105.00	483.75	2.688
$20,000	453.75	165.00	618.75	3.094
$22,000	553.75	265.00	818.75	3.722
$24,000	653.75	385.00	1,038.75	4.328
$26,000	753.75	525.00	1,278.75	4.918
$28,000	853.75	685.00	1,538.75	5.496
$30,000	953.75	865.00	1,818.75	6.063
$32,000	1,053.75	1,065.00	2,118.75	6.621
$34,000	1,153.75	1,265.00	2,418.75	7.114
$36,000	1,253.75	1,485.00	2,738.75	7.608
$38,000	1,353.75	1,725.00	3,078.75	8.102
$40,000	1,453.75	1,985.00	3,438.75	8.597
$45,000	1,703.75	2,665.00	4,368.75	9.708
$50,000	1,903.75	3,405.00	5,358.75	10.718
$55,000	2,203.75	4,205.00	6,408.75	11.652
$60,000	2,453.75	5,005.00	7,458.75	12.431
$70,000	2,953.75	6,705.00	9,658.75	13.798
$80,000	3,453.75	8,505.00	11,958.75	14.948
$90,000	3,953.75	10,405.00	14,358.75	15.954
$100,000	4,453.75	12,305.00	16,758.75	16.759
$150,000	6,953.75	22,305.00	29,258.75	19.506
$200,000	9,453.75	32,305.00	41,758.75	20.879
$250,000	11,953.75	42,305.00	54,258.75	21.704
$500,000	24,453.75	92,305.00	116,748.75	23.352
$1,000,000	49,453.75	192,305.00	241,758.75	24.176

Estate tax corresponding to specified net estates

Value of estate		Tax as proposed		Tax: Rates of 1924 act	
Net estate (including the $50,000 exemption)	Net estate	Amount	Per cent of net estate (including $50,000 exemption)	Amount	Per cent of net estate (including $50,000 exemption)
$50,000	$0	$0	0.00	$0	0.00
100,000	50,000	500	.50	500	.50
150,000	100,000	1,500	1.00	1,500	1.00
200,000	150,000	3,000	1.50	3,000	1.50

Estate tax corresponding to specified net estates—Continued

Value of estate		Tax as proposed		Tax: Rates of 1924 act	
Net estate (including the $50,000 exemption)	Net estate	Amount	Per cent of net estate (including $50,000 exemption)	Amount	Per cent of net estate (including $50,000 exemption)
$250,000	$200,000	$4,500	1.80	$5,000	2.00
300,000	250,000	6,500	2.17	7,000	2.33
350,000	300,000	8,500	2.43	10,000	2.86
400,000	400,000	12,500	2.78	16,000	3.56
500,000	450,000	15,000	3.00	19,000	3.80
650,000	600,000	22,500	3.46	32,500	5.00
800,000	750,000	31,500	3.94	46,000	5.75
850,000	800,000	34,500	4.06	52,000	6.12
1,050,000	1,000,000	48,500	4.58	76,000	7.24
1,550,000	1,500,000	88,500	5.71	151,000	9.74
2,050,000	2,000,000	133,500	6.51	241,000	11.76
2,550,000	2,500,000	183,500	7.20	346,000	13.57
3,050,000	3,000,000	238,500	7.82	451,000	14.79
3,550,000	3,500,000	298,500	8.41	571,000	16.08
4,050,000	4,000,000	363,500	8.98	691,000	17.06
5,050,000	5,000,000	503,500	9.97	961,000	19.03
6,050,000	6,000,000	653,500	10.80	1,261,000	20.84
7,050,000	7,000,000	813,500	11.54	1,561,000	22.14
8,050,000	8,000,000	983,500	12.22	1,861,000	23.12
9,050,000	9,000,000	1,163,500	12.86	2,211,000	24.43
10,050,000	10,000,000	1,353,500	13.47	2,561,000	25.48
25,050,000	25,000,000	4,353,500	17.38	8,561,000	34.18
50,050,000	50,000,000	9,353,500	18.69	18,561,000	37.08

Estimates in revenue under new tax act

The following table shows estimates of revenue for the calendar year 1926 under the proposed law and the present law:

	Present law	Proposed law
Total income tax	$1,880,000,000	$1,685,425,000
Estate tax	110,000	110,000,000
Gift tax	2,000,000	Repealed.
Capital-stock tax	93,500,000	93,500,000
Cigars	43,000,000	31,000,000
All other tobacco	330,000,000	330,000,000
Spirits, etc	25,000,000	21,000,000
Trucks	9,000,000	Repealed.
Automobiles and motor cycles	116,000,000	60,000,000
Tires, parts, and accessories	25,000,000	Repealed
Cameras and lenses	700,000	Repealed.
Photographic film and plates	750,000	Repealed.
Firearms and ammunition	3,850,000	Repealed.
Smokers' articles	50,000	Repealed.
Automatic slot machines	650,000	Repealed.
Mah-jongg sets	1,000	Repealed.
Works of art	650,000	Repealed.
Jewelry	8,000,000	Repealed.
Brokers' tax	2,000,000	Repealed.
Bowling alleys, pool and billiard tables	2,100,000	Repealed.
Shooting galleries and riding academies	28,000	Repealed.
Automobiles for hire	1,750,000	Repealed.
Tobacco manufacturers	1,120,000	Repealed.
Use of yachts	300,000	Repealed.
Opium dispensers	312,000	Repealed.
Deeds and conveyances	4,000,000	Repealed.
Other stamp taxes	46,000,000	46,000,000
Admissions and dues	33,000,000	29,000,000
All other miscellaneous taxes	10,239,000	10,239,000
Total	2,749,000,000	2,426,764,000

Mr. GARNER of Texas. Mr. Chairman, I yield 40 minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL of Tennessee. Mr. Chairman, the history of taxation is really the history of an unending struggle between various groups of taxpayers, each undertaking to throw off all or a portion of the load resting upon it. We have witnessed that condition to-day, as we have witnessed it in the past, and as we shall continue to witness it in the future. The House now has under consideration a permanent system of internal-revenue taxes. As I conceive it, a proper working out of the soundest and most equitable system of permanent taxation by the Federal Government involves, in the light of present-day conditions, the problem of reviewing and establishing suitable and proper relations between the revenues of the Federal, the State, the county, and the municipal governments. All these taxes are paid by the same 115,000,000 people. Let us see what we have confronting us to-day.

The Federal Government in round figures proposes to levy $3,000,000,000 from not one but several tax methods, supposed to supplement each other, thereby creating equity. The State, county, and municipal governments by numerous tax methods are called upon to raise an aggregate of $5,000,000,000 of tax revenues, or a total in all of $8,000,000,000, which must be met for these three separate governmental purposes by the same taxpayers. Our total Federal, State, and local expenditures are $10,100,000,000 a year, bond issues having been utilized to supplement the tax revenue. The Federal Government owes $20,000,000,000 to-day, while the State and local governments owe $11,000,000,000, or a combined total of governmental indebtedness of $31,000,000,000.

This is the state of our tax revenues, our expenditures, and our governmental indebtedness. Our problem is so to impose taxes through a carefully selected combination of the most suitable and desirable tax methods as will in their combined effects yield the necessary amount of revenue and at the same time result in the maximum of fairness and equity to every class of taxpayers and every section of the country. Property under modern economic conditions has become divided into so many elements that no one method of taxation is sufficiently comprehensive to meet or approximate the requirements of equity, revenue, simplicity, and certainty and ease of collection. A head tax was sufficient in the early stages of organized society. During the primitive period that followed when the needs of society called for greater expansion and development of governmental agencies a tax was imposed on property in somewhat blanket fashion. This tax method was gradually developed into what we recognize to-day as the general property tax.

When the Federal Government was organized unlimited taxing power was left to the States, with one exception, which was that a tax on exports was prohibited. Four provisions were inserted in the Federal Constitution conferring upon the General Government the only taxing power it possesses. Direct taxes were required to be apportioned among the several States according to their respective numbers. This method proved a failure during the Civil War and has since been recognized as utterly unworkable. Export duties were prohibited. No capitation or other direct tax can be laid except in proportion to population. Congress was given power to impose duties, imposts, and excises without limitation and with the one qualification that such levies should be uniform. The courts have since construed this provision to mean geographical uniformity. It is thus seen that the States to-day possess exclusive and unlimited power to impose direct taxes on all real and personal property and, in addition, any sort of excises, sales, privilege, license, or similar tax. The Federal Government only acquired the exclusive power to impose customs duties and possibly taxes on certain phases of interstate commerce.

It is interesting briefly to glance at the course and development of taxation—Federal, State, and local. During the administration of Washington, Hamilton was able to institute a combined system of customs and internal-revenue taxes, including a light collateral legacy tax on personal assets. The administration of Jefferson abolished all internal-revenue taxes and adopted the customs method as the sole source of Federal revenue. This policy became permanent and continued until the Civil War, with the exception of the war period of 1812–1814, when numerous internal-revenue taxes were invoked for temporary war purposes. During this period the States and their local governments relied on the general property tax. During the Civil War period the Federal Government seized and adopted nearly every tax method that ingenuity could devise. Following the Civil War the level of peace expenditures on account of the war debt had been considerably raised, with the result that when the remainder of all other temporary war taxes were repealed in 1872, the Federal Government retained permanently the war tax imposed on tobacco and intoxicating liquors, thus extending the permanent Federal revenue system.

During the period between the Civil War and the early eighties, the States commenced to experience many serious difficulties in administering the general property tax system, and their expenditures were gradually increasing. Such difficulties had really begun early in the century. The result was that they instituted a tax on corporations and also began the development of the inheritance tax, which up to this time had received but scant attention or consideration either by the States or the Federal Government, except by the latter during the Civil War period. It is true there had been some experimentation by a State here and there at different periods. A sporadic attempt to adopt a species of tax partaking of the nature of a partial income tax was also made by a few States.

The next effort of the Federal Government to add to its permanent list of tax methods was in 1894, when an income-tax provision was inserted in the Wilson tariff law. This provision, by the way, defined gifts and inheritances as income and made them taxable as such. The income tax came in connection with a revolt against the Federal tariff system and on account of general dissatisfaction with tax conditions resulting from the rapid breakdown of the general property tax

then occurring. General complaint that taxes were inequitably distributed and an insistent demand for an income tax to compel wealth to share a larger portion of the burdens were heard on every hand. The income-tax provision was only enacted after protracted discussion and in the face of terrific opposition. So extremely close was the fight that this law was only made operative for five years and not permanent, as is generally assumed. The tax rate was 2 per cent on the excess over $4,000. The opposition bitterly assailed the large exemption both in Congress and later in the courts, which was represented to constitute the reasonable yield of a capital of $80,000, and to exclude all but a minute portion of the people from its provisions. It was charged in the industrial sections that it was in its effects an entirely sectional tax. A similar rate was imposed on the income of corporations. The Supreme Court later astonished the country by declaring this tax in the main unconstitutional on the theory that it was a direct tax.

The States in the meantime were grappling with the evasions, perjuries, iniquities, and many extreme hardships resulting from the operation of the general property tax. They turned to the tax on corporations and also attempted a more serious development of the inheritance tax. New and additional minor taxes, such as gross receipts, excises, and licenses, were availed of both by the States and their local governments.

During the Spanish-American War the usual temporary war taxes were enacted by the Federal Government, only to be repealed three or four years later. It was not until 1909, when the Payne tariff law was framed in the House, that it was deemed necessary, both for the purpose of supplementing customs and internal revenue and to secure the safe passage of the bill, that an inheritance-tax provision was inserted as a proposed permanent part of the Federal peace-time tax system. This provision passed the House. When this and the tariff measure reached the Senate considerable complications arose. The fight for an income tax, which had been resumed in 1907, had by this time become acute. Senators in charge of the tariff and inheritance tax bill discovered that they would be obliged to effect some sort of compromise and tax readjustments in order to prevent the adoption of an income-tax amendment to the Payne-Aldrich tariff bill. The final outcome was the striking out of the inheritance-tax provision and the adoption of two substitute plans. One embraced an amendment to the tariff bill imposing an excise tax of 1 per cent on the net profits of corporations, which was calculated to yield $30,000,000. The other concession was the submission to the States of an income-tax amendment to the Federal Constitution. Senator Aldrich later frankly stated in the Senate that this latter move was for the purpose of defeating the income tax.

It is thus seen that the Federal Government proceeded permanently to share with the States taxes on corporations. It was confidently believed by the opponents of income taxation that the necessary number of States would not ratify the income-tax amendment. In 1911, however, the House of Representatives passed a bill to extend the corporation excise tax to individuals, and this plan revealed a fairly good substitute method for the income tax. There was no question as to its validity. The result was that the opposition to the amendment somewhat broke down and the requisite number of States ratified it late in February, 1913.

In October, 1913, Congress enacted what proved to be the first permanent system of peace-time income taxation. The rates were very moderate, comprising a normal tax of 1 per cent and a surtax maximum of 6 per cent. The validity of the act was upheld by the courts. The exemptions were fixed at $3,000 for single persons and $4,000 for married persons. The friends of income taxation recognized the seriousness of the slumbering opposition and also the difficulties of adjusting quickly this new tax system to our complicated economic conditions. It is most fortunate for the country that this wholesome measure was adopted, its validity affirmed, and its administration fairly well commenced prior to the outbreak of the World War.

In 1916, while not actually at war, our Government was amidst war conditions calling for a new naval program, among other things. Authorization of some $60,000,000 for Federal aid in highway construction was also provided by Congress. In these circumstances additional revenue became necessary, with the result that the income-tax rates were increased to 2 per cent normal tax and to a maximum of 13 per cent surtax, while a new estate-tax measure with exemptions of $50,000 and graduated rates of 1 per cent to 10 per cent was framed and enacted. Something has been said in the present discussion to the effect that the income exemptions of $3,000 and $4,000 in the act of 1916 constitute a sound precedent for the amount of present income-tax exemptions. The conditions then were vastly different. The law then was in its early and experimental stage. It is a herculean task to inaugurate an income-tax system and by suitable administrative measures to adjust the law to our complicated economic situation, especially in the light of the terrific opposition to this tax policy. Congress wisely proceeded to enact light rates and generous exemptions, under which but $175,000,000 of revenue was sought from the individual side of the law, whereas to-day the Government must raise from $600,000,000 to $800,000,000 from individual incomes. In other words, this tax system could only be developed gradually and cautiously. The normal rate in 1916 was fixed, however, at 2 per cent on the smaller incomes as compared to the proposed 1½ per cent rate, and no allowance for dependents was then provided, whereas $400 for each dependent is now permitted. I suspect that certain gentlemen who are almost solely interested in reducing surtaxes still further at a later stage are citing the 1916 precedent on exemptions, with the view later of citing the 13 per cent surtax maximum of 1916 as also a most persuasive precedent.

The big point relating to the 1916 income-tax enactment was that the friends of this tax system had fought since the early nineties for its enactment into law, with result that it was not until 1913 that a legal enactment of a most moderate income-tax measure became possible, and it was but natural that as early as 1916 Congress was still proceeding in moderation and with caution, recognizing, as it did, that opposition was not dead, but quiet only for the time being, and that every device and resource might be resorted to at any time to wipe this new tax method off the statute books.

The World War then came on. In 1917 we raised the normal tax to 4 per cent and the surtax to a maximum of 50 per cent, while later, in the revenue act of 1918, we raised the normal tax to 12 per cent above $4,000 and 6 per cent below that amount and prescribed a surtax maximum of 65 per cent. Corporation taxes were also graduated under the name of an excess or war-profits tax, with rates of 30 per cent and 65 per cent. This income-tax method was the chief bulwark of the Treasury during the war. This tax system became the "center and sheet anchor" of our financial system during the war, as it has been the "fiscal engine" of the Government in peace time. During six years of the war period the Treasury derived more than $15,000,000,000 from this source, $1,500,000,000 from customs, and only $5,250,000,000 from all the miscellaneous revenue methods that could be raked and scraped together. Swollen war profits and luxuries were thus made to bear the brunt. Our Government was able to do what no other Government on earth had ever done, and that was to raise 44 per cent of war expenses by taxation during the war times, or 32 per cent if we include money raised and loaned to foreign governments. It is most interesting to note that, of this huge amount of revenue raised to meet the expenses of the war, 86 per cent came off wealth or luxuries or the sales of harmful products, while the remaining 14 per cent came off transportation, telegraphs, telephones, admissions, automobiles, and other miscellaneous items, the rates on which were not unduly high. We raised larger revenues on sounder policies by far than any other country in history ever seriously attempted. Great Britain, to her everlasting credit, closely approximated our fiscal achievements in both soundness and magnitude.

Almost immediately after the fighting part of the war ended Congress proceeded to the consideration of the problem of tax relief to the American people, with the result that the revenue law enacted in February, 1919, provided in the most logical manner a fair share of relief to every class of taxpayers and every section of the country. The excess or war profits rates were cut from 30 per cent and 65 per cent to 20 per cent and 40 per cent. The individual normal tax rates were reduced from 6 per cent and 12 per cent to 4 per cent and 8 per cent, while the normal corporation rate was cut from 12 per cent to 10 per cent. This cut of individual normal rates indicates where the middle class of income taxpayers, to which the gentleman from Illinois [Mr. RAINEY] has referred, procured their principal reduction since the war. Tax reductions thus effected in February, 1919, were estimated by the Treasury at $2,000,000,000.

There was no chance to make further tax reductions during 1920 and 1921 on account of politics. The Government was deadlocked on account of the legislative and executive departments being of different political persuasion, and it was not until 1921 that the next step in war-tax reduction was taken. It was most unfortunate that the attempted revision legislation of 1921 degenerated measurably into a wrangle between champions of large-income taxpayers and those of the smaller tax-

payers, each striving to see which could unload the largest amount of taxes first. The legislative situation thus became so confused and demoralized that but scant opportunity for the consideration of comprehensive, scientific tax revision was afforded. The normal rates were left at 4 per cent and 8 per cent, as fixed in 1919, while the surtaxes were cut to 50 per cent maximum and the remainder of the excess or war profits taxes were repealed. The allowance for minor dependents was increased to $400. The tax reductions under the act of 1921 amounted to $800,000,000. It is interesting to look back at the different tactics resorted to by the larger taxpayers, whose deliberate purpose was as speedily as possible and step by step, if necessary, to wipe out all graduated income taxation, and it may be noted that this has since been and is still the objective of a majority of these persons.

Propaganda first went out to the effect that all income taxes were passed on to the consumers and hence the graduated features at least should be abolished. When asked why, if this contention was true, they were so anxious for the removal of income taxes, they proceeded to put on a further propaganda primarily for a general sales tax which it was contemplated to substitute for the income-tax system. This movement later broke down and new arguments were introduced prior to 1924. The Treasury had such an obsession about surtax reduction or removal that it actually recommended the creation of $100,000,000 to $200,000,000 outright new taxes for substitute purposes as early as 1921.

In 1923-24 the Treasury was again siezed with the same consuming desire and obsession with respect to surtax reductions and removals. The unprecedented step of secretly drafting a bill in the Treasury and concealing its contents for a time from members of the opposite political faith on the Ways and Means Committee took place. The inevitable outcome of this surprising course was renewed wrangling, chiefly about the measure of reductions that should be given the larger and the smaller taxpayers, respectively. Such hopeless confusion again arose as to foreclose any opportunity for calm, broad-gauged, nonpartisan consideration of all-important phases of income-tax revision. Democrats, aided by numerous Republicans, undertook to see and did see that the Treasury, bent almost entirely on surtax removal or reduction to the neglect of most other war taxes, did not have its way, with the result that in addition to numerous miscellaneous tax removals and reductions the smaller and middle class income taxpayers were given a larger percentatge of reduction than the larger ones.

The revenue act of 1924 reduced normal taxes for the first time since 1919 to 2 per cent on incomes below $4,000 and 4 per cent on incomes from $4,000 to $8,000, and 6 per cent on those above. The surtaxes were cut to a maximum of 40 per cent. This total reduction amounted to $400,000,000, so that since the war the reductions in tax revenues below the level of the calendar year 1918 were $2,000,000,000 in February, 1919; $800,000,000 under the act of 1921; $400,000,000 under the revenue act of 1924, and estimated reductions of $325,000,000 proposed under the pending bill. This is where the Government and the taxpayer stand to-day.

It is interesting in this connection to note the course of our expenditures and debt since the period of the war. Expenditures, in round figures, were cut from $18,500,000,000 for the fiscal year 1919 to $6,500,000,000 during the fiscal year 1920; to $5,500,000,000 in the fiscal year 1921; to $3,795,000,000 in the fiscal year 1922; to $3,697,000,000 in 1923; to $3,506,000,000 in 1924; to $3,529,000,000 for the fiscal year 1925; to $3,618,000,000 estimated for the fiscal year ending June 30, 1926. This is the story of the amount of reductions of expenditures and for which years. The fact is noticeable that for the four fiscal years from 1923 to 1926, inclusive, the net reductions in governmental expenditures scarcely exceed $173,000,000, while the level of 1926, compared with 1923, is only $79,000,000 below the latter.

The debt of the Federal Government when at its peak, August 15, 1919, was $26,596,000,000; on February 28, 1921, it was $24,051,000,000; and on June 30, 1925, it was $20,516,000,000. It is interesting also to note that tax and debt reduction have been tremendously aided during recent years on account of the fact that on March 4, 1921, the following amounts of assets realizable in cash were left on hand and have since been utilized: Back taxes, $750,000,000; surplus property, $275,800,000; assets of War Finance Corporation and Railroad Administration, $394,700,000; interest and principal on foreign debts paid, $683,600,000; Treasury surplus, $186,000,000, or a combined total of $2,290,000,000 to be taken into account during this period up to July 1, 1925. Several hundred millions of such assets are still on hand.

With this perspective of our entire taxation, debt, and expenditure situation, what confronts the American people and the American Congress to-day with respect to the tax side? The fact is plainly evident that if the 115,000,000 people who pay the entire taxes for Federal, State, and local government are to move in the direction of more logical and equitable taxation, we must solve the problem of better coordinated and uniform relations between the revenues of the Federal, State, and local governments. Our total tax burdens for all governmental purposes are to-day grossly inequitable and in many respects well-nigh intolerable. The States have had a most disastrous experience with the general property tax system, while their inheritance taxes are entirely without uniformity, with the result that there is much interlapping and overlapping, duplicate, triplicate, and quadruplicate taxation, to say nothing of the confusion and demoralization in the administration of these laws.

It is needless to point out the manner of the breakdown of the general property tax system in the States, and the extent to which those who own land and tangible property that is visible to the tax assessor are being crucified by tax rates amazingly high, while other owners of property less visible, including most all intangibles, virtually defy all the tax authorities. Perjury and wholesale evasions are rampant. The States were driven to corporation taxes to a measurable extent two generations ago. During the past 40 years they have also turned to inheritance taxes, and all the States, with two or three exceptions, now have some form of inheritance taxation. The States and their local governments are still struggling with the collapsed general property tax system and supplementing its revenues by those from minor taxes and fees. There is to-day probably $150,000,000,000 of intangible personalty. It can not be reached much more than to a nominal extent for taxation except through the operation of the income and estate or inheritance tax. The classified property tax method has afforded some improvement over the general property tax, but to nothing near the extent required by equitable tax considerations. The very lowest rates have been imposed upon hidden intangibles in the hope of drawing them from their hiding places, but the rates must be so low that the somewhat increased amounts disclosed for assessment have proved in many States very disappointing in their revenue yield.

The task ahead, it seems to me, is for the Federal Government, the States, and their localities by concerted action to work out a coordinated and uniform system of taxation as nearly as may be feasible, comprising a combination of such tax methods as will be best calculated to reach every class of persons for an amount of taxes suggested by ability to pay, and which will both yield the necessary amount of revenue and work the fullest measure of equity to each class of taxpayers and every section of the country. We sometimes hear much opposition to Federal cooperation with the States in certain respects. I have in mind one kind of cooperation in which I strongly believe. I refer to the creation of a Federal agency of efficiency and on coordination and uniformity in taxation and expenditures—Federal, State, county, and municipal.

The Federal agency would cooperate with similar State agencies and would be comprised of experts, such as an outstanding accountant, who could establish accurate and uniform accounting systems and budget systems in every large and small municipality and county in America; an outstanding tax expert, who would go into the States and, in conjunction with a State associate, present uniform inheritance and other tax methods such as would be most suitable for the States, counties, and municipalities, respectively, and such as would dovetail into the Federal tax situation, thereby eliminating pro tanto many of the harsh, inequitable, and grinding phases of the personal and much of the general property tax situations; and an efficiency engineer, such as Colonel Sherrill, who understands all phases of the duties of city manager, who would, with his State associate, visit the various municipalities and install innumerable efficiency methods with respect to all departments calling for expenditures, including uniform methods in the construction of public buildings, including school buildings, roads, and so forth. Such cooperative agency, in brief, could, in my judgment, work wonders in cutting out waste and promoting efficiency in these and in many other respects, and their work possible to be performed would within three or four years result in cutting out general burden of taxes and expenditures at least $1,000,000,000.

In view of the virtual disappearance of personal property taxes and of the extremely harsh and almost intolerable conditions pertaining to the operation of the general property tax,

it would seem that we can not longer escape the duty of working out and establishing some sort of Federal, State, and local coordination of tax methods which will promote greater equity in the future. This can not be done by separate and unrelated action by the various governmental agencies. The Federal Government having to raise $3,000,000,000 should make the income tax the center of its revenue system, with customs, tobacco, estate taxes to the extent not utilized by the States, oleomargarine, alcohol, and, when absolutely necessary, a small system of stamp taxes of general application.

The States should derive $300,000,000 and more from gasoline, license, and other auto taxes; they should utilize the inheritance tax to the fullest extent feasible; they should adopt income-tax systems, with a flat rate of 1 per cent to 2 per cent, thereby reaching the intangible and hidden tangible personal property holder; they should be able to utilize certain special assessment measures, and perhaps some license, occupation, and other minor taxes. Real estate would be left to the municipalities along with special assessments, fees, sales, license, and other minor business taxes. This is a rough sketch or outline of what I would make the basis for the working out and development of a combined system of all American taxation calculated to secure the greatest measure of equity and adequate revenue at the same time.

Am I right in this analysis of the general tax situation? Every State and local assessor and other tax official in their many reports confirm my contention. Who contradicts it? Naturally the tax evader; the tax perjurer; the holders of our $150,000,000,000 of intangibles; the holder of hidden tangibles; the opponent of graduated taxation; and finally that general class never willing to pay its fair share and always seeking to dodge. A loud chorus goes up from this delectable aggregation of "100 per cent" patriots whenever a fair and equitable tax system is suggested. Every excuse, device, and subterfuge that ingenuity can invent is offered by them in opposition. They at times even appeal to State rights in bar. It always makes my heart glad to hear that cherished doctrine proclaimed. I admire the person who champions it and stands unfalteringly for it, but I utterly despise the individual who never invokes that sacred doctrine except as a shield against his honest obligations.

Entertaining the general views I do, it has been and is now my belief that we should make our Federal tax readjustment conform to this ultimate purpose. To this end, and also to get rid at present of all or virtually all temporary war taxes, I have been urging that for the present the maximum estate tax should be left at 25 per cent; the maximum income surtax at 25 per cent; the exemption for married persons at $2,500 plus $400 for dependents; the placing of a tax of 2 to 3 per cent on the undistributed profits of corporations, but never above 3 per cent; tax reduction to the extent of $350,000,000; and the repeal of automobile and admission taxes. To effect this latter entirely would require some slight readjustment of certain income-tax rates or the retention of a small system of stamp taxes for the present. This course would contemplate bringing our Federal income-tax system not to, but near, the permanent peace basis. It is never sound policy to place permanent taxes on the lowest level until temporary war taxes are first removed. There is at present no pretense that most of the war taxes remaining are to be made permanent. Hence the tax suggestion which I have just outlined. It would not only have permitted war tax repeals, but the suggested light tax on undistributed profits would have permitted the repeal of the corporation capital-stock tax and some reduction of the 12½ per cent normal tax on corporations. The pursuit of this course would have enabled Congress at a little later stage to place our permanent taxes on a lasting peace basis. It would appear, therefore, that we are going a little too far in reducing income taxes on the individual side, anxious as all are to provide the fullest measure of tax relief. The English rates applied here would yield $5,000,000,000.

We might, instead of such Herculean efforts in behalf of individual income-tax payers at the top and bottom, have given most valuable and effective attention to the problem of equalizing the income of the individual, the partner, and the corporation stockholder for purposes of the tax, and also to the urgent need of cooperation with the Treasury in simplifying and making more convenient the administration of the income tax law. These present the two chief income-tax problems remaining. It is far more important that the Federal Government and the States proceed resolutely to the most thorough and simplified development of income-tax systems than that we should devote most of our time to the removal of vast groups of persons from the income-tax roll and to overweening solicitude for some other group of larger income-tax payers.

Estate and surtax rates in view of revenue requirements could and undoubtedly should for the present have been retained at the 25 per cent maximum without undue burden or injury to anyone. The exemption for married persons should, for several reasons, have been retained at $2,500 plus $400 for dependents. The fact is that all disinterested textbook and other economic writers who are real friends of graduated income taxation earnestly favor this policy. The uniform doctrine of progressive income taxation always has been that the exemption should be at a point near what is called the minimum of subsistence. Prior to the war this minimum was estimated at $800, and at present at $1,800. The rates are nominal on the smaller category of income subject to tax and only increase gradually as the income increases. Many persons seem to imagine that the Federal income tax is the only tax in existence and that the removal of taxpayers from the roll leaves them free from all taxation. They also seem to think that all or most of the income above the exemption, especially for the smaller taxpayer, is taken for taxes. Each impression, of course, is hopelessly erroneous. A scientific, logical income-tax structure always includes some of those with relatively small incomes, but only at nominal rates. It is dangerous to the permanency of the entire system if the best economic authorities of the country feel constrained to offer serious criticism of what they consider excessive exemptions.

Our present income tax law exempts over 110,000,000 individuals from the tax. Is it not almost folly, therefore, to divide in half the small remainder who are on the tax list and still depend upon our entire income-tax system to yield $1,800,000,000 per annum? For 1924 those with incomes of $5,000 and under reported $15,383,000,000 or 60 per cent of the total income, and paid $38,084,000 of taxes, or about 5½ per cent of the total taxes, whereas those with incomes above $5,000 reported 40 per cent of the total income and paid 94½ per cent of the total taxes. Should all under $5,000 be exempted there would only be left on the tax roll somewhere over 700,000 individuals of our total of 115,000,000. An exemption of $2,500 for married persons with no dependents is a 6 per cent return on nearly $42,000 of capital.

It is unreasonable to suggest that a married person with no dependents and with an income of $3,500 would not be able and willing to contribute less than $10 to the Federal Government under the most equitable tax method that can be devised, especially when he is materially aiding in maintaining a system under which those with larger incomes pay under rates of twenty-five or thirty times greater. It is my view, furthermore, that the proposed exemptions of certain income taxpayers will cost them considerably more in other taxes than they would pay in remaining on the income list. There are sold annually 4,000,000 automobiles, and probably more than 3,000,000 of these go to persons with small incomes. Why, then, remove an income tax of less than $10 and leave on the persons exempted and others in their small-income class the automobile tax of $15 to $25 and the admissions tax? One can not fairly say that the raising of the exemption as proposed does more than to remove a tax of $10 and at the same time retain another tax of $15 to $25, which otherwise would have been repealed.

The States were unable to make headway in income taxation until the Federal enactment in 1913. Since that time New York, Massachusetts, and several other States have been able to enact and install comprehensive income tax laws applicable to both individuals and corporations. If the Federal Government is to give the necessary aid and cooperation to the States in the inauguration and administration of income tax laws, as already pointed out, the raising of exemptions to $3,500 constitutes a tremendous impediment to such cooperation. The returns for Federal purposes are an invaluable aid to the States when struggling to administer a new State law. This constitutes an additional and strong reason in opposition to the proposed increase of exemption.

I realize the difficulties and objections that can be offered with respect to any single method of taxation. I am convinced, however, that unequal tax conditions in this country will grow violently worse unless the income and estate tax methods are more generally developed and utilized. The former is scarcely more inquisitorial than the general property tax when at all enforced, and in addition it has the great merit of reaching intangible property and of affording the largest measure of equity as well as adequate revenue. Should the country make up its mind to this view, vast improvement would soon be made in adjusting this tax to our economic conditions.

There are, of course, three classes of tax thought at present. One class of views is violently opposed to all graduated taxes. They do not believe in them, and they would wipe

them out at the first opportunity. Many of this class occupy high and important Government positions at present. Another class of thought representing the opposite extreme favors 40 per cent to 50 per cent surtax maximum not only for revenue but for social purposes as well; that is to prevent the too-rapid accumulation of large fortunes. There is still another class of income-tax thought which stands firmly day in and day out for a scientific, logical system of income taxation with well graduated rates.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARNER of Texas. How much additional time does the gentleman desire?

Mr. HULL of Tennessee. Fifteen minutes more.

Mr. GARNER of Texas. I yield the gentleman 15 additional minutes.

Mr. HULL of Tennessee. This view would in all the circumstances suggest a surtax of 25 per cent, which, plus the normal tax, would amply maintain the integrity of graduated or progressive taxation. I am, for reasons already stated, supporting this viewpoint for the present.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. HULL of Tennessee. Yes.

Mr. STEVENSON. In the war taxes, does the gentleman include the stamp tax put on conveyances and things of that kind; is that one of the taxes the gentleman refers to as war taxes?

Mr. HULL of Tennessee. I so refer to that and all others put on during the war.

Mr. STEVENSON. That is not repealed in this bill, as I understand.

Mr. HULL of Tennessee. Yes; it is repealed.

Mr. STEVENSON. Well, I am glad to hear it.

Mr. HULL of Tennessee. Frankly, Mr. Chairman, I am a little at a loss to understand the theory on which the gentlemen seek to rush pell-mell off the income-tax list and straight against innumerable tax methods and burdens that are much more harsh and inequitable. Why not repeal some of the latter instead of starting a mad scramble to get everybody in sight off of the income-tax roll? Why take and publish such action to the country, thereby seriously injuring, if not undermining, the entire income-tax system? Had we not rather boast to the country that we took off a larger amount of auto and other war taxes instead of the smaller amount of income taxes? Had we not rather boast that we pursued careful steps to perfect a scientific and logical income-tax structure, which would aid the States in getting rid of much of the unspeakable personal-property taxes, thereby saving vast sums to all honest taxpayers, than that we deliberately obstructed this constructive movement by doing nothing except to saw off both ends of the Federal income-tax system to the fullest extent within the power of combined effort?

I have felt constrained to present these individual views because I strongly favor the tax reforms and readjustments which I have pointed out, and, above all, because I seek to make permanent a fair, workable, and just system of Federal progressive income taxation which will tax wealth according to ability. I know how constantly its friends must be on guard if it is not to be undermined and destroyed at a time least suspected. And I warn the friends of this tax doctrine that they can not be too cautious in dealing with any of the fundamental provisions of the law. Drastic changes of some important phases have serious effects, sometimes least expected. If, therefore, we go too far and deal too rashly, we bring on criticism, we bring on new opposition, and before we realize it this great tax system will be assaulted and swept away, with a general sales tax left in its place. This strong possibility could not be better illustrated than by our recent experience with the Federal estate tax. In 1924 some gentlemen took occasion to add additional tax rates of 15 per cent at the top. They went off about their business, and the people went on about their business. A few gentlemen affected by the changes quietly started an organization and a propaganda to repeal the Federal tax unconditionally, and, in my judgment, they came within a hair's breadth of securing a favorable recommendation from the committee for their proposal. This reveals what can easily happen to any system of taxation designed to reach those not accustomed to pay their share and who are unwilling to pay their share. Congress and the American people must either decide to go forward with further developed income and estate taxation or to champion the outrageous personal-property tax, which has virtually disappeared, and the broken-down general property tax, with its extreme inequities and its outstanding unworkable phases.

I have never been a baiter of wealth or of large business. I think in the 15 to 25 speeches I have attempted to make on taxation and other economic subjects there is no utterance that will show any unfriendliness or disposition to mulct the rich, but to require every class of persons and of business to bear their reasonable and just share of the burdens of government. [Applause.] That is all I stand for now. America under her wonderfully developed system of mass production in many ways must have great aggregations of capital and business, which when pursued on proper and legitimate lines is entitled to the same relatively fair treatment as any other business concerns.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. GARNER of Texas. I yield to the gentleman five minutes more.

Mr. HULL of Tennessee. I desire briefly to discuss the estate or inheritance tax subject. This method of taxation has been in existence since the days of Egypt and Rome and is to-day in operation without material objection in virtually every civilized country. We find it in England, France, Germany, Switzerland, Italy, Belgium, Portugal, Greece, the South American countries, the British colonies, and virtually all the States of this Union. Estate or inheritance taxation in effect is frankly a tax on capital or property, just as the general property system is a tax on property or capital. Some persons, ignoring the latter, express surprise and dissatisfaction with respect to the former. We have some $340,000,000,000 of national wealth, and to-day impose slightly over $200,000,000 of estate or inheritance taxes, or one-seventeenth of 1 per cent of our total capital. The theory sometimes advanced that this tax is calculated to impair our capital and interfere with business is so extremely far-fetched as to call for no comment. Our Federal tax is, of course, laid upon the transfer of property passing at death. The inherent justice of this tax has never been seriously questioned by any considerable number of persons. As it has sometimes related to individuals who paid no tax on intangibles during their lifetime, this tax method has often been referred to as a deferred income tax. There are varying views on how this tax should be laid. Some favor high progressive rates, others medium, and still others a small flat rate. The progressive doctrine is now generally accepted. The doctrine of ability of the taxpayer applies to this tax method. The payment of the tax is not required of the taxpayer during his life. I have in mind many people who, if obliged to pay taxes, would greatly prefer to pay after death.

The estate tax has a certain effect on the income tax in that it increases in a general way the burden on income from property, as compared with that from personal exertion. The statement sometimes made that this is "a tax on widows and orphans" is worse than absurd when we consider the generous exemptions and low rates on moderate estates. There has been much declamation but little argument offered against this tax method. The truth is that this tax is certain, the cost of collection is not unreasonable, and the time of payment can be made entirely convenient.

Pennsylvania adopted the first State inheritance tax in 1826; Louisiana followed with a partial law applicable to nonresident aliens in 1828; Virginia took like action in 1844; Maryland, 1845; North Carolina, 1847; Alabama, 1848; Wisconsin, 1868; Delaware, 1869; Minnesota, 1875; and New Hampshire, 1878. Most of these State acts were partial and limited and did not mark any serious efforts either to secure revenue or to develop inheritance taxation. It may be said that the States seriously commenced the policy of developing inheritance taxation after 1880. In 1916 when the Federal enactment occurred it was found that the States were deriving between $30,000,000 to $35,000,000 from inheritances, the major portion of which was from collaterals. Virtually all the States now have this tax method through which they realized $85,000,000 of revenue in 1924. The States are greatly handicapped by overlapping, duplicate, triplicate, and quadruple taxation, as stated.

The English tax rates, if applied to America, would yield $800,000,000 of revenue. Our country should realize at least $400,000,000 from this source of taxation. This view will not be pleasing to the person who opposes the entire theory of this tax, or the person who favors the prompt restoration of the tax to the States upon the idea that they may not levy a much larger amount than at present. I think that the States with such cooperation as they really need from the Federal Government should be permitted to utilize as large an amount of this tax as they will. It is also my view that the Federal Government would be amply justified in taking the overplus to the aggregate level of $400,000,000, as stated.

To the extent that the States levy this tax, they will correspondingly displace all or portions of much more vicious and grinding tax methods. The first great task of the States is to establish some degree of uniformity in order to eliminate the vicious double and triplicate taxes and many complications in the administration.

It would seem that in view of the larger amount of revenue the States must raise during coming years, as well as in accordance with prevailing past practice, they should be encouraged to inaugurate a uniform and thoroughly workable system which would yield as nearly the $400,000,000 suggested as may be possible. If experience thus far has demonstrated anything, however, it is that the States should have the further cooperation of the Federal Government in the establishment of uniform State legislation and administration practice. We have seen persons in innumerable cases moving from one town or county to another on account of higher general tax rates prevailing in the former. It is in response to this spirit that States are inclined to bid against each other for capital and immigration by maintaining lower inheritance taxes, for example. Uniformity is the only possible remedy through which such bidding can be avoided and the States enabled to impose substantial rates and develop their respective systems to the desired level of revenue. But slight steps toward uniformity on the part of the States have, after 50 years of trial and opportunity, been taken. I repeat, then, that Federal uniformity is a demonstrated necessity in aid of the States. And, too, we have $20,000,000,000 of Federal bonds which can only be reached by Federal law. Reciprocal State statutes intended to avoid double taxation would not be operative as to foreign countries but only a Federal statute.

It would seem clear, in the light of what I have pointed out, that instead of any occasion for controversy between the States and the Federal Government in regard to which should utilize this tax there should be unanimity of opinion as to the amount, $400,000,000, that should be levied; that the States should take all they will; that the Federal Government should lend its cooperation, as has been explained; and finally that the Federal Government should levy and collect an amount which, added to that derived by the States, would aggregate around $400,000,000. To those who oppose the tax, or those who prefer to make up the necessary revenue instead by other tax methods already broken down and discredited it would be in vain to appeal.

These suggestions are based upon the state of our complicated economic conditions as developed during recent periods and upon the consequent necessity of shifting certain governmental functions back or forth between the States and their local governments and between the States and the Federal Government. I am not discussing the wisdom of what has been done in this connection in every instance. These modernized conditions, however, undoubtedly call for a certain degree of cooperation between the Federal Government and the States, and vice versa. This conclusion is inescapable.

I desire in conclusion to repeat the opinion expressed in my individual views filed with the report of the committee, to the effect that there are three fundamental differences between many Democrats and dominant Republican leaders in regard to the subject of economy and tax reduction. The first relates to economy. Democrats have always believed in wise and efficient economy, which not only cuts expenditures but at the same time improves and increases the service rendered. The latter is as vital as the former, and the two must go together. The Coolidge administration has merely preached and practiced economy in a partial sense, which only meant the mere cutting of expenditures with no sort of regard for improvement of efficiency in the service, with the result that governmental efficiency was never at a lower ebb. The second party difference, as I conceive it, has involved the acute question of whether well-graduated taxation should be made a permanent policy of our Government. This has been the underlying issue since early in 1921. Dominant Republican leaders have had the one idea of wiping out all graduated income taxes as quickly as opportunity might offer and substituting a general sales or like tax. I think for the present, at least, that the fight for the permanent retention of our income-tax system with well-graduated rates is won. The Mellon-Coolidge view, which has really been and is in opposition to all graduated taxes, is as much opposed in principle to a surtax maximum of 20 per cent or 25 per cent as one of 40 per cent or 50 per cent. To the friends of progressive income taxation a surtax maximum of 25 per cent at the present, plus the normal rate, thoroughly maintains the integrity of this tax principle.

The third point of radical party difference on tax reductions relates to the tariff. The Mellon-Coolidge leadership shouts loudly for tax reduction in order to aid business and reduce living costs, but they carefully exclude the heavy tax burdens arising from existing extreme high tariff rates and insist that even the conceded tariff excesses must remain untouched. In other words, "tax reduction" means to lower internal and raise tariff taxes. Most Democrats look on this partial and contradictory view as rank duplicity and hypocrisy. They earnestly believe that comprehensive and honest tax relief must embrace the elimination of excessive tariff-tax burdens, the existence of which no one seriously denies.

I thank you. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1, the revenue bill for 1926, and had come to no resolution thereon.

REPRESENTATIVE-ELECT JOHN W. LANGLEY

Mr. BURTON. Mr. Speaker, I present a privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 41

Resolved, That the credentials presented to the House of Representatives by JOHN W. LANGLEY, Representative elect from the tenth district of the State of Kentucky, be referred to a select committee of five members, to be appointed by the Speaker, to inquire into the election returns and qualifications of said Representative elect. Said committee shall report to the House the result of its inquiries, together with such recommendations as it may deem advisable.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. BLANTON. If I understand the facts, the gentleman from Kentucky [Mr. LANGLEY] has been under sentence of the United States court to the Federal penitentiary at Atlanta during the entire period during which the Sixty-ninth Congress has been elected, since March 4, 1925. His case was appealed, and the circuit court of appeals of the United States affirmed that sentence. That in effect, as we lawyers who are familiar with the practice of the courts know, is an ultimatum on the case. Notwithstanding these facts the gentleman from Kentucky [Mr. LANGLEY] has been drawing his salary during all of this time, and as long as this resolution pends before a committee he will continue to draw the salary of a Representative. I am not pushing any more drastic legislation, because I do not feel, as a member of the minority, that I should do so. The responsibility rests upon the majority; does not the distinguished gentleman from Ohio think that this is a matter for immediate action on the part of the House. I merely put that suggestion up to the majority.

Mr. BURTON. Mr. Speaker, I could hardly agree with the gentleman from Texas [Mr. BLANTON] that this is a question for the majority. It is a question pertaining to the whole House, the minority as well as the majority. The facts may be briefly stated. A committee was appointed in the first session of the last Congress to investigate certain charges against Members. It appeared that during their investigations an indictment had been found against Mr. LANGLEY in the District of Columbia, and, further, that an indictment had also been found against him in the United States Court for the Eastern District of the State of Kentucky. Mr. LANGLEY was convicted before that district court early in May of last year and sentenced to a term of two years. The committee reported that as the courts had taken jurisdiction and proceedings were to be instituted before an appellate court it seemed the proper and best thing to suspend further proceedings in the House. An appeal or writ of error was taken to the appellate court, the Circuit Court of Appeals for the Sixth Circuit, which very recently affirmed the conviction in the district court. In the meantime Mr. LANGLEY was elected a Member of this Congress. A motion for a rehearing was made very recently. That has been heard and the motion denied, though execution of the sentence has been suspended. But there is now a further opportunity which the attorneys for the defendant intend to utilize, and that is to apply for a writ of certiorari to the Supreme Court of the United States. The time for that is comparatively brief. It must be within 90 days after the decision of the circuit court.

Mr. BLANTON. Mr. Speaker, the gentleman from Ohio is a leading lawyer of the American bar, and, being so, he knows

that there will be one chance in five hundred thousand for the Supreme Court to reverse the action that has been taken. That being the case, shall we continue, as has been done ever since May, 1924, to permit a man under sentence of the court to the Federal penitentiary to continue to draw a salary from the Government of the United States as a Representative? If the gentleman is willing, I shall not oppose the resolution. I merely put that up to the majority side of the House.

Mr. BURTON. Mr. Speaker, the gentleman from Texas does me honor overmuch in stating my qualifications as a lawyer. I think, however, in the fraction of one to five hundred thousand he is rather drawing upon his imagination. It is not a question of chance; it is a question of the legal right of anyone accused of crime. We are not deciding now what will be done in regard to Mr. LANGLEY, but at least the circumstances are such as to justify the appointment of a committee to make the situation clear if possible by its recommendation.

Mr. BLANTON. I shall not oppose the resolution.

Mr. BURTON. And for further action by the House.

Mr. GILBERT. Mr. Speaker, by unanimous consent I ask that the resolution be again reported, as I did not catch the first part of it.

The SPEAKER. Without objection, the resolution will be again reported.

There was no objection.

The resolution was again reported.

Mr. GARRETT of Tennessee. Mr. Speaker, I think perhaps in view of the fact, if I may have the floor for a moment, that the presentation of this resolution has elicited some discussion, it is not improper that I should share some degree of responsibility with the gentleman from Ohio in connection with the resolution. The gentleman from Ohio did me the courtesy of conferring with me prior to the introduction of this resolution, and, in view of the fact the legal rights have not been exhausted, I concurred in the thought of the gentleman from Ohio that the policy he was pursuing was a proper policy.

Mr. TILSON. Mr. Speaker, I wish also to assume what responsibility the House may wish to place upon me in saying I also conferred with the gentleman from Ohio and the gentleman from Tennessee in regard to this matter, and deem this course to be the wisest and best course for us to take under the circumstances, and I hope the resolution will be adopted.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair appoints on that committee the gentleman from Ohio [Mr. BURTON], the gentleman from Indiana [Mr. PURNELL], the gentleman from Michigan [Mr. MICHENER], the gentleman from Arkansas [Mr. WINGO], and the gentleman from Virginia [Mr. MOORE].

LEAVE OF ABSENCE

Mr. PATTERSON, by unanimous consent, was granted leave of absence, for three days, on account of important business.

TRANSPORTATION—RAIL, WATER, HIGHWAY, AND AIR

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of transportation, an original statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWES. Mr. Speaker, one can not even approach the mountain peaks of this subject in an hour's discussion.

I have heard very intelligent men, experts in their own field, testify on one single branch of this subject hour after hour and day after day, and then complain because further time was not permitted for their single topic.

In the hearings before our committee witnesses appeared who had traveled thousands of miles from various sections of our country to testify upon one single point. I observed the conduct of some of these witnesses. They were, as a rule, intelligent, public-spirited men, but their point of view was usually that of some local community, and their object was usually to secure a national remedy for a local condition.

As hearings proceeded and the difficulties, complications, and far-reaching effects of the legislation proposed by them became apparent, a change of opinion has been observed, and frequently, when called upon to close a hearing, they have—after hearing the other side—changed their own minds.

To illustrate: A demand was made, supported by a splendid body of men, for the abolishment of the Pullman surcharge, amounting to some $47,000,000 annually. It quickly developed that if this $47,000,000 reduction was made—a very agreeable thing to the traveler and user of the Pullman car—under present conditions it would be shifted to the passenger of the day coach and the shipper of freight.

Another problem relating to what is called the "long-and-short-haul" clause was presented by a group of representatives of so-called Mountain States—fine, earnest men. The testimony developed the fact that a readjustment, while beneficially affecting these 9 Mountain States, would add an additional burden on 39 other States and seriously disarrange the business and rates of over 300 small short-line railroads.

At another hearing it was proposed to restore the power of making intrastate rates to the 48 different State commissions. The facts developed in this hearing were that only 15 per cent of the transportation business of the country was what is called intrastate—that is, business arising in and ending in the same State—and that 85 per cent was interstate; so that if there was a lowering of freight and passenger rates on the 15 per cent of the business it would necessarily be followed by an increased rate upon 85 per cent; that while the proposed reduction would help 15 per cent of the users of railroads, it would add just the amount of that reduction to the bills of the other 85 per cent.

These few examples are given for the purpose of illustrating the necessity of first securing the facts relating to any transportation problem.

The dangerous element, the doubtful element, the thing which makes uncertain a discussion in Congress of transportation, is the ascertainment of facts which must necessarily relate to the Nation as a whole, because the Congress of the United States represents 48 States, and the legislation of Congress can not be for the benefit of one State or a small group of States when it would manifestly prove to the disadvantage and loss to a large majority of other States.

Facts, therefore, are the first essential, followed by a thorough understanding of the meaning of Federal control through the power of the Interstate Commerce Commission.

With facts in our possession, the regulatory and supervisory power of the Federal Government understood, the next step is to ascertain whether in making changes we are striking down or destroying some old fundamental of our Government, which, both by constitutional limitation and long-established tradition, has become part of our American system of government.

After an examination of the machinery of government created by the Constitution, the average American citizen finds his attention fixed on Government limitations placed in the first 10 amendments to the Constitution, popularly called our Bill of Rights.

In their attempt to protect life, liberty, and the rights of the minority against assaults by the majority, these sections have also fixed the limits of the power of the Government to confiscate or destroy the property of our people.

In campaign speeches, in public debates, and in newspaper editorials we stress those amendments which relate to life, liberty, and the pursuit of happiness, but do not emphasize or exploit the right of protection which is given to the owner of property. This property may be a pig or a horse or a barn or a residence, an automobile, a steamboat, or a railroad.

The Constitution extends its protecting arms to all classes of property, and the same fundamental rules in a general way apply to each. And we can not break down or destroy the protection given to liberty in one case without assailing various forms of liberty in thousands of cases.

We can not break down and disregard the protection afforded to the man who owns one class of property without placing in jeopardy his rights under the Constitution for protection of a thousand different kinds of property.

When we consider Congress and transportation we must first ascertain the real facts, consider our constitutional limitations, and then proceed to secure for the general public, in the light of experience portrayed in history, the greatest benefits obtainable.

Congress must keep constantly in mind—and I think it does—that transportation in its various forms enters into the life and becomes part of the cost of living of each one of our 115,000,000 population. It adds to or takes from the necessities, comforts, and pleasures of life.

In the early days, after procuring food, raiment, and shelter, man next sought to solve his problem of transportation, because he could not properly solve the first three until the fourth had contributed its part to the others. To just that extent of the solution of his problem of transportation was measured his advancement in civilization.

It was the machinery by which he carried on his barter and trade with not only the members of his immediate community but with competing tribes and nations.

He must travel to trade and give those things that he had in abundance in exchange for those things which his neighbors had.

So with the passing of thousands of years the primary essentials of the transportation problem have remained the same. It is a question which has always been debated between the producer and the consumer, between nation and nation and individual and individual, and has made progress only by comity of ideas and primarily by an ascertainment of facts.

SOME RAILROAD FACTS

The original colonists fixed their homes on the Great Lakes, the Atlantic and Gulf seacoasts. Their first problem was, therefore, one upon the water and their communications were by ships.

The first national congressional attempts were the building of highways from the Atlantic coast to the West. A great Columbian highway, upon which vast sums of Federal money were expended, was to have extended to Jefferson City, Mo.

Then came the State and national investments in canals. This was followed by national subsidies and State aid in the building of railroads.

But from the building of the first railroad in 1828 to the present time the territory acquired by the Louisiana Purchase, the great Mountain States, and the entire West have been brought in contact with the other States of the Union and developed into their present period of prosperity by the transportation facilities afforded by the railroads.

From a railroad mileage in 1830 of approximately 13 miles and an engine weighing 7 tons and costing $3,500 the vast development of this means of transportation staggers the imagination. To-day we find 413,192 miles of trackage, over which travel 68,990 locomotives drawing 2,380,482 freight cars and 57,166 passenger cars.

In the last available figures I found that they carried 1,387,942,018 tons of freight a distance of 416,211,000,000 miles.

In the same year 1,900,000,000 passengers rode a total distance of 38,297,000,000 miles.

They have a capital of about $21,000,000,000, or at the rate of about $89,500 per mile. They were employing 1,855,000 employees working on the roads, with about 2,000,000 employed in allied industries.

In addition to bondholders and other creditors, there are 890,000 stockholders having investments in these railroad properties. It is estimated that there are 12,000,000 persons depending upon the railroads for money which actually goes directly into their pockets.

In this year these roads burned 131,491,000 tons of soft coal, 2,614,000 tons of hard coal, and consumed 2,334,865 gallons of oil.

These figures are given merely to stimulate the imagination in its consideration of the magnitude of the question, and it may be illustrated in another way by the statement that in 1913 Congress commenced the tremendous work of securing a correct valuation of railroads in the United States. Nearly 1,800 men have been employed upon this commission. The statistical data, charts, maps, and drawings necessary to complete this work would fill to their capacity the space of more than 50 rooms, and if reduced to volumes would constitute several thousand.

In fixing a fair return, as contemplated by the interstate commerce act, the actual value of the roads will be one of the important factors, but there is a wide divergence of opinion, even among experts, as to the real valuation of the properties, considering original investment, overhead expense, maintenance, and depreciation.

The commission at work on this valuation has divided the subject into three groups: The eastern group, the southern group, and the western group.

In 1919 the book cost of road and equipment was $20,040,572,611. The commission's estimate was $18,900,000,000.

In 1923 these roads paid $332,000,000 in taxation to the State and Federal Governments, and in 1925 it is expected to exceed $350,000,000.

The effort of the Government to secure a proper valuation of railroad properties, it has been stated, can not be completed until the year 1927; so that one of the important, essential, vital factors which students of transportation must wait for is the fact of valuation, which will not be completed for two years.

Men may speculate about it; express opinions, and debate the subject, but we will not know the fact for two years, and that is one of the reasons why strenuous opposition is made to any radical railroad legislation at this time.

One fact, however, stands out conspicuously, which can not be disputed:

In the consideration of Government ownership of railroads we can not take over for public use this private property without a national expense of approximately $20,000,000,000, and the reduction of our national annual income derived from railroad taxation of approximately $350,000,000.

This is unthinkable! It reaches a sum almost equal to that of the cost of the war. With the demand for reduction of the cost of Government, it is not conceivable that we add to the present war burdens another $20,000,000,000, at the same time taking from our revenue $350,000,000 annually.

SOME WATERWAY FACTS

Supplementing the investment of private enterprise in transportation upon steel rails, we find another branch of transportation on waterways.

In the case of the railroad, the land, ties, and rails were acquired by private enterprise. The waterways were created by nature, the private enterprise being restricted to the private ownership of those vehicles of commerce which pass over the waterways owned by all the people.

For more than 50 years Congress has been dealing with our Mississippi Valley problem in careless, haphazard fashion; without constructive plan; doing a little at a time and watching that little being washed away because we have built partially and not completely.

However, this is a subject all by itself, which I hope a determined effort of the Congressmen and Senators in the Mississippi Valley States will bring to a conclusion in one big project, comprehensive and complete in itself.

As far back as 1802 the Government began its work on the waterways of the country, making an appropriation of $30,000 for rivers.

Three years later an appropriation of $25,000 was made for canals.

We have observed how the introduction of the steam railroad brought this form of government investment to an end for a period of years, though it has been revived.

We find that there are 25,000 miles of navigable streams and that we have a coast line, including bays and islands, of 21,354 miles.

The Great Lakes present a combined length of navigable water of 1,400 miles—a distance as great as from Paris to Constantinople.

There are approximately 20 first-class rivers emptying into the Atlantic from the Appalachians, and these range from 100 to 600 miles in length.

The Columbia River, on the Pacific side, is 1,400 miles long. The Colorado is 1,100 miles in length.

With the St. Lawrence River properly canalized for connection with the Great Lakes, and the Chicago strip connected up with the Mississippi—a project which has been repeatedly proposed and indorsed—transportation would sweep from the North Atlantic through the boundary section of Canada and the United States, through the Lakes, pass Chicago, and down the Mississippi to the Gulf, taking care of intermediate points and short lines.

The figures of the Chief of Engineers, United States Army, for the calendar year 1923 show a total of 38,682,092 tons of imports in the commerce of the Atlantic, Gulf, and Pacific ports, valued at $3,327,011,950, and a total of 44,316,413 tons of exports, valued at $3,842,000,000, making a total of 82,900,000 tons of foreign commerce, valued at $7,169,000,000.

The coastwise receipts, the report states, amounted to 86,747,000 tons, valued at $5,000,000,000, while the coastwise shipments amounted to 90,633,000 tons, valued at $4,272,000,000.

The total domestic commerce of the Pacific, Atlantic, and Gulf ports was 362,320,000 tons, valued at $19,217,000,000.

On the Great Lakes the imports totaled 5,705,000 tons, valued at $166,852,000; and exports of 8,954,602 tons, valued at $86,511,000, making a total of 14,650,000 tons handled on the Lakes, at a valuation of $253,000,000.

The Government survey shows the rivers with a navigable length of 25,000 miles. On these 25,000 miles, including all canals and other channels, owned publicly and privately, the total commerce was 52,921,000 tons in 1923, valued at $1,009,831,000.

These statements are merely illustrative of our national investment in waterways. They do not include the investments of the big steamship companies nor discuss the possibilities of an increased river transportation which must be met by Government appropriation.

SOME HIGHWAY FACTS

The development of our railroads in the early days reads like a romance.

The old railroad kings had an adventurous spirit. They gambled that business would follow their development of terri-

tory. They demanded and secured the big percentage of a gambler's profit.

Later we will see how that has changed.

But all this romance is eclipsed by the highway and automobile development of the last 20 years, a development which came in our time and under our own observation.

During the period from 1917 to 1925 the development is astounding. When we consider that we are spending more than $1,000,000,000 a year in America to-day on the construction of highways; that we have over 2,866,061 miles of roads in the 48 States, and that of these there are 174,350 miles in the Federal-aid system, one begins to understand the importance of this system in the solution of our transportation problem.

When we consider that over these 174,350 miles of Federal roads and over a large portion of the other roads there are annually operated more than 300,000 new motor trucks and 3,700,000 new motor vehicles, and that there is an annual investment in motor cars of over $3,000,000,000, the matter rapidly goes beyond our power of comprehension as a new competing factor in transportation.

It is estimated that the American public travel 168,750,000,000 miles each year by motor, while the entire railroad system of the Nation carries but one-fifth of that distance.

In 1895 there were but 300 motor vehicles of all kinds registered in the United States.

In 1905 there were 77,000, and in 1915 2,445,000.

In 1924 we reached a total registration of 17,500,000 motor vehicles and an annual output of 3,000,000.

In 1904 there were but 400 motor trucks in the United States. To-day there are more than 2,000,000. A large portion of these vehicles are engaged in the hauling of passengers intrastate and interstate.

In 1816 Congress appropriated $300,000 for road work.

Note the contrast. The Sixty-eighth Congress provided $76,000,000 for the single year of 1925, and the Dowell bill authorized an appropriation of $75,000,000 during each of the years 1926 and 1927.

Federal aid for road building already allotted and that provided for in 1926 and 1927 totals $675,000,000, and under this law this must be matched dollar for dollar by the States. This is exclusive of all but necessary State expenditures and not including any of the work done by the thousands of counties in the States of the Nation.

We find a State and Federal investment on roads of $1,500,000,000. Add to this the county road expenditure and the State road expenditure and the amount runs up to almost incalculable figures.

We find that the little 1-cylinder chugging gas machine, of which there were only 300 registered in 1895, has grown into a powerful, massive truck; that there are 17,500,000 motor vehicles moving over our national roads, carrying millions of passengers, supplanting electric lines, feeding water and rail carriers, carrying millions of tons of freight in short and long hauls; taking the place of railroad cars in suburban railroad freight delivery; carrying from 50 to 60 people at one time in busses to outlying districts of our great cities; carrying 50 people at once over city streets as the most modern recognized form of urban transportation; taxing the gasoline supply of the Nation and costing the Nation millions in maintenance of roads and streets.

We find that the American farmer has changed all his marketing and delivering systems. According to the American Automobile Chamber of Commerce, there are 3,800,000 motor vehicles on the farm, and of these 300,000 are trucks engaged in the delivery of farm products.

Sixty electric lines have now placed motor busses in operation. Some of the electric roads have been abandoned and others are supplanting their service with bus connections.

All of this national investment in highways and private investment in motor vehicles is placed in direct competition with the railroad and the waterway. It is reducing the business of the railroad and the business of the waterway.

This development came so rapidly that only now is it being taken into serious account.

Only three years ago, at one of the railroad hearings before the Committee on Interstate and Foreign Commerce, I asked a well-known statistical expert speaking for the railroads, to what extent motor transportation was competing with railroad transportation. He answered that he did not know. I then asked if there were any of the experts present who could give me even an approximate estimate. Again the answer was "no."

But I have observed within the last year that it has now become a serious study and exact figures are being presented to the Interstate Commerce Committtion.

TRANSPORTATION BY AIR

For the last two years I have been serving on a subcommittee which has in course of preparation a pioneer bill in the matter of aeronautic control. Being an invasion of an entirely new field, it presents many intricate problems.

The bill will soon be ready for introduction and will then, for the first time, outline in a general way Federal control over air service.

While the volume of passenger and freight transportation by this method is now negligible, it promises to grow in volume rapidly.

For the purpose of this discussion the matter need only be referred to, as the practical utilization of air transportation has not reached a development where it can seriously compete with the other forms.

ALL FORMS OF TRANSPORTATION ARE RELATED

From what has been said we find a private investment of approximately $20,000,000,000 in railroads; a national investment of $1,150,000,000 in waterways (this does not include the immense investment in steamboat and steamship lines). In highways and motor transportation we find a national investment—in highways of approximately $1,500,000,000, and private investment in motor vehicles of approximately $14,400,000,000, and a large investment in the Air Service.

Every agency that hauls a passenger or carries a pound of freight competes with every other agency, and in proportion to its volume, equipment, and efficiency, it reduces to that extent the earning capacity of the other.

The subject of transportation, therefore, should be treated as a whole, for it is now impossible to consider one portion without considering another.

The National Government has a Department of Commerce, having jurisdiction over manufactures and mining. We have a Department of Agriculture intended to promote and assist in the problems of the farmer and the stock raiser. But so far we have no department of transportation.

I have in contemplation the introduction of a bill which will create such department, giving it jurisdiction over the four methods of transportation—the highway, the waterway, the railway, and the Air Service.

One of these subjects can not be intelligently discussed without considering the other three.

There should be not only contact but some coordination. This, however, is another subject—one of these problems for the future in the working out of which I expect to take some small part.

The whole problem of transportation was very naturally affected by the building of the Panama Canal. It shortened the distance from our eastern to our western seacoasts, thus reducing the time of service and the expense of service.

It, therefore, brought water transportation into direct and immediate competition with the transcontinental haul of railroads, unsettled all railroad rates, and has provided some very interesting disputed questions yet to be solved by the Interstate Commerce Commission.

FEDERAL CONTROL AND REGULATION OF RAILROADS

When we invade the interesting field of Federal regulation and control of transportation we find that so far there is no regulation of aeronautics; that waterway regulation is negligible, limited to matters of safety and Government direction of the rivers and harbors.

In the matter of highways and motor vehicles the regulation is confined almost exclusively to rules of the road and safety.

Leaving these three branches of transportation and approaching that of the control and regulation of railroads, we find a vast difference in treatment.

The first regulation of railroads began with the State legislatures. This resulted in unscientific, haphazard, and purely political direction. It was not found to be satisfactory to the people or to the roads. Each of the States tried a new experiment; in all of them were complications and trouble, with little improvement.

The next step was to give to State commissions the regulation of railroads and the control of rates.

This produced 48 different opinions, 48 local viewpoints, and an endless amount of confusion to passengers, shippers, and the railroads. Finally, the power was deposited in the hands of the Federal Government by the creation of what is called the Interstate Commerce Commission.

The present interstate commerce act is a delicate, technical document, some 200 pages in length, including the various acts and parts of acts relating thereto.

This original act was not approved by our United States Supreme Court until 1896. Since the passage of the original

act the interstate commerce law has been amended by Congress in nearly all of its phases, each amendment looking to the extension of its powers and duties.

Under amendments of 1906 the commission's authority was extended to express companies, sleeping-car companies, pipeline companies, and all other companies coming under the head of "transportation companies," and in this year the commission was empowered to fix maximum rates and dictate the manner in which the roads shall account to the Government for receipts and expenditures.

The act of 1910 gave the commission authority over cable, telephone, and telegraph companies, and again enlarged its powers of rate making by making it possible for the commission to suspend proposed rate changes of the carrier until after an investigation.

In 1912 the act was again amended to give the commission jurisdiction over the traffic incident to the Panama Canal, and for this purpose included all water-rail lines.

In 1913 the valuation amendment was made, authorizing the commission to survey and estimate the value of the railroad properties of the Nation, and since that date no great changes were made except in the passage of the act of 1920, called the transportation act.

By this act the jurisdiction of the Interstate Commerce Commission with respect to State rate-making bodies was finally established. In other words, the unworkable situation of previous years, in which both State and Nation were attempting to control rates for the same carriers, was ended, and from 1920 the rate-making power has been definitely lodged with the Government of the United States through the national commission.

A discussion of the powers of the Interstate Commerce Commission would require volumes. It may be said briefly that practically everything connected with railroads is now regulated by it—rates, service, safety appliances, extensions, issuance of stock, issuance of bonds, consolidations, abandonments, locomotive and car inspection, accounting systems, reports, investigation of management, excess profits, connection with ports, rail and water commerce, valuations, and liability of carriers—and the matter of further consolidations is now under consideration.

The so-called "recapture clause"—section 15-a of the transportation act—is not generally understood. In fact, either through ignorance or for mischievous purposes, it has been misstated. It provides that if any road under the rate schedules earns more than a fair return upon its investment, then such excess shall be placed in a reserve fund. One-half of this reserve fund may be drawn upon by the road for improvements or dividends, all subject to the approval of the commission, and the other half of excess earnings shall go to a general contingent fund, to be expended by the United States through the commission on needed railway improvements or rehabilitation, as the commission may from time to time elect.

On frequent occasions I have asked witnesses whether, in their judgment, 6 per cent was an excessive earning rate, and have uniformly received the reply that it was not.

No man will invest his money in any doubtful enterprise which does not promise even a greater return than this.

There is no limitation placed by the National Government on the earning power of a farmer or a manufacturer or a bank. This is the one exception where a line is drawn, and when the limitation is passed the Government takes control and direction of the excess.

Thus, very briefly, I have attempted to show something of the power exercised by the Federal Government in the regulation of railroads. I have done this not only briefly but superficially.

THE HUMAN SIDE OF THE RAILROADS

For a long period of time the direction of railroads was in the hands of a few men who arbitrarily decided policies and made appointments because of personal preference.

Gradually this has all changed. Great family control of railroad stocks has been lost, and it has largely passed into the hands of the investing public, where in many cases it has been placed in estate investments and has been purchased by insurance and other companies.

For a period, due to improper State legislation and unscientific attempts of control by 48 legislatures, many of the roads in this State were forced into bankruptcy and were controlled by receivers appointed by the Federal courts.

Gradually rehabilitating themselves, these receiverships have been removed and the management since that time has been placed in the hands of men who came up from the ranks and who moved from the bottom of the ladder to the top after long years of service and experience.

At the table the other day I made this statement. It was questioned, and I made inquiry, eliciting the following facts relating to the railroads of Missouri.

I found that one president began his career as a "chainman" and later worked as a "rodman" on a railroad.

Another president secured his first railroad experience as a brakeman, fireman, and train baggageman.

Another president worked as a railroad clerk in a local freight office and as a yard clerk in St. Louis.

Another began his career as a telegraph operator.

Still another started his railroad career as a boiler-maker's apprentice and later as a switchman.

Another began his career in the capacity of a track laborer.

Another, a lawyer of ability, first became connected with the railroads as local counsel in a small southwestern city.

These cover all the presidents of all the roads with headquarters in Missouri. Each was a self made man, accustomed to hard knocks, who had had practical experience, and who rose, round upon round, upon the ladder of experience and fitness, to his present executive position.

There were no "pet children" amongst them; none of the "silver-spoon" brand; no selection of the types made by the old railroad kings—they were men in touch with actual conditions who slowly moved to their present places by a demonstration of capacity.

I have been informed that this is relatively true of all the great railroads in the United States. The executive heads are not men who hold their positions because of ownership of stock, but their selections have been made on the basis of two things—long service and capacity.

For the past three months I have been traveling through Missouri. It has been an education in the matter of highways and railways.

Some incidents on this trip impressed me.

Finding the roads in a certain section impassable because of the heavy rains, I was forced to take a train at 1 o'clock at night and rode for two hours, until 3 o'clock, to keep an engagement the following day. During these two hours I had the company of a brakeman. We discussed dogs, chickens, and politics.

I observed an electric lantern which he carried. It interested me as a possible addition to a fishing camp which I contemplated. I asked him about the lantern. Immediately he told me of three or four different kinds, explaining their merits and demerits. He took his handkerchief and wiped his lantern carefully. He held it up, twisted it, turned it, and I asked him how long the battery would keep the light. He discussed it to the disparagement of other lanterns; polished it with his handkerchief; and I saw that that lantern was part of that man's life.

He did not know who I was. He discussed with me the president of the railroad; and how the men were getting along.

I could see, old-timer that he was, that he knew everything about the business of his road, and liked the work.

On another occasion on this trip, I arrived at a small town. Because of some replacement of track, the train was an hour late. We got off at the station at 4.30. There was no vehicle to meet the train.

I was there just at the break of day, and across the track was a poultry shipping establishment.

As we waited, the sun came up and there came a grand chorus of thousands of cockerels, giving their welcome to the rising sun. Their voices formed a great choir, and the station agent, stepping from the platform, said to me, "Those fellows would not be crowing so much if they knew the next train was to take them to the city where they will be killed."

While we waited for a bus there came upon the platform a three-legged dog. One leg had been cut off by the railroad, and I was told that a kind-hearted citizen of the town paid his license. He hobbled up and laid his head in the station agent's lap and then came over and, in his way, talked to me. He was hurt by the railroad; the agent felt a responsibility for his future life.

This station agent apologized for the absence of a cab and called up one.

We discussed the necessity for a new station, for more light, for a place where people could sit and wait. And I found he was an old-timer, who liked his work and knew the things that ought to be done around a station.

On another occasion, and in contrast, I attended the State fair and met one of my congressional colleagues. He is a fine man, a big stock raiser in a Western State.

I introduced him to the president of a railroad, one of the men who came up from the bottom.

I followed them into a cattle barn. The Congressman-stock raiser proudly showed his exhibit of Shorthorns to the president of the railroad. The sweat was streaming from the faces of both and not only from my face but down my back; but I watched their proceedings with interest and listened to part of their conversation.

The thought of the stockman was upon his precious cattle, their weight, their conformation, their color, and the other things that go to make up the possible 100 per cent of perfection.

The president of the railroad knew the breed; he was interested; followed the breeder around the barn; made intelligent inquiries.

And yet I could not help but think that they were both faced by a problem—the problem of transportation.

The stockman, knowing the railroad president, was thinking of freight rates, of the cost of taking the beeves from the ranch to the market, how long it would take, and whether they would lose weight in the transportation.

The president of the railroad was measuring with experienced eye the width of the beeves. His thought was, "How many of these beeves will my road haul; how many will we be called upon to take to market; how many will be hauled by truck in competition with the railroad?"

The problems of the two were different in a way and yet dependent one upon the other.

If the farmer and stockman failed, there would be no wheat and corn and beeves to haul. If there were no corn and wheat and beeves to haul, the president of the railroad would have no business, and the dividends, limited to 5¾ per cent, would not come in.

Later I talked to a merchant on the matter of the traffic, and he told me that as soon as we got more cars and quicker service it would require less investment and less in capital upon his part. He would not be required to stock up so extensively for merchandise, and as soon as transportation was certain he could order his immediate demands and then put in orders for more as the necessity was created, but for some years he had been forced to overstock because of the long time required for delivery.

I heard some men at the station complain of the character of the depots, of the water coolers, the inadequacy of service, and I could not but contrast the service rendered by some of the eastern roads in the matter of lighting in trains and various sanitary arrangements which excel the western equipment.

What people want from railroads are: First, safety; second, comfort and sanitation; third, speed; fourth, regular time service; and fifth, better depots in which to arrive and depart; some cleaner water receptacles; some easier seats; some better ventilation; and a few more comforts.

And then I thought these things cost money, just as they do in our own homes, in our private businesses, and I knew there was not a president of one of these railroads who personally would not like to do the things and buy the things which would be most pleasant to each of the communities, and that after all the consumer pays the freight rates; the manufacturer who made and shipped added the freight rate to the cost of his manufactured article; the farmer or the stock raiser found the cost of his products added to by the cost of transportation to the market. In each case the man who wore the things, or the man who ate the things, paid the bill.

We want in this country safe, sanitary transportation for human beings, animals, and commodities. We want deliveries made quickly so that there may not be loss in interest, in length of travel, and in delay.

We want certainty of transportation that trains may leave and arrive on time with that degree of speed compatible with safety.

The local depot is a meeting place in a small town for that community. People go there to speed the parting guest and to welcome an incoming friend. There is no reason why these stations should not be built upon more attractive lines and with greater regard for comfort, but all these improvements cost money and money does not come out of the air. It is not produced by the wand of some magician.

It comes from the earning capacity of a man or a railroad, and neither a man nor a railroad can spend money for beautification or the refinements of life unless they make money.

In the case of the railroads, we find that when the returns on investment reach the 6 per cent mark a portion is taken away and used for the betterment of other railroads, in which the stockholders of the railroads from which it is taken have not the slightest interest.

All along the line, therefore, in the discussion of transportation we are met by the first problem of facts; the second, by the matter of Government regulation; and the third, by earning power.

And, after all, without an adequate earning power, the things the brakeman wanted, the things the station agent wanted, the things the big stock raiser wanted, and the things the president of the railroad would like to do can not be done.

SUMMARY

The first essential requisite for the transportation problem is an ascertainment of the facts relating to it.

While logic is an exact science, it will produce a wrong conclusion every time if the facts in the major premise are incorrect.

A physician will fail in his cure, no matter how great his skill, if his diagnosis of the disease is wrong.

The most astute and learned lawyer can not win his case in court until he is able to assemble and prove his facts.

This is a rule of life. So the first essential in discussing the matter of transportation in its broader sense is to ascertain the facts.

Two great investigations are now under way in the matter of railroads, and until they have completed their work of vast magnitude we will not know the facts.

The first of these is the arduous undertaking of the commission to determine the total valuation of the railroads, which is somewhere in the neighborhood of $20,000,000,000. It has been stated this work will not be completed until 1927.

In the last session of Congress the Hoch-Smith resolution provided for a nation-wide investigation of rate structures and a readjustment of rates.

No intelligent or conclusive legislation can be attempted until both these matters are settled.

There are, however, certain outstanding facts which may be used as a basis for theoretical argument.

We find a private investment in railroads of approximately $20,000,000,000—about the American cost of participation in the World War—owned by nearly 900,000 stockholders.

In direct competition with this rail transportation there is a national investment in waterway transportation of approximately $1,150,000,000, with a contemplated investment of many millions more. This does not include the private investment in ocean, coast-line, lake, and river steamships, which carry both freight and passengers.

We have a national and State investment in highways of approximately $1,500,000,000. We are adding to this each year a national investment of $76,000,000, and, taken jointly with State and county investments, we are spending approximately $1,000,000,000 each year in the building of roads.

There are at the present time 18,000,000 motor vehicles, at an approximate value of $800 for each machine, making a total private investment of $14,400,000,000. This private investment in motor vehicles, supplemented by the national and State investment in roads, will approximate the total of the railroads.

The figures for the private and national investment in airships are not now available, but, with the passage of the law on which we are now working, this investment will naturally be largely increased.

The facts relating to Government regulation, control, and limitation of earnings are undisputed facts of record.

When the president of a railroad walks into his office he finds that office under Government regulation.

The brakeman, the fireman, and the engineer come under this regulation.

The accounting system and rate making are under Government regulation.

The engine, the coach, the sleeping car, and the track are under Government regulation.

And, finally, the stockholder has a Government limitation placed upon the earnings of his stock.

The ordinary man of intelligence should at least pause before rushing to Congress with some pet theory of his own to radically change conditions; and yet we have literally hundreds of bills introduced in every session intended to remedy some special feature or to affect some local community which would disrupt, disorganize, and in many cases destroy the continuity of the whole.

I have under consideration now the preparation of a bill which will bring under one directing head all the related subjects of transportation—highway, waterway, rail, and aeronautics.

They are all competing but connected subjects in the broad problem of transportation.

In this connection I have already introduced a bill providing for regional commissions for the Interstate Commerce Commission, intending to bring a local contact and close connection in the matter of investigation and determination of local situations, with a power somewhat similar to that of the Federal district courts, whose rulings are final but subject to review by our United States Supreme Court.

Undoubtedly the tendency is toward the consolidation of railroad properties. Whether this should be done by the direction of the Federal Government through its national commission, or left to the voluntary action of the roads, is a debatable question, on which personally I shall reserve judgment until the matter is more thoroughly debated and discussed.

LEGISLATIVE RATE MAKING

But on one subject I have a fixed conviction: Congress should not go into the business of legislative rate making. That should be left to a commission.

Twenty years ago the experiment of rate making by State legislatures was attempted. It proved a failure. It involved long delays in courts and was never satisfactory, so that to-day the legislatures of 48 States have abandoned the practice and have delegated the exercise of this power, where it can be done lawfully, to commissions for that purpose.

If the States of the Union having only the problems of a single State to discuss have found this policy to be unwise and have abandoned it, how much more difficult will it be for Congress, which represents 48 States, to now attempt to exercise a discretionary, investigating, and fact-finding power which the individual States have discovered could not be done properly by a legislative body?

One's imagination does not have to be vivid to see how Congress will be converted into a continuous debating society as to the merits and demerits of various forms of rate regulation.

An act of Congress directing the Interstate Commerce Commission to make a rate, to raise or lower a rate, is legislative rate making.

The Government took over the railroads, as a war measure, in December, 1917. They were returned to private ownership on March 1, 1920.

For a period, then, of 26 months, for war purposes, the Government controlled and directed this immense organization of transportation.

They placed it under one Government head, a necessary function of a nation at war.

This was done without regard to divers interests, and under this head it took jurisdiction over rolling stock and other equipment. It established wage scales and rules of discipline and fixed its own schedules of rates and passenger fares.

Since the return of this property, in a 4-year period, new capital approximating $3,000,000,000 has been invested in new equipment and rolling stock, and the year 1925 will find an additional investment of approximately $750,000,000 more.

It has been stated that 8,783 locomotives and 480,931 freight cars have been added to the service since Government control, requiring a private investment for this purpose of $1,669,655,992.

Through its delegation of power to the Interstate Commerce Commission, Congress should continuously attempt to secure safe transportation, sanitary transportation, quick transportation (because "time is money"), keeping constantly in mind the matter of comfort and health, with some thought to improvements in local depots for both passenger and freight convenience.

Having placed a limitation on the returns of the railroad, and with a demand for these things, the problem of rate-making, both passenger and freight, should be retained in the possession of a disinterested, intelligent, scientific body of men, who may have their minds directed on one subject and not be diverted from it by the special plea of a special interest or the statements of those not informed.

Between the extreme menace of the selfish special pleader and the ignorant "get-rich-quick" agitator there is a middle ground of patriotism, sanity, and understanding which, in the long run, will control because it will be supported by the enlightened public sentiment of the Nation.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Thursday, December 10, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

130. A letter from the Librarian of the Library of Congress, transmitting annual report as Librarian of Congress for the fiscal year ending June 30, 1925; to the Committee on the Library.

131. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingent expenses, War Department," during the fiscal year ending June 30, 1925; to the Committee on Expenditures in the War Department.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 4432) making an appropriation for dikes and revetment to protect the eastern approach of the Government-owned bridge across the Missouri River at Fort Leavenworth, Kans.; to the Committee on Appropriations.

By Mr. BLANTON: A bill (H. R. 4433) to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4434) for the erection of a public building in the city of Ranger, State of Texas, and authorizing money to be appropriated therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4435) for the erection of a public building in the city of Coleman, State of Texas, and authorizing money to be appropriated therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4436) for the erection of a public building in the city of Cisco, State of Texas, and authorizing money to be appropriated therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4437) for the erection of a public building in the city of Sweetwater, State of Texas, and authorizing money to be appropriated therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4438) for the erection of a public building in the city of Breckenridge, State of Texas, and authorizing money to be appropriated therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4439) for the erection of a public building in the city of Eastland, State of Texas, and authorizing money to be appropriated therefor; to the Committee on Public Buildings and Grounds.

By Mr. COLLINS: A bill (H. R. 4440) granting the consent of Congress to the board of supervisors of Clarke County, Miss., to construct a bridge across the Chunky River in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4441) granting the consent of Congress to the board of supervisors of Neshoba County, Miss., to construct a bridge across the Pearl River in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

By Mr. COLTON: A bill (H. R. 4442) amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing limitations on the payment of Federal funds in the construction of highways, and for other purposes; to the Committee on Roads.

By Mr. COOPER of Wisconsin: A bill (H. R. 4443) to provide for the purchase of a site and the erection of a public building thereon in the city of Whitewater, county of Walworth, State of Wisconsin; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4444) to provide for the erection of an addition to the Federal building in the city of Beloit, county of Rock, and State of Wisconsin, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4445) to provide for the erection of an addition to and the remodeling of the Federal building in the city of Janesville, county of Rock, and State of Wisconsin, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4446) to provide for the erection of a Federal building on the site owned by the Government of the United States and located in the city of Racine, State of Wis-

consin, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4447) to provide for the purchase of a site and the erection of a public building thereon in the city of Oconomowoc, county of Waukesha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4448) to provide for the purchase of a site and the erection of a public building thereon in the city of Kenosha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. CULLEN: A bill (H. R. 4449) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 4450) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 4451) to enlarge and extend the post-office building at Brooklyn, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. DEMPSEY: A bill (H. R. 4452) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York; to the Committee on the Judiciary.

By Mr. ROY G. FITZGERALD: A bill (H. R. 4453) granting pensions and increase of pensions to certain widows, former widows, minor children, and helpless children of soldiers and sailors, and to widows of the War of 1812, and to certain Indian-war widows, and to certain Spanish War widows, and for other purposes; to the Committee on Pensions.

Also, a bill (H. R. 4454) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4455) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian-war veterans and widows, and to certain Spanish War soldiers and widows, and certain maimed soldiers, and for other purposes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4456) granting pensions and increase of pensions to certain soldiers and sailors of the Spanish War and Indian wars, and certain maimed soldiers, and for other purposes; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 4457) to provide punishment for killing or assaulting Federal officers; to the Committee on the Judiciary.

Also, a bill (H. R. 4458) providing for punishment of assaults upon letter or mail carriers; to the Committee on the Judiciary.

Also, a bill (H. R. 4459) to further protect interstate and foreign commerce against bribery and other corrupt practices; to the Committee on the Judiciary.

By Mr. GREEN of Florida: A bill (H. R. 4460) to provide for the purchase of a site and the erection of a public building for a post office at Starke, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4461) to provide for the purchase of a site and the erection of a public building for a post office at Perry, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4462) to provide for the purchase of a site and the erection of a public building for a post office at Madison, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4463) for the erection of a post-office building at Lake City, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4464) to purchase a site for the erection of a post-office building in the city of Cedar Key, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4465) to purchase a site for the erection of a post-office building in the city of Jasper, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4466) to purchase a site for the erection of a post-office building in the city of Greenville, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4467) to purchase a site for the erection of a post-office building in the city of Cross City, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4468) to purchase a site for the erection of a post-office building in the city of Mayo, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4469) to purchase a site for the erection of a post-office building in the city of Monticello, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4470) to purchase a site for the erection of a post-office building in the city of Williston, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4471) to purchase a site for the erection of a post-office building in the city of Trenton, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. JARRETT: A bill (H. R. 4472) providing for an extension to the Federal building at Honolulu, Hawaii; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4473) to amend the last paragraph of section 320 of the Penal Laws of the United States; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 4474) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. KELLY: A bill (H. R. 4475) to provide for steel cars in the railway post-office service; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4476) to provide for the service by railway postal clerks assigned to road duty; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4477) to regulate travel allowance for railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: A bill (H. R. 4478) to regulate the manufacture, printing, and sale of envelopes with postage stamps embossed thereon; to the Committee on the Post Office and Post Roads.

By Mr. KING: A bill (H. R. 4479) for the erection of a public building at Abingdon, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4480) for the erection of a public building at Rushville, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4481) for the erection of a public building at Galva, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. LETTS: A bill (H. R. 4482) for the erection of a Federal building at Marengo, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. McCLINTIC: A bill (H. R. 4483) for the purchase of a site and the erection of a public building at Clinton, Okla.; to the Committee on Public buildings and Grounds.

Also, a bill (H. R. 4484) for the purchase of a site and the erection of a public building at Elk City, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4485) for the purchase of a site and the erection thereon of a public building at Cordell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4486) to provide for the erection of a public building in the city of Hobart, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4487) to provide for the erection of a public building in the city of Frederick, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4488) to provide for the purchase of a site and the erection of a public building at Mangum, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4489) to require certain aliens to make application for citizenship in the United States and giving to the Secretary of Labor and Attorney General authority to deport all others; to the Committee on Immigration and Naturalization.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 4490) to provide for the purchase of a site and the erection of a public building thereon at Crete, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4491) to provide for the purchase of a site and the erection of a public building thereon at Hebron, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4492) to provide for the purchase of a site and the erection of a public building thereon at Seward, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4493) to provide for the purchase of a site and the erection of a public building thereon at David City, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4494) to provide for the purchase of a site and the erection of a public building thereon at Geneva, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4495) to provide for the purchase of a site and the erection of a public building thereon at Wymore, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4496) to provide for the purchase of a site and the erection of a public building thereon at Osceola,

in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4497) amending section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEOD: A bill (H. R. 4498) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McSWAIN: A bill (H. R. 4499) to provide for the construction of a Federal building at Woodruff, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4500) to provide for the construction of a Federal building at Greer, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. GILBERT: A bill (H. R. 4501) authorizing the Secretary of the Treasury to reimburse the city of Richmond, Ky., the sum of $1,581.66, expended by said city in construction of streets and gutters fronting the Government building in said city; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 4502) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Virginia: A bill (H. R. 4503) to authorize the Arlington County, Va., sanitary district to connect its sewerage system with the sewerage system of the District of Columbia, in the discretion of the Commissioners of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 4504) to authorize the connection of the water system of the District of Columbia with Arlington County, Va.; to the Committee on the District of Columbia.

Also, a bill (H. R. 4505) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district; to the Committee on the District of Columbia.

By Mr. SANDERS of Texas: A bill (H. R. 4506) for the erection of a public building at Winnsboro, Wood County, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4507) for the erection of a public building at Wills Point, Van Zant County, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4508) for the erection of a public building at Kaufman, Kaufman County, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4509) for the erection of a public building at Henderson, Rusk County, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4510) for the erection of a public building at Mineola, Wood County, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4511) for the erection of a public building at Athens, Henderson County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SANDLIN: A bill (H. R. 4512) to provide for a site and public building at Mansfield, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4513) to provide for a site and public building at Homer, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4514) to provide for the erection of an addition to the post-office building at Shreveport, La., and for alterations to the present building; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4515) to provide for a site and public building at Haynesville, La.; to the Committee on Public Buildings and Grounds.

By Mr. SEARS of Florida: A bill (H. R. 4516) to provide for the disposition of abandoned military reservations in the State of Florida; to the Committee on the Public Lands.

Also, a bill (H. R. 4517) to provide for the disposition of abandoned lighthouse, life-saving, and Coast Guard reservations in the State of Florida; to the Committee on the Public Lands.

Also, a bill (H. R. 4518) providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.; to the Committee on the Judiciary.

Also, a bill (H. R. 4519) to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4520) granting to the town of Palm Beach, in the State of Florida, certain public lands of the United States of America, for the use and benefit of said town; to the Committee on the Public Lands.

Also, a bill (H. R. 4521) providing for a site and public building for a post office at Greater Daytona Beach, Volusia County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4522) for the erection of a Federal building at St. Augustine, St. Johns County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4523) providing for a site and erection thereon of a Federal building at Jacksonville, Duval County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4524) for the erection of a Federal building at Key West, Monroe County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4525) for the erection of a Federal building at Kissimmee, Osceola County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4526) providing for a site and public building for a post office at Fort Pierce, St. Lucia County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4527) providing for a site and public building for a post office at Fort Lauderdale, Broward County, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4528) providing for a site and public building for a post office at West Palm Beach, Palm Beach County, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. SHALLENBERGER: A bill (H. R. 4529) to repeal section 15a of the interstate commerce act and to restore rates, fares, and charges authorized prior to increases effective August 26, 1920; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4530) to amend section 4 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. SWEET: A bill (H. R. 4531) for the purchase of a site for a public building at Carthage, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. STEVENSON: A bill (H. R. 4532) to create a national military park at Cowpens battle ground; to the Committee on Military Affairs.

By Mr. TAYLOR of West Virginia: A bill (H. R. 4533) to encourage and aid in the introduction of safe and efficient practices in mining; to the Committee on Mines and Mining.

By Mr. TINCHER: A bill (H. R. 4534) to provide for the purchase of a site and the erection of a public building thereon at Dodge City, in the State of Kansas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4535) to provide for the purchase of a site and the erection of a public building thereon at Anthony, in the State of Kansas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4536) to provide for the purchase of a site and the erection of a public building thereon at Liberal, in the State of Kansas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4537) to provide for the purchase of a site and the erection of a public building thereon at Lyons, in the State of Kansas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4538) to provide for the purchase of a site and the erection of a public building thereon at Kingman, in the State of Kansas; to the Committee on Public Buildings and Grounds.

By Mr. VESTAL: A bill (H. R. 4539) to establish the standards of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. VINSON of Georgia: A bill (H. R. 4540) to provide for the preparation and issuance of cotton reports by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. WEFALD: A bill (H. R. 4541) to authorize the acquisition of a site and the erection of a Federal building at Thief River Falls, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4542) to authorize the acquisition of a site and the erection of a Federal building at Detroit, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. WURZBACH: A bill (H. R. 4543) to purchase a site for the erection of a post-office building in the city of Kenedy, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. WYANT: A bill (H. R. 4544) to provide for the erection of a public building at New Kensington, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4545) to provide for the erection of a public building at Jeannette, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 4546) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment; to the Committee on Labor.

By Mr. MORIN: A bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes"; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 4548) making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War; to the Committee on World War Veterans' Legislation.

By Mr. JAMES: A bill (H. R. 4549) to rebate the duty on a carillon of bells imported for the St. Josephs Church, Lake Linden, Mich.; to the Committee on Ways and Means.

By Mr. FULLER: Joint resolution (H. J. Res. 53) to amend an act entitled "An act granting pensions and increases of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: Joint resolution (H. J. Res. 54) to provide for the refund of certain taxes; to the Committee on Ways and Means.

By Mr. McLAUGHLIN of Nebraska: Joint resolution (H. J. Res. 55) providing for the placing of items on an appropriation bill under certain conditions; to the Committee on the Judiciary.

By Mr. WHITE of Kansas: Joint resolution (H. J. Res. 56) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. SNELL: Concurrent resolution (H. Con. Res. 2) establishing a joint commission on Muscle Shoals; to the Committee on Rules.

By Mr. GARRETT of Tennessee: Resolution (H. Res. 40) directing the Secretary of State to transmit to the House of Representatives information as to which States have acted upon the child-labor amendment; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. HALL of North Dakota: Memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to take steps toward the establishment of a national park in Billings County, N. Dak., embracing the wonderful petrified forest there located, to be called Roosevelt Park; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of North Dakota, requesting Congress to enact suitable legislation to protect the farmer's market and reduce his marketing cost; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of North Dakota, urging that Congress, during its present session, pass and place upon our statute books such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of North Dakota, urging that Congress take immediate action toward a repeal of the Federal aid for State highways, to the end that the extravagant mismanagement and ill-advised expenditure of moneys by each State and county in the United States be eliminated, and that a more rational and sane and more carefully supervised expenditure of money be worked out by each local community; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 4550) granting a pension to Mary A. Wylie; to the Committee on Invalid Pensions.

By Mr. ALLGOOD: A bill (H. R. 4551) granting a pension to Sarah F. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4552) granting a pension to Martha C. Morrison; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 4553) authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy, to rank next after Commander Walter Albert Smead, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 4554) for the relief of Adaline White; to the Committee on Claims.

Also, a bill (H. R. 4555) granting a pension to Frank Siddall; to the Committee on Pensions.

Also, a bill (H. R. 4556) granting a pension to Laura V. Adams; to the Committee on Pensions.

Also, a bill (H. R. 4557) granting a pension to Winnie Turner; to the Committee on Pensions.

Also, a bill (H. R. 4558) granting a pension to Marietta Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4559) granting a pension to Belle Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4560) granting a pension to Jackson Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4561) granting an increase of pension to William T. McCrindle; to the Committee on Pensions.

Also, a bill (H. R. 4562) granting an increase of pension to Laura E. Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4563) granting an increase of pension to James W. Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4564) granting an increase of pension to Jane M. Keeler; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 4565) granting a pension to Selia Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4566) granting an increase of pension to Diana M. Oakley; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 4567) for the relief of J. W. Hogg; to the Committee on Claims.

Also, a bill (H. R. 4568) for the relief of D. O. Clements; to the Committee on Claims.

By Mr. BLANTON: A bill (H. R. 4569) granting a pension to Mrs. M. J. Hill; to the Committee on Pensions.

Also, a bill (H. R. 4570) granting a pension to Mrs. John Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4571) for the relief of W. G. Gentry; to the Committee on Claims.

Also, a bill (H. R. 4572) for the relief of Compere and Wyatt; to the Committee on Claims.

Also, a bill (H. R. 4573) for the relief of Theophilus Lacy Keen; to the Committee on Claims.

Also, a bill (H. R. 4574) for the relief of Hiram T. Duncan; to the Committee on Military Affairs.

By Mr. BOYLAN: A bill (H. R. 4575) granting a pension to Agnes L. MacIntyre; to the Committee on Pensions.

Also, a bill (H. R. 4576) for the relief of James A. Hughes; to the Committee on Military Affairs.

By Mr. CHALMERS: A bill (H. R. 4577) granting a pension to Agnes Bucher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4578) granting a pension to Aristeen Arnold; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 4579) granting a pension to Lillian Ramsdell; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 4580) for the relief of the Moran Towing & Transportation Co.; to the Committee on Claims.

Also, a bill (H. R. 4581) granting an increase of pension to Elizabeth V. Conklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4582) granting a pension to Catharine A. Roe; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 4583) granting an increase of pension to Joseph Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4584) for the relief of the Mutual Fire, Marine & Inland Insurance Co., of Philadelphia, Pa., for stamp taxes illegally paid; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 4585) for the relief of Andrew Cullin; to the Committee on Military Affairs.

By Mr. DOYLE: A bill (H. R. 4586) for the relief of Contes Bros.; to the Committee on Claims.

Also, a bill (H. R. 4587) for the relief of Pietro Lococo; to the Committee on Claims.

Also, a bill (H. R. 4588) for the relief of Frank Martin; to the Committee on Claims.

Also, a bill (H. R. 4589) for the relief of Stella Murauski; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 4590) for the relief of W. T. Rice; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 4591) granting an increase of pension to James H. Palmer; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 4592) for the relief of Thomas J. Hunt, surviving partner of Mosby & Hunt; to the Committee on Claims.

Also, a bill (H. R. 4593) to carry out the findings of the Court of Claims in the case of W. W. Goodwin, receiver of the Bank of West Tennessee; to the Committee on Claims.

By Mr. FLAHERTY: A bill (H. R. 4594) granting an increase of pension to James T. Sullivan; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 4595) to reinstate in the naval service John C. F. Yarnell; to the Committee on Naval Affairs.

Also, a bill (H. R. 4596) granting a pension to Mary Walterhouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4597) granting an increase of pension to William M. Love; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 4598) granting an increase of pension to Louisa C. Longacre; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 4599) granting an increase of pension to Henrietta B. Gorham; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 4600) for the relief of Frederick D. W. Baldwin; to the Committee on Naval Affairs.

Also, a bill (H. R. 4601) for the relief of Joseph Faneuf; to the Committee on Military Affairs.

Also, a bill (H. R. 4602) granting an increase of pension to Emily Beausoleil; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 4603) for the relief of Charles A. Moore; to the Committee on Foreign Affairs.

By Mr. HALE: A bill (H. R. 4604) for the relief of Veranus D. Drew; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 4605) granting an increase of pension to Anna M. Scofield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4606) granting a pension to Joseph D. Killerlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4607) granting an increase of pension to Frances H. Underwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4608) granting an increase of pension to Mary A. Burrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4609) granting an increase of pension to Adile Hemmings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4610) granting an increase of pension to Elizabeth J. Chambers; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 4611) granting an increase of pension to John E. Edwards; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 4612) for the relief of Lewis Deems; to the Committee on War Claims.

Also, a bill (H. R. 4613) granting reinstatement of pension to Hester P. Hart; to the Committee on Pensions.

Also, a bill (H. R. 4614) to correct the military record of George Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 4615) granting an increase of pension to Adeline E. Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4616) granting an increase of pension to Sarah J. Somerlott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4617) granting an increase of pension to Martha E. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4618) granting a pension to Mary M. Getts; to the Committee on Pensions.

Also, a bill (H. R. 4619) granting a pension to Catherine M. Cleland; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 4620) granting a pension to Gertrude A. Samstag; to the Committee on Pensions.

Also, a bill (H. R. 4621) granting a pension to Edward Dzengolewsky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4622) granting an increase of pension to Benjamin F. Skillman; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 4623) granting an increase of pension to Dinah Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4624) granting an increase of pension to Louisa Semmel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4625) granting an increase of pension to Matilda Ballard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4626) granting an increase of pension to Mary A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4627) granting an increase of pension to Elizabeth Sauer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4628) granting an increase of pension to Francis E. Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4629) granting a pension to Edna M. Brownell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4630) granting an increase of pension to Nancy W. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4631) granting an increase of pension to Rachel Walters; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 4632) for the relief of W. P. Thompson; to the Committee on Claims.

Also, a bill (H. R. 4633) for the relief of Charles C. Webster; to the Committee on Claims.

Also, a bill (H. R. 4634) granting an increase of pension to Mary St. Clair; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 4635) granting an increase of pension to Mary L. Thompson; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 4636) for the relief of John Buchanan; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 4637) granting a pension to Grace Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4638) granting a pension to Izora K. Teeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4639) to award a medal of honor to John Leventis; to the Committee on Military Affairs.

Also, a bill (H. R. 4640) for the relief of Abraham Lincoln Harper; to the Committee on Claims.

Also, a bill (H. R. 4641) to provide for an examination and survey of the Mississippi River at or near Quincy, Ill., for the purpose of determining the practicability and estimating the cost of a highway bridge over said river; to the Committee on Interstate and Foreign Commerce.

By Mr. LEATHERWOOD: A bill (H. R. 4642) for the relief of the persons or companies who advanced money or materials for the construction and maintenance of an air-mail hangar at Salt Lake City, Utah, for the Post Office Department; to the Committee on Claims.

Also, a bill (H. R. 4643) for the relief of the widow and minor children of Raymond C. Hanford; to the Committee on World War Veterans' Legislation.

By Mr. LETTS: A bill (H. R. 4644) for the relief of George A. Cummings; to the Committee on Claims.

Also, a bill (H. R. 4645) for the relief of E. C. Adams; to the Committee on Claims.

By Mr. MACGREGOR: A bill (H. R. 4646) granting an increase of pension to Magdalena Emrich; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 4647) for the relief of Fairbury Lodge, No. 1203, Benevolent and Protective Order of Elks; to the Committee on Claims.

By Mr. MONTAGUE: A bill (H. R. 4648) for the relief of George C. Maynard, late lieutenant (junior grade), United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 4649) for the relief of the heirs of George E. Taylor, deceased; to the Committee on Claims.

By Mr. MORIN: A bill (H. R. 4650) for the relief of the Machinery & Metals Corporation of Philadelphia, Pa.; to the Committee on War Claims.

By Mr. MORROW: A bill (H. R. 4651) for the relief of Theophilus Lacy Keen; to the Committee on Claims.

By Mr. NELSON of Maine: A bill (H. R. 4652) granting a pension to Sarah L. Bean; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 4653) granting an increase of pension to Julia Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4654) granting an increase of pension to Emogene E. Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4655) granting an increase of pension to Margaret Ahern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4656) granting an increase of pension to Sarah J. Kenyon; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 4657) for the relief of W. H. Nelson; to the Committee on Claims.

Also, a bill (H. R. 4658) granting a pension to Polly Johnson; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 4659) granting an increase of pension to Sarah H. Luffbarry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4660) granting a pension to Mary A. Harper; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 4661) to correct the military record of Glenn H. Henson; to the Committee on Military Affairs.

Also, a bill (H. R. 4662) granting an increase of pension to Mary J. Bunch; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 4663) granting an increase of pension to Disey E. Smith; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 4664) for the relief of Arthur H. Bagshaw; to the Committee on Claims.

By Mr. SANDERS of Texas: A bill (H. R. 4665) granting a pension to Mattie Davidson; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 4666) granting a pension to James P. Cornes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4667) granting an increase of pension to Mary Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4668) granting an increase of pension to Nellie B. Slawson; to the Committee on Pensions.

By Mr. SANDLIN: A bill (H. R. 4669) for the relief of the heirs of Jacob A. Wolfson; to the Committee on War Claims.

By Mr. SEARS of Florida: A bill (H. R. 4670) to correct the military record of Ellsworth Haggard; to the Committee on Military Affairs.

Also, a bill (H. R. 4671) granting a pension to Ella J. Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4672) granting a pension to Martin Padgett; to the Committee on Pensions.

Also, a bill (H. R. 4673) for the relief of Archibald L. Macnair; to the Committee on Claims.

Also, a bill (H. R. 4674) for the relief of William Alexander Somerville; to the Committee on Claims.

Also, a bill (H. R. 4675) for the relief of E. R. Whitmarsh & Co.; to the Committee on Claims.

Also, a bill (H. R. 4676) for the relief of Florence M. Beckstead; to the Committee on Claims.

Also, a bill (H. R. 4677) for the relief of the Carroll Motor Co.; to the Committee on Claims.

Also, a bill (H. R. 4678) for the relief of Elizabeth Wooten; to the Committee on Claims.

Also, a bill (H. R. 4679) for the relief of the Columbia Steam Laundry; to the Committee on Claims.

By Mr. SHALLENBERGER: A bill (H. R. 4680) granting an increase of pension to Mary M. Oney; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 4681) providing for the issuance of patent to the Boyle Commission Co., for Block 223, townsite of Heyburn, Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 4682) granting a pension to Sarah A. Wilson; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 4683) granting an increase of pension to S. Nettie House; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4684) granting an increase of pension to Lucy Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4685) granting an increase of pension to Mary M. Dahlhammer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4686) granting an increase of pension to Margaret Ann Hole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4687) granting an increase of pension to Eliza J. Johnson; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 4688) to provide for the retirement of David E. Lunsford as a corporal in the United States Army; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 4689) for the relief of Nick Masonich, Isaia Fabbro, and John Disarri; to the Committee on Claims.

By Mr. SWANK: A bill (H. R. 4690) granting a pension to Loretta Clubb; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 4691) for the relief and to correct the military record of Kathryn C. Hopkins; to the Committee on Military Affairs.

Also, a bill (H. R. 4692) authorizing a survey of the Great Kanawha River from Lock No. 5 to its mouth at Point Pleasant, W. Va.; to the Committee on Rivers and Harbors.

By Mr. TILLMAN: A bill (H. R. 4693) granting a pension to John Son; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4694) granting a pension to Elvira Van Dyke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4695) granting an increase of pension to William E. Worden; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 4696) granting an increase of pension to Lavina Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4697) granting an increase of pension to Amanda J. Oxley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4698) granting an increase of pension to Ella L. Hyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4699) granting an increase of pension to Elizabeth Switzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4700) granting an increase of pension to Kate M. McArthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4701) granting an increase of pension to Mary Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4702) granting an increase of pension to Margaret E. Liff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4703) granting an increase of pension to Caroline Aid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4704) granting an increase of pension to Mary E. Dawley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4705) granting an increase of pension to Sarah E. Beavers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4706) granting an increase of pension to Victoria Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4707) granting an increase of pension to Mary A. Crow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4708) granting an increase of pension to Maria L. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4709) granting an increase of pension to Mandana Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4710) granting an increase of pension to Melissa Vorhees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4711) granting an increase of pension to Mary B. Palm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4712) granting an increase of pension to Maria J. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4713) granting an increase of pension to Mary H. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4714) granting an increase of pension to Nora C. Williams; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 4715) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Kentucky: A bill (H. R. 4716) for the relief of Samuel Pelfrey; to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 4717) granting an increase of pension to Lydia Duston; to the Committee on Pensions.

By Mr. WRIGHT: A bill (H. R. 4718) for the relief of Lizzie Collier; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 4719) for the relief of the New Braunfels Brewing Co.; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 4720) granting an increase of pension to Alice M. Fairchild; to the Committee on Pensions.

Also, a bill (H. R. 4721) granting an increase of pension to Mary L. Deemer; to the Committee on Pensions.

Also, a bill (H. R. 4722) granting an increase of pension to Elizabeth Clark; to the Committee on Pensions.

Also, a bill (H. R. 4723) granting an increase of pension to Rebecca Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4724) granting an increase of pension to Mary L. Craver; to the Committee on Pensions.

Also, a bill (H. R. 4725) granting a pension to Christ Cribbs; to the Committee on Pensions.

Also, a bill (H. R. 4726) granting an increase of pension to Mary J. Beamer; to the Committee on Pensions.

Also, a bill (H. R. 4727) granting an increase of pension to Jannie Barcley; to the Committee on Pensions.

Also, a bill (H. R. 4728) granting an increase of pension to Mary A. Buttermore; to the Committee on Pensions.

Also, a bill (H. R. 4729) granting an increase of pension to Annie Elizabeth Brinker; to the Committee on Pensions.

Also, a bill (H. R. 4730) granting an increase of pension to Mary E. Bierer; to the Committee on Pensions.

Also, a bill (H. R. 4731) granting an increase of pension to Hester A. Brier; to the Committee on Pensions.

Also, a bill (H. R. 4732) granting an increase of pension to Fannie Akins; to the Committee on Pensions.

Also, a bill (H. R. 4733) granting an increase of pension to Jennie S. Humes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4734) granting an increase of pension to Margaret C. Ebbert; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

34. By Mr. FULLER: Petition of the Goodwillie-Green Box Co., of Rockford, Ill., relative to proposed changes in rates of postage on first and second class mail; to the Committee on the Post Office and Post Roads.

35. Also, petition of the Western Yearly Meeting of Friends Church, opposing repeal or modification of the Volstead Act; to the Committee on the Judiciary.

36. By Mr. GRIEST: Petition of the Traffic Club of the Manufacturers' Association, of Lancaster, Pa., opposing enforcement and urging repeal of the Hoch-Smith resolution relating to railroad rates on agricultural products; to the Committee on Interstate and Foreign Commerce.

37. By Mr. HALL of North Dakota: Concurrent resolution adopted by the superintendent of public instruction, the educational committee of the house of representatives, and the educational committee of the senate, the State of North Dakota, in concurrent resolution do hereby recommend to the Congress of the United States the earnest consideration of this district's request for the granting of an appropriation sufficient to conduct its public schools until such time as said district (Fort Berthold Indian Reservation, situated in Mountrail and McLean Counties, N. Dak.) shall be able to function under the laws and regulations of the State of North Dakota; to the Committee on Appropriations.

38. By Mr. LINEBERGER: Papers in support of H. R. 1073, granting a pension to Caroline E. Hammer; to the Committee on Invalid Pensions.

39. By Mr. MORROW: Petition of the New Mexico Bankers' Association, indorsing the reduction of the Federal income-corporation tax; to the Committee on Ways and Means.

40. Also, petition of the New Mexico Wool Growers' Association, in regard to leasing public grazing land of the United States; to the Committee on the Public Lands.

41. By Mr. SMITH: Papers in support of H. R. 2763, for the relief of Harriet A. Carson Harris; to the Committee on Claims.

42. By Mr. THOMAS: Petition of sundry citizens of Verden, Okla., requesting legislation placing third-class postmasters in the classified civil service; to the Committee on the Post Office and Post Roads.

43. By Mr. WEFALD: Petition of 28 Chippewa Indians of Nay-tah-waush, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

44. Also, petition of 25 Chippewa Indians of Nay-tah-waush, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

SENATE

THURSDAY, *December 10, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious Father, we love to call Thee by that name. Thou art nearer to us in the sweetest fellowship of devotion and of consecration. We come this morning thanking Thee for the continuance of health and strength and for the opportunities of service not only to our loved country but to Thee, our God. Accept of us to-day and guide our thoughts in right directions, to the glory of Thy name. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were transmitted to the Senate by Mr. Latta, one of his secretaries.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a schedule of papers and documents in the files of the American consulates general at Hongkong and Shanghai and in the files of the diplomatic and consular offices and the State Department which are not needed and have no permanent value or historical interest, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Department. The Vice President appointed Mr. BORAH and Mr. SWANSON members of the committee on the part of the Senate.

He also laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a schedule of papers and documents in the files of the Post Office Department which are not needed in the transaction of public business and have no permanent value or historical interest which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. MOSES and Mr. MCKELLAR members of the committee on the part of the Senate.

He also laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a schedule of papers and documents in the files of the Department of Labor which are not needed in the transaction of public business and have no permanent value or historical interest, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. PHIPPS and Mr. JONES of New Mexico as the members of the committee on the part of the Senate.

THE BUDGET

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting the Budget for the service of the fiscal year ending June 30, 1927, which was read, and, with the accompanying documents, referred to the Committee on Appropriations.

(See Budget message printed in full in yesterday's proceedings of the House of Representatives, commencing at page 536 of the RECORD.

ACTS OF THE ELEVENTH LEGISLATURE OF PORTO RICO

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of acts and resolutions enacted by the Eleventh Legislature of Porto Rico during its first regular session (February 9 to August 19, 1925, inclusive).

These acts and resolutions have not previously been transmitted to the Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF THE PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the seventy-sixth annual report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

INTERNATIONAL CONFERENCE ON SOIL SCIENCE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, concerning a request made by the Secretary of Agriculture that legislation be enacted that will give congressional sanction to the holding of an international conference on soil science in the United States in 1927, for which I request the favorable consideration of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

MUSCLE SHOALS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I transmit herewith for the information of the Congress the majority and minority reports made to me by the Muscle Shoals inquiry appointed by me on March 26 last, to make an investigation to—

aid in assembling reliable information as to the best, cheapest, and most available means for the production of nitrates and other products for munitions of war, and useful in the manufacture of fertilizers and other useful products by waterpower or such other power as may be best and cheapest to use, and to report upon the most practical method or methods of utilizing to the best advantage and for the specific purposes mentioned in section 124 of the act of Congress approved June 3, 1916, Thirty-ninth Statutes, 215, the facilities comprising the nitrate plant owned by the United States and located at Muscle Shoals, Ala.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

ORGANIZATION OF THE CUSTOMS SERVICE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Finance, and ordered to be printed:

To the Congress of the United States:

The sundry civil act, approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs-collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs-collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state the following changes in the organization of the customs service have been made by Executive order since the last report:

By Executive order dated January 24, 1925, Petersburg, Alaska, was created a port of entry in customs-collection district No. 31 (Alaska), effective February 1, 1925.

By Executive order dated February 14, 1925, the ports of Monticello and Houlton, in customs-collection district No. 1 (Maine and New Hampshire), were abolished, effective March 1, 1925, and a new port of Houlton established in customs-collection district No. 1 (Maine and New Hampshire), comprising the townships of Houlton, Monticello, Littleton, Hodgdon, Cary, Amity, Orient, Weston, Danforth, and Forest City, effective March 1, 1925.

By Executive order dated February 20, 1925, the limits of the port of San Francisco, the headquarters port of customs-collection district No. 28 (California), were extended to include the Alameda side of the San Antonio estuary, effective March 1, 1925.

By Executive order dated April 15, 1925, the limits of the port of New York, the headquarters port of customs-collection district No. 10 (New York), were extended, effective May 1, 1925, to include the area as defined in "Joint resolution granting the consent of Congress to an agreement or compact entered into between the State of New York and the State of New Jersey for the creation of the port of New York district and the establishment of the Port of New York Authority for the comprehensive development of the port of New York," approved August 23, 1921. (Vol. 42, pt. 1, ch. 77, Stat. L. p. 175.) The ports of Newark, N. J., and Perth Amboy, N. J., included within the limits of the port of New York as herein defined, continue to be entitled to all the rights and privileges of a port of entry.

By Executive order dated June 1, 1925, Westhope, N. Dak., was created a port of entry in customs collection district No. 34 (Dakota), with headquarters at Pembina, N. Dak., effective June 1, 1925.

By Executive order dated July 8, 1925, Little Rock, Ark. (which was then a customs station), was created a port of entry in customs collection district No. 43 (Tennessee), with headquarters at Memphis, effective August 1, 1925.

By Executive order dated August 25, 1925, North Tonawanda (including Tonawanda) was abolished as a port of entry in customs collection district No. 9 (Buffalo), effective September 1, 1925.

By Executive order dated August 26, 1925, Jonesport was created a port of entry and Machias abolished as a port of entry in customs collection district No. 1 (Maine and New Hampshire), with headquarters at Portland, Me., and by the same Executive order the limits of the port of Eastport, in district No. 1, were extended to include Cutler, all effective September 1, 1925.

By Executive order dated August 26, 1925, Minneapolis was made the headquarters port for customs collection district No. 35 (Minnesota), and Minneapolis and St. Paul were made separate ports of entry in district No. 35, effective September 1, 1925.

By Executive order dated October 8, 1925, Mahukona was abolished as a port of entry in customs collection district No. 32 (Hawaii), with headquarters at Honolulu, Territory of Hawaii, effective November 1, 1925.

By Executive order dated October 15, 1925, West Palm Beach was created a port of entry in customs collection district No. 18 (Florida), with headquarters at Tampa, Fla., effective October 15, 1925.

By Executive order dated November 10, 1925, Coos County, N. H., which was at that time not legally included in any customs collection district, was made a part of district No. 1 (Maine and New Hampshire), with headquarters at Portland, Me.

By Executive order dated November 11, 1925, the ports of Mars Hill and Bridgewater, in customs collection district No. 1 (Maine and New Hampshire), were abolished and a new port of entry created known as Mars Hill in said district, the newly created port including the townships of Mars Hill, Bridgewater, Blaine, and Easton, with headquarters at Portland, Me., effective November 15, 1925.

By Executive order dated November 16, 1925, the port limits of Los Angeles, the headquarters port of customs collection district No. 27 (Los Angeles), were extended to include Long Beach, Calif., effective November 15, 1925.

All of the above changes were dictated by considerations of economy and efficiency in the administration of customs and other statutes, with the enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF AMERICAN BATTLE MONUMENTS COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Library.

To the Congress of the United States:

I transmit herewith for the information of the Congress the second annual report of the American Battle Monuments Commission for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

LAWS, ETC., TERRITORY OF ALASKA

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

In compliance with the requirements of section 20 of the act of Congress entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," approved August 24, 1912, I transmit herewith a copy of the session laws, resolutions, and memorials passed at the seventh regular session of the Territorial Legislature of Alaska, convened at Juneau, the capital, on the 2d day of March, 1925, and adjourned sine die the 30th day of April, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF THE GOVERNOR OF PANAMA CANAL

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

FRANCHISES OF PORTO RICO PUBLIC SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of nine franchises granted by the public service commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF UNITED STATES CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the forty-second annual report of the United States Civil Service Commission for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF UNITED STATES BUREAU OF EFFICIENCY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1924, to October 31, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

LAWS OF THE SIXTH PHILIPPINE LEGISLATURE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," I transmit herewith a set of laws and resolutions passed by the Sixth Philippine Legislature during its third session, from July 16 to November 8, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT ON THE SHIPPING PROBLEM

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report made to me by Mr. H. G. Dalton, of Cleveland, Ohio, in response to my request that he make a study of the shipping problem.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF COUNCIL OF NATIONAL DEFENSE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying paper, referred to the Committee on Military Affairs and ordered to be printed:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act approved August 29, 1916, I transmit herewith the ninth annual report of the Council of National Defense for the fiscal year ending June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF PRESIDENT'S AIRCRAFT BOARD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Military Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report made to me by the board, which I appointed on September 12 last, to make a study of the best means of developing and applying aircraft in national defense and to supplement the studies already made by the War and Navy Departments on the subject.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF UNITED STATES RAILROAD LABOR BOARD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the United States Railroad Labor Board for the period from April 15, 1920, to November 15, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

ARLINGTON MEMORIAL AMPHITHEATER

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Library and ordered to be printed:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ended June 30, 1925. The attention of the Congress is invited to the recommendation of the commission that the memorial to the unknown soldier be completed.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Naval Affairs and ordered to be printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the eleventh annual report of the committee for the fiscal year ended June 30, 1925.

The statement of the present status of aviation, as outlined in Part V of the committee's report, should dispel the impression that America is lagging in the technical development of aircraft for military purposes. Scientific research on the fundamental problems of flight and the collection of results of research conducted in other progressive nations are official duties of the committee. Their opinion that America is at least abreast of other nations in the technical development of aircraft is commended to the Congress as the most authoritative that can be had. I agree with the committee that substantial progress in aeronautics is dependent largely upon scientific research. I believe that the work of the committee is the most fundamental activity of the Government in connection with the development of aeronautics and that its continuance is essential if America is to maintain its present advanced position in aircraft development.

The condition of the aircraft industry and the prospects for the development of commercial aviation on a sound basis have materially improved during the past year. To encourage the development of commercial aviation I wish especially to indorse the recommendation of the committee for the creation of a bureau of air navigation in the Department of Commerce.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORTS OF THE FINANCIAL CLERK AND ASSISTANT DISBURSING AGENT OF THE SENATE

The VICE PRESIDENT laid before the Senate a letter from Charles F. Pace, financial clerk of the Senate, transmitting a report of receipts and expenditures of the Senate from July 1, 1924, to June 30, 1925, and also an inventory of property of the United States in his possession on December 7, 1925, which was ordered to be printed in the RECORD as follows:

UNITED STATES SENATE DISBURSING OFFICE,
December 7, 1925.

To the Hon. CHARLES G. DAWES,
President of the Senate.

SIR: The death of the Hon. George A. Sanderson, late Secretary of the Senate, on the 24th of April, 1925, having rendered impossible my compliance with section 62 of the Revised Statutes, I have the honor to submit herewith directly to the Senate a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in hand from July 1, 1924, to June 30, 1925.

I also submit a full and complete account of all property belonging to the United States in my possession on December 7, 1925.

Very respectfully,

CHARLES F. PACE,
Financial Clerk and Assistant Disbursing Agent.

REPORTS OF THE SERGEANT AT ARMS

The VICE PRESIDENT laid before the Senate a communication from the Sergeant at Arms of the Senate, reporting on waste paper and condemned property sold since December 1, 1924, and the proceeds therefrom, which was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from the Sergeant at Arms of the Senate, transmitting a full and complete account of all property in his possession and in the Senate Office Building belonging to the Senate, which was ordered to lie on the table and to be printed.

REPORT OF THE ARCHITECT OF THE CAPITOL

The VICE PRESIDENT laid before the Senate the annual report of the office of the Architect of the Capitol on the operations of his office for the fiscal year ended June 30, 1925, which was referred to the Committee on Public Buildings and Grounds.

TRAVEL REPORT, UNITED STATES BOTANIC GARDEN

The VICE PRESIDENT laid before the Senate a report of the Director of the United States Botanic Garden, submitted pursuant to law, relative to travel on official business from Washington, D. C., in connection with his office during the fiscal year 1925, which was referred to the Committee on Appropriations.

LIBRARY OF CONGRESS REPORTS

The VICE PRESIDENT laid before the Senate the annual report of the Librarian of Congress, submitted pursuant to law, for the fiscal year ended June 30, 1925, which was referred to the Committee on the Library.

He also laid before the Senate a report of the Librarian of Congress, submitted pursuant to law, showing in detail what officers or employees of the Library of Congress have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1925, giving in each case the full title of the official, the destination, the business or work on account of which the same was made, and the total expense to the United States charged in each case, and so forth, which was referred to the Committee on Appropriations.

He also laid before the Senate a report of the Librarian of Congress, submitted pursuant to law, giving the aggregate number of publications issued by the Library during the fiscal year 1924–25, the cost of printing, etc., which was referred to the Committee on Printing.

REPORT OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the official operations of that government for the fiscal year ended June 30, 1925, which was referred to the Committee on the District of Columbia.

ANNUAL REPORT OF THE UNITED STATES SHIPPING BOARD

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, the ninth annual report of the United States Shipping Board for the fiscal year ended June 30, 1925, which was referred to the Committee on Commerce.

REPORT OF RELIEF OF CONTRACTORS, ETC.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting, pursuant to law, a detailed statement showing the number of claims filed under the act approved August 25, 1919 (41 Stat. 281), entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," and the amendments thereto contained in the second deficiency appropriation act, fiscal year 1920 (41 Stat. 507), and the act approved January 22, 1923 (Public 383, 67th Cong.), and the present status of the work involved in connection with their settlement or adjustment, which was referred to the Committee on Public Buildings and Grounds.

REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, president of the National Forest Reservation Commission transmitting, pursuant to law, the report of the commission for the fiscal year ended June 30, 1925, which was referred to the Committee on Public Lands and Surveys, and ordered to be printed with illustrations.

TRAVEL OF WAR DEPARTMENT OFFICERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War transmitting, pursuant to law, a statement showing in detail what civilian officers or employees of the War Department on the regular roll have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1925, etc., which was referred to the Committee on Appropriations.

ANNUAL REPORT OF THE ATTORNEY GENERAL

The VICE PRESIDENT laid before the Senate the annual report of the Attorney General of the United States, submitted pursuant to law, for the fiscal year ended June 30, 1925, which was referred to the Committee on the Judiciary.

EXPENSES, UNITED STATES COURT OF CUSTOMS APPEALS

The VICE PRESIDENT laid before the Senate a communication from the Attorney General transmitting, pursuant to law, a statement of the expenditures, under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1925, which was referred to the Committee on the Judiciary.

TYPEWRITERS, ETC., AGRICULTURAL DEPARTMENT

The VICE PRESIDENT laid before the Senate a report of the Secretary of Agriculture, submitted pursuant to law, on exchanges of typewriters, adding machines, and other similar labor-saving devices for the fiscal year 1925, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

CONTRACT WITH THE HUDSON & MANHATTAN RAILROAD CO.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General reporting, in compliance with law, relative to a special contract entered into with the Hudson & Manhattan Railroad Co. for carrying the mails on its road on route No. 102891, between Hudson Terminal Station, New York, N. Y., and Journal Square, Jersey City, N. J., which was referred to the Committee on Post Offices and Post Roads.

REPORT OF THE UNITED STATES TARIFF COMMISSION

The VICE PRESIDENT laid before the Senate, pursuant to law, the ninth annual report of the United States Tariff Commission, which was referred to the Committee on Finance.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate, pursuant to law, the thirty-ninth annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate, pursuant to law, the annual statement of the Interstate Commerce Commission on appro-

priations and expenditures and of persons employed by the commission for the fiscal year 1925, which was referred to the Committee on Interstate Commerce.

REPORTS OF THE FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, the following:

1. Statement showing permits and licenses issued under the authority of the Federal water power act during the fiscal year ended June 30, 1925, the parties thereto, the terms prescribed, and the moneys received during the fiscal year 1925 on account of permits and licenses. [This statement appears as Appendix E of the inclosed copy of the fifth annual report of this commission, pp. 169 to 202, inclusive.]

2. Report giving the aggregate number of the various publications issued by the Federal Power Commission during the fiscal year ended June 30, 1925, with other details.

3. Statement in detail of travel taken by officers of the Federal Power Commission to points outside the District of Columbia during the fiscal year ended June 30, 1925.

4. Statement showing typewriters, adding machines, and other similar labor-saving devices purchased during the fiscal year 1925—

which were referred to the Committee on Commerce.

REPORT OF THE GENERAL ACCOUNTING OFFICE

The VICE PRESIDENT laid before the Senate the annual report of the Comptroller General of the United States on the operations of the General Accounting Office for the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

TRAVEL REPORT, OFFICE OF THE COMPTROLLER GENERAL

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States transmitting, pursuant to law, a statement showing in detail the officers and employees of the General Accounting Office (other than special agents, inspectors, or employees, who in the discharge of their regular duties are required to constantly travel), who during the fiscal year 1925 have traveled on official business from Washington, D. C., to points outside of the District of Columbia, etc., which was referred to the Committee on Appropriations.

TYPEWRITERS, ETC., OFFICE OF THE COMPTROLLER GENERAL

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States transmitting, pursuant to law, a report showing the typewriters and adding machines exchanged in part payment for new machines during the fiscal year 1925, including their make, period of use, and allowance therefor, etc., which was referred to the Committee on Appropriations.

TYPEWRITERS, ETC., UNITED STATES VETERANS' BUREAU

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau transmitting, pursuant to law, a report of typewriters and other labor-saving devices purchased and exchanged during the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

TRAVEL REPORT, UNITED STATES VETERANS' BUREAU

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau transmitting, pursuant to law, a statement of the expenses incurred by officers and employees of the United States Veterans' Bureau, traveling on official business to points outside of Washington, D. C., during the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

SALARY REPORT, UNITED STATES VETERANS' BUREAU

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement showing (a) the total number of positions at a rate of $2,000 or more per annum; (b) the rate of salary attached to each position; (c) the number of positions at each rate in the central office and in each regional office or suboffice and hospital; and (d) a brief statement of the duties of each position as of November 1, 1925, which was referred to the Committee on Finance.

ADMINISTRATION OF THE ADJUSTED COMPENSATION ACT

The VICE PRESIDENT laid before the Senate the following communication from the Director of the United States Veterans' Bureau, which was referred to the Committee on Finance:

UNITED STATES VETERANS' BUREAU,
Washington, December 5, 1925.

Hon. CHARLES G. DAWES,
President of the United States Senate, Washington, D. C.

MY DEAR MR. VICE PRESIDENT: Section 307, Title III, of Public 120, Sixty-eighth Congress, an act to provide adjusted compensation for veterans of the World War, and for other purposes, provides that any officer charged with the administration of any part of the act shall make a full report to Congress on the first Monday of December each year as to his administration thereof.

The Annual Report of the Director of the United States Veterans' Bureau for the fiscal year ended June 30, 1925, includes a complete statement of the administration of all matters coming under his jurisdiction, including the administration of the adjusted compensation act. It is considered that this annual report fulfills the requirements of section 307 of the adjusted compensation act, making unnecessary the submittal of a special report.

Respectfully,

FRANK T. HINES, *Director.*

TYPEWRITER, ETC., UNITED STATES RAILROAD ADMINISTRATION

The VICE PRESIDENT laid before the Senate a communication from the Director General, United States Railroad Administration, transmitting, pursuant to law, a statement showing the make, model, and serial number of typewriter exchanged by the Railroad Administration during the fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

REPORT OF THE BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate, pursuant to law, the fifteenth annual report of the Boy Scouts of America, which was referred to the Committee on Printing.

JUDGMENTS OF THE COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims of the United States, transmitting, pursuant to law, a statement of all judgments rendered by that court for the year ended December 5, 1925, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims, which was referred to the Committee on Appropriations and ordered to be printed.

CLAIM UNDER THE TUCKER ACT

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, reporting, pursuant to the order of the court, that the cause of William P. Trimble, surviving executor of Isaac R. Trimble, deceased, *v.* The United States was dismissed December 30, 1924, by the court on motion of the plaintiff, which was referred to the Committee on Claims.

LAWS OF THE HAWAIIAN LEGISLATURE

The VICE PRESIDENT laid before the Senate a communication from the secretary of Hawaii, transmitting, pursuant to law, copy of the laws passed by the Legislature of the Territory of Hawaii, regular session of 1925, which was referred to the Committee on Territories and Insular Possessions.

He also laid before the Senate a communication from the secretary of Hawaii transmitting a set of the revised laws of Hawaii, 1925, which was referred to the Committee on Territories and Insular Possessions.

He also laid before the Senate a communication from the secretary of Hawaii, transmitting, pursuant to law, a copy each of the journals of the Senate and House of Representatives of the Legislature of the Territory of Hawaii, regular session of 1925, which was referred to the Committee on Territories and Insular Possessions.

INTERIOR DEPARTMENT REPORTS

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, on the rental of property acquired under the provisions of the sundry civil acts approved June 25, 1910, and March 4, 1911, or subsequent acts for the enlargement of the Capitol Grounds, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

He also laid before the Senate a report of the Secretary of the Interior showing investigations of the proposed Columbia Basin irrigation project, conducted under the authority contained in Senate Joint Resolution 157, of December 22, 1924 (43 Stat. 721), which, with accompanying papers, was referred to the Committee on Irrigation and Reclamation.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing exchanges made by the Department of the Interior and its several

bureaus and offices of typewriters, adding machines, and other similar labor-saving devices in part payment for new machines, and showing the articles, make, period of use, allowance, and prices paid, and so forth, for the fiscal year ended June 30, 1925, which, with the accompanying paper, was referred to the Committee on Appropriations.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing the proceeds from the sale of surplus and obsolete material and equipment during the fiscal year ended June 30, 1925, in connection with the construction and operation of railroads in the Territory of Alaska, which, with the accompanying paper, was referred to the Committee on Territories and Insular Possessions.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, of disbursements for the fiscal year ending June 30, 1926, made in the States and Territories under the provisions of the act approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862" (26 Stat. 417), and the act approved March 4, 1907, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," and so forth, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing in detail the receipts and expenditures for all purposes connected with the St. Elizabeths Hospital for the fiscal year ended June 30, 1925, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, on expenditures for professional and other services at Freedmen's Hospital for the fiscal year ended June 30, 1925, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, giving a detailed statement of receipts and expenditures on account of pay patients at the Freedmen's Hospital, etc., for the fiscal year ended June 30, 1925, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, on expenditures for travel of clerks from the office of one surveyor general to another, etc., for the fiscal year ended June 30, 1925, which, with the accompanying papers, was referred to the Committee on Public Lands and Surveys.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, embodying the number of documents received and distributed during the fiscal year 1925, which, with the accompanying papers, was referred to the Committee on Printing.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing the aggregate number of the various publications issued during the fiscal year 1925, the cost of paper used for such publications, the cost of printing, cost of preparation of copy, and the number distributed, which was referred to the Committee on Printing.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to the act of March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," known as the war minerals relief act, of the administration of the act, including receipts and disbursements, for the calendar year ended November 30, 1925, which, with the accompanying papers, was referred to the Committee on Mines and Mining.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing the cost and other data with respect to Indian irrigation projects, as compiled at the end of the fiscal year ended June 30, 1925, which, with accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing the amounts expended at each Indian agency from the appropriation for construction, lease, purchase, repair, and improvement of agency buildings for the fiscal year 1925, which, with the accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing expenditures for the fiscal year ended June 30, 1925, of moneys carried on the books of the department under the caption "Indian moneys, proceeds of labor," which, with the accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing amounts expended at each Indian school from the appropriation for construction, lease, purchase, repair, and improvement of school buildings for the fiscal year 1925, which, with accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, giving a detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1925, which, with accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, of expenditures from the $200,000 authorized from the funds of the Apache, Kiowa, and Comanche Indians, for the fiscal year ended June 30, 1925, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, of expenditures from tribal funds of the Confederated Bands of Utes during the fiscal year ended June 30, 1925, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing expenditures for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1925, which, with accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing all moneys collected and deposited during the fiscal year ended June 30, 1925, under the appropriation, "Determining heirs of deceased Indian allottees, 1925," which, with accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, stating that no expenditures were made during the fiscal year ended June 30, 1925, for the construction of hospitals from appropriations "Relieving distress and prevention, etc., of diseases among Indians, 1925," which was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing expenditures for the purpose of encouraging industry and support among the Indians on the Tongue River Reservation, Mont., during the fiscal year ended June 30, 1925, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, of expenditures for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1925, from the appropriation "Industry among Indians, 1925," and stating that approximately $15,000 of the present unexpended balance of the appropriation will be required for the settlement of unpaid claims for property purchased during the fiscal year 1925, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing expenditures on account of the Indian Service for the fiscal year ended June 30, 1925, from the appropriation "Industrial work and care of timber, 1925," which, with the accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing expenditures from the permanent funds of the Sioux Indians during the fiscal year ended June 30, 1925, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, giving a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1925, which, with accompanying paper, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, relating to the appropriation "Indian schools, support, 1925," for the fiscal year ended June 30, 1925, which, with accompanying papers, was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, showing the diversion

of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1925, and also stating that the consent of the Indians was obtained to the diversion of funds, which, with accompanying paper, was referred to the Committee on Indian Affairs.

PROPOSED CHILD LABOR CONSTITUTIONAL AMENDMENT

The VICE PRESIDENT laid before the Senate a joint resolution adopted by the Legislature of the State of Pennsylvania, which was referred to the Committee on the Judiciary, as follows:

OFFICE OF THE SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, May 21, 1925.

PENNSYLVANIA, *ss:*

I, Clyde L. King, secretary of the Commonwealth of Pennsylvania, having the custody of the great seal of Pennsylvania, do hereby certify that the following is a full, true, and correct copy of the original resolution of the general assembly entitled "A joint resolution disapproving the proposed amendment to the Constitution of the United States relative to the labor of persons under 18 years of age:"

"SECTION 1. *Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met,* That the proposed amendment to the Constitution of the United States providing as follows:

"'SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"'SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress,' is hereby rejected and not ratified by the General Assembly of the Commonwealth of Pennsylvania. Be it further

"*Resolved*, That a certified copy of the foregoing preamble and resolution be forwarded to the Secretary of State for the United States in accordance with section 205 of the Revised Statutes of the United States, and also to the President of the United States Senate and the Speaker of the United States House of Representatives," as the same appears of record and remains on file in this office.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed the day and year above written.

[SEAL.] CLYDE L. KING,
Secretary of the Commonwealth.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of New Hampshire, which was referred to the Committee on the Judiciary, as follows:

STATE OF NEW HAMPSHIRE,
OFFICE OF SECRETARY OF STATE.

I, Hobart Pillsbury, secretary of state of the State of New Hampshire, do hereby certify that the following and hereto attached is a true copy of a concurrent resolution rejecting a proposed amendment to the Constitution of the United States of America giving Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age, as passed by the New Hampshire Legislature March 18, 1925.

In testimony whereof, I hereto set my hand and cause to be affixed the seal of the State, at Concord, this 24th day of March, A. D. 1925.

[SEAL.] HOBART PILLSBURY,
Secretary of State.

Concurrent resolution rejecting a proposed amendment to the Constitution of the United States of America

Whereas both Houses of the Sixty-eighth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Therefore, be it

Resolved by the house of representatives of the State of New Hampshire, the senate concurring, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, rejected by the Legislature of the State of New Hampshire;

That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Received and passed by the senate, Wednesday, March 18, 1925.

BERNARD B. CHASE, *Clerk.*

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of Missouri, which was referred to the Committee on the Judiciary, as follows:

STATE OF MISSOURI,
EXECUTIVE DEPARTMENT.

To all whom these presents shall come, greeting:

I certify that the copy hereto attached is a true copy of a resolution of the General Assembly of the State of Missouri entitled "Concurrent resolution refusing to ratify and rejecting the proposed amendment to the Constitution of the United States," the original of which concurrent resolution is on file in the office of the secretary of state of the State of Missouri.

In testimony whereof I, Sam A. Baker, Governor of the State of Missouri, have hereunto set my hand and caused to be affixed the great seal of the State of Missouri.

Done at the city of Jefferson this 23d day of March, A. D. 1925.

[SEAL.] SAM A. BAKER, *Governor.*

By the Governor:
CHARLES U. BECKER,
Secretary of State.

Concurrent resolution

Whereas on the 26th day of April, 1924, the House of Representatives of the Congress of the United States did propose the adoption of an amendment to the Constitution of the United States, said amendment reading as follows, to wit:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to the legislation enacted by the Congress."

And

Whereas the Senate of the Congress of the United States did, on the 2d day of June, 1924, concur in said proposal; and

Whereas said amendment has been submitted to the legislature of this State for ratification in accordance with the Constitution of the United States: Now therefore be it

Resolved by the House of Representatives of the General Assembly of the State of Missouri (with the Senate concurring therein), That the amendment to the Constitution of the United States above set forth be not ratified and that the same be rejected. And be it further

Resolved, That upon adoption of this resolution of rejection certified copies of this concurrent resolution be forwarded by the governor of this State to the Secretary of State at Washington, D. C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

I hereby certify that the above concurrent resolution originated in the house and passed that body March 3, 1925.

PHIL. A. BENNETT,
President of the Senate.
R. E. L. MARRS,
Secretary of the Senate.

Approved by the senate March 20, 1925.

JONES H. PARKER,
Speaker of the House.
W. M. TURBETT,
Chief Clerk of the House.

Passed by the house March 3, 1925.

SAM A. BAKER, *Governor.*

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Minnesota, which was referred to the Committee on the Judiciary, as follows:

STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of joint resolution rejecting a proposed amendment to the Constitution of the United States of America from Minnesota Legislature, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol in St. Paul, this 15th day of April, A. D. 1925.

[SEAL.] MIKE HOLM,
Secretary of State.

Joint resolution rejecting a proposed amendment to the Constitution of the United States of America

Whereas both Houses of the Sixty-eighth Congress of the United States of America, at the first session thereof, by a joint resolution, a two-thirds majority of each house concurring therein, proposed an amendment to the Constitution of the United States of America, which resolution reads as follows, to wit:

Proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislature of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress": Therefore be it

Resolved by the Legislature of the State of Minnesota:

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, rejected by the Legislature of the State of Minnesota.

SEC. 2. That the secretary of state be, and he is hereby, directed to forward certified copies of this preamble and joint resolution to the presiding officer of the United States Senate and the Speaker of the House of Representatives of the United States, and that he transmit official notice hereof to the Secretary of State of the United States, as provided by the law of this State.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
W. I. NOLAN,
President of the Senate.

Passed the house of representatives February 26, 1925.

OSCAR ARNESON,
Chief Clerk House of Representatives.

Passed the senate April 14, 1925.

GEO. W. PEACHEY,
Secretary of the Senate.

Approved, 1925.

——— ———, *Governor.*

MIKE HOLM,
Secretary of State.

Filed: April 15, 1925.

The VICE PRESIDENT also laid before the Senate a resolution of the Legislature of Tennessee, which was referred to the Committee on the Judiciary, as follows:

STATE OF TENNESSEE,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Ernest N. Haston, secretary of state of the State of Tennessee, do hereby certify that the annexed is a true copy of senate resolution No. 4, adopted February 4, 1925, by the Tennessee Legislature, the original of which is now on file and a matter of record in this office.

In testimony whereof I have hereunto subscribed my official signature and by order of the governor affixed the great seal of the State of Tennessee at the department in the city of Nashville, this 11th day of March, A. D. 1925.

[SEAL.] ERNEST N. HASTON,
Secretary of State.

Senate Resolution 4 (Evans)

Be it resolved by the Senate of the Sixty-fourth General Assembly of the State of Tennessee, That the proposed amendment to the Constitution of the United States, resolved and submitted to the several States by the Congress of the United States, certified to this body by his excellency Gov. Austin Peay, of Tennessee, which proposed amendment is as follows:

"SECTION 1. The Congress shall have power to limit, prohibit, and regulate the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress," be, and the same is hereby, rejected.

Be it further resolved, That the people of each State of the United States of America is a sovereignty, all inherent powers of the several peoples being vested in these several sovereignties, the States; that the United States of America is not a sovereignty, but is a federation or association of these States, the said sovereignties; that the United States of America, as such federation, association, or union, inherently has no powers, but derives its only powers and authorities by delegation from the several States.

Thus the Constitution of the United States of America was framed, thus has it been, and thus only can it be amended. Therefore it was intended by our forefathers, the individuals of the several sovereignties and the framers of the Constitution of the United States, and it justly should be, that only those powers and authorities are delegated by the several sovereignties to the United States of America as are necessary to properly form and preserve a perfect union, establish and conserve justice, insure and keep domestic tranquility, provide and maintain a common defense, promote the general welfare, and secure and keep the blessings of liberty to the people of the United States and their posterity. All other powers and authorities of a sovereign people should be reserved to and retained by these people themselves, the States or sovereignties.

This and probably other amendments that have been or may be hereafter proposed to the Constitution of the United States, in the judgment and sense of this body, embrace a degree of paternalism which our National Government should not undertake, are of doubtful wisdom, and supervise private and public life in the established industries, pursuits, and enterprises to an extent which, if maintained, can not lead to the Nation's best interest. The policy of this proposed amendment in particular is doubtful in that under it the Congress might attempt to minutely regulate matters of private life and of necessary every-day undertakings, and in that the Congress would necessarily have to delegate to some commissioner, bureau, or board full power and authority to issue or refuse permits for many minor transactions connected with the agricultural, horticultural, commercial, and other activities of our citizens, leading to the most drastic results yet in bureaucratic government. Any act of Congress, under the proposed amendment, would of necessity be complex and complicated, containing myriad details of inhibition and of regulation, and regulations and rulings promulgated by the board, bureau, or commissioner charged with its enforcement under such act would still be more complex and numerous, so that the citizens would be lost in hopeless confusion and forced to temporize with a wilderness of rules and restrictions trying to confine their activities within the law.

Such drastic, strict, and paternalistic supervision by our National Government could lead only to disrespect and contempt for that law, thus breeding disobedience to all law.

The proposed amendment undertakes to a revolutionary degree to invade the rights of the States. It undertakes in an extremely socialistic manner to place the Federal Government in loco parentis as to every child under the age of 18 years. It could and would be another step toward that strong centralization of power in the Federal Government, and that destruction of State sovereignty, which would inevitably render the Federal Union top heavy and unwieldly, and the several States weak, supine, and inactive. It would encourage other amendments and legislation thereunder tending toward a socialistic, revolutionary, and soviet government.

It is the sense of this body that we can not promote but must resist and renounce such tendencies, and in rejecting this proposed amendment this Senate of the State of Tennessee, therefore, respectfully memorializes, petitions, and implores the Congress of the United States, and especially the Members of that body from the State of Tennessee, in the future to defeat within that body, and discontinue and prevent the submission to the several States of amendments of such paternalistic form, and so invading the States' rights. Be it further

Resolved, That upon their final passage these resolutions be submitted to the House of Representatives of this General Assembly of Tennessee, and by appropriate action, concur herein. Be it further

Resolved, That upon their final passage in this senate and house of representatives of this, the Sixty-fourth General Assembly of Tennessee, or upon their final passage in this senate if they be not concurred in by the house of representatives, a duly certified copy of these resolutions be forwarded to, deposited, and filed with the Secretary of State at the Capital of the United States with the request that the action herein taken be by him duly recorded as the official and final rejection by the Legislature of the State of Tennessee of said proposed amendment.

Adopted February 4, 1925.

L. D. HILL,
Speaker of the Senate.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of Wisconsin, which was referred to the Committee on the Judiciary:

Joint resolution ratifying an amendment to the Constitution of the United States relating to child labor

Whereas both Houses of the Sixty-eighth Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

Joint resolution proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Article —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Resolved by the senate (the assembly concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same hereby is, ratified by the Legislature of the State of Wisconsin. And be it further

Resolved, That copies of this joint resolution, certified by the secretary of state, be forwarded by the governor to the Secretary of State at Washington, and to the Presiding Officer of each House of the Congress of the United States.

Senate: Ayes, 19; noes, 10; paired, 2.

Assembly: Ayes, 64; noes, 26.

HERMAN W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.
HENRY A. HUBER,
President of the Senate.
S. W. SCHOENFELD,
Chief Clerk of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate two resolutions of the Legislature of Arizona, which were referred to the Committee on Irrigation and Reclamation, as follows:

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that the within is a true, correct, and complete copy of Senate Joint Memorial No. 3 of the Seventh Legislature of the State of Arizona, 1925, addressed to his excellency, the President of the United States; to the Hon. Secretary of State, and to the Senate and House of Representatives of the United States, relative to appropriate legislative action on the waters and development of the Colorado River, the original of which is on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 19th day of March, A. D. 1925.

[SEAL] JAMES H. KERBY,
Secretary of State.

Senate Joint Memorial 3

To His Excellency, the President of the United States; to the Honorable Secretary of State; and to the Senate and House of Representatives of the Congress of the United States:

Whereas a portion of the low-water flow of the Colorado River is now being put to use in the irrigation of lands in the Republic of Mexico, and there are large additional areas, variously estimated both as to extent and as to feasibility, which might be reclaimed through the use of the waters of the Colorado in the event that its flood waters were impounded and its floods thereby controlled; and

Whereas it is essential to the preservation and protection of American homes, American property, and American lives that such flood waters be impounded and its floods controlled without unnecessary delay; and

Whereas in the event that such waters, or any portion of them, which may hereafter be impounded on American soil and by reason of such impounding may temporarily pass into the Republic of Mexico in a more or less regulated flow, should be applied to a beneficial use on Mexican lands there might arise, in the absence of a definite declaration of policy with respect thereto, on the part of the United States, a certain moral claim to their continued use, and as a matter of international comity, a recognition of such claim might seriously be considered; and

Whereas it appears from authentic information and data that there is a sufficient amount of arid land within the United States susceptible of practical reclamation by means of the waters of the Colorado to utilize all of the waters of said river; and

Whereas to deprive these lands of such waters would be manifestly an act of injustice to the people of the United States, and particularly to the citizens of the States of the Colorado River Basin, and would constitute an irreparable economic loss to this country;

Wherefore your memorialist, the Seventh Legislature of the State of Arizona, prays that by appropriate legislative action on the part of the Congress of the United States, to be taken prior to or in connection with the enactment of any legislation providing for the development of the Colorado River, the policy and purpose of the United States be announced and declared of reserving for use within the boundaries of the United States of all waters of the Colorado River which may be stored or impounded within the United States, to the end that the Republic of Mexico, its citizens, and the owners of Mexican lands may have direct and timely notice and warning that the use by them of any of such waters as may temporarily flow into Mexico shall establish no right, legal or moral, to their continued use; and

Your memorialist further prays that in any treaty, convention, or understanding between the United States of America and the Republic of Mexico which may hereafter be agreed upon or undertaken said policy be strictly and steadfastly adhered to.

And your memorialist will ever pray.

Passed the senate February 23, 1925, by the following vote: Ayes, 18; noes, 1; not voting, 0.

MULFORD WINSOR,
President of the Senate.
W. J. GRAHAM,
Secretary of the Senate.

Passed the house March 12, 1925, by the following vote: Ayes, 39; nays, 0; absent, 3; excused, 5.

CHAS. E. MCMILLIN,
Speaker of the House.
BESSE GOLZE,
Chief Clerk of the House.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF GOVERNOR.

This bill was received by the governor this 13th day of March, 1925, at 4.45 o'clock p. m.

H. S. MCCLUSKEY,
Secretary to the Governor.
By C. W.

Approved this 16th day of March, 1925.

GEO. W. P. HUNT,
Governor of Arizona.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF SECRETARY OF STATE.

This bill was received by the secretary of state this 16th day of March, 1925, at 2.50 o'clock p. m.

JAMES H. KERBY,
Secretary of State.

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that the within is a true, correct, and complete copy of House Concurrent Resolution No. 1 of the Seventh Legislature of the State of Arizona, 1925, "giving the approval of the Legislature of the State of Arizona to the Colorado River compact, conditioned upon the approval of the Legislatures of the States of Arizona, California, and Nevada, and by the Congress of the United States of the 'lower division States agreement,' and giving the approval of the Legislature of the State of Arizona to said 'lower division States agreement'; fixing the limit of time within which the said 'lower division States agreement' shall be accepted; and creating a legislative commission to be known as the lower division Colorado River commission of the State of Arizona, to discuss matters relating to the Colorado River with the Legislatures of the States of California and Nevada and with committees of the Congress of the United States," all of which is shown by the original copy on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 12th day of March, A. D. 1925.

[SEAL.] JAMES H. KERBY,
Secretary of State.

House of Representatives, Seventh State Legislature, Regular Session

House Concurrent Resolution 1, introduced by Mr. Wisener, giving the approval of the Legislature of the State of Arizona to the Colorado River compact, conditioned upon the approval by the Legislatures of the States of Arizona, California, and Nevada, and by the Congress of the United States, of the "Lower division States agreement," and giving the approval of the Legislature of the State of Arizona to said "Lower division States agreement," fixing the limit of time

within which the said lower division States agreement shall be accepted, and creating a legislative commission, to be known as the Lower Division Colorado River Commission of the State of Arizona to discuss matters relating to the Colorado River with the Legislatures of the States of California and Nevada and with committees of the Congress of the United States

Be it resolved by the House of Representatives of the Seventh Legislature of the State of Arizona (the Senate concurring), That the approval of the Legislature of the State of Arizona be, and the same hereby is, given to that certain compact signed at the city of Santa Fe, N. Mex., on the 24th day of November, 1922, by the duly authorized commissioners of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, under the authority of the act of Congress approved August 19, 1921, entitled "An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," provided and upon the condition that such approval shall not become effective nor have any force whatsoever unless and until the Legislatures of the States of California and Nevada and the Congress of the United States shall approve an agreement between the States of Arizona, California, and Nevada, which agreement hereby is approved by the Legislature of the State of Arizona, in the following terms, to wit:

"LOWER DIVISION STATES AGREEMENT

"The States of Arizona, California, and Nevada, comprising the States of the lower division, as defined in paragraph D, Article II, of the Colorado River compact, hereby enter into an agreement dividing and allocating between the said States the water allotted by the terms of the said compact to the lower basin, to the extent and in the manner provided as follows, to wit:

"ARTICLE I

"(a) There is hereby allocated to the State of Nevada, out of the apportionment to the lower basin, as provided by paragraph A, Article III, of said Colorado River compact, all of the water which can reasonably be applied within said State to domestic and agricultural uses.

"(b) There is hereby allocated, one-half to Arizona and one-half to California, equally, for application to such domestic and agricultural uses as such waters may reasonably be put to within such States, respectively, the remainder of the waters apportioned as aforesaid to the lower basin, in accordance with the provisions of said paragraph A, Article III, of said Colorado River compact.

"ARTICLE II

"The right given to the lower basin by paragraph B, Article III, of the Colorado River compact, to increase its beneficial consumptive use of the waters of the Colorado River system by 1,000,000 acre-feet per annum shall attach, relate, and belong exclusively to the State of Arizona; provided, that said right shall attach solely to and shall be held to completely exhaust the right to the use of waters of the Colorado River system entering the Colorado River within the State of Arizona below Lee Ferry.

"ARTICLE III

"Any waters which it may hereafter become necessary under the provisions of paragraph C, Article III, of the Colorado River compact, to deliver to the United States of Mexico shall be supplied first out of the surplus waters of the main Colorado River passing Lee Ferry, over and above the apportionment to the lower basin contained in paragraph A, Article III; and if said surplus shall prove insufficient, then the burden of deficiency resting upon the lower basin shall be borne by the States of Arizona, California, and Nevada exclusively out of the apportionment provided in paragraph A, Article III, in the proportion that the respective diversion by such States, out of the Colorado River, of the waters so apportioned by paragraph A, Article III, may bear to said apportionment.

"ARTICLE IV

"This agreement shall not be held to affect or alter, but is confirmatory of, the terms and provisions of the said Colorado River compact; nor shall anything herein contained be construed as affecting or intending to affect in any way, except as limited by the apportionment of waters provided in Article I hereof, or to interfere in any way with the laws of any of the said States of Arizona, California, and Nevada relating to the control, regulation, appropriation, or distribution of water used in irrigation or for domestic or other uses, or any vested rights thereunder."

Be it further resolved, That in the event the Legislature of the State of California or the Legislature of the State of Nevada shall fail to give its consent and approval, not later than the 15th day of March, 1927, to the lower division States agreement, as herein set out and hereby ratified by the Legislature of the State of Arizona, then and in such event the approval of the Legislature of the State of Arizona herein and hereby given to the said Colorado River compact and to the said lower division States agreement shall be deemed to be withdrawn and this resolution rescinded and the same shall thereby become and be null and void.

Be it further resolved, That there hereby is authorized and created a legislative commission, to be known and designated as the lower division Colorado River commission of the State of Arizona, which shall consist of the president of the senate, the speaker of the house of representatives, three members of the senate to be appointed by the president of the senate and three members of the house of representatives, to be appointed by the speaker of the house of representatives; and the governor of the State and the State water commissioner shall be ex-officio members of said commission. Said lower division Colorado River commission shall have authority, and upon request of the Legislatures of the States of California and Nevada, or of either thereof, or of any committee of the Congress of the United States, it shall be its duty, as a committee of the whole or through a subcommittee, to confer with the duly authorized representatives of the Legislatures of the said States of California and Nevada, or with any committee of the Congress of the United States, to discuss with such representatives or with any such committee the several provisions and terms of the said Colorado River compact and of the said lower division States agreement, and to negotiate with such representatives or committees respecting any and all matters connected with or relating to the waters of the Colorado River, their division, appropriation, diversion, and utilization, or with the improvement of the Colorado River and the development of its resources, to the end that the development of the said river may redound to the just benefit of the State of Arizona and as well to the mutual advantage of said States of the lower division of the Colorado River Basin; and said commission shall report the facts of such discussions and negotiations to the Legislature of the State of Arizona, with such recommendations as it may see fit to make. The expense of the said commission shall be a legislative expense, and shall be paid out of the contingent funds of the senate and house, respectively, upon claims duly approved by the president of the senate and the speaker of the house.

Passed the senate March 11, 1925, by the following vote—ayes 15, noes 4, not voting 0.

MULFORD WINSOR,
President of the Senate.
W. J. GRAHAM,
Secretary of the Sen[illegible].

Passed the house February 27, 1925, by the following vote—31 ayes, 16 nays, 0 absent, 0 excused.

CHAS. E. MACMILLIN,
Speaker of the House.
BESSE GOLZE,
Chief Clerk of the House.

House concurred in senate amendments March 11, 1925, by the following vote—28 ayes, 19 nays, 0 absent, 0 excused.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF GOVERNOR.

This resolution was received by the governor this — day of ——, 1925, at — o'clock — m.

———— ————,
Secretary to the Governor.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF SECRETARY OF STATE.

This resolution was received by the secretary of state this 11th day of March, 1925, at 9.30 o'clock p. m.

JAMES H. KERBY,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of California, which was referred to the Committee on Commerce, as follows:

CALIFORNIA LEGISLATURE,
FORTY-SIXTH SESSION.

Assembly Joint Resolution 13. Introduced by Mr. Tom H. Louttit, January 22, 1925

ASSEMBLY CHAMBER, *Sacramento, April 13, 1925.*

To His Excellency the President of the United States, the Secretary of War, President of the Senate, Speaker of the House of Representatives, Rivers and Harbors Committee of the House of Representatives, Members of the Appropriate Committee of the United States Senate, and to each of the Senators and Representatives in Congress from the State of California:

In compliance with the provisions of Assembly Joint Resolution No. 13, adopted by the Legislature of the State of California at the forty-sixth session, I am sending you a true copy thereof, in title and words as follows:

CHAPTER 38

Assembly Joint Resolution 13. By Mr. Louttit, of the twentieth district. Relative to the improvement of the San Joaquin River and Stockton Channel by the United States, and asking the United States to appropriate sums of money for dredging, deepening, widening, and otherwise improving the said channels.

Whereas the Board of Engineers for Rivers and Harbors of the United States War Department and the Chief of Engineers, United States Army, after extensive hearings and thorough investigations have recommended the improvement of the San Joaquin River and Stockton Channel to provide a channel from deep water in Suisun Bay to the city of Stockton, 26 feet deep at mean lower low water and 100 feet wide on the bottom, following the river route in general; and

Whereas the said board and the said Chief of Engineers have recommended that the Federal Government appropriate the sum of $2,407,500 to aid in said recommended improvements; and

Whereas concurrently with the recommendations above referred to the Board of Engineers and the Chief of Engineers have suggested that local interests contribute to the first cost of dredging and provide rights of way and terminal facilities and agree to maintain said improvements; and

Whereas the Board of Engineers for Rivers and Harbors, United States War Department, and the Chief of Engineers, United States Army, are convinced that the contemplated improvements are necessary and justified; and

Whereas the deeper channel would immediately enhance the utility of a navigable river, serve the purposes of commerce, agriculture, and industry more adequately, and greatly aid the development of the State of California: Now therefore be it

Resolved by the assembly and the senate jointly, That the Legislature of the State of California respectfully memorialize the Congress of the United States to make appropriations in accordance with the recommendations of the Chief of Engineers, United States Army, to the Secretary of War as contained in House Document No. 554, Sixty-eighth Congress. And be it further

Resolved, That copies of these resolutions be forwarded to the President of the United States, to the Secretary of War, President of the Senate, Speaker of the House, to members of the Rivers and Harbors Committee of the House of Representatives, to the members of the appropriate committee of the United States Senate, and to each of the Senators and Representatives in Congress from the State of California.

FRANK F. MERRIAM,
Speaker of the Assembly.
C. C. YOUNG,
President of the Senate.
HARRY LUTGENS,
Private Secretary to the Governor.
FRANK C. JORDAN,
Secretary of State.

and do hereby certify that the same was duly filed with the secretary of state on April 18, 1925.

ARTHUR H. OLINEMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of California, which was referred to the Committee on Military Affairs, as follows:

CALIFORNIA LEGISLATURE,
FORTY-SIXTH SESSION.

Assembly Joint Resolution 9, introduced by Mr. George C. Cleveland, January 19, 1925

ASSEMBLY CHAMBER,
Sacramento, April 18, 1925.

To the Honorable Secretary of War, Secretary of the Navy, President of the Senate, Speaker of the House of Representatives, and the Senators and Representatives of the State of California in Congress

In compliance with the provisions of Assembly Joint Resolution No. 9, adopted by the Legislature of the State of California at the forty-sixth session, I am sending you a true copy thereof, in title and words as follows:

CHAPTER 37

Assembly Joint Resolution 9, by Mr. Cleveland of the forty-third district, relating to records of service in the Army

Whereas certain original records of service of men in the reserve officers' training camps and the Regular Army have been destroyed by fire and by other means; and

Whereas it is now impossible to establish the service of the persons whose records have been so destroyed; and

Whereas it is highly important that such service records be established before the knowledge of such service shall have been lost: Therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That Congress be urgently petitioned to provide a means by which the service records of persons in the military service of the United States which have been destroyed can be reestablished by hearings, affidavits, or some other means. And be it further

Resolved, That the chief clerk of the assembly is directed to forward copies of these resolutions to the Secretary of War, the Secretary of the Navy, the President of the Senate, the Speaker of the House of Representatives, and the Senatorn and Representatives of the State of California in Congress.

HARRY LUTGENS,
Private Secretary to the Governor.
FRANK C. JORDAN,
Secretary of State.
FRANK F. MERRIAM,
Speaker of the Assembly.
C. C. YOUNG,
President of the Senate.

and do hereby certify that the same was duly filed with the secretary of state on April 18, 1925.

ARTHUR H. OLINEMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Illinois, which was referred to the Committee on Finance, as follows:

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE.

To all to whom these presents shall come, greeting:

I, Louis L. Emmerson, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true photostatic copy of House Joint Resolution No. 37, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of the State of Illinois. Done at the city of Springfield this 1st day of December, A. D. 1925.

[SEAL.]

LOUIS L. EMMERSON,
Secretary of State.

House Joint Resolution 37

Whereas the prosperity of the American farmers, producers of the country's principal food products—wheat, corn, hogs, and cattle—is essential to the general prosperity of the people of the United States and to the development of the country's resources; and

Whereas the prices of the farmers' products have immensely depreciated in comparison with those of other industries because suitable legislation quickly enacted for the benefit of these other industries—the emergency, the Fordney-McCumber tariff law, the immigration act, and the Esch-Cummins law to maintain war-time transportation prices—raised the domestic prices of such products 40 per cent above that of the world market; and

Whereas the result of the said congressional legislation failed to give relief to the producers of said four principal foodstuff commodities but has permitted the prices of such products to be governed by the world price; and such legislation has, on the other hand, increased or maintained prices of manufactured products, thus compelling the farmer to bear the principal share of assistance given to other groups by paying enhanced prices for the things that he is compelled to buy, and by selling the said wheat, corn, hogs, and cattle at an ever-decreasing price in competition with foreign producers, so that the American farmer has been, and is being, crushed, so to speak, between the upper and the nether millstones; and

Whereas there is practically at all times a production of wheat, corn, hogs, and cattle, and their products, greater than our home or domestic demand for same, and, as a result, there is practically at all times a very considerable export from the United States of such products, and the prices of such products to the home or American producer are therefore the world price, less the cost of transportation, and, as a result, a tariff upon such products at no time benefits or helps their producers; and

Whereas the political history of England (corn-law legislation) and of France, Japan, Venezuela, and many other countries discloses that in similar situations relief has frequently been granted in respect to products whose prices are too low in proportion to prices of other products maintained through protective tariffs—the production of such latter products being not equal to the home consumption—by providing export bounties, whereby a certain amount is paid by the Government upon all products exported, and thereby the domestic price to the producer, as well as the export price, would be the world price plus the bounty and less the cost of transportation; and

Whereas it is claimed by eminent authorities that an export bounty provided for all exports of wheat, corn, hogs, and cattle, and their products, almost equal to the import tariffs thereon would relieve the producers of such products of the present inequality arising through present Federal laws, increasing the home consumption price as well

as the export price to the producer by the amount of the export bounties on such products; and sufficient protective duties must be maintained to prevent reexportation of products that already have received the bounty; and

Whereas the moneys to defray the cost of paying such export bounties may properly be obtained by the levy of a small excise tax upon all such wheat, corn, hogs, and cattle sold for domestic consumption or export, or possibly on the entire production, and such excise tax will not burden the producer appreciably, which burden in any event will be infinitesimal compared with the benefits derived from the increased price of all such products sold for home consumption or export due to the payment of bounties on exports of such products: Now therefore be it

Resolved by the House of Representatives of the Fifty-fourth General Assembly of the State of Illinois (the Senate concurring therein), That the Congress of the United States be, and it is hereby, requested at the next session of Congress to consider the subject matter of this resolution and the preambles thereof, with a view to the passage of legislation embodying a scientific plan or program by which reasonable export bounties may be provided to be paid upon all exports of wheat, corn, hogs, and cattle, and their products, and by which the money to pay such bounties may be provided by the persons economically benefited, to the end that the producers' prices of such products for domestic and foreign consumption may be materially increased, thus relieving the farmer of the unequal and unfair position in which he now stands, as compared with the manufacturer and others engaged in similar enterprises, and also placing the farmer on such a basis that he may conduct his business on an equal footing with others and may realize a reasonable profit from his business operations; and that a certified copy of this resolution be delivered to the Speaker of the House of Representatives and the President of the Senate of the United States, and also to each Congressman and Senator from the State of Illinois.

Adopted by the house May 20, 1925.

ROBERT CHOTE,
Speaker of the House of Representatives.
B. H. MCCANN,
Clerk of the House of Representatives.

Concurred in by the senate June 9, 1925.

FRED E. STERLING,
President of the Senate.
JAMES H. PADDOCK,
Secretary of the Senate.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of Indiana, which was referred to the Committee on Immigration, as follows:

UNITED STATES OF AMERICA,
STATE OF INDIANA,
OFFICE OF THE SECRETARY OF STATE.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the annexed pages contain a full, true, and complete copy of the concurrent resolution of the seventy-fourth regular session of the General Assembly of the State of Indiana adopted by the senate and house of representatives February 25, 1925, as the same appears on file, as the law directs, in this office.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis this 30th day of April, A. D. 1925.

[SEAL.] F. E. SCHORTEMEIER,
Secretary of State.

A concurrent resolution approving the policy of selective immigration and registration of aliens, as advocated by Secretary of Labor James J. Davis

Whereas the members of the General Assembly of the State of Indiana have heard with great satisfaction the admirable address of Secretary of Labor James J. Davis delivered to a joint session of the two houses on Wednesday, February 25, 1925; and

Whereas the members of the General Assembly of the State of Indiana cordially indorse the policy of immigration advocated and explained by Secretary Davis as being the best calculated to preserve the ethnological integrity and texture of the population of this country: Therefore

SECTION 1. *Be it resolved by the house of representatives (the senate concurring)*, That the General Assembly of the State of Indiana hereby approves the immigration policy as advocated by Secretary of Labor James J. Davis, and hereby urges the Congress to enact the necessary laws to provide for selective immigration and the registration of aliens, as provided by Secretary Davis.

SEC. 2. That the secretary of state is hereby directed to send a copy of this resolution to the Speaker of the House of Representatives and the President of the United States and Senate, and to each Representative and Senator in Congress from Indiana.

The VICE PRESIDENT also laid before the Senate a house joint memorial of the Legislature of Oregon, which was referred to the Committee on the Judiciary, as follows:

STATE OF OREGON, THIRTY-THIRD LEGISLATIVE ASSEMBLY—REGULAR SESSION,
HALL OF REPRESENTATIVES.

House Joint Memorial 4

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully submit that:

Whereas there is situated in Harney County, Oreg., two inland bodies of water known as Malheur and Harney Lakes, which are fed by the waters of Silvies River from the north and by the Blitzen River from the south; and

Whereas there are large bodies of arable land lying along and adjacent to said streams largely in private ownership, and the owners thereof have appropriated certain of the waters of said streams for the irrigation and reclamation of said lands; and

Whereas the State of Oregon, in its sovereign capacity, claims to be the owner of the bed of said lakes and of certain of the lands riparian thereto, together with the right to the use of the waters of said lakes and streams aforesaid for the irrigation of said riparian lands; and

Whereas President Roosevelt did, on August 18, 1908, by proclamation, set aside all of the land lying within the meandered lines of said lakes, and of the waters and streams connecting the said lakes, and designated the same as the Malheur Bird Reservation; and

Whereas the State of Oregon has asserted its title to the bed of said lakes and to such of the lands riparian thereto as it may be found to be the owner of, together with sufficient of the waters of said lakes and streams aforesaid to properly reclaim and irrigate said riparian lands; and

Whereas the United States and the Department of Agriculture, claiming under the provisions of said proclamation, claim all of the lands within the meander lines of said lakes, together with the bed thereof, and certain of the waters of said streams for the purpose of perpetuating such bird reservation, and that, by reason of said claims, have made it impossible to determine what part of said waters may be stored for irrigation and how much should be allowed to escape to said bird reservation; and

Whereas such uncertainty results in hindering and delaying the reclamation of the lands adjacent to said streams and lakes and clouds the State's title to its said riparian lands; and

Whereas numerous attempts have been made to compromise and adjust the respective rights of the United States, the State of Oregon, and such riparian owners and water appropriators, and these parties have been unable to agree upon the terms of any compromise; and

Whereas the United States in its sovereign capacity can not be sued or impleaded in an action without the consent of Congress: Therefore be it

Resolved by the Legislative Assembly of the State of Oregon, That the Congress of the United States be, and the same is hereby, memorialized to pass, at its earliest opportunity, appropriate legislation enabling and permitting the State of Oregon to sue the United States in the Federal courts of the district of Oregon, with proper rights of appeal, in a suit or action that will speedily determine the respective rights of all parties therein concerned to the use of the waters of said lakes and streams, and the respective rights, titles, and ownerships of the United States, the State of Oregon, and the respective riparian owners in and to the beds of said lakes and streams and the lands riparian thereto: Be it further

Resolved, That the secretary of state of the State of Oregon be, and is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America.

Adopted by the house February 4, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 17, 1925.

GUS. C. MOSER,
President of the Senate.

(Indorsed: House Joint Memorial No. 4. Introduced by committee on public lands. W. F. Drager, chief clerk. Filed February 19, 1925, Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 4 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of

the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 19, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 20th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of Oregon, which was referred to the Committee on Commerce, as follows:

STATE OF OREGON, THIRTY-THIRD LEGISLATIVE ASSEMBLY—REGULAR SESSION,
HOUSE OF REPRESENTATIVES.

House Joint Memorial 3

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialist, the Legislature of the State of Oregon, respectfully represents that:

Whereas Diamond Lake, situated in the Umpqua National Forest in the State of Oregon approximately 20 miles north of Crater Lake, was originally barren of fish life; and

Whereas the State of Oregon has stocked Diamond Lake with rainbow trout and within a comparatively few years has developed this lake into what is undoubtedly one of the greatest fishing lakes in the world and has developed upon the shores of this body of water the greatest rainbow trout egg-taking station on the continent, producing annually in excess of 17,000,000 trout eggs; and

Whereas any act or thing which might deprive the State of Oregon of the free use of this body of water for the uses herein mentioned would inflict inestimable and irreparable damage upon the State of Oregon: Now therefore be it

Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring), That we do most earnestly petition and memorialize the Senate and the House of Representatives in the name of the State of Oregon that the said Diamond Lake and a sufficient amount of land on the borders thereof upon which to carry out the purposes of the State of Oregon in fishing, fish culture and propagation be granted and deeded to the State of Oregon in perpetuity for the said purposes of fishing, fish culture, and propagation. Be it further

Resolved, That the secretary of state of the State of Oregon be, and is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America.

Adopted by the house January 28, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the Senate February 12, 1925.

GUS C. MOSER,
President of the Senate.

(Indorsed: House Joint Memorial No. 3. Introduced by Game Committee. W. F. Drager, chief clerk. Filed February 17, 1925, Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 17, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 20th day of February, A. D. 1925.

[SEAL] SAM A. KOZER,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of Oregon, which was referred to the Committee on Agriculture and Forestry as follows:

STATE OF OREGON,
THIRTY-THIRD LEGISLATIVE ASSEMBLY—REGULAR SESSION,
HALL OF REPRESENTATIVES.

House Joint Memorial 1

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialist, the Legislature of the State of Oregon, respectfully represents that:

Whereas there is now pending before the Congress of the United States a bill known by the short title of "migratory bird refuge act," and

Whereas the provisions of this bill include the assessment of an annual hunting-license fee from all persons hunting migratory game birds, and

Whereas the enactment of this bill by the Congress of the United States would greatly interfere with and impede similar measures of conservation already undertaken or contemplated by the State of Oregon. Now therefore be it

Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring), That we do most earnestly petition and memorialize the Senate and House of Representatives of the United States in the name of the State of Oregon that the said "migratory bird refuge act" be not enacted into law. Be it further

Resolved, That the secretary of state of the State of Oregon be, and is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America.

Adopted by the house January 28, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 12, 1925.

GUS. C. MOSER,
President of the Senate.

(Indorsed: House Joint Memorial No. 1. Introduced by Mr. R. J. Kirkwood. W. F. Drager, chief clerk. Filed February 17, 1925. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 1 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 17, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the Capitol at Salem, Oreg., this 20th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a senate joint memorial of the Legislature of Oregon, which was referred to the Committee on Naval Affairs, as follows:

STATE OF OREGON,
THIRTY-THIRD LEGISLATIVE ASSEMBLY—REGULAR SESSION,
SENATE CHAMBER.

Senate Joint Memorial 6

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

We, your memorialists, the Senate of the State of Oregon, and the House of Representatives concurring, respectfully represent that:

Whereas the battleship *Oregon* symbolizes valiant service to our country by reason of her world-famed voyage of 14,000 miles from the shores of the Pacific to the rendezvous of the American fleet before Santiago, Cuba, at the commencement of the Spanish-American War, and again by reason of her achievement in the great naval battle before Santiago July 3, 1898, thus bringing to the name "Oregon" traditions that will endure so long as time shall last;

Whereas a patriotic people deem it fitting and proper that the valorous performance of the noble ship and the valiant deeds of the crews that manned her shall be perpetuated;

Whereas the preservation of the battleship *Oregon* as a national historic museum would be an enduring tribute to the glorious history of the United States Navy, which, unconquered and undaunted, has for 150 years sailed the seven seas; and, moreover, would be to all citizens an inspiration for patriotism and loyalty;

Whereas the battleship *Oregon*, the last historical monument of the Spanish-American War, was expressly and unanimously excluded from the scrapping provisions adopted by the Limitation of Arms Conference held at Washington, D. C., for the reason that the people of this Commonwealth, speaking as true Americans, had claimed this gallant ship, with its many noble traditions, to be revered and forever cherished as a shrine of national devotion: Be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we do hereby petition and memorialize Congress to enact legislation which shall provide for the immediate transfer by the United States Government of the battleship

Oregon from the Puget Sound naval station to the harbor at Portland, Oreg., and for its maintenance there by the United States Government as a national historic museum: Be it further

Resolved, That the secretary of state of the State of Oregon be, and he is hereby, instructed to transmit by mail a copy of this memorial to each Member of the Congress, the Secretary of the Navy, and the President of the United States for action.

Adopted by the senate February 19, 1925.

GUS. C. MOSER,
President of the Senate.

Concurred in by the house February 23, 1925.

DENTON G. BURDICK,
Speaker of the House.

(Indorsed: Senate Joint Memorial No. 6. Introduced by Senator Upton. Jno. P. Hunt, chief clerk. Filed February 25, 1925. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of Senate Joint Memorial No. 6 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 25, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 3d of March, A. D. 1925.

[SEAL.] SAM A. KOZER,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of Oregon, which was referred to the Committee on the Library, as follows:

House Joint Memorial 13

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

We, your memorialists, the House of Representatives of the State of Oregon, the Senate concurring, respectfully represent that:

Whereas the State of Oregon, by Chapter XX of the General Laws of Oregon, 1923, in commemoration of the Lewis and Clark expedition designated the ocean end of Broadway in the city of Seaside, Oreg., as the end of the Lewis and Clark trail; and

Whereas it is thought fitting and proper that the State of Oregon, represented by your memorialists, should petition the Congress of the United States to enact legislation naming the ocean end of the street known as Broadway in the city of Seaside, Clatsop County, Oreg., as the end of the Lewis and Clark trail, and that the Government of the United States erect a suitable memorial at or near said place in commemoration of the patriotic work of the Lewis and Clark expedition: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and it is hereby, memorialized to enact said bill or legislation of similar character. And be it further

Resolved, That the secretary of state be directed to transmit by mail a copy of this memorial to the President of the United States Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Oregon.

Adopted by the house February 18, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 19, 1925.

GUS C. MOSER,
President of the Senate.

(Indorsed: House Joint Memorial 13. Introduced by Mr. Bates and Senator Upton. W. F. Drager, chief clerk. Filed February 23, 1925. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House Joint Memorial No. 13 with the original thereof, adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 23, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1925.

[SEAL.] SAM A. KOZER,
Secretary of State.
By ——— ———,
Deputy.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Montana, which was referred to the Committee on the Library, as follows:

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the following is a true and correct copy of an act entitled "A joint resolution requesting the appointment of a commission by the Governor of the State of Montana, consisting of three Members of the Senate and three Members of the House of Representatives, to act in conjunction with a commission of the United States for the purpose of considering and carrying out a governmental program for the proper commemoration of the two hundredth anniversary of the birth of George Washington," enacted by the nineteenth session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 28th day of February, 1925.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 3d day of March, A. D. 1925.

[SEAL.] C. T. STEWART, *Secretary of State.*
By CLIFFORD L. WALKER, *Deputy.*

Senate Joint Resolution 6 (introduced by committee on Federal relations) requesting the appointment of a commission by the Governor of the State of Montana, consisting of three members of the senate and three members of the house of representatives, to act in conjunction with a commission of the United States for the purpose of considering and carrying out a governmental program for the proper commemoration of the two hundredth anniversary of the birth of George Washington

Whereas on December 2, A. D. 1924, the President of the United States signed the bill passed in June by the Congress of the United States whereby a commission composed of 15 members was created for the purpose of the consideration and carrying out of a governmental program for the commemoration, nationally and internationally, of the two hundredth anniversary of the birth of George Washington; and

Whereas the foregoing-mentioned project was conceived and accomplished by and through the efforts of the George Washington Sulgrave Institution; and

Whereas it is the purpose and work of the aforementioned institution to present the matter to the several States of the Union, with the hope in view that each State will officially sanction and further such project and thereby enable the Nation as a whole to participate in this notable and tremendous celebration: Now therefore be it

Resolved by the Senate of the Legislature of the State of Montana (the House of Representatives concurring), That, in view of the foregoing, this assembly, for and in behalf of itself and the people of the State, record themselves in favor of the observance of the two hundredth anniversary of the birth of George Washington, and earnestly request the Governor of the State of Montana to appoint a commission consisting of three members of the senate and three members of the house of representatives to act in conjunction with the commission selected or which may be selected by Congress in order that the two hundredth anniversary of the Father of our County be properly and fittingly observed. Be it further

Resolved, That a copy of this resolution be forwarded by the secretary of state to the Congress of the United States and to the George Washington Sulgrave Institution at Washington, D. C.

W. S. MCCORMACK,
President of the Senate.
R. C. BRICKER,
Speaker of the House.

Approved February 28, 1925.
Filed March 2, 1925.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Nevada, which was referred to the Committee on Public Lands and Surveys, as follows:

Senate joint resolution requesting the President and the Congress of the United States to take appropriate steps to vest in the State of Nevada the title to certain lands by gift, exchange, and the settlement of existing claims and conflicting records

Whereas the State of Nevada claims and might claim certain consideration from the General Government arising out of unsuitable public lands already conveyed to the State and out of certain differences in the records of the public lands as kept by the General Government and the State of Nevada, respectively, which said claims may total in excess of 50,000 acres; and

Whereas the action of the President of the United States and the Congress of the United States is requisite to begin and conduct negotiations for the accomplishment by gift, exchange, and compromise of the purposes outlined herein: Therefore be it

Resolved by the senate and the assembly jointly, That the Congress of the United States be, and it is hereby, petitioned and memorialized to pass an act rquesting and authorizing the President to designate such areas in the public domain located in the State of Nevada as should, in his opinion, be set aside for ultimate conveyance to the State of Nevada. That said act shall provide that upon recommendation of the Secretary of Agriculture the Secretary of the Interior may patent to the State of Nevada not exceeding 50,000 acres of nonmineral public lands not otherwise appropriated or withdrawn within the areas set aside by the President; that such patents may be conditioned on the deeds of conveyance, reconveyance, relinquishment, accord, and settlement, such as may be demanded by the General Government in consideration of such lands so to be received by the State of Nevada; and that such conditions may be imposed by the said Secretary of the Interior, who shall have authority to investigate, verify, and state the said accounts.

Resolved, That copies of this resolution shall be sent by the secretary of state to the President of the United States and to the presiding officers of the House of Representatives and the Senate of the United States in Congress assembled.

R. H. COWLES,
President Pro Tempore of the Senate.
R. W. BEAMAN,
Secretary of the Senate.
HARRY SWANSON,
Speaker Pro Tempore of the Assembly.
H. WISE,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Nevada, which was referred to the Committee on Finance, as follows:

Assembly joint resolution memorializing Congress to establish, equip, and maintain a hospital in the State of Nevada for the accommodation and treatment of war veterans for tuberculosis and other respiratory afflictions

Whereas nearly all of the States of the United States have within their borders hospitals for the treatment of war veterans suffering with tuberculosis and other respiratory afflictions; and

Whereas there are now in the State of Nevada and the district allotted to the State of Nevada approximately 9,000 ex-service men of our various wars; and

Whereas the hospital provided for such purposes in the State of California is overcrowded, and recently by reason of lack of accommodations Nevada patients have been unable to gain entrance to the California hospital; and

Whereas the climate of the State of Nevada is particularly conducive to favorable progress of people afflicted with tuberculosis and other respiratory diseases; and

Whereas the western hospitals are now carrying an overload of approximately 25 per cent of patients coming from the East, and the favorable climatic conditions existing in the West is bound to add to the increased emigration to the Western States; and

Whereas there is unquestionably an urgent need for the establishment of such a hospital in the State of Nevada; and

Whereas the State of Nevada is proud of its war record and of the men who offered all for the honor of their State and of this Nation: Now therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States be memorialized to proceed with the establishment and equipment of a suitable hospital in the State of Nevada for the purpose of caring for our heroes who are now suffering with disease, and for the care and attention of those who may hereafter become afflicted and be entitled to care suitable and necessary for the alleviation and cure of such affliction. Be it further

Resolved, That copies of this resolution, under the great seal of the State of Nevada, be transmitted to the Senate and the House of Representatives of the United States, and that properly authenticated copies hereof be by the secretary of state forthwith transmitted to each of our Senators and to our Representatives in Washington, and to Gen. Frank T. Hines, Director of the United States Veterans' Bureau.

MAURICE J. SULLIVAN,
President of the Senate.
R. W. BEAMAN,
Secretary of the Senate.
A. S. HENDERSON,
Speaker of the Assembly.
H. WISE,
Chief Clerk of the Assembly.

Approved March 21, 1925.

J. T. SCRUGHAM, *Governor.*

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of Assembly Joint Resolution No. 14 as is now on file and of record in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of state at my office, in Carson City, Nev., this 15th day of April, A. D. 1925.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.
By THOS. F. O'BRIEN,
Deputy.

The VICE PRESIDENT also laid before the Senate two joint resolutions of the Legislature of Nevada, which were referred to the Committee on Irrigation and Reclamation, as follows:

Senate Joint Resolution 17, introduced by Senator Vencill March 13, 1925, memorializing the Congress of the United States to grant to the State of Nevada 2,000,000 acres of public lands to be disposed of for the purpose of aiding and financing settlers upon reclamation projects and for reclamation purposes

Approved March 21, 1925

Whereas H. R. 10020, enacted by the Sixty-eighth Congress, provides that the Secretary of the Interior shall request the State of Nevada to aid in the settlement and development of the Spanish Springs division of the Newlands project and aid in the financing of its settlers; and

Whereas the State of Nevada, by reason of its sparse population and limited wealth, is unable to undertake so heavy a responsibility with the resources now at the command of its State government; and

Whereas of the 70,000,000 acres of land embraced in such State, more than 60,000,000 acres are owned by the Federal Government, 52,000,000 acres of which are unreserved and unappropriated; and

Whereas the State of Nevada desires to comply with the said condition attached to the appropriation for the construction of the Spanish Springs extension and assist in all ways possible in the selection and financing of its settlers in order to make the project a success: Therefore be it

Resolved by the Senate and Assembly of the State of Nevada, That Congress be requested to grant to the State of Nevada 2,000,000 acres of the unappropriated and unreserved nonmineral-bearing lands situated in such State so that the proceeds of sale thereof may be used for the reclamation of its arid lands under such conditions as Congress may impose. And be it further

Resolved, That the State of Nevada hereby pledges its faith to use the proceeds arising therefrom to such ends exclusively as may be consistent with the act of Congress making such conveyance. And

Resolved further, That copies of this resolution, duly authenticated, be transmitted forthwith by the secretary of state of Nevada, to the President and the Congress of the United States.

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of Senate Joint Resolution No. 17, as is now on file and of record in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of state at my office, in Carson City, Nev., this 9th day of April, A. D. 1925.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.
By THOS. F. O'BRIEN,
Deputy.

Senate joint resolution memorializing the Congress of the United States to enact a law declaring that beneficial use shall be the basis, the measure, and the limit of the right to the use of the public water of the States and Territories of the United States

Whereas the development of the agricultural resources of the western arid or semiarid States is dependent upon the use of the public waters for the irrigation of lands; and

Whereas the present laws of the western arid or semiarid States relating to the use of water for irrigation purposes are the outgrowth of a period of some 60 years, a comparatively short time of the evolution of laws; and

Whereas the so-called common law of riparianism relating to the use of the public waters has been found, through the experience of the western arid or semiarid States, to be not best fitted to the existing conditions; and

Whereas all, or practically all, of the western arid or semiarid States have discarded the common-law doctrine of riparianism as applied to the public waters; and

Whereas the Congress of the United States has, in its various land and reclamation acts, consistently referred to the "local customs, laws, and decisions of the courts" whenever reference has been made to the appropriation of water; and

Whereas all the western arid or semiarid States have declared in principle that "the water of all sources of supply within the boundaries of the State belong to the public," and that "beneficial use shall be the basis, the measure, and the limit of the right to the use of water"; and

Whereas none of the States or Territories of the United States has ever delegated to the United States control over the public waters within said States: Now therefore be it

Resolved by the Senate and Assembly of the State of Nevada, That this body hereby memorialize the Congress of the United States to enact a law declaring, in substance, that the United States has not and never has had power or control over the public waters for irrigation purposes, and declaring that the officers of the United States shall make application to the various States for the appropriation of water whenever in the administration of the affairs of the United States it is necessary to acquire water rights for irrigation purposes. And be it further

Resolved, That a copy of this resolution, duly authenticated, be transmitted without delay by the secretary of state of Nevada to the President of the United States, the Congress of the United States, to the legislatures of the several western arid or semiarid States, and to the Representatives of the State of Nevada in Congress.

MAURICE J. SULLIVAN,
President of the Senate.
R. W. BEAMAN,
Secretary of the Senate.
A. S. HENDERSON,
Speaker of the Assembly.
H. WISE,
Chief Clerk of the Assembly.

Approved March 21, 1925.

J. G. SCRUGHAM, *Governor.*

STATE OF NEVADA,
Department of State, ss.

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of Senate Joint Resolution No. 19 as is now on file and of record in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of state at my office, in Carson City, Nev., this 9th day of April, A. D. 1925.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.
By THOS F. O'BRIEN,
Deputy.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of New Mexico, which was referred to the Committee on the Judiciary, as follows:

STATE OF NEW MEXICO,
OFFICE OF THE SECRETARY OF STATE.

CERTIFICATE

I, Soledad C. Chacon, secretary of state of the State of New Mexico, do hereby certify that there was filed for record in this office, at 10.35 o'clock a. m., on the 20th day of March, A. D. 1925, Joint Resolution No. 10, joint resolution proposing an amendment to the constitution of the State of New Mexico, as passed by the Seventh State Legislature of the State of New Mexico and approved by the Governor of the State of New Mexico, March 20, 1925; and also that I have compared the following copy with the original on file and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on this 27th day of April, A. D. 1925.

[SEAL.]

SOLEDAD C. CHACON,
Secretary of State.

Joint Resolution 10, introduced by finance committee—a joint resolution proposing an amendment to the constitution of the State of New Mexico

Be it resolved by the Legislature of the State of New Mexico, That the following amendment to the constitution of the State of New Mexico is hereby proposed to be added thereto as a new article to be numbered and designated as "Article XXIV—Apportionment of moneys derived from State lands"; to be submitted to the electors of the State at the next general election, if the Congress of the United States shall consent thereto:

"ARTICLE XXIV

"APPORTIONMENT OF MONEYS DERIVED FROM STATE LANDS

"All moneys in any manner derived from the lands which have been granted or confirmed to the State by Congress shall be apportioned to the separate funds established for the several objects, including the Eastern Normal University, for which said lands were granted or confirmed in proportion to the number of acres so granted or confirmed for each of said objects."

Be it further resolved, That certified copies of the resolution be forwarded by the secretary of state to the Presiding Officers of the Senate and House of Representatives of the Congress of the United States.

EDWARD SARGENT,
President of the Senate.

Attest:

A. J. FISHER,
Chief Clerk of the Senate.
D. W. SMITH,
Speaker of the House of Representatives.

Attest:

J. O. MORRIS,
Chief Clerk of the House of Representatives.

Approved by me this 20th day of March, 1925.

A. T. HANNETT,
Governor of New Mexico.

Filed in office of secretary of state of New Mexico, March 20, 1925, 10.35 a. m.

SOLEDAD C. CHACON, *Secretary.*

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of New Mexico, which was referred to the Committee on Pensions, as follows:

STATE OF NEW MEXICO,
OFFICE OF THE SECRETARY OF STATE.

CERTIFICATE

I, Soledad C. Chacon, secretary of state of the State of New Mexico, do hereby certify that there was filed for record in this office at 4.05 o'clock p. m., on the 17th day of March, A. D. 1925, House Joint Memorial No. 10 (introduced by Daniel Boone), joint memorial to the Congress of the United States requesting that Congress enact a pension bill allowing Joe S. Duran a pension of $100 per month and reimbursing him for all moneys past due and which should have been paid by the United States Veterans' Bureau, as passed by the Seventh Legislature of the State of New Mexico and approved by the Governor of the State of New Mexico March 17, 1925; and also, that I have compared the following copy of the same with the original thereof on file and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on this 19th day of March, A. D. 1925.

[SEAL.]

SOLEDAD C. CHACON,
Secretary of State.

House Joint Memorial 10, introduced by Daniel Boone, joint memorial to the Congress of the United States, requesting that Congress enact a pension bill allowing Joe S. Duran a pension of $100 per month and reimbursing him for all moneys past due and which should have been paid by the United States Veterans' Bureau.

Whereas Joe S. Duran, of Santa Fe, N. Mex., a disabled veteran of the World War, was at one time the recipient of Government compensation for total permanent disability; and

Whereas the Veterans' Bureau has discontinued this compensation; and

Whereas the said Joe S. Duran is still sick and unable to work or support his family: Now therefore be it

Resolved, That the Legislature of the State of New Mexico respectfully and earnestly memorialize and request the Congress of the United States to enact a pension bill allowing said Joe S. Duran, of Santa Fe, N. Mex., a pension of $100 or more per month and reimbursing him for all moneys past due and which should have heretofore been paid by the United States Veterans' Bureau. Be it further

Resolved, That copies of this joint memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives from New Mexico in Congress.

D. W. SMITH,
Speaker of the House.

Attest:

J. O. MORRIS,
Chief Clerk of the House.
EDWARD SARGENT,
President of the Senate.

Attest:

A. J. FISCHER,
Chief Clerk of the Senate.

Approved by me this 1st day of March, 1925.

A. T. HANNETT,
Governor of New Mexico.

Filed in the office of the secretary of state of New Mexico, March 17, 1925, at 4.05 p. m.

SOLEDAD C. CHACON,
Secretary.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of North Dakota, which was referred to the Committee on Agriculture and Forestry, as follows:

Senate bill 196, introduced by Mr. O. H. Olson and Mr. Magnuson.

A joint resolution requesting Congress to enact suitable legislation to protect the farmer's market and reduce his marketing cost.

Be it resolved by the Senate of the State of North Dakota (the House of Representatives concurring):

Whereas agriculture is entitled to equal protection with industry and labor, and the export surplus should not be allowed to fix the domestic price and nullify tariff provisions ostensibly enacted for the benefit of agriculture; and

Whereas it is essential to successful cooperation that the local and terminal marketing machinery be cooperatively owned and operated by the producers: Be it

Resolved by the Legislative Assembly of the State of North Dakota, That Congress be requested to enact suitable legislation for the immediate benefit of agriculture, providing a practical method of segregating and disposing of the surplus, in order that the American farmer may sell at an American price and share with industry and labor equal protection against foreign prices: Be it further

Resolved, That Federal aid be directed to the acquisition and operation by cooperatives of the local and terminal facilities essential to cooperative marketing, and that the market places of the great staples be opened to all buyers and sellers without discrimination and subject only to legal restrictions: And be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each Representative of the State of North Dakota in the United States Senate and House of Representatives.

WALTER MADDOCK,
President of the Senate.
C. R. VERRY,
Secretary of the Senate.
B. C. LARKIN,
Speaker of the House.
J. C. MILLER,
Chief Clerk of the House.

This certifies that the within bill originated in the senate of the Nineteenth Legislative Assembly of the State of North Dakota and is known on the records of that body as Senate bill No. 196.

[SEAL.] C. R. VERRY,
Secretary of the Senate.

Filed in this office this 2d day of March, 1925, at 11 o'clock a. m.

ROBERT BYRNE,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Post Offices and Post Roads, as follows:

Concurrent resolution introduced in the House of Representatives of the State of North Dakota by G. W. Morton

Be it resolved by the House of Representatives of the State of North Dakota (the Senate concurring)—

Whereas a condition exists in the United States and in every State in the Union which is causing great hardship upon the taxpayers and the citizens of the United States and has its foundation in the Federal aid for the building of highways, through moneys appropriated by the Congress of the United States, and that it is resulting in extravagant mismanagement and heavy taxation upon citizens and property owners, who are not financially able to bear the burden; and

Whereas since such Federal aid if given only when managed through a State and is given only when heavy appropriations are made by State, which can only be given when heavy appropriations are made by county, that a vicious chain is created, because each State feels that it must maintain a costly and extravagant State highway commission in order to obtain the benefits of the Federal aid; each county feels that in order to obtain the benefits of the Federal and State aid it must maintain an expensive, costly, and extravagant machinery for the administration of such road building and must appropriate large sums of money which its citizens are financially unable to meet, and that since the Federal aid is given the State feels that it is going to be a heavy loser in comparison with other States unless it maintains the highway commission and makes the appropriation, and each county in the State feels that it will be a heavy loser as compared with other counties unless it makes heavy appropriations, and the result is that the United States is extravagant and is laying a burden upon its citizens; each State is extravagant, laying a burden upon its citizens; each county is extravagant, laying a burden upon its citizens; and that the result is that as long as the United States Government continues to give Federal aid there can be no lasting relief from the excessive burden of taxation imposed and the extravagant expenditure of public moneys, and the burden of taxation upon its people without adequate return, and the expenditure of money beyond the means of the people to meet the burden in the payment of taxes: Now therefore be it

Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota (the Senate concurring), That we do hereby memorialize the Congress of the United States and respectfully urge that Congress take immediate action toward a repeal of the Federal aid for State highways, to the end that the extravagant mismanagement and ill-advised expenditure of moneys by each State and county in the United States be eliminated, and that a more rational and sane and more carefully supervised expenditure of money be worked out by each local community. Be it further

Resolved; that the secretary of state of North Dakota send a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives in Congress and to the speaker of the house and the president of the senate in each and every State in the Union and also to the Members of Congress and Senators from North Dakota.

B. S. LARKIN,
Speaker of the House.
J. C. MILLER,
Chief Clerk of the House.
WALTER MADDOCK,
President of the Senate.
O. R. VERRY,
Secretary of the Senate.

This certifies that the within bill originated in the House of Representatives of the Nineteenth Legislative Assembly of the State of North Dakota, and is known on the records of that body as House bill No. 188.

J. C. MILLER,
Chief Clerk of the House.

Filed in this office this 3d day of March, 1925, at 10.30 o'clock a. m.

ROBERT BYRNE,
Secretary of State,
By MAURICE W. DUFFY, *Deputy.*

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Public Lands and Surveys, as follows:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota, do hereby certify that the following resolution was adopted by the senate of the nineteenth legislative assembly on the 5th day of March, A. D. 1925.

Dated at Bismarck, N. Dak., this the 31st day of March, 1925.

[SEAL.] ROBERT BYRNE,
Secretary of State.

A concurrent resolution (Hamilton) memorializing the Congress of the United States to take steps toward the establishment of a national park in Billings County, N. Dak., embracing the wonderful petrified forest there located, to be called Roosevelt Park.

Be it resolved by the Senate of North Dakota (the House of Representatives concurring), We, the nineteenth legislative assembly of the State of North Dakota, beg leave to represent to your honorable bodies:

First. That there is in the western part of North Dakota, lying within the boundaries of Billings, Golden Valley, Slope, and McKenzie Counties, a tract of land bordering the Little Missouri River that is marvelous in its geological formation and configuration as the result

of subterranean coal fires, sinking in of the surface, and the washings and slides of the ages, the whole forming a scenic beauty alike weird and attractive. Here are seen the stratas in many colors of the world's progressive deposits, among which many prehistoric animal remains have been found, together with the fossils of periods long before the time of man, the peaks, precipices, slides, and washouts presenting a picture even now attracting tourists from all over the country.

Second. That in this section is found a petrified forest, the like of which, we are informed, does not exist upon the American Continent; in fact, that all over this region are found the remains in petrified and crystalized form of two distinct forests that thrived at periods probably millions of years apart, and brought to view as the surfaces are uncovered by the washings of the ages. This petrified forest lies in a region superb, though rugged beauty, and is unlike others in that respect. Thousands of stumps are found here, some of the stumps being as large as 14 feet in diameter, and many rest on tall columns of clay, resembling the pillars of a ruined temple. It is a veritable wonderland of growths that existed in the time of the huge animal and vegetable life of the early world periods, and much of these remains will be destroyed or carried away by visitors unless properly protected.

Third. That here can even now be seen nature continuing her work of transforming prairie land into "bad lands" through the burning of the coal far beneath the surface and the dropping of the upper earth crust hundreds of feet into the great caverns created by the fires, leaving a wierd and awesome landscape. The smoke from these hidden fires creeps up through crevices and in places far down a dropped cartridge can be heard exploding, while everywhere great piles of red scoria tell of clay burned to a bricklike substance and furnishing a splendid road-making material.

Fourth. That in the valleys of this region are frequent groves of pine, quaking aspens, cedars, ash, cottonwood, and box-elder trees, and an abundance of wild fruits, together with a flora undiscovered elsewhere in the Northwest. The region contains many springs of fine water, from which rivulets are formed that flow down the swales and valleys to the river, thus affording a good water supply for livestock or wild animals, there being deer and antelope now in that region, with capacity for feeding thousands more of these or other wild game. Flowing artesian wells can be had for the digging.

Fifth. That it was here that Theodore Roosevelt had his cattle ranches in the early days of the Territory of Dakota, and where undoubtedly he imbibed many of the characteristics of those who live in the great open spaces and which gave him the broad outlook that ever characterized his later life. And it is partly in memory of him and because this region presents itself as a great natural outing place or playground for those who love nature or seek its fantastic wonders that we respectfully memorialize you, the Congress, to set aside so much of this region as may be deemed necessary for the creation by act of Congress of a national park and to make an appropriation of a sum sufficient for its purchase, and we would respectfully suggest that such park, if created, be called the Roosevelt bad-lands national park. And we would call attention to the fact that less than 5 per cent of this land is susceptible to cultivation, that considerable of it is still in Government ownership, and that the balance can be acquired at a very small expense.

Sixth. And we further call your attention to the fact that the Yellowstone Trail, a great transcontinental highway, touches this region at its southern end; that the National Parks Highway, another great transcontinental highway, passes through it; and that the Roosevelt Highway passes by its northern end, making it easy of access by the thousands of tourists who travel back and forth through North Dakota each year. And we also call your attention to the fact that in 1924 over 100,000 tourists in about 25,000 cars passed over the National Parks Highway alone, hundreds of whom made the necessary detour through the proposed park region to view its beauties and the petrified forest, even taking saddle horses to reach its more inaccessible beauties. And we still further call your attention to the fact that between the park region of northern Minnesota and the Yellowstone Park there is no other place of national-park standard where tourists may vary their journey by a glimpse of one of nature's most peculiar achievements: Now, therefore, be it

Resolved, That a copy of this memorial be sent by the secretary of state of North Dakota to the President of the United States, to the Secretary of the Interior, to each House of Congress, to the North Dakota Senators and Congressmen, and to the Director of the National Park Service, all of Washington, D. C., and that we request our congressional delegation to use their every effort to secure passage of a bill creating said national park.

WALTER MADDOCK,
President of the Senate.
C. R. VERRY,
Secretary of the Senate.
B. C. LARKIN,
Speaker of the House.
J. C. MILLER,
Chief Clerk of the House.

This certifies that the within bill originated in the Senate of the Nineteenth Legislative Assembly of the State of North Dakota, and is known on the records of that body as Senate bill No. 292.

C. R. VERRY,
Secretary of the Senate.

Filed in this office this 10th day of March, 1925, at 4.15 o'clock p. m.

ROBERT BYRNE,
Secretary of State,
By MAURICE W. DUFFY,
Deputy.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Finance, as follows:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota, do hereby certify that the following resolution was adopted by the house of representatives of the nineteenth legislative assembly on the 3d day of March, A. D. 1925.

[SEAL.]

ROBERT BYRNE,
Secretary of State.

Concurrent resolution

Be it resolved by the house of representatives (the senate concurring):

Whereas Congress has, through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign peoples and has so saved the American market for the products of American labor and American industry and made possible the American standard of prices, which is far in excess of the standard of world markets, and

Whereas Congress has, through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples and has so saved the American job for the American laborer and make possible the maintenance of the American standard of wages; and

Whereas the said special classes of legislation have afforded such ample and effective protection to the American laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people, any time, anywhere on earth have ever enjoyed;"

Whereas the protection so afforded to American labor and American manufacturers, supporting for them an American standard of prices for their products, has forced upon the American farmer an American standard of prices for the things he must buy, the taxes he must pay, and the labor he must hire;

Whereas protective tariffs for agricultural products are almost wholly ineffective where the product is produced in excess of demand for home consumption;

Whereas American agriculture does produce an exportable surplus of all of the major products of agriculture and the American farmer therefore finds himself almost wholly unprotected from that disastrous competition of foreign peoples;

Whereas the American farmer is therefore forced to sell his product on the low standard of world prices in open competition with the South American Indian, the peon of India, the peasant of Russia, whose overhead represents the lowest standards of living in the world, and is at the same time forced to buy his necessities from a protected market, at an American standard of prices, bolstered up and sustained behind the protective tariff and restricted immigration walls;

Whereas this unbalanced condition is chiefly responsible for the distressed condition of agriculture, a condition which has now continued for over four years, and has brought actual bankruptcy upon thousands of farmers and upon business enterprises, wholly dependent upon the farmers' prosperity, having in countless instances swept away the accumulated savings of a lifetime;

Whereas the present better prices of some farm commodities represent only a temporary and local condition, and the fundamental cause of the distress has not been removed;

Whereas the direct cause of this unbalanced condition was, and is, the effect of the two protective measures above referred to, in that they have protected and made possible the maintenance of the high American standard of prices, of the products of American labor, and of the American manufacturer, which constitute the necessities the farmer must buy, while he is afforded no effective protection from foreign competition and, therefore, must accept the low world standard of prices for the things he has to sell;

Whereas this condition is unwarranted, unfair, and un-American, wherein two of the basic branches of American industry have and maintain, through the direct effect of legislation, an advantage over the third;

Whereas we believe the protective policy is sound in principle and, if fairly administered, destined to greatly increase the public welfare;

Whereas the farmer is forced, for the preservation of his home and his inalienable right to justice as an American citizen, to demand the abandonment of the policy or its adaption to existing conditions:

Be it resolved by the house of representatives (the senate concurring), That we respectfully urge that Congress, during its present session, pass and place upon our statute books such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor; and

Whereas the protective tariff does not protect agricultural products because of the exportable surplus, that Congress devise some effective method of segregating the exportable surplus, or some means whereby the agricultural industry may itself segregate its surplus, to the end that the protection may be made effective on and that American market be saved for the product of the American farmer and an American standard of agricultural commodity prices made possible;

That the secretary of state transmit this memorial to the President of the United States, to both Houses of Congress, and to the Senators and Representatives therein, and to the legislatures of all the agricultural States.

B. C. LARKIN,
Speaker of the House.
J. C. MILLER,
Chief Clerk of the House.
WALTER MADDOCK,
President of the Senate.
C. R. VERRY,
Secretary of the Senate.

This certifies that the within bill originated in the house of representatives of the Nineteenth Legislative Assembly of the State of North Dakota, and is known on the records of that body as House bill No. 165.

J. C. MILLER,
Chief Clerk of the House.

Filed in this office this 7th day of March, 1925, at 4 o'clock p. m.

ROBERT BYRNE,
Secretary of State,
By MAURICE W. DUFFY.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Texas, which was referred to the Committee on Military Affairs, as follows:

Senate joint resolution requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920

Whereas the President of the United States, in a recent message to the Congress of the United States, has stated that the Army and Navy of the United States should be strengthened, and that a people who neglect their national defense are putting in jeopardy their national honor; and

Whereas, in furtherance of the national defense act of 1920, and in order to increase and promote the strength and effectiveness of the Army, the Chief of Staff of the Army of the United States has recommended substantially as follows:

(a) That the Regular Army be brought back to the strength of 150,000 enlisted men and 13,000 officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale;

(b) That the National Guard be given the support necessary to permit its progressive development toward a strength of 250,000;

(c) That the skeleton organization of the Organized Reserves be adequately maintained;

(d) That all reserve officers receive an average of 15 days' training in each three years;

(e) That the Reserve Officers' Training Corps units be further developed; and

(f) That provision may be made for a gradual increase in the number accommodated annually in citizens' military training camps: Therefore be it

Resolved by the Legislature of the State of Texas:

SECTION 1. That the Legislature of the State of Texas respectfully and earnestly urge upon the Congress of the United States the necessity of appropriating such funds and enacting such legislation as will adequately provide for the effective carrying out of the provisions of the national defense act of 1920, and also the recommendations of the Chief of Staff of the Army of the United States hereinbefore set forth.

SEC. 2. Suitable copies of this resolution shall be sent by the secretary of state to the President of the United States, the presiding officers of both branches of Congress, to the Senators and Representatives in Congress from this State, and to the members of the congressional Committees on Appropriations and on Military Affairs.

Approved March 16, 1925.

THE STATE OF TEXAS,
DEPARTMENT OF STATE.

I, D. A. Gregg, chief clerk and acting secretary of state, do hereby certify that the attached and foregoing is a true and correct copy of Senate Joint Resolution No. 19, passed at the regular session of the Thirty-ninth Legislature of the State of Texas, which convened in the city of Austin, Tex., on January 13, 1925, and adjourned March 19, 1925, and which resolution was approved by the governor on March 16, 1925; said resolution providing and urging upon the Congress of the United States the necessity of appropriating funds and making such legislation as will adequately provide for the effective carrying out of the provisions of the national defense act of 1920.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin this the 6th day of October, A. D. 1925.

[SEAL.] D. A. GREGG,
Chief Clerk, Acting Secretary of State.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Post Offices and Post Roads, as follows:

Joint resolution memorializing Congress to pass and the President of the United States to approve Senate bill 3674, relating to salaries of postal employees

Whereas the Congress of the United States has within the past year passed a bill granting a $300 increase in salary to letter carriers and other postal employees, effective from July 1, 1924, but the same was not approved by the President of the United States; and

Whereas there is now before Congress Senate bill No. 3674 which is practically identical with the bill previously passed and vetoed; and

Whereas it is believed that the increase granted to postal employees is merited: Therefore be it

Resolved by the assembly (the senate concurring), That Congress be respectfully requested to pass and the President to approve said Senate bill No. 3674. Be it further

Resolved, That a copy of this resolution properly attested by the presiding officers be forwarded to the Senators and Congressmen from this State.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate two joint resolutions of the Legislature of Wisconsin, which were referred to the Committee on Finance, as follows:

Joint resolution memorializing Congress and the President to increase the tariff on dairy products and eggs

Whereas millions of eggs and poultry are imported from China annually; and

Whereas eastern markets are flooded with imported butter and cheese, much of which does not comply with American standards of quality; and

Whereas existing conditions among the farmers and dairymen in this country are such that this foreign competition of cheap and inferior farm and dairy products is keenly felt; and

Whereas all other industrial interests are fully protected from destructive foreign competition and it is only fair that the farmers and dairymen of this country should be equally protected: Now therefore be it

Resolved by the assembly (the senate concurring), That the President of the United States be, and is hereby, respectfully petitioned to exercise the powers vested in him by the tariff commission act to afford all possible protection to the dairy industry of this country, and that in the event that these powers should not be sufficient to stop the importation in large quantities of foreign eggs and dairy products Congress be, and is hereby, petitioned at its next session to increase the duties on these products to effectually exclude these inferior foreign products from the American market. And be it further

Resolved, That a copy of this resolution, properly attested, be sent to the President of the United States, to each House of Congress, and to each of the Wisconsin Members of the Senate and House of Representatives.

Assembly—ayes 32, noes 19.
Senate—ayes 16, noes 3.

HENRY A. HUBER,
President of the Senate.
H. W. SACHTJIN,
Speaker of the Assembly.
S. W. SCHONFEHL,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Joint resolution memorializing Congress to adopt House Resolution 366, Sixty-eighth Congress, second session, relating to "dollar diplomacy"

Whereas House Resolution 366 has been introduced in the Sixty-eighth Congress, second session; and

Whereas such resolution provides as follows:

"*Resolved*, That the President be, and he is hereby, requested to direct the Departments of State, Treasury, and Commerce, the Federal Reserve Board, and all other agencies of the Government which are or may be concerned thereunder, to refrain henceforth, without specific prior authorization of the Congress, from—

"(1) Directly or indirectly engaging the responsibility of the Government of the United States, or otherwise on its behalf, to supervise the fulfillment of financial arrangements between citizens of the United States and sovereign foreign governments or political subdivisions thereof, whether or not recognized de jure or de facto by the United States Government; or

"(2) In any manner whatsoever giving official recognition to any arrangement which may commit the Government of the United States to any form of military intervention in order to compel the observance of alleged obligations of sovereign or subordinate authority, or of any corporations or individuals, or to deal with any such arrangement, except to secure the settlement of claims of the United States or of United States citizens through the ordinary channels of law provided therefor in the respective foreign jurisdictions or through duly authorized and accepted arbitration agencies."

Now therefore be it

Resolved by the senate (the assembly concurring), That Congress be, and is hereby, respectfully petitioned and urged to adopt House Resolution 366. And be it further

Resolved, That a copy of this resolution, properly attested, be sent to the presiding officers of both Houses of Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
S. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Military Affairs, as follows:

Joint resolution memorializing Congress to propose an amendment to the Federal Constitution so as to permit the drafting of wealth in time of war

Resolved by the assembly (the senate concurring), That Congress be, and is hereby, respectfully memorialized to propose an amendment to the Federal Constitution whereby in the event of a declaration of war by the United States against any foreign country, Congress shall provide for the conscription of all money, industries, and property of whatsoever nature necessary to the prosecution thereof and shall limit the profits from the use of such moneys, industries, and property: And be it further

Resolved, That a suitable copy of this resolution, properly attested, be transmitted to the presiding officer of each House of Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFELD,
Chief Clerk of the Senate.
H. W. SACHTJIN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate three joint resolutions of the Legislature of Wisconsin, which were referred to the Committee on the Judiciary, as follows:

Joint resolution memorializing Congress to provide for earlier seating of Senators and Representatives elect

Whereas under the rules of Congress of the United States now in force and effect Members of Congress are elected by popular election in November, but are unable to take their seats in Congress until the year following their election; and

Whereas such procedure is antiquated and no longer suited to the times when means of travel and communication have been improved to their present state of efficiency; and

Whereas under such procedure it is impossible for the people to register and vote a timely and effective expression of opinion and choice: Now therefore be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin earnestly requests and petitions the Congress of the United States to enact such rules and laws as may be necessary for Members of Congress to take their seats therein at a time not later than the 1st day of January next following the election at which they are chosen. And be it further

Resolved, That a copy of this resolution, duly attested by the presiding officers and chief clerks of the senate and assembly, be forwarded to the presiding officers of both Houses of Congress and to the Wisconsin Senators and Representatives therein.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJIN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Joint resolution memorializing Congress to enact legislation relating to propaganda for or against public measures

Whereas the propaganda circulated in opposition to the child labor amendment to the Federal Constitution has revealed the powerful influence and effect of such propaganda circulated without any revelation of the sources from which it comes; and

Whereas the people should and are entitled to know the sources of all such propaganda: Now therefore be it

Resolved by the senate (the assembly concurring), That the Congress of the United States is earnestly petitioned and urged to enact legislation requiring the publication of the names of persons, firms, associations, or corporations, amounts contributed or expended by them in publishing, issuing, or circulating propaganda, or in any other way, in advocating or opposing any proposed amendment to the Federal Constitution, or such legislation as may be necessary in the premises so that the people may know the sources of such propaganda. And be it further

Resolved, That a copy of this resolution properly attested be transmitted to the presiding officers of the Senate and the House of Representatives in Congress and to each Wisconsin Representative therein.

H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.
HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.

Joint resolution memorializing the Congress to propose an amendment to the Constitution of the United States providing for the election of President and Vice President by popular vote

Whereas under the present provisions of the Constitution of the United States the President and Vice President are elected by the members of the Electoral College; and

Whereas the electors of the Nation should have a direct voice in the nomination and election of the President and Vice President of the United States: Now therefore be it

Resolved by the assembly (the senate concurring), That Congress be, and is hereby, earnestly petitioned and urged to propose an amendment to the Constitution of the United States providing for the nomination and election of President and Vice President of the United States by popular vote. And be it further

Resolved, That the Wisconsin Members of Congress be, and are hereby, urged to use all appropriate means to promote such legislation. And be it further

Resolved, That a copy of this resolution, properly attested, be sent to both Houses of Congress and to each of the Wisconsin Members thereof.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Manufactures, as follows:

Joint resolution (J. Res. No. 21, A) relating to the acquisition of pipe lines and refineries used in the distribution and refining of gasoline

Whereas the production and distribution of oil and gasoline is absolutely controlled by private monopoly; and

Whereas attempts at regulating an industry so highly profitable are a failure, even the dissolution of the Standard Oil Co. by the Supreme Court of the United States having only furnished new means and methods of extracting profits from oil and gasoline users. Now therefore be it

Resolved by the assembly (the senate concurring), That the Government of the United States be earnestly urged and petitioned to take steps to acquire the refineries and pipe lines used in the refining and distribution of oil and gasoline and operate the same for consumers without profit. Be it further

Resolved, That a copy of this resolution, properly attested by the chief clerks and presiding officers of the senate and assembly, be transmitted to the President of the United States, the presiding officer of each House of Congress, and to each of the Wisconsin Senators and Congressmen.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFELD,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Indian Affairs, as follows:

Joint resolution memorializing Congress to authorize the President to expend all or a part of the appropriations which it makes for the education, medical care, and industrial assistance to the Indians of this State through the departments of the State government equipped to render this service

Whereas this State is vitally interested in the welfare of the 11,000 Indians resident in Wisconsin who now constitute a part of its citizenship; and

Whereas Congress in accordance with treaties and ancient established policy annually appropriates sums of money for the education, medical treatment, and industrial development of the Indians; and

Whereas the sums are now uneconomically and in many cases ineffectively expended due to the absence of technical facilities within the Indian Bureau to efficiently handle these sums and its lack of local contacts; and

Whereas this State maintains efficient departments of agriculture, education, and health which are technically equipped to give the Indians the education, medical care, and industrial guidance which they so greatly need at minimum cost: Now therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States be, and is hereby, urged to provide in the Interior Department appropriation bill for the fiscal year ending June 30, 1927, that all or a part of the amounts appropriated for the benefit of the Indians in this State be expended through the departments of agriculture, education, and health: And be it further

Resolved, That properly attested copies of this resolution be transmitted to each House of Congress of the United States and to each Senator and Representative from this State.

HENRY A. HUBER,
President of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Agriculture and Forestry, as follows:

Joint resolution memorializing Congress to enact legislation prohibiting the manufacture and sale of oleomargarine anywhere in the United States and requesting the Representatives from Wisconsin to introduce a bill therefor

Whereas billions of dollars have been spent to build up the dairy industry of this State, which has heretofore inured materially to the upbuilding of not only the dairy industry but all lines of endeavor; and

Whereas the manufacture and sale of oleomargarine is now rapidly supplanting and replacing the use of butter and as a consequence is destroying the dairy and other farm industries and is driving farmers from the farms; and

Whereas such exodus from the farms to the cities necessarily results in a greatly reduced use of farm machinery and equipment and consequently less demand and use for labor in the manufacture of such machinery and equipment and also necessarily brings more men into competition with city workers and creates a condition harmful to labor; and

Whereas the manufacture of oleomargarine does not require the use of farm machinery or of any other machinery to the extent comparable to the amount and quantity of machinery used in the production of butter and does not contribute materially to the well-being of labor and affects industry detrimentally and keeps labor in cities unemployed; and

Whereas oleomargarine does not return any fertility to the soil nor anything of value to the farms or to the State; and

Whereas oleomargarine has little, if any, food value and when used with foods adds nothing thereto except bulk and when used as an imitation of butter is, as the name implies, an imitation, and as such its sale and use is a fraud and deceit upon the public: Now therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States is hereby earnestly petitioned and urged to enact such legislation as shall prohibit the manufacture and sale of oleomargarine in the United States and that the Representatives in Congress from this State are requested to introduce some measures as may be necessary to accomplish such end. And be it further

Resolved, That a copy of this memorial, properly attested, be forwarded by the secretary of state to the Senate and the House of Representatives of the United States and to each Wisconsin Senator and Representative therein.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Interstate Commerce, as follows:

Joint resolution memorializing the Congress of the United States to enact legislation to prevent fraud in the sale of fabrics, clothing, footwear, and other materials and articles

Whereas the people of the United States are being continually hoodwinked and robbed through the sale and purchase of imitations, misrepresentations, and substitutions for material, fabrics, clothing, footwear, and other articles of wearing apparel; and

Whereas consumers have the right to know beyond the shadow of a doubt the true character, quality, and composition of such goods and wear purchased by them; and

Whereas there is at this time no protection whatever for the innocent purchaser; and

Whereas it is an elemental principle that an honest man can not be harmed by a statement of the truth; and

Whereas some means should be provided and required so that the purchaser might be advised of the true character, quality, and composition of such goods and articles purchased, such as the labeling of such goods and articles in such manner that the purchaser may know exactly what he is buying: Now therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States is hereby earnestly petitioned and urged to enact such legislation as will correct the wrongs herein complained of. And be it further

Resolved, That a copy of this resolution suitably engrossed and properly attested be transmitted to the presiding officers of each House of Congress and to each Wisconsin Representative therein.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate two joint resolutions of the Legislature of Wisconsin, which were referred to the Committee on Commerce, as follows:

Joint resolution memorializing the Congress of the United States urging the passage of bill H. R. 11541

Whereas there is pending by the Congress of the United States a bill (H. R. 11541) introduced by Congressman PEAVEY providing for the establishment of transportation lines on the Great Lakes; and

Whereas the people of the State of Wisconsin are in favor of such bill, the purposes which it aims to accomplish: Now therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States be earnestly petitioned and urged to pass at this session bill H. R. 11541. And be it further

Resolved, That a copy of this resolution, properly attested, be transmitted to the presiding officers of both Houses of Congress and to each Wisconsin Representative therein.

HENRY A. HUBER,
President of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Joint resolution relating to the Great Lakes-St. Lawrence waterway project

Whereas the prosperity of Wisconsin, as well as the whole of the United States, is in large measure dependent upon lower rates of

transportation on its agricultural and manufactured products to markets in Eastern States and foreign countries; and

Whereas it is possible to provide such lower rates of transportation through the completion of the Great Lakes-St. Lawrence waterway project: Therefore be it

Resolved by the assembly (the senate concurring), That we hereby respectfully urge the Congress of the United States to take immediate action to make possible the early completion of the Great Lakes-St. Lawrence waterway project. And be it further

Resolved, That copies of this resolution, properly signed by the presiding officers of both houses and attested by the chief clerks thereof be sent to the presiding officers of the Senate and the House of Representatives of the United States and to each Senator and Member of Congress from Wisconsin.

HENRY A. HUBER,
President of the Senate.
F. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate five joint memorials of the Legislature of Alaska, which were referred to the Committee on Territories and Insular Possessions, as follows:

TERRITORY OF ALASKA,
OFFICE OF THE SECRETARY FOR THE TERRITORY.

I, Karl Theile, secretary of Alaska and custodian of the great seal of said Territory, do hereby certify that I have compared the annexed copy of Senate Joint Memorial No. 1 of the Alaska Territorial Legislature, 1925, with the original thereof and that the same is a full, true, and correct copy of said original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the Territory of Alaska, at Juneau, the capital, this 23d day of March, A. D. 1925.

[SEAL] KARL THEILE,
Secretary of Alaska.

Senate Joint Memorial 1 (by Senator Aldrich) in the Legislature of the Territory of Alaska, seventh session

To the Senate and House of Representatives of the United States of America:

Your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent:—

That there are 753 local gasoline boats, approximately 200 foreign boats, approximately 160 halibut boats, and approximately 250 cannery tenders, aggregating close to 2,500 vessels, engaged in fishing and kindred industries all of which boats make Ketchikan, Alaska, their headquarters and stopping place during the greater part of the year, and are responsible for the prosperity and growth of southeastern Alaska and more particularly the city of Ketchikan;

That the harbor facilities at Ketchikan are so inadequate and unsafe for this fleet that it is hazardous for said boats in event of storms, and it is impractical to place said boats ashore during the winter months when they are not in operation;

That the mouth of Ketchikan Creek at Ketchikan, Alaska, affords, by slight dredging, the possibility of a very safe harbor for the said fleet of vessels, and the Secretary of the Interior has heretofore set aside the area about the mouth of said creek as a reservation for the use of boats primarily belonging to the native population:

Wherefore, your memorialists respectfully request that the said proposed harbor be surveyed and the cost of dredging the same for the purposes of a harbor for the small boats be estimated, and that the necessary appropriation for carrying out the plans be made.

That a copy of this memorial be sent to the Secretary of War and the Delegate from Alaska.

And your memorialists will ever pray.

Passed by the senate March 9, 1925.

FRED M. AYER,
President of the Senate.

Attest:

DELIA B. CHACE,
Secretary of the Senate.

Passed by the house March 19, 1925.

C. W. WILCOX,
Speaker of the House.

Attest:

LAWRENCE S. KERR,
Chief Clerk of the House.

TERRITORY OF ALASKA,
OFFICE OF THE SECRETARY OF ALASKA.

I, Karl Theile, secretary of Alaska and custodian of the great seal of said Territory, do hereby certify that I have compared the annexed copy of Senate Joint Memorial 3 of the Alaska Territorial Legislature, 1925, with the original thereof and that the same is a full, true, and correct copy of said original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the Territory of Alaska, at Juneau, the capital, this 27th day of April, A. D. 1925.

[SEAL.] KARL THEILE,
Secretary of Alaska.

Senate Joint Memorial 3, by committee on taxation and transportation, in the Legislature of the Territory of Alaska, seventh session

To the President, the Secretary of War, the Senate, and the House of Representatives of the United States:

Your memorialists, the Legislature of the Territory of Alaska, in seventh regular session assembled, do most respectfully and earnestly represent that—

Whereas the War Department has always taken a leading part in the development of our frontiers and held together remote and sparsely settled communities in our great West until such development had taken place that local interests could take over this duty, and the War Department is still performing similar functions in the Territory of Alaska; and

Whereas the Alaska Road Commission, under the supervision of the War Department, has, during the past 20 years, worked out a comprehensive system of roads and trails which have greatly aided development in all sections of the Territory, and has since its reorganization in 1920 secured increased funds and more liberal legislation, so that it is now prepared to complete its program in a reasonable time, thereby permitting routes to be utilized throughout without breaking loads; and

Whereas the officers of the Alaska Road Commission are also charged with handling engineering work for many other Federal and Territorial services, which they are accomplishing most efficiently and economically; and

Whereas the Territory of Alaska is not in a financial position to take over the road and trail work as a part of its own interior development, nor even to maintain the existing system, but is contributing to the limit of its resources in aid of this work; and

Whereas section 301 (c) of S. 3445 and H. R. 9629 reported at the last session of the last Congress by the Joint Committee on the Reorganization of the Executive Branch of the Government, would abolish the Alaska Road Commission, without creating another agency to take its place, but transfers direct control of the road and trail work to a department in Washington, D. C., without providing for the other activities handled under its direction; and

Whereas the proposed legislation is objectionable, in that it abolishes a going concern, which was specially created for the work at hand, has grown up with the country, and has justified itself by its accomplishments; is inefficient in that it transfers direction of the work from a board resident in the Territory, with full authority "of its own motion" to meet emergencies and to handle its business on the ground without reference to Washington, to a department in Washington, with all the attendant delays and unbusinesslike methods that are such a conspicuous feature of the usual handling of Alaska affairs; and is uneconomical in that it re-creates in Alaska the very condition it purports to relieve in the United States, by requiring the creation of at least one new organization under a different department to handle only part of the work now being handled by the Alaska Road Commission, its other functions still remaining in the War Department: Now, therefore, be it

Resolved, That the Legislature of the Territory of Alaska heartily indorse the work of the Alaska Road Commission and pray that it may continue to have the support of the War Department and of Congress to the end that its appropriations may continue to be increased, its powers broadened, and construction on its excellent and comprehensive program of road and trail building speeded up; be it further

Resolved, That it is the earnest desire of the Legislature of the Territory of Alaska that the Alaska Road Commission shall continue to be composed of officers of the Corps of Engineers of the Army serving under the supervision of the War Department, and that section 301 (c) shall be stricken from S. 3445 and H. R. 9629, or any similar provision in any new legislation proposed during the next session of Congress.

And your memorialists will ever pray.

Passed by the senate April 14, 1925.

FRED M. AYER,
President of the Senate.

Attest:

DELIA B. CHACE,
Secretary of the Senate.

Passed by the house April 21, 1925.

C. H. WILCOX,
Speaker of the House.

Attest:

LAWRENCE S. KERR,
Clerk of the House.

I hereby certify that the above and foregoing memorial is a full, true, and correct copy of the original thereof.

DELIA B. CHACE,
Secretary of the Senate.

TERRITORY OF ALASKA,
OFFICE OF THE SECRETARY OF STATE.

I, Karl Theile, secretary of Alaska and custodian of the great seal of said Territory, do hereby certify that I have compared the annexed copy of Senate Joint Memorial No. 4 of the Alaska Territorial Legislature, 1925, with the original thereof, and that the same is a full, true, and correct copy of said original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the Territory of Alaska, at Juneau, the capital, this 29th day of April, A. D. 1925.

[SEAL.]

KARL THEILE,
Secretary of Alaska.

Senate Joint Memorial 4 (by Senator Dunn) in the Legislature of the Territory of Alaska, seventh session

To the President, the Congress of the United States, and the Secretary of the Interior:

Your memorialists, the legislators of the Territory of Alaska, do respectfully represent:

That the headquarters of the United States Bureau of Education, Alaska Division, is now located at Seattle, Wash., a considerable distance from the Indians and Eskimos for whose welfare it is working in the Territory of Alaska, and by reason of the distance of said headquarters from the Territory of Alaska obstacles are created to efficient and economical operations that are difficult to overcome;

That neither regular nor sufficient means of transportation are now available to reach the many outlying native settlements which are in most cases separated by great distances;

That when complications arise in the native schools and villages considerable time must necessarily elapse before the required action can be taken, and in many cases by reason of such delay suffering is caused to those involved;

That the location of said headquarters in the Territory of Alaska, your memorialists believe, would permit the officials in charge of said bureau to keep in closer touch with all of the work being carried on by the bureau in the Territory of Alaska and thus enable them better to administer its affairs more efficiently and with greater benefit to the people served;

That the conditions among many of the Indians in the native settlements in the interior of Alaska are deplorable; there are Indians—men, women, and children—without medical attendance, and many Indian children are left to grow up without any school advantages;

That the Indian villages at Mento, Tolovana, and Crossjacket have about 15, 8, and 20 school children, respectively. These villages are situated on the Tanana River about 28, 50, and 56 miles, respectively, down said river from the city of Nenana. These children are growing up in gross ignorance and are sadly in need of a native school as well as medical attention;

That there are United States Government buildings situated in the city of Nenana, formerly occupied by the United States Railroad Commission but now vacated by said commission by reason of the completion of construction of the Alaska Railroad, which buildings could be taken over by the Bureau of Education and used for native hospitals; and

That the location in the Territory of Alaska of the Federal Bureau of Education would permit of and facilitate a fuller measure of harmonious cooperation between the Bureau of Education and the Territorial Department of Education, and thus generally better serve the cause of education for all of the people of the Territory.

Wherefore your memorialists respectively urge that the Bureau of Education, Alaska Division, now located at Seattle, Wash., be removed to some convenient location in the Territory of Alaska.

That a copy of this memorial be sent to the Hon. Dan Sutherland, delegate from Alaska.

And your memorialists will ever pray.

Passed the senate April 20, 1925.

FRED M. AYER,
President of the Senate.

Attest:

DELIA B. CHACE,
Secretary of the Senate.

Passed the house April 25, 1925.

C. H. WILCOX,
Speaker of the House.

Attest:

LAWRENCE S. KERR,
Clerk of the House.

I hereby certify that the above and foregoing is a full, true, and correct copy of the original thereof.

DELIA B. CHACE,
Secretary of the Senate.

TERRITORY OF ALASKA,
OFFICE OF SECRETARY FOR THE TERRITORY.

I, Karl Theile, secretary of Alaska and custodian of the great seal of said Territory, do hereby certify that I have compared the annexed copy of House Joint Memorial 5 of the Alaska Territorial Legislature, 1925, with the original thereof and that the same is a full, true, and correct copy of said original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the Territory of Alaska, at Juneau, the capital, this 24th day of April, A. D. 1925.

[SEAL.]

KARL THEILE,
Secretary of Alaska.

House Joint Memorial 5 (by Mr. Moody) in the Legislature of the Territory of Alaska, seventh session

To the Honorable the President of the United States, the Congress of the United States, and the Secretary of the Interior:

Your petitioner, the Legislature of the Territory of Alaska, in seventh biennial session assembled, respectfully represents:

I. That this body has repeatedly gone on record as opposing the present system of caring for the insane of this Territory, which is a system of contract with a private institution, whereby that institution gains a profit and commercializes the misfortune of human beings.

II. That at the second session of this legislature House Joint Memorial No. 23 passed both houses thereof and was presented to the President and the Congress of the United States. That this memorial contained a report of the committee of the legislature, made after careful investigation of complaints lodged against the management of the institution having this contract with the legislature and various officials, and may be found at pages 238–243 of the Session Laws of Alaska, 1915.

III. That at the third session of the Legislature of Alaska a similar memorial (House Joint Memorial No. 7) again passed both houses of the legislature and was submitted to the President and the Congress of the United States. This memorial may be found at pages 246–250 of the Session Laws of Alaska, 1917.

IV. That at the fifth session of the Alaska Legislature a memorial (House Joint Memorial No. 18), almost identical with those hereinabove mentioned, again passed both houses of the legislature and was sent to the President and the Congress of the United States. This memorial may be found at pages 199–200 of the Session Laws of Alaska, 1921.

V. That the memorials and the report on which they were based were passed after very careful investigation and mature consideration, and it is the moral conviction of the members of this body that any system of caring for the insane by contract with a private institution, conducted with the sole aim of making and gaining a profit from such contract, and under which commercial greed is very often apt to outweigh the considerations of human sympathy and Christian charity which characterize the attitude of the governments of the various American States toward the mentally defective within their borders, is not only contrary to the true principles of American government but is extremely cruel and inhuman.

VI. That while this body is of the opinion that the insane of Alaska should be kept and cared for within the Territory, it also believes that it is a matter for investigation by experts whether or not the climatic and other conditions within the Territory of Alaska would tend to retard the recovery of the patients if maintained in Alaska. And if such investigation be made and the experts report adversely on the matter of establishment and maintenance of a hospital for insane in Alaska, then it is our belief that contracts should be entered into by the United States with one of the States on the Pacific coast for the maintenance and care of the insane of Alaska in one or more of their regularly maintained State hospitals for the insane, to the end that those mentally dependent may receive the humane care and treatment which is due them.

VII. That in this connection attention is respectfully invited to the provisions of chapter 48, session laws of the State of Washington, 1921, which is as follows:

"CHAPTER 48

"STATE HOSPITALS FOR THE INSANE

"An act relating to the observation, maintenance, care, treatment, and custody in the State hospitals for the insane of persons entitled thereto, or requiring the same, at the expense of the United States, and authorizing contracts therefor

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The director of business control shall have the power, in the name of the State, to enter into contracts with any duly authorized representative of the United States Government providing for the admission to, and the separate or joint observation, maintenance, care, treatment, and custody in, the State hospital for the insane of persons entitled to, or requiring the same, at the expense of the United States, and contracts providing for the separate or joint maintenance, care, treatment, and custody of such persons committed to such hospitals in the manner provided by law, and to execute and perform such contracts, which contracts shall provide that all payments due the State of Washington from the United States for service rendered under said contracts, shall be paid into the State

treasury and covered into the State institutional revolving fund to the credit of the institution furnishing the service.

SEC. 2. Until such time as the director of business control shall be appointed and qualified, and assume and exercise the duties of his office, the State board of control shall have the power to perform, in the name of the State, all things authorized by the provisions of this act.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, and the support of the State government and its existing public institutions and shall take effect immediately.

Passed the house February 15, 1921.

Passed the senate March 2, 1921.

Approved by the governor March 8, 1921.

VIII. That it is the opinion of this body that a contract with a State institution would not only remove the objections hereinabove stated to the present contract system, but would result in a material saving to the Government in the cost of maintenance of the insane patients.

Wherefore your petitioner respectfully and earnestly urges that the existing contract for the care of the insane of Alaska with the Morningside Sanitarium, of Portland, Oreg., be revoked;

That an investigation be made by experts qualified to judge as to the advisability of establishing a hospital for the insane within the Territory of Alaska; and

That in the event these experts report adversely upon the project of the establishment of a hospital for the insane in Alaska that a contract be entered into with the State of Washington, or with some other Pacific Coast State, for the care of the Alaskan insane at one or more of such State institutions.

And your memorialist will ever pray; and be it

Resolved by the Legislature of the Territory of Alaska, That copies of this petition be immediately forwarded by the secretary of the Territory to the President and the Congress of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Alaska.

Passed the house April 17, 1925.

C. H. WILCOX,
Speaker of the House.

Attest:

LAWRENCE S. KERR,
Clerk of the House.

Passed the senate April 21, 1925.

FRED M. AYER,
President of the Senate.

Attest:

DELIA B. CHACE,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I hereby certify that the above and foregoing, consisting of five pages besides this, is a full, true, correct, and complete copy of the original of House Joint Memorial No. 5, which has this day been filed with the secretary of Alaska.

Dated at Juneau, Alaska, April 24, 1925.

LAWRENCE S. KERR,
Clerk of the House.

Senate joint memorial (by Senator Dimond) in the Legislature of the Territory of Alaska, seventh session

To the President and to the Congress of the United States:

Your memorialists, the Legislature of the Territory of Alaska, do respectfully represent; that

Whereas, the region of the coast of what is commonly known as "Southwestern Alaska," extending on both sides of the Alaska Peninsula and the adjacent districts, is constantly increasing in economic importance by reason of the development of the fishing and other industries along this coast, and by reason of such development the traffic by shipping in this region is increasing; and

Whereas the coast described has never been properly or adequately charted and for a part of the waters along such coast the charts now in use are based upon observations made by Russian navigators several hundred years ago; and

Whereas said coast line is almost without lights, blinkers, or buoys; and

Whereas, by reason of lack of adequate charts and lack of lights, the said coast is a veritable "graveyard of ships"; and

Whereas the waters along this coast for many months of the year are exceedingly stormy, and dense fogs are frequent;

Wherefore your memorialists respectfully pray that a proper, comprehensive, and adequate survey be made of the coast above described and of adjacent waters, and that said coast be properly lighted with lighthouses and blinkers.

And your memorialists will ever so pray.

Adopted by the senate April 24, 1925.

FRED M. AYER,
President of the Senate.

Attest:

DELIA B. CHACE,
Secretary of the Senate.

Concurred in by the house April 28, 1925.

C. H. WILCOX,
Speaker of the House.

Attest:

LAWRENCE S. KERR,
Clerk of the House.

I hereby certify that the above and foregoing is a full, true, and correct copy of the original thereof.

DELIA B. CHACE,
Secretary of the Senate.

The VICE PRESIDENT also laid before the Senate four concurrent resolutions of the Legislature of Hawaii, which were referred to the Committee on Territories and Insular Possessions, as follows:

Concurrent resolution

Whereas the United States mails are being daily transported by airplanes across the mainland of the United States; and

Whereas the daily press frequently mentions plans for extending, and actual extensions, of air-mail service on the mainland; and

Whereas air routes between the principal islands of Hawaii have been charted and are traversed safely and frequently by planes of the Army and Navy; and

Whereas daily air-mail service to and from the islands of Oahu, Maui, Hawaii, and Kauai would reduce the time in transit of interisland mails from one to three days and bring about large economies in the transaction of all classes of our business; and

Whereas such service would further equip the Government with planes and fliers, ready and able to fly between the islands under all conditions, and with landing fields and mechanical bases—all invaluable in an international emergency; and

Whereas Hawaii is an integral part of the United States and is entitled under the bill of rights enacted by the Sixty-ninth Congress to share, on even terms with the States of the Union, in the expenditures of all departments of the Government for the improvement of Federal services and facilities: Now therefore be it

Resolved by the Senate of the Territory of Hawaii (the House of Representatives concurring), That the President of the United States be respectfully requested to include Hawaii in plans for air-mail extensions at present authorized by law; and further that the Congress of the United States be also respectfully requested to consider the urgent importance of our appeal for this service and, if need be, especially appropriate funds for the establishment and maintenance of an interisland air-mail service in Hawaii. And be it further

Resolved, That certified copies of this resolution be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, February 18, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted by the Senate of the Territory of Hawaii.

ROBERT W. SHINGLE,
President of the Senate.
ALBERT E. LLOYD,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, February 18, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

NORMAN K. LYMAN,
Speaker, House of Representatives.
JOSEPH ORDEMAN,
Clerk, House of Representatives.

Concurrent resolution

Whereas under the laws of the United States of America, and particularly under section 320 of the penal laws of the United States, it is provided that no boxing exhibitions can be carried on in the Territory of Hawaii; and

Whereas the people of the Territory of Hawaii are interested in and in favor of allowing boxing exhibitions to be carried on in the Territory of Hawaii under such rules and regulations as may be prescribed by the Legislature of the Territory of Hawaii: Now, therefore,

Be it resolved by the Senate of the Territory of Hawaii (the House of Representatives of the Territory of Hawaii concurring), That the Congress of the United States of America be requested to amend section 320 of the penal laws of the United States, Thirty-fifth Statutes at Large 1150, by changing the last paragraph of said law to read as follows:

"The provision of this section shall apply to all of the Territories of the United States and the District of Columbia, but shall not include the Territory of Hawaii."

And be it further

Resolved, That certified copies of this resolution be forwarded to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States, to the chairmen of the Committees on Territories of the Senate and of the House of Representatives of the Congress of the United States, and to the Delegate to Congress from the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, March 6, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted by the Senate of the Territory of Hawaii.

ROBERT W. SHINGLE,
President of the Senate.
ALBERT E. LLOYD,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, March 9, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted by the House of Representatives of the Territory of Hawaii.

NORMAN K. LYMAN,
Speaker House of Representatives.
JOSEPH ORDEMAN,
Clerk House of Representatives.

Concurrent resolution

Whereas prior legislatures have on several occasions by concurrent resolution memorialized Congress to admit the Territory of Hawaii as a State of the United States; and

Whereas the repeated refusals of the Congress to consider our petitions for statehood justify a conclusion that Congress does not deem the Territory sufficiently qualified to assume the responsibilities of full self-government; and

Whereas it is confidently believed that upon being assured of our full and complete qualifications for statehood the Congress of the United States would promptly and favorably consider the desire of the Territory of Hawaii to be admitted into the Union of the States; and

Whereas it is deemed that the most effective and expeditious means of conveying such assurances would be by permitting the Territory of Hawaii to amend the organic act of the Territory and thereby in effect permitting the Territory to establish a probationary State, the Congress of the United States retaining its present sovereignty over the Territory; and

Whereas if permitted to amend the organic act the Territory would be afforded complete opportunity to demonstrate its full and unqualified ability to govern itself as a State, by which means the Territory will later be in better position to request statehood than at any time heretofore: Now therefore be it

Resolved by the Senate of the Territory of Hawaii (the House of Representatives of the Territory of Hawaii concurring), That the Congress of the United States be requested to amend the organic act of the Territory of Hawaii by adding thereto a new section to be known as section 108, reading as follows:

"SEC. 108. That this act may be amended in the following manner: The legislature, whenever two-thirds of both houses thereof shall deem it necessary, may propose, by joint resolution not requiring the approval of the governor, amendments to this act, which shall be valid to all intents and purposes when, after being submitted to the voters at the next ensuing general election held in the Territory of Hawaii, they shall be ratified by two-thirds of the votes polled upon each amendment submitted to the voters for ratification"; and be it further

Resolved, That certified copies of this resolution be forwarded to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States, to the chairmen of the Committees on Territories of the Senate and of the House of Representatives of the Congress of the United States, and to the Delegate to Congress from the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 9, 1925.

We hereby certify that the foregoing concurrent resolution was adopted by the Senate of the Territory of Hawaii on the 11th day of March, 1925.

ROBERT W. SHINGLE,
President of the Senate.
ALBERT E. LLOYD,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 9, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

NORMAN K. LYMAN,
Speaker House of Representatives.
JOSEPH ORDEMAN,
Clerk House of Representatives.

Concurrent resolution

Whereas there are a number of public utilities operating within the Territory of Hawaii, which are now by virtue of certain acts of Congress placed some under the supervision and control of the Federal Interstate Commerce Commission and some under the supervision and control of the United States Shipping Board; and

Whereas certain bills have been introduced from time to time in Congress, the purpose of which was and is to transfer the jurisdiction of public utilities operating within the Territory of Hawaii, and which are now under the jurisdiction of the Interstate Commerce Commission, to the Public Utilities Commission of the Territory of Hawaii. Now therefore be it

Resolved by the House of Representatives of the Territory of Hawaii, regular session 1925 (the Senate concurring), That the legislature favors the passage by Congress of an act or acts to the effect that the existing control and jurisdiction of the Federal Interstate Commerce Commission and of the United States Shipping Board over public utilities operating in the Territory of Hawaii, shall, except so far as regards interstate commerce, be transferred to the Public Utilities Commission of the Territory of Hawaii. And be it further

Resolved, That a certified copy of this resolution be forwarded to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to the delegate to Congress from the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, March 17, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

NORMAN K. LYMAN,
Speaker House of Representatives.
JOSEPH ORDEMAN,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 2, 1925.

We hereby certify that the foregoing concurrent resolution was this day adopted in the Senate of the Territory of Hawaii.

ROBERT W. SHINGLE,
President of the Senate.
ALBERT E. LLOYD,
Clerk of the Senate.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of Porto Rico, which was referred to the Committee on Territories and Insular Possessions, as follows:

HOUSE OF REPRESENTATIVES OF PORTO RICO,
ELEVENTH LEGISLATURE, FIRST SESSION.

I, Francisco L. Amadeo, secretary of the House of Representatives of Porto Rico, do hereby certify that House Concurrent Resolution 6, entitled "Concurrent resolution to request the Congress of the United States to amend, reenact, and add certain sections to the organic act of Porto Rico," has been adopted by the House of Representatives and the Senate of Porto Rico and signed by the presiding officers of both houses.

Given in the House of Representatives of Porto Rico, this 19th day of August, 1925.

F. L. AMADEO,
Secretary of the House of Representatives.

Concurrent resolution to request the Congress of the United States to amend, reenact, and add certain sections to the organic act of Porto Rico

Be it resolved by the House of Representatives of Porto Rico (the Senate of Porto Rico concurring), That the Legislature of Porto Rico,

in the performance of its duty and exercising the right of the people it represents, according to the principles of liberty and democracy in forming the traditions and life of the American people, and inspired by pure sentiments of human dignity, requests the Congress of the United States to amend and reenact the following sections of the organic act of Porto Rico, entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917.

SECTION 1. That section 3 of the organic act of Porto Rico is hereby amended to read as follows:

"SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, incomes, internal revenue and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico, which is also empowered to direct the customs and post officers of the United States in Porto Rico to collect in the island and to cover into the insular treasury the internal-revenue taxes imposed by authority of the Legislature of Porto Rico on imports from the United States and foreign countries when a similar and uniform tax is also levied on like articles produced or producible in Porto Rico. With the approval of the President of the United States the Legislature of Porto Rico is also hereby empowered—

"(a) To impose import or customs duties on imports from the United States or foreign countries when similar articles are produced in Porto Rico and are not produced in the United States, for the purpose of preventing reexportation of such articles as products of the soil of Porto Rico;

"(b) To levy a tax additional to the United States customs duty on all articles of any class imported from foreign countries;

"(c) To reduce the tax levied on articles of foreign origin when such articles are raw food products and it is shown that such measure is necessary to reduce the people's cost of living or subsistence: *Provided*, That articles on which the customs tariff is reduced on importation into Porto Rico shall pay, if reexported to the United States, an export duty equal to such part of the United States tariff duty as they failed to pay upon their introduction into Porto Rico;

"(d) To grant foreign states all or any of the tariff rebates authorized in the foregoing paragraphs, in consideration of the grant by said states of tariff rebates on articles produced in Porto Rico, the necessary negotiations to be carried on through the office of the Secretary of State of the United States.

"When necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law and to protect the public credit: *Provided, however*, That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico, secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico, shall not be counted nor bonds issued for irrigation purposes by the different municipalities or the people of Porto Rico when such bonds are redeemable with the proceeds of a special tax levied on the landowners benefited by the irrigation system to which such loans are to be applied."

SEC. 2. That a new section is hereby inserted between sections 5 and 6 of the said organic act to read as follows:

"SEC. 5a. That the citizens of the United States, referred to in section 5 of 'An act to provide a civil government for Porto Rico, and for other purposes,' approved March 2, 1917, and other citizens of the United States permanently domiciled in the island for more than three years, shall also be citizens of Porto Rico: *Provided*, That the persons born in Porto Rico of alien parents, referred to in the last paragraph of the said section, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have the period of one year from the approval of this act to make the declaration provided for in the aforesaid section: *And provided further*, That the persons who elected to retain the political status of citizens of Porto Rico may become citizens of the United States in the same term and manner as provided for the naturalization of native Porto Ricans born of foreign parents."

SEC. 3. That section 12 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 12. That the supreme executive power shall be vested in an executive officer, whose official title shall be the Governor of Porto Rico. He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. He shall have general supervision and control of all the departments and bureaus of the Government in Porto Rico, so far as is not inconsistent with the provisions of this act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines for offenses against the laws of Porto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Porto Rico and of the United States applicable in Porto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island, summon the posse comitatus, or call on the militia, to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place the island or any part thereof under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the government of Porto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President.

"At the general election to be held in Porto Rico in the year 1928, and thereafter at each general election, the qualified electors of Porto Rico shall elect the governor, who shall qualify as such on the first Monday of January of the succeeding year, and upon such qualification the office of the appointed governor shall cease and determine. A lieutenant governor shall also at such time be elected for a term of four years under like conditions. He shall act as governor in case of a vacancy, the temporary absence or removal, resignation, or disability of the governor, and shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence. The lieutenant governor shall be the ex officio president of the senate and shall receive such salary as the Legislature of Porto Rico may determine. The governor and the lieutenant governor thus elected shall hold their offices for a term of four years and until their successors have been elected and shall have qualified.

"The elected governor herein provided for may be impeached by the insular house of representatives, and on trial by the insular senate may be removed by a two-thirds vote of that body for any impeachment cause. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit in Porto Rico, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law."

SEC. 4. That section 13 of the organic act, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of the interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and commerce, the head of which shall be designated as the commissioner of agriculture and commerce; a department of labor, the head of which shall be designated as the commissioner of labor; and a department of health, the head of which shall be designated as the commissioner of health.

"The heads of departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, for the term of four years, and until their successors are appointed and qualified, unless sooner removed by the governor.

"Heads of departments shall reside in Porto Rico during their official incumbency.

"The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed or which may hereafter be prescribed by law and such other duties not inconsistent with law as the governor, with the approval of the president, may assign to them, and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States, to be designated by the President, as herein provided: *Provided*, That the duties herein imposed upon the heads of the departments shall not carry with them additional compensation."

SEC. 5. That section 18 of the said organic act, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 18. That the commissioner of agriculture and commerce shall have general charge of such bureaus and branches of the government as have been or shall be legally constituted for the study, advancement, and benefit of agriculture, commerce, and the industries; the chief purpose of this department being to foster, promote, and develop the agricultural, commercial, and industrial interests and the welfare of the farmers of Porto Rico; to improve their market conditions, and to advance their opportunities for profitable sales of their products, and shall perform such other duties as may be prescribed by law."

SEC. 6. That between sections 18 and 19 of said organic act, approved March 2, 1917, a new section is hereby inserted to read as follows:

"SEC. 18a. That the commissioner of labor shall have charge of such bureaus and branches of the government as have been or shall be legally constituted to foster and promote the welfare of the wage earners of Porto Rico; to improve their working conditions; and to advance their opportunities for profitable employment; and shall perform such other duties as may be prescribed by law."

SEC. 7. That section 31 of the organic act of Porto Rico, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 31. That members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of $20 a day for the first 60 days of each regular session and $1 a day for each additional day of such session while in session, and mileage for each session at the rate of 10 cents a kilometer for each kilometer actually and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel."

SEC. 8. That section 33 of the organic act of Porto Rico, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 33. That regular sessions of the legislature shall be held annually, convening on the second Monday in February of each year, unless otherwise provided by the legislature. The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interests may require it, but no special session shall continue longer than 10 days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call."

SEC. 9. That the first paragraph of section 34 of the organic act of Porto Rico, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 34. That the enacting clause of the laws shall be, as to acts, 'Be it enacted by the Legislature of Porto Rico,' and as to joint resolutions, 'Be it resolved by the Legislature of Porto Rico.' Except as hereinafter provided, bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yea-and-nay vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within 10 days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If after such reconsideration two-thirds of all the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of all the members of that house, it shall become law the same as if it had been approved by the governor. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal."

SEC. 10. That the first paragraph of section 38 of the organic act of Porto Rico, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 38. That all grants of franchises, rights, and privileges of a public nature shall be made by a public-service commission consisting of a public-service commissioner appointed by the governor, with the advice and consent of the senate, for the term of four years and until his successor shall be appointed and shall have qualified, and two commissioners elected at each general election for the term of four years and until their successors are elected and shall have qualified, whose terms shall begin the 2d day of January following their election. In the election of the said commissioner each elector shall be allowed to vote but for one candidate. The salary of the commissioner who presides over the commission shall be $6,000 a year, and the compensation of each member elective shall be $10 for each day's attendance at the sessions of the commission, but in no case shall they receive more than $1,000 during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council and such functions as may be conferred thereon by the legislature. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same."

SEC. 11. That the following section shall be inserted between sections 39 and 40 as a part of the organic act of Porto Rico, approved March 2, 1917, to read as follows:

"SEC. 39a. That the Legislature of Porto Rico is hereby empowered to enforce the provisions of the joint resolution approved May 1, 1900, with respect to the buying, selling, or holding of real estate, and is also empowered to raise the limit of the 500 acres provided for in the said joint resolution up to a limit of 2,000 acres; and to impose additional and progressive taxes on all property owned or controlled in excess of 500 acres by corporations, partnerships, associations, and individuals, and to provide for the forfeiture of all lands owned or controlled by corporations in violation of the prohibition established in the aforesaid joint resolution or of any other law on the subject enacted by the Legislature of Porto Rico by virtue of the authorization hereby conferred on it after giving a term of no less than one year to the owners for the disposal of their property so owned and controlled: *Provided*, That the legislature shall have power to levy progressive taxes on the property and income of nonresidents in excess of the taxes levied on the property and income of residents."

SEC. 12. That section 41 of the organic act of Porto Rico, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 41. That Porto Rico shall constitute a judicial district to be called 'the district of Porto Rico.' The President, with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and has qualified. The salary of said judge shall be $7,500 per annum. A district attorney shall likewise be appointed, whose salary shall be $4,000 a year, and a marshal for said district, whose salary shall be $3,500 per annum, each for a term of four years unless sooner removed by the President. The district court for said district shall be called 'the District Court of the United States for Porto Rico,' and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition, said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign state or states, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $5,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided*, That nothing in this act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this act. Upon the taking effect of this act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of the said court, without extra compensation. No interlocutory or preliminary injunction suspending or restraining the enforcement or execution of any law or statute of Porto Rico by restraining the action of any officer of said island in the enforcement or execution of such statute, or in putting it into effect or in executing an order made by any administrative board or commission acting under and pursuant to any statute of said island, shall be issued or granted by the judge of the United States District Court for Porto Rico upon the ground of the unconstitutionality of said law or statute, unless the application for such injunction shall be presented to said United States district judge and said application shall be heard by said Federal judge and by two judges of the Supreme Court of Porto Rico, and shall not be granted unless a majority of said three judges concur in granting such application. Whenever such application as aforesaid is presented to said Federal judge he shall immediately call to his assistance to hear and determine the application the aforesaid two

judges of the Supreme Court of Porto Rico. Said application shall not be heard before at least five days' notice of the hearing has been given to the Governor and to the attorney general of Porto Rico and to such other persons as may be defendants in the suit. The hearing upon such applications for interlocutory injunctions shall be given precedence on the calendar of said Federal court and shall be assigned for hearing at the earliest practicable day after the expiration of the five days' notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from any order granting or denying an interlocutory injunction in such cases. No permanent injunction shall be granted unless concurred in by a majority of the aforesaid three judges: *Provided*, That if before the final hearing of such application a suit shall have been brought in the insular courts of Porto Rico to enforce such statute or order all proceedings or suits in the Federal court of Porto Rico questioning such statutes where an order has been issued to stay the execution of such statute or order, shall be stayed pending the final determination of such suit in the insular courts; but such stay shall be vacated upon proof made after due hearing and service of notice on the attorney general of Porto Rico that the suit in the insular courts is not being prosecuted with diligence and good faith."

SEC. 13. That section 42 of the organic act of Porto Rico, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 42. That the laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the District Court of the United States and the courts of Porto Rico. Regular terms of said United States District Court shall be held at San Juan, commencing on the first Monday in May and November of each year. Also at Ponce on the second Monday in February of each year, and annually at Mayaguez at such stated time as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English or Spanish language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts."

SEC. 14. Section 49 of the organic act of Porto Rico, approved March 2, 1917, is hereby amended to read as follows:

"SEC. 49. Hereafter and until the Legislature of Porto Rico otherwise provides, the judges, marshals, and secretaries of the courts at present established, or of such courts as may be established in future, shall be appointed by the governor, with the advice and consent of the Senate of Porto Rico."

SEC. 15. That a commission from the Legislature of Porto Rico, appointed by the president of the senate and the speaker of the house of representatives, shall proceed to Washington as soon as it may deem advisable after the convening of the coming session of Congress, to continue the work left pending by the commission sent to Washington under resolution of the last legislature; and said commission shall have ample powers, which are hereby granted to it, to demand a most complete and absolute self-government permitting our island to develop its economic and social progress to the point of placing itself in condition some day to propound the problem of its final status through a plebiscite of our people to express their sovereign will.

SEC. 16. That a copy of this resolution be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Committee on Territories and Insular Possessions, the chairman of the House Committee on Insular Affairs, and the Resident Commissioner for Porto Rico in Washington.

Mr. COPELAND. Mr. President, I present a petition from some of my constituents, which I ask to have read and referred to the Committee on Agriculture and Forestry.

There being no objection, a resolution adopted by the New York State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, was read and referred to the Committee on Agriculture and Forestry, as follows:

NEW YORK STATE CONFERENCE
OF THE BROTHERHOOD OF PAINTERS,
DECORATORS, AND PAPERHANGERS OF AMERICA,
Syracuse, N. Y., December 7, 1925.

Hon. ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.

DEAR SIR:

Whereas a nation-wide bread trust is now in the course of formation under the domination of the Ward interests, which have persistently denied the right of the employees in their baking plants to organize and bargain collectively through representatives of their own choosing; and

Whereas the creation of this bread trust is a menace to the wage earners of the United States, not only as employees but as the principal consumers of bakers' bread; and

Whereas the completion of the proposed combination of the Ward, Continental, and General Baking companies will give the bread trust power to control more than 50 per cent of the bread production in the principal cities of the United States, to dictate the price of bread to consumers, to fix wages of bakery employees, and by dictating the price of flour to control, indirectly but effectively, the price of the farmers' wheat; and

Whereas the Federal Trade Commission and the Department of Justice have both failed to take the necessary action to prevent the formation of this trust: Therefore be it

Resolved by the New York State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, That we hereby call upon the Congress of the United States to conduct a thorough investigation of the plans and activities of the promoters of the bread trust, including all attempts to suppress competition, to fix prices, and deny to their employees the right to bargain collectively, and as a result of such investigation to take such action as may be necessary to prevent or destroy any attempt to monopolize and control the commercial bread production of the United States.

Hoping that the resolution herein set forth will be favorably acted upon by your honorable body, we are

Sincerely yours,

NEW YORK STATE CONFERENCE OF THE
BROTHERHOOD OF PAINTERS, DECORATORS,
AND PAPERHANGERS OF AMERICA.
A. W. SHERMAN, *Secretary-Treasurer.*

Mr. PHIPPS presented a resolution of the board of directors of the Denver (Colo.) Chamber of Commerce, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Believing that the tax-reform principles heretofore advocated by several Secretaries of the Treasury of the United States, including Secretary Glass, Secretary Houston, and Secretary Mellon, should be made effective by appropriate legislation by the Federal Congress, thereby encouraging the investment of funds in productive industrial undertaking: Therefore be it

Resolved, First, that taxation is an economic problem which should be treated and solved without reference to partisan consideration;

Second, That we favor further reduction of Federal taxes on incomes, and that the maximum aggregate rates should not exceed 25 per cent; that is to say, 5 per cent normal and 20 per cent surtax;

Third, That the publicity provisions of the existing Federal income tax law should be repealed;

Fourth, That no death duties of any kind or character should be imposed by the Federal Government, except in case of national emergency;

Fifth, That Congress be urged to give effect to the foregoing principles, and that copies of these resolutions be transmitted to all Colorado Members of Federal Congress.

Mr. McKINLEY presented a joint resolution of the legislature of the State of Illinois favoring the passage of legislation embodying a scientific plan or program by which reasonable export bounties may be provided to be paid upon all exports of wheat, corn, hogs, and cattle, and their products, and by which the money to pay such bounties may be provided by the person economically benefited to the end that the producers' prices of such products for domestic and foreign consumption may be materially increased, etc., which was referred to the Committee on Finance. (See joint resolution printed in full when laid down to-day by the Vice President.)

Mr. FESS presented the petition of Henry H. Jegley and sundry other patients of the National Military Home of Dayton, Ohio, praying that the legislative program with reference to tuberculosis adopted by the American Legion be carried out, which was referred to the Committee on Finance.

Mr. McLEAN presented a letter and a paper in the nature of petitions from the Women's Relief Corps, Grand Army of the Republic, of Cromwell, and Charles D. Rowen Camp No. 2, of Meriden, both in the State of Connecticut, praying for increase of pensions to the survivors and widows of the Civil and Spanish-American Wars, which were referred to the Committee on Pensions.

Mr. WILLIS presented a resolution adopted at a meeting of citizens of Marietta, Ohio, favoring the adhesion of the United States to the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a petition of Henry H. Jegley and sundry other patients of the National Military Home of Dayton, Ohio, praying that the legislative program with reference to tuberculosis adopted by the American Legion be carried out, which was referred to the Committee on Finance.

Mr. JONES of Washington presented a petition of sundry citizens of Grandview, Wash., praying for the removal or reduction of the tax on industrial alcohol, which was referred to the Committee on Finance.

He also presented a resolution adopted by the board of directors of the Washington State Chamber of Commerce, at Olympia, Wash., favoring the adhesion of the United States to the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

Mr. BINGHAM presented a petition of the Woman's Christian Temperance Union, the Women's Foreign Missionary Society of the Congregational Church, and the Women's Foreign Missionary Society of the Methodist Episcopal Church of Higganum, Conn., praying for the adhesion of the United States to the Permanent Court of International Justice and commending the enforcement of the Volstead Act, etc., which was referred to the Committee on Foreign Relations.

He also presented letters and papers in the nature of petitions of the board of directors of the Fairfield County Republican Women's Association; the Mount Carmel Book Club, of Mount Carmel; the Bridgeport (Conn.) section, National Council of Jewish Women, of Bridgeport; the men's class of the Second Congregational Church, of Watertown; the Woman's Christian Temperance Union of Stafford Springs, Middlefield, Eastern Enfield, Montville, Wallingford, Essex, Plantsville, Wethersfield, Central Village, New Haven; the Christian Endeavor Societies of the Congregational and Baptist churches of Clinton; the Woman's Town Improvement Association of Westport; the Woman's Study Club, of Naugatuck; the directors of the Chamber of Commerce of Waterbury; the Hartford (Conn.) section of the National Council of Jewish Women; the Current History Class of New London; the directors of the Chamber of Commerce of Middletown; the Republican Woman's Club of Stamford; the Woman's Club of Waterbury; the League of Women Voters of Wallingford, Terryville, and Salisbury; sundry citizens of Watertown, New Milford, and Middlebury, all in the State of Connecticut, and of the Interchurch Federation Council of Honolulu, Hawaii, and the Associated Chambers of Commerce of Honolulu, Hawaii, praying for the adhesion of the United States to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

Mr. McKELLAR. Mr. President, on last Saturday, December 5, a great public meeting was held in Memphis in the interest of the World Court, and that meeting was addressed by Maj. Gen. John F. O'Ryan. At the close of his speech resolutions favoring the court were passed by that great public meeting. I ask that those resolutions may be printed in the RECORD, together with resolutions passed at a meeting at Montreat, N. C., in favor of the World Court.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas a large number of the citizens of Memphis have assembled in the public auditorium at a meeting presided over by his honor, Rowlett Paine, the mayor, and have heard with pleasure and approval the eloquent plea made by Maj. Gen. John F. O'Ryan, commander of the Twenty-seventh Division in the World War, that this country join the World Court established by the League of Nations at The Hague: Therefore be it

Resolved, That we thank General O'Ryan for his splendid address and declare ourselves in complete agreement therewith. Be it further

Resolved, That we respectfully petition the Senate of the United States to pass all resolutions necessary to the full and complete carrying out of the recommendations of the President of the United States in this matter, subject only to such reservations as have been suggested by the President. Be it further

Resolved, That we commend Senators McKELLAR and TYSON for their declared purpose to work and vote for the entry of the United States into the World Court at the earliest possible moment, and we beg them to present these resolutions to the Senate of the United States. Be it further

Resolved, That we thank his honor the mayor, Congressman FISHER, the American Legion, the Tenth Congressional District Reserve Officers' Association, and the Military Order of Foreign Wars for inviting the speaker of the evening to come to us on this occasion and otherwise making possible this meeting.

RESOLUTIONS REGARDING THE ENTRANCE OF UNITED STATES INTO THE WORLD COURT

The following resolution was passed unanimously at Montreat, N. C., by a great assembly of 800 women coming from 18 States and 5 foreign countries:

"1. Whereas the World Court is not a political institution but a judicial one and has been approved by the Federal Council of the Churches of Christ in America as well as by leaders of both political parties;

"2. Whereas the World Court constitutes the only existing mechanism for applying international law to the settlement of international disputes and thus 'outlawing war'; and

"3. Whereas the subject of the entrance of America into the World Court has been made the unfinished business of the Senate for December 17 next: Therefore be it

"*Resolved*, That the members of the Summer School of Missions express to the Senate their most emphatic request for a record vote from the Senate for the entrance of America into the World Court as soon as practical after the discussion of this subject begins on December 17."

MRS. W. C. WINBOROUGH,
Chairman of Summer School of Missions.

YELLOWSTONE NATIONAL PARK

Mr. WARREN. Mr. President, I send to the desk a letter from Mrs. Nellie Taylor Ross, Governor of the State of Wyoming, relative to the proposed extension of the boundaries of the Yellowstone National Park, which I ask may be referred to the Committee on Public Lands and Surveys and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Public Lands and Surveys, and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT,
Cheyenne, December 7, 1925.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SENATOR WARREN: I am advised that the committee appointed by the President has recommended the extension of the Yellowstone National Park by the inclusion within its boundaries of a considerable area now within the borders of the State of Wyoming, and that a bill will be introduced during the present session of Congress to accomplish this purpose. The desirability of this action is a subject upon which the people of Wyoming are naturally divided. It will interest you, however, to know that the expressions that have come to my office from individuals and from representative organizations from practically every section of the State lead to the conclusion that the preponderance of sentiment is against extension.

It has been my opinion that the wishes of the people of Wyoming should have a strong influence upon the decision of the Congress in the matter. I have felt that I should inform you of the tenor of the views that in letters, telegrams, and resolutions have been sent me, although I realize that you and the other Members of the Congressional delegation may have received even more complete information on this phase of the matter than has come to me. I do, however, desire to call your attention particularly to the fact that the State of Wyoming has never exercised the right of taxation in the Yellowstone Park. I am advised that in the creation of practically all other national parks throughout the United States there was reserved to the States from which they were withdrawn the right to tax all private property within them. For instance, the property of all utilities companies operating within the boundaries of the Rocky Mountain National Park in Colorado, the Glacier Park in Montana, and the Yosemite Park in California are a source of substantial revenue to the respective States, while the extensive hotel and transportation enterprises—which I am told operate with large profit in the Yellowstone Park—yield no return whatever to the State of Wyoming in taxes.

There is, of course, a great deal of opposition in the State on principle to the surrender of additional territory to the Federal Government. Personally, while recognizing that there are reasonable arguments for and against it, I do not believe that extension would be advantageous to the State.

There are many citizens who feel that the extension of the park without the express consent of the legislature should be resisted. If, however, it develops that the sentiment of the Congress favors it, regardless of the desires of the people of Wyoming, it is my earnest hope that it will appeal to the members of the Wyoming delegation as a proper recognition of the rights of this State that there should be embodied in any extension measure a provision securing to this State the same powers of taxation that are exercised by other States in regard to national parks within their boundaries.

I believe it would meet the approval of a majority of the people of Wyoming if our delegation, before consenting to the surrender of another acre of Wyoming territory, would insist that the Federal Government give express authorization to the State of taxation upon all private property not only within the additional area but throughout the entire park.

Yours very truly,

NELLIE TAYLOR ROSS,
Governor.

INVESTIGATION OF BUREAU OF INTERNAL REVENUE

Mr. COUZENS. From the Select Committee on Investigation of the Bureau of Internal Revenue, I submit the testimony taken

by the committee on March 18 to March 30, and from May 4 to May 30, as contained in parts 15, 16, 17, 18 of the printed hearings; and also letters and replies from the bureau as contained in part 19.

The VICE PRESIDENT. The report will be received and printed.

Mr. REED of Missouri. I desire to inquire of the Senator from Michigan, how many copies of the evidence have been printed?

Mr. COUZENS. I think there are sufficient for any Senators or Representatives in Congress who may want them. I believe there is no necessity to have more copies printed now. The testimony I submit has already been printed, and we have copies for Members of Congress who may desire them.

Mr. SMOOT. I understood the Vice President to state that the report would be received and printed. Does the Senator from Michigan want it printed again, or will the copies that have already been printed by order of the chairman of the committee suffice?

Mr. COUZENS. They will be sufficient. I did not ask to have it printed when I submitted the report.

The VICE PRESIDENT. The report will be received, but no order to print will be made.

ANNUAL REPORT OF THE PUBLIC BUILDINGS COMMISSION

Mr. SMOOT. Mr. President, I submit to the Senate the annual report of the Public Buildings Commission, and I ask that it be printed as a public document, together with the illustrations by way of exhibits to the report. In other words, the exhibits are a part of the report and explain the reason for certain changes recommended in the report.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 957) for the purchase of the Oldroyd collection of Lincoln relics; to the Committee on the Library.

By Mr. SHIPSTEAD:

A bill (S. 958) for the relief of John Gorman;

A bill (S. 959) for the relief of Tena Pettersen; and

A bill (S. 960) for the relief of Mrs. Clark Ingebretson; to the Committee on Claims.

A bill (S. 961) granting an increase of pension to Walter Scott Lafans;

A bill (S. 962) granting a pension to Thomas M. Halpin;

A bill (S. 963) granting a pension to Bruno Knyphausen;

A bill (S. 964) granting an increase of pension to Catherine E. Sperry;

A bill (S. 965) granting an increase of pension to Olaf H. Heleie;

A bill (S. 966) granting a pension to Mary A. Sims;

A bill (S. 967) granting an increase of pension to Egidius J. Fehr;

A bill (S. 968) granting an increase of pension to Ole L. Rindahl; and

A bill (S. 969) granting a pension to Ella Mitchell York; to the Committee on Pensions.

A bill (S. 970) for the relief of Th. Michaelsen;

A bill (S. 971) to carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925; to the Committee on Foreign Relations.

A bill (S. 972) to prevent abuses of judicial process in cases involving or growing out of labor disputes; to the Committee on the Judiciary.

A bill (S. 973) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 974) to exempt homesteads and certain personal property from distraint and sale for internal-revenue taxes; to the Committee on Finance.

A bill (S. 975) awarding a medal in the name of Congress to every member of the First Battalion of the Three hundred and eighth Infantry, Seventy-seventh Division (known as The Lost Battalion); to the Committee on Military Affairs.

By Mr. BAYARD:

A bill (S. 976) for the relief of George B. Booker Co.;

A bill (S. 977) for the relief of A. V. Yearsley; and

A bill (S. 978) for the relief of Horace G. Knowles; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 979) to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, in respect of jury service by women, discriminations against the female line in descent and distribution, and the equalization of rights of husband and wife in the property of the other; to the Committee on the District of Columbia.

A bill (S. 980) to establish a council on universities and colleges in the District of Columbia, and for other purposes; and

A bill (S. 981) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment; to the Committee on Education and Labor.

A bill (S. 982) to extend to poultry the provisions of the meat inspection act; to the Committee on Agriculture and Forestry.

A bill (S. 983) to admit husbands and wives of American citizens to the United States without reference to date of marriage, condition of quota, or any other provision of the immigration laws; to the Committee on Immigration.

A bill (S. 984) providing for a commissioned status to sanitary engineers in the Public Health Service of the United States; to the Committee on Finance.

A bill (S. 985) for the relief of Patrick J. Byrne;

A bill (S. 986) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

A bill (S. 987) for the relief of Joseph J. McCallister; and

A bill (S. 988) for the relief of John Tully; to the Committee on Civil Service.

A bill (S. 989) to amend section 129 of the Judicial Code relating to appeals in admiralty cases;

A bill (S. 990) to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

A bill (S. 991) to amend the tariff act of 1922 and other acts, and to change the official title of the Board of United States General Appraisers and members thereof to that of the United States customs court, presiding judge, and judges thereof;

A bill (S. 992) to create a national police bureau, and for other purposes; and

A bill (S. 993) to permit joining the United States of America as a party defendant in an action in Federal and State courts in certain actions affecting title to real property; to the Committee on the Judiciary.

A bill (S. 994) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859;

A bill (S. 995) authorizing the use of cancellation dies by philanthropic and charitable associations; and

A bill (S. 996) to prohibit the transmission of certain matter through the mails, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 997) granting a pension to Patrick Brosnan;

A bill (S. 998) granting a pension to John W. Brown;

A bill (S. 999) granting a pension to Elizabeth Evans;

A bill (S. 1000) granting a pension to Elmira Bauer, now known as Elmira Hickey;

A bill (S. 1001) granting back pension due to John J. Haggerty;

A bill (S. 1002) granting an increase of pension to Mary A. Helm;

A bill (S. 1003) granting a pension to John Joseph Hardy;

A bill (S. 1004) granting an increase of pension to William R. S. George;

A bill (S. 1005) granting a pension to Harriet I. Gardner;

A bill (S. 1006) granting a pension to Eliza H. Lockwood;

A bill (S. 1007) granting a pension to Olivia Marie Kindleberger;

A bill (S. 1008) granting an increase of pension to Alice J. Hunt;

A bill (S. 1009) granting a pension to Chester R. Hopper;

A bill (S. 1010) granting a pension to William Muller;

A bill (S. 1011) granting an increase of pension for loss of hand or arm;

A bill (S. 1012) granting an increase of pension to James E. O'Brien;

A bill (S. 1013) granting a pension to Horace W. Myers;

A bill (S. 1014) granting a pension to Levi S. Wilson;

A bill (S. 1015) granting a pension to Charles Stein;

A bill (S. 1016) granting an increase of pension to Georgiana R. Shaw;

A bill (S. 1017) granting a pension to Charles D. Stearns; and

A bill (S. 1018) granting an increase of pension to Isabelle Lowen; to the Committee on Pensions.

A bill (S. 1019) for the relief of James J. Meehan;

A bill (S. 1020) for the relief of Thomas Vincent Corey;

A bill (S. 1021) for the relief of Stephen A. Farrell;

A bill (S. 1022) for the relief of Herbert T. James; and

A bill (S. 1023) authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy; to the Committee on Naval Affairs.

A bill (S. 1024) for the appointment of William Joseph Martin as captain in the Judge Advocate General's Department, United States Army;

A bill (S. 1025) to appoint Anthony Sinnott a captain in the Regular Army of the United States;

A bill (S. 1026) to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military science and tactics at educational institutions;

A bill (S. 1027) to make a survey of the Saratoga Battlefield, and to provide for the compilation and preservation of data showing the various positions and movements of troops at that battle, illustrated by diagrams, and for other purposes;

A bill (S. 1028) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public-sewer system;

A bill (S. 1029) granting the distinguished-service medal to Dr. Victor C. Pedersen;

A bill (S. 1030) granting the victory medal to Vella Martin, Eva Mulford, Frances Dolan, Julia Meehan, Mary K. Abner, Melvina H. Ryan, Anna M. Bridgett, and Alice Ida Mich;

A bill (S. 1031) providing for the appointment of Stewart Blackman as first lieutenant, United States Army, to take rank under provisions of section 24a of the act of Congress approved June 4, 1920; and

A bill (S. 1032) for the relief of Herman Lincoln Chatkoff; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 1033) to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. FERRIS:

A bill (S. 1034) for the relief of the Detroit Fidelity & Surety Co.; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 1035) relating to contempts; to the Committee on the Judiciary.

A bill (S. 1036) to amend section 11 of the Federal farm loan act, as amended April 20, 1920; to the Committee on Banking and Currency.

A bill (S. 1037) for the disposition of refractory lands on the Huntley irrigation project, in the State of Montana; to the Committee on Irrigation and Reclamation.

A bill (S. 1038) providing that Indians and other persons on Indian reservations and superintendencies shall be subject to certain State or Territorial laws, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

A bill (S. 1040) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States;

A bill (S. 1041) to supplement the act of June 30, 1906, creating the United States Court for China;

A bill (S. 1042) to amend the Penal Code;

A bill (S. 1043) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation;

A bill (S. 1044) in reference to writs of error; and

A bill (S. 1045) to prevent evasions of the antitrust laws; to the Committee on the Judiciary.

A bill (S. 1046) to consolidate certain patented lands in Glacier National Park;

A bill (S. 1047) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;

A bill (S. 1048) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux Indians, in which the commands of Major Reno and Major Benteen were engaged;

A bill (S. 1049) for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw;

A bill (S. 1050) for the relief of William F. Brockschmidt;

A bill (S. 1051) for the relief of the heirs of Karl T. Larson, deceased; and

A bill (S. 1052) to authorize and direct issuance of patents to purchasers of lots in the town site of Bowdoin, Mont.; to the Committee on Public Lands and Surveys.

By Mr. BROOKHART:

A bill (S. 1053) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 1054) providing for the construction of certain public works, creating the Inland Waterways Corporation, and for other purposes; to the Committee on Commerce.

A bill (S. 1055) granting an increase of pension to Andrew C. Payne (with accompanying papers); and

A bill (S. 1056) granting an increase of pension to Eliza J. Smithson (with accompanying papers); to the Committee on Pensions.

A bill (S. 1057) to extend the benefits of the employees' compensation act of September 7, 1916, to Minnie Schroeder; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 1058) for the relief of James H. Kelly; to the Committee on Military Affairs.

A bill (S. 1059) for the relief of R. Clyde Bennett; to the Committee on Claims.

A bill (S. 1060) granting an increase of pension to William G. Camp;

A bill (S. 1061) granting an increase of pension to Nancy E. Gatrell;

A bill (S. 1062) granting an increase of pension to Julia C. Payne;

A bill (S. 1063) granting an increase of pension to Andrew Shillingburg;

A bill (S. 1064) granting an increase of pension to Margaretta Smith;

A bill (S. 1065) granting an increase of pension to Winifred W. Strippy;

A bill (S. 1066) granting an increase of pension to James H. French;

A bill (S. 1067) granting an increase of pension to Sarah J. Glenn;

A bill (S. 1068) granting a pension to Charles B. Cundiff;

A bill (S. 1069) granting a pension to Paul D. Summers;

A bill (S. 1070) granting a pension to Rebecca C. Swisher;

A bill (S. 1071) granting a pension to George W. Johnson;

A bill (S. 1072) granting a pension to Willie G. McLin;

A bill (S. 1073) granting a pension to Ella M. Porter and three minor children;

A bill (S. 1074) granting a pension to Millie Snedeker;

A bill (S. 1075) granting a pension to Imogene West; and

A bill (S. 1076) granting a pension to Gilbert Rice; to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 1077) to amend an act entitled "The classification act of 1923," approved March 4, 1923; to the Committee on Civil Service.

A bill (S. 1078) for the relief of John H. Cowley; to the Committee on Military Affairs.

By Mr. LA FOLLETTE:

A bill (S. 1079) to provide seamen on American vessels with a continuous discharge book; to provide for improved efficiency and discipline, and for other purposes; to the Committee on Commerce.

A bill (S. 1080) for the relief of Franklin Gum; to the Committee on Military Affairs.

A bill (S. 1081) for the relief of Lieut. George H. Hauge, United States Army; to the Committee on Claims.

A bill (S. 1082) granting an increase of pension to Herman L. Gloege;

A bill (S. 1083) granting a pension to Fred Bronson; and

A bill (S. 1084) granting a pension to Morgan J. Lovelace; to the Committee on Pensions.

By Mr. KING:

A bill (S. 1085) transferring to the Department of Justice certain functions, powers, and duties relating to the national prohibition act and the secret service division, and for other purposes; to the Committee on Finance.

A bill (S. 1086) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

A bill (S. 1087) to amend section 24 of the Judicial Code, as amended;

A bill (S. 1088) to provide for the return of enemy property seized during the war;

A bill (S. 1089) to prevent the use of the mails and other communication facilities in furtherance of margin or bucket-shop transactions; and

A bill (S. 1090) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on the Judiciary.

By Mr. BORAH:

A bill (S. 1091) to repeal the act of May 22, 1918, and the act of March 2, 1921; to the Committee on Foreign Relations.

A bill (S. 1092) for the relief of Edward Kesson; to the Committee on Claims.

A bill (S. 1093) for the relief of Nellie Kildee; to the Committee on Public Lands and Surveys.

A bill (S. 1094) for the relief of Lyn Lundquist; to the Committee on Claims.

A bill (S. 1095) granting a pension to Mrs. Riley B. Cooper;

A bill (S. 1096) granting an increase of pension to Annie J. Jones;

A bill (S. 1097) granting a pension to George Pierce;

A bill (S. 1098) granting a pension to Mary Cox;

A bill (S. 1099) granting a pension to Mordecai M. Gladish;

A bill (S. 1100) granting an increase of pension to Phebe Spencer;

A bill (S. 1101) granting an increase of pension to Nancy Conklin;

A bill (S. 1102) granting a pension to Rose G. Bingman;

A bill (S. 1103) granting an increase of pension to Amanda M. Knox (with accompanying papers);

A bill (S. 1104) granting an increase of pension to Charles Miller (with accompanying papers);

A bill (S. 1105) granting an increase of pension to Reinhard Weinman (with accompanying papers);

A bill (S. 1106) granting a pension to Andrew J. Stewart (with accompanying papers);

A bill (S. 1107) granting a pension to Eliza A. Reeve (with accompanying papers); and

A bill (S. 1108) granting an increase of pension to Adin S. Honey (with accompanying papers); to the Committee on Pensions.

A bill (S. 1109) to provide for the immediate return of money and other property of the citizens, subjects, or corporations of Germany, Austria, Hungary, Austria-Hungary, or of any other country transferred to the Alien Property Custodian or seized by him under the trading with the enemy act; to prohibit further seizures by the Alien Property Custodian; to provide compensation for the seizure and use of merchant ships and other maritime property, and for other purposes; to the Committee on the Judiciary.

By Mr. STANFIELD:

A bill (S. 1110) to transfer to the classified civil service postmasters in charge of the post offices of the first, second, and third class; to the Committee on Civil Service.

By Mr. MEANS:

A bill (S. 1111) for the relief of Louis H. Easterly; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 1112) granting an increase of pension to James Cunningham; to the Committee on Pensions.

A bill (S. 1113) for the relief of William Mortesen; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 1114) conferring jurisdiction upon the Federal district courts to hear and determine claims arising from the sinking of the vessel known as the *Norman;* to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 1115) creating a commission to procure a design for a distinctive flag for the District of Columbia, and for other purposes;

A bill (S. 1116) for the extension of Rittenhouse Street in the District of Columbia;

A bill (S. 1117) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906;

A bill (S. 1118) to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors;

A bill (S. 1119) to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

A bill (S. 1120) to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915; and

A bill (S. 1121) to amend an act of Congress approved March 1, 1920 (Public, 153, Sixty-sixth Congress, H. R. 6863), entitled "An act to regulate the height, area, and use of buildings in the District of Columbia and creating a zoning commission, and for other purposes"; to the Committee on the District of Columbia.

A bill (S. 1122) granting an increase of pension to Carrier Thompson (with accompanying papers);

A bill (S. 1123) granting an increase of pension to Lucretia Hinsdale (with accompanying papers); and

A bill (S. 1124) granting an increase of pension to Julia M. Gordon (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 1125) to provide motor vehicles for prohibition officers and agents; to the Committee on Appropriations.

A bill (S. 1126) to extend the authority of the Secretary of Commerce in regulating the fisheries of Alaska; to the Committee on Territories and Insular Possessions.

A bill (S. 1127) to grant a bounty on the production of long staple cotton; to the Committee on Finance.

A bill (S. 1128) to place Maj. Gen. Hunter Liggett, Maj. Gen. Joseph T. Dickman, and Maj. Gen. Henry T. Allen, retired by operation of law, on the retired list of the Army as lieutenant generals, without additional pay or allowances; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes; to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 1130) to amend section 232 of the act of March 4, 1909 (35 Stat. 1134), forbidding the carrying of certain explosives on passenger trains, vessels, or vehicles used as common carriers of passengers, excepting munitions of war and small-arms powder, ammunition, and ammunition components shipped by the War Department or under its military organizations or civilian clubs, or to individual members of the National Rifle Association; to the Committee on Military Affairs.

A bill (S. 1131) for the relief of James Doherty; and

A bill (S. 1132) for the relief of J. P. Boland; to the Committee on Claims.

By Mr. FESS:

A bill (S. 1133) to create a national university at the seat of the Federal Government; to the Committee on Education and Labor.

By Mr. SMOOT:

A bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America;

A bill (S. 1135) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America;

A bill (S. 1136) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America;

A bill (S. 1137) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America;

A bill (S. 1138) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America; and

A bill (S. 1139) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America; to the Committee on Finance.

By Mr. ROBINSON of Arkansas:

A bill (S. 1140) to permit rural letter carriers to act as agents or solicitors outside of their hours of employment; to the Committee on Post Offices and Post Roads.

A bill (S. 1141) to establish the Mena National Park in the State of Arkansas; to the Committee on Public Lands and Surveys.

A bill (S. 1142) for the protection of persons employed on railway baggage cars, railway express cars, and railway express-baggage cars, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 1143) amending section 1 of the interstate commerce act; to the Committee on Interstate Commerce.

A bill (S. 1144) authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas; and

A bill (S. 1145) for increasing the efficiency of Army bands; to the Committee on Military Affairs.

A bill (S. 1146) to amend section 5200 of the Revised Statutes as amended; to the Committee on Banking and Currency.

A bill (S. 1147) to establish game sanctuaries in the national forests; to the Committee on Agriculture and Forestry.

A bill (S. 1148) to provide for the improvement of Ouachita River; and

A bill (S. 1149) to authorize an appropriation of $15,000 for use in dredging Ouachita River between Arkadelphia and Camden, Ark.; to the Committee on Commerce.

A bill (S. 1150) to provide for the purchase of a site and the erection of a public building thereon at Monticello, in the State of Arkansas; and

A bill (S. 1151) to provide for the erection of a public building at El Dorado, Ark.; to the Committee on Public Buildings and Grounds.

A bill (S. 1152) for the relief of the city of Fordyce, Ark.;

A bill (S. 1153) for the relief of the heirs of Morgan Smith, jr.;

A bill (S. 1154) for the relief of James W. Green, jr.;

A bill (S. 1155) for the relief of Margaret Richards;

A bill (S. 1156) for the relief of John W. Fein;

A bill (S. 1157) for the relief of William Ramsey and others;

A bill (S. 1158) to carry out the findings of the Court of Claims in the case of W. W. Busby, administrator of the estate of Evelina V. Busby, deceased, against the United States;

A bill (S. 1159) for the relief of the Grand Lodge of Free and Accepted Masons of Arkansas; and

A bill (S. 1160) for the relief of Immaculato Carlino, widow of Alexander Carlino; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 1161) for enlarging the Appalachian Forest Experiment Station and for its maintenance; to the Committee on Agriculture and Forestry.

A bill (S. 1162) to amend section 6 of the act of April 22, 1908 (ch. 149, 35 Stat. L. 65), as amended by act of April 5, 1910 (ch. 143, sec. 1, 36 Stat. L. 291); to the Committee on the Judiciary.

A bill (S. 1163) for the relief of the Advance Manufacturing Co.; to the Committee on Claims.

By Mr. GILLETT:

A bill (S. 1164) granting a pension to Sadie E. Oliver;

A bill (S. 1165) granting an increase of pension to Ella M. Hawley; and

A bill (S. 1166) granting a pension to Hariette E. Drake; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 1167) for the relief of the heirs of Nathaniel Pendexter, deceased; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 1168) to provide for the construction of certain public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

A bill (S. 1169) authorizing the Secretary of the Interior to convey certain lands in Powell town site, Shoshone reclamation project, Wyo., to Park County, Wyo.; to the Committee on Public Lands and Surveys.

A bill (S. 1170) to provide for the appointment of a commissioner of reclamation, and for other purposes (with accompanying papers); to the Committee on Irrigation and Reclamation.

By Mr. BUTLER:

A bill (S. 1171) to remit duty on a carillon of bells imported for the St. Stephens Church, Cohasset, Mass.;

A bill (S. 1172) to remit duty on an addition to a carillon of bells imported for the St. Stephens Church, Cohasset, Mass.; and

A bill (S. 1173) to remit the duty on a carillon of bells imported for the Church of Notre Dame de Lourdes, Fall River, Mass.; to the Committee on Finance.

A bill (S. 1174) to purchase an oil painting entitled "Our Glory—the Battleship *Oregon*"; to the Committee on the Library.

By Mr. DALE:

A bill (S. 1175) granting an increase of pension to Ella E. Sanborn;

A bill (S. 1176) granting a pension to Harriet B. Jones;

A bill (S. 1177) granting an increase of pension to Martha Ann Johnson;

A bill (S. 1178) granting a pension to Lillie M. Davenport;

A bill (S. 1179) granting a pension to May H. Colby;

A bill (S. 1180) granting an increase of pension to Edna M. Cross;

A bill (S. 1181) granting an increase of pension to Betsy J. Turner;

A bill (S. 1182) granting a pension to Hattie J. Moorby;

A bill (S. 1183) granting an increase of pension to Mary O'Kane;

A bill (S. 1184) granting a pension to Ella G. Clagston;

A bill (S. 1185) granting a pension to Verona V. Chamberlain;

A bill (S. 1186) granting an increase of pension to Jenette L. Gates;

A bill (S. 1187) granting an increase of pension to Clara G. Cole;

A bill (S. 1188) granting an increase of pension to Emma A. Waite;

A bill (S. 1189) granting an increase of pension to Emma M. Bowman;

A bill (S. 1190) granting an increase of pension to Ellen A. Sawyer;

A bill (S. 1191) granting an increase of pension to Sarah P. Wilder;

A bill (S. 1192) granting an increase of pension to Phebe D. Tate;

A bill (S. 1193) granting an increase of pension to Polly S. Pease;

A bill (S. 1194) granting an increase of pension to Elizabeth Pattison;

A bill (S. 1195) granting an increase of pension to Estella E. Moore;

A bill (S. 1196) granting an increase of pension to Melissa S. Lee;

A bill (S. 1197) granting an increase of pension to Ellen N. Lawrence;

A bill (S. 1198) granting a pension to Harriet C. Spoor;

A bill (S. 1199) granting an increase of pension to Flora Drugg;

A bill (S. 1200) granting an increase of pension to Mary J. Wheeler (with accompanying papers);

A bill (S. 1201) granting an increase of pension to Alice J. Winship (with accompanying papers);

A bill (S. 1202) granting an increase of pension to Hannah M. Moore (with accompanying papers);

A bill (S. 1203) granting a pension to Laura Burnham Landon (with accompanying papers);

A bill (S. 1204) granting an increase of pension to Ida E. Loudon (with accompanying papers);

A bill (S. 1205) granting an increase of pension to Cordelia F. Mack (with accompanying papers);

A bill (S. 1206) granting a pension to Clara C. Loomis (with accompanying papers); and

A bill (S. 1207) granting an increase of pension to Cordelia F. Mack (with accompanying papers); to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 1208) providing reimbursement to J. M. La Calle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914; to the Committee on Naval Affairs.

A bill (S. 1209) to amend section 848 of the Revised Statutes, section 852 of the Revised Statutes, as amended, and to amend section 1 of the sundry civil appropriation act, approved May 27, 1908; to the Committee on the Judiciary.

A bill (S. 1210) granting an increase of pension to Edna M. Cross;

A bill (S. 1211) granting a pension to Lester H. Clark;

A bill (S. 1212) granting an increase of pension to Mary Recor;

A bill (S. 1213) granting an increase of pension to Jennie Tomlinson;

A bill (S. 1214) granting an increase of pension to Delia Norton;

A bill (S. 1215) granting an increase of pension to Belle S. Fleury;

A bill (S. 1216) granting an increase of pension to Helen F. Nye;

A bill (S. 1217) granting a pension to Emily E. Warren;

A bill (S. 1218) granting an increase of pension to Betsy R. Ballard;

A bill (S. 1219) granting a pension to Sara Brooke Foote;

A bill (S. 1220) granting a pension to Elizabeth McDonough;

A bill (S. 1221) granting an increase of pension to Bridget McCue; and

A bill (S. 1222) granting a pension to Martha M. Randall; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 1223) for the relief of J. L. Flynn; and

A bill (S. 1224) for the relief of John P. McLaughlin; to the Committee on Claims.

By Mr. HARRELD:

A bill (S. 1225) to amend section 9 of the act of May 27, 1908 (35 Stat. L. p. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes; to the Committee on Indian Affairs.

By Mr. KING:

A bill (S. 1226) to amend the trading with the enemy act; and

A bill (S. 1227) to amend the trading with the enemy act; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 1228) to carry out the findings of the Court of Claims in case of Charles H. Simmons;

A bill (S. 1229) for the relief of the estate of Philip Halsey Remington;

A bill (S. 1230) for the relief of Leonard W. Clark;

A bill (S. 1231) for the relief of the heirs of Adam and Noah Brown;

A bill (S. 1232) for the relief of the heirs of Paul Noyes;

A bill (S. 1233) for the relief of James Gilfillan; to the Committee on Claims.

A bill (S. 1234) to correct the military record of Walter H. Hutchinson;

A bill (S. 1235) to correct the military record of Charles K. Bond, alias Kimball W. Rollins;

A bill (S. 1236) to correct the military record of Lester A. Rockwell;

A bill (S. 1237) to correct the military record of Charles Yarrington; and

A bill (S. 1238) to correct the military record of Jarvis M. Richards; to the Committee on Military Affairs.

A bill (S. 1239) granting a pension to Ellen M. Kilbourn;

A bill (S. 1240) granting a pension to Elizabeth Hitchcock;

A bill (S. 1241) granting a pension to Helena E. Clark;

A bill (S. 1242) granting a pension to Mary E. Carroll;

A bill (S. 1243) granting a pension to Sarah A. Conley;

A bill (S. 1244) granting a pension to Leora A. Covill;

A bill (S. 1245) granting a pension to Eliza W. Berrien;

A bill (S. 1246) granting a pension to Mary C. Nott;

A bill (S. 1247) granting a pension to Julia C. Nickerson; and

A bill (S. 1248) granting a pension to Mary Strong; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 1249) authorizing and directing the Secretary of Agriculture to grant to the State of Washington certain lands within the national forest reserves within the State of Washington in lieu of lands of which the State of Washington was deprived by Supreme Court decision on October 13, 1924, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 1250) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883; to the Committee on Public Lands and Surveys.

A bill (S. 1251) relating to contracts dealing with real estate on Indian reservations; to the Committee on Indian Affairs.

A bill (S. 1252) relating to the deposit of funds available for maintenance of reclamation projects; to the Committee on Irrigation and Reclamation.

A bill (S. 1253) for the relief of Helmo Sarkkinen; to the Committee on Claims.

A bill (S. 1254) placing postmasters under the civil service, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 1255) for the erection of a Federal building at Mount Vernon, Wash.;

A bill (S. 1256) for the erection of a Federal building at Blaine, Wash.;

A bill (S. 1257) to construct a public building for a post office at the city of Colfax, Wash.;

A bill (S. 1258) to construct a public building for a post office at the city of Pasco, Wash.;

A bill (S. 1259) to construct a public building for a post office at the city of Port Angeles, Wash.; and

A bill (S. 1260) to authorize an appropriation of $20,000 for the purchase of certain lands in Seattle, King County, Wash.; to the Committee on Public Buildings and Grounds.

A bill (S. 1261) for the relief of William H. Grayson (with accompanying papers);

A bill (S. 1262) for the relief of Herman O. Kruschke;

A bill (S. 1263) for the relief of Thomas Huggins;

A bill (S. 1264) authorizing the Secretary of War to award the congressional medal of honor to Theophile A. Dauphin; and

A bill (S. 1265) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; to the Committee on Military Affairs.

A bill (S. 1266) to authorize the establishment of a fisheries experiment station on the coast of Washington;

A bill (S. 1267) to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks in the State of Oregon; and

A bill (S. 1268) to amend section 4404 of the Revised Statutes of the United States, as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service; to the Committee on Commerce.

A bill (S. 1269) granting a pension to Edward Bowden;

A bill (S. 1270) granting an increase of pension to Scott F. Stevens;

A bill (S. 1271) granting a pension to Maria M. Berlew;

A bill (S. 1272) granting an increase of pension to Ora M. Rood (with accompanying papers);

A bill (S. 1273) granting a pension to John H. Briscoe (with accompanying papers);

A bill (S. 1274) granting a pension to Henry M. Schlabach (with accompanying papers);

A bill (S. 1275) granting an increase of pension to Alfred Tureman (with accompanying papers);

A bill (S. 1276) granting a pension to Prudens Trana (with accompanying papers);

A bill (S. 1277) granting an increase of pension to John Corey (with accompanying papers); and

A bill (S. 1278) granting a pension to Frederick Anthony; to the Committee on Pensions.

A bill (S. 1279) to provide for the appointment of an additional district judge for the district of Washington; to the Committee on the Judiciary.

By Mr. HALE:

A bill (S. 1280) for the relief of Lieut. Commander Hartwell C. Davis; and

A bill (S. 1281) for the relief of Walter Dickey; to the Committee on Naval Affairs.

A bill (S. 1282) to correct the military record of Alexander W. Goodreau; and

A bill (S. 1283) for the relief of Margaret I. Varnum; to the Committee on Military Affairs.

A bill (S. 1284) to provide for the purchase of a site for and the construction of a public building at York, Me.; to the Committee on Public Buildings and Grounds.

A bill (S. 1285) granting a pension to Alice E. Alden;

A bill (S. 1286) granting an increase of pension to Adelaide C. Brown;

A bill (S. 1287) granting an increase of pension to Mary L. Chase;

A bill (S. 1288) granting an increase of pension to Julia Churchill;

A bill (S. 1289) granting an increase of pension to Leotia L. Coombs;

A bill (S. 1290) granting an increase of pension to Lydia A. Howe;

A bill (S. 1291) granting an increase of pension to Joseph A. Libby;

A bill (S. 1292) granting an increase of pension to Louise M. Little;

A bill (S. 1293) granting an increase of pension to Ellen Blanchard Littlefield;

A bill (S. 1294) granting an increase of pension to James S. Pendergast;

A bill (S. 1295) granting a pension to Jennie L. Sargent;

A bill (S. 1296) granting an increase of pension to Ellen H. Phillips;

A bill (S. 1297) granting a pension to Laura A. Brann (with accompanying papers);

A bill (S. 1298) granting a pension to George E. Decker (with accompanying papers);

A bill (S. 1299) granting a pension to William Gilmour (with accompanying papers);

A bill (S. 1300) granting an increase of pension to Abbie V. Goss (with accompanying papers);

A bill (S. 1301) granting a pension to George Lansil (with accompanying papers); and

A bill (S. 1302) granting an increase of pension to Adeline F. Whittier (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 1303) for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.; and

A bill (S. 1304) for the relief of Hunter-Brown Co.; to the Committee on Claims.

By Mr. McKINLEY:

A bill (S. 1305) granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; to the Committee on Commerce.

A bill (S. 1306) to extend the benefits of the United States employees' compensation act of September 7, 1916, to William Horton Brown;

A bill (S. 1307) to carry out the findings of the Court of Claims in the case of Henry Catley; and

A bill (S. 1308) to extend the benefits of the United States employees' compensation act of September 7, 1916, to William Horton Brown; to the Committee on Claims.

A bill (S. 1309) to increase the limit of cost for a site and public building at Metropolis, Massac County, Ill.; and

A bill (S. 1310) to provide for the purchase of a site and for the erection of a public building thereon at El Dorado, Ill.; to the Committee on Public Buildings and Grounds.

A bill (S. 1311) correcting the military record of Edward A. Burkett (with accompanying papers);

A bill (S. 1312) for the relief of Arch Boyles (with accompanying papers);

A bill (S. 1313) for the relief of Eli J. Bennett (with accompanying papers); and

A bill (S. 1314) for the relief of Edward Burg; to the Committee on Military Affairs.

A bill (S. 1315) granting a pension to James E. Clark;

A bill (S. 1316) granting a pension to Josiah L. Albritton;

A bill (S. 1317) granting a pension to Ada B. Barr;

A bill (S. 1318) granting an increase of pension to James H. Barker;

A bill (S. 1319) granting a pension to James Beckwith;

A bill (S. 1320) granting an increase of pension to Hannah Albright (with accompanying papers);

A bill (S. 1321) granting an increase of pension to Sarah Frances Beacham (with accompanying papers);

A bill (S. 1322) granting a pension to Louisa Bierce (with accompanying papers);

A bill (S. 1323) granting an increase of pension to George Bingham (with accompanying papers);

A bill (S. 1324) granting a pension to Louise Bradford (with accompanying papers);

A bill (S. 1325) granting an increase of pension to William H. Brane (with accompanying papers);

A bill (S. 1326) granting a pension to Ida Broughton (with accompanying papers);

A bill (S. 1327) granting an increase of pension to Burton S. Burdick (with accompanying papers);

A bill (S. 1328) granting an increase of pension to Virginia A. Burns (with accompanying papers);

A bill (S. 1329) granting an increase of pension to Martha Burns (with accompanying papers);

A bill (S. 1330) granting a pension to Mary Byard (with accompanying papers);

A bill (S. 1331) granting an increase of pension to Mary F. Chesnet (with accompanying papers);

A bill (S. 1332) granting an increase of pension to Eliza Cooper (with accompanying papers); and

A bill (S. 1333) granting a pension to Mary E. Crow (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 1334) to provide for a reorganization of the administrative branches of the Government, to create the reorganization board, and for other purposes; to the Committee on Appropriations.

By Mr. LENROOT:

A joint resolution (S. J. Res. 17) authorizing the payment of $10,000 to Belle Case La Follette; to the Committee on Appropriations.

By Mr. CAMERON:

A joint resolution (S. J. Res. 18) extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Finance.

By Mr. WARREN:

A joint resolution (S. J. Res. 19) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman (with accompanying papers); to the Committee on Indian Affairs.

By Mr. SMOOT:

A joint resolution (S. J. Res. 20) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

TESTIMONY OF WITNESSES UNDER LETTERS ROGATORY

Mr. WALSH. Mr. President, it will be recalled that the affairs of the Continental Trading Co. became the subject of inquiry in the suit brought by the Government of the United States against the Sinclair Co. in the State of Wyoming. The testimony of certain witnesses was desired, but they found it convenient to be in Europe at the time. An effort was made to take their testimony under letters rogatory. Those witnesses appeared before a judge of the Republic of France, but refused to testify. I introduce the bill, which I send to the desk, in order to meet that situation and ask that it may be read.

The bill (S. 1035) relating to contempts was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whenever letters rogatory shall issue out of any court of the United States, either with or without interrogatories addressed to any court of any foreign country, to take the testimony of any witness, and such witness, having been duly notified by it according to the practice of such court, to appear and testify pursuant to such letters rogatory, and such witness shall neglect to appear, or having appeared shall decline, refuse, or neglect to answer to any question which may be propounded to him by or under the authority of such court, to which he would be required to make answer were he being examined before the court issuing such letters, the said court may, upon the complaint of any party aggrieved, make an order returnable at a time to be fixed therein requiring the recusing witness to appear and show cause why he should not be punished for contempt of court.

2. Upon issuing such order the court may, either unconditionally or upon giving security for any damages he may have suffered, should the charge be dismissed, direct as a part of such order that the property of the recusing witness, at any place within the United States, or so much thereof in value as the court may direct, shall be levied upon and seized by the marshal of said court in the manner provided by law or the rule of the court for a levy or seizure under execution, to be held to satisfy any judgment that may be rendered against such witness in the proceeding so instituted.

3. The marshal having made such levy shall thereupon cause to be published such order to show cause and for the sequestration of the property of such witness, in some newspaper of general circulation in the district within which the court issuing such order sits, once each week for four successive weeks.

On the return day of such order or any later day to which the hearing may by the court be continued, proof shall be taken and if the charge of recusancy against the witness shall be sustained the court shall adjudge him guilty of contempt, and, notwithstanding any limitation upon the power of the court generally to punish for contempt, impose upon him a fine not exceeding $100,000 and direct that the amount thereof with the costs of the proceeding be satisfied, unless paid, by a sale of the property of the witness so seized or levied upon, such sale to be conducted upon the notice required and in the manner provided for sales upon execution.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

PROPOSED RECOGNITION OF SOVIET GOVERNMENT IN RUSSIA

Mr. BORAH. I submit a resolution which I ask may lie on the table.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 74) was read and ordered to lie on the table, as follows:

Resolved, That the Senate of the United States favors the recognition of the present Soviet Government of Russia.

HEARINGS BEFORE COMMITTEE ON FOREIGN RELATIONS

Mr. BORAH submitted a resolution (S. Res. 75), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

PROPOSED AMENDMENTS OF THE RULES

Mr. JONES of Washington. Mr. President, I gave notice at the session of the Senate on Tuesday of certain amendments which I intend to propose to the rules. I desire now to present those proposed amendments and ask that they may be referred to the Committee on Rules.

The VICE PRESIDENT. The resolutions will be received.

The resolution (S. Res. 76) was referred to the Committee on Rules, as follows:

Resolved, That Rule XIX of the Senate Rules relating to debate be amended by adding to said rule a paragraph to be No. 7, to read as follows:

7. Debate shall be confined to the subject matter under consideration, and all points of order relating thereto shall be decided by the Chair without debate. Upon an appeal from a decision of the Chair upon any such point of order no Senator shall speak more than once or longer than 10 minutes.

Mr. JONES of Washington also submitted the following resolution (S. Res. 77), which was referred to the Committee on Rules:

Resolved, That Rule XIX of the Standing Rules of the Senate be amended by adding the following paragraph:

"8. Whenever a bill or resolution, other than an appropriation bill or a revenue bill, has been under consideration for 10 days or more a notice to limit debate on such measure, signed by 15 or more Senators, may be filed after being read to the Senate, and on and after the next calendar day from the filing of such notice a vote shall be taken upon the question 'Shall debate on the pending measure be limited?' and if a majority of the Senate shall vote to limit debate thereafter no Senator shall speak more than once, nor longer than one hour, on the bill, nor more than twice, nor longer than 20 minutes, on any amendment that may be offered. No dilatory or frivolous amendment shall be received and a point of order that an amendment is dilatory or frivolous shall be decided by the Chair without debate, and upon an appeal from his decision no Senator shall speak more than five minutes."

Mr. JONES of Washington also submitted the following resolution (S. Res. 78), which was referred to the Committee on Rules:

Resolved, That Rule XVIII of the Senate Rules relating to amendments be amended by adding a new paragraph 2 and to read as follows:

"2. No amendment shall be in order to a bill, resolution, or other amendment unless it be germane to the subject matter under consideration. If a point of order is made against a proposed amendment, it shall be decided without debate, unless the Chair desires to hear discussion. Upon any appeal from the decision of the Chair relating to such point of order no Senator shall speak more than once nor longer than 10 minutes."

HEARINGS BEFORE THE COMMITTEE ON CLAIMS

Mr. MEANS submitted the following resolution (S. Res. 79), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Claims, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS

Mr. HALE submitted the following resolution (S. Res. 80), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON CIVIL SERVICE

Mr. COUZENS submitted the following resolution (S. Res. 81), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Civil Service, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

ADMINISTRATION OF NATIONAL FORESTS AND PUBLIC DOMAIN

Mr. CAMERON submitted the following resolution (S. Res. 82), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the report of the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, together with recommendations for such legislation as it deems necessary, provided for in Senate Resolution 347, Sixty-eighth Congress, second session, may be submitted to the Senate at any time during the Sixty-ninth Congress as one final report or as a series of partial reports, and all provisions of such resolution (except the provision relating to the time for making report and recommendations) shall continue in effect until the submission of such final report or of all such partial reports.

EVERETT H. M'CLENAHAN

Mr. STANFIELD submitted the following resolution (S. Res. 83), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to Everett H. McClenahan, son of Robert U. McClenahan, late a messenger of the Senate, under supervision of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PROPOSED INVESTIGATION OF ST. ELIZABETHS HOSPITAL

Mr. SHIPSTEAD. I present a resolution and ask unanimous consent that it may be printed in the RECORD and lie on the table.

There being no objection, the resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Senate Resolution 84

Whereas a grand jury sitting in the Supreme Court of the District of Columbia did, on the 5th day of October, 1925, return to said court a report concerning conditions existing in the St. Elizabeths Hospital, which report is in words and figures as follows, to wit:

REPORT OF THE GRAND JURY

WASHINGTON, D. C., *October 5, 1925.*

In connection with the inquiry into the cause of the death of William Green, a patient of St. Elizabeths Hospital on the 17th day of July, 1924, the grand jury made an investigation as to the general conditions of life at said institution.

The grand jury visited the hospital in a body and were shown about the grounds and through many of the buildings. As William Green came to his death in Howard Hall, they inspected it with greater care and more closely than they did the other buildings.

There are approximately 4,400 patients and 1,200 attendants in the entire institution, about 1,000 of the patients being veterans of the World War. We found the hospital greatly overcrowded and most deplorable conditions existing as a result of this overcrowding. There are some rooms intended to accommodate 20 single beds containing more than 40 beds. There is scarcely enough room to walk between these beds, and consequently there can not be the least privacy for the patients in dressing or undressing. The patients should be either sent to other institutions until there is a reduction of from 500 to 1,000 under the present total patient population of 4,400 or sufficient money should be appropriated to erect enough additional buildings, to the end that these unfortunate people may enjoy at least the common decencies of life. If the overcrowded condition of the hospital is not remedied at

an early date, we fear that the percentage of inmates becoming hopelessly insane will be greater than those cured, in spite of the best efforts of the superintendent and his assistants.

Conditions in Howard Hall are particularly bad. This building houses about 200 patients. It was originally intended to accommodate about half this number. Here are confined not only those of the dangerously insane type but, as well, those who have become insane while serving criminal sentences in Federal prisons and penitentiaries. Many of these men are suffering only from the mildest forms of mental disorders, but, according to the statements of the physicians in charge, are liable to escape if given greater liberties, and are accordingly confined in this building, which is surrounded by a very substantial wall 24 feet in height.

There is an open court in the center of the building, about 100 feet square, called by the inmates the "bull pen." This is the only recreation space available, and here the dangerous as well as the noisy patients mingle with those whose minds are almost normal. This intermingling must be very depressing to the latter class of patients. The sky is visible to the patients while they are in this court, and a glimpse of the outside world may be had by looking over the 24-foot wall. As there is no assembly hall in the building, it is but seldom that religious services are held, and accordingly the spiritual well-being of the patients is sadly neglected; there is nothing to break the dead monotony from one end of the week to the other.

In the winter season conditions in Howard Hall must be even worse than in mild weather, as during the cold months the inmates can not, because of the cold, long remain in the open court, their only place of recreation. During the winter months, both day and night, the patients must either stay in their rooms or in the wards—a condition, in our opinion, very depressing upon the inmates, especially those only mildly afflicted.

After examining conditions in Howard Hall the members of the grand jury could readily believe the statement of the guard who said: "If a man went in there [Howard Hall] with a perfectly sound mind, he would be hopelessly insane in less than three years. If I were an inmate, I would go crazy in less than a year."

We recommend that another recreation ground be provided inside the wall surrounding this hall and that those patients only mildly afflicted be at all times entirely separated from those hopelessly insane; also that harmless games of all kinds be provided to divert the minds of the patients.

In the main part of the hospital conditions seemed much better. The grounds are large and commodious, the buildings clean and well kept, and most of the patients are allowed to wander about at will. There is a chapel, where the various religious denominations hold services, and patients desiring to attend these services are given the opportunity. There is also a well-equipped hall, where theatricals and other entertainments are given for the patients and greatly enjoyed by them.

A very noticeable thing, however, is the absence of recreational facilities, for, aside from a baseball field, there seems to be no provision for out-of-door amusements. It has been well said, "Fun is the best of medicine," and for weak-minded people it should be supplied in abundance. We believe there should be a dozen or more places provided where the inmates could play handball, basket ball, volley ball, tennis, and other harmless games; the attendants should teach and encourage the patients to play these games; they would in time become fond of these forms of amusements and sports and be greatly benefited by the exercise.

Among the witnesses who were summoned and appeared before us, including present patients of the hospital, former inmates, and others well acquainted with the present inmates, many expressed the belief that there are many persons now confined there who are not now and never were insane, but who have been sent there for ulterior motives. Like stories have been in circulation in Washington for a long time; and, whether true or false, they are unquestionably injuring the hospital in the estimation of the people of this city, and some steps should be taken to clear up the situation.

We suggest that Congress be asked to authorize a commission, the members thereof to be appointed by the President, to act in conjunction with the superintendent and medical staff of the hospital, in carefully investigating the history and mental condition of every questionable case there, to the end that full justice may be done to each. This great institution will then occupy the position it should in the estimation of the people of this city and of the entire country.

Respectfully submitted for the grand jury.

DANIEL A. EDWARDS, *Foreman.*

Whereas it appears from the annual reports of receipts and expenditures for said hospital made by the superintendent of the said hospital to Congress at the opening of each regular session, as required by the act of June 4, 1880 (ch. 121, sec. 1, 21 Stat. L. p. 156), that said reports do not contain a properly detailed report of expenditures as required by said act and which reports are in the matter of detail as to items of expenditures generally obscure and vague, and it appears that a better and more detailed account should be given of said expenditures: Therefore, be it

Resolved, That a select committee of five members be elected by the Senate with authority to investigate into all matters concerning the operation, maintenance, and care of said hospital, and the accommodations for and treatment of the patients therein, and the reasonableness of all expenditures for fuel and other supplies and for attendants at said hospital, and to fully investigate the official acts of the superintendent of said hospital and his associate officers and such other Government officers as may be involved in any transactions with the officials of said hospital and to report to the Senate their findings and make such recommendations as to it appear proper for such remedial measures, if any there be, for the correction of any improper conditions there may be found to exist in said hospital.

Resolved further, That for the purpose of this investigation the said committee or any subcommittee thereof, is authorized to conduct its investigations during the recesses of the Senate, and is empowered to administer oaths, summon and compel the attendance of witnesses, and send for and compel the production of books and papers, including all books and records of St. Elizabeths Hospital and such other Government departments and institutions as may be involved; to employ a stenographer at a cost not exceeding 25 cents per hundred words to report such hearings as may be had in pursuance hereof. All expenses incident to the accomplishment of the purposes of this resolution to be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON BANKING AND CURRENCY

Mr. McLEAN submitted the following resolution (S. Res. 85), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject that may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

ADJOURNMENT TO MONDAY

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it adjourn until Monday next. I may state in this connection that the Committee on Privileges and Elections advise me that if this action shall be taken they can report out the Nye case on next Monday. If it is not taken, they may not be able to present their report at that time. So as it is a question of the highest privilege which the committee is considering, I ask unanimous consent that this order be made. I have spoken to the Senator from Arkansas [Mr. ROBINSON] concerning it, and he is agreeable to the Senate taking an adjournment until Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. HARRISON. Mr. President, is the morning hour closed?

The VICE PRESIDENT. The morning hour is not as yet closed. Is there any further morning business?

[Mr. McKELLAR introduced several bills, which appear under the proper heading.]

The VICE PRESIDENT. If there be no further morning business, the calendar under Rule VIII is in order.

Mr. PITTMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the roll will be called.

The roll was called, and the following Senators answered to their names:

Ashurst	Ernst	Keyes	Robinson, Ind.
Bayard	Fernald	King	Sackett
Bingham	Ferris	La Follette	Schall
Blease	Fess	Lenroot	Sheppard
Borah	Fletcher	McKellar	Shipstead
Bratton	Frazier	McKinley	Shortridge
Brookhart	George	McLean	Simmons
Bruce	Gerry	McMaster	Smith
Butler	Gillett	McNary	Smoot
Cameron	Glass	Mayfield	Stanfield
Capper	Goff	Means	Stephens
Caraway	Gooding	Metcalf	Swanson
Copeland	Greene	Moses	Trammell
Couzens	Hale	Neely	Tyson
Cummins	Harreld	Oddie	Wadsworth
Curtis	Harris	Overman	Walsh
Dale	Harrison	Phipps	Warren
Deneen	Heflin	Pine	Watson
Dill	Johnson	Pittman	Weller
Edge	Jones, N. Mex.	Reed, Mo.	Wheeler
Edwards	Jones, Wash.	Reed, Pa.	Williams
	Kendrick	Robinson, Ark.	Willis

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. HARRISON obtained the floor.

Mr. MOSES. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I yield to the Senator.

Mr. MOSES. Not wishing to deprive the Senate or the galleries of the flow of eloquence that will fall from the lips of the Senator from Mississippi, will he permit us to go on with the regular order, which is the calendar, there being only one number on the calendar, and that an unobjected joint resolution?

Mr. HARRISON. I have no objection if I can get the floor to talk. I can talk on that proposition as well as anything else.

Mr. MOSES. Only for five minutes, under the rule.

I ask unanimous consent, Mr. President, that at the conclusion of the regular order, which is the calendar under Rule VIII, the Senator from Mississippi be granted the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

POSTAL RATES AND CHARGES

The joint resolution (S. J. Res. 1) to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second session of the Sixty-ninth Congress, was announced as the business on the calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. MOSES. Mr. President, I think the joint resolution need not be read again, as it was read in full on Tuesday, and was the subject of some discussion. Inasmuch as the Senate has already agreed to adjourn until Monday, and the committee whose life is sought to be extended by the joint resolution will go out of existence automatically under the statute on Saturday, I think there is now no objection to the consideration or passage of the joint resolution, so that the Senate may hear from the Senator from Mississippi.

Mr. SWANSON. Mr. President, do I understand that the term of the commission expires next Saturday?

Mr. MOSES. Yes; I will say to the Senator that under the statute the term of the commission expires next Saturday.

Mr. SWANSON. And do I understand that they have not sufficient data to enable them to make a report?

Mr. MOSES. That is the case, and we will not have the data until the 1st of February at the earliest.

Mr. SWANSON. May I have the assurance of the Senator that the commission will be as diligent as it possibly can in making a report?

Mr. MOSES. I will assure the Senator from Virginia that the Senator from New Hampshire will employ his well-known diligence in disposing of this subject.

Mr. SWANSON. If it is his well-known diligence, I shall not object; but if it is his promised diligence, without his well-known diligence, there might be some objection.

Mr. MOSES. The adjective "well known" stands on my part, Mr. President.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED CLOTURE RULE

Mr. HARRISON. Mr. President, from the New York World of April 29, in giving an account of the Presiding Officer's speech at Boston, I read as follows: It is headed:

Rules of Senate safe from Dawes, MOSES asserts.

The paper says, quoting the senior Senator from New Hampshire [Mr. MOSES]:

The reception accorded Mr. Dawes's speech in Boston was so warm that by dawn of the ensuing morning the temperature had dropped to 18° above zero, and we had a snowstorm.

From that speech I quote certain extracts. The Presiding Officer says:

I am going around this country before I get through this four years; then I am going out of office. [Applause and laughter.]

I notice that in all the speeches where he said he is going out of office there is applause. [Laughter.]

The Vice President had previously said that he would reserve discussion of the Senate rules for his New York speech on Tuesday. It was the presence at the luncheon of Senator BUTLER, he declared, that led him to change his mind. Alluding to himself as "the best smoker-out in the country," he said:

It was the way I said it, not what I said, that gave rise to irritation in Washington. My grief over that irritation is somewhat tempered by a remark of George Bernard Shaw, that no offensive truth is properly presented unless it causes irritation.

And now I am going to say—

Said the Presiding Officer—

a few things. And I am going to say them because Senator WILLIAM M. BUTLER is here to listen. As I see it, unless in my humble way I can act as a conduit to transmit to the Senate and its Members the individual reactions of their constituency, I do not see what I am doing in office. So I am going to appeal to you, as part of Senator BUTLER'S constituency, to express your opinion on this subject of Senate rules. Here is a principle at stake that our forefathers fought for.

I want Senator BUTLER to know how you feel about it. All of you who think the Senate rules ought to be changed, stand up. Come on. Get up and say so right now.

And they got up, and Senator BUTLER got up.

I knew Senator BUTLER would stand up—

Says the Presiding Officer.

Senator GILLETT would stand up, too, if he were here. He told me so.

[Laughter.]

Then he says he wanted to hear what Senator BUTLER had to say about it. I will quote from that later.

In another speech at Elizabeth, N. J., where my friend the senior Senator from New Jersey [Mr. EDGE] was present, the Vice President reviewed his opposition to the rule which permitted Senators to speak without time limitation, and asserted his proposal for revision of the rule was opposed because it would—

affect the personal power the Senators can wield for ulterior motives. * * * These filibustering Senators—

Referring to his opening speech in the Senate, when he took that body to task for its rules—

who extend courtesies to each other, only give me 12½ minutes in four years.

Well, that is enough. [Laughter.]

I made the most of it. I let the country know there was going to be a fight.

Mr. Frank Kent, in writing on the Vice President, quotes from the New York Herald-Tribune, one of the great Republican papers of the country. It says:

The Vice President himself was vastly enthusiastic. He spoke with his whole body, crouching over the desk and hammering on the top, meanwhile stamping his feet until the platform trembled. He shook his fists at the audience and, during the whole course of his speech, beat a rapid tattoo on his notes with his gold-rimmed glasses.

In the Chicago speech he goes further. The Vice President says, reading from the Chicago Tribune:

So our senior United States Senator and our junior one smiled over at General Dawes yesterday noon. And the general tossed them a verbal dispensation, holding them not guilty for the sins of their confrees down at Washington. "They have too much sense to filibuster," Mr. Dawes explained, and everybody seemed satisfied.

* * * * * * *

"Senator MCKINLEY'S already talking for my new rule"—

"*My* new rule!"

"and I believe Senator DENEEN is going to come out for it."

Listen, Senators!

"If he does not"—

Says the Vice President—

"he will not go back to the Senate from this State."

Reading further from the Tribune:

Yesterday's speech contained, too, a threat to the overtalky Senators, and an equally positive bit of autobiography.

The threat: If the Senate rules are not reformed I propose, after the candidates in the next campaign are named, to appeal to their constituencies to put them on record on this question which they have been dodging. * * * That is why I am dangerous.

After saying that he would not be a candidate again, and he got applause at Chicago on that statement—

This last remark closed the speech, brought the women and the two Senators to their feet, and sent the yellow posies toppling over.

Mrs. Joseph T. Bowen, presiding officer at the luncheon, was seated at the Vice President's left. At one point in the address she dodged a sweeping gesture of her guest of honor. Senator Mc-

KENDRICK, to her left, slid her chair back, out of the range of the speaker's geometrical designs. Some of the more husky of the yellow chrysanthemums shook in the breeze, and the address continued.

* * * * * * *

"Why do the Senators like this? It is for personal, sectional, and selfish interest.

"And, by the same token, this is the reason I waste no time in supplicating the Members of the Senate, but go right over their heads to the American people."

Mr. President, in the conception of Don Quixote, Cervantes embellished literature and gave to history its most daring crusader.

What a pleasant contemplation when one envisions this "Hell and Maria" person, booted and spurred and liveried in knightly attire, as he dashes forth upon his charging steed, untired and unafraid, contesting every inch of ground against every adverse element, from geese to windmills!

The heroic efforts of this gallant knight have but one counterpart in the history of the human race, and that is found in the remarkable crusade of the Vice President during the past summer and fall. Some day, from the great mass of the unknown, there will arise a genius, blessed with such lucid expression and endowed with such fascinating imagery, as to be equal to the task of correctly and graphically portraying the exploits of this modern Don Quixote. Away he went from coast to coast, from the Lakes to the Gulf, yonder to New England, where he collaborated with my friend, Senator BUTLER; then to Denver; then to the South, and on to the Golden Gates of the Pacific. It was a Godsend that he went to Birmingham, because there he heard a very good speech from OSCAR UNDERWOOD, and after Senator UNDERWOOD had spoken that day the Vice President had a better speech. That was a life saver.

Mr. President, if the delegates to the Cleveland convention had known that you possessed all the remarkable talent which you have spoken so generously of yourself, much suspense, many hours of anxiety, those sharp contests at the Cleveland convention, might have been avoided. If the delegates there had known that the Vice President possessed all the knowledge of the world and had a cure for all its ills, and had cloistered in his secret breast a formula which would preserve and guarantee constitutional government in the future by a change of the Senate rules—if those delegates at Cleveland had known that, or even thought it, it would not have been necessary for them first to run and appeal to the Senator from Idaho [Mr. BORAH] to accept the Vice Presidential nomination; then to Illinois and beseech Lowden to accept the nomination; and then to keep the wires to Washington hot appealing to Hoover to accept the nomination, and then go back to Lowden, and when they found nobody else would take it, offer it to the present Presiding Officer of this body. [Laughter.]

Mr. President, if the American people had known, after the nomination of our Presiding Officer for Vice President on the Republican ticket, that he was a man of such extraordinary talents, that he possessed all knowledge about Senate procedure, God knows how big the majority would have been in that campaign—

> And still they gazed, and still the wonder grew,
> That one small head could carry all he knew.

In that campaign it fell from the lips of the distinguished candidate for Vice President—not once, but a hundred times—that constitutional government was threatened not because of the Senate rules but because of La Folletteism and because of the policy advocated by Senator La Follette of overriding the decisions of the Supreme Court by congressional enactments. That was, then, the cancerous sore that might eat at the vitals of the Nation. One of the mysterious things about that campaign is that he kept his formula secret from the beginning to the end.

Mr. President, I do not know when the rays of this reform first struck upon your benign countenance. Was it on that eventful day, the 4th day of March, 1925, when, with this Chamber crowded with representatives from every foreign country, and in the presence of the President of the United States, who had so long defended and enforced the rules of the Senate, and with the Supreme Court of the United States present, and when you snatched the bridegroom's robes and spread your name on the front page of every paper in the country? We will not forget that day—such well-modulated sentences, such poise, and those acrobatic stunts to which the Senate had theretofore been denied.

He said in the Chicago speech that "I am a dangerous man." It is a wonderful trait for one to be able to judge the faults and virtues in another, but it is still more wonderful to be able to judge them in one's self. I know not when this great discovery of the necessity of a revision of the Senate rules first struck the Vice President. Whether he just originated the idea himself or it fell upon his ears we are left to surmise. If he had traveled around the headquarters of the Republican national campaign two years ago he might have heard that he was "a dangerous man" from the whisperings emanating from the council chambers of the Republican headquarters as the vice presidential candidate went his way into Maine, then into Iowa, and then into Wisconsin. Fear and trembling and trepidation were in the hearts of the Republican leadership at that time. But the Vice President asserts in his speeches "my new rule." He told the distinguished junior Senator from Illinois [Mr. DENEEN] of "my new rule."

Senators, was that the first time we ever heard of cloture? Since the foundation of this Government there has been talk about some kind of cloture in the United States Senate. Yet the distinguished Presiding Officer thought, when he found this foundling, that it was "My new rule."

In the beginning of our Government, when they had cloture in this body, they kept it for only 17 years, and then, with no apparent opposition, they abandoned it in 1805. Mr. Clay on one occasion thought they ought to have a modified cloture, and he presented a resolution providing for such a rule, but the opposition against it, led by John C. Calhoun, was so tremendous that Mr. Clay abandoned the proposition.

Why "My new rule"? Where was the distinguished Senator from Alabama, who has fought and spoken for cloture in this body so long? Where was the Vice President that he did not read the speeches of Senator Owen, who has spoken for cloture in this body for a generation? No; he had found a new idea, which in sensational style he could hurl to the American people, arouse their prejudice, and claim it as "My new rule."

If the distinguished Presiding Officer had only studied the history of Senate procedure he would have known that two of the late and most distinguished Republican leaders of the Senate, men whose names are revered—Gallinger, of New Hampshire, and Lodge, of Massachusetts—at one time were for cloture, but that they abandoned their views and fought it while they were leaders of their party.

My friend, Senator BUTLER, in his speech at Boston employed this language when he was catechised by the distinguished Vice President. This article states:

> Senator BUTLER'S first remarks were, "I believe in reform of the rules." He said: "When I went down to the Senate my experience with Senate rules and the doctrine of seniority taught me that it made no difference what a man's achievements were or whence he came, he was forced to take the last seat and the lowest position on the lowest committee. I believe in reform."

Why did the distinguished leaders on the other side treat the new-born Senator as you did when he came here, a man of such great achievements, having been chairman of the Republican National Campaign Committee? Naturally, he had a sore toe, and so, when he spoke on that occasion he said, "I am for a reform of the rules." The Vice President is for a change in the rules to get a cloture. The Senator from Massachusetts is for a change to get a respectable committee assignment. The Massachusetts Sancho Panza should have been given the places made vacant through the death of the venerable and able Cabot Lodge.

Mr. President, I do not know whether or not this great crusade which you made through the country during the summer and the fall has sharpened your sword for the fray here to reform the rules of the Senate. If it has, those of us who believe that the old Senate has gotten along pretty well under the present rules, who believe that the rights of the people are safeguarded by a guaranty under them of full consideration and a free discussion of all questions here, say to you, "Welcome. We are ready." But, Mr. President, do not forget in your enthusiasm that a Vice President is liable to get attention, no matter where he goes. If a curio is placed in a window here upon F Street, crowds will gather to look at it. A lot of people go out to see a man who occupies the first page of the press of the country, as a curiosity. But may I say to the distinguished Presiding Officer, do not mistake the great crowds and the acceptance of the invitation to rise at these banquets as the sentiments of the American people.

In conclusion, let me commend to the Vice President a fable. It was about some specimen of mule—an unruly, unmanageable, intractable mule. Such a kind that would break out of inclosures and promptly run away. So the owner yoked and belled him, and one day this unruly specimen of a mule broke down the fence and away he went in high spirit to the city.

Up and down the streets he paraded, swinging his yoke and ringing his bell. Out of amusement and curiosity crowds gathered. The poor, deluded, misguided specimen of a mule mistook the laughter as the plaudits of the crowd. [Laughter.]

REPORTS OF COTTON CROP ESTIMATING BOARD

Mr. HEFLIN. Mr. President, I shall detain the Senate but a moment. I am not in favor of changing the rules of the Senate, but I am in favor of changing the crop-estimating board, and also its methods of gathering and publishing reports regarding the cotton crop.

I want to say just a word about the estimate given out yesterday. The board has overestimated the cotton crop by at least a million bales, and I want to submit some figures for the country to consider in this connection. Suppose we say that there remain 50,000 bales more to be ginned in each of the larger cotton-growing States—including Missouri, a small cotton State—and allow Texas 200,000 bales; then, say, that the four small cotton States of New Mexico, Arizona, Florida, and California will gin 30,000 bales more, all told, we have a total of 730,000 bales to be ginned after December 1. Adding that amount to the amount ginned to date, we have 14,587,000 bales. Deduct that from the crop board's estimated yield of 15,603,000 bales day before yesterday, and we find that the board has overestimated the present cotton crop by more than a million bales.

There are not half a dozen Senators here from the cotton-growing States who believe that there remain to be ginned as many as 750,000 bales of cotton; but suppose we say that there are yet to be ginned 1,000,000 bales more. Add that amount to the ginnings to date and you will have a crop of 14,857,000 bales, 746,000 bales less than the Government's last estimate. This year's cotton opened earlier than any cotton crop has ever opened before in the history of cotton production in the United States, and in many of the States it has all been picked or gathered for a month or six weeks, and nearly all of it was ginned by December 1.

Mr. President, I was in the city of Washington in June of this year, and I found that the crop estimating board was considering the matter of instituting a new plan for obtaining statistics regarding cotton production in the United States. I read a statement in the paper at that time, and I want southern Senators to hear it read. This article appeared June 20 in the Richmond Times-Dispatch:

The Crop Reporting Board, it was learned to-day, is favorably considering a suggestion made by Austin H. Garside, Boston banker, to give a figure of estimated yield per acre rather than a condition figure in issuing the periodic cotton report. "I think this an excellent suggestion," W. F. Callander, chairman of the board, said.

I immediately called up the Secretary of Agriculture and was told that Mr. Jardine was out of the city. I then talked to Mr. Dunlap and told him how hazardous such a scheme would be; that nobody could fairly and accurately estimate the cotton yield per acre. I prepared a statement protesting against the proposed new plan, and Mr. Dunlap asked me to mail him a copy and I did so. I talked to him over the telephone and told him that if they instituted the new method they would overestimate the crop to the hurt and injury of the cotton producers. What I said would happen has happened. They have overestimated the crop.

The estimating board's reports have been so worded as to cause me and others to feel that they felt a very friendly interest in the big bear speculators of the country. You may read their reports from time to time on the condition of the crop and you will find that they read like bear propaganda.

Here is a copy of the protest which I made to the Department of Agriculture in June against the new plan—the Boston plan—of estimating the cotton crop.

Senator HEFLIN, of Alabama, expressed his opposition to-day to the position recently taken by W. F. Callander, chairman of the Crop Reporting Board, favoring the suggestion of a New England banker that hereafter instead of obtaining cotton reports on the condition of the growing crop, "the Government," as Senator HEFLIN puts it, "would enter a new and dangerous field where various opinions would be expressed and published as to the probable amount of cotton that would be produced on every acre of every farmer's farm throughout the Cotton Belt of the United States."

"I am opposed to the change suggested by Mr. Garside, the Boston banker, and I am greatly surprised at Mr. Callander's statement that he is favorable to the change suggested. The present plan of requiring reports from time to time on the condition of the growing crop of cotton is the better plan, although as recently conducted it has been widely criticized because in many States conditions did not justify the favorable reports published by the Government. But in spite of the fact that those reports when made frequently injuriously affect the cotton producer, that system is infinitely better than the suggested change which involves speculation and guesswork on a tremendous scale—guesswork as to the prospective yield per acre on all the cotton acreage of thirty-odd million acres planted in cotton in the United States. Such a system would create more doubt and uncertainty and lead to confusion worse confounded. The average man in the Cotton Belt when he looks at a field of growing cotton has a very good idea as to whether or not it is in a promising and flourishing condition. A cotton farmer frequently tells his neighbor that a certain field of cotton is not as good or that it is better than the cotton he had on the same field a year ago at the same time in the growing season. So it is not difficult to obtain fairly accurate reports as to whether or not a field of growing cotton looks good or bad, vigorous and strong, or weak and puny, but it is quite a different thing and a very difficult thing to obtain anything like intelligent and accurate information during the growing season as to the amount or number of pounds of lint cotton that each of thirty-odd million acres will produce.

If government reports are necessary at all in the growing season, we are willing to have the physical appearance of the cotton plant passed upon and reported to the Government and given to the public, but we object to the plan suggested of obtaining certain people's opinions and guesses from time to time in the growing season as to the number of pounds or number of bales of cotton that will be produced. In the first place such reports would not be anywhere in the neighborhood of correct, accurate, and reliable reports. Such a plan would involve speculation of the wildest kind and guesswork of a broad and dangerous character. In the second place, such a plan would carry a vast deal of misinformation to the public and would be distinctly unfair and injurious to the cotton farmers of the United States. There are a good many men in the Cotton Belt who possess valuable knowledge of various kinds regarding cotton, but there is not one of them whose opinion as to the amount of cotton that each acre will produce that I would be willing to have the Government accept and sent out as an official announcement of the amount of cotton that is being produced per acre. Such a plan would be pleasing and serviceable only to the cotton gambler. It ought not to be adopted, and I predict that if it is it will not live longer than the convening of Congress next December.

Senator HEFLIN is bringing the matter to the attention of the Secretary of Agriculture.

I hold here a letter from a very distinguished doctor in the State of Oklahoma, containing a statement signed by him and signed by a number of the farmers from the very heart of the cotton-producing section of that State. I want to read a portion of it. It is about a hailstorm that struck the very heart of the cotton belt of Oklahoma about the middle of October and here is what it says:

On October 14 there occurred in this State the most damaging hailstorm ever recorded in the State; it entered the State in the southwest corner from the counties of Harmon and Jackson and passing through the following counties—which form the great cotton belt of the State—Tillman, Cotton, Comanche, Stevens, Jefferson, Grady, McClain, Garvin, Carter, Murray, Johnson, Pontotoc, Pittsburg, Haskell, and Latimer. This storm was from 1 mile wide to 7 and 8 miles wide. The hail fell in many places, forming drifts 7 feet deep; automobiles could not pass these drifts; the limbs were stripped from the cotton stalk and every pound of cotton beaten into the ground; leaves were stripped from the trees until they looked as bare as in wintertime. Fields of cotton with 50 acres were left without 1 pound to be gathered. An honest and fair estimate of the destruction from this storm would be, that not less than 1,000,000 acres of planted land was touched by it, and not less than 200,000 bales of cotton were destroyed by it; yet scarcely was there any mention made of it; not even did our great daily newspapers mention its devastation, and we saw nothing from the Department of Agriculture regarding it; the prices continued to descend, and the farmer, after paying the highest wages for the growing of his crop since before the World War, was left to sell at prices from 5 to 7 cents less than a fair estimate of conditions would have given him. We complain that it is unfair that reports upon the crop be made at all, unless they carry the deteriorations and damages as well as the favorable comments.

This petition from the farmers of Oklahoma is calling our attention to a very important matter. It pleads for a fair deal for the cotton farmer.

Mr. President, I am going to have more to say upon this subject from time to time until relief is had. I am going to try, and I know that other Senators are going to try, to change this new and dangerous system of guessing at the size of the cotton crop. The board must be changed. We have a very strange situation, and I am sure that practically all of the

Senators will agree with me about this. Mr. Callander, chairman of the Cotton Crop Estimating Board, is from the State of Iowa, from the grain belt of the United States. How ridiculous and unfair that is. It would be as unfair to have the chairman of a grain-estimating board from the State of Alabama, a cotton-growing State. It is unfair and indefensible. This man, in the first place, would in all probability not know a cotton bloom from a jimson-weed blossom and yet he sits at the head of a board of three men, with the power to fix the price of the South's cotton crop.

Nearly every time for three months that they have issued a cotton estimate they have broken the price of cotton. It has fallen from 24 cents to 19 cents. Under the new system they not only try to guess or estimate the amount of lint cotton that would be produced on each acre of land, but they even try to estimate the number of bolls on the stalk. Just think of that, if you please. It is as impossible to estimate the number of bolls of the stalk over forty-odd million acres in an area 1,400 miles long from east to west and 500 miles wide, as it would be to estimate the number of hairs on the dogs in the cotton belt or the number of straws in the haystacks of the South. [Laughter.]

Mr. President, it can not be done, and yet they instituted that ridiculous plan this year. I protested against it before they started it in July.

Mr. Callander and his board took the suggestion of a Boston banker rather than to heed the protest of a Senator from a cotton-growing State. Our people have paid dearly for their folly, Mr. President. Cotton was 24 cents a pound and is now 19 cents a pound. They broke the price of cotton $25 a bale, and that much loss on a million bales in Alabama is a loss of $25,000,000 to the farmers of my State. That much loss on a 13,000,000-bale crop is $325,000,000.

Senators, I submit to you that the power to do such a thing as that is too much power to put in the hands of any bureau or board sitting here in Washington. The temptation is ever there for crooked dealings. I submit now very frankly that I can not understand some of the cotton estimates that have been given out this year. They have carried the evidences of suspicion on their face. Whether there is anything wrong about them or not, we owe it to the cotton producers of the United States to fix it so that no board now or hereafter to be created can destroy the business of the cotton producers of our country.

They made one report about six weeks ago that appeared to me was a bait for the bulls in the market. They had been increasing the yield, and that time they took off nearly 200,000 bales. The bulls knew that the crop had greatly deteriorated, and they went into the trap and bought cotton. The next time the board ought to have taken off 500,000 bales, but instead of doing that they added 200,000 bales, caught the bulls in the valley, and turned the water in on them and drowned them. The bears cleaned up millions of dollars on that deal. The way the bears sold the market two or three days before that report came out would indicate that somebody on the board or who knew the situation had told them just what was going to happen; and I think they did. I believe that the gamblers on the New York Exchange and on the New Orleans Exchange know every time three days before the estimate is made just about what it is going to be. Here we are with the power to change that law and to change that method, and unless we do it before this Congress adjourns it will be a serious reflection upon the Senators here and Members of the other body from the South.

I had a man in the South to tell me that this board was not now serving any good purpose. He said it looked like they are an aid society to the bear speculators. He said, "If the Government wants to sell those positions of crop estimators I will give them a million dollars for a place on the Crop Estimating Board." He said, "I can make millions by it," and he could because, Mr. President, if a member of that board wanted to speculate in cotton he could sell 10,000 bales the day before he made the estimate public and the next day he could clean up $50,000. These reports have broken the price upon the average of $5 a bale and $5 a bale on 10,000 bales is $50,000. In the last five reports they could have done that, and each one of them could have had $250,000 to his credit. Are we to sit here any longer, Senators from the South, and permit that condition to exist? We must enact a law to fix it so they can not do that thing any more, if it is being done.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I yield.

Mr. SMOOT. Do I understand the Senator from Alabama to take the position that we ought to repeal the law requiring the Department of Agriculture to gather these agricultural statistics?

Mr. HEFLIN. I have not exactly gone that far, but if we can not protect the cotton producers by proper safeguards in the law I would favor abolishing the present system.

Mr. SMOOT. I think if that is really what is wanted by the cotton growers it ought to be done, but I remember very well in the past that that was the reason given for the enactment of the law, so that the facts could be reported and the speculators and the bears and bulls of Wall Street could not put the information out as they wanted it at any particular time, whether it would be a large crop or whether it would be a small crop.

Mr. HEFLIN. That in a measure is true. We did think that while they were sending out their private reports and estimates it would be best to have the Government get the information and give out reports, so that we could safeguard the matter and look after it here at the Capitol. But I submit to the Senator that the present board has this year so well pleased the private bureaus and companies that they would not want anything better than the guesses and estimates that they have given out. I fear it has become a sort of aid society to the bear speculators of the country. And when I say "bear speculators" I mean those who use their money and their power in every way they can to beat down the price of cotton.

Mr. SMOOT. I want to say further to the Senator that the last time I returned to Utah for a few days I stopped in Chicago. I know one of the largest cotton growers in the South, and he told me that he was selling cotton there. I said, "What do you get for it?" He said that he had gotten 25 cents a pound. When I returned here—not the first time, but the last time—I called on that same gentleman again. I inquired, "What did you do with your 25,000 bales of cotton that you sold?" He said, "I made at least 5 cents a pound on the 25,000 bales." He is one of the largest producers of cotton in the South.

Mr. HEFLIN. Yes; but he makes more money speculating than he does producing the cotton itself. In the sale of cotton futures—selling short as he told the Senator he did—he made on that speculative deal $625,000.

Mr. SMOOT. That may be, but he did it, not because of any report made by the department, but because he knew conditions. He knew the amount of cotton that was grown, and it was upon that information that he based the trade.

Mr. HEFLIN. The Senator indirectly bears me out in my assertion that this board lets somebody know in advance of the issuance of its reports just what the situation is.

Mr. SMOOT. This gentleman knew from the fact that in the South this year he had, I think, 100,000 bales of cotton, while last year he had only about 65,000. That is the story as he told it to me.

Mr. HEFLIN. In the south this year we had a terrible drouth in Texas, Georgia, and in a portion of the State of Alabama, and in the State of North Carolina, and in South Carolina. I was there with the Senator from South Carolina [Mr. SMITH] and in August, this year, we toured sections of his State that would not make more than about a bale to 15 acres. And yet the Government report made it appear that they would make about four bales to 15 acres. Some of that cotton was not worth gathering. The storm destroyed a great deal of cotton in several States. The cotton was open and in fine shape when the storm came and the rain came and beat it out on the ground, and then beat it into the dirt and stained it and practically ruined a great deal of it. A great deal of it was not worth picking, and has not been picked. The price is so low for such cotton that it does not justify the farmer in picking it, and yet we can not get this board to tell about that condition and deduct such cotton as that from the amount estimated in its reports.

O Mr. President, we had a difficult time in the early fall trying to get the Secretary of Agriculture to give out the figures as to the amount of the abandoned cotton acreage. The department obtained the information and had it here six weeks, and we were wiring the Department of Agriculture from the Cotton Belt begging them to give this information out along with their estimates of the yield, but they would not give it out until the 18th of October.

There is something wrong, Mr. President, and I am going to ask for an investigation——

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I will yield in a moment. I am going to ask for an investigation of the crop estimating board and of the gin reporting board. I take with a grain of salt the figures of the gin reporting board. I have had some experience recently with that board.

Last year the Senator from South Carolina [Mr. SMITH] discovered and brought to my notice the fact that that board had added 470,000 bales to the amount of actual cotton carried over at the end of the year. There was no excuse for that under the sun. Sixteen southern Senators had the officers of that board before them. I was there. We asked them, "Did you add that number of bales?" "Yes, sir." "Why did you do it?" "We wanted the number to balance with what the spinners claimed to have had on hand." We said, "The Government figures did not authorize your adding any such number. Why did you not deduct it?" "Well, we just added it to make the amount balance." They confessed that to us. That board added 470,000 bales to the carry over, and we never would have known it if the Senator from South Carolina and one other man had not gone over the figures for 10 years back and found out that that cotton was not in existence. But for their interest and activity that amount of fictitious cotton would have been counted in the visible supply of actual cotton and counted in the carry over until doomsday, to the hurt and injury of the cotton producers of the United States.

If the gin-reporting board added nearly a half a million bales without consulting anybody from the South and kept it a secret until we discovered it, how do I know they are not now padding the gin reports? I am going to ask for an investigation of that board. If they can show that they have clean hands, well and good. Such an investigation will satisfy my suspicions as well as those of many others and give us an opportunity to go behind their reports and see what is going on in that bureau. Now, we have no such opportunity. Nobody has ever investigated the gin-reporting board, and we do not know but what they have padded their reports before. Heretofore we have accepted their statement and have said, "The gin-reporting board reports so much; well, that settles it." We had been accepting their figures as to the carry over, the amount of old cotton said to be on hand at the end of the spinning year.

The Senator from South Carolina [Mr. SMITH] came to me and said, "We have not got that much cotton in the carry over."

"I am going back over the reports for 10 years." He did so; he figured out how much cotton was ginned and exported during each year for 10 years and how much was consumed in the United States and how much was carried over in the United States; and brought the figures to me, and said that Hester, of New Orleans, was right in his contention, and we had 470,000 too much. If we had not discovered that the whole country would have accepted for all time the report made by the gin-reporting board here in Washington.

In other and better days the Crop Estimating Board met in a room by itself and made up its estimate as to the condition of the growing crop and the final prospective yield, while the gin-reporting board sat in another department and gave out its figures to the public separate and apart; but these two bureaus have been casting friendly glances at each other until they have grown very affectionate toward each other. Finally we find them, strange to say, sitting in the same room behind closed doors making up the cotton crop guess or estimate together.

Senators from the South, I submit frankly to you that these reports this year have robbed the South of more than $300,000,000, and something of a serious nature has got to be done. If they wanted to speculate, play the cotton market, and make certain the success of their venture these two boards, consulting each other, could say: "Shall we raise these figures or lower them?" Suppose some speculative interest had reached these men. They admit they added that 470,000 bales; and they did a corrupt thing, a crooked thing when they did that; they had no right on earth to do it. They injured the cotton farmers of the country, and they never would have told us about it if we had not discovered their wicked work. The Crop Estimating Board might say, for instance: "Shall we increase the estimate or lower it?" Well, if they wanted to—I am just supposing a situation—suppose the gin-reporting board were to say, "Increase it," and the Crop Reporting Board were to say, "Well, suppose we estimate a big crop and then the final gin reports show that the crop is away below our estimate; that will make our board ridiculous before the country, and it will be said that we greatly overestimated it." But suppose they agree, and the gin-reporting board says, "We shall track right along behind you; if you make it 15,000,000 bales we will make the gin report 15,000,000 bales." Suppose the gin report makes it 15,000,000? Well, they might say, "They will never know it, for whatever our reports show, it will be accepted."

Senators, this ginning board never has been inquired into, but we are going to investigate it this time, because I am going to ask for an investigation. I repeat, these boards now sit together to make these estimates. Here is an inviting field for crookedness and graft on a tremendous scale. What would the bear speculators of New York give to these boards to increase the estimate of the yield and make the prices of cotton fall $5, $6, or $10 a bale, as it has done this year. They could afford to give them $10,000,000 on each report. They have made already this year several hundred millions by reason of these reports. If they know a day in advance that the board here in Washington is going to increase the estimate of the yield, and how much, they go back and sell the market and flood the exchange with bear contracts, and the next day when the price goes down they know perfectly well about how much they are going to make on that day's deal. They have already figured it out.

I want the cotton-growing States represented on that board. I want a Crop Estimating Board, if we are going to have one at all, appointed by the President and confirmed by the Senate. This is a very important matter, Senators. It means much to the South, and much to the West also, because that board also estimates the grain crop, and the grain growers ought to be represented on a grain board. The President ought to appoint its members, and Senators from the West and the South ought to have a chance to say who is going on that board. They have toyed with the grain crop in very much the same way. I will have something to say about that later.

Do Senators suppose that I would consent for Mr. Callander, from Iowa, to remain as chairman of the board to estimate the cotton crop, a product hundreds and hundreds of miles away from Iowa, worth from a billion and a half to two billion dollars? Frankness compels me to say that I would not give my consent. But here he is now at the head of this board, and we have to take his estimates and guesses about a farm product which involves the prosperity and happiness of thirty-odd millions of people. Senators, it is a serious situation, and this body must do something to give relief to the cotton growers. Such a situation can not, in all good conscience, be defended.

Mr. SMOOT. Mr. President, I merely wish to say to the Senator from Alabama that if the Senators from the cotton-growing States shall finally decide that they would like to have the crop report on cotton discontinued, I am quite sure they will find help upon this side to bring about a discontinuance, if they so desire. The subject is so vital to the prosperity of the States raising cotton that Senators from those States ought to take an interest in it, and if they shall finally decide that more harm than good comes from these crop reports, I am quite sure it will take but a very short time to have the provision for them repealed.

Mr. HEFLIN. Mr. President, I will say to the Senator that I will vote to repeal any appropriation that authorizes the employment of men to go about in the Cotton Belt trying to estimate the number of bolls on the stalk and to speculate or guess on the number of pounds of lint cotton that will be produced on each acre on every farmer's farm in all the cotton-growing States. It is utterly ridiculous to undertake to do any such thing. I have in my possession—and I will exhibit them here some time during the session—several bolls of cotton, little bolls not larger than the end of my thumb, coming from drouth-stricken sections of the South, and other bolls with two locks, the boll weevil having destroyed the other two locks, and I have other small bolls with three locks. Some bolls have four locks and some, not so very many, have five. No man on earth can estimate the cotton yield per acre by guessing at the number of cotton bolls on the stalk and the number of stalks per acre, as they have attempted to do that this year.

They started in July to estimate the number of bolls on the stalks and I tried to keep them from adopting this new Boston method of estimating the cotton crop, but strange to say the board went on and adopted it. Senators, is not that a little strange in view of the fact that a Southern Senator protested against it? Yes; they are undertaking to estimate the number of bolls on a stalk among billions and billions of stalks never seen by the agents, and the average production of an acre, on forty-odd million acres, in an area 1,400 miles long and 500 miles wide. How ridiculous that is. And the cotton farmer has had to pay for it all. If the present price obtains our people in the South have been robbed of over $300,000,000 on a crop of 13,000,000 bales, and it now appears from these reports that we will make something more than that. I would be willing, I wish to say to the Senator from Utah, for the

Government to make a condition report. Let the Government continue the condition report. That is what we used to have—giving the condition of the growing crop. Anybody can look out on a cotton field and decide whether the physical condition of the stalk is good and whether the plants are flourishing and promising or whether they are puny and poor; anybody can do that, and that is what used to be done, but when it comes to estimating the number of bolls that a stalk will produce and the number of pounds of cotton lint that an acre will produce, scattered all through the Cotton Belt where hundreds of thousands of acres are never seen by the agents it is guess work, and it is a hazardous and dangerous thing for the cotton producers of our country.

The cotton crop reports that we have had this year have cost our people, as I have said, because of the manner in which those reports have been made and manipulated, over $300,000,000. Let me say again, that before this new method was instituted cotton was 24 cents a pound, and they beat the price down to 19 cents, a loss of $25 a bale.

Now let me read a statement from Mr. Brisbane. It is headed "Killing cotton," and reads as follows:

Cotton growers are discouraged, and their complaints are just against the Government helping with its reports to put down cotton prices.

Government crop reports announcing gigantic production do more than give information to buyers.

Notify European and home buyers that if they will hold off and refuse to buy cotton the price will fall. And the grower is the victim.

The Government announces that so many million bales more than usual will be offered for sale. That is equivalent to saying "Don't be in any hurry to buy. You will get it cheaper later on."

The Government does not print such reports concerning the steel business, oil business, or other businesses. Why is it necessary to broadcast to the world, at public expense, reports which result in injury to American cotton growers?

Mr. President, that is all I care to say on this subject at this time.

Mr. HARRIS. Mr. President, I will take a few moments of the time of the Senate to discuss the cotton reports to which the Senator from Alabama [Mr. HEFLIN] has referred. Before beginning the discussion of the reports I want to say that I was appointed Director of the Census by President Wilson and took charge of the office in July, 1913, and held the position about two years. At that time the present Director of the Census was one of the employees in the bureau—chief statistician of manufactures. I have been thrown with him a great deal, and I have never met, in the Government service or out of it, a more efficient public servant than Mr. William Steuart.

I have made a number of suggestions in regard to these reports which I thought would benefit the cotton producers, and I have found Mr. Steuart more than anxious to meet my wishes in regard to anything that would help the cotton farmers. I never knew Mr. Callander, Chief of the Crop Reporting Board of the Department of Agriculture, until I called on him at the Agricultural Department some years ago about these reports. I am sorry, as is the Senator from Alabama, that Mr. Callander does not live in the Cotton Belt, but I have been impressed with his honesty and efficiency, and his willingness to cooperate with me in preventing the cotton speculators from depressing the price of cotton.

Six weeks ago I went to the office of the Crop Estimating Board to present several suggestions which I believed would improve the law and prevent speculation in cotton. The officials are governed by the law, and some of the things for which they are blamed the law is responsible for. I believe that Mr. Callander is doing his very best to get the actual facts and give them to the public. It is not humanly possible several months before the cotton crop matures for any man or any set of men to estimate the exact number of bales that will be raised. Sometimes within a week the severe weather will make a change of a million bales in the cotton crop, and it is impossible to forecast what the total crop will be for the year.

We have two kinds of cotton-estimate reports in the United States. One is the Government report issued by the Secretary of Agriculture, and there are 80,000 reporters, more than 75,000 of whom are farmers. Other reports are prepared by 45 private reporting companies who have their own representatives all over the South—only a few hundred, many of them cotton speculators—who are interested in the price being manipulated and depress the price of cotton. We must take our choice between Government crop reports with 75,000 farmers reporting to the Agricultural Department as to the condition of the crop, men who make their living raising cotton make these reports, while the 45 private cotton reports have a comparatively few hundred agents making reports. The private reports can be manipulated to suit the cotton speculators, but the Government reports do not have the seal broken until the members of the board making estimates are locked in a room in the Agricultural Department Building and a United States marshal stands guard at the door until the board is ready to make their estimates public. No one else is allowed to go in the room or communicate with the board while they are working on their report.

For many years the cotton farmers complained to Members of Congress of the speculation in cotton and depressing the price because the reports were issued only once a month, and often a week or two of bad weather damaged the crop a million bales. The farmers asked for more frequent reports, and two years ago the law was changed, providing for semimonthly reports. What happened last year? The Government's estimate was less than the amount of cotton the farmers produced. That should have helped the cotton producers in the South, and it did help them, and on one of the Government's estimates about two years ago the cotton in the farmer's hands at that time went up $100,000,000; but you did not hear anybody say how much good the Government had done the farmers. Whenever the crop estimate is high and cotton goes down the cotton speculator tries to make the farmer dissatisfied with the Government reports. The speculator knows that if the Government reports are done away with that the farmers will be at the mercy of the private reports, which can be manipulated so as to enable the speculator to make money by gambling in futures and depressing the price of cotton in the farmers' hands, which cost him more to raise than he can sell it for. When the Government reports are low and cotton sometimes advances so as to sell for millions more the speculator never tells the farmers how much they have made by these reports.

Let us consider the situation this year. As I said, last year the estimate of the Agricultural Department was under what the crop actually amounted to at the end of the season, and that should have and did benefit the farmer. This year the estimates were considerably under what the trade expected they would be. Every private report this year, at the first of the season, estimated the cotton crop for the year at much higher than the Government report. So if these reports influence the market, the farmer was benefited by the higher price, at least $100,000,000, by the first few Government reports.

The speculators in August, September, and October and most of the private crop reports were estimating a much larger crop than the Government report and were predicting cotton would sell at less than 20 cents a pound, when it cost the farmer more than 25 cents a pound to raise it. It was the Government's estimate that kept the speculators from running down the price of cotton the beginning of the fall season.

It is an outrageous thing that cotton speculators can gamble on the cotton exchanges and depress the price of cotton so that a 15,000,000-bale crop sells for no more than a 10,000,000-bale crop, and I propose as long as I live, whether a Member of the Senate or outside, to do everything I can to prevent cotton speculators from depressing the price. The farmer uses more for fertilizers, pays more laborers picking, ginning, and so forth, for a large crop than a small one. The same is true of the wheat and corn crop, and Senators from the West and South should join hands and remedy this situation.

The difference between my friend from Alabama and myself is this: That I do not believe in tearing down a house because there are some rotten timbers or defective brick in it. I believe in taking out the rotten timbers and defective bricks, perfecting the structure, and building a strong, good house, while he would destroy it all. I do not believe in tearing down the law and the Government cotton reports and leaving the cotton farmers at the mercy of the private cotton reports which can be manipulated by the speculator. I believe in improving the reports, and I believe that the Senator from Alabama will agree with all the suggestions I have made to improve the Government reports and prevent the speculator from using private reports to manipulate the market. Six weeks ago I went before the Crop Reporting Board of the Department of Agriculture and made certain suggestions to them which I thought would prevent the speculation in cotton caused by these reports, and I found the officials anxious to make any changes which they could which would help the situation so as to prevent speculation, and I shall mention a few of the changes which I suggested, and to which they agreed could be worked out by the Agricultural Department Crop Reporting Board.

Gambling thrives on uncertainty. You can not get anyone to gamble on a certainty, and as long as the cotton reports are two weeks apart the cotton speculators get their private information and speculate, because they have more information than the farmer has, and they take advantage of this to get

the farmers' cotton at less than it is worth and less than it cost to make. I think that if we bring the information up to date, give it daily to the public so the cotton farmers will get all information that the speculator or anyone else has that it will help stabilize the price. Every day when the Census Bureau gets reports of the cotton ginned in all counties in the cotton-producing States they should make it public. This would greatly improve the situation. The Census Bureau gets reports of the actual amount of cotton ginned the 1st day of December. That is the date the Agricultural Department makes public its estimates of the amount of cotton yet to be ginned. Why keep the information which they get the 1st, the 2d, the 3d, or the 4th until the 8th or the 10th of the month? Why not make it public daily so that the farmer may know all the facts? It is the farmer who suffers, and the speculator is benefited by this delay and uncertainty. The farmer is more interested than all the others. He has already worked hard and spent more to raise the cotton crop which usually sells for less than it costs to make it. It makes little difference to the cotton buyers whether cotton sells for a high or low price, but most cotton buyers I have known nearly always try to depress the price of cotton. He buys as cheap as he can and sells for as much as possible and makes his profit. The manufacturer buys at prevailing prices, and in selling goods adds the cost he must pay for cotton to his selling charge for cloth. The farmer can not protect himself like the cotton buyer and manufacturer. Delay in publishing the Government reports makes the uncertainty all the greater, and the farmer loses while the speculator uses the delay to gamble on cotton futures.

Under the bill which I introduced on Tuesday, and which the crop reporting board has approved as workable, these reports would be brought up to date, which would relieve the uncertainty and prevent gambling in cotton futures. The Director of the Census gets reports by telegraph from about a third of the counties in the cotton-producing States on the first day of the month, on the second day about a third, and on the next day most of the balance. Under the law he can not give that information to the public and cotton raisers until the 8th. Under the amendments to the law which I propose the Director of the Census would be required to make public on the first and every day of the month every telegram he gets as to the amount of cotton ginned and a statement of the amount ginned in the same counties the same time last year. I have never heard of anybody questioning the ginners' figures. I do not believe any mistakes have been made that are important, and I feel sure that these were unintentional.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Does the Senator from Georgia yield to the Senator from Alabama?

Mr. HARRIS. I did not interrupt the Senator during his remarks, and if he will wait until I get through I will be glad to get any suggestion or criticism he may have to make; but I would like to proceed until I have finished my remarks.

If the farmers and the public can have the information as it reaches the Director of the Census, no speculator can take advantage of the cotton raisers.

Now, regarding the reports received by the Crop Reporting Board of the Agricultural Department, the States of Virginia, North Carolina, and South Carolina have a man in each State in charge of making reports for these States. He mails his first report to the Department of Agriculture on the first of the month, but the delay in that report until the 8th causes uncertainty, which gives the speculator several days in which to gamble in cotton futures. Under my proposed amendment the first reports that get here through the mail from the nearest States would be made public the next day after they come in. One day is sufficient for the board to do the work. The next day the reports from Georgia, Alabama, and Florida would come through the mail about the same time, and those reports could be made public. The next day the reports from Tennessee, Mississippi, and Louisiana would arrive, and those reports could be made public. Then the reports from Arkansas and Oklahoma, which are large States, would reach Washington, and those could be made public the next day, and on the next day, the 8th, Texas, the largest cotton-producing State, and all the State reports could be made public at the same time of the semimonthly statements of all the States, and the reports from Texas would be included in that statement. Then after that is completed the process would start anew.

In the meantime the Census Bureau official reports showing exactly the amount ginned as of certain date will be made public every day. If you dam up a creek or a river for two weeks, you will have a flood, and the same applies to delaying these reports; it brings about a flood of speculation, and the farmer suffers every time. The information is not only old when given out but it gives the speculator opportunity to impose upon the cotton producer.

I made another suggestion along this line that I believe would help prevent speculation on the cotton exchanges. Every day the New York Cotton Exchange gives out a statement of the day's transactions, except as to the number of bales sold for future delivery, most of them never delivered. Twenty years ago they gave daily a statement of the number of bales sold for future delivery. Under my amendment all the cotton exchanges will be required to make public daily a statement of the number of bales of cotton they sell for future delivery. That will show the cotton farmers and those engaged in the cotton trade that they sell 10 bales of cotton on the exchanges where they raise 1 on the farms in the South. I believe this information will help. The country does not know that when 10,000,000 bales are raised about a hundred million are sold for future delivery on the cotton exchanges. I believe this is ruinous to the farmers.

There is another thing the exchanges do which hurts the situation. Two weeks ago, when the Government report was published, the report gave the ginners' figures and the estimates of the crop reporting board, and in a few minutes cotton went down $8 a bale. The exchanges are closed only 15 minutes after the reports are given out by the Government, and the cotton dealer does not have time to study all the report until the exchanges open. Under my amendment the exchanges would be required to close at least 30 minutes. The other day when the Census Bureau published the ginning figures and the Agricultural Department published their estimate of the total crop the cotton gamblers started to speculate. They did not have time to read the statement of the Agricultural Department, which said there was less good cotton this year, although a larger crop than there was last year. Cotton should have gone up on that report instead of going down $8 a bale. If the exchanges had closed 30 minutes and time allowed the full statement to be read instead of the figures only, the speculators would have noticed that statement and cotton would not have been depressed by the speculators; it should and would have advanced on that report. The next day cotton went up $8 a bale, back to where it was, and went even higher than it was when the Agricultural Department report was made public.

I suggest another change—and I am sure this will meet with the approval of all Senators.

The Agricultural Department, as I have said, has a man in each State in charge of these reports who makes up his estimates and sends them on to Washington the day the law requires the reports be made, and the Crop Reporting Board passes on them. The Senator from Alabama has probably forgotten that under the last law passed on this subject, when the semimonthly cotton reports law was enacted it required three out of five of the Crop Reporting Board must be cotton men who are experienced in cotton statistics and must have lived in the Cotton Belt. Of course, I would like to see all the members of that board from the cotton-growing States. Now, some members of the board serve on cotton, wheat, corn, and other crop boards.

Under the amendment I ask for, the man in charge of the Government crop report in Arkansas would mail his report on the 1st day of December, say, to Washington, and would then get on the train and come here and sit with the Crop Reporting Board here when the reports of the estimates from the State of Arkansas were being considered. That man has more inside information than anyone else. He can not possibly put in a letter all the facts he can give if he is sitting here with the board.

Again, under the amendments to the present law I suggest that when the reports from the State of Arkansas, or any other State, are being considered, and an estimate is being made by the board as to the crop in that State, the commissioner of agriculture from Arkansas, or whatever the State is, shall be here and be present with the board, or have his representative present.

Those are a few of the things which I think will improve the law, and which I think will prevent speculation in cotton very largely. One of the friends of the exchanges said that this would do away with the selling of cotton futures on the exchanges, and that he was opposed to my amendment because of that. If these changes in the present law would do away with speculation and the exchanges, I would be very happy. I expect to support the measure offered by the Senator from Arkansas [Mr. CARAWAY], which will prevent gambling in cotton futures or any other commodities raised by the farmer.

Now I will be glad to hear from the Senator from Alabama.

Mr. HEFLIN. Mr. President, I just want to say to my good friend from Georgia [Mr. HARRIS] that these private reports are nearly always made by bear speculators. Frequently their figures are larger than those in the Government reports. A few times this year, however, some of them have been under the Government figures. I remember a report made by the Crop Estimating Board about five or six weeks ago, and the size of the estimate astounded even the bear speculators. The bears are always organized. There are certain spinning interests here and abroad which back them and furnish them money to hammer the market. The bull goes in and buys on his own judgment, and when the bear hammers the life out of the market the bull gets cold feet and quits, and the price last offered on the exchange that day when the exchange closes is the price for which the farmer sells cotton early the next day.

I want to safeguard the cotton producers' interests as much as possible. I was the author of the bill that passed the House and the Senate while I was a Member of the House and while the Senator from Georgia was the Director of the Census, when we provided for a separation of linters from the cotton in the Government's reports.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. I will yield in just a moment. Prior to that time the Government's report simply said so many bales, including linters. We did not know how many linters there were and thought of the lump sum as that of cotton. The linters amounted to 1,000,000 or 1,500,000 bales and sometimes more than that, so I got a bill through Congress, and the Senator from Georgia, who was then Director of the Census, put it into operation, and we separated the linters from the cotton.

I yield now to the Senator from Georgia.

Mr. HARRIS. I think the Senator, if he will refresh his memory by going to the record, will find that he was not the author of that bill. The Senator did come to the Census Bureau while I was Director of the Census and make the suggestion. I saw the wisdom of it, and without any law I separated linters from cotton in all census reports, and this has been continued under the present and other directors. I also required the bureau to make public in all of the cotton-growing States by publishing in all of the newspapers, daily and weekly, the amount ginned in each county, and that is being done now. I also conferred with the Postmaster General (Mr. Burleson), and at my request he issued an order directing all postmasters in the cotton-growing States to post all Government census reports showing amount of cotton and linters ginned, amount of bales on hand in warehouses and other places, so that the cotton farmers could go to the post office at any time and see these reports and have all information as to production and demand for cotton. I did not think the cotton speculator should be able to get any information that was not available to the cotton producers. These Government reports are made to aid the cotton growers.

Mr. HEFLIN. I may have that measure confused with another one concerning linters. I introduced the bill and the Senator from Georgia felt as I did about the matter and as Director of the Census put the proposition into effect.

I was reared on a farm. My father was a country doctor and a farmer. In my youth I used to hear him talk about how the cotton producers sold cotton at prices below the cost of production, and I determined as a boy that if ever I got in a position where I could be of benefit to the cotton producers I would try to be of service to them.

I commenced the study of the subject of cotton when I came to Congress 21 years ago. I led the fight to cut down the number of grades of cotton used on the New York Cotton Exchange from 28 to 9. We succeeded in doing that. Now we have 10 grades that represent the entire crop and every phase of all the grades of cotton.

I was the author of the suggestion of establishing spot markets to get at the commercial difference between the grades and all that sort of thing. I also suggested the provision in the cotton futures act which provided for an appeal from a decision of the exchange when buyer and seller could not agree as to grades of cotton named in the contract, and providing that the cotton should be sent down to the Department of Agriculture and the experts in the department should determine what grade it was without knowing the parties to the contract. So I have had a little to do with this subject myself. I suggested the printing of all these reports on one postcard, and that has been done.

I want to cooperate with my good friend from Georgia in every way I can, but I am going to fight in the Senate until the session ends to prevent them from estimating the number of bolls on the stalk and the lint per acre. I ask the Senator if he is with me on that proposition to prevent them from guessing at the number of bolls on the stalk and the amount of lint per acre?

Mr. HARRIS. If the Department of Agriculture were doing anything so unwise as to attempt something that is not humanly possible to be done, of course, I would oppose it. In my proposed amendment I would require that they give the condition report, and on the 1st day of September that they shall publish the number of abandoned acres. In the law enacted two years ago, of which I was the author, we stopped the publication of "intentions to plant," which the Department of Agriculture had been giving out at that time.

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield to the Senator from Tennessee.

Mr. McKELLAR. I want to ask the Senator from Georgia a question. I have in my hand the bill S. 956, which he introduced on Tuesday. Did I understand him to say the department had approved the bill?

Mr. HARRIS. The department said they approved everything that I had suggested that I thought would be helpful in stopping speculation in cotton under the present law.

Mr. McKELLAR. And the Senator incorporated it in his bill, as I understood? I am just asking for information.

Mr. HARRIS. I wrote out certain amendments to the present law that I thought would prevent speculation in cotton and took this with me to the Agriculture Department. They had nothing to do with that. I wanted to find out from the Crop Estimating Board whether my plan was workable and about what the additional expense would be. Every suggestion I made that would help prevent speculation in cotton met with the hearty approval of the Department of Agriculture's Crop Estimating Board.

Mr. HEFLIN. I always try to be very frank in matters I discuss here, and I think we all ought to be. If this board has approved the bill it will call for still closer scrutiny from me. If its members have passed on this proposition and approved it, I must look into it very thoroughly before I go further with it. I know my good friend, the Senator from Georgia, has the interests of the producers at heart.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama again yield to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. HARRIS. I would like to have the Senator from Alabama criticize the amendments that I have offered, and if he thinks my suggestions will not help prevent manipulation of the cotton market to state why he is against any one of them. I believe that after making a study of my suggestions that he will approve them all. I am trying to remedy the things he complains of.

Mr. HEFLIN. I am going to do that. I am going to study the Senator's bill, and especially since he has told me that the Crop Estimating Board has approved it.

Mr. HARRIS. I stated to the Senator from Tennessee that they approved every suggestion that I made that I thought would be helpful to prevent speculation in cotton.

Mr. HEFLIN. I know that. I know where my friend's heart is, but when the Director of the Census approved of the adding of 470,000 bales to the cotton supply of the United States and admitted afterwards that the cotton was not in existence and never had been, and he never told it until we found it out, I think the Senator had better be very careful about accepting suggestions even from him.

Mr. HARRIS. During a part of the Wilson administration I occupied the position of Director of the Census, which is now held by Mr. William Steuart. Mr. Steuart was one of the chief statisticians under me. I found him to be honest and the ablest man in the bureau. I know how easy it is to stand in the Senate or the House and criticize public officials. The last thing I ever expect to do in the United States Senate is to criticize and reflect on a man unless I know absolutely that what I am saying is true. I would rather give him the benefit of the doubt. As long as I am in the Senate and Mr. Steuart continues the work he is doing, I am not going to criticize him unjustly, even though I favor amending the Census Bureau laws relative to gathering cotton statistics. I want to say that he has under him as the head of the agricultural division of the Bureau of the Census a boy from Mississippi, raised on the farm, who paid his way through college by farming, and who is now at the head of the agricultural division of the Census Bureau, William Lane Austin, who was brought here by former Senator John Sharp Williams 30 years ago. Mr. Steuart also has under him another farmer boy from North Carolina, who is chief statistician of manufacturers, Eugene Hartley. Another most important position is held by Starke Grogan, of

Georgia, who is at the head of statistics of cities, States, and counties, and lived on a farm. Two years ago Mr. Steuart, without any law directing him, asked several southern Senators to name farmers or some one connected with their State agricultural departments to come here and act as a board to supervise these cotton statistics.

Mr. HEFLIN. I do not propose to reflect upon any public official either, unless his conduct merits it, and I am responsible for any criticism I make of him. I judge these officials by their conduct—by specific acts. As the Bible says, "By their fruits ye shall know them." We caught this man adding 470,000 bales to the cotton carry-over or cotton supply of the United States, and whether the Senator from Georgia agrees with me or not I condemn it, and I say that that work on his part and on the part of that board was a crooked piece of work. They intended at the time they put it over to make the cotton supply appear big, and it broke the price of cotton $6 a bale when they made that report, and they knew that that report was not true. I have no apology to make for my criticism of that piece of infamous work. We never discovered it until three or four weeks after the deviliment had been done.

I hope the Senator does not place himself in the attitude of defending people guilty of such a crime. If he does, he has a big job on his hands during this session, because I am going to speak plainly about them and others, and I am going to try to help clean out these bureaus, and I will give my reasons for it before this fight is over. I have served twenty-odd years in these two bodies and during that time I have made many suggestions regarding legislation that were put into the law enacted, but I did not get the credit for them, but I do not care about that if I can get them enacted into law. That is what I am after, the good that they may do the people I am trying to serve.

Mr. HARRIS. Mr. President, will the Senator from Alabama yield?

Mr. HEFLIN. I will yield to the Senator in just a moment. The Senator wired me in Alabama and told me that he was going up to meet with this board, and that he wanted me to wire him what changes I thought ought to be made. I am against that board. I am against the unjustified estimates made by that board. It has overestimated the cotton crop nearly a million bales.

Mr. HARRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. Yes; I yield for a question, but I do not want to yield for a speech.

Mr. HARRIS. The Senator does not want to do me an injustice?

Mr. HEFLIN. I certainly do not.

Mr. HARRIS. The Senator knows that last year when the census report of which he is complaining was called to our attention, I worked with him day and night to make the changes. I believe in amending the law so that such mistakes can not be made.

Mr. HEFLIN. Surely; and I was surprised that the Senator did not mention that when he was eulogizing Mr. Steuart.

Mr. HARRIS. The Senator from Georgia is going to do Mr. Steuart no injustice, and the Senator from Georgia will defend him whenever he is attacked. After my association with him while I was Director of the Census, where I found him capable and honest at all times, I feel it my duty to defend him when attacked by some one who did not know him so well.

Mr. HEFLIN. The Senator is at liberty to defend him, because he needs defending.

Mr. HARRIS. I am going to defend him whenever his integrity is reflected on.

Mr. HEFLIN. When he added that 470,000 bales the cotton producers of the South had nobody there to represent them. They sat behind closed doors, and they figured against them 470,000 bales. When they published that report as the truth they knew that those 470,000 bales were never in existence, and thus helped to break the price of cotton $6 a bale, and they never said anything about it. We complained, and the Senator from South Carolina [Mr. SMITH], who knows more about cotton than anybody in this body or in the Congress and who has done more than any one individual for the cotton industry I think than any man in the Congress in my day, was the man who called it to my attention. We undertook to get it in concrete form, and we called a meeting of the Senators from the South, and the Senator from Georgia [Mr. HARRIS] was there. We made this man Steuart admit that they added 470,000 bales. My, my, what more do we want when they come up and confess that they took it out of the air and added it to the visible supply and broke the price of cotton on the farmers of Georgia and Alabama and the other cotton-growing States?

Then we finally called them to judgment and asked them, "Did you do that?" They said, "Yes." "Why did you do it?" "In order to make it balance with what the spinners had claimed to have on hand." Think of that, Senators. I undertook to point out how the spinners could be mistaken and how the reports could be duplicated. I said that in the Senator's State at Columbus, Ga., there are cotton mills, and in my State across the line in Lee County, at Opelika, there is a good spot-cotton market. They have 10,000 bales in the warehouse, we will say. The spinner over in Georgia buys that 10,000 bales. He enters it on his books as cotton stocks. The gin reporter in that county in Georgia asks him "How much cotton have you?" He gives him the number of bales listed in his stocks. The gin reporter in my State in Lee County goes to the warehouseman at Opelika and inquires, "How much cotton have you in the warehouse?" "Ten thousand bales." There is immediately a duplication; 20,000 bales are reported to the Government when only 10,000 bales are in existence.

I said the spinners may have been mistaken and that report may have come about in that way. But these gentlemen added it to make it balance, because the spinners had claimed to have had the 470,000 bales. And the Senator now eulogizes the Director of the Census, who helped to perpetrate that fraud against the cotton producers of the United States. I do not stand here and whitewash them and I intend to see that it is not done in this body. I am against Mr. Steuart, and have been ever since that day when we caught him in that act, and he could not explain why they did not deduct that amount, because the Government figures did not justify the adding of it. Why did he not say, "That cotton is not in existence" and give the farmer the benefit of it and take it off of what the spinners claimed to have and let the figures speak the truth and disclose the facts? But he added this fictitious stuff to what they had, increased the visible supply; and what did that do? Added to the ginners' report, it broke the price of cotton $6 a bale, and we never would have found it out until judgment day if the Senator from South Carolina [Mr. SMITH] and others had not discovered and disclosed it.

I do not propose that either Mr. Steuart or Mr. Callander shall be whitewashed. I wish to have both boards investigated. I want to interrogate both of those gentlemen on the witness stand. I want to get at the truth, Senators, whether I get any credit for it or not. I do not care whether the bill is called my bill or not, but I am going to have something to do with the provisions which go into that bill. The bill is going to have teeth in it when we get through with it, and they are not going to be false teeth, either.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield to the Senator from Georgia.

Mr. HARRIS. Mr. President, there is merely one thing which I wish to say in reply to the Senator from Alabama. The Senator referred to a telegram which I sent him when I was preparing the bill which I introduced here to stop speculating in cotton futures. I telegraphed the Senator from Alabama because of his interest in the cotton farmer. I also telegraphed the Senator from South Carolina [Mr. SMITH] and asked for his views. I wanted suggestions from men who are friends of the cotton producers, and I sent telegrams to those men. I telegraphed the Secretary of Agriculture in every State in the South and asked their views. I telegraphed the editor of the Progressive Farmer, the leading agricultural journal in the South, which has a larger circulation than has any other. I telegraphed others whom I know and the Senator from Alabama knows are friends of the cotton producers and are interested in something constructive. The easiest thing in the world is to get up here and denounce something; but the hardest thing to do in Congress is something constructive that will help the people——

Mr. HEFLIN. That is very true, Mr. President.

Mr. HARRIS. I am trying to do something constructive that will help the cotton producers and prevent speculating in cotton.

Mr. HEFLIN. But even a constructive bill can be prepared that will enable them to carry on their questionable work. If this board has indorsed a plan, I fear that the power to continue this strange business is to be exercised in another form, and the Senator from Georgia must concede to some of us who have not conferred with the board some ideas and some rights about the measure that is going to be passed here. His measure will have ample opportunity to be threshed out and to be

amended. He has embodied some good suggestions in his bill, but I resent the Senator's insinuation about merely criticizing certain officials and offering no constructive work. I have constructive plans, and one of them is that a board shall be created, to be appointed by the President and confirmed by the Senate. I ask the Senator from Georgia if he indorses that proposition?

Mr. HARRIS. The Senator from Alabama knows that I indorse that proposal. The Senator from Georgia telegraphed the Senator from Alabama in order that he might obtain some constructive suggestions, but the Senator from Georgia did not get one such suggestion from the Senator from Alabama.

Mr. HEFLIN. No; I did not intend to send any suggestions for that board to consider, to tell the Senator the truth. I did not want that board to know what I had in mind, because I am doubtful and suspicious of the board. We had just as well talk plainly about this matter.

Mr. HARRIS. The Senator from Georgia went over to the board with his suggestion that would stop cotton speculation. There was no reason for me to go there to denounce the board or to denounce other people. I have never seen anybody get very far merely by denouncing people.

Mr. HEFLIN. That is like going to a burglar who has burglarized your house and asking him to tell you what sort of lock he would suggest in order to keep him out in the future. He would tell you what kind of lock to use, and then he would laugh in his sleeve.

Mr. HARRIS. I wish to say to the Senator from Alabama, who declined to make a constructive suggestion to stop speculating in cotton, that I told him I wanted to go over to the Agricultural Department, which has in charge the enforcement of the law, for we have to have their approval or else we shall have difficulty in getting the legislation through Congress, because when we come before the Appropriations Committee and say that a measure which we suggest will cost an additional $100,000, Congress is not going to appropriate that much extra money unless the Department of Agriculture recommends it strongly. That is why I conferred with the Crop Reporting Board of the Agricultural Department. This board decides whether they think changes in the law are workable and the extra expense necessary.

I hope Congress will do something to help the cotton farmers, and I shall be glad to have any constructive suggestion from the Senator from Alabama that will prevent speculating in cotton. I wish further to say that when my bill shall be presented the Senator from Alabama will, I think, vote for every one of its provisions; as a friend of the farmer he does not dare to vote against any one of them, because they are in the interest of the cotton farmer.

Mr. HEFLIN. If they shall be in the interest of the cotton producer the Senator from Georgia knows me well enough to know that I shall vote for them.

Mr. HARRIS. They are in his interest and in the interest of no one else, and I feel sure the Senator from Alabama will be found helping the farmers in this as well as other matters.

Mr. HEFLIN. The Senator from Georgia, however, has suggested that we have got to cooperate with the department and have got to have their approval, otherwise we can not get anywhere. I do not like that sort of proposition. I want to fight for what I think ought to be in legislation, and if the present Congress will not enact it, wait for a Congress that will. I believe, however, that there are enough western Senators here who realize the pitiful condition of the cotton producers of the South and how mercilessly they are dealt with, how they are robbed under the existing system, by the gentlemen whom the Senator from Georgia now eulogizes, so that we will have sufficient votes to pass a bill that will put an end to this abuse.

Senators, something is wrong about this business; something is wrong with both these boards. We caught the gin reporting board wrongfully and crookedly adding 470,000 bales of cotton to the carry-over. I put it thus plainly because there is no other proper way to put it. We caught the crop estimate board 20 years ago selling out and accepting $40,000 from speculators in New York and adding 200,000 bales to their estimate. Both these boards have been caught in crooked conduct, and why not talk about it? Why stand here and palaver around beating about the bush with compliments for these gentlemen?

This is no butterfly parade; it is no time for wafting perfume and presenting flowers to these gentlemen.

Oh, Mr. President, I am thinking about those men and women and children in Georgia, in Alabama, and in South Carolina, and other States, who, with bowed backs in the sun, have gone up and down those drought-stricken sections gathering the little cotton found in the chinkapin bolls that were open to get what cotton they could and sell it at a measly price, who are being hammered to death by the speculators on the Cotton Exchange aided by the Crop Estimating Board, supported and buoyed up by the gin reporting board, both sitting together and making up hurtful estimates on the cotton crop. I am going to fight for a law that will protect the interest of the cotton producer. I may not be able to please my good friend from Georgia, but I owe a duty to my constituents; I owe a duty to the whole cotton-producing section. I have had letters from his State; I have had letters from every State in the Cotton Belt urging me to carry on my fight and I am going to carry it on and I am going to submit my plans to the conference which we started this morning in the office of the Senator from South Carolina [Mr. SMITH], who is going to call another conference to-morrow and further conferences if it may be necessary. We are going to try to get together, and I wish we could have completed those conferences before my friend from Georgia pronounced his eulogies on Mr. Steuart and Mr. Callander.

I want to give them an opportunity before me and a committee to explain the details and just how and why they have done certain things. I want to get at the bottom of these things. I am not courting favor with any board of the Government or anybody else in the Government. I merely want to do what is right, and right will prevail in the end. I do not have to go up there and ask, "Will you take this? Is this agreeable to you?" I want to enact a law that has teeth in it and that will safeguard the interests of the people in the South, who are robbed annually of from three hundred million to four hundred million dollars—and this board has helped to do it.

Mr. President, these discussions will bring out much information and we will know exactly where we stand. I hope to see something of a constructive nature, as the Senator from Georgia suggests, pass this body; but no measure is going to pass with my approval unless it is the real article. No makeshift, no whitewashing arrangement, no measure that merely appeals to the board is going to get my approval if it sincerely appeals to the board, because I have strange views about that board, and I have formed those views because of the conduct of that board. When for weeks and weeks I tried to get the Agricultural Department to publish the number of cotton acres that had been abandoned, turned out, with no prospect of a yield to come from that source, I could not get them to do it until the 18th of October, in the heart of the cotton-selling season. When they reported the yield is going to be so much we tried to get them to give out a statement as to how many acres had been abandoned, but they would not do it. I sent a telegram to the Secretary of Agriculture begging him to print it on the 5th of October before the yield was announced on the 8th of October, but he would not do it. Does the Senator from Georgia blame me for offering a criticism on that account? I can not help it. I am exceedingly fond of my good friend from Georgia, but if he remains here during this session he is going to see and hear regarding this matter of several surgical operations in this Chamber.

Mr. HARRIS. Mr. President, we all know that surgical operations sometimes bring about death when the patient would live if let alone. So some of the suggestions made, I think, would have a like result.

The Senator from Alabama refers to receiving letters from Georgia criticizing the present crop reports. I have criticized the present report, but the ginning figures show that these reports are more nearly correct than before. I believe in improving those reports instead of destroying them, and I do not believe there is a cotton farmer or friend of the cotton farmers who will study my bill to correct these reports and fail to approve them.

I wish to say that I placed in the RECORD on Tuesday the indorsement of the reports of the Agricultural Department from the Alabama Farm Bureau and the Alabama Cotton Cooperative Associations—which are the largest cotton producers' organizations in Alabama, the other Southern States of Tennessee, Arkansas, Oklahoma—and I read in the newspaper this morning that in Georgia on last Monday the Cotton Cooperative Association indorsed the reports of the Agricultural Department Crop Reporting Board. Cotton associations in North Carolina have also indorsed them, as have producers' organizations in other States. While I believe in changing the law to improve these reports, so far as I know not a single cotton producers' organization has condemned the reports of the Agricultural

Department. The former president of the New York Cotton Exchange, as well as officers of the New Orleans and New York Cotton Exchanges, have opposed the Government's semimonthly reports. I believe these reports have accomplished a great deal toward preventing the gamblers from speculating in cotton, and I favor more publicity and strengthening the law so as to protect the farmers from the cotton speculators. There are 70,000 cotton farmers reporting to the Agricultural Department. If we abandon these semimonthly reports, the speculators will use private reports, which can be manipulated. The Senator from Alabama and I both oppose abandoning the Government reports. We both wish to improve them, though we may differ slightly as to details of how it should be done. We are both standing with the cotton farmers and are both against the cotton exchanges.

Mr. HEFLIN. Mr. President, the Senator has mentioned my name again. I have dared to take the stand that I have in the face of the fact that the executive committee of the farm bureau of my State have indorsed these reports, and I condemned their strange action by a statement in the daily press of Alabama. I had a letter from one of the members of the farm bureau executive committee of my State in which he stated that I was right about it and that he was not present when they took such action. Now, then, if we are going to be afraid to take a stand because a few agents of the Government are liable to lose their positions, we ought to get out of here. I am not afraid, Mr. President; I ought not to be; I would not be worthy to be in this body if I were to let the present practice continue because a course that I might pursue might remove certain officials from office and make them sever their connection with the Treasury Department. If I were to let such a consideration decide my course on such questions, I would have no business here. I say again I am trying to help those who struggle year in and year out to produce the cotton supply of the United States, as well as two-thirds of the cotton supply of the world. I am asking for them a fair and square deal; that is all; and I am fighting for them when I know my course is right, against the ill-advised position of any bureau or board; it makes no difference from where it comes.

POST-OFFICE FACILITIES IN FLORIDA

Mr. TRAMMELL. Mr. President, I will occupy only a few minutes of the time of the Senate. Day before yesterday I introduced a number of bills providing for public buildings in a considerable number of Florida towns and cities. I introduced those bills in order that the necessity and needs of the State of Florida for increased post-office facilities might be met as early as possible, for, in fact, there is an emergency condition existing there.

Only one who has observed conditions in my State can fully appreciate the congestion existing in our post offices. At a large number of post offices the patrons stand in lines which often reach into the street waiting to get their mail or to purchase stamps or money orders. At many places a person has to wait from one to three hours, or even a half day, before he can be served at the post office.

I may add that during the past fall the First Assistant Postmaster General and the superintendent of mails visited Florida. They experienced quite an awakening; became quite sympathetic toward the needs and demands of Florida, and, so far as providing increased working forces, they have furnished considerable assistance in that direction. But, of course, the greatest need is for adequate public buildings, and I hope that the present Congress will take steps to see that more adequate facilities are provided.

This is an actual emergency in my State. Appropriations should be made very promptly for new buildings, and for the purpose of providing the necessary increase in the post-office facilities and the postal working forces.

Florida is enjoying a phenominal growth; but this development is not a sudden affair, but merely the onward march of the past intensified. If we may recur throughout the last 20 years the State has been on a rapid climb. When the Great War came on, it may be recalled that Florida was then growing more rapidly than any other State in the Union. As was true throughout the country, there was a temporary period of depression in my State during the war and for a short time following. Florida, however, was the first State to get on its feet after the war. Remarkable building and development has been in progress for the past five years. Many little villages have grown into attractive and modern towns. Many of the towns of but a few years ago have become up-to-date, hustling, and creditable cities.

Our cities of less than half a decade ago have many of them doubled in population. There have been remarkable extension and expansion of our horticultural and agricultural industries. Public improvements have been going forward with a rapidity heretofore unequaled by probably any State in the Union. In hamlet and city are to be found the most modern and high-class school buildings. Our colleges are unsurpassed. A wonderful system of hard-surfaced highways has been provided, and an unusual extension of this system is now in progress. There is a marked increase in all industrial activities. The wealth of the State is increasing by leaps and bounds. Within a year the bank deposits have increased approximately 300 per cent. Visitors and settlers are going to the State by the hundreds of thousands. I read only this morning that during the month of November 14,000 cars carrying tourists, representing in numbers of persons over 57,000, crossed over one of the bridges on one of the principal highways leading into my State. This but partially tells the story of tide of immigration to the land of sunshine and opportunities, as this is but one of the main highways; and, too, the trains are all crowded. The permanent population of Florida is to-day, no doubt, four hundred to five hundred thousand more than it was a year ago, and her million and a half people are all happy and prosperous.

As some evidence of the progress being made in Florida, and of facts that portray its stability and permanency, I may mention the following:

In 15 of the cities and towns the building permits for the first nine months of this year amounted to $144,000,000. At the same rate for the entire year of 1925, the building program in these 15 towns and cities will amount to $191,000,000. At a very conservative estimate for other towns and cities throughout the State which are not reported in the building statistics of $60,000,000, the building program for the year will be $251,000,000.

It is this marvelous development and expansion that has created such great real-estate activity in Florida. We have for years, however, been growing steadily. I can recall that 10 years ago my home town had a population of 5,000. Five years later it had a population of 10,000. In the last five years it has increased in its population to about 26,000. This is but the story of the towns and cities throughout the State. Agriculture, too, has made wonderful progress.

The expenditure for public roads during 1925 in the State of Florida, based upon the figures up to the present time, will be approximately $20,000,000. An amount equal to this, and even more, is being expended for street improvements in the various towns and cities. Millions are also being expended for extending and enlarging lighting plants, water and sewerage systems, to make them sufficient to take care of the present-day needs. More than $5,000,000 are being expended for new schoolhouses this year. The Florida East Coast Railway, at a cost of millions, is building a double track from Jacksonville to Miami, a distance of 366 miles. The Seaboard Air Line but recently constructed a cross-state road from the west coast to the east coast of the State—a road which, although only about a year old, is enjoying a phenomenal prosperity, having more freight and passenger traffic than they can take care of. The Atlantic Coast Line and the Seaboard Air Line are also making substantial extensions at other points in the southern and western part of Florida. The Frisco system has recently acquired and will develop a railroad entering Pensacola, Fla., bringing that section of Florida into touch with the great Middle West. Far more railroad construction is in progress in Florida than in any other State in the Union.

In September, 1924, the total bank deposits in Florida were $293,000,000. In September, 1925, they were $774,000,000, making an increase of $480,000,000 in bank deposits within one year.

That is rather an astounding growth in our financial institutions within that period of time. I was talking the other day with a man who is prominently connected with the office of the Comptroller of the Currency, and he said: "Well, you ought to get the statistics since September." These statistics only bring the figures down to September. He said: "The increase in deposits has been greater in percentage and proportion during October and November than up to the latter part of September." But even at that there was an increase of $480,000,000 in the bank deposits in Florida from September 1, 1924, until September 1, 1925. He mentioned one bank in one city that had $77,000,000 on deposit.

Here is a matter touching upon the necessities and needs of Florida, specifically for public buildings:

Statistics giving data as to the postal receipts in 15 towns and cities of the State show that up to September 30, 1925, the receipts had increased 80 per cent over the receipts for the year

ending September 30, 1924, an increase of 80 per cent within a period of one year in the postal receipts. In all other towns and cities the increase has also been very marked.

Florida has varied and numerous industries and resources. It may be mentioned that the State is now producing fruit and vegetable crops which bring at least $150,000,000 annually; her lumber output is selling for $40,000,000 annually; her fish bring $15,000,000 annually; the phosphate sales amount to $10,000,000 annually; her naval stores probably $20,000,000 annually. This year the cigars manufactured by the Tampa factories will produce a total of about $60,000,000. In this one city alone the pay roll in the cigar industry amounts to $1,600,000 per month.

There are many other resources which could be mentioned.

I mention these statistics and these facts briefly in order that the governmental authorities dealing with the postal situation in the State of Florida may realize that we have upon us a great necessity and emergency, and also may appreciate the fact that in Florida appropriations made for public buildings are being made not only for the present requirements but also for the needs of a rapidly developing State.

I do not know a time within a quarter of a century in Florida when there has not been a steady upward trend of development, both in the cities and in the agricultural districts of the State. As the State has progressed, as the towns have become more attractive, as there have been more avenues of pleasure and entertainment provided, as we have furnished a better highway system and increased better school facilities, and all the towns and cities have installed modern improvements, the State necessarily has become more interesting, more inviting, and more attractive, and the development we have heretofore had has become intensified, extended, and enlarged, until now the growth of the State is the talk of the Nation. But I wish to impress upon my friends of the Senate that Florida is not only a delightful place as a playground—the playground of America—but we have there also splendid opportunities; we have staple industries and resources, and there are wonderful opportunities not only for the pleasure seeker but for those who desire to have a place of abode where they can make a living in the various industries and be happy and contented.

I especially wish to direct the attention of the Committee on Post Offices and Post Roads to the necessity existing in Florida for increased and better postal facilities.

I have briefly recited some of the activities in my State. They speak for themselves, and, as has often been said, "the truth about Florida is good enough." Florida's wonderful progress of the past, her unprecedented growth of the present, is only an index and forerunner of her continued prosperity and development. The man is asleep at the switch who can not see a great future for Florida.

PROGRESS OF LATIN COUNTRIES IN CIVILIZATION

Mr. MOSES. Mr. President, during the recess of Congress a very interesting article was written by the junior Senator from West Virginia [Mr. GOFF] on the subject of Latin-American relations, which seems to me to be worthy of preservation; and I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Without objection, leave is granted to insert the article in the RECORD.

Senator GOFF's article is as follows:

[From the Washington Post of Sunday, September 13, 1925]

COMMON INTERESTS OF THE AMERICAS ARE FOUND BY SENATOR—GOFF, OF WEST VIRGINIA, TELLS OF LATIN COUNTRIES' PROGRESS IN CIVILIZATON—UNITED STATES, HE SAYS, MUST RECOGNIZE ITS SOUTHERN NEIGHBORS' RIGHTS TO FREEDOM OF CHOICE IN COMMODITIES AND HOW WE WOULD SELL TO THEM—COMMON SENSE IS NEEDED IN DEALING WITH NATIONS TO SOUTH OF US, HE STATES—AMERICANS MUST REALIZE THAT THESE REPUBLICS ARE PROUD OF THEIR ACHIEVEMENTS AND ARE RESPONSIVE TO LEARNING IN ARTS AND LITERATURE AS WELL AS COMMERCE

(By GUY D. GOFF, United States Senator from West Virginia)

Moved solely by a desire to see the pictures which the distinct and rounded words of others have so graphically painted, I spent the past two months in South America, truly the wonderland of the world. The trip was one of continuous delight in a country as attractive and redolent of romance, struggle, and enterprise as its people were hospitable and affectionately kind. I have returned a sincere friend and admirer of our southern neighbors and with a lasting esteem for their qualities of head and heart—qualities that lead to happy homes, to prosperity, and to that combination of big and little things that dignify life and give it charm and grace.

There the old borders on the new, and the new lures you because the best of the old is assimilated and blended with the spell of the ever-changing present. You feel the presence of a reality, and in panorama you see tremendous forces at work, great nations, complex problems, mighty potentialities, immeasurably valuable resources, stupendous opportunities, and a graciously charming people, ever moving in the lights and the shades of a prehistoric civilization.

The commercial, agricultural, and cultural problems, beginning where many of ours merge and pause, were in their economic relation to the United States of sufficient importance to require in full for the journey. Nature has lavished her gifts so generously that in the vast spaces and the immense depths of this wonderful continent, always near you, the thought comes that here, in its industrial possibilities, is the storehouse from which the other lands have drawn their natural resources.

It would be futile to attempt a description of the republics of South America, inspired as they were by the same immortal ideals that first found expression in the Constitution of the United States. Time does not permit an enumeration of the many particulars in which they equal and surpass the nations of the world. A comparative reference in the merest outline must suffice.

HAS 10 REPUBLICS

South America, with her 10 Republics, is equal in area to the United States and Europe combined. She has a population of nearly 70,000,000 people, and an annual foreign trade of $3,000,000,000. The citizens of these republics are active, frugal, domestic, and earnest, and to the best of their ability they are taking from raw nature its finished products. In this connection it is interesting to note that in 1924 we sold to Latin America $770,000,000 worth of manufactured articles, and purchased in return over $1,000,000,000 worth of her economic products.

Brazil is the only Portuguese-speaking country in South America, and it is larger than the United States, excluding our Territories, by nearly 300,000 square miles. The Argentine is as large as the United States east of the Mississippi. Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela are each extraordinary in size, resources, and mineral wealth. They have in profusion what the world needs. They have cotton, wheat, meat, wool, coffee, sugar, fruits, coal, silver, gold, diamonds, copper, rubber, nitrates, dye, and hard and soft woods, as many and as various as the spices of India.

The minerals and the precious stones of these nations are the richest in the world. Their acres of grazing lands mean that they will supply mankind with meat, and their broad and level pampas designate them as the graneries of the world. The cultivation of alfalfa in South America is increasing both for home and export consumption. It has, in fact, become an economic necessity. It is to-day an alternative restorative crop for the exhausted soil of many districts. Wheat, as we know, absorbs the nitrogen from the soil, while alfalfa absorbs nitrogen from the air and deposits it in the soil while growing. These two crops are to-day regarded as complementary, and the agricultural districts of these great countries are keeping step with modern improvements and scientific investigations in every field of agriculture and animal industry.

WONDERS OF NATURE

The Andes are a scenic spectral mystery, with their unexplored heights, silver and red in the sun, and their definite but impenetrable gorges. Truly, no part of the earth's surface furnishes such contrast of surpassing wildness and of inspiring wonder. There is a level space between the River Plata and the foothills of these primeval highlands where the railroad runs 175 miles without a curve, a turn, or a bridge of any kind.

Brazil has every kind of climate except the extremes of cold and heat. It is largely a pastoral country, and its vast plains are ideal for stock raising, while its highlands and mountain sides are unparalleled for the growth of its staple products, especially coffee.

Argentina is one of the richest countries in the world, immensity is everywhere, in its fertile pampas, its agricultural regions, and even its roaming flocks and herds. There are fields of wheat and corn, endless and boundless, moving like a mighty sea until they disappear where sky and horizon meet. She has 700,000,000 acres of land adapted for cattle and the growing of cereals. It is estimated that Argentina can support 200,000,000 head of cattle, and that to-day she has about 37,065,000, while Brazil has 34,271,324, and Chile, Bolivia, and Peru have not to exceed 4,047,689, and, due to the climatic conditions in all of these countries, the herds graze all winter, and owing to the reversal of the seasons crops are harvested there when ours are being sowed.

Uruguay, largely pastoral and having 40,000,000 acres devoted to grazing, is as large as the New England States. It possesses 2,000,000 acres of virgin forest and maintains large packing houses for the purpose of supplying Europe with frozen meats. Its exports are large, especially of wool, hides, horn, and hair. It is rich in fruits. There

is no doubt of its great mineral wealth, consisting of gold, silver, copper, iron, lead, and marble of various qualities. There is some gold in the country, and a very rich deposit of rock crystal.

LONG, NARROW CHILE

These two countries, Argentina and Uruguay, are producing the cereals of the world at a minimum cost. They do not stack wheat in either nation, due to the fact that the standing crops dry in the sun. The elimination of stacking cost is, as every agriculturist well knows, an enormous saving, and this is especially true in South America, because of the comparative lower cost of labor.

Chile, rich in political romance, and most intensely national, has many climates—hot, dry, temperate, and cold. In proportion to its width it is the longest country in the world. It is seven times as long as Ohio, averaging 130 miles in width and 3,000 miles in length along the western slope of the Andes. The Chilean fields of nitrate and copper are among the largest in the world and her foreign commerce is enormous. There are iron, silver, gold, salt, and borax, and millions of acres of virgin forest. Chile exports, in addition to these products, wheat, wool, hides, honey, and wax. She also has large and rich deposits of coal in the extreme southern section of the nation.

Bolivia, the Republic of the Clouds, is unique in the fact that she has no national debt and that she is the richest mineral depository known to mankind. The tons of gold, silver, coal, copper, tin, borax, and zinc which she has contributed to the world were described to me as microscopic in proportion to what remains.

The products of Peru are chiefly mineral and agricultural. The world is familiar with her guano and nitrate fields and knows also of her high-grade oil developments in paying quantities. Her gold, silver, copper, iron, lead, and quicksilver mines have been famous for centuries, and 400 years ago she supplied Spain with most of her fabulous wealth. It is stated by those competent to compute that this great country has to-day 40,000,000 tons of undeveloped coal.

Lima is an idyllic spot, a city of overmastering charm, with an air of a rich and a wonderful past; the home of a cheerful, courteous, industrious, hospitable, and gifted people. Archæology says that Peru was the land where the progenitors of the Incas, the Chumus, lived, and that they developed and maintained one of the most advanced and cultured civilizations 25,000 years before the birth of Christ.

CITY CHARACTERISTICS

The cities of these great Republics must be seen to be appreciated and adequately understood. They have the thrill and the glamour of stanch people, prosperous, learned, and happy. They are spiritual, exclusive, refined, beautiful, and modern. They surprise you and they stir you (and all because you did not know) with their art, their architecture, their music, their paintings, their stately buildings and noble structures, and with it all the comforts and the calm elegance that reflects the dreams and the thoughts of heart and soul.

Rio, with her beautiful flowers and her 1,000,000 busy people, is a rush of color—demiparadise, a fortress built by nature, the fairest spot the eye has ever seen, to which man has added all of the intellectual and the physical requirements of life, with a delicacy that impels you to wonder how and why.

Montevideo is the gateway to an empire, a city of over 300,000 prosperous, happy, progressive people, upright in thought and deed.

Buenos Aires is the largest Spanish-speaking city in the world and the largest capital city in the Western Hemisphere. It is the Paris of South America and possesses every attribute of luxury and comfort. Its 2,000,000 active, forward-going people are a freer and a happier people than those residing in the metropolis of France. Where Paris fails Buenos Aires retracts, remends, and goes ahead economically, socially, and politically.

Asuncion, the capital of Paraguay, is a healthy, clean, contented city, 1,000 miles from the sea, straight up the Paraguay River; and its inspiring institutions embody the courage and apportion the learning of its people.

Santiago is a blend of Paris and Madrid, the vivacious and the somber, but conspicuous because it is uniquely itself.

Valparaiso, rebuilt since the earthquake in 1906, is a modern, flourishing seaport, where the Saxon and the Latin, the Englishman and the American, and the Chilean have conquered nature with her own weapons and carved a habitat, a great emporium, out of the ascending and overhanging rock.

THE GREAT DIVIDE

The Andes, a climb to the eternal snow, so grand and terrible and suggestive of unthinkable periods of the long ago, separate Chile and Argentina. They divide the eastern and the western, as well as the Atlantic and Pacific, Republics of South America. This great mountain chain gives different habits, different thoughts, and a distinctly different history to these people. The railroad, one of the most daring of engineering achievements, provides a comfortable journey across the pampas and over the mountains. It runs hundreds of miles, with sudden and delightfully surprising changes. It passes through the loneliest, the loveliest, the dustiest, and the most monotonously level valley in all the world, and then the ascent of the Andes—too sublime for words—with its spires and its towers 20,000 feet high, rising majestically into the cerulean blue, only to disappear into the vast mists beyond where the mountaineer reigns supreme and only the fittest survive.

Then upon the summit far above, on a pedestal out from the natural rock, stands a bronze figure, heroic in size. It is turned northward, so as to look over both Chile and Argentina. There it stands in its inspiring solitude, 13,000 feet above the sea, divinely and sublimely prophetic of perpetual peace. It stands with uplifted hands in commemoration of the arbitration treaty between Chile and Argentina signed in 1903. It blesses each country; it is the figure of the Saviour, Jesus Christ. It is the "Christ of the Andes," typifying all that is godlike in the actions and thoughts of these great and wonderful people. It bears the dates 1902–1904, and the following inscription in Spanish:

"Sooner shall these mountains crumble into dust than the people of Argentina and Chile break the peace they have sworn to maintain at the feet of Christ, the Redeemer."

Here is a confession of faith more impressive by far than scraps of paper and leagues of nations. It is peace—the divine symbol of peace—and, lest we forget, it is the people who make war on peace.

UNITED STATES EVER FRIEND

In 1817, the intrepid San Martin led the Argentine Army over these mountain passes, in the expedition to drive Spain from the Western Homisphere. History records that Hannibal and Napoleon each crossed the Alps for pelf, not liberty, but they ascended passes only one-half as high and never as far from the homes of men.

The United States has ever been the friend of these countries and always their constant, vigorous sympathizer and supporter. As early as 1811 President Madison called their struggle for liberty to the attention of the Congress of the United States and suggested the propriety of entering into diplomatic relations with them as soon as their independence was established. In fact, beginning with the year 1820, every President of the United States not only assumed in his annual message that independence was merely a question of time, but distinctly asserted that the United States sought and expected no privileges not equally offered to the nations of the world.

In 1817, after the independence of the Argentine, Spain, while she was negotiating the cession of Florida to the United States, protested that expeditions were being fitted out in the Atlantic Coast States to foment revolution in her South American colonies. Public opinion in the United States favored these expeditions, and while Congress passed neutrality acts, against the eloquent opposition of Henry Clay, it did not condemn either the sympathy shown or the assistance rendered. In fact, Mr. Clay publicly stated that it was worth while going to war with Spain to establish the independence of these countries.

In this period, Richard Rush, our minister to England, urged the prime minister, Lord Castlereagh, to recognize the independence of these Republics, and Spain at the same time insisted that she would induce the Holy Alliance to help her stamp out democratic government in her South American possessions. England declined then to recognize the independence of these countries as republics, and favored the cause of Spain, provided general amnesty be granted the colonists then in rebellion. To all of these proposals of Great Britain, Mr. Rush was insistently and persistently opposed. In February, 1819, he formally notified Lord Castlereagh that President Monroe favored recognition of the independence of Argentina. To this step Great Britain strenuously objected, but the independence of Argentina was promptly and effectually recognized by the President of the United States.

MONROE'S MESSAGE

This action, with the full approval of the American people, without doubt prevented the Holy Alliance from taking any part in the affairs of these countries and dividing them as it then contemplated among the great powers of Europe. The death of Lord Castlereagh did not in any way change the situation, as Mr. Canning, who succeeded him, was equally opposed to republican government in South America.

Such was the status in March, 1822, when James Monroe sent his famous message to Congress proposing the formal recognition of the Argentine as a republic, independent of Spain. Then, about nine months later—December 2, 1823—President Monroe, with the full approval of Mr. Canning, sent his historic message to Congress in which he established with all the force of international law his famous doctrine that moral qualities shall rule in the affairs of nations, and that the United States of North America was a brother in blood, and a sister in thought, to the then struggling Republics of South America. It was not until January, 1825, that Great Britain saw fit to recognize the independence of the Argentine Republic and receive her into the family of nations. The question was then settled for all time, and since then both the United States and Great Britain have been and now are the true and the tried friends of this most wonderful of nations.

CLOSER TIE NEEDED

These are the nations at our very doors, and how little they know us, and how little we know them! We have each been too much engrossed in questions affecting our respective affairs. We have for-

gotten that progress is reciprocity, and that reciprocity is more than progress. There has been too much selfishness, suspicion, envy, and distrust. We have each listened emotionally, rather than logically, to what Europe has had to tell, and Europe, as always, dignifies her prejudices and her mendacities with the palliating phrase: "All is fair in diplomacy and trade."

There should be, and there must be, a closer union between the United States and Latin America, united as we are by the invisible ties of a common origin and a common destiny. But this will come only through a more intimate contact when all rivalry is for cooperation and all envy merely a common effort to advance the general welfare of mankind. If we knew each other better, we would love each other more. We differ in language, in race, and in custom, and often we see life differently. We live, struggle, make mistakes, fail, and succeed; but always our aims and our aspirations, our great substantial underlying instincts are the same. We are each the children of pioneers, men who believed in equality of opportunity and who had the courage to be themselves, men who fought for these eternal rights, and who sent Europe and her nostrums of governments by heavenly crowned supermen back home, there to remain and there to share in our prosperity and enjoy the blessings of a nobler and a richer life.

The United States is the largest producing and consuming Nation in the world to-day. We need Latin America and she needs us, and if we but make the effort she will meet us with a cordiality which can only mean that the fullness of life is for those who give and love and charm, and not for those who hate and plot and scheme. Every nation makes its mistakes, and no Government is without fault. Latin America suffers to-day from the evils of a Spanish misrule.

The "eat, drink, and be merry" policy of Spain not only produced bad social conditions but bequeathed to Latin America problems which her brave men and her hopeful women are daily solving and in the results obtained they are strengthening our faith in mankind and in the goodness of the race. Latin America also suffers from the need of men. She needs capital and an immigration that creates, invests, works, and develops. She needs the strength of the robust pioneer men of the world—steady men, who intend when they enter her gates to live with her and to die with her in a common quest for a common and joint end.

NEEDS OF CONTINENT

In some of these countries the mixture of the racial elements precipitated a progeny lacking in energy, curiosity, and the ambition to struggle for the things of the mind—a racial anomaly within the nation, but not of it. In all such matters the peoples so sorely affected can only help themselves, and then only by stepping boldly away from the past with its shackling customs and sinful practices and dedicate their splendid energies not only to the needs of the living present but also to the most difficult obligations ever demanded of republics—the elimination of theory from practical democracy. They must make education more universal. They must bring it to the many and thus advance the collective by improving the individual character. They must lift up the masses, and without alloy democratize the rich and poor, the high and the low. In this way only can the standards of self-government be raised and the competency of a people inherently increased.

Too many of these countries live to-day in a state of conservative content—smug feudalism, as it were—because the land and the sources of production are almost exclusively in the hands of the few. This condition forbids immigration and prevents the coming of that class of men and women whose very presence will leaven the common mass to better methods and infuse conditions with the skill of superior industry. This system of land tenure should be legally modified so that large estates, lawfully acquired, may grow into smaller and intensely individual farms—the homes of happy and permanent citizens. Every man wants to work for himself and have something he can call his own, something won by struggle, something to use and enjoy. Such a policy will eliminate the "swallow immigrant" who in his coming and his going merely for wages which he takes out of the country depletes the basic wealth of the nation where he itinerantly tarries only to destroy a market to which the permanent residents have a right to look. A permanent immigration, loving the soil as the place of its adoption, would obviously enrich any nation so favored by stabilizing and solidifying its conditions and increase its wealth as well as the purchasing power of its people.

INDUSTRIAL CONDITIONS

There is work in South America, work in plenty, and the people are tenacious, thrifty, and industrious. The laboring man is distinctly the product of industrial conditions, as recent as they are restrictive. In a comparative and relative sense he is backward, yet unions are everywhere and organizations are making great progress. The eight-hour laws are generally observed, but wages are low, mere living and in no sense a saving wage, and strikes are common.

Industry is the basis of all prosperity, without which no government can achieve its purposes. Profits, not friendship, make business, and direct the course of trade, and yet it is only through the channels of commerce, protected by government, that nations can be brought into close and intimate contact. Mutual respect, and common interests may lead to trade, but these relations can not exist without knowledge and acquaintanceship, and certainly never without the presence of those personal elements and considerate niceties that respect always brings. Mankind must barter to live, and yet every man who trades knows that the ultimate gold is always high above the material realm, where gold and the things gold buys do not, and never will, measure the exchanges.

MUST SHOW BEST SIDE

We can not sell to any nation unless we buy, and it depends primarily on our business men, our bankers and our investors, including our transportation facilities, whether we are to have trade relations with South America upon a scale commensurate with our natural resources. We have the constructive genius, the courage, the capital, and the enterprise, but whether we shall have such relations depends ultimately on the people of the country concerned. They, and they only, can act. If they do, and our export trade is increased, it will benefit not only the nations so involved, but specifically our manufacturing and agricultural industries. If we sell our products to the countries of Latin America, we must determine to appeal to the psychology of those who buy, and forget our own.

We must show them our best side and see only the very best in them. We must not force our wishes, our ideas, or our styles on those who purchase. We must recognize freedom of choice on the part of all with whom we have commercial, political, or social connections. They may differ in their tastes, but we should remember that they are paying the bills. We must sell, if we do sell, what the people of those countries want, and not what we think that they should have, and certainly not what we wish to unload upon them.

We must strive in all of our relations to avoid prejudices and apply common sense. We must forget our narrowness and eschew any symptoms of superiority. We resent such defects of character in others and others resent them in us. And if we do sell upon the scale I trust we will, our commercial representatives must learn to speak the Spanish and the Portuguese languages. They must study to be courteous, reserved, and polite. It is impossible to reach the psychology of a people through the colored views of an interpreter, just as it is equally impossible to arouse the reasoning and persuasive faculties of those with whom we have relations without an observance of the amenities and the civilities of life.

We must have our own bankers in Latin America, just as these countries should have their financial agents in the United States. Bankers can create and direct the course of commercial transactions through their legitimate control of the rate of exchange. The European bankers always insist, and rightly, that the money that they loan should be spent in their own country. The establishment of American bankers in Latin America will of necessity assist our business men.

Such institutions will invite capital to develop industry. We should have such banks wherever possible, and we should encourage them to open branches in every country where we have trade connections. If they lead the way, our business men should follow; and whenever business blazes the commercial trail our financial institutions should extend assistance to it.

NEED OF INFORMATION

The European bankers in Latin America are in a position to supply their respective countries with accurate knowledge of economic, financial, and political conditions. There is every reason why the business man of the United States should have the same opportunities through similar channels of our own. If the manufacturing and other industries of the United States intend to establish a legitimate and ever-growing trade relation with these nations, we must be prepared to invest our capital there and to do our share in advancing and promoting the internal conditions of these countries. They need and they desire our financial assistance, and they will respond with the riches of gifts, giving value for value received.

Such connections would result always in more of our citizens being employed in these enterprises, and they in turn would stimulate trade and create a demand for American goods. To-day we are purchasing many of the essentials of commerce from Latin America, but we are carrying on such trade through and by way of Europe. The cost of transportation almost doubled would be eliminated if these commodities were purchased directly. We need, of course, equality of freight rates if we are to meet the competition of such a venture.

We need an American merchant marine. Europe destroyed our competition by subsidizing with millions her passenger, mail, and freight lines. Europe did this, knowing that these ships would promote and foster trade and serve as auxiliary cruisers in the event of war. We were compelled to withdraw from the seas. We could not, with our higher wages and cost of maintenance, meet the lower cost of European operations. Our flag to-day should be on the seven seas, and we

should now carry our commerce in our own bottoms. We are a people with a great maritime tradition and history. In 1852 there were 600 vessels flying the American flag in the wonderful harbor of Buenos Aires. To-day all too few are to be seen in that busy port.

SUGGESTS SHIP BOUNTY

It is asserted that the policy of protection to American industry increases the wages of American seamen and that the subsidies paid by foreign countries to promote their trade reduces rates, and that the American shipowner is thus subjected to a double disadvantage. The soundness of these conclusions can not be questioned, and the causes should be forthwith removed.

The remedy does not lie either in a discriminatory tariff in favor of goods imported in domestic bottoms or in permitting the purchase of cheaper ships abroad. This alternative would destroy American shipping. The just, the obvious, and the proper course is to pay the operators of ships flying the Stars and Stripes a bounty sufficient to equalize the burdens imposed by our superior standards of living. This will insure if not perpetuate a merchant marine, and bring back the flag where in the infancy of our Government our forefathers placed it. They knew that every ship carrying our flag was an ambassador of trade, just as a traveling emissary is the "alter ego" of the enterprise that employs him.

If we can justify a tariff—and we do—jointly to protect labor and encourage capital in the production of an article, why can we not protect each in its disposition? Such a bounty would not be a donation; it would be merely meeting foreign competition on its own ground, as well as stimulating all commercial enterprises. This is obviously true because the new markets so created would proportionately increase production in all lines of endeavor. Such a subvention would be merely the returning of what is indirectly taken away to the end that the American seaman may be employed at the highest wages paid any seagoing man in the world, and the opportunities of all of our people solidified and enlarged.

UNTHINKING ASSERTIONS

It is asserted here in the United States by those who do not think and by those who develop and direct our national thought, and it is also repeated caustically far away down in South America, that no Holy Alliance now exists and no monarch now restricts man's freedom in the Western Hemisphere. Then it is proclaimed that the continuance of the Monroe doctrine under these circumstances means "America for the North Americans," and that the time has now come when the United States should disclaim any further connection with its principles.

The conditions giving rise to the declaration of these immortal precepts were merely the occasion, not the cause, of their enunciation. Other occasions have since arisen and many others may arise in the future, and those who now condemn in theory and in spleen mistake words for precepts, expediency for principle. We do not as a Nation or as a people crave a foot of Latin-American territory. We desire merely the relationship—the social and the political associations that come from peaceful success—not the wealth of discontent and ruin. We do not question and we fail to see how anyone can in sincerity question the commanding position of any of the Latin-American Republics or distrust their influence, either at the council table or in the concert of nations.

They are inspired by malice and moved by jealous fear who say that the United States of North America entertains any ulterior purpose toward Latin America. We have problems of our own—mighty ones—spiritual, material, and political. We have before us constantly perplexing questions demanding settlement, and to the best of our ability we are working all of them out without prejudice and solely for the benefit of mankind. As a Nation we feel that good faith proves itself by deeds, not words. The Monroe doctrine saved Cuba and the isles of the south seas for liberty and civilization, and our action then and since is of sufficient guaranty of our interpretation of the aspirations of our fathers, whose gropings and inarticulate philosophy when we were a young and struggling people found concrete expression in the edict of the immortal Monroe. It never meant "America for the North Americans." It means to-day what it meant when it objectified the Constitution of the United States into the affairs of man that North America asks now, as she expected then, nothing but cordiality, consideration, and respect.

The United States of America wants only the opportunity to think constructively and to grow spiritually with Latin America and with all the world. This is the offer of the Monroe doctrine, honestly understood, and if the world accepts it, the great Republic of the north will march step by step and keep step with the race in the years and the centuries to come.

SELF-GOVERNMENT SLOW

In the United States we have come to realize that capacity for self-government is a slow and painful process, often as displeasing as it is disappointing. A strong and robust thinker recently said that "mankind is prone to forget how long it takes to develop a civilization, how slow its processes really are, how difficult it is to change character and to educate entire peoples up to the different standards of moral law." He adds, "We can do but little in our day; we can live our short lives and pass on, only to be forgotten."

How true this reflection is! We of to-day, the same as our fathers, can not observe the progress of the world. We can not mark its advances either by day or by generations, but if we do have faith in humankind and in common chances we know that the world is growing better and that mankind is advancing slowly and imperceptibly from envy, greed, and selfishness to a trustworthy respect for human right. We also appreciate that the level of democracy can be raised only as the human stream rises the world over, and we now know that an approach to competency in government comes only with the wisdom which man gathers in the mistakes and the bitter disappointments of wrangling and turmoil.

The people of Latin America have likewise learned well the immutability of this law in the spiritual, the physical, and the political relations of life. They, too, the same as we, are doing their best, and in certain respects they have succeeded where we have failed. We realize that self-control and self-abnegation, individually and nationally, must be acquired and practiced if moral qualities are to control in the affairs of men. The strong men and the hopeful women of Latin America know too well that such qualities are essential to good government, and that they come only with a conscious sense of responsibility from below, and never down from above. They believe, as we do, that citizenship is an obligation, and that men and women in a democracy, if they would qualify themselves for helpful expression and constructive service, must be as honest civically as they strive to be personally. They also know that nations can not live in isolation and unto themselves alone; that nations can not progress and go on if their relations with each other are not sincere, honest, reliable, and dependable.

PEOPLE ARE INDUSTRIOUS

The people of all these countries are industrious, and, with rare exceptions, they not only labor objectively but they possess the ability and the willingness to develop and to work hard.

It was my good fortune and rare privilege to discuss these matters with the officials and the statesmen of the countries visited, and their aims and their purposes, I unhesitatingly say, are the same as ours. They, in their environment, are advancing civilization and helping humanity in its work forward. They believe in law, justice, peace, and mercy; they respect order, and to them, as it is with us, justice is the sole barrier between civilization and the anarchy of barbarism. They recognize the superiority of personal rights over those of property, and their experience taught them that these rights are relatively dependent.

I was also impressed with the encouraging fact that the loyalty, the honesty, the patience, and the patriotism of the citizens of these countries respond to the same promptings and react to the same influences that move and exalt us. And let me emphasize that the people of these wonderful Republics realize equally with us that the fate of the race rests solely in man's capacity to govern himself, and that they are just as proud of their destiny and as jealous of their honor, and just as responsive to learning, art, literature, and the exquisite refinements of life, as we are. They are justly proud of their struggles, their accomplishments, and their real and substantial contributions to civilization. They revere their history, the oldest and the most interesting of any in this Western Hemisphere. They live the unquestioned truth that national growth and personal advancement depend upon intelligence and courage constantly directed toward the development of the broadest responsibilities and the highest service to home and state.

I want to see the ties of friendship tightened and the bonds of sympathy strengthened between all the nations of the Western Hemisphere; and if, as we all hope, the citizens of these great Republics allow themselves to unite in closer bonds they will advance the civilization and win and maintain the peace of the world.

TRIBUTE TO THE LATE SENATOR CHARLES A. CULBERSON

Mr. SHEPPARD. Mr. President, I submit for publication in the RECORD an address by Hon. Hampson Gary, former United States minister to Switzerland, on the late Senator Charles A. Culberson, delivered before the Texas Bar Association at its recent annual meeting at Austin, Tex., July 2, 1925. I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Without objection, leave will be granted. The Chair hears no objection.

The address is as follows:

Mr. President, I would like to say a few words in tribute to one of the truly great men that Texas has produced. I refer to the late Charles A. Culberson. He was born in Alabama, but his parents removed to Texas when the son was only a year old, and he was reared and largely educated here and was in fact a product of our State. After attending school in Gilmer and Jefferson, he entered the Virginia Military Institute at Lexington and was graduated in the class of 1874. He studied law in his father's office for two years and then entered the law department of the University of Virginia at Charlottesville, where he was chosen judge of the moot court, the

highest honor of the law class, and later was selected as the final orator of the Jefferson Literary Society for the commencement exercises in June, 1877. Thus even in that early day he evinced ability and the capacity to make and hold friends.

Returning to Texas he entered upon the practice of law at Jefferson and soon participated in the trial of a number of important cases, acquitting himself with such credit that he was not long in attaining an enviable rank at the bar. He removed to Dallas in 1887, where his law practice steadily increased, and he won recognition as one of the ablest lawyers in the State.

In 1890 he was elected attorney general of Texas. In that office he performed valiant service for our Commonwealth. In the courts at Austin and Washington he was frequently pitted against some of the ablest lawyers and advocates in the land, and his victories were numerous and of far-reaching effect. It can be truthfully said that he was one of the very great attorneys general of our State, as he was, too, one of the youngest in our history.

Mr. Culberson was elected Governor of Texas in 1894, when only 39 years of age. His four years' record in that office is one of the most creditable chapters in our history. It was a service notable for its variety, fidelity, and efficiency. In the discharge of his administrative duties and as leader of the political thought of the State he exhibited courage, ability, and rock-ribbed honesty. And he made things come to pass.

His messages and state papers were models of the kind. Like Franklin, he could say much in a few words and say it convincingly. His speech at Dallas accepting the nomination for governor, his two inaugural addresses, his message against prize fighting, veto of the divorce bill, Labor Day proclamation, speech presenting the Sawnie Robertson memorial to the Supreme Court, and brief address giving the silver service to the battleship *Texas* show him to have been master of a pure style and correct literary taste.

He loved Texas and its record of romantic history and struggle for freedom, and some of his most eloquent passages are in tribute to Austin, Houston, and Crockett, and other heroic figures of our early days—and to those who fought and died at Goliad, the Alamo, and San Jacinto—while his eulogy of Texans of a later day who followed Lee and Jackson and Albert Sidney Johnston is worthy of a place in the textbooks in our schools.

I come now to Mr. Culberson's record in Washington. He was elected United States Senator in 1899, and thrice reelected, serving four terms, or a period of 24 years. And well did he serve us. He was a great Senator, the peer of any of his colleagues, who were not slow in recognizing his qualities. You will recall that he was elected leader of his party in the Senate, the minority leader at that time. Such was his ability and sagacity, such his engaging personality, that he was successful in getting his party to function and vote as a cohesive force. He was spoken of at this time as a fit man to be President of the United States, and if he had hailed from what is known politically as a "pivotal State" he might have reached that eminence. His work in committee room, his well-considered speeches on the floor, and his vote on important measures brought him increasing influence, and presently he was made chairman of the Judiciary Committee of the Senate, as his father, David B. Culberson, before him had been chairman of the Judiciary Committee of the House of Representatives.

Like father like son, Culberson of Texas was again a synonym in Washington for legal learning up on Capitol Hill. He was head of the Judiciary Committee while the United States was engaged in the Great War, and we are yet too near that titanic conflict to correctly appraise the service Senator Culberson rendered in that post. But ask those who were in a position to know, and they will tell you that it was well for America that Charles A. Culberson was head of the Senate Judiciary Committee during the great crisis.

I assume that there will be prepared and spread upon the permanent records of this association a comprehensive review and estimate of Senator Culberson's career as a public official and of his distinguished record as a lawyer. We owe that to ourselves as well as to his memory. The cases in which he appeared as counsel before the Supreme Court of Texas and the Supreme Court of the United States will afford lawyer and layman an interesting and informing study. His briefs and the records of his arguments in those courts stamp him as a lawyer of the first rank. I hope this association is to give fitting recognition to this fact.

Mr. President, I knew Senator Culberson well. I followed his career from the year he first entered public life here in Austin, and it was always a matter of pride to me that our State could claim him as its own. I can never forget the last time I saw him, when physical ills had come but had left untouched his brilliant mind. There he sat, handsome, courtly, interesting to the end. A little while, and he passed on, revered, respected, and loved by all. Texas will ever cherish his name and fame.

TRIBUTE TO WILLIAM JENNINGS BRYAN BY WILLIAM G. M'ADOO

Mr. SIMMONS. Mr. President, I ask unanimous consent for the incorporation in the RECORD of an address by William G. McAdoo at the memorial services held in honor of the late William Jennings Bryan at Hollywood Bowl, Los Angeles, Calif., August 9, 1925.

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, ladies, and gentlemen, the sudden and unexpected death of William Jennings Bryan gave dramatic point to the career and achievements of this remarkable American citizen. For a generation he has played major parts on the national stage. Always he has been an interesting and commanding figure—loved and applauded by millions of devoted followers and ridiculed and denounced by his political foes with a passionate vehemence that signified the power of his personality and the threat of his political domination.

Never before in American history has a man like Mr. Bryan appeared, and never before has any man been able to command the continuous and undiminished attention of the American people for almost a generation. This was due to Mr. Bryan's unusual personality and versatility—for he was not only a great commoner—by which we mean a man of and for the people, one who always keeps the common touch—but he was a politician of extraordinary power combined with an evangelical quality which made him a formidable crusader on the hustings or in the pulpit.

He was a deeply religious man; he fought for the cause in which he believed with a passionate eloquence that is borne alone of a profound conviction of righteousness. He was a great orator—few in our history could match him in emotional appeal; and his logic, ready wit, rare humor, eloquence, and resourcefulness made him a dangerous antagonist in any battle. He loved peace, but paradoxically his whole life was a fight. He fought for peace, and always for righteous things. He never compromised with principle. It may be said truthfully and to his undying credit that he never lent his voice or influence to an unworthy cause or to a questionable purpose. He was the relentless foe of crookedness and corruption; of unmoral and immoral political bosses and sinister and spoliating political machines; and of every evil and sinister influence in our public life.

This is the man, my fellow citizens, whom you have assembled to honor. You come without regard to political affiliations or partisan considerations, because you are American citizens who delight in fair play and in doing honor to those, whatever their political or religious faith, whose lives attest their virtue and whose achievements make them worthy of recognition.

Born in Salem, Ill., where Lincoln had kept store after his return from his journey to New Orleans; educated at Illinois University, Jacksonville, Ill., and at the Union College of Law at Chicago; winning at a very early age the Illinois championship for oratory; living the life of a frontier lawyer at Lincoln, Nebr.; serving two terms in the Congress of the United States; nominated three times as the candidate of a great party for the presidency of the United States and each time winning the support of millions of his fellow countrymen; a powerful factor in the nomination of Woodrow Wilson for the Presidency at the Baltimore convention in 1912, it was altogether logical and appropriate that Mr. Wilson, upon his assumption of the Presidency, should have appointed Mr. Bryan Secretary of State.

It is not my purpose to review the campaigns of Mr. Bryan for the Presidency, nor to speak particularly of his political career, nor to analyze the economic and social reforms he advocated. I propose to speak of him as I knew him during our association in the Cabinet with another great leader of men, another champion of humanity, another exponent of morality and justice, Woodrow Wilson.

That association revealed Mr. Bryan to me in his true character, a character which had not been reflected in the things that had been said of him in the public press or by his political opponents. It was, for that reason, a somewhat startling revelation, because he was so utterly different from what I had expected him to be from the representations, or perhaps it would be more accurate to say misrepresentations, which had been constantly made of him in the public prints.

Instead of a selfish and self-centered politician, I found in Mr. Bryan a most approachable and high-minded public servant, whose outstanding characteristic was eagerness to serve the public interest and to promote the welfare of mankind. This confirmed what I had believed of him as the result of his course in the Baltimore convention, where, without regard to personal consequences and certainly without thought of self-interest, he had fought to a finish the corrupt bosses within the Democratic Party and all the cohorts of privilege and had been instrumental in securing the presidential nomination, not for himself, but for Woodrow Wilson. This same characteristic led Mr. Bryan throughout his life to align himself invariably on the right side of every moral issue and of every righteous reform, without regard to personal success or political consequences.

While Mr. Bryan never achieved the Presidency, notwithstanding he was three times the nominee of his party, yet, with the exception of Washington, Jefferson, Jackson, Lincoln, Roosevelt, and Wilson, the

monuments of his achievements bulk larger than the combined accomplishments of most of our Presidents. Perhaps I should except also James K. Polk, a much misrepresented man, to whose statesmanship we owe the presence in the Federal Union of the great States of California, Nevada, and Utah, and parts of Arizona, Wyoming, New Mexico, and Colorado, and the settlement of the northwestern boundary dispute with Great Britain, which anchored in the Union the powerful tier of Northwestern States.

Henry Clay and Daniel Webster likewise never occupied the presidential chair, and yet Webster is remembered when Harrison and Fillmore, under whom he served as Secretary of State, are scarcely mentioned. Henry Clay never reached the White House, and yet he became Secretary of State and is better known than President John Quincy Adams, under whom he served. Like Clay and Webster, his illustrious predecessors in the State Department, Mr. Bryan failed of the Presidency, yet he made a great career for himself and will be remembered when his critics are forgotten.

Probably no other man in American history who has not been a President of the United States has left a stronger imprint upon our institutions than Mr. Bryan. With characteristic vision, his thoughts went to the roots of our national life. Four important constitutional amendments, revolutionary in their effects upon our political and social structure, received his flaming support—the income tax, election of Senators by direct vote of the people, prohibition, and woman's suffrage. Others fought valiantly for some of these amendments, but Mr. Bryan was in the vanguard of the battle for all of them, always fighting, never quitting, always the intrepid and resistless crusader.

These constitutional amendments testify more eloquently than words to Mr. Bryan's leadership and statesmanship. He was a pioneer in these reforms, every one of which was bitterly resisted. Who would now abolish the income tax, in spite of the many atrocities which have been committed in its name? Who would now deny to women equal political rights with men in our great democracy, notwithstanding the fact that millions of women—like millions of men—fail to perform that essential duty of good citizenship—voting on election days? Who would now restore the saloons and the breweries, in spite of the fact that loose enforcement of the prohibition laws, due to political debauchery and inefficiency, has brought the bootlegging evil upon the country?

The prohibition amendment is the one amendment concerning which there appears to be any substantial difference of opinion, and yet it is clear that the great body of the American people support this amendment, and that it, like the other three amendments championed by Mr. Bryan, is a permanent part of the organic law of the land.

If these were Mr. Bryan's only contributions to the progress of his time, they would of themselves give him an enduring and high place in history. They refute the charge so frequently made that Mr. Bryan was impractical—that he was not a sound thinker—because each of these amendments shows not only a profound conception of the true meaning and purpose of democracy, but each is intensely practical in its application to our social, economic, and political conditions.

Mr. Bryan championed so many reforms during his long and stormy career that it would be extraordinary if some of his proposals had not been open to the charge of unsoundness. Where is there a man except the Pharisee whose views are always sound? I did not myself agree with all Mr. Bryan's views. For instance, he stood for free silver. I did not. He advocated Government ownership of railroads. I have always been opposed to it. Nevertheless, the sum of Mr. Bryan's achievements, if we strike a debit and credit account, is altogether in his favor.

Mr. Bryan was not always practical, but he was not always impractical, as his enemies charge. What would life be if one was only practical? An element of practicality is necessary to every well-rounded character, but idealism and vision are essential components and no man or woman can live a great life or attain the higher satisfactions of life unless practicality is enlarged by vision and tempered by idealism. What is true of individuals is true of nations. History has clearly shown that no nation has ever survived a purely practical and materialistic existence. The sublime heights of achievement have been traversed by mankind and by those nations alone which have exalted God and have maintained noble ideals along with their progress in material affairs.

Aside from the conspicuous service Mr. Bryan rendered in connection with these changes in the organic law of the land, he cooperated with enthusiasm in those great measures of practical achievement which characterized the first two years of the Wilson administration, when he served as Secretary of State. It was during that time that the Federal reserve act, the charter of financial liberty for the American people, was enacted into law; that the first income tax law was passed and put into effect in compliance with the constitutional amendment; that the lobbyists who had consistently disgraced tariff making in the United States were for the first time thrown out of the Halls of Congress and a tariff bill enacted without scandal and designed to be for the benefit of all the people; that war with Mexico, at one time imminent, was averted by the ability, the patience, and love of peace of President Wilson and Secretary of State Bryan.

Undoubtedly Mr. Bryan's most important contribution as Secretary of State was to the cause of peace. Perhaps his interest in this great world problem was intensified by his experience as a volunteer in the Spanish-American War. He had raised a regiment of which he was elected colonel, and while he did not see active service in Cuba, he went through the horrors of training camps and got a large measure of contact with the loathsome phases of war, which gave him an increased abhorrence of this method of settling disputes between nations. This, added to his religious convictions on the subject, increased his zeal for the substitution of judicial methods for force in the settlement of international controversies. For years he lectured, preached, and spoke in every part of the country in favor of the abolition of war by the substitution of arbitration or other peaceful means for force. It is impossible to measure the educational value of this work, but it is safe to say that it exerted a profound influence on public opinion. As Secretary of State he found himself in position to give practical effect to the views he entertained. This took the form of treaties which, with the support and encouragement of President Wilson, he negotiated with more than 30 nations. These bound each of them to submit to investigation the subject matter of every dispute for a period of one year before aggressive action could be taken by any nation involved. These treaties were proposed to all of the nations of the world. Among those which executed them with the United States were Great Britain, France, and Russia. Germany accepted the treaty in principle, but never signed it.

By the terms of these treaties each nation, after the expiration of one year, was left free to act as it deemed that its interest required, but it was generally believed by the Wilson administration and by all the nations signatory to these treaties, that submission to investigation for one year of matters in dispute provided a "breathing spell" and a time for deliberate and dispassionate judgment which would result in the avoidance of war. Undoubtedly these treaties marked the greatest forward step ever taken up to that time toward ultimate world peace. Theretofore the dictum had been universally accepted that there were some questions which no nation could submit to investigation, discussion, or arbitration. Under these treaties there was no exception. It was provided that every question should be submitted to investigation.

It is true that these treaties were not the last word in the movement for peace, yet they were original and revolutionary in character. Had such a treaty been in effect between Serbia and Austria in 1914 it is probable that the World War would have been prevented, because if the dispute between these two countries over the Sarajevo incident had been submitted to the scrutiny of investigation for one year before either nation could have taken action, the temper of the people of the two countries would have cooled and a means of composing the difficulty might have been found. President Wilson aptly described these treaties in an address before the Young Men's Christian Association at Pittsburgh in 1914, when he said: "The United States has just succeeded in concluding a large number of treaties with the leading nations of the world, the sum and substance of which is this: That whenever any trouble arises the light shall shine on it for a year * * * then we will know who was right and who was wrong."

It was Mr. Bryan's passionate love for peace and his belief that the steps which the administration felt bound to take with respect to Germany in the year 1915 might lead to war that moved him to resign as Secretary of State. President Wilson was no less eager than Mr. Bryan to avoid the arbitrament of war when the aggressions of German submarines had precipitated a crisis that made it vital for the United States to take a firm stand for the preservation of American rights and interests. I differed with Mr. Bryan's position at that time, but I recognized the loftiness of his purposes. The President and Mr. Bryan were animated by precisely the same motive—to protect American rights and to avoid by every honorable means armed conflict with any of the belligerent powers during the European war; their differences were merely of opinion as to the best method of accomplishing this end.

Mr. Bryan was thoroughly misunderstood by great numbers of his fellow countrymen. This is due largely to the partisan character of his critics and to the persistent misrepresentations to which he, like every great figure in public life, has been subject. Naturally a man's political enemies, especially if he is a strong man, want to destroy him, and the favorite weapons are calumny and ridicule. In time their constant reiteration produces an effect. It is a tragedy that in modern civilization the agencies of misrepresentation are now so powerful and uncontrolled. Some day the means of reform must be found. Society will have to protect itself or suffer consequences far greater than now appear. Mr. Bryan was a favorite target for these agencies of misrepresentation. Time will show the falseness of their characterizations and interpretations of him. Already there emerges a man unscathed, although much misunderstood. This, however, will remain forever clear:

Mr. Bryan was an honest man, a man of unimpeachable integrity—there is no blot upon his escutcheon. In these days of low political morality what a glorious encomium it is to be called an "honest man"! Mr. Bryan was a sincere man—he was always willing to make any sacrifice for his convictions—the essential test of sincerity. Mr. Bryan was a pure man; his private life attests it upon every page of the record. Mr. Bryan was a courageous man; he did not require an army at his back to fight for the cause he espoused.

And he was a Christian. Teaching the word of God claimed his undivided enthusiasm; and by every means in his power he sought to carry to the world the message of the Redeemer. He died defending his faith—died, no doubt, as he would have chosen if he had been permitted to make the choice.

Here in the heart of nature, amid these beautiful Hollywood mountains that Mr. Bryan loved and in nearer communion with God because we are close to God's handiwork, we come to pay a tribute to this champion of Christianity—to this truly good and great man. Perhaps his spirit hovers near us to-night, embraced in that exalted and all-pervading immortality which is the promise of the Christian faith and the craving of the human soul. We send to this soldier of the cross, to this valiant defender of the faith, through the limitless ether that envelopes the universe, a message of admiration and affection as we pronounce the verdict of the countless friends who understood him:

"Well done, good and faithful servant; enter thou into the joy of thy Lord."

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, December 14, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 10, 1925

ATTORNEY GENERAL OF PORTO RICO

George Charles Butte, of Texas, to be Attorney General of Porto Rico, to which office he was appointed during the last recess of the Senate, vice H. P. Coats, resigned.

COMMISSIONER OF PENSIONS

Winfield Scott, of Oklahoma, to be Commissioner of Pensions, vice Wilder S. Metcalf, resigned.

DEPUTY COMMISSIONER OF PENSIONS

Edward W. Morgan, of Vermont, to be Deputy Commissioner of Pensions, vice Winfield Scott.

SECRETARY OF THE TERRITORY OF HAWAII

Raymond C. Brown, of Hawaii, to be secretary of the Territory of Hawaii. Reappointment.

SECRETARY OF THE TERRITORY OF ALASKA

Karl Theile, of Alaska, to be secretary of the Territory of Alaska.

COLLECTOR OF INTERNAL REVENUE

Louis J. Becker, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, to fill an existing vacancy.

COLLECTORS OF CUSTOMS

Nellie Gregg Tomlinson, of Des Moines, Iowa, to be collector of customs for customs collection district No. 44, with headquarters at Des Moines, Iowa, in place of William B. Hanes, whose term of office expired August 9, 1925.

Charles L. Sheridan, of Helena, Mont., to be collector of customs for customs collection district No. 33, with headquarters at Great Falls, Mont., in place of James W. Roberts, whose term of office expired October 28, 1925.

COMPTROLLER OF CUSTOMS

Arthur F. Foran, of Flemington, N. J., to be comptroller of customs in customs collection district No. 10, with headquarters at New York, N. Y. Reappointment.

JUDGE OF MUNICIPAL COURT OF DISTRICT OF COLUMBIA

Mary O'Toole, of the District of Columbia, to be judge of the municipal court, District of Columbia. A reappointment, her term having expired.

UNITED STATES ATTORNEYS

Fred Cubberly, of Florida, to be United States attorney, northern district of Florida. A reappointment, his term having expired.

Sawyer A. Smith, of Kentucky, to be United States attorney, eastern district of Kentucky. A reappointment, his term having expired.

Frank A. Linney, of North Carolina, to be United States attorney, western district of North Carolina. A reappointment, his term having expired.

John D. Hartman, of Texas, to be United States attorney, western district of Texas. A reappointment, his term having expired.

James C. Kinsler, of Nebraska, to be United States attorney, district of Nebraska, a reappointment, his term having expired.

Frank Lee, of Oklahoma, to be United States attorney, eastern district of Oklahoma, a reappointment, his term having expired.

Paul W. Kear, of Virginia, to be United States attorney, eastern district of Virginia, a reappointment, his term having expired.

Albert D. Walton, of Wyoming, to be United States attorney, district of Wyoming, a reappointment, his term having expired.

Guy P. Linville, of Iowa, to be United States attorney, northern district of Iowa, a reappointment, his term having expired.

Charles M. Morris, of Utah, to be United States attorney, district of Utah, a reappointment, his term having expired.

William H. Dougherty, of Wisconsin, to be United States attorney, western district of Wisconsin. A reappointment, his term having expired.

UNITED STATES MARSHALS

S. Green Proffit, of Virginia, to be United States marshal, western district of Virginia. A reappointment, his term having expired.

Brownlow Jackson, of North Carolina, to be United States marshal, western district of North Carolina. A reappointment, his term having expired.

William C. Hecht, of New York, to be United States marshal, southern district of New York. A reappointment, his term having expired.

Clarence G. Smithers, of Virginia, to be United States marshal, eastern district of Virginia. A reappointment, his term having expired.

Hugh L. Patton, of Wyoming, to be United States marshal, district of Wyoming. A reappointment, his term having expired.

Dennis H. Cronin, of Nebraska, to be United States marshal, district of Nebraska. A reappointment, his term having expired.

Clarence R. Hotchkiss, of Oregon, to be United States marshal, district of Oregon. A reappointment, his term having expired.

Stillman E. Woodman, of Maine, to be United States marshal, district of Maine. A reappointment, his term having expired.

Benjamin E. Dyson, of Florida, to be United States marshal, southern district of Florida. A reappointment, his term having expired.

Frank M. Breshears, of Idaho, to be United States marshal, district of Idaho. A reappointment, his term having expired.

Victor Loisel, of Louisiana, to be United States marshal, eastern district of Louisiana. A reappointment, his term having expired.

REGISTERS OF THE LAND OFFICE

Lannes L. Ferrall, of Arizona, to be register of the land office at Phoenix, Ariz., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

James W. Grubbs, of Arkansas, to be register of the land office at Little Rock, Ark., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Brainerd B. Smith, of California, to be register of the land office at Los Angeles, Calif., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

John C. Ing, of California, to be register of the land office at Sacramento, Calif., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Mrs. Lida M. Hume, of California, to be register of the land office at San Francisco, Calif., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Walter S. Hunsaker, of California, to be register of the land office at Visalia, Calif., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Charles S. Merrill, of Colorado, to be register of the land office at Glenwood Springs, Colo., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Fred E. Sisson, of Colorado, to be register of the land office at Pueblo, Colo., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Peter G. Johnston, of Idaho, to be register of the land office at Blackfoot, Idaho, in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Alfred Hogensen, of Idaho, to be register of the land office at Boise, Idaho, in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

James H. H. Hewett, of Nebraska, to be register of the land office at Alliance, Nebr., in accordance with the provisions of the Interior Department appropriation act approved March 3, 1925.

Miss Clara M. Crisler, of Nevada, to be register of the land office at Carson City, Nev., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Alfred M. Bergere, of New Mexico, to be register of the land office at Sante Fe, N. Mex., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Walter L. Tooze, sr., of Oregon, to be register of the land office at Portland, Oreg., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Hammill A. Canaday, of Oregon, to be register of the land office at Roseburg, Oreg., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

James W. Donnelly of Oregon, to be register of the land office at The Dalles, Oreg., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

George W. McKnight, of Oregon, to be register of the land office at Vale, Oreg., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Eli F. Taylor, of Utah, to be register of the land office at Salt Lake City, Utah, in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

James D. Gallup, of Wyoming, to be register of the land office at Buffalo, Wyo., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Mart T. Christensen, of Wyoming, to be register of the land office at Cheyenne, Wyo., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Joseph T. Booth, of Wyoming, to be register of the land office at Evanston, Wyo., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Harmon Hayward Schwoob, of Wyoming, to be register of the land office at Lander, Wyo., in accordance with the provisions of the Interior Department appropriation act of March 3, 1925.

Irving D. Smith, of Washington, to be register of the land office at Seattle, Wash., vice himself.

Mrs. Katherine D. Stoes, of New Mexico, to be register of the land office at Las Cruces, N. Mex., vice Miss Nemecia Ascarate, removed.

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineers (with relative rank of lieutenant (junior grade) in the Navy), by promotion from aid (with relative rank of ensign in the Navy)

John Carlos Rose, of Texas, vice Max Leff.

Glendon Edwin Boothe, of New Mexico, vice Frank Larner.

Lansing Grow Simmons, of District of Columbia, vice F. G. Outcalt.

Earl Mowbray Buckingham, of Montana, vice H. M. Hill.

Roger Cushing Rowse, of Missouri, vice R. W. Byrns.

Leonard Sargent Hubbard, of Massachusetts, vice E. M. Denbo.

Earle Andrew Delly, of Pennsylvania, vice A. M. Weber.

Walter Herbert Bainbridge, of Texas, vice J. A. Kibler.

Victor Addison Bishop, of New York, vice Donald W. Taylor.

William Thomas Combs, of North Carolina, to be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy), by promotion from junior hydrographic and geodetic engineer (with relative rank of lieutenant (junior grade) in the Navy), vice J. H. Hawley.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants

Sergt. Wade Hampton Johnson, Medical Department, with rank from December 2, 1925.

Technical Sergt. Douglas Hall, Medical Department, with rank from December 2, 1925.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

SIGNAL CORPS

Second Lieut. Robert Emmett Burns, Air Service, with rank from June 12, 1925.

INFANTRY

Second Lieut. George Wellington Madison Dudley, Air Service, with rank from June 12, 1925.

Second Lieut. John O'Day Murtaugh, Air Service, with rank from June 12, 1924.

PROMOTIONS IN THE REGULAR ARMY

To be first lieutenants

Second Lieut. John Black Reybold, Cavalry, from December 4, 1925.

Second Lieut. John Raoul Guiteras, Infantry, from December 8, 1925.

MEDICAL ADMINISTRATIVE CORPS

To be first lieutenant

Second Lieut. Wade Hampton Johnson, Medical Administrative Corps, from December 4, 1925.

POSTMASTERS

MICHIGAN

Emerson L. Bunting to be postmaster at Walkerville, Mich., in place of E. L. Bunting. Incumbent's commission expired August 24, 1925.

Rollo G. Mosher to be postmaster at Wayland, Mich., in place of R. G. Mosher. Incumbent's commission expired August 11, 1925.

Mae O. Wolfe to be postmaster at Weidman, Mich., in place of D. P. Smith. Incumbent's commission expired August 20, 1925.

Jay W. Ellsworth to be postmaster at Wheeler, Mich., in place of J. W. Ellsworth. Incumbent's commission expired November 9, 1925.

Edgar Hilliard to be postmaster at Kaleva, Mich., in place of Edgar Hilliard. Incumbent's commission expired November 9, 1925.

Ambrose B. Stinson to be postmaster at Kingsley, Mich., in place of A. B. Stinson. Incumbent's commission expired August 24, 1925.

Fred R. Allen to be postmaster at Leslie, Mich., in place of F. R. Allen. Incumbent's commission expired November 21, 1925.

Harry J. Skinner to be postmaster at McMillan, Mich., in place of H. J. Skinner. Incumbent's commission expired November 9, 1925.

Leonard Van Regenmorter to be postmaster at Macatawa, Mich., in place of L. V. Regenmorter. Incumbent's commission expired August 24, 1925.

Louis W. Biegler to be postmaster at Marquette, Mich., in place of L. W. Biegler. Incumbent's commission expired October 6, 1925.

Gordon J. Murray to be postmaster at Michigamme, Mich., in place of G. J. Murray. Incumbent's commission expired October 6, 1925.

George D. Mason to be postmaster at Montague, Mich., in place of G. D. Mason. Incumbent's commission expired November 2, 1925.

Ellen L. King to be postmaster at Morley, Mich., in place of E. L. King. Incumbent's commission expired October 25, 1925.

William C. Hacker to be postmaster at Mount Clemens, Mich., in place of W. C. Hacker. Incumbent's commission expired October 11, 1925.

John H. Fink to be postmaster at New Baltimore, Mich., in place of J. H. Fink. Incumbent's commission expired November 9, 1925.

Eva A. Wurzburg to be postmaster at Northport, Mich., in place of E. A. Wurzburg. Incumbent's commission expired August 17, 1925.

Mack Herring to be postmaster at Osseo, Mich., in place of Mack Herring. Incumbent's commission expired October 4, 1925.

Gordon D. Dafoe to be postmaster at Owendale, Mich., in place of G. D. Dafoe. Incumbent's commission expired November 18, 1925.

George M. Dewey to be postmaster at Owosso, Mich., in place of G. M. Dewey. Incumbent's commission expired October 5, 1925.

William H. Richards to be postmaster at Perrinton, Mich., in place of W. H. Richards. Incumbent's commission expired November 17, 1925.

Sumner Blanchard to be postmaster at Perry, Mich., in place of Sumner Blanchard. Incumbent's commission expired August 9, 1925.

Fred E. Heath to be postmaster at Plainwell, Mich., in place of F. E. Heath. Incumbent's commission expired November 2, 1925.

Harry A. Dickinson to be postmaster at Port Hope, Mich., in place of H. A. Dickinson. Incumbent's commission expired October 4, 1925.

Charles J. Schmidlin to be postmaster at Rockland, Mich., in place of C. J. Schmidlin. Incumbent's commission expired October 11, 1925.

Eugene C. Edgerly to be postmaster at Rudyard, Mich., in place of E. C. Edgerly. Incumbent's commission expired October 25, 1925.

Grace E. Gibson to be postmaster at Scotts, Mich., in place of G. E. Gibson. Incumbent's commission expired October 6, 1925.

Minnie E. Morrison to be postmaster at Stevensville, Mich., in place of M. E. Morrison. Incumbent's commission expired October 5, 1925.

Olof Brink to be postmaster at Tustin, Mich., in place of Olof Brink. Incumbent's commission expired July 27, 1925.

George B. Moat to be postmaster at Twining, Mich., in place of G. B. Moat. Incumbent's commission expired August 17, 1925.

Edwin J. Hodges to be postmaster at Vanderbilt, Mich., in place of E. J. Hodges. Incumbent's commission expired August 24, 1925.

Elmon J. Loveland to be postmaster at Vermontville, Mich., in place of E. J. Loveland. Incumbent's commission expired September 27, 1925.

Levant A. Strong to be postmaster at Vicksburg, Mich., in place of L. A. Strong. Incumbent's commission expired August 4, 1925.

John H. Nowell to be postmaster at Amasa, Mich., in place of J. H. Nowell. Incumbent's commission expired October 25, 1925.

William H. Ebert to be postmaster at Arcadia, Mich., in place of W. H. Ebert. Incumbent's commission expired November 9, 1925.

Frank J. Eisengruber to be postmaster at Bay Port, Mich., in place of F. J. Eisengruber. Incumbent's commission expired October 6, 1925.

Lillian J. Chandler to be postmaster at Benzonia, Mich., in place of L. J. Chandler. Incumbent's commission expired November 22, 1925.

Morton G. Wells to be postmaster at Byron Center, Mich., in place of M. G. Wells. Incumbent's commission expired August 24, 1925.

Edward A. Webb to be postmaster at Casnovia, Mich., in place of E. A. Webb. Incumbent's commission expired October 20, 1925.

Henry P. Hossack to be postmaster at Cedarville, Mich., in place of H. P. Hossack. Incumbent's commission expired October 4, 1925.

Arthur J. Gibson to be postmaster at Central Lake, Mich., in place of A. J. Gibson. Incumbent's commission expired October 25, 1925.

Henry M. Boll to be postmaster at Channing, Mich., in place of H. M. Boll. Incumbent's commission expired October 6, 1925.

Orrin T. Hoover to be postmaster at Chelsea, Mich., in place of O. T. Hoover. Incumbent's commission expired May 4, 1925.

Arthur H. Hawkins to be postmaster at Clayton, Mich., in place of A. H. Hawkins. Incumbent's commission expired August 20, 1925.

Ellis A. Lake to be postmaster at Colon, Mich., in place of E. A. Lake. Incumbent's commission expired October 25, 1925.

Harry G. Turner to be postmaster at Covert, Mich., in place of H. G. Turner. Incumbent's commission expired November 23, 1925.

Joseph M. Lascelle to be postmaster at Crystal, Mich., in place of J. M. Lascelle. Incumbent's commission expired August 17, 1925.

Sarah G. Howard to be postmaster at Custer, Mich., in place of S. G. Howard. Incumbent's commission expired November 9, 1925.

Elsie R. Stephens to be postmaster at Davison, Mich., in place of E. R. Stephens. Incumbent's commission expired August 4, 1925.

Fred E. Hazle to be postmaster at De Witt, Mich., in place of F. E. Hazle. Incumbent's commission expired August 17, 1925.

Clarence E. Norton to be postmaster at Dimondale, Mich., in place of C. E. Norton. Incumbent's commission expired October 6, 1925.

Roy A. McDonald to be postmaster at Douglas, Mich., in place of R. A. McDonald. Incumbent's commission expired October 20, 1925.

Elery H. Wright to be postmaster at Empire, Mich., in place of E. H. Wright. Incumbent's commission expired August 17, 1925.

John A. Semer to be postmaster at Escanaba, Mich., in place of J. A. Semer. Incumbent's commission expired October 25, 1925.

Ettie M. Meyer to be postmaster at Fowler, Mich., in place of E. M. Meyer. Incumbent's commission expired November 22, 1925.

Lawrence Tobey to be postmaster at Free Soil, Mich., in place of Lawrence Tobey. Incumbent's commission expired October 6, 1925.

Allison I. Miller to be postmaster at Fremont, Mich., in place of A. I. Miller. Incumbent's commission expired July 27, 1925.

Cyrenius P. Hunter to be postmaster at Gagetown, Mich., in place of C. P. Hunter. Incumbent's commission expired October 4, 1925.

Frank Wilkinson to be postmaster at Gaylord, Mich., in place of H. A. Collier. Incumbent's commission expired June 4, 1924.

R. Deneen Brown to be postmaster at Hale, Mich., in place of R. D. Brown. Incumbent's commission expired November 9, 1925.

George A. McNicol to be postmaster at Hillman, Mich., in place of G. A. McNicol. Incumbent's commission expired May 4, 1925.

Fred A. Acker to be postmaster at Adrian, Mich., in place of Robert Darnton, deceased.

Albert Hass to be postmaster at Bad Axe, Mich., in place of F. L. Wright, resigned.

Albert L. Eggers to be postmaster at Bravo, Mich., in place of J. J. Schmidt, deceased.

Herman Buby to be postmaster at Brown City, Mich., in place of D. A. McKeith, resigned.

Ida W. Wagner to be postmaster at Capac, Mich., in place of A. H. Rhody, resigned.

Harian W. Johnson to be postmaster at Wakefield, Mich., in place of A. M. Gilbert, resigned.

George M. Gaudy to be postmaster at Ypsilanti, Mich., in place of G. A. Cook, deceased.

Willis Wightman to be postmaster at Buckley, Mich. Office became presidential July 1, 1925.

Carl Van Valkenburgh to be postmaster at Center Line, Mich. Office became presidential July 1, 1925.

Joseph Deloria to be postmaster at Garden, Mich. Office became presidential July 1, 1925.

Harry Davidson to be postmaster at Palmer, Mich. Office became presidential July 1, 1925.

MINNESOTA

Ella S. Engelsen to be postmaster at Storden, Minn., in place of E. S. Engelsen. Incumbent's commission expired November 17, 1925.

Gertrude A. Muske to be postmaster at Swanville, Minn., in place of G. A. Muske. Incumbent's commission expired October 3, 1925.

George E. Brockman to be postmaster at Triumph, Minn., in place of G. E. Brockman. Incumbent's commission expired November 22, 1925.

August W. Petrich to be postmaster at Vernon Center, Minn., in place of A. W. Petrich. Incumbent's commission expired August 20, 1925.

Iver Tiller to be postmaster at Wanamingo, Minn., in place of Iver Tiller. Incumbent's commission expired November 17, 1925.

Ole N. Aamot to be postmaster at Watson, Minn., in place of Ole N. Aamot. Incumbent's commission expired October 17, 1925.

Laurence A. Weston to be postmaster at Waubun, Minn., in place of L. A. Weston. Incumbent's commission expired November 22, 1925.

Pearl C. Heigl to be postmaster at Winsted, Minn., in place of P. C. Heigl. Incumbent's commission expired August 24, 1925.

Mathias J. Olson to be postmaster at Wolverton, Minn., in place of M. J. Olson. Incumbent's commission expired August 20, 1925.

Charles Lindsay to be postmaster at Woodstock, Minn., in place of Charles Lindsay. Incumbent's commission expired November 17, 1925.

Genevra E. Ristvedt to be postmaster at Hanley Falls, Minn., in place of G. E. Ristvedt. Incumbent's commission expired August 20, 1925.

Dwight C. Jarchow to be postmaster at Harris, Minn., in place of D. C. Jarchow. Incumbent's commission expired May 26, 1925.

Henry W. Koehler to be postmaster at Hector, Minn., in place of H. W. Koehler. Incumbent's commission expired November 17, 1925.

Charles E. Cater, jr., to be postmaster at Herman, Minn., in place of C. E. Cater, jr. Incumbent's commission expired November 17, 1925.

Myrtle M. Rogness to be postmaster at Hills, Minn., in place of M. M. Rogness. Incumbent's commission expired August 24, 1925.

Erna H. Benjamin to be postmaster at Kasota, Minn., in place of E. H. Benjamin. Incumbent's commission expired November 17, 1925.

Anton Malmberg to be postmaster at Lafayette, Minn., in place of Anton Malmberg. Incumbent's commission expired October 17, 1925.

Elmer W. Thompson to be postmaster at Lismore, Minn., in place of E. W. Thompson. Incumbent's commission expired August 24, 1925.

Charles S. Jameson to be postmaster at Littlefork, Minn., in place of C. S. Jameson. Incumbent's commission expired October 3, 1925.

Emil M. Blasky to be postmaster at Mahnomen, Minn., in place of E. M. Blasky. Incumbent's commission expired August 24, 1925.

Fred E. Joslyn to be postmaster at Mantorville, Minn., in place of F. E. Joslyn. Incumbent's commission expired November 22, 1925.

Lawrence B. Setzler to be postmaster at Maple Plain, Minn., in place of L. B. Setzler. Incumbent's commission expired May 26, 1925.

Haldor G. Johnson to be postmaster at Minneota, Minn., in place of M. A. McGinn. Incumbent's commission expired August 11, 1925.

Ernest G. Haymaker to be postmaster at Motley, Minn., in place of John Monahan. Incumbent's commission expired February 18, 1924.

Edward F. Koehler to be postmaster at Mound, Minn., in place of E. F. Koehler. Incumbent's commission expired October 6, 1925.

Ole Kleppe to be postmaster at Newfolden, Minn., in place of Ole Kleppe. Incumbent's commission expired August 20, 1925.

Louis E. Olson to be postmaster at Nicollet, Minn., in place of L. E. Olson. Incumbent's commission expired November 23, 1925.

George W. Shipton to be postmaster at Ogilvie, Minn., in place of G. W. Shipton. Incumbent's commission expired November 22, 1925.

Minot J. Brown to be postmaster at Owatonna, Minn., in place of M. J. Brown. Incumbent's commission expired October 6, 1925.

Nels J. Amble to be postmaster at Peterson, Minn., in place of N. J. Amble. Incumbent's commission expired November 23, 1925.

Lee M. Bennett to be postmaster at Pillager, Minn., in place of L. M. Bennett. Incumbent's commission expired August 20, 1925.

George H. Tome to be postmaster at Pine Island, Minn., in place of G. H. Tome. Incumbent's commission expired November 17, 1925.

Anna Barnes to be postmaster at Randall, Minn., in place of Anna Barnes. Incumbent's commission expired October 6, 1925.

Amelia J. Rajkowski to be postmaster at Rice, Minn., in place of A. J. Rajkowski. Incumbent's commission expired October 6, 1925.

David L. Williams to be postmaster at Rochester, Minn., in place of D. L. Williams. Incumbent's commission expired July 21, 1925.

Minnie W. Hines to be postmaster at Roosevelt, Minn., in place of M. W. Hines. Incumbent's commission expired November 17, 1925.

James E. Ziska to be postmaster at Silver Lake, Minn., in place of J. E. Ziska. Incumbent's commission expired November 23, 1925.

Thorwald O. Westby to be postmaster at Avoca, Minn., in place of T. O. Westby. Incumbent's commission expired August 20, 1925.

Cora O. Smith to be postmaster at Bayport, Minn., in place of C. O. Smith. Incumbent's commission expired November 22, 1925.

John N. Peterson to be postmaster at Beltrami, Minn., in place of J. N. Peterson. Incumbent's commission expired August 20, 1925.

Arthur B. Paul to be postmaster at Big Falls, Minn., in place of A. B. Paul. Incumbent's commission expired October 6, 1925.

Elmer E. Putnam to be postmaster at Big Lake, Minn., in place of E. E. Putnam. Incumbent's commission expired August 24, 1925.

Adolf Wernicke to be postmaster at Bingham Lake, Minn., in place of Adolf Wernicke. Incumbent's commission expired August 24, 1925.

Ross Knutson to be postmaster at Bird Island, Minn., in place of Ross Knutson. Incumbent's commission expired November 17, 1925.

Edward H. Hebert to be postmaster at Bricelyn, Minn., in place of E. H. Hebert. Incumbent's commission expired November 17, 1925.

Anna E. Baker to be postmaster at Brownton, Minn., in place of A. E. Baker. Incumbent's commission expired November 22, 1925.

Alice G. Doherty to be postmaster at Byron, Minn., in place of A. G. Doherty. Incumbent's commission expired November 22, 1925.

Benjamin Baker to be postmaster at Campbell, Minn., in place of Benjamin Baker. Incumbent's commission expired August 23, 1925.

Mabel L. Markham to be postmaster at Clear Lake, Minn., in place of M. L. Markhom. Incumbent's commission expired August 20, 1925.

Frank H. Nichols to be postmaster at Comfrey, Minn., in place of F. H. Nichols. Incumbent's commission expired July 27, 1925.

Emil A. Voelz to be postmaster at Danube, Minn., in place of E. A. Voelz. Incumbent's commission expired August 24, 1925.

Alwyne A. Dale to be postmaster at Dover, Minn., in place of A. A. Dale. Incumbent's commission expired October 3, 1925.

Louis A. Dietz to be postmaster at Easton, Minn., in place of L. A. Dietz. Incumbent's commission expired August 20, 1925.

William O'Brien to be postmaster at Eden Valley, Minn., in place of William O'Brien. Incumbent's commission expired November 17, 1925.

Frank H. Beyer to be postmaster at Elgin, Minn., in place of F. H. Beyer. Incumbent's commission expired November 23, 1925.

George H. Emmons to be postmaster at Emmons, Minn., in place of G. H. Emmons. Incumbent's commission expired November 22, 1925.

John Lohn to be postmaster at Fosston, Minn., in place of John Lohn. Incumbent's commission expired August 24, 1925.

Matilda Blodgett to be postmaster at Ghent, Minn., in place of Matilda Blodgett. Incumbent's commission expired August 20, 1925.

Frank H. Griffin to be postmaster at Good Thunder, Minn., in place of F. H. Griffin. Incumbent's commission expired August 24, 1925.

Albert Myhre to be postmaster at Grand Meadow, Minn., in place of Albert Myhre. Incumbent's commission expired November 22, 1925.

Charles L. Engelhorn to be postmaster at Greenbush, Minn., in place of C. L. Engelhorn. Incumbent's commission expired May 26, 1925.

Herbert L. Day to be postmaster at Graceville, Minn., in place of E. J. Hasbrouck, removed.

Arvid J. Lindgren to be postmaster at Orr, Minn., in place of William Orr, resigned.

Ida M. Strawsell to be postmaster at Callaway, Minn. Office became presidential July 1, 1925.

Delmar J. Carruth to be postmaster at Danvers, Minn. Office became presidential July 1, 1925.

August Wenberg to be postmaster at Dunnell, Minn. Office became presidential July 1, 1925.

Ambrose Holland to be postmaster at Holland, Minn. Office became presidential July 1, 1925.

Ida Dickerson to be postmaster at Lucan, Minn. Office became presidential July 1, 1925.

Winnifred L. Batson to be postmaster at Odessa, Minn. Office became presidential July 1, 1925.

Frank B. Clarine to be postmaster at Tamarack, Minn. Office became presidential July 1, 1925.

MISSISSIPPI

Rosa W. Burton to be postmaster at Alligator, Miss., in place of R. W. Burton. Incumbent's commission expired November 18, 1925.

Sarah A. Tyner to be postmaster at Bay Springs, Miss., in place of S. A. Tyner. Incumbent's commission expired November 18, 1925.

Frances G. Wimberly to be postmaster at Jonestown, Miss., in place of F. G. Wimberly. Incumbent's commission expired November 18, 1925.

Mary A. Patterson to be postmaster at Pinola, Miss., in place of M. A. Patterson. Incumbent's commission expired October 5, 1925.

William P. Gardner, jr., to be postmaster at Saltillo, Miss., in place of W. P. Gardner, jr. Incumbent's commission expired October 5, 1925.

John C. Bowen to be postmaster at Senatobia, Miss., in place of J. C. Bowen. Incumbent's commission expired November 18, 1925.

Lofton B. Fairchild to be postmaster at Shubuta, Miss., in place of J. F. Jones. Incumbent's commission expired January 28, 1924.

Emma M. Berry to be postmaster at Silver Creek, Miss., in place of E. M. Berry. Incumbent's commission expired October 5, 1925.

Frank M. O'Shea to be postmaster at Charleston, Miss., in place of M. B. Smith, declined.

Leonard C. Gibson to be postmaster at Crawford, Miss., in place of N. B. Scales, resigned.

Ottie F. Lawrence to be postmaster at Grenada, Miss., in place of J. H. Spence, removed.

Anslem P. Russell to be postmaster at Magee, Miss., in place of A. S. Russell, resigned.

Elise Thoms to be postmaster at Richton, Miss., in place of L. J. Jones, removed.

John C. McGowen to be postmaster at Seminary, Miss., in place of F. C. Napier, deceased.

James Chamberlain to be postmaster at Wiggins, Miss., in place of C. W. Boen, resigned.

MISSOURI

Edward E. Whitworth to be postmaster at Poplar Bluff, Mo., in place of E. E. Whitworth. Incumbent's commission expired October 17, 1925.

Roy D. Eaton to be postmaster at Powersville, Mo., in place of R. D. Eaton. Incumbent's commission expired August 24, 1925.

J. Herbert Hunter to be postmaster at Russellville, Mo., in place of J. H. Hunter. Incumbent's commission expired August 24, 1925.

William M. Johns to be postmaster at Sedalia, Mo., in place of W. M. Johns. Incumbent's commission expired October 17, 1925.

Asbury L. Williams to be postmaster at Seymour, Mo., in place of A. L. Williams. Incumbent's commission expired October 20, 1925.

Washington D. Barker to be postmaster at Shelbina, Mo., in place of W. D. Barker. Incumbent's commission expired November 9, 1925.

George W. Hendrickson to be postmaster at Springfield, Mo., in place of G. W. Hendrickson. Incumbent's commission expired August 24, 1925.

John S. Gatson to be postmaster at Vandalia, Mo., in place of J. S. Gatson. Incumbent's commission expired August 4, 1925.

Joseph O. Bassett to be postmaster at Vienna, Mo., in place of J. O. Bassett. Incumbent's commission expired November 9, 1925.

Orville H. Hamstead to be postmaster at Walnut Grove, Mo., in place of O. H. Hamstead. Incumbent's commission expired November 9, 1925.

William H. Jackson to be postmaster at Winfield, Mo., in place of W. H. Jackson. Incumbent's commission expired August 24, 1925.

Edgar H. Intelmann to be postmaster at Cole Camp, Mo., in place of E. H. Intelmann. Incumbent's commission expired November 23, 1925.

Henry E. Martens to be postmaster at Concordia, Mo., in place of H. E. Martens. Incumbent's commission expired November 9, 1925.

Bessie A. Grotjan to be postmaster at Dalton, Mo., in place of B. A. Grotjan. Incumbent's commission expired August 4, 1925.

Charles E. Leach to be postmaster at Deepwater, Mo., in place of C. E. Leach. Incumbent's commission expired November 22, 1925.

Abraham L. McElvain to be postmaster at Elmo, Mo., in place of A. L. McElvain. Incumbent's commission expired August 24, 1925.

Edward Beall to be postmaster at Eolia, Mo., in place of Edward Beall. Incumbent's commission expired November 9, 1925.

Ross A. Prater to be postmaster at Essex, Mo., in place of R. A. Prater. Incumbent's commission expired November 9, 1925.

John W. McGee to be postmaster at Ewing, Mo., in place of J. W. McGee. Incumbent's commission expired August 24, 1925.

Orville J. White to be postmaster at Fairfax, Mo., in place of O. J. White. Incumbent's commission expired August 24, 1925.

Frederick D. Williams to be postmaster at Fulton, Mo., in place of F. D. Williams. Incumbent's commission expired November 19, 1925.

Frederick M. Harrison to be postmaster at Gallatin, Mo., in place of F. M. Harrison. Incumbent's commission expired October 7, 1925.

Lola L. Shumate to be postmaster at Gilliam, Mo., in place of L. L. Shumate. Incumbent's commission expired August 24, 1925.

Henry A. Scott to be postmaster at Gilman City, Mo., in place of H. A. Scott. Incumbent's commission expired October 7, 1925.

Gordon E. Guiles to be postmaster at Green Castle, Mo., in place of G. E. Guiles. Incumbent's commission expired November 23, 1925.

Charles F. Boon to be postmaster at Greentop, Mo., in place of C. F. Boon. Incumbent's commission expired October 20, 1925.

Thomas E. Sparks to be postmaster at Holliday, Mo., in place of T. E. Sparks. Incumbent's commission expired August 24, 1925.

John R. Wiles to be postmaster at Jamesport, Mo., in place of J. R. Wiles. Incumbent's commission expired October 17, 1925.

Harry F. Gurney to be postmaster at Kidder, Mo., in place of H. F. Gurney. Incumbent's commission expired August 24, 1925.

Jacob B. Marshall to be postmaster at La Monte, Mo., in place of J. B. Marshall. Incumbent's commission expired November 9, 1925.

Edward Baumgartner to be postmaster at Linn, Mo., in place of Edward Baumgartner. Incumbent's commission expired November 19, 1925.

Dwight A. Dawson to be postmaster at Lowry City, Mo., in place of D. A. Dawson. Incumbent's commission expired August 4, 1925.

Enoch W. Brewer to be postmaster at McFall, Mo., in place of E. W. Brewer. Incumbent's commission expired August 24, 1925.

Charles L. Farrar to be postmaster at Macon, Mo., in place of C. L. Farrar. Incumbent's commission expired November 9, 1925.

Nathan J. Rowan to be postmaster at Meta, Mo., in place of N. J. Rowan. Incumbent's commission expired August 24, 1925.

John Kerr to be postmaster at Newburg, Mo., in place of John Kerr. Incumbent's commission expired November 22, 1925.

Robert L. Jones to be postmaster at New Cambria, Mo., in place of R. L. Jones. Incumbent's commission expired November 9, 1925.

Fred E. Hart to be postmaster at Norwood, Mo., in place of F. E. Hart. Incumbent's commission expired October 7, 1925.

George T. Holybee, jr., to be postmaster at Platte City, Mo., in place of J. W. Davis. Incumbent's commission expired August 12, 1925.

Harvey R. Imboden to be postmaster at Arcadia, Mo., in place of H. R. Imboden. Incumbent's commission expired November 23, 1925.

Margaret E. Matson to be postmaster at Barnard, Mo., in place of M. E. Matson. Incumbent's commission expired November 19, 1925.

Robert M. Tirmenstein to be postmaster at Benton, Mo., in place of R. M. Tirmenstein. Incumbent's commission expired November 9, 1925.

Henry C. Oehler to be postmaster at Bismarck, Mo., in place of H. C. Oehler. Incumbent's commission expired November 19, 1925.

Samuel F. Wegener to be postmaster at Blackburn, Mo., in place of S. F. Wegener. Incumbent's commission expired August 24, 1925.

Lea K. Glines to be postmaster at Calnsville, Mo., in place of L. K. Glines. Incumbent's commission expired October 25, 1925.

Walter A. Brownfield to be postmaster at Calhoun, Mo., in place of W. A. Brownfield. Incumbent's commission expired November 9, 1925.

Earl M. Mayhew to be postmaster at Callao, Mo., in place of E. M. Mayhew. Incumbent's commission expired August 4, 1925.

Henry H. Haas to be postmaster at Cape Girardeau, Mo., in place of H. H. Haas. Incumbent's commission expired August 24, 1925.

Edward Burkhardt to be postmaster at Chesterfield, Mo., in place of Edward Burkhardt. Incumbent's commission expired August 24, 1925.

Bethel W. Eiserman to be postmaster at Branson, Mo., in place of F. R. Moran, removed.

Constant A. Larson to be postmaster at Bucklin, Mo., in place of C. H. Herriman, resigned.

Edgar Martindale to be postmaster at Clarksville, Mo., in place of B. F. Wells, resigned.

S. Harvey Ramsey to be postmaster at Flat River, Mo., in place of O. M. Silsby, resigned.

Grace C. Moore to be postmaster at Holland, Mo., in place of H. M. Sandefur, removed.

Lulu M. Williams to be postmaster at Marston, Mo., in place of W. A. Barnes, removed.

Robert G. Wommack to be postmaster at Fair Grove, Mo., Office became presidential July 1, 1925.

Warren D. Berkey to be postmaster at Fortuna, Mo. Office became presidential July 1, 1925.

A. Josephine Humble to be postmaster at Grandview, Mo. Office became presidential July 1, 1925.

Robert C. Remley to be postmaster at Grain Valley, Mo. Office became presidential July 1, 1925.

Mattie D. Farmer to be postmaster at Pomona, Mo. Office became presidential July 1, 1925.

Earl A. Blakely to be postmaster at Revere, Mo. Office became presidential July 1, 1925.

Phillip M. Beesley to be postmaster at Robertsville, Mo. Office became presidential July 1, 1925.

MONTANA

Hazel F. McKinnon to be postmaster at Bearcreek, Mont., in place of H. F. McKinnon. Incumbent's commission expired November 23, 1925.

Ezra A. Anderson to be postmaster at Belfry, Mont., in place of E. A. Anderson. Incumbent's commission expired August 24, 1925.

Fred B. Selleck to be postmaster at Buffalo, Mont., in place of F. B. Selleck. Incumbent's commission expired August 24, 1925.

Emma E. Waddell to be postmaster at Custer, Mont., in place of E. E. Waddell. Incumbent's commission expired November 9, 1925.

Thomas Hirst to be postmaster at Deer Lodge, Mont., in place of Thomas Hirst. Incumbent's commission expired November 17, 1925.

George W. Edkins to be postmaster at Glacier Park, Mont., in place of G. W. Edkins. Incumbent's commission expired November 23, 1925.

Robert M. Fry to be postmaster at Park City, Mont., in place of R. M. Fry. Incumbent's commission expired November 23, 1925.

Archie H. Neal to be postmaster at Philipsburg, Mont., in place of A. H. Neal. Incumbent's commission expired November 17, 1925.

Harry L. Coulter to be postmaster at Plains, Mont., in place of H. L. Coulter. Incumbent's commission expired November 23, 1925.

Harry J. Waters to be postmaster at Rapelje, Mont., in place of H. J. Waters. Incumbent's commission expired November 23, 1925.

Clark R. Northrop to be postmaster at Red Lodge, Mont., in place of C. R. Northrop. Incumbent's commission expired November 9, 1925.

Luther M. Hoham to be postmaster at Saco, Mont., in place of L. M. Hoham. Incumbent's commission expired November 23, 1925.

William A. Francis to be postmaster at Virginia City, Mont., in place of W. A. Francis. Incumbent's commission expired November 23, 1925.

Roy C. Stageberg to be postmaster at Westby, Mont., in place of R. C. Stageberg. Incumbent's commission expired November 23, 1925.

Jessie Long to be postmaster at Worden, Mont., in place of Jessie Long. Incumbent's commission expired August 24, 1925.

Harry O. Gregg to be postmaster at Richey, Mont., in place of C. C. Richey, resigned.

Harry W. Rhone to be postmaster at Sunburst, Mont., in place of A. M. Davis, resigned.

Ray E. Willey to be postmaster at Wisdom, Mont., in place of W. D. Tovey, resigned.

John J. Kendig to be postmaster at Circle, Mont., in place of C. R. Miller, resigned.

William H. Jenkinson to be postmaster at Fort Benton, Mont., in place of B. H. Kreis, resigned.

Jean W. Albers to be postmaster at Redstone, Mont., in place of E. N. Nance, resigned.

Myrtle C. De Mers to be postmaster at Hot Springs, Mont., Office became presidential October 1, 1924.

NEBRASKA

Leo R. Conroy to be postmaster at Eddyville, Nebr. Office became presidential July 1, 1925.

Peter J. Johnson to be postmaster at Rosalie, Nebr., in place of P. J. Johnson. Incumbent's commission expired August 24, 1925.

Isaac L. Pindell to be postmaster at Sidney, Nebr., in place of I. L. Pindell. Incumbent's commission expired May 7, 1925.

Calvin E. Lewis to be postmaster at Stanford, Nebr., in place of C. E. Lewis. Incumbent's commission expired November 21, 1925.

William A. Pearson to be postmaster at Stella, Nebr., in place of W. A. Pearson. Incumbent's commission expired November 21, 1925.

Mary E. Hossack to be postmaster at Sutherland, Nebr., in place of M. E. Hossack. Incumbent's commission expired November 23, 1925.

August Dickenman to be postmaster at Talmage, Nebr., in place of August Dickenman. Incumbent's commission expired November 9, 1925.

Harry C. Rogers, to be postmaster at Upland, Nebr., in place of H. C. Rogers. Incumbent's commission expired October 17, 1925.

Harry P. Cato to be postmaster at Valley, Nebr., in place of H. P. Cato. Incumbent's commission expired November 21, 1925.

Elroy A. Broughton to be postmaster at Venango, Nebr., in place of E. A. Broughton. Incumbent's commission expired November 21, 1925.

Inez M. Smith to be postmaster at Verdon, Nebr., in place of I. M. Smith. Incumbent's commission expired August 20, 1925.

Albertus N. Dodson to be postmaster at Wilber, Nebr., in place of A. N. Dodson. Incumbent's commission expired November 21, 1925.

Edgar A. Wight, jr., to be postmaster at Wolbach, Nebr., in place of E. A. Wight, jr. Incumbent's commission expired November 21, 1925.

John Q. Kirkman to be postmaster at Wood Lake, Nebr., in place of J. Q. Kirkman. Incumbent's commission expired July 28, 1925.

Edith F. Francis to be postmaster at Belden, Nebr., in place of E. F. Francis. Incumbent's commission expired October 6, 1925.

Astor B. Enborg to be postmaster at Bristow, Nebr., in place of A. B. Enborg. Incumbent's commission expired October 17, 1925.

Cora E. Saal to be postmaster at Brock, Nebr., in place of C. E. Saal. Incumbent's commission expired August 20, 1925.

May T. Douglass to be postmaster at Callaway, Nebr., in place of M. T. Douglass. Incumbent's commission expired October 20, 1925.

Esther Schwerdtfeger to be postmaster at Cambridge, Nebr., in place of Esther Schwerdtfeger. Incumbent's commission expired November 21, 1925.

Lulu Woodbury to be postmaster at Center, Nebr., in place of W. L. Woodbury. Incumbent's commission expired August 24, 1925.

Henry Eichelberger to be postmaster at Crete, Nebr., in place of Henry Eichelberger. Incumbent's commission expired May 7, 1925.

John F. Brittain to be postmaster at Elsie, Nebr., in place of J. F. Brittain. Incumbent's commission expired November 21, 1925.

Garry Benson to be postmaster at Ewing, Nebr., in place of Garry Benson. Incumbent's commission expired November 21, 1925.

Lewis A. Meinzer to be postmaster at Falls City, Nebr., in place of L. A. Meinzer. Incumbent's commission expired May 7, 1925.

Laurence B. Clark to be postmaster at Firth, Nebr., in place of L. B. Clark. Incumbent's commission expired August 20, 1925.

Charles A. Shoff to be postmaster at Grafton, Nebr., in place of C. A. Shoff. Incumbent's commission expired August 24, 1925.

Catherine M. Coleman to be postmaster at Greenwood, Nebr., in place of C. M. Coleman. Incumbent's commission expired November 2, 1925.

Loren W. Enyeart to be postmaster at Hayes Center, Nebr., in place of L. W. Enyeart. Incumbent's commission expired November 21, 1925.

Ernest W. Clift to be postmaster at Humboldt, Nebr., in place of E. W. Clift. Incumbent's commission expired May 7, 1925.

Mary J. Flynn to be postmaster at Jackson, Nebr., in place of M. J. Flynn. Incumbent's commission expired November 21, 1925.

Elias E. Rodysill to be postmaster at Johnson, Nebr., in place of E. E. Rodysill. Incumbent's commission expired August 20, 1925.

Henry C. Hooker to be postmaster at Leigh, Nebr., in place of H. C. Hooker. Incumbent's commission expired July 28, 1925.

Charles M. Houston to be postmaster at Miller, Nebr., in place of C. M. Houston. Incumbent's commission expired November 21, 1925.

Archie B. Jones to be postmaster at Mitchell, Nebr., in place of A. B. Jones. Incumbent's commission expired July 28, 1925.

Lester C. Kelley to be postmaster at Monroe, Nebr., in place of L. C. Kelley. Incumbent's commission expired August 24, 1925.

Edwin A. Baugh to be postmaster at Oakland, Nebr., in place of B. L. Neumann. Incumbent's commission expired August 20, 1925.

Isaac B. Lamborn to be postmaster at Palmyra, Nebr., in place of I. B. Lamborn. Incumbent's commission expired November 9, 1925.

Amos W. Shafer to be postmaster at Polk, Nebr., in place of A. W. Shafer. Incumbent's commission expired November 21, 1925.

Luther J. Saylor to be postmaster at Rising City, Nebr., in place of L. J. Saylor. Incumbent's commission expired May 7, 1925.

Faith L. Kemper to be postmaster at Alma, Nebr., in place of J. W. Egelston, deceased.

William L. Hallman to be postmaster at Bruning, Nebr., in place of G. C. Bruckert, deceased.

Charles E. Cram to be postmaster at Craig, Nebr., in place of F. O. Carlson, resigned.

Ruby H. Gable to be postmaster at Crookston, Nebr., in place of H. D. Bartley, resigned.

Ernest T. Long to be postmaster at Haigler, Nebr., in place of E. L. Taylor, resigned.

Lucile A. Lewis to be postmaster at Humphrey, Nebr., in place of E. R. Lewis, deceased.

Tillie Valentine to be postmaster at Johnstown, Nebr., in place of F. L. Valentine, resigned.

Charles E. Putnam to be postmaster at Naper, Nebr., in place of P. H. Anderson, removed.

Donald K. Warner to be postmaster at Oakdale, Nebr., in place of E. R. Frady, resigned.

Esther R. Beers to be postmaster at Petersburg, Nebr., in place of C. B. Beers, resigned.

Katie Heiliger to be postmaster at Plymouth, Nebr., in place of R. N. Overgard, removed.

Daniel W. Roderick to be postmaster at Hubbell, Nebr. Office became presidential July 1, 1925.

Elizabeth Hempel to be postmaster at Kilgore, Nebr. Office became presidential July 1, 1925.

Hattie M. Stone to be postmaster at McCool, Nebr. Office became presidential July 1, 1925.

Leroy B. Gorthey to be postmaster at Murdock, Nebr. Office became presidential July 1, 1925.

Frank H. Bottom to be postmaster at Ong, Nebr. Office became presidential July 1, 1925.

Katherine Honey to be postmaster at Uehling, Nebr. Office became presidential July 1, 1925.

NEVADA

Guy L. Eckley to be postmaster at Mina, Nev., in place of G. L. Eckley. Incumbent's commission expired September 5, 1922.

Albert R. Cave to be postmaster at Montello, Nev., in place of A. R. Cave. Incumbent's commission expired November 23, 1925.

Raymond G. Jessen to be postmaster at McGill, Nev., in place of C. J. Barnes, removed.

Anna S. Michal to be postmaster at Round Mountain, Nev. Office became presidential July 1, 1925.

HOUSE OF REPRESENTATIVES

THURSDAY, *December 10, 1925*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, the author of all good, we can not tell the fullness of Thy name nor understand the resources of Thy bounty, but we are deeply grateful to be counted in the train of Thy servants. With this spirit may we accept the yoke of service and perform the errands of duty. Let love of human praise, hope of personal gain and elusive happiness be far from us. We pray that all laws may be just and their administration equal and right. Bless all forces which are helping men to strive against the wrong. O inspire us that the Lord of all the earth will do right. May God's good angels brood above our hearthstones and fold all hearts in the sweet and calm embrace of His love. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER

Mr. BANKHEAD appeared at the bar of the House and took the oath of office prescribed by law.

REPORT OF THE COMMISSION IN CONTROL OF THE HOUSE OFFICE BUILDING

The SPEAKER. The Chair lays before the House the report of the Architect of the Capitol concerning the action of the commission in control of the House Office Building, which the Clerk will report.

The Clerk read as follows:

ARCHITECT OF THE CAPITOL,
Washington, D. C., December 5, 1925.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In the legislative bill approved March 4, 1925, making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, the following enactment is found:

"To enable the Architect of the Capitol, subject to the direction and supervision of the commission in control of the House Office Building, to prepare and submit to Congress, on the first day of the first regular session of the Sixty-ninth Congress, plans, specifications, and estimates for the erection of an addition or extension to the House Office Building, sufficient to provide two rooms for each Member, including any recommendations as to the acquisition of an additional site for the erection of an additional office building for Members, $2,500."

Acting under the authority conferred by the section quoted, the Architect of the Capitol after due conference with members of the House Office Building Commission, did on the 30th day of April, 1925, enter into an agreement with an organization known as "The Allied Architects of Washington, D. C. (Inc.)," for the preparation of the schemes which when submitted to Congress, should contain the information desired under the portion of the law heretofore quoted.

From time to time conferences have been held between the Architect of the Capitol and The Allied Architects of Washington, and all necessary explanations and information have been afforded to the allied architects for the preparation of such plans and information as would enable the Congress to determine the question as to which, if either, of the plans submitted would be acceptable to that body.

It should be understood that this information prepared, and which constitutes this report, is submitted for the purpose of a full examination and discussion by the Congress, and that the plans submitted and the drawings or illustrations accompanying the plans are carried only to such an extent as would permit the further development of the plans if considered expedient.

It will be noted that the legislation previously referred to provides not only for suggestions concerning an additional site but also for information concerning an addition or extension to the present House Office Building, and in answer to so much of the legislation as relates to an addition to the present House Office Building, I beg leave to submit herewith a report from Carrere & Hastings, under date of November 28, 1924, in which a possible addition to the present House Office Building, providing for sufficient rooms to enable each Member of Congress to have two rooms, has been outlined and described.

This report of Carrere & Hastings, with the accompanying drawings, will give such information as may be required by those who would

prefer confining the changes to be made to be contained within the walls of the present House Office Building, and without any recommendation upon either of the schemes as submitted, this matter is respectfully referred for such action as the Congress may consider proper under the circumstances.

Respectfully,

DAVID LYNN,
Architect of the Capitol.

THE ALLIED ARCHITECTS OF WASHINGTON, D. C.,
December 3, 1925.

Mr. DAVID LYNN,
Architect of the Capitol, Washington, D. C.

SIR: In accordance with the agreement entered into on the 30th day of April, 1925, signed by you as representative of the House Office Building Commission and by representatives of the Allied Architects of Washington, D. C. (Inc.), there are transmitted to you herewith preliminary plans and elevations for the extension of the House of Representatives Office Building.

It will be noted that two distinct and carefully studied schemes are presented for the consideration of the commission, one scheme involving the use of the entire block lying immediately to the west of the present House Office Building, the other occupying the northerly portion of the two blocks lying immediately to the west of the present office building fronting on the south side of the Capitol. The possibility of using other sites is discussed in this report.

It should be stated at this point that the schemes submitted are based upon a general agreement reached between your office and the Allied Architects as to the number of additional offices required, the general character of these offices, the accessory elements of the building, and the essential requirement that it should be a serviceable, economic building, not "monumental." These requirements have been recognized in plan, story height, interior finish, and fenestration, and an effort has been made to produce a simple, dignified building not out of harmony with its surroundings.

The program recognizes the existing or probable House membership as estimated by the members of your commission.

PRELIMINARY STUDY OF REQUIREMENTS AND POSSIBILITIES

It may be of interest to your commission to know that the program as thus originally outlined was submitted to the membership of the Allied Architects, by 17 of whom schemes were submitted for each of three different sites held out as worthy of consideration, namely, the two indicated above and a third possibility of utilizing the entire two blocks lying south of the Capitol. These preliminary studies were explained in detail by the designers, each one of whom had made a careful analysis of the relative advantages and disadvantages of the sites as they presented themselves to him. Following the explanation occurred a discussion of these preliminary plans in which all the architects present participated. As the result of this discussion, at which you were present, a second program was prepared maintaining the same requirements but making available the desirable elements developed by different designers and eliminating various elements which were considered undesirable.

A second series of studies was then developed, in which each designer focused his attention upon one scheme which seemed to him to have the best possibilities, and again there was a careful review of the submitted plans, in which the selection and elimination were repeated. The plans were then developed in detail, as herewith submitted. The detail of this process of development is given to show that the schemes submitted are the result of a very careful analysis of the situation from many different angles.

SCHEME A

PROJECT FOR A BUILDING OCCUPYING THE SQUARE BOUNDED BY NEW JERSEY AVENUE, B STREET, SOUTH CAPITOL STREET, C STREET

Considering first the scheme for the occupancy of the square lying immediately to the west of the present office building, the advantages and disadvantages appear as follows:

ADVANTAGES

1. Proximity to the present House Office Building, with main entrance from New Jersey Avenue and B Street at the upper level.

2. The occupancy of an entire square, avoiding cotenancy with private buildings, the necessity of setbacks, and possible future complications.

3. A building which in itself would cost less than the alternative scheme, which saving, however, would be offset to a considerable extent by the cost of acquiring the Congress Hall Hotel property.

4. The preservation of South Capitol Street, both for traffic and for view, thus leaving open the possible change in character of the district lying to the south of the Capitol, and recognizing the importance of an unobstructed vista from that section.

DISADVANTAGES

1. The financial disadvantage: Necessity of acquiring Congress Hall Hotel property, which might be offset by the fact that it will undoubtedly have to be acquired some day for Government purposes, and any subsequent purchase price would unquestionably be much higher than at the present time.

2. Disadvantage of limitations: The difficulty of obtaining any additional expansion of this scheme, beyond a possible 15 suites in a roof setback—the plans provide suites for about 50 additional Members over the present House membership, with an allowance for the conversion of 50 private offices in the present building to committee rooms.

3. Disadvantage of appearances: The unbalanced effect of this building, occupying only one of the two squares immediately south of the Capitol, with no certainty that a corresponding building will eventually be built upon the other square; also the certainty that if a building is erected upon the western square it will present great difficulties in design to harmonize it with the building on the eastern square, owing to the fact that the northern corner of the latter is some 50 feet higher than the southwestern corner of the former; also a narrow B Street frontage, accentuated by having no similar balancing frontage on the other square.

DETAILS OF ARRANGEMENT

This scheme makes provision for the following accommodations:

Two hundred and sixty-six suites of offices for Representatives, with all necessary features in the way of desk space, coat and lavatory space, office storage, etc.

Eighty thousand cubic feet of additional storage space for Representatives.

A gymnasium 45 by 70 feet.

A swimming pool 28 by 124 feet.

Ample locker and shower facilities in connection therewith.

Space for lounge on roof.

Superintendent's room.

Clerk's room.

Folding room and storage space for same; totalling 250,000 cubic feet.

The exact location and arrangement of these accommodations are shown in detail on the drawings and need not be described here. The arrangement of the individual suite is the same for both buildings and will be described in detail hereinafter.

Estimate of cost

The building	$6,500,000
The land	1,070,000
Total	7,570,000

These figures are approximations only, on a cubic-foot basis for similar work. The cost of the land to be acquired is an assumed condemnation value.

SCHEME B

PROJECT FOR A BUILDING OCCUPYING THE SOUTH FRONTAGE OF B STREET LYING BETWEEN NEW JERSEY AND DELAWARE AVENUES

Considering next the scheme for the occupancy of the northern portion of the squares fronting on B Street, lying east and west of South Capitol Street, the advantages and disadvantages appear as follows:

ADVANTAGES

1. Next to the first scheme this site is the most advantageous location with reference to the present House Office Building and the Capitol, its lesser desirability being in that it lies partly down the hill.

2. The minimum acquisition of ground is required, as the only important property involved is that occupied by the four-story annex to the Congress Hall Hotel.

3. There is ample room to meet present needs adequately and to leave sufficient room for future expansion. Also, there is ample storage room for documents, and other space in the basement for the parking of automobiles.

4. Appearances: In connection with completing the setting of the Capitol Building the scheme makes for symmetrical, balanced treatment of these two squares as seen from the Capitol, and does not leave the fate of the western square to the uncertainties of the future.

5. The court offers better light and ventilation than the preceding scheme and more pleasing possibilities for court gardens.

DISADVANTAGES

1. There is a considerable increase in the cost of this scheme over Scheme 1.

2. The blocking of a main street, a procedure which, no matter how well justified in the past by expediency, has in every case where followed in the Washington plan brought subsequent criticism for interference with traffic or view.

3. The splitting of the building into two distinct parts in an effort to ameliorate the obstruction of the Capitol view from South Capitol Street (it will be noted, however, that there is intercommunication between these two sections on the first and ground floors, with addi-

tional second-floor communication by means of an open terrace passage). The break in circulation on the upper floors is not considered as serious as it might be, in view of the fact that all committee rooms remain in the present House Office Building, with little necessity for intercommunication between offices on the same floor.

DETAILS OF ARRANGEMENT

This scheme makes provision for the following accommodations:

Two hundred and seventy suites of offices for Representatives (266 in alternative scheme), with details of arrangement the same as in the previous scheme.

Eighty-five thousand cubic feet of additional storage space (80,000 cubic feet in alternative scheme).

Gymnasium 45 by 70 feet (same as in alternative scheme).

Swimming pool 36 by 140 feet (28 by 124 feet in alternative scheme).

Locker space the same.

Folding room, clerk's room, superintendent's room, the same.

Space for congressional lounge.

Garage space for 100 cars in subbasement (not provided in alternative scheme).

The details of arrangement are as shown on the plans.

Cost

The building	$7,800,000
The land	364,360
Total (alternative scheme, $7,570,000)	8,164,360

These figures are also approximate, on a cubic-foot basis, with the cost of the land, not at present owned by the Government, on an assumed condemnation basis.

DISCUSSION OF A TYPICAL OFFICE SUITE

The typical office suite is the same in both schemes submitted. It has been the subject of considerable detailed study, to the end that not only should the needs of the Representatives be met in every respect, but at the same time that the element of cost should have primary consideration. Various alternative arrangements were devised, but it is believed that the scheme submitted will meet all requirements as indicated, while at the same time the simplicity of arrangement and regularity of span will involve the minimum of construction cost.

For the purposes of furnishing a basis of comparison with the offices in the present House Office Building, the typical two-room suites in both the present and the proposed buildings have been shown at the same scale on one of the drawings submitted. The accommodations compare favorably, while the new arrangement effects considerable economy in construction. It will be noted that the floor area involved, which represents one office unit plus one-half of the adjacent corridor space, is 13½ per cent greater in the present building than in the proposed, while the cubical contents of this same unit are 72 per cent greater in the present building than in the proposed structure.

GENERAL CONSIDERATIONS OF COST

The extreme difference in typical units indicated above shows one of the means by which a great saving has been made in the elements which materially affect the total cost, while at the same time, by having due regard for simplicity of detail, it has been possible to obtain a stone-faced building in keeping with its surroundings and of quality befitting its purpose. The ceiling heights in the new building are 6 feet lower than those in the present building, but still 2 or 3 feet higher than those in the strictly commercial office buildings. A further economy has been effected by the elimination of elaborate plaster cornices, pretentious corridors, and other similar expensive elements which repeated throughout the building materially advance its cost. It is felt that the building meets the requirement of simple, straightforward planning, while still recognizing its obligations as an important member of the Capitol group.

RECOMMENDATIONS AS TO SITE

No effort has been spared on the part of the Allied Architects thoroughly to canvass the various other possibilities of this problem, but limitations of time allowed have made it impossible to extend the study, as was desired, beyond the two sites for which drawings are submitted. At the same time it should be made clear that these two sites by no means represent all the possibilities involved. Variations of the alternative scheme have been studied and two other sites considered—one lying south of the Library of Congress and east of the present House Office Building, and the other west of Delaware Avenue. The former site was considered as too remote from the Capitol. The latter is the same distance from the Capitol as the present building and could be connected to both by subways practically on grade. The elevators could be lowered to meet these subways, and they could be provided with mono-rail cars. There would be no congestion between the two buildings in the movement from offices to committee meetings comparable to that from the offices to House roll calls.

Having in mind the various possibilities for development which have been indicated from time to time in the plans for the extension of the Capitol grounds, it would appear that the least desirable solution of this problem is the first scheme considered, namely, that occupying the single square. Against the advantage of economy, which is subject to debate, stands its great disadvantage of reducing all requirements to a minimum, leaving no room for expansion when the demand for expansion occurs, as it undoubtedly will. Next in order is the alternative solution submitted, certain merits and demerits of which have already been outlined.

The third solution in inverse order of desirability would appear to be the acquisition of the entire two squares lying south of the Capitol, restricting the building to the northern half of these squares, as indicated along the lines of the alternative scheme. This would allow room for expansion to the south of future Government buildings. A modification of this scheme has been considered, namely, of building on the entire two squares at this time, but leaving a large central court or garden and preserving the open treatment of South Capitol Street. This would give more space than would be required, but the additional space might be well utilized for storage or other purposes, relieving congestion in some of the adjacent Government buildings.

Attention should be called at this point to the fact that both these schemes block all future possibilities of any development along the line of the project prepared for the Architect of the Capitol, for beautiful Capitol gardens lying to the south of the Capitol, corresponding to the open treatment to the north. Whether or not any such scheme shall ever be carried out, it would seem unfortunate to take any steps at this time which would make practically impossible of realization the development of the scheme in case it should subsequently prove desirable. There is already one such problem existing in the area surrounding the Capitol, namely, the difficulty of developing any structure north of the Congressional Library, which will harmonize with it in completing the enframement of the Capitol grounds.

From every point of view it would appear that the most generally desirable site for any such building as is required by this project is the square indicated to the west of Delaware Avenue. The grades are not enough pronounced to occasion serious difficulties in design or construction, and it is believed that the additional cost of acquiring the land in this square, in addition to that in the squares lying immediately to the south of the Capitol, which would in that event be acquired for the proposed Capitol gardens, would largely be offset by the saving in the construction of building. There would be no necessity for making two semidetached units, as indicated under the alternative scheme, and this, in addition to restoring the practical advantage of easy communications, would allow a great saving in the construction costs. Furthermore, the necessity for elaborate terracing, with high walls to overcome differences in grade, would be eliminated, making further cost reductions possible. There would be ample room for future office expansion or to meet new conditions which may arise in future. Ample parking space is easily obtainable, and the completion of the Capitol enframement would be one step nearer. Furthermore, while all property in the two intervening squares should be acquired under this scheme, it would not necessitate the immediate condemnation of Congress Hall Hotel, the preservation of which seems to be considered desirable by many Members of the House. Although it would seem that the recommendation involves somewhat extensive condemnation of property to consummate the scheme, it is submitted that it may in reality tend toward economy, in that there can be little question but that the land fronting on the National Capitol should be owned and occupied by the Federal Government, and that the value of this land is appreciating each year.

The Allied Architects of Washington express their appreciation of the opportunity which has been afforded them to study this project in collaboration with your office, and they further wish to express appreciation of your personal attitude, which has greatly facilitated and encouraged the collaborative effort. If further explanations or alternative studies are desired, they will be glad to have you call upon them.

Respectfully submitted.

ALLIED ARCHITECTS OF WASHINGTON, D. C. (INC.),
Per HORACE W. PEASLEE, *Secretary*.

NOVEMBER 28, 1924.

DEAR SIR: In compliance with your request for a report as to a possible method of providing an additional number of rooms in the office building to meet the present requirements of Congressmen, we submit herewith a typical floor plan and a section which indicate extensions to the present building erected within the central court, together with additional rooms built on the B Street and C Street sides at what is now the roof level.

The exterior of the building, as shown in the court, is intended to be built to correspond with the present court finish, except that we have shown the stories only 12 feet 6 inches in height, as we believe that height, which is even higher than is commonly adopted in office buildings, amply sufficient for the purposes of this building. The additional rooms on the roof are so placed that they will be practi-

cally not noticable from the street and will therefore not detract from the appearance of the building. These suggestions give a total of 375 additional rooms, with the stairs, elevators, and toilet accommodations necessary to provide for the enlarged building.

We have conferred with reliable builders of large experience as to the probable cost of the proposed changes and have calculated such cost on the basis of an allowance of 80 cents per cubic foot, which we believe to be a conservative figure.

The unusually large area of the building, which does not appear at first glance, calls for a very large cubage, and the approximate cost, on the above basis, would be $3,000,000 for a steel frame construction, as usually adopted for buildings of this height, with general plumbing, heating, ventilation, electric, and elevator work.

Respectfully submitted.

CARRERE & HASTINGS.
THEODORE I. COE.

DAVID LYNN, Esq.,
Architect of the Capitol, Washington, D. C.

The SPEAKER. Referred to the Committee on Public Buildings and Grounds and ordered printed.

Mr. GARRETT of Tennessee. Mr. Speaker, will the report of the Allied Architects accompanying the report of the Architect of the Capitol be printed as a part of the communication just read?

The SPEAKER. Yes; it will accompany the report of the Architect of the Capitol.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] will kindly take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. GREEN of Iowa. Mr. Speaker, I yield 20 minutes to the gentleman from Pennsylvania [Mr. WATSON].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 20 minutes.

Mr. WATSON. Mr. Chairman and gentlemen of the committee, I will not speak in detail upon the various sections of the bill, since our distinguished chairman of the committee has so plainly explained them, and the minority leader in his usual way has given his opinion relative to the measure. Seldom a revenue tax bill has been unanimously reported and at the same time received the applause of the American people as this bill which is now under consideration. There are no two Members probably in the House that have the same opinion upon the various sections; we differ in accordance with our temperaments and environments.

I am going to support the bill because of the good that is in it, but I can not give my full approval to that title called the "Estate title," the third title of the bill, because I do not believe in a Federal inheritance tax when our country is at peace, as it is to-day, not only within ourselves but with all the world. I believe that an inheritance tax should be levied only as a tax when our country is burdened with grave emergencies.

One of the reasons I oppose an inheritance tax, it is confiscatory when there is not enough income in an estate to meet the assessed tax. A government to take the principal of an estate is contrary to the true ethics of taxation. We must remember that this Government is merely a great corporation and we are its directors; and no government can afford to take principal to pay its debts any more than a corporation can. We must develop trade, and if we take capital by taxation we absorb the money that should be in trade and thereby to a degree we increase the number of unemployed, for we all know that we must depend upon trade for revenues. A government that discourages trade is adopting a wrong principle. It is the sentiment of the American people to wipe out the Federal inheritance tax. I want to quote from the hearings. There was a meeting of the governors in Savannah, Ga., only recently. There were 32 governors present, and this was a resolution passed by that convention:

Be it resolved, That the inheritance provision of the Federal tax measure be repealed, leaving this sort of revenue to the States for individual action as they may see fit.

I might mention 8 or 10 governors each of whom give the same testimony, but I shall not take the time.

President Coolidge on Tuesday praised the Committee on Ways and Means because of the bill. I do not think he is in favor of a Federal inheritance tax, but he accepted what the committee reported.

Let us recall that in his speech before the National Conference on Inheritance and Estate Taxation; he said, alluding to the tax bill of 1924:

I pointed out then that when the inheritance taxes levied by the States be added to this, a substantial confiscation of capital may result; and I suggested the danger of having the States and the Federal Government thus combining to get the utmost possible revenue from inheritance taxes.

This we should seek to avoid. Therefore I suggested that it might be better if the field of inheritance taxation could be left to the States.

And when he said in his message that "the power over the purse was the power over liberty," we might conceive that he was alluding to his address before the National Conference on Inheritance and Estate Taxation.

There are many States which have very few resources and not enough wealth within to develop their industries, therefore they must call upon other States for financial assistance. But men hesitate to invest money in other States when they know that upon their death their estates will probably be confiscated.

The State of Pennsylvania, realizing this fact, passed a bill as follows:

Personal property of a nonresident decedent made taxable under this section shall not be subject to the tax so imposed if a like exemption is made by the laws of the State or country of the decedent's residence in favor of residence of this Commonwealth.

Some of the States have cooperated with the State of Pennsylvania and availed themselves of this reciprocity law—the States of Tennessee, Alabama, Florida, Georgia, Vermont, Rhode Island, District of Columbia, New York, Nevada, and Connecticut, and on December 1, Massachusetts.

The unparalleled growth of our country from 1865 to the beginning of the World War has no parallel in history. After the war of 1865 our wealth was something like $20,000,000,000, and commencing with the World War it was near $300,000,000,000. This wonderful development of our resources and the gain of this great wealth was due to our liberal laws.

One object of an inheritance tax is to break up large estates and to make a distribution. There is no trouble in breaking up large estates. We all know that the heirs do that very quickly and trusts are not lasting. This idea of breaking up estates is a socialistic one. I do not criticize a man because he is a socialist, but I do criticize and condemn the principles of socialism. No country can live long, as has been exemplified in the past, when socialism becomes part of the laws of that country.

Last winter I introduced a bill to repeal the publicity clause. I did not ask the committee to report it, because the question was before the Supreme Court of the United States, and Justice Sutherland, on May 25, 1925, in his opinion, stated:

Information, which everybody is at liberty to acquire, and the acquisition of which Congress seemed especially desirous of facilitating, in the absence of some clear and positive provision to the contrary, can not be regarded otherwise as public property, to be passed on to others as freely as the possessors of it may choose. The contrary view requires a very dry and literal reading of the statute, quite inconsistent with its legislative history and the known and declared objects of its framers.

Therefore the committee very wisely repealed that clause of section 257.

If I may be permitted to go back into history for just a moment, let me say that in the Thirty-ninth Congress a tax bill was being considered by this House, and the question of publicity was raised. Mr. Garfield, then a Member of Congress and afterwards President of the United States, said:

One feature of the internal revenue law which has made it very odious, indeed, in many parts of the country, and perhaps justly so, is that provision under which the business of every man has been dragged into public view through the newspapers.

The standard of living to-day is the highest of our country and the highest of any country in the world. It was stated by the gentleman from Illinois [Mr. RAINEY] that no country in the world gave the credit as we do to taxpayers in the lower brackets and opposed them. They do not give it because they can not. At no time in the history of all the world has a country been at war and then reduced the taxes as America has within seven years; and the gentleman from Illinois should be thankful and congratulate our country that we are able to thus give credit to the taxpayers in the lower brackets.

I am surprised that in this House there should be so much comment against the Secretary of the Treasury. I remember that when Senator Knox, at the call of President Harding, went to Ohio he said:

The appointment of Mr. Mellon means very little to him but it means much to the American people.

And when we realize what has been accomplished by our Government under the administration of Mr. Mellon we can not but say he is one of the greatest financiers we ever had to control the Treasury Department of our Government; and when we further realize that since the war we have paid nearly $5,000,000,000 of our indebtedness, when we realize on top of that to-day we can reduce our indebtedness for the benefit of the taxpayers over $360,000,000, we can truthfully say much of it is due to Mr. Mellon's sagacity and financial acumen; and, further, by his administration we have been able to make agreements with foreign countries to reduce the amount of money we loaned to them, some $6,000,000,000.

I am quite sure that when the great Democratic Party comes into power—I do not look for that very soon, but my friends on the other side are encouraged day by day and are looking forward to that great period in their political history—if they place in the United States Treasury a man who has the ability equal to Mr. Mellon's, I certainly will applaud him and stand by that Democrat as to-day I stand by Mr. Mellon.

I am not going to speak more upon the bill. I have received a great many letters asking the repeal of the Federal inheritance tax. I recall receiving a letter the other day from a woman I do not know. It was a very simple letter and it presented the Federal inheritance tax in a very clear way, so that I will present it to you as she did to me. She said:

We have worked hard—my husband, myself, and my children—and we have amassed a very large fortune. My husband dies and the inheritance tax takes a large amount of our estate; I die a few weeks afterward and the Government comes along and takes another big slice and we have but very little left for our children for whom we have worked.

[Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COLLIER. Mr. Chairman, I yield myself 30 minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for 30 minutes.

Mr. COLLIER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Chairman and gentlemen of the House, it is with the greatest diffidence that I rise to discuss this measure. There are two impelling reasons for this diffidence, one is the fact of its being a nonpartisan measure which deprives me of one of my greatest pleasures, which has heretofore and I hope in the future will continue to be, to criticize my friends on the other side of the Chamber for their various and many high crimes and misdemeanors. But on this occasion, while I am not in perfect accord and harmony with every section of the bill, yet in its essentials I am in favor of it and intend to support it.

I believe the bill did not go far enough, and that the reductions did not go far enough, and I hope to show why I have arrived at that conclusion.

The other reason I approach this matter with some diffidence is because the bill has been fully and amply explained, first by the chairman of the committee, then by other Members on the majority side, and then by that splendid "Garneresque" speech of our own leader. This bill adopts no new policies to any great extent, but simply changes a number of rates, and therefore I take it that the House, after listening to those explanations and reading the bill, is so familiar with it that I will not go into the details as I would if I were making one of the opening talks to this body.

At the very outset, Mr. Chairman and gentlemen, I want to make this observation: It seems to me the fact that this has been a nonpartisan measure has met with approval from the highest down to the lowest. It seems to have met with the universal approval of the press and business men generally that we can present upon tax matters here a nonpartisan report. Without disparaging in the least the work of any member of this committee in bringing that about and without even remotely disparaging in the slightest degree the splendid feeling of cooperation in which the majority members met the minority members on that proposition, yet I wish to state to the Members of this House that this nonpartisan measure, which seems to have so universally received the indorsement of the American people, could never have been brought about had it not been for the tact and perseverance of the gentleman from Texas [Mr. GARNER]. [Applause.]

The subject of taxation has always been more or less paramount. From remotest antiquity it has vexed legislators and has harassed taxpayers.

In ancient Greece, at a time when its culture and refinement justified the assertion that it contained the most civilized portion of the globe in its possessions, taxes were called contributions. It is interesting to the student of economics in connection with both the increasing value of money and the decreasing purchasing power of the dollar to note that nearly five centuries before the Christian era, when the Greek confederacy was at the height of its grandeur, its splendor, and its power, when its possessions extended from "the shores of the Ægean to the banks of the Indus, and from the Caspian and the great Hyrcanian Plain to the Cataracts of the Nile," these annual contributions or taxes never exceeded in our money $600,000, a sum which we expend in governmental expenses every two hours.

The Government of Greece, extending over nearly all of the then civilized world, the building and preservation of the greatest navy of its day, the maintenance of its large standing army, the erection of numerous public buildings, temples, and palaces of marble, and the exercise of all the legislative, judicial, and executive functions of the greatest world power of its time, could have been supported for over a quarter of a century on a less amount than was authorized by the Congress only a few months ago, pursuant to the much-advertised and oft-reiterated plan of economy and with enthusiastic Executive approval, to build another bridge across the Potomac River at Washington.

To ancient Rome belongs the doubtful honor of being the first as well as the last country to adopt a systematic collection of taxes which produced ample revenue without cost to its own citizens.

Aside from the brutal joy of conquest, the acquisition of new territory excited a lively interest in the minds of the ancient Romans, for additional territory meant additional tribute. The conquered territory alone paid the taxes and Roman citizens themselves were exempt from any and all kinds of taxation.

This policy was pursued by Rome with inexorable severity. Worshiping many gods, Rome was true to none. Offense against the gods was a trivial matter; failure to pay tribute was visited with the heaviest penalties. As long as the conquered territory acknowledged the Roman eagles and paid their annual tribute or taxes, for aught Rome cared they might worship any god of their choosing and even maintain a semblance of their former government, always subject to Roman supervision and Roman control.

In this connection it is also interesting to the student of economics to note that during the time of Rome's greatest power, when her territory extended from Britain through France and Spain to the Mediterranean, including all of Southern Europe, Judea, Asia Minor, and a great part of Africa—in fact all of the civilized portions of the globe—the annual cost of its governmental expenditures, according to Gibbon, was less than $80,000,000 in our money.

In this day and time it seems almost incredible to believe that with less than $80,000,000, a standing army of over 480,000 men, three large seagoing fleets, together with numberless smaller craft in the Rhine and the Danube and a Praetorian Guard of 30,000 men, could have been maintained. In addition to this innumerable public buildings of marble were erected, roads still in existence, some of them 2,500 miles in length were built, large bands of trained gladiators were maintained, wild beasts from the uttermost corners of the Empire were brought to Rome, and the luxury of the imperial

court was surfeited with the gratification of every desire that money could purchase.

I repeat that, notwithstanding the use of slave labor, it seems almost incredible to believe that all of this could have been done annually by the expenditure of an amount barely sufficient to build and equip two of our modern battleships.

The question of taxation to-day is paramount in the minds of the American people. Prior to our entrance into the Great War the people of the United States for the most part gave the matter of Federal taxes only the most perfunctory concern. There was nothing strange nor unusual that they should have done this.

For instance, in 1912 the total expenditures of the Federal Government, irrespective of postal expenditures, aggregated in round numbers $700,000,000. Of this sum $310,000,000, or nearly half the amount needed, was in the nature of indirect taxes collected at the customhouse in tariff duties. A tax which, however vicious it might or might not have been, was so indirect and little understood as to cause little or no concern save to those directly interested and to the student of economics. The balance of this $700,000,000 for the most part came from the internal revenue tax on liquors and tobacco, together with a small amount from the sale of public lands and miscellaneous receipts, such as fines and penalties, from the Department of Justice, and fees from the State Department and the Patent Office, which sums in the aggregate were inconsiderable.

Thus we see that in the collection of this $700,000,000 the Federal tax collector rarely if ever came into actual touch with the average citizen, and for this reason Federal taxes were regarded with indifference by the masses of the people whose personal interest had not been aroused and because of the difficulty in determining how much or how little each individual paid.

Note the changes that occurred in less than seven years. In 1919, just seven years later, the total Government expenditures were about twenty-seven times as much as they were in 1912. Of these expenditures less than $200,000,000 came from the tariff, while over $2,500,000,000 were received directly from the people in income and excess-profits taxes alone. During the years 1919, 1920, and 1921 nearly $10,000,000,000 were received from the same sources—that is, the income tax and the excess-profits tax.

The collection of these tremendous sums, together with the various special taxes levied in so many ways and upon so many different articles, all of which in a more or less degree affected practically every citizen in the United States, had the inevitable result of creating in the minds of the American people a lively interest in the subject of taxation.

During the war it was necessary, as all of us know, to resort to practically every known method of taxation in order to finance the tremendous operations incident to that struggle. To this unprecedented drain upon the material resources of the United States the American people cheerfully and patriotically responded. As long as the tax was believed to fall with equal force upon all, there was little or no complaint and the general disposition was to leave the fixing of the rate of taxation to the committee.

The paramount thought was what tax will bring in the greatest amount of revenue to meet the expenses of the war. The question before us to-day is not what tax or what rate will bring in the largest returns to the Federal Treasury but what tax and what rate will fall equitably upon all and at the same time so reduce the tax burdens that they will interfere as little as possible with industry and commerce.

To this thought the committee without partisanship directed its labors, and while the bill is not what I would have liked to have seen, because I believe much larger reductions could have been made without any danger of creating a deficit, yet the bill as presented by the chairman of the Ways and Means Committee is a real reduction downward and will, in my opinion, result in much benefit to the American people.

In view of the fact that the provisions of the bill have been so fully explained by several members of the committee who have preceded me, I will content myself with a brief analysis of its various provisions.

I will first take up the income-tax exemptions. The exemptions have been raised from $1,000 for a single person to $1,500, and from $2,500 in the case of the head of a family to $3,500. The $400 exemption for children under 18 years of age, and for those dependent upon the taxpayer because they are mentally or physically defective, remains unchanged.

The normal tax has been reduced to 1½ per cent on the first $4,000, 3 per cent on the next $4,000, and 5 per cent on the remainder.

The surtax rates have been reduced from 40 per cent to 20 per cent, the maximum, 20 per cent, becoming applicable to all incomes over $100,000, the minimum beginning at $10,000 and being 1 per cent upon net incomes in excess of that amount up to $14,000, and the tax is then adjusted in increasing rates in the higher brackets so as to give as well balanced a schedule as possible.

The earned-income section remains the same, except that the amount of the 25 per cent exemption applies in this bill to $20,000 instead of $10,000, as in the act of 1924.

The corporation tax has not been changed, and no relief in this bill has been afforded corporations either by lowering the rate or permitting the stockholders of small corporations to make returns similar to those of partnerships.

The capital-stock tax remains unchanged. There has been, however, adopted an amendment to the act of 1924 making the determination by the commissioner as to the fair average value of the capital stock of a corporation only prima facie evidence of the facts on which such determination was based.

The estate tax provides for an exemption of $50,000, and the maximum rate has been reduced from 40 per cent to 20 per cent.

The deduction of 25 per cent as a credit to be deducted by the Federal taxpayer for all inheritance taxes paid to a State has been increased to 80 per cent. We have repealed or reduced many of the special taxes, most of which are direct inheritances of the war.

I will, with the permission of the House, insert in the Appendix tables showing rates of estate taxes and repeals and reductions of various taxes as provided in the bill.

Now, it has been intimated here by several that they will vote for certain amendments, though the amendments were not specified. I will tell you what amendments I hope will be adopted. I want to see all the automobile taxes taken off. I think the tax on admissions can be repealed, and I want to see the tax on capital stock repealed.

Then there is another amendment to which I intend to address myself under the five-minute rule, a proposition which I believe is un-American—the life tenure of appointees that will come under this bill. [Applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. COLLIER. I will yield to the gentleman.

Mr. HILL of Maryland. Has the gentleman taken up the question of estate tax, and will he state whether he favors that?

Mr. COLLIER. I have not taken it up in the limited time at my disposal. I intended to refer to it in passing. If the gentleman has any question, I should be glad to answer it.

Mr. HILL of Maryland. A great many are interested in the estate tax, and I wondered if the gentleman would care to state whether he felt that there should be an attempt to strike out the estate tax entirely.

Mr. COLLIER. I thank the gentleman for his question, and I will dispose of my views now. I am heartily in favor of an inheritance tax. I believe it is a fair, equitable, legitimate way of raising taxes for both the State and the Federal Government. I never believed that the estate tax was an emergency tax. From the very nature of it, it is not an emergency tax. It should be a permanent tax. An emergency tax is one where quick returns may be had, and from the very nature of an estate tax, where you may have to wait until the estate is settled before the tax is paid—I can conceive of numberless instances where an estate tax, if quick returns were required, might result in almost confiscation of the property. Ample time should be given for the payment of estate taxes, but it should be a permanent tax. The 80 per cent proposition in this bill receives my unqualified approval. I will say to the gentleman from Maryland, speaking for myself, that when the motion is made to repeal the estate tax or to materially change it in any form, as far as my feeble efforts are concerned, I shall resist the motion to the utmost of my power. That is all I have to say on the estate tax.

Now, why do I make the statement that I am willing to vote for the repeal of special taxes which will cost nearly $150,000,000 when we have heard from the chairman of the committee that the advice from the Treasury is that $325,000,000 is as far as we could go without danger. I make it for two reasons—one may be political and the other a common-sense mathematical one. One is because I have no confidence in these estimates. We all recall two years ago when the question came up the brilliant and able gentleman from New York [Mr. MILLS] made a statement in reference to the so-called Garner plan that if we adopted that plan in its substantial provisions as was done by the House there would be a deficit of $320,000,000. When the bill was passed making the surtax 40 per cent I was surprised to find in the campaign in Kentucky and

Ohio and other States to which I had the privilege of going last fall that the Garner plan was being "orated" as one of the greatest achievements in the Coolidge administration. [Laughter.]

We all remember that the 1924 bill was in the hands of the President some time before it was finally signed, and there were many vague rumors that it might meet with a veto because the Treasury experts, headed by Mr. McCoy, their chief expert and statistician, had told us that the bill would not only give no substantial relief, but the repeal of certain special taxes together with the unscientific lowering of the surtax rates would result in an annual deficit of nearly $300,000,000. But the Congress had heard the prophecies of these experts before and insisted on the 40 per cent rate.

I do not wish to make a reflection on Mr. McCoy. I believe he is an able and conscientious statistician, but he made an awful poor guess in 1924. He made an even poorer guess in 1922.

In January, 1922, the Treasury Department through its actuaries came before the Committee on Ways and Means and told us that there would be a deficit of $279,000,000 for the year 1923. Instead of a deficit there was a surplus of over $300,000,000. These actuaries' opinions were estimated only on the current year, when they had full information of the condition of business before them.

When prophets make prophecies and I find they turn out so differently from what they said, then I lose confidence. Did the 1924 bill give relief? Under the heavy surtaxes of 1924, paid under the 1921 act, we presented to the American people—and it was just before election, by the way—a rebate of 25 per cent. That was some relief. At the same time, instead of that deficit of over $200,000,000 as stated by Mr. McCoy and $320,000,000 as stated by Mr. MILLS, there was a surplus of $290,000,000. When we are confronted with a mistake of $400,000,000, when less than $2,000,000,000 were intended to be collected, I think we can safely say that we may regard with some doubt future statements coming from the same source. Again, that is not all. I do not believe I am divulging any of the executive sessions of the committee when I say that it is the belief of all of us on the committee—and if I misstate that belief in the mind of any Member, I hope he will correct me—that practically every estimate of expenditures from the department was an overestimate and every estimate for collection of taxes was an underestimate. I do not criticize the Treasury Department for being careful, but they are overcautious. Nor is that all. The estimates made for collection of taxes were mathematical calculations. If there is anything in what the Secretary of the Treasury says, if there is anything in what the President has said, if there is anything in what we have said, that the lowering of these great surtaxes and the general reduction in taxation, taking the tax off automobiles and other special articles, is going to result in a great increase of business, then, of course, that increase of business will be reflected in increased returns to the Public Treasury. I make the statement here, without fear of successful contradiction, that without interfering with the Treasury arrangement of the proposed payment of the war debt we can go further in tax reduction to the extent of $150,000,000.

Another place where we can give taxpayers more relief is on the payment of the war debt. I do not go as far as some of my colleagues do. I am not opposed to the Treasury Department and the administration retiring all of the money that we borrowed to pay our part during the conduct of the war.

We owe a national debt of practically $20,000,000,000, $10,000,000,000 of which we spent on ourselves and $10,000,000,000 of which we loaned to our allies. Aside from the tremendous drain upon the resources of the American people, to attempt to retire $20,000,000,000 of debt in 20 years, there is also an element of our having broken faith with the American people.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. HUDSPETH. The gentleman is a member of the Committee on Ways and Means?

Mr. COLLIER. Yes.

Mr. HUDSPETH. The gentleman is also in the livestock business, like myself?

Mr. COLLIER. No; I sold out at a loss during the Coolidge administration.

Mr. HUDSPETH. The gentleman has discussed the livestock business with me a number of times, and I took it for granted that he was in the business. The statement was made by the gentleman from New York [Mr. MILLS] that the higher you placed the surtax on incomes over $100,000, the less taxes you would get. Does the gentleman agree with that statement?

Mr. COLLIER. It is very hard to agree to that.

Mr. HUDSPETH. In other words, if I sell, the higher the price that I would charge my friend, who stated that he was in the livestock business at one time, for a bunch of steers, the less profit I would make. Is that the gentleman's contention?

Mr. COLLIER. Of course, there is a point where taxes may be placed so high that they will defeat their own purpose. The cold record shows that we received more revenue under the 50 per cent rate than we did under the 65 per cent rate, but as a general proposition I can not agree with the gentleman from New York [Mr. MILLS]. But if it be true, then all the more reason why we would have more money to make the reduction, because we will get in greater returns on that theory.

I do believe, however, that when you so reduce taxes that money which formerly has gone into taxes will go into legitimate business and expansion, that that will result in increased returns to the Treasury. If we did not believe that, then why the reduction in 1924 and the reduction in the present bill?

Mr. HUDSPETH. As I understand it, the reduction is made in the present bill because we have a surplus of revenue in the Treasury.

Mr. COLLIER. The gentleman is absolutely correct. We can reduce it still further if we want to, and I think we ought to take off the admission taxes and the rest of the automobile taxes and the other special taxes which are a distasteful inheritance of the war before we go into a regular peace-time system of taxation.

Let us get back to the national debt. When we borrowed the $10,000,000,000 to lend to our allies, the administration, the Congress, and everyone of us told the American people that they would not lose any money by it, that we would take from our allies the same kind of security that we gave the American people, that we would parallel our bonds which we gave to our citizens with bonds which we took from our allies. We found that we could not do that, we found that economic conditions abroad were such that the full spirit of that promise could not be kept. I did not vote for the English settlement, yet I have little or no criticism to make of it. I did not complain then and I do not complain now for extending the time to 62 years. I do not complain now in view of the economic condition because we reduced the rate of interest from 4¼ per cent which we have to pay to the holders of our bonds to 3½ per cent which the foreign nations pay us. Along the line of the English settlement as a model, we are funding our foreign obligations. We could not keep our promise in the matter of interest, but we can do it in the matter of extension of payments, and I say that the way to keep faith with the American people is to do what we told them we would do when we asked them to lend us the money we loaned to foreign nations. Let us pay off our $10,000,000,000 in 20 years, and then give the American citizen the same right and the same privilege and the same consideration that we give the English citizen and the Italian citizen and the Rumanian citizen on the other $10,000,000,000. It is only fair and just and proper to do this. I say further to gentlemen on both sides of this House, that although I have talked with hundreds of business men in my own State, and elsewhere, I have yet to find less than half a dozen who do not agree that the American citizens should have, if necessary, 62 years in which to pay off the debt we incurred in lending this money to our allies.

I know that some political economists tell us that it is rather a good thing for a nation to be in debt because it keeps down extravagance. I know that these political economists know more about such matters than I do, yet I do not accept that theory. I think the best thing for a man or a nation is to get out of debt as quickly as they can. But I want you to take this into consideration, that at the end of 20 years if we have paid off the entire national debt and there is still seven or eight billion dollars—of which we will perhaps collect the major portion—owing us from foreign nations, it is going to lead to an era of the wildest extravagance here on the floor of this House and in another body and in the Government generally, no matter what party is in power. The seven or eight billion dollars owing us will be used as an excuse for spending ten times that amount. Now may I recall to you a piece of ancient history, which will illustrate the truth of my assertion: About 12 years ago there was a fight as to whether we should build one battleship or two battleships, and in those days a battleship only cost about $18,000,000. One Member in favor of one battleship only was earnestly advocating an additional appropriation of $50,000,000, and when asked where we would get the money to take care of this appropriation he said, "We will take off one of these battleships." Out of the $18,000,000, the cost of a battleship then, the sum of nearly a quarter of a billion dollars addi-

tional was offered by way of amendments to various appropriations, most of which was justified on the theory that the Government would be relieved of the building of an $18,000,000 battleship. Now that is all I have to say upon that question except that I think we should keep faith with the American people in the promise we made; if not in the letter of that promise, then at least the spirit of the same, as far as we can.

I am sorry the capital-stock tax was not repealed. That is a tax which, if not double taxation, is at least a duplication of taxation. It falls with equal hand upon the corporation which has made money and one that has lost money. Furthermore, the administration by the collectors of internal revenue, in passing upon the assets and good will of the corporation, is so vague, so uncertain, so indeterminate, and leads to so many avenues of disagreement and opens so many doors of discontent and controversy, that I think that that tax could well have been repealed, both to the profit of the taxpayer and the Government.

Mr. O'CONNELL of New York. Will the gentleman yield for a question?

Mr. COLLIER. I will.

Mr. O'CONNELL of New York. Can the gentleman estimate how much that tax would be?

Mr. COLLIER. Ninety-one million dollars. Now, just briefly I want to say something about the tax board. The tax board as a judicial board is functioning far better than it was even hoped it would. I give it my hearty, my unqualified approval. It is the one independent body that stands between the taxpayer and the Government, and the one independent body outside the courts where he can go to have his rights determined. Out of the thousands of cases that have been considered by the tax board I understand only 13 of them have been appealed by the Commissioner of Internal Revenue. This is, indeed, a marvelous and extraordinary record. So I give that board my hearty, unqualified approval. But at the same time, my friends——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. I yield myself five minutes additional. I do not believe, my friends, that it is the policy of this Government, I do not believe it ought to be the policy of this Government, that we should create any more life-tenure offices.

I am willing to extend their term of service much beyond that which we give to ourselves. I am willing to extend their terms, if necessary, much beyond that which is given to another and favored body at the other end of the Capitol, but I do not believe it is good policy to permit any man in this country of ours to hold an office as long as he lives, and I am opposed to that feature of the proposed tax law. [Applause.]

Now, this bill is going to give the American people some relief, but I want to say, especially to my friends on this side of the aisle, that full, genuine relief in taxation can not be given to the American people as long as not millions but billions of dollars are every year wrung from the pockets of the American people by the plundering hand of a protective tariff, which in some instances exceeds 100 per cent. They can talk about the restoration of business to normal, and they can talk about giving to the taxpayer full and free relief, but I want to say to you on that side of the aisle as well as to those on this side of the aisle that full relief will never be given to the American people until there is some reduction in that outrageous tariff tax under which we are now laboring. But if I were to talk longer on that point the gentleman from Iowa [Mr. GREEN] would call me down, as he so often has done whenever I mentioned that subject when it was not actually up for discussion.

Mr. ALMON. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes; I will yield to the gentleman if my time will permit.

Mr. ALMON. Does the existing law creating this Board of Appeals that you spoke of a while ago create a life tenure?

Mr. COLLIER. Yes; the proposed law creates a life tenure.

Mr. ALMON. But the old law did not?

Mr. COLLIER. It did not. The tax board was an experiment, but it has amply justified its existence. We have all felt considerably gratified at the splendid way in which this board has functioned, and it should be continued.

In conclusion, my friends, I want to thank the chairman and the Republican members of the committee for the courtesies extended to me personally, and for the splendid good feeling that was shown during the hearings. I do not think any of us got mad more than three or four times, and then we soon patched up our differences.

I shall want to present some amendments for adoption, but even if they are not adopted I will still be in favor of the bill. The amendments I have suggested will not affect any material features of the bill. I simply want, in some instances, to add to and take from what the committee has done. A remarkable thing has happened, and, of course, as my colleague from Texas [Mr. GARNER] said the other day, it could not have happened unless they had had the Democrats to help them. But at last something good, with the aid of the Democrats, has come from the Republican Party. I hope that the bill will soon become a law. [Applause.]

Income tax

	H. R. 1	Act of 1924
Personal credit:		
Single persons	$1,500	$1,000.
Married persons and heads of families	$3,500	$2,500.
Rates:		
First $4,000 taxable	1½ per cent	2 per cent.
Second $4,000 taxable	3 per cent	4 per cent.
Balance taxable	5 per cent	6 per cent.
Surtaxes:		
On net incomes in excess of—		
$10,000 and not of $14,000	1 per cent	1 per cent.
$14,000 and not of $16,000	2 per cent	2 per cent.
$16,000 and not of $18,000	3 per cent	3 per cent.
$18,000 and not of $20,000	4 per cent	4 per cent.
$20,000 and not of $22,000	5 per cent	5 per cent.
$22,000 and not of $24,000	6 per cent	6 per cent.
$24,000 and not of $26,000	7 per cent	7 per cent.
$26,000 and not of $28,000	8 per cent	8 per cent.
$28,000 and not of $30,000	9 per cent	9 per cent.
$30,000 and not of $34,000	10 per cent	10 per cent.
$34,000 and not of $36,000	11 per cent	11 per cent.
$36,000 and not of $38,000	12 per cent	12 per cent.
$38,000 and not of $42,000	13 per cent	13 per cent.
$42,000 and not of $44,000	14 per cent	14 per cent.
$44,000 and not of $46,000	do	15 per cent.
$46,000 and not of $48,000	15 per cent	16 per cent.
$48,000 and not of $50,000	do	17 per cent.
$50,000 and not of $52,000	16 per cent	18 per cent.
$52,000 and not of $56,000	do	19 per cent.
$56,000 and not of $58,000	do	20 per cent.
$58,000 and not of $60,000	do	21 per cent.
$60,000 and not of $62,000	17 per cent	Do.
$62,000 and not of $64,000	do	22 per cent.
$64,000 and not of $66,000	do	23 per cent.
$66,000 and not of $68,000	do	24 per cent.
$68,000 and not of $70,000	do	25 per cent.
$70,000 and not of $74,000	18 per cent	26 per cent.
$74,000 and not of $76,000	do	27 per cent.
$76,000 and not of $80,000	do	28 per cent.
$80,000 and not of $82,000	19 per cent	29 per cent.
$82,000 and not of $84,000	do	30 per cent.
$84,000 and not of $88,000	do	31 per cent.
$88,000 and not of $90,000	do	32 per cent.
$90,000 and not of $92,000	do	33 per cent.
$92,000 and not of $94,000	do	34 per cent
$94,000 and not of $96,000	do	35 per cent.
$96,000 and not of $100,000	do	36 per cent.
$100,000 and not of $200,000	20 per cent	37 per cent.
$200,000 and not of $300,000	do	38 per cent.
$300,000 and not of $500,000	do	39 per cent.
Over $500,000	do	40 per cent.
Earned income:		
Credit of 25 per cent, not in excess of	$20,000	$10,000.
(First $5,000 deemed to be earned)	Same	Same.

Estate tax

	H. R. 1	Act of 1924
Exemption	$50,000	$50,000.
Rates:		
Amount not in excess of $30,000	1 per cent	1 per cent.
Amount in excess of—		
$50,000 and not of $100,000	2 per cent	2 per cent.
$100,000 and not of $150,000	3 per cent	3 per cent.
$150,000 and not of $200,000	do	4 per cent.
$200,000 and not of $250,000	4 per cent	Do.
$250,000 and not of $400,000	do	6 per cent.
$400,000 and not of $450,000	5 per cent	Do.
$450,000 and not of $600,000	5 per cent	9 per cent.
$600,000 and not of $750,000	6 per cent	Do.
$750,000 and not of $800,000	do	12 per cent.
$800,000 and not of $1,000,000	7 per cent	Do.
$1,000,000 and not of $1,500,000	8 per cent	15 per cent.
$1,500,000 and not of $2,000,000	9 per cent	18 per cent.
$2,000,000 and not of $2,500,000	10 per cent	21 per cent.
$2,500,000 and not of $3,000,000	11 per cent	Do.
$3,000,000 and not of $3,500,000	12 per cent	24 per cent.
$3,500,000 and not of $4,000,000	13 per cent	Do.
$4,000,000 and not of $5,000,000	14 per cent	27 per cent.
$5,000,000 and not of $6,000,000	15 per cent	30 per cent.
$6,000,000 and not of $7,000,000	16 per cent	Do.
$7,000,000 and not of $8,000,000	17 per cent	Do.
$8,000,000 and not of $9,000,000	18 per cent	35 per cent.
$9,000,000 and not of $10,000,000	19 per cent	Do.
In excess of $10,000,000	20 per cent	40 per cent.
Credit:		
Amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, not in excess of	80 per cent	25 per cent.

Rates, amount of tax, and percentage of total tax to net estate under proposed bill

Estate	Exemption	Net estate	Taxable amount in each bracket	Rate (per cent)	Tax in each bracket	Total tax	Total tax (per cent)
$50,000	$50,000		$0	0	$0	$0	0
100,000	50,000	$50,000	50,000	1	500	500	1
150,000	50,000	100,000	50,000	2	1,000	1,500	1.5
250,000	50,000	200,000	100,000	3	3,000	4,500	2.25
450,000	50,000	400,000	200,000	4	8,000	12,500	3.125
650,000	50,000	600,000	200,000	5	10,000	22,500	3.75
850,000	50,000	800,000	200,000	6	12,000	34,500	4.312
1,050,000	50,000	1,000,000	200,000	7	14,000	48,500	4.85
1,550,000	50,000	1,500,000	500,000	8	40,000	88,500	5.9
2,050,000	50,000	2,000,000	500,000	9	45,000	133,500	6.675
2,550,000	50,000	2,500,000	500,000	10	50,000	183,500	7.34
3,050,000	50,000	3,000,000	500,000	11	55,000	238,500	7.95
3,550,000	50,000	3,500,000	500,000	12	60,000	298,500	8.53
4,050,000	50,000	4,000,000	500,000	13	65,000	363,500	9.0875
5,050,000	50,000	5,000,000	1,000,000	14	140,000	503,500	10.70
6,050,000	50,000	6,000,000	1,000,000	15	150,000	653,500	10.89
7,050,000	50,000	7,000,000	1,000,000	16	160,000	813,500	11.62
8,050,000	50,000	8,000,000	1,000,000	17	170,000	983,500	12.3
9,050,000	50,000	9,000,000	1,000,000	18	180,000	1,163,500	12.93
10,050,000	50,000	10,000,000	1,000,000	19	190,000	1,353,500	13.535
15,050,000	50,000	15,000,000	5,000,000	20	1,000,000	2,353,500	15.69
20,050,000	50,000	20,000,000	5,000,000	20	1,000,000	3,353,500	16.75

GIFT TAX

The various rates of the revenue act of 1924 (the brackets were similar to the brackets of the estate tax) are repealed by H. R. 1, but it is provided that transfers of property without consideration in excess of $5,000 made within two years of the death of the testator shall be included in the estate for taxable purposes.

Cigars

(Sec. 400, revenue act of 1924)

Class	Description	Rate per thousand	
		H. R. 1	Act of 1924
	Cigars weighing not more than 3 pounds per thousand	$0.75	$1.50
	Cigars weighing more than 3 pounds per thousand, if manufactured or imported to retail at—		
A	Not more than 5 cents each	2.50	4.00
B	More than 5 cents and not more than 8 cents each	4.50	6.00
C	More than 8 cents and not more than 15 cents each	7.00	9.00
D	More than 15 cents and not more than 20 cents each	10.50	12.00
E	More than 20 cents each	13.50	15.00

DISTILLED SPIRITS

(Sec. 900, H. R. 1)

The tax of $2.20 per proof-gallon, imposed by the revenue act of 1918, is reduced as follows:

Fifty-five cents per proof-gallon on January 1, 1927.

Fifty-five cents per proof-gallon additional on January 1, 1928.

Cereal beverages

(Sec. 903, H. R. 1)

	H. R. 1	Act of 1924
Beverages derived wholly or in part from cereals, or substitutes therefor, containing less than one-half of 1 per cent of alcohol.	One-tenth of 1 cent per gallon.	No tax.

Admissions

(Sec. 500, revenue act of 1924)

	H. R. 1	Act of 1924
Legitimate spoken drama: Admissions in excess of 50 cents.	Exempt	1 cent for each 10 cents or fraction thereof.

Excise taxes

Section of Revenue Act of 1924		H. R. 1	Act of 1924
600(1)	Automobile trucks and automobile wagons	Repealed	3 per cent.
600(2)	Other automobiles and motor cycles	3 per cent	5 per cent.
600(3)	Tires, inner tubes, parts, or accessories	Repealed	2½ per cent.
600(4)	Cameras, weighing not more than 100 pounds, and lenses for same.	do	10 per cent.
600(5)	Photographic films and plates (other than moving-picture films and other than X-ray films and plates).	Repealed	5 per cent.
600(6)	Pistols	10 per cent	10 per cent.
	Other firearms and shells and cartridges	Repealed	Do.
600(7)	Cigar or cigarette holders and pipes, composed wholly or in part of meerschaum or amber, and humidors.	do	Do.
600(8)	Coin-operated devices	do	5 per cent.
600(9)	Mah-jongg, pung chow, and similar tile sets	do	10 per cent.
602	Works of art, sculpture, etc.	do	5 per cent.
604	Jewelry, etc., sold for amounts in excess of $30 and watches sold in excess of $60.	do	Do.

Special taxes

(Sections of revenue act of 1924)

	H. R. 1	Act of 1924
Miscellaneous occupational taxes (sec. 701):		
Annual tax on—		
(1) Brokers, stock, etc	Repealed	$50.
Exchanges, value of seat or membership, if—		
$2,000 to $5,000	do	$100.
$5,000 to $10,000	do	$150.
Over $10,000	do	$250.
(2) Pawnbrokers	do	$100.
(3) Ship brokers	do	$50.
(4) Customhouse brokers	do	$50.
(5) Bowling alleys and billiard rooms, proprietors of, for each alley or table	do	$10.
(6) Shooting galleries, proprietors of	do	$20.
(7) Riding academies, proprietors of	do	$100.
(8) Automobiles for hire—		
Seating capacity over 2 and not more than 7	do	$10.
Seating capacity over 7	do	$20.
Tobacco manufacturers' tax (sec. 702):		
Tobacco manufacturers, annual sales—		
Not in excess of 50,000 pounds	do	$6.
In excess of 50,000 and not in excess of 100,000 pounds	do	$12.
In excess of 100,000 and not of 200,000 pounds	do	$24.
In excess of 200,000 pounds	do	$24 plus 16c. per M lbs. over 200,000 lbs.
Cigar manufacturers, annual sales—		
Not in excess of 50,000 cigars	do	$4.
In excess of 50,000 and not in excess of 100,000 cigars.	do	$6.
In excess of 100,000 and not of 200,000 cigars	do	$12.
In excess of 200,000 and not of 400,000 cigars	do	$24.
In excess of 400,000 cigars	do	$24 plus 10 cents per M over 400,000
Cigarette manufacturers, including small cigars, per 10,000.	do	6 cents.
Boats, tax on use of (sec. 703):		
Annual tax on yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over 5 net tons—		
Length over 32 and not over 50 feet, if—		
Foreign built, per foot	$1	$1.
Domestic built, per foot	Repealed	$1.
Length over 50 and not over 100 feet, if—		
Foreign built, per foot	$2	$2.
Domestic built, per foot	Repealed	$2.
Length over 100 feet, if—		
Foreign built, per foot	$4	$4.
Domestic built, per foot	Repealed	$4.
Narcotics, tax on (sec. 705):		
Physicians, dentists, veterinary surgeons, and other practitioners lawfully entitled to distribute, dispense, give away, or administer to patients, in the course of their professional practice, * * * shall pay, per annum.	$1	$3.

Stamp taxes

(Sec. 800, revenue act of 1924)

	H. R. 1	Act of 1924
Schedule A (5). Conveyances: Deed, instrument, or writing whereby land, tenements, or other realty is granted, assigned, transferred, or conveyed, etc., in excess of $100—		
Per $500 or fractional part thereof	Repealed	50 cents.
Schedule A (9). Proxies for voting	do	10 cents.
Schedule A (10). Power of attorney	do	25 cents.

Mr. GREEN of Iowa. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized for 25 minutes.

Mr. LAGUARDIA. Mr. Chairman, speaking on this bill, I feel very much like the recruit who was marching with his regiment on parade. The lieutenant said, "Pat, you are out of step." Pat said, "No, Lieutenant; I am in step; the regiment is out of step." [Laughter.]

I am sorry I can not join in this feast of mutual admiration. I can not say that I approve the bill, because I do not. A great deal has been said about the harmony that prevailed in the committee, the agreement between the Republicans and the Democrats on this bill; but I say that whenever the United States Congress gets to functioning with complete unanimity of opinion, God help the American people!

I was quite surprised to hear the argument of the gentleman from Texas [Mr. GARNER] the other day, especially coming from the gentleman from Texas, who did so much work toward establishing the policy of an income-tax system in this country. I confess I could not follow him. Why, he took the floor and scolded the Republican Members. He criticized them; he lectured the Republican Members; and yet he is willing to share in the fruit of their sin. It reminded me of the Reverend Davidson trying to convert poor Sadie Thompson. Why, it was not so very long ago—it is not necessary to be a Member here of long standing to be enabled to remember the able fight put up by the gentleman from Texas against the Mellon plan. The present bill is infinitely worse than the Mellon bill we had before us in 1924. Why, the gentleman from Texas [Mr. GARNER] says:

> What could I do? I had to vote with the committee. It was the best I could get.

That was not the attitude he assumed in 1924. Now Mr. GARNER said:

> If we do not pass this bill, the President will veto the bill we pass.

We had exactly the same situation in 1924. The President of the United States went to New York a few days before we took up the tax bill and openly stated that he would veto the bill if we changed the income-tax schedule. Listen to what Mr. GARNER said on January 14, 1924:

> And the President now says he will not sign the bill if you cut it down. Gentlemen, I venture the assertion even at this moment that that is not so.

Then he goes on to say:

> If I could wish for my party's interest against my country's interest, I would wish for my party's interest that he would not sign it. I tell you he can not keep from signing it when you send it to him.

That was in 1924. Now he talks and favors a 20 per cent maximum rate in the income-tax schedule. But in 1924 he says, on page 1405 of the RECORD of January 14:

> I want to say to you that if I believed 25 per cent was a just tax I would vote for it. I say that as an honest man. But I would rather vote for 50 if necessary and continue prosperity.

That was only a little over a year ago. There is no question of prosperity now. Secretary Mellon says we are prosperous. The President of the United States opened his message to this Congress three days ago with the words—

> In meeting the constitutional requirement of informing the Congress upon the state of the Union, it is exceedingly gratifying to report that the general condition is one of progress and prosperity.

So it is not the economic condition of the country that demands this change in the rates; it is not the business or industrial condition of the country that requires a change. We are just as prosperous now, or more so, as we were in 1924. My opposition to this bill is not that it reduces taxes. If you want a tax reduction bill, you can have it. It is difficult for a Member of Congress to vote against a reduction in taxes, but this is not only a reduction in taxes. This is a reform in the taxation policy of the country, and you can not escape it. The Secretary of the Treasury, Mr. Mellon, in testifying before the committee, admitted that it was a reform of the taxation system. He says, on page 5 of the hearing:

> In determining what taxes should first be reduced, it is important to bear in mind the distinction between a reduction of taxes which reforms the tax system and reduction in taxes which simply reduces revenue.
>
> A reduction of the lower brackets in itself means no increase in taxable income. A man with a $5,000 salary does not carry funds in nonproductive investment, and a reduction of his taxes does not, therefore, create additional taxable incomes.
>
> A reduction in the surtax, however, increases the amount of capital which is put into productive enterprises, stimulates business, and makes more certain that there will be more $5,000 jobs to go around. It seems to me quite clear that a man with a $3,000 job, who, if married and without dependents, pays a tax of but $7.50 under the present law, or a man with a $5,000 job, who, under the same conditions, pays a tax of $37.50, is more interested in having the job than in having his taxes further reduced. What we mean by tax reform is to make more of these jobs.

This very bill, gentlemen, changes our system of taxation. Revenue or reduction of revenue is not its purpose, because you could have brought in a bill to reduce revenue and to reduce taxes without changing, and fundamentally changing, the basis of an income-tax law. And yet there is harmony on the Republican side and on the Democratic side. The Democrats stood for the principle of income taxes, but this is not income tax law. This is simply a revenue law. My objection to changing the system is that the present economic condition of the country requires a rigid income-tax system, because if you do not have it, it will not be two generations before the bulk of the wealth of this land will be concentrated in the hands of a dozen families.

Hear what Secretary Mellon says, and I am willing to make Secretary Mellon my star witness. I will stand on the record as it is contained in the hearings of the committee and on the testimony of Mr. Mellon. Mr. Mellon says that if you reduce your income-tax rate you will have a greater revenue. Why? Because these men will put their money in business, in productive investments, and the lower rate of surtaxes, says Mr. Mellon, will bring in more revenue. And he is absolutely correct, because these men with great fortunes can invest their money so that it will multiply at a rate of progression out of all proportion to small investments. Take Mr. Mellon's own calculations, that a 20 per cent maximum income tax law will bring in more than a 40 or 50 per cent tax law and apply it to the savings of millions allowed to a few favored taxpayers, and you will readily see the fortunes will soon multiply. The gentleman from New York [Mr. MILLS] was telling about the beneficial effects of this bill on all taxpayers. Let us examine a bit and see who really gets the benefits.

According to last year's returns, under the 1924 act, three taxpayers made returns on incomes over $5,000,000. Their combined income was $27,955,319, and they paid under the 1924 act $11,000,000. Under the old act incomes over $5,000,000 paid about 45.35 per cent of the income, while under the proposed rate in the bill before us the rate would be about 24.83 per cent of the net income. We are giving a reduction to these three taxpayers of $5,344,464.32. This is more than the reduction given to the 2,000,000 taxpayers commencing at the $4,000 bracket down. During the same period three other taxpayers reported incomes over $4,000,000 and less than $5,000,000. Their total income was $13,310,057, and their combined taxes were $4,274,317. We are reducing the taxes of these three persons $2,616,701.12. So that the six highest taxpayers under this act will receive reduction of $7,961,165—over a million dollars apiece.

There were 74 taxpayers who made returns on incomes over $1,000,000. Of these, 36 reported incomes of $1,000,000 and over, 13 from $1,500,000 to $2,000,000, 15 from $2,000,000 to $3,000,000, 4 from $3,000,000 to $4,000,000, 3 from $4,000,000 to $5,000,000, and 3, $5,000,000 and over. Gentlemen, bear in mind we are talking of incomes of millions of dollars, not thousands of dollars. There was a time not very long ago in this country within my memory that a person with $1,000,000 was considered an enormously wealthy man, and the country then was prosperous, was rich, and was the leading industrial country of the world—before we had these multimillionaires. Now we are talking of incomes of millions of dollars. Applying Mr. Mellon's own formula—and he certainly can speak with authority when he talks on the possibilities of making money with millions invested, we are not only giving these six taxpayers a reduction of over $7,000,000 a year but on Mellon's own formula that saving will represent a capital of over $50,000,000 within a very few years.

Now, the purpose of an income tax law is to prevent the accumulation of enormous fortunes, and the control of industry and commerce that goes with such large fortunes, yet here you destroy that system by stopping at a 20 per cent tax rate on an income of $100,000. Gentlemen, this bill is not an income tax law in any sense of the word. It is repealing an income-tax system and seeking to avoid the responsibility for doing so.

Then we go on and we reduce the inheritance tax. The inheritance-tax method is as scientific as is possible under our dual system of government. Unless there is a system whereby the Government can become the collecting agency

for the States you will have unjust and unfair competition among the States.

We had an inheritance tax that was sufficient to break up these big fortunes continuing in a family. We had a gift tax which prevented evasion of the inheritance tax law, but you abolish the gift tax. You reduce your inheritance tax and you destroy the very purpose of an inheritance tax. The purpose of that law was not to get revenue; the purpose of that law was to go along with the income-tax system in order to prevent the wealth of the land from being concentrated in a few hands. Yet we hear the chairman of the committee, the gentleman from Iowa [Mr. GREEN], saying that he approves of this bill; that he is glad the gift tax was abolished. The gift tax is the child of the gentleman from Iowa. He brought it into life, with the able assistance of Doctor GARNER, who gave his tender help, because he assisted in the delivery of the child. Now, we find the gentleman from Iowa [Mr. GREEN] in full accord with his former antagonist, the gentleman from New York [Mr. MILLS].

What has happened? What has caused this unholy alliance between the gentleman from Iowa and the distinguished chairman of the great Ways and Means Committee? If the gentleman from Iowa [Mr. GREEN] would have his say and could present a tax bill of his own making, I am confident that it would be in keeping with the times, equitable and just, with sufficient vision to safeguard the future generations of America. And for the first time I believe he and the gentleman from New York [Mr. MILLS] are in complete accord. Let me remind the gentleman of the situation a little over a year ago, on page 3172 of the RECORD of February 26, 1924. Permit me to read.

Referring to Mr. MILLS he said:

> If this amendment either as presented last night or as presented now was a useful and proper amendment, then the gentleman from New York ought to be using his powers to support it, if it is a good amendment. If it is not a good amendment, he ought to be able to give us some reason why it should not be adopted. The gentleman from New York, with all his brilliancy, and he has brilliancy, has been found in this House here on every occasion when we sought to introduce anything that would prevent evasion of a tax and its payment on a basis of fairness, equality, and justice, opposing those amendments or at least voting against them.

[Applause.]

The amendment was offered on the floor of the House on February 25, 1924, by the gentleman from Iowa [Mr. GREEN] himself. By unanimous consent it went over to the next morning. Mr. GREEN withdrew the original amendment and submitted another amendment, which was passed by the committee, approved by the House, and is on the statute books to-day.

The first gift law. Now let me read just what Mr. GREEN, the distinguished chairman of the committee, stated at that time:

> Now, gentlemen can take their choice. So far as I am concerned I do not care whether a matter is approved by the gentleman from Texas [Mr. GARNER] or whether it is approved by the gentleman from New York [Mr. MILLS]. I will support it if it tends to prevent evasion under this law, and I will use my best endeavors to put it in the bill. [Applause.] Ever since I was connected with revenue matters, ever since I have been on the Ways and Means Committee, I have been endeavoring to get a gift tax inserted in the law. I proposed it at the first session when I was a member of that committee some 10 years ago. Ever since that time I have been laboring to get it inserted in the law, because I knew just exactly what would happen, namely, that these big estates would be gradually split up into different parts, thereby defeating both the income tax and the inheritance tax, and that is the reason our revenues are so rapidly decreasing from the big estates.

Yet after 10 years of fighting for a measure that was constructive, which was necessary and which was in keeping with our taxation policy, he abandons the child and smothers the infant in its first year of life. I am glad the doctor has entered the Chamber. I will say to the gentleman from Texas [Mr. GARNER] that I was talking about the gift tax. The people of my district like the gentleman from Texas; they admire the fight he put up against the Mellon tax plan. The tenement dwellers of East Harlem say:

> If you follow Mr. GARNER on taxation matters you can not go wrong.

Mr. GARNER, what am I going to tell these people now? How can I explain it? Tell them we abandon the whole policy of income tax law that you have been fighting for ever since you have been in Congress?

I do not want to destroy wealth, but I do want to abolish poverty, and something is wrong with the economic system of a government when the President, the Chief Executive, in his message to Congress pleads for charity for suffering widows and starving orphans and the Secretary of the Treasury comes in and asks for a reduction in taxes on incomes over $5,000,000.

Some gentleman said to-day that the income tax was socialistic. I do not know whether it is or not. I know that it is American and in keeping with American traditions, and I do know it is necessary, and I know that they have been fighting to change the system, as the gentleman from New York [Mr. MILLS] admitted yesterday, ever since it was put on the statute books. I do not forget the fight we had last year. Now, gentlemen of the minority party, may I make this suggestion. The Speaker of the House the other day deprecated the bloc system. He said that we must govern under the party system of two parties. Now, we have one party. You have not only broken up the bloc but you have broken up the entire minority, and you gentlemen of the minority have fused with the majority. It is the duty of a minority to check the greed and the ruthlessness of a majority.

If you permit this bill to go through as it was written in committee without fighting it, the Republicans will be entitled to all the good that is in the bill and you will have to take responsibility for all the viciousness of the bill, and you can not escape that. What chance has a lone Member of the Republican side to offer an amendment if the big minority is going to stand still and go along with Mr. Mellon.

This is the original Mellon plan with a vengeance. It makes up accrued interest for time lost. This is worse than the original Mellon plan, for there at least they stopped at 25 per cent. Here they stop at 20 per cent on a $100,000 income and give all to the million-dollar income man. You can not go along with this plan. There are many Members on the Republican side who will vote for an amendment that will change the income-tax schedule and retain the tax policy of the country.

The gentleman from Texas [Mr. GARNER] read from the platform of the Madison Square convention. Are you going to stand by it? I tried to get a copy of that platform during the campaign, but I could not get it, Mr. GARNER. I do not know why you did not publish it. [Laughter.]

You are not now going to abandon the American people as a minority party, are you? What do you suppose the Republicans would do to you if you brought in a bill like this and you were the majority party? Do you suppose they would sit idly by? Of course not; and of course they come now and say, "There is no partisanship in this; there is no politics in this." When is there ever any politics in this country when it benefits the millionaires? That is what this bill does, because the bulk of the reduction is on incomes of a million dollars and over. I will go along with 20 per cent on $100,000; I will go along with 20 per cent on two or three or four hundred thousand dollars of income; but when you come to the 44 taxpayers that are going to receive a benefit of $20,000,000, then I think it is time to call a halt. Let us stand together and equalize the burdens of taxation.

I do not believe we should abandon a policy that has been adopted after one generation of legislative fighting and let it go by default. I do not know what happened to the minority. It is beyond understanding; but I do make an appeal, gentlemen, to the Democratic side, because there is no Member on this side who can afford to offer an amendment. Have they not the terrible example of what happened to some of us for being independent? You do not expect any new Member to try it, do you? Do not ask these men to do that. You have a duty to render to the American people, and you have got to show up this bill, and some prominent member of the committee—and I believe it should be the gentleman from Texas, who led us in the fight last year—should introduce an amendment changing the schedule, making it 20 per cent on $100,000, and then graduated up to $500,000, and fixing at least 30 or 35 per cent tax on incomes of $500,000, $1,000,000, and over. We can pass such an amendment.

There are gentlemen here coming from the Middle West who would not dare vote against such an amendment. There is going to be an election this year, you know. The papers are not talking about this tax bill now. You can not expect the papers in my town to talk about a reduction of taxes on incomes over $1,000,000; of course not.

The gentlemen from many States, and particularly the Southern States, have been getting up and upholding this bill. Wait until your people understand it. Wait until there is discussion of it on the stump. You gentlemen may not have elections

down South, but you have primaries, and they tell me they are pretty lively, too.

The bill repeals the publicity clause. They say the provision produced no income; nobody wanted it; and now it goes out without a murmur and without a protest. The gentleman from my own city, Mr. MILLS, said the only people who wanted this clause were the curiosity seekers, the demagogues, and the soap-box orators. I will tell you something about that. I do not know just how useful the publicity clause is, but it is necessary.

Why, last year on income taxes we collected $33,000,000 more than we did under the previous act, and I have just as much right to say that we collected that because of the publicity clause as Mr. Mellon has to say we collected it because the rates were lower. Of my own personal knowledge I know one case where the publicity clause was very useful, and that was a case in New York, where a large manufacturing plant sought to reduce wages, and the workers got hold of their tax returns and showed that this concern was making excess profits and was not justified in reducing wages. If the publicity clause did not do anything else but serve that purpose, it is a necessary feature of the law. [Applause.] I am glad somebody agrees with something I say, and yet you are going to throw out that provision.

I am not going to ask for any more time, and my time is nearly up. I hope the gentleman from Texas [Mr. GARNER] will offer the amendment I have suggested. I hope that some other floor leader will do it if the gentleman does not. We ought to have the opportunity of expressing our views without having to swallow the whole bill; and I will say frankly now, if the bill comes to a final vote as it is now, I am going to vote against it if I am the only Member of the House voting against it. [Applause.] I am not afraid of it.

The people of my district have not big incomes, but they understand taxation. Now, I repeat in closing that this is not a tax-reduction bill; it is a change of the income-tax system of this country. It is a bill which will make possible the amassing of greater fortunes in this country than exist to-day. If 10 men who pay the higher rate of taxes were to take all their property and leave the country, the country would go on just the same, but if the 7,000,000 other taxpayers were to leave the country with their property, business, science, commerce, and education would stop. If the future welfare of this country depends on 14 or 15 men, it is time that we should stand up and take notice. I do not believe it does. This country is wealthy; it became a great industrial nation before we had these big fortunes. It will continue after these particular men are gone. If you want to keep the Republic, if you believe in democracy, you better start thinking on this bill now. It is vicious; it is inequitable; it is unjust; and because of these reasons it comes out now with an unanimous report, containing all the vicious features of the previous bill, which we defeated on the floor of the House. The country appeals to the Democratic Party to do its duty as a minority party and to lead in this fight. We can change the schedules and not leave all of this work for the Senate to do, because, gentlemen, it may go through here, but, thank God, the Senate is still functioning. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield 30 minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman and gentlemen of the committee, I have been very much interested in the debate on this bill, and I know I shall be as much or more interested in the the present tariff law, because we realize that tariff taxes are many Members not only on the Ways and Means Committee but in the membership of the House on both sides who will try to have the bill amended. I want to have it amended in some particulars myself, but what does the bill in its present form do? It relieves the smaller taxpayers by increasing the exemptions and by earned income provisions and reduction of the normal tax of $95,000,000. It also relieves the people of America of $132,000,000 in sales taxes. That amounts to more than $200,000,000 tax reduction on the average man, woman, and child in America.

Now Democrats feel and have always felt that all taxes are evils. We would like as Democrats to run the Government without taxation if it could possibly be done. We feel that sales taxes are one of the most vicious kind of taxes on the people because we know and realize that a sales tax bears more heavily on the masses of the citizenship than any other kind of a tax. We would also be glad to reduce the tariff taxes in the present tariff law, because we realize that tariff taxes are more burdensome to the masses of the people of America than any other tax on the statute book. However, we are prohibited and prevented from doing that.

Now, I think the gentleman from Iowa [Mr. DICKINSON] is the chairman of the farm bloc in this House. That farm bloc is estopped from doing anything in regard to farm-relief legislation during the Sixty-ninth Congress. I was very much surprised and chagrined to see my friends from Iowa, Mr. DICKINSON, Mr. HAUGEN, Mr. BOIES, and Mr. GREEN, my Republican friends from the Middle Western States, the great wheat and farm belt of our country, voting to emasculate the rule on the first day of this session to prevent consideration of farm legislation which they think is necessary. But they voted that way; and when they voted that way, they knew what they were voting for.

I think it will come with poor grace for these gentlemen from Iowa, Mr. DICKINSON, Mr. HAUGEN, and other gentlemen from the Middle West on the Republican side, to make very many speeches in this Congress advocating farm-relief legislation approximating the McNary-Haugen bill, because they knew when they voted last Monday for the emasculation of the rule that they could not possibly have the Agricultural Committee of this House report a bill along the lines of the McNary-Haugen bill, which the President and Mr. Mellon and Mr. Jardine oppose. They knew that they could never get the Agriculture Committee in this House to report that kind of a bill which they have been talking about all this summer over the Western States.

You tell me that the people of America are prosperous. I admit that the people in the industrial sections are prosperous, but in the wheat and corn sections of the country they are not prosperous, and I do not believe you could get a single Republican from Illinois, Iowa, or Nebraska to go on the floor and say that the farmers of those sections are prosperous. And yet you know, my friends, that you have estopped yourselves from trying to do anything for your farmer constituents except to make speeches on the floor of the House for home consumption. So much for that.

The people of the country ought to know, and I think the newspapers of Iowa and the newspapers of the Middle West ought to take it up and tell the people. Of course you may fool your people about it, but you can not fool a single Member on this floor, because every man knows that when you voted for that rule that you voted to hog tie yourselves. So we have $200,000,000 saved for the various taxpayers of America, and yet they say we ought not to support this bill.

I believe that the capital-stock tax ought to be repealed—and every business man who appeared before us in the hearings said that he wanted the capital-stock tax repealed—in order to do away with one of the returns. It is annoying to have to make these returns. They went so far as to say that if we took the capital-stock tax off, to place it on the income end of the business of corporations, but the Republicans would not do that, and do you know why? I will tell you why. They would not do it because they were afraid somebody would say, truthfully, that they had increased somebody's taxes.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. GREEN of Iowa. Does my friend think, when the small corporations are taxed as heavily as they are now, so that the stockholders are charged heavier taxes than they would if they were conducting the same business in the manner of a copartnership, that their taxes ought to be raised in order to relieve these great companies from paying the capital-stock tax?

Mr. OLDFIELD. No. But out of the four or five hundred thousand corporations in America more than 100,000 of them lose money every year instead of making money. Why should a corporation that loses money be compelled to pay a capital-stock tax? Why not put it on the corporations that make money? If the corporation does not make money, then it does not pay the corporation tax.

Mr. GREEN of Iowa. Has the gentleman ever made any computation as to how much tax those companies pay? The capital-stock tax is based upon the fair value of the assets, and if a company is not making any money, as a rule its assets are not worth much, and, besides, it is only $1 a thousand.

Mr. OLDFIELD. I know it is only $1 a thousand, but it compels them to make an additional return, and thousands of them have to pay it. Secretary Mellon opposed this proposition, but every business man who was questioned about it said yes, to put it on the other end of this proposition, to add a little more on the flat tax of 12½ per cent and get rid of this return. Secretary Mellon opposed it vigorously, so that we did not get that reform in this bill.

Mr. GREEN of Iowa. The gentleman is aware that this is really the only tax paid on the special privilege, and it is quite

a privilege, of doing business as a corporation. It is a little tax, and about the only people to whom it amounts to very much are these extremely large companies that are holding great timber tracts for speculative purposes. They do not pay any other taxes because they are not actively engaged in business, but are simply holding for a rise in value.

Mr. OLDFIELD. I know that the only argument that can be made for it is that it is a tax on that privilege, but I made the experts before the committee admit that there were very large corporations, holdings companies, that got out of paying any capital-stock tax at all. I wanted to amend that, and I shall offer an amendment when the time comes, because if you are going to tax the capital stock of corporations that do not make any money it seems to me an outrage to permit one to escape which does make money.

The surtaxes were reduced to 20 per cent, thereby relieving the rich taxpayers of $98,000,000. Personally, I would have preferred to make the surtax higher than 20 per cent, but we did not have the chance. There was not a single Republican on the committee—and I dare say there is not a single Republican in the House, especially those who voted for the emasculation of the rule the other day—who would vote for more than 20 per cent. We have reduced the tax on the people of America more than $200,000,000 on the average man and woman of America, and $98,000,000 on the rich of the country—in all $325,000,000—and we could have reduced it at least seventy-odd million dollars more and stayed within the boundary here. The gentleman from Iowa [Mr. GREEN] knows, and the gentleman from Texas [Mr. GARNER] knows, and I know—and I do not know what other members of the committee heard the statement—that there is a defect in the law, which was about to lose the Government Treasury $77,000,000, and that amount is counted in here as going to be lost, but that defect has been cured, and, therefore, we should relieve the taxpayers of the country of that $77,000,000 more in this bill, and we ought to do it by taking off the balance of the automobile tax.

Mr. GREEN of Iowa. The gentleman understands that that matter is not yet decided.

Mr. OLDFIELD. I know, but it is decided as far as this bill is concerned. That is in the courts. Mr. Gregg is a wonderful expert, and I do not think there is any abler in the country. He wrote the language correcting the defect, and I have no doubt that he knew what he was doing, and it will save $77,000,000, and we ought to take advantage of that by doing away with other sales taxes.

Mr. BACHARACH. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. BACHARACH. If I understood the gentleman from Arkansas, he stated that he was in favor of taking off the capital-stock tax of $93,000,000 or $94,000,000, and also taking off $70,000,000 of the automobile tax.

Mr. OLDFIELD. Yes.

Mr. BACHARACH. That, in all, is about $162,000,000?

Mr. OLDFIELD. Yes; but as the witnesses before our committee advised, those who were interested in the capital-stock tax, they would be perfectly willing to add the amount we lost there to the flat corporation tax, and it would be much better for them as business men so that we would not lose any money because of that. We would save it by increasing the flat tax enough to take care of the loss there.

Mr. GREEN of Iowa. Of course those gentlemen would be willing. Some classes of corporations would be benefited and others would lose. The particular gentlemen who appeared before us, as is always the case, were always ready to take the tax off themselves and put it onto the other fellow. None of the large corporations who are making less than 6 per cent, or even up to 8 per cent, wanted to have this shifted, and none of the small corporations wanted it shifted, because it would have inflicted a great injustice on them.

Mr. OLDFIELD. I do not think so. I realize that every man connected with a corporation that makes money would rather have it the way it is now, but what about these corporations that do not make money? Secretary Mellon opposed it, but I dare say that he is not connected with any corporation that does not make money, and from the newspaper report it would seem that they make a great deal of money. However, I wanted to call that to the attention of the committee. That is this bill in a nutshell. There is not much more to it, except the inheritance tax.

Secretary Mellon did everything he could do to have the committee repeal the inheritance tax law. We refused to do it. Of course, the rates were reduced and probably ought to be reduced for the reason that we wanted, men like those who feel as I do, to save the inheritance tax to this country. Gentlemen came before our committee, some very wise men, and some who did not know what they were talking about on the question. I refer when I say that to some of these committees from Mr. GARNER's and Mr. GREEN's States. They did not know what they were talking about, but the governors who came here also did not know about the inheritance tax, the principle and all about it, but everyone when they got through came around to the committee's view and said this, "We know you are trying to do a thing which will not only help the Federal Government, but every State in the Union and if you do what you propose to do—and we did it—everyone is in favor of it." It is easy to understand why. No man in this country ought to want competition between States to have rich men come to their State to live and leave the other States. That is exactly what is being done in certain sections of the country, like Florida, the District of Columbia, and Alabama. I am not criticizing those States, but I am stating my view of it because in those States where they do not have inheritance and income tax they must have the service. They must build hospitals, they must build roads, they must build schools, and the poor of no State can pay all the taxes necessary to make a great State. Therefore, after you get them to those places in a few years they are going to come along and make up for lost time. But if you want to help the farmers of America you can help them more by sustaining the inheritance tax in this bill. An income tax does not affect the farmer, for not one in ten thousand pays such a tax. I told the Republicans on the committee that sometimes they were pretty cute about the tariff business in reference to the farmers. They collect so much tariff taxes from the farmer that at the end of the year he has no income tax to pay. It is a pretty simple thing when you understand it.

Mr. LAZARO. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. LAZARO. Before the gentleman leaves the inheritance tax will he please explain to the House the difference between the old provision and the new provision?

Mr. OLDFIELD. The gentleman means in regard to credit?

Mr. LAZARO. In regard to the inheritance tax. The difference between the present law and the proposed law, the difference in regard to reductions and credits to the State.

Mr. OLDFIELD. Under the present law the highest tax is 40 per cent, as has been explained. But the credit provision is 25 per cent to the State. We have increased that to 80 per cent, and we have done that not to force any State to do anything. I do not believe in forcing States to do anything, but I do believe we should hold out inducements to the States to try to get along and put on the statute books of the various States an effective uniform inheritance or estate tax law.

Mr. QUIN. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. QUIN. Does the gentleman mean the State of Arkansas will get 80 per cent of all the inheritance taxes?

Mr. OLDFIELD. Yes. It means this: They get a credit of 80 per cent. Suppose Arkansas collects under inheritance tax $800,000, and suppose the Federal Government should collect $1,000,000. Then the State of Arkansas would not pay anything into the Federal Government because it gets 80 per cent.

Mr. QUIN. Taking a specific case, if my father died and left an estate of a million dollars and paid the inheritance tax, what would the State of Mississippi get?

Mr. OLDFIELD. Get 80 per cent.

Mr. QUIN. Of all paid both by the Federal Government and the State Government?

Mr. OLDFIELD. That is my understanding. He gets a credit of 80 per cent. For example, you pay a county, State, and municipal tax. When they go to pay the Government tax they have a right to a credit of all these other taxes you have paid up to 80 per cent on the Federal and estate tax.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. LAZARO. I want to say to the gentleman from Arkansas that while the Committee on Ways and Means has convinced the governors on this proposition, yet there are many people at home who do not understand it, and I think you should make this perfectly plain, not only for the benefit of the Members of the House but for the benefit of the country.

Mr. GREEN of Iowa. Mr. Chairman, if the gentleman from Arkansas will permit, I think I can make it perfectly plain. The first thing that is done with reference to the estate tax is to assess the Federal tax. We may say with reference to a certain State, "The Federal tax is found to be $100,000. The next thing is that the administrator comes along and says, "I have been paying some inheritance taxes to the State. I have paid $50,000 to the State in the way of inheritance taxes." Then the Federal collector says, "All right; you can have a credit

for that amount. You can have a credit up to 80 per cent of the Federal tax. If your State tax amounts to more than 80 per cent of the Federal tax that is all the credit you will get in any event."

Mr. LAZARO. Then you would not pay anything to the Federal Government?

Mr. GREEN of Iowa. The Federal Government always gets 20 per cent of the tax. There is nothing to be turned back to the State. Some people think that something will be turned back to the State. There is not anything of that kind at all. The estate simply gets the credit for the amount it pays in State taxes.

Mr. SABATH. To the extent of 80 per cent.

Mr. GREEN of Iowa. Yes; to the extent of 80 per cent, provided the State requires that much tax. Very few of the States impose taxes that amount to that much.

Mr. LAZARO. The gentleman has proposed the provision that is in this bill?

Mr. GREEN of Iowa. Yes.

Mr. LAZARO. Will the gentleman explain the provisions of the law as it stands to-day?

Mr. GREEN of Iowa. The only difference between the way it stands to-day and the way it is framed in the proposed law is that an estate can get it up to only 25 per cent of the amount paid to the National Government.

Mr. LAZARO. There is a difference in the rate also. The present rate is 40 per cent.

Mr. GREEN of Iowa. The gentleman is talking about the general tax. Of course, we have changed the rate.

Mr. LAZARO. Yes; from 40 to 20 per cent.

Mr. OLDFIELD. Let me answer the gentleman from Louisiana with an example. For example, take an—

Estate of	$450,000
Exemption	50,000
Net estate	400,000
Federal tax	12,500

Suppose the estate paid to the State of blank an estate tax of $10,000. Then when that estate makes its return to the United States Government it will report a tax of $12,500. It will take a deduction of 80 per cent of $12,500 or $10,000. The estate will pay to the Federal Government in tax $2,500.

Suppose that the estate paid to the State of blank an estate tax of $15,000. It will take a deduction of 80 per cent of $12,500, or $10,000. It will pay in tax $12,500 minus $10,000, or $2,500.

That is, if the tax paid by an estate to a State is less than 80 per cent of the Federal tax on such estate, it will get an exemption on the Federal tax of the entire amount paid to the State. If the amount paid by the estate to a State is greater than that paid to the Federal Government, then such estate will receive an exemption of only 80 per cent of the amount of the Federal tax and will pay to the Federal Government 20 per cent of the calculated Federal tax. The Federal Government will always get 20 per cent or more of the tax levied under the estate tax.

I trust I have answered the gentleman's question.

Mr. GREEN of Iowa. The maximum under the law was 40 per cent. The maximum under the new law is 20 per cent.

Mr. GREEN of Florida. May I ask the gentleman from Iowa a question in the gentleman's time?

Mr. OLDFIELD. Yes.

Mr. GREEN of Florida. This bill proposes to raise a certain amount of revenue for the Federal Government, does it?

Mr. GREEN of Iowa. Yes.

Mr. GREEN of Florida. When you charge 80 per cent off of this amount, would not that make a great depreciation in the amount raised for the Federal Treasury?

Mr. GREEN of Iowa. Undoubtedly. But next year it will make no difference of any consequence, because the Federal law applies only to estates of some little size, and they are not usually settled up within the year. Next year it will make a little more; that is, the calendar year of 1927. It will probably make from $10,000,000 to $20,000,000. As time goes on it will increase up to probably $50,000,000. That will be probably five or six years.

Mr. GREEN of Florida. Then you propose to repeal that provision of the bill?

Mr. LAZARO. The committee did not have in mind the question of revenue, but you wanted to prevent competition between the Federal Government and the States?

Mr. OLDFIELD. Yes; and we wanted to relieve the taxpayers in the States. The most burdensome taxes are State, county, and municipal taxes. In the agricultural sections of the country they are more burdensome than in any other place, and in the poorer agricultural sections particularly the taxes are still more burdensome. Now, gentlemen, if we are going to relieve the agriculturists in the country, if we are going to give them relief in the future in taxation, it must largely come from this inheritance-tax proposition, because every dollar that the States can collect from this source will give the legislatures an opportunity to reduce taxes of other sorts upon the people throughout the country. The argument was made before the committee that this was a tax on capital. It is not true. It can not possibly be true that this is a capital tax. Why do I say that? Because it must be income in the hands of the recipient, and in 9 cases out of 10 it is unearned income, and therefore it is the most ideal way of collecting taxes of any in the whole gamut of taxation, and it is the soundest.

Mr. LAZARO. Will the gentleman yield for another question?

Mr. OLDFIELD. Yes.

Mr. LAZARO. Is it the intention of the committee to get out of this field of taxation in the future?

Mr. OLDFIELD. Certainly. I realize this: That the States have the first call on this tax. I did not agree with the President when he said the United States ought to get out of it at once, because, forsooth, the States give to the people the right of inheriting property. You gentlemen know that some great fortunes in this country are taken out of not only every State in the Union, substantially, but out of every county and school district of the Union. It seems to me that such an estate should yield a tax not only to run the Federal Government but also the State governments. Special privileges granted by the Federal Government have gone far toward the amassing of great fortunes in America.

The Teapot Dome is one instance, and it was an Executive privilege. I claim that through the tariff laws there have been special privileges given to men who have great wealth in this country, and why should not that wealth bear its proportion of the burdens of the Federal Government and of every State government, county government, and municipal government in the Union?

Mr. SEARS of Florida. Will the gentleman yield?

Mr. OLDFIELD. I yield to my friend.

Mr. SEARS of Florida. My colleague said this was done for the purpose of helping the farmer. I have not been in the great State of Arkansas—I believe you call it Arkansaw—but how many farmers have you out there who have a net estate of over $50,000.

Mr. OLDFIELD. The gentleman misunderstood my statement. Of course, the farmers are not going to be hurt by having this sort of law, not one in a thousand.

Mr. SEARS of Florida. How much are they going to be helped?

Mr. OLDFIELD. If in Arkansas they get $1,000,000 in taxes through an inheritance tax, the legislature should certainly be able to relieve the farmers of a lot of their local taxes in the community—taxes for schools, roads, and everything else that goes to make a State great, if you please. That is the reason I am for the proposition, and you will come to it in Florida. When you get them all down there you will repeal your law, and you ought to do it.

Mr. SABATH. Is it not a fact that you reduce by 50 per cent the inheritance tax on all of the larger estates?

Mr. OLDFIELD. Yes. I do not believe in that, but I will give you my candid opinion, that the propaganda has been so prolific here and all over this country, even in Arkansas and everywhere. This propaganda was carried on by tax clubs, business interests, newspapers, the magazines, and all of that, and was carried on to such an extent that they came very nearly destroying the inheritance tax in this Congress, if you please.

Mr. SABATH. So that in your desperation to save the inheritance tax you have agreed to the cut, otherwise you were fearful the entire thing would be repealed?

Mr. OLDFIELD. Yes. I believe an inheritance tax is just for this reason: There are billions of intangible wealth in this country—notes, accounts, stocks, and bonds—and you know that in the States, in my State and in your State, they do not collect on that intangible property, because they can not.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. COLLIER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. OLDFIELD. It has seemed to me that this intangible property ought to pay an inheritance tax once in a lifetime, and it does not pay it now and you gentlemen know it does not.

Mr. LAZARO. Will the gentleman yield to me for a question?

Mr. OLDFIELD. Yes.

Mr. LAZARO. Were those clubs interested in seeing that the States got this tax or were they fearful that the States would follow Florida?

Mr. OLDFIELD. Would follow Florida, of course. The men who came before our committee against the inheritance tax were against all sorts of inheritance taxes. They admitted their States would not take it up and handle it properly.

Mr. WEFALD. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. WEFALD. Are we to understand that the Democratic leader surrendered on account of the Mellon propaganda?

Mr. OLDFIELD. Why, certainly not.

Mr. WEFALD. He has surrendered, though.

Mr. OLDFIELD. No; we have not surrendered. Every Democrat believes we should reduce taxes every chance we get to reduce taxes. I am usually willing to follow my friend and have great admiration for his honesty, sincerity, and ability, but the trouble about it is he is trying to do an impossible thing while I am trying to do the possible thing. Here we have a great feature of our taxation system and you could not save it, I will say to the gentleman from Minnesota, if his advice were followed. They would vote it out of this bill on this floor, and they have the votes to do it. I do not want to see that done.

Mr. WEFALD. If the Democratic Party would take my advice, it would come back after the next election in numbers strong enough to pass a real bill.

Mr. OLDFIELD. Would the gentleman from Minnesota stand with us?

Mr. WEFALD. I would whenever you have sense enough to take a stand in the interest of our people.

Mr. OLDFIELD. We always do that.

Mr. GREEN of Florida. Will the gentleman yield to me?

Mr. OLDFIELD. Yes.

Mr. GREEN of Florida. The gentleman is aware of the fact that Florida has an amendment to its constitution?

Mr. OLDFIELD. Yes.

Mr. GREEN of Florida. Does the gentleman censure our citizens and our tax club for supporting their constitution?

Mr. OLDFIELD. No; I do not; I do not censure anybody or any State; but I do think the State made a mistake, and I think the State will before many years correct that mistake. That is the way I feel about it, because I know there could not be a more just system of taxation than an inheritance tax.

Mr. GREEN of Florida. We all admit that there is depression in some sections of our country, probably caused by the imprudence of our citizenry, but is it right to relieve this depression by thrusting a spear into the side of Florida and relieve them thereby?

Mr. OLDFIELD. The people of Florida have a right to do just what they want to do.

Mr. GREEN of Florida. Thank you.

Mr. OLDFIELD. But I hope to see the time come in the near future when we will turn over most of the functions of the Federal Government to the State governments, where they belong, local self-government. [Applause.] I want to see the time come when we will have the Government as close to the people as possible and as far away from these bureaucrats here as possible. Do I criticize Florida? No, indeed; but I do say the time will come when Florida will correct what I think and feel is a mistake.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. CONNALLY of Texas. Does the gentleman mean to charge that Florida intends to get all of these millionaires down there and then change their law?

Mr. OLDFIELD. No; I do not mean to say that; but I do mean to say that is probably what will happen.

That is all I have to say, gentlemen, and I thank you. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. FREAR]. [Applause.]

Mr. FREAR. Mr. Chairman, an Associated Press dispatch of November 25, 1925, carried the following item typical of many others from the same source, which, clipped from Wisconsin papers, contains the following:

> A plan has been tentatively advanced to postpone organization of most of the House committees entirely until the tax bill is disposed of, probably just before the Christmas recess. Representative LONGWORTH, floor leader at the last session, favors the plan as one to prevent delay and interference with the tax measure * * *. Mr. LONGWORTH has specified a dozen important committees besides the Ways and Means Committee from which he believes Republicans who supported Mr. La Follette should be removed.

Incidentally, the 10 Republican Members from Wisconsin have represented that State in Congress from 6 to 32 years in each instance, or a total congressional service of more than 100 years for the 10 Members. They were all elected as Republicans and received over their Democratic opponents last campaign an aggregate majority of more than 320,000 votes—in a State that was the birthplace of the Republican Party. These Representatives have been removed from committees by the order of a near relative of Theodore Roosevelt, who was the greatest "insurgent" Republican of modern times. Is it now as then a political offense to have an individual judgment?

Between 25 and 60 independent Republicans supported different amendments to the Mellon tax bill last session changing its character entirely. These have been warned by repeated newspaper interviews that regularity and support of the new Mellon bill is necessary to keep or secure good committee assignments. The price of committee assignments for the first time in history was announced to be voting for Speaker LONGWORTH and the Mellon tax cut bill.

From the presidential platform plank of a great progressive Republican and ex-President and a foremost American statesman, I quote:

> We condemn * * * the President's [Taft's] distribution of patronage among subservient Congressmen while withholding it from those who refused support of the administrative measures.

Which will the country approve, Theodore Roosevelt's 1912 platform denunciation of patronage purchases of Congressmen that rewarded Taft with 8 out of 500 electoral votes, or the recent threat and demand as a condition precedent for committee positions, support of the new Mellon tax bill and of the gentleman for Speaker who laid down such conditions?

Mr. Chairman, I desire to speak upon the tax bill now before us. We all want to lower taxes. We all want to get taxes down as far as we can safely reduce them. There is no man on this floor who is not willing and anxious to lower taxes. The only question with every Member has been the application of the tax cut, and that has occasioned decided differences of opinion until this year. For the first time now we find my good friend, Brother GARNER, Democratic leader on the committee, who inquired where I was in his speech the other day, and my good friend and Republican, Brother GREEN, committee chairman, who jointly with GARNER, has worked out a proposition together. It is found in the bill before us.

You know, I used to be a member of the Ways and Means Committee. [Laughter.] I went down to the committee room on the opening day of hearings, October 19, when Secretary of the Treasury Mellon made his statement to the committee. I was still a member of the committee. I was, by order of the House, a committeeman, entitled to hold office in the committee until the opening of Congress, but, due to some oversight, the chairman of the committee forgot to remind me of the meeting and of several meetings afterwards. So I did not go up and take the exalted position occupied by my good friends, Brother GARNER and Brother GREEN, but I sat down below and listened.

In passing, I desire to express my grateful acknowledgment to every member of the committee, including especially Chairman GREEN, for our acquaintance and our friendship in the past during several years of hard work, and I have no harsh feeling in regard to what has been done. If on the committee, possibly I would have been alone opposing some propositions in this bill, and uncertain all the time what the attitude of Chairman GREEN or my friend from Texas [Mr. GARNER] here at my right would be. Let me say this to the House about that great committee. It is composed of able men throughout. It has the best assistants of any committee I have ever known, particularly in recent years. All of those who have had credit handed them here, Mr. Beaman, Mr. Gregg, and others, are brilliant men; but you have a good force also in the office, and you have had for years. Chief Clerk Clayton Moore and the other clerks who assist you are invaluable, and I say to those who are not familiar with the work of the committee that if you want assistance at any time on tariff, taxes, or other similar subjects and want to ascertain the real facts, go to those who are there constantly in the committee room and you will get them.

I am not going to refer to the reasons why I was left off of the committee, nor have I any serious feelings on the subject, nor does it make any great difference to me what committee I

am placed on, or if I am placed on any. A distinguished gentleman from Texas is represented on the Committee of the Whole, and he told me some time ago in strict confidence—and I do not know whether this is a betrayal of confidence or not—that he would let me go with him on the Committee of the Whole. So, gentlemen, with your permission and with his, I may be here when you are over in the committee, and if necessary we will have to bring you here occasionally to attend to the real business of the House.

One of the members of my delegation suggested that I say something further. He asked me to explain that our position as Republicans has been made clear in the nominating speech I offered here the other day for Mr. COOPER of Wisconsin for Speaker—and, by the way, I was directed to make it as chairman of our State delegation. Further, I was asked to emphasize that no one is entitled to speak for us. Every member will speak for himself unless he directs otherwise, and that explains our position. We are all Republicans, with some legislative experience, amply able to speak for ourselves. So I am making this statement at the request of other members of our State delegation.

Let us now get to the bill. When I went into the committee room on October 19 I looked up and there saw my good friend, the very able chairman of the committee, Brother GREEN of Iowa, Republican, sitting on one side, and next to him was Brother GARNER of Texas, Democrat, and I recognized that the lion and the lion tamer had been brought together—the elephant and the Democratic beast of burden, and I knew from reports they had agreed in advance on the tax bill. I also concluded this is no place hereafter for an innocent lamb that does not want to get shorn. [Laughter.] And so I left the bill in the hands of the distinguished gentlemen who sat behind the counter listening to Mr. Mellon's recommendations to find out what they had agreed to. For they had agreed in advance, according to the press, to the new Mellon bill. This was on October 19. What happened on the following day, October 20? You remember in 1923 over $400,000 was spent for propaganda in one magazine, the Literary Digest, in order to carry through the Mellon bill.

You will recall they must have spent at least half a million dollars or more for the digest counting about $300,000 for postage alone, and several other millions of dollars were spent in propaganda for the Mellon bill in the movies, the press, and everywhere to "Vote for the Mellon bill" by people who could not tell a Mellon bill from a coal bill. You did not hear a whisper this year. Did not that excite your suspicion? Do you know why? This is what happened: On the day after I went in there and looked up that august committee with Judge GREEN on one side and my good friend, GARNER, on the other and Mr. Mellon before them, I asked myself, "What is to come on the morrow?" Why, next day a distinguished array of tax experts appeared. From where? From Texas. There was the butcher, the baker, the candlestick maker, some bankers, some local politicians, all experts, to tell my friend, Mr. GARNER, leading Democrat on the committee, what he had to do, for he could not get contributions for the Democratic national campaign unless he did it, and that is a sensitive subject, even in Texas. Their proposition was: We have a club, a real club, and we are going to get you if you do not come down—and he came down, as we may judge from the bill before us. I thought to myself it was unkind, because I do not know of any more independent man or more valuable man, let me say, on the Democratic side of the Chamber; dare I say on both sides—I do not know whether I am in sufficiently good repute as a Republican or not—but he is a good, strong man, in any event. I say it here to his face, and yet he had to come down. What happened the next day? Well, my good friend over here at my left, Judge GREEN, the chairman, was sitting in pleasant companionship with my good friend Mr. GARNER. Then in came his tax club from far distant Iowa. Who composed the Iowa tax club that waited on my good friend from Iowa? There were 45 members of this tax club from Iowa, all brought down to Washington in palatial cars, all at the expense, not of themselves, but at the expense of the same fellows in New York and elsewhere who paid the expenses of the party from Texas. They had in that array of tax experts 15 newspaper men, all tax experts from Iowa, and they told me they had an undertaker along to take care of the dead. They came here with the same club and held up their guns, and Judge GREEN was told like Judge GARNER to come down. Yes; campaign contributors are all powerful, and they do not come from Texas or Iowa. They are from the fellows who pay for the trains.

The next day there was an accident on the railroads. I do not know how it came about, but that was the 22d, and the expected train and tax club was sidetracked, for no one showed up. On the 23d, however, in came the Georgia Tax Club to see my good friend, Brother CRISP, the distinguished member of the committee from Georgia. He nods acquiescence now, surely. You see I have been reading your hearings, gentlemen, if I have not been able to sit with you. Then came the governors' tax club, and so on to the end. The campaign contributors of both parties did not waste millions in press propaganda this year; they just brought down the political tax experts from home. That back-fire was persuasive. It was Davy Crockett down to date.

That is the way it worked, and that is what brought out this bill. I do not need to tell you gentlemen anything more, you can imagine the rest. Mr. Mellon's bill, with slight changes, is here before you.

POLITICAL TAX CLUBS

This year Secretary Mellon appeared before the Ways and Means Committee, as stated, on Monday, October 19. On Tuesday, October 20, the "Texas Tax Club" appeared before the committee. On Wednesday, October 21, the "Iowa Tax Club" put in its appearance, and incidentally was met accidentally at the White House by the president of a great New York bank. Friday, October 23, the "Georgia Tax Club" went into action, and by a coincidence the same local printer of this city performed a job lot of printing for all these different "tax clubs." Other clubs, including several "governors," followed after long trips to Washington in order to enlighten the committee and Congress on taxation.

These "tax clubs" knew little about taxation as a rule. They were generally composed of newspaper men, bankers, and small political wire pullers, including State political chairmen brought here to "reach" Congressmen and to create a political back-fire that would stampede Congress.

In the case of the Iowa Club, out of the 45 tax clubbers mentioned who came a thousand miles at somebody's expense, 15 or more were newspaper men from one congressional district who came to Washington to tell their Congressman he would be defeated for reelection unless he followed instructions from these men who spoke for Mr. Mellon. These 45 clubbers came here to "get" two Members of the Iowa delegation, and their methods were as gentle and persuasive as a highwayman with a blackjack.

Congress has been lined up by "tax" clubbers from nearly every State wherever doubt exists, financed by organizations to which bankers throughout the country are alleged to be large contributing agencies. Men of wealth are naturally interested in tax reduction that will benefit themselves, and no one gainsays the right or the desire to relieve them from tax burdens; but the blackjack method of intimidating Congress to relieve a handful of wealthy men, to the exclusion of the rest of the country, is perilous to any system of representative government. Threats to "get" any Member who opposes the Mellon program are more serious than fictitious issues voted by the Literary Digest or by full-page ads in metropolitan papers of two years ago. If such threats are not resented and such methods exposed, there will be no limit to the servility of Congress when required to do whatever is demanded of it in the future by these powerful financial and political agencies. Refusal to contribute to Republican and Democratic campaign committees in this day and age are unanswerable surtax-cut arguments. Contributions are necessary for both political parties. Tax cuts to contributors are first in order.

From a paper in my own district, far up in Wisconsin, comes the following heavy headlined syndicated article:

GREEN AND GARNER WOULD EMULATE BORAH

(By William L. Daley)

WASHINGTON, D. C., October 28.—Official Washington with all its traditions for dignity is not without a sense of humor. Watching the political by-play behind the scenes frequently brings out amusing situations in our national life. The latest incident was disclosed this week during tax hearings * * *.

It is currently reported that Congressman GREEN of Iowa and Congressman GARNER of Texas, chairman and minority leader, respectively, of the House Committee on Ways and Means, were placed in embarrassing positions by their constituents. Partisanship is not directly involved because GREEN is a Republican and GARNER is a Democrat. Both have been taking their committee jobs seriously. They have attempted, it is said, to write their individual opinions into the revenue laws, even against the advice of their political parties * * * (Mr. Mellon is the party).

The team of GREEN and GARNER representing different political views were united in opposition to tax plans of the administration, in particular anything formulated by Secretary Mellon. What tickled

the fancy of Washington this week was the spectacle of these two men being whipped into line by imposing delegations from their home districts demanding the adoption of the Mellon proposals on inheritance taxes, etc. The two insurgents were forced to introduce these representative taxpayers from their own States and listen to their indorsement of the Mellon proposal, a procedure which meant that GREEN and GARNER must take the back track or invite political extermination. * * *

So a Mellon rubber stamp or political extermination was the alternative offered two of the oldest tax experts in the House.

I respect highly both former committee colleagues and members of the committee generally and such reports sent broadcast bring disrepute to the committee and to Congress.

At auspicious moments it appears that the Texas and Iowa "Tax Clubs" composed of political wire pullers, local newspaper publishers, and local bankers all surrounded the leading Democratic and Republican members of the tax committee and reviewed the bipartisan new Mellon plan. By a coincidence, it is reported, these clubs and others held that defeat of the new Mellon plan will leave many hungry political strikers on both campaign door steps and probably create at least two vacancies among leaders in the tax committee. In view of the bill now reported compared with the same committee's action last session, some arguments have been forceful and fetching. Personally I have high regard for the ability, courage, and sincerity of both gentlemen named if permitted to exercise their unbiased judgment when framing a tax bill.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. FREAR. Yes; I yield to my colleague.

Mr. SCHNEIDER. Was there any tax association or tax club from Wisconsin there?

Mr. FREAR. No; we are too hardened to be swayed by such political tax experts in Wisconsin; but I will say this, and I am glad my colleague from Wisconsin brought that to the attention of the House: Back in Wisconsin, originating from the New York campaign contributors in the same way, certain bankers have been trying to drive the members of the State legislature to send word to us to support the new "scientific" Mellon bill that will bring large campaign contributions, but they could only get 20 members of the legislature out of 133, so they dropped it, and we have not heard from back home. We have been left to our own resources. Rather ignorant of the political effect and difficult to say just what we should do possibly—but we are trying to arrive at a proper understanding of this bill irrespective of Republican and Democratic Party campaign contributions at this time, and I now want to discuss it, if I may, for a few moments.

In connection with the bill of 1924 you will remember we had a hard contest in the House at times. In fact, politically we were charged with being irregular—those of us who succeeded in correcting the inequitable though "scientific" bill then before us. In fact, some people were unkind enough to suggest I am irregular now once in a while, not safe to serve on any major committee, and that charge is sometimes aimed at others who feel we are here as representatives of the people instead of the campaign contributors who paid for the trains and entertainment of the tax clubs.

I could say much more on inside facts that I know affecting this tax-club farce, but you have the situation before you that brought out this bill.

My Republican friends must vote for this bill. Why? Because it is a Republican measure, and you must stand for party measures, so you should vote for it. Yet it is practically the old Mellon bill, though far worse in many respects, and we now find both Democrats and Republicans supporting it. For heaven's sake, is party regularity this year to be a test? Last year that argument was used to press the bill which then failed, but now, with no political purpose in it except campaign contributions for both parties, it is not called a party bill, although it is the same old Mellon bill, offering some slight reduction to the people who are glad to get the crumbs from the table.

My objections to the new Mellon bill, briefly stated, are, first, to the surtax cut from 40 per cent to 20 per cent, or more than Mr. Mellon ever demanded in his old "scientific" bill; second, the inheritance tax cut on enormous fortunes from 40 per cent to 20 per cent; next, the repeal of the gift tax made in the bill as requested by Mr. Mellon; and lastly, the loss of the publicity provision, which he opposes.

The gentleman from New York [Mr. LAGUARDIA] said correctly that we had only tried it for a year. It is a babe in arms, as he stated in his strong address. We have had this on the statute books for a year, and why do you now repeal it? I have not heard offered a single excuse.

It is manifestly easier to criticize than to construct. The committee preparing the tax bill deserves credit for not making the bill as bad as it might have been, and some of the proposed tax cuts are beyond criticism. However, it unconditionally surrendered to Secretary Mellon's drastic demands for a maximum surtax cut of from 40 per cent to 20 per cent, or far less than half the British or Canadian rates. The reported bill also cuts maximum inheritance-tax rates from 40 per cent to 20 per cent, or less than half the English rates and attempted to set aside the law passed last session by making the new rate retroactive. The bill repeals the gift tax passed last session intended to prevent fraudulent transfers to avoid the inheritance tax. The bill repeals the publicity law passed last session designed to prevent tax frauds in general. The bill exhibits the most successful legislative triple-somersault act ever performed by the same political party in two succeeding sessions. This action in many respects is a full compliance with Secretary Mellon's demands. It should be kept in mind also that the Treasury head has opposed every effort of Congress to retain high surtaxes or any inheritance or gift taxes, and every effort to remove the cloak of secrecy from Treasury transactions that in fraudulent payments by the Treasury during the last five or six years, according to the Couzens investigation committee, have reached upward of a billion dollars.

The House exercised its constitutional prerogatives last session when it prepared and passed the last revenue bill. With slight modifications by the Senate that bill became the law. That revenue law gave generous tax cuts and needed relief to every citizen, repealing many war nuisance taxes and giving large reductions to small income-tax payers. The Mellon bill, that was then defeated, had proposed tax cuts of 50 per cent to large financial interests the same as does this new bill, and largely to the exclusion of small taxpayers.

WE MAY BE THANKFUL FOR SMALL FAVORS

The House tax committee is so selected this session that little opposition to Mr. Mellon's proposals were anticipated. His demand for a maximum surtax cut from 40 per cent to 20 per cent is included in the bill. Eventual repeal of Federal inheritance and gift taxes and also repeal of the publicity of tax payments as he proposes, all contained in the law enacted last session, are all on the program, though slightly modified by the bill now so far as the House is concerned. From this fact the Senate is expected to rewrite the tax bill as of old. Secretary Mellon could have written the surtax cut in the House bill at 10 per cent or less if he had seen fit to do so. He was temporarily satisfied with a 50 per cent cut and also with a reduction in surtax of from 65 per cent to 20 per cent in four years, allowing some small cuts to small taxpayers, for which we are grateful. Whether the country approves a cut in high incomes of two-thirds of the surplus, as he proposes, to the exclusion of nuisance taxes and other taxes remaining is yet to be learned. We may be thankful he did not again try to pass a consumption tax as he did once before.

A purpose to make the House a rubber stamp for administration proposals has often been manifested, and the boasted constitutional rights of Congress are frequently a byword, excepting as maintained by the Senate. Even Senators who voted for the soldiers' bonus and postal clerks' bills contrary to administration wishes have been given forceful evidence of Executive disapproval. Those in Congress who oppose any economic or social measure, whatever its character, advocated by the Executive or his Cabinet are threatened with political extinction by the financial, bipartisan political powers that now assume to represent the administration. This new political policy is more autocratic than anything known in recent history. It is well to learn the reason.

Political campaign contributions to both parties, as shown, depend upon a heavy bipartisan tax cut to be granted to heavy contributors. Political salvation for many Members may be had by accepting Secretary Mellon's drastic proposals without modification. This is the argument of "nonpartisan" "State tax clubs" from Northern and Southern States alike. More important than all other questions before Congress to-day, however, is the complete surrender of individual judgment and legislative independence now demanded by executive departments from Congress. Even committee assignments depend on such surrender.

The tax bill that will pass the House is to be a complete somersault in tax policies, compared with the law passed last session. Widespread interests that ask further tax exemptions, removal of automobile, admissions, and other nuisance taxes, and tax relief generally must wait because the maximum surtaxes are first to be cut in half, absorbing a third or more of

the surplus, while inheritance, gift, and other taxes primarily affecting wealth also are first slated for repeal.

A few suggestions affecting tax cuts are offered, not with the expectation that they will affect any program in the House but to set forth a mild protest against the tax somersault, which, if made, is contrary to the experience, laws, and policies of practically every other great government to-day and a program that at the crack of the whip exempts large wealth heretofore taxed on the theory of its ability to pay.

With this somersault program Secretary Mellon also proposes to pay to bondholders $20,000,000,000 of Government debts in 25 years, largely through taxation. This is a wide departure from the financial policy of our Government in the past, and if it be party treason to differ from the tax views and debt plans of Secretary Mellon, as asserted by some "leaders," then it is time a new standard of party fealty be advocated, with real party leadership.

ANOTHER THREAT AND CHALLENGE

Under the headline "Tax cut for rich can be promised, Longworth says," the Washington Post quotes Representative Longworth in two October Chicago speeches as saying, "The Republican majority will be militant and effective" and "He tossed the glove of challenge to the Wisconsin radical Republicans." This brave challenge from Mr. Longworth serves as a warning to independent-thinking Republicans. How far any tax cut for those not rich is to be made no promise was given by him.

The other side of the problem is illustrated by a Wisconsin friend of mine who is both banker and farmer, a necessary combination nowadays in farming. He writes me asking, "What will Congress do for the farmers?" If the collective heart of Congress is touched by the abandonment of 30,000 farms last year, by the plight of an army of New England textile workers on half-time pay, and by a hundred thousand idle Pennsylvania coal miners, it will seek first to relieve those in actual distress, including several million poor people who will suffer from cold this winter. Neither will six million farmers be helped especially by "cutting the taxes of the rich" in half or by wiping out the inheritance or gift tax or publicity of tax payments.

GREATER EXEMPTIONS AND REPEAL OF NUISANCE TAXES PARAMOUNT

Secretary Mellon is quoted as saying that a small income-tax payment by several millions of people stimulates interest in their country. He believes it tends to promote patriotism. He does not know their problems.

"Death and taxes are escaped by no man." That truism needs no diagram. Death reaches the multimillionaire with the same scythe that strikes down the poorest of earth, whom tradition says "God loves, because he made so many of them." Taxes are paid by every farmer and day laborer. It is also a truism that the man who pays rent or buys shoes pays indirect taxes in both cases, and thereby permits the landlord and shoe dealer to continue in business. Practically all people pay some tribute to the tax collector, the burden falling heaviest on small incomes which are needed to buy necessities of life. This is elementary, but offered to remind those who oppose further tax exemptions that reasonable tax exemptions are as necessary as exemptions from judgment executions. The strong effort to repeal taxes on wealth overlooks a specious argument of wealth that all taxes are passed on to consumers.

One more suggestion at the outset, the householder, whether his house is occupied or vacant, pays the local tax collector full assessed taxes, with no loss deductions or exemptions, and on an assessment that frequently increases whenever a coat of paint is added for maintenance. In like manner the farmer's land, buildings, and stock pay full taxes, sometimes reaching 50 per cent or more of the net profits, whether his crops are wiped out by hail, grasshoppers, or drought or his stock destroyed by all the plagues stock is heir to. He pays no surtax; he has no surtax income, but he pays heavy local taxes far more in proportion on the average than those who now pay the highest surtax. No loss deduction or exemptions are for him, and there are 46,000 farmers compared to every man who was called on in 1923 to pay a 40 per cent surtax on an excess of $500,000 annual income, which rate rarely reached 10 per cent to 20 per cent actually of the average high income. Seventy-five thousand seven hundred and thirty-five farm abandonments in the last five years were presumably largely caused by heavy local taxes, yet not one farmer in a hundred had a taxable income. Who shall say that the loss of 75,000 producers is not more important to the country than taxes justly imposed on 314 of the highest surtax payers in 1925, and yet their surtaxes have been and are to be cut from 65 per cent to 20 per cent, or a 70 per cent cut in five years. Five thousand six hundred and ninety-four people reported a 1924 income of over $100,000 for each. Fifteen thousand three hundred and eighty-two persons received over $60,000 income in 1924, on which from 20 per cent to 40 per cent surtax was paid in 1925. The rate is now to be reduced to 20 per cent maximum, with a saving to this handful of taxpayers of around $100,000,000. That is the loss to the Treasury—the cut promised in Chicago by Mr. Longworth.

Holders of stocks and bonds or similar investments pay no income tax unless income exists. The larger the income the larger the ability to pay ordinarily. That justifies the income tax and also surtaxes so strenuously opposed by those who would, if possible, shift the entire income-tax burden through a consumption tax to the shoulders of consumers.

Congress has with it constantly many of these sales-tax advocates to urge the repeal of income taxes and substitution of a consumption tax. Not one witness out of a hundred or more before the committee urged increased exemptions for the smaller taxpayers, but special interests are always represented there in force.

As Government expenses decreased after the war income taxes decreased, and the excess profits tax law was repealed to "relieve business," but farmers' taxes constantly increased. New highways, schools, and delayed local improvements often urged by outside contractors all jumped after the war. Increased taxes that are real "capital taxes" came to farmers in addition to personal debts, long delayed, which they must pay or their farms sold for taxes or on executions.

THE WAR DEBT

Our war debt has been reduced to approximately $20,000,000,000, and averages somewhat below $200 per capita. This war debt Secretary Mellon proposes to pay off in 25 years or less, yet the Civil War debt was reduced from $2,680,869,000 to about $1,000,000,000 in 48 years. If our present war-debt payment is extended similarly, the tax cut can be enlarged at this time to $500,000,000 annually. Referring to the proposed 25-year national debt payment, our net national debt of $927,068,121 was $9.52 per capita in 1913. In 1923, 10 years thereafter, the national debt reached $22,115,886,403, or $199.12 per capita (World Almanac, 1925). This was an increase of over 2,000 per cent both in amount and per capita within a decade, while Federal Government average expenditures have increased to 300 per cent.

Other taxes have grown proportionately. In New York, State and local taxes for 1922 were $24.48 per capita; in Pennsylvania, $14.56; Michigan, $28.26; Minnesota, $28.55; Wisconsin, $28.63; and Massachusetts, $42.10 per capita. From that showing alone Congress ought to extend the time of national debt bond payments to 50 years or more, irrespective of the insistance of any Cabinet officer. It would permit a $500,000,000 annual tax cut if so.

To justify the 25-year payment of $20,000,000,000, Secretary Mellon says payments may be made by foreign governments of debts due us amounting roughly to $10,000,000,000. These foreign debts if paid, or more likely refunded, will require a minimum of 62 years in which fully to mature, whereas he fixes 25 years as the limit for us to pay our own debt after relieving wealth of 70 per cent of its maximum surtaxes in the last five years if this bill becomes law.

That is the plan set forth on page 5 of the recent statement of the Secretary of the Treasury to Congress.

TAX REDUCTION WELCOMED BY ALL

Last session Mr. Mellon told Congress we could not safely reduce taxes over $300,000,000 annually in round numbers. Congress, however, reduced taxes $400,000,000, or $100,000,000 more than he recommended. It was then claimed in Treasury circles that a deficit would occur of from $200,000,000 to $400,000,000 annually, yet a surplus is now discovered of $200,000,000.

Maximum surtaxes were also reduced from 50 per cent to 40 per cent on all over $500,000 incomes by the law passed last session.

Secretary Mellon has frequently disagreed with Congress, as he did then. Insistence on his part on a retroactive repeal of the excess-profits tax, involving $450,000,000 to be repaid war profiteers, on a dye embargo, on a sales tax, on a tax rebate, ship subsidy, and other bills were all rejected by Congress. His opposition to a World War soldiers' compensation bill, Civil War soldier relief bills, and other measures was also contrary to the judgment of Congress. Failure of Congress in 1924 to cut the surtax to his figures compels a further demand from him upon Congress to that end. Every small-tax payer has been fairly protected by Congress in the two tax reductions made in 1921 and 1924, and the maximum surtax was also cut from 65 per cent to 40 per cent, or nearly 40 per cent reduction. The Treasury now demands that the remaining maximum surtaxes be slashed in half, this time to 20 per cent.

THE TAX-CUT PROGRAM OF 1925

We are advised by the Treasury this year that if we pay off the national debt in 25 years that instead of a $500,000,000 tax cut only $290,000,000 annual tax reduction is permissible. The Treasury proposition indorsed by the committee is to slash in half the remaining 40 per cent maximum income surtax rates, which will absorb about one-third of the available surplus. The other main question relates to repeal of the Federal inheritance tax, gift tax, all in the interests of large wealth; also repeal of publicity tax laws.

What is the necessity for this new slash in surtaxes and what pressure is again being exerted behind the scenes? The last tax bill, 1924, which wiped out many nuisance taxes and helped small-tax payers, has been so misrepresented in official circles and by metropolitan and financial journals that the following brief table is inserted to show that 50 per cent or greater, if earned income, in tax cuts were given last year to over 90 per cent of the Federal income-tax payers of the country compared to the small reductions proposed by "Mellon's scientific plan" that was defeated:

What last year's tax reductions mean to the taxpayer of ordinary means, 1925 law—Based on what a married man with no dependents would pay

[Furnished to Ways and Means Committee]

Net income	Tax paid			Reductions	
	Tax paid in 1924 after 25 per cent rebate was allowed	Under the Mellon plan he would have paid this year—	Under the present law he pays this year—	Reduction under the Mellon plan	Reduction under the present law
$3,000	$15.00	$11.25	$7.50	$3.75	$7.50
$4,000	45.00	33.75	22.50	11.25	22.50
$5,000	75.00	56.25	37.50	18.75	37.50
$6,000	120.00	97.50	57.50	22.50	62.50
$7,000	187.50	157.50	87.50	30.00	100.00
$8,000	255.00	217.50	127.50	37.50	127.50
$9,000	322.50	277.50	167.50	45.00	155.00
$10,000	390.00	337.50	207.50	52.50	182.50

The amounts stated above as having been paid last year are net after deducting the 25 per cent which was rebated to the taxpayer.

Secretary Mellon asks another drastic surtax cut on incomes over $500,000. Four years ago the maximum surtax was 65 per cent. The law now is 40 per cent. He wants it cut to 20 per cent. He and his brother are 2 large taxpayers out of 314 in 1925 affected by tax rates on $500,000 incomes.

OUR PRESENT SURTAX RATES COMPARATIVELY LOW

To show that the existing maximum rate of 40 per cent in our law on incomes over $500,000 is not equal to rates in other countries, I quote from Great Britain and Canada, whose rates largely exceed our own:

Great Britain income tax, April 6, 1923—Normal tax, 4s. 6d. per pound sterling, or 22½ per cent supertax; incomes over £2,000 ($10,000) in addition

	Per cent
$10,000 to $12,500, 1s. 6d. per pound	7½
$12,500 to $15,000, 2s. per pound	10
$15,000 to $20,000, 2s. 6d. per pound	12½
$20,000 to $25,000, 3s. per pound	15
$25,000 to $30,000, 3s. 6d. per pound	17½
$30,000 to $35,000, 4s. per pound	20
$35,000 to $40,000, 4s. 6d. per pound	22½
$40,000 to $100,000, 5s. per pound	25
$100,000 to $150,000, 5s. 6d. per pound	27
Above $150,000, 6s. per pound	30

At $150,000 the English normal and surtax reaches 52½ per cent.

At $150,000 the United States normal and surtax reaches 43 per cent.

Our maximum rate is practically 20 per cent below the English rate, with greater exemptions granted here:

	Per cent
Canada income tax:	
The normal rate between $2,000 and $6,000 is	4
Over $6,000 the normal tax is	8
Surtaxes on income:	
$5,000 to $6,000	1
$6,000 to $8,000	2
$8,000 to $10,000	3
For every additional $2,000 added increase is $1:	
$98,000 to $100,000	48
$100,000 to $150,000	52
$500,000 to $1,000,000	64
At $10,000 the normal and surtax is	11
At $20,000 the normal and surtax is	16
At $500,000 the normal and surtax is	72
At $500,000 the normal and surtax (U. S. rates) are	46

Or 35 per cent below Canadian rates. These are maximum rates of normal and surtax for both countries.

Income and inheritance taxes in France (S. Doc. 186, 68th Cong.) also disclose higher rates than the maximum under the law in this country, which rates the new Mellon bill will cut in half.

INEXCUSABLE TAX EVASIONS

Opposed in principle to surtaxes, it is understood Secretary Mellon has not imposed any penalty under section 220. The statute substantially in force for years, but not enforced, reads:

If any corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its shareholders through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there shall be levied, collected, and paid for each taxable year upon the net income of such corporation a tax equal to 50 per cent of the amount thereof, which shall be in addition to the tax imposed by section 230 of this title and shall (except as provided in subdivision (d) of this section) be computed, collected, and paid upon the same basis and in the same manner and subject to the same provisions of law, including penalties, as that tax.

(b) The fact that any corporation is a mere holding or investment company or that the gains or profits are permitted to accumulate beyond the reasonable needs of the business shall be prima facie evidence of a purpose to escape the surtax * * *.

The penalty was increased from 25 per cent to 50 per cent last session, but neither penalty has been collected by the Treasury.

It is estimated that from $20,000,000,000 to $25,000,000,000 has been laid away in past years, largely since the war, as corporation surplus. Press and financial writers state that a large surplus is regularly withheld by corporations to avoid personal surtax payments, but without inspection of records no one can tell the amount withheld for that purpose. With an administrative officer opposed to high surtaxes, himself presumably a large holder of undistributed profits in many companies, it is significant that no attempt has ever been made to impose legal penalties on anyone under this law to compel surplus distribution.

Business men like Secretary Mellon have probably received $10 in undistributed profits that ripen into stock dividends, and thus avoid personal taxes, for every dollar placed by them in tax-free securities. The fault apparently lies with an administrator who is like an unsympathetic official called upon to administer the Volstead Act. Opposed to laws that should be strictly enforced, we find a private income of more than five hundred times his public salary, where personal interests are all against this law's enforcement; yet he is placed with that responsibility.

The surtax reduction proposed in the bill annually is about $100,000,000. It is now to be "scientific" through a cut of from 40 to 20 per cent. In England to-day the maximum remains over 40 per cent. In Canada the surtax runs up to 64 per cent. So our surtax to-day is below that in England, far below that of Canada, and yet we are asked or directed by Mr. Mellon to cut it in two notwithstanding that fact.

Of this $100,000,000 surtax reduction annually $71,800,000 goes to those who receive over $50,000 income annually. Thirty-nine million dollars remaining goes to those who pay surtaxes on incomes under $50,000 annually. Do you know what that means? Study it over and think of it. Only 23,000 taxpayers out of over 300,000, the total number, pay taxes on $50,000 or over. Six million six hundred thousand taxpayers are below $50,000 and 95 per cent pay on less than $5,000. In other words, you are giving by the surtax 50 per cent cut nearly twice as much reduction to 23,000 wealthy men, practically all millionaires, as to all the remainder of the 300,000 payers of surtaxes of the country. Why do you do this? What excuse beyond promised campaign contributions can you make to the people of the country for this gift to great wealth?

Some one says—and I heard it suggested a moment ago—what would you do with this $100,000,000 annual surplus to be given to surtax cuts, instead of giving it, as proposed by the bill, for the benefit of wealthy people now paying high surtaxes? Many things could be done. I would repeal, for instance, the increase of $60,000,000 put on postage, that we had to increase through the demand of Secretary Mellon in order to get a fair and equitable raise for the postal employees. I would increase exemptions to smaller taxpayers. I would provide practically a repeal of all the nuisance taxes rather than give a $71,000,000 annual reduction to 23,000 millionaries, who are so well able to pay the higher surtaxes.

Now, I think most of you gentlemen know, because you have all had experience in these questions, that it is well to take an illustration when it emphasizes the point to be made. I will take such an illustration now, without any purpose of criticizing those whom I may quote as taxpayers, but for the

purpose of fixing in your minds the effect of this surtax cut. One man paid $1,180,000 in taxes this year. His surtax cut will be $500,000 under the terms of this bill we are directed to enact. The tax he pays next year, if this bill goes through, will be about $500,000 less in 1926, due to a surtax cut of 50 per cent of the present rate. Another man paid $1,886,000 in 1925, and he saves $852,000 annually if this bill goes through. These two men are brothers, and one happens to be Secretary of the Treasury Mellon, who has prepared this scientific bill for us to pass, and the other is his brother, so that nearly $1,400,000 annually is saved to them by this bill. Has Mr. Mellon the right to press this bill on you and demand its passage? I want you to know, when you report such a crude proposal, that no man in all history has ever had such an enormous contingent fee as that for which he is working. [Laughter.]

Now, I have the highest respect for the Secretary of the Treasury; he does not want to pay taxes; neither do we; but he is going to save paying what tax he can honestly and legally through us. He is going to do it through you who are the responsible agents. We have a right to question his own interests and his own motives, because he is presenting his own case to us. He paid a tax in 1924 of $1,174,000. This year he paid a tax of $1,886,000, or about $770,000 more in 1925 than he paid in 1924, an increase of 70 per cent in taxes in one year, notwithstanding that we reduced his surtax rate in 1924 from 50 per cent to 40 per cent, and yet he did not pay one-third the rate of 40 per cent, because his real income was not distributed so as to be taxable.

The reduction we have made since the war in surtaxes has come down from 65 per cent to 40 per cent, or about 40 per cent below the war rate, apart from excess profits and other repeals. The reduction you now propose on surtaxes alone is from 65 per cent to 20 per cent, and that is a 70 per cent reduction that affects those primarily who are best able to pay. Can we make this drastic cut just to help reduce taxes for those best able to pay? Remember, other countries, like Great Britain and Canada, retain the 40 per cent maximum or far higher rates than that. This is one indefensible proposition that you are asked to vote for in the bill before us.

Mr. ARENTZ. Will the gentleman tell us the difference between the debt of England and the United States?

Mr. FREAR. Yes; if it has anything to do with it. Are you going to determine this rate from the debt of the country?

Mr. ARENTZ. Why not?

Mr. FREAR. First, we have a war debt of $20,000,000,000, and to that extent are on a war basis. We have to raise money from various sources by taxation. Here are men well able to pay—the best able to pay of any in the world. They can not use one-quarter—no, not one-tenth—of their income in some cases. This Government under its laws has enabled these 23,000 men to make these tremendous sums of money and to accumulate great fortunes that have great incomes of over $50,000 in every case. I do not question but that they make it properly and honestly, but they are the men who are best able to pay at this time—far better able to pay than are the constituents of the gentlemen back in his State of Nevada, in the far West, or in my State of Wisconsin, because 4 out of 5 men—yes, 9 out of 10 men or 19 out of 20 men—who receive small incomes, on the average, require all for the necessities of life. These men with $50,000 incomes are largely in the millionaire class, and can use only a small proportion of their income. Then comes the conclusion, which is undoubtedly in the gentleman's mind, that if reduced surtaxes are given they are going to put it into business.

Mr. ARENTZ. Yes; that is the question that I was going to ask the gentleman.

Mr. FREAR. I rather anticipated that. The new business in this country in 1925 in securities, not counting the refunding securities, amounted to $6,800,000,000, put in by men who had the money; but they went further than that, and they put nearly $2,000,000,000 into foreign securities, and $937,000,000 of that was in 1924 and more than that amount this year. The Treasury has just had oversubscribed $400,000,000 certificates of one year's term, at 3⅝ per cent, or a little over 3½ per cent. Such rates show money was never more plentiful. There is plenty of money for every business activity to-day, in the judgment of financiers, and business was never better. These men who pay surtaxes are best able to pay; they are far better able to pay than any other class of citizens; and, following the rule put forth by all tax experts, I say that the one best able to pay should pay, and pay liberally; but we are taking the opposite course in this bill, and we are reducing his tax more than that of any other man. Of course, it is a matter of judgment as to what the rates should be. I am presenting the facts as they are shown by the records. I leave that question of surtax reduction as presented by the bill with you, without going any further.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; again I yield to my colleague from Wisconsin.

Mr. SCHNEIDER. The gentleman has said that Mr. Andrew Mellon receives a reduction in taxation in the neighborhood of $850,000. Under this bill does a man who has an income of from thirty to forty thousand dollars receive any reduction in taxation?

Mr. FREAR. I will refer that question to the gentleman from Illinois [Mr. RAINEY], because I think he made an argument yesterday that was unanswerable upon that point. Of course not, nor anywhere near in proportion to those in the millionaire class, as Mr. RAINEY has clearly demonstrated.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. KINCHELOE. I asked the gentleman from Texas [Mr. GARNER] how many men in 1924 paid a surtax of 40 per cent on an excess of $500,000. The gentleman from New York [Mr. MILLS] answered and said that there were 314. The gentleman from Illinois [Mr. RAINEY] said the other day, in answer to the same question, that there were 213. Has the gentleman from Wisconsin any figures on that?

Mr. FREAR. Here is the point about that, and let me show you how misleading these figures all are: Undistributed profits are in many cases three or four times as much as the actual cash income realized by a man. Take the Aluminum Co. of America. It started with $3,000,000 and it has gone up to $103,000,000, purely from profits, without any other addition in capital, and in addition to that the company from its profits has paid out $15,000,000 in cash dividends. The other money was not distributed but remained in the business. I believe Mr. Mellon and his brothers own a majority of the stock, at least I have heard so, yet only $15,000,000 of the $115,000,000 would pay any personal income tax. You can not tell what his actual income is. He could cash in to-morrow by going into the market and selling his stock and stock dividends in 60 companies outside of the Aluminum or Gulf Oil Co., that are so frequently discussed; but he does not do that. As a matter of fact, as I said in the case of the Secretary of the Treasury, he does not pay 20 per cent, maybe not 10 per cent, surtax on the actual income that he receives. The income is not cashed in. Of course, only a very slight proportion of the taxpayers ever come up to the full rate of 40 per cent. It is very rarely the case that a man makes a sufficient amount—I think it is $500,000 a year income—to pay the 40 per cent. As a rule the very great majority are far below that. And even then by many means the tax rate is held down below the rate fixed by law.

Lower surtaxes will benefit the high-tax payer, but the general public will find few, if any, "new $5,000 jobs" visualized in the Mellon statement made to the committee. Over a billion and a half dollars now collected in taxes must be paid by some one, and it is more equitable for the man best able to pay than for his poorer neighbor. That is the policy of other countries. It should be ours.

TAX CUTS THAT WOULD BENEFIT THE COUNTRY

What taxes, if any, should be cut before reducing surtaxes? Petitions have been presented for tax reductions aggregating nearly a billion dollars annually, and you have only one-third of that amount surplus.

Last session Congress reduced or wiped out many nuisance taxes. Why not cut out all remaining nuisance taxes, including admissions and automobiles? Why not reduce freak postage rates raised last session as the price of pay for post-office employees.

The corporation tax of 12½ per cent was provided when the excess-profits tax was repealed. What justification exists for taxing all corporations, little and big alike, uniformly irrespective of profits? Why should not the taxing basis of corporations be graduated like the personal income tax and exemptions made for small earnings, particularly since undistributed profits are used to evade the law? Why not repeal entirely or cut in half the normal income tax now paid and also increase exemptions to small taxpayers, who pay many other taxes? If payment of the national debt is extended to 50 or 60 years, it is estimated a tax cut can be made of $500,000,000 annually instead of $300,000,000 as proposed by the committee. If so, why not? And why not now make a real tax cut instead of passing annual piecemeal bills at the request of the Treasury?

CUT IN INHERITANCE TAX

Coming now to the inheritance tax. The inheritance tax was cut from 40 to 20 per cent under the terms of the bill here. Just why I do not know. Doctor Seligman estimated for 1925

$120,000,000 collections by the inheritance tax. The bill cuts the rate down 50 per cent from the rate in existing law, and you can determine exactly what it would be under this bill. It is in the neighborhood of $50,000,000 loss from the $120,000,000 to be collected under existing law. Why have a loss of $50,000,000? Why not have your estate-tax rates like those in other countries? A man has earned his money here. We have a $50,000 exemption in the law to begin with before the estate pays any Federal tax. Why not make the estate pay a fair share of taxes and, if necessary, repeal some of the nuisance taxes or remove other burdens to help the people as a whole? Why not repeal the excess postage charged to cover extra pay to postal clerks, etc.? Why cut the estate tax down $50,000,000 as in the manner proposed here? Ninety-nine per cent of the people who pay an inheritance tax pay on an estate of less than $1,000,000. It has been figured out—I do not know there is any question on this point, but I believe not. Out of the 99 per cent of the total who pay a tax on estates of less than $1,000,000 none pay a maximum tax of over 12 per cent under the law to-day. I repeat, 99 per cent of the people who pay an estate tax pay a tax of less than 12 per cent. Many pay less than half that amount, while only a few of the multimillionaires approach the 40 per cent rate. The 40 per cent only reaches more than a $10,000,000 estate, and there are many deductions then to be made on the excess subject to the high rate. Again, take for illustration the distinguished Secretary of the Treasury, Mr. Mellon, and I do so without any reflection on him or his wealth. I do not envy him a dollar he has got. All of us would like to have something approaching 1 per cent of the amount he has, which is estimated at $300,000,000, and I hope he has all of that, and I hope he uses it to good advantage, but take it at $300,000,000. You say it is a big estimate. I made that statement to him personally, based on Klein's figures, and I do not think it is unfair or a breach of confidence to say he admitted he is a very wealthy man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. May I have 10 additional minutes?

Mr. BACHARACH. I yield the gentleman 10 minutes.

Mr. FREAR. I would say he is a very normal, distinguished, and likable man. So I am not prejudiced in my judgment personally. He or his heirs will pay under the present rate of 40 per cent in the neighborhood of $100,000,000 estate tax on his estate. That may be too large an estimate; but if this bill goes through, his estate will pay in the neighborhood of $50,000,000, or less than under the law of to-day. In one case, as I said before, there is a great contingent fee in his case. Can you comprehend it? By this bill he saves $850,000 annually in surtaxes and in addition $50,000,000 in inheritance taxes, if passed in its present shape. What will he pay under the present laws?

Mr. Mellon's estate will pay 2 per cent on that amount to the State of Pennsylvania. That is the maximum tax and the only estate tax in the Keystone State. The miner in Pennsylvania who receives $500 has an exemption of $250, and on the other $250 of his estate the miner's heirs pay 2 per cent. The man who has $300,000,000 pays the same rate of 2 per cent, or $6,000,000. Now a credit up to 80 per cent to be given to those paying State estate taxes has been explained here. I think it is a good provision. You have got at least to admit one thing, and I think Judge GREEN will do so, that, although I am not imperatively needed on the committee now, I drew the credit amendment for 25 per cent to be extended to those paying State estate taxes. My State has an inheritance tax, and it seemed to be a proper thing, and it was between RAMSEYER, who proposed a collection and refund, and my amendment. You accepted my amendment that gives a credit of 25 per cent. I believe that 80 per cent is a good thing. You can put it at 100 if you want to do so without objection, unless collection charges are important, for States are bidding against each other in exempting taxes. Some people from my own home town have gone to Florida. They said they did so to avoid the State inheritance tax, and if that occurred from a little town away up 1,500 miles from Florida, what must it be from the rest of the country? We are trying to prevent tax dodging by this credit to States of State estate taxes. We are not trying to prejudice Florida at all, as stated here by Florida Members. If Florida wants to permit people to come in to that State without paying an inheritance tax, all right; but we say by this provision that 45 of the States should not be drawn upon so that their tax dodgers will locate in this one State.

Of course, I have been quoting from the gentleman from Pennsylvania on this inheritance-tax reduction, and he has a vital interest in the result. There were two other men from Pennsylvania, one even from Pittsburgh and one from Philadelphia, who disagreed with him, back 20 years ago, before mushroom estates were as common as to-day. One was Carnegie, the other Wanamaker, and these two men, known throughout the world, laid stress on the importance of putting on an inheritance tax for the purpose of preventing the concentration of money in a few hands. Both of these men had great wealth and both were great philanthropists. I think it was Carnegie who said it was dangerous to leave so much wealth in the hands of progeny. Roosevelt made the same argument many times over. All these men and practically every tax student in this and every other country takes the same position. Mellon and Mellon's group of millionaires oppose the law. Does self-interest affect their judgment?

EMINENT AUTHORITY ON NEED TO LIMIT WEALTH

President Theodore Roosevelt, October, 1906, said:

As a matter of personal conviction, without pretending to discuss the details or formulate a system, I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on the fortunes beyond a certain amount, either given in life or devised or bequeathed beyond death to the individual—a tax so framed as to put it out of the power of the owner of one of those enormous fortunes to hand over more than a certain amount to an individual.

Who would the average American follow, the Roosevelt of 1906 or Mellon of 1925?

John Wanamaker, June, 1921, said:

No man ought to pile up money when there is no such need for it in the world. He can not take it with him beyond the grave. We have got to get nearer to God—with less Christianity and more of the real thing.

Take your choice between Wanamaker, the man of wealth and benefactions, and Mr. Mellon, the man of wealth.

Dr. Frank Crane, a philosopher and man of "brains," says:

Mr. Rockefeller proves that it is possible under modern economic conditions for wealth to concentrate into the hands of a few. Are we going to allow that tendency to go unrestrained? Is government ever justified in limiting the wealth of its citizens? If one suggests the limiting of private fortunes, is he necessarily an anarchist, an upsetter, or a dangerous radical?

Mr. Hearst, in condemning contributions by Rockefeller and Carnegie to the so-called National Security League, said in 1919: "Congress should end this dollar despotism." I am informed Hearst urged a 50 per cent tax on all inheritances over $20,000,000. Let me modestly recall that the exposition of the $600,000 "league" fund was brought about by my own resolution and its advocacy in the House.

Congress has frequently rejected the economic views of Secretary Mellon, and practically every recognized authority on tax matters disagrees with Mr. Mellon in his statement on page 9 of his statement to the committee that—

It is the opinion of the Treasury that the Federal estate tax should be repealed.

This is the opinion of Secretary Mellon, who read his statement to the committee, but he has a $50,000,000 to $100,000,000 interest at stake.

A resident of Pittsburgh, Mr. Carnegie, gave to the world his views in his book the Gospel of Wealth, from which I quoted in correspondence with Secretary Mellon back in December 7, 1922, CONGRESSIONAL RECORD:

The almighty dollar bequeathed to children is an almighty curse. No man has a right to handicap his son with such a burden as great wealth.

Carnegie wrote that. From the same work, read into the committee hearings by Representative RAMSEYER:

It is difficult to set bounds to the share of a rich man's estate which should go at his death to the public through the agency of the State, and by all means such taxes should be graduated, beginning at nothing upon moderate sums to dependents and increasing rapidly as the amounts swell until of the millionaire's hoard, as of Shylock's, at least the other half comes to the coffer of the State.

Carnegie advocated a 50 per cent tax; Secretary Mellon, also from Pennsylvania, asks repeal of all such taxes. Have standards changed or are the opinions of Roosevelt, Wanamaker, Carnegie, and tax authorities generally to be rejected under the new régime?

REACHING FLORIDA TAX DODGERS

The committee did not yield entirely to Mr. Mellon, but cut the 40 per cent maximum rate to 20 per cent.

An improvement in our tax laws calculated to bring uniformity in State laws will be to allow full credit of payments made on inheritance taxes to be applied on Federal tax payments. The total State collections from both State income and inheritance taxes in 1923 reached $105,000,000, of which $31,000,000 was deducted from income affecting Federal taxes be-

cause paid as State income taxes. Provided full credit is allowed against Federal tax payments by citizens of all the States, Federal inheritance collections would probably be reduced less than $40,000,000 annually. This credit would avoid the charge of double taxation by the Federal Government and State government of both incomes and inheritances and would tend to promote uniformity of taxation among the States. New York and Massachusetts would be among the greatest beneficiaries of this proposal, and it would largely prevent the present tax-dodging exodus to Florida.

If the Federal tax law is once repealed it will only be necessary to go to Florida to escape taxes of every character—possibly. The next campaign in 45 States, if the Federal inheritance tax is repealed, will be against State inheritance taxes and these will be repealed to prevent removals to Florida. Secretary Mellon is opposed to the estate tax. He calls it a war emergency tax. This he says of a law enacted in 1916 before the war to meet Federal aid appropriations for highways. If he were correct, which he is not, it begs the question for to all practical purposes, war taxes which include income and inheritance tax laws, now in force in England and elsewhere are with us like our war debt of $20,000,000,000 to remain for many years to come, and swollen fortunes that profited from the war should pay their share of taxes now or eventually when the estate is transferred.

Tax-free securities when held by these estates can be reached after death. Mr. Mellon denounces tax-free securities unsparingly, but when an opportunity is afforded to reach them through an inheritance tax he vigorously opposes the tax. It should be kept in mind that nearly 40 per cent of a $300,000,000 estate as large as that of Mr. Mellon will be lost to the Government if this tax is repealed and half that amount if reduced to 20 per cent. No advocate ever had so large a retainer when pressing a case even though influenced by disinterested motives. Other governments have adopted the tax as a regular part of their revenue system, and according to Representative RAINEY inheritance taxes have been in force in the world for 4,000 years.

Practically every sound, financial foreign government and nearly all our States now maintain the inheritance-tax principle in peace or war, so that by allowing full State credits on both income and inheritance payments we will place our Federal laws in line with those of Great Britain and other countries and also restrict further exodus to Florida of tax dodgers. The following letter from one of the best-informed financial authorities in Great Britain, with whom I spent an afternoon at his home discussing taxes two years ago, gives his understanding of the estate-tax situation at the present time.

JUNE 2, 1925.

Hon. JAMES A. FREAR,
Washington, D. C.

DEAR MR. FREAR: I have your letter of the 23d of April about the inheritance tax. I do not know if I can give you any information on the working of the British estate duties, as we call the tax, beyond what you already know.

You may be aware that Mr. Churchill in the present budget proposes to raise the rates of the estate duties. This from a conservative chancellor in a strong conservative government is perhaps the best testimony to the success of these duties which could be given. It was a conservative chancellor—Mr. Austen Chamberlain—who last raised very considerably in 1920.

I inclose the new rates proposed under the budget now before Parliament.

In addition to the estate duties there is a legacy duty which varies according to the degree of relationship of the inheritor to the testator.

My own personal opinion is that in no respect has public opinion ripened more in this country in the last few years than on this question of the justice of inheritance duties.

The annually increasing yield of the estate duties proves not only their productivity but, that with the recent increases of the rates, the law of diminishing returns has not yet begun to operate. There is a movement developing among big land owners to turn their estates into limited liability company to escape super tax and death duties on the high scale. But it has not made very much headway so far. We have no gift tax. It has always been urged that it would be impracticable. How does yours work? Gifts in vivo come in for death duties if the giver dies within three years of the gift.

If you are wanting to get in touch with a British official who could give you information, I should think the best person would be Sir Richard Hopkins, chairman of the Board of Inland Revenue, Somerset House W. C. 2.

With kindest regards, believe me to remain.

Yours sincerely,

PHILIP SNOWDEN.

The eminent ex-chancellor of the exchequer, Mr. Snowden, said pointedly that the present ministry is likely to increase rates, and he submitted a schedule of rates which correspond closely to our own, but are much higher on the average:

Scale of rates of estate duty

Principal value of the estate exceeding:	Per cent
£100 and not exceeding £500	1
£500 and not exceeding £1,000	2
£1,000 and not exceeding £5,000	3
£5,000 and not exceeding £10,000	4
£10,000 and not exceeding £12,500	5
£12,500 and not exceeding £15,000	6
£15,000 and not exceeding £18,000	7
£18,000 and not exceeding £21,000	8
£21,000 and not exceeding £25,000	9
£25,000 and not exceeding £30,000	10
£30,000 and not exceeding £35,000	11
£35,000 and not exceeding £40,000	12
£40,000 and not exceeding £45,000	13
£45,000 and not exceeding £50,000	14
£50,000 and not exceeding £55,000	15
£55,000 and not exceeding £65,000	16
£65,000 and not exceeding £75,000	17
£75,000 and not exceeding £85,000	18
£85,000 and not exceeding £100,000	19
£100,000 and not exceeding £120,000	20
£120,000 and not exceeding £140,000	21
£140,000 and not exceeding £170,000	22
£170,000 and not exceeding £200,000	23
£200,000 and not exceeding £250,000	24
£1,000,000 and not exceeding £1,500,000	30
£2,000,000	40

In addition to these rates, which on the average small estate are far higher than in our own law, Great Britain has a "legacy duty" that is a tax added to the above rates. This runs from 1 per cent to 10 per cent of the legacy, depending on relationship to the testator.

France and other countries also have similar tax rates in force affecting estates of deceased persons.

This showing by foreign governments is a policy urged by the world's greatest business men, by tax experts, and statesmen, including Carnegie and Wanamaker (Pennsylvania) and Roosevelt, all of our own country, but opposed by one of the world's wealthiest men, whose salary as Secretary of $15,000 annually is not 1 per cent of his last income tax paid, $1,886,000. He opposes the whole estate-tax principle that will at present rates put $100,000,000 of his estate into Uncle Sam's strong box and yet leave double that amount for his heirs and philanthropies. This is not a surprising demand, because he proposed in 1921 to turn back $450,000,000 collected by war profiteers then due the Treasury by making the 1921 excess-profits tax repeal retroactive. Defeated by Congress in this effort, he next recommended passage of the dye embargo demanded by the dye monopoly. Defeated by Congress in this effort, he demanded a ship subsidy law that granted heavy tax refunds. Defeated by Congress in this effort, he demanded a consumption tax heavily burdening all the people to finance the soldiers' bonus bill. Defeated by Congress in this effort, he demanded Congress relieve the house of Morgan by taking over the worthless Liberian loan. Defeated in all these and other measures, he bitterly opposed a soldiers' compensation and other bills favored by Congress. I have no personal criticism to offer, but he does not agree with Congress, generally, unless in this bill.

This Congress affords a chance for him to make a wide sweep based on party irregularity. Personally, I have no prejudice against Mr. Mellon. It is solely a public question that is involved in the contest between human rights and dollar rights constantly brought before Congress.

$70,000,000 SAVED TO TAXPAYERS

On December 3, this year, the tax committee rescinded its high-handed repeal retroactively of the 40 per cent maximum inheritance tax enacted into law last session. That law was passed with the aid of the Wisconsin delegation that then held the balance of power in the House. Two weeks ago the tax committee had virtually expunged the 40 per cent maximum inheritance tax law passed last year. When it was learned that the expunging act would take from the Treasury $70,000,000 to be refunded to the Beggs estate, of Wisconsin; Clark estate, of New York; Duke, Dodge, and other estates and under the law all to be refunded secretly by the Treasury, then, and not till then, did the committee rebel against the Treasury head, who now wants the whole law repealed. The Wisconsin delegation, with the aid of other Members, both Republican and Democratic, placed this $70,000,000 in the Treasury last session, against the protest of Secretary Mellon. That amount now retained will pay all the expenses of Congress for 10 years and more, and that is only one illustration of the effect of the fairest tax ever devised for maintenance of government and the effort of the so-called "insurgent" Republicans to retain just tax laws.

A complete somersault, a nullification of existing law since its date of passage, an attempted secret refund of $70,000,000 to favored parties has been halted. That is another provision of the bill first agreed to by the committee.

Secretary Mellon further advocates absolute repeal of the inheritance tax, because he says it is a "capital tax," not to be imposed in times of peace. Yet the Secretary supports a corporation stock tax and a 12¼ per cent corporation normal tax, nuisance taxes, and many other kinds of capital taxes. Even his own State of Pennsylvania for many years has had an inheritance tax in both peace and war.

COMMUNISM, BOLSHEVISM, AND ANARCHISM

To show how such repeals would affect Florida, I hold a long news clipping from a Florida paper sent generally to Members of Congress, which is an explosion from a Florida land boomer called "Col. P. O. Knight." Among other things, he says:

A movement is being led by GREEN of Iowa, who calls himself a Republican, and GARNER of Texas, who calls himself a Democrat, to prevent the repeal of the Federal inheritance tax * * * simply because Florida and Alabama have no inheritance tax. * * * The legislation proposed by GREEN and GARNER (retention of the tax) is vicious, unjustifiable, and indefensible * * * it is socialistic, communistic, bolshevistic, and anarchistic.

The two gentlemen from Iowa and Texas, who have not completely surrendered, find it hard to please the Secretary of the Treasury, their estate tax clubs, or Florida land boomers.

GIFT TAX REPEAL

Just a word now as to the gift tax, because it precedes the inheritance tax in effect. We received $7,518,129 from this tax in 1925 for the fiscal year ending last June. That is not a very large amount of money, some one says. True, but the gift tax was not passed for the purpose primarily of making a tax on gifts. People will not make a large gift if they know that there is a tax to follow it and remember that gifts under $50,000 are exempt. The purpose of the law is to protect the inheritance tax law so that when a man like Mr. Rockefeller, who, though he started at $8 a month, would have been worth a billion of dollars if he had kept his money, realizing there was no gift tax, transferred it to his son. The Government in such case gets nothing in the way of an inheritance tax or in the transfer because given 10 years or more before death. He gave his property away to his son and there was no gift tax at that time. So he paid no tax on the transfer. If the property had passed through inheritance to the son under the law of to-day it would pay upward of 40 per cent, or several hundred million dollars from this estate would have been paid to the Government.

Mr. SPROUL of Illinois. Does not that thing follow in every case?

Mr. FREAR. Not if you have the gift tax.

Mr. SPROUL of Illinois. But if a man gives his property away to his children or to charitable institutions, he is surely doing some good with it, is he not?

Mr. FREAR. Oh, yes; but he owes a duty to the State, because his fortune is made possible because of the laws of the Government, and he escapes that duty when he gives it to his son without any tax in order to save the inheritance tax. His act is natural with every man, but a gift tax of the same rate as the estate tax destroys the incentive to avoid the estate tax. That tax is repealed by this bill.

Mr. SABATH. And is not the reason these gifts have been made so as to divide the large income tax and to reduce the inheritance tax?

Mr. FREAR. Very often. That is the estate tax law of other countries. It is the law of France and England and other countries. Forty per cent is the maximum amount there and they raise six times as much per capita in England from this source, but the reason the gift tax was passed was because with Judge GREEN and others I was anxious to have it on the books, not for the amount of money that we could get out of it, but for the purpose of protecting the inheritance tax. And now Judge GREEN reports a bill repealing the gift tax.

Mr. GARRETT of Tennessee. Without going into an argument of the merits of the gift tax, I ask the gentleman if it has come under his observation that a practice has grown up on the part of those who desire to avoid both the inheritance tax and the gift tax, and then some, of selling to the person to whom they desire to make a gift, at a value lower than the actual market value, and thereby avoiding the gift tax and in addition to that taking credit on it as a loss in reporting the income tax.

Mr. FREAR. The gentleman has stated a fact which we all recognize and it is natural. It requires additional legislation to meet that situation instead of repeal. The tax ought to be imposed so that there can be no question of its collection even by a Treasury Department which is disposed to escape the laying of a gift tax.

Mr. SABATH. Will the gentleman yield?

Mr. FREAR. With pleasure.

Mr. SABATH. On the question of a gift tax. I am not quite clear on that proposition. I read in the newspapers that a great many of our young ladies who are seeking to secure titles abroad, before being able to secure the title of duke or count or no-count, have invariably been obliged to show a certain amount of wealth and to enable them to do so the father or mother generally comes across with a great big gift. What I want to know is whether it was not in the minds of the committee to aid these ladies in securing these titled gentlemen, whether that is not perhaps an incentive or reason why the gift tax was eliminated?

Mr. FREAR. It may be so, and I may say to the gentleman a very distinguished and handsome member of the committee, a bachelor, is now here to explain it, and he follows me. [Laughter.]

The gift tax is a corrolary of the inheritance tax. Like the inheritance tax it provides a liberal exemption of $50,000 before any tax is incurred. If John D., jr., had been subject to a gift tax it is probable the senior member of the firm would now retain a billion dollars or more in his own name and the Government would eventually receive substantial aid from a great mushroom estate which has been bodily transferred to the son, free from estate tax. It is a just law in force in other countries and prevents inheritance-tax evasions if strictly administered. Yet this wise law passed last session is on Secretary Mellon's program for repeal.

Is it not more just and equitable to collect substantial inheritance, gift, and surtaxes from those best able to pay than to assess farmers a capital tax on land where crops frequently fail or on householders or other owners whose buildings or lands are a burden and outgo instead of a source of income or excess postage rates or on automobiles that now pay nuisance taxes? Thousands of such cases occur for every case of serious inequality among those best able to pay, and it should be borne in mind that the problems of John Jones, the farmer, when without a crop, are more vital to him than are the problems of men whose fabulous wealth is a burden as well as a blessing and whose heirs in every case would retain, under the existing estate law, two-thirds of vast fortunes like that of Mr. Mellon. A jurist financially interested in any case would be removed for prejudice. A police officer opposed to the Volstead Act would not be chosen to capture bootleggers. What shall be said of an official, however respectable, who unites the rôles of judge, jury, and sheriff and yet declares the inheritance tax, gift tax, and publicity law to be unjust, opposes the surtax in force here and in other countries and does not impose the penalty law, section 220, passed to reach tax evaders? Why should such administration be controlled by a legal cloak of secrecy?

This superiority to law may have some relation to reports that the Couzens's committee has found hundreds of millions of dollars in taxes lost to the Government and also to the Washington press, administration mouthpiece, which said a few days ago:

It is almost a foregone conclusion that the Democrats will organize the Senate in 1927.

If Secretary Mellon's views control, what prevents?

PUBLICITY OF TAX RETURNS

Publicity of tax payments is inveighed against by Secretary Mellon. In fact, generally speaking, he is opposed to most of the tax laws he is called on to administer and yet wants everything kept secret event to the amounts paid.

Although the publicity law is not as broad as it should be, is it true that nothing but curiosity is satisfied, as he contends? For illustration, the Secretary's wealth is popularly rated at from $300,000,000 to $600,000,000. His personal integrity is not questioned, nor is his prejudice against paying taxes unusual. His fabulous wealth, however, makes his case conspicuous. The publicity law primarily was intended to aid Congress in drafting laws to reach cases of tax avoidance and to give information needful for corrective legislation. That was its prime purpose. The bill as proposed by myself last session giving access to the Treasury records was defeated or curtailed so only a shell remains of the amendment then offered.

However, take the law as it now reads and the case of a man for illustration whose fortune is generally placed at the minimum figure estimated of $300,000,000; if he has nearer

$600,000,000, as suggested by the press, the case will be doubly strong. Assuming that Secretary Mellon's holdings average 5 per cent return—some may return nothing, while others will average twice or thrice 5 per cent, and more—but averaging at 5 per cent, his income on that estimated amount last year reached $15,000,000. Losses have been charged off so often and so generously that the estimated net income for 1923 and 1924 is not unreasonable and is probably far underestimated.

The Federal normal and surtaxes on an income of $15,000,000 would reach upward of $6,000,000 at 40 per cent maximum rates on all over $500,000, the present law. In 1924 the unexpected enactment of the publicity law found Secretary Mellon paying $1,174,000 income taxes on a $15,000,000 income, or less than 8 per cent instead of 40 per cent, and this year, when a tax corresponding to income was looked for by the "curious public," his tax payment was increased to $1,886,000, or nearly 70 per cent increase in taxes in one year and about a 12 per cent rate instead of 40 per cent.

Secretary Mellon did not, of course, render an incorrect statement in either 1924 or 1925, yet is it possible that in one year such a vast fortune could have increased 70 per cent, or even one-quarter of that amount? How then is Congress interested? In the character of income that is to become taxable. A good business man connected with over 60 corporations would not invest heavily in tax-free securities which he denounces, and it is probable not one-half of 1 per cent of his vast wealth is invested in tax-free securities. When $1,174,000 in 1924 and $1,886,000 in 1925 was paid on an estimated income of $15,000,000, where is the legal Ethiopian in the financial tax woodpile? One of the 64 companies—Aluminum Co. of America—made "plant expenditures" since 1918 of over $42,000,000 taken from undivided profits (S. Res. 168, pt. 10, p. 1822). This is an illustration of use of undistributed profits, not necessarily improperly, but to reduce personal income for tax purposes.

Full publicity would give exact knowledge and enable Congress to legislate or meet the situation, but in its absence we may look for two-thirds of the income, or of $10,000,000, in undistributed profits that are not subject to personal income tax until distributed. The question of penalty administration under section 220 is then involved, and again the matter of administration is secret.

Again reverting to the single aluminum company, the Federal Trade Commission reports that from $7,199,322 investment in 1906 to 1921—15 years—the company's investment increased to $103,684,139 and paid $15,370,032 out of undistributed profits. That is some profit.

If a large part of the surplus waits for a reduction of surtaxes before distribution, then it is an evasion of section 220, and it does not require more law, but enforcement of existing law.

The publicity feature was not passed to satisfy idle curiosity, as suggested by the Secretary, but to aid Congress in determining needful legislation, and to check up official acts. If the law had been broader, as was attempted in both House and Senate, the facts could now be had. From press statements the committee of Senator COUZENS, which has access to Treasury records, will report numerous cases, involving, with the brief examination he is enabled to make, many millions of dollars—some reports say a billion dollars—lost to the Government, although easily corrected by administration or by needed legislative provisions.

Congress is not seeking to delve into any private business. The average man, particularly with earned income for salary or services, pays taxes on the full amount of that income. Every State and local tax record, generally speaking, is public. In the case submitted for purposes of illustration a reputed income of $15,000,000 only produced a tax payment of $1,174,000 in 1924 before the publicity law was anticipated, and of $1,886,000 in 1925. The income-tax payment jumped up 70 per cent in one year, possibly unaffected by the publicity provision, but less than one-third of the expected tax was paid in 1925 and less than one-fifth in 1924. If publicity properly exists in this one case, it exists with thousands of other cases.

As to the eminent right of concealment and secrecy contended for by the Treasury, it is a strange anomaly that thousands of tax experts educated by the Treasury and now in private practice should know and carry momentous tax secrets to scheming competitors ostensibly feared by the Secretary, and yet Congress, that legislates and needs to know the cause, frequency, and amount of tax leaks, has no means of plugging up the holes. So it helplessly waits on a Secretary opposed to the law on surtaxes, inheritance, and gifts for his advice as to what should be the law.

In this illustration I am in no way impugning the correctness of tax returns or business honesty of any man. It only shows what blind, groping, supposedly intelligent legislators elected to Congress have become under existing secrecy laws and why, instead of repealing the publicity provision as urged by Secretary Mellon, we should give Congress access to records the same as are permitted in some of the States without danger or injury to any business interests; the same as exist with public records generally; the same as are possessed and have been used by hundreds of Treasury employees who later capitalized their knowledge and experience by private employment. Yet all knowledge is denied Congress under existing limited publicity of records. The following is from The Searchlight of October:

> Treasury officials freely predicted that tax receipts under the 1924 act would be 25 per cent less than formerly. The actuary of the Treasury estimated that the decrease of revenue would be $400,000,000, while Mellon predicted a $50,000,000 greater loss. The preliminary statement issued by the Bureau of Internal Revenue on August 28, 1925, reveals what actually happened:
>
> Income taxes under the old act were for the fiscal year 1923, $1,691,089,534; for the fiscal year 1924, $1,841,759,316. (Secretary Mellon's statement, page 7, estimates for 1925, $1,833,000,000, and he predicted the 1924 tax cut would create a loss in 1925 of $400,000,000.)

In its conclusion that increased payments were caused by "decreased tax evasions" due to publicity, the Searchlight adds:

> Thus under the law which provided for publicity instead of the predicted decrease of 25 per cent, or $400,000,000, there was a decrease in 1925 of only 4 per cent under 1924 and an increase over 1923.

Of the 1925 increase, $712,000, or nearly 70 per cent of his 1924 tax payment, was added by one taxpayer, as I have shown. Whatever the reason therefor, more publicity is a remedy leading to effective legislation and administration.

Another reason why wide publicity is needed in income-tax collections comes from a statement credited to the Couzens's tax-investigating committee, to the effect that evidence before the committee discloses that due to improper influences many large taxpayers, especially corporations, have received too much consideration and that excessive refunds have been made. More significant, the chairman is quoted as saying:

> What has happened is really worse than definitely criminal knavery, because it is difficult to obtain punishment of bureau employees who have given away hundreds of millions of dollars in Government taxes.

With such an indictment of administration of a department of Government, made possible because of secrecy in its methods of handling public business, what is now needed is not repeal of the publicity law, but its extension, so as to afford the light of full publicity on transactions that are "worse than criminal knavery" and under which hundreds of millions of dollars in Government taxes have been given away. Such publicity would do away with the necessity for investigating committees and in advance would prevent frauds against the Government through acts now committed in secret. A committee ordinarily can present only an autopsy, without any means of redress or recovery.

Again I ask why hundreds of clerks, with a 100 per cent turnover in the Treasury income-tax division, are safely trusted with the innermost secrets of these returns, free to carry them to active competitors; and yet Congress, that asks access and information for legislative reasons, is proscribed. The Ways and Means Committee, of which a majority is selected because tried and true, can have access; but if they would swallow the Mellon tax bill without a struggle, what chance is there for them to make any real inquiry on tax matters or any other matters without the Secretary's invitation?

PUBLICITY AIDS WITH CORRECT RETURNS

As stated, the estate of one man increased 70 per cent in one year, apparently, under the publicity provision. I do not believe, of course, that that man put in an unfair statement in his 1924 return, but I feel sure his great estate did not increase 70 per cent in one year, because losses had been charged off before. Mr. Mellon paid $1,174,000 taxes in 1924, or about 8 per cent of his estimated income, and $1,886,000 in 1925, or about 12 per cent of his real income. That increase of 70 per cent in taxes in one year might be influenced by the publicity clause. Is it not significant that men of vast fortunes are so insistent that their returns should be kept secret and all Treasury proceedings should be held behind closed doors? Where does the public's right to knowledge of the facts come in? We can not get the full truth in relation to the facts as

to refunds, rebates, and allowances except by an examination of the records. Why, then, gentlemen, should we keep the Treasury records private? They are open in my State. They have resulted in no injustice there. Why should they not be open here? We have now only a limited publicity provision, but I believe even that requires men to pay a better share of their taxes than when kept secret.

We are talking here about what men of great wealth are doing. Of course, you can not divide our wealth up among people generally. That is true. It is the other extreme that is being tested out in Russia to-day, brought on by the Czar's government. It would not appeal to any educated, prosperous people to adopt a theory that is only a theory, and governments can not be run on such theories; but do you realize, as I think you must, the situation among the farmers to-day? I was recently out West, far beyond my State, and I attended several auctions held by farmers who were leaving their lands and abandoning their farms. I tell you, gentlemen, it is a pitiable condition that the farmers are in in some of the States; not in my State particularly, but there are over 6,000,000 farmers in this country, and there were countless foreclosures last year, resulting in the abandonment of 30,000 farms and 75,000 abandoned farms since the war. Those people in many cases paid 40 or 50 per cent capital tax on their land and other property. The Anderson committee showed that on the average they are not earning $500 annually. The question I present is, will you help them and keep $71,000,000 in the Treasury, that you expect to pay 23,000 millionaires, and will you use it for the purpose of providing some definite plan for farm relief, cooperative or otherwise, or even reducing with it the Government debt? You can put up $100,000,000 now in the Treasury for the purpose of a Government buying corporation or some other system to help the farmers, as was proposed last session; and I say it without offering any particular remedy myself. Why not do so, for these men also are entitled to consideration if anyone is entitled to relief. I never indulge in threats, but what will be the effect in the country when this bill is understood by 6,000,000 farmers who make less than $500 each annually, according to Government statistics? Instead of giving $850,000 to one man who is urging this bill, why not keep those taxes and $100,000,000 more of surtaxes in the Treasury and thereby try to benefit the great army of farmers out West with helpful legislation?

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. GARRETT of Tennessee. I want to see if my recollection of the history of this legislation is correct. As I remember it, the bill of 1924, as it left the House, did not carry a publicity provision as it now exists. The only publicity provision it carried was to give the information desired to committees.

Mr. FREAR. Yes; and to governors and some State officials, and an amendment was offered here.

Mr. GARRETT of Tennessee. Yes. The provision in the present law was put on by an amendment in the Senate and whipped into its present shape in conference, so that upon that single question of publicity the House never had a vote.

Mr. FREAR. Yes; as to the amount paid; but an argument was made by the gentleman from Texas [Mr. GARNER] as to the doubtful effects of publicity. I thought we ought to have publicity in accordance with the Norris amendment that was defeated here and later offered on the other side. It certainly did no harm in the law, and many reasons can be offered for its retention.

Mr. GARRETT of Tennessee. I wanted to get the facts clearly in my mind.

Mr. FREAR. Now, gentlemen, I thank you for your consideration.

Mr. CRISP. Before the gentleman leaves the floor, I would like to ask him a question.

Mr. FREAR. Yes.

Mr. CRISP. As the gentleman knows, I have a high regard for him. I understood the gentleman was quoting with approval the suggestions made by Mr. Roosevelt and Mr. Carnegie to the effect that an inheritance tax was largely useful or instrumental in dissipating large estates. Why, then, do gentlemen desire to have a gift tax imposed, a tax that puts a penalty on anybody voluntarily dividing or dissipating or reducing his own estate?

Mr. GREEN of Iowa. The gift tax was intended to prevent evasion of the inheritance tax, and it served its purpose, so far as that is concerned.

Mr. CRISP. I fully understand that. But it also dissipates the estate if the owner gives it away.

Mr. GREEN of Iowa. If you can reach the estate. But they do not give it away absolutely. It is a purely human proposition. The gentleman might carry that a little further. In some cases, while it was found to be a nominal gift, yet the donor still held control.

Mr. FREAR. That is correct. I do not want to take the time of the House unduly in matters of this sort, and I appreciate very much the kindness of the Chairman and the Members of the House in listening to me on this proposition. Speaking for myself and some of my associates, we have no particular status now. We are not on the committee. We have no particular opportunity for offering amendments. But we heroically accept our punishment, of course.

Summing up the present tax-cut situation: Payment of our national debt should rightfully be extended to 50 or 60 years. This will provide a $500,000,000 annual tax cut, or one-third more than now proposed for repeal of all remaining nuisance taxes and of the increased postage rates. Full credit for State inheritance taxes should be given by the Federal Government.

No good reason has been offered for reduction of inheritance tax rates from 40 per cent, about the same the world over. No excuse is offered for repealing the tax publicity law. It ought to be extended. No good reason has been offered for reduction of surtaxes from 40 per cent to 20 per cent.

Estate taxes and gift taxes if once repealed will never be put back, and estates like Rockefeller, Mellon, Morgan, and thousands of others, made possible through manipulation, monopoly, and special favors, will continue to accumulate both the milk and cream and oil of business, reaching billions of dollars now for single estates, while 6,500,000 farmers and double that number of other laborers throughout the country will continue to work for a scant living and eventually will be called upon to pay through consumption taxes the burden later to be shifted from wealth to their shoulders. Roosevelt, Wanamaker, Carnegie, and a host of authorities have advocated the inheritance tax law as a curb to collossal wealth, but the law is now vigorously opposed by Secretary Mellon, whose wealth is collossal and whose estate will be one of the largest in the world.

There is significance in the present protest of Secretary Mellon against surtaxes, inheritance taxes, or gift taxes, all of which are in force in Great Britain and elsewhere. During the period of 20 years to come $2,000,000,000 or more will be laid aside to mature a soldiers' adjusted compensation bill, and during about the same period $20,000,000,000 additional in Government war debts will be paid, which the veterans of the war will help carry on.

Congress defeated the Mellon consumption tax plan when it was hung onto the bonus bill by the Treasury Department, but the same soldiers will help pay for their adjusted compensation, as Secretary Mellon proposed at the outset, when the taxes on wealth are removed.

With the minority party refusing to face the issue squarely and a bipartisan organization, supported by country wide propaganda, driving through the tax program, the result in the House is not in doubt.

If the Senate rewrites the revenue law this session let us hope that it will retain the larger part of the surtax, the inheritance tax, the gift tax, and enact a wider publicity amendment, and that Congress may agree to such a bill, with larger exemptions to those least able to pay, wiping out the remaining nuisance taxes and increased postage.

If the surtax is cut, and no one opposes a cut if the general public is first protected, then a postponement of the war debt of $20,000,000,000 to the period of 62 years could be made, during which period foreign debts are to be paid to us, or practically at the rate that the Civil War debt was paid by our Government.

As stated at the outset, the committee has secured in the bill some substantial relief for the general public.

No definite rates are here suggested, although amendments to the committee bill may be offered. The country will be more affected by the policy pursued in the enactment of the 1923 revenue bill than by any difference of opinion as to rates. That is the issue presented by the official to whom Congress ordinarily should look with confidence for guidance when drafting a revenue bill.

We realize that you gentlemen who believe as you did last year can prepare your amendments along the line of meeting these objections, and we shall be very glad, at least some of us, to cooperate in trying to improve the bill and changing it from what is now proposed. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from North Carolina [Mr. DOUGHTON]. [Applause.]

Mr. DOUGHTON. Mr. Chairman and gentlemen, being a new member of the Committee on Ways and Means, and this bill having been fully and elaborately explained by the chairman of the committee and by the very able ranking minority member [Mr. GARNER], and by other older members of the committee, what I have to say concerning this bill will be very brief, indeed.

The subject of taxation is one of the oldest and most important known to civilization. From the beginning of organized society down to the present time it has occupied a most prominent place in the history of the world.

Over the question of taxation wars have been fought, kingdoms, empires, dynasties, and republics have been overthrown. In America political parties have divided and debated, contended, and wrangled over the issue of taxation since the days of Jefferson and Hamilton. Not only have political parties fought each other desperately over this question, but the Democratic and Republican Parties have at all times, more or less, had discordant and belligerent factions, divisions, and subdivisions in their own councils, conventions, and deliberations, and even many disputes in the Halls of Congress.

For the first time in the history of our Government, in peace times, this Congress had presented for its consideration on the opening day of the session a tax bill prepared along nonpartisan lines, which was unanimously reported by the Committee on Ways and Means. In so far as I can remember, there was not a single partisan vote in the committee during the preparation of this bill.

To the chairman of the Committee on Ways and Means is due a large part of the credit for what has been accomplished by the committee, and I, as a member of the minority, take this opportunity of expressing my thanks for the invitation to participate in the deliberations of the committee and the preparation of the bill. The uniform courtesy and the unvarying kindness of the chairman, manifested at all times to each and every member of the committee, could not have been surpassed.

One thing I desire to state most emphatically at the outset, and that is that this bill which we are considering is not the Mellon plan of taxation. What is known as the Mellon plan was buried last Congress when the bill submitted by Secretary Mellon was discarded or repudiated and the Garner-Simmons plan adopted in lieu of the Mellon plan. Emphatic notice was then served on Mr. Mellon that the views entertained by him in the matter of income and other taxes would not be indorsed by the American Congress. In fact when the committee met to prepare the bill they are now considering, Mr. Mellon offered no definite plan and submitted no bill for the committee's consideration, but only stated his views as did other witnesses who appeared before this committee. And even his views, which had been greatly modified as compared with the views entertained by him in 1924, were many of them ignored or not adopted in the preparation of this bill. Mr. Mellon, when he appeared before the committee, recommended that we keep as our goal of tax reduction from $250,000,000 to $300,000,000. The committee has made a reduction of $325,000,000, thereby cutting taxes $50,000,000 more than was recommended by Mr. Mellon.

Mr. Mellon also recommended the repeal of all estate or inheritance taxes, and here is another instance where the committee declined to follow him. The subject of estate taxes was one to which the committee gave prolonged consideration, heard many witnesses, received much advice and numerous suggestions. Governors from several States appeared before the committee, each one, I believe, starting out by recommending the repeal of the inheritance or estate taxes, but on cross-examination each of the governors admitted it would be better to have Federal Government exercise control over this matter until some system of uniformity could be worked out whereby the States would not be bidding against each other for persons of great wealth to take up domiciles within their borders in order to escape the payment of estate taxes. It is my conviction—and I am sure it was the position of the majority of the committee—that the field of estate taxation is one that should be left to the States, as the State governments need this revenue far more that the Federal Government. However, under conditions now prevailing in some of the States, if Congress should repeal this law outright, it would bring about chaos and confusion and defeat the whole scheme of estate taxation. So here, again, is another instance where the committee ignored the advice and suggestion of Mr. Mellon.

The gift tax was repealed because of the difficulty in its enforcement and the small amount of revenue collected.

Mr. Mellon recommended the tax on automobiles be left untouched, but qualified his statement by saying that the $35,000,000 now collected on trucks, tires, accessories, and so forth, might be taken off. He did not say, however, that it should be done. The committee not only took off all the tax on trucks, tires, accessories, and so forth, but reduced the tax on automobiles from 5 per cent to 3 per cent, making a reduction to the American people in this one item of $80,400,000. I, myself, favored taking off all the tax on this industry. However, the majority of the committee were of the opinion that for the present it would cause too great a loss in revenue.

Notwithstanding the objections and criticisms that are being heaped upon and hurled at this bill, the indisputable fact remains and looks everyone squarely in the face that when this bill becomes a law the American people will be relieved next year of $325,000,000 in taxes. And practically every person in the confines of the United States will receive some relief and benefit from this legislation and not a single individual will have his taxes increased. This is a saving equal to about one-half of the taxes that were raised for governmental purposes, not taking into consideration the Post Office Department, prior to the World War. Furthermore, it can not be denied that this bill will reduce the taxes of every income-tax payer in the reduction made in normal tax and by raising the exemption from $1,000 to $1,500 on single persons and from $2,500 to $3,500 on the heads of families. Also in the excise and miscellaneous taxes practically everyone gets some relief. On cameras and lenses a reduction of $700,000 is made; on photographic films and plates, $750,000; firearms and ammunition, $3,400,000; smokers' articles, $50,000; cigars, $12,000,000; works of art, $650,000; jewelry, $8,000,000; brokers' tax, $2,000,000; automobiles for hire, $1,750,000; tobacco manufacturers, $1,120,000; deeds of conveyance, $4,000,000; admissions and dues, $4,000,000; automobiles, tires, accessories, and so forth, as before stated, $80,400,000. These amounts, in addition to the amounts on income and other taxes not mentioned, make a total of $325,760,000 that the tax burden of the American people will be lightened if this bill is adopted.

In view of this great relief, how any Member of the House can refuse to support this bill, simply because he does not approve of its every provision or can not fix every rate to suit himself, is more than I can understand.

The charge made by my friend, Mr. RAINEY, of Illinois, one of the ablest men in the House and one of the most useful members of the committee, that the small income-tax payer was offered a bribe by the $10 reduction he would receive as a result of the raising of the exemption in this bill will not, I believe, be entertained by even the gentleman himself upon serious reflection. The small income-tax payer will get much relief from this bill over and above what he gets in the way of exemptions in his income. He gets much relief in the reduction of the tax on automobiles and the removal of the tax on trucks, tires, accessories, and so forth. He also gets relief in the removal of the tax on deeds of conveyance and the many excise and miscellaneous taxes.

In the preparation of this bill everyone who requested it was given a hearing. There appeared before the committee leading economists, renowned financiers, governors, farm representatives—in fact, practically every profession, employment, and calling of life was represented.

It has been urged that no one appeared before the committee requesting that the exemption on incomes be raised, which is perhaps true; but this class of citizens with small incomes, barely enough to support their families, have left it to us as their representatives to see that no injustice is done them, and that they receive fair consideration in this bill. The fact that they have left it to us to protect and guard their interest is sufficient reason why they should not be disappointed in the confidence they have reposed in us.

The income tax is one of the main foundation stones of our revenue structure. It is one of the most equitable taxes, and no one paying a reasonable income tax has a right to complain. The imposition of this tax has had many beneficial effects, chief of which is, in my opinion, the effect it has had in checking extravagant expenditures. Up to the time the income tax was levied you heard little or nothing from our Republican friends about economy. So long as consumption paid the bulk of taxes and the poor and those of moderate means contributed as much to the support of our Federal Government as those possessing great wealth the idea of economy was scoffed at by those who are now proclaiming its virtues from the housetops. When persons of large wealth and immense incomes were forced to pay their just share of Government expenses, they then at once emphatically demanded of their servants, the Republican Party, that extravagance and waste in government should come

to an end, and that rigid economy should prevail. Here is where your economy program, which is preached far more than practiced, had its inception.

Under our present civilization the people demand a large amount of governmental service, and at the very best heavy taxes are necessary, but not one penny should be levied on the American people above the rigid needs of the Government, administered in the most economical manner possible and consistent with adequate and efficient service.

There is one section, however, of this bill I believe by all means should be amended—section 901, providing that the members of the Board of Tax Appeals shall have life tenures in office. I voted against this provision in committee, and shall feel it my duty to vote for an amendment taking this out of the bill. We increased the salaries of the members of the board to $10,000, which I think was all right, as none but men of ability and special equipment should be made members of this board. I believe the term of office for which the members are appointed should be 8 or 10 years, but to hold a member on, drawing full pay, when on account of age or disability he is unable to perform the duties of his office in a proper and satisfactory manner, I consider to be an unwise and indefensible policy.

There are other amendments that I think would be helpful, which I hope will be offered by the chairman and approved by the committee; but whether it is amended or not, I shall give it my enthusiastic support, believing that the enlightened thought of the American people, in their wise discretion, will not only approve of the main provisions of the bill but the nonpartisan manner in which it has been presented.

Now, Mr. Chairman, some apprehension has been expressed on the floor of the House lest the taxpayers having occasion to take their cases to the Board of Tax Appeals might not be able to do so unless they employed an attorney, and in order to get clear and reliable information on the subject I called Commissioner Blair this morning and requested that he direct a letter to me explaining the position of the bureau with respect to this very important matter, and in conclusion of my remarks I wish to read into the RECORD the letter I have received from the commissioner on this subject, which I know will be interesting to the committee and to the Members of the House. The letter reads:

TREASURY DEPARTMENT,
Washington, December 9, 1925.

Hon. R. L. DOUGHTON,
House of Representatives.

MY DEAR MR. DOUGHTON: In response to your telephone inquiry, I find there is nothing in the new bill which prescribes who may or may not appear before the Board of Tax Appeals.

The rules of practice before the United States Board of Tax Appeals provide that any taxpayer may appear in his own case, or a member of a partnership may appear for his partnership, or a bona fide officer of a corporation may appear for his corporation. No other person may appear for a taxpayer unless he is admitted to practice before the board, and in order to be admitted to practice the rules provide that a person must be a lawyer or certified public accountant. It is believed that this is a wise provision, for it is the purpose of the board to have a high standard of personal and professional ethics prevail. If everyone were allowed to appear before the board for taxpayers, there would be a great diversity of procedure and a lack of uniformity in pleadings, and neither the taxpayer's nor the Government's side of the case could be properly presented. In addition to this it is very important that the board may have as practitioners before it men who can not be questioned, men in whom the board can put confidence and whose word is at all times worthy of belief.

For your further information I am inclosing a copy of Rules of Practice Before the United States Board of Tax Appeals.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

I submit for the RECORD the copy of rules of practice referred to in the commissioner's letter.

Said rules of practice follow:

RULES OF PRACTICE BEFORE THE UNITED STATES BOARD OF TAX APPEALS

RULE 1.—BUSINESS HOURS

The office of the board at Washington, D. C., will be open each business day from 9 o'clock a. m. to 4.30 o'clock p. m.

RULE 2.—ADMISSION TO PRACTICE

A register of persons entitled to practice before the board will be maintained by the board in which will be entered the names of all such persons. Firms will not be admitted or recognized.

The following classes of persons whom the board finds, upon consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the board:

(a) Attorneys at law who are admitted to practice before the Supreme Court of the United States or the highest court of any State or Territory or the District of Columbia.

(b) Certified public accountants duly qualified under the law of any State or Territory or the District of Columbia.

An application under oath for admission to practice shall be addressed to the United States Board of Tax Appeals, Washington, D. C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, or qualification as a certified public accountant. Such application shall also state whether the applicant has ever been suspended or disbarred as an attorney in any court, or his right to practice as a certified public accountant suspended or revoked in any jurisdiction. Such application shall be accompanied by a certificate of the clerk of the court in which the applicant is admitted to practice to the effect that he has been so admitted and is in good standing; or a certificate by the proper State, Territorial, or District authority to the effect that the applicant is a certified public accountant in good standing, duly qualified, and entitled to practice in such State or Territory or the District of Columbia.

The board may, in its discretion, deny admission, suspend or disbar any person who it finds does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. An attorney or certified public accountant who has been admitted to practice may be disbarred only after he is afforded an opportunity to be heard.

The board shall have the right at any time to require a statement, under oath, of the terms and circumstances of any contract of employment of an attorney or certified public accountant with the taxpayer he represents.

Any individual taxpayer or member of a taxpayer partnership may appear for himself or such partnership upon adequate identification to the board. A taxpayer corporation may be represented by a bona fide officer of the corporation upon permission granted, in its discretion, by the board or the division sitting.

RULE 5.—INITIATION OF APPEAL—PETITION

An appeal shall be initiated by the filing with the board of a petition. The petition shall contain:

(a) A caption in substantially the following form:

UNITED STATES BOARD OF TAX APPEALS

Appeal of ----------
Address ---------- } Docket No. ----------

PETITION

(b) Proper allegations showing jurisdiction in the board.

(c) A statement of the amount of the deficiency, the nature of the tax, the year for which asserted, and the amount thereof (as nearly as may be determined) in controversy.

(d) Clear and concise assignments of error alleged by the taxpayer to have been committed by the Commissioner of Internal Revenue in determining the tax liability of the petitioner; such assignments of error shall be numbered.

(e) A clear and concise statement of the facts upon which the taxpayer relies as constituting the basis of his appeal.

(f) A statement of the propositions of law involved.

(g) A verification by the taxpayer.

The petition shall be complete in itself, so as fully to inform the board of the issues to be presented.

To the petition shall be appended a copy of the commissioner's letter advising the taxpayer of the determination of the deficiency (the so-called "sixty-day letter").

RULE 6.—FILING OF PETITION

Five clear copies of the petition, either printed or typewritten as provided in rule 27, shall be filed. The original shall be signed by the taxpayer, or his counsel, and duly verified by the taxpayer. Signature of counsel shall be in individual and not in firm name. The filed copies of the petition shall conform to the original.

The appeal is filed when the petition is received by the board.

RULE 7.—SERVICE ON THE COMMISSIONER OF INTERNAL REVENUE

The board, upon the receipt of the petition, will serve one copy thereof upon the Commissioner of Internal Revenue forthwith.

RULE 8.—DOCKET

Upon receipt of the petition by the board the appeal will be entered on the docket and assigned a number and the taxpayer or his representative notified thereof. This number shall appear upon all papers thereafter filed in the appeal.

RULE 9.—ANSWER

After service upon him of the petition, the commissioner shall have 60 days within which to file an answer or 20 days within which to move in respect of the petition. The answer shall be so drawn as fully and completely to advise the taxpayer and the board of the nature of the defense. It shall admit or deny each material

allegation of fact contained in the petition and set forth any new matters of fact and propositions of law upon which the commissioner relies. Five copies of the answer shall be filed, of which the original shall be signed by the commissioner or his counsel and the copies conformed.

RULE 10.—SERVICE OF ANSWER

Upon the filing of the answer the board will serve one copy thereof on the taxpayer or his counsel by registered mail, and the return post-office receipt for said answer shall be proof of the service of the same.

RULE 11.—JOINDER OF ISSUE

The appeal shall be regarded as at issue upon the filing of the answer.

RULE 12.—EXTENSIONS OF TIME

Continuances, extensions of time, and adjournments may be ordered by the board on its own motion and may be granted by it in its discretion on motion of either party filed in writing and stating the reasons therefor.

RULE 13.—AMENDED AND SUPPLEMENTAL PLEADINGS

Amended and supplemental pleadings may be filed only upon leave granted.

RULE 15.—CALENDAR

(a) Formation of calendar: All appeals will be placed upon the calendar in the order in which they are at issue, and such appeals shall stand for hearing and submission in that order upon notice as hereinafter provided in this rule: *Provided*, The board, on its own motion or on motion of either party, after due notice thereof, may advance the hearing of appeals whenever considerations of public policy make such action appear desirable.

(b) Notice of hearing: When issue is joined the board will give written notice of such fact by mail to all parties. Notice as to probable date of hearing will be given to all parties by the board, either in conjunction with notice of joinder of issue or otherwise, at least 15 days in advance of the date specified.

(c) Dismissal for nonprosecution: The board may, at any time after the joinder of issue, upon motion of either party or upon its own motion, order any appeal to be brought on for hearing, and may dismiss the same for nonprosecution if, when the appeal is called, the taxpayer does not show cause against such dismissal. The provisions for dismissal in cases of appeals coming on for hearing in regular course are contained in Rule 18.

RULE 16.—ASSIGNMENTS OF HEARINGS

The assignments of appeals for hearing shall be made by the chairman on each day of session for hearing on that day. Such assignments may be made without regard to the numerical arrangement of the appeals on the calendar.

RULE 17.—HEARINGS

(a) Sessions: The board will convene at 10 o'clock a. m. on each hearing day.

(b) Times and places of hearings: Hearings will be held at such times and places as may from time to time be fixed by the chairman.

RULE 18.—SUBMISSION WITHOUT ARGUMENT

An appeal in which issue has been joined and in which no issue of fact is raised, or a contested motion not predicated upon an issue of fact, in which both parties are not present in person or by counsel at the time it is called for hearing will be regarded as submitted on the part of the absent party or parties. Where there is a joinder of issue on questions of fact the provisions of this rule relative to submission without argument shall not relieve the party upon whom rests the burden of proof of adducing at the hearing proper evidence in support of his contention. Pleadings do not constitute evidence, and where issues of fact are joined failure to adduce supporting evidence will be taken as ground for dismissal.

RULE 20.—BURDEN OF PROOF

Upon hearing of appeals the taxpayer shall open and close and the burden of proof shall be upon him.

RULE 21.—MOTIONS

Motions must be in writing and five copies filed with the board. The board will serve one copy thereof upon the adverse party. Motions consented to or which indicate by indorsement thereon that they are not objected to by the opposite party may be acted upon by the chairman. Contested motions may be acted upon by the chairman or they may be referred by him to the board or to a division or a member of the board.

RULE 25.—BRIEFS

Briefs shall conform in size and style to the provisions of rule 27. If typewritten, 5 copies shall be filed; if printed, 20 copies.

A brief filed by a taxpayer shall contain, in the order here stated—

(a) A statement of the nature of the tax and how the appeal comes before the board.

(b) A concise statement of the facts.

(c) A concise statement of the points upon which the taxpayer relies.

(d) The argument.

A brief for the Commissioner of Internal Revenue shall be in similar form except that no statement of the nature of the tax or how the appeal comes before the board shall be required, and no statement of facts unless that presented by the taxpayer is controverted.

Every brief of more than 20 pages shall contain on its front fly leaves a table of contents with page references, supplemented by a list of all cases referred to, alphabetically arranged, together with references to pages where the cases are cited.

One copy of each brief filed will be delivered by the board to the opposite party.

RULE 26.—FINDINGS OF FACT

At the conclusion of the hearing of an appeal before the board, or a division thereof, both parties shall present to the board, or the division before which such appeal was heard, proposed findings of fact.

Such proposed findings of fact shall contain a statement of the findings desired in the form of distinct numbered propositions of the facts which it is desired be found; and each proposition must be so prepared with respect to its length, subject matter, and phraseology that the board, or a division thereof, may conveniently pass upon it; and they must be so arranged as to present a concise statement in orderly and logical sequence of the whole case as it is desired to have it appear in the findings of fact.

Five copies of such proposed findings shall be filed with the board.

Upon the filing of the proposed findings of fact notice of such filing, together with a copy of the proposed findings of each party, will be served upon the opposite party by the board. Within five days after the receipt of such notice of filing of proposed findings each party may file objections to the proposed findings, wherein he shall point out specifically such objections to such proposed findings, or any part thereof, as he may desire; at the time of filing such objections either party may request such additional findings as he may desire to have appear in the findings of fact.

RULE 27.—FORM AND STYLE OF PAPERS

All papers filed with the board may be either printed or typewritten, and if typewritten shall be on one side of the paper only, on paper not more than 8½ inches wide and 11 inches long, and weighing not less than 16 pounds to the ream, folio base 17 by 22 inches, and fastened on the left side. Copies shall be legible, but may be on any weight paper. If printed they shall be in 10 or 12 point type, on good unglazed paper 5⅞ inches wide by 9 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded quotations. Citations shall be in italics.

RULE 30.—STIPULATIONS

The taxpayer and the Commissioner of Internal Revenue may, by stipulation in writing filed with the board, or presented at the hearing, agree upon any facts involved in the case. It is desired that facts be thus stipulated in so far as and whenever practicable.

RULE 31.—EX PARTE AFFIDAVITS

Ex parte affidavits will not be received as evidence on disputed questions of fact unless the affidavit is first submitted to the opposing counsel prior to the hearing and his consent to the introduction thereof obtained.

RULE 32.—ORAL TESTIMONY

(a) Transcript of testimony: If the amount of tax in controversy is more than $10,000, the oral testimony introduced at the hearing shall be taken stenographically and a transcript thereof shall be made; if the amount is $10,000 or less, the oral testimony shall not be taken stenographically unless in the opinion of the division holding the hearing a permanent record of the testimony is deemed necessary.

(b) Admissibility of evidence: The division holding a hearing shall be the sole judge of the relevancy and admissibility of evidence. It shall be its concern to elicit the material facts.

RULE 33.—DOCUMENTARY EVIDENCE

(a) Copy of parts of document: Where relevant and material matter offered in evidence is embraced in a book, paper, or document containing other matter not material or relevant and not intended to be put in evidence, such document shall not be filed, but a copy only of such relevant and material matter shall be filed.

(b) Receipt of documentary evidence: Where agreed upon by the taxpayer and the Commissioner of Internal Revenue at or after the hearing, the division, if it deems advisable, may receive specified documentary evidence as a part of the record within a time to be fixed by it.

RULE 40.—SUBPŒNAS

(a) How issued: Except where issued at the instance of the board or any division thereof, subpœnas shall issue only after filing of a written application therefor.

(b) Application for: The application shall specify the names and addresses of the witnesses required, the place where, time when, and before whom they are to appear and testify; and if documentary evi-

dence is required, a sufficiently accurate description thereof to enable the witness to identify the documents. [NOTE: See form in Appendix.]

(c) For production of documents: In case a witness is required to appear and produce documentary evidence, the application and the subpœna should state whether the person so required should appear in propria persona or be permitted to designate some person who is familiar with the contents and meaning of such documents to appear in his place and produce the same.

(d) Payment of fees and mileage: At the time of service of subpœna on behalf of the taxpayer on any witness required the fees and mileage provided by section 900 (i) of the revenue act of 1924 shall be tendered and paid to such witness.

(e) Service and proof: Service may be made by any citizen of the United States over the age of 21 years, not a party to or in any way interested in the appeal, and competent to be a witness. Proof of service may be made by affidavit.

RULE 41.—DEPOSITIONS ON ORAL EXAMINATION

Where the taxpayer and the Commissioner of Internal Revenue are unable to agree upon the facts in any case depositions may be taken in accordance with the following rules:

(a) Application to take: When either party proposes to take a deposition a verified application, with two conformed copies, shall be made to the board setting forth the following:

(1) The name and post-office address of the witness whose deposition is proposed to be taken.

(2) The subject matter or matters concerning which the witness is expected to testify, together with a statement of the reasons why it is desired to take the deposition and why the witness or witnesses should not be required to appear personally and testify at the hearing.

(3) The time and place of taking the deposition and the name, post-office address, and official designation of an individual competent to administer oaths under the revenue act of 1924, before whom it is proposed to take the deposition.

(b) Order for: Upon receipt of such application by the board, it will make an order, copy of which will be mailed or delivered to the taxpayer and to the Commissioner of Internal Revenue, or their counsel, wherein the board will name the witness whose deposition is to be taken and specify the time when, place where, and the officer before whom the witness is to testify, but such time and place and the officer before whom the deposition is to be taken so specified in the board's order may or may not be the same as those named in the application to the board.

(c) By stipulation: At any time after issue is joined the parties or their counsel may, by stipulation duly signed and filed with the board, take the depositions of any witnesses whose testimony they deem material to the issues. In such cases the stipulation shall state the names and addresses of the witnesses, the time when and the place where such depositions will be taken, and the name, address, and official title of the officer before whom it is proposed to take the depositions. In such cases no order to take depositions will be issued by the board, but such depositions shall be taken and returned by the officer in accordance with the rules of the board.

(d) Manner of taking depositions: The person appointed to take testimony shall be present during the taking of the deposition. Every person whose deposition is taken shall be cautioned and sworn (or affirmed, if he so request) to testify the whole truth and nothing but the truth concerning the matter about which he shall testify, and shall be carefully examined. His testimony shall be reduced to typewriting by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be read and subscribed by the witness and certified in usual form by the officer. After the deposition has been so subscribed and certified it shall, together with two copies thereof made by such officer, or under his direction, be forwarded by such officer under seal in an envelope addressed to the board at its office in Washington, D. C. Upon receipt of the deposition and copies the board will file the deposition in the record in said proceeding and forward one copy to the party at whose instance the deposition has been taken, or his counsel, and the other copy to the opposite party or his counsel.

(e) Objections: Objections to questions or answers or to documentary evidence offered, and the grounds therefor, shall be entered of record, but no comment, explanation, or argument shall be recorded. All questions propounded, together with the answers thereto, shall be reported.

(f) Witnesses not named in order: When depositions are taken under these rules, if both parties are present or represented at the time and place specified for the taking of the depositions, either party may, after the examination of the witnesses produced under the order, be entitled to produce and examine other witnesses; but in such case one day's notice must be given to the adverse party or his counsel there present unless such notice is waived.

(g) Costs and fees: Any cost or expense incurred in the taking of depositions under these rules shall be paid by the party at whose request the same are taken. Persons designated to take depositions shall be entitled to the same fees as are paid for like services in the courts of the United States.

(h) Depositions on order of board: The board or any division thereof may at any time upon its own motion order the taking of the deposition of any witness whose testimony is deemed essential to the proper disposition of the appeal.

(i) Limitation on time for application to take: Applications to take depositions must be filed at least 30 days prior to the date set for the hearing of the appeal, and such depositions must be completed and filed with the board at least 10 days prior to the hearing: *Provided*, Such applications will not be regarded as sufficient ground for the granting of a continuance from the date or place of the hearing theretofore set, unless the appeal shall have been at issue less than 60 days and the motion for continuance shall have been filed not less than 20 days prior to said date of hearing: *Provided further*, That under special circumstances, and for good cause shown, the board may otherwise order.

(j) How written: The depositions shall be typewritten upon one side of the paper only, which shall be the same size as required under rule 27.

RULE 42.—DEPOSITIONS ON WRITTEN INTERROGATORIES

Depositions may be taken on written interrogatories in substantially the same manner as above indicated for depositions on oral examinations. The interrogatories must be filed with the applications in triplicate and a copy thereof will be served upon, or mailed to, the opposite party by the board. Within 12 days after such service such opposite party may file with the board his objections, if any, to such interrogatories, together with any cross-interrogatories he desires to propose. If he files cross-interrogatories they shall be filed with the board in triplicate and one copy thereof will be forwarded to the opposite party or his counsel, who shall within 10 days thereafter file his objections, if any, to such cross-interrogatories. No objections to the interrogatories or cross-interrogatories will be considered at the hearing unless taken before the order for the taking of the deposition issues.

RULE 43.—FEES AND MILEAGE

Witnesses summoned before the board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage and fees of persons designated to take depositions shall be paid by the party at whose instance the witnesses appear or their depositions are taken.

RULE 44.—COMPUTATION OF TIME—SUNDAYS AND HOLIDAYS

When the time prescribed by these rules for doing any act expires on a Sunday or a legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such legal holiday.

RULE 50.—SETTLEMENT OF FINAL DETERMINATIONS

When the board makes a decision directing the recomputation of a deficiency in an indicated manner, the procedure shall be as follows: (1) The parties may stipulate that the deficiency shall be determined at a stated amount, and file the stipulation as the basis of a final determination on consent. (2) Either party may prepare a proposed determination, showing the basis and method of its computation and file five copies thereof with the board, accompanied by a notice that it will be presented to the board for settlement on a stated day (other than a Friday or Saturday) not sooner after filing than the number of days allowed in the board's decision. The board will serve one copy upon the adverse party and the latter shall show cause before the board, by filing, before the day stated in the notice, five copies of an alternative proposed determination. Failure so to propose an alternative determination will be treated as a consent to the proposed determination of the adverse party theretofore filed, and an order settling determination of tax accordingly will be entered by the chief of the division from which the decision emanated. Determinations noticed for settlement and contested will be called in the regular daily calendar call of the board and will be assigned by the chairman to the division from which the decision emanated for disposition on the papers filed or after hearing, as the situation may require.

APPENDIX

FORMS

These forms are tentative and may be altered as circumstances may render necessary.

No. 1. Application for admission to practice.
No. 2. Petition.
No. 3. Application for subpœna.
No. 4. Subpœna.
No. 5. Order to take depositions and certificate on return.
[NOTE.—See Rule 27 as to form and style of papers.]

No. 1

UNITED STATES BOARD OF TAX APPEALS

APPLICATION FOR ADMISSION TO PRACTICE

I, ——— ———, hereby apply for admission to practice before the United States Board of Tax Appeals, and submit the following:

1. I reside at ——— (street number), ——— (city), county of ———, State of ———.

2. My office address is ——— (street number), ——— (city), county of ———, State of ———.

3. I was admitted to the bar of the ——— (enter name of highest court) court of the State of ——— on the ——— day of ———, ——, and have never been suspended or disbarred from practice before said court or any court of any State or the United States, except as follows: ———.

I am a member of ——— (state membership in professional societies).

(Certified public accountants will use the following:)

I was issued a certificate and authorized to practice as a certified public accountant by the ——— (give name of board or commission) of the State of ——— on the — day of ———, —, and such certificate has never been revoked nor have I been suspended from practice, except as follows: ———.

I am a member of ——— (state names of accountants' societies to which you belong) and have never been suspended or expelled from any such society or any other recognized society of certified public accountants, except as follows: ———.

——— ——— (name of applicant).

STATE OF ———, *County of* ———, *ss:*

——— ———, being first duly sworn, says that he is the person named in the foregoing application for admission to practice before the United States Board of Tax Appeals and that the statements of fact therein contained are true.

——— ——— (signature of applicant).

Subscribed and sworn to before me this — day of ———, 192—.

CERTIFICATE

(Suggested form)

I, ——— ——— (state whether clerk of court or secretary of State board or commission of accountancy), hereby certify that ——— ———, the applicant for admission to practice before the United States Board of Tax Appeals, is duly admitted to practice as ——— (state whether attorney or C. P. A.) by the ——— (state name of court or State board or commission of accountancy) of the State of ——— and that he is now in good standing as such ——— (state whether attorney or C. P. A.).

———, ———,

(Clerk of court or secretary of board or commission of C. P. A.)

Dated ———.

[SEAL.]

No. 2

UNITED STATES BOARD OF TAX APPEALS

Appeal of the John Doe Co., 120 Broadway, New York, N. Y. Docket No. ———.

PETITION

The above-named taxpayer hereby appeals from the determination of the Commissioner of Internal Revenue set forth in his deficiency letter (bureau symbols) dated ———, 192—, and as the basis of its appeal sets forth the following:

1. The taxpayer is a Delaware corporation with principal office at 120 Broadway, New York City.

2. The deficiency letter (a copy of which is attached) was mailed to the taxpayer on ———, 192—.

3. The taxes in controversy are (income) (profits) (estate) (gift) taxes for the (calendar or fiscal) years (———) and are (more or less) than $10,000, to wit, ——— dollars (state exactly, if possible, or approximately, the amount disputed).

4. The determination of tax contained in the said deficiency letter is based upon the following errors:

(Enumerate specifically the assignments of error in a concise manner.)

5. The facts upon which the taxpayer relies as the basis of its appeal are as follows:

(Here set forth a brief statement of the facts—but not the evidence—in orderly and logical sequence, so as to enable the commissioner to admit or deny each allegation.)

6. The taxpayer, in support of its appeal, relies upon the following propositions of law:

(Here state briefly each question of law in dispute, without argument or citation.)

Wherefore the taxpayer respectfully prays that this board may hear and determine its appeal.

——— ——— (counsel for taxpayer).

——— ——— (post-office address).

STATE OF ———, *county of* ———, *ss:*

William Smith, being duly sworn, says that he is the president of the John Doe Co., above named, and as such is duly authorized to verify the foregoing petition; that he has read the said petition, or had the same read to him, and is familiar with the statements therein contained; and that the facts therein stated are true, except such facts as are stated to be upon information and belief, and those facts he believes to be true.

———.

Sworn to before me this — day of ———, 192—.

——— ——— (notary public).

(See rules 5 and 27.)

No. 3

UNITED STATES BOARD OF TAX APPEALS

Appeal of ———. Docket No. —

APPLICATION FOR SUBPŒNA

To the United States Board of Tax Appeals:

Application is hereby made for the issuance of a subpœna for the attendance before ——— ——— (the United States Board of Tax Appeals, or the name and official title of the person authorized to take depositions) at ———, of the following persons, whose oral testimony is desired on behalf of (taxpayer or the United States) in the matter of the tax liability of the above-named taxpayer now pending on appeal:

Name, ——— ———.

Address, ——— ———.

Details required under rule 40: ———

———

Dated ———, 192—.

(Signed) ——— ———.

(See rule 40.)

No. 4

UNITED STATES BOARD OF TAX APPEALS

Appeal of ———. Docket No. —

SUBPŒNA

The President of the United States of America to ——— ———, *greeting:*

You are hereby commanded under penalty of law to be and appear in your proper person before the ——— ——— (United States Board of Tax Appeals, or the name and official title of the person authorized to take depositions) at ——— on the — day of ———, 192—, at —— o'clock — m., then and there to testify on behalf of ——— ——— (taxpayer or the United States) in the matter of the tax liability of ——— ———, now pending before this board.

You are required to bring with you the following, to wit: ———

———

By order of the United States Board of Tax Appeals, this — day of ———, 192—.

[SEAL] ——— ——— (member).

(See rule 40.)

PROOF OF SERVICE

STATE OF ———, *county of* ———, *ss:*

——— ———, being first duly sworn, says: "I am a citizen of the United States of America, over the age of 21 years, and not a party to or in any way interested in the appeal in which this subpœna was issued."

That on the —— day of ———, 192—, I served the annexed subpœna on the following witnesses named therein at the places set opposite their respective names by delivering to and leaving with each of them personally a copy of said subpœna and at the same time exhibiting to each of them this original.

Name, ——— ———. Place of service, ——— ———.

(For witnesses subpœnaed on behalf of taxpayer.)

That at the time of such service I tendered to each of said witnesses the sum of $———, the same being the fees and mileage provided by section 900 (1) of the revenue act of 1924.

——— ———.

Subscribed and sworn to before me this —— day of ———, 192—.

——— ———.

No. 5

UNITED STATES BOARD OF TAX APPEALS

Appeal of ———. Docket No. ——

ORDER TO TAKE DEPOSITIONS

On reading and filing the application of ——— ——— (taxpayer or commissioner), to take the testimony by deposition of ——— (names of witnesses), residing at ———, alleged to be material witnesses in this cause, at ——— ——— (room number, street number, and place), on the —— day of ———, 192—, at — o'clock — m., and it appearing therefrom that ———, a ——— (official title) of ——— (address), is a person authorized to administer oaths under the revenue act of 1924, it is by the board, this —— day of ———, 192—,

Ordered, That the depositions of the said witnesses above named be taken at ——— (room number, street number, and place), commencing on the —— day of ———, 192—, at — o'clock — m.

And it is further ordered, That the said depositions be taken before ———, of ———, a ——— (official title), who is hereby designated by the board for that purpose.

The said depositions shall be taken and the same returned to this board in accordance with the rules of the board.

[SEAL.] ——— ———

(Member, United States Board of Tax Appeals).

(See rules 41 and 42.)

CERTIFICATE ON RETURN

I, ——— ———, the person named in the foregoing order to take depositions, hereby certify:

1. I proceeded, on the —— day of ———, A. D. 192—, at the office of ———, in the city of ———, State of ———, at — o'clock — m., under the said order (and in the presence of ——— ——— and ——— ———, the counsel of the respective parties) to take the following depositions, viz:

——— ———, a witness produced on behalf of the ——— (taxpayer or United States).

——— ———, a witness produced on behalf of the ——— (taxpayer or United States).

——— ———, a witness produced on behalf of the ——— (taxpayer or United States).

That said witness— were examined under oath at such times and places as conditions of adjournment required, and that the testimony of said witness— (or their answers to the interrogatories filed) was taken stenographically and reduced to typewriting by me or under my direction.

2. I further certify that after the said testimony of said witness— was reduced to writing the transcript of the testimony was read and signed by said witness— in my presence, and that ——— ——— (each of them or he) acknowledged before me that said testimony was in all respects truly and correctly transcribed.

3. I further certify that after the signing of the deposition in my presence no alterations or changes were made therein.

——— ———

(Signature of person taking deposition).

[SEAL.] ——— ———

(Official title).

[NOTE.—The order and return should be attached to and bound with the transcript preceding the first page thereof. It should then be inclosed in a sealed envelope and addressed to United States Board of Tax Appeals, Earle Building, Washington, D. C.]

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. BACHARACH]. [Applause.]

Mr. BACHARACH. Mr. Chairman, this is perhaps the first time in the history of our Government, excepting the trying days of war, that the preparation and consideration of a revenue bill has been so entirely devoid of partisan politics, and the bill now under consideration may truly be offered to the Congress and to the country as a nonpartisan or bipartisan measure, and I entertain the hope that the example set by the committee, and which no doubt will be followed to a large extent by the Members of the House, may be followed in the preparation of all future revenue measures.

There should be no politics in the matter of taxation; it is a matter that is too vital to the welfare of the Government and to the people to be considered from a partisan standpoint rather than from a business standpoint. The Ways and Means Committee, as I view it, are the financial directors of the largest and soundest corporation in the world, and it can be truthfully said that every member of the committee has given the preparation of this revenue bill his honest, conscientious, and best judgment.

Of course, there is bound to be some difference of opinion as to details. You can not get 25 men together to consider a proposition of any kind where they will not try to incorporate their individual opinions; that is so not only in legislative matters, but we find it existing in private enterprise. You who have had the experience of serving on boards of directors or advisory boards know this to be the fact, and there must be a system of give and take in order to accomplish as far as possible that which is set out to be done.

When our committee concluded its hearings and got down to the work of framing the bill there were 25 different ideas and plans as to how some part of the bill should be framed and as to the taxes that should be reduced or repealed; and it is really remarkable that the committee has been able to bring forth a bill which has merited the support of both sides of the committee and apparently has received the universal approval of the country.

It is my observation that the people of the country care little or nothing as to which political party gives them a reduction in taxes; they are only interested in knowing that the affairs of our Government are so administered that their individual taxes can be reduced.

I think it is fair to say that each of us still entertain certain ideas as to what would constitute an ideal revenue bill and would like to see those ideas made effective by law. Like other members of the committee and of the House, I feel that there still remain in the bill some taxes which should be eliminated or reduced.

At all times our committee was confronted with the opinions of the Secretary of the Treasury and his assistants to the effect that it would be an extremely dangerous financial policy to go beyond $300,000,000 in reducing taxes. Personally I believe that that amount is too conservative, and we could possibly extend it to $400,000,000 without the danger of facing a deficit. However, if there are any surplus funds in the Treasury created by the receipts from this bill, the amount will be applied to the reduction in our public debt, and that means a further indirect reduction in taxes, since it is estimated that every hundred millions of dollars applied to the reduction of our public debt results in a saving of $3,750,000 in interest. Interest is paid out of the revenues received from taxes, hence the less interest to pay the less taxes to pay.

In so far as the income-tax schedule is concerned, I feel that this is a well-balanced bill. Of course, the greatest relief, and in my judgment rightly so, is given to the largest class of taxpayers, those with taxable incomes of $5,000 and less. By reason of the increased exemptions allowed to married and single persons and the reduction that has been made in the normal rates, several millions of people who were obliged to pay a small tax under the 1924 law will be relieved of paying any tax at all under the provisions of this bill, while those with taxable incomes up to $10,000 have been given a very substantial reduction.

I am not in accord with those who advocate the elimination of all tax on incomes up to $5,000, for I believe that it makes for the betterment of our citizenship if everyone earning a reasonable income were obliged to pay some Federal tax. On the basis of but one taxpayer in the 25,000,000 families in this country, only 16 per cent of American families pay directly toward the cost of their Government.

The ideal tax would perhaps place a levy on the income of every person above a certain amount; of course, it should be very light on those with small incomes, but if there was a flat tax on gross incomes even as low as $5 on $5,000 incomes, it would yield a tremendous amount of revenue without inflicting any hardship, and the man or woman who would protest against paying such a small tax for the benefits received from our Government could hardly call himself or herself a real American citizen.

The age limit for dependent children should be raised from 18 to 21 years. This is the age when our boys and girls are entering the higher institutions of learning, and their parents must pay for their education. In these days the poorest father and mother want their children to have the advantages of education which they were not able to enjoy, and for that purpose they are willing to deny themselves even the real necessities of life in order that their children may complete their education and be better equipped to fight the battles of life. So just at the age when our boys and girls become the heaviest drain on the family treasury the present revenue law looks upon them as independent and denies their parents the right to further exemption in making their income-tax return.

The corporations of the country should have been given some relief in this bill. The present corporation tax is 12½ per cent. The theory of corporation income tax was that its rate should correspond to the rate of the normal tax on individual income. This theory was followed out in the revenue acts from 1913 to 1917. In the act of 1917 the corporation tax was jumped two points higher than the normal rate. In 1918 it was made 12 per cent, the same as the normal rate on individuals. In 1919 and 1920 it was cut 2 per cent, while the normal rate on individual income was dropped 4 per cent. In 1921 the individual rate was 8 per cent and the corporation rate was 10 per cent, and then when the excess-profits tax was eliminated the corporation tax was increased from 10 per cent to 12½ per cent. This tax now often requires all the cash profits of a corporation to pay it, and, like the surtax on individuals, if it is continued at too high a rate it will work to the disadvantage of business and the Government. I believe the principle of taxing corporations at the same rate as individuals is fair and just and the best to be followed.

Mr. McKEOWN. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. McKEOWN. What is the argument against allowing a corporation the same schedule of reduction as an individual?

Mr. BACHARACH. Of course we do allow corporations——

Mr. McKEOWN. You charge them a greater rate than you do individuals.

Mr. BACHARACH. The corporation tax was raised in 1924 from 10 per cent to 12½ per cent, because we got rid of certain taxes that individuals were paying at that time. As to the difference between corporations and individuals, we allow small corporations an exemption of $2,000, and, of course, a man with an income of $60,000 just reaches approximately the 12½ per cent mark. With the exception of the fact that we need the funds, I see no reason why the corporation tax should not have been reduced.

I was not in favor of the capital-stock reduction because, I think, after all, the money that is earned by corporations, if we could get them to pay it out as dividends, would go to the individuals, and then they would pay the normal and surtax on that money, and the country would be better off.

Mr. McKEOWN. If the gentleman will yield further, here is a gentleman who is incorporated, and over here is another gentleman who is not incorporated, and the gentleman who is incorporated can ask some very embarrassing questions in having it explained to him why he has to pay more than the other man.

Mr. BACHARACH. I think that is true, and the committee tried to work that out, and they tried to get up an arrangement, although I do not think it was put in the bill, so the return of a small corporation could be made as a partnership instead of as a corporation.

Mr. CRISP. Will the gentleman yield?

Mr. BACHARACH. I yield to the gentleman from Georgia.

Mr. CRISP. Is it not true that, while the committee would have been very glad to reduce the tax, the Secretary of the Treasury stated the exigencies of the Treasury were such it was not advisable to reduce the corporation tax, and that the Government needed the amount of money it was collecting from corporations to meet its requirements.

Mr. BACHARACH. That is absolutely true.

Mr. ARENTZ. Will the gentleman yield further?

Mr. BACHARACH. I yield to the gentleman.

Mr. ARENTZ. Have you in mind the number of returns of $5,000 and under made in the United States and the cost of collecting the same?

Mr. BACHARACH. That is in the hearings. I do not recall the exact figures, but I do want to say to my friend that we were told it was costing a great deal more to collect those taxes than what they would amount to, but it was shown us that is was costing a great deal less than any member of the committee had any idea.

Mr. ARENTZ. Why does not the committee present an amendment making it so that a man making a return of $5,000 or under pays a definite sum of money covering that return—$5 or $7.50—and eliminate the cost of Government supervision, because that is an enormous amount?

Mr. BACHARACH. Naturally every member of the committee had a different view regarding this very item. Every man on the committee is sincerely interested in trying to help the taxpayers of the country; but it was impossible to work out any other basis for the present than what we have worked out, and that is the reason why we have provided for the creation of a special committee to look into the question of the adoption of a system of taxation that will be sane and sound for the business and for the people of this country.

Mr. ARENTZ. Is it your opinion that the department is cluttered up because of this condition?

Mr. BACHARACH. Not because of the small taxpayers. I think they were cluttered up some years ago by large taxpayers getting an extension of time; and in addition to that, of course, it was naturally a new proposition, and there was bound to be delay, although the Treasury Department has tried to speed the matter up.

Under the 1924 bill we established a Board of Tax Appeals, responsible to no one except the people of the country, and I think that is one of the best features of the bill, and I hope the Members of this House realize of how great importance this board is, because it is a board where a man can go, regardless of what the department says, and get justice, whether justice be in his favor or against him.

Mr. TILSON. Will the gentleman yield?

Mr. BACHARACH. I am pleased to yield to the leader.

Mr. TILSON. Before leaving entirely the question of exemptions, has the gentleman considered the matter of keeping low the exemptions and then leaving it more than we have ever done heretofore to the honor of the taxpayer who is in the group of small taxpayers, and instead of appealing it letting it go according to the report which the taxpayer sends in?

Mr. BACHARACH. Yes.

Mr. TILSON. In Great Britain, for instance, where the exemption is much lower, when the report is sent in, if it is a false report, of course it can be investigated, but so far as the smaller income returns are concerned, they accept them very largely upon the face of them, relying upon the honor of the people in general.

Mr. BACHARACH. Yes.

Mr. TILSON. And in that way the expense of collecting these taxes is very much reduced.

Mr. BACHARACH. The expense has been very substantially reduced.

There seems to be some criticism of the bill because it does not give equally as much relief to those who come within the middle brackets of the surtax schedule, say, from $20,000 to $60,000, as it does to those in the brackets above and below these amounts.

It is true that the percentage of reduction in those brackets is lower than in the others; but that is not so because there was any disposition on the part of the committee to put a heavier burden on the shoulders of those taxpayers who come within these brackets but because it could not be worked out otherwise.

It was agreed by the committee that the surtax rate should begin on incomes above $10,000 and progress step by step until the maximum rate of 20 per cent on incomes above $100,000 was reached.

To spread the tax out as fairly and equally as possible, and in order to keep the schedule as simple as possible so that there would be little difficulty on the part of the taxpayer in making out his return, we had to resort to the use of even numbers both in the amount of income and in the rates applied. For instance, it would complicate matters all around if in making the graduations we had jumped the grades by $200 or $300 or $500 and the rates by a quarter, a half, or three-quarters per cent. But while the percentage of reduction in these grades is not as much as in the other grades they do receive a very substantial reduction, when we consider the relief that has been given to this class of taxpayers in the acts of 1921, 1924, and the present bill.

In this connection I want to emphasize the reductions that have been made in the total tax on individual incomes in these brackets under the act of 1924 and in the present bill, as compared with the act of 1921. The figures apply to the head of a family without dependents, the first $5,000 of all income deemed to be earned income.

Total tax	1921	1924	Present bill
$5,000	$100.00	$37.50	$16.88
$10,000	520.00	207.50	129.38
$15,000	1,060.00	557.50	409.38
$20,000	1,720.00	1,017.50	819.38
$25,000	2,560.00	1,607.50	1,359.38
$30,000	3,520.00	2,317.50	2,019.38
$35,000	4,630.00	3,127.50	2,779.38
$40,000	5,840.00	4,037.50	3,639.38
$45,000	7,180.00	5,027.50	4,599.38
$50,000	8,640.00	6,137.50	5,559.38
$55,000	10,230.00	7,367.50	6,609.38
$60,000	11,940.00	8,677.50	7,659.38

With these substantial reductions in mind I do not believe that any taxpayer within these brackets has the right to make any serious complaint.

I am frank to admit that the bill reported by our committee is not what might be termed a perfect tax bill by any means. It again makes further reduction in taxes and to some degree it changes the administrative features of the old law looking to a simplification of our tax methods. To that extent it may be said that it contains some element of tax reform, and with that end particularly in view it provides for the creation of a joint commission on taxation, to be composed of five Members of the House, five Members of the Senate, and five members from the general public, to be selected by the President, and all to serve without pay.

It will be the duty of this commission to study the question of taxation in all its ramifications for the purpose of assisting Congress in making some real reform in our system of taxation, looking to the simplification of the method of filing our tax returns, so that anyone can make out his return without the help of an expert accountant or legal adviser.

There is no question but what this can be done; it should be possible to so simplify our tax law that the system of a normal tax and surtax can be done away with and replaced by one tax schedule for income tax. It ought to be possible to so simplify it that Federal taxes might be collected somewhat in the same manner as taxes are collected by local municipalities, with the Government sending the taxpayer a bill for the amount of tax due and the taxpayer remitting that amount to the Government without any fear that he is making an overpayment or an underpayment.

I believe the appointment of this commission is a step in the right direction, but I want to see the commission appointed without any delay following the passage of the bill, and I want to see that commission get down to work without any delay so that Congress may have the benefit of its recommendations soon after without any lapse of a year or two between the time of its creation and a report of its findings. It has been my observation that because of the delay in making their reports these commissions lose their effectiveness, and their findings are of little value to Congress.

Mr. CRISP. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the House, at a recent bankers' convention in St. Petersburg, Fla., one gentleman used some very violent language against Chairman GREEN, of this committee, and the gentleman from Texas, Mr. GARNER, because, forsooth, they were not willing to repeal the estate tax. He said it was bolshevism, communism, and socialism.

Now, gentlemen of the House, that shows the monumental ignorance of this gentleman; he is either an ignoramus or intentionally misrepresented. The estate tax is one of the oldest forms of taxation in the history of governments. In Babylonian periods this estate tax was enforced, and it took one-twentieth of the estate. Under the Roman law, under Augustus, they took one-twentieth of the estate to support the Roman Army in its campaigns to conquer the world. Under the English Government since 1780 the estate tax has existed. It is the most economical form of taxation from an economic standpoint that you can have. I will leave it to any good lawyer in the House, that under the common law the estate did not go to the heirs, but to the Crown. The privilege to receive property as an heir is not a natural right. You bring nothing into the world and you can take nothing out. The right to inherit property is not a natural right, it is a statutory right granted by the Government. So what do we find? Under the tax law of this Government taxation from the standpoint of the Federal Government is entirely a different proposition than the taxation of the estate by the several States; while the Federal Government taxes the right to pass the property down to the children the State taxes the right of the heir to receive the property—two different principles of taxation.

The tax by the Federal Government is a tax on the whole estate. The right to transmit the property down and the right of the State to tax is based entirely on the right of the heir to receive the property—two distinct principles of taxation not in conflict with each other.

I say here and now if it is the purpose to give away the right of the Federal Government to tax estates I am opposed to it. We give the State 80 per cent of the tax in this tax bill. We are not obliged to give them a cent. We tax from one standpoint and they tax from another. The United States Government taxes a man because it permits him to pass the estate down, and that takes the whole estate. The State taxes the right of the individual citizen to receive the property. I say here and now that it comes as a strange argument from men who believe in the eternal union and supremacy of the National Government to give away the power of the National Government of this just right to tax.

Upon the policy of how much the tax should be we may all differ. In my opinion how much you ought to take from an estate may differ from others. My mind may look at it from a different standpoint, but I reiterate now that Congress in the passage of this bill is conceding to the State a mere gift of 80 per cent in taxes. You are not giving the State anything of their own. You are giving them this amount, and in my opinion it would be better legislation to simply reduce the estate tax of the Government down to where it will not interfere and make the same income rather than to concede to the States that they may take credit of what they pay. It is wrong in principle—this credit on a State—because it is not founded on the same basis of taxation.

Another proposition is that the National Government taxes the estates because all property comes in from different States of the Union. The State can only tax on the property within the borders of the State or that property which was within the borders when the death occurred. Therefore, I say to you that all this talk about repealing the estate tax by the Government is wrong. If the young men fortunate to inherit great fortunes would do like some that we have had, who came into the House, take the hardships of public life, those who can afford to do it, it would be a great example to the American youth, and we would have no reason to go out and take from them what is justly theirs. But, gentlemen, the trouble in this country to-day is that, unfortunately, many of the youths who inherit great fortunes in the country, instead of putting in their time trying to do something for the betterment of the American people and getting into public life and devoting themselves to the arduous task of accomplishing something as sons of America, waste their inheritance, disgrace American citizenship at home and abroad. I say to you if they keep up that kind of conduct the people of the United States will some day be justified in saying that beyond a certain amount of money we will not permit you to inherit but will take it for the common good of the country.

If it were possible to separate the fortunes of this country into classes, whereby you could take the fortune of him who by reason of special benefits and privileges has gone out and destroyed the natural resources of the country, who has decimated its forests and taken its minerals and left it worthless, if you could put your hand upon him in a taxable way, you owe it to the American people to take from him and give back to them something of what has been unlawfully taken away from them.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLOOM. The gentleman says that there are different ideas about the collection of the money. Do not the State and the Government collect from the estate itself?

Mr. McKEOWN. No; the National Government collects from the whole estate and the State collects only from the heirs its part. The law of Oklahoma is the same as the law of the gentleman's State, New York. Each child has an exemption of $10,000 on the first $25,000. The child will pay only 1 per cent on $15,000, but the whole estate is taxed by the Federal Government.

Mr. BLOOM. But does not the entire amount come out of the estate itself?

Mr. McKEOWN. The entire amount comes out of the estate. The part that goes to the Federal Government comes out of the entire estate and the part that goes to the State comes out of the heirs.

Mr. BLOOM. It makes no difference.

Mr. McKEOWN. Oh, it does, because it is a different amount, collected differently.

Mr. BLOOM. The gentleman does not object to the young fellows he is talking about going out and spending this money, does he? That puts it in circulation.

Mr. McKEOWN. I have no objection to their spending their money. But while they are spending their money they are not acting the part of good American citizens, and when they go out and set a bad example by disgraceful and riotous living they are not doing what is right. I believe in their doing some real substantial work, like the Speaker of this House, like the gentleman from New York [Mr. MILLS], who are willing to undertake the hardships of everyday American citizens and go in and fight their way, despite the fact that they have plenty of money to live on in leisure and enjoy idleness.

Mr. BLOOM. But it does get the money in circulation if they spend it.

Mr. McKEOWN. Oh, I know it will suit the gentleman to have it put into circulation, but not very much of what they spend ever gets down into Oklahoma. [Laughter.] They spend it in the gentleman's city and out of the country.

Mr. ALLGOOD. Does the gentleman not think he is making undue discrimination against the young men, especially when some of our young women, or women, want to marry so many of these would-be counts.

Mr. McKEOWN. The idea that I am trying to convey to this House is that the thing that I would like to do is impracticable, because it can not be done, but if I could do it I would take the fortunes of the men who have gained their wealth by decimating the natural resources of the country to the detriment of the people of this country in future to come, and give it back to the people from whom they took it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAWLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, it is with considerable hesitancy that I permit myself to make any remarks concerning this revenue bill. However, since I was much interested in the many viewpoints expressed on this same subject last year, it now seems to me that as the committee has practically finished its presentation of the bill some of us may be permitted to add something of an historical nature and express our amusement over the changes of mind indicated during the discussion of this bill. So many somersaults have been turned that unless proper explanations are offered we may ourselves assume to understand the reasons for them. Certainly many who expressed themselves forcibly in 1924 must since have learned something from public opinion. There are certain things to which I wish to refer especially. I express satisfaction on finding some of the provisions which were so earnestly advocated last year changed in this bill—the publicity section, for example. What good has come of that? The people had an opportunity of finding out who among their neighbors whom they thought should pay taxes were escaping, and were thereby convinced that we ought to do away with tax-exempt securities and other provisions of the law permitting evasions. We all know from which side of the House the opposition to tax-exempt securities came. Did this effect on the public mind—this favoring of the abolition of such securities—in part account for the change in the attitude of those who formerly opposed that constitutional amendment? Yesterday many methods of evasion were recited here—tax-exempt securities, incorporation, contributions to incorporated societies, and similar methods of escape from taxation. The list could have been greatly increased and made interesting, indeed, to the public at large.

The able men here could have continued in their exposition of the innumerable ways by which the tax is avoided legally, facts interesting and of value to us, so that from the knowledge of them we may suggest possible ways to remedy the existing situation. I may hold old-fashioned views on the matter of taxation. I appreciate in the title of the bill the words "to equalize taxation." I have always felt that in the constitution of my own State the two most important words used regarding taxation were "reasonable" and "proportional."

The words stand for "equality." Compared with the act of 1924 this bill is reasonable. It is an "attempt toward equality." Nevertheless we still have in this bill the doctrine that the people should be obliged to pay according to their ability to pay ,as though income truly measured real ability. The best exposition of this theory was made by the gentleman from New York [Mr. MILLS], who said, "I am a friend of the graduated income tax and I believe in it," but, I think, might have added, "but I believe in it only up to 20 per cent. Beyond that it is a punitive measure, and I no longer believe in it." I rather suspect that he fully realizes the great danger of taxation when used for punitive purposes. Many of us have misgivings about indorsing a graduated income tax, realizing that some day it may be employed for social or political purposes either in an attempt at leveling fortunes or granting special exemption by political parties in return for support.

I may ask consideration of an amendment to the inheritance tax clause. On the whole, I am pleased with this bill; I am ready to vote for it almost in its entirety, but I should like to make a suggestion relative to this section. It allows a deduction of 80 per cent. Why not make it 100 per cent? If it is a revenue measure—and I presume that the answer would be in the affirmative—why so large a percentage of deduction as 80 per cent? If a principle is to be enunciated, why not give an estate credit for the whole tax paid to the State? Would not this meet the objection raised with regard to the State of Florida? Why not give a small estate, or any estate, credit for the full amount?

Mr. CRISP. Does the gentleman desire me to give the reason?

Mr. GIFFORD. I shall be very glad if the gentleman will do so.

Mr. CRISP. Because the committee feel that if the Federal Government went to the expense of collecting it the Federal Government was entitled to receive part of it. The committee also thought many men dying in the gentlemen's State, or my State, leaving large fortunes did not acquire all of that fortune from that State, but it came from transactions made throughout the entire United States, and therefore it is nothing but right that the Treasury of the United States should receive part of the tax.

Mr. GIFFORD. I am glad to receive the gentleman's answer, and that may be a proper explanation. But we are trying to bring about reciprocal relations between the States. For 20 years I have followed, and at times participated in, the affairs of the National Tax Association, composed very largely of patriotic men who have given their best thought and consideration to these matters, endeavoring to bring about comity and reciprocal relations among the States. Results have been slow and discouraging. In the matter of inheritance taxes Massachusetts has recently entered into reciprocal relations with New York, but when New York asked the same of the State of Wisconsin what was the answer? The answer was, "No. It is a one-sided proposition. You gain infinitely more than we." And after 20 years of trying to bring about friendly and reciprocal relations between the States in this regard we have the example of one or two other States which, in the matter of inheritance taxes, is certain to bring retaliation and frustrate these friendly efforts toward uniformity. It is, indeed, discouraging that so little progress is being made with such a splendid organization as the National Tax Association lending its aid to a better understanding of these matters. It was stated yesterday that no tax bill can be successful unless it is based on the willingness of the taxpayer to pay. Perhaps when the Volstead Act is brought to us for possible revision we will be informed that "it is useless to pass legislation save in the form that all citizens will be willing to abide by."

This may be true, but it will be hard for you and me as legislators representing the people to accept such a doctrine. It would be a confession of the futility of the Government. I want to congratulate the committee because it has reported a good tax bill, particularly so if the revenue measures of most of the States truly reflect the views and prejudices of the different sections of the country. The methods of taxation in the State of New York are frequently referred to, and while I do not wish to criticize any particular person because of his viewpoint, I do want to comment on the tax conditions of that State because of the many comparisons which have been made and put in the RECORD. In the State of New York intangible property is not within the reach of the local assessor. A tremendous burden is imposed on real estate. People having intangible wealth pay a tax of only 1 per cent on an income of $10,000, 2 per cent on one of $20,000, and on an income of $50,000 only 3 per cent. The wealthy people of New York should indeed be willing to pay the Federal tax. Contrast these rates with those of Ohio, Illinois, and Indiana and the other States where the general property tax is still continued through the desire to retain at least a semblance of a law intended to express "equality," even though it may not be strictly enforcible.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MILLS. Do you know how much we collected in New York when we had a general property tax on intangibles?

Mr. GIFFORD. I do not know the amount, and I do not care what it was. You collect more now than you did before. You failed to administer the property tax. In fact, you are collecting so much now that you in New York are even suggesting that you make the rates lower than they are.

Mr. MILLS. But the gentleman does not want to quote me as advocating that.

Mr. GIFFORD. Very well. I compliment those States which do have a tax law expressing the idea of equality. They are unwilling to acknowledge that it is futile for the Government to attempt to collect from its wealthy citizens what is justly due the State. Follow the New York idea to its logical conclusion and how long do you expect the wage earners of this Nation to continue to pay a tax of $30 per thousand, in order to have a place in which to live, while the man of intangible wealth pays only 60 cents per $1,000 thereon?

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. CONNALLY of Texas. Is not the gentleman's argument as to the escape of the wealthy man from these intangible taxes an argument on the necessity of an inheritance tax?

Mr. GIFFORD. It may be necessary, to catch a culprit. What one of a delegation from Virginia and other States, who recently visited Massachusetts, said to me will always remain in my memory. "I am much surprised," he said, "that your people have so much sentiment in their business." Many New England families have for 50 or 100 years been keeping up and building up large manufacturing establishments and in many cases seemingly continuing the business from sentiment alone. When the head of the family dies there he is not considered to have been a "tax dodger" during his lifetime, but a patriotic citizen. You would be obliged to sell that accumulated property at a great sacrifice in order to exact from it a big inheritance tax and perhaps thereby ruin, or at least cripple, an entire

community. It might, of course, be necessary to do so if that were the only way you could get those estates which have persistently evaded taxation.

I want to again congratulate this committee on the fact that it has framed an income tax bill of such reasonableness. In the discussions on the tax-exemption securities amendment last year I tried to call your attention to the fact that if it were adopted every State would be forced to adopt an income tax in order to avail itself of the reciprocal provision therein, and it seemed at that time that the forcing of that issue was of more importance to the advocates than the constitutional amendment itself, although this phase was apparently not openly stressed, lest the amendment lose support.

A year ago I sent for copies of the income tax laws of the various States. They contained some interesting information. States whose laws had provisions relative to "publicity" and generally a $1,000 fine or imprisonment for the divulging of information, and a clause to the effect that returns should be destroyed after three years, were represented in Congress by men who voted for the publicity clause in the revenue act of 1924. This year it seems that we are to find them expressing the ideas set forth in their own State statutes, however. Mr. Chairman, my reason for taking up these few minutes is my deep interest in the subject matter under debate. I could not sit here without saying a word and listen to the enunciation of a principle suggesting the futility of our Government in the collection of taxes except in such a degree as wealth would be willing to pay. No one is overeager to pay taxes; there is perhaps a natural inclination to avoid the payment, if possible; but equality in the levying and payment must be insisted upon, "willingness or no." [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLACK]. [Applause.]

Mr. BLACK of Texas. Mr. Chairman, a good deal of emphasis in this debate has been laid on the fact that this pending bill was framed as a nonpartisan measure. I am glad that statement is true. The whole country, irrespective of political parties, is interested in tax reduction, and the people are not looking at it very much from a party standpoint.

Since I have been a Member of Congress one thing has been uppermost in my mind, and that has been to make my legislative work an affirmative and constructive service and not one of mere negation and criticism. For that reason I have never been very much of a stickler for partisanship. Perhaps not as much as I ought to be. I believe in political parties alright. I believe they are necessary in a republican form of government, in order that the voice of the people may have definite forms of expression, but while realizing fully their necessity, I do not believe that it is either necessary or advisable to undertake to give every subject that comes up in Congress a partisan aspect.

I read once of a miller who built his mill upon a hill. One road to the mill led through the valley and one came round over the hill, but never once did the miller inquire which way his customers came, but only "Is the grain good?" And that is the important inquiry that the country will make about this bill: "Is the grain good?" and they will not inquire very much the political complexion of the vote by which it was passed. The people are much more interested in results than in party maneuvering.

THE ESTATE TAX

Mr. Chairman, in the time allotted to me in this debate I want to discuss the estate-tax provisions of the bill and the related question, whether the levy of an estate tax by the Federal Government infringes upon the rights of the States. My reason for doing this, or at least one of the reasons, is that recently a good deal has been said in the press of Texas regarding this tax, and at the present time some gentlemen of the Texas Legislature, the house and senate, headed by the speaker of the Texas House of Representatives, Hon. Lee Satterwhite, of Amarillo, are in Washington to press for a repeal of this tax. Of course, they have a right to be here. They have a right to present their views, but I do not think their views are the views of a majority of the people of Texas. I am perfectly willing, as I always am and always have been, to state what my position is and to undertake to give reasons why I hold to that position.

I am glad that the Ways and Means Committee of the House has resisted the strenuous efforts that have been made to repeal the inheritance tax. There has been a well-organized and well-financed propaganda for many months to repeal the inheritance tax. On March 31 last I received a letter transmitting to me the resolutions adopted by the American Bankers' League at Richmond, Va., on the 17th of March, and resolution No. 3 of that meeting read:

> No inheritance tax should be levied by the Federal Government, leaving all death taxes as a source of revenue to the States.

To that resolution I promptly replied:

> No; the Government of the United States owes a war debt aggregating more than $20,000,000,000, and it requires to pay the interest on that debt and to provide the necessary sinking fund for its orderly payment and retirement more than $1,250,000,000 a year.

I said:

> It is going to take real money to pay this with, and it is going to have to be raised by taxation in one form or the other, and I know of no better tax to raise a part of the money required than an estate tax levied at moderate rates.

The contention that all death taxes should be left entirely to the States will not stand the acid test of reason. There would be much stronger argument for that position if fortunes were accumulated entirely within the boundaries of the particular State where the decedent resided at the time of his death. We all know, however, that such is not the case. Take the case of Mr. Henry Ford as an example. I presume that he has accumulated the largest personal fortune of any man in the United States. Every State in the Union has contributed to the accumulation of that fortune. Every Ford automobile owner, for example, in the State of Texas, which I have the honor to represent in part, has contributed some part of it. Yet those who advocate the leaving of inheritance taxes entirely to the States would say, when Mr. Ford dies, which I hope will not be until many years hence, the State of Michigan or other States where his property is actually situated should be the only taxing authority permitted to levy a tax on his estate, and that the Federal Government should be compelled to keep hands off. I am opposed to that contention.

When the clouds of war enveloped this country and it was necessary for the youth of the land to respond to the call of arms, the Federal Government did not keep hands off. Oh, no; it had to conduct the national defense. It went into the homes of the people and took the flower of the youth of the land and sent more than 2,000,000 of them across the sea, and some of them died on Flanders Field, and many have died from diseases contracted, and others were wounded and disabled, and these and their dependents must and will receive fair and generous treatment at the hands of the Federal Government. This will cost many millions of dollars each year. A war debt of more than $20,000,000,000 must be paid; yet under the guise of State rights these big, swollen fortunes are crying from the housetops, "Let us alone. Stay the hand of the Federal Government in taxing us. You are interfering with the sacred rights of the States."

The situation reminds me of one of Æsop's Fables, which tells of a bat falling upon the ground and was caught by a weasel, of whom he earnestly sought his life. The weasel refused, saying that he was by nature the enemy of all birds. The bat assured him he was not a bird but a mouse, and thus saved his life. Shortly afterwards the bat again fell on the ground and was caught by another weasel, whom he likewise entreated not to eat him. The weasel said that he had a special hostility to mice. The bat assured him that he was not a mouse but a bird, and thus a second time escaped.

It is this sort of a subterfuge that the advocates of the abolition of the Federal inheritance tax are endeavoring to perpetrate. Now that the Internal Revenue Department of the Federal Government has hold of them they cry out, "Leave us alone. We belong to the States. In the sacred name of the rights of the States we plead for exemption." And then if Congress in a moment of ill-considered action heeds this plea and turns them loose and says: "Go to the States," then watch the hiking "to Florida or bust," and some other States which either impose no inheritance tax at all or else a very small one, and see them establish a residence there, or at least a pretended one.

And the matter would not stop there, but some of these very organizations which are now clamoring for the repeal of the Federal inheritance tax would transfer their activities to the door of the State legislatures and plead for the repeal of the State inheritance taxes on the ground that these taxes were driving capital out of the State. They would cite the instance of Florida, that had in its constitution a prohibition against the levying of an estate tax. Then they would cite the instance of millionaires who were moving to Florida to establish a residence, or at least a pretended one, and would say, "Look at

the money our State is losing! Better repeal our State inheritance tax altogether and keep our State money at home." The bat was a wise old bird in Æsop's time, and he has lost none of his cunning in the present day, as is witnessed by the shrewd and well-laid and well-financed propaganda for the repeal of the Federal inheritance tax.

The Federal Government in levying an estate tax makes no attempt to coerce the States into levying a similar one. "But," say some of the esteemed Representatives in Congress from Florida, as indicated by questions which they have asked during the debate, "by allowing the estate which pays a Federal inheritance tax a credit of the amount of estate, or succession, or inheritance taxes paid in the States up to 80 per cent of the total amount of the Federal tax you are trying to coerce the States either to adopt an inheritance tax where they now have none at all or else to increase the amount of the one which they do have."

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. GREEN of Florida. Please tell me how you can answer this:

Representatives and direct taxes shall be apportioned among the several States.

Mr. BLACK of Texas. The gentleman's question calls for no answer in that particular respect at all. The Federal inheritance tax does not have to be apportioned, because it is not a "direct tax" within the meaning of the Constitution, and the Supreme Court of the United States has so decided and has expressly held that it is a tax which the Federal Government has a right to levy under the Constitution of the United States. I cite the gentleman from Florida to the cases of Knowlton and Moore (178 U. S. 41) and the case of New York Trust Co. and Albert W. Pross, executors, decided by the Supreme Court of the United States, October term, 1920. Let me say to the gentleman that it would be just as logical for him to argue that Congress is undertaking to coerce the States into levying an ad valorem tax or to increase the ad valorem tax that they do have because forsooth in the income tax law now we allow every taxpayer, in determining his net income, to take as an allowable deduction in the taxable year every dollar that he pays in ad valorem and State taxes, except taxes for local improvements.

Mr. GREEN of Florida. Should the State of Florida pay more tax to the Federal Government than any other State in the Union? Please answer that yes or no.

Mr. BLACK of Texas. Oh, they are not doing that. Despite the lurid advertisements which appear in the magazines about the fabulous wealth of Florida, I guess it will be a long time before they are paying more taxes than any other State of the Union.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CONNALLY of Texas. Is it not true that in levying a tax like the inheritance tax the State is not involved in it at all, because it is a tax on the estate of the citizen, and all the Federal Government, with all its machinery, does is to operate not through the State but through the citizen?

Mr. BLACK of Texas. My friend from Texas states the case exactly. We are levying the inheritance tax under identically the same principle and with identically the same machinery as we levy the income tax and——

Mr. GREEN of Florida. Will the gentleman——

Mr. BLACK of Texas. Wait a minute, and I will be glad to yield to my friend from Florida. And when we allow up to an 80 per cent deduction in cases where it has actually been paid to the State, instead of violating a sound principle of taxation we give recognition to one, in that we endeavor to prevent the duplication of taxes. [Applause.] And it is proper that we should do it. We are simply recognizing that sound principle of taxation, and instead of endeavoring to coerce the States into doing something we are giving affirmative recognition to the rights of the States. If a State decides that it needs an inheritance tax of its own in order that it may have a well-balanced system of taxation, we do not want it shut off from doing so by reason of the Federal Government having preempted the field.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLACK of Texas. Let me just complete this statement and go a little further. It is a disadvantage to the Federal Government for the States to enact an inheritance tax law if we look at it from a purely selfish standpoint, and instead of trying to coerce you in Florida to enact an inheritance tax it would be a disadvantage to the Federal Government, because of the very fact that the more you levy the less revenue we will get under the bill. [Laughter and applause.] The Federal Government, however, recognizes that the States are well within their rights when they provide for a State inheritance tax, and in order to avoid double taxation it is perfectly proper and desirable to allow the taxpayer a credit for the amount which he has paid to the State up to 80 per cent of the amount of his Federal estate tax.

I am at a loss to know what sound principle of taxation this provision of the present bill violates. Certainly it does not establish the contention that the Federal Government is trying to coerce the States into levying an inheritance tax. On the contrary, it proves the absurdity of such a claim.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BLANTON. "And further the gentleman from Florida saith not." [Laughter.]

WHAT SHOULD BE THE MAXIMUM RATES?

Mr. BLACK of Texas. Now, what I have said thus far is in answer to those who oppose any inheritance tax at all. Others have criticized the estate-tax provisions of this bill because they lower the maximum rate from 40 per cent to 20 per cent, and thereby make too great a reduction. The answer to that objection is that the overwhelming majority of the American people expect that there will be material tax reductions at this session of Congress and that this shall include reductions in both the graduated income taxes and the graduated estate taxes. Just what maximum rate the majority of the people have in mind as a satisfactory rate for a permanent tax system it would be difficult to say. I do feel perfectly sure, however, that only a very small minority believe that the present maximum rates should continue or that such maximum rates should be higher than 25 per cent.

Personally, I think that the income surtaxes should not stop at 20 per cent, as provided in this pending bill, on all incomes over $100,000, but should graduate on up to 25 per cent by the scale of 21 per cent for all incomes in excess of $100,000 and not in excess of $200,000, and 22 per cent on incomes in excess of $200,000 and not in excess of $300,000, and so on up until $500,000 is reached, and then take 25 per cent of all over $500,000. And then on inheritance taxes I would have a graduated scale from 1 per cent to 25 per cent, the graduation stopping at estates of $10,000,000, and a flat rate of 25 per cent on all the estate by which it exceeds $10,000,000. I would preserve the present exemption of $50,000 to each estate exempt from any Federal estate tax at all.

Now, I do not advocate these maximum rates of 25 per cent in the income surtax and estate-tax schedules merely to be getting the money. Because if the Government does not need the money, then the tax rate should not be that high, because any unnecessary tax is an unjust tax. But the money is needed to enable us to repeal some of the strictly war excise taxes which are still retained in the bill, and until we are rid of them we should not lower the maximum surtax and estate schedules below 25 per cent. After these strictly war taxes are all eliminated, then if further economy in Government expenditures will permit a further lowering of these maximum rates, I should like to see it done.

I am an earnest advocate of Government economy, and I think my record will show that I have consistently supported it. I do not believe that a wasteful and extravagant Government is beneficial to either the rich or the poor. The Republicans are in control of both Houses of Congress and the Presidency, and being the majority party, naturally the chief responsibility will fall on them. But the fact that we Democrats will be the minority party will by no means relieve us of any part of our responsibility. It will not be the function of the Democratic minority to hinder and obstruct, but its duty will be to cooperate with the majority party whenever cooperation is possible along right lines and whenever cooperation is not possible because of honest differences of opinion, then to propose something better as a substitute for what the Republican majority has offered. Only in that way can we merit and earn the confidence of the country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CRISP. I yield the gentleman five additional minutes.

Mr. BLACK of Texas. These are my views as to what the maximum rates should be, but I realize that there are 435 Members of this House and that at times we have some divergent views; and if we waited until we got everything to suit us in every important law, we would sit here all the time in a purely negative and critical attitude, and we never could vote for anything. Such an attitude would be too much like

the lawyer who argued "that if the train had run as it should have been ran; if the whistle had been blown like it should have been blew; if the bell had been rung as it should have been rang, both of which they did neither, the cow would not have been injured when she was killed." [Laughter.] I realize, my friends, that if the Ways and Means Committee had "of taken out this in the bill and had put that in it and had of done the other," it would have perhaps suited me better, but on the whole I regard it as a well-rounded, well-balanced bill, and I intend to give it my active support and do everything I can to advance its passage. [Applause.]

Mr. HADLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. RATHBONE].

Mr. RATHBONE. Mr. Chairman, I feel myself in a certain sense under a mandate from the people of Illinois. The Republicans of that State have certain well-defined ideas on the subject of taxation, and they have not hesitated to express them.

In the Republican State convention of 1924 a platform was adopted, one of the planks of which declared in favor of the exemption of all incomes under $5,000. That convention was led by men and composed of delegates who believed in progress and had at heart the interests of the great masses of the people. The platform which they adopted was throughout forward-looking and eminently just. Under the banner which they then raised the united hosts of our party marched on to an overwhelming and unprecedented victory in the presidential election of 1924.

Subsequently the Legislature of Illinois passed resolutions and memorialized Congress on the subject of the platform referred to, including, among other things, the declaration in favor of the $5,000 exemption limit.

I, for one, should not for a moment think of disregarding such an expression so authoritatively made known. I regard it as binding, and I am happy to say that it coincides with my own individual convictions.

Such a declaration of principles is entitled to all due respect. Illinois is the third State in population and in wealth, and in the election of 1924 it gave to the Republican presidential ticket the second largest vote of any State in the Union. I am proud to represent such a great Commonwealth of six and one-half millions of people, and I welcome this opportunity of presenting one of the principles of the Republican Party of that State to this body.

I favor such an amendment, because to collect taxes from persons having incomes of $5,000 or less is uneconomic and not good business. According to Secretary Mellon it cost this Government $5,000,000 in the calendar year of 1924 to collect $38,000,000, in round numbers, from three and one-half million persons on incomes of $5,000 or less. In other words, the cost of collection under the present rates was 13 per cent.

Under the proposed bill, according to Mr. McCoy's figures, there will be a loss of $24,000,000, which will leave only $14,000,000, which would be collected on incomes of less than $5,000.

If the present cost of $5,000,000 to collect on incomes under $5,000 should not be diminished, it would cost the Government, under the rates provided for in this bill, over 30 per cent for such collection. It seems to be plain that this would be bad business, and that the amount collected would not be worth the cost.

Moreover, if the $5,000 exemption limit were established, then the limit for making returns could be raised from $1,500 to some higher figure, perhaps $2,500. This would be a great relief to many people who are now harassed by being compelled to make out income-tax returns. History plainly shows that the steady tendency in all countries has been to raise the exemption limit. Professor Seligman has said that one of the three great reforms accomplished in England with the income tax was—

> The increase in the minimum of subsistence.

The same authority also said—

> that an exemption of moderate amounts is demanded by modern conditions will be disputed by no one; and we have learned how the tendency in all countries has been gradually to raise the limit. With the standard of life as it exists in the United States the exemption ought to be higher than that found elsewhere.

In the act of 1894 the exemption limit was placed at $4,000. In the act of 1913 it was placed at the same figure. Professor Lutz, a recognized authority on this subject, also says—

> the exemption of a certain minimum of income is generally accepted, the amount being presumably that which is required to cover the cost of the standard of living for the individual or the family.

Statistics for the last calendar year show that incomes under $5,000 paid only one-eighth of the total yield of individual incomes. In order to collect so comparatively small a sum millions of taxpayers have to be unduly harassed. In this connection we should put ourselves in the place of the small business men and income-tax payers. They do not have the training or facilities for making out returns, such as great corporations and men of large incomes have. To these small taxpayers the making out of an income-tax schedule is an unmitigated nuisance, an enigma, a bewildering puzzle, a vexation of spirit, and waste of time, resulting in economic loss and annoyance in no way commensurate with the results obtained.

It is hard enough for a family to live on $5,000 a year without adding to their burdens by imposing a practically unproductive tax. Many of these small taxpayers do not keep books or accounts; they do business largely on a cash basis. To them the making out of an income-tax return is a positive nightmare. They worry and fret over the matter and frequently are compelled to go to the expense of hiring a lawyer to untangle what accounts they have kept and make out their return.

The Government of the United States has been likened to a 10-cent store in this regard by an eminent authority. I deny that this is a 10-cent Government or a $10 Government, or a picayune Government of any kind. I believe that the time-honored maxim of the law may well be here invoked, "de minimis non curat lex"—"the law does not concern itself with very small matters."

But it has furthermore been urged that the levying of a tax on such smaller incomes promotes good citizenship and gives the payer a certain "stake" in his country. The income tax should not be levied for the purpose of training in citizenship but for the purpose of raising the required revenue. No tax should be levied which is not defensible from the standpoint of good business. No tax is a good tax which involves a great harassment of the taxpayers and produces a very small yield in revenue. The tax on incomes under $5,000 is undoubtedly one of such a character. Comparisons in the matter of exemptions with other countries are highly fallacious. With half the wealth and half the gold in the world in the hands of the people of the United States, we can well afford to be not only more just but more generous than other governments toward the small taxpayer. In advocating this increased exemption I am trying to build up prosperity from the bottom instead of only adding to prosperity at the top. Only about 4 per cent of our people pay income taxes. Would anyone say that the other 96 per cent are any less patriotic or interested in the affairs of government than this 4 per cent? Besides, this 96 per cent of nontaxpayers pay other taxes, both State and local, which are amply sufficient to create such an interest in them and weigh heavily enough upon them already.

I want the United States to be what it is, not only the most powerful country in the world, but the most considerate and the most benignant institution of the kind toward all its citizens, great and small alike, that has yet been known among men.

I utterly repudiate the doctrine that patriotism is based on taxation. I deny that it is necessary to tax a man in order to make him a good citizen. [Applause.] I am willing to take the words of our great leader, Abraham Lincoln, when he said:

> The Republican Party stands both for the man and for the dollar, but in case of conflict between the two the Republican Party stands for the man before the dollar.

[Applause.]

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. RATHBONE. Just a moment, until I complete my statement. If you say that taxation makes citizenship, then let me tell you that these men of incomes under $5,000 are already paying enough taxes to make them good citizens. What is the difference between paying a Federal income tax or a State or local income tax? The whole argument dissolves into air.

Mr. CHINDBLOM. Does my colleague mean that persons having incomes of $5,000 or less should be exempt from paying any income tax, or does he mean that all persons, including those having higher incomes, should be exempt at $5,000? Which does the gentleman mean?

Mr. RATHBONE. The thing that I am urging is that there should not be a tax on incomes under $5,000, and upon that my colleague knows that our Republican Party of the State of Illinois has already expressed itself in no uncertain terms.

Mr. CHINDBLOM. If the gentleman will yield, let me say that I do not consider that expression binding upon us here in this body.

Mr. RATHBONE. Mr. Chairman, I say right now that I consider it of the greatest force and effect. I say that when the Republican Party of the great State of Illinois deliberately, considerately, in convention assembled, and unanimously has expressed itself on this question, I, for one, am a good enough Republican to stand with the party on that proposition. I say further that while I recognize as binding upon me the Republican national platform, I also recognize the Republican Party's State platform. I believe enough in the States, and I believe enough in our dual system of Government, to feel that the Republicans of Illinois have a right to voice their opinion and have it considered in this or any other body on the face of the earth.

Mr. CHINDBLOM. Will the gentleman extend that allegiance to the national leadership of the Republican Party?

Mr. RATHBONE. I will stand on every platform of the Republican Party and on every expression of the Republican Party that should have any binding effect. I am not only ready, but I am glad to support it, and I have always done so in every instance during my life in political affairs, extending over a period of 30 years, and I challenge my colleague or any other man on earth, to point out one single instance where I have repudiated a plank of the Republican Party. Is the gentleman answered now?

Mr. CHINDBLOM. I had in mind the recommendations of the present national administration on this subject of taxation. I have no quarrel with the gentleman on past history or on State or national platforms.

Mr. RATHBONE. If the gentleman can point out to me one single plank in any Republican national platform which is opposed to this proposition, then my lips are sealed. He can not do so. The party has not spoken on this subject and the party of our great State has spoken, and I for one am ready to recognize its leadership.

In dealing with such questions as this our motto should be "The greatest good of the greatest number." The adoption of this amendment will lift the vexations, lighten the burdens, and quicken the happiness of millions of our people. It is businesslike, broad-minded, liberal, and humane. It will mark another step forward in enlightened taxation and will prove our country to be the leader of all nations in the consideration and justice with which it deals with the humbler classes of our citizens.

Mr. GARNER of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Chairman, I think it is perfectly proper that in these tax matters we should first begin to take into consideration what constitutes the strength of our Nation. No nation is stronger than the weaker element of citizens. If this tax bill is a bill, nonpartisan, approved by both of the major parties of our Nation, then I think our Nation fares ill. The people of the United States, economically speaking, may be classified into three classes. Of the approximately 115,000,000 population, there are approximately 15,000,000 composing the ultrarich and the pauper element, and then the other element, 100,000,000, embraces a class which maintains our institutions. I think the middle class in this bill is not safeguarded and protected. It would be fairer if we had a tax bill with a graduated scale. If 20 per cent is the amount to be collected on extremely large incomes, collect 20 per cent and then go down to the lower scale accordingly, but probably 50 per cent would be safer for our Nation's future welfare; but the most objectionable feature in the bill to me is the small exemption for the small-income payer. Our Democratic leader, I believe, has contended for an exemption of $5,000, in which position I think he is altogether right. Whoever heard of an old bachelor being able to live and meet his station in life on $1,500 a year, and a married couple raise their family on less than $2,500 a year? It seems to me that $5,000 exemption is the exemption we should all support. I shall support an amendment of that kind if one is introduced. I shall not go into that feature of the bill. It has been discussed by those who know the facts and figures.

The part of this bill which seems to me is the most dangerous precedent which has ever been offered by an assembly of the National Congress in the history of time is the estate-tax feature, whereby 80 per cent is charged off to those States which have an estate tax as against those which have none.

May I ask my colleagues to go very carefully in the enactment of this provision in this bill? It is true there are only three States directly affected thereby, but it seems to me I can see an air of criticism and censure of the constitutional right to the amendment adopted by the constitution of my proud and fair State. It seems to me we are going too far when we ask the Representatives of 45 States to enact legislation directed at a sovereign State, when they admit pell-mell they are driving at one sovereign State, the State of Florida. How in the name of God can you gentlemen come here, pledged to support your Constitution and uphold the sovereignty of the State, and then thrust a dart at a State which is one of your Union?

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. GREEN of Florida. Yes, sir.

Mr. McKEOWN. We are curious to know upon what theory Florida passed the constitutional amendment and abolished the inheritance tax. Will the gentleman tell us? Is it because they receive so much revenue from other sources? What is the reason Florida adopted such an amendment?

Mr. GREEN of Florida. It would be presumptious for me to undertake to interpret the mind of every individual voter when he went to the polls in the State of Florida and adopted overwhelmingly this amendment. But, may I say in connection therewith, I am proud to say that the State of Florida has a debt-free government. Bear in mind the history of your country. Bear in mind the results of the oppressions, the inequalities, and the unjust legislation which has been passed and attempted to be passed in the past. Our democracy is founded upon protecting the weak. The great war we have recently gone through, when our own President went to the peace table he there found thrown scattered in his pathway as trophies the emperors, czars, and the so-called royalty feeling for their scalps and democracy rising in their footsteps. I will have you remember the sole idea in the peace negotiating and signing was the protection of the small countries. The League of Nations, if you please—but that has been changed. You know, it seems to me that the League of Nations has become a bride. It has been married by the Republican Party and the bride named "the World Court." [Applause.]

It has always been the disposition of your democracy and mine to protect the weak States, and do you mean to tell me that we sit here and by our actions compel the citizenry of the State of Florida to pay 80 per cent more to the Treasury of our Federal Government than any other sovereign State?

Mr. McKEOWN. Will the gentleman again yield?

Mr. GREEN of Florida. Yes, sir.

Mr. McKEOWN. Suppose Congress should not pass the 80 per cent allowance to other States. How much less money would a man dying in Florida have to pay?

Mr. GREEN of Florida. Sir, I am glad to answer the gentleman. I am glad that the gentleman minimizes in figures of my State. The amount of taxes paid by my State from this source the last year was only $142,000. Calculate for yourself.

Mr. McKEOWN. Would it affect your State any less not to pass the 80 per cent allowance? Would it make any difference to the taxpayer in your State so far as the amount he would pay if we did not attach that clause?

Mr. GREEN of Florida. I understand none. But what I am getting at is that it is a most dangerous precedent when we come here and undertake to coerce a sovereign State into enacting legislation to protect its own citizenry. My State has settled this by constitutional amendment, ratified by its people, and if you compel us to accept this our constitution will have to be amended, and, having no alternative, we can not do less than send 80 per cent more than any other sovereign State to the public treasury. Suppose, if you please, 22, 25, or 30 of the States adopted a provision in the constitution forever prohibiting estate taxes. Where would you be then?

Is it equitable and just that you should force this upon the people of Florida, a State which is large in proportions, having 58,000 square miles—as large as New York, Massachusetts, and Rhode Island together; a State which produces enough vegetables and enough other eatable products to feed the city of New York? There where the watermelon and the strawberry transform the midnight dew into lucious red juice; there where the springs gush forth that transparent and God-given fluid, sparkling with purity and virtue, the only proper drink for an American citizen, but if there be those of a grosser appetite who want to violate the Constitution of America, there is Bimini, only an hour or two away. [Applause.]

My fellow Members, I know that of old when Cecilia and seraphs were fascinated and men were enraptured, I know Timotheus with magic strain led rocks, trees, and beasts to follow him; I know that the notes of Orpheus entranced men and enthralled the underworld and caused the gods to gaze thereon with envy, and I know that David drew from his harp a chord which swept the gloom from the brow of Saul and flooded Israel's palaces with music and laughter, but if all these were mingled in a single rhapsody too great for the

hand of mortal man that it would not equal the majesty and the splendor of the Old Suwanee River played on the ukelele and hummed by the bright-eyed Florida maidens underneath the sweet magnolia trees, with the soothing odor gushing forth in a blazing November moonlight and——

The CHAIRMAN (Mr. DARROW). The time of the gentleman from Florida has expired.

Mr. GARNER of Texas. How long will it take the gentleman to finish that picture? [Laughter.]

Mr. GREEN of Florida. Just about two minutes.

Mr. GARNER of Texas. I will yield to the gentleman two minutes.

The CHAIRMAN. The gentleman from Florida is recognized for two minutes more.

Mr. GREEN of Florida. I thank you, sir.

My fellow Members, I would tell you more of the magic charms of Florida if time permitted. But this is a serious matter, to be passed upon by serious minds. When your citizenship are bent with years and desire a new lease of life, they pledge their fortunes and head their minds and intentions southward, and Florida is their destination; and people are sounding their warning notes from the States where the snow lies deep, complaining that your citizenry have taken their wealth and gone to my State, and are living there in peace and happiness and splendor, and will welcome you there to visit them. Be careful when you enact legislation here which will jeopardize their fortunes. You know they have abandoned their homes and have invested in Florida.

Do you realize that $5,000,000 there is our annual income, only a portion of which is derived from the tourist trade? May I come to you, as a child comes to its mother, for protection, and ask you not to impose upon my sovereign State this most dangerous feature of this bill, which is a violation of State rights, and which eventually, if pressed far enough, will centralize your Government here in Washington and scrap every one of our sovereign 48 States? [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. GREEN of Florida. Gentlemen, I thank you.

Mr. GARNER of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I want to read to you an excerpt from the Democratic Voice, a newspaper published in Coleman, Tex., on December 4. It attempts to give what happened at a tax meeting held in Coleman on the night of November 28, 1925, with State Senator Stuart as the principal speaker, and it quotes him as saying the following:

> Texas Congressmen in Washington, and among them your own Congressman BLANTON, gave us little consideration when we went there; they have little regard for the rights of the States and little time to give consideration to the views of their constituents; that this inheritance tax newly devised by the House Ways and Means Committee is the boldest invasion of State rights yet conceived in the minds of Congressmen.

It further states that the chairman of the meeting, Mr. Leon Shield, whom I know to be a prominent banker there, warned Congressman BLANTON, putting him on notice that if he continued "socialistic leanings" [laughter] and "appeals to the people who pay no taxes" he will have opposition of the deadliest kind. [Laughter.] And it states that a Mr. Joe B. Dibbrell, jr., helped two others frame resolutions to me, and it prints the resolutions, denouncing the estate tax in this bill as socialistic.

I challenge this State Senator Stuart, who does not live in my district, and I challenge Banker Shield, and I challenge Joe B. Dibbrell, jr., to show one single instance where I have ever had "socialistic leanings." I challenge them all to show where I have ever made class appeals to any people who pay no taxes. My colleagues here know that I have from this floor led the fight against socialism. I have the confidence not only of the business men of my district, but I have the confidence of the leading business men of this Nation.

This State senator from Fort Worth took a very unfair advantage of me in inciting these misrepresentations to be publicly made in my district when I was 2,000 miles away and had no chance to reply.

When this session of Congress is over I will gladly meet him in joint debate anywhere in Texas and defend my course here and this tax bill against his unfounded attack.

I have a copy of the resolutions sent me by Mr. Dibbrell and two others. The resolutions purport to have been passed by a mass meeting of my constituents. It says so:

> Citizens of Coleman County, in mass meeting assembled—

And it says—I read just one excerpt—

> We believe the inheritance tax to be socialistic in its principles and contravening the true principles of democracy as expounded by its great preceptor, Thomas Jefferson, and his illustrious successors in the leadership of the Democratic Party.

Did any of you in your whole life see such an exhibition of ignorance expressed by a bunch of half-baked politicians—ignorance of the principles of democracy, of Thomas Jefferson and his successors, and of the Democratic Party and its history? I never saw such a conglomeration of misrepresentation and unfairness in my whole life.

Here I have spent my entire vacation, ever since March 4, with the exception of 10 days that I used in going to my district on important business for constituents, and worked hard here in Washington, in the hopes of getting information that I could turn over to the gentleman from Illinois [Mr. MADDEN] and his Appropriations Committee, whereby probably appropriations could be slashed and real economy effected. Your President can not himself effect economy. He can only recommend it. I am glad he stands for and preaches it, and he can do much toward encouraging it, for when we keep appropriations within his budget he can effect economy through us. After all, do you know the only power on God's earth that is able to effect economy in this Nation? It is Congress; it is upon this floor only where economy can be effected. As long as we will vote not to take the money out of the Treasury we will not have to raise money in taxes out of the pockets of the people. And I have been laboring here during my entire vacation in the hopes of helping Congress get evidence whereby we could effect real economy.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BLANTON. In just one moment. I want to touch on this question of——

Mr. McLAUGHLIN of Michigan. It is right on that point that I want to ask you a question.

Mr. BLANTON. I yield.

Mr. McLAUGHLIN of Michigan. The gentleman speaks of the Budget effecting and recommending economies, and the gentleman speaks of the President and of appropriations by Congress. The gentleman must know that in every year since the Bureau of the Budget was organized the total of the appropriations by Congress has been less than the recommendations of the President and the Bureau of the Budget. [Applause.]

Mr. BLANTON. I know that it is kept within the Budget because Congress refuses to appropriate more.

Mr. McLAUGHLIN of Michigan. And it runs into the hundreds of millions of dollars.

Mr. BLANTON. That is because of what Congress does. There are enough economists in this House to hold appropriations within the Budget, but we do the holding, not the President. In every supply bill brought on this floor we exceed in certain items the Budget recommendations, but we hold the bill within the Budget; and that will not be disputed by a single member of the Committee on Appropriations. Of course, such excesses have to be saved in some other way. It is the Congress that must protect the Budget.

Now, let me tell you about this unfair statement by State Senator Stuart in my district, when I was 2,000 miles away.

Mr. HUDSPETH. Will the gentleman yield right there?

Mr. BLANTON. I yield to my colleague.

Mr. HUDSPETH. Did the gentlemen who sent those resolutions come up here about two months ago and make a protest against this?

Mr. BLANTON. I am going to tell you about that.

Mr. HUDSPETH. I want to ask the gentleman about that.

Mr. BLANTON. Their Stuart-Satterwhite committee came.

Mr. HUDSPETH. These gentlemen who are here now?

Mr. BLANTON. Yes.

Mr. HUDSPETH. Well, the gentleman should feel complimented, because I saw a statement to the effect that they went back and said the Texas delegation was discourteous to them. Yet, as I understand it, the gentleman from the seventeenth district was the only man here at that time. [Laughter.]

Mr. BLANTON. I want to tell you about that.

I can not yield further. This aggregation of Texas men, none of whom were from my district—I understand they were mostly from Fort Worth—came up here and gave a banquet at the Raleigh Hotel. I do not know who paid for it; I do not imagine they did, though. They gave a banquet and they invited Congressmen to be present, and I do know I happened to be the only Congressman there from Texas.

Mr. HUDSPETH. Did the gentleman go down?

Mr. BLANTON. I went. [Laughter.] I am always willing to give Texas people an audience, whether they are from my district or not. I left what I was doing; I did not want to go, but I went. They called on me to speak, and I told them I would not be frank if I did not tell them I was not in favor of repealing the inheritance tax. I told them I was going to vote to keep it on the statute books of this country, and I told them I thought they were wasting their time if they expected to get it repealed.

I could have told them they were wasting somebody's money giving banquets up here. I told them that we had confidence in our Ways and Means Committee; that we had some of the ablest Democrats in this House on that committee, and we Democrats here, I felt sure, were going to back the Democrats on that committee when that bill was written; and I told them if they wanted to accomplish something up here they ought to confine their efforts before that committee in trying to get the exemption on inheritance taxes raised.

They talk about socialism. I told them I was not in favor of raising the exemption of a married person to $5,000. I gave them my reasons. I would not have given them if they had not asked me for them. I treated them all courteously. I was their guest at this banquet, yet the toastmaster, who happens to be the speaker of the house of representatives of Texas, after my friend, the gentleman from Illinois [Mr. RAINEY], had gotten up and told them the same thing, that he was not going to favor the repeal of any inheritance taxes, the toastmaster of that banquet so far forgot himself with reference to his duty to his guests that he got up on that floor and said that they might not get rid of the inheritance tax, but they knew how to get rid of Texas Congressmen who did not agree with them. [Laughter.]

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. I yield to my colleague.

Mr. HUDSPETH. The fact of the business is the statement that went out was that the delegation treated them discourteously, and that is not the fact?

Mr. BLANTON. No; because I treated them all most courteously, and the delegation was not there.

Mr. HUDSPETH. They said the delegation.

Mr. BLANTON. But I want to say this, that after I did treat them courteously this man Stuart went to my district, 2,000 miles away, when I was absent, and said I treated him discourteously, forsooth, because I would not agree with him on an economic proposition.

Socialist? I had the only Socialist in this House—VICTOR BERGER—absolve me from socialism yesterday. He stands head and shoulders as the great apex of socialism in this country, and when I chided my friend, the gentleman from Illinois [Mr. RAINEY] about this charge of socialism yesterday, the gentleman from Wisconsin [Mr. BERGER] got up and said:

> I absolve you all; none of you are Socialists, and least of all, BLANTON of Texas.

[Laughter.]

Let me quote excerpts from the RECORD on this:

> Mr. BLANTON. Mr. Chairman, will the gentleman yield there for a question?
>
> Mr. RAINEY. Certainly.
>
> Mr. BLANTON. I am afraid the gentleman from Illinois is placing our friend from Texas in a position between the devil and the deep-blue sea. These tax clubs are criticizing him and calling him a Socialist for putting any estate tax on, and now the gentleman from Illinois says we should have had a higher rate.
>
> Mr. RAINEY. Yes; we should. The criticisms they now make of the gentleman from Texas [Mr. GARNER] are absolutely wrong.
>
> Mr. BLANTON. Then he is not a Socialist?
>
> Mr. RAINEY. He is not a Socialist.
>
> Mr. BERGER. Will the gentleman yield to me?
>
> Mr. RAINEY. Yes.
>
> Mr. BERGER. I will give you all a clean bill of health. None of you are Socialists.
>
> Mr. BLANTON. Thank God for that.
>
> Mr. BERGER. Least of all the gentleman from Texas.

For nine years I have stood upon this floor and fought every form of socialism ever since I have been here, and my colleagues know it. I have fought every phase of communism on this floor, and I expect to fight it as long as I live. I do not believe in it. [Applause.]

At this Stuart meeting they said that this bill levying a maximum 20 per cent tax on estates contravenes the principles of democracy and the principles laid down by the great preceptor, Thomas Jefferson, and his great successors in the Democratic Party.

Let me read you what the gentleman from Texas [Mr. GARNER] has said on this subject. It is a complete answer. I am going to read you the words of the gentleman from Texas [Mr. GARNER] when discussing this subject elsewhere, and I do it with his permission.

Mr. GARNER of Texas said:

> Now, let me say just a word to you about the proposed estate tax. This character of tax is levied by every civilized people in the world and has been levied since the history of man. Customs duties and death taxes are the two oldest taxes known to man. Under Washington's administration such a tax was levied by the Congress and prepared by Alexander Hamilton, who, we know, had some conception of sound economics. Thomas Jefferson, said to be the father of Democracy, and who had given governmental questions great study, urged such a tax as a public policy looking to the dissipation of large and swollen estates. These were the early founders of our Republic. In more recent times we find Mr. Bryan, more than a quarter of a century ago, urging this kind of a tax upon the country, and we know that he was the preferred choice of the Democracy for President on three different occasions. Mr. Roosevelt, when President of the United States, urged this tax upon the country in a message to Congress. His 1912 platform promised specifically that if he was elected to the presidency such a tax would be levied for the purpose of equalizing property opportunities.
>
> Still more recently, in 1916, in time of peace, we find that Mr. Wilson (President) urged such a law, and that Congress passed an act levying such a tax, approximately having the same rates as contained in the proposed bill. Mr. Wilson seemed to have had the indorsement of the majority of the people of Texas, and still has many admirers in our State. Still more recently, Mr. McAdoo was preferred as the Democratic nominee for President by the Texas Democracy in 1924. Mr. McAdoo was Secretary of the Treasury and helped to prepare the 1916 act, which is the same law as the proposed bill.

Yet behind my back, this Senator Stuart from Fort Worth, who is not my constituent and to whom I owe nothing, went into my district and accused me of being inclined to socialism because I supported a bill which had the approval of President Wilson and now has the approval of the present President of the United States. Is Calvin Coolidge a Socialist? OGDEN MILLS, of New York, into whose lap some day, it has been said, will be placed a $100,000,000 legacy, is he a Socialist? He is the very antithesis of socialism, and yet he approves the very estate-tax item in this bill concerning the support of which I am accused of leaning toward socialism by this Senator Stuart from Forth Worth. [Laughter.] And he induced Joe Dibbrell, of Coleman, Tex., to send me a lot of resolutions purported to have been passed by my constituents in Coleman County, saying it is socialistic and that he wants me to vote against it. Can Joe Dibbrell speak for Coleman County, his own county? No; because I defeated him for Congress in his own county. [Laughter.]

I take it that I am more the representative of the Coleman County people than my friend Joe is, because they of Coleman County selected me rather than Joe, and in each and every other county in my district I defeated him. [Laughter.] Have not I got a right to speak for my constituency in Coleman County with better grace than Joe? Joe is a has-been there. [Laughter.]

Now, let me tell you something. I want to show you about this so-called tax club. I am not ridiculing Mr. Satterwhite. I like him; all our Texas friends like him; but he has gotten in with the wrong bunch down there. You know Mr. Colvin is the man doing all of this work. He is a banker at Fort Worth. Let me show you what appeared in the Fort Worth paper. The Star-Telegram published it:

> NINETEEN COUNTIES TO HEAR ESTATE-TAX TALK
>
> Nineteen counties in the seventeenth congressional district will hear a discussion of the inheritance tax law at a mass meeting called at Coleman next Saturday night, it was announced late Wednesday by George H. Colvin, chairman of the Texas Tax Clubs.
>
> This meeting has been called by Leon L. Shield, Coleman banker and executive committeeman for the Texas Tax Clubs in that district.
>
> State Senator Robert A. Stuart, Fort Worth, will be the principal speaker. He also will speak at a similar meeting scheduled at Waco next Tuesday afternoon.
>
> Senator Stuart has been a leading figure in the campaign to insist that Congress repeal the inheritance tax law. He will leave the latter part of next week with Representative George C. Kemble, Fort Worth, and others for Washington, where they will present resolutions to Congress calling for the repeal of the law.
>
> These resolutions were adopted by an unofficial session of the Texas Legislature at Austin last Monday and signed by more than 200 representative citizens and business men of Texas.

Now, was that a mass meeting of my citizens of the 19 counties? I suspected what happened, and I wired Joe and Shield to wire me collect the names and addresses of every citizen of my district who attended that meeting, and all they could do was to wire me six names. [Laughter.] And yet there was not one man from any of the 19 counties except a little bunch from Coleman, and Shield wired me six names and said "many others were there." They named the county judge, Judge C. L. South, whom I know to be a splendid gentleman, as one of those present. I wired Judge South to know how many people attended that mass meeting, and he wired me back that, including ladies, there were only 30 people attended. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. I yield to the gentleman three minutes more.

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. DENISON. Who is this man Stuart?

Mr. BLANTON. He is a State senator, of Fort Worth.

I want to say this to my colleagues here—the people of Texas, rank and file, all over the many counties in my State have confidence in the Texas delegation and in what they are going to do about this bill. They know that the Texas delegation represents their constituencies; they know that the Texas delegation always gives courteous hearings to everyone who comes from the State. It is a slander upon the delegation for Mr. Stuart to go back and say that we did not treat them courteously. Mr. GARNER and the Ways and Means Committee gave these Texas visitors to Washington the most patient and long-suffering hearing that they have given any other propagandists who came before them from any other State. When these boys get through spending the money that was turned over to them to make these pleasant visits to Washington, and to entertain with banquets, they are going back to Texas and tell that Fort Worth bunch of bankers down there to stop sending delegations up here to repeal estate taxes, because we have the best talent in the country at the head of the delegation on the tax bill and he is going to do his duty by the people. [Applause.]

Mr. HADLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DARROW, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes, and had come to no resolution thereon.

THE MISSISSIPPI VALLEY AND ITS WATERWAYS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks with reference to the meeting of the Mississippi Valley Association at St. Louis.

The SPEAKER. The gentleman's own remarks?

Mr. O'CONNOR of Louisiana. Yes.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry. Is there not a general order granting leave to revise and extend remarks on the revenue bill?

The SPEAKER. The Chair thinks that was confined to those who spoke on the bill.

Mr. CHINDBLOM. Certainly.

The SPEAKER. Without objection, the request of the gentleman from Louisiana will be granted.

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, in November some 450 representative business men, several United States Senators, a number of Congressmen, some governors of States, and many mayors assembled at St. Louis to complete plans for the presentation to Congress of a demand by the people of the Mississippi Valley that the Federal Government, without further unnecessary delay, complete the long-ago approved inland-waterway projects of the valley so that the people may use them for the promotion of their enterprises.

The occasion was the seventh annual convention of the Mississippi Valley Association, which, I am reliably informed, is supported in its policies by some 400 Mississippi Valley chambers of commerce, many trade organizations, and the strong leaders of that region generally.

The Secretary of War and the Chief of Army Engineers were there, as were also all the members of the Federal Waterways Commission and other important officials.

Mr. Speaker, I know there is far more behind this waterways movement than the Members of this House who do not reside in the valley realize. They should know what it is all about, because the goal sought by the Mississippi Valley Association and its many allies will favorably affect the prosperity of the entire Nation and extend the economic life of our country by many generations.

The President of the American Farm Bureau Federation was there. In a speech to the delegates he gave voice to what is in the minds of several million valley farmers when he said that the time has come for the Federal Government to take the lead in a vigorous and effective way to check the erosion of soil, reduce the waste of water, and provide navigable channels from Pittsburgh, Chicago, Minneapolis, and Kansas City to shipside on the Gulf of Mexico.

In terms of geological time, the delta of the Mississippi is rapidly extending into the Gulf. Every year the great river brings down nearly, if not quite, a cubic mile of silt, the soil washings from 41 per cent of our country. That silt is largely the soil washings from our farms. No people on earth can build up soil as fast as the Mississippi and its tributaries are carrying it away. The loss of soil means the loss of fertility and production.

The uncontrolled floods which carry this silt away also carry away each year an enormous potential asset in wasted waters, waters which should and must be used to regulate stream flow, irrigate dry lands, develop power.

The very process by which this waste is effected creates a destroying agency which periodically breaks the levees, overflows the towns and farms, and retards development and prosperity.

Manufacturers were there. They pointed out the great harm done their important enterprises by the unharnessed forces of nature, and they pointed to the inevitable growth and prosperity to come to these labor-employing factories as the result of expanding markets once the interstate drainage of the valley be brought under control and made to work for the good of our citizens instead of working harm to them as is now the case.

Men from Minneapolis and St. Paul, from Kansas City and Pittsburgh, drew attention to the fact that the Panama Canal which was paid for by the people of the entire country, is now helping and will continue to help the Atlantic and Pacific coasts at the direct expense of the Midwest, until the farms and factories of the Midwest be brought nearer shipside through the efficient development and use of our inland waterways.

Mr. Speaker, our citizens whose enterprises are hemmed in by the Appalachians, the Rockies, and Canada have become impatient of an intolerant situation. Long ago they requested Congress to improve the valley's waterways so that their commodities could reach the sea by low-cost water transportation.

They relied upon the fairness and vision of Congress to help them. At that time they did not feel the need for pressure.

So they appealed to Congress.

The people of the Ohio Valley set up their needs.

So did the people of the Missouri and the upper Mississippi.

So did all the rest.

Each project was backed only by the citizens directly and immediately affected.

Congress recognized the justice of these appeals, and long ago approved the projects on the Mississippi, the Ohio, the Missouri, the Lakes to the Gulf and others.

But each project was treated as a sort of unrelated unit, a local enterprise, and some money only was voted for each.

After a generation of waiting and hoping the valley found, in 1918, that none of the projects was complete, and the attitude of Congress did not promise very much speed in the direction of early completion. Further delay meant direct waste and loss to many people.

And so the people of the valley became impatient and organized the Mississippi Valley Association.

I have made it my business to understand what is in their minds.

Here is what they say to each other:

"The 41 per cent of the United States, which comprises the drainage basin of the Mississippi, sends about 57 per cent of the Senators and Congressmen to Washington. It produces between 80 and 90 per cent of the food and raw materials upon which the Nation lives.

"The region needs efficient low-cost water transportation. It also desperately needs sensible and effective flood control. Its economic welfare demands that soil erosion be checked, that some of the now wasted interstate flood drainage be held back and used to irrigate dry lands when it does not rain, and

to feed streams in low-water periods, and that the development of low-cost water power be encouraged in aid of industry and commerce.

"We have appealed to Congress for a national policy and for constructive and well directed action looking to these ends, and we have got only delays and excuses.

"We will now try something new.

"We will organize the valley. We will reach the voters. We will teach them how to think and act in unison, and how to make known to their Representatives in Congress not only their wants but how they expect their Representatives to vote on bills relating to the water resources of the valley."

And that is what they have done.

They have spent seven years in perfecting their organization so that the people of the valley may speak to Congress in an effective way.

Let me tell you something about the goal those far-seeing and now impatient people in the valley are seeking.

They know that the United States wants to maintain its high standard of living for the workers. They also know we can not do this as our natural resources disappear unless we harness the great forces of nature and make them work for us.

They know that the farmers of the Middle West, far removed as they are from the lanes of commerce on the ocean, can not improve their economic condition unless their costs be reduced by waterway transportation and by a better regulated and more evenly distributed supply of moisture.

They no longer blame the cotton and grain exchanges for those adverse conditions which they now know are attributable to economic restrictions and handicaps.

They know that if we would sustain and improve our prosperity we must prepare to sell to and buy from Latin America, where there are abundant natural resources and to which the tide of European emigration must flow now that we have closed our gates; and to the Orient, which has been opened by the Panama Canal.

Knowledge of the facts has opened their eyes to many things, and the Mississippi Valley Association, Mr. Speaker, is leading them to their goal.

Throughout the valley there is a great and upward movement. New enterprises develop daily. Land values are fast enhancing. A new area of commercial, industrial, and agricultural activity has dawned. Underlying it is a new conception of the relationship of things.

One leader, returning from that St. Louis convention, said to me:

Mark my word, valley development is going to show some important departures from the old order. The people of the valley are going to pocket most of the increment that comes to that region. So confident of the future are the inside leaders that they are advising investment in the increment controlling and profit-sharing securities issued by the new industries rather than in nonprofit-sharing bonds and mortgage paper.

They are placing their factories on the banks of navigable streams in the closest possible juxtaposition to the sources of raw material and food supplies. They are building efficient ports on the Gulf. They are cultivating friendships and business relations in Latin America, and the several trade centers of the valley are sending many good-will parties of business men to the Latin American ports and cities.

Spanish and Latin American business methods are taught in the valley's schools and business colleges.

On December 10, consular representatives of all the Latin American republics met with 400 business men at New Orleans to formulate plans for closer business relations between the valley and Latin America. The official report of the proceedings of the seventh annual convention of the Mississippi Valley Association and the bearing of valley waterway development on Latin American trade with the valley was the chief subject discussed. Special official reports on these matters were made to each Latin American Government.

The Republic of Mexico has opened a great exhibit of natural resources at New Orleans, and a New Orleans citizen has given Tulane University half a million dollars for Middle American research work.

Valley chambers of commerce have found it necessary to maintain extensive translation departments for Latin American correspondence.

The Federal Government has jurisdiction over our waterways, our interstate drainage and our water resources. All are vitally needed in this valley-wide development, and our voters are making it plain to the valley Senators and Representatives that we expect Congress to get on the job.

What the valley is doing and wants done will extend the highly favorable economic life of our country by many generations, thus permitting the people to enjoy the comforts of a high standard of living for a much longer period than would be possible should we permit a continuance of waste of our great water and soil resources.

Behind this valley-wide movement stand the valley's trade bodies, chambers of commerce, farmers, manufacturers, workers, land owners—in fact, all the great groups that go to make up the valley's population.

It is a movement in the interest of the national welfare.

From my intimate knowledge of what is in the minds of our people out in the valley, I am sure their movement will succeed.

MEMORIALS AND ENTOMBMENT OF BODIES IN ARLINGTON AMPHITHEATER (H. DOC. NO. 117)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Library and ordered printed.

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ended June 30, 1925. The attention of the Congress is invited to the recommendation of the commission that the memorial to the Unknown Soldier be completed.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Interstate and Foreign Commerce, the Committee on Military Affairs, and the Committee on Naval Affairs:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the eleventh annual report of the committee for the fiscal year ended June 30, 1925.

The statement of the present status of aviation, as outlined in Part V of the committee's report, should dispel the impression that America is lagging in the technical development of aircraft for military purposes. Scientific research on the fundamental problems of flight and the collection of results of research conducted in other progressive nations are official duties of the committee. Their opinion that America is at least abreast of other nations in the technical development of aircraft is commended to the Congress as the most authoritative that can be had. I agree with the committee that substantial progress in aeronautics is dependent largely upon scientific research. I believe that the work of the committee is the most fundamental activity of the Government in connection with the development of aeronautics, and that its continuance is essential if America is to maintain its present advanced position in aircraft development.

The condition of the aircraft industry and the prospects for the development of commercial aviation on a sound basis have materially improved during the past year. To encourage the development of commercial aviation, I wish especially to indorse the recommendation of the committee for the creation of a bureau of air navigation in the Department of Commerce.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF UNITED STATES RAILROAD LABOR BOARD

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce.

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the United States Railroad Labor Board for the period from April 15, 1920, to November 15, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

AIRCRAFT IN NATIONAL DEFENSE

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Military Affairs, Naval Affairs, and Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report made to me by the board which I appointed on September 12 last, to make a study of the best means of developing and applying aircraft in national defense, and to supplement the studies already made by the War and Navy Departments on the subject.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF DIRECTORS OF PANAMA RAILROAD

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Seventy-sixth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF UNITED STATES BUREAU OF EFFICIENCY

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1924, to October 31, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

REPORT OF H. G. DALTON

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report made to me by Mr. H. G. Dalton, of Cleveland, Ohio, in response to my request that he make a study of the shipping problem.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

LAWS OF THE SIXTH PHILIPPINE LEGISLATURE

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs.

To the Congress of the United States:

As required by section 19 of the act of Congress, approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of laws and resolutions passed by the Sixth Philippine Legislature during its third session, from July 16 to November 8, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

FORTY-SECOND ANNUAL REPORT, UNITED STATES CIVIL SERVICE COMMISSION

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Civil Service.

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the forty-second annual report of the United States Civil Service Commission for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

PUBLIC SERVICE COMMISSION OF PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of nine franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

ANNUAL REPORT OF GOVERNOR OF PANAMA CANAL

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

ACT OF PORTO RICO LEGISLATURE

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of acts and resolutions enacted by the Eleventh Legislature of Porto Rico during its first regular session (February 9 to August 19, 1925, inclusive).

These acts and resolutions have not previously been transmitted to the Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

INTERNATIONAL CONFERENCE ON SOIL SCIENCE

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered printed and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, concerning a request made by the Secretary of Agriculture that legislation be enacted that will give congressional sanction to the holding of an international conference on soil science in the United States in 1927, for which I request the favorable consideration of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

LAWS OF TERRITORIAL LEGISLATURE OF ALASKA

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on the Territories:

To the Congress of the United States:

In compliance with the requirements of section 20 of the act of Congress entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," approved August 24, 1912, I transmit herewith a copy of the session laws, resolutions, and memorials passed at the seventh regular session of the Territorial Legislature of Alaska, convened at Juneau, the capital, on the 2d day of March, 1925, and adjourned sine die the 30th day of April, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

ANNUAL REPORT, COUNCIL OF NATIONAL DEFENSE

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act approved August 29, 1916, I transmit herewith the ninth annual report of the Council of National Defense for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

AMERICAN BATTLE MONUMENT COMMISSION

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered printed and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith for the information of the Congress the second annual report of the American Battle Monuments Commission for the fiscal year ended June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

MUSCLE SHOALS

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered printed and referred to the Committee on Military Affairs:

To the Congress of the United States:

I transmit herewith for the information of the Congress the majority and minority reports made to me by the Muscle Shoals inquiry appointed by me on March 26 last to make investigation to—

aid in assembling reliable information as to the best, cheapest, and most available means for the production of nitrates and other products for munitions of war, and useful in the manufacture of fertilizers and other useful products by water power or such other power as may be best and cheapest to use, and to report upon the most practical method or methods of utilizing to the best advantage and for the specific purposes mentioned in section 124 of the act of Congress approved June 3, 1916 (39 Stat. 215), the facilities comprising the nitrate plant owned by the United States and located at Muscle Shoals, Ala.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I notice that two of the messages of the President of the United States referring to aviation were referred by the Chair to three different committees of the House. May I inquire of the Chair if there is precedent for that?

The SPEAKER. The Chair is not aware of any direct precedent, but it occurs to the Chair that the subject of aviation being now so much discussed throughout the country, and being one of such large importance, reference of the message with respect to it should go to more than one committee having to do with aviation. Ordinarily the Chair understands that these matters have been referred to the Committee on Military Affairs, but the Committee on Naval Affairs and the Committee on Interstate and Foreign Commerce also have jurisdiction relating to aviation.

Mr. GARRETT of Tennessee. I recognize the fact that there are matters with reference to aviation that properly come under the jurisdiction of all of the committees to which the Chair has referred these messages, but at the same time the question arises in my mind whether or not confusion may not result. Of course, this is merely a message, and probably legislative action would not be based on a message. Within my experience here I have never known a similar case. The annual message of the President is usually referred to the Committee of the Whole House on the state of the Union, and then by resolution the Committee on Ways and Means subsequently distributes the annual message among the different committees, according to the subjects it contains. I do not wish to be technical about the matter. So far as the present messages are concerned, I do not think it makes any difference, but if it is fixing a precedent, I can see the possibility that may arise sometime to confuse rather than to clarify, which I know to be the purpose of the Chair in making this reference.

The SPEAKER. The Chair did not give very long consideration to the matter, but it occurred to the Chair that the reference of the President's messages would not bring confusion. It is, after all, giving information on which these committees can later on act with respect to the particular matters referred to in the messages.

Mr. GARRETT of Tennessee. Let us take the Budget proposition, for illustration. The Committee on Appropriations can base legislation upon the Budget. If, perchance, a President should send in a message which would contain matter dealing with the Budget and other subject matter—though probably no President ever will—and that were referred to different committees, it might confuse the question of jurisdiction. I do not see how it could arise in the present case, and there is nothing I want to do about it except merely to call attention to it and state that so far as I recall there is no precedent for referring one message to three different committees.

The SPEAKER. The attention of the Chair has been called to several bills dealing with the subject of aviation, and all of those bills heretofore have been referred, the Chair understands, to the Committee on Military Affairs. It seemed to the Chair the subject of aviation has now taken a so much broader scope it would be wise that other committees would have jurisdiction of the matter, and therefore the Chair did not think any harm might arise by referring the message as he did. However, the Chair is not at all convinced that is the proper course to pursue, and perhaps on further reflection——

Mr. GARRETT of Tennessee. No harm will be done by letting the matter stand as it is now, and if subsequently it should be decided otherwise the change can be made.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I will.

Mr. BLANTON. There is one class of messages that could not be submitted to more than one committee, and that is a veto message, and that would have to go back to the committee from which it originated.

Mr. GARRETT of Tennessee. Unquestionably that is true.

Mr. BLANTON. Would not that be a rather dangerous precedent to establish to send any message to more than one committee?

Mr. GARRETT of Tennessee. Of course, if a veto message went to any committee it would go back to the committee that originated the legislation.

The SPEAKER. The Chair understands this message merely conveys information.

Mr. CHINDBLOM. If the Chair will permit, I think there is a precedent for dividing up subject matter and sending it to different committees.

Mr. GARRETT of Tennessee. Unquestionably.

The SPEAKER. In so far as communications are concerned.

Mr. CHINDBLOM. The St. Lawrence waterway matter, I think, was sent to three different committees—the Committee on Interstate and Foreign Commerce, the Committee on Rivers and Harbors, and the Committee on Foreign Affairs.

Mr. GARRETT of Tennessee. Does the gentleman remember whether it was done by the Chair or the Committee of the Whole?

Mr. CHINDBLOM. I do not recall just now how it was done, but I remember distinctly it was divided up into several subjects.

Mr. GARRETT of Tennessee. Messages before now only dealt with one subject, that is the subject of aviation, but as the Chair very correctly suggests it is not improbable all three committees to which the Chair referred it will have legislative suggestions to make on this one subject.

Mr. CHINDBLOM. One word more in order that the record be entirely clear. I do not believe the gentleman from Tennessee agrees with the suggestion made by the gentleman from Texas that a veto message necessarily has to go to a particular committee. That is within the control of the House itself.

Mr. GARRETT of Tennessee. Oh, yes; but if it is referred in the natural course of things, it would go to the committee which originated the legislation.

Mr. CHINDBLOM. A veto message must be acted upon by the House.

Mr. GARRETT of Tennessee. I think that is correct. That is in accordance with precedents.

The SPEAKER. If the gentleman from Tennessee has any serious doubts, the Chair will be glad to postpone the reference, and give the matter further reflection.

Mr. GARRETT of Tennessee. Suppose we think it over tonight and see if we can find any precedent in reference to the matter.

The SPEAKER. Then the Chair will withhold the reference of these two particular messages, and he will be glad to consult with the gentleman.

ADJOURNMENT

Mr. HADLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Friday, December 11, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

132. A letter from the national commander of the American Legion, transmitting the annual report of the American Legion

for the year 1925; to the Committee on World War Veterans' Legislation.

133. A letter from the chairman of the Interstate Commerce Commission, transmitting the thirty-ninth annual report of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

134. A letter from the Assistant Secretary of Labor, transmitting detailed statement of the expenditures from the appropriations "Contingent expenses, Department of Labor, 1923," for the period from November 16, 1924, to June 30, 1925, "Contingent expenses, Department of Labor, 1924," for the period from November 16, 1924, to November 15, 1925, "Contingent expenses, Department of Labor, 1925," for the period from November 16, 1924, to November 15, 1925, "Contingent expenses, Department of Labor, 1926," for the period from July 1, 1925, to November 15, 1925; to the Committee on Expenditures in the Department of Labor.

135. A letter from the Attorney General, transmitting a statement of expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1925; to the Committee on Expenditures in the Department of Justice.

136. A letter from the Secretary of the Interior, transmitting a copy of a letter from the superintendent of St. Elizabeths Hospital, dated November 19, 1925, transmitting the financial report showing in detail the receipts and expenditures for all purposes connected with St. Elizabeths Hospital for the fiscal year 1925; to the Committee on Expenditures in the Interior Department.

137. A letter from the Secretary of the Interior, transmitting a statement of the State and Territories entitled to receive the installment or grant of $50,000, the increase in the annual appropriation authorized for colleges of agriculture; to the Committee on Expenditures in the Interior Department.

138. A letter from the Secretary of the Interior, transmitting a copy of a letter from Dr. W. A. Warfield, surgeon in chief of Freedmen's Hospital, dated November 9, 1925, transmitting detailed statements of receipts and expenditures on account of pay patients; to the Committee on Expenditures in the Interior Department.

139. A letter from the Secretary of the Interior, transmitting a detailed statement embodying the aggregate number of the various publications issued by the Department of the Interior during the fiscal year 1925, the cost of paper, cost of printing, and cost of preparation of copy; to the Committee on Printing.

140. A letter from the Secretary of the Interior, transmitting a report showing proceeds from the "Sale of surplus and obsolete material and equipment during the fiscal year ending June 30, 1925"; to the Committee on Expenditures in the Interior Department.

141. A letter from the chairman of the Interstate Commerce Commission, transmitting Part II of the annual report of 1925, containing a statement of appropriations and expenditures and of persons employed by the Interstate Commerce Commission for the fiscal year 1925; to the Committee on Interstate and Foreign Commerce.

142. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1925 (H. Doc. No. 114); to the Committee on Ways and Means and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 4735) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev.; to the Committee on Indian Affairs.

By Mr. BOYLAN: A bill (H. R. 4736) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri; to the Committee on War Claims.

By Mr. BROWNE: A bill (H. R. 4737) for the purchase of a site and the erection of a public building at Shawano, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4738) for the purchase of a site and the erection of a public building at Waupaca, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4739) for the purchase of a site and the erection of a public building at Marshfield, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4740) for the purchase of a site and the erection of a public building at Wisconsin Rapids, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4741) for the purchase of a site and the erection of a public building at New London, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4742) for the purchase of a site and the erection of a public building at Clintonville, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. BURTON: A bill (H. R. 4743) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 4744) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 4745) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 4746) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 4747) to authorize the settlement of the indebtedness of the Republic of Latvia to the Government of the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 4748) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America; to the Committee on Ways and Means.

By Mr. CARPENTER: A bill (H. R. 4749) providing for the purchase of a site and the erection thereon of a public building at Plymouth, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4750) providing for the purchase of a site and the erection thereon of a public building at Nanticoke, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4751) to enlarge, extend, and remodel the post-office building at Hazelton, Pa., on the present site, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4752) to enlarge, extend, and remodel the post-office building at Wilkes-Barre, Pa., on the present site, and for the purchase of additional land adjoining the present site, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

By Mr. DARROW: A bill (H. R. 4753) for the relief of certain customs employees at the port of Philadelphia, who served as acting customs guards during the war emergency; to the Committee on Ways and Means.

By Mr. DREWRY: A bill (H. R. 4754) to enlarge, extend, and remodel the post-office building at Petersburg, Va., and to acquire additional land therefor, if necessary; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4755) to authorize the acquisition of a site and the erection thereon of a Federal building at Chase City, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4756) to authorize the acquisition of a site and the erection thereon of a Federal building at Hopewell, Va.; to the Committee on Public Buildings and Grounds.

By Mr. FUNK: A bill (H. R. 4757) to provide for the purchase of a site and erection of a public building at Eureka, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4758) to provide for the purchase of a site and the erection of a public building at Bloomington, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4759) to provide for the purchase of a site and the erection of a public building at Paxton, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 4760) for the purchase of a site and the erection of a public building at Bellows Falls, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. HASTINGS: A bill (H. R. 4761) to amend section 9 of the act of May 27, 1908 (35 Stat. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgment binding on all parties, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAUGEN: A bill (H. R. 4762) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating

traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture.

By Mr. HUDSPETH: A bill (H. R. 4763) for the erection of a public post-office building at Colorado, Mitchell County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. IRWIN: A bill (H. R. 4764) to provide for the erection of a public building at Highland, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. KING: A bill (H. R. 4765) for the erection of a public building at Lewistown, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. McREYNOLDS: A bill (H. R. 4766) to provide for the acquisition of a site and the erection thereon of a public building at South Pittsburg, Marion County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4767) increasing the limit of cost of a public building and site at Athens, McMinn County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4768) to provide for the acquisition of a site and the erection thereon of a public building at McMinnville, Warren County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. MAGEE of New York: A bill (H. R. 4769) to provide for the appointment of one additional district judge for the northern and western districts of New York; to the Committee on the Judiciary.

By Mr. MAPES: A bill (H. R. 4770) to provide for a reorganization of the administrative branches of the Government, to create the reorganization board, and for other purposes; to the Committee on Rules.

By Mr. MOORE of Ohio: A bill (H. R. 4771) to amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stat. 555), making appropriations for the Post Office Department for the fiscal year ended June 30, 1913; to the Committee on the Post Office and Post Roads.

By Mr. PARKER: A bill (H. R. 4772) to encourage and regulate the use of aircraft in commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4773) to increase the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4774) to authorize the purchase in the open market of certain supplies for use on the Panama Canal or in the Canal Zone; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4775) to authorize payment of compensation to retired warrant officers and enlisted men employed by the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PERLMAN: A bill (H. R. 4776) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. POU: A bill (H. R. 4777) for the purchase of a site and the erection of a public building at Louisburg, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4778) for the purchase of a site and the erection thereon of a public building at Smithfield, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. SHALLENBERGER: A bill (H. R. 4779) providing for the extension and enlargement of the post office and court building at Hastings, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4780) for the purchase of a site and the erection of a public building at Superior, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4781) for the purchase of a site and the erection of a public building at Clay Center, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4782) for the purchase of a site and the erection of a public building at Red Cloud, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4783) providing for the extension and enlargement of the post office and court building at Grand Island, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. STEVENSON: A bill (H. R. 4784) to amend section 1, chapter 1, title 1, of the Judicial Code; to the Committee on the Judiciary.

By Mr. ZIHLMAN: A bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park; to the Committee on the District of Columbia.

By Mr. UPSHAW: A bill (H. R. 4786) authorizing appropriation for purchasing a site and erecting a post-office building at East Point, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. VARE: A bill (H. R. 4787) to amend the national prohibition act as supplemented in respect of the definition of intoxicating liquor; to the Committee on the Judiciary.

By Mr. WAINWRIGHT: A bill (H. R. 4788) to give wartime rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. WASON: A bill (H. R. 4790) making an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture.

By Mr. WATSON: A bill (H. R. 4791) to provide for the enlargement of the public building at Norristown, Montgomery County, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4792) for the purchase of a site and the erection of a public building at Ardmore, Montgomery County, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4793) for the purchase of a site and the erection of a public building at Jenkintown, Montgomery County, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4794) for the purchase of a site and the erection of a public building at Conshohocken, Montgomery County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. WYANT: A bill (H. R. 4795) to provide for the erection of a public building at Latrobe, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4796) to provide for the erection of a public building at Scottdale, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. APPLEBY: A bill (H. R. 4797) for the maintenance and improvement of channel connecting the waters of the Manasquan River with the Atlantic Ocean in the State of New Jersey, and for the modification of the existing project for the improvement of said channel; to the Committee on Rivers and Harbors.

By Mr. DAVEY: A bill (H. R. 4798) enlarging temporarily the power of the President of the United States for the purpose of the reorganization of the Government service, and providing for the removal of unnecessary and useless Government employees, officials, divisions, bureaus, and commissions, and providing for the temporary appointment of an advisory reorganization board; to the Committee on Rules.

By Mr. JARRETT: A bill (H. R. 4799) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii; to the Committee on the Territories.

By Mr. JOHNSON of South Dakota: A bill (H. R. 4800) to provide further for the national security and defense; to the Committee on Military Affairs.

Also, a bill (H. R. 4801) regulating the pay of reserve and National Guard officers when called to active duty; to the Committee on Military Affairs.

Also, a bill (H. R. 4802) authorizing all retired enlisted men who were on active duty status during the period of the war with Germany and who did not serve as commissioned officers to be returned to the retired list and to receive the full pay and allowances of the grade they held during the war; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 4803) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.; to the Committee on Military Affairs.

Also, a bill (H. R. 4804) to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home; to the Committee on Military Affairs.

Also, a bill (H. R. 4805) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the

sale of certain military reservations, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 4806) to authorize the Secretary of War to class as secret certain apparatus pertaining to the Signal Corps, Air Service, and Chemical Warfare Service, and empower him to authorize purchases thereof and award contracts therefor without notice or advertisement; to the Committee on Military Affairs.

By Mr. RAGON: A bill (H. R. 4807) authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot near the city of Little Rock, Ark.; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 4808) to construct a public building for a post office at the city of Pasco, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4809) to construct a public building for a post office at the city of Colfax, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4810) granting and relinquishing title to certain lands in the State of Washington to the American board of commissioners for foreign missions, and for other purposes; to the Committee on the Public Lands.

By Mr. THOMAS: A bill (H. R. 4811) authorizing the Secretary of the Interior to issue patent to the city of Lawton to certain lands in the Mount Scott subagency; to the Committee on the Public Lands.

By Mr. UNDERHILL: A bill (H. R. 4812) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906; to the Committee on the District of Columbia.

By Mr. UPSHAW: A bill (H. R. 4813) authorizing appropriation for purchasing site and erecting post-office building at Decatur, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: Joint resolution (H. J. Res. 57) to award to James H. Cook, of Agate, Nebr., a bronze medal for valiant services in the Geronimo campaign; to the Committee on Military Affairs.

By Mr. TAYLOR of West Virginia: Joint resolution (H. J. Res. 58) proposing to amend the Constitution of the United States to authorize uniform laws on the subject of marriage and divorce, and to provide penalties for the enforcement; to the Committee on the Judiciary.

By Mr. MADDEN: Joint resolution (H. J. Res. 59) establishing a joint congressional committee to conduct negotiations for a private lease of the properties owned by the United States at Muscle Shoals, Ala., and to report its findings with recommendations as to acceptance thereof; to the Committee on Rules.

By Mr. BROWNE: Joint resolution (H. J. Res. 60) conferring jurisdiction upon the Court of Claims for the adjudication of claims against the United States for flowage damages suffered by riparian landowners on the Fox and Wolf Rivers in the State of Wisconsin; to the Committee on Claims.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 61) to appoint Dwight W. Morrow a regent of the Smithsonian Institution; to the Committee on the Library.

By Mr. KVALE: Joint resolution (H. J. Res. 62) authorizing the Secretary of War to award a congressional medal of honor to Syvert A. Anderson; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 42) authorizing the appointment of a janitor to the Committee on World War Veterans' Legislation; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 4814) for the relief of heirs of James H. Ware, deceased; to the Committee on Claims.

By Mr. ARENTZ: A bill (H. R. 4815) for the relief of Clark County, Nev.; to the Committee on Claims.

By Mr. BEGG: A bill (H. R. 4816) granting an increase of pension to Catharine M. Downing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4817) granting an increase of pension to Euritta A. Beard; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 4818) for the relief of Chief Boatswain John W. Stoakley, retired, United States Navy; to the Committee on Naval Affairs.

By Mr. BLOOM: A bill (H. R. 4819) for the relief of the heirs of the late Frank J. Simmons; to the Committee on War Claims.

By Mr. BRITTEN: A bill (H. R. 4820) granting a pension to John Howard; to the Committee on Pensions.

Also, a bill (H. R. 4821) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties; to the Committee on Naval Affairs.

By Mr. BROWNE: A bill (H. R. 4822) granting an increase of pension to Anna Biebel; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 4823) granting an increase of pension to James M. Warner; to the Committee on Pensions

Also, a bill (H. R. 4824) granting a pension to Mariah Jane Lively; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 4825) granting an increase of pension to Anna Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4826) granting an increase of pension to Maria C. Buchanan; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 4827) for the relief of and granting compensation to C. W. King growing out of the death of his minor son Carl Calder King; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 4828) granting a pension to John F. Joyce; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 4829) for the relief of Miriam Hathaway; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 4830) granting an increase of pension to Anne Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4831) for the relief of William F. Hatten, alias William Hadden; to the Committee on Military Affairs.

By Mr. FLAHERTY: A bill (H. R. 4832) for the relief of John P. McLaughlin; to the Committee on Claims.

Also, a bill (H. R. 4833) for the relief of J. L. Flynn; to the Committee on Claims.

By Mr. FUNK: A bill (H. R. 4834) to provide for compensation for Ona Harrington for injuries received in airplane accident; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 4835) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap; to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 4836) granting an increase of pension to Lutheria Bachelder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4837) granting an increase of pension to Esther Huntress; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 4838) for the relief of Herman C. Meer; to the Committee on the Judiciary.

By Mr. HOLADAY: A bill (H. R. 4839) granting an increase of pension to John C. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4840) granting an increase of pension to Christopher Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4841) granting an increase of pension to Martha A. Redick; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 4842) for the relief of F. G. Alderete; to the Committee on War Claims.

Also, a bill (H. R. 4843) for the relief of Frances Edith Gilmore; to the Committee on World War Veterans' Legislation.

By Mr. MORTON D. HULL: A bill (H. R. 4844) for the relief of John Marks, alias John Bell; to the Committee on Naval Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 4845) for the relief of Harry Newton; to the Committee on Naval Affairs.

By Mrs. KAHN: A bill (H. R. 4846) granting a pension to Stephen J. Tully, alias Thomas Simmons; to the Committee on Pensions.

Also, a bill (H. R. 4847) granting a pension to Emil Jantson; to the Committee on Pensions.

Also, a bill (H. R. 4848) granting a pension to Christine M. Mayhugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4849) for the relief of W. P. Fuller & Co.; to the Committee on Claims.

Also, a bill (H. R. 4850) granting a pension to Minnie A. Colbert; to the Committee on Pensions.

Also, a bill (H. R. 4851) granting an increase of pension to Annie M. Todd; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 4852) granting a pension to Nancy A. Bradford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4853) granting a pension to Rena M. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4854) granting a pension to Linna L. White; to the Committee on Pensions.

Also, a bill (H. R. 4855) granting a pension to Nannie Ludy; to the Committee on Invalid Pensions.

By Mr. LANHAM: A bill (H. R. 4856) granting a pension to Laura A. Keeling; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 4857) granting a pension to Rachel Elnora Gillett; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 4858) for the relief of Philip T. Post; to the Committee on Claims.

Also, a bill (H. R. 4859) granting an increase of pension to Ella S. McCaleb; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 4860) for the relief of Harry C. Stokes; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 4861) granting an increase of pension to Robert P. Leach; to the Committee on Pensions.

Also, a bill (H. R. 4862) granting a pension to Lucinda Lenhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4863) granting a pension to Robert T. McElhiney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4864) granting a pension to David C. Enochs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4865) granting an increase of pension to Elisabeth Everhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4866) granting an increase of pension to James W. Fisher; to the Committee on Pensions.

Also, a bill (H. R. 4867) granting a pension to Thomas M. Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4868) granting a pension to Other M. Galbreath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4869) granting an increase of pension to Margaret Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4870) granting a pension to Walter Wingfield Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4871) granting a pension to Rhoda Huskisson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4872) granting an increase of pension to Eliza Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4873) granting an increase of pension to Mary J. Keith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4874) granting an increase of pension to Bell Sodders Kelly; to the Committee on Pensions.

Also, a bill (H. R. 4875) granting a pension to William H. Key; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4876) granting a pension to Richard W. Knight; to the Committee on Pensions.

Also, a bill (H. R. 4877) granting an increase of pension to Sarah M. Kuhn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4878) granting an increase of pension to Emma Lamboy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4879) granting a pension to Catherine Cowhick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4880) granting a pension to Elizabeth Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4881) granting an increase of pension to Sarah E. Embry; to the Committee on Pensions.

Also, a bill (H. R. 4882) granting a pension to Augusta A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4883) granting a pension to Judah Montgomery; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 4884) for the relief of Walter L. Watkins, alias Harry Austin; to the Committee on Military Affairs.

Also, a bill (H. R. 4885) for the relief of the Hunter-Brown Co.; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 4886) granting an increase of pension to Crawford Blair; to the Committee on Pensions.

Also, a bill (H. R. 4887) granting an increase of pension to Susan O. Adams; to the Committee on Pensions.

Also, a bill (H. R. 4888) granting an increase of pension to Sophronia Burden; to the Committee on Pensions.

Also, a bill (H. R. 4889) granting an increase of pension to Matilda J. Eubanks; to the Committee on Pensions.

Also, a bill (H. R. 4890) granting a pension to Mary A. Hatton; to the Committee on Pensions.

Also, a bill (H. R. 4891) granting an increase of pension to Martha M. Henderson; to the Committee on Pensions.

Also, a bill (H. R. 4892) granting an increase of pension to Mary A. Hester; to the Committee on Pensions.

Also, a bill (H. R. 4893) granting an increase of pension to Elizabeth M. Miller; to the Committee on Pensions.

Also, a bill (H. R. 4894) granting an increase of pension to Sarah A. Nelson; to the Committee on Pensions.

Also, a bill (H. R. 4895) granting an increase of pension to Persiller Parmley; to the Committee on Pensions.

Also, a bill (H. R. 4896) granting an increase of pension to Eady Elizabeth Ripple; to the Committee on Pensions.

Also, a bill (H. R. 4897) granting a pension to Elda Leota Rutherford; to the Committee on Pensions.

Also, a bill (H. R. 4898) granting an increase of pension to Margaret A. Saunders; to the Committee on Pensions.

Also, a bill (H. R. 4899) granting a pension to Martha Smith; to the Committee on Pensions.

By Mr. MILLS: A bill (H. R. 4900) for the relief of Herman Shulof; to the Committee on Claims.

By Mr. MOORE of Ohio: A bill (H. R. 4901) granting an increase of pension to Maria B. Twiggs; to the Committee on Pensions.

Also, a bill (H. R. 4902) for the relief of Washington County, Ohio, S. C. Kile estate, and Martha Frye estate; to the Committee on Claims.

Also, a bill (H. R. 4903) granting a pension to John Washington Beardmore; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 4904) granting an increase of pension to Emma M. Tallentire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4905) granting an increase of pension to Rebecca Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4906) granting an increase of pension to Sacrissa J. Marlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4907) granting an increase of pension to Lucinda A. Gregg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4908) granting an increase of pension to Susie D. Butt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4909) granting an increase of pension to Margaret R. Batch; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 4910) for the relief of Bernard S. Rodey; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 4911) granting an increase of pension to Delia A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4912) granting an increase of pension to Jospine G. Moore; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 4913) granting a pension to George E. Spear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4914) granting an increase of pension to Harriet J. Sturdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4915) granting an increase of pension to Harriett Chamberlin; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 4916) granting a pension to Alma Halbrook; to the Committee on Pensions.

By Mr. PEERY: A bill (H. R. 4917) to renew and extend certain letters patent to Irvine K. Roby; to the Committee on Patents.

By Mr. REECE: A bill (H. R. 4918) granting a pension to Tide Owens; to the Committee on Pensions.

Also, a bill (H. R. 4919) granting an increase of pension to Elimina C. Stanley; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 4920) granting an increase of pension to Hannah Good; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4921) granting an increase of pension to Elizabeth Vizzard; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 4922) granting a pension to Mary Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4923) granting an increase of pension to Mary J. Hale; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 4924) granting a pension to Lester Cooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4925) granting a pension to Sarah A. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4926) granting an increase of pension to Sarah M. Beekman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4927) granting an increase of pension to Ann Hazelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4928) granting an increase of pension to Chaney Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4929) granting an increase of pension to Eva L. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4930) granting an increase of pension to Sarah A. McFarland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4931) granting an increase of pension to Sarah C. Allgower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4932) granting a pension to Sarah E. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4933) granting an increase of pension to Emily S. Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4934) granting an increase of pension to Olive H. Helms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4935) granting an increase of pension to Ellenora Stump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4936) granting an increase of pension to Elizabeth R. Smeltzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4937) granting an increase of pension to Martha Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4938) granting an increase of pension to Isabell Lester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4939) granting an increase of pension to Julia Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4940) granting an increase of pension to Mary A. Rinehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4941) granting an increase of pension to Louise M. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4942) granting an increase of pension to Ellen M. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4943) granting an increase of pension to Kate E. Potter; to the Committee on Invalid Pensions.

By Mr. SPEARING: A bill (H. R. 4944) for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene and Ferré; to the Committee on War Claims.

By Mr. STALKER: A bill (H. R. 4945) granting a pension to Anna S. Givens; to the Committee on Pensions.

Also, a bill (H. R. 4946) granting an increase of pension to Susan J. Waite; to the Committee on Pensions.

Also, a bill (H. R. 4947) granting an increase of pension to Amanda A. White; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 4948) granting an increase of pension to Sophia A. Brassfield; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 4949) granting a pension to Benjamin F. Rhoads, alias Jacob Minick (or Minich); to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 4950) granting an increase of pension to America Truax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4951) granting a pension to Mary E. Walp; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 4952) granting an increase of pension to Julia A. Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4953) granting an increase of pension to Ophelia C. McKnight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4954) granting an increase of pension to Martha Tuttle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4955) granting an increase of pension to Mary Brooker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4956) granting an increase of pension to Eliza M. Vail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4957) granting an increase of pension to Livonia Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4958) granting an increase of pension to Hester C. True; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4959) granting an increase of pension to Jennie Dorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4960) granting an increase of pension to Matilda Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4961) granting an increase of pension to Elizabeth A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4962) granting an increase of pension to Mary Wisehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4963) granting a pension to Belle Boerstler; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 4964) granting an increase of pension to Florence M. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 4965) granting a pension to Ida B. Davis; to the Committee on Pensions.

Also, a bill (H. R. 4966) granting an increase of pension to Mary Belle Chitwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4967) granting an increase of pension to Clara Sears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4968) granting a pension to Anna P. Vesy; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 4969) granting an increase of pension to Anna E. Wilsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4970) granting a pension to Harriet Kingsbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4971) granting an increase of pension to Elizabeth Lloyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4972) granting an increase of pension to Martha A. Hodges; to the Committee on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 4973) to authorize a survey of Silver Lake Harbor, Ocracoke Island, and entrance thereto from Pamlico Sound, N. C.; to the Committee on Rivers and Harbors.

By Mr. WASON: A bill (H. R. 4974) granting relief to Charles H. Prince; to the Committee on Claims.

Also, a bill (H. R. 4975) granting relief to Irving J. Kelley; to the Committee on Claims.

Also, a bill (H. R. 4976) granting relief to the estate of Charles E. Stevens; to the Committee on Claims.

Also, a bill (H. R. 4977) to restore Edward L. Bailey to the United States Army and to replace him on the retired list with the rank of captain of Infantry; to the Committee on Military Affairs.

Also, a bill (H. R. 4978) granting an increase of pension to Mary A. Vickery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4979) granting a pension to Lillian A. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4980) granting relief to Howard A. Moxley; to the Committee on Claims.

By Mr. WHITE of Kansas: A bill (H. R. 4981) granting a pension to Thomas S. Colburn; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 4982) granting a pension to Joseph Boulds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4983) granting an increase of pension to Lucinda Beck; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 4984) granting an increase of pension to Hannah M. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4985) granting an increase of pension to Mary E. Mansfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4986) granting an increase of pension to Mary E. Murdock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4987) granting an increase of pension to Roxanna Mellander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4988) granting an increase of pension to Mary E. McElwee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4989) granting an increase of pension to Mary Elizabeth McClain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4990) granting an increase of pension to Abigail McCreery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4991) granting an increase of pension to Eliza B. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4992) granting an increase of pension to Martha J. McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4993) granting an increase of pension to Marie Lenhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4994) granting an increase of pension to Sylvester Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4995) granting an increase of pension to Hannah E. Kunkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4996) granting an increase of pension to Catharine Kittell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4997) granting an increase of pension to Sophie E. Kettering; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4998) granting an increase of pension to Josephine Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4999) granting an increase of pension to Harriet A. Hoffer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

45. By Mr. ANDREW: Petition of Norman D. Prince Post, No. 182, the American Legion, Wenham, Mass., in regard to the existing pay status of certain warrant officers of the United States Navy; to the Committee on Naval Affairs.

46. By Mr. BARBOUR: Resolution adopted by the Sanger Chamber of Commerce, of Sanger, Calif., opposing any change in present policy of the Government relative to Federal aid for highways; to the Committee on Appropriations.

47. Also, resolution adopted by the Los Angeles County Republican Central Committee, indorsing the Colorado River project and the All-American Canal; to the Committee on Irrigation of Arid Lands.

48. By Mr. CONNERY: Resolutions adopted by State Convention of Ancient Order of Hibernians of Massachusetts, protesting against the "national origins" of the immigration law of 1924; to the Committee on Immigration and Naturalization.

49. By Mr. DARROW: Petition of the Philadelphia Board of Trade, in behalf of the repeal of the Federal inheritance tax; to the Committee on Ways and Means.

50. By Mr. FULLER: Petition of the Association of National Advertisers (Inc.), protesting against increase of rates of postage and favoring a return to the rates previously in force; to the Committee on the Post Office and Post Roads.

51. By Mr. HUDSON: Petition of the Hazel Park Exchange Club, citizens of the sixth district of Michigan, to make all possible effort to evolve a system of taxation where the Federal and State Governments do not levy taxes on the same kinds and types of any given property rights; to the Committee on Ways and Means.

52. Also, petition of the growers of rhubarb and citizens of the sixth district, Michigan, asking that a duty of at least 10 cents per pound be levied on all rhubarb grown outside of the United States and brought into the United States; to the Committee on Ways and Means.

53. By Mr. KING: Petition of M. T. Booth, of Atkinson, Ill., and 500 other citizens of the State of Illinois, requesting the repeal of war excise tax levied on automobiles and parts; to the Committee on Ways and Means.

54. By Mr. MacGREGOR: Petition of the Buffalo Chamber of Commerce, Buffalo, N. Y., urging the enactment of the Wadsworth-Williams bill; to the Committee on Interstate and Foreign Commerce.

55. Also, petition of the Buffalo Chamber of Commerce, Buffalo, N. Y., recommending that the number of troops now stationed on the Niagara frontier should be maintained, and that the units now at Fort Porter should be transferred to Fort Niagara; to the Committee on Military Affairs.

56. Also, petition of the American Steamship Owners' Association, Broadway, New York, expressing opposition to return of the alien property fund to Germany until all the just claims of American citizens have been satisfied; to the Committee on Foreign Affairs.

57. By Mr. STRONG of Kansas: Petition of 37 members of Clay Center, Kans., Woman's Relief Corps, No. 10, and widows of soldiers of the Civil War, urging enactment of legislation granting pension of $50 per month to every widow of Civil War soldier married prior to 1910; to the Committee on Invalid Pensions.

58. By Mr. STRONG of Pennsylvania: Petition of E. R. Brady Post, No. 242, Grand Army of the Republic, Brookville, Pa., urging a substantial increase of pension for all Civil War veterans and their widows; to the Committee on Pensions.

59. By Mr. WATSON: Resolution adopted by the Board of Fish Commissioners of the Commonwealth of Pennsylvania, in re the abstraction of water from Lake Michigan by the city of Chicago; to the Committee on Military Affairs.

60. By Mr. WYANT: Petition of the Board of Fish Commissioners of the Commonwealth of Pennsylvania in re the abstraction of water from Lake Michigan by the city of Chicago; to the Committee on Military Affairs.

61. Also, petition of sundry citizens of the city of Bethlehem, Pa., in re participation of the United States in the World Court; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES

FRIDAY, *December 11, 1925*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our blessed heavenly Father, this day is but another announcement of Thy sovereign rule in life. It proves that Thou has not left us, but art going with us all the way. We bless Thee that the beautiful and glorious mission of Thy revelation was born in infinite mercy. O Thou in whose presence our souls find release, we thank Thee for the holy ministry of the glorified cross. May its sacrifice make us humble; may its sympathy make us social; may its love make us loving; may its charity make us benevolent; may its grace make us courageous; and may the joy of the Lord be our abiding portion forever and forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER

Mr. LINEBERGER appeared at the bar of the House and took the oath of office prescribed by law.

PRESIDENT'S MESSAGE—CONSOLIDATION OF CUSTOMS DISTRICTS (S. DOC. NO. 15)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means and ordered printed:

To the Congress of the United States:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state the following changes in the organization of the customs service have been made by Executive order since the last report:

By Executive order dated January 24, 1925, Petersburg, Alaska, was created a port of entry in customs collection district No. 31 (Alaska), effective February 1, 1925.

By Executive order dated February 14, 1925, the ports of Monticello and Houlton, in customs collection district No. 1 (Maine and New Hampshire) were abolished, effective March 1, 1925, and a new port of Houlton established in customs collection district No. 1 (Maine and New Hampshire), comprising the townships of Houlton, Monticello, Littleton, Hodgdon, Cary, Amity, Orient, Weston, Danforth, and Forest City, effective March 1, 1925.

By Executive order dated February 20, 1925, the limits of the port of San Francisco, the headquarters port of customs collection district No. 28 (California), were extended to include the Alameda side of the San Antonio estuary, effective March 1, 1925.

By Executive order dated April 15, 1925, the limits of the port of New York, the headquarters port of customs collection district No. 10 (New York), were extended, effective May 1, 1925, to include the area as defined in "joint resolution granting the consent of Congress to an agreement or compact entered into between the State of New York and the State of New Jersey for the creation of the port of New York district and the establishment of the Port of New York Authority for the comprehensive development of the port of New York," approved August 23, 1921 (vol. 42, part 1, chap. 77, Stat. L. p. 175). The ports of Newark, N. J., and Perth Amboy, N. J., included within the limits of the port of New York as herein defined continue to be entitled to all the rights and privileges of a port of entry.

By Executive order dated June 1, 1925, Westhope, N. Dak., was created a port of entry in customs collection district No. 34 (Dakota), with headquarters at Pembina, N. Dak., effective June 1, 1925.

By Executive order dated July 8, 1925, Little Rock, Ark. (which was then a customs station), was created a port of entry in customs collection district No. 43 (Tennessee), with headquarters at Memphis, effective August 1, 1925.

By Executive order dated August 25, 1925, North Tonawanda (including Tonawanda) was abolished as a port of entry in customs collection district No. 9 (Buffalo), effective September 1, 1925.

By Executive order dated August 26, 1925, Jonesport was created a port of entry and Machias abolished as a port of entry in customs collection district No. 1 (Maine and New Hampshire), with headquarters at Portland, Me., and by the same Executive order the limits of the port of Eastport, in district No. 1, were extended to include Cutler, all effective September 1, 1925.

By Executive order dated August 26, 1925, Minneapolis was made the headquarters port for customs collection district No.

35 (Minnesota), and Minneapolis and St. Paul were made separate ports of entry in district No. 35, effective September 1, 1925.

By Executive order dated October 8, 1925, Mahukona was abolished as a port of entry in customs collection district No. 32 (Hawaii), with headquarters at Honolulu, Hawaii, effective November 1, 1925.

By Executive order dated October 15, 1925, West Palm Beach was created a port of entry in customs collection district No. 18 (Florida), with headquarters at Tampa, Fla., effective October 15, 1925.

By Executive order dated November 10, 1925, Coos County, N. H., which was at that time not legally included in any customs collection district, was made a part of district No. 1 (Maine and New Hampshire), with headquarters at Portland, Me.

By Executive order dated November 11, 1925, the ports of Mars Hill and Bridgewater, in customs collection district No. 1 (Maine and New Hampshire), were abolished and a new port of entry created known as Mars Hill, in said district, the newly created port including the townships of Mars Hill, Bridgewater, Blaine, and Easton, with headquarters at Portland, Me., effective November 15, 1925.

By Executive order dated November 16, 1925, the port limits of Los Angeles, the headquarters port of customs collection district No. 27 (Los Angeles), were extended to include Long Beach, Calif., effective November 15, 1925.

All of the above changes were dictated by considerations of economy and efficiency in the administration of customs and other statutes, with the enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 10, 1925.*

RESIGNATION OF A MEMBER FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation of a Member from a committee, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT,
Washington, D. C., December 10, 1925.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: Much as I appreciate the high compliment paid me by the House in electing me as a member of the Committee on Rules, I regret that I find myself unable to serve upon that committee. I therefore respectfully tender my resignation and beg to be relieved.

Yours truly,

WM. WILLIAMSON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ADJOURNMENT OVER THE HOLIDAYS

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Connecticut offers a resolution, and asks for its immediate consideration. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 3

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn Tuesday, December 22, 1925, they stand adjourned until 12 o'clock meridian, Monday, January 4, 1926.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. TILSON. Mr. Speaker, having conferred with the gentleman from Tennessee [Mr. GARRETT], the minority leader, concerning the usual Christmas holiday recess, and having agreed with the majority and minority leaders of the Senate, this resolution is presented in accordance with that agreement. I hope that it will meet the approval of the House. I may say, however, that the resolution is based upon the assumption that prior to the 22d of December we shall have finished the revenue bill. [Applause.] If the resolution is agreed to, I shall come back and ask that the action we take this morning be rescinded in case the revenue bill is not through the House before that time. Believing that it may be passed before that date, I have offered this resolution so that the Members may make their plans accordingly.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GARNER of Texas. A number of gentlemen have asked me the question, and I was unable to answer it definitely. I wish the gentleman from Connecticut would state, for the benefit of the Members of the House, when he expects to pass the revenue bill. I have stated that it was hoped to pass it not later than Saturday the 19th.

Mr. TILSON. I fully concur in the hope expressed by the gentleman, and believe that it will be done. Relying upon this, I have offered the resolution.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. MADDEN. It has been our hope all the time in the Committee on Appropriations that we shall be able, through the diligence and genius of the gentlemen on the Committee on Ways and Means and the cooperation of the gentleman from Texas and his friends on the other side, to get the revenue bill passed early enough next week to enable me to report the Treasury and the Post Office appropriation bill, and pass it before the end of the week. [Applause.] It is all ready and waiting.

Mr. TILSON. I sincerely hope that we may pass it before the holiday recess.

Mr. WINGO. May I ask the gentleman from Connecticut what would be the prospect of organizing some of the committees during the holidays?

Mr. TILSON. The committee on committees is working diligently on that problem. We hope to have the problem solved by the middle of next week.

Mr. WINGO. There is no political leverage that can be used on the Banking and Currency Committee, and therefore why not bring in that committee?

Mr. TILSON. We are simply trying to allocate the Members where they may serve best. I do not know of any "political leverage" being brought to bear in connection with any committee.

Mr. WINGO. I understand that the lion lay down with the lamb, the two together, and the one swallowed the other.

Mr. TILSON. I do not know as to the gentleman's understanding. I only know what has taken place. The committee on committees has been working diligently to arrange the committees properly.

Mr. GARRETT of Tennessee. I understood the gentleman to say that there is no "political leverage" in the arrangement of the affairs of this House. That may be correct. It may be a political sledge hammer for that matter. [Laughter.]

Mr. TILSON. Well, the gentleman is more familiar with the methods on his side than he is with ours. [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate has passed the following resolution:

Senate Joint Resolution 1

To continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, Sixty-eighth Congress), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress.

The message from the Senate by Mr. Craven also announced that the Vice President had appointed Mr. PHIPPS and Mr. JONES of New Mexico members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments" for the disposition of useless papers in the Department of Labor.

The message also announced that the Vice President had appointed Mr. BORAH and Mr. SWANSON members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments" for the disposition of useless papers in the Department of State.

The message also announced that the Vice President had appointed Mr. MOSES and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

CONTINUATION OF SECTION 217 OF THE ACT RECLASSIFYING THE SALARIES OF POSTMASTERS AND EMPLOYEES OF THE POSTAL SERVICE, ETC.

Mr. RAMSEYER. Mr. Speaker, I call from the Speaker's table Senate Joint Resolution No. 1 and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the immediate consideration of Senate Joint Resolution No. 1. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I think the resolution should be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress

Resolved, etc., That section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, is hereby extended and continued in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the immediate consideration of the resolution. Is there objection.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Iowa a question or two. This, as I understand it, is a resolution to continue the commission which was erected in the act increasing the compensation of postal employees, passed at the last session of Congress.

Mr. RAMSEYER. It is.

Mr. GARRETT of Tennessee. May I ask the gentleman what progress the commission has made in the work defined for it in that act?

Mr. RAMSEYER. The commission was authorized by section 217 of the act to hold hearings during the recess and then report during the first week of this session. The commission did hold hearings in various cities of the United States, covering a period of a little over six weeks. We adjourned the last of August in St. Paul, Minn., to be reconvened at the call of the chairman the fore part of November here in Washington to continue our hearings. The chief object of holding hearings in Washington in November was to hear the Post Office Department, and what we wanted to get from that department was the estimates of the department on the earning capacity of the increased rates that were enacted by the act which went into effect on April 15 of this year, and also to get the department's recommendations as to changes in the postal rates. We met, I think, on the second Monday in November, when the department reported that it was unable to give any accurate estimates. The department stated it wanted the holiday business, including the end of this quarter; that is, the 31st of December, and that it would take at least 30 days to get the reports from the different parts of the country on that quarter's business. They thought they would be ready some time in February to make their report and give definite estimates as to the earning capacity of these rates. Now, there are some other parties who want to be heard after the department makes its report. The life of the commission ends this week and, therefore, the reason for this resolution extending the time.

Mr. GARRETT of Tennessee. May I ask the gentleman this: I recall that the gentleman from Iowa presented—and presented with great strength—an argument in favor of leaving this matter of rates in the hands of the Interstate Commerce Commission.

Mr. RAMSEYER. That was only on two classes of mail—fourth class and part of second class.

Mr. GARRETT of Tennessee. May I ask the gentleman whether the power given the commission in section 217 of the act of February 28, 1925, is sufficiently broad to enable the commission to take the gentleman's views into consideration, and if the commission is favorable to them—and I will say very frankly I am very much inclined to be with the gentleman—make such a recommendation to the House, or is the power of the commission confined simply to rates?

Mr. RAMSEYER. I had not thought of that before. Of course, the problem before us is rates. I presume we would have the right to report specific rates or to recommend that the power to fix rates be left to some nonpolitical body. Just offhand, and without having given the proposition any thought before, I am inclined to think that the commission would have such power. However, that phase has not been discussed by the commission. Our meetings have been for hearings, and we have had no executive sessions to discuss policy or rates among ourselves.

Mr. GARRETT of Tennessee. I understand that if this resolution is not passed the commission will expire?

Mr. RAMSEYER. At the end of this week; yes.

Mr. GARRETT of Tennessee. And the fact that the commission is not now able to make a complete report is due to the fact that the department has not had sufficient time in which to study the effect of the rates.

Mr. RAMSEYER. That is, I think, the only reason.

Mr. GARRETT of Tennessee. Mr. Speaker, I have no objection to the consideration of the resolution, but I shall ask the gentleman from Iowa to yield me two or three minutes.

Mr. BANKHEAD. Will the gentleman from Iowa yield to me for a question?

Mr. RAMSEYER. I will.

Mr. BANKHEAD. As I understood the reading of the resolution, it provides that the life of this commission shall be extended until the second week of the next session of Congress?

Mr. RAMSEYER. That means the regular session which meets in December of next year.

Mr. BANKHEAD. The gentleman from Iowa has stated that the real reason why he is asking that length of time is the fact that the commission wants to get the final report of the Post Office Department on this quarter's earnings. If that is the only reason, does the gentleman think it is necessary to extend the life of the commission that long?

Mr. RAMSEYER. After we get the report from the department and hear other witnesses, then the real work of the commission will begin. We must then address ourselves to the problem of figuring out a well-balanced schedule of rates, not only for the different classes of mail but for the various services of the Post Office Department. I think it is a big job, and I am not prepared to say whether it will take a month or two months or a year. There are six members on the commission, and I do not know how the other members have been impressed with the testimony up to date.

Mr. BANKHEAD. I thought it might be possible that the commission might make its report by the 1st of July of next year, because there are going to be some interesting proceedings along about November, and we would like to have this information.

Mr. RAMSEYER. I will state to the gentleman that the resolution has been written in conformity with the request of the commission.

Mr. TILSON. If the gentleman will yield, I can see no real utility in placing it at the 1st of July, because we should hope not to be in session at that time, and nothing could be done if Congress were not in session until Congress reconvened, which would be in December.

Mr. WINGO. Reserving the right to object, Mr. Speaker, I want to see if I can get a little information from the gentleman. This is a postal matter, and I want to know if the gentleman can give us any idea when we may expect a deficiency appropriation to take care of the pressing needs of the Rural Mail Service. I do not know whether the gentleman's attention has been directed to it or not, but the situation is such that the Post Office Department has a regular form letter now that it uses when you want to get an increase from triweekly to daily service or establish an additional route, which has been recommended and ought to be established. They say that this route of ours is only one of a great number of meritorious routes, but that the service can not be extended, simply because Congress failed to make sufficient appropriations. This is not the exact language, but is the substance of it. In other words, the constituents of the gentlemen all over the country are led to believe that Congress is pursuing a parsimonious policy and the people who are asking for this service are led to the conclusion that in our anxiety to play cheap politics and to claim we held

down appropriations we sacrifice the needs of the rural service by failing to appropriate sufficient money to meet the pressing needs of that service. Now, when may we expect a deficiency appropriation to meet these needs?

Mr. RAMSEYER. The gentleman knows that the question he asks has nothing whatever to do with the life of this commission. This commission has absolutely nothing to do with that question.

Mr. WINGO. The gentleman does not understand my question.

Mr. RAMSEYER. The chairman of the Committee on Appropriations can probably answer that question.

Mr. WINGO. The gentleman does not understand my question.

Mr. RAMSEYER. I understand it. I have been up against it myself during the summer.

Mr. WINGO. I say the gentleman does not understand my inquiry. This is a postal matter. I will be frank with the gentleman. I am not inclined to permit anything connected with postal matters to go through until this pressing need is met. To be perfectly frank with the gentleman, I have found in the past that the best way to compel action in meritorious matters is to simply hold up those things which certain groups or powers are seeking to put over, which they want. If this were simply an individual situation, it would be different; or if Congress had really refused to appropriate sufficient money with a full knowledge of the situation, it would be different; and if the burden were not being absolutely thrown on the Congress in response to questions about these pressing needs, I would not complain. This House and the Congress is held up to the country as being to blame for failure to take care of the Rural Mail Service, which is not the situation at all.

Mr. BYRNS. Will the gentleman yield?

Mr. WINGO. I want to know, and I will be glad if the gentleman from Tennessee can tell me, when we may expect a deficiency appropriation to meet this pressing need of the Rural Mail Service.

Mr. RAMSEYER. I will yield to the gentleman from Tennessee.

Mr. BYRNS. I wish to state to the gentleman from Arkansas that the gentleman will recall at the last session in the appropriations for 1926, the Committee on Appropriations recommended and the Congress passed an appropriation carrying $150,000 over and above the recommendation of the Budget and of the Post Office Department for the extension of the Rural Delivery Service. At a recent hearing of the Post Office Department before the Appropriations Committee it has developed that no routes, as I recall, have been put in since July 1, notwithstanding this increase of $150,000 over and above the Budget estimate, and that only $137,500 is now on hand for that purpose, the money having been set aside on the assumption that sick leave of rural carriers between now and next June 30 will amount to more than originally anticipated. The estimate and appropriation was in this way diverted from what it was intended for, and this at least in part explains why you are not getting any new routes.

Mr. WINGO. If my friend will permit me, it may be a fault of mine and it may be a sign of approaching age, but somehow I am not interested in post-mortems. My question is, When can we expect a deficiency appropriation to take care of this matter?

Mr. BYRNS. I will say to the gentleman I am not informed whether any deficiency appropriation has been estimated or not.

Mr. WINGO. The Post Office Department, as the gentleman probably knows, is simply sending out replies saying, "We can not give you daily service on rural routes, and we can not establish new routes, simply because we have not the money; and the Congress has not appropriated sufficient money." If that is the fact, we should certainly know it; and I think the Post Office Department certainly would not make that contention if they had plenty of money.

Mr. ROUSE. Will the gentleman yield?

Mr. WINGO. I hope the gentleman will get his committee together and bring in a deficiency appropriation to take care of this matter.

Mr. BYRNS. The gentleman understands I am not in control to the extent that I can get the committee together, and I want also to say to the gentleman that I am not informed whether or not there has been an estimate for a deficiency. I do not know whether there has been one, and I do not know whether there will be one.

Mr. WINGO. The pending matter is so pressing I will not hold it up; but, Mr. Speaker, I am inclined to go on the warpath a little later if this situation is not taken care of, or if the Post Office Department does not stop telling our constituents we will not give them proper Rural Mail Service or enough money for them to establish such service.

Mr. RAMSEYER. I yield to the gentleman from Kentucky for a question.

Mr. ROUSE. I would like to ask the gentleman from Iowa how much money the commission has spent.

Mr. RAMSEYER. I do not know.

Mr. ROUSE. At how many places in the United States did the committee hold hearings during the summer?

Mr. RAMSEYER. I will name them, and the gentleman can count them: Washington; Atlanta, Ga.; Philadelphia; New York; Boston; Augusta, Me.; Buffalo, N. Y.; Chicago; Minneapolis; and St. Paul.

Mr. ROUSE. Then what is the necessity for continuing this commission? Has not the commission enough information to report?

Mr. RAMSEYER. I think I explained that before the gentleman came in. The Post Office Department advises us they can not report what they are expected to report; that is, to give estimates on the earning capacity of the increased rates and to give their recommendations as to changes in rates on different classes of mail and the various postal services.

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. ROUSE. Was not that the same state of facts that existed under the former commission, and did not the Post Office Department continue to postpone their recommendations and finally postponed them for two years before that commission reported?

Mr. RAMSEYER. As the gentleman from Kentucky probably knows, I was not a member of the other commission.

Mr. ROUSE. But I know the gentleman was a member of the Post Office Committee. I was not a member of that commission, but I know they compelled them to postpone action or recommendation.

Mr. RAMSEYER. The gentleman from Kentucky will understand this law went into effect the 15th of April.

Mr. ROUSE. I understand that.

Mr. RAMSEYER. In order to get accurate estimates as to what the rates will do or what the rates should be, I think the gentleman will concede that that can not be done based on a few months' business.

Mr. ROUSE. The gentleman's committee had about nine months to make this investigation, and I would like to ask the gentleman if the gentleman will put into the RECORD the amount of money that this commission has spent up to the present time.

Mr. RAMSEYER. The gentleman knows that I have had nothing to do with the payment of these expenses.

Mr. ROUSE. The gentleman is on the committee; and he knows that the commission has spent the money, and he can get an account if he asks for it.

Mr. RAMSEYER. I have no objection whatever to that; it will be made public some time after it has been audited by the Committee on Accounts.

Mr. ROUSE. I shall have to object to the resolution unless the gentleman tells the House how much the commission has spent, what it has cost the Government.

Mr. RAMSEYER. I have no objection to putting into the RECORD every dollar the commission has expended.

Mr. ROUSE. Will the gentleman do that?

Mr. RAMSEYER. I will endeavor to get the information the gentleman desires.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to suggest to the gentleman from Kentucky [Mr. ROUSE] that the main reason for prolonging the hearings is that there are still some big cities in the United States in which the commission have not yet held hearings. I realize that objecting to this resolution now would not prevent its ultimate passage but would simply delay it. If I could defeat this resolution by objecting, I would do it.

I hope the gentleman from Iowa will see fit to amend the resolution giving the commission only to the end of this session to complete its labors, because it has just been told us by the majority leader that it is the hope to adjourn Congress by July 1. This commission ought not to continue to hold hearings in all the other big cities of the United States during the six months in which primaries and elections are to be held. They ought to devote their time to the primaries and elections and not have it taken up by Government business. I hope the gentleman will amend his resolution to that effect and have the life of the commission extended only to the end of the session.

Mr. RAMSEYER. The commission has no thought of holding hearings outside of the city of Washington.

Mr. BROWNING. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BROWNING. Do I understand that by the passage of this resolution there will be no change in postal rates for one year?

Mr. RAMSEYER. No; it does not mean that. I hope we can get a postal rate bill passed before Congress adjourns. The gentleman knows that I personally was not responsible for this increase in the postal rates. I took a stand against it. I got on the commission, and I put in two months of the hardest work that I ever did in my life during the summertime while many Members were in cool spots enjoying a vacation. I came here the 1st of November intending to put in every day in November with the experts from the Post Office Department and experts of users of the mail and figure out the best rate schedule possible. But because of the failure of the Post Office Department—and I am not blaming them, for I can see how they are justified—but because of the fact that we did not get the figures we were unable to go ahead and do the work as we intended. We had in good faith intended to make a report required by law and bring it in here this week.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CHINDBLOM. The fact is that the receipts of the department since last April under the operation of the new bill is a most important factor, and they have to have some time in which to gather the figures.

Mr. RAMSEYER. Yes; and without it it is impossible for the commission to continue its work.

Mr. GARRETT of Tennessee. Will the gentlemen yield me five minutes?

Mr. RAMSEYER. Certainly; I yield the gentleman five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the gentlemen should thoroughly understand the situation. There was a movement during the last Congress, very widespread, based upon merit, to increase the compensation of the postal employees of all classes. The bill passed Congress and went to the President and was vetoed by him on the ground that it did not provide the revenue and interfered with his economy program. The House never had an opportunity to vote on that veto message. It was realized by the gentlemen on the majority side that something must be done, that the demand of the postal employees for increased compensation was socketed in justice; and, to put the matter rawly and frankly, in order to save the President's face for the coming election they determined upon increasing the postal rates. They determined upon it very hurriedly and prepared what was prepared very hurriedly. The result was that we were called upon suddenly, almost the last week of the Congress, to act upon the bill which had been hurriedly thrown together in order to give the President an excuse for signing it and save him from the bad political effect of the veto. We passed the bill which carried rates that it was estimated would meet the increased compensation, but which, according to the best estimates I have been able to obtain, will fail in the fiscal year by about $50,000,000.

I have no doubt that the commission has not had an opportunity up to now to really get the full effect of these rates that were then put into force. Let me say here at this time that I am willing to give them more time, because business is crying out for relief, and I see no avenue by which they can get relief except by continuing this commission and permitting them to continue their studies until such time as they can get a fair and proper statement from the Post Office Department. But let me now say this—and I want to say it in this place and at this time—I do not believe there is any necessity for this matter going over until the next session of Congress; and if I could know, if my prophetic vision could determine, when this Congress will adjourn for this session I should be very much tempted to offer an amendment which would limit it to a time that would bring a report from this commission to the Congress sufficiently long before adjournment as to enable us intelligently to consider this question and the question of rates before adjournment, but I do not know when it is going to adjourn.

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LEHLBACH. I call to the attention of the gentleman the fact that the bill under discussion was passed on February 28, and the veto was voted on in the Senate at the second session of the Sixty-eighth Congress. Consequently this action could not have been taken to save anyone's face in view of a coming election. It was all done after election.

Mr. GARRETT of Tennessee. The measure increasing the postal employees' salaries was passed after the President had vetoed the first bill.

Mr. LEHLBACH. Yes; but also after election.

Mr. WINGO. But there will be another election next year.

Mr. GARRETT of Tennessee. Let me pursue the matter further. I fear that the purpose of postponing this matter until next December may be to carry it over another election. I wish to emphasize now my very earnest opinion that the business world is entitled to have a report from this commission at the earliest possible date, so soon as the commission have had the opportunity of studying these questions, and we should have a vote upon it before this Congress adjourns.

Mr. CHALMERS. Mr. Speaker, will the gentleman from Iowa yield me two or three minutes?

Mr. RAMSEYER. Mr. Speaker, I yield three minutes to the gentleman from Ohio.

Mr. CHALMERS. Mr. Speaker, I want to congratulate the majority leader, the minority leader, and the Members of this House on the splendid start we have made in the first week of the Sixty-ninth Congress. I take courage from the remark of the gentleman from Connecticut [Mr. TILSON] that it is his hope to adjourn this session before the 1st of July. I think the country ought to be congratulated on the leadership of this branch of Congress. With the gentleman from Ohio [Mr. LONGWORTH] Speaker of the House, the gentleman from Connecticut and the gentleman from Tennessee as floor leaders, I look for the public interest to be served rather than any partisan advantage taken in the proceedings of this House.

Gentlemen, you are making history. You are establishing a precedent. In the history of the preceding 68 Congresses there is not one that has had the running start of the Sixty-ninth. This, in my judgment, is well.

The business interests of the country always breathe a sigh of relief when Congress adjourns. I believe we should cut the talk, abbreviate the CONGRESSIONAL RECORD, reduce the taxes, pass the appropriation bills, do just the necessary things, adjourn, and go home. I wish the adjournment could be May 1 instead of July 1. It would make a great May Day for the country if we would adjourn by May 1. It would make a glad April Fools' Day for the country if we would fool the spellbinders and CONGRESSIONAL RECORD fillers—for partisan purposes only and for political consumption back home—if we should adjourn April 1.

I am proud to be a Member of the House that is doing the nonpartisan constructive work of this Congress.

Mr. RAMSEYER. Mr. Speaker, I promised the gentleman from Kentucky [Mr. ROUSE] to give him certain figures as soon as I could get them. They have come up here sooner than I expected, and I think in all fairness I should now tell him just what the commission has expended up to date; that is, the House end of it. The expenses are taken out of the contingent funds of the House and the Senate. The House has spent up to date $10,123.27. I move the previous question.

Mr. HOWARD. Mr. Speaker, reserving the right to object——

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman can not do that.

Mr. HOWARD. Mr. Speaker, I am reserving the right to object.

The SPEAKER. No objection was made to the present consideration of the resolution.

Mr. HOWARD. But, Mr. Speaker, I am trying to object to the present consideration.

The SPEAKER. The gentleman comes too late. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAMSEYER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the revenue bill, with Mr. BACHARACH in the chair.

The Clerk reported the title of the bill.

Mr. HAWLEY. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

TAX REDUCTION AND TAX REFORM AS APPLIED TO MR. AVERAGE MAN

PREVIOUS TAX LAWS

Mr. TREADWAY. Mr. Chairman, our system of preparing legislation is a very fortunate one. No great measure ever represents the opinion of any single man or group of men. It would, of course, be very unfortunate to have this possible, for if made up in that way it would not indicate the concerted judgment of the general representation of the people.

No matter how impersonal the intention of the drafting person or persons might be, the results would not be general. It is equally desirable that in a measure affecting so many millions of people as a tax measure does it should be drawn without the element of partisanship. It is to be regretted that this was impossible two years ago. The present law is the result of various political viewpoints, combined with nonpartisanship.

One of the main factors of the present law was written into the tariff act of 1913. So far as one man could be responsible for a special item, I think it is fair to give our colleague, the gentleman from Tennessee [Mr. HULL] the credit of having been the author of the basis of the present income tax law.

The previous income tax was written when the Democrats were in power, Grover Cleveland being President, and was declared unconstitutional. This was in 1894.

Since the tariff act of 1913, which contained the first income tax law, both great political parties have been in control of Congress when various changes have been made in revenue legislation.

It fell to the lot of the Democratic Party, owing to the stress of war, to write the high tax laws. It has fallen to the lot of the Republican Party to be responsible for changes whereby less revenue has been required of the people as the weight of war has gradually been reduced.

We therefore have in the present law the results of the work when both great political parties were in power, combined with the writing of the act when nonpartisanship prevailed.

The Committee on Ways and Means comes before you to-day with a renewal of the last-named condition.

NONPARTISANSHIP

While I plead guilty to the charge of partisanship, it seems to me that the more partisan one is the more likely he is to appreciate nonpartisanship, wherein the welfare of the people is of primary importance. It is most gratifying to find that, as the result of weeks of labor on the part of the 25 members of the committee, we to-day can present this nonpartisan bill. The only political credit that can be claimed by the Republicans is that our party has majority control in the committee.

A very different situation faces us in the present tax revision from that of 1923. At that time a great deal of comment was occasioned by the recommendation contained in a letter to the chairman of the Ways and Means Committee from the Secretary of the Treasury, suggesting the reduction in the high brackets of surtax rates to a maximum of 25 per cent. The wise judgment of the Secretary, resulting both from mature deliberation and great business experience, was that by such a reduction there would be a corresponding increase in available funds for industrial purposes. The subject was argued at great length, with the result that the Democratic members of the committee and of the House developed a very bitter opposition to the proposition. The recommendation of the Secretary was not adopted and only very minor changes were made in the surtax rates.

As was said by President Coolidge when signing the bill on June 2, 1924, "the bill represents merely tax reduction, not tax reform."

REASONS FOR DEMOCRATIC CHANGE

On the other hand, it is not difficult to understand the reason for the change in the situation of two years ago. At that time all sorts of partisanship were injected into the revenue bill revision. The Democrats had their way—the bill could well have been named in honor of the ranking Democratic member of the Ways and Means Committee. The fruits of their victory were short lived; the election of 1924 was ample proof that the country believed in Republican principles of tax writing and of economy. Realizing their position was untenable, this year they willingly agree to items they bitterly fought two years ago.

What is the explanation? You will undoubtedly find that next year the Democratic candidates for Congress will be taking all possible credit for framing the bill now before us. While the memory of the voting public is short, I doubt whether they will fail to recall how vociferously these same Democrats opposed two years ago some of the various items they are so thoroughly approving to-day, notably the reduction in surtax rates.

While we welcome their support and admit their assistance, the Republican Party will continue to accept the credit of the actual revision, whereby taxes are lowered and reforms inaugurated.

What I have said about the expected action of Democratic Members of the House is not in spirit of criticism but only to forestall any undue credit they may desire to assume when election time arrives, either for themselves or the various candidates of their party.

GENERAL EFFECT

Others are more competent than I to explain the many intricate changes which the bill before us makes. Let me confine myself to a brief explanation of its effect upon the great mass of the people.

I do not hesitate to say that, since the peak of taxation was reached during the period of the World War, this bill comes the nearest to tax reform of any measure the Committee on Ways and Means has endeavored to write. Its benefits will be far-reaching and will give the American people a feeling of great relief. By it the burden of excessive taxation is being lifted from their shoulders.

Let me reiterate what other members of the committee have said and what members of the House will see on examination of the bill, in regard to a few of the outstanding changes from the present law.

MR. AVERAGE MAN

In the last two revenue revisions I have endeavored to show the Members of the House the benefits accruing under the bill to the man of moderate means and have taken Mr. Average Man as my subject. Lopping off $325,736,000 of taxation from the bills to be paid to the Government means practically that additional amount in circulation throughout the country.

Instead of passing into the Treasury of the United States, it can find its way into the various channels of industry.

At first glance it might be assumed that the benefit was limited to those actually receiving tax reductions, but it is readily apparent that with additional capital for industry the wage earner is the ultimate beneficiary.

In other words, Mr. Average Man and his family are the ones who will reap the reward of the Coolidge economy program and Republican tax reform. In addition to the general benefit, let us analyze a few of the positive benefits he and his family will enjoy.

First, as an illustration, we will consider the change in exemption in the normal tax, known as the personal credits. Under the act of 1924 a single person received a credit of $1,000, which is increased now to $1,500. A married man without dependents, $2,500 in the old law, now increased to $3,500. Reductions on the first $4,000 of taxable property are from 2 to 1½ per cent, on the second $4,000 from 4 to 3 per cent, and on the balance from 6 to 5 per cent.

There are two sides to the question of increased exemptions. On the one hand comes the argument that all citizens, no matter how small their incomes, should contribute in some measure to the support of the Government. The other side is that the smaller one's income, the less able he is to pay. The latter thought has prevailed in the committee in the increases of exemptions provided. We feel that $1,500 is not too large income for exemption of a single person, and that $3,500 is a corresponding amount for a married person. I am also a firm believer in the increase of amount of exemption for earned income. There certainly is a very marked difference between the wage earner and the coupon cutter. I am for the former.

The effect of these exemptions can be readily perceived when we note that under the present law there are about 4,900,000 individual income-tax payers. Under the provisions of the proposed law this number will be reduced by about 2,320,000, or almost one-half of the present individual taxpayers.

We have almost told the story of Mr. Average Man in these figures, because with a reduction of 2,320,000 of taxpayers translated into plain English means that the average man and the average wage earner will be removed from the Federal roll of taxpayers.

Assume that Mr. Average Man has a net income of $5,000. He is married, but has no dependents. This amount under the present law and the revision is regarded as all earned. His total contribution to the Government under the proposed bill will be $16.88, whereas under the act of 1924 it is $37.50, more than twice the amount.

Under the 1921 act Mr. Average Man with the same income paid $100, and under the 1918 act he paid $180.

A similar illustration, showing the tremendous reductions, can be given of any income amount wherein Mr. Average Man is directly affected.

Consider Mr. Average Man receives but $4,000. He is married and has one dependent. Under the 1924 act he paid $16.50 on $1,100 income, as he was allowed credit of $2,900. Under the present bill his tax is reduced to $1.12, or practically nothing. This represents a very large proportionate saving to Mr. Average Man and his family.

These comparisons will be called to your attention for the various amounts of taxes in the higher brackets, but confining myself to Mr. Average Man let me show you some of the benefits under the changes in the special and excise taxes.

There appeared before our committee advocates of reduction of the taxes on cigars. Their position was defended by tobacco growers both for the benefit accruing to manufacturers of cigars as well as to the consumers, it being represented that both the quality and size had been reduced owing to the present rate of taxes.

Mr. Average Man is interested in the lower-priced cigars, selling at from 5 to 15 cents each. Upon these the tax has been reduced, respectively, from $4 to $2.50 per thousand, from $6 to $4.50 per thousand, and from $9 to $7 per thousand. We are assured that this change will not be absorbed by the manufacturer, but will redound to the benefit of the quality of cigars and the price at which sold to Mr. Average Man at retail.

In the home of Mr. Average Man is a medicine chest, containing various kinds of proprietary medicines for family use. Nearly all of these have as their base grain alcohol, upon which the tax has been reduced 55 cents per proof gallon on January 1, 1927, and 55 cents on January 1, 1928, or one-half of the total tax. It is therefore apparent that the principal ingredients of the proprietary medicines of Mr. Average Man will cost the manufacturer less and will lead to the use of a pure drug rather than the temptation to provide an unwholesome substitute.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. KINDRED. It would be interesting if the gentleman would tell us how much reduction in the price of patent medicines will be caused by the reduction in the charges on alcohol, a very important component part?

Mr. TREADWAY. Mr. Chairman, I am very glad the gentleman has asked me that question. Of course, the actual reduction over the retail counter is quite immaterial. We must recognize that at the start. I have suggested that perhaps the greatest good will result from the use of pure ingredients rather than an effort to obtain unwholesome substitutes, and the gentleman, who is a doctor, knows that the foundation of these medicines ought to be wholesome in order to have the final article wholesome.

Mr. KINDRED. I agree with the gentleman in that conclusion; but I wanted to emphasize what the gentleman has already pointed out, that other elements, such as pharmacological skill and training, as well as the cost of the ingredients, would enter into the final cost of the manufactured product.

Mr. TREADWAY. There is no question about that; the gentleman's statement is absolutely accurate.

Mr. CRISP. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. CRISP. Is not this also true, that the committee had in view in reducing this tax the putting of it back to where it was before the war?

Mr. TREADWAY. I was about to refer to that.

Mr. CRISP. That tax was put on during the war—a double tax on the legitimate uses of alcohol—for the purpose of raising revenue, and the committee thought it was nothing but fair to take off that extra tax and——

Mr. TREADWAY. I am coming to that very point, and I thank the gentleman for bringing it up.

Mr. KINDRED. Will the gentleman yield for one moment longer?

Mr. TREADWAY. I will.

Mr. KINDRED. This is not in any controversial spirit at all, but I desire to ask the gentleman why a large number of firms, wholesale manufacturers, are opposing this?

Mr. TREADWAY. I will be glad to tell the gentleman, and I think it will be confirmed my the other members of the committee. We had testimony on both sides in reference to reducing the alcohol tax. I think we devoted at least one day to the subject of alcohol alone. The basis of the argument for the retention of the high tax seemed to be at the start on a very high plane, entirely unselfish, but eventually we found that the group of gentlemen being represented by this witness had on hand a tremendous stock of alcohol at present rates, and they did not want to have this stock left on hand when the tax was taken off. We eventually found there was a negro in the woodpile, so to speak. The witness was very outspoken and admitted eventually that his attitude was a selfish one. We tried to be fair with his people, and instead of the alcohol tax being all removed at one time, we did not remove any until the 1st of January, 1927, then half the amount, and another half the following January, 1928. The dealer in grain alcohol accordingly has absolutely no reason to say that he will be financially embarrassed as a result of this reduction. He has two years' time to turn his stock.

Mr. KINDRED. One more question. Does the gentleman believe there is possibly any motive or purpose in the attitude assumed by the wholesale manufacturers in opposing this proposed change in the law in regard to grain alcohol—was there any purpose in reference to enforcement or nonenforcement of the Volstead law?

Mr. TREADWAY. We did not consult the alcohol people themselves on the point, but we did the enforcement people—the officials of the Government—and I also have a reference to that matter. But I will say in direct answer to the gentleman's question that the question of prohibition enforcement in no way was involved in this reduction. It is a tax reduction, not for or against prohibition. I think that statement will be confirmed by the Committee on Ways and Means.

Mr. KINDRED. I hoped we could discover some hope in the direction of liberalizing the Volstead law.

Mr. TREADWAY. That is not within the province of the Ways and Means Committee.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. TREADWAY. I will.

Mr. LINTHICUM. What will be the difference in the revenue under the present law and under the proposed law when it goes into effect?

Mr. TREADWAY. It cuts it in two. I have the statistics here. Over the two-year period, when the final adjustment is made, it will aggregate $9,000,000.

Mr. LINTHICUM. A difference of $9,000,000?

Mr. TREADWAY. Nine million dollars loss. The gentleman understands, as the gentleman from Georgia has stated, that this alcohol tax was purely a war tax, and we are simply trying to do in regard to the production of alcohol exactly the same as we are doing in every other line of business, namely, cutting the war tax as much as possible.

Mr. LINTHICUM. And not anticipating any reduction in patent medicines over the counter, but rather in order to have better material?

Mr. TREADWAY. We hope for better ingredients in their manufacture. There will be some reason perhaps to look for some reduction, but I think that is more likely to affect the retail druggist than the purchaser. I want to be perfectly fair with the gentleman's inquiry, and say that I personally do not think it will affect it.

The alcohol tax was a positive war assessment, and the question of prohibition enforcement, on the evidence of the Assistant Secretary of the Treasury, is in no way involved in this reduction. Mr. Average Man will be the beneficiary.

The well-to-do Mr. Average Man frequently desires to attend performances of the spoken drama, tickets for which, under the present law, are taxed 1 cent on each 10 cents above 50 cents. This tax also is removed.

To-day Mr. Average Man has an automobile, either for pleasure or for business. In the future the tax which is passed on to him when first purchased will be at the rate of 3 per cent, rather than 5 per cent. He is also continually obliged to buy new tires, inner tubes, parts, and accessories. In the future this tax will not be collected. If he purchases a truck in connection with his business, he will save the amount of the present tax.

There are many average men who drive automobiles for hire. The tax on the use of automobiles in this line of occupation is eliminated.

The automobile industry and people using automobiles will receive the benefit of more than one-quarter of the entire tax reduction. The above items, together with the removal of the occupational tax, bring the total to the enormous sum of $82,650,000 wherein automobiles and their use are directly affected.

Mr. QUIN. Will the gentleman yield right there?

Mr. TREADWAY. I will.

Mr. QUIN. If I buy an automobile for my personal use and pleasure, at $1,000, I have been paying a $50 tax?

Mr. TREADWAY. Passed on to you from the dealer.

Mr. QUIN. How is it under this bill; you pay only $30?
Mr. TREADWAY. Yes, sir.
Mr. QUIN. How about buying a truck?
Mr. TREADWAY. The gentleman has been paying 3 per cent on trucks.
Mr. QUIN. Thirty dollars for a truck. Now, after this bill goes into effect I do not pay any tax?
Mr. TREADWAY. No tax.
Mr. QUIN. Before, the agent put on the war tax.
Mr. TREADWAY. He passed it on to you in the original instance, and now he will not have any excuse for putting it on.
Mr. QUIN. I want to ask you another question. Are all the accessories on cars, both cars for business and for pleasure and for commercial purposes, to be exempted from taxes? Is all of that tax removed?
Mr. TREADWAY. All of that tax is removed and the only tax that remains is the 3 per cent on the car for pleasure.
Mr. QUIN. That is all?
Mr. TREADWAY. Yes. It is the second of the three items in the law. We are simply changing that phraseology from 5 per cent to 3 per cent. There are three automobile sections in the present bill, and it is the second one of those that applies to the passenger automobile, where the reduction is from 5 per cent to 3 per cent. The gentleman from Mississippi makes the right illustration in the comparison of $50 with $30, and in all the other instances the tax is entirely removed.
Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?
Mr. TREADWAY. I am glad to yield to my friend from Maryland.
Mr. LINTHICUM. What provision have you made for the dealer who has already purchased the car?
Mr. TREADWAY. The dealer who has already purchased a car is given a rebate. That matter was thoroughly discussed in the committee, and we were waited upon by the representatives of the automobile industry after we had practically completed our work. The representation was then made to the committee that this change of rate from 5 per cent to 3 per cent would practically close down automobile sales for the period until the 3 per cent provision became the law. All of this law becomes effective on its being signed by the President except where there are direct exceptions. We therefore made this item operative 30 days after the signing of the law, and allow the dealer to claim from the wholesaler a rebate for any car on his floor. The individual who may buy a car and remove it from the salesman's jurisdiction will continue to pay the 5 per cent for 30 days after this bill goes into effect. But if your dealer has an automobile on his floor 30 days after the law is in effect and the manufacturer has paid the manufacturer's tax of 5 per cent, he will be rebated the difference.
Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield?
Mr. TREADWAY. Yes.
Mr. TAYLOR of Tennessee. Do I understand the privilege tax heretofore imposed on cars for hire is removed?
Mr. TREADWAY. The gentleman means the occupational tax?
Mr. TAYLOR of Tennessee. We call it the privilege tax in our State.
Mr. TREADWAY. The Federal tax is the occupational tax.
Mr. TAYLOR of Tennessee. That has been entirely eliminated?
Mr. TREADWAY. Yes; that has been entirely eliminated.
Mr. ARNOLD. Mr. Chairman, will the gentleman yield there?
Mr. TREADWAY. Yes.
Mr. ARNOLD. Did I correctly understand the gentleman to say that the automobile tax is retroactive to January, 1925?
Mr. TREADWAY. No. What I said was that the tax on the passenger car under this law, 30 days after this bill is passed, is changed from 5 per cent to 3 per cent, but the dealer having a new car in his possession, on which the manufacturer has paid at the rate of 5 per cent, can get the rebate.
Mr. ARNOLD. It makes it retroactive, then, for 30 days?
Mr. TREADWAY. Yes; it makes it retroactive for 30 days, but not to the 1st of January.
Now, gentleman, I would like to reiterate the statement concerning the enormous sum by which we have reduced the automobile tax.
The CHAIRMAN. The time of the gentleman from Massachusetts has expired.
Mr. HAWLEY. Mr. Chairman, I yield to the gentleman 10 minutes more.
Mr. TREADWAY. To think that any one industry and the users of that industry should be benefited directly to the amount of $82,650,000 is perfectly astonishing! I therefore feel that both the users of automobiles as well as the manufacturers and everybody connected with the industry are being most liberally cared for as the Committee on Ways and Means have written this section. I am not violating any confidence in the committee when I tell this House that the provision is absolutely satisfactory to the automobile industry.
The representatives of the automobile industry appeared before the subcommittee when this change was made as to when the tax should become effective, and they told us they were satisfied, and therefore the industry is back of us in our effort to pass the bill in its present form. I expect that under the five-minute rule some gentlemen, out of the kindness of their hearts, will say we must remove all of this tax, this additional item of 3 per cent. But I want to repeat that those who are directly affected by the change—and we have Representatives from their sections on this floor—are assured that the industry is satisfied. I feel that where we have three hundred and thirty-odd million dollars reduction to arrange for and when we can single out one industry and allow them a $82,650,000 reduction, or more than one-fourth of the entire item, no complaint can be made, either by the makers of the cars or the users. It is in that way that the committee presents this item in the bill.
Mr. LINTHICUM. The gentleman means that it constitutes a quarter of the entire reduction?
Mr. TREADWAY. Yes; a quarter of the entire reduction applies to this industry. We have $325,700,000 reduction, or thereabouts, to make, and more than a quarter of it is devoted to the automobile industry. It does not seem possible that it could be expected that we could be more generous.
Mr. EDWARDS. Will the gentleman yield?
Mr. TREADWAY. I will.
Mr. EDWARDS. Up to what amount are estates exempted?
Mr. TREADWAY. Fifty thousand dollars.
Mr. QUIN. That is the same as the law stands now?
Mr. TREADWAY. Yes; there is no change. The graduation is changed, but not the total exemption.
Another accessory of pleasure to Mr. Average Man is the ownership of a camera; upon both the camera and films, together with plates, the tax has been removed.
Formerly he could not make his wife a present of a piece of jewelry valued in excess of $30 or purchase a watch for himself valued in excess of $60 without being taxed thereon. These taxes also have been removed.
Mr. Average Man is being benefited in the removal or reduction of numerous other special taxes.
We are again hearing the shout that this tax reduction is chiefly in favor of the rich. The above illustrations prove the contrary. I assert that the greatest beneficiaries of the 1926 tax revision will be Mr. Average Man, his wife, and their dependents. They make up the largest class in our country and the one most deserving of the careful consideration of tax writers.
The principal concern of the Ways and Means Committee has been Mr. Average Man, and I, for one, am willing that he should be the judge whether or not we have dealt liberally by him.

REPEAL OF GIFT TAX

This bill corrects several faults made in previous acts. Let me refer to two. Very great criticism of the gift tax was made during the discussion of the last act. Its advocates were obliged to moderate their proposals in order to have anything of that nature adopted. It is quite generally admitted the principle was wrong and therefore in the present bill it has been eliminated, although the clause which would permit gifts being made in order to avoid inheritance taxes has been materially strengthened. This tax has never been favorably regarded by the best students of taxation.

REPEAL OF PUBLICITY OF RETURNS

The other valuable correction is the removal of the publicity of returns section, which has served no useful purpose, other than to gratify the curiosity seeker or persons desiring to use the information for ulterior purposes. In its place we now have the previous law, whereby committees of Congress or properly credited officials of the State can have access to returns for official purposes.

INHERITANCE TAX

We have very materially changed the inheritance tax. Personally I never have believed in this form of Federal taxation and would gladly have seen the whole item excluded from this bill. The system under which it is retained will largely do away with double taxation whereby an estate would pay tax both to the Federal Government and to the State wherein a decedent had his residence.
A large measure of the injustice of double taxation under the present law is overcome by increase of the per cent of

credit given estates from 25 to 80 per cent. The principle remains, however, of a Federal inheritance tax, in which I do not believe, as it is a capital levy. Furthermore, the needs of the individual States are so extensive that there ought to be a main source of taxation available to them. It is right and proper that the inheritance tax should be an exclusive source of revenue to the States. Were it not for some glaring irregularities in the laws of a few States, notably Florida, I am certain the entire Federal estate tax would have been voted out of this bill by the Ways and Means Committee. The argument is made that in this bill we have been trying to dictate legislation to the States. This is incorrect. The idea of the committee is to give States opportunity of equalizing legislation, whereby no one State will be able to offer persons advantages over other States as places of residence, thinking only of conditions after their own decease. The change in the bill, however, is beneficial and a great improvement on the present law.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. WILLIAMSON. How much of the total reduction in taxes will it mean to reduce the corporate tax from 12½ to 10 per cent—what will be the loss of revenue?

Mr. TREADWAY. That is such a complicated question that I should prefer not to answer offhand; in fact, it could not be answered without going into very statistical information, which in an address like this would not be enlightening.

Mr. WILLIAMSON. The gentleman from Oregon [Mr. HAWLEY] suggests about $180,000,000.

Mr. TREADWAY. Yes; at least that. The gentleman from Oregon [Mr. HAWLEY] and the gentleman from New York [Mr. MILLS] have those figures at hand better than I have. But it is so large that even with this very small percentage it would practically wipe out many of the benefits I have been describing for Mr. Average Man. And, as I have already said, he was our objective of assistance.

SURTAXES

One of the criticisms that has come to our attention has to do with the surtax reductions of incomes between $30,000 and $60,000. These brackets contain a very large number of taxpayers who feel that a larger reduction should have been made in their interest. While there may be some merit in their argument, it would not seem that we should discriminate in their favor. In so doing the loss of revenue would have been so large that many of the other reductions, beneficial to many taxpayers, could not have been carried out.

It is a further fact that there was an arbitrary reduction in the 1924 act for incomes within this range out of proportion to other surtax brackets. The committee has endeavored to remove this inequality, and the progressive percentage of reduction is maintained throughout. This matter has been so exhaustively explained by other members of the committee that I do not need to take more time upon it.

CORPORATION TAX

In exciting certain persons the word "corporations" is like a red flag to a bull. I am not one of those, however, who feel that every corporation is an easy mark or in the nature of things is a lawbreaker. Our business prosperity is dependent on the success of capital organized into corporate form, together with the interest and support of the wage earners employed by them. This bill is open to criticism that there is practically nothing in it directly beneficial to business carried on by corporations. In a way, I think this is an oversight. At the same time we have reached the peak of tax reduction and the limit of safety in other ways. The benefit to corporations will be indirect in the reductions made for the individual stockholder, rather than the entire corporate interest.

PERSONAL TANGIBLE PROPERTY

A new suggestion of exemptions was submitted to the committee at the hearings which at one time seemed to meet with considerable favor. It was to exempt in an estate inventory personal tangible property, provided the same was not stock in trade. The loss in revenue would have been comparatively small, but the saving in time, inconvenience, and trouble in estate settlements would have been large. I will not make any argument upon the matter at the present time, but I propose when the bill is read under the five-minute rule to offer an amendment covering this item under section 302.

COMPROMISES

One of the mistakes in the preparation of the bill is the omission of proper legislation relative to compromise payments of insolvent or jeopardized companies and corporations. There are a large number of cases of this kind awaiting action. Until within a few months the Commissioner of Internal Revenue and his advisors have been of the opinion that the law permitted exercise of judgment and numerous compromises were made. At present, however, the attitude of the department is that, in view of the fact that the Government's claim is a preferred one, there being assets to meet the tax, this collection should be enforced, even though the corporation is driven out of business.

If the department was given latitude of judgment, business could be rehabilitated and new capital secured. The effect will be the closing of many business concerns and throwing out of employment of large numbers of people. The change in attitude on the part of the department may or may not have been based upon any procedure under way in another branch.

I am very confident, on the other hand, that if the investigation to which I refer was not being unnecessarily dragged along and a partisan attitude been adopted in connection with it, the Ways and Means Committee would have presented an amendment covering the type of cases mentioned. It is unfortunate that the rehabilitation of business enterprises should be delayed or made impossible on account of the conditions I have described. It is neither fair to the corporations nor to the large number of employees who are thereby made the innocent sufferers of partisanship. I earnestly hope this situation can be corrected before the bill is finally enacted into law.

BOARD OF TAX APPEALS

The experiment made in the last bill of a Board of Tax Appeals has been very successful. In this bill we have given the members of the board increases in salary and life tenure of office, so that we hope to retain the services of the best men in the work. Amounts upon which they pass judgment are enormous and show the need of having the most competent persons to fill the positions on the board. With a better definition of their duties and the appointment of six deputy commissioners of internal revenue it is hoped there can be progress in making current the work of the bureau.

It is certainly time that disputed tax bills dating back as far as 1917 should be entirely closed up. For apparent reasons little progress has been made during the past year. Again the innocent taxpayer is the victim of political circumstances. There can be nothing more aggravating, particularly to the officers of a small corporation doing business on a comparative slender margin of capital, than to have hanging over them the uncertainty of tax settlement. This is especially true where there is a likelihood of change of the attitude and decisions of the department. Very many of these reversals of decisions come from the change of the personnel of the department. The new legislation is framed to do away with this temporary condition and provide sufficient permanent officials with authority, so that settlements can be made and the taxpayer relieved of his uncertainty.

COMPLICATED RETURNS

The worst criticism I have heard of our tax system from Mr. Average Man, as well as from those who would not be included in this list, is the very great difficulty he and they have in making up an honest return. It is unfair to a man of moderate means to be obliged to employ an attorney or an expert accountant to aid him in his endeavor to be honest both with himself and with the Government.

The one great need to-day in tax revision is more simplification. At the same time those having to do with the preparation of a tax bill realize the tremendous handicaps there are to efforts for simplification of the language of the law.

JOINT COMMISSION ON TAXATION

In the 1921 act upon my proposal a commission composed of employees of the department was appointed upon simplification of phraseology. Very little was accomplished through this commission. In this bill the appointment of an independent commission has been authorized. I consider this commission as of such great importance, both for the future simplification of phraseology as well as for permanency of tax legislation, that I desire to call special attention to section 1203. The commission is to be known as the Joint Commission on Taxation and will be composed of 15 members—5 Members of the Senate, appointed by the President of the Senate; 5 Members of the House, appointed by the Speaker; and 5 members selected from the general public, to be appointed by the President, one of whom shall be designated as chairman by the President.

The duties of the commission are set forth in paragraph D, which reads as follows:

(d) It shall be the duty of the commission to investigate and report upon the operation, effects, and administration of the Federal system of income and other internal taxes and upon any proposals or measures which in the judgment of the commission might be employed to simplify or improve the operation or administration of such system of taxes, and to make and report upon such investigations in respect of such system of taxes as the commission may deem necessary.

The life of the commission will be for less than two years. It is expected that its report will mean a permanency of phraseology combined with simplification of language, all of which will be welcomed by taxpayers.

Mr. SABATH. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. SABATH. The gentleman is thoroughly familiar with the bill and he may be able to inform the House as to how many new positions, in addition to this commission, this bill creates.

Mr. TREADWAY. The whole bill?

Mr. SABATH. Yes.

Mr. TREADWAY. There are six new deputies, and this commission is an unpaid commission. I will say to the gentleman. The five Members of Congress only receive such cost of sustenance as they may expend when Congress is not in session.

Mr. SABATH. And the five Members of the Senate, too?

Mr. TREADWAY. Yes. And I will say this, which I think is worth understanding. It may not have been brought out before in the course of discussion of the bill. There appeared before our committee a gentleman, recognized as one of the great experts of the country, Doctor Adams, now connected with Yale University. He advocated this board for simplification and the change of phraseology, which we will look to as a permanent means of phrasing our tax law. He said very definitely that there were men of the type that we wanted to have serve us on this board who would prefer to do it without compensation. I think it was a very generous spirit for those gentlemen to show.

Mr. SABATH. Does the gentleman think these men will be selected without any compensation—these five that are to be appointed by the President?

Mr. TREADWAY. It is absolutely provided in the law that they can not receive any compensation, and the reason we did not insert any compensation was our authority, Doctor Adams, who stated that they should not receive any compensation.

Mr. SABATH. What I had reference to were the appointments provided for in the bill—paid employees and attorneys.

Mr. TREADWAY. There are secretaries and two clerks, I think, and the Secretary of the Treasury provides quarters. The total appropriation for this tremendous work is only $25,000.

Mr. SABATH. I did not mean under the provision creating this commission.

Mr. TREADWAY. And that is the maximum amount.

Mr. SABATH. That is under the provision creating this commission, but what I meant was outside of that provision. How many new positions are created in the bill?

Mr. TREADWAY. We change the Solicitor of the Internal Revenue Department from solicitor to general counsel and add to his salary; we increase the Board of Tax Appeals by one over its present membership, although men could be appointed temporarily. The total permanent board will be 16; we fix their salaries and give them a life tenure during good behavior. There are practically no other positions formed under this bill.

Mr. GREEN of Iowa. Will the gentleman from Massachusetts yield to me at that point?

Mr. TREADWAY. I will.

Mr. GREEN of Iowa. The expense of the Board of Tax Appeals to the Government will not be nearly what it has been before, for the reason that we provide for a small filing fee of $10, which will practically cover all the expense there. There are at least 10,000 cases going through there, and they will probably take in from $60,000 to $100,000 a year.

Mr. SABATH. What is meant by a filing fee? Does that refer to anyone who files a petition and is he obliged to pay a fee?

Mr. GREEN of Iowa. Anyone who wants to have his case submitted to the Board of Tax Appeals.

Mr. TREADWAY. The gentleman from Illinois will recall that the chairman of the committee, in his able address on Tuesday, informed us of the enormous mass of business which this Board of Tax Appeals has handled. The aggregate of the tax-appeal figures are perfectly astonishing, even to a gentleman who resides in Chicago.

Mr. EDWARDS. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. EDWARDS. What is the salary of the members of the board?

Mr. TREADWAY. Ten thousand dollars.

Mr. LINTHICUM. Is the gentleman going to speak on the question of appeals under this bill?

Mr. TREADWAY. No. That has been fully covered by other gentlemen. I am trying to reach a few points of interest to the average man. I have nearly concluded, but I shall be glad to answer any questions within the time that the chairman of the committee may be courteous enough to give me.

Mr. DEAL. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman.

Mr. DEAL. The gentleman spoke of the aggravation to the taxpayer of having to employ certified accountants to make up his return and that the returns should be simplified. Why has the committee insisted upon a dual surtax system instead of confining it to one surtax? Why not do away with what you call the normal tax and raise the amount of revenue necessary by incorporating it with the ordinary surtax?

Mr. TREADWAY. I will say in answer to the gentleman that if we were simply trying to get the aggregate amount which the Government might need for the conduct of its affairs, we could write a flat rate for almost any amount. This, however, would be absolutely unfair. What we have tried very hard to do in this bill is to be just and fair to all classes, and I want to reiterate that I think we have succeeded better than in any similar act that has been presented to Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. GREEN of Iowa. I yield the gentleman five additional minutes.

Mr. DEAL. Perhaps that is true, but still this makes it very complicated.

Mr. TREADWAY. That is true, and let me say right here, while I do not wish to be personal, I think the chairman will bear me out that there is no man on the committee more anxious for simplification of phraseology. It has gotten to be a joke in the committee that whenever there is any suggestion of simplified phraseology they must consult TREADWAY about it. But the effort to secure simplification of phraseology is the most complicated thing conceivable, and just as soon as you try to write one little change in the phraseology here you have got to go into explanations to carry it into effect. It is simply so burdensome that you can not actually accomplish your purpose. That is one reason why the committee has asked this board of experts, or intends to ask them through the President, to serve the country until 1927, for the purpose of securing a better and a more permanent simplification of phraseology.

ECONOMY AND BUSINESS METHODS

This bill keeps step with the program of President Coolidge and can be regarded as a part of his economy doctrine. It results from the efficiency in Government and business methods of the administration. Had this not been the policy of the Government there would not have been the $325,736,000 of surplus, which is the basis of our tax reduction.

The people continue to want more capital for industry and less withdrawal of capital through taxation. This bill both reduces taxes and provides a most excellent framework on which to build our future tax policies. It has the important item not included in the last act to which President Coolidge referred, namely, tax reform, as well as tax reduction.

EXAMPLE TO STATES AND MUNICIPALITIES

We commend the Federal program to States and municipalities. The people of the country are to-day suffering under the heavy burden of their taxes. It is quite immaterial to Mr. Average Man who pays the bill—whether the check is made payable to the collector of internal revenue, the treasurer of the State, or the tax collector of the municipality in which he lives. What the people look at in making up their family budgets is the aggregate of the various items under the general heading "Taxes."

I agree with the criticism so frequently heard that there is too much centralization of authority in Washington. From now on this criticism can not be rightly applied to matters of taxation. The centralization of authority in the Federal Government is setting a wonderful example to State and municipalities. Our Federal tax burden is being tremendously reduced, whereas State and municipal taxation is increasing by leaps and bounds.

In order that the people may benefit by the reductions proposed by this bill, these extravagances must be stopped. Let States and municipalities follow our example. Let them practice rigid economy without parsimony. Let the Saturnalia

of extravagance which has been running riot in the land cease. Let Mr. Average Man, when his tax budget is added up, find that each one of the three divisions of taxation, namely, Federal, State, and municipal, all show a progressive reduction.

This is the only way wherein due appreciation can be shown of the efforts Congress, under the wise leadership of President Coolidge, is making to relieve the tax burden of the people, restore capital to useful channels of industry, and bring additional prosperity in the homes of Mr. Average Man and Mrs. Average Woman, who are the bulwark of the Nation. [Applause.]

Mr. GILBERT. Will the gentleman yield?

Mr. TREADWAY. If I have any time left.

Mr. GILBERT. The gentleman has been very considerate and very explicit in his statement, and going back to the publicity feature——

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. GREEN of Iowa. I yield the gentleman two additional minutes.

Mr. GILBERT. If it has been found expedient and proper for the public to know what the taxpayer pays his city, his State, and his county, why is it so unwise and wrong in principle to know what he pays the General Government?

Mr. TREADWAY. There is no objection whatever on the score of you or I as an official needing that information, but when it comes to a question of gratifying a selfish curiosity, I say that your business and my business and our relations with the Government are entitled to the protection of secrecy. I am not an advocate of secrecy in the sense of covering over anything. It should be as broad as you desire in that respect, but we have provided for that in allowing both Houses of Congress and any official committee to see tax returns, as well as the officials of the States on the request of the governors. There can not be anybody within my knowledge who has any direct right or interest in those returns who are not covered in the law.

Mr. OLDFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, the question of tax reduction is as old as government itself, and was a subject of discussion in Biblical times. Parties have divided upon it in every country. Individuals hold divergent views. It will always be an interesting study.

The bill under discussion will be known as the revenue act of 1926. It brings forward and reenacts all provisions for the collection of revenue contained in the revenue act of 1924 not repealed in the present bill.

It will be remembered that during the consideration of the revenue act of 1924 there was widespread propaganda urging the Congress to adopt the so-called Mellon plan of taxation. That plan was rejected and rates of taxation were inserted which were agreed upon by the Democrats and the Progressive Republicans, which became known as the Garner plan. During the consideration of that bill; and prior to its passage in the Senate, interviews were repeatedly issued to the effect that the revenue bill of 1924 would not meet the requirements of the Treasury Department, in that it would not raise the required revenue. Notwithstanding this propaganda, the bill was passed, and we are met with a surplus of more than $300,000,000.

PROVISIONS OF THE BILL ANALYZED

The present bill is to reduce and equalize taxation and to provide revenue. It was introduced on December 7, 1925, in the House on the first day of its session, contains 279 printed pages, and was taken up for consideration on the following day, December 8. It is unanimously reported by the Ways and Means Committee of the House, and therefore it is a nonpartisan bill. Every Member of Congress favors tax reduction. There may be differences as to details.

The bill under consideration increases the exemptions upon single persons from $1,000 to $1,500 and upon heads of families from $2,500 to $3,500, with the same allowance, as contained in the existing law for the education of children. I would vote for an amendment to increase these amounts to $2,000 upon single persons and to $5,000 upon heads of families.

The normal tax rate is 1½ per cent upon the first $4,000 of taxable income, 3 per cent upon the next $4,000, and 5 per cent upon all over $8,000. The tax rates in the existing law are 2 per cent, 4 per cent, and 6 per cent, respectively, in lieu of the above rates.

Changes have been made in the surtaxes as follows: Starting with 1 per cent upon incomes from $10,000 to $14,000 and running to a maximum rate of 20 per cent on incomes above $100,000. The maximum surtax charged under existing law is 40 per cent on incomes of more than $500,000. I would support an amendment to increase the surtax rate upon the larger incomes of $200,000 or more graduated to a maximum rate of 25 per cent on incomes of $500,000 or more.

The present bill makes no reduction in surtaxes on incomes of $44,000 and under, but reduces the surtax on incomes of over $500,000 by 20 per cent, and is therefore manifestly in the interest of those with very large incomes. This can not be justified.

The bill under consideration classifies the first $5,000 of income as earned, and an additional $15,000 may be proven as such. The present law limits earned income to $20,000. The earned income is subject to a deduction of 25 per cent of the tax levied.

Changes are made in the estate taxes as follows: $50,000 is exempt. Upon the next $50,000 the rate is 1 per cent, and increases by 1 per cent on each $50,000 until the rate is 20 per cent on estates of $10,000,000 or more. The maximum rate under existing law is 40 per cent on estates of $10,000,000 or more. There is a credit allowed of 80 per cent on the Federal tax because of the State inheritance tax paid, while under the present law the credit is only 25 per cent.

Practically all of the excise taxes are repealed. A 3 per cent tax is retained upon the manufacturers of automobiles and 10 per cent upon the manufacturers of pistols. The theater tax has been eliminated, except upon certain forms of amusement it is retained. No tax is placed upon any form of amusement where the admission is 50 cents or under, and none upon admissions to a theatrical performance where the amusement is by spoken play.

With reference to gifts, the present bill changes the provision in the existing law by providing that a gift of $5,000 or more, made within two years of death, shall be considered taxable.

The publicity clause in the existing law has been eliminated. Stamp taxes on capital stock issues are retained in the new bill. All stamp taxes on conveyances, including deeds, proxies, and powers of attorneys, are repealed.

There are many changes in the administrative provisions of the bill. The salary of the Solicitor of Internal Revenue is fixed at $10,000 per year. The Board of Tax Appeals is increased to 16 members with a salary of $10,000 per year each, and many other provisions recommended by the experts of the Treasury Department which would clarify and strengthen the law.

It is estimated by the experts who prepared the bill for the Ways and Means Committee that it will produce an estimated revenue of $2,426,764,000 for the calendar year 1926, making a reduction upon the estimated collection under existing law of $322,236,000, exclusive of rebates to automobile dealers. This is for the calendar year of 1926 rather than the fiscal year.

ESTIMATED REVENUES COMPARED WITH EXISTING LAW

The following table, prepared for the Ways and Means Committee, shows the estimated amount of revenue which the bill under consideration will produce compared with what would be produced under existing law, if it were not changed or repealed:

Estimated revenue for the calendar year 1926 from internal-revenue taxes

Source of revenue	Present law, 1926	Proposed law, 1926
Total income tax	$1,880,000,000	$1,685,425,000
Miscellaneous internal-revenue tax:		
Estate tax	110,000,000	110,000,000
Gift tax	2,000,000	
Capital-stock tax	93,500,000	93,500,000
Tobacco:		
Cigars	43,000,000	31,000,000
All other	330,000,000	330,000,000
Spirits, etc	25,000,000	21,000,000
Automobiles, etc.:		
Trucks	9,000,000	
Other, and motor cycles	116,000,000	69,600,000
Tires, parts, and accessories	25,000,000	
Cameras and lenses	700,000	
Photographic films and plates	750,000	
Firearms and ammunition	3,850,000	
Smokers' articles	50,000	
Automatic slot machines	580,000	
Mah-jongg sets	1,000	
Works of art	350,000	
Jewelry	5,000,000	
Brokers' tax	2,000,000	
Bowling alleys, pool and billiard tables	2,100,000	
Shooting galleries and riding academies	28,000	
Automobiles for hire	1,750,000	
Tobacco manufacturers	1,120,000	

Estimated revenue for the calendar year 1926, etc.—Continued

Source of revenue	Present law, 1926	Proposed law, 1926
Use of yachts	$500,000	
Opium dispensers	312,000	
Deeds and conveyances	4,000,000	
Other stamp taxes	46,000,000	$46,000,000
Admissions and dues	33,000,000	29,000,000
All other miscellaneous taxes	10,239,000	10,239,000
Total miscellaneous	869,000,000	740,339,000
Total of above	2,749,000,000	2,426,764,000
Loss for 1926 under present law		322,236,000
Refund on automobiles		3,500,000
Total		325,736,000

HIGHER BRACKETS FAVORED

It has been stated in debate, and the hearings show, that Secretary Mellon did not favor a reduction of the normal tax, but urged and recommended a reduction only upon the surtaxes. This would favor the very wealthy and would give no relief to those having moderate incomes.

We do not oppose wealth honestly acquired and legitimately used. We want to make our position plain. But we do favor a graduated progressive income tax. We can find no sound argument why additional brackets should not be used to divide incomes of more than $100,000. Why place all incomes above $100,000 in the same brackets and only require a 20 per cent surtax? It is urged that it is "economically unsound." Then the whole structure of the graduated income-tax theory is unsound. The 1924 law graduates the tax to $500,000 and over. It is next urged that you can not collect a tax regarded by the heavy taxpayers as excessive. That argument challenges the power of the Government and can be used against any rate of taxation. It is then urged that you can collect more revenue by levying a lower rate. This argument can not appeal to any thoughtful person. This bill is to reduce taxation. If to lower the rates would enable the Government to collect more from those in the higher brackets, then they would not want the rates reduced.

INCREASED EXEMPTIONS FAVORED

It is estimated that the increasing of the exemptions on single persons from $1,000 to $1,500 and upon the heads of families from $2,500 to $3,500 will relieve 2,300,000 persons from paying income taxes and from making income-tax reports, and that an increase in the exemption from $1,000 to $2,000 upon single persons and from $2,500 to $5,000 upon heads of families would relieve 3,500,000 persons from paying income taxes and from making income-tax reports.

As against this increase in exemptions it is urged that every citizen of the Nation should contribute something to the support of his Government and that therefore small incomes should be taxed, but it should be remembered that we collected, by means of the tariff, through the customhouse, for the fiscal year ended June 30, 1925, the sum of $547,561,226.11, and that because of the tariff the prices of innumerable articles in daily use throughout the country, purchased and used by every citizen, were increased, and that those of moderate means and some in financial distress contributed more than their proportionate share by paying increased prices for the necessities which they purchased. Every hat which they bought, every shoe which they wore, most articles of clothing, and innumerable other necessities purchased and used by the families of the laboring classes, farmers, and those of moderate means throughout the country cost more because of the tariff, and the consumers, therefore, in the aggregate, have contributed the amount of $547,561,226.11 toward the expense of running the Government. They have, therefore, an interest as taxpayers in their Government. They contribute, therefore, through the tariff tax more than one-seventh of the revenues to run the Federal Government.

In the second place, practically every citizen of the State and Nation pays some local tax, and they are therefore annually reminded of their interest in their Government, State and Federal.

We therefore see no force in the argument that a citizen must pay an income tax in order that he may be induced to take an interest in public affairs. In the third place, if this argument were sound, then no citizen of the Nation would have had any interest in his Government prior to February 25, 1913, when the sixteenth amendment to the Constitution was proclaimed and adopted empowering Congress to lay and collect taxes on incomes, because prior to that time we had no income tax.

Finally, let me invite attention to the fact that this bill itself exempts $1,500 for single persons and $3,500 for heads of families from the payment of income tax, and if the argument be sound that one must pay an income tax in order to have an interest in his Government, all of those, constituting a vast majority of our citizens, exempt from the payment of any tax under the provisions of this bill, would not have any interest in their Government.

HISTORY OF INCOME-TAX LEGISLATION

The first income tax law under this amendment was enacted October 3, 1913, as subdivision 2 of the tariff act. Other income tax acts have been passed—in 1916, 1917, 1919, 1921, and 1924. Nearly all of the leading countries of the world at the present time raise a large part of their revenue to sustain their respective governments by an income tax. It is conceded to be the fairest tax that is levied. No tax, direct or indirect, is popular, but conceding that the Government is economically run, that there are no extravagancies, and that a certain amount of money is absolutely necessary to pay the expenses of government, the income tax, with certain exemptions to exclude small incomes, and deductions for families and other purposes, is based upon the amount actually earned during any calendar year. It is a tax upon wealth, taking into consideration the ability of the taxpayer to pay. It is a fair and a just tax provided it is equitably distributed and provided, of course, that no more money is collected from the people of the country than is absolutely necessary to pay the expenses of the Government economically administered.

SOURCES OF REVENUE

The following table shows the revenues collected by our Government from all sources, including that paid on account of the tariff and collected through the customhouse, for the fiscal year ending June 30, 1925, as follows:

Receipts—Ordinary	Fiscal year 1925	Corresponding period fiscal year 1924
Customs	$547,561,226.11	$545,637,503.99
Internal revenue:		
Income and profits tax	1,760,537,823.68	1,842,144,418.46
Miscellaneous internal revenue	828,638,667.90	933,012,617.62
Miscellaneous receipts:		
Proceeds Government-owned securities—		
Foreign obligations—		
Principal	23,247,699.07	61,089,867.14
Interest	160,389,977.94	160,634,867.75
Railroad securities	143,911,420.98	94,373,535.52
All others	19,843,302.01	9,602,404.51
Trust-fund receipts (reappropriated for investment)	33,373,481.01	35,228,062.08
Proceeds sale of surplus property	23,798,975.02	46,774,600.22
Panama Canal tolls, etc	23,089,957.87	27,063,204.24
Receipts from miscellaneous sources credited direct to appropriations	29,603,432.29	29,609,735.46
Other miscellaneous	186,183,320.54	206,823,944.64
Total ordinary	3,780,148,084.42	4,012,044,701.65

ESTIMATES OF BUDGET BUREAU ANNUALLY REDUCED BY CONGRESS

It is erroneously stated and reiterated, in order to bring it to the public attention, that the economies effectuated since the creation of the Budget Bureau have been because of this bureau and the President, and that Congress has been wasteful and extravagant. The records disprove this. The chairman of the Committee on Appropriations in a recent article in the Saturday Evening Post stated that the Congress had reduced the estimates of the Bureau of the Budget since it was created in the aggregate sum of about $356,000,000, and that the estimates of the Bureau of the Budget have been reduced every year. The amount of the reduction by the Congress which adjourned on March 4, 1925, under the estimates of the Bureau of the Budget, as shown on page 618, Senate Document 230, was $12,506,495.90. This conclusively shows that Congress carefully inquires into every item of every appropriation bill, is not extravagant, and is therefore entitled to equal credit for reducing the expenses of the Government and has actually reduced them each year below the estimates of the Bureau of the Budget.

I am in favor of the Budget system and made a speech in its favor in the House on October 25, 1919. Let us keep the record straight with reference to the history of this legislation.

HISTORY OF BUDGET LEGISLATION

President Wilson strongly urged the Budget system, as did Hon. John J. Fitzgerald and Hon. Swager Sherley, both Democratic chairmen of the House Committee on Appropriations,

and Congress, during the Wilson administration, passed the bill, but President Wilson was compelled to veto it because an unconstitutional provision was incorporated in it as to the manner of removing the head of the bureau—the Comptroller General—by a joint resolution of Congress. The Department of Justice held that this provision was unconstitutional, and President Wilson, though strongly favoring Budget legislation, felt compelled to veto the bill and urged Congress to repass the bill with the above objection eliminated. The Republican Congress refused to act upon his recommendation and permitted the bill to go over into the succeeding Congress and then enacted it in order to claim the credit for it politically.

CONSTITUTIONAL AMENDMENT

In order to further aid in reducing appropriations I have introduced a constitutional amendment, which is pending before the Judiciary Committee (H. J. Res. 20), authorizing and empowering the President of the United States to veto separate items in an appropriation bill. The constitution of the State of Oklahoma has a similar provision. Many other State constitutions have like provisions. The governors of nearly all the States have indorsed this provision. Congress has heretofore been severely criticized for including questionable items in appropriation bills for local purposes. This provision would enable the President to veto any separate item in an appropriation bill. The only objection urged against it is the reluctance to add another amendment to the Constitution, but, of course, that is an objection that could be urged against any amendment to the Constitution.

EXPENDITURES ENORMOUSLY INCREASED

The expenditures of the Government have, of course, increased from year to year, and in order that we may have for convenient reference the amount of such increases so that they may be compared year by year I am submitting herewith the expenditures made from the beginning of our Government down to the present time. These expenditures include the civil and miscellaneous expenses, War Department (including rivers and harbors), Panama Canal, Navy Department, Indians, pensions, postal deficiencies, interest on the public debt, as shown by the annual report of the Secretary of the Treasury for the fiscal year ending June 30, 1925, as follows:

Expenditures of the United States Government, by fiscal years, from 1791 to 1925

TOTAL EXPENDITURES CHARGEABLE AGAINST ORDINARY RECEIPTS

1791	$4,269,027	1846	$27,766,925
1792	5,079,532	1847	57,281,412
1793	4,482,313	1848	45,377,226
1794	6,990,839	1849	45,051,657
1795	7,539,809	1850	39,543,492
1796	5,726,986	1851	47,709,017
1797	6,133,634	1852	44,194,919
1798	7,676,504	1853	48,184,111
1799	9,666,455	1854	58,044,862
1800	10,786,075	1855	59,742,668
1801	9,394,582	1856	69,571,026
1802	7,862,118	1857	67,795,708
1803	7,851,653	1858	74,185,270
1804	8,719,442	1859	69,070,977
1805	10,506,234	1860	63,130,598
1806	9,803,617	1861	66,546,645
1807	8,354,151	1862	474,761,819
1808	9,932,492	1863	714,740,725
1809	10,280,748	1864	865,322,642
1810	8,156,510	1865	1,297,555,224
1811	8,058,337	1866	520,809,417
1812	20,280,771	1867	357,542,675
1813	31,681,852	1868	377,340,285
1814	34,720,926	1869	322,865,278
1815	32,708,139	1870	309,653,561
1816	30,586,691	1871	292,177,188
1817	21,843,820	1872	277,517,963
1818	19,825,121	1873	290,345,245
1819	21,463,810	1874	302,033,873
1820	18,260,627	1875	274,623,393
1821	15,810,753	1876	265,101,085
1822	15,000,220	1877	241,334,475
1823	14,706,840	1878	236,964,327
1824	20,326,708	1879	266,947,884
1825	15,857,229	1880	267,642,958
1826	17,035,797	1881	260,712,888
1827	16,139,168	1882	257,981,440
1828	16,394,843	1883	265,408,138
1829	15,203,333	1884	244,126,244
1830	15,143,066	1885	260,226,935
1831	15,247,651	1886	242,483,139
1832	17,288,950	1887	267,932,181
1833	23,017,552	1888	267,924,801
1834	18,627,509	1889	299,288,978
1835	17,572,813	1890	318,040,711
1836	30,868,164	1891	365,773,004
1837	37,243,496	1892	345,023,331
1838	33,865,059	1893	383,477,953
1839	26,899,128	1894	367,525,281
1840	24,317,579	1895	356,195,298
1841	26,565,878	1896	352,170,446
1842	25,205,761	1897	365,774,159
1843	11,858,075	1898	443,368,583
1844	22,337,571	1899	605,072,179
1845	22,937,408		

Expenditures of the United States Government, by fiscal years, from 1791 to 1925—Continued

1900	$520,860,847	1913	$724,511,963
1901	524,616,925	1914	735,081,431
1902	485,234,249	1915	760,586,802
1903	517,006,127	1916	741,996,727
1904	583,659,900	1917	2,086,042,104
1905	567,278,914	1918	13,791,907,895
1906	570,202,278	1919	18,952,141,180
1907	579,128,842	1920	6,141,745,240
1908	659,196,320	1921	4,891,106,819
1909	693,743,885	1922	3,618,037,797
1910	693,317,065	1923	3,647,647,849
1911	691,201,512	1924	3,404,295,067
1912	689,881,334	1925	3,529,643,446

Let me emphasize that the above expenditures do not include the amounts annually expended for the Postal Service, but do include the amounts appropriated for postal deficits.

Contrast the expenditure of $4,269,027 for the first 15 months of Washington's administration with the expenditures of $3,529,643,446 for the fiscal year ended June 30, 1925. The amount appropriated for the Post Office Department for the fiscal year ended June 30, 1925, was $636,269,415.

COMPARISONS IN REDUCTION OF EXPENDITURES BETWEEN STATE AND FEDERAL GOVERNMENTS CRITICIZED

In this connection permit me to invite attention to an unfair comparison made by those high in authority, and restated in some form or another almost daily on the platform and in the public press, with reference to the reduction of the Federal expenses during the last seven years, as compared with the reduction in State, county, and municipal expenses.

The World War was a national obligation, and the financial burden of the war was almost entirely upon the Federal Government, and the war being over expenses should be and are gradually being greatly reduced, and should be further reduced. There was but little increased tax burden because of the war upon the local communities, and therefore when the war ended there were no reductions to be made because of any increased expenditures on that account.

The people in their respective communities, towns, and cities in the several States are demanding better school facilities, electric lights, waterworks, paved streets, better roads, and modern conveniences of all kinds, and increased expenditures for these and other local conveniences are voted upon themselves. It is not a fair argument to compare reductions in Federal expenditures with those of the States and local communities following the World War.

I am in favor of the most rigid economy. Not a dollar should be collected from the taxpayers—local, State, or Federal—directly or indirectly, not necessary for the legitimate expenses of the respective governments. A tax for any other purpose can not be justified and should not be levied. I favor the closest scrutiny of every expenditure; but, of course, some expenditures are necessary to run the Government, and some expenditures I regard as investments. These I call productive appropriations or investments, and in this class I place all appropriations for the internal development of the country—agriculture, roads, education, reclamation of arid lands, drainage, and other expenditures from which returns are realized.

On the other hand, I think the closest scrutiny should be made of nonproductive appropriations, including those for the Army and Navy, and, with further disarmament provided for, the appropriations for these purposes could be greatly reduced and the money used for the internal development of the country.

ITALIAN DEBT SETTLEMENT OPPOSED

I do not, however, favor too severe economy that would retard the internal development of our country and at the same time deal with liberal prodigality toward the Italian Government in the form of debt cancellation or remission, or a reduction in rates of interest to that Government to no interest before June 15, 1930, and a minimum rate of one-eighth of 1 per cent for the next 10 years and a small graduated increase thereafter, to a maximum of 2 per cent.

The Associated Press dispatches, under date of December 9, 1925, carry the following news item:

ROME, December 9.—The war-debt agreement entered into between the United States and Italy was ratified yesterday by the Italian Senate. The loan arranged with the Morgan Co. of $100,000,000 was also ratified.

And it must be kept in mind that this loan negotiated by the financial interests bears 7 per cent interest, in addition to commissions paid while our Government is to receive for 10 years after June 15, 1930, one-eighth of 1 per cent on money borrowed from the people, upon which we pay 4¼ per cent interest.

I think that our foreign debt should be collected in full without any cancellation or remission, and that no better terms should be allowed any foreign country than those already made

and ratified with Great Britain and certain other countries. I think Congress before it adjourns should pass a resolution advising foreign governments as to the position of our Government on this question.

The experts of the Treasury report that, as compared with the British terms of debt settlement, we lose in the Italian settlement the sum of $2,565,013,500.

It follows, of course, that I shall not vote for the Italian debt settlement, nor any other debt settlement with any other country not in line with the above-expressed views.

A refunding of our foreign debt would enable us to anticipate payments regularly and apply them to the reduction of our own debt, reduce our interest and sinking-fund account, and permit the enactment of further legislation greatly reducing the tax burden upon the people.

Payments aggregating $95,253,000 were made to the United States during the present week by seven foreign governments which owe money to the United States as a result of loans made on account of the war. If all of our debts were funded and all paid us regularly semiannually, a further reduction in taxes would be justified.

Mr. GREEN of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. RAMSEYER.] [Applause.]

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, heretofore, in discussing internal revenue bills before this House, I have devoted the major portion of my time to the Federal estate tax. I shall do so again to-day. I do not know whether I could be classed as a man with hobbies or not. I know that when I came down here 10 years ago I had no hobbies. In fact, up until a few months before my becoming a candidate for Congress I had never contemplated a legislative career. Since my service here the committees to which I have had assignments never occupied the major portion of my time. Naturally, I looked around for something to do, and whenever I found anything that I thought ought to be done and saw nobody attending to that I addressed myself to that particular task.

In this way I found plenty of work to do and became interested in a number of legislative subjects, and set myself to work on those subjects, including three subjects touching our national finances, to wit:

First. The conscription of wealth for war purposes.

Second. The payment of the war debt by the generation that made it.

Third. Federal estate tax and State inheritance taxes.

To-day I shall devote most of my time to the last subject. I want to say a word about the first two by way of introduction, and while I am discussing them I do not care to be interrupted by questions. After I come to the estate-tax question I shall be perfectly willing to conduct a kind of a round-table discussion on that subject.

I.—THE CONSCRIPTION OF WEALTH FOR WAR PURPOSES

Right before the declaration of war in 1917 there were a number of manufacturers of the United States, including Henry Ford, who had declared that if the country got into the war they would furnish war materials to the Government without profit; that is, they would produce material and turn it over to the Government at the cost of production. I thought that was a good idea. A few days after the declaration of war I made a speech urging the Congress to adopt a policy to conscript property as well as men. The result was that I was very severely criticized by a number of papers. I was called a Populist, a war obstructionist, and a few other names even less complimentary. I became thoroughly convinced I was right, and during the war and since I have insisted upon the adoption of such a policy for future wars.

In 1920 the Republicans of Iowa, in State convention, indorsed that policy, probably the first political convention in the country to put itself on record favoring the conscription of materials as well as men in time of war. President Harding was an enthusiastic supporter of this policy. Last October, at the American Legion convention in Omaha, Nebr., President Coolidge indorsed the same policy. The American Legion, more than any other organization, is entitled to credit for popularizing this idea. In 1924 both the Republicans and the Democrats in their national platforms went on record, most emphatically urging legislation to carry out that policy in event of another war. In his annual message on last Tuesday President Coolidge made this recommendation:

> A sound selective service act giving broad authority for the mobilization in time of peril of all the resources of the country, both persons and materials, is needed to perfect our defensive policy in accordance with our ideals of equality.

In view of the planks adopted by the two major political parties last year, and in view of the attitude of the President of the United States, I can not see how this Congress can honorably do otherwise than take some action along this line. I shall leave it to the duly constituted leaders of this House, through the proper committees, to proceed in carrying out these party pledges and the administration attitude.

II.—THE PAYMENT OF THE WAR DEBT BY THE GENERATION THAT MADE IT

Right after the late war there were quite a number of prominent persons in both of the leading political parties who urged that the war debt should be spread over a period of from 50 to 100 years. It impressed me that that was not only unjust to the coming generations but that it was an unsound governmental policy. I am utterly unable to understand how men who are pledged to the conscription of wealth to conduct future war—that is, war without financial profit to anyone and no war debts following; and everybody seems to give support to that policy now—can come forward and consistently advocate that the debt of the last war should be passed on to generations yet unborn. I wish to record here my absolute agreement with that portion of the President's message, read here last Tuesday, which urged the speedy retirement of our war debt. I think that any other course is unjust and cowardly. We conducted the war and we made the debt. It is our business to pay that debt. Future generations will have their own problems to solve and their own debts to pay. In fact, it is my conviction, based on careful study, that not only war debts but all public debts contracted either by municipality, State, or Nation should be paid by the generation that contracts them. [Applause.]

I have some charts before you which I had prepared for a speech on international debts. I shall take only a few minutes to call your attention to the growth of the public debts in a few of the leading countries of the world, to wit, Great Britain, France, Italy, and Belgium. Great Britain's public debt began in 1688 with a little over a half a billion pounds. As the chart indicates, Great Britain has had a few periods of debt reduction, but on the whole her public debt constantly increased. During the late war her debt, as well as the debts of the other countries I have mentioned, swelled tremendously.

Great Britain is the only country of Europe that was in the war which has slightly reduced her national debt since the war. Her debt now is £7,646,394,000. The public debt of France began in 1815, and was slightly over a billion francs. The public debt of Italy began with the present dynasty in the early seventies and in 1875 was 8,471,000,000 liras. Belgium, as an independent country, began her life in 1830. Five years thereafter she had a debt of 117,237,380 francs. These three countries have never reduced the principals of their national debts. There was a constant increase in their debts and, of course, they, too, swelled tremendously during the war. The national debt of France to-day is 421,000,000,000 francs, which at the normal rate of exchange would be about $80,000,000,000, while the national wealth of France is less than $60,000,000,000.

I heard Speaker Clark say at one time, when he was making a speech on the floor of this House, that Napoleon left France without a debt after all his efforts to conquer the world. My investigation shows that that statement is substantially correct, because in 1815 France did not have a funded debt but did have a floating debt of a little over a billion francs. However, since that time, as the chart before you indicates, France has never made a serious effort to reduce the principal of her public debt.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield to a question there about the debt of France, as stated by former Speaker Clark? Was his statement not that France had never repudiated any of her debts?

Mr. RAMSEYER. No. I heard Speaker Clark say just what I have said. He may have made the other statement also. Just one other word before I leave this debt proposition. In addition to what the President stated the other day in his message on debt retirement, the thing that has set me against the debt policies of these European countries and the policy that some people are trying to impress upon this country is this, and every economist of standing will support me in what I am about to say.

As you increase indebtedness, float bonds, or increase the medium of exchange unduly, you have inflation, and that inflation brings about an economic injustice that to my mind is absolutely inexcusable and unjustifiable. In our own country, as the result of our war inflation, even with the deflation

which followed, the dollar to-day buys only 60 per cent as much as it did before the war. That works an especial hardship on all persons who have their investments in intangible property such as notes, bonds, savings accounts, insurance, and so forth. The man who 10 years ago insured his life in this country say for $10,000, thinking that that would make ample provision for his widow and children, would, if he should die to-day, on account of this inflation, leave to his widow and children only 60 per cent of what he had intended his insurance should produce.

In France the franc to-day is worth only one-fifth of what it was 10 years ago. A man in France who 10 years ago invested 100,000 francs in government bonds, and if he is still the owner of those bonds, to-day finds himself in possession of property which in purchasing power is worth only one-fifth of what it was 10 years ago. A government that consciously permits such a policy, and I am frank to admit that some of the governments can not help it, commits an outrage upon its citizenship, which to my mind is worse than the crime of robbery. You may catch the robber, and you may get your property back, and if he is caught, even without the property, you have the satisfaction of seeing punishment meted out to him. But the citizen who is deprived by his government of his property in the way I have outlined has absolutely no recourse. The path of safety dictates that you get rid of your public debts as soon as possible. The country that is burdened with debt and is confronted with an emergency has usually but one recourse, and that is inflation. Pay off your public debts and be mightly careful about making new debts. A government must also watch the volume of the medium of exchange so as to maintain the purchasing power of that medium uniform as nearly as possible from year to year, thus being fair and just to both debtor classes and creditor classes.

I have a bill pending before the Ways and Means Committee to make our sinking fund applicable to our entire national debt instead of only to about one-half of it, as the law provides for now. This is the third Congress this bill has been before the committee. I have spoken to several members of the Ways and Means Committee expressing a desire to be heard. As soon as that committee gets rid of this revenue bill I hope that they will give me an hour to elaborate my views on this subject in detail. Now, that is all I care to say about this subject to-day.

Mr. DICKINSON of Missouri. Mr. Chairman, will the gentleman place those tables in the RECORD?

Mr. RAMSEYER. At the gentleman's request, I shall have them printed at the conclusion of my remarks.

SURTAXES

Mr. Chairman, I wish to congratulate the House upon the nonpartisan manner in which the debate on this bill has proceeded, and what I say about the House is even more applicable to the work of the Ways and Means Committee. Since my service in this House every internal revenue bill has been considered by me from a nonpartisan standpoint. According to my way of thinking, there is no more sense in injecting partisanship in an internal revenue bill than there would be in a bill adjusting postal rates. The only tax bills where partisanship can possibly be in order are the tariff bills, and I have voted for all of them of Republican origin, and I have also voted for every internal revenue bill that was enacted into law during and since the war. On amendments to internal revenue bills I have voted my convictions irrespective of who offered the amendment.

You all know my attitude on income taxes and surtaxes. I have stated my views on those taxes before the Committee on Ways and Means and on the floor of this House a number of times. I do not favor income taxes or surtaxes any higher than are necessary to provide the necessary revenue to meet the expenditures of the Government. If you can convince me that you can get enough revenue here by a surtax of 5 per cent, I shall vote for a surtax of 5 per cent, or 10 per cent, or 15 per cent, whatever it may be, but if I become convinced that a 20 per cent surtax will not produce sufficient revenue to enable the administration to carry out what now seems to be its policy on debt retirement, I shall not hesitate to vote for a surtax of 25 per cent, nor shall I hesitate to vote to reduce the exemptions that are carried in this bill. I am intensely interested in retiring the national debt speedily, and I think that any person who will stop to think about it for a moment can see the vital importance of getting rid of the national debt as quickly as possible.

Some of you gentlemen think that I am strongly wedded to the estate tax, and I confess that I am. However, if I were compelled to sacrifice either the policy of paying off the national debt by this generation or the policy of a Federal estate tax, I would not hesitate one moment in choosing to sacrifice the estate tax and saving the debt retirement policy. I know if the estate taxes are repealed they will not stay repealed. On the other hand, if we abandon the debt retirement policy in this time of unusual business and industrial prosperity I know we can not, or it will be difficult to, reestablish the debt retirement policy when times become slack or when we have periods of financial or industrial depression.

When the last internal revenue bill was before this House it carried a provision to remit 25 per cent of the income and surtaxes due the previous year. I voted against that provision for the reason that I wanted to save that much more money for debt retirement. Since the war I have not worried about surpluses in the Treasury, because I knew that the Treasury Department would use every dollar of surplus in debt retirement. I am not enthusiastic about the provision in this bill to make the income and surtax reduction apply to this year's incomes. We are not reducing this year's taxes on anybody else. The chief argument that has been used in the last three or four years to convince the people of this country that the surtaxes should be reduced was that the surtax is passed on to the consumer. I know that that is not absolutely true in all cases and may not be true in most cases. In so far as it is true that these surtaxes are passed on to the consumers, then it follows that the fellows who are under obligation to pay these surtaxes next year on this year's income are allowed to hold for themselves a certain percentage of the taxes due the Government to the extent of the reductions in this bill which have already been passed on to the consumers.

Mr. GREEN of Iowa rose.

Mr. RAMSEYER. Oh, I know what the gentleman has in mind. I am afraid the gentleman did not get the full force of my statement.

Mr. GREEN of Iowa. There is no economist of any standing that I know of who claims that the income tax is passed on.

Mr. RAMSEYER. I am speaking especially about surtaxes and I qualified my remarks with the statement that in so far as they are passed on. Oh, I know the propaganda that has been going on for the reduction of surtaxes, and that propaganda has gotten a hold of the minds of the people back home. They tell me that they are not fooled by these high surtaxes, because they say in the last analysis these taxes are passed on to them and they have got to pay them. We are not reducing this year's taxes on any other class of taxpayers. The automobile tax has been paid from time to time during the year. That tax is not going to be remitted; so with all the other internal taxes except the income and surtaxes.

I should like to see these income and surtaxes due the 1st of next January collected for the purpose of debt retirement. The argument for remitting these taxes is to have more money available for investment. In other words, you want to remit or reduce surtaxes to release money for investment. It is true that the dollar you remit or fail to collect as surtax will be available for investment, but, on the other hand, that dollar, if collected, will pay off national debt and then be available for investment, thus performing two useful functions instead of one.

III.—FEDERAL ESTATE TAX AND STATE INHERITANCE TAXES

The two propositions that I have discussed briefly, to wit: The conscription of wealth for war purposes, and the speedy retirement of the national debt, have received administration indorsement, the latter very emphatically in the recent message of the President. I am hopeful that in due season the Federal estate tax will receive like support. We need that tax to pay off the war debt and for other purposes. In the revenue bill of 1924 this House voted 261 to 107 to increase the Federal estate tax rates, beginning with 1 per cent on the $50,000 over the exemption of $50,000 and graduated upward to 40 per cent on that portion of the net estate over $10,000,000. The situation which then existed has not changed one particle over the situation which exists to-day. If there was good reason for the increase in rates then, there is the same good reason for maintaining those rates to-day. This House was not taken by surprise. It was not swept off its feet by passionate appeal. There was no propaganda to interfere with the deliberate action of the House. It voted the increase after due deliberation.

There are gentlemen in this House, I do not know whether they are present right now, who will bear me witness that what I am about to say is the truth, and that is that a few days before the amendment was offered increasing the estate-tax rates they were conferring with me as to what the rates should be. It had been rather decided that I should offer the amendment. They came to me with a schedule of rates that were in the different brackets two and three times the old rates. My position then was that the rates should not be increased to exceed 50 per cent in each bracket—that is, one-half more than they then were. These gentlemen insisted that I should incorporate their proposed rates in my amendment. I advised them that if that was their position that I would not offer the amendment. They finally agreed to the schedule of rates which is now the law. Conditions have not changed in this country since. The purpose for which the increase was made two years ago is known to all of you. Those rates would be retained today except for the tremendous propaganda which was carried on from one end of the land to the other to repeal the Federal estate tax.

There was no sound reason in this propaganda, of course, because propaganda is not based on reason. It is carried on by suggestion, repetition, and more repetition. Catch phrases are used. Propaganda catches or fastens itself upon the minds of men when their minds are in a negative instead of a positive condition. Of course, there are some people whose minds are most always in a negative condition. [Laughter.] We all have periods of negative attitude mentally. We see the same thing repeated daily in the press. We have it repeated in our ears, and like sleepyheads we pretty soon without reason and without cause begin to nod assent to that propaganda.

This propaganda reached its height last October. When I arrived in Washington I was advised by a number of gentlemen that the Federal estate tax was lost, but several things happened before the Ways and Means Committee which brought about a very decided change. The one thing I think, more than any other, that changed the tide in favor of the Federal estate tax was the appearance of the governors, who were widely advertised in the press to be 100 per cent in favor of the repeal of that tax. I was asked to appear before the committee to answer the governors. I was present and heard them. There were present the Governors of Alabama, Mississippi, Virginia, both the Carolinas, and Tennessee. Everyone of them, as soon as he was advised what the real issue was, expressed it to be his opinion that if the Federal Government should go out of the estate-tax business it would bring about chaos in the collection of State inheritance taxes, and also expressed it as his view that if the committee could work out some kind of a plan whereby the Federal Government would continue in the estate-tax business, giving the States an opportunity to develop their inheritance laws and give them a greater participation in this source of revenue, that that was a thing highly to be desired.

The farm organizations came before the committee and everyone of them went on record against the repeal. Then two very distinguished and learned economists of this country, who, I am advised, have been before the Ways and Means Committee frequently, and I know their views on tax matters are sought, and who did not come here to impose themselves upon the committee, but they came here, if I am correctly informed, at the invitation of the committee.

Mr. GREEN of Iowa. At the special request of the committee.

Mr. RAMSEYER. Chiefly, as I understand it, on the proposition of income taxes. On cross-examination these gentlemen were asked to express their views on the estate tax. That was not part of their examination in chief. Both of these gentlemen expressed themselves emphatically, decidedly, and intelligently against the Federal Government going out of the field of estate taxes at this time.

Mr. MILLS. Will the gentleman yield for a question?

Mr. RAMSEYER. I will.

Mr. MILLS. Is it not true that one of those gentlemen, Doctor Adams, stated that rather than keep the present estate-tax rate he would prefer to have the Federal Government retire from that field?

Mr. RAMSEYER. I think he stated something in that regard, although he was not cross-examined on it.

Mr. MILLS. I will say to the gentleman from Iowa that I asked Doctor Adams that specific question, if the choice was between retaining the estate tax as at present rate or repealing it, which would be his choice; and he said, "I should favor the repeal."

Mr. RAMSEYER. I am willing to concede he said that. Of course, that is a mere conclusion of the professor or doctor. I should like to have his reasons for that conclusion. I do not know what his reasons were for that conclusion, for I do not think they were developed. I think that both stated also that lower rates—I do not think either one committed himself to any particular rate—would yield a greater return than existing rates.

Mr. MILLS. May I again suggest. Doctor Adams suggested 20 per cent as the maximum to which he would be willing to go.

Mr. RAMSEYER. I am perfectly willing to let that go in the RECORD. I am glad to know just what his judgment was in the matter, but neither one came here to speak specially on the estate tax. I think I am correct in that. At any rate he was decidedly against the repeal.

Another phase of this propaganda was that this tax should be left to the States.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. How much time would the gentleman desire?

Mr. RAMSEYER. At least 15 minutes.

Mr. GREEN of Iowa. Mr. Chairman, I yield to the gentleman from Iowa 15 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 15 minutes more.

Mr. RAMSEYER. It has been very ably answered by gentlemen who preceded me, and I shall pass it by, except to say that when the fellow who came here urging that this tax should be left to the State usually on closer examination was found to be opposed to all inheritance taxes, National and State.

Another propaganda argument, if it can be properly called an argument, was that it is a capital tax. Of course, all direct property taxes are capital taxes. It is also true that on most estates on which an estate tax is levied the tax is paid either out of the earnings or savings of the estate during the time the estate is settled up. Whether this tax works a hardship on estates I shall have something to say on that a little bit later.

Another portion of this propaganda was that the estate tax was an emergency or war tax and should be saved for that purpose. I want to take just a minute on that to make the statement that the estate tax is absolutely unadapted to meet an emergency quickly. After you pass a law for that purpose you will not get any revenue from it for at least a year. It will not be productive for three or four years. When you have an emergency on hand you want a tax that will yield returns right away. It is true that in the past the estate tax, or inheritance tax, has been employed by the Federal Government only during times of war or emergency until the present law was enacted. You gentlemen who followed the political issues prior to and during 1912 know that the inheritance tax issue was a live issue. Roosevelt was a very strong advocate of national estate taxes, and urged it in public addresses and in messages to Congress. It was indorsed in the plank of the Progressive platform of 1912 not as a means to raise revenue for the Government only but "as a national means of equalizing the obligation of holders of property to government." The object was especially to tax heavily swollen fortunes to prevent their becoming a menace to the public welfare.

The present estate tax law was enacted September 8, 1916. We were not then at war. There was a war in Europe. I was here at the time and I am satisfied that that law would have been enacted at that time even though no war had existed. Republicans and Democrats alike had pledged themselves to that kind of a tax, just as they had done in the case of the income tax. During the war the maximum rate in the estate tax was raised from 10 to 25 per cent. Then last year, in a time of profound peace, with no war and no emergency on, the maximum rate was increased from 25 to 40 per cent on that portion of the net estate over $10,000,000 by a vote in this House of 261 to 107.

Furthermore, in regard to this talk about saving the estate tax for an emergency of war, gentlemen seem to forget that the two principal political parties of the country are pledged to conduct future wars without profit and paying for the war as we go by conscripting wealth for that purpose. By its very nature the estate tax is not adaptable for an emergency tax. If the estate tax is a just and equitable tax, it is a peace-time tax, and to get the best results should run over a long period of years at moderate but productive rates.

I have here a table showing the British inheritance tax rates, which I shall have inserted in the RECORD at this place:

British inheritance tax rates

Where the net principal value of the estate—		Rate of duty, per cent, where the death occurred—				
Exceeds—	And does not exceed—	After Aug. 1, 1894, and before Apr. 19, 1907	After Apr. 13, 1907, and before Apr. 29, 1909	After Apr. 29, 1909, and before Aug. 16, 1914	After Aug. 15, 1914, and before Aug. 1, 1919	After July 31, 1919
£100	£500	1	1	1	1	1
£500	1,000	2	2	2	2	2
£1,000	5,000	3	3	3	3	3
£5,000	10,000	3	3	4	4	4
£10,000	15,000	4	4	5	5	5
£15,000	20,000	4	4	5	5	6
£20,000	25,000	4	4	6	6	7
£25,000	30,000	4½	4½	6	6	8
£30,000	40,000	4½	4½	6	6	9
£40,000	50,000	4½	4½	7	7	10
£50,000	60,000	5	5	7	7	11
£60,000	70,000	5	5	7	8	12
£70,000	75,000	5	5	8	8	13
£75,000	80,000	5⅝	5½	8	8	13
£80,000	90,000	5⅝	5½	8	9	13
£90,000	100,000	5½	5½	8	9	14
£100,000	110,000	6	6	9	10	14
£110,000	130,000	6	6	9	10	15
£130,000	150,000	6	6	9	10	16
£150,000	175,000	6½	7	10	11	17
£175,000	200,000	6½	7	10	11	18
£200,000	225,000	6½	7	11	12	19
£225,000	250,000	6½	7	11	12	20
£250,000	300,000	7	8	11	13	21
£300,000	350,000	7	8	11	14	22
£350,000	400,000	7	8	11	15	23
£400,000	450,000	7	8	12	16	24
£450,000	500,000	7	8	12	16	25
£500,000	600,000	7½	9	12	17	26
£600,000	750,000	7½	9	13	18	27
£750,000	800,000	7½	10	13	18	27
£800,000	1,000,000	7½	10	14	19	28
£1,000,000	1,250,000	8	10-11	15	20	30
£1,250,000	1,500,000	8	10-11	15	20	33
£1,500,000	2,000,000	8	10-12	15	20	35
£2,000,000	2,500,000	8	10-13	15	20	40
£2,500,000	3,000,000	8	10-14	15	20	40
£3,000,000		8	10-15	15	20	40

I present this table of British rates at this place chiefly for the purpose of demonstrating to you that in other countries the inheritance taxes have never been regarded as emergency or war-time taxes. Great Britain has had the inheritance tax for many years. As this table shows, in 1904 the inheritance taxes were revised and increased all along the line except in the first bracket, with a maximum of 8 per cent. There was no war on. In 1907 there was another increase, with no war or emergency in existence. In 1909 there was another increase, as the table shows. There was no war or emergency. The next increase was in 1914, when the World War was on. The rates are shown in the table.

In 1919, when the war had been over for a little over a half year, there was another increase, as the table shows.

You will remember that right after the armistice Lloyd-George prorogued Parliament and appealed to the country on the platform of hanging the Kaiser and making the Germans pay the entire war obligation of the British. Still having in mind, evidently, the idea that the Germans were going to pay the entire war obligation, they increased in 1919 the maximum inheritance taxes to 40 per cent, and it was done by a Parliament which was the most conservative they have ever had in Great Britain, a Parliament elected in December, 1918, which was composed largely of manufacturers and big business men. That Parliament has been referred to as "the war profiteers' Parliament." With that kind of a Parliament, mind you, composed of conservative business men, they saw fit to adopt the rates that are shown in the table with a 40 per cent maximum. And more than that, this year Parliament increased the rates so that they will yield on the whole $50,000,000 more.

I have in my hands here a copy of the Parliamentary Debates, April 28, 1925, which has the speech of Winston Churchill, Chancellor of the British Exchequer. I have been reading the speeches of the British Chancellors of the Exchequer every year since the war, with only one or two exceptions. I wonder how many members of the Committee on Ways and Means, in preparing themselves for their work in revising the tax laws, went to the trouble to read the very illuminating speech of Winston Churchill? I am not going to ask you to lift up your hands. Winston Churchill is a conservative, under a conservative government.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. I will be glad to yield to you in a minute. Let me finish this right now.

Mr. GARRETT of Tennessee. Yes.

Mr. RAMSEYER. Winston Churchill says that while the increased inheritance tax will yield $50,000,000 more, a corresponding reduction is made in the income taxes. That is the position I have taken before this House time and time again. I have shown you that inheritance taxes are not taxes on enterprise or on industry. I have thrown at you the sayings and the works of Carnegie and other financiers and economists in this and other countries. From this same volume here it appears to be the custom over there, when the Chancellor of the Exchequer makes a good speech, for the exchancellors present to get up and felicitate him on it, but indicating where they differ, without raising any controversial issues, and indicating the places where they agree. Here Lloyd-George gets up, Lloyd-George who held the position of Chancellor of the Exchequer longer than any man ever held the position of Secretary of the Treasury here in my time. Lloyd-George is not only an experienced administrator, but he is also a tax expert, and he, of course, was the gentleman who handled the budget on the floor of the House of Commons when he was chancellor. I do not think he took any expert clerks with him, and told members of the House of Commons, "Now, if you fellows want to ask any questions about this bill, you must ask them." He was there with the goods. [Laughter.] After that he became Minister of Munitions, and you know of him as Prime Minister. Now, mind you, in this British budget there was an increase of $50,000,000 because of increase in the inheritance-tax rates.

Mr. MILLS. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MILLS. Will the gentleman indicate what rates were increased?

Mr. RAMSEYER. They were increased from 1 to 6 per cent.

Mr. MILLS. Was the maximum increased?

Mr. RAMSEYER. No. I thought I made that clear before; they were increased in between. Now, Lloyd-George is speaking, and he felicitated Winston Churchill on the very able presentation of a complex problem, and it is a very able speech. He says:

> I am also glad that he has steepened the scale of death duties. I have always been in favor of extracting revenue by that process rather than by increasing the tax upon incomes.
>
> Listen!
>
> It is a piece of luck for anybody who inherits a fortune, and I do not think it is too much for him to pay a contribution, a very heavy contribution, to the State.
>
> Listen!
>
> I am sure that most of us would be delighted to pay 50 per cent if we could get the rest. I am, therefore, very glad that the right honorable gentleman has adopted that policy.
>
> [Applause.]

I am giving you the attitude of the British Conservatives; in fact, in my appearance before you I have never quoted to you anybody except those who were regarded as conservative. Radicals as a rule are against inheritance taxes, as I shall prove to you later.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield the gentleman 15 minutes more.

Mr. RAMSEYER. In fact, I am afraid that on this estate-tax question my association with these gentlemen who are conservatives and reactionaries and British war profiteers will finally lead to my being classified as a "hopeless reactionary," and if there is one thing I do not like to be called it is that.

Mr. MILLS. Will the gentleman yield again?

Mr. RAMSEYER. Yes.

Mr. MILLS. Of course the British inheritance tax is not superimposed on State inheritance taxes running as high as 35 and 40 per cent, is it?

Mr. RAMSEYER. I understand that, but we are collecting to-day, the Federal Government and the States, $182,000,000, while Great Britain last year collected $250,000,000. Next year, with these increases, she will collect £62,000,000, or $300,000,000. In other words, the British, with one-fourth of the national wealth, are collecting $120,000,000 more than we are. You can only get the significance of this statement when I tell you that if we should impose the same burden on estates in this country

that Great Britain imposes on her estates we would collect four times as much money, and four times $300,000,000 is $1,200,000,000. So I do not think anybody is in a position to charge that our rates are burdensome on estates, when figures demonstrate that our estates are burdened only one-fourth of British estates.

Mr. MILLS. Of course the gentleman knows that Great Britain gets so much revenue because she is willing to tax at a very high rate what we call moderate-sized estates, and that Great Britain gets the bulk of that revenue not by the maximum rates but at the very high intermediate brackets.

Mr. RAMSEYER. I agree. If we want to make the returns on inheritances and estates productive, we should begin with less exemptions and have higher rates in between. There is no question about that, and I have urged that, but I have not received any help from the Ways and Means Committee. I saw a statement in the papers the other day that in 1921 only 1 per cent of the estates that were levied upon by the Treasury Department were over $1,000,000. If that statement is true, 1921 must have been below the average in that regard. There are not many estates of over $10,000,000—very few. I have found out there are not many.

Mr. MILLS. The gentleman from Iowa, then, would advocate reducing the exemptions and increasing the rates in the intermediate brackets?

Mr. RAMSEYER. I have been going slowly; but I will say that is the way to make them productive of revenue; yes. I am not, however, advocating the lowering of the $50,000 exemption for Federal estate tax. That is for the States to work out.

Mr. HOCH. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. HOCH. The argument has been made that in this country the high rates are impossible of collection because of methods of evasion. Has the gentleman made any study as to why England happens to make a collection of these high rates?

Mr. RAMSEYER. No; I have not. I have followed the speeches very closely to get this, whether the chancellor has anything to say about the hardships worked on estates or heirs because of the British inheritance taxes, but there has not been a word in any of them on that. I have tried to be fair. I have urged this committee time and again to get data from the Treasury Department as to whether there are any unusual hardships worked on estates or industries, and if there are any hardships I would like to know the facts. I think that the Ways and Means Committee could get those facts from the Treasury Department, because at no other place in the United States can you find all the data on this subject. I tried a number of times to get that data. They answer me very courteously but state that to get such information it would require the employment of additional clerks. However, I am inclined to think that if the Treasury Department, by its observation of all these returns, found that a hardship was being worked on any kind or class of property, it would probably be willing to compile the data. So in order to get at it I wrote the Treasury Department a letter on November 23 and asked questions in three groups. I will put them in the RECORD.

The first group of questions are these:

I desire certain information which I hope you can furnish without too much trouble or delay.

1. Since the estate tax law went into effect—September 8, 1916:

1. How many estates have been reported to the department?

2. On how many estates has the estate tax been collected?

3. How many estates are there now pending for settlement in the department?

And the answer from the Treasury Department in a letter signed by Commissioner D. H. Blair to these questions is as follows, which I shall place in the RECORD without reading:

GROUP I

1. Since the enactment of the Federal estate tax law the files of the bureau disclose 118,452 estate-tax cases, as reported from one source or another.

2. No definite answer to this question can be furnished because no record is maintained in the estate-tax division for that purpose. It is estimated, however, that approximately 80,000 estates have discharged the finally determined tax liability found to be due from them.

3. The records of the estate-tax division show that 8,360 cases were pending before the bureau as of November 1, 1925. In explanation of that number of cases, it is necessary to state that returns in 5,824 of them were distributed throughout the various field divisions awaiting investigation by field officers, prior to the bureau audit; 1,875 of the cases were in the estate-tax division awaiting audit; and the remaining 661 cases represented protests and claims after audit, awaiting the bureau's consideration.

In further explanation of the figures given you under this grouping, you will probably be interested to be informed that in addition to the approximately 88,360 cases accounted for in answering your questions two and three, there are about 2,500 cases originally reported for which subsequently it was proven to the bureau's satisfaction that no return was necessary under the law, and in which cases, of course, there was no tax; there are approximately 16,000 cases in which a return was necessary but investigation and audit disclosed no net estate and, hence, no tax to be paid; and there are about 11,000 cases already reported, for which no return or tax payment is yet due. The approximations made in this last paragraph are based on pure estimate due to the fact that no statistical records in the bureau have been provided for that particular information.

Then are the questions in Group II:

II. In the administration of the estate tax law, if the Treasury has the facts, I want to know:

1. The estates, class of estates, the property, and class of property on which the estate tax has worked a hardship. If so, how and to what extent?

I shall submit it to you whether all of these questions do not call for information we should have.

Mr. MILLS. Will the gentleman yield?

Mr. RAMSEYER. Will the gentleman let me finish these questions?

Mr. MILLS. I wanted to ask the gentleman something about Great Britain before the gentleman leaves the subject of Great Britain.

Mr. RAMSEYER. All right.

Mr. MILLS. I wanted to ask the gentleman whether he had the total British budget figures; and if so, would the gentleman put them in the RECORD?

Mr. RAMSEYER. I have that here. That is in here, and included in the budget is the item of £62,000,000 on death duties.

Mr. MILLS. Will the gentleman put the total budget figures in?

Mr. RAMSEYER. I will do that. I will put that at the end of my remarks.

Mr. MILLS. And may I ask the gentleman just one more question, and I apologize for the many I am asking. Does the gentleman think our financial situation is in any way comparable to that of Great Britain?

Mr. RAMSEYER. I will answer that by saying I do not; but in that connection may I ask the gentleman whether in his opinion the advocacy by Andrew Carnegie of heavy estate taxes was due to the fact he thought this country was in financial distress?

Mr. MILLS. I would answer the gentleman, I do not accept Mr. Andrew Carnegie's word as final on the matter.

Mr. RAMSEYER. I am not asking the gentleman to accept it. I am simply asking the gentleman to give his opinion as to what led Carnegie into the advocacy of very heavy estate taxes? I shall not press the gentleman for an answer.

Now, gentlemen, have you got in mind my first question? The second request for information is:

The number and classes of industries that have been embarrassed or wrecked on account of the estate tax.

That is a fair question, and the third is:

The kind of enterprises, if any, in which investments have been discouraged on account of the estate tax.

The answer to this group of questions is:

The bureau maintains no record of the matters on which you seek information under this group of questions.

I wish the Ways and Means Committee would ask the Treasury Department to furnish us such information, so we would know what we are doing. I know we are legislating somewhat in the dark on this proposition, and the Ways and Means Committee must admit that its information is not always as full as it might be.

The last request for information is as follows:

III. Has the Treasury Department any statements from speeches or reports of British chancellors of the exchequer tending to show that the death duties of Great Britain have adversely or injuriously affected British enterprise or industries, or both? If so, will you send them to me?

The answer:

GROUP III

Concerning your request, set out under group section 8 of your letter, the bureau has no available statements from speeches or reports of British Chancellors of the Exchequer pertaining to British death duties. It is suggested that the Congressional Library can possibly furnish you the information desired.

I had read, of course, the British reports and I knew there was nothing in there indicating anything of the kind, but I thought surely somebody in the department would be watching the operation or the working of different kinds of revenue laws in all the leading countries of the world and would be able to furnish me the information I desired.

Mr. GIFFORD. Will the gentleman yield?

Mr. RAMSEYER. Just for a question.

Mr. GIFFORD. Referring to the figures with reference to Great Britain, recently I read about a case and will quote it as accurately as I can. I read of the death of a person in England and there was a 40 per cent tax on the estate, and just following his death a very short time the oldest son, who inherited the estate, died and another 40 per cent was exacted. The tax could not be paid in cash and the property had to be sold at a tremendous sacrifice. Does the gentleman advocate any such doctrine as that for us?

Mr. RAMSEYER. Did the gentleman read that in the newspapers?

Mr. GIFFORD. I think it was the Saturday Evening Post, which by some of us is considered very good.

Mr. RAMSEYER. I do not think that is sufficiently reliable on which to base a discussion.

Mr. GREEN of Iowa. And, also, there is a five-year limitation in the law.

Mr. RAMSEYER. So much for that. That could not happen under the English law. It is another propaganda story.

The advocates of the estate tax in this country, of course, have been Carnegie, Roosevelt, and others. It develops incidentally as I go along that I am not very advanced on this proposition. I hold in my hand H. R. 8245, the revenue bill of 1921. This is the conference report. I find on page 164 certain estate-tax brackets there, and for the benefit of Pennsylvania I want to advise you that the distinguished Senator Penrose was then chairman of the Finance Committee of the Senate, and I am reliably informed that he was the Senator who proposed this amendment on the floor of the Senate. He did not stop at 40 per cent. There is a bracket here 30 per cent, another bracket 35 per cent, another bracket 40 per cent, and another bracket 50 per cent. This amendment carried in the Senate, went to conference, and you gentlemen who were on that conference committee know that these additional brackets went out in conference. If the distinguished Senator were still living, I would know where to go to get support for the more mild proposal of 40 per cent, which the House last year voted in by a vote of 261 to 107.

England's great statesman Gladstone was very much impressed with Andrew Carnegie's essay on "The Gospel of Wealth," and consented to have it dedicated to him. I wish to state for the information of the Members that this "Gospel of Wealth," covering seven pages, can be found in this volume containing the hearings on this bill before the Ways and Means Committee, beginning on page 411. I hold a volume of the hearings in my hand. If you want to read another treatise by Andrew Carnegie devoted especially to the discussion of inheritance taxes, you should read "My Partners, the People," which can be found in the British Review of Reviews for January, 1907. Bound volumes of this magazine are obtainable in the Library of Congress.

A very significant circumstance is that during the last five years that I have kept before you the attitude of Andrew Carnegie on inheritance taxes as presented in his "The Gospel of Wealth" and "My Partners, the People," no opponent of inheritance taxes has undertaken on the floor of this House to answer the arguments of Mr. Carnegie, or to show wherein he was wrong either in his premises or in his facts or in his conclusions. I now invite any such opponent to undertake that task for the enlightment of the membership of this House and of the people of the country.

The CHAIRMAN (Mr. BACHARACH). The time of the gentleman has again expired.

Mr. GREEN of Iowa. Does the gentleman need some more time?

Mr. RAMSEYER. Am I intruding too much?

Mr. GREEN of Iowa. We are not short of time on this side and I can yield the gentleman 5 or 10 minutes.

Mr. RAMSEYER. Well, make it 10 minutes.

Mr. GREEN of Iowa. I yield the gentleman 10 minutes.

Mr. RAMSEYER. I have already called your attention to the action of the British Parliament in 1919, of the attitude of Churchill and others.

I want to call your attention to another thing, in passing. Andrew Carnegie's "My Partners, the People," published in 1907, provoked a great deal of discussion in Great Britain, and you will find magazine articles in the Westminster Gazette and in the British Review of Reviews, chiefly by those who opposed Andrew Carnegie's position. One answer was by a single taxer, Arthur Withey, and you will find that in a bound volume of the Westminster Review of January–June, 1907, page 244. It is perfectly logical from the standpoint of a single-taxer that personal property or the accumulations of the efforts of a man should not be taxed, and he should have a right to do with that as he pleased, either during his life or at his death.

The other attack was by a socialist, Harry Hogsden, in the same volume, page 515. From a socialistic standpoint it is perfectly logical. Socialists do not want these accumulations of property in the hands of anybody. They think they should be left to the State. The other was by a defender of the old order, which I have not read for two or three years, and I can not give you the name of the author, but it was a titled gentleman over there in England. Great Britain has not only recognized the right of descent of private property but has the law of primogeniture to prevent the breaking up of estates. This writer defends the old order on the theory, of course, that there should be people who have the means for leisure, for education, and for travel, so as to create an intelligent and well-trained class to govern the State. With that position of the gentleman his objection to inheritance taxes was perfectly logical. That is the position taken in defense of monarchy and caste, and which in certain stages in the evolution of society may be necessary.

I want to tell you, and I weigh my words when I say it, that the opposition to inheritance taxes in the past, and I have especial reference now to the time of Andrew Carnegie, came from single taxers, from socialists, and from blind reactionaries whose conception of perfectly organized society was something on the order of the feudel system of the middle ages. I want it expressly understood that I am not questioning the motives of or attempting to classify present-day opponents of inheritance taxes who are in honest difference with my views.

I read what is known as the Delano report last night. I have heard these gentlemen who make up the national committee on inheritance taxation spoken of very highly. I do not know any of them, but I know they were selected by an organization which met to organize the movement for the repeal of the Federal estate tax. Whether experts working under an organization like that are like experts working for attorneys in a lawsuit I do not know. Every lawyer knows that in nearly every case the expert hired by his client becomes an advocate of his side of the lawsuit.

This Delano report emphasizes two things; one is that the inheritance tax should be so low that it can be paid out of the earnings of the estate while the estate is being settled up; and the other is that the property or the estate should be kept intact. It seems to me their view point is wholly from the standpoint of property. They emphasize the importance of keeping the estate intact. If they have read history intelligently they show no evidence of it in that report.

Now, I am as strong for the rights of private property as anybody can be. I think our whole social structure is based on it, and that our civilization would be greatly impaired, if not wrecked, if those rights were taken away. I am against any laws that discourage initiative, private enterprise, or the accumulation of property by those whom Carnegie designated as the working bees. Every intelligent person knows there is a tendency for property to concentrate unless restricted. The concentration of property can reach such a stage as to threaten the life of a nation. It reached that stage in France over 100 years ago. It reached that stage in Russia recently. Throughout central Europe they are trying by law to break up the large estates, which amounts in some cases to partial and in others to total confiscation. That is especially true of landed estates. They are trying to hold their governments together and avoid the catastrophies that have been visited on countries like France and Russia.

In England, where the concentration of wealth was left unchecked for centuries, they reached a stage just before the war with extremes of wealth and poverty more pronounced than in any other northern or western European country. England to-day is confronted by an agitation, led by some of her leading men, for the nationalization of the land.

I am interested in private property and in maintaining the integrity of private property, but I am also interested in leaving a condition so that the men and women who will come after us will be able to provide for themselves homes, raise their families, and have living conditions conducive to happiness and contentment. [Applause.]

Now just a word about the rates. I have before you here a chart, which I shall insert in the RECORD, showing the 1918 rates, the 1924 rates, the proposed rates, and the approximate British rates under their 1919 act:

Net value of estate	1918 law	1924 law	Proposed law	Great Britain (approximate)
	Per cent	*Per cent*	*Per cent*	*Per cent*
$50,000	1	1	1	4–7
$50,000 to $100,000	2	2	2	5–8
$100,000 to $150,000	2	3	3	9–10
$150,000 to $250,000	3	4	3–4	10–11
$250,000 to $450,000	4	6	4–5	12–14
$450,000 to $750,000	6	9	5–6	14–16
$750,000 to $1,000,000	8	12	6–7	18
$1,000,000 to $1,500,000	10	15	8	19–21
$1,500,000 to $2,000,000	12	18	9	22–23
$2,000,000 to $3,000,000	14	21	10–11	24–26
$3,000,000 to $4,000,000	16	24	12–13	27
$4,000,000 to $5,000,000	18	27	14	28
$5,000,000 to $8,000,000	20	30	15–17	30–33
$8,000,000 to $10,000,000	22	35	18–19	35
$10,000,000 and over	25	40	20	40

You will notice that the proposed rates in the first three or four brackets are the same as the 1924 rates. For this we should be duly thankful to the Ways and Means Committee. I do not object to that part, but why do we want to change any of the rates? Why take a backward step? I have told you every time I was before you that one object I wanted to bring about in increasing the rates was to give to the States a greater participation in that source of revenue. Men like Roosevelt, Carnegie, and others advocated that in case of the larger estates the collection of the inheritance tax should be superintended by the Federal Government, thus giving the States larger freedom in the collection of this tax on the smaller estates. The reasons for this are perfectly obvious.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Chairman, if the gentleman from Iowa will give me 10 minutes more, I promise to quit at the expiration of that time.

Mr. GREEN of Iowa. Mr. Chairman, I yield the gentleman 10 minutes more, and I regret to say that I have no further time left.

Mr. RAMSEYER. I thank my colleague from Iowa very much. I want to see the estate and inheritance tax productive. I am more interested in seeing them productive than I am either in high rates or in the present rates. At present our Federal estate and State inheritance taxes are not productive. I called attention awhile ago to the fact that the combined collections by State and Federal Governments are around $182,000,000 or $183,000,000.

In Great Britain it is $300,000,000, with one-fourth of the property value of this country. I have thought for some months that the combined State and Federal rates should produce at least $250,000,000 or $300,000,000 annually. Then we would be collecting only one-fourth as much as Great Britain does, based on comparative wealth. If I could get the Ways and Means Committee to agree with me and the Treasury to agree with me on this policy, I would be perfectly willing to let them sit down and write the brackets and rates. The chief beneficiaries of productive rates in this kind of a tax in the last analysis would be the farmers, as the development of this field of taxation would tend to relieve the direct tax on lands and other tangible property. The gentleman from Texas [Mr. BLACK] stated in his able speech yesterday that people expect a tax reduction and we had to reduce the estate tax, too. One object for increasing the rates last year was, and the object for any rates this year ought also to be, to aid the States. You do not do that by reducing the rates, but by so fixing the rates and adjusting them that the States will get more revenues and thus be able to relieve the direct property tax. Doctor Adams or Doctor Seligman before your committee stated that the farmers pay taxes in many cases from 2½ to 3 per cent. That means that in 10 years they pay nearly one-third of the value of their estate or capital to the taxing authorities. The Governor of Mississippi stated before the committee that the tangible property tax of Mississippi in some cases is as high as 6½ per cent. In 16 years with a tax like that you confiscate the value of an entire estate. All the gentlemen before your committee agreed that something should be done to relieve that situation; I do not think you are even making a start; and then some of you who are for this committee proposal come in and say that this is only a temporary affair to be repealed in a few years.

You never will get that agreement among the States you hope for. In fact, last October, when everybody said this tax was going to be repealed, I was not the least bit alarmed; I did not lose any sleep over it. I knew that if this Congress repealed it, it would become a political issue, and I do not care to have it made a political issue. I would like to have you gentlemen get rates that would be permanent over a period of years. It is not fair to have 25 per cent one year, 40 per cent another, and 20 per cent another. That is manifestly unfair. You propose to put it down to 20 per cent now.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MILLS. My principal objection, as the gentleman knows, to the estate tax is that the States need the money and the Federal Government does not. How will the high rates give additional funds to the States?

Mr. RAMSEYER. My original proposition was not to give credit, but to pay back certain percentages. My proposition last year was to make it 50-50. I had that as a part of my amendment, but gentlemen on the floor were for the credit proposition and against my amendment, and we had to work together. This estate tax law is not mine; it is not as I would have it, but if you had a 50-50 provision, letting the Federal Government collect and paying back to the States, you would get uniformity.

Mr. MILLS. Assuming that the Federal Government can not collect and rebate back to the States, how will the mere imposition of high Federal rates help out the State treasuries?

Mr. RAMSEYER. Without conceding your assumption, I will say it will help out each State to the extent that there are big estates in that State.

Mr. MILLS. If the Federal Government collects the money, how does that help the States?

Mr. RAMSEYER. Your present proposition is to give credits and my proposition is to collect and then divide.

Mr. MILLS. I understand the gentleman's proposition and I think it is probably unconstitutional.

Mr. RAMSEYER. It may be. I am not going to take the time to argue that now.

Mr. MILLS. Short of that, how can we help the States by imposing a Federal tax? Short of actually collecting and paying the money back to the States, how does the levying of a Federal estate tax help out the local burden of taxation?

Mr. GREEN of Iowa. Oh, if the gentleman will permit, under the present plan I think it is very clear how it helps. It would be impossible, as I view it, for any State, if the Federal tax was eliminated, to levy anything more than merely a nominal tax, because it would be so easy for men of great wealth to escape it, and by this proposition we have now in the law they could increase their taxation without costing the citizen of the State anything and get the benefit of it.

Mr. RAMSEYER. I thank the gentleman. There is one other thing I want to say. I have before you here a map of the United States showing the Union Pacific Railroad line, with its most eastern terminal in Kansas City, and the Southern Pacific Railroad, with its most eastern terminal in New Orleans. The first road pays $4,500,000 income tax in New York. The second pays $5,000,000 in New York. The remark is often made that New York contributes too largely to the Federal Treasury in the way of internal revenues. New York does pay a large percentage of the internal revenue, based on her basic wealth, or national wealth, or population, much more than any other State.

The reason for this is accounted for by the illustration presented to you on this map. These two railroads pay income taxes in New York on earnings of property west of the Mississippi and Missouri Rivers. Examples of this kind may be multiplied greatly. It is not because New York has the actual wealth. In New York are the evidences of the title to much of the property scattered throughout the United States.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREEN of Iowa. How much more time does the gentleman desire?

Mr. RAMSEYER. Only five minutes.

Mr. GREEN of Iowa. I will yield that amount of time.

Mr. RAMSEYER. I would have gotton through before if I had not been interrupted so much.

Mr. GREEN of Iowa. I think that is true.

Mr. RAMSEYER. Another illustration here of the income tax is the United States Steel Corporation, which has its home in New York. It has 145 plants and mills and warehouses all over the United States, and only two plants are in New York. For instance, Pennsylvania has 50 of these plants, Illinois has 10, and so on. Yet this corporation and its subsidiary companies paid in New York in 1923 an income tax of $16,000,000. I could give you concrete illustrations in great number. Another thing before me is the total deposits in the national banks in New York City, $2,218,027,000. Thirty-eight per cent are deposits by banks outside of New York State. One more. All manufacturing in Montana last year paid out over $21,000,000 in wages and salaries alone. This State is very rich in mines. Yet the astounding fact confronts us that the manufacturing of metals and metal products for the entire State paid an income tax of but $17 in Montana. Naturally, the income tax from incomes derived from property in Montana was paid in other States.

What is true of incomes being paid in New York has application to the estate tax. The evidences to the title of these corporate properties are largely in New York City. When the owner dies there, naturally such property becomes subject to the State and Federal inheritance tax laws there. I will tell you frankly, from a broad national viewpoint, I am not satisfied with the 80 per cent credit provision in this bill. I think it is illogical. A State like New York will get a credit with this 80 per cent provision on estates that is greatly out of proportion to either the basic wealth of the State or the population of the State.

Now, I must hurry through. I have but little time left, and I am not going to ask for a further extension. I have thought that there should be brackets of credits, and I am simply submitting this thought for the consideration of the committee. You take more moderate estates of, say, three, four, or five hundred thousand dollars or under, they owe their existence to the local community and the State in which they are located. When an estate gets up into the millions it becomes interstate property. Its sustenance is drawn from all parts of the country. That estate does not owe its existence to what the State where the corporation home happens to be located has contributed.

Take Henry Ford, for instance. The whole United States has contributed, and contributes daily, to his fortune. If he should die, say worth $500,000,000, under the proposed bill before us, speaking in round numbers, his estate would pay an estate tax of $100,000,000. With an 80 per cent credit, Michigan would get $80,000,000 and the Federal Government $20,000,000.

Now, the people of Michigan have not contributed to that fortune any more than the number of their population bears to the population of the entire United States. In that case, in fairness to all concerned, the credit should be reversed. I have thought of a three-bracket arrangement. That is to say, a bracket up to $500,000, giving the State a credit of 75 per cent; then a bracket from $500,000 to $2,000,000 or $3,000,000, giving a credit to the State of 50 per cent; and another bracket for that portion of the estates over $3,000,000, giving the State a credit of 25 per cent.

I am submitting these suggestions to you for your serious consideration. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAMSEYER. I wish to thank the membership of this House for their courteous attention to my remarks.

Mr. Chairman, under general leave to extend remarks, I submit for printing in the RECORD the tables showing the growth of public debts in Great Britain, France, Italy, and Belgium. These tables were used during the course of my remarks on the pending revenue bill, and the printing of these tables was specially requested by the gentleman from Missouri [Mr. DICKINSON], a member of the Ways and Means Committee. I also present for printing my bill to extend the sinking-fund provision of existing law to the entire war debt.

The tables and bill follow:

Debts	Principal	Annual charge
National debt at the revolution in 1688	£664, 263	£39, 855
Increase during William III's reign	12, 102, 962	1, 175, 469
Debt at the accession of Queen Anne, 1702	12, 767, 225	1, 215, 324
Increase during her reign	23, 408, 235	1, 847, 811
At the accession of George I, 1714	36, 175, 460	3, 063, 135
Increase during his reign	16, 675, 337	323, 507
At the accession of George II, 1727	52, 850, 797	2, 739, 628
Decrease during 12 years' peace, ending 1739	6, 236, 914	708, 744
At commencement of the Spanish war, 1739	46, 613, 883	2, 030, 844
Increase during the war	29, 198, 249	1, 134, 881
At the end of the Spanish war, 1748	75, 812, 132	3, 165, 765
Decrease during 8 years' peace	1, 237, 107	412, 199
At commencement of Seven Years' War, 1756	74, 575, 025	2, 753, 566
Increase during the war	52, 219, 912	1, 994, 283
At the peace of 1762	126, 794, 937	4, 747, 849
Increase during 13 years' peace	367, 476	44, 339
At commencement of American war, 1775	127, 162, 413	4, 703, 519
Increase during the war	104, 681, 218	4, 362, 066
At the end of American war, 1783	231, 843, 631	9, 065, 585
Increase during 10 years' peace	16, 031, 203	645, 653
At commencement of French war, 1793	247, 874, 434	9, 711, 238
Increase during 9 years' war	289, 778, 574	10, 557, 313
At the peace of Amiens, 1802	537, 653, 008	20, 268, 551
Increase during 13 years' war	337, 783, 837	12, 377, 097
Debt at the peace of Paris in September, 1815	900, 436, 845	32, 645, 618
Decrease to Mar. 31, 1855	91, 918, 397	4, 781, 085
Debt in March, 1855	808, 518, 448	27, 864, 533
Increase during 2 years of the Russian war	30, 399, 995	816, 644
Debt in March, 1857	838, 918, 443	28, 681, 177
Decrease during the past 41 years	200, 651, 951	3, 681, 177
Debt in March, 1898	638, 266, 492	25, 000, 000

Financial year	Dead-weight debt	Cost of interest and management	Gross amount redeemed	Debt created in the year	Net decrease	Net increase
1894-95	£664, 794, 901	£25, 000, 000	£8, 885, 973	Nil.	£8, 885, 973	
1895-96	655, 908, 928	25, 000, 000	7, 602, 502	Nil.	7, 602, 502	
1896-97	648, 306, 426	25, 000, 000	7, 183, 000	Nil.	7, 183, 000	
1897-98	641, 123, 426	25, 000, 000	6, 052, 791	Nil.	6, 052, 791	
1898-99	635, 070, 635	25, 000, 000	7, 049, 063	Nil.	7, 049, 063	
1899-1900	628, 021, 572	23, 216, 557	7, 090, 919	£8, 000, 000		£909, 081
1900-01	628, 930, 653	19, 835, 489	1, 460, 700	62, 000, 000		60, 539, 300
1901-02	689, 469, 953	21, 685, 532	4, 454, 303	60, 000, 000		55, 545, 697
1902-03	743, 015, 650	27, 282, 058	6, 236, 888	32, 000, 000		25, 763, 112
1903-04	770, 778, 762	27, 000, 000	10, 148, 985	2, 000, 000	8, 148, 985	
1904-05	762, 629, 777	27, 000, 000	8, 315, 100	757, 432	7, 557, 668	
1905-06	755, 072, 109	28, 025, 027	11, 852, 132	Nil.	11, 852, 132	
1906-07	743, 219, 977	28, 500, 000	13, 714, 432	Nil.	13, 714, 432	
1907-08	729, 505, 545	29, 500, 000	18, 029, 680	Nil.	18, 029, 680	
1908-09	711, 475, 865	28, 000, 000	8, 767, 968	Nil.	8, 787, 968	
1909-10	702, 687, 897	21, 757, 661	10, 442, 489	21, 000, 000		10, 557, 511
1910-11	713, 245, 408	24, 554, 004	28, 012, 949	Nil.	28, 012, 949	
1911-12	685, 232, 459	24, 500, 000	10, 487, 978	Nil.	10, 487, 978	
1912-13	674, 744, 481	24, 500, 000	13, 270, 716	Nil.	13, 270, 716	
1913-14	661, 473, 765	24, 500, 000	10, 203, 674	Nil.	10, 203, 674	
1914-15	651, 270, 091	22, 668, 896	8, 953, 015	496, 500, 000		457, 546, 985
1915-16	1, 108, 817, 076	60, 249, 311	599, 508, 339	1, 631, 529, 907		1, 031, 931, 568
1916-17	2, 140, 748, 644	127, 25 , 403	1, 295, 573, 616	3, 166, 270, 880		1, 870, 697, 264
1917-18	4, 011, 445, 908	189, 851, 006	201, 509, 133	2, 061, 913, 862		1, 860, 404, 729
1918-19	5, 871, 850, 637	269, 964, 650	384, 325, 886	1, 947, 424, 678		1, 563, 098, 792
1919-20	7, 434, 949, 429	332, 033, 708	987, 946, 296	1, 384, 741, 167		396, 794, 871
1920-21	7, 831, 744, 300					
1925	7, 646, 394, 000					

Total debt, funded and floating, of France

	Francs		Francs
1815	1,601,000,000	1914 (Dec. 31)	40,008,000,000
1830	5,182,000,000	1915	58,465,000,000
1847	6,708,000,000	1916	82,504,000,000
1852	6,639,000,000	1917	114,200,000,000
1868	12,383,000,000	1918	171,353,000,000
1873	21,699,000,000	1919	240,242,000,000
1883	27,401,000,000	1920	286,524,000,000
1893	30,313,000,000	1921	297,367,000,000
1903	30,799,000,000	1922	316,984,000,000
1913	33,637,000,000	1925	421,000,000,000
1914 (July 31)	34,188,000,000		

Growth of the public debt of Italy

June 30:	Lire	June 30:	Lire
1875	8,471,000,000	1910	13,077,900,000
1880	9,833,100,000	1914	14,839,759,000
1885	11,417,200,000	1918	43,414,451,498
1890	12,367,400,000	1920	92,484,000,000
1895	12,864,700,000	1921	106,541,000,000
1900	13,430,700,000	1922	113,204,000,000
1905	13,285,600,000	1925	117,126,000,000

Growth of the national debt of Belgium

	Total francs		Total francs
1835	117,237,380	1905	3,246,474,123
1840	279,995,120	1910	3,839,608,193
1850	626,578,861	1914 (Aug. 15)	4,592,883,549
1860	634,137,847	1919	23,337,000,000
1870	682,880,914	1920	28,075,000,000
1880	1,422,814,049	1921	33,937,000,000
1890	2,018,043,774	1922	35,743,000,000
1900	2,708,549,151	1925	42,043,500,000

IN THE HOUSE OF REPRESENTATIVES,
December 7, 1925.

Mr. RAMSEYER introduced the following bill; which was referred to the Committee on Ways and Means and ordered to be printed:

A bill (H. R. 219) relating to the sinking fund for bonds and notes of the United States

Be it enacted, etc., That subdivision (a) of section 6 of the Victory Liberty loan act is amended by striking out after the figures "1920," where the same appear the third time in said subdivision, the following words "less an amount equal to the par amount of any obligations of foreign governments held by the United States on July 1, 1920" so that said subdivision (a) of section 6 of the Victory Liberty loan act as amended will read as follows:

"SEC. 6. (a) That there is hereby created in the Treasury a cumulative sinking fund for the retirement of bonds and notes issued under the first Liberty bond act, the second Liberty bond act, the third Liberty bond act, the fourth Liberty bond act, or under this act, and outstanding on July 1, 1920. The sinking fund and all additions thereto are hereby appropriated for the payment of such bonds and notes at maturity, or for the redemption or purchase thereof before maturity by the Secretary of the Treasury at such prices and upon such terms and conditions as he shall prescribe, and shall be available until all such bonds and notes are retired. The average cost of the bonds and notes purchased shall not exceed par and accrued interest. Bonds and notes purchased, redeemed, or paid out of the sinking fund shall be canceled and retired and shall not be reissued. For the fiscal year beginning July 1, 1920, and for each fiscal year thereafter, until all such bonds and notes are retired, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of such sinking fund, an amount equal to the sum of (1) 2½ per cent of the aggregate amount of such bonds and notes outstanding on July 1, 1920, and (2) the interest which would have been payable during the fiscal year for which the appropriation is made on the bonds and notes purchased, redeemed, or paid out of the sinking fund during such year or in previous years.

"The Secretary of the Treasury shall submit to Congress at the beginning of each regular session a separate annual report of the action taken under the authority contained in this section."

Mr. Chairman, at the request of the gentleman from New York [Mr. MILLS], a member of the Ways and Means Committee, I insert here the following figures from the British budget, to wit:

Total expenditures for 1925	£799,400,000
Yield from death duties	62,000,000

Mr. GARNER of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, this bill may not meet with the approval of everybody in the United States. Some amendments are going to be offered, which I hope will pass, but I am going to vote for it myself whether we can amend it or not. No business man in this House—I do not care whether socialist, anarchist, Democrat, or Republican—dare vote against this bill, whether any amendments are put in it or not.

I say this because in reality it reduces the taxes of every man in the United States and of every woman in the United States and of every child who comes within the purview of the lowest to the highest brackets.

The gentleman from Iowa [Mr. RAMSEYER] made a most able speech here about inheritance taxes, and so on. I will reach that in a little while. There is only one peculiar feature about this bill that I see, and that is that you do not agree with Mr. Mellon and the President of the United States. It seems strange that the Republicans should be close enough to the people of the United States to bring in here a bill as good as this is, and it seems strange that the Secretary of the Treasury and the President of the United States would not do equally as much for every citizen of this Republic as this measure does. I am not inclined to lay all the credit for this on my Democratic brethren on the committee, because I am sure a majority of the Republicans on that committee worked and fought to bring out this bill entirely different in all respects from what the President and the Secretary of the Treasury desired.

I understand that the sales-tax provisions of this measure go into effect within 30 days after the bill receives the signature of the President of the United States. The bill becomes effective at once, as soon as it has been signed by the President of the United States, in so far as all income taxes and inheritance taxes are concerned.

Now, where is the man who objects to the reduction of taxes on automobiles? This bill reduces the tax on every commercial truck. It takes it all off. It reduces it on the passenger vehicle down to 3 per cent. Instead of there being a tax of $50 on an automobile which sells for $1,000, it is now reduced to $30, and the tax on trucks is taken off entirely. That becomes effective 30 days after this bill becomes the law of the land. This bill gives an exemption of $1,500 to the unmarried man and an exemption of $3,500 to the married man. My idea is that a bachelor ought to have $2,000 exemption. I was a bachelor until I was 40 years old, and all bachelors have my sympathy. [Laughter.] A married man should have $5,000 income exempt. I do not propose here in time of peace to oppress any citizen of this Republic by unduly taxing him. It is hard to levy taxes upon anyone.

The gentleman from Iowa [Mr. RAMSEYER] took occasion to refer to my State of Mississippi. Down in my State they get so much for their money in the way of schools, good roads, and municipal improvements the people go down into their pockets and pay taxes willingly. The governor of my State did not make a mistake when he said they were taxed 6½ per cent. They were in some towns and cities taxed 8 per cent. Many States of this Union have very high taxes. The high brackets of this bill do not materially affect many citizens of my State. The reduction of taxes in the last revenue bill was a great relief to every citizen of the country.

I am not here to advocate anything beyond reason to reach the rich man. I am here to see that justice is done by him. I do not want to take away from him all that he has. That is why I object to a few of the States in this country providing in their constitutions that their legislatures shall not take an inheritance tax from a man's estate when he dies. You Republican gentlemen have put on the statute books a thieving tariff bill, which gives to people in strategic positions the right and power to rob 110,000,000 citizens of the Republic. I do not blame those favored people. It is the iniquitous system that I condemn.

I wish I could be lucky enough to be in that kind of business myself. [Laughter.] It is all right to make money honestly under any law which Congress passes. It is legalized robbery so long as the American people, by a majority vote, uphold the system. Your Republican President and your Republican Party organization in effect say, "If the people want to be robbed, let us rob them." [Laughter.] "It is proper that their money should be taken away."

The gentleman from the State of Iowa [Mr. RAMSEYER] says 20 per cent is too low on an inheritance tax. I do not care how much within reason you shall take away from them. But these three States in the Union say, "We will not have any inheritance tax at all."

Here is a man engaged in some manufacturing business in New England. In a business specially favored by your Republican tariff bill, and through this thieving, robbing legislation he accumulates $100,000,000 off of the public—the poor people of this country; and after he has legally robbed all the people of this Republic he trots down to Florida, in his spats and his spectacles, and says, "I will make my will; I come here to die in a State where they will not take any of my money away in the shape of taxes for the support of the State." Just think of it! This great Republic has protected him, and by special privileged legislation has made him rich,

and the State he has lived in all these years has guarded him, personally guarded him, and has safeguarded his property. When he dies and hands it down to his children he dies in a State where the people can not receive any of his estate in the form of taxes from him. You understand, he can go to hell in Florida just as easily as if he died in the State where he formerly lived. [Laughter.] All of these 45 States have sense enough and justice enough and patriotism enough in their legislatures to say, "We want the wealthy class to contribute something to the support of the State." I hope every one of those rich men will go to heaven and will see his neighbors there, but I fear that some of them may not. [Laughter.]

The States that have these inheritance taxes impose the burden on their citizens in various ways, but this measure that we have pending before us impresses me as in some measure uniform, and for that reason superior. We make every State take some of this inheritance tax, whether the State wants to do it or not. Under this law, if an old citizen trots down to Florida with his millions of wealth invested in property values he must pay his taxes after he passes away to the Federal Government in the form of an inheritance tax, and that State which refuses to have an inheritance tax law loses 80 per cent of the tax that is paid in and the Federal Government gains it for all the citizens of the Republic. Why can any State in the Union complain of that? The gentlemen from Florida who complain of that must fail to understand the real vision and the statemanship and justice of all the people of this Republic.

Mr. GREEN of Florida. Mr. Chairman, will the gentleman yield?

Mr. QUIN. No; not now. I have only 15 minutes. I will answer the gentleman's question. The gentleman from Florida is naturally partial to the interests of his State. I am not opposed to his State, but I am opposed to the principle that inspires such legislation as that which has been enacted by the Legislature of Florida. [Laughter.]

You understand what these people mean who have sent out this propaganda against the inheritance tax. They have their tentacles reaching out into every State of this Republic. They reach there through the banking interests; they reach there through the life-insurance companies, through the railroads, through the fire-insurance agencies, through the savings banks, and through the loan concerns. They reach the humblest home in this Republic. They mean by this propaganda, if they can, to get the Federal Government to take off the inheritance tax. They think that if they can induce three States in this Union to enact foolish legislation they can induce the 45 others to do it. That is really the thing they are driving at, and do not fool

The American Congress should always have an inheritance yourselves about it.

tax on the statute books, whether it is 20 per cent or 40 per cent. I do not believe in being too high; I do not believe in being unjust, and I do not think 20 per cent on the fortunes above $10,000,000 can be complained of. You take a man who dies worth $10,000,000. Twenty per cent would only reserve $1,000,000 out of the $10,000,000. How is that going to hurt anybody?

Mr. GARNER of Texas. Under this bill it would be $1,300,000.

Mr. QUIN. Well, that would leave, then, $8,700,000. If a citizen dies leaving a fortune of $100,000,000, the Government would take $20,000,000 and leave the heirs $80,000,000. Can anybody complain of that? Most of them were left like myself—not with 30 cents—and I believe at that they were better off. We do not want to confiscate fortunes in this country, but we do want this Government to be run on business principles; we do want the great fortunes of this country to understand that they can be properly handled after the brain that has made them has passed away. That is one of the real reasons for an inheritance tax.

Now, this law gives every man the right to leave $50,000 without the Government touching a cent of it. Do you know how much $50,000 is? It sounds mighty little to a lot of you people, but that is a terrible sum of money for a man away down yonder on the farm, who has worked all the days of his life from 5 years of age up to 75 years of age, perhaps, from daylight to as long as he can see, after the sun has gone down in the west. Fifty thousand dollars is more than one out of five hundred leaves in his estate to his children and his widow. So why does anyone complain of any kind of an inheritance law that is reasonable?

We must not be fooled with any kind of propaganda, and we must not pay any attention to all of this talk about the States having certain rights and that the Federal Government can not encroach on them, because we know that the States, after the Federal Government takes the inheritance tax off—at least a great many of them—will be preyed upon by that same crowd. That is what will happen if the inheritance laws are taken off of the statute books of the States and of the Federal Government. That is what they are driving at, and do not be fooled by it. The other features of this measure, my friends——

Mr. GREEN of Florida. Will the gentleman yield?

Mr. QUIN. I can not yield; I just have not the time to spare. Let me state that this idea that the American people want to pay our debt right now, as my friend from Iowa said, strikes me as being unsound economics. Who brought on this war?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GARNER of Texas. Mr. Chairman, I yield the gentleman five minutes more.

Mr. QUIN. The American people did not bring on this war; it was a war that was forced on the United States. Why should the men and women who live now be forced to pay off all of that war debt? My friend discussed the great bonded indebtedness. We do not owe any money to speak of. Here is a Nation with a wealth of $350,000,000,000, and if you take out of that what is owing to this Republic by foreign countries, we do not owe very much. We owed $1,000,000,000 before the war was ever dreamed of, and right now this Government owes only $20,000,000,000. You take the $12,000,000,000 we are going to get from the foreign governments and it leaves only $8,000,000,000 that we owe now, and we are only $7,000,000,000 behind what we were before we went into the war. And out of $350,000,000,000 that is no debt; it is a bagatelle, and why should we oppress the present men, the present women, and the present children, who are struggling to make a living and to make a fortune, by compelling them to pay off all of this debt at once? For my part, I think it is the part of wisdom that this indebtedness be carried along during a period of years, just like you are giving to the foreign governments many years in which to pay. I am not one who feels we should grab France by the throat and say, "Pay this money next year or year after." Give them time, just like we give time to any merchant or any business man in this country who gets into poor circumstances. We would say it was a cruel banker who would force such a man to the wall and say, "We must have the money right now."

This Government is pursuing a wise policy in giving time to the foreign governments to pay us these debts, and if we have any sense at all we are going to give our citizens a reasonable time in which to pay the debt that this Government owes. We owe, outside of what credit is due us, only $8,000,000,000. Why should we take away from the people who are productive to-day a great percentage of what they are earning?

This tax bill is too high. We really ought to have reduced taxes $500,000,000 instead of $325,000,000. That could have been done. I am going to support this bill, because it means a reduction of taxes. It reduces the amount of money we are getting out of the big incomes, and it is amply sufficient in that respect, but we are taking too much out of the smaller incomes.

The fellow who makes $5,000,000 of income a year is certainly entitled to just treatment. The man who makes $5,000 of income a year is certainly entitled to just treatment, and this Congress through this bill is in a measure giving justice to all of them, and these people who cry out from the housetops and say we ought to take all that a man leaves when he dies certainly can not have a vision that looks like statesmanship. Certainly they can not have a vision for the best interests of this Republic.

We must conduct the Government along economical lines and at the same time spread the taxes over a period of years to pay our debts, so as not to oppress business, not to oppress the man who earns his living by the sweat of his brow, so as not to oppress the man who makes it by speculation or otherwise. I do not care how a man makes his money so long as he makes it honestly—even these men who make it under the thieving, special-privileged tariff laws that have been passed by a Republican Congress. These men who are making this money honestly, even though they are making it under thieving, predatory laws, should not be condemned for following the law. We should teach the people of this country to obey the law and live up to the letter of the law. The great Good Book hands down that doctrine, and whatever a man's government does, whether it is his State government or his Federal Government, it is the man's government that protects him, and it is one he will fight for, and when he dies he ought to be willing to leave a little portion of his estate to his government to stand up and safeguard his children or those to whom he leaves his property. Yet we have some of the good citizens of this Republic who

complain about that and say, "No; I ought to have a shroud with a lot of pockets in it, so that when I die I can take this wealth along with me; away with that old State that has safeguarded me and protected me and allowed me to make my fortune."

I thank you, gentlemen. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, this bill levies a tax of 18 cents per pound on tobacco, not including cigars and cigarettes. By this provision it is expected to raise above $70,000,000 each year. This figures out about 70 cents each for every man, woman, and child in the United States, and since, not including those who smoke cigars and cigarettes, probably only about 15 per cent of the people use tobacco and have to pay the tax, it means that, on an average, each tobacco user pays in the neighborhood of $5 per year into the Treasury of the United States.

THOSE WHO PAY TOBACCO TAX NOT HEARD BY COMMITTEE

This tax remains the same in this bill as it has been heretofore. No reduction is made to those who use tobacco. Cigar smokers very properly get a reduction. They were represented before the committee through those who manufacture and sell cigars. The great income producers were represented and got their reduction, estate taxes were reduced, so that rich men may die happy, taxes on automobiles were reduced, and so on down the line, with almost all classes of taxpayers. They were organized and represented before the committee. Their views were presented, and they got their reductions. But the "tobacco chawers" were unorganized; they were "mute, inglorious, and unknown." Nobody spoke for them.

It was not particularly to the interest of the tobacco grower that the tax be reduced. The manufacturer was not interested; he does not pay the tax and has his business arranged to pass it on to the consumer, and so would not like to have his trade disarranged by a reduction. It was the humble consumer who has to pay the tax; he was the only one interested; and for him, of course, nobody cared. And so the tax remains as heretofore.

In making up this bill the Committee on Ways and Means acted as all committees of Congress act. They heard the arguments of only the selfish groups and the lobbyists of selfish interests strong enough to get themselves heard. The great unorganized multitude are never heard. Nobody ever speaks for them. Their case is never presented. Nobody speaks for the common welfare. Nobody echoes the voice of old "Vox Populi," and "Sans Culotte" has no advocate. And this is the reason why so few laws are responsive to the common good and that nearly everything that Congress does is wrong.

NO GOOD REASON FOR THE TOBACCO TAX

Mr. Chairman, why a tobacco tax, anyhow? The only defense anybody has ever made for it was that "we need the money." During the Civil War it was first levied as a war tax. All other Civil War taxes have been long repealed and forgotten. The tax had its origin at a time when we were pressed for money and our sources of revenue were limited. We were relying chiefly upon import duties and spirits taxes, and so as a war measure we laid this tax upon the people who use tobacco; and as those who had to pay it were of the multitude and were unorganized and in the main uninfluential it has stayed there over since. It never had the slightest justification in economics or in justice. Its sole excuse has been that it was a good way to get some money into the Treasury.

We did not have income and estate taxes in those days. The Nation was comparatively poor, and we did not have the many sources of revenue we have now. The revenues were inadequate to carry on the war, and therefore we went after tobacco with this tax that bears heaviest on the man who leans upon his "quid" as a source of comfort and solace during his hours of toil.

TAXES OF POWERFUL SELFISH INTERESTS REDUCED

Other taxpayers are given reductions by this bill. The tax on chewing gum had already been removed because Wrigley had to pay the most of that, and he is a chief financial mainstay of the Republican Party. [Applause.] The tax on soft drinks was abolished because Coca-Cola stockholders were interested and wanted it removed. It hurt their business and the chances are that they are political contributors. All down the line—automobiles, jewelry, lipsticks, and what not—are relieved of taxes because business men with influence wanted it so. Taxes hurt them, and so these powerful interests, concerned with things not nearly so necessary as tobacco, receive their reductions, and many taxes have been abolished. But not only does the tax remain on tobacco, but no reduction has been made, nor is any contemplated.

TOBACCO A NECESSARY OF LIFE

I do not use tobacco in any form myself, but I recognize that to those who do use it it is a necessary of life. I sympathize with people who have such harmless habits as the drinking of coffee and tea. Yet tobacco is just as much a necessary of life as is tea or coffee or any other article in common use that is not essential to existence. It is far more of a necessary than a necktie or silk stockings. It is more of a necessary than face powder, jewelry, chewing gum, soda water, laces, cosmetics, and ornaments. It is more of a necessary than the thousand and one things for which the Ways and Means Committee have been so tenderly solicitous, while at the same time neglecting to reduce the tax on tobacco.

The tax on tobacco is a tax on the poor. In the main those who use tobacco belong to the common walks of life. They belong in the main to the submerged third of our population. The humble negro, sweating in the field, comes to the end of the row and reaches into his pocket and takes out a twist, bites off a chew, and then, with steadier step, goes down the next furrow in the production of something necessary to human existence. The workman in the shop takes a cut from his plug and leaning on it goes on with a surer stroke. The countrywoman, far away in the mountains, takes her dip of snuff, and with her stick in her lips goes gamely about the monotonous daily drudgery of washing babies and cooking food and serving the family and making a home. Yet these useful, though humble, people are taxed while the rich go free.

A TAX ON THE POOR

Most of those who use tobacco are of the poor. To many of them it is their only luxury, if indeed in any sense it be a luxury. It is their only comfort, their only solace. It sustains them in sorrow and in toil. It comforts their working hours and soothes them to rest at the end of the hard day.

The tax on tobacco is a tax on the poor, and the tax remains upon them because they are poor. They are unable to appear in Washington before committees; they are unable to hire shrewd lobbyists and adroit counsel to present their side of the issue; they hold no powers of propaganda and no secrets of influence; they are unable to array their forces or to make their numbers felt through organization. Therefore, they are taxed; therefore they are ignored. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, the Committee on Ways and Means should be congratulated, first, for the thorough, fair, and impartial hearings held by them on taxation; and, second, for drafting and reporting to the House on the first day of the Sixty-ninth Congress such a fair and nonpartisan bill.

It is right and proper that all those interested in this vital question should be heard by the committee having jurisdiction, and it is right that taxation should be considered in a nonpartisan, scientific, and practical way.

It now becomes our duty to enact this bill into law as soon as possible, so as to give the taxpayers the benefit of the reduction before they make their next payments in March. While we have many problems confronting us during this session of Congress, I am sure the American people expect us to consider and pass this bill first.

Of course, in framing such a large and complicated bill, it can not meet with the full approval of every individual Member of the House. In other words, there are many here who would like to see certain provisions in the measure which are not in it, and others who would like to see certain provisions in the bill eliminated. And some, too, would like to see some of the provisions in the bill amended. But when we consider that legislation in a representative government must meet the many viewpoints and necessarily call for compromises, we must decide whether the bill, as a whole, is good or bad. If we look upon it from that standpoint, I believe we are bound to come to the conclusion that it is the best and fairest bill reported to Congress in many, many years. I am also convinced, from the many editorials I have read in the newspapers of the country, that it will meet with the approval of the people.

In the consideration of taxation the people expect three things from their Representatives. One is that they collect just enough money to run the Government economically and with efficiency; second, that the taxes imposed for the purpose of running the Government be distributed as fairly and impartially as possible, so as not to hurt business nor be too much of a burden on the citizen; and, third, that the law be clarified and simplified as much as possible, so that the average individual can understand and settle with the Government without being at the absolute mercy of an expert accountant. [Applause.]

The Ways and Means Committee has wisely made provisions for a subcommittee to study the feasibility and advisability of simplifying the tax laws. Simplification of the law implies simplification of tax-return forms also, and clarification of the appended instructions to the taxpayers.

I am glad to know that efforts are being made to create a better understanding between the National, State, county, and municipal governments in the consideration of taxation. It is to be hoped that these efforts will finally result in more harmony and help to simplify our tax laws and avoid duplication.

I believe, Mr. Chairman, that this bill reducing Federal taxes $325,000,000, when considered as a whole, is fair to the Government and to the people and should be enacted into law without delay. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman and gentlemen, I want to talk to you about one particular feature of this bill that has not yet been discussed. I do not want anybody to misunderstand me. I do not claim to be an expert or a profound student on taxation. I do think that my mind runs along just about as the mind of the average man runs. I am going to talk, if I may, about what the average citizen may think about a certain provision of this bill in particular, the average citizen out in the country from which the distinguished chairman of this committee comes and from which I come, a citizen of the agricultural States of the Mississippi Valley.

Leaders of both parties have asked us to consider this in a nonpartisan manner. The other day one Member on the Democratic side went back about 100 years for his authority for his position on the bill. I could but do not have to quote that great American, Theodore Roosevelt, for support of my position on the inheritance tax. I do not have to go back that far to find my authority. Last Monday it was my privilege to vote for NICHOLAS LONGWORTH for Speaker of the House. On the 25th of February, 1924, Mr. LONGWORTH, then Republican floor leader, in the debate on the 1924 revenue bill, said this:

> I am one of those who have always believed in a good-sized inheritance tax.

I can and do agree with the leader of my party in that principle.

The great estates of America are now largely in personal and intangible property. They are accumulated from business not conducted in one State but throughout the United States. They are successful because of the patronage of the American people and because of the security afforded by the Federal Government. Gathered, as they are, from the entire United States, it would seem that the benefit of any tax upon the transfer at death should go to the entire population and not to the population of the one State, where the holder claimed a residence at the date of death. It so happens that the great fortunes affected by the present inheritance tax are largely centered in a few States.

In this bill it is proposed to cut the inheritance tax directly in two and then to reduce that tax by what is paid to the States up to 80 per cent of the Federal tax. The result is that eventually the Government will lose $70,000,000 of the $110,000,000 revenue it now receives per annum from the inheritance tax.

Years ago, when I was a boy out in Nebraska, my father ran a country grocery store. We sold in that grocery store shredded wheat, manufactured in New York. It sold for 15 cents a package, or two packages for 25 cents, as it does now. Throughout these years shredded wheat, like death and taxes, has gone into every home in the Union. It so happens that great blocks of stock in that corporation are owned in the State of New York by citizens of that State, and, if it happens that a citizen of New York dies and we allow the entire inheritance tax, or 80 per cent of it, that is assessed against that stock to go into the treasury of the State of New York, in effect you are taxing the people throughout this entire Nation for the benefit of the treasury of that State, because the wealth represented by that stock has been accumulated throughout the Union.

I have, as some of you gentlemen know, a great agricultural district. It is 43,000 square miles and is larger than the States that lots of you gentlemen represent. I have one county that is bigger than at least one of the States in this Union. I have 36 counties altogether. In those 36 counties there are 123 country newspapers. Eighty-six of these papers are prosperous enough to have bought on contract linotype machines. Year after year my country newspapers pay tribute to that corporation, and it so happens that blocks of that stock are held in the State of New York. Why should my newspaper people out in Nebraska, when the owners of that stock die in New York, in effect be taxed in order that the treasury of the State of New York may profit from the inheritance tax that is levied against the estates which own those blocks of stock, for that wealth is accumulated from payments made throughout the Union? Out in the Southwest of this Nation is the Santa Fe Railroad. Its prosperity depends upon that great section of the country. Its profits are made there. Its people contribute and pay its earnings, and yet blocks of its stock are owned by citizens of the State of New York, and if 80 per cent of the inheritance tax levied against Santa Fe stock held by some estate in New York goes into the treasury of the State of New York, then you have taxed those people in that far western country for the benefit of the people of the Empire State, because profits earned not in New York but in the West have been diverted into the treasury of New York.

Mr. GREEN of Iowa. Mr. Chairman——

Mr. SIMMONS. Oh, the gentleman can ask me many questions that I can not answer.

Mr. GREEN of Iowa. I was just going to make a little statement.

Mr. SIMMONS. The gentleman controls the time. May I ask that he make his statement afterwards in his own time? In Michigan, lives Henry Ford, the maker of a popular automobile. The people of my district use many of them. If this provision to deduct 80 per cent of the Federal inheritance tax when that estate passed by the death of its holder becomes a law, then 80 per cent of that inheritance tax goes into the treasury of the State of Michigan. But did Michigan contribute 80 per cent of the wealth that the Fords now hold? It did not. That wealth was built up from profits made by the Ford Co. in every State of the Union. Then why should the inheritance tax go into the treasury of the State where the holder dies? In my judgment, the entire inheritance tax levied against estates covered by the present law should be paid into the Federal Treasury and be used for Federal expenses. It will thereby inure to the benefit of the entire people of the Nation from whom it was in the first instance derived. Every State will then get its fair share.

It has been said that this bill, and some western people have believed it, would relieve the farmer of a part of his real-estate tax. That is a mighty enticing argument. It is argued that the States by having this field for taxation could reduce their local taxes and particularly the land taxes. It is proposed that this payment would be diverted into the State treasury and inure to the benefit of the taxpayers of the State. But let us study the figures as between New York and Nebraska for example. The cost of running the State government of New York is about ten and one-half times that of Nebraska. But the inheritance tax paid the Federal Government from New York is about seventy times that paid from Nebraska. For 1924, New York paid $34,334,000; Nebraska paid $502,000. Should the Federal inheritance tax be repealed, the per capita gain for the residents of New York would be eight times that for residents of Nebraska, or for every dollar of relief per capita given Nebraska, New York would receive over $8 per capita. The per capita relief for Nebraska would be less than 40 cents while the New York per capita relief would amount to $3.30. Assuming that New York State received the $34,334,000 now paid to the Federal Government, that payment would amount to 24 per cent of the cost of running the State government of New York. Assuming that Nebraska received the $502,000, that payment would amount to less than 4 per cent of the cost of running our State government.

The industrial States, of which New York is an example, will receive a much greater tax relief through the repeal of the inheritance tax than will the agricultural States, of which Nebraska is an example. The agricultural State must still bear its share of the remaining tax load. The result will be that the agricultural States, while receiving some benefit, will be required to bear a proportionately greater tax load if the inheritance tax is repealed. To the extent that the estate tax represents value in other States, the agricultural States will, in effect, be taxed for the benefit of the industrial States.

The advocacy of the industrial States of the repeal of the inheritance tax is easily understood. For the same reason it would seem that the Western States should resist. I have come to the conclusion that the men in this Congress who represent the agricultural States of the Nation should not support this feature of the bill.

It has been said on the floor that this will aid the farmer. That is mere lip service. It is a hollow mockery. Congress has talked about farm relief—about doing something to aid the farmer. We ought not to shift the tax burden to him. At least we can resist doing that.

I am reminded of the story of Lazarus, the beggar, eating the crumbs that fell from the rich man's table. Lazarus got something out of the feast, but how pliable in comparison with what the rich man received. If this provision is meant for the farmers' aid, then you are offering to him and the agricultural States the crumbs while the now wealthy and prosperous industrial States are given a feast from the Federal Treasury comparable with the viands that were given to the rich man of Biblical times. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman and gentlemen of the committee, the commendable feature of this bill is that it reduces taxes. The Ways and Means Committee tell us it will reduce Federal taxes every year approximately $325,000,000. When it is recalled that in the last Congress we passed the revenue act of 1924, which by its terms reduced annually Federal taxes approximately $340,000,000 over the then existing law, it is gratifying to know that if this bill passes a total reduction of the annual tax burden on the American people by the National Government of nearly $700,000,000 will have been made in less than two years.

Congress, which is often criticized, but rarely praised, is in no small measure entitled to the credit for making possible these reductions. It is obvious that the revenues of the Government have either exceeded previous estimates of the Treasury or the expenditures have been lessened, otherwise these tax reductions could not have been made. Both causes have concurred in making this possible.

As to the first or increased revenues at the last session, when we passed the revenue bill, we were told by the Republican leaders that if the Mellon tax bill was not passed there would be a deficit in the Treasury. The Democrats, together with a sufficient number of independent Republicans, succeeded in substituting the Garner bill therefor, and instead of the predicted deficit there is now a surplus in the Federal Treasury which warrants the tax reduction contained in the bill we are now considering.

As to reduced expenditures, the President has prided himself on his economy program, and many metropolitan newspapers have given wide publicity thereto, but the facts are that Congress, in making appropriations for the support of the Government, has been more economical in the amounts appropriated than the President's Bureau of the Budget has recommended.

Corroborative of this statement, I call attention to the speech of the Republican chairman of the Appropriations Committee [Mr. MADDEN] made at the close of the last session of Congress, in which he used this language:

> It is not inappropriate at this point to call attention to a more or less widespread misapprehension that seems to prevail in the minds of many persons that Congress does not and has not stayed within the limits of the amount requested by the President. The Budget system has been in effect for nearly four years. Four sets of estimates have been transmitted to Congress by the President since the Budget and Accounting Act was passed, and each year Congress has appropriated a total that was less than the total amount requested by the President. (P. 5522, CONG. REC., 68th Cong.)

Following the above quotation are facts and figures in Mr. MADDEN'S speech, showing the reduction made by Congress each year over the Budget estimates submitted by the President, and that the total reduction effected by Congress in the four Budget years amounted to $346,340,390.42. In other words, Congress appropriated that much less than the President recommended.

The Sixty-eighth Congress, being the first Congress of which I had the honor of being a Member, reduced the appropriations $375,000,000 over those of the Sixty-seventh Congress, and $800,000,000 over the total appropriations of the Sixty-sixth Congress.

But reverting to the bill under consideration, I can not agree with some who have spoken, in saying that it is the best revenue bill ever reported to Congress. To me it has its good features and its bad. Possibly it is the best that could be expected under the circumstances.

Politics should not enter into the framing of a revenue bill. It should always be nonpartisan, but it is perfectly natural that the views of those of the conflicting schools of thought will be at variance.

Dr. Thomas S. Adams, professor of political economy of Yale University, in the hearings on this bill, very truly said:

> There is little in taxes but human nature. There is little science in finance.

It is natural for one group to favor the masses and for another group to think that they can best do so by favoring the privileged classes.

The Democrats on the committee have been criticized for agreeing to this bill, and thereby reporting it as a nonpartisan measure, but in my judgment they have conscientiously done what they conceived to be for the best interest of the people under existing conditions. My colleague from Texas [Mr. GARNER], the ranking member of the minority on the committee, has not changed from what he was in 1924, but the complexion of this House has materially changed. In the Sixty-eighth Congress there were 222 Republicans, 208 Democrats, 1 Farm Labor, and 1 Socialist, giving the Republicans a majority over all of only 12. In a number of instances a sufficient number of Progressive Republicans voting with the Democrats enabled them to win. In this Congress there are 247 Republicans, 183 Democrats, 3 Farm Labor, and 2 Socialists, giving the Republicans a clear majority of 59 over all other parties.

The Republicans this time have not only a largely increased majority, but their machinery well "oiled," the doctrine of party regularity so well inculcated, and their membership so well disciplined that it is "theirs not to reason why; theirs but to do or die," that it leaves but slight hope of changing any provisions of the bill as reported by the committee.

The Democrats on the committee, realizing that this would be true, have secured such concessions as they could in the framing of the bill, and there are many favorable features in it which would not have been there had this course not been pursued by them. For instance, the President in his message, in speaking of this bill, said:

> In so far as income-tax exemptions are concerned, it seems to me the committee has gone as far as it is safe to go and somewhat further than I should have gone.

I doubt not that with the President and the Secretary of the Treasury's pressure against this feature of the bill, without the cooperation of the Democrats on the committee, it and other valuable features would not have been incorporated therein. My able and good friend from Texas is still the militant and able champion of the people that he was in 1924, but he has the good sense and discretion to realize that it is sometimes wise to make the best of a bad situation.

The results so attained, on the whole, make the bill, while by no means perfect, one that reduces taxes to such an extent, and gives benefit to so many people, that I am going to support it. I reserve the right, however, to vote for such amendments as may be offered, which, in my judgment, will make it more nearly conform to my views. If I can make it a better bill, I propose to do so.

The measure is voluminous, covering 279 printed pages, and was introduced in the House only the day before its consideration was begun.

I have read the report of the committee accompanying it, and also appropriate parts of the hearings before the Ways and Means Committee, the latter contained in a printed volume of 1,137 pages.

The bill is designed to raise revenue for the support of the Government, amounting to $2,426,764,000. The amounts and sources from which this revenue is to be derived, together with the changes under the present law, will appear from the following table prepared by the Ways and Means Committee:

Estimated revenue for the calendar year 1926 from internal-revenue taxes

Source of revenue	Present law, 1926	Proposed law, 1926
Total income tax	$1,880,000,000	$1,685,425,000
Miscellaneous internal-revenue tax:		
Estate tax	110,000,000	110,000,000
Gift tax	2,000,000	
Capital-stock tax	93,500,000	93,500,000
Tobacco:		
Cigars	42,000,000	31,000,000
All other	330,000,000	330,000,000
Spirits, etc	25,000,000	21,000,000
Automobiles, etc.:		
Trucks	9,000,000	
Other, and motor cycles	116,000,000	69,600,000
Tires, parts, and accessories	25,000,000	
Cameras and lenses	700,000	
Photographic films and plates	750,000	
Firearms and ammunition	3,850,000	
Smokers' articles	50,000	
Automatic slot machines	650,000	
Mah-jongg sets	1,000	
Works of art	650,000	
Jewelry	8,000,000	

Estimated revenue for the calendar year 1926 from internal-revenue taxes—Continued

Source of revenue	Present law, 1926	Proposed law, 1926
Brokers' tax	$2,000,000	
Bowling alleys, pool and billiard tables	2,100,000	
Shooting galleries and riding academies	28,000	
Automobiles for hire	1,750,000	
Tobacco manufacturers	1,120,000	
Use of yachts	300,000	
Opium dispensers	312,000	
Deeds and conveyances	4,000,000	
Other stamp taxes	45,000,000	$46,000,000
Admissions and dues	33,000,000	29,000,000
All other miscellaneous taxes	10,239,000	10,239,000
Total miscellaneous	809,000,000	710,339,000
Total of above	2,749,000,000	2,426,764,000
Loss for 1926 under present law		322,236,000
Refund on automobiles		3,500,000
Total		325,736,000

Among the salient features of the bill are these:

It increases the exemptions upon single persons from $1,000 to $1,500 and upon heads of families from $2,500 to $3,500. By raising these exemptions I understand it is estimated that 2,300,000 individuals who now pay an income tax will be relieved therefrom. Is that right, Mr. GARNER?

Mr. GARNER of Texas. Yes.

Mr. JOHNSON of Texas (resuming). That number of taxpayers will no longer have to be burdened with making income-tax returns, and the Government will be spared the expense of collecting these smaller amounts of taxes, which in many instances the expense of collecting is greater than the amounts received.

My observation is that the small incomes need tax reduction the most. I can not agree with the view advanced by some that these parties must pay an income tax in order to have an interest in the Government. My observation is that this class of taxpayers are always interested in and loyal to the Government. The gentleman from New York [Mr. MILLS] says why should anyone object to paying a small tax of $7.50, $10, or $15. The amount of that tax may seem small to him, but in the eyes of others—especially the poorer classes so graphically described by the emphatic and forceful orator from Mississippi [Mr. QUIN] and the eloquent gentleman from Alabama [Mr. HUDDLESTON], who have just spoken—even the smallest amount of tax on this class of people, an amount which may seem insignificantly small to some, is large to them. But, Mr. Chairman, they will still have an interest in the Government. If it requires the payment of a tax to retain that interest, while they may be relieved from paying a direct tax by this bill, the indirect system of taxation that we have will continue to reach them. Every time they take sugar in their coffee, every time they buy the food or clothes of the many products that have upon them a high protective tariff, they will pay revenue to the Government in far larger sums and proportion than the amount that has been heretofore assessed against them in income taxes.

Under the income tax law prevailing before the war exemptions were allowed of $4,000 to the head of a family and $3,000 to single persons. According to the President's message, "prices in 1925 were approximately 40 per cent higher than in 1913." If this be true, and I do not doubt it, it would require a $4,200 salary now to equal $3,000 then, and $5,600 to equal a salary of $4,000 in 1916.

I should be inclined to vote for an amendment increasing these exemptions to $2,000 upon single persons and to $5,000 upon heads of families. But if such an amendment can not be adopted, the bill will at least afford some measure of relief to those who need it most. Among other features of the bill are these:

Under its terms the normal tax rate will be 1½ per cent upon the first $4,000 of taxable income, 3 per cent upon the next $4,000, and 5 per cent upon all over $8,000. The tax rates in the old law are 2 per cent, 4 per cent, and 6 per cent, respectively, in lieu of the proposed rates.

Changes made in the surtaxes are as follows:

Starting with 1 per cent upon incomes from $10,000 to $14,000 and running to a maximum of 20 per cent on incomes above $100,000.

The maximum surtax under the existing law is 40 per cent on incomes exceeding $500,000.

The bill makes no reduction in surtax on incomes of $44,000 and under but reduces the surtax on incomes of over $500,000 one-half, and is therefore manifestly in the interest of those with very large incomes.

I should be inclined to vote for an amendment to raise the maximum surtax to 25 per cent, especially on the very large incomes, so that the surtax on incomes of less than $100,000, and especially less than $44,000, can have some proportionate part of the reduction, those of the latter class receiving no reduction so far as the surtax rate is concerned. Of course, all incomes will receive the benefit of the reduction of the normal rates. The following table will give, in dollars and cents, the normal tax, the surtax, and the total tax due upon incomes of different sizes, and also the amount of reduction to each under the proposed bill.

PROPOSED BILL

TABLE 6.—*Married persons having no dependents, with the earned-income allowance of $20,000 all being considered as earned*

Net income	Surtax rate	Normal tax	Surtax	Total tax	Per cent tax is of the net income	Amount by which taxes will be reduced under proposed bill
	Per cent					
$4,000		$5.63		$5.63	0.141	$16.87
5,000		16.88		16.88	.338	20.62
6,000		28.13		28.13	.469	25.37
7,000		39.38		39.38	.563	35.62
8,000		50.25		50.25	.703	43.75
9,000		78.75		78.75	.875	56.25
10,000		101.25		101.25	1.013	63.75
11,000	1	123.75	$7.50	131.25	1.193	93.75
12,000	1	153.75	15.00	168.75	1.406	126.25
13,000	1	191.25	22.50	213.75	1.644	151.25
14,000	1	228.75	30.00	258.75	1.848	176.25
15,000	2	266.25	45.00	311.25	2.075	203.75
16,000	2	303.75	60.00	363.75	2.273	231.25
18,000	3	378.75	105.00	483.75	2.687	291.25
20,000	4	453.75	165.00	618.75	3.094	356.25
22,000	5	553.75	265.00	818.75	3.721	376.25
24,000	6	653.75	385.00	1,038.75	4.328	396.25
26,000	7	753.75	525.00	1,278.75	4.918	416.25
28,000	8	853.75	685.00	1,538.75	5.496	435.25
30,000	9	953.75	865.00	1,818.75	6.062	456.25
32,000	10	1,053.75	1,065.00	2,118.75	6.621	476.25
34,000	10	1,153.75	1,265.00	2,418.75	7.114	496.75
36,000	11	1,253.75	1,485.00	2,738.75	7.608	516.25
38,000	12	1,353.75	1,725.00	3,078.75	8.102	536.25
40,000	13	1,453.75	1,985.00	3,438.75	8.597	556.25
45,000	14	1,703.75	2,665.00	4,368.75	9.708	616.25
50,000	15	1,953.75	3,405.00	5,358.75	10.72	736.25
55,000	16	2,203.75	4,205.00	6,408.75	11.65	916.25
60,000	16	2,453.75	5,005.00	7,458.75	12.43	1,176.25
70,000	17	2,953.75	6,705.00	9,658.75	13.8	1,876.25
80,000	18	3,453.75	8,505.00	11,958.75	14.95	2,876.25
90,000	19	3,953.75	10,405.00	14,358.75	15.95	4,186.25
100,000	19	4,453.75	12,305.00	16,758.75	16.76	5,816.25
200,000	20	9,453.75	32,305.00	41,758.75	20.88	23,816.25
300,000	20	14,453.75	52,305.00	66,758.75	22.25	42,816.25
500,000	20	24,453.75	92,305.00	116,758.75	23.35	82,816.25
1,000,000	20	49,453.75	192,305.00	241,758.75	24.18	187,816.25
2,000,000	20	99,453.75	392,305.00	491,758.75	24.58	397,816.25
3,000,000	20	149,453.75	592,305.00	741,758.75	24.73	607,816.25
4,000,000	20	199,453.75	792,305.00	991,758.75	24.79	817,816.25
5,000,000	20	249,453.75	992,305.00	1,241,758.75	24.83	1,027,816.25

The publicity feature of income taxes under the present law is repealed, as is also the gift tax, stamps on deeds and on the sale of watches, jewelry, and various other articles. The tax upon the sale of automobiles is not repealed, but is reduced from 5 to 3 per cent. The admission-fee taxes are the same as under the old law, except that performances known as the "spoken drama" are exempt.

I regret that the bill does not repeal entirely these nuisance, sales, and admission taxes. This measure, as I understand from the chairman of the Ways and Means Committee, is intended to be the permanent revenue bill of the country. It occurs to me that all such taxes should be repealed. Certainly the Federal Government does not desire to permanently embark in raising revenues by these means.

The estate tax is retained as under the old law, with a few changes. There is no tax on estates of less than $50,000. This would mean that in Texas, when the estate is community property, there would be no Federal estate tax due, unless its net value, after the payment of all debts, amounted to $100,000, and then the rate would be 1 per cent, or $500.

There is a graduated rate, increasing with the size of the estate.

There is a reduction, however, in the rates under the present law of all estates in excess of $150,000. This reduction is graded and gives greater relief to the larger estate. While the old law had a very high rate for the large estates, the reductions in some instances are exceedingly generous. For instance, under the old law the maximum rate is 40 per cent on estates

exceeding $10,000,000 in value, while under this bill it would be but 20 per cent.

Under the present law, a credit is allowed the taxpayer upon such taxes as may be paid to any State up to 25 per cent of the Federal tax. Under the proposed law, the taxpayer could take credit up to 80 per cent of the Federal tax. This would lessen the burden on estates paying inheritance tax, by permitting them to deduct from the tax that they pay the Federal Government 80 per cent thereof, provided they have paid same to the State government for inheritance tax.

To illustrate: Suppose a man dies, leaving an estate, and the inheritance tax due by his estate to his State government was $500, and that there was also due the Federal Government $500 for inheritance tax. Under the proposed law, he would pay the State the $500 tax so due it, and he would deduct from the $500 due the Federal Government 80 per cent thereof, or $400, making the payment to the Federal Government only $100. The total payment to the State and Federal Governments for inheritance tax would in such case be only $600, whereas if this deduction was not allowed the total payment of State and Federal inheritance tax would be $1,000.

The State and Federal Governments would each act independently of the other in levying and collecting these taxes. There would be neither a division of the funds nor a joint administration thereof. Each would act under its own separate law as is now done. The taxpayer would settle with his own State, paying it the full amount prescribed and due under the State law, without regard to the Federal law, and it would only be when he came to settle with the Federal Government that he would make this deduction of 80 per cent.

Forty-five States, including Texas, levy an inheritance tax. Texas has had such a law for a number of years, and this deduction feature will benefit the taxpayers in these 45 States.

The Federal inheritance tax is not a war measure, as is contended by some, but was adopted in 1916, before the United States entered the World War.

There are those who contend that an inheritance tax is unjust in principle. With these I can not agree. My limited time does not now permit me to discuss this question. In passing, however, permit me to say that to my mind a graduated inheritance tax is equally as just as a graduated income tax. It is certainly no more onerous. American statesmen of both schools of thought have always advocated the justice of such a tax, and the political party to which I belong has consistently favored this method of taxation.

The tax on corporations remains unchanged. While I know it is not popular to advocate a reduction of taxes on corporations, I wish the committee could have seen its way clear to give some relief to the smaller corporations. They are very heavily burdened, having three separate and distinct Federal taxes imposed upon them—the franchise tax, the capital-stock tax, and a flat-rate income tax of 12 per cent. The smaller the corporation the heavier the tax burden. The taxes are not graduated as in the case of individuals. These taxes are so onerous that those of small means who desire to engage in business are denied the right given them under the law to incorporate their business. Some may claim the right to incorporate is a privilege conferred by law, and so it is, but the taxing power of the Government should not penalize that privilege so as to prevent its exercise.

There are features of the bill that I have not had time even to mention, and those referred to have been barely touched and not discussed at length.

The few remaining moments of my time I wish to use in registering my earnest protest against one feature of the bill about which I have heard nothing in the debate up to this time. It is that provision which gives the 16 members of the tax board a life tenure of office. In principle I oppose the creation of additional Federal offices with life tenure. I believe such a policy is antagonistic to our form of government. In practices as well I think it unwise. I have seen instances where Federal officers acted arbitrarily and displayed a most autocratic spirit in dealing with the public, and especially is this observable in the matter of the collection of Federal taxes.

I do not know why this provision should have been written in the bill. The committee in its report assigns no reason therefor, and the Chairman of the Ways and Means Committee in discussing this bill did not allude thereto. He went abroad during the past summer, studying the tax provisions of other countries, and perhaps he there learned that it might be wise to incorporate this provision in the bill. It might be all right in Europe, but I deem it most unwise and undesirable in America.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. GREEN of Iowa. I will say to the gentleman that that provision was not incorporated in the bill by myself. The Committee on Ways and Means incorporated it when I was not present. I do not say that to indicate that I do not approve it, but I did not take part in its framing.

The reason for it is that if you put these men on there and let them go out and practice without restrictions, such as those which are imposed on a judge, I am satisfied that they would prefer to have it that way, and therefore we put a provision in here that they shall not be permitted to practice within four years.

Mr. JOHNSON of Texas. But they will hold their positions for life.

Mr. GREEN of Iowa. Then if you want to take out the life provision, you should take out the other provision, so that they will have the same privilege that the judge has.

Mr. JOHNSON of Texas. I understand the present law provides that they shall hold office for 10 years and not be permitted to practice until four years after retirement from office. Why should we change that law?

Mr. GREEN of Iowa. Because we can not get the men we want. We have had a vacancy on the board for a long time.

Mr. JOHNSON of Texas. I think I could find a man for you in Texas who would fill it.

Mr. GREEN of Iowa. Oh, you could go out on the street perhaps and no doubt get a man, but what is desired is a particular kind of man.

Mr. JOHNSON of Texas. Oh, no; I would not go out on the street; but I have in mind several in Texas whose politics might not be the "particular kind" of the gentlemen, but whose character, experience in income-tax matters, and qualifications generally would meet the highest requirements.

I have been told that the reason the life-tenure provision was inserted was due to the fact that the membership of the present board is so well regarded that it is done to keep their services.

Mr. GREEN of Iowa. That is not the reason.

Mr. JOHNSON of Texas. What was the reason?

Mr. GREEN of Iowa. The reason is that we need men of a certain kind, and we need more men now. There are likely to be other resignations, even under the provisions of this bill, because the salary is not commensurate with the character of the duties performed.

Mr. JOHNSON of Texas. I am not speaking of the question of salary. I am speaking solely of the life-tenure feature.

Mr. GREEN of Iowa. If you are going to give a man a job and provide that for four years he can not practice, he will not care to take it.

Mr. JOHNSON of Texas. If you make the term of office 10 years and pay the members $10,000 a year, can you not secure good men? It would certainly seem so.

Mr. GREEN of Iowa. You might if you did not put in that provision.

Mr. JOHNSON of Texas. If a man serves 10 years and makes an efficient officer I do not think there is any question, as a rule, but that he would be willing to serve another term and would be reappointed thereto. I can not see why this provision should be made. I think that any argument that might be advanced in its favor can be successfully answered. Some say you want these men to be free from domination by the Secretary of the Treasury or any other officer in the Treasury. Under the present law the term is 10 years, which carries the term of office beyond two administrations, and ought to be sufficient to make the members of the board free from the domination of the Executive branch of the Government. The other objection pointed out by the chairman of the Committee on Ways and Means is that the salary is not sufficient. If it is necessary to increase the salary, I should not so much object to that; but if we make the salary $10,000 and make the term 10 years, I think we could certainly obtain men well enough qualified to discharge the duties of the position. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland. Or will the gentlemen on the other side consume 10 minutes?

Mr. GARNER of Texas. Not just at this time.

Mr. GREEN of Iowa. Is the gentleman from Wisconsin [Mr. BROWNE] present? The gentleman from Maryland [Mr. HILL] is not ready.

Mr. GARNER of Texas. I have some people on my list, but I do not see them around here. I will yield, however, 10 minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for 10 minutes.

Mr. WINGO. Mr. Chairman and gentlemen, I did not intend to say anything, but I am so nonplussed by the situation which has now arisen in the House of Representatives, where it seems there is no one ready to talk, that I feel like the gentleman referred to in the old story who was at a funeral where nobody responded to an invitation to speak, so he said, "If nobody wants the time, I would like to make a few remarks on the free coinage of silver." [Laughter.]

But there are a few observations that I should like to make, and the first one is that I believe our forefathers had some intelligence, that their philosophy of government was a well-ordered philosophy, and that the history of this Nation has demonstrated their wisdom and has shown that the great majority of the evils that exist to-day are the results of our having departed from the fundamental principles of the fathers.

One of the ideas the old fathers had was that the House of Representatives should dominate tax measures. They also had a theory called the State rights theory—the idea that the States should have absolute control of certain matters. And, of course, that carried with it a reciprocal theory, that on Federal questions the Federal Government is supreme, so that when it comes to the question of Federal taxation the Members of this House should really be supreme.

Therefore I think it comes with little grace for certain groups in the States to pick up the average member of a State legislature and give him a free joy ride to come up here and tell Members of Congress how to prepare a tax bill. Until recently I did not know that there were any real tax experts in my State legislature, though there are several of them of whom I am very fond personally who undertook to enlighten me on the subject of Federal taxation. To-day two very able legislators of my State are here, and I accidentally ran across them in Statuary Hall. I am very fond of them personally, and when I found out why they were up here I said, "I will tell you, boys, before you talk to me, just what I said to one of my friends when I was down home recently: The Congress of the United States has demonstrated in the last few years that it is giving some serious and practical thought to the question of a reduction of Federal expenditures and of Federal taxation, and the thing which alarms a great many people now is that the States seem to have gone crazy and have no conception of restraint upon legislative bodies with reference to the question of State expenditures and State taxation." Federal taxes going down, State taxes mounting high; and I said to these gentlemen, "You go on back home, get your legislature to cut down the expenditures and taxes of my State, and you will do my people more good than by coming here and telling me how to reduce Federal taxes." [Applause.] Understand, I do not protest; I am glad to see those boys get a joy ride to Washington, because the men who are paying their expenses can afford to do it, and they will charge those expenses to the advertising account of their respective institutions.

I am not going to turn myself loose at this time on this bill and say anything one way or another about it. I am a pretty good scout. I sometimes get impatient, but I try to be a pretty good Indian, especially when I recognize the difficulties that confront my colleagues on the committees in shaping legislation of this magnitude. I have been somewhat amused, though, at some of the maneuvers on this question of inheritance tax. I shall not now discuss the matter, but will say I have been really surprised that a great State, with the intelligence of the State of Florida, should have adopted a constitutional amendment like they did and then seem to be proud of it. If my State had made such a fool of itself, I would not be referring to it on the floor of the House. [Laughter and applause.] Because to be perfectly fair with you, one of the first things men learn about the A, B, C's of taxation is this: That sooner or later somebody has got to pay the bill of government. That is true of the Federal Government, and it is true of the States, is it not? I know that the great State of Florida, like the great State of Arkansas, is going to find the money somehow to build its schoolhouses, to build its public buildings, to build its roads, and maintain its courts; it is going to find the money somehow, and the real struggle is going to be in the game of "pussy wants a corner," each group trying to see that the other fellow bears the tax burden. But, as I say, they are going to get the money somehow, and whenever they exempt some millionaire in order to get him to come down and squat on the sand dunes of Florida, with a specious promise that when he is dead and gone they will not split up his estate and make him put a part of it in the State treasury to help those schools and those good roads, here is what they do by that very act: They reach out and say to the farmers, the merchants, the laborers, and everybody else, "You have got to dig up on your general property tax, on your license taxes, and all of your other taxes in order to raise revenue and make up the deficit of this gift, this bribe which we give to rich men to come down and live with us, honor us with their benign presence, their flashy bathing suits, and their poker and liquor parties."

That is hard sense, is it not, gentlemen? And sooner or later old Reuben down in Florida is going to wake up and realize the fundamental rule of taxation; he is going to wake up, gentlemen, and do exactly like the drunken fellow did at the railroad station in my district on the afternoon of the Fourth of July. He had attended a picnic; he had imbibed a little too much of roasting-ear wine and was a little bit tipsy; he had been eating popcorn, you know, and candy. His face was a little bit smeared and he was waiting for the special local accommodation train to come along. He was sitting out in the sunshine, and he kind of dozed off; the flies would settle on his sticky face; he would wake up and wipe them off and then go on back to sleep. Finally a wasp lit on his face, and he wiped it off, and it stung him, and he said, "Now, just for that you have all got to get off." The same thing will happen in Florida, as you will find out. Old Reuben will say to my handsome young friend and the other politicians who exempted the estates of millionaires, "You will all have to get out."

Mr. GREEN of Florida. Will the gentleman yield? [Laughter.]

Mr. WINGO. Yes.

Mr. GREEN of Florida. Has the gentleman ever been in Florida?

Mr. WINGO. No. I am neither a millionaire nor a sucker. [Laughter.]

Mr. GREEN of Florida. Then let me say to the gentleman——

Mr. WINGO. Just let me answer the gentleman, because a man who admits he has not been to Florida ought to justify himself. I think the gentleman will admit that.

Mr. GREEN of Florida. I then extend to the gentleman from Arkansas, my distinguished friend, an invitation to come down to Florida and pay us a visit. Then he can see for himself.

Mr. WINGO. Well, it is one of the States I have not been to, and I am a little bit afraid to go down there right now, because I have profited a little bit by my experience here. You know, I like my handsome, brilliant young friend from Florida and can not criticize him, because I can in retrospect go back and remember when I felt like he felt when he first hit this town. I felt just like he felt. I had the illusion that I had something to do with the United States Government [laughter], and I had a large sense of responsibility. [Laughter.]

Old Champ Clark was my friend in the Democratic caucus. I sat over there and thought I knew all about taxation. I told OSCAR UNDERWOOD where to head in on tariff schedules. [Laughter.] I had heard a great deal about him, and I was surprised at what I then thought was his total ignorance of the theory of taxation, and I proceeded to express myself very seriously at the caucus. Old Champ Clark took hold of my arm and he said, "You are a bright boy; but there are 434 others of them here, and they are just as contrary as you are, and they have the mistaken idea that they are smart, just like you have." [Laughter.]

He said, "You will get along pretty well here in the House if you will start out and study hard the processes of legislation. You have got a lot of pent-up energy. Jump in here and learn something about parliamentary rules, because there is always a chance for an argument on the parliamentary rules, and nobody can ever tell which one is right and which one is a dern fool." You older Members know I profited by his advice. I immediately started out, and Joe Walsh, of Massachusetts, to whom he had given the same advice, and I started studying parliamentary procedure, and, gentlemen, sometimes I look back at some of the theories I laid down in those days with all the cocksuredness of a chief justice. I blush a little bit. [Laughter.]

Yes; you have a great State, my handsome, irrepressible young friend [laughter], and I have been very favorably impressed with the Representatives it has sent here; but let me tell you something, there are 48 States in this Union and there are 434 of the rest of us here on the floor, and we have a pretty good idea of our rights here, think we know a little bit, and, as old Champ Clark told me, he said, "Confiden-

tially, son, they are just as jealous as a bunch of opera singers, and don't you step on their toes, because if you do sooner or later they will give you a spanking." [Laughter.]

Mr. GREEN of Florida. I wish to humbly apologize——

Mr. WINGO. Oh, I beg the gentleman, no man who comes from Florida ought to apologize for anything except that fool constitutional amendment exempting the estates of millionaires from all tax burdens. [Laughter and applause.]

Mr. GREEN of Florida. I will say to the gentleman that the constitution of my State was in jeopardy, and the constitution of the gentleman's State was not in jeopardy, and therefore I rose in my seat.

Mr. WINGO. Nothing that the House of Representatives can ever do will ever seriously affect any constitution. The gentleman will slowly absorb that fact. [Laughter and applause.]

Mr. GREEN of Iowa. Mr. Chairman, I yield to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, the revenue act of 1926, which is at present under discussion in general debate, is a very unusual piece of legislation in that it has been admittedly framed entirely on economic theory and not in an attempt to derive partisan political benefits from the treatment of the sources of income of the United States.

It is quite clear from what has been said in the House about this bill that it is most acceptable to the majority of the membership of the House, regardless of political party, and that the Ways and Means Committee deserves the greatest meed of congratulations upon its production.

In such a bill as this there are always matters with which the individual Representative may disagree, objection to which, however, must be submerged in the interest of the general scheme of the bill.

There are two matters on which I wish to speak very briefly. One is the publicity of tax returns and the other is Title III of the bill dealing with the estate taxes in reference to inheritances.

There are several other matters on which I wish to comment, but I shall do this when the bill is read under the five-minute rule and not in this general debate.

This bill repeals the provision of the revenue act of 1924 publishing the amounts of income taxes paid. A number of us fought that provision with every ounce of our power in the last bill, but were defeated. We predicted at that time that it would accomplish nothing in the way of revenue for the Government, but would stir up all manner of difficulty in business and in personal relations. Our predictions were justified. The Treasury Department has officially advised the Ways and Means Committee that no useful purpose has been served by the publication of the amount of income taxes paid by the various taxpayers. Some of us voted against the revenue act of 1924 because it contained in it the tax-publicity provision. We are naturally very glad to see this provision eliminated from the pending bill.

On the question of the propriety of the Federal inheritance tax there has been much discussion. This matter, as do all tax matters, presents technical questions, but there are certain fundamental principles applicable to taxation as well as to all other relations of the Federal Government to the 48 independent republics which form the Union under the Constitution.

In the nine years beginning with 1917 and ending with 1925, the State of Maryland paid $7,875,324.13 from its citizens as Federal inheritance taxes. I would like to inject here, with special reference to the gentleman from Nebraska [Mr. SIMMONS], who just addressed the committee, that his State paid about $4,000,000 in that time, and his State stands in no way on a different basis from the State of Maryland in reference to inheritance taxes.

In 1917 Maryland citizens paid over $730,000; in 1918, over $376,000; in 1919, over $615,000; in 1920, over $1,201,000; in 1921, over $1,660,000; in 1922, over $1,037,000; in 1923, over $1,036,000; in 1924, over $913,000; in 1925, over $951,000. For a State of the wealth and size of Maryland such payments as Federal taxes are very large and tap an important source of State income.

The President in his recent message said:

> It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform. Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend or its ability to administer than from leaving the local communities to bear their own burdens and remedy their own evils.

The President then continued:

> The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations.

If one should admit the propriety of Federal inheritance taxes, the pending bill presents a very scientific and proper treatment of the matter, but this bill should not be passed without protest against the continuance of the theory of Federal inheritance taxes. Inheritance taxes should constitute an exclusive source of revenue for the individual States, while the Federal Government should look primarily to the income tax.

In Pennsylvania there is no direct inheritance tax, although there is a collateral tax. In New Hampshire, in Alabama, in Florida, and in Maryland there are no direct taxes. The following table was prepared by the National Committee on Inheritance Taxes and is important in connection with the proper consideration of this subject. It is as follows:

An outline of tax rates and exemptions in the various States

State	Class 1 (direct kindred)[1]		Class 2 (collateral kindred)[1]		Class 3 (strangers)	
	Exemption	Rates	Exemption	Rates	Exemption	Rates
		Per cent		*Per cent*		*Per cent*
Alabama	No inheritance tax					
Arizona	Widow, $10,000; others, $2,000.	1 - 5	$500 250 150	2 -20	$100	5-25
Arkansas	Widow or minor child, $3,000; others, $1,000.	1 -10	500	2 -20	500	4-40
California	Widow or minor child, $24,000; others, $10,000.	1 -12	2,000 1,000	3 -20	500	5-20
Colorado	Widow, $20,000; others, $10,000.	2 - 7	2,000 500 None.	3 -14	500 None.	7-16
Connecticut	To the class, $10,000.	1 - 4	3,000	2 - 5	500	5- 8
Delaware	$3,000	1 - 4	1,000	2 - 5	None.	5- 8
Florida	No inheritance tax					
Georgia[2]	Lineal ancestor, $5,000; or descendant, $2,000.	1 - 3	None.	3 -15	None.	7-21
Idaho	Wife and minor child, $10,000; others, $4,000.	1 - 3	$2,000 1,500 1,000	1½-12	$500	5-15
Illinois	$20,000; brother and sister, $10,000	2 -14	500	6 -16	100	10-30
Indiana	Widow, $15,000; minor child, $5,000; others, $2,000	1 - 4	500 250 150	2 -16	100	5-20
Iowa:						
Resident	$15,000	1 - 7	1,000	[3] 5 - 7	1,000	[3] 5- 7
Nonresident	None	10	None.	20	None	20
Kansas	Wife, $75,000; others, $15,000.	½- 5	5,000	3 -12½	200 None.	5-15
Kentucky	Widow, $20,000; minors, $10,000; others, $5,000.	1 - 6	2,000 500	2 -12	500	6-16
Louisiana	$5,000	2 - 3	1,000	5 - 7	500	5-10
Maine	Husband, wife, mother, child, adopted child, or adoptive parent, $10,000; others, $500	1 - 2	500	4 - 5	500	5- 7
Maryland	No tax		500	5	500	5
Massachusetts	$10,000; grandchild, $1,000.	1 - 7	1,000	1 -12	1,000	5-12
Michigan	Husband or wife, $30,000; others, $5,000.	1 - 5	None.	5 -15	None.	25
Minnesota	$10,000	1 - 6	1,000	3 -16	100	5-20
	Lineal ancestors, $3,000.		250			
Mississippi	Estate tax. Exemption, $10,000.	1 -10				
Missouri	Husband or wife, $20,000; lineal descendants mentally or physically incapacitated, $15,000; others, $5,000.	1 - 6	500 250 100	3 -24	100	5-30
Montana	Widow, $17,500		500			
	Husband, $5,000; others, $2,000.	1 - 4	None.	2 -12	None.	4-16

[1] NOTE.—The rates in the table apply to each distributive share of an estate unless the contrary is indicated. The classification of beneficiaries differs in the various States, but for purposes of comparison they are grouped in three general classes: Class 1, direct kindred, which includes in general husband, wife, lineal ancestors and lineal descendants of the decedent; class 2, collateral kindred, which includes in general, brother, sister, uncle, aunt, niece, and nephew; class 3, strangers, which includes all others than those in classes 1 and 2. Bequests to charitable, religious, and educational institutions are generally exempt from tax.

[2] Georgia passed an estate tax law which was approved Aug. 27, 1925. This law was declared unconstitutional by the assistant attorney general of the State because of defective drafting of the act. The attorney general, however, has recently overruled this opinion and declared the act constitutional. The rates appearing in this table are those imposed under the old law. The act of August 27 prescribes no schedule of rates or exemptions, but provides Federal estate taxes.

[3] To the class.

An outline of tax rates and exemptions in the various States—Contd.

State	Class 1 (direct kindred)		Class 2 (collateral kindred)		Class 3 (strangers)	
	Exemption	Rates	Exemption	Rates	Exemption	Rates
		Per cent		*Per cent*		*Per cent*
Nebraska	$10,000	1	2,000	4	500	4-12
Nevada	No inheritance tax, law repealed, effective July 1, 1925.					
New Hampshire	No tax		None.	5	None.	5
New Jersey	$5,000	1 - 3	500	5	500	8
New Mexico	$10,000 (on entire estate).	1	10,000	5	None.	5
New York	$5,000; lineal descendants, $500—None.	1 - 4	500	2 - 5	500	5- 8
North Carolina	Widow, $10,000; minor child, $5,000; others, $2,000.	1 - 6	None.	3 -12	None.	7-16
North Dakota	Husband or wife, $10,000; minor child, $5,000; others, $2,000.	1 - 4	$500 250 None.	1½-16	None.	5-20
Ohio	Wife or minor child, $5,000; others, $3,500 also year's allowance to widow and children not exceeding $3,000.	1 - 4	500	5 - 8	None.	7-10
Oklahoma	Wife, $15,000; child, $10,000; others, $5,000.	1 - 4	1,000	1 - 5	$500	6-10
Oregon	No tax		1,000	1 -15	None.	2-25
	Estate tax. Exemption, $10,000.	[4] 1 -10				
Pennsylvania	None	2	None.	10	None.	10
Rhode Island	Widow and each minor child, $25,000; others, single exemption, $25,000.[5]	½- 3			1,000	5- 8
	Estate tax. Exemption, $5,000.	½				
South Carolina	Husband and wife, $10,000; minor child, $7,500; adult child or parent, $5,000; grandchild, $500.	1 - 6	500	2 - 7	200	4-14
South Dakota	$10,000		500			
	Lineal ancestors, $3,000.	1 - 8	200	3 -16	100	5-20
Tennessee	$10,000	1 - 5	1,000	5 -10	1,000	5-10
Texas	$25,000	1 - 6	10,000 1,000	3 -15	500	5-20
Utah	Estate tax. Exemption, $10,000.	3 - 5				
Vermont	$10,000	1 - 5	None.	5	None.	5
Virginia	$10,000	1 - 5	4,000	2 -10	1,000	5-15
Washington	$10,000	1 -10	None.	5 -20	None.	10-40
West Virginia	Widow, $15,000; others, $10,000.	2 - 7	None.	4 -21	None.	10-35
Wisconsin	Widow, $15,000; others, $2,000.	2 -10	500 250	4 -30	100	8-40
Wyoming	$10,000	2	5,000	4	None.	6

[4] In addition to inheritance tax.

[5] Class 1 includes relationship usually listed in this class.

Maximum rates: Class 1, 14 per cent; class 2, 30 per cent; class 3, 40 per cent.

Average maximum rates for all States: Class 1, 5½ per cent; class 2, 12 per cent; class 3, 16½ per cent.

I am against the theory of Federal inheritance taxes because of the underlying principle of State rights and obligations so well expressed by the President. The following observations from one of the members of the Maryland Legislature sent me recently is very pertinent:

I do not believe the State of Maryland should be forced to pass a law compelling payment of an inheritance tax on estates which pass to parents, husband, wife, child, or lineal descendants of the deceased, as this seems to be merely another step by the Federal Government to deprive the States of the right to manage and control their own internal affairs.

Knowing as I do, your stand on State rights, I am satisfied that the recommendations which the House Ways and Means Committee will make, will not meet with your approval, but as a member of the present legislature I feel that it is my duty to voice my objections.

The proposed provisions of the estate tax are very clearly set forth by the report of the Ways and Means Committee. They call attention to the fact that the estate taxes under the present rates are estimated to return during the calendar year 1926, $110,000,000. Concerning the rates in the upper brackets, the majority of the Ways and Means Committee considered the rates of the tax excessive.

The pending bill reduces the maximum rate of taxes on estates of deceased persons from 40 to 20 per cent, and it retains the present exemption of all estates up to $50,000 from any tax at all.

Any estate up to $50,000, but not more than $100,000, pays a 1 per cent tax—that is, a tax of $500—which is not in any way excessive, but which should belong entirely to the State and not to the Federal Government. The pending measure provides that taxes be carefully graded by progressive rates from 1 per cent on the first $50,000 of the net estate to 20 per cent on the excess above $10,000,000.

A very important change is made in the application of these estate taxes. The present law provides a credit upon Federal taxes of the amount of any inheritance or estate taxes paid to the State up to 25 per cent of the Federal tax. The pending bill makes this 80 per cent, the application of which is as follows: A $50,000 estate pays a tax of $500; if the estate has paid to its own State government a tax, it is allowed credit of 80 per cent on this $500, which is $400.

The committee contends that the several States, by the use of this provision, will be enabled to make use of the inheritance tax without additional cost to its citizens.

If the Federal Government is to tax estates of deceased persons, the provisions of the present bill are excellent; but I think the time has come when we should very carefully limit the taxation functions of the Federal Government wherever they trespass improperly on the tax functions of the State governments.

The national committee on inheritance taxation came to the following conclusions:

1. Inheritance taxes should be substantially uniform throughout the United States.

2. Inheritance tax laws and rates should be stable.

3. Inheritance tax rates should be moderate.

And they are moderate in this proposed legislation.

4. Legislation should be enacted during the next session of Congress providing for repeal of the Federal estate tax, to take effect six years from the date of the passage of the repealing act.

The failure to adopt this departure in the realm of inheritance taxation by the Federal Government is the only criticism that can be made of the pending measure.

5. The rate structure of the present Federal estate tax should be immediately revised downward.

This has been adopted by the committee.

6. The credit provision of the present law should be extended to allow a credit of all inheritance taxes paid to the several States up to 80 per cent of the Federal tax.

This has been provided in the pending bill.

7. The Federal gift tax should be abolished.

This has been done by the committee.

8. Substitution by the States of estate tax laws for the succession tax laws now generally employed by the States is desirable.

9. Multiple taxation of the same property by States should be abandoned.

10. Intangible personal property should be taxed only by the State of domicile of the decedent.

The pending bill adopts the 80 per cent recommendation and also abolishes the Federal gift tax. I feel, however, that we should eventually adopt the further recommendation of the national committee on inheritance taxation and repeal entirely any and all Federal estate taxes.

Mr. MORTON D. HULL. Will the gentleman from Maryland yield?

Mr. HILL of Maryland. I yield to the gentleman with pleasure.

Mr. MORTON D. HULL. Who is responsible for that National Commission on Inheritance Taxes? Where does it come from and who constitute it?

Mr. HILL of Maryland. The gentleman knows more about it, I think it probable, than I do.

Mr. MORTON D. HULL. No; I do not. That is the reason I asked the question.

Mr. HILL of Maryland. It represents State tax authorities and tax experts. There appeared before the Ways and Means Committee a number of representatives of the various States and the governors of several of the States, on the question of State exclusive right to inheritance taxation, and this committee report and this committee finding were instituted by the people who opposed the remaining of the Federal Government in the inheritance tax field.

I hope that the Federal Government will leave the field of inheritance taxes to the States, and I oppose the Federal tax in this bill. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield myself two minutes merely to make a statement. This is the first time during this debate that any gentleman who voted against the 1924 act has given a reason for his vote, and I want to merely call attention to the alibi of the gentleman from Maryland.

The gentleman says his sole objection to the 1924 act or rather——

Mr. HILL of Maryland. I did not mean to say my sole objection.

Mr. GARNER of Texas. Or rather the sole reason he voted against that measure was it had the publicity feature in it.

Now, I make this prediction to the gentleman who is a distinguished statesman from the State of Maryland, seeking high office in that State, if he will show to this House a single human being in the United States whose person or whose property has been injured by virtue of that law I will yield the question. On the contrary, I undertake to say there has not been a single man in the United States whose person or whose property has suffered by virtue of that law. On the other hand, I undertake to say that there has not been a single citizen in the United States who has benefited by virtue of this publicity being the law of the land. So the result is that this provision of the law has neither hurt anyone, neither has it done any good, and yet we find a Member in Congress at that time saying that that was the reason he voted against the act of 1924.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. HILL of Maryland. Is the gentleman from Texas in favor of the provisions of the bill at the present time?

Mr. GARNER of Texas. I am, but I would not be silly enough for that reason to vote against the act of 1924.

Mr. HILL of Maryland. That is a question of personal conduct. The gentleman is against it now.

Mr. GARNER of Texas. Yes; but it did not hurt anybody then and doesn't hurt anybody now. It was not a good reason for voting against a great bill.

Mr. HILL of Maryland. I am glad the gentleman admits that he was wrong a year ago.

Mr. GREEN of Iowa. Mr. Chairman, it might be proper for me to say that I take this time for the reason that a delegation waited on me to-day from various parts of the country. Quite a number of them, I think, were from Texas. I am inclined to think that they were in the same situation as some other gentlemen who came from my own State and who gave some instructions and lectures to give the committee in that their expenses were paid by a certain league which was backed up by some sort of association of bankers. I do not refer at all to the American Bankers' Association, which had nothing to do with it; in fact, I understand they entirely repudiate the bankers' league. These gentlemen who called upon me presented resolutions embodying their views in relation to estate taxes and asked if I would not put them in the RECORD, where all Members could read them. I am delighted to do so, because I think it will show how mistaken they are, and I ask unanimous consent that I may extend my remarks in the RECORD and place in the RECORD these resolutions.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, do I understand that that is a statement of the expenses of the propaganda? [Laughter.]

Mr. GREEN of Iowa. Hardly. I think it is a statement—although I have not had time to read it carefully—of their views with reference to taxation of estates, together with a misapplication of a quotation from the President's message.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. While I am speaking of the taxation of estates I want to take the opportunity to set right a few remarks that have been made in the course of the debate to-day. One gentleman said that nobody now contended that the gift tax was a proper tax. I still insist that the gift tax was a proper tax. It was a tax that practically stopped evasion of the inheritance tax, and it is the only kind of a tax that will entirely prevent it. However, the committee differs with me on that point by so strong a majority that I am led to conclude that I may be wrong. But, like the man convinced against his will, I am of the same opinion still.

The gift tax had one effect—it undoubtedly increased the revenue to the Government; not from the gift tax, because gentlemen will remember that when I proposed it I stated that a gift tax would not bring in any revenue worth speaking of, but it would greatly increase the amount received from the inheritance tax. An objection was made to it by Mr. MILLS in that it put a tax on gifts made by corporations. Perhaps this objection may be valid. If so, it could easily be cured by an amendment. No other reason has been given by anybody why it should be repealed. Considering the purpose of the provision and the effect of it, I think it is very plain why there was such a clamor for its repeal.

Now, another matter in that same connection; the gentleman from Nebraska [Mr. SIMMONS] seemed to be at some loss to understand how persons like myself, representing an agricultural community, very much in the position of the State of Nebraska, could support a provision with an 80 per cent credit on estate taxes given for whatever amount was paid in the State itself, because he thought it unduly large. As I understood him, he believed no credit whatever ought to be given.

My colleague [Mr. RAMSEYER], who made such an interesting and informing speech, wanted to know why we put the figure at 80 per cent. The situation as it appeared before the committee was simply this: The committee came to the conclusion that the States needed the revenue to a large extent, and under the situation that prevailed with reference to Florida and some other States the States would not be able to use the tax effectively unless the Federal Government remained in control. It seemed that the States ought to have a part of the revenue to relieve the farmers and others from the onerous property tax, and that opportunity was given them under the bill. There are some that may not take the benefits of the 80 per cent credit, but doubtless many of them will. Probably they will avail themselves of the advantage at the very first opportunity.

Now, why was 80 per cent taken as the figure for this credit? For this reason: While it is true that the greater part, if not all, the immense fortunes of the country were not made in the particular locality where the owner resides, but from profits and revenues received from the country at large, these great fortunes pay only a comparatively small part of the estate tax, not to exceed, as we thought, about 20 per cent.

The gentleman from Iowa [Mr. RAMSEYER], my colleague, suggested that we try to separate these smaller estates and provide that only 25 per cent of them should go to the State government, and so on. The committee considered any such plan as that impractical. They took the 80 per cent figure for the reason that certainly the greater amount received from the estate tax was received from small estates, which as a rule had been built up entirely from a business carried on within the community where the estate was located, and therefore belonged to the States.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. With pleasure to my friend from Michigan.

Mr. KETCHAM. While discussing the 80 per cent proposition, will the chairman kindly inform the committee what the reason was for including in the 80 per cent credit the portion of the taxes paid in the States below $50,000, even though the estate itself ran above that. What advantage comes to the State by giving the taxpayer or the estate credit for State inheritance taxes on estates below $50,000?

Mr. GREEN of Iowa. It comes in just this way. The committee wanted to leave the States perfectly free to use this tax in whatever way they desired. If they thought the Federal Government had made too large an exemption, the States could use a lower amount, but they did want to fix it so that it would not cost the citizen of the particular State any more by levying the tax than if the tax had not been levied, in order that the States might make use of this money and apply it in lowering the property taxes or in other directions. If we were giving a credit for that amount, we saw no reason why we should not include all the taxes the estate had to pay. We saw no reason why the credit should not be given for all the estate taxes paid just as the law now makes an allowance in computing the income tax for State taxes paid.

Mr. KETCHAM. I can understand readily the reason that would lead you to make that deduction starting with estates above $50,000, but it seems to me an unusual premium to give the reduction also upon the portion of those larger estates below $50,000, and, on the other hand, it would seem to be a greater inducement to the State to enact this legislation if you gave estates 80 per cent credit on the amounts above $50,000. That would hasten the enactment of the State inheritance tax.

Mr. GREEN of Iowa. They will get both credits.

Mr. KETCHAM. Would it not make them more ready if this reduction were given upon estates beginning at $50,000?

Mr. GREEN of Iowa. It does not seem to me it would. They will want to get their citizens relieved from Federal taxes to the extent they have paid a State tax, and this will enable them to do that. I think they will all want to take advantage of it at once.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MURPHY. Is it the purpose of this law to force the various States to adopt the inheritance tax? In my State we have a 4 per cent maximum. Are you by this law going to force my State to go to the extent of 20 per cent? Is that the purpose?

Mr. GREEN of Iowa. No; the State of Ohio can do just as it chooses about it.

Mr. MURPHY. Does it not seem to be the purpose of the provision to force the States throughout the Union to adopt the inheritance tax? It looks as though it is to force it on the people of the States. That is why I am asking the question.

Mr. GREEN of Iowa. No; it will not force the States. They can do as they see fit.

Mr. MURPHY. Either that or do without their portion of what the Federal Government taxes the estates of the people who live in my State of Ohio.

Mr. GREEN of Iowa. Certainly.

Mr. MURPHY. Is that it?

Mr. GREEN of Iowa. Certainly; but if we did not give any credit, they would get nothing at all.

Mr. MURPHY. If my State then comes up to the level of 20 per cent, then the Federal Government does not take any. Is that the idea?

Mr. GREEN of Iowa. The citizens of the gentleman's State, in any event, will not get credit for more than 80 per cent.

Mr. MURPHY. In other words, it has been the boast of the Federal Government that we have been finding a way to lower the tax burden of the people, that Congress has gone several million dollars below the recommendations of the President, and yet our party that is lowering the taxes is now pointing to the 48 States and saying, "You have got an income and an inheritance tax law, and bring it up to the level of 20 per cent; otherwise you lose your share of the 80 per cent." Am I right?

Mr. GREEN of Iowa. In one sense, yes; in another, no. It does not cost your citizens one cent, and it will greatly reduce the total of the inheritance taxes paid.

Mr. MURPHY. But it costs my State if we do not pass a law like this, does it not?

Mr. GREEN of Iowa. Oh, no; it does not cost your State anything. We have greatly lowered the rates of the estate taxes, and we offer your State an oportunity to use these taxes without imposing any additional tax upon its citizens. This is a tax that ought to be uniform all over the country to avoid the great evil of States bidding against each other for the residence of the wealthy.

Mr. MURPHY. If my State does not do it, the taxpayer loses the difference between what is now charged and what the gentleman is suggesting?

Mr. GREEN of Iowa. We offer your State a reduction, and if your State does not choose to take the benefit of the reduction whose fault is it? This provision in the law will in time probably reduce the receipts of the National Government from estate taxes about $50,000,000. But I have used more time than I had intended.

The resolutions I referred to are as follows:

RALEIGH HOTEL,
Washington, D. C., December 10, 1925.

To the legislatures of all States in the Union and the people thereof:

We, the representatives of the Legislatures of the States of Texas, Alabama, Arkansas, Delaware, Kentucky, Louisiana, Maryland, North Carolina, Rhode Island, and South Carolina, acting unofficially, assembled in Washington, address this memorial to the legislatures of the several States of the Union and to the sovereign people of the States, asking them to join with us in this petition to the Congress of the United States.

Through observation and experience in legislative matters affecting the several States, we have come to the conclusion that the freedom of action of State governments, as contemplated by the Constitution under our form of dual sovereignty, is being gradually but vitally limited by and through certain legislative policies of Congress.

In particular we call your attention to that proposal in the new revenue bill presented this week to the House of Congress by the Ways and Means Committee, providing for crediting the Federal estate tax with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State, the credit allowed not to exceed 80 per cent of the total amount levied by the Federal Government. The effect of this proposal is to force all the States of the Union to enact estate or inheritance tax laws patterned after the Federal act in order to keep within the States at least 80 per cent of the total levied by the Federal Government.

For several years we have viewed with more or less alarm the tendency of our Federal Congress to encroach upon the rights of States in their legislative functions, but we consider this proposal in the new revenue bill now pending before the House of Congress the most far-reaching piece of legislation ever seriously proposed by Congress to take from the States the real earmarks of sovereignty—their rights to levy and collect taxes for the support and maintenance of their own departments, institutions, and activities. Its passage by Congress would destroy the spirit of the laws of succession in the several States.

As representatives of the peoples of the several States we have labored through many years with problems that cause us to acclaim heartily the following declarations of the President in his message to Congress of December 8:

"The functions which the Congress ought to discharge are not those of local government, but of national government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform."

Through many years of labor in legislative bodies of the States that make up this Union we have continually confronted the barricade of Federal encroachment upon our rights. With each succeeding legislature we have seen this tendency grow from a very small beginning to its present alarming proportions.

As representatives from these typical American States and with full knowledge of conditions that exist in Washington, we confess we are greatly alarmed as to the future of these United States. The initial paragraphs of the President's message to the Sixty-ninth Congress find us fully in accord. We firmly believe, with Congress's action as our example, that there is so definite a trend toward centralization in this Government that all citizens of the Republic may well be alarmed.

In that spirit, as one with you, we call your attention to this state of affairs in the Nation as it affects the several States, and we ask you to join with us in this petition to Congress that it heed our prayers and find a way to return to the 48 States dominion over their own affairs.

We call upon Congress to reject the joint levy proposed by the House committee and demand the immediate abandonment of inheritance tax by the Federal Government, as recommended by Secretary Mellon, leaving this source of revenue to the States to use in their own way.

We instruct the secretary of this meeting to send a copy of these resolutions to the President of the United States; members of the Cabinet; Members of Congress; governors of the States; lieutenant governors; speakers of the houses, and to the members of the several State legislatures.

Mr. GARNER of Texas. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CANFIELD].

Mr. CANFIELD. Mr. Chairman and gentlemen of the committee, realizing the great need of tax reduction, I am glad that the members of the Ways and Means Committee of the House have been able to get together, and, by the cooperation of all Members, regardless of political affiliations, have ready at the opening of Congress the revenue measure.

I feel in many ways this is a good bill, but personally I am sorry that the committee did not give more consideration to the small income-tax payers, as they are the ones that I think should be given the most consideration at this time.

Those with large incomes should be given every reduction on their income tax that is possible to give them, and those with incomes of less than $5,000, if married, and $3,000, if single, should by all means be exempt from an income tax.

It has been said by one who holds a high Government position that a man is not a good American citizen who does not want to pay an income tax, or words to that effect. If that were true—and I am frank to say that I feel it is not true—those with large incomes should insist on paying a larger income tax, which should, if this statement is true, make them better American citizens.

Much time has been taken up in the discussion of this bill, and it seems that about everyone has talked for the bill, and about the only thing that has been objected to is the fact that the small income-tax payer has not been given the consideration that some of us think he should have received, and that all sales taxes should have been eliminated, even though we realize it would not have been possible to reduce the income tax on large incomes as much as it has been reduced.

This, in my opinion, could have been done if the surtax had been left at 25 per cent on incomes of over $500,000, which is, as I understand it, what Mr. Mellon asked for two years ago, instead of placing it at 20 per cent, as has been done in this bill.

Personally I think the surtax should be 20 per cent on $90,000 to $100,000 and 21 per cent on $100,000 to $200,000; 22 per cent on $200,000 to $300,000; 23 per cent on $300,000 to $400,000; 24 per cent on $400,000 to $500,000; and 25 per cent on $500,000 and over.

With these rates for large incomes, those with incomes of less than $5,000 if married, and $3,000 if single, could have been exempt and all sales taxes done away with.

According to Secretary Mellon's statement, it costs the Government $5,000,000 to collect taxes from those persons having incomes of $5,000 and less.

The Treasury statistics show that for the calendar year of 1924 there was $38,000,000 in round numbers tax collected from persons having incomes of $5,000 and less.

The Treasury statistics also show that there were approximately 3,500,000 persons paying tax on incomes of $5,000 and less in the calendar year of 1924.

In other words, it costs the Government $5,000,000 to collect $38,000,000 tax from the 3,500,000 persons with incomes of $5,000 and less, which is a fraction over 13 per cent.

Prior to the war exemptions were allowed as follows: Single persons, $3,000; married persons, or heads of families, $4,000.

Under the proposed bill the exemptions allowed are $1,500 for single and $3,500 for married, which is an increase of $500 for single and $1,000 for married persons over that allowed under the present law.

This increase in exemptions, as estimated by Mr. McCoy, will result in a loss of revenue of $24,000,000 from those persons having incomes of $5,000 and less. This increase in the exemptions, as estimated by Mr. McCoy, will remove from the taxpaying class 2,320,000 persons, practically all of whom will be those with incomes of $5,000 and less. This will leave about 1,100,000 persons paying tax on incomes of $5,000 and less, from which the Treasury will receive, in round numbers, approximately $14,000,000.

The returns of persons with incomes of $5,000 and less are handled by the collectors of internal revenue in their respective districts. By reducing the number making returns you will only reduce the cost of collection by reduction in personnel and overhead expenses in the several collectors' districts, and if this is not done it can be assumed that it will continue to cost in the neighborhood of $5,000,000—or in excess of 30 per cent—to collect the income tax from those who pay a tax on incomes of $5,000 and less, and who should by all means be exempt from paying an income tax.

For your consideration I wish to submit the following tables:

The following table is the table submitted by the committee showing surtax, normal tax, total surtax for each bracket, total tax, per cent tax is of the net income, and amount of which taxes will be reduced under proposed bill:

Married persons having no dependents, with the earned income allowance of $20,000 all being considered as earned

Net income	Surtax rate	Normal tax	Total surtax for each bracket	Total tax	Per cent tax is of the net income	Amount by which taxes will be reduced under proposed bill
	Per cent					
$4,000.00		$5.63		$5.63	0.141	$16.87
5,000.00		16.88		16.88	.338	20.62
6,000.00		28.13		28.13	.469	24.37
7,000.00		39.38		39.38	.563	35.62
8,000.00		56.25		56.25	.703	48.75
9,000.00		78.75		78.75	.875	56.25
10,000.00		101.25		101.25	1.013	63.75
11,000.00	1	123.75	$7.50	131.25	1.193	93.75
12,000.00	1	153.75	15.00	168.75	1.406	126.25
13,000.00	1	191.25	22.50	213.75	1.644	151.25
14,000.00	1	228.75	30.00	258.75	1.848	176.25
15,000.00	2	266.25	45.00	311.25	2.075	208.75
16,000.00	2	303.75	60.00	363.75	2.273	231.25
18,000.00	3	378.75	105.00	483.75	2.687	291.25
20,000.00	4	453.75	165.00	618.75	3.094	356.25
22,000.00	5	553.75	265.00	818.75	3.721	376.25
24,000.00	6	653.75	385.00	1,038.75	4.328	396.25
26,000.00	7	753.75	525.00	1,278.75	4.918	416.25
28,000.00	8	853.75	685.00	1,538.75	5.496	436.25
30,000.00	9	953.75	865.00	1,818.75	6.062	456.25
32,000.00	10	1,053.75	1,065.00	2,118.75	6.621	476.25
34,000.00	10	1,153.75	1,265.00	2,418.75	7.114	406.25
36,000.00	11	1,253.75	1,485.00	2,738.75	7.608	516.25
38,000.00	12	1,353.75	1,725.00	3,078.75	8.102	536.25
40,000.00	13	1,453.75	1,985.00	3,438.75	8.597	556.25
45,000.00	14	1,703.75	2,665.00	4,368.75	9.708	616.25
50,000.00	15	1,953.75	3,405.00	5,358.75	10.72	736.25

Married persons having no dependents, etc.—Continued

Net income	Surtax rate	Normal tax	Total surtax for each bracket	Total tax	Per cent tax is of the net income	Amount by which taxes will be reduced under proposed bill
	Per ct.					
$55,000.00	16	$2,203.75	$4,205.00	$6,408.75	11.65	$916.25
60,000.00	16	2,453.75	5,005.00	7,458.75	12.43	1,176.25
70,000.00	17	2,953.75	6,705.00	9,658.75	13.8	1,876.25
80,000.00	18	3,453.75	8,505.00	11,958.75	14.95	2,876.25
90,000.00	19	3,953.75	10,405.00	14,358.75	15.95	4,136.25
100,000.00	19	4,453.75	12,305.00	16,758.75	16.76	5,816.25
200,000.00	20	9,453.75	32,305.00	41,758.75	20.88	23,816.25
300,000.00	20	14,453.75	52,305.00	66,758.75	22.25	42,816.25
500,000.00	20	24,453.75	92,305.00	116,758.75	23.35	82,816.25
1,000,000.00	20	49,453.75	192,305.00	241,758.75	24.18	187,816.25
2,000,000.00	20	99,453.75	392,305.00	491,758.75	24.58	397,816.25
3,000,000.00	20	149,453.75	592,305.00	741,758.75	24.73	607,816.25
4,000,000.00	20	199,453.75	792,305.00	991,758.75	24.79	817,816.25
5,000,000.00	20	249,453.75	992,305.00	1,241,758.75	24.83	1,027,816.25

The following table shows the same items with the change in exemption and rates that I have suggested:

Married persons having no dependents, with the earned income allowance of $20,000 all being considered as earned, with earned income not applied to surtax

Net income	Surtax rate	Normal tax	Total surtax for each bracket	Total tax
	Per cent			
$5,000		$0.00		$0.00
$6,000		11.25		11.25
$7,000		22.50		22.50
$8,000		33.75		33.75
$9,000		45.00		45.00
$10,000		67.50		67.50
$11,000	1	90.00	$10.00	100.00
$12,000	1	112.00	20.00	122.50
$13,000	1	135.00	30.00	165.00
$14,000	1	172.50	40.00	212.50
$15,000	2	210.00	60.00	270.00
$16,000	2	247.50	80.00	327.50
$17,000	2	285.00	100.00	385.00
$18,000	3	322.50	130.00	452.50
$19,000	3	360.00	160.00	520.00
$20,000	4	397.50	200.00	597.50
$22,000	5	497.50	300.00	797.50
$24,000	6	597.50	420.00	1,017.50
$26,000	7	697.50	560.00	1,257.50
$28,000	8	797.50	720.00	1,517.50
$30,000	9	897.50	900.00	1,797.50
$32,000	10	997.50	1,100.00	2,097.50
$34,000	10	1,097.50	1,300.00	2,397.50
$36,000	11	1,197.50	1,520.00	2,717.50
$38,000	12	1,297.50	1,760.00	3,057.50
$40,000	13	1,397.50	2,020.00	3,417.50
$45,000	14	1,647.50	2,720.00	4,367.50
$50,000	15	1,897.50	3,470.00	5,367.50
$55,000	16	2,147.50	4,270.00	6,417.50
$60,000	17	2,397.50	5,120.00	7,517.50
$70,000	18	2,897.50	6,920.00	9,817.50
$80,000	19	3,397.50	8,820.00	12,217.50
$90,000	20	3,897.50	10,820.00	14,717.50
$100,000	21	4,397.50	12,920.00	17,317.50
$200,000	22	9,397.50	34,920.00	44,317.50
$300,000	23	14,397.50	57,920.00	72,317.50
$400,000	24	19,397.50	81,920.00	101,317.50
$500,000	25	24,397.50	106,920.00	131,317.50
$1,000,000	25	49,397.50	231,920.00	281,317.50
$2,000,000	25	99,397.50	481,920.00	581,317.50
$3,000,000	25	149,397.50	731,920.00	881,317.50
$4,000,000	25	199,397.50	981,920.00	1,181,317.50
$5,000,000	25	249,397.50	1,231,920.00	1,481,317.50

By a comparison of these tables you can see that under the changes in rates I have suggested those with incomes of less than $5,000 if married and less than $3,000 if single can be exempt, and, in addition to this, most of the sales tax could be discontinued, which will help every man, woman, and child in the country and benefit more people than any other item or all the other changes that have been made; and, gentlemen, you can not help but agree with me that these are the people that are entitled to your consideration and mine.

Changes have been made in this bill in the inheritance tax—$50,000 is exempt. Upon the next $50,000 the rate is 1 per cent, and increased by 1 per cent on each $50,000 until the rate is 20 per cent on an estate of $10,000,000 or more. The maximum rate under existing law is 40 per cent on estates of $10,000,000 or more. Under this bill there is a credit allowed of 80 per cent on the Federal tax because of the State inheritance tax paid, while under the present law the credit is only 25 per cent.

I am in favor of an inheritance tax, and I am sorry that our States do not have a uniform inheritance tax law, for personally I feel that the inheritance tax should go to the State

to help reduce what is becoming more and more our overburdensome State taxes, but until we can have a uniform inheritance tax I think the provisions made in this bill allowing the States a credit of 80 per cent is a good one.

The following table prepared for the Ways and Means Committee shows the amount of inheritance tax that will be collected under the proposed bill:

Rates, amount of tax, and percentage of total tax to net estate under proposed bill

(Prepared by Hon. WILLIS C. HAWLEY)

Estate	Exemption	Net estate	Taxable amount in each bracket	Rate	Tax in each bracket	Total tax	Per cent of total tax to net estate
				Perct.			
$50,000	$50,000	0	0	0	0	0	0
100,000	50,000	$50,000	$50,000	1	$500	$500	1
150,000	50,000	100,000	50,000	2	1,000	1,500	1.5
250,000	50,000	200,000	100,000	3	3,000	4,500	2.25
450,000	50,000	400,000	200,000	4	8,000	12,500	3.125
650,000	50,000	600,000	200,000	5	10,000	22,500	3.75
850,000	50,000	800,000	200,000	6	12,000	34,500	4.312
1,050,000	50,000	1,000,000	200,000	7	14,000	48,500	4.85
1,550,000	50,000	1,500,000	500,000	8	40,000	88,500	5.9
2,050,000	50,000	2,000,000	500,000	9	45,000	133,500	6.675
2,550,000	50,000	2,500,000	500,000	10	50,000	183,500	7.34
3,050,000	50,000	3,000,000	500,000	11	55,000	238,500	7.95
3,550,000	50,000	3,500,000	500,000	12	60,000	298,500	8.53
4,050,000	50,000	4,000,000	500,000	13	65,000	363,500	9.087
5,050,000	50,000	5,000,000	1,000,000	14	140,000	503,500	10.70
6,050,000	50,000	6,000,000	1,000,000	15	150,000	653,500	10.89
7,050,000	50,000	7,000,000	1,000,000	16	160,000	813,500	11.62
8,050,000	50,000	8,000,000	1,000,000	17	170,000	983,500	12.3
9,050,000	50,000	9,000,000	1,000,000	18	180,000	1,163,500	12.94
10,050,000	50,000	10,000,000	1,000,000	19	190,000	1,353,500	13.53
15,050,000	50,000	15,000,000	5,000,000	20	1,000,000	2,353,500	15.69
20,050,000	50,000	20,000,000	5,000,000	20	1,000,000	3,353,500	16.7675

I am sorry the corporation taxes were not abolished in this bill. There are something like 350,000 corporations, large and small, doing business in this country that pay $916,217,123 in taxes, which furnish the greater proportion of employment to labor in the country.

In the act of 1924 corporation taxes were increased from 10 to 12½ per cent.

In this bill no reduction in corporation taxes has been made.

The prosperity of the country depends to a large extent on the success of capital organized together, and this bill has done nothing to reduce the corporation tax, which, in my opinion, should have been abolished.

If not possible to abolish it at this time, the stockholders of small corporations should be given relief by permitting them to make returns similar to those of partnerships, and in that way not work a hardship on them.

Personally, I can see no reason for the taxing of all corporations, little and big, alike, regardless of the amount of profit they make.

If we must have a corporation tax, it should be graduated like the personal income tax and exemptions made for small earnings, in order that this tax be fair to small corporations and corporations that often have years that they do not make a profit.

Gentlemen, I am also against the provision in this bill which authorizes the President to appoint 16 members of the Board of Tax Appeals for life. I am not in favor of this provision, and I trust it will be possible to amend the bill so that members on this board will not be appointed for over 10 years, for I do not think this Congress should create any more life-tenure offices.

As I have said before, I think, as a whole, this is a good bill, but I trust it will be possible to amend it in the ways I have suggested and then pass it, as it will give the American people relief from some of the burdensome income taxes they are having to pay at this time and should be a help to business conditions in general.

After this bill is passed, I trust we can consider some legislation that will be helpful to our farmers who are still asking for relief; and, also, let us pass legislation that will reduce the present tariff laws which, in my opinion, are costing the "Mr. Average Man" that we have heard so much about in this debate more than all other taxes put together.

Mr. GREEN of Iowa. I yield 10 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, when two such distinguished Members as the learned gentleman from Maryland [Mr. HILL] and the gentleman from Texas [Mr. GARNER], one Republican and the other Democrat, apologize for voting for the publicity clause in the last revenue bill, I think it is time to go back and see if some earlier statesmen did not favor publicity. I notice that back in the days of the Civil War, in 1860, when we had an income tax law with a publicity clause in it, men like Horace Greeley, of the New York Tribune, favored the publicity clause. And later distinguished statesmen like Benjamin Harrison, one of our greatest Presidents in the history of this Republic, favored publicity of tax returns. I want to read just a few quotations from these distinguished statesmen, because many modern statesmen are so bitterly opposed to it that it may be worth while to go back to some of the statesmen of the earlier days whose names are still fresh in our memories.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. BROWNE. I will.

Mr. HILL of Maryland. I just desire to correct an erroneous impression which the gentleman has given. I voted against the 1924 revenue bill because it had that provision in it. I voted against the bill.

Mr. BROWNE. Then the gentleman is not inconsistent?

Mr. HILL of Maryland. I am entirely consistent.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. BROWNE. I will.

Mr. RATHBONE. In citing Horace Greeley did the gentleman cite him as a Republican or as a Democrat in view of the fact that Greeley ran on the Democratic ticket against U. S. Grant?

Mr. BROWNE. I cite Horace Greeley as a man who placed patriotism above partisanship in forming his political judgments. However, under the acid test applied by present Republican leaders it would have been difficult to say. Notwithstanding his action in the case you refer to, the American people respected Horace Greeley. The New York Tribune was the political Bible in a great many homes in the United States.

PUBLICITY OF INCOME RETURNS PUT MILLIONS IN THE TREASURY BACK IN THE SIXTIES

Horace Greeley, in an editorial in the New York Tribune May 24, 1866, writes:

The Evening Post has a Washington dispatch which says: "The Committee on Ways and Means have agreed to an amendment of the tax bill providing that lists of incomes shall not be published nor furnished for publication, but they shall be open to private inspection at the office of the collector."

Mr. Greeley says:

We would like to believe this untrue. We believe that publicity given to the returns of income submitted by individuals to tax gatherers has already put millions of dollars into the Treasury and gone far toward equalizing the payments of the income tax by rogues with that of honest men and saved thousands from being imposed upon and swindled by false pretenses of solvency and wealth, made on purpose to incur debts preordained never to be paid. The knaves who sought credit on assumption of wealth belied by their returns of incomes, of course, hate publicity given to those returns; but why should an honest man seek to pass for any more (or less) than he is worth?

In another editorial January 26, 1865, the Tribune says:

We learn that the publishing of the list of income-tax payers in this city, against which there has been so much absurd outcry, is likely to prove beneficial to the revenue as well as to the consciences of some of our "best citizens." Already, as we understand, considerable sums have been returned to the assessors and paid to the collectors by persons who have discovered "errors" in their original returns of incomes since the publication of the lists referred to, and assessors have received valuable information in reference to the incomes of some gentlemen who should, but have not yet, amended their returns.

BENJAMIN HARRISON FAVORED PUBLICITY

Benjamin Harrison, one of our greatest presidents, a statesman who no one will accuse of demagoguery, in a speech delivered before the Union League Club, of Chicago, February 22, 1898, on the "Obligations of wealth," said:

We have too much treated the matter of a man's tax return as a personal matter. We have put his transactions with the State on much the same level with his transactions with his banker, but that is not the true basis. Each citizen has a personal interest, a pecuniary interest, in the tax returns of his neighbor. We are members of a greater partnership, and it is the right of each to know what every other member is contributing to the partnership and what he is taking from it.

He said again:

The great bulk of our people are lovers of justice. They do not believe that poverty is a virtue or property a crime. They believe in an equality of opportunity and not of dollars. But there must be

no handicapping of the dull brother and no chicanery or fraud or shirking. If our plan of taxation includes notes and bonds and stocks, they must be listed. The plea of business privacy has been driven too hard. If for mere statistical purposes we may ask the head of the family whether there are any idiots in his household and enforce an answer by court process, we may surely, for revenue purposes, require a detailed list of his securities.

He continues:

The men who have wealth must not hide it from the taxgatherer and flaunt it on the streets. Such things breed a great discontent. All other men are hurt. They bear a disproportionate burden. A strong soldier will carry the knapsack of a crippled comrade, but he will not permit a robust shirk to add so much as his tin cup to the burden.

Again, this distinguished Republican statesman, speaking before the Union League Republican Club, says:

There is a feeling that some men are handicapped; that the race is sold; that the old and much-vaunted equality of opportunity and of right has been submerged. More bitter and threatening things are being said and written against accumulated property and corporate power than ever before. It is said that, more and more, small men, small stores, and small factories are being thrown upon the shore of financial drift; that the pursuit of cheapness has reached a stage where only enormous combinations of capital, doing an enormous business, are sure of returns.

It is a part of our individual covenant as citizens with the state that we will, honestly and fully, in the rate of proportion fixed from time to time by law, contribute our just share to all public expenses. A full and conscientious discharge of that duty by the citizen is one of the tests of good citizenship. To evade that duty is a moral delinquency, an unpatriotic act. I want to emphasize, if I can, the thought that the preservation of this principle of a proportionate contribution, according to the true value of what each man has, to the public expenditures is essential to the maintenance of our free institutions and of peace and good order in our communities.

THE WEALTH OF THE COUNTRY FIGHTS FOR SECRECY

The wealth of the country has attempted to discredit the law making income-tax returns public. It is argued that such publicity is annoying and embarrassing to the taxpayer. I grant that it is, but making public the amount of assessment and taxes on real and personal property also is annoying. It is embarrassing to be called into court as a witness and compelled to bring your books and papers and give testimony in public in regard to your business, and many times your family matters, and have the newspapers publish it, yet people are compelled to do this frequently. It is annoying to a bank to have the bank examiner look over every book and paper in the bank. It is embarrassing for a bank to publish its statement when it may show a loss of deposits and that it is losing ground in comparison with its competitor in the same town, yet the public good requires it; and since such examinations and publicity have been given, there have been fewer bank failures, so that no one would advocate abandoning such examinations and publishing the bank's statement.

NO SECRECY FOR MOST TAXPAYERS

Over 80 per cent of the people of the United States pay no income tax. What kind of a tax do they pay? They pay a tax on real estate and on personal property. Eighty per cent of the money that is raised, and more than that, in the United States from taxes comes from personal property and real estate.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE. I want just a few minutes more.

Do these people, this 80 per cent of the population of the United States, have any secrecy about their income-tax returns? No. Their property and tax returns are an open book, and anyone in that locality can go to the town treasurer, to the county treasurer, or to the State treasurer, and find out exactly how much his neighbor is paying, what he pays on, and all about it. There is no secrecy at all and no privacy. And yet when you come to the 20 per cent who do pay income taxes you say there must be secrecy. Why should there be secrecy in one case and not in the other?

I am as strongly in favor of the publicity of the income-tax returns as when I spoke and voted in favor of it at the time the revenue bill was before the House of Representatives for consideration. The increase in the taxes paid by some of the wealthiest men in this country in 1925 over 1924 has, in my opinion, justified Congress in passing the law removing the secrecy clause and allowing publicity.

It has been proven to my satisfaction that the evils predicted from publicity of the income taxes were only imaginary. I have not heard of any harm or injury that has been caused by such publicity. Undoubtedly there has been considerable annoyance caused by such publicity. The taxation of any kind of property, no matter how carefully and considerately a tax law is drafted, will cause annoyance. The French statesman, Talleyrand, once said that—

Taxing the people was like plucking the feathers from a fowl; it should be done in such a way so as to cause the least squawking.

That may be the easy way, but not the just way.

The usual argument made against high surtaxes is that the people receiving the large incomes will circumvent the law and the Government will not receive as much money as it would from a smaller surtax.

Publicity, in my opinion, is the remedy to prevent those who circumvent the law and escape paying the taxes that should be paid.

ADVICE GIVEN BY FLOOR LEADER, IF SOUND IN 1924, SHOULD BE GOOD IN 1925

The advice of our former floor leader, and now Speaker, Representative LONGWORTH, given to his Republican colleagues in a speech delivered from the floor of this House a little over a year ago, if good advice then, ought to be good advice now. I quote from the Speaker, who said in 1924:

If I may be pardoned another personal allusion, during the process of the consideration of this bill and afterwards I was considerably criticized for what was termed "spineless leadership," because I did not insist that we were to have the Treasury tax bill or nothing. I thought then, and think now, that it would have been mighty poor leadership to have taken that position. It seemed to me that no one who had in mind the experience of Congress in the last session in tax reduction could think it possible, even if desirable, to reduce the high surtaxes 50 per cent at one fell swoop. It could not be done, gentlemen.

The Republican leader further said:

Out of approximately 175 Members upon this side of the House who had voted last year for 32 per cent there was a nucleus of only 100 men returned to the House who could be confidently relied upon to vote for 32 per cent, or possibly 25 per cent. We had to go ahead on this side and write a sensible tax bill that would raise the necessary revenue. We did so without inviting any assistance from that side of the House. (CONGRESSIONAL RECORD, May 26, 1924, p. 9788.)

Notwithstanding this statement, the same gentleman now advocates an additional reduction on surtaxes of 50 per cent over the tax reduction of the last revenue law, and in addition to that a repeal of the gift tax and a reduction of the inheritance tax over 50 per cent.

If the present income tax law was such a perfect law a little over a year ago that our floor leader felicitated himself and incidentally the other 400 Congressmen for voting for it, why does he want to change the law now?

SURTAXES ON LARGE INCOMES LOWERED 50 PER CENT

This bill proposes to lower the surtax from 40 per cent to 20 per cent; it also proposes to repeal the gift tax and also to reduce taxes on estates from 40 per cent to 20 per cent. I am opposed to these changes. I am in favor of repealing taxes on automobiles and all so-called nuisance taxes. This can be done if we keep surtaxes and inheritance taxes where they are.

The tax on estates under the existing law does not apply to any estate of less than $50,000. The tax begins with 1 per cent on all estates over $50,000 up to $100,000, and is very small upon estates up to several hundred thousands dollars. I believe that the present law is fair and generous law. The reduction proposed by this bill applies only on amounts in excess of $150,000. President Theodore Roosevelt and many other American statesmen favored a tax on large inheritances.

Any person who inherits a large amount of property that he has nothing to do with earning can afford to pay a fair tax upon such property. I favor the gift tax for the same reason that I favor the inheritance tax, and for the additional reason that without the gift tax people of great wealth would give their property away, in anticipation of death, and thus defeat the inheritance tax. No one pays a tax upon a gift under the present law unless the amount of the gift is over $50,000, and then the tax begins with 1 per cent and is the same per cent as the estate tax, and is comparatively small until the gift reaches several hundred thousand dollars.

AUTO TAXES

The reason I am in favor of repealing taxes on automobiles and all so-called nuisance taxes is that the masses of the people who are receiving very small net incomes, and many of

them not a sufficient income to enable them to live as they should and give their children fair opportunities, are paying a great deal higher taxes in proportion to their ability to pay than the largest income-tax payer. These people indirectly pay high taxes in the payment of high rents, high freight rates, high tariff duties, and the high cost of living in general. Every tax that can be shifted is shifted on the backs of the masses of the people.

The same influences that are attempting to reduce surtaxes and inheritance taxes and repeal the gift tax are united in ultimately repealing all forms of income taxes and substituting a sales or consumption tax upon everything that we eat and wear.

SURTAXES CAN NOT BE SHIFTED

The main argument oft repeated in favor of lowering surtaxes is that all taxes can be shifted and the ultimate consumer pays the taxes in the long run.

Professor Seligman, of Columbia University, in his work, The Incidence of Taxation; Professor Taussig, formerly of Harvard University, in his work, The Principles of Economics; and Professor Ely, of the University of Wisconsin, in his Outlines of Economics; Thomas S. Adams, professor of economics and finance, Yale; and Allyn Young, professor of economics, Cornell University, all agree that the only way in which a surtax upon net income can be shifted to the consumer of the country is through a raise in price, and that prices are fixed and governed by cost, and that a tax upon net income does not enter into cost at all.

REAL ESTATE AND VISIBLE PROPERTY PAY HIGH TAXES

The farmer and real-estate owner and the owner of visible personal property is paying an enormous tax to-day. The owner of city real estate can shift his tax and compel the renter to pay. The farmer can not shift his tax, because he does not make the price on anything he sells. High taxes and high freight rates are ruining agriculture. When we repealed the excess-profits tax, which was in fact a profiteer tax, the Government lost in a single year, according to the estimate of the Secretary of the Treasury, more than $400,000,000. Who made up that amount? Federal expenses were not one dollar less, because the excess-profits tax was repealed. The cost of living increased instead of decreasing, as the amount of revenue was made up by a high tariff schedule which threw a tremendous burden upon the consumer, especially the farmer, who could not shift the burden. The consuming public, of which the farmer constitutes over one-third, paid customs duties amounting to $547,561,226 during the fiscal year 1925.

WHO PAYS SURTAXES?

No one pays a surtax unless he has a good income. The maximum surtax is 40 per cent under the present law. No one pays a surtax unless he has an income of over $10,000, and then only 1 per cent up to $14,000.

There are not to exceed 213 people in the United States who pay a surtax of 40 per cent on their entire incomes. The 40 per cent surtax does not affect any person whose income is under $500,000 a year. By reducing the surtax from 40 per cent to 20 per cent we relieve only a little over 3,000 taxpayers in the United States of $100,000,000 in income taxes. These 3,000 taxpayers each received an income of over $150,000 a year. We have relieved 42 men each year of the payment of $20,000,000 in taxes. These 42 men each received an income of over $1,000,000 a year.

Six million six hundred thousand people pay an income tax on less than $50,000 incomes, and 95 per cent pay on less than $5,000 incomes.

This bill reduces taxes twice as much on the 23,000 men of great wealth and large incomes as it does on the remaining 300,000 people who pay surtaxes. Take the case of Secretary of the Treasury Mellon, who will serve as an illustration of the workings of the proposed law. Mr. Mellon paid a tax of $1,180,000 under the present law; he will pay over $500,000 less under the proposed law.

Large incomes in England and Canada are paying a much higher income tax than such incomes are paying in the United States under the present law.

This revenue bill has been called a rich man's bill because of the extreme solicitude it has for the men who are receiving incomes of $150,000 and up.

UNPRECEDENTED INCREASE OF WEALTH OF THE UNITED STATES

In 1912 the wealth of the United States was $186,000,000,000. We at that time boasted of the great accomplishment of producing this wealth, which was greater than the combined wealth of Great Britain and France, in the 136 years of our existence as a nation.

In 1922 the wealth of the United States was $320,000,000,000, a gain in 10 years of $134,000,000,000, a larger increase in the wealth of the country than in any 50-year period in our history.

Through monopolies and the control and ownership of great natural resources, such as steel, coal, oil, timber, copper, water powers, and other resources, and the manipulation of markets, the greater portion of this vast wealth has been concentrated in the hands of a few people. At no time in the history of the world have there been such colossal fortunes and such enormous incomes. Have the real producers of this wealth received their just share in the proportion they have formerly received? Certainly not. The distress of the farmers is irrefutable evidence of this. Mr. Yoakum, a man who weighs his words, a man of national reputation in business, says:

> The United States has never been faced by an economic condition more menacing to the peace, prosperity, and happiness of the people than that which at present is presented by agriculture.

He further says:

> The best estimates obtainable show that 1,200,000 farmers have been driven out of business.

Senator BORAH in a recent article pointed out that in one county alone there had been 6,000 tax-sale notices covering farms in a good agricultural region, adding:

> Homes are being deserted. Thousands of farmers are passing into bankruptcy. Men and women who have been reared on farms, who have given their youth and mature years to farm life, and now, at a time when little fitted to cope with a new situation, are crowding to the overpopulated centers where men and women hive and where ignorance and want fester and spread.

The farmers of the United States, who constitute over one-third of our population, and who have contributed more than any one class in producing this wealth, and who as a class are not prosperous, but the great portion of them are in distress, are paying a larger tax in proportion to their wealth and ability to pay than any other class of citizens. The farmer is not only taxed on every acre of land he owns and every head of livestock he possesses, but he pays exorbitant freight rates on everything he produces and on everything he buys. There is no secrecy about his taxes; they are open to the view of everybody. He also pays a tariff tax on everything he consumes and is given very little protection on his products in return.

> The only way to compel the wealth of the country to pay its just share of the taxes is by a graduated income tax which includes an inheritance and gift tax. The farmer will welcome the day when he has sufficient net income above all expenses to pay an income tax.

AN EPOCH OF COLOSSAL FORTUNES

The colossal fortunes that have been accumulated in the last 10 years by a small percentage of our people, while the farmers who did more than any class to produce this tremendous increase in our national wealth have been threatened with bankruptcy, should pay a tax commensurate with their ability to pay.

The Commission on Industrial Relations, with Prof. Willford I. King, a statistician whose investigations were published in a volume entitled "Wealth and Income of the People of the United States" (Macmillan Co.), found that as near as can be estimated the distribution of wealth in the United States is that 2 per cent of the people own 60 per cent of the wealth.

BURDENSOME WAR DEBT

The Federal Government has an indebtedness against it at the present time of over $20,000,000,000, and pays an annual interest bill of approximately $1,000,000,000 a year. Our expenditures for the year 1925 will exceed $3,529,000,000. One billion of this is interest on our indebtedness. In 20 years' time we will have paid enough interest to amount to as much as our present indebtedness and still have our indebtedness staring us in the face.

Our national debt amounts to about $200 per capita. A family of five are carrying a debt burden of $1,000 and paying interest on that debt. This serious situation can not be improved by relieving the 2 per cent of our taxpayers from paying the surtaxes and inheritance taxes they are now paying and ultimately forcing a consumption tax on the people which Mr. Mellon and the class he represents advocate.

I am in favor of compelling the colossal fortunes, many of them acquired by manipulation and profiteering during the war, to pay taxes according to their ability to pay and not saddle the burden of this tremendous war debt on future generations.

Mr. CRISP. Mr. Chairman, by direction of the gentleman from Texas [Mr. GARNER], I yield to the gentleman from Texas [Mr. BLANTON] two minutes.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes.

Mr. BLANTON. Mr. Chairman, I wanted my colleagues to know that our State senator, R. A. Stuart, who last Saturday a week ago went to Coleman, in my district, and told my constituents there that I had treated him and his tax-club associates discourteously on their first tax trip to Washington, appeared before the Texas delegation this morning, with all Texas Congressmen and Senators present, and with the reporters of the Texas newspapers present, and to them Senator Stuart admitted that I had never shown him or any of his friends any discourtesy whatever, and that no member of the Texas delegation had ever shown them any discourtesy. He also admitted that when he and Satterwhite gave their banquet here to Congressmen, I left my work and attended it, and when Toastmaster Satterwhite asked me to speak I gave them my views, and was courteous to all of them.

He also admitted that he and all of them had their expenses on their former trip, and all the banquet expenses here at the Raleigh Hotel, and his expenses to Austin to the so-called unofficial meeting of the Texas Legislature to vote the tax club's resolutions, and all of their present expenses of this trip to Washington paid by their tax club and outsiders. Hence we learned that he, Satterwhite and Davis, were not spokesmen for the Texas Legislature, but were spokesmen for private interests.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. GREEN of Iowa. Did he say who paid for that big banquet that was given out in Iowa?

Mr. BLANTON. He did not; but I assume that the same general interests paid for that.

Mr. GREEN of Iowa. Did he say anything about the parties who went all over the State to organize it?

Mr. BLANTON. He did not have to tell us much more, because we soon found out sufficient to know that he was not the authorized spokesman of our constituents back home, though he might represent a few here and there as a propagandist.

I might mention to you, in closing, an interesting little incident developed in the last few days, when the question of holding an official session of the legislature in Texas has been before the Texas people, when private friends in Texas have offered to finance the expenses and the expenses of the legislators, the attorney general of my State held that Senator Stuart and Speaker Satterwhite can not accept a cent from anybody except the State itself.

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACHARACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, had come to no resolution thereon.

THE COMMITTEE ON THE JUDICIARY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the number of members on the Judiciary Committee from now until March 2, 1927, be increased from 22 to 23.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the number of members recently provided for on the Committee on the Judiciary be increased by one, from 22 to 23. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS

By unanimous consent, Mr. FRENCH was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Kathryn Hately (H. R. 8190, omnibus H. R. 6426, 68th Cong.), no adverse report having been made thereon.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Saturday, December 12, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

143. A letter from the chairman of the United States Tariff Commission, transmitting the Ninth Annual Report of the United States Tariff Commission (H. Doc. No. 115); to the Committee on Ways and Means and ordered to be printed, with accompanying papers and illustrations.

144. A letter from the Assistant Secretary of War, transmitting a report prepared by the Chief of Engineers, United States Army, containing a determination as to whether any contracts for work on river and harbor improvement entered into but not completed prior to April 6, 1917, have become inequitable and unjust on account of increased cost of materials and labor and other unforeseen conditions arising out of the war, and the amount, if any, that should be paid to such contractors; to the Committee on Rivers and Harbors.

145. A letter from the Attorney General, transmitting the Annual Report of the Department of Justice for the fiscal year ended June 30, 1925; to the Committee on the Judiciary.

146. A letter from the Secretary of the Interior, transmitting a statement of expenditures made by the Department of the Interior and charged to the appropriation "Contingent expenses, Department of the Interior, 1925," fiscal year ended June 30, 1925"; to the Committee on Expenditures in the Interior Department.

147. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, for the fiscal year ending June 30, 1927, for the Minidoka irrigation project in Idaho, $1,385,000 (H. Doc. No. 116); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 698) granting an increase of pension to Mary H. Briggs; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 694) granting a pension to Lawrence Walrath; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REED of New York: A bill (H. R. 5000) to create a department of education, and for other purposes; to the Committee on Education.

By Mr. ALMON: A bill (H. R. 5001) for the purchase of a site and the erection of a public building at Athens, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5002) for the purchase of a site and the erection of a public building at Sheffield, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5003) for the purchase of a site and the erection of a public building at Tuscumbia, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. BLOOM: A bill (H. R. 5004) to amend section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DAVILA: A bill (H. R. 5005) to amend the organic act of Porto Rico, approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. ESLICK: A bill (H. R. 5006) to detach Hickman County from the Nashville division of middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State; to the Committee on the Judiciary.

Also, a bill (H. R. 5007) to detach Perry County from the eastern division of the western judicial district of the State of Tennessee and to attach the same to the Columbia division of the middle judicial district of said State; to the Committee on the Judiciary.

By Mr. EVANS: A bill (H. R. 5008) for the purchase of a site for and the erection of a post-office building at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. FREDERICKS: A bill (H. R. 5009) to increase the limit of cost for a site and public building at San Pedro, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 5010) to provide for the payment to the retired members of the police and fire depart-

ments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915; to the Committee on the District of Columbia.

By Mr. GRIEST: A bill (H. R. 5011) limiting the use of the franking and penalty privileges; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: A bill (H. R. 5012) to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: A bill (H. R. 5013) extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 5014) to reduce night work in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. McLEOD: A bill (H. R. 5015) to provide for the purchase or condemnation of property in the Reno subdivision, and adjacent thereto, for the purpose of improvement of street plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. McSWAIN: A bill (H. R. 5016) to prescribe the age qualifications for appointment as midshipman in the Naval Academy at Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. MARTIN of Massachusetts: A bill (H. R. 5017) providing for the examination and survey of the Taunton River, Mass.; to the Committee on Rivers and Harbors.

By Mr. MEAD: A bill (H. R. 5018) to provide study periods for post-office clerks, terminal and transfer clerks; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: A bill (H. R. 5019) to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin American Republics in military and naval matters; to the Committee on Military Affairs.

Also, a bill (H. R. 5020) relating to the use of the roads leading from bridges across the Potomac River to Arlington National Cemetery and to Fort Myer, Va.; to the Committee on Military Affairs.

Also, a bill (H. R. 5021) to authorize the transfer of the title to and jurisdiction over the right of way of the new Dixie Highway to the State of Kentucky; to the Committee on Military Affairs.

Also, a bill (H. R. 5022) to amend articles of war 50½ and 70; to the Committee on Military Affairs.

Also, a bill (H. R. 5023) to amend the national defense act, as amended by the act of June 4, 1920, relating to enlistment in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5024) to authorize the Secretary of War to grant easements in and upon public military reservations, and other lands under his control; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 5025) to create a waterways and water resources commission; to the Committee on Flood Control.

By Mr. PARKER: A bill (H. R. 5026) to provide for the construction of 10 vessels for the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIPS: A bill (H. R. 5027) authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list; to the Committee on Military Affairs.

By Mr. SEGER: A bill (H. R. 5029) to provide for the erection of a public building at Passaic, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. SHREVE: A bill (H. R. 5030) to provide for the purchase of a site and the erection of a public building at Erie, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. STEVENSON: A bill (H. R. 5031) to increase the limit of cost of the United States post-office building at Lancaster, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5032) to authorize the acquisition of a site and the erection of a Federal building at Cheraw, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5033) to authorize the acquisition of a site and the erection of a Federal building at Rock Hill, S. C., and to sell the present site; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5034) to authorize the acquisition of a site and the erection of a Federal building at York, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5035) to authorize the acquisition of a site and the erection of a Federal building at Winnsboro, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. TOLLEY: A bill (H. R. 5036) to provide for the erection of a public building at Binghamton, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5037) to provide for the purchase of a site and the erection of a new public building at Endicott, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WHITE of Maine (by request): A bill (H. R. 5038) for the purpose of preserving life at sea, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAMSON: A bill (H. R. 5039) to provide for the enlargement, extension, and improvement of the post-office building at Bellefourche, S. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5040) for the exchange of lands adjacent to national forests in South Dakota; to the Committee on the Public Lands.

By Mr. WILSON of Louisiana: A bill (H. R. 5041) providing for the extension and enlargement of the post-office and court building at Monroe, La.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: A bill (H. R. 5042) to amend section 4 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924; to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: A bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 5044) amending the act entitled "An act providing for the comprehensive development of the park and playground system of the National Capital," approved June 6, 1924; to the Committee on the District of Columbia.

Also, a bill (H. R. 5045) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. WOODYARD: A bill (H. R. 5046) to provide for the erection of a post-office building at Parkersburg, W. Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5047) providing for the purchase of a site and the erection thereon of a public building at Spencer, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. JARRETT: Joint resolution (H. J. Res. 63) authorizing the Secretary of Agriculture to cooperate with Territories and possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; to the Committee on Agriculture.

By Mr. LUCE: Joint resolution (H. J. Res. 64) to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building; to the Committee on the Library.

By Mr. LINEBERGER: Joint resolution (H. J. Res. 65) for the participation of the Government of the United States in the Philadelphia conference in 1926 upon narcotic education; to the Committee on Education.

By Mr. MORIN: Joint resolution (H. J. Res. 66) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ALLEN: Memorial of the Legislature of the State of Illinois, for export bounty on farm products; to the Committee on Agriculture.

By Mr. KUNZ: Memorial of the Legislature of the State of Illinois, favoring an export bounty on farm products and recommending that the Illinois State authorities be allowed to

import quail in the State of Illinois free of custom duty; to the Committee on Agriculture.

By Mr. FULLER: Memorial of the Legislature of the State of Illinois, relative to legislation for the benefit of agriculture and favoring an export bounty on agricultural products exported; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 5048) granting an increase of pension to Ann Maguire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5049) granting an increase of pension to Leopold Wauters; to the Committee on Pensions.

Also, a bill (H. R. 5050) granting an increase of pension to Augusta Willadsen; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 5051) granting an increase of pension to Lydia Thuma; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 5052) granting an increase of pension to Mary E. Hervey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5053) granting an increase of pension to Harriet Johnson; to the Committee on Invalid Pensions.

By Mr. BIXLER: A bill (H. R. 5054) granting a pension to Minnie Jane Morrison; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 5055) granting a pension to Henriett Bisonett; to the Committee on Invalid Pensions.

By Mr. BURTNESS: A bill (H. R. 5056) for the relief of Mimie Bergh Eriksen; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 5057) granting an increase of pension to Caroline Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5058) granting an increase of pension to Melvina D. Story; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 5059) for the relief of William C. Gray; to the Committee on Naval Affairs.

By Mr. DEMPSEY: A bill (H. R. 5060) granting an increase of pension to James W. Watson; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 5061) granting a pension to Mary S. Bayless; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 5062) for the relief of T. C. Sherman; to the Committee on Claims.

Also, a bill (H. R. 5063) for the relief of P. H. Donlon; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 5064) granting a pension to James McClatchie, jr.; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 5065) granting an increase of pension to Sarah E. Roebuck; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 5066) granting a pension to Jennie Sands; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 5067) granting a pension to Emma J. Shade; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 5068) granting a pension to Sarah Effie Zane; to the Committee on Pensions.

By Mr. FORT: A bill (H. R. 5069) for the relief of Alice Barnes; to the Committee on Claims.

By Mr. FREDERICKS: A bill (H. R. 5070) for the relief of Jacob Kaufman; to the Committee on Military Affairs.

Also, a bill (H. R. 5071) for the relief of Thomas M. Ross; to the Committee on Military Affairs.

Also, a bill (H. R. 5072) for the relief of Patrick J. Lynch; to the Committee on Military Affairs.

Also, a bill (H. R. 5073) for the relief of Alfred D. Crownover; to the Committee on Military Affairs.

Also, a bill (H. R. 5074) for the relief of George D. Vedder; to the Committee on Military Affairs.

Also, a bill (H. R. 5075) for the relief of William C. McAlpine; to the Committee on Military Affairs.

Also, a bill (H. R. 5076) for the relief of Bernhard Henry Dahlke; to the Committee on Military Affairs.

Also, a bill (H. R. 5077) for the relief of Albert Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 5078) for the relief of Jeremiah F. Mahoney; to the Committee on Military Affairs.

Also, a bill (H. R. 5079) for the relief of Charles H. Lenton, alias Charles Seelos; to the Committee on Military Affairs.

Also, a bill (H. R. 5080) for the relief of Arthur D. Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 5081) for the relief of Amon C. Mann; to the Committee on Naval Affairs.

Also, a bill (H. R. 5082) for the relief of David Barker; to the Committee on Naval Affairs.

Also, a bill (H. R. 5083) for the relief of John H. Grout; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 5084) to establish the identity of John H. Williams and Homer Everon Amons; to the Committee on Military Affairs.

By Mr. GORMAN: A bill (H. R. 5085) to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck; to the Committee on Naval Affairs.

Also, a bill (H. R. 5086) authorizing the reinstatement of James A. Murphy as a second lieutenant in the Regular Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5087) for the relief of Earl D. Barkly; to the Committee on Claims.

Also, a bill (H. R. 5088) granting a pension to Arthur Eglesston; to the Committee on Pensions.

Also, a bill (H. R. 5089) for the relief of Christine Mygatt; to the Committee on Claims.

Also, a bill (H. R. 5090) to award a medal of honor to Ivory H. Pike; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 5091) granting an increase of pension to Mary Ann Wilson; to the Committee on Pensions.

By Mr. HAWES: A bill (H. R. 5092) granting an increase of pension to Thomas H. Kershaw; to the Committee on Pensions.

Also, a bill (H. R. 5093) granting a pension to William J. Score; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 5094) granting a pension to Mary V. Pierce; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 5095) granting a pension to Samantha E. Warren; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 5096) granting an increase of pension to Iblia J. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5097) granting an increase of pension to Lizzie C. Castelo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5098) granting an increase of pension to John L. Hall; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 5099) for the relief of Morgan Miller; to the Committee on Claims.

Also, a bill (H. R. 5100) for the relief of the Detroit Fidelity & Surety Co.; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 5101) granting a pension to James Matjoy; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 5102) granting an increase of pension to Jeremiah Fite; to the Committee on Pensions.

Also, a bill (H. R. 5103) granting an increase of pension to Charlotte Pence; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 5104) for the relief of Austin G. Tainter; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 5105) for the relief of Mrs. Maude J. Booth; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 5106) granting a pension to Flora O'Dell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5107) granting a pension to William L. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5108) granting a pension to Isaac N. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5109) granting a pension to Granville Tobey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5110) granting a pension to John H. Caskey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5111) granting a pension to Mary Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5112) granting a pension to John Woldridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5113) granting a pension to Mary A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5114) granting a pension to Serepta Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5115) granting a pension to Serilda C. Parker; to the Committee on Pensions.

Also, a bill (H. R. 5116) granting a pension to Eli Briggs; to the Committee on Pensions.

Also, a bill (H. R. 5117) granting an increase of pension to Lucinda F. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5118) granting an increase of pension to Mary A. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5119) granting an increase of pension to Charles A. Cherry; to the Committee on Pensions.

Also, a bill (H. R. 5120) granting an increase of pension to Eliza J. Ott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5121) granting an increase of pension to Jennie Runyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5122) granting an increase of pension to Polly Roundtree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5123) granting an increase of pension to Henrietta M. Spears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5124) granting an increase of pension to Mary J. Voris; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 5125) for the relief of the Cutler Desk Co.; to the Committee on Claims.

By Mr. MAJOR: A bill (H. R. 5126) for the relief of Henry Shull; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 5127) granting an increase of pension to Margaret M. Mudgett; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 5128) to authorize the President, by and with the advice and consent of the Senate, to appoint Curtis L. Stafford a captain of Cavalry, with rank from July 1, 1920; to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 5129) granting an increase of pension to Margaret Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5130) granting an increase of pension to Mary F. Shellenberger; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 5131) granting a pension to Mary C. Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5132) granting a pension to Anna M. Lybolt; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 5133) granting a pension to Josephine Hopkins; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 5134) granting an increase of pension to Emily Plunket; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5135) granting an increase of pension to Godfry Muller, alias John Maier; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 5136) granting an increase of pension to Emma Meckel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5137) granting an increase of pension to Mary Garlinghouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5138) granting an increase of pension to Victoria Utley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5139) granting an increase of pension to Susan M. Capehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5140) granting an increase of pension to Sarah E. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5141) granting an increase of pension to Mary M. Bippus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5142) granting an increase of pension to Virginia Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5143) granting an increase of pension to Amanda R. Frank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5144) granting a pension to Louis Conner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5145) granting an increase of pension to Anna E. Greenlees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5146) granting an increase of pension to Phoebe E. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5147) granting an increase of pension to Mary Wolven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5148) granting an increase of pension to Matilda Gomes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5149) granting an increase of pension to Catherine Mayer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5150) granting an increase of pension to Maria M. Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5151) granting an increase of pension to Elizabeth Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5152) granting an increase of pension to Loucinda Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5153) granting an increase of pension to Luella Sutton; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 5154) granting an increase of pension to Mary Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5155) for the relief of Margaret W. Pearson and John Reed Pearson, of Jacksonville, Fla.; to the Committee on War Claims.

By Mr. STOBBS: A bill (H. R. 5156) granting an increase of pension to Maria F. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5157) granting an increase of pension to Abby E. Trussell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5158) granting an increase of pension to Mary A. Ames; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5159) granting an increase of pension to S. Angeline Wheeler; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 5160) granting an increase of pension to Jennie Hunter; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 5161) granting a pension to James P. Hochstrasser; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 5162) granting an increase of pension to Emma A. Wright; to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 5163) for the relief of Paul E. Haden; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 5164) for the relief of Francis M. Roberts; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 5165) granting a pension to Sarah E. Gracey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5166) granting an increase of pension to Margaret J. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5167) granting an increase of pension to Cornelius Whetsel; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 5168) granting an increase of pension to Margaret V. Buckley; to the Committee on Pensions.

Also, a bill (H. R. 5169) granting a pension to Mary L. Farnsworth; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 5170) granting an increase of pension to Margaret R. Skidmore; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 5171) granting an increase of pension to Elizabeth J. Duley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5172) granting an increase of pension to Lucy C. Woodhams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5173) granting an increase of pension to Philema Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5174) granting an increase of pension to Louisiana Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5175) granting an increase of pension to Lydia A. McGrew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5176) granting an increase of pension to Hannah A. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5177) granting an increase of pension to Malissa J. Stuckey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5178) granting an increase of pension to Ada D. Dyer; to the Committee on Pensions.

Also, a bill (H. R. 5179) to correct the military record of John W. Siple; to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 5180) granting a pension to Thomas K. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5181) granting a pension to Grant Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5182) for the relief of James Monroe Caplinger; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By Mr. COOPER of Wisconsin: Memorial of the Rock County (Wis.) Board of Supervisors, opposing repeal of the Federal aid law on State highway construction; to the Committee on Roads.

63. By Mr. COYLE: Resolution of sundry citizens of Bethlehem, Pa., representing 24 organizations and a committee of 70, and attended by 500 persons, urging a record vote upon the question of adherence to the World Court as soon after December 17 as is compatible with adequate debate, and desiring that the United States give early adherence to the protocol establishing the World Court, with the reservations recommended by President Harding and President Coolidge; to the Committee on Foreign Affairs.

64. By Mr. CULLEN: Petition of the Brooklyn Teachers Association, by Miss Harriet E. Moore, corresponding secretary, in regard to having the passport and visa charges now made removed, so that tourists of limited means may not be hampered in their travels and professional betterment; to the Committee on Foreign Affairs.

65. By Mr. FULLER: Petition of the National Sewing Machine Co., of Belvidere, Ill., favoring reduction of rates of postage on first class and local mail; to the Committee on the Post Office and Post Roads.

66. By Mr. HUDSPETH: Petition of the National Encampment of Disabled Veterans of the World War, presenting legislative program of said organization; to the Committee on World War Veterans' Legislation.

67. By Mr. MacGREGOR: Petition of sundry citizens of Buffalo, N. Y., favoring the release of Marcus Garvey; to the Committee on the Judiciary.

68. By Mr. TILSON: Petition of the Hartford County Bar Association, indorsing petition for an additional district judge for the State of Connecticut; to the Committee on the Judiciary.

69. Also, petition of the Executive Committee of State Bar Association of Connecticut, for an additional judge of the United States district court for the district of Connecticut; to the Committee on the Judiciary.

70. Also, petition of Henry F. Parmelee and others for an additional district judge for the United States district court for the district of Connecticut; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

SATURDAY, *December 12, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, every day's dawn awakens the echo of Thy merciful providence. It is a miracle of Thy great love, so glorious and impartial. May we lay hold of this truth and hide it away in our hearts. Direct us to hallow all our days with a due recognition of Thee as our Creator, whom we love to call "Father." Always bestow upon us the treasures of Thy truth, and may it be our authority and our guide. Permit us to walk in contentment and happiness. Make sorrow a stranger to our firesides and let Thy love radiate in all our homes. Amen.

The Journal of the proceedings of yesterday was read and approved.

TENDENCY TO UNFAIRLY CRITICIZE CONGRESS

Mr. ANTHONY. Mr. Speaker, under the leave granted me to extend my remarks I submit the following:

CUSSIN' CONGRESS

(By HOMER HOCH, Representative from Kansas)

Baseball may still be the great American game, but it has its limitations. It is seasonal, and outdoor only, for which reasons and others it may well look to its title, with a contender that is both indoor and outdoor and runs the year around. I refer, of course, to our great national sport of cussin' Congress.

And how come? As well ask how come all the endless talk about the weather. There simply must be a common coin of conversation. The funny man in the show or the newspaper paragrapher must have always within easy reach some familiar pegs upon which to hang his witticisms. Three reliable ones are the mother-in-law, the bald-headed man, and Congress.

And the greatest of these is Congress. When all else fails him, all the funny man or the paragrapher need to do is to take a hitch in his trousers, say "Hello, folks," and hand a wallop at Congress. Without such blessed helps as this, we might be bereft of such public benefactors as Ring Lardner, Abe Martin, and Will Rogers—and that would be national calamity.

But, seriously, gentlemen of the jury—if a touch of seriousness is to be tolerated on such a light and gaysome subject—may a few feeble words be spoken in behalf of this congressional under dog? If it please the court, comes now the defendant, and pleads not guilty to a few counts, at least, in the indictment.

It is alleged, your honor, that Congress is utterly wasteful; that it has always been the extravagant branch of the Government. That charge has been repeated so often through the years that by very virtue of repetition most folks perhaps have come to accept it as an undisputed fact.

Many high-minded citizens have the idea that Congress puts in most of its time figuring out new ways to spend the people's money.

But is this wholly true? The proper answer is that it is not. The simple truth is that instead of lying awake nights concocting wasteful expenditures, Congress spends much of its time and energy resisting demands upon the Treasury.

In the first place, it must resist the demands of governmental departments—the bureaus, commissions, and various other units that constitute the spending branch of the Government. Every year these bureaus make their appeals for funds, and always ask for vastly more than is given them. Weeks are spent on the job of shaving this bureau here and that bureau there and bringing down the totals.

Whereupon forces are marshaled and the cry of distress goes forth, and from Atlantic to Pacific, from organizations for all noble causes, from high-minded citizens individually and collectively come letters and ringing resolutions condemning Congress for its perfidy in "crippling this most valuable service."

For many want economy in general, but apparently have little use for it in particular. The cutting must always be done somewhere else.

Nor does this hammering for appropriations come alone from the departments. Resistance must continually be made to organized movements among the people themselves for large Federal expenditures. Every Congressman's desk is flooded with propaganda for this measure or that, which means a drain upon the Treasury.

For instance, from the same chamber of commerce which had passed a resolution a few days before demanding that Congress "trim expenditures to the bone," I received last winter a still more eloquent resolution urging the passage of a measure which would cost Uncle Sam at least a hundred million dollars the first dash out of the box. What evidence on economy does the defendant submit? Now listen, for this is going to be startling! Believe it or not, but the figures show that ever since the passage of the Budget law four years ago Congress maintained its record of cutting away below the estimates submitted to it.

In the four years that the Budget law has been in effect Congress has cut from the amounts requested almost $350,000,000. For the first year, perhaps, the comparison is not altogether fair, for it may be said that the Budget machinery was not fully in operation. So let us omit the first year of the Budget and have the figures for the past three years. In these three years Congress has cut from the Budget figures a total of $33,978,597, or an average of over $11,000,000 a year.

The appropriations for the current fiscal year, made at the last session of Congress, are $11,125,847 less than the Budget requested. In other words, after all the heroic operations of the Budget Bureau upon the estimates from the various departments, Congress came along and trimmed another $11,000,000 a year from the amount which the Budget asked it to appropriate.

Nor does that minimize the work of the Budget—the inestimable service of the Budget Bureau in going through the departmental estimates with flail and pruning knife. But if after months of pruning by the Budget Bureau, Congress still manages to cut off another $11,000,000 isn't there just a little something that may be said for Congress in the matter of economy?

And speaking of the Budget law—take that for another illustration. The Budget system has constituted a great business reform. But does Congress get any particular credit by the press of the country for the Budget law? On the contrary, there appear wise editorials spreading the impression that the Budget system is something that was forced upon an unwilling Congress, and that it is in constant danger of being uprooted by a Congress restive under its restraints.

What is the fact about this? The fact is that Congress took the lead in bringing it about, that a special joint committee from Senate and House was created for the one purpose of drafting such a law, that after careful study and hearings this committee did draft it, and that Congress took particular pride in its enactment, even persisting beyond one Executive veto and in 1921 got it on the books.

Not only that, but to adopt its own machinery to the Budget plan, Congress performed a major and heroic surgical operation upon its own committee system. In the House there had been a dozen committees with power to report appropriation bills. This power was taken from them and centered in one great Appropriations Committee.

That was good business, but it meant, incidentally, that many Members, who after years of faithful and honorable service had come to powerful places on these appropriating committees, must lose the power that attaches to the purse strings. Surrender of power is not easy. But it was done just the same—done by Congress all by its lonesome.

Thirdly, brethren, what about tax reduction? Has Congress had anything to do with that? Not on your life, assert the ready critics. But where did the surplus come from? And who made possible all the heated argument in the last few years as to the best way of revising the income and other taxes downward?

Well, ridiculous as it may seem, the fact is that Congress actually helped to do it. The Budget recommends, and gives powerful aid, but in the final reckoning it is the congressional hatchet that must do the work. And deficits have been turned into surpluses because Congress kept down expenditures, because Congress cut and pared and sliced, while every activity that was hit roared its protests.

This economy program has made possible in the last two tax reduction bills a cut of much over a billion dollars a year and will make possible this year another cut of several hundred millions. While other countries have been increasing their national debts since the war, "Uncle Sam" has been reducing his. While States and municipalities have been increasing taxes, "Uncle Sam" has been steadily reducing them.

Aside from the $2,000,000,000 annual charge from the war—interest on war debt, sinking fund, and soldier benefits—and taking into account the increased cost of what he has to buy, "Uncle Sam" is almost back to the pre-war basis of expenditure. It is a remarkable achievement.

In this retrenchment program there has had to be cooperation between the Executive and Congress. The Budget law placed in the hands of the Executive a new and better instrument with which to effect economies. But the law would have been dead without the Executive will to vitalize it, which has been given by both Presidents since its enactment.

The militant leadership of President Coolidge in an economy program and his vigorous administration of the new machinery are known to all men. Vigilant insistence upon cooperation both in letter and spirit has cemented a new loyalty throughout "Uncle Sam's" vast establishment, and even the occasional reluctant bureau chief has been measurably won by the fear of wrath to come.

The results of all this are immeasurable. But after the President and the Budget there still comes Congress. And Congress's contribution I have already noted. To be still more specific, in the search for tax reducers, you might take the corridor to the right, leading to the sign "Appropriations Committee of the House."

If you wish to be still more "pussonal" you might slip in and watch MARTIN B. MADDEN, able, tireless, and courageous chairman of that great committee—watch him as he operates with his snickersnee upon countless demands for Government money. In the gentle art of retrenchment and tax reduction Congress has wobbled a little now and then, but in the main it has backed the economy program with a fine fidelity.

"But what of the pork barrel?" snort the scoffers. What of river and harbor bills, padded with local favoritisms? What of the omnibus public building bills, fashioned by log rolling?

Yes; what of it? Nothing much, except that in the main all that is ancient history. There was a day when pork was pork, but "them days," let us trust, "are gone forever." At any rate no omnibus public building bill has been passed for a dozen years. Shouldn't the statute of limitations operate even for Congress some time or other?

That fact is that instead of building post-office buildings where they are not needed, as in the old days, Congress has not even been building them where they are needed. In many places the public service is sorely crippled by inadequate quarters. The same with river and harbor bills. In the dear, dead days beyond recall these bills were things of bad odor. But now no river or harbor project is approved except upon recommendation of the Army engineers, and instead of spending too much money on rivers and harbors Congress is perhaps rightly criticized for not spending more on our great main water highways in this day when transportation needs are so acute.

But though pork is practically off the menu, the same old charge does business at the same old stand. Congress has even for four years now stopped the free garden-seed foolishness, but the pert paragraphers have not yet found it out.

"But," says the end man, "what has Congress done to give relief to the people?" There's your sockdolager? What has Congress done, f'instance, for Bill Jones? Bill Jones, you know, mortgaged his home to buy him a fancy speed wagon, and unreasonable people who want their money are shamefully annoying him. Why doesn't Congress come to his rescue? What is Congress for, anyhow?

Precisely. We must legislate ourselves into good sense, prosperity, and happiness. Hardly anything goes wrong in our economic life, our industrial, social, or political life but what some gentleman arises and says, "There ought to be a law."

Now, heaven knows we, always need good laws and fearless, impartial enforcement of good laws, but what we really need in this old troubled world to-day is not as much a lot of new laws as it is work—honest work, that isn't watching the clock—and thrift and fair play, and the rule of good-will in business, in industry, in society—those are the only things that will save the world.

But should Congressmen complain about this urge that Congress be a grand relief society? Have not many Congressmen and other politicians cultivated the idea? In order to get the job, have they not gone about telling the folks that if they were only down at Washington things would be vastly different; that Congress should get busy and do something to usher in the well-known millennium? Let 'em grin and bear it!

But just another word on this. There is often much, to be sure, that government can do to correct bad situations. Laws may protect and give to those otherwise denied it a fair chance in the game of life. Legislation is sometimes a powerful aid in bringing economic adjustment.

But there is no governmental magic wand to wave away the ills of the world. The doctrine of legislative panacea has been overworked in America. We need to preach less about what the Government should do for the citizen and practice a little more on what the citizen should do for his Government.

Another ever-present source of trouble for Congress is the necessity for legislative compromise. Without concessions, without compromise of differences as to methods and measures, there would be deadlock, and governmental services would cease to function.

With a country so big and with sectional interests so varied and often conflicting, to make 'em all happy is an impossible task. What New England wants may arouse no enthusiasm in Texas. The thing which would light the fireworks in Minnesota would bring a frost in Mississippi. Compromises must often follow, but a compromise seldom stirs anyone into glad, sweet song.

Most of the work of Congress is behind the scenes—in committee rooms. It must be so. But visitors look down from the galleries on perhaps a drab session devoted to routine matters, and go their way, saying, "Well, that beats me!" And so it does.

And some near statesman makes a fool speech, to which Congress itself pays no attention whatever, but which gets the headlines, and folks exclaim, "What a fool thing Congress is anyhow!"

If Congress had nothing to do every year but draft and pass the dozen big supply bills that keep Uncle Sam's big business going, it would still have a sizable job on its hands. That alone means months of hearings, months of faithful, patient drudgery, going over the thousands of items that make up the tremendous budget.

But that is simply part of the day's work, and there's nothing much in it to write pieces about for the papers. And if anyone would bore himself by taking a House or Senate Calendar and run through the list of things that Congress is busy about, he would get an eye full.

Public lands, Army and Navy, immigration, Alaskan fisheries, Panama Canal problems, Postal Service, reclamation projects, radio, reforestation, aeronautics, railroads, Indian affairs, banking system—a thousand things bring their grist for the legislative mill; and while the wheels sometimes grind slowly, every session shows a deal of substantial work accomplished.

But none of this moves the critic's heart. In a great newspaper last winter I read one of the familiar editorials demanding to know, sir, "what laws Congress has passed, though it has been in session since December." And behold in the same great newspaper only a few days later the same able editor thundered that "there are too many laws, too many laws," and that "Congress should put a stop to all this lawmaking."

And Congress gets it goin' and comin', for when determined people make up their minds to enjoy their cussin' they will not be denied.

Now, in conclusion, if any hardy ones have stuck it through this far, this is no contention that Congress is a little angel, with wings and everything. Congress has its faults—some little, some great and glaring, and some the big, glorious faults that string along with democracy and liberty. But it might be worse.

And when you get right up to the "critter" you may find that it really has its points. Just like the penitentiary, Congress has the good, the bad, and the indifferent. In its membership are some brilliant men, are many men of splendid ability and some few, perhaps, who are not Dan'l Websters. And the average Congressman—now, this is going to be a real bold statement—is square, earnest, industrious, faithful to his task, and honestly seeking to do the best thing for his country, seeking to do it in the midst of a flood of propaganda and with the chill winds of misrepresentation often blowing through his thinning locks. All of which is doubtless good for his soul.

Just once in a while, on some holiday when there is nothing much else to do, wouldn't it be a decent thing, and wouldn't it help to build up that faith in government which is one of the needs of the day, if from press and platform the people were told the fair truth about Congress?

Not for a regular diet, of course, but just for a little change—and then gaily back to the sport of cussin' Congress.

PAYMENT OF SALARIES OF OFFICERS AND EMPLOYEES OF CONGRESS

Mr. MADDEN. Mr. Speaker, I present a joint resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Illinois offers a joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 67) authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the Office of Legislative Counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1925, on the 19th day of that month.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARNER of Texas. Mr. Speaker, I do not intend to object, but the gentleman from Illinois and other Members

will remember that by unanimous consent we limited debate on the tax bill to 4 o'clock this afternoon. I would like very much, if these matters are going to take any length of time, to have them come up after 4 o'clock this afternoon so we may occupy the entire time in debate on the tax bill. At 4 o'clock, under our agreement, general debate automatically stops.

Mr. MADDEN. I will say to the gentleman the only reason I present this resolution now is because it will take the whole period of time between now and the 19th to prepare the checks and do all the clerical work in connection with it.

Mr. GARNER of Texas. You can pass it this afternoon; but if it will not take any time I shall not object.

Mr. MADDEN. I certainly am not going to make a speech on it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REFERENCE OF A MESSAGE FROM THE PRESIDENT

The SPEAKER. The Chair would ask the attention of the House for a moment. A day or two ago the Chair laid before the House two messages of the President of the United States relating to the subject of aviation, and the Chair referred them to three committees each—the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Interstate and Foreign Commerce. At that time the gentleman from Tennessee, the minority leader, questioned the advisability of that reference; and entertaining as he does the greatest respect for the judgment of the gentleman from Tennessee, the Chair postponed the reference to examine the precedents in such a case.

The Chair has been unable to find more than one precedent for what might be described a plural reference of a message from the President. On January 23, 1924, a message from the President was laid before the House dealing with the economic situation——

Mr. GARRETT of Tennessee. Before the Chair reads that, will the Chair permit just this statement?

The SPEAKER. Certainly.

Mr. GARRETT of Tennessee. The Chair, I believe, stated in the opening of his remarks that the gentleman from Tennessee questioned the advisability of the reference. I did not mean to question the advisability, I will say to the Chair. I think my remarks would hardly indicate that. I was interested in it as a parliamentary proposition and did inquire as to the matter of the precedents; but I did not wish to be understood as outrightly questioning the advisability.

The SPEAKER. That is the way the Chair understood it. It was a question of setting a precedent which might prove annoying in the future.

The only precedent the Chair can find was in the case of a message which dealt with an economic situation in certain wheat-growing sections of the Northwest. The Speaker referred that message to the Committees on Agriculture and Banking and Currency. However, it is almost the uniform procedure in cases of communications from governmental heads dealing with various subject matters to refer those communications to several committees.

The Chair thinks that in view of the great importance of aviation, covering as it does a large field, it would be wise in a case like this to refer these messages to other than the Committee on Military Affairs, which has been the usual procedure. The Chair has consulted the gentleman from Tennessee and the gentleman from Georgia and other parliamentary authorities, and he thinks now that the reference was proper. He now refers these two messages to the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Interstate and Foreign Commerce.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1, the revenue bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DARROW in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1, of which the Clerk will read the title.

The Clerk read the title of the bill.

Mr. GARNER of Texas. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I approached the consideration of this bill with a fairly open mind upon the matter. Of course, in common with all other Members, I favor tax reduction and quite naturally had predilections toward sustaining the work of the Committee on Ways and Means. So far as the rates are concerned, I am content to go along with the committee on that matter, although I might, like other Members have said, if I were personally making the bill, possibly make some changes in these rates.

I have asked the gentleman from Texas for this time just now in order that I may state a serious objection I have to one feature of the bill and to let Members know that it is my purpose, if not done by some member of the committee or some other Member of the House, to offer an amendment to cure what I conceive to be a serious error that would be perpetrated if the bill shall pass without amendment.

I refer to Title 10, where it is proposed to give the Board of Tax Appeals a life tenure in office. The language is, "They shall hold office during good behavior, except"——

Mr. GREEN of Iowa. I do not want to interrupt the gentleman's remarks, but let me say that they are not in the same position as judges, for they can be removed for incompetence or inefficiency.

Mr. GARRETT of Tennessee. By the President.

Mr. GREEN of Iowa. Yes, by the President; and the decision of the President will be final on the matter.

Mr. GARRETT of Tennessee. I was about to quote the language of the bill. It is placed within the power of the President to remove them. Now, I recognize the quasi judicial character of this tax board; I recognize the desirability of having it independent of the Treasury Department or any other department of the Government. But, my colleagues, I can not bring my mind to believe that the creation of a life position, even though this be a quasi judicial position, is in accordance with the spirit and genius of the Government of the United States. [Applause.]

There may be other instances, but, so far as I recall, the longest term of office which Congress has ever created is that of the Comptroller General under the Budget, which is, I believe, a period of 15 years.

Mr. GREEN of Iowa. If the gentleman will allow, I think the gentleman has overlooked the fact that the Board of Customs Appraisers are appointed for life.

Mr. GARRETT of Tennessee. Yes; they are appointed for life; but that is perhaps more of a judicial position than is this. But let me say that while that has been done, in my opinion, it was an error. As far as I am concerned, I do not believe in a life-term office for the judiciary, particularly for judges of inferior courts. [Applause.] But that is a constitutional proposition, and, of course, that could only be avoided by a constitutional amendment. This is a statutory position. Now, I am not extreme about this matter. I am perfectly willing to have an amendment fixing the term of office that will give long service, so that those familiar with it may continue in the work. I have no doubt this will be in large measure a nonpartisan body, or at least I hope so, and that the members of it will so demean themselves that they will merit and receive reappointment at the end of their terms. But, gentlemen, there are many contingencies that can arise if we create a life tenure, treating it as a court, and then lodge the only power of removal in the President of the United States.

I shall probably wish to discuss this a little when we reach it for amendment under the five-minute rule. I thought it fair to the Members of the House now, in this general debate, to give notice of my feelings concerning it. I regard it as an extremely serious and important proposition, one which I shall feel constrained to oppose with such energy and force as I can.

Mr. BLACK of Texas. Does not the gentleman think that a term of 10 years would be ample under the circumstances?

Mr. GARRETT of Tennessee. I would say not to exceed 12, at the outside. I think the amendment should take the form of appointing so many for a period of 10 to 12 years, whatever term may be chosen, and then so many for a lesser time, and then provide that when their terms expire all shall be appointed for the period of 10 or 12 years. That is a detail to be worked out later. What I am opposed to is putting into this measure the principle of creating a lifetime office by statute. As I said, I do not think it is in accord with the genius and spirit of American institutions, and I hope gentlemen will give serious consideration to it before and when we reach it under the five-minute rule.

Mr. GREEN of Iowa. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MILLS]

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I am always impressed with anything the gentleman from Ten-

sessee [Mr. GARRETT] has to say, and I recognize that when we come to the question of the tenure of office of the members of the Board of Tax Appeals we are dealing with a question upon which men may very readily differ; but I want to point out to you, gentlemen, just this—that if this tax system which we have so carefully attempted to build up during the course of the last few years is to be permanent and successful, if it is to deserve and maintain the respect of the American people, the one crying need is good administration, and that prompt, sure determination of the law which means certainly one of the main and most important features of any tax law. To-day and up to the present time—we might as well admit it—we have fallen down completely in the field of administration. Nearly all of the difficult war-tax cases are still pending. They have not been settled, in spite of the expiration of six, seven, or eight years.

In the Internal Revenue Bureau we have succeeded from time to time in obtaining the most extraordinarily competent and patriotic group of men, but we have been unable to hold them because we have been unwilling to insure to them the two things that any self-respecting man is going to ask for—first, an adequate salary to support himself and his family, and in the second place security of tenure of office. Why, in this position is it absolutely essential that you should have security of tenure? Because men are called upon daily, with no fixed rule of law to guide them, to use their best judgment and discretion in making a determination upon which literally depend scores of millions of dollars, one way or the other. We are told of two cases now pending before the Board of Tax Appeals, involving in one case $77,000,000 and in the other case $101,000,000. These men know that at some time or other they are going to be subjected to two kinds of pressure, the one, political pressure, exerted, it may be, in the guise of a congressional investigation committee that years after they have exercised their best discretion and judgment may challenge that discretion and judgment on a set of facts which might justify two conclusions; the other of a different kind—pressure that may come from powerful and dissatisfied taxpayers. You are not going to get the best kind of service from those men unless you say to them, "Gentlemen, we have picked you because you are competent, we have picked you because you know the law, we are going to trust you, and we are going to assure you that as long as you use your best ability, as long as you are competent the United States Government will see to it that you have that security which will enable you at all times and in the most difficult cases to give the kind of decision that will be prompted not by fear of investigation, not by fear of political or other pressure, but by your own judgment and conscience."

Already in the case of the Board of General Appraisers we have granted life tenure of office, and when that was granted we unquestionably had these very considerations in mind. The work they are called upon to perform is not in any way comparable to the duties of the Board of Tax Appeals. As far as comparison goes, they to-day pass on unimportant matters, if we compare them with the great questions coming before the Board of Tax Appeals.

Income taxes yield some $1,800,000,000 a year. Individual cases involving doubtful questions frequently run into the millions. The law has been drafted with as much care and forethought as possible. But even so, questions constantly arise that were never dreamed of, with no precedents or rule to guide the administrators, where the equities may be evenly balanced, and where there is no course open save to use one's best judgment and discretion in making a just decision. These are the kind of cases that confront the board daily. Their decisions are daily bringing clarity and certainty to our tax laws. There is no more important or vital duty in the fiscal field. Starting as an informal body, their decisions have gradually assumed the authority of court decisions. But while they are making law and precedent, not being a court, they are still subject to that kind of pressure from which our judges, thank Heaven, are free.

You, gentlemen, would be unwilling to make the board a court. Do not then deprive them of the protection they most need if they are to do the best work.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. For the information of the House I desire to extend my remarks by inserting in the RECORD a letter of Hon. CORDELL HULL on the publicity provision of the tax law:

PUBLICITY OF INCOME-TAX RETURNS

WASHINGTON, D. C., *June 14, 1918.*

MY DEAR SIR: May I venture to offer limited comment on the subject of the publicity of income-tax returns, which course has been rather vigorously urged from time to time by certain phases of sentiment in the country? I am not quite sure whether the chief reason advanced is that publicity would secure fuller and more accurate returns of taxable income, or whether it is based on the desire which has manifested itself more or less during recent years for unrestricted publicity of the affairs of business generally to the end that any improper trade policies, methods, or conduct might be exposed.

If the demand for publicity rests on the former ground, I should like to set out some of the points of the opposing views; if it rests on the last ground, without regard to the effect of publicity on the success of the tax, I should like in this connection to suggest that, however desirable and necessary this character of publicity may be—and I strongly favor it to the fullest extent suggested by the public interest—the plan should not be coupled with and made a part of the general tax law unless it were calculated to sustain, rather than materially to injure the operation of, the tax law.

Attention may be called to the enactment of the Federal Trade Commission act, one of the prime purposes of which was publicity of the inner affairs, private trade methods, trade practices, and conduct of business concerns whenever deemed to be in the public interest. This act, however, imposes penalties on any officer or employee of the Federal Trade Commission for divulging any facts of this character developed by the commission, unless first authorized to do so by the commission itself. The commission is only authorized to make public such portions of the information obtained by it "as it shall deem expedient in the public interest," and it is entirely prohibited from making public "trade secrets and names of customers." The report of the commission after an investigation of a business concern on charges of antitrust practices can only be made public in the discretion of the commission. It will thus be seen that careful restrictions against any general publicity are contained in the law, one of the underlying purposes of which is to expose to the condemnation of the public and, by appropriate official proceedings, to curb certain business practices, methods, or conduct, including that prohibited by antitrust and other legislation.

What is, or at least what should be, the main ground on which the policy of publicity of tax returns is urged is to secure fuller and more accurate returns of taxable income. The controlling purpose of any tax statute designed to secure a large revenue yield should be such satisfactory and effective administration as would secure the maximum yield, and no other plan or purpose should be allowed materially to hamper or handicap the law operating to this end.

In the abstract and at the first blush it seems most natural that these tax returns might or even should be subjected to any and every kind of publicity at all times. Assuming, as I have, that the Department of Justice, the Federal Trade Commission, and numerous other governmental agencies and authorities have been given ample statutory authority to deal effectively with any and all acts, trade practices, methods, or other conduct on the part of any citizen or business concern which the Federal laws have thought it wise to suppress or prevent. I have investigated and reached my individual conclusion with respect to the proposed general publicity of income-tax returns solely from the standpoint of the most satisfactory and successful administration of the income tax law and the securing of the largest possible yield of revenue. Viewed from this standpoint, I have been unable to bring myself to the conclusion that publicity would secure the most desirable revenue results. I may first refer to the experience of some governments which have tried out income taxation for the longest periods. England, after 75 years' experience with her present income tax law, retains her policy of keeping the results secret. There is no demand from any source, so far as I am advised, for publicity of English income-tax returns. Holland retains secrecy under her income tax law, which has been in operation some 25 years. Denmark pursues the same policy of secrecy under her income tax law, in operation for 14 years; Austria pursues the same policy under her law, enacted some 75 years ago; Canada's recent income tax law contains the same provision; France in her recent law has some form of secrecy, the exact nature and extent of which I am not definitely informed. This policy of these different countries, after many years' trial, is controlled entirely by the question of the most satisfactory administration and the largest revenue yield of their respective laws. They evidently have not felt justified in allowing considerations of collateral or other government policies, however strongly and plausibly urged, to effect a change of this policy.

Let us now turn to the United States. The first Civil War income tax acts did not prohibit publicity. The Commissioner of Internal Revenue early recommended a provision of secrecy to Congress. This was disregarded, however, until the income tax act of 1870 was enacted. A lengthy debate on this act occurred in Congress, during which Garfield referred to one feature of the income tax "which has made it very odious in many parts of the country," namely, publicity of returns. The outcome of the discussion was the insertion of a provision in section 11 requiring secrecy, and it became a law. The view on which this provision was inserted was that it would meet the complaint that income tax laws are inquisitorial and also that publicity often discloses secret trade processes, methods, etc., even though ever so legiti-

mate, and that therefore a taxpayer would be more encouraged to make a full and complete return when he had the assurance that his trade secrets, processes, etc., would not be exposed to his competitors.

The strength, stability, and perpetuity of the income tax is based on the rather fixed opinion among the people generally that in both theory and practice it accomplishes relative fairness among the taxpayers more accurately than any other tax method thus far devised. Both now and after the war it is extremely vital that a tax method productive of a larger revenue than any other should be safeguarded by the most effective means. Whatever may be thought or said to the contrary, there is a phase of human nature which, while entirely willing to make full and complete returns of income and pay taxes accordingly in the belief that all taxpayers are receiving equitable treatment, is at the same time utterly averse to the idea of general publicity of private business methods and private business affairs. The States and the Federal Government can provide for investigations and full publicity of business methods, practices, and affairs generally by separate enactment, as has already been done to a measurable extent. Publicity at this stage, when business conditions and methods have become far more complicated and consist of a far greater variety than those in existence during and following the Civil War period, would be resented by the taxpayer to a correspondingly greater extent than it was during the operation of the Civil War acts. I strongly favor any and every kind of publicity needed with respect to all phases of our financial, commercial, and industrial activities, but I think it unwise in the light of almost universal experience in the past to discredit or break down the income-tax system or seriously jeopardize it by utilizing this law instead of some separate law or laws for publicity purposes.

The Federal income tax act of 1894 in section 34 reenacted section 3167 of the Revised Statutes, containing secrecy of returns, and without special opposition, so far as I now recall. In this connection it is my recollection that when this act was declared invalid by the Supreme Court the Treasury directed that all income-tax returns on file be burned. The Federal corporation excise act of 1909 contained a provision that the returns filed in the office of the Commissioner of Internal Revenue should constitute public records and be open to inspection as such. It was soon deemed wise in the interest of the more successful administration of the law to adopt secrecy, with the result that an appropriation bill which passed Congress in June, 1910, among other things provided that these corporation excise-tax returns should be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President. The Treasury later in the year issued a regulation, which the President approved, restricting inspection of these returns virtually to certain officials of the Government under certain conditions and to stockholders of a given corporation which had filed its return. This regulation also provided that returns could only be inspected in the office of the Commissioner of Internal Revenue. This policy of secrecy was followed without particular objection or complaint until the repeal of the law.

The Federal income tax act of 1913 contains secrecy as to individuals, but allows inspection of corporate returns upon the order of the President, under rules and regulations prescribed by the Treasury and approved by the President, which was the same provision as that contained in the amendment to the corporation excise act of 1909. It contained the additional provision, however, that the proper officers of any State imposing a general income tax may, upon the request of the governor, have access to said returns or to an abstract thereof showing the name and income of each corporation, at such times and in such manner as the Secretary of the Treasury may prescribe. The President accordingly approved a Treasury regulation under the act of 1913 for the benefit of State officials whose States have a general income tax law. This regulation also allowed Federal officials and stockholders to make inspections under certain conditions very similar to the Treasury regulation allowing inspections under corporation excise act of 1909. The States, however, are only allowed, I believe, to secure the name of the corporation and its income. The character and extent of publicity of income-tax returns above described practically represents the present policy of publicity of the Federal Government under existing income tax law.

Wisconsin has the most modernized, successful, and comprehensive income tax law of any State. It contains a provision requiring secrecy of returns. A new, progressive income tax law of Massachusetts requires secrecy except as to the name and address of the taxpayer. It will thus be seen from the proven experience of foreign countries, of our Federal Government, and of the States, which have had the most successful revenue-producing income tax laws and which have been able most successfully to overcome the objection of inquisitorialness, that secrecy of returns has been found essential to this result.

Another consideration and object lesson which arises in connection with the publicity proposal under our Federal law relates to the general property-tax systems in most of the States. It is a fact generally recognized that the general property-tax systems of most of the States have measurably broken down in their administration, with the result that personalty, and especially intangible personalty, almost entirely evades or avoids taxation. Some of the States, such as Connecticut, New York, Pennsylvania, Maryland, and New Hampshire, have always maintained the widest publicity of tax returns under their general property-tax systems, but this system has fallen down just as rapidly and extensively in those States as it has in other States where publicity was not practiced or permitted. This experience of the States with publicity proves, at least, that it was powerless to increase or even maintain the revenue yield, or to prevent the breaking down of the laws. This experience but illustrates that phase of human nature which discourages and gives but little credit to the informer, no matter how good or worthy his intentions. No tax or penal law the successful operation of which is dependent upon facts voluntarily furnished by informers, with or without pecuniary reward, can expect more than a precarious existence.

With respect to the question of securing information, the present income tax law specifically requires, under severe penalties, every citizen who has personal knowledge of the receipt of income by his neighbor or another citizen, by reason of having paid it, to transmit such information in writing to the Commissioner of Internal Revenue, in all cases where the amount of fixed income exceeds $800, and in case of interest from corporate bonds without regard to amount. This provision, therefore, really provides for and requires all direct information, except what might be rumor or hearsay, save as to isolated items or as fixed income under $800.

There is still another condition arising from the operation of the present general-property tax systems of the States which should be considered by the Federal Government in determining the policy of publicity. It is a well-known fact that when a citizen undertakes to make a full return of his property at its full value the present general systems of the States impose a most severe penalty on his honesty by levying practically confiscatory rates, which amount to near 40 per cent of his income on the average. The result is that most citizens in the various States by general consent give in their real property at figures substantially below its value and their personalty, on the average, at almost a nominal value. The tax rates of the States are now almost confiscatory when applied to full values, for the reason that they have been raised to considerable heights in order to secure adequate revenue from greatly scaled valuations of property which the citizens are now in the habit of giving in for taxation. From past experience it would appear but natural that if the citizen should make a full and complete return of his income for Federal taxation this would be equivalent to making a like full return to his State in many cases, and the result would be that he would undertake to make the same inadequate return to the Federal Government that he now makes to the State rather than to have the full value of his property subjected to the present practically confiscatory rates of the States. If it would assist the States in rehabilitating their present general-property tax systems and equalizing their tax burdens under these systems, I should strongly favor any reasonable sacrifice on the part of the Federal Government in aiding to bring about this situation; but if instead of revitalizing and putting into successful operation the grossly inequitable and broken-down general-property tax systems of the States, the effect of publicity would be likewise to discredit and more or less break down the Federal income-tax system, I am unable to discover any advantage or benefits which could be reaped either by the States or the Federal Government from such course.

Whenever the States reform their general-property tax systems, or whenever they adopt general income tax laws similar to the Federal law, there could and should be the fullest and freest cooperation between the States and the Federal Government in the successful administration of their respective laws, just as there is cooperation now with respect to State and Federal income tax on corporations.

My individual opinion is that the only effective method by which either the States or the Federal Government will ever be able to reach for taxation in full measure the income from personalty, and especially intangible personalty, will be under a system of so-called collection or retention at the source.

In conclusion I may call attention to the course of the Treasury Department under authority now given it by statute to compile and make public income-tax statistics. Under this statute the Treasury will give amount of the individual and corporate income as a whole, by States, by industries, by classifications as to the number of taxpayers, amount of income and taxes paid as to classes of individuals, the percentage of the income of each to the total amount, as well as the percentage of taxes paid to the total, etc. This information, which will come out annually as to each preceding tax year, should meet practically every requirement, expectation, or desire of the public in considering and dealing with economic conditions, apportioning the tax burdens, and properly curbing or regulating any practice, method, or conduct of general business or any class of business.

Very respectfully,

CORDELL HULL.

Mr. GARNER of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, taxes are a necessary evil. The Government

has got to have them. My own view of the pending bill is that while I disagree with some of its provisions, I expect to vote for its passage. It has been proclaimed to be a bill to establish a permanent system of taxation. If that be true, my view is that it should remove all of the temporary taxes known as war taxes, such as the sales tax on automobiles, the tax on admissions, and taxes of a similar character. All admit that they are consumption taxes and were not intended to be permanent when first imposed. It is true that the war tax on automobiles is reduced in the bill to 3 per cent, but even that low rate imposes a tax of $15 on a $500 car and $30 on a $1,000 car. The owners of automobiles are now taxed by the State on the value of the car, and in my State, in addition, a license tax for roads and a gasoline tax as well. An automobile is no longer a luxury. To most people it has become a necessity. The war tax paid by the purchaser should be removed.

This bill makes a total reduction in Federal taxation of more than $300,000,000 each year. The Ways and Means Committee, composed of Democrats and Republicans, has unanimously reported it and assures us that it is the best bill that it is able to propose. I am for tax reduction. I want the taxes reduced to the lowest possible point. The past summer, while Congress was in recess, I assured the people Congress would reduce taxes. This bill is the best that we can get.

It grants much relief to taxpayers. In individual income tax the personal credit, or what is generally called the exemption, for single persons is increased by the bill from $1,000, now allowed, to $1,500, and for married persons and heads of families from $2,500 to $3,500. The normal tax under existing law is 2 per cent on the first $4,000, 4 per cent on the next $4,000, and 6 per cent on the remainder. The proposed bill reduces these rates to 1½ per cent on the first $4,000, 3 per cent on the next $4,000, and 5 per cent on the remainder. The credit of 25 per cent on account of earned income is extended from $10,000 to $20,000.

The following table sets forth the tax on incomes under the proposed bill:

Tax of married persons having no dependents, with the earned income allowance of $20,000, all being considered as earned, under proposed bill

Net income	Surtax rate	Total tax	Per cent tax is of the net income
$4,000	-------	$5.63	0.141
$5,000	-------	16.88	.338
$6,000	-------	28.13	.469
$7,000	-------	39.38	.563
$8,000	-------	56.25	.703
$9,000	-------	78.75	.875
$10,000	-------	101.25	1.013
$11,000	1	131.25	1.193
$12,000	1	168.75	1.406
$13,000	1	213.75	1.644
$14,000	1	258.75	1.848
$15,000	2	311.25	2.075
$16,000	2	363.75	2.273
$18,000	3	483.75	2.687
$20,000	4	618.75	3.094
$22,000	5	818.75	3.721
$24,000	6	1,038.75	4.328
$26,000	7	1,278.75	4.918
$28,000	8	1,538.75	5.496
$30,000	9	1,818.75	6.062
$32,000	10	2,118.75	6.621
$34,000	10	2,418.75	7.114
$36,000	11	2,738.75	7.608
$38,000	12	3,078.75	8.102
$40,000	13	3,438.75	8.597
$45,000	14	4,368.75	9.708
$50,000	15	5,358.75	10.72
$55,000	16	6,408.75	11.65
$60,000	16	7,458.75	12.43
$70,000	17	9,658.75	13.8
$80,000	18	11,968.75	14.95
$90,000	19	14,368.75	15.96
$100,000	19	16,758.75	16.76
$200,000	20	41,758.75	20.88
$300,000	20	66,758.75	22.25
$500,000	20	116,758.75	23.35
$1,000,000	20	241,758.75	24.18
$2,000,000	20	491,758.75	24.58
$3,000,000	20	741,758.75	24.73
$4,000,000	20	991,758.75	24.79
$5,000,000	20	1,241,758.75	24.83

Persons having dependent children under 18 are entitled to deductions that will reduce their taxes below the above amounts. Under existing law the maximum surtax which applies to that part of an individual income in excess of $500,000 is 40 per cent. That surtax has been reduced to 20 per cent and made to apply on that part of all incomes in excess of $100,000. If the surtaxes below $100,000 as carried in the bill are to stand, personally I should prefer that the surtax should not stop at 20 per cent on the amount in excess of $100,000, but should graduate to a maximum of 25 per cent on that part of an income in excess of $500,000, as follows: Twenty-one per cent on that part of an income over $100,000 and not in excess of $200,000; 22 per cent on that part in excess of $200,000 and not in excess of $300,000; 23 per cent on that part in excess of $300,000 and not in excess of $400,000; 24 per cent on that part in excess of $400,000 and not in excess of $500,000; and 25 per cent on that part of an income in excess of $500,000. Such an extension of the surtax in the higher incomes would allow some reduction in the surtax on incomes of $10,000 to $42,000, as to which the bill makes no reduction whatever. All of the surtax reduction should not be made on incomes in excess of $100,000. The strictly war taxes, the nuisance taxes, and the excise taxes could have been eliminated or greatly reduced by a readjustment of the surtax rates. But I am for reduction of taxes; I am for reduced Government expenses; I am for economy, and I believe my record in Congress will show that I have advocated and supported these policies. I repeat, the bill is the best bill we can get and I shall support it.

INHERITANCE TAX

I desire to engage in a short discussion of the provisions of the bill relating to the estate, or as it is commonly called, the inheritance tax. I have for many years favored the principle of an inheritance tax. It is as old as civilization itself. The ancients imposed it. Egypt and Rome employed it. And to-day practically every civilized country in the world has it in operation. The great nations of the earth—France, Germany, Great Britain, Switzerland, Australia, as well as the United States and many others—have it as a part of their permanent taxation systems. As was well pointed out in debate yesterday, Great Britain, with only one-fourth of the national wealth of the United States, imposes more inheritance taxes than all of the States of the Union and the Federal Government combined. The gentleman from Tennessee [Mr. HULL] on last Wednesday showed that if the British rates were imposed in the United States they would produce nearly eight times as much as the present law, and this bill greatly reduces the present rates.

IS DEMOCRATIC

I have favored it because it has been one of the doctrines approved by the Democracy of the Nation. In the administration of President Cleveland, in the Democratic income tax bill of 1894, inheritances were taxed. In the administration of President Wilson, in 1916, it was placed in the tax bill, and it has been in every Federal tax bill since that time, supported by Democratic Congressmen from all over the Union, as well as from the great State, which I have the honor, in part, to represent. A Federal tax, mind you, not questioned as an invasion of State power—Woodrow Wilson, one of the greatest Democrats that ever lived and the outstanding world figure of his time, approved it. William Jennings Bryan, a great American, three times the nominee of the Democratic Party for President and at whose death the whole people of the United States, regardless of party or political belief, grieved at the loss of a great and good man, repeatedly advocated it.

But some one may say these men were expressing merely their individual views and not those of the Democratic Party. But let us see. The Democratic Party three times, in 1894, 1916, and 1918, while in control of the Government, passed Federal estate tax laws. The Democratic textbook for 1916, issued by the Democratic National Committee in the presidential campaign and containing arguments for Democratic support, says on page 461:

> Inheritance taxation affords the largest untapped field of revenue in this country. While it is true that many of the States have utilized this source of revenue, it has been only to a limited extent.
>
> The aggregate annual yield to all the States having the law is, to-day, less than $30,000,000. One European country with half our wealth and population derives over $130,000,000 annually from this source. It is a tax which is universally conceded to be just and cheap and easy of collection. It affords a constant and regular yield of revenue.

In that campaign, advocating a Federal inheritance tax, Woodrow Wilson was elected President of the United States by the democracy of America. And yet those who want to destroy Federal estate taxes and then get rid of State inheritance taxes and put heavier taxes on land and houses already too heavily burdened, claim an inheritance tax is not democratic.

UPHELD BY UNITED STATES SUPREME COURT

It is a tax that the Supreme Court has upheld repeatedly both as to the constitutional power of Congress to levy it and as to graduated rates. In Knowlton versus Moore—178 United

States, page 41—the court decided the Federal estate tax to be a proper exercise of the taxing power of the United States:

As early as 1797, Congress imposed a legacy tax (act of July 6, 1797 * * *). Having ascertained the nature of death duties, the first question which arises is this: Can the Congress of the United States levy a tax of this character? * * * The act of 1797, which ordained legacy taxes, was adopted at a time when the founders of our Government and framers of our Constitution were actively participating in public affairs, thus giving a practical construction to the Constitution which they had helped to establish. Even then Members of the Congress who had not been delegates to the convention which framed the Constitution must have had a keen appreciation of the influences which had shaped the Constitution and the restrictions which it embodied, since all questions which related to the Constitution and its adoption must have been at that early date vividly impressed on their minds. It would under these conditions be indeed surprising if a tax should have been levied without question upon objects deemed to be beyond the grasp of Congress because exclusively within State authority. (Pp. 50–56.)

These are the words of Justice White, a southern States-rights Democrat, and justice of the Supreme Court. He holds there is no question of States rights involved. He points out a similar tax was levied as early as 1797.

And the 1916 act was upheld in New York Trust Co. against Eisner (256 U. S. 345) and held not to be an invasion of State power.

ADVANTAGES

What are the advantages of an inheritance tax? We have been informed—and, I believe, correctly—that practically all great political economists advocate it. Only this morning I received a letter from a professor of political economy in a great university in which he says:

I think you and the other members of the Texas congressional delegation who are opposed to the repeal of the Federal inheritance tax are entirely correct in your position. Most, if not all, students of economics favor the principle of a Federal inheritance tax, but, of course, they differ as to height of the rates. I think that the plan of allowing credit for State taxes up to 80 per cent of the Federal tax is a good one.

The famous economists who appeared before the Ways and Means Committee advocated it.

INHERITANCE TAX CAN NOT BE DODGED

The great bulk of personal property, consisting of bonds, notes, mortgages, money, and credits, and other intangible property, escapes the ordinary property tax of the States, counties, and cities, and it is only through an inheritance tax that that form of taxable property can be adequately reached. Everybody knows that the man who owns a farm in the country or a house or store in town must pay State and county or city taxes, and in the city all three. If his farm or house or store is mortgaged, he pays just the same as if it were clear. But does the man who owns the mortgage pay? The loan company may live in another State and may pay nothing. The individual may not render it for taxes anywhere. There are millions of such mortgages on Texas property held in other States. The farmer or home owner may have only a small equity in the property, but he pays taxes on it all. The mortgage holder, who in reality has the beneficial interest in the property, may pay nothing.

The owner of teams, or cattle, or stocks of goods must pay because his property is visible. Look at the report of bank deposits in any city and then look at the tax rolls for rendition of cash. You will see there is lots of cash in the bank, but little cash on the tax rolls. The gentleman from Tennessee [Mr. HULL], who wrote the inheritance tax of 1916, in this House on last Wednesday, December 9, showed that there is in the United States one hundred and fifty billions, not millions, but billions of dollars of intangible property. Much of that property escapes all ordinary taxation, but it can be reached by the inheritance tax.

PAYMENT ACCORDING TO ABILITY TO PAY

The inheritance tax is an application of the principle of payment according to ability to pay. It is the least burdensome of all taxes. With a liberal exemption, no large estate is burdened by payment of a reasonable tax. It is not a tax on industry or thrift, as are property taxes and income taxes, but is a tax on those portions of an estate passing to persons who in most cases contributed nothing to their accumulation. It is paid at the most convenient time of payment—paid before the recipient receives the inheritance.

CAN NOT BE SHIFTED

It is a tax that can not be shifted by the taxpayer onto other shoulders. A tax on sales or on goods or merchandise or houses is passed on to the purchaser or the tenant, but an inheritance tax can not be passed on. It can not be evaded. It can not be transmitted in the hour of death on to the other world.

WILL CATCH TAX-FREE BONDS

Those gentlemen who have denounced tax-exempt securities all through the years, if they are sincere, will be for an inheritance tax, because here is the only place and the one place where tax-exempt securities can be reached, because they are not free from the inheritance tax. There are many billions of dollars of tax-free State, county, city, and United States bonds in existence. By law they are tax free. They pay no property tax. But they are subject to the inheritance tax. The Supreme Court of the United States in Orr v. Gilman—183 United States 278—holds that they are subject to the tax because it is not a tax on the bonds themselves but upon their inheritance or transmission. These securities that have escaped taxation can be made to pay.

REDUCES OTHER TAXES

It reduces taxes on other forms of property and on income. Whatever we take off estates must be made up by the income taxes or in excises or in the States by a direct property tax.

REACHES GREAT WEALTH

The Department of Commerce makes periodic estimate of national wealth. The statistical abstract issued by the department in 1925 shows the national wealth of the United States in 1912, before the World War, to be $186,300,000,000. In 1922, the last date available, after the war, it was $320,804,000,000. The inheritance taxes of all the States and the United States combined is only one-seventeenth of 1 per cent of our total capital. In that period of 10 years our wealth increased one hundred and thirty-four billions, or 71 per cent. The war vastly increased that wealth, not only because of profits during the war, but since, on account of the condition of Europe, American financial interests have made tremendous profits—they have billions in private loans in Europe. There is no more land in the United States to-day than before the war. The greatest increase in wealth has been in the great financial and industrial cities of the North and East. The war cost the United States Government $40,000,000,000. The Government still owes a war debt of $20,000,000,000. That great wealth ought to bear its share of discharging that debt. When war came the Government went into the homes of the land and drafted their boys and sent 2,000,000 of them to Europe to fight and perhaps die. Many of them sleep in foreign soil; many are wounded and maimed; many are diseased; many left or have dependents. It is the solemn obligation of the Government of the United States, not of the States but the Federal Government, to care for them and their dependents. Ought not the wealth created by the war bear its share in that duty?

LARGE FORTUNES NOT MADE IN SINGLE STATE

Such large fortunes as that of Henry Ford's half billion or billion dollars; John D. Rockefeller; Andrew W. Mellon, who is second to Ford in wealth, and is opposed to an inheritance tax; the owners of the railroads; the United States Steel Corporation and its hundreds of millions; the great oil companies; and similar concerns are not made from the people of a single State or section, but their profits are made from all the people of the United States, and it would not be just or fair to permit the States of Michigan or New York to receive all of the inheritance taxes from such estates. A part should go to the Federal Government for the benefit of the people of the whole country. A short time ago Duke, the tobacco king, died, leaving a fortune reported to be $150,000,000. The tobacco farmers and the tobacco users all over the United States contributed to that fortune. Is it wrong for the Federal Government to have a part of the inheritance tax on that estate? The great war fortunes are not in Texas or Kansas or Kentucky or Georgia. They are in the great, rich centers of the East and North, such as New York, Chicago, and Philadelphia. An inheritance tax law of Texas or Georgia can not reach them. It takes a Federal law.

FLORIDA

The State of Florida has amended its constitution to prohibit the levy of a State inheritance tax and to furnish a haven for millionaires. It is an invitation for the very rich to set up a pretended residence in Florida by spending a few weeks in the winter there to evade and escape the inheritance tax. Bonds, notes, money, and stocks are personal property and follow the owner. No State inheritance tax can reach them in Florida, but a Federal tax will not allow them to escape. Unless there is such a tax a constant temptation is offered to the very wealthy to claim Florida as their home.

RATES

Now, what does this particular bill provide? This measure provides that the maximum rate of 40 per cent on those portions of an estate in excess of $10,000,000, as provided by existing law, is reduced to 20 per cent, and instead of allowing the taxpayer a deduction for State taxes paid to the extent of only 25 per cent of the Federal tax, this bill, in order to allow the States to resort more fully to the estate tax, allows a deduction to the taxpayer of 80 per cent, rather than 25 per cent as under the present law. Let me call your attention, however, to the fact that in levying taxes the Federal Government does not know State lines. It levies its taxes upon the estate of the citizen. The obligations are owed by the citizens themselves. The Government does not ask where he lives; it does not ask in what State he lives; it does not ask in what city he has his home; but the Federal Government in a spirit of fairness, not desiring to impose upon any citizen a double taxation, permits the taxpayer who has already paid an inheritance tax to the State in which he resides to reduce his Federal assessment by deducting all State taxes so paid to the extent of four-fifths of the Federal tax. It is carrying out the spirit of fairness and equity and not an invasion of any right or prerogative of any State. It reduces taxes instead of increasing them. Instead of invading the right of the State it makes it possible for the State to get more tax money and the Federal Government less. Instead of coercing the States it gives them greater freedom. Instead of narrowing the taxing power of the States it enlarges it. As time goes on and the war debt of twenty billions is reduced and the need for Federal revenue is reduced, if the States actually levy adequate inheritance taxes and desire to appropriate that field of revenue, the Federal Government could very properly increase the exemptions so as to tax only the very large estates, which have made their money off all the people of the whole United States and can not be reached by State laws. This would leave to the States the entire field to tax estates below the Federal exemption of, say, a million dollars.

AMERICAN BANKERS' LEAGUE AND TEXAS TAX CLUBS

I should not to-day, in view of the long sanction of this policy, not alone by the Congress but adopted by the Democratic Party, deem it necessary to address myself to this question at length except for the fact that quite recently a form of paid propaganda, an inspired campaign of misinformation has brought about and created and incited opposition in the State of Texas to this form of taxation by the Federal Government. And I shall propose to show that it is not only directed at the Federal inheritance tax, but is also directed at the ultimate goal of destroying State inheritance taxation as well. On yesterday Members of Congress from Texas were invited to meet, and before them there appeared what was called an unofficial delegation, unofficially representing an unofficial meeting of the Texas Legislature. Four gentlemen, headed by State Senator Robert A. Stuart, of Fort Worth, Tex., and three other gentlemen, members of the house and the senate, appealed to the Members of Congress from Texas to vote against the levy of any Federal inheritance tax on the ground that it was an invasion of State rights, and that it was coercing States to levy a tax in a mode and in a manner and in a percentage that the State government might not see fit in its own wisdom to adopt. When Senator Stuart and the other gentlemen were pressed—and they had to be pressed pretty closely—when these gentlemen were pressed as to whether they favored a State inheritance tax in Texas, each one of them rather reluctantly admitted that he was not only against a Federal estate tax but that he was also opposed to a State inheritance tax, with the exception of Speaker Satterwhite, of the Texas Legislature, who said that he was against all Federal inheritance taxes and was also against all State inheritance taxes on direct heirs or lineal descendants. This same Senator Stuart, when appearing before the Ways and Means Committee in October, when asked about the Texas inheritance tax law, on page 299 of the printed hearings, said:

Mr. STUART. I feel that the State of Texas will very probably refuse to take it many more years. It passed it as an emergency measure in Texas. We were groping for funds in order to cure a deficit of $5,000,000 that we had in the State of Texas. It was an emergency measure and probably will be repealed when that emergency has passed.

They intend to destroy the State law whenever they can.

I dislike very much, gentlemen, on the floor of this House to mention any person or any official by name. I do so to-day through no desire to take advantage of the position which I occupy on this floor, but this matter has become public through the press, and I feel that justice, not alone to myself but to my colleagues, demands that I lay bare before this House the form of propaganda and misinformation that has been promulgated all over our State, and which has led and induced many good men to support the idea that these gentlemen support, and that is the defeat of Federal inheritance taxation and then State inheritance tax laws.

Mr. GREEN of Iowa. The gentleman could extend that much beyond his own State. It was as thorough in my State as in the gentleman's State, and pretty nearly as thorough in some other States.

Mr. CONNALLY of Texas. Yes, sir.

State Senator R. A. Stuart, who headed the delegation, when pressed by me, admitted that his expenses to and from Washington on two separate occasions had been paid by what is known as the Texas Tax Clubs.

The State senator did me the honor a few days ago to visit the district which I have the great honor to represent, and make a speech to a mass meeting in behalf of the repeal of the Federal inheritance tax. He could have ascertained my views without visiting Waco and without spending any of the tax club's money, and as a result of that meeting I received a telegram from the chairman of the meeting and two other personal friends of mine, evidently while they were still under the spell of the oratory of the gentleman from Fort Worth, to the following effect:

WACO, TEX., *December 8, 1925.*

Hon. TOM CONNALLY,

Member of Congress, Washington, D. C.:

Conference of taxpayers of this congressional district held here yesterday and passed resolutions in favor of the repeal of the Federal inheritance tax and opposing the proposed levy providing for a division of the taxes on an 80–20 basis. The latter tax is regarded as an invasion of State rights, and it is the opinion of those present that inheritance taxes should be left to the States and resorted to by Federal Government only in great emergencies. Impression exists in some minds here that you are in favor of the inheritance tax. If that be true, strong opposition will develop and mass meetings will be held throughout your district. All of the legislators of this county and probably in the district are opposed to the inheritance tax. After talking with many of your friends it is our belief that you will best represent the sentiment in this district by opposing the inheritance tax, leaving the matter entirely to the States. If you can consistently take such a course, we stand ready to protect your interests here and probably can prevent the holding of the proposed mass meetings in the district.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes; I yield.

Mr. CARTER of Oklahoma. Who compose this Texas Tax Club?

Mr. CONNALLY of Texas. I will get to that in a moment.

Of course I made a reply. I said it was well known I favored the inheritance tax, and closed in these words:

Your telegram suggests that unless I vote contrary to my views strong opposition will develop and mass meetings will be held throughout district. To do so would be to abandon my convictions and to yield to political pressure. That I can not and will not do. Have high respect for views of people, but meetings worked up by interested parties where only one side is heard can not fairly represent all the people. The people have right to know all the facts and to judge whether I am faithfully representing them before they are called upon to condemn me.

[Applause.]

Mr. Chairman, the people have the right to petition Congress; they have the right to tell their Representatives their views; they have the right to hold mass meetings and make protests. I believe in that principle and that right. It is the right of every American citizen. I am for it. I am always glad to have the views of the humblest as well as the influential citizen. When Congress is not in session I discuss public questions with the people. I make no complaint against the mass meeting nor of those who composed it. They had a right to meet. They had a right to pass resolutions. Many of them were my personal friends, but they have a perfect right to oppose me because of my views. They have a perfect right to get out opposition to me. They have a perfect right to vote against me and work against me. They have a perfect right to vote their convictions, and I respect them for so doing. But many of them were misled or misinformed as to the Texas Tax Clubs and their real purpose. Senator Stuart did not tell them what is in this bill. He did not tell them the facts. He withheld information. The people have a right to know what is behind these clubs. The meeting was called by the chairman for that congressional district of "The Texas Tax Clubs," who is president of the largest bank in Waco, and he signed the telegram

to me. The Waco press reports that 60 taxpayers from the congressional district attended the meeting called by him and "applauded vigorously a warning that Texas may decide to remove a few Congressmen."

Yesterday, upon being pressed, State Senator Stuart modestly admitted that his expenses from Fort Worth, Tex., down to Waco and return had been paid by a banker friend in Fort Worth.

On information which I deem to be reliable, which I laid before these gentlemen yesterday, and which they did not deny, I here and now charge that the organization known or calling itself "The American Bankers' League," has, I understand from my friend from Texas [Mr. GARNER], been repudiated by the American Bankers' Association. That is correct, is it not, Mr. GARNER?

Mr. GARNER of Texas. Yes.

Mr. CONNALLY of Texas. It has been repudiated by the American Bankers' Association, which represents the real bankers of America. I charge that this organization was formed for the purpose of destroying not only the Federal inheritance tax but, when its destruction shall have been completed, to destroy the inheritance taxes of the various States. I charge that this organization has been receiving contributions from bankers all over the country, and especially in the banking centers of New York. I charge, furthermore, that this American Bankers' League is the parent of what is called the Texas Tax Clubs and the Iowa Tax Clubs, which sought to intimidate the gentleman from Iowa [Mr. GREEN], and is the parent of these various other State tax clubs, acting under the inspiration of the American Bankers' League, which have cooperated in fomenting the opposition to what is known as the Federal inheritance tax.

Now, the senator from Fort Worth not only admitted that his expenses had been paid to and from Washington on two occasions but that the Texas Tax Clubs and some Texas bankers had paid the expenses of other gentlemen to and from Washington. He furthermore admitted that a call had been issued for an unofficial meeting of the Texas Legislature—a call issued by George H. Colvin, of Fort Worth, the president of the Texas Tax Clubs, and the speaker of the house, Mr. Satterwhite; a joint call of the legislature issued, my friends, not by the speaker alone, not by the governor, who, the constitution of the State says, has the power to call it; nobody but the governor has the right to call the legislature except for purposes of investigation and impeachment—a joint call of the legislature and the tax clubs to meet in Austin. The press reported the call by Colvin and Satterwhite.

Mr. Stuart admitted that in journeying down to Austin, Tex., to perform his duties as a State senator he carried in his pocket a little check to cover his expenses; a check not from the State treasurer, not for his mileage and per diem, but he carried a check drawn by a banker in Fort Worth to pay his expenses down to the unofficial meeting of the legislature; a call joined in, I say, by Mr. Colvin, of the Texas Tax Clubs, and the speaker of the house of representatives.

Who is Mr. Colvin? George H. Colvin, purports to be president of the Texas Tax Clubs. I want to say here now that I am not attacking the members of the legislature. I believe that many of them are honestly and sincerely in favor of a State inheritance tax, but they have been misled. They have been deceived. They have let the Texas Tax Clubs use them for the purpose of seeming to stand up for the rights of their State, but in reality these gentlemen intend to destroy all Federal inheritance taxes as well as State inheritance taxes. When this organization had its unofficial meeting and passed resolutions, did the legislature send out the resolutions under the great seal of the State? Did it send them out with the impress of the house of representatives upon them? No. We find the resolution emanating from the Texas State Legislature in unofficial session comes to us upon the stationery of the Texas Tax Clubs, certified by Mr. Leon L. Shield, secretary of the legislature? No; secretary of the tax clubs.

Who is the speaker of the legislature? The paper says that my old friend and associate, Lee Satterwhite, is speaker. But this letter transmitting the resolution goes out on the letterhead of George H. Colvin, president of the Texas Tax Clubs.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. Mr. Chairman, I yield 10 minutes additional to the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes additional.

Mr. CONNALLY of Texas. Of course the speaker signed the resolution. He signs the resolution, but the letter of transmittal is a letter from the Texas Tax Clubs by their secretary.

Now, gentleman, this man Colvin has been making threats. He has threatened to defeat Members of Congress from Texas who refuse to do his bidding. Here is a press report. This is from the Waco News-Tribune of December 1, the day before the meeting:

> According to advices received by Mr. ——— (who is chairman in the district of the Texas Tax Clubs and who signed the telegram to me) from George H. Colvin, State chairman, and unless Texas Congressmen generally give heed to the wishes of their constituents opposition of the deadly earnest kind is in prospect for some Texas Congressmen next year, Mr. Colvin has declared.

That statement did not mean that Texas Congressmen would be defeated unless "they give heed to the wishes of their constituents," but it meant unless they should give heed to Colvin and his wishes and those of the tax clubs they would have "opposition of the deadly earnest kind." The day before the mass meeting Colvin was making threats.

Now, Mr. Colvin has been issuing warnings, and I want to issue some warnings.

Mr. SABATH. Who is this man Colvin?

Mr. CONNALLY of Texas. This man Colvin is a banker, so they say, in Fort Worth. He is the head of these Texas Tax Clubs.

Mr. CARTER of Oklahoma. He is the president, is he not?

Mr. CONNALLY of Texas. No; he is called chairman. But he is the head of these Texas Tax Clubs that were formed under the sponsorship and under the inspiration of the American Bankers' League. I charge that the American Bankers' League has an office in Washington; I have been informed it is in the Munsey Building; and I charge that the Bankers' League occupies either contiguous, adjoining, or the same offices with the celebrated organization known as the Southern Tariff Association, which has for years been seeking to coerce and intimidate southern Congressmen to vote to put a tariff on the backs of the already too heavily burdened people. I charge that the American Bankers' League and the Southern Tariff Association are so intertwined and interlocked and combined that they are working together, and some of their employees work for both organizations. They are financially supported and their expenses are paid by selfish interests who want to reduce their own taxes and increase the tariff taxes of the people. I charge that one J. A. Arnold, who some years ago in Texas represented the Texas Commercial Secretaries' Association, an organization that had been subsidized by many special interests in Texas—the railroads, the brewers, and other interests of that kind—to carry on propaganda and to influence legislation; that organization became so odious that public opinion forced it to disband; it has no connection with the legitimate organization of Secretaries of Commercial Clubs—that same Arnold is now in charge of the Washington offices of the Bankers' League and works for the Southern Tariff Association.

There was issued, my friends, from Washington the other day a news dispatch, and I am satisfied that the Bankers' League and Mr. Arnold knew something about it. This was a telegram from Washington, under the headline of the Associated Press, saying that a new drive was being initiated for the repeal of the Federal inheritance tax, and that Speaker Satterwhite, of the Texas Legislature, had issued an invitation to other speakers, a number of them, over the country to meet him here in Washington to protest against this tax. It was issued from Washington on December 8. It reads as follows:

> TEXANS RENEW WAR UPON TAX—SATTERWHITE INVITES OTHER STATE SPEAKERS TO HAVE WASHINGTON CONFAB
>
> [Associated Press]
>
> WASHINGTON, *December 8.*—Another drive for flat repeal of the Federal inheritance tax has been inaugurated here under the leadership of Speaker Lee Satterwhite, of the Texas House.
>
> In cooperation with the Texas Tax Clubs and the American Bankers' League he has invited the speakers of several other State legislatures to meet with him here next Thursday to discuss the subject.

I do not know whether Speaker Satterwhite had reached the city on December 8; I thought he got here on the 9th of December. Mr. Satterwhite denies that he joined in such a call. Then the call could only have been issued by the Bankers' League and the tax clubs. I do not know how many of them came in response to that call, but I understand that gentlemen from Arkansas and other Southern States responded and were here a few days ago. Unless there is some influence, like the American Bankers' League that is coordinating these various

tax clubs, you would never on earth get them all in Washington at an identical time; they would never of their own volition just happen to meet here in one place and at one time.

Now, I say I want to issue a little warning. I warn the people of Texas that this man Colvin and his organized propaganda intend not alone to destroy the Federal inheritance tax but that their ultimate goal is the destruction of the State inheritance tax, because every member of the legislature that appeared before us yesterday said they were opposed to the estate tax in the States except the speaker of the house, who qualified his statement by saying that he was opposed to it on direct heirs. A tax only on collateral heirs is inadequate and a makeshift.

Now, gentlemen, I charge Mr. Colvin with handling the funds of the Texas Tax Clubs and with financing paid propagandists and agitators to go around over Texas fomenting opposition and threatening Congressmen with defeat. But be it said to the honor and credit of Texas Congressmen that yesterday when these gentlemen, representing the views of Mr. Colvin, came before the Texas delegation, every one of them said that they intended to vote their convictions and vote for the Federal inheritance tax as Democrats have been doing for years. [Applause.] And the two Senators as well. So, so far as Mr. Colvin is concerned, he can make all the threats he wants to make; nobody is going to be frightened by Mr. Colvin and his great contributions of cash to expense accounts, paid advertising, paid stationery, and paid letterheads. Now, gentlemen, just one other word.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. GREEN of Iowa. I do not know what kind of information they circulated in Texas, but I know that the information which was circulated in Iowa was most misleading. A great many people were under the impression, from what these agents were saying, that everybody paid this inheritance tax, whereas, as a matter of fact, there is not one in five hundred in my State who pays this inheritance tax and not even that number of the gentleman's own State.

Mr. CONNALLY of Texas. Why, of course. Let me say to the gentleman from Iowa that I know why they made the drive especially in Iowa and especially in Texas, because the gentleman from Iowa is chairman of the Ways and Means Committee and because the gentleman from Texas [Mr. GARNER] is the ranking Democrat. These propagandists who believe in the philosophy of influence by political threats said: "If we can bulldoze and browbeat BILL GREEN of Iowa and JOHN GARNER of Texas, we shall be able to repeal the Federal inheritance tax." They did not shake GARNER or GREEN.

Now, what is the inheritance tax? The first $50,000 under this bill is exempted and the second $50,000 is assessed only 1 per cent, or $500. In other words, an estate of $100,000 pays only $500. In Texas, where a community property law exists, a community estate of $100,000 would pay nothing and one-half of a $200,000 estate would go to the widow tax free; $50,000 of the other $100,000 is exempt and the second $50,000 pays $500. So in Texas a community estate of $200,000 pays only $500.

If the estate pays an estate tax to the State, the amount paid can be deducted up to as much as $400, which would leave only $100 in Federal tax on a $200,000 community property estate.

I say there has been a campaign of misrepresentation and misinformation. These propagandists do not tell the people that no tax at all is paid on any estate until it passes beyond $50,000. They do not tell the people of Texas that a community property estate of $100,000 will pay no Federal tax at all. They do not tell the people that the rates are slowly graduated. I am going to place in the RECORD a table showing the rates, as follows:

Estate tax

Estate	Exemption	Net estate	Taxable amount in each bracket	Rate (per cent)	Tax in each bracket	Total tax	Total tax (per cent)
$50,000	$50,000	----------	$0	0	$0	$0	0
100,000	50,000	$50,000	50,000	1	500	500	1
150,000	50,000	100,000	50,000	2	1,000	1,500	1.5
250,000	50,000	200,000	100,000	3	3,000	4,500	2.25
450,000	50,000	400,000	200,000	4	8,000	12,500	3.125
650,000	50,000	600,000	200,000	5	10,000	22,500	3.75
850,000	50,000	800,000	200,000	6	12,000	34,500	4.3125
1,050,000	50,000	1,000,000	200,000	7	14,000	48,500	4.85
1,550,000	50,000	1,500,000	500,000	8	40,000	88,500	5.9
2,050,000	50,000	2,000,000	500,000	9	45,000	133,500	6.675
2,550,000	50,000	2,500,000	500,000	10	50,000	183,500	7.34
3,050,000	50,000	3,000,000	500,000	11	55,000	238,500	7.95

Estate tax—Continued

Estate	Exemption	Net estate	Taxable amount in each bracket	Rate (per cent)	Tax in each bracket	Total tax	Total tax (per cent)
$3,550,000	$50,000	$3,500,000	$500,000	12	$60,000	$298,500	8.53
4,050,000	50,000	4,000,000	500,000	13	65,000	363,500	9.0875
5,050,000	50,000	5,000,000	1,000,000	14	140,000	503,500	10.70
6,050,000	50,000	6,000,000	1,000,000	15	150,000	653,500	10.89
7,050,000	50,000	7,000,000	1,000,000	16	160,000	813,500	11.62
8,050,000	50,000	8,000,000	1,000,000	17	170,000	983,500	12.3
9,050,000	50,000	9,000,000	1,000,000	18	180,000	1,163,500	12.93
10,050,000	50,000	10,000,000	1,000,000	19	190,000	1,353,500	13.535
15,050,000	50,000	15,000,000	5,000,000	20	1,000,000	2,353,500	15.69
20,050,000	50,000	20,000,000	5,000,000	20	1,000,000	3,353,500	16.75

They do not tell the people that, instead of violating State rights, the law respects the laws of Texas on community property and respects the Texas inheritance tax law and allows the taxpayer to deduct his State tax from the Federal tax.

Oh, gentlemen, they say they are in favor of State rights. Let me tell you something: When a sinister influence wants to defeat something it puts on the cloak of State rights and hides behind it. These gentlemen are hiding behind State rights, but they have a dagger poised to drive into the very heart of the right of a State to levy an inheritance tax of its own. I am for State rights. I have voted against many measures because they infringed upon State rights. But I am not for a wrong because some propagandist or lobbyist cries "State rights."

This bill levies a Federal tax of 3 per cent on every Ford automobile purchased in Texas. These people do not complain of that. It is perfectly all right for the Federal Government to do that. That is no invasion of State rights, no Federal encroachment, no attack on the States. But it is a crime for the Federal Government to levy any Federal inheritance tax on the $500,000,000 or $1,000,000,000 estate of Henry Ford when he dies, an estate that the buyers of his cars have made possible. It is all right to tax a $500 jitney, but a great wrong to tax $500,000,000 or a billion.

Mr. Chairman, I know it is hard to pay taxes. I own some property—not much, but some. I pay city taxes, county taxes, and State taxes. They are high and it is hard to pay them. I pay a Federal income tax, and have been paying one every year since 1913, when the law went into effect. I pay on my salary and on income from property. It is hard to pay. But city, county, State, and the Federal Governments must be supported. Only those able to pay can pay. Only those who have property or income can pay. When I die I hope to leave some estate to my wife and boy. I hope it will be large enough to pay an inheritance tax. When my boy receives it I hope he may pay a tax on it to his Government. I want him to realize that he is able to receive it because his Government has protected it and permits him to enjoy it.

I want him to sacrifice something of it to support that Government and in acknowledgment of the obligation of himself and that property to his country. I want him to be ready to give himself to the service of his country if her safety ever requires it, but I pray God it may never again be endangered. I want him not simply to give himself to his country in time of war, I want him to give a fair share of his property to his country in time of peace as well as in war. I want him to own the property I leave him; I do not want it to own him.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GARNER of Texas. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. CONNALLY of Texas. Gentlemen, I am one of those who believes in the philosophy of an inheritance tax, not alone for the purpose of taxation but for retarding the accumulation of great, inflated fortunes, which exert a sinister and powerful economic influence.

Andrew Carnegie, the millionaire, advocated it for that purpose. Carnegie in his "Gospel of Wealth" said:

> The growing disposition to tax more and more heavily large estates left at death is a cheering indication of the growth of a salutary change in public opinion. Of all forms of taxation this seems the wisest. * * * By taxing estates heavily at death the State marks its condemnation of the selfish millionaire's unworthy life. It is desirable that nations should go much further in this direction. Indeed, it is difficult to set bounds to the share of a rich man's estate which should go at his death to the public through the agency of the State, and by all means such taxes should be graduated, beginning at nothing upon moderate sums to dependents, and increasing rapidly as the amounts swell.

And again:

Nor need it be feared that this policy would sap the root of enterprise and render men less anxious to accumulate, for to the class whose ambition it is to leave great fortunes and be talked about after their deaths it will attract even more attention and indeed be a somewhat nobler ambition to have enormous sums paid over to the State from their fortunes.

Theodore Roosevelt, with whose name gentlemen on that side were once wont to conjure, advocated it for that purpose. Roosevelt was also a rich man. Whether you agree with his politics or not, all agree that he was a great American. President Roosevelt, in a message to Congress in 1907, said:

The Government has the absolute right to decide as to the terms upon which a man shall receive a bequest or devise from another. A heavy progressive tax upon a very large fortune is in no way such a tax upon thrift and industry as a like tax would be on a small fortune. No advantage comes either to the country as a whole or to the individuals inheriting the money by permitting the transmission in their entirety of the enormous fortunes that would be affected by such a tax.

Mr. Chairman, I believe in the security of private property. I intend to accumulate all I can honestly and fairly. I want it to be secure. I want it protected. I do not believe in socialism or communism. On the contrary, I believe the surest protection against socialism, the surest protection to property, is to make great wealth pay its share of the burdens of government—to reduce the great fortunes by graduated taxation. On that portion of an estate in excess of $10,000,000, I believe this bill ought to take 25 per cent instead of 20 per cent.

Gentlemen of the House, in the struggles against monarchy, what were the people fighting about? Kings were not odious to the people simply because they sat upon thrones. Napoleon said a throne was nothing but a bit of gilded wood. Princes were not hateful to the people simply because they draped about their regal shoulders a mantle of rich and gaudy stuff they called a royal robe. Kings were not despised because they put on their royal heads a little jeweled bauble that they called a crown. They were odious and hateful and despised because these things were but symbols of a system that ground to dust economically the poor and the weak and permitted court favorites and great nobles to escape taxation and to enjoy special privileges.

Louis XVI did not lose his head simply because he was Louis, but because the French people were ground into the dirt by taxation and the nobles went free. Charles I did not lose his head because he was not a good fellow, but the contest over ship money, a form of taxation, cut off the head of Charles; and the American Colonies, when they declared their independence, revolted on account of what they deemed unjust taxation.

We have done away with kings and nobles and princes, but, my friends, if we do not watch out we are building up here in these United States an aristocracy of wealth and of privilege that does not bode well for the Republic.

Ah, gentlemen, I do not want America ever to become a land of the few very great rich and a land of the many abject, poor, ground down by economic pressure. America is great and rich and strong, but she can remain great and rich and strong only so long as she continues to hold the affection and the attachment of the people that make her great and rich and strong. [Applause.] My friends, America will continue to be great only so long as she is just to the weak before she is generous to the strong, only so long as she is fair to the poor before she gives favors to the rich. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, tax laws are always unpopular with those who have to pay the taxes. Taxation legislation is a continuing process. Whenever any legislative body feels it has enacted a tax law that will remain permanent, they are soon confronted with new situations, new economic conditions, and new expenditures that demand of the Government a different system.

There are always growing needs of government that demand a revision of the tax laws. The Constitution provided for a system of direct taxation, apportioning it to the States according to enumeration, but when the demands for larger appropriations came on it was found necessary that a more expedient process of levying direct taxation was needed. Hence the necessity for the enactment of the sixteenth amendment, which gives the Federal Government a new power in substitution of an old power; and in addition the Federal Government now, like the State government, can reach out its hand and levy upon the individual under that amendment.

In times of war increasing expenditures have made it necessary to make the rates often excessive when applied to peacetime conditions; but the sixteenth amendment in times of war gave the Government the power to conscript the wealth of the country to help win the war, the same as it conscripted the manhood. Some say that, now the war is over, there should be a reduction of rates, but so far as the financial obligations of this country are concerned the war is not over. We are now only entering upon that period of liquidation which is necessary and which always follows every war.

While I am in favor of reducing the surtax in the higher brackets, and all of the income taxes so far as possible, I am not in favor of reducing them to that extent where we can not liquidate the war debt, according to the present plan, in as short a period of years as is possible. There is nothing gained in the wealth or economy of a nation in prolonging a debt any more than there is in prolonging the payment of a debt by an individual, because it means the levying of taxes to pay interest, and interest is never profitable, from a business standpoint, unless you are running a business and can use the money to make it earn a greater income.

I have not any very serious objection to the proposed bill and intend to support it. However, there are a few suggestions that I care to make, and I hope they will be placed in the bill by way of amendment so as to make the law, as I believe, a little better tax reduction law so far as the entire people are concerned.

For instance, there are the taxes placed upon the sale price of automobiles. If there is any one article of merchandise that is used practically by the entire people of our Nation, it is the automobile in its present use. Some 5,000,000 farmers use the automobile, business men use it, 90 per cent of the doctors of our country use automobiles, and it has come to be so practical and so necessary that to levy an excise tax upon the sale of an automobile is really levying a tax on all of the people upon a necessity.

I appreciate the rate has been reduced from 5 per cent to 3 per cent, but nevertheless my appeal is that that is one tax that ought to be eliminated entirely. I believe it ought to be eliminated because in the field of taxation of automobiles there is already multiple systems of taxation. You pay a license tax to your State; you pay fees for the transfer of the title; you pay the regular State and municipal taxation upon valuation, as well as the gasoline tax which keeps up the roads in many sections; and then comes the Federal Government, climbing in on top of those taxes, and levies an additional tax. If there is any field of taxation that the Federal Government ought to evacuate and surrender to the States, in my opinion, it is not inheritance taxes but taxes upon automobiles and upon admissions and these excise taxes which were levied in time of war.

This would be a reduction that would benefit more people than any other item of reduction that could be proposed in the present measure, because it would be beneficial to the whole people.

Then again, there is the increase in the personal exemptions to the heads of families, especially from $2,500 to $3,500. I want to record my approval of that increase of the personal exemption. I would like to see the exemption on dependents raised from the age of 18 to 20 years of age, and my reason for that is that we all believe in education and in the improvement of the children and the youth before they are placed in the activities of life, and there is none of my colleagues but what appreciates the fact that a child from 18 to 20 years of age, who is in school, is a greater expense to the head of the family than a child of more tender years. So I think the age ought to be raised from 18 to 20.

There is also the increase of the limitation from $10,000 to $20,000 on earned income.

I think that provision in the law is wise. I am always in favor of protecting the wages and salaries for personal service, giving them preference over dividends, interest, and rent, because of the vital necessity of protecting the American home. The home is the basic institution upon which progress and civilization is based, and any exemption or preferment that can be given the American home is a benefit that is going to extend to the future generations of America. [Applause.] So I think earned incomes should have the preference, and I approve of the increase from $10,000 to $20,000.

My friend from Texas [Mr. CONNALLY] to a certain extent has recorded my views on the tax on gifts and inheritances.

It would seem to me if there is any tax that is just and wise, it is the placing of a graduated tax on inheritances, and, of course, the gift tax should go along with the inheritance tax to protect it. If a man has lived under a beneficent government and received the protection throughout his life that enabled him to accumulate a vast fortune, why should not he, when the time comes to pass it along, be willing to contribute a part of it to the government which has enabled him to accumulate it?

Many men of wealth, with a philosophic turn of mind, have given away their wealth to the church, to charity, to education; and if their theory be right, as men of wealth, our theory for taxation is also right, that a portion of that wealth should be returned to the government that has been so protecting, that has given him a situation under which he has been so prosperous, and in time of war has contributed to the protection of his property, and in many instances has contributed in a special way, as witness the high protective law, which enabled him to accumulate this immense fortune.

Where does this enormous wealth generally arise? From natural resources that have been conferred on the individual, by creation of wealth in cities, by social progress and advancement of civilization, and under the protecting laws that permit one man's business to be protected so that he can accumulate these vast fortunes. No man on his own ability ever earned $100,000,000, and I doubt if any have earned a small fractional part of such an amount, so far as his own earning power is concerned. Government and society contributed to these immense fortunes, and therefore in all justice the Government has a certain partnership interest. So I believe, as my friend from Texas says, that there is a certain amount of social reform connected with the inheritance tax administration which permits the taking of a portion of the property for the benefit of the Government.

Our President, in his message, said that the Federal Government ought to reduce the rate on inheritances, with the idea eventually of withdrawing from this field of taxation and giving the States an opportunity to equalize the law. Who is so optimistic as to believe that the States will ever bring about a uniformity of inheritance tax laws? The demands from Indiana are different from those of Florida; and when shall we ever expect to see Florida consult with Indiana as to the making of inheritance tax laws? Never. We have 48 States and 48 different systems of taxation; and my opinion is that as long as we have as many States we will have that many different systems and different rates. The States have had an opportunity; and the only way to bring about uniformity of inheritance taxes is through the supervision and influence of collections by the Federal Government.

I would be in favor of changing the proposed measure from 80 per cent rebate to the State, to a 50–50 division, on the theory that the collection of inheritance taxes should be divided equally and that both State and Nation have equal power and equal rights to levy this class of taxation.

Wealth is no longer accumulated within State lines but through channels of interstate commerce—business interests overlapping from State to State. The immense fortunes so accumulated in no State can reach out and tax intangible property; but under a Federal inheritance tax law it will become uniform, and the conflict between the various States will be eliminated and the opportunity of men of wealth to make a fortune in one State and withdraw and take up their residence in another State, as they now have the opportunity to do, will be eliminated.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARNER of Texas. I yield the gentleman one minute more.

Mr. GREENWOOD. Not only will it eliminate the opportunity of these men to go from State to State but, in addition to that, it will create a uniformity in inheritance tax laws. I am in favor of not only rebating to these States at the rate of 50-50, where the State has an inheritance tax law, but to a State like Florida, without such a law, I would give 50 per cent in cash, so it would tend to create a uniformity of laws and distribution.

I intend to vote for the bill, and these observations, I hope, will create some sentiment for amendments which I am willing to support, because I think they will improve the proposed bill. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, the pending bill, H. R. 1, is entitled "A bill to reduce and equalize taxation, to provide revenue, and for other purposes." The chairman of the Committee on Ways and Means in the exercise of very good judgment and wisdom made arrangements for the meeting of that committee on October 19 last to prepare legislation now embodied in this bill. The first question to which the committee necessarily addressed itself related to the amount of reduction in taxes which the condition of the Federal Treasury would warrant. The Secretary of the Treasury reported an available surplus of approximately $300,000,000. It was clear that this surplus would not be sufficient to make the reductions, aggregating $800,000,000, which were requested by persons who appeared before the committee during the hearings. Since our national debt has been reduced by over $5,000,000,000 from the peak of our indebtedness in August, 1919, and this reduction has proceeded more rapidly than was hoped or contemplated by legislative provision for debt reduction, it has been suggested that a portion of the amount used for debt reduction might be diverted toward tax reduction. The truth is that, in addition to items specifically provided by law for the retirement of the national debt, there have up to the present time been available extraordinary resources for debt reduction which, however, will not exist hereafter. The principal of these sources are: $1,033,000,000, or 20 per cent, from a decrease in the general-fund balance; $1,678,000,000, or 33 per cent, from surplus accumulated in the Treasury from time to time; $1,423,000,000, or 28 per cent, from the sinking fund, strictly so-called; and the balance from miscellaneous sources, including repayments by foreign governments. The first two of these sources, the decrease in the general-fund balance and the surplus from collections, will be closed when the pending bill has been enacted, because this bill, according to the best estimates available, will exhaust all surplus by which the general-fund balance might be increased.

During the course of the debate a question was raised by the gentleman from Texas [Mr. GARNER] as to the correctness of the President's statement in his message that upon our debt of over $20,000,000,000 "the interest and sinking-fund requirements are $1,320,000,000." The Budget for the fiscal year 1927 is now available and shows the items which make up the President's estimate. They are the following for the current fiscal year ending June 30, 1926:

(a) Interest on the public debt	$820,000,000
(b) Sinking fund under the act of Mar. 3, 1919, and amendment thereto by the act of Mar. 2, 1923	325,304,445
(c) Redemption of bonds received as repayments of principal by foreign governments	31,187,200
(d) Redemption of bonds received as interest payments on obligations of foreign governments	142,936,950
(e) Obligations retired from Federal reserve bank franchise tax receipts	500,000
(f) Obligations retired from net earnings derived by the United States from Federal intermediate credit banks	500,000
Total	1,320,428,595

The estimates in the Budget for the same items for the fiscal year 1927 are, respectively:

(a)	$795,000,000.00
(b)	339,423,648.44
(c)	32,190,450.00
(d)	142,969,300.00
(e)	500,000.00
(f)	500,000.00
Total	1,310,583,398.44

It has been said that it is not obligatory upon the Government to apply repayments of principal and interest by foreign governments to "sinking-fund requirements" or "fixed-debt charges." Congress directed the application of foreign repayments to the reduction of the public debt on three different occasions, namely:

In the first Liberty bond act, section 3, approved April 24, 1917;

In the second Liberty bond act, section 3, approved September 24, 1917; and

In the Victory Liberty loan act, section 7 (b), approved March 3, 1919.

The provision in section 3 of the second Liberty loan act is typical of this legislation. It provides—

that the Secretary of the Treasury is hereby authorized * * * under such terms and conditions as he may from time to time prescribe, to receive payment, on or before maturity, of any obligations of such foreign governments acquired on behalf of the United States under authority of this act or of said act approved April 24, 1917, and, with the approval of the President, to sell any of such obligations (but not at less than the purchase price with accrued interest unless otherwise hereafter provided by law), and to apply the proceeds thereof, and any payments so received from foreign governments on account of the principal of their said obligations to the redemp-

tion or purchase, at not more than par and accrued interest, of any bonds of the United States issued under authority of this act or of said act approved April 24, 1917; and if such bonds can not be so redeemed or purchased the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to redemption or which can be purchased at not more than par and accrued interest.

It will be noted that under this law payments of principal by foreign governments must be applied to the redemption or purchase of bonds of the United States issued under authority of the Victory Liberty loan act or of the first Liberty bond act, and if such bonds can not be so redeemed or purchased the Secretary of the Treasury must redeem or purchase other outstanding interest-bearing obligations of the United States.

Our funding agreements, so far made with foreign-government debtors, provide that any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, at par and accrued interest. When principal or interest payments are thus made in bonds the Treasury Department has no recourse but to cancel them, as there is no provision by law for the reissue of bonds received in payment by the Government on any account. In fact, any other situation would be unfortunate, as otherwise the Government would have to resell its own bonds in the open market in order to obtain the funds which might be used for other purposes. Such a diversion of the payments by foreign governments would, as the Secretary of the Treasury has pointed out, be a violation of the Government's agreement with the owners of those bonds, who have a right to expect not only that the Government will pay the principal and interest of its obligations at maturity but also that the stability and market value of their securities will be maintained in the same manner and to the same extent as existed by the law in force when the securities were purchased. In other words, any change in the policy of the Government in the treatment of those securities might place the holders of them in less favorable position than they had a right to expect, in view of the provisions of law which existed when they procured their securities.

There is no injustice in requiring the present generation to pay a considerable part of the debt of the war. The present unexampled prosperity is due in large part to world conditions following the war. The time to pay debts is when there is money on hand. History, as has often been said, moves in cycles and epicycles. Prosperity to-day is followed by depression to-morrow. Economic conditions may compel us to retard the present speed in paying the debt, but that is no reason why we should slow up so long as conditions for payment are favorable. Our own history has been one of rapid payment of war debts. It was so after the Revolutionary War and also after the Civil War. Prosperity has generally gone hand in hand with debt payments. The wise business man pays his obligations and accumulates his fortune when conditions are right. He then has capital on hand and at least will not be annoyed or harassed by indebtedness when the inevitable reaction occurs. Debt reduction means tax reduction, and tax reduction means prosperity and progress.

It has been suggested, both in and out of Congress, that the liquidation of our public debt might be extended over a longer period of time than now seems likely to be required to pay the entire indebtedness. Any such plan would involve the change in agreement and the change of conditions to which I have already referred, by which the owners of Government securities will be placed in less favorable situations than they have had a right to expect; but from many other viewpoints the postponement of our debt liquidation is distinctly unwise. In all probability it would place upon the future generation a much heavier burden than rests upon the present. As the President stated in his message:

> If $1,000,000,000 is paid at the end of 20 years the cost to the taxpayers is the principal and, if the interest is 4¼ per cent, a total of $1,850,000,000. If the same sum is paid at the end of 62 years, the cost is $3,635,000,000, or almost double.

This argument can not be gainsaid. Further, the Government borrowed and is still paying in a dollar of less purchasing power than was the dollar prior to the war or, in all probability, will be the dollar when values have receded from the high peak of the World War inflation. It is very probable that the farmer of the future will have to produce two bushels of wheat and that the laborer of the future will have to work two days to produce the money for debt reduction which can now be received for one bushel of wheat or for one day of labor.

It has been erroneously assumed that even under present plans our national debt will be extinguished in 25 years. The present sinking fund act of May 3, 1919, as amended by the act of March 2, 1923, did contemplate, and probably will accomplish, the payment of one-half of our present debt of $20,000,000,000, or approximately $10,000,000,000, in the course of 25 years from July 1, 1920, the date on which the sinking-fund operations began. That act appropriates for the fiscal year beginning July 1, 1920, and for each fiscal year thereafter, for the retirement of bonds and notes issued under the first, second, third, and fourth Liberty bond acts, and under the Victory Liberty loan act, an amount equal to the sum of 2½ per cent of the aggregate amount of the bonds and notes issued under those acts and outstanding on July 1, 1920, less the par amount of foreign-government obligations held by the United States on that date, and the interest which would have been payable on the bonds and notes acquired for the sinking fund during the current and prior years of the operations of the sinking fund. It was estimated that these two amounts by the compounding of interest would liquidate the $10,000,000,000 of national debt, not covered by the obligations of foreign governments, within 25 years. The balance of the debt, however, being a further sum of $10,000,000,000, is not being reduced by the sinking fund but only by such extraordinary resources as cash balances in the Treasury, receipts from the sale of surplus property, and other unusual sources of income, all of which have now been practically exhausted and, mainly and permanently, only by repayments by foreign governments who have funded their obligations to us, and who have begun payments under settlements made with the approval of Congress. These settlements do not yet cover much more than one-half of the $10,000,000,000, and payments under them are being made upon the basis of a full term of 62 years. It is plain, therefore, that there are not and will not be available sufficient funds to pay the $10,000,000,000 of our national debt covered by the obligations of foreign governments within any period like the next 20 years, or by the year 1945. Since the sinking fund act does not provide for the termination of its operations in 1945 or at any other time, but merely fixes the basis for the accumulation of the fund, that fund will continue to provide means for the retirement of the debt, even after 1945, and thus will accelerate the ultimate extinction of the debt.

In all events, it would not be the part of wisdom at this time of close proximity to the war and unexampled prosperity to halt the reduction of the national debt. The President has already called attention to the fact that it will probably not be possible to compel any further large reductions of Federal expenditures. We will do well if we maintain the present standard of economy. Future reductions in taxes will have to depend upon improved efficiency and increased revenues. It is to be hoped that some day Congress will be able to eliminate entirely all temporary and unusual or exceptional taxes and limit taxation to the historic Federal sources of revenue, which will probably include only income taxes, customs duties, and the internal-revenue taxes, which existed before the last war.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. SPROUL of Kansas. What is the relationship of the amount of the foreign indebtedness to this country, compared with our own governmental indebtedness?

Mr. CHINDBLOM. Our governmental indebtedness now is approximately $20,000,000,000; about one-half of that was expended for our own military operations, our own cost of the war, and about one-half is represented by loans made to foreign governments.

Mr. WAINWRIGHT. May I ask the gentleman whether in the reduction of the debt they have treated those two elements of the bonds separately? Have they reduced them equally? In other words, we hear that there has been a reduction of $5,000,000,000, we will say. Has that been applied upon the debts which are of what we may call the first class, or on the debts represented by the foreign loans.

Mr. CHINDBLOM. There is no classification of our national debt. The debts consists of bonds, of all the various issues, and when we speak of the national debt we include in it not only the Victory-loan obligations and the Liberty-loan obligations, but all of the national debt, and all of it must be treated in its entirety; but so far as the expenses of the war are concerned, the obligations outstanding upon the first, second, third, and fourth Liberty-loan bonds and the Victory bonds are treated as a unit, and for them the sinking fund has been created, and also for bonds issued under those acts for refunding purposes. When payments are made, of course,

they can not be made on any specific bonds or any specific indebtedness, but as fast as the Government gets funds it goes out into the market and purchases bonds and redeems those which it is most advantageous to the Government to buy and redeem. Let me say in passing that in those operations, which have been continued during these last five years, the most invaluable services of the Secretary of the Treasury and his assistants have been given to the fiscal situation of the Government. Millions upon millions have been saved to the people of this country by those wise fiscal operations, because these men understand the finances, not only of the United States but of the world.

Mr. SPROUL of Kansas. Will the gentleman tell us the source of the sinking fund?

Mr. CHINDBLOM. The source of the sinking fund is twofold. There is set aside, first, 2½ per cent per annum of that portion of the debt created by the acts I have mentioned, which was not covered by the foreign-government obligations on July 1, 1920, and in addition to that there is added the interest which would have been paid annually upon the bonds that are redeemed, and upon the bonds that have been redeemed during the prior years of the operations of the sinking-fund provisions, so that the 2½ per cent represents, it might be said, the principal of the sinking fund, which is constant, while the other item, that of interest, is constantly increasing.

Mr. SPROUL of Kansas. Decreasing?

Mr. CHINDBLOM. Oh, no; the interest base will be constantly increasing, because the amount of interest which we are saving upon the bonds that have been redeemed will be constantly increasing while the amount of the bonds themselves will be decreasing by reason of the redemption and retirement. There is no provision in the law for the reissue of any bonds which have been paid into the Treasury as prepayments by foreign governments upon their obligations, whether those payments are for principal or for interest. The law specifically provides that payments of principal must be applied upon the redemption of bonds of the United States, but there is no such specific requirement as to interest which is paid now in considerable amounts. My recollection is that is about $140,000,000 a year which we are getting now, mostly from Great Britain, in the payment of interest. These debtor countries under the law have the privilege of paying in bonds, and they do pay in bonds, because it is to their advantage; and once the Government has received the bonds there is no provision under the law by which the Government can reissue those bonds. They must be retired. They are simply in the hands of the Government, and so naturally, logically, and necessarily even the payments which are made upon interest by foreign governments are applied upon the reduction of the national debt.

Mr. TAYLOR of Tennessee. Would there be any advantage to a foreign country in paying in bonds if the bonds cost more than par?

Mr. CHINDBLOM. No; but up to this time they have always been paid in that way.

Mr. TAYLOR of Tennessee. That was because the bonds were selling at less than par?

Mr. CHINDBLOM. They are doing it now. We are to receive a payment from Great Britain in a few days, and the bonds are here.

Mr. TAYLOR of Tennessee. What bonds are they?

Mr. CHINDBLOM. Our own bonds.

Mr. TAYLOR of Tennessee. I mean what issue?

Mr. CHINDBLOM. I do not know what issue they will be, but I know there will be a payment very shortly, and that that payment will be made in bonds.

Mr. TAYLOR of Tennessee. They must have been purchased below par, otherwise they would not get any advantage from it.

Mr. CHINDBLOM. I do not know why they do it, but the fact is that up to the present time they have made all their payments, except the first initial payment, in bonds. Some of our short-term notes carry so low rates of interest that they can be purchased slightly below par.

Mr. CRISP. Is it not advisable and right that the United States should accept its own obligations at par?

Mr. CHINDBLOM. Absolutely.

Mr. CRISP. And is not that all that this provision does? The United States accepts its own obligations at par in the retirement of the amount due the United States.

Mr. CHINDBLOM. There must be an advantage to the foreign countries in buying bonds and using them in payment of their obligations to us. I might add that there is another law under which estate taxes, concerning which we have heard so much discussion, may be paid in bonds; and during the early period of the war, when bonds were below par in the United States, we were receiving considerable payments in estate taxes to the Federal Government in bonds. But I must hurry, as my time is fleeting. I can not now further discuss or analyze the operations in the payment of the national debt, but I will say to the committee that I thought it proper, so far as it was within my power, to shed some light upon this subject rather than to discuss the main features of the bill which have already been so thoroughly explained during the course of this debate.

On October 19 last, before the Committee on Ways and Means began the consideration of the revision of the internal revenue law, I issued a statement reading as follows:

> I shall, of course, enter upon the deliberations of the Ways and Means Committee with an open mind, willing to coöperate with my colleagues and the administration. Fortunately, there seems to be general agreement this year that the high surtaxes must be reduced. Personally, I favor a maximum surtax of 15 per cent. This will benefit the whole country by releasing capital for investment in industry and trade. Next I would abolish as many, and as much as possible, of the special taxes upon particular commodities and occupations, levied during and on account of the war and described in Treasury statements as collected under the revenue acts of 1921 and 1924. The reduction of the surtaxes will cause an immediate loss for a couple of years, until the effect has been reflected in the increase of private business, but as soon as the condition of the Treasury will permit I would abolish all of the so-called special taxes. They represent no consistent principle in taxation. The income tax, customs duties, and the pre-war internal-revenue taxes will probably have to be retained until the war debt has been paid. As soon as it possibly can be done, the estate tax, as a source of Federal revenue, should be not only reduced, but eliminated. The gift tax should be repealed at once. All of these things are, in my opinion, more important than any reduction at this time of the normal income tax which is itself not burdensome. It is well that every person who can afford it contribute something directly to the maintenance of the National Government. The only changes I might suggest would be the raising of the exemption for single persons from $1,000 to $1,500 and extending the age limit of children from 18 to 21 years for the exemption granted to the head of a family. However, we have only a $300,000,000 surplus available. Out of this cloth we must cut what garments we can and not make them misfits.

To the extent that the pending bill differs from the foregoing program, I have composed and compromised my views in the interest of harmony and unanimous action both in the committee and, as we all trust, in the Congress itself. On several points I yielded, because I was outvoted. The principal one of these relates to the personal exemptions. I do not believe in the principle underlying a $3,500 exemption from the Federal income tax for the head of a family. In my opinion, the $2,500 exemption in the 1924 act was and is ample. I see no virtue in relieving a large group of citizens, having equal opportunities and equal responsibilities under our Government, from a fair share of the burdens of government.

In this connection my very distinguished colleague [Mr. RATHBONE], who, by the way, occupies the unique position of being not only my colleague but also my constituent, as I am his colleague and constituent, he being Member at Large and living in my district, in debate the other day——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHINDBLOM. May I have 10 minutes additional?

Mr. GREEN of Iowa. I doubt if I can do so without taking from some other gentlemen, but I can give the gentleman five minutes.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. CHINDBLOM. My distinguished colleague the gentleman from Illinois [Mr. RATHBONE] advocated the raising of the exemption for the head of a family to $5,000 and predicated his proposal upon what he conceives to be a "mandate" from the Republican Party in Illinois and the Legislature of Illinois. I do not yield in my regard for the actions of a Republican State convention or of the bipartisan legislature in our State, but I venture to suggest that in a question of this kind we should also apply our own judgment and give consideration to the national leadership of the party. In the platform of the Republican National Convention at Cleveland in 1924 there occurs the following plank:

> Progressive tax reduction should be accomplished through tax reform. It should not be confined to less than 4,000,000 of our citizens

who pay direct taxes, but is the right of the more than 100,000,000 who are daily paying their taxes indirectly through their living expenses. Congress has in the main confined its work to tax reduction. The matter of tax reform is still unsettled and is equally essential.

We pledge ourselves to the progressive reduction of the taxes of all the people as rapidly as may be done with due provision for the essential expenditures of the Government administered with rigid economy, and to place our tax system on a sound, peace-time basis.

We will go far afield from the purposes of an income tax if we relieve every taxpayer in the country, every citizen in the country, from the payment of taxes upon the sum of $5,000. My colleague did not state whether he intended to limit the exemption to persons who have an income of $5,000 or less or would apply it to all persons having an income and subject to the income tax law. But I apprehend that there will be no practicable or feasible way by which an exemption could be limited only to those whose incomes are $5,000 or less. It would have to be given to all having an income subject to the income tax.

Surely no one will say that tax "reform" would include the increase of personal exemptions to $5,000. The term tax "reform" has acquired a well-defined meaning in our debates upon the revenue laws and means essentially the fixing of tax rates upon such a basis, both as to amount of taxation and as to subject matter of taxation, as will bring the greatest benefit to the largest number of our people and will stimulate investment and production in order to secure the general prosperity. The President, who has some responsibility in party leadership, in his message at the opening of this Congress stated with reference to the proposed increases of personal exemptions in this bill as follows:

> In so far as income-tax exemptions are concerned, it seems to me the committee has gone as far as it is safe to go and somewhat further than I should have gone. Any further extension along these lines would, in my opinion, impair the integrity of our income-tax system.

If the increased personal exemption (from $2,500 to $3,500) had been omitted from the bill, some more of the special and unusual taxes, levied upon particular persons and interests, could have been eliminated out of the $42,000,000 thus available. However, the bill represents the composite views of the entire membership of the committee from both sides of the Chamber and I am glad to join in the movement for its passage without any substantial changes. I think it may be truthfully and deliberately said that very rarely has legislation come to the House from a committee marked by so little partisan and personal bias as is this bill. The House should pass it without any important amendment. The obligation to initiate revenue legislation rests upon the House and it is a matter of much gratification that the House can offer, as the result of the work of one of its committees, a bill so worthy of universal approval. The merits of the bill do not lie in the separate, detached sections or paragraphs, but in the structure in its entirety, and therefore it should receive the approval of the House, not in detail, but as a whole.

The argument for reduced surtaxes has been repeatedly stated in able fashion on this floor. These reductions are not merely for the benefit of individual taxpayers, but for the promotion of industry and trade generally. After all, there is a point in the income of an individual where profits can no longer contribute to his convenience or happiness, but rather become a burden and a care for their preservation as well as for their proper use and investment. The location of that point would, of course, vary in the case of different individuals, but even the proposed bill fixes a rate of over 16 per cent on a net income of $100,000 and of more than 24 per cent on a net income of over $1,000,000. Most certainly those rates are ample penalties for the enjoyment of wealth. It must be remembered that the present bill represents in all probability the final step in the readjustment of the rates fixed during the emergency of war by the act of 1918 where the rate on a $100,000 net income was $35.03 per cent and on a $1,000,000 net income 70.3 per cent. There has been some complaint about the intermediate rates, particularly in the incomes running from $11,000 to $44,000 where the reduction results solely from the reduced normal tax and the increased exemption. The actual reduction in the tax in these brackets, as compared with the 1924 tax, runs from $98.12 upon an income of $11,000 to $438.12 upon an income of $44,000. However, the income-tax rates in the proposed bill must be considered and compared in connection with the acts of 1924, 1921, and 1918. The reductions made in the proposed bill will be the following percentages for the corresponding incomes for the head of a family without dependents:

Comparison of the amount of tax for 1918 under revenue act of 1918, and under the proposed bill

Income	Tax for 1918	Tax under proposed law	Percentage of reduction from 1918 act
			Per cent
$5,000	$180.00	$16.88	90.60
$10,000	830.00	129.38	84.41
$15,000	1,670.00	409.38	75.49
$20,000	2,630.00	819.38	68.84
$25,000	3,720.00	1,359.38	63.46
$30,000	4,930.00	2,019.38	59.04
$35,000	6,170.00	2,779.38	54.95
$40,000	7,640.00	3,639.38	52.36
$45,000	9,230.00	4,569.38	50.49
$50,000	10,940.00	5,559.38	49.18
$55,000	12,780.00	6,609.38	48.28
$60,000	14,740.00	7,659.38	48.04
$65,000	16,830.00	8,759.38	47.96
$70,000	19,040.00	9,859.38	48.22
$75,000	21,380.00	11,009.38	48.51
$80,000	23,840.00	12,159.38	48.58
$85,000	26,430.00	13,359.38	49.45
$90,000	29,140.00	14,559.38	50.04
$95,000	31,980.00	15,759.38	50.72
$100,000	34,940.00	16,959.38	51.18
$500,000	322,940.00	116,959.38	63.78
$5,000,000	3,842,940.00	1,241,959.38	69.79

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CHINDBLOM. Can the gentleman yield two or three additional minutes?

Mr. GREEN of Iowa. I yield to the gentleman three minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes more.

Mr. CHINDBLOM. It will be observed in this table that the percentage of reduction, after decreasing gradually from the lower incomes to the higher, again rises slowly above the actual net income of $65,000 and reaches the maximum of 69.79 per cent on the net income of $5,000,000, which, however, is approximately the same percentage of reduction as on the net income of $20,000, where it is 68.84. It is, of course, to be expected that the reduction will be somewhat larger for the extremely high incomes where the tax was highest during the peak of the rates.

There is another comparison which seems to me not only interesting but conclusive as to the comparative fairness of the ultimate rates in the proposed bill. It shows in the proposed bill the percentage the tax bears to the net income in the various brackets, together with the total tax for married persons having no dependents and with the earned-income allowance of $20,000 all being considered as earned. The table is as follows:

Tax of married persons having no dependents, with the earned-income allowance of $20,000, all being considered as earned, under proposed bill

Net income	Surtax rate	Total tax	Per cent tax is of the net income
$4,000	.....	$5.63	0.141
$5,000	.....	16.88	.338
$6,000	.....	28.13	.469
$7,000	.....	39.38	.563
$8,000	.....	56.25	.703
$9,000	.....	78.75	.875
$10,000	.....	101.25	1.013
$11,000	1	131.25	1.193
$12,000	1	168.75	1.406
$13,000	1	213.75	1.644
$14,000	1	258.75	1.848
$15,000	2	311.25	2.075
$16,000	2	363.75	2.273
$18,000	3	483.75	2.687
$20,000	4	618.75	3.094
$22,000	5	818.75	3.721
$24,000	6	1,038.75	4.328
$26,000	7	1,278.75	4.918
$28,000	8	1,538.75	5.496
$30,000	9	1,818.75	6.062
$32,000	10	2,118.75	6.621
$34,000	10	2,418.75	7.114
$36,000	11	2,738.75	7.608
$38,000	12	3,078.75	8.102
$40,000	13	3,438.75	8.597
$45,000	14	4,368.75	9.708
$50,000	15	5,358.75	10.72
$55,000	16	6,408.75	11.65
$60,000	16	7,458.75	12.43
$70,000	17	9,658.75	13.8
$80,000	18	11,958.75	14.95
$90,000	19	14,358.75	15.95

Tax of married persons having no dependents, etc.—Continued

Net income	Surtax rate	Total tax	Per cent tax is of the net income
$100,000	19	$16,758.75	16.76
$200,000	20	41,758.75	20.88
$300,000	20	66,758.75	22.25
$500,000	20	116,758.75	23.35
$1,000,000	20	241,758.75	24.18
$2,000,000	20	491,758.75	24.58
$3,000,000	20	741,758.75	24.73
$4,000,000	20	991,758.75	24.79
$5,000,000	20	1,241,758.75	24.83

Among the most meritorious features of the proposed bill is the reduction of the estate tax from a maximum of 40 to 20 per cent with a credit allowance for succession taxes to the States to the extent of 80 per cent of the Federal tax, the elimination of the gift tax, and the repeal of the publicity provision as to the amount of income taxes paid by individuals. While I favor the ultimate elimination of the estate tax as a source of Federal revenue, the bill probably offers the best solution available under present conditions.

It is to be hoped that ultimately all of the special taxes, including all sales, occupational, excise, and stamp taxes which were levied during the war, may be stricken from our Federal tax lists. A good beginning has been made in this bill, and the next opportunity for tax reduction should wipe all of these special taxes off the books.

There are many commendable features in the bill for improvement in the administration of the law. Among the most important and most beneficial of these are the changes with reference to the Board of Tax Appeals. This board is given greater authority, its jurisdiction is enlarged, and, above all, provision is made for permanent tenure and better compensation for the members of the board. Appeals from its decisions will go to the United States circuit court of appeals of the domicile of the taxpayer. Both the taxpayer and the Commissioner of Internal Revenue must seek their remedies, first in the Board of Tax Appeals and then in the circuit court of appeals and finally, in proper cases, upon writ of certiorari to the Supreme Court of the United States.

Mr. McKEOWN. Why do you change from the district court to the circuit court of appeals?

Mr. CHINDBLOM. I am glad the gentleman raised that question. If you enact a provision requiring the taxpayer to go from the board to the district court, you have two trials de novo. Why have two such trials? An admirable feature in the proposal is the addition of six special Deputy Commissioners of Internal Revenue, who will have power to determine cases and reduce the number of appeals to the Board of Tax Appeals and the courts.

A very commendable and deserving change in the administration of the Bureau of Internal Revenue is the creation of the office of general counsel to take the place of the present position of solicitor. The salary is increased to $10,000. The Government will be very fortunate, indeed, if the present incumbent of the solicitor's office, Mr. Gregg, will accept the new position at the proposed salary. He is one of the most efficient and capable men in the Government service, and it is hoped that he will remain a long time. If the time comes when a successor to him must be sought, it is hoped that we shall get a man of equal efficiency and ability. However, the head of the legal division of the Bureau of Internal Revenue should, in all events, have a title and authority and, at least, the compensation proposed in the bill. He is the head of one of the largest and most important legal departments in the Federal Government.

Section 1203 of the bill provides for the establishment of a joint commission on taxation, to be composed of five Members of the Senate, five Members of the House of Representatives, and five members from the general public. They are to study and report to the Congress upon the administration of Federal income and other internal revenue laws and suggest changes and improvements which commend themselves to them. This is an exceedingly important feature of the bill. It is our hope that these provisions will lead to such a study of our whole internal-revenue system as will in the future give us at some time, as it may prove, a really ideal and complete system of revenue legislation that will be equitable and fair to all of our people. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield 30 minutes to the gentleman from Virginia [Mr. DEAL].

The CHAIRMAN. The gentleman from Virginia is recognized for 30 minutes.

Mr. DEAL. Mr. Chairman, the distinguished chairman of the Committee on Ways and Means and also the ranking member on the Democratic side of that committee have told us that they have spent three months in the hearings upon and the preparation of the best tax bill that has ever been presented to Congress; that is to say, the best tax bill since there has been incorporated therein a graduated income tax law. If they have spent three months in the consideration of this bill, it is fair to presume that these gentlemen, who have been upon this committee since the beginning of the income-tax feature of our revenue bills, have spent perhaps 15 to 18 months of continuous effort on tax legislation, and, of course, each and every member of that committee has spent a great deal of time privately in thought and preparation for tax legislation. That being true, it can hardly be expected that 410 Members of this House, representing approximately 104,000,000 people in the United States, who must contribute in some measure to the payment of these taxes, are not very well equipped to discuss all of the features of the bill. It is not my purpose to attempt to do so; but there are some features to which I shall direct my attention.

The gentleman from Texas [Mr. GARNER], for whom I entertain the warmest friendship, suggested that there are some Members here who actually oppose a graduated income tax and favor a single or flat tax upon incomes; and, although I may be mistaken, the manner in which he made the statement impressed me with the idea that while he could name those people he would not do so, because it might be a reflection upon them.

Now, I happen, Mr. Chairman, to be one of those who entertain that opinion. I have never yet been able to reconcile myself to the view that it is right to place a tax on one man or one class of men and exempt his neighbor from a similar tax; and therefore I do not agree with the proposal in the tax bill under consideration to exempt 3,000,000 persons from making income-tax returns or paying any income taxes. I believe that every man should contribute something toward the support of his Government, be it great or small. But when we undertake to graduate that tax and place an unusually heavy burden on one class and exempt another, it simply invites from the general public a demand that one class of people shall pay or bear the burden incident to the expenses of our Government.

Now, I know that whenever we refer to the Constitution of the United States some gentlemen will smile. We say now that there is no such thing as a Constitution; it has been violated to such an extent that it is hardly worth while to consider it any longer. But I have not forgotten, Mr. Chairman, that only six days ago I stood here and with my right hand raised to high heaven took a solemn oath that I would support and uphold the Constitution of the United States, and in so doing I believe that it is my duty to lean backward, rather than lean forward, in supporting that historical document.

I know the thought that I shall present is antiquated, but nevertheless it may not be amiss to review the history of this income-tax legislation. First of all, those who wrote our Constitution provided in section 8, Article I, that Congress should have the right to lay and collect taxes, duties, imposts, and excises.

But when these gentlemen, wise though they were, had written that sentence, they became frightened at the tremendous power they were delegating to the Congress of the United States. So they began to hedge, and in the very next sentence they limited the things for which Congress might tax, viz, to pay the debts for the common defense and general welfare of the United States. They did not stop there; they proceeded with a third sentence, all in the same paragraph, in which they said "but." The conjunction "but" was used, calling attention to the fact that these powers were not unlimited.

But all duties, imposts, and excises shall be uniform throughout the United States.

Now, gentlemen, what is the meaning of the word "uniform"? Webster, an accepted authority, says that the word is derived from two Latin words, "unus," one, and "forma," form, one form, not varying, not different, the same. This is about as plain and as strong as the English language can express the purpose and intent of the power to be conveyed; there would seem no latitude for misinterpretation.

For 125 years every general assembly of the States of the Union and every Congress, with one possible exception, all of our courts, Federal and State, and public officials recognized and accepted the word "uniform" as meaning "one form, not varying, the same," and even to-day, in every single excise tax we levy, except the income and inheritance tax, we make the tax uniform, still recognizing that this word, as used in our Constitution, intends that there shall be one tax for all alike.

In 1865, as a war measure, the first income tax law was enacted, and that was slightly graduated—5, 7½, and 10 per cent. It was the first income tax, so far as I am aware, that was ever levied. It was for war purposes and during the war. But within two years thereafter, 1867, that tax was repealed, and the Congress, recognizing the uniformity requirement of the Constitution, enacted a tax law laying a flat 5 per cent tax upon all incomes.

This law was reenacted in 1868 and again in 1870 and expired by limitation in 1871. In 1893 Congress again enacted an income tax law, placing a rate of 2 per cent on all incomes in excess of $4,000. This law was contested and taken to the Supreme Court of the United States. The Supreme Court, by a vote of 5 to 4, very properly, as I think, held the law to be constitutional. But about that time one of the members of the Supreme Court either died or retired. The vacancy was filled, and the contestants appealed for a new hearing, which was granted. At the hearing in 1894 the new member of the Supreme Court joined with the four minority who held that the income tax law was unconstitutional on the ground that incomes from real estate was a direct tax and as such should be apportioned among the States according to representation.

Mr. Justice Fields, one of the members of that court, agreeing with the majority but handing down a separate opinion, said it was unconstitutional for the further reason that it exempted incomes up to and including $4,000, thus destroying the uniformity required by the Constitution. There being no dissent to this view by the four judges who joined in holding the tax unconstitutional, it is fair to assume that a majority of the court agreed to this view.

So soon as this decision was rendered a movement was started for an amendment to the Constitution granting to Congress the right to tax incomes, which resulted, in 1912, in the sixteenth amendment to the Constitution being ratified and promulgated. It was my privilege as a member of my State legislature to vote against this amendment, a vote that I have never regretted. The sixteenth amendment to the Constitution did not change the uniformity provision in section 8 of Article I. It made no reference whatever to that article; it left it intact; it merely provided that—

> Congress shall have the right to tax incomes, from whatever source derived, without apportionment among the States or regard for any enumeration or census.

That was all it did. It never gave to Congress the right to enact a graduated income tax law. Of course, the Congress assumed that right and, if I remember correctly, Mr. James Madison, during the debates in the Constitutional Convention, said that—

> if our Government should ever fall within itself it would be because of the usurpation of power by the legislative branch of the Government.

Clearly the Congress indulged in a usurpation of power when it enacted a graduated income tax law. But they did it, and the President signed the bill. It was duly contested, and the Supreme Court reversed itself a second time by saying that "uniform" should not be treated in the commonly accepted meaning of the word. That may not have been the exact language used, but that is the substance of it. But that it is geographical and should be treated in the generic sense, whatever that may mean. So the graduated income tax law is today a physical law, because the Supreme Court is the last court of resort, and there is no appeal.

Mr. WOODRUFF. Will the gentleman yield?

Mr. DEAL. Yes.

Mr. WOODRUFF. Will the gentleman tell the Members the vote by which the Supreme Court reversed itself a second time on this particular question?

Mr. DEAL. I do not recall the vote on the third decision; I remember that it was 5 to 4 on each of the first and second decisions. Does the gentleman recall?

Mr. WOODRUFF. I do not, and I would be much interested in knowing the vote.

Mr. DEAL. I will try to look it up and put it in the RECORD.

Mr. WOODRUFF. I wish the gentleman would, and I will say to the gentleman that I am very much interested in his speech.

Mr. DEAL. Now, since uniform has become geographical we have fastened upon us a physical law, with the Army and Navy of the United States behind it. It is useless, therefore, for us to expect ever, until public opinion shall so demand, a uniform tax law in the future.

By a concert action by the Congress, the President, and the Supreme Court, I submit, Mr. Chairman, that the Constitution of the United States has been changed, and in a manner not prescribed by the Constitution itself; therefore, in morals and in equity, it is illegal, and when I take a solemn oath to support the Constitution of the United States I exercise a privilege, which I accord to each of my colleagues, to interpret that Constitution according to my conscience. I believe and I feel that I absolutely have no right to vote to exempt any one man from a tax and apply that tax to another, because it destroys the uniformity that has been provided in the Constitution, and which is recognized to-day as applying to every excise tax, except the income tax.

Mr. Chairman, I merely wanted to present this view to the Members of the House, because I believe that so long as we have a graduated income tax, exempting some classes of persons and taxing others, there will be no satisfaction, contentment, or happiness among the taxed class. They may be in the minority, but there are now 8,000,000 income-tax returns made and the number is increasing annually, so that a very large per cent of the American people are being affected to a greater or less degree by this inequitable system of taxation.

It applies to the inheritance tax equally with the income tax, the principle, in my opinion being identical. It is a dangerous tax. It is dangerous in principle for the reason that, so long as you can appeal to the popular prejudice that we are going to place this tax upon the rich and exempt other classes of citizens, it will encourage a demand for extravagance by the masses of our people.

We find this reflected in the demand for abnormal and rapid production of our highway systems, cooperative bills, maternity bills, national education bills, farm bills, and extravagance in governmental activities. But if this is to be, certainly for a term of years, the fixed policy of Congress, then I would ask in all sincerity, as I did yesterday, of the gentleman from Massachusetts [Mr. TREADWAY], why should we have a dual graduated tax, thus complicating and making difficult for those who must make income-tax returns, a prompt adjustment and settlement with the Internal Revenue Department.

The so-called normal tax is graduated, therefore it is just about as inconsistent as to designate a graduated tax as uniform. If the normal tax was a single flat tax, 1, 2, or 5 per cent, there might be some logic in the dual system. As it is, I can see none.

If this actuary to whom such high compliments have been paid by the gentlemen of the Ways and Means Committee—and I have no doubt but that he is entitled to them—could estimate with such accuracy the revenues to be derived from the various sources of taxation, then surely it would have been easy for him to have adjusted the necessary revenue to a normal or to a surtax, as might be thought best; the revenue could have been raised, and it would unquestionably have simplified the income-tax returns.

Mr. TREADWAY. Will the gentleman yield?

Mr. DEAL. Certainly.

Mr. TREADWAY. Does the gentleman think it is any simpler to lay one tax of a graduated nature rather than to divide it up and compile the two together? What is the difference except the matter of addition?

Mr. DEAL. I think it makes a material difference. The chairman of the Ways and Means Committee made that suggestion to me yesterday, but I would call your attention to this fact: We do not stop in the making of law with the bill which we will pass next week or the week after. In this bill there is a section comprising five lines that delegates to the Internal Revenue Bureau the right to make rules and regulations that have the binding force of law, and there is where the difficulty and the complication and the persecution of our taxpayers comes in.

Mr. ARENTZ. Will the gentleman yield?

Mr. DEAL. I will yield.

Mr. ARENTZ. Is not that true in nearly all the departments, so that instead of being governed by law to-day, the people of the United States are governed by regulations which are set up by chiefs of bureaus so that to-day we do not know where we stand?

Mr. DEAL. Exactly. There are something like 80 to 85 bureaus, boards, commissions, and committees exercising to a greater or less degree the right to make rules and regulations, so that in addition to the laws enacted by Congress, the citizen is subjected to innumerable rules and regulations that have the binding force of law, for the violation of any one of which he may at any time be fined or sent to prison.

Mr. TREADWAY. Will the gentleman yield to allow a suggestion?

Mr. DEAL. I yield to the gentleman.

Mr. TREADWAY. Is not the power of making regulations to which the gentleman refers one that must be based on the

interpretation of the law? We do not authorize anyone to make a regulation contrary to law. There may be a difference in the interpretation of the law on which the regulation is based, and, of course, all court procedure is based on that very idea.

Mr. DEAL. I do not yield to the gentleman to make a speech. I yield for a question.

Mr. TREADWAY. I beg the gentleman's pardon; but is it not true that the regulations must be based on the fundamental law?

Mr. DEAL. I think it is; but in these bureaus, as in Congress, the tendency always is to usurp power, and no man or government has ever yet been given power that he or it did not in the end abuse that power to the extent of persecution and oppression of the citizen.

I had occasion during the past year to look into the question of a free-zone port, which some of the citizens of my district desired. I sent to Washington for a copy of the tariff bill, and my secretary sent not only the tariff bill but the rules and regulations of the Internal Revenue Bureau, and the one thing with which I was most forcibly impressed was that there were 180 or 190 pages of the law as enacted by Congress, but the rules and regulations comprised, in a handsomely bound, morocco-covered folio of 700 pages, several thousand rules and regulations or laws which the citizen must live up to and be bound by.

If we are going to continue to delegate to the various departments and commissions and boards that we are constantly creating the right to make rules and regulations, where are we going to end? Some gentleman not long since took occasion to say that there had been 2,000,000 laws enacted within a given time in this country. It seemed to me he must have been mistaken, but when we take into consideration the rules and regulations adopted by all the boards and commissions and bureaus, State and Federal, I am not certain that he was far wrong.

With this vast code of laws applying to the citizen in every phase of life wherever he may turn, he finds himself regulated, hampered, and controlled, and his peace and his happiness and his prosperity destroyed. It seems to me the time has come when Congress should enact its own laws and cease to delegate to the Internal Revenue Bureau or any other bureau or department the right to enact rules and regulations.

Mr. Chairman, there is another provision in this bill with which I can not agree, and that is the one that provides for the return of 80 per cent of the taxes collected upon inheritances by the various States. I do not object to an inheritance tax law properly adjusted, but the purpose of this provision, it has not been denied, is to coerce and force certain sovereign and independent States into measures that may be desired by this Congress. In other words, the taxing power is being used to coerce sovereign States, from whom this Congress received whatever power it may possess. If this can be done in one instance, then no State will be sovereign or supreme, because Congress, by one device or another, may enact laws that will force every State into subserviency to the centralized Government in Washington. I believe that unconstitutional. When Congress undertook to prevent shipment interstate of goods in the manufacture of which child labor was used, the Supreme Court held it unconstitutional on the ground that it interfered with the State in its sovereign rights to enact child labor laws, hence the resolution submitted for an amendment to the Federal Constitution giving to Congress the right to enact child labor laws. The American people are to be congratulated that our State assemblies by an overwhelming majority have refused to surrender this power to Congress. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, section 700 of the existing revenue act requires that every domestic corporation shall annually pay a Federal tax, based on "the fair average value" of its capital stock in excess of $5,000. It is apparent that—

First. This is a direct tax on the ownership of property.

Second. Neither the imposition nor the amount of the tax is dependent upon whether or not the property taxed produces income.

Third. The Treasury administration of the law requires the annual determination of "the fair average value" of the stock.

Fourth. The tax is imposed in addition to and regardless of the amount of income tax paid by the corporation.

Fifth. The administration of the provision requires that the corporation submit a tax return in addition to and separately from its income-tax return.

A representative of the Treasury Department appeared before the Ways and Means Committee during the hearing on the present bill and candidly and correctly stated:

> The question of what to do with the capital-stock tax comes down to whether you want to impose a tax on the corporation for the privilege of doing business in corporate form, irrespective of whether it has any income, or whether you think the tax should be based entirely on the prosperity of the company measured by its income.

The property of the corporations that pay this tax is not distinguishable from the property owned generally by the people of the Nation. I presume that no one will attempt to defend this tax as a peace-time imposition other than on the basis that it is a charge against corporations for the privilege of doing business in corporate form.

What, if any, justification is there for such a defense of this provision? Is the privilege of doing business in a corporate form one of a pernicious character? Are the stockholders of a corporation such a specially favored class as to justify discrimination against them and imposing upon their ownership of property a burden additional to that borne by the citizens of the Nation generally?

There is more or less thoughtless sentiment which resents the very name "corporation," but such a sentiment should have no influence here where a substantial interest of the country is affected.

What is this privilege of doing business in corporate form? It is not a privilege granted by the Federal Government. The corporators secure their franchises through the various States. Should the Federal Government tax a citizen for this privilege granted him by the State?

The corporate form of doing business is not the established practice of the country for the benefit of specially favored stockholders. It is part of the business policy of the Nation, open to all, to encourage, facilitate, and stabilize legitimate business. The privilege of incorporation is a privilege granted for the benefit of the Nation. That method of doing business is just as legal and just as honorable as private ownership or ownership by partners.

It may be assumed that the men who form a corporation do so in the belief that it will be an advantage to them in the conduct of their business. It may be equally assumed that those who choose to do business as individuals likewise do so because of their belief of its better accommodation of their purposes.

Every right-minded American desires to encourage and facilitate the legitimate business of the country without giving it any undue advantage. If there is any benefit in doing business in corporate form, then that form should be encouraged for the economic advantage of the Nation. An intelligent administration of the Government affairs could not justify discouraging the use of more advantageous forms of doing business by imposing special charges against them. It would be more logical to impose taxes on less advantageous forms of doing business, in order to discourage them and encourage superior methods.

Doctor Seligman, while before the Ways and Means Committee, said:

> The tax on corporations is an anomalous sort of thing. We have a tax of 12½ per cent and also a capital-stock tax. I should say that from every point of view, fiscal as well as economic, it would be better to have one tax and to get rid of the capital-stock tax. If you need more revenue, raise the corporate income tax, but do not keep that division and do not follow that utterly unscientific method of levying taxes on a corporation according to the amount of the capital stock.

The corporation stock tax is a nuisance tax. In many cases the amount is small, but it is always a nuisance tax. It involves a separate return by the taxpayer, an accounting to a different bureau in the Treasury Department, and liability to revaluation of the property of the corporation from time to time as the Treasury Department may require. It is based on a different accounting than that provided for the income tax.

All taxes required of a corporation by the Government must come out of the same funds of the corporation. Why subject the corporation to a double tax system, a double return, and a double accounting system? A proper consideration of the expense and labor entailed upon corporations by our tax system should at least lead us to unify and simplify the burden by permitting the corporations to pay all the taxes required of them under one tax and under one accounting system. One can easily determine that in many cases the cost of accounting to the Government for a corporation tax may exceed the amount of the tax required. Neither does that relieve the

corporation of the expense of a separate system of accounting in order to make its income-tax return.

Large reductions in taxes have been made since the war. It would seem that seven years after the war corporations might justly share some of the benefits of tax reduction. However, more important than tax reduction to them would be the unification of their tax obligation by eliminating the capital-stock tax and, if necessary, increasing their income taxes.

I understand a motion will be made at the proper time to abolish the capital-stock tax. I shall support it.

This provision can be justified only as a war tax. In war money must be raised from sources most available, with less regard to the equity of the tax than peace time requires. During the fiscal year when the armistice was signed we expended $18,952,141,000. During the fiscal year ending in June, 1921, we had reduced our expenditures 77 per cent, to $4,468,713,000. A continuing decrease in war obligations, with limitations of expenditures, has resulted in a further decrease of our ordinary expenditures 32 per cent during the last four years. Every year should decrease our war expenditures for other years to come. We should now have a tax bill that would raise funds ample in amount and yet not violate the equities of tax impositions on a peace-time basis.

The revenue act also provides a flat corporation income tax of 12½ per cent of the income of the corporations, which means one dollar out of every eight of the net income. An exemption of $2,000 is allowed.

This provision establishes a distinct inequality in the amount of the tax on small corporations as contrasted with competitors who pay taxes as individuals. For instance, the tax on an individual, married person without dependents on a net income of $15,000, under the pending bill, would be $311.25, while on a corporation it would be $1,625. It seems to me this is an unwarranted discrimination against the corporate form of doing business. I would favor an amendment that would place the tax on small corporations on a practical equality with the individuals without dependents. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the House, seldom, if ever before, has a revenue bill been reported to the Congress that has had such unanimity of committee support or that has evoked greater and more general approval throughout the country as the measure before us. Divesting themselves of all partisan bias, it appears that the membership of the Committee on Ways and Means approached the task of reducing the tax burdens of the people in an unselfish spirit of patriotic service. And for this they have earned the gratitude and commendation of the Nation. Of course, this could not have been possible but for the program of straightforward economy adopted and pursued by the administration and the Treasury Department during the past biennial period. And while we commend the Ways and Means Committee for the splendid tax bill which is before us we must accord to the administration as a whole, and to Secretary Mellon in particular, their share of the credit for the important part which they played in bringing this happy situation to pass.

While perhaps every tax—products and relics of the war—that annoys and irritates the individual as well as the business of the country has not been repealed or reduced to the degree that every one might venture to hope, still, my friends, this bill represents a very decided and substantial step in that direction.

Personally, the feature of the bill that particularly appeals to me is that provision dealing with reductions of taxes on moderate incomes—the relief for "Mr. Average Man and Mrs. Average Woman," as the able Representative from Massachusetts [Mr. TREADWAY] so aptly put it. This provision displays a consideration and a fairness to the average taxpayer that is most gratifying indeed. The repeal of the occupation taxes will also be hailed as a great relief to a deserving body of our citizenship.

Mr. Chairman and gentlemen, while I make no special pretense to being an economist, I am one of that group who believe that an excessive surtax rate reduces our tax returns rather than increases them. In other words, it defeats the very purpose for which it is intended. I subscribe to the doctrine announced by the distinguished chairman of the committee that taxes upon business may easily be made so onerous as to discourage enterprise and actually hinder production, thereby injuring not only the taxpayer but the whole Nation; that even the most wealthy can be taxed until the inducement to preserve and increase their capital is lost; and that such action is manifest economic folly. Mr. Chairman, it is my opinion that a tax that forces the wealth of the country out of productive industry not only necessarily reduces our tax revenue but automatically and inevitably reduces the demand for employment, which is the very foundation of our national prosperity. So, Mr. Chairman and gentlemen, feeling that the bill before us is a wonderful production in tax reduction and tax reform and represents a real achievement in statesmanship, I shall give it my enthusiastic support. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Chairman and gentlemen, I gave you all a clean bill of health three days ago that you are not Socialists, but after studying this bill closely I will have to change my opinion. This bill in many respects is a real Bolshevist measure. [Laughter.]

I know that if Trotski and Zinoviev were Members of this House they would in all probability vote for this bill [laughter] because it will promote the concentration of wealth and hasten the downfall of the present capitalist system.

Mr. Chairman, you see before you a rather perplexed philosopher. Here is a bill, in the main an income tax bill, written with a great deal of foresight. I might even say that it is written with "foresight" and "hindsight."

GETS CAMPAIGN FUNDS AND ALSO VOTES

On the one hand it cuts down the income tax of the richest of the rich, about 3,000 in number, $100,000,000 a year. Forty-two topnotchers among them will save $20,000,000 next year. This will help "big business" and will also help the campaign funds of both of the old parties.

So much for the "foresight."

On the other hand the exemption was raised from $1,000 to $1,500 for a single man and from $2,500 to $3,500 for a married couple. According to some members of the Ways and Means Committee, this will release 3,000,000 persons from paying any income tax at all, and the total number of income-tax payers was only 4,270,421 in the year 1924.

This is undoubtedly "hindsight." This feature not only makes it possible for the bill to pass through Congress—the framers can also go out to the people afterwards, especially to the 3,000,000 that were released, and tell them: "See how efficient we are; we have relieved you from paying any income tax."

AVERAGE MAN DOES NOT RECOGNIZE INDIRECT TAXES

And since the average voter does not realize that he is paying more than his share of a tax whenever he buys a pair of shoes or smokes a pipe of tobacco, he will cheer it up for the Republican Party up north, or for the Democratic Party down south, because he is not paying an income tax.

As a matter of fact, even among the income-tax payers, 42 men get just as much reduction as about 2,300,000 men get at the other end.

Nevertheless, it is a bright bill from the point of view of "big business," because it follows the age-old tradition of the rulers to throw a sop to the little fellows whenever the big fellows are making a big haul.

NO OPPOSITION PARTY

The revenue bill of 1926, which is before us, is another strong proof, however, of a political and parliamentary condition unheard of in any other civilized country and unknown in the past history of our own except during the war—the fact that there is to-day no opposition party in existence in the United States.

TWO HEARTS BEATING AS ONE

We have two political organizations absolutely devoted to the same idea—"two minds with but a single thought, two hearts which beat as one"—for capitalism and big business.

We have a so-called opposition called the insurgents. [Laughter.]

They get their importance from the very fact that in this country we have no opposition party, and people are glad to see at least a semblance of it. Nevertheless, they are only an appendage to the Republican Party, and an appendage that is not wanted. [Laughter.] All they are—the only place they fill—is that of a tail to the elephant. It is a sore tail and makes the elephant sick. [Laughter.]

MOST AMERICANS PAY NO INCOME TAX NOW

Moreover, as far as the workers of the country—the farmers and laborers—are concerned, this bill, which deals mainly with the tax on incomes, is of little importance. The income of the masses of the people is small, indeed.

Only the indirect taxes, sales taxes, excise taxes, and other nuisance taxes touch them directly.

The division of the income tax among the various groups of capitalists, manufacturers, and bankers is only of academic interest to the proletariat. If you ladies and gentlemen will look at the figures you will understand why.

There are in the United States something like 21,000,000 families. And, according to the census of 1920, there were 33,000,000 men and 8,500,000 women classified as wage earners, or about 41,500,000 in all.

Now, the number of personal returns filed up to September 30, 1925, was 7,298,481. As a matter of fact, however, we had only 4,270,121 income-tax payers in 1924.

And it goes without saying that the overwhelming majority of these are not wage earners. Now, I ask you, ladies and gentlemen, how much direct interest do the 41,500,000 wage earners have in the various brackets of the income tax bill?

Alas! These people without whose work our American civilization could not exist a single day are not much concerned about the income tax law.

HOW THE NATIONAL INCOME IS DISTRIBUTED

According to the National Bureau of Economic Research, which gets its financial support chiefly from the Carnegie Corporation and similar sources, and whose board of directors is made up mainly of men known to be conservatives, the national income in 1918 amounted to $61,000,000,000. There are about 21,000,000 families in the country, and therefore the national income in 1918, if equally distributed, would mean for each family an income of about $2,900.

The same source reports that the richest 1 per cent received 14 per cent of all the income in 1918—a year of abnormally high wages. Even in 1918, the year of war wages, however, the poorest 10 per cent received 2½ per cent of all the income.

But in 1918 we find that those who earned less than $1,600 comprised 78 per cent of all the people of the United States, and those who earned more than $1,600 made up only 22 per cent.

PROSPERITY FOR MILLIONAIRES

According to the statistics of the Commissioner of Internal Revenue for 1924 there were 213 people in the United States whose incomes were over $500,000 a year. The number of men whose incomes are $300,000 and over has increased by 231 persons in the last year. We really had prosperity for the millionaires notwithstanding the 40 per cent surtax.

In its report of 1921 the National Bureau of Economic Research states that there were 521 persons in the United States having incomes of over $500,000, aggregating $536,459,618.

These 521 superrich had as much income as 2,000,000 American citizens who are at the bottom of the income-tax scale.

WORD "INCOME" USED IN TWO WAYS

Moreover, the word "income" in these statistics is misleading.

Whenever the word "income" is applied to a corporation or a business, it means the net profit. It means the surplus which remains after provision is made for all expenses and the maintenance and replacement of all machinery.

On the other hand, whenever the term is applied to the individual worker, it simply means his wages or salary. There is no consideration for the human asset that is being used up—none for the replacement of the person worn out by the stress of modern industry—no provision for the raising of a family.

And we know that it is almost a uniform policy among large corporations to employ no man who has passed the age of 45.

WORKERS HAVE NO REAL INCOME

Some economists tell us that $1,800 is considered sufficient to provide for the maintenance of a family of average size, with insurance and savings for old age. I personally doubt whether that sum is sufficient. I do not believe that many Members of this House would so regard it.

Nevertheless, 82 per cent of the people of the United States receive less than $1,800 a year. Therefore, if we consider replacement of the individual and take into account the support of the family, they receive no real income at all, if we use the term as it is used for corporations and business.

And as a matter of fact, the replacement of the workers in the United States was largely accomplished by immigration from Europe.

The real income, the surplus over what is absolutely necessary for a decent living, is to be had only by the upper 10 per cent of the population. Yet we are continually being told that we are the most prosperous people on God's earth, and that especially our workers receive an income such as no working class in the history of the world has ever received.

The wages of our workers are undoubtedly higher than those of the European workers, but our workers are exploited more intensely. And remember all workers were originally slaves. In the following epoch they were serfs. The wageworker is simply an evolution from the slave and the serf. The end of the evolution is not yet. And the wageworker in America is far from being free or secure.

WEALTH IS CONCENTRATING

All this surplus income of our capitalist class, of course, is the result of the profits made out of the labor of these workers. It is by investment of their profits that all capitalist income and the ownership of all wealth is secured.

And since these profits, gained through manufacturing, trading, rent, and interest—this real income—falls primarily to those who are already rich—the ever-increasing concentration of the ownership and control of all industry is absolutely inevitable under our present economic system.

The most reliable figures as to the distribution of wealth we have are from the United States Commission on Industrial Relations in 1915. Then it was as follows:

The "rich," 2 per cent of the people, own 60 per cent of the wealth.

The "middle class," 33 per cent of the people, own 35 per cent of the wealth.

The "poor," 65 per cent of the people, own 5 per cent of the wealth.

These figures surely have not changed to the disadvantage of the very rich since 1915, especially in view of the war and the war profits, which, according to Government figures, created 23,000 new millionaires, and the statement that 2 per cent of the people own 60 per cent of the wealth hardly holds good to-day, for the 2 per cent undoubtedly own more than 60 per cent.

One must remember that the large majority of the salaried men and of the average workingmen own nothing at all.

ONE IN TWELVE BURIED IN POTTER'S FIELD

Mr. Basil Manly, who was Director of the United States Commission on Industrial Relations and furnished most of these figures, states that in New York City alone 1 out of every 12 corpses is buried at the expense of the city in potter's field or turned over to the physicians for dissection.

Concentration of wealth is the natural result of the change from the hand tool to the machine, which is a social tool, but which, under our system, is still individually owned. Unless this ownership is also changed—and changed reasonably—we will face a condition that a small percentage of the people will simply attend to the machines or act as foremen and supervisors for a handful of owners, and the great majority will have no means at all of making a living. And what then? What are they to do?

ONLY PEOPLE WITH PROPERTY SHOULD BE TAXED

How much time have I left, Mr. Chairman?

The CHAIRMAN. One minute.

Mr. BERGER. Will the gentleman from Texas yield me some time?

Mr. GARNER of Texas. Mr. Chairman, I yield the gentleman 10 minutes.

Mr. BERGER. Of course, gentlemen, considering that I am practically the only one who voices the other side, that most of the speakers on both sides of the House have lauded this bill as the greatest revenue measure that ever happened in the history of our country, I am surely entitled to a few minutes time. Again I say that I readily understand how useless my opposition is, and I am voicing this opposition from the proletarian standpoint because nobody else does and because I owe it to my people outside to express their point of view.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. BERGER. Gladly, for a question.

Mr. ARENTZ. Would not that be a good argument, then, to have everyone pay a little tax?

Mr. BERGER. That depends on circumstances.

The old Romans would not let anybody fight in their legions unless he not only did his share toward the upkeep of the Commonwealth but also had some property. A Roman who had no property could not become a soldier of the Roman legion.

Every four years the Roman people had what they called the census. Every citizen was then put into a certain class. He was designated a senator, a knight, or a simple citizen, according to his wealth and origin.

And only one class of citizens—the one that had no wealth at all, that could not furnish its own armor and its own food—were prohibited from becoming members of the legion. The

Roman soldier had to furnish his own armor and to provide his own food for two weeks. Those that could not were not permitted to join the ranks, usually they were not expected to fight. The only way they could serve the State was by having children. That is how the term "proletarian" originated.

A slave was not permitted to serve in the army at all, except in time of great stress—for instance, during the Carthaginian War, when Hannibal threatened Rome.

As to everyone paying some income tax—well, gentlemen, if you are wise you will see to it that everybody in our country has some property; that he has a stake in our country. The word "patriot" means having a stake in the patria, an ownership interest in his fatherland. The moment a man has nothing to lose and he becomes hungry he becomes a very dangerous man, and he is far more dangerous if his family gets hungry.

As for paying taxes, I am absolutely in favor of everybody paying taxes—everybody is paying taxes indirectly now—but let also everybody have some property.

RESULTS IN FOREIGN INVESTMENT

Another effect of this concentration of surplus wealth in the hands of a few is the fact that enough capital can not profitably be employed in our own country and must therefore seek foreign investments. And we find that the present surplus of American capital is now being invested in Europe, Africa, Asia, and Oceania.

American foreign investments at the end of June, 1925, were estimated at $9,500,000,000, exclusive of the amounts owed our Government by foreign governments. Foreign investments in the United States amount to perhaps $3,000,000,000. The geographic divisions of our investments are as follows:

[In millions of dollars]

Region	Government and government guaranteed obligations	Industrial securities and direct investment	Total
Canada and Newfoundland	1,125	1,420	2,545
Latin America	915	3,225	4,140
Europe	1,665	450	2,115
Asia and Oceania	442	280	722
Total	4,147	5,375	9,522

In 1914 our total investments were estimated at about $2,000,000,000. These consisted largely of foreign branch plants in Canada, mines, railroad, and petroleum properties in Mexico, mines in Chile and Peru, sugar properties in Cuba.

VERY OFTEN WAR IS THE CONSEQUENCE

Of our total foreign investments at that time well over one-third ($700,000,000 or $800,000,000) was invested in Mexico, $450,000,000 in Canada, and perhaps $150,000,000 in Cuba, the remainder being distributed among Latin American countries, with small sprinklings in Europe as well as in the Philippine Islands and other parts of the Far East.

American investments abroad which began to figure in the international capital account during 1896 to 1914 in 1915 jumped to fifteen times annually what they had been 13 years before the war. They continued to grow until in 1920 our annual investments were thirty times what they had been in the pre-war period, reaching nearly $1,500,000,000 in that single year.

And the chances are that we may have to use our Army, Navy, and air forces to protect these investments.

THIS IS AN IDEAL BILL FOR THE PLUTOCRACY

Now, this is a capitalist tendency; we Socialists have always predicted it. The bill before the House now is simply in accord with that tendency. This bill is a proposition to help the capitalist class; to make the rich still richer; a bill to make the accumulation of surplus as easy as possible.

The bill before us proposes that the maximum surtax is to be cut from 40 per cent to 20 per cent. Due to the graduation of the tax this means that the very large incomes will pay an average rate of 8.41 per cent on the whole income. There can be no doubt that we are helping the rich.

Please compare with this that 82 per cent of all of the people of the United States earn less than $1,800 per year, the sum which is supposed to be absolutely necessary for a decent living. And remember that over half of all the people of the United States earn less than $1,600 a year—an "income" of $200 less than the minimum required for a decent living.

CAPITALISTS USING POWER

We are told that the rich need all their money for business. Yes; they need it. According to that old toast, so well known in Wall Street:

God, help the rich! They are burdened with a great deal of property. As for the poor, let them work; they are used to it.

Yes; let the poor work, if they can find a job.

Of course, we are told that the heavy reduction from 40 per cent to 20 per cent will make capital available for more business at home. But there is the fact that nine and one-half billions of dollars even now has sought investment in foreign countries.

The truth is the capitalists have the power; they own both old parties, and they want to make use of their power. Moreover, they have a proletariat in America that is only thinking of to-day, not of to-morrow—or not thinking at all. The majority has enough to eat. Their mind just now is on baseball, football, prize fights, and picture shows, and the radio.

QUEER REASONING OF MR. RAINEY

It is rather queer, however, that in view of all this my great friend the gentleman from Illinois [Mr. RAINEY] is against this bill because it relieves entirely the income taxes of nearly 3,000,000 taxpayers by raising the exemptions to $3,500 in cases of married people and to $1,500 in cases of single taxpayers.

The gentleman from Illinois [Mr. RAINEY] says none of them asked to be exempted, because the average of their income taxes was only $7.50. Did he expect that they would also send delegations to Washington to appear before the Ways and Means Committee and pay large retainers and other expenses? These $7.50 a year income-tax men need their money to pay off their installments on their flivvers or their furniture.

MISPLACED SYMPATHY

Mr. RAINEY explains that thereby 3,000,000 income-tax payers would be exempted, and in 1924 we had 4,271,421 taxpayers. But why should the Government bother about collecting these small sums, the collection of which usually costs more than the returns yield?

And the tender feeling the gentleman from Illinois [Mr. RAINEY] expresses for the men whose incomes run from $11,000 to $44,000 a year, and who do not get any relief in this bill, is positively funny.

But how about the millions of wage earners who earn less than $1,600 a year and pay no income tax at all? Do they not deserve a little of the sympathy of the gentleman from Illinois?

And now as to the gentleman from New York [Mr. MILLS]. He is a very able man. Almost uncannily so for one of his wealth. There is a gentleman evidently destined to become the successor of Mr. Andrew Mellon as the Secretary of the Treasury. And I for one would say that if you are to have a plutocratic government the real master is preferable to the flunkey. But the gentleman from New York naturally uses his ability for the benefit of himself and his class. He is supposed to be the main author of the present tax bill.

A 20 PER CENT HONOR LIMIT

What I should like to know, however, is where the gentleman from New York gets his 20 per cent as a limit for the surtax. The Mellon plan of last year provided a surtax of 25 per cent.

The gentleman from New York claims that unless it is just 20 per cent the capitalists will hide their money in tax-exempt securities, or the capitalists will find some other way to deprive the Government of the surtax.

Now, why does the capitalist's honesty reach its limit at 20 per cent? Why not at 19 per cent or 15 per cent? The surtax in most other countries is much higher.

Mr. Mellon, who is some capitalist himself, seems to have been willing to trust his class with a certain amount of honesty up to 25 per cent. Or has capitalism deteriorated since last year by 5 per cent?

I shall find no fault otherwise with the gentleman from New York, however. He is taking good care of the immediate interests of his class—the capitalist class—or, to make it more exact, of the immediate interest of our ruling plutocracy. And he is also very successful in making the rest of the employers, especially the small fry, believe that the interest of the plutocracy is their interest. That is not the case, however.

BILL IS BOOMERANG

Nor will the interests of plutocracy be served by measures of that type in the final outcome. It might have been wiser to let "well enough" alone.

The method of taxation as proposed in this bill can have but one result—it will hasten the concentration of wealth in a few hands and bring about the downfall of this system.

If we had a real opposition party in this House, and not two capitalist parties serving ultra-capitalism and "big business," such an opposition party would undoubtedly fight this bill on these grounds.

The Socialists, of course, desire that this capitalist system disappear. We expect to replace it by a more reasonable and more beneficial organization of society. The Socialists want to avoid a sudden catastrophe, however, if that be possible.

And that is why I said at the beginning of my remarks that you see in me a "perplexed philosopher."

On the one hand this measure holds out a promise of a rapid breakdown of capitalism by the fearful concentration of wealth. And it also relieves a large number of small income-tax payers of paying any income tax.

WILL NOT BRING PROSPERITY

On the other hand, this very fact will intensify the dependence of the great many upon the few, and this will strengthen the chains that bind them.

And the argument that these tax measures are the cause of prosperity is sheer nonsense, of course.

We had so-called "good times" in this country when the surtax was 60 per cent. Many people are making money now when the surtax is nominally 40 per cent.

That sort of argument is on a par with the silly assertion that America owes its prosperity to our great Federal Constitution. And because we have so much freedom and liberty and free speech in our country—especially during the war, you know.

As a matter of fact the Constitution and the surtax have nothing to do with "good times" or "hard times." We are more "prosperous" than the old European countries because here we still have colonial conditions.

And also because our capitalist class profiteered shamelessly during the late war.

While the war cost many billions of dollars, and several hundred thousand lives, we did not stay in it long enough to ruin our country.

America is prosperous—that is the capitalist class of America is so prosperous—mainly because a handful of people came here some 250 years ago, found one of the richest continents on earth—which cost them nothing, except a few bullets with which to kill the Indians.

NEED OPPOSITION PARTY

Moreover, from the very beginning our employing class had a continuous stream of the most efficient, and intelligent, and cheap labor. For 250 years this labor came in continually. America got Englishmen, Irishmen, Jews, Poles, Germans, Czechoslovakians, and so forth, for nothing.

They came here at their own expense. And they were glad to work long hours for low wages, because even at that they could do better here than in their own overpopulated countries.

But the sacro-sanct Constitution, and the various revenue bills passed by the various Congresses had nothing to do with the prosperity.

The greatest danger confronting our political situation—I must repeat this—is the fact that we have no opposition party, that the Republican and Democratic Parties are practically one.

Until we have a genuine opposition party—based on principles—supercapitalism and plutocracy will have an easier and clearer path in the United States than any ruling class ever had in any other country known in history.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MENGES].

Mr. MENGES. Mr. Chairman and gentlemen of the committee, I am delighted and very grateful to the gentleman from Iowa [Mr. GREEN] for the opportunity of just appearing before this magnificent body for the first time. Gentlemen, according to my way of thinking, this committee has done one thing for which my friend, the gentleman who preceded me, and everybody else should be under genuine obligation, that is, that they have take out partisan politics from the matter of Federal taxation. I think that is a splendid idea and I think it has been worked out, because, as I see it, both Democratic and Republican Parties have united to frame a tax bill which they both can accept, and when we go out—and you will all go out some day—to appear before your constituents and make a plea for reelection, neither the Democrats nor Republicans can accuse each other of doing any dirty work at Washington, because we are all doing the same thing. [Laughter.] I want to say, gentlemen, that I believe the Socialists, both gentlemen here who spoke, ought to thank these people for doing that one thing, instead of everlastingly lambasting them about it. Another thing. There has been a new departure here, if I am correctly informed, and that is that an effort has been made to coordinate Federal, State, and municipal taxation in such a way as to make them interdependent. I say it looks to me that way; I may be mistaken. You know, friends, we are not so much oppressed by Federal taxation as State and municipal taxation; that is the tax that I am afflicted with and pretty badly. I belong to one class that gets that entire affliction, or the greater part of it. I happen to be a dirt farmer. We find that we are getting an ever increasing amount of that kind of taxation. Now, if I see the thing rightly, in this bill there has been a beginning made to try to arrange taxation between the Federal Government, State government, and the municipally, and I agree with the gentleman from New York that some kind of an organization ought to be originated here in order to arrange taxation so as to divide the burden more equally among Federal Government and State government and the municipal government. Another thing, friends, I belong to a class that is anxious to pay an income tax. I am a farmer and we do not pay any, and we would like to get our income up to a standard where we could pay some income tax. I would be mighty glad to pay some; I have not paid any for five years. [Laughter.] I say I would like very much to get into that class which helps pay the Federal and State income tax. The other I have to pay; I can not get away from it.

Now, then, I believe that we have here a tax bill that will by and by show the very thing that you and I have in mind. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. COLLIER. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER].

The CHAIRMAN. The gentleman from Missouri is recognized for 20 minutes.

Mr. LOZIER. Mr. Chairman, the pending revenue bill, while not a perfect measure, has much to commend it to the judgment of Congress and the Nation. With most of its provisions I am in full accord. It will reduce taxes over $300,000,000. It is probably the best revenue bill we can hope to get at this session, although conditions will justify a much larger reduction. However, candor compels me to say that the benefits it carries are not always equitably distributed. Those who have great incomes are given a tremendous and disproportionate reduction in their taxes, while the average citizen and men of limited or moderate means and incomes are not given a corresponding reduction. The incomes in the higher brackets are specially favored, and the owners of swollen fortunes, many of which were accumulated as a result of war-time profiteering, and which are largely invested in tax-exempt securities, have received tremendous reductions in their surtaxes. But this was to be expected, in view of the fact that big business is in the saddle and dominating the economic and legislative life of the Nation.

The demands of the specially favored classes now, as in the past, are sympathetically considered and granted. Special privilege has become the slogan of our economic and legislative life, while certain vocational groups like agriculture are told to work out their own salvation with fear and trembling and with no worth-while aid from the Government that for half a century has unceasingly legislated to bring stability and prosperity to other vocational groups. I am wondering if this tendency toward centralization, special privilege, and class legislation will ever be checked. Will the Government ever take as much interest in agriculture as it does in manufacturing, transportation, and commerce, which are the beneficiaries of Federal legislation that has given these vocational groups an artificial and unprecedented prosperity, to a certain extent, at least, at the expense of agriculture.

A commendable feature of the pending bill is that it exempts incomes of married men of $3,500 or less and incomes of single men of $1,500 or less. This will relieve approximately 3,000,000 taxpayers from income taxes. This is fair and just, in view of the indisputable fact that this class now bear an enormous burden in the increased cost of their supplies because of the present excessive tariff schedules. Their contribution on tariff taxes is larger by far than any other class, and these exemptions are necessary to equalize their tax burden with those of other classes.

When this bill is read and considered by sections, I shall have something further to say in support of some of its

provisions and in opposition to other features of the measure. But at present I desire to call attention to the estate-tax provisions of the pending bill.

Under the revenue act of 1924, estates netting less than $50,000 are not subject to an estate tax. This same exemption is carried in the proposed bill. The maximum rate, applicable to the higher brackets, under the present law is 40 per cent, but the tax is not unduly excessive on estates netting $500,000 or less. Under the pending bill the maximum rate applicable to the higher brackets has been reduced to 20 per cent. Under the present law a credit is allowed on estate taxes of the amount of any inheritance or estate tax paid to any State up to 25 per cent of the Federal tax. Under the pending bill a credit up to 80 per cent of the Federal tax is allowed on account of inheritance or estate taxes paid to any State. As many States impose heavy estate or inheritance taxes, this provision in the pending bill practically wipes out Federal estate or inheritance taxes, especially in States that impose substantial taxes on estates or inheritances. These provisions in the pending bill will, in my opinion, give momentum to the Nation-wide movement to establish a uniform and equitable estate tax system which will prevent overlapping and duplicate taxation, and if inheritance taxes are to be levied by States, such levies should be uniform throughout the Nation. Until the States agree upon a uniform system for the imposition of taxes on the transmission of estates, the Federal Government should not retire, even temporarily, from the estate-tax field, although the pending measure, in its last analysis, practically abolishes Federal estate taxes as a substantial source of revenue. Inasmuch as all estates netting $50,000 or less are exempt under the pending bill, and estates of $50,000 to $100,000 are taxed only a nominal sum, and a credit to the extent of 80 per cent of the Federal taxes is allowed for payment made on account of State inheritance taxes, very few persons in my district or State would be interested or affected by this provision (except that it materially reduces all inheritance taxes), as the bill in its practical operation imposes only a nominal tax except when applied to great fortunes included within the high brackets.

Under the revenue acts of 1916, 1917, 1921, and 1924, the estates of persons dying on or after September 9, 1916, have been subject to a Federal tax on the transfer of the net estate, if of taxable size. The transfer is the subject of the tax, not any particular legacy, devise, or distributive share, and the relation of the beneficiary to the decedent has no bearing on the tax liability or the extent thereof. Strictly speaking, it is not an inheritance tax, although frequently referred to as such, the distinction being that the estate tax is imposed on the transfer of the estate in its entirety, without regard to the number or relationship of the beneficiaries participating.

In our national existence the Federal Government has four times enacted laws imposing estate taxes. First, following the Revolution, and then again during the Civil War, the Spanish-American War, and the World War. However, in the first three instances these taxes were abandoned by the Federal Government as soon as the emergency that prompted their imposition had passed. The present estate tax is one of the war-revenue measures which has been retained as a part of our tax system for two reasons: First, while the war is at an end, the burdens incident thereto remain in a large measure, and, second, estate taxes are a proper and legitimate source of Federal revenue.

An estate tax is not paid on property, but on its transmission to others. In a long line of cases our Federal and State courts have defined an estate or inheritance tax as a tax on the privilege of succeeding to the inheritance of real or personal property or of becoming a beneficiary under a will. From ancient times the privilege of acquiring property by will or succession has been recognized as a right created and regulated by the State. As was held by the Supreme Court of Wisconsin, the taxation of inheritances is justified, not on the harsh ground that the right to inherit is a creation of the law which can be given or withheld on such terms as the legislature may see fit to impose but under the power reasonable to regulate and tax transfers of property. (Beals v. State, 139 Wis. 544; Nunnemacher v. State, 129 Wis. 190; Black v. State, 113 Wis. 205.)

An estate tax or "death duty" is an exaction by the State, to be collected from the property left by a deceased person while in its custody prescribed upon the occasion of his death and the consequent devolution of his property by force of its laws. (Hopkins's Appeal, 77 Conn.)

In United States v. Perkins (163 U. S. 625) the United States Supreme Court held that the inheritance or estate tax law of New York was in reality a limitation on the power of a testator to bequeath his property and not a tax on the property itself, and that the tax may legally be imposed even on a legacy to the Federal Government.

The United States Supreme Court, in Wallace v. Myers (38 Fed. 184), held that where the property of decedent includes United States bonds the tax may be assessed upon the basis of their value, although the tax is not imposed upon the bonds, but is merely a tax upon the privilege of acquiring property by inheritance. Or, as was said in several New York cases, the tax is not upon property, but upon the passing thereof under the will or the devolution in case of intestacy, and it does not matter that it consists of Government securities which are exempt from taxation. Or, as was held in Ohio and Pennsylvania, inheritance tax laws do not tax property as such, but are excise taxes on the right of possession to property, or a succession duty, even if the estate consists partly of nontaxable United States bonds. Or, in the language of the Missouri Supreme Court in State ex rel. Switzler (143 Mo. 287), a tax of this character is an excise or duty upon the right of a person or corporation to receive property by devise or inheritance under the regulation of the State. Reflecting the general trend of judicial authority, the Supreme Court of Massachusetts has held that the privilege of transmitting and receiving by will or descent property on the death of the owner is a taxable commodity and that an excise tax may be laid upon it; or that it is a tax upon the privilege of taking or transmitting property by will or descent.

Numerous State and Federal courts have repeatedly held that estate and inheritance taxes are not taxes on property, but on the succession or transfer of property by will or descent, and these taxes may be legally imposed, even where the estate or a part of it consists of nontaxable bonds of the United States, the States, or their local subdivisions; and the law imposing an estate tax is not unconstitutional or invalid, because it exempts from its operation estates or inheritances below a certain minimum value, provided the exemption is not so excessive as to be entirely unreasonable.

Estate taxes are very ancient in origin and have been long in use, especially in European States. The States of the Union have been singularly slow in adopting such laws, but the number of States to adopt and enforce them is increasing year by year.

I have cited the foregoing judicial decisions; first, in order that we may have a clear understanding as to what the estate tax is; second, that we may realize that it is not a freakish communistic or socialistic theory engrafted on the corpus of our revenue system; and third, that we may know that the policy is not only supported by long usage and successful application, but is fundamentally sound and entirely ethical. Moreover, its exercise is not an abuse of the taxing power and its adoption tends to promote equality in taxation and remedy much of the social injustice incident to our complex tax system.

There is much propaganda in favor of repealing the Federal estate tax. The arguments urged in favor of its repeal are fallacious. In principle there can be no valid objection to estate taxes. No one questions the legality or wisdom of estate taxes when levied by the States, and no one doubts the legal right of the Federal Government to levy estate or succession taxes. Those who oppose a continuance of Federal estate taxes commend the levying of estate taxes by the several States. All concede that the policy is wholesome and economically sound, but they reason that the Federal Government should retire from this field of taxation and allow all estate or inheritance taxes to be levied and collected by the several State governments. Nor is it contended that the Federal estate taxes are oppressive. On a taxable estate of $100,000, under existing law, the Federal estate tax is only $500, one-fourth of which is rebated where a State inheritance tax is levied for such amount, leaving the net Federal tax only $375. On a $500,000 estate, the total tax is only $25,000, subject to the same rebate, not a large amount to pay on the transmission of the title of a half million-dollar estate. Federal estate taxes are not excessive when compared with income and property taxes, and all students of tax problems concede that the theory of an estate tax is fundamentally sound.

Our national and local tax bills are burdensome and should be reduced as rapidly as the necessities of Government will permit, but this reduction should be applied to all classes of taxes, and not to one particular branch of our revenue structure to the exclusion of others. No tax reduction should be made that lifts the tax burden entirely from the backs of one particular class and does not lighten the load on other classes. The repeal of the Federal estate tax law would be exceedingly beneficial to the idle rich whose fortunes are invested in tax-free bonds, but it would automatically increase the taxes on other classes, or at least prevent their reduction.

Conditions may justify reduction of Federal estate taxes, but not their abolition. Great fortunes are accumulating at a tremendous pace in the United States, and it is perfectly right and proper to levy a tax on their transmission to the next generation. Many of these fortunes consist very largely of tax-exempt securities, which in the hands of their present owners are not bearing any part of the public burden, and there is no sound reason why the State should not exact a reasonable revenue from the transfer of these securities by will or inheritance.

In view of the enormous increase in the cost of Government it would be extremely unwise to limit either Federal or State sources of revenue. The Government should retain its right to exercise all of its constitutional taxing powers and to levy fair and just taxes on all classes of property; otherwise taxation can not be equalized and reduced to an ethical and scientific basis.

Our Federal estate tax furnishes the only method by which we can reach tax-exempt securities and by a death or succession charge require them to contribute to the expenses of maintaining our Government. While these favored securities escape taxation during the life of their owners, they are subject to death or estate taxes, and in this way the Government can get some revenue to compensate in part for the tremendous revenue losses sustained from this class of securities. These tax-free bonds escape all forms of taxation, except the estate tax on their transfer by will or the laws of descent and distribution. If we repeal the Federal estate tax laws, these securities will be tax free not only while they are in the possession of their present owners but in the hands of the next generation. A repeal of the estate tax will enable these securities to escape all forms of taxation for all time. This will inevitably work a social injustice to the masses. These great fortunes invested in tax-free bonds are contributing no part of the expenses of maintaining our governmental agencies. It is manifestly just that when these fortunes are transmitted by will or inheritance to the coming generations the Government should make a charge in the form of an estate or transmission tax.

Inasmuch as these bonds were sold on the representation that they would not be taxable, I concede that good faith requires that they be free from taxation in the ordinary meaning of that term, but death duties or a succession charge or an estate tax is not a tax within the meaning of the law exempting these obligations from taxation.

The only method by which these securities can be compelled to make any contribution toward the support of the Government is to continue the Federal estate tax, which will reach these obligations when, by death of the owner, they pass to his heirs or devisees. These estate taxes, at best yield only a fraction of what the Government has lost in revenues on these slacker securities.

May I suggest another reason why our Federal estate taxes should be retained? Not all of the States impose inheritance or estate taxes. If the Federal estate tax law were repealed, estates and inheritances would be subject to taxation in some States and free from taxation in others. Many citizens of a State where inheritances are taxed would remove to States where there are no estate or inheritance taxes. To induce men of wealth to change their domicile, States would abolish estate and inheritance taxes. Reduced to its last analysis, this migration of capital if not checked will ultimately result in the repeal of all State laws taxing inheritances, because no State will hold to a tax system that drives its citizens and capital to other States. The competition between States for capital would be so strenuous that ultimately all State inheritance tax laws would be abrogated and estate taxes levied only by the Federal Government.

Florida in November, 1924, adopted a constitutional amendment prohibiting estate and inheritance taxes in that State. This is an open bid for population and capital. By this change in her organic law Florida seeks to induce a multitude of capitalists to give up their citizenship in their home States and become citizens of Florida. Nevada has abolished inheritance taxes, effective July 1, 1925. Since the adoption of its present constitution in 1900, inheritance and estate taxes have been abolished in Alabama. Estate and inheritance taxes are not levied in the District of Columbia. In California and Georgia there is considerable agitation looking to the abolition of estate and inheritance taxes.

If the Federal estate tax is repealed, this movement will probably extend to all the States. These exemption laws appeal to many men of great wealth who habitually evade taxation and who covet the privilege of transmitting their vast estates to their descendants free from "death duties" or succession taxes. These men in ever-increasing numbers have found refuge from taxation by concentrating their wealth in tax-free bonds; and if the Federal estate tax is abrogated these men will soon become citizens of a State where all their fortunes, including their tax-free bonds, are free from estate or succession taxes.

In a recent editorial the Des Moines Register in discussing the proposal to repeal our Federal estate tax law said:

When Senator McCormick, of Illinois, died last winter, of his estate, inventoried at about $2,000,000, over $1,500,000, or more than three-fourths of his estate, was found to be tax-free bonds which had not carried any part of the burden of State or national taxation during the life of the distinguished statesman from Illinois. The Federal law requires the administrator to pay an estate tax, which partly compensates for the taxes avoided during the Senator's life.

It may be claimed that the State of Illinois could do what the Government did—collect a sufficient inheritance tax.

But already Florida has put it in the State constitution that an inheritance tax can never be levied in that State, and other bidders for the wealth are likely to follow.

Florida alone has made it impossible for any State to levy an adequate inheritance tax.

How long does anybody believe Senator McCormick would have remained a resident of Illinois after his term in the Senate expired if Illinois had in the meantime enacted a heavy inheritance tax law?

It is either a national inheritance tax, no inheritance tax at all, or a very nominal State tax.

It is quite evident, if we abolish Federal estate taxes, no State can levy an adequate inheritance tax, because capital would leave the State and take up a new domicile in a State where inheritance or estate taxes are not levied. To retain its capital within its borders each State would be forced to meet the competition of other States and enact laws remitting estate or inheritance taxes.

But it is urged that inheritance taxes are now frequently levied on the same property by several different States, as well as by the Federal Government. I concede that there is a serious overlapping of estate or inheritance taxes by the Federal Government and the State Governments. This undoubtedly imposes a heavy burden in some instances, and this condition should be remedied. The present Federal revenue act allows a credit of inheritance taxes paid to a State up to 25 per cent of the Federal estate tax. If this provision is continued it may logically be assumed that all States may ultimately increase their inheritance-tax levies to 25 per cent, because if the State levies no inheritance tax, the Federal Government absorbs the entire tax. Under the present law it is only when the State inheritance tax exceeds 25 per cent of the Federal tax that additional burdens are laid on the estate of decedents domiciled in the particular State imposing such tax. Under the present policy there is a strong incentive for each State to adopt rates that will be equivalent to 25 per cent of the Federal estate tax. Obviously, Federal and State inheritance tax laws are in a chaotic condition and should be reframed so as to prevent duplicate taxation.

An amendment to our present revenue law has been suggested providing that on all Federal estate taxes a credit shall be allowed for all inheritance or estate taxes paid to the States. I think this goes too far. The ultimate effect of such an amendment would, in my opinion, be to eliminate the Federal Government from the field of estate or inheritance taxes, because the States would in all probability establish an inheritance-tax rate as high as the Federal rates at the present time. However, it would at least result in uniformity. Each State would be free to levy their inheritance taxes up to the rate provided under the Federal revenue laws. In all States where the State rate equals the Federal rate the Federal Government would receive no taxes, but in States like Florida and Alabama, where no State inheritance taxes are levied, the Federal Government would collect Federal estate taxes at the rate prescribed by the Federal statute. In this way the capitalist who moves to Florida or Alabama to avoid inheritance or estate taxes would escape State levies but would be compelled to pay the Federal Government an estate tax equal to the combined State and Federal tax levied in other States. There is some argument in favor of an arrangement of this character, but I think the ultimate effect would be to deprive the Federal Government of all inheritance taxes. While so far estate taxes have constituted but an insignificant portion of our Federal revenues, the Government might be justified in making liberal concessions to the States in order to promote uniformity in our tax laws and to avoid overlapping or multiple taxation.

The great fortunes in our cities were not created locally, but were drawn from all sections of the United States and represent the toil, initiative, and productive power of the masses. The Rockefeller wealth was not created in Cleveland or New York City, but every acre of oil-producing land in the United States contributed to the building of this colossal fortune. Henry Ford drew his great wealth from every city, hamlet, and farm in our far-flung empire. The phenomenal accumulation of wealth in Detroit was gathered from the four quarters of our land. This is true of New York City, Boston, Philadelphia, Chicago, and all other great centers of wealth. These great industrial and commercial centers have exploited all portions of our country from the Atlantic to the Pacific and from the Lakes to the Gulf. Hard-working men and women in remote regions contributed to the building up of these great fortunes. The owners of this great wealth are beneficiaries of our system of government. Many have profited enormously by governmental bounties and special privilege, and this wealth, when transmitted from this generation to the next, should pay a fair and reasonable succession or transmission tax.

The proposed law is certainly exceedingly generous to the States. It cuts the estate taxes 50 per cent and in addition allows a credit for amounts paid for State inheritance taxes up to 80 per cent of the Federal tax. By this bill the Federal Government surrenders the substance and only retains the shadow of estate taxes. Of course, if a great national emergency should arise, the Federal Government is in a position to exercise its power to levy higher estate taxes in order to provide for the national defense. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Maine [Mr. BEEDY].

The CHAIRMAN. The gentleman from Maine is recognized for 15 minutes.

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, I was very much interested in the remarks of our Socialist Member from Milwaukee, and I take this opportunity to congratulate him upon summoning sufficient moral courage to make the admission that the political and social doctrines to which he adheres have not yet appealed to a sufficiently large number of people in this country to constitute an opposition party. And I want to say that I derived satisfaction from his further admission that the Socialists themselves are divided as to their support of this bill. We are told that Zinoviev and Trotski favor it, while he, Mr. BERGER, opposes it. This division in the ranks of Socialists serves further to recommend this bill to me for my support.

I desire at the outset to join my opinion with that of the great majority in this House, and say that the provisions of the bill as a whole testify to the sound sense of the members of the committee which reported it.

Within the few moments at my disposal, however, I call your attention to section 700, under Title VII of the bill, in which there is imposed what is known as the capital-stock tax, a tax of $1 per thousand in excess of $5,000 on the "fair average value of the capital stock" of a corporation for the preceding year.

I might remark in passing that a question which is perhaps not frivolous nor without foundation in reason suggests itself to my mind. I question the propriety, if not the logic, of the imposition of a tax by the Federal Government on a privilege of doing business by a corporation, a privilege the Federal Government never granted. It is proper and logical for the State from which the corporate franchise flows to tax that franchise. I seriously question the propriety or soundness of any attempt on the part of the Federal Government to impose a tax on a franchise which it never granted. The capital-stock tax provided for in this bill seems to me improper and unwise.

I am fully aware that in the drafting of a law similar to this one of the objectives sought is a phraseology so certain in its meaning as to prove not only practicable but just in its application. Any tax law which in operation breeds confusion and inequality is always difficult of justification.

What of this capital-stock tax clause? What is the fair average value of the capital stock of a corporation? What did Congress mean when it wrote that provision in the bill? It might have set up a standard of measurement. It might have said that in determining the fair average value you should look to the par value of the capital stock of a corporation. It might have said that you could base it on the gross receipts. It might have said that you could base it on the gross earnings. But it set up none of these standards. The Congress simply stipulated that in determining the capital-stock value the surplus and undivided profits should be included.

Now here, it will be perceived, was left a wide field for the divergence of opinions.

It will readily be perceived that as the result of this indefinite phraseology, "fair average value of capital stock," and the absence of an exact standard by which we may be governed in levying the tax, confusion and inequality are bound to follow. In fact, the tax had not been long in operation when a suit was taken to the Supreme Court of the United States involving a construction of this clause to which I am directing your attention.

In this Supreme Court case—The Ray Consolidated Copper Co. *v.* The United States—the claim was made that the corporation's return basing "the fair average value of the capital stock" on the average value of its shares of capital stock was a correct return under the requirements of the law. The Commissioner of Internal Revenue denied it. Issue was joined, and the case in due time came before the Supreme Court. I now quote from that decision. This case was decided on May 25, 1925.

The court says:

> The tax is a special excise imposed on the privilege of carrying on business in the form of a corporation. Congress might have measured the value of the privilege by the net income of the year, as in the corporation tax; by the annual gross receipts, as in the sugar refiners' tax; by the amount of capital employed, as in the bankers' tax; or by the fixed capitalization, as in the taxing acts of many States. It might have taken as a measure the aggregate value of all of the outstanding shares of stock and have directed that their value be computed by multiplying the average selling price during the year of a single share by the total number of shares outstanding. But Congress did none of these things. It declared that the tax should be measured by the "fair average value of its (the corporation's) capital stock." In so doing it used a term which has no fixed meaning in taxing statutes, and it gave no directions for ascertaining such value, except that in "estimating" value "the surplus and undivided profits shall be included."
>
> As the term "capital stock" has no fixed significance, it must be construed in a particular statute by reference to the context, the nature and purpose of the statute, its history, and other aids to construction. We think that as here used it means the entire potentiality of the corporation to profit by the exercise of its corporate franchise. As the method to be pursued in ascertaining the value is not prescribed, we think that it was left to the sound judgment and discretion of the commissioner, subject only to the obligation to take into consideration every relevant fact.

Now, when we seek to levy and collect this tax we must leave it to some bureau clerks in the Treasury Department to determine the entire potentiality of every business corporation in this country for profit. This necessitates an annual—for this is a current annual tax—appraisement of all the assets of all our corporations, making an allowance for periods of business depression and prosperity and for the shifting currents of money and credits. Is there any man in this body who will deny that such a task is a human physical impossibility? Is there any man in this House, or are there any three men in this House, who, drawing upon all their knowledge and experience as legislators, as practical business men, or as professional men, would claim to be capable of valuing the entire potentiality of every business corporation in the country for profits in order to make a fair levy of this tax? Of course, you would not do so; yet this is the responsibility which you impose, this is the task that you leave to the discretion of a few young men in the Bureau of Internal Revenue. And the business of corporations must abide the consequences.

What did the Congress mean when it put this phrase, "the fair average value of capital stock," into this bill? Unquestionably it meant the fair average value of the shares of capital stock.

I quote from the RECORD and from the debate in this House on the 1916 revenue bill, in which the same phraseology was used as in this bill concerning the value of capital stock. James Mann, of Illinois, now unfortunately gone from our midst, formerly and frequently enlightened the House on the complexities of legislative problems. He, with that other sagacious and clear-sighted statesman, Claude Kitchin, also gone to his great reward, then—1916—engaged in the following exchange of questions and answers. Mr. Kitchin read the

provision in the bill of 1916, which is exactly that of the present bill.

The amount of such annual tax shall in all cases be computed on the basis of the fair average value of the capital stock for the preceding year.

Mr. Mann asks—and can you not hear him ask it—

Who determines that?

Mr. KITCHIN. The Treasury Department determines that, just as it would if we had put in the actual value. It would have to make investigation and determine the value.

And can you not hear Mr. Mann say, with that sarcasm and grim humor characteristic of him?

Of course, it is a very simple matter to determine what the capital stock and surplus, and so forth, is, and it may be a simple matter to determine what the fair average value is, which, I take it, is the fair market value, where there is a market.

What is he talking about other than the value of the shares of capital stock? Nothing else under the sun. Mr. Kitchin answered:

Yes.

Mr. Mann asks:

Is that to be determined as of a particular date or the fair value for the year?

Mr. Kitchin replied:

It is the fair average value for the preceding year.

Mr. Mann said:

I would think it would take considerable figuring to find out the market value of some of the stock.

Now, what Mr. Mann is saying is that he thinks it would take quite a lot of figuring to determine the market value of shares of stock. And Mr. Kitchin replies (and he is not talking about anything except shares of stock):

I imagine they would take a date or two in each month—say the first day in the month and the last—and average it in that way; or, as the gentleman from Pennsylvania, Mr. Kreider, suggests, as is done by many corporations, the highest and lowest value during the year would be taken and divide it by two to get the average, or the highest and lowest in each month and from this get the average. It would be more difficult than if we had said the par value, but that would not be just, for some stocks of par value of $100 are not worth $20.

Now, they were not talking of anything but shares of capital stock, and that is exactly what the Congress had in mind, I submit, when they enacted the provision in question into law.

I submit to this House—not in a spirit of obstructive criticism, but in a spirit of constructive and helpful suggestion—that, if we believe business in this country is entitled to have definite terms written into its tax laws so there need be no uncertainty, so that when the fiscal year commences they may be able to set down in one item of their overhead a definite sum for Federal taxes and then charge it against the consuming public, I say it will be helpful—if you believe in that sort of legislation—to write into this law what the Congress originally intended, namely, shares of capital stock.

Now, I am aware that some will say it is difficult to arrive at the value of all shares of stock, that some shares of stock in corporations are not traded in upon the exchange nor are there, in fact, any bona fide sales of the shares of stock in some corporations. My answer to that is: True, but the great proportion of property held by corporations in this country is represented by shares of stock listed upon the Exchange or by shares which are sold and resold in bona fide trade.

In the great field of business represented by such corporations it is possible to impose upon business an ascertainable and definite tax burden in the form of a capital-stock tax. In the case of those corporations whose shares of capital stock are neither listed nor traded in, if you must continue this capital-stock tax you may continue the present method of ascertaining the net assets and average income. In this narrower field of uncertain tax levies possibilities for injustice will be likewise minimized.

Unless section 700 as at present written in the bill is amended by inserting the words "shares of" before the words "capital stock" the confusion, contention, and dissatisfaction incident to the present levy and collection of a capital-stock tax will continue.

If this form of tax is to be continued and even the gesture of a fair levy is to be made, then we must see that the Bureau of Internal Revenue follows the pathetic and futile example of our Interstate Commerce Commission; yes, and makes an even more futile entry into the field of property-value appraisement by spending millions in an annual attempt to value the corporate assets of the Nation.

In my opinion the Federal capital-stock tax should be dispensed with in peace times not alone because it is a vicious form of double taxation, but because also it is impossible of fair levy and prejudicial to business stability.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. COLLIER. Mr. Chairman, I yield the remainder of the time allotted to this side to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, the proponents of this measure claim for it the merit of scientific revenue production and indulge in the hope that it will form the basis of permanent tax legislation. We all favor tax reduction, and I will support this bill, but it approves two false theories of taxation against which I protest.

I do not mean that, in all other respects, the bill is as I would prefer it. For instance, I can see no reason why the maximum surtax rate is reduced to 20 per cent, when Secretary Mellon, the apostle of low surtaxes, just a year ago advocated a reduction to a maximum of 25 per cent. This maximum at least should have been maintained, and if the revenue raised was more than needed, certain excise taxes which are annoying could be removed. I also doubt the wisdom of raising the exemptions to a point where so few in number pay any direct taxes to the National Government. As near as practicable, all persons should contribute at least a small part directly toward maintaining their Government and should feel at least a responsibility in its affairs. But these exemptions are only generous and not vicious. I also object to the giving of life tenure to the members of the Board of Tax Appeals as contrary to the spirit of our Republic.

Since the last revenue bill was passed, a flood of propaganda originating in Wall Street, and inspired by great wealth, has flooded the country to the effect that tax publicity was economically unsound and morally unjust, and that the national estate or inheritance tax was a capital tax and should be left to the States.

That revenue bill under which we are now taxed, you will recall, was known as the Garner plan, and was approved in substance by both Houses of Congress by a solid Democratic vote combined with a Progressive Republican vote. These, together, defeated the regular Republican majority, which favored the Mellon plan. Yet so successful has the Garner plan proven during the one year of its existence that last fall the revenue bill was hailed by Republican orators as one of the outstanding achievements of the Coolidge administration.

The first principle that I shall discuss as unwise and un-American is the abandonment of the principle of publicity in tax returns.

In this Republic no man is supposed to be above the law or its investigations. Every man is properly interested in knowing that every other man is paying his just part of its support. It is likened to a big corporation in which the taxpayers are stockholders. Is it wrong for one stockholder in a corporation to know what stock his fellow stockholder has? If for many years it has been found proper and expedient for the people to know what amount the taxpayer contributes to the support of his city, his county, and his State, why is it so unwise and improper for the people to know what he contributes to his National Government? I asked that question of the gentleman from Massachusetts [Mr. TREADWAY] and I received the same answer I have always received, that the bill provides for the tax agencies of the Government getting the information, but it is morbid curiosity to give that information to the individual. Let me rearrange the question. If it is morbid curiosity for a man to know what taxes a man pays his General Government, why is it not morbid curiosity to know what he pays his city, his State, or his county? We, who have had experience in the collection of State and county taxes, know that it promotes good feeling and aids revenue raising for the taxpayer to see that he is treated just as his neighbors.

The concealment of tax returns tends to penalize honesty. If each of two men know what the other has made, and each can see what the other reports, then you will have two correct reports. But if neither can see the others report, then you will have a correct report only from the honest one, who will be penalized thereby.

Publicity will have a tendency to encourage efficiency and is economically sound. If two taxpayers are engaged in the same line of business and have about the same amount of

capital invested, and one sees that the other is yielding a much larger return, he will take stock of his business and investigate wherein his lack of efficiency is.

In large business enterprises employing labor, it is useful to the employees in arriving at proper wages. It has been brought to our knowledge that recently a certain large manufacturer planned in an announcement a wage decrease, giving as the reason that his business was not earning enough to pay the existing wage scale. An examination of his tax return showed that he was making large excess profits. The employers know what the employees earn and their living expenses; is it anything but fair that the employees should know at least the earnings in the business to which they are the main contributors?

No man objects to people knowing what he has honestly made, so long as his trade secrets are kept inviolate. To refuse to let one Federal taxpayer know what another has paid is as unwise and as unjust and foments as much suspicion as to refuse to let one farmer know at what price his neighbor's farm is assessed.

I believe in open and honest dealing. By concealing governmental reports, too much advantage is given those who are not entitled to it. The manufacturer knows what crops the farmer has to sell, and the farmer should know what raw materials the manufacturer needs. An open, honest conduct of the Government's business, concealing nothing from those who are a part thereof, is both economically sound and eminently just, and, in my opinion, we have taken a long step backward when we embark on this enterprise of concealment, evasion, and duplicity.

The next unwise and unjust principle promoted by the bill is the reduction of national inheritance taxes and the holding out to the States of a hope that the National Government will eventually withdraw from the field entirely.

I recognize that the country has been swamped with literature to this effect; that the States have been urged to vehemently insist on this policy; and that the President, always assenting to what plutocracy wants, are all, in one loud refrain, clamoring for the repeal of the Federal inheritance taxes. Nine out of ten whom you casually meet that express themselves on the subject do so with these words, "It is a capital tax and the States need that revenue." The same sentence coming uniformly from such a large number would indicate a common inspiration. That it is a capital tax does not state any reason why it is not a just tax. Taxes, with but few exceptions, are all capital taxes, and it is only by a national inheritance tax that most of the States can obtain any benefit whatever from any inheritance tax. In its practical application, regardless of the theory involved, an inheritance tax is essentially and necessarily a national tax. Great wealth fears this tax above all others. It is one tax that can not in any part be passed on to the consumer. The owners of great fortunes know that the State is powerless to compel a just and accurate accounting. Kentucky, with its Harkness estate, and too many other States have had their scandals in the futile attempt.

So long as the States have full jurisdiction—and there are different rates in the several States—wealth can and will select that State for its legal residence where the tax rate is lowest, whether it is in fact its actual residence or not, and can build a house with a small part of the fortune saved, and visit it once a year, and call it home. The scramble among the States for these concessions will precipitate an undesirable contest. Witness Florida at the present time in its bid for residence through taxable concessions.

Prior to the ratification of the Constitution the same undesirable contest waged among the seacoast States over the receipts of customs. A merchant with a cargo would communicate to the several seacoast States for bids of entry. These abuses were recognized and cured by the Constitution, making such duties Federal only.

There are but few States where great wealth resides. If one is so fortunate as to become a so-called "king of finance," he moves from the State of its accumulation to one of three States where great wealth resides. And so such fortunes as are locally made drift to another State, and pay inheritance taxes to that State, from which it has not been made. The other day James B. Duke died in New York, reported to have left an estate of $150,000,000, made almost entirely out of the tobacco growers of my State, and other tobacco-growing States. Is it equitable for the State of New York to receive the enormous inheritance tax that will be derived from that estate?

But most fortunes are not made locally, but are contributed to by the entire country. Consider Henry Ford's vast estate, contributed to by every countryside where the honk and rattle of the "Tin Lizzie" is heard, is it right that no other State but Michigan shall receive taxes from this enormous estate? The same thing is true of the Rockefeller estate. In fact, most great fortunes can be classed "interstate." So the only way Kentucky and the great majority of the States can receive any benefit from an inheritance tax is through a national inheritance tax, and short-sighted, indeed, are they from such States who are clamoring that the Federal Government abandon this field of revenue on their account.

In order that an inheritance tax may be easily ascertained and uniform throughout the United States, this tax must be national, otherwise discrimination and duplication will result. The same estate is frequently required by the situs of its assets to pay inheritance taxes in several different States. It was recently claimed, I know not how true, that the estate of a Pennsylvanian, amounting to $600,000, was required to pay some inheritance tax in 16 different States. When it is realized that the laws of the several States are different and the rates vary, the mere calculation and settlement, without the duplication and often multiplication of taxes would seem of itself to indicate this as a national tax.

But is it economically sound and morally just? That it is either unsound or unjust is indeed a new contention. Nothing shows more completely how the thought of this country has been influenced by wealth than this very contention. That it would be discriminatory against large estates was until recently advocated by both parties as the wisest reason for its enactment. It was advocated as a means of preventing the perpetuation of great fortunes in one family from generation to generation. Such a system has always been considered as feudalistic in nature and contrary to the best interest of a republic. Mr. Bryan advocated the confiscation by the Federal Government of all inheritances over $10,000,000. President Roosevelt, as late as 1912, made the Federal inheritance tax a national issue and favored a rate sufficiently high "to equalize the distribution of wealth in this country." Until within the last few years no statesman of prominence in this country has ever advocated the theory now presented by the opponents of this tax. Thomas Jefferson favored it, and Alexander Hamilton, generally conceded the greatest authority on Government finance this country ever produced, also advocated it.

England is generally conceded to have always been a country of splendid financiers and statesmen, and there this tax has always met the indorsement of even its conservatives. Minister Gladstone and her other great prime ministers were especially favorable to this tax; and just the other day the Hon. Winston Churchill, Chancellor of the Exchequer, in his message to Parliament, recommended a rate of 40 per cent on large fortunes, and Lloyd-George indorsed this recommendation, with the exception that he thought the rate should be 50 per cent upon the largest fortunes, saying:

> I am sure that most of us would be delighted to give the Government half, if we were so fortunate as to receive the other half.

England is to-day collecting through inheritance taxes a much larger amount than is collected through the same source in this country by the States and National Government combined, although her taxable wealth is only one-fourth as great as ours. If we should collect in proportion the same amount as is collected by England, we would derive from this source alone $1,200,000,000 more than was required to run the entire Government before the last war. While I mention England, the same is true and the same thought prevails in the other leading financial nations of the world, and when the present Secretary of the Treasury and the present occupant of the White House oppose this method of taxation as uneconomical, they are simply, as usual, proclaiming the wish of the great overbearing wealth of our country and contradicting the great conservative financiers of all times and of all countries and of all parties, including Alexander Hamilton, the genius at whose shrine all Republicans worship.

I am not a decrier against wealth. I believe in the Government guaranteeing the security and enjoyment to every man of every dollar he can honestly accumulate, but I am equally opposed to the Government by partiality enabling him to accumulate a single dollar. I am not a Socialist unless Jefferson, Roosevelt, and Hamilton were Socialists. I simply want to protest against the suffocating grip with which great accumulations of wealth are throttling this country by methods contrary to the principles announced by all of the great statesmen of the past. [Applause.]

Mr. MURPHY. Will the gentleman yield just a moment?

Mr. GILBERT. I yield.

Mr. MURPHY. I want to know if the gentleman can find anything to justify the coercion of any State to accept a stated figure for taxing estates?

Mr. GILBERT. If you have a national estate tax and a national estate tax alone, all of those uniformities, inequalities, and contests will be obviated.

Mr. GREEN of Iowa. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I have listened to the discussions on every tax bill that has been considered in this House since 1915, and I think the discussions on this bill have certainly been as enlightening and, perhaps, more agreeable and have shown a better feeling than on any tax bill I can remember being considered in the House in recent years.

The subject of taxation is an exceedingly difficult one under any circumstances. It is especially so in this country and at this time for two reasons: First, because of our dual form of government, the Federal and the State Governments having almost independent sovereign rights of taxation; and, second, because of our abnormal conditions, the abnormal obligations of the Government that have to be met, and the various abnormal taxes with which our fiscal system is still encumbered as a result of the recent war.

We are still meeting war obligations and we are still maintaining war taxes, and this fact complicates any attempt to reduce tax burdens and reestablish a normal, permanent Federal tax system. The States were here as independent sovereign governments before the Federal Government was formed. I think it is not only important but necessary from every consideration that the independence and the sovereignty of the State governments shall be maintained inviolate.

I believe that the activities of the Federal Government ought to be scrupulously restrained to those expressly granted to it by the Constitution, so that its fiscal requirements may be kept as low as possible, and that the Federal Government ought not to encroach upon any of the forms of taxation that have been or could be effectively employed by the States unless circumstances make it necessary to do so. Of course, when the Nation becomes involved in war it becomes necessary to encroach upon the sources of State taxation, and duplicate them perhaps, and even to resort to almost every conceivable source of taxation in order to meet the necessities of the war. But when war is over and we recede from the burdens and requirements resulting from it, we ought to abandon as soon as possible every extraordinary war tax and restore to the States the exclusive right to use those sources of taxation which they have or could effectively reach.

And so I find myself largely in accord with the views expressed here during this debate by the gentleman from Tennessee [Mr. HULL]. I think his position on the reduction of taxes is absolutely sound.

Historically the Federal Government has, I think, employed an ideal system of taxation. In the early years of the Republic, when the activities of the Government were limited, the United States relied upon the customs receipts for its revenues, and these were often more than enough to supply all the needs of the Treasury. Then, as the demands on the Treasury increased from year to year, other sources of revenue had to be found, and the customs revenues were supplemented by excise taxes on tobacco and whisky.

The Civil War and the Spanish-American War added heavy burdens in interest and pensions to the Public Treasury. The increasing tendency to centralize governmental functions in Washington multiplied enormously the activities of the Federal Government until it became necessary to find other sources of revenue. The Constitution was amended and Congress passed the income tax law. Then came the World War, when the expenditures of the Federal Government mounted rapidly into billions. Many of us here now were here during those trying days when the stupendous expenditures of the war rolled upon us like an avalanche, and the Ways and Means Committee, under the leadership of the late Claude Kitchin, was confronted with the difficult task of raising the enormous amounts of revenue required to carry on the war. Almost every conceivable source of revenue was resorted to. Nearly everything was taxed. I do not think any group of men in this country was ever faced with a more serious, a more responsible, or difficult task than was Claude Kitchin and those associated with him on that committee. And I think it is due to him and to them, both Republicans and Democrats, to say that no men ever met their responsibilities with greater wisdom and courage. [Applause.]

We are receding rapidly from the war burdens, but generations will come and go before our Government will be entirely free from them. As we liquidate the war burdens and decrease our expenditures, I think we should repeal the remaining war taxes as rapidly as possible, and I think it is the wisest policy to repeal all of the special war taxes before reducing the schedules of our permanent tax system to anything like a peace-time level.

The tendency of public sentiment toward centralizing governmental functions in Washington has been so strong in recent years, and the enormous increase in the Federal governmental activities, the natural growth and expansion of our country, and the enormous burdens that have resulted from the late war, ought to make it clear to all of us that the Government can never again be sustained by customs revenues or any sort of a just system of excise taxes. Income taxes, therefore, will of necessity have to be the center and the chief source of the Federal revenue system of the future.

The Ways and Means Committee, therefore, ought to readjust the income-tax schedules along scientific lines as soon as can be; but I do not think that the rates ought to be reduced quite so far as the committee has provided in the pending bill until after we have abolished all of the special taxes, the so-called nuisance taxes that are still encumbering our revenue system.

I would have preferred, therefore, to see all of the taxes on automobiles repealed and all other of the special taxes, such as the taxes on theaters and on medicines, and so forth, all wiped out, even if by doing so it would have been necessary to keep the income-tax rates a little higher or the exemptions a little lower. I think such an arrangement would have been in the interest of the people of moderate means. This suggestion has been made by the gentleman from Tennessee [Mr. HULL] and I believe he is correct in that position.

But I appreciate the fact that the pending bill represents the best judgment of the entire Ways and Means Committee after long hearings and very careful study, and I shall support the bill and vote against any substantial amendment to its provisions.

As to the estate tax, I wish the conditions of the Treasury were such that the Federal Government could withdraw entirely from that source of taxation. Theoretically I am opposed to inheritance taxes. If the tax is not so adjusted that it can be paid out of the income arising from the estate, it is a confiscation of the estate to the extent of the tax. I am opposed to any tax that amounts to a capital levy. I believed all governments should be content to exact their revenue requirements from the incomes of their citizens. But estate taxes can be so arranged as to be payable largely from the income arising from the estates and the levy on the capital of the estate can be reduced to a minimum. Practically speaking, I think perhaps conditions have arisen in this country where it is necessary for the governments to resort to inheritance taxes and wherever it is necessary I think it is proper. But my own view is that that field of taxation should be left to the States and that the Federal Government should, as soon as it can do so wisely, withdraw entirely from the field of estate taxes.

I would have preferred, therefore, that the committee had provided in this bill a definite date for the entire repeal of the Federal estate taxes. But I believe that result will come about in the not distant future when the demands on the Federal Treasury have been more effectively reduced.

In conclusion, I wish to add that I think it is the right of each State to maintain its revenue system to suit the wishes of the majority of the people of that State, and it is no business of the Federal Government what system of taxes the different States choose to rely upon. If a majority of the people of the State of Florida, or any other State, do not want an inheritance tax or an income tax and can maintain their government from other sources of taxation, they have a perfect right to do so, and we who represent the Federal Government have no right to question their motives or purposes in doing so or to attempt by any Federal legislation to coerce them to change their system. If the system of taxes approved by the people of Florida is not wise and just, natural economic conditions in the due course of time will compel them to change their system; but it is no business of the Federal Government to undertake that task. I believe the Federal Government should so adjust its tax system that the burden of its taxes may rest equally upon the people of all the States alike without regard to the revenue systems that may have been adopted by the different States themselves. But the Federal Government is still under the burdens of heavy expenditures resulting from the war and will be for many years to come. And I find no particular fault with the estate-tax provision of the pending bill and will support it until such time as the Federal Government no longer needs it and can leave that source of taxation to the different States.

The view has been expressed by several Members during this debate that Congress ought at this time to reduce Federal taxes

more than the $325,000,000 provided for in the pending bill. I think that would be unwise, not only because of the uncertainty of the revenues that will be raised by the schedules provided, due to contingencies that might arise, but also because of the fact that increased expenditures for various purposes will have to be provided by Congress. A larger amount than that estimated by the Bureau of the Budget ought to be provided for the early completion of the improvements of our rivers and harbors. I think Congress ought to appropriate the money and complete the development of our rivers in accordance with the plans adopted by Congress years ago, so that commerce on our inland waterways may be restored and the cost of transportation may be cheapened; and this is of especial importance to the people of the Mississippi Valley and the grain-growing regions of the Middle West.

I think also there should be very liberal expenditures by the Government for the construction of public buildings, not only in the District of Columbia but in other cities all over the country where they are so urgently needed in the interest of the Postal Service. There ought to be increased appropriations for increases in the postal services of the country and for several other Government activities. For these reasons I do not think it would be at all wise to reduce the revenues of the Government more than is provided for in the pending bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired; all time has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc.—

TITLE I. GENERAL DEFINITIONS

SECTION 1. This act may be cited as the "Revenue act of 1926."

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. DOUGLASS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a statement by my colleague, the gentleman from Massachusetts [Mr. TINKHAM], on the Permanent Court of International Justice and the League of Nations, together with an editorial from the Washington Post thereon.

Mr. BEEDY. Mr. Speaker, reserving the right to object, we are earnest in our efforts to curtail the RECORD as much as possible. I shall not object to the gentleman inserting his remarks on the World Court, if the gentleman will leave out the editorial to which he refers.

Mr. DOUGLASS. I will accept that suggestion and ask leave to insert only the statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE WORLD COURT AND THE LEAGUE OF NATIONS

Mr. DOUGLASS. Mr. Speaker, under the permission granted me to extend my remarks, I submit the following statement of my colleague, the gentleman from Massachusetts [Mr. TINKHAM], which are as follows:

Mr. TINKHAM. In accordance with their program to have the United States join the League of Nations by way of the Permanent Court of International Justice of the League of Nations, the internationalists have prepared, after great expenditures, a dangerous propaganda of extensive character and much strength. No American who is opposed to the entry of the United States into the League of Nations should support their proposal for our clandestine entry.

The clear and patriotic course for the United States to follow in accordance with her traditions of the administration of international justice and the avoidance of foreign political entanglements is to adhere only to a court of international justice which represents the sovereign nations directly and not to a court which represents a political and military intermediary—the League of Nations.

The slightest analysis of the proposal for the United States to adhere to the so-called Permanent Court of International Justice of the League of Nations discloses that the court is not what it purports to be and that adherence to it means the surrender not only of our national traditions but of our priceless inheritance of freedom and independence. It means our entanglement forever in European political affairs, our surrender of the Monroe doctrine to another jurisdiction than our own, for the Monroe doctrine and the court are irreconcilable. Adherence to this court of the League of Nations means the adoption by the United States of the international law of the League of Nations, for the covenant of the League of Nations, which is the constitution to be construed by the court, supersedes much present international law and would most violently and dangerously abrogate our rights as an independent and free Nation. It holds great peril for the United States and her liberty.

From the covenant of the League of Nations the court of the League of Nations obtains much of its jurisdiction, and adherence to this court is in fact an entry into the covenant of the League of Nations. No reservations adopted to prevent the provisions of the covenant of the League of Nations applying to the United States could possibly preclude the moral liability of the United States for the decisions and acts of this court and her acceptance of them in good faith.

The Permanent Court of International Justice of the League of Nations is part of the machinery of the League of Nations. In fact, it is a bureau of the League of Nations. It is called an "organ" of the League of Nations in its literature. It is its political instrumentality, agent, and servant. The court was created under a clause of the Versailles treaty, and in the text of that treaty is called "the Permanent Court of International Justice of the League of Nations." The statute setting up the court was adopted by the council and assembly of the League of Nations, now universally recognized as a political and military mechanism. All the members of the League of Nations are members of the court. It is elected, paid, and pensioned by the council and assembly of the League of Nations, admittedly political bodies. It reports annually to the council and assembly of the League of Nations. It gives advisory opinions to the council and assembly not only upon questions of law, but under the wording of the Versailles treaty upon entire disputes, political, or otherwise—a function that is not of a judicial, but of an executive or political character.

The court must be reelected every nine years by the Council and Assembly of the League of Nations, which means that the opinions of the judges must be submitted to the political approval of the Council and Assembly of the League of Nations. If our Supreme Court were elected by our House and Senate, had to submit every nine years to reelection, report yearly to the House and Senate, and advise the House or Senate not only upon questions of law but upon the entirety of questions and issues which might come before them, it would be called a political court. Yet the Members of the House and Senate are all Americans, acting for a common country and for common purposes, whereas the proposed court consists of representatives from various countries with diverse aspirations and purposes.

The court is not an independent court, because without the League of Nations it could not exist. Courts do not exist apart from governments. Our Supreme Court is by law independent of Congress, but it is not independent of the United States. If the judges of the Permanent Court of International Justice are not officers of the League of Nations, of what are they officers?

Should Europe become socialistic or communistic, the court might likewise become socialistic or communistic. From such a so-called court easily could proceed malevolent political and economic propaganda such as the world has never seen.

Under article 418 of the treaty of Versailles the court may apply economic sanctions to any country violating any international labor convention, which means that it has the power to blacklist or boycott any country. This power not only contains the seeds of war, but it is a political and not a judicial function, and it gives authority to do a thing utterly abhorrent to the American conception of justice.

Under several sections of the covenant of the League of Nations the court's decisions are enforceable by the Council of the League of Nations, without qualification as to method and time, by economic boycott or by making war. The United States would be morally bound by such decisions.

The interpretation or application of all mandates under the Versailles treaty are subject to the jurisdiction and construction of the court. The court would be compelled under the Versailles treaty to call legal the French war in Syria against a people seeking their liberty. Aside from mandates, the court would be compelled, if any question arose, to give legal sanction to the French war against the Riffs, who are seeking their independence. If the United States adhered to the court, she would be morally bound by these decisions. She is not so bound now and is free to protest or to act.

There is already in the Permanent Court of Arbitration at The Hague, of which the United States is a member, an international court which is free and independent, nonpolitical, and which represents the sovereign nations directly. This court, with its panel of judges, from which selection can be made by contesting nations, has as much authority for the settlement of international controversies submitted to it as has the Permanent Court of International Justice of the League of Nations with its permanent judges, and the majority of the permanent judges of the latter court are upon the panel of judges of the Permanent Court of Arbitration at The Hague. Both of these courts settle

only those disputes submitted to them; they can prevent none. Neither has compulsory jurisdiction. Both were included in the recent Locarno arbitration treaties as equal agents for the administration of international justice. If it is thought that it is advantageous for an international court to have permanent judges instead of a panel of judges for such controversies, a third Hague conference could set up such a court, and it should be called.

America should face reality and deal with facts. She should walk in the light and not leap into the dark. Neither sordid commercialism nor the cloven feet of international financiers should direct her way. America should continue the unfettered agent of international peace and justice.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p. m.) the House adjourned until Monday, December 14, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

148. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Highcliff Harbor, Lake Winnebago, Wis.; to the Committee on Rivers and Harbors.

149. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Port Royal Harbor and Beaufort River, S. C.; to the Committee on Rivers and Harbors.

150. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of South River to Sloans Bridge, N. C.; to the Committee on Rivers and Harbors.

151. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Dog River and channel connecting with the Mobile Bay Ship Channel, Ala.; to the Committee on Rivers and Harbors.

152. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Mudd Slue, N. C., from Corncake Inlet to the Cape Fear River; to the Committee on Rivers and Harbors.

153. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Illinois River, Ill., with a view to protecting the bank at the northerly part of the town of Naples; to the Committee on Rivers and Harbors.

154. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of North Newport River, Ga.; to the Committee on Rivers and Harbors.

155. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Sacramento and San Joaquin Rivers, Calif., with a view to improvement for navigation (H. Doc. No. 123); to the Committee on Rivers and Harbors and ordered to be printed, with accompanying papers and illustrations.

156. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Algoma Harbor, Wis.; to the Committee on Rivers and Harbors.

157. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Quonochontaug Inlet, R. I.; to the Committee on Rivers and Harbors.

158. A letter from the Secretary of War, transmitting a report of The Adjutant General of the Army, dated December 7, 1925, relative to the administration of the World War adjusted compensation act so far as the War Department is concerned (H. Doc. No. 124); to the Committee on Ways and Means and ordered to be printed, with papers.

159. A letter from the Secretary of War, transmitting a statement showing in detail what civilian officers or employees of the War Department on the regular rolls have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1925, giving the full title of the official or employees, the destination or destinations of such travel, the business on account of which the travel was made, and the total expense to the United States charged in each case; to the Committee on Appropriations.

160. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Skagit River, Wash., with a view to control of the floods (H. Doc. No. 125); to the Committee on Flood Control and ordered to be printed, with accompanying papers.

161. A letter from the president of the Roosevelt Memorial Association (Inc.), transmitting a book containing the plan and design of the proposed Roosevelt memorial in the city of Washington; to the Committee on the Library.

162. A letter from the Secretary of the Treasury, transmitting a recommendation for the repeal of the statute authorizing the Secretary of the Treasury to erect a United States subtreasury building at New Orleans, La.; to the Committee on Public Buildings and Grounds.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 5183) to encourage the development of the agricultural resources of the United States and the establishment of rural homes through Federal and State cooperation, giving preference in the matter of employment and the establishment of such homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 5184) to provide that the United States shall cooperate with the States in promoting the health of the rural population of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5185) providing for a site and public building for a post office and other Federal purposes at Russellville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5186) to provide for the purchase of a site and the erection of a building thereon at Carbon Hill, in the State of Alabama; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5187) providing for a site and public building for a post office and other Federal purposes at Fayette, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. BECK: A bill (H. R. 5188) to amend sections 3, 4, 5, 7, 8, 10, 11, 12, 13, 15, and 17 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; and to amend sections 4, 5, and 6 of "An act to make oleomargarine and other imitation dairy products subject to the laws of any State, or Territory, or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products," and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1896," approved May 9, 1902; to the Committee on Agriculture.

By Mr. BLANTON: A bill (H. R. 5189) to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRAND of Georgia: A bill (H. R. 5190) for the erection of a public building at Covington, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5191) to construct a public building for a post office at the city of Monroe, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5192) to construct a public building for a post office at the city of Madison, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN: A bill (H. R. 5193) providing for the erection of a Federal building at the city of Taylor, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5194) providing for the purchase of a site for a Federal building at the city of Lockhart, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5195) for the erection of an addition to the Federal building at the city of Austin, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5196) for the erection of a Federal building at the city of Georgetown, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. DRANE: A bill (H. R. 5197) to provide for a site and public building at Lake Wales, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5198) to provide for a site and public building at Plant City, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5199) to provide for a site and public building at Leesburg, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5200) to provide for a site and public building at Clearwater, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5201) to enlarge and extend the post-office building at Tampa, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5202) to provide for a site and public building at Eustis, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5203) to provide for a site and public building at Winter Haven, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5204) to provide for a site and public building at Fort Myers, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5205) to enlarge and extend the post-office building at Lakeland, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5206) to provide for a site and public building at Dade City, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. FISH: A bill (H. R. 5207) to provide for the appointment of four additional judges of the District Court of the United States for the Southern District of New York; to the Committee on the Judiciary.

By Mr. GRIEST: A bill (H. R. 5208) for the establishment of a fish-cultural station in the State of Pennsylvania; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARE: A bill (H. R. 5209) to amend section 269, page 1142, part 1, volume 35, of the United States Statutes at Large; to the Committee on the Judiciary.

By Mr. HAYDEN: A bill (H. R. 5210) extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona; to the Committee on the Public Lands.

Also, a bill (H. R. 5211) to amend section 4 of the act to regulate commerce, approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKEY (by request): A bill (H. R. 5212) establishing a commission to be known as the United States Declaration of Independence Sesquicentennial Commission; to the Committee on Industrial Arts and Expositions.

By Mr. WILLIAM E. HULL: A bill (H. R. 5213) providing for the erection of a public building at Spring Valley, Ill.; to the Committee on Public Buildings and Grounds.

By Mrs. KAHN: A bill (H. R. 5214) to authorize the President to appoint and retire certain officers of the Army as brigadier generals; to the Committee on Military Affairs.

By Mr. LYON: A bill (H. R. 5215) for the improvement of the post-office building at Fayetteville, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. McDUFFIE: A bill (H. R. 5216) to amend section 852 of the Revised Statutes relating to the per diem of jurors in attendance upon Federal courts; to the Committee on the Judiciary.

Also, a bill (H. R. 5217) to establish a fish-cultural station in Mobile County, Ala.; to the Committee on the Merchant Marine and Fisheries.

By Mr. McKEOWN: A bill (H. R. 5218) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee and Loyal Absentee Shawnee Tribes of Indians, proclaimed October 14, 1868; to the Committee on Indian Affairs.

By Mr. McMILLAN: A bill (H. R. 5219) for the purchase of a site for a public building at Summerville, Dorchester County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5220) for the purchase of a site for a public building at Walterboro, Colleton County, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. MICHENER: A bill (H. R. 5221) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 5222) for the purchase of the building and site now used as the United States assay office at Seattle, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: A bill (H. R. 5223) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies; to the Committee on Military Affairs.

By Mr. NELSON of Missouri: A bill (H. R. 5224) to provide for the erection of a public building in the city of Centralia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 5225) authorizing the Secretary of Commerce to construct and equip a light vessel for The Passes at the entrance to the Mississippi River, La.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5226) to establish a national military park to commemorate the Battle of New Orleans; to the Committee on Military Affairs.

By Mr. RAGON: A bill (H. R. 5227) for the incorporation of the National American Veterans and Allied Patriotic Organizations; to the Committee on the Judiciary.

Also, a bill (H. R. 5228) for the purchase of a site and erection of a public building at Little Rock, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5229) for the erection of a public building at North Little Rock, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5230) for the purchase of a site and the erection thereon of a public building at Morrilton, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5231) for the erection of a public building at Conway, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. RANKIN: A bill (H. R. 5232) to amend section 601 of the World War adjusted compensation act; to the Committee on Ways and Means.

Also, a bill (H. R. 5233) for the restoration of the post-office building at Corinth, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5234) for the improvement of the Federal building at Aberdeen, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5235) for the erection of a public building at Starkville, Oktibbeha County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5236) for the erection of a public building at Amory, Monroe County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. REED of Arkansas: A bill (H. R. 5237) for the purchase of a site and the erection of a public building at Stuttgart, Arkansas County, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5238) for the purchase of a site and the erection of a public building at McGehee, Desha County, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5239) for the purchase of a site and the erection of a public building at England, Lonoke County, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. REID of Illinois: A bill (H. R. 5240) to authorize the construction of a bridge across Fox River, in Dundee Township, Kane County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. SINCLAIR: A bill (H. R. 5241) to authorize the Secretary of Agriculture to make protein tests of wheat; to the Committee on Agriculture.

By Mr. SINNOTT: A bill (H. R. 5242) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 5243) to promote the mining of potash on the public domain; to the Committee on the Public Lands.

By Mr. SOSNOWSKI: A bill (H. R. 5244) to authorize the acquisition of a site and the erection of a post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of New Jersey: A bill (H. R. 5245) to amend sections 19 and 24 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. VINSON of Kentucky: A bill (H. R. 5246) for acquiring a site at Carlisle, Ky., to be used for the erection of a public building thereon for the use and accommodation of the post office and other Government offices; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5247) to provide for the purchase of a site and the erection of a public building thereon at Louisa, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5248) for acquiring a site at Russell, Ky., to be used for the erection of a public building thereon for the use and accommodation of the post office and other Government offices; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5249) for acquiring a site at Flemingsburg, Ky., to be used for the erection of a public building thereon for

the use and accommodation of the post office and other Government offices; to the Committee on Public Buildings and Grounds.

By Mr. WEAVER: A bill (H. R. 5250) to provide for the purchase of a site and the erection of a public building at Asheville, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. WOODYARD: A bill (H. R. 5251) providing for the purchase of a site and the erection thereon of a public building at Winfield, W. Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5252) to provide for the purchase of a site for a Federal building at St. Marys, W. Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5253) to enlarge, extend, and remodel the post-office building at Huntington, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 5254) to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5255) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906; to the Committee on the District of Columbia.

Also, a bill (H. R. 5256) to amend an act of Congress approved March 1, 1920 (Public, 153; 66th Cong., H. R. 6863), entitled An act to regulate the height, area, and use of buildings in the District of Columbia, and creating a zoning commission, and for other purposes"; to the Committee on the District of Columbia.

By Mr. LINEBERGER: Joint resolution (H. J. Res. 68) authorizing the President to extend invitations to other nations to participate in the world conference on narcotic education to be held in Philadelphia, Pa., and for other purposes; to the Committee on Foreign Affairs.

By Mr. RANKIN: Joint resolution (H. J. Res. 69) expressing the intention of the United States to grant complete and absolute independence to the Philippine Islands and requesting the President to consider the expediency of effecting a treaty of recognition for said republic; to the Committee on Insular Affairs.

By Mr. SOSNOWSKI: Joint resolution (H. J. Res. 70) authorizing the sale of the main post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. FISH: Resolution (H. Res. 43) to amend Rule X of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. REED of New York: Resolution (H. Res. 44) to pay $720 per annum for the services of a janitor to the Committee on Education; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 5257) granting an increase of pension to John M. Barrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5258) granting an increase of pension to Evaline Stuart; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 5259) granting an increase of pension to Martha Wray; to the Committee on Pensions.

By Mr. BANKHEAD: A bill (H. R. 5260) granting a pension to Robert W. Hay; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 5261) granting an increase of pension to Susanna Conner; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 5262) granting a pension to Joseph Kellerman; to the Committee on Pensions.

Also, a bill (H. R. 5263) for the relief of Charles James Anderson, former commander, United States Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. BUCHANAN: A bill (H. R. 5264) for the relief of Ann Margaret Mann; to the Committee on Claims.

Also, a bill (H. R. 5265) granting a pension to Edward A. Junck; to the Committee on Pensions.

Also, a bill (H. R. 5266) granting a pension to Kate S. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 5267) granting a pension to J. A. Patton; to the Committee on Pensions.

Also, a bill (H. R. 5268) granting a pension to James L. Smith; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 5269) granting a pension to Vance K. Stewart; to the Committee on Pensions.

By Mr. CARSS: A bill (H. R. 5270) for the relief of Tena Petterson, former widow of Niles Alvin Trulson; to the Committee on Claims.

By Mr. DEAL: A bill (H. R. 5271) to provide for an examination and survey of the entrance of Willoughby Channel, Va.; to the Committee on Rivers and Harbors.

By Mr. DEMPSEY: A bill (H. R. 5272) for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 5273) granting a pension to Hannah M. Atha; to the Committee on Invalid Pensions.

By Mr. ESLICK: A bill (H. R. 5274) for the relief of M. Zingarell and wife, Mary Alice Zingarell; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 5275) for the relief of Theodore W. Goldin; to the Committee on Military Affairs.

By Mr. FLAHERTY: A bill (H. R. 5276) granting an increase of pension to Charles M. Grush; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 5277) granting an increase of pension to Hattie E. Terry; to the Committee on Pensions.

Also, a bill (H. R. 5278) for the relief of Ralph W. Neelands; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 5279) to authorize the award of a medal of honor to Cadet William Hoffman Miller, United States Army; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 5280) granting a pension to Ruth Ann Clay; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 5281) granting a pension to to Weston G. Sabins; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 5282) granting an increase of pension to George A. Tennant; to the Committee on Pensions.

Also, a bill (H. R. 5283) for the relief of Lyman D. Drake, jr.; to the Committee on Claims.

Also, a bill (H. R. 5284) granting an increase of pension to Mary Louise Lawler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5285) granting an increase of pension to Mary E. Galpin; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 5286) granting a pension to Sallie F. Landen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5287) granting a pension to Malita C. Hicks; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 5288) granting a pension to Gomer J. Davis; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 5289) granting a pension to Mary E. Woods; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 5290) granting an increase of pension to Madora F. Mason; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 5291) granting an increase of pension to Malcom D. Lincoln; to the Committee on Pensions.

Also, a bill (H. R. 5292) granting a pension to W. H. Arnold; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 5293) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry with rank from July 1, 1920; to the Committee on Military Affairs.

Also, a bill (H. R. 5294) granting a pension to Elizabeth Ritchie; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 5295) granting a pension to Rebecca Hight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5296) granting a pension to Allen Hight; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 5297) for the relief of Arthur B. Jenkins; to the Committee on Military Affairs.

By Mr. KOPP: A bill (H. R. 5298) granting an increase of pension to Delia Fitzsimmons; to the Committee on Pensions.

Also, a bill (H. R. 5299) granting a pension to Electa Monical; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5300) granting an increase of pension to Hannah L. Jannings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5301) granting an increase of pension to Eliza A. Corbett; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 5302) granting an increase of pension to Mary Gray; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 5303) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 5304) granting a pension to Anise Swearengen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5305) granting an increase of pension to Susanna Berry; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 5306) granting an increase of pension to Frances A. Horr; to the Committee on Pensions.

Also, a bill (H. R. 5307) granting a pension to Minnie Wolfe; to the Committee on Pensions.

Also, a bill (H. R. 5308) granting an increase of pension to Isaac Grecian; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 5309) granting an increase of pension to Margaret J. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5310) granting an increase of pension to Sarah J. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5311) granting an increase of pension to Emily F. Smith; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 5312) granting a pension to Mary Sutton; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 5313) granting an increase of pension to Andrew Houlihan; to the Committee on Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 5314) for the relief of Frank B. Ferrill; to the Committee on Naval Affairs.

Also, a bill (H. R. 5315) for the relief of E. L. F. Auffurth and others; to the Committee on Claims.

Also, a bill (H. R. 5316) for the relief of Joseph L. Galle; to the Committee on Military Affairs.

Also, a bill (H. R. 5317) for the relief of Alice Sarrazin; to the Committee on Claims.

Also, a bill (H. R. 5318) for the relief of Frank Marcordes; to the Committee on Claims.

By Mr. PARKS: A bill (H. R. 5319) for the relief of the legal representatives of Dr. W. D. Barnett; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 5320) granting a pension to Eliza J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5321) granting a pension to Laura Ocheltree; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 5322) granting a pension to Carl W. Rollow; to the Committee on Pensions.

By Mr. RANKIN: A bill (H. R. 5323) granting an increase of pension to Nancy E. Mullins; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 5324) granting an increase of pension to Asenath D. Curtiss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5325) granting an increase of pension to Melissa B. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5326) granting an increase of pension to Marcelia S. Brodt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5327) granting an increase of pension to De Ette Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5328) granting an increase of pension to C. Jennie Cougleton; to the Committee on Invalid Pensions.

By Mr. REED of Arkansas: A bill (H. R. 5329) granting a pension to Thomas Samuel Garen; to the Committee on Pensions.

By Mr. REID of Illinois: A bill (H. R. 5330) granting a pension to Priscilla Redman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5331) for the relief of Silas S. Myers; to the Committee on Claims.

By Mr. SEARS of Florida: A bill (H. R. 5332) for the relief of T. Luther Pinder; to the Committee on Claims.

Also, a bill (H. R. 5333) for the relief of George Frau; to the Committee on the Civil Service.

By Mr. SINNOTT: A bill (H. R. 5334) granting an increase of pension to Mary Scott Myers; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 5335) granting a pension to Eliza E. Mitchell Krause; to the Committee on Pensions.

Also, a bill (H. R. 5336) granting an increase of pension to Lillian M. Van Housen; to the Committee on Pensions.

Also, a bill (H. R. 5337) granting an increase of pension to Sarah B. Drake; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 5338) granting pensions to certain members of the former Life Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5339) granting an increase of pension to Katie S. Hendricks; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 5340) granting an increase of pension to Margaret M. Baxter; to the Committee on Pensions.

By Mr. TUCKER: A bill (H. R. 5341) for the relief of Ruphina M. Armentrout; to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 5342) to provide for an examination and survey of the mouth of Runyons Creek at the county bridge to the channel of Pamlico River, N. C.; to the Committee on Rivers and Harbors.

By Mr. WHITE of Maine: A bill (H. R. 5343) for the relief of I. L. Snow Co.; to the Committee on Claims.

By Mr. WOODYARD: A bill (H. R. 5344) granting an increase of pension to Sarah P. Deem; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

71. Petition of League for Industrial Democracy, favoring a nationalization of the coal industry; to the Committee on Interstate and Foreign Commerce.

72. By Mr. ADKINS: Papers in support of House bill 1722, granting an increase of pension to Amelia J. Edie; to the Committee on Invalid Pensions.

73. Also, papers in support of House bill 4550, granting a pension to Mary A. Wylie; to the Committee on Invalid Pensions.

74. Also, papers in support of House bill 1723, granting an increase of pension to Amos C. Tewell; to the Committee on Invalid Pensions.

75. By Mr. ANDREW: Resolution of the Phil H. Sheridan Post, No. 34, Grand Army of the Republic, Salem, Mass., indorsing resolutions adopted at the last national encampment of the Grand Army of the Republic relative to home of the late Robert E. Lee, at Arlington, Va.; to the Committee on the Library.

76. Also, petition adopted at State convention of Ancient Order of Hibernians of Massachusetts held at Holyoke, Mass., August, 1925, protesting against the "national origins" feature of the immigration law of 1924; to the Committee on Immigration and Naturalization.

77. Also, petition from Salem Central Labor Union, of Salem, Mass., protesting against the formation of a bread trust; to the Committee on the Judiciary.

78. Also, resolution of Major How Post, No. 47, Grand Army of the Republic, favoring the resolution adopted at the last national encampment of the Grand Army of the Republic calling for the repeal of certain legislation proposing the restoration of the Lee Mansion at Arlington, Va.; to the Committee on the Library.

79. By Mr. BYRNS: Papers accompanying House bill 2860, granting a pension to William Christian; to the Committee on Invalid Pensions.

80. Also, affidavits accompanying House bill 2861, granting a pension to Sam Meadors; to the Committee on Invalid Pensions.

81. Also, affidavits accompanying House bill 2862, granting an increase of pension to Mary J. LaMotte; to the Committee on Invalid Pensions.

82. By Mr. W. T. FITZGERALD: Petition of M. C. Peirce, adjutant, and other members of Dan Williams Post, No. 369, Department of Ohio, Grand Army of the Republic, petitioning increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

83. By Mr. FULLER: Petition of the Rockford & Interurban Railway Co., of Rockford, Ill., favoring bill giving to the Interstate Commerce Commission regulation over interstate motor vehicles; to the Committee on Interstate and Foreign Commerce.

84. Also, petition of Haddorff Piano Co., of Rockford, Ill., opposing any increase in postage rates for first-class mail; to the Committee on the Post Office and Post Roads.

85. By Mr. MacGREGOR: Petition of the Rochester Bar Association, of Rochester, N. Y., favoring the appointment of an additional judge of the District Court of the United States for the Western District of New York; to the Committee on the Judiciary.

86. By Mr. SMITH: Papers in support of House bill 2765, for the relief of William M. Thomas; to the Committee on Claims.

87. Also, papers in support of House bill 2776, granting an increase of pension to Samuel C. Cochran; to the Committee on Pensions.

88. Also, papers in support of House bill 2768, granting a pension to Louise May Bray; to the Committee on Pensions.

89. Also, papers in support of House bill 2773, granting an increase of pension to Jerome B. Greenslate; to the Committee on Invalid Pensions.

90. Also, papers in support of House bill 2774, granting an increase of pension to Edmund T. Hulanski; to the Committee on Invalid Pensions.

91. By Mr. STRONG of Kansas: Petition of Kearney Post, No. 5, Department of Kansas, Grand Army of the Republic, and the Women's Relief Corps of Kearney Relief Corps, No. 67, De-

partment of Kansas, signed by 44 members of Washington, Kans., urging the enactment of legislation to increase the pension of old soldiers to $72 per month and every soldier's widow $50 a month; to the Committee on Invalid Pensions.

92. By Mr. TEMPLE: Petition of E. R. Brady Post, No. 242, Grand Army of the Republic, of Brookline, Pa., urging passage of bill providing for a substantial increase in the rate of pension for all Civil War veterans and their widows; to the Committee on Invalid Pensions.

93. By Mr. BARBOUR: Resolution adopted by the Order of the Native Sons of the Golden West, urging that the Pacific coast be provided with adequate naval base and other defenses; to the Committee on Naval Affairs.

SENATE

MONDAY, *December 14, 1925*

Rabbi E. J. Jack, of Little Rock, Ark., offered the following prayer:

Universal power, unending strength, and source of inspiration, unto Thee, O Thou Eternal One, Thou who hast ever directed and guided the work of Thy servants, unto Thee, great Mind of the universe, should ever be our first thought. Gratefully do we acknowledge our constant dependence upon Thee and readily do we realize and recognize the weakness and the vainness of human endeavor without Thy gracious favor.

O great Guardian, Thou who hast watched over our beloved country from the very moment of its birth even unto now and hast blessed it so beautifully and so bountifully, humbly do we beseech Thee to continue the great love and protection upon it, upon its Chief Executive, upon the Presiding Officer of this august assembly, upon all its counselors, and all who have been intrusted with the sacred charge of promoting and protecting its national ideals. Yea, even the highest heaven hearkeneth to Thy whispering, and Thy glorious presence is displayed in all the extent of nature. In the heavens above and on the earth beneath Thy goodness is manifested in every respect, and Thy greatness guardeth and governeth and guideth all motion.

So, great Power, sanctify all the work before this body. May all assembled here be blessed with strength and with understanding and consecrate themselves thoroughly and completely to the high purpose to which they have been called, that of furthering to the utmost the welfare and well-being of these United States and all its citizenry. And may the good thoughts which arise in the mind of any be supported by the labors of many and become fruitful and useful to the common interest of all, bringing blessing to untold numbers and glory to Thy name, O God. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 1) to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress.

The message also announced that the House had passed a joint resolution (H. J. Res. 67) authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 3), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn Tuesday, December 22, 1925, they stand adjourned until 12 o'clock meridian Monday, January 4, 1926.

BROAD RIVER POWER CO., COLUMBIA, S. C. (S. DOC. NO. 20)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting in response to Senate Resolution 30, agreed to March 17, 1925, relative to the dam construction operations of the Broad River Power Co., of Columbia, S. C., which was referred to the Committee on Commerce and ordered to be printed.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a list of documents and files of papers in his department not needed or useful in the transaction of business and having no permanent value or historical interest, and asking for action looking to their disposition, which was referred to a joint select committee on the disposition of useless papers in the executive departments.

The VICE PRESIDENT appointed Mr. STANFIELD and Mr. PITTMAN members of the committee on the part of the Senate.

REPORT OF THE SECRETARY OF THE TREASURY

The VICE PRESIDENT laid before the Senate, pursuant to law, the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1925, which was referred to the Committee on Finance.

REPORT OF SURGEON GENERAL OF PUBLIC HEALTH SERVICE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year 1925, which was referred to the Committee on Finance.

VOCATIONAL REHABILITATION

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement of receipts and expenditures of vocational rehabilitation, Veterans' Bureau special fund, for the fiscal year 1925, which was referred to the Committee on Finance.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report of the comptroller covering activities of the Currency Bureau for the year ended October 31, 1925, which was referred to the Committee on Banking and Currency.

CONTINGENT EXPENSES, INTERIOR DEPARTMENT, 1925

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the Department charged to the appropriation "Contingent expenses, Department of the Interior, 1925," fiscal year ended June 30, 1925, which was referred to the Committee on Appropriations.

PROPOSED ROOSEVELT MEMORIAL

The VICE PRESIDENT laid before the Senate a communication from James R. Garfield, president of the Roosevelt Memorial Association, transmitting, pursuant to law, a book containing the plans and designs of the proposed Roosevelt Memorial in the city of Washington, which was referred to the Committee on the Library.

PETITIONS AND MEMORIALS

Mr. WILLIS presented petitions and papers in the nature of petitions of sundry citizens of Van Buren, and of the Women's Auxiliary of the Protestant Episcopal Church of Cleveland, in the State of Ohio, praying for the adherence of the United States to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Southeast District of the Ohio Federation of Women's Clubs at Ironton, Ohio, favoring the making of an appropriation of $10,000,000 for the erection in Washington, D. C., of a building to be known as the National Gallery of Arts, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition, numerously signed by sundry citizens of Ohio and Pennsylvania, praying for the repeal of the tax on lenses and photographic supplies, which was referred to the Committee on Finance.

He also presented resolutions adopted at a meeting of citizens at Toledo, Ohio, favoring the adherence of the United States to the Permanent Court of International Justice with the so-called Harding-Hughes-Coolidge reservations, which was referred to the Committee on Foreign Relations.

Mr. OVERMAN presented a petition of sundry cotton growers and merchants in the State of North Carolina, praying for the repeal of the present law requiring the issuance of semimonthly condition reports on the cotton crop, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a resolution adopted by the Commercial Law League of America, favoring the adherence of the United States to the Permanent Court of International Justice in accordance with the plan set forth in the

message of the President of February 24, 1923, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Spokane (Wash.) Bar Association, favoring the adherence of the United States to the protocol establishing the World Court with the so-called Harding-Hughes reservations, which were referred to the Committee on Foreign Relations.

Mr. BINGHAM presented a resolution adopted by the Hat Finishers' Association of Danbury, Conn., favoring a Federal investigation of the coal industry, which was referred to the Committee on Mines and Mining.

He also presented a petition of sundry members of the bar of the District Court of the United States for the district of Connecticut, praying for the passage of legislation providing an additional district judge for the United States District Court for the District of Connecticut, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented the petition of the Department of Connecticut, Grand Army of the Republic, of Bridgeport, Conn., praying for the passage of legislation providing increased pensions to veterans of the Civil War, their widows, and old Army nurses, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Hat Finishers' Association of Danbury, Conn., favoring a Federal investigation of the coal industry, which was referred to the Committee on Mines and Mining.

He also presented resolutions adopted by the Hartford (Conn.) Federal Business Association, favoring the erection in the city of Hartford, Conn., of a new Federal building sufficiently large to house all Federal activities in that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions and letters in the nature of petitions of the Young Men's Christian Association, Woman's Christian Temperance Union, and congregation of the Blue Hills Baptist Church, of Hartford; Mount Carmel Book Club; Plymouth Woman's Federation; Council of Jewish Women and citizens of New Haven; Men's Club of Christ Church; Bridgeport Business and Professional Woman's Club (Inc.), of Bridgeport; League of Women Voters of New London; Republican Woman's Club of Stamford; Chamber of Commerce of Middletown and Woman's Christian Union of Naugatuck; League of Women Voters of Ridgefield; Woman's Christian Temperance Union of Willimantic; Woman's Club of Woodbury; sundry citizens of New Hartford; sundry citizens of Norfolk; Authors' Club and National Institute of Art and Letters of Brooklyn; sundry citizens of Washington; Toland County Council of Religious Education of South Willington; Woman's Christian Temperance Union of South Willington; Woman's Christian Temperance Union of Central Village; Woman's Christian Temperance Union of Cromwell; and sundry citizens of Watertown, all in the State of Connecticut, favoring the proposal to establish an international court of justice, to which nations may submit their disputes if they so desire, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions adopted by the State board of the Kansas Federation of Women's Clubs, at Manhattan, Kans., favoring the making of an appropriation for the erection in Washington of a building to be known as the National Gallery of Art, which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Salina, Kans., praying for the enactment of legislation providing for the establishment of a Federal Department of Education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the State convention of the Hays (Kans.) Farmers' Union, favoring the completion and operation by the Government of the Muscle Shoals power plant, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Chambers of Commerce of Wichita and Ottawa, both in the State of Kansas, favoring the adhesion of the United States to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the board of directors of the Emporia (Kans.) Chamber of Commerce, favoring the making of appropriations for the immediate completion of the improvement of the Missouri River up to Kansas City, according to the plans of the Engineer Corps heretofore adopted, and the extension of such improvement as far north as the engineers may determine is feasible, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of Alger Camp, No. 20, United Spanish War Veterans, of Atchison, Kans., praying for the passage of legislation increasing the pensions of veterans of the Spanish War, which was referred to the Committee on Pensions.

He also presented a petition of sundry members of Kearney Post No. 5, Department of Kansas, Grand Army of the Republic, and members of Women's Relief Corps No. 67, of Washington, Kans., praying for the enactment of legislation granting pensions of $72 per month to veterans of the Civil War and $50 per month to their widows, which was referred to the Committee on Pensions.

He also presented petitions, numerously signed, by sundry citizens of Rice County, Kans., praying for the passage of legislation amending the national prohibition act so as to provide a fine and jail sentence for each offense, particularly for the manufacture or sale of intoxicating liquors, also that the clause regarding transportation and possession be strengthened, which were referred to the Committee on the Judiciary.

Mr. GREENE presented the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on Immigration:

Whereas the prosperity of our State depends largely upon the prosperity of our agricultural interests, and

Whereas it is apparent that there is in Vermont a scarcity of common laborers, and especially those versed and experienced in agriculture, and

Whereas the Commissioner General of Immigration of the United States, the Hon. Walter W. Husband, believes that a modification of the present immigration laws would make it possible for Vermont to secure a large number of desirable North Europeans who are versed and experienced in agriculture: Therefore be it

Resolved by the senate and house of representatives, That we are desirous of legislation on the part of Congress which will benefit all Vermont industries, and especially our agricultural interests, and secure for its various industries an influx of desirable immigrants, and we urge our Senators and Representatives to use their influence in favor of such legislation. And be it further

Resolved, That a copy of this resolution be forwarded to our Senators and Representatives in Congress.

ROSWELL M. AUSTIN,
Speaker of the House of Representatives.
W. K. FARNSWORTH,
President of the Senate.

Approved March 19, 1925.

FRANKLIN S. BILLINGS, *Governor.*

STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of joint resolution relating to immigration approved March 19, 1925.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Montpelier, this 25th day of March, A. D. 1925.

[SEAL] AARON H. GRANT,
Secretary of State.

REGULATION OF AIRCRAFT IN COMMERCE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, and I submit a report (No. 2) thereon. I desire to give notice at this time that I shall ask for the consideration of the bill at the earliest public opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

FUNERAL EXPENSES OF DECEASED SENATORS

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment four resolutions covering the payment of the funeral expenses of the late Senator La Follette, the late Senator Ralston, the late Senator Spencer, and the late Senator Ladd. I ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The resolution (S. Res. 62) submitted by Mr. LENROOT on the 8th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Robert M. La Follette, late a Senator from the State of Wisconsin, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 63) submitted by Mr. WATSON on the 8th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Samuel M. Ralston, late a Senator from the State of Indiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 65) submitted by Mr. REED of Missouri on the 8th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Selden P. Spencer, late a Senator from the State of Missouri, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 58) submitted by Mr. FRAZIER on the 8th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Edwin F. Ladd, late a Senator from the State of North Dakota, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ALICE N. KELLER

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 54), submitted by Mr. CURTIS on the 8th instant, and I ask unanimous consent for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Alice N. Keller, widow of Thomas W. Keller, the late Acting Assistant Doorkeeper of the Senate, one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EVERETT H. M'CLENAHAN

Mr. KEYES. From the same committee I report back favorably without amendment the resolution (S. Res. 83) submitted by Mr. STANFIELD on the 10th instant, and I ask unanimous consent for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to Everett H. McClenahan, son of Robert U. McClenahan, late a messenger of the Senate, under supervision of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ADDITIONAL TELEPHONE OPERATORS

Mr. KEYES. From the same committee I report back favorably without amendment the resolution (S. Res. 67) submitted by myself on the 8th instant, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate hereby is authorized and directed to employ during the first session of the Sixty-ninth Congress two telephone operators to be paid from the contingent fund of the Senate at the rate of $1,200 per annum.

HEARINGS BEFORE THE COMMITTEE ON APPROPRIATIONS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 55), submitted by Mr. WARREN on the 8th instant, and I ask for its present consideration. The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Appropriations, or any subcommittee thereof, is authorized, during the Sixty-ninth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MINES AND MINING

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 56) submitted by Mr. ODDIE on the 8th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON FINANCE

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 61) submitted by Mr. SMOOT on the 8th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized to sit during the sessions or recesses of the Sixty-ninth Congress at such times and places as they may deem advisable; to make investigations into internal revenue, customs, currency, and coinage matters, and other matters within its jurisdiction, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary; and to report from time to time to the Senate the result thereof; to send for persons, books, and papers, to administer oaths, and to employ such expert, stenographic, clerical, and other assistance as may be necessary; and all of the expenses of such committee shall be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 64) submitted by Mr. NORRIS on the 8th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 75) submitted by Mr. BORAH on the 10th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON CLAIMS

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 79) submitted by Mr. MEANS on the 10th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Claims, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON CIVIL SERVICE

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 81) submitted by Mr. COUZENS on the 10th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Civil Service, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON BANKING AND CURRENCY

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 85) submitted by Mr. MCLEAN on the 10th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject that may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 1335) authorizing the President of the United States to appoint Sergt. Alvin C. York as a captain in the United States Army and then place him on the retired list;

A bill (S. 1336) for the relief of Martin A. Hayes; and

A bill (S. 1337) for the relief of Robert C. Wilcox; to the Committee on Military Affairs.

A bill (S. 1338) for the relief of the Hunter-Brown Co.;

A bill (S. 1339) for the relief of Katherine Southerland;

A bill (S. 1340) for the relief of W. K. Ellis;

A bill (S. 1341) for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased; and

A bill (S. 1342) for the relief of the city of Bristol, Tenn.; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; to the Committee on Military Affairs.

A bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act; to the Committee on Commerce.

A bill (S. 1345) for a commission to study the questions of land settlement and home ownership in the United States; to the Committee on Public Lands and Surveys.

A bill (S. 1346) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Judiciary.

A bill (S. 1347) authorizing the Secretary of Agriculture to formulate and recommend standard weights and standard methods of wrapping, packing, and tying cotton bales, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 1348) for the relief of William R. Bailey and Charles G. Dobbins;

A bill (S. 1349) for the relief of the Eagle Pass Lumber Co., of Eagle Pass, Tex.;

A bill (S. 1350) for the relief of C. N. Markle;

A bill (S. 1351) for the relief of Wynona A. Dixon;

A bill (S. 1352) for the relief of J. Block & Co.;

A bill (S. 1353) for the relief of D. W. Fidler, Liberty-loan subscriber of the National Bank of Cleburne, Tex.;

A bill (S. 1354) for the relief of Josephine Rollingson;

A bill (S. 1355) for the relief of J. J. Redmond and J. R. McNutt; and

A bill (S. 1356) for the relief of R. H. King (with accompanying papers); to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 1357) granting an increase of pension to Joanna Swander (with accompanying papers);

A bill (S. 1358) granting a pension to Sarah E. Butler (with accompanying papers); and

A bill (S. 1359) granting a pension to Sarah Effie Zane (with accompanying papers); to the Committee on Pensions.

By Mr. FERRIS:

A bill (S. 1360) for the relief of the estate of William P. Nisbett, sr., deceased; to the Committee on Post Offices and Post Roads.

By Mr. BRUCE:

A bill (S. 1361) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co. of Maryland; to the Committee on Claims.

A bill (S. 1362) to provide for the appointment of Lieut. Thomas Wade Mather, United States Navy, as a lieutenant in the Corps of Civil Engineers, United States Navy, as an additional number, with his present rank, pay, and precedence; to the Committee on Naval Affairs; and

A bill (S. 1363) providing for the men who served with the American expeditionary forces in Europe as Engineer field clerks the status of Army field clerk and field clerk, Quartermaster Corps of the United States Army, when honorably discharged (with accompanying papers); to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 1364) granting an increase of pension to James T. Young; and

A bill (S. 1365) granting a pension to C. L. Ford; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 1366) granting an increase of pension to George W. Robinson; and

A bill (S. 1367) granting a pension to Laura I. Robinson; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 1368) for the relief of Levi B. Rouse; and

A bill (S. 1369) for the relief of Vincent Rutherford; to the Committee on Military Affairs.

A bill (S. 1370) granting a pension to Harmon Everett Meacham;

A bill (S. 1371) granting an increase of pension to Mrs. Sydney Skidmore;

A bill (S. 1372) granting an increase of pension to Frank Baldwin Norris;

A bill (S. 1373) granting an increase of pension to Albert M. Ryan;

A bill (S. 1374) granting an increase of pension to Pedro B. de G. Fernandez;

A bill (S. 1375) granting an increase of pension to Rebecca C. Cotton;

A bill (S. 1376) granting a pension to Clara Morilon;

A bill (S. 1377) granting a pension to Wilbert E. Parsons;

A bill (S. 1378) granting a pension to Edith Taylor Moore;

A bill (S. 1379) granting an increase of pension to Hannah E. Russell (with accompanying papers); and

A bill (S. 1380) granting a pension to Adam McCollum (with accompanying papers); to the Committee on Pensions.

A bill (S. 1381) for the relief of William O. Cutliffe; to the Committee on Claims.

A bill (S. 1382) to provide for the construction of 10 vessels for the Coast Guard;

A bill (S. 1383) to transfer from the Department of Commerce to the Department of Labor the duty and power to enforce so much of the navigation laws and laws governing the Steamboat Inspection Service as relate to persons employed in seafaring occupations, and for other purposes (with accompanying papers);

A bill (S. 1384) to amend and supplement the merchant marine act, 1920, the shipping act, 1916, and for other purposes; to the Committee on Commerce; and

A bill (S. 1385) to provide for causes of action arising out of Federal control and operation of telegraph and telephone systems during the war, and for other purposes; to the Committee on Interstate Commerce.

By Mr. ASHURST:

A bill (S. 1386) granting a pension to William H. Hatcher;

A bill (S. 1387) for the relief of John B. Evans;

A bill (S. 1388) granting an increase of pension to Joseph D. Canell;

A bill (S. 1389) granting an increase of pension to Howard E. Banes;

A bill (S. 1390) granting a pension to Frank Hall;

A bill (S. 1391) granting an increase of pension to Thomas Fletcher Lancaster;

A bill (S. 1392) granting an increase of pension to Walter L. Hammond;

A bill (S. 1393) granting an increase of pension to Alice I. Simpson;

A bill (S. 1394) granting a pension to Thomas N. East;

A bill (S. 1395) granting a pension to Thomas McSherry;

A bill (S. 1396) granting an increase of pension to Richmond Bridges;

A bill (S. 1397) granting a pension to Alfred Haught;

A bill (S. 1398) granting a pension to Ross W. Brooks; and

A bill (S. 1399) granting an increase of pension to John H. Burke (with accompanying papers); to the Committee on Pensions.

A bill (S. 1400) to provide for the erection of a public building at Prescott, in the State of Arizona;

A bill (S. 1401) providing for the erection and completion of public building at Tucson, Ariz.; and

A bill (S. 1402) authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

A bill (S. 1403) for the relief of William Wooster; and

A bill (S. 1404) for the relief of Jesse A. Frost; to the Committee on Claims.

A bill (S. 1405) making an appropriation for the construction of roads and bridges on the north approach to and within the Petrified Forest National Monument, Ariz.; to the Committee on Appropriations.

A bill (S. 1406) to establish a fish-hatching and fish-cultural station in the State of Arizona; to the Committee on Commerce.

A bill (S. 1407) for the relief of Alfred Cluff and certain other settlers at Forestdale, Apache County, Ariz., who were evicted from their homes by reason of a change in the location of the north boundary of the White Mountain or San Carlos Apache Indian Reservation; and

A bill (S. 1408) to authorize appropriations for the survey, construction, and maintenance of highways on or adjacent to unfaxed Indian lands; to the Committee on Indian Affairs.

A bill (S. 1409) for the establishment and maintenance of a forest experiment station in Arizona; and

A bill (S. 1410) to establish an agricultural experiment station at Fort Mohave, in the county of Mohave, Ariz.; to the Committee on Agriculture and Forestry.

A bill (S. 1411) authorizing a right of way for the transportation of water for improvement of grazing and development of the livestock industry upon public and national forest lands in Arizona; and

A bill (S. 1412) to appropriate $200,000 for the survey of public lands in Arizona; to the Committee on Public Lands and Surveys.

A bill (S. 1413) for the relief of Eustacio B. Davison; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 1414) providing for the acquisition of a site and the erection thereon of a public building at Lake Wales, Fla.; and

A bill (S. 1415) authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822 in the town of De Funiak Springs, according to the map of Lake De Funiak drawn by W. J. Vankirk; to the Committee on Public Buildings and Grounds.

A bill (S. 1416) to amend subdivision (a) of section 4 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924; to the Committee on Immigration.

A bill (S. 1417) granting an increase of pension to Sophronia Richard; and

A bill (S. 1418) granting a pension to Ellen F. Marston; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 1419) granting a pension to James B. Walters; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 1420) authorizing the Secretary of War to cause a preliminary examination and survey of Port Washington Harbor, in the State of Wisconsin; to the Committee on Commerce.

A bill (S. 1421) to correct the military record of John F Monroe; to the Committee on Military Affairs.

By Mr. PINE:

A bill (S. 1422) for the purchase of a site and erection thereon of a public building at Okmulgee, in the State of Oklahoma; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON:

A bill (S. 1423) to relinquish the title of the United States to the land in the donation claim of the heirs of J. B. Baudreau situate in the county of Jackson, State of Mississippi; to the Committee on Public Lands and Surveys.

A bill (S. 1424) for the relief of John G. Sessions;

A bill (S. 1425) for the relief of the legal representative of the estate of Haller Nutt, deceased; and

A bill (S. 1426) for the relief of James Francis McDonald and Sarah Elizabeth McDonald; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 1427) to protect persons in the exercise of certain privileges and immunities guaranteed and secured by the Constitution of the United States; and

A bill (S. 1428) to regulate the practice and fix the fees of agents, attorneys, and other persons representing claimants, under the act of October 6, 1917; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 1429) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public-buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park;

A bill (S. 1430) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; and

A bill (S. 1431) to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes; to the Committee on the District of Columbia.

A bill (S. 1432) granting an increase of pension to Mary A. Van Buskirk (with an accompanying paper);

A bill (S. 1433) granting an increase of pension to Sarah S. Vaughan (with an accompanying paper);

A bill (S. 1434) granting an increase of pension to Alice Wright (with an accompanying paper);

A bill (S. 1435) granting a pension to Martha Ann Cook (with an accompanying paper);

A bill (S. 1436) granting a pension to Edwin R. Smith;

A bill (S. 1437) granting an increase of pension to George E. Ryan (with an accompanying paper);

A bill (S. 1438) granting a pension to Kate D. Winslow (with an accompanying paper);

A bill (S. 1439) granting an increase of pension to Carrie M. Fuller (with an accompanying paper);

A bill (S. 1440) granting an increase of pension to Laura E. Franklin (with an accompanying paper);

A bill (S. 1441) granting a pension to Isabel Smith (with an accompanying paper);

A bill (S. 1442) granting an increase of pension to Mariah E. Baxter (with an accompanying paper);

A bill (S. 1443) granting an increase of pension to Katharine Fenlon Rivers;

A bill (S. 1444) granting a pension to Susan Bishop (with accompanying papers);

A bill (S. 1445) granting an increase of pension of Eliza J. Brady (with accompanying papers);

A bill (S. 1446) granting a pension to Kate Lamaster (with an accompanying paper); and

A bill (S. 1447) granting a pension to William McClure; to the Committee on Pensions.

A bill (S. 1448) to clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good will, and to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand; to the Committee on Interstate Commerce.

A bill (S. 1449) for the relief of A. B. Ewing;

A bill (S. 1450) for the relief of the estate of John Stewart, deceased;

A bill (S. 1451) for the relief of William Hensley;

A bill (S. 1452) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower;

A bill (S. 1453) for the relief of Frank Topping and others;

A bill (S. 1454) for the relief of H. E. Spoonemore;

A bill (S. 1455) for the relief of A. F. Johntz;

A bill (S. 1456) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Eriesson;

A bill (S. 1457) for the relief of Charles A. Davenport; and

A bill (S. 1458) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Richard F. Pellett; to the Committee on Claims.

A bill (S. 1459) for the relief of Waller V. Gibson; to the Committee on Military Affairs.

A bill (S. 1460) for the relief of John H. Moore; to the Committee on Civil Service; and

A bill (S. 1461) for the relief of Alonzo L. Callihan (with accompanying papers); to the Committee on Finance.

By Mr. WARREN:

A bill (S. 1462) permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest (with accompanying papers); to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 1463) to provide relief for the victims of the airplane accident at Langin Field; to the Committee on Claims.

A bill (S. 1464) for the relief of Joseph C. Holley; to the Committee on Post Offices and Post Roads.

A bill (S. 1465) granting an increase of pension to Arabella Shanley;

A bill (S. 1466) granting a pension to Leslie Harding;

A bill (S. 1467) granting an increase of pension to John T. Roseberry; and

A bill (S. 1468) granting a pension to Charles Adkins; to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 1469) granting a pension to James Broderick; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 1470) for the relief of William Lentz; to the Committee on Military Affairs.

A bill (S. 1471) granting an increase of pension to Ninette M. Lowater; to the Committee on Pensions.

A bill (S. 1472) to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A bill (S. 1473) granting permission to certain officers and men of the military forces of the United States to accept various decorations bestowed in recognition of services to the allied cause; and

A bill (S. 1474) for the promotion of certain officers of the United States Army now on the retired list; to the Committee on Military Affairs.

A bill (S. 1475) amending section 1 of the act of March 3, 1893 (27 Stat. L. 751), providing for the method of selling real estate under an order or decree of any United States court; to the Committee on the Judiciary.

A bill (S. 1476) authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 1477) to designate a building site for the National Conservatory of Music of America, and for other purposes; to the Committee on Public Buildings and Grounds.

A bill (S. 1478) to authorize the transfer of the title to and jurisdiction over the right of way of the new Dixie Highway to the State of Kentucky;

A bill (S. 1479) to amend section 27 of the national defense act as amended by the act of June 4, 1920;

A bill (S. 1480) to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin-American Republics in military and naval matters;

A bill (S. 1481) to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army;

A bill (S. 1482) to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control;

A bill (S. 1483) to amend section 50½ and section 70 of the Articles of War;

A bill (S. 1484) to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home;

A bill (S. 1485) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

A bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.;

A bill (S. 1487) to authorize the Secretary of War to class as secret certain apparatus pertaining to the Signal Corps, Air Service, and Chemical Warfare Service, and empower him to authorize purchases thereof and award contracts therefor without notice or advertisement; and

A bill (S. 1488) relating to the use of the roads leading from the bridges across the Potomac River to Arlington National Cemetery and to Fort Myer, Va.; to the Committee on Military Affairs.

A bill (S. 1489) to punish counterfeiting of Government transportation requests (with accompanying papers); and

A bill (S. 1490) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York; to the Committee on the Judiciary.

By Mr. SWANSON:

A bill (S. 1491) for the relief of Claude S. Betts; to the Committee on Naval Affairs.

A bill (S. 1492) to recognize the military war services of adjutants general and United States property and disbursing officers as Federal military war duty during war period, April 6, 1917, to November 11, 1918, and to issue suitable testimonial of appreciation and recognition to members and former members of district and local draft boards, medical and legal advisory boards, and Government appeals agents for their services during war period, and to consider additional recommendations for awards and citations to former officers and enlisted men of the National Guard on account of World War services; and

A bill (S. 1493) to provide for the inspection of the battle fields and surrender grounds in and around old Appomattox Court House, Va.; to the Committee on Military Affairs.

A bill (S. 1494) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury; to the Committee on Public Lands and Surveys.

A bill (S. 1495) for the improvement of channel connecting the deep waters in James River with Hampton Roads, Va., and for the modification of the existing project for the improvement of said channel; to the Committee on Commerce.

A bill (S. 1496) to authorize the Commissioner of Patents to investigate the extension of a patent issued to Ernest W. Ladd, Hunter Arnold, William H. Rohrer, Harry L. Wheatley, B. M. Quinn, and Thomas J. Farrar; to the Committee on Patents.

A bill (S. 1497) for the construction of a public building at Culpeper, Va.;

A bill (S. 1498) to authorize the acquisition of a site and the erection thereon of a Federal building at Boykin, Va.;

A bill (S. 1499) to purchase a site for the erection of a post-office building in the city of Norfolk, Va.; and

A bill (S. 1500) to provide for the erection of a post-office and customhouse building at Cape Charles, Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 1501) granting a pension to Frederick L. Eagle;

A bill (S. 1502) granting a pension to Mary Fitchett;

A bill (S. 1503) granting a pension to Mary L. Ford;

A bill (S. 1504) granting a pension to Maggie Robinson;

A bill (S. 1505) granting a pension to Edith Bolling Wilson;

A bill (S. 1506) granting a pension to Mary A. Kane;

A bill (S. 1507) granting an increase of pension to George W. Elder;

A bill (S. 1508) granting a pension to H. W. Judd;

A bill (S. 1509) granting an increase of pension to Clare D. Fielding; and

A bill (S. 1510) granting a pension to Mathew Peterschell; to the Committee on Pensions.

A bill (S. 1511) for the relief of Mrs. W. H. ReMine;

A bill (S. 1512) for the relief of Simon R. Curtis;

A bill (S. 1513) for the relief of B. Jackson;

A bill (S. 1514) to extend the benefits of the employees' compensation act of September 7, 1916, to Thomas T. Grimsley;

A bill (S. 1515) to extend the benefits of the employees' compensation act of September 7, 1916, to Daniel S. Glover;

A bill (S. 1516) for the relief of Frank L. Smith;

A bill (S. 1517) authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis;

A bill (S. 1518) to extend the benefits of the employees' compensation act of September 7, 1916, to Otis Dodson;

A bill (S. 1519) for the relief of the P. Dougherty Co.;

A bill (S. 1520) for the relief of Isabelle R. Damron, postmaster at Clintwood, Va.;

A bill (S. 1521) for the relief of Henry Kirn;

A bill (S. 1522) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson;

A bill (S. 1523) for the relief of the Northern Transportation Co.;

A bill (S. 1524) for the relief of Louis A. Hogue;

A bill (S. 1525) to extend the benefits of the employees' compensation act of September 7, 1916, to James Robert Allen;

A bill (S. 1526) for the relief of Hyter Myers;

A bill (S. 1527) for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros.;

A bill (S. 1528) for the relief of the Norfolk Dredging Co.;

A bill (S. 1529) for the relief of D. O. Clements;

A bill (S. 1530) for the relief of J. W. Hogg; and

A bill (S. 1531) for the relief of the heirs of George E. Taylor, deceased; to the Committee on Claims.

By Mr. HALE:

A bill (S. 1532) granting a pension to Mattie E. Beale (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 1533) to provide for the appointment of a leader of the Army Music School; to the Committee on Military Affairs.

By Mr. ERNST:

A bill (S. 1534) granting an increase of pension to Mary E. Dobyns;

A bill (S. 1535) granting a pension to Fannie Compton (with accompanying papers);

A bill (S. 1536) granting a pension to Joseph S. Bishop (with accompanying papers);

A bill (S. 1537) granting a pension to Ashley Peak;

A bill (S. 1538) granting a pension to Minerva Hill; and

A bill (S. 1539) granting an increase of pension to Jessie D. Rue; to the Committee on Pensions.

A bill (S. 1540) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes"; to the Committee on Appropriations.

By Mr. MOSES:

A bill (S. 1541) granting an increase of pension to Lillian S. Coburn; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 1542) granting a pension to Ellen Murray (with accompanying papers); to the Committee on Pensions.

A bill (S. 1543) granting privilege of the floor and right to participate in debate to heads of executive departments and other officers; to the Committee on the Judiciary.

A bill (S. 1544) to amend section 202 of the act of Congress approved March 4, 1923, known as the agricultural credits act of 1923; and

A bill (S. 1545) to amend section 5147 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. GERRY:

A bill (S. 1546) for the relief of John H. Barrett and Ada H. Barrett; to the Committee on Claims.

By Mr. FRAZIER:

A joint resolution (S. J. Res. 21) to provide for venue of suits against the United States Grain Corporation; to the Committee on the Judiciary.

By Mr. NEELY:

A joint resolution (S. J. Res. 22) declaring December 28 a legal public holiday, to be known as Woodrow Wilson's birthday; to the Committee on the Judiciary.

By Mr. ASHURST:

A joint resolution (S. J. Res. 23) to furnish the daily CONGRESSIONAL RECORD to posts of the American Legion, the Disabled American Veterans of the World War, the Veterans of Foreign Wars, and to camps of the United Spanish War Veterans; to the Committee on Printing.

By Mr. SWANSON:

A joint resolution (S. J. Res. 24) for the appointment of Harry H. Holt, of Virginia, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 25) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam; to the Committee on Military Affairs.

NONQUOTA IMMIGRANTS

Mr. FLETCHER. I introduce a bill to amend subdivision (a) of section 4 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924, and ask that it be read at length.

The bill (S. 1416) to amend subdivision (a) of section 4 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That subdivision (a) of section 4 of an act entitled "An act to limit the immigration of aliens into the United States and for other purposes," approved May 26, 1924, be, and the same is hereby, amended to read:

"NONQUOTA IMMIGRANTS

"SEC. 4. When used in this act the term 'nonquota immigrant' means—

"(a) An immigrant who is the dependent widowed mother over 50 years of age, or the dependent father or the dependent mother over 60 years of age, or the wife, or the unmarried child under 18 years of age, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9."

Mr. FLETCHER. Mr. President, the present law provides that as to relatives only the unmarried child under 18 years of age, or the wife, of a citizen of the United States shall be admitted to this country as "nonquota immigrants."

My proposed amendment would also permit the admission of dependent widowed mothers over 50 years of age and dependent fathers and mothers over 60 years of age.

The law provides further that in the issuance of immigration visas to "quota immigrants" preference shall be given "to a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the wife, of a citizen of the United States who is 21 years of age or over."

My proposed amendment would not change the existing law except to place dependent widowed mothers over 50 years of age and dependent fathers and mothers over 60 years of age in the "nonquota class."

The law requiring immigrants to obtain passports from the government to which they owe allegiance, and make application for their visa to the nearest American consul, and comply with all other provisions of law would remain the same as now. The burden of proof would be on every alien to establish that he or she is not subject to exclusion under any provision of law, and American citizens would be required to furnish a satisfactory bond that their relatives would not become public charges. Furthermore, should such aliens become undesirable they may be deported, and I favor deporting all undesirable aliens.

It occurs to me that from a humanitarian standpoint the law should be amended as I have proposed; and I believe that the amendment will be agreed to by the Congress.

Surely no Christian citizen would object to the reuniting of immediate members of the families of worthy naturalized American citizens.

I move that the bill be referred to the Committee on Immigration.

The motion was agreed to.

AMENDMENTS TO TAX REDUCTION BILL

Mr. FLETCHER submitted five amendments intended to be proposed by him to the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

CHANGE OF REFERENCE

Mr. CUMMINS. Mr. President, on Tuesday last I introduced a bill (S. 476) to provide for the temporary detail of commissioned officers and enlisted men of the Army, Navy, and Marine Corps, and for other purposes. The bill was referred to the Committee on the Judiciary, but it should have been referred to the Committee on Military Affairs, and I now move that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, the change of reference will be made.

TRANSFER OF MERCHANT SHIPS TO WAR DEPARTMENT

Mr. JONES of Washington. I submit a Senate resolution and ask that it may be read.

The resolution (S. Res. 86) was read, as follows:

Whereas the United States Shipping Board through the Admiral Oriental Line is operating five of its best combination freight and passenger ships on a route between Puget Sound and the Orient with regular sailings, and

Whereas it is highly important to our commercial development in the Orient that the operation of this line shall be contained unimpaired at least until it is demonstrated that it can not be made profitable, and

Whereas the Budget Office has made a demand upon the United States Shipping Board to turn over two of said five ships to the War Department for use as transports, and

Whereas such action, if taken, will greatly impair, if not wholly destroy, the commercial usefulness of said route, and

Whereas such action should not be taken except for most impelling reasons: Now therefore be it

Resolved, That the Secretary of War be, and he is hereby, directed to give to the Senate the facts and the reasons upon which the United States Shipping Board has been requested to turn over to the War Department for use as Army transports two of the combination freight and passenger ships now being operated between Puget Sound and the Orient by the Admiral Oriental Line.

Mr. JONES of Washington. Mr. President, I have written to the department of the Government interested in the subject matter of the resolution for the information called for, and it may be that I shall obtain the information in that way. So I ask that the resolution may lie on the table.

Mr. FLETCHER. I have no objection to the resolution taking that course. I think we ought to obtain the facts, however, in some way.

Mr. JONES of Washington. I have asked for the facts, and if I get them from the department I shall be glad to submit them to the Senate.

Mr. FLETCHER. I should like to know about it, because if the Shipping Board is going to give away all the merchant ships we might as well turn some of them over to the War Department, but, on the other hand, I am not in favor of giving them away.

Mr. JONES of Washington. Neither am I.

The VICE PRESIDENT. The resolution will lie on the table.

CLARA PISER LUDES AND OTHERS

Mr. CAPPER submitted the following resolution (S. Res. 87), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Clara Piser Ludes and Pauline Piser Merritt, sisters, and John Piser, brother, of Amy R. Piser, late assistant clerk to the Committee on the District of Columbia, six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered as including funeral expenses and all other allowances.

HOUSE JOINT AND CONCURRENT RESOLUTIONS REFERRED

The joint resolution (H. J. Res. 67) authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month was read twice by its title and referred to the Committee on Appropriations.

The concurrent resolution (H. Con. Res. 3) providing for the adjournment of the two Houses from Tuesday, December 22, 1925, to Monday, January 4, 1926, was referred to the Committee on Appropriations.

PROPOSED MODIFICATION OF VOLSTEAD ACT

The VICE PRESIDENT. Morning business is closed.

Mr. EDGE. I wish to announce at this time that at the conclusion of morning business to-morrow, Tuesday, I desire to address the Senate on the very important subject of the modification of the Volstead Act.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 12 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 15, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 1925

SOLICITOR GENERAL, DEPARTMENT OF JUSTICE

William D. Mitchell to be Solicitor General.

ASSISTANT ATTORNEY GENERALS

John Marshall to be Assistant Attorney General.

Charles D. Lawrence to be Assistant Attorney General, Customs Division.

Oscar R. Luhring to be Assistant Attorney General.

UNITED STATES CIRCUIT JUDGE

John J. Parker to be United States circuit judge, fourth circuit.

UNITED STATES DISTRICT JUDGE

Merrill E. Otis to be United States district judge, western district of Missouri.

UNITED STATES DISTRICT ATTORNEYS

George J. Hatfield, northern district of California.
Wayne G. Borah, eastern district of Louisiana.
William A. DeGroot, eastern district of New York.
George W. Coles, eastern district of Pennsylvania.
Andrew B. Dunsmore, middle district of Pennsylvania.

UNITED STATES MARSHALS

Irvin M. Lieser, Canal Zone.
Charles Kloster, northern district of Iowa.
William J. Keville, Massachusetts.
Alfred J. Chretien, New Hampshire.
Frederick C. Schneider, New Jersey.
Ewers White, western district of Oklahoma.
W. Frank Mathues, eastern district of Pennsylvania.
John H. Glass, middle district of Pennsylvania.
James E. Harris, western district of Wisconsin.

POSTMASTERS

COLORADO

Frank M. Shedd, Aurora.
Melissa H. Hayden, Breckenridge.
Ralph W. Bidwell, Briggsdale.
Hal Parmeter, Byers.
Edgar A. Buckley, Crook.
George W. Heflin, De Beque.
John H. McDevitt, jr., Durango.
May D. Thomas, Eagle.
Edward L. Boillot, Fort Morgan.
Robert E. Taylor, Grover.
Clarence E. Wright, Lake City.
John H. Cunningham, Loveland.
Chester L. Snyder, New Raymer.
Sylvester E. Hobart, Nunn.
Reno H. Auld, Otis.
Siegfried Salomon, Platteville.
Ella B. Montgomery, Salida.
James Donaldson, Sopris.
Leona E. Backus, Two Buttes.
Samuel Coen, Walden.
Hubbard I. Boyd, Weldona.
Vernet A. Kauffman, West Portal.

GEORGIA

Eldon A. McCollum, Baconton.
Acquilla M. Warnock, Brooklet.
Roxie B. Goza, Chamblee.
Rolland H. Freeman, Dover.
Frank R. Rountree, Egypt.
Robert L. Williams, Griffin.
Hugh C. Register, Hahira.
Sara F. Greene, Junction City.
Henry J. Claxton, Kite.
Jefferson D. Stalvey, Lake Park.
Venter B. Godwin, Lenox.
John E. Jones, Lula.
Ida Wyatt, Menlo.
Elisha A. Meeks, Nicholls.
George C. Bamberg, Omega.
Janie Pinkston, Parrott.
Loyd W. English, Pelham.
Jessie Gunter, Social Circle.
Robert N. Trimble, Summerville.
Edmund R. Mathews, Talbotton.
Will P. Tate, Trion.
Daniel M. Proctor, Woodbine.

KANSAS

Pitt H. Halleck, Abilene.
Lawrence J. Barrett, Admire.
Solomon L. Crown, Agra.
Ralph A. Ward, Alden.
Lizzie N. Reaburn, Allen.
Ezra D. Bolinger, Bucklin.
Francis M. Bowman, Bushton.
Rollin J. Conderman, Chetopa.
Edwin A. Boyd, Dwight.
Jacob W. Wright, Elk City.
Grant D. Bollinger, Everest.
Paul H. Quinn, Geuda Springs.
Charles M. Tinkler, Gypsum.
Herbert W. Chittenden, Hays.

Anna E. Waterman, Healy.
Mana M. McKinney, Hoxie.
Edna N. Carlile, Jamestown.
Harry E. Simpson, Jennings.
LeRoy F. Heston, Kanorado.
William B. Trembley, Kansas City.
Douglas M. Dimond, Kensington.
John E. Scruggs, Kincaid.
Ray Bartlett, La Harpe.
William S. Lyman, Lewis.
Ethel I. Starr, Long Island.
Fred Carlson, Lost Springs.
Sarah Lee, Louisburg.
Olive Clements, Maplehill.
Hollis L. Caswell, McDonald.
John C. Braden, Meade.
Robert E. Anderson, Meriden.
Anna W. Lowe, Moscow.
Howard L. Stevens, Norton.
Byram L. Sams, Offerle.
Homer M. Limbird, Olathe.
Milton H. Herrington, Olpe.
John F. Nuttmann, Paxico.
Willis E. Baker, Pleasanton.
Walter H. Polley, Republic.
James R. Robison, Riley.
William S. Smith, Rozel.
Chester E. Messler, Russell Springs.
Nannie Bingham, Sabetha.
Ola G. Canfield, Scranton.
Bruce W. Ruthrauff, South Haven.
David H. Pugh, Tampa.
Leroy C. Sandy, Troy.
Cora L. McMurry, Turon.
Fred W. Arnold, Vermillion.
Louis H. Wapler, Wakefield.
J. Raymond E. Simmons, Wellsville.
Gertrude M. Blair, West Mineral.
Stewart M. Young, Wichita.
William T. Brown, Wilsey.

MAINE

Lewis H. Lackee, Addison.
Fred A. Manter, Anson.
Henry W. Owen, jr., Bath.
M. Estelle Goldthwaite, Biddeford Pool.
George L. Baker, Bingham.
Edmund O. Collins, Bridgewater Center.
Geneva A. Berry, Brownville Junction.
Fred M. Cole, Bryant Pond.
Burton A. Hutchinson, Buckfield.
Harvard M. Armstrong, Cape Cottage.
Pearl Danforth, Castine.
David H. Smith, Darkharbor.
Julia E. Lufkin, Deer Isle.
Flavie Fournier, Eagle Lake.
Archie D. Clark, East Corinth.
Wesley A. Stratton, East Millinocket.
George A. Turner, Freedom.
Joseph B. Lewis, Hampden Highlands.
Kathryn E. Cantello, Hebron.
Henry H. Walsh, Kennebunk Beach.
Byron E. Lindsay, Kingman.
Amelia A. Swasey, Limerick.
Edna G. Chase, Limestone.
Ralph W. Chandler, Machias.
Hattie M. Higgins, Mapleton.
Althea F. Smith, Mattawamkeag.
George M. Jackson, Millbridge.
Bertha D. Redonnett, Mount Vernon.
William D. Murphy, Newcastle.
James L. Simpson, North Vassalboro.
George P. Pulsifer, Poland.
Ernest E. Pike, Princeton.
George H. Blethen, Rockland.
Isaac T. Maddocks, Sherman Mills.
William R. Elliott, Skowhegan.
Nellie O. Gardner, Smyrna Mills.
Everett W. Gamage, South Bristol.
Ernest L. Bartlett, Thorndike.
Parker S. Adams, Topsham.
Maybelle Medeiros, Vanceboro.
Freeman L. Roberts, Vinalhaven.
Edgar J. Brown, Waterville.
Majorie R. Dudley, West Enfield.

MARYLAND

Howard F. Owens, Betterton.

MASSACHUSETTS

George C. Henry, Ashfield.
Matthew D. E. Tower, Becket.
Hannah E. Pfeiffer, Bedford.
Thomas F. Lyons, Billerica.
Augusta M. Meigs, Centerville.
Frank W. Niles, Charlemont.
Ralph L. Getman, Cheshire.
J. Wentworth Earle, Cohasset.
Benjamin S. Newhall, Danvers.
Lillian M. Allen, Deerfield.
Charles L. Goodspeed, Dennis.
Leo D. Glynn, East Long Meadow.
Thomas J. Drummey, East Pepperell.
Clarence S. Perkins, Essex.
Winona G. Craig, Falmouth Heights.
William J. Williams, Great Barrington.
Benjamin C. Kelley, Harwich Port.
Harry F. Zahn, Hingham Center.
Mary E. Rathbun, Hinsdale.
Josephine E. Worster, Hull.
Tollston F. Phinney, Hyannis Port.
Augustus A. Hadley, Marion.
Alliston S. Barstow, Marshfield.
Harry T. Johnson, Medway.
Harry D. Whitney, Milford.
Perez H. Phinney, Monument Beach.
Frank M. Reynolds, jr., Nantasket Beach.
Addison T. Winslow, Nantucket.
Herman L. Peinze, Northboro.
J. Amy Prouty, North Middleboro.
William J. Sullivan, North Reading.
Gladys Roberts, North Scituate.
James B. Logan, North Wilbraham.
Myra H. Lambert, Pocassett.
Raymond J. Gregory, Princeton.
Frank B. Hood, Somerset.
Bruce A. Crocker, South Walpole.
Jesse W. Crowell, South Yarmouth.
C. Edgar Searing, Stockbridge.
Everett A. Thurston, Swansea.
Arthur J. Polmatier, Williamsburg.
Samuel Highley, Woburn.

HOUSE OF REPRESENTATIVES

MONDAY, *December 14, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we do not approach Thee with protest but with willing submission. We murmur not nor complain, for Thy gracious providences are so manifold. May they lead us to live at our best. We beseech Thee to keep the power of our moral resistance unbroken. Help us each day to have the right attitude of mind toward life, with its urgent duties and countless blessings. Oh, hold us in close relationship with Thee. Bless the whole great body of citizens; and may our country grow in intelligence and in reverence toward God and love for man. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SWEARING IN OF MEMBERS

Mr. MEAD, a Representative from the forty-second district of New York, and Mr. BELL, a Representative from the ninth district of Georgia, appeared at the bar and took the oath of office prescribed by law.

GOVERNMENT REORGANIZATION

Mr. DAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Government reorganization.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DAVEY. Mr. Speaker and gentlemen of the House, it is my desire to make a statement concerning the bill that I have introduced, to grant the President of the United States broad and complete authority for a period of two years to

reorganize the whole business structure of the Government, in order that real economy may be effected.

This bill gives to the President autocratic power for a period of two years to reorganize the executive departments of the Government in a complete businesslike manner. It gives to the President for a limited period more power in time of peace than has been exercised by any war President.

After months of careful thought, study and consultation I have come to the conclusion that the only way to reorganize [illegible] to reorganize.

It is my earnest judgment that the enactment of this bill and its faithful execution will save for the overburdened taxpayers of the United States at least $500,000,000 a year. It is enough to retire the national debt in 40 years without counting interest. It is enough to provide such a generous reduction in taxes as to really make the American people happy and reestablish their confidence in the efficiency and wisdom of their Government.

The President of the United States has earnestly, consistently, and properly pleaded for economy in government. His hands are tied by existing laws, regulations, customs, and red tape. The result of this situation is that there are now more than 20,000 more civilian employees on the pay roll of the Government than there were a few months after President Coolidge took office. I want to cooperate in giving him the opportunity and power to do a thorough-going job, and once for all to get the business structure of the Government down to a common-sense, economical, efficient basis.

No private business, however well capitalized, could survive 30 days under the same cumbersome, slipshod, inefficient, and hopelessly extravagant condition as that of the United States Government. It would be easily possible to dispense with at least 100,000 unnecessary Government employees, and save not only their annual salaries but also the overhead expense to house them and furnish them with the equipment and supplies with which to work, or, rather, to put in their time.

For a considerable period of years much has been said and written about the urgent necessity of reorganizing the Government of the United States on a business basis. The great need of such reorganization is obvious to all students of government. Recent Presidents of the United States and many of their spokesmen have urged and pleaded the necessity of reorganization, with the result that a reorganization bill is now pending which is the product of the labors of the special Joint Committee on Reorganization created under the joint resolution adopted December 17, 1920, and amended by another joint resolution approved May 5, 1921.

It is my judgment, however, that the pending reorganization bill, admitting the full sincerity and fidelity of the joint committee on reorganization, does nothing more than scratch the surface of the problem and can not possibly go to its root.

What is needed is the creation of one-man power for a limited period, vested in the President, which should be sufficiently broad and unrestricted to enable him to do a real job of reorganization. I want to give to the President of the United States the same degree of power that I would give to the president of a great corporation heavily loaded down with unnecessary personnel and expenses if I were a stockholder or director in that corporation.

Let me refer to a statement made by former Senator Aldrich, the very able chairman of the Senate Finance Committee, which was made in an address to the Senate February 21, 1910, as follows:

> If I were a business man and could be permitted to do it, I would undertake to run this Government for $300,000,000 a year less than it is now run for.

This statement was made more than 15 years ago, when the dollar would buy nearly twice as much as it will buy to-day, and when there were approximately 140,000 less civilian employees of the Government than at present. If Senator Aldrich was right in his statement in 1910, it should be possible to save three times as much to-day.

Furthermore, in 1910 the annual appropriations were $786,294,797, whereas the appropriations for the fiscal year 1925, exclusive of the amounts appropriated for principal and interest of the war bonds, amounted to $2,615,871,791.55. In other words, the appropriations for the conduct of the Government for the past year were considerably more than three times as much as they were 15 years ago.

In the last several years we have had some measure of economy in a limited sense, and we have enjoyed a considerable tax reduction. This tax reduction, however, is very largely a result of a natural decline of the war activities. In other words, this country was laboring under the peak load of high war taxes, and the consequent revenue from these war taxes after the termination of the war was greatly in excess of the requirements of a peace-time basis. In addition to this, we have had the benefit of large amounts of money received from the sale of surplus war material, plus other large amounts received in payment of principal and interest from the debtor nations. It is perfectly obvious, therefore, that large tax reduction has been not only possible but logical and inevitable.

I am not thinking of the tax reduction that was made possible and inevitable by the transition from a war to a peace-time basis. I am thinking now of great, necessary, and wholesome economies that can be and should be effected by a thorough-going, businesslike reorganization of the Government, such as would be the logical thing in any private business.

If the President can be given the power to reorganize, consolidate, eliminate, and systematize he can easily rid the Government of at least 100,000 unnecessary employees and make an annual saving for the overtaxed American people that will be an outstanding achievement of our peace-time history.

There is one important phase of this bill that deserves emphasis. While there are a hundred or a hundred and fifty thousand unnecessary and useless employees, there are several hundred thousand faithful, meritorious ones, many of whom are decidedly underpaid. When a person enters the employ of the Government of the United States, he leaves all hope behind. There is little or no chance for advancement on merit and almost no chance to receive salary increases that have been earned by honest, efficient service. There is no incentive, no hope, with a result that many naturally good workers are made to feel, "Oh, what is the use." The fact that there are a hundred thousand or more unnecessary and useless employees is a millstone around the necks of the efficient and meritorious ones. This bill authorizes the President to use 10 per cent of the annual saving under its provisions to increase the salaries of those remaining employees who are efficient and underpaid, a consideration for them that is generally recognized and long overdue.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages in writing were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The Clerk read the title to the bill.

The CHAIRMAN. The Clerk will read.

The Clerk, continuing the reading of the bill, read as follows:

> (d) (1) If an exchange would be within the provisions of paragraph (1), (2), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

Mr. BLANTON. Mr. Chairman, on page 11, line 9, I move to strike out the words "received without the recognition of gain."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 11, line 9, strike out the words "received without the recognition of gain."

Mr. BLANTON. Mr. Chairman, this is a pro forma amendment. I have permission from the chairman to use just a little time in commenting on a very important matter.

Mr. GREEN of Iowa. Mr. Chairman, is the bill being read by sections or by paragraphs?

The CHAIRMAN. By paragraphs.

Mr. GREEN of Iowa. Mr. Chairman, I have forgotten the rule applicable to revenue bills, as to whether they are to be read by paragraphs or sections.

The CHAIRMAN. It is within the discretion of the Chair. The bill will be read under the five-minute rule for amendment by major paragraphs. That is, the Chair rules that major paragraphs are those which are lettered. The paragraphs

which are numbered are subparagraphs. The bill will be read by major paragraphs.

Mr. HUDSON. The decision of the Chair is that the bill is to be read by paragraphs?

The CHAIRMAN. By major paragraphs.

As the Chair has stated, the major paragraphs are those which are lettered, while the paragraphs which are numbered are the subparagraphs.

The Clerk completed the reading of the paragraph.

Mr. BLANTON. Mr. Chairman, human life is getting to be of very little value in the United States. In the very large cities its value seems to be growing less each year. There is but one reason for it. Murderous criminals escape too easily just and adequate punishment. Plenty of money can always secure expert testimony from ready and willing alienists who are able always to find technical symptoms demonstrating scientifically that the "greatly to be pitied, martyred prisoner at the bar could not have been in his right mind else he would not have committed such a dastardly crime." Criminal lawyers will frankly admit that where there is plenty of money available such testimony can always be secured. It is usually merely a question of have we got the necessary money.

Of course, the above will not apply to all alienists. For they are of many kinds. I am glad to say that we have some in the United States whose testimony money can not buy. But I also regret to say that there are some alienists available for every case if there is sufficient money to pay their bill.

The murder committed in Chicago by the two young millionaire college men, Leopold and Loeb, in its shrewd manner of planning and execution, shocked the entire world. These were not ordinary criminals with their minds warped from suffered hardships, but they were educated, pampered, well-fed, well-clothed, well-groomed, pleasure-gorged, luxury-surfeited, polished thugs, who cruelly killed a little boy just for a new thrill, and carefully planned the entire transaction with shrewd minds in the minutest detail.

If ever there were a case in the whole annals of criminology that called for the death punishment, this was one. There was not one single extenuating circumstance. Nothing whatever could be offered in mitigation. The enormity of the crime was simply appalling.

But much money secured the services of one who had a national reputation for saving noted criminals from the gallows. He immediately made the boast that he would save Leopold and Loeb from death. He knew the powerful efficacy of alienists' testimony. He knew that if he could find one who was an official of the United States Government his testimony would be of double-strength value. He did not have to investigate long to find out that Dr. William A. White, superintendent of St. Elizabeths Hospital, in Washington, D. C., which is a Government institution, devoted a portion of his time at least to testifying in court and was available.

In order that I might know just what is expected of Doctor White in his contract with the Government, I wrote to the Secretary of the Interior and asked him a lot of questions, and since his reply states both my questions and his answers thereto categorically, I want you to read same, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, November 2, 1925.

Hon. THOMAS L. BLANTON,
House of Representatives.

MY DEAR MR. BLANTON: Your letter of October 30, 1925, has been received requesting certain information in relation to Dr. William A. White, superintendent of St. Elizabeths Hospital.

In response thereto your questions will be answered in the order in which presented, to wit:

1. How long has Doctor White been connected with St. Elizabeths?

Since October 1, 1903; 22 years.

2. How long has he been superintendent of same?

The same length of time.

3. What salary does he now receive as superintendent?

Seven thousand five hundred dollars.

4. Besides his salary what emoluments does he receive?

Under the readjustment of compensation of officers and employees, St. Elizabeths Hospital, under the sundry civil act of July 10, 1919, Doctor White is allowed board, lodging, laundry, medical attention for self and family. Section 4839 of Revised Statutes requires the superintendent to live on the premises.

5. Is he furnished (a) his residence; (b) furnishings; (c) any servants; (d) his lights, heat, gas, and water? Yes to all.

6. Is he allowed a specific traveling allowance; if so, what? He is entitled to the same allowances for travel as any other employee of the Interior Department, being governed by the travel regulations issued September 30, 1914, and amendments thereto; allowance is actual expenses not to exceed $5 per day, or $4 per day in lieu of subsistence.

7. How many assistant superintendents has he and their salaries? He has two assistants; one medical assistant, at $5,400, and one administrative assistant, at $5,200.

8. Does his employment contemplate that he shall give his entire time to the Government, or is he allowed to practice at will when he pleases? Under section 4839, Revised Statutes of the United States, he is required to devote his whole time to the welfare of the institution.

9. What leave is he allowed each year? The same as any other public officer holding a similar position in the Government. Under departmental practice the superintendent of St. Elizabeths Hospital must secure the approval of the department for periods of absence from Washington. He is actually on duty during the regular office hours of the institution and is on call every hour of the 24.

Very truly yours,

HUBERT WORK.

Now, note from the letter of the Secretary of the Interior that Dr. William A. White has been the superintendent of this Government institution, St. Elizabeths Hospital here in Washington, for 22 years; that he gets a salary of $7,500 per annum; that the Government furnished him free his residence, his furnishings, his servants, his lights, his heat, his gas, his water, his laundry, his food, and his medical attention for himself and his family. And he is allowed traveling expenses not to exceed $5 per day, or $4 per day in lieu of subsistence. And note further that the Secretary of the Interior says that under section 4839, Revised Statutes of the United States, Dr. William A. White is required to devote "his whole time to the welfare of the institution."

Now, when Dr. William A. White testified for Leopold and Loeb he was cross-examined by Attorney Crowe, and I quote from the official records of said case the following questions propounded by Mr. Crowe and the answers to same given by Doctor White as follows:

Question. Doctor, when is the first time you came to Chicago in this case?

Answer. The 1st of July is my recollection of the date.

Question. And how long a time did you remain in Chicago on that particular business?

Answer. I think it was about 10 days.

Question. You returned to Washington about the 10th of July?

Answer. I went to New York.

Question. Well, you left Chicago?

Answer. I left Chicago; yes.

Question. How much, if anything, have you been paid for that particular visit?

Answer. I have been paid at a per diem rate of $250 a day.

Question. Do you expect any more?

Answer. At the same rate.

Question. So for every day you have put in this case you expect $250 a day?

Answer. Yes.

Now, Mr. Chairman and gentlemen, if Dr. William A. White had been testifying, even for the Government, to uphold law and order and to protect society from educated murderers, he would not have had the right to leave his work in Washington and go to Chicago and spend a week or 10 days on this occasion and another week or 10 days on that occasion, and then go to New York for another trip, because his employment required his attention here, devoted to the interest of St. Elizabeths Hospital. God knows that there is enough important work for him to do out there. He had no right to thus sell his services to criminal interests for $250 per day.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. Now, note that Dr. William A. White testified on the stand that for his first trip to Chicago he was paid $250 per day for 10 days, which, by the way, netted him the snug little sum of $2,500, and then he went on to New York. And then when he went back to Chicago to attend this famous trial of Leopold and Loeb he said that he was to get $250 more for each day he put in, and that, of course, meant each day away from Washington. But he does not say how much it all netted him.

On October 20, 1925, I wrote to Doctor White and asked him to—

please advise me exactly the sum you received for the first trip to Chicago and New York, and the sum you received for the trip to Chicago while attending the trial, and if you made other trips the exact sum you received for same.

And I asked him to give me a statement of the various trials in which he had testified for money and the amounts he received for each case.

On October 21, 1925, he sent me a very evasive reply, in which he said:

In the first place, I can not answer your questions in detail. My outside activities are so few that I am not justified in maintaining a set of books, and I therefore keep only a memorandum of them, which, after it has served its usefulness, I destroy.

He admitted, however, that in Chicago he was paid for as much as two weeks, and he says:

Of course, I feel, where some one wants my opinion and they have plenty of money to pay for it, that there is no reason why I should not charge for it.

I did not receive his letter of October 21, 1925, until October 23, 1925, and I immediately wrote to him again and requested that he give me a statement of the number of different cases in which he had testified for money, both in Washington and elsewhere, and the amounts of money he had received in such cases, respectively, and on the next day, October 24, 1925, I received the following reply from him, to wit:

DEPARTMENT OF THE INTERIOR,
ST. ELIZABETHS HOSPITAL,
Washington, D. C., October 24, 1925.

(Address only the Superintendent, St. Elizabeths Hospital)

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: I have your letter of the 23d instant. I am very sorry that you feel as you do about my answer to your letter. I assure you I have been quite frank. A detailed statement such as you ask is absolutely impossible for me to make. My memory does not serve me, and, as I told you, I have no record to which I could refer. If my failure to remember the details of many years of active work is considered sufficient ground for a congressional investigation, then the investigation will have to go forward. I have nothing to conceal or evade. I have been able, in the years of my stewardship, to make out of this institution what an international authority said only a short time ago in visiting me the best institution of its character he had ever seen in the world.

Very sincerely yours,

WM. A. WHITE,
Superintendent.

Every lawyer in this House knows that Dr. William A. White can remember every important case in which he has ever testified wherein he received a large fee for testifying, and that he can remember the fee he received. He did not have to keep a set of books. He could have told me if he had wanted to tell me. And, as a Representative of the people in this Congress, I had the right to ask him these questions, for I am called upon to vote the appropriations that give to him his salary, and his residence, and his servants, and his food, and his furnishings, and his lights, and his heat, and his gas, and his water, and everything else he wants for himself and his family, given to him free by this Government, and, when the law requires him to devote all of his time to this Government institution out here, I have the right to know whether he is doing it or not.

And, Mr. Chairman, he had no right to sell his services to the defense in the Leopold and Loeb trials at $250 per day, and I will leave that to our distinguished colleague, Doctor KINDRED, of New York, who is one of the greatest alienists in the United States.

Mr. KINDRED. I thank the gentleman very much, but does not the gentleman realize that Doctor White is one of the most distinguished alienists and one of the most able and efficient executives in the country?

Mr. BLANTON. He ought not to be selling his services to Leopold and Loeb trials.

Mr. KINDRED. And if the gentleman admits that he is one of the most able executives in the country, is it not quite thinkable that the institution goes along under his able organization while he is away for a few days as well as when he is there?

Mr. BLANTON. No; it does not, because there have been all sorts of scandals during the vacation charged against that institution which have been brought out through the newspapers since Congress adjourned and my colleague went back to New York. My colleague, I am afraid, is fixing to raise his per diem compensation at these Leopold and Loeb trials by praising him so highly. Doctor Work says that he owes his time to the people. How does this institution get along when he is spending two weeks in Chicago? How does it get along without its head when he makes these trips to New York? How does it get along with its head absent, if there should be a Leopold and Loeb trial in San Francisco and they call on him to come there at $250 a day? I say as one Member of this House that he should stop that kind of work if he expects to hold his position with this Government.

Mr. KINDRED. Will the gentleman not admit that this Government would be deprived of the services of one of the ablest executives in the country if he were to construe this rule strictly?

Mr. BLANTON. I do not consider any man an able executive who sells himself to trials of that kind, helping educated criminals of the worst character to escape justice.

Mr. KINDRED. But the gentleman is now discussing the merits of the Loeb trial.

Mr. BLANTON. I am discussing the question of a public official, who owes all of his time to the Government, receiving a salary from the Government, and at the same time selling his time for $250 a day to testify to keep two men from being hanged who ought to have been hanged.

The statistics for last year show that in Chicago, just one city in the United States, there were 180 people murdered during 1924. Connected with same there were 258 persons arrested. Only one was hung. They could not entirely defeat justice in Chicago, however, for 20 murderers committed suicide. Only 30 were sentenced to prison.

In New York, during 1924, 297 persons were arrested charged with murder. During 1923, with 112 persons tried for murder in New York, only 1 was convicted for first-degree murder, and only 11 were convicted for second-degree murder.

The latest statistics I have for England and Wales is for 1922. Throughout the entire boundaries of England and Wales during the year 1922 there were only 100 deaths thought to be from foul causes. Twenty-seven persons suspected committed suicide. Sixty-five others were arrested. Of these 5 were discharged, as the evidence was not sufficient to hold them. Sixty were tried, and 34 were sentenced to be hung. On account of extenuating circumstances 4 females and 6 males had their death sentences commuted to life imprisonment at hard labor.

It is sure, certain, adequate punishment in England that deters crime. Life is of value there. Life would be of value here if we would have the manhood to inflict death when death is deserved. We must put aside this foolish sentimentalism. When Leopolds and Loebs commit these studied, vicious, cruel murders, we ought to stop their breed by hanging them by the neck until they are dead. Life will not be of value in the United States until we do wake up.

If Dr. William A. White had not been connected with this Government institution, Clarence Darrow would not have given 30 cents for his testimony. He must stop selling the Government of the United Staes for money in murder cases to let criminals escape just punishment. And he must not secrete his facts.

Mr. GREEN of Iowa. Mr. Chairman, I rise in opposition to the pro forma amendment. I did not understand what the gentleman from Texas [Mr. BLANTON] wanted, or I would not have told him that I would make no objection. Hereafter I shall be compelled to object to all debate that is entirely extraneous to the bill before the House. This is an important bill that ought not to be delayed by such matters.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) The depletion allowance based on discovery value provided in paragraph (1) or (2) of subdivision (c) shall not exceed 50 per cent of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance be less than it would be if computed without reference to discovery value.

Mr. LOZIER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LOZIER: Page 21, line 2, after the word "value," strike out the period and insert the following provision: "That the exception aforesaid in relation to depletion allowance as to oil and gas wells or the production thereof shall apply only to a discovery well in a new field that produces oil and gas in such commercial quantities as to return the capital outlay with a profit: *Provided further*, That such wells shall be at least 5 miles from any other commercial producing oil or gas well."

Mr. LOZIER. Mr. Chairman, it is generally understood that probably all amendments offered to the pending bill will be defeated. But I have offered an amendment in good faith, believing that its adoption will stop a leak in the administration of our revenue laws that in the past few years has deprived

the Federal Government of probably $300,000,000. I refer to the discovery clause and depletion clause of the present and the proposed revenue bills. When the revenue bill of 1924 was being considered I called my colleagues' attention to the fact that the oil industry was escaping just taxation under the guise of credits for depletion and on account of having brought in discovery wells or producing wells in territory in which there had been no previous production. The purpose of the discovery clause is to encourage men to go into a new and undeveloped territory and drill for oil. Those who spend money in "wildcatting" are gambling with fate; and if they develop oil in commercial quantities, they should have an advantage over the owners of adjoining lands who do no development work and spend no money on their leases until the pioneer has brought in a productive well and thereby demonstrated that these adjoining lands are in all probability a part of the same oil structure or oil-bearing lands. The law is intended to give the actual discoverer the privilege of having his property valued for capital and depletion purposes as of date 30 days after his producing well is brought in. On this valuation he is entitled to base his income-tax return. That is a wise provision which should be granted to the man who goes into new territory, invests his money on uncertainties, and develops a new field. But in the administration of this equitable provision the law has been construed so as to give adjoining landowners who spend no money and do no development work until some one else has gambled with fortune, and by drilling demonstrated that not only his land but practically all contiguous or near-by lands are oil-bearing land. To illustrate, in a township 6 miles square one man owning 160 acres of land in the center of the township may spend $50,000 in drilling a well in the hope that he may be able to bring in a well that will produce oil in profitable quantities and prove that that district is underlaid with rich oil-bearing sands. If this pioneer is successful and brings in a well producing oil in large quantities, this is called a discovery well, and it is in truth and fact a discovery well, and its owner, by reason of having risked the initial expense, should be dealt with liberally by the Government and given the benefit of a credit on account of his having brought in a discovery well. But under the law, as it has been administered, every other landowner in the township, or, as far as that is concerned, in the district, can sink wells on his land; and if he brings in a producing well, he gets practically the same benefit and reduction under the depletion and discovery clause as the man who brought in the original well and demonstrated that oil could be produced in that district in profitable quantities.

The first driller risked the cost of his drilling operations. He was taking great chances, and he, and he alone, is the discoverer and entitled to the benefit of the discovery clause in accounting to the Federal Government for his income. The hundreds of persons owning adjoining lands, or lands in the vicinity of the discovery well, waited until someone else discovered oil and demonstrated that that district was underlaid with rich oil-bearing sands. They did no drilling and discovered nothing until the other fellow had spent his money and made the discovery that the lands in that district were oil-bearing lands. Now, as the law has been construed, these owners of leases or lands who invest nothing, risk nothing, and do nothing until someone else has discovered oil in paying quantities, have been claiming the benefits of the discovery clause and have been getting such benefits the same as have been allowed to the man who brought in the discovery well. This is not fair or equitable.

Heretofore the revenue statute has not defined a "discovery well," but the Treasury Department, in administering the depletion and discovery clause, has limited each discovery to 160 acres and have allowed the benefits of the discovery clause to owners of oil wells anywhere in the district, except where the new well is within one-fourth mile of a producing well.

My amendment, if adopted, will prevent a perversion and abuse of the discovery clause, which, under the present law and the proposed bill, may be invoked and applied to nearly every well in an oil region, when in truth and fact three-fourths of the so-called discovery wells are not discovery wells at all, but only extension of the original discovery well and in very close proximity thereto.

The Treasury definition of a discovery well is incorporated in the pending bill and becomes a part of the statute. Under this provision, and under the administration of this law, the bringing in of a productive oil well will not prove the district as oil-producing lands, except as to the 160 acres on which the discovery well is located. Under this law a hundred wells may be brought in in the immediate vicinity of the original discovery well, and all of these hundred wells could claim the benefit of the discovery clause, provided they are more than one-fourth mile from the original discovery well. Now, no one will seriously contend that these belated drilling projects should be considered discovery wells or given the benefit of the discovery clause in the revenue act.

When the revenue bill of 1924 was being considered, on February 19, 1924, I offered this same amendment and called attention to the fact that the Government was losing hundreds of millions of dollars by a maladministration, perversion, and abuse of the discovery clause with reference to oil and gas wells. At that time I said to the House:

> One land owner brings in a well producing oil in commercial quantities, thereby proving the field. The adjoining landowners, who risked nothing and discovered nothing, in making their income-tax returns, come before the income-tax unit and claim the benefit of the discovery clause and get the same subsidy or depletion privileges as the man who took a chance, spent his money, and really discovered the field.

The distinguished gentleman from Iowa [Mr. GREEN], chairman of the Ways and Means Committee, and the distinguished gentleman from Texas [Mr. GARNER], the ranking Democratic member of that committee, opposed the adoption of my amendment and the House, by the steam-roller process, voted down my amendment. I am sure that few Members of the House understood the importance of this provision or it would not have been defeated. And in all probability the House will to-day, following the lead of these spokesmen of republicanism and democracy, vote down the pending amendment without taking time to consider the proposal.

May I call your attention to the fact that recently a Senate committee, of which Senator COUZENS, of Michigan, is chairman, made a report showing that the oil companies in their income-tax returns in recent years had withheld from the Government at least $25,000,000. May I say that the Couzens committee has not as yet more than scratched the surface of these fraudulent tax returns by oil companies hiding behind an unwarranted construction and an unfair administration of the discovery clause of our revenue act. In the last session of Congress the Representative of the second Missouri district stood alone in calling attention to this enormous leak in Treasury receipts and to this abuse of the so-called discovery clause as it relates to income from oil and gas wells. The Couzens report came many months after I called attention to this misconstruction and maladministration of the discovery clause in existing and former revenue acts, but I am hoping that this report may awaken the public conscience and cause the Members of the House and Senate to correct this abuse and to stop this enormous leak, as a result of which the oil companies are withholding from the Government millions of dollars annually that in all fairness and under a proper construction of the law should be contributed by them. Under the present and former laws thousands of oil wells in proven territory have been wrongfully getting the benefit of the discovery clause, and the pending bill does not remedy this situation but perpetuates it by writing a Treasury regulation into the statute, and which regulation makes every oil well brought in a discovery well, even if it is in a proven field where millions of barrels of oil have been produced, provided, of course, such new well is not closer than one-fourth mile from another producing well. I realize that all land in an oil district is not oil-bearing land, but when one well or numerous wells scattered over a district has demonstrated that the district is underlaid with rich oil-bearing sand, then the new wells brought in in close proximity to the old producing wells should not be considered discovery wells or given the benefit of the discovery and depletion clause in the pending bill. My amendment proposes that the depletion allowance shall apply only to a discovery well in a new field that produces oil or gas in such commercial quantities as to return the capital outlay with a profit. My amendment further provides that no new well in a proven field shall be considered a discovery well or given the benefit of the discovery clause unless such well is at least 5 miles from any other commercially producing oil or gas well. Under the proposed bill, men who go into a new oil field after it has been proven will get the benefit of the so-called discovery clause on new wells brought in by them, provided their wells are at least one-fourth mile from another producing well. This is not fair to the men who drilled the original discovery well and demonstrated that the district was proven oil land. It is not fair to the Government to give men or companies a credit for bringing in discovery wells when in truth and fact they did no drilling and expended nothing until others had demonstrated that the district was proven territory. I hope the

Members of this House will give this subject careful and serious consideration. The adoption of my amendment will save millions of dollars annually to the Government. While dealing liberally and justly with the owners of the original discovery wells, it withholds from those who enter the field at the eleventh hour the benefits which the law intends should accrue to those who pioneer for oil in new fields. I hope my amendment may be agreed to. [Applause.]

Mr. CARTER of Oklahoma. Before addressing myself to the amendment under consideration, let me first make this brief general statement with reference to the oil business and levying taxes against the same. Oil is no more inexhaustible than any other commodity, yet it composes about the only capital asset of any oil property. When a barrel of oil is extracted from the earth and sent into the marts of trade it just as surely depletes the capital asset of that property as does the merchant when he sells a barrel of flour, a barrel of salt, or a barrel of sugar, from his warehouse. Therefore, as you take the oil out of the earth you certainly deplete the capital asset of the property to that extent. But it would be a most difficult procedure to determine just what the proportion of depletion would be, for the reason that no one knows exactly what is in the earth. No one knows how much oil is left after the barrel is taken out. Evidently these difficulties were apparent to the Ways and Means Committee and the Treasury Department. I have an idea they concluded that any accurate calculation would be impossible. So having found an accurate determination of depletion impossible this so-called discovery clause was written into the first act in 1918 in lieu of depletion.

Now, the amendment proposed by the gentleman from Missouri [Mr. LOZIER] is a sort of double-barreled arrangement. First, he makes it apply to only certain wells which, as he says, "must produce oil and gas in such commercial quantities as to return the capital outlay with a profit." Then his proviso states "that such wells shall be at least 5 miles from any other commercial-producing oil or gas well."

Mr. GREEN of Iowa. Why did he not make it 50 or 100 miles?

Mr. CARTER of Oklahoma. He might just as reasonably have made it 1,000 miles. I doubt if there is any such thing in the oil business as a strictly proven territory. Any man knowing anything about the oil business knows that term is a misnomer and that "prospective territory" would better describe the situation. Take, for instance, the celebrated California oil territory, where wells were brought in producing ten and twenty thousand barrels per day. When offset wells were drilled right across the line at the legal limit within two and three hundred feet the majority of them produced only from 10 to 100 barrels, and a large portion consisted of dry holes.

Mr. LOZIER. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. LOZIER. Is it not true under present regulations and practice that even in proven fields where there are thousands of producing oil wells men are bringing in wells now in those fields and getting the benefit of the depletion and discovery clause?

Mr. CARTER of Oklahoma. I think I have answered that question in the statement just made; but let me say to my friend that wells usually prove no more than 160 acres, and in many cases they do not even prove that much. I can point to conditions right in my home county where within 300 feet of large producing wells other wells have been drilled which proved to be "dusters." Why, in some places the field in my home county does not exceed in width a mile and a half, and I doubt if in any case it exceeds 5 miles; and yet the gentleman from Missouri brings in this ridiculous proposition recognizing one small well as proving territory 5 miles distant.

The gentleman from Missouri cites some startling statements from the so-called Couzens report. Certainly these abuses should be corrected, but if I remember the Couzens report accurately its citations all apply to abuses which took place under the act of 1918 and prior to the passage of the act of 1921. I will cite the procedure under these different acts, and if I am in error I will ask my friend from Iowa to correct me. Under the old system, as I recall, the act of 1918 carried absolutely no limitations, the act of 1921 made limitations of 100 per cent, and the act of 1924 went still further and reduced that to 50 per cent.

Mr. GREEN of Iowa. That is correct. We have been limiting these things right along. And in the very paragraph the gentleman objects to we limited it still further than in the preceding act.

Mr. CARTER of Oklahoma. Yes; all these injustices and abuses the gentleman calls attention to came about under the act of 1918 and not under the present law. Let me call attention to this further fact. When a well of 500, 1,000, or 20,000 barrels is brought in there is always a world of publicity given to that fact. Why? Because the newspaper boys are looking for news, and when a big strike is made that is real news, but you never hear a word of the poor devils who keep drilling dry wells and dusters until their capital is completely exhausted, because that is not an item of interest.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. JOHNSON of Texas. What proportion of the dry wells are sunk in comparison with those which produce?

Mr. CARTER of Oklahoma. I do not have those figures with me, but a gentleman near me here advises me that it is about 100 to 1. I regret to say that I myself have gone into a few of these little ventures, very much to my sorrow. I do not knew what percentage of dry wells as compared with producing wells others have found, but the percentage I have run up against is 100 per cent dry holes. [Laughter.]

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. JOHNSON of Texas. I believe in what the gentleman says in opposition to the amendment, and I want to ask him this further question: Is it not true that many of these developments in the unproven territory are made by the small operators and not by the large companies?

Mr. CARTER of Oklahoma. Yes. I was just getting to that. Anybody who has kept in any kind of touch with the oil business knows that the big corporations, such as the Standard Oil Co. and others, are not the real explorers and developers in oil. The little independent fellow is the fellow who does the wildcatting.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. May I have five minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. CARTER of Oklahoma. If the gentleman from Kentucky will let me proceed for just a moment with this thought, I shall be glad to yield to him. I repeat the little fellow develops the well and is the real discoverer and explorer. After he brings in a well then the Standard Oil Co. or some other big corporation comes in and invests its money in wells already developed.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. LOZIER. Is it not true that when the little man goes into a new field and sinks a well and brings in oil and gets the benefit of the discovery clause when the oil is produced you find that the Standard Oil and the big companies have leases all around it, and then they get the benefit of the depletion and discovery clause?

Mr. CARTER of Oklahoma. I have just told my friend that the Standard Oil Co. does not deal in undeveloped oil land. As a matter of fact, these companies do not undertake to control the oil business so much by production as they do by transportation of oil. I repeat the practice of the Standard Oil Co. and other big companies is to wait until the property is thoroughly developed and then make its purchase. If they purchase developed property after 1913, then I assume that their income taxes would be computed on the purchase price without regard to the discovery clause.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. VINSON of Kentucky. Is it not a fact that the average barrel production of all oil wells in this country, large and small, is between five and six barrels a day?

Mr. CARTER of Oklahoma. I reply to the gentleman that in testimony had before a committee on which I served several years ago I was almost astounded to hear one of the most responsible oil men in the country make the statement that more than 80 per cent of the production of oil came from wells producing less than 10 barrels a day.

Mr. VINSON of Kentucky. I will say to the gentleman that the statistics show a production of 5 or 6 barrels a day on the average, and statistics show also that while $12,000,000,000 have been invested in the drilling and equipping of wells only $8,000,000,000 worth of oil has been produced.

Mr. CARTER of Oklahoma. I thank the gentleman.

Mr. SABATH. Will the gentleman explain how the poor devil who gets busted derives any benefit from this clause?

Mr. CARTER of Oklahoma. If he goes busted before he gets production, he will get no benefit, but "hope springs eternal

in the human breast," and he always has faith that just before he finally blows up he can bring in a well, and he will then get the benefit of this discovery clause in making out his income tax.

Mr. MILLS and Mr. TINCHER arose.

Mr. TINCHER. Is it not true that if the Lozier amendment were adopted no wildcatter would be able to sell anything or have an opportunity to?

Mr. CARTER of Oklahoma. I think that is a fair statement. I yield to the gentleman from New York [Mr. MILLS].

Mr. MILLS. I want to know whether or not it is true that the operator who works one dry well after another has no income from which to make a deduction of his expense next year because that represents a net loss, and the only chance of his ever getting a reduction by reason of that loss is under the depletion and discovery clause when he does bring in oil?

Mr. CARTER of Oklahoma. Why, certainly. Now I hope I will be permitted to carry on just a little bit further the analysis and result of these attempts to hamper the development and production of oil by the independent producers. Bear in mind that this provision which the gentleman from Missouri seeks to emasculate is not intended to apply to anything except the so-called wildcat developer. Let us not forget the fact that the wildcat developer is the little independent fellow with small capital. He organizes a little company, piecemeal usually, among his nearest friends and associates. In fact, his activities along this line will be confined largely to those who know him personally and have some faith in him. He gets together such funds as he can from these friends, gets up his acreage, has his survey made, and drills his well. All this expense will cost him and his friends about $35,000 to $40,000. If he strikes oil, well and good, but in the majority of cases nothing may be left in the trail of all this expense save a "duster," and then he is down and out. Unless some other adventurous soul is found to take his place in the wildcatting business then the development of oil is reduced just in that proportion. We must surely all recognize the marvelous increase in consumption of oil products during the past few years. Generally the production of oil has been able to keep in hailing distance of this marvelous increase in consumption. Most of the independent producers believe—and I believe they are right—that this increase in production would have been impossible but for such things as this discovery clause, and should that be eliminated placing this handicap on development by independent producers it would not be a great while until production would fall far short of consumption. Then what would be the result? The immutable law of supply and demand would step in. The price of gasoline and other products of oil would be boosted sky-high, and as usual the poor old ultimate consumer would pay the bills.

Mr. BLANTON. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. BLANTON. Would not the gentleman apply this to the Tincher No. 1? It is only through such provisions as this, is it not, that we can bring in a Tincher No. 1?

Mr. CARTER of Oklahoma. I suppose so.

Mr. HASTINGS. Mr. Chairman, will my colleague yield?

Mr. CARTER of Oklahoma. Yes.

Mr. HASTINGS. Is it not about time that we should understand that the criticisms that are leveled against the law have been against conditions that existed under the old law of 1918 and not under the subsequent acts of 1921 and 1924? I heartily indorse the argument of my colleague [Mr. CARTER] and regret that time is not afforded to supplement his splendid argument against this amendment.

Mr. CARTER of Oklahoma. I undertook to explain that the abuses committed were under the act of 1918, which had no limitations, but perhaps I did not make myself clear.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GREEN of Iowa. I am sure the gentleman from Missouri [Mr. LOZIER] does not think that I have been linked in any way with the gentlemen whom, he says, have gotten benefit out of this provision. Since I have been connected with the committee it has been restricted half a dozen times, and each time I have had something to do with making those restrictions. We made a most important change by the last law when we limited the amount of allowance that could be obtained through this discovery and depletion provision to 50 per cent of the net income. Before that it could be 100 per cent. We have now placed further limitations in the bill, so that it now restricts what was provided in the law of 1924. I believe we have got it pretty nearly right. The proposition advanced by the gentleman from Missouri that nothing should be considered as the discovery of a well that was within 5 miles of another well would, according to the statement just made by the gentleman from Oklahoma [Mr. CARTER], eliminate practically all questions of discovery. There could be no discovery unless the prospector went into a new field.

As has already been stated on the floor, about 90 per cent of the wells that are sunk are dry holes. These people have got to get some compensation, some allowance, for all of the risks they take in sinking these dry holes, and it has seemed to the committee that the allowance contained in this provision, that a well should be considered as a discovery well within an area of 160 acres, is a reasonable allowance and limitation.

Mr. LOZIER. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. LOZIER. Is it not true that as the law has been administered, and as it will be administered under the present act, gross abuses and frauds on the Government have been and will be practiced?

Mr. GREEN of Iowa. If I thought so, I would certainly favor a further limitation. No one has worked harder to prevent fraud and evasion than I have. On the contrary, I think the result will be absolutely the opposite. There is no occasion for frauds being perpetrated on the Government under this provision.

Mr. LOZIER. Is it not true that until this present tax bill there was nothing defining what a discovery well is, and that you have written into this bill a Treasury regulation which makes 160 acres as a unit, and in a township of 6 miles square you might have 1,000 oil wells with 160 acres in the center undeveloped? The owner of that acreage could bring in a well; and although all the township might have produced a billion dollars' worth of oil, he would get the benefit of that discovery.

Mr. GREEN of Iowa. Theoretically it is possible, practically it is impossible. Such a case or anything like it never has happened. Now, I can not yield further, but I will answer further part of the gentleman's question. It would be more likely that you would have 10,000 wells in the same territory and all but 100 of them be dry.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CARTER of Oklahoma. And in that case, if the 160 acres had not been developed, the chances are that in that territory they had pretty good evidence before of that fact.

Mr. GREEN of Iowa. Yes; I think that is true, but nobody ever heard of such a case as the gentleman from Missouri assumed might exist.

Mr. LOZIER. Just one other question. Is it not true that a landowner——

Mr. GREEN of Iowa. I do not yield further to the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MILLS. Mr. Chairman——

The CHAIRMAN. The gentleman from New York, a member of the committee, is recognized.

Mr. MILLS. Mr. Chairman, it seems to me it is desirable to make it entirely clear to the House what the committee has done, as this is a very important amendment. It is an amendment which the Treasury tells us will remove 90 per cent of the difficulties which they have in connection with a proper assessment of the depletion clause. Hitherto a man could claim discovery depletion provided the well was discovered on territory not proven at the time he purchased it. We are now providing that in order to get discovery value the territory must be unproven territory at the time he discovers it, which is a very important and far-reaching provision, and which we think will to a large extent remove whatever abuses have existed up to the present time.

Mr. GARNER of Texas. Will the gentleman make an illustration just there for the benefit of the House, or I will do it, if the gentleman will permit?

Mr. MILLS. I will gladly permit the gentleman to do it.

Mr. GARNER of Texas. Under the present law, if you owned an acre of land and I owned an acre of land, which joined, and you dug a well and discovered oil, you would get discovery depletion. Now, if I dug a well and discovered oil, I also would get it, although my well might be within 100 yards of your well. That is correct, is it not?

Mr. MILLS. Yes; that is correct, because of the provision that your acre was unproven territory when you purchased it.

Mr. GARNER of Texas. Now, under the proposed law, if you dig your well and make your discovery, and then I dig one and I make a discovery, I will not get it. Now, some gentlemen have asked the reason for making it 160 acres. I have replied, "Why make it 640 acres, 1,000 acres, or 10,000 acres?" It has been made 160 acres because the geologists and engineers

say that is as near as they could come in defining what they think ought to be a reasonable point, and that is the rule, based on practical experience for a number of years, which the Treasury finally adopted as a part of its regulations, and which we now feel justified in writing into the law. It is based on the views of the geologists, and it is based on the best practical evidence acquired in the administration of law. They have found that 160 acres is a limit which is as nearly right as any other limit they might adopt.

Mr. GREEN of Iowa. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes.

The question was taken, and Mr. McKEOWN demanded a division.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to withdraw the motion, and in lieu thereof ask unanimous consent that all debate on the proposed amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to withdraw his motion and asks unanimous consent that all debate close in 10 minutes. Is there objection?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, if I may, I want to answer, in a way, the question of the gentleman from Missouri [Mr. LOZIER].

I want to draw to the attention of the gentleman the fact that the original cost in the drilling of an oil and gas well is not all that should be charged against a particular property, for the reason that in the ordinary course of the development of oil properties the individuals and companies to protect their interests must incur large and tremendous expenses in geological departments; they must also incur expenses in their scouting and other departments; and if they are not allowed to charge those expenses to a discovery well, that is lost and lost to them forever.

I want also to say to the gentleman from Illinois that this particular measure is not a measure that the big man can take advantage of and the little man can not. It is exactly the contrary. You will bear in mind, gentlemen, that over 50 per cent of the oil that is developed and produced is developed and produced by the independent producers, and that the big man in his diverse course of development, the law of average, will permit him each and every year to charge in his dry holes against some discovery well, but the little man does not have a discovery well, and he can not do that. If this measure is so modified as suggested, it will stifle the genius and the industry of the little man entirely, and when you do that you are going to affect the source of supply and demand, and you are going to affect the price of gasoline, and in the end the consumer will pay the price and pay the tax that this amendment would saddle onto the oil man.

I want to say further, the only objection I have to this measure is it is not broad enough. It does not permit the oil man sufficient latitude, and I think that the old act, which went into effect, I believe, in February, 1924, is the one that should prevail at this time. I do not believe the gentleman from Missouri can cite one single instance where the oil man or the oil industry in its entirety has ever taken advantage of that particular provision, and I will give him full privilege to present the Couzens report in that regard.

I am going to vote for this measure. I am going to vote for it in its entirety because I think it is a salutary and a much-needed piece of legislation; but I want to tell the gentlemen of this House that I bow my head, and I bow the head of the men in the oil industry in my district, to the whole good of the whole United States when I do it, because this particular provision is not wide enough and does not permit sufficient latitude to this one great industry in my congressional district. [Applause.]

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I had thought it probably not best to say anything on this matter, but since it has come to be charged that the legislative branch of the Government has been derelict in its duty because, forsooth, some large oil companies, perhaps, have gotten credit for more than they were entitled to in some settlement with the department, they come here and want to spoil a tax bill that has been thought out carefully and which, in my judgment, does not give the oil operator a fair opportunity by putting in this 160-acre provision.

The policy of the committee from the outset upon this subject has been to safeguard the interests of the United States from time to time. Every act that the Congress has passed has looked to the safeguarding of the interests of the United States.

By this bill you are limiting it to 160 acres, and you have no right to assume, from experience in the oil fields, that 160 acres is a fair unit. It is the unit contended for by the Treasury Department; it is the unit agreed upon by them; but, gentlemen, here are the facts: Every man who has been in the oil fileds knows that you may have a 1,000-barrel well on this 10 acres of land, and across the road there will not be a drop of oil, and you can not find any oil although you drill until you drill out your pocketbook.

I think there are more oil wells in my district than any other district in Oklahoma, unless it is the district of the gentleman from Carter County [Mr. CARTER], and experience there shows that the average output is two barrels and a half of oil; and yet in that district there are wells producing 2,000, 3,000, and as high as 4,000 barrels of oil a day.

Gentlemen, how do these drilling programs get started? Some fellow goes down there and takes a few leases. The gentleman from Oklahoma [Mr. GARBER], who has had very good luck in the oil game, knows what I am telling you is the truth. You go out there and you take a map with you and you get a bunch of leases, and then the little fellow makes a location and he goes to the different oil people who want to take a venture and he sells a lease here and a lease there and checkerboards it and holds a little tract of 40, or maybe 80 acres for his part of the work. Then they go ahead and drill. There is nothing on earth that will tell you where oil is except the drill. I do not care how much money you spend on geologists, there is nothing but the drill will tell you the story, and that is the thing that does tell you the story.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. McKEOWN. Yes, sir.

Mr. LOZIER. The gentleman from Oklahoma said the Standard Oil Co. did not develop oil lands, and I will ask the gentleman if there is any district in the mid-continent field where oil is developed where it is not determined after it is developed that the Standard Oil Co. through its scouts and private employees has acquired thousands of acres of leases?

Mr. McKEOWN. Well, sir, I will give you an illustration that shows——

Mr. LOZIER. Is not that true?

Mr. McKEOWN. Not always; and I will give the gentleman an illustration. As the gentleman from Oklahoma [Mr. CARTER] knows, the fields that were discovered in Carter County are the only fields I know of anywhere where the independent fellows of the county and of his own city reaped the benefit, because they went out and took the venture on the leases to start with.

I will now answer the gentleman. As soon as oil comes to the top of the ground anywhere, the scouts of all the oil companies—not only the Standard, but every oil company that is in the business in the United States—come in on the first train, and they take every means they can to get leases at the best prices they can buy at.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CARTER of Oklahoma. Is not it a fact that not the Standard Oil Co. but its subsidiaries have scouts, and they go about and, instead of taking up undeveloped territory, they confine themselves all the time to territory which has been developed, and where it is shown that there is oil?

Mr. McKEOWN. They buy the stuff close up if they can get it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARNER of Texas. Mr. Chairman, I made a request at the beginning of the consideration of this bill that all gentlemen who speak on the bill shall have unanimous consent to extend their remarks.

Mr. CARTER of Oklahoma. And that was not confined to general debate?

Mr. GARNER of Texas. Oh, no; everyone that speaks on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SURTAX

SEC. 211. (a) In lieu of the tax imposed by section 211 of the revenue act of 1924, but in addition to the normal tax imposed by section 210 of this act, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a surtax as follows:

Upon a net income of $10,000 there shall be no surtax; upon net incomes in excess of $10,000 and not in excess of $14,000, 1 per cent of such excess.

Forty dollars upon net incomes of $14,000; and upon net incomes in excess of $14,000 and not in excess of $16,000, 2 per cent in addition of such excess.

Eight dollars upon net incomes of $16,000; and upon net incomes in excess of $16,000 and not in excess of $18,000, 3 per cent in addition of such excess.

One hundred and forty dollars upon net incomes of $18,000; and upon net incomes in excess of $18,000 and not in excess of $24,000, 4 per cent in addition of such excess.

Two hundred and twenty dollars upon net incomes of $20,000; and upon net incomes in excess of $20,000 and not in excess of $22,000, 5 per cent in addition of such excess.

Three hundred and twenty dollars upon net incomes of $22,000; and upon net incomes in excess of $22,000 and not in excess of $24,000, 6 per cent in addition of such excess.

Four hundred and forty dollars upon net incomes of $24,000; and upon net incomes in excess of $24,000 and not in excess of $26,000, 7 per cent in addition of such excess.

Five hundred and eighty dollars upon net incomes of $26,000; and upon net incomes in excess of $26,000 and not in excess of $28,000, 8 per cent in addition of such excess.

Seven hundred and forty dollars upon net incomes of $28,000; and upon net incomes in excess of $28,000 and not in excess of $30,000, 9 per cent in addition of such excess.

Nine hundred and twenty dollars upon net incomes of $30,000; and upon net incomes in excess of $30,000 and not in excess of $34,000, 10 per cent in addition of such excess.

One thousand three hundred and twenty dollars upon net incomes of $34,000; and upon net incomes in excess of $34,000 and not in excess of $36,000, 11 per cent in addition of such excess.

One thousand five hundred and forty dollars upon net incomes of $36,000; and upon net incomes in excess of $36,000 and not in excess of $38,000, 12 per cent in addition of such excess.

One thousand seven hundred and eighty dollars upon net incomes of $38,000; and upon net incomes in excess of $38,000 and not in excess of $42,000, 13 per cent in addition of such excess.

Two thousand three hundred dollars upon net incomes of $42,000; and upon net incomes in excess of $42,000 and not in excess of $46,000, 14 per cent in addition of such excess.

Two thousand eight hundred and sixty dollars upon net incomes of $46,000; and upon net incomes in excess of $46,000 and not in excess of $50,000, 15 per cent in addition of such excess.

Three thousand four hundred and sixty dollars upon net incomes of $50,000; and upon net incomes in excess of $50,000 and not in excess of $60,000, 16 per cent in addition of such excess.

Five thousand and sixty dollars upon net incomes of $60,000; and upon net incomes in excess of $60,000 and not in excess of $70,000, 17 per cent in addition of such excess.

Six thousand seven hundred and sixty dollars upon net incomes of $70,000; and upon net incomes in excess of $70,000 and not in excess of $80,000, 18 per cent in addition of such excess.

Eight thousand five hundred and sixty dollars upon net incomes of $80,000; and upon net incomes in excess of $80,000 and not in excess of $100,000, 19 per cent in addition of such excess.

Twelve thousand three hundred and sixty dollars upon net incomes of $100,000; and upon net incomes in excess of $100,000, in addition 20 per cent of such excess.

Mr. RAINEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. RAINEY: Page 36, strike out lines 4, 5, and 6 and insert in lieu thereof the following:

"Twelve thousand three hundred and sixty dollars upon net incomes of $100,000; and upon net incomes in excess of $100,000 and not in excess of $110,000, 20 per cent in addition of such excess.

"Fourteen thousand three hundred and sixty dollars upon net incomes of $110,000; and upon net incomes in excess of $110,000 and not in excess of $120,000, 21 per cent in addition of such excess.

"Sixteen thousand four hundred and sixty dollars upon net incomes of $120,000; and upon net incomes in excess of $120,000 and not in excess of $130,000, 22 per cent in addition of such excess.

"Eighteen thousand six hundred and sixty dollars upon net incomes of $130,000; and upon net incomes in excess of $130,000 and not in excess of $140,000, 23 per cent in addition of such excess.

"Twenty thousand nine hundred and sixty dollars upon net incomes of $140,000; and upon net incomes in excess of $140,000 and not in excess of $150,000, 24 per cent in addition of such excess.

"Twenty-three thousand three hundred and sixty dollars upon net incomes of $150,000; and upon net incomes in excess of $150,000, in addition 25 per cent of such excess."

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman and gentlemen of the committee, the object of the amendment proposed here is to make a maximum surtax of 25 per cent and make it apply upon net incomes in excess of $150,000.

Mr. GREEN of Iowa. Will the gentleman permit me to make a unanimous-consent request in regard to time?

Mr. RAINEY. I will.

Mr. GREEN of Iowa. Are there any other gentlemen who desire to speak on this amendment?

[Mr. CRISP, Mr. LAGUARDIA, Mr. HULL of Tennessee, Mr. FREAR, Mr. DEAL, and Mr. MILLS indicated their desire to speak.]

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 3 o'clock this afternoon.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment and all amendments thereto——

Mr. GREEN of Iowa. I will make it on the paragraph.

The CHAIRMAN. That all debate on the paragraph and amendments thereto close at 3 o'clock this afternoon.

Mr. CONNALLY of Texas. Reserving the right to object, will not the gentleman modify that and make it some definite time; we do not know what interruptions may occur.

Mr. GREEN of Iowa. Mr. Chairman, I will withdraw the request for the present.

The CHAIRMAN. The gentleman from Iowa withdraws his request and the gentleman from Illinois [Mr. RAINEY] is recognized for 10 minutes.

Mr. RAINEY. Mr. Chairman and gentlemen of the committee, the effect of this amendment is to make the maximum surtax 25 per cent and to make it applicable to incomes above $150,000. The effect of it will be to add between $15,000,000 and $20,000,000 to this bill, and if it is adopted this amount can be applied, of course, to reducing the automobile tax, the admission tax, or any other of the sales taxes which are so oppressive on business. Now, under the bill as it is presented, and as it has been read, there is absolutely no surtax reduction upon net incomes under $45,000. A net income of $44,000 under the provisions of the bill presented here pays exactly the same surtax that a net income of $44,000 pays now.

The tax paid by the net income of any amount under $44,000 is exactly the surtax it pays now, down to net incomes of $11,000, and that is as far as the surtax rate is imposed. There has been much opposition to this feature of the bill. Those of us who are on the committee and who are opposed to the bill can find no way in Committee of the Whole of remedying this very objectionable feature. We must leave that to the Senate. It is impossible to write a bill in Committee of the Whole, but these income taxpayers with incomes below $45,000, are the real captains of industry in this country. They are the men who carry on the business of the country. They are the men whose capital is actively employed and who are actively employed themselves. They are the taxpayers who expected relief. They are the taxpayers who most needed relief. They are the very taxpayers who got no relief except the very small relief they get by a readjustment of the normal-tax rates.

We are proposing about the only thing that we can propose, unless higher rates are proposed, in order to make these surtaxes any better than they are. Under this amendment incomes of more than $100,000 will commence to pay the increased rate provided in my amendment. Under the proposed bill all incomes above $100,000 pay 20 per cent surtax. I propose to make them pay under this amendment from 20 to 25 per cent. That is a modest proposition indeed to present to this committee, in view of the fact that the present surtax rates of 40 per cent applicable to incomes above $500,000 a year is applied only to 213 individuals in the United States. In order to satisfy those 213 individuals, with their very large incomes, we are redrafting this bill, and we are redrafting it in such a way that the small taxpayers, the real taxpayers, who are at the same time really actively engaged in business, do not get any relief. The income-tax proposition presented in this amendment will give us from $15,000,000 to $20,000,000 more in money. It will increase the surtax only on men with incomes of from $100,000 to $150,000 a year and larger incomes than that, and the amount of increase in surtax on an income of $150,000 a year will amount to only $1,000. It will add that much to the tax that such a man has to pay, and the tax is graduated down from that until we get down to $100,000.

We offer this amendment as a partial solution of the problems presented to us now in this tax revision. The people of the country have a right to expect that the tax will be taken off industry. Inasmuch as the war has been over for so many years they have a right to expect that the tax shall be taken off automobiles, that all stamp taxes shall be taken off, that they shall no longer be compelled to pay taxes on admissions to theaters seven years after the ending of the war, for the payment of the expenses of which we imposed these taxes. The bill as it stands now before this committee unamended simply projects indefinitely through the future years a revamped war tax bill, from my viewpoint and from the viewpoint of some others, and does not give the relief that business is entitled to receive.

The number of men with large fortunes in this country, according to the statistics available now, is increasing with great rapidity. The number of men who pay $1,000,000 or more than that in taxes alone every year is increasing with great rapidity. I know of no man in the United States with an income of a million dollars and over who is at the present time engaged actively in a wealth-producing business. Will some member of the committee who thinks he knows of such a man tell me now who he is? There is not such an income-tax payer in this country, not even the income of Henry Ford, perhaps the largest income of all. Why, he never changed the front of his automobiles until this year. He has never changed the carburetor on his automobile, the most expensive carburetor there is. At the present time, if we are to judge from the newspapers, his principal activity is collecting hoop skirts and antiques for his museums in some Michigan city and for his wayside inn somewhere in New England.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. If the present accumulation of great fortunes continues in this country it will not be many years before the wealth of the country is all assembled in the hands of a half dozen or not more than a dozen families in the United States. Why are we dealing so gently in this bill with the men of large inactive fortunes? Is it because the millionaire industry in the United States has not been prospering? We have more than we had in any year in the past, except apparently during some extraordinary year of the war, when returns did not accurately indicate a man's income at all. I can not go into that.

Mr. LINTHICUM. Upon what theory is the tax on the income of a man under $44,000 not reduced?

Mr. RAINEY. Upon the theory that you can not give a maximum of 20 per cent surtax and give them any relief. It can not be done; it is not a legislative possibility to give them any relief if we are going to give to the multimillionaires of Mr. Mellon's class the relief that they ask. It can not be done, and that is the reason it is not done in this bill.

Mr. EDWARDS. How many men in this country receive more than a million dollars in income a year?

Mr. RAINEY. Seventy-four. Two hundred and thirteen receive incomes of over $500,000, and these are the men for whom we ask the taxpayers of the country and the business men of the country to make this tremendous sacrifice contemplated in this bill. It has been estimated by a prominent Wall Street authority that if Henry Ford's income keeps on increasing as it is increasing now for the next 11 years, if he lives that long, in 11 years from now his income will be $1,000,000 every day in the year. We have expert counters up here in the Treasury Department who count money, and they can count only 8,000 silver dollars in an hour. If Mr. Ford and Mr. Mellon had commenced to count silver dollars for eight hours a day the minute they were born and had done nothing else, had been without any museum or hoop-skirt activities or aluminum activities until the present time, neither of them up to the present time could have counted much more than one-half as much as he is worth. The combined net income of Henry Ford and Edsel Ford at the present time is $1,000,000 every five days. Is not that enough?

Mr. HUDSPETH. The argument has been made here that the higher this surtax is raised beyond 20 per cent the less we will collect. I would like the gentleman's views on that.

Mr. RAINEY. That is all nonsense. If that were true, these fellows who have big incomes would not be here trying to get them reduced. That is based upon the theory that they have money in tax exempts that they will turn loose in business. They have not.

The releasing of capital for investment is a myth. There has been about $9,000,000,000 in the last three or four years invested in foreign bonds to rehabilitate the industries of foreign nations to compete with our own.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAINEY. I will ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. There never was as much money available for industrial development in the United States as there is at the present time, and there never was as much available for investment in any other nation in all the world in all of the centuries as we have here now. Oh, it has been argued by gentlemen upon the floor, by a gentleman who always speaks for the multimillionaries, that if we make this tax law 20 per cent on $100,000 and over we will get more money, because, he says, they will not then evade taxes as they do evade taxes now. How long has it been, if this statement is true, if men who have incomes above $100,000 are so dishonest or so dishonorable or so unpatriotic as the gentleman states, and his argument rests upon that, that they have falsified their returns and concealed their incomes and refused to pay taxes upon them? If that is true, then the time has come to quit dealing tenderly with them. How long it seems back to the good old Roosevelt days in the Republican Party when we referred to these men of large incomes as "malefactors of great wealth," and if the statement of the gentleman from New York [Mr. MILLS] is correct, they are malefactors of great wealth now. This is a modest proposition. I would like to make it bigger than that. I would like for it to stay where it is, so far as I am concerned—that is where I think it ought to stay—but I am presenting here the most modest proposition that can be presented to this House, a proposition which simply makes these multimillionaires put in the Treasury of the United States $15,000,000 to $20,000,000 more of their incomes, which will permit us to take off much of these oppressive taxes on automobiles, if you want to do that. There are some more amendments which I propose to present later on which will, without interfering with the scope of this bill or its principle or purpose, add more to the amount we can put back into this bill, until we will have enough to take off the automobile tax and tax on admissions.

Mr. McSWAIN. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. McSWAIN. Now, in my country a man who gets $25,000 or $30,000 is considered a very rich man. Do you mean to say the men who agitate this provision and reduction do not get any benefit at all?

Mr. RAINEY. They get only a slight reduction in the normal tax; they get no reduction in the high surtaxes they pay.

Mr. McSWAIN. Did not the representative of Henry Ford——

Mr. RAINEY. Only the incomes above $44,000 get any surtax relief.

Mr. LINTHICUM. What does the Secretary of the Treasury recommend as the highest surtax?

Mr. RAINEY. He recommended 25 per cent on $100,000 and all over that. He would like to get along without any surtax at all on the very large incomes.

Mr. LINTHICUM. He only wanted 25 per cent as the aggregate, and the gentleman is only asking what he asked for.

Mr. RAINEY. Except that I ask it on the amount above $150,000 and he asks it on amounts above $100,000. That is the Mellon plan of last year.

Mr. CONNERY. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. CONNERY. Will the different amendments which the gentleman offers, if they pass the House, give enough money to cut out the automobile tax and the general-admission tax?

Mr. RAINEY. We can raise the general-admission tax to apply to admissions of $1 and over. Some of my amendments I do not expect to go through. Those that I think ought to go through will enable us to take all the taxes off the automobiles and to almost completely remove the tax on admissions?

Mr. MONTAGUE. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. MONTAGUE. For information. Does Mr. Mellon still recommend the 25 per cent or 20 per cent surtax?

Mr. RAINEY. He says we could get along with about 20 per cent now. Last year the Mellon plan contemplated a maximum surtax of 25 per cent. His taxes have increased several million dollars during the period we had publicity, by some strange circumstance.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Will I have an oportunity to offer a substitute at any time during this debate, or does the fact that the gentleman has taken the floor on his amendment preclude me?

The CHAIRMAN. Before the close of the debate the gentleman will have an opportunity to offer his amendment.

Mr. LAGUARDIA. Subject to his pending amendment?

The CHAIRMAN. The Chair can not decide in advance what the gentleman has a right to offer. The Chair recognizes the gentleman from New York.

Mr. MILLS. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Do I understand the Chair has not decided whether I have a right to offer a substitute to the pending amendment?

The CHAIRMAN. The Chair said the gentleman would not be foreclosed in his right.

Mr. MILLS. Mr. Chairman, the gentleman from Illinois [Mr. RAINEY] expressed great solicitude for the men with incomes of $40,000 and $50,000 and $60,000 and $70,000, but the amendment he has offered does not in any way apply to those gentlemen, and if we made the reduction which he vaguely mentions in those particular brackets, far from being able to take off the automobile and admission taxes, we should be obliged substantially to increase the proposed rates. Nor does the amendment the gentleman has proposed do what he says it would do in the way of permitting the further reduction of automobile taxes, which amount to $66,000,000, and admission taxes, $33,000,000. To suggest that by putting an additional 5 per cent credit in $10,000 brackets on amounts ranging from $100,000 to $150,000 will yield $97,000,000, or some such approximate amount, is too preposterous to be worthy of serious attention. We would not pick up more than $13,000,000.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Certainly.

Mr. RAINEY. I did not make any such statement as that. "The gentleman" said that if we would adopt his amendment we could repeal what is left of the automobile tax and repeal the admission tax, and I said "and other taxes." I suggested that we take $25,000,000 off the automobile tax.

Mr. MILLS. The gentleman has led the House to believe that we are not doing anything substantial in the way of benefiting the men with an income ranging from $40,000 to $70,000. The mere fact that you do not touch a particular bracket does not mean anything at all. I do not know of anyone who knows how much he pays in a particular bracket. All of the incomes referred to by the gentleman will receive a very substantial reduction. Take, for example, the income of $40,000.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. No; I regret that I must decline to yield just now.

The CHAIRMAN. The gentleman declines to yield.

Mr. MILLS. The rate on $40,000 has been reduced from 10 to 8.59 per cent. The man with $50,000 has had the percentage on his total income which he pays in taxes reduced from 12.28 to 10.71 per cent.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I regret I can not yield. The man with an income of $60,000 a year has his taxes reduced from 14.46 to 12.43 per cent of his income—very substantial reductions right down the line.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield now?

Mr. MILLS. Yes.

Mr. LINTHICUM. The gentleman said on incomes from $44,000 down.

Mr. MILLS. No. Incomes from $40,000 down get a much greater reduction than anyone else, particularly below $20,000. There is no doubt about that. You have to get up to $10,000 of taxable income to pay even 1 per cent of your income in taxes under the proposed bill.

Do you realize that the man with an income of $10,000 paid $830 under the 1918 act, and he will pay only $101 in 1926? There is no question about the men below $40,000. They get a very substantial reduction.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I regret I can not. The gentleman wants to increase the maximum from 20 per cent to 25 per cent. I do not think there is anything to be gained by going over the old argument which has been rehashed on the floor of this House time and time again, and in discussing the surtax rates to-day I want to discuss them from an entirely new angle, because I think the time has come, with the adoption of what I consider to be a peace-time revenue bill, to consider income taxes from this new angle. I say to-day the income-tax system must be saved from the discredit and unpopularity which now threaten, not only for the sake of the Federal revenue but because among the States and localities it is the best and most scientific method of reaching intangible wealth for purposes of taxation.

I say to you, gentlemen, that the revenue acts of 1921 and 1924 are so discrediting the income tax in this country and are rendering it so unpopular that income taxation as such is rapidly being discredited in the United States to-day, and so becoming unavailable for State purposes.

I have already discerned some very definite signs as to the extent to which income taxation is being discredited, and I am going to ask you to bear with me long enough for me to describe to you what has happened and what is happening in the State of New York, because the State of New York is exhibiting very faithfully on a somewhat larger scale, it is true, the same current of opinion found elsewhere in the country to-day. I know that in any tax discussion on the floor of this house New York is usually spoken of as a colony of multimillionaires, cutting coupons and drawing dividends from the capital and industry of the rest of the country, and we seem to forget that New York City is the biggest manufacturing and industrial center in the United States and that New York is as a whole one of our great agricultural States.

What does that mean, gentlemen? It means that the bulk of our 10,000,000 people are wage earners and farmers. And I want to point out to you what is happening to-day to those wage earners and farmers under our State and local tax systems. The total tax receipts collected by the Federal Government in 1916 averaged $654,000,000. That is for the whole United States. In 1923 we collected in State and local taxes in New York $634,000,000. In other words, we collected in the year 1923 for State and local purposes almost as much as the Federal Government collected prior to 1916 for all of its purposes. To-day that huge sum which I have just mentioned is already larger, I should say, by $100,000,000.

How is this $640,000,000 raised, gentlemen? Five hundred million dollars of the $640,000,000 is paid by a direct tax on property, and that means that of the $640,000,000, $500,000,000 to-day is being paid by farmers and rent payers in the State of New York.

Let there be no doubt as to the character and weight of the burden. A legislative committee of the State of New York found no earlier than February of this year:

> In some jurisdictions the tax rate on an estimated full valuation basis is now between $40 and $50 per thousand. Property taxes are consuming 30 to 50 per cent of net income from property in the prosperous agricultural sections of the State.

That is what New York farmers are paying, from 30 to 50 per cent on their net income.

> And from 10 to 40 per cent of the net income from city property.

Now, get this picture, gentlemen. The taxable realty in New York State is valued at $20,000,000,000, and it contributes, as I have already told you, $500,000,000 to the support of our State and local governments. Intangible wealth in the State of New York—that means moneyed capital and securities—is valued at $29,000,000,000, and it only contributes $70,000,000 to the support of our State and local governments. This is an injustice that has long been recognized in the State of New York, and it is an injustice—may I be permitted to say from a careful study of the situation—which exists to a greater or lesser degree in every State in this Union.

We sought to remedy this injustice for many years by trying to reach intangible personal property the way all the States have attempted to reach it, namely, by a direct tax levied at the general property rates, but we failed the way every other State in the Union has failed. We got only $8,000,000 out of it. Then in 1917 we repealed the direct property tax on intangible property and we levied an income tax. Oh, a very small, moderate income tax. Just think of it—1 per cent on the first $10,000,

2 per cent on the next $40,000, and 3 per cent on incomes above $50,000. That was modest, small, and moderate enough, was it not? Yet moderate and small as it was, we succeeded in making intangible wealth contribute $38,000,000, as compared with only $8,000,000 under the old general property tax.

Now, frankly, as long as the Federal Government continued to tax incomes at 73 per cent, then 58 per cent, and then 46 per cent, it was impracticable for the State of New York to increase its personal income tax rates. But in view of the situation which I have described, in view of the fact that $29,000,000,000 of intangible wealth was contributing only $70,000,000, and $20,000,000,000 of real property was contributing $500,000,000, surely, surely that modest 3 per cent tax on incomes should not have been decreased.

And yet—and this is the point of my whole story, gentlemen—in the face of the fact that intangible wealth was not beginning to contribute its fair share to the support of our local and State governments, they decreased that 3 per cent income tax in the State of New York by 25 per cent both this year and last. You may well ask how such a thing could be done. I will tell you why: Because the Federal income tax, as administered under these excessive rates, has made the very name "income tax" so unpopular that the popular thing to do, politically speaking, is to attack the income form of taxation, and that is why certain politically minded gentlemen in the State of New York advocated a reduction of our modest and ridiculously small little 3 per cent tax. Their analysis of the political situation was so correct, gentlemen, that popular opinion forced the New York State Legislature to reduce that 3 per cent tax by 25 per cent. That popular opinion, gentlemen, was not based on the economic facts which I have given to you as to the burden of taxation in the State of New York; that popular opinion was based on prejudice against the income form of taxation as such. And what created that prejudice? The fact that the Federal Congress has persistently attempted with the Federal income tax to do more than it could, because it has attempted to levy it at rates that could not be collected. That necessarily brought the enforcement of the law into disrepute and disrespect. Thus we are beginning to see the results of our own lack of moderation. While professing to be earnest and zealous friends of a progressive income tax, we have been busily engaged in discrediting it in the popular mind. You may say New York State is not a fair example. I tell you that New York State, in this particular instance, is as fair an example as can be found, for the man who led the attack on the State income tax was not some leading financier, or some representative of the business interests, but the governor of the State, who professes to be the true representative of the working classes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Chairman, I ask for an additional five minutes.

Mr. LINTHICUM. Mr. Chairman, I ask as a substitute that the gentleman be allowed 10 additional minutes and that he answer a question from me and the gentleman from New York [Mr. O'CONNOR].

Mr. GREEN of Iowa. I hope the gentleman from Maryland will permit the gentleman from New York to make his own request. If the gentleman from New York does not want 10 minutes, please do not force it on him because we are not going to have an abundance of time.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended 5 minutes and the gentleman from Maryland asks that his time be extended 10 minutes. Is there objection?

Mr. O'CONNOR of New York. Mr. Chairman, reserving the right to object, does the gentleman object very strenuously to answering any questions?

Mr. MILLS. No. The gentleman knows very well that I will answer any question he may care to ask, only I do not like to be interrupted in the middle of a sentence. That is all.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that the time of the gentleman from New York be extended 10 minutes?

There was no objection.

Mr. MILLS. Now, if the gentleman will let me complete this one statement, I will answer his question.

Gentlemen, golf and taxation have two things in common. Neither at golf nor in the field of taxation must you press and overswing. You do not get the best results, and in both games you want to keep your head down, though for different reasons. [Laughter.]

Mr. LaGUARDIA. How about the accuracy of the count? Have they that in common?

Mr. MILLS. I will now yield to the gentleman from Maryland.

Mr. LINTHICUM. The gentleman from New York said that under the old tax on intangible property they only received five or six million dollars.

Mr. MILLS. Eight million dollars.

Mr. LINTHICUM. And under the income tax they received $39,000,000?

Mr. MILLS. Thirty-eight million dollars.

Mr. LINTHICUM. The income tax, however, covered the entire income, did it not, whereas the intangible tax only touched the intangible property; and would not that make a vast difference?

Mr. MILLS. I know; but we had $29,000,000,000 of intangibles, and we only collected $8,000,000, so it was really a complete failure and an admitted failure. The tax was 2 per cent on capital value or a 40 to 50 per cent income tax and brought in only $8,000,000. Three per cent on incomes brought in $38,000,000, showing the advantage of moderation; but that is not the point I had in mind.

Mr. LINTHICUM. We have an intangible tax in our State, and we are getting along pretty well.

Mr. MILLS. But you have it at a classified rate. You have a classified property tax, which is the next best thing to a straight income tax.

I now yield to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. I understood the gentleman to say that this year some persons for political reasons, as he thought, had reduced the income tax in New York 25 per cent. Is that correct?

Mr. MILLS. Absolutely.

Mr. O'CONNOR of New York. Is it not the avowed program of the Republican Party in the Legislature of the State of New York this year, the party in which the gentleman takes such an active part, to entirely eliminate and wipe out the State income tax?

Mr. MILLS. Certainly not; and if they did, I should resist it to the very end.

Mr. O'CONNOR of New York. Does not the gentleman know of such a rumor, and has the gentleman not seen such a program published in the papers?

Mr. MILLS. I have not; and if it is suggested, I will say to the gentleman it would be absolutely inequitable.

Mr. O'CONNOR of New York. If that is done, will the gentleman say it is done for political reasons?

Mr. MILLS. Yes; there is no conceivable economic reason to justify such a course. [Applause.]

There is another aspect of this situation that is going to engage our attention or the attention of the people very soon. The real tax problem of the United States in the future will not be found in this Capitol. It will be found in the capitols and city halls throughout the country. Raising $2,500,000,000 in internal-revenue taxes for Federal purposes is not an economic problem of any magnitude in a country as rich as ours; but, gentlemen, in 1924—think of it—States and localities raised in taxes $4,812,000,000, and they are increasing their expenditures at the rate of about 10 per cent a year. There is the real tax problem in the United States.

To-day this huge sum is being raised, generally speaking, from real property, which is being compelled to contribute from 80 to 90 per cent of that $4,800,000,000. How to distribute this huge burden more equally is the pressing problem and resolves itself into the question of how can we best reach other sources, such as intangible wealth, so as to make it pay its share of the cost of local and State governments.

The property tax has failed. I will say to you, gentlemen, based on very careful study and our own experience, the experience of Wisconsin, the experience of Massachusetts, and the experience of New York, that income taxation is the most scientific and fairest method of reaching intangible wealth for purposes of taxation. [Applause.]

One of the reasons I have contended throughout—in 1921, in 1924, and again to-day—for reasonable income-tax rates in our Federal income tax is to preserve this source of revenue for the States, first, by not discrediting it and making it so unpopular that we can not adopt it in the States; and secondly, by levying rates so reasonable that the States will be in a position to impose themselves moderate income taxes.

This is the same reason that impels me to advocate low Federal taxes on estates; and, ultimately, to have the Federal Government get out of the field. I say to you that the tax problem in the United States to-day is the problem of how to raise money for local and State needs, and to the extent the Federal Government steps aside and releases these sources for local and State purposes, just to that extent does it con-

tribute to the solution of the real tax problem in the United States to-day.

It is because this bill in its essential features recognizes this one fundamental principle of moderation, and so to the extent that we here in Washington can help, does help the States to build up a tax system of their own that will distribute the burden equally and scientifically, that I think this bill is one of the best bills that could be drafted and passed at this time. [Applause.]

Mr. CRISP. Mr. Chairman, I did not take any time during general debate and I would like to ask unanimous consent that I be given 10 minutes at this time.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. I thank the House. I had the honor of serving on the Ways and Means Committee when this bill was drafted, and there was no politics in the consideration of the measure, which fact was most gratifying to me. I had the same voice in the preparation of this bill as any other Member, and I think it is a good bill, and the best tax bill that has come out of that committee since the war. [Applause.]

I have no apologies or excuses for this provision fixing the maximum surtax at 20 per cent. I agreed to it in the committee. I am still for it, notwithstanding some may say that by advocating it I am standing with the plutocrats and the millionaires. I am painfully reminded every day I am not one of them. I wish I were. [Laughter.] But I have the profoundest respect for rich men who have honorably acquired their fortunes, and there are many of them in this country to-day. Many of them are true philanthropists, who render valuable assistance to their fellow man by charities and furnishing employment. I will not, with my vote, punish them merely because they are rich. I think under the law they are entitled to a square deal and should be given equitable, just treatment at the hands of the lawmakers. When I think they are right, I will stand with them. When I think they are wrong, I will oppose their position. But, gentlemen, in my opinion—I have no criticism to make of any who differ from me—in peace time, no matter what a man's income is, if he pays 25 per cent of it to the Federal Government and in addition pays his State, county, and city taxes he is contributing his share toward maintaining the Government. If you take the maximum surtax rate of 20 per cent and the normal-tax rate of 5 per cent, the man with a large income in the upper brackets is paying not only 20 per cent, but is paying 25 per cent on that part of his income. A man enjoying an income of $500,000 under the present bill will pay the Government $116,959.38; with an income of one million he will pay $241,959.38; and if he has an income of five millions he will pay the United States Treasury $1,241,959.38. Is not this his part of Federal expenditures? A citizen with an income of $5,000 will pay only $16.88, and one with $10,000 will pay only $129.38. Each man pays according to his ability to pay, which I think is right.

I am an earnest advocate and believer in a graduated income tax and believe that a man should pay to the Government according to his ability to pay. I say in peace times a man who pays 25 per cent is paying his proportionate part of the burdens of government. If the exigencies of the Government are such that they require more money, then I say unquestionably increase the higher rates and make the man with the larger income pay more.

But what is the condition that confronts us to-day? The Secretary of the Treasury says there is a large surplus in the Treasury and that taxes can be reduced $290,000,000. We have reduced them by this bill $325,000,000. That, of course, carries with it the fact that the Government to-day collects more revenue than we need for governmental purposes. If that is true, everybody is entitled to a tax reduction, and, gentlemen of the committee, everybody in the United States is given a very substantial reduction in this bill, and men that get the greatest tax reduction since the high tax rate of 1918 are the men with incomes under $50,000. This bill relieves from all income taxes 2,300,000 citizens who now pay them. Raising the exemptions from $1,000 to $1,500 for a single person and from $2,500 to $3,500 for a head of a family accomplished this beneficial result, and I was glad to have had a part in bringing it about.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. CRISP. I will.

Mr. HUDDLESTON. How about the poor people who consume tobacco? They get no reduction.

Mr. CRISP. I think the poor man who uses tobacco is satisfied to pay his part of Government expenses. The gentleman from Alabama did not appear before the Ways and Means Committee asking for a reduction of the tobacco tax.

Mr. HUDDLESTON. I do not think there was any necessity for my appearing when sitting on the committee was the gentleman from Georgia [Mr. CRISP], who is as sympathetic with users of tobacco as I am.

Mr. CRISP. The Government must have revenue, and it has been the practice and the policy of the country for time immemorial to collect some revenue from tobacco in all its forms—chewing tobacco, smoking tobacco, cigars, and cigarettes. The tax has a universal application and works hardship on no one.

Mr. HUDDLESTON. Will the gentleman yield for one more question?

Mr. CRISP. I will.

Mr. HUDDLESTON. I am informed that the tobacco tax had its origin during the Civil War as a war measure for the purpose of raising revenue to carry on that war. Does not the gentleman feel that, when we are reducing taxes to what they were before the World War, that we ought to remember the poorer taxpayers, who are unable to get themselves heard before the committee?

Mr. CRISP. Answering the gentleman's question seriously, the Government of the United States must have money to meet its expenditures, and I believe it is better to raise that money from the nonnecessities of life than from the necessities of life. [Applause.] I am an excessive user of tobacco. I therefore pay my part of the tax, but I know it is not a necessity of life. As a matter of fact we would all be better off if we let it alone. But it has been the policy and the practice of the Government of the United States to raise some of its revenue by the taxation of tobacco, and I do not think it imposes any hardship on anyone.

Mr. BURTNESS. Will the gentleman yield?

Mr. CRISP. I would like to go on with my remarks, but I will yield to the gentleman.

Mr. BURTNESS. In relation to what the gentleman said about everybody getting a reduction of tax, in the matter of corporations and, particularly, those earning only a moderate income, say, 7 or 8 per cent, and who have not received any reduction since 1919, what would the gentleman think of adopting such an amendment as would reduce the taxes on corporations——

Mr. CRISP. There has been a great reduction of corporation taxes since 1919 in the excess-profit tax, and other taxes on corporations have been repealed. The committee would like to have reduced the corporation tax at this time, but the Treasury Department stated that the needs of the Government were such that they could not reduce it and carry on the other reductions, and the committee was of the opinion that the other reductions were of greater importance and would give greater relief to more people than it would to reduce the corporation tax.

Mr. BURTNESS. My question applied to those corporations which earn only a small return up to 8 per cent.

Mr. CRISP. They are given a flat exemption of $3,000 before the tax applies, and, in my opinion, the small corporations are not paying more than their just share of Government expenses.

Now, gentlemen, why did the committee reduce the maximum tax to 20 per cent? We did it because of all the economists that appeared before the committee—Professor Seligman, of Columbia University; Doctor Adams, of Yale; the Delano Tax Committee; other economists; and the Secretary of the Treasury and other Treasury officials—said that was the amount, in their judgment, that would produce the maximum amount of revenue and not seriously interfere with business; that there would be less attempt to evade taxes if that rate prevailed, and that it would produce ultimately the greatest amount of revenue to the Government. The committee was furnished evidence by the Treasury Department that each time in the past that the maximum surtax rate had been reduced the lower rate produced more money than the higher rate just repealed. [Applause.] I was willing to try out their suggestion. Gentlemen, I believe practically all taxes paid by manufacturers and going business concerns are passed on to the consumers, and, in my judgment, if the higher taxes are reduced, the consumers will benefit thereby by being able to purchase the necessities of life cheaper. In the committee to get higher personal exemptions, I agreed to a 20 per cent rate, and I shall stand by my agreement.

Under the leave to print, I shall attach to my remarks a table showing the amount of taxes paid by the taxpayers under the revenue act of 1918, and the amount they will pay under this bill. Since the war, Federal taxes have been reduced about

$3,000,000,000, while State, county, and city taxes have been pyramided. The taxes to-day bearing heaviest on our citizens are not Federal, but are State and local taxes. Taxes are almost confiscatory and the Federal and State Governments should practice the strictest economy and reduce all taxes to the lowest level consistent with the needs of the Government economically administered.

Comparison of the amount of tax for 1918 under revenue act of 1918, and under the proposed bill

Income	Tax for 1918	Tax under proposed law	Percentage of reduction from 1918 act
			Per cent
$5,000	$180.00	$16.88	90.60
$10,000	830.00	129.38	84.41
$15,000	1,670.00	409.38	75.49
$20,000	2,630.00	819.38	68.84
$25,000	3,720.00	1,359.38	63.46
$30,000	4,930.00	2,019.38	59.04
$35,000	6,170.00	2,779.38	54.95
$40,000	7,640.00	3,639.38	52.36
$45,000	9,230.00	4,569.38	50.49
$50,000	10,940.00	5,559.38	49.18
$55,000	12,780.00	6,609.38	48.28
$60,000	14,740.00	7,659.38	48.04
$65,000	16,830.00	8,759.38	47.96
$70,000	19,040.00	9,859.38	48.22
$75,000	21,380.00	11,009.38	48.51
$80,000	23,840.00	12,159.38	48.98
$85,000	26,430.00	13,359.38	49.45
$90,000	29,140.00	14,559.38	50.04
$95,000	31,980.00	15,759.38	50.72
$100,000	34,940.00	16,959.38	51.18
$500,000	322,940.00	116,959.38	63.78
$5,000,000	3,842,940.00	1,241,959.38	69.79

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I would like to see if we can not make some arrangement as to closing debate.

Mr. SABATH. Mr. Chairman, I want to say to the gentleman that I think it too early in the day to try to close debate.

Mr. FREAR. I want to suggest to the gentleman from Iowa that the gentleman from New York [Mr. LAGUARDIA] has a substitute motion, which he is to offer. He has been endeavoring to get the floor while others who are entitled to the floor have occupied it, and at the last moment he is placed in the position where he will not have a chance to explain his substitute amendment. I think for that reason the gentleman from Iowa should wait until he has had an opportunity to present it.

Mr. GREEN of Iowa. Mr. Chairman, I will postpone my request for a short time.

Mr. OLDFIELD. Mr. Chairman and gentlemen of the committee, I dislike very much to disagree with my friend from Georgia [Mr. CRISP], but I am in favor of the amendment of the gentleman from Illinois [Mr. RAINEY] for 25 per cent [applause], and I rise to state very briefly why I am in favor of the amendment. In the first place, during the consideration of the tax bill last year the Secretary of the Treasury did not ask then greater reduction than down to 25 per cent. He made all of the arguments for 25 per cent a little more than a year ago that he made for 20 per cent in this bill. The chief reason that I am for 25 per cent is that the proof shows, the record shows, all of the statistics show, that when men earn more than $100,000 or $150,000, or rather when they have an income of that amount, very few of them pay any normal tax, because their incomes are very largely derived from dividends, and there is no normal tax on dividends. Mr. McCoy told me, and I believe he told the committee, that 99 per cent, almost, of the incomes of $1,000,000 and above in this country pay only surtaxes and pay no normal tax. The men who have those large incomes from dividends have largely what we term unearned incomes. Their wealth earns additional incomes for them. Many men in this country have salaries of $50,000 a year, and many more have salaries of $25,000 or $30,000 a year, but there is a very limited number of men in America of incomes of $100,000 and up. Of course, on the income that is earned, if they have a salary of $100,000 per year, they would pay both the normal and the surtax; but after you get up to $150,000 or $250,000 or $500,000 or a million dollars, nearly all of that escapes the normal tax altogether; and yet the argument is made here that 20 per cent surtax and 5 per cent normal tax makes 25 per cent. Of course, but the trouble is that most of the large incomes do not pay any normal tax. Therefore, why not fix the surtax at 25 per cent?

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. In a moment. I do not believe that the business men of America are interested to any great extent in having this tax cut down to 20 per cent, because it is not going to benefit them much because of the fact that most of their income is from dividends and they pay no normal tax anyway. I yield to the gentleman from Wisconsin.

Mr. FREAR. And the gentleman has failed to mention the fact, as has everyone, that undistributed profits, which in many cases amount to 68 to 75 per cent of the income, do not pay any income tax.

Mr. OLDFIELD. That is true. I think that is about all that I have to say in this matter. It is a very simple proposition. If you are going to cut the surtaxes down to 20 per cent, then cut them down to 20 per cent, but do not get it into your mind that you are going to have 25 per cent upon the theory that they have 20 per cent surtax and 5 per cent normal.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. MOORE of Virginia. It seems that on October 19 the Secretary of the Treasury appeared before the committee and he was not found insisting upon 20 per cent as the maximum surtax. What he said was this:

> The point at which the most revenue can be derived with the least disturbance to business is one which can not be determined with certainty in advance, but at best it must be the result of experience. What this point is I have heard frequently discussed both in the Treasury and by economists. Some place it as low as 10 per cent, some at 15 per cent, but certainly it is not in excess of 25 per cent.

Mr. OLDFIELD. That is true.

Mr. MOORE of Virginia. The Secretary seemed to believe that 25 per cent was a fair and moderate rate, and by making the rate 25 per cent we would not be involved in all of these difficulties pointed out by the gentleman from New York [Mr. MILLS].

Mr. OLDFIELD. Absolutely not.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. OLDFIELD. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLDFIELD. Secretary Mellon frankly said that the point was somewhere between 10 and 25 per cent. He did not insist that the point was 20 per cent and neither did he say that it was 10 or 15 per cent, nor that the point was not 25 per cent. Why not pick up these ten or fifteen million dollars here and relieve some other taxes? For example, you might relieve the poor corporations of the country that are not making any money of part of the capital-stock tax, or you might relieve the automobile tax of another per cent and make it 2 per cent instead of 3 per cent, and no man in this House can say in his conscience that 25 per cent surtax would be excessive taxation, because it is not. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I offer the following substitute for the Rainey amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Substitute offered by Mr. LAGUARDIA for the amendment offered by the gentleman from Illinois [Mr. RAINEY]: On page 36, line 4, strike out lines 4, 5, and 6, and in lieu thereof insert the following:
>
> "Twelve thousand three hundred and sixty dollars upon net incomes of $100,000; and upon net incomes in excess of $100,000 and not in excess of $200,000, in addition, 20 per cent of such excess.
>
> "Upon net incomes in excess of $200,000 but not in excess of $250,000, in addition, 21 per cent of such excess.
>
> "Upon net incomes in excess of $250,000 but not in excess of $300,000, in addition, 22 per cent of such excess.
>
> "Upon net incomes in excess of $300,000 but not in excess of $350,000, in addition, 23 per cent of such excess.
>
> "Upon net incomes in excess of $350,000 but not in excess of $400,000, in addition, 25 per cent of such excess.
>
> "Upon net incomes in excess of $400,000 but not in excess of $450,000, in addition, 27 per cent of such excess.
>
> "Upon net incomes in excess of $450,000 but not in excess of $500,000, in addition, 29 per cent of such excess.
>
> "Upon net incomes in excess of $500,000, in addition, 30 per cent of such excess."

Mr. LAGUARDIA. Mr. Chairman, my amendment simply brings up the rate to 30 per cent on incomes of $500,000 and over. The gentleman from New York [Mr. MILLS] made the

startling discovery this morning that taxes are unpopular, and he states that he is going to popularize taxes by reducing the surtax on million-dollar incomes 50 per cent. Last year, when you had the Mellon tax before you, this House was indignant at the suggestion of a 50 per cent reduction of the surtax, and this year you seem to like it. I do not know what spell has come over this House, I do not know what has changed the sound viewpoint of the membership of this House, and particularly of the Democratic side of the House. When the gentleman from Georgia [Mr. CRISP], a great statesman who has always inspired me, takes the floor in opposition to the amendment offered by the gentleman from Illinois [Mr. RAINEY] and supports the bill, it is disappointing and discouraging, to say the least.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I have not much time. Will the gentleman help me get more?

Mr. CHINDBLOM. From what viewpoint is it discouraging? From the party viewpoint of the gentleman?

Mr. LAGUARDIA. From the sound, economic, fair, just, equitable, American viewpoint. [Applause.] That is the viewpoint.

Mr. CHINDBLOM. But the gentleman was discussing the Democratic viewpoint.

Mr. LAGUARDIA. The gentleman knows that without the Democratic support of this bill it could not pass the House.

Mr. CHINDBLOM. Oh, no; the gentleman does not.

Mr. LAGUARDIA. And the gentleman knows that there are a number of timid Members on his side of the House who desire to vote against it.

Mr. CHINDBLOM. The gentleman does not know it.

Mr. ALLEN. Has there not been an election since?

Mr. LAGUARDIA. Yes; and I am here. [Applause and laughter.]

My colleague from New York [Mr. MILLS] laments the fact that there is too much tax on land and as a remedy for that he suggests reducing the income surtax. I can not follow the logic of that. The gentleman from New York, my colleague [Mr. MILLS]—I am glad he is in the Chamber now—says the income tax is unpopular. It is not unpopular in my part of the city, Mr. MILLS. [Applause.] I tell you the taxpayers in my district are making a fair return.

Mr. MILLS. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. MILLS. Was the income-tax reduction in the State of New York a movement lead by the financial interests or the business interests? Is it not a fact the income-tax reduction in the State of New York was led by gentlemen who generally are supposed to represent the wage earners and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. And the financial interests were right back of him saying, "You are all right, Al; go to it." [Applause.]

Might I have two more minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Now, gentlemen, for the purpose of making the record, because after all this is only the court of first instance, and all we can do here apparently is to prepare the record for an appeal to the American people. I submit my amendment in all sincerity and earnestness. I hope to get as much support as the individual courage of the Members will permit. [Laughter.] If you get what I mean. We want to resent the 5 per cent extra allowance added to the Mellon plan, so generously given by the Ways and Means Committee who, as the gentleman from Texas [Mr. GARNER] said, goose-stepped out of the Ways and Means Committee at the command of Mr. Mellon with his pet measure. Let us establish the record. Let us pile up as many votes in support of my amendment, and if it fails we can rally to the amendment of the gentleman from Illinois as the next best means of opposing the ultra-Mellon plan. All my amendment will do, gentlemen, it will simply take an additional $100,000 on every $1,000,000 and incomes over $500,000. The three gentlemen who are now paying taxes on incomes over $500,000,000 will each pay $500,000 more. That is very reasonable, coming from a liberal Member of the House.

Mr. CONNERY. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. CONNERY. I am glad to state, as one Democrat on this side, I will be glad to support the amendment.

Mr. LAGUARDIA. And coming from New England, great.

Mr. CONNERY. If the gentleman will yield further, I would like to ask the gentleman this. As the gentleman from Georgia [Mr. CRISP] spoke of Mellon as an economist I would like to ask the gentleman, as a soldier, what he thinks of such an economist when Mr. Mellon's spokesman told us on the floor of the House when the tax bill was up before that if we passed a tax bill reducing it $300,000,000 we could not pay the soldier's bonus, yet we are doing it.

Mr. LAGUARDIA. The question answers itself. [Applause.]

Mr. SABATH. Mr. Chairman and gentlemen, I am in favor of the amendment offered by the gentleman from Illinois, as well as the gentleman from New York. In fact, I will support any and every amendment that will tend to eliminate the reduction in tax proposed in this bill for those that can best afford to pay, namely, all those having net annual incomes from $100,000 up to $1,000,000, and I shall surely do all in my power to stop the cut in incomes on those whose incomes are from $1,000,000 and over, as this bill proposes.

Mr. Chairman, it is beyond my comprehension to follow the reasoning some gentlemen give for this tremendous cut, especially for the very richest people of our country. There are 74 of those whose net incomes are over $1,000,000 whose taxes, according to your own figures as given in your report, are reduced nearly 70 per cent from the 1918 tax, while the average reduction of those whose incomes are over $10,000 would be only about 51 per cent and 52 per cent. The only justification that you can show is perhaps that it was these people who furnished you the tremendous campaign contributions and who have wielded such power over the Republican Party so that they can dictate what you must and must not do.

Mr. Chairman, for the purpose of bringing home to the gentlemen on both sides, but especially to those who come from the Middle West and far off West who although elected on the Republican ticket classify themselves as Progressive Republicans—and by this I do not refer to the gentlemen from Wisconsin or Minnesota, but I mean the gentlemen not only from my own State, but especially Iowa, Kansas, Nebraska, Colorado, and the entire West. This bill reduces the taxes of the extremely capitalistic class without any substantial relief to the people in the districts and in the States that I have mentioned. And so that there can be no misunderstanding on the part of anyone I have compiled from the official figures given by the committee and by committee experts, given in a simplified form in order to bring home as clearly as can possibly be done the unjustifiable reductions not only for the 74 citizens whose incomes are over $1,000,000 but also the unjustifiable reduction on the part of those the moment they come into the same million or millionaire class, namely, all those whose incomes are over one-quarter of a million dollars.

I hope that every Member will take at least one hour's time to study the figures that are to be found in the report on this bill as well as the Internal Revenue statistical report on income, from returns on net income for 1924, filed by individuals, and I feel that any sane man will easily detect from these figures the unjustifiable reductions on the so-called millionaire class.

Mr. Chairman, I do not wish to be understood by anyone that I am prejudiced against people of wealth; in fact, I love to see people succeed and admire people who through their honest efforts, courage, and determination prosper, and I care not how great their wealth is. But what I object to, what I am opposed to, is discriminating in favor of that class as against the less successful ones. Not only are we legislating in their favor, but, as the Couzens committee report shows, if perchance the law should reach them, they would find a way, as they have heretofore through underground channels, and evade this taxation in every way they can find.

The gentleman from New York [Mr. MILLS] in several of his strong appeals on the floor has tried to impress the country that these people did not object to any legislation to incomes or inheritance tax, or any other tax, if the percentage be reasonable; that they had not objected to and do not oppose it. Is it possible that the gentleman's memory can be so deficient? Why, Mr. Chairman, when the income tax, as well as the inheritance tax, was being considered the gentleman that represents and speaks for New York attacked those measures as socialistic and un-American, and in every conceivable way tried to prevent their adoption. The only people that did not object to paying their share of taxes were the small taxpayers. It is the man with the small income, it is the small manufacturer and the small business man, it is that group, the middle class of people, that do not object to paying their proportion of taxes. They do not send down to Washington their experts. The experts that appeared here in favor of this tremendous reduction

are all paid by that group of gentlemen whose incomes, as I stated, are from $100,000 up. So how some of you gentlemen will be able to justify your vote for this bill I do not know. Unless we adopt some amendments eliminating this reduction on the class that I have designated, I feel if we are honest and sincere to our constituents and to the country it is our duty to amend this bill as proposed by the amendments that are now pending.

Mr. Chairman, I can not help but bring to your attention and to the country's attention this outstanding fact. Notwithstanding the repeated statements of the gentleman from New York and others, that the moneyed class and preferred class of the United States is willing to pay their share of taxation, and that they do not object to any fair taxation, I want to call your attention to the great amount of propaganda and publicity that was given in 1924 to the so-called Mellon plan; and even before that, in every newspaper of the country and in every magazine controlled by these interests we read of how the country suffered because of the income tax, due to the excess-profit tax and the income tax, and that the great financiers refused to invest their money and are investing it in exempt securities. If they did invest, and I take it for granted, in exempt securities it proves that they have tried to evade the payment of taxes to the best of their ability.

But, Mr. Chairman, if they did invest to the full extent as claimed by them, it is a lie. Their statements made from day to day, and month to month are that the country was suffering and does suffer because a large share of their profits will be turned over to the Government as income taxes, that it ruins the commerce of the Nation and that the money will not be forthcoming for the conduct of our business. Now, let us see how true their charges have been; or, in other words, how false they have been. In 1914 we had in this country, all in all, 357,515 persons whose incomes were over $3,000, and from the following table you will see how this number has increased up to the year 1923:

1914	357,515
1915	336,652
1916	437,036
1917	1,993,425
1918	1,411,298
1919	1,738,147
1920	2,018,578
1921	1,597,754
1922	1,784,326
1923	2,343,525

showing that the incomes of this Nation did not suffer, and that the great financiers did not refuse to permit their accumulated wealth to be invested because of high taxation. Some of you gentlemen may try to offset these figures by stating that the increases were of those of the medium or middle class. So as to make it clear and impress it upon the dullest mind, I am going to give you figures that can not be contradicted or explained by the shrewdist paid lobbyist, or the cleverest publicist, or the shrewdest Member of Congress by taking the 1916 report, and again I am taking the figures of the committee taken from the Internal Revenue Bureau report, and you can find these figures on page 17 of the Statistics of Income from returns of net income for 1924 filed by individuals. In 1916 the net incomes reported of all taxpayers was $6,298,577,620 and in 1924 the amount was $25,023,210,893, or $18,000,000,000 more than in 1916. If these figures are so tremendous I will make it easier by saying that over four times as great a profit had been made in 1923 as well as in 1924 than was made in 1914 and 1916, thereby refuting the oft repeated statement that the money will not come out, and that a reasonable increase of tax, which these gentlemen term high, retards business and investment. In fact everyone knows that within the last three or four years there has been more money invested, more bonds and new stock issued and sold than ever before in the history of this or any other Nation.

Mr. Chairman, I have given some figures on the tremendous increase in net profits for the last 10 years. Some gentlemen may say, "Well, some of it was due to the war," and some gentlemen on the other side will say, "Well, it was under a Republican administration," and again I wish to make it clear that business started to improve the second year of the Democratic administration and has continued, and the country never had such prosperity in the history of our Nation as it did in 1920, when the total number of incomes over $1,000 reached 7,259,944. When the Republican administration came into power in 1921 it fell off 1,000,000, or, namely, to 6,260,327. But due to the foundation laid by a Democratic administration by stabilizing our currency, by the adoption of the Federal reserve system, by the adoption of the fair tariff, and other beneficial legislation, it could not help continuing in its wave of prosperity, and which I hope will continue for many, many years.

THE INHERITANCE TAX

Mr. Chairman, I am also opposed to the reduction of the inheritance tax and against the repeal of the gift tax, and I feel that every Member who would study this report of the committee and the preliminary report of the Treasury Department (and I do not see how the gentlemen in charge permitted it to see daylight) they would find conditions that are nearly unbelievable. They would find in 1916, when the net incomes in this country as reported was only $6,000,000,000, we had 1,723 gentlemen whose incomes were over one-quarter of a million dollars, and we find in 1924, when the net incomes were $25,000,000,000, that we had only 1,022 gentlemen whose income is over one-quarter of a million dollars. So notwithstanding that the net profits have increased four hundred times, all those whose incomes have been over $250,000 has dwindled down to nearly one-half of 1916. Of course, you will see that the number of increases over one-quarter of a million dollars has increased this year, and I wonder how much the Couzens investigation had to do with this.

I presume the gentleman from New York and others advocating legislation are going to devise schemes whereby they will try to show that this tremendous additional $20,000,000,000 in 1923 and 1924 has been made by the wage earners and the farmers, but I very much doubt this action as again the figures would show an untruth and the greatest wealth being accumulated by those whose net income was in 1916 over one-quarter of a million dollars. You may wonder then why it is that the number of these gentlemen has been reduced by nearly 50 per cent from 1,723 to 1,022. It was due, gentlemen, so I know and the gentleman from New York and others know, but to you who do not know I want to make it clear, it was not due because of the division of all the great wealth, for the purpose of these great financiers desiring to pay their just share of taxation. No, Mr. Chairman, it was done for the purpose to evade the taxation and for that purpose the shrewd tax experts and shrewd lawyers devised a scheme by which these extremely rich can evade the payments of their taxes. They started to give away portions of their wealth, some to their wife, some to their sons, some to their daughters, and some they placed in trust. Not for the purpose actually to give it away, for in each instance there is a strong "string" attached, but it was done, I charge, and you gentlemen on the other side know, for the purpose of evading payments of taxes, that they would have been obliged to pay, if the wealth had not been distributed, which enabled them to get into a lower class and pay a lower tax. For that reason we have adopted the gift tax to stop this infamous abuse. But because some gentlemen find it inconvenient to have their estates so divided by the so-called gifts, they desire the repeal of that law, so that their position and wealth can again be merged into one for convenience and safety. Of course, Mr. Chairman, there may still be another reason, this, however, is shared by myself; that is, in many instances we have still in our country, young marriageable ladies who are hunting and trapping for titles, some "ducks"—I mean dukes—some counts and no counts, and in some instances are even satisfied with baronets. But if they succeed in making a catch before the same can be properly made safe, "daddy" must furnish the real "gold bait," which is invariably $1,000,000 or over, and I am inclined to think that under the gift provisions of the bill we would reach all these gifts for this purpose, but so as to enable the nobility-fortune hunters to get it all, as God knows most of them need it, we must repeal the gift tax. Of course, this is only my surmise, still I know that it was intended not only to reach gifts made and to remain in the United States, but also the gifts that were to be taken and squandered outside of the United States.

Mr. Chairman, if the party in power would have the interest of the people at heart and not be controlled by special interests, they could have easily repealed all the so-called nuisance taxes—taxes on theaters, taxes on tobacco, cigars, and so forth—and would not have made it necessary to increase the tax on postal cards and local letters from 1 cent to 2 cents. Of course, I realize it will give the protected interests of our country a chance and opportunity to demand the continuation of the robbing high tariff tax; yes, an excuse for the increase in the future, so as to lay still greater burdens upon the American consumers. It seems to me that these gentlemen are fearful that the wage earners, the farmer, and the small business and manufacturing man may accumulate too much wealth. Their fear, however, is unnecessary as the

special interests always find a way to relieve those classes from any savings or any surplus that by strenuous efforts and self-denial they might have succeeded to accumulate. It is to be regretted that so little attention and so little consideration is being shown the people that actually need relief. You and I and all have been appealed to by the farmers of this country, by the wage earners of this country for relief. What have you done so far? What have you done in the last session? I receive appeals from the people who are suffering for lack of coal and the tremendous high price of coal, from wage earners who can not make both ends meet, who charge that the time of the House is taken up to relieve, "Who," the people who need relief? No; but those who dislike to carry their share of the Government burdens, and how can I disprove these complaints and charges when you refuse to reduce the unnecessary high freight charges, which is responsible to a great extent for the high cost of living, and when your entire program and efforts are directed in legislation which enables the railroads to milk the country, banking interests to form new monopolies and in every conceivable way aid the steel and oil industry and sugar monopoly and disregard the appeals of the people, and are even unwilling to relieve the present unfortunate coal situation. Now, if you gentlemen from the West and Middle West can favor this policy and are going to vote for this bill you can do so, but do not go home and try to explain that you did not know the provisions of the bill, as you have ample opportunity and time to familiarize yourself with the bill and ascertain whether the charged statements and figures I have given are true or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Wisconsin [Mr. FREAR] is recognized for five minutes.

Mr. FREAR. Mr. Chairman, when this bill was before the House last year I urged as strenuously as I could the maximum surtax rate of 40 per cent. I believed it was right then. I believe it is right now. If those who are receiving large incomes were actually paying 40 per cent, I would concede at once that it was not fair; but there is not a man on this floor who has given any intelligent study to the subject who does not know that the average large income is twice what is reported in the income-tax return, and the reason for that, as we all know, is that undistributed profits outside of the nontaxable securities make up in many cases from 50 to 75 per cent of the incomes of these men of very large wealth.

I am not criticizing it; I am simply speaking of the ultimate result and the average amount of tax that that man pays. So that when he has a maximum rate of 40 per cent in the average case it does not mean a normal tax alone, let me say to my friend from Arkansas [Mr. OLDFIELD], but it is in the form of undistributed profits which were received and which pay no tax. So, if you had 20 per cent, as it is claimed here, assuming that in the average case of very large incomes it will not reach 15 per cent of the actual income that a man has, and on the theory that those best able to pay should be taxed rather than those least able to pay, it seems to me that is a fair proportion.

I agree absolutely with the gentleman from New York [Mr. MILLS] that according to my study the farmers of this country are paying in the neighborhood of 45 to 50 per cent on their property. Why, then, should we not have men of great wealth to pay at least 20 per cent? I am referring to the injustice of taxation. He was discussing the question of the theory of taxation.

Mr. GREEN of Iowa. The gentleman is wrong as to his percentages. I think he was talking about a million dollars or something of that kind.

Mr. FREAR. No. I am speaking of men chiefly who receive as much as $100,000 of income. The farmers are paying to-day in the neighborhood of 40 per cent. The man who is receiving a $100,000 income is not paying the amount put there, because he has undistributed profits and dividends and accumulations that are not shown in this report.

Now, gentlemen, I am accepting the best we can get here.

Mr. GREEN of Iowa. I do not know how the gentleman can tell whether a man has undistributed profits or not.

Mr. FREAR. I can show you how you can tell. Look at the stock-exchange reports. Look at the dividends. When the Supreme Court rendered that decision to the effect that there should be no income tax paid on undistributed dividends the income tax was undermined. It is true, I should say, the Secretary of the Treasury has the privilege of penalizing, but, as I said, I am going to accept the best I can get. I do not think the tax embodied in the amendment of the gentleman from New York [Mr. LAGUARDIA] will include more than one-half or one-third of the average income. Of course in the case of my friend from Illinois, who has offered his amendment, it is very small comparatively. Two years ago I would have supported a 40 per cent increase if I had believed for a moment that that was the tax that would be paid, but it is not. I am not going to take up more of your time. You have been generous with me on the general debate, and I thank you. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] is recognized for five minutes.

Mr. CHINDBLOM. Mr. Chairman, I do not rise to engage in a general discussion of the surtax question, but one or two matters have occurred in the debate to which I want to call attention. First, as to the attitude of Mr. Mellon. Do you want to know the attitude of Mr. Mellon? If so, turn to page 29 of the hearings. You will find there this question:

> Mr. MILLS. Mr. Secretary, you are recommending at the present time a maximum tax of 20 per cent?
>
> Secretary MELLON. Yes; that is, 20 per cent surtax plus 5 per cent normal tax.

That is where you get the 25 per cent; but he never recommended a 25 per cent surtax. Then further:

> Mr. MILLS. And, in your judgment, if the rate is reduced to that point, it will fairly test out the proposition for which you have contended for a number of years?
>
> Secretary MELLON. Yes.

So much for Secretary Mellon's attitude. We have in this bill a 20 per cent surtax with the addition of 5 per cent normal tax, which makes a total tax of 25 per cent on the maximum amount of income.

Now, as to taxpayers with incomes under $45,000 or $50,000, I inserted in the RECORD, in my remarks of last Saturday, that are printed on pages 742 to 744, a table of what the reductions have been on the various income brackets, comparing the proposed bill with the law of 1918. You will find it quite remarkable. If you turn to that table you will find that gentlemen have made a very serious blunder in taking the figure of $45,000 as a starting point. On $45,000 the rate of percentage of reduction from the 1918 act in the rate under the proposed law is 50.49 per cent.

The percentage of reduction on $40,000 is 52.36, on $35,000 it is 54.95, on $30,000 it is 59.04, and on the next, $25,000, it is 63.46; on $20,000 it is 68.84; on the next, $15,000, it is 75.49; and on $10,000 it is 84.41. So that as you go down in the amount of income you continually have a larger reduction in the amount of tax made under this bill as compared with the law of 1918.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. For a question.

Mr. DAVEY. I would like to have the gentleman explain the difference between this bill and the one passed a year ago; not the act of 1918.

Mr. CHINDBLOM. I can not take the time for that now. It was done very thoroughly in the general debate. The gentleman can read the general debate in the RECORD. I can not go over that now in this five-minue debate.

Mr. DAVEY. The act of 1918 rates are deceptive.

Mr. CHINDBLOM. No. The 1918 law was the first income tax law, occasioned by the emergency of the war. That was the beginning of the high income taxes in the United States. We reduced them first in 1921. Then we reduced them again in 1924, and we are reducing them for 1926, and I say the right thing to do is to compare the entire income-tax system, beginning with 1918 and coming down to the present bill.

The great virtue of this bill is that it equalizes the injustices, the incongruities, and discriminations not only in the 1918 act but in the 1921 act, the 1924 act, and down to the present time.

On page 743 of the RECORD you will also find another table showing what the actual percentage of the tax is on the net income, and you will see it progresses gradually. At $4,000 it is only 0.141 per cent; at $5,000, 0.338 per cent; at $6,000, 0.469 per cent; at $10,000, 1.013 per cent; and so on, until on the highest incomes it becomes over 24 per cent, or approximately 25 per cent.

I challenge the gentlemen of this House to compare all of the income tax bills this Government has had since the war, and on account of the war, and then tell me whether they will not reach the conclusion that we have, as the bill states in the title, not only "reduced" taxes but also "equalized" taxes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GREEN of Iowa. Mr. Chairman, I would like to see whether I can not get an agreement as to closing debate.

Mr. GARRETT of Tennessee. I suggest this to the gentleman: This is, perhaps, the part of this bill that is going to evoke the greatest discussion that will be had. I think the debate has been very interesting, and it has been devoted entirely to the subject. I do not see why the chairman of the committee should press to end debate so very quickly.

Mr. GREEN of Iowa. I thought I had been very liberal.

Mr. GARRETT of Tennessee. The gentleman has been liberal.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection?

Mr. SABATH. Mr. Chairman, reserving the right to object, my colleague from Maryland [Mr. LINTHICUM] has requested some time several times. I do not know whether he will be included in that time or not.

Mr. GREEN of Iowa. Mr. Chairman, I think we may as well make it until 4 o'clock.

Mr. MOORE of Virginia. May I respectfully suggest this to the gentleman, that there does not seem to be any doubt we can finish the bill this week, and there is every reason why important features of the bill should be carefully debated and discussed.

Mr. GREEN of Iowa. I agree with my friend from Virginia, and I am trying to be very liberal.

Mr. GARRETT of Tennessee. This is an important matter, and there is no effort to delay the bill at all.

Mr. GREEN of Iowa. I thought until 4 o'clock would be ample.

Mr. GARRETT of Tennessee. I suggest that the gentleman let debate run along for a little time longer, because Members will want to talk more about this item than anything else in the bill.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] is recognized for five minutes. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, when I find my colleagues, particularly those of my political faith, divided upon a proposition that comes from one of the committees of the House it always presents to me some question of embarrassment, because, as I stated in my remarks on Saturday, my natural predilection is to follow the judgment of those charged with the responsibility of the legislation that is before the House, particularly that of those of my colleagues who are of my political party. That somewhat embarrassing situation confronts me now, but it has been said again and again in the course of this debate that this bill is not a party matter. Without undertaking to state—as it would be in violation of the rules of the House—what occurred in committee I understand that even the members of the committee did not bind themselves upon the question of amendments, and so I feel free to vote without restraint for any amendment that is proposed which meets my convictions of right and justice. Following that disposition I rise to support the amendment offered by the gentleman from Illinois [Mr. RAINEY]. [Applause.]

I do not agree with the reasoning of the gentleman from New York [Mr. MILLS], much as I regard his intellectual qualifications, that this surtax must be reduced in order to save a surtax at all, and in order to prevent dishonesty in returns. I know, of course, that all taxation is irksome. A 10 per cent surtax would be irksome and a 5 per cent surtax would be irksome. If we are to follow the logic of the gentleman from New York upon that proposition, it would very quickly result in removing all surtaxes, because all surtaxes are irksome.

Comparison is made—and I agree with the gentleman from Illinois [Mr. CHINDBLOM] that it was legitimate to make the comparison—between the act of 1918, the war act—although it did not pass until after the armistice had been declared—and the present bill, but in making that comparison all the elements must be taken into consideration if the comparison is to be just in its final outcome. So we may not, Mr. Chairman, disregard the fact, while the fighting part of the war is now seven years past, that we are still contributing a large part of our revenues to the payment of war expenses.

The amendment proposed by the gentleman from Illinois addresses itself to my sense of fair play and of justice. We are still paying a large part of the war debt, and we shall be for a long time to come.

I was not one of those who urged retaining the surtax at 40 per cent before, and I should have been willing to have seen it reduced in the act of 1924.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, may I have two additional minutes?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] There is no objection.

Mr. GARRETT of Tennessee. I should not have been willing to go to 20 per cent, and I do not believe the conditions of the country justify us in going to 20 per cent now.

I think the proposition presented by the gentleman from Illinois [Mr. RAINEY] is a sufficient reduction of these surtaxes above $150,000. I do not think it destroys in any respect the soundness of this bill or that it interferes with whatever of scientific taxation features there may be about it; and for my part I shall gladly give it my support. [Applause.]

Mr. DAVEY. Mr. Chairman and gentlemen of the committee, it was my desire when this tax matter came before the House that I could support unqualifiedly the bill as reported by the committee, but there is one phase of the pending bill which strikes me as manifestly unfair and exceedingly hard to explain.

I have already had several of my observing constituents ask me, "Why do you not do something for us with incomes of between $10,000 and $45,000?" I am frank to say that is a hard question to answer.

It may be this bill is what you might call a scientific bill, although it is difficult to say just what a scientific tax bill is; but it is mighty hard to explain to your constituents, your business men with incomes of between $10,000 and $45,000, that we are giving them no reduction in their surtaxes.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. DAVEY. Certainly.

Mr. GREEN of Iowa. Does the gentleman consider a one-third reduction in tax no reduction?

Mr. DAVEY. I am referring entirely to the surtaxes.

Mr. GREEN of Iowa. Oh, you are talking about one part of the tax, while I am talking about the whole reduction.

Mr. DAVEY. I am referring to the surtaxes, and I want to go still further——

Mr. GREEN of Iowa. Let me ask the gentleman another question. If they got plenty of reduction outside of the surtax, would the gentleman still want a reduction in the surtax?

Mr. DAVEY. If everybody else, especially those of the greatest incomes, gets a reduction in surtaxes, why not these men with incomes from $10,000 to $45,000 a year?

Mr. GREEN of Iowa. For the simple reason that it would not be fair.

Mr. DAVEY. I can not yield further unless I get more time. The question of fairness may be merely a matter of the point of view.

I would like to make the observation that I have nothing against great wealth. I have nothing against business, because I am in business. But I believe this bill is the most abject surrender to great wealth of anything that has occurred here in my time. The effort to reduce the maximum to 20 per cent and give everything possible to the ultra-wealthy has been so labored that it left nothing for reduction of the surtaxes of the little rich. As a matter of simple fair play I am bound to vote for the amendment of the gentleman from Illinois and try to give those of intermediate wealth some consideration. [Applause.]

Mr. LINTHICUM. Mr. Chairman, there have been so many speeches made on both sides of this question and so much information and misinformation given that it is very hard for one who wants to know how to vote to find out.

I entirely agree with the gentleman from Ohio [Mr. DAVEY]. My city is composed of people of moderate means. We have very few immensely wealthy people in the city of Baltimore, but we have a very large number, a vast number of people who enjoy means in the moderate brackets, from $10,000 to $44,000, and it is going to be mighty hard for me to go back and say to those people, "The reason we could not give you any reduction in the surtaxes from $10,000 to $40,000 was because we wanted to give the fellow with over $100,000 of income a 50 per cent reduction."

As I take it the sole reason the committee did not give any reduction in surtaxes to those with incomes of from $10,000 to $44,000 was because you took the 20 per cent on $100,000 of income as the pivot and around that pivot was drafted this bill.

Mr. GREEN of Iowa. Will the gentleman from Maryland yield?

Mr. LINTHICUM. Yes.

Mr. GREEN of Iowa. If the gentleman will kindly do me the honor of listening when we close this debate, I will give him the real reason why that was done.

Mr. LINTHICUM. I said I had received a great deal of information and misinformation, and if the gentleman can give me authentic information I shall certainly be glad to have it.

Water has only gone over the mill for one year since our Secretary of the Treasury asked only for a reduction to 25 per cent, and as I take it, he did not insist upon anything less than that this time. He said taking the 5 per cent normal tax and the 20 per cent surtax makes 25 per cent, and of course it does; but, as the gentleman from Arkansas [Mr. OLDFIELD] told us, the vast amount of the revenue of the people of this country comes from dividends, and upon those dividends no normal tax is charged, and the consequence is that the vast incomes really pay only the 20 per cent and not any normal tax making the 25 per cent.

The gentleman from Wisconsin tells us something which we know is an absolute fact. We know these men of very large means do not want big dividends declared by their corporations, and instead of asking for dividends, like we moderate fellows are constantly asking, they are asking for deferred dividends, and asking that the surplus and undivided profits of the corporation be built up and that the dividends be not declared, whereas I imagine the great majority of us on the floor of this House are constantly after our corporations for dividends and increased dividends and extra dividends. I have been in one or two of these corporations and I have heard these men say, "We do not want to declare too much dividends; build up the surplus and in that way we will have a stronger company, and the tax, of course, will not be so heavy."

There is another feature of the bill I wish the committee would consider, and that is with reference to the capital stock of corporations. We know there are many people in this country who have really capitalized themselves into corporations. We also know there are a number of corporations in this country that are not making any money; and yet we make them pay $1 a thousand tax on the capital stock, when they are really not making any profit.

I would like to see a bill drawn that makes corporations and individuals and partnerships pay in proportion to what they make and not compel these corporations to pay something when they do not make anything.

I appreciate what has been done toward largely eliminating the tax on automobiles, the elimination of the tax on trucks and accessories, and those things which we need so badly; but I do wish we could arrange this schedule so that when we go back home and the man of moderate means asks us, "What reduction have you given me?" we shall be able to say to him that we have given him a substantial reduction and not be compelled to tell him we could not give him a reduction because we had to give a rate of 20 per cent to the man with $100,000 of income and above.

Mr. Chairman, I am not in favor of making surtaxes too high, but I do feel when a man has an income of $100,000 or more, and when that income is derived largely from dividends, and in many cases wholly from dividends by which he is enabled to evade the normal tax of 5 per cent, that he should at least pay 25 per cent surtax on incomes above $150,000, and that the graduation from 20 per cent to the 25 per cent would be fair to apply to incomes between $100,000 and $150,000. When a man has an income of $150,000 he is beyond all possibility of want and must spend it, if spent at all, upon luxuries, because the real necessities of life could never reach that sum. In fact, Mr. Mellon did not ask for less than 25 per cent surtax in 1924 and would have been satisfied if placed in this bill.

I do not wish my remarks, however, to indicate in any manner that I do not think this tax-reduction bill is a great reduction in taxes below that of 1924. This is not a Mellon bill. While it has somewhat the earmarks of the Mellon plan by reducing the higher brackets more than lower brackets, it has not been dictated by the Secretary of the Treasury, nor have millions of dollars been expended through propaganda by newspaper and periodical advertisements, movie screen, and all those things which were resorted to in trying to put across the Mellon tax bill of 1924, which was defeated and the Democratic plan adopted. On the contrary, this bill has been drafted by the Ways and Means Committee; the views of the Secretary of the Treasury have been obtained and those of a vast number of other people in order that the best information possible might be obtained.

Mr. Mellon recommended reduction of taxes to the extent of $250,000,000 to $300,000,000, while the committee has reduced taxes over $325,000,000. Certainly this is a very substantial reduction and should redound to the benefit of all taxpayers, and especially to the great business interests of our land. It is a pleasure to know that the personal credit or exemption, as we term it, has been raised for single persons from $1,000 to $1,500 and for married persons and heads of families from $2,500 to $3,500, with additional exemptions where there are children in the family.

Under the present law there is a normal tax of 2 per cent on the first $4,000, 4 per cent on the next $4,000, and 6 per cent on the remainder, whereas under this bill it is proposed to reduce to 1½ per cent on the first $4,000, 3 per cent on the next $4,000, and 5 per cent on the remainder, and a 25 per cent deduction on earned incomes to everyone to the extent of $5,000, and the limit is extended from $10,000 to $20,000, so that everyone gets a reduction of 25 per cent as earned income on the first $5,000 income, and persons who are earning up to $20,000 may get a 25 per cent reduction on his taxes.

This is manifestly a very fair provision, because persons whose resources are from earnings, when they die or become incapacitated their incomes cease, whereas persons who derive their incomes from dividends and other property, if they should die or become incapacitated the income continues, and in case of death the same passes to the next generation. This earned-income feature removes from an income-tax proposition much criticism which might otherwise be leveled against it. I here insert a schedule which will more fully demonstrate the advantages of this bill to taxpayers over that of 1924:

Income taxes

	H. R. 1	Act of 1924
Personal credit:		
Single persons	$1,500	$1,000.
Married persons and heads of families	$3,500	$2,500.
Rates:		
First $4,000 taxable	1½ per cent	2 per cent.
Second $4,000 taxable	3 per cent	4 per cent.
Balance taxable	5 per cent	6 per cent.
Surtaxes:		
On net income in excess of—		
$10,000 and not of $14,000	1 per cent	1 per cent.
$14,000 and not of $16,000	2 per cent	2 per cent.
$16,000 and not of $18,000	3 per cent	3 per cent.
$18,000 and not of $20,000	4 per cent	4 per cent.
$20,000 and not of $22,000	5 per cent	5 per cent.
$22,000 and not of $24,000	6 per cent	6 per cent.
$24,000 and not of $26,000	7 per cent	7 per cent.
$26,000 and not of $28,000	8 per cent	8 per cent.
$28,000 and not of $30,000	9 per cent	9 per cent.
$30,000 and not of $34,000	10 per cent	10 per cent.
$34,000 and not of $36,000	11 per cent	11 per cent.
$36,000 and not of $38,000	12 per cent	12 per cent.
$38,000 and not of $42,000	13 per cent	13 per cent.
$42,000 and not of $44,000	14 per cent	14 per cent.
$44,000 and not of $46,000	do	15 per cent.
$46,000 and not of $48,000	15 per cent	16 per cent.
$48,000 and not of $50,000	do	17 per cent.
$50,000 and not of $52,000	16 per cent	18 per cent.
$52,000 and not of $56,000	do	19 per cent.
$56,000 and not of $58,000	do	20 per cent.
$58,000 and not of $60,000	do	21 per cent.
$60,000 and not of $62,000	17 per cent	Do.
$62,000 and not of $64,000	do	22 per cent.
$64,000 and not of $66,000	do	23 per cent.
$66,000 and not of $68,000	do	24 per cent.
$68,000 and not of $70,000	do	25 per cent.
$70,000 and not of $74,000	18 per cent	26 per cent.
$74,000 and not of $76,000	do	27 per cent.
$76,000 and not of $80,000	do	28 per cent.
$80,000 and not of $82,000	19 per cent	29 per cent.
$82,000 and not of $84,000	do	30 per cent.
$84,000 and not of $88,000	do	31 per cent.
$88,000 and not of $90,000	do	32 per cent.
$90,000 and not of $92,000	do	33 per cent.
$92,000 and not of $94,000	do	34 per cent.
$94,000 and not of $96,000	do	35 per cent.
$96,000 and not of $100,000	do	36 per cent.
$100,000 and not of $200,000	20 per cent	37 per cent.
$200,000 and not of $300,000	do	38 per cent.
$300,000 and not of $500,000	do	39 per cent.
Over $500,000	do	40 per cent.
Earned income:		
Credit of 25 per cent, not in excess of	$20,000	$10,000.
(First $5,000 deemed to be earned)	Same	Same.

This bill also carries a great reduction in the estate tax, reducing the maximum from 40 per cent to 20 per cent, as shown by the estate-tax schedule which I insert:

Estate tax

	H. R. 1	Act of 1924
Exemption	$50,000	$50,000
Rates:		
Amount not in excess of $50,000	1 per cent	1 per cent
Amount in excess of—		
$50,000 and not of $100,000	2 per cent	2 per cent
$100,000 and not of $150,000	3 per cent	3 per cent
$150,000 and not of $200,000	do	4 per cent

Estate tax—Continued

	H. R. 1	Act of 1924
Rates—Continued.		
Amount in excess of—Continued		
$200,000 and not of $250,000	4 per cent	4 per cent.
$250,000 and not of $400,000	do	6 per cent.
$400,000 and not of $450,000	5 per cent	Do.
$450,000 and not of $600,000	do	9 per cent.
$600,000 and not of $750,000	6 per cent	Do.
$750,000 and not of $800,000	do	12 per cent.
$800,000 and not of $1,000,000	7 per cent	Do.
$1,000,000 and not of $1,500,000	8 per cent	15 per cent.
$1,500,000 and not of $2,000,000	9 per cent	18 per cent.
$2,000,000 and not of $2,500,000	10 per cent	21 per cent.
$2,500,000 and not of $3,000,000	11 per cent	Do.
$3,000,000 and not of $3,500,000	12 per cent	24 per cent
$3,500,000 and not of $4,000,000	13 per cent	Do.
$4,000,000 and not of $5,000,000	14 per cent	27 per cent.
$5,000,000 and not of $6,000,000	15 per cent	30 per cent.
$6,000,000 and not of $7,000,000	16 per cent	Do
$7,000,000 and not of $8,000,000	17 per cent	Do.
$8,000,000 and not of $9,000,000	18 per cent	35 per cent.
$9,000,000 and not of $10,000,000	19 per cent	Do.
In excess of $10,000,000	20 per cent	40 per cent.
Credit:		
Amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, not in excess of	80 per cent	25 per cent.

It grants the old exemption of estates up to $50,000 and increases the per cent to be paid to the State in which the deceased resided from 25 per cent to 80 per cent, so that the State would get 80 per cent of the tax paid as inheritance instead of 25 per cent, thereby giving those States which so regulate themselves by legislation a very large additional income from this source of inheritance tax; this should enable them to relieve somewhat the burden of taxation now levied upon the real estate in the various States and cities of the Union. Certainly we all hail with delight this feature of the bill, as it will relieve to some extent the heavy burden now borne by the home owners, the farmers, and others who are owners of real estate, because certainly both the local assessment and tax rate are excessive and burdensome upon all our people. It ought also to help us in the construction of good roads, building of schools, and other internal improvements if we would have our States keep abreast with the times and with the progress and prosperity of these modern days.

I think it would have been wise to leave this estate tax entirely in the hands of the various States of the Union, but inasmuch as the States of Florida and Alabama and the District of Columbia have no estate tax the committee could not see its way clear to entirely sweep it from the statute books. It is a revenue which should be received by the States, and which I believe will eventually be done.

The gift tax and the publicity clause practically have both been swept from the statute books under this bill; certainly the gift tax has not been a success. As to the publication clause, there is a wide divergence of opinion, but manifestly no real, substantial benefit has been shown to have emanated from the enactment of this section.

EXCISE TAXES

This reduction is most important to business in general, and particularly to the automobile industry. I append a schedule thereof:

Excise taxes

Section of revenue act of 1924		H. R. 1	Act of 1924
600(1)	Automobile trucks and automobile wagons	Repealed	3 per cent.
600(2)	Other automobiles and motor cycles	3 per cent	5 per cent.
600(3)	Tires, inner tubes, parts, or accessories	Repealed	2½ per cent.
600(4)	Cameras, weighing not more than 100 pounds, and lenses for same.	do	10 per cent.
600(5)	Photographic films and plates (other than moving-picture films and other than X-ray films and plates).	do	5 per cent.
600(6)	Pistols	10 per cent	10 per cent.
	Other firearms and shells and cartridges	Repealed	Do.
600(7)	Cigar or cigarette holders and pipes, composed wholly or in part of meerschaum or amber, and humidors	do	Do
600(8)	Coin-operated devices	do	5 per cent.
600(9)	Mah-jongg, pung chow, and similar tile sets	do	10 per cent.
602	Works of art, sculpture, etc	do	5 per cent.
604	Jewelry, etc., sold for amounts in excess of $30 and watches sold in excess of $60.	do	Do.

The bill is of great benefit to business because of the great reduction made in excise taxes upon automobiles; for instance, automobile trucks and automobile wagons, inner tubes, parts, and accessories have been entirely removed from taxation; other automobiles and motor cycles have had tax reduced from 5 per cent to 3 per cent. Photographic films and plates, moving-picture films, X-ray films, and so forth, have been relieved of all taxation; works of art, sculpture, and so forth, have been relieved of taxation. When we realize that automobile trucks, automobile wagons, and pleasure automobiles and their accessories have been relieved of $82,400,000 in taxes, we can readily see to what extent this very important industry and the users of automobile trucks, and so forth, will be benefited under this act. There has at times been complaint about taxation of yachts, pleasure boats, motor boats, sailboats, and so forth. They are now subject to heavy taxation, but under this bill domestic-built boats are entirely relieved of taxation, and those of foreign build remain subject to the same taxation which existed under the old law. This provision should help the builders of craft in our own land.

STAMP TAX

I am sure it will be a great relief to the purchasers of real property that under schedule A (5) conveyances of land, tenements, or other realty granted, assigned, transferred, or conveyed are entirely relieved from the stamp tax. This will be of great advantage to lawyers, conveyancers, and those purchasing and selling property. It has not only been a nuisance, but a heavy burden on the moderate purchaser of a home; then, too, proxies for voting and power of attorney are relieved of stamp taxes.

While this bill shows a reduction of some $325,000,000 in taxation, it must be remembered that directly not 5,000,000 people in the whole United States pay income taxes, and that under this bill the number will be reduced below 2,500,000, so that when you speak of the direct payment of income taxes it really affects substantially a very few people in a country of 115,000,000 of souls. While it is a great pleasure and benefit to have this income tax and the other taxes which are reduced in this bill reduced to this great extent, what really plays the greatest hardship upon all the people of the land is not the income tax nor the estate tax or stamp tax, or whatever it may be as provided under this revenue bill, but it is that great octopus tax which we know as tariff taxation, which reaches down into the humblest home and up to the richest and mightiest of our land; this taxes from the infant in the crib to the multimillionaire in his mansion. The Fordney-McCumber Tariff Act contains a higher schedule of taxation than any legislation which has ever passed the United States Congress.

It has constructed a wall around our Government which prevents any competition from without and enables the manufacturer and merchant to advance prices so high and so burdensome that it has become a menace to the health and happiness of our people. It taxes the very necessities of life, those things upon which we do feed and live and move and have our being. It has made commodities so high that persons of even moderate means finds it difficult to obtain sufficient revenue whereby to live in a healthful and sanitary condition. When we speak of the income taxes, excise taxes, and so forth, provided in the bill under discussion we know that every cent paid goes into the Treasury of the United States and is used in the upkeep of our Nation; but when we pay some half million dollars in tariff taxes into the Treasury of the United States we know that this merely enables the great producers of the country to advance their prices, whereby they put into their pockets some four billions in profits. If this entire $4,500,000,000 went into the Treasury and was used to sustain the Government, we might be willing to bend our backs and bear the burden with greater ease, but when we know that only a small portion goes into the United States Treasury and the balance into the possession of those who do not really need it, we then feel that it is high time while reducing other taxes to reduce those which affect the stomachs and backs of our people.

While our people are prosperous, wages high, and money usually plentiful, while prices at the stock market soar and realty values are abnormally high, we can manage to get along; but if with the tariff tax as it stands to-day we should experience one of those lean periods, certainly the American people would become great sufferers from this extortion.

I sincerely hope that the American people will wake up to their rights; that they will no longer allow their minds and attention to be diverted by the mere reduction of a tax which affects only some two and a half million of our people out of the great population of 115,000,000. Under the Underwood

bill we relieved most of the necessities of life from all taxation and reduced other articles to a very great extent. Our country was at the same time happy, prosperous, and contented, but under the Fordney-McCumber tariff practically everything is assessed.

Senator Raynor, of Maryland, used to extol the fact that "divi-divi" was on the free list in the Payne-Aldrich tariff. I heard a story: It was said that the home of a prominent Senator from Kansas had been burned, and he went out to see what damage had been done. He found that the home and all the outbuildings had been destroyed, and wired back to his wife, saying:

Home and all outbuildings have been burned, but, thank God, we have saved the well.

It looks to me as though everything from the cradle to the grave has been heavily taxed in the Fordney-McCumber tariff bill. I can voice the words of the Senator in saying, "Thank God, we have saved divi-divi on the free list."

I also find on the free list manna, asafetida, broken bells, gallnuts, dried blood, insect eggs, cuttlefish bone, dried insects, fish skins, fossils, leeches (I hope the fossils and leeches will not injure our own industry), loadstones (something attractive), skeletons, and spunk—I am glad to see they have allowed "spunk" to come in free, and I verily believe the people of the country will have sufficient "spunk" to force the revision downward of this iniquitous tariff tax and give relief to the 115,000,000 of people so sorely oppressed by its octopus operation. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I would like to see at this time if it is possible to reach an agreement upon a time for closing debate on this matter. I will ask the Chairman that all debate on the paragraph and all amendments thereto close in 27 minutes.

Mr. RAINEY. I hope the gentleman will not make that request. There are not many controverted points in this bill that will require much time.

Mr. GREEN of Iowa. I am trying to give everybody all the time that they desire.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 27 minutes. Is there objection?

Mr. RAINEY. I have no objection.

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] is recognized for 10 minutes.

Mr. HULL of Tennessee. Mr. Chairman, this subject has been debated so often in committee and in Committee of the Whole House that I do not feel disposed to cover the ground but a little further, so far as I am concerned. It has been my judgment from the beginning that it would be more logical and reasonable to permit the surtax maximum to rest for the present at 25 per cent in this bill. I say that for two reasons: One has reference to the general structure of the bill, as we are undertaking to arrange it, and the other has reference to the revenue necessities. The gentleman from Arkansas [Mr. OLDFIELD] has discussed the first reason.

Some gentlemen have referred to the fact that this is a peace-time revenue law. I imagine that the 4,000,000 persons who will be called upon to pay near $68,000,000 auto tax imposed during the war, and directly for war purposes, will hardly agree with that statement. I imagine those who pay $28,000,000 admission taxes will scarcely be able to realize that we are yet on a permanent peace-time basis. In other words, gentlemen, we have sharply raised the question of whether it is wise and sound to rush our permanent tax laws to a peace level before we have first removed the temporary war taxes.

For that reason, as a matter of good economic policy, I have sought to prevail on my colleagues in and out of the committee to allow us to so reduce and adjust our income-tax system and its rates that we would be able, before placing it entirely on a permanent level, to remove the temporary war taxes. I am convinced that that is sound.

In addition to that I would hesitate on my own volition to represent to this House that those with incomes that would be subject to 25 per cent surtax are actually demanding the 20 per cent extra measure of relief in view of the revenue circumstances as they confront us here.

I believe that there are very few in America with incomes subject to the proposed 25 per cent maximum rate who would not welcome that measure of relief at this time and so meet the revenue exigencies to which I have referred. If I thought that the end of the internal-revenue tax controversy would be reached with the passage of this bill, I would be much more agreeable as to its objectionable features. But after the passage of this measure we will find a demand for further relief—not so much from the middle fellow, because he is helpless; he is wedged in between the bottom and the top, and during the next 5, 10, and 20 years you will see a constant controversy between those at the top and those at the bottom still further to readjust their income taxes. In 1924 it was chiefly political confusion, so that there was but slight chance for individual action or utterance.

The future of the income tax of this country, as I conceive it, depends on the cooperation of those who honestly believe in progressive taxation and at the same time a fair, reasonable, and equitable graduated system of taxation according to ability. If the future of this system is left to those who come here primarily interested in certain groups at the top and certain groups at the bottom and certain groups elsewhere, then the future of this great system is precarious. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I will take 10 minutes. Mr. Chairman, debate on these two amendments has been, practically, divided into two objections to the provisions of the bill. The first is to that provision in the bill that limits the maximum surtax to 20 per cent. The second is to the fact that the incomes from $10,000 up to $44,000 pay the same rate of surtax.

I do not care to go at any length into the objections which may have been made to the maximum surtax of 20 per cent. The gentleman from New York [Mr. MILLS] in general debate went over very fully the reasons why that was done. But I want to say this to the Republican Members that no one who sits at my left can have any fears about being consistent in voting for this provision of the bill, even though he voted for the 40 per cent surtax in the bill of 1924. There is a vast difference in voting for the 20 per cent surtax now, when incomes up to $4,000 have been, in most cases, relieved from any tax whatever, than there was at that time, when the proposal was to take off 50 per cent from the large incomes and only 25 per cent on incomes of a small amount.

I want now to dispose once for all of the claim that we have not treated fairly the men with incomes from $10,000 up to $44,000. I take it that every gentleman in this House believes in a graduated income tax. If there is any gentleman who does not, I would like to see him rise now. Assuming that we have a graduated income tax, will any gentleman say that the rates ought not to be graduated uniformly and evenly?

Mr. HASTINGS. Mr. Chairman, will the gentleman yield for a question?

Mr. GREEN of Iowa. Let me finish, and I will be very glad to yield a little later on. Is there any gentleman who will say that the rates ought not to be graduated evenly and uniformly from the lowest rate to the top? If we fix the maximum rate at 20 per cent, ought not the rates to be graduated evenly and fairly from the lowest up to the 20 per cent? I do not know how any gentleman can escape from that conclusion.

The claim is that while we have made these gradations uniform and even that we have not given sufficient reduction to those men who have incomes from $10,000 up to $44,000. If any gentleman cares to turn to the tables found on pages 48 and 49 of the report and will examine the reductions that have been given these parties, he will see that instead of having received no reduction, as has so often been stated in this debate, they have received a most liberal reduction. Take the man with an income of $10,000. Under the act of 1924 he pays $165. Under the present bill his total tax is $101.25. He therefore gets a reduction of $63.75, over one-third. Will any gentleman say that when a reduction is made of over one-third in a tax that we are not making a liberal reduction to the party so affected? Turn to the man with an income of $15,000. Under the act of 1924 he paid $515. Under this bill he pays $311.25, a reduction of $203.75, a reduction of considerably over one-third in his case. Does any gentleman say that is not a reasonable reduction, that it is not fair, that we are doing nothing for the man with an income of $15,000? I say that we are doing all that we ought to do and possibly more. Turn again to the man with an income of $20,000. Under the previous act he paid $975. Under this bill he pays $618.75, a reduction of $356.25, a reduction again of more than one-third. Is not that sufficient?

The gentleman said that the reason these men did not get any more reduction was because we limited the maximum surtax to 20 per cent. It had absolutely nothing to do with it. These men did not get any more reduction because we were giving them reduction enough, certainly a fair and reasonable

and proportionate reduction, grading the taxes by regular and even differences and percentages as the rates applied to the higher incomes.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CONNALLY of Texas. I generally agree with the gentleman from Iowa. He announces the doctrine of gradual increases—gradations all the way up. Why stop arbitrarily at $100,000? Why should not those rates be so fixed as to lower the surtaxes on the $40,000 income and the $20,000 income, and increase those on incomes above $100,000?

Mr. GREEN of Iowa. If we had raised the limit over $100,000 and kept the maximum surtax at the same rate, it would simply have increased the inequality that some gentlemen complain about, because those gentlemen do not want the $100,000 income given larger reductions.

Mr. CONNALLY of Texas. But you need not have retained the present maximum. You could have decreased it and carried the maximum above $100,000. The man who has an income of $200,000, on his second $100,000 pays the same graduated rate as the man with $5,000,000. Please explain to me the philosophy of stopping at $100,000.

Mr. GREEN of Iowa. I do not understand the gentleman's question. We had to stop somewhere, and the committee thought that a man with an income of that amount ought to pay 20 per cent on the excess above it.

Mr. CHINDBLOM. If I may be permitted, if we had raised the maximum, for instance, for the 20 per cent from $100,000 to $200,000, we would have reduced the amount of the tax.

Mr. GREEN of Iowa. Of course. That is what I stated.

Mr. CHINDBLOM. We would have reduced the revenues.

Mr. DAVEY. Who was it that made the figure 20 per cent so sacred?

Mr. GREEN of Iowa. Nobody made that figure sacred. Let me say to gentlemen on the Democratic side—to those who refused to vote for the constitutional amendment forbidding the further issue of tax-exempt securities and thus afforded a haven of refuge to men of large income, so that if they chose they would not have to pay anything, and in many instances actually do not now pay anything; that it comes with very bad grace from them to now complain because we have reduced the maximum surtax in order to induce men to take money out of tax-exempt securities and put it into a business the income from which is taxable. The 20 per cent limit is, of course, an arbitrary figure, but the majority of the committee believed that by making the maximum 20 per cent men with great incomes would be induced to take their investments out of tax-exempt securities and put their money into active business where it would return to the Government a higher revenue than it does now under the present high rates.

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired. The question is now on the substitute of the gentleman from New York [Mr. LAGUARDIA] to the amendment of the gentleman from Illinois [Mr. RAINEY].

Mr. EDWARDS. Mr. Chairman, may we have that substitute read, as many of us do not know what it is?

The CHAIRMAN. Without objection, the Clerk will again report the substitute.

There was no objection, and the Clerk again reported the substitute.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 24, noes 266.

So the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 101, noes 190.

Mr. RAINEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. RAINEY and Mr. HAWLEY to act as tellers.

The committee again divided; and the tellers reported—ayes 116, noes 197.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GROSS INCOME DEFINED

SEC. 213. For the purposes of this title, except as otherwise provided in section 233—

(a) The term "gross income" includes gains, profits, and income derived from salaries, wages, or compensation for personal service (including in the case of the President of the United States, the judges of the Supreme and inferior courts of the United States, and all other officers and employees, whether elected or appointed, of the United States, Alaska, Hawaii, or any political subdivision thereof, or the District of Columbia, the compensation received as such), of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under subdivision (b) of section 212, any such amounts are to be properly accounted for as of a different period.

(b) The term "gross income" does not include the following items, which shall be exempt from taxation under this title:

(1) The proceeds of life insurance policies paid upon the death of the insured;

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract;

(3) The value of property acquired by gift, bequest, devise, or descent (but the income from such property shall be included in gross income);

(4) Interest upon (a) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (b) securities issued under the provisions of the Federal farm loan act, or under the provisions of such act as amended; or (c) the obligations of the United States or its possessions. Every person owning any of the obligations or securities enumerated in clause (a), (b), or (c) shall, in the return required by this title, submit a statement showing the number and amount of such obligations and securities owned by him and the income received therefrom, in such form and with such information as the commissioner may require. In the case of obligations of the United States issued after September 1, 1917 (other than postal-savings certificates of deposit), the interest shall be exempt only if and to the extent provided in the respective acts authorizing the issue thereof as amended and supplemented and shall be excluded from gross income only if and to the extent it is wholly exempt to the taxpayer from income taxes;

(5) The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments, or from any other source within the United States;

(6) Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received, whether by suit or agreement, on account of such injuries or sickness;

(7) Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, or income accruing to the government of any possession of the United States or any political subdivision thereof.

Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, prior to September 8, 1916, entered in good faith into a contract with any person the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

(a) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia; and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the commissioner with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year.

(B) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title;

(8) The income of a nonresident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(9) Amounts received as compensation, family allotments and allowances under the provisions of the war risk insurance and the vocational rehabilitation acts or the World War Veterans' act, 1924, or as pensions from the United States for service of the beneficiary or another in the military or naval forces of the United States in time of war, or as a State pension for services rendered by the beneficiary or another for which the State is paying a pension;

(10) The amount received by an individual as dividends or interest from domestic building and loan associations, substantially all the business of which is confined to making loans to members, but the amount excluded from gross income under this paragraph in any taxable year shall not exceed $300;

(11) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation;

(12) The receipts of shipowners' mutual protection and indemnity associations, not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder; but such corporations shall be subject as other persons to the tax upon their net income from interest, dividends, and rents;

(13) In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if at the time of such distribution he is a resident of China, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him;

(14) In the case of an individual citizen of the United States, amounts received as salary or commission for the sale for export from the United States of tangible personal property produced in the United States, in respect of such sales made while he is actually employed outside of the United States, if he is so employed for more than six months during the taxable year.

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources within the United States, determined under the provisions of section 217.

Mr. GREEN of Iowa. Mr. Chairman, I offer a committee amendment, which has been sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, line 13, strike out "upon" and insert "by reason of."

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 10, strike out the period and insert a semicolon, and after line 10 insert a new paragraph to read as follows:

"(15) Amounts received by officers or employees of any State or political subdivision thereof as compensation for personal services in such office or employment, except to the extent that such compensation is paid by the United States Government directly or indirectly. For the purposes of this paragraph the terms 'officers' and 'employees' shall include individuals employed by a corporation at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State or political subdivision thereof.

"Any taxes imposed by the revenue act of 1924 or prior revenue acts upon any individual in respect of amounts received by him as compensation for personal services as an officer or employee of any State or political subdivision thereof (except to the extent that such compensation is paid by the United States Government directly or indirectly) shall, subject to the statutory period of limitations properly applicable thereto, be abated, credited, or refunded."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, this amendment is offered as a new subdivision to the one defining gross income and is designed to take care of the employees in cities who are employees of municipal waterworks, municipal gas works, municipal light plants, and the like of that. In a great many of the western cities and a number of eastern cities public utilities of that kind are owned entirely by the city. In fact, most waterworks are now municipally owned. The income-tax regulations have provided that employees of this character are not subject to the exemptions granted to other municipal employees. This brings about an acute and awkward situation in many cities. For instance, in the city of Tacoma an engineer might be employed in the sewer department at a salary of $6,000 a year, we will say, and be subject to no Federal tax, and let him be transferred by the city commissioners to work in the light department or in the water department, and he then has to pay the Federal tax.

Mr. McKEOWN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. McKEOWN. Has the question been tested in the courts?

Mr. JOHNSON of Washington. Yes; I think it is now pending in the courts. I think lawyers will understand—I am not a lawyer—there is a division as to the two classes of city employees, and it strikes me as an inequity that a distinction is made as a result of the rules rather than of the law. The provision I offer corrects this. It will apply in most cases to the men ordinarily with small incomes. The gross amount affected by this amendment will not amount to very much. It cures an inequality which I would like to see changed. It is not a case of creating a new exempted class, but of making uniform the exemption. The courts agree that we can not tax State or city employees.

Mr. WEFALD. If the gentleman will permit, I would like to ask why these employees have been discriminated against?

Mr. JOHNSON of Washington. I will not call it exactly a discrimination, as it is a matter of regulation, and the reason is this: There seems to be two kinds of employees of a city. Certain departments are recognized as pure city functions, such as the fire department.

The fire department is a legal and fundamental city activity. If that department runs down and kills somebody the city can not be sued. In the other kinds of activities are such as the water or the gas works, and these are considered an added activity. The department has held that an added activity is not, strictly speaking, a full municipal activity. I think this House now should recognize the equity in the case and make the same exemption apply to all city employees. Under the Constitution we can not tax city employees of the class I have mentioned, like the fire department. They are exempt. City waterworks employees, however, must pay a Federal tax if their salaries are large enough. Now, I do not believe that the House of Representatives, when it understands the situation, desires to do this. The tax law heretofore has not spoken on the subject. This amendment is not a violent attack upon the bill, but merely makes a minor change for purposes of equity.

Mr. FREDERICKS. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes.

Mr. FREDERICKS. Suppose a city owns and operates a railroad; that it employed on that railroad conductors, motormen, men who lay the tracks and keep the operation in repair; they will have the exemption?

Mr. JOHNSON of Washington. This new tax law is such that it will take a considerable income to reach the exemption. Suppose a city had a civil engineer and takes him from one civic activity where he is exempt and transfers him to another civic industry where he is not exempt. Is it fair? Now, just a minute before my time expires.

Mr. McKEOWN. The bonds of that same company would be exempt.

Mr. JOHNSON of Washington. That is true, and that is an argument for the change. Further, those interested in these cases pending in very many cities are asking the Federal Government to collect the income taxes for several years back from these employees, and very few of those are able to pay back taxes.

I had thought that if this amendment, which is germane, should be put into the bill by the vote of this Committee of the Whole, I would then offer an amendment which might be subject to a point of order, attempting to exempt the employees of this kind from the payment of back taxes. I withhold that, however, until we see the result on this amendment, which I hope will be adopted.

The CHAIRMAN. The gentleman from California [Mr. FREDERICKS] is recognized for five minutes.

Mr. FREDERICKS. Mr. Chairman and gentlemen, I am opposed to this amendment. I have received, I suppose, two or three thousand letters, sent by public-service employees of my district, asking me to so vote as to assist in exempting them from paying income taxes.

The city of Los Angeles, part of which I have the honor to represent, owns and operates an electric-lighting system which furnishes electric light for more than one-half of the city, and operating right alongside of that is a lighting system which is owned, say, by the Los Angeles Gas & Electric Co. Here is one set of employees going out and reading meters, doing the same work as another set of employees are doing. One is taxed and the other is not.

Suppose the manager or the president of that electric-light system, which is owned and operated by the city of Los Angeles, receives a salary of $10,000 or $15,000 a year for managing that electric-light system. He would be exempt from income taxation, while the manager of the electric-light system doing business right alongside of him would, under the amendment offered

by the gentleman from Washington [Mr. JOHNSON], be required to pay an income tax.

I say to you, gentleman, this is one of the inequities that is growing up in this country as the result of municipal ownership. When the time comes, if it ever does, when the railroads and the electric lighting plants and street railroads of our city are owned and operated by the Government and their employees taken out from the payment of taxes and their salaries fixed by law you are going to have a very busy time dodging their propaganda.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. SCHNEIDER. Just how many employees would be compelled to pay this tax?

Mr. FREDERICKS. Just as many as are employed by a company owned privately.

Mr. SCHNEIDER. That would be the case under this bill?

Mr. FREDERICKS. Yes.

Mr. McKEOWN. The bonds of municipal plants are not taxed, are they?

Mr. FREDERICKS. No.

Mr. McKEOWN. The gentleman is willing that their bonds should be not taxed?

Mr. FREDERICKS. No; I am not willing for their bonds to be not taxed.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. CONNERY. Does the gentleman think it just and equitable for the mayor of a city or the city clerk or other officials to be exempt from taxation, and then when you come to the water commissioner and employees in the water department that they should be taxed?

Mr. FREDERICKS. The mayor and his associate officials are engaged in a public function. The man doing his work under a public-service corporation in tamping ties, or in punching tickets, or in running a railroad, or in reading electric-light meters is doing the same thing that his brother is doing and is taxed for on the other side of the street. He is not engaged in a government function at all.

Mr. CONNERY. It is a governmental function just the same, is it not?

Mr. FREDERICKS. You can not make it a Government function except by fiat, by arbitrary declaration.

Mr. JOHNSON of Washington. Take the case of a wharf, a public wharf on the waterside owned by a city, which is operated by the municipality in competition with a privately owned wharf. What then?

Mr. FREDERICKS. Yes. We have such a situation there in my city. There the city men are asking to be exempted from the payment of their taxes. Right alongside of them are men doing exactly the same kind of work at the same rate of wages, and they are required to pay taxes. What reason is there in logic or justice why a man who gets his pay from the city or county should not pay his taxes? Is there any halo around his head?

The fact that city employees are exempt from Government income tax is not a right, a personal right. It is simply because the Government is not allowed by law to place a tax on them, and this inhibition should go no further than is absolutely necessary. By all that is right and fair, city employees should be taxed as others are, and would be, as we are, if it could be done.

Mr. McSWAIN. John Marshall is against it. That is the logic.

The CHAIRMAN. The time of the gentleman from California has expired. The gentleman from Arkansas [Mr. WINGO] is recognized for five minutes.

Mr. WINGO. Mr. Chairman, the gentleman who has just addressed the committee is evidently a very able lawyer. The only answer I want to submit to his statement is that he has made a conclusive argument in favor of the amendment offered by the gentleman from Washington [Mr. JOHNSON]. He contends that it will build up a discrimination between two groups of men doing identically the same kind of work. The object of the amendment offered by the gentleman from Washington is to do away, so far as possible, with this discrimination among public employees.

He gave the illustration of a superintendent of an electric-light plant. I will give you another illustration. I know a man who is a city waterworks commissioner, drawing $5,000 salary. His duties are allocated, and he has charge of this public utility. The gentleman talks about the logic of the situation. The exemption of these public employees of the State and municipalities is based upon the old, unanswerable argument that the power to tax is the power to destroy, and that the Congress or the Federal Government can not tax these agencies of the city or the municipality.

Now, let us see what you have. Under a strained construction of the Treasury and by the courts you have this man, receiving $5,000, the commissioner, getting exemption from the tax; and sitting across the table from him—I see him now, and he is really doing the work—is the clerk of the water system of the city, and the Treasury says "No." He is supposed to have a public position, and is supporting his family. The Treasury says, "We will exempt the boss, but the man who does the work is not exempt." These city employees are just as much city employees as is the city council or the mayor or an employee of a local or political unit of the State or county now exempt; and yet that fellow and all his fellow employees are taxed.

The object of the amendment offered by the gentleman from Washington is to remove that inequality which the gentleman from Los Angeles says he wants not to build up because it is vicious. The power to tax is the power to destroy, and for that reason, a fundamental reason, we do say that where there is a city official engaged in a business which competes, as must be the case in these matters, with privately owned utilities, it is a question not of competition, but a question resting upon the sound proposition that the Federal Government must not lay its hand in the way of taxation upon any agency of the State or municipality.

Mr. FREDERICKS. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. FREDERICKS. My colleague pays a tax as Congressman, and the President of the United States pays a tax. What is the difference between the character of my colleague's governmental employment and the character of the governmental employment of the mayor of his city, who does not pay a tax?

Mr. WINGO. As a lawyer my colleague ought to know that I am a Federal official while the mayor is a city official. The Federal Government has no right, much less power, to tax the officials of a State, or of a municipality or any other official of a State.

Mr. JOHNSON of Washington. And the courts have so decided.

Mr. WINGO. Yes; the courts have so decided.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. GARRETT of Tennessee. It has always been my impression that the reason we exclude the salaries of State officials from taxation is because of the provision which is in the constitutions of most States, I think, providing that the salaries of certain officials should not be decreased during the time they were in office.

Mr. WINGO. That is one reason. I repeat the old legal axiom, the power to tax is the power to destroy. You let me control the tax policy of the Nation and you can fix your standing armies and you can select every official you want to, because the power to tax is the real power in an industrial nation. We can decrease the salaries of these local officials by a tax measure that will be fair on its face and uniform in application, yet destroy entirely his emoluments of office.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. SABATH. Mr. Chairman, the gentleman from Arkansas has answered the gentleman from California [Mr. FREDERICKS], and therefore it is not necessary for me to make an effort to do so.

I am, indeed, pleased that I can support the amendment offered by the gentleman from Washington [Mr. JOHNSON]. We are not together at all times, but I hope in the near future we shall be. I am with him in his effort to bring about the elimination of this unfair discrimination. It is not intentional, but still it is a discrimination.

Now, the gentleman has given you an illustration as to the employees in his city. The city of Chicago, which I in part represent, is fortunate enough to own its own waterworks. We have several thousand men employed, and we have thousands of others employed in other departments. All those in other departments are exempt, but those who happen to be doing the hardest work in the water department are not, but are obliged to pay tax. I have always thought it was manifestly unfair that this discrimination or oversight should have remained so long, and I am, indeed, pleased that the gentleman has offered his amendment, which I hope will be carried.

Mr. STEVENSON. Mr. Chairman, the gentleman from California [Mr. FREDERICKS] asked the gentleman from Arkansas [Mr. WINGO] if his salary as a Member of Congress was not taxed. Yes; that is correct; it is taxed. But by whom is the salary taxed? By the same sovereignty he serves. Congress

taxes a Congressman's salary and the Federal Government is laying its hands upon the salary of a Federal officer. But you let the State of California undertake to levy a tax on the gentleman's salary as a Congressman and you will hear a howl that will run around the whole country. [Applause.]

It is the principle laid down by Marshall that my friend from South Carolina [Mr. McSWAIN] referred to a while ago, that one sovereignty shall not have the right to lay its hands upon the instrumentalities of government of another sovereignty. The two sovereignties exist here, and each one has its sphere, its functions, and its powers, but neither government can lay its hands upon the functions of the other by way of taxation or otherwise. If the Federal Government should undertake to tax the other sovereignty, it would then have the right to embarrass and destroy the State government in all of its ramifications, and there is nothing better settled than the fact that municipal officers are officers of the State for purposes of government.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MORTON D. HULL. Why should that exception be carried any further than it has to be carried? Why should we go any further than we have?

Mr. STEVENSON. The gentleman says "any further than we have." Then that brings it down to this: Are you going to be unjust when you come to deal with these subordinates? The gentleman from Washington [Mr JOHNSON] has very candidly stated to you that it is an injustice to these other people, because we do not tax the mayor and other high officials, but we do tax the subordinates. However, I am not prepared to admit that we have a right to tax even the subordinate officers, and some of these days you will get a decision from the Supreme Court which will probably knock out that feature of your taxation system.

Mr. BYRNS. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BYRNS. It is a plain discrimination against one class of city employees throughout the country where the city owns its waterworks, and that is something which the amendment offered by the gentleman from Washington seeks to correct.

Mr. STEVENSON. Yes; and have more equal taxation.

Mr. ARENTZ. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. ARENTZ. What about a man who takes a contract on a cost-plus 10 per cent basis for a State or county? He is working just as much for the State or county as a man who is working on a salary.

Mr. STEVENSON. Yes, sir; he has a cost plus 10 per cent contract; but he is an independent contractor, and he can work or he need not work, just as he sees fit. He can take a contract or he need not take a contract. It is a matter of contract between him and the municipality as to what he gets; but when a man takes the office of water commissioner, for instance, of a city, the salary is fixed for that office by the ordinance of the city or the law of the State, and he has got to take that salary, and if you take a part of it you have interfered with the power of the State to control its own business.

Mr. DENISON. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. DENISON. I think in some of the States—or at least I have heard so—the States have gone into the business of running elevators and banks. Does the gentleman think the employees of these elevators and banks ought to be exempted?

Mr. STEVENSON. That question is not up. I have always found it is better to discuss the question which is before us, and this amendment does not reach that. They are not instruments of government. Those are all semicommercial businesses, such as the State of South Carolina went into when she undertook to sell liquor, and the Supreme Court said that we had to pay a tax on that because it was not a governmental function but an effort to conduct a business usually denominated mercantile; but handling the water system of a city is a governmental function, and you have a right to have them exempted.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. GREEN of Iowa. I would like to say to the gentleman from South Carolina that the gentleman is entirely mistaken as to the extent to which this amendment goes. It would apply to such elevators and banks.

Mr. JOHNSON of Washington. Before a vote is taken, Mr. Chairman, I would like to have the amendment rea'.

Mr. HUDDLESTON. Mr. Chairman, the gentleman from California [Mr. FREDERICKS] came very near convincing me that I ought to vote for this amendment. It was only by taking refuge in principle I was able to defend myself against his argument. [Laughter.]

I remember how the gentleman from Iowa [Mr. GREEN] led an effort to amend the Constitution so as to restrict exemptions from income taxation based upon the source from which the income is derived, and that I supported his efforts. We were unsuccessful; but undoubtedly we stood for a sound principle. Exemptions should belong to the individual because of some right, quality, or need in him and not to the nature or source of the income itself. Incomes should not be tax-exempt because of the source from which they are derived. That principle is of universal application.

An officer, neither of State nor of the Federal Government, should be permitted to draw a salary and claim exemption merely because it is an officer's salary, nor should holders of public securities, whether State, municipal, or Federal, be permitted to draw their interest earnings and refuse to contribute anything to the Government that gives them protection and enables them to draw the income.

Let us apply this principle to the amendment of the gentleman from Washington [Mr. JOHNSON]. He proposes to still further extend the vicious privilege of exemption, and the only argument in favor of it is that the income is derived indirectly from the State or the municipality. That is absolutely the only argument, and that, it seems to me, is an argument which defeats itself.

EXEMPTIONS HATEFUL IN PRINCIPLE

I regard his proposal as being of itself a discrimination. Discriminations of all kinds are hateful, particularly discriminations in taxation, and certainly we ought not carry this evil principle still further. Rather should we go back to fundamentals and strike down all exemptions granted because of the source from which the income is derived. [Applause.]

Mr. JOHNSON of Washington. Will the gentleman now yield?

Mr. HUDDLESTON. I yield, if I have any time left.

Mr. JOHNSON of Washington. Inasmuch as we can not correct either of the two things of which the gentleman complains in this bill, why should we go on and fail to support an amendment that will prevent part of city employees from being free of this tax and the other part not free from it?

Mr. HUDDLESTON. Did the gentleman support the amendment which had for its purpose the taxation of income derived from public securities? If so, his position is absolutely inconsistent, because now he is trying to extend the principle of exemption still further.

Mr. GREEN of Iowa. If the gentleman will yield, the gentleman is quite correct. This will not remove discrimination, but will simply increase discrimination.

Mr. HUDDLESTON. Indeed, it will increase discrimination. What about the neighbor living alongside of this city employee, who works just as hard at the same kind of work and gets no more salary; why should a man merely because he happens to work for a public utility corporation, though owned by a city, enjoy a benefit which other citizens do not enjoy?

Mr. JOHNSON of Washington. Does the gentleman favor exempting one-half of the people and not the other half who are doing exactly the same kind of work?

Mr. HUDDLESTON. I would correct that situation by striking down all tax exemptions based on source of income and not by aggravating by carrying it still further, but the gentleman wants us to carry this evil principle still further and raise up a worse discrimination among people who do the same kind of work. We refrain from taxing the incomes of State and city officials because of the holding that the Constitution forbids it. The gentleman's amendment would carry this benefit to classes who are admittedly not protected from payment by the Constitution.

DIVIDED ON A FALSE ISSUE

The argument of the gentleman from California [Mr. FREDERICKS] and replies which have been made indicate that Members are reacting toward the amendment on the basis of whether they favor municipal ownership of public utilities. Those who oppose municipal ownership appear to wish to strike at it by taxing the wages of employees. Those on the other side of that issue seem inclined to support the amendment on the thought that it will tend to promote municipal ownership. I submit to both sides that the amendment should be tested by principle and not by its bearing on municipal ownership. There are sound principles of taxation by which all proposals should be tested. There is a principle based on sound public policy for the testing of this amendment, and

that is that the source from which property is derived should not control whether it should be subjected to taxation.

It is fundamental that taxes should be levied with equality upon property of the same kind and without discrimination on account of its origin, and that exemptions, if any, should extend, not to the property itself but to the individuals owning it. Any other rule inevitably leads to injustice. This rule is particularly applicable to taxes on incomes, as was recognized by the sixteenth amendment, which provides that taxes may be laid "on incomes from whatever source derived." Everyone supposed that this rule had been finally established by the sixteenth amendment until the Supreme Court decided that it was not applicable to salaries of public officers and incomes from public securities.

THE ONLY MORAL JUSTIFICATION FOR TAXATION

It is also fundamental that the only moral excuse for taxation is that taxes are to be regarded as payment for benefits derived from organized government and that the necessary expenses of government should be apportioned among the taxpayers in the ratio in which they derive such benefits. This principle operates to relieve the poor and to place the burdens of government upon the propertied classes, who derive the chief benefits from government and for whose protection its chief expenses are incurred. This wholesome principle is violated by any system which permits citizens to hide away vast wealth in tax-free securities and thereby to avoid payment of their share of governmental expense incurred in protecting them and their property, and to evade a burden which is rightfully theirs.

The constitutional amendment providing for the taxation of incomes derived from public securities, urged during the Sixty-eighth Congress, was faulty and inadequate—it was merely a step in the right direction. I proposed an amendment to it which would have subjected official salaries and also incomes from public securities already outstanding. My amendment would have made the constitutional provision universal in its application to incomes and would have made any discrimination impossible. It would have been confiscatory in a sense, but not different in that respect from the sixteenth amendment, which did not limit its operation to incomes from property acquired after its adoption. All laws increasing rates of taxation or taxing subjects not theretofore taxed are confiscatory in the same sense.

THE EVIL OF TAX DODGING

As a matter of public policy it is quite hurtful that profiteers and others who made vast sums out of the war should be permitted to hide their gains away in tax-free securities so as to escape paying their part of the war debt and other expenses of government. Such a situation tends to discredit our system and to undermine the faith of the people in our institutions. It promotes unrest, discontent, and other conditions tending to disorder. It is not yet too late and the situation may yet be corrected by the adoption of an amendment similar to the amendment which I proposed.

A common objection to the amendment subjecting incomes from public securities was that it would discourage States and municipalities in issuing bonds for public improvements. This was met by the answer that excessive debts were being incurred for public improvements and the amendment would tend to correct this evil. With this answer I have no sympathy. While it is true that States and cities have been imprudent in expenditures for improvements, this is a matter which the principle of self-government places within their discretion, and of which they should be the final judges.

TAX EXEMPTION COSTLY TO FEDERAL GOVERNMENT

However, it is a fact that, for the small advantage which accrues to States and cities through the nontaxable quality of incomes from their securities, the Federal Government is forced to lose in taxes an amount altogether out of proportion. I will explain. The difference in market prices between tax-free and non tax-free bonds ranges from one-half of 1 per cent to three-fourths of 1 per cent per annum. For instance, where a tax-free bond can be sold to yield 4½ per cent, the nontax-free bond can be sold to yield from 5 per cent to 5¼ per cent. For data on this point see current prices on Liberty bonds, farm loan bonds, and State and municipal bonds—which compare with standard railroad bonds, equipment trust certificates, and national-bank stocks. Income taxes are levied on a sliding scale, with rates much higher on the large incomes. To a taxpayer with $10,000 income it makes very little difference whether the bond be tax free or not. To the large taxpayers the situation is quite different. It is estimated that to a man with $500,000 income it makes a difference of 40 points whether the bond be tax free or otherwise. For instance such a man will receive the same net return from a tax-free bond bought at 140 that he would from a non tax-free bond bought at 100. To such a purchaser a State bond should be sold at 140 when he would pay only 100 for a railroad bond. Those with large incomes constitute a small class. They do not compete among themselves in buying tax-free bonds, therefore such bonds do not sell in a competitive market. They are worth to the $10,000 man little more than a non tax-free bond. To him they are not worth above a small premium. He can not afford to pay as much as the $500,000 income man. The latter has no competition except with others of similar incomes, with the result that he can usually obtain tax-free bonds for from 103 to 110 (yielding about 4½ per cent) when their value to him, because of the nontaxable feature, may run to 140. It follows that tax-free bonds are sold only to large-income men, and that because of the tax saving to him they are sold for much less than the purchaser could afford to pay.

The State or city benefits by the sale of tax-free bonds from one-half to three-fourths of 1 per cent per annum in the rate of interest paid, saving, say, 50 cents per year on a $100 bond above the rate on a nontax bond. The National Government on the other hand on each $100 tax-free bond loses some $2 to $4 annually which it might have collected as tax on the income from a taxable bond. The city saves 50 cents, the Government loses, say $3. The Government loses to the bondholder, in the exemption of his income, four to six times the benefit the city derives. The difference is gained by the bondholder at the public expense.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, in considering the amendment before the committee I do not believe it is playing the game fairly to permit fixed views in opposition to municipal operation of public utilities to decide the manner of voting on this amendment. Most of the opposition presented to the amendment offered by the gentleman from Washington is not to the gentleman's amendment, but is opposition to municipal operation of necessary public utilities.

Mr. GREEN of Iowa. Why does the gentleman say that?

Mr. LAGUARDIA. Has not the gentleman followed the argument?

Mr. GREEN of Iowa. I have, indeed, and I have not seen anything in the argument to indicate that. I am not opposed to municipal operation of public utilities.

Mr. LAGUARDIA. The gentleman from California based his whole argument on direct opposition to municipal operation of street railroads and of lighting systems. The city of Los Angeles ought to be congratulated that it has advanced so far as to have a municipal electric-light plant. I wish we had one in New York.

Mr. GREEN of Iowa. Either my friend from New York did not listen or else my friend from California was not fortunate in his expressions, because I am quite sure the gentleman did not intend that.

Mr. FREDERICKS. The gentleman did not quite grasp the deep meaning of my remarks.

Mr. LAGUARDIA. They were very deep, and that is just the point I am making. They were deep, and I really grasped the meaning, deep as it was.

Gentlemen, in New York City, a city of 6,000,000 people, we have a water-supply system owned and operated by the municipality of New York. We use 844,000,000 gallons of water a day. We have the greatest water-supply system in the whole world. Gentlemen, can you imagine what would happen to the people of New York City if that water-supply system was in the hands of the Interborough or the Consolidated Gas? Can you imagine leaving water supply to private monopoly? We employ a big staff of engineers in our water department. The New York water system requires a large staff of employees. We go way up to the Catskill Mountains for our water. We have a series of reservoirs, storing the water from two mountain watersheds. We have been able to supply water at a very small cost to the millions of consumers.

We had the example in New York City of private water companies, and in one instance the cost of water became so exorbitant that the city had to step in and take over the plant by condemnation proceedings. I can understand Members being conservative and favoring private ownership, private ownership of public utilities, but it is sure going a long way back to stand on the floor of this House and to say that water supply is not a proper municipal function. It is not doing the right thing to discriminate against a group of city employees and tax them while employees of other departments are tax exempt in accordance with the law of the land. Gentlemen, it is not because some here particularly care to discriminate against these particular employees of the city but because of the struggle that is going on in this country against the people

acquiring public utilities and operating them for their own benefit. Some gentleman may fear that in granting this exemption to city employees in water departments it may be a recognition of the principle that water supply is a proper municipal function. That principle has been established years ago. To-day the only matter which the amendment brings up is that of removing a discrimination which exists, and I dare say, because of prejudice against municipally owned public utilities, a discrimination which was visited on many thousands of helpless and innocent city employees.

Our great water system naturally requires a large staff of highly specialized engineers and assistants. These engineers are taxed under the decision of the Treasury Department, while the engineers in another department, street paving, building, and fire and other departments are exempt. The amendment offered by the gentleman from Washington has the indorsement of the Society of Waterworks Engineers of the United States.

Mr. FREDERICKS. And the majority of that society comes under this amendment.

Mr. LAGUARDIA. Yes; because American cities have advanced to the place where they can not trust private ownership.

Mr. FREDERICKS. Of course, everybody who wants the tax removed will side in.

Mr. LAGUARDIA. And every public utility who wants to get its grasp on the city will oppose it. [Applause.] This amendment will remove an unjust discrimination. There are several employees in New York City who would be relieved if this amendment is approved.

Mr. WINGO. How much water does the gentleman say New York City uses?

Mr. LAGUARDIA. About $44,000,000 gallons a day.

Mr. WINGO. I hope the gentleman will not offer that as an argument, for it is straining our credulity. [Laughter.]

Mr. LAGUARDIA. Oh, yes; we use water in New York City. You sometimes use water to make the blend. [Laughter.]

Mr. GREEN of Iowa. Mr. Chairman, I am opposed to this amendment. I think it is clear that it ought to be voted down. The law makes no discrimination; it places a tax on everybody who receives a salary above a certain amount, but under a Supreme Court decision made more than 100 years ago the officers and agents of municipalities and States are exempt. The gentleman asked me if I think these people ought to be exempt and others employed by the municipality in water plants not exempt. I answer no, but for an altogether different reason than the gentleman would give. None of them ought to be exempt, any more than the Federal employees are exempt.

Mr. JOHNSON of Washington. You can not correct it in this bill.

Mr. GREEN of Iowa. They say that under this amendment there will be no discrimination. On the contrary, it will increase discrimination. For instance, here is a lawyer employed by the city, and what he receives from the city will be exempt, while the fellow lawyer working in the same line for a private corporation or individual will not be exempt.

Mr. LAGUARDIA. Corporation counsel are exempt.

Mr. GREEN of Iowa. They hold an official position; I am talking about increasing the discrimination. If the State owns an elevator—and I think one State owns a railroad—they would be exempt under the amendment, while the great mass of men working for railroads and elevators would not be exempt. If a city owns and operates a street-car line, under this amendment the employees will be exempt, while the employees of a corporation operating a car line in another part of the city would not be exempt. Soon there would be a claim that on account of this discrimination everybody should be exempt.

Mr. STEVENSON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STEVENSON. Only those that get over $3,500 will be exempt.

Mr. GREEN of Iowa. That is true.

Mr. STEVENSON. And there are not many of them.

Mr. GREEN of Iowa. The fact that only a few would come under the amendment is no reason why we should do something that is unfair and improper. It is, however, a reason why we should reject the amendment. The general exemptions have been increased so as to take care of nearly all of the people affected.

Mr. BYRNS. Mr. Chairman, I offer an amendment to the amendment to insert after the word "corporation" in the amendment the words "conducting a public utility."

Mr. JOHNSON of Washington. May we have the amendment read as it would read with the amendment incorporated. I would be glad to accept that amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. BYRNS: After the word "corporation" in the amendment insert "conducting a public utility."

Mr. JOHNSON of Washington. Now, I ask to have the amendment read as it would read, if amended.

The Clerk read as follows:

Page 43, line 10, strike out the period and insert a semicolon, and after line 10 insert a new paragraph to read as follows:

"(15) Amounts received by officers or employees of any State or political subdivision thereof as compensation for personal services in such office or employment, except to the extent that such compensation is paid by the United States Government directly or indirectly. For the purposes of this paragraph the terms 'officers' and 'employees' shall include individuals employed by a corporation conducting a public utility at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State or political subdivision thereof."

Mr. BYRNS. Mr. Chairman, I wish to say that this amendment will relieve the objection that some gentlemen have made to the amendment of the gentleman from Washington. I think it is very clear that the law as now written and construed by the court and by the Treasury Department is a plain discrimination against city employees. As gentlemen have stated, there are many cities which own and operate their own waterworks. Men working by the side of each other at the same desk, drawing the same salary, but because one happens to be employed in the waterworks department and the other is doing other work, one pays an income tax and the other does not. I think that Congress ought to correct this inequality and this discrimination. The adoption of this amendment offered by the gentleman from Washington will do it.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. BLACK of Texas. I understand the city of Detroit—I do not know that I am correct in this—owns all of its electric lines. Does the gentleman think that all of the employees of the municipally owned lines of that great city should be exempt from the income tax?

Mr. BYRNS. Regardless of whether one thinks the employees of the city should be exempt, the fact is that we can not tax the income of employees of municipalities, and I do not think that Congress ought to put itself in the position of discriminating against employees in the public service of any city.

Mr. BLACK of Texas. If these men are municipal employees within the meaning of the Constitution, they will not be affected, but we are coming in here and by an affirmative definition undertaking to make them so.

Mr. LAGUARDIA. Oh, no; the gentleman is in error about that; it was a court decision.

Mr. GREEN of Iowa. The question is now pending in the courts.

Mr. BYRNS. No; the court has already passed upon the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee to the amendment of the gentleman from Washington.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were—ayes 27, noes 165.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 43, beginning in line 4, strike out all of subsection (14).

Mr. WINGO. Mr. Chairman, the language I desire to strike out is on page 43, beginning at line 4, as follows:

(14) In the case of an individual citizen of the United States, amounts received as salary or commission for the sale for export from the United States of tangible personal property produced in the United States, in respect of such sales made while he is actually employed outside of the United States, if he is so employed for more than six months during the taxable year,

I am encouraged to offer that amendment by the vote which has just been taken, which evidently was against exemption from taxation. This exemption is not necessary upon the

theory that it is a hardship to these gentlemen to have these foreign positions. I happen to have on my desk at the present time urgent appeals from two of my constituents who are connected with two great corporations that are doing international business, asking me to aid them in getting sent abroad to one of the foreign agencies, because they are considered the choicest positions in these two great corporations.

I was in China this summer and I had an opportunity to see whether or not it is a hardship for a young man to represent the great corporations of the United States as the resident agent in Shanghai, in Hongkong, in Cheefoo. This employment is regarded as a special mark of favor upon the part of the corporations which they represent. It is a delightful service for them to have that wonderful experience, where living is cheaper than it is in the United States. One of my friends told me that a salary of $3,600 a year in the city of Shanghai, under the living conditions there at that time and the purchasing power of the dollar, was infinitely better from a financial standpoint than my salary as a Member of the Congress of the United States, and yet it is proposed to exempt those men from taxation.

You refuse to exempt the man who works for a publicly owned waterworks district, even though he does the digging, but you will exempt the men who get these coveted positions. From the standpoint of economy of living, from the standpoint of the social opportunities they have for themselves and their families, they are the choicest commercial positions. They are fortunate, indeed, to be so placed with these industrial concerns, with machinery concerns, with the Standard Oil Co., and all of these great companies doing an international business.

Mr. JOHNSON of Washington. And the method used to defeat the effort to put the city employees on a par is an argument that no one can be exempt.

Mr. WINGO. Certainly. From the vote just had I am led to hope that we can adopt this amendment that I have offered. To my surprise I saw the gentleman from Alabama [Mr. HUDDLESTON] and the gentleman from Iowa [Mr. GREEN] walking arm in arm down the aisle. They got together at last on something, and it so appealed to my sense of the unusual, to the idea of beauty and harmony in its full fruition, that I felt like asking for the doxology and dismissing the meeting. [Laughter.] Here is an opportunity for them to get together again. Their very souls abhor the idea of exemption. I am giving them another opportunity to get together again in the parliamentary field, where their two minds can be together and their two souls can be one on a tax proposition. Exempt a man who has a fat job abroad and refuse to exempt men who serve the water districts of the city! Gentlemen, you would be inconsistent if you did not vote for my amendment, after you have voted against the amendment just voted down.

Mr. HUDDLESTON. The gentleman must understand that my position is that there should be no exemptions whatever on account of the source of income.

Mr. WINGO. I agree with the gentleman right now.

Mr. HUDDLESTON. And he can apply that to anything he likes.

Mr. WINGO. And I hope he will make as good an argument in favor of this amendment as he did against the other amendment, because the House, as usual, followed the gentleman when he and the stand-pat Republican leader agree.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were—yeas 36, nays 145.

So the amendment was rejected.

The Clerk read as follows:

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources within the United States, determined under the provisions of section 217.

Mr. AYRES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 42, line 12, after the word "members" and the comma, insert "or savings banks."

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Had not we entirely passed that paragraph?

Mr. AYRES. My understanding was you could——

Mr. GREEN of Iowa. I make the point of order.

The CHAIRMAN. The point of order is well taken as the preceding paragraph has been read.

Mr. AYRES. My understanding was that you could offer amendments at any time.

The CHAIRMAN. Within the consideration of the paragraph.

Mr. AYRES. I attempted that before the Clerk read that.

The CHAIRMAN. No.

Mr. AYRES. I ask unanimous consent to revert back to this paragraph. I do not intend to discuss it.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to go back to the paragraph to which he offers his amendment, for the purpose of offering the amendment which has been read. Is there objection?

Mr. SPROUL of Illinois. Mr. Chairman, I object.

The Clerk read as follows:

(c) The amount of the interest deduction provided for in paragraph (2) of subdivision (a), unless the interest on indebtedness is paid or incurred in carrying on a trade or business, shall be allowed as a deduction only if and to the extent that such amount exceeds the amount of interest on obligations or securities the interest upon which is wholly exempt from taxation under this title.

Mr. McSWAIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 49, after line 3, insert a new subdivision, numbered 11, as follows:

"(11) All expenses actually paid, not exceeding $500, for each tax year for medical, surgical, and hospital treatment, and burial for the taxpayer, his wife, dependent persons under 18 years of age, and dependent persons incapable of support because mentally or physically defective."

Mr. GREEN of Iowa. I think the gentleman has mistaken the place where this amendment should come, and I make the point of order it is not germane.

The CHAIRMAN. The point of order of the gentleman from Iowa is sustained, unless the gentleman can show the Chair to the contrary.

Mr. McSWAIN. Mr. Chairman, I think that this is the correct place, because the same point of order was made against it at another place last year and it was stated that this was the correct place at which to offer it. If the rules have been changed since last year, my friend is right. This is under the head of ordinary deductions, and it is not under the head of exemptions, because this is not an exemption. You are not exempt unless you have paid. And this is the place I remember last year was considered the proper place.

Mr. GREEN of Iowa. If the gentleman claims it is under the head of deduction——

Mr. McSWAIN. Ordinary deductions, just where we are now.

Mr. GREEN of Iowa. If the gentleman claims an exemption——

Mr. McSWAIN. I do not claim it to be an exemption. If my distinguished friend from Iowa understood me I said it was not an exemption but a deduction if paid. Does the gentleman withdraw the point of order?

Mr. GREEN of Iowa. I made the point of order it is not germane to the point at which offered.

Mr. McSWAIN. Does the Chair wish to hear any argument on the proposition? If the Chair pleases, this is under the head of deductions of various items if they are expended, or if losses are suffered. Now, there is not a single item under these 10 subdivisions that is deductible as a matter of course. They are only deductible in the event that the contingency contemplated by the law occurs.

The CHAIRMAN. If the gentleman from South Carolina will permit, the gentleman, the Chair thinks, has lost his rights by letting the two paragraphs immediately preceding go by, and it has passed the point where it would have been germane.

Mr. HAWLEY. Mr. Chairman, the amendment offered by the gentleman comes after the paragraph which provides in reference to interest received from tax-exempt securities and has absolutely no relation to the amendment which the gentleman proposes. We have read two paragraphs since the opportunity was afforded to offer the amendment which the gentleman had in mind.

Mr. McSWAIN. Mr. Chairman, I wish to be heard on that new point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. McSWAIN. It is this, if the Chair pleases: It is not an amendment to the existing paragraph, if you will observe, but I offer it as a new paragraph to the whole section, to be desig-

nated as subdivision 11 in parentheses. Now that is a new subdivision relating to the general subject of ordinary deductions. It is not a deduction that has any relation to either one of the 10 other deductions. It is a new class of deductions, separate and distinct from the others. Therefore, so long as it comes under the general subject of deductions, endeavoring to make another subdivision 11, instead of 10, and coming within the class of ordinary deductions, I hold that I am right. There is no more reason why I should have offered this amendment as subdivision 6 and thus require every one of the other subdivisions to be renumbered than that I should offer it as an amendment at the end of the whole bill.

Mr. GARNER of Texas. Let me make a suggestion to the gentleman from Iowa [Mr. GREEN]. Let us consider this now. The matter should be considered at some place in the bill, and I understand it could be offered on page 52. But it might as well be discussed now as later on.

Mr. GREEN of Iowa. I think under the rules it could not be considered anywhere, considering the point that we have now reached. But, deferring to the opinion of my colleague on the other side, the ranking Member of the minority, I will withdraw the point of order.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I appreciate the effort of the distinguished gentleman from Texas [Mr. GARNER] to enable me to have this question considered now, but I rather think from the tone of his voice in submitting the proposition that he did it as though he had said, "Mr. Chairman, this is as good a time to kill it as any other time." [Laughter.]

Now, gentlemen of the committee, this is as good a time as any other in which to put it in the bill, and when we go home and our doctors and funeral directors and hospital managers ask us why we were not in favor of a proposition so manifestly just as this, we must answer otherwise than by the argument made last year by the gentleman from Iowa. His argument then was that it would be too confusing and too tedious and complicated in its operation.

Now, what have we added? The first 10 provisions here provide that losses and debts shall be deducted. How can you prove it? It is provided that losses not covered by fire insurance shall be deducted. How are you able to prove it except by affidavit? It provides that losses to machinery by way of deterioration and wearing out shall be deducted. How can you prove it except by affidavit? If you are sick and pay a doctor's bill, or receive a hospital bill and pay it, how can you prove it except by affidavit? My friend from Iowa says it will be too complicated.

Mr. GREEN of Iowa. I will say to the gentleman that we have greatly increased the exemptions simply with a view of taking care of such matters. Instead of putting in further exemptions of this kind we wish to avoid complications. Perhaps we have already given a little too much leeway to parties who ought not to have it. The administrative difficulties in connection with things of this kind are so great that such a policy should not be embarked upon. If we increase these exemptions so as to take care of such things as those which the gentleman from South Carolina refers to, we shall never know when to stop or where to stop.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) In the case of a single person, a personal exemption of $1,500; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of $3,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be $3,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

Mr. RAINEY. Mr. Chairman, I wish to offer an amendment.

Mr. GREEN of Iowa. Is the gentleman willing to wait until to-morrow before offering his amendment? I suggest that the committee now rise, and the gentleman can offer his amendment the first thing to-morrow.

Mr. GARNER of Texas. Why not let the gentleman from Illinois put his proposed amendment in the RECORD, so that the membership of the House can have it for information?

Mr. GREEN of Iowa. I have no objection to its being offered for information.

The CHAIRMAN. There is an amendment pending here offered by the lady from New Jersey.

Mr. GREEN of Iowa. Let the Clerk report it.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: Page 50, line 25, after the word "of," strike out "$1,500" and insert in lieu thereof "$2,500"; and, on page 51, lines 2 and 4, strike out the figures "$3,500" and insert in lieu thereof "$5,000."

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, had come to no resolution thereon.

REPORT OF THE ALASKA RAILROAD

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on the Territories and ordered printed.

To the Congress of the United States:

In compliance with the requirements of section 4 of the act of March 12, 1914, I transmit herewith the report of the Alaska Railroad, covering the period from July 1, 1924, to June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

INDEMNITY ON ACCOUNT OF THE DEATH OF DANIEL SHAW WILLIAMSON

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the claim presented by the British Government for indemnity on account of the death of Daniel Shaw Williamson, a British subject, at East St. Louis, Ill., on July 1, 1921. I recommend that the Congress authorize an appropriation, and that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

ANNUAL REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Sixth Annual Report of Perry's Victory Memorial Commission for the year ending December 1, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS (H. DOC. NO. 127)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered printed and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1924.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. JEFFERS (at the request of Mr. BOWLING), for two weeks, on account of illness.

To Mr. PEERY, for one week, on account of illness in family.

PUBLICITY FEATURE OF THE PENDING REVENUE BILL

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD of to-day upon the publicity feature of the pending bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD upon the publicity feature of the pending bill. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, the publicity feature of the present revenue law is eliminated under section 257 (A), which reads as follows:

Returns upon which the tax has been determined by the commissioner shall constitute public records, but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President.

Anticipating that that section will be reached in Committee of the Whole to-morrow, I desire to give notice that I shall present the following amendment, so as to have the paragraph read, as follows (new matter in italics):

Returns upon which the tax has been determined by the commissioner shall constitute public records, *but only the following features shall be open to inspection: (a) Name of taxpayer, (b) gross income, (c) amount of normal tax, (d) amount of surtax, (e) total tax assessed. No other figures or details of a taxpayer's return shall be open to inspection except upon the order of the President, under such rules and regulations as may be prescribed by the Secretary and approved by the President.*

The object of the proposed amendment is to permit the publication of the essential facts regarding the income of taxpayers without pandering to idle curiosity or jeopardizing the taxpayer's business by allowing its internal details and private transactions to be open to the inspection of either rivals or busybodies.

My proposal guards against every objection which has been urged against the continuation of the old "open door." At the same time it complies with the fundamental principle that every citizen is entitled to know that every other citizen able to bear his burden is pulling in harmony. There is no good reason why the public should not know what every citizen contributes to the support of his Government.

The tax books of every city and county in the land are open to anyone who cares to look at them. You can find out how much real-estate taxes any individual pays if you have any interest in the matter. There is no reason why the taxpayer who pays an income tax should be put in any special category and his dealings with the Government cloaked and concealed by an amiable Government. The man who earns his money honestly need not be ashamed of the disclosure. Crooks and gamblers may blush, but the honest man never.

The practice of European monarchies in keeping tax returns secret has been cited as an example for us to follow. It is said that Great Britain keeps them secret. That is no guide for us. It is easy to account for. They have an aristocracy of both blood and money and naturally fear to arouse the jealousy of the masses. But one thing you must give the English credit for. They swipe off a good slice of bloated incomes without compunction or apology. The victims bear the ordeal without complaint, because they have as a compensation their titles and coronets.

To the Lords of Convention 'twas Lord Claver'se who spoke,
"Ere the King's crown go down there are crowns to be broke."

Here in this country there are no crowns to be broke.

SPEECH OF PRESIDENT COOLIDGE AT THE NORWEGIAN-AMERICAN CENTENNIAL CELEBRATION

Mr. WEFALD. Mr. Speaker, I ask unanimous consent that the speech which was made by President Coolidge at the Norwegian-American centennial celebration, held at St. Paul on the 8th day of June this year, be printed as a public document, and that 10,000 copies be distributed through the folding room.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the speech which President Coolidge delivered on June 8 at St. Paul be printed as a public document, and that 10,000 copies be distributed through the folding room. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I should like to ask the Speaker or somebody a question. I have no objection to this being done, but is it not rather unusual? Does not that come from the Committee on Printing, particularly with regard to the number of copies to be printed?

Mr. WEFALD. Mr. Speaker, I have just followed the precedents in making this request.

Mr. CHINDBLOM. I will say to the gentleman from Ohio that this was in commemoration of the first arrival of Norwegians for settlement in the United States.

Mr. BEGG. It is not a question of what it is for, but it is some Member asking unanimous consent to print 10,000 copies. It seems to me a little irregular, and I will refer it to the leader. It is up to him to determine, but I think it is irregular.

Mr. TILSON. I can assure the gentleman it has not been done so far as I know.

Mr. GARRETT of Tennessee. I suggest that the gentleman from Minnesota withdraw his request and present a resolution, and I do not think there would be any objection to the consideration of such a resolution.

Mr. TILSON. There is certainly no objection to what the gentleman wishes to have done, but it is the way he is proposing to do it.

Mr. BEGG. I should like to ask how much 10,000 copies will cost?

Mr. TILSON. That is something which ought to be ascertained from the Committee on Printing, and it ought to be done by resolution and not by unanimous consent.

Mr. BEGG. I would suggest that the gentleman make his request cover half of it.

Mr. TILSON. I prefer that the gentleman make his request in the usual form.

Mr. GREEN of Iowa. I suggest that the gentleman bring up such a resolution to-morrow evening.

Mr. WEFALD. I will say that I make the request at the solicitation of many prominent citizens of my State who are very much interested in having this speech printed.

Mr. TILSON. I will say that there is no objection to what the gentleman wishes to have done, but he should do it in the prescribed way.

Mr. WEFALD. Then, Mr. Speaker, I will withdraw my request.

The SPEAKER. The gentleman from Minnesota temporarily withdraws his request.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 15, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

163. A letter from the Secretary of the Treasury, transmitting the report of the Surgeon General of the Public Health Service for the fiscal year 1925; to the Committee on Interstate and Foreign Commerce.

164. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Elizabeth River, N. C.; to the Committee on Rivers and Harbors.

165. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Stockbridge Harbor, Wis.; to the Committee on Rivers and Harbors.

166. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Waccamaw River from Red Bluff, S. C., to Pineway, N. C., with a view to providing a 4-foot channel; to the Committee on Rivers and Harbors.

167. A letter from the Director of the United States Veterans' Bureau, transmitting statement of receipts and expenditures of vocational rehabilitation, Veterans' Bureau special fund to the end of the fiscal year 1925, as required by section 7 of the vocational rehabilitation act; to the Committee on World War Veterans' Legislation.

168. A communication from the President of the United States, transmitting a statement showing names of persons under the appropriation "Meat inspection, Bureau of Animal Industry, 1925, their salaries and places of employment, together with contingent expenses for the fiscal year ending June 30, 1925"; to the Committee on Expenditures in the Department of Agriculture.

169. A letter from the Postmaster General, transmitting report of an experiment in the transportation of food products directly from producers to consumers or vendors (H. Doc. No. 126); to the Committee on the Post Office and Post Roads and ordered to be printed with papers.

170. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary

examination of Park River, Conn., up to Front Street, in Hartford; to the Committee on Rivers and Harbors.

171. A letter from the Secretary of the Interior, transmitting report of documents and files of papers which are not needed or useful in the transaction of the current business of the Department of the Interior; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DAVIS: Select committee to inquire into the operations, policies, and affairs of the United States Shipping Board and the United States Emergency Fleet Corporation (Rept. No. 2). Referred to the Committee on the Merchant Marine and Fisheries.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1955) granting an increase of pension to Vincent Skosky; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3254) to reimburse Newton Watts, of Boonsboro, Howard County, Mo., for the loss of pension; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2060) granting a pension to Mary A. Sutton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 742) granting a pension to Ida May Hassler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2668) granting a pension to Cora V. Spielman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2301) granting an increase of pension to Margaret A. Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2171) granting a pension to Sarah F. Berry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 5345) to provide for the payment of taxes on real property title to which is vested in the United States of America, or any agency or instrumentality thereof, when such property is not used solely for public purposes, and rents or other emoluments are derived therefrom; to the Committee on the Judiciary.

Also, a bill (H. R. 5346) to provide for the payment of moneys in the city of Hoboken, N. J., in lieu of taxes on certain property the title to which was acquired by the United States of America through proclamation of the President; to the Committee on Claims.

By Mr. BRITTEN: A bill (H. R. 5347) providing for the purchase of a site and the erection thereon of a public building to be used as a post office at Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BULWINKLE: A bill (H. R. 5348) to provide for an additional Federal district for North Carolina; to the Committee on the Judiciary.

By Mr. CELLER: A bill (H. R. 5349) to authorize the Secretary of War and the Secretary of the Navy to furnish a firing squad to fire the customary salute for any ex-service man; to the Committee on Military Affairs.

Also, a bill (H. R. 5350) to create a negro industrial commission; to the Committee on the Judiciary.

Also, a bill (H. R. 5351) to establish a fish-cultural station on Long Island Sound at Montauk Point; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 5352) to establish fish-hatching and fish-cultural stations in the States of Alabama, Arizona, Colorado, Florida, Indiana, Illinois, Maryland, New York, North Carolina, Oregon, Oklahoma, Texas, South Carolina, Massachusetts, and Washington; to the Committee on the Merchant Marine and Fisheries.

By Mr. CHRISTOPHERSON: A bill (H. R. 5353) to amend the act of Congress approved March 4, 1913 (37 Stat. 876); to the Committee on Public Buildings and Grounds.

By Mr. CONNERY: A bill (H. R. 5354) providing for a site and public building for post office and other Federal purposes at Lawrence, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5355) providing for a site and public building for post office and other Federal purposes at Peabody, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5356) providing for a site and public building for post office and other Federal purposes at Lynn, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: A bill (H. R. 5357) providing for hospitalization and medical treatment of ex-service men, and use of Government hospitals for those in Life Saving Service and by all disabled persons in Government service, and establishing hospitals for treatment of drug addicts instead of trying to treat them in a penitentiary; to the Committee on World War Veterans' Legislation.

By Mr. ELLIOTT: A bill (H. R. 5358) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5359) authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test car depot, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ESLICK: A bill (H. R. 5360) for the purchase of a post-office site and the erection thereon of a suitable public building at Dickson, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5361) authorizing the acquisition of land and suitably marking the site of the Battle of Franklin, Tenn.; to the Committee on Military Affairs.

By Mr. GARBER: A bill (H. R. 5362) providing for the purchase of a site and the erection of a public building at Medford, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5363) to increase rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows of Civil War veterans, and to certain Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 5364) to create a negro industrial commission; to the Committee on the Judiciary.

Also, a bill (H. R. 5365) to amend the Judicial Code by adding a new section to be numbered 274D; to the Committee on the Judiciary.

By Mr. HICKEY: A bill (H. R. 5366) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the arrival of Thaddeus Kosciuszko; to the Committee on the Library.

By Mr. HUDSON: A bill (H. R. 5367) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: A bill (H. R. 5368) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. LEHLBACH: A bill (H. R. 5369) to amend and supplement the merchant marine act, 1920, the shipping act, 1916, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. MADDEN (by request): A bill (H. R. 5370) amending section 307 of the transportation act of 1920, approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: A bill (H. R. 5371) for the reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. RUBEY: A bill (H. R. 5372) for the erection of a Federal building at Lebanon, Laclede County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5373) for the erection of a Federal building at Mountain Grove, Wright County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 5374) to purchase a site west of the Chicago River for the erection of a post-office building and to erect a post-office building thereon in the city of Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SHALLENBERGER: A bill (H. R. 5375) for the purchase of a site and the erection of a public building at

Minden, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5376) for the purchase of a site and the erection of a public building at Alma, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5377) for the purchase of a site and the erection of a public building at Franklin, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5378) for the purchase of a site and the erection of a public building at Beaver City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. SPROUL of Illinois: A bill (H. R. 5379) granting the consent of Congress to the county of Cook, State of Illinois, to construct a bridge across the Little Calumet River in Cook County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: A bill (H. R. 5380) prohibiting the use of stationary fishing appliances in the tidal waters of the Territory of Alaska and providing a penalty; to the Committee on the Merchant Marine and Fisheries.

By Mr. VARE: A bill (H. R. 5381) to authorize the erection of a Veterans' Bureau hospital in Philadelphia, Pa., or in a section adjacent thereto; to the Committee on World War Veterans' Legislation.

By Mr. WILSON of Louisiana: A bill (H. R. 5382) to prevent the pollution by oil of navigable rivers of the United States; to the Committee on Rivers and Harbors.

By Mr. WILLIAMSON: A bill (H. R. 5383) to authorize the acquisition of a site and the erection thereon of a Federal building at Spearfish, S. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5384) to authorize the acquisition of a site and the erection thereon of a Federal building at Winner, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. COLTON: A bill (H. R. 5385) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain; to the Committee on the Public Lands.

Also (by request), a bill (H. R. 5386) to exclude foreign language publications from second-class mailing privileges; to the Committee on the Post Office and Post Roads.

Also (by request), a bill (H. R. 5387) to increase and equalize second-class postal rates; to the Committee on the Post Office and Post Roads.

Also (by request), a bill (H. R. 5388) to rectify, coordinate, and simplify the weights and measures of the United States; to the Committee on Coinage, Weights, and Measures.

Also (by request), a bill (H. R. 5389) to simplify the currency and coinage of the United States; to the Committee on Banking and Currency.

Also (by request), a bill (H. R. 5390) to fix a day rate for rediscounts by Federal reserve banks; to the Committee on Banking and Currency.

Also (by request), a bill (H. R. 5391) for the promotion of commerce, the provision of revenue, and the reduction of the public debt; to the Committee on Ways and Means.

Also (by request), a bill (H. R. 5392) to protect the freedom of commerce between the States; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 5393) to establish uniform car rates and class rates for the transportation of freight by railroad carriers in commerce between the States; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 5394) to amend subsection (4) of the first paragraph of section 5 of the interstate commerce act, as amended by the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 5395) to provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation; to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS: A bill (H. R. 5396) for the purchase of additional ground and the enlargement of the Federal building at Savannah, Ga., or the purchase of a new site and the erection of a new Federal building at Savannah, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5397) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Reidsville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5398) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Claxton, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5399) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Millen, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5400) to provide for the authorization of appropriation for the erection of a Federal building at Waynesboro, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5401) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Sylvania, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5402) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Metter, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5403) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Glennville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 5404) for the appointment of an additional circuit judge for the second judicial circuit, and for the appointment of certain additional district judges; to the Committee on the Judiciary.

By Mr. HASTINGS: A bill (H. R. 5405) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla.; to the Committee on Military Affairs.

Also, a bill (H. R. 5406) to provide for the furnishing of security bonds by national and State banks and trust companies which are members of the Federal reserve system, for the protection of depositors; to the Committee on Banking and Currency.

By Mr. PRATT: A bill (H. R. 5407) for the erection of a public building at Catskill, Greene County, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. BLAND: A bill (H. R. 5408) to provide for an examination and survey of Little Machipongo River, Northampton County, Va.; to the Committee on Rivers and Harbors.

By Mr. CELLER: Joint resolution (H. J. Res. 71) proposing the adoption of the Star-Spangled Banner as the national anthem; to the Committee on the Judiciary.

By Mr. HULL of Tennessee: Joint resolution (H. J. Res. 72) favoring early tariff revision to a level of moderate rates, coupled with a permanent international trade-agreement organization or congress to eliminate by mutual agreement discriminations, unfair trade practices, and other economic barriers in international finance, trade, and commerce, to prevent economic wars, and to promote fair, equal, and friendly trade and commercial relations among the nations of the world; to the Committee on Ways and Means.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 73) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska; to the Committee on the Territories.

By Mr. AUF DER HEIDE: Joint resolution (H. J. Res. 74) authorizing and directing the Secretary of the Treasury to pay to the city of Hoboken, N. J., certain sums of money in lieu of taxes which have been withheld from said city of Hoboken, N. J.; to the Committee on Claims.

By Mr. FISH: Joint resolution (H. J. Res. 75) against any foreign interference in United States internal affairs and favoring public instruction in American ideals of our Government; to the Committee on Foreign Affairs.

By Mr. JACOBSTEIN: Resolution (H. Res. 45) requesting the President of the United States to act as mediator in settling the present anthracite coal strike and providing for Government seizure and operation of the mines; to the Committee on Rules.

By Mr. GREEN of Iowa: Resolution (H. Res. 46) for six months' salary and $250 to Levi B. Cousins for funeral expenses; to the Committee on Accounts.

By Mr. BLOOM: Resolution (H. Res. 47) providing that the President of the United States urge the representatives of the anthracite coal operators and the union coal miners to renew their negotiations for a new wage scale, and for other purposes; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. SCHNEIDER: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress to propose an amendment to the Constitution of the United States providing

for the election of President and Vice President by popular vote; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Wisconsin, memorializing Congress to propose an amendment to the Federal Constitution so as to permit the drafting of wealth in time of war; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Wisconsin, memorializing Congress to enact legislation relating to propaganda for or against public measures; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Wisconsin, relating to the acquisition of pipe lines and refineries used in the distribution and refining of gasoline; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 5409) granting an increase of pension to Eldora Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5410) granting an increase of pension to Martha W. Y. Joslin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5411) granting an increase of pension to Elizabeth T. Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5412) granting an increase of pension to Mary A. Pemberton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5413) granting an increase of pension to Fannie Nier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5414) granting an increase of pension to Emily J. McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5415) granting an increase of pension to Jane A. Shelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5416) granting an increase of pension to Anna M. Lohnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5417) granting an increase of pension to Lois L. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5418) granting an increase of pension to Ellen Godfrey Brandabery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5419) granting an increase of pension to Mary C. Corbett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5420) granting an increase of pension to Margaret L. Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5421) granting a pension to Rachel Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5422) granting an increase of pension to Josephine L. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5423) granting an increase of pension to William McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5424) granting an increase of pension to Martha J. McGonagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5425) granting an increase of pension to Sarah J. Dabe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5426) granting a pension to Maria Tway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5427) granting an increase of pension to Mary E. Bolen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5428) granting a pension to Ella Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5429) granting an increase of pension to Ada A. Woodruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5430) granting an increase of pension to Alma Barrere; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5431) granting a pension to Orphia Isabell McBride; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5432) granting an increase of pension to Bridget M. McCarty; to the Committee on Pensions.

Also, a bill (H. R. 5433) granting an increase of pension to Mary Cunningham; to the Committee on Pensions.

Also, a bill (H. R. 5434) granting an increase of pension to Richard Petaford; to the Committee on Pensions.

Also, a bill (H. R. 5435) for the relief of Mead P. Creath; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 5436) granting a pension to Francina Huntley; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 5437) granting a pension to Amanda Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5438) granting an increase of pension to Anna M. Myers; to the Committee on Pensions.

By Mr. CELLER: A bill (H. R. 5439) for the relief of Hedwig Grassman; to the Committee on Claims.

Also, a bill (H. R. 5440) for the relief of Jay Jones; to the Committee on Claims.

Also, a bill (H. R. 5441) for the relief of Geraldine Kester; to the Committee on Claims.

Also, a bill (H. R. 5442) for the relief of Margaret B. Knapp; to the Committee on Claims.

Also, a bill (H. R. 5443) for the relief of Theresa M. Shea; to the Committee on Claims.

Also, a bill (H. R. 5444) for the relief of Thomas Steenworth; to the Committee on Claims.

Also, a bill (H. R. 5445) for the relief of the estate of James A. McErlain; to the Committee on Claims.

Also, a bill (H. R. 5446) for the relief of Esther Cohen; to the Committee on Claims.

Also, a bill (H. R. 5447) for the relief of the next of kin of Edgar C. Bryon; to the Committee on Claims.

Also, a bill (H. R. 5448) for the relief of Leon Schulman; to the Committee on Claims.

Also, a bill (H. R. 5449) for the relief of James E. Westcott; to the Committee on Military Affairs.

Also, a bill (H. R. 5450) granting a pension to Jane Ayre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5451) granting an increase of pension to Jennette A. Howland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5452) granting an increase of pension to Edward J. McCauley; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 5453) granting an increase of pension to Calista Sylvea; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 5454) granting a pension to De Etta Burdick; to the Committee on Invalid Pensions.

By Mr. DRIVER: A bill (H. R. 5455) for the relief of certain landowners; to the Committee on the Public Lands.

By Mr. EATON: A bill (H. R. 5456) for the relief of Frederick MacMonnies; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 5457) for the survey and improvement of Darien Harbor, with particular reference to what is known as Rifle Cut, at or near Darien, Ga., and authorizing an appropriation of $200,000 therefor; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5458) authorizing an appropriation of $1,000,000 for the improvement and maintenance of Savannah Harbor from the bar to the Coastal Highway Bridge; to the Committee on Rivers and Harbors.

By Mr. ESTERLY: A bill (H. R. 5459) providing for the examination and survey of the Schuylkill River, Pa.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5460) for the relief of Catherine L. Kline; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 5461) for the relief of Robert H. Maxwell; to the Committee on World War Veterans' Legislation.

By Mr. SCHNEIDER: A bill (H. R. 5462) granting a pension to Mary Butler; to the Committee on Pensions.

Also, a bill (H. R. 5463) granting a pension to Kate Suchan; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 5464) to authorize the presentation of a medal of honor to Maj. Gen. Omar Bundy, United States Army, retired; to the Committee on Military Affairs.

By Mr. W. T. FITZGERALD: A bill (H. R. 5465) granting a pension to Leota Dell Sharp; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 5466) granting an increase of pension to Mary C. Gleason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5467) granting a pension to Nannie O. Hinds; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 5468) for the relief of Willard Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 5469) granting a pension to George H. Walker; to the Committee on Pensions.

Also, a bill (H. R. 5470) granting a pension to Frederick E. Kingsbery; to the Committee on Pensions.

Also, a bill (H. R. 5471) for the relief of N. H. Thibodeaux; to the Committee on Claims.

Also, a bill (H. R. 5472) granting an increase of pension to William G. Shields; to the Committee on Pensions.

Also, a bill (H. R. 5473) granting a pension to Henry Phalen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5474) granting a pension to Margaret Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5475) granting a pension to Michael Dugan; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 5476) granting an increase of pension to Emeline Reed; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 5477) granting an increase of pension to Jennette Eldridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5478) granting an increase of pension to Ayner Browne; to the Committee on Pensions.

By Mr. HAWES: A bill (H. R. 5479) granting an increase of pension to Emilia Radt; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 5480) granting an increase of pension to Hannah P. Hall; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 5481) granting an increase of pension to Mary B. Hill; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 5482) granting a pension to Harriette A. Boyd; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 5483) for the relief of the heirs of William Woods; to the Committee on Claims.

By Mr. KING: A bill (H. R. 5484) to correct the military record of James M. Winston; to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 5485) granting a pension to Sophronia O'Neil; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 5486) for the relief of Levi Wright; to the Committee on Military Affairs.

Also, a bill (H. R. 5487) for the relief of Hinman D. Folson, jr.; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 5488) granting an increase of pension to Susan V. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5489) granting an increase of pension to Margaret F. Brunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5490) granting an increase of pension to Elizabeth Lilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5491) granting an increase of pension to Cordelia A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5492) granting an increase of pension to Mary Ellen Montis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5493) granting an increase of pension to Samantha McCann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5494) granting an increase of pension to Rebecca M. Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5495) granting an increase of pension to Anne Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5496) granting an increase of pension to Sarah Catherine Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5497) granting an increase of pension to Anna M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5498) granting an increase of pension to Francis Rounds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5499) granting an increase of pension to Mary E. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5500) granting an increase of pension to Catherine Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5501) granting a pension to Adeline McAnaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5502) granting a pension to Margaret Diehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5503) granting a pension to Martha L. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5504) granting a pension to Annie E. Fryer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5505) granting a pension to Phedora J. Black; to the Committee on Invalid Pensions.

By Mr. PRALL: A bill (H. R. 5506) for the relief of the depositors of the Mariner Harbor National Bank, Mariners Harbor, in the county of Richmond, in the State of New York; to the Committee on Claims.

By Mr. RANKIN: A bill (H. R. 5507) for the relief of Agnes M. Harrison, postmistress at Wheeler, Miss.; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 5508) granting a pension to Marion M. Woolum; to the Committee on Pensions.

Also, a bill (H. R. 5509) to correct the military record of Felix Sizemore; to the Committee on Military Affairs.

By Mr. ROMJUE: A bill (H. R. 5510) granting an increase of pension to Matilda Hester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5511) granting an increase of pension to Nancy J. Longcor; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 5512) granting an increase of pension to Sophia Fahr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5513) granting a pension to Levi C. Posey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5514) granting a pension to Phebe Clark Defendol; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5515) granting a pension to Frank Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5516) granting a pension to Oliver P. Swain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5517) granting a pension to Elbert M. Defendall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5518) granting a pension to Sophie Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5519) granting a pension to Lawrence E. Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5520) granting a pension to Maude I. Lowrance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5521) granting a pension to Amelia H. Lipper; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 5522) for the relief of Dennis W. Scott; to the Committee on Military Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 5523) granting a pension to Amanda Lowry; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 5524) granting a pension to Dellie Perry; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 5525) granting a pension to Jennie Green; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 5526) granting a pension to Daniel Victor; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5527) granting a pension to Herbert O. Swagerty; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 5528) for the relief of Mary Wells; to the Committee on Claims.

Also, a bill (H. R. 5529) granting an increase of pension to Jennie Beadle; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 5530) granting an increase of pension to Mary E. Metlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5531) granting an increase of pension to Adelia H. Merwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5532) granting an increase of pension to Anna Maes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5533) granting an increase of pension to Lora Belle Fasig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5534) granting an increase of pension to Melissa E. Gaines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5535) granting a pension to Luella Blakely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5536) granting a pension to Kate D. Winslow; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 5537) granting an increase of pension to Mary Jane Worthington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5538) granting an increase of pension to Theodosia Davis Whitaker; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 5539) granting an increase of pension to Martha F. Brown; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 5540) for the relief of the estate of Richard W. Meade, deceased; to the Committee on Claims.

By Mr. VINSON of Kentucky: A bill (H. R. 5541) granting a pension to Mary E. Meade; to the Committee on Invalid Pensions.

By Mr. WALTERS: A bill (H. R. 5542) granting a pension to Albert C. Kinsey; to the Committee on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 5543) to provide for an examination and survey of the channel from Maple, N. C., to the inland waterway from Norfolk to Beaufort; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5544) to provide for an examination and survey of Gardners Creek and Devils Gut, which are tributaries of Roanoke River, N. C.; to the Committee on Rivers and Harbors.

By Mr. WELSH: A bill (H. R. 5545) for the relief of Ernestine McBride; to the Committee on Claims.

By Mr. WILLIAMSON: A bill (H. R. 5546) granting an increase of pension to Maria J. Allison; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 5547) granting a pension to Clarence G. Stonestreet; to the Committee on Pensions.

Also, a bill (H. R. 5548) to correct the military record of Clarence G. Stonestreet; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 5549) granting an increase of pension to Mary J. Willis; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 5550) granting an increase of pension to Margaret Stine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5551) granting an increase of pension to Gertrude Schachte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5552) granting an increase of pension to Mary Jane Ressler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5553) granting an increase of pension to Lucinda Nedrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5554) granting an increase of pension to Euphemia J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5555) granting an increase of pension to Maria E. Sager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5556) granting an increase of pension to Mary C. Bossart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5557) granting an increase of pension to Henrietta R. Hill; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5558) granting an increase of pension to John E. Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5559) granting a pension to Lizzie E. Buckingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5560) granting a pension to Katherine V. Heusel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5561) granting a pension to Emma Ross; to the Committee on Pensions.

Also, a bill (H. R. 5562) granting a pension to Alice E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5563) granting a pension to Mary E. English; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

94. By Mr. ADKINS: Papers to accompany H. R. 5257, granting an increase of pension to John M. Barrick; to the Committee on Invalid Pensions.

95. Also, papers to accompany H. R. 5258, granting an increase of pension to Evaline Stuart; to the Committee on Invalid Pensions.

96. By Mr. BEERS: Papers to accompany H. R. 5261, granting an increase of pension to Susanna Conner; to the Committee on Invalid Pensions.

97. By Mr. GARBER: Resolution of the Parent-Teachers' Association of School District No. 81, of Kay County, Okla., and resolution of Parent-Teachers' Association of School District No. 21, of Noble County, Okla., indorsing the establishment of a department of education; also resolution of the department executive committee of the American Legion of Oklahoma, relative to an extension of the time now allowed by law within which to convert or reinstate war-risk insurance; also resolution of the Tulsa Clearing House Association, Tulsa, Okla., opposing the extension of time whereby dividends and interest from domestic building and loan associations shall be excluded from gross income in preparing income-tax returns; to the Committee on Education.

98. By Mr. GARNER of Texas: Petition of the executive committee of the Sheep and Goat Raisers' Association of Texas, opposing legislation extending the time when sheep and goats which have or may be crossed into foreign country for temporary pasturage purpose only may be returned, except under the provisions of the tariff act of 1922, and pay thereon all duties assessed under said act; to the Committee on Ways and Means.

99. By Mr. WILLIAM E. HULL: Petition of members of Company C, of Camp Roosevelt, Fort Sheridan, Ill., during the summer of 1925, urging that inauguration day be made a legal holiday; to the Committee on the Library.

100. By Mr. KINDRED: Petition of the American Manufacturers' Association, asking for reduction of tax on pure alcohol; to the Committee on Ways and Means.

101. Also, resolution of the Good Citizenship League of Flushing, N. Y., urging a record vote during the present session upon the question of adherence to the World Court; to the Committee on Foreign Affairs.

102. By Mr. ROUSE: Petition of citizens of Campbell and Kenton Counties, Ky., asking for a tax reduction on the necessities of life; to the Committee on Ways and Means.

103. Also, resolution of Local Union No. 5 of the Amalgamated Association of Iron, Steel, and Tin Workers, of Newport, Campbell County, Ky., protesting against a consolidation of the Ward, Continental, and General Baking Cos.; to the Committee on the Judiciary.

104. By Mr. WOODRUM: Petition of the Fifteen Club of Bedford, Va., advocating the entry of America in the World Court; to the Committee on Foreign Affairs.

SENATE

TUESDAY, *December 15, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we rejoice before Thee this morning that Thou hast continued unto us health and strength and permitted us to realize that we are dependent upon Thee for all the opportunities of life; and we seek Thy guidance in every pathway of duty. Lead us onward with a clearer apprehension of our obligations to Thee and to the land we love. Hear us, we ask Thee, in the midst of unblazed pathways, that we may find for ourselves that there is for us definite direction and that we can trust Thee to guide us by Thine eye. Hear and help, for Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CLAIM ON ACCOUNT OF DANIEL SHAW WILLIAMSON, DECEASED (S. DOC. NO. 22)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the claim presented by the British Government for indemnity on account of the death of Daniel Shaw Williamson, a British subject, at East St. Louis, Ill., on July 1, 1921. I recommend that the Congress authorize an appropriation and that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith for the information of the Congress the sixth annual report of Perry's Victory Memorial Commission for the year ending December 1, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

REPORT OF THE ALASKA RAILROAD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

In compliance with the requirements of section 4 of the act of March 12, 1914, I transmit herewith the report of the Alaska Railroad, covering the period from July 1, 1924, to June 30, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 14, 1925.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORT OF GOVERNOR OF THE PHILIPPINE ISLANDS (H. DOC. NO. 127)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1924.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 1½, 1925.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the county commissioners and assessors of the State of Wyoming, assembled in annual convention, protesting against the proposed extension of the boundaries of the Yellowstone National Park, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the county commissioners and assessors of the State of Wyoming, assembled in annual convention, favoring the use of all funds derived from oil and gas royalties in Wyoming for the development of reclamation in that State, which was referred to the Committee on Irrigation and Reclamation.

Mr. WILLIS presented a petition signed by sundry citizens of Portsmouth, Ohio, praying for the passage of legislation to remove, or reduce the tax on industrial alcohol, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution of the Young Woman's Christian Association of Bethel College, of Newton, Kans., favoring the adherence of the United States to the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Wilsey, Kans., remonstrating against the passage of legislation proposing to change the postal rural-route system, which was referred to the Committee on Post Offices and Post Roads.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the repeal of the Federal inheritance tax, which was referred to the Committee on Finance.

Mr. ROBINSON of Arkansas presented a petition of the American Federation of Express Workers, Progressive Lodge, No. 61, of Little Rock, Ark., praying for the passage of legislation for the protection of persons employed on railway baggage cars, railway express cars, and railway baggage-express cars, etc., which was referred to the Committee on Interstate Commerce.

Mr. HARRELD presented a resolution adopted by the board of directors of the Oklahoma Cotton Growers' Association which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY, OKLA., *December 7, 1925.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
DIVISION OF CROP AND LIVESTOCK ESTIMATES,
Washington, D. C.

GENTLEMEN: The following resolution was passed by unanimous vote of the Board of Directors of the Oklahoma Cotton Growers' Association:

Resolved, That the Oklahoma Cotton Growers' Association believes that the interest of the cotton farmer is best served by crop estimates being furnished by a disinterested agency rather than by the discontinuance of this agency and allowing the substitution of reports from private and possibly prejudiced agencies.

We believe that the twice-a-month condition reports should be continued at least during the harvesting season. However, we think that possibly the disturbing influence of these reports might be lessened if, instead of twice-a-month condition reports with baleage estimate, that such a condition report be issued considerably oftener than at present, and that maybe attempts to estimate the future crop in bales be less frequent than at the present time.

But, in any event, we are not in favor of the elimination or the lessening of the report which the Government is furnishing to the world in connection with the acreage and the changing condition of the crop.

Hoping this may be helpful in continuing and maybe enlarging your efforts in connection with crop reports, we are

Very truly yours,

OKLAHOMA COTTON GROWERS' ASSOCIATION,
C. L. STEALEY, *General Manager.*

SETTLEMENT OF FOREIGN INDEBTEDNESS

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment six bills relating to settlement of indebtedness with foreign countries, as follows: Latvia, Rumania, Esthonia, Czechoslovakia, the Kingdom of Belgium, and the Kingdom of Italy. I wish to give notice that I shall call up these bills for consideration immediately following the routine morning business to-morrow. At the request of a number of Representatives and Senators, I ask that the bills be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The bills are as follows:

A bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Czechoslovak Republic to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 6, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The net amount of the indebtedness in settlement of the financial differences between the two Governments and/or their agencies, both principal and interest, is fixed as of June 15, 1925, at $115,000,000.

The principal amount of the bonds to be delivered to the United States is $185,071,023.07, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first 18 years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining 44 years, compounded annually, at the rates of 3 per cent per annum up to and including the tenth year and 3½ per cent per annum from the eleventh to the eighteenth year, both inclusive. The principal of the bonds shall be paid in semiannual installments on June 15 and December 15 of each year up to and including June 15, 1943, and thereafter in annual installments, subject to the right of the Czechoslovak Republic, after June 15, 1943, to make such payments in three-year periods. The first 36 semiannual installments are to be $1,500,000 each and are to be paid without interest on June 15 and December 15 of each year. The remaining 44 installments are to be paid annually on June 15 of each year with interest at the rate of 3½ per cent per annum from June 15, 1943, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the nineteenth year is $1,296,023.07, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $5,685,000, the aggregate installments being equal to the total face amount of bonds to be delivered, viz, $185,071,023.07.

The Czechoslovak Republic shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

Any payments of interest or principal may be made at the option of the Czechoslovak Republic in any United States obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1135) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Esthonia to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 7, Sixty-ninth Congress, first session, is hereby approved in general terms, as follows:

The amount of the indebtedness to be funded, after allowing for the cash payment made by Esthonia and the credit set out below, is $13,830,000, which has been computed as follows:

Principal amount of obligations to be funded		$13,999,145.60
Credit allowed for total loss of cargo on sinking of steamship *John Russ*, sunk by a mine in Baltic Sea		1,932,923.45
		12,066,222.15
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year		1,765,219.73
Total principal and interest accrued and unpaid as of Dec. 15, 1922		13,831,441.88
To be paid in cash by Esthonia upon execution of agreement		1,441.88
Total indebtedness to be funded into bonds		13,830,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Republic of Esthonia to make such payments in three-year periods. The amount of the

first year's installment shall be $69,000, the annual installments to increase until the sixty-second year. The amount of the final installment will be $530,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Republic of Esthonia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until final payment.

The Republic of Esthonia shall have the option with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified:

June 15, 1926, $50,000; December 15, 1926, $50,000; June 15, 1927, $75,000; December 15, 1927, $75,000; June 15, 1928, $100,000; December 15, 1928, $100,000; June 15, 1929, $125,000; December 15, 1929, $125,000; June 15, 1930, $150,000; December 15, 1930, $150,000; total, $1,000,000; and to pay the balance, including interest on all overdue payments at the rate of 3 per cent per annum in bonds of Esthonia, dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as to the bonds of Esthonia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Republic of Esthonia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1136) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of Italy to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 3, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for certain cash payments made by Italy, is $2,042,000,000, which has been computed as follows:

Obligations taken for cash advanced by Treasury		$1,648,034,050.90
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922		251,846,654.79
		1,899,880,705.69
Accrued interest at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		142,491,052.93
		2,042,371,758.62
Deduct payments made on account of principal since Dec. 15, 1922	$164,852.94	
Interest on principal payments at 3 per cent per annum to June 15, 1925	7,439.34	
		172,292.28
Total net indebtedness as of June 15, 1925		2,042,199,466.34
To be paid in cash upon execution of agreement		199,466.34
Total indebtedness to be funded into bonds		2,042,000,000.00

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule, subject to the right of the Kingdom of Italy to postpone such payments falling due after June 15, 1930, for two years, such postponed payment to bear interest at the rate of 4¼ per cent per annum. The amount of the annual principal installment during the first five years shall be $5,000,000. The amount of the principal installment due the sixth year shall be $12,100,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installment shall be $79,400,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

The Kingdom of Italy shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 of any year upon 90 days' advance notice.

The bonds to be issued shall bear no interest until June 15, 1930, and thereafter shall bear interest at the rate of one-eighth of 1 per cent per annum from June 15, 1930, to June 15, 1940; at the rate of one-fourth of 1 per cent per annum from June 15, 1940, to June 15, 1950; at the rate of one-half of 1 per cent per annum from June 15, 1950, to June 15, 1960; at the rate of three-fourths of 1 per cent per annum from June 15, 1960, to June 15, 1970; at the rate of 1 per cent per annum from June 15, 1970, to June 15, 1980; and at the rate of 2 per cent per annum after June 15, 1980, all payable semiannually on June 15 and December 15 of each year.

Any payment of interest or of principal may be made at the option of the Kingdom of Italy in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1137) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 4, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The indebtedness to be funded has been divided into two classes, that incurred prior to November 11, 1918, called the prearmistice indebtedness, and that incurred subsequent to November 11, 1918, called the postarmistice indebtedness.

The amount of the prearmistice indebtedness to be funded is $171,780,000, which is the principal amount of the obligations of Belgium received by the United States for cash advances made prior to November 11, 1918. The prearmistice indebtedness is payable in annual installments without interest over a period of 62 years, the first payment falling due June 15, 1926. Belgium is to pay the following amounts on the dates specified: June 15, 1926, $1,000,000; June 15, 1927, $1,000,000; June 15, 1928, $1,250,000; June 15, 1929, $1,750,000; June 15, 1930, $2,250,000; June 15, 1931, $2,750,000; June 15, 1932, to June 15, 1986, inclusive, $2,900,000 per annum; June 15, 1987, $2,280,000.

The amount of the postarmistice indebtedness to be funded after allowing for certain cash payments is $246,000,000, which has been computed as follows:

Principal of obligations for cash advanced		$175,430,808.68
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922		26,314,491.66
		201,745,300.34
Principal of obligations for war material sold on credit	$29,818,933.39	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	491,359.24	
		30,310,292.63
Total indebtedness as of Dec. 15, 1922		232,055,592.97
Accrued interest thereon at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		17,404,169.47
Total indebtedness as of June 15, 1925		249,459,762.44
Deduct:		
Payments on account of interest received between Dec. 15, 1922, and June 15, 1925, on obligations for war material	$3,442,346.20	
Principal payment of $172.91 made Aug. 7, 1923, together with interest thereon at 3 per cent per annum to June 15, 1925	181.58	
		3,442,527.78
Net indebtedness as of June 15, 1925		246,017,234.66
To be paid in cash upon execution of agreement		17,234.66
Total indebtedness to be funded into bonds		246,000,000.00

The principal of the bonds issued for the postarmistice indebtedness shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule subject to the right of the Government of the Kingdom of Belgium after June 15, 1935, to make such payments in three-year periods. The amount of the first principal installment shall be $1,100,000, the annual principal installments to increase until in the sixty-second year the amount of the final principal installment shall be $9,600,000, the aggregate principal installments being equal to the total principal of the postarmistice indebtedness to be funded into bonds.

The Government of the Kingdom of Belgium shall have the right to pay off additional amounts of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

The bonds issued for the postarmistice indebtedness shall bear interest from June 15, 1925, in the amounts and on the dates set forth in the following schedule: December 15, 1925, $870,000; June 15, 1926, $870,000; December 15, 1926, $1,000,000; June 15, 1927, $1,000,000; December 15, 1927, $1,125,000; June 15, 1928, $1,125,000; December 15, 1928, $1,250,000; June 15, 1929, $1,250,000; December 15, 1929, $1,375,000; June 15, 1930, $1,375,000; December 15, 1930, $1,625,000; June 15, 1931, $1,625,000; December 15, 1931, $1,875,000; June 15, 1932, $1,875,000; December 15, 1932, $2,125,000; June 15, 1933, $2,125,000; December 15, 1933, $2,375,000; June 15, 1934, $2,375,000; December 15, 1934, $2,625,000; June 15, 1935, $2,625,000; until and including June 15, 1935, and thereafter at the rate of 3½ per cent per annum, payable semiannually on June 15 and December 15 of each year, until the principal of said bonds shall have been paid.

Any payment of interest or principal may be made at the option of the Government of the Kingdom of Belgium in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1138) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 8, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by Latvia, is $5,775,000, which has been computed as follows:

Principal amount of obligations to be funded	$5,132,287.14
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4½ per cent per annum	647,275.62
Total principal and interest accrued and unpaid as of Dec. 15, 1922	5,779,562.76
To be paid in cash by Latvia upon execution of agreement	4,562.76
Total indebtedness to be funded into bonds	5,775,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to right of the Government of the Republic of Latvia to make such payments in three-year periods. The amount of the first year's installment shall be $28,000, the annual installments to increase until the sixty-second year, the amount of the final installment will be $228,000, the aggregate installment being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Latvia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Latvia shall have the option, with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified: June 15, 1926, $30,000; December 15, 1926, $30,000; June 15, 1927, $35,000; December 15, 1927, $35,000; June 15, 1928, $40,000; December 15, 1928, $40,000; June 15, 1929, $45,000; December 15, 1929, $45,000; June 15, 1930, $50,000; December 15, 1930, $50,000; total, $400,000, and to pay the balance, including interest on all overdue payments, at the rate of 3 per cent per annum, in bonds of Latvia, dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Latvia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Republic of Latvia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

A bill (S. 1139) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of Rumania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 5, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by the Kingdom of Rumania and the credits set out below, is $44,590,000, which has been computed as follows:

Principal amount of indebtedness to be funded	$36,128,494.94
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4½ per cent a year	5,365,806.08
Total indebtedness as of Dec. 15, 1922	41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per cent a year	3,112,072.59
	44,606,373.61
Credits allowed by War Department on material, together with interest thereon	11,922.07
Total net indebtedness as of June 15, 1925	44,594,451.54
To be paid in cash upon execution of agreement	4,451.54
Total indebtedness to be funded into bonds	44,590,000.00

The principal amount of the bonds to be delivered to the United States is $66,560,560.43, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first 14 years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining 48 years, compounded annually, at the rates of 3 per cent per annum up to and including the tenth year and 3½ per cent per annum from the eleventh to the fourteenth year, both inclusive. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, subject to the right of the Kingdom of Rumania, after June 15, 1939, to make such payments in three-year periods. The first 14 annual installments are to be paid without interest on the dates specified and in the following amounts: June 15, 1926, $200,000; June 15, 1927, $300,000; June 15, 1928, $400,000; June 15, 1929, $500,000; June 15, 1930, $600,000; June 15, 1931, $700,000; June 15, 1932, $800,000; June 15, 1933, $1,000,000; June 15, 1934, $1,200,000; June 15, 1935, $1,400,000; June 15, 1936, $1,600,000; June 15, 1937, $1,800,000; June 15, 1938, $2,000,000; June 15, 1939, $2,200,000. The remaining 48 installments are to be paid annually on June 15 of each year, with interest at the rate of 3½ per cent per annum from June 15, 1939, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the fifteenth year is $430,560.43, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $2,172,000, the aggregate installments being equal to the total face amount of bonds to be delivered, viz, $66,560,560.43.

The Kingdom of Rumania shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

Any payment of interest or of principal may be made at the option of the Kingdom of Rumania in any obligations of the United States issued after April 6, 1917, such obligations to be taken at par and accrued interest.

PAY OF EMPLOYEES

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 67) authorizing the payment of salaries to officers and employees of the Congress for December, 1925, on the 19th day of that month. This is the usual pre-Christmas joint resolution in regard to the payment of employees' salaries. I therefore ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the office of legislative counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1925, on the 19th day of that month.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 80) submitted by Mr. HALE on the 10th instant and ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not to exceed 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

COMMITTEE SERVICE

On motion of Mr. WATSON, it was—

Ordered, That the following Senators be excused from further service as members of the following committees:

Mr. CAMERON from the Committee on Mines and Mining;

Mr. REED of Pennsylvania from the Committee on Territories and Insular Possessions;

Mr. MEANS from the Committee on Mines and Mining; and

Mr. GOFF from the Committee on Military Affairs.

That the following Senators be assigned to membership on the following committees:

Mr. GOODING to the Committee on Territories and Insular Possessions;

Mr. CAMERON to the Committee on Appropriations;

Mr. REED of Pennsylvania to the Committee on Rules;

Mr. MEANS to the Committee on Public Lands and Surveys;

Mr. GOFF to the Committee on the Judiciary;

Mr. WILLIAMS to the Committee on Commerce, the Committee on Privileges and Elections, and the Committee on Public Lands and Surveys;

Mr. LA FOLLETTE to the Committee on Indian Affairs, the Committee on Manufactures, and the Committee on Mines and Mining; and

Mr. ROBINSON of Indiana to the Committee on Military Affairs, the Committee on Mines and Mining, and the Committee on Territories and Insular Possessions.

That Mr. ERNST be excused from further service as chairman of the Committee on Patents.

That the following Senators are hereby appointed chairmen of the following committees:

Mr. ERNST as chairman of the Committee on Privileges and Elections; and

Mr. BUTLER as chairman of the Committee on Patents.

On motion of Mr. ROBINSON of Arkansas, it was—

Ordered, That Senator DILL be relieved from further service on the Committee on Territories and Insular Possessions.

That the following Senators be assigned to membership on the following committees:

Mr. MAYFIELD to the Committee on Agriculture and Forestry;

Mr. BAYARD to the Committee on Expenditures in the Executive Departments;

Mr. ROBINSON of Arkansas to the Committee on Military Affairs; and

Mr. DILL to the Committee on Patents.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH:

A bill (S. 1547) to amend section 24 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. WHEELER:

A bill (S. 1548) to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

A bill (S. 1549) for the exchange of lands adjacent to national forests in Montana; to the Committee on Public Lands and Surveys.

A bill (S. 1550) to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations; to the Committee on Indian Affairs.

A bill (S. 1551) granting a pension to Louis M. Semple;

A bill (S. 1552) granting a pension to Thomas Bainbridge; and

A bill (S. 1553) granting a pension to Christ Saxhang; to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 1554) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter; and

A bill (S. 1555) for the relief of John F. White and Mary L. White; to the Committee on Claims.

A bill (S. 1556) granting a pension to Mary Leeder;

A bill (S. 1557) granting a pension to Joseph Hoegeman;

A bill (S. 1558) granting a pension to Sarah E. Rogers; and

A bill (S. 1559) granting a pension to Clara B. Veach; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 1560) for the relief of James A. Hughes; to the Committee on Military Affairs.

A bill (S. 1561) for the relief of Caroline M. Hyde; to the Committee on Claims.

A bill (S. 1562) granting an increase of pension to John J. Powers; and

A bill (S. 1563) granting an increase of pension to Knute O. Ericson; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 1564) authorizing the payment of claims of men of the Army and Marine Corps while in training for commissions in the combatant branches of the Army and Marine Corps, and authorizing an appropriation therefor; to the Committee on Military Affairs.

A bill (S. 1565) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917; to the Committee on Pensions.

A bill (S. 1566) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes," approved March 1, 1921; to the Committee on Post Offices and Post Roads.

A bill (S. 1567) to amend section 215, act of March 4, 1909 (Criminal Code), penalizing fraudulent use of the mails;

A bill (S. 1568) to amend section 3929, Revised Statutes, relating to exclusion of fraudulent devices and lottery paraphernalia from the mails;

A bill (S. 1569) to amend section 4041, Revised Statutes, enabling the Postmaster General to forbid payments of postal money orders in connection with the exclusion of fraudulent devices and lottery paraphernalia from the mails; and

A bill (S. 1570) to amend section 213, act of March 4, 1909 (Criminal Code), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 1571) for the relief of the Gulf Towing & Transportation Co., Tampa, Fla.; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 1572) for the relief of James L. Barnett; to the Committee on Civil Service.

A bill (S. 1573) to provide for the reappointment of Maj. Chauncey S. McNeill, subject to certain conditions; and

A bill (S. 1574) for the relief and to correct the military record of Kathryn C. Hopkins; to the Committee on Military Affairs.

A bill (S. 1575) granting a pension to James White;

A bill (S. 1576) granting a pension to Ella L. Collins; and

A bill (S. 1577) granting an increase of pension to Ellen Hopkins; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 1578) for the relief of James W. Mankins; to the Committee on Military Affairs.

A bill (S. 1579) for the purchase of a post-office site at Beckley, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 1580) for relief of the heirs of Warren C. Vesta;

A bill (S. 1581) for the relief of John Hood;

A bill (S. 1582) for relief of the heirs of Jacob Harshbarger, deceased;

A bill (S. 1583) for the relief of the Ansted National Bank, Ansted, W. Va.; to the Committee on Claims.

A bill (S. 1584) granting an increase of compensation to Abbie Doty; and

A bill (S. 1585) granting payments of compensation to Gilbert Rice; to the Committee on Finance.

A bill (S. 1586) granting an increase of pension to Margaret J. Vantrump;

A bill (S. 1587) granting a pension to Charles E. Price;

A bill (S. 1588) granting an increase of pension to Rebecca E. Pepper;

A bill (S. 1589) granting an increase of pension to Mary E. Paugh;

A bill (S. 1590) granting an increase of pension to Caroline Pasley;

A bill (S. 1591) granting an increase of pension to Cora C. O'Neill;

A bill (S. 1592) granting a pension to Abraham Nestor;

A bill (S. 1593) granting an increase of pension to Zachary T. Miller;

A bill (S. 1594) granting a pension to Peter McCarty;

A bill (S. 1595) granting a pension to John H. Jackson;

A bill (S. 1596) granting an increase of pension to Martha A. Clark;

A bill (S. 1597) granting an increase of pension to Valentine Horst;

A bill (S. 1598) granting a pension to Emily F. Hill;

A bill (S. 1599) granting a pension to William A. Hawkins;

A bill (S. 1600) granting an increase of pension to James Forsyth Harrison;

A bill (S. 1601) granting a pension to Martha C. Hager;

A bill (S. 1602) granting an increase of pension to Mattie Goff;

A bill (S. 1603) granting an increase of pension to Jane Gatrell;

A bill (S. 1604) granting an increase of pension to Melvina Fowler;

A bill (S. 1605) granting an increase of pension to Mary E. Everitt;

A bill (S. 1606) granting an increase of pension to James A. Criswell;

A bill (S. 1607) granting a pension to Melissa Clay;

A bill (S. 1608) granting an increase of pension to Arnold Brandley;

A bill (S. 1609) to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States; and

A bill (S. 1610) granting pensions to the officers and soldiers who served in the West Virginia State troops in the late Civil War; to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 1611) granting an increase of pension to Ann M. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 1612) for the relief of Harry H. Burris; to the Committee on Military Affairs.

A bill (S. 1613) setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota;

A bill (S. 1614) authorizing the Chippewa Indians of Minnesota to hold a general council under the supervision of the Secretary of the Interior;

A bill (S. 1615) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States;

A bill (S. 1616) authorizing the classification of the Chippewa Indians of Minnesota as competents and incompetents; and

A bill (S. 1617) to pay the claim of the estate of B. L. Fairbanks, deceased, against Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 1619) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 1620) to provide further for the national security and defense; to the Committee on Military Affairs.

By Mr. COUZENS:

A bill (S. 1621) granting a pension to Margaret H. Haan; to the Committee on Pensions.

A bill (S. 1622) for the relief of Asaid Henry; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 1623) further to assure title to lands granted the several States, in place, in aid of public schools, and to quiet titles; to the Committee on Public Lands and Surveys.

A bill (S. 1624) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for dependent children; to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 1625) to amend the act entitled "An act authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo.," approved March 3, 1925, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HALE:

A bill (S. 1626) granting a pension to Margaret I. Varnum; to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 1627) to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased; to the Committee on Finance.

By Mr. KEYES:

A bill (S. 1628) granting an increase of pension to Lanson O. Brown; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 1629) for the relief of George Turner; to the Committee on Claims.

By Mr. STANFIELD:

A bill (S. 1630) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. UNDERWOOD:

A bill (S. 1631) for the relief of Capt. Edward T. Hartmann, United States Army, and others; and

A bill (S. 1632) for the relief of the estate of C. C. Spiller, deceased; to the Committee on Claims.

A bill (S. 1633) granting an increase of pension to Sidney S. Pugh; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 1634) for the relief of the State of Vermont; to the Committee on Claims.

A bill (S. 1635) granting an increase of pension to Freeman York; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 1636) for the relief of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 1637) granting a pension to Harriet Pool; and

A bill (S. 1638) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 1639) granting a pension to Louise M. Rees; to the Committee on Pensions.

A bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 1641) for the relief of Mary H. Dougherty; to the Committee on Naval Affairs.

A bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania;

A bill (S. 1643) relating to the liability of certain marine employers;

A bill (S. 1644) to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, as amended by act of February 25, 1925; and

A bill (S. 1645) to provide for the appointment of an additional district judge for the middle district of Pennsylvania; to the Committee on the Judiciary.

A bill (S. 1646) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold (with an accompanying paper);

A bill (S. 1647) for the relief of the city of Philadelphia; and

A bill (S. 1648) for the relief of Rinald Bros., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 1649) for the relief of W. C. Moye and Nannie Moye;

A bill (S. 1650) for the relief of M. W. Hutchinson;

A bill (S. 1651) for the relief of the widow and minor children of Ed Estes, deceased;

A bill (S. 1652) for the relief of H. F. Frick and others;

A bill (S. 1653) for the relief of J. C. Peixotto; and

A bill (S. 1654) for the relief of J. H. B. Wilder; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 1655) authorizing a preliminary examination and survey of Humboldt Bay, Calif.;

A bill (S. 1656) for the relief of Michael Sweeney; and

A bill (S. 1657) to remove charge of desertion from the military record of Elisha L. Bennett, jr.; to the Committee on Military Affairs.

A bill (S. 1658) for the relief of Joseph A. McCarthy;

A bill (S. 1659) for the relief of George Washington Gates;

A bill (S. 1660) for the relief of E. J. Hendrycks;

A bill (S. 1661) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin;

A bill (S. 1662) for the relief of Francis Nicholson; and

A bill (S. 1663) for the relief of W. N. Attrill; to the Committee on Claims.

A bill (S. 1664) granting a pension to Joseph H. Ransom;

A bill (S. 1665) granting a pension to Mary Maxwell;

A bill (S. 1666) granting a pension to Angeline M. Preston;

A bill (S. 1667) granting a pension to Millie Newman;

A bill (S. 1668) granting a pension to F. T. Bray;

A bill (S. 1669) granting a pension to Lucile S. Henninger;

A bill (S. 1670) granting a pension to Frank Dixon;

A bill (S. 1671) granting an increase of pension to William W. Bishop;

A bill (S. 1672) granting a pension to Anna H. McCarter;
A bill (S. 1673) granting an increase of pension to Mary J. Kepler;
A bill (S. 1674) granting an increase of pension to Frank Ziegler;
A bill (S. 1675) granting a pension to Sophronia O'Neill;
A bill (S. 1676) granting a pension to Elizabeth Ritchie;
A bill (S. 1677) granting a pension to Emma R. Morrison;
A bill (S. 1678) granting a pension to James H. Williams;
A bill (S. 1679) granting a pension to Emma R. Morrison;
A bill (S. 1680) granting an increase of pension to Harriet C. Rogers;
A bill (S. 1681) granting an increase of pension to Edward Z. Marlette;
A bill (S. 1682) granting a pension to Annette Payne; and
A bill (S. 1683) granting a pension to Sophronia O'Neill; to the Committee on Pensions.

By Mr. McKINLEY:

(By request.) A bill (S. 1684) to incorporate The Civil Legion; to the Committee on the Judiciary.

A bill (S. 1685) for the relief of the International Manufacturers' Sales Co. of America (Inc.); and
A bill (S. 1686) for the relief of Mary B. Jenkins (with accompanying papers); to the Committee on Claims.
A bill (S. 1687) for the relief of John H. Fesenmeyer, alias John Wills; and
A bill (S. 1688) for the relief of William H. Dotson (with accompanying papers); to the Committee on Military Affairs.
A bill (S. 1689) granting a pension to Jerry J. Knedlik;
A bill (S. 1690) granting an increase of pension to Myra L. Moore;
A bill (S. 1691) granting an increase of pension to Hardy L. Knowles;
A bill (S. 1692) granting a pension to William J. Mitchell;
A bill (S. 1693) granting an increase of pension to Andrew J. Leonard;
A bill (S. 1694) granting an increase of pension to Andrew Kirkpatrick;
A bill (S. 1695) granting a pension to Electa Johnson;
A bill (S. 1696) granting a pension to William D. Harrington;
A bill (S. 1697) granting an increase of pension to Effie Fatheree;
A bill (S. 1698) granting a pension to Effie Edwards;
A bill (S. 1699) granting a pension to Alice E. Deitrick;
A bill (S. 1700) granting an increase of pension to Martha Brooks;
A bill (S. 1701) granting an increase of pension to Adaline Addis;
A bill (S. 1702) granting a pension to George Dennison (with accompanying papers);
A bill (S. 1703) granting a pension to Albert H. Mussbach (with accompanying papers);
A bill (S. 1704) granting a pension to Nancy Day (with accompanying papers);
A bill (S. 1705) granting a pension to Charles E. Dern (with an accompanying paper);
A bill (S. 1706) granting a pension to Lillie Dickenson (with accompanying papers);
A bill (S. 1707) granting a pension to Anna Margaret Ditzel (with accompanying papers);
A bill (S. 1708) granting a pension to Ben Garland (with accompanying papers);
A bill (S. 1709) granting a pension to Flora M. Geiger (with accompanying papers);
A bill (S. 1710) granting a pension to Mary Helena Hallock (with accompanying papers);
A bill (S. 1711) granting an increase of pension to William H. Hinkel (with accompanying papers);
A bill (S. 1712) granting a pension to Walter Howard (with accompanying papers);
A bill (S. 1713) granting a pension to Anna M. Huddleston (with accompanying papers);
A bill (S. 1714) granting an increase of pension to Mary W. James (with an accompanying paper);
A bill (S. 1715) granting a pension to Nettie E. Kimery (with accompanying papers); and
A bill (S. 1716) granting a pension to Cordelia E. Maley (with an accompanying paper); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 1717) to prevent the pollution by oil of navigable rivers of the United States; to the Committee on Commerce.

By Mr. CAMERON:

A bill (S. 1718) authorizing sale of certain lands to the Yuma Chamber of Commerce, Yuma, Ariz.; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 1719) to provide for the purchase or condemnation of property in the Reno subdivision and adjacent thereto, for the purpose of improvement of street plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. WHEELER:

A joint resolution (S. J. Res. 26) to appropriate certain tribal funds of the Flathead and other Indian Tribes in Montana, to bring test suits in the United States District Court of Montana, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A joint resolution (S. J. Res. 27) authorizing the President to extend invitations to other nations to participate in the world conference on narcotic education to be held in Philadelphia, Pa., and for other purposes; to the Committee on Foreign Relations.

By Mr. CAPPER:

A joint resolution (S. J. Res. 28) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

INDUSTRIAL ESPIONAGE

Mr. WHEELER submitted the following resolution (S. Res. 88), which was referred to the Committee on Education and Labor:

Whereas various court proceedings and published investigations have tended to show that a large number of private detective agencies are obtaining large sums of money from business concerns and organizations by falsely representing movements among their employees by joining labor organizations and advocating revolutionary methods for the purpose of discrediting said labor organizations, and by manufacturing scares concerning radical propaganda and alleged plans for the use of violence in industrial conflict; and

Whereas these agencies and other interests connected with them are detrimental to peaceful relationship between employers and employees, setting up a system of espionage in industry, thriving on the unrest and fear they create, and spreading false rumors and scares and often bringing about strikes in order to maintain their alleged services:

Resolved, That the Committee on Education and Labor be, and hereby is, empowered to conduct an inquiry into the extent of this system of industrial espionage in all its ramifications, and to report to the Senate what legislation, in the committee's judgment, is desirable to correct such practices as they may find inimical to the public welfare.

ALASKA FUR SEAL SKINS

Mr. WHEELER submitted the following resolution (S. Res. 89), which was referred to the Committee on Commerce:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to furnish the Senate, for its information and use, a statement showing the total number of Government-owned Alaska fur seal skins, as annually taken since May 1, 1922, and showing total proceeds from sale of said skins as annually sold or disposed of under authority of act of August 24, 1912, up to September 30, 1925, inclusive; said statement to make a detailed showing of the time, place, and number of skins sold at each of said annual sales, with the classification of all the skins so offered and prices obtained for each grade of said sales;

Resolved further, That a complete record of the total annual payments made to the Governments of Great Britain and Japan, and as annually made since 1912, to January 1, 1925, inclusive, by the Secretary of Commerce, as provided for in said act of August 24, 1912, be furnished by him to the Senate for its use and information; and

Resolved further, That a complete statement of the total number of Government-owned fur seal skins which are on hand September 30, 1925, and held in storage at St. Louis, Mo., as such and still unsold up to that date, with a complete record of their ages and condition, be also furnished for the use and information of the Senate.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS

Mr. HARRELD submitted the following resolution (S. Res. 90), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

TREATIES OF LOCARNO

Mr. WALSH. Mr. President, there was signed at Locarno some short time ago some epoch-making treaties. They are not only of great public interest, but in all probability reference will be made to them in discussion soon to take place in the Senate. I send to the desk a copy of the treaties and ask that they be incorporated in the RECORD. The text is in both French and English. I ask that the English text only be printed.

Mr. BORAH. The Senator is merely requesting that they be printed in the RECORD?

Mr. WALSH. Yes.

Mr. BORAH. It would be much more convenient if we could have them in document form.

Mr. WALSH. I agree with the Senator. I will also ask that they be printed as a public document.

The VICE PRESIDENT. Is there objection? If not, the treaties will be printed as a public document and will also be printed in the RECORD.

The treaties are as follows:

FINAL PROTOCOL OF THE LOCARNO CONFERENCE, 1925 (AND ANNEXES), TOGETHER WITH TREATIES BETWEEN FRANCE AND POLAND AND FRANCE AND CZECHOSLOVAKIA

(No. 1)

FINAL PROTOCOL OF THE LOCARNO CONFERENCE, 1925

The representatives of the German, Belgian, British, French, Italian, Polish, and Czechoslovak Governments, who have met at Locarno from the 5th to 16th October, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft treaties and conventions which respectively affect them and which, framed in the course of the present conference, are mutually interdependent:

Treaty between Germany, Belgium, France, Great Britain, and Italy (Annex A).

Arbitration convention between Germany and Belgium (Annex B).

Arbitration convention between Germany and France (Annex C).

Arbitration treaty between Germany and Poland (Annex D).

Arbitration treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialed ne varietur, will bear to-day's date, the representatives of the interested parties agreeing to meet in London on the 1st December next to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above France, Poland, and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements will be duly deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that in reply to certain requests for explanations concerning article 16 of the covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft is similarly attached (Annex F), should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly to bring about a moral relaxation of the tension between nations; that it will help powerfully toward the solution of many political or economic problems in accordance with the interests and sentiments of peoples; and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in article 8 of the covenant of the League of Nations.

They undertake to give their sincere cooperation to the work relating to disarmament already undertaken by the League of Nations and to seek the realization thereof in a general agreement.

Done at Locarno, the 16th October, 1925.

LUTHER.
STRESEMANN.
EMILE VANDERVELDE.
ARI. BRIAND.
AUSTEN CHAMBERLAIN.
BENITO MUSSOLINI.
AL. SKRZYNSKI.
EDUARD BENES.

ANNEX A

TREATY OF MUTUAL GUARANTY BETWEEN GERMANY, BELGIUM, FRANCE, GREAT BRITAIN, AND ITALY. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, and His Majesty the King of the United Kingdoms of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-1918;

Taking note of the abrogation of the treaties for the neutralization of Belgium, and conscious of the necessity of insuring peace in the area which has so frequently been the scene of European conflicts;

Animated also with the sincere desire of giving to all the signatory powers concerned supplementary guarantees within the framework of the covenant of the League of Nations and the treaties in force between them;

Have determined to conclude a treaty with these objects, and have appointed as their plenipotentiaries:

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE 1

The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the treaty of peace signed at Versailles on the 28th June, 1919, and also the observance of the stipulations of articles 42 and 43 of the said treaty concerning the demilitarized zone.

ARTICLE 2

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of—

1. The exercise of the right of legitimate defense; that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of articles 42 or 43 of the said treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary.

2. Action in pursuance of article 16 of the covenant of the League of Nations.

3. Action as the result of a decision taken by the assembly or by the council of the League of Nations or in pursuance of article 15, paragraph 7, of the covenant of the League of Nations, provided that in this last event the action is directed against a state which was the first to attack.

ARTICLE 3

In view of the undertakings entered into in article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy;

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the council of the League of Nations, which will deal with it in accordance with article 15 of the covenant of the league.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

ARTICLE 4

1. If one of the high contracting parties alleges that a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles has been or is being committed, it shall bring the question at once before the council of the League of Nations.

2. As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its findings without delay to the powers signatory of the present treaty, who severally agree that in such case they will each of them come immediately to the assistance of the power against whom the act complained of is directed.

3. In case of a flagrant violation of article 2 of the present treaty or of a flagrant breach of articles 42 or 43 of the treaty of Versailles by one of the high contracting parties, each of the other contracting parties hereby undertakes immediately to come to the help of the party against whom such a violation or breach

has been directed as soon as the said power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarized zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the high contracting parties undertake to act in accordance with the recommendations of the council provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

ARTICLE 5

The provisions of article 3 of the present treaty are placed under the guarantee of the high contracting parties as provided by the following stipulations:

If one of the powers referred to in article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles, the provisions of article 4 shall apply.

Where one of the powers referred to in article 3, without committing a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other party shall bring the matter before the Council of the League of Nations, and the council shall propose what steps shall be taken; the high contracting parties shall comply with these proposals.

ARTICLE 6

The provisions of the present treaty do not affect the rights and obligations of the high contracting parties under the treaty of Versailles or under arrangements supplementary thereto, including the agreements signed in London on the 30th August, 1924.

ARTICLE 7

The present treaty, which is designed to insure the maintenance of peace, and is in conformity with the covenant of the League of Nations, shall not be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 8

The present treaty shall be registered at the League of Nations in accordance with the covenant of the league. It shall remain in force until the council, acting on a request of one or other of the high contracting parties notified to the other signatory powers three months in advance, and voting at least by a two-thirds majority decides that the League of Nations insures sufficient protection to the high contracting parties; the treaty shall cease to have effect on the expiration of a period of one year from such decision.

ARTICLE 9

The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

ARTICLE 10

The present treaty shall be ratified, and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a member of the League of Nations.

The present treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the secretary general will be requested to transmit certified copies to each of the high contracting parties.

In faith whereof the above-mentioned plenipotentiaries have signed the present treaty.

Done at Locarno, the 16th October, 1925.

LUTHER.
STRESEMANN.
EMILE VANDERVELDE.
A. BRIAND.
AUSTEN CHAMBERLAIN.
BENITO MUSSOLINI.

ANNEX B

ARBITRATION CONVENTION BETWEEN GERMANY AND BELGIUM. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The undersigned duly authorized,

Charged by their respective Governments to determine the methods by which, as provided in article 3 of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, a peaceful solution shall be attained of all questions which can not be settled amicably between Germany and Belgium,

Have agreed as follows:

PART I

ARTICLE 1

All disputes of every kind between Germany and Belgium with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between Germany and Belgium shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the permanent conciliation commission, constituted in accordance with the present convention.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say: The German Government and the Belgian Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; these three commissioners must be of different nationalities, and the German and Belgian Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when the German Government or the Belgian Government shall have brought a dispute before the permanent conciliation commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been

examined, inform the parties of the terms of settlement which seem suitable to it and lay down a period within which they are to make their decision.

At the close of its labors the commisison shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (international commissions of inquiry) of The Hague convention of the 18th October, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public, except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel, and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present convention, the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The German and Belgian Governments undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and Belgian Governments, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague convention of the 18th of October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Belgian Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy, the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present convention, and for the settlement of which no procedure has been laid down by other conventions in force between the parties, shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution, and in any case to present a report.

The procedure laid down in articles 6–15 of the present convention shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission, the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISION

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The German and Belgian Governments undertake, respectively, to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present convention continues applicable as between Germany and Belgium, even when other powers are also interested in the dispute.

ARTICLE 21

The present convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present convention, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno the 16th October, 1925.

STR. E. V.

ANNEX C

ARBITRATION CONVENTION BETWEEN GERMANY AND FRANCE. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The undersigned duly authorized,

Charged by their respective Governments to determine the methods by which, as provided in article 3 of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, a peaceful solution shall be attained of all questions which can not be settled amicably between Germany and France,

Have agreed as follows:

PART I

ARTICLE 1

All disputes of every kind between Germany and France with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between Germany and France shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the permanent conciliation commission, constituted in accordance with the present convention.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission, mentioned in article 2, shall be composed of five members, who shall be appointed as follows, that is to say: The German Government and the French Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; these three commissioners must be of different nationalities, and the German and Belgian Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and, in any case, until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when the German Government or the French Government shall have brought a dispute before the permanent conciliation commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may after the case has been examined inform the parties of the terms of settlement which seem suitable to it and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (international commissions of inquiry) of The Hague convention of October 18, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public, except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel, and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present convention, the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The German and French Governments undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and French Governments, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague convention of the 18th October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and French Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present convention, and for the settlement of which no procedure has been laid down by other conventions in force between the parties, shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present convention shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISION

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The German and French Governments undertake, respectively, to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present convention continues applicable as between Germany and France, even when other powers are also interested in the dispute.

ARTICLE 21

The present convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present convention, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno the 16th October, 1925.

STR. A. B.

ANNEX D

ARBITRATION TREATY BETWEEN GERMANY AND POLAND. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The President of the German Empire and the President of the Polish Republic;

Equally resolved to maintain peace between Germany and Poland by assuring the peaceful settlement of differences which might arise between the two countries;

Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals;

Agreeing to recognize that the rights of a State can not be modified save with its consent;

And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between States;

Have decided to embody in a treaty their common intentions in this respect, and have named as their plenipotentiaries the following:

Who, having exchanged their full powers, found in good and due form, are agreed upon the following articles:

PART I

ARTICLE 1

All disputes of every kind between Germany and Poland with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present treaty and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the high contracting parties shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission, styled the permanent conciliation commission, constituted in accordance with the present treaty.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present treaty until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say: The high contracting parties shall each nominate a commissioner chosen from among their respective nationals and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; those three commissioners must be of different nationalities, and the high contracting parties shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when one of the high contracting parties shall have brought a dispute before the permanent conciliation commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International commissions of inquiry) of The Hague Convention of the 18th October, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may moreover be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission on its side shall be entitled to request oral explanations from the agents, counsel, and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present treaty the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The high contracting parties undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the high contracting parties, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague convention of the 18th October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Polish Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present treaty, and for the settlement of which no procedure has been laid down by other conventions in force between the parties shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present treaty shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISIONS

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The high contracting parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present treaty continues applicable as between the high contracting parties even when other powers are also interested in the dispute.

ARTICLE 21

The present treaty, which is in conformity with the covenant of the League of Nations, shall not in any way affect the rights and obligations of the high contracting parties as members of the League of Nations and shall not be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 22

The present treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present treaty, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

STR. AS.

ANNEX E

ARBITRATION TREATY BETWEEN GERMANY AND CZECHOSLOVAKIA. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The President of the German Empire and the President of the Czechoslovak Republic;

Equally resolved to maintain peace between Germany and Czechoslovakia by assuring the peaceful settlement of differences which might arise between the two countries;

Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals;

Agreeing to recognize that the rights of a state can not be modified save with its consent;

And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between states;

Have decided to embody in a treaty their common intentions in this respect, and have named as their plenipotentiaries the following:

Who, having exchanged their full powers, found in good and due form, are agreed upon the following articles:

PART I

ARTICLE 1

All disputes of every kind between Germany and Czechoslovakia with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include, in particular, those mentioned in article 13 of the covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present treaty and belonging to the past.

Disputes, for the settlement of which a special procedure is laid down in other conventions in force between the high contracting parties, shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission, styled the permanent conciliation commission, constituted in accordance with the present treaty.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present treaty until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The permanent conciliation commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say: The high contracting parties shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third powers; those three commissioners must be of different nationalities, and the high contracting parties shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The permanent conciliation commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The permanent conciliation commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within 15 days from the date when one of the high contracting parties shall have brought a dispute before the permanent conciliation commission, either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within 15 days from the date when the notification reaches it.

ARTICLE 8

The task of the permanent conciliation commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement, and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the permanent conciliation commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (international commissions of inquiry) of The Hague convention of the 18th of October, 1907, for the pacific settlement of international disputes.

ARTICLE 10

The permanent conciliation commission shall meet in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the permanent conciliation commission are not public except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the permanent conciliation commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission on its side shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

ARTICLE 13

Unless otherwise provided in the present treaty the decisions of the permanent conciliation commission shall be taken by a majority.

ARTICLE 14

The high contracting parties undertake to facilitate the labors of the permanent conciliation commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the permanent conciliation commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the high contracting parties, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the permanent conciliation commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of the 18th October, 1907, for the pacific settlement of international disputes.

If the parties can not agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Czechoslovak Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which can not be attained by means of a judicial decision as provided in article 1 of the present treaty, and for the settlement of which no procedure has been laid down by other conventions in force between the parties shall be submitted to the permanent conciliation commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present treaty shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the permanent conciliation commission the question shall, at the request of either party, be brought before the council of the League of Nations, which shall deal with it in accordance with article 15 of the covenant of the league.

GENERAL PROVISIONS

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the conciliation commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the council of the League of Nations, if the question is brought before it, to insure that suitable provisional measures are taken. The high contracting parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the conciliation commission or by the council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present treaty continues applicable as between the high contracting parties even when other powers are also interested in the dispute.

ARTICLE 21

The present treaty, which is in conformity with the covenant of the League of Nations, shall not in any way affect the rights and obligations of the high contracting parties as members of the League of Nations and shall not be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 22

The present treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present treaty, done in a single copy, shall be deposited in the archives of the League of Nations, the secretary general of which shall be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

STR. DR. B.

ANNEX F

DRAFT COLLECTIVE NOTE TO GERMANY REGARDING ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS. (INITIALED AT LOCARNO, OCTOBER 16, 1925)

The German delegation has requested certain explanations in regard to article 16 of the covenant of the League of Nations.

We are not in a position to speak in the name of the league, but in view of the discussions which have already taken place in the assembly and in the commissions of the League of Nations, and after the explanations which have been exchanged between ourselves we do not hesitate to inform you of the interpretation which in so far as we are concerned we place upon article 16.

In accordance with that interpretation the obligations resulting from the said article on the members of the league must be understood to mean that each state member of the league is bound to cooperate loyally and effectively in support of the covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account.

E.V. A.B. A.C. B.M.
DR. B. A.S.

(No. 2.)

TREATY BETWEEN FRANCE AND POLAND

The President of the French Republic and the President of the Polish Republic;

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace;

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the Covenant of the League of Nations and of the treaties existing between them;

And have to this effect nominated for their plenipotentiaries:

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

In the event of Poland or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace, France, and reciprocally Poland, acting in application of article 16 of the Covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.

In the event of the council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Poland or France being attacked without provocation, France, or reciprocally Poland, acting in application of article 15, paragraph 7, of the covenant of the League of Nations, will immediately lend aid and assistance.

ARTICLE 2

Nothing in the present treaty shall affect the rights and obligations of the high contracting parties as members of the League of Nations, or shall be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 3

The present treaty shall be registered with the League of Nations, in accordance with the covenant.

ARTICLE 4

The present treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, and the ratification of the treaty concluded at the same time between Germany and Poland.

It will enter into force and remain in force under the same conditions as the said treaties.

The present treaty done in a single copy will be deposited in the archives of the League of Nations, and the secretary general of the league will be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

No. 3

TREATY BETWEEN FRANCE AND CZECHOSLOVAKIA

The President of the French Republic and the President of the Czechoslovak Republic;

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace;

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the covenant of the League of Nations and of the treaties existing between them;

And have to this effect, nominated for their plenipotentiaries:

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

In the event of Czechoslovakia or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace, France, and reciprocally, Czechoslovakia, acting in application of article 16 of the covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.

In the event of the Council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Czechoslovakia or France being attacked without provocation, France, or reciprocally Czechoslovakia, acting in application of article 15, paragraph 7, of the covenant of the League of Nations, will immediately lend aid and assistance.

ARTICLE 2

Nothing in the present treaty shall affect the rights and obligations of the high contracting parties as members of the League of Nations, or shall be interpreted as restricting the duty of the league to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 3

The present treaty shall be registered with the League of Nations, in accordance with the covenant.

ARTICLE 4

The present treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, and the ratification of the treaty concluded at the same time between Germany and Czechoslovakia.

It will enter into force and remain in force under the same conditions as the said treaties.

The present treaty done in a single copy will be deposited in the archives of the League of Nations, and the secretary general of the league will be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

INDIAN CITIZENS OF THE UNITED STATES

Mr. BRUCE. Mr. President, I ask for the privilege of having inserted in the CONGRESSIONAL RECORD an essay by Jennings C. Wise, of Washington, D. C., counsel for the Indian Board of Cooperation of California, entitled "A Plea for the Indian Citizens of the United States." In my humble judgment this essay not only deserves to be inserted in the CONGRESSIONAL RECORD but should have a place in every library in the land.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A PLEA FOR THE INDIAN CITIZENS OF THE UNITED STATES

WASHINGTON, D. C., *September 15, 1925.*

Hon. JOHN W. HARRELD,
Chairman Committee on Indian Affairs,
United States Senate.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
United States House of Representatives.

As counsel for the Indian Board of Cooperation of California, a philanthropic association created for the special purpose of ameliorating the lot of the 18 tribes of California Indians; as counsel for the Yankton Tribe of Sioux Indians, of South Dakota; and as associate counsel for the Six Nations of New York, I have the honor to present to you certain facts relating to the Indian citizens of the United States generally, and to request that I be afforded an opportunity to appear before your honorable committees and make to them the plea herein presented.

I

THE POLITICAL STATUS OF THE TRIBAL INDIANS

In 1823 the Supreme Court of the United States, speaking through Chief Justice Marshall, defined the political status of the tribal Indians. The tribes were then declared to be dependent communities and the tribal Indians the political wards of the United States. (Johnson *v.* McIntosh, 8 Wheat (U. S.) 543; Cherokee Nation *v.* State of Georgia, 5 Pet. (U. S.) 48; Worcester *v.* State of Georgia, 6 Pet. (U. S.) 515; United States *v.* Kagama, 118 U. S. 375; Choctaw Nation *v.* United States, 119 U. S. 1.) Over the tribal relations of the Indians Congress has ever been held to possess plenary authority. (Lone Wolf *v.* Hitchcock, 187 U. S. 553, 565; The Question of Aborigines, Snow.)

By the act of Congress approved June 2, 1924, however, every noncitizen Indian born within the territorial limits of the United States was declared to be a citizen of the United States. Thus, 148 years after the United States had assumed political jurisdiction over the Indians, they were elevated from the status of a dependent political wardship to that of full citizenship, and as citizens, with all the constitutional rights of such, assumed a definite place in the body politic of the Nation.

The effect of the transformation which they have undergone has not been fully recognized. Whatever the status of the United States with respect to the property of the political wards of the Nation may have been prior to June 2, 1924, the enfranchising act of that date, it is submitted, definitely fixed its status as the trustee at law of so much of the property of the Indians as remained in its hands. In the law of nations and the municipal law of the United States there is no sanction for any other relation between a sovereign state and its citizens of whose property it retains control.

The report of the Commissioner of Indian Affairs for 1924 shows that there are still about 150,000 full-blooded tribal Indians who, with other legal Indians, hold in common tribal lands that have not yet been allotted in severalty. Under the existing law the unallotted tribal lands of these Indians necessarily remain under the control of the United States, and, though the tribal Indians, like all others, are

citizens, it is clear that until they are prepared and elect to take their lands in severalty the Government is morally bound to continue in the relation of political guardian while discharging the trust with respect to their property imposed by the act of June 2, 1924.

Political history fails to disclose another instance of such a relation. (The Question of Aborigines, Snow.) It is a unique relation, even more peculiar than that existing with respect to the tribes between 1776 and 1924, and one that requires to be very carefully considered by Congress. Plainly, many of the laws and practices designed to meet the case of political dependents are no longer suited to the needs of citizens and are inconsistent with the legal relation existing between citizens and a sovereign trustee.

II

THE EXECUTIVE POLICY OF THE UNITED STATES WITH RESPECT TO THE TRIBAL INDIANS

The executive policy of the United States with respect to the tribal Indians was initiated and first expressed by President Washington in 1790 in an address to the Six Nations in the following words:

"The General Government will never consent to your being defrauded, but will protect you in all your just rights." (Am. State Papers, Indian Affairs, Vol. I, p. 142.)

Washington's executive policy has remained unchanged. In the celebrated Cayuga case, before the American and British Claims Arbitration, after referring to the political system of the United States with respect to the Indians, the Department of State in 1912 said:

"Under that system the Indians residing within the United States are so far independent that they live under their own customs and not under the laws of the United States; that their rights upon the lands which they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves; and whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States *ample compensation for every right they have to the lands ceded by them.*" (Italics added.)

III

THE JUDICIAL POLICY OF THE UNITED STATES WITH RESPECT TO THE TRIBAL INDIANS

It was over 30 years after Washington established the executive policy of the United States before the Supreme Court was called upon to define the rights of the Indian tribes. In 1823 in the classic opinion delivered by Chief Justice Marshall in Johnson *v.* McIntosh, 8 Wheat. (United States) 543, it was held that the tribal title was a right of occupancy. Affirming this first decision, in 1895 Chief Justice White said:

"The Indian title against the United States was merely a title and right to the perpetual occupancy of the land with the privilege of using it in such mode as they saw fit until such right of occupation had been surrendered to the Government." (Spaulding *v.* Chandler, 160 U. S. 403.)

The Indians can convey no title without the consent of the United States; their title is conditioned upon actual occupation; settlement on their lands is prohibited by statute; grants thereof are made by the United States subject to the Indian right of occupancy; the Indian right can be extinguished only by the United States; title to Indian lands can not be acquired either by a third party or the United States by adverse possession; the doctrine of laches does not apply to the tribal Indians; the Indian right of occupancy is as sacred as the title of the United States to the fee; and even the United States can not extinguish that right save by the voluntary consent of the Indians or by the exercise of the sovereign right of eminent domain. (Johnson *v.* McIntosh, 8 Wheat. (U. S.) 543; U. S. *v.* Cook, 19 Wall. (U. S.) 591; Leavenworth, etc., R. Co. *v.* U. S., 92 U. S. 733; U. S. *v.* Sandoval, 231 U. S. 45–48; U. S. *v.* La Chappelle, 81 Fed. 152; Laughton *v.* Nadeau, 75 Fed. 789, R. S. 2118, 2257–2289.)

That the Indian right of occupancy is a property right has never been questioned, and that it is property within the meaning of the Fifth Amendment of the Constitution which forbids the taking of private property for public use without just compensation has long since been decided. (Binns *v.* United States, 194 U. S. 486.) In the celebrated case of the Kansas Indians, involving the right of occupancy of the Shawnee, Miami and other tribes, the Supreme Court in 1866 said:

"If they have outlived many things, they have not outlived the protection afforded by the Constitution, treaties, and laws of Congress." (The Kansas Indians, 5 Wall. (U. S.) 755. See also the New York Indians, 5 Wall. (U. S.) 763.)

That an Indian tribe can sue as such is not doubted. (Felix *v.* Patrick, 36 Fed. 457.)

In complete conformity with the foregoing principles the Court of Claims in 1910 in the Ute case said:

"While it may be true that the Indian title of the plaintiffs to any territory prior to the treaty of 1863 was not such a title as the defendants would recognize, yet the plaintiffs were located within this territory and had the usual claim of occupancy of other Indians. Their claim was considered of such importance that the defendants, during the year following the Guadalupe Hidalgo treaty, entered into a treaty with them and secured from them a concession for the right of free passage through their territory. (9 Stats. 984.) By the treaty of 1863 (13 Stats. 673) the defendants considered these claims to territorial occupancy of sufficient importance to obtain from them a cession of all 'claim, title, etc., to lands within the territory of the United States,' excepting certain lands which were set apart to them as their hunting grounds. By the treaty of 1868 (15 Stats. 619) the reservation in question was set apart to the plaintiffs, and by the third article of the treaty the plaintiffs relinquished 'all claims and rights in and to any portion of the United States or Territories except' such reservation. Even if they admit that they had no valid title to any lands, yet they claimed some title and honestly claimed it, and the yielding of such a claim to a party who wishes to purchase it is good consideration." (45 Ct. Cls. 440.)

IV

THE LEGISLATIVE POLICY OF THE UNITED STATES WITH RESPECT TO THE TRIBAL INDIANS

The policy of Congress has conformed, in theory at least, with the original Executive policy as expressed by Washington in 1790, and the judicial view pronounced by the Supreme Court in 1823.

In the report of the Committee on Indian Affairs of the United States House of Representatives, submitted in 1830, dealing with the constitutional right of Congress to remove Indian tribes from the domains claimed by them to the Indian Territory, it was said:

"The Indians are paid for their unimproved lands as much as the privilege of hunting and taking game upon them is supposed to be worth, and the Government sells them for what they are worth to the cultivator. * * * Improved lands or small reservations in the States are in general purchased at their full value to the cultivator. To pay an Indian tribe what their ancient hunting grounds are worth to them after the game is fled or destroyed as a mode of appropriating wild lands claimed by Indians has been found more convenient, and certainly it is more agreeable to the forms of justice, as well as more merciful, than to assert the possession of them by the sword. Thus, the practice of buying Indian titles is but the substitute which humanity and expediency have imposed in place of the sword in arriving at the actual enjoyment of property claimed by the right of discovery and sanctioned by the national superiority allowed to the claims of civilized communities over those of savage tribes. * * *" (21st Cong., 1st sess., H. Rept. No. 227, Feb. 24, 1830.)

In 1922 Justice Sutherland, speaking for the Supreme Court, said: "Congress itself, in apparent recognition of possible individual possession, has in several of the State enabling acts required the incoming State to disclaim all right and title to lands owned or held by any Indian or Indian tribes." (The Cramer case, 261 U. S. 219.)

Elsewhere in the same opinion Mr. Justice Sutherland said:

"The fact that such right of occupancy finds no recognition in any statute or other formal governmental action is not conclusive. The right, under the circumstances here disclosed, flows from a settled governmental policy."

From the foregoing it is apparent that Congress itself has never deemed it within its undoubted "plenary power over the tribal relations of the Indians" to deprive them of their property rights without some form of compensation. Such a practice would not only be violative of the decisions of the Supreme Court of the United States, but would be contrary to the law of nations. Civilized states, though possessing plenary political power over their inhabitants, do not confiscate the private property of dependent peoples. (Binns *v.* The United States, supra.)

V

THEORY AND PRACTICE

Nothing could be fairer than the policy of the United States with respect to the Indians than that which is to be derived from the executive and legislative declarations and the judicial decisions hereinbefore quoted. Unfortunately the governmental practice has not accorded with theory. The two have been wide apart.

Without prejudice, without sentiment, let the facts of history be reviewed.

Although the Indians, measured by European standards, were the most moral people known to history, the colonial Englishman's church deemed them the "spawn of hell," to be extirpated in the spirit of the Old Testament. (The Puritan in Holland, England, and America, Campbell.) Desirous of their lands the frontiersman invented the useful fiction that a people who had occupied definite tribal domains from time immemorial, were nomads without attachment to the soil. (Hand Book of Am. Indians, pt. 2, tit., Popular fallacies.) Thus, when the United States assumed political jurisdiction in 1776 over these former subjects of the British Crown, the Americans along the frontier deemed the rights of the Indians and the buffalo to be on a parity. Said Brackinridge, a frontier editor, in 1782: "So far from admitting the Indian title, I would

as soon admit that of the buffalo." Again: "The animals vulgarly called Indians, being by nature fierce and cruel, I consider their extirpation would be useful to the world while entirely honorable to those who would effect it." (Narratives of Knight and Stover. Cincinnati Reprint, 1867.)

With such a view extant among the so-called civilized whites, it was not unnatural that the Indian should have become fierce in the defense of his lands—at times cruel—and that the idea should have gained credence that "the only good Indian is a dead Indian."

In vain Washington, who knew his fellow countrymen and was not deceived by them, sought to prevent the massacre of the Indians and protect them in their admitted rights. The Constitution itself forbade the acquisition of their lands save by United States treaties. New York ignored the Constitution and the statutes. Georgia, with the tacit consent of John Quincy Adams and Jackson twice nullified the mandates of the Supreme Court, threatening a resort to arms to prevent their enforcement, while Alabama threatened to secede from the Union if Indian statutes were rendered effective. (The Life of John Marshall, Beveridge; the Supreme Court in United States History, Warren.) Under Jefferson, Madison, and Jackson, dependent as they were for their political support upon the "new democracy" of the frontier, the Buffalo Party had free play. Harkening to the wisdom and justice of Washington and Marshall, in 1824 Monroe timidly proposed to give the Indians land individually in order that they might be emancipated from their aboriginal state and enabled to compete in the economic order of civilization. The Nation would not have it. He then proposed their concentration in the Indian Territory which was partly effected under Jackson as the means of driving them, despite the Supreme Court, from the white man's path. Even there they were molested and abused. Then came a veritable reign of terror for the Indians of the West. Along the Oregon Trail and in the gold fields of California and the Black Hills they were destroyed like the buffalo.

The Californians and Oregonians demanded that they be removed. Congress passed acts providing for the negotiation of treaties with the Indian tribes of the Pacific coast in which reservations were promised them for the lands surrendered. Pending the ratification of these treaties they were induced to remove. Political influence prevented the ratification by the Senate of the treaties. Thus deceived, dispossessed, betrayed, a quarter of a million helpless people who had been partly civilized and Christianized by the Spaniards, whose rights were secure under the laws of Spain and Mexico, and whose rights had been solemnly guaranteed by the United States in the treaty of Guadalupe Hidalgo, were harried from place to place, massacred at will, and left to become vagrants upon the earth. To-day they are homeless, dependent upon charity, and reduced to less than 20,000 souls. (Hearings before a subcommittee of the Committee on Indian Affairs, H. R., 66th Cong., 2d sess., March 23, 1920; 67th Cong., 2d sess., April 28 and 29, 1922. Annual Report, Dept. of the Interior, 1901, p. 346; Hand Book of Am. Indians, pt. 2, tit., Population.)

In addition to the gold seekers another enemy was soon to appear. In 1850 Congress adopted the policy of granting western lands to corporate interests in order to promote the construction of the transcontinental railroads. To this end grants aggregating 155,000,000 acres of land with slight regard to Indian rights were made. Then came the homestead act of 1862, which caused the remaining Indian lands to be deluged with white settlers. The Indians of the East and the Pacific coast having been entirely dispossessed, now came the turn of the plains Indians. In all, it was necessary for the guardian Government to wage over 50 official wars against its wards during the first century of its existence in the civilizing process which it brought to bear, though there is not one instance in which the Indians sought to defend themselves until after protection had been denied them. During this same period the Indians north of the Canadian border who were protected by their government, remained in unbroken peace.

It was a harsh tutelage which the Indians of the United States underwent. It was not until Grant became President that the responsibility of the Nation was recognized. With an integrity and a courage equal to that of Washington, he appointed a commission to examine into the Indian situation, and adopted the reservation system as the only possible expedient to save the Indians from complete destruction. It was never designed to be more than a temporary makeshift. At his instance the Indian homestead act of 1875 was passed and steps taken culminating in the general allotment act of 1887—measures designed to absorb the Indians in the economic and social order of the political society of the Nation. That absorption was to be expedited by education and allotment of land in severalty to the Indians. Those who took allotments were to become citizens. Inadequate provisions for Indian education having been made, allotment has naturally proceeded slowly. Yet, in 1917 the Indians were called upon to fight for the Nation. Responding with a spirit unequaled by the white or black citizens, and without regard to citizenship, they furnished 17,000 soldiers. Among all the Indians less than 250 sought exemption. As a reward they were enfranchised in 1924, but to-day, half a century after Grant instituted his wise reforms, over 150,000 tribal Indians remain enslaved to the outworn economic and social systems of an aboriginal race. The great-great-grandsons of the Nation's first Indian wards still speak only the Indian language. Instead of cultivating the lands of their ancestors, as their forebears did, in many instances they have been reduced to the hunter state by that civilization which displaced them. Far more has been done for the Negroes in 60 years, for the Filipinos and Hawaiians in 30 years, than has been done for the Indians in a century and a half. Though the political massacre of the California Indians is, perhaps, the most scandalous incident in the history of the United States, not an official hand has been raised to help them, while the efforts of the Indian Board of Cooperation of California—a private philanthropic association—have so far proved abortive. (The entire record of this case is to be found in the hearings before Congress in 1920 and 1922, already cited.)

It would be useless to attempt here an accounting as between the United States and its Indian wards for the purpose of determining whether or not the compensation paid for their lands has been "ample." Suffice it to say that if the acreage acquired by the United States, or the political guardian, from the Indians, or its wards, were placed in one column and the price actually paid therefor in another it would require a stretch of the imagination to construe the purchase price as "ample," or one that the Indians had in fact voluntarily accepted. History shows that the actual course of the Government of the United States in dealing with this dependent people, despite its high-sounding declarations to foreign governments, has ordinarily embodied the following steps:

1. Disputes over Indian lands between the Indians and white settlers.
2. Local violence to the Indians by white intruders.
3. Appeals to the Government by the Indians for the protection of their rights.
4. Failure of the Government to provide, or the provision of inadequate protection.
5. Efforts on the part of the Indians toward self-protection and sometimes retaliation for wrongs done them.
6. Official military restraint and often chastisement.
7. So-called treaties of cession at a price fixed by the guardian Government, sometimes procured fraudulently by shrewd negotiators and undue influence upon tribal representatives, sometimes compelled by threat of force, seldom voluntary.

Such, in brief, is the cold outline of the national history with respect to this dependent people. Deny it though we may, the facts are writ in large letters in the debates of Congress and the records of the fifty-odd wars the Nation has waged against this helpless race. It is not a record which supports the declaration that was made by the Government to Great Britain in 1912.

VI

THE CONSTITUTIONAL RIGHTS OF THE INDIANS PRESENTLY DENIED BY THE GOVERNMENT

It must not be thought that injustice to the Indians is a thing of the past. The mere conferring of citizenship upon them has not improved their lot. To-day they are subject to disadvantages known to no other citizens. Their situation is without a parallel in history, a fact that must appear from a consideration of the attitude of those executive agencies having charge of them.

In 1924 the Solicitor General, in the discharge of his public duty as advocate for the United States, argued the case of United States *v.* Title Insurance & Trust Co. et al. in the Supreme Court of the United States. (265 U. S. 472, decided June 9, 1924.) In that case the appellees sought to deny the Indian tribal title in order to derive an advantage against the United States. The Solicitor General contended with great weight of authority that the Tejon Tribe of Indians possessed under Spanish and Mexican law an undisputed right and title of possession and use of the tribal domain actually occupied by them at the time of the cession of California.

Citing, among other authorities, Holden *v.* Joy (17 Wall. 211) and Worcester *v.* Georgia (6 Pet. 515), said the Solicitor General on behalf of the United States:

"This Indian right was aboriginal, antedated the sovereignty of Spain and Mexico, and was not derived from either, but was recognized and protected by the laws of both."

In addition to the Ute case, unlimited authority might be added in support of the Government's contention. Long since it had been declared by the Supreme Court that the hunting grounds of the Indians were "as much in their actual possession as the cleared fields of the whites, and that their rights to its exclusive enjoyment in their own way and for their own purposes were as much respected until they abandoned them, made a cession to the Government, or authorized a sale to individuals." (Mitchell et al. *v.* U. S., 9 Peters 710.)

Over and over it has been declared that the tribal right of occupancy under the law of Spain and Mexico was a property right, and that the cession of California to the United States did not impair this right of

property. In Delassus v. United States (9 Pet. (U. S.) 117), Chief Justice Marshall said: "The right of property, then, is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to lands is property." (Mitchell et al. v. U. S., supra; U. S. v. Moreno, 1 Wall. 400; U. S. v. Aquisola, 68 U. S. 352; Barker v. Harvey, 181 U. S. 481; Botiller v. Dominguez, 130 U. S. 238; Delassus v. U. S., 9 Peters 117; U. S. v. Percheman, 7 Peters 51; Townsend v. Greeley, 5 Wall. 326; Johnson v. McIntosh, 8 Wheat. 543; Chouteau v. Molony, 16 How. 203; Am. Ins. Co. v. Canter, 1 Pet. 511; U. S. v. Arredondo, 6 Pet. 691; U. S. v. Armijo, 5 Wall. 444; Knight v. U. S. Land Assn., 142 U. S. 161; Beard v. Federy, 3 Wall. 478; Astiazaran v. Santa Rita Mining Co., 148 U. S. 80; Ely's Admr. v. U. S., 171 U. S. 220.) Plainly, it was in recognition of these fundamental principles that in the Ute case the Court of Claims in 1910 rendered judgment in favor of the Indians against the United States for the misappropriation by the Government of their tribal lands for use as a forest reserve. (Ute Indians v. U. S., 45 Ct. Cl. 440.)

From what has been said it is apparent that the executive departments of the Government, and especially the Department of Justice, are fully advised as to the rights of the Indians of California and that the property rights of *all Indians* are protected by the Constitution.

In the case of Lone Wolf v. Hitchcock, 187 U. S. 553, 565, the Supreme Court said:

"Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government.

"The power to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country, that it should do so. When, therefore, treaties are entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress and that in a contingency such power might be availed of from consideration of governmental policy, particularly if consistent with perfect good faith toward the Indians."

The Government knows that plenary authority over tribal relations is not absolute power to confiscate property—a power unknown to the Constitution. On this point Alpheus Henry Snow in his recent work, entitled "The Question of Aborigines in the Law and Practice of Nations," written at the request of the Department of State (1921), says:

"The Supreme Court has also held that the power which the United States has, by the law of nations and its Constitution, over all colonies and dependencies is 'plenary' for the accomplishment of the object sought to be obtained. (Binns v. United States, 194 U. S. 486.) These objects can only be, and are, the extension of democracy, republicanism, and equality of opportunity. 'Plenary' power is the power which an agent has who is delegated to accomplish a certain object and whose mandate is limited only by the needs of the situation. An agent with plenary power—an agent plenipotentiary—represents the principal with full power to do all which the principal might reasonably do in the accomplishment of the object intended. *Plenary power is not absolute power,* but power limited to the needs of the situation. It implies that the supreme organs of the United States—its Congress, its President, its Supreme Court—acting for the United States, in fulfilling its fiduciary relationships under the law of nations respecting its colonies and dependencies, have full powers to do all which the United States might reasonably and legally do under the law of nations, consistently with the fundamental principles of the Constitution and the fundamental principles of human society recognized by all civilized states.

"As the Constitution contains a Bill of Rights imposing certain prohibitions or conditions upon the action of all the organs of the Central Government respecting individuals under the sovereignty of the United States, all of the provisions of this Bill of Rights which are of *universal* application are applicable in all the colonies and dependencies of the United States from the moment of their acquisition" (pp. 58, 59). (Italics added.)

It has been shown that in the case of the Kansas Indians, supra, the Supreme Court held that the provisions of the Constitution were applicable to the Indians.

It must, therefore, come as a distinct shock to Congress and the people of the United States to learn that 148 years after the United States assumed political jurisdiction over the Indians, 138 years after the Constitution was adopted, the Department of Justice, on behalf of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of War, who together constitute the Federal Power Commission under the act of 1920, should argue in the Court of Appeals of the District of Columbia, the second highest court in the land, in effect that the fifth amendment to the Constitution guaranteeing private property rights is not applicable to the Indians of the United States—that Congress can confiscate their property without recourse on their part to the courts!

But that is exactly what was done.

In the Government's brief submitted in the case of Super et al. v. The Secretary of War, The Secretary of the Interior, The Secretary of Agriculture, and The Federal Power Commission, in the Circuit Court of Appeals of the District of Columbia, it was said (Super et al. v. Weeks et al., No. 4110, Ct. of App., D. C.; No. 262, Supreme Court, October term, 1925):

"The Lone Wolf decision is our authority for these propositions: That plenary authority over the tribal relations of Indians has been exercised by Congress from the beginning and the power is a political one not subject to be controlled by the judicial department of the Government; * * *; that Congress has paramount power *over the property of Indians* by reason of its exercise of guardianship and may interfere or determine the occupancy rights of Indians in lands; and if injury be occasioned, the relief must be sought *by an appeal to Congress* and not to the courts for redress." (Italics added.)

This argument is diametrically opposed to that of the Solicitor General hereinbefore mentioned. Shorn of all sophistry it seeks to set at naught the traditional executive and legislative policies of the United States, the law of nations, the fifth amendment to the Constitution, and innumerable decisions of the Supreme Court with respect to the Indian right of occupancy. How, let it be asked, can the Indian right of occupancy be as sacred as the title of the United States to the fee, if Congress can confiscate it at will without a legal remedy on the part of the Indians?

Yet, this argument was made by assistants to the Attorney General on behalf of the Secretary of the Interior, who is the executive agent in charge of the Indians, in 1924, coincidentally with the directly opposite contention of the Solicitor General hereinbefore mentioned.

What is the explanation?

Simply this. In the one case it was to the advantage of the Government to sustain the Indian rights. In the other, in which Indians sought to enjoin the usurpation and flooding of their lands by the Government, it was to the advantage of the United States to deny the Indian title, so that without any definite policy or supervision over Indian litigation by the executive branch of the Government subordinate officers of the Department of Justice were left free to put up any argument against the Indians that they might find it expedient to make in order to win a case committed to them. Indeed, it is all but inconceivable that the President, the Secretaries of War, Agriculture, and of the Interior, and the Attorney General even know that it is being contended in the courts by the Government that Congress with impunity may confiscate Indian property.

That fact does not excuse the existence of such a situation. Any system of administering the affairs of the former political dependents and wards of the Nation under which their constitutional rights can be denied at this day and generation is faulty and requires reformation.

Does Congress know that the constitutional rights of the Indians are being denied by the Secretary of the Interior in the highest courts of the land? That the Indians are being put to the expense of establishing those rights?

In the face of what has been said, is it not natural that the Indians should have some doubts as to the meaning and value of citizenship?

If from the mere fact that Congress has "plenary authority" over the "tribal relations" of the Indians, and the equally undoubted fact that it may abrogate Indian treaties, is to be implied the power on its part to confiscate Indian property rights guaranteed by a foreign treaty, and that the constitutional guaranties that apply to all other citizens and dependents do not apply to tribal Indians, surely it is time to amend the Constitution. Meantime, and until the law is determined, it would seem reasonable to expect the guardian government not to appear on opposite sides of the same question in two contemporaneous litigations in the highest courts of the land, thereby putting the national wards to the burden and expense of meeting the guardian government or trustee on both sides of the same question. Such a confused, if not unconscionable, executive practice can only serve to destroy all confidence on the part of the Indians in the integrity of the Government as the trustee of their property and all faith in its declarations to foreign governments.

VII

LACK OF COORDINATION IN THE GOVERNMENT

It has been shown how the executive and legislative branches of the Government failed to coordinate in the case of the California Indians. Waiting for the Senate to act upon the treaties negotiated with them on October 6, 1851, the executive agencies in charge of the Indians did nothing but persuade them to surrender their lands upon the promise of reservations. When the treaties were finally pigeonholed in the Senate under the ban of secrecy the Indians were homeless and at the mercy of squatters, who were affirmatively protected by the government of California, which has since confirmed title in the squatters. What lands belonging to the Indians were not confiscated in this way were misappropriated by the United States and converted into national parks and reservations. Under its own laws it could not acquire title

to these lands free of the Indian right of occupancy, since it has never extinguished that right, which was solemnly guaranteed by the treaty of Guadalupe Hidalgo. Yet the Government declared to Great Britain in 1912 that the Indians receive "ample consideration" for the lands surrendered by them to the United States.

Such a statement should not be made for the simple reason that it is false. It was bad enough to confiscate the property guaranteed by a treaty with Mexico. It was worse to make false representations in an international arbitration proceeding. Facts are facts. Whatever the explanation may be, let us look at them squarely. The Nation has not dealt with the California tribes in good faith, and there is no use in trying to avoid the facts of record. No one can read the record in the case without a blush of shame. (Hearings before a subcommittee of the Committee on Indian Affairs, House of Representatives, 66th and 67th Congs., 2d sess., 1920 and 1922.) No wonder the ban of secrecy was placed on that record for half a century, since it disclosed an affirmative intent to take the lands of the Indians without their consent, contrary to existing law. (Report of commissioner of Indian affairs of California to Secretary of the Interior.)

About such a course the Government is apparently without conscience. Thus, in 1924, in the case of Super et al. *v.* Weeks et al., supra, the Department of Justice contended on behalf of the Secretary of the Interior and the Government generally that the right of occupancy of the California tribes which had been guaranteed by the treaty of Guadalupe Hidalgo in 1848 was forfeited by the tribes because their claim to it was not presented to the Commission of Private Land Grants created in 1851. This, in spite of the fact that the California tribes held no grants from Spain or Mexico and that no less than three acts of Congress in 1850 and 1851 provided for the treaties to be negotiated with them in accordance with existing law, which were in fact negotiated with them on October 6, 1851.

In other words, the position of the Government in 1924 was that uncivilized tribes should have refused to deal with the treaty commissioners appointed by the President pursuant to the act of September 30, 1850, and sent among them with armed escorts; should have marched from the most remote quarters of California to San Francisco, in the face of armed opposition at every point, and presented to the Commission of Private Land Grants sitting there to pass on grants from the Spanish and Mexican Governments, grants which they never possessed.

That such a contention could be made by the Government of the United States against its Indian wards in the good year 1924, in the Court of Appeals of the District of Columbia—one of the highest courts of the land—almost transcends the power of credulity. (Super et al. *v.* Weeks et al., No. 4110, Ct. of App., D. C.) As declared by the Solicitor General, the Hon. James M. Beck, in a contemporaneous proceeding in the Supreme Court, such an argument was but to charge Congress with bad faith and to cloak the acts of Congress with a dishonorable design. (United States *v.* Title Ins. & Trust Co., 265 U. S. 472.)

The facts cited are valuable as evidence of the technicalities to which the Government has all along resorted to defeat the rights of the Indians. Over and over this has been done.

Another striking instance is the case of the Yankton Tribe of Sioux Indians.

In 1858 the United States entered into a treaty with the Yankton Sioux in which they were given certain rights in the celebrated Pipestone Quarry in Minnesota. By act of Congress of February 16, 1891, the Secretary of the Interior was directed to cause a Government educational institution to be established on the Pipestone Quarry Reservation. (26 Stat. I, p. 764.) All of the reservation was appropriated by the Department of the Interior, according to an official report to Congress, whereupon the Indians set up a claim to their rights. The United States now entered into a treaty with the Yankton Tribe (December 31, 1892), which was ratified by the act of August 15, 1894 (28 Stat. 286) section 12 of which provided as follows:

"If the Government of the United States questions the ownership of the Pipestone Reservation by the Yankton Tribe of Sioux Indians under the treaty of April 19, 1858, *including the fee to the land as well as the right to work the quarries*, the Secretary of the Interior shall as speedily as possible refer the matter to the Supreme Court of the United States, to be decided by that tribunal. And the United States shall furnish, without cost to the Yankton Indians, at least one competent attorney to represent the interest of the tribe before the court: *If the Secretary of the Interior shall not within one year* after the ratification of the agreement by Congress refer the question of ownership of the said Pipestone Reservation to the Supreme Court, as provided for above, *such failure upon his part shall be construed as and shall be waiver by the United States* of all its rights to the ownership of *the said Pipestone Reservation, and the same shall thereafter be solely the property of the Yankton Tribe of Sioux Indians*, including the fee to the land." (Italics added.)

Plainly it was the purpose of Congress to quiet the dispute over the reservation and to give the Government *one year* to establish its right, if in fact it possessed one. The act of August 15, 1894, was no more nor less than a statute of limitations upon the Government designed to quiet the title involved.

The Secretary of the Interior referred the facts to the Attorney General, who advised that the institution of a suit attacking the title of the Indians was "impractical." No such suit was instituted. This left the Government in the position of having misappropriated land which belonged to the Indians and having erected a Government institution thereon. Accordingly, by the act of June 7, 1897 (30 Stat. 87), the Secretary of the Interior was directed to negotiate an agreement with the Yankton Tribe for the purchase of their rights. This was done, and in a formal agreement signed by them on October 2, 1899, they agreed to accept $100,000 for their rights. (H. Doc. No. 535, 56th Cong., 1st sess.) The agreement was transmitted to Congress with the approval of the Secretary of the Interior on March 24, 1900, and on April 4, 1906, after a lapse of six years, the Senate Committee on Indian Affairs rendered a favorable report thereon and recommended its ratification. Nothing was done by the Senate. As time went on the Yankton Indians, who were without both their land and the money offered them for it, against whom had run the statute of limitations barring a claim on their part in the Court of Claims, appealed to Congress. By a special jurisdictional act the Court of Claims was directed to find the facts, which were found by it and reported to Congress. (Yankton Sioux *v.* U. S., 53 Ct. Cl. 67.) Again Congress did nothing, until finally by the act of January 9, 1925, it empowered the Court of Claims to adjudicate this particular case, but making no provision for the compensation of counsel for the Indians. Nevertheless the Yankton Sioux, who were in dire need of funds, employed counsel and brought their suit in the Court of Claims. In that proceeding the Government contended that the act of August 15, 1894, designed to quiet title to the Pipestone Reservation, was beyond the power of Congress, because it was impossible for the Secretary of the Interior to refer the question within one year to the Supreme Court, and that therefore the Indians only had a right under the treaty of 1858 to take pipestone from the quarry, and that their rights under the treaty had never been denied them.

Such an argument is but the veriest quibble.

The circumstances show that Congress did not intend in the act of 1894 that a suit to quiet title should be instituted in the Supreme Court in the first instance. It is plain that Congress intended that unless the question of title should reach the Supreme Court—in other words, be referred to it—within a year through the proper legal channels the title to the fee should be deemed to be vested in the Indians. So, too, it is plain that the Indians are not free to enjoy the rights conferred upon them by the treaty of 1858. The weakness of such a contention is manifest. The treaty of 1858 provided as follows:

"The said Yankton Indians shall be secured in the free and unrestricted use of the red pipestone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes, and the United States hereby stipulate and agree to cause to be surveyed and marked so much thereof as shall be necessary and proper for that purpose and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire."

The Yankton Tribe numbers about 2,000 souls. It need only be inquired what would happen if the tribe in the exercise of the right conferred by the treaty should suddenly appear on the reservation which has been converted by the Government into a large and thriving educational institution boasting over 20 buildings, many other structures, and an experimental farm. In visiting the quarry at a great distance from their reservation in South Dakota the Yanktons would necessarily have to camp on the quarry reservation. Is it not obvious that the joint use of a small tract of 600 acres by the Government for an educational institution and demonstration farm with an Indian tribe is utterly impossible? It is extraordinary for the Secretary of the Interior to argue in 1925 that the Yankton Tribe has not been denied its right under the treaty of 1858 to the free and unrestricted use of the quarry when it was reported by the Secretary of the Interior as far back as 1900 that the entire Pipestone Reservation had been appropriated by his department to the use of the school erected thereon by the Government. (H. Doc. No. 535, 56th Cong., 1st sess.)

Oh, yes. The customary argument is anticipated—an old, outworn argument—that in the nature of things the governmental agencies can not assume the responsibility for ignoring technicalities. So, too, the weakness of the Federal Government in dealing with New York and Georgia and Alabama when they purposefully ignored the Constitution and the mandates of Supreme Court with respect to the Six Nations, the Creeks, and the Cherokees, is sought to be excused on the ground that the United States dared not enforce its laws against the States!

Such excuses have never helped the Indians in the least. The United States succeeded by act of the States to the sovereignty of Great Britain. The British Crown made a sincere effort after 1763 to protect the Indians, and has done so unfailingly ever since. (Report, Bureau of American Ethnology, 1910, title, The Policy of England.) The plain truth is, as declared by Presidents Washington, Harrison, and Grant, the American people have never taken enough moral inter-

est in the race to dictate a proper policy in dealing with that race. Inherently directly responsive to the popular demand, until the American people had sated their desire for Indian lands, it was impossible for Congress to deny that demand or enforce the decisions of the courts.

The old conditions no longer exist. The equally plain truth now is that senior executives under the existing system know nothing of Indian litigation. The Indians are left to the mercy of subordinates who are naturally more bent upon winning their cases than they are in seeing that justice is done by the United States to the Indians. Again, without any personal charges whatever against executive chiefs or subordinates, and no lack of understanding of their natural limitations, it is the haphazard system of Indian administration that is at fault; not the servants of the Government.

But neither does this explanation help the Indians. Surely, now, at last for reasons of economy as well as good conscience, it is the duty of Congress to bring to an end the necessity of such litigation by the Indians as that described.

Without regard to the legal merits of such cases and the intricate technicalities of the law by which Indian claims are defeated in the courts by the Government should the Indians be left to go on indefinitely consuming their paltry substance in such contests with a Government which possesses every advantage over them and under the existing law and system feels compelled to resort to every means to defeat Indian claims?

Is it not possible to establish a system of administration that will at least prevent inconsistent defenses being put forward by the Government against the Indians? A system that will at least insure a measure of coordination of policy by the several executive departments and full regard to the statutes of Congress and the intent of Congress with respect to the Nation's wards?

What, let it be inquired, would be the political effect should the Secretary of War and the Governor of the Philippines suddenly insist that the private property of Filipinos could be taken by them, without compensation, for the purpose of creating a public reservation? If the courts should then hold that the Filipinos had no remedy in the courts?

It is only because the Indians are disintegrated as a race, untutored, poor, and patient that the Government dares take such an attitude toward them. They have learned by a century and a half of sorrowful experience that their rights are deemed by the Government to be more or less on a parity with those of the buffalo—to be ignored when they stood in the way of the Government, notwithstanding the declarations of Congress and the courts. The will has all but vanished with the means of the tribal Indians to contend with the Government for their rights. Materially impoverished beyond the power of resistance, the spirit of the uncivilized Indians has been all but crushed. They have been reduced to a state of abject vassalage to a bureaucracy against which they almost fear to contend. They have been muted by injustice.

VIII

THE PRACTICAL DISADVANTAGES OF INDIAN LITIGANTS

Not only are the Indians of the United States put to the burden by the Government of contending against it for the most fundamental constitutional rights, but they are subject to the gravest disadvantages in their legal struggles with the so-called guardian government.

In theory adverse possession and laches may not be pleaded against the national wards either by the guardian government or third parties. Yet the practical effect of those equitable doctrines which the law invokes on their behalf is largely nullified for the reason that Indians, like other parties claimant, may only sue the United States in the Court of Claims within six years after the cause of action arose. [R. S. 1069.] The result is that in the great majority of cases the wards of the Nation must maintain lobbies before Congress to obtain relief, since it is seldom that they become advised of their rights before the general statute of limitations has run against them.

The case of Super et al *v.* the Secretary of the Interior, the Secretary of Agriculture, and the Federal Power Commission, supra, well illustrates the point.

Recognizing the preexisting right of occupancy of the Karok Tribe of California, which was guaranteed by the treaty of Guadalupe Hidalgo in 1848, in 1851 the Government caused a treaty to be negotiated with the Karok Tribe on October 6, 1851, in which the tribe agreed to cede its domain for a consideration. That consideration was a definitely specified reservation. The treaty failed of ratification and no attempt was ever afterwards made to extinguish the Karok title. In 1891 Congress passed the forestry act authorizing the President to set apart as forest reservations "public lands." Indian lands over and over have been held not to be *public lands*, and the Government has been forbidden by statute to designate them as such. Yet, acting, no doubt, upon erroneous advice, the President by proclamation on May 6, 1905, set apart the Karok tribal domain as the Klamath National Forest, over which the Secretary of Agriculture and the Federal Power Commission have since assumed to exercise control to the exclusion of the Karok Indians.

Plainly it was the duty of the guardian Government in 1905 to protect the rights of the Indians instead of misappropriating their lands to public use. But the Karok Indians were poor and scattered. Driven from place to place, they did not possess the means to procure legal advice. It was only in 1920 that the Indian Board of Cooperation of California, a private philanthropic society, investigated their case. The right of action of the Indians in the Court of Claims had long since lapsed.

Should such a limitation as that imposed by Revised Statutes 1069 be enforced by the political guardian in its own favor against its dependent wards whose property it has misappropriated?

Is there any theory of justice that can be invoked thus to favor the political guardian as against the ward, the trustee against the cestui qui trust? Surely the United States should not avail itself of the inequitable advantage of obtaining possession of a public reservation by virtue of such a limitation upon its own wards, who without the understanding and means to protect themselves were helpless at the hands of the Government.

Should they be put to the burden of continuing to lobby for remedial jurisdictional acts under which to obtain justice?

Plainly, an end should be put to such injustice by one jurisdictional act conferring upon the Court of Claims power to hear any Indian claim against the United States without regard to when the cause of action arose.

But even where an Indian tribe possesses the organization and the means requisite to the litigation of its rights, it meets with the utmost difficulty in doing so.

Under Revised Statutes 2103 the contracts between an Indian tribe and its attorneys are required to be approved by the Secretary of the Interior and the Commissioner of Indian affairs. The policy of the Government is to approve only such contracts as provide for a contingent fee. A maximum fee of 10 per cent of the amount recovered is allowed, and the court may allow less. The attorney must advance all the costs and expenses of the litigation in the first instance and is not reimbursed therefor unless a recovery is had.

A proper restraint upon such contracts is eminently wise in order to protect the tribes against fraud, to insure that the contract is authorized, to prevent the exploitation of the Indians by unscrupulous attorneys and their field agents, and to discourage by timely advice useless litigation. The fact is, however, the existing statute, coupled with the departmental policy of limiting the possible compensation of counsel to a contingent fee of 10 per cent of the amount recovered, leaving it to the courts to fix a lesser amount, at the same time casting on the attorney the risk of the expense of the litigation, has operated against rather than for the Indians in at least two ways:

First, purely contingent fees are not favored by the higher bar for reasons too numerous to require mention. In the case of the Indians, therefore, the executive policy of allowing only such fees tends to deny them the aid of eminent counsel, few of whom are available upon such terms. Second, it is not to be expected that the most able and conscientious counsel, even if they can afford to finance Indian litigation, will place at the disposal of their clients, with no hope of a reasonable remuneration of their services, the requisite funds, much less risk the loss of the same. Added to the risk of the costs now imposed upon attorneys for the Indians is the further deterrent that through lack of adequate accounting facilities available for Indian litigation a legal proceeding against the Government is apt to be prolonged for years.

In the very nature of things, therefore, these helpless wards of the Nation, who require the best possible legal advice and representation in a contest with the Government that is inherently unequal, are denied that aid. Instead of deterring their exploitation, the prevailing system tends to promote it.

Without throwing down the bars that experience has raised against the exploitation of the Indians by unscrupulous agents and attorneys who when once employed will have their pound of flesh, the whole system requires to be reformed.

The influence of the Department of the Interior and the Office of Indian Affairs, the duty of which it is to administer Indian property, should be wholly divorced from matters pertaining to the legal representation of the Indians. Since it is the duty of these executive agencies to furnish evidence in Indian litigation, absolute impartiality on their part in matters affecting their own administration is not only a very great but an unreasonable demand to make upon them. A statute might well be enacted providing that upon application to the Attorney General any Indian or tribe of Indians having a bona fide claim against the United States or any person, persons, State, foreign government, association, or corporation, by virtue of any treaty, agreement, or statute of the United States, should be entitled to select out of a list of attorneys approved by the President within the current year, a guardian ad litem to represent the applicant, and at the Government's expense, with the privilege of nominating attorneys for the approval of the President. In order to insure the willingness of competent attorneys to serve, all expense to them should be eliminated by providing for the payment to them of a reason-

able retainer as in the case of other special counsel, and for covering by appropriation such additional compensation as the court might allow. It is a simple device that would do justice and at the same time discourage wasteful and useless litigation, eliminate incompetent and untrustworthy counsel in Indian litigation, and enlist in the service of the Indians the highest legal talent in the country. To that much they are fairly entitled in a struggle either with the trustee, or to enforce their rights against others where the Government has failed to do so. Certain it is that the Attorney General should be required to see that Indians are not put to unreasonable expense by inconsistent or dilatory defenses on the part of the Government.

Again, upon what theory of justice can the wards of the Nation be required to bear the expense of costly litigation to recover what is due them from the guardian trustee?

If they are entitled to a judgment against the United States should they not receive the full amount net of what is due them?

Plainly, it is only fair that the United States, which now occupies as political guardian the position of the legal trustee of the property of the tribal Indians remaining in its hands, itself should furnish them with a guardian ad litem when the litigation of their rights becomes necessary.

In recent years, too, the practice has grown up of the Government deputing representatives to examine into local conditions among the Indians and charging the expense against the trust funds of its wards. Is this fair? Are the Filipinos, the Porto Ricans, the Hawaiians charged individually with the cost of Government inspection? In what other case are citizens of the United States required, save through general taxation, to bear the cost of government?

The whole question of Indian litigation requires to be gone into very thoroughly and regulated by statutes insuring fair and adequate representation for the Indians.

IX

THE DESTINY OF THE INDIAN CITIZENS

Enough has been said to disclose the imperative need of a new and definite national Indian policy.

What should that policy be?

Only the most careful study can determine. Yet, it may well be said that any policy that is determined upon should have full regard to the destiny of the Indian race.

What that destiny is would seem to be clear.

In the Handbook of American Indians, published in 1910 by the Bureau of American Ethnology, it is stated that upon the coming of the White Man there were 918,000 aborigines within the present continental limits of the United States including Alaska, and that in 1910 there were 403,000, including all degrees of admixture. (Pt. 2, p. 287.)

The Commissioner of Indian Affairs in 1924 reported that there were 320,497 Indians in the United States of all degrees of Indian blood, and that of these, 162,602 were full blooded. The figures as to the latter are much more apt to be correct than the number of persons claiming to be Indians for mere legal reasons. Thus, it is seen that on the basis of those figures there remains but 18 per cent of the original full-blooded population.

Of the 320,497 legal Indians reported in 1924, the Indian blood of some is as low as one sixty-fourth of 1 per cent, of many more only twice as great, and so on down to the full bloods. This fact, coupled with the census report of the number of Indians for 1920, or 265,683, is significant since from these figures it is obvious that in 1920 there were over 50,000 persons of Indian blood in the United States whose admixture was indiscernible to the census taker, or when not claimed for legal reasons, which fact, coupled with the evidence of the gradual amalgamation of the races in the past, would seem to indicate beyond the peradventure of a doubt the ultimate solution of the Indian problem—complete absorption of the Indians.

There are other circumstances which are conclusive of a marked affinity between the white and red blood. The red race by reason of a natural loss of vitality appears to be physically inferior to the white race, yet, despite its lowered physical condition, the average half-breed Indian is not inferior mentally or morally to either parent stock, nor physically inferior to the average Indian, while his relative intellectual capacity would seem to depend entirely upon his opportunity for its development. On the other hand, the mulatto is superior neither morally nor physically to the negro, and seldom under the most favorable environment develops the mental capacity of the white race, to which the negro is mentally inferior. Again, the Zambo, or Indian-Negro cross, is inferior mentally and morally to the Indian and, perhaps, the mulatto, and physically to the Indian as well as the Negro. (Race or Mongrel, Shultz; The Negro Race, Dowd.)

During the late war the psychiatric test was applied to thousands of Indians, white men, and negroes, with the result that no inherent discrepancy was found to exist between the mental capacities of the red and white races, while the American Indians, unlike Asiatics, showed a greater power to resist mental strain than the whites.

Is not this mental quality on the part of the red race but evidence of that spiritual poise that has come to it from a philosophy of life that makes God not an anthropomorphic deity but a universal, omnipresent, benignant force in nature? Is it not that philosophy that has given to the Indian his ability to stand fast; that integrity, that fundamental something that can be trusted which lies at the roots of his race—that something in human character to which faith may be pinned? There are those who believe that it is this thing that gives to the Indians not only their staunchness but their self-respect, their dignity, and their tremendous strength of mind. (The Soul of the Indian, Bishop Hugh L. Burleson.)

The conclusion that amalgamation is inevitable is fully borne out by the history of those racial groups of Indians which have been subjected to conditions that have made amalgamation possible. Left alone in 1784, entirely surrounded by whites, the Iroquois Tribes, known as the Six Nations, possessing as they did from the first tribal estates, or the basis of individual wealth, have all but vanished as a distinct race in the process of absorption by the whites. The same absorption has occurred in the case of thousands of the Indians of the Five Civilized Tribes in Oklahoma. The great majority of Indians even of the one-eighth blood must claim it to be distinguishable from the mass of white men.

Notwithstanding the prejudice of certain persons (Presidents Jefferson, Madison, J. Q. Adams, Jackson), nowhere is there to be found anything that justly can be taken to substantiate the view that the Algonquin, Siouan, and other great Indian families, long accustomed to self-government as they had been prior to 1776, would not have mixed with the whites as readily as the Six Nations and the Five Civilized Tribes had they been afforded the opportunity. The facts are that in the entire history of the world a greater congeniality has never perhaps existed on the part of a primitive people toward an advanced civilization than has been disclosed by the red race. Within the life of those in being representatives of this race invariably have been able to span in one great leap, as it were, the vast chasm of time that lay between the appearance of the aboriginal social forms on the American continents and modern civilization. Their actual proven ability to do so is unparalleled in history. It was not equaled by the Gauls and the Goths, between whom and the civilizations developed in Greece, Rome, and Alexandria little congeniality existed for centuries. One can not study their solar and lunar cults, and the existence in their social organization of masculine and feminine clans, without feeling that somewhere in the dim ages of the past, yet far more recently than commonly supposed, there was an origin common to the Celts and the aborigines of America which accounts for the peculiar affinity of the two races. (For full discussion of Celtic cults consult Hermeneutic Interpretation of the Origin of the Social State of Mankind, Fabre d'Olivet.)

At any rate, certain it is that into the problem of the Indian, the final solution of which remains, there is no complicating element of social prejudice, which has been the case with other aboriginal peoples. To-day some of the most illustrious white families of the Nation claim with pride an infusion of Indian blood.

Since it would seem certain that the remaining Indian blood is sooner or later to mingle with that of the whites, there can be no other reasonable policy than to protect it in every possible way as one of the inevitable national admixtures and thereby insure that along with it no other strain is admitted. The protection of Indian blood and racial character would seem to be the surest way to prevent their exertion of a debasing effect—a fact which in itself contains the first clue to the future national policy.

X

A NEW AND DEFINITE POLICY REQUIRED

In the determination of a new national Indian policy full regard should be had to the lessons which an unbiased study of the past affords.

The chief cause of the decrease of the Indians during the past century and a half in order of importance may be said to be smallpox and other epidemics; tuberculosis; sexual diseases; whisky and attendant dissipation; removals, starvation, and subjection to unaccustomed conditions; low vitality due to mental depression under misfortune; wars. In the categories of destroyers all but tuberculosis may be considered to have come from the white men, and the increasing destructiveness of tuberculosis itself is due largely to conditions consequent upon his advent. Smallpox has repeatedly swept over wide areas, sometimes destroying perhaps one-half the native population within its path. One historic smallpox epidemic originating on the upper Missouri in 1781–82 swept northward to Great Slave Lake, eastward to Lake Superior, and westward to the Pacific. Another, in 1801–1802, ravaged from the Rio Grande to Dakota; and another, in 1837–38, reduced the strength of the northern plains tribes by nearly one-half. A fever visitation about the year 1830 was officially estimated to have killed 70,000 Indians in California, while at about the same time a malarial fever epidemic in Oregon and on the Columbia—said to have been due to the plowing up of the ground at the trading posts—ravaged the tribes of the region

and practically exterminated those of Chinookan stock. The destruction by disease and dissipation has been greatest along the Pacific coast, where also the original population was most numerous. In California the enormous decrease from about a quarter of a million to less than 20,000 is due chiefly to the cruelties and wholesale massacres perpetrated by the miners and early settlers. (Handbook of American Indians, part 2, pp. 286–287.)

These facts are a dreadful commentary upon the Nation which assumed jurisdiction before God over the aborigines of America. Yet they clearly point the way to the needed reforms.

To insure the economic is but to insure the social welfare of a race, a fact which suggests that the emancipation of the remaining tribal Indians from reservation life and the poverty of the communal system should be expedited by education and instruction designed to convince them that the abandonment of the communal system is the only way they can acquire the basis of individual and inheritable wealth and an equality of opportunity in the economic order of the Nation. All Indians should be shown that individual poverty is the necessary consequence of the outworn aboriginal communal system. But although the Indians should be encouraged in every way possible to accept allotments in severalty under the present system of patents in fee, in trust, or in limited trust, according to their capacity to conserve the estate conferred on them, it would seem wise to leave them free to preserve the tradition of the tribe as a social organization. Unimpeded in this respect, the tribal community, shorn of all political and legal significance, will probably pass or persist in accordance with economic considerations.

It goes without saying that no Indian should be denied the highest form of free education of which he is capable, no matter what expenditure in comparison with that for the education of others it may entail, and that rudimentary education, at least, should be enforced upon all Indians. It also goes without saying that medical aid, hospitals, asylums for orphans, the blind, aged, infirm, homeless, and insane, should be freely placed at their disposal and no want or inconvenience on their part suffered to exist in these respects. Since these things must be provided not merely out of consideration for the Indians but in the interest of the whites as well, it is in no sense a national charity that the solution of the remaining Indian problem requires. For the lame and the halt—the injured ones among them, yes—there must be charity, as for all others of their kind, but charity for the red race as such can only debase it and the white race as well. The higher philanthropy of common sense is now demanded, a philanthropy designed not only to protect the Indian but the entire Nation. The welfare of both races demands that to the Indians shall be accorded freely all the human rights with which God endowed the race and that they shall be protected in them and taught to enjoy them to the fullest possible extent.

In the reformation of the existing statutes and practices with respect to the Indians there must be a departure from the old methods. Provisions, including legislation, designed to benefit the Indians must have regard to Indian character, Indian understanding, and Indian sensibilities, and be designed to gratify the wishes of the Indians more and those of the whites less than in the past.

It must be recognized that however loyal and uncomplaining they may be, however little they may ask, the Indians by nature are not the same as white men. In the soul of the red man course cross currents still uncharted by the white man's mind. These the Indians themselves should be allowed to mark out for the guidance of those whose different viewpoint of life often leads to the most extravagant blunders. This difference of viewpoint and consequent misunderstanding must be constantly borne in mind if the most conscientious purpose to help the Indians is not to be defeated. In other words, Congress must cease to regard the Indians through an opaque lens.

The point is not difficult to illustrate.

The inherent dignity of the Indian has often been misconstrued as stolidity, if not sheer stupidity. Analyzed, the understanding of the white man often shows him to be the more stupid of the two. For instance, let us consider our understanding of the Indian language.

Young-Man-afraid-of-His-Horse? What does such a name mean to the white man? Surely an absurd name for a warrior! To the Indian, however, it signifies a valor so great, a courage so dauntless, that the young soldiers or the recruits of the enemy feared even the prowess which the spirit of the knight had imparted to his steed. Thus, to the Indian mind, this gallant chieftain partook not of the nature of a soldier clown, but of a Cid or a Bayard! We missed the import of his name entirely.

Rain-in-the-face? What a comical name—to the white man! But to an Indian's mind it is not comical in the least since it expresses the idea of one with a confidence, a faith, a courage so sublime that he can face without the slightest misgiving the storm of life and without flinching confront the wintry gales of adversity.

Another case of equal misunderstanding may be cited. A gallant Chippewa chief, killed in battle, was borne home by his victorious warriors to a widowed bride. Soon a son was born to her. On the little mother's mind there was the impression of darkened days, cloud and rain, sudden shadows and sobbing trees. Just as the sun of her life seemed to have set forever, all joy departed, its rays had broken through a rift in the clouds and like the rainbow of a new hope, had shone out across the saddened plain of her thoughts. A little lad is born to her—a rift in the clouds of her sorrow. Of this beautiful conception the Indian language—literally translated, conveys no other meaning than Hole-in-the-Day. Such a name it was that the whites, seeking to do him honor, placed on the tomb of Rift-in-the-Clouds.

Again, a little girl, blue eyed and golden haired, won the hearts of the Mohawks. They gave her the name Gajajawox—a picture name suggestive of the wind listing through a field of flowers wafting their perfume as it came—the mingled perfume of the eglantine and honeysuckle borne on a summer breeze. Yet, in our language there were no words that fitted Gajajawox. The white man called her Smell-in-the-Air.

No. It is impossible to interpret the exquisite beauty which Indian words often convey to the artistic sensibilities of the Indian mind. Yet, deep down in the Indian soul there is a sense of beauty of which the white man scarcely dreams. We know it only in our literature and music. For us it is a thing we must create out of a strained imagery. We are only conscious of it as a thing apart from workaday affairs. In the Indian mind it is omnipresent, a living, everyday force, untainted by the so-called modern art of civilization. Is it not something worth preserving in the nature of a people, something from the expression of which the whole Nation may profit?

But we need not resort to such qualities or any sentiment whatever for the Indian to justify a different policy from that of the past in dealing with him. As we refer to each decade of Indian history, invariably we find standing out among this people some towering stature, heroic in his moral proportions, unsubmerged by the flood of adversity which poured in with white civilization upon him.

Were Philip, or Pontiac, or Cornplanter, or Little Turtle, or Tecumseh, or John Ross, or Osceola, or Chief Joseph of a quality, morally or intellectually, inferior to that of those whom with superb resolution they faced in the most unequal contest that was waged between their people and the whites? Men of such character were too numerous among the Indians to be accidental. Were there not thousands in this race of equal character?

Yet, has the Nation ever afforded the Indians—a race of the highest potential capacity—an opportunity to express its aims and aspirations?

Despite the ceaseless recommendations of Washington and their own pleadings, it was forty-two years after the United States assumed responsibility for this dependent people before the first dollar was appropriated by Congress for their education. (Indian Appropriation Act of 1818.) The paltry annual sum of $10,000 then appropriated for frontier schools was not increased for over half a century. Such was the pitiful provision made for the uplift of half a million aborigines.

Was it not natural that the two races with fundamentally hostile economic interests should have misinterpreted each other?

What are we really doing to-day for their education—to prepare them to enjoy their citizenship?

The current annual reports of the Commissioner of Indian Affairs indicate a very flourishing condition among the Indians. (Official bulletin issued by the Commissioner of Indian Affairs in 1923.) Nevertheless, there have been dreadful indictments on the floor of Congress in recent years of the Indian policy and conduct of Indian affairs. (Speeches of Hon. CLYDE KELLY, of Pennsylvania, CONGRESSIONAL RECORD, December 27 and 28, 1922.) Unfortunately the issue has become a political one between the Indian Commissioners and their accusers. Again, the Indians have been lost sight of in the controversy that has waged.

Personal experience leads the writer to believe that the issue which has been raised is not one to which the Commissioner of Indian Affairs and his office are properly parties; that the Commissioner of Indian Affairs and his subordinates are imbued with a very high sense of responsibility for the Indians; that they are deeply interested in their welfare; and that they are efficient in the discharge of their duty under the law as it exists. Complaint over the situation of the Indians should be directed not against them but against the law. It is with the law and the system that has developed under it that the fault lies. So long as the present laws remain on the statute books the existing system of dealing with the Indians must persist, and the Indians will not be bettered by investigating this or that administration or Indian Commissioner.

If the present system be scrutinized in a broad way, it will be seen that it is not well designed to advance the welfare of the Indians socially or economically. Like the fifteenth amendment in the case of the negroes, which demanded much of untutored aborigines, but gave them no chart with which to steer their course upon a stormy sea toward economic freedom, our Indian system leaves the tribal Indian to wallow on toward citizenship almost rudderless in an obsolete craft. How can we expect the tribal Indians to overtake the economic vessel in these days of steam and electricity equipped only with an aboriginal paddle.

The point may be well illustrated by the case of the Yankton Sioux of South Dakota, one of the finest and proudest groups of the red race.

Always friendly, these Indians received and entertained Lewis and Clark most hospitably during the winter of 1804. Upon the birth of one who was to become their head chief he was wrapped by Lewis in the American flag. The Yanktons came to honor and love that flag, and gave timely warning of the Minnesota massacre of 1862. They took no part in the Sioux uprisings of 1876 and 1891 and have never raised a hand against the Government. In 1917 they sent forth their young men in a body to fight side by side with their white brothers in France. Among them there was not a single case in which exemption from military service was sought, and to-day they are peacefully litigating their rights against the United States in the Court of Claims at their own expense. Assigned to their reservation at Greenwood, S. Dak., is one of the finest, ablest, and most conscientious gentlemen who occupies the office of Indian superintendent in the United States—Mr. Robert E. Lee Daniel.

How have these proud, brave, dignified, peaceful people prospered in their traditional loyalty to the Government?

A letter received by the writer from one of their chieftains, under date of August 26, 1925, describes their present plight as follows:

"A committee meeting was called at Greenwood last Saturday, the 22d, for the purpose of laying before you the awful conditions that some of the Indians are to face this coming winter.

"As you will remember we had a short crop last year, and many suffered from lack of food and fuel. In fact all the willows that grew along the river and on the little islands are gone, and soft coal is selling for $14 a ton. The reservation is going through one of the worst droughts since '94. Up until the 1st of July everything looked promising, but we haven't had a decent rain since.

"The Indians will have to do without their dried sweet corn, as we haven't got a roasting ear.

"I understand the superintendent has written the Indian Office in the matter. I know he will do all he can.

"Antelope and Standing Bull were strong in their speeches, Saturday, that now is the time that help is needed. Antelope thought it may be possible that two or three months of rations could be gotten.

"I understand that credit has been shut off at the agency stores, and as many Indians were living on the strength of share rents, you can imagine conditions with such a season.

"Lawrence just returned from Cheyenne River and says the country was blessed with lots of rains, but the Indians were living on horse flesh.

"A complaint is made that a resident doctor had been promised after July 1 and instead we have a contract doctor who is paid $1,200 per year and figures he can't serve the whole tribe for that amount, and says he will serve just those who have no money. He'll find out that there are a whole lot without money. These are some of the things that I was asked to lay before you."

If such conditions as those represented by the Yankton chief exist among the proud Sioux, they must also exist elsewhere.

Here it is to be observed, these people are not complaining, they are not asking for charity. They are only asking for aid in a cruel struggle with the elements.

Are they misrepresenting conditions?

What are the facts?

Does Congress really know the facts?

Will Congress take the risk of letting them perish for want?

Can a governmental policy toward the wards of the Nation which makes it necessary 150 years after the Nation assumed responsibility for these people for them to sue for rations be said to have been designed to uplift those people?

Are the tribal Indians, still like the few remaining buffalo herded on reservations, to be left indefinitely in their present plight, not even speaking the language of the Nation that claims them as citizens?

Since the receipt of the letter quoted, and at the interposition of the writer, the case of the Yankton Sioux has been investigated by the National Red Cross. While the tribe is very poor it would appear that less than 10 per cent require charitable aid. Even if conditions among them were found to be not as bad as those reported, it is a sorry reflection upon the Government's supervision and care of its wards that the facts respecting their true condition are a matter of doubt, and that any part of the tribe should require charitable aid, or aid over and above that which the Government is rendering.

XI

THE NEED OF AN INDIAN NATIONAL COMMISSION

Now and then in the martyrdom of man an epical plea is expressed, so convincing of the woes of humanity, of some great moral wrong, that even the most callous of men will pause to hearken to the cry that rises to the high heavens. So it was in the case of Euripides' imperishable tragedy—The Trojan Women—which shook to its foundations the Greek civilization, introducing into the moral philosophy of his time a new principle of humanitarianism. Longfellow but reiterated in Evangeline the protest of Euripides. Sometimes the wrong is so indisputable, the right so overwhelmingly on the side of the reformer, that even the most craven of men will not take issue. Then, the potential energy of the moral conviction which has been stored in the conscience of men translates itself into the moving energy of some great reformative act.

So it was when Granville Sharp climbed over the side of an English slaver in the port of Greenwich with Lord Mansfield's writ of habeas corpus in his hand, leading directly to the early abolition of slavery in the British Empire. (Martyrdom of Man, Winwood Reade, p. 355.) So it was later with Harriet Beecher Stowe's Uncle Tom's Cabin. A picturesque romance it was, of course, well calculated to inflame the passions of men, yet, it was compounded of pathetic though isolated truths each of which was recognized by some man here or there as that which could not be denied before God. The travail of the negro was a present fact. His wrongs were not merely things of the past, lamentable but irreparable. The potential energy of the moral conviction which Sharp and Clarkson had generated was translated by Garrison and Stowe, however, impoliticly, however violently, into the moving energy of abolition.

So, too, the oft published speech of Logan, the old Cayuga chieftain, the heroic stories of Lamotachee, the Creek, and Osceola, the Seminole warrior, served to touch the national conscience and store up the potential energy of a great moral conviction of the wrong that had been done the Indian, and no man stood forth in 1881 to deny the appalling indictment against the Government of Helen Hunt Jackson's Century of Dishonor. (A Century of Dishonor, by Helen Hunt Jackson, Harper Bros., N. Y., 1881.) Yet, ignorant of the present facts, the Nation conceived of the wrongs that had been committed against the Indians as crimes of the past. Moreover, uninspired by desire for political and economic gain as in the case of the abolition movement, and, since there was no one with whom to wage a conflict over the Indians, the passions of the people were not aroused by the revelations concerning them as they were by Uncle Tom's Cabin. Consequently, the potential energy of an almost unanimous moral conviction did not translate itself into a moving action. The mere spiritual gain that was to be had by the amelioration of the Indians' condition was left to the executive agencies of the Government, with the silent injunction that the indisputable crimes of a dishonorable past occur no more. For these reasons, Ramona, the Uncle Tom's Cabin of the Indians, was not to lead to their liberation from the bonds of political injustice. (Ramona, Helen Hunt Jackson, Little, Brown & Co., Boston, 1913.)

To one unfamiliar with the facts, it must seem strange, indeed, that during the first hundred years of the Nation's existence no one proposed the simple expedient to which resort was had first by Grant, then by Arthur and Cleveland, as the logical means of arriving at a sound basis of solving the whole vexed problem of the Indians. To such a one extraordinary indeed it must seem that a body of intelligent, able, unprejudiced students of human nature, who, to-day, would be called sociologists, economists, and what not, was not assigned to make a scientific study of that problem and give the Nation and Congress the benefit of its judgment. What at first appears almost inexplicable, however, must soon be seen from the most cursory study of the facts to be a natural consequence of the popular attitude toward the Indians.

Confident in the valiance of youth, learning nothing from Spain, from France, from the Dutch, consumed with a greed to which was brought the support of religious bigotry, all prior experience with respect to the Indians was set at naught by the youthful Republic that claimed to be the home of human freedom.

Sad were the years that intervened between Washington and Grant, sad were the futile struggles of the red man against whom a rapacious fate with mocking avarice had held down its thumb. In vain it is to regret that from the annals of the Nation may not be stricken out all record of the martyrdom of this helpless race; to rue the frenzied madness of the skin-deep humanity to which that race fell prey; to lament or to apologize for the unparalleled cruelty and neglect of a Government itself but recently born of a dreadful travail in the cradle of human justice. Let not the historian, with the smug apology that such a course was inevitable, brush over the mortifying facts at the same time professing amazement over the carnival of blood that reigned in France, and to-day recurs in Russia, inspired as these madnesses were by centuries of oppression. Here, in free America, the soil of the Indian fatherland was saturated with the blood of a people that claimed only the right to exist.

Here a race was politically massacred, while in its defense not a single effective hand raised itself during the orgy of rapine and murder that marked the interlude between Washington and Grant. It was only when a man with all the courage and honesty of Washington, with nothing more to ask at the hands of the people, came into power—Grant—that the voice of the accuser was raised to touch the conscience of those whose interests were no longer affected. In the pulpits and among the settled portions of the country it was Grant who was first able to organize the counter force which eventually overthrew the

revel of confiscation that for the reasons mentioned had continued a hundred years. Then, then only, could Congress, reflecting the dominant view, turn to the task of reconstructing the Indians.

After all is said and done, the American people can not shunt the blame to Congress, since any long-continued policy of neglect is but the expression of their own will. This being so, the policy of Congress has been analyzed not for the purpose of disparaging that body, but simply to fix upon the American people more conclusively the responsibility for all that Congress and the Government failed to do.

Again, let the historian speak the truth, not out of a bitterness of heart, not with a vindictiveness designed merely to brand with unanswerable accusations a people who profess to be repentant, but to make the world so deeply conscious of their sin that others may pause upon the threshold of conquest to ask God what is the obligation which civilization imposes along with the right of preemption that may be claimed in its name. The story can not be made too full, be told too frankly, to insure that governments, ministries, cabinets in asserting the undeniable rights of civilization will not again revert to a barbarism which has been shown to have been more savage than the savagery of savages. With the facts before the world, perhaps a governmental police, not designed to destroy the aborigines but to restrain the ill-subdued ferocity, the skin-deep humanity of the white man, will hereafter precede the latter in uncivilized lands, denying to him the facile methods of the past.

Now, with only good will on the part of all for the Indians, free of all passion, with pride in their wonderful record in the late war, it is time for Congress to do what can be done by way of amends for the past. In the noble words of Grant—

"Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered, and the question asked, can not the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it." (Second inaugural address, March 4, 1873.)

With little aid and in the face of well-nigh insurmountable obstacles all but 150,000 Indians have taken their place in the social and economic life of the Nation beside the other citizens. As to the tribal Indians, the duty of the Nation is as plain now as it was when Washington and Grant pointed it out in words which could have but one meaning.

What is the part of Congress?

The best policies become obsolete. Systems of administration become set and inflexible. New needs are ignored. It is inevitable that official bureaus and agencies should fail to respond to changing conditions even when recommendations are not resented and ignored simply because novel. It is time now for a nonpartisan commission, composed of the ablest obtainable men, to be entrusted with a complete survey of Indian affairs, in order that the Nation may not be misled into enacting laws designed merely to give expression to the white man's aspirations and ideas concerning the race.

The most reliable testimony—not that of their enemies, but of those who have lived and labored among them—is that deep down in the soul of the Indian there is still a living, burning ambition for leadership, a desire to do and to accomplish. Until now the Nation has felt that the white man must hold things in his own hands. But surely now there need be no fear to develop the Indian's power of leadership. Among a people who could furnish such faithful leaders as Cornplanter and Little Turtle, such restrained wisdom as that of John Ross, who but recently could furnish 17,000 soldiers for the defense of the common country, soldiers that could make the great sacrifice no less nobly than their white brothers, there can be nothing to fear. Among them, surely there are many who might, if given the chance, contribute much to the welfare of their race, as well as to the white man's understanding of what is best for it. By allowing them now to serve the country on a commission with white men, their powers of self-government could only be developed, at the same time their understanding of the Government's difficulties enlarged, and their influence for good among their own people enhanced.

If Congress could call upon these people to fight for the Nation, and enfranchise them, is it not time to give them a chance to be heard in their own behalf?

Are they not entitled to that much at the hands of a nation which at last, whatever the past may have been, is strong in its desire to do them justice?

Shall the Nation continue to pour its wealth and aid into Armenia, Russia, Turkey, China, and Japan, and let its own Indian citizens starve upon inhospitable and blighted reservations, still ignorant even of the language of their guardian Government and those with whom they are left to contend?

Should foreign policies, battleships, submarines, airplanes, road-building, harbor, drainage, and irrigation schemes, canals, post offices, and further economic developments designed to benefit the white man, take precedence over our duty to these people?

If not, what is the definite plan of Congress for their emancipation from the slavery of the aboriginal social and economic order to which the national policy has consigned them?

Before God, it is time for Congress to consider these things and *to act* in such a way that will remove forever the continuing reproach that now rests upon the Nation.

A long time now we have been thinking of the Indians as a romantic race. We read Prescott and Parkman and Cooper, visit the Wild West shows, and in our minds picture them only as befeathered savages of the past. It is time now to think of them with less sentiment and more reality. Let us visit their country—what little of it is left to them—and see them as they really are—citizens bending over the national hoe and plow in a life and death struggle with nature. Let us think of their young men in olive drab upon the firing line in France—not merely as painted warriors upon the warpath of a century ago. Then we will have in our minds a true picture of the Indians.

Then let us ask if the yoke they bear is not too heavy even for this patient people.

For once—the first time—let him confide to us what is in their hearts. Let the Nation hear what they have to say as well as what comes from the departmental bureaus and out of the debates of Congress.

That is the first step, it is submitted, that should be taken in recognition of the citizenship of this people who but recently have contributed so freely of their loyalty and blood to the defense of this, the land of their forefathers. Then—then only we may be able truthfully to say to our sister nations—for all that is taken from the Indians they receive ample consideration.

JENNINGS C. WISE.

REGULATION OF AIRCRAFT IN COMMERCE

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order. The Chief Clerk will state the first bill on the calendar.

The CHIEF CLERK. A bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. BINGHAM. Mr. President, in presenting the bill for consideration at this time I would like to state that a similar measure has twice passed the Senate—once in the previous Congress and once on a prior occasion.

Mr. SMOOT. The Senator does not expect to have the bill considered under the five-minute rule?

Mr. BINGHAM. If necessary I shall ask unanimous consent for its consideration at this time.

Mr. SMOOT. That is what the Senator had better do or else the five-minute rule will apply. I have no objection to taking up the bill for discusison at this time.

Mr. BORAH. Before I consent I would like to have the Senator take enough time to explain what the bill is.

Mr. BINGHAM. That is what I desire to do.

Mr. EDGE. Mr. President, I have no desire to object to the request for unanimous consent, for I likewise am very much interested in the bill which is in charge of the Senator from Connecticut, but, as is generally known, I have given notice that this morning immediately following the morning business I desired to speak on the subject of prohibition. I am entirely satisfied, however, to join in the unanimous consent, with the understanding with the Senator from Connecticut that if the bill shall develop a controversy he will yield to me in order that I may speak on the bill, and at the same time make the address I propose to submit.

Mr. BINGHAM. It will be so understood.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out section 16, proposing to transfer the National Advisory Committee for Aeronautics to the Department of Commerce.

The bill as proposed to be amended is as follows:

Be it enacted, etc., That the words "commerce" or "commercial" when used in this act, unless the text otherwise requires, shall mean the flying, navigating, or operating of any civil aircraft in interstate or foreign commerce, or in, over, or through the District of Columbia, the Territories, and dependencies of the United States.

SEC. 2. It shall be the duty of the Secretary of Commerce to foster commercial air navigation in every way possible and to do all things necessary therefor, cooperating and consulting with all other established governmental agencies, Federal or State, and taking advantage to the fullest degree possible of the facilities they can offer. This shall include the following duties:

(a) To inspect each aircraft before it is used in commerce and to certify as to its condition, capacity, and safety at the date of inspection, and to make the information contained in such certificate available to the public in such manner as he may prescribe. Aircraft found upon such inspection and test to be airworthy shall be issued a certificate of airworthiness.

(b) To establish aerial traffic rules and regulations for the manner of navigating and operating civil aircraft in commerce.

(c) To designate and approve air routes suitable for air commerce.

(d) To encourage the establishment of airdromes, landing fields, and air ports.

(e) To make recommendations to the Weather Bureau as to the necessary meteorological service.

(f) To study the possibilities for the development of commercial air navigation and to collect and disseminate information relative thereto.

(g) To investigate, record, and make public the causes of accidents in civil air navigation.

(h) To exchange with foreign governments through existing governmental channels information pertaining to civil aviation.

(i) To operate and for this purpose to purchase, when appropriations shall have been made to do so, such aircraft as he may deem necessary for carrying out the provisions of this act.

INSPECTION AND LICENSING

SEC. 3. It shall be the duty of the Secretary of Commerce to provide regulations for the following purposes:

(a) The inspection and testing from time to time of any aircraft as to their airworthiness.

(b) The determination and examination of the qualifications of individuals to serve as airmen upon or in connection with aircraft in the United States. Such examination shall be based upon the character, physical fitness, training, and practical experience of the airman. Any individual found, upon such examination, to be qualified, shall be issued an airman's certificate.

REGISTRATION

SEC. 4. The Secretary of Commerce shall by regulation provide for the registration of aircraft as aircraft of the United States, but no aircraft shall be so registered (1) if it is registered under the laws of any foreign country, and (2) unless it is owned by (a) an individual who is a citizen of the United States or its possessions, or (b) a partnership of which each member is an individual citizen of the United States or its possessions, or (c) a domestic corporation, of which the president and three-fourths or more of the board of directors or managing officers thereof, as the case may be, are individual citizens of the United States or its possessions and in which at least 75 per cent of the interest is owned by persons who are citizens of the United States, (d) any State, Territory, or possession, or the District of Columbia, or the Canal Zone, or any political subdivision thereof, or (e) any association or corporation directed by act of Congress to act as a governmental agency. Any aircraft registered under this section shall be issued a certificate of registry.

SEC. 5. No aircraft shall at any time be held an aircraft of the United States unless at such time the aircraft is registered in accordance with the provisions of section 4.

IDENTIFICATION

SEC. 6. The Secretary of Commerce is authorized by regulations to provide for the identification and marking of aircraft in the United States.

SEC. 7. Aircraft, other than aircraft of the United States, shall not engage in the transportation of passengers or merchandise for hire, nor in any other commercial operation, between the several States, Territories, and/or possessions of the United States, nor within any of the Territories or possessions of the United States. Any aircraft violating the provisions of this section shall be subject to a civil penalty of $500 for each passenger transported and to a civil penalty of $5,000 for merchandise, which shall constitute a lien on such aircraft.

SEC. 8. (a) The owner of any aircraft navigated in commerce without registration, identification, or marking, or without a certificate of airworthiness, or with airmen not holders of certificates, as required by this act, or in violation of the rules and regulations made under this act, shall be subject to a civil penalty of $500, which shall constitute a lien on such aircraft.

(b) Any person acting as an airman upon any commercial aircraft without the certificate provided in section 3 (b) of this act, shall be subject to a civil penalty of $500.

(c) The Secretary of Commerce may, upon application, remit or mitigate the penalties provided for in this section or discontinue any prosecution for their recovery upon such terms as he shall think proper.

FEES

SEC. 9. There shall be paid to the Secretary prior to each registration, identification, inspection, or the issuance of any certificate under this act, reasonable fees in amounts to be fixed by the Secretary of Commerce. All fees so received shall be paid into the Treasury of the United States. The amount which, in the judgment of the Secretary, is equivalent to the cost of rendering such service shall be credited to the appropriation out of which such cost was paid and the balance, if any, shall be credited to miscellaneous receipts.

SEC. 10. The Secretary of Commerce is authorized to suspend or revoke any certificate issued under this act after giving reasonable notice and an opportunity for a hearing. He is authorized to prescribe regulations governing the procedure in cases of such suspension or revocation.

SEC. 11. The Secretary of Commerce is authorized, within the limits of appropriations hereafter made by the Congress, to establish and operate lights, aerial lighthouses, and aerial signal stations, and radio directional finding facilities for aircraft and radio communication facilities for aiding air navigation.

SEC. 12. Any person who, with intent to interfere with air navigation, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal prescribed by the Secretary of Commerce under this act, or regulations made thereunder, or for a light or signal connected with an aerial lighthouse, airdrome, or other aircraft facility; or knowingly removes, extinguishes, or interferes with the operation of any such true light or signal shall upon conviction be punished by a fine of not more than $5,000 or imprisonment for not more than five years, or both.

SEC. 13. The Secretary of Commerce is authorized to chart commercial air routes and to arrange for the publication of maps of such air routes, utilizing the facilities of existing Government agencies so far as practicable.

SEC. 14. The Secretary of Commerce is authorized—

(a) To make such regulations as are necessary to execute the duties vested in him by this act.

(b) To make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary efficiently to execute the functions authorized by this act and as may be provided for by the Congress from time to time.

(c) To publish from time to time a bulletin setting forth all licenses and permits issued or revoked under the provisions of this act, together with field reports of all civil air navigation activities, accidents, field and route data, and such other matters relating to the functions authorized by this act as he deems advisable.

SEC. 15. To aid the Secretary of Commerce in fostering air navigation and to perform such duties as the President or the Secretary of Commerce may direct, there shall be an Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of $7,500 a year, to be paid monthly.

SEC. 16. The Secretary of the Treasury is authorized to designate places in the United States as ports of entry for aircraft engaged in foreign commerce. All such aircraft, upon entering or leaving the United States, shall enter such ports and clear under such regulations as may be provided by the Secretary of Commerce.

SEC. 17. Section 3 of the act entitled "An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture," approved October 1, 1890, is amended by adding at the end thereof a new paragraph to read as follows:

"It shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and upon the high seas, particularly upon air routes designated and approved by the Secretary of Commerce under the provisions of this act, or established under other authority of law, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations."

SEC. 18. Air navigation facilities under the jurisdiction of the head of any Government department or independent Government establishment may be made available for public use under such conditions and to such extent as the head of such department or establishment deems advisable and may by regulation prescribe.

SEC. 19. The head of any Government department or independent establishment having juridiction over any airdrome may, when necessary to the continuance of air navigation, sell to any aircraft alighting at the airdrome fuel, oil, equipment, and supplies, and furnish it mechanical service, temporary shelter, and other assistance, under such regulations as the head of the department or establishment may prescribe, if, and only if, such action is, by reason of any emergency, necessary to the continuance of such aircraft on its course to the nearest airdrome established by private enterprise. All such articles shall be sold and such assistance furnished at their fair market value prevailing locally. All amounts received under the provisions of this section shall be paid into the Treasury of the United States, and the amount which, in the judgment of such head of any Government department or independent establishment, is equivalent to the cost of the property so sold shall be credited to the appropriation from which the cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

SEC. 20. As used in this act—

(a) The term "United States," when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the air space above such territory; but shall not include the Canal Zone.

(b) The term "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in, the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(c) The term "airdrome" means any area or supporting surface, including structures anchored thereto or floating thereon, which is used or purposely adapted for the storage, maintenance, or repair of aircraft.

(d) The term "air navigation facility" includes any airdrome, landing field, air beacon, or other signal structure, radio directional finding facility, or radio communication facility, or other structure used as an aid to air navigation.

(e) The term "master" means the individual having command of an aircraft.

(f) The term "airman" means any individual (including the master and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any ground engineer who is in charge of inspection, overhauling, or repairing of aircraft.

SEC. 21. This act shall not apply to aircraft owned or operated by the United States.

SEC. 22. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

SEC. 23. This act shall take effect upon its passage; except that no penalty or forfeiture shall be enforced for any violation of this act occurring prior to 90 days after the passage of this act.

Mr. BINGHAM. Mr. President, this bill, Senate bill 41, differs from the bill previously passed twice by the Senate in that instead of providing for a bureau of commercial or civil aviation in the Department of Commerce, with a commissioner of aviation, it provides for an additional Assistant Secretary of Commerce, as recommended by the President's Aircraft Board. It was felt that the Department of Commerce had a sufficient number of bureaus which could be used for the purpose of aiding civil air navigation.

For instance, the Bureau of Standards already conducts certain investigations regarding structural engineering and miscellaneous materials and could easily extend its studies to meet the needs of aviation.

The Bureau of Foreign and Domestic Commerce already has a division devoted to automotive machinery and could without difficulty add another division devoted to airplanes as a commodity. Its division of statistical research could without difficulty secure for us the necessary information regarding foreign commercial aircraft.

The Bureau of Lighthouses is already well equipped to handle the lighting of our future airways. The Secretary of Commerce tells us that it will cost much less to light our airways than it does to light our waterways, and that the cost of various aids to air navigation parallel to those now given to water navigation by the Bureau of Navigation would not be an extravagant sum.

The Coast and Geodetic Survey, also under the Department of Commerce, prepares the charts for water navigation and could readily add to its work the preparation of air charts for air navigation.

The Department of Commerce has offices in all our seaports where its Bureau of Navigation and its Steamboat Inspection Service carry on their work. These offices can readily be used without much additional expense for the necessary aviation inspectors, who must provide for the examination of pilots and airplanes and for their proper certification.

To do all these different things in a separate department would require an enormous additional expense. It would involve greatly increased overhead charges, the renting of new offices in all parts of the country, the provision for many services which under the coordinating hand of the new Assistant Secretary of Commerce can be easily undertaken by the extension of the existing bureaus of the Department of Commerce which have already formed a directing staff for similar work in all parts of the country. Those expenses would be avoided by adopting the plan proposed in this bill. Without building up even an additional bureau at the present time the office of the new Assistant Secretary of Commerce can provide a place for the study of the possibilities of the development of commercial air navigation and the collection and dissemination of information relatitve thereto which will be of enormous importance.

Mr. President, the situation in regard to commercial aviation in this country is not satisfactory. Insurance rates are almost prohibitive. One of the companies which was engaged in commercial aviation and tried its hardest to run passenger service in a safe manner over water finally failed. Their report shows that 30 per cent of their total income had to be devoted to insurance.

Accidents in aviation in the Government service are steadily diminishing. In the Army, for instance, in one branch of the service in which we are particularly interested, the training of aviators, since General Patrick became chief of the Air Service the casualties have steadily diminished. In 1921 there was 1 casualty for every 1,420 hours of flying; in 1922 there was 1 casualty for every 1,700 hours of flying; in 1923 the service was almost twice as safe, the casualties being only 1 for every 3,400 hours of flying; while in 1924 there was but 1 casualty for every 5,200 hours of flying.

Now, contrast with that the casualties in commercial aviation. Commercial aviation at the present time in this country may be divided into two parts—aviation conducted by commercial aviation companies operating from fixed bases or air ports and aviation which is carried on by what are known as "gypsy" flyers, or itinerant flyers.

The yearbook of the Aeronautical Chamber of Commerce shows that in 1924 the number of accidents of companies operating from a fixed base, with proper inspection so far as their own planes and pilots were concerned, was not very much greater than in the Army, their casualties being but 1 to every 4,550 hours of flying as compared to the Army, which, in the training of pilots, had 1 for every 5,223 hours of flying; whereas in the case of "gypsy," or itinerant, pilots in 1924 1 person was killed for every 200 hours of flying. Expressed in another way, in mileage, the Army in operating its model airway system over a period of three years had flown nearly a million miles without a single casualty, showing what can be done in commercial aviation when properly regulated, the idea of the model airway being to show what can be done in commercial aviation. Last year our fixed-base operators had only 1 casualty for every 300,000 miles flown, whereas the itinerant pilots had 1 casualty for every 13,500 miles flown. A very striking comparison may be found by considering conditions in Europe——

Mr. FLETCHER. Mr. President, may I ask the Senator what are the Army airways to which he refers?

Mr. BINGHAM. The Army, I will say to the Senator, some three and a half years ago established certain carefully laid-out routes, such routes as we have for ships at sea for which we provide buoys and channels and lighthouses and navigation directions, and directed that these air routes be marked and charted. They extend from Washington to Mitchel Field on Long Island; from Washington to McCook Field at Dayton, Ohio; from McCook Field to Scott Field in southern Illinois near St. Louis; and from there to San Antonio, Tex. In operating these airways they use only certain planes labeled "airway planes," and they fly about 7,000 miles a week, winter and summer. They operate entirely on a system designed to show what can be done over well-marked, well-charted routes, where they receive proper meteorological information, not only weather forecasts for the succeeding day but what the weather is and the condition at the fields at the time of starting or an hour or two preceding. Does that answer the Senator's question?

Mr. FLETCHER. Yes.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. BINGHAM. Certainly.

Mr. KING. The Senator has not cited the figures showing the mortality attending what he denominates the "itinerant pilots" for the purpose of drawing any comparison as to the superiority of pilots who have been operating over the so-called laid-out routes, does he?

Mr. BINGHAM. No, Mr. President; but merely for the sake of pointing out the fact that when there is Government inspection of planes, Government inspection and certification of pilots, and Government control over routes over which they fly, the flying can be made very safe. However, we have never yet examined pilots federally for commercial aviation or examined the planes or, except in the case of the Post Office Department, provided airways lighted at night. The inference is obvious that when we have proper inspection we will then get safety.

In Europe, strange as it may seem, insurance rates are lower on valuables when carried from Paris to London and

from Amsterdam to London in airplanes than when carried on trains. Diamonds are sent from the diamond cutters in Amsterdam to the diamond market in London by airplane at about one-third the rate of insurance that is required when diamonds go by rail or express. There is nothing like that in this country. The reason is that the insurance companies in this country have no certification that the pilot knows how to fly; that the plane is air worthy; that the engine is of proper power and sufficient for the work which is required.

As I have said, the Senate has twice passed a bill similar to the one now pending, but the House has failed each time to pass such a measure. The changes in this bill over the bill formerly passed by the Senate are, in the first place, the appointment of an assistant Secretary of Commerce to coordinate all the air activities of the Department of Commerce under the direction of the Secretary of Commerce and to aid in every way in promoting commercial air navigation.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. FESS. In reference to the lower insurance rates in Europe on valuables conveyed by airplanes, is not that due to the comparatively greater risk of robbery when they are carried by train than when carried by airplane?

Mr. BINGHAM. That is undoubtedly true, and the same thing would apply in this country were it not for the additional dangers which are encountered in the hazards of commercial aviation without proper Government regulation and inspection.

Mr. FESS. Is it true that there is less danger in going through the air than in traveling on a railroad train? That is hardly true, is it?

Mr. BINGHAM. That can hardly be said to be true, although the Post Office Department last year in its air mail route from New York to San Francisco flew, winter and summer, day and night, a distance of 2,500,000 miles and only lost two lives.

Mr. FESS. That is very remarkable.

Mr. WATSON. Mr. President, will the Senator permit a question?

Mr. BINGHAM. Certainly.

Mr. WATSON. Can the Senator state how many airplanes are now devoted to commercial aviation and what tonnage they have?

Mr. BINGHAM. In this country?

Mr. WATSON. Yes; in this country.

Mr. BINGHAM. There is no means of furnishing that information exactly, I will say to the Senator, because the Government has never provided any office for the collection of such information. This bill provides that it shall be the duty of the Secretary of Commerce to collect such statistics.

Our Government has for years spent millions of dollars annually in aiding ocean navigation. My recollection is that the appropriation bill for the Department of Commerce usually carries from $14,000,000 to $16,000,000 a year to provide aid for water navigation. Of that amount about $10,000,000 goes to lighthouses and other lighting facilities. We have never expended a cent directly to aid air navigation, and yet we wonder why it is so dangerous. If we were to remove the lights, the beacons, the buoys, and suspend the issuance of charts and other aids which we have provided for ocean navigation, our merchant marine would be tied up immediately; the next day no one would dare to go to sea, and all insurance companies would immediately cancel their insurance policies. Yet we have expected commercial air navigation to develop without the aid that we give to ocean navigation.

The purpose of this bill is not so much to regulate as to promote; merely providing sufficient regulation to make sure that there will be proper pilots, proper planes, proper mechanics to take care of them, and also that, as the appropriations become available, the Secretary of Commerce shall have it as his duty to erect lighthouses at proper air ports to mark the airways and to provide the charts for pilots flying over them.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator again, as I understand the purpose of this bill, it is to lay the foundation for all these aids to air navigation? It does not in itself provide for lighthouses or the other equipment to which the Senator alludes, but it provides means whereby future Congresses may, in the development of the service, take care of those conditions? Am I correct about that?

Mr. BINGHAM. The Senator is correct. It authorizes the Secretary of Commerce to do that; but, of course, he can not do it until proper appropriations are made.

Mr. ROBINSON of Arkansas. Mr. President, let me ask the Senator from Connecticut what consideration was given to the bill by the Committee on Commerce?

Mr. BINGHAM. The Committee on Commerce considered the bill very carefully, and they gave it their unanimous approval. It was very similar to bills which had formerly been considered, there being only a few sections that differed from the bills which previously had been passed by the Senate.

Mr. ROBINSON of Arkansas. What are the important distinctions between this bill and the one passed at the former session?

Mr. BINGHAM. The chief differences are, first, the new Assistant Secretary in place of a bureau; second, the authorization of the provision of lights and radio directional finding facilities by the Secretary of Commerce as fast as appropriations become available; third, the authorization of the Weather Bureau to provide proper weather reports suitable for air navigation on the requisition of the proper authorities, and the provision making it the duty of the Secretary of Commerce to request such service from the Weather Bureau; and, fourth, certain definitions occurring in section 21 defining the terms used in the bill.

Mr. ROBINSON of Arkansas. This bill does not undertake to deal with the subject of radio generally, but merely as it relates to the Air Service?

Mr. BINGHAM. In section 11 the Senator will find the only reference to radio, in which it is stated that—

> The Secretary of Commerce is authorized, within the limits of appropriations hereafter made by the Congress, to establish and operate lights, aerial lighthouses, and aerial signal stations, and radio directional finding facilities for aircraft and radio communication facilities for aiding air navigation.

Mr. ROBINSON of Arkansas. Does this bill in any way deal with the subject of the right and power of the Department of Commerce or of any other Government agency to regulate the use of radio or the use of the air for radio purposes?

Mr. BINGHAM. Not so far as I understand.

Mr. ROBINSON of Arkansas. My attention has been called to a case in which the Department of Commerce gave to one station in the Southwest a wave length, for instance, of 375 meters. Subsequently, the right to use that wave length was divided with another station in the same part of the country. Approximately a year later the Department of Commerce gave permission to an organization in the eastern part of the United States to use the same wave length. It gave it at first upon the understanding that the use of that wave length, by the eastern station, would be merely experimental, the right having been granted to these two stations in the Southwest previously. It was found, however, that by the employment of powerful machines the eastern station completely destroyed the advantages of the southwestern stations, so that they can no longer broadcast.

I am wondering whether it is the policy of the Department of Commerce to permit arrangements of that character. It is most astounding to me that any department of the Government would, either under authority of law or assuming to act without authority of law, grant a permit and then grant another in conflict with it, so that the effect of its subsequent grant would be to destroy the first grant. If that is the way the Department of Commerce is to operate in these matters, the Senate would do well to look into the subject very carefully.

My information is that the Department of Commerce does not question the facts that I have stated here. It states that it is in some sort of unfortunate position; that it had no intention of violating the first permit that it granted, but that the parties who were operating the station in the East had employed more powerful agencies than were contemplated, so that the effect was to take away from the southwestern stations that had been enjoying the right for more than a year the privileges granted to them. I wondered if the attention of the Senator from Connecticut had been called to that subject.

Mr. BINGHAM. It has, Mr. President; and there is nothing in this bill which in any way affects that, one way or the other. The idea of the bill merely is to give to the Department of Commerce instructions to do for air navigation in the way of radio directional signals and fog signals what it is to-day doing so ably for water-borne navigation.

Mr. ROBINSON of Arkansas. Of course, I think it is inevitable that further power to regulate the employment of radio must be granted and exercised; but it certainly is a strange act on the part of any department to grant two inconsistent permits, as has been done in the case stated.

I am thoroughly in sympathy with the proposal to build up civil aviation, as well as thoroughly in sympathy with the proposal to strengthen the air power of the United States as a means of national defense. I am hoping that the committee have given very careful consideration to this measure, because the subject is of constantly growing importance. In the early, if not the immediate, future its importance will be realized.

I am not objecting to the consideration of the bill. I understand the Senator has submitted a request for its present consideration.

Mr. BINGHAM. Has the request been granted? I asked for unanimous consent for the consideration of the measure.

The VICE PRESIDENT. It is before the Senate already.

Mr. ROBINSON of Arkansas. At the request of some Senators who have not had an opportunity of considering the bill, I will ask the Senator from Connecticut to let the measure go over for a day or two until we may be able to study it.

Mr. CURTIS. I suggest that the Senator from Connecticut be permitted to complete his remarks on the bill.

Mr. ROBINSON of Arkansas. Yes; I am interested in hearing the Senator from Connecticut.

Mr. CURTIS. The Senator from New Jersey [Mr. EDGE] desires to make a speech; and if this bill can remain under consideration there will be something before the Senate, and then it can be laid aside.

Mr. ROBINSON of Arkansas. I do not desire to take the Senator from Connecticut off the floor, but I will ask that the bill go over in order that Senators may have an opportunity to examine it before action is taken upon it.

Mr. FLETCHER. I suggest that the request be granted and the bill laid before the Senate; and then, of course, it will not pass to-day, and it can be laid aside.

Mr. ROBINSON of Arkansas. I have no objection to that.

Mr. EDGE. May I suggest, Mr. President, that the Senator from Connecticut make a motion to have the bill laid before the Senate? Then it will become the unfinished business and can be brought up in the usual way.

Mr. ROBINSON of Arkansas. I do not object to the Senator's request for the present consideration of the bill. I shall only object to its final disposition at this time.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I do.

Mr. NORRIS. If the Senator will permit me to make a suggestion, I think it would be to his advantage to make a motion to take up the bill, because if he does, and we adjourn, as we will, without finishing it, it will become the unfinished business. If it is taken up by unanimous consent, that will not be the case.

Mr. FLETCHER. We have not yet reached the hour of 2 o'clock. If the Senator made the motion now, it would not avail.

Mr. NORRIS. He will not make it the unfinished business by unanimous consent.

The VICE PRESIDENT. The bill is before the Senate as a matter of right under Rule VIII at this time.

Mr. FLETCHER. I suggest that the Senator press his request that it be taken up.

Mr. BINGHAM. Mr. President, in accordance with the suggestion of the Senator from Nebraska, I move that the bill be made the unfinished business.

Mr. SMOOT. Mr. President, I do not want the bill made the unfinished business in that way. Why not let it go over as it is until we get the information asked for by the Senator from Arkansas? I do not think the Senator can pass the bill to-morrow. I gave notice that I should ask for the consideration at that time of the bills affecting the settlement of the debts of six European countries to the United States. I should want it understood, if this bill is to be made the unfinished business, that it will be temporarily laid aside for that consideration.

Mr. BINGHAM. Mr. President, I move that the Senate proceed to the consideration of the bill at the present time.

The VICE PRESIDENT. The bill is already before the Senate.

Mr. ROBINSON of Arkansas. There is nothing to be accomplished by the motion of the Senator from Connecticut. Consent has been given by the Senate to proceed to the consideration of the bill, and we are now considering it. I merely notified him that I do not desire to have final action taken on the bill to-day.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator that he let the matter run on until 2 o'clock, if the Senate stays in session that long, and then he can make his motion, and the bill will become the unfinished business. Then it can be laid aside.

Mr. SMOOT. A motion to make it the unfinished business at this time is not in order.

Mr. BINGHAM. Under the circumstances I withdraw the motion, as I understand it is out of order at this time.

Mr. President, there are eight things which need to be done to promote civil air navigation. There are eight things which will make it safe, which will make it possible for insurance companies to give reasonable rates of insurance, which will give the public confidence so that they will use it. There were very few passengers carried last year by any regular air lines in the United States. There were some 64,000 passengers carried over regular air lines in Europe.

The eight things which need to be done are the following:

In the first place, the certification of proper pilots. They should be well trained; they should be physically sound; they should be of good judgment; they should be required to pass stringent examinations as to their condition and training. In England at the present time the examination of commercial pilots is even more stringent than that of military pilots.

In the second place, the need is for proper planes. The plane must be structurally sound, it must be aerodynamically sound, and it must be in good condition, all of which things can be determined by proper inspection.

In the third place, the motor must be not only efficient, not only of sound construction, but of proper power to take such an airplane as it is proposed to take safely off the ground. It was reported that in the national air races at Mitchel Field last fall in one race a plane failed, and a passenger was killed and the pilot seriously injured because the motor was deficient in power. No one, however, had any authority to prevent that plane being taken off with that motor, because the State of New York had not provided for any such action.

In the fourth place, the safety of commercial aviation depends on the kind of mechanics employed. There is probably no known means of transportation where exquisite care on the part of the mechanics means so much as it does in aviation. Consequently it is of great importance that the mechanics be inspected and certified to as proper airmen.

In the fifth place, there is a need for air ports. Some of you have seen in some parts of the country a vacant field with a shed and a few planes and a sign up, reading "John Smith's airport," or somebody else's "airport," giving it a high-sounding name, as though it was comparable to a seaport. As a matter of fact, an airport is something which really is comparable to a seaport and differs from an ordinary flying field as a seaport differs from an ordinary natural harbor. Not only must an airport have a proper landing field, not only a shed for the planes, but it must have repair facilities, telephone facilities, radio directional finding facilities, and if it is to be used at night at all it must have the same kind of lighting that is now provided for the Post Office Department on its very well run night airways between New York and Chicago and Wyoming, over which planes fly every night. An airport has to have all the conveniences needed for the repair and for the proper reception and sending out of planes.

In the sixth place, there is a need for airways. The word "airway" is a new one and is not familiar to many people. It may be compared to a navigable ship channel, marked by buoys and beacons and lighthouses. An airway is a route over which it is safe for people to fly, because there are at certain distances emergency landing fields where in case of motor trouble a plane may land safely. These fields must be marked on the charts, just as harbors are marked on the charts for ships at sea. The airway must be so plainly marked that the airman who has never been over it before can find his way over it just as surely as the captain of the merchant ship to-day going along one of our coasts and entering a harbor which he never came to before can find his way by using the Coast Pilot and the charts, as provided by the Department of Commerce to-day.

That brings me to the seventh thing which is needed, and that is proper charts, proper maps. It is utterly ridiculous to think that we can expect air navigation to succeed in this country when we provide no Government charts for commercial air routes, while we are constantly providing most expensively made Government charts for the guidance of ships and water-borne traffic.

In the eighth place, and perhaps just as important as any one of the others, is the weather report needed. At the present time our Weather Bureau, in the Department of Agriculture, is interested chiefly in providing reports as to the kind of weather that may be expected the next day, whether a

frost is coming, whether rain is coming, in order that farmers may have the information in connection with making hay, or getting in their crops, or protecting their delicate crops, and so on. The Weather Bureau also provides storm warnings, which are displayed in the various seaports. The same thing must be done for the air.

Further than that, the airman, who goes so rapidly over several hundred miles, must know what the weather is like at the end of his route within an hour or two of the time he starts. This is an entirely new kind of weather service. Had we had such weather service last summer, the terrible disaster to the *Shenandoah* need never have happened, for the captain of the *Shenandoah* would have been warned that over the route over which he was to pass a terrible thunder storm was gathering, and he would have been warned in such a way that he would not have gotten into that cyclonic area.

In Europe, when a man starts to fly over the commercial airway from London to Paris, he has his radio receiver on board, and he listens in to reports which tell him what the weather is like and which indicate to him where he is from time to time, if there is fog. If he is flying from Paris to London, and there is a likelihood of there being a great fog, as he draws near London, he is told to what airport or what emergency landing field to go in the vicinity of London, where there is no fog, where he can come down safely. That is the kind of thing that saves lives. It is the absence of that weather information that causes the loss of a great many lives. That is provided for in the bill.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BINGHAM. I yield to the Senator.

Mr. DILL. I notice that by section 11 of the bill the Secretary of Commerce is given power to establish radio directional finding facilities. Is it proposed that the Government shall establish its own radio stations in connection with civil aircraft?

Mr. BINGHAM. That is one of the things that is most important. At every great airport approved by the Secretary of Commerce in the future as an adequate airport, either owned by a State or owned by a municipality, with proper facilities otherwise, it should be the duty of the Secretary of Commerce, in accordance with such appropriations as he may receive, to establish radio directional finding facilities, as provided by the Government, at that air port.

Mr. DILL. Are the owners of aircraft to be required to have radio facilities?

Mr. BINGHAM. Rules and regulations of that kind would be left for gradual development by the Secretary.

Mr. DILL. There is no authority in this bill for that, is there?

Mr. BINGHAM. There is no requirement in the bill that civil airplanes shall carry radio facilities.

Mr. DILL. There is in the bill no authority giving the Secretary the right to make the regulations which you mention.

Mr. BINGHAM. I understand there is authority given in the bill for him to make proper regulations.

Mr. DILL. Not in section 11.

Mr. BINGHAM. In paragraph b, section 2, he is authorized—

> To establish aerial traffic rules and regulations for the manner of navigating and operating civil aircraft in commerce.

That will give him the power.

Mr. DILL. Does the Senator think that covers radio?

Mr. BINGHAM. It does.

Mr. DILL. It does not say so.

Mr. JONES of Washington. May I suggest to the Senator that it does not give him power to regulate radio generally.

Mr. BINGHAM. Not at all.

Mr. DILL. It does not even mention radio in connection with aircraft, and I think that if that is the intention, the bill ought to mention it.

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. EDGE. Mr. President, more than six years ago the now notorious Volstead Act became a law. I use the word "notorious" because, to my knowledge, no statute ever enacted in the history of the world has been more generally violated or more universally condemned.

May I at once reach the crux of the situation by presenting a few queries, the proper disposal of which is fundamental if relief is to be obtained?

IS THE VOLSTEAD ACT A JUST INTERPRETATION OF THE EIGHTEENTH AMENDMENT?

Would the existing spirit of protest and challenge be alleviated if Congress allowed all the Constitution permits, and, anyhow, has Congress the moral right to deny such a privilege?

Would legal modification assist enforcement?

Would home brewing be minimized and the thriving bootleggers' trade in poisonous substitutes less prosperous if the maximum alcoholic content of beverages were raised to the generally accepted point of nonintoxication?

Should the Federal Congress deny individual States discriminatory power within such limits?

Can the inconsistencies in the Volstead Act be defended when by its provisions all who possess beer with one-half of 1 per cent alcohol are criminals, when the same act permits wine and cider up to the point of proven intoxication, which all admit allows a much higher alcoholic percentage?

Why should nonintoxicating cider and fruit juices be legalized and beer of one-half of 1 per cent prohibited?

Would the masses be more content with a pure legalized light beer?

Can we any way justify or defend a congressional-made law that proclaims a citizen a criminal when the highest law, the Constitution, decrees otherwise?

Would the billion-dollar annual income which could be secured through a tax on nonintoxicating beer lower morals or be justified?

I thoroughly appreciate the radical prohibitionist, if I may be pardoned for this method of description, would indignantly protest every query, and the discussion would be supposed to be ended.

I propose, nevertheless, to-day to discuss these and other distinctly unsettled phases of this most important responsibility, an adjustment of which is necessary to the peace and tranquillity of the Nation. Legalizing of beer is not the all-important issue confronting us, but rather the necessity of removing discriminations that foment irritants impossible to explain away.

Everybody, whatever may have been the original view as to the wisdom of this legislation, agree something positive must be done and at once. What shall it be? Newspapers and magazines emphasize increasing violations, the disregard for law, and the attending national disgrace of existing conditions. The world glibly discusses our failure. An unbiased review and frank consideration of this situation is imperative.

The uncompromising refuse to admit facts and demand impossibilities. No citizen from the President down is immune from their tirades. More tolerant citizens, while publicly proclaiming that all laws should be observed, privately refer to human nature and personal liberty and differentiate as to what is really criminal. We are getting nowhere. In fact the unprejudiced admit the situation is rapidly growing worse.

Law is law, and should be obeyed. Because of the restrictions of the eighteenth amendment the latitude of Congress is very limited. I propose to-day to try to present the facts as they exist, together with the only legal solutions available as I see them.

It is admitted in advance that hard liquor legally is impossible without constitutional amendment, but it is well established mainly because of the cost that such offenders are necessarily confined to those with the means to buy.

WOULD AMEND CONSTITUTION

If I had the power I would amend the eighteenth amendment to provide for a reasonable distribution of hard-spirit beverages, not through the medium of saloons, which, however, have not ceased under present restrictions, or through drug stores, but under governmental supervision and surrounded by every possible safeguard. Such action would certainly reduce the present illegal supply of alcoholic poison as it would go far in eliminating bootleggers who obviously encourage intemperance and worse.

However, Congress can not amend the eighteenth amendment. We can only provide a method through which the States can express their wishes in this regard. This process at the best would require several years. While, in my judgment, it should be undertaken, and undertaken speedily, to-day I am confining my argument to what Congress of itself can alone accomplish.

Likewise the present dispensing method through the agency of physicians' prescriptions and drug stores is indefensible. This is, however, a Volstead Act provision and subject to congressional action. The heretofore high-grade business of a druggist or chemist has been invaded by semibootleggers for the apparent sole purpose of selling whisky. The public health is thus threatened because of the character of some men actually

legalized to sell drugs as well as spirits. Legitimate druggists are appealing for relief, but apparently without avail. Men in public life evade the subject. Efforts are continually being made to make it a moral issue. It is therefore surrounded by dynamite.

While prohibition is and always will be a political issue, I admit I despair of any entirely satisfactory solution through political debate or initiated in a political atmosphere. We can improve conditions, as I will endeavor to establish, but as to a permanent solution, too many elements of a character unnecessary to discuss unfortunately prevents here the frank and fearless consideration this so-called moral question demands.

However, a solution is imperative if respect for law is to be renewed. So far as the necessity for constitutional modification is concerned, I wish through some official agency a board could be created with a representative membership, removed from political obligation, not extreme from either viewpoint, and charged with the responsibility of considering and proposing a sane method to encourage temperance and respect for and enforcement of law and through proper consideration at the same time remove the existing bitter protest and challenge.

If what I propose fails to bring the relief demanded—and I frankly admit in advance no complete relief is possible without amending the Constitution—then at least the country will have a clearer understanding of the steps which must be taken if America is to reestablish her position as a community of law-abiding citizens.

VOLSTEAD ACT A FAILURE

The situation in the country to-day, however, no longer permits an indignant show of impatience and intolerance aimed at those who would amend existing law. To amend a statute is not encouraging law violation, as extremists would make it appear, but rather in the interest of law observation.

Real friends of prohibition, or at least temperance, admit failure. Surveys conducted by original proponents of the legislation prove an increase in intoxication and an appalling condition of violation of the law.

Among other happenings, the report on prohibition recently compiled by the Federal Council of Churches has focused attention on the facts.

Extremists who resent publication of the truth were severe in their criticism. I have failed, however, to find where they have even attempted to prove any inaccuracies. They content themselves with general abuse. It was always so.

The fact remains that this investigation clearly proved an increase in alcoholism, both as regards insanity and intemperance commencing after the first year of the Volstead Act.

This in spite of official bulletins previously issued endeavoring to create a different impression. Whenever increased arrests or convictions were broadcast by the former Prohibition Department, such facts were seized upon and represented as evidences of greater activity in the bureau—never as proof of greater violation.

The survey of prohibition conditions issued by the Moderation League only a few days ago is another startling exhibit. I will not detail its findings, as they have been widely published.

The report must prove conclusively to any citizen who will accept the facts the deplorable increase in drunkenness and alcoholic insanity under existing laws and stipulations.

A particularly significant feature of the report was the appalling increase in drunkenness in much-heralded dry sections of the country. Of course, as are all such surveys, it has been subject to the ire of the radical, as was the report of the Council of Churches. It is remarkable how unreliable is every statistic which proves the Volstead Act a failure. Likewise, those daring to issue the report have been, as usual, maligned and vilified. However, one is inclined to have some confidence in citizens of the type of Elihu Root, Bishop Charles Fiske, James Speyer, Martin Vogel, Newcomb Carlton, William Barclay Parsons, and the other rather well-known Americans who authorize the use of their names as directors of the league. Surely, except in extreme circles, these men would hardly be accused, through this baring of the facts, of aiding and abetting bootleggers. They, like thousands of other citizens of every class, are advocates of common-sense moderation and enforceable laws as against fanatical prohibition stubbornness, encouraging law defiance.

It is usually claimed that efforts to liberalize the Volstead Act are confined to the large industrial centers of the East. This is far from correct.

Only a day or two ago a newspaper printed in the great State of Iowa came to my attention. The Davenport Democrat and Leader of Tuesday, December 8. This is what this Iowa paper has to say about their local sentiment:

Wet sentiment prevails in Davenport after six years of prohibition. Interesting facts and figures brought to light by William T. Waterman in an exhaustive survey of the city. Poll taken of all classes and representing all sections of the city. Vote is 4 to 3 for repeal of prohibition laws.

Summarized, the result as published in this newspaper is as follows:

	Yes	No
For repeal of Volstead law	850	652
For amendment to law	1,200	332
Is prohibition beneficial to the community	391	1,024

Almost 4 to 1.

I refrain from further comment.

Such a situation demands the earnest consideration of those in authority, and I propose to-day to discuss the subject not as a wet or as a dry but from a strong conviction of public duty.

Of course, it is our sworn duty to first exert every effort to compel respect for and obedience to the law, but when experience proves a law unwarranted, unjust, or unwise, and therefore unenforceable, it is not inconsistent with that duty to hunt for the remedy; rather we are shirking our obligations, dodging our plain responsibility, and playing false to a sacred trust when we refuse.

JAIL SENTENCES NECESSARY

Demand for better enforcement can not be assailed, but it is a plain evasion to rest on or present that plea as an excuse for condoning or defending the existing law. The time has arrived when we must cease closing our eyes to indisputable facts.

The only way to possibly compel observance of the unfair provisions of the Volstead Act would be by putting real teeth in the act. Compulsory jail sentences for violations is the sole method which might help bring about obedience. However, just consider the enormity of a compulsory jail sentence for drinking a beverage containing one-half of 1 per cent alcohol, when wine of a much greater voltage has been legalized. Yet certainly the experience of the past six years must clearly and convincingly demonstrate that so far as compelling observation is concerned fines mean absolutely nothing. With this one alternative before us, is it not all the more convincing that the act should be liberalized right up to constitutional limits? Then, so far as I am concerned, the penalty for violation can not be too severe. In fact, it must be severe if respect for law is to be renewed. Sincere advocates of temperance, who must admit the absolute failure of the Volstead Act, can not disagree with this perfectly obvious contention.

Then, which will we have—a just regulatory measure or jail sentences for something the Constitution does not prohibit? Surely we can not condone a continuation of admitted violation on the part of a tremendous proportion of our citizenship.

The law is not observed, and because of such general violation conditions are becoming worse instead of better.

Almost the leading national activity is to find ways to evade or beat the law. Citizens in all walks of life, scrupulously honest and law-abiding in all other ways, boast of their success or ability to do so. Homes where in the old days liquor was never found now provide so-called pre-war stocks in apparently inexhaustible supply.

A LEGAL REMEDY—WILL IT SATISFY?

How can we defend a refusal to at least bring the law in harmony with the Constitution?

It is, of course, perfectly obvious Congress could not liberalize the act beyond the limitations of the eighteenth amendment, and that amendment prohibits the use of intoxicating beverages. So where the danger?

My solution, as already indicated, and in fact the only solution open to Congress, without constitutional amendment, is to permit the highest proportion of alcohol possible under a liberal interpretation of the eighteenth amendment and control distribution. Then give the individual State's latitude. Scientific investigation in many countries establish nonintoxicating beverages at from 2.30 to 3 per cent by weight, which is slightly more by volume. Of course, I realize it will be disputed as to what is intoxicating. There is perhaps alleged proof to

justify and to unjustify. However, after all is said and done, the Supreme Court will be the final arbiters and does not the existing situation justify a liberal interpretation if such action will alleviate the present avalanche of protest and challenge? At least we could defend such an effort. We can not the present restrictions, as no one, in my memory, has ever contended one-half of 1 per cent to be intoxicating or near intoxicating.

It is entirely beside the question to contend that efforts in Ontario to increase alcoholic percentage in beers have not met public demand or that such action will fail to solve the problem.

If it is permissible under the Constitution, the public are entitled to the privilege, and it is not for Congress to say whether they want to exercise it or not. The people are at least entitled to decide as to that. They do not need Congress to decide for them, and Congress's determination to do so has proven a costly failure.

Again, in dry Ontario native wines as high as 28 per cent alcohol are permitted, which, especially in sections populated by people of French ancestry, take the place of any beer. We are denied that privilege, and when home production is resorted to the wine is assumed to be nonintoxicating. Anyhow, its possession, manufacture, or use here is a subterfuge and usually, under present conditions, admitted with apologies or pledges of secrecy.

Further, in dry Ontario, as in the United States, bootleggers have thrived and there, as here, resent any effort toward modification which obviously would reduce or restrict their illegal and nefarious traffic.

However, it is a step in the right direction, and we should contest the bootleggers' sway, as they are endeavoring to do in Canada.

It is indeed a curious situation to realize the radical dry and the bootleggers are to-day united in their opposition to modification.

Another frank admission as to the nonpopularity of the Canadian beer is that it is not palatable. My information is that the Canadian beer contains about 2.18 percentage of alcohol by weight, which is frankly less than the formerly acceptable beers. I can hear the extreme dry immediately observing, "Certainly it is not palatable. It doesn't have a kick. It is not intoxicating." I of course agree it is not intoxicating. A beverage, however, can be palatable and still not have a kick or be intoxicating. A glass of lemonade, when one wants it, is palatable, while at the same time a glass of water fails to fill the demand.

The bill I have introduced provides for a maximum alcoholic content of 2.75 by weight and about the strength of the old light beer of preprohibition days. It is precisely the strength of the war-time beer fixed by a proclamation of President Wilson during 1918 and 1919. The difference between the 2.18 in Canada and the 2.75 proposed is the difference between a palatable and a nonpalatable beverage without reaching the point of being intoxicating, which fact I will later clearly establish. If statistics are in the slightest degree interesting, I refer you to the criminal records which demonstrate beyond successful contradiction that the arrests for drunkenness after the 2.75 war beer went into effect were at the lowest ebb and after one year of prohibition have increased by leaps and bounds.

It has also been proposed a fair method of enforcing the eighteenth amendment would be an adherence to the fundamental principles of American liberty by eliminating stated maximums, and permiting juries to decide whether a beverage was or was not intoxicating. It is contended, not without merit, that some beverages might be intoxicating to some people and not to others; might be intoxicating in some climates under some conditions while not under reverse conditions. In any event an arbitrary under one-half of 1 per cent limitation, beyond which all are criminals, can never be successfully defended.

It is indeed very questionable from a moral standpoint if after ratifying the eighteenth amendment the Federal Government had the right to deny the use of a beverage, admittedly nonintoxicating. The eighteenth amendment only prohibits that which is intoxicating.

Certainly if the States should ratify the twentieth amendment, known as the child labor amendment, and such amendment prohibited the employment of children under 18 years of age, which it proposed, it would not be contended that Congress would, after this clear mandate from the people have the moral right to pass a Volstead Child Labor Act prohibiting employment under 20 years of age.

The only other method to bring about the modification not only desired but demanded would be to delegate to the individual States the power, through legislative enactment, to decide what is intoxicating. In other words, the repeal of the Volstead Act, or at least the elimination of any stated alcoholic percentage. While I am strongly in favor of State rights and State jurisdiction, in view of the restrictions of the eighteenth amendment, I would prefer for a trial at least the maximum as liberal as possible to be fixed by the Federal Government. Then, of course, permitting States to define their own standard within such maximum as their responsible authorities elect, and at the same time assume greater responsibility for enforcement. That would be a return of limited home rule or local option, always considered a true American principle until impossible prohibition was wished upon us and would be a reiteration of our policy in dealing with other constitutional amendments. Again it will be seen my proposal is most conservative and could be put into effect without the confusion and possible disruption that no stated maximum might invite. I will later discuss the phase of State jurisdiction in more detail.

Of course, through inattention on the part of either Federal or State Government, or both, the eighteenth amendment could be made a dead letter as are some other provisions of the Constitution.

However, I have not approached this question from that angle or with that design. My proposals are I believe within the law.

GOVERNMENT DOING ITS BEST

I am convinced the Federal Government, through its Prohibition Department, the Coast Guard, and district attorneys throughout the Nation, are now doing the best human nature permits with this impossible situation. So far as I can observe, General Andrews, Assistant Secretary of the Treasury, charged with this responsibility and working against odds, the like of which no public official has ever before faced, is making every possible effort to apprehend and punish the army of violators.

The criticism already directed at his administration is not only discouraging but undeserved. Of course, fanatics can not be reasonable. The recent tirade from representatives of certain organizations meeting in Washington was so demagogic it was repudiated by its own membership. Some critics of failure to dry up the country refuse to admit facts. They are apparently not interested in the truth.

No matter who was directing prohibition enforcement, he must necessarily depend on an army of poorly paid agents, who face temptations unparalled in public history. There is not one of them who can not secure a year's salary by closing his eyes for a single night. Witness the havoc in the ranks of the once proud Coast Guard. In one station over 25 per cent have been arrested for dereliction of duty and worse.

However, the people are entitled from time to time to the facts. They are paying in the aggregate a large sum of money to maintain these departments and evasive and misleading reports on this question, as have in the past emanated from some of the bureaus of the Government, have not helped the situation. A reorganization has recently taken place. After a reasonable period, giving every proper opportunity for new policies to be tried out, the Government should have no hesitation in stating, for the information of those who pay the bills, the real results.

It is reasonable to assume a very decisive majority of citizens are in favor of a temperate condition. The difficulty we now face has been caused mainly because, flushed with success, leaders in the prohibition movement went too far. In other words, in designating one half of 1 per cent, which was unwise and unjustified, they made enforcement impossible.

We are steadily drifting into a more serious situation from the attempt to do a desirable thing forcibly and too fast. If it is possible to devise an effective temperance measure that will work instead of a prohibition measure that will not work but breeds defiance, is it not time to do it?

There is a happy medium in everything, and real results are usually obtained through the recognition of the claims or convictions of both sides, especially where, in the viewpoint of many, personal liberty is involved. But, no, the slightest concession even up to the point of being fair was denied.

The result is that now no one is satisfied unless it be the bootleggers. Certainly not the real temperance advocate. Moderation in all things is an old fashioned and fairly well accepted proper state of the public mind, and if it had been recognized in writing a Volstead Act our condition to-day would not be the acute national disgrace we are compelled to admit.

ORGY OF LAW DEFIANCE

No more serious problem has ever faced the American people than the existing contempt for law almost unrestrained and in no way confined to any particular section of the country. Through inaction we are clearly encouraging a continuance of this condition. Patriotic citizens of every class and type have

in recent months been organizing in an effort to find the answer. Review after review has been written by talented and well-informed writers, mostly exposing unwelcome facts, but seldom, if ever, proposing a solution.

No matter in which direction these efforts in the highly commendable desire to overcome this wave of law violation lead, every unprejudiced man must admit there is just one act on the statute books that is and has and will continue to fan this breeze of discontent into a gale of law defiance, and that act is the unfair and totally unjustified Volstead measure. Through this act corruption, the destroyer of free government, has crept into official circles, both State and National, and it is only necessary to refer to the official records of the criminal courts to ascertain the havoc in this direction alone.

Look at this as you will, it is nevertheless obvious there would not be any incentive for so much corruption did not the privileges thus afforded meet popular demand.

Richard Washburn Child, in his articles on crime, which have appeared in the Saturday Evening Post, has this to say on prohibition. This statement appeared on October 10 last:

> My investigation has not aimed toward any conclusions as to the ultimate enforcement of laws against alcoholic beverages. Nevertheless, no matter where one stands on the so-called prohibition question, it is folly where one is confronted with facts bearing on the crime tide to suppress them merely because they are bad news to partisan opinion. The facts are that prohibition has confronted our police forces with a tremendous new problem. One police commissioner, who is above the suspicions sometimes directed at a mere political officeholder, said to me: "You and I both stand for the enforcement of law. Certainly I have no right to say at this stage that I will not enforce the laws against alcoholic drink. But I would have to be a fool and the police of America would have to be blind if we could not see costs of prohibition. The innocent may think it is being enforced. All the agencies of enforcement send up such smoke screens. We hear of blockades and clean-ups, but the prices of liquor have not changed. The police may have to say the law is being enforced, but the real truth is that it has produced a new crime ring unequaled in any past experience of a civilized country. It is organizing more and more. It is rich and powerful. The breeding of a new criminal population enjoying a fairyland of profit is going on like wildfire. The ignorant and vicious are becoming capitalists."

Is it then any wonder bootleggers oppose and discredit legalized beer? It interferes with their trade.

The bootlegger and paid prohibition agitators unwittingly are partners against all forms of modification.

Edward H. Smith in Business, published in Detroit, which article was partially reproduced in the Literary Digest of July 5, 1924, says in part:

> The total annual levy which crime places on the country is probably not less than $10,000,000,000.

This is three times the amount of our national Budget. It is three times the total of the internal revenue and customs receipts, and twelve times the cost of the Army and Navy combined.

According to Mr. Smith, this stupendous cost does not in any way take account of the hundreds of millions spent by the Federal, State, and municipal authorities in an unsuccessful effort to suppress and punish crime.

OTHER VOLSTEAD ACT INCONSISTENCIES

At this time I do not propose to discuss in detail the gratuitious insult to the great medical profession of the country through Congress assuming the responsibility of writing and controlling prescriptions designed to relieve the ill and afflicted.

Two Federal judges have already declared that section of the Volstead Act unconstitutional, and it is well on its way to a legal interment, and I trust that there may be favorable action upon it, even though this is a so-called moral issue.

At the last session of the American Medical Association, resolutions were unanimously passed praying that "existing prohibition as to the practice of medicine be removed." I have introduced a bill to bring this about.

Neither will I discuss the confusion caused by our insistence we control the personal habits of citizens of other countries when in our waters, in their own ships, under their own flags, and when in no way menacing the peace of our citizens. A surrender of our rights and a veto of the decisions of the Supreme Court through the process of treaties has temporarily stilled that protest and at the same time placed our own merchant marine at a great and acknowledged disadvantage.

I propose to review this situation with facts which, in my judgment, will demand that Congress recognize its responsibility and no longer deliberately evade the issue because of the fear to face a so-called moral question. I propose to discuss this situation not alone as a consistent critic of the Volstead Act, not as one who six years ago as a Member of this body voted against it because of its impracticability and its lack of justification under the clear terms of the Constitution, but I propose to discuss the question with a sincere hope that the relief I suggest may impress the Senate not as wets and drys but as representatives of constituencies who, while, of course, indorsing enforcement of all law, are not blind to facts.

It will be recalled when this act passed in 1919 President Wilson vetoed it and 20 Senators, representing almost equally both political parties, voted to uphold his veto. I was one of the 20. I challenge the inference that we were nullificationists of the Constitution because we disagreed with the provisions of the Volstead Act.

After six years of utterly unsuccessful effort to administer the law, I challenge the assertion that we are encouraging further violation of the law or Constitution when we seek a remedy.

Is it treasonable to ask ourselves if all the fault is with the people? Is it not possible there may be something wrong with the law?

Again, as I have repeatedly stated, the power of Congress is necessarily confined within the terms of the Constitution—the eighteenth amendment. If we go too far, the Supreme Court would undo our work. On the other hand, are we fair in denying the people the full liberty of the Constitution? With the present crisis, is not that the question for Congress to seriously consider?

WET AND DRY ADHERENTS

No matter to what group a Senator may claim membership, be the title wet, dry, modificationist, or holding extreme views either way, he can not be satisfied with existing conditions. I thoroughly appreciate defenders of different brands of belief will have just as many reasons to advance for the almost universal violation of the law and the failure to enforce the same.

However, it is manifestly unfair when one criticizes the law to assume he is encouraging, aiding, or abetting violation. Such assertions are ridiculous, but from extreme circles have been so vindictive there is no question many who privately criticize the law hesitate and generally lack the courage to publicly express their honest convictions.

It is entirely unreasonable and unjustified to separate law-abiding people into two classes—wet and dry. Just as many, if not more, really sincere citizens who deplore the present state of law violation are, however, classified as wet because they recognize conditions and favor amendments to existing enforcement laws. The unfairness of this must be patent. Some of us are convinced after six years' experience that present laws are failures and always will be failures, are in themselves unjustified by the clear terms of the Constitution, and should be changed. The man who recognizes an evil and attempts to propose a remedy is more patriotic than one who closes his eye to conditions.

Sincere citizens in all walks of life should abandon the growing evil of hypocrisy and come forward with their honest views. It is indefensible to condone the present conditions, and no real friend of temperance will do so.

The main occupation of some of those outside of this body and who are retained professionally to insist that the Volstead Act is a sacred instrument is to conduct a campaign of personalities and accusations. All who disagree with them are rum hounds, brewers' agents, or worse. Recently, however, some of these paid representatives of so-called "nonpolitical" dry organizations have been kept rather busy defending their own activities and have presented rather pathetic figures when it has been demonstrated to a shocked world that all the virtue is not theirs.

Excessively repressive laws, unless based upon common sense and common consent, have never been successful. We are a law-abiding Nation, or were until the Volstead Act unjustly abridged our liberties. A democratic nation can not endure when a majority oppress a minority. It is a well-known fact that the fundamental design of the Constitution is not to govern but rather to limit the power of majorities. Destruction of personal liberty beyond a certain point necessarily nourishes the spirit of rebellion.

The efforts of the extreme drys to deliberately deceive the public by the claim that nothing can be accomplished excepting through a further amendment to the Constitution is not only pure "bunk" but an insult to intelligence. If this were true, then because of the impossibility to enforce the present law all opportunities for relief would be removed for years, if not forever. It required many years of agitation and legislative action to adopt and ratify the eighteenth amendment to the Constitution, and further changes must undergo the same process.

Real, sincere advocates of temperance understand the situation and are dissatisfied with such evasions and demand immediate action, not obstruction and delay.

Therefore, it being generally admitted the present act can not be enforced; that it is ridiculous to employ half the population to police the other half and then fail; that a constitutional amendment, even if possible, requires too much time to furnish the necessary immediate relief, it is high time to move for improvements through amendments and modification of

OLD EXCUSES WILL NOT SUFFICE

The usual answer, that if those who should obey the law or should set an example of law observance did so, there would be no difficulty of enforcement will not suffice. The fact remains a large proportion of citizens of every class violate the law without the slightest compunction. It is, indeed, unusual when a number of men, and frequently women, gather together that inquiry is not at once made as to who has a supply. Conventions and conferences develop improvised bar rooms. Clubs and societies all over the country have their special rendezvous and in no way confined to any class.

To shut our eyes to these facts is simply to dodge or evade the truth.

The occasional closing of restaurants or public places defying the law is simply a gesture bringing but little, if any, lasting results. If one is closed two are usually opened. The legitimate restaurant or café obeying the law is compelled to shut down, as it can not meet the illegal competition.

Bootlegging has become the most profitable of businesses, while rum running, halted temporarily in one section, is transferred and the supply apparently flows in without noticeable abatement.

Price lists of alleged choice liquors are obtainable almost as readily as theater programs. And yet some defenders of the present act report, following the expenditure of hundreds of millions of dollars, that enforcement is well in hand.

Frankly, I have not a solution for all this, as Congress's jurisdiction is limited, as I have stated; but I am convinced the situation can be measureably improved through legal modification of the Volstead Act. Certainly it can not be made worse.

In this connection I was interested and, I might say, impressed with a frank admission as to conditions made by at least one Anti-Saloon League official as late as November last.

According to a special news item in the Washington Post of November 2, Arthur J. Davis, State superintendent of the Anti-Saloon League of New York, is represented in a public speech as making the following statement:

> The United States will be really dry when—
>
> New York State, center of wet activities, enacts a prohibition law of its own to back up the Federal Government.
>
> When society people and politicians cease patronizing bootleggers.
>
> When the Prohibition Unit is taken out of politics.
>
> When political leaders of both parties "realize that Uncle Sam is on the water wagon and means to remain there."

Mr. Davis might have added "when human nature changes." I, however, heartily agree with him in the plain doubt he infers as to the possibility of these reforms.

Then along comes the so-called Anti-Dry League, which organization recently issued a placard on which, under the heading "Simple, very simple," appears the terse, self-explanatory expression, "No liquor would be sold in dry towns if the people in the dry towns did not order it."

Is it not conclusive that Congress must face facts, such as admitted by these two opposing organizations, and no longer through silence or timidity defend existing law?

DO NOT OPPOSE REGULATORY LEGISLATION

I did not vote against the Volstead Act because I opposed regulatory legislation. I voted against it because, as already indicated, it contains provisions which, in my judgment, could not be enforced and which were not justified by the clear terms of the Constitution. Six years' experience of efforts to enforce the Volstead Act have not weakened this conclusion. On the contrary, it has been greatly strengthened.

We must recognize, whether we like it or not, that a large proportion of the country demands alcoholic beverages in some form or other. We must recognize that if this desire becomes a menace—and it has in the past—it is a matter for governmental regulation. We have failed with the theory of "thou shalt not" and we are remiss in our duty of meeting our responsibilities if we continue to fail to wrestle with the problem from the standpoint of existing conditions. I repeat that I recognize under the terms of the eighteenth amendment our latitude is limited, but an opportunity for relief is not entirely closed.

HOME PRODUCTION

Demonstrating the popularity of home production in lieu of legal methods to secure alcoholic beverages, it is admitted by the Prohibition Department that 45,000 permits were issued to November 1 in the State of California alone. Each permit permitted the holder to manufacture 200 gallons of wine without tax to the Government.

Further, according to the bulletins from the Prohibition Department, this custom was prevalent throughout the United States, but I have been unable to ascertain, as the records are in the individual internal revenue collectors' offices, how many more thousand permits had been issued in other sections of the country.

True, on November 24 last, the issuing of these permits was revoked. However, with this notice, it was clearly stipulated that such revocation in no way "impaired or placed any limitations upon the rights conferred by section 29 of the Volstead Act as to nonintoxicating cider and fruit juices in the home." In other words, the revoking of the permit merely withdraws the saving of the revenue tax on 200 gallons of fruit juices or wine produced in the home.

As I understand the resultant situation, there is absolutely no restriction on any family raising or buying the necessary fruit and manufacturing from it all the wine desired, excepting that if it develops alcohol, which, of course, it must, there is no tax exemption. Under the Volstead Act it is unlawful in one section to manufacture certain beverages intoxicating in fact and in another to possess beverages containing one-half of 1 per cent alcohol or more. How inconsistent! What silly nonsense! Nine million gallons of wine were authorized tax free in California alone. No one can tell how many additional gallons were authorized in other sections of the country or were manufactured subject to tax. Even with the tax exemption discontinued there is nothing in the law or the regulations to prohibit the making of as many million gallons as desired excepting it is taxable.

Would any sane man contend that after this wine had become a trifle aged it would not be in violation of the Volstead Act?

Understand, the law or the permits previously issued did not allow the sale or disposition of these wines. They were supposedly for home consumption alone. While the permits have been discontinued, still, as I have endeavored to explain, whether they are issued or not issued, wine up to the point of being proven intoxicating can legally be produced in the homes. It is interesting to speculate as to why these permits ever were issued. They, of course, furnished no immunity to the householder to manufacture intoxicating beverages. That would be clearly illegal. Householders are not compelled to secure a permit to brew tea. Then why to make nonintoxicating wine? To allow him a 200-gallon tax exemption is the only reason assigned.

As a matter of practical operation it is highly questionable whether the permit exempting revenue tax meant very much one way or the other. Without having made any particular inquiry, it is my judgment that very few, if any, internal-revenue collectors in the country have paid much attention to the possible income which might be collectible through family wine making. The main purpose the light on this situation has served has been to establish the wide demand for alcoholic beverages, despite the contention in some quarters that the desire is abating. Then, again, the wholesale demand for these so-called wine permits has accentuated the rank discrimination and injustice against those who prefer malt beverages and who are limited in their malt home brewing to under one-half of 1 per cent.

This special wine privilege in no way helps the army of citizens who are clamoring for a nonintoxicating malt beverage of over one-half of 1 per cent. They become criminals at once, whether their home-brew is proven intoxicating or otherwise if it contains one-half of 1 per cent. In fact, convictions have been secured for the violation of this regulation.

How can those who prate about the sacredness of the Volstead Act defend such ridiculous inconsistencies and discriminations?

SALOONS MUST NEVER BE LEGALIZED

Abolition of saloons, which, however, has not been the result of the present law, is most desirable. We owe it to the country to give calm consideration of what would be the result if we permitted distribution of alcoholic beverages to the maximum of constitutional limits, under Government control, patterned somewhat after existing systems in other countries, and then redoubling our efforts to eliminate illegal dispensaries. It is only fair to ask ourselves the question, Would not the reason for illegal dispensaries or saloons be reduced if legal dispen-

saries properly curtailed were in existence? The trouble now is that dives remain while decent places that observe the law have closed.

A majority of States were legally dry before prohibition went into effect. Now, none are dry because a new industry has developed—the bootlegger and the dive fills all demands.

According to the recent report of the Moderation League, drunkenness has increased in so-called dry States in greater proportion than in others.

In this connection, I generally agree with a paper recently published over the signature of Green Clay, of Richmond, Ky., in which he says, in part:

> Where formerly there was 1 boy under 21 years of age who used intoxicants to excess, we now have 10. Where formerly we found one girl under age who drank intoxicants, we now find a hundred. This is a development of the prohibition law that calls for yet more drastic measures. We have not kept the saloon from the young man, and we have brought it to the young girl.
>
> We have not saved the workingman's wages for the poor wife and starving children; we have delivered it over to the bootlegger. We have not improved the morals of the masses; we have created millions of new law violators who were formerly sedate and law-abiding citizens. We are punishing the temperate user by denying him his stimulant in order to cure the intemperate user. We have not scotched "demon rum"; we have spread him all over the country. We have not freed the people from an alleged master crime; we have expanded this one and, because of the contempt for it, have created many new crimes.

COMPROMISE SOLVES MANY PROBLEMS

This is a world of compromise and regulation. Most every abuse which has developed in the course of time has been minimized or subdued through compromise, through separating the actually harmful from that which, under proper supervision could be permitted. Sharp practices in business have been regulated without discouraging enterprise. Moderation in the use of beverages could be encouraged if the effort were properly made, without attempting to do what has proven impossible. For instance, we have, unfortunately, criminals in all classes of society. Men sometimes issue worthless checks. If they are apprehended, they are properly punished, but because of the occasional crime, we do not prohibit the use of checks. We do not prohibit the use of coins or paper money because an occasional counterfeiter is discovered. Why not give a little more thought to the practicability of allowing the use, under very careful restriction, of alcoholic beverages and punishing the abuse of the same. Naturally any citizen who becomes a menace to society is properly subject to proper punishment.

As I have said, the main trouble is that such strenuous efforts have been made to make of this a great moral issue that men hesitate to offer suggestions for relief because they are at once the targets of paid agitators. They are proclaimed as opposed to all law and held up before their fellow citizens as encouraging law violation. Why can not this great problem—and it is a great problem—be discussed without misrepresentation and accusation? If it could be, a common-sense solution might be discovered. It is a well-known fact that a majority of the Members of Congress recognize enforcement of existing laws is impossible and that the problem will never be solved unless we frankly face the truth.

DRYS ADMIT ONE-HALF PER CENT NONINTOXICATING

The proponents of the Volstead Act did not themselves contend one-half of 1 per cent alcohol intoxicating. Time after time throughout the public hearings when the act was under consideration six years ago appears the statement:

> We are asking for a limit of one-half of 1 per cent in order to accomplish the end in view.

Doctor Shields, former superintendent of the Anti-Saloon League of New Jersey, recently stated:

> Congress never said one-half of 1 per cent was intoxicating when it established it as the standard for the enforcement of the eighteenth amendment. It was and is a good point from which to start to enforce the amendment.

They had their way in legalizing an untruth and we are now reaping the result.

In view of the universal disregard of an unfair and unjust stipulation together with the havoc wrought, why do they not acknowledge their error and the failure of the policy they then advised?

CLASS DISTINCTION

The Volstead Act not only deliberately violates the expressed language and spirit of the eighteenth amendment, but it breeds class prejudice. It denies to a large proportion of our citizens a harmless popular beverage, while, as is well known, those with sufficient means can, with the greatest ease, secure intoxicating liquors which the eighteenth amendment fundamentally intended to and does prohibit.

Almost uncontrolled this has developed the most serious of all menaces, class distinction, under which the rich are provided with illegal intoxicants and others denied anything but injurious home-brew, originating and encouraging domestic barrooms, providing concoctions that have broken down the public health and caused unspeakable suffering and fatalities. This condition furnishes just another argument to encourage anarchy and communism, with its attendant challenge to Government control.

No law should remain unchanged upon the statute books of the Nation that does not breathe truth from every provision and every line.

You can not enforce or encourage respect for a law that does not itself respect the truth. Enforce the eighteenth amendment—absolutely, yes—but do not violate the canons of truth or the intent—and spirit of the Constitution itself—in attempting to do so.

I am convinced by passing and maintaining the Volstead Act in such a repressive, arbitrary, and untruthful form we have helped destroy such good and efficient results as might have resulted when temperance was adopted as a national policy. In refusing legislative relief to place the act in harmony with the plain terms of the eighteenth amendment itself we have, as the public has more and more realized the unjustness of it all, encouraged the widespread and determined resistance and challenge which is now so apparent.

SUPREME COURT POSITION

It does not suffice for the defenders of the Volstead Act to fall back on the decision of the Supreme Court sustaining the act. Of course, they did, because Congress undoubtedly has the power to attempt to interpret the Constitution when passing regulatory measures.

The Supreme Court, however, have in no way indicated that a higher percentage would not stand.

If Congress had not passed a regulatory act and made its arbitrary decision that one-half of 1 per cent alcohol was intoxicating—and, of course, it was not incumbent upon Congress to pass any act, as many other provisions of the Constitution have no regulatory measures—then the Supreme Court could undoubtedly have been called upon to decide what was intoxicating. Congress, however, has taken the initiative. Is there any possible precedent or authority to justify an opinion that the Supreme Court would not have held a 2.75 per cent beverage within the meaning of the eighteenth amendment?

It is not always a question alone of the power of Congress. When one has unlimited power it becomes all the more necessary to exercise that power wisely and justly.

2.75 PER CENT NOT INTOXICATING

I contend, backed by many authorities and investigation, and many tests, that alcoholic contents can be greatly increased and still be absolutely within the limitations of the words "intoxicating liquors," as used in the Constitution.

At the Senate committee hearings, when the Volstead Act was under consideration, the results of many exhaustive tests were presented. These tests consisted mainly of careful observations of the effect upon many subjects, after drinking beer with a percentage of 2.75 alcohol by weight, over 3 per cent by volume. These tests were conducted by some of the best-known medical and scientific authorities in the country, including Professor Hare, who for 28 years has been the professor of therapeutics in the Jefferson Medical College, of Philadelphia; by John Marshall, professor of chemistry and toxicology in the University of Pennsylvania for over 20 years, and dean of the faculty of medicine there for 10 years. Tests were also made by various others whose professional standing can not be successfully assailed. These men all testified that after numerous tests upon all classes of human subjects, they were convinced it was impossible to become intoxicated by a consumption of beer with this percentage of alcohol.

It is asserted by medical men that there is as much alcohol generated in the system from a day's ordinary diet as is contained in 3 pints of 3 per cent beer. As is well known, the capacity of an average stomach is less than 3 pints. How, then, as a matter of common sense, leaving science and medical tests aside, can it really be intoxicating?

On February 17, 1925, Hon. W. F. Nickle, attorney general of the Province of Ontario, Canada, in a notable address before the house on the subject of the Ontario temperance act, quoted many authorities to uphold the government's definition of intoxicating beverages.

While Ontario by a greatly reduced majority had voted for prohibition, it was the government's function to determine the alcoholic contents to be permitted. Their decision defined 2½ per cent by volume as the dividing line.

We make a man a criminal if he indulges in one-half of 1 per cent.

It is of interest to note in the attorney general's speech the following statement which, in my judgment, applies with equal force in the United States:

If I had the power, some God-given gift by which through the initiation of an act of Parliament I could sweep away all the pernicious effects of intemperance, even by a declaration of prohibition, I would do so; but I realize, as I said on previous occasions in this house, that the public man must be a practical idealist. He does not live in a world of romance. He is dealing with human beings and the conditions that surround him, and after giving careful consideration to the development of temperance sentiment in this Province, to conditions that faced the honorable ex-attorney general, and that face me, and will face those who may succeed me, if conditions remain as they are to-day, I can reach no other conclusion than that if some redress, some easing, is not given with reference to the Ontario temperance act, the act, much to my regret, would be doomed to extinction, because I believe the people of this Province are being driven to become whisky drinkers and drinkers of illicit liquor, because they are not able to get a beverage that is palatable, refreshing, and at the same time nonintoxicating.

I am a temperance man with strong convictions. The task I set myself to discover what, if anything, could be done to discover this refreshing beverage that would not be intoxicating. The task was mine to learn if, in the words of the poet, there was the cup that cheers but not inebriates. The experiments of scientists demonstrate it is possible, and I was greatly impressed by the petition presented by labor to the Government a few weeks ago. They emphasized the fact that those favored by the medical men could obtain a prescription; that those who had the money could buy native wine of 25 to 28 per cent in dozen bottles or 5-gallon cases. They said, "Why can not we, the workingmen of those countries, who ask nothing but a glass of beer which, while it may cheer or refresh, is not intoxicating, get it? Why should we be denied a privilege that is granted tenfold over to those who occupy a more favorable position financially than we?"

Mr. President, I can not use language which would more clearly present our situation as I see it.

And in dry Ontario, as stated by the honorable attorney general, citizens are permitted to purchase native wine as strong as 28 per cent alcohol. In the United States, as the tremendous sale of grapes testifies, thousands of homes have been turned into illegal wine-producing centers, and yet we are told the use of alcoholic liquors is declining.

It was not legalized beer that brought about our present unenforceable laws, but rather the existence of dives and saloons that wrought the evil. Under properly regulated governmental supervision such never could nor should again be permitted.

In fixing a maximum Congress should be guided by honesty and normalcy. All admit one-half of 1 per cent a lie. Some people would become nauseated if they walked through a perfumery factory. It is the average citizen we should consider, neither the abnormal nor the subnormal. Surely this great Nation will not continue to defend legislation only applying to a few and manifestly unfair to an overwhelming majority. If we can not accept the testimony of representative professional men as to what is intoxicating, then who is to be our authority?

Here is what scientists and others say on the subject of the percentage of alcohol necessary to bring about intoxication. Much of it I have taken from the address of Attorney General Nickle heretofore referred to:

Doctor Hollingsworth, associate professor of psychology at Columbia University, gives his results as follows:

He experimented with beer containing 2.75 per cent by weight of alcohol, and for purposes of control used beer containing no alcohol. His tests were most elaborate. The six subjects used ranged from total abstainers through occasional and moderate users to a fairly regular but not excessive user of alcoholic beverages. They ranged in age from just over 21 years to nearly 30 years, and several of them had seen Army and Navy service. The doses of beer ranged from three 12½-ounce bottles—the capacity of the average adult stomach—to the maximum amount which the heaviest of the six drinkers could consume in a period of two and one-half hours. The processes tested and measured ranged from simple tests of motor speed and reflex involved in the heartbeat, through processes involving steadiness of arm and hand, coordination of eye and hand, control of speech processes, forming of simple associative bonds in learning, up to the higher mental processes involved in reacting to logical relations and in mental calculation. Professor Hollingsworth has summarized the results of his investigations as follows:

The effects are most marked in steadiness and in mental calculation. They are next most conspicuous in tapping, in learning, and in naming opposites, and least of all in coordination and in color naming. The maximum influence on the score, that shown in the steadiness test, is only half as great as the influence on this same function of the amount of caffeine contained in two ordinary cups of coffee, and the unsteadiness produced by three or four bottles of beer is approximately equal to that produced by a hearty meal. The striking effect on the pulse rate is considerably less than the similar acceleration that ensues after eating a hearty meal. The influence of the beer on the remaining processes is entirely comparable in amount—although in some cases different in direction—to the effect produced on the same processes by the amount of caffeine contained in two ordinary cups of coffee. There were none of the symptoms commonly associated with alcoholic intoxication—no falling down, no staggering, no obscenity, no personal untidiness, no fighting, and three of the subjects showed no signs to expert observers of having taken liquor at all.

In an affidavit made by John Marshall, professor of chemistry and toxicology in the medical school of the University of Pennsylvania, in relation to certain experiments as to the intoxicating qualities of 2.75 per cent alcohol by weight beverages, proof is given that with forced drinking of such beer the alcoholic content of the blood is far below the amount required to produce intoxication.

Prof. W. J. Gies, professor of biological chemistry in the school of medicine of Columbia University, states as follows:

It is obvious that the smaller the proportion of alcohol in the beer the greater must be the volume of the beverage taken in order to present a quantity of alcohol that would yield in the blood this minimum proportion. But the greater the volume of beer taken into the stomach the sooner the sense of satiety is attained and the weaker becomes the inclination to take a quantity of this beverage sufficient to yield this minimum proportion of alcohol to the blood.

For a person to become intoxicated from the drinking of alcoholic beverage it would be necessary for him to ingest sufficient (absolute) alcohol in such beverage to occasion the loss or ordinary control of his mental faculties or bodily functions to a substantial extent.

During the month of May, 1919, I conducted two series of experiments with two men and three women as subjects to determine if beer with an alcoholic content of 2.75 per cent by weight was intoxicating. Each of the male subjects drank six full 12-ounce bottles of such beer. Each of the female subjects drank from five to nine full 12-ounce bottles of such beer, and none of the subjects became intoxicated.

For the purpose of testing the amount of alcoholic liquids in dilute solutions which it is possible for a man to imbibe within a period of several hours and for noting whether or not the effect is cumulative under conditions of forced drinking, Dr. Edward M. Pemberton, of the University of Arkansas Medical Department, conducted a series of experiments upon men, most of whom were students and total abstainers. The fluid used was a watery solution of alcohol 2.75 per cent by weight. Doctor Pemberton made 11 experiments. The ages of the subjects were between 20 and 30 years; one was 36 and one 54 years of age. The time was about five hours, and the quantities consumed ranged from 2 quarts to over 7 quarts. Doctor Pemberton arrived at the following conclusions:

At the conclusion of the experiments each of the subjects expressed confidence that he could not hold enough of the 2.75 per cent alcoholic fluid to become intoxicated. This was likewise the observation of the experimenter. Symptoms which appeared during the course or at the conclusion of the experiments were due either to the pressure of the fluid in the stomach or to the reflex stimulation of the alcohol; that is, due to the local effect of the alcohol upon the mucous membrane of the throat and stomach before absorption, and consequently before it enters the blood and is taken up by the tissues. This reflex is not systemic and not cumulative, and tends to become less and less. In no instance were the reflexes, conversation, or locomotion of the individual other than normal at the conclusion of the experiment.

In an interesting paper read by Professor Mellanby, of the University of London, before the Society for the Study of Inebriety in 1920, it is stated:

You can see, therefore—

Referring to his experiments—

how difficult it would be to produce real intoxication with a 3 per cent ale, when only a limited amount of time is allowed for drinking, whereas it is possible for a man to get intoxicated almost to a

moribund condition if allowed five minutes with a whisky bottle. The ordinary man could not approach this state if he were allowed complete freedom of action for four hours, surrounded by unlimited 3 per cent ale.

Dr. Charles A. Rosewater, of Newark, N. J., a delegate from New Jersey to the Fifteenth National Congress Against Alcoholism, in an article read before the Medical Society of New Jersey, his subject being "What is an intoxicating beverage," concludes by saying:

To determine whether or not an ordinary man can drink enough beer with an alcoholic content of 2.75 per cent by weight to render him intoxicated practical tests were conducted by the writer. The subjects were tested in two groups. The first group consisted of 13 men and comprised mechanics and brain workers between the ages of 23 and 66 years, representing various types of drinkers. They were furnished with highly seasoned food to stimulate thirst and were encouraged to drink as much beer as they could during the test. The second group comprised men engaged in mental work. They were between the ages of 33 and 45 years, were all extremely moderate users of alcohol, and took beer only rarely. They were furnished a regular dinner without soup and were urged to drink as much beer as they could during the four hours of the test. The quantity of beer consumed by the individuals in the tests ranged from 36 ounces to 187 ounces per individual.

Summarizing the results of the test the experiments lead to the following conclusions:

1. The drinking was forced. Every man drank more than he would have drank ordinarily had he not been participating in a test.

2. The beverage tested does not compel repetition.

3. Satiety was complete and rapid. The subjects stated that they felt bloated and that further drinking would add to their discomfort.

4. Several of the subjects had been drunk on previous occasions from strong alcoholic preparations, thus showing that they were not immune to drunkenness.

5. Not one of the subjects manifested the slightest signs of intoxication.

Professor Rosewater concludes:

It would therefore appear that, disregarding all fanciful theories and hair-splitting definitions, and considering all the facts, the seeker after truth, viewing the matter in the broad light of common sense, can safely state with all reasonable degree of certainty that a beverage containing as little as 2.75 per cent by weight of alcohol—practically 3.50 per cent by volume—is not an intoxicating beverage.

There have been many other tests—no doubt some for the purpose of disputing these findings—but, unless we are prepared to refuse to consider scientific research and conclusions, surely those I have quoted furnish sufficient evidence to warrant liberalization of the Volstead Act.

Then, when we give citizens all the liberty the Constitution permits, can we not reasonably hope for that cooperation so lacking under present unjustified restrictions?

Ontario is not the only Province that has established the dividing line between intoxicants and nonintoxicants away above our ridiculous one-half of 1 per cent formula. In fact, most of the Canadian Provinces, after voting for prohibition, returned to a modified wet basis.

It is interesting to note the Swedish law permits beverages containing not more than 2½ per cent of alcohol by weight, which is over 3 per cent of alcohol by volume, to be sold anywhere without licenses or without tax. Heavier beers and all wines are, on the other hand, taxed according to alcoholic contents and their sale is licensed. In other words, Swedish authorities have made about 3 per cent as their dividing point, on the assumption that beverages below that figure are nonintoxicating.

Will the most earnest advocate of prohibition deny that less harm would result if a 2.75 per cent beverage was legalized than is now the result of the villainous home brew and increased consumption of ardent spirits in every form?

If the public can not buy beer they do and will buy or produce poisonous alcoholic substitutes.

Norway is another country trying out the experiment of partial prohibition.

I quote from an article by Bjoern Bunkholdt in December World's Work:

Prohibition in Norway generally seems to have had a very bad effect on the sobriety of the population. Thanks to the agitation for temperance, the consumption of alcohol had gradually sunk from more than 4 liters in 1856 to 2.5 liters before the war, thus placing Norway in the class of one of the most sober nations in the world. During these years the birth rate rose and the general features of a nation in progress both materially and culturally were conspicuous.

Last year local authorities all over the country were asked to report officially on the effect of prohibition in their districts. Reading these reports one comes most frequently on these words:

Increased drunkeness—criminality increasing—lies and false declarations before the court grow common—people feeling no scruples in breaking the law—intoxication of the worst sort conceivable—conditions to-day worse than could be foreseen—before prohibition was introduced intoxicated persons were seldom met, but to-day!—prohibition is lunacy—spirits to be found in every second house.

Sounds just like our own daily reviews.

Again in the same article Abraham Berge, former Prime Minister of Norway, in introducing a bill for the abolition of prohibition, made the following observation:

I do not hesitate to say that the introduction of prohibition has inflicted great damages on the Nation. Prohibition was intended to be a blessed reform, but it has turned out a damnation reform. We must get rid of prohibition as quickly as possible. This state of things offers opportunities for the most shameless elusions of the law. Those wanting to improve the sobriety of the Nation must choose other tactics. Young people consider it a piece of bravery to get hold of spirits and are committing the most daring smuggling attempts. The police are not enjoying the necessary support in the public opinion. Instead of permitting these horrors the Nation must be courageous, concede the error made, and start work for sobriety on other lines. Things can still be brought right, but the prohibition law has caused much damage.

Does not the same picture apply to the United States?

Reports from Finland and Iceland, whose citizens have also been trying out prohibition, are much the same.

The price of intoxicants to-day is several times greater than it was in 1920. But anybody who has the price, and cares to risk insanity or death, can get all the liquor he wants.

The radical prohibition organizations, together with the bootleggers, are making us a Nation of poisonous hard-liquor drinkers; poisonous because there is no control over the vile stuff that is being disseminated; hard-liquor drinkers because a nonintoxicating beer is under the terms of the Volstead Act prohibited.

Temperance was fast gaining a foothold and crime was decreasing when this act was thrust upon us. It has often been truly said that reform usually comes when least needed.

HAVE IGNORED STATISTICS

I have refrained from arguing by the use of statistics. I could quote columns to demonstrate increased alcoholic hospital cases, increased arrests for drunkenness, alcoholic insanity, and the like.

On the other hand, I do not doubt those defending the operation of the Volstead Act could present an array of figures which they will claim to give encouragement the other way. In fact, you can not beat statistics. I am not greatly influenced by statistics furnished by either side. Personal contact with your neighbor and common-sense observation speaks for itself.

Among statistical arguments frequently advanced as evidence of the helpful effects of attempted prohibition are tables of balances in savings banks and other financial institutions. It would be interesting to know how much of this represents the profits of the new and thriving industry of bootlegging. Of course, balances in banks have had a habit of increasing and improving from period to period ever since America became a Republic. Do not deceive yourself by thinking you are saving the workingman. He pays now for a deadly concoction many times as much as he formerly paid for pure beer. As a matter of record, before prohibition went into effect there had been a steady decline in the use of ardent sprits and the substitution therefor of beer. Consumption of whisky reached its lowest point just before the Volstead Act went into effect and while the 2.75 per cent beer was allowed.

The army of workers in the United States are not spirit drinkers, or at least were not before the advent of the Volstead Act.

ORIGINAL DRY ADMITS VALUE OF BEER

It is generally admitted the citizen who, more than any other, inaugurated the original prohibition movement was Dr. Benjamin Rush, the distinguished American physician who resided in Philadelphia during and before the American Revolution and was one of the signers of the Declaration of Independence. At least August H. Fehlandt, in his well-known book, A Century of Drink Reform in the United States, unreservedly gives Doctor Rush this credit.

I was much interested and impressed with Doctor Rush's book, Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind. It was published, I believe, in 1785. It is generally accredited as the starting point in temperance

activities. Doctor Rush opens his narrative with this statement:

By ardent spirits I mean those liquors only which are obtained by distillation from fermented substances of any kind. To their effects upon the bodies and minds of men the following inquiry shall be exclusively confined. Fermented liquors contain so little spirit, and that so intimately combined with other matters, that they can seldom be drunken in sufficient quantities to produce intoxication and its subsequent effects without exciting a disrelish to their taste or pain from their distending the stomach. They are, moreover, when taken in a moderate quantity generally innocent and often have a friendly influence upon health and life.

Later in his book this outstanding and original advocate of real temperance suggests substitutes which he recommends to take the place of ardent spirits. While he includes wines and cider, I will simply repeat, in part, what he has to say on the subject of malt liquors:

The grain from which these liquors are obtained is not liable, like the apple, to be affected by frost, and therefore they can be procured at all times and at a moderate price. They contain a good deal of nourishment; hence we find many of the poor people in Great Britain endure hard labor with no other food than a quart or 3 pints of beer, with a few pounds of bread, in a day.

Doctor Rush is emphatic and protests without qualification against the use of ardent spirits, but he just as frankly recommends the consumption of beer and light wines as an aid to health and nothing has occurred during the centuries to successfully disprove this well-established conviction.

I appreciate emphatic protests from strong and able men on all sides can be quoted dealing with all phases of this question. I could quote from Thomas Jefferson, Henry Ward Beecher, Jefferson Davis, Herbert Spencer, Abraham Lincoln, and, of course, many distinguished and illustrious men of our present generation all opposing compulsory prohibition. I, of course, realize equally prominent men hold opposite views. However few, if any, will express satisfaction over prevailing conditions.

ECONOMIC FACTS

There is a universal and entirely justified demand that taxes be lowered. Continued national prospertiy which necessitates extensive development requires the burden be lightened. Many millions will be required this year in a further futile effort to enforce this unjust law. This does not take into account enormous prosecuting and court expenses.

With all the admitted failure, we have overworked the Federal courts until to-day over 75 per cent of the business of these courts consists of efforts to punish a few offenders, but in the meantime, as stated, violations have steadily increased. It is safe to say $100,000,000 is now being expended annually. While we are to a great extent wasting this huge sum policing our citizens, there is a practical and legal way to increase our revenue and in no way invite intemperance but provide a method for a still further and larger tax reduction than yet suggested.

While I appreciate this question should not be greatly influenced by an economic argument, at the same time it is interesting to present some facts in this connection.

According to the Statesman's Year Book for 1925, published by Macmillan Co., of London, Great Britain has received an excise tax for the year 1923–24 on beer and spirits amounting to 143,251,949 pounds sterling. Of this amount over half, or to be exact, 76,110,638 pounds was received as a tax upon beer alone. Converted into American currency, this totals the tidy sum of about $369,000,000 as a beer tax.

This is about the sum Congress is now endeavoring to save the taxpayers through a revised revenue act. However, if we are discussing the economic side, we would be justified in anticipating in America a very much larger income if we legalized a 2.75 per cent beer and charged a similar excise tax upon it. It must be recalled that the United States has more than double the population of Great Britain, so that it is reasonable to assume from this fact alone the $369,000,000 could be readily estimated to reach almost $750,000,000.

There is still a further element which must be considered. Great Britain, as is well known, is the home of Scotch and Irish whiskies, and a tax of over 45,000,000 pounds or about $220,000,000 is received by the British Government as a tax on legalized spirits. In the United States, intoxicating liquors being prohibited by the eighteenth amendment, it is reasonable to assume legalized 2.75 per cent beer being available, illegal bootleggers' concoctions would lose customers. In other words, our citizens prefer being law abiding if given some justifiable consideration. Therefore, I contend that even the $750,000,000 excise-tax income would be substantially increased.

I am convinced the public would cheerfully pay such a tax on a 2.75 per cent beer rather than practice the evasion and subterfuges now indulged in.

At the same time in Great Britain there has been a decrease of 500 per cent in deaths from drunkenness and alcohol. How many lives could we save, now being sacrificed by alcoholic poisons, by thus practically doing away with home brew and, equally important, stay the present startling national decay in America in private morals. Reestablish the supremacy of law by the Government adhering to constitutional law. It is not alone the millions we could collect as a tax on legal beer, but as well the industrial development that would be inspired by the great reduction in present onerous taxes thus made possible. However, I contend that this action is justified whether America collected one penny as a result thereof.

Great Britain has likewise since the war greatly modified her liquor privileges. Public places are open only certain hours of the day. The alcoholic contents of hard liquor has been greatly reduced, and as a result of these reforms the situation is as stated.

In this connection, and after this national experience, it was interesting to note that a year or so ago the British House of Commons voted 236 to 14, almost 17 to 1, against national prohibition. The main feature of the debate was the utter and complete failure of the American prohibition laws.

Great Britain has been able to revise entirely her taxation system and has now a large balance in the Treasury.

Don't attempt to meet this argument by any inferences or suggestions that Great Britain has lowered the standard or character of her citizenship because of this common sense regulation.

She has not paid that price for this big income. Decayed manhood and womanhood or mob violence against law and order has not resulted. Quite the contrary. I am sorry to be compelled to admit it, but there has been more unpunished crimes, more mob violence, more absolute defiance of law and order in our own country during recent years than the most minute examination of the records of Great Britain can possibly disclose. It was not always so.

What a travesty on our national ideals; what a sorry outcome of our century and a half of existence as an independent nation, proclaiming to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as setting the pace for the civilized world in law violation.

GIVE STATES LATITUDE

The remedy I have suggested is, in effect, that the eighteenth amendment be written into the Volstead Act rather than have the Volstead Act remain a clear, deliberate violation of the plain language of the amendment.

In other words, return to the people the right to have the beverages to which they have been accustomed over the centuries and for which they have been offered no satisfactory substitute. Limit the alcoholic content of such beverages to that which is not in fact intoxicating, but because one State may wish to prohibit all alcoholic beverages do not deny the right to others to permit and enjoy such a privilege. You will then have brought the law of Congress into harmony with the Constitution, restored truth to its pages, and removed in great measure the challenge of all classes of our best and otherwise law-respecting and law-abiding citizens. They believe, and rightly, that the terms of the Volstead Act are unfair and unjust; are an abridgement and denial of their personal liberty, and that it was passed in violation of the mandate given by the citizens of the United States when they adopted the eighteenth amendment alone prohibiting intoxicating beverages.

Because the States could, and certain of them have, prohibited the sale and use of beverages that contain one-half of 1 per cent of alcohol and certain others beverages that contain no alcohol at all in no possible manner justified Congress in framing a Federal statute to overstep the intent of the amendment and deliberately prohibit "nonintoxicating liquors for beverage purposes."

A modification of the Volstead Act so as to permit of the use of beverages containing more than one-half of 1 per cent of alcohol but not in fact intoxicating would not in anywise interfere with the right or power of any State so desiring to prohibit beverages containing as much as one-half of 1 per cent alcohol; nor would such change in the Volstead Act interfere with any of the prohibitory and enforcement legislation which the States now have on their statute books. Each State would still be as free to deal with prohibition and its enforcement as it is to-day. If it wished to raise the alcoholic content of nonintoxicating beverages to a point not beyond the limitation of a revised Volstead Act, properly interpreting the eighteenth amendment, it could do so. It could refrain from doing so. It could make its prohibitory legislation still more

stringent if the desires of its people so required, but it could not force its will upon others.

There has been much confusion as to what concurrent power to enforce, as it appears in the eighteenth amendment, really means.

To my mind and in accordance with the orderly processes of both State and Federal Government this should mean that congressional enforcement should be applied through traditional Federal channels and concurrent State enforcement through traditional State channels.

Congress should define intoxicating liquors, setting an honest maximum, and not interfere with State determination within that limitation.

The power to attend to the local problems would then be left with the States for appropriate action. Enforceable solutio. for local evils could and should be adapted to the differing needs and desires of the 48 States. Respect for law would be reintroduced; American traditions of local self-government, democracy, and liberty would be again exalted, with a consequent new birth of patriotism and contentment.

I had the honor of being Governor of New Jersey following a period of constant agitation for the enactment of a local option law. Many of those who have since been active in securing the adoption of the eighteenth amendment were then equally as active arguing for home rule or local option. The legislature passed a local option bill and as governor I approved the act, and thus gave New Jersey home rule on the liquor question. I am positive that a system of home rule today within constitutional limitations would do much toward solving the problems we are facing.

President Coolidge has pointed out the appropriateness and necessity for State responsibility and State enforcement. It is said, and I believe, truly, that the Federal Government can not alone accomplish the enforcement of a local police measure. If it is intended by the Federal Government—as President Coolidge says—to supplement, not supplant, State enforcement, the Federal Government should permit the States to define their enforcement activities. Instead of doing so, the Federal Government has unfairly dictated what shall be unlawful, has invaded the States with an inadequate police force, has failed, and has then advised the States that the local phases of the problem are primarily within the province of State activity and should receive State attention. The advice is proper, but the dictated Federal definition is unpopular and impossible; the States must inspire patriotic affection and respect for themselves, and they can not properly act until they are restored power unwisely taken from them.

The objection to the suggestion of modification and independent local enforcement by States will be: "How can we tell that every State will make and maintain decent, or even any, provisions for enforcement of the amendment or a revised Volstead Act?"

The answer is, there would always remain the maximum fixed by Federal law together with the Federal power of enforcement, which is all we have to-day. And at any rate, if disgrace we must suffer, it is certainly wise to localize it pending its removal.

It is the traditional policy of the Government not to invade the sovereignty of the States in order to enforce the Constitution. No one ever claimed the Government has really tried to enforce the fifteenth amendment; but, at an expense of many millions annually, we maintain a Federal police force, endeavoring to enforce the eighteenth amendment, and, failing, the Government passes the buck to the States. If the Volstead Act defined a fair maximum of 2.75 per cent, then the States could legislate within that maximum and more willingly assume the responsibility for enforcement. Anyhow the situation could not well be worse.

At the same time, put all the power of the Government back of real efforts to stop the importation of hard liquors. We shall never get prohibition by hunting flasks. I approve heartily of the efforts to go after the smugglers, the rum runners, and the Canadian specials. A more contented citizenship will help contribute to such a result. You can not deny them reasonable liberty and at the same time enlist them enthusiastically under the banner of law observance.

As I have repeatedly said, such action of Congress will not restore the old-time saloon. No one indorses that. The several States as well as Congress have and possess the amplest powers to provide how such nonintoxicating beverages may be sold, distributed, and where used.

Local acts could very properly provide that such nonintoxicating beverages could only be delivered from manufacturer to consumer or through governmental supervision. There are, of course, saloons now, and saloons galore, so far as that is concerned, in most of the cities of the country. From all we hear they are dispensing all kinds of beverages, many illegally, of course, and because of their illegality are usually dives of the worst sort. To make an argument that the legalizing of nonintoxicating beer would bring back saloons is a complete, absolute evasion of the present conditions and a contention without merit.

AS TO LIGHT WINES

While convinced the American people can be trusted not to abuse modification in any parallel degree to existing violation of the unfair Volstead Act, it will nevertheless be seen I have refrained from suggesting the legalizing of so-termed "light wines." I would favor such an amendment did I believe it could stand the test. I can not conceive a wine that would not necessarily contain considerable more alcohol than 3 per cent, and I fear would be determined by the court a violation of the eighteenth amendment. Just as I am convinced the present home wine production is mostly a violation and anyway an indefensible subterfuge, glaringly discriminatory and condoned for the sole purpose of subduing or minimizing opposition.

Therefore, as much as it is to be desired, combining "light wines and beer" is, in my judgment, an uncertain proceeding. Two and seventy-five one-hundredths per cent beer, as I have endeavored to demonstrate, can clearly be permitted by statute. At least, no one can assert with knowledge it would be unconstitutional. The legality of wine is at the best questionable.

In my argument I have endeavored to keep strictly within the law so that any counterview should deal with the advisability and not the legality. I am content to have the courts decide as to the latter. I have likewise made every possible effort to relieve the situation without justifying charges of constitutional evasion.

If the plan I suggest will improve conditions, and it will, why not try it out? They could hardly be worse than now. The Supreme Court decision, reviewing the Volstead Act, in no way denied this opportunity. In fact, the court clearly indicated that what constituted an intoxicating beverage was within reason entirely a matter for Congress to decide. Let them pass upon an increased percentage. We can not secure a decision otherwise. But let us stop stubbornly being satisfied with a law when we know it is a dead letter and to a great extent deservedly so.

Of course, we all appreciate the intent of the eighteenth amendment with the subsequent passage of the Volstead Act was to overcome the recognized harmful effect of intoxication. The object was a laudable one, and beneficial results might have been obtained if the Constitution had been interpreted in a fair and equitable manner. However, because of this unjust regulatory measure, entirely contrary to the constitutional mandate, and the consequent subterfuges employed to evade the law, the present situation has developed a more harmful effect than existed in the old days. Worse, because it is combining with intoxication, alcohol poisoning in its worst form, and encouraging a general contempt for all law that is threatening the very foundations of Government.

Relief can not be obtained through railing at or berating the Constitution. How to make it effective is our problem. To blindly insist on impossibilities is not only poor statesmanship but stubborn inconsistency.

How can we continue to deceive ourselves and contend the American people can be coerced or forced into an attitude of acquiescence or conciliation when they almost universally insist their liberties are being taken from them and that the Constitution is denied?

If, upon further study and investigation, any better or more practical method to secure relief than I have suggested presents itself, I stand pledged to lend every aid to help bring about such an accomplishment.

BEER CONSUMPTION NOT CRIMINAL

I quote from just one of the many public papers I have read on the subject. Dr. Steven Leacock, professor of economics, of McGill University, in a recent address, particularly attracted my attention because he selected as his title "Based upon a lie and can not endure." That has been my text in this speech. Doctor Leacock said, among many other truisms:

> But the plain truth is that beer is just an ordinary beverage. You can not make it criminal if you try. The attempt is silly. Common sense revolts at it. Some people like beer and some don't. Some people find that it agrees with them and others do not. * * * The attempt to make the consumption of beer criminal is folly and futile. * * *
>
> I lay stress upon this word "criminal" because I think it needs to be stressed. I doubt whether the people realize that the Volstead Act and such like statutes are criminal laws. What it proposes is virtually to send all people to jail who dare to drink beer, and to send

them again and again for each new offense; to break them into compliance as people were once broken upon the wheel.

The thing is monstrous. It is the most brutal invasion of the province of liberty attempted within a century. It can not succeed. It must fail as all tyranny has failed. But it is sad to think of the deplorable havoc it is destined to make in its course; of the way in which it undermines the respect for the law; the way in which it breeds in every class of society a deep and bitter sense of injustice; of the way in which it breaks from the splendid traditions of freedom upon which, till this thing came, we had built up the Commonwealth. * * *

There is a spirit that you can not break by the simple vote of a majority. The individual man, when he stands upon his plain right, will not down. His house is his castle and his life is his own. What service and obedience he owes to those in authority he renders as he should. But when authority passes into tyranny and law into oppression then his obedience ends. He stands, if need be, alone and single-handed against the law, but behind him as his inspiration he has a thousand years of the tradition of individual liberty. There is a spirit in him that kings have never conquered, that parliaments have never compelled, that the scourge has never beaten out, and that fire has never consumed.

RECAPITULATION

In conclusion, I contend:

That the Republic exists only by the consent of the people. They created and maintained the Constitution. Congress is their servant. Without their respect and obedience to the laws—which their Congress has enacted—there can be no democratic government.

That lawlessness and disrespect for law are rampant throughout the Nation; that it is the patriotic duty of all good citizens and especially of those in high public office to seek the fundamental reasons for this deplorable condition; to alleviate the cause or causes and to recommend and apply a remedy.

That the Volstead Act is flagrantly and openly violated by large numbers of our citizens of all classes who, in their daily lives, are good men, typical Americans, otherwise loyal to the principles of our institutions. That they are not generally indifferent to the prosperity, happiness, and security of our country is admitted. Therefore, all the wrong can not be with such citizens. Personally, I believe that one of the prime causes of this unrest is in certain highly controversial provisions of the Volstead Act.

That the only subject matter prohibited by the eighteenth amendment is intoxicating liquors for beverage purposes; that the Volstead Act in framing a definition of what shall constitute an intoxicating beverage and thus limiting alcoholic content to under one-half of 1 per cent deliberately violates the spirit and the plainly expressed language of the eighteenth amendment and states as a fact that which is admittedly false.

That if the framers of the amendment had meant to prohibit alcoholic beverages they would have said so and not used the term intoxicating beverages; that no law can command respect or properly be enforced so long as it violates, upon its face, the canons of fact and truth.

That prior to the enactment of the Volstead Act no law of Congress, no ruling of any Federal department, and no finding of any Federal official ever determined that one-half of 1 per cent of alcohol in a beverage constituted an intoxicating liquor. The use of the Federal standard of one-half of 1 per cent of alcohol to fermented liquors was applied only and exclusively for the purpose of taxation.

That when the citizens of the United States ratified the eighteenth amendment they said that the prohibition therein contained should alone be against "intoxicating liquors," not alcoholic liquors. This is plain and simple language which every citizen fully understood.

That in an effort to force obedience rank discrimination has been practiced as between different classes of citizens.

And, finally, that because some States prefer restrictions admittedly below the point of intoxication other States should not be denied the privileges the Constitution permits.

Therefore, the failure to enforce the present law being beyond controversy, the increase in violations being beyond successful contradiction, the influence of existing conditions an admitted menace to the peace and prosperity of the Nation, let us try the simple experiment of writing the Constitution into the Volstead Act. Let us no longer adjudge as criminals that large proportion of our population whose protest and challenge are so completely justified. Let us cease adhering to the exploded theory that a false construction of a constitutional mandate was necessary to provide obedience to the law.

In other words, let us have the courage of our convictions and be fair.

To summarize:

Granting the legalizing of a 2.75 per cent beverage would not solve the entire problem, it would accomplish much.

It would help make the Volstead Act honest by having it conform to the verdict of the country, as alone expressed by the terms of the eighteenth amendment.

It would greatly curtail the bootleggers' illegal monopoly.

It would decrease the demand for poisonous substitutes.

It would minimize the domestic brewing and amateur wine-making industry, which has transformed many homes into breweries and distilleries.

It would discourage the growing demand for strong liquor.

It would produce a billion dollars annually and at the same time, by cutting down deceit, improve the morals of the country.

It would contribute to contentment and thus greatly reduce the growing national scandal of law defiance.

It would, after all is said and done, be giving the public only what they are anyway entitled to.

It would not open saloons, but, on the contrary, automatically close many illegal dives, now practically unrestrained.

It would salvage many a human derelict by providing a healthful legal beverage as a substitute for the present poison.

It would discourage the class distinction present conditions foment.

On the other hand, what would be the detrimental result of such an amendment? None, beyond the chagrin of a few agitators who, notwithstanding present intolerable conditions, will never admit their original stupidity.

This is not a question calling for invective. It is a problem for cool and enlightened consideration. Those who believe in a readjustment are not nullificationists. Those who voted against the Volstead Act six years ago, and later to uphold President Wilson's veto, were not treasonable.

Heretofore anyone who has dared to question the wisdom of prohibition has at once been a target for abuse and deliberate misrepresentations. Those who have done their best as officials to enforce the law have been criticized and censured. This is too serious an issue to be approached or debated by an exchange of personalities. I have carefully refrained from their use. A situation which has placed our country in the unenviable position of leading the world in law defiance demands deliberation, not efforts to impugn motives.

Indeed, no more serious question has faced the country since the war. It must be solved. Let us approach it dispassionately and with that conviction and that determination.

REGULATION OF AIRCRAFT IN COMMERCE

Mr. BINGHAM, Mr. WILLIS, and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER (Mr. FERRIS in the chair). The Chair recognizes the Senator from Connecticut.

Mr. BINGHAM. I move that the Senate proceed to the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes. If that motion is carried, I shall agree that the measure may be temporarily laid aside for the day.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be temporarily laid aside.

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. WILLIS. Mr. President, I have no purpose at this time to reply at length to the voluminous argument which has been made by the Senator from New Jersey [Mr. EDGE], but I did not think it proper that the collection of arguments that the Senator has presented—I use that phrase in no offensive sense at all, but in the sense that he has considered the subject from the viewpoint of all the different groups, so far as I can judge, of those who wish to repeal or to amend the eighteenth amendment or to repeal or amend the enforcement act—I did not desire that this congeries of arguments should be allowed to go by without some Senator expressing dissent therefrom.

To me very many of the Senator's conclusions are most amazing. I shall content myself by entering simply a general denial to his pleadings. One or two, however, of the arguments I do wish particularly to notice.

I understood the Senator to say that there was almost a universal demand for a change in the enforcement act or for the repeal or amendment of the eighteenth amendment. I deny that utterly and absolutely, Mr. President. I do not think there is any universal demand for anything of that sort, and if the Senator thinks there is such a demand in this Chamber I should welcome any effort he might make to bring to a vote at the earliest possible date the several propositions which he has advocated.

I may say in passing that every time this matter has been submitted to a vote of the people they have expressed exactly the contrary of what the Senator indicates. Of course, I do not have access to all of the company with which the Senator from New Jersey seems to be familiar, because, as I understood him, he said that it is almost impossible to go into company without some one inquiring as to "who has the supply?" Well, I have not had that experience, I regret to say, or do say without regret [laughter]; and if the Senator has had that experience and has been in such company he has had an experience which has not come to me. Of course, I assume that he said that in levity, because, without doubt, the Senator, as everybody else, attends very many companies where no such suggestion as that is made.

One of the serious propositions that the Senator suggests, as I understood him, is that there ought to be home rule in the enforcement of law. To me, as I understand the Senator, it is an astounding suggestion that because in a given State this particular law is not popular we ought to give permission to that State to ease up on it and make it as they would like it, while somewhere else if they want to enforce it, all well and good.

Mr. EDGE. Mr. President, will the Senator permit me to correct his statement?

Mr. WILLIS. Oh, certainly.

Mr. EDGE. I do not wonder that the Senator could not follow everything because my address was rather lengthy, but I think that I made it very clear—I attempted to do so at least—that such latitude within a State should be absolutely within the maximum granted by Congress, that it should be within the law as it would finally be declared constitutional by the Supreme Court or otherwise; in other words, the latitude should be below the maximum finally made legal, and not beyond that.

Mr. WILLIS. Mr. President, that does not change the issue at all. Here we have a national law and the Senator is advocating the proposition that we shall have local option, so to speak, in the enforcement of Federal law. Suppose it shall develop that in some State or Territory or possession of this Union the law, for example, against counterfeiting is unpopular; there is a great hue and cry against it, and the people do not like it; shall we say, therefore, that we shall arrange matters so that in that particular State where they are not in favor of the law against counterfeiting there shall be some laxity in the enforcement of that law? The Senator shakes his head; of course, he would not be in favor of that, but inevitably if we once establish the principle that there is to be what he is pleased to call home rule in law enforcement, we will get to that conclusion.

Mr. BLEASE. Mr. President——

Mr. WILLIS. I yield to the Senator from South Carolina.

Mr. BLEASE. I should like to ask the Senator if it is a fact that in certain foreign embassies or in the homes of ministers and ambassadors from foreign countries wine and whisky and beers are served on their tables and it is overlooked, while if the same thing were done by a citizen of this Nation he would be considered a criminal?

Mr. WILLIS. I can not advise the Senator as to what the fact is with reference to the serving of liquors in embassies; I do not know.

Mr. BLEASE. The law should apply to them. Does not the Senator think the State should have the right to make the same rule apply to all?

Mr. WILLIS. I do not think that there ought to be in the matter of a specific provision of the Constitution of the United States any such thing as local option anywhere. I will say to the Senator from New Jersey that I recognize his right to make the appeal which he has made with great ability for a repeal of the law. Those who do not believe in the law or in the eighteenth amendment have a perfect right, of course, to do that; but, so long as we have the eighteenth amendment in the Constitution—and it will be there for a long time, I want to say to the Senator—I deny utterly the proposition that there ought to be such a thing as home rule in the recognition of the provisions and binding effect of the Constitution of the United States.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. WILLIS. I do.

Mr. EDGE. Does the Senator mean to contend that there should not be any latitude within the legal definition? We always had such latitude before any thought of the eighteenth amendment or the Volstead Act. One State may have provided under its prohibition laws for one-half of 1 per cent of alcohol, or no alcohol at all. Another one still, under prohibition, may have provided for 2 per cent, or 1.75 per cent. My contention is—I beg the Senator's indulgence a moment, so that it can not be misunderstood—that the definition of the eighteenth amendment should be made as honest and as liberal as possible, and then there is absolutely no contention that it would not be entirely proper to permit the States to go under that in any degree they wished, as they always have done.

Mr. WILLIS. Oh, I understand the Senator's position perfectly. Of course, I disagree with it utterly, because, as I view it, if the legislation which he proposes should be enacted into law, it would result in an absolute defeat of the purpose of the eighteenth amendment. So, Mr. President, I do not recognize at all the reasonableness or desirability of admitting any such idea of law enforcement as is advocated by the Senator.

The Senator, in his able argument, has demonstrated two or three things, about one of which we had no doubt at all, and that is that he is opposed to the eighteenth amendment and to the enforcement of the law that was passed thereunder. He made that very clear. Another thing he has demonstrated beyond question is that he is not acquainted at all with the report of the Federal Council of the Churches of Christ in America. I understand that he summoned that organization as a witness, and, after examining the witness somewhat, excused that witness. I want, again, to put that witness on the stand. Now, I have read this volume through and through. I hold a copy right here in my hand, and I have here an additional statement from the Federal Council Bulletin in the November–December number of this year, from which I read as follows:

> First of all, the committee would emphasize its unequivocal support of national prohibition, as expressed in many public utterances and reaffirmed by the quadrennial session of the whole council in Atlanta last December. We declare our strong conviction that the policy of prohibition is the deliberately and permanently established policy of this Nation, that this policy has not failed, but, on the contrary, has already yielded results which fully justify its adoption, that the liquor traffic and the saloon must not come back again, and that the churches must set themselves with new purpose to see that prohibition is enforced by law and sustained by the national conscience.

Mr. EDGE. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. WILLIS. I yield.

Mr. EDGE. Will the Senator enlighten us, then, as to what has caused so much opposition or protest against this report in circles supposedly identified with the movement?

Mr. WILLIS. I think I can explain that, Mr. President, and I want to do it without being in any respect offensive to my friend. I think that the criticism came from people just like the Senator, who had not read the report, and did not know what was in it. That is how the criticism came about. If they had read the report they would have taken an entirely different view of it.

Now, I read still further. Just let us see what they do actually say:

> The report makes clear the remarkable social gains which followed upon the adoption of prohibition.

Now, here is what they say about it. I am reading this because the Senator has summoned this organization as a witness. Here are the results:

> A lowering of the death rate from alcoholic disease, a remarkable lessening of dependency due to alcoholism, a great reduction in drunkenness—

I understood the Senator to say that this report indicated that there had been a great increase in drunkenness. Here is their conclusion that the result of the act is a great reduction in drunkenness—

> and other results of a socially desirable sort. It also calls attention to the part undoubtedly played by prohibition in improving business and economic conditions and, above all, points out the indisputable advantage gained by the abolition of the saloon. At the same time, the report reminds us that national prohibition has not yet been given a fair opportunity to vindicate its full value to the physical, economic, social, and moral life of the Nation, and calls attention to serious dangers to which it is at present exposed.

I do not care to read all of the statements contained in this bulletin. I ask permission to place it in the RECORD as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

[From the Federal Council Bulletin of November-December, 1925]

COUNCIL ISSUES STRONG STATEMENT ON PROHIBITION

The administrative committee of the Federal Council of the Churches, after considering its policy on prohibition, in the light of the recent report of its research department, issued on October 31 a full statement of its position. This declaration was made because of misinterpretations of the spirit and point of view of the research report in certain quarters. The statement declares that there is nothing in the report of the research department to justify any modification whatever of the position of staunch support of prohibition previously taken by the council. The administrative committee also urges all Christian people to regard the report as a trumpet call to a more vigorous program in behalf of prohibition.

The statement, somewhat abbreviated, is as follows:

"First of all, the committee would emphasize its unequivocal support of national prohibition, as expressed in many public utterances and reaffirmed by the quadrennial session of the whole council in Atlanta last December. We declare our strong conviction that the policy of prohibition is the deliberately and permanently established policy of this Nation; that this policy has not failed, but on the contrary has already yielded results which fully justify its adoption; that the liquor traffic and the saloon must not come back again, and that the churches must set themselves with new purpose to see that prohibition is enforced by law and sustained by the national conscience.

"The administrative committee of the federal council has seen nothing in the report of the research department to justify any modification whatever of the position thus taken by the council on the prohibition issue. The policy of national prohibition, as the report shows, was adopted by the American people by the overwhelming votes of their elected legislative assemblies. This policy has been reaffirmed by increasing majorities wherever it has been challenged.

REASONS FOR PROHIBITION

"We would remind those otherwise good citizens, who by their personal example and public utterances are lending countenance to those who violate their country's laws, of the reasons which led to the adoption of the eighteenth amendment. It rests upon three fundamental considerations: First, the belief that in dealing with gigantic social evils like disease or crime individual liberty must be surrendered in the interest of effective social control; second, the belief that the liquor traffic is such an evil—a conviction which is gaining strength all over the world and which has recently found official expression in the report of the special commission on drink of the Universal Christian Conference on Life and Work at Stockholm; third, the experience gained by a generation of experiment with substitutes, which has led the advocates of temperance to conclude that only drastic Federal action could bring about the eradication of the evils they were fighting. Prohibition was not a policy adopted hastily or without due consideration, and it is not to be set aside merely because great difficulty or even temporary reverses are encountered in carrying it out.

"The report makes clear the remarkable social gains which followed upon the adoption of prohibition: A lowering of the death rate from alcoholic disease, a remarkable lessening of dependency due to alcoholism, a great reduction in drunkenness, and other results of a socially desirable sort. It also calls attention to the part undoubtedly played by prohibition in improving business and economic conditions, and, above all, points out the indisputable advantage gained by the abolition of the saloon. At the same time, the report reminds us that national prohibition has not yet been given a fair opportunity to vindicate its full value to the physical, economic, social, and moral life of the Nation, and calls attention to serious dangers to which it is at present exposed.

"The federal council gratefully recognizes the splendid service which has been rendered by the agencies especially authorized by the churches which for many decades have labored persistently and effectively to secure the adoption and the maintenance of prohibition. The council pledges its active cooperation with all agencies which are ready to make a sustained and constructive effort to uphold the prohibition régime in order that there may be a conclusive demonstration of its merit as a national policy. It urges the friends of prohibition in other countries not to be deceived by the attempts which have been made by opponents of prohibition to interpret the report as a confession of failure or even of discouragement on the part of the federal council or its constituent church bodies.

"The federal council calls upon the churches to undertake a renewed moral crusade to strengthen the hands of those who are responsible for prohibition enforcement and in particular to give a greater measure of moral support to the newly reorganized activities of the Federal Government.

NEED FOR EDUCATION

"Especially does the council urge upon the churches the necessity for a more adequate program of education on the moral issues involved in the liquor traffic. We strongly emphasize the need for a far greater attention to this problem in the church's program of religious education. In the last analysis, law depends for its support upon the public opinion which sustains it and the conscience of those who live under it.

"There can be no greater mistake than to suppose that legislation can relieve us of the necessity of training our youth in habits of temperate living, self-control, and the practice of Christian citizenship. To foster such habits and to cultivate such practice is the special and peculiar responsibility of the church, to be ignored only at the peril of the Nation.

"It is our hope and confidence that the report of the research department on the prohibition situation, calling attention as it does to the real dangers with which we are confronted, will stir the churches to a renewed sense of their responsibility, not only for the enforcement of the prohibition law, but also for rallying the conscience of the Nation to its support."

SIGNIFICANCE OF RESEARCH REPORT

The demand for the report of the research department, which was a booklet of 80 pages, has been so great that the first printing has been exhausted and a second is now in press. The report has attracted particular attention because it has illustrated effectively the possibility of a church organization's carrying on a thoroughly impartial program of research. The fact that the Federal Council of the Churches, while itself staunchly committed to the policy of prohibition, was able and willing to print a statement of the present situation, which included the unfavorable as well as the favorable data, has been commented upon in many quarters as a most significant and hopeful thing.

The outstanding emphasis of the research department was on the need for a better program of education as to the moral and religious significance of temperance and prohibition. The following paragraph from the report merits special attention:

"The situation presents an unprecedented challenge to the schools and the churches. Thus far the delinquency of the churches is perhaps even greater than that of the Federal Government. In former years temperance education was stressed as a part of the religious educational program. It was often of a decidedly inferior type, to be sure, but the importance of temperate living and self-control was kept continually before our youth. With the passing of the prohibition laws the task of moral education with reference to temperate living has been all but ignored. As a part of the study here reported a careful analysis was made of the materials of religious education now in use with respect to the training of children and youth in temperance and in the responsibilities of citizenship entailed by the prohibition laws. The results, which have been published elsewhere, were chiefly negative. Even the rude awakening that the outbreak of lawlessness has brought seems to have registered more in mere protest, on the one hand, and in discouragement and dissatisfaction with prohibition on the other, than in the perfectly obvious alternative of setting about the performance of an educational task for which no amount of social legislation can ever be a satisfactory substitute."

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. WILLIS. I yield to the Senator.

Mr. EDGE. I do not want to interrupt the Senator, and I promise that this will be my last interruption. Is it not a fact—I can not recall the names—that upon the publication of that report there was quite a clearly defined protest from ministers and others who were unquestionably identified with the prohibition movement in various lines? Was there not such a protest appearing in the papers of the country?

Mr. WILLIS. Mr. President, I thought I had answered that question when the Senator asked it before. Certainly there was protest from people who had failed to read the report. They had taken out certain portions of it and had obtained a garbled idea of what the report contained. When they read the report they entirely revised their opinion, and if the Senator would read it he would revise his opinion. The trouble is, however, as I judge—I do not allege this to be a fact—that the Senator has simply taken the garbled propaganda conclusions that have been drawn by some gentlemen. If he will just get a copy of the report and the full conclusions and read them I am sure he will reach quite a different conclusion.

Mr. EDGE. I will advise the Senator that I have one.

Mr. WILLIS. It does not do any good to have it unless the Senator will read it. That is the thing that would help very much.

Mr. EDGE. I am quite familiar with it.

Mr. WILLIS. Well, Mr. President, I understand that in the last analysis, after altogether misunderstanding the present situation in the country, after paying a high compliment to the Assistant Secretary of the Treasury who has this work in charge, the Senator goes on and damns him by faint praise by saying that the condition is not only bad but is continually getting worse, that drunkenness is increasing, and all that sort of thing, it seems to me that that is a very doubtful kind of a compliment, but I utterly disagree with the conclusions which the Senator reaches relative to the conditions that now obtain in the country.

You can hear it said: "Well, there is more liquor consumed in the country now than ever before." I want to call the attention of the Senators to some interesting figures in that connection, if I can turn to them in a moment.

Under the old régime there were in the country 236 distilleries, 1,276 breweries, and 180,000 saloons, joined in a most highly organized trade in this country which sold over 2,000,000,000 gallons of intoxicants annually, over 20 gallons per capita. Now, in view of the fact, with which everybody must be acquainted, as to the manufacture and sale of intoxicating liquor in this country before the amendment went into effect, it is perfectly idle and silly for anybody to say anywhere that the consumption of liquor in the country has increased. We hear more about it, perhaps. Senators will remember when there were saloons upon every hand. They remember them only because they have been told about them, of course; but they remember that there were times when there were saloons all about, men standing up at the bar two or three deep, I have been told. Now those places are closed up. Where are those people? Are they all or a greater number drinking now? If so, where and how do they get it? The Senator, as I understand, proposes not to reopen the saloon. These gentlemen who are opposed to the eighteenth amendment and to the enforcement of the act all hasten to say that they are not in favor of the saloon.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. WILLIS. I yield to the Senator.

Mr. TRAMMELL. In addition to the legalized traffic in the districts stated by the Senator, did they not also have in the dry territory under local option at that particular time the illicit sale of liquor?

Mr. WILLIS. Undoubtedly.

Mr. TRAMMELL. By illicit stills, and by what was commonly known in those days as the "blind tiger" instead of the bootlegger?

Mr. WILLIS. Undoubtedly so.

Mr. TRAMMELL. We had that additional amount of liquor dispensed in addition to that which was sold through the regular licensed channels.

Mr. WILLIS. Why, certainly; the Senator is correct in that, and those who are candid about the matter reach only one conclusion. For example, I have here a clipping from the New York Times. No one would accuse that great journal of being an advocate of the eighteenth amendment, and yet here is what that clipping says:

> Take in the Canadian border, the West Indies, and every other illegal importation; take in the domestic moonshining and the man who works miracles with industrial alcohol, and is it believable that they surpass, or even approach, the 500,000,000 quarts of hard liquor consumed before prohibition?

Of course not. There is not any doubt about it. The consumption of liquor has been very, very much decreased.

And another editorial in the same great newspaper, which has never supported prohibition, recently fairly expressed the present attitude of the American people:

> Of one thing we can be sure, there is no intention in the United States to abandon prohibition. The bootlegger does flourish as yet, and probably always will to some extent, as do the violators of other laws.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator recalls that he and I were in the House in the old days when liquor was sold in Washington. I want to ask the Senator if he does not recall, when the saloons ran in the city of Washington——

Mr. WILLIS. It was reported to me that they were running; yes.

Mr. McKELLAR (continuing). That we saw at least 100 drunken men where we now see 1, even in the city of Washington, where the law is violated, as we are told?

Mr. WILLIS. Why, of course the Senator is correct about that.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. WILLIS. Let me answer the Senator from Tennessee, and I will yield to the Senator from Maryland in a moment.

Senators travel upon trains, as other citizens do. I submit to any Senator who has been traveling in the past 25 years whether there is any change in the situation. Drunkenness used to be common upon the trains. A score of times I have been spoken to by conductors upon the railroad trains in the State of Ohio, before prohibition went into effect, begging me to do what I could then, as a member of the general assembly and subsequently as a private citizen, to exterminate this traffic, because they were annoyed by the drunkenness upon their trains. You do not find it now; I do not.

Now I yield to the Senator from Maryland.

Mr. BRUCE. My old friend, Mr. John K. Cowen, of Baltimore, used to say that in discussion there was nothing like the potency of a specific fact. The city of Washington has been brought forward, happily for our contention, by the Senator from Tennessee [Mr. McKELLAR] in a contrast instituted by him between the supposed drunken conditions that formerly existed in the city of Washington and the sober conditions that are supposed to exist in this city to-day. Let us turn to the exact facts on that subject.

I have before me a table showing arrests for drunkenness in all the leading cities of this Union, which I obtained from the chiefs of police in those cities. What are the facts with regard to the city of Washington? In 1920 the arrests for drunkenness in Washington were 5,415, in 1921 they were 6,375, in 1922 they were 8,368, in 1923 they were 8,128, in 1924 they were 10,254, and it is an actual fact, as was stated in the press at the time, that in last March arrests in the city of Washington for drunkenness exceeded the preprohibition number of arrests for any month.

Mr. WILLIS. Mr. President, if that be the case, that reflects in most commendable fashion upon the activities of the enforcement officers of this city. Does the mere fact that more men are arrested prove to the Senator necessarily that there is more drunkenness? Does it not rather indicate that there is greater activity to prohibit that sort of disgusting exhibition?

The Senator remembers when a man could not walk from here to the White House without being elbowed off the street by a lot of drunks, and that was within 15 years. Those conditions do not obtain now, and yet the Senator seeks to draw from some figures the conclusion that there is more drinking in Washington now than there was formerly.

Mr. BRUCE. I do. In the first place, the Senator should recollect that drinking was formerly done in saloons, and most of the arrests were made in the streets, when the hapless drinker was on his way from the saloon to his home. Now drinking is done mainly in the home itself, and consequently, of course, not so closely under the inspection of the police. If there is any evidence to show that any higher degree of police activity is exercised by the police of Washington in arresting drunks than before the adoption of prohibition, why does not the Senator bring it forward?

Mr. McKELLAR. Mr. President——

Mr. WILLIS. Mr. President, I just pointed out to the Senator from Maryland that it is a matter of common observation, which does not require detailed mathematical analysis, as anyone who lives in this country and travels knows, that there is less drunkenness now than there was 15 years ago. I now yield to the Senator from Tennessee.

Mr. BRUCE. I deny the fact.

Mr. WILLIS. I know the Senator denies facts. He generally does; but that does not make any difference.

Mr. BRUCE. If the Senator will yield to me for a moment——

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. BRUCE. I will endeavor to show him, when I come to reply, that not only in the city of Washington, but that in every city in the Union—in Portland, Me., Portland, Oreg., San Antonio, the city of Baltimore, the city of Buffalo, the city of New York, the city of Philadelphia—there has been a steady increase in the number of arrests for drunkenness ever since the passage of the Volstead Act.

Mr. WILLIS. The Senator is directing his fire in the wrong direction. I am not now questioning that. I am saying that there is less drunkenness in this country, and I understand the Senator to be insisting that there is more. I submit

the matter to the common intelligence of anybody who travels in this country, as to whether that is the case.

Mr. BRUCE. I say there is far more drunkenness in this country to-day than there was for a year or so after the passage of the Volstead Act. I am not saying that there is more intoxicating liquor drunk in the country to-day than there was before the adoption of the eighteenth amendment——

Mr. WILLIS. Does the Senator think there is more drunkenness?

Mr. BRUCE. But I do say that in some cities of the country—Reading, Pa., for instance, the city of Richmond, for instance; the city of New Orleans, for instance; and numbers of other cities that I might name—arrests for drunkenness to-day are in excess of what they were during the pre-prohibition period.

Mr. WILLIS. Will the Senator state whether in his judgment there is more or less drunkenness in this country now than there was before the eighteenth amendment went into effect? I am not asking about Reading, Pa., or Podunk, or some other place; I am asking about the United States.

Mr. BRUCE. How can I answer that question——

Mr. WILLIS. I do not think the Senator can.

Mr. BRUCE. Except by quoting statistics of arrests for drunkenness? Certainly nothing is clearer than the fact that when men are arrested for drunkenness, in all human probability it is because they are drunk.

Mr. WILLIS. But there may have been a great many men theretofore drunk who were not arrested. I now yield to the Senator from Tennessee.

Mr. McKELLAR. I think I can clear up this matter, to some extent, at any rate. The figures of the Senator from Maryland are misleading, to some extent, at least, for the reason that in many of the cities about which he speaks, drunkenness was not a crime before the national prohibition act went into effect. In many States and many cities it was not even a crime to be drunk. I am not so sure that it was not a crime to be drunk in Washington, and it is only since prohibition has gone into effect, when it has been an offense to be drunk, that figures worthy of the name are obtainable at all.

Mr. BRUCE. When I observe the amount of liquor drunk in this town, I am able to believe that drinking is not a crime now.

Mr. McKELLAR. In the old days men were arrested when they were drunk and disorderly or committed some sort of offense on the street.

Mr. BRUCE. That is often said, but there is nothing in it.

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. WILLIS. I yield once more to the Senator from Maryland.

Mr. BRUCE. There is nothing in that argument. I live in a city where the popular sentiment is overwhelmingly against prohibition. I do not express myself too strongly when I say that the people of Baltimore City absolutely loath, abhor, and abominate prohibition. So now there is no reason to suspect that since the adoption of the eighteenth amendment our police—and, mind you, we have no State enforcement law in Maryland—are any more zealous about arresting people for drunkenness than they were before the adoption of the eighteenth amendment. Yet the fact is that in Baltimore, as everywhere else in the land, since the adoption of the Volstead Act there has been a steady increase in the number of arrests for drunkenness from year to year.

Mr. WILLIS. Mr. President, of course, I do not agree to that.

Mr. KING. Mr. President——

Mr. WILLIS. Just a moment. The Senator from Maryland can probably speak with authority about Baltimore, but he can not speak with authority as to the whole country. I contend that since the Volstead Act and the eighteenth amendment went into effect not only has the quantity of liquor consumed in this country been decimated but that drunkenness has decreased; and that belief is shared by everybody who has investigated the question. The Senator can not take conditions which exist in his city of Baltimore—when, by his own admission, his State has refused to uphold the Constitution of the United States and to pass a law to enforce an amendment to the Constitution—and spread those conditions all over the United States. Most of the United States is law-abiding and believes in the Constitution.

Mr. BRUCE. Let me ask the Senator, on what does he base his conclusions? Does he base them on the number of convictions for violations of the Volstead Act? The Senator can not base them on that, because the number of convictions have been steadily rising from year to year, ever since the passage of the Volstead Act. Take, for instance, the year nineteen——

Mr. WILLIS. I decline to yield to the Senator to read statistics. Whenever the Senator is ready to say to the country that, in his opinion, drunkenness has increased in the country since the enactment of the Volstead Act and the eighteenth amendment, I will be willing to yield to him.

Mr. BRUCE. I say so without the slightest hesitation, and I say so because the facts show that there has been a steady increase from year to year, since the passage of the Volstead Act, in the number of arrests made for violations of the Volstead Act, and there has been a steady increase in the number of convictions for violation of the Volstead Act, and those convictions have continued down to this very year, as shown by the report of Mrs. Willebrandt to the Department of Justice a few days ago. Then I base it further upon the fact, as I started to say, that these tables before me demonstrate that in every city of the land—north, south, east, west—there has been a steady increase in the number of arrests for drunkenness. Those are the grounds on which I base my conclusion. I ask the Senator on what grounds he bases his?

Mr. WILLIS. Mr. President, I have finally dragged out of the Senator the statement that, in his opinion, drunkenness has increased in the United States as a whole since the Volstead Act and the eighteenth amendment were adopted. I leave the matter right there, and yield to the Senator from Utah.

Mr. KING. Mr. President——

Mr. BRUCE. I say that if convictions have increased——

Mr. WILLIS. I yield to the Senator from Utah.

Mr. BRUCE. Just a moment longer.

Mr. WILLIS. I yield to the Senator from Utah.

Mr. BRUCE. I say arrests for drunkenness have increased in number——

Mr. WILLIS. I do not yield to the Senator for an argument. I yield to the Senator from Utah for a question.

Mr. BRUCE. I thought the time was coming when the Senator would cease to yield.

Mr. KING. I hope the Senator from Maryland will not think I am taking him from the floor when I accept the courtesy of the Senator from Ohio.

I do not want to project myself into the controversy between the two Senators; but, with the Senator's permission, I think that in the interest of accuracy one of the statements made by the Senator from Tennessee [Mr. McKELLAR] should not be passed. If I understood his statement, it was to this effect, that since the passage of the eighteenth amendment there were ordinances or statutes making drunkenness a crime, or that the constitutional amendment or the Volstead Act made drunkenness a crime, whereas anterior to that time drunkenness was not a crime, at least in many of the jurisdictions of the United States. The inference to be drawn——

Mr. McKELLAR. Mr. President, if the Senator will yield to me just a moment——

Mr. WILLIS. I yield briefly.

Mr. McKELLAR. The Senator from Utah misunderstood what I said. I said that up to the time of the passage of the nation-wide prohibition law, in many cities of the country drunkenness was not an offense, and frequently in many cities men under the influence of liquor were arrested only when they were disorderly in some way, or otherwise violated the law while drunk. It was not a crime to be drunk. Those who were drunk were taken home by the police, frequently. They were put to one side, and cared for as best they could be, and no fine was imposed, and there was no conviction of being drunk. At the present day we know that is not the fact. We know men are fined for drunkenness.

Mr. KING. Mr. President, I think the Senator is in error. There are no ordinances or State statutes or Federal statutes now which define drunkenness, or make it more of a crime than it was anterior to the passage of the eighteenth amendment. In nearly every municipality of the United States there was an ordinance in regard to drunkenness, making it a misdemeanor, and I think the Senator will find, if he examines the statutes of most of the States, that there was a statute in each of the States defining drunkenness as a crime. In some jurisdictions the States punished, under State law, and municipalities punished under city ordinances, so that there was oftentimes a double conviction for the same offense. In my judgment, since the adoption of the eighteenth amendment, there has not been a single ordinance passed making drunkenness a crime, nor has there been a single statute passed by any State dealing with this question since then, unless perhaps in the State of Indiana, where they have passed so many freak laws, since a certain party has come into power, which I shall not mention.

The Federal statute, as I interpret it, does not make drunkenness a crime. It forbids the manufacture, sale, and transportation of intoxicating liquors for beverage purposes, but it does not attempt to punish for drunkenness. So that the Senator is in error. The same ordinances and the same statutes are now in force that were in force prior to the adoption of the eighteenth amendment, and they were in force then. So that if drunkenness was not punished then—and the Senator seems to think it was not—it was not because there was a failure of municipal ordinance or State legislation.

Mr. WILLIS. Does the Senator think drunkenness has increased or decreased since the eighteenth amendment and the Volstead Act went into effect?

Mr. KING. The only statistics which I have seen—and I have searched quite diligently—are those which corroborate the statement made by the Senator from Maryland. I know, because I am a member of the Committee on the District of Columbia, that in Washington, from all of the accounts that come to me, and from the statistics brought to my attention, there is more drunkenness now than there was anterior to the passage of the eighteenth amendment; and I do not agree with the statement made by the Senator from Ohio, if he will pardon me, that before the passage of the eighteenth amendment you could scarcely go down the street without elbowing drunken men off the street. I have been in Washington a great deal of the time for 20 years. I seldom saw a drunken man upon the streets of Washington before the passage of the eighteenth amendment, and I seldom see a drunken man now. I think the people of Washington 20 years and 15 years ago, prior to the adoption of the eighteenth amendment, were sober, and that drunkenness was not as common as the able Senator from Ohio would have us believe it was. I want to vindicate the people of Washington for their temperance and sobriety against what I conceive to be an undeserved indictment by the able Senator from Ohio.

Mr. WILLIS. Mr. President, I greatly enjoy the eloquence of the Senator from Utah, but I am not indicting anybody. I am simply making a comparison suggested by the able Senator from Maryland. My contention is that drunkenness has very much decreased, and that the consumption of liquor has been decimated practically since the Volstead Act and the eighteenth amendment went into effect; and I understand now the gentlemen on the other side contend that, in their judgment, drunkenness has increased in the country.

Mr. EDGE. Mr. President——

Mr. WILLIS. Is that the opinion of the Senator from New Jersey? I would like to have the consensus of opinion upon this matter.

Mr. EDGE. I understand the Senator wants the facts, as far as it is possible to obtain them. He laid emphasis on the report of the Council of Churches, which, I may inform him, I have read. According to the report of the Moderation League——

Mr. WILLIS. The Senator has read rapidly, then, since I called the report of the Council of Churches to his attention. He had not read it before.

Mr. EDGE. I thought the Senator would like to have the actual facts. I read from the report of the Moderation League:

> Figures from 457 places, between 1920 and 1924, show an increase in such arrests—
>
> From drunkenness—
>
> from 258,974 in 1920, to 565,026 in 1924.

Then these figures show that the increased percentages in various cities of the country go all the way from 300 per cent to over 900 per cent.

Mr. WILLIS. I was quite familiar with those figures which the Senator has just now discovered. I read them some time ago when the report was made. But I may say in passing that so far as this matter is concerned a few figures or statistics of arrests for drunkenness in this town or that—and I want to be perfectly frank and say a few figures as to the increase or decrease in bank deposits or the increase or decrease of employment figures—to my mind do not prove very much on the one side or the other of this great question. It is a matter to be submitted to the common intelligence of the people. If there is anyone in the country who knows what is going on, he certainly must be aware that drunkenness has very much decreased.

But I want to conclude. I desire to direct attention very briefly to the remedy proposed by the Senator from New Jersey, and I regret to observe that he is not for the moment in his seat. When the Senator began his address I thought he was about to propose some new remedy, but the remedy he proposes is a most interesting and ancient one, either to do that to which I have already referred, namely, make it a matter of local option in the States or else change the Volstead Act so as to permit the manufacture of beer with an alcoholic content of 2.75 per cent. Well, Mr. President, all I have to say about that for the present, at least, is that, of course, if that is done then immediately there will come the question that I notice the Senator very carefully glided over, without touching upon it very much, but said merely for the Government to provide for a method of distribution. If 2.75 per cent beer or 4 per cent beer, like they manufacture over in Canada, is to be made, there will have to be a place where it is sold. Of course, since he advocated the idea of Government control, he would have the Government sell it probably in the post-office buildings, so when a man sent his little girl down to get his mail she would have to work her way in through the crowd there waiting for their supply of 2.75 per cent beer in a Government building.

If the Senator is so obtuse and so unaware of public sentiment in this country as to suppose that that thing will ever be done, then I must say it seems to me his judgment upon this whole question is at least very much warped. If we are to have beer of 2.75 or 3.75 per cent manufactured and sold, there will have to be a place where it will be sold, and the place where it is sold will be the old-fashioned saloon, with all the festering iniquities that hid behind it. The American people decided once and for all that that is not going to be. The fact of the matter is there is no practical way in which the Senator's remedy can be applied.

Then I might say in passing that I am considerably interested in another phase of this question about which very little is said. Not long since I heard an address by Admiral Billard, who has charge of the Coast Guard, that is making an effort to enforce the law of the country. I may say in passing that I am a mighty sight more interested in getting behind men of that type who are seeking to uphold the law and the Constitution than I am in devising means to break down the Constitution. That admiral said in effect, in a public address, so I can without impropriety quote it, that the people of the country did not understand the difficulties with which his forces were confronted in attempting to enforce the laws of the country out there 8 or 10 miles at sea in their little destroyers that are attempting to break up the rum-running fleet. Time and again it has occurred that these lawbreakers have come to ram these little ships and have drowned men.

No matter how black the night, no matter how the tempest howled, no matter how rough the sea, yet these representatives of this illicit traffic were ready to sink American ships and drown American sailors; and yet we hear a defense, not for that directly, but for the appetites of people that are held to be perfectly natural and which must be satisfied. I am more interested in upholding the Constitution of my country than I am in finding excuses for people who want to break the law and tear down the Constitution.

I warn Senators, if this amendment shall be repealed at the behest of those who say the law can not be enforced, that it will not be long until somebody else who is not satisfied with a law will be demanding that it be repealed because they do not like it. Here is a clause in the Constitution that says the right of private property shall be protected, and here is a provision in the Constitution that says that the manufacture and sale of liquor shall be prohibited. If the lawbreakers can frighten the Congress and the people into a repeal of the one, there will come a crowd tomorrow that will say, "One class of people was able to make Congress and the people back away from one provision of the Constitution, so we will now make an attack upon another which undertakes to protect the right of private property or of life itself."

It is not a question of wet or dry. It is a question of whether the country is going to stand by the Constitution. I, of course, make no reference to any Senator when I make the remark which I am about to make, but it is time that somebody said it. The fact is that the forces of the underworld boldly and openly challenge law and order in this country and the question is, Where shall the American Congress stand? Shall it knuckle down, back away and say, "Yes, we will repeal the law because you do not like it," or will it say in the interest of stable Government and the maintenance of our institutions, "We will stand by the law and the Constitution and see that they are obeyed?"

Mr. SHEPPARD. Mr. President, prohibition is one of the most powerful forces for the promotion of the principles that have given our country world leadership from the beginning of its history. That leadership was grounded in the dedication of America to the defense of individual rights, to the

theory that every individual is entitled to an adequate opportunity for the expression of his best capacity for human service. Across the pathway of American opportunity fell the shadow of the legalized liquor traffic, disabling the infant yet unborn, imperiling the promise and the hope of youth, bringing shame and failure to so many lives that almost every household felt the tragic toll, and the entire Nation shared the economic and the moral loss. Clearly there was no place in a Republic devoted to the preservation of opportunity for the trade in beverage alcohol, which meant the destruction of opportunity on so large a scale. Neither was there room in a Nation pledged to the freedom of the individual for a traffic in a drug that imposed a servitude on its victims as damnable and blighting as ever fell on human beings. The reaction of the liquor traffic on innocent parties and the economic waste it involved were added reasons to strip it of any right to exist. It has been contended that prohibition is in conflict with the historic doctrine of American individualism—an unwarranted interference on the part of government with individual liberty. The answer is that no more vicious and more terrible menace to individual initiative, freedom, and opportunity ever existed than that which comes from the liquor habit and the liquor traffic—a menace beyond the strength of vast numbers to resist—beyond the power of the predoomed posterity of the drinker to counteract—a menace requiring the collective action of society, the operation of government and law to remove it from the pathway of human development. No drunkard could ever make effective use of initiative and opportunity while his children and the children of moderate drinkers are seriously and often fatally handicapped by the alcoholic taint with its predisposition to inefficiency, disease, and crime. It is another vital American teaching that governments are instituted among men to secure human rights. We hear much in criticism of the activities of government.

Undoubtedly government should be restricted to its proper functions; but the people's rule is a farce if the people are to be prevented from devising agencies to combat public menaces and to keep the channels of opportunity and enterprise open on equal and adequate terms to all. It is true that whatever the individual may best do for himself should never be entrusted to government or to another—that the individual is the basic unit of society and the highest development of the individual an imperative essential of human progress. It is also true that no individual is strong enough to secure his own rights or to overcome such a threat to society and to individual development as is represented by the liquor traffic.

The adoption of the eighteenth amendment to the Federal Constitution marked the rise of this Republic to a higher plane of existence. It struck down 177,790 saloons at a single blow, turning into useful channels most of the two and one-half billion dollars that were being expended annually for a liquid poison that rotted the brain, consumed the substance, and damned the souls of millions. The eighteenth amendment was the first instance in all history where a leading Nation of the earth, by provision of organic law, banished the trade in beverage alcohol from the list of permissible occupations. It was one of the results of the movement against the liquor traffic which began when the Republic began. With varying fortunes the movement grew until a majority of the American people, occupying three-fourths of American territory, were living under State and local prohibition when the eighteenth amendment was submitted. At first the movement took the shape of pleas for temperance, then of efforts to secure local and State antiliquor laws, and then, as the alcoholic-drink trade continued to defy every enactment for its regulation, to invade the localities and States where it had been legally prohibited, to reach out for the corruption and control of government itself, of an endeavor to enlist the Nation against an evil which had transcended the boundaries of States and had become national in scope.

Nothing could be further from the truth, therefore, than the contention that national prohibition was adopted without due deliberation when public interest was absorbed in war. National prohibition was, as I have indicated, the result of a struggle that had continued against the liquor trade for more than a century. In that struggle Abraham Lincoln was a shining figure on the side of prohibition. He visualized the true nature of the conflict when he likened the liquor traffic to a cancer which should be cut from the body of society without a root left behind, and said that attempts to regulate would but aggravate the evil. There is no better answer to the advocates of light wines and beers than this pronouncement by one of the best friends humanity ever had. The American people made the liquor traffic an outlaw on every foot of American soil through the processes laid down by the Federal Constitution itself for its own amendment because they came at last to understand the innate lawlessness and criminality of that traffic, because they realized that a Christian nation could not consistently recognize it anywhere within the Nation's borders, because they finally came to see that as long as it had a legal status in any State or locality it would overrun the sections that had forbidden it by law. They tell us that national prohibition violates the rights of the States. They forget that under the Constitution itself, as adopted by the States, three-fourths of the States have the right to say what subjects shall be placed under Federal jurisdiction and that the eighteenth amendment provides for its enforcement by the concurrent power of State and Nation. In making effective the eighteenth amendment we are carrying out the mandates of the States as determined and expressed under the Constitution itself. A distinctive American principle is the rule of the majority. When the requisite, constitutional majority of the States ratified the eighteenth amendment all the States and all their inhabitants were placed under a sacred obligation to obey it.

Mr. EDGE. Mr. President, would the Senator object to an interruption?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Jersey?

Mr. SHEPPARD. Certainly, I yield to the Senator.

Mr. EDGE. Does the Senator contend in the statement he has just made that Congress in accepting a mandate from the States of the Union ratifying the eighteenth amendment was warranted in establishing a maximum away below the interpretation and meaning of the amendment itself, which only prohibited intoxicating liquors?

Mr. SHEPPARD. I shall come to that in a moment.

Men and women who disregard the eighteenth amendment, or who encourage and patronize those who disregard it and the laws duly enacted for its enforcement, are aiding lawbreakers and criminals and abetting crime.

In passing the eighteenth amendment the American people stormed and took the most formidable position the liquor traffic ever held—that of legal recognition by the Government of the United States. Henceforth it must operate, if it operates at all, as do the counterfeiters, smugglers, thieves, the bandits, murderers, and other antagonists of order, right, and law. In passing this amendment we obtained the best vantage ground we have yet had from which to continue the fight against this colossal evil. It was never intended that the fight against the liquor traffic should cease with the adoption of this amendment and the various acts for its enforcement, including the Federal enforcement act known as the Volstead law. In fact, everything that was said against the traffic has been more than justified by its continued, persistent, cynical, and reckless attempts to defy the law. It violates the American Constitution when opportunity offers with the same contemptuous spirit that marked its disregard of the local ordinances that were first leveled against it. It knows no constitution, no law, no honor, no morality, no God. Here lies the challenge of the present hour to free and true America. Our enforcement officials, with rare exceptions, are bravely meeting that challenge and will continue to be supported by every American worthy of the name.

In this connection it can not be emphasized too much in the interest of law-loving and law-abiding America that no constitution, no law, is able to enforce itself. It is with law as it is with prayer. Laws and prayers without immediate and earnest steps to make them a reality rarely get beyond the pages on which they are written or the lips from which they spring. We have driven the liquor traffic from the open. We must follow it to its secret lairs and destroy it for the sake of the manhood and womanhood of America. If we mean to preserve what is best in our civilization and to make further progress; if we desire effectively to promote the cause of prohibition, to vindicate the sanctity of the Constitution, the majesty of law, we must ever keep in mind the fact that the forces of evil never rest. The victories of civilization must constantly be repeated.

The case for prohibition and every other righteous cause must perpetually be restated. The true citizen can never lay his armor down. Life is a battle for the right from the cradle to the grave. New generations must be given as a rightful heritage and as a necessary step in progress the lessons and experiences of the old. They must be taught that true liberty is liberty under law—indeed, that the supreme meaning of America is liberty under law—and that continued civilization is made possible by the restraints and safeguards which the people find essential. They must be taught that love of all

humanity and the spirit of brotherhood are the deeper sources of the prohibition crusade. And let us all keep ever before us the fact that laws require more than to be inscribed on parchment or engraved in stone. Love must write them in the human heart. Not only must we have officers who will enforce prohibition in precinct, county, State, and Nation; not only must we maintain a vigilant observation in this regard; but we must emphasize and reemphasize in church, school, college, home, and forum the danger of beverage alcohol. Prohibition in Federal and State Constitutions and in enforcement statutes has destroyed the open saloon, with its corrupting influence on government, its alliances with crime and shame, marked a forward and an upward step such as perhaps has been never before accomplished by human legislation. Such, however, is the seductive and insidious power of alcohol as a beverage, such the profit from its private and secret manufacture, that it will remain a menace to society unless diligently and unceasingly combated. Reiterating what I have said on a former occasion, we must teach and teach again that alcohol is a liquid poison which attacks and impairs the functions of the body, especially the delicate tissues of the brain, undermining conduct, judgment, memory, perception, coordination, and initiative. We must teach and teach again that it produces a forced and abnormal activity, a temporary sense of warmth and vigor and vitality, larger and larger quantities being required to produce the false sensations; that what is at first a mere craving breeds in the end a clamor so resistless that the victim will sacrifice anything—honor, ambition, self-respect, position, wife, children—for its satisfaction. We must teach and teach again that taken even in small amounts by moderate drinkers it shortens life; that even the moderate drinker transmits the alcoholic taint to his offspring, polluting the helpless babe, profaning motherhood; that it destroys self-control; that it lowers vitality, enfeebles resistance to disease, making the drinker a breeder and a carrier of contagion; that it is a foremost cause of poverty, and all in all one of the most destructive enemies of society. We must teach and teach again that as it tears down the body and the soul, so it tries to tear down law even when the law permits it to exist.

The Senator from New Jersey would find the change which he contemplates, even if he could secure its enactment—and there is absolutely no chance for its enactment—resisted and violated by the liquor traffic in the same manner in which it resists and violates existing law.

We must never tire of relating the material as well as the moral gains of prohibition. The eighteenth amendment, the Federal enforcement act, generally known as the Volstead Act, and the State constitutional and enforcement measures mark a turning point in the economic as well as the moral history of the world—the suppression so far as the United States is concerned of alcohol as a beverage intoxicant and its promotion as an industrial substance of almost universal importance. The industrial uses of alcohol in its native, undrinkable state are numbered by thousands. Prohibition has not only turned alcohol itself into constructive channels but also the funds expended for it and the plants which housed it when it was a legalized intoxicant. About two and one-half billions of dollars were being expended annually in this country for intoxicating liquors when national prohibition became effective, an amount which in 20 years would have approximately equaled our total expenditure for the World War. The application of most of this liquor money to higher and better ends since the advent of national prohibition has been accompanied by the largest savings deposits and the largest general deposits in American banks in all our history, in the construction of the greatest number of homes, although the number of individually owned homes is not yet sufficient, in the most extensive output of automobiles, in the greatest increase of life insurance, in a marked decline in the national death rate.

Prohibition goes steadily forward. The fact that millions of pay checks are going every Saturday night to mother and children instead of the saloon receives little or no notice in the public prints, while the arrest of a bootlegger, the capture of a drinking party, or the seizure of illicit liquor is blazoned in the headlines, creating an erroneous idea of the true situation. Saloons have been supplanted by banks, office buildings, department stores, drug stores, furniture and clothing and general dry-goods stores, restaurants, movies, art shops, flower shops, soft-drink shops, candy and coffee shops. Distilleries have been converted into warehouses for legitimate commerce. With all this has come an astounding rise in realty values. Filling stations now supply gasoline for automobiles instead of alcohol for human beings. Outdoor sports and places of innocent recreation have multiplied and prospered at an increasing rate since the saloon disappeared. In an age of machinery, of intensified population and transit problems the need of the clear head, the quick eye, and the steady nerve make the elimination of the liquor traffic necessary from the viewpoint of the public safety and of the efficient operation of the instruments of civilization. In addition, the disappearance to so large an extent of the evils surrounding the saloon has so impressed the opponents of prohibition that they have endeavored to construct a program of repeal which eliminates the saloon—an impossible objective, of course, but one which illustrates a distinct advance for prohibition. Our opponents with virtual unanimity say that the saloon must never return, and in saying this they state an impregnable case for prohibition. Any compromise restoring intoxicants in any guise will mean the ultimate return of the saloon or its equivalent. There will be no compromise; indeed, it may be well to say here that we will never compromise nor surrender nor retreat, but press ever forward against that embodiment of evil, beverage alcohol.

A determined and vigorous assault is under way against prohibition, but it will fail. An association with branches in many States has been formed for the purpose of securing the repeal of the eighteenth amendment; but that purpose will never be accomplished. There is also on foot an effort to amend the Volstead Act so as to permit the sale of so-called light wines and beer. This is in reality another and more subtle attack on the eighteenth amendment, an endeavor to bring back intoxicating liquors under the guise of enforcing the Constitution which forbids them, a movement involving a violation by every Representative or Senator who supports it of the oath they took to support and maintain the Constitution. If light wines and beer mean anything, they mean the return of intoxicants in some form. Consequently a light wine and beer act violates the Constitution as long as the eighteenth amendment remains in it.

Mr. President, the Volstead Act imposes the half per cent limit for purposes of enforcement, because it facilitates enforcement, and not in any endeavor to ordain that a half per cent alcoholic liquid is necessarily intoxicating.

Mr. EDGE. Mr. President, will the Senator yield there?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Jersey?

Mr. SHEPPARD. I do.

Mr. EDGE. Does the Senator think that decision has assisted enforcement?

Mr. SHEPPARD. I do. It had assisted enforcement in many States in the Union that had State prohibition. It was found advisable in the interest of enforcement to put a requirement of that kind in State prohibition laws; and, Mr. President, the Supreme Court of the United States has held that a nonintoxicant may be prohibited in order to enforce more effectively a law against intoxicants.

Mr. EDGE. Then, Mr. President——

The VICE PRESIDENT. Does the Senator from Texas further yield to the Senator from New Jersey?

Mr. SHEPPARD. I do.

Mr. EDGE. Do I understand the Senator to take the position that, notwithstanding the clear mandate of the people of the country to which he has referred, and which no one questions, the Congress of the United States was justified in denying the clear decision they made and in denying them what is well known as a nonintoxicating beverage?

Mr. SHEPPARD. I do not admit the implication of the Senator's question. When the American people gave us a mandate to abolish intoxicating liquor, they gave us a mandate to take every step necessary to secure that abolishment; and one of the steps necessary to secure it was the imposition of this one-half per cent limit in the Volstead Act.

Mr. EDGE. Why not make the imposition no per cent at all, under the Senator's reasoning?

Mr. SHEPPARD. Because the half per cent limit was found most practicable by State officials who had tried it in prohibition States. That is why; it was a matter of experience.

Mr. EDGE. Then, in other words, the Senator is entirely satisfied with the situation that unquestionably we must depend on the clear terms of the Constitution?

Mr. SHEPPARD. Exactly; we have complied with those terms; and I want to make the enforcement act stronger, to make the penalties stronger. That is one instance in which I agree with the Senator from New Jersey. I think he suggested that some of the penalties be made stronger.

Prohibitionists will meet all these onslaughts with an unbroken and aggressive front. With the determination to maintain our prohibition laws, to sustain and strengthen and en-

courage our officials in the enforcement of these laws, to keep in mind and to promulgate the significance of prohibition and its wonderful accomplishments for humanity; to be ever watchful of the sinister and subtle power of the drug called alcohol—to preach against it, to teach against it, to sing against it, and to pray against it—we will not only make impossible its return to a legalized status but compel it to maintain the hunted, the precarious, the desperate, and the despised existence of the outlaw and the criminal—lashing it finally into the oblivion where every emanation from hell belongs.

Mr. BRUCE. Mr. President, it is not my intention to make anything in the nature of a set speech upon this subject at this time, though I trust that an opportunity to do so will arise during the later hours of the session. Some observations, however, have fallen from the Senator from Ohio [Mr. WILLIS] and the Senator from Texas [Mr. SHEPPARD] to which I should like to refer for a few moments.

I am not going to waste any attention on preprohibition platitudes—that is to say, on the effect of strong drink on the human physiology and the abominable nature of the old saloon and the like. That belongs to the past. When anyone undertakes now to discuss the prohibition question, he should take it up not as of the period before the adoption of the eighteenth amendment, not even as of the date of the eighteenth amendment, but as of the date of the passage of the Volstead Act.

I do not pretend to say that the volume of strong drink used throughout the United States to-day is as great as it was before the adoption of the eighteenth amendment and the enactment of the Volstead Act, though I do say that statistics relating to arrests for drunkenness show that in many cities of the Union—such, for instance, as New Orleans, Richmond, and Reading—the number of arrests for drunkenness at this hour exceeds the number of arrests for drunkenness before the adoption of the eighteenth amendment.

But just think to what desperate straits the upholders of the eighteenth amendment and the Volstead Act are driven when they point with pride, as they suppose they have a right to do, to the fact that the volume of drink consumed in the United States to-day is not, or probably is not, as great as it was before the adoption of the eighteenth amendment.

Has it come to that, that they have organized this vast horde of prohibition agents, snoopers, and spies, have made additions involving a cost of some $12,000,000 to the Coast Guard fleet, have enlisted an army for the suppression of the liquor traffic amounting to 10,000 souls, and have spent as much as $30,000,000 a year in a vain effort to prohibit, and yet do not dare to take any ground more advanced than that there is not as much drunkenness in the United States to-day as there was before the tremendous machinery of the eighteenth amendment and the Volstead Act was set in motion?

As I have said, take up the present discussion as of the date of the Volstead Act. Immediately after the passage of that act there was a great drop in the number of arrests for drunkenness in this country. A vast organization, cis-Atlantic and trans-Atlantic, had to be organized for the illicit importation of liquor. Men and women, thousands and thousands of them, had to learn how to home-brew. Some little time necessarily had to elapse—a year, or even two years—before an organization could be formed sufficiently widespread and effective to take the place of the old licensed liquor traffic. But it was formed. Liquor soon made its way into the United States from abroad. Householders soon found that the simplest of all industrial arts are the arts of fermentation and distillation.

I recollect that when I was a boy a convict was discovered drunk in a cell in the penitentiary at Richmond, and there was the greatest amount of speculation as to how he could possibly have become drunk. It was ascertained that he was employed as a potato parer in the penitentiary kitchen, had succeeded in secreting a considerable number of potato peelings in his pockets, had then rigged up, out of the simplest materials, a little still in his cell, and was making whisky "to beat the band." The only reason why the making of home-brew to-day is not practically universal and does not extend from one end of the land to the other to a greater degree than it does is because it is not worth the while of anyone to undergo the drudgery of home-brewing. He can get his liquor from the bootlegger too easily; but if the Government absolutely suppressed the bootlegger its troubles would just begin. The only effect would be to give a tremendous stimulus to the domestic manufacture of drink throughout the land. You would have a still, or a beer vat, in a large proportion of all the homes of the country.

After the lapse of a year or so the illicit organization for making and distributing drink of which I have spoken was perfected; and what is the result? Let me answer the question by turning to what I was endeavoring to pin the Senator from Ohio down to.

A year or two after the enactment of the Volstead Act the number of arrests for drunkenness began to mount up in every city in the United States—north, south, east, and west—Boston; New York City; Philadelphia; Buffalo; Wilmington, Del.; Baltimore; Richmond; Wilmington, N. C.; New Orleans; Galveston. Why did the Senator from Texas [Mr. SHEPPARD] not deny the statement that was made by the correspondent of the New York Times a day or so ago that it is as easy to get a drink of whisky in the city of Austin, the capital city of Texas, as it is to get an ice-cream soda?

Mr. SHEPPARD. I do deny it.

Mr. BRUCE. Well, the film of deep-seated prejudice has rested so long upon the eyes of the Senator from Texas that I am afraid he is not as good a witness as the untutored impulses of his sound conscience might otherwise make him.

I have before me a table of statistics bearing out what I say. Take the city of Wilmington, Del., the city of Baltimore, the city of Washington, the city of Richmond, the city of Wilmington, N. C., the city of Charleston, the city of Atlanta, the city of Birmingham, the city of Vicksburg, the city of New Orleans, the city of Galveston, the city of Little Rock, the city of St. Louis, the city of Louisville, the city of Knoxville—all southern or border cities—and in every one of them the mercury of drunkenness, so to speak, has been steadily ascending, and along with it the number of arrests for drunkenness; and, mind you, that is the "dry South." It really takes a great deal of dry humor to refer to it as the "dry South."

When you turn to the leading cities in the other parts of the country, exactly the same state of things is disclosed. In the city of Boston, the city of Providence, the city of New York, the city of Buffalo, the city of Newark, the city of Philadelphia, the city of Pittsburgh, the city of Cleveland, the city of Cincinnati, the city of Chicago, the city of Detroit, the city of Minneapolis, the city of Milwaukee, the city of Omaha, the city of Des Moines, the city of Seattle, the city of Portland, the city of Los Angeles, the city of San Francisco, the city of Salt Lake City—in every one of those cities the number of arrests for drunkenness is found to have steadily increased since the enactment of the Volstead Act. The thing is nation-wide. It is universal. What better evidence than that could we possibly desire of the utter lack of foundation for the claim that the consumption of liquor in this country has undergone any decline whatsoever since the enactment of the Volstead Act?

And nowhere has this increase in the number of arrests for drunkenness been more marked than in the city of Washington, the city where the White House is, in which the President resides, the city where the Justices of the Supreme Court sit, the city where the Members of Congress convene, the city that is supposed to be the very heart of this great Nation. In Washington, as I have already said, the number of arrests for drunkenness has risen from 5,415 in 1920 to 10,354 in 1924.

The table of statistics on which I am relying, and which was furnished to me by the chiefs of police of the cities mentioned, does not bring down the number of arrests for drunkenness since the enactment of the Volstead Act later than the year 1924, but recent communications to the press show that the same steady rise in the number of arrests for intoxication is going on in 1925 that went on in 1924, and when you turn to the reports of the Department of Justice the same social conditions are revealed.

In 1921 the arrests for violation of the national prohibition act were 34,175. Since that time they have steadily increased from year to year until in 1924 they were 68,161. The same thing is true of the number of convictions under the act, 17,962 in 1921 and 37,181 in 1924.

Only a day or so ago Mrs. Willebrandt, of the Department of Justice, rendered her report, and what did she say, pray, in dealing with the fiscal year ending June 30, 1925?

Despite their utmost endeavors—

That is to say, the endeavors of the courts and United States attorneys, officers, and so on.

the number of pending prohibition cases increased from 22,380 at the end of the previous fiscal year—

That is to say, the year ending June 30, 1924.

to 25,334 at the close of business June 30, 1925.

And listen to this, too:

The number of cases terminated was 48,734, showing a considerable increase over the previous year, but the number of cases filed increased from 46,431 to 54,688.

In other words, during the year ending June 30, 1925, there was an increase of 5,257 cases handled by the Department of Justice. Yet the Senator from Ohio says the volume of liquor consumed in this country is diminishing, and the Senator from Texas is so confident as to contend that prohibition is going steadily ahead.

Take just the community in which I happen to live. In 1922, 409 persons were convicted of violation of the Volstead Act in the State of Maryland. During the fiscal year ending June 30, 1924, the convictions numbered 1,065.

We hear a great deal about Philadelphia. General Butler was detached from the Marine Corps to take charge of the enforcement of the prohibition law in that city. Over he went, with waving plumes and a tremendous fanfare of trumpets, strutting and vaunting, and saying what he was going to do to the bootlegger and everybody in the city of Philadelphia who had no good blood for the prohibition law. What did he accomplish? A short time ago, just before he realized that he was to leave the city of Philadelphia, he stated that he did not believe that of its population of 2,000,000 there was more than one human being in it who regretted his going, and that was its mayor; I doubt very much whether even he regretted it, but, of course, he had to keep himself in official countenance. How barren were the results of General Butler's administration is shown by the table of police statistics which I have been using.

Number of arrests for drunkenness in Philadelphia since 1920, inclusive

1920	14,313
1921	21,850
1922	36,299
1923	45,226

In 1924—and General Butler was there during the year—the number of arrests for drunkenness was 55,756. Mind you, in the effort to suppress the liquor traffic in Philadelphia the Government had tried the extreme medicine of the law, had heeded the appeals that had been made to it so often by the prohibition fanatics, and had even endeavored to see what might be accomplished by putting a soldier in charge in Philadelphia, but such was the result of General Butler's crusade, and such will be the result of everyone else's attempt to enforce this absolutely unenforceable thing.

So far as I am concerned, it is idle for the Senator from Texas, for whom, however, I entertain the very highest respect, to indulge in any abstractions about the duty of the citizen to obey any and every law and any and every constitutional provision. Law is like an individual. To be respected, I must be respectable. To be respected, a law must be respectable; and that is just as true of a constitutional provision as it is of an ordinary statutory law. A constitutional provision may be a mere brutum fulmen, just as much as a statute.

There was a time in the history of this country when the South relied upon the guaranties of slavery contained in the Federal Constitution. Over and over again it attempted to hold up the mirror of that Constitution to the face of the land, and, in a technical sense, its position was absolutely impregnable. If all laws and constitutions were on paper, nothing could have been more unassailable than the contentions of the South; but the great tide of moral feeling throughout the world was flowing with the North, and all those constitutional guaranties of slavery proved mere paper trumpets. The agitation against slavery went on and on, extremists like Garrison even declaring that the Federal Constitution was a covenant with hell. Finally the fugitive slave law of 1850 was passed, and that, like prohibition, proved to be utterly unenforceable. It was met with personal liberty laws, enacted by many if not by most of the free States for the purpose of counteracting it. An underground railroad system was established for the purpose of helping slaves to Canada and to other points outside of the country. Jurors refused to convict violators of the fugitive slave law, and even judges could scarcely conceal their lack of sympathy with it. The law became a dead letter, because the most virtuous and intelligent people in the free States were opposed to it and recked not of law or Constitution when they came into conflict with their profoundest moral instincts.

The Civil War came, and then there was an ill-advised, fanatical, misguided effort, as I am sure every man now admits, to place the negro at the South upon a footing of equality with the white man; that is to say, the negro whose shackles had been but a short time before stricken from his wrists.

This time the most virtuous and intelligent elements of the Southern population defied the constitutional provisions by which the effort to create that equality was guaranteed. I am old enough to remember that day myself and to recollect how some of the purest and best men that I have ever known did not hesitate to resort to all sorts of means, which under ordinary conditions they would have abhorred, to avert the ruin that would have been worked by unrestricted negro suffrage, and I say this in all kindness, because since that era the negro has made real economic, moral, and intellectual progress, marked progress, and is still making it, I am glad to say.

Again the utter futility of even constitutional provisions that are at war with nature and make no lasting appeal to the human intellect and heart was illustrated. The provisions of the fourteenth amendment relating to the negro and the provisions of the fifteenth amendment relating to the negro are as much a dead letter to-day as the eighteenth amendment will be should the people of the United States decide to allow it to drop into what Mr. Cleveland used to call "innocuous desuetude" rather than to repeal it.

So far from the prohibitionists presenting any unbroken front at the present time, as the Senator from Texas [Mr. SHEPPARD] seems to think they do, their front is ragged and staggering in consequence of blows which they have very recently received. First of all, the Federal Council of Churches has come out admitting that the prohibition law had not been enforced despite all efforts to enforce it, and then came along Mr. Howard, of Rochester, N. Y., reporting on behalf of the committee for prohibition enforcement, consisting of some 20 prohibition organizations, that the workings of prohibition have developed a national scandal.

Then followed our old friend from Georgia, the Rev. Samuel Small, who has been a prohibitionist all his life, and, in a wonderfully clear and interesting letter, which was published from one end of the country to the other, he declared that there was nothing for any true, sincere prohibitionist to do but to advocate such a modification of the Volstead Act as the Senator from New Jersey [Mr. EDGE] has proposed and has supported in his luminous and able speech of this day. No; the ranks of the prohibitionists are breaking. A contest against nature, against reason, against common sense, can end in but one way; and I say in all sincerity to my friends the prohibitionists that there is nothing for them to do, if they really care more for their cause than they do for the Anti-Saloon League or themselves, except to strike hands with us, who abhor vice and love virtue as much as they do, and to bring about a change in the disgraceful sequels of national prohibition which prevail throughout the United States to-day.

Just think of my friend the Senator from Texas [Mr. SHEPPARD] making the appeal that he did on the score of women and children in connection with abuses of the liquor traffic. Why, only two years ago in this very city, at the thirtieth annual session of the Anti-Saloon League, Bishop Thomas Nicholson, the president of the league, declared that whatever else might be said about prohibition, everyone was bound to admit that women were drinking far more than they had ever drunk before. One of the worst results of prohibition, of course, is the practice of home-brewing, which brings the still and the fermenting vat under the very eyes of young children in the home. I saw only a day or two ago that a boy was arrested in the city of Boston because for some time he had been pursuing the practice of supplying bootleg liquor to the young people at the school of which he was a member.

The saloon was bad. The Senator from Texas is perfectly right in supposing that we are all opposed to its return. But I doubt very much whether the saloon, bad as it was, was as bad as the pocket flask, because there is more moral degredation and ruin in a spoonful of unlicensed liquor than in a barrel of licensed liquor.

One of the saddest features about prohibition and the illicit use of liquor that it has spread abroad is the strong appeal that it makes to the love of adventure which lurks in the breast of every normal boy or girl and in many of its manifestations is one of the most beautiful and ingratiating of all the characteristics of youth.

The mistake that the Senator from Texas makes is in supposing that present violations of the prohibition law are all referable to the influence of the old saloon and the old rum seller that he has pictured in such lurid colors so often that now it is impossible for him to shut them out from the retina of his eye. The worst result of prohibition is the close alliance that it has brought about between the most disreputable and the most reputable members of the community. Never before in the history of the United States did any such liaison, any such coalition, exist between these two elements of the American people.

The Senator from Ohio [Mr. WILLIS] seems to think that many people who drank formerly no longer drink. Now, let me say for his edification that I do not know in the whole circle of my friends and acquaintances one single, solitary

human being who offered a cocktail or mint julep to his guests before dinner before the enactment of the Volstead Act who does not do so now, or one who had wine upon his table before that time who does not have it upon his table now. So feeble are the moral sanctions back of that act!

Some days ago, it will be recollected, some speaker in the "crisis" convention, as it was happily and seasonably called, of the prohibition forces at Chicago, said that Maryland and New York should be expelled from the Union. If consistent, our prohibition friends would certainly have to expel the States of New Jersey and Delaware along with them.

If the States of Maryland and New York were expelled with such good company, I do not know but that we could together set up quite a respectable union of our own. [Laughter.] It would at least be a union such as our present general one once was—that is, a Union dedicated to liberty and to human rights. My only fear, however, I might say to the Senator from New Jersey, is that if we had a union made up only of those four States the eager inrush from the surrounding States would be so great that the density of our population would prove not a little oppressive. [Laughter.]

Mr. President, I have already taken up far more time than I intended to do, but permit me to call attention to just another single feature of the practical operation of prohibition, and that is the fearful corruption that it has worked in the public service. For instance, I have been all my life a stern, uncompromising advocate of the merit system of appointment, but never could I be induced to apply that system of appointment to any employees connected with the Prohibition Unit, for I feel sure that a certain amount of official corruption would inevitably follow such application.

I saw a few days ago that in Cincinnati some 71 police and prohibition officers had been arrested for violations of the Volstead Act and had admitted their guilt. Then about the same time we read that two patrol boats down on the coast of Florida had gone over bodily to the rum runners. They were boats that had been built and had been paid for by money appropriated by Congress.

Of course, that was simply a repetition on a larger scale of what had already happened on the coast of New Jersey. It would really be a curious inquiry to ask how many millions and millions of bootleg money have found their way into the pockets of prohibition agents.

Sooner or later, of course, this contamination will extend to the whole public service if it is not arrested; and what is the explanation of its existence? It is to be found in the fact that the great mass of well-balanced people in this country, including individuals charged with prohibition enforcement, can not be made to realize that there is anything criminal in taking a drink; and there is not. My philosophy on that subject, of course, differs entirely from the philosophy of the Senator from Texas [Mr. SHEPPARD]. My philosophy is that so long as I do not injure myself nor injure anyone else there is no more reason why I should not gratify my sensual instincts than why I should not gratify my moral or intellectual instincts.

Prohibition will never be successfully enforced, because the idea that there is anything essentially criminal in the moderate use of drink is an idea that finds no true response in the Ten Commandments or in any of our fundamental intuitions and beliefs, moral or religious, or in the dictates of the human conscience.

No; there is nothing criminal in the mere use of drink, and there is nothing criminal in mere prohibition, but it can be safely affirmed that to-day prohibition is the most productive incubator of crime in the United States. It has not only bred popular disrespect for itself, but for all law.

I remember that years ago, when I first began life, it was commonly said in Maryland, "Oh, well, the State may not be able to enforce its laws, the city of Baltimore may not be able to enforce its laws, but Uncle Sam always enforces his laws." And it was true. The Federal Government had no difficulty in enforcing its mandates until it entered on the insane experiment of prohibition. To-day the ability of the United States to enforce the Volstead Act is a thing to be mocked at.

Last year 68,161 individuals in the United States were arrested for violations of the Volstead Act and 37,181 convicted. Let me ask you, Mr. President, therefore, this question: What is going to be the effect on law and order in this country if some 38,000 persons are convicted every year for violations of the Volstead Act and a large proportion of these persons are sent to jail or to the penitentiary and afterwards released?

Shakespeare says in his vivid way of some men that they are not friends of the world or the world's law; some of these men are born outlaws; some are not born outlaws, but under the play of special influences wander off into evil courses and sooner or later become outlaws, and the worst outlaws of all are likely to be the individuals who have stood in the prisoner's dock and been shut in by the walls of a prison.

That is the element which above every other element fosters crime in a community. Can it possibly be denied that the letting loose every year of thousands and thousands of men who have been in prison under the Volstead Act and sending them back to the communities from which they came, or to other communities, will have a disastrous effect in promoting the widespread criminality in our country which is already the source of such solicitude to us all and has recently led to the formation of a crime commission in the city of New York?

I am not sure that the proposition of the Senator from New Jersey goes as far as it should, but it meets with my approval, and I shall be glad to vote for it. I sometimes think that if I had my way—and I say this because before long we must cease the work of criticism and begin the work of construction—I should not stop with the attempt to repeal or modify the Volstead Act or endeavor to repeal the eighteenth amendment, but I should amend that amendment so as to confer on Congress the exclusive power of such enforcement as the States might be willing to give it and it to accept to regulate, but not to prohibit, the reasonable use of alcoholic beverages, including the power in its discretion to take under its exclusive management and oversight the manufacture, sale, and distribution of such beverages, subject, however, to the obligation to recognize the right of any local community in the United States, properly defined, absolutely to prohibit by a majority vote of all its voters the use within that community of such beverages. I have never heard this suggestion thrown out by anyone but myself, and I present it in a purely tentative way. I am not convinced that it would meet the requirements of the present situation; but I make it for what it is worth. This, Mr. President, concludes all that I have to say at this time on the issue raised by the Senator from New Jersey [Mr. EDGE].

Mr. McKELLAR. Mr. President, I do not rise for the purpose of discussing the prohibition question. If the Senator from New Jersey [Mr. EDGE] ever brings up his bill, I shall find the opportunity of saying something about it at that time. My recollection, however, is that when the last test was taken in this body on prohibition the vote was about 65 to 20 in its favor, and I imagine that there has been very little change in the sentiment since that time. Certainly there has not been enough to give the Senator from New Jersey any hope of changing either the Volstead law or the eighteenth amendment.

However, inasmuch as Tennessee has been referred to as a part of the southern section of the country where there is more drunkenness and more liquor drinking than there was before the Volstead Act was passed, while I can not speak with accuracy on the subject, in my judgment, based on a very careful observation—although, I regret to say, the law is not well enforced in my State, as it is not well enforced anywhere, as we all know—at the lowest calculation there is not as much as one-tenth as much drunkenness in my State——

Mr. BRUCE. Mr. President——

Mr. McKELLAR. Just a moment. The Senator from Maryland has talked to the Senate for quite a while, and I hope he will let me say what I have in my mind. Then I shall let him have the floor.

Mr. BRUCE. I only wish to ask the Senator from Tennessee a question; that is all.

Mr. McKELLAR. I do not think there is one-tenth as much drunkenness in my State as there was before the adoption of the eighteenth amendment and the passage of the Volstead law; indeed, I doubt if there is one-fiftieth as much drunkenness in my State as there was previous to that time. From a careful observation here in the city of Washington—and I recall with distinctness what the conditions were before the passage of the Volstead law in the Capital City—I doubt if there is one-tenth as much liquor drunk or if there is one-tenth as much drunkenness in this city, which has been so often referred to by the Senator from Maryland, as there was before the adoption of the eighteenth amendment and the passage of the Volstead Act. With that statement I have nothing further to say about the prohibition question.

Mr. BRUCE. Mr. President, may I ask the Senator a question at that point?

Mr. McKELLAR. If the Senator will just excuse me a moment, I shall then yield to him.

Mr. BRUCE. Very well.

POWER DEVELOPMENT ON THE TENNESSEE RIVER AND TRIBUTARIES

Mr. McKELLAR. Mr. President, I wish at this time to refer to a survey which at my instance Congress authorized some years ago to be made of the power possibilities of the Ten-

nessee River and its tributaries. My recollection is that there were about $500,000 authorized to be expended for that good purpose. It appears that a tremendous amount of electrical energy can be developed from water power on the Tennessee River and its tributaries; common report is that the amount is over 4,000,000 horsepower, making one of the greatest aggregations of horsepower that can be found in the country, perhaps, next to Niagara Falls. The War Department was required under that authorization to report to Congress. This morning I telephoned the department to know if a report of the survey had been filed, and I was informed that it had not been. I inquired if it had been printed, and was informed that it had not been. I asked if any information was to be obtained, and the reply was only at Chattanooga, where a hearing was being held.

Mr. President, the facts about that situation are these: Under direction of the Congress of the United States, representing the American people, $500,000 have been expended for the purpose of ascertaining the nature and extent of the water power on the Tennessee River and its tributaries, and before a report is made to Congress the War Department gives out to the newspapers of the country and to those interested in securing from the Government licenses for water power the facts which it is supposed will be in the report when it shall have been made. The War Department does not give out the facts to the Congress that authorized the survey or to the people that are paying for it, but it is giving the information out to the licensees.

Mr. President, I want to protest with all of the earnestness and vigor of which I am capable against this course upon the part of the engineering department of the Government.

I call attention to a newspaper article, and at this point I ask that it may be printed in full as a part of and at the conclusion of my remarks.

The VICE PRESIDENT. If there is no objection, it is so ordered.

[The article appears as an appendix to Mr. McKELLAR's remarks.]

Mr. McKELLAR. In the New York Times of Sunday, December 13, 1925, appeared an article from which I wish to read a small portion. In large headlines appear the words:

Big power project for the Tennessee exceeds Niagara.

Army survey chief discloses plan for 100 dams to develop 4,000,000 horsepower.

Four concerns seek rights.

Applications for first 24 dams to generate 1,441,000 horsepower to be heard Tuesday.

Muscle Shoals to benefit.

Greater hydroelectric resources will be stored; river and lake navigation made possible.

The article is dated:

WILSON DAM, FLORENCE, ALA., *December 12.*

And begins—

A projected development of at least 4,000,000 horsepower above Muscle Shoals by the building of 100 dams on the Tennessee River and its tributaries, conserving the high annual rainfall in the Southern Appalachian Mountains, was announced to-day by Maj. Harold C. Fiske, of the Engineer Corps, chief of the Tennessee Valley power survey.

The Tennessee Valley development will be much greater than is possible on the American side of Niagara.

At a hearing to be held in Major Fiske's office at Chattanooga on Tuesday the application of four companies to build the dams will be considered.

Col. Hugh L. Cooper, chief engineer of the Wilson Dam at Muscle Shoals, said this morning that 20 per cent of the potential hydroelectrical power of the United States was contained in the Tennessee Valley.

Major Fiske—

Whose duty it was to report to Congress—

giving an analysis of his survey, exhibited hundreds of maps and statistical tables of the stream flow covering 40 per cent of the area of the Tennessee Valley now completed. This is the largest, most intensive, and most accurate survey of hydroelectric resources ever conducted in this country. The War Department has expended over $500,000 on this survey during the past five years. Many Army fliers have been engaged in making thousands of pictures, which take the place of old-fashioned maps.

Then the article goes on to describe the great industrial advantages to be had from the power development of the Tennessee.

What I want to call the attention of the Senate to is the fact that the engineering department of our Government, under the direction of Congress to expend the money for the benefit of the people and to report to Congress, has, prior to its being submitted to Congress, given out the report to those who want to obtain licenses from the Government, and unless something is done the first step toward disposing of this great power will be made by the engineering department of the Government and definite rights will be had. No such rights and no licenses ought to be granted until a report of that survey shall have been made to the Senate and to the House of Representatives, so that action may be taken.

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. JONES of Washington. If the Senator will permit me, I merely wish to suggest to him that I think there must be an incorrect statement in that article, because the engineers would have no right to grant any water-power permits. Those permits would have to come through the Water Power Commission.

Mr. McKELLAR. The way that is done is this: The Water Power Commission acts upon evidence taken at hearings by the Engineering Department. Major Fiske has given notice of a hearing at Chattanooga to-day, and I want to say that in addition to the publication of the article in one of the ablest and most reliable newspapers in the country, when I read it I telephoned to the War Department and had a conversation with the Assistant Chief of Engineers, who, as I understood him, said that the facts were substantially correctly stated in the article. If that is so, then, in my judgment, the Engineering Department is violating the proprieties of the case, to say the least, if not the law, in reporting to those who want to obtain power before they report to Congress, which authorized the survey. I am sure the Senator from Washington, noted for his fairness, will agree to that statement.

Mr. JONES of Washington. I want to say to the Senator that I agree with his statement with reference to the fairness of the newspaper to which he has referred, but I have noted many times that misstatements get into newspapers that I know intend to be fair.

Mr. McKELLAR. I called the article to the attention of one of the officers in charge of the department this morning—General Taylor, I will say, is away—and I am now going to ask, if the Senator will permit me——

Mr. JONES of Washington. I merely wish to make one statement, if the Senator will allow me.

Mr. McKELLAR. Certainly.

Mr. JONES of Washington. I merely wish to say that, in my judgment, if the War Department officers are doing what that articles states they are acting without any authority of law.

Mr. McKELLAR. I was sure that would be the Senator's position.

Mr. JONES of Washington. They have no authority to do that unless they are requested to do so and authorized to do so by the Water Power Commission as a commission, and they are not authorized to do that under that survey which we ordered.

Mr. McKELLAR. I call the Senator's attention and the Senate's attention again to the words of Major Fiske quoted here:

Major Fiske, giving an analysis of his survey, exhibited hundreds of maps and statistical tables of the stream flow, covering 40 per cent of the area of the Tennessee Valley, now completed.

Under those circumstances I learned that some such hearing was going to be held some time ago, when I was at Memphis, and I immediately sent a telegram protesting against that hearing in advance of the report on this survey; and to-day I sent a telegram which I ask unanimous consent to have read at the desk, and with that I shall conclude.

The VICE PRESIDENT. In the absence of objection, the telegram will be read.

The legislative clerk read as follows:

Gen. HARRY TAYLOR,

Chief of Engineers, War Department, Sheffield, Ala.

As I recall, at my instance, the Congress authorized the expenditure of $500,000 for a survey of the Tennessee River. Upon application at your office here I find that there has been no report of said survey filed, and, of course, none printed. However, New York Times of last Sunday gives facts and figures alleged to be taken from your survey and further states that power companies are asking for permits for a tremendous amount of power disclosed by such survey, and that Major Fiske is to hold hearings to-day in Chattanooga, constituting the first steps in the granting of these permits. It is inconceivable to me that these hearings will be held in advance of a report to the Congress on said survey. It is also incomprehensible to me that your office would disclose the facts constituting your report in part, before making it to the body which ordered it. If half of the facts stated by the Times to be in the report that has

not been furnished either you or the Congress are true, then manifestly no hearings should be held and no other steps taken for the granting of such permits, until the report is furnished the Congress, which ordered it.

Six weeks ago I protested against these hearings, and I again reiterate that protest. If they have already been begun to-day, they should be postponed at once. No action should be taken until a report of such survey is furnished the Congress that ordered it. Vested rights should not be given or authorized. I am sure that on reflection that you will agree with me, and that you will order the hearings postponed until the coming in of said report. If reports of what your survey contains are true, then one of the greatest pieces of property owned by the Government may be disposed of without the officers of the Government who ordered the survey knowing what the survey contains. My purpose in having this survey made was to give the representatives of the people accurate information as to the extent and value of their property in water power in the Tennessee Valley in my State, and yet these hearings constitute the first step necessary to be taken in the disposition of this very property before the representatives of the people have any report as to its value or extent. I am greatly embarrassed by this situation, not knowing what your survey contains, while those interested in obtaining permits seem to know what your survey will contain. The giving out of this advance information puts the Congress at a tremendous disadvantage.

KENNETH MCKELLAR.

APPENDIX

[From the New York Times of December 13, 1925]

BIG POWER PROJECT FOR THE TENNESSEE EXCEEDS NIAGARA—ARMY SURVEY CHIEF DISCLOSES PLAN FOR 100 DAMS TO DEVELOP 4,000,000 HORSEPOWER—FOUR CONCERNS SEEK RIGHTS—APPLICATIONS FOR FIRST 24 DAMS TO GENERATE 1,441,000 HORSEPOWER TO BE HEARD TUESDAY—MUSCLE SHOALS TO BENEFIT—GREATER HYDROELECTRIC RESOURCES WILL BE STORED, RIVER AND LAKE NAVIGATION MADE POSSIBLE

(By Frank Bohn. Special to the New York Times)

WILSON DAM, FLORENCE, ALA., December 12.—A projected development of at least 4,000,000 horsepower above Muscle Shoals by the building of 100 dams on the Tennessee River and its tributaries, conserving the high annual rainfall in the Southern Appalachian Mountains, was announced to-day by Maj. Harold C. Fiske, of the Engineer Corps, chief of the Tennessee Valley power survey.

The Tennessee Valley development will be much greater than is possible on the American side of Niagara.

At a hearing to be held in Major Fiske's office at Chattanooga on Tuesday the application of four companies to build the dams will be considered.

Col. Hugh L. Cooper, chief engineer of the Wilson Dam at Muscle Shoals, said this morning that 20 per cent of the potential hydroelectrical power of the United States was contained in the Tennessee Valley.

Major Fiske, giving an analysis of his survey, exhibited hundreds of maps and statistical tables of the stream flow, covering 40 per cent of the area of the Tennessee Valley, now completed. This is the largest, most intensive, and most accurate survey of hydroelectric resources ever conducted in this country. The War Department has expended over $500,000 on this survey during the past five years. Many Army fliers have been engaged in making thousands of pictures, which take the place of old-fashioned maps.

GREAT INDUSTRIAL REGION PREDICTED

It is predicted that the Tennessee Valley will develop into one of the Nation's primary industrial regions. The area possesses vast quantities of raw materials. These are in great variety, including coal, iron ore, limestone, phosphate, copper, zinc, marble, and hardwood timber. It is surrounded by cotton and corn fields and the timber resources of the entire South.

Power dams on the main stream of the Tennessee River above Muscle Shoals will furnish 9-foot draft for navigation from Knoxville to the Ohio River and thence to Pittsburgh, St. Louis, and New Orleans. The upper reaches of the Tennessee, it is believed, will be the future American Ruhr. Ultimately a ship canal connecting the river below Muscle Shoals with the Tombigbee River in Alabama will make Mobile its seaport.

Great cities should speedily develop here. On every hand one sees signs of the change from a primitive agricultural life to modern industrialism.

The four companies applying for permits to build dams are the Tennessee Hydroelectric Co., for 5 dam sites, totaling an installation of 340,000 horsepower; the Tennessee Electric Power Co., 3 dam sites, 177,000 horsepower; the Knoxville Power & Light Co., 6 dam sites, 321,500 horsepower; and the East Tennessee Development Co., 11 dam sites, 592,500 horsepower. The 24 dams will develop 1,441,000 horsepower.

NOTICE OF HEARING ON DAM PERMITS

The notice of the public hearing contains the following statement:

"Should a permit later be issued by the Federal Power Commission to one or more of the present applicants, it will mean that to such a permittee is given a certain time, to be fixed by the commission, in which to perfect his plans for the construction of his project.

"When these plans are perfected the permittee must again appear before the Federal Power Commission, or its representative, as an applicant for a license to construct. At this second hearing applications for the same project from other interests will not be considered. If the plans of the permittee are satisfactory to the commission, a license will be issued, and then, and not before, actual construction may be begun."

The applications of these four companies are to be reviewed later by the Chief of the Army Engineer Corps at Washington, then by the Federal Power Commission, composed of the Secretaries of War, the Interior, and Agriculture.

GREAT LAKES TO BE FORMED

Muscle Shoals power is the corner stone of this vast regional development. Every dam built in the Tennessee Valley will increase the regularity of power at Wilson Dam. Cove Creek Dam alone is the primary power of Muscle Shoals. When the power of the valley is half developed the reserves of water will permit a Muscle Shoals installation of 612,000 horsepower to function every day in the year.

Lakes formed by the dams will take the place for this region of the Great Lakes above Niagara. Scores of beautiful lakes will be created. Cove Creek Lake, 83 miles in area, will have bays which extend like fingers among the mountains of east Tennessee.

Meanwhile, a national park of 450,000 acres, to be the largest national park east of the Mississippi, is being created on the heights of the Great Smoky Mountains. These include several peaks of over 6,000 feet elevation. The greatest single development to come to America in this generation is now beginning in the Tennessee Valley.

The Wilson Dam and power plant are now 95 per cent completed. They stand as the most magnificent single creation of American constructive genius. Fifty-eight great gates regulate the stream flow of surplus water to a nicety. The two navigation locks, measuring 300 feet in length by 60 feet in breadth, are fitted with most modern control mechanisms.

Eight generators are now being installed. The power house has room for 10 more to be added when storage dams in the upper course of the river furnish larger primary power. The generator already operating runs like a watch and produces 30,000 horsepower which is being sold for the present to the Alabama Power Co.

The installation power of Wilson Dam is equivalent annually to a train of coal cars carrying 50 tons each, extending the 1,700 miles by rail from New York to Galveston, Tex. This power, thrown upon the wires by the hand of a single operator in the switchboard room, will save the industries of the South $45,000,000 in the annual cost of steam power. Capitalized at 8 per cent, this will be equivalent to $562,500,000 new capital for investment in the Southland.

WILSON DAM AN EXAMPLE FOR VALLEY

The cost of electric power in the Tennessee Valley will compare favorably with the cost at Niagara. The Wilson Dam and power house have set an inspiring example for the development of the entire valley.

Time has been taken at Wilson Dam to execute the job with the largest degree of efficiency. Only the very best materials were used in every part. The staff has included a variety of the highest technical ability. When complete, the job will have cost the Nation $55,000,000, but there will be no work for the repairman for a long time to come.

Statistics indicating the size of Wilson Dam have been often published. It is the world's largest piece of concrete, and, more than this, it is a rare thing of beauty. Again and again one finds one's self surrendering to the temptation to wander over the enormous pile and observe its particular features and general outlines.

Far below there is the roar of the flood through the open gates. Far up the main switchboard control room of the power house one looks 15 miles over the wide blue expanse of Wilson Lake and finds it hard to imagine that it is an artificial creation. Its forest-covered headlands and jutting bays remind one of a lake in the Adirondacks.

One can not help reflecting that the mighty task of harnessing the Tennessee River and its tributaries for 400 miles is as great a work as nature accomplished in creating the noble stream in the first instance. We see here the cosmic force returning in the form of the human mind and the human hand to continue the process of the geologic evolution of the world.

PROBLEMS OF PUBLIC POLICY TO SOLVE

Here indeed, one observes hydroelectrical engineering become a cosmic creation in itself. Considered in economic and social aspects, the development of the Valley of the Tennessee is a prophecy. It will mark a transition stage in the evolution of the American people

out of the age of steam into the age of electricity. The change will profoundly affect every aspect of our social life.

How had these vast resources best be developed?

How shall they be operated and controlled in the public interest?

During the present session of Congress not only the President and Congress but a large, thoughful public must take time to seek the solution of this problem.

The building of the great Wilson Dam and power plant has required and secured the highest type of American engineering skill. The solution of the crucial hydroelectric problem which is now presented to the Nation will require even more. It will demand the leadership of a totally new sort of engineering statesmanship.

The public must see that petty politics and sectional jealousy are for this once wholly abjured. In the last analysis probably the President will be called upon to make the larger decisions.

The Tennessee Valley can not be considered by itself alone. Here the Nation faces a problem which will appear again and again in other sections of the country. To fail here is to postpone success elsewhere. To succeed here is to make success in other sections comparatively easy. The power development of the St. Lawrence River, which the American Government will presently undertake in conjunction with the Canadian Government and which is of such vast importance to New York and New England, of the Columbia and Snake Rivers in the Northwest, of the Colorado River in the Southwest—these and similar developments elsewhere all demand the declaration of a consistent national hydroelectric policy.

The President, Congress, and the public have been greatly perplexed during the past six years as to what to do with Muscle Shoals. In reality the hearing at Chattanooga on Tuesday will begin a larger public debate over Muscle Shoals.

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. BRUCE. Mr. President, I want to ask the Senator from Tennessee whether his statement that drinking in Tennessee is declining very much includes the city of Knoxville, Tenn.?

Mr. McKELLAR. Yes; I am quite sure that it includes every county in the State. I have had the privilege of visiting, especially in my various campaigns, every county in my State. I am quite sure, regardless of any figures of police courts or elsewhere that the Senator from Maryland may have, that drunkenness has diminished tremendously since the enactment of the nation-wide amendment and of the Volstead Act.

Mr. BRUCE. The Senator from Tennessee evidently agrees with the English statesman, Canning, that nothing is so fallacious as facts except figures.

Mr. McKELLAR. I think the Senator's figures are very fallacious.

Mr. BRUCE. My figures? Then I beg leave to say that the Senator is impeaching his own chief of police. He is not impeaching me; he is impeaching his own chief of police. I wrote to the chief of police of Knoxville and asked him to give me some figures with regard to arrests for drunkenness in Knoxville, and he wrote me back that in the year 1922 there were 2,753 arrests for drunkenness in Knoxville, and in the year 1924 there were 4,456.

Mr. McKELLAR. All that shows is that there is better enforcement of the liquor laws now; and I am happy to know that they are being better enforced in all parts of my State.

THE FARM SITUATION

Mr. HOWELL. Mr. President, the optimistic notes that have been sounded recently respecting the farm situation do not seem to be justified. Certainly there can be no question that the present otherwise general prosperity is not reaching the farm operator in the Middle West.

Consider the situation as of the forepart of November of this year. In Nebraska the farmer was receiving $1.50 for wheat, as compared with $1.40 in 1924, but the wheat crop was 45 per cent less. Three per cent more of corn was raised, but the price of $1 in 1924 had fallen to 60 cents. In the case of oats there was a decrease in production of 6 per cent and in price from 50 to 30 cents.

Based upon these data, the decreased value of the three crops to the Nebraska farmer this year totals about $127,000,000. Corresponding data indicates similar decreases in values to the amounts as indicated for the following States:

South Dakota	$65,500,000
Iowa (corn and oats only)	87,200,000
Kansas	204,900,000

Add to these decreases the figures for Nebraska, and we have a total decreased value for these crops in the four States of $484,600,000. Of course, these are approximate results, but they are very close to the truth.

In view of the situation Congress would be justified in indulging in a little experimentation to the end of economic justice for agriculture. We might well try out a plan for an export corporation, similar to the War Finance Corporation, whose function shall be to go into the market and maintain United States prices for agricultural products, with a provision for assessing the expense and any losses that may be sustained by the Government back upon the producing farmer by means of a sales tax on the particular products affected. Certainly the plan is worth trying, even though it might cost the Government something If, as proposed, we can be so generous with Italy as to cancel her $2,150,000,000 debt in consideration of the mere payment of a small rate of interest for a few years, why should we not cast a few crumbs to the agricultural industry?

Certainly the farmer will demand something more than cooperative marketing. He wants some relief now—not a hopeful picture of a "blessed hereafter" for agriculture.

REGULATION OF AIRCRAFT IN COMMERCE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 15, 1925

SECOND ASSISTANT POSTMASTER GENERAL

Warren Irving Glover, of New Jersey, to be Second Assistant Postmaster General, vice Paul Henderson, resigned.

THIRD ASSISTANT POSTMASTER GENERAL

Robert S. Regar, of Pennsylvania, to be Third Assistant Postmaster General, vice Warren Irving Glover, appointed Second Assistant Postmaster General.

Mr. Glover and Mr. Regar are now serving under recess commissions issued to them on July 22, 1925.

MEMBER OF THE INTERSTATE COMMERCE COMMISSION

E. I. Lewis, of Indiana, to be a member of the Interstate Commerce Commission for the term of seven years from January 1, 1926 (reappointment).

FOREIGN SERVICE

SECRETARY IN THE DIPLOMATIC SERVICE

Rudolf E. Schoenfeld, of the District of Columbia, now a Foreign Service officer of class 8 and a consular officer with the rank of consul, to be also a secretary in the Diplomatic Service of the United States of America.

CONSULAR OFFICERS

The following-named Foreign Service officers, now consular officers with the rank of vice consul of career, to be consular officers of the United States of America with the rank of consul:

Albert M. Doyle, of Michigan.
Loy W. Henderson, of Colorado.
Thomas S. Horn, of Missouri.
Alfred T. Nester, of New York.

The following-named persons for promotion in the Foreign Service of the United States as follows:

From Foreign Service officer of class 2 to Foreign Service officer of class 1

Edwin S. Cunningham, of Connecticut.
Leo J. Keena, of Michigan.
Alexander W. Weddell, of Virginia.

From Foreign Service officer of class 3 to Foreign Service officer of class 2

Arthur Garrels, of Missouri.
Douglas Jenkins, of South Carolina.
Ransford S. Miller, of New York.
John Campbell White, of Maryland.

From Foreign Service officer of class 4 to Foreign Service officer of class 3

Calvin M. Hitch, of Georgia.
John F. Jewell, of Illinois.
Benjamin Thaw, jr., of Pennsylvania.
North Winship, of Georgia.

From Foreign Service officer of class 5 to Foreign Service officer of class 4

Joseph W. Ballantine, of Massachusetts.
Pierre de L. Boal, of Pennsylvania.
Joseph E. Haven, of Illinois.
William L. Jenkins, of Pennsylvania.
Hugh H. Watson, of Vermont.

From Foreign Service officer of class 6 to Foreign Service officer of class 5

Henry C. A. Damm, of Tennessee.
John D. Johnson, of Vermont.
Dayle C. McDonough, of Missouri.
Edward I. Nathan, of Pennsylvania.
Elbridge D. Rand, of California.

From Foreign Service officer of class 7 to Foreign Service officer of class 6

Charles E. Allen, of Kentucky.
Harry F. Hawley, of New York.
Richard L. Sprague, of Massachusetts.
Dana C. Sycks, of Ohio.

From Foreign Service officer of class 8 to Foreign Service officer of class 7

William W. Heard, of Maryland.
John J. Melly, of Pennsylvania.
James J. Murphy, jr., of Pennsylvania.
Rudolf E. Schoenfeld, of the District of Columbia.

From Foreign Service officer, unclassified, at $3,000, to Foreign Service officer of class 8

Albert M. Doyle, of Michigan.
Loy W. Henderson, of Colorado.
Thomas S. Horn, of Missouri.
Alfred T. Nestor, of New York.

UNITED STATES ATTORNEYS

Roscoe C. Patterson, of Missouri, to be United States attorney, western district of Missouri, vice Charles C. Madison, whose term has expired.

Irvin B. Tucker, of North Carolina, to be United States attorney, eastern district of North Carolina. A reappointment, his term having expired.

George C. Taylor, of Tennessee, to be United States attorney, eastern district of Tennessee. A reappointment, his term having expired.

Henry Zweifel, of Texas, to be United States attorney, northern district of Texas. A reappointment, his term having expired.

UNITED STATES MARSHALS

Fred R. Fitzpatrick, of Kansas, to be United States marshal, district of Kansas. A reappointment, his term having expired.

Inslee C. King, of Tennessee, to be United States marshal, eastern district of Tennessee. A reappointment, his term having expired.

Phil E. Baer, of Texas, to be United States marshal, eastern district of Texas. A reappointment, his term having expired.

PUBLIC HEALTH SERVICE

Asst. Surg. Milton V. Veldee to be passed assistant surgeon in the Public Health Service, to rank as such from October 10, 1925. This officer is now serving under temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE NAVY

Capt. Edward H. Campbell to be Judge Advocate General of the Navy, with the rank of rear admiral, for a term of four years.

Capt. John Halligan, jr., to be engineer in chief and Chief of the Bureau of Engineering in the Department of the Navy, with the rank of rear admiral, for a term of four years.

Pay Director Charles Morris to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, for a term of four years.

MARINE CORPS

Lieut. Col. Harry R. Lay to be a colonel in the Marine Corps from the 24th day of June, 1924, No. 2.

Lieut. Col. Charles B. Taylor to be a colonel in the Marine Corps from the 15th day of July, 1925.

Lieut. Col. Rush R. Wallace to be a colonel in the Marine Corps from the 18th day of July, 1925.

Lieut. Col. William C. Harllee to be a colonel in the Marine Corps from the 25th day of July, 1925.

Lieut. Col. Richard S. Hooker to be a colonel in the Marine Corps from the 28th day of July, 1925.

Lieut. Col. Percy F. Archer, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 11th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Seth Williams, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 4th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Elias R. Beadle to be a lieutenant colonel in the Marine Corps from the 17th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Robert O. Underwood to be a lieutenant colonel in the Marine Corps from the 2d day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Gerard M. Kincade to be a lieutenant colonel in the Marine Corps from the 10th day of December, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. Jesse F. Dyer to be a lieutenant colonel in the Marine Corps from the 8th day of February, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Col. James J. Meade to be a lieutenant colonel in the Marine Corps from the 3d day of June, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Maj. Richard B. Creecy to be a lieutenant colonel in the Marine Corps from the 24th day of June, 1924.

Maj. Harry O. Smith to be a lieutenant colonel in the Marine Corps from the 20th day of August, 1924.

Maj. Fred D. Kilgore to be a lieutenant colonel in the Marine Corps from the 11th day of April, 1925.

Maj. William P. Upshur to be a lieutenant colonel in the Marine Corps from the 15th day of July, 1925.

Maj. Edward W. Banker, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 18th day of July, 1925.

Maj. William M. Small to be a lieutenant colonel in the Marine Corps from the 25th day of July, 1925.

Maj. Robert B. Farquharson to be a lieutenant colonel in the Marine Corps from the 28th day of July, 1925.

First Lieut. Robert H. Pepper to be a captain in the Marine Corps from the 20th day of August, 1924.

First Lieut. John B. Wilson to be a captain in the Marine Corps from the 9th day of January, 1925.

First Lieut. James D. Colomy to be a captain in the Marine Corps from the 16th day of January, 1925.

First Lieut. Galen M. Sturgis to be a captain in the Marine Corps from the 26th day of March, 1925.

First Lieut. Joseph W. Knighton to be a captain in the Marine Corps from the 11th day of April, 1925.

First Lieut. James A. Mixson to be a captain in the Marine Corps from the 23d day of May, 1925.

First Lieut. Lades R. Warriner to be a captain in the Marine Corps from the 26th day of June, 1925.

First Lieut. Gus L. Gloeckner to be a captain in the Marine Corps from the 15th day of July, 1925.

First Lieut. Leo. F. S. Horan to be a captain in the Marine Corps from the 18th day of July, 1925.

Second Lieut. Thomas M. Ryan to be a first lieutenant in the Marine Corps from the 8th day of February, 1924.

Second Lieut. Horace D. Palmer to be a first lieutenant in the Marine Corps from the 7th day of March, 1924.

Second Lieut. Stuart W. King to be a first lieutenant in the Marine Corps from the 17th day of July, 1924.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 4th day of June, 1925:

Edward J. Trumble.
Harold D. Harris.
Martin S. Rahiser.
Frank J. Uhlig.
Adolph Zuber.
Robert E. Hogaboom.

Francis H. Brink.
James Snedeker.
John D. Blanchard.
John N. Hart.
Lionel C. Coudeau.
Alfred R. Pefley.
Sidney R. Williamson.
Waldo A. Page.
John H. Stillman.
Hawley C. Waterman.

The following-named citizens to be second lieutenants in the Marine Corps (probationary for two years) from the 1st day of July, 1925:

Francis J. Cunningham, a citizen of Arizona.
Ion M. Bethel, a citizen of Texas.
James O. Brauer, a citizen of North Dakota.
Joel I. Mosley, a citizen of Mississippi.
Edward L. Pugh, a citizen of Maryland.
Joseph C. Burger, a citizen of Virginia.
Arthur E. Mead, a citizen of South Dakota.
John F. Hough, a citizen of Maryland.
Frank K. Clements, jr., a citizen of Virginia.
Calvin R. Freeman, a citizen of Texas.
Leslie F. Narum, a citizen of North Dakota.
Glenn M. Britt, a citizen of Oregon.
William M. O'Brien, a citizen of Vermont.
Andrew J. Mathiesen, a citizen of California.
Archie V. Gerard, a citizen of North Dakota.
Verne J. McCaul, a citizen of North Dakota.
Richard N. Johnson, a citizen of Nebraska.
Thomas C. Green, a citizen of North Carolina.
Robert L. Griffin, jr., a citizen of South Carolina.
David L. Cloud, jr., a citizen of Georgia.

POSTMASTERS

ARKANSAS

Jonnie Hood to be postmaster at Emmet, Ark., in place of L. N. White, removed.

Walter S. Edsall to be postmaster at Louann, Ark., in place of T. H. Perry, deceased.

Clarence M. Fink to be postmaster at Newark, Ark., in place of G. L. Fink, deceased.

Carl Brady to be postmaster at Peach Orchard, Ark., in place of W. G. Baker, removed.

Claude M. Williams to be postmaster at Rogers, Ark., in place of G. B. Cady, resigned.

Charles A. Kelley to be postmaster at Searcy, Ark., in place of S. L. Gustafson, removed.

Andrew I. Roland to be postmaster at Malvern, Ark., in place of A. I. Roland. Incumbent's commission expired November 17, 1925.

Thomas D. Peck to be postmaster at Mammoth Springs, Ark., in place of T. D. Peck. Incumbent's commission expired August 24, 1925.

Addison M. Hall to be postmaster at Marmaduke, Ark., in place of A. M. Hall. Incumbent's commission expired November 17, 1925.

Jesse H. Shaw to be postmaster at Midland, Ark., in place of J. H. Shaw. Incumbent's commission expired August 24, 1925.

Dell W. Lee to be postmaster at Mineral Springs, Ark., in place of D. W. Lee. Incumbent's commission expired November 17, 1925.

John W. Webb to be postmaster at Mountain View, Ark., in place of J. W. Webb. Incumbent's commission expired November 17, 1925.

Belle Armour to be postmaster at Newport, Ark., in place of Belle Armour. Incumbent's commission expired July 14, 1925.

Willard L. Brennan to be postmaster at Parkin, Ark., in place of W. L. Brennan. Incumbent's commission expired November 17, 1925.

Wiley C. King to be postmaster at Salem, Ark., in place of W. C. King. Incumbent's commission expired November 9, 1925.

Oscar L. West to be postmaster at Shirley, Ark., in place of O. L. West. Incumbent's commission expired November 22, 1925.

Therese N. Scott to be postmaster at South Fort Smith, Ark., in place of T. N. Scott. Incumbent's commission expired November 17, 1925.

William R. Blakely to be postmaster at Sparkman, Ark., in place of W. R. Blakely. Incumbent's commission expired November 17, 1925.

Selvin T. Butler to be postmaster at Warren, Ark., in place of S. T. Butler. Incumbent's commission expired October 6, 1925.

William T. McKinnon to be postmaster at Wesson, Ark., in place of W. T. McKinnon. Incumbent's commission expired November 17, 1925.

Ed C. Sample to be postmaster at West Fork, Ark., in place of E. C. Sample. Incumbent's commission expired November 17, 1925.

Florence F. McKinzie to be postmaster at Wilson, Ark., in place of F. F. McKinzie. Incumbent's commission expired November 17, 1925.

Howell A. Burnes to be postmaster at Yellville, Ark., in place of H. A. Burnes. Incumbent's commission expired November 17, 1925.

Eston G. Berry to be postmaster at Magazine, Ark., in place of E. G. Berry. Incumbent's commission expired October 4, 1925.

Charles A. Roberts to be postmaster at McNeil, Ark., in place of C. A. Roberts. Incumbent's commission expired August 24, 1925.

Frederick W. Youmans to be postmaster at Lewisville, Ark., in place of F. W. Youmans. Incumbent's commission expired November 17, 1925.

Samuel D. Thomasson to be postmaster at Leachville, Ark., in place of S. D. Thomasson. Incumbent's commission expired November 17, 1925.

Grant B. Sparks to be postmaster at Lamar, Ark., in place of G. B. Sparks. Incumbent's commission expired November 17, 1925.

Della E. Penick to be postmaster at Lake City, Ark., in place of D. E. Penick. Incumbent's commission expired October 6, 1925.

Flavel G. Briggs to be postmaster at Judsonia, Ark., in place of F. G. Briggs. Incumbent's commission expired November 17, 1925.

John L. Collett to be postmaster at Huttig, Ark., in place of J. L. Collett. Incumbent's commission expired November 17, 1925.

William J. Martin to be postmaster at Humphrey, Ark., in place of W. J. Martin. Incumbent's commission expired August 24, 1925.

Charles R. French to be postmaster at Harrisburg, Ark., in place of C. R. French. Incumbent's commission expired August 24, 1925.

John W. Bell to be postmaster at Greenwood, Ark., in place of J. W. Bell. Incumbent's commission expired November 17, 1925.

George H. Joslyn, jr., to be postmaster at Gould, Ark., in place of Max Cook. Incumbent's commission expired August 24, 1925.

James G. Place to be postmaster at Gillett, Ark., in place of R. W. Walker. Incumbent's commission expired November 17, 1925.

George H. Mills to be postmaster at Garfield, Ark., in place of G. H. Mills. Incumbent's commission expired November 17, 1925.

Thomas W. Goodson to be postmaster at Fouke, Ark., in place of T. W. Goodson. Incumbent's commission expired November 17, 1925.

Jesse F. Booth to be postmaster at Elaine, Ark., in place of J. F. Booth. Incumbent's commission expired August 24, 1925.

Reese D. Henry to be postmaster at Dierks, Ark., in place of R. D. Henry. Incumbent's commission expired November 17, 1925.

Floyd M. Carter to be postmaster at De Queen, Ark., in place of F. M. Carter. Incumbent's commission expired November 17, 1925.

Harriet M. Shrigley to be postmaster at Coal Hill, Ark., in place of H. M. Shrigley. Incumbent's commission expired November 17, 1925.

Milton T. Knight to be postmaster at Chidester, Ark., in place of M. T. Knight. Incumbent's commission expired November 17, 1925.

Marie O. Pitts to be postmaster at Cherry Valley, Ark., in place of M. O. Pitts. Incumbent's commission expired November 17, 1925.

Horace C. Hiatt to be postmaster at Charleston, Ark., in place of H. C. Hiatt. Incumbent's commission expired November 17, 1925.

Fairy K. Reynolds to be postmaster at Bradley, Ark., in place of F. K. Reynolds. Incumbent's commission expired August 24, 1925.

Wendell W. Watkins to be postmaster at Belleville, Ark., in place of W. W. Watkins. Incumbent's commission expired November 17, 1925.

Adine Dimmig to be postmaster at Bauxite, Ark., in place of Adine Dimmig. Incumbent's commission expired November 17, 1925.

Willie C. Allen to be postmaster at Amity, Ark., in place of W. C. Allen. Incumbent's commission expired November 17, 1925.

Edwin E. Blackmon to be postmaster at Augusta, Ark., in place of E. E. Blackmon. Incumbent's commission expired November 17, 1925.

Louella Boswell to be postmaster at Almyra, Ark., in place of Louella Boswell. Incumbent's commission expired November 17, 1925.

Robert W. Barton, jr., to be postmaster at Turrell, Ark. Office became presidential July 1, 1925.

Robert Dail to be postmaster at Ravenden, Ark. Office became presidential July 1, 1925.

Joseph S. Ottinger to be postmaster at Pea Ridge, Ark. Office became presidential July 1, 1925

Frederick B. Leach to be postmaster at Jerome, Ark. Office became presidential July 1, 1925.

GEORGIA

Laura A. Hooks to be postmaster at Forsyth, Ga., in place of M. A. Rudisill. Incumbent's commission expired June 4, 1924.

INDIANA

Edward W. Krause to be postmaster at Crothersville, Ind., in place of E. W. Krause. Incumbent's commission expired October 20, 1925.

LOUISIANA

Leo A. Turregano to be postmaster at Alexandria, La., in place of R. M. Lisso, removed.

Florence L. Harris to be postmaster at Bonami, La., in place of Enola Meier, resigned.

John B. Smith to be postmaster at Cheneyville, La., in place of H. S. Barstow, deceased.

Henry Johnson to be postmaster at Cravens, La., in place of L. M. Hill, resigned.

James O. Adams to be postmaster at Good Pine, La., in place of O. N. Jones, resigned.

Mrs. Edwin L. Lafargue to be postmaster at Marksville, La., in place of L. L. Bordelon, resigned.

Sylvester J. Folse to be postmaster at Patterson, La., in place of E. E. Roussel, resigned.

Ada Allums to be postmaster at Plain Dealing, La., in place of J. H. Allen, resigned.

Delsa G. Hudgens to be postmaster at Slagle, La., in place of C. W. Hudgens, resigned.

Lee O. Taylor to be postmaster at Bogalusa, La., in place of L. O. Taylor. Incumbent's commission expired October 8, 1925.

Charles C. Subra to be postmaster at Convent, La., in place of C. C. Subra. Incumbent's commission expired November 8, 1925.

Ernest B. Miller to be postmaster at Denham Springs, La., in place of E. B. Miller. Incumbent's commission expired October 8, 1925.

John S. Pickett to be postmaster at Fisher, La., in place of J. S. Pickett. Incumbent's commission expired November 23, 1925.

Elias F. Kelly to be postmaster at Gilbert, La., in place of E. F. Kelly. Incumbent's commission expired October 8, 1925.

Marian E. Thomas to be postmaster at Grand Cane, La., in place of M. E. Thomas. Incumbent's commission expired November 8, 1925.

Mamie S. Kiblinger to be postmaster at Jackson, La., in place of M. S. Kiblinger. Incumbent's commission expired October 8, 1925.

James H. Leech to be postmaster at Mer Rouge, La., in place of J. H. Leech. Incumbent's commission expired November 23, 1925.

Sallie D. Pitts to be postmaster at Oberlin, La., in place of S. D. Pitts. Incumbent's commission expired November 8, 1925.

Helen W. Allen to be postmaster at Peason, La., in place of H. W. Allen. Incumbent's commission expired October 8, 1925.

John A. Burleigh to be postmaster at Port Barre, La., in place of J. A. Burleigh. Incumbent's commission expired October 26, 1925.

Ida H. Boatner to be postmaster at Rochelle, La., in place of I. H. Boatner. Incumbent's commission expired October 8, 1925.

William S. Montgomery to be postmaster at Saline, La. Office became presidential July 1, 1925.

Monroe Erskins to be postmaster at Sikes, La. Office became presidential July 1, 1925.

MINNESOTA

Charles J. Moos to be postmaster at St. Paul, Minn., in place of C. J. Moos. Incumbent's commission expired August 20, 1925.

MISSOURI

Alva B. Cloud to be postmaster at Fayette, Mo., in place of J. W. Lochridge, deceased.

NEW HAMPSHIRE

John W. Buttrick to be postmaster at Greenville, N. H., in place of M. M. Marsh, resigned.

George E. Danforth to be postmaster at Nashua, N. H., in place of G. E. Danforth. Incumbent's commission expired June 27, 1925.

Harriette H. Hinman to be postmaster at North Stratford, N. H., in place of H. H. Hinman. Incumbent's commission expired August 24, 1925.

Frank J. Aldrich to be postmaster at Pike, N. H., in place of F. J. Aldrich. Incumbent's commission expired October 25, 1925.

Edna C. Mason to be postmaster at Tamworth, N. H., in place of E. C. Mason. Incumbent's commission expired August 24, 1925.

Alfred S. Cloues to be postmaster at Warner, N. H., in place of A. S. Cloues. Incumbent's commission expired November 23, 1925.

Chester B. Averill to be postmaster at Warren, N. H., in place of C. B. Averill. Incumbent's commission expired August 24, 1925.

Harry E. Messenger to be postmaster at West Lebanon, N. H., in place of H. E. Messenger. Incumbent's commission expired October 11, 1925.

Harry B. Burtt to be postmaster at Amherst, N. H., in place of H. B. Burtt. Incumbent's commission expired August 24, 1925.

Sarah J. Moore to be postmaster at Alstead, N. H., in place of S. J. Moore. Incumbent's commission expired November 19, 1925.

Waldo C. Varney to be postmaster at Alton, N. H., in place of W. C. Varney. Incumbent's commission expired October 20, 1925.

Thomas J. Donovan to be postmaster at Ashuelot, N. H., in place of T. J. Donovan. Incumbent's commission expired November 19, 1925.

Warren W. McGregor to be postmaster at Bethlehem, N. H., in place of W. W. McGregor. Incumbent's commission expired October 11, 1925.

Reuben S. Moore to be postmaster at Bradford, N. H., in place of R. S. Moore. Incumbent's commission expired October 11, 1925.

Ambrose P. McLaughlin to be postmaster at Bretton Woods, N. H., in place of A. P. McLaughlin. Incumbent's commission expired November 19, 1925.

Fred A. Hall to be postmaster at Brookline, N. H., in place of F. A. Hall. Incumbent's commission expired August 24, 1925.

Albert A. Bennett to be postmaster at Center Harbor, N. H., in place of A. A. Bennett. Incumbent's commission expired October 25, 1925.

Arthur H. Wilcomb to be postmaster at Chester, N. H., in place of A. H. Wilcomb. Incumbent's commission expired November 19, 1925.

Ernest L. Abbott to be postmaster at Derry, N. H., in place of E. L. Abbott. Incumbent's commission expired November 19, 1925.

Reginald C. Stevenson to be postmaster at Exeter, N. H., in place of R. C. Stevenson. Incumbent's commission expired October 20, 1925.

Arthur W. Sawyer to be postmaster at Franconia, N. H., in place of A. W. Sawyer. Incumbent's commission expired October 20, 1925.

Arthur G. Robie to be postmaster at Hooksett, N. H., in place of A. G. Robie. Incumbent's commission expired August 24, 1925.

Anna B. Clyde to be postmaster at Hudson, N. H., in place of A. B. Clyde. Incumbent's commission expired October 20, 1925.

Ben O. Aldrich to be postmaster at Keene, N. H., in place of B. O. Aldrich. Incumbent's commission expired October 6, 1925.

Edward E. Cossette to be postmaster at Gonic, N. H. Office became presidential July 1, 1925.

Daniel A. Abbott to be postmaster at Salem, N. H. Office became presidential July 1, 1925.

NEW JERSEY

Myles Weaver to be postmaster at Clementon, N. J., in place of G. W. Schloendorn, resigned.

Charles H. K. Riley to be postmaster at Hillsdale, N. J., in place of J. P. Quin, removed.

Charles D. McCracken to be postmaster at Lambertville, N. J., in place of B. F. Barkley, deceased.

Anna K. Brubaker to be postmaster at Mountain View, N. J., in place of A. L. Hammond, resigned.

Richard M. Crawford to be postmaster at Westville, N. J., in place of W. E. Flagg, resigned.

Thomas L. Martin to be postmaster at Yardville, N. J., in place of G. A. Yewell, declined.

Delaware D. Marvell to be postmaster at Woodbury Heights, N. J., in place of D. D. Marvell. Incumbent's commission expired October 19, 1925.

Herbert K. Ball to be postmaster at Barrington, N. J., in place of H. K. Ball. Incumbent's commission expired November 15, 1925.

Arthur Taylor to be postmaster at Boonton, N. J., in place of Arthur Taylor. Incumbent's commission expired August 24, 1925.

Charles B. Ogden to be postmaster at Butler, N. J., in place of C. B. Ogden. Incumbent's commission expired August 24, 1925.

Arthur J. Bell to be postmaster at Caldwell, N. J., in place of J. A. Brady. Incumbent's commission expired June 5, 1924.

Grace E. Cowell to be postmaster at Convent Station, N. J., in place of G. E. Cowell. Incumbent's commission expired August 24, 1925.

Herbert E. Poulson to be postmaster at Far Hills, N. J., in place of H. C. Poulson. Incumbent's commission expired May 12, 1925.

George Whetham to be postmaster at Haskell, N. J., in place of George Whetham. Incumbent's commission expired November 22, 1925.

John R. Fetter to be postmaster at Hopewell, N. J., in place of J. R. Fetter. Office became presidential August 5, 1925.

Alice A. Ayres to be postmaster at Island Heights, N. J., in place of A. A. Ayres. Incumbent's commission expired November 23, 1925.

Annie L. Quint to be postmaster at Metuchen, N. J., in place of A. L. Quint. Incumbent's commission expired November 23, 1925.

George C. Kessler to be postmaster at Millburn, N. J., in place of G. C. Kessler. Incumbent's commission expired November 21, 1925.

Herman Kuhn to be postmaster at Montrale, N. J., in place of Herman Kuhn. Incumbent's commission expired November 15, 1925.

Ira L. Longcar to be postmaster at Morris Plains, N. J., in place of I. L. Longcar. Incumbent's commission expired August 24, 1925.

Walter E. Harbourt to be postmaster at Netcong, N. J., in place of W. E. Harbourt. Incumbent's commission expired November 15, 1925.

Frank J. Bock to be postmaster at Newark, N. J., in place of F. J. Bock. Incumbent's commission expired May 12, 1925.

James A. Morrison to be postmaster at New Brunswick, N. J., in place of J. A. Morrison. Incumbent's commission expired November 23, 1925.

Frank C. Dalrymple to be postmaster at Pittstown, N. J., in place of F. C. Dalrymple. Incumbent's commission expired September 24, 1925.

Laurelda Sooy to be postmaster at Somers Point, N. J., in place of Laurelda Sooy. Incumbent's commission expired October 22, 1925.

Louis A. Thieron to be postmaster at Stirling, N. J., in place of L. A. Thieron. Incumbent's commission expired October 19, 1925.

Oliver F. Ferree to be postmaster at Stoneharbor, N. J., in place of O. F. Ferree. Incumbent's commission expired November 15, 1925.

William C. Swackhamer to be postmaster at White House Station, N. J., in place of W. C. Swackhamer. Incumbent's commission expired August 5, 1925.

Louis W. Collier to be postmaster at Alloway, N. J. Office became presidential July 1, 1925.

Mamie T. Cavileer to be postmaster at Linwood, N. J. Office became presidential July 1, 1925.

Stephanie J. Piechowicz to be postmaster at Vauxhall, N. J. Office became presidential July 1, 1925.

Clifford B. Gauntt to be postmaster at Whitesbog, N. J. Office became presidential July 1, 1925.

Howard A. Depuy to be postmaster at Wortendyke, N. J. Office became presidential July 1, 1925.

NEW MEXICO

Berthold Spitz to be postmaster at Albuquerque, N. Mex., in place of Berthold Spitz. Incumbent's commission expired October 20, 1925.

Perry E. Coon to be postmaster at Gallup, N. Mex., in place of P. E. Coon. Incumbent's commission expired October 20, 1925.

William W. Dedman to be postmaster at Hurley, N. Mex., in place of W. W. Dedman. Incumbent's commission expired November 23, 1925.

Fred D. Huning to be postmaster at Los Lunas, N. Mex., in place of F. D. Huning. Incumbent's commission expired November 18, 1925.

Philip N. Sanchez to be postmaster at Mora, N. Mex., in place of P. N. Sanchez. Incumbent's commission expired November 18, 1925.

NEW YORK

Lester N. Hiller to be postmaster at Sharon Springs, N. Y., in place of M. Z. Hyney, resigned.

Harry L. Philips to be postmaster at Webster, N. Y., in place of F. D. Jenkins, resigned.

Harrington Mills to be postmaster at Upper Saranac, N. Y., in place of Harrington Mills. Incumbent's commission expired September 30, 1925.

William M. Philleo to be postmaster at Utica, N. Y., in place of W. M. Philleo. Incumbent's commission expired May 18, 1925.

James E. McKee to be postmaster at Waddington, N. Y., in place of J. E. McKee. Incumbent's commission expired October 5, 1925.

Robert Murray to be postmaster at Warrensburg, N. Y., in place of Robert Murray. Incumbent's commission expired November 2, 1925.

Harry Northrup to be postmaster at Wurtsboro, N. Y., in place of Harry Northrup. Incumbent's commission expired November 17, 1925.

Wilbur C. Eaton to be postmaster at Youngstown, N. Y., in place of W. C. Eaton. Incumbent's commission expired November 23, 1925.

Harry H. Kasch to be postmaster at Buchanan, N. Y., in place of W. F. Hawkes, resigned.

Gladys W. North to be postmaster at Chazy, N. Y., in place of S. A. North, removed.

Earl F. Gaylord to be postmaster at Cranberry Lake, N. Y., in place of V. B. Christian, resigned.

Robert R. Wood to be postmaster at Elizabethtown, N. Y., in place of L. C. Palmer, removed.

Franklin Hess to be postmaster at Gilboa, N. Y., in place of A. C. Davis, resigned.

Roswell P. Blauvelt to be postmaster at New City, N. Y., in place of E. A. Gross, deceased.

Edward J. Norris to be postmaster at North White Lake, N. Y., in place of H. M. Smith, resigned.

Frank A. Buck to be postmaster at Richville, N. Y., in place of F. D. Allen, jr., resigned.

George W. Paige to be postmaster at St. James, N. Y., in place of M. A. Fryer, not commissioned.

James Kilby to be postmaster at Nyack, N. Y., in place of James Kilby. Incumbent's commission expired November 2, 1925.

John Bentley to be postmaster at Ogdensburg, N. Y., in place of John Bentley. Incumbent's commission expired November 17, 1925.

George W. Aikin to be postmaster at Olcott, N. Y., in place of G. W. Aikin. Incumbent's commission expired August 24, 1925.

Jay Farrier to be postmaster at Oneida, N. Y., in place of Jay Farrier. Incumbent's commission expired July 29, 1925.

Ray A. Fisher to be postmaster at Ontario, N. Y., in place of R. A. Fisher. Incumbent's commission expired August 17, 1925.

Matthew McManus, jr., to be postmaster at Orangeburg, N. Y., in place of Matthew McManus, jr. Incumbent's commission expired November 9, 1925.

William H. Mead to be postmaster at Palmer, N. Y., in place of W. H. Mead. Incumbent's commission expired October 5, 1925.

Ralph D. Sessions to be postmaster at Palmyra, N. Y., in place of R. D. Sessions. Incumbent's commission expired November 17, 1925.

William T. Hinman to be postmaster at Potsdam, N. Y., in place of W. T. Hinman. Incumbent's commission expired November 17, 1925.

Elmer J. Conklin to be postmaster at Poughkeepsie, N. Y., in place of E. J. Conklin. Incumbent's commission expired November 17, 1925.

Rosswell R. Steacy to be postmaster at Redwood, N. Y., in place of R. R. Steacy. Incumbent's commission expired November 9, 1925.

Owen J. Griffith to be postmaster at Remsen, N. Y., in place of O. J. Griffith. Incumbent's commission expired November 23, 1925.

Jessie S. McBride to be postmaster at Rensselaer Falls, N. Y., in place of J. S. McBride. Incumbent's commission expired November 17, 1925.

William P. Lister to be postmaster at Rockville Center, N. Y., in place of W. P. Lister. Incumbent's commission expired August 24, 1925.

John W. Fiero, jr., to be postmaster at Round Top, N. Y., in place of J. W. Fiero, jr. Incumbent's commission expired November 9, 1925.

George F. Rivers to be postmaster at Rouses Point, N. Y., in place of G. F. Rivers. Incumbent's commission expired July 29, 1925.

Walter F. Billington to be postmaster at Rye, N. Y., in place of W. F. Billington. Incumbent's commission expired July 29, 1925.

Frank S. Harris to be postmaster at Sacandaga, N. Y., in place of F. S. Harris. Incumbent's commission expired September 24, 1925.

Sheldon G. Stratton to be postmaster at Sackets Harbor, N. Y., in place of S. G. Stratton. Incumbent's commission expired November 23, 1925.

James A. Latour to be postmaster at Saranac Lake, N. Y., in place of J. A. Latour. Incumbent's commission expired October 26, 1925.

Edwin G. Conde to be postmaster at Schenectady, N. Y., in place of E. G. Conde. Incumbent's commission expired November 17, 1925.

Elmer C. Wolfe to be postmaster at Sherrill, N. Y., in place of E. C. Wolfe. Incumbent's commission expired November 17, 1925.

William H. Boyce to be postmaster at South New Berlin, N. Y., in place of W. H. Boyce. Incumbent's commission expired November 9, 1925.

Jacob C. Kopperger to be postmaster at Stottville, N. Y., in place of J. C. Kopperger. Incumbent's commission expired August 24, 1925.

Mabel S. De Baun to be postmaster at Suffern, N. Y., in place of M. S. De Baun. Incumbent's commission expired August 24, 1925.

William C. Wright to be postmaster at Tarrytown, N. Y., in place of W. C. Wright. Incumbent's commission expired July 29, 1925.

May A. Cupernall to be postmaster at Thousand Island Park, N. Y., in place of M. A. Cupernall. Incumbent's commission expired August 17, 1925.

Walter B. Gunning to be postmaster at Ticonderoga, N. Y., in place of W. B. Gunning. Incumbent's commission expired November 17, 1925.

A. T. Smith to be postmaster at Tully, N. Y., in place of A. T. Smith. Incumbent's commission expired May 18, 1925.

Mark J. Balmat to be postmaster at Hermon, N. Y., in place of M. J. Balmat. Incumbent's commission expired November 17, 1925.

Hanna H. Pugsley to be postmaster at Highland Mills, N. Y., in place of H. H. Pugsley. Incumbent's commission expired August 24, 1925.

Fred N. Parquet to be postmaster at Inlet, N. Y., in place of F. N. Parquet. Incumbent's commission expired November 9, 1925.

Joseph P. Fallan to be postmaster at Irvington, N. Y., in place of J. P. Fallon. Incumbent's commission expired August 17, 1925.

Katheryn M. Oley to be postmaster at Jamesville, N. Y., in place of K. M. Oley. Incumbent's commission expired July 29, 1925.

Harvey W. Boisseau to be postmaster at Keeseville, N. Y., in place of H. W. Boisseau. Incumbent's commission expired November 17, 1925.

James R. Doyle to be postmaster at Kerhonkson, N. Y., in place of J. R. Doyle. Incumbent's commission expired November 23, 1925.

Albert D. Bailey to be postmaster at Kiamesha, N. Y., in place of A. D. Bailey. Incumbent's commission expired October 26, 1925.

Frank C. Proctor to be postmaster at Kings Park, N. Y., in place of F. C. Proctor. Incumbent's commission expired November 22, 1925.

Herbert S. Luther to be postmaster at La Fargeville, N. Y., in place of H. S. Luther. Incumbent's commission expired November 17, 1925.

Harry B. McLaughlin to be postmaster at Liberty, N. Y., in place of H. B. McLaughlin. Incumbent's commission expired August 5, 1925.

Frederick W. Ashenhurst to be postmaster at Little Falls, N. Y., in place of F. W. Ashenhurst. Incumbent's commission expired November 2, 1925.

Frank M. Bredell to be postmaster at Lockport, N. Y., in place of F. M. Bredell. Incumbent's commission expired November 9, 1925.

Edward J. McSweeney to be postmaster at Long Lake, N. Y., in place of E. J. McSweeney. Incumbent's commission expired August 17, 1925.

Guy L. Stone to be postmaster at Luzerne, N. Y., in place of G. L. Stone. Incumbent's commission expired July 20, 1925.

Warren H. Curtis to be postmaster at Marion, N. Y., in place of W. H. Curtis. Incumbent's commission expired August 17, 1925.

George H. Fischer to be postmaster at Mayville, N. Y., in place of G. H. Fischer. Incumbent's commission expired November 18, 1925.

Frank E. Dickens to be postmaster at Middleville, N. Y., in place of F. E. Dickens. Incumbent's commission expired November 2, 1925.

William V. Horne to be postmaster at Mohegan Lake, N. Y., in place of W. V. Horne. Incumbent's commission expired August 24, 1925.

Harvey D. Jock to be postmaster at Moira, N. Y., in place of H. D. Jock. Incumbent's commission expired July 29, 1925.

Frank D. Hurd to be postmaster at Napanoch, N. Y., in place of F. D. Hurd. Incumbent's commission expired August 17, 1925.

Ivan L. Connor to be postmaster at Natural Bridge, N. Y., in place of I. L. Connor. Incumbent's commission expired November 23, 1925.

Arthur N. Christy to be postmaster at Newark, N. Y., in place of A. N. Christy. Incumbent's commission expired October 6, 1925.

Sarah E. Harris to be postmaster at New Hamburg, N. Y., in place of S. E. Harris. Incumbent's commission expired August 17, 1925.

Frank Rosenberg to be postmaster at New Hyde Park, N. Y., in place of Frank Rosenberg. Incumbent's commission expired August 24, 1925.

Frederick G. Newell to be postmaster at Niagara Falls, N. Y., in place of F. G. Newell. Incumbent's commission expired November 18, 1925.

Darwin E. Hibbard to be postmaster at North Collins, N. Y., in place of D. E. Hibbard. Incumbent's commission expired November 23, 1925.

Jefferson C. Davison to be postmaster at North Creek, N. Y., in place of J. C. Davison. Incumbent's commission expired November 8, 1925.

Charles A. Beeman to be postmaster at Depew, N. Y., in place of C. A. Beeman. Incumbent's commission expired July 29, 1925.

Harry B. Lyon to be postmaster at Dunkirk, N. Y., in place of H. B. Lyon. Incumbent's commission expired July 29, 1925.

Edward C. Johnson to be postmaster at East Chatham, N. Y., in place of E. C. Johnson. Incumbent's commission expired August 24, 1925.

Edward J. Sweeney to be postmaster at East Islip, N. Y., in place of E. J. Sweeney. Incumbent's commission expired February 18, 1924.

Carrie De Revere to be postmaster at Eastview, N. Y., in place of Carrie De Revere. Incumbent's commission expired October 5, 1925.

Alvin J. White to be postmaster at Eaton, N. Y., in place of A. J. White. Incumbent's commission expired November 9, 1925.

George M. McKinney to be postmaster at Ellenburg Depot, N. Y., in place of G. M. McKinney. Incumbent's commission expired October 19, 1925.

George M. Diven to be postmaster at Elmira, N. Y., in place of G. M. Diven. Incumbent's commission expired August 17, 1925.

Charles E. Van Orman to be postmaster at Essex, N. Y., in place of C. E. Van Orman. Incumbent's commission expired October 26, 1925.

Leslie N. Mendel to be postmaster at Fair Haven, N. Y., in place of L. N. Mendel. Incumbent's commission expired August 24, 1925.

George F. Vreeland to be postmaster at Far Rockaway, N. Y., in place of G. F. Vreeland. Incumbent's commission expired November 9, 1925.

Nellie MacMorran to be postmaster at Firthcliffe, N. Y., in place of Nellie MacMorran. Incumbent's commission expired August 24, 1925.

Charles L. Dix to be postmaster at Forestville, N. Y., in place of C. L. Dix. Incumbent's commission expired November 9, 1925.

Ray J. Fuller to be postmaster at Frankfort, N. Y., in place of R. J. Fuller. Incumbent's commission expired November 9, 1925.

Frank E. Wolcott to be postmaster at Franklin, N. Y., in place of F. E. Wolcott. Incumbent's commission expired November 23, 1925.

Verona M. Simons to be postmaster at Freeville, N. Y., in place of V. M. Simons. Incumbent's commission expired November 23, 1925.

Raymond H. Ferrand to be postmaster at Gardenville, N. Y., in place of R. H. Ferrand. Incumbent's commission expired November 17, 1925.

George H. Burres to be postmaster at Garnerville, N. Y., in place of G. H. Burres. Incumbent's commission expired October 5, 1925.

Milford E. Teator to be postmaster at Ghent, N. Y., in place of M. E. Teator. Incumbent's commission expired August 24, 1925.

Howard McClellan to be postmaster at Greenwich, N. Y., in place of Howard McClellan. Incumbent's commission expired November 22, 1925.

William B. Phillips to be postmaster at Greenwood Lake, N. Y., in place of W. B. Phillips. Incumbent's commission expired August 24, 1925.

Bertha M. Burt to be postmaster at Hague, N. Y., in place of B. M. Burt. Incumbent's commission expired October 6, 1925.

William R. Churchill to be postmaster at Hancock, N. Y., in place of W. R. Churchill. Incumbent's commission expired August 17, 1925.

Bernie R. Bothwell to be postmaster at Hannibal, N. Y., in place of B. R. Bothwell. Incumbent's commission expired July 29, 1925.

Grace M. Harpur to be postmaster at Harpursville, N. Y., in place of G. M. Harpur. Incumbent's commission expired August 24, 1925.

Elmor E. Thompson to be postmaster at Harriman, N. Y., in place of Elizabeth Hollenbeck. Incumbent's commission expired January 24, 1922.

Alfred Cox to be postmaster at Hawthorne, N. Y., in place of Alfred Cox. Incumbent's commission expired October 26, 1925.

Daniel F. Griggs to be postmaster at Adams, N. Y., in place of D. F. Griggs. Incumbent's commission expired November 9, 1925.

Fenner J. Rich to be postmaster at Altmar, N. Y., in place of F. J. Rich. Incumbent's commission expired August 17, 1925.

Josephine G. Loomis to be postmaster at Ashville, N. Y., in place of J. G. Loomis. Incumbent's commission expired October 26, 1925.

Mary J. O'Brien to be postmaster at Bedford, N. Y., in place of M. J. O'Brien. Incumbent's commission expired May 18, 1925.

George A. Phillips to be postmaster at Bemus Point, N. Y., in place of G. A. Phillips. Incumbent's commission expired July 29, 1925.

Ferdinand S. Hull to be postmaster at Berlin, N. Y., in place of F. S. Hull. Incumbent's commission expired November 8, 1925.

Edna L. Sinclair to be postmaster at Bible School Park, N. Y., in place of E. L. Sinclair. Incumbent's commission expired August 24, 1925.

Edna Glezen to be postmaster at Blasdell, N. Y., in place of Edna Glezen. Incumbent's commission expired August 5, 1925.

Robert M. Maxon to be postmaster at Bloomville, N. Y., in place of R. M. Maxon. Incumbent's commission expired August 24, 1925.

Ray S. Barlow to be postmaster at Bombay, N. Y., in place of R. S. Barlow. Incumbent's commission expired October 26, 1925.

Robert W. Gallagher to be postmaster at Buffalo, N. Y., in place of R. W. Gallagher. Incumbent's commission expired November 18, 1925.

Frank G. Seeber to be postmaster at Brownville, N. Y., in place of F. G. Seeber. Incumbent's commission expired November 17, 1925.

Walter L. Moe to be postmaster at Burke, N. Y., in place of W. L. Moe. Incumbent's commission expired August 24, 1925.

J. Fred Hammond to be postmaster at Canton, N. Y., in place of J. F. Hammond. Incumbent's commission expired August 24, 1925.

Ira B. Cooper to be postmaster at Cato, N. Y., in place of I. B. Cooper. Incumbent's commission expired November 9, 1925.

Murvin L. Becker to be postmaster at Claverack, N. Y., in place of M. L. Becker. Incumbent's commission expired August 24, 1925.

William Holmes to be postmaster at Clifton Springs, N. Y., in place of William Holmes. Incumbent's commission expired August 17, 1925.

Gilbert J. Ton to be postmaster at Clymer, N. Y., in place of G. J. Ton. Incumbent's commission expired August 17, 1925.

Elsie J. Moss to be postmaster at Collins, N. Y., in place of E. J. Moss. Incumbent's commission expired November 17, 1925.

Herbert L. Smith to be postmaster at Cortland, N. Y., in place of H. L. Smith. Incumbent's commission expired November 8, 1925.

Edward J. Monroe to be postmaster at Croghan, N. Y., in place of E. J. Monroe. Incumbent's commission expired November 9, 1925.

William F. Bruno to be postmaster at Crown Point, N. Y., in place of W. F. Bruno. Incumbent's commission expired November 17, 1925.

Valentine Hessinger to be postmaster at Callicoon Center, N. Y. Office became presidential July 1, 1925.

Elmer J. Skinner to be postmaster at East Worcester, N. Y. Office became presidential July 1, 1925.

Joseph Alese to be postmaster at Franklin Square, N. Y. Office became presidential July 1, 1925.

George W. Millicker to be postmaster at Mahopac Falls, N. Y. Office became presidential July 1, 1925.

Orisa Mertz to be postmaster at Middlesex, N. Y. Office became presidential July 1, 1925.

John K. Lathrop to be postmaster at Minnewaska, N. Y. Office became presidential July 1, 1925.

Peter Critchley to be postmaster at Pocantico Hills, N. Y. Office became presidential July 1, 1925.

Michael H. Mangini to be postmaster at Selkirk, N. Y. Office became presidential July 1, 1925.

Benjamin B. Doyle to be postmaster at Stuyvesant, N. Y. Office became presidential July 1, 1925.

NORTH CAROLINA

Charles C. Hammer to be postmaster at Gibsonville, N. C., in place of M. L. Fogleman, resigned.

Edith V. Moose to be postmaster at Mount Pleasant, N. C., in place of Fred Herrin, resigned.

William L. Peace to be postmaster at Oxford, N. C., in place of J. S. Rogers, deceased.

Raymond B. Wheatly to be postmaster at Beaufort, N. C., in place of R. B. Wheatly. Incumbent's commission expired October 4, 1925.

Justus E. Armstrong to be postmaster at Belmont, N. C., in place of J. E. Armstrong. Incumbent's commission expired October 25, 1925.

Baxter Biggerstaff to be postmaster at Bostic, N. C., in place of Baxter Biggerstaff. Incumbent's commission expired August 24, 1925.

James B. Houser to be postmaster at Cherryville, N. C., in place of J. B. Houser. Incumbent's commission expired November 15, 1925.

Noah J. Grimes to be postmaster at Cooleemee, N. C., in place of N. J. Grimes. Incumbent's commission expired November 23, 1925.

Roscoe C. Tucker to be postmaster at Fairbluff, N. C., in place of R. C. Tucker. Incumbent's commission expired September 24, 1925.

Edward A. Simkins to be postmaster at Goldsboro, N. C., in place of E. A. Simkins. Incumbent's commission expired November 17, 1925.

Edgar E. Lady to be postmaster at Kannapolis, N. C., in place of E. E. Lady. Incumbent's commission expired October 7, 1925.

Laura M. Gavin to be postmaster at Kenansville, N. C., in place of L. M. Gavin. Incumbent's commission expired November 17, 1925.

Robert B. Dunn to be postmaster at Kinston, N. C., in place of R. B. Dunn. Incumbent's commission expired July 19, 1925.

John M. Pully to be postmaster at La Grange, N. C., in place of J. M. Pully. Incumbent's commission expired September 30, 1925.

Carl McLean to be postmaster at Laurinburg, N. C., in place of Carl McLean. Incumbent's commission expired September 30, 1925.

William M. Liles to be postmaster at Lilesville, N. C., in place of W. M. Liles. Incumbent's commission expired August 17, 1925.

Henry T. Atkins to be postmaster at Lillington, N. C., in place of H. T. Atkins. Incumbent's commission expired November 9, 1925.

William J. Flowers to be postmaster at Mount Olive, N. C., in place of W. J. Flowers. Incumbent's commission expired October 4, 1925.

Raphael M. Rice to be postmaster at Oteen, N. C., in place of S. L. Whitson. Incumbent's commission expired June 4, 1924.

Chester A. Hinton to be postmaster at Pomona, N. C., in place of C. A. Hinton. Incumbent's commission expired November 23, 1925.

William R. Anderson to be postmaster at Reidsville, N. C., in place of W. R. Anderson. Incumbent's commission expired May 4, 1925.

Clarence L. Fisher to be postmaster at Roseboro, N. C., in place of C. L. Fisher. Incumbent's commission expired November 9, 1925.

Hester L. Dorsett to be postmaster at Spencer, N. C., in place of H. L. Dorsett. Incumbent's commission expired September 24, 1925.

Asa C. Parsons to be postmaster at Star, N. C., in place of A. C. Parsons. Incumbent's commission expired September 24, 1925.

Jesse T. Price to be postmaster at Williamston, N. C., in place of J. T. Price. Incumbent's commission expired November 9, 1925.

James L. Talbert to be postmaster at Advance, N. C. Office became presidential January 1, 1925.

John H. Hobson to be postmaster at Cleveland, N. C. Office became presidential July 1, 1925.

Norman V. Johnson to be postmaster at Denton, N. C. Office became presidential July 1, 1925.

Charles B. Moore to be postmaster at King, N. C. Office became presidential July 1, 1925.

Millard Pritchard to be postmaster at Pineola, N. C. Office became presidential July 1, 1925.

Samuel F. Davidson to be postmaster at Swannanoa, N. C. Office became presidential January 1, 1925.

Albert P. Clayton to be postmaster at Roxboro, N. C., in place of H. J. Whitt, deceased.

NORTH DAKOTA

Harold R. McKechnie to be postmaster at Calvin, N. Dak., in place of G. D. Arnold, resigned.

Daisy Thompson to be postmaster at Carpio, N. Dak., in place of D. B. Stromstad, resigned.

Rose M. Morrison to be postmaster at Granville, N. Dak., in place of A. M. Potter, removed.

Harry Solberg to be postmaster at Portland, N. Dak., in place of C. E. Knutson, removed.

Elizabeth M. Gillmer to be postmaster at Towner, N. Dak., in place of T. W. Kinsey, resigned.

Elmer H. Myhra to be postmaster at Wahpeton, N. Dak., in place of E. H. Myhra. Incumbent's commission expired October 25, 1925.

Will H. Wright to be postmaster at Woodworth, N. Dak., in place of W. H. Wright. Incumbent's commission expired August 24, 1925.

Henry Walz to be postmaster at Zeeland, N. Dak., in place of Henry Walz. Incumbent's commission expired October 7, 1925.

Hattie E. M. Dyson to be postmaster at Haynes, N. Dak., in place of H. E. M. Dyson. Incumbent's commission expired August 24, 1925.

Ewind L. Semling to be postmaster at Hazelton, N. Dak., in place of W. B. Andrus. Incumbent's commission expired August 24, 1925.

Tom S. Farr to be postmaster at Hillsboro, N. Dak., in place of T. S. Farr. Incumbent's commission expired October 3, 1925.

Norton T. Hendrickson to be postmaster at Hoople, N. Dak., in place of N. T. Hendrickson. Incumbent's commission expired November 22, 1925.

Elizabeth I. Connelly to be postmaster at Hurdsfield, N. Dak., in place of E. I. Connelly. Incumbent's commission expired August 24, 1925.

Samuel N. Rinde to be postmaster at Lankin, N. Dak., in place of S. N. Rinde. Incumbent's commission expired November 18, 1925.

Ruth L. Gibbons to be postmaster at Lawton, N. Dak., in place of R. L. Gibbons. Incumbent's commission expired October 7, 1925.

Mathew Lynch to be postmaster at Lidgerwood, N. Dak., in place of Mathew Lynch. Incumbent's commission expired November 8, 1925.

James F. Dunn to be postmaster at McClusky, N. Dak., in place of J. F. Dunn. Incumbent's commission expired August 24, 1925.

Carl Quanbeck to be postmaster at McVille, N. Dak., in place of L. S. Jacobson. Incumbent's commission expired July 28, 1925.

Dorothea L. Haugen to be postmaster at Maddock, N. Dak., in place of D. L. Haugen. Incumbent's commission expired November 22, 1925.

Anton M. Jacobson to be postmaster at Makoti, N. Dak., in place of A. M. Jacobson. Incumbent's commission expired August 4, 1925.

Lorena S. McDonald to be postmaster at Medora, N. Dak., in place of L. S. McDonald. Incumbent's commission expired November 8, 1925.

Charles P. Thomson to be postmaster at Minto, N. Dak., in place of C. P. Thomson. Incumbent's commission expired May 4, 1925.

James A. Elliott to be postmaster at New England, N. Dak., in place of J. A. Elliott. Incumbent's commission expired August 24, 1925.

John A. Halberg to be postmaster at Park River, N. Dak., in place of J. A. Halberg. Incumbent's commission expired November 17, 1925.

Bennie M. Burreson to be postmaster at Pekin, N. Dak., in place of B. M. Burreson. Incumbent's commission expired October 7, 1925.

John J. Mullett to be postmaster at Perth, N. Dak., in place of J. J. Mullett. Incumbent's commission expired October 7, 1925.

John H. Gambs to be postmaster at Pettibone, N. Dak., in place of J. H. Gambs. Incumbent's commission expired October 7, 1925.

Ernest C. Lebacken to be postmaster at Reynolds, N. Dak., in place of E. C. Lebacken. Incumbent's commission expired May 4, 1925.

Edmund C. Sargent to be postmaster at Ruso, N. Dak., in place of E. C. Sargent. Incumbent's commission expired August 24, 1925.

Donald G. McIntosh to be postmaster at St. Thomas, N. Dak., in place of D. G. McIntosh. Incumbent's commission expired November 22, 1925.

Mons K. Ohnstad to be postmaster at Sharon, N. Dak., in place of M. K. Ohnstad. Incumbent's commission expired August 24, 1925.

Wanzo M. Shaw to be postmaster at Sheldon, N. Dak., in place of W. M. Shaw. Incumbent's commission expired August 24, 1925.

Jennie E. Smith to be postmaster at Steele, N. Dak., in place of J. E. Smith. Incumbent's commission expired July 20, 1925.

Cornelius Rowerdink to be postmaster at Strasburg, N. Dak., in place of Cornelius Rowerdink. Incumbent's commission expired October 7, 1925.

Lydia R. Schultz to be postmaster at Tappen, N. Dak., in place of L. R. Schultz. Incumbent's commission expired October 7, 1925.

Mary E. Freeman to be postmaster at Verona, N. Dak., in place of M. E. Freeman. Incumbent's commission expired October 19, 1925.

Clifford E. Kelsven to be postmaster at Almont, N. Dak., in place of C. E. Kelsven. Incumbent's commission expired October 3, 1925.

John Brusven to be postmaster at Barton, N. Dak., in place of John Brusven. Incumbent's commission expired November 18, 1925.

Niels E. Sorteberg to be postmaster at Bowdon, N. Dak., in place of N. E. Sorteberg. Incumbent's commission expired August 24, 1925.

Clara J. Leet to be postmaster at Brocket, N. Dak., in place of C. J. Leet. Incumbent's commission expired October 7, 1925.

Laura A. Kline to be postmaster at Crystal, N. Dak., in place of L. A. Kline. Incumbent's commission expired July 28, 1925.

Belle Elton to be postmaster at Deering, N. Dak., in place of Belle Elton. Incumbent's commission expired August 24, 1925.

Otto S. Wing to be postmaster at Edmore, N. Dak., in place of O. S. Wing. Incumbent's commission expired November 23, 1925.

Albert E. Thacker to be postmaster at Hamilton, N. Dak., in place of A. E. Thacker. Incumbent's commission expired August 24, 1925.

William C. Forman, jr., to be postmaster at Hankinson, N. Dak., in place of W. C. Forman, jr. Incumbent's commission expired November 8, 1925.

Chester A. Revell to be postmaster at Harvey, N. Dak., in place of C. A. Revell. Incumbent's commission expired August 24, 1925.

Olaf N. Hegge to be postmaster at Hatton, N. Dak., in place of O. N. Hegge. Incumbent's commission expired November 18, 1925.

Goldia J. Smith to be postmaster at Zahl, N. Dak. Office became presidential July 1, 1925.

William H. Byhoffer to be postmaster at Selfridge, N. Dak. Office became presidential October 1, 1924.

Bernard E. Rierson to be postmaster at Regan, N. Dak. Office became presidential July 1, 1925.

Elizabeth L. Stahl to be postmaster at McGregor, N. Dak. Office became presidential October 1, 1924.

Edith M. Will to be postmaster at Leith, N. Dak. Office became presidential July 1, 1925.

Jacob Krier to be postmaster at Gladstone, N. Dak. Office became presidential April 1, 1923.

Jacob Omdahl to be postmaster at Galesburg, N. Dak. Office became presidential July 1, 1925.

Meeda McMullen to be postmaster at Forest River, N. Dak., Office became presidential July 1, 1925.

Michael J. Wipf to be postmaster at Alsen, N. Dak. Office became presidential July 1, 1925.

Elizabeth Multz to be postmaster at Alice, N. Dak. Office became presidential January 1, 1925.

OHIO

William E. Bowers to be postmaster at Amanda, Ohio, in place of S. L. Myers, resigned.

Marvin P. Devore to be postmaster at East Columbus, Ohio, in place of Lora Bloomfield, resigned.

Oscar G. Cross to be postmaster at Hamden, Ohio, in place of Clarence McKinniss, resigned.

George A. Vincent to be postmaster at Hiram, Ohio, in place of O. E. Reed, deceased.

Emma Fenstermaker to be postmaster at McClure, Ohio, in place of M. J. Fiser, removed.

Charles E. Kimmel to be postmaster at Struthers, Ohio, in place of W. C. Shafer, deceased.

Howard Arnsbarger to be postmaster at Swanton, Ohio, in place of A. R. Trumbull, resigned.

John D. Kramer to be postmaster at West Alexandria, Ohio, in place of J. M. Sweney, removed.

Frank J. Reinheimer to be postmaster at Kelleys Island, Ohio, in place of F. J. Reinheimer. Incumbent's commission expired November 9, 1925.

George H. Meek to be postmaster at Lakeside, Ohio, in place of G. H. Meek. Incumbent's commission expired October 25, 1925.

Guy E. Matthews to be postmaster at Liberty Center, Ohio, in place of G. E. Matthews. Incumbent's commission expired May 4, 1925.

Stella M. Brogan to be postmaster at Lodi, Ohio, in place of S. M. Brogan. Incumbent's commission expired November 23, 1925.

Carl W. Appel to be postmaster at Lucasville, Ohio, in place of C. W. Appel. Incumbent's commission expired November 2, 1925.

Godfrey Gesen to be postmaster at Massillon, Ohio, in place of Godfrey Gesen. Incumbent's commission expired November 2, 1925.

Samuel F. Davis to be postmaster at Mendon, Ohio, in place of S. F. Davis. Incumbent's commission expired November 2, 1925.

Elvey E. Ely to be postmaster at Mount Orab, Ohio, in place of E. E. Ely. Incumbent's commission expired October 25, 1925.

Frank R. Jackson to be postmaster at Nelsonville, Ohio, in place of F. R. Jackson. Incumbent's commission expired October 20, 1925.

John S. De Jean to be postmaster at Nevada, Ohio, in place of J. S. De Jean. Incumbent's commission expired October 4, 1925.

Elizabeth L. D. Tritt to be postmaster at North Lewisburg, Ohio, in place of E. L. D. Tritt. Incumbent's commission expired October 8, 1925.

John P. Lauer to be postmaster at Ottoville, Ohio, in place of J. P. Lauer. Incumbent's commission expired October 20, 1925.

William A. Cooper to be postmaster at Piketon, Ohio, in place of W. A. Cooper. Incumbent's commission expired November 18, 1925.

Lucina Byers to be postmaster at Poland, Ohio, in place of Lucina Byers. Incumbent's commission expired November 15, 1925.

Nelson P. Swank to be postmaster at Quincy, Ohio, in place of N. P. Swank. Incumbent's commission expired August 24, 1925.

Crayton E. Womer to be postmaster at Republic, Ohio, in place of C. E. Womer. Incumbent's commission expired August 5, 1925.

Owen Livingston to be postmaster at Richwood, Ohio, in place of Owen Livingston. Incumbent's commission expired November 9, 1925.

Henry F. Longenecker to be postmaster at Rittman, Ohio, in place of H. F. Longenecker. Incumbent's commission expired November 2, 1925.

Harry B. Miller to be postmaster at Rockford, Ohio, in place of H. B. Miller. Incumbent's commission expired November 9, 1925.

Lida R. Williamson to be postmaster at Seaman, Ohio, in place of L. R. Williamson. Incumbent's commission expired November 21, 1925.

Howard H. Collins to be postmaster at South Zanesville, Ohio, in place of H. H. Collins. Incumbent's commission expired August 16, 1925.

Mary C. Lauer to be postmaster at Tiltonsville, Ohio, in place of M. C. Lauer. Incumbent's commission expired August 24, 1925.

Hugh C. Bell to be postmaster at Utica, Ohio, in place of H. C. Bell. Incumbent's commission expired November 18, 1925.

Frank A. Gamble to be postmaster at Van Wert, Ohio, in place of F. A. Gamble. Incumbent's commission expired October 22, 1925.

Charles B. Saxby to be postmaster at Weston, Ohio, in place of C. B. Saxby. Incumbent's commission expired July 28, 1925.

Frank B. James to be postmaster at Willard, Ohio, in place of F. B. James. Incumbent's commission expired November 15, 1925.

Edson C. Nichols to be postmaster at Willoughby, Ohio, in place of E. C. Nichols. Incumbent's commission expired November 15, 1925.

Cyrus S. Daulton to be postmaster at Winchester, Ohio, in place of C. S. Daulton. Incumbent's commission expired October 8, 1925.

Charles N. Sparks to be postmaster at Akron, Ohio, in place of C. N. Sparks. Incumbent's commission expired October 20, 1925.

Everett W. White to be postmaster at Albany, Ohio, in place of E. W. White. Incumbent's commission expired November 22, 1925.

Harry E. Kearns to be postmaster at Amelia, Ohio, in place of H. E. Kearns. Incumbent's commission expired July 27, 1925.

Lessa B. Masters to be postmaster at Antwerp, Ohio, in place of L. B. Masters. Incumbent's commission expired November 9, 1925.

Varnum C. Collins to be postmaster at Barnesville, Ohio, in place of V. C. Collins. Incumbent's commission expired August 24, 1925.

Emma E. Thorne to be postmaster at Berea, Ohio, in place of E. E. Thorne. Incumbent's commission expired August 4, 1925.

Lowell E. Blakeley to be postmaster at Botkins, Ohio, in place of L. E. Blakeley. Incumbent's commission expired August 16, 1925.

James P. Evans to be postmaster at Bradner, Ohio, in place of J. P. Evans. Incumbent's commission expired November 23, 1925.

Ora A. Ridiker to be postmaster at Brunswick, Ohio, in place of O. A. Ridiker. Incumbent's commission expired November 18, 1925.

Horace B. Ramey to be postmaster at Centerburg, Ohio, in place of H. B. Ramey. Incumbent's commission expired November 15, 1925.

Stuart N. Austin to be postmaster at Chardon, Ohio, in place of S. N. Austin. Incumbent's commission expired November 15, 1925.

Robert H. Brown to be postmaster at Clyde, Ohio, in place of R. H. Brown. Incumbent's commission expired October 4, 1925.

John W. Shisler to be postmaster at Dalton, Ohio, in place of J. W. Shisler. Incumbent's commission expired November 9, 1925.

Edward E. Truesdale to be postmaster at Delphos, Ohio, in place of E. E. Truesdale. Incumbent's commission expired October 11, 1925.

James O. Miller to be postmaster at Dexter City, Ohio, in place of J. O. Miller. Incumbent's commission expired August 16, 1925.

James A. Barr to be postmaster at Dover, Ohio, in place of J. A. Barr. Incumbent's commission expired October 20, 1925.

Lee Heckman to be postmaster at Edon, Ohio, in place of Lee Heckman. Incumbent's commission expired November 9, 1925.

Charles A. Saunders to be postmaster at Findlay, Ohio, in place of C. A. Saunders. Incumbent's commission expired August 20, 1925.

Ellen M. Cumming to be postmaster at Fort Jennings, Ohio, in place of E. M. Cumming. Incumbent's commission expired July 27, 1925.

Myron C. Cox to be postmaster at Fremont, Ohio, in place of M. C. Cox. Incumbent's commission expired November 18, 1925.

Orin Breckenridge to be postmaster at Grove City, Ohio, in place of Orin Breckenridge. Incumbent's commission expired November 17, 1925.

Orville R. Wiley to be postmaster at Hartville, Ohio, in place of O. R. Wiley. Incumbent's commission expired November 23, 1925.

Charles W. Evans to be postmaster at Huntsville, Ohio, in place of C. W. Evans. Incumbent's commission expired August 24, 1925.

Robert S. Nichols to be postmaster at Jackson Center, Ohio, in place of R. S. Nichols. Incumbent's commission expired November 21, 1925.

Olive B. Reed to be postmaster at Jacksonville, Ohio, in place of O. B. Reed. Incumbent's commission expired August 16, 1925.

Peter Mallendick to be postmaster at Whitehouse, Ohio. Office became presidential July 1, 1925.

Mary B. Craig to be postmaster at Russells Point, Ohio. Office became presidential October 1, 1924.

Sylvie E. Sovacool to be postmaster at Peninsula, Ohio, Office became presidential July 1, 1925.

Hattie S. Sell to be postmaster at North Lima, Ohio. Office became presidential July 1, 1925.

Sanford E. Goodell to be postmaster at Luckey, Ohio. Office became presidential July 1, 1925.

Nelle Snediker to be postmaster at Fairfield, Ohio. Office became presidential October 1, 1924.

Marie Thompson to be postmaster at East Fultonham, Ohio. Office became presidential July 1, 1925.

William H. Nelberg to be postmaster at Buckeye Lake, Ohio. Office became presidential October 1, 1924.

OKLAHOMA

Jack E. Courtney to be postmaster at Southard, Okla. Office became presidential October 1, 1925.

Perry E. Harp to be postmaster at Wakita, Okla., in place of C. W. Straughan, deceased.

Earl W. Drake to be postmaster at Binger, Okla., in place of E. W. Drake. Incumbent's commission expired August 24, 1925.

Albert H. Lyons to be postmaster at Bristow, Okla., in place of A. H. Lyons. Incumbent's commission expired September 27, 1925.

Sara A. Loveland to be postmaster at Castle, Okla., in place of S. A. Loveland. Incumbent's commission expired August 24, 1925.

Benjamin G. Baker to be postmaster at Chattanooga, Okla., in place of B. G. Baker. Incumbent's commission expired November 23, 1925.

Walter S. Miller to be postmaster at Copan, Okla., in place of W. S. Miller. Incumbent's commission expired November 22, 1925.

James L. Shinaberger to be postmaster at McAlester, Okla., in place of J. L. Shinaberger. Incumbent's commission expired September 27, 1925.

George H. Belcher to be postmaster at Medford, Okla., in place of J. W. Chism. Incumbent's commission expired July 23, 1921.

Homer M. Canan to be postmaster at Pocasset, Okla., in place of H. M. Canan. Incumbent's commission expired August 24, 1925.

Chloe V. Ellis to be postmaster at Porter, Okla., in place of R. F. Gaunt. Incumbent's commission expired June 6, 1922.

Fred T. Kirby to be postmaster at Ponca City, Okla., in place of F. T. Kirby. Incumbent's commission expired September 27, 1925.

Frank S. Roodhouse to be postmaster at Shawnee, Okla., in place of F. S. Roodhouse. Incumbent's commission expired November 18, 1925.

Harrison H. McMahan to be postmaster at Tecumseh, Okla., in place of H. H. McMahan. Incumbent's commission expired August 24, 1925.

Edmond J. Gardner to be postmaster at Valliant, Okla., in place of E. J. Gardner. Incumbent's commission expired August 24, 1925.

Ira B. Johnson to be postmaster at Vian, Okla., in place of I. B. Johnson. Incumbent's commission expired August 11, 1925.

Joseph Hunt, jr., to be postmaster at Vinita, Okla., in place of Joseph Hunt, jr. Incumbent's commission expired October 8, 1925.

John W. Gregory to be postmaster at Weleetka, Okla., in place of J. W. Gregory. Incumbent's commission expired November 9, 1925.

Horace Bradley to be postmaster at Wewoka, Okla., in place of Horace Bradley. Incumbent's commission expired August 4, 1925.

Archie V. Roberts to be postmaster at Buffalo, Okla., in place of B. A. Porter, removed.

George W. Sewell to be postmaster at Erick, Okla., in place of M. D. Self, resigned.

Harry S. Magill to be postmaster at Garber, Okla., in place of M. G. Harrington, resigned.

Claud H. Hager to be postmaster at Hammon, Okla., in place of Ruby Hiatt, removed.

Georgia B. Eubanks to be postmaster at Kellyville, Okla., in place of J. W. Fiscus, deceased.

Minnie L. Allen to be postmaster at Lehigh, Okla., in place of Douglas Allen, resigned.

John C. Molder to be postmaster at Meeker, Okla., in place of O. W. King, removed.

Harry Million to be postmaster at Quinlan, Okla., in place of P. J. Fournier, resigned.

Anna E. Smithers to be postmaster at Owasso, Okla. Office became presidential October 1, 1924.

Winnie A. Ayers to be postmaster at Langston, Okla. Office became presidential January 1, 1925.

Lincoln C. Mahanna to be postmaster at Headrick, Okla. Office became presidential July 1, 1925.

James R. Hutson to be postmaster at Graham, Okla. Office became presidential January 1, 1925.

Jesse M. Kimball to be postmaster at Davenport, Okla. Office became presidential October 1, 1925.

George M. Massingale to be postmaster at Cooper, Okla. Office became presidential April 1, 1924.

OREGON

William E. Reed to be postmaster at Mitchell, Oreg. Office became presidential July 1, 1925.

Nellie P. Satchwell to be postmaster at Shedd, Oreg. Office became presidential July 1, 1925.

Franklin Lee Carlson to be postmaster at Chiloquin, Oreg., in place of C. C. Heidrick, resigned.

Emma O. Schneider to be postmaster at Myrtle Point, Oreg., in place of E. J. Schneider, resigned.

Emma B. Sloper to be postmaster at Stayton, Oreg., in place of E. B. Watters, removed.

Edwin F. Muncey to be postmaster at Halfway, Oreg., in place of E. F. Muncey. Incumbent's commission expired November 23, 1925.

Victor B. Greenslade to be postmaster at Huntington, Oreg., in place of V. B. Greenslade. Incumbent's commission expired November 21, 1925.

John B. Schaefer to be postmaster at Linnton, Oreg., in place of J. B. Schaefer. Incumbent's commission expired August 5, 1925.

William J. Warner to be postmaster at Medford, Oreg., in place of W. J. Warner. Incumbent's commission expired May 13, 1925.

Lenora Hunter to be postmaster at Mosier, Oreg., in place of Lenora Hunter. Incumbent's commission expired August 24, 1925.

Volney E. Lee to be postmaster at North Powder, Oreg., in place of V. E. Lee. Incumbent's commission expired November 23, 1925.

Elizabeth Thompson to be postmaster at Nyssa, Oreg., in place of Elizabeth Thompson. Incumbent's commission expired November 23, 1925.

David R. Starkweather to be postmaster at Stanfield, Oreg., in place of R. F. Evans. Incumbent's commission expired August 29, 1923.

PENNSYLVANIA

James Barron to be postmaster at Anita, Pa. Office became presidential July 1, 1925.

Frank E. Sharpless to be postmaster at Boothwyn, Pa. Office became presidential July 1, 1925.

Margaret L. McKee to be postmaster at Clintonville, Pa. Office became presidential July 1, 1925.

Margaret W. Troxell to be postmaster at Egypt, Pa. Office became presidential January 1, 1925.

Bernhard Ostrolenk to be postmaster at Farm School, Pa. Office became presidential July 1, 1925.

Julius H. Roehner to be postmaster at Flourtown, Pa. Office became presidential July 1, 1925.

Esther K. Schofield to be postmaster at Glenfield, Pa. Office became presidential July 1, 1925.

Riddile S. Rankin to be postmaster at Hickory, Pa. Office became presidential July 1, 1925.

Stanley C. Croop to be postmaster at Hunlock Creek, Pa. Office became presidential July 1, 1925.

Marie Patterson to be postmaster at Landisburg, Pa. Office became presidential July 1, 1924.

Tillie Bradley to be postmaster at Loretto, Pa. Office became presidential July 1, 1925.

Lottie Tueche to be postmaster at New Eagle, Pa. Office became presidential July 1, 1925.

Nellie L. Hixson to be postmaster at Ruffs Dale, Pa. Office became presidential July 1, 1925.

John E. Muder to be postmaster at Saxonburg, Pa. Office became presidential July 1, 1925.

Robert S. Medary to be postmaster at Upper Darby, Pa. Office became presidential January 1, 1925.

Mary M. Wells to be postmaster at Wellsville, Pa. Office became presidential July 1, 1925.

R. Oscar Smeal to be postmaster at West Decatur, Pa. Office became presidential January 1, 1925.

Clara S. Lewis to be postmaster at Wysox, Pa. Office became presidential July 1, 1925.

Anna C. Grotth to be postmaster at Allison Park, Pa., in place of H. O. Sutter, resigned.

Frank O. Hood to be postmaster at Cambridge Springs, Pa., in place of E. L. Moses, deceased.

George H. Beadling to be postmaster at Castle Shannon, Pa., in place of T. P. Delaney, resigned.

Walter A. McElhany to be postmaster at Conway, Pa., in place of R. H. Scott, resigned.

Howard E. Harvey to be postmaster at Downingtown, Pa., in place of W. S. Henderson, removed.

Paul Jones to be postmaster at Elmora, Pa., in place of A. W. Boslet, resigned.

William H. Weston to be postmaster at Gallitzin, Pa., in place of R. B. McCaa, removed.

Robert D. Mitchell to be postmaster at Herminie, Pa., in place of William Critchfield, resigned.

James J. Donnelly to be postmaster at Johnsonburg, Pa., in place of W. N. Jones, deceased.

Otto A. Speakman to be postmaster at Meadville, Pa., in place of W. C. Hunter, resigned.

Rebecca Campbell to be postmaster at Midway, Pa., in place of T. U. McLaughlin, resigned.

Charles A. Swanson to be postmaster at Morris Run, Pa., in place of A. M. Whalen, deceased.

Augustus J. Cornely to be postmaster at Nanty Glo, Pa., in place of E. C. Davis, removed.

Emily M. Shinton to be postmaster at Paoli, Pa., in place of J. R. McGill, resigned.

Floyd R. Paris to be postmaster at Ralston, Pa., in place of L. B. Fillinger, removed.

Mary B. Daugherty to be postmaster at Rossiter, Pa., in place of C. H. McFarland, removed.

Jean McPherson to be postmaster at St. Benedict, Pa., in place of J. R. Jack, resigned.

Charles F. Abel to be postmaster at Springdale, Pa., in place of A. W. Porter, removed.

Amos F. Fry to be postmaster at Thompsontown, Pa., in place of Horace W. Wickersham, removed.

John A. Bissell to be postmaster at St. Petersburg, Pa., in place of J. A. Bissell. Incumbent's commission expired August 24, 1925.

Samuel L. Miller to be postmaster at Schwenkville, Pa., in place of S. L. Miller. Incumbent's commission expired November 18, 1925.

Millard F. McCollough to be postmaster at Seward, Pa., in place of M. F. McCollough. Incumbent's commission expired August 24, 1925.

Michael Wolsky to be postmaster at Shenandoah, Pa., in place of E. F. Moyer. Incumbent's commission expired October 17, 1925.

James J. Neil to be postmaster at Sligo, Pa., in place of J. J. Neil. Incumbent's commission expired November 15, 1925.

William A. Sickel to be postmaster at Snow Shoe, Pa., in place of W. A. Sickel. Incumbent's commission expired November 18, 1925.

James S. Hook to be postmaster at Somerfield, Pa., in place of J. S. Hook. Incumbent's commission expired August 24, 1925.

John E. Anstine to be postmaster at Stewartstown, Pa., in place of J. E. Anstine. Incumbent's commission expired August 17, 1925.

Samuel B. Long to be postmaster at Sykesville, Pa., in place of S. B. Long. Incumbent's commission expired November 23, 1925.

Ernest D. Mallinee to be postmaster at Townville, Pa., in place of E. D. Mallinee. Incumbent's commission expired October 8, 1925.

Joseph Straka to be postmaster at Universal, Pa., in place of Joseph Straka. Incumbent's commission expired September 24, 1925.

Della Elder to be postmaster at Vestaburg, Pa., in place of Della Elder. Incumbent's commission expired August 24, 1925.

Thomas J. Langfitt to be postmaster at Washington, Pa., in place of T. J. Langfitt. Incumbent's commission expired October 25, 1925.

Charles A. McDannell to be postmaster at Wattsburg, Pa., in place of C. A. McDannell. Incumbent's commission expired August 24, 1925.

Alvin L. Wenzel to be postmaster at Webster, Pa., in place of A. L. Wenzel. Incumbent's commission expired November 15, 1925.

Jeane C. Lewis to be postmaster at Weedville, Pa., in place of J. C. Lewis. Incumbent's commission expired August 24, 1925.

William E. Mannear to be postmaster at Wilkes-Barre, Pa., in place of W. E. Mannear. Incumbent's commission expired August 24, 1925.

Karl Mette to be postmaster at Woolrich, Pa., in place of Karl Mette. Incumbent's commission expired November 23, 1925.

Charles W. Newman to be postmaster at Wyalusing, Pa., in place of C. W. Newman. Incumbent's commission expired November 22, 1925.

Mary A. Jefferis to be postmaster at Wynnewood, Pa., in place of M. A. Jefferis. Incumbent's commission expired November 18, 1925.

Mina Connell to be postmaster at Yatesboro, Pa., in place of Mina Connell. Incumbent's commission expired November 23, 1925.

William G. Childs to be postmaster at Grand Valley, Pa., in place of W. G. Childs. Incumbent's commission expired August 24, 1925.

Harvey D. Klingensmith to be postmaster at Grapeville, Pa., in place of H. D. Klingensmith. Incumbent's commission expired October 26, 1925.

Zeta S. Truax to be postmaster at Jerome, Pa., in place of Z. S. Truax. Incumbent's commission expired August 20, 1925.

Caroline E. Boyer to be postmaster at Kersey, Pa., in place of C. E. Boyer. Incumbent's commission expired August 24, 1925.

Mae Van Buskirk to be postmaster at Kinzua, Pa., in place of M. V. Buskirk. Incumbent's commission expired August 24, 1925.

Louise S. Cortright to be postmaster at Lackawaxen, Pa., in place of L. S. Cortright. Incumbent's commission expired October 26, 1925.

John H. May to be postmaster at Lapark, Pa., in place of J. D. May. Incumbent's commission expired June 5, 1924.

Joseph A. Conrad to be postmaster at Latrobe, Pa., in place of J. A. Conrad. Incumbent's commission expired August 20, 1925.

Fred D. Heilman to be postmaster at Lebanon, Pa., in place of F. D. Heilman. Incumbent's commission expired November 17, 1925.

Earl W. Hopkins to be postmaster at Leetsdale, Pa., in place of E. W. Hopkins. Incumbent's commission expired November 23, 1925.

Edward F. Brent to be postmaster at Lewistown, Pa., in place of W. F. Eckbert, jr. Incumbent's commission expired October 4, 1925.

Walter R. Miller to be postmaster at Liberty, Pa., in place of W. R. Miller. Incumbent's commission expired August 17, 1925.

John J. Herbst to be postmaster at McKees Rocks, Pa., in place of J. J. Herbst. Incumbent's commission expired September 24, 1925.

James H. Beamer to be postmaster at Manor, Pa., in place of J. H. Beamer. Incumbent's commission expired November 18, 1925.

Willis G. Dell to be postmaster at Mapleton Depot, Pa., in place of W. G. Dell. Incumbent's commission expired November 23, 1925.

Demas L. Post to be postmaster at Marianna, Pa., in place of D. L. Post. Incumbent's commission expired November 23, 1925.

Dunham Barton to be postmaster at Mercer, Pa., in place of Dunham Barton. Incumbent's commission expired August 17, 1925.

William E. Brown to be postmaster at Milroy, Pa., in place of T. W. Lauver. Incumbent's commission expired June 5, 1924.

Edwin F. Miller to be postmaster at Mohnton, Pa., in place of E. F. Miller. Incumbent's commission expired October 25, 1925.

Jacob R. Snyder to be postmaster at Mount Holly Springs, Pa., in place of J. R. Snyder. Incumbent's commission expired November 23, 1925.

James G. Cook to be postmaster at New Alexandria, Pa., in place of J. G. Cook. Incumbent's commission expired August 17, 1925.

Isaac H. Snader to be postmaster at New Holland, Pa., in place of I. H. Snader. Incumbent's commission expired September 24, 1925.

Esther F. Rivers to be postmaster at Ogontz School, Pa., in place of E. F. Rivers. Incumbent's commission expired November 18, 1925.

George W. Gosser to be postmaster at Pittsburgh, Pa., in place of G. W. Gosser. Incumbent's commission expired August 24, 1925.

Edwin A. Hoopes to be postmaster at Pocono Manor, Pa., in place of E. A. Hoopes. Incumbent's commission expired September 24, 1925.

Gordon S. Studholme to be postmaster at Port Allegany, Pa., in place of G. S. Studholme. Incumbent's commission expired August 24, 1925.

Alfred B. Bowe to be postmaster at Port Carbon, Pa., in place of A. B. Bowe. Incumbent's commission expired May 18, 1925.

Fred W. Allison to be postmaster at Roscoe, Pa., in place of F. W. Allison. Incumbent's commission expired August 24, 1925.

John A. Van Orsdale to be postmaster at Russell, Pa., in place of J. A. Van Orsdale. Incumbent's commission expired August 24, 1925.

Arthur R. Brown to be postmaster at Athens, Pa., in place of F. H. Smith. Incumbent's commission expired June 5, 1924.

Harry E. Harsh to be postmaster at Bareville, Pa., in place of H. E. Harsh. Incumbent's commission expired September 24, 1925.

Ralph S. Hood to be postmaster at Beaver Falls, Pa., in place of R. S. Hood. Office became presidential November 23, 1925.

Harry F. Fearon to be postmaster at Beech Creek, Pa., in place of H. H. Fearon. Incumbent's commission expired August 24, 1925.

John L. Knisely to be postmaster at Bellefonte, Pa., in place of J. L. Knisely. Incumbent's commission expired August 24, 1925.

James F. Wills to be postmaster at Belleville, Pa., in place of J. F. Wills. Incumbent's commission expired November 18, 1925.

Harry W. Thatcher to be postmaster at Bethlehem, Pa., in place of H. W. Thatcher. Incumbent's commission expired November 21, 1925.

Harry U. Walter to be postmaster at Biglerville, Pa., in place of H. U. Walter. Incumbent's commission expired October 4, 1925.

William L. Hendricks to be postmaster at Bolivar, Pa., in place of W. L. Hendricks. Incumbent's commission expired November 23, 1925.

Comfrey Ickes to be postmaster at Boswell, Pa., in place of Comfrey Ickes. Incumbent's commission expired November 17, 1925.

Mary W. Ritner to be postmaster at Bruin, Pa., in place of M. W. Ritner. Incumbent's commission expired November 15, 1925.

Harry H. Potter to be postmaster at Bushkill, Pa., in place of H. H. Potter. Incumbent's commission expired October 17, 1925.

Jeremiah S. Troxell to be postmaster at Cementon, Pa., in place of J. S. Troxell. Incumbent's commission expired August 24, 1925.

Robert M. Smith to be postmaster at Center Hall, Pa., in place of R. M. Smith. Incumbent's commission expired November 23, 1925.

Ella C. Brannon to be postmaster at Centerville, Pa., in place of E. C. Brannon. Incumbent's commission expired October 4, 1925.

Frank C. Fisher to be postmaster at Cheltenham, Pa., in place of F. C. Fisher. Incumbent's commission expired October 6, 1925.

Elmer L. Russell to be postmaster at Cokeburg, Pa., in place of E. L. Russell. Incumbent's commission expired August 17, 1925.

Ralph Simons to be postmaster at Cornwells Heights, Pa., in place of Ralph Simons. Incumbent's commission expired November 18, 1925.

Howard S. Crownover to be postmaster at Curwensville, Pa., in place of H. S. Crownover. Incumbent's commission expired October 11, 1925.

George D. Kinkaid to be postmaster at Ebensburg, Pa., in place of G. D. Kinkaid. Incumbent's commission expired August 17, 1925.

Camilla W. Bennett to be postmaster at East McKeesport, Pa., in place of C. W. Bennett. Incumbent's commission expired August 24, 1925.

Ruby F. Austin to be postmaster at Edinboro, Pa., in place of R. F. Austin. Incumbent's commission expired November 17, 1925.

Thomas C. Wood to be postmaster at Elkland, Pa., in place of T. C. Wood. Incumbent's commission expired November 23, 1925.

Wilberforce H. Stiles to be postmaster at Endeavor, Pa., in place of W. H. Stiles. Incumbent's commission expired August 24, 1925.

Henry C. Boyd to be postmaster at Finleyville, Pa., in place of H. C. Boyd. Incumbent's commission expired November 19, 1925.

Caspar A. Miller to be postmaster at Foxburg, Pa., in place of C. A. Miller. Incumbent's commission expired November 15, 1925.

Marshall M. Smith to be postmaster at Gaines, Pa., in place of M. M. Smith. Incumbent's commission expired September 24, 1925.

Fred Goodman to be postmaster at Galeton, Pa., in place of Fred Goodman. Incumbent's commission expired October 11, 1925.

Lewis A. Brown to be postmaster at Adah, Pa., in place of L. A. Brown. Incumbent's commission expired August 24, 1925.

Charles H. Truby to be postmaster at Apollo, Pa., in place of C. H. Truby. Incumbent's commission expired August 20, 1925.

John H. Baldwin to be postmaster at Atglen, Pa., in place of J. H. Baldwin. Incumbent's commission expired August 24, 1925.

PORTO RICO

Angel F. Colon to be postmaster at Juana Diaz, P. R., in place of A. F. Colon. Incumbent's commission expired November 2, 1925.

Hortensia R. O'Neill to be postmaster at San German, P. R., in place of H. R. O'Neill. Incumbent's commission expired July 25, 1925.

Francisco Valldejuli to be postmaster at Yabucoa, P. R., in place of Francisco Valldejuli. Incumbent's commission expired November 2, 1925.

Simon Semidei to be postmaster at Yauco, P. R., in place of Simon Semidei. Incumbent's commission expired July 25, 1925.

Francisco Arrufat to be postmaster at Arroyo, P. R., in place of Florencio Salinas, deceased.

Angel de Jesus Matos to be postmaster at Coamo, P. R., in place of J. F. Rivera, removed.

Luis Clos to be postmaster at Naguabo, P. R., in place of L. R. G. Casanova, resigned.

Augusto M. Garcia to be postmaster at Sabana Grande, P. R., in place of C. B. Carrera, resigned.

Rafael del Valle to be postmaster at San Juan, P. R., in place of Fernando Montilla, resigned.

Juan Aparicio Rivera to be postmaster at Adjuntas, P. R., in place of J. A. Rivera. Incumbent's commission expired November 2, 1925.

Concepcion Torrens de Arrillaga to be postmaster at Anasco, P. R., in place of C. T. de Arrillaga. Incumbent's commission expired November 2, 1925.

Alfredo Giminez y Moreno to be postmaster at Bayamon, P. R., in place of A. G. y Moreno. Incumbent's commission expired July 25, 1925.

Alfredo Font Irizarry to be postmaster at Cabo Rojo, P. R., in place of A. F. Irizarry. Incumbent's commission expired November 2, 1925.

Ramona Quinones to be postmaster at Catano, P. R., in place of Ramona Quinones. Incumbent's commission expired November 2, 1925.

Julio Ramos to be postmaster at Cayey, P. R., in place of Julio Ramos. Incumbent's commission expired November 2, 1925.

Eduvigis de la Rosa to be postmaster at Isabela, P. R., in place of Eduvigis de la Rosa. Incumbent's commission expired November 2, 1925.

RHODE ISLAND

Lyra S. A. Cook to be postmaster at West Barrington, R. I., in place of Reuben A. Gibbs, deceased.

Ralph Chapman to be postmaster at Esmond, R. I., in place of Ralph Chapman. Incumbent's commission expired August 9, 1925.

John C. Sheldon to be postmaster at Hillsgrove, R. I., in place of J. C. Sheldon. Incumbent's commission expired October 4, 1925.

Beatrice M. Kelly to be postmaster at Little Compton, R. I., in place of B. M. Kelly. Incumbent's commission expired August 24, 1925.

Walter A. Kilton to be postmaster at Providence, R. I., in place of W. A. Kilton. Incumbent's commission expired August 5, 1925.

SAMOA

David J. McMullin to be postmaster at Pago Pago, Samoa, in place of Robert M. Walker, resigned.

SOUTH CAROLINA

Jesse B. Bird to be postmaster at Inman, S. C., in place of Thomas F. Bird, resigned.

Lewis J. Goodman to be postmaster at Clemson College, S. C., in place of Ida A. Calhoun, resigned.

Irene Stuckey to be postmaster at Bishopville, S. C., in place of Warley L. Parrott, resigned.

William B. Blakeley to be postmaster at Andrews, S. C., in place of W. B. Blakeley. Incumbent's commission expired November 14, 1925.

William R. Rozier to be postmaster at Bethune, S. C., in place of W. R. Rozier. Incumbent's commission expired November 22, 1925.

Tully A. Sawyer to be postmaster at Chesnee, S. C., in place of T. A. Sawyer. Incumbent's commission expired September 30, 1925.

Lida E. Setsler to be postmaster at Cowpens, S. C., in place of L. E. Setsler. Incumbent's commission expired September 24, 1925.

Paul M. Davis to be postmaster at Donalds, S. C., in place of P. M. Davis. Incumbent's commission expired October 3, 1925.

John B. O'Neal to be postmaster at Fairfax, S. C., in place of J. B. O'Neal. Incumbent's commission expired October 4, 1925.

Lemuel Reid to be postmaster at Iva, S. C., in place of Lemuel Reid. Incumbent's commission expired October 3, 1925.

Susie J. Miller to be postmaster at Jefferson, S. C., in place of S. J. Miller. Incumbent's commission expired October 3, 1925.

Ernest L. Isenhower to be postmaster at Lake City, S. C., in place of A. C. Turbeville. Incumbent's commission expired June 4, 1924.

Joseph G. Brabham to be postmaster at Olar, S. C., in place of J. G. Brabham. Incumbent's commission expired August 24, 1925.

John W. Quick to be postmaster at Pageland, S. C., in place of J. W. Quick. Incumbent's commission expired October 3, 1925.

Robert L. Plexico to be postmaster at Sharon, S. C., in place of R. L. Plexico. Incumbent's commission expired October 3, 1925.

William C. Stepp to be postmaster at Taylors, S. C., in place of W. C. Stepp. Incumbent's commission expired August 11, 1925.

Hattie J. Peeples to be postmaster at Varnville, S. C., in place of H. J. Peeples. Incumbent's commission expired November 2, 1925.

SOUTH DAKOTA

Horace G. Wilson to be postmaster at Wagner, S. Dak., in place of Frank L. Gorman, removed.

William J. Morrow to be postmaster at St. Lawrence, S. Dak., in place of Frank C. Clegg, resigned.

Esther V. Schmaidt to be postmaster at Menno, S. Dak., in place of Metha A. Sanders, resigned.

Millard T. Thompson to be postmaster at Buffalo Gap, S. Dak., in place of Sadie E. Gustafson, resigned.

Aglae Bosse to be postmaster at Jefferson, S. Dak., in place of Aglae Bosse. Incumbent's commission expired August 24, 1925.

Alfred J. Soukup to be postmaster at Lesterville, S. Dak., in place of A. J. Soukup. Incumbent's commission expired August 24, 1925.

Lloyd E. Reckamp to be postmaster at McIntosh, S. Dak., in place of W. R. Spurlock. Incumbent's commission expired August 24, 1925.

Florence F. Cheatham to be postmaster at Mellette, S. Dak., in place of F. F. Cheatham. Incumbent's commission expired August 16, 1925.

Clarence S. Johnson to be postmaster at Milbank, S. Dak., in place of C. S. Johnson. Incumbent's commission expired August 4, 1925.

Oscar N. Hunt to be postmaster at Quinn, S. Dak., in place of O. N. Hunt. Incumbent's commission expired November 22, 1925.

Elmer J. O'Connell to be postmaster at Ramona, S. Dak., in place of E. J. O'Connell. Incumbent's commission expired November 22, 1925.

Jefferson C. Seals to be postmaster at Sioux Falls, S. Dak., in place of J. C. Seals. Incumbent's commission expired October 3, 1925.

John F. Kostel to be postmaster at Tabor, S. Dak., in place of J. F. Kostel. Incumbent's commission expired November 23, 1925.

Mary S. Reed to be postmaster at Wasta, S. Dak., in place of M. S. Reed. Incumbent's commission expired November 17, 1925.

John C. Southwick to be postmaster at Watertown, S. Dak., in place of J. W. Martin. Incumbent's commission expired June 4, 1924.

Ida V. Uhlig to be postmaster at Whitewood, S. Dak., in place of I. V. Uhlig. Incumbent's commission expired November 18, 1925.

Sander P. Questad to be postmaster at Baltic, S. Dak. Office became presidential July 1, 1925.

Benjamin A. Williams to be postmaster at Aberdeen, S. Dak., in place of B. A. Williams. Incumbent's commission expired November 8, 1925.

Fayette A. Nutter to be postmaster at Alcester, S. Dak., in place of F. A. Nutter. Incumbent's commission expired July 28, 1925.

Chester T. Chester to be postmaster at Arlington, S. Dak., in place of C. T. Chester. Incumbent's commission expired November 18, 1925.

Ollie V. Loughlin to be postmaster at Colman, S. Dak., in place of O. V. Loughlin. Incumbent's commission expired November 22, 1925.

Henry C. Grinde to be postmaster at Colton, S. Dak., in place of H. C. Grinde. Incumbent's commission expired August 4, 1925.

Guy R. Neher to be postmaster at Dell Rapids, S. Dak., in place of G. R. Neher. Incumbent's commission expired November 18, 1925.

TENNESSEE

John L. Goin to be postmaster at Tazewell, Tenn., in place of S. R. Robinson, resigned.

Otis E. Jones to be postmaster at Prospect Station, Tenn., in place of Thomas E. Jones, deceased.

William S. Gentry to be postmaster at McEwen, Tenn., in place of Henry M. May, declined.

James E. Miller to be postmaster at Kingsport, Tenn., in place of Jacob L. Shoun, resigned.

Thomas D. Walker to be postmaster at Kerrville, Tenn., in place of Hubert B. McCalla, removed.

Frank B. King to be postmaster at Alcoa, Tenn., in place of Bernard S. McMahan, resigned.

Willard J. Springfield to be postmaster at Chattanooga, Tenn., in place of W. J. Springfield. Incumbent's commission expired November 19, 1925.

Carus S. Hicks to be postmaster at Clinton, Tenn., in place of C. S. Hicks. Incumbent's commission expired November 19, 1925.

Roscoe T. Carroll to be postmaster at Estill Springs, Tenn., in place of R. T. Carroll. Incumbent's commission expired October 4, 1925.

Lula L. Shearer to be postmaster at Farner, Tenn., in place of L. L. Shearer. Incumbent's commission expired August 24, 1925.

Peyton B. Anderson to be postmaster at Greenback, Tenn., in place of P. B. Anderson. Incumbent's commission expired November 19, 1925.

Arthur Taylor to be postmaster at Lenoir City, Tenn., in place of Arthur Taylor. Incumbent's commission expired November 22, 1925.

John D. M. Marshall to be postmaster at Lookout Mountain, Tenn., in place of J. D. M. Marshall. Incumbent's commission expired November 22, 1925.

Thomas W. Thompson to be postmaster at Mount Juliet, Tenn., in place of L. C. Bashaw. Incumbent's commission expired October 4, 1925.

William S. Stanley to be postmaster at Oneida, Tenn., in place of W. S. Stanley. Incumbent's commission expired October 4, 1925.

Evan D. Phillips to be postmaster at Oliver Springs, Tenn., in place of E. D. Phillips. Incumbent's commission expired November 19, 1925.

John W. Wiggs to be postmaster at Paris, Tenn., in place of J. W. Wiggs. Incumbent's commission expired November 22, 1925.

James C. Key to be postmaster at Riceville, Tenn., in place of J. C. Key. Incumbent's commission expired November 22, 1925.

Clifford B. Perkins to be postmaster at Roan Mountain, Tenn., in place of C. B. Perkins. Incumbent's commission expired August 24, 1925.

Mettie M. Collins to be postmaster at Rutledge, Tenn., in place of M. M. Collins. Incumbent's commission expired November 22, 1925.

William R. Hurst to be postmaster at Savannah, Tenn., in place of W. O. Mangum. Incumbent's commission expired August 10, 1925.

James H. Christian to be postmaster at Smithville, Tenn., in place of J. H. Christian. Incumbent's commission expired November 22, 1925.

Ben Sloan to be postmaster at Vonore, Tenn., in place of Ben Sloan. Incumbent's commission expired October 4, 1925.

James M. Yokley to be postmaster at Baileyton, Tenn. Office became presidential July 1, 1925.

Thomas M. Boyd to be postmaster at Bruceton, Tenn. Office became presidential October 1, 1924.

Glenn A. Fortner to be postmaster at Cumberland Gap, Tenn. Office became presidential July 1, 1925.

David H. Hughes to be postmaster at Eagleville, Tenn. Office became presidential July 1, 1925.

William A. Reed to be postmaster at Pocahontas, Tenn. Office became presidential July 1, 1925.

TEXAS

Nancy Saunders to be postmaster at Boerne, Tex., in place of E. L. Wilke, deceased.

Robert H. Stone to be postmaster at Canadian, Tex., in place of W. C. Teague, resigned.

Herbert L. Barker to be postmaster at Cumby, Tex., in place of R. K. Cross, resigned.

Walter T. McCarty to be postmaster at Enloe, Tex., in place of H. W. Bridges, removed.

Keziah Shields to be postmaster at Glen Rose, Tex., in place of John Shields, deceased.

Eva H. McCown to be postmaster at Grandview, Tex., in place of O. L. McCown, removed.

William M. Huddleston to be postmaster at Hubbard, Tex., in place of A. M. Huddleston, resigned.

Arthur Treadway to be postmaster at Lindale, Tex., in place of T. J. Oden, deceased.

John E. McAllister to be postmaster at Mirando City, Tex., in place of M. G. Hedrick, resigned.

Arthur C. Wahl to be postmaster at Odem, Tex., in place of R. E. Butler, resigned.

Maude A. Price to be postmaster at Petrolia, Tex., in place of T. A. Matlock, resigned.

Edward E. Alexander to be postmaster at Pioneer, Tex., in place of C. A. Minton, resigned.

Denison P. Greenwade to be postmaster at Rochester, Tex., in place of Lena Greenwade, resigned.

James S. Bates to be postmaster at Slaton, Tex., in place of C. J. Russell, resigned.

Oscar C. Lowry to be postmaster at South Bend, Tex., in place of J. W. Travers, resigned.

Albert W. Henderson to be postmaster at Terrell, Tex., in place of F. L. Irwin, resigned.

George W. Vaughn to be postmaster at Texline, Tex., in place of A. L. Powell, resigned.

Jeff Potter to be postmaster at Tulia, Tex., in place of J. A. Emmitt, resigned.

Arthur E. Foster to be postmaster at Venus, Tex., in place of R. E. Howle, declined.

Ruby E. Ambler to be postmaster at Ysleta, Tex., in place of W. T. McPherson, deceased.

Janie M. McAlpin to be postmaster at Port Neches, Tex., in place of D. A. Bibb. Incumbent's commission expired July 28, 1923.

Wilson P. Hardwick to be postmaster at Pottsboro, Tex., in place of W. P. Hardwick. Incumbent's commission expired August 24, 1925.

John H. Wilson to be postmaster at Quanah, Tex., in place of J. B. Goodlett. Incumbent's commission expired September 5, 1922.

James A. Carter to be postmaster at Richland Springs, Tex., in place of J. J. Carter. Incumbent's commission expired January 21, 1924.

Theodore Miller to be postmaster at Rusk, Tex., in place of Theodore Miller. Incumbent's commission expired August 24, 1925.

Edmund R. Gallagher to be postmaster at San Diego, Tex., in place of E. R. Gallagher. Incumbent's commission expired August 24, 1925.

George H. Draeger to be postmaster at Seguin, Tex., in place of G. H. Draeger. Incumbent's commission expired September 27, 1925.

William P. Harris to be postmaster at Sulphur Springs, Tex., in place of W. P. Harris. Incumbent's commission expired October 17, 1925.

Morus B. Howard to be postmaster at Sweetwater, Tex., in place of M. B. Howard. Incumbent's commission expired September 27, 1925.

Joseph W. Davis to be postmaster at Teague, Tex., in place of J. W. Davis. Incumbent's commission expired October 26, 1925.

Thomas J. Darling to be postmaster at Temple, Tex., in place of T. J. Darling. Incumbent's commission expired November 18, 1925.

Robert L. Parker to be postmaster at Toyah, Tex., in place of R. L. Parker. Incumbent's commission expired August 20, 1925.

Landon M. Hatcher to be postmaster at Troy, Tex., in place of L. M. Hatcher. Incumbent's commission expired August 20, 1925.

Kit C. Stinebaugh to be postmaster at Walnut Springs, Tex., in place of K. C. Stinebaugh. Incumbent's commission expired November 18, 1925.

Marion C. Lucky to be postmaster at Balmorhea, Tex. Office became presidential July 1, 1925.

William H. Seidel to be postmaster at Baytown, Tex. Office became presidential October 1, 1925.

Leslie L. Cates to be postmaster at Ben Wheeler, Tex. Office became presidential January 1, 1925.

Joseph W. Taylor to be postmaster at Best, Tex. Office became presidential July 1, 1925.

Alois J. Skards to be postmaster at Bloomington, Tex. Office became presidential April 1, 1925.

John C. Gee to be postmaster at Call, Tex. Office became presidential July 1, 1925.

James T. Gray to be postmaster at Camp Wood, Tex. Office became presidential July 1, 1925.

Walter W. Broadhurst to be postmaster at Canutillo, Tex. Office became presidential October 1, 1924.

Sidney A. James to be postmaster at Encinal, Tex. Office became presidential July 1, 1925.

John A. Guyer to be postmaster at Friona, Tex. Office became presidential January 1, 1925.

Clemons E. Littlefield to be postmaster at Harwood, Tex. Office became presidential July 1, 1925.

Fay F. Spragins to be postmaster at Martindale, Tex. Office became presidential October 1, 1924.

Mary F. Wakefield to be postmaster at Midway, Tex. Office became presidential October 1, 1924.

Lola Marsh to be postmaster at Navarro, Tex. Office became presidential July 1, 1924.

Marjorie C. Ware to be postmaster at Seagraves, Tex. Office became presidential July 1, 1923.

Margaret E. Hodges to be postmaster at Westbrook, Tex. Office became presidential July 1, 1925.

UTAH

Leland Powell to be postmaster at Lehi, Utah, in place of R. H. Gardner, resigned.

Agnes Harrison to be postmaster at Standardville, Utah, in place of C. A. Pons, resigned.

Roland A. Madsen to be postmaster at Brigham, Utah, in place of R. A. Madsen. Incumbent's commission expired November 8, 1925.

Anthony W. Thomson to be postmaster at Ephraim, Utah, in place of A. W. Thomson. Incumbent's commission expired August 19, 1925.

John W. Guild to be postmaster at Kamas, Utah, in place of J. W. Guild. Incumbent's commission expired August 24, 1925.

Etta Moffitt to be postmaster at Kenilworth, Utah, in place of Etta Moffitt. Incumbent's commission expired August 24, 1925.

Charles E. Walton, jr., to be postmaster at Monticello, Utah, in place of C. E. Walton, jr. Incumbent's commission expired August 24, 1925.

Rufus A. Garner to be postmaster at Odgen, Utah, in place of R. A. Garner. Incumbent's commission expired October 11, 1925.

John A. Hatch to be postmaster at Woods Cross, Utah, in place of J. A. Hatch. Incumbent's commission expired August 24, 1925.

VERMONT

Harold M. Brown to be postmaster at Castleton, Vt., in place of Henry Jones, resigned.

Lucius A. Carpenter to be postmaster at Chester, Vt., in place of L. C. Rhodes, removed.

Rudolph M. Cutting to be postmaster at Plainfield, Vt., in place of R. M. Cutting. Incumbent's commission expired May 6, 1925.

Florence H. Hayward to be postmaster at Randolph, Vt., in place of F. H. Hayward. Incumbent's commission expired July 19, 1925.

Martha G. Kibby to be postmaster at Randolph Center, Vt., in place of M. G. Kibby. Incumbent's commission expired June 5, 1924.

Charles H. West to be postmaster at Rutland, Vt., in place of C. H. West. Incumbent's commission expired August 24, 1925.

Corydon W. Cheney to be postmaster at Sharon, Vt., in place of C. W. Cheney. Incumbent's commission expired October 19, 1925.

Catherine Neary to be postmaster at Shelburne, Vt., in place of Catherine Neary. Incumbent's commission expired August 24, 1925.

Robert H. Allen to be postmaster at South Hero, Vt., in place of R. H. Allen. Incumbent's commission expired August 24, 1925.

Ernest F. Illingsworth to be postmaster at Springfield, Vt., in place of E. F. Illingsworth. Incumbent's commission expired October 19, 1925.

Archie W. Burdick to be postmaster at West Pawlet, Vt., in place of A. W. Burdick. Incumbent's commission expired November 23, 1925.

Carl W. Cameron to be postmaster at White River Junction, Vt., in place of C. W. Cameron. Incumbent's commission expired November 2, 1925.

Charles H. Stone to be postmaster at Windsor, Vt., in place of C. H. Stone. Incumbent's commission expired October 19, 1925.

Marion T. Flynn to be postmaster at Alburg, Vt., in place of M. T. Flynn. Incumbent's commission expired August 24, 1925.

Glennie C. McIntyre to be postmaster at Danby, Vt., in place of G. C. McIntyre. Incumbent's commission expired August 24, 1925.

Gary S. Heath to be postmaster at Derby Line, Vt., in place of G. S. Heath. Incumbent's commission expired August 20, 1923.

Charles W. Powell to be postmaster at Franklin, Vt., in place of P. H. Gates. Incumbent's commission expired August 24, 1925.

George H. Hutchinson to be postmaster at Jericho, Vt., in place of F. P. Percival. Incumbent's commission expired August 24, 1925.

Francis A. Gray to be postmaster at Middletown Springs, Vt., in place of F. A. Gray. Incumbent's commission expired August 24, 1925.

Blanche A. Belanger to be postmaster at Orwell, Vt., in place of B. A. Belanger. Incumbent's commission expired August 24, 1925.

Frank C. Dyer to be postmaster at Salisbury, Vt. Office became presidential July 1, 1925.

VIRGIN ISLANDS

R. H. Amphlett Leader to be postmaster at Frederiksted, Virgin Islands, in place of R. H. A. Leader. Incumbent's commission expired November 17, 1925.

VIRGINIA

Richard M. Epes to be postmaster at South Hill, Va., in place of N. G. Smith, resigned.

Hughes L. Gilbert to be postmaster at Stuart, Va., in place of A. H. Staples, deceased.

Hersey Woodward, jr., to be postmaster at Suffolk, Va., in place of E. M. C. Quimby, resigned.

Maude B. Hockman to be postmaster at Toms Brook, Va., in place of O. J. Borden, resigned.

Cecil G. Wood to be postmaster at Ashland, Va., in place of T. P. Scott, deceased.

Lewis B. Connelly to be postmaster at Lawrenceville, Va., in place of G. E. Harrison, removed.

Mary B. Wickes to be postmaster at New Market, Va., in place of C. W. Wickes, removed.

Fillie C. Hammock to be postmaster at Riverton, Va., in place of O. S. Wakeman, removed.

Creighton Angell to be postmaster at Boone Mill, Va., in place of Creighton Angell. Incumbent's commission expired October 20, 1925.

Willard B. Alfred to be postmaster at Clarksville, Va., in place of W. B. Alfred. Incumbent's commission expired October 20, 1925.

Daniel V. Richmond to be postmaster at Ewing, Va., in place of D. V. Richmond. Incumbent's commission expired November 23, 1925.

Bernard R. Powell to be postmaster at Franklin City, Va., in place of B. R. Powell. Incumbent's commission expired November 23, 1925.

Leonard G. Perkins to be postmaster at Mineral, Va., in place of L. G. Perkins. Incumbent's commission expired November 23, 1925.

Harry M. Giles to be postmaster at Roseland, Va., in place of H. M. Giles. Incumbent's commission expired October 20, 1925.

Mamie A. Young to be postmaster at Shawsville, Va., in place of M. A. Young. Incumbent's commission expired October 20, 1925.

Rosa S. Newman to be postmaster at Sterling, Va., in place of R. S. Newman. Incumbent's commission expired October 20, 1925.

James R. Tompkins to be postmaster at Toms Creek, Va., in place of M. B. Sage. Incumbent's commission expired August 15, 1923.

Otye E. Hancock to be postmaster at Trevilians, Va., in place of O. E. Hancock. Incumbent's commission expired October 20, 1925.

Cuthbert Bristow to be postmaster at Urbanna, Va., in place of Cuthbert Bristow. Incumbent's commission expired October 20, 1925.

Leslie M. Gary to be postmaster at Victoria, Va., in place of L. M. Gary. Incumbent's commission expired November 23, 1925.

George C. Brothers to be postmaster at Whaleyville, Va. Office became presidential July 1, 1925.

John P. Jenkins to be postmaster at Sperryville, Va. Office became presidential January 1, 1925.

William E. Hudson to be postmaster at Monroe, Va. Office became presidential July 1, 1925.

Nancy E. Berry to be postmaster at Dahlgren, Va. Office became presidential January 1, 1925.

Samuel T. Ranson to be postmaster at Bremo Bluff, Va. Office became presidential October 1, 1924.

WASHINGTON

Arnold Mohn to be postmaster at Bothell, Wash., in place of M. D. Keeney, resigned.

Joseph W. Chatfield to be postmaster at Chelan, Wash., in place of B. A. Sines, resigned.

Horace S. Thompson to be postmaster at Cle Elum, Wash., in place of J. J. Kashevnikov, removed.

Frank A. McGovern to be postmaster at Concrete, Wash., in place of L. E. Wolfe, deceased.

Sylvia Kirklin to be postmaster at Dalkena, Wash., in place of J. S. Fea, resigned.

Addie McClellan to be postmaster at North Bend, Wash., in place of Andrew McCann, resigned.

George W. Boone to be postmaster at Toledo, Wash., in place of Lettie Shultz, resigned.

Oscar A. Kramer to be postmaster at Asotin, Wash., in place of O. A. Kramer. Incumbent's commission expired November 8, 1925.

Regina E. Blackwood to be postmaster at Bellevue, Wash., in place of R. E. Blackwood. Incumbent's commission expired October 25, 1925.

Ira A. Moore to be postmaster at Greenacres, Wash., in place of I. A. Moore. Incumbent's commission expired November 18, 1925.

Leonard McCleary to be postmaster at McCleary, Wash., in place of Leonard McCleary. Incumbent's commission expired May 13, 1925.

Ray Freeland to be postmaster at White Swan, Wash. Office became presidential January 1, 1925.

Daniel L. Jackson to be postmaster at Port Gamble, Wash. Office became presidential July 1, 1925.

Etta R. Harkins to be postmaster at Manette, Wash. Office became presidential July 1, 1925.

George D. McCormick to be postmaster at McCormick, Wash. Office became presidential July 1, 1925.

Lester S. Overholt to be postmaster at Omak, Wash., in place of L. S. Overholt. Incumbent's commission expired November 23, 1925.

Kathryn Reichert to be postmaster at Orting, Wash., in place of Kathryn Reichert. Incumbent's commission expired August 24, 1925.

I. Wells Littlejohn to be postmaster at Pateros, Wash., in place of I. W. Littlejohn. Incumbent's commission expired November 23, 1925.

Benjamin G. Brown to be postmaster at Ridgefield, Wash., in place of B. G. Brown. Incumbent's commission expired July 28, 1925.

James S. Edwards to be postmaster at Ritzville, Wash., in place of J. S. Edwards. Incumbent's commission expired November 23, 1925.

Serena D. Vinson to be postmaster at Skamokawa, Wash., in place of S. D. Vinson. Incumbent's commission expired August 24, 1925.

John A. White to be postmaster at Toppenish, Wash., in place of J. A. White. Incumbent's commission expired October 25, 1925.

Cyrus F. Morrow to be postmaster at Walla Walla, Wash., in place of C. F. Morrow. Incumbent's commission expired November 18, 1925.

Dow R. Hughes to be postmaster at Yelm, Wash., in place of D. R. Hughes. Incumbent's commission expired August 24, 1925.

WEST VIRGINIA

Calvin Shockey to be postmaster at McComas, W. Va., in place of Calvin Shockey. Incumbent's commission expired October 6, 1925.

William M. Chambers to be postmaster at Maben, W. Va., in place of W. M. Chambers. Incumbent's commission expired November 2, 1925.

James P. Peck to be postmaster at Mabscott, W. Va., in place of J. P. Peck. Incumbent's commission expired November 23, 1925.

Frederick E. Bletner to be postmaster at Mason, W. Va., in place of F. E. Bletner. Incumbent's commission expired November 9, 1925.

Mary White to be postmaster at Matewan, W. Va., in place of Mary White. Incumbent's commission expired November 17, 1925.

Kenna W. Snedegar to be postmaster at Renick, W. Va., in place of K. W. Snedegar. Incumbent's commission expired November 18, 1925.

Ira W. Folden to be postmaster at Ronceverte, W. Va., in place of I. W. Folden. Incumbent's commission expired November 17, 1925.

Ulysses S. Jarrett to be postmaster at St. Albans, W. Va., in place of U. S. Jarrett. Incumbent's commission expired November 23, 1925.

William C. Bishop to be postmaster at Scarbro, W. Va., in place of W. C. Bishop. Incumbent's commission expired October 17, 1925.

Homer H. Roberts to be postmaster at Smithfield, W. Va., in place of C. G. Price. Incumbent's commission expired June 4, 1924.

Harry R. Tribou to be postmaster at Tams, W. Va., in place of H. R. Tribou. Incumbent's commission expired August 24, 1925.

William H. Young to be postmaster at Union, W. Va., in place of W. H. Young. Incumbent's commission expired November 9, 1925.

Jesse D. Day to be postmaster at Ashland, W. Va., in place of J. D. Day. Incumbent's commission expired November 9, 1925.

Freda W. Mason to be postmaster at Bayard, W. Va., in place of F. W. Mason. Incumbent's commission expired November 23, 1925.

Oma E. Kimes to be postmaster at Belleville, W. Va., in place of O. E. Kimes. Incumbent's commission expired August 19, 1925.

Samuel L. Clark to be postmaster at Cass, W. Va., in place of S. L. Clark. Incumbent's commission expired August 19, 1925.

John J. Denham to be postmaster at Clarksburg, W. Va., in place of J. J. Denham. Incumbent's commission expired July 13, 1925.

Leander A. Lynch to be postmaster at Cowen, W. Va., in place of L. A. Lynch. Incumbent's commission expired November 17, 1925.

Eulalia B. Wheeler to be postmaster at Elkhorn, W. Va., in place of W. L. Morris. Incumbent's commission expired February 11, 1924.

Walter B. Beale to be postmaster at Fireco, W. Va., in place of W. B. Beale. Incumbent's commission expired August 24, 1925.

George W. Sites to be postmaster at Freeman, W. Va., in place of G. W. Sites. Incumbent's commission expired August 24, 1925.

John E. Pierson to be postmaster at Gassaway, W. Va., in place of C. L. Perkins. Incumbent's commission expired June 5, 1924.

Laura Y. Conner to be postmaster at Harpers Ferry, W. Va., in place of L. Y. Conner. Incumbent's commission expired November 9, 1925.

Robert K. Pearrell to be postmaster at Hedgesville, W. Va., in place of R. K. Pearrell. Incumbent's commission expired August 19, 1925.

George L. Carlisle to be postmaster at Hillsboro, W. Va., in place of G. L. Carlisle. Incumbent's commission expired October 17, 1925.

Roy E. Curtis to be postmaster at Hundred, W. Va., in place of R. E. Curtis. Incumbent's commission expired August 19, 1925.

Lida Steinke to be postmaster at Iaeger, W. Va., in place of Lida Steinke. Incumbent's commission expired August 19, 1925.

Columbus A. Murphy to be postmaster at Jenkinjones, W. Va., in place of C. A. Murphy. Incumbent's commission expired October 6, 1925.

Juniata Amos to be postmaster at Leon, W. Va., in place of Juniata Amos. Incumbent's commission expired October 6, 1925.

William P. Jett to be postmaster at Lost Creek, W. Va., in place of W. P. Jett. Incumbent's commission expired August 19, 1925.

Walter B. Crickmer to be postmaster at McAlpin, W. Va., in place of W. B. Crickmer. Incumbent's commission expired August 19, 1925.

Florence Musick to be postmaster at Delbarton, W. Va. Office became presidential July 1, 1925.

Rufus B. Scott to be postmaster at Hemphill, W. Va. Office became presidential July 1, 1925.

Chester L. Blevins to be postmaster at Herndon, W. Va. Office became presidential October 1, 1924.

Elmer E. Snellenberger to be postmaster at Panther, W. Va. Office became presidential July 1, 1925.

Mary I. Casey to be postmaster at Ranson, W. Va. Office became presidential July 1, 1925.

Beverley N. Burruss to be postmaster at Spring Hill, W. Va. Office became presidential July 1, 1925.

Russell B. Gibson to be postmaster at Albright, W. Va., in place of M. M. Brown, resigned.

Charles L. Baker to be postmaster at Amherstdale, W. Va., in place of H. H. Smith, resigned.

James H. McComas to be postmaster at Barboursville, W. Va., in place of R. A. Browning, removed.

Homer C. Tennant to be postmaster at Fairview, W. Va., in place of M. E. Barto, resigned.

John A. Ferguson to be postmaster at Hollidays Cove, W. Va., in place of W. H. Cheeks, resigned.

Ila Lawson to be postmaster at Jane Lew, W. Va., in place of Scott Straley, deceased.

Roscoe Wilcox to be postmaster at McDowell, W. Va., in place of Alma Hawks, removed.

Marshall C. Archer to be postmaster at Ripley, W. Va., in place of I. C. Staats, resigned.

Ralph C. Morton to be postmaster at Sharples, W. Va., in place of J. S. Walker, removed.

Joseph C. Turley to be postmaster at Switchback, W. Va., in place of P. R. Payne, resigned.

WISCONSIN

Louis W. Kuhaupt to be postmaster at Allenton, Wis. Office became presidential July 1, 1925.

Lewis L. Nelson, jr., to be postmaster at Amherst Junction, Wis. Office became presidential April 1, 1924.

Edward N. Rounds to be postmaster at Arkansaw, Wis. Office became presidential July 1, 1923.

Frank E. Kennedy to be postmaster at Barronett, Wis. Office became presidential July 1, 1924.

Thomas Latimer, jr., to be postmaster at Genoa, Wis. Office became presidential July 1, 1925.

Victor F. Platta to be postmaster at Hatley, Wis. Office became presidential October 1, 1923.

Marie L. Schilleman to be postmaster at Lac du Flambeau, Wis. Office became presidential January 1, 1925.

William H. Ware to be postmaster at Loganville, Wis. Office became presidential October 1, 1924.

Herman W. Johannes to be postmaster at Lugerville, Wis. Office became presidential July 1, 1925.

William Rathbun to be postmaster at Mendota, Wis. Office became presidential July 1, 1925.

Grace A. Brownrigg to be postmaster at Merrimack, Wis. Office became presidential July 1, 1923.

George Henry to be postmaster at Mount Calvary, Wis. Office became presidential July 1, 1925.

Claire A. Lynn to be postmaster at Mount Hope, Wis. Office became presidential July 1, 1925.

Howard B. Hoyt to be postmaster at Plum City, Wis. Office became presidential October 1, 1923.

Orlando M. Eastman to be postmaster at Saukville, Wis. Office became presidential October 1, 1923.

Merton J. Dickinson to be postmaster at Tipler, Wis. Office became presidential April 1, 1924.

Harold W. Klann to be postmaster at White Fish Bay, Wis. Office became presidential July 1, 1925.

Desire J. Baudhuin to be postmaster at Abrams, Wis., in place of D. J. Baudhuin. Incumbent's commission expired November 8, 1925.

Andrew C. Redeman to be postmaster at Amberg, Wis., in place of A. C. Redeman. Incumbent's commission expired October 3, 1925.

Robert A. Elder to be postmaster at Argonne, Wis., in place of R. A. Elder. Incumbent's commission expired November 8, 1925.

George J. Chesak to be postmaster at Athens, Wis., in place of G. J. Chesak. Incumbent's commission expired November 23, 1925.

Carl F. Swerman to be postmaster at Bangor, Wis., in place of C. F. Swerman. Incumbent's commission expired November 18, 1925.

Margaret L. Staley to be postmaster at Birnamwood, Wis., in place of M. L. Staley. Incumbent's commission expired November 18, 1925.

Harold E. Webster to be postmaster at Brule, Wis., in place of H. E. Webster. Incumbent's commission expired August 24, 1925.

Leonard D. Perry to be postmaster at Cable, Wis., in place of L. D. Perry. Incumbent's commission expired August 24, 1925.

Walter W. Peterson to be postmaster at Centuria, Wis., in place of W. W. Peterson. Incumbent's commission expired August 5, 1925.

Asa B. Cronk to be postmaster at Clear Lake, Wis., in place of A. B. Cronk. Incumbent's commission expired November 23, 1925.

Frank J. Duquaine to be postmaster at Crivitz, Wis., in place of F. J. Duquaine. Incumbent's commission expired November 19, 1925.

Michael J. Heffron to be postmaster at Cudahy, Wis., in place of M. J. Heffron. Incumbent's commission expired March 22, 1924.

Edward G. Carter to be postmaster at Drummond, Wis., in place of E. G. Carter. Incumbent's commission expired August 24, 1925.

David M. Enz, to be postmaster at Denmark, Wis., in place of F. H. Kellner. Incumbent's commission expired August 29, 1923.

Lila O. Burton to be postmaster at Eagle, Wis., in place of L. O. Burton. Incumbent's commission expired November 18, 1925.

Arthur M. Howe to be postmaster at Elk Mound, Wis., in place of A. M. Howe. Incumbent's commission expired November 18, 1925.

John E. Huff to be postmaster at Florence, Wis., in place of J. E. Huff. Incumbent's commission expired November 23, 1925.

Edward M. Perry to be postmaster at Forestville, Wis., in place of E. M. Perry. Incumbent's commission expired August 24, 1925.

Paul L. Fugina to be postmaster at Fountain City, Wis., in place of P. L. Fugina. Incumbent's commission expired November 18, 1925.

George F. Sherburne to be postmaster at Fremont, Wis., in place of G. F. Sherburne. Incumbent's commission expired November 18, 1925.

Charles P. Peterson to be postmaster at Glenwood City, Wis., in place of H. H. Gleason. Incumbent's commission expired June 5, 1924.

Marion L. Kutchin to be postmaster at Green Lake, Wis., in place of M. L. Kutchin. Incumbent's commission expired November 18, 1925.

Roy L. Thompson to be postmaster at Hancock, Wis., in place of R. L. Thompson. Incumbent's commission expired November 19, 1925.

Helen B. Dehler to be postmaster at Hayward, Wis., in place of William Alexander. Incumbent's commission expired August 29, 1923.

Fred L. Sheldon to be postmaster at Hixton, Wis., in place of F. L. Sheldon. Incumbent's commission expired October 25, 1925.

Douglas Hodgins to be postmaster at Hortonville, Wis., in place of L. P. Miller. Incumbent's commission expired May 28, 1924.

Charles L. Holderness to be postmaster at Kenosha, Wis., in place of James Gorman. Incumbent's commission expired March 22, 1924.

Ervin D. Koch to be postmaster at Kewaskum, Wis., in place of E. D. Koch. Incumbent's commission expired August 5, 1925.

Albert L. Treick to be postmaster at Kohler, Wis., in place of H. R. Schumann. Incumbent's commission expired June 5, 1924.

Charles C. Looney to be postmaster at La Crosse, Wis., in place of O. R. Skaar. Incumbent's commission expired June 5, 1924.

Joseph A. Chisholm to be postmaster at Lake Nebagamon, Wis., in place of J. A. Chisholm. Incumbent's commission expired August 24, 1925.

Harry E. Eustice to be postmaster at Livingston, Wis., in place of H. E. Eustice. Incumbent's commission expired November 23, 1925.

Paul J. Zeidler to be postmaster at Lomira, Wis., in place of P. J. Zeidler. Incumbent's commission expired October 8, 1925.

George A. Slaikeu to be postmaster at Luck, Wis., in place of G. A. Slaikeu. Incumbent's commission expired November 18, 1925.

Fred B. Rhyner to be postmaster at Marshfield, Wis., in place of F. B. Rhyner. Incumbent's commission expired November 9, 1925.

Charles I. Larson to be postmaster at Mason, Wis., in place of C. I. Larson. Incumbent's commission expired August 24, 1925.

Freeman E. Boyer to be postmaster at Mattoon, Wis., in place of F. E. Boyer. Incumbent's commission expired August 24, 1925.

Lewis A. Gehr to be postmaster at Mercer, Wis., in place of L. A. Gehr. Incumbent's commission expired November 8, 1925.

Herman A. Krueger to be postmaster at Merrill, Wis., in place of H. A. Krueger. Incumbent's commission expired August 5, 1925.

Mary G. Helke to be postmaster at Nekoosa, Wis., in place of M. G. Helke. Incumbent's commission expired November 23, 1925.

Giles H. Putnam to be postmaster at New London, Wis., in place of Henry Knapstein. Incumbent's commission expired June 5, 1924.

Hannah Goodyear to be postmaster at Niagara, Wis., in place of Hannah Goodyear. Incumbent's commission expired November 18, 1925.

Emil H. Klamp to be postmaster at North Milwaukee, Wis., in place of Peter Sievers. Incumbent's commission expired August 29, 1923.

Rollyn Saunders to be postmaster at Oconto Falls, Wis., in place of Levi Lane. Incumbent's commission expired August 29, 1923.

James L. Ring to be postmaster at Osseo, Wis., in place of J. L. Ring. Incumbent's commission expired October 4, 1925.

Clyde D. Sullivan to be postmaster at Phillips, Wis., in place of C. D. Sullivan. Incumbent's commission expired August 5, 1925.

Emil G. Werner to be postmaster at Pittsville, Wis., in place of T. J. Crowley. Incumbent's commission expired March 22, 1924.

Julia D. Knappmiller to be postmaster at Pound, Wis., in place of J. D. Knappmiller. Incumbent's commission expired November 19, 1925.

Edward E. Pytlak to be postmaster at Pulaski, Wis., in place of Joseph La Fevre. Incumbent's commission expired June 5, 1924.

Clara H. Schmitz to be postmaster at St. Cloud, Wis., in place of E. H. Schmitz. Incumbent's commission expired November 8, 1925.

Guy M. Boughton to be postmaster at St. Croix Falls, Wis., in place of G. M. Boughton. Incumbent's commission expired November 23, 1925.

Nicholas Lucius, jr., to be postmaster at Solon Springs, Wis., in place of Nicholas Lucius, jr. Incumbent's commission expired October 3, 1925.

Martin J. Jischke to be postmaster at Sister Bay, Wis., in place of M. J. Jischke. Incumbent's commission expired August 24, 1925.

Walter C. Crocker to be postmaster at Spooner, Wis., in place of W. C. Crocker. Incumbent's commission expired August 5, 1925.

Roy D. Larrieu to be postmaster at Spring Valley, Wis., in place of R. D. Larrieu. Incumbent's commission expired May 28, 1924.

Alfred E. Redfield to be postmaster at Stevens Point, Wis., in place of A. E. Redfield. Incumbent's commission expired November 18, 1925.

William J. Winters to be postmaster at Tripoli, Wis., in place of W. J. Winters. Incumbent's commission expired November 18, 1925.

John H. Bunker to be postmaster at Turtle Lake, Wis., in place of J. H. Bunker. Incumbent's commission expired November 19, 1925.

William H. Petersen to be postmaster at Waldo, Wis., in place of W. H. Petersen. Incumbent's commission expired October 3, 1925.

Charles W. Eagan to be postmaster at Wautoma, Wis., in place of C. W. Eagan. Incumbent's commission expired November 18, 1925.

Bernice M. Gregersen to be postmaster at Wauzeka, Wis., in place of B. M. Gregersen. Incumbent's commission expired October 25, 1925.

Elizabeth A. Forsyth to be postmaster at Westboro, Wis., in place of E. A. Forsyth. Incumbent's commission expired November 8, 1925.

Marcus Hopkins to be postmaster at Dale, Wis., in place of Vivian Bottrell, declined.

Leland Z. Clark to be postmaster at Greenleaf, Wis., in place of H. F. Prust, deceased.

Eulalia M. Dolan to be postmaster at Highland, Wis., in place of N. G. Egan, removed.

Robert L. Zimmerman to be postmaster at Holcombe, Wis., in place of A. J. Edminster, resigned.

James C. Austin to be postmaster at Rosholt, Wis., in place of E. M. Gilbert, resigned.

Guilford K. Berge to be postmaster at Valders, Wis., in place of O. G. Berge, removed.

Gladys Johnson to be postmaster at Woodruff, Wis., in place of A. K. Hoye, removed.

WYOMING

Frances P. Youngberg to be postmaster at Lyman, Wyo. Office became presidential July 1, 1925.

Ardery Leo McFarland to be postmaster at Salt Creek, Wyo. Office became presidential July 1, 1925.

James J. McDermott to be postmaster at Arvada, Wyo., in place of J. J. McDermott. Incumbent's commission expired August 17, 1925.

Oscar W. Stringer to be postmaster at Dubois, Wyo., in place of O. W. Stringer. Incumbent's commission expired October 20, 1925.

Minnie C. Corum to be postmaster at Encampment, Wyo., in place of M. C. Corum. Incumbent's commission expired August 17, 1925.

James E. Patterson to be postmaster at Gebo, Wyo., in place of J. E. Patterson. Incumbent's commission expired August 17, 1925.

George R. Bringhurst to be postmaster at Lovell, Wyo., in place of G. R. Bringhurst. Incumbent's commission expired November 17, 1925.

Lizzie R. Moore to be postmaster at South Superior, Wyo., in place of L. R. Moore. Incumbent's commission expired August 17, 1925.

Catherine McCabe to be postmaster at Van Tassell, Wyo., in place of Catherine McCabe. Incumbent's commission expired August 17, 1925.

William E. Lloyd to be postmaster at Jackson, Wyo., in place of H. H. Francis, resigned.

Annetta V. Welsh to be postmaster at Midwest, Wyo., in place of F. J. Estes, removed.

Peter B. Petrie to be postmaster at Opal, Wyo., in place of J. F. Petrie, deceased.

Clara Wilcox to be postmaster at Saratoga, Wyo., in place of Lee Wilcox, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 15, 1925

SECRETARY OF WAR

Dwight F. Davis to be Secretary of War.

ASSISTANT SECRETARY OF WAR

Hanford MacNider to be Assistant Secretary of War.

COMMISSIONER OF PENSIONS

Winfield Scott to be Commissioner of Pensions.

DEPUTY COMMISSIONER OF PENSIONS

Edward W. Morgan to be Deputy Commissioner of Pensions.

SUPERINTENDENT OF THE MINT SERVICE

Niles R. Becker to be superintendent of the United States assay office at New York.

ASSAYER OF THE MINT

Clarence C. Malmstrom to be assayer in the mint of the United States at Denver, Colo.

COLLECTORS OF INTERNAL REVENUE

Thomas W. White, district of Massachusetts.
Louis J. Becker, first district of Missouri.
Lee Brock, district of Tennessee.
Edwin A. Brast, district of West Virginia.

COMPTROLLERS OF CUSTOMS

Dwight Hall, customs collection district No. 4, with headquarters at Boston, Mass.

Arthur F. Foran, customs collection district No. 10, with headquarters at New York, N. Y.

Collins B. Allen, customs collections district No. 11, with headquarters at Philadelphia, Pa.

COLLECTORS OF CUSTOMS

Marion O. Dunning, customs collection district No. 17, with headquarters at Savannah, Ga.

Nellie Gregg Tomlinson, customs collections district No. 44, with headquarters at Des Moines, Iowa.
Willfred W. Lufkin, customs collection district No. 4, with headquarters at Boston, Mass.
Charles L. Sheridan, customs collection district No. 33, with headquarters at Great Falls, Mont.
Eddie McCall Priest, customs collection district No. 43, with headquarters at Memphis, Tenn.

APPRAISER OF MERCHANDISE

Ivil O. Price, customs collection district No. 18, with headquarters at Tampa, Fla.

UNITED STATES DISTRICT JUDGE

Edward J. Henning to be district judge, southern district of California.

ATTORNEY GENERAL OF PORTO RICO

George Charles Butte to be attorney general of Porto Rico.

UNITED STATES DISTRICT ATTORNEYS

Roy St. Lewis, western district of Oklahoma.
Albert D. Walton, district of Wyoming.
Guy P. Linville, northern district of Iowa.
James C. Kinsler, district of Nebraska.
Frank A. Linney, western district of North Carolina.
Frank Lee, eastern district of Oklahoma.
John D. Hartman, western district of Texas.
Charles M. Morris, district of Utah.
William H. Dougherty, western district of Wisconsin.

UNITED STATES MARSHALS

Frank M. Breshears, district of Idaho.
Victor Loisel, eastern district of Louisiana.
Stillman E. Woodman, district of Maine.
Dennis H. Cronin, district of Nebraska.
William C. Hecht, southern district of New York.
Brownlow Jackson, western district of North Carolina.

ASSISTANT CLERK OF COURT FOR CHINA

Louis T. Kenake to be assistant clerk of the United States Court for China.

PUBLIC HEALTH SERVICE

To be assistant surgeons

Raymond A. Vonderlehr.
Paul W. Bailey.

To be passed assistant surgeons

Ralph D. Lillie.
LeGrand B. Byington.
Kenneth F. Maxcy.

To be surgeons

Harry E. Trimble.
Mark V. Ziegler.
James E. Faris.

To be assistant surgeons

Derrick A. Hoxie.
Jack H. Ayers.
Everett B. Archer.
Fletcher C. Stewart.
John F. Gates.

To be senior surgeon

Claude H. Lavinder.

To be assistant surgeon

James B. Ryon.

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineers

John Carlos Bose.
Glendon Edwin Boothe.
Lansing Grow Simmons.
Earl Mowbray Buckingham.
Roger Cushing Rowse.
Leonard Sargent Hubbard.
Earle Andrew Deily.
Walter Herbert Bainbridge.
Victor Addison Bishop.

To be hydrographic and geodetic engineers

William Thomas Combs.
Paul Albert Smith.
David Hearn Askew.
Carl Fred Ehlers.
William Murel Gibson.
William Francis Malnate
Frank Gerard Johnson.
Ralph Leslie Pfau.
Alvin Cecil Thorson.
Joe Charles Partington.
Newmann Breeden Smith.

COAST GUARD

Eugene T. Osborn to be district superintendent, with the rank of ensign.
John S. Cole to be district superintendent, with the rank of lieutenant commander.
Simon R. Sands to be district superintendent, with the rank of lieutenant.

To be lieutenant commanders

William K. Scammell.
Russell L. Lucas.
Ephraim Zoole to be lieutenant.
John Trebes, jr., to be temporarily a lieutenant commander.

To be temporary ensigns

Harry T. Gower.
Gordon A. Littlefield.
Kenneth A. Coler.
Llewellyn Roberts.
George C. Whittlesey.
Beverly E. Moodey.
Richard L. Horne.
John A. Fletcher.
William K. Chandler.
Richard P. Hodsdon.

To be temporary ensigns (engineering)

Fred Tomkiel.
Walter S. Anderson.
William C. Dryden.
Michael B. Singer.
Philip E. Shaw.

To be ensigns

Leonard E. Parker.
Henry J. Betzmer.
Paul E. Purdy.
George N. Bernier.
Charles C. Plummer.

Howard Wilcox to be district superintendent, with the rank of lieutenant (junior grade).
Lyndon Spencer to be temporary lieutenant commander.
Charles Anderson to be temporary chief machinist.
Charles L. Duke to be temporary ensign.
Paul K. Perry to be lieutenant.

To be lieutenants (junior grade)

Albert M. Martinson.
Edward H. Fritzsche.
Raymond J. Mauerman.
Robert C. Jewell.
Lee H. Baker.

To be temporary lieutenants

Merlin O'Neill.
Norman H. Leslie.
Carleton T. Smith.
Norman R. Stiles.
Carl H. Hilton.
Lloyd O. Hammarstrom.
Joseph S. Rosenthal.
Frank M. Meals.
Roy F. Gilley.
Frank D. Higbee.
John McCann.
Wellington S. Morse.
Charles Etzweiler.
William W. Storey.
Philip A. Short.
John F. Kinnaly.
William L. Foley.

To be temporary lieutenants (junior grade)

Donald G. McNeil.
Harley E. Grogan.
William S. Shannon.
Walter S. Fish.
Robert H. Furey.
Norman M. Nelson.
Chester McP. Anderson.
Robert E. Hunter.
Ernest B. Johnson.
Ray W. Dierlam.
Glenn E. Trester.
Paul B. Cronk.
Clarence C. Paden.
LeRoy M. McCluskey.
Niels S. Haugen.
Frank E. B. Stuart.
Vincent J. Charte.
Harold B. Adams.
Harold L. Connor.
James F. Brady.
Arthur W. Davis.
Horace D. Glover.
Chester C. Childs.
Frank H. Nelson.
Jerome J. Buskin.
Angus S. MacIntyre.
Stewart P. Mehlman.
Kenneth L. Young.
Ralph R. Hayes.
Arthur G. Morrill.
Carl E. Guisness.
Chester B. Kirkpatrick.

To be temporary lieutenants (engineering)

John W. Kelliher.
Emette B. Smith.
Ozro H. Hunt.
Ben C. Wilcox.

To be temporary lieutenants (junior grade) (engineering)

Charles W. Harwood.
Frederick R. Baily.
John P. Murray, jr.
Severt A. Olsen.
Robert C. Sarratt.
Edward S. Moale.
Jarvis B. Wellman.
Eugene S. Endom.
Donald G. Jacobs.

To be commander

William J. Wheeler.

To be temporary captains

Francis S. Van Boskerck.
George C. Carmine.

To be temporary commander

Thomas M. Molloy.

To be lieutenant (junior grade) (engineering)

Herman H. Curry.

PROMOTIONS IN THE ARMY

RESERVE CORPS

To be major generals

Albert Hazen Blanding.
Creed Cheshire Hammond.
John Francis O'Ryan.

To be brigadier generals

Perry Harrison.
Wilbur Moses Lee.
Frank Thomas Hines.

GENERAL OFFICERS

To be major generals

William Sidney Graves.
Johnson Hagood.
William Durward Connor.
Benjamin Andrew Poore.
Fox Conner.
Preston Brown.

To be brigadier generals

Henry Carpenter Smither.
Paul Alexander Wolf.
Charles Dudley Rhodes.
William Mackey Cruikshank.
Michael Joseph Lenihan.
Lucius Roy Holbrook.
March Bradt Stewart.

INSPECTOR GENERAL'S DEPARTMENT

Eli Alva Helmick to be Inspector General with the rank of major general.

AIR SERVICE

Mason Mathews Patrick to be Chief of the Air Service with the rank of major general.

CORPS OF ENGINEERS

To be second lieutenants

Charles Henry Barth.
Standish Weston.
Charles Eskridge Saltzman.
Raymond Burkholder Oxrieder.
Gerald Edward Galloway.
Charles Hare Mason.
Louis Charles Scherer, jr.
George Kenyon Withers.
Arleigh Todd Bell.
Edgar William Garbisch.
Leland Berrel Kuhre.
Colby Maxwell Myers.
Amos Tappan Akerman.
Everett Sprague Emerson.
Olive Cass Torbett.
Albert Harvey Burton.
Bruce Cooper Clarke.
Carl William Meyer.
David Henry Tulley.
Miles Merrill Dawson.
Timothy Lawrence Mulligan.
Finis Ewing Dunaway, jr.
Charles Woodruff Scovel, jr.
Benjamin Cobb Fowlkes, jr.
Stanley James Horn.
Frank Andrew Pettit.
Ralph Augustus Lincoln.

SIGNAL CORPS

To be second lieutenants

Harrod George Miller.
Oscar Carl Maier.
Paul Maurice Seleen.
John Halliday McCormick.
Milton Taylor Hankins.
David Evans Bradford.
James Keller De Armond.

CAVALRY

To be second lieutenants

John William Bowman.
Thomas Leonard Harrold.
Robert Lee Howze, jr.
Ralph Tibbs Garver.
Allen Annesley Cavenaugh.
Rogers Alan Gardner.
Frank Gilbert Fraser.
William Henry Nutter.
Ronald Montgomery Shaw.
Conrad Stanton Babcock, jr.
John Ignatius Brosnan.
William Francis McLaughlin.
Roland Ainslee Browne.
Milo Howard Matteson.
Henry Randolph Westphalinger.
Gustavus Wilcox West.
George Peter Berilla, jr.
William Albert Fuller.

FIELD ARTILLERY

To be second lieutenants

Kenneth William Treacy.
William Ludlow Ritchie.
James Albert Channon.
Richard Thomas Clark.
Charles Parsons Nicholas.
Ernest Victor Holmes.
Harold Shaffer Gould.
Willard Lamborn Wright.
John Loomis Chamberlain, jr.
Frank John Hierholzer.
Charles Pearre Cabell.
James Joseph Deery.
Archer Frank Freund.
Alfred Boyce Devereaux.
Wilmer George Bennett.
Hubert Merrill Cole.
George Joseph Deutermann.
George Arthur Grayeb.
Hayden Young Grubbs.
Norman Holmes Smith.
Robert Milchrist Cannon.
Arthur Anton Ruppert.
Charles Cavelli, jr.
Thomas Byrd Whitted, jr.
George Henry McManus, jr.
John Murphy Willems.
John Franklin Bird.
Claude Franklin Burback.
John Frederic Powell.
William Nelson Gillmore.
Raymond Kimball Quekemeyer.
Littleton Adams Roberts.
Harry Clifton Larter, jr.
Harry Jean Harper.
Robert Pepper Clay.
William Leon Kost.

COAST ARTILLERY CORPS

To be second lieutenants

Carl Rueben Dutton.
Kyrl Leighton-Faxford de Gravelines.
Warren Nourse Underwood.
Carl Warren Holcomb.
Armand William Walter Hopkins.
John Wilson Huyssoon.
Alvin Truett Bowers.
Harold Foster Wiley.
John Frederick Gamber.
Carl Frederick Tischbein.
Allen War De Wees.
John Stephan Henn.
William Holmes Wood.
Henry Ewell Strickland.
James Wilbur Mosteller, jr.
Donald Janser Bailey.
Emmor Graham Martin.
John William Davis.
Robert Matheny Sampson.
Paul Leroy Weitfle, jr.

INFANTRY

To be second lieutenants

William Adgate Lord, jr.
Aubrey Strode Newman.
William Henry Bigelow.
Ernest Andrew Barlow.
John Salisbury Fisher.
William John Carne.
Ralph Frederick Bartz.
James Wentworth Clinton.
Arthur Bliss.
Lucien Eugene Bolduc.
John Daniel, jr.
Daniel Hamilton Robertson, jr.
Ralph Edmund Tibbetts.
Stanely Meservey Plaister.
Edwin Lynds Johnson.
Clyde Eugene Steele.
Ernest Holmes Wilson.
John Wingo Dansby.
William Harrison Morford, jr.
Meredith Cornwell Noble.
Leo Francis Kengla, jr.
John Amos Hall.
Nicholas Joseph Robinson.
Gerard William Kelley.
Henry Beane Margeson.
Donald Elwood Mitchell.
William Lloyd Burbank.
Wallace Hallock Honnold.
Walter Scott Strange.
Graham Kirkpatrick.
Marcel Gustave Crombez.
John William Gaddis.
William Everton Pheris, jr.
Alexander Andrew Dobak.
John Howard Bennett.
Wayne Carleton Smith.
Godwin Ordway, jr.
Edward Clement Mack.
Ira Kenneth Evans.
John Widder Bryan.
Samuel Adrian Dickson.
Dwight Harvey.
William Eldred Long.
John Llewellyn Lewis.
Edwin Bascum Kearns, jr.
Rinaldo Van Brunt.
George Patrick Lynch.
John Francis Holland.
John Porter Kidwell.
Clarence Harwood Smith.
Waldemar Noya Damas.
James Durward Barnett.
Claude Aubrey Black.
Joe Oriel McMahan.
Harry Wells Crandall.
Joseph Pringle Cleland.
Enoch Joseph Skalandzunos.
Edward Daniel McLaughlin.
William Griffith Stephenson.
Thomas Quinn Ashburn, jr.
Samuel Selden Lamb.
Curtis D. Renfro.
James Edward Boudreau.
Joseph Blair Daugherty.
Haskell Hadley Cleaves.
Albert Aaron Horner.
Louis Quarles McComas.
Leif Neprud.
Theodore Lamar Dunn.
Elliott Bickley Gose.
John Irené Soulé.
Floyd Ellsworth Dunn.
Michael John Geraghty.
Donald Dunford.
Arthur Superior Peterson.
Ralph Randolph Sears.
John Miller Brabson.

AIR SERVICE

To be second lieutenants

Harry Gordon Spillinger.
Vincent Joseph Esposito.
Cadet John Henry Dulligan.
Cadet Water Grant Bryte, jr.
Cadet Russell Edward Randall.
Cadet William O'Connor Heacock.
Cadet Walter William Hodge.
Cadet William Frank Steer.
Cadet Wiley Thomas Moore.
Cadet Thomas Elton Smith.
Cadet William Gardner Plummer.
Cadet Raymond Cecil Conder.
Cadet John William Black.
Cadet Arthur Charles Boll.
Cadet Clifford Palmer Bradley.
Cadet Branner Pace Purdue.
Cadet Robert Emmett Burns.
Cadet Joseph Cyril Augustin Denniston.
Cadet Nathaniel Claiborne Hale.
Cadet Raymond Miller Barton.

Cadet Welborn Barton Griffith, jr.
Cadet Hubert Whitney Ketchum, jr.
Cadet Earl Walter Barnes.
Cadet Porter Bush Fuqua.
Cadet Thaddeus Elmer Smyth.
Cadet Russell Thomas Finn.
Cadet John Laing De Pew.
Cadet George Bateman Peploe.
Cadet Charles Henry Caldwell.
Cadet Mitchell Alonzo Giddens.
Cadet George Wellington Madison Dudley.
Theodore Anderson Baldwin, 3d.
Judson MacIvor Smith.
Edgar Turner Noyes.
Ernest Avner Suttles.

COAST ARTILLERY CORPS

To be second lieutenant

Pierre Bacot Denson.

INFANTRY

To be second lieutenants

Samuel Mason Lansing.
Harvey Lyon Boyden.
Carl William Westlund.
George Randall Helmick.
Walter Llewellyn Wheeler.
Norme D. Frost.
Linus Dodge Frederick.
Willard Lynn Harris.
Gordon Pratt.
Milton Myles Murphy.
Lee Quintus Wasser.
George Charles McGinley.
Otto Wienecke.
Howard Knowles Vail.
Benjamin Thomas Starkey.
Percy Walter Thompson.
Lawrence Daniel Solomonson.
Aaron Jackson Yauger.
Clarence McCurdy Virtue.
Ralph Finch.
Charles Howard Valentine.
Julian Henry Baumann.
Joseph Kerr Gibson.
Michael Joseph Tierney.
Frank Gilmore Irvin.
Oscar Price Nutter.
George Vernon Holloman.
George Henry Dietz.
Donald Hubbell Smith.
Richard Hodgson Bridgman.
Luther Gordon Causey.
John Meade.
William Andrew Weddell.
Bluford Faris Hayes, jr.
John Randolph Jeter.
John Mulford Evans.
Theodore Anderson Seely.
James Thomas Dawson.
Burgo Doyle Gill.
William Wheeler O'Connor.
William Lewers Cornelius.
Walter Hoyt Kennett.
George Paul Harrison.
Edward Campbell Franklin.
Franklin Leslie Lichtenfels.
William Frederick Niethamer.
Harold Victor Roberts.
Jesus Airan.

PHILIPPINE SCOUTS

Emilio Molina Batuga to be second lieutenant.

MEDICAL CORPS

To be first lieutenants

Richard Emmons Elvins.
Otis Blaine Schreuder.
Clifton Earl High.
Henry August Roust.
Douglas Sheldon Kellogg.
John Paul Russell.
John Morris Hargreaves.
William Frank DeWitt.
Berna Thomas Bowers.
Walter Steen Jensen.

DENTAL CORPS

To be first lieutenants

James Melvin Epperly.
James Harvey Pence.
Everitte Favor Arnold.
Mackey Joseph Real.

VETERINARY CORPS

To be second lieutenants

Harry Raymond Leighton.
Verne Clifford Hill.
Elmer William Young.
Lewis Ellis Schweizer.

MEDICAL ADMINISTRATIVE CORPS

Seth Overbaugh Craft to be second lieutenant.

CHAPLAINS

Edward Robert Martin to be chaplain, with the rank of first lieutenant.

Edmund Emmanuel N. Savageau to be chaplain, with the rank of first lieutenant.

PROMOTIONS BY TRANSFER

ADJUTANT GENERAL'S DEPARTMENT

William Lay Patterson to be lieutenant colonel, Infantry.
John Flowers Crutcher to be major, Cavalry.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Edmund Clarence Abbott to be lieutenant colonel, Infantry.

QUARTERMASTER CORPS

Leonard Lyon Deitrick to be lieutenant colonel, Finance Department.
Henry Roland Smalley to be major, Cavalry.
James William Howder to be captain, Infantry.
John Edward Adamson to be first lieutenant, Infantry.

CORPS OF ENGINEERS

Gilbert Edward Linkswiler to be second lieutenant, Field artillery.

ORDNANCE DEPARTMENT

Raymond Marsh to be major, Field Artillery.
Ittai Albert Luke to be captain, Field Artillery.
Leland Adrian Miller to be captain, Coast Artillery Corps.
Harry Niles Rising to be first lieutenant, Infantry (detailed in Ordnance Department).
William Clair Atwater to be first lieutenant, Corps of Engineers.
Arthur Dale Rothrock to be first lieutenant, Infantry (detailed in Ordnance Department).

SIGNAL CORPS

Clyde Leslie Eastman to be major, Field Artillery.
Harry Lee Bennett, jr., to be captain, Infantry (detailed in the Signal Corps).
John Cheney Platt, jr., to be captain, Infantry (detailed in the Signal Corps).
Richard Bartholomew Moran to be captain, Infantry.
William Oliver Reeder to be first lieutenant, Field Artillery.
Robert Alston Willard to be first lieutenant, Infantry.
Randolph Piersol Williams to be first lieutenant, Corps of Engineers.
Robert Robinson to be first lieutenant, Infantry.
John Carl Green to be first lieutenant, Infantry.
John Kennedy Buchanan to be first lieutenant, Infantry (detailed in Signal Corps).
Wiley Vinton Carter to be first lieutenant, Infantry (detailed in Signal Corps).
Arthur Pulsifer to be first lieutenant, Infantry (detailed in Signal Corps).

CAVALRY

Frederick Gilbreath to be major, Quartermaster Corps.
Clyde Massey to be second lieutenant, Air Service.
John Harold Claybrook, jr., to be second lieutenant, Air Service.
Paul Ready Greenhalgh to be second lieutenant, Air Service.
Donald Hudson Bratton to be second lieutenant, Air Service.
August William Farwick to be second lieutenant, Air Service.
Glenn Oscar Barcus to be second lieutenant, Field Artillery.

FIELD ARTILLERY

Clarence Richmond Day to be colonel, Cavalry.
William Kern Moore to be lieutenant colonel, Quartermaster Corps.
Edward Raymond Coppock to be lieutenant colonel, Cavalry.
Robert Davis to be lieutenant colonel, Signal Corps.
George Percy Hawes, jr., to be lieutenant colonel, Quartermaster Corps.
Frank Keet Ross to be major, Adjutant General's Department.
Richard Mars Wightman to be captain, Infantry.
Laurence Henry Hanley to be captain, Infantry.
Paul Ward Beck to be first lieutenant, Ordnance Department.
Ivan Downes Yeaton to be first lieutenant, Infantry.
Charles Roderick Mize to be first lieutenant, Ordnance Department.
Kenneth Lafayette Johnson to be second lieutenant, Infantry.
Eugene Barber Ely to be second lieutenant, Air Service.
Conrad Lewis Boyle to be second lieutenant, Cavalry.

COAST ARTILLERY CORPS

Coleman Ferrell Driver to be captain, Infantry.
Dean Stanley Ellerthorpe to be second lieutenant, Air Service.
Leo Douglas Vichules to be second lieutenant, Air Service.
George Almond Ford to be second lieutenant, Air Service.
Will Knox Stennis to be second lieutenant, Field Artillery.
George Avery Chester to be second lieutenant, Field Artillery.

INFANTRY

Cassius McClellan Dowell to be major, Judge Advocate General's Department.
Walter Carey Rogers to be captain, Cavalry.
George De Vere Barnes to be first lieutenant, Quartermaster Corps.
John Walker Childs to be second lieutenant, Signal Corps.
Edward Harvey Clouser to be second lieutenant, Air Service.
Joseph Aloysius Kielty to be second lieutenant, Air Service.
Washington Mackey Ives, jr., to be second lieutenant, Air Service.

Rupert Davidson Graves to be second lieutenant, Air Service.
George Edward Lightcap to be second lieutenant, Air Service.
David Marshall Ramsay to be second lieutenant, Air Service.
Frank Riley Loyd to be second lieutenant, Air Service.
Harry William Miller to be second lieutenant, Air Service.
Lewis Ackley Riggins to be second lieutenant, Air Service.
Maximilian X Ware to be second lieutenant, Coast Artillery Corps.

AIR SERVICE

Charles Janvrin Browne to be major, Field Artillery.
Jack Clemens Hodgson to be first lieutenant, Infantry (detailed in Air Service).
Charles Backes to be first lieutenant, Infantry (detailed in Air Service).
Nathan Farragut Twining to be first lieutenant (detailed in Air Service).
Arnold Hoyer Rich to be second lieutenant, Infantry (detailed in Air Service).
Harvey Kenneth Greenlaw to be second lieutenant, Cavalry (detailed in Air Service).
Homer Wilbur Ferguson to be second lieutenant, Field Artillery (detailed in Air Service).

BY PROMOTION

To be colonels

Will H. Point.
William Murray Connell.
Theodore Burnett Taylor.
Henry Ashley Ripley.
William Harrison Monroe.
William Albert Kent.
Theodore Schultz.
Alvan Cullom Gillem.
William Benton Cowin.
Richard Ten Broeck Ellis.
Frederick William Stopford.
Henry Holden Sheen.
John Wiley Gulick.
Homer Blaikie Grant.
Frank Edward Hopkins.
Fred Thaddeus Austin.
Alexander Greig, jr.
Allen Dwight Raymond.
James Robert Pourie.

To be lieutenant colonels

Myron Sidney Crissy.
Oscar Foley.
Frederick Dudley Griffith, jr.
Albert Bowdre Dockery.
Henry Edmistoune Mitchell.
Charles McHenry Eby.
William Henry Cowles.
Henry Meredith Nelly.
Frederick Frasier Black.
William Alexander McCain.
John Knowles Herr.
Joseph Fulton Taulbee.
David Henry Bower.
Hiram Marshall Cooper.
Troup Miller.
Benjamin Franklin Miller.
William Waller Edwards.
John Alexander Barry.
William Whitelaw Gordon.
Walter Osgood Boswell.
Raymond Sidney Bamberger.
Malcolm Peters Andruss.
Gulielmus Villard Heidt.
Albert Hecker Mueller.
Samuel James Sutherland.

To be majors

Reese Maughan Howell.
Henry Jervis Friese Miller.
Alfred Schrieber Balsam.
Howard Donnelly.
John Nicholas Robinson.
Victor Vaughan Taylor.
Tom Fox.
Thomas James Hanley, jr.
Jacob John Gerhardt.
Leo Andrew Walton.
Ralph Pittman Cousins.
William Putnam Cherrington.
John Franklin Stevens.
Charles Robert Finley.
Vernon Edwin Prichard.
Adlai Howard Gilkeson.
Gilbert Smith Brownell.
Richard Carlton Stickney.
Edward James Dwan.
Jesse Beeson Hunt.
John Ross Mendenhall.
Norman Randolph.
Joseph Monroe Murphy.
George Edward Stratemeyer.
Eustis Lloyd Hubbard.
Frederic William Boye.
Leroy Hugh Watson.
Henry Harold Dabney.
Arthur Arnim White.
John Kelliher.
Benjamin Willis Mills.
Thomas Fenton Taylor.
Marshall Henry Quesenberry.
Richard Wilmer Cooksey.
Daniel Allman Connor.
George Mayo.
Paul Theodore Bock.
Herbert Spencer Struble.
Francis Jewett Baker.
Eugene Owen Hopkins.
Dana Woods Morey.

To be captains

Harry Ogle Tunis.
Helmer Swenholt.
Samuel Nairn Karrick.
Grosvenor Liebenau Wotkyns.
Adel Curry Harden.
Guy Hill.
George Moseley Chandler.
Irving Alvan Oppermann.
William Waite.
George Eugene Lamb.
Harold Ogier Godwin.
Robert Burdette Woolverton.
Jacob Ramser McNiel.
Henry Clyde Clark.
Jacob Herman Osterman.
John Joseph Devery, jr.
John Andrews MacLaughlin.
Samuel Houston Ware.
Edward Bernard Schlant.
Richard James Sothern.
James Briggs Haney.
Milo Cooper Pratt.
Harry Stockton Farish.
Albert Jordan Brandon.
James Laban Alverson.
Charles Edward Ehle.
John Robert Bailey.
Elmer Edward Adler.
Joseph Evan Smith.
Robert Joseph Kennedy.
Francis Camillus Beebee.
Guy Russell Hartrick.
Edward Joseph Riordan.
Voler V. Viles.
Edwin Vivian Dunstan.
Hubert Albert Stecker.
Samuel Clinton Payne.
Hugh Pigott Oram.
Arthur William Beer.
Lewis Mitchell McBride.
Thomas Bayton McGill.
Robert Stanley Beard.
Rowan Adams Greer.
Chalmers Dale.
William James Allen.
Henry Spencer Evans.
Ernest Walter Wilson.
Vaughan Morris Cannon.
Wilson Stuart Zimmerman.
Graeme Gordon Parks.
Edwin Paull Ketchum.
Frank Lee McCoy.
Cyril Clifton Chandler.
Fred Harold Norris.
James Francis Clark Hyde.
Robert James Kirk, jr.
Leo Alexander Bessette.
Kent Clayton Mead.
James Wellington Younger.
Amory Vivion Eliot.
James Clarence Reed.
Oliver Wendell Broberg.
Richard Sylvester Gessford.
Benjamin Mills Crenshaw.
Alexander Garrett Olsen.
Robert Kauch.
Arthur Riehl Wilson.
John Major Reynolds.
Basil Vernon Fields.
Bickford Edward Sawyer.
Irwin Samuel Dierking.
Donald Boyer Rogers.
Clinton Fisk Woolsey.
Joseph Bartholomew Conmy.
William Randolph Watson.
George Curtis McFarland.
Collin Stafford Myers.
John Peter Neu.
William Herschel Middleswart.
Frank Sims Mansfield.
Ralph C. G. Nemo.
Ross Franklin Cole.
John Pinnix Lake.
Heston Rarick Cole.
Russel Burton Reynolds.
Harold Douglas Dinsmore.
Paul Clarence Boylan.
Ralph Floyd Love.
William Irving Sherwood.
Charles Wilkes Christenberry.
Charles Andrew Beaucond.
Stewart Franklin Miller.
Hugh Campbell Parker.
Loyal Moyer Haynes.
Floyd Marshall.
William Carey Lee.
Cecil John Gridley.
Leonard Henderson Sims.
John Edwin Ray.
Roy Thomas Barrett.
Clyde Lloyd Hyssong.
Raymond Jay Williamson.
Vere Painter.
Walter Julius Ungethuem.

To be first lieutenants

Richard Clare Partridge.
Edward John McGaw.
Harold Thomas Miller.
Tyree Rivers Horn.
William Chamberlaine.
Joseph Leo Langevin.
William Hardy Hill.
Louis Jacob Claterbos.
Auguste Rhu Taylor.
James Kenneth Mitchell.
Frank Andrew Henning.
Ewart Gladstone Plank.
James Malcolm Lewis.
Bernard Linn Robinson.
John Robert Culleton.
James Goodrich Renno.
Charles Steinhart Whitmore.
James Hobson Stratton.
Lee Armstead Denson, jr.
Lawrence Granger Smith.
Edward Haviland Lastayo.
Alexander Romeyn MacMillan.
George DeGraaf.
Lathrop Ray Bullene.
James Alexander Samouce.
William Wallace Ford.
George Dewey Vanture.
Harry Earl Fisher.
Donald Sylvester Burns.
Donald James Leehey.
Carl Edwin Berg.
Joseph Eugene Harriman.
George Joseph Loupret.
William Squires Wood.
Thomas Arnett Roberts, jr.
Verne Donald Mudge.
John Loren Goff.
Francis Henry Morse.
Edward Macon Edmonson.
William Gordon Holder.
Halstead Clotworthy Fowler.
Lyman Louis Lemnitzer.
Leslie Burgess Downing.
William Ignatius Brady.
Eugene Martin Link.
Charles Himmler.
John States Seybold.
Cornelius Garrison.
William Harry Bartlett.
Donald Breen Herron.
Edward Clinton Gillettes, jr.
Russell Owen Smith.
Freeman Grant Cross.
Rex Van Den Corput, jr.
Homer Watson Kiefer.
James Myron McMillin.
Joseph Harris.
John George Howard.
Ford Trimble.
Robert Hugh Kreuter.
Laurence Wood Bartlett.
Donald Frank Stace.
Reynolds Johnston Burt, jr.
John Dickerson Mitchell.
Clarence Henry Schabacker.
Ewart Jackson Strickland.
Fred Lebbens Hamilton.
John Francis Cassidy.
John Foxhall Sturman, jr.
Joseph Jacob Billo.
Wilbert Engdahl Shallene.
Clarence Clemens Clendenen.
William Carleton McFadden.
Eugene Collum Johnston.
Hugh Whitaker Winslow.
James Hess Walker.
Claude Eugene Haswell.
Lyman Lincoln Judge.
Frank Needham Roberts.
Francis Henry Lanahan, jr.
Lawrence Edward Schick.

Courtney Parker Young.
Henry Chester Hine, jr.
John Donald Robertson.
William Price Withers.
Frederick Robert Pitts.
Sherman Vitus Hasbrouck.
Arthur Kenley Hammond.
Crump Garvin.
Martin Charles Casey.
Hamilton Peyton Ellis.
Thomas Dresser White.
Frederick Mixon Harris.
Dwight Acker Rosebaum.
Kenneth Gilpin Hoge.
Donald Robert Van Sickler.
Richard Candler Singer.
John Henry Hoffecker Hall.
Aladin James Hart.
Robert Edwards.
Jefferson Denman Box.
William Richter Tomey.
Joseph Honore Rousseau, jr.
Lawrence Joseph Carr.
Maurice Wiley Daniel.
Alexander Hamilton Perwein.
Clovis Ethelbert Byers.
Oscar Raymond Johnston.
George Andrew Rehm.
Edward Carl Engelhart.
Charles Whitney West.
Park Brown Herrick.
Herbert Carl Reuter.
Helmer William Lystad.
Harold Edward Smyser.
Esher Claflin Burkart.
Thomas Eginton Whitehead.
Alexander George.
Charles Kenon Gailey, jr.
Mortimer Frederick Wakefield
Francis William Farrell.
Wilmer Briton Merritt.
Harry Clark Wisehart.
John Irvin Gregg, jr.
Charles Merton Adams, jr.
Frank Hoben Blodgett.
John Ferral McBlain.
Richard Meade Costigan.
Gustave Harold Vogel.
Basil Girard Thayer.
Edward Joseph Sullivan.
James Perrine Barney, jr.
Wilbur Sturtevant Nye.
Charles Harlan Swartz.
Leland Stuart Smith.
Carl Frederick Duffner.
Millard Pierson.
Harold Oliver Sand.
Harlan Thurston McCormick.
Ray Olander Welch.
John Lamont Davidson.
Julian Erskine Raymond.
George Honnen.
Charles Porter Amazeen.
Edward Thomas Williams.
Frank Thweatt Searcy.
George William Bailey, jr.
Henry Kirk Williams, jr.
Alan Lockhart Fulton.
Terrence John Tully.
Paul Clarence Kelly.
James Miller Rudolph.
William Earl Crist.
Claude Monroe McQuarrie.
William Lemuel Mitchell.
Escalus Emmert Elliott.
Milton Cogswell Shattuck.
Joseph Vincent de Paul Dillon.
Hayden Adriance Sears.
John Thomas Lynch.

Anastacio Quevedo Ver to be major, Philippine Scouts.
Pastor Martelino to be first lieutenant, Philippine Scouts.

MEDICAL CORPS

To be lieutenant colonels

Earl Harvey Bruns.
Herbert Charles Gibner.

To be captain

Hubert Maurice Nicholson.

VETERINARY CORPS

To be lieutenant colonels

Robert Julian Foster.
George Alexander Hanvey, jr.

To be majors

George Henry Koon.
Ralph Maurice Buffington.
Daniel Buchter Leininger.

To be captains

Herbert Kelly Moore.
Raymond Thomas Seymour.
Oscar Charles Schwalm.
Claude Francis Cox.
Harry Lawrence Watson.
James Earl Noonan.
Gardiner Bouton Jones.
Edwin Kennedy Rogers.
John Richard Ludwigs.
Nathan Menzo Neate.

MEDICAL ADMINISTRATIVE CORPS

To be captains

Pinkney Lavater Ogle.
William Hunter.
Edward Dwight Sykes.
John Werry Cleave.
Frederick Samuel Simmons.
Charles Spaulding Sly.
Lewis Llewellyn Tanney.
Harry Greeno.

To be first lieutenant

Thomas Pinkney Brittain.

To be second lieutenants

Wade Hampton Johnson.
Douglas Hall.

CHAPLAINS

To be chaplains, with the rank of captain

Frank Lewis Miller.
Ralph Conrad Deibert.
Ralph Winfred Rogers.

BY TRANSFER

To be second lieutenants

Robert Emmett Burns, Signal Corps.
George Wellington Madison Dudley, Infantry.
John O'Day Murtaugh, Infantry.

PROMOTIONS

To be first lieutenants

John Black Reybold.
John Raoul Guiteras.

MEDICAL ADMINISTRATIVE CORPS

To be first lieutenant

Wade Hampton Johnson.

POSTMASTERS

ALABAMA

Ethel Liddell, Butler.
Skipwith C. Taylor, Calvert.
Stella M. Stallworth, Chapman.
Effie Jordan, Chatom.
James A. Stallworth, Crichton.
Jesse L. McKay, Faunsdale.
Ella L. Rentz, Gilbertown.
William F. Barnard, Gordo.
Lewis A. Easterly, Hayneville.
Joseph Loranz, Jackson.
Nannie M. King, Midway.
Benjamin R. Alison, Minter.
Emma E. Yarbrough, Monroeville.
W. Vester Walker, Tuscumbia.
Ira L. Sharbutt, Vincent.

GEORGIA

Fox D. Stephens, Macon.

INDIANA

Edith B. Smith, Ambia.
Mary J. Haines, Amboy.
Ivan C. Morgan, Austin.
Ralph C. Thomas, Bluffton.
Carl McKinley, Borden.
John P. Switzer, Bryant.
Forrest Oilar, Chalmers.
Glenn Zell, Connersville.
Homer E. Wright, Crandall.
Fred Y. Wheeler, Crown Point.
Marion L. Medcalf, Dale.
Roscoe N. Shroyer, Daleville.
Mary W. Lawrence, Earlham.
Charles H. Ruple, Earl Park.
Roy M. Nading, Flat Rock.
Harold H. Brinkley, Fountain City.
Mollie P. Askren, French Lick.
Alfred S. Hess, Gary.
William A. Carson, Glenwood.
Kent A. Brewer, Greenwood.
Cyrus B. Dirrim, Hamilton.
Herbert A. Marsden, Hebron.
Homer E. Hostettler, Henryville.
Edward B. Spohr, Jamestown.
Albert Honehouse, Kouts.
Ethel J. Pinney, La Crosse.
Durward F. Bailey, Lakeville.
Nellie C. Beard, Larwill.
Lyman R. Rainforth, Leavenworth.
Mary E. Hopewell, Linden.
Homer O. Hart, Linton.
John G. Sloan, Marengo.
Jesse A. McCluer, Marshall.
Lee G. Corder, Merom.
Harold D. Johnson, Milroy.
Charles H. Callaway, Milton.
Grover H. Oliver, Monroe.
Philip E. Rowe, Mount Vernon.
Ira F. Poling, Nashville.
Fred J. Merline, Notre Dame.
Charles W. Burkett, Otterbein.
Loren N. McCloud, Royal Center.
Alfonso L. Riggs, Rushville.
Aldo M. Baker, St. Joe.
Jacob F. Ruxer, St. Meinrad.
Lowell D. Smith, Sellersburg.
Cyrus V. Norman, Sheridan.
Hollice C. Brown, Silver Lake.

James B. King, Star City.
Andrew S. Blaine, Walkerton.
Jesse F. McGehee, Washington.
Russell C. Wood, West Lebanon.
Thomas Jensen, Wheatfield.
William F. Kahler, Winamac.
Edgar Spencer, Wolcott.
Henry Chapman, Woodburn.

KENTUCKY

Fanny B. Gordon, Auburn.
Anna M. Seaton, Buechel.
Emma A. Ellis, Campbellsville.
David Johnson, Clinton.
Bennie Robinson, Corinth.
George A. Seller, Covington.
Marvin W. Barnes, Elizabethtown.
Harlan M. Hatfield, Glendale.
Fannie M. Long, Gracey.
Leonas C. Starks, Hardin.
Nell Hooker, Hickory.
Roy J. Blankenship, Hitchins.
William Blades, Island.
Mary A. Cage, Lakeland.
Effie S. Basham, Leitchfield.
Otis C. Thomas, Liberty.
Mattie B. Mullins, Mount Vernon.
Den Whitaker, New Castle.
Herbert C. Miller, Pembroke.
Minnie O. Tschiffely, Pewee Valley.
Eli G. Thompson, Providence.
James M. Wolfinbarger, Ravenna.
Verda Grimes, Salem.
William E. Ashby, Shepherdsville.
Mary K. Diersing, Shively.
Peter H. Butler, Smiths Grove.
John S. Jones, West Point.
Mildred A. Day, Whitesville.

MICHIGAN

Fred A. Acker, Adrian.
John H. Nowell, Amasa.
William H. Ebert, Arcadia.
Albert Hass, Bad Axe.
Frank J. Eisengruber, Bay Port.
Lillian J. Chandler, Benzonia.
Albert L. Eggers, Bravo.
Herman Buby, Brown City.
Willis Wightman, Buckley.
Morton G. Wells, Byron Center.
Ida W. Wagner, Capac.
Edward A. Webb, Casnovia.
Henry P. Hossack, Cedarville.
Carl Van Valkenburgh, Center Line.
Arthur J. Gibson, Central Lake.
Henry M. Boll, Channing.
Orrin T. Hoover, Chelsea.
Arthur H. Hawkins, Clayton.
Ellis A. Lake, Colon.
Harry G. Turner, Covert.
Joseph M. Lascelle, Crystal.
Sarah G. Howard, Custer.
Elsie R. Stephens, Davison.
Fred E. Hazle, De Witt.
Clarence E. Norton, Dimondale.
Roy A. McDonald, Douglas.
Elery H. Wright, Empire.
John A. Semer, Escanaba.
Ettie M. Meyer, Fowler.
Lawrence Tobey, Free Soil.
Allison I. Miller, Fremont.
Cyrenius P. Hunter, Gagetown.
Joseph Deloria, Garden.
Frank Wilkinson, Gaylord.
R. Deneen Brown, Hale.
George A. McNicol, Hillman.
Edgar Hilliard, Kaleva.
Ambrose B. Stinson, Kingsley.
Fred R. Allen, Leslie.
Harry J. Skinner, McMillan.
Leonard Van Regenmorter, Macatawa.
Louis W. Biegler, Marquette.
Gordon J. Murray, Michigamme.
George D. Mason, Montague.
Ellen L. King, Morley.
William C. Hacker, Mount Clemens.
John H. Fink, New Baltimore.
Eva A. Wurzburg, Northport.
Mack Herring, Osseo.
Gordon D. Dafoe, Owendale.
George M. Dewey, Owosso.
Harry Davidson, Palmer.
William H. Richards, Perrinton.
Sumner Blanchard, Perry.
Fred E. Heath, Plainwell.
Harry A. Dickinson, Port Hope.
Charles J. Schmidlin, Rockland.
Eugene C. Edgerly, Rudyard.
Grace E. Gibson, Scotts.
Minnie E. Morrison, Stevensville.
Olof Brink, Tustin.
George B. Moat, Twining.
Edwin J. Hodges, Vanderbilt
Elmon J. Loveland, Vermontville.
Levant A. Strong, Vicksburg.
Harlan W. Johnson, Wakefield.
Emerson L. Bunting, Walkerville.
Rollo G. Mosher, Wayland.
Mae O. Wolfe, Weidman.
Jay W. Ellsworth, Wheeler.
George M. Gaudy, Ypsilanti.

MISSISSIPPI

Rosa W. Burton, Alligator.
Sarah A. Tyner, Bay Springs.
Frank M. O'Shea, Charleston.
Leonard C. Gibson, Crawford.
Ottie F. Lawrence, Grenada.
Frances G. Wimberly, Jonestown.
Anselm P. Russell, Magee.
Mary A. Patterson, Pinola.
Elise Thoms, Richton.
William P. Gardner, jr., Saltillo.
John C. McGowen, Seminary.
John C. Bowen, Senatobia.
Lofton B. Fairchild, Shubuta.
Emma M. Berry, Silver Creek.
James Chamberlain, Wiggins.

HOUSE OF REPRESENTATIVES

TUESDAY, *December 15, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord be gracious and merciful unto us according to our necessities; have compassion upon our weakness and ignorance and give us great desire to be Thy children of light and truth. Deepen our thoughts, inspire our purposes, and bring us into complete harmony with the very best that is in human thought and action. Above all transient things may we still feel how supremely essential are the truths of the unseen and eternal. When we separate to-day, dismiss us with Thy blessing. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF MEMBERS

Mr. MOONEY and Mr. W. T. FITZGERALD appeared at the bar of the House and took the oath of office prescribed by law.

LETTER OF THANKS

The SPEAKER. The Chair lays before the House a communication, which the Clerk will read.

The Clerk read as follows:

COTTAGE GROVE, OREG.

HON. NICHOLAS LONGWORTH,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Shortly after the adjournment of the Sixty-eighth Congress in March last there was received at our home in Oregon the exquisite silver tea service given as a wedding present by the House of Representatives. An earlier acknowledgment has not been possible by reason of the House not being in session.

I am therefore taking advantage of the first available opportunity to try to give expression to the almost overwhelming sense of appreciation which I feel upon being the recipient of this valuable and beautiful gift.

Coming from any source it would be prized; coming from the Members of that great legislative body of the Nation, about which cluster the earliest and many of the most delightful recollections of my life, the gift becomes a treasure of inexpressible value.

The thanks of Mr. Koehler and of myself are tendered to you, and through you to those of the membership who so thoughtfully and touchingly remembered us with this precious gift.

With the greatest respect and best wishes,

Most sincerely yours,

VIRGINIA GARRETT KOEHLER.

DECEMBER 8, 1925.

[Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the following resolution:

H. J. Res. 67. Joint resolution authorizing the salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

The message also announced that the Vice President had appointed Mr. STANFIELD and Mr. PITTMAN members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday (to-morrow) be dispensed with. I believe there is no business on the calendar that could come up, but I presume it is necessary to go through this formality, and I therefore ask at this time that the Calendar Wednesday business be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the business in order on to-morrow, Calendar Wednesday, be dispensed with. Is there objection?

Mr. CANNON. Mr. Speaker, may I suggest to the gentleman from Connecticut [Mr. TILSON] that it has been repeatedly held that where there is no business on the calendar it is unnecessary to make such a request. Both Speaker GILLETT and Speaker Clark have held that where there was no business on the calendar which might or could come up on Calendar Wednesday, that a request for dispensing with the business in order on that day was superfluous and was not entertained.

Mr. TILSON. Of course, Mr. Speaker, I am aware that if there were no business the calendar would be instantly called, and, no business appearing, we could then go on with the regular business, but to make it sure and as a matter of precaution I make the request now.

Mr. LUCE. Mr. Speaker, reserving the right to object, and I do not intend to object, I desire to use this opportunity to call to the attention of the House the facts about Calendar Wednesday; and I do this because in the last Congress I was the chairman of one of the committees that was not reached in the course of its deliberations.

The calendar shows 61 committees that might have been reached. In the course of the two years 23 committees were reached. There were 35 days upon which committees might have had an opportunity to be heard. Of these only 21 were used, and they were used by only 15 committees of the House. At the time of adjournment the call rested with the twenty-third committee. Thus only about one committee out of three of the House was able to avail itself of the purpose of the rule about Calendar Wednesday.

It is true that in the first third of the list are many of the important committees, but farther down were these, which are not altogether unimportant, that had no opportunity to be heard on Calendar Wednesday: Education, Labor, Patents, the Civil Service, Irrigation and Reclamation, Immigration and Naturalization, Census, Roads, World War Veterans' Legislation, and Flood Control.

Doubtless others had work which they would be glad to have had considered. My own committee is a small committee, has but five members, and its business is not of vast importance. Yet its inability to take advantage of the opportunity presented by Calendar Wednesday caused, in my judgment, the loss to the city of Washington of a monument for which $100,000 had been offered, and of a memorial which by reason of the delay in action here now adorns the campus of an educational institution in West Virginia. These are but two instances of how our work was hampered in the last Congress.

On looking through the RECORD, I am not disposed to make any criticism. I am not sure that as to any single occasion when consent was asked to dispense with Calendar Wednesday, I should want to question the judgment of the gentleman making the request; but the fact is that the purpose of Calendar Wednesday is rapidly being thwarted, and should the present rate of progress continue, Calendar Wednesday will almost wholly disappear.

I hold, sir, that Calendar Wednesday has its value. It serves the purpose of the House in handling the bills of medium importance. As the procedure goes to-day, the bills that are reasonably certain of being considered here are the very big bills or the very little bills; those on the one hand that can get special rules, and on the other that arouse the opposition of not more than three Members of the House. There are not a few bills which, if they could have but a short hearing, would commend themselves to the judgment, I am sure, of a majority of the Members; bills which might arouse the opposition of 5, 10, or 15 Members, but to which the majority would give a hearty approval.

As it is to-day, the work of three-fourths of the committees on these bills goes for naught. They are too small for special rules. The Committee on Rules ought not to be asked to bring in special rules for them, and yet they are of grave enough importance to a large number of citizens and to the country at large to warrant the chance for consideration that was contemplated in drafting this rule about Calendar Wednesday.

Laying the facts before the House, I would ask the gentleman from Connecticut [Mr. TILSON] whether in his judgment it might not be helpful to consider the status of the rule about Calendar Wednesday, and see if some change might not be made in it which would give to each of the committees of the House at least one day in court. The rule contemplated two days in court, but all I am asking for, at any rate, the little committee of which I am chairman is one day in two years.

Mr. TILSON. If the House will bear with me for a moment, it seems to me that the gentleman from Massachusetts answers his own question when he says that as far as he can recollect on no occasion when Calendar Wednesday business has been dispensed with would he take issue with the judgment of the House. It seems to me that the judgment of the House will take care of this matter when each occasion arises, and while Calendar Wednesday will have served its purpose of giving consideration to the medium class of bills, as the gentleman from Massachusetts says, more important matters can be brought up under a special rule, and smaller matters can be considered on the Unanimous Consent Calendar or on suspension days. It seems to me that Calendar Wednesday is serving its purpose very well.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLANTON. The gentleman from Massachusetts does not need any Calendar Wednesday; he can call bills up and pass them at will. The gentleman passed a very important bill at the last session.

Mr. TILSON. I think that bills should continue to be considered in the same way as heretofore, and if the occasion arises when we can not consider a bill on Calendar Wednesday that properly should be considered, the Rules Committee can take care of it.

The SPEAKER. The Chair thinks the request of the gentleman from Connecticut is proper. While it is understood that no business will be called up, it is possible that some committee might report this afternoon; and, furthermore, the Chair might be compelled to sustain a point of order, if raised, and at least have the committees called. The gentleman from Connecticut asks unanimous consent that the business on Calendar Wednesday to-morrow be dispensed with. Is there objection?

There was no objection.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 1, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes.

The CHAIRMAN. The first order of business will be the consideration of the amendment offered and now pending by the gentlewoman from New Jersey.

Mr. RAINEY. Mr. Chairman, I offer a substitute.

Mr. RAMSEYER. Mr. Chairman, can we have the first amendment read?

The CHAIRMAN. The Clerk will report the amendment by the gentlewoman from New Jersey and the substitute by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: Page 50, line 23, after the word "of," strike out "$1,500" and insert in lieu thereof "$2,500"; and, on page 51, lines 2 and 4, strike out the figures "$3,500" and insert in lieu thereof "$5,000."

Mrs. NORTON. Mr. Chairman, this being my maiden speech, I recall an old saying that "Fools rush in where angels fear to tread." I first wish to thank the gentlemen who had similar amendments to offer, for their kindly courtesy in withdrawing in my favor, that I may have the honor of offering this important amendment. Sir Walter Raleigh could have done no more.

I offered the amendment that the exemptions proposed in the pending tax bill be raised to $5,000, instead of $3,500, for married persons, and $3,000, instead of $1,500, for single taxpayers, because I believe it to be fair and just to the one class of people who have felt the burden of taxation greater than any other, the working class, which is the backbone of the Nation.

While I fully appreciate the splendid work done by the members of the Ways and Means Committee in thus presenting this revenue bill, I still believe that the burden of Federal taxation should be lifted from the wage earners. It has been said that every citizen should pay a tax and help to bear the responsibility, great or small, of the upkeep of this great Nation. Every citizen does pay a tax, one way or another; they are taxed for every so-called "luxury" they enjoy; some have a municipal tax, others a State tax, and yes, the tariff.

Take the family man, earning an average salary of $3,500 a year, with three or more children to rear and educate. What chance has he to indulge in a few of the pleasures of life or an opportunity to give his child a good education, which is so essential in the world to-day?

What of the unmarried man or woman, with a salary of $3,000 and an invalid mother, father, or sister to support? Must they be forever denied all that life holds dear through the burden of taxation? Do they not pay a tax on their amusements, their clubs, and so forth, which are styled "luxuries," but in reality are necessary for the welfare of the human race. I represent an industrial center and have had time to consider their handicaps.

Taxation was of vital importance during the war. "Give until it hurts" was the cry, and the cry was heard from East to West and North to South, all responding cheerfully to the call, that America might win. The war has long been over, and we fervently hope forever; still, our people are crippled by heavy taxes and have at last cried out for help at home as well as abroad.

Promises have been made by the two major political parties that incomes of $5,000 or less should be freed from taxation. This is not a partisan question; it is the business of the people, and we in Congress as their representatives, should heed their call and respond with quick action.

The people's taxes are now nearly three times those of 1914. Are they not now entitled to some relief? We can give relief to our foreign debtors; why can not we extend similar relief to the people at home, the taxpayers of the greatest Nation in the world? [Applause.]

The late Senator Ralston (peace be to his ashes) in his speech in the Sixty-eighth Congress advocated this proposition: That it would be fair and right to exempt incomes up to $5,000; and I regard Senator Ralston as having been a great statesman and the champion of sound Democratic doctrine. [Applause.]

I appeal to all—Democrats, Republicans, and Progressive Republicans—to vote as a unit not as a party on this amendment which affects all constituents. In your campaign speeches you have often declared yourself as a "friend of the working people." Now is your chance to prove it.

The spirit of Christmas is upon us, a gift-giving time; let Uncle Sam lead and prove a real Santa Claus to his heavily burdened people. Then we can go home and feel that it will be "Peace on earth, good will toward men." [Applause.]

The CHAIRMAN. The Clerk will read the substitutes.

The Clerk read the following substitutes offered by Mr. RAINEY:

Page 50 and page 51, in line 2 of page 51, strike out "$3,500" and insert "$2,500" in lieu thereof.

In line 4, page 51, strike out "$3,500" and insert "$2,500" in lieu thereof.

Mr. RAINEY. Mr. Chairman, the amendment I have offered is a substitute for the amendment presented by the lady from New Jersey and does not affect the personal exemption given in this bill to a single person. It only affects the exemption given in this bill to married persons, striking out $3,500 where it occurs in both places, on page 51 of this bill, and substitutes $2,500 for it, which is the exemption given to a married person living with husband or wife under existing law. My amendment does not affect the provisions in subdivision (d) on account of dependents. Therefore if my substitute amendment is adopted the exemptions allowed to married income-tax payers will stand just as they are in the law at the present time.

The reason for this amendment is this: It is not possible in the Treasury Department to tell with any degree of accuracy, or even approximately, as I am advised, how many unmarried taxpayers there are who will be affected by the proposed increase in exemptions from $1,000 to $1,500, and therefore, having in mind the cost of sustenance and the cost of living, I am permitting by this substitute amendment of mine the unmarried exemption to remain at $1,500, as proposed in this bill. There are 2,300,000 married taxpayers in the United States who will be affected by this increase in the exemptions proposed in the bill of from $2,500 to $3,500, if it goes into effect, and who will pay no income taxes at all. This is an enormous number of taxpayers. Over half of the entire number of taxpayers on our rolls at the present time will be entirely relieved from the payment of taxes, or approximately one-half, if this amendment goes into effect. At the present time and during the last fiscal year we had on the rolls something over 4,200,000 taxpayers. To relieve 2,300,000 taxpayers from the payment of $23,000,000 in taxes is a serious matter indeed. It leads in the direction of serious economic problems which may present themselves when the next period of unemployment and depression occurs. The farmers are not affected by these exemptions. The farmers do not have incomes even under the present law upon which they can pay taxes. What they want are not further exemptions, but incomes that are subject to taxes. What they want is an opportunity to pay income taxes which they do not have at the present time. These proposed exemptions affect principally the salaried taxpayers whose burden of taxation consists principally in the excise taxes they pay and in the indirect taxes they pay in so many ways. The proposed exemptions in this bill affect not only the taxpayers of small incomes but affect everybody on the entire tax roll who pays normal taxes at all, and the effect of this exemption is to remove $42,000,000 from our tax returns and to entirely exempt 2,300,000 from the payment of approximately $10 each. It is not a proposition that will be hailed with any degree of applause or enthusiasm by the taxpayer of the small income, who, when he is handed an exemption of $10, finds that his admissions to the theaters and places of amusement and ball parks is still taxed seven years after the war, and who finds a tax on the cheap automobile that he buys, amounting to a sum of money at least twice as much as we hand him by the proposed exemptions in the bill.

I do not want to take up any more time in discussing this amendment, because I want the gentleman from Tennessee [Mr. HULL], my colleague on the Committee on Ways and Means, who has given the matter special study, to be granted 15 minutes in which to discuss it by the courtesy of the House.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. HASTINGS. What does the gentleman think about the cost of making out income-tax returns? The gentleman just stated that this would relieve a married person on an average of $10 of tax.

Mr. RAINEY. Yes.

Mr. HASTINGS. Does not the gentleman from Illinois think that it costs on the average more than $10 each to make out these income-tax returns, and does the gentleman not think the people would be very greatly relieved if they were exempted up to the amount of money proposed in the bill?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I am sorry that I can not answer the gentleman, but I shall leave that to be answered by the gentleman from Tennessee [Mr. HULL].

Mr. HAWLEY. Mr. Chairman, I rise in opposition to both pending amendments. Taking the one that will be voted on

first, the one offered by the gentleman from Illinois [Mr. RAINEY] proposing to return to the family exemption of $2,500. Mr. McCoy, of the Treasury Department, advises us that that would restore to the Treasury about $12,000,000 in revenue. When the committee considered the proposition of increasing the exemptions for married persons or heads of families, from $2,500 to $3,500, we took into consideration the number of propositions that had been submitted to the committee, one of which was voted on in the House yesterday. I refer to the allowance for doctors' bills, nurse hire, and hospital services. We also took into consideration other propositions, one of which is to extend the exemption of $400 each for children to the age of 21 years, in order that the three years from 18 to 21 might be provided for in a way so that the family might enjoy the exemption during that period if the children were in school.

It was thought inadvisable to put in a number of specific exemptions. It was hard to determine what "going to school" might mean, or to define the word "school" so that the law could be administered fairly, or to decide what period of attendance during a year should entitle the family to the exemption. It was hard to define what "hospital expenses" and other expenses in addition to those might be rightfully claimed, so we lumped them altogether and in lieu of special additional detailed exemptions we increased the amount from $2,500 to $3,500. That will take care of the ordinary family. A family of four persons, consisting of the father, mother, and two children, would have an exemption of $4,300, and they would pay a normal tax upon any sum in addition to the exemption of $4,300 to which the salary of the head of the family receives might amount. That provides for all people who may be said to be in limited circumstances, and I hope the House will vote down the amendment of the gentleman from Illinois.

We endeavored to meet the requests that were very numerous from the country and supported by a large number of persons and some Members of this House to take care of these special items that I have enumerated by this additional increase, and now to return to the $2,500 would be to reverse the committee's attitude and to deny to the general public and of Members of the House the relief requested and which the committee believed to be warranted.

As to the proposition of the gentlewoman from New Jersey [Mrs. NORTON], the present increase in the exemption of $500 for single persons and of $1,000 for married persons or the heads of families costs the Treasury $42,336,640. That provides for an increase of 50 per cent in the exemption for single persons and 40 per cent for married persons. The gentlewoman's proposal increases the exemption on single persons 150 per cent and on married persons and heads of families 100 per cent. A man and wife with two children under this proposed amendment would pay no tax on a net income of $5,800.

We have just received an estimate from Mr. McCoy, of the Treasury Department, which shows this will cost, in addition to the $42,000,000 already chargeable against the receipts of the Treasury, under the proposal of the committee an additional sum of $40,000,000, making the total reduction on account of exemptions an amount in excess of $82,000,000. Suppose a family has a net income of $10,000 a year and two children. Under the proposal of the gentlewoman from New Jersey that family would pay on the $10,000, $49.50; or a partnership consisting of three persons having a net income of $30,000 from that business would pay altogether the sum of $148.50.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. I ask permission to proceed for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Suppose the family net income was $15,000, that family would pay $187.50, or a partnership of three persons having a net income between them of $45,000 would pay $562.50 altogether in taxes. Suppose the family net income was $20,000. That family would pay $503.75, and a partnership of three persons having a net income of $60,000 would pay to the Government of the United States $1,511.25 on the $60,000 net income. It seems to me that is going too far. These people with $10,000, $15,000, and $20,000 income can not be called poor people. They are not in the laboring class. They have passed out of that class and into a class of people who are in enjoyment of good salaries.

Mr. BOYLAN. Will the gentleman yield for a question?

Mr. HAWLEY. I will.

Mr. BOYLAN. Is it not a fact that taking the figures supplied by the gentleman that the total exemption would be $82,000,000 extending over perhaps 3,000,000 people, and most of the exemption or reduction of $98,000,000 will be in the surtax on 87 individuals, or $16,000,000 less?

Mr. HAWLEY. I do not think I understand the gentleman's proposal.

Mr. BOYLAN. The gentleman stated under the proposition advocated by the lady from New Jersey that the total exemption would amount to practically $82,000,000?

Mr. HAWLEY. Yes.

Mr. BOYLAN. Well, is not that $16,000,000 less than the $98,000,000 allowed to the 87 people who are reduced by the cut in the surtax?

Mr. HAWLEY. This is a question of whether we are going to retain on the tax rolls people with very substantial salaries. The number of persons affected by a reduction of surtaxes is over 21,000.

Mr. EDWARDS. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. EDWARDS. What does it cost the Government now, if the gentleman can tell, to take the returns of these 2,300,000 people paying only $23,000,000 into the Treasury?

Mr. HAWLEY. I have not that computation. The taxpayer this year may pay a small amount. He may be one who pays a small sum and apparently ought to go off the roll because the sum is small. Next year his business may be better, and he may pay several hundreds or thousands of dollars in taxes. He may have an unprofitable year this year and the amount of tax paid be small, and next year it might be large. These people in the lower brackets are a continuing, changing body. They are not one continuous body of persons, and if you attempt at the time to eliminate those who pay a small tax in one year you probably eliminate a large number who would pay a large tax next year.

Mr. EDWARDS. If the gentleman will yield further?

Mr. HAWLEY. Yes.

Mr. EDWARDS. Why require a person who has a gross income of $5,000, whose net income is not $3,500, to make a return—a married person?

Mr. HAWLEY. For instance, such person may be a member of a partnership in a business which may not have had a good year and their earnings may be comparatively small. His return keeps the Treasury advised, and next year he may make $25,000 or $30,000. It is for simplification and orderly conduct of business.

Mr. WEFALD. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. WEFALD. I understood the gentleman to say that the committee had come to the conclusion that it would be very difficult to determine what would be a reasonable allowance for doctors' bills, and so forth. Does the gentleman seriously contend that would be the case?

Mr. HAWLEY. In the first place, it would be necessary to define who is a doctor. The laws of the several States make diverse provisions. This is only one of many difficulties in administration.

Mr. WEFALD. Let me ask this question. Does the gentleman contend that it would be any more difficult——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEFALD. I ask that the gentleman have another minute, in order that I may ask a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WEFALD. I would like to know if it would be more difficult to determine a reasonable allowance for doctors' bills and such than to determine, as the bill reads on page 83, "a reasonable allowance for the exhaustion, wear, and tear of property used in the trade or business, including a reasonable allowance for obsolescence"?

Mr. HAWLEY. It might not be more difficult; but why not solve the problem by increasing the exemptions from $2,500 to $3,500 and include in one sum all worthy items and so avoid administrative difficulties? I think we have gone as far in tax reduction as it is safe to go, and if further reductions are to be made, then there are other people and businesses in this country who are far more deserving of consideration.

Mr. ABERNETHY rose.

The CHAIRMAN. For what purpose does the gentleman from North Carolina rise?

Mr. ABERNETHY. To address the committee.

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I do not bother this House much in the way of speechmaking, and I did not intend to say anything on this

matter except that I pledged my constituents to vote for an amendment making the exemption $5,000 to married men and $2,500 to single men. I ordinarily follow the committee, especially when it is led on my side by such leaders as my friend from Texas [Mr. GARNER]. I heard him make a speech here that gave me hope that if he had not been tied up by some sort of an agreement that he had with the gentleman from New York [Mr. MILLS] he would have been fighting just as hard for this amendment for an exemption of $5,000 as he did at the last session of Congress, when we were led to a successful conclusion, when instead of writing the Mellon plan we wrote the Garner plan.

Yesterday I called the attention of this side of the House to the fact that I was one of the few on my side of the aisle that stood up for a 20 per cent reduction. I was told that if I would stand for an increase of 25 per cent it would give us a better opportunity to get a reduction for the little fellow. But now I find that the 25 per cent advocates want us to cut down the little fellow's reduction to $2,500 instead of $5,000. I say, Mr. Chairman, that I can not see how that is scientific tax making. We have gone to the limit; the House by a majority has gone the limit for the big fellow and has reduced him every cent he has asked for on the surtax.

You say that is going to give us business. I am going to try you out on that. I am going to vote for all the proper reductions that may be proposed. I am not going to vote for an increase of taxes in this country, no matter who asks me to do it, in peace times. I do think the lady from New Jersey [Mrs. NORTON] has sounded the sentiment of the country when she brings forward an amendment to help the wage earner, the householder, and the average fellow who makes an average wage or an average salary.

Now, why can not you folks who have given Mr. Mellon and these other big taxpayers all they have asked—why can you not come along and increase the reduction on the little fellow and make it $5,000? You know the gentleman from Texas [Mr. GARNER] in his argument here the other day said there were only about $38,000,000 involved in this matter. Thirty-eight million dollars is all that is involved, and the cost of administration in collecting the tax from those in the lower brackets is quite expensive.

The election next November is an election for all of us, and how can we go back home and explain to the folks why we took off the taxes on the fellow making $100,000 and did not take it off the man who makes $5,000 or $10,000? At all events, I am going to vote as my own judgment dictates on these various brackets and let you gentlemen do what you please. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent that my colleague on the committee [Mr. HULL] may have 15 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Tennessee may have 15 minutes. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Chairman, speaking to the pending amendment, I may say, in the first place, that I am in entire agreement as to the purpose of those who are seeking to lighten the tax burdens of small-income taxpayers by raising the exemption—that is to say, to adjust the total tax burden, Federal, State, county, and municipal, resting upon those and similar groups of persons with relatively small incomes—so that they will bear only their reasonable share of the total, according to the rule of ability to pay. The only difference between some of my colleagues and myself is as to how this can best be done. Will the smaller income-tax payers secure greater tax relief generally by raising the exemption for married persons to $3,500 than to remain on the tax roll subject to purely nominal rates while other more burdensome taxes are removed from them? This latter view appeals to me with far more force.

Income taxes are reduced by the pending bill not only by lowering the normal rate but by increasing the exemption and also extending the provisions relating to earned income. The result is that they are but nominal on incomes below $5,000 and but little better than nominal on incomes below $10,000. There are three outstanding reasons in support of the view that the exemptions should not be raised at present. One is that by retaining the exemptions in the present law and stopping the maximum surtax at 25 per cent and the maximum estate tax at 25 per cent it would be possible to repeal the passenger automobile and admission taxes, whereas the program opposed to this plan would do neither, with the result that while the raising of the exemptions to $3,500 would afford less than $10 each to 2,300,000 individuals, the retention of auto and other war taxes made necessary in part by raising the exemption will amount to from $15 to $25 annual tax on 4,000,000 individuals, three-fourths of whom are persons with small incomes. This statement has not been contradicted by any person. The second reason in support of my individual view is that if the Federal Government is to assume leadership in formulating and developing sound and equitable taxation—Federal, State, and local—it is vitally important that married persons without dependents and having net incomes of $2,500 should remain on the Federal income-tax roll, subject, as stated, to nominal rates. I say this upon the theory outlined in my remarks last week, to the effect that the States have demonstrated their inability to grapple with the small income situation when they have sought to inaugurate and develop systems of State income taxation. Federal leadership and cooperation is absolutely necessary if the States are to succeed in substituting income taxation for a substantial portion of our unspeakable personal intangible and general property tax systems. To illustrate how completely the States follow precedents set by the Federal Government, I call attention to the course of the State of New York in enacting the Federal income tax law almost verbatim and in fixing the exemptions originally at $1,000 and $2,000, as provided by the Federal statute. And again in 1921, when the Federal law increased the exemption of married persons to $2,500 in all cases where their income did not exceed $5,000, but left it at $2,000 where such incomes exceeded $5,000, the State of York immediately followed suit in every detail.

In 1924, when the Federal revenue act provided a flat 25 per cent reduction on incomes for 1923, the State of New York promptly pursued the same precise course. The real necessity for State income taxation, as stated, is to substitute an equitable tax for the grinding and vicious intangible and general property taxes which are so crushing upon the owner of visible tangible property, especially the smaller owners. It is clear that if the public is taught that income-tax exemptions should be $3,500 for married persons without dependents, which is a 6 per cent return on near $60,000 of capital, it will become utterly unfeasible to give relief by such State laws to all the owners of farms, real estate, and houses of values below $60,000, whereas these are primarily the persons for whom relief is most needed from present State and local property tax systems.

The third reason in support of retaining these exemptions at $2,500 for the present is that taught by all tax experts and textbook writers who are the disinterested friends and supporters of progressive or graduated income taxation, to the effect that the tax should be applied to incomes above and near the minimum of subsistence, but with extremely light or nominal rates, which would gradually increase with each successive category of increasing income. This sort of income-tax structure has been taught and recognized by all sound authorities on income taxation as logical and scientific. If we narrow the base of this structure by raising exemptions, say, to $5,000, there would only be left 690,000 individuals to support the individual side of the great income-tax system, which is designed to yield $1,800,000,000 per annum. This, in my judgment, is not feasible, and would soon result in the practical wiping out of income taxation and the substitution of a general sales or some similar tax method equally unsound and inequitable. To add the constant criticisms in the future of the textbook writers and other disinterested experts to the known opposition to progressive income taxation, which is always striving to destroy it, would render it well-nigh impossible to maintain the integrity of the graduated tax method. But some shortsighted person suggests that the purpose of the income tax is to reach wealth, which is precisely the case as has been shown from the effects of the income tax law during recent years.

Any law that yields more than one-half of our Federal tax revenues and only requires those with incomes of less than $5,000 to pay 5½ per cent of the tax could scarcely partake more strongly of a tax on wealth. If, however, those with smaller incomes, such as I have described, assume an attitude of running away from income taxation and creating the impression before the country that it is a bad tax as compared with most other tax methods which in equity should not be mentioned in the same connection, it will only become a question of time when income taxation is discredited and destroyed in this country.

To construct and maintain a Federal income-tax system logically and scientifically, as I have attempted to describe, our Government would have the benefit of the most flexible and elastic revenue system to be found in any country. The general public would then acquiesce in the exemptions, the

rates, and classifications of income so that in the future Congress would have nothing to do except during each December to raise or lower the normal rate in order to meet the varying demands of the Treasury. The increase of the normal rate by 1 per cent would add $150,000,000 to the revenue for the fiscal year ending seven months later, or a reduction in like amount would correspondingly reduce the revenue. We would no longer have constant demands and controversies relating to reductions or increases or exemptions or earned and unearned income rates. We have not taken all these steps in framing the pending bill, and hence my criticisms and suggestions. We could easily have placed the income-tax system on very near a permanent basis, but instead we leave in the law the chronic complaint about the inequality of the income for the purpose of the tax of the individual, the partner, and the corporation stockholder, as we also leave undisturbed the unequal burden upon the small corporations, not to mention more than $100,000,000 of unrepealed war taxes.

It is wholly misleading to point to prior income-tax exemptions as precedents. The law of 1894, for example, provided a flat 2 per cent tax and an exemption of $4,000. Gentlemen, say, why not return to that $4,000 exemption? The answer is that the Government only sought to raise $30,000,000 by the entire income tax act of 1894. But again they say, why not return to the exemptions of $3,000 and $4,000 provided in the income tax law of 1913? The same answer, in principle, applies, which is that it was not sought to raise more than $70,000,000 from this entire act; and if reference is made to the 1916 law, the same reply can be made, that only $175,000,000 was sought from the individual side of the law. Members should understand that we were gradually developing this tax system and hence were not seeking to raise a large amount of revenue from it.

I profoundly believe that if Congress would resolutely assume leadership in the development and maintenance of sound and comprehensive progressive income taxation, which would include taxpayers with net incomes of $2,500 and over as to married persons, these same persons would save many dollars extorted from them under the general property systems of the States where they would pay $1 of income tax. Then why this great rush to jump them off the Federal system with its nominal rates and to drive and force them headlong into the meshes of the infamous general property systems in the States? Unless the Federal Government is willing to take the lead and set precedents and furnish cooperation imperatively demanded by the States, how can we expect general tax reform in America and a readjustment of tax burdens according to the doctrine of ability to pay? I repeat, the States alone are unable to grapple with the great difficulties in inaugurating an income tax system embracing those with the smaller incomes. You are well aware that they struggled in vain with this undertaking before our Federal system was adopted, and that thereafter they awakened, and almost entirely through Federal precedent and Federal cooperation some 10 States now have splendid workable income tax systems, yielding from $60,000,000 to $75,000,000. We must make our Federal system dovetail into the State situations. This is the only way on earth we will ever make headway in the abolition of the intangible and general property tax systems.

You heard the gentleman from New York [Mr. MILLS] on yesterday declaim against these frightful tax conditions in the State of New York and point out the fact that $29,000,000,000 of intangible personalty was only paying tax of $8,000,000 under the general property tax law, whereas this amount was increased many fold under the new State income tax system. The question again recurs, how is the Federal Government to set precedents, create sentiment, and aid in expanding income taxation among the States if we are to devote our chief time in Congress to merely to whittling off at the top and at the bottom——

Mr. GILBERT. Will the gentleman yield right there?

Mr. HULL of Tennessee. Yes.

Mr. GILBERT. Is it not just as inconsistent to the spirit of the graduated income tax that we should grant concessions at one end and impose penalties at the other?

Mr. HULL of Tennessee. Yes. The point I want to make is that in this situation should we be obliged to increase Federal income taxes in case of depression or other cause, how are we going to do it after having greatly narrowed out tax structure and our roll of taxpayers? We will be obliged to raise the rates on this limited number left on the tax roll, and do Members not know that with our tax structure whittled down until it is being criticised by disinterested experts on every hand, those subject to such increases will resort to every possible means to throw off the entire tax?

I think the real question before Congress is whether we propose in a measure to emasculate the present Federal system of income taxation, thereby giving moral encouragement to the perpetuation of the intangible property tax, the State general property tax, and all that conglomeration of inequities which we find among them, or whether we are going forward with the determination to lead in the development of income and estate taxation in the Federal, the State, and local governments measurably as a substitute for existing tax evils in the States.

Mr. KINDRED. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. KINDRED. The gentleman has spoken, out of his ample information, about the taxes that should be raised on intangibles in New York; but is there not, and has there not always been, great difficulty in collecting any proper proportion of the taxes laid on intangibles?

Mr. HULL of Tennessee. I will say to the gentleman that there has been difficulty, and that the income tax and the inheritance tax are the only methods of properly dealing with it, and that so long as the Federal Congress takes the lead in breaking down and narrowing the base of income taxation those difficulties will continue to pile up.

Mr. KINDRED. But can the gentleman rely on any such figures as he has given being realized from intangibles in New York?

Mr. HULL of Tennessee. Should the Federal Government and the States seriously and jointly strive to develop simplified and comprehensive income taxation, the States could by a system of collection at the source, modeled after the English system, reach the income from every intangible as well as tangible source.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. HULL of Tennessee. Yes.

Mr. RATHBONE. The gentleman indicates a desire to have the various State governments receive income taxes. Can the gentleman point out any way by which this Congress can bring that about? For instance, a constitutional provision of the State of Illinois, which I represent in part, providing for an income tax, or at least permitting the legislature to pass one, was voted down by a vote of about 10 to 1 by the people of that State.

Mr. HULL of Tennessee. That is a matter, of course, which must be left to the people of Illinois. If they desire to wallow in the mire and the infamies and outrages of the general property-tax system, or a combination of special assessments, or any other set of partial or unfair or nondescript methods instead of cooperating in this matter, it is not our function to censure them; that is their affair. I imagine, however, that they would not indefinitely continue in this state of mind.

There is another phase of this matter to which I desire to call attention. Suppose in our rush here, upon the theory that we are serving somebody instead of imposing more taxes in the aggregate upon them, we should adopt the pending amendment providing for an exemption of $5,000—and I have the utmost respect for every Member's views upon this, either pro or con—where would you leave the millions of little stockholders in corporations? You would say to all the investors and the fellows who clip their coupons, you shall be exempt on eighty-odd thousand dollars of bonds from every penny of income tax, but all the little stockholders in corporations whose dividends are $1, or $2,500, or $4,000, would through their corporations be taxed at the present normal rate of 12½ per cent. You see how easy it is to get this structure of income taxation out of joint and lopsided so that we will have unending complaints during every succeeding Congress, instead of proceeding, as I think we should, to develop this system along sound lines so that there will be fair and reasonably graduated rates upon each category of income, and so that the general public would acquiesce in such peace-time system of rates, exemptions, and classifications as Congress might prescribe.

Under the present exemptions it is absurd to suggest that more than a large farmer here and there is reached for Federal income tax. I remind Members that any tax method which yields more than one-half the total tax revenue and at the same time exempts more than 110,000,000 of our 115,000,000 people is not subject to reasonable or legitimate attack upon the theory that the number of exemptions is too small. The danger to the tax system lies in the other direction. The loud objection offered by some gentlemen to the effect that the cost of collecting income tax from the smaller taxpayers is too high to justify the retention of the tax on that class is utterly beside the question. This objection applies equally to all small taxpayers under all tax methods in exist-

ence here and everywhere. To carry out this idea would exempt all the smaller taxpayers from taxation of every kind and description. And, too, it would be impossible to establish graduated taxation with light rates at the bottom, as is necessary in such cases. The other way around this objection would be a substantial flat rate and heavy taxes on the smaller as well as larger taxpayers. Neither view is tenable.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. TREADWAY. Mr. Chairman, I desire to oppose the amendments offered by the gentleman from Illinois and the gentlewoman from New Jersey. I desire to discuss them briefly with the House from a little different angle from that of my friend and colleague, the gentleman from Oregon [Mr. HAWLEY].

The gentleman from Oregon took the larger brackets of income tax in the higher branches of the surtaxes, and I want to get back to the normal brackets, which are the rates paid by the average man.

I agree with the lady from New Jersey [Mrs. NORTON] when she says that the wage earner is the sinew and backbone of our country, but she does not follow the sequence so far as that wage earner is concerned. Therefore I say no logical or sound argument can be made for increasing the exemptions of the single man without dependents above $1,500 or the married man without dependents above $3,500.

A young man starts out in life either to follow a professional or mercantile occupation or to learn a trade. He continues until his average wage is $125 a month, or $1,500 a year. Up to $1,500 a year he pays no tax if the provisions of the proposed bill are adopted.

Assume he advances another stage and receives $150 a month, or an aggregate for the year of $1,800. He will then have to pay on $300, provided he takes no other exemption than the flat $1,500 exemption, and there are several others, so that in all likelihood he will pay nothing; but assuming that a man receiving a salary or earning a wage of $1,800 pays on $300, what will the amount be? He will pay the insignificant sum into the Treasury of the United States of $3.38.

I submit that is no hardship upon any man drawing an annual salary or earning annually $1,800.

Let us go a step further, as this man advances, and say that he wants to start a little home. He is now earning, say, $300 a month, or $3,600 a year. He feels on that wage or salary he is justified in becoming a married man. On $3,600, without these outside exemptions, he would then pay on $100, or $1.12; $1.12 for the support of the Federal Government out of an annual wage of $3,600.

I submit that that man on a salary of $3,600 in establishing his place in the world wants to assist in the support of the Government, and you are inflicting no hardship upon him or depriving him or his wife of anything whatsoever in that little home if he contributes $1.12 to the support of the Government. He is interested in the welfare and the surroundings of his country, wants to be a part of the Government, and, gladly, as a contributor to the welfare of his country, he wants to feel, without depriving himself or his family of anything necessary for their support, he is assisting the Federal Government.

So let us run on, and assume that Mr. Average Man increases his compensation up to $350 per month and in the meantime the little home has been blessed with a child. He is then entitled to an additional exemption of $400. His annual compensation is $4,200 and with the child his exemption is $3,900, and therefore, without these additional exemptions to which I am not referring, he will pay on $300, or $3.38.

No one can claim that is a hardship on any working man.

Mr. LOZIER. Will the gentleman yield?

Mr. TREADWAY. May I just conclude this statement and then I will be glad to yield?

Now, he gets a little further along as Mr. Average Man, and is receiving $400 per month or $4,800 per year, and in the meantime he is blessed with an additional member of the family, and at $4,800, with two children in the family, he pays a tax of $5.63, not as much as two admissions to a first-class theater.

That is no deprivation upon any man. It is a willing contribution to the assistance and the support of our country; and so I might continue, but I will now yield to the gentleman.

Mr. LOZIER. The gentleman has referred only to the contributions by this class of people in the form of income taxes. The gentleman well knows, I take it, that this class pay heavily indirect taxes in the form of tariff taxes in the increased cost of their supplies.

Mr. TREADWAY. I will be glad to enter into a discussion of the tariff with the gentleman at the proper time. This is not the time, and I can not yield for a tariff discussion.

Mr. LOZIER. That is not the only tax these people pay, is it?

Mr. TREADWAY. No; I am talking about his contribution under the income tax to the Federal Government, and that is the subject under discussion at this moment.

Now, take it that Mr. Average Man has not been quite as successful as the picture I have painted. He is married, starts to raise a family and pays nothing, absolutely nothing, if his income has not reached the point of $3,500 without dependents, $3,900 with one child, or $4,300 with two children.

If he is not sufficiently fortunate to have a fairly good income he is not asked to pay one dollar. Therefore I say that Mr. Average Man gladly will contribute the small amount called upon under the new exemptions. Further than that, the man who has not been successful joins the great group we have cared for so well in the bill. We are taking out of the taxpayers of the country the enormous number of 2,320,000—that is, there will be 2,320,000 fewer individual taxpayers under the proposed bill than under the present law—therefore I say this bill, particularly this income feature provision, is written for the average man, the working man, the wage earner, whom I agree with the lady from New Jersey [Mrs. NORTON] is the backbone and sinew of our country. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 25 minutes. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I wish to express a few conclusions which I have drawn from the debate as it has proceeded. The eyes of the Nation are on the Congress to-day, to see how we shall conduct ourselves in the framing of a peacetime tax measure. During the war there was not so much criticism as there is now. In the matter of taxation we once had constitutional protection. The gentleman from Arkansas several times yesterday quoted the adage to the effect that the power to tax is the power to destroy. To-day we shall see just what sort of favoritism is to be shown in a tax bill of this kind. Now we have legislative discretion without constitutional protection, and extreme care should be exercised in framing the low brackets as well as in imposing the higher rates. I dislike to differ with my friend from Massachusetts, a member of the committee, and in the matter of exemptions it is, of course, difficult to determine whether or not $2,500 is too low, $3,500 just right, $5,000 too high. Without knowledge of the taxpayer's actual and necessary living expenses, number of dependents, sicknesses, and all the rest, his ability to pay can not be determined.

I agree with the acknowledged economist on this side of the House, the gentleman from Tennessee [Mr. HULL], whom you are going to believe even though his party does not follow him. His logic is unanswerable in confirmation of his contention that "if the graduated income tax is to endure we must be 'most' careful in the lowest and the highest brackets." For my part I favor lower exemptions. In this bill they are altogether too large. It was intensely interesting to note that in yesterday's vote the leading economists on the Democratic side who were members of the committee were in favor of reduction to 20 per cent, while almost the entire balance of their party voted in opposition. Yes, the Congress is being watched to-day. This is not the tax bill of a political party, but it has a political significance, and the people will wish to know which side of the House, if either, offers general opposition to the reform features contained therein.

To-day the amendment offered by the gentleman from Illinois [Mr. RAINEY] is indorsed by the gentleman from Tennessee [Mr. HULL]. We are curious to know, the country will be anxious to know, if the Democrats in the House will accept the views of their greatest exponent of the theories of taxation [Mr. HULL] and vote for the smaller exemptions. He desires that this bill shall furnish a precedent for the States and has had much to say about the State of New York and its immense intangible wealth. New York necessarily offers a very low rate

for it is adjacent to Pennsylvania, with a rate of $4 per thousand; Delaware, where you can incorporate and need pay hardly anything; Connecticut and Rhode Island each with a low rate of $4 per thousand. Massachusetts has a rate of 6 per cent on income—about $3 per thousand on capital—while New Hampshire offers an income tax approximating $1.25 per thousand on capital.

So far as New York is concerned, you can set all the precedents you like, but in order to keep her wealth at home the tax laws must be liberal to wealth, with so many inducements to its possessors to domicile themselves in other nearby States. I doubt if any precedent which we establish here will do poor old New York, with all her great wealth, any particular good.

I again say that the lack of constitutional protection under the graduated income tax law requires great legislative discretion in the fixing of rates, and we must recognize the principle of equality in bearing the tax burden and not so establish rates that the burden will rest on a few citizens only. I applaud the gentleman from Tennessee [Mr. HULL], who is indeed an economist and whose speech the other day was most convincing, except as to the last paragraph, in which he must needs indulge in an extraneous dissertation on the tariff. [Applause.]

Mr. FREAR. Mr. Chairman, I realize that this is a very important amendment. There are three amendments now proposed before the House, one for $5,000 exemption, the other for $3,500 exemption, which is the report of the committee, and the other $2,500. Our friends on the Democratic side are divided at this time and our friends on the Republican side I believe are practically unanimous. I speak only for myself at this time, and I believe it is right to give the reason why a vote should be cast, as I believe, for one of these amendments. Speaking first in respect to the amendment proposed by the lady from New Jersey [Mrs. NORTON], which was so admirably presented—and we would like to do her the courtesy of giving her a vote—but the situation is this: Not one income-tax payer out of ten has to-day an income of $5,000 and not one wage earner in the United States out of one hundred, it is fair to say, has an income of $5,000. That being so, there is no distinction as between putting $5,000 or $6,000 or $7,000 as a limitation. Thirty-seven dollars and fifty cents was paid by the income-tax payer of $5,000 income last year. Under the proposed bill a man who has an income of $5,000 pays $16.88, not a very large amount to pay in support of the Government. It seems to me that where the tax is cut down over 50 per cent, as under the proposed bill, there can be no objection to it on that score.

My good friends Mr. RAINEY and Mr. HULL, whom I admire for their ability, proposed placing the sum back at $2,500, and there are good reasons which they have advanced for that. But I can not forget what occurred here yesterday. We cut the high surtax from 40 per cent to 20 per cent, and we gave one man, Mr. Mellon, a reduction of $850,000 in his income this coming year, the gentleman who proposes the bill. That being so, it seems to me that we ought to recognize and give some reduction to the smaller taxpayer. In my State we have 146,000 taxpayers, in round numbers, and those 146,000 taxpayers, with this change of exemption from $2,500 to $3,500, will not receive any more reduction as a whole, I take it, although I have not figured it over, than that one man who gets that tremendous reduction of far over three-quarters of a million dollars. That being so, it seems to me there should be some reduction, and I am prepared for reasons that I can give here to support this proposal of the committee. In doing so I trust that gentlemen will not feel that I am asking to be put in the regular column at this time. I am simply using my best judgment in this matter.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. LAGUARDIA. The gentleman is an expert on tax matters?

Mr. FREAR. Oh, no; only a student.

Mr. LAGUARDIA. And a great loss to the country because he was taken off the committee. Is the gentleman not too analytical in criticizing the amendment offered by the distinguished and charming lady from New Jersey [Mrs. NORTON] and urging its opposition? Does the gentleman take into consideration the parliamentary situation, and is it not good parliamentary strategy to vote for the lady's amendment in order to bring pressure to equalize this bill on the other side of the aisle?

Mr. FREAR. My answer to the distinguished gentleman from New York [Mr. LAGUARDIA], whom I admire as much as anyone on the floor—and his courage is admirable; he is second to none—is that, so far as the parliamentary situation is concerned, I have had no interest in it and never have had any interest in it since I have been a Member of this House as compared with what I think is right. It seems to me that in the interest of the preservation of the income-tax proposition, as suggested by my good friend Brother HULL on one side, and for the justice we want to exercise to the small taxpayer on the other side, that the amendment proposed by the committee in the bill is the one that we ought to accept. [Applause.]

Mr. MOREHEAD. Mr. Chairman, I presume arguments will have but little weight as the revenue bill is going to pass, as I believe, about as the committee has recommended it. However, I want to be placed on record as favoring the amendment of the lady from New Jersey [Mrs. NORTON]. This amendment would relieve a great many small income payers from keeping a set of books many times that are incomplete and causing trouble and embarrassment in ascertaining their income during the year. A complication enters into the keeping of records to the ordinary taxpayer on incomes of $5,000 and less, while his intention is to deal honestly with the Government there are doubts in his mind at the close as to whether he has treated the Government fairly or has been fairly treated by the Government. Then, in many instances, several years after he has made his reports to the Government a revenue collector calls upon him, and thinking that he had made final settlement with the Government, is unable to find data sufficient to make an intelligent report such a long period after his settlement with the Government, and it is very annoying to the taxpayer, and there is a disposition to lose faith in the Government who makes such a small return at such a maximum amount of trouble. Besides, it has been stated by members of the committee, as I understand, that costs about 20 per cent in collecting income from the people who pay on amounts of $5,000 or less. This is an expense proposition, as even promotion schemes without any intrinsic value only allow to their agents a maximum of 15 per cent.

It is not necessary to pay an income to make us better citizens, as many items left in the bill, such as automobiles and many other items, compels us to pay sufficient to pass as good citizens. If the amendment should pass and make too great a reduction in the amount necessary to meet the expense of our Government we could offset it in a reduction in the appropriation for the Army and Navy or some other appropriations which are topheavy at this particular time. I am for the amendment, and I know that it will lessen the number of revenue collectors and greatly lessen the annoyance and trouble of a class of citizens who do not keep a set of books and must depend largely on their memory, and when the statements are made the individual is branded as trying to defraud the Government and destroying to a certain extent the confidence of the taxpayers in their Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Florida. Mr. Chairman, in the section of the country from whence I come people grow to maturity very early—at 16 or 17 years of age. Ever since that age it has been my ardent desire to have an opportunity to support some woman, and to-day, my fellow members of this committee, is my first opportunity. [Applause.] Therefore, I shall support the amendment of the lady from New Jersey [Mrs. NORTON]. We sit here in a way as an equalizing board for finance for the entire Nation. Our act here has to do with the amassing of great fortunes, and also has to do with the impoverishing of the poor. There is only a certain amount of wealth in our country, and by our action here we will protect the one and help the other, or we shall protect the interests of all. It is not our province to enact laws for one class as against another. The committee has well provided for the ultra-rich by deducting 50 per cent; but when it comes to the deduction of the small man of $5,000 and down, then they throw out the flag and say, "Put on the brakes." About 7,000,000 people of our Nation last year made returns of less than $150,000 income, and less than 2,000—yes; about 1,843—made returns of income above. About 4,000,000, I believe, made returns of less than $5,000. This 4,000,000 class returns represents about 60 per cent of the people that our flag protects. Why, then, in all fairness to those who are our producers and those who are our consumers, should we not let them come to-day as they should and have a voice in their own government. This is their government the same as yours. Four hundred and thirty-five Members assemble here, and shall we enact legislation for 1,843 persons and not protect the 60 per cent, the man from $5,000 and down, who has to study about whether he shall go to a 30-cent show or a 25-cent show, and his wife must study whether she shall order a 25-cents-a-pound roast or a 30-cents-a-pound roast.

The man who has to hunt the bargain counter to secure a shirt for 90 cents instead of $1, the wife who must take a pair of shoes for her child at a price of $1 instead of $1.25. This is the class of citizenry I would protect. They produce the wealth of the Nation and replenish our country's population. Then, I say protect them and give them a fair show as against the financial dragons of our Nation. [Applause.]

The fifty-some millions extracted by the Government from this class of our citizenry is harder to bear than billions extracted from the ultra-rich. I say, increase the reduction for single persons to $3,000 and the married person to $5,000, as provided in the amendment of the gentlewoman from New Jersey.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHINDBLOM. Mr. Chairman, I shall address myself to the proposal to raise the exemption to $2,500 and $5,000, respectively, for single persons and heads of families. The proposal of the committee raises the present exemption $500 for single persons and $1,000 for heads of families. Something has been said about the cost of the collection of the small amounts of taxes. It does not make any difference where you start, you will always have small collections at the bottom. If you raise the exemption to $5,000, you will have small collections at the bottom just the same, and the cost of the collection will be approximately the same as it is now so far as the Treasury Department is concerned, because the same machinery must be provided, and the Treasury officials tell us that a few hundred thousand taxpayers with small returns make very little difference in the cost of collection. But what would be the effect of raising these exemptions? Would you benefit mostly the small taxpayers who have the small incomes or those with larger incomes? You are not limiting this exemption, remember, to people who have only incomes of $5,000 or less. You are giving the increased exemption to everybody, and you benefit those who are in the higher brackets the most, because every time you reduce the net income upon which the tax is based you benefit the taxpayers in the higher brackets. I will give you the figures: Under the proposed amendment you will benefit the single man with the income of $4,000 to the extent of $11.25. You will benefit the head of a family with a net income of $5,000 to the extent of $16.88; but the man with an income of $50,000, coming in the 20 per cent bracket—15 per cent surtax and 5 per cent normal tax—will get the benefit of the entire 20 per cent on the increase in the exemption—$1,500—or $300.

Mr. ABERNETHY. Why should he not?

Mr. CHINDBLOM. But does the gentleman think that is an argument, that you are doing this for the benefit of the small taxpayer or for the benefit of the poor man? I submitted to the committee, in the debate on the revenue act of 1924, figures which I had collected from the Department of Labor, from the Census Bureau, from the Congressional Library, and from every source available, showing that there is not a single class of so-called wage earners in the United States who pay any Federal income tax, according to the average earning of their class, even under the act of 1924.

Men from the agricultural districts will tell you that there are very few farmers who come within the income-tax-paying classes. I do not deny that they are paying their portion toward the support of the Government in other ways. We are benefiting them all by reducing the general level of taxation. An analysis of the proposal to raise this exemption to $5,000 will prove to any Member of the House who can give it the time to examine the figures that the real benefit will go to the persons in the higher brackets. The fundamental reason is that when you increase the exemptions at the bottom you increase the saving at the top. By raising the exemption from $3,500 to $5,000 you are not benefiting the man who does not have the extra income, but you are benefiting those who have that increased income. Do not forget that the income tax is based on the net income, which is below the gross income. In the case of a net income of $4,000, the gross income in almost every case is $4,500 or $5,000. That is the real income of the taxpayer.

The CHAIRMAN. The gentleman's time has expired.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. I would like to know what the gentleman wants.

The CHAIRMAN. The gentleman's time has expired. The question is on the substitute offered by the gentleman from Illinois [Mr. RAINEY] to the amendment offered by the lady from New Jersey [Mrs. NORTON].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the lady from New Jersey.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ABERNETHY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 53, noes 145.

Mrs. NORTON. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered; and the Chairman appointed Mrs. NORTON and Mr. HAWLEY to act as tellers.

The committee again divided; and the tellers reported—ayes 64, noes 207.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. LOZIER. Mr. Chairman, I move to strike out the last paragraph.

Mr. RAINEY. Mr. Chairman, I desire to propound a unanimous-consent request.

The CHAIRMAN. The gentleman will state it.

Mr. RAINEY. I can not present it later. I have two amendments here which limit both sections (c) and (d), and on them I want to present some remarks; and in order that I may save time and also in the interest of harmony in the bill, inasmuch as these amendments limit both the sections, I ask unanimous consent to present them at the conclusion of the reading of subdivision (d) on page 51.

The CHAIRMAN. The gentleman from Illinois wishes to offer two amendments, as the Chair understands it, to sections (c) and (d), and he desires permission to introduce these amendments at the end of the reading of section (d). Is that correct?

Mr. RAINEY. Yes. They limit both sections.

Mr. GREEN of Iowa. I do not see any objection to it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) $400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under 18 years of age or is incapable of self-support because mentally or physically defective.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY], a member of the committee, is recognized now to present his amendments. The Clerk will report the first one.

The Clerk read as follows:

Amendment offered by Mr. RAINEY: On page 51, at the end of subdivision (d), line 11, add: "The credits provided in subdivisions (c) and (d) shall not be allowed in the case of persons with net incomes of $20,000 and in the case of persons with net incomes in excess of $20,000."

Mr. RAINEY. Mr. Chairman, I am asking the attention of the committee to this amendment, and especially the attention of the members of the Committee on Ways and Means, because I can conceive of no objection that could be made to this amendment.

In England the personal exemptions do not apply to incomes of $4,000; and, more than that, we never have attempted to limit the exemptions in our various income tax bills.

Now, I think it will not be seriously insisted that the man with a net income of $20,000 should have these personal exemptions, nor can it be seriously contended that a man with an income of $100,000 should have these personal exemptions. Inasmuch as we have already lost a very large amount of money, indeed, by raising these exemptions on the married and the unmarried taxpayers, I want to submit to the committee, and especially to the members of the Ways and Means Committee, the question whether we ought, in view of the very high exemptions now granted in this bill—twice as high, perhaps, as are given in any other commercial nation in the world imposing income taxes—to stop at $20,000. In England they stop at $4,000.

I have named an income of $20,000 and over that for the reason that that is the point where our earned-income provision in this bill stops.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. RAINEY. Yes.

Mr. HUDDLESTON. Is the $20,000 the total income or the income after making the deductions provided in section 214?

Mr. RAINEY. I understand it applies to the net income, and the $20,000-income taxpayers are allowed these exemptions.

Mr. HUDDLESTON. If the taxpayers had $20,000 income after the deductions in section 214 are made, then under the gentleman's amendment the exemptions would not apply.

Mr. RAINEY. The exemptions would not apply in that case. The amendment is just as plain as it can be made. It provides that the exemption in these two subdivisions shall not apply to net incomes of $20,000.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield for another question?

Mr. RAINEY. Yes.

Mr. BURTNESS. From the way you have drawn your amendment a person having an income of $19,500 would have the exemption?

Mr. RAINEY. Yes.

Mr. BURTNESS. But the person having an income of $21,000 would not have the exemption?

Mr. RAINEY. The gentleman is right, and the same proposition that the gentleman has suggested would apply to any other income if you want to make a break anywhere else. But somewhere we have got to make this break, if it is made at all, and I have proposed it on an income five times bigger than the English income.

Mr. BURTNESS. But there is a point there where just an additional $1 in income means the saving of a tax of $3,500.

The CHAIRMAN (Mr. Begg). The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, reserving the right to object, can not the gentleman get along with three minutes, because we have been taking up so much time, as it seems to me?

Mr. RAINEY. I will try to do that.

The CHAIRMAN. The gentleman from Illinois modifies his request and asks unanimous consent to proceed for three additional minutes instead of five additional minutes. Is there objection?

There was no objection.

Mr. RAINEY. I want to take this additional time merely for the purpose of advising the committee as to the amount this amendment will save in the bill. This will apply to a gross income-tax payment of $161,043,349, and by making this amount taxable under this bill the amount we would realize would be $8,052,167.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. JACOBSTEIN. In the gentleman's dissenting report he indicate that the man who was earning, say, $40,000 was not getting a square deal under this bill.

Mr. RAINEY. Forty-four thousand dollars.

Mr. JACOBSTEIN. Under the gentleman's amendment he would be getting less of a square deal.

Mr. RAINEY. All amounts under the $20,000 get an exemption.

Mr. JACOBSTEIN. Then the gentleman is saddling something on him now which he did not bring out in his objection to the $40,000.

Mr. RAINEY. Between $44,000 and $20,000, if this amendment is adopted, those income-tax payers would not receive the very small exemptions they now receive, provided they also pay a normal tax.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. RAINEY. Now, Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Rainey: At the end of subdivision (d), line 11, page 51, add the following: "The credits provided in the subdivisions (c) and (d) shall not be allowed in the case of persons with net incomes of $45,000, and in the case of persons with net incomes in excess of $45,000."

Mr. RAINEY. Now, Mr. Chairman, I have presented this amendment—and there can be no possible objection to it upon any ethical ground, upon any economic ground, or any other ground—simply for the purpose of finding out whether the Mellon machine is so well oiled that we can not break into this bill at any point along the line.

This will save $2,000,000 in this bill, and it only applies to men with incomes of $45,000 and more than that. Is there any reason why a man with an income of $45,000 should have an exemption of $3,500 upon the theory that it costs more to live now than heretofore, and upon the theory that he has got to pay for the sustenance of his family? At $45,000 the surtax reductions stop, and from $44,000 all the way down the line the surtax payers get no reduction whatever in this bill, so I have made this amendment apply to incomes of $45,000 and more than that in order to find out whether Mr. Mellon and the multimillionaires have such complete control over there on the Republican side of the House that this little proposition can not be engrafted into this bill. I now leave it to the committee, but I should like to hear some member of the Committee on Ways and Means reply, especially the gentleman from New York [Mr. Mills].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Rainey) there were—ayes 31, noes 103.

So the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I offer an amendment which I send to the clerk's desk.

The CHAIRMAN. The gentleman from North Dakota offers an amendment which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Burtness: Page 51, line 11, after the word "defective," strike out the period and add the following: "or if such dependent person is under 21 years of age and has regularly attended school or college not less than eight months during the taxable year."

Mr. BURTNESS. Mr. Chairman and gentlemen of the House, the amendment which I have offered is, of course, plain. It simply extends the age of dependent minors for whom exemptions may be claimed by a parent from 18 years to 21 years of age, provided such minors have been in regular attendance at school or college for a period of eight months during the taxable year.

I know there are some Members in entire sympathy with this proposition who would, perhaps, say it is not worth the effort to try to enact it against the wishes of the Ways and Means Committee, but to them I would say this, that if the press reports which went out over this country a few weeks ago were correct, the Ways and Means Committee is in favor of this proposition. It was written into the bill at one time, as I understand it, but taken out. I have offered the amendment in the interest of fairness for the consideration of the House.

I think I know the argument that will be made by the distinguished chairman of the committee. It will not be an argument based upon the merits of the proposition, for they are conceded by everyone, but, rather, the contention will be about like this: This is an appealing amendment, but there are administrative objections to it; it is going to be hard to administer it. Now, Members of the House, would it be? Is not the taxpayer's oath worth something? Just picture in your mind the blank you make out every year. There are blanks for the number of children you have for whom you claim exemption; there are blanks indicating whether there are dependents in your family above 18 years of age who, because of physical or mental incapacity, must receive your support. Would it not be an easy proposition to put in an additional blank asking whether there are any children over 18 years of age and under 21 who have attended college for eight months during the taxable year, and then in the general blank on the form provided for details have the taxpayer set out the name of the college and the name of the child for whom the exemption is claimed?

Now, can not any of you imagine the administrative objections that would be raised by the Ways and Means Committee if allowing taxpayers credit for contributions made to charity should to-day come up as a new proposition? They would come in with numerous objections, but the fact is that exemptions of that sort are now permitted and are relatively easily administered. Objections might be made to such exemptions on the theory that the department would have to check up the records of every church throughout the country, the records of every Young Men's Christian Association, every Young Women's Christian Association, and every other charitable or similar organization throughout the country in order to determine whether the taxpayer lied or not, and perhaps there would be something to such an argument. In any event it would be much more forcible than to say to-day, as I rather think they will try to do, that if we enact this amendment they will have to check up all the colleges and all the schools of the country and see just how many days the person attended school, and things of that sort.

Another answer that will come back to us, I presume, is this: "Oh, well, it is true we are all in accord with the purpose, but

we have increased the exemptions, and that ought to take care of it." Friends, the increase in the exemptions does not in any way do away with the discrimination under our present laws in this regard. Everyone knows that when children——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BURTNESS. I will in a moment or if the gentleman will get me more time.

Mr. GREEN of Iowa. Oh, no.

Mr. BURTNESS. When children arrive at the age of 18 years, if they are sent away to college, there is no time when they are of greater expense to the parents. Of course, that is plain, and I do not know that the argument in favor of this proposition can possibly be put in better words than those used by the distinguished member of the committee, the gentleman from New Jersey [Mr. BACHARACH], on the floor the other day when he argued for a proposition which goes further than mine. He suggested an increase in all exemptions up to 21 years of age. The gentleman from New Jersey said:

The age limit for dependent children should be raised from 18 to 21 years. This is the age when our boys and girls are entering the higher institutions of learning, and their parents must pay for their education. In these days the poorest father and mother want their children to have the advantages of education which they were not able to enjoy, and for that purpose they are willing to deny themselves even the real necessities of life in order that their children may complete their education and be better equipped to fight the battles of life. So just at the age when our boys and girls become the heaviest drain on the family treasury the present revenue law looks upon them as independent and denies their parents the right to further exemption in making their income-tax returns.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent, unless some other gentleman desires to speak besides myself, that all debate on this amendment and all amendments to this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment and all amendments to the paragraph close in five minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, it is quite true that this amendment on the face of it may appeal to the sympathies of the Members of the House. The gentleman who has just addressed you has said the objection will be raised that there are administrative difficulties in the way of adopting such an amendment. It is not simply a question of administrative difficulties. The amendment presents an administrative impossibility.

How many Members of this House would agree on even what constitutes a school? There would be as many different opinions here as there are Members as to what constitutes a school. In every case the Treasury Department would have to check up to see how many days the child had been in attendance upon the school. They would have to determine whether the institution to which he was giving his attention was in reality a school. Why, in some instances a boy learns just as much out on the farm as he does in some of the schools. He is sent there for training. He is sent into the different trades for training and for education. Are those to be counted as schools also?

Then the gentleman says that by increasing the exemptions, although we have made all the allowance that ought to be asked for a situation like this, we did not remove this discrimination. I answer the gentleman by saying, as I did yesterday with reference to another amendment that was offered, the amendment of the gentleman does not remove discrimination; it simply creates further discrimination.

There are hundreds of items I could mention for which a man ought to have an allowance that are more worthy than this. Suppose some member of his family dies and he is a poor man and has to pay the expenses of a lingering illness, with doctors' bills, hospital bills, funeral expenses, and all that sort of thing. He needs a credit for that more than he does for an item like this. There are hundreds of instances I could mention of a similar character which are needed more than this, and if you start out on this line, where are you going to stop in the matter of family expenses? How are you going to determine them and how will we remove the discrimination that the gentleman claims exists?

Mr. Chairman, I ask for a vote upon the amendment.

The question was taken, and the amendment was rejected.

Mr. SOMERS of New York. Mr. Chairman, I desire to present an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. SOMERS of New York: Page 51, line 7, after the letter "(d)," strike out "$400" and insert in lieu thereof "$750."

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes to discuss his proposed amendment. There was a misunderstanding when the chairman of the committee made his unanimous-consent request.

Mr. GREEN of Iowa. Mr. Chairman, I will waive any objection.

The CHAIRMAN. The gentleman from Iowa can not waive it. The gentleman from New York asks unanimous consent to address the committee for five minutes.

Mr. BLACK of Texas. Does not the gentleman have that right anyway?

The CHAIRMAN. No; all time has expired on the paragraph. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Chairman, ladies and gentlemen, I venture to state I am experiencing the natural embarrassment accompanying a first-year man in presenting to a distinguished body such as this his initial conception of a phase of government. Hence, may I ask, should I falter at all in my argument, you will not hold it so much against the policy for which I plead or against my sincerity as you will against my inexperience.

I can not conceive of the policy which prompted the gentlemen who drew up this bill to limit the sum for the exemption for a child or dependent to $400. Evidently, these gentlemen have not had experience in trying to bring up a modern family in a large city. You will agree that it is almost as costly to raise a child under American standards as it is to provide for a wife. Yet the difference in exemption does not reflect the true degree of proportion attending the support of a child.

I do not desire to limit further the number of taxpayers supporting the Government. In truth, I believe it is a wise policy which spreads taxation over the greatest possible number. Still, as far as I can delve into the policies of statesmen of the past, I find they were unanimous in their contention that the Government should give to the family the greatest consideration in order to encourage its propagation.

In this bill you have been generous with the man of small income who has contributed his labor and intelligence to the welfare of the Nation. You have been more than generous with the man who contributes his wealth to the welfare of the Nation. Now, is it not reasonable to ask that you be equally generous with those who have made a greater contribution than either labor or wealth—those who have contributed flesh and blood to the welfare of the Nation. Should you be inclined to dispose of this amendment in the way I ask, you will receive, I assure you—and I do not believe I am presumptuous in this assurance—the generous applause of an appreciating Nation.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. I desire to ask some member of the committee if there is in the bill a definition of "net income"?

Mr. HAWLEY. Yes. On page 36, section 212. "In the case of an individual the term 'net income' means the gross income as defined in section 213 less the deductions allowed by sections 214 and 206."

Mr. LUCE. I made that inquiry as preliminary to another. As the law now reads, if a husband or a wife has a net income of $3,400 as defined, no return is required. If the income is $3,600 and a part of that income consists, say, of dividends from corporations, enough to bring the balance down to $3,400, a return is required, although no tax will be imposed. I presume that is valuable for statistical purposes, as well as to enable the officials to ascertain whether the computations have been correctly made.

Mr. CHINDBLOM. It has a further value in providing a list of taxpayers with an income of $3,400, a sum more likely to be taxable next year than one below $3,400.

Mr. LUCE. That is to be taken into account. But has the committee considered the possibility of reporting that a net income as defined is less than $3,500 without going to the necessity of making a detailed return? That would be a convenience to many thousand citizens. Let me point out that if the net

income as defined is $3,400 you assume the citizen making no return to be a truthful and honorable man. If the net as defined is above $3,500, although with various deductions it will be brought below $3,500, you require him to make a return. My observation is that this entails a hardship, particularly in the case of wives.

Mr. HAWLEY. Both these difficulties arise out of the question whether any particular deduction was lawful under the law. Unless the returns are made and the matters set out the department can not tell whether the deductions were lawful or not.

Mr. LUCE. The gentleman thinks it would be impossible to permit a blanket return in such cases?

Mr. HAWLEY. You put it entirely in the discretion of the taxpayer to interpret the law in relation to certain items of income and deduction.

Mr. LUCE. But you permit the man with a net income of $3,400 as defined to do it, although his gross, too, may be above $3,500.

Mr. HAWLEY. There must be a dividing line somewhere.

Mr. TREADWAY. We provide further in the bill for a commission to be appointed for the purpose of going into the simplifying of returns and removing such arbitrary regulations as are unnecessary. Therefore I think if the gentleman from Massachusetts will call that matter to the attention of the board after it is appointed it will be worth while.

The Clerk read as follows:

PART III.—CORPORATIONS

TAX ON CORPORATIONS

SEC. 230. In lieu of the tax imposed by section 230 of the revenue act of 1924 there shall be levied, collected, and paid for each taxable year upon the net income of every corporation a tax of 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 263.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment on page 76, line 11.

The Clerk read as follows:

Page 76, line 11, after the word "of," strike out "12½" and insert "8."

Mr. McKEOWN. Mr. Chairman, this may not be a very scientific amendment, and it may go the way of all other amendments. We have, you say, a tax reduction bill here, and yet we do not give the corporations any reduction. We are willing to reduce the tax of the individual—I do not know whether that is based on the fact that he can vote—but we are not willing to give the corporations any reduction.

Every man in this House knows well enough that I am not a champion of corporations, but I am simply here asking for fair play. If we are going to have a tax reduction bill, there is no reason why the corporation should not have some reduction in its taxes. Here on the corner is John Smith, incorporated, and on the next corner is John Smith, individual, or John Jones. Can you explain to John Smith, incorporated, why it is you tax him 12½ per cent and give John Smith, individually, a reduction on his tax? You say you have a tax reduction bill. Now, I have not had a single letter from any corporation asking for this.

Mr. TINCHER. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. TINCHER. Does the gentleman know how much loss of revenue his amendment will entail?

Mr. McKEOWN. I might give a guess.

Mr. CRISP. I can tell the gentleman how much it would be—approximately $400,000,000.

Mr. McKEOWN. Well, that would be that much more reduction if we are to reduce taxes.

You say that you are going to reduce taxes, and while I am on that question I want to call attention to this fact: You can not make the business men of this country understand why it is that you do not reduce taxes more in this bill. Some gentlemen say that they want to pay the national debt. Well and good; but can you explain to the American taxpayer why he should pay these high rates of taxation to reduce his debt when the taxpayer of the foreign country who owes this country does not have to pay as high a tax rate? I am in favor of reducing the national debt down to the point where it meets the place where the income from the foreign countries comes in to take its place. In other words, you have $20,000,000,000 of national debt. You have approximately $10,000,000,000 of debt due us from the Allies. Perhaps only $7,000,000,000 of that would be good; but then you ought to pay $13,000,000,000 of your debt and then give the taxpayers of this country the same length of time to pay out the other $7,000,000,000 as the other countries have. Is there anything wrong with that proposition? It may not be high finance, but it would do some good to the taxpayers of this country to give them a little breathing time. We have put up more money than the whole world put up in this war. The capacity of the American business man and American financiers to meet the demands of the war has been the wonder of the world, and now we still come here and say that we will make our people pay in 25 years. The taxpayers of the other nations have 62 years in which to pay, at interest rates lower than we allow our own people. So far as I am concerned personally, I say to you gentlemen who live within the great populous districts that we ought to have more time in which to pay the debt. They tell me that within a radius of 500 miles of the city of Philadelphia there live 62,000,000 people, and that they own a very great majority of the wealth of this Nation. If those 62,000,000 people who own the majority of the wealth of this country want to go ahead and pay the national debt in 25 years and let the taxpayers of Italy, France, Belgium, and England take 62 years to pay, well and good. They are your people and you represent them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(c) Nothing in this section or in section 246 shall be construed to permit the same item to be twice deducted.

Mr. RAINEY. Mr. Chairman, I think before we go into the administrative features of the bill, which are very interesting, that we ought to have a quorum present, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count [after counting]. One hundred and forty members present, a quorum. The Clerk will read.

The Clerk read as follows:

(e) The commissioner shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the name and the post-office address of each person making an income-tax return in such district.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 106, line 12, after the word "district," strike out the period, insert a comma and the following: "together with the amount of the income tax paid by such person."

Mr. LAGUARDIA. Mr. Chairman, my amendment simply seeks to retain the law in the new bill as it is to-day. You will notice that the committee leaves the law as it was, except that they strike out the last few words in section (e) "together with the amount of the income tax paid by such person." In other words, the public record will give you the name and address of the taxpayer. You have all of the information, except the information that is necessary. After a long legislative struggle the publicity clause, so-called, was inserted in the law last year. It has not had a fair trial. It is too soon now after one year of operation to say that the publicity clause is unnecessary. I personally believe that the $33,000,000 increase in the income tax last year was due to a great extent to the publicity clause. Mr. Mellon says that it was due to the reduction of the taxes. At least my reasoning is more logical. It has been stated that no one wants the publicity clause to remain in the law. Every paper in our city used the information obtained through the provisions of this section which we put in last year. My colleague from New York [Mr. MILLS] knows as well as I do that the information was very embarrassing to some men in New York. Every other tax known in the history of taxation is open to public record. There is a tax on land. In New York State that tax is a matter of public record. What is there in the income tax that an honest taxpayer should fear? I concede that details of the returns perhaps should not be made public, but so far as the amount is concerned, there is not one sound reason that can be presented in support of eliminating the provision in the law which was inserted last year.

Mr. TREADWAY. Will the gentleman give us some sound reason why the amount should be printed?

Mr. LAGUARDIA. Sure. That is a fair question. It is because taxes are public matter, because they are matters of public record, because all other tax records are public, whether on land or on intangible property, on franchises, excise taxes,

and so forth. Will the gentleman name one tax in any State of the Union that is held secret, as the change in this bill proposes?

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MILLS. Is the New York State income tax made a matter of public record?

Mr. LAGUARDIA. The information is obtainable.

Mr. MILLS. Is the tax paid by each taxpayer published?

Mr. LAGUARDIA. The information is obtainable.

Mr. MILLS. By law in the State of New York?

Mr. LAGUARDIA. There is no law prohibiting it.

Mr. MILLS. I will say to the gentleman that he is mistaken; that the income tax law of New York does not provide for the publishing of returns.

Mr. LAGUARDIA. Will the gentleman say that the law of the State of New York specifically prohibits it?

Mr. MILLS. I will.

Mr. LAGUARDIA. Will the gentleman show us that section?

Now, then, assuming for the sake of the argument that the gentleman is right [laughter], is that any reason why this bill should repeal the publicity provision of the law? Does the gentleman from New York contend that the New York State law is correct?

Mr. MILLS. Absolutely.

Mr. LAGUARDIA. Why?

Mr. MILLS. Because it is the experience of every country that has ever levied an income tax that the published returns hinders rather than helps the administration of the act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. May I ask for five additional minutes?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. The gentleman abandons the State of New York and says "any other country." You can not take any other country as a criterion.

Mr. MILLS. How about the State of Massachusetts?

Mr. LAGUARDIA. The gentleman was talking about the State of New York just a moment ago.

Mr. MILLS. How about the other eight States in the country that have an income tax?

Mr. LAGUARDIA. It is all wrong, and the gentleman can not make it right. [Laughter.] Now, who asked for the repeal of the publicity provision? Mr. Mellon came before the committee, and in the hearings he pleaded with the committee to repeal the publicity tax.

Mr. BERGER. Will the gentleman yield?

Mr. LAGUARDIA. I will yield to my colleague.

Mr. BERGER. I have to help him out this time. I published the income tax of the State of Wisconsin in my own paper.

Mr. LAGUARDIA. Will my colleague address me when I yield to him? I yield now to the gentleman from New York.

Mr. MILLS. I would like to ask the gentleman from Wisconsin——

Mr. LAGUARDIA. Not out of my time. I decline to yield. I yielded for a question addressed to me, and I happen to have the floor. Gentlemen, there was no real demand coming from the country for the repeal of this provision. Mr. Mellon appeared before the committee and pleaded; he did not give any reason or say why——

Mr. MILLS. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. MILLS. Does the gentleman believe that the American press faithfully represents, on the whole, public opinion?

Mr. LAGUARDIA. Not our New York press.

Mr. MILLS. I said the press of the country.

Mr. LAGUARDIA. Generally; yes.

Mr. MILLS. Is he able to state one single editorial in which the retention of the publicity clause was advocated?

Mr. LAGUARDIA. I will state that every paper used the information, just the same.

Mr. MILLS. Does not every paper advocate the repeal of the publicity clause?

Mr. LAGUARDIA. Sure. Who publishes our papers in New York? Three or four people; and the gentleman knows it. Of course they are advocating the repeal of this provision; of course they are.

Mr. BEGG. Will the gentleman yield for one question?

Mr. LAGUARDIA. I will.

Mr. BEGG. I would like to ask the gentleman on what ground he made the statement at the start of his talk that, in his judgment, the increase in revenue was due to the provision in the law authorizing publicity?

Mr. LAGUARDIA. The gentleman makes that statement on his experience.

Mr. BEGG. Wherein?

Mr. LAGUARDIA. His experience as a city official, his experience and contact with taxpayers, his professional experience with taxpayers. No one can deny that the publicity clause will aid in getting correct returns.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. FAIRCHILD. The gentleman says that his experience in connection with the taxpayers—then name one case illustrative of his experience with taxpayers where my colleague knew of the Government getting additional money because of the publicity clause. Name one instance.

Mr. LAGUARDIA. Will the gentleman name one instance that justified Mr. Mellon in saying we got $33,000,000 because we reduced taxes? That is a fair question. The gentleman knows his is not a fair question.

Mr. FAIRCHILD. No; if my colleague will allow me. When he states here in argument that he knows of individual cases where the Government got money because of publication, it is a fair question, and I ask him to name one of those cases.

Mr. LAGUARDIA. I say now, and repeat, that the publicity feature in our law will certainly make a lot of taxpayers make proper returns. Did not the gentleman's colleague on the floor of this House state that the big taxpayers were evading the law? Why, Mr. MILLS, an authority on taxation, did not make that statement once only; he has made it half a dozen times. He has made it right here on the floor of the House.

Mr. MILLS. I said "legal evasion."

Mr. LAGUARDIA. Oh, the gentleman qualifies it now.

Mr. MILLS. I have always said it. "Legal" in that connection means tax-exempt securities.

Mr. LAGUARDIA. Nobody who heard the gentleman this year and last year would come to that conclusion.

Mr. MILLS rose.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. MILLS. Mr. Chairman, I do not care to deal at length with the reasons which prompted the committee to recommend the repeal of this particular provision. On Saturday last I put into the RECORD what I consider to be one of the clearest and most instructive arguments against the publicity provision that I know of. It was drafted by a gentleman who knows as much, if not more, about income taxation than any other man, the Hon. CORDELL HULL, of Tennessee; and when publicity was first suggested the gentleman from Tennessee wrote a very strong analytical letter in which he pointed out that every country in the world that had had an income tax law had found it advisable in the interest of sound administration not to adopt such a provision, and he pointed out other strong and convincing reasons, all of which will be found in the RECORD of yesterday.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes; I will yield to my colleague from Illinois.

Mr. RAINEY. I will say to my colleague from New York that the German Government has just adopted the policy of publicity in all income-tax returns, and the object of it and the reason for it was that it would yield larger returns. It was based on that idea.

Mr. MILLS. That has not been our experience. The Secretary of the Treasury, in appearing before the Committee on Ways and Means, said that every collector of internal revenue throughout the country had been requested to furnish an opinion as to whether the publicity clause had in any way helped to collect taxes in the course of the last two years, and the unanimous answer was "No."

Mr. LAGUARDIA. Mr. Chairman, will my colleague yield?

Mr. MILLS. Yes.

Mr. LAGUARDIA. Who appoints these collectors? Mr. Mellon appoints them.

Mr. MILLS. I think they are appointed by the President of the United States.

Mr. LAGUARDIA. Are they going to give an opinion contrary to Mr. Mellon's views?

Mr. MILLS. The gentleman is less inclined to credit other people with honesty than I am. I take it that the average man is honest and tells the truth. [Applause.]

Mr. LAGUARDIA. These men are appointed.

Mr. MILLS. I am not ready to believe that every collector in the United States will give false information when re-

quested to give an answer by the Secretary of the Treasury or anyone else. [Applause.]

Mr. SCHAFER. Would not these collectors, in answering the communication, think a little about whether or not they would be disciplined for not being regular. [Laughter.]

Mr. MILLS. Well, I am not aware that telling the truth has even been considered irregular. [Applause.]

It may fairly be said, then, that experience in other countries, the experience in this country, and the testimony of every man qualified by experience to administer an income tax law, all tend to show that publicity is a hindrance rather than a help. Therefore, there is no official reason for keeping it on the books in the interest of sound tax administration. On the other hand, there is a very real reason for taking it off the books. It constitutes, as every man in this room knows, a serious invasion of that privacy to which the average American thinks he is entitled. I do not suppose there is anyone here who would think for one moment that that privacy should not be invaded if some good purpose could be served; but it once having been demonstrated that no good is accomplished, I suggest that it goes against the grain of every American to publish to the world on some November morning the exact amount of his income tax and so permit the curious and gossips to speculate as to his earnings and the exact amount of his income. Those are the reasons which, I think, led the committee to recommend the repeal of the publicity provision. [Applause.]

Mr. FREAR. Mr. Chairman, I can state for the sake of argument that that law as it stands to-day is not of such value as was intended when originally proposed by Senator NORRIS, on the other side of the Capitol, or as we endeavered to have it placed here in the last law. At that time, too, the gentleman from Tennessee [Mr. HULL] was quoted in regard to his opinion on privacy, and let me say that he is a very able gentleman. But keep in mind, gentlemen, that practically every man on the left side of the aisle, the Republican side, voted against him yesterday when he proposed what he believed was a fundamental principle of the income tax and asked you to sustain him on it; so that his judgment is quoted only when it is supposed to be of value and is not followed in other cases.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes, sir.

Mr. MILLS. When I last heard of the decision rendered in Wisconsin I understood it had been tried out and a final decision had been made.

Mr. FREAR. Yes. It was held to be valid, as I understand. A gentleman rises on the floor of this House or on the floor of the legislature of our State. He takes an active interest in the income proposition or other legislation. The very fact that he is interested financially to such an enormous extent as the gentleman from New York—and I am glad of it; I wish he had more—that fact colors his judgment. The Secretary of the Treasury, who brings this proposition to us and who did so the last time in the last law, paid $1,174,000 tax in 1924, and this year he paid $1,876,000, or over $700,000 more in one year.

I am not speaking about publicity as having any relation to the fight in 1924, whether or not it took him by surprise; but I do say this, that it shows his financial interest at this time, not only in one proposition in the bill, but the whole thing. If you have a witness on the stand in the trial of a lawsuit you usually ask him, "What is your interest in this case?" Mr. Mellon has a larger interest in the result almost than anyone else in the United States to-day. I claim that when you get a simple statement of what a man pays by publication you are not getting anything like what is obtained by complete investigation of records such as that of the Couzens committee by actual publicity.

It has been stated that large amounts of taxes have been evaded and that large amounts have been fraudulently paid out by the Treasury of the United States, and that could have largely been prevented if we had had a genuine publicity proposition on the books.

Now, what the gentleman from New York [Mr. LAGUARDIA] has proposed is a very simple proposition. It states the amount of money is paid for taxes, and what gentleman is ashamed of it? The claim has been made that the publicity proposition invades the privacy of American citizens, but does it invade their privacy when you remember that your personal property is put up and your real property is put up and every other tax is published to the country if anyone wants to know it.

My answer is that it does not unduly invade any privacy, but it just simply discloses that we have grown in the habit of concealing these things from the public—legally concealing them, I admit—and we are now getting into the position where tax evasions, as the gentleman from New York [Mr. MILLS] well says, have grown so large that you need legislation to avoid that tax evasion. The only way you can get it is by knowing the reasons which impel a man to seek evasion. Of course, that is only one incident in seeking the publication of income-tax returns.

Mr. MILLS. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. MILLS. Was not exactly the same argument made in the case of the enforcement of the personal-property tax?

Mr. FREAR. Oh, well, I do not know particularly as to that; but I will simply say this, that publicity certainly helps in exposing these things. For instance, if I stand up here and favor a proposition, the question of my interest in it is presented, and naturally the question arises, What is his interest and what is impelling him to favor the proposition? The same thing is true when a man presents a bill for legislation. Mr. Mellon will be benefited by having this tax cut from 40 per cent to 20 per cent, because under that reduction he will save $850,000. That will result by making a reduction to 20 per cent from 40 per cent.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I observe that the gentleman from New York [Mr. LAGUARDIA] has an amendment at the desk. I also have one covering the same paragraph, and I would like to know whether it is in order to report my amendment now or will it be taken up afterwards?

The CHAIRMAN. Is the gentleman's amendment an amendment to the amendment offered by the gentleman from New York [Mr. LAGUARDIA]?

Mr. GRIFFIN. No; it is an amendment to the section.

The CHAIRMAN. Well, it would not be in order to report it now because this other amendment is pending.

Mr. GARRETT of Tennessee. It can be offered as a substitute.

Mr. GRIFFIN. Then I will offer it as a substitute.

The CHAIRMAN. Then the substitute will be reported by the Clerk.

The Clerk read as follows:

Amendment proposed by Mr. GRIFFIN as a substitute for the amendment proposed by Mr. LAGUARDIA: On page 104, in line 17, after the word "records," strike out all of lines 17, 18, and 19, and insert the following:

Mr. BEGG. Mr. Chairman, I raise a point of order. That can not, by the wildest stretch of the imagination, be a substitute. It does not come at the same place in the bill.

Mr. GRIFFIN. But it is the same section of the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GRIFFIN. It is the same section of the bill, Mr. Chairman.

Mr. CHINDBLOM. Mr. Chairman, I make the further point of order that we have passed the paragraph.

Mr. LAGUARDIA. No; we are still on the same paragraph.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] offered an amendment at the end of (e), line 12, page 106, that being as far as the Clerk has read. The gentleman from New York [Mr. GRIFFIN] offers an amendment on page 104, line 17, the amendment being to strike out lines 17, 18, and 19, and insert other language. We have already passed that paragraph, and the point of order made by the gentleman from Ohio [Mr. BEGG] has been sustained. We have passed the point where the gentleman proposes his amendment, and we have an amendment pending. The gentleman is too late with his amendment.

Mr. GRIFFIN. Mr. Chairman, continuing the parliamentary inquiry, will it be in order for me to submit my amendment when debate on the amendment offered by the gentleman from New York [Mr. LAGUARDIA] is finished.

The CHAIRMAN. It would not be proper to propose an amendment at the point where the gentleman is proposing it, because we have passed that stage of the bill.

Mr. GRIFFIN. I am offering it as a substitute, but objection has been made to it as a substitute, and the Chair has sustained the point of order.

The CHAIRMAN. The Chair sustained the point of order made by the gentleman from Ohio [Mr. BEGG], to the effect that we have already passed that stage of the bill.

Mr. BEGG. My point of order, Mr. Chairman, was that it is not a substitute, because it does not cover the same point in the bill.

The CHAIRMAN. It is not a substitute, anyway, because it is not proposed to the same paragraph.

Mr. GRIFFIN. The parliamentary inquiry I addressed to the Chair is this, whether it is in order for me to submit the amendment at any time.

The CHAIRMAN. Let the Chair state this: Section (b) of the bill has been read, as I understand it; we have passed paragraph (b).

Mr. GRIFFIN. We are still on the paragraph.

The CHAIRMAN. We have passed paragraph (b), and we are on another subparagraph. The amendment offered by the gentleman from New York [Mr. LAGUARDIA] relates to a subparagraph following paragraph (b), that paragraph, as the Chair has already stated, having been passed.

Mr. GRIFFIN. My amendment, as I understand it, is to the section which begins on page 104 of the bill.

The CHAIRMAN. Under the ruling of the Chair at the beginning of the reading of this bill each lettered paragraph is considered a separate paragraph, and the bill is being read by paragraphs. The numbered paragraphs include all the numbers in connection with the specific subject before the paragraph is completed, but each one of the lettered paragraphs is completed when the letter is passed, and the reading of the bill has gone beyond the stage where the amendment is applicable.

Mr. GRIFFIN. I misunderstood the ruling of the Chair. I understood it was in order to offer the amendment.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. There is nothing before the committee now.

Mr. LAGUARDIA. I submit I can make a parliamentary inquiry.

The CHAIRMAN. The point of order has been sustained, and the amendment of the gentleman from New York [Mr. LAGUARDIA] is pending, and the amendment offered by the gentleman from New York [Mr. GRIFFIN] is not in order.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry. Has not debate been exhausted on the amendment of the gentleman from New York [Mr. LAGUARDIA]?

The CHAIRMAN. Debate has been exhausted on the amendment when we can get to it.

Mr. GRIFFIN. Then I offer my amendment as a new paragraph at the end of the section.

The CHAIRMAN. The gentleman can not offer his amendment now. There is an amendment pending. When the pending amendment is acted upon, it will be in order for the gentleman to offer his amendment, if it is proper at that time and at that place. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The amendment was rejected.

The CHAIRMAN. The clerk will read.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. The gentleman from New York [Mr. GRIFFIN], I understand, wants to offer an amendment, and the gentleman ought to have an opportunity to offer it.

The CHAIRMAN. The gentleman from New York can speak for himself.

Mr. LAGUARDIA. The gentleman was correcting his amendment.

Mr. GRIFFIN. Mr. Chairman, I wish to offer an amendment as a new paragraph in the bill. On line 12, page 106, to be known as paragraph (f).

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York [Mr. GRIFFIN].

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 106, after line 12, insert a new paragraph to be known as paragraph (f):

Mr. GRIFFIN. Mr. Chairman, pardon me, but I do not think the Clerk has the whole of it. Will the Chair permit me to read the section as printed on page 414 of the RECORD of yesterday?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Returns upon which the tax has been determined by the commissioner shall constitute public records, but only the following features shall be open to inspection: (a) Name of taxpayer, (b) gross income, (c) amount of normal tax, (d) amount of surtax, (e) total tax assessed. No other figures or details of a taxpayer's return shall be open to inspection except upon the order of the President, under such rules and regulations as may be prescribed by the Secretary and approved by the President.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the amendment is not in order. It is clearly an amendment of section 257, paragraph (a), and should have been offered at that place.

The CHAIRMAN. Does the gentleman from New York [Mr. GRIFFIN] wish to be heard on the point of order?

Mr. GRIFFIN. If the gentleman is disposed to deal in technicalities, I would like to ask unanimous consent that we go back to that section of the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not think the gentleman need concede the point of order. I will say to the gentleman from Illinois I do not think the amendment is subject to the point of order on the ground he puts it. Every lettered paragraph in this section is dealing with this same subject matter.

Mr. CHINDBLOM. My colleague suggests that for the purpose of saving time I withdraw the point of order, and I am willing to do that, although, of course, I did not make it frivolously.

Mr. GARRETT of Tennessee. It will save time, and the gentleman is wrong about it anyway.

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] withdraws the point of order, and the gentleman from New York [Mr. GRIFFIN] may proceed.

Mr. GRIFFIN. I thank my colleague and the gentleman from Illinois for withdrawing the point of order.

Mr. Chairman and gentlemen, anticipating that this section would come up to-day, I took the trouble to insert in the RECORD of yesterday, at page 799, this proposed amendment in full, printing also the paragraph as it was provided in the bill and giving a brief argument in favor of the amendment.

The point I make is that some publicity of income-tax returns is necessary. I am not one of those who believe that everything should be thrown open in the matter of income-tax returns. I do not believe it is proper to allow busybodies to go to the collector's office and learn all of the inner workings of a man's business.

My proposed amendment is a compromise. It is in consonance with the American idea that no citizen ought to have any transactions with his Government that he is afraid to reveal or have revealed. You may ask what business is it of anyone to know what I pay or what you pay, and my answer is that every duty of a citizen carries with it the obligation of every other citizen to know that that citizen is doing his duty. In other words, I want to know when I pay my taxes that other men are pulling in the harness with me and not shirking their responsibility.

The idea is this—and I want to carry it home to you, if I can—there should be no secrecy in the transactions between any citizen and his Government. The gentleman from New York [Mr. MILLS] states he does not know of any case where the publicity section of the bill has helped in collecting a single dollar. What if that is so? We do not put it in there for that purpose; we put it in there of right because it ought to be there. The people of this country ought to know that every man is bearing his burden. My amendment is a compromise. It does not throw the doors wide open and allow busybodies to poke into private affairs, but it only requires revelation of that which ought to be revealed—whether every man pays his just share of the burden. That is it in a nutshell.

It is futile to argue as to whether or not the publicity given to income taxes under the present law increased the receipts of the Government. Suffice it to say that the collections for the current year are over $30,000,000 in excess of the receipts for the previous year. The opponents of publicity are prolific in reasons to account for it and persistent in their denials that the fear of exposure had anything to do with the increase. To determine the proper inference from the facts is a task involving divine or supernatural knowledge of human motives beyond the ken of mere mortals. It is, however, fair to conclude, if there is any virtue in laws founded on the fear of exposure, as most of our criminal laws are, that the average man who knows that his tax payment is likely to be published in his local paper, will seriously hesitate before he puts in a false return.

I am fighting for this amendment not because I distrust the honesty of my fellow citizens or because I want to pry into their private concerns but only because I feel that the principle of publicity is right, particularly in connection with surtaxes upon excess profits.

If the people are to continue to be mulcted by profiteers, it is only just and proper that the victims should know the aggregate extent of such exactions and the number of highbinders engaged in such brigandage, but they ought also to be able to identify the offenders more accurately than by the mere letters X, Y, and Z.

We ought to preserve the publicity feature until all occasion to impose surtaxes shall cease. I agree with Roosevelt in his abomination of "malefactors of great wealth." They have a constitutional, and perhaps hereditary, twist of the mind which prevents them from seeing the distinction between "necessity" and "opportunity," two words frequently confused in business.

The law of supply and demand used to have its limitations, and such limitations were founded on good conscience. To-day there is no limit, because business conscience seems to have evaporated. There is no "necessity" to demand higher prices simply because things are scarce; there is only the "opportunity" for plunder. No decent business man ought to charge high prices simply because he has the opportunity. Excess profits generally fall within this category, and consist of prices exacted because of a natural or even artificial scarcity. Every business should pay and is entitled to prosper, but it is not good conscience to create a scarcity for the purpose of gouging the public.

For instance, we have a coal suspension in the anthracite fields. The bituminous mines are working without interference, and it is conceded that there is an ample supply of bituminous coal to take the place of anthracite. There is no more expense connected with the mining, the shipment, and delivery of a ton of bituminous coal to-day than there was before the anthracite trouble began. Yet the prices charged for bituminous coal have been doubled.

The same is true of that other substitute—coke. A few years ago we could have had a ton of coke delivered in New York City for $3.50. To-day it is $15. That is one of the reasons, perhaps, why the coal strike is not settled.

I am not at all overwhelmed by the carefully planned propaganda of those who are seeking to abolish the publicity feature of the income tax law. If you dig deep enough into their history and business connections you will find that they are inspired by purely selfish motives, and that they have good reason to take refuge under the cloak of secrecy. You will find that the whole gang who are responsible, directly and indirectly, for the present orgy of price boosting and profiteering are heartily in favor of secrecy in the matter of their income-tax returns. But the average man, if given the opportunity, would vote unanimously for open dealings.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were 23 ayes and 165 noes.

So the amendment was lost.

The Clerk read as follows:

(d) As used in this section the term "China" shall have the same meaning as when used in the China trade act, 1922.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I miss more than I can express the voices of protest of two brilliant leaders in the fight against exemptions from taxation—the gentleman from Alabama [Mr. HUDDLESTON] and the gentleman from Iowa [Mr. GREEN]—when the Clerk reads this section.

Of course, it may be said that under the law these exploiters of China are already exempt from taxation. I guess I may be wrong, Mr. Chairman, but when I was in China this summer I was impressed with the seriousness of the situation in that country. So often has the China pot threatened to boil over and then cooled down that the nations of the earth have become somewhat indifferent; but sooner or later there will be fires lit in China that will light the whole world, and the House of Representatives of the United States will be as helpless as these insurgent Republicans are in a Republican caucus. [Laughter.]

We are supposed to be the one to declare war, but the issue of peace or war in China, as far as war is concerned, depends upon the tact and diplomacy of the American admiral in charge of the Yangtse patrol.

There is only one station in China where there is any other nation which has a force equal to ours. Japan has two little boats at that point, and we have but one. There are about six thousand and some odd of the naval forces of the United States upon the soil of old seething China, and the taxpayers are having to pay that enormous bill, and every year literally hundreds of our boys come back from that station ruined in body, ruined in morals, and on one vessel 19 landed in the hold absolute mental wrecks. We are doing that for our foreign trade in China; we are maintaining a Navy and forces over there, and yet we exempt them from taxation. Mark my words, the day is going to come when we will have to bear the brunt of settling the Chinese situation. I am glad to know the Secretary of State appreciates the situation, and I agree with what he has said about it.

The point I want to make is that while we are bearing the brunt of the trouble, while we are paying the bills, while we are fighting for the enormous dividends for trade companies over there in China you sit back and say to the overburdened taxpayer "Let these men off scot free."

I am not going to be satisfied; I will protest against it every time that the item is read whether it be in a revenue bill or in any other bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BEGG. Are not foreign corporations of Great Britain, Japan, Germany, and perhaps some others that I do not know of taxed? I want to couple another question with that. Is the United States doing the sole policing over there? Are not Great Britain and France doing their share?

Mr. WINGO. No; they are not doing as much as we.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. No; they are not doing their share, and I do not say so critically of Great Britain and Japan. The gentleman was with me, and he knows the real reason. There are places in China where the Japanese and the British patrol can not go, and I do not blame the poor Chinamen. When you gaze upon the Chinese population and the way they are treated you are overcome with the feeling of mingled pity and contempt—pity for their condition and the way they are treated, like dogs. My blood boiled on the streets of Shanghai when I would see those long-robed saddle-colored Sikhs the British bring from India in there and beat those poor Chinese just as one would beat a dog. No wonder there is seething in China. Yes; Japan and Great Britain have their forces over there; but there are places where only the United States forces can go without provoking open warfare, and where the Japanese and the British can not.

I repeat the statement, and the gentleman can not challenge it, because I know he has the same statistics and saw the same things that I saw, that in every place except one, away up on the Yangtse River, the vessels of the United States exactly match the vessels of Japan and Great Britain together, except at that one place Japan happens to have two little boats, while the United States has only one. Japan and Great Britain have sown the wind, and they are reaping the whirlwind, and I say the Secretary of State is right, and the policy of our present State Department, which I approve, is the only policy that may stop a great war in China, and the independent moral force of this Nation, which has been brought to bear, may yet prevent a holocaust in that unhappy land.

The reason why I mention our forces and these other forces is this. We have to support this Navy, and we have to pay these marines, and we have to pay these enormous expenses. These corporations, who are getting enormous sums of money out of their business in China, it seems to me, ought to be willing to bear some proportion of the tax burden to support the Navy and these troops just as well as the citizens at home. Oh, but the gentleman says, are not these other foreign trading companies exempt? We had that question up when we were considering the China trade act. I insisted then, although my statement was challenged, that they are not exempt to the extent that we exempt our foreign-trading corporations, and I think I demonstrated it clearly at that time.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. KINCHELOE. Is it not also true that the largest beneficiaries under this section are the American Tobacco Co. and the Standard Oil Co.?

Mr. WINGO. They are the principal ones. Tell me that they can not compete in any market on earth without being given this exemption? It is ridiculous to say so. They are the chief beneficiaries, and their employees are the chief beneficiaries of the provision with respect to personal exemption, which I moved to strike out yesterday and for which motion I could not get the support of even my conservative friend from Alabama [Mr. HUDDLESTON] or my radical friend from Iowa [Mr. GREEN]. [Laughter.]

Mr. GREEN of Iowa. Did I understand the gentleman to say, although I can scarcely credit it, that the other nations did not give their trading companies the same exemptions that we are giving ours?

Mr. WINGO. They do not.

Mr. GREEN of Iowa. The gentleman is most decidedly in error.

Mr. WINGO. I am not, and I will submit the matter to The RECORD of about a year ago when I think I demonstrated to everybody in this House except two gentlemen, and one of them is the gentleman from Iowa, that absolutely England does not to the same extent exempt British traders as we exempt American traders under the China trade act, and by the terms of this bill.

Mr. GREEN of Iowa. I imagine that the other gentleman is the only gentleman that paid any attention to the gentleman's remarks.

Mr. WINGO. Maybe so; because I do not take myself quite as seriously as the grave overburdened gentleman. I have that advantage over the gentleman.

The Clerk read as follows:

(2) In the case of a nonresident alien individual, and of a foreign corporation not having an office or place of business in the United States, on or before the 15th day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on or before the 15th day of the sixth month following the close of the fiscal year.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I should not bore the committee if the gentleman from Alabama had not run away from me. I am more confused than ever now that he and the gentleman from Wisconsin [Mr. BERGER] are together. I submit in all candor, how can the gentleman from Alabama expect me to stay with him when I find him first with the gentleman from New York [Mr. MILLS] and the gentleman from Iowa [Mr. GREEN], and then I find him in bed with the leader of the Socialist Party [Mr. BERGER]. I have a faint suspicion, Mr. Chairman, that the reason he got with the gentleman from Wisconsin [Mr. BERGER] was because of the propelling force of the law of gravity—he naturally went back to where he started. But the trouble with the gentleman from Alabama, and of which I complain—is that he is always very strong in protesting against exemptions to the man who toils in the ditch, like these waterworks employees in the city of Birmingham, when I sought to put them on an equality with the "white collar" employees of the city of Birmingham, but he does not protest when it is proposed to exempt from taxation the Standard Oil and the American Tobacco companies. O Mr. Chairman—

The harp that once through Tara's halls,
The soul of music shed,
Now hangs as mute on Tara's walls
As if that soul were fled.

[Applause.]

The Clerk read as follows:

EXAMINATION OF RETURN AND DETERMINATION OF TAX

SEC. 271. As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 113, line 14, after the word "practicable," insert "within two years," so that the language as amended would read, "As soon as practicable and within two years after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax."

Mr. BLACK of Texas. Mr. Chairman, the reason why I have offered this amendment at this particular point is this: The language under this section 271 provides that the commissioner shall audit the return and complete the assessment of the tax as soon as practicable. So far, so good. But on page 122 of the bill is a provision which allows him four years within which to make the final assessment; so that the language "as soon as practicable" may be interpreted to mean a period of four years after the filing of the original return, and so I have offered the amendment at this point, so as to provide that under this act the Commissioner of Internal Revenue shall complete the assessment and determine the final amount of the tax within a period of two years.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CHINDBLOM. Is it the gentleman's purpose that the period shall be limited to two years?

Mr. BLACK of Texas. Yes; as to taxes to be assessed under this act. Now let me call the attention of my friend from Illinois to page 122. It reads:

The amount of income, excess-profits, and war-profits taxes imposed by the revenue act of 1921, and by such act as amended, for the taxable year 1921 and succeeding taxable years, and the amount of income taxes imposed by the revenue act of 1924, and by this act, shall be assessed within four years after the return was filed—

And so forth. Now, if my pending amendment shall prevail, when we reach that provision in the bill I shall propose an amendment to strike out the words "and by this act" on line 20, page 122, and insert at the end of that paragraph that "income taxes imposed by this act shall be assessed within a period of two years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period."

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CHINDBLOM. Has the gentleman any idea of what increase in the employees of the Treasury would be required under this provision in the new law?

Mr. BLACK of Texas. I do not think it would be very great. Perhaps none at all, if the work is speeded up as it should be. I have no desire, and I am sure no Member of this House has any desire, to aid any man in evading his taxes.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. In just a moment. But I do believe the taxpayer within a reasonable length of time ought to be able to know the complete amount of taxes that are held against him. Now I yield.

Mr. JONES. I would like to know why it would take more employees to do this work in one year. Why would it be more expensive to keep it within two years than four years?

Mr. BLACK of Texas. I do not see any reason why the Commissioner of Internal Revenue should not be able to audit completely the tax returns of income-tax payers in the United States within a period of two years from the time the original returns are filed and make a complete assessment.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. ARENTZ. Does not the gentleman think the passage of this provision in the bill will result in the simplification of the returns on the income tax?

Mr. BLACK of Texas. I hope so. It is a very great hardship and sometimes a very great injustice to come to the taxpayer four years from the time he has filed his return and demand a large additional assessment.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. GRIFFIN. Is it not true or highly probable that the returns will be less than one-half what they would have been under the former law?

Mr. BLACK of Texas. I think so. The additional exemptions granted to single men and married men will greatly lessen the number of returns and therefore lessen the work of auditing.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Texas may proceed for one minute more. Is there objection?

There was no objection.

Mr. HASTINGS. Why could not the gentleman from Texas offer an amendment on page 122 by cutting out "four" and inserting "two"? Would not that accomplish the same purpose?

Mr. BLACK of Texas. I would not like to change the provisions of the present law as to the proceedings under the act of 1924 and prior acts. That might be termed retroactive. But we are working on what will be called the act of 1926, an entirely new revenue law, and I think it would be a mighty good time and reasonable to demand that the Commissioner of Internal Revenue should make his assessment and settlement within two years. Except, of course, in cases of fraud, where the Government would not be bound by any statute of limitation.

Mr. GREEN of Iowa. Mr. Chairman, my friend from Texas [Mr. BLACK] is usually very careful about the amendments which he offers, and as a general thing they have much to commend them. But in this particular case I am quite sure

that he has not made a study of the operations of the Internal Revenue Bureau or he would not have offered his amendment.

If this amendment were carried, you would simply suspend the collection of taxes in this country for about two years. We are somewhere from two to three years behind in certain branches of our taxes. There is no way by which you can hasten the determination. You can not find in this country enough men who understand auditing tax returns—even if you were disposed to make an appropriation for the additional men—that would be necessary to bring the department up current. The department, however, is gaining on the situation all the time and bringing up its work gradually. I hope to see the time—and I think we shall before many years—when the proposition introduced now by the gentleman from Texas [Mr. BLACK] will be carried out, but it can not be done at this time.

There is one thing it would force on the department which would not be at all in the interest of the taxpayer; the department would be obliged to put on arbitrary assessments, which, instead of hastening the final determination of the case, would simply postpone it and bring about litigation and bring about all kinds of trouble.

Mr. SNELL. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SNELL. If we would stop investigating the income-tax department all the time, would not that assist in enabling the department to catch up in its work?

Mr. GREEN of Iowa. I understand that the work of the department has been greatly retarded by these investigations.

Mr. SNELL. Each investigation sets them back from 6 to 10 months, does it not?

Mr. GREEN of Iowa. I could not say how long a time, but I understand these investigations have made a great deal of difference.

Mr. SNELL. I have understood so.

Mr. GREEN of Iowa. On the whole, this amendment is not in the interest of the taxpayers at all.

Mr. HAWLEY. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. HAWLEY. The proposition submitted by the gentleman from Texas [Mr. BLACK] would result in this: The department would make arbitrary assessments within two years, and then, such assessments having been made, they would drag out the consideration of the claims for such time as might be necessary to straighten them out.

Mr. BLACK of Texas. Will the gentleman from Iowa yield to me?

Mr. GREEN of Iowa. Certainly.

Mr. BLACK of Texas. Upon what theory has the Government of the United States the right to make an arbitrary assessment? Does not the gentleman think that sufficient employees could be provided to go over these returns within a period of two years and make correct assessments?

Mr. GREEN of Iowa. If the gentleman knows where he can get competent auditors at the salaries which Congress grants, he knows more than anyone at the office of the commissioner knows. They have not asked for any additional employees for the reason that they can not find the proper men for these positions. When I speak of arbitrary assessments, I do not mean that they would simply select any figure they wanted, but they would be compelled to guess at the amount, and in order to protect the Government would be obliged to fix it at the highest amount for which they think the taxpayer would be liable. When that is done it leads, as the gentleman from Oregon [Mr. HAWLEY] has stated, to interminable litigation, trouble, and all sorts of difficulty. The gentleman from Texas should not think that all the delays are caused by Government officials in assessing these taxes. I will say to the gentleman that nine-tenths of the delay in these cases, which have been dragging out to such a point, has been caused by the taxpayers. That is true because they have not been ready and because they do not have the information which they want to submit to the department. I was surprised to find the extent to which that was carried when I made an investigation of this subject a short time ago. I am quite clear that this amendment should not receive the approval of the committee.

Mr. JONES. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas [Mr. BLACK], striking out "two years" and inserting the words "three years."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES to the amendment offered by the gentleman from Texas, Mr. Black: Strike out "two years" and insert the words "three years."

Mr. JONES. Mr. Chairman, about four years since I offered a similar amendment to the one now offered by my colleague [Mr. BLACK of Texas], and at different times he and I have offered the amendment in connection with new revenue measures. I have therefore worked on this proposition in connection with my colleague on several different occasions. I am now offering the amendment for review within three years, not because I prefer three years, but because I think it has a better chance of adoption. I have an amendment which I had planned to offer, on page 122, leaving the old law as it is with reference to previous tax bills, but providing limitation of three years under the act of 1924 and the pending act in making the extra assessments.

I do not see any good reason why that can not be done, beginning now, because it takes just as long to levy an additional assessment on the 1924 income tax in 1928 as it does in 1925.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. JONES. In just a moment.

It is true that originally this was a new proposition and they had some excuse for getting behind. But now that the department is thoroughly organized there is no good reason for this interminable delay, especially as to new levies. Beginning now, it seems to me that if we allow three years for the Government to get around to letting a taxpayer know how much he will probably have to pay, we are allowing them long enough. I do not see any reason why it should be necessary for the Government to wait four or five years to review the income-tax report of an individual, after he has allowed his figures to get away, after some of his books are lost or destroyed, after his memory of things has faded to some degree. I do not see why it should be easier or better or cheaper for the employees of the Income Tax Bureau to review it, when it ought to require the same length of time to review it at one time as another. Every year additional reports must be filed. They, too, must be reviewed. So why can they not keep up as they go along, or keep within two or three years and gradually work up the back ones and keep the others up as they go along? I now yield to the gentleman.

Mr. GREEN of Iowa. It is quite possible, if they had nothing but new cases, they could keep up; but does the gentleman mean to advocate that we should abandon all of these old cases?

Mr. JONES. Oh, no; not at all.

Mr. GREEN of Iowa. The longer they are left the harder they are to dispose of.

Mr. JONES. Of course I am not advocating abandoning them; but the gentleman himself stated a moment ago that we are gradually catching up. If we are gradually catching up we are doing a little more than handling just what is coming in, and if to-day we are handling all that are coming in and a part of what is behind us, why not do all of what is coming in and do the back ones as we can get to them, and let them be adjusted as the time may be found for that? Or, better still, do a little extra work for a year and get the cases all reviewed to date.

Mr. GREEN of Iowa. And let the old cases go on?

Mr. JONES. No; not let them go on. Review them also. The gentleman forgets that it takes fully as long, and in many instances longer, to review an old report than a new one. The gentleman said a while ago they were doing more than the current work, so why not keep up, at least, with what is coming in. When a man makes his tax report he may be in a position to pay any reasonable tax, but in three or four or five years business conditions may get in such shape that it is difficult for him to pay them, or it may be difficult for him to determine what his rights are.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. JONES. Yes; I yield to the gentleman.

Mr. JOHNSON of Texas. Is it not true that we are told that raising the exemptions under this bill will lessen the number of taxpayers by 2,300,000, and should not that enable them to review these reports under this law sooner than under the old law?

Mr. JONES. Yes; I think that is undoubtedly true. It seems to me when we are adding a new year's report every year it would take no more time to do that new year's work now than it would three years from now; in fact, it should take a shorter period of time because the taxpayer's mind is

fresh. He can better take care of his rights. He can better present his rights. He can better inform the Government as to what the facts are than he can at some later period of time. Of course, if we put it at too short a time the Government would be forced to levy an arbitrary assessment, but if we give them three years I can see no reason for making an arbitrary assessment. In fact, if the Treasury organization will set its pegs at three years for all new cases and work to that end I believe it will find its work lightened rather than increased.

Mr. CHINDBLOM. Mr. Chairman, I desire to call attention to a statement in the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ending June 30, 1925, page 82, from which I simply want to read a paragraph. After giving the figures with reference to cases pending before the Income Tax Unit this report says:

> It can be seen from the above figures that the number of cases pending before the Income Tax Unit was reduced in total more than 400,000 during the last fiscal year and by more than 1,000,000 during the last two years. It is no easy task to dispose entirely of the balances pending for 1917, 1918, and 1919 cases because of the continued reopening of cases through the medium of claims. A recent survey of returns for those years indicated that 89 per cent of those pending had been previously closed and were reopened on claims.

Mr. GREEN of Iowa. If the gentleman will yield, that is just exactly what I stated a moment ago. If you will go down there and make an examination into these cases, you will find that in nine out of ten the delay is caused by the taxpayer and not through failure of the Government to act.

Mr. JONES. Will the gentleman yield?

Mr. CHINDBLOM. Mr. Chairman, in the moment or two I have remaining I want to state that the committee went very thoroughly into this matter. The Solicitor of the Internal Revenue Bureau, Mr. Gregg, was very frank with the committee and stated the situation completely and fully. They realize it is unfortunate that the delay has occurred, but as long as they have the old excess-profits cases of 1917, 1918, and 1919 still remaining it would be folly, as suggested by some speakers here on the floor, to abandon those cases and take up the current cases as fast as they come in. It is just like some of our constituents becoming impatient when we are unable to pass a small private bill. They think the private bill they happen to have here is the only thing pending before the Congress, and they complain because we are unable to have such a little bill passed. So gentlemen say that the Treasury Department should take up the current cases and let the old cases remain pending, which, as stated here, includes not only those for which the department is responsible, but those for which the taxpayers are responsible by having them reopened. Gentlemen say we should not dispose of them, but should take up the current cases. Of course, if the bureau was able to take up the current cases they could dispose of them in less than two years. They could dispose of them in six months, but until they have disposed of this vast number of cases that arose during the war and arose mostly on account of the excess-profits taxes, we must give them a little more time, and to put in an arbitrary period of two years will simply mean that the department will have to make arbitrary assessments where they can not reach the cases, and you will not benefit your constituents or the taxpayers by compelling such assessments.

Mr. CRISP. Mr. Chairman, I am in sympathy with the spirit of the amendment offered by my friend from Texas. I realize the embarassment to the taxpayers that their returns are pending so many years before the department before being finally adjudicated. I think it unfortunate that the Treasury Department, when they have not had the opportunity to adjudicate the returns, should arbitrarily make an additional assessment against the taxpayer, unless the taxpayer has waived in writing the statute of limitations. But the action of the Treasury was in order to try to protect the interests of the people of the United States by seeing that the Treasury would have a right to examine the returns and ascertain that the taxpayer had made correct returns.

It was represented to the committee that the great delay arose from two reasons: One that it was a new system of taxation, and they did not have a trained personnel, and it had to be worked out. Another was the excess-profit taxes required the department to make extensive investigation as to capital and assets invested in corporations before they could pass on their tax returns.

Most of these old cases have now been adjudicated. The Treasury Department is of the opinion that, if they are given a little more time, they will be able to expedite matters that will bring the cases up to within a year.

The present very able and efficient Solicitor General of the Treasury Department, Mr. Gregg—and, by the way, he is the son of one of our former colleagues from Texas, Mr. Gregg—is taking steps to inaugurate some changes in the department. He is proposing to permit the collectors of the various States to finally settle and close up tax cases, where the amount involved is under $500. That is, decentralizing and giving authority to the various State collectors to adjudicate and determine returns where the amount involved is $500 and less. If that is done it will relieve the department of the necessity of having to examine many thousand cases, and, in my judgment, if given a little more time it will probably bring the cases up to date, a consummation devoutly to be wished. In my opinion it would be unwise for us to fix the limit proposed by Mr. BLACK. I think it is the part of wisdom to give them a chance, and see what the new changes will accomplish, before we take drastic action. If the abuse continues, we can amend the law at the next session of Congress.

Mr. BLACK of Texas. Mr. Chairman, the auditors and accountants engaged on excess-profits tax returns are not the ones engaged in auditing the income-tax returns under the later acts. At least that is my understanding of the situation. A very competent auditor was in my office last spring, a gentleman formerly residing in my district, and he told me that he was going to other employment; that he was going to be released because his division was up with their work and did not have sufficient work to do to keep all of the employees busy. He was released and secured a position with another Government department in Washington. I take it that his dismissal was not because he was incompetent or inefficient, but that the only reason was that he had completed the work for which he was employed. The point that I want to make is that the Government, with proper diligence, without the neglect of the auditing of these excess-profit tax returns, can make all assessments under the act which we are now about to pass within two years from the time the return is filed and ought to have to do it. It is unjust and unfair to come on the taxpayer four years after his original return was filed and where there is no evidence of fraud having been practiced and demand additional tax.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES] to the amendment of the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment to the amendment was lost.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

> SEC. 274. (a) If, in the case of any taxpayer, the commissioner determines that there is a deficiency in respect of the tax imposed by this title, the taxpayer, except as provided in subdivisions (d) and (f), shall be notified of such deficiency by registered mail. Within 60 days after such notice is mailed, the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as provided in subdivision (d) or (f) of this section, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until the taxpayer has been notified of such deficiency as above provided, nor until the expiration of such 60-day period, nor, if a petition has been filed with the board, until the decision of the board has become final. The taxpayer, notwithstanding the provisions of section 3224 of the Revised Statutes, may enjoin by a proceeding in the proper court the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force.

Mr. MILLS. Mr. Chairman, I have a number of committee amendments to offer at this point. Perhaps it will be best at the start to state the reason for the amendments since they are all assignable to one reason. It will be remembered that in the proposed bill we have changed the procedure in so far as the assessment of taxes is concerned and the right of the taxpayer in making an appeal.

The bill provides, generally speaking, that after the taxpayer has been notified of a deficiency he shall have 60 days in which to appeal to the Board of Tax Appeals, and if he is dissatisfied with their decision, he shall have 90 days in which to appeal to the circuit court of appeals; and during all that period, in the ordinary run of cases, the commissioner may not make an assessment or proceed to the collection of the tax, save in one case known as the jeopardy assessment, where the law provides, as all of these income tax laws have provided, that if at any time because of the financial state of the taxpayer the commissioner should decide that the payment of the tax is in jeopardy or will be in jeopardy through delay, he

may immediately clap on an assessment. In the bill as drafted the putting on of that assessment would have at once deprived the Board of Tax Appeals of jurisdiction, or made it impossible for the taxpayer to appeal to the circuit court of appeals, unless he at once filed a bond in double amount of the tax. Remember, when we gave to the taxpayer the privilege of appealing to the board and then to the circuit court of appeals, and we stayed the assessment of the commissioner, we also provided that the taxpayer could not bring suit for a refund in these cases, and that likewise applied to the case of the jeopardy assessment, so the man on whom a jeopardy assessment was made would find himself in a position where he could not appeal to the board or to the circuit court of appeals unless he filed a bond in twice the amount, and if he paid the tax under other provisions of the law he was deprived of his right to sue for a refund. It was pointed out to the committee that some of these men might find it almost impossible to get a bond, particularly if their financial situation was precarious, and if they could not give a bond, even though they paid their tax, they would have no further opportunity of trying their case either in court or before the board. What we propose to do now is, briefly, this: To provide that in the case of the jeopardy assessment, if the taxpayer is unable to file the bond, he may pay the tax, and in that case he may go to the Board of Tax Appeals or to the circuit court of appeals, as the case may be. The Government is fully protected in either event, because either he files a bond in double the amount, or pays the tax in full, and the Government has the money.

Having made that change for the benefit of the taxpayer in the case of the jeopardy assessment, it occurred to us that it probably would be just as well to make the same change for all taxpayers on appeals from the board—that is, to provide that the taxpayer, generally speaking, could either file a bond or pay the tax, and if upon the trial before the circuit court of appeals it should be found that the tax he has paid was too much, then the excess would be refunded, and also if the Supreme Court should find the tax to be too much, there again the tax could be refunded. These numerous amendments which I shall offer to this section and other sections from here on to 281 are all to carry out these two purposes, to make the sections conform to the purpose that I have outlined.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. CRISP. Is it not true that the effect of all these amendments is simply to protect the rights of the taxpayer and give him a right to have his case passed on whether or not he is able to give a bond.

Mr. MILLS. That is exactly the purpose.

Mr. CRISP. That is the purpose.

Mr. MILLS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 115, line 2, after "section," insert "or in section 279 of this act or in section 912 of the revenue act of 1924, as amended."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

(d) If the commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, such deficiency shall be assessed immediately and notice and demand shall be made by the collector for the payment thereof. In such case the assessment may be made (1) without giving the notice provided in subdivision (a) of this section, or (2) before the expiration of the 60-day period provided in subdivision (a) of this section even though such notice has been given, or (3) at any time prior to the decision of the board upon such deficiency even though the taxpayer has filed a petition with the board, or (4) in the case of any part of the deficiency allowed by the board, at any time before the taxpayer has filed the review bond required by section 912 of the revenue act of 1924, as amended. Upon the making of the assessment the jurisdiction of the board and the right of the taxpayer to appeal from the board shall cease. If the taxpayer does not file a claim in abatement as provided in section 279 the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector.

Mr. MILLS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 116, line 5, after "the," insert "jeopardy."

Page 116, strike out lines 12, 13, and 14, and line 15 through the period and insert: "(4) in the case of any part of the deficiency allowed by the board, at any time before the expiration of 90 days after the decision of the board was rendered, but not after the taxpayer has filed a review bond under section 912 of the revenue act of 1924 as amended."

Page 116, line 15, before "assessment," insert "jeopardy."

Page 116, line 18, after "abatement," insert "with bond."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, how much longer is the gentleman from Iowa going to keep us to-night?

Mr. GREEN of Iowa. I thought we would run until about 5.30.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 122, line 20, after the figures "1924," strike out "And by this act," and at the end of line 23 strike out the period, insert a colon, and add the following: "provided the amount of income taxes imposed by this act shall be assessed within two years after the return was filed and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period."

Mr. BLACK of Texas. Mr. Chairman, this embodies identically the same proposition that I stated to the House in debate a few moments ago. I do not wish to trespass on the time of the House by repeating the same argument.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(b) The period within which an assessment is required to be made by subdivision (a) of this section or by subdivision (c) of section 278, and the period within which a proceeding in court or by distraint for collection is required to be begun by subdivision (d) of section 278, in respect of any deficiency shall be extended (1) by 60 days if a notice of such deficiency has been mailed to the taxpayer under subdivision (a) of section 274 and no petition has been filed with the Board of Tax Appeals, or (2) if a petition has been filed, then by the number of days between the date of the mailing of such notice and the date the decision of the board has become final.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 124, strike out lines 3 to 14, inclusive, and insert:

"(b) The running of the statute of limitations on the making of assessments and the beginning of distraint or a proceeding in court for collection in respect of any deficiency shall be suspended for the period during which, under the provisions of this title, the commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

CLAIMS IN ABATEMENT

SEC. 279. (a) If a deficiency has been assessed under subdivision (d) of section 274, the taxpayer, within 10 days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond, in such amount, not exceeding double the amount of the claim, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (c) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, lines 3 and 4, strike out "Such claim shall be" and insert "If such claim is."

Page 126, line 9, strike out "section. Upon" and insert "section, then upon."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

(b) When a claim is filed and accepted by the collector he shall transmit the claim immediately to the commissioner, who shall by registered mail notify the taxpayer of his decision on the claim. The taxpayer may within 60 days after such notice is mailed file a petition with the Board of Tax Appeals. If the claim is denied in whole or in part by the commissioner (or, if a petition has been filed with the board, if such claim is denied in whole or in part by a decision of the board which has become final), the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated.

Mr. MILLS. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, line 18, strike out "If" and insert "In cases where collection has been stayed by the filing of a bond, then if."

Page 126, at the end of line 24, insert a new sentence: "In cases where collection has not been stayed by the filing of a bond, then if the claim is allowed in whole or in part by the commissioner (or, if a petition has been filed with the board, if such claim is allowed in whole or in part by a decision of the board which has become final) the amount so allowed shall be credited or refunded to the taxpayer as provided in section 281, or, if collection has not been made, shall be abated."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per cent per annum upon the amount of the claim denied, from the date of notice and demand from the collector under subdivision (d) of section 274 to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within 10 days after such notice and demand, then there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per cent a month (or, in the case of estates of incompetent, deceased, or insolvent persons, at the rate of 6 per cent per annum) from the date of such notice and demand until it is paid.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLS: On page 127, line 1, strike out the word "If" and insert "In cases where collection has been stayed by the filing of a bond, then if."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(i) In cases within the scope of subdivision (e), (f), or (g), if the commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 274 of this act, instruct the collector to proceed to enforce the payment of the deficiency. Such action by the collector and the Commissioner may be taken at any time prior to the decision of the board upon such deficiency even though the person liable for the tax has filed a petition with the board, or, in the case of any part of the deficiency allowed by the board at any time before the person liable for the tax has filed the review bond required by section 912 of the Revenue Act of 1924, as amended, and thereupon the jurisdiction of the board and the right of the taxpayer to appeal from the board shall cease. Upon payment of the deficiency in such case the person liable for the tax shall not be subject to the provisions of subdivision (d) of section 281.

Mr. MILLS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from New York offers another committee amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 133, strike out lines 17 and 18 and insert "before the expiration of 30 days after the decision of the board was rendered, but not after the person liable for the tax has filed a review bond under section 912 of the revenue act of 1924, as"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) If the commissioner has notified the taxpayer of a deficiency, or has made an assessment under subdivision (d) of section 274, the right of the taxpayer to file a petition with the Board of Tax Appeals and to appeal from the decision of the board to the courts shall constitute his sole right to contest the amount of the tax for the taxable year in respect of which the commissioner has determined the deficiency, and, whether or not he files a petition with the board, no credit or refund in respect of such tax shall be made and no suit for the recovery of any part of such tax shall be maintained in any court, except as provided in subdivision (e) of this section or in subdivision (b), (f), or (i) of section 280.

Mr. MILLS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MILLS: On page 135, line 21, after the word "section," the first time it occurs in the line, insert "or in subdivision (b) of section 79."

On page 135, line 22, after the figures "280," insert "of this act or in section 912 of the revenue act of 1924, as amended."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLS. Mr. Chairman, that completes the series of amendments which I referred to as being made necessary by the contemplated changes with reference to definite assessment. I now offer another committee amendment on page 135, line 22, and just for the sake of the record I would briefly explain it to the House.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. MILLS: On page 135, line 22, after the period, insert a new sentence, to read as follows: "This subdivision shall not apply in any case where the taxpayer proves to the satisfaction of the commissioner or the court, as the case may be, that the notice under the subdivision (a) of section 274 or subdivision (b) of section 279 was not received by him before the expiration of 45 days from the time such notice was mailed."

Mr. CHINDBLOM. Mr. Chairman, let me suggest that it ought to be offered as coming after the amendment last adopted.

The CHAIRMAN. Yes. The question is on agreeing to the amendment.

Mr. MILLS. Mr. Chairman, before the question is taken I want to say a word. In the bill as it is now before the House the committee will remember that the taxpayer's sole right, upon notice of a deficiency, is within 60 days to appeal to the Board of Tax Appeals. The practice would be that after the commissioner had determined upon a deficiency he would notify the taxpayer by mail. If the taxpayer should not receive the letter—and that may happen—and the 60 days should run without an appeal, the taxpayer would not have any remedy, and in this amendment we provide that if a taxpayer is able to show to the commissioner or to the court, as the case may be, that the letter was not received within 45 days of mailing, that then this paragraph does not apply and he may sue for a refund.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. BLACK of Texas. Under the present law, if the taxpayer receives a refund, he gets interest on his refund. Do these provisions in the bill, with relation to credits and refunds, provide that the taxpayer shall receive interest as under the present law?

Mr. MILLS. Yes; there is no change.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

(g) If the taxpayer has within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, or if he has, on or before June 15, 1924, filed such a waiver in respect of the taxes due for the taxable year 1918, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either on or before April 1, 1925, or within four years from the time the tax was paid. If the taxpayer has, on or before June 15, 1925, filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefor is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid, or (2) on or before April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919. This subdivision shall not authorize a credit or refund prohibited by the provisions of subdivision (d).

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I want to ask the gentleman from New York if the taxpayers from whom I have received a number of letters are justified in the alarm that has been sent to them, to wit, that the provisions of this bill, particularly in this section, would impose a penalty upon them, to wit, interest at the rate of 6 per cent per annum from 1917 and 1918 upon assessments found to be due by the bureau in cases now pending before the bureau, in which they have filed and signed waiver clauses?

Mr. MILLS. I would say to the gentleman that interest would only run from the date of the enactment of this act, and that it would not date back to 1917 or 1918.

Mr. McSWAIN. I want to ask the gentleman, for the purposes of the RECORD, Mr. Chairman, if these particular complaints have not been specifically made to him and through him to the committee, and whether he is entirely clear that that is the correct interpretation and one that the Treasury Department will put upon this bill.

Mr. MILLS. I think if the gentleman will look at the language he will find it is not open to any other construction. In the cases to which he refers—that is, cases prior to the law of 1921—if the assessment is made after the enactment of this act, the interest will only run from the enactment of this act.

Mr. McSWAIN. I will say to the gentleman that it seems perfectly plain to my mind, but somebody has taken alarm, and I wished the RECORD to show that we all agree that such is the proper interpretation of this act.

Mr. MILLS. I think that is correct.

The Clerk read as follows:

(d) In the case of a citizen of the United States about to depart from the United States the commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

Mr. GREEN of Iowa. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. GREEN of Iowa: On page 139, line 20, after the words "United States," insert "or of a possession of the United States."

The amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Chairman, has the gentleman another committee amendment?

Mr. GREEN of Iowa. That is all. I thought we would read down to estate taxes in the middle of the next page.

Mr. GARRETT of Tennessee. That is all right, but I want to inquire of the gentleman whether he does not want to offer another amendment in line 21. The provision is "in the case of a citizen of the United States or any of its possessions," and that, of course, means the Philippine Islands, Porto Rico, and so on, "about to depart from the United States." Do you not want "or any of its possessions" there again?

Mr. GREEN of Iowa. The Treasury, as I understand it, exercises control over their leaving from any of the possessions. I think it is correct as it stands. The object of this amendment, I might say, was to enable the citizens of Porto Rico to have the same rights as our own citizens as to leaving our shores. They travel back and forth very frequently, and the Treasury will keep control over them and the commissioner may waive the requirements.

Mr. GARRETT of Tennessee. The point that lies in my mind is that if I am about to depart from the United States to go to Europe or some other country, the commissioner can waive these provisions in my case, but suppose a citizen of Porto Rico is about to depart from Porto Rico to go to Europe.

Mr. GREEN of Iowa. Possibly the gentleman has forgotten that the term "United States" does not include the possessions, Porto Rico, or the Philippines, as used in the bill.

Mr. GARRETT of Tennessee. I understand, but you have put in "or the possessions," and that covers it.

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Tennessee. Where they are citizens of Porto Rico or the Philippines, but can the citizen depart from Porto Rico or the Philippines?

Mr. GREEN of Iowa. The Treasury of the United States, as I understand it, does not exercise any control over that matter. I will examine into that question, which the gentleman has kindly called to my attention, and, if necessary, will propose some amendment thereto.

The Clerk read to line 13, page 140 of the bill.

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, had come to no resolution thereon.

POSTAL RATES ON FARM PRODUCTS

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill which I have introduced to-day to reduce the postal rate on certain farm products, under certain circumstances, and for other purposes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks on the subject of postal rates. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker and gentlemen of the House, I have to-day introduced a bill to reduce the postal rate on certain parcel-post matter under certain circumstances and for other purposes.

Long before I came to Congress I was trying to find some plan under which the farmers of the country could sell the products of their farms directly to the consumers. When I came here this idea was uppermost in my mind and during the three terms that I have served I have introduced several more or less elaborate marketing bills, but have encountered opposition and have been unable to get any satisfactory results.

During the vacation which has just ended I have spent hours and days trying to evolve a bill which would be simple in its terms, proceed along lines already tried by our Nation, and yet be a forward step in a general marketing scheme whereby the producers could sell to the consumers directly at a profit to the producer and at very satisfactory prices to the consumers. I sincerely believe that I have drawn such a bill. It is very simple in its terms, is very short, and to my mind is a most splendid step in the right direction. In fact, to my mind it practically solves the cooperative marketing of perishable food products of the farm, by enabling the farmers and other producers of the country to sell good, wholesome food products directly to the consumers, with the Parcel Post System doing the distributing. The scheme will require an outlay of money, but can be put on a paying basis, so that there will be no loss to the Government.

It is not my purpose to discuss the bill at great length at this time. I intend to discuss it fully when I can get ample time a little later. I realize that this week is to be taken up with the discussion of the tax bill and that no discussion is in order other than that which is relevant to that bill, so I am getting this permission to extend my remarks in the RECORD, so that I can have my bill printed in the RECORD.

I am anxious to get this bill before the Congress and before the country, because I believe that once its merits are understood that there will be no trouble in getting it passed.

The bill provides that—

There shall be a 50 per cent reduction of the present postal rate on all food products, in whatever form, of the farm, orchard, or grove, dairy and garden, whenever and wherever the postmaster at the initial mailing point is given 10 days' notice that 20 or more unaddressed identical packages of said products will be mailed on named days during

a definite period of time, for delivery on designated day or days of each week, one or more to each of a list of addressees in the same city or community.

The bill further provides:

That watermelons, cantaloupes, cucumbers, tomatoes, cabbage, grapefruit, corn on the cob, oranges, apples, milk in bottles, and all canned or bottled food or food products, without additional wrapping, shall be deemed and held to be identical packages and handled under the provisions of this act.

This is all that the bill provides. It is not a long bill and yet if it is passed in its present form or in a modified form, so as to give effect to its purpose, it will be a long step in the right direction.

I am presenting to the Congress the idea as contained in this bill. I think that the idea is worth while. Tell me what you think of it.

The idea as contained in this bill, if developed and put into full operation, will make the Parcel Post System become one of the greatest powers for good in the Nation. It will be the distributing agency of all perishable food and food products. There will be no need for middlemen to handle the products which can be handled under this bill. The farmers will get twice as much for what they produce. The consumers in many instances will pay only half as much as they now pay for what they consume and will get much more wholesome food.

To my mind this bill will do more for the entire citizenship of the country than has been done by any bill in many years. I may be overenthusiastic about the matter. If I am, then please suggest something better. Let us do something along the line of helping the farmers sell directly to the consumers. When this bill is passed and becomes the law the matter of the farmers organizing and selling their food products directly to the consumers will have been given a momentum which nothing can stop. The farmers can organize and put agents in the various cities and communities to be supplied and thus handle the situation. But, Mr. Speaker, I am sure that after the scheme begins to work there will be no trouble in getting another bill passed providing that the postal employees who deliver the parcel-post matter under this law or some other person in each post office be authorized to receive orders for food to be delivered under this parcel-post scheme.

All we have to do is to get the scheme going and it will then develop itself. When you begin giving the farmers much more for their foodstuffs and begin giving the consumers much fresher and better food for their money, you have put into action a scheme which is bound to succeed. When this scheme really gets into action it will become so popular nothing short of a national calamity can stop it.

But I will not say more at this time. At some future time I hope to more fully explain the bill and then in detail tell what I believe the passage of this bill will eventually bring to pass.

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE NORWEGIAN CENTENIAL CELEBRATION

Mr. WEFALD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Minnesota offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be printed as a House document, 20,000 copies of the address of President Coolidge before the Norwegian centenial celebration, at Minnesota State Fair Grounds, June 8, 1925, to be distributed through the House Document Room.

Mr. TILSON. Mr. Speaker, I have ascertained that the expense of printing this document will be within the limit of $500 and therefore have no objection to the gentleman's resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 16, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

172. A letter from the Secretary of the Navy, transmitting report of the Chief of the Bureau of Navigation and the Major General Commandant, United States Marine Corps, relative to the administration of the World War adjusted compensation act by the Navy Department (H. Doc. No. 135); to the Committee on Ways and Means and ordered to be printed.

173. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Yukon-Kuskokwim Portage, Alaska; to the Committee on Rivers and Harbors.

174. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River above and below the city of Kalama, Wash., with a view to providing a ship channel to the wharves of Kalama, Wash.; to the Committee on Rivers and Harbors.

175. A letter from the Assistant Secretary of Labor, transmitting a statement of travel performance during the fiscal year ended June 30, 1925, by officers and employees of the Department of Labor (other than those who in the discharge of their regular duties are required to constantly travel) on official business from Washington, D. C., to points outside of the District of Columbia; to the Committee on Appropriations.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill, which was referred as follows:

A bill (H. R. 1741) granting a pension to Annie M. Wilson; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOIES: A bill (H. R. 5564) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

By Mr. BURTNESS: A bill (H. R. 5565) granting the consent of Congress to the Civic Club of Grafton, N. Dak., to construct a bridge across the Red River of the North; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 5566) to prevent the deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER: A bill (H. R. 5567) providing for the purchase of a site and the erection of a public building at Cherokee, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5568) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges, according to the provisions of the acts of July 2, 1862, and July 23, 1866, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay to the State of Oklahoma in lieu thereof the sum of $1.25 per acre for the number of acres due said State; to the Committee on the Public Lands.

By Mr. KING: A bill (H. R. 5569) to provide for the independence of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. MORIN: A bill (H. R. 5570) to punish counterfeiting of Government transportation requests; to the Committee on the Judiciary.

By Mr. PRALL: A bill (H. R. 5571) authorizing the Secretary of the Treasury to remodel, extend, enlarge, repair, or improve the barge office building in the city of New York, State of New York, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. RAYBURN: A bill (H. R. 5572) to amend the act to regulate commerce approved February 4, 1887, as amended by the act approved February 20, 1920 (41 Stat. L. 456); to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: A bill (H. R. 5573) authorizing the appropriation of $100,000 for the establishment of two fish-

hatching and fish-cultural stations in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESLICK: A bill (H. R. 5574) for the purchase of a post-office site and the erection thereon of a suitable public building at Lawrenceburg, Lawrence County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. PRALL: A bill (H. R. 5575) providing for the erection and completion of a public building in the Borough of Richmond, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. LANKFORD: A bill (H. R. 5576) to reduce the parcel-post rate on certain farm products under certain circumstances, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: A bill (H. R. 5577) for the erection of a public building at Cobleskill, Schoharie County, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. STEDMAN: A bill (H. R. 5578) to provide for the purchase of a site and the erection of a public building at Durham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. BURDICK: A bill (H. R. 5579) providing for the conveyance to the city of Newport, in the State of Rhode Island, of the tract of land known as Fort Green for public use; to the Committee on Military Affairs.

By Mr. GORMAN: A bill (H. R. 5580) providing for the purchase of a site and the erection thereon of a public building to be used as a post office at Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CROSSER: A bill (H. R. 5581) to provide capital at reasonable rates of interest in order to promote the establishment and ownership of homes by the people of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 5582) to amend section 9 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. ASWELL: A bill (H. R. 5583) to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: A bill (H. R. 5584) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Rocky Ford, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: A bill (H. R. 5585) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States; to the Committee on Military Affairs.

By Mr. MOREHEAD: A bill (H. R. 5586) to provide for the acquirement of a site and the erection of a Federal building at Pawnee City, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5587) to provide for the acquirement of a site and the erection of a Federal building at Tecumseh, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5588) to provide for the acquirement of a site and the erection of a Federal building at Auburn, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. WHITE of Maine: A bill (H. R. 5589) for the regulation of radio communications, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. McSWAIN: A bill (H. R. 5590) to adjust the pay and allowances of certain officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. BURTON: Joint resolution (H. J. Res. 76) relating to agreements concluded at Locarno; to the Committee on Foreign Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 77) against any foreign interference in the internal affairs of the United States and favoring instruction to our American ideals of government; to the Committee on Foreign Affairs.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 78) declining a bequest to the United States by the late Wesley Jordon, of Fairfield County, Ohio; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 79) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. MICHAELSON: Memorial of the Legislature of the State of Illinois, favoring an export bounty on grain, cattle, hogs, and their products, and opposing the present duty on quails imported into the United States; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 5591) granting a pension to Laura A. Allen; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 5592) granting a pension to Mary C. Keith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5593) for the relief of William H. Dotson; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 5594) granting an increase of pension to Fannie E. Art; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 5595) granting a pension to Anna Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5596) granting an increase of pension to James F. Andrus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5597) granting an increase of pension to Emma T. Ball; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 5598) granting a pension to Sallie Radford; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 5599) to reimburse Machinist Frank H. Howell, United States Navy, retired, for emergency medical services; to the Committee on Claims.

Also, a bill (H. R. 5600) granting a pension to Honora Hunt; to the Committee on Pensions.

Also, a bill (H. R. 5601) to remove the charge of desertion standing against the name of Edwin D. Morgan; to the Committee on Military Affairs.

Also, a bill (H. R. 5602) granting an increase of pension to John Vars; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 5603) granting a pension to John A. C. Hazel; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 5604) granting a pension to Kate Nye; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 5605) for the relief of Sam H. Allen; to the Committee on Claims.

By Mr. COLE: A bill (H. R. 5606) for the relief of Cyrus S. Andrews; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 5607) for the relief of the Georgia Cotton Co.; to the Committee on Claims.

By Mr. CRISP: A bill (H. R. 5608) for the relief of Capt. George W. Rees, United States Army; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 5609) for the relief of Thomas Plemon; to the Committee on the Civil Service.

Also, a bill (H. R. 5610) granting a pension to Elizabeth Henson; to the Committee on Invalid Pensions.

By Mr. DOYLE: A bill (H. R. 5611) for the relief of John Marks; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 5612) granting a pension to Sarah E. Jarrett; to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 5613) for the relief of Katherine Southerland; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 5614) granting a pension to Anna Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5615) granting a pension to Ernest W. Raper; to the Committee on Pensions.

By Mr. FULMER: A bill (H. R. 5616) for the relief of Caughman-Kaminer Co.; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 5617) for the relief of Simpson Packing Co.; to the Committee on Claims.

By Mr. HALL of North Dakota: A bill (H. R. 5618) granting a pension to Harriet Taber; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 5619) granting a pension to Christian Lauth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5620) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 5621) granting an increase of pension to Anna M. Scofield; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 5622) for the relief of Mary M. Jones; to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 5623) granting a pension to Edith L. Love; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 5624) granting a pension to James Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5625) granting a pension to Mary E. Masterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5626) granting a pension to Margaret Piatt; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 5627) for the relief of George Turner; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 5628) granting an increase of pension to Charles W. Paul; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 5629) granting an increase of pension to Mary Allison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5630) granting an increase of pension to Mary E. Edgington; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 5631) granting a pension to Frances A. Burdsal; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 5632) granting a pension to Hannah Hopkins; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 5633) granting an increase of pension to Margaret Match; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 5634) granting a pension to Jennie Carter; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 5635) granting an increase of pension to Helen O. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5636) authorizing the Secretary of the Treasury to pay a certain claim of Terrence L. McGee, of Somerset, County of Bristol, Commonwealth of Massachusetts, for damages caused to his wharf on or about August 4, 1923, by the United States lighthouse ship *Pansy;* to the Committee on Claims.

By Mr. MOREHEAD: A bill (H. R. 5637) granting a pension to Mary Demaree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5638) granting an increase of pension to Alice A. Minick; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 5639) granting an increase of pension to Mary Ann Donnelly; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 5640) granting a pension to Elizabeth A. Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5641) granting an increase of pension to Sarah I. Osburn; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 5642) for the relief of David E. Goodwin; to the Committee on Military Affairs.

Also, a bill (H. R. 5643) to correct the military record of George Williams; to the Committee on Military Affairs.

By Mr. ROBINSON of Iowa: A bill (H. R. 5644) granting a pension to Adah I. Tomlinson; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 5645) granting a pension to Emily A. Botts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5646) granting a pension to Mary A. Watkins; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 5647) granting an increase of pension to Maria Forstmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5648) granting an increase of pension to America A. Donaldson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5649) granting an increase of pension to Eliza J. Matthews; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 5650) granting an increase of pension to Lizzie Shuman; to the Committee on Invalid Pensions.

By Mr. SWOOPE: A bill (H. R. 5651) granting an increase of pension to Eliza A. Goss; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 5652) for the relief of Ivy L. Merrill; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 5653) granting a pension to Cecelia A. Parker; to the Committee on Pensions.

Also, a bill (H. R. 5654) granting a pension to Sarah E. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5655) granting a pension to Joseph W. Stuart; to the Committee on Pensions.

Also, a bill (H. R. 5656) granting an increase of pension to Thomas E. Whalen; to the Committee on Pensions.

Also, a bill (H. R. 5657) granting an increase of pension to Margaret A. G. Macnamara; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5658) granting an increase of pension to Marion A. Hey; to the Committee on Pensions.

Also, a bill (H. R. 5659) granting an increase of pension to Gustave Pinksohn; to the Committee on Pensions.

Also, a bill (H. R. 5660) granting an increase of pension to William Smallwood; to the Committee on Pensions.

Also, a bill (H. R. 5661) for the relief of Capt. Asa G. Ayer; to the Committee on Claims.

Also, a bill (H. R. 5662) for the relief of John J. Corcoran; to the Committee on Claims.

Also, a bill (H. R. 5663) for the relief of Margaret Sloane; to the Committee on Claims.

Also, a bill (H. R. 5664) for the relief of G. Frederic Lincoln; to the Committee on the Civil Service.

Also, a bill (H. R. 5665) for the relief of Joseph A. Naugler; to the Committee on the Civil Service.

By Mr. UNDERWOOD: A bill (H. R. 5666) granting an increase of pension to Sarah L. Kishler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5667) granting an increase of pension to Elizabeth Thoman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5668) granting an increase of pension to William T. Hedges; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 5669) granting a pension to Frank B. Reid; to the Committee on Pensions.

Also, a bill (H. R. 5670) granting a pension to Curtis R. Wheeler; to the Committee on Pensions.

Also, a bill (H. R. 5671) granting a pension to Mary A. Teats; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 5672) granting a pension to Dora Brueckner; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 5673) authorizing the Secretary of the Interior to issue letters patent to George Hughes; to the Committee on the Public Lands.

Also, a bill (H. R. 5674) granting an increase of pension to Agnes N. Aldrich; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5675) granting a pension to Sarah J. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5676) granting a pension to Louis F. Plummer; to the Committee on Pensions.

By Mr. WELSH: Resolution (H. Res. 49) to pay May T. Peacock, daughter of Samuel H. Thompson, late an employee of the House of Representatives, a sum equal to six months' salary and $250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

105. Petition of Synod of Baltimore, Rev. George M. Cummings, stated clerk, Washington, D. C., urging Congress to enact a Sunday rest law which shall protect the civil institution of the Lord's Day in the District of Columbia from unnecessary labor and business and from all commercialized amusements and sports; to the Committee on the District of Columbia.

106. By Mr. ARNOLD: Petition of citizens of Mount Vernon, Ill., protesting against the continuance of the war tax on industrial alcohol used in the manufacture of medicines, home remedies, and flavoring extracts; to the Committee on Ways and Means.

107. By Mr. BURTON: Petition of the Buckeye Club of Hawaii, favoring adherence to the World Court; to the Committee on Foreign Affairs.

108. By Mr. CULLEN: Petition of the Kings County grand jury, relating to the passage of a law regulating and controlling the manufacture and sale of firearms; to the Committee on Interstate and Foreign Commerce.

109. By Mr. W. T. FITZGERALD: Petition of the Lima Photo Engraving Co. and other commercial photographers, of Lima, Ohio, favoring removal of 10 per cent tax on cameras and lenses and 5 per cent on films and plates, other than motion pictures; to the Committee on Ways and Means.

110. By Mr. FULLER: Petition of citizens of Peru, Ill., favoring repeal or reduction of tax on industrial alcohol; to the Committee on Ways and Means.

111. Also, petition of Johnson & Schultz, of Hinckley, Ill., favoring refund of tax on automobiles held in stock when new revenue law takes effect; to the Committee on Ways and Means.

112. Also, petition of William H. Barnes Camp, No. 69, United Spanish War Veterans, of Kewanee, Ill., favoring bill to increase pensions of veterans and widows of the war with Spain; to the Committee on Pensions.

113. By Mr. GARBER: Joint report of the committee on legislation and resolutions of the National Union Farmers Educational and Cooperative Union of America; to the Committee on Agriculture.

114. Also, communication of secretary Oklahoma Pharmaceutical Association, urging the reduction of taxes on alcohol used in manufacture of medicines; to the Committee on Ways and Means.

115. By Mr. KINDRED: Petition of the Sheffield Manor Men's Club, protesting against the inactivity of the National Senate and House of Representatives with reference to the coal situation; to the Committee on Interstate and Foreign Commerce.

116. Also, petition of the Central Label Council of Greater New York, calling upon the Congress of the United States to conduct a thorough investigation of the plans and activities of the proposed bread trust; to the Committee on the Judiciary.

117. By Mr. McKEOWN: Petition of the Fortnight Club, of Colgate, Okla., favoring the World Court; to the Committee on Foreign Affairs.

118. Also, petition of American Legion, of Oklahoma, on extension of time to convert term insurance; to the Committee on Ways and Means.

119. Also, resolution of the United Confederate Veterans in convention, Dallas, Tex., to accompany House bill 3894, distributing $50,000,000 "cotton-tax fund"; to the Committee on Invalid Pensions.

120. By Mr. MORROW: Petition of Belen Chamber of Commerce, in regard to the Federal income tax law; to the Committee on Ways and Means.

121. By Mr. O'CONNELL of Rhode Island: Resolution of the Pawtucket Business Men's Association, relative to the erection of a new post office and Federal building at Pawtucket, R. I.; to the Committee on Public Buildings and Grounds.

122. By Mr. SINCLAIR: Petition of H. L. Shuttleworth and 37 others, of Minot, N. Dak., for a reduction on the tax on industrial alcohol; to the Committee on Ways and Means.

123. By Mr. WEFALD: Petition of 29 Chippewa Indians of International Falls, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

124. Also, petition of 36 Chippewa Indians of Lengby, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

125. Also, petition of 100 Chippewa Indians of Cass Lake, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

126. Also, petition of 37 Chippewa Indians of Callaway, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

127. Also, petition of 60 members of the Fond du Lac Band of Chippewa Indians of Minnesota, asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

128. Also, petition of 10 Chippewa Indians of Minneapolis, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

129. Also, petition of 27 Chippewa Indians, of Ebro, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

130. Also, petition of 24 Chippewa Indians, of Federal Dam, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

131. Also, petition of 16 Chippewa Indians, of White Earth, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

132. Also, petition of 75 Chippewa Indians, of Sprofka's Mill, Minn., asking Congress to enact a law providing for a per capita payment of $100 for the Chippewa Indians of Minnesota, the payment to be made from the tribal funds of the Chippewas; to the Committee on Indian Affairs.

SENATE

WEDNESDAY, *December 16, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, the author of our being, Thou dost continue unto us in Thy gracious kindness our lives for high purposes, noble endeavor, and the glory of Thy name. Be pleased to look into our hearts this morning and give us such a sense of Thy presence that all that is done may be for the advancement of the highest interests of humanity, for the glory of the Kingdom of God in the uttermost parts of the earth, and to our own loved land and all its responsibilities. Be pleased to be near to each of us and guide us along life's pathway until the day shadows into the night, to the glory and honor and praise of Thee, our God, in Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1925, which, with the accompanying papers, was referred to the Committee on Printing.

PAYMENTS BY WAR DEPARTMENT TO LEATHER MANUFACTURERS

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting a report with reference to payments made by the War Department to certain leather manufacturers, members of the National Saddlery Manufacturers' Association, in reimbursement of increase of wages paid to workmen when the contracts with said manufacturers did not provide therefor, etc., which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, its reading clerk, announced that the Speaker of the House had affixed his signature to the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

S. J. Res. 1. Joint resolution to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress; and

H. J. Res. 67. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. President, I rise to a question of personal privilege, and I shall take but a moment.

I observe in the Washington Post this morning a statement by Mr. Wayne B. Wheeler, general counsel of the Anti-Saloon League. In referring to the discussion of yesterday in regard to national prohibition, in which the Senator from New Jersey [Mr. EDGE] and I participated, he said:

> Neither Senator EDGE nor Senator BRUCE provided any new argument in the Senate yesterday against prohibition or for beer. If prohibition was as much of a failure as these two wet Senators claim, they would not complain so much about it. Their arguments do not come from the fullness of their hearts, but from the emptiness of their stomachs.

All I wish to say in reply is that from specimens of Mr. Wayne B. Wheeler's reasoning which I have read in the press from time to time, I am convinced that his arguments come from the emptiness of his head. [Laughter.]

PETITIONS

Mr. CAPPER presented resolutions adopted by a mass meeting of citizens of Topeka, Kans., favoring the participation of the United States in the Permanent Court of International Justice upon the terms of the so-called Harding-Coolidge plan, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented a petition of sundry citizens of Leipsic, Ottawa, Columbus Grove, and Vaughnsville, all in the State of Ohio, praying for the adhesion of the United States to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

Mr. JONES of Washington presented petitions of the Woman's Century Club, the Woman's City Club, the Woman's Democratic Club, and Colonel Ethan Allen Circle, No. 61, Ladies of the Grand Army of the Republic, all of Seattle, and of the Tacoma Daughters of Pioneers of Washington, in the State of Washington, praying for the passage of legislation establishing a universal salute for the national flag, which were referred to the Committee on Military Affairs.

REPORTS OF THE LIBRARY COMMITTEE

Mr. FESS, from the Committee on the Library, to which were referred the following bill and joint resolution, reported them each without amendment:

A bill (S. 90) to amend an act entitled "An act to create a Library of Congress trust fund board, and for other purposes," approved March 3, 1925; and

A joint resolution (S. J. Res. 20) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

SENATOR FROM NORTH DAKOTA

Mr. ERNST. Mr. President, the Committee on Privileges and Elections instruct me to present the majority report (No. 3) and the views of the minority in the case of GERALD P. NYE, appointed a Senator from North Dakota.

The committee simply want to file these reports now, but have instructed me to give notice that upon the reassembling of the Senate after the Christmas holidays they will push the case for an immediate hearing.

Mr. ROBINSON of Arkansas. Mr. President, is the Senator from Kentucky filing both the majority and minority report?

Mr. ERNST. Both reports are filed together.

The VICE PRESIDENT. Without objection, the reports will be received and placed on file.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 1720) to provide for the construction of certain public buildings in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. COPELAND:

A bill (S. 1721) granting an increase of pension to Margaret F. Gallaher; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 1722) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAYARD:

A bill (S. 1723) granting a pension to Harriet A. Callaway;

A bill (S. 1724) granting a pension to John Climer; and

A bill (S. 1725) granting a pension to William T. Smith; to the Committee on Pensions.

A bill (S. 1726) for the relief of the Atlantic & Caribbean Steam Navigation Co.;

A bill (S. 1727) for the relief of Carib Steamship Co. (Inc.);

A bill (S. 1728) for the relief of the owners of the steamship *San Lucar* and of her cargo;

A bill (S. 1729) to authorize payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;*

A bill (S. 1730) to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Mavisbrook* as a result of of collision between it and the U. S. transport *Carolinian;*

A bill (S. 1731) to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;*

A bill (S. 1732) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Brittania;* and

A bill (S. 1733) to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collision between it and the U. S. S. *Siboney* and U. S. Army tug *No. 21* at St. Nazaire, France; to the Committee on Claims.

By Mr. CUMMINS (by request):

A bill (S. 1734) to regulate interstate commerce by motor vehicles operating as common carriers on the public highways; to the Committee on Interstate Commerce.

By Mr. LENROOT:

A bill (S. 1735) for the relief of the devisees of William Rusch, deceased; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 1736) to amend subdivision E of section 2 of an act entitled "An act to amend the act to prohibit the importation and use of opium for other than medical purposes," approved February 9, 1909, as amended; to the Committee on the Judiciary.

A bill (S. 1737) granting a pension to Francis A. Land; to the Committee on Pensions.

A bill (S. 1738) for the relief of Francis A. Land; to the Committee on Military Affairs.

By Mr. GREENE:

A bill (S. 1739) providing reimbursement for loss of personal effects of the officers and employees of the Public Health Service destroyed by fire at United States Public Health Service Hospital, Greenville, S. C., November 7, 1919; to the Committee on Claims.

By Mr. METCALF:

A bill (S. 1740) granting a pension to Henry L. Esten;

A bill (S. 1741) granting an increase of pension to Irene G. C. Beargeon; and

A bill (S. 1742) granting an increase of pension to Edwin E. Anthony; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 1743) for the relief of Albert Wood; to the Committee on Claims.

A bill (S. 1744) granting a pension to Eliza Wray; and

A bill (S. 1745) granting an increase of pension to Catherine E. Mauts; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 1746) to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey; to the Committee on Commerce.

A bill (S. 1747) for the relief of the estate of Henry T. Wilcox; and

A bill (S. 1748) for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 1749) granting a pension to Orilla J. Luyster (with accompanying papers); to the Committee on Pensions.

A bill (S. 1750) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 1751) to provide for uniform regulation of marriage and divorce; to the Committee on the Judiciary.

By Mr. WADSWORTH:

A bill (S. 1752) for the relief of the Near East Relief (Inc.); to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 1753) authorizing a survey for the control of excess flood waters of the Mississippi River below Red River Landing, in Louisiana, and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes; to the Committee on Commerce.

By Mr. DILL:

A bill (S. 1754) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, providing for the regulation of radio communication, and for other purposes; to the Committee on Interstate Commerce.

Mr. DILL. Mr. President, there is a question of jurisdiction here. Bills relating to radio have sometimes gone to the Commerce Committee and sometimes to the Interstate Commerce Committee, but, in view of the fact that our power to regulate radio is given by the interstate-commerce clause of the Constitution, it seemed to me that the bill should go to the Committee on Interstate Commerce.

Mr. JONES of Washington. I desire to say that in my judgment the bill which my colleague has introduced could very properly go to either the Committee on Interstate Commerce or the Commerce Committee, and for that reason I make no objection to the reference of the bill to the Com-

mittee on Interstate Commerce. The Committee on Commerce has about all it can do, anyhow.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

By Mr. McKINLEY:

A bill (S. 1755) for the relief of Francis J. Young; to the Committee on Claims.

A bill (S. 1756) granting an increase of pension to Thomas E. Roberts (with accompanying papers);

A bill (S. 1757) granting a pension to O. R. Van Ostrand (with accompanying papers);

A bill (S. 1758) granting an increase of pension to Mary S. Fuller;

A bill (S. 1759) granting an increase of pension to Margaret C. Porter (with accompanying papers);

A bill (S. 1760) granting a pension to Zachariah T. Pryor (with accompanying papers);

A bill (S. 1761) granting an increase of pension to Michael Quinlan (with accompanying papers);

A bill (S. 1762) granting a pension to John A. Robinson (with accompanying papers);

A bill (S. 1763) granting a pension to A. Severs (with accompanying papers);

A bill (S. 1764) granting a pension to John Sundberg (with accompanying papers); and

A bill (S. 1765) granting an increase of pension to George M. Withers (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 1766) to establish the Roosevelt national park in Billings County, N. Dak.; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 1767) for the relief of Benjamin F. Spates; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 1768) authorizing a quarantine station at Sabine Pass, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Indiana:

A bill (S. 1769) granting a pension to Maggie D. Snack with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A joint resolution (S. J. Res. 29) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. COPELAND:

A joint resolution (S. J. Res. 30) authorizing the establishment of a commission to be known as the sesquicentennial of American independence and the Thomas Jefferson centennial commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document; to the Committee on the Library.

By Mr. CAPPER:

A joint resolution (S. J. Res. 31) proposing an amendment to the Constitution of the United States relative to marriage and divorce laws; to the Committee on the Judiciary.

PROPOSED INVESTIGATION OF FOREIGN INDEBTEDNESS

Mr. REED of Missouri. Mr. President, I submit a resolution, which I ask to have read.

The VICE PRESIDENT. The resolution will be read as requested.

The Chief Clerk read the resolution (S. Res. 91), as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, is authorized and directed to investigate and ascertain whether any foreign government or any citizens or corporations of any foreign countries are or have been expending or furnishing any moneys or credits for the purpose of directly or indirectly influencing the action of the Government of the United States, and particularly of the Senate of the United States, in any manner affecting the foreign policies or relations of the United States. Said committee shall further investigate and ascertain the ability of the foreign countries indebted to the United States to pay and discharge said indebtedness. Further, said committee shall ascertain the extent to which individuals, firms, or corporations have made loans to foreign countries indebted to the United States or to the individuals or corporations of said countries, the disposition of the proceeds of such loans, and the terms and conditions under which such loans were made. And also to ascertain what moneys have been pledged or expended and what organizations exist to affect the action of the Government of the United States in its relations or contemplated relations with foreign governments.

Said committee shall report at the earliest possible time.

Mr. REED of Missouri. I ask unanimous consent for the present consideration of the resolution.

Mr. CURTIS. Mr. President, I hope that the Senator will let the resolution go over. I think it ought to go over until the Senator from Idaho [Mr. BORAH], who has just entered the Chamber, has had a chance to look at it. Let it go over until to-morrow under the rule.

Mr. REED of Missouri. I will say to the Senator that I am compelled to leave the city to-morrow afternoon and I wanted to get this matter disposed of before that time if possible.

Mr. CURTIS. I would like to talk with the chairman of the Foreign Relations Committee with reference to the resolution. I never heard anything about it until it was read at the desk, and I presume the chairman of the Foreign Relations Committee knows nothing about it. Under the rule it should go over until to-morrow.

Mr. REED of Missouri. Of course, if the Senator insists on it that course must be taken.

Mr. CURTIS. I ask that it go over until to-morrow under the rule.

The VICE PRESIDENT. Under the rule the resolution will be printed and go over until to-morrow.

INVESTIGATION OF CROP INSURANCE

Mr. McNARY submitted the following resolution (S. Res. 92), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee, to be composed of three Senators appointed by the President of the Senate, is authorized and directed to investigate the subject of crop insurance, particularly with reference to (1) the kinds and costs of insurance now obtainable; (2) the adequacy of the protection afforded by such insurance; (3) the desirability of and practical methods for extending the scope of such insurance; and (4) the availability and sufficiency of statistics necessary to properly and safely issue additional crop insurance. Within six months after the adoption of this resolution the committee shall report to Congress the results of its investigations, together with its recommendations, if any, upon the most practical and efficient methods whereby the farmer can obtain, at a reasonable cost, adequate and safe crop insurance.

Such committee is authorized to hold hearings at such times and places as it may deem advisable, to send for persons and papers, to administer oaths, and to employ stenographers to report such hearings at a cost not exceeding 25 cents per 100 words to be paid from the contingent expenses of the Senate.

FLOOD CONTROL IN THE SACRAMENTO AND SAN JOAQUIN VALLEYS

Mr. JONES of Washington. Mr. President, I desire to submit to the Senate letters from the Secretary of War and the Chief of Engineers, transmitting a report by the Board of Engineers for Rivers and Harbors with reference to a report by the California Débris Commission in answer to a resolution of the Committee on Commerce. I ask that the report and accompanying papers be printed as a Senate document with an illustration.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY SECRETARY OF STATE ON SOME FOREIGN POLICIES OF THE UNITED STATES

Mr. WILLIS. Mr. President, on the evening of December 14, in the city of New York, the Secretary of State, a former distinguished Member of this body, delivered a notable address, which I think should be given rather wide publicity. I therefore ask that it be printed in the RECORD and also be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. SMOOT. Mr. President, it has always been the rule in the past to print such addresses either in the RECORD or as a public document. I think the Senator ought to confine his request to one or the other. I have no objection if he desires to have the address printed in the RECORD, or, if not in the RECORD, to have it printed as a public document, but not both.

Mr. WILLIS. I think under the circumstances, on the suggestion of the Senator from Utah, I will ask to have it printed in the RECORD.

The VICE PRESIDENT. If there is no objection, it is so ordered.

The address is as follows:

SOME FOREIGN POLICIES OF THE UNITED STATES

(Address of the Hon. Frank B. Kellogg, Secretary of State, at the dinner of the Council on Foreign Relations, Hotel Ritz-Carlton, New York City, the evening of December 14, 1925)

During my residence abroad as ambassador to Great Britain and often in this country I have been asked the question, "What is the foreign policy of the United States?" or "Has the United States a foreign policy?" These questions, pertinent as they seem, often imply a certain amount of loose thinking. While the President or the Secretary of State may announce some radical change in our foreign policies, in the main it does not issue fully formed from the brain of any one man. It is something that grows and develops from the continuing task of guiding and regulating the relations of this Nation with other nations from hour to hour and day to day.

In the first place, there appears to be a popular impression that the Secretary of State, sitting in an office decorated with portraits of Jefferson, Clay, Webster, Seward, Blaine, Root, Hughes, and other distinguished predecessors and drawing inspiration from their lives, considers some great problem of international affairs which will go down in history as a distinctive American policy. I am somewhat loath to dispel this pleasing delusion. As a matter of fact, the Secretary of State through long hours is occupied with handling specific questions, many times of great moment, involving our relations with foreign countries, such as the construction of a treaty, the protection of American citizens abroad, the consideration of pecuniary claims by or against a foreign government, with passing upon questions of the rights of aliens in this country, or the determination of how best to foster American commerce in some distant part of the world. Few realize that the State Department is the medium through which all the departments of the Government communicate with foreign nations, and how tremendously the activities of this Government have increased in the last few years. Let us then get clearly in mind that the foreign policy of a country is a slow growth.

If you want to know what it is at a given moment you must take into account long-established custom, development of the principles of international law, treaties, and conventions—in fact, the whole history of the country, so far as its international relations are concerned—and when we mention treaties it is well to remember that these important expressions of foreign policy are not controlled by the executive branch of the Government alone. The Senate participates in the making of treaties. Personally, I regard this procedure as of first importance, the wisdom of which is testified to not only by the experience of this country but by the fact that the practice of submitting treaties for legislative approval is becoming more and more general. The framers of our Constitution believed that the independence, peace, and progress of the Nation depended to a great extent upon treaties made with foreign countries and that the treaty-making power should not, as was the case in some countries, be vested in the Executive alone or in the Executive and a mere majority of the Senate. However, this circumstance does to a degree militate against the concise definition of foreign policy by the Executive. In so far as foreign policy is embodied in rules for the conduct of international relations it will be found that there is great similarity the world over. All civilized nations now have much the same treaties of amity, commerce, and extradition, as well as postal, sanitary, copyright, and trade-mark conventions. But it is the original and distinctive features of foreign policies that really concern us most. Of these, the United States, in the course of the past century and a quarter, has accumulated its share. Our form of government, our geographical situation, our commercial needs, that indefinite factor which we designate our national characteristics, have all contributed to give color and form to our policy. For there can not be a bit of doubt that we do have a foreign policy resulting from the play and interplay of the factors I have just mentioned, one that is not the work of any individual or of any administration, simply the traditional and historically developed policy of the United States which every Secretary of State strives faithfully to interpret and apply. It is of two or three features of this policy that I would speak to you to-night.

I suppose all men will agree that the feature of our policy which gives it its chief distinction and at the same time is least understood and appreciated by the rest of the family of nations is the fixed determination to avoid participation in purely European political matters. This policy has its roots deeply embedded in our history, and we have clung to it consistently ever since we came to be a Nation. Its influence is no less controlling to-day than when the Farewell Address of Washington was delivered. Not since 1798 has the United States been a party to any military alliance with a foreign power. We shall go to the very limit of reasonable cooperation for all legitimate purposes, but we will not under any circumstance commit ourselves to the European system of alliances and counteralliances to maintain the balance of power upon that Continent. In Europe for centuries there have existed political combinations formed among nations to maintain the so-called balance of power—alliances offensive and defensive containing military commitments, such as the holy alliance, the triple alliance, and the triple entente, which preceded the Great War. These undoubtedly have been caused in some cases by a feeling of insecurity, many times caused by national jealousies, racial animosities, or commercial antagonisms. It is doubtful if they have ever really contributed to the maintenance of peace. They have contributed to competition in building both naval and military armament, and when war has come have broadened its scope and intensified the conflicts. It is these political commitments and military alliances which it has been the policy of the United States to avoid.

Much is constantly being said, especially in the foreign press, about our isolation as a country, our refusal to cooperate with other countries in the settlement of the economic and political problems now confronting the world. The difference between being a party to a political or military alliance and cooperating with and lending assistance in the economic restoration of the world is very wide. I believe that, within the limitations of its policy, the United States has cooperated in every way in solving the grave problems confronting Europe and lending encouragement and assistance in this economic reconstruction.

The United States has never turned a deaf ear to the call of distress, nor has it ever refused assistance when its aid has been sought in a way which would not involve us in the political controversies and domestic affairs of other countries. As a further evidence of the fact that the United States is not holding aloof from world affairs, I may say that this Government has sent representatives to postal, sanitary, and telegraph conferences, is represented in the agricultural conference, and has had representatives in the opium conference and the conference for the limitation of the sale of munitions of war and many others. The last two mentioned were held in Geneva during the present year. They were called by the League of Nations, but did not include simply countries belonging to the league. In the conference for the limitation of the sale of munitions of war we entered into a treaty providing generally for publicity in the sale of arms and munitions of war and included in the protocol the provision of the treaty of Washington prohibiting the use of poisonous gases in war. The United States has always been willing to attend these conferences and to aid in every way in the establishment of principles for the advancement of science, of trade and commerce, for the amelioration of the horrors of war, the settlement of the principles of international law, the prevention of disease, the aiding of agricultural and other activities which are subjects of international consideration.

Since the World War evidence that Europe is making a sincere effort to free itself from the old system of balance of power supported by military alliances is unmistakable. Recent events justify the hope that mutual distrust with its hateful paraphernalia, balance of power, military alliances, etc., may really be replaced by mutual confidence with its normal accompaniments, conciliation and arbitration. The Locarno conference is an outstanding accomplishment. While it contains military guaranties to Belgium, France, and Germany, it is not conceived on the basis of the old balance of power which divided Europe into military camps, ever jealous of each other and striving for additional armament and power. On the contrary, it was conceived in the spirit of uniting the European nations in a common pact of security and for conciliation, arbitration, and judicial settlements rather than an appeal to the arbitrament of arms. It followed naturally and completed the work of the Dawes committee, the London and Paris conferences.

When the Dawes committee took up its task reparations were not being paid, Germany was bankrupt and her economic and financial conditions presented an almost insuperable obstacle in the path of European peace and prosperity. The armies of France and Belgium were in the Ruhr and the rule of force at that moment had displaced the rule of law. The adjustment of these problems lay at the very foundation of the restoration of Europe and the maintenance of peace. The Dawes committee, made up of representatives of each of the Allied Powers and two citizens of this country, approached the constructive settlement of this problem on its economic side in the spirit of fairness to all nations which had engaged in the war. This was not a political committee. It was simply a group of business men applying practical common sense to the situation and thus laying the foundation, not only for economic but, for political stability in Europe.

After the Dawes committee had finished its labors, the London conference followed naturally and paved the way for the evacuation of the Ruhr and the Rhineland sectors. Germany's industries were restored to her; her payments to all of the Allied and Associated Powers were fixed; her banking system and currency were reorganized and arbitration was provided as a means of settling all disputes that might arise in this connection.

The Paris conference, which came next, regulated the distribution of German reparation payments among the Allied and Associated Powers.

Finally came the Locarno conference to deal with the purely political phases—security for France and Belgium and the prevention

of war throughout Europe. I shall not attempt to describe in detail the agreements entered into at Locarno. England, France, Italy, Belgium, and Germany entered into a treaty of mutual guaranty whereby the frontiers between Germany and Belgium and between Germany and France as fixed by the treaty of Versailles were declared inviolable.

This was supplemented by treaties of reciprocal guarantee between France and Poland and France and Czechoslovakia, providing that in the event of failure of observance of the other treaties forming a part of the general settlement, the contracting parties would lend to each other immediate aid and assistance, if such failure is accompanied by an unprovoked recourse to arms. Then separate conventions of arbitration were entered into by Germany with France, Poland, and Czechoslovakia whereby it was agreed that future disputes of every kind which can not be settled amicably by the normal methods of diplomacy shall be submitted either to an arbitral tribunal or to the Permanent Court of International Justice with the possibility of submitting such disputes in their preliminary stages to permanent conciliation commissions set up for the purpose. Here was not the old balance of power sustained by alliances on each side struggling constantly to maintain supremacy, both land and naval, but here was a regional pact, the very cornerstone of which was conciliation and arbitration, and certain guarantees entered into not only by the Allies but by Germany which must have a lasting effect upon the peace and prosperity of Europe.

I do not claim that the peace of the world is always going to be maintained by treaties and conventions or by conciliation commissions, arbitration, or judicial tribunals. These are powerful instruments for peace which, if the higher ideals of mankind are ever to be realized, must be the medium through which international disputes are to be settled. I place as much store upon the spirit of Locarno as upon the treaties of Locarno. I had the honor to represent the United States at the London and Paris conferences, and there was evidence at those conferences of a desire for accommodation, a spirit of helpfulness, and a wish to substitute arbitration for force which gave me great hope for the future of Europe.

I have seen comments in the European as well as some of the American press about the relation of the United States to these European questions which I exceedingly regret. They have been to the effect that the United States has held aloof, that it has not been willing to cooperate and lend its aid, that Europe at Locarno was able to settle its own problems without the assistance of the United States. As I have stated, it has been the settled policy of the United States not to interfere in purely European questions, certainly not unless invited, and there was no reason to invite the United States to attend the Locarno conference. It was called to settle purely European political questions involving regional guaranties directly affecting only those countries, and generally affecting the rest of the world only as it is concerned for the peace of Europe. The people of the United States were interested in all of these movements just as they are interested in every movement for the peace and advancement of civilization. I am sure that no people have been more gratified than the American people by the success of the London and the Locarno conferences.

CHINA AND THE FAR EAST

In China I think it may be said that we have a liberal and forward-looking policy. The United States has always been friendly to China. John Hay was foremost in advancing the open door—in other words, equal opportunity for trade, commerce, and intercourse with China as opposed to special concessions, spheres of influence, and leased territories. At the Washington conference a step forward was taken in the adjustment of the many Pacific and Far Eastern questions to which all the nine powers were a party. The treaties framed at the conference are, of course, familiar to everyone, but they deserve brief mention because their execution is taking place during my administration of the State Department.

As you know, for many years since 1842 the tariffs which the Chinese might apply to foreign products and the control that the Chinese Government might exercise over the actions and property of foreigners living in China have been regulated by formal conventions between China and the several powers. One of the Washington treaties provided for a tariff conference, to be held at Peking within three months after its ratification, for the purpose of giving consideration to China's desire for higher tariff rates. A commission was provided for by Resolution V of the conference to investigate the subject of extraterritoriality and report what steps will be necessary as preliminary to the renunciation of extraterritorial rights. The tariff treaty was not ratified until August 6 of this year, and the conference is now in session in Peking. So far there is evidence that this conference is endeavoring to find a means of meeting the desires of China. It has unanimously adopted a resolution whereby the powers recognize China's right to enjoy tariff autonomy and agree to remove the tariff restrictions contained in existing treaties between them respectively and China. The powers consent to the going into effect of the Chinese national tariff law January 1, 1929, while China agrees to abolish what is known as "likin"—that is, local taxes on goods in transit within China—simultaneously with the enforcement of the Chinese national tariff law. The duties on exports and imports to be applied pending the abolition of likin and the granting of tariff autonomy are now being considered. The commission on extraterritoriality, composed of commissioners, one from each of the Washington treaty powers and from such other powers having by treaty extraterritorial privileges in China as adhere to the Washington resolution, is to meet in Peking on the 18th of December. I have every hope that the aspirations of China to regain the control over her tariffs and to establish the jurisdiction of her courts over foreigners living within her borders will be worked out by the conference with the assistance of the commission on extraterritoriality.

It must not be forgotten, however, that the tariff conventions and extraterritorial rights were not forced upon China for the purpose of extending foreign influence, but were made by mutual agreement for the purposes of aiding commerce, protecting foreign citizens, and settling long-standing, difficult questions between China and the other nations. I believe the time has passed when nations capable of maintaining self-government can be expected to permit foreign control and domination. Nevertheless, one of the difficulties with which foreign countries have to deal in the case of China is the instability of its Government and the constant warfare between various contending political factions. China is a great nation; it has made wonderful progress, and is now struggling to maintain a republic. In this she has the sympathy and good will of the American people, and everything that we can legitimately do to aid her should be done.

FOREIGN DEBTS

This is a subject which I have refrained from discussing in the press or in public speeches, and I would not now do so but for certain criticisms in the foreign press and, I think, some misunderstanding of the situation among our own people. I do not, of course, lay the blame for press criticism upon the foreign governments, but there has been much said of late about the harsh terms imposed by us upon our debtors. Many have considered that we might have been more liberal toward the Allies with whom we fought and possibly might have canceled altogether their indebtedness to us. I want to say to you now that I believe this Government has at no time been unmindful of the suffering and losses of the debtor nations and the staggering burdens which their peoples are carrying. We have gone just as far as we possibly could in recognition of these extraordinary and deplorable conditions. Let me briefly review the facts: Some adjustment of these unprecedented international obligations was necessary from every point of view. The time had come when the United States must take action to settle this much-discussed and troublesome debt question. It was not only necessary as a domestic question, but it was equally necessary if Europe was to be rehabilitated, international credit maintained, currencies stabilized, budgets balanced, and the industries of Europe restored. I believe, in the main, foreign governments have come to take this view of the question. We have not hurried anybody. These obligations were all of long standing, and the time to take action had arrived. It is true that many of those countries suffered more than the United States, because they were the immediate theater of the war and lay in the path of its devastation.

Yet it should be remembered that had the United States not intervened the losses of these debtor countries would have been incalculably greater. And the broad facts relating to our intervention can not be lost sight of. We sent 2,000,000 men to foreign shores and mobilized our economic and man power to the limit. In the brief space of two years the United States spent nearly $30,000,000,000 on the war. In addition to $10,000,000,000 loaned to its allies. All of the $30,000,000,000 was an economic loss to the United States, and the full measure of such loss can not be arrived at without adding the extremely heavy burden entailed by the subsequent readjustment of artificially stimulated industry. During the war and for two years thereafter we imposed upon our people a burden of taxation equal to any, and in most cases far exceeding that imposed by any nation of Europe.

When we borrowed $10,000,000,000 from our own people and loaned it to foreign governments, we did so under specific agreements for repayment at the particular request of the foreign governments that such financial assistance should take the form of loans and not subsidies. The American people to-day pay taxes to meet the obligations which their Government thus incurred.

Furthermore, a large part of these loans to foreign governments was made after the armistice, when we might well have said, "the war is over and the object for which we went to war has been attained." It is one of the indisputable and outstanding facts of the period immediately following the war that the United States made a second intervention in Europe, which was fully as vital and significant as its intervention during the period of hostilities. In 1919 the menace of starvation, political and economic disorganization hovered over the continent of Europe. Of course, it is idle to speculate on what might have happened had events taken a different course, but we may as well recall that

many sober minds at that day entertained the conviction that Europe faced a situation comparable only to that following the 30 years' war, when one-third of the population perished. As I have stated, we were not obliged to make this second intervention, but we did do it, and huge advances comprised in the $10,000,000,000 total were then made.

Some of the stronger nations in Europe loaned much smaller sums after the armistice, and these relief and reconstruction loans were all coupled with written agreements that there should be no discrimination in the settlement or payment between the United States and the other countries making such advances. In the adjustment of post-armistice loans to Belgium, Czechoslovakia, Esthonia, Finland, Hungary, Latvia, Lithuania, Poland, and Rumania, the United States has given more generous terms than any other creditor, and as to the pre-armistice debts, our terms have been certainly as liberal as those offered by any of the other countries.

Naturally, we have had to seek a basis of compromise, taking into account actual conditions faced by the debtors and at the same time doing reasonable justice to our own people. Cancellation was impossible. I sincerely believe that such action, even if circumstances had permitted it, would have been, in the long run, unwise, would not only have saddled this country with the main burden but would not have been in the real interest of the debtor nations themselves. No American Government could contemplate an outright gift of billions of dollars. There were, however, certain factors which gave elasticity to the negotiations and free play to our desire to show liberality and to impose no insuperable burden upon others. There was the factor of time and that of interest; and so within these limits the debt commission has laid down the test of capacity to pay. The payment of principal has been spread over 62 years and various rates of interest have been imposed, the details of which it is not necessary to state. I maintain that no fair-minded American citizen and no European who is prepared to take a statesmanlike view of this matter can expect us to go further. I shall not discuss the details of each settlement—they will be submitted to Congress, which alone can decide whether the settlements shall be accepted or not—but the World War Foreign Debt Commission has approached the settlement with each country in a spirit of fairness, taking into consideration its indebtedness, its burdens of taxation, its exports and imports, and its general economic condition. I believe it has been the desire of the debt commission to treat each country upon this basis and not to lay a burden greater than it could bear. This, I think, is a good economic policy, as well as a policy which commends itself in all dealings between nations.

FOREIGN LOANS

In March, 1922, after a consultation with various financial houses, the President directed the Department of State to publish a circular requesting in substance that those desiring to float foreign bond issues in the American market should notify the Department of State, giving such information as they could furnish in reference to loans. The Department of State would then give the matter consideration in order that, in the light of the information in its possession it might, if it so desired, say whether objection to the loan did or did not exist. It was stated, however, that the department could not require bankers to consult it; that it would not pass upon the merits of foreign loans as business propositions nor assume any responsibility in connection with the loan transaction; and that offers of foreign loans should not state or imply that they were conditioned upon the expression of the department's views regarding them, nor should any prospectus or contract refer to the attitude of the Government. The object of this was that the Government might state whether it believed certain loans were not in the public interest, such as loans for armament, loans to countries not making debt settlements with the United States, or loans for monopolistic purposes. The department has received notice of a great many loans to foreign governments, municipalities, and industries. It has objected to loans to countries which had not settled their debts to the United States, as it believed that it was not in the public interest to continue to make such loans, and it has objected to certain loans for armament and the monopolization of products consumed in the United States. The department has not assumed and could not assume to pass upon the validity of loans or the security. It has not the authority of law, and it will be impossible for any department of the Government to parcel out foreign loans, pass upon their merits, their security, or upon them as business propositions. Where objection is not made the department universally states that it does not pass upon the merits of foreign loans as business propositions nor assume any responsibility in connection with such transactions, and that no reference to the attitude of the Government should be made in any prospectus or otherwise.

There has been a great deal of correspondence and considerable press comment upon the loans made to German municipalities and States. While the department has not thought itself called upon to object to such loans as against the public interest, it has called the bankers' attention to the fact that indiscriminate loans to municipalities and states were not, it was believed, favored by the German Government and might raise serious questions of transfer of funds sufficient to pay the principal or interest on such bonds. The department has further called the attention of the bankers to the fact that they should consider very carefully the question whether such loans were for productive purposes which would aid in procuring funds for transfer. It will probably be remembered that all the reparations paid into the Reichsbank must be transferred with the consent of the transfer committee, of which Mr. S. Parker Gilbert is the head, and the question naturally occurs whether the transfer committee could place obstacles in the way of States and cities procuring the necessary funds for transfer. I have no desire whatever to throw obstacles in the way of legitimate loans, but I do think American bankers should consider the question as to what extent State and municipal loans should be made.

ADMISSION OF ALIENS UNDER THE IMMIGRATION AND VISA LAWS

There is one question which of late has attracted public attention on which I desire to state the position of the State Department, and that is the admission of anarchists, revolutionists, agitators, and propagandists who advocate the overthrow of orderly government and those who are affiliated with societies for that purpose; in other words, undesirable aliens. The policy of this country, as plainly indicated by the acts of Congress, is to keep certain specified classes of aliens out of the country. Some people seem to think that the policy should be different; that the doors should be thrown open and the activities of undesirable aliens dealt with from the inside after they arrive. But that is not the policy of this country as emphatically declared by the Congress. All loose talk of an arbitrary and unjustified attitude of the Secretary of State or of the American consuls in this field is singularly futile. I am charged with the enforcement of this policy, and furthermore I believe in it. Let us see what the law declares:

On May 22, 1918, Congress passed an act entitled "An act to prevent in time of war departure from or entry into the United States contrary to the public safety." The material portion of this statute reads as follows:

"That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

"(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions, as the President shall prescribe."

Pursuant to this statute, the President made Executive orders, one of which, dated August 8, 1918, reads as follows:

"SEC. 32. In accordance with the provisions of the presidential proclamation of August 8, 1918, a visa will be granted only when it shall appear that there is reasonable necessity for entering the United States and when upon investigation such entry is deemed to be not prejudicial to the interests of the United States."

At the close of the war, when restrictions were generally being repealed, specific attention was drawn to the case of aliens, and accordingly the following provision was embodied by Congress in the Diplomatic and Consular appropriation act of March 2, 1921:

"That the provisions of the act approved May 22, 1918, shall, in so far as they relate to requiring passports and visas from aliens seeking to come to the United States, continue in force and effect until otherwise provided by law."

The Executive order was from time to time amended and additional regulations covering visas were prescribed in general instructions of the Secretary of State issued under the authority of section 39. The last Executive order on the subject is dated January 12, 1925. It deals with the documents required of aliens entering the United States and with respect to nonimmigrant aliens, provides that they "must present passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance, duly visaed by consular officers of the United States."

But the most important statute was the act of October 16, 1918, amended by the act of June 5, 1920, the material portion of which is as follows:

"That the following aliens shall be excluded from admission into the United States:

"(a) Aliens who are anarchists;

"(b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government;

"(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law; or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either by specific individuals or of officers generally) of the Government of the United States or of any other organized government because of his or their official character; or (3) the unlawful damage, injury, or destruction of property; or (4) sabotage;

"(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage.

"(e) Aliens who are members of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d).

"For the purpose of this section: (1) The giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation."

This act makes it the duty of the Secretary of State to exclude all aliens falling within the defined classes quoted. Obviously, the question whether an alien does or does not come under one or more of the excludable classes is one involving the exercise of judgment or discretion. The State Department receives from the various diplomatic and consular agents of the United States all the information possible in relation to these undesirable aliens. One would think from some of the comments in the press that a foreigner had some inherent right to come to the United States which is being denied by the State Department. No foreigner has any such right whatever. Congress may admit or exclude anyone it sees fit. The law has specified what classes shall be excluded, and, until the law is changed, it will be enforced; and it will be enforced without regard to their station in life, for the law applies to prince and peasant alike. Nor am I going to enter into a public discussion of the facts of every case on which the exclusion is based. The law imposes the duty upon the Secretary of State and the American consuls to refuse visas if, in their opinion, the persons applying come within the prohibited classes. If, from the information in their possession, they have a reason to believe a given individual is inadmissible, the visa is refused. The Secretary has not acted in an arbitrary manner, and he has good reason for every refusal he makes. Nor is it in the public interest to disclose the facts upon which each decision is based, since the information is often of a most confidential kind and would not be obtained at all if it were not treated as confidential. Foreigners seeking entrance into this country are not entitled to such information. There is not one of the prohibited classes who would not be delighted to enter into a controversy over the subject and who would not deny activity or connection with organizations barred by the Government. There is no question of free speech involved. They can speak as freely as they please in their own country just as Americans can do here, but they are not entitled to come to this country to make it a platform for their revolutionary theories.

I believe in carrying out the letter and the spirit of the American Constitution guaranteeing free speech. I believe it is one of the priceless heritages of liberty which we should preserve, but I decline to recognize that this applies to aliens who desire to come over here to teach their pernicious doctrines of communism, revolution, sabotage, and destruction of orderly government. If they wish to carry on this propaganda, they had better stay in their own countries. I know it is said that this action is arbitrary and narrow-minded; that the best way is to let them come over and say what they please. I know of some of the leading countries of Europe which have pursued that policy and regret seriously the disorders which followed on account of it. We have a representative democracy and a Constitution guaranteeing the continuance of that Government and guaranteeing to every individual liberty of action, freedom of religious belief and worship, freedom of speech, freedom of the press, protection of property, protection to the home, equal opportunity in the avenues of enterprise—guaranties which were not easily obtained but which came from the struggles of our ancestors through centuries. The maintenance of this Government and of these guaranties of liberty depend upon the education, the moral standards, and the enlightenment of the people. Why make this country the haven of all the agitators and revolutionists to appeal to the youth of the land for the overthrow of that Government which is the greatest heritage any people ever had? We have been so long in the enjoyment of these privileges of an enlightened Government that I sometimes fear we have forgotten at what cost they were obtained. I am glad to say that in this work of combating the communists and revolutionists the American Federation of Labor has taken a leading part, and if those well meaning but misguided individuals among us who are engaged in promoting the cause of anarchy, and Bolshevism under the guise of liberty and free speech would take the same manly stand as labor, there would be infinitely less danger over the dissemination of pernicious doctrines inimical to our institutions.

SETTLEMENT OF FOREIGN INDEBTEDNESS

Mr. SMOOT. Mr. President, there are on the calendar six bills authorizing settlement with six different countries of their indebtedness to the United States. I do not think they will require very much discussion, and I now ask unanimous consent that the Senate proceed to the consideration of the six bills—of course, one at a time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. REED of Missouri. Mr. President, I certainly do not want to obstruct the Senator from Utah in any matter in which he has an interest, but these bills will provoke discussion, and I think very long discussion. The resolution I introduced this morning has to do with that very subject matter. I have been making some investigation and expect to speak at length on the bills. They involve a matter of gravest importance and billions of dollars. These billions of dollars will either come out of the pockets of the American taxpayer or they will come out of the pockets of the peoples of foreign countries who have contracted to pay us.

I can not give consent to take up these questions and pass these bills through hurry scurry and haphazard without debate and consideration. I am rather astonished that it would be expected that matters of this great importance should be passed through the Senate without the fullest discussion. I hope indeed they will go over until after the holidays, when we can get some facts to lay before the Senate. I have no objection to the bills being considered to the extent of the Senator from Utah speaking to them and explaining them to us. He can do that now, if he so desires, but so far as giving consent to their consideration with the idea of passing them, I can not do it.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. How many of these settlements are there?

Mr. SMOOT. There are six of them. I am quite sure there are four of them that will cause no discussion.

Mr. NORRIS. There may be some of them as to which, so far as I am concerned, I have no objection. I have no objection to making settlement with a country if it is made in accordance with the settlement made after full discussion with Great Britain, but there are some that are not made that way.

Mr. SMOOT. Yes; there are two of them—Italy and Belgium.

Mr. NORRIS. So far as those bills are concerned, I feel that there is going to be considerable debate. I have not myself looked into them and some other Senators with whom I have talked have not done so. I think there will be considerable discussion, and I do not believe it will be possible, in view of what is coming on that has been made a special order for to-morrow, to dispose of those two cases at least before the adjournment for the holidays.

It seems to me we might as well be frank. I want to say to the Senator from Utah that while I have no disposition to prolong unnecessarily or unreasonably the consideration of any of the settlements, yet I do feel very deeply, as I think other Senators do, in regard to some of these settlements, and I am very much opposed to them. When they do not comply with the settlement made with Great Britain, they ought to be debated, and the country as well as the Senate ought to be fully informed on them. I do not think the Senator ought to try to crowd them through now. I have no objection to having the Senator from Utah or anyone else discuss them. So far as I know, there will be no opposition to those which followed the discussion and settlement of the debt of Great Britain, but there will be a great deal of opposition to the others, and I do not believe we ought to try to take them up at this time. If the Senator from Utah or anybody else wants to debate them, I have no objection, but there ought to be an understanding that as to those settlements which did

not follow the settlement with Great Britain there will be no effort made to crowd them through at this time.

Mr. JOHNSON and Mr. McKELLAR addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I will yield first to the Senator from California, and will later yield to the Senator from Tennessee.

Mr. JOHNSON. I want to suggest that there are others as well who agree with all that has been said by the Senator from Missouri and by the Senator from Nebraska. There is one of those settlements at least that requires, from the standpoint of some of us, discussion, information, and the like. If that information could be afforded to-day by the Senator from Utah and he desires to present the Italian debt settlement I would be very glad, too, indeed, for one, if he could proceed; but to proceed to a determination of that particular settlement at this time I would not consent, for I desire further information in respect to it, and I desire to know more than has been conferred upon us by the mere press reports.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I yield.

Mr. McKELLAR. I entirely concur in what has been so well said by the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. NORRIS], and the Senator from California [Mr. JOHNSON]. I hope the Senator from Utah will not undertake to press this matter at this time; but I should be glad to have the Senator give us the facts upon which these various settlements have been made and the reasons actuating the commission in undertaking to make them in a particular way.

Mr. SMOOT. Mr. President, I wish the Senate to understand that I am in no particular hurry about the disposition of these measures, other than for this reason: The House of Representatives before the adjournment for the Christmas holidays will pass the revenue bill which is now pending in the House. I think every Senator desires that that bill shall become a law before March 15 next. The Finance Committee yesterday met and agreed to begin the consideration of the House revenue bill on January 4, the same day that the Senate reconvenes after the Christmas holidays.

Mr. SIMMONS. The Senator refers to the consideration of the revenue bill in the Committee on Finance of the Senate?

Mr. SMOOT. Yes; of course I refer to the consideration of the bill by the committee. After consideration of the bill shall have been begun every member of the committee will be tied up from early in the morning, perhaps, until late in the evening. We shall have little opportunity to spend much time upon the floor of the Senate. I thought that if we could have these debt settlement bills taken up and passed before taking a recess for the Christmas holidays, the House of Representatives could take them up immediately after the reconvening of Congress and that such action would materially hasten the enactment of the legislation.

However, Mr. President, I see that there is objection to taking that course, and I know at this particular time it would be perfectly useless to try to force these bills through before the holiday recess shall be taken. It is not yet 1 o'clock, and I could not now even make a motion to take the bills up. Therefore, out of deference to the opinions of Senators who have already made the statements which they have, I shall certainly not move the consideration of the bills to-day. So I withdraw my request for unanimous consent to proceed to the consideration of the bills.

Mr. SWANSON. Mr. President, before the Senator from Utah takes his seat will he permit me to make a suggestion?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. Yes.

Mr. SWANSON. I may be mistaken, but I understand that the House of Representatives insists that the debt settlement bills affect the raising of revenue and, therefore, must originate in the House of Representatives. Though I do not concur in the contentfon of the House, it does seem to me that to have a long debate in the Senate and to pass the bills, and then for the House of Representatives to insist on what it claims is its constitutional prerogative and refuse to receive the Senate bills, requiring us to go over them a second time, would be a futile thing to do. The Senator will recall what occurred in connection with the bill proposing to increase postal rates. If it is insisted upon by the House of Representatives, which I understand it will be, that these bills affect the raising of revenue and, therefore, must originate in that body, it seems to me the wise course to pursue would be when the House shall have passed the revenue bill first to take up this proposed legislation there.

Mr. SMOOT. Mr. President, the very question raised by the Senator from Virginia was discussed in the Committee on Finance on yesterday. Representative TILSON, either on Saturday or on Monday, though I think it was on Monday, came on the floor of the Senate and told me that there were some Members of the House of Representatives who insisted that if the Senate should consider the debt settlements bills first it would be contrary to the Constitution of the United States. I doubt whether there is a Senator who would take that position.

If the Senate should agree with the position I have stated, if that be the position of the House of Representatives—and I only speak of it from what I have heard Representative TILSON say—then the hands of the Senate of the United States would be tied, and this body could not pass a bill for the purchase of a piece of real estate anywhere unless such a measure had first passed the House of Representatives, because the money would have to come from the Treasury of the United States. The Constitution does not provide that bills "affecting the revenues" of the Government must originate in the House. I have conferred with 20 Senators at least and there has not been one of them who has not agreed with the position that the Senate of the United States could first act upon these bills.

Mr. SWANSON. Mr. President, if the Senator from Utah will permit me, further I desire to say that I agree with the Senator that there is no ground for the contention of the House of Representatives. I was simply discussing the matter from the standpoint of the best method of procedure.

I know when I was Chairman of the Committee on Naval Affairs I had added to the naval appropriation bill an amendment authorizing the sale of bonds. The bill itself originated in the House of Representatives, but that body refused to consider the amendment. They returned it to us immediately and it had to be eliminated, as I did not wish to have any contention and a delay of three or four days or more on that issue. The contention of the House then was that the selling of bonds was raising revenue, and they now insist that getting rid of debts is of the same character as selling bonds. I think that is a far-fetched contention, but we wish to have an orderly conduct of business and there is no use of getting into a contention with the other House as to which will consider the legislation first. The House of Representatives will have leisure to consider these measures after they shall have passed the revenue bill, and I see no object in having a row and wrangle precipitated and the matter consequently delayed. Let the House of Representatives first proceed with the measure and we can then consider them.

Mr. SMOOT. All I desire to say further regarding the constitutional provision is that the Constitution provides that bills for the raising of revenue shall originate in the House, and the legislation that authorized the creation of these debts originated in that body. The Constitution does not say that the House of Representatives must first consider legislation affecting revenue, but it refers to the raising of revenue.

Mr. NORRIS. I wish to ask the Senator if the bills providing for the settlements with Great Britain and the other countries did not first pass the Senate?

Mr. SMOOT. No; I think the House of Representatives acted upon those bills before we did.

Mr. NORRIS. I was under the impression that the Senate had first acted.

Mr. SMOOT. That may have been true as to one or two of the bills. I think, however, in all cases the House of Representatives first acted on the legislation, I will say to the Senator from Nebraska.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. Yes.

Mr. FLETCHER. The Senator, evidently, has the data and the material on his desk justifying these settlements, and I think it would be desirable to let the Senator proceed to explain the settlements and lay before us the information. Such a course will probably save debate. If he is ready to do that to-day, it might aid, I think, in promoting the final disposition of the measures.

Mr. SMOOT. I wish to say to the Senator that I am prepared to proceed at any time; but if these bills are not to be considered this morning, there is the aviation bill which Senators are anxious to have considered to-day. I told the Senator from Connecticut [Mr. BINGHAM], who has that bill in charge, that all I was interested in now was in getting these measures passed so that they might go to the House.

Mr. ROBINSON of Arkansas. Mr. President, there has been some understanding that a question of the highest privilege would be presented to the Senate to-day. I had understood that a resolution affecting the right of a claimant to a seat in the Senate would be reported and acted on to-day. Of course, if that resolution is not to be reported, if for any reason the Senate does not desire to proceed to the consideration of that question of high privilege, I think it would be entirely proper for the Senator from Utah to make a statement respecting these debt settlement measures. The Senate would like the information, even though the bills themselves are not now under consideration. It is perfectly apparent to me—and I presume it is to the Senator from Utah—that the measures can not be immediately disposed of, and for that reason can not be formally taken up at this time.

I wish, however, to express my dissent from any suggestion that the Senate is precluded from considering such bills until the House has acted on them. The provision of the Constitution is familiar to all Senators. It is found in section 7, Article I, and reads:

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The question naturally arises whether this class of bills may be properly designated as bills for raising revenue. Unquestionably they can not be so classed, even though the result may be to collect debts due the United States and to increase the fund in the Treasury of the United States. The term "revenue bill" has a significance which it is not difficult to determine.

Mr. SMOOT. The money represented by these debts was collected in 1919 from the taxpayers of the country; that is when the revenue was raised.

Mr. ROBINSON of Arkansas. This must not become a precedent.

Mr. SMOOT. Absolutely not.

Mr. ROBINSON of Arkansas. The provision can not be construed so as to prevent the Senate when it desires to do so and at an opportune time from considering measures that are not properly bills for raising revenue.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator from Utah how many of these settlements correspond substantially with the settlement of the English debt?

Mr. SMOOT. Four of them. I may add, however, that two of them follow the settlement made with Poland, which for a first few years allowed a partial moratorium; but where a 5-year partial moratorium was allowed the amount of the deferred payments, so to speak, was all added and spread over the other 57 years.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Utah permit me to ask the Senator from Idaho a question?

Mr. SMOOT. Yes.

Mr. ROBINSON of Arkansas. What is meant by the expression "correspond substantially with the settlement of the English debt"? Does the Senator mean that the United States is proceeding to collect the same or approximately the same percentage of the total obligations as in the case of Great Britain?

Mr. SMOOT. The same rate of interest and the same payments on principal.

Mr. ROBINSON of Arkansas. That is quite a different thing in its net result, as I understand, and it works out quite differently in these cases from the manner in which it works out in the British case. My information is that, as a matter of fact, the total amount, computing the interest on a normal basis, the basis of interest that is charged on the Liberty loans, Great Britain pays 82 per cent, Belgium 55 per cent, and Italy 27 per cent. We should not only take into consideration the rate of interest but we should consider also the terms and time of payment; and when that is done we find, I think it is fair to state, that Great Britain pays approximately 82 per cent, Belgium 55 per cent, and Italy 27 per cent, or something near those figures.

Mr. SMOOT. I will say to the Senator that is figuring upon the cash value to-day.

Mr. ROBINSON of Arkansas. Upon the present value of the debts.

Mr. SMOOT. Yes; upon the present value of the debts.

Mr. ROBINSON of Arkansas. And I think that is the fair way to determine what the payments are.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to answer his suggestion?

Mr. ROBINSON of Arkansas. I have not the floor.

Mr. SMOOT. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. There are four of these settlements; those with Rumania, with Latvia, with Czechoslovakia, and with Esthonia, that are substantially the same as the British, in that the present value of the amount to be received represents the same proportion of the debt as in the case of Great Britain; the interest rates are the same, and the period of payment is the same. The only difference is a trivial one in the adjustment of the payments during the first five years, but any shortage there is made up in one case by increasing the payments during the next five years, and in the others by increasing the payments during the next 57 years. In both cases, however, all deferred amounts bear the interest at the English rate; so that in those cases excluding Belgium and Italy, we have the British terms.

Mr. ROBINSON of Arkansas. I was speaking particularly of the important settlements, the settlements that deal with considerable sums. The cases to which the Senator is referring relate only to small amounts.

Mr. REED of Pennsylvania. Those were the cases to which the Senator from Idaho referred. I am only trying to answer his question about the amounts. They aggregate about $170,000,000 of principal. Nobody disputes them. I do not see why the Senator does not ask unanimous consent to get rid of those four right now.

Mr. ROBINSON of Arkansas. I have no objection to that course being taken.

Mr. REED of Missouri. Mr. President, I do not know whether we are going to dispute them or not dispute them.

Mr. SMOOT. That is what I thought.

Mr. REED of Missouri. I want to examine these bills, and I am going to examine them. I am going to know what I am doing. I saw this country make a settlement with Great Britain which, if it is carried through for the 66 years, and we have to pay the same interest that we pay now, with compound interest upon our payments, makes a difference to us of $2,200,000,000 at the end of 66 years.

Mr. REED of Pennsylvania. To answer that suggestion of the Senator, if he will permit me, we will probably pay in the next 62 years about an average of 3 per cent.

Mr. REED of Missouri. Very well.

Mr. REED of Pennsylvania. And if we do, we are going to get much more from these four countries than the amount that we will have to pay.

Mr. REED of Missouri. Let me answer the Senator. We put a proviso in the English settlement that at any time they can pay us in our bonds, so that if we refund our bonds at a lower rate of interest Great Britain gets the advantage of it, and if we do not refund them at a lower rate of interest we pay the difference.

Mr. REED of Pennsylvania. Why, if the Senator will think about that proposition for a moment he will realize that the amount we are paying on our bonds has nothing whatever to do with the amount of itnerest they owe us—of course not.

Mr. REED of Missouri. The Senator is mistaken.

Mr. REED of Pennsylvania. If they owe us 4¼ per cent or 3½ per cent interest, they will have to pay it. It is only a question of the medium of payment.

Mr. REED of Missouri. Yes; and they can immediately take our bonds, if we issue them at a lower rate, and hand them over to us in lieu of their debt; so that if our interest goes down they get the advantage of it, and if our interest stays up we pay the difference. That is all there is to that.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. HARRISON. As I understood the Senator from Utah, he concedes that there is a difference between the Belgian settlement and the Italian settlement, on the one hand, and the settlement with Great Britain on the other.

Mr. SMOOT. A great difference, I will say to the Senator.

Mr. HARRISON. A great difference. It amounts to billions of dollars in the case of the Italian settlement?

Mr. SMOOT. No; not in the case of the Italian settlement.

Mr. HARRISON. We have some figures to show that. I want to ask the Senator a further question. He wrote the Republican platform last year.

Mr. SMOOT. No.

Mr. HARRISON. Is that a compliance with the Republican platform on foreign debts, which I will read:

> In fulfillment of our pledge in the national platform of 1920 we have steadfastly refused to consider the cancellation of foreign debts. * * * Our position has been based on the conviction that a moral obligation such as was incurred should not be disregarded.
>
> We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain. * * *
>
> The justness of the basis employed has been formally recognized by other debtor nations. Thirty-five per cent of the total foreign debt is now in progress of liquidation.

Are the Italian and the Belgian settlements in compliance with that pledge?

Mr. SMOOT. Mr. President, if the Senator wants to go into the discussion of that matter——

Mr. HARRISON. That is easy to answer.

Mr. SMOOT. I will say that they are not the same as the British settlement in terms; but Great Britain is capable of paying the rate that she is paying now even more than Italy is the rates that we have agreed she should pay.

Mr. HARRISON. The Senator can say at least that it is as much of a compliance with that pledge as in the case of the other promises of the Republican Party in this platform?

Mr. SMOOT. Of course, every promise we make in that platform is going to be fulfilled. I have not any doubt about that.

Mr. REED of Missouri. When?

Mr. SMOOT. I do not think there will be much trouble about the settlements when fully discussed on a basis of ability to pay.

Mr. REED of Missouri. If the Senator will pardon me, what does he mean by "ability to pay"?

Mr. SMOOT. I mean this, Mr. President: It is very doubtful to me whether Italy can pay even what she has agreed to pay under the terms of the settlement. Taking into consideration her resources, her exportations, her importations, her income from every source, and her standing expenses for maintaining her Government, cut to the bone as they are, it is very doubtful whether she can pay even the amount that she has promised to pay the United States, especially when we take into consideration the fact that she owes Great Britain more than she owes the United States and expects to make the same terms with Great Britain that she has made with the United States.

Mr. REED of Missouri. Mr. President, if the Senator will pardon me, this doctrine of "ability to pay" is a new doctrine.

Mr. SMOOT. It is not a new doctrine in business, Mr. President.

Mr. REED of Missouri. Yes; it is a new doctrine in business as the Senator applies it. When a creditor wants to take the benefit of the bankrupt act and be discharged under it—which is only a matter of grace under the law—he turns over all of his assets. He does not say that his ability to pay is according to his net income. We are settling with these countries upon the basis of the Government being able to pay out of its revenues that it now collects——

Mr. SMOOT. Oh, no, Mr. President.

Mr. REED of Missouri. And not going into the capital account of its people.

We, however, are canceling a debt which rests upon this country because our people went into their capital account and took their money and put that money into these obligations which we loaned to Italy, and Italy should at that time have given us her bonds similar in terms as to ultimate payment and as to interest and as to every other term to the bonds which we issued to the American people.

Mr. MOSES. Mr. President, may I ask the Senator a question at that point?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. REED of Missouri. I hope the Senator will let me complete the sentence. Now, Italy did not do that.

Mr. SMOOT. And Italy could not do it.

Mr. REED of Missouri. Italy at least can carry out her obligations and issue her paper to us. It is now proposed to say that the Italian Government, not having sufficient revenues at the present time to pay, shall be substantially released from the payment of this debt. I have not had time to examine this document, but if I have been correctly informed we are in substance and effect canceling the greater part of the Italian debt.

Mr. MOSES. Mr. President, may I now ask the Senator a question?

Mr. SMOOT. Before the conclusion of the debt payments she will pay us about $2,407,000,000.

Mr. REED of Missouri. In what?

Mr. SMOOT. In money.

Mr. REED of Missouri. In interest?

Mr. SMOOT. In interest and principal.

Mr. REED of Missouri. I shall have some figures on the proposed settlement, and I think I shall be able to demonstrate that it amounts to a repudiation of the greater part of the Italian debt.

Mr. SMOOT. I will say to the Senator that taking the present value of the debt I agree with what he says, if figured on a basis of 4¼ per cent interest for the full 62 years, and that is the way the present value is arrived at. However, I have here the figures on what 3 per cent amounts to, and I will say to the Senator that for 50 years before the war the average rate of interest that was paid by Great Britain was 2.9 per cent; and I can not conceive of the world being in such a condition that for the next 62 or 57 years the rate of interest that will be paid by any first-class country will be 4¼ per cent.

Mr. REED of Missouri. What does the Italian Government pay under this agreement?

Mr. SMOOT. In total?

Mr. REED of Missouri. No; annually. What stipend does it pay—1.8 per cent, is it?

Mr. SMOOT. No; it begins at one-eighth of 1 per cent, after five years on which at first there is no interest, though it is made up later. Then it proceeds until it reaches 2 per cent. That is the settlement, Mr. President.

Mr. REED of Missouri. I undertake to say that we had better have paid to us in cash to-day a few hundred thousand dollars and employ the cash to take up our 4¼ per cent bonds. I have not figured it out, but I think it can be figured out.

Mr. SMOOT. Oh, no, Mr. President.

Mr. MOSES and Mr. McKELLAR addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield to either Senator.

Mr. McKELLAR. I want to ask the Senator this question: He speaks of the ability of Italy to pay. I saw in the papers a few days ago that perhaps within 10 days after this settlement with the American Debt Commission the Government of Italy floated in this country $100,000,000 of bonds at par. If that can be done, it seems to me that Italy is not bankrupt, to say the least; or were the bonds conditioned upon this settlement?

Mr. SMOOT. Mr. President, if the various foreign countries are ever going to get back to a normal condition, the only way they will ever do so and make their currency a stable currency is to get some gold back of it; and those loans are made for that purpose—the stabilizing of their currency.

Mr. REED of Missouri. The loans are made for that purpose, and run for how many years—66 years?

Mr. SMOOT. I am speaking in answer to the Senator from Tennessee of the loans that were made from New York.

Mr. REED of Missouri. Of course, if we permit them in substance and effect to repudiate their debt to us, I grant you that that will make their credit very good with the bankers of New York who are loaning them money at 6 and 7 and 8 per cent.

Mr. SMOOT. If they repudiated their obligations to the United States, they could not borrow a dollar from the bankers of New York.

Mr. REED of Missouri. No; but if we graciously whitewash the repudiation for the benefit of the New York financiers—I do not speak of them disrespectfully; the international financiers—if we will just release our loans, or reduce them to nothing, of course then they can borrow money from these gentlemen; but what is the matter with looking after Uncle Sam a little bit in this transaction?

Mr. SMOOT. I think that is exactly what the commission have been doing—looking after Uncle Sam. The Senator from Missouri says that this settlement is based upon their income at the present time. That is not the case. When we take into consideration the situation that exists in Italy to-day, with no coal, no iron, no phosphate, nothing but man power——

Mr. REED of Missouri. How much of a standing army have they?

Mr. SMOOT. It has been reduced to a little above what it was before the war.

Mr. REED of Missouri. That is indefinite. What was it before the war?

Mr. SMOOT. I have not those figures before me now. I did not bring them here. I did not suppose the question of standing armies would come up, but I will give the number

to the Senator if he desires. I shall be glad to furnish it to him.

Mr. REED of Missouri. I will have the figures before this debate is over.

Mr. SMOOT. When we take into consideration the resources of Italy, I want to say to the Senate of the United States that the settlement which has been made is the only settlement that they would possibly undertake to carry out. I hope they will be able to do so, but I have my doubts.

Mr. NORRIS. Mr. President, if this settlement is being made on the basis that Italy can not pay one hundred cents on the dollar of what she owes, may I ask the Senator why it is that that concession and reduction of debt is only made to apply to what she owes us and does not apply to everybody else? If Italy wants to get the benefit of the same procedure that a bankrupt does, then she ought to put on the table all her assets and her indebtedness, and everybody else to whom she owes money ought to be required under a bankruptcy settlement to accept the same settlement that we must take.

Mr. SMOOT. An individual can go into bankruptcy; a country can not very well do so.

Mr. NORRIS. I do not like to have a country go into bankruptcy as to us and not as to anybody else.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me to answer that?

Mr. SMOOT. In relation to that, I will say that France's largest creditor, England, will never get a better settlement with Italy than we have made with her. In fact, it would be perfectly useless to try to get better terms. There is not enough produced from the soil of Italy and from all their resources, their man power, and everything else to pay the obligation to England and to the United States upon the same basis on which England settled with us. It is an absolute impossibility, and that can be demonstrated.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me to add a word there?

Mr. SMOOT. Certainly.

Mr. REED of Pennsylvania. The Senator from Nebraska asks why they do not treat their other creditors as harshly as they treat us. They have two other creditors; first, the vast mass of owners of Italian internal bonds, a floating debt, and they have repudiated, if you please, or canceled, 80 per cent of that by the depreciation of their currency to the stabilized value of about 4 cents for a lira that was loaned to them in gold value at 19.28. There, in that fact alone, with the stabilization of the lira at about 4.5, they have canceled about 80 per cent on all of their internal debt, and on any calculation that is reasonably made as to the present value of the settlement they are paying us over 40 per cent in principal and interest that is due to us.

Mr. NORRIS. This reduction has come about by a juggling of their financial system.

Mr. SMOOT. It is no juggling; it is a reality.

Mr. NORRIS. Are they going to pay Morgan & Co. this big loan upon the same basis on which they are going to pay us? Are they expected to pay them a hundred cents on the dollar?

Mr. REED of Pennsylvania. Of course, they promise to pay in full for the new money they are getting now.

Mr. NORRIS. Yes; but they promised to pay in full for the money they got of us, and if they do not pay it because they can not pay it, because it is impossible, then why not apply the same rule to every one of their creditors?

Mr. SMOOT. Let Mr. Morgan look out for that.

Mr. NORRIS. Yes; but Mr. Morgan is looked out for already to get 100 cents on the dollar, and Uncle Sam is looked out for to get 40 cents on the dollar.

Mr. HARRISON. How much interest did they pay Morgan & Co.?

Mr. SMOOT. Seven per cent.

Mr. REED of Missouri. What was the brokerage charge?

Mr. REED of Pennsylvania. It was a pretty liberal discount. I imagine they paid about 9 per cent to get the money, simply because their credit is so low they could not get it at any better rate.

Mr. REED of Missouri. Exactly, and we find the representative of the house of Morgan & Co. getting up and denouncing the Senators as being "last ceniers"; yet Morgan & Co. are taking 7 per cent interest and 9 per cent discount, and they are lending money to Italy.

Mr. REED of Pennsylvania. There is just this difference—I did not know the Senator was so thin-skinned that he cared about what Morgan thought about it——

Mr. REED of Missouri. I do not, except that that bank and its satellites have been carrying on a tremendous propaganda here to influence our foreign relations. That is the only objection I have to it.

Mr. REED of Pennsylvania. There is this difference: We have our money in, and he had his money in his pocket. If it were a question of our lending to Italy to-day for Uncle Sam, we ought to ask 9 or 10 per cent, and I think we ought to hesitate a long time before lending at that rate. But our money is in, and his is not. That is the difference.

Mr. REED of Missouri. Our money, being in, is to be sacrificed, and Italy's credit is to be restored for the benefit of a lot of gentlemen who are charging these extortionate rates of interest.

Mr. JOHNSON. Let me add that contemporaneously——

Mr. SMOOT. Just a moment.

Mr. JOHNSON. Just one sentence, if the Senator will permit me. Contemporaneously with the settlement of our debt a loan is made by Morgan & Co. at 7 per cent interest, and the interest that is given to the people of the United States upon their debt is one twenty-eighth what Italy pays to the house of Morgan.

Mr. HARRISON. In that connection, will the Senator state——

Mr. SMOOT. Mr. President, if I were a banker and were dealing with a bankrupt country—and that is what Italy will be unless she has help—I would make the best terms I could with her in the hope of getting something out of the wreck.

Mr. REED of Missouri. Since the Senator referred to the fact that he was a banker——

Mr. SMOOT. I did not. I said if I were a banker.

Mr. REED of Missouri. That is what I meant. If I were an American banker, I would tell the representatives of any foreign country that came to me to borrow money that it first must deal honestly with my country before it got any more money from me.

Mr. SMOOT. Mr. President, when this matter shall come before us for action, so that we can talk long enough to explain the reason why this action was taken upon it, and when the country understands the situation in Italy and why the settlement was made on terms to which some are objecting, I think there will be a different feeling than manifested here to-day.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SMOOT. Certainly.

Mr. HARRISON. The Senator has before him all kinds of figures about this subject matter, I know. Will he tell the amount of interest Italy is to pay, according to the agreement made with Italy, or the amount the Italian taxpayer is to pay?

Mr. SMOOT. Yes; I can tell the Senator exactly.

Mr. HARRISON. The figures I have are $365,677,000. They were made by the actuary, so I presume they are the same as those the Senator has.

Mr. SMOOT. The Senator has taken the amount due on June 15, 1925, and the amount of interest to be paid then was just what would be paid during each of the 62 years.

Mr. HARRISON. The point I want to get at is that the interest the Italian taxpayer pays is approximately $365,000,000 under the terms of the agreement.

Mr. SMOOT. Oh, no, Mr. President.

Mr. HARRISON. Then the actuary is all wrong, and the Senator from Utah is absolutely right.

Mr. REED of Pennsylvania. There is $390,000,000 of interest from Italy to us already accrued which they agreed to pay, so that figure must be wrong.

Mr. HARRISON. Interest to November 15?

Mr. SMOOT. To June 15, 1925, $355,000,000.

Mr. HARRISON. Has the Senator figures showing how much that same money will cost the American taxpayer during the operation of this agreement, at the 4½ per cent rate?

Mr. SMOOT. I know what the Senator is driving at——

Mr. HARRISON. If the Senator has not the information, I have. It is $3,680,000,000, the American taxpayer paying just $3,000,000,000 more than the Italian taxpayer pays.

Mr. SMOOT. Mr. President, the amount the Italian taxpayer pays is $2,407,677,500.

Mr. HARRISON. The Senator is including principal and all. I am talking about the interest that he pays under the terms of this agreement.

Mr. SMOOT. If the Senator wants to know the exact amount, I can tell him.

Mr. HARRISON. The Senator gave it to me—$355,000,000.

Mr. SMOOT. That is not what they are going to pay. They pay the difference between $2,042,000,000 and $1,648,000,000 in addition to the $355,000,000. We have added that amount on interest to the principal debt, as I have already stated.

Mr. HARRISON. The Senator gave me the figures $355,000,000 a moment ago, from some date in 1925—June, I think——

Mr. SMOOT. June 15, 1925.

Mr. HARRISON. As the amount of interest the Italian taxpayer pays, accofding to the terms of the agreement. I asked the question to show that the American taxpayer at the same time would pay $3,680,000,000.

Mr. SMOOT. That is not what the Senator stated. The Senator stated that the $355,000,000 was all the interest they would pay; but that is not so.

Mr. REED of Missouri. Mr. President, the Senator talks about the accrued interest. We borrowed from the American people every dollar of what is termed the principal of the Italian loan, did we not? And we paid out of taxes levied on the American people the interest at 4¼ per cent. We are out that interest and that principal, just as much out the interest as we are out the principal, for we have paid the interest. What is the use of distinguishing between the money we loaned Italy and the interest which we have paid on the money we borrowed to loan them? We are out that much money.

Mr. SMOOT. If we had not paid it, or it had not been in the account, the Senator from Mississippi was correct.

Mr. REED of Missouri. It was in the account.

Mr. SMOOT. I was answering the statement of the Senator from Mississippi.

Mr. REED of Missouri. It was in the account. When they got this money from us, instead of Mr. McAdoo saying, "Hand me a bond conditioned as the bond that we have given is conditioned," he took from them an obligation in lieu of that that they would give bonds, and in the meantime they would pay 5 per cent. Nobody, I think, will say that we want to collect a penny more from them in interest than we had to pay. The moral obligation running through that contract was that they would make good to us dollar for dollar the money we loaned them and the interest we had to pay on it. So, when they talk about cutting off the interest, let us remember that interest has already been paid by the taxpayers of America, and we are out that money just the same as we are out the money on the bonds. Italy owes us a certain amount of money, which we have paid out for her benefit. Part of it is interest and part of it is principal, and that is her debt to us to-day. She has no more right to repudiate the interest than she has to repudiate the principal.

Mr. HOWELL. Mr. President——

Mr. SMOOT. Let me answer this, and then I will yield to the Senator.

I want to assure the Senate and the American people that it has been my policy to make the very best settlements possible to be made, taking into consideration the ability of the countries to pay the obligations they undertook to assume. I am positive, as positive as I live, that if we had not made this settlement with Italy we would not have gotten any settlement. I do not know what is going to happen. When France's representatives first came over here they bluntly told us that they did not owe us anything. I think the Italian people have been led to believe that there was not to be anything paid on this debt, that it was a political debt. I have heard no Italian representative state that, but I know that the people have not expected to pay.

What happened when the Parmentier commission came over here and made a gesture of a settlement? At that time the franc was at about 12¾ cents. I made the statement then in conference that unless a settlement were made there could be but one result—their financial affairs would be unbalanced and unsafe, and that the franc would decline; that the French franc can not help declining until there is some kind of a settlement of her obligations with England and the United States, and, in addition to that, a loan whereby she can say that back of the currency she issues and the franc that is authorized by her Parliament stands the gold to make her franc secure.

There has to be a settlement before long. They have to get some money somewhere or the franc will go down, just as the German mark went down; and such a thing would be a distinct loss to America, let me say, to see France go to the dogs financially. That would not help the United States and would not help the world, but the contrary, and the quicker we can get the balance of the world on a stable basis, their currency stabilized so that every man knows that just what he receives is worth every cent it is represented to be, the better off we will all be. To-day that is not the case. I hope the time will come when that may be done, but it will never be done by demanding that they pay the same rate that England pays, because, I say to the Senator from Missouri, it can not be produced from the ground; it can not be made from labor; and the foreign government has got to live and can not possibly make a surplus to pay the interest that would be imposed upon them by any such a settlement as he demands.

Mr. SIMMONS. Mr. President, I want simply to make an inquiry of the Chair. Has unanimous consent been given for the consideration of the bills presented by the Senator from Utah?

Mr. REED of Missouri. It has not.

The VICE PRESIDENT. Unanimous consent has not been granted.

Mr. SMOOT. I withdrew the request.

Mr. SIMMONS. What is before the Senate?

The VICE PRESIDENT. There is nothing before the Senate in the regular order.

Mr. SIMMONS. Does the Senator from Utah abandon his motion to take up the bills?

Mr. SMOOT. I abandoned my request to take them up by unanimous consent, because of the fact there was an objection, and I could not do otherwise.

Mr. SIMMONS. I was going to suggest to the Senator that he make a motion, if he wants to discuss the bills now, and not take up the time of the Senate with matters not before the Senate.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. REED of Missouri. May we have the first bill on the calendar reported, and I then desire to address the Senate.

Mr. HOWELL. Mr. President, I would like to make a statement in reference to this Italian debt. The total amount carried upon the books of the Treasury as of June 15, 1925, was $2,150,000,000.

Mr. SMOOT. No; $2,042,000,000.

Mr. HOWELL. I beg your pardon; the Foreign Debt Commission agreed to a discount at once of $108,000,000 from the amount carried upon the books of the Treasury. The total carried on the books of the Treasury as presented to the Italian Government was $2,150,000,000.

Mr. SMOOT. It was not that. It was to be that amount, provided we charged the full 4¼ per cent from 1922 up to June 15, 1925.

Mr. REED of Missouri. Why should we not charge it?

Mr. SMOOT. And that was because of the fact that England had not paid more than 3 per cent.

Mr. REED of Missouri. That is a fine reason!

Mr. SMOOT. Three per cent brought it to $2,042,000,000, but, if the 4¼ per cent were charged, the Senator's statement is correct.

Mr. HOWELL. I obtained this information from the Treasury Department. The total payments, interest, principal, and everything, that Italy is to make is 1.8 per cent upon that amount, $2,150,000,000, for 62 years and then the debt is automatically canceled. We do not get a dollar of the principal. We get 1.8 per cent of the principal for 62 years and then the debt is canceled. During that period we pay the difference between 4¼ per cent, the interest rate on our taxable Liberty bonds, and 1.8 per cent, or 2.45 per cent. These interest payments will exceed $3,000,000,000 during that period, and with the cancellation of the debt it means that at the end of 62 years the Italian debt will have cost the people of the United States over $5,000,000,000. That is the settlement that has been made. We do not get a dollar of principal. We get 1.8 per cent interest merely for 62 years and then Italy is through. All that is necessary to do for proof is to divide the total payments to be made, $2,407,677,500, by 62 and then determine what rate of interest each of those sixty-second parts is upon $2,150,000,000.

Now if the representatives of the Italian Government came over here and stated "That is all we will pay," the people of the United States ought to know that fact. The last or sixty-second payment to be made is something over $90,000,000. Does the debt commission mean it to be inferred that at the end of 62 years the Italian Government will have exhausted itself? Could it not pay another $90,000,000 in the sixty-third year?

Mr. SMOOT. They have only paid $5,000,000.

Mr. HOWELL. I say that in the sixty-second year the payment is to be in the neighborhood of about $90,000,000. Are we to understand that the Italian Government said in substance "We will pay for 62 years and then we will stop and we will not pay you another dollar?" "We will repudiate." Why could they not pay an equal amount in the sixty-third year and in the sixty-fourth year?

I am willing to go as far as anyone in the settlement of the debts of these countries, but I think we ought to treat them as any banker would treat his customer. He would say "Yes, I will help you. I will not press interest demands, but

if you ever can pay you ought to pay. In the meantime pay what you can." That is my position respecting the matter. If the representatives of the Italian Government came over here and announced that the sixty-second year's was the last payment they would make under any circumstances, tell the people of the United States the facts. Do not try to mislead them into believing that they are going to collect this debt, under the terms of the settlement made, because they will not. At the end of 62 years we will still owe at least $2,150,000,000 of our war debt, and up to that time we will have paid 4¼ per cent interest unless we issue renewal bonds free of taxation. Therefore, after deducting all the Italians agree to pay us we will pay in addition over $3,250,000,000 during that 62 years, in interest alone, and then cancel the debt, meaning that this debt will have cost the American people about $5,400,000,000. I do not believe that is the kind of settlement the people will approve.

Mr. CURTIS. I ask that the unfinished business be laid before the Senate so there will be something pending before the Senate.

The VICE PRESIDENT. The Chair lays the unfinished business, Senate bill 41, before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. REED of Missouri. Mr. President, I had intended, and intend yet, to invite the attention of the Senate to an analysis of some of the debt settlements in order that the Senate may have information before it upon which to act.

resolution this morning, which went over until to-morrow morning.

May I have the attention of the senior Senator from Kansas?

Mr. CURTIS. Certainly.

Mr. REED of Missouri. I was stating that in order to get the information upon which the Senate could act with reference to these particular debt-settlement bills I introduced a resolution this morning asking for an investigation of certain facts which bear upon the debt settlement and bear upon the propaganda behind them. The Senator from Kansas asked that the resolution go over until to-morrow morning, stating that he had had a consultation with the Senator from Idaho [Mr. BORAH]——

Mr. CURTIS. I stated that I had not had a conversation with the Senator from Idaho.

Mr. REED of Missouri. Yes; that is correct. Subsequently the Senator from Kansas made the statement, but he made it to me privately. I want to know now if the Senator from Kansas will not consent that we may take up that resolution for consideration?

Mr. CURTIS. I could not consent at this time.

Mr. REED of Missouri. Very well.

Mr. President, what I am about to say touching this settlement will, in view of the fact that the information has not yet been obtained, be only of a general character; but I want to call attention to a few facts which I think the Senate ought to consider and as to which I think the country ought to be advised. If I begin back a little ways, it is for the sake of making, if possible, a logical statement.

When we were in the war the European countries came here and asked for aid. We passed three bills authorizing the borrowing of money wheresoever it could be borrowed; but, of course, it would come chiefly from the American people. We provided in those three acts that loans could be made to various foreign countries for the purpose of enabling them to carry on the war. Each of the acts contained a clause that the money should be paid to them upon their delivery to us of their obligations conditioned as to payment and as to interest and as to all other conditions as our bonds were conditioned, the idea being that while we would borrow this money from the American people the American people would never be taxed a single dollar for either interest or principal, because the foreign country borrowing the money would be obligated to pay us the same amount of interest that we were paying for the money we had borrowed to loan them, and in the end would pay the principal at the same time our bonds matured, and thus we were simply loaning to those countries our credit, and it was not, in fact, costing our people any money.

That agreement the then Secretary of the Treasury violated. I do not say this in harsh criticism, because we were engaged in war. Instead of receiving their bonds he took from them an obligation in writing conditioned that they would give the bonds thereafter and that in the meantime they would pay 5 per cent interest. So we borrowed this money from our people and told them they must pay until they were bled white; and they all paid this money to our Government upon an implied contract between them and the Government that they never would be taxed to pay either the interest or the principal or any part of it.

That is the starting point. The war was fought out. I do not say America won the war, but I do say that if America had not entered the war it would not have been won by the parties who did win it. Then came forward a propaganda by international bankers—and I have no enmity against bankers, but it came forward from the international bankers—that America should cancel the indebtedness of foreign countries to America. It came from the house of Morgan. It came from all of these gentlemen who had themselves been making loans. The Morgan house had negotiated some billions of dollars of European securities. Of course that house knew and all other international bankers and financiers knew that if the United States would cancel the indebtedness due to the United States Government their private loans would immediately be much nearer the point of payment. It was this cry from these bankers and financiers who were engaged in international speculation, who had loaned their money at immense discounts and at high rates of interest, which, in my opinion, first planted in the brains of European statesmen the thought that all they had to do was to stand out, and finally they could force the United States to cancel the indebtedness they had solemnly obligated themselves to pay.

Mr. President, we are confronted by the situation to-day that a new doctrine has been set up; the doctrine of "ability to pay." What is the ability of a nation to pay? Who can look into the future and say that the present ability of a nation to pay is its final ability to pay? The fact is that certain nations stand before us to-day, in substance and effect, repudiating their debts.

I want to call the attention of the Senate and the country to one fact which they may contrast with this attitude. Russia had been under a diabolic form of government for centuries. Her people had been oppressed to a point that is indescribable. Their laws were represented by a Cossack on horseback, with a rifle thrown across his saddle bow, and a knout lashed to his wrists to lay across the naked backs of an oppressed people. About ten men out of a hundred had been permitted to learn how to read and write. At last that ignorant and oppressed population arose and overthrew its rulers, overthrew that old government entirely. Then they said, "We will not pay the debts of the old government that incurred those debts in oppressing us." Because Russia said that, the world refused to do business with her; nations refused to receive her representatives; and this country led in that movement. Russians came here with gold wanting to buy American goods, and they were told that the gold would not be coined at our Treasury. The great reason offered by our Secretary of State for ever refusing to recognize Russia was the fact that Russia had repudiated her debts. That was the same reason that was offered by Great Britain for a long time and also offered by other European countries for refusing recognition to Russia. I am not here at this present moment to criticize our Secretary of State for taking that attitude; it may have been a wise attitude; I do not care to commit myself upon it at the present time.

What is the spectacle presented in these countries coming here and saying, "We will not pay our indebtedness in full; we will not even sign our promissory notes agreeing to pay you at some time in the future; we will not issue new notes in lieu of the old notes which you now hold in the form of the agreement"—of which I have spoken—"and we will pay you or not pay you as we please; but, if we pay you at all, we will pay you but a small part of our debt." That is how it figures out; we need not deceive ourselves at all. Until the $10,000,000,000 we borrowed and loaned to Europe has been wiped out we must pay the interest at 4¼ per cent up to date—whether it ever can be reduced or not is a question for the future—and we must finally pay the principal. We can not repudiate, though they propose to repudiate by saying, "We will only pay a small part of the indebtedness," on the ground that presently, at this time, they are so situated that they say their governments can not raise more money. Then we are told that we must accede to that, because if we do not their currency will fall in value and their governments will get into trouble.

Mr. President, so far as I am concerned, I am opposed to America undertaking to act as guardian ad litem for all the other nations of the world. I am opposed to America undertaking now, notwithstanding the fact that we expended first and last probably $50,000,000,000 in the World War, in which we had only a small concern compared with other countries, to stand back of the finances of other countries and restore

their lire and their francs to full value. We owe no such obligation to them and we ought not to undertake it.

Mr. SMOOT. And we are not undertaking to do so.

Mr. REED of Missouri. But it was the point of the Senator's argument that if we did not do this their money would still continue to tumble. I say let it tumble until they learn that a nation can not repudiate its honest debts and still have credit in the world. Let it fall. That is their business and not ours.

But let us see where we come out in this business. They say they must now borrow more money, and they borrow that money and expect to pay it. They are paying 9 or 10, and I think, if the truth were found out, in some instances 15 per cent discount on the original loan, and then they are paying 6 or 7 per cent interest, and I am informed that as to one of the last loans of a hundred million dollars made by Morgan & Co. to one foreign country Morgan & Co. not only took out their discount in advance but then stipulated that $50,000,000 of the money should be paid to Morgan & Co. upon an old loan. I may be incorrect in that statement, but I do not think I am; that is my information; and that is the reason, or one of the reasons, I want this resolution passed, in order that we may find out the facts.

Let us follow this matter a little further. The United States borrowed some other money from the American people and loaned it to the farmers of this country, and the farmers found themselves in a very bad situation because of other conditions growing out of the war. They found their markets largely destroyed; they found themselves in a pinch; they found they were unable to pay the mortgages upon their farms; they found their homesteads being sold. It was a lamentable condition and one that the Senate has spent many hours considering.

Why not give to our farmers the same consideration we are going to give to foreign countries? Why not borrow more money and then proceed to loan it to our farmers, and to stipulate in the loan "You shall pay this if you are able to pay," and then construe the clause "if you are able to pay" as meaning if you are able to pay out of your net income? We do not do that way with our farmers. If one of them has borrowed from one of the farm-loan banks and he can not pay the debt, his mortgage is foreclosed; we take his farm, we take his goods, his wares, and his chattels, because that is business; we take his capital; but when it comes to the money which we loaned to Italy it is proposed to say that they shall pay according to the income of their Government. Well, their Government would have more income if it laid more taxes in Italy. Oh, they can not do that, it is said, because the people will rebel or do something else. There is not one of them over there that is not living on a higher plane than before the war and spending more money.

Let us take France; that nation affords a good example. What is France doing to-day when she says she can not pay us what she owes us and what she agreed to pay us? She is down in Africa trying to conquer a free people. Spain and France are united in destroying the liberties, in stealing—"stealing," I use the term in all its nastiness—the land, stealing the liberties of a people that were free people when the inhabitants of France were wearing the skins of wild beasts. Down there stealing land and expending millions and millions of dollars, and then saying that she is so poor, because she is spending her money to steal these lands and to oppress these people, that she can not pay us.

Mr. President, I send to the desk and ask to have read as part of my remarks a very illuminating article by a distinguished lawyer of Chicago, Mr. Levinson. I think the article will throw some light on this situation.

The PRESIDING OFFICER (Mr. COUZENS in the chair). Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

CAPACITY TO PAY

Phrase making has an irresistible attractiveness both to the maker and the hearer. International conferences have worked this side of the street to the limit; indeed, it is not too much to say that international phrases, coined from time to time, have indefinitely prolonged the infamous visit of the war system to this planet. Now, this highly prized process has been carried over to the economic field. Recently a new financial philosophy has been invented and put to emergency use, entitled, "Capacity to Pay." Of course, this means a debtor's capacity to pay his creditor. At present this invention is in the sole monopolistic use of governments. But the contagion may spread. Debtors generally may be eager to expose themselves to the negative germ of "incapacity to pay."

It should be admitted at the outset that there are some conditions under which the expression "capacity to pay" seems to be relevant and really has some sense. If I go to the bank to-morrow and ask for a loan of $50,000, my "capacity to pay" would seem to be a very important thing for the banker to inquire into before he lets go of the money. And again, if I owe a lot of money and don't pay it, go into bankruptcy, turn over all my assets, and my entire estate is thoroughly investigated, then my "capacity to pay" can be ascertained by establishing a ratio between all my assets and all my liabilities. This, however, is rather the capacity of my assets to pay than my own capacity to pay, for it takes no account of my future capacity to pay.

But in the international field it is not so. There is no such inquiry as "capacity to pay" when the money is borrowed. The United States would not have insulted France or Belgium or Italy by inquiring of their respective capacities to pay when the money was loaned, or when the goods were sold.

This would be too much like sordid business relations and the "100 per centers" would have screeched like so many eagles. No; the new philosophy of "capacity to pay" looms on the horizon on the very day when the debt comes due. And, mark you, this capacity to pay is not determined as it is in common business affairs by a balance sheet of assets and liabilities. Not at all. Some theoretical experts on each side figure out by the charted curves of the franc or the lire, or by the processes of inflation and deflation that have marked the past half century, or by a lot of bewildering statistics neatly prepared, what the new-fangled governmental "capacity to pay" of a reluctant debtor is. It never occurs to the debtor government to turn over to the United States any of its assets even located handily in this hemisphere; it apparently never occurs to our Government to ask for assets to be turned over as security or in payment. That is not the way governments do business with one another. Only sordid business men and bankers do that. The French, having tried for something like four years to secure an utter cancellation of our debt, finally shifted gears and proceeded by degrees to offer an amount that sounds to the uninitiated ear like full payment, but which in fact is equivalent to about 25 cents on the dollar in real money; that is, in the kind of money they got from us.

Some strange factors enter into France's capacity to pay. For example, her present capacity to pay is manifestly reduced by the paramount necessity of waging a "righteous" (?) war against the Riffians in Africa. The hundreds of millions of real dollars thus required would seem to take easy precedence over the payment of her honest debt to our country.

Where does this lead to? What becomes of honesty, common sense, and honor if this elastic, absurd, treacherous principle of "capacity to pay" is to be established in our economic life. If Mr. Mellon, for example, were to let the debtors of the Mellon National Bank retain their assets and compromise their indebtedness to the bank largely on the basis of their own figuring as to their "capacity to pay," the Mellon National Bank would be blotted out of existence within 24 hours. And the same would be true, of course, as to all other banking institutions.

Suppose, further, that the large issues of bonds sold to our citizens by the international bankers on behalf of the French Government and French municipalities, when they come due from now on, are to be paid according to the "capacity" of France and her municipalities to pay. Judging by the offers of compromise lately made to the Caillaux Commission our Government's judgment as to France's "capacity to pay" is not to exceed 40 cents on the dollar. The French "capacity to pay" being thus established, are these other bonds, sold by the international banking houses, also to be compromised for 40 cents on the dollar? If not, what becomes of this new great theory? Is it to be applied to dealings between governments and has it no application to debts owing by the same government to individuals and banking houses? If so, then France will pay the bankers' bonds 100 cents on the dollar, principal and interest, but will pay our people's bonds less than 50 cents on the dollar.

Take the case of the Chicago, Milwaukee & St. Paul Railroad. This road was taken charge of by our Government in war time for war purposes and it is claimed the railroad was much the worse for the Government's wear. During the war the Government loaned to the St. Paul road, which was under its own control, $55,000,000 at 6 per cent interest, compounded.

About a year ago the distressed St. Paul road tried to get relief from the 6 per cent rate of interest, but the Government refused to change the written obligation or to grant any relief. The capacity of the St. Paul road to pay was then, or at least is now, well known of all men. It has become bankrupt. It is in the hands of receivers. Our Debt Commission has just settled the prearmistice debt owing by Belgium to the United States for about 1¾ per cent interest, payable annually for 62 years, whereupon the entire principal is to be canceled. Will the United States Government make the same settlement with its own citizens, the stockholders of the St. Paul Railroad, that it made with the citizens of Belgium? Or will our Government give

the St. Paul road the 40 per cent compromise already offered France or even reduce the interest to 1 per cent for the next five years as just offered to France? If not, why not? If "capacity to pay" has any economic sense, here is a case to which it could easily be applied. By a "Belgian" or "French" settlement of this St. Paul debt the Government could enable the railroad immediately to get out of receivers' hands, with resulting boon to the thousands of stockholders and bondholders who are American citizens. But the Government would consider this paternalistic, unscientific, socialistic, or communistic. That is the same view it took when the farmers of the West, crying for help, were refused governmental aid. If it is paternalistic and unscientific for our Government to give our farmers a hundred or two hundred million dollars, why is it not at least equally paternalistic and unsound to give hundreds of millions of dollars, yes, billions of dollars, to aliens?

The money owing to our Government by France and Belgium is the people's money. The international bankers sold bonds on private loans to some of our people, and these bonds are owned by some of our people. The French debt under discussion is owned by all of our people. Why is it that the money of some of our people is sacrosanct, whereas the money of all of the people is something like stage money, the melodramatics taking place on the international stage? Also, why is it that "some of the people" can get 8 per cent interest from foreign governments for their money, while "all of the people" can get not to exceed 2 per cent or 3 per cent interest from the same governments? Is the people's money counterfeit? Or have we reached a stage of internationalism in which the money of the American people belongs in large part to the community chest of the world?

No wonder the French people laughed when they first saw our income-tax lists and read names of our gullibly honest citizens who pay their tax debts. The French propose to levy no income taxes for our debt. Their program as disclosed here called for a total amount of money to be paid to all France's creditors very much less than the amount France is to collect from Germany alone. This means that France is not willing to tax herself one dollar to pay us any part of our debt, principal or interest. What kind of "capacity to pay" is this? A very large part of our Government's income is derived from income taxes. We pay either the largest or the next to the largest income taxes of any country in the world. France has the same power to levy income taxes that the United States has. Our own "capacity to pay" would be seriously crippled if the power so to tax or the willingness so to tax our people were taken away. Now, either France is unwilling to collect income taxes from her own citizens to pay her honest debts, or her citizens are unable to pay income taxes and are bankrupt. No one in his right mind believes that either the French Government or the body of French citizens are bankrupts. Therefore, if France has no "capacity to pay," based on income-tax collections, it must clearly be because of her unwillingness to enforce such taxation. That is to say, France is perfectly happy to have us enforce burdensome income taxes on our citizens and wholly unwilling to pursue the same policy with her own citizens. It seems that France has great "capacity to borrow" in war time and little or no "capacity to pay" in peace time. If this financial philosophy is to be adopted, suppose it be widened so that our Government will loan money to another government on that government's "capacity to borrow." That will fix the amount of the loan. Then the question of payment back will be solved by the capacity of that same government to pay, both "capacity to borrow" and "capacity to pay" to be determined by the debtor nation. This would make an ideal quixotic foreign policy, and we surely ought thus to escape the epithet "Shylock."

The recognition and adoption of any such theory of payment by debtors as "capacity to pay" will threaten the whole structure of credit, honor, and confidence in commercial relations. Under the guise of this specious principle the people's money is exposed to waste, gifts, manipulation, and imperialistic uses. Sovereign promissory notes and bonds become "scraps of paper," indeed, and the savings of the people become the strategic plaything of political negotiators. If the American people ever have an opportunity to pass judgment on this thing they will hit it hard by merely applying President Coolidge's great domestic theory of common sense to international relations.

S. O. LEVINSON,
134 South La Salle Street, Chicago.

REGULATION OF AIRCRAFT IN COMMERCE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. JONES of Washington. Mr. President, I think the bill that is the unfinished business has not been read. I ask that it may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The legislative clerk proceeded to read the bill.

Mr. McKELLAR. I desire to ask a question, but I do not see the author of the bill in the Chamber.

Mr. JONES of Washington. I had asked to have the bill read, as it has not yet been read.

Mr. McKELLAR. May I ask the Senator a question about subdivision (c), which provides, "To designate and approve air routes suitable for air commerce"? Should there not be a proviso there that no such designation and approval shall create a vested interest in anyone using the route?

Mr. JONES of Washington. I do not believe that is necessary.

Mr. McKELLAR. I think it would be prudent to put that in. It is not the purpose, I understand, to create or to give exclusive rights.

Mr. JONES of Washington. Certainly not. We could not very well do that as to the air, anyway.

Mr. McKELLAR. If we do not intend to do it, why not have it specifically stated that it is not to be done?

Mr. JONES of Washington. Of course, if that were necessary, I would have no objection to it. In fact, I personally have no objection to it, although I do not think it is necessary. But I will let the Senator submit his question to the Senator from Connecticut [Mr. BINGHAM], in charge of the bill, who is now in the Chamber.

Mr. McKELLAR. I will ask the Senator from Connecticut if he will accept an amendment, on page 2, line 16, as follows: "*Provided*, That no such designation or approval shall constitute an exclusive right," or "a vested right, in any person or corporation" in that particular route, or to any route.

I will have to draft the amendment, but this is my purpose: Air transportation is in its infancy, as I believe, and we do not want by license to preclude others from using any route that might be designated. I understand that is not the purpose of the Senator, or the purpose behind the bill, and I think it ought to be specifically stated in the bill that no vested interest shall go to any licensee under this provision or designation.

Mr. BINGHAM. Mr. President, I have no objection whatsoever, and shall be very glad if the Senator will draw an amendment.

Mr. McKELLAR. I will draw the amendment. I understand that the bill is now being read for the information of the Senate.

Mr. BAYARD. Mr. President, I want to ask a question about subsection (c), which reads:

> To designate and approve air routes suitable for air commerce.

I did not understand the Senator to say whether or not the Secretary of Commerce would have complete control over such matters and could refuse a designation. In other words, suppose Mr. A lives in Maryland and Mr. B lives in Pennsylvania, a short distance away, and for their purposes they can establish a short air route. Would that have to be submitted for approval to the Secretary of Commerce?

Mr. BINGHAM. Not at all. This only applies to air routes suitable for interstate commerce, and when such an air route has received the approval of the Secretary, then and then only would it be possible for him to apply money appropriated by Congress for furnishing radio directional facilities, lights, and other facilities to such route.

Mr. BAYARD. In other words, individuals in two separate States could establish a route, but they would not get these accommodations from the Secretary unless they conformed to his rules and regulations?

Mr. BINGHAM. Exactly. There is nothing to prevent them from establishing a route.

Mr. BAYARD. But, other things being equal, if they conform to other regulations, there is nothing to compel him to give them all accommodations required under the act. That is purely arbitrary on his part?

Mr. BINGHAM. It is his duty, as he gets appropriations, to approve air routes and to provide them with facilities; but nobody is obliged to follow such routes, and it would not prevent anyone from laying out any route he might see fit to lay out himself.

Mr. BAYARD. Is there not a provision in the bill giving the Secretary of Commerce punitive power, in the event other people than the Secretary's agents or the Secretary himself, shall erect air beacons for guidance at night? Or, put it this way, assuming the Secretary laid out a course covering two or more States, and supposing two people have a course at right angles to that covering two or more States, their signals, as the Senator can well understand, might operate to distract people flying on the Secretary's course who observed the signals on the private course. Is there not a provision in the bill giving the Secretary punitive power to stop such matters as that?

Mr. BINGHAM. Yes; that is true, and it should be so, just as is done in a harbor or bay, where no one may exhibit any false light or signal to mislead navigation.

Mr. BAYARD. Suppose it is not for the purpose of misleading, although it does mislead, and the parties are carrying on a legitimate interstate operation?

Mr. BINGHAM. The punitive clause does not apply unless it is done for the purpose of misleading.

Mr. BAYARD. Who is to determine that?

Mr. BINGHAM. I suppose the court would pass on that. The Senator is referring to section 12?

Mr. BAYARD. Yes.

Mr. BINGHAM. It is a court matter entirely and is not in the hands of the Secretary of Commerce. That is a matter involving a $5,000 fine or imprisonment for not more than five years.

Mr. BAYARD. It is a very substantial penalty.

Mr. BINGHAM. It would have to be a court matter, and it would be necessary to prove in court that the lights were exhibited with intent to interfere with air navigation.

Mr. BAYARD. Suppose they did interfere, but the operation itself of the transverse course were a perfectly legitimate one. Would the Secretary's route and the Secretary's signals have precedence in that case over the private route and the private signals?

Mr. JONES of Washington. Section 12 simply requires that the establishment of the lights or signals must be with intent to interfere.

Mr. BAYARD. I understand that, but what I do not understand is this: Assuming the Secretary lays out a route that necessitates night signals, and assuming two other parties lay out another route at right angles, with their own private signals, and assuming the lights of the individuals interfere as a matter of fact, though with no intent to interfere with the proper operation of the route established by the Secretary. They are not breaking the law, having no intent to interfere, but they are by interfering with a matter supervised by a Government officer.

Mr. JONES of Washington. They are presumed to intend what their acts accomplish, and I take it that if they put up a light that would interfere with a light on an established route the law might presume the intent to interfere.

Mr. BAYARD. Yet they are pursuing a perfectly legitimate course.

Mr. JONES of Washington. I should not say they were, if deliberately, after a route has been established and lights have been located along the route established by the Secretary of Commerce, they come in and establish another light that interferes with one already there.

Mr. BAYARD. Then in the last analysis the Secretary, by establishing a system of night lights, determines absolutely the routes to be followed in interstate commerce.

Mr. JONES of Washington. Oh, no.

Mr. BAYARD. It must be so.

Mr. JONES of Washington. You may follow any other route you want to, if you do not want to follow the route designated by the Secretary of Commerce.

Mr. ROBINSON of Arkansas. Of course, you could not follow a route, particularly at night, without lights or some sort of signals.

Mr. JONES of Washington. Certainly not.

Mr. ROBINSON of Arkansas. If commercial aviation goes forward, as we all hope it will and intend that it shall, it means necessarily that Government regulation of the matter shall become an exclusive regulation.

Mr. BAYARD. Absolutely.

Mr. ROBINSON of Arkansas. And that private individuals shall not attempt to establish air routes. I think it is right and proper, if it is necessary for the Government to enter the field at all, that the Government shall occupy it exclusively, and I think it would be exceedingly hazardous if private individuals were permitted to establish signals that would actually interfere with the signals established by the Secretary of Commerce. Such legislation as is proposed means Government control of the navigation of the air. That is what it is designed to mean, and with all due respect to the Senators in charge of the bill I think that is about the strongest proposition in support of their measure.

Mr. JONES of Washington. I think that is all right, but if someone who thinks there are objects which would direct him so that he could follow the course at night, there is nothing to prevent him from doing it.

Mr. ROBINSON of Arkansas. That would only be possible in a sphere where no navigation exists. Of course, the routes that are practical are going to be occupied pretty shortly. If any development comes as a result of this legislation, if we make the progress it is hoped we will make, it will be only a few years before we will be having litigation touching rights in the air and rights of way in the air. We may all anticipate that. Necessarily, any private individual who establishes a route will, within a very short time, interfere with a Government route, if one shall have been established nearby, and when he does that, of course his route will have to give way to the one established by the Government.

Mr. JONES of Washington. I think that is true, if it interferes.

Mr. BINGHAM. I will say to the Senator that the analogy between air navigation and ocean and water-borne navigation is very close. One can imagine two people living along the Hudson River, let us say, who desire for their own purposes to navigate at night between their two houses, and who erect red lights and green lights and other lights for that purpose, which would interfere with the navigation of the river by the public. Such a thing would be prevented by law to-day, and should be prevented, and there should be no question whatever that if the Secretary of Commerce, in promoting air navigation, finds that any lights have been established which do interfere with the general navigation of the air by the public at night, those lights should be removed.

Mr. BAYARD. I do not think the Senator's simile is a very happy one, for the reason that he is taking a river for comparison, which flows in a course to which we are all confined. But we have a broad expanse of land, 3,000 miles wide, and are not confined to any one course.

Mr. BINGHAM. It is like the ocean, if I may change the simile.

Mr. BAYARD. No; I do not think it is like the ocean. I do not agree with the Senator there at all. It is a different thing. People are spread all over this land, and people are not spread all over the ocean. People do not live on the ocean; they do live on the land. I can not see that the simile is a good one.

Mr. BINGHAM. In all arguments regarding air navigation we are so accustomed to thinking in terms of railroads and in terms of automotive transportation that we think that because the air touches all the villages and hamlets there can be air navigation between all such, just as though we should think that because the water touches all parts of the coast line there could be harbors in any part of the coast line and seaports could be established anywhere. As a matter of fact, the amount of air navigation that can be carried on is limited, just as the amount of water navigation is limited, by the contour of the land, by the possibility of securing landing fields, and by other things which come up, so that actually air ports can not be established wherever there is air any more than you could establish a seaport wherever there is water, but only where it is suitable to have a port.

Mr. ROBINSON of Arkansas. The wind would have something to do with it, too.

Mr. BINGHAM. Undoubtedly.

Mr. GEORGE. On that point I would like to make an inquiry of the Senator. In section 17 it is provided that—

> The Secretary of the Treasury is authorized to designate places in the United States as ports of entry for aircraft engaged in foreign commerce.

What I wish to suggest is that it does seem to me that it would be very much better that the Secretary of the Treasury, or some other official, should prescribe rules under which places in the United States might be designated as ports of entry for aircraft engaged in foreign commerce. In other words, why the necessity of giving to one man such broad power? That is just one instance in the bill, but I want to call attention to it. There is not a particle of excuse for it, in my judgment. It concentrates in his hands the absolute power to say what place shall be a port of entry for aircraft engaged in foreign commerce. Why is it not better, and acceptable to the Senate, to give to the Secretary of the Treasury power to prescribe rules and regulations under which any place would be entitled to qualify as a port of entry if it could qualify?

Mr. BINGHAM. I will say to the Senator that my understanding is that if a place is designated as a port of entry, then the Secretary of the Treasury must provide officials to operate it.

Mr. GEORGE. I understand; but the Senator's bill gives it to the Secretary flatly to designate these ports, and perhaps it will grow more important in the future. It gives to one man the power to say what place shall be a port of entry for all aircraft engaged in foreign commerce coming into the United States.

That is too much authority to place in a man's hands. It would be going a long way to permit him to prescribe the rules and regulations to be complied with by any place that wanted to be designated as a port of entry. I am just calling the Senator's attention to it. If the Senator will refer to the penalty provisions of the bill, for instance, section 12, he will find that it reads:

> Any person who, with intent to interfere with air navigation, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal prescribed by the Secretary of Commerce under this act, or regulations made thereunder, or for a light or signal—

And so forth.

The penalty imposed upon one convicted for that offense is punishment by fine of not more than $5,000 or imprisonment for not more than five years, or both. That is to say, if a man exhibits a light at any point in the United States which is likely to be mistaken for a light which the Secretary of Commerce may designate in his office at Washington without public notice to anybody who is not familiar with that office, he is guilty and that penalty may be imposed upon him. In other words, in the broad field of air navigation we are prescribing a severe penalty, and the very basis of the action against the man who violates it is an order issued by the Secretary of Commerce.

Mr. BINGHAM. I think the Senator has failed to notice the first line of section 12, which prescribes that "any person who with intent to interfere with air navigation," and so forth.

Mr. GEORGE. Oh, I know; but the matter of intent is inferred from an act, and we charge every responsible man with the natural effect of his voluntary action.

Mr. ROBINSON of Arkansas. One is presumed to intend the natural consequences of his act. If his act is found by a jury to be calculated to interfere with the regulations of the Secretary of Commerce, he would be presumed to have intended that result.

Mr. GEORGE. Certainly. What I wanted to say to the Senator from Connecticut is that I have full sympathy with the purposes of the bill, but if the time ever comes when we shall cease to delegate all authority to bureaus in Washington, it would seem to be an appropriate time when we enter the air field to commence our legislation in that field. The bill gives too much power. I am pointing out merely two sections, but the bill gives too much power to a single official here in Washington—for instance, the Secretary of Commerce in section 12—and quite too much power which might be arbitrarily exercised by the Secretary of the Treasury under section 16 of the bill, to which I have already called attention.

I am not calling attention to these sections for the purpose of putting myself in opposition to the general purposes of it. We all recognize that legislation is proper and perhaps necessary in this particular field, but I do not think a bill ought to be framed that gives so much power to one single individual. I do not think when the Congress of the United States is imposing such a severe penalty as $5,000 in money and imprisonment for not more than five years or both, that we should fail in our duty to specifically declare the act which would be criminal and not make it depend upon a regulation of the Secretary of Commerce. It is a public act, of course; and I understand, of course, that we often have to resort to regulations of that kind and prescribe penalties for the violation of acts and orders of the various heads of departments; but we are entering this field, and I can not see the necessity for delegating so much power and authority to these individual officials.

Mr. BINGHAM. The intent of this section which has met with the Senator's objection was to make air navigation at night as safe as possible. If any court should find that any person, with intent to interfere with navigation, had exhibited a false light or signal in such manner as to be mistaken for a true light or signal, and should find him guilty, the court could then, in its discretion, impose any penalty up to $5,000 or imprisonment for five years. It rests entirely with the court. It does not rest with the regulations of the Secretary of Commerce.

If the Senator objects to the phrase in lines 22 and 23, "or regulations made thereunder," the committee, so far as I am able to speak for them, would be entirely satisfied to accept an amendment from him striking out those words. The object is merely to protect those who go in the air, which is perhaps in some ways the most dangerous form of navigation when it does not receive proper protection of lights, and it may be made very safe if it does receive that protection. Only the other day in Pennsylvania one of our splendid air mail pilots was wrecked in a time of mist and fog and was killed. It is assumed by some—though no one will ever know the facts, because there were no witnesses—that he mistook a light he saw along the route for a directional light and consequently got off his route and crashed into the side of the mountain. It is extremely important that there be no mistake about these lights that are exhibited at night.

Mr. ROBINSON of Arkansas. Mr. President, with respect to the suggestion of the Senator from Georgia [Mr. GEORGE], I think the Senate might very well strike out the language which attaches a severe penalty to a violation of a regulation which has not even yet been promulgated or decided upon by the Secretary of Commerce. It might be that the Secretary will adopt regulations which the Senate would feel loath at least to impose such a penalty as section 12 carries. I think it is objectionable to make criminal a violation of a regulation which has never been adopted. It is bad enough to make criminal a violation of a departmental regulation after it has been adopted.

But with respect to the broader subject, the establishment of lights for the direction of air navigators, my opinion is that the time will speedily come when it will be necessary for the Government exclusively to establish lights and to forbid the establishment of lights for air-navigation purposes by private persons or associations of persons.

The inevitable result of two or more agencies undertaking to regulate the navigation of air would be confusion, accidents, destruction of property, and loss of efficiency in service. For my part I would rather see a statute providing that no lights for navigation purposes shall be established except upon the approval of some board or the head of some department, so that any person who desires to establish an air signal would be required to present his application to a Government agency and have it passed upon, to the end that confusion might be avoided.

I want to say that if the Department of Commerce does not operate under the provisions of this bill any better than it does under the act of 1912 authorizing the regulation of radio communication, if it permits the establishment of lights calculated to confuse air navigators as it has granted permits which are in conflict with one another under the radio act, we would find it necessary to repeal the act and find some other agency that would perform this service intelligently, efficiently, and with due regard to vested rights.

Mr. GEORGE. I recognize the necessity for the display of lights in air navigation. There is no question about that. I myself agree with the Senator from Arkansas that no light should be allowed to be displayed until it had first been submitted to and permitted by some official or board in Washington. What I merely called attention to was the severe penalty attaching in advance of such regulation of the Secretary of Commerce.

Mr. ROBINSON of Arkansas. There is no objection to attaching the severest possible penalty to the act of a person who is guilty of intentionally establishing a light for the purpose of interfering with air navigation, because his act is in its nature bad and it is essentially criminal; but one might violate a regulation set up by the Secretary of Commerce, and the regulation itself might be ill considered, unwise, and unfair, as regulations sometimes are.

Mr. BINGHAM. Will the Senator from Georgia offer an amendment?

Mr. GEORGE. I did not know we were reading the bill for the purpose of amendment. If so, I will offer the amendment.

The VICE PRESIDENT. The bill is subject to amendment at any time.

Mr. GEORGE. I did not know it was open to amendment. I ask that the section may go over until I prepare an amendment. What I want to strike out is "or regulations made thereunder."

Mr. BINGHAM. We are now proceeding with the formal reading of the bill.

Mr. GEORGE. Commencing with the word "or," in line 22, page 6, and ending with the word "thereunder," in line 23, of section 12, I move to strike out the language.

Mr. ROBINSON of Arkansas. I ask unanimous consent, with the permission of the Senator from Connecticut, to dispense with the formal reading of the bill, and that the bill be read for amendments, if the Senator is ready to proceed in that way.

PROPOSED ROOSEVELT MEMORIAL

Mr. KING. Mr. President, in view of the activities of persons connected with the Roosevelt Memorial to secure the approval of Congress of the plans which the Roosevelt Memorial Association have prepared, I desire to submit a brief state-

ment and have read an editorial appearing in the New York World of yesterday.

I have received a letter from the association, and doubtless each Senator and Congressman has received a similar one, which, in effect, asks Congress to approve the report of the association. Accompanying the letter was an elaborate statement, beautifully bound and artistically formed, and also a photograph of the memorial and its relation to the Washington Monument and the Lincoln Memorial and the public grounds in the vicinity of these national monuments. The report and the photograph referred to show the purpose of the association to erect a monument to Mr. Roosevelt near the Washington Monument, and in such a position that it will be linked with the Monument and the Lincoln Memorial.

In the language of the editorial which I have just referred to—

> it would place Roosevelt on a par with Lincoln and Washington and there would be no room left to honor any other American of the past or the future.

The plan is to take the one available site in the vicinity of the Washington Monument and the Lincoln Memorial and devote it to a memorial to Mr. Roosevelt, to the exclusion, of course, of all except Washington and Lincoln who have preceded him, and the immortal figures in our national life who were his contemporaries or who may come after him. I have no purpose to disparage the achievements of Mr. Roosevelt or to attempt in any way to detract from his admirable record as a citizen and as a public servant. But I respectfully submit that it is an ill-advised, if not an audacious, plan which contemplates the placing of Roosevelt's name alongside that of Washington and Lincoln, and the creation of a great national triumvirate by constituting Mr. Roosevelt the third member in this illustrious and immortal group.

No one will object to a suitable monument erected to the memory of Theodore Roosevelt; indeed, there will be general approval of a plan to erect at some suitable place in the District of Columbia a monument or memorial to a man who has twice been President of the United States. There will be, however, and properly so, objections to erecting a monument or memorial at such a place as will indicate a purpose to apotheosize Mr. Roosevelt and declare to the world that the three immortal figures in our history are Washington, Lincoln, and Roosevelt.

Mr. President, we have no statue or suitable memorial in the District of Columbia to Benjamin Franklin. Many American people would say that Franklin, the diplomat, the statesman, the scientist, the writer, is worthy of a memorial such as that which is indicated in the report and the photograph which I have referred to. His great personality, his towering intellect, and his matchless services in the establishment of this Republic entitle him to a place within the hearts of the American people. There are many people in this country and throughout the world who regard Thomas Jefferson as the greatest political philosopher that has come to bless humanity and to point the way to liberty and progress; author of the Declaration of Independence, the statute for religious freedom, the founder of the University of Virginia, the President who embedded the principles of justice and liberty in eight years of glorious administration. The name of Hamilton will live as long as our country lasts. His genius and his achievements entitle him to a high place among the mightiest of our country. James Madison is one of the giant figures to whom no suitable memorial has been erected. He is justly called the father of the Constitution, and he gave to his country years of faithful service. Andrew Jackson, Daniel Webster, and other heroic figures pass before our gaze as we look upon the marching forces that have carried forward the flag of our country and advanced it to its exalted position among the powers of the earth.

I do not ask that a comparison be instituted between Theodore Roosevelt and those whose names I have mentioned. It is not necessary, but I feel sure the American people will not be willing to yield to Mr. Roosevelt the place, physical or otherwise, which the association, it would appear, insists he shall occupy. I hope the association will not press its demand. The editorial referred to is a temperate one, and I think will meet the approval of the American people. I send it to the desk and ask that it be read by the clerk.

The VICE PRESIDENT. Without objection, the editorial will be read as requested.

The principal clerk read as follows:

A MISPLACED MEMORIAL

It is most unfortunate that there should be any possibility of controversy over the erection of a memorial to President Roosevelt. There would be none but for the proposal of the Roosevelt Memorial Association that the monument be placed in the one spot of all spots in the United States where it can not and should not be placed.

Those who have been to Washington or have seen a plan of the site which the association is asking Congress to approve can not fail to see how inappropriate it is. They will remember the Washington Monument, with the four great vistas that lead out from it. At the end of one vista stands the Capitol; at the end of another the White House; at the end of a third the Lincoln Memorial. The fourth and last is still vacant. It is this site which the Roosevelt Memorial Association proposes to take as an exclusive memorial to Theodore Roosevelt. If the request were granted, Roosevelt would be placed on a par with Lincoln and Washington, and there would be no room left to honor equally any other American of the past or the future.

Mr. Roosevelt died in 1919. That is about seven years ago. The Roosevelt Memorial Association is ill-advised to challenge comparisons with Washington and Lincoln so soon. The verdict of history on Roosevelt has not yet been delivered and the popular verdict of his contemporaries is by no means unanimous. He was a great personality, but it is far from established that his services put him on the same plane with the Father of his Country or the preserver of the Union. It is possible to believe that Theodore Roosevelt was a great man without believing that he was as great as all that.

It has been suggested that the memorial be placed in Rock Creek Park. That is a good suggestion. It has been suggested that the site opposite the White House be used not as a memorial to one man but as a memorial to many men. That also is a good suggestion. It has been proposed that the site be used to build a home for the Supreme Court. That also is a good suggestion. The only bad suggestion is to use up this last remaining site as a memorial to one President whose place in history is still uncertain.

The Roosevelt Memorial Association ought to withdraw its request. It ought not to put Congress and the President and the people of this country in the embarrassing position where they have to compare Roosevelt with Washington and Lincoln and have to refuse one kind of honor to a man whom they would gladly honor in another way. But if the request is not withdrawn there is no doubt that it is the duty of Congress to deny it.

PROPOSED INVESTIGATION OF FOREIGN INDEBTEDNESS

Mr. CURTIS. I ask unanimous consent that the resolution submitted by the Senator from Missouri [Mr. REED] this morning, which went over on my objection, be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

REGULATION OF AIRCRAFT IN COMMERCE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

The VICE PRESIDENT. Is there objection to the request which has been made by the Senator from Arkansas that the formal reading of the bill may be dispensed with? The Chair hears none, and it is so ordered.

Mr. McKELLAR. I offer the following amendment to the bill: On page 2, after the word "commerce," in line 16, I move to add the following proviso:

Provided, That designation and approval shall create no vested interest in the licensee, and the license may be withdrawn at any time by the Secretary of Commerce.

Mr. BINGHAM. I see no objection to that amendment.

Mr. ROBINSON of Arkansas. Let the language of the amendment be stated from the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 16, after the word "commerce," it is proposed to insert the following:

Provided, That designation and approval shall create no vested interest in the licensee, and the license may be withdrawn at any time by the Secretary of Commerce.

Mr. ROBINSON of Arkansas. I should like the Senator from Tennessee to state the object of his amendment. I understand the effect of it.

Mr. McKELLAR. I do not think the Senator from Arkansas was present in the Chamber at the time the subject was discussed. In my judgment, when air routes are established, no vested interest should be created in the routes, which may be designated and approved. As I understand the Senator in charge of the bill, it was not the purpose of the bill to create any vested interest in such routes. I, therefore, ask him to accept the amendment.

Mr. ROBINSON of Arkansas. Does the Senator from Tennessee think that by mere legislative declaration we can escape the vesting of rights if the conditions, which legally are incident to the vesting of rights, shall exist?

Mr. McKELLAR. If rights are carried by this bill in any way, then we have a right to limit those rights. If we wish to say that they shall not be vested rights but mere licenses, we can so provide in my judgment, and that is what the amendment proposes to do.

Mr. BINGHAM. I know of no place in the bill which proposes to give the Secretary of Commerce power to license anyone to use an air route or which gives him the power to license an air route.

Mr. McKELLAR. I will refer to the point in the bill which I have in mind. A subsequent section, as I recall, indicates that it does.

On page 7, paragraph (c) of section 14 gives the Secretary the power—

To publish from time to time a bulletin setting forth all licenses and permits issued or revoked under the provisions of this act.

That indicates that he is to issue licenses for a route, or that he might do so.

Mr. FLETCHER. That refers to licenses for flying airplanes.

Mr. BINGHAM. The only licenses referred to, I will say to the Senator, are licenses for pilots after examination, licenses for airplanes after they have been shown to be air worthy, and licenses for mechanics after they have been shown to be capable for aviation work.

Mr. McKELLAR. Then, in section 13—

The Secretary of Commerce is authorized to chart commercial air routes and to arrange for the publication of maps of such air routes, utilizing the facilities of existing Government agencies so far as practicable.

The inference, as it seems to me, is that he has the right to license routes. I merely want to guard against vested interests accruing.

The same question arose in the matter of radio, and we know that there are already claims made of vested rights to the use of radio service.

Mr. ROBINSON of Arkansas. Mr. President, there is no reason in the world why Congress should attempt to take away from a person rights which have vested. I think legislation of that character is the worst form of legislation in which Congress can indulge. I know of instances under the very statute referred to by the Senator from Tennessee where thousands of dollars have been invested under permits granted by the Secretary of Commerce for the operation of radio stations. Does the Senator believe that the Secretary ought to have the arbitrary right to revoke those permits and to deprive the citizens who made the investment of their rights? If so, upon what theory does he proceed? I know of nothing more wholesome as a safeguard of legislation than to say that when Congress enacts a law and gives to a man a right he shall have the enjoyment of it; that Congress will not deprive him of his property after he has acquired it. Now is the time to determine whether we want to give the Secretary of Commerce the power to establish these routes; but, having established them, we ought to preserve them, unless necessity calls for a change.

I do not think there is anything in this bill that gives the Secretary the right to license an individual to the exclusive enjoyment of an air route. I do not find it anywhere in the language employed; but I am not willing to subscribe to a measure couched in terms which permits a citizen to acquire rights and then says, "Notwithstanding we have granted you this privilege and this right, we reserve the power to take it away from you whenever it becomes valuable to you." If we wish to encourage or promote the navigation of the air, the best way to do it is to make it profitable to navigate the air. We can not do it by holding out the threat to the man who is to engage in an enterprise that the minute his property becomes valuable we will take it away from him.

I assume the Senator from Tennessee has given great study to this subject. If he has, I should be very strongly disposed to follow his suggestion in the matter; but I do not find anything in the language of this bill which reposes in the Secretary of Commerce the power to revoke his action without cause and to withhold from the beneficiary of the legislation the advantages of his diligence, his enterprise, and his energy.

Mr. BINGHAM. I will ask the Senator if the situation could be met by an amendment such as the one I am about to read:

Provided, That nothing in this act shall be construed as granting any exclusive right in the use of an air route.

Mr. McKELLAR. That will be entirely satisfactory. It is, in substance, what I have in my amendment.

Mr. President, I desire to say as to exclusive rights that, as I understand, the air is somewhat similar to water. We would not for a moment think of establishing exclusive rights in Lake Michigan, which is entirely within the limits of the United States, and say that a vested interest to any particular part of Lake Michigan should accrue to a private licensee of the Government. So it seems to me the air, being the common property of all the people, no exclusive route should be granted to any particular licensee, and to guard against that I offered the amendment. The amendment which the Senator from Connecticut has suggested, it seems to me, covers the case entirely, and if that course will be satisfactory I will be very glad to agree that it may be substituted for the one offered by myself.

The VICE PRESIDENT. The question is upon the amendment offered by the Senator from Connecticut.

Mr. ROBINSON of Arkansas. Mr. President, I just want to say that the proposition as submitted by the Senator from Connecticut is, to my mind, a very different one from what I understood the proposal of the Senator from Tennessee to be.

Mr. McKELLAR. If there is any difference between them, I do not understand it. There may be.

Mr. ROBINSON of Arkansas. For instance, what are now designated as exclusive routes. I suppose that means the exclusive right to enjoy the route or to use it. I have no objection to that, of course; but after one has once been granted a permit, I shall object to taking it away from him unless he forfeits it by misconduct or violation of the conditions of the permit.

Mr. BINGHAM. The amendment that I offered reads:

Provided, That nothing in this act shall be construed as granting any exclusive right in the use of an air route.

Mr. McKELLAR. That will be entirely satisfactory. It covers it exactly, it seems to me.

Mr. FLETCHER. Where does that come in?

Mr. BINGHAM. On page 2, line 16, after the word "commerce."

Mr. FLETCHER. I have no objection to that. I do not think there is anything in the bill which would give the Secretary any authority to do that, anyhow. Certainly I should oppose that. I think clearly the power ought not to be given to any department to grant some individual or some concern the exclusive right to operate aircraft on a certain route. The air is public property, just as the ocean is. It is a highway, and we can not divest the public of its rights in the air; and, even if we tried to do so, I do not believe we could vest in the head of any department the authority to parcel out the air. Does the Senator from Georgia see any objection to that amendment?

Mr. GEORGE. None whatever, except a slight suggestion that he might have some such right.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. KING. Mr. President, I move to amend section 2—if we are still on section 2—page 1, lines 10 and 11, by striking out the words "every way possible and to do all things necessary therefor," and striking out the word "cooperating," and inserting in lieu thereof the following:

such manner as Congress shall provide, and he shall cooperate.

And on the next page, to complete that amendment, I move to strike out the word "consulting" and insert the word "consult," so that it will read as amended:

It shall be the duty of the Secretary of Commerce to foster commercial air navigation in such manner as Congress shall provide, and he shall cooperate and consult with all other established governmental agencies—

And so forth.

I offer that amendment, may I say, because I am rather suspicious of some of these departments. If we say to the Secretary of Commerce that he shall do everything possible and do all things necessary to accomplish a certain end, he may conceive it necessary to do something not authorized by Congress, and which Congress had not contemplated. We certainly do not want to give him carte blanche authority to exercise an unlimited and unlicensed and unrestricted discretion to enter into every scheme and every project which he may conceive to be necessary or proper in the development of aerial navigation.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I do.

Mr. McKELLAR. Does not the Senator think that it ought to be further limited, so as not to apply to all other established governmental agencies? There is no necessity that he should cooperate with all of them. There are a great many governmental agencies, as the Senator knows.

Mr. KING. Yes.

Mr. McKELLAR. I suggest the use of the words "all other appropriate governmental agencies." Surely we do not want to build up a vast machine here.

Mr. KING. Perhaps the amendment suggested by the Senator from Tennessee is an appropriate one, although in my hasty reading of the section I took it for granted that the Secretary would only cooperate and consult with those agencies of the Government that were actively interested in the promotion of aviation. I do not object, however, to the language suggested by the Senator.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator have the language read as it will read if his amendment should be incorporated in it?

Mr. KING. I have not yet handed it to the Secretary. Will the Secretary get it and read it?

Mr. ROBINSON of Arkansas. I just want to make this suggestion to the Senator: I think the language can be improved. The words "in every way possible and to do all things necessary therefor" are quite general, and at the same time not the best form; but the object of this bill is, as I understand, to put on the Secretary of Commerce the initiative of stimulating and promoting commercial air navigation. I am afraid that the language which the Senator has used would deny him that initiative and put it on the Congress; and I think that is a very important distinction, and one that we may well keep in mind in the consideration of this proposed legislation.

I think it a good thing to intrust somebody with the responsibility of promoting the development of this branch of industry, and I think an executive department can do it better than the Congress can, for many reasons which I am sure will appeal to my friend the Senator from Utah. Now, since always the Secretary is under the necessity of justifying his plans and proposals by presenting his requests for appropriations, my judgment is that it would be better to leave the initiative with the Secretary rather than to impose it upon the Congress. In other words, every time he wanted to take a certain action, I do not think we should require him to come to Congress and get consent to that immediate action. It seems to me the better way to do it would be to let him submit his budget or his proposal justifying the items of appropriation that he asks and then the Congress would accept such as it believed proper and reject the others. In that way I think we would get better results than we would if we were to say that before anything could be done the Congress must outline just what should be done.

Mr. KING. Mr. President, I have so much respect for the judgment of my leader, the able Senator from Arkansas, that whenever he makes a statement I usually agree instantly. If I thought that the amendment which I had offered contemplated or would be construed as requiring the Secretary of Commerce, before initiating any movement, to secure the specific approval of Congress, I should not press my amendment under any circumstances. It does seem to me, though, that a proper construction of my amendment would not lead to the interpretation or to the conclusion which has just been stated by my friend. Let me read it again:

> It shall be the duty of the Secretary of Commerce to foster commercial air navigation in such manner as Congress shall provide, and he shall cooperate and consult with all other established governmental agencies, Federal or State, and take advantage to the fullest degree possible of the facilities they can offer.

Mr. ROBINSON of Arkansas. Will my friend yield for just a moment?

Mr. KING. Yes; I yield.

Mr. ROBINSON of Arkansas. I am convinced now that the language is open to the suggestion I made a minute ago after hearing it read by the Senator from Utah. Under this bill, if it is amended as the Senator from Utah suggests, the only way in which the Secretary of Commerce shall proceed is in such manner as Congress shall direct. That means that Congress must tell him first what he shall do to promote commercial air navigation. I think the primary object of the Senator from Utah can be accomplished by striking out the words "in every way possible and to do all things necessary therefor," which are surplusage in a measure, and add nothing to the legal authorization contained in the bill, so that it will read:

> It shall be the duty of the Secretary of Commerce to foster commercial air navigation, cooperating and consulting with all other established governmental agencies, Federal or State, and taking advantage to the fullest degree possible of the facilities they can offer.

Mr. KING. I am willing to accept that. That will reach the end which I have in view.

Mr. ROBINSON of Arkansas. Very well.

Mr. FLETCHER. Mr. President, the further objection which was raised by the Senator from Tennessee could be obviated by striking out the word "all," so as to read "consulting with other established governmental agencies."

Mr. KING. Let us deal with my amendment first.

Mr. FLETCHER. That is a part of the Senator's amendment.

The VICE PRESIDENT. The question is upon agreeing to the amendment submitted by the Senator from Arkansas [Mr. ROBINSON].

Mr. KING. If the Senator will offer that as his amendment, I shall withdraw mine.

Mr. ROBINSON of Arkansas. Very well. Then I move to strike out the words commencing on line 10, "in every way possible and to do all things necessary therefor," and, on page 2, line 1, strike out the word "all" after the word "with."

Mr. BINGHAM. I have no objection to that amendment, Mr. President.

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from Connecticut a question. Has the Senator from Connecticut any idea as to what is going to be the cost of this undertaking? Has he had any estimate made or could he say what would be the cost of enforcing the provisions of this bill?

Mr. BINGHAM. There is no appropriation provided for in the bill.

Mr. McKELLAR. Oh, I understand that, but money will be asked for to carry out its provisions; and what I want to know is whether the Secretary of Commerce has ever furnished any estimate as to what it would cost.

Mr. BINGHAM. He has not furnished any estimate as yet; but, as he has told one of the investigating committees, it is not believed that the expense at first will be very great. Commercial air navigation is so much in its infancy, Mr. President, that we are in danger of trying to give it too much regulation and too little free assistance.

Although I offered no objection to the elimination of the words just stricken out in the amendment offered by the Senator from Arkansas, I should have had to object to the amendment offered, but later withdrawn, by the Senator from Utah [Mr. KING], because in the growth of an art and a science so much in its infancy as aviation it is necessary to give a free hand, and not to have to come to Congress to ask for certain specific things even before it is known that they are required. The amount of money needed for this purpose will not be very great at the beginning; but it will have to be provided in a separate appropriation bill, and can be discussed at that time.

Mr. McKELLAR. Of course that is true; but I was just wondering if the Secretary of Commerce—who evidently is in full sympathy with the bill, I take it—would be willing to give to the Congress some estimate of how much it would cost.

Mr. FLETCHER. Mr. President, I take it that that depends on the development.

Mr. McKELLAR. I do not know what sort of machinery he is going to set up for the enforcement of the bill, and I imagine that he has in his own mind something that he proposes. He will have to have it as soon as the appropriation bill comes up.

Mr. BINGHAM. I will say to the Senator that after the passage of a similar bill by the Senate of the last Congress and by the Senate of the Congress preceding that and its failure to pass the House, the House Committee on Interstate and Foreign Commerce, in connection with the Department of Commerce and a committee from the American Bar Association, drew up a very long and complicated bill which provided for the promotion and regulation not only of interstate and foreign air commerce, as this bill does, but for the regulation of intrastate air commerce.

The estimates which were made and the plans which were drawn in that bill, looking a long way ahead toward the growth of air navigation, and providing for inspection in each State and in a great many different places, were quite different from the very simple basic principles incorporated in this bill. Until the House has passed a bill corresponding to this, or this bill

with amendments, it would be almost a work of supererogation for the Secretary of Commerce to say how much the thing would cost.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. The Senator from Ohio [Mr. WILLIS] has been standing for some time. The Chair recognizes the Senator from Ohio.

Mr. WILLIS. I desired to offer an amendment to a different section. If the Senator from Georgia desires to make some comment on this section, I will yield to him.

Mr. GEORGE. I merely desire to offer two amendments to two different sections of the bill. They are very short.

Mr. WILLIS. I yield to the Senator.

The VICE PRESIDENT. The Senator from Georgia.

Mr. GEORGE. Mr. President, I am not sure but that the amendment suggested by me awhile ago to section 12 of the bill was accepted; but in order to make certain of that, I move that beginning with the word "or" on line 22, section 12, page 6 of the bill, and going through the word "thereunder" in line 23 of the same section on the same page, reading "or regulations made thereunder," be stricken from the bill.

Mr. BINGHAM. I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. GEORGE. I move on page 9, section 16, lines 1 and 2, that the words "is authorized to designate" be stricken out and that in lieu of those stricken words the following words be inserted: "shall, by regulation, provide for the designation of," so that the clause as amended will read:

> The Secretary of the Treasury shall, by regulation, provide for the designation of places in the United States as ports of entry for aircraft engaged in foreign commerce.

On that I merely wish to say that as the bill now stands it gives the Secretary of the Treasury the arbitrary right to designate the places, and the purpose of the amendment is to require the Secretary to provide by regulation for the designation of these places.

Mr. ROBINSON of Arkansas. So as to prevent discrimination in localities.

Mr. GEORGE. That is all.

Mr. BINGHAM. I am very glad to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I desire to direct the attention of the Senator from Connecticut to section 4 of the bill. Under the head of registration it is provided, among other things, that—

> No aircraft shall be so registered * * * unless it is owned by (a) an individual who is a citizen of the United States or its possessions or (b) a partnership of which each member is an individual citizen of the United States or its possessions, or (c) a domestic corporation, of which the president and three-fourths or more of the board or directors or managing officers thereof, as the case may be, are individual citizens of the United States.

It has been brought to my notice that there is at least one instance in which there is an organization greatly interested in aircraft production which could not quite comply with that requirement, where it is provided that three-fourths or more of the board of directors shall be individual citizens of the United States, but could comply with it if it were amended so as to provide for two-thirds. I move to strike out "three-fourths," in line 4, page 4, and to insert in lieu thereof "two-thirds."

Mr. BINGHAM. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. WILLIS. That having been agreed to, there ought to be a similar amendment in line 7 to strike out "75" and to insert in lieu thereof "66⅔."

Mr. BINGHAM. Let it be read.

The LEGISLATIVE CLERK. On page 4, line 7, strike out "75" and insert "66⅔," so that as amended it will read:

> (b) A partnership of which each member is an individual citizen of the United States or its possessions, or (c) a domestic corporation of which the president and two-thirds or more of the board of directors or managing officers thereof, as the case may be, are individual citizens of the United States or its possessions, and in which at least 66⅔ per cent of the interest is owned by persons who are citizens of the United States.

Mr. BINGHAM. I have no objection to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. KING. Mr. President, I direct the attention of the Senator from Connecticut to paragraph (1), beginning on line 4, page 3, reading as follows:

> To operate, and for this purpose to purchase, when appropriations shall have been made to do so, such aircraft as he may deem necessary for carrying out the provisions of this act.

I will ask the Senator whether his understanding of this provision is that the Secretary of Commerce may operate aircraft for commercial purposes and purchase aircraft for those purposes.

Mr. BINGHAM. I do not so understand it.

Mr. KING. Or that it contemplates that the Government, through the Department of Commerce, shall embark upon the transportation business through the air.

Mr. BINGHAM. Not at all. It merely gives the Secretary of Commerce the power to purchase and use such aircraft as he may deem necessary for carrying out the provisions of this act. These provisions do not relate to establishing any commercial line, but they do provide for the inspection of planes, for the investigation of motors, and for the certification and licensing of airmen. If he is to do that effectively, and at a minimum of expense of time and money, it would be better for his inspectors to fly around the country rather than to have to use other means of transportation.

Mr. KING. I think I can assure the Senator that if this bill goes through with that section in it the amount required to meet the expenditures under subdivision (i), if we develop any amount of commercial aviation in the United States, will aggregate hundreds of thousands of dollars annually, and perhaps will run into the millions. I do not need to state to the able Senator from Connecticut that the operation of airplanes is expensive; that the cost of airplanes is enormous. Before the war you could buy a standard machine and some of the airplanes we were using for the training of our boys for $5,000. Now, you can not get a good airplane for less than $25,000. Some of them cost very much more, probably running up to $50,000. If this section goes through unamended, applications will be made to Congress for a large number of planes, and the life of a plane, as the Senator knows, is only a few hours, probably an average of 200, certainly less than 500 hours.

Mr. BINGHAM. May I interrupt the Senator?

Mr. KING. Certainly.

Mr. BINGHAM. I will say to the Senator, in regard to the life of a plane, that he has been misinformed, for there are now planes operating between London and Paris, carrying passengers every day between those two great capitals, under the licensing and approval of the air boards, which have been in the air for 3,000 hours. I will also say to the Senator, in regard to this section, that the second clause on page 3, lines 4 and 5, reads, "when appropriations shall have been made to do so."

Mr. KING. I understand.

Mr. BINGHAM. I am sure that the Congress would not approve any extravagant appropriations to permit inspectors to travel around the United States, but if the Secretary of Commerce is to lay out proper air routes, he must use airplanes in doing it. It can not be done from the ground.

Mr. KING. I have no doubt that if this section becomes part of the law—and that is what I was proceeding to state—there will be applications from the Department of Commerce for appropriations exceeding hundreds of thousands of dollars, and perhaps amounting to millions, to carry out the provisions of this section. The Senator knows that if you have airplanes you must have pilots and all of the accessories that go with the furnishing of pilots. You must have your airdromes, and the multitude of employees that will be required will be astonishing. The Senator knows that it takes a great many employees for every pilot. I think that in some of the aviation fields the proportion of employees to pilots has been 20 to 1, in some instances 30 to 1, and in some instances as many as 50 to 1. So, with the purchase and operation of airplanes, and with the pilots, and with the necessary machine shops to care for the planes, and with the necessary civilian employees to aid the pilots and to repair the planes, you will have mounting bills, so that the inquiry of the Senator from Tennessee [Mr. MCKELLAR] will be answered when we are called upon to appropriate millions of dollars for the execution of the purposes of this act.

I shall not move to amend, but I express now my dissatisfaction with this provision, and I think the Senator will live

long enough to regret that more restrictive language was not placed in the bill.

Mr. HARRISON. Mr. President, unfortunately I did not hear all the remarks of the Senator from Connecticut. Is this bill designed to carry out one of the recommendations of the so-called Morrow Commission, which was appointed by the President to look into aviation?

Mr. BINGHAM. It is.

Mr. HARRISON. This is one of its recommendations?

Mr. BINGHAM. The board recommended that appropriate legislation be passed by Congress as soon as possible for the promotion of commercial air navigation. The board did not feel that it was in a position, or was requested by the President, to go into details as to what should be done, but left that to the Congress, making very strong recommendations for legislation providing for a new Assistant Secretary of Commerce and such legislation as might be needed in the judgment of Congress for promoting civil air navigation.

Mr. HARRISON. Did the committee, in the consideration of this proposed legislation, consider the question of a unified air service under one head—to put aviation in the military branch and in the naval branch and in the post-office branch and in this commercial service all under one head?

Mr. BINGHAM. It gave very long consideration to that; and if the Senator will examine the report of the President's Aircraft Board, a copy of which was sent the Senator some days ago, he will find early in the report, in reply to one of the five principal questions which the board undertook to answer in regard to future policy, the question as to whether commercial aviation should be put under the same head with military and naval aviation, a very emphatic "No," with all the reasons given therefor. If the Senator would like to have me do so, I shall be glad to give the reasons.

Mr. HARRISON. That was a unanimous report?

Mr. BINGHAM. It was a unanimous report.

Mr. HARRISON. Did the Commerce Committee consider the question?

Mr. BINGHAM. The Commerce Committee did not consider the question.

Mr. HARRISON. I ask that for this reason: That I think it was four years ago that President Harding recommended to the Congress the appointment of a joint commission on reorganization in the Government departments. The Senate appointed three members, the House appointed three, and the President appointed one. They worked for some three or four years on the question of reorganizing the departments, wiping out waste, and coordinating the bureaus as that could be done. We heard much about it. We heard it upon the stump; we heard it here and elsewhere, what great savings were going to be effected to the American taxpayer, how these departments should be put together under one head, so that economy and efficiency in service would be effected; but nothing has been done about it.

I was a little bit surprised the other day when the distinguished Senator from Utah [Mr. SMOOT], who has been one of the dominant figures on that commission, offered another resolution, backing up on his original proposition of reorganization, evidently, and now, after collaboration with the Secretary of Commerce and the President, wanting two Senators appointed, and two Members of the House appointed, the President to appoint the fifth person. There is to be another commission, who can recommend to the President certain changes, and upon that recommendation the President can put the changes in force. So I suppose we will hear nothing else about the former reorganization proposition, about which the Senator from Utah talked so much and so long, and to which I suppose the Senator from Connecticut alluded in the campaign a time or two, but that we are to hear more about this new so-called Smoot-Mapes proposition, which I do not think will get very far.

The administration is apparently trying to put the various bureaus together to effect a saving, and this bill would accomplish just the opposite result.

I was wondering if the committee, an agency of the Senate, with so much conversation about this particular question, had given any consideration to putting the military branch of aviation and the naval branch of aviation and the post-office branch of aviation together with this commercial branch, in order that a great saving may be effected; but the Senator tells me that they have not considered that question, so I suppose when we pass the bill, which I am in favor of, and it goes to the President, he will veto it, because it will be against his reorganization policy.

Mr. KING. Mr. President, I would like to ask the Senator, in view of the comments of the Senator from Mississippi, whether the work or activities provided for in the bill and to be performed under the direction of the Secretary of Commerce, might not be more effectively provided for and executed if we had a combined aeronautical service—an organization that properly cared for aviation for the Army, for the Navy, and for the Post Office. If this bill passes, or some other bill passes providing for aviation, it will provide for the development of aviation along this particular line. Why could not the work assigned here to the Department of Commerce be performed by some aeronautical department—call it a bureau or department or agency? Why could not that organization care for the work which here is to be devolved upon the Department of Commerce, and at the same time care for the necessities of the Army, of the Navy, and of the Post Office, especially with respect to the technique and the construction of aircraft and the rules for operating in interstate commerce?

Mr. BINGHAM. I may say to the distinguished Senator from Utah that the Aircraft Board gave very long and very careful consideration and read a great deal of testimony in regard to the matter which he has mentioned. The conclusion was finally reached that it was contrary to the policy of the United States to mix war and commerce; that we would not think of placing our merchant marine under the Navy nor the Navy and the merchant marine under the same head; and that in a similar way it would not lead to a proper development of commercial aircraft to put commercial aircraft and military aircraft under the same head, for either that head would cleave to the one and disregard the other or cleave to the other and disregard the one. If we want to promote commercial aviation we must put it under the control of a department to whom the Congress has intrusted the business of promoting commerce. If we want to promote military aviation, then we have to put it under the head of the department of the Government whose business it is to promote the military policy and national defense.

I ask the adoption of the committee amendment on page 8, to strike out all of section 16.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Commerce.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. It is proposed to strike out section 16 of the bill in the following words:

SEC. 16. The National Advisory Committee for Aeronautics is hereby transferred to the Department of Commerce and shall perform its duties in accordance with rules and regulations approved by the Secretary of Commerce and under his general direction. The committee's annual report shall hereafter be submitted through the Secretary of Commerce, who shall transmit it to Congress with such recommendations as he may deem proper. The President is authorized to appoint three additional members of said committee, one an Assistant Secretary of War, one an Assistant Secretary of the Navy, and one an Assistant Secretary of Commerce, who shall be chairman of said committee. All unexpended appropriations or allotments therefrom for the National Advisory Committee for Aeronautics are hereby transferred to the Department of Commerce and shall be treated as if the Department of Commerce had been directly named in the laws making such appropriations. Such appropriations shall be expended under the general direction of the Secretary of Commerce.

The amendment was agreed to.

Mr. BAYARD. Mr. President, on page 7, section 15, line 25, between the words "duties" and "as" I move to amend by including the words "in relation thereto," so the sentence as amended would read:

To aid the Secretary of Commerce in fostering air navigation and to perform such duties in relation thereto as the President or the Secretary of Commerce may direct, etc.

The purpose of my amendment is that the Assistant Secretary of Commerce shall be confined to the duties set forth in this act. If we take the bill as drawn, we will find that under the language of the bill, section 15, the Assistant Secretary of Commerce may become a sort of Handy Andy to the President of the United States. If we do believe, and I think all of us must believe, that this is a tremendous operation we are starting, that the Secretary of Commerce does need an assistant to help out in it and that the major part of the work will fall upon the shoulders of the assistant, then my amendment should be adopted. I think he will have his hands entirely occupied with this matter, and I do not think it is fair to him individually or fair to the Government in the experimental stage through which they must go to ask that he be made a supernumerary for the benefit of presidential operations. I think he ought to be confined absolutely to this operation of our Government and for

that purpose I offer the amendment. I hope the Senator from Connecticut will accept it.

Mr. BINGHAM. Mr. President, I am obliged to object to the amendment offered by my friend the Senator from Delaware. I am afraid that it would not be in the interest of economy. While it is true that at the beginning of the duties which the bill would confer upon the Secretary of Commerce or the new Assistant Secretary of Commerce, he would find his hands more than full with promoting aviation, yet after he got it well organized it might be entirely possible that the Secretary of Commerce would intrust to him the supervision of other bureaus of the department, which would not overwork him and which would not interfere with his duties in connection with aviation. It does not seem to me, in view of our desire to promote economy, that we should tie the hands of the Secretary of Commerce so that the new Assistant Secretary could not do anything except in connection with aviation, although in the beginning and possibly for the first two or three years aviation would occupy most of his time.

Mr. BAYARD. May I ask the Senator from Connecticut why it is necessary to have him so directly under the government of the President? Why not put him under the Secretary of Commerce?

Mr. BINGHAM. I would not object to an amendment striking out the words "the President."

Mr. BAYARD. I would be satisfied with that. I withdraw my amendment, if I may, and now move to strike out the words "the President or" on line 25, page 7, and line 1, page 8.

Mr. BINGHAM. I have no objection.

The VICE PRESIDENT. The Senator from Delaware offers an amendment, which will be stated.

The CHIEF CLERK. In section 15, page 7, line 25, and page 8, line 1, strike out the words "the President or," so the section will read:

SEC. 15. To aid the Secretary of Commerce in fostering air navigation and to perform such duties as the Secretary of Commerce may direct, there shall be an Assistant Secretary of Commerce, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall be entitled to a salary of $7,500 a year, to be paid monthly.

Mr. KING. Mr. President, a parliamentary inquiry. Will that amendment, if agreed to, preclude a motion to strike out the entire section?

Mr. BINGHAM. It is a different section.

Mr. KING. I thought we were still on section 14.

Mr. BINGHAM. Old section 16 has already been stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Delaware.

The amendment was agreed to.

Mr. KING. For the purpose of eliciting information from the Senator from Connecticut, I move to strike out section 15, which calls for the creation of another office with a salary of $7,500 per annum.

We are apparently greatly interested in multiplying the number of officials in the Federal Government and extending their powers and jurisdiction. We are not sufficiently bureaucratic and paternalistic yet, so we must increase the personnel.

We have heard a great deal about economy from our Republican friends, but they have preached but not practiced economy. For several years we have heard nothing but economy; but the appropriations prove the insincerity of the party in power. We are now told by the President that we have reached the limit of economy. That statement will be taken as a commission by the Republicans in Congress to increase the expenses of the Government and multiply the number of officeholders, but the examination reveals that the noisy declarations about economy have been without merit. With nearly $4,000,000,000 of taxes expended this year by the Government as against $1,000,000,000 before the war, and with a large increase in the bureaus and executive agencies which will be created by this Congress under a Republican administration, under the driving power of the Republican Party and Mr. Coolidge, who is so devoted to economy, the appropriations for the next fiscal year will be much larger and probably result in deficits to be met at the next session of Congress.

The program of economy witnesses at the beginning of the session the creation of a new Assistant Secretary of Commerce, with a salary of $7,500 a year. But that is not the end of it, of course.

The Assistant Secretary of Commerce must have rooms and desks and all the paraphernalia that accompany that high office. Then he must have secretaries, assistant secretaries, stenographers, and messengers. Then we will have airplanes and airdromes and places for the repair of airplanes, and more airplanes. This bill will increase the expenses of the Department of Commerce hundreds of thousands of dollars annually.

Sitting at the feet of Gamaliel and desiring information, I ask the Senator from Connecticut whether it is necessary to create another Assistant Secretary? There are some efficient men in the Department of Commerce who do really fine work. There are some who have made investigations along the line indicated by the bill. The activities of those agencies in the department may be coordinated by the Secretary of Commerce. He has the power to do it, and he may allocate to one individual the work which is being done now by any number of the branches in his department, or he may indicate some person who shall have charge of these various agencies which are devoting themselves more or less to aviation work. It seems to me that with the power of the Secretary to change the positions and activities of employees in his department, he could find some person qualified to perform the duties which this bill devolves upon a new Assistant Secretary of Commerce and thus save the Government many thousands of dollars.

Mr. BINGHAM. Mr. President, I hope my friend the Senator from Utah will withdraw his amendment. It would be most unfortunate if it were adopted. The Secretary of Commerce needs, or let us say, the Department of Commerce needs, a competent official, well paid and able, for the next two years to devote all of his time and attention to promoting air navigation in the United States. We are spending from $14,000,000 to $16,000,000 annually in promoting ocean navigation. We have not spent a cent to promote air navigation. There is not another country in the world that considers itself a world power or a country of the first magnitude that is not spending annually hundreds of thousands of dollars, if not millions of dollars, in promoting commercial air navigation.

The amendment of my friend from Utah would suggest that we can not afford to pay a man $7,500 a year to devote his time and attention to fostering commercial air navigation in every way possible within the limits of the appropriations granted him by Congress and within the limits of the provisions of the bill. A similar bill passed by the Senate at the last Congress and one passed by the Senate in the Congress preceding provided an additional bureau. The Senator does not seem to realize that the pending bill does not provide an additional bureau. It provides merely an official of high grade who shall have the power of coordinating the existing bureaus and thereby save the expense that would come with the creation of an additional bureau and the appointment of the head of the bureau, and so forth. I hope the Senator from Utah will withdraw his amendment.

Mr. KING. The Senator, if I understood his position, said that the bill would not create an additional bureau. I think the Senator does not quite understand the activities of the assistant secretaries of the various departments. I repeat, if I may be permitted, that if we create a new Assistant Secretary, that creation carries with it something more than a bureau. It carries with it or will carry with it the appointment of a large number of employees. As I understood the Senator, the duty of the particular official for which this section makes provision is to coordinate the activities of agencies now existing in the Department of Commerce. I attempted to state when I had the floor a moment ago that there are agencies in the department that are giving attention to aviation. I stated that the Secretary of Commerce could designate one of these agencies, or some person who was qualified, to coordinate their activities and to integrate the work of all agencies now devoting attention to the question of aviation. It is not necessary that a new office be created. We do not need an Assistant Secretary of Commerce to coordinate the work of agencies which are now giving attention to aviation.

The Secretary of Commerce has the power to coordinate their work, to designate some one to take charge of and to direct them. I suggest to the Senator that some of the men in the department who are at the head of bureaus will be more familiar with the work which this bill calls for than some outside man who would be brought in. Why not promote one of the employees in the department or give him additional powers instead of creating a new office and providing for a multitude of additional employees?

I do not think, Mr. President, that my amendment, if it shall prevail, will at all interfere with the efficient working of this bill. I think the Senator ought to consent to the amendment. He ought to be willing now to turn his face in the direction of economy. If we shall pass this bill, if the Secretary of Commerce shall have the powers that are

provided for in the bill, then he can, out of the employees of his department, select one who will be suitable for the position; but if there is no one suitable for the position under existing law, I have no doubt the Secretary of Commerce could draw from the civil service some technician, some person qualified with respect to aviation, who could assume the responsibilities which this position will impose.

Mr. BINGHAM. Mr. President, I shall have to object to the amendment. The President's Aircraft Board, in considering a great many possible measures for promoting aviation, finally reported that in the present condition of the art and science it was impossible to state what was the best plan to look forward to, but laid its greatest emphasis on the best method of reaching good results and the desired attainment of the promotion of aviation. The Aircraft Board stated that it pinned its chief hope upon the fact that the Congress might provide three new assistant secretaries—an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce—who would for their different departments promote aviation in those departments. Of course, we are not now considering the other assistant secretaries, but, if Congress should authorize the others, it is then the intention to introduce legislation which would confer upon the three assistant secretaries for aviation certain duties looking forward to coordinating and cooperating all the possible activities of the Government in promoting aviation.

I admit, as the Senator from Utah has stated, that it is going to be expensive. We can not look forward to promoting aviation without expense. We have tried to do it in the past; we have tried to go on since the World War without appropriating a single penny to the Department of Commerce for the promotion of aviation, but we have got to change our plan if we are to promote commercial aviation. I shall, therefore, have to object to the amendment proposed by the Senator from Utah, and I hope it may not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and is open to further amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BINGHAM. I ask that the Secretary be authorized to renumber the sections.

The VICE PRESIDENT. It will be so ordered.

HOLIDAY RECESS

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment House Concurrent Resolution 3. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The resolution (H. Con. Res. 3) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn Tuesday, December 22, 1925, they stand adjourned until 12 o'clock meridian, Monday, January 4, 1926.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 17, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 16, 1925

MEMBER OF THE FEDERAL TRADE COMMISSION

Charles W. Hunt, of Iowa, to be a member of the Federal Trade Commission for the term expiring September 25, 1932. (Reappointment.)

MEMBER OF THE UNITED STATES SHIPPING BOARD

John Henry Walsh, of Louisiana, to be a member of the United States Shipping Board for the unexpired term of six years from June 9, 1923, to which office he was appointed during the last recess of the Senate, vice Frederick I. Thompson.

UNITED STATES DISTRICT JUDGE

Grover M. Moscowitz, of New York, to be United States district judge, eastern district of New York, vice Edwin L. Garvin, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16, 1925

MEMBER OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION

C. F. McIntosh.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Harry Bassett.

SECRETARY OF THE TERRITORY OF ALASKA

Karl Theile.

SECRETARY OF THE TERRITORY OF HAWAII

Raymond C. Brown.

UNITED STATES DISTRICT ATTORNEY

Sawyer A. Smith, eastern district of Kentucky.

UNITED STATES MARSHALS

Benjamin E. Dyson, southern district of Florida.
Clarence R. Hotchkiss, district of Oregon.

POSTMASTERS

CONNECTICUT

Alfred W. Jeynes, Ansonia.
Moses G. Marcy, Falls Village.
William H. Gould, Fairfield.
Joseph Brush, Greenwich.
Ethel B. Sexton, Hazardville.
Edna M. Jenkins, Middlefield.
Manley J. Cheney, Milford.
Claude M. Chester, Noank.
Ellis Sylvernale, Norfolk.
Elbert W. Scobie, Orange.
Joseph V. Serena, Saugatuck.
Dexter S. Case, Sound View.
Louis M. Phillips, South Coventry.
Willis Hodge, South Glastonbury.
Wilbur C. Hawley, Stepney Depot.
Benjamin D. Parkhurst, Sterling.
Rollin S. Paine, Stony Creek.
Lewis B. Brand, Versailles.
Robert J. Benham, Washington.
Gertrude W. Tracy, Wauregan.
Edward F. Schmidt, Westbrook.
John L. Davis, Wilton.
William T. McKenzie, Yalesville.
S. Howard Bishop, Yantic.

MONTANA

Hazel F. McKinnon, Bearcreek.
Ezra A. Anderson, Belfry.
Fred B. Selleck, Buffalo.
John J. Kendig, Circle.
Emma E. Waddell, Custer.
Thomas Hirst, Deer Lodge.
William H. Jenkinson, Fort Benton.
George W. Edkins, Glacier Park.
Myrtle C. De Mers, Hot Springs.
Robert M. Fry, Park City.
Archie H. Neal, Philipsburg.
Harry L. Coulter, Plains.
Harry J. Waters, Rapelje.
Clark R. Northrop, Red Lodge.
Jean W. Albers, Redstone.
Harry O. Gregg, Richey.
Luther M. Hoham, Saco.
Harry W. Rhone, Sunburst.
William A. Francis, Virginia City.
Roy C. Stageberg, Westby.
Ray E. Willey, Wisdom.
Jessie Long, Worden.

NEBRASKA

Faith L. Kemper, Alma.
Edith F. Francis, Belden.
Astor B. Enborg, Bristow.
Cora E. Saal, Brock.
William L. Hallman, Bruning.
May T. Douglass, Calaway.
Esther Schwerdtfeger, Cambridge.

Lulu Woodbury, Center.
Charles E. Cram, Craig.
Henry Eichelberger, Crete.
Ruby H. Gable, Crookston.
Leo R. Conroy, Eddyville.
John F. Brittain, Elsie.
Garry Benson, Ewing.
Lewis A. Meinzer, Falls City.
Laurence B. Clark, Faith.
Charles A. Shoff, Grafton.
Catharine M. Coleman, Greenwood.
Ernest T. Long, Haigler.
Loren W. Enyeart, Hayes Center.
Daniel W. Roderick, Hubbell.
Ernest W. Clift, Humboldt.
Lucile A. Lewis, Humphrey.
Mary J. Flynn, Jackson.
Elias E. Rodysill, Johnson.
Tillie Valentine, Johnstown.
Elizabeth Hempel, Kilgore.
Henry C. Hooker, Leigh.
Hattie M. Stone, McCool.
Charles M. Houston, Miller.
Archie B. Jones, Mitchell.
Lester C. Kelley, Monroe.
Leroy B. Gorthey, Murdock.
Charles E. Putnam, Naper.
Donald K. Warner, Oakdale.
Edwin A. Baugh, Oakland.
Frank H. Bottom, Ong.
Isaac B. Lamborn, Palmyra.
Esther R. Beers, Petersburg.
Katie Heiliger, Plymouth.
Amos W. Shafer, Polk.
Luther J. Saylor, Rising City.
Peter J. Johnson, Rosalie.
Isaac L. Pindell, Sidney.
Calvin E. Lewis, Stamford.
William A. Pearson, Stella.
Mary E. Hossack, Sutherland.
August Dickenman, Talmage.
Katherine Honey, Uehling.
Harry C. Rogers, Upland.
Harry P. Cato, Valley.
Elroy A. Broughton, Venango.
Inez M. Smith, Verdon.
Albertus N. Dodson, Wilber.
Edgar A. Wight, jr., Wolbach.
John Q. Kirkham, Wood Lake.

NEW MEXICO

Berthold Spitz, Albuquerque.
Perry E. Coon, Gallup.
William W. Dedman, Hurley.
Fred D. Huning, Los Lunas.
Philip N. Sanchez, Mora.

PORTO RICO

Juan Aparicio Rivera, Adjuntas.
Concepcion Torrens de Arrillaga, Anasco.
Francisco Arrufat, Arroyo.
Alfredo Gimenez y Moreno, Bayamon.
Alfredo Font Irizarry, Cabo Rojo.
Ramona Quinones, Catano.
Julio Ramos, Cayey.
Angel de Jesus Matos, Coamo.
Eduvigis de la Rosa, Isabela.
Angel F. Colon, Juana Diaz.
Luis Clos, Naguabo.
Augusto M. Garcia, Sabana Grande.
Hortensia R. O'Neill, San German.
Rafael del Valle, San Juan.
Francisco Valldejuli, Yabucoa.
Simon Semidei, Yauco.

TENNESSEE

Frank B. King, Alcoa.
James M. Yokley, Baileyton.
Thomas M. Boyd, Bruceton.
Willard J. Springfield, Chattanooga.
Carus S. Hicks, Clinton.
Glenn A. Fortner, Cumberland Gap.
David H. Hughes, Eagleville.
Roscoe T. Carroll, Estill Springs.
Lula L. Shearer, Farner.
Peyton B. Anderson, Greenback.
Thomas D. Walker, Kerrville.
James E. Miller, Kingsport.
Arthur Taylor, Lenoir City.
John D. M. Marshall, Lookout Mountain.
William S. Gentry, McEwen.
Thomas W. Thompson, Mount Juliet.
Evan D. Phillips, Oliver Springs.
William S. Stanley, Oneida.
John W. Wiggs, Paris.
William A. Reed, Pocahontas.
Otis E. Jones, Prospect Station.
James C. Key, Riceville.
Clifford B. Perkins, Roan Mountain.
Mettie M. Collins, Rutledge.
William R. Hurst, Savannah.
James H. Christian, Smithville.
John L. Goin, Tazewell.
Ben Sloan, Vonore.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *December 16, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou art still going on with life. Unto us may it mean something that is intense and filled with mighty and eternal consequences. Help us to meet the claims that conform to Thy holy will and to ever feel the constraints that are upon us. O Thou giver of life, take our lives, so often misused and contradictory, and restore, renew, and simplify them. Give us strength to use them better and wiser. Continue to work through us Thy great purposes which Thou hast for our country. Teach us that our love and faith are tested by what we are willing to suffer and sacrifice. Also impress us that these are the graces that bring us at the last to our heavenly Father. In the name of Christ we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMMIGRATION

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Germany and the immigration quota.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. BEGG. Reserving the right to object, is it the gentleman's own remarks?

Mr. VAILE. My own remarks.

There was no objection.

Mr. VAILE. Mr. Speaker, an organization composed of American citizens of German birth or descent, known as the Steuben Society of America, is waging a vigorous campaign for the amendment of the immigration act of 1924. The society is composed of representative and high-class citizens and its propaganda is dignified and expressed in a reasonable tone. That propaganda is, however, a complete mistake and is based upon a total misunderstanding of the facts of the case.

The amendment advocated is one which would prevent the going into effect of the new basis of immigration quota calculation known as the "National Origins Method," which, according to the language of the statute, is to become operative July 1, 1927. The amendment proposes to continue permanently the present method, based on the census of 1890, which the act intended to be temporary and to continue only until the Census Bureau should have had time to work out the other plan.

The matter will not be entirely clear without explanation, even to Members of Congress, unless they have had opportunity to follow the several steps of restrictive immigration legislation. Doubtless it is the lack of such opportunity which has caused the members of the Steuben Society to get so completely off the track. But to those who are in the least familiar with the recent development of immigration policy of the United States there is one fact which stands out as clearly as any fact can possibly stand out, and that is that far from discriminating against or in favor of any racial group, Congress has endeavored to treat them all with the most even-handed justice. When the removal of the last remaining vestige of discrimination is the purpose of the very provision of which the Steuben Society complains, the charge that that provision is discriminatory is one which ought to be promptly and emphatically refuted. Especially is such refutation due since it

is charged that the discrimination was slipped into the bill as a joker when the attention of Congress was occupied with something else. It is evident that the gentlemen who make the latter charge are unfamiliar with the voluminous record of congressional action of the subject, to which I shall refer in a following paragraph.

Let me make a preliminary observation in order to emphasize the generosity of the American Congress. We have an undoubted right to discriminate if we wish to do so. There are some countries whose emigrants, notwithstanding notable individual exceptions, have not on the whole done well here. We might in the proper exercise of sovereignty have said, "We will give those countries a smaller proportion of the total."

We said nothing of the kind.

There are some countries whose people, for the most part, have come so recently that they are not fully assimilated into our body social and politic. We might very well have said "their value to us is not yet fully proved; we will grant the privilege of entry only to those peoples who have fully demonstrated that they can become a part of us." That position would not have been unreasonable, and it would certainly have been within our powers. It would only have involved the assumption that the people from whom we derive our laws, our language, and the major part of our blood are more assimilable than people of different language, ancestry, and customs.

But we did not frame our legislation on that theory.

As against the very group which is now addressing us through the Steuben Society, it was urged that they represented the blood of a nation which had recently been at war with our own country, a people who, concededly of great strength and ability, were accustomed to establish communities of their own, proudly and tenaciously maintaining in our midst their own language and customs—language and customs which, however meritorious, are not the language and customs of the United States. It was therefore urged that the proportionate contribution of this group to the future population of the United States should be reduced.

We refused to adopt any such policy, but adopted instead, though by degrees and slowly, because it was the only way we could work it out, a policy which will treat all countries of the white race with exact justice, so far as that can be accomplished by any method within our power to devise. It has been necessary, however, for Members of Congress to explain to many dissatisfied constituents that the present very great discrimination in favor of Germany is temporary, due to the working out of the process, and that when that process shall have been completed Germany will have a proportionate share no greater than that of England, France, or Scandinavia.

For although, knowing something of the personnel of the Steuben Society, I am confident that its propaganda is issued in good faith and with a firm belief in its merits, its effect if successful would be to preserve discriminations and not to destroy them.

It is perhaps a general attribute of human nature that we are unable to see a discrimination when it is in our favor, while its removal looks like a discrimination against us. The loss of a special privilege—when it is one that we ourselves have enjoyed—becomes the denial of a right. The suggestion that the "racial origins" plan of computing immigration quotas is discriminatory is—innocently, I am sure—the exact opposite of the truth. The fact is that that method will end existing discriminations of which Germany is at present by far the greatest beneficiary.

This will sufficiently appear, I believe, from a brief examination of the recent progress of immigration legislation and consideration of some figures bearing on the subject.

In 1921 we passed the so-called 3 per cent law, admitting to this country from any other country not to exceed 3 per cent of the number of people born in that country and resident in the United States by the census of 1910. This was by its terms a temporary measure intended to limit totals, to establish the then new principle of numerical limitation, and to be the basis for a more scientific plan in the future. This law provided for admission under the quota (to which, however, there were many exceptions, including all countries of the Western Hemisphere) of some 855,000 immigrants annually.

This statute, though it did have the effect of limiting immigration and though it met with the approval of a great majority of the people of the United States, was subject to two principal objections: First, the total of admissions was too large, in the opinion of a majority of people; second, there was a very great preponderance of people from southern and eastern Europe, for the obvious reason that people from those countries comprised a very large percentage of the more recent immigration and consequently a very large percentage of the base for measurement as fixed by the statute. Germany suffered under this law in common with England, France, and the Scandinavian countries, if their equites should be measured by their total contributions to the present blood of the United States.

That theoretical standard has seemed the one to be aimed at. If immigration quotas are to be based on the number of people born in different countries who are residing in this country at a given time, it is obvious that the use of a late census will give a far greater quota to such countries as Italy, Greece, and Poland; that the use of a census, say, in the middle of the preceding half century would give a greater allowance to Scandinavia and Germany; and that the use of a very early census would practically limit immigration to the people of the British Isles.

No apportionment based on the census of any given year would be entirely fair to all countries. Nevertheless, a census base is one capable of immediate application, and there is one, 1890, lying between the extremes above mentioned which does effect a proportionate equilibrium between two groups of countries.

The plan of basing immigration quotas upon the proportion of aliens from each country who had become naturalized, was suggested, and bills were introduced to carry it into effect, but very brief consideration showed that it would not give us a fair or desirable solution of the problem. The people who become naturalized most quickly are those who give up the least when they surrender their former allegiance. Those who become naturalized most slowly are, in the main, those whose mother countries are most like our own. The Armenian, fleeing from the rule of the Sultan, is about the first to arrive at the bar of the naturalization court. The Englishman is generally the last. Germans have varied a good deal at different times in our history, probably on account of changing political conditions in their own country, but they are by no means the first.

I have yet to see any plan suggested which meets more general approval than that of basing the proportion of immigration from different countries upon the proportion of our total present blood which those countries have contributed. It is a plan of which no country can justly complain. It is a declaration to all countries, "We don't want the blood of the United States to be further changed, but we are willing to accept people from all of you at their face value on the basis of your aggregate past contribution to our present blood."

Let those who are dissatisfied with this plan propose a fairer one, always bearing in mind that if they advocate a scheme which will favor themselves some other group will be working for something which will put the advantage in their own laps. Germany, for example, which in common with other northern and western countries was discriminated against by the application of the 1910 census, might find that as a result of Germans' agitation for the retention of a census base which favors them, they would get a census base, indeed, but one which would discriminate against them more than the first one did, 1920 for example. That one has in its favor a good "talking point," namely, that it is our last one. But it would leave Germany without any appreciable immigration at all.

The history of the debates in Congress and the hearings before the Immigration Committees of the two Houses shows very strong advocacy of the 1920 census by powerful groups such as the Italians, Poles, and Hungarians, which are very aggressive, are led by capable men, are supported by a numerous press, and in their aggregate might present a much stronger numerical front than the Germans.

The 1890 census base was adopted in the 1924 act, to govern the first three years of its operation, in order to accomplish an apportionment between the countries of northern and western Europe on the one hand and the countries of southern and eastern Europe on the other hand, in accordance with the total relative contribution of those countries, as two groups, to the present (1920) white population of the United States.

Under the 1920 census we had white persons to the number of 92,286,237.

Of these, the total contribution of northern and western Europe was 78,833,838, or 85.02 per cent.

Southern and eastern Europe, 13,496,968, or 14.62 per cent.

Great Britain and Ireland, 56,174,047, or 60.74 per cent.

Germany, 13,557,510, or 14.67 per cent.

It will, of course, be understood, that the figures above given in numbers of individuals from each of the countries

or groups of countries mentioned, represent not the number of pure-blooded individuals of the given stock, but the total amount of the blood of that stock in the whole population, most of us, of course, being of mixed blood.

Now, as between the two groups of countries, northern and western Europe as compared with southern and eastern Europe, the use of the 1890 census base effected a practically exact proportion on the basis of the above percentages. This was a great improvement, as was also, in our opinion, the reduction of the total from 355,000 to 164,667, which was effected by making the allowance 2 per cent instead of 3 per cent of the accepted census base.

But although the proportion was accurate as between the two groups of countries it was not accurate at all as between countries within those groups, and the purpose of providing for the national-origins method of computation on a total of 150,000 instead of 164,667 was to extend the principle of equality of treatment throughout each group as soon as that base could be fully worked out by the Bureau of the Census.

Germany's very great relative advantage on the 1890 base will appear from the following figures:

Total quota immigration (2 per cent of 1890), 164,667.

Quota of Great Britain and Ireland and Irish Free State, 52,574, or 31.93 per cent.

Quota of Germany, 51,227, or 31.19 per cent.

It will thus be observed that under the present quota (2 per cent of 1890) Germany is allowed within less than 1 per cent of the number allotted to Great Britain and Ireland. It is obviously impossible to justify this equality of numbers on any theory consistent with the relative contributions of these two countries to the present total white population of the United States. No observer, though not a statistician, could doubt for a moment that the British contribution has been far greater. The Bureau of the Census has not yet completed its calculations. The foregoing figures are derived from previous census publications and, of course, involve estimates, but they are believed to be approximately correct. If Germany has contributed, first and last, 14.67 per cent of the present blood of the United States, she is now receiving more than twice her just share of the total immigration allowance. If Great Britain and Ireland have given us 60.74 per cent of our blood, those islands are now receiving only about one-half of their equitable immigration allowance.

But our friends of the Steuben Society assert that the national-origins plan is unfair and discriminatory because it will—

> enforce as a standard for fixing quotas the relative numbers of such elements in this country as early as 1790, thereby giving British subjects an undue preference over all other races, regardless of merit.

Are we to understand that we should embark upon a policy of considering the merits of different races in fixing immigration quotas? There is much to be said in favor of it, if matter of opinion could be readily reduced to matter of fact in an applicable form. But, as already stated, we rejected that plan in the interest of an absolutely nondiscriminatory law. Personally, I am thoroughly convinced that an attempt to weigh the relative merits of different racial elements of our population would stir up endless antagonisms and bitterness, could not possibly accomplish a beneficial result, and would be bound to be decided, not on its merits, phychological, physical, or economic, but by majorities regardless of merit.

In fact, the Steuben Society itself recognizes the undesirability of such a discussion when it says—I can not conceive on what reasoning—that the result of the application of the racial origins method will be—

> to classify members of those races (the later arrivals), now citizens of this country both by birth and naturalization, as of inferior stock and thus accentuate race differences in this country, with the evils resulting therefrom.

What, I respectfully inquire, could more accentuate those differences than an attempt to apportion immigration on the basis of the assumed superior merit of one group over another group? What would less accentuate them than an apportionment based on numbers only?

Our population of German descent, concededly a very valuable element, would in my opinion be making a grave mistake to raise such an issue. At all events, this method of fixing immigration quotas has been definitely rejected by Congress.

But they say in their circulars that the racial origins amendment was a "joker" that was passed unnoticed during the session when the Japanese exclusion act occupied the attention of Congress. Japanese exclusion and the national-origins plan were not, as this statement would imply, the subjects of separate acts of Congress. They were parts of the same act; and, without stopping to make a calculation of the number of pages of the CONGRESSIONAL RECORD devoted to each subject, I would say that the latter was discussed much more than the former. At all events, it was certainly not something that was "slipped over" while nobody was looking. It was sponsored by Senator REED of Pennsylvania and by that judicially minded statesman, Hon. John Jacob Rogers, of Massachusetts, now deceased, but whose spirit still remains with us in the person of his gifted wife.

These gentlemen, with the scholarly care which has distinguished all their public service, proposed this plan and discussed it at length, presenting elaborate tables in its support. Mr. Rogers submitted the amendment to the House at least three separate times, commencing at the very beginning of the debates on the bill, as will be seen by examination of the CONGRESSIONAL RECORD of April 8, 1924, pages 5847–5848; April 11, 1924, pages 6110–6112; and April 12, 1924, pages 6226–6227. In the other body Senator REED of Pennsylvania discussed it at full length in a running fire of debate participated in by many other Members as early as April 3. That discussion occupies 11 of the closely printed double-column folio pages of the CONGRESSIONAL RECORD of that day, extending from page 5460 to page 5471. The Rogers-Reed tables are there inserted at pages 5470–5471. The total of references to the subject by other Members of both Houses, both at the time of the original debates on the bill and subsequently in the debates on the conference report, are too numerous to be here inserted. As I myself had the honor of opening the debate in behalf of the immigration bill in the House on April 5, I make bold to refer to my own remarks in the RECORD of that day, pages 5643–5647, because, although they were not directed to this particular point, they contain tables and a chart which are applicable to this discussion.

The immigration bill was not finally passed in both Houses until more than a month later—May 15, 1924, RECORD, page 8589—and during most of the intervening period it was in conference. I was one of the conferees, and I can say now that this amendment was one of the things most discussed in the conference committee.

The suggestion that the attention of Congress was not called to it is a total error. It was more discussed in both Houses than any other single feature of the bill, though the Japanese exclusion matter undoubtedly was given more space in the press.

I may say further that while the bill was in conference I had several conversations regarding it with Dr. Otto Wiedfeldt, the then ambassador of Germany, at his home in Washington. Of course this was not official in any sense. A diplomatic representative does not attempt to influence legislation of the country to which he is accredited, and Doctor Wiedfeldt was a man who, notwithstanding his zeal for the best interests of his countrymen, was always punctilious in his regard for the proprieties of his position. But he was my personal friend. Our families exchanged visits, and we were occasionally entertained at his house. I could not help knowing that he was disturbed, as my friends of the Steuben Society are disturbed, by the prospect of a cut in the German quota. Intensely and energetically interested in the material prosperity of his countrymen and entertaining the friendliest feeling for the United States and its people, he would have been glad to see many more Germans admitted to this country, to become a part of it and partners with its people in its government. I took it upon myself to explain the situation to him. I am sure that I succeeded in convincing him that Germany would be receiving more than her share of our total immigration so long as the 1890 census base should be applied, and that Germany would receive no less than her share when the national-origins plan should come into effect.

Of course, he regretted any cut in the German quota, no matter how it should be effected.

But the Steuben Society impugns not only the fairness but the accuracy of the national-origins method, saying:

> An immigration quota, based upon the unauthoritative figures of a census of 1790, must always remain open to dispute and attack, as the records of this census were partly destroyed when the British burned our Capitol in Washington in 1812.

It is true that a small part of these records were so destroyed. I take the following statement from the introduc-

tion to the reprint of the 1790 census, which gives the names of the heads of families of all the people enumerated:

The first census of the United States (1790) contains an enumeration of the inhabitants of the present States of Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia.

A complete set of the schedules for each State, with a summary for the counties, and in many cases for the towns, was filed in the State Department, but unfortunately they are not now complete, the returns for the States of Delaware, Georgia, Kentucky, New Jersey, Tennessee, and Virginia having been destroyed when the British burned the Capitol at Washington during the War of 1812. For several of the States for which schedules are lacking it is probable that the Director of the Census could obtain lists which would present the names of most of the heads of families at the date of the first census. * * * The loss of Virginia's original schedules * * * is so unfortunate that every effort has been made to secure data that would in some measure fill the vacancy. The only records that could be secured were some manuscript lists of State enumerations made in the years 1782, 1783, 1784, and 1785; also the tax lists of Greenbrier County from 1783 to 1786. * * * The counties for which the names of the heads of families are returned on the State census lists are 39 in number, and contained in 1790 a population of 370,000; 41 counties with 377,000 population are lacking; this publication covers, therefore, only about one-half the State.

But the total number of people in the United States, exclusive of slaves, as appearing in the First Census, is a record that was not lost. That number was 3,231,533. It was only the names, in 5½ of the 17 States which were lost. Now there was no appreciable German population in any of those 5½ States, with the possible exception of Delaware. Most of them were in Pennsylvania, whose names we have. If the 5½ States should be averaged on the basis of the other States, whose records were not destroyed, Germany would be credited with probably more than her actual share in the population of the United States in 1790.

This objection of the Steuben Society would seem to give the impression that the 1790 census is the whole basis for computation under the national-origins method. It is just the beginning of that basis, because it was the beginning of our population statistics. Should it be excluded in an estimate of the elements of our present population because it is not complete in all of its details? The national-origins calculation will be based upon our original stock (census of 1790) plus their estimated descendants, plus all the people who have come since, down to 1920, plus their estimated descendants, these estimates being made according to approved formulae for calculating population growth. It is true that the calculation will not and can not be exact. It is just as true that it will be a fair approximation, the possible errors of which will be insignificant.

Let those who have a fairer plan propose it. But any plan which involves leaving out elements which founded this country, won its independence, and established its government, elements which were here since the very beginning, will be out of court before its case is submitted.

And, finally, let me point out a singular inconsistency in the attitude of our critic friends. They want the 1890 census base retained. That base rests also upon the census of 1790 to exactly the same extent as does the national-origins plan. It was justified on the theory that it effects an equitable apportionment between two groups of countries, basing such equitable proportion on the contributions of those groups to our total present population, and calculating those contributions back to the country's beginning in the way just described. Its only defect is that it is not fully applied to work out such equitable proportions between countries within those two groups.

Our friends are hardly entitled to claim the advantage of an element in the calculation while repudiating the disadvantage of the same element more completely and scientifically applied.

Leave the 1790 census out of our calculation and there is no argument left for the 1890 census base. The Steuben Society would be cutting the ground from under its own feet. Our German-American citizens must stand on that ground, like any other group, with its disadvantages as well as its advantages.

The national-origins plan is fair to all; it avoids completely all racial discrimination, and it will preserve the blood of the United States in its present proportions.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled resolutions of the following titles, when the Speaker signed the same:

S. J. Res. 1. A joint resolution to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress; and

H. J. Res. 67. A joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

STANDING COMMITTEES OF THE HOUSE

Mr. TILSON. Mr. Speaker, I send to the desk the following resolution for the majority members on the standing committees of the House.

The Clerk read the resolution, as follows:

House Resolution 50

Resolved, That the following Members be, and they are hereby, elected chairmen and members of the following-named standing committees of the House, to wit:

ASSIGNMENT OF MAJORITY MEMBERS TO STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Elections No. 1.—Don B. Colton, of Utah (chairman); Carroll L. Beedy, of Maine; George A. Welsh, of Pennsylvania; Robert G. Houston, of Delaware; F. D. Letts, of Iowa; and Godfrey G. Goodwin, of Minnesota.

Elections No. 2.—Bird J. Vincent, of Michigan (chairman); Robert Luce, of Massachusetts; Randolph Perkins, of New Jersey; Henry R. Rathbone, of Illinois; Thomas A. Jenkins, of Ohio; and Carl G. Bachmann, of West Virginia.

Elections No. 3.—Charles L. Gifford, of Massachusetts (chairman); William I. Swoope, of Pennsylvania; Willis G. Sears, of Nebraska; Charles Brand, of Ohio; Albert R. Hall, of Indiana; and Albert E. Carter, of California.

Judiciary.—George S. Graham, of Pennsylvania, chairman; Leonidas C. Dyer, of Missouri; William D. Boies, of Iowa; Charles A. Christopherson, of South Dakota; Richard Yates, of Illinois; Ira G. Hersey, of Maine; Earl C. Michener, of Michigan; Andrew J. Hickey, of Indiana; Nathan D. Perlman, of New York; J. Banks Kurtz, of Pennsylvania; C. Ellis Moore, of Ohio; John J. Gorman, of Illinois; George R. Stobbs, of Massachusetts; and James F. Strother, of West Virginia.

Banking and Currency.—Louis T. McFadden, of Pennsylvania (chairman); Edward J. King, of Illinois; James G. Strong, of Kansas; Robert Luce, of Massachusetts; Clarence MacGregor, of New York; E. Hart Fenn, of Connecticut; Guy E. Campbell, of Pennsylvania; Elmer O. Leatherwood, of Utah; Carroll L. Beedy, of Maine; William Williamson, of South Dakota; Joseph L. Hooper, of Michigan; John C. Allen, of Illinois; and Godfrey G. Goodwin, of Minnesota.

Coinage, Weights, and Measures.—Randolph Perkins, of New Jersey (chairman); Albert H. Vestal, of Indiana; Lloyd Thurston, of Iowa; Harry I. Thayer, of Massachusetts; Frederick W. Magrady, of Pennsylvania; Florence P. Kahn, of California; W. T. Fitzgerald, of Ohio; John M. Wolverton, of West Virginia; Florian Lampert, of Wisconsin; O. J. Kvale, of Minnesota; and Dan A. Sutherland, of Alaska.

Rivers and Harbors.—S. Wallace Dempsey, of New York (chairman); Richard P. Freeman, of Connecticut; Nathan L. Strong, of Pennsylvania; Cleveland A. Newton, of Missouri; James J. Connelly, of Pennsylvania; M. A. Michaelson, of Illinois; Walter F. Lineberger, of California; W. M. Morgan, of Ohio; William B. Hull, of Illinois; George N. Seger, of New Jersey; W. W. Chalmers, of Ohio; M. E. Crumpacker, of Oregon; and John B. Sosnowski, of Michigan.

Merchant Marine and Fisheries.—Frank D. Scott, of Michigan (chairman); Wallace H. White, jr., of Maine; Frederick R. Lehlbach, of New Jersey; Arthur M. Free, of California; Charles Brand, of Ohio; Frank R. Reid, of Illinois; Robert L. Bacon, of New York; Charles L. Gifford, of Massachusetts; Fletcher Hale, of New Hampshire; Harry E. Rowbottom, of Indiana; Edmund N. Carpenter, of Pennsylvania; William R. Johnson, of Illinois; Frederick M. Davenport, of New York; and Dan A. Sutherland, of Alaska.

Agriculture.—Gilbert N. Haugen, of Iowa (chairman); Fred S. Purnell, of Indiana; Melvin O. McLaughlin, of Nebraska; J. N. Tincher, of Kansas; Thomas S. Williams, of Illinois; Charles J. Thompson, of Ohio; John C. Ketcham, of Michigan; Thomas Hall, of North Dakota; Harcourt J. Pratt, of New York; Franklin W. Fort, of New Jersey; Franklin Menges, of Pennsylvania; August H. Andresen, of Minnesota; and Charles Adkins, of Illinois.

Foreign Affairs.—Stephen G. Porter, of Pennsylvania (chairman); Henry W. Temple, of Pennsylvania; James T. Begg, of Ohio; Theodore E. Burton, of Ohio; Benjamin L. Fairchild, of New York; Hamilton Fish, jr., of New York; Cyrenus Cole, of Iowa; William N. Vaile, of Colorado; Edgar C. Ellis, of Missouri; Morton D. Hull, of Illinois; Joseph W. Martin, jr., of Massachusetts; Charles A. Eaton, of New Jersey; and Henry Allen Cooper, of Wisconsin.

Military Affairs.—John M. Morin, of Pennsylvania (chairman); W. Frank James, of Michigan; Harry C. Ransley, of Pennsylvania; John Philip Hill, of Maryland; Harry M. Wurzbach, of Texas; Louis A. Frothingham, of Massachusetts; B. Carroll Reece, of Tennessee; John C. Speaks, of Ohio; J. Mayhew Wainwright, of New York; James P. Glynn, of Connecticut; Loren E. Wheeler, of Illinois; Noble J. Johnson, of Indiana; and Allen J. Furlow, of Minnesota.

Naval Affairs.—Thomas S. Butler, of Pennsylvania (chairman); Fred A. Britten, of Illinois; George P. Darrow, of Pennsylvania; A. E. B. Stephens, of Ohio; Clark Burdick, of Rhode Island; Francis F. Patterson, jr., of New Jersey; A. Piatt Andrew, of Massachusetts; John F. Miller, of Washington; Roy O. Woodruff, of Michigan; James M. Magee, of Pennsylvania; William R. Coyle, of Pennsylvania; and Ralph E. Updike, sr., of Indiana.

Post Office and Post Roads.—W. W. Griest, of Pennsylvania (chairman); C. William Ramseyer, of Iowa; Archie D. Sanders, of New York; Samuel A. Kendall, of Pennsylvania; M. Clyde Kelly, of Pennsylvania; Elliott W. Sproul, of Illinois; Laurence H. Watres, of Pennsylvania; Herbert W. Taylor, of New Jersey; Frank H. Foss, of Massachusetts; Ralph E. Bailey, of Missouri; David Hogg, of Indiana; Harold S. Tolley, of New York; and Joshua W. Swartz, of Pennsylvania.

Public Lands.—Nicholas J. Sinnott, of Oregon (chairman); Addison T. Smith, of Idaho; Don B. Colton, of Utah; Charles E. Winter, of Wyoming; Scott Leavitt, of Montana; Phil D. Swing, of California; Samuel S. Arents, of Nevada; F. D. Letts, of Iowa; Lawrence J. Flaherty, of California; Joseph L. Hooper, of Michigan; Frederick M. Davenport, of New York; Victor L. Berger, of Wisconsin; and Fiorello H. LaGuardia, of New York.

Indian Affairs.—Scott Leavitt, of Montana (chairman); W. H. Sproul, of Kansas; George F. Brumm, of Pennsylvania; Grant M. Hudson, of Michigan; Gale H. Stalker, of New York; Harold Knutson, of Minnesota; William Williamson, of South Dakota; Thaddeus C. Sweet, of New York; Harry I. Thayer, of Massachusetts; F. D. Letts, of Iowa; S. J. Montgomery, of Oklahoma; Elbert S. Brigham, of Vermont; James A. Frear, of Wisconsin; and Dan A. Sutherland, of Alaska.

Territories.—Charles F. Curry, of California (chairman); Albert Johnson, of Washington; Cassius C. Dowell, of Iowa; Louis T. McFadden, of Pennsylvania; James G. Strong, of Kansas; Richard N. Elliott, of Indiana; Ernest W. Gibson, of Vermont; Anderson H. Walters, of Pennsylvania; Ed. M. Irwin, of Illinois; Florian Lampert, of Wisconsin; and Dan A. Sutherland, of Alaska.

Insular Affairs.—Edgar R. Kiess, of Pennsylvania (chairman); Charles E. Fuller, of Illinois; Frederick N. Zihlman, of Maryland; Harold Knutson, of Minnesota; Carroll L. Beedy, of Maine; Grant M. Hudson, of Michigan; George F. Brumm, of Pennsylvania; Robert L. Bacon, of New York; Charles L. Underhill, of Massachusetts; Elbert S. Brigham, of Vermont; Albert R. Hall, of Indiana; Albert E. Carter, of California; Lloyd Thurston, of Iowa; and Felix Cordova Davila, of Porto Rico.

Railways and Canals.—Oscar E. Keller, of Minnesota (chairman); Roy G. Fitzgerald, of Ohio; Harry C. Woodyard, of West Virginia; Anderson H. Walters, of Pennsylvania; Charles E. Kiefner, of Missouri; Joseph D. Beck, of Wisconsin; George J. Schneider, of Wisconsin; and John C. Schafer, of Wisconsin.

Mines and Mining.—John M. Robsion, of Kentucky (chairman); William Williamson, of South Dakota; Don B. Colton, of Utah; Charles E. Winter, of Wyoming; W. H. Sproul, of Kansas; George F. Brumm, of Pennsylvania; Joe J. Manlove, of Missouri; Arthur M. Free, of California; Edmund N. Carpenter, of Pennsylvania; and Dan A. Sutherland, of Alaska.

Public Buildings and Grounds.—Richard N. Elliott, of Indiana (chairman); J. Will Taylor, of Tennessee; Daniel A. Reed, of New York; William F. Kopp, of Iowa; Gale H. Stalker, of New York; Charles Brand, of Ohio; Anderson H. Walters, of Pennsylvania; Clarence J. McLeod, of Michigan; Harry I. Thayer, of Massachusetts; Ed. M. Irwin, of Illinois; Charles J. Esterly, of Pennsylvania; John M. Wolverton, of West Virginia; and F. H. LaGuardia, of New York.

Education.—Daniel A. Reed, of New York (chairman); John M. Robsion, of Kentucky; William P. Holaday, of Illinois; George A. Welsh, of Pennsylvania; Robert L. Bacon, of New York; E. Hart Fenn, of Connecticut; Fletcher Hale, of New Hampshire; and Florence P. Kahn, of California.

Labor.—William F. Kopp, of Iowa (chairman); Frederick N. Zihlman, of Maryland; Joe J. Manlove, of Missouri; George A. Welsh, of Pennsylvania; Lawrence J. Flaherty, of California; Stewart H. Appleby, of New Jersey; Harry E. Rowbottom, of Indiana; and Joseph D. Beck, of Wisconsin.

Patents.—Albert H. Vestal, of Indiana (chairman); Randolph Perkins, of New Jersey; Clarence J. McLeod, of Michigan; Charles J. Esterly, of Pennsylvania; Godfrey G. Goodwin, of Minnesota; Henry L. Bowles, of Massachusetts; Florian Lampert, of Wisconsin; and Knud Wefald, of Minnesota.

Invalid Pensions.—Charles E. Fuller, of Illinois (chairman); Richard N. Elliott, of Indiana; Edward M. Beers, of Pennsylvania; William I. Swoope, of Pennsylvania; Thaddeus C. Sweet, of New York; W. T. Fitzgerald, of Ohio; Elbert S. Brigham, of Vermont; John M. Nelson, of Wisconsin; and Knud Wefald, of Minnesota.

Pensions.—Harold Knutson, of Minnesota (chairman); John M. Robsion, of Kentucky; William F. Kopp, of Iowa; Elmer O. Leatherwood, of Utah; Gale H. Stalker, of New York; Joe J. Manlove, of Missouri; Stewart H. Appleby, of New Jersey; and Edward Voigt, of Wisconsin.

Claims.—Charles L. Underhill, of Massachusetts (chairman); Oscar E. Keller, of Minnesota; Bird J. Vincent, of Michigan; Willis G. Sears, of Nebraska; Anderson H. Walters, of Pennsylvania; William R. Johnson, of Illinois; Stewart H. Appleby, of New Jersey; Edmund N. Carpenter, of Pennsylvania; and Joseph D. Beck, of Wisconsin.

War Claims.—James G. Strong, of Kansas (chairman); William I. Swoope, of Pennsylvania; Charles E. Winter, of Wyoming; Thaddeus C. Sweet, of New York; John M. Wolverton, of West Virginia; Joseph L. Hooper, of Michigan; Frederick W. Magrady, of Pennsylvania; James H. Sinclair, of North Dakota; and Hubert H. Peavey, of Wisconsin.

District of Columbia.—Frederick N. Zihlman, of Maryland (chairman); Oscar E. Keller, of Minnesota; Charles L. Underhill, of Massachusetts; Clarence J. McLeod, of Michigan; Ernest W. Gibson, of Vermont; Edward M. Beers, of Pennsylvania; Henry R. Rathbone, of Illinois; Gale H. Stalker, of New York; Frank R. Reid, of Illinois; Henry L. Bowles, of Massachusetts; Frank L. Bowman, of West Virginia; Robert G. Houston of Delaware; and Florian Lampert, of Wisconsin.

Revision of the Laws.—Roy G. Fitzgerald, of Ohio (chairman); Charles E. Fuller, of Illinois; William I. Swoope, of Pennsylvania; Willis G. Sears, of Nebraska; Frank R. Reid, of Illinois; Carl G. Bachmann, of West Virginia; Frederick W. Magrady, of Pennsylvania; and Edward Voigt, of Wisconsin.

Civil Service.—Frederick R. Lehlbach, of New Jersey (chairman); Addison T. Smith, of Idaho; Ernest W. Gibson, of Vermont; Grant M. Hudson, of Michigan; Joe J. Manlove, of Missouri; Lloyd Thurston, of Iowa; Carl G. Bachmann, of West Virginia; and Edward E. Browne, of Wisconsin.

Election of President, Vice President, and Representatives in Congress.—Hays B. White, of Kansas (chairman); Charles L. Gifford, of Massachusetts; Randolph Perkins, of New Jersey; W. T. Fitzgerald, of Ohio; Frank L. Bowman, of West Virginia; Harry I. Thayer, of Massachusetts; Arthur M. Free, of California; and Frederick W. Magrady, of Pennsylvania.

Alcoholic Liquor Traffic.—Grant M. Hudson, of Michigan (chairman); Addison T. Smith, of Idaho; W. T. Fitzgerald, of Ohio; Edward E. Browne, of Wisconsin; James H. Sinclair, of North Dakota; Fiorello H. LaGuardia, of New York; and O. J. Kvale, of Minnesota.

Irrigation and Reclamation.—Addison T. Smith, of Idaho (chairman); Nicholas J. Sinnott, of Oregon; Elmer O. Leatherwood, of Utah; Scott Leavitt, of Montana; Charles E. Winter, of Wyoming; Phil D. Swing, of California; Samuel S. Arentz, of Nevada; John C. Allen, of Illinois; and Frederick M. Davenport, of New York.

Immigration and Naturalization.—Albert Johnson, of Washington (chairman); J. Will Taylor, of Tennessee; Hays B. White, of Kansas; Arthur M. Free, of California; William P. Holaday, of Illinois; Bird J. Vincent, of Michigan; William I. Swoope, of Pennsylvania; Robert L. Bacon, of New York; Thomas A. Jenkins, of Ohio; and Benjamin M. Golder, of Pennsylvania.

Expenditures in the State Department.—J. Will Taylor, of Tennessee (chairman); E. Hart Fenn, of Connecticut; Edward E. Browne, of Wisconsin; and James H. Sinclair, of North Dakota.

Expenditures in the Treasury Department.—Ernest W. Gibson, of Vermont (chairman); Edgar R. Kiess, of Pennsylvania; S. J. Montgomery, of Oklahoma; and Knud Wefald, of Minnesota.

Expenditures in the War Department.—Thaddeus C. Sweet, of New York (chairman); Charles L. Gifford, of Massachusetts; Florence P. Kahn, of California; and John C. Schafer, of Wisconsin.

Expenditures in the Navy Department.—George F. Brumm, of Pennsylvania (chairman); William F. Kopp, of Iowa; and Edith Nourse Rogers, of Massachusetts.

Expenditures in the Post Office Department.—Phil D. Swing, of California (chairman); Harry E. Rowbottom, of Indiana; Charles E. Kiefner, of Missouri; and Hubert H. Peavey, of Wisconsin.

Expenditures in the Interior Department.—William Williamson, of South Dakota (chairman); Samuel S. Arentz, of Nevada; George J. Schneider, of Wisconsin; and John M. Nelson, of Wisconsin.

Expenditures in the Department of Justice.—Willis G. Sears, of Nebraska (chairman); George A. Welsh, of Pennsylvania; Albert R. Hall, of Indiana; and James A. Frear, of Wisconsin.

Expenditures in the Department of Agriculture.—Edward J. King, of Illinois (chairman); Harry C. Woodyard, of West Virginia; Edward M. Beers, of Pennsylvania; and Edward Voigt, of Wisconsin.

Expenditures in the Department of Commerce.—Henry R. Rathbone, of Illinois (chairman); Roy G. Fitzgerald, of Ohio; Harold Knutson, of Minnesota; and Bird J. Vincent, of Michigan.

Expenditures in the Department of Labor.—Carroll L. Beedy, of Maine (chairman); Guy E. Campbell, of Pennsylvania; William P. Holaday, of Illinois; and Robert G. Houston, of Delaware.

Expenditures on Public Buildings.—Elmer O. Leatherwood, of Utah (chairman); Frank L. Bowman, of West Virginia; Lawrence J. Flaherty, of California; and Victor L. Berger, of Wisconsin.

Rules.—C. William Ramseyer, of Iowa.

Accounts.—William R. Johnson, of Illinois.

Mileage.—Hubert H. Peavey, of Wisconsin.

Census.—E. Hart Fenn, of Connecticut (chairman); Clarence J. McLeod, of Michigan; Robert L. Bacon, of New York; Hays B. White, of Kansas; Albert E. Carter, of California; Lloyd Thurston, of Iowa; William R. Johnson, of Illinois; Frederick W. Magrady, of Pennsylvania; Henry L. Bowles, of Massachusetts; and Edward Voigt, of Wisconsin.

Industrial Arts and Expositions.—George A. Welsh, of Pennsylvania (chairman); Daniel A. Reed, of New York; Roy G. Fitzgerald, of Ohio; Henry R. Rathbone, of Illinois; W. H. Sproul, of Kansas; Edith Nourse Rogers, of Massachusetts; Benjamin M. Golder, of Pennsylvania; O. J. Kvale, of Minnesota; and Victor L. Berger, of Wisconsin.

Roads.—Cassius C. Dowell, of Iowa (chairman); John M. Robsion, of Kentucky; Clarence MacGregor, of New York; Charles Brand, of Ohio; Joe J. Manlove, of Missouri; Don B. Colton, of Utah; W. H. Sproul, of Kansas; William P. Holaday, of Illinois; Henry L. Bowles, of Massachusetts; Joseph L. Hooper, of Michigan; Charles J. Esterly, of Pennsylvania; Edmund N. Carpenter, of Pennsylvania; and John M. Nelson, of Wisconsin.

Woman Suffrage.—Wallace H. White, jr., of Maine (chairman); Edith Nourse Rogers, of Massachusetts; John C. Schafer, of Wisconsin; Fiorello H. LaGuardia, of New York; and Knud Wefald, of Minnesota.

World War Veterans' Legislation.—Royal C. Johnson, of South Dakota (chairman); Robert Luce, of Massachusetts; Randolph Perkins, of New Jersey; Roy G. Fitzgerald, of Ohio; Bird J. Vincent, of Michigan; Ernest W. Gibson, of Vermont; George A. Welsh, of Pennsylvania; Thaddeus C. Sweet, of New York; Charles J. Esterly, of Pennsylvania; Ed. M. Irwin, of Illinois; Fletcher Hale, of New Hampshire; S. J. Montgomery, of Oklahoma; and Edith Nourse Rogers, of Massachusetts.

Library.—Robert Luce, of Massachusetts (chairman); Robert L. Bacon, of New York; and John C. Allen, of Illinois.

Printing.—Edward M. Beers, of Pennsylvania (chairman); and Edgar R. Kiess, of Pennsylvania.

Flood Control.—Frank R. Reid, of Illinois (chairman); Charles F. Curry, of California; Roy G. Fitzgerald, of Ohio; William F. Kopp, of Iowa; Phil D. Swing, of California; Anderson H. Walters, of Pennsylvania; Willis G. Sears, of Nebraska; Charles E. Kiefner, of Missouri; and James A. Frear, of Wisconsin.

Disposition of Useless Executive Papers.—Edward H. Wason, of New Hampshire (chairman).

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GARNER of Texas. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 51

Resolved, That the following-named Representatives be, and they are hereby, elected members of the standing committees of the House, as follows:

COMMITTEE ASSIGNMENTS OF THE MINORITY

Agriculture.—James B. Aswell, of Louisiana; David H. Kincheloe, of Kentucky; Marvin Jones, of Texas; F. B. Swank, of Oklahoma; Hampton P. Fulmer, of South Carolina; Thomas L. Rubey, of Missouri; Thomas A. Doyle, of Illinois; and John McSweeney, of Ohio.

Alcoholic Liquor Traffic.—William D. Upshaw, of Georgia; John C. Box, of Texas; and R. A. Green, of Florida.

Banking and Currency.—Otis Wingo, of Arkansas; Henry B. Steagall, of Alabama; Charles H. Brand, of Georgia; William F. Stevenson, of South Carolina; Eugene Black, of Texas; T. Alan Goldsborough, of Maryland; Anning S. Prall, of New York; and Harry C. Canfield, of Indiana.

Census.—John E. Rankin, of Mississippi; Arthur H. Greenwood, of Indiana; George C. Peery, of Virginia; Ralph F. Lozier, of Missouri; Meyer Jacobstein, of New York; Virgil Chapman, of Kentucky; and Samuel Rutherford, of Georgia.

Civil Service.—Lamar Jeffers, of Alabama; Emanuel Celler, of New York; Clifton A. Woodrum, of Virginia; Luther A. Johnson, of Texas; and Gordon Browning, of Tennessee.

Claims.—John C. Box, of Texas; A. L. Bulwinkle, of North Carolina; Loring M. Black, jr., of New York; Elmer Thomas, of Oklahoma; Emanuel Celler, of New York; Adolph J. Sabath, of Illinois; and John Morrow, of New Mexico.

Coinage, Weights, and Measures.—Bill G. Lowrey, of Mississippi; Charles L. Abernethy, of North Carolina; Edgar Howard, of Nebraska; Andrew L. Somers, of New York; John J. Douglass, of Massachusetts; Oscar L. Auf der Heide, of New Jersey; Bolivar E. Kemp, of Louisiana; and R. A. Green, of Florida.

Disposition of Useless Executive Papers.—Arthur B. Rouse, of Kentucky.

District of Columbia.—Christopher D. Sullivan, of New York; Thomas L. Blanton, of Texas; Ralph Gilbert, of Kentucky; William C. Hammer, of North Carolina; Allard H. Gasque, of South Carolina; Mary T. Norton, of New Jersey; Chauncey B. Little, of Kansas; and Joseph Whitehead, of Virginia.

Education.—Bill G. Lowrey, of Mississippi; William W. Hastings, of Oklahoma; Loring M. Black, jr., of New York; Millard E. Tydings, of Maryland; William L. Nelson, of Missouri; John J. Douglass, of Massachusetts; and Brooks Fletcher, of Ohio.

Election of President, Vice President, and Representatives in Congress.—Lamar Jeffers, of Alabama; William E. Cleary, of New York; Ralph F. Lozier, of Missouri; Millard E. Tydings, of Maryland; and Oscar L. Auf der Heide, of New Jersey.

Elections No. 1.—C. B. Hudspeth, of Texas; Edward E. Eslick, of Tennessee; and Virgil Chapman, of Kentucky.

Elections No. 2.—Gordon Browning, of Tennessee; T. Webber Wilson, of Mississippi; and John J. Douglass, of Massachusetts.

Elections No. 3.—Guinn Williams, of Texas; John H. Kerr, of North Carolina; and Heartsill Ragon, of Arkansas.

Expenditures in the Department of Agriculture.—Frank Gardner, of Indiana; R. A. Green, of Florida; and Lindsay Warren, of North Carolina.

Expenditures in the Department of Commerce.—Miles C. Allgood, of Alabama; and J. B. Reed, of Arkansas.

Expenditures in the Interior Department.—Sol Bloom, of New York; Brooks Fletcher, of Ohio; and Bolivar E. Kemp, of Louisiana.

Expenditures in the Department of Justice.—Frank Oliver, of New York; Jeff Busby, of Mississippi; and John M. Evans, of Montana.

Expenditures in the Department of Labor.—Thomas L. Blanton, of Texas; and Allard H. Gasque, of South Carolina.

Expenditures in the Navy Department.—Charles L. Abernethy, of North Carolina; William E. Cleary, of New York; and Bill G. Lowrey, of Mississippi.

Expenditures in the Post Office Department.—Guinn Williams, of Texas; Meyer Jacobstein, of New York; and William W. Hastings, of Oklahoma.

Expenditures in the State Department.—George C. Peery, of Virginia; William L. Nelson, of Missouri; and Samuel Rutherford, of Georgia.

Expenditures in the Treasury Department.—Heartsill Ragon, of Arkansas; and Sam B. Hill, of Washington.

Expenditures in the War Department.—Arthur H. Greenwood, of Indiana; William P. Connery, jr., of Massachusetts; and Jacob L. Milligan, of Missouri.

Expenditures on Public Buildings.—Samuel Dickstein, of New York; John H. Kerr, of North Carolina; and William C. Lankford, of Georgia.

Flood Control.—Riley J. Wilson of Louisiana; William J. Driver, of Arkansas; Luther A. Johnson, of Texas; William L. Nelson, of Missouri; W. M. Whittington, of Mississippi; and E. E. Cox, of Georgia.

Foreign Affairs.—J. Charles Linthicum, of Maryland; Charles M. Stedman, of North Carolina; Tom Connally, of Texas; R. Walton Moore, of Virginia; Martin L. Davey, of Ohio; David J. O'Connell, of New York; S. D. McReynolds, of Tennessee; and Charles G. Edwards, of Georgia.

Immigration and Naturalization.—Adolph J. Sabath, of Illinois; John E. Raker, of California; Riley J. Wilson, of Louisiana; John C. Box, of Texas; Samuel Dickstein, of New York; Samuel Rutherford, of Georgia; and John W. Moore, of Kentucky.

Indian Affairs.—Carl Hayden, of Arizona; William J. Sears, of Florida; John M. Evans, of Montana; William W. Hastings, of Oklahoma; Edgar Howard, of Nebraska; Sam B. Hill, of Washington; John Morrow, of New Mexico; and Chauncey B. Little of Kansas.

Industrial Arts and Expositions.—Fritz G. Lanham, of Texas; Clifton A. Woodrum, of Virginia; Sol Bloom, of New York; T. Webber Wilson, of Mississippi; William C. Hammer, of North Carolina; Oscar L. Auf der Heide, of New Jersey; and Thomas S. McMillan, of South Carolina.

Insular Affairs.—Christopher D. Sullivan, of New York; Guinn Williams, of Texas; Jacob L. Milligan, of Missouri; Frank Gardner, of Indiana; Heartsill Ragon, of Arkansas; T. Weber Wilson, of Missis-

sippi; Adolph J. Sabath, of Illinois; and Butler B. Hare, of South Carolina.

Invalid Pensions.—Mell G. Underwood, of Ohio; Ralph F. Lozier, of Missouri; Arthur H. Greenwood, of Indiana; William L. Carss, of Minnesota; Andrew L. Somers, of New York; and Lindsay Warren, of North Carolina.

Irrigation and Reclamation.—Carl Hayden, of Arizona; C. B. Hudspeth, of Texas; John E. Raker, of California; William C. Lankford, of Georgia; J. B. Reed, of Arkansas; Miles C. Allgood, of Alabama; Sam B. Hill, of Washington; and W. M. Whittington, of Mississippi.

Judiciary.—Hatton W. Sumners, of Texas; Andrew J. Montague, of Virginia; John N. Tillman, of Arkansas; Fred H. Dominick, of South Carolina; Samuel C. Major, of Missouri; Royal H. Weller, of New York; William B. Bowling, of Alabama; Zebulon Weaver, of North Carolina; and Henry St. George Tucker, of Virginia.

Labor.—William D. Upshaw, of Georgia; William P. Connery, jr., of Massachusetts; Meyer Jacobstein, of New York; Luther A. Johnson, of Texas; William L. Carss, of Minnesota; and Mary T. Norton, of New Jersey.

Library.—Ralph Gilbert, of Kentucky; and A. L. Bulwinkle, of North Carolina.

Merchant Marine and Fisheries.—Ladislas Lazaro, of Louisiana; Ewin L. Davis, of Tennessee; Schuyler Otis Bland, of Virginia; Clay Stone Briggs, of Texas; William W. Larsen, of Georgia; Tom D. McKeown, of Oklahoma; George W. Lindsay, of New York; and Jeremiah E. O'Connell, of Rhode Island.

Military Affairs.—Percy E. Quin, of Mississippi; Hubert F. Fisher, of Tennessee; William C. Wright, of Georgia; Daniel E. Garrett, of Texas; John J. McSwain, of South Carolina; John J. Boylan, of New York; Lister Hill, of Alabama; Fred M. Vinson, of Kentucky; and William P. Jarrett, of Hawaii.

Mines and Mining.—Arthur H. Greenwood, of Indiana; Mell G. Underwood, of Ohio; Joseph Whitehead, of Virginia; Andrew L. Somers, of New York; Butler B. Hare, of South Carolina; and Virgil Chapman, of Kentucky.

Naval Affairs.—Carl Vinson, of Georgia; James V. McClintic, of Oklahoma; Herbert J. Drane, of Florida; Patrick Henry Drewry, of Virginia; Morgan G. Sanders, of Texas; John P. Quayle, of New York; J. Alfred Taylor, of West Virginia; and Stephen W. Gambrill, of Maryland.

Patents.—Fritz G. Lanham, of Texas; William C. Hammer, of North Carolina; Sol Bloom, of New York; J. B. Reed, of Arkansas; Mell G. Underwood, of Ohio; and Thomas S. McMillan, of South Carolina.

Pensions.—William D. Upshaw, of Georgia; William C. Hammer, of North Carolina; William E. Cleary, of New York; Luther A. Johnson, of Texas; Allard H. Gasque, of South Carolina; Clarence Cannon, of Missouri; and John W. Moore, of Kentucky.

Post Office and Post Roads.—Thomas M. Bell, of Georgia; Arthur B. Rouse, of Kentucky; James M. Mead, of New York; John H. Smithwick, of Florida; Milton A. Romjue, of Missouri; William W. Arnold, of Illinois; John H. Morehead, of Nebraska; J. Zach Spearing, of Louisiana; and William P. Jarrett, of Hawaii.

Printing.—William F. Stevenson, of South Carolina.

Public Buildings and Grounds.—Fritz G. Lanham, of Texas; Edward B. Almon, of Alabama; Frank Oliver, of New York; John H. Kerr, of North Carolina; Jeff Busby, of Mississippi; Clifton A. Woodrum, of Virginia; E. E. Cox, of Georgia; and Edward E. Eslick, of Tennessee.

Public Lands.—John E. Raker, of California; William J. Driver, of Arkansas; Charles L. Abernethy, of North Carolina; John M. Evans, of Montana; Sam B. Hill, of Washington; Elmer Thomas, of Oklahoma; John Morrow, of New Mexico; Edgar Howard, of Nebraska; and William P. Jarrett, of Hawaii.

Railways and Canals.—William C. Lankford, of Georgia; Gordon Browning, of Tennessee; William L. Carss, of Minnesota; R. A. Green, of Florida; and W. M. Whittington, of Mississippi.

Revision of the Laws.—A. L. Bulwinkle, of North Carolina; George C. Peery, of Virginia; Loring M. Black, jr., of New York; E. E. Cox, of Georgia; and Chauncey B. Little, of Kansas.

Rivers and Harbors.—Joseph J. Mansfield, of Texas; John McDuffie, of Alabama; John J. Kindred, of New York; Homer L. Lyon, of North Carolina; Joseph T. Deal, of Virginia; James O'Connor, of Louisiana; Stanley H. Kunz, of Illinois; and Charles A. Mooney, of Ohio.

Roads.—Edward B. Almon, of Alabama; William J. Sears, of Florida; C. B. Hudspeth, of Texas; Frank Gardner, of Indiana; Clarence Cannon, of Missouri; George C. Peery, of Virginia; Elmer Thomas, of Oklahoma; and Bolivar E. Kemp, of Louisiana.

Territories.—William C. Lankford, of Georgia; John E. Rankin, of Mississippi; William J. Driver, of Arkansas; Charles L. Abernethy, of North Carolina; Millard E. Tydings, of Maryland; Guinn Williams, of Texas; Brooks Fletcher, of Ohio; and William P. Jarrett, of Hawaii.

War Claims.—Bill G. Lowrey, of Mississippi; Miles C. Allgood, of Alabama; C. B. Hudspeth, of Texas; Edward E. Eslick, of Tennessee; Butler B. Hare, of South Carolina; and Joseph Whitehead, of Virginia.

Woman Suffrage.—John E. Raker, of California; Christopher D. Sullivan, of New York; Thomas L. Blanton, of Texas; Clifton A. Woodrum, of Virginia; Charles L. Abernethy, of North Carolina; and Thomas S. McMillan, of South Carolina.

World War Veterans' Legislation.—Carl Hayden, of Arizona; A. L. Bulwinkle, of North Carolina; John E. Rankin, of Mississippi; Lamar Jeffers, of Alabama; Jacob L. Milligan, of Missouri; Gordon Browning, of Tennessee; William P. Connery, jr., of Massachusetts; and Mary T. Norton, of New Jersey.

Mr. GARNER of Texas. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, prophecy has become history, at least in part. Beginning on the morning after the elections of last November the country began to be filled with predictions, some of them emanating from eminent and potential Republican sources, that when the Sixty-ninth Congress should be organized certain gentlemen who in the Sixty-eighth had been assigned as Republicans on the committees of the House would be removed from the places which they occupied and assigned to other positions upon committees lower in rank.

I observe that that prophecy has been fulfilled by the adoption of the committee recommendations just offered by my distinguished friend from Connecticut [Mr. TILSON]. I have, however, in view of some of the events occurring on the day of the organization of this House, wondered just exactly what the real test was in determining the status of those gentlemen so removed. It was given out that one of the tests would be the vote that gentlemen would cast upon the official program of the powers that be relative to the rules of the House. It was demanded that 71 gentlemen who at the beginning of the Sixty-eighth Congress thought a discharge rule was proper should change their votes, demanded that they should eat the bravest word that many of them ever spoke in order to maintain their standing with the party.

Well, I observe that 43 gentlemen did that. I have a list here and, without reading, I shall ask permission to insert it in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert a list in the RECORD. Is there objection?

There was no objection.

The list is as follows:

LIST OF REPUBLICANS IN HOUSE WHO VOTED FOR THE DISCHARGE RULE IN THE SIXTY-EIGHTH CONGRESS WHO VOTED FOR THE SUBSTITUTE IN THE SIXTY-NINTH CONGRESS

Bixler	Leavitt
Boles	Mapes
Brand of Ohio	Michener
Brumm	Miller
Burton	Moore of Ohio
Butler	Morgan
Clague	Purnell
Colton	Robinson of Iowa
Cooper of Ohio	Robsion of Kentucky
Cramton	Scott
Dowell	Sinnott
Fairchild	Snell
Fish	Stephens
Garber	Strong of Kansas
Gibson	Summers of Washington
Haugen	Taylor of Tennessee
Hull, Morton D.	Thatcher
Hull, William E.	Tincher
Ketcham	Vincent of Michigan
King	Wainwright
Knutson	Williams of Illinois.
Leatherwood	

Mr. GARRETT of Tennessee. There were others who did not change their votes, but who do not seem to be affected in their committee assignments by that fact. A very limited number have been so affected, and somehow or some way most of them, it so happens, come from Wisconsin, the State in which the Republican Party was born. And so it would seem that these gentlemen are now being punished by those in authority because of the fact that they happen to stand in a large measure by the principles of Abraham Lincoln.

That, at least, I understand to be their claim, and, Mr. Speaker, while I may not be able to qualify as an expert, I can qualify as a disinterested party when I say to the gentlemen on the majority side that, as a matter of fact, if I have read political history aright, these gentlemen do stand much nearer to the teachings of Abraham Lincoln than the persons that are now in control of the House [applause], because these latter stand for what Hamilton stood for, and, if I have read history aright, there were not many of the things that Hamilton stood for that Lincoln was in sympathy with. Gentlemen, I wonder why that discharge rule was looked upon as such a block in the pathway of the organization in the House?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARNER of Texas. Mr. Speaker, I yield the gentleman five minutes more.

Mr. GARRETT of Tennessee. Bear in mind, Mr. Speaker, that rule was never abused in the last Congress. There was no effort made to use it for any party purposes. The only measure that they sought to bring before the House was a nonpartisan measure, the motion being signed by Members on both sides of the House, without reference to party. I myself was not one of those who signed it. The rule was not abused, but the gentlemen had to get it out of the way, and why? I think I can tell you and tell the country why. Because they realized the fact that if that rule remained as one of the rules of procedure of the House, then before this session was ended they would have to face a vote upon a question looking toward giving the people of this country relief in some measure at least from the obnoxious and outrageous rates that are contained in the Fordney-McCumber tariff bill. [Applause on the Democratic side.]

The gentleman from Tennessee [Mr. HULL], my distinguished colleague, has introduced a resolution in this House upon which we should like to have had some action under that discharge rule. We may make an effort, though I fear it can amount to but little more than a gesture, to utilize the innocuous thing which you gentlemen put in the rule along that line. Of that perhaps I shall have more to say anon.

My colleague has issued a statement explaining his resolution which, under permission granted, I give here. Mr. HULL says:

> The joint resolution urges two separate economic policies to meet our national and international financial, industrial, and trade situation. The fight for tariff reform to a level of moderate rates in the way of the introduction of bills dealing with excesses in existing tariffs and an insistent demand for their consideration will be waged. Tariff revision to this extent now is not only justifiable but absolutely necessary if the United States is to maintain a sound rather than a growing artificial economic structure and if it is to maintain an increasing and healthy foreign trade, so as to avoid stagnation in many domestic industries on account of overproduction capacity. Tariff reform is the paramount proposal in the resolution.
>
> The proposed international trade agreement organization would in no sense question or affect the right of a nation to determine whether it desired to maintain high tariffs or low tariffs, but, instead, it is intended to bring about the removal by mutual consent of the many hurtful and unfair discriminations, impediments, restrictions, and other barriers in international trade, finance, and commerce, and the resulting promotion of fair, equal, and friendly relations among commercial nations. No better illustration could be pointed to than the case of combinations between producers and their governments artificially to inflate prices of rubber, coffee, and certain other raw materials where a monopoly of supply and production exists. Secretary Hoover recently declaimed against these outrageous practices in the case of rubber and coffee as dangerous, against world interest and progress, and hinted at methods of retaliation. The proposed international trade agreement organization, as a part of its functions, would recognize, anticipate, deal with, and avoid such manifestly unfair practices in advance of their injurious operation by urging and in most cases securing the permanent abandonment of vicious governmental cooperation in aid of such practices. This method is far superior to retaliation and trade wars.
>
> It is my unalterable opinion that the resolution presents the two sound and timely economic policies which our country should promptly adopt, and which must strongly appeal to every business man, farmer, and laborer not hopelessly obsessed with the idea of extreme high tariffs and economic isolation.

Because it was thought that the minority might force an issue upon this legitimate question of the tariff, it was demanded of men on the Republican side that they retract the word which they spoke two years ago, that they face about and vote for the innocuous discharge rule which prevents the making of an issue.

I do not know what to say to comfort my friends on the other side of the House who have been punished. Perhaps they can go to the old source to which so many have turned for comfort in times of sorrow——

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Gladly.

Mr. MADDEN. What degree of liberality was extended by the gentleman and his party in the making of the rules for the last Congress of which they had control?

Mr. GARRETT of Tennessee. Oh, we had a discharge rule which we subsequently changed. I answered that the other day. We changed that rule because of the deliberate purpose manifested in the action of the other side of the House, by the leader of the party, to render it innocuous by presenting so many propositions that they could not be reached for consideration. I started to say that I presumed my friends from Wisconsin and those other States, who have been punished, can turn to the Scriptures, that source to which so many have turned in times of stress and strain, for comfort and consolation. I find that St. Paul——

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. FREAR. I appreciate very highly, and I think all of my colleagues from my State do, the kindly spirit in which the gentleman is speaking of our troubles at this time, but I believe I speak the feelings of every member of the delegation when I say that we do not ask for sympathy, and that in the future we will be able to take care of ourselves.

Mr. GARRETT of Tennessee. I knew the gentleman would be modest about the matter. [Laughter.]

Mr. ROMJUE. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Surely.

Mr. ROMJUE. Take these Lincoln Republicans who have been kicked out of the party. Can the gentleman tell us the status of the followers of those men, the men who supported them in the last election? Where are they?

Mr. GARRETT of Tennessee. I do not know. Nor do I know what sort of coercion the gentleman from Connecticut [Mr. TILSON] exercised upon the gentleman from Ohio [Mr. LONGWORTH] before they permitted him to be elected Speaker, to get him to change his vote. [Laughter.] Well, really, I now recall that the gentleman from Ohio did not change his vote, for, of course, the Speaker does not have to vote. Therefore I take it the Speaker is still of the same sentiment in respect to the rule. [Laughter and applause.]

Mr. MOORE of Virginia. Mr. Speaker, if the gentleman will permit, I trust that he will not be so diverted as to forget to tell me what St. Paul said about this thing.

Mr. GARRETT of Tennessee. I was just going to do that, and it is particularly appropriate in view of the remarks made by my friend from Wisconsin [Mr. FREAR].

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes, indeed.

Mr. MADDEN. I wonder if the gentleman would tell the House now frankly what the policy of his party would be under similar circumstances?

Mr. GARRETT of Tennessee. The policy of my party would be to permit that discharge rule to stand until it was demonstrated that there was an effort, as was demonstrated before, to destroy the rule by the illegitimate or frivolous use of it.

Mr. MADDEN. The gentleman admits, then, that his party was not in favor of the rule if it could be worked.

Mr. GARRETT of Tennessee. Oh, the gentleman is mistaken about that.

Mr. GREEN of Iowa. If I correctly understand the gentleman, he was in favor of letting the rule stand so long as it was not used for work? [Laughter and applause.]

Mr. GARRETT of Tennessee. No, no. Evidently the gentleman from Iowa is afraid of the rule, because he is afraid it will work. The gentleman is familiar with the history of the change of the rule during the Democratic administration and understands perfectly well that the gentleman from Illinois, Mr. Mann, set himself deliberately to destroy that rule by making frivolous issues with it. Let me now get back to what St. Paul said; and I ask the gentleman from Wisconsin to give his particular attention to this, particularly in view of his statement that they want no sympathy. St. Paul in his Epistle to the Romans said:

> Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.
>
> Whoso therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation.

[Laughter and applause.]

Mr. GARNER of Texas. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I have no disposition to go with my friend from Tennessee into a post-mortem examination of what took place here on the first day of the present session in regard to the discharge rule. If I had such a disposition, I could surely show that when we substituted the rule which we adopted for the old rule of Democratic days we were simply swapping a Roland for an Oliver, because certainly the gentleman from Tennessee [Mr. GARRETT] will not undertake to say that the rule which his party kept in force for eight years would work any better than the one we adopted on the first day of this session. We found a discharge provision that had been placed in our rules in the last Congress under unusual circumstances. We believed that

it would work badly if it worked at all. We believed that it would do mischief instead of doing good, because it placed in the hands of a minority of five more than one-third of the membership the power at any time they pleased to take control from the responsible party and force action on any bill that 150 men might propose. We simply eliminated this provision, substituting a better one.

Mr. CRISP. Will the gentleman yield?

Mr. TILSON. I will.

Mr. CRISP. My friend does not contend that the rule would permit anything less than a majority of the House voting—a quorum voting—to discharge a bill from a committee?

Mr. TILSON. I did not say that.

Mr. CRISP. The gentleman said, put in the hands of the majority the right to take charge and control.

Mr. TILSON. I said control to the extent of forcing the responsible majority to take action upon any matter that 150 men might determine to have the House take action upon, and that statement is correct.

Mr. CRISP. Is it wrong that on two days in each month, if 150 Members desire to put the majority on record on any fair question, that they should not have the right under the rules of doing so?

Mr. TILSON. Yes; I say it is wrong as a legislative proposition. I do not believe that it is proper procedure for a great deliberative body. When a party is clothed with power, when a majority of that party is made responsible to the country, then the majority under the rules should have the power to work its will after fair debate and consideration on the part of the minority.

Mr. MADDEN. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. MADDEN. The gentleman's statement to the effect that it puts the minority in control is literally true, because that is the fact. Did not Mr. BARKLEY, one of the Members of the minority, have control of the bill sought to be taken away from the committee?

Mr. CRISP. He had charge after a majority of this House, made up of Democrats, Republicans, and Progressives, had voted with him for the immediate consideration of the bill; and when he had charge he was not representing a minority but a majority of the House. [Applause.]

Mr. TILSON. But my friend from Georgia will not deny that 150 men signing a motion under the rule could force the entire House to take action. This is what I said in the beginning, and it is true.

Mr. CRISP. That is the whole object of the discharge rule.

Mr. TILSON. To that extent at least I believe it to be wrong.

Mr. TINCHER. Will the gentleman yield?

Mr. TILSON. I will.

Mr. TINCHER. Does not the gentleman think the admission on the part of the minority floor leader of this House that he intended to use that rule this session for the purpose of a general revision of the tariff by the minority is sufficient reason for any Republican voting to abolish the rule?

Mr. TILSON. I think it is sufficient for anybody, Republican or Democrat. It is a sufficient reason to show that the minority ought not to have the power under any rule to take control from a responsible majority. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TILSON. I will.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Kansas if that is the real reason why he deserted me this time? [Laughter.]

Mr. TINCHER. I want to ask——

The SPEAKER. The time of the gentleman has again expired.

Mr. TILSON. May I have a little more time?

Mr. GARNER of Texas. I will yield the gentleman five additional minutes.

Mr. TINCHER. I will say to the gentleman from Tennessee that I only voted for that discharge rule at the last session to prevent the gentleman's party and the Wisconsin delegation from organizing the House. Every one knows it was a compromise and the only way we could organize the House and we passed the rule, and that is the reason for the vote.

Mr. FREAR. Will the gentleman yield?

Mr. TILSON. I prefer not to go too deep into this matter, but I will yield once more. [Laughter and applause.]

Mr. FREAR. Let me say, Mr. Speaker, that no man on this floor can truthfully say that the Wisconsin delegation was engaged with any other organization seeking to organize the House. We at that time were endeavoring to secure a modification of the rules, and we refused to take part with the regular organization until that was done, and then we cooperated with the organization.

Mr. TILSON. Mr. Speaker, I did not wish to be drawn away from the discussion of the real question which the gentleman from Tennessee [Mr. GARRETT] raised. I did not care to add another chapter to the post-mortem examination of the discharge rule, because that question was settled at the beginning of the session, and it was settled right. No good purpose can be served by rehashing it at this time.

The gentleman from Tennessee did, however, raise a question to which I wish to address myself for a moment, and that is in regard to placing certain Members on the committees.

Soon after the convening of the last session of the Sixty-eighth Congress, after the election of 1924, it was commented upon in the newspapers to the effect that the men who had left the Republican Party in the 1924 election would not retain their former committee places. The comment was widespread throughout the papers of the country. Finally, the gentleman from Ohio, our honored Speaker, who was then the majority leader of the House, made a speech on this floor in which he said that those men who had voluntarily left the Republican Party and supported a candidate different from the Republican candidate for President upon a platform different from the platform adopted by the Republican Party would not be retained in key committee positions on the Republican side. This sentiment was apparently approved by the House, and it has been acted upon ever since.

When we came to assign Members to the committees these men who, as I say, had voluntarily left us were not left upon those committees which we deemed to be decisive in party program matters. There was no attempt to punish; we had no right to punish and no means of punishing. These gentlemen had the right to do as they did, but they have not the right to come here and claim that, after having left us in the time of our need in the election, they should now come in and ask to be considered as Republicans. They have not claimed such a right. No one has claimed it except some of our friends on the Democratic side. My friend from Wisconsin [Mr. FREAR] has just said that he asks no pity of anybody. None is needed. He can take care of himself.

The action of the Committee on Committees was consistent throughout and needs no apology or explanation. We have not placed these Members in key positions, where party policies are to be determined. There would be neither fairness nor justice in such a course. We should be doing an injustice to the people of this country who have placed the Republican Party in power if we were to turn around and give their former places of importance and power to men who voluntarily left the party and voted for a different candidate and supported a different platform, and thereby put them into positions where they could control party policies. No test other than this was applied in the action of the Committee on Committees. We have gone straight forward along this course from the beginning. From the time the gentleman from Ohio first made his statement in this House we have never deviated from the path then indicated, and this morning we have brought in our list of committees made up on that basis. [Applause.]

Mr. LAGUARDIA rose.

Mr. GARNER of Texas. Does the gentleman from New York want some time?

Mr. LAGUARDIA. Yes.

Mr. GARNER of Texas. Mr. Speaker, I do not want to trespass on the rights of the Committee on Ways and Means to pass this tax bill. How much time does the gentleman from New York desire?

Mr. LAGUARDIA. Five minutes.

Mr. GARNER of Texas. I yield five minutes to the gentleman; but I give notice now that I will call for a vote on the resolution when he concludes.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, it strikes me at this moment this morning that perhaps the distinguished floor leader of the Democratic Party [Mr. GARRETT of Tennessee] was a little too harsh with his Republican colleagues to-day, because after all the Republican majority has recognized the fact that 1 Progressive has more ability and has more vision than 11 Republicans on a committee. [Laughter.] Hence the removal of the Progressives from the major committees. [Renewed laughter.] There is nothing in the argument which the Republican floor leader [Mr. TILSON] makes that they have removed Progressive Members from key positions on committees. There is no such thing as key positions on committees. Every Member stands on an equal footing. But they did remove Pro-

gressives from important committees because they recognized the fact that Progressives do good work and come on the floor well prepared, and do not simply come in here and say "Me too" and follow a chairman. We would have had a minority report of the Committee on Ways and Means from the gentleman from Wisconsin [Mr. FREAR], for example, if the gentleman from Wisconsin had been retained on that committee, but he was eliminated. The Republicans have recognized the existence of a Progressive Party in this House, and you can not ignore a man's standing as a Member by saying he is not a Republican and strip him of proper committee assignments. If that is done you must recognize their entity as a separate group. The manly thing to have done would have been to assign us certain places on committees as Members of a third party and permit us to make nominations as the minority party. They did not do that. Gentlemen should remember that in 1927, when we come back in December of that year——

Mr. BEGG. Mr. Speaker, will the gentleman yield there?

Mr. LAGUARDIA. In a moment. When we come back here in December, 1927, we shall be under no moral obligation to the majority party, and I serve notice now that the Progressives now in the House who will be in the Seventieth Congress will proceed to organize the House under conditions which will be most favorable to their cause. We are free now from all ties of the past.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CHINDBLOM. The gentleman is speaking for the Progressive Socialists, or is he speaking for the Progressive Republicans?

Mr. LAGUARDIA. Oh, the gentleman has repeated that so many times that it is not funny any more. [Laughter.] My position is perfectly clear. I filed independent petitions under the Progressive Party. I was indorsed by the Socialist Party. I appreciate the compliment, and I stand by it. You can take a man and put him on at the foot of a committee list, but you can not take the ideas out of his head. [Applause.]

Mr. CHINDBLOM. The gentleman speaks of "a group." What group?

Mr. LAGUARDIA. I speak of the Progressive group, who welcome all independent, progressive-minded men and women. You recognize it by putting me on the important Committee on Woman Suffrage. [Laughter.]

Now the Democratic Party in another body did not take Senator WHEELER off his committee assignments——

Mr. WEFALD. Mr. Speaker, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. WEFALD. I think the gentleman will have very distinguished company on that committee, because I was on it in the last Congress. [Laughter.]

Mr. LAGUARDIA. Well, I will tell my colleague from Minnesota that they can not take us off the floor. There is nothing in the Constitution which requires party membership to qualify as a Member of the House. That is all bunk.

Gentlemen, I might have been irregular; I might have jumped the traces, and I might have disobeyed the commands of a boss, but as a Republican I never degenerated to the low depths of political insincerity by coming here and pleading about States' rights, as the majority is now doing to pass an iniquitous revenue bill.

The SPEAKER. The time of the gentleman from New York has expired. The question is on agreeing to the resolution.

The resolution was agreed to.

PRIVILEGES OF THE HOUSE

Mr. GREEN of Iowa. Mr. Speaker, I rise to a question of the highest privilege—the privileges of the House. Those who were Members of the last House will remember that during its sessions there was presented for the consideration of Congress the settlement of a foreign debt; and that it devolved upon Congress to express its approval or disapproval of such settlement. At that time the House was very clearly of the opinion that under the Constitution the right to initiate proceedings upon such a matter rested with this body. Unfortunately, the Senate, with a haste which I might say, to speak mildly, has not always been manifest in its proceedings, and without giving the House time to act, proceeded to take up the matter of the debt settlement and passed a bill approving it before the House could take any action thereon. Members will recall that at that time I thought it was necessary to call to the attention of the House the fact that its privileges had been violated.

Mr. BLANTON. Mr. Speaker, I make the point of order—only for the purpose, however, of orderly procedure—that the rules require the gentleman to present a resolution before he can speak on the privileges of the whole House.

Mr. GREEN of Iowa. The gentleman from Texas is entirely mistaken.

Mr. BLANTON. If the Chair will consult the parliamentarian, I think he will tell him that the precedents require the presentation of a resolution before the gentleman can speak on a question of the privileges of the whole House.

Mr. GREEN of Iowa. I have spoken a number of times on the privileges of the House.

Mr. BLANTON. Mr. Speaker, I submit that the precedents of the House require the presentation of such a resolution. I am with the gentleman from Iowa [Mr. GREEN] in what he is saying, and it is only in the interest of orderly procedure that I make the point of order. I agree heartily with his speech, however, but we should proceed in accordance with the rules.

The SPEAKER. The Chair thinks the gentleman from Texas is correct in stating that the precedents of the House require that when the privileges of the House are in question a resolution should be introduced, and then the gentleman should speak on the resolution.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa may make his statement.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Iowa may make his statement. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, as I was about to observe, at that time I called to the attention of the House the fact that the Senate was infringing upon its rights and privileges under the Constitution, and the House respectfully returned the bill to the Senate.

My recollection is that the House acted with entire unanimity at that time. If, indeed, there was any objection it came from so few that it seems to me there ought to have been no misunderstanding whatever as to the position of the House upon a question of that kind. The Senate subsequently rescinded its action; the matter was brought up in the proper way in the House; a bill approving the settlement was passed, sent to the Senate, and was there adopted.

There are now, as gentlemen are aware through the message of the President, several of these debt settlements pending before Congress. Gentlemen are also aware that this House has been busy every moment since it convened and has been unable to take up these matters. Nevertheless, at this particular time and while I am speaking the Senate is proceeding, as I am informed, to a consideration of these particular settlements that are to be determined by Congress. I endeavored—but I can not say with what success—prior to my rising at this time to convey to the Senate, particularly to the chairman of the Finance Committee, the views which the House and the Committee on Ways and Means hold with reference to this situation. There ought, of course, to have been no need for anything of that kind, but, apparently, it has had no result.

I wish to announce to the House at this time that should the Senate proceed as it did before I shall feel it my duty to protect as far as possible the rights and privileges of this House by taking such action as the House took in the last Congress with reference thereto. [Applause.]

Mr. GARNER of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. GARNER of Texas. If I understand correctly, at the last session of Congress the House simply ignored the action of the Senate and went ahead and passed its own bill.

Mr. GREEN of Iowa. That is correct.

Mr. GARNER of Texas. I want to ask the gentleman from Iowa whether he will not state to the House what occurred in the Committee on Ways and Means this morning, when that committee unanimously expressed the opinion that it was his duty, as chairman of the Ways and Means Committee, if that legislation should come over from the Senate, to present a resolution to the House for its action and respectfully return it to the Senate with a declaration that the Constitution placed that responsibility on the House. I think the gentleman ought to tell what was done by the Ways and Means Committee and what his purpose is in case that legislation is sent over by the Senate.

Mr. GREEN of Iowa. The gentleman from Texas is quite correct. On the motion of the gentleman from Texas [Mr. GARNER], every member of the Ways and Means Committee concurring, a resolution was adopted to the effect that in the

event the Senate took this action—which it appears is contemplated and is apparently now in motion—that a resolution should be introduced by the chairman of the committee respectfully returning such legislation to the Senate upon the ground that it infringes upon the rights of the House under the Constitution.

Mr. CRISP. Will the gentleman yield?

Mr. GREEN of Iowa. I will gladly yield to my colleague on the committee.

Mr. CRISP. As a member of the Debt Funding Commission I agreed to these settlements. I think they are wise and the best settlements that could be made. I am very anxious that no conflict should arise between the House and the Senate over ratification of the settlements. They are international in character and not domestic questions. Billions of dollars are involved. I hoped, and still hope, when they are considered by the House they can be considered on their merits without any extraneous matter being injected. My offhand opinion is that they are revenue matters and should be first considered in the House. I have not given the matter mature consideration. This morning I requested Mr. TUCKER, of Virginia, a great constitutional authority, to investigate the subject and to give me his opinion. I shall make a similar request of Judge GRAHAM, the chairman of the House Judiciary Committee. I have great respect for this House, and as an humble Member of it will always stand up for its dignities, rights, and prerogatives, but this is a constitutional question, and in view of what has been said here on the floor, in my judgment, if the Senate should pass those bills and they should come to the House, the matter of the constitutionality should be thoroughly investigated before the House proceeds to take any steps in the premises. We must be careful and absolutely sure of our position. I felt constrained to make these observations in view of the remarks of my chairman, Mr. GREEN.

Mr. GREEN of Iowa. I thank my distinguished friend and colleague on the committee for his remarks.

Mr. HASTINGS. Will the distinguished chairman advise us when this matter is likely to come up in the House for consideration? It is a very, very important matter and is one I am sure a great many Members want to study, and I would like to ask whether it is the purpose to bring this matter up before the holidays or how soon thereafter?

Mr. GREEN of Iowa. So far as I can advise the gentleman at present, it is my intention to bring the matter before the Ways and Means Committee as soon as we finish the revenue bill, and I had hoped it might be possible to present it to the House before the holidays.

Mr. HASTINGS. And have action taken by the House?

Mr. GREEN of Iowa. And have action taken by the House.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. BANKHEAD. The gentleman stated he had been informed that at this time this matter was before the Senate. Is it the gentleman's information it has been presented in a formal legislative way for action by the Senate or that it is merely being discussed by the Senate?

Mr. GREEN of Iowa. The RECORD of yesterday contained the announcement, placed in the RECORD by the distinguished chairman of the Finance Committee of the Senate, that he would bring these settlements up for consideration the first thing this morning, and on telephoning over to the Senate I found they were proceeding with the discussion.

I think that is all I care to say about the matter, Mr. Speaker.

Mr. WEFALD. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. WEFALD. I should like to know why the Ways and Means Committee has not taken steps up to this time to discuss this matter?

Mr. GREEN of Iowa. I am somewhat surprised at the question. Can the gentleman tell me when I have had any time, day or night, or when the committee has had any time to take up these matters up to the present moment? There has been absolutely no opportunity. I have not had a moment. I doubt if any member of the Ways and Means Committee has had any time, and the House itself has not had time to take up the matter.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to my colleague.

Mr. CHINDBLOM. Some of these settlements have been made since the committee convened on the 19th of October and began the consideration of the revenue bill, and that consideration has been continued until this moment.

Mr. WEFALD. The revenue bill is not a pressing matter at this time.

Mr. GREEN of Iowa. The gentleman does not seem to understand that the House ought to pass it this week and that it should be sent to the President before March 1.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 1, which the Clerk will report by title.

The Clerk read the title as follows:

A bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the commissioner.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

I rise, Mr. Chairman, for the purpose mainly of making a correction in the remarks I made in general debate, by which I inadvertently did an injustice to a very valuable official in the Treasury Department and also gave a little more credit than was deserve in another direction.

I stated that a very important reform had been inaugurated in the practice of collecting income taxes in the way of decentralization of the work; that provision had been made whereby the returns in the case of persons of small incomes, where no very doubtful question arose, might be audited and finally disposed of in the district where the taxpayer resided without being referred to Washington at all. I gave credit for this reform to Mr. Gregg, the present Solicitor of the Internal Revenue Bureau. I am now informed by Mr. Gregg, who does not wish to take any credit that does not belong to him, and, indeed, has credit enough that does belong to him so he does not need to reach outside for any other, that this important reform was inaugurated by the income-tax division over which the very efficient chief, Mr. Nash, presides, a gentleman of great ability and one whom I desire to specially commend.

I think my friend the gentleman from Georgia [Mr. CRISP] inadvertently yesterday in his remarks made the same mistake. I say inadvertently; I ought to say that probably by reason of the error I had committed, following my misdirected footsteps, the gentleman made the same mistake. I now wish to have all Members understand where this credit belongs.

And while I am on my feet I want to speak of another matter. In the course of general debate a statement was made that in England when the chancellors of the exchequer rose to discuss a budget bill they were always ready to answer any question without having any experts by their side.

I happen to be personally acquainted with a very distinguished gentleman who for several years was Chancellor of the Exchequer of the British Empire, and also to have personal acquaintance with the very distinguished gentleman who is now Chancellor of the Exchequer. My acquaintance is quite limited, but nevertheless I have had the opportunity of discussing with them revenue questions and revenue bills, and I am very sure, indeed, that neither of them would undertake to answer any question with reference to the technical administration of these laws without the assistance of some expert.

While I have never been present at any discussion of a budget bill, except toward the latter stage of it, I do know from reading the parliamentary debates—and I have read them on every budget bill that has come up for many years—that the Chancellor of the Exchequer is never asked any technical question in the debate, and it is only by his own consent, as I understand the practice, that he is asked any questions at all. I am quite well aware that members of the cabinet stand up and answer questions on frequent occasions, but they are questions that have been propounded at least the day be-

fore. I have forgotten the precise time required, but they have to be propounded ahead of the time when they are to be answered; and, of course, the questions having been propounded at least the day before, and having had the opportunity, if they desired, of consulting their technical expert. The English practice has much to commend. Every lawyer takes time to answer complicated questions involving legal technicalities, unless he has recently gone over the precise question involved.

Mr. RAMSEYER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RAMSEYER. Is the gentleman referring to the humorous remark I made with special reference to what the gentleman from Texas said?

Mr. GREEN of Iowa. I thought at least the remark might be misunderstood.

Mr. RAMSEYER. I certainly did not mean to reflect on the gentleman from Iowa or the gentleman from Texas. I remember the statement of the gentleman from Texas; I do not recall what the gentleman from Iowa said. The remark I made was taken in a humorous vein by gentlemen of the House. If the gentleman will look into the RECORD, he will see that the reporter put in parenthesis after the sentence to which the gentleman refers the word "Laughter." If I have hurt anybody's feelings by anything I have said, I wish to assure the House it was not so intended.

Mr. RAINEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman and gentlemen, I take this time to congratulate the leaders on the other side who have so far successfully piloted this bill. The ship under these master mariners has been so skillfully handled that there is not even a scratch on the paint. I know when I have been beaten. I do not believe this bill can be amended. I do not want to interrupt any more than I can help as the further reading of this bill progresses. I shall not even insist that the Clerk read it; hereafter he can skip as much as he likes, and I shall not again object. My position now is that "if it were done when 'tis done, then 'twere well it were done quickly." And so in order that I may not interfere too much with the proceedings hereafter and in the interest of saving time, as I want this bill to pass now as soon as possible, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he proceed for 15 minutes. Is there objection?

Mr. GREEN of Iowa. Reserving the right to object, do I understand that this is in lieu of further requests for time?

Mr. RAINEY. Oh, no.

Mr. GREEN of Iowa. I do not see how it is going to shorten the proceedings.

Mr. RAINEY. The gentleman knows that I can get all the time I want by making pro forma amendments, and I think we will get through the bill quicker if I can now proceed for 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. I do not want to say any unkind things about anybody as I proceed, neither do I want my friends on the committee to get the impression that so far as this bill is concerned I am now singing a swan song, because I am not.

At the end of the reading of the next subdivision I shall introduce an amendment raising the estate taxes provided therein. Later on in the bill I expect to try to get some of the sales taxes reduced or eliminated. Still later on in the bill I am going to try to get the alcohol tax restored, upon the theory that while this may be a multimillionaire's bill it will not be a bootlegger's bill with my consent.

And then later on, at the end of it all I propose to submit, if I can get recognition for the purpose, a motion to recommit, based on my surtax amendment in order that gentlemen on both sides of this House may have an opportunity to go on record on this important matter.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAINEY. I do not care to yield just now.

Mr. CHINDBLOM. Right on this point.

Mr. RAINEY. Very well.

Mr. CHINDBLOM. Would the gentleman care to say whether there would be anything in his motion to recommit other than the surtaxes?

Mr. RAINEY. At present I can not say, but that will be in it. I do not object to interruptions but I would like to proceed until I get nearly through before I am interrupted again.

Mr. CHINDBLOM. I beg the gentleman's pardon.

Mr. RAINEY. I shall yield, however, to any gentleman who desires to interrupt me in compliance with the courtesy I always extend when I have the floor.

I congratulate the Progressives. I have no sympathy for them; none whatever. They have been promoted. They are too big to be Republicans, and you admit it on that side. You paved the way for the passage of this bill by removing from the Ways and Means Committee the gentleman from Wisconsin [Mr. FREAR], the biggest and the bravest of all of them. You dared not face in committee or in caucus or on this floor the arguments that he could present and information he has at hand. He was a thorn always in the side of the Secretary of the Treasury, and you in your tender consideration for these malefactors of great wealth have kindly removed temporarily that irritating thorn by demoting him. Then you have demoted the rest of them. You have put them on committees that never meet. I congratulate them again. They belong to the Committee of the Whole, and you can not take them off of that, and they have now opportunities upon this floor which they would not have had if you had given to them important committee assignments, because they can devote all their time to proceedings here. I do not sympathize with them. I congratulate them upon their separation from the company they have had heretofore. I congratulate COOPER of Wisconsin. You have demoted him in spite of his long service here. You will hear from him. He is a man of experience and of great ability. The only offense any of them have committed is the offense of standing for correct economic propositions.

Mr. MILLS rose.

Mr. RAINEY. Not now, later on.

Mr. MILLS. Will the gentleman yield for just a question?

Mr. RAINEY. Yes.

Mr. MILLS. Does the gentleman mean to discuss the revenue bill at this time? If so, I would like to hear him.

Mr. RAINEY. Yes; I am discussing it now. I hope the gentleman will not leave.

Mr. MILLS. Not if the gentleman is going to discuss the revenue bill.

Mr. RAINEY. I may say something that he would not like to miss before I get through. So far in this bill you have triumphantly accomplished this. You have secured a reduction in taxes which even the greatest malefactor among the malefactors of great wealth in this country dared not even to expect. In order to accomplish this you have removed the real captains of industry in this country far from the hope of reduction in their surtax rates, the men paying surtaxes on $44,000 and under. In order to accomplish it you have contemptuously hurled a present, a gift, a bribe of $10 each to 2,300,000 men in this country, and have said to them, "We propose to go on in our career; we propose to steer in the direction of a sales tax, and we have bribed you with $10; we have given you that, and you can continue to pay these sales taxes, and we are going to eventually increase them in periods of distress, when we need more money." You will surely need more money. The ordinary expenses of this Government have been increasing all of the time. It is the diminution of war activities that has made possible this reduction. You claim credit for it! Why, during the year 1920—the last year of Democratic control—we reduced the expenditures of this Government $13,000,000,000. In the four years which have passed since then under your guidance you have reduced the expenses of the Government about $2,300,000,000. I do not mention that to claim credit for a Democratic achievement. These expenses ought to have been reduced. I mention it simply to show that the party which reduced war expenses $13,000,000,000 in one year would not have taken, if it had been continued in power, four years to make a further reduction of $2,500,000,000 in war expenses. It costs more than it ever did to run this Government in its various departments. The cost is increasing in almost geometrical ratio, and in time you will need more money, and you know it; and in time you expect to go to sales taxes, and as a step in that direction you strike down the income-taxing system of the country by striking the blow at both ends of it, at the top and at the bottom.

In your kindness for millionaires and multimillionaires you have made it impossible for the people of this country to find out how rapidly their number is increasing and how rapidly the great fortunes in this country are increasing in number, and how they are increasing in amounts. You have done that; but there was one member, Mr. LAGUARDIA, of New York, whom you have demoted to-day, and whom you have kicked out on the Republican side, who rose in his place and endeavored to restore the publicity features of this bill. You

can not terrify that kind of man. I remember when he left this House—when the war clouds hung thick over this Nation, when there were times when the blue of the flag seemed about to fade away in the blue of the skies.

Unlike the rest of you, he left his safe position here and entered a service, the most hazardous in the war. A man who could fearlessly steer and direct his squadron of bombing planes above the clouds amid the bursting bombs of the enemies' aircraft guns, can not be terrified by anything that you can do to him on this floor. You have removed him from the committees, but he had enough courage to stand up here and try to put back that publicity clause, and he comes from the very lair of the multimillionaires who are promoting this bill and who stand back of all of you on that side of the House.

What has made possible the perpetration of these taxing outrages at the present time? Let me tell you. Bryan is dead. Wilson is dead, Roosevelt is dead, LaFollette is dead, Gompers is dead.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Not now, later on—very well, I yield.

Mr. MILLS. Is it not a fact that President Wilson recommended a reduction of the surtax rates to a reasonable point?

Mr. RAINEY. Oh, yes; and we all stood for reductions below the war rates. He would not, if living, favor the ruinous reductions proposed in this bill. These men now belong, all of them, to the ages. I was in the convention in Chicago in 1896, and I heard Mr. Bryan's speech. It comes ringing down to me through the decades—

> Thou shalt not bear down upon the brow of labor this crown of thorns; thou shalt not crucify mankind upon a cross of gold!

As long as he lived you could not do it, but now that he is dead you are going to do it in this House, if you can. I joined in the parade around the hall, the parade of thousands when we tore up the State banners. We have done it since then, but under controlled applause and in a perfunctory way. It was never done before in a national convention. And I followed the great Ollie James, of Kentucky, as he led that cheering parade around the halls in the convention chamber, which struck so much terror into the hearts of the men you represent now, that they assembled a corruption fund of $20,000,000 to beat him in those elections. As long as he lived you could not do what you are doing now. [Applause on the Democratic side.] He died as he lived, a martyr to the principles in which he believed. He died fighting for the fundamental principles of the faith to which he adhered, a martyr to devotion to duty.

And then we had another leader, Wilson, who grows ever taller and taller upon the horizon of the nations who forced reluctant premiers to agree to the treaty and to the covenant under which the disputes of all the world are now being settled.

The only great nations which will soon not belong to the League of Nations are Mexico, Russia, and, with shame I say it, the United States of America. The time will come when Wilson will not have lived in vain. Bryan, born in the northland, died in the southland. Wilson, born in the southland, died in the northland. They are both entombed here in Washington. On the heights of Arlington lies Bryan; on the heights of St. Albans are the remains of Wilson, faithful always during their lives to their trust and their duty. You think you can now perpetrate this outrage which you would not have dared to attempt while they were living. They were both my personal friends; I followed them during their careers; their deaths were untimely. Roosevelt; I pronounce the name with veneration and with admiration. I happened temporarily to be in a position in this House where I was able, when the news came of his death, to move that the House adjourn and delivlivered the first eulogy in his memory. He was the greatest phrase maker of all the ages. Thunderbolts came then from the White House, and millionaires in whose presence you bow and cringe were apprehensive. [Applause.] There are no thunderbolts coming from the White House now. In kind submission the present occupant of the White House encourages the policies for which you stand and encourages that class in their accumulation of great wealth which Roosevelt fearlessly called malefactors of great wealth. Their representative upon this floor, who a few minutes ago tried to inject himself into this debate while I was mentioning these great men—their representative on the floor who is the real leader on that side of the House—admitted that they would falsify the returns, and that in order to keep them from doing it you must be easy on their taxes. Roosevelt rests to-day where the waves along the shores of Long Island beat a requiem; his memory is enshrined in the hearts of his countrymen. If he were living, you could not do to-day what you are doing now. La Follette, leader of men, who towered high above contemporary leaders in this House, is dead and entombed in the capital city of the State he loved. His mantle has fallen upon his son. More power to the arm that wields the sword which reaches him from the nerveless hands of the great dead. He was my personal friend. Gompers is dead; patriot always to the last. You would not dare attempt this if he were living. I remember not long ago how a speeding train brought him rapidly across parallels of latitude toward the Rio Grande and across the international boundary in order that he might die, as he desired, in the land he loved; and finally there came his last words as he faintly whispered, "The Constitution, may it always be preserved. My Government, may it live forever." He is entombed to-day in the very midst of the great industrial district where millions toil amid clanking machines under the smoking chimneys of great factories.

Their lives, all who toil, are made better and broader on account of the fact that he lived, and their hours of labor are less on account of the fact he lived and wrought here. He was my friend. These are the great whom I have named on this roll, and you could not do this if they were alive. They may have differed in many matters; but if they were all living, they would unite in their opposition to this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. May I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. And now may I mention the names of some other leaders on this side. You will recognize them as I mention them—Clark, DeArmond, James, Kitchin, Padgett, Moon, Flood, who died, all of them, at their posts of duty, fighting, all of them, during their lives—and their deaths seem untimely—against the principles for which you gentlemen stand. Oh, other leaders will rise. These puny and little leaders who control now will not control always. I apologize. I had almost violated the rules and traditions of this House. I do not want to do that. I have been here too long to do that, and I apologize for calling them puny and little leaders. I apologize for that, and now, having done that, as I ought to do with my long service in this House, I apologize to the country for calling them puny and little leaders. They do not even rise to that standard.

Other leaders will come hereafter and will take up the standards dropped from the nerveless, dead hands of Bryan and Wilson and Roosevelt and La Follette, and Gompers. Other leaders will come and carry their standards, and when they do they will not be alone. There is a God who doeth all things well in this world in spite of what you gentlemen stand for. [Applause.] And when that leadership does come and we are enabled to follow in line back of it and advance toward a common enemy—when that comes there will be found fighting in the air, above the advancing hosts, the pale ghosts of Bryan and Roosevelt and Wilson and La Follette and Gompers and these other great leaders whose names I have reverently pronounced. We do look forward with hope to the future. Our temporary defeat in this House means nothing.

A hundred years ago the great Napoleon advanced into the very heart of Russia, riding at the head of crushing squadrons of cavalry with nodding plumes. Cities opened their gates and pulled down their walls before his resistless advance. It seemed impossible to withstand the great onrushing advance of the greatest army Europe had ever seen. But even in that moment of his victorious triumph, when everything seemed yielding to him—at that moment his complete destruction and banishment to an obscure island in the Mediterranean Sea was only a few months away. The complete overthrow of the party responsible for this bill before an awakened public sentiment may be nearer than many on the Republican side of this Chamber are able to see with the limited vision they possess. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the following resolution:

House Concurrent Resolution 3

Resolved by the House of Representatives (the Senate concurring), That the two Houses adjourn Tuesday, December 22, 1925. They stand adjourned until 12 o'clock meridian, Monday, January 4, 1926

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 301. (a) In lieu of the tax imposed by Title III of the revenue act of 1924, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 303) is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this act, whether a resident or nonresident of the United States;

One per cent of the amount of the net estate not in excess of $50,000;

Two per cent of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

Three per cent of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

Four per cent of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

Five per cent of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

Six per cent of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

Seven per cent of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

Eight per cent of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

Nine per cent of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

Ten per cent of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

Eleven per cent of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

Twelve per cent of the amount by which the net estate exceeds $3,000,000 and does not exceed $3,500,000;

Thirteen per cent of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

Fourteen per cent of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

Fifteen per cent of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

Sixteen per cent of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

Seventeen per cent of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

Eighteen per cent of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

Nineteen per cent of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

Twenty per cent of the amount by which the net estate exceeds $10,000,000.

Mr. RAINEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAINEY: Page 143, strike out lines 1 and 2 and insert:

"Twenty per cent of the amount by which the net estate exceeds $10,000,000 and does not exceed $15,000,000;

"Twenty-one per cent of the amount by which the net estate exceeds $15,000,000 and does not exceed $20,000,000;

"Twenty-two per cent of the amount by which the net estate exceeds $20,000,000 and does not exceed $30,000,000;

"Twenty-three per cent of the amount by which the net estate exceeds $30,000,000 and does not exceed $40,000,000;

"Twenty-four per cent of the amount by which the net estate exceeds $40,000,000 and does not exceed $50,000,000;

"Twenty-five per cent of the amount by which the estate exceeds $50,000,000."

Mr. RAINEY. Mr. Chairman, this, like the surtax amendment I offered, is moderate, indeed. It will reach, when they die, 214 men in the United States who evidently, from the income-tax publicity they received, have estates of $10,000,000 and over that. It increases their burden of taxation after they die.

I realize that it can not be done in this House while they live. These 214 men have estates aggregating in amount $3,000,000,000; more than that, rather than less than that; $3,000,000,000 does not mean much as you write it on paper and visualize it. It is only by comparison that you can understand how much $3,000,000,000 is. Three billion dollars is just half of the amount of money we have in circulation in the United States at the present time, and that is how much these men are worth; at least that. Heretofore they have paid 40 per cent on their great estates, on the amount that exceeded $10,000,000, and the 40 per cent applies only to so much of their estates as exceeds that amount. These 214 men are responsible for this bill. There are only 214 men who paid 40 per cent on their incomes, and they only paid 40 per cent on the highest brackets. They are the only men who will pay that much on their estates when they die if the law remains the same, and that only in the higher brackets. If we can not equalize matters with them when they live we ought to do something to equalize matters after they are dead.

This Mellon plan, to which the majority side of this House cringes and creeps, hinges about the estate tax. This is the tax that Mr. Mellon wants removed above all taxes. And may I tell you why? We have built up in this country in the last few years a new industry, the industry of selling money abroad. At the present time $9,000,000,000 loaned abroad brings in $710,000,000 interest every year, and that is a little more than our balance of trade. In other words, this new industry, this millionaire-making industry in which we are now engaged, sells its product abroad and it sells it for more than we get in exchange for the goods we send abroad.

I have confidence in the perpetuity of this Government, as much confidence as Gompers and all the rest of them had. But I recognize that we are an emotional people here in the United States, as emotional as they were in France a hundred years ago, as emotional as they are everywhere else; and unless in some way you cut down these tremendous estates, the greatest the world has ever known——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. Something may happen in the future in this country of ours. But without vision the present leadership proceeds along the road which may lead to destruction, and it may come sooner than you think, because we must realize now that with this tremendous influx of interest these loans will double themselves, compounding interest, in seven or eight years. This tremendous influx of interest, added to our balance of trade, added to the amount of our balance, is already starting an incoming tide of gold. England has been waiting for it to happen for three or four years. At last it seems to be coming. The English are encouraging it. Certain cities in Germany are rebuilding their wharves with money furnished by Wall Street in order that Germans may more successfully compete with us and get their products over here more cheaply. A dozen German cities whose indebtedness was paid off a few years ago in depreciated marks have now been favored by the men who control the capital of this country in the loans that have been made over there.

We now propose to loan to the Province of Ontario $30,000,000; to Cuba, $25,000,000; and the most startling proposition of all is that we are proposing to loan to the Roman Catholic Church in Bavaria $30,000,000, the first loan of that kind every made in the history of the world, because church properties are not considered safe in those Slavic and Latin countries; but we are now advised that they are proposing to make that kind of a loan in order to develop their agricultural resources, so that they may compete with the farmers of this country.

At a conference in New York between these captains of finance, who direct and control this bill and pull the strings in this House, and the representatives of Soviet Russia, it was determined to make a loan to that country, the object being to bring about trade and friendly relations between that great country and our country. I am not opposed to that, but this conference was evidently the result of the statement recently made by the Minister of Finance of the Soviet Republic to the effect that they wanted to negotiate a loan of $4,000,000,000 in this country. If they can do that, and if we can divert more and more of our savings and send them over there, no matter whether they are safe or not, the incoming tide of gold, with its period of rising prices and increased production costs, can be stemmed and held back perhaps until after the next election, because immediately before and probably during the next campaign a period of depression must follow the period of expansion upon which we are now about entering. The estate tax must be killed or greatly reduced in order to safely embark upon this new industry of selling money abroad. Why? Because all these bonds must reach par. They are being negotiated now below par in order to yield 8 per cent, and they are climbing up slowly to par until some of them are selling above par, while our own Government bonds sell in New York, some of them, at below par. Now, as the holders of these fortunes die, these bonds, in order not to pay a Federal tax, must be

thrown upon the market. They are not afraid of a State inheritance tax; they can live in a State which does impose such a tax, and as these bonds are thrown upon the market the time is further and further postponed when they can reach par or go above par, and so this new industry upon which we have now engaged can not be successfully carried on unless they kill the estate tax.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAMSEYER. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Illinois, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers a substitute for the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAMSEYER as a substitute for the amendment offered by Mr. RAINEY: Strike out all beginning with line 14, page 141, to page 143, line 2, inclusive, and substitute in lieu thereof the following:

"One per cent of the amount of the net estate not in excess of $50,000;

"Two per cent of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

"Three per cent of the amount by which the net estate exceeds $100,000 and does not exceed $150,000;

"Four per cent of the amount by which the net estate exceeds $150,000 and does not exceed $250,000;

"Five per cent of the amount by which the net estate exceeds $250,000 and does not exceed $450,000;

"Seven and one-half per cent of the amount by which the net estate exceeds $450,000 and does not exceed $750,000;

"Ten per cent of the amount by which the net estate exceeds $750,000 and does not exceed $1,000,000;

"Twelve per cent of the amount by which the net estate exceeds $1,000,000 and does not exceed $2,000,000;

"Fifteen per cent of the amount by which the net estate exceeds $2,000,000 and does not exceed $3,000,000;

"Eighteen per cent of the amount by which the net estate exceeds $3,000,000 and does not exceed $4,000,000;

"Twenty-one per cent of the amount by which the net estate exceeds $4,000,000 and does not exceed $6,000,000;

"Twenty-four per cent of the amount by which the net estate exceeds $6,000,000 and does not exceed $8,000,000;

"Twenty-seven per cent of the amount by which the net estate exceeds $8,000,000 and does not exceed $10,000,000;

"Thirty per cent of the amount by which the net estate exceeds $10,000,000."

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, I shall not take up much of your time to-day. The House very generously on last Friday, with a larger attendance than there is here right now, listened to me on this proposition for nearly one hour and a half.

The gentleman from Illinois [Mr. RAINEY] has offered a motion to leave the rates as they are in the bill in the brackets below $10,000,000. He adds brackets, and the last bracket is the one over $50,000,000 where he makes the rate 25 per cent. Of course, it does not mean a great deal of additional revenue by adding brackets and increasing rates over the $10,000,000, for reasons I have pointed out to you before.

I have taken the present law, which goes from 1 per cent on the first bracket of $50,000 to 40 per cent on the bracket over $10,000,000, and the bill that is before you, which goes from 1 per cent on the first $50,000 bracket to 20 per cent on the bracket over $10,000,000 and split the difference in rates, beginning with 1 per cent and ending with 30 per cent over $10,000,000. I think the schedule of the brackets and the rates in my amendment are logically arranged.

I wish to extend my congratulations to both the chairman of this committee and the gentleman from Texas [Mr. GARNER], the ranking Democratic member. Last year when this fight was on both gentlemen had a sympathetic attitude for my position and voted for the rates in the present law. At that time the maximum rate was placed at 40 per cent on that portion of the net estate over $10,000,000. The one thing I wish to commend them on especially is that under the circumstances which surrounded the making of this bill they came out with as good a bill as this is, in so far as the estate-tax provisions are concerned. Now, what applies to them standing by the committee bill does not apply to the membership of this House. If this bill goes through unamended, it will be the first revenue bill within 10 years that the Ways and Means Committee has brought in on the floor of this House and put through without amendments. If a bill of this magnitude goes through this House without a single amendment, it simply means not that the Ways and Means Committee is perfect but that this is a mindless House. [Applause.]

I do not think the committee should take such particular pride either in itself or in its bill and get sensitive about it if the membership of this House should see fit to amend it in one particular place. The committees of the House are the agents of the House and not the dictators of the House.

As I stated the other day, the reasons for making the increases last year are exactly the same for maintaining present rates this year. There has not been a change in conditions in the country.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAMSEYER. I would be willing to stand here and defend the rates of last year, but I know that is absolutely hopeless. I am trying to meet the committee halfway. I am trying to meet the committee on a proposition so that every time Congress convenes we will not be up against the proposition of repealing the estate taxes or changing the rates.

What I should like to have is reasonable estate-tax rates that you can leave on the statute books unamended for a period of 10 or 15 years. The rates should be uniform from year to year in order to be just toward the estates and properties that must be administered on from time to time. To have rates of 25 per cent last year, 40 per cent this year, and 20 per cent next year simply shows an instability upon the part of the membership of the Congress that can have no other effect upon the country than to decrease the respect that the people have for legislative bodies.

Mr. FREAR. If the gentleman will yield right there, I would like to add just one thought. We allow 80 per cent of that amount.

Mr. RAMSEYER. Yes; in the way of credit in this bill. Last year this House, when this bill was voted upon, by a rising vote stood 267 to 107, or over 2 to 1, in favor of existing rates. About three-fourths on that side and fully half of the membership on this side rose up and stood as bravely as I ever saw men stand up to be counted by the Speaker. There has been no change in conditions. There has been no reason offered here why a reduction should be made that did not equally apply against the increases last year. I am here to say that there has been no change in the individual minds of the membership here, and I say, with all kindness, and I exempt the members of the Ways and Means Committee, that if there were as many rigid backbones in this House as there are convinced minds, an amendment along the line I am proposing here would carry by a vote of at least 3 to 1.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. RAMSEYER. Let me first proceed a little further, please.

As I stated the other day, I want to get this fight out of the way. I want the Congress to establish itself on this matter upon reasonable rates, and rates that the country will understand are going to be uniform over a period of years. Then the States can develop their inheritance tax laws.

The gentleman from Tennessee [Mr. HULL] has been referred to——

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more, and then I shall not ask any further time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAMSEYER. The gentleman from Tennessee [Mr. HULL] has been referred to here time and again as the man who has made a very intensive and careful study of both the income and inheritance tax laws. He was here when those laws had their beginning in this body, and the arguments that gentleman made here the other day, both relative to the estate taxes and the income taxes, and especially the income taxes, to my mind have not been answered by anyone.

We must develop both the income tax and the inheritance tax on such a basis as will tend, with the aid of the laws of the States along that line, to relieve the direct property tax. It is conceded by everybody that those taxes are becoming too onerous to be borne. We are raising the exemptions here on income tax and relieving the heavy income taxpayers. We are relieving income taxpayers at both ends, and, as ably stated here by the gentleman from Tennessee, we are making the

whole structure lopsided. In that he is right. That is also true about the estate-tax structure.

The provisions in this bill with regard to the estate tax have been put in the bill largely at the suggestion of the Delano committee, selected by an organization to bring about the repeal of the estate taxes.

As I stated the other day, if I could get the Ways and Means Committee to agree with me that the estate tax should be part of the permanent tax system of the country, and also agree on about what amount should be raised by Federal and State estate and inheritance tax laws—the amount we raise now is very small compared with what other countries raise, but if we can agree on the principle as to the continuance of these taxes as part of the Federal system, and as to the amount that should be raised by both State and Federal Governments, I am willing to turn the matter over to the Ways and Means Committee to arrange brackets and rates.

I am offering this amendment for your consideration. I do not wish further to take up the time of the House, but if I have a minute left I will now yield to the gentleman from South Dakota. Before yielding, I wish to state that the committee proposal represents the irreducible minimum. My amendment, while moderate, if adopted will have longer life. This question will not down. If it is settled more nearly right than the committee has it, it will be a long while before we hear from the advocates of repeal or the advocates of increased rates. I now yield.

Mr. WILLIAMSON. The question I would like to ask the gentleman is this: Some of us are interested in following the schedules, and would like to know how much money under this amendment would be raised in addition to what is raised under the bill as written.

Mr. RAMSEYER. Probably $40,000,000 or $50,000,000. The committee itself is unable to furnish estimates on its proposal after next year because of the credit provision. Nobody knows just how that will work or just how much it will bring in after next year.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, it is always a pleasure to listen to the gentleman from Iowa, because he bases his remarks on sincere conviction, which in turn is based on real study and knowledge. This, of course, requires anyone who does not reach the same conclusion to answer the argument in the same spirit.

Now the gentleman from Iowa in his remarks last week took the English rate as a fair and normal peace-time rate at which the inheritance should be applied in the United States. He quoted extensively from the speech of the British Chancellor of the Exchequer in presenting the last British budget. Let me take the liberty of quoting Mr. Churchill on the subject of estate taxes. Mr. Churchill said:

> I propose certain additions to the rates of estate duty. They are not general throughout the scale. They do not affect estates of modest amount—the increases only begin after £12,500—nor do they affect estates of the greatest magnitude, the duties on which were heavily increased in 1919 and leave no room for any alteration except in a downward direction.

That is what Mr. Churchill says of a 40 per cent rate, that it leaves no room for revision except in a downward direction. Why do they impose a 40 per cent rate on inheritances in Great Britain? Because they are driven to it from sheer necessity. That country, with a national wealth of about $70,000,000,000, is obliged to raise $4,000,000,000 annually to meet budget requirements. If our situation were the same as Great Britain's, we would be presenting a bill that would not raise $2,500,000,000, but a bill that would raise approximately $10,000,000,000. If that were the situation, I should be standing here side by side with the gentleman from Iowa urging you to keep it at 40 per cent.

But that is not our situation. Our situation is the normal peace-time situation of the average European country before the war.

What were the maximum rates imposed by the British Government before the war? Fifteen per cent. What were the maximum rates first applied by the British Government even in war time? Twenty per cent. When did they go to 40 per cent rate? When they had exhausted every other source of taxation and when British statesmen after statesmen had been compelled to recognize that the British Government is staggering under such a load of taxation that it is difficult for them to see the light, is it upon a system born of such conditions that the United States should predicate its peace-time system? And, gentlemen, this 40 per cent rate we are now proposing to repeal and which Mr. Churchill, on whom my friend from Iowa relies, recognizes as a maximum is not the maximum in the United States by any manner of means.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MILLS. Do you realize that in addition to the 40 per cent rate which we now apply, no less than six States in the Union impose a 10 per cent rate on direct heirs. There is 50 per cent for you.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. RAMSEYER. Under the present law you give 25 per cent credit and under this bill you give 80 per cent credit. That wipes that out altogether.

Mr. MILLS. That is why the 80 per cent was put in. I am talking about the 40 per cent, and I say that it is not 40 per cent, for in six States they have 10 per cent, which makes 50 per cent on the direct heirs, and in three States the rate is 40 per cent on collateral heirs. It is not a 40 per cent rate. We are taking in some cases about 80 per cent. In England they only have one estate tax to pay, whereas in the United States we do not have one inheritance tax—we have at least two, that of the State of residence and the Federal Government, and in a number of cases there are other State taxes, to which I shall next refer.

But even if we take the two—the State of residence and the Federal Government—the so-called 40 per cent rate to-day is not a 40 per cent rate at all, but it runs from 40 per cent to 80 per cent, depending upon the State of residence and depending upon the nature of the relationship. Thus, even in the case of direct heirs, we have under the present law a 50 per cent rate in six States in this Union, diminished, of course, by the 25 per cent credit.

Mr. McKEOWN. But there are also exemptions allowed, are there not?

Mr. MILLS. Oh, yes. We are talking about the rates on the taxable estate. But this is not the whole story, gentlemen, by any manner of means. The State of residence is not the only State that undertakes to tax estates under our American form of inheritance taxes. These are actual cases, not imaginary cases, which I shall now cite.

A Pennsylvania estate of approximately $600,000 was required, in addition to Federal taxes, to submit to inheritance taxes in 16 different States. A New York estate of $564,000 required, in addition to the Federal-tax proceedings, inheritance-tax proceedings in 12 different States. A New York estate, in addition to Federal-tax proceedings, required inheritance-tax proceedings in 20 different States, 19 of which imposed an inheritance tax on that particular estate. In three Illinois estates administered by one corporate executor, 35 separate inheritance-tax proceedings in various States were required. I am going to put these illustrations in the RECORD. One New York trust company reported to the committee—and this is the Delano committee—that its records indicated that it had been necessary to institute inheritance-tax proceedings in approximately eight States, and to pay inheritance taxes to approximately six States on the average for each estate handled by that trust company—an average of inheritance taxes to six States, in addition to the Federal Government tax, paid by every estate handled by one of the large New York trust companies, and those State rates run anywhere from 2, 3, 4 to 10 per cent on direct, and to 40 per cent on collateral heirs.

I append hereto at this point the extract from the report of the Delano committee, just referred to, from which I quote:

> In its investigations the committee culled from authentic and reliable sources a number of cases illustrative of the serious consequences of present inheritance-tax conditions in the United States. In addition to those cited in the text of the report the committee submits the following cases selected from its files:
>
> CASES ILLUSTRATING NUMBER OF STATES IN WHICH INHERITANCE-TAX PROCEEDINGS ARE REQUIRED
>
> A Pennsylvania estate of approximately $600,000 required in addition to Federal-tax proceedings inheritance-tax proceedings in 16 different States.
>
> A New York estate of $564,000 required in addition to Federal-tax proceedings inheritance-tax proceedings in 12 different States.
>
> A New York estate of $346,317.49 required in addition to Federal-tax proceedings inheritance-tax proceedings in eight different States.

A New York estate of $1,271,980.23 required in addition to Federal-tax proceedings inheritance-tax proceedings in 13 different States.

A New York estate of $16,052,408.77 required in addition to Federal-tax proceedings inheritance-tax proceedings in 12 different States.

A New York estate in addition to Federal-tax proceedings required inheritance-tax proceedings in 20 States, 19 of which imposed inheritance taxes upon the estate.

In three Illinois estates administered by one corporate executor 85 separate inheritance-tax proceedings in various States were required.

The following tabulation of cases from among those reported to the committee shows that these conditions are not limited to a few estates nor to estate of any particular size:

Number of States in which proceedings necessary	Value of estate	Number of States in which proceedings necessary	Value of estate
14	$407,373.86	8	$171,608.72
9	465,858.66	13	152,800.00
12	877,112.90	18	730,000.00
7	368,589.09	12	450,000.00
10	786,997.80	13	488,000.00
8	893,713.92	14	101,000.00
8	168,312.28	12	127,000.00
7	70,555.73	17	365,400.00
6	49,401.63	15	108,800.00
10	689,380.97	9	230,000.00
6	87,144.43	13	116,000.00
23	735,455.02	10	92,500.00
4	293,780.51	6	93,000.00
19	403,750.07	8	413,000.00
4	14,230.06	17	7,000,000.00
11	128,648.04	20	468,000.00
11	419,079.12	9	344,000.00
9	45,802.89		

One New York trust company reported to the committee that its records indicate that it has been necessary to institute inheritance-tax proceedings in approximately eight States, and to pay inheritance taxes to approximately six States, on an average for each estate administered, and that in some cases where the decedent held stock of corporations organized in more than one State, such as railroads, it has been necessary to institute inheritance-tax proceedings in as many as five or six States to transfer a single certificate of stock.

Mr. BURTNESS. Were those taxes cumulative in each State?

Mr. MILLS. Why, yes. They certainly are on different parts of the estate, not on the entire estate.

Mr. BURTNESS. Was there any one part of the estate that was subject to six State taxes?

Mr. MILLS. That is perfectly possible, particularly so in the case of a stock ownership in a railroad corporation which may be incorporated or have its principal office in more than one State. It is not a bit uncommon for an estate to pay six times on its one piece of property.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MILLS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr BEEDY. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLS. Yes.

Mr. BEEDY. Does the gentleman now wish to leave the impression with the House that he is showing up iniquities of a Federal inheritance-estate tax, and therefore prefers that the field should be abandoned by the States, and that it is better to have a uniform Federal tax? That would be the impression we might get.

Mr. MILLS. Oh, no; I am dealing with rates, and I am pointing out now the absolute need for moderation in rates in so far as the Federal-estate tax is concerned. I am pointing out that this 40 per cent rate applied by the Federal Government is not comparable to the British rate because of totally different economic conditions, and I am pointing out, furthermore, that it is not a 40 per cent rate at all, because it is superimposed not only on the State of residence rates running from 10 to 40 per cent but superimposed on as many as 10, 12, and 16 inheritance taxes imposed by other States that also claim a share in the estate.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I would like to continue.

Mr. STEVENSON. I just wanted to ask if all of those were taxes absolutely on the same part of the estate or merely that each State taxed that part of the inheritance allocated to that particular State.

Mr. MILLS. I wish that were so. I say to the gentleman that one piece of property may pay six inheritance taxes—the same property.

Mr. SUMMERS of Washington. But only paying one-sixth in each of the six States?

Mr. MILLS. Oh, it might in some cases pay on the full value of the property, as in the case of a bond owned in one State, located in another, and to be paid in a third.

Mr. SUMMERS of Washington. In six different States?

Mr. MILLS. In six different States six different taxes on precisely the same property.

Mr. SUMMERS of Washington. On the total amount in the six States? I am asking for information.

Mr. MILLS. And I am trying to give the gentleman the best information I have.

Mr. SUMMERS of Washington. That seems very strange.

Mr. MILLS. I do not wonder that the gentleman is shocked, and I am not claiming for one minute that the Federal Government is to blame. It is not. What is happening is that in their eagerness to obtain revenue from this source all of the States in this Union have reached out more and more in trying to reach the property of nonresidents on which they might be able to levy a tax on some legal theory.

What is the conclusion to be drawn from all this? The conclusion to be drawn is that the field of inheritance taxes in the United States to-day is in hopeless confusion. The conclusion to be drawn is that we ought to proceed with care, that our rates ought to be moderate, and that the Federal Government ought to cooperate in every way with the States in working out a just solution in order that this system of taxation may be made permanent.

The gentleman from Iowa says they want a permanent solution. Let us see whether he is proceeding in the right direction. For a quarter of a century the American States have been developing a system of inheritance taxes and they developed them to a point where in a very considerable number of States they represented either the largest source of revenue or the second or third largest source of revenue, and no one during that period, except for double taxation, complained of the inheritance tax as such. Then, in 1916, while we were still at peace, the Federal Government came along and levied a 10 per cent estate tax and still there was no general protest. You did not see any general unpopularity of inheritance taxes in this country, did you, in 1916?

A MEMBER. Oh, yes.

Mr. MILLS. Here and there a protest, but no effective protest. Then the war came along and the Federal rates were put up——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. I would ask for an additional three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLS. And then the war came along and we increased our Federal rates and superimposed them on the State rates up to 25 per cent, and still we have no protest. There was no concerted and general attack on the inheritance form of taxation. Then what happened? At a time of profound peace, at a time when we proclaimed to the country there was a surplus in the Treasury so as to permit tax reductions, we undertook to raise the estate tax to 40 per cent; and then from one end of the country to the other you began to hear the cry, "Well, if this is what your conception of what an inheritance tax should be, then we are against inheritance taxes as such." You did not just see an attack made on that 40 per cent rate. Why, gentlemen, for the last year there have been in this country in full swing a strong popular movement, not directing itself at reducing the tax to a proper point, but a movement directed at inheritance taxes as such. That has been the effect of your reckless, immoderate act of two years ago. Why, State legislature after State legislature meets and passes resolutions not only asking you to repeal the Federal-estate tax, but declaring against what in this country has been recognized as a well-established form of taxation—inheritances in the States. Some of the Southern States now are not just appealing to us to repeal the Federal-estate tax, but actually declaring against a State-inheritance tax. In other words, gentlemen, by our immoderation we have destroyed the popularity of one of the best taxes in this country, and that is why to-day we should proceed with caution and not do anything that will further the movement. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RANKIN. Mr. Chairman, in taking advantage of this opportunity to voice my opposition to that portion of the bill under consideration, which proposes to relieve the large fortunes from their just portion of taxation and pass that burden on to the mass of the American people, I wish to call attention to the fact that this measure does not even propose to reduce the taxes of that great mass of our people who do

not own large estates and who do not receive sufficient incomes to pay income taxes to the Federal Government.

The man who is really suffering under the burden of taxation is the farmer, the wage earner, and the small business man, who has to pay a heavy ad valorem tax to maintain his State, county, and municipal government whether he has an income or not. This bill is not directed at him. It is not intended to offer him relief; but it is being passed primarily for the benefit of those men of enormous incomes and for the holders of large estates.

When the last Congress convened Mr. Andrew W. Mellon, Secretary of the Treasury, the real leader of the party in power, the man who is behind this measure, told us that if we passed an adjusted compensation bill to pay our soldiers for their services rendered on the field and at the battle front, at the time the men most affected by the estate-tax provision of this measure were piling up their large fortunes out of war profits, he told us that if we passed that adjusted compensation bill it would be impossible to reduce taxes at all.

What has been the result? We not only passed the adjusted compensation bill, but we also reduced Federal taxes more than $300,000,000 a year. Now they come here and ask us to make another reduction of about three hundred millions more. They do not even wait until Congress convenes to ascertain how much money we would need for the next fiscal year, but rush this bill through the committee and bring it into the House and urge its passage before the holidays. It makes reduction in the taxes on large incomes and swollen fortunes that are far in excess of the dreams of the gentlemen of the majority side, much less on the minority side, on the Ways and Means Committee two years.

They do not wait to see how much money we will need to maintain the Government for another year, to take care of the wounded and disabled veterans of the World War, and carry on the Nation's program of internal improvements. The truth of the business is, those who are behind this measure would like very much to kill our program of Government aid to good roads, because it takes money that is collected from those large fortunes and those enormous incomes and spends it in the improvement of our public highway in the agricultural States, from the products of the toil of whose citizens these large fortunes have been drawn. In the last Congress they showed clearly that they would much rather take care of the large income-tax payers and the owners of large estates than to pay the adjusted compensation to our veterans of the World War.

Are we safe in following the advice of Mr. Mellon or his distinguished leader on the Ways and Means Committee, the gentleman from New York [Mr. MILLS], in reducing the national revenue to this extent, when he missed his guess two years ago more than $600,000,000 on the possibility of a safe reduction?

My honest opinion is—now mark this—my honest opinion is that if this bill becomes a law in less than five years, yes, in less than three years, we will have a deficit in the Federal Treasury. Then where will you get the money with which to maintain our current expenses? You will get it from the very source of revenue that the present Secretary and Treasurer most desires—from a sales tax, or from a direct tax of some kind, on the necessities of life; thereby taking from the toiling masses, who are already burdened to death with State, local, and municipal taxes and struggling for a livelihood, the money with which to make up the deficit caused by relieving the wealthy from their just burdens of taxation. The masses of the American people are in no condition now to take over and assume the burden of paying hundreds of millions of dollars by taxing the necessities of life which they must have to maintain themselves and their families, in order to relieve the men of large incomes and large fortunes, who will be the chief beneficiaries if this bill becomes a law.

Already our people are burdened with the tariff that taxes every individual approximately $40 a year. This is a tax on practically every article a man buys. About $6 of this amount goes into the Federal Treasury, while the other $34 goes into the pockets of the manufacturers, whose taxes you are reducing in this bill.

About $200 to the average family of five is collected in this way: Thirty dollars of it goes into the Federal Treasury and $170 into the pockets of the manufacturers. Let a deficit occur in the Treasury as a result of this legislation, and you will never be able to put these taxes back where they belong. On the other hand, there will be an effort made by the advocates of this bill to pass it on to the ultimate consumer through the medium of a general sales tax, thereby increasing the burdens of the toiling millions to release the luxuries of the favored few.

To show you that I am correct in this contention, look at the discriminations in this bill against the small taxpayer. For instance, they put a flat tax of 12½ per cent on all corporations, regardless of their magnitude. What does that mean? It means a great deal less to the man who is at the head of a great corporation, owning millions of dollars of its stock, with its lines of communication reaching into every community and its sources of revenue reaching into every home—it means a great deal less to him than it does to the small business men of your local community, who have organized for the purpose of carrying on a business from which they earn a living for themselves and their families, and who also have their individual taxes to pay.

And permit me to say in passing that you are going to hear from these men, not only because of your failure in this bill to relieve the nuisance taxes but also for your failure to do justice as between him and the financial magnates at the heads of the great corporations of the country.

If you want to give real relief, instead of reducing the taxes on large estates from 32 per cent down to 4 per cent, as you are doing in this bill, why in the name of common sense do you not equitably reduce the nuisance taxes and the taxes of the small business man.

Gentlemen, I am in favor of an estate tax. I think it is the only salvation against that dangerous tendency in our Government to concentrate the wealth of the Nation into the hands of a few men and to use that wealth to control legislation and to shape our national policies. In my opinion nothing is more detrimental to the welfare of our American institutions than the concentration of wealth and its kindred accessory, the centralization of political power.

A great statesman once said that when Rome fell 600 people owned the Roman Empire, and that when Babylon fell 1 per cent of her people owned practically all of the wealth of Babylon. Here in what we are proud to call a democratic republic, which is less than 150 years old, the concentration of wealth has been so rapid that to-day less than 10 per cent of our people own more than 90 per cent of our wealth, leaving only 10 per cent to be owned by the other 90 per cent of our population, constituting the great mass of the American people. What will be the conditions in a few more decades if this policy is continued?

The only cure for this condition is the imposition of an estate or inheritance tax that will take a portion of the accumulated wealth of the large fortunes to help bear the burdens of the Government and at the same time gradually break up those large estates and pass them out through the channels of industry, thereby preventing the pyramiding of vast fortunes to be passed on down from generation to generation. It is the fairest tax on earth. It does not touch a man's estate while he is living; but after he has passed away and his debts and obligations are all paid and $50,000 is set aside for the benefit of his family, then it takes a very small portion of the balance to be paid into the Federal Treasury to help maintain the Government that has protected him in the accumulation of his wealth. The amount taken from fortunes under a million dollars is very, very small compared with the tax burden of the average American laborer, who attempts to own his home or the land he cultivates. And even in the present law, if his estate exceeds $10,000,000, we take only 40 per cent of the amount above $10,000,000.

Under the provisions of this bill which you are asking us to give to the large taxpayers as a Christmas present, you have provided that 80 per cent of the estate taxes shall be first collected in the States, and if not collected by the States it shall be collected by the Federal Government. You thereby force every State in the Union to put on an estate tax whether they desire it or not. But the iniquity to which I am trying to direct your attention is that they also reduced the tax rate to 20 per cent instead of 40 per cent on estates exceeding $10,000,000.

You have told the House that you are reducing the Federal taxes on these large estates to 20 per cent, when, as a matter of fact, you have reduced the Federal income to 20 per cent of 20 per cent of the excess over $10,000,000, or only 4 per cent. Why have you not told the House the real facts about the practical workings of this bill and let them know that it reduces the Federal estate taxes on estates exceeding $10,000,000 to about one-eighth of what it is under the present law? You practically abolish the estate taxes by the passage of this measure, and thereby break faith with the great mass of the American people onto whom this burden will be shifted.

Suppose the American farmers and workers understood the practical application of this proposition and realized what it means. How many of you would dare support it and go home and face the consequences? Suppose the ex-service men, who at your call offered their services in the late war under the promise that when peace was restored you were going to make those who made their fortunes out of the war help to bear a just portion of the burden of paying the war debt. Suppose they knew that you by this bill were relieving from the estate taxes those men who made or increased their fortunes by profiteering during the World War. Do you suppose you would pass this measure in its present form without provoking a protest throughout the country?

As soon as the consequences of this measure become known you will hear from it. My opinion is that you will hear from it in no uncertain terms in 1926, when the American people go to the polls to register their protest against the placing upon the statute books of this Republic a tax-reduction bill which relieves the large income-tax payers and the owners of swollen fortunes from their just portion of the burden of taxation for the purpose of passing it on to the already overburdened people who are least able to pay. [Applause.]

Mr. BLANTON and Mr. FREAR rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I will yield to the gentleman from Wisconsin [Mr. FREAR] if he desires to speak now, as he is a very distinguished former member of the committee.

Mr. FREAR. Oh, I am not now a member of the committee.

Mr. BLANTON. Mr. Chairman, in view of the fact that I have received a communication suggesting that I resign, I would like to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman and gentlemen, I am always glad to receive from my constituents their views on public questions, and when such views are in accord with the interests of the people as a whole I gladly follow same. In every case, whether I agree with them or not, I invariably give careful and courteous consideration to the views sent me from every constituent. Every letter written to me by a constituent receives a prompt and courteous answer, and has my prompt attention.

When Mr. George H. Colvin, of Fort Worth, who is president of the so-called Texas Tax Club, caused notices to be published in the Texas newspapers warning the 18 Congressmen and 2 Senators in the State delegation that unless we obeyed orders we would have opposition in our districts of the "deadly earnest kind," I naturally remembered that expression. Opposition of the "deadly earnest kind" is the kind calculated to make a poor Congressman sit up and take notice.

So when this Mr. George H. Colvin incited the meeting to be held at Waco, in the district of our colleague [Mr. CONNALLY], and after State Senator Stuart had made his propaganda speech there, the telegram was sent to Congressman CONNALLY of Texas advising him in effect that unless he obeyed orders he would have opposition of the "deadly earnest kind," I naturally remembered that doleful expression.

And when this Mr. George H. Colvin incited the meeting to be held in my district at Coleman, Tex., and sent his same propagandist, State Senator Stuart, there to enlighten the people, as it were, and my good friend, Mr. Leon L. Shield, a prominent citizen and banker of Coleman, who is a cooficer with Mr. Colvin in that he is the secretary of said Texas Tax Club, when presiding at said meeting, saw fit to send me a warning through the Coleman newspaper, the able and efficient Democrat-Voice that reported his speech, that if I did not respond to their suggestions that I would have in my district opposition of the "deadly earnest kind," I again remembered the expression, and I am now able to trace it back to its origin.

My colleague here, Senator HUDSPETH, is one of the best, most loyal, most dependable friends whom the cowmen and stockmen of this country ever had. Do you know what he does when he finds a stray animal on his range? He identifies it by the earmarks and brand on it. Do you not, Senator?

Mr. HUDSPETH. We try to.

Mr. BLANTON. And that is the way we Texas Congressmen will identify the opposition when it appears in our districts; we will look closely for these earmarks and brand of Mr. George H. Colvin, who originated this particular brand of opposition known as the "deadly earnest kind."

I received yesterday from the secretary of this Texas Tax Club, Mr. Leon L. Shield, of Coleman, what seems to be his ultimatum. In substance he says:

> We sent you there as our representative. We expect to be granted and we distinctly claim the privilege of making known our views on public questions. And when we make known these views we expect you to follow our wishes.

And he tells me that unless I can follow such wishes I must resign. If he were my only constituent I would promptly resign. But I received my commission from the citizens of a district which has living in it 400,000 people. They might not like it if I resigned. They sent me here to attend to their business, and I am attending to it. They sent me here to stand up and face all opposition that may arise against measures beneficial to their interests, and not to quit and lay down just because the enemy threatens me.

If Mr. Leon Shield wanted me to have his views, I am wondering why he did not come around to see me when he came here with the representatives of the Texas Tax Club. I am wondering where he was the night I attended the Texas Tax Club banquet at the Raleigh Hotel. I did not see him there. Why did he not tell me his views there?

Mr. Leon Shield knows that I have no prejudice against banks or bankers, or against big business. The bankers of my district are my friends. The business men of my district are my friends. I have their confidence, and I have the confidence of the big business men of the United States, because they have learned that I am always willing to accord them and their business a fair, square deal.

I happen to know one distinguished Texan who came here with the members of the Texas Tax Club, who is not in accord with this spirit of forcing Representatives by threats and coercion, and he is one of the stalwart, stable, dependable business men of my State, and that is Frank Kell, of Wichita Falls. He is a man who is willing always to do his part, and he has at heart the very best interests of our State and of this Nation. He is loyal and patriotic, but he had better watch some of his associations.

Right here I want to pause long enough to commend the chairman of this great committee, the gentleman from Iowa [Mr. GREEN], and also my colleague from Texas [Mr. GARNER], the Democratic leader on that committee, on their being able to write in this bill any inheritance tax at all. Very few persons will ever realize just how much power and influence they have been able to withstand and to overcome in order to be able to give us an estate tax. They have withstood the greatest pressure that has ever been brought to bear upon a committee in the history of Congress to take out of this bill all provisions for an inheritance tax. I wish that every Member would read the hearings and see how the great chairman and the great minority leader of this committee withstood every effort of the propagandist and of the lobbyist from all over the United States who sought to lobby all of this estate tax out of the bill. I commend them for keeping in the bill an estate tax running up to a maximum of 20 per cent.

This fight to repeal the Federal estate tax did not begin with the Texas Tax Club. Do you know when and where and by whom it began? As far back, to my certain knowledge, as last April. I can remember the speeches that were made by Hon. Frank W. Mondell over the United States, beginning last April, one of his main objects being to get this estate-tax provision out of the bill. I am identifying the earmarks and brand to identify the animal in order to know where the fight came from and originated.

I can remember that on April 15, 1925, when the Louisiana bankers met at New Orleans, this very distinguished citizen, Mr. Frank W. Mondell, who used to be a Member of this House, and was its floor leader, and who once lived in Wyoming, but then a member of the War Finance Board, filling a lame-duck appointment, went down there to address them. He told them then that there was a wide difference of opinion in this country as to the wisdom and justice of the estate tax, and he told them that under no circumstances should it be put into the coming bill at more than 10 per cent. That speech was published in this, a beautiful little pamphlet like that [indicating]. It was printed in very large type, on very fine paper, and the cover was a very good color—brown—so that 10,000 copies could be sent out to the waiting public.

Mr. GREEN of Iowa. More than that.

Mr. BLANTON. The first issue was 10,000.

He then followed his propaganda speeches over the United States. He spoke way up in Boston. He spoke out in Des Moines, Iowa. He spoke in Chicago. He spoke in Minne-

apolis. He spoke in Brookings, S. Dak. He spoke elsewhere. Everywhere, except in North Dakota, he denounced the Federal estate tax and said that even if it stayed on when Congress met and passed this bill, it ought not to be a maxium of over 10 per cent.

One June 15, 1925, when he addressed the Hamilton Club, of Chicago, he said:

It is highly important, however, that, as we approach the session of the new Congress, we shall call to mind the Federal tax conditions under which we are living, and firmly resolve to exert every legitimate influence toward having evils corrected. It is equally important that we shall prepare to stand behind and earnestly support the Members and Senators who shall endeavor to do their duty in the face of appeals that are likely to be made to prejudice and to lack of information as to the actual facts of our situation.

And what more he meant was that those Members who did not agree with his program should not be "stood behind" but should be "left behind." Now let me quote further from this speech at Chicago. Mr. Mondell said:

With regard to no other class of taxes is there so wide a difference of opinion as exists with regard to estate and inheritance taxes. In certain sections of the Union, particularly in parts of the South, such taxes are anathema.

And he suggested that if any estate tax were left in the law, it should not be over 10 per cent. And do you know where all this hue and cry of "socialism" we now hear from the tax clubs originated? I will show you. It came from Mr. Mondell in this speech June 15, 1925. He then said:

I know of no excuse that can be offered for the present Federal estate tax except the possible one of socialism.

Note that in his speech at New Orleans on April 15, 1925, he said merely that "there is a wide difference of opinion as to the wisdom of the estate tax"; but by the time he got to Chicago for his Hamilton Club speech, on June 15, 1925, he then said:

With regard to no other class of taxes is there so wide a difference of opinion as exists with regard to estate and inheritance taxes.

He said:

Such taxes are anathema.

And he wound up this speech of June 15, 1925, before the Hamilton Club of Chicago by saying:

Shall we not see to it that those who represent us in the Congress of the United States shall clearly understand our interest and our opinion and our disposition to support them in applying the necessary remedy?

Is not that where Colvin, Stuart, and Shield got their suggestion of sending us threats and demands?

And Mr. Mondell had this Chicago speech, notwithstanding that it was practically the same speech made at New Orleans, already printed in "brown," printed in this delightful little pamphlet of "Coolidge gray," printed in large type, on fine paper, and with a splendid cover, so that thousands of copies of this particular issue could be broadcasted over the United States before Congress met.

Mr. BERGER. Will the gentleman yield?

Mr. BLANTON. In just a moment. But when Mr. Mondell went to Brookings, S. Dak., to deliver his propaganda speech on June 17, 1925—he was making them pretty rapidly about this time—he changed his ideas somewhat on this estate tax. He did not say there was a "wide difference of opinion." He did not say "the widest difference of opinion about any tax was over this estate tax," as he had done at Chicago. He was afraid that such difference did not exist there. What he did say to those citizens of North Dakota was that "we should be perfectly willing to leave this system of taxation on estates to the States." That speech was printed in this little pamphlet, and it is a new "Harding blue," so that thousands of copies of this particular edition, specially framed for a particular part of the country, could be scattered in the West before Congress met. It is in large type, on fine paper, and a most popular colored and attractive cover.

We remember, Mr. Chairman, that this is the man who has voted against every income-tax measure that was presented up to the one of 1921, when it cut the existing surtax half in two. He voted for that reduction.

Mr. BERGER. Will the gentleman yield now?

Mr. BLANTON. In just one minute.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BERGER. The gentleman has no time now.

Mr. BLANTON. Mr. Chairman, may I have five minutes more? I will be glad to yield if I can get five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for an extension of five minutes. Is there objection?

There was no objection.

Mr. BLANTON. I gladly yield now to the greatest student in the House. Even though I disagree with him, he is one of the greatest historians in the House.

Mr. BERGER. That is very kind of the gentleman, and I thank him for the compliment. Is not the gentleman aware that everything good in any bill is socialistic?

Mr. BLANTON. I doubt that. In fact, I know that such is not the case.

Mr. BERGER. Absolutely. Everything that is good in any bill is socialistic.

Mr. BLANTON. I have never been able to find anything good in socialism except my good friend from Wisconsin. [Laughter and applause.]

But I must get back to my subject.

When Mr. Thomas B. Paton, general counsel for the American Bankers' Association of the United States, was before the Committee on Ways and Means, our colleague [Mr. GARNER] endeavored to find out from him something about this newly organized American Bankers' League, which started all of these so-called tax clubs into existence, and the following colloquy occurred:

Mr. GARNER. Mr. Paton, do you represent the National Bankers' Association?

Mr. PATON. The American Bankers' Association, which is composed of large banks and small banks all over the country.

Mr. GARNER. Is it in any way affiliated with the American Bankers' League?

Mr. PATON. Not in any way. The American Bankers' Association has just had its fiftieth anniversary at its convention at Atlantic City.

Mr. GARNER. Do you know anything about the particulars of the American Bankers' League?

Mr. PATON. Well, something.

Mr. GARNER. Are you a member of it?

Mr. PATON. No, sir. We have had a good deal of trouble with circulars sent out from the headquarters here in Washington.

Mr. GARNER. Are they particularly helping the American bankers?

Mr. PATON. The position of the American Bankers' Association is that we in our organization adequately represent the banks of the country with regard to Federal legislation in all its branches.

Mr. GARNER. And the American Bankers' League, then, is not contributing very greatly to your labors in the field of mutual association of banks?

Mr. PATON. I should say not.

And then our colleague [Mr. GARNER] pinned him down and had him to give us the real facts about this American Bankers' League, to wit:

Mr. GARNER. I had heard from some bankers that they had two associations; that one of them really represented the banks, the other having a similar name, and there seemed to be confusion as to what the American Bankers' Association stood for.

Mr. PATON. The American Bankers' Association is composed of some 22,000 banks out of the 28,000 in the country, and they pay dues graduated according to the amount of their capital. The American Bankers' League, as I understand it, is simply an organization which sends out circulars to banks saying, "We are getting together a group to help you reduce your taxes. Will you contribute this and that?"

Mr. GARNER. It is a sort of propaganda organization?

Mr. PATON. I should say so; although it is a little delicate matter for me to go into.

Mr. GARNER. I will assist you by asserting the fact myself, and the record may show it.

Now, remember our colleagues, Mr. GARNER of Texas and Mr. CONNALLY of Texas, Mr. GREEN of Iowa, and others have demonstrated full well that it is this American Bankers' League which has been repudiated by the American Bankers' Association, which has organized these tax clubs all over the country and especially in Iowa and Texas, and has helped to finance them, to threaten, harass, and injure us.

But Mr. Mondell did not merely make speeches all over the United States. When the Ways and Means Committee met in the fall, he went before it.

Shortly after Mr. Frank W. Mondell had been lobbying his views before the Ways and Means Committee our colleague from New York [Mr. CROWTHER] pinned him down until we found out just what many of us knew already, that he was

against a Federal estate tax, for let me quote the following excerpt from the hearings:

Mr. CROWTHER. Mr. Mondell, the sum and substance of your thought is that the present estate taxes are too high?

Mr. MONDELL. Certainly I do, answering your question directly. I am of opinion that except in times of war emergency these taxes should be laid by the States. I think that is the logical thing under our form of government.

That is the main preachment of these tax clubs, that estate taxes should be levied only by the States.

And then Mr. Frank W. Mondell went on with his lobbying by asserting to the committee:

There is a widespread and very earnest opinion in the country that the increase of the estate taxes in 1924, in the absence of any national emergency, was a mistake; that it was neither logical nor reasonable, and that the wrong should be rectified. That increase was, in my opinion, very largely responsible for crystallizing the sentiment of the country against Federal estate taxes. It undoubtedly had much influence in inaugurating, spreading, and strengthening the movement which resulted in the petition of the governors of 32 States for the abandonment by the Federal Government of the field of taxation and the appearance of governors before this committee. That increase made the people of the country sit up and take notice; and in no part of the country that I have traveled through in the last six months—and I have traveled considerably, among other things making some addresses on taxes—in no part of the country have I found the view and opinion so general against these high rates as in the South, and in every part of it in which I have traveled.

Now, from April 15, 1925, when he made his speech before the Louisiana Bankers Association at New Orleans, on down through the times he was making his other speeches against estate taxes, up to the 15th day of July, 1925, Mr. Frank W. Mondell was still holding down his lame-duck position on the War Finance Board to which the President had appointed him, drawing a salary from the people of this Government at the rate of $12,000 per annum.

Note his statement that during the preceding six months he had traveled considerably. He made the following admission, which I quote from the hearings:

Let me here call your attention to this fact: During the summer I spoke on taxes in New Orleans, Boston, Des Moines, Brookings, S. Dak., Minneapolis, Chicago, and other places.

The committee should have made him tell the other places, and he should have been made to tell just who he was representing on this propaganda excursion over the United States with such an extensive itinerary. He was not being paid $12,000 per year to do this traveling and to make these propaganda speeches. He was presumed to be performing some duties for the whole people of the United States.

And just whom did Mr. Mondell represent when he went before the Ways and Means Committee to lobby? He should have been made to tell. The only reference I can find to it in the hearings is on page 137, when Mr. KEARNS asked him the following question:

Mr. KEARNS. Since Mr. Mondell represents me in part—I believe you said you represent 95 per cent of the people, and so you represent me—in what way is the income tax paid by the big industries of this country reflected in the price I pay for a piece of merchandise, whatever it may be, manufactured in any factory?

And Mr. Mondell in answering did not deny that he had said that he represented 95 per cent of the people, as charged to him by Mr. KEARNS, hence he must have made that claim. But just when did 95 per cent of the people of the United States authorize him to represent them? Who gave him such a commission? I submit that he had no such authority. I happen to remember that the last time he submitted himself to a vote of the people was when his own Wyoming people passed on him in the general election of November 7, 1922, when he lost every county in Wyoming except one. There are only 23 counties in the entire State of Wyoming.

I have before me the certified official election returns for that State for that election, and it shows that in Albany County he received 1,509 votes and lost 1,991 votes; in Big Horn County he received 1,564 votes and lost 2,188 votes; in Campbell County he received 923 votes and lost 979 votes; in Carbon County he received 1,403 votes and lost 1,698 votes; in Converse County he received 1,175 votes and lost 1,377 votes; in Crook County he received 626 votes and lost 774 votes; in Fremont County he received 1,452 votes and lost 1,892 votes; in Goshen County he received 1,183 votes and lost 878 votes, it being the only county in the entire State that he carried; in Hot Springs County he received 803 votes and he lost 1,271 votes; in Johnson County he received 845 votes and he lost 886 votes; in Laramie County he received 2,176 votes and he lost 3,107 votes; in Lincoln County he received 1,066 votes and he lost 1,552 votes; in Natrona County he received 3,334 votes and lost 4,148 votes; in Niobrara County he received 538 votes and lost 665 votes; in Park County he received 1,251 votes and he lost 1,264 votes; in Platte County he received 1,147 votes and lost 1,253 votes; in Sheridan County he received 1,769 votes and he lost 3,496 votes; in Sublette County he received 375 votes and he lost 446 votes; in Sweetwater County he received 1,196 votes and he lost 2,618 votes; in Teton County he received 179 votes and he lost 324 votes; in Uinta County he received 782 votes and he lost 1,301 votes; in Washakie County he received 534 votes and he lost 645 votes; and in Weston County he received 797 votes and lost 981. Thus by a majority of 9,107 votes against him his home people in these 23 counties of Wyoming repudiated him.

I am not surprised, however, that he should make these speeches over the country that benefits the interest of these tax clubs.

When the Texas Tax Club came here they wanted to see the President. They knew they could not change our minds, because we had studied this question more than they had, and therefore they wanted to see the President. They thought maybe they could change his ideas about it, and the gentleman from Texas [Mr. GARNER], the dean of our delegation——

Mr. UPSHAW. Will the gentleman yield?

Mr. BLANTON. In just a moment.

The gentleman from Texas [Mr. GARNER] very courteously rang up the White House and wanted to make arrangements for them to see the President, but he found out that the matter had already been arranged. By whom? By Mr. Frank W. Mondell, who has been making the speeches benefiting the tax clubs all over the United States. Mr. Mondell had already arranged for the Tax Club of Texas to see the President. What connection did Mr. Mondell have with the Tax Club of Texas? Why did he not let Mr. GARNER attend to that? He must have had some interest in them to thus officiate for them.

Mr. UPSHAW. Will the gentleman yield?

Mr. BLANTON. In just a moment, if I should have the time. I want to place all of these facts before the people.

I am reminded of the time back in 1919 when the autobiography was printed of one of the greatest men who ever lived in this country, in my judgment, whose heart beat for the people, Theodore Roosevelt. His autobiography (1919), on page 431, if you will read it, states:

Mr. Mondell, consistently, fought for local and private interests as against the interests of the people as a whole.

Remember that it is the great Theodore Roosevelt who told us that Mr. Frank W. Mondell, formerly of Wyoming, "consistently fought for private interests against the interests of the people as a whole." Mr. Mondell is still consistent. He is still fighting for private interests against the interests of the people as a whole. He did this before this Ways and Means Committee. I am glad he resigned his lame-duck position on July 15, 1925, because a man who thus represents private interests as a lobbyist should not hold a public office and draw a salary from the people, and I am not surprised that Mr. Leon Shield has asked for my resignation. It has been asked for before, but, just because they ask for it, I do not have to give it. [Laughter and applause.]

Mr. HUDSPETH. As I understand it, this gentleman who sent the telegram not only wanted to put the earmarks and the stamp iron on my colleague, but he wanted to resort to other means.

Mr. BLANTON. Yes; he wanted to do that.

Mr. UPSHAW. Will the gentleman now yield?

Mr. BLANTON. I yield to the gentleman.

Mr. UPSHAW. I do not wish to introduce irrelevant matter——

Mr. BLANTON. I am not going to tell about what happened at that banquet, which the Texas Tax Club held in the oak room of the Raleigh.

Mr. UPSHAW. No; I am not discussing that.

Mr. BLANTON. And, though I could not understand it at the time, I now understand very well indeed why Mr. Frank W. Mondell was such an honored guest at that second tax club banquet, which I also attended in that same oak room of the Raleigh Hotel.

But before Mr. Frank W. Mondell got through testifying before the Ways and Means Committee, I wish that all of you colleagues would read in the hearings just how our able, efficient, and very distinguished chairman [Mr. GREEN of Iowa]

attended to the gentleman. Oh, how he did spank him! Chairman GREEN deserves from the Iowa people to be kept here for life because of the expert way he handled this lobbyist. Mr. Mondell tried to create a spell over the committee, and Chairman GREEN simply made a monkey out of him. Time and again Chairman GREEN had to nab him up and make him stay in the record. He had to call him down time and again. Our great chairman would vehemently exclaim, "You are not stating what happened," "That is not the fact," and "You are evading," and so forth. Let me quote you just a few of these incidents from the hearings, page 130:

The CHAIRMAN (interposing). Mr. Mondell, you are making some most astonishing assertions here.

And again, on page 131 of the hearings, he again interrupted Mr. Mondell:

The CHAIRMAN. You are entirely wrong.

And as soon as Mr. Mondell answered him Chairman GREEN again said:

The CHAIRMAN. No; you are again making rash assertions here.

And just a little later he again interrupted Mr. Mondell as follows:

The CHAIRMAN. No; it does not come pretty near being the vanishing point.

Which statement Mr. Mondell had just made. And again, on page 132, he interrupted Mr. Mondell as follows:

The CHAIRMAN (interposing). You have been making an astonishing statement.

And just a few minutes later Chairman GREEN called Mr. Mondell down again:

Mr. MONDELL (interposing). I am quoting figures of the statistics of income.

The CHAIRMAN. They do not show how much is in tax-exempt securities. If you will go to the reports of the Federal Tax Commission you will find that what you say has taken place has not taken place.

Mr. MONDELL. I beg your pardon; what was that?

The CHAIRMAN. If you will refer to the report of the Federal Trade Commission with reference to the amount of tax-exempt securities you will find that what you say has taken place has not taken place.

Mr. MONDELL. What do you mean by that?

The CHAIRMAN. You will find that no very large proportion of tax-exempt securities were held by large estates.

And then again on page 134 of the hearings, Chairman GREEN had to bring the lobbyist Mondell back on the reservation, as follows:

The CHAIRMAN. You are misunderstanding me or evading my question, I do not know which.

Mr. MONDELL. I am certainly not evading.

The CHAIRMAN. If you will pardon me, the chairman is conducting this proceeding. Is it possible to get from you a direct answer to that question?

Mr. MONDELL. Of course.

The CHAIRMAN. I am not getting it, but you are evading that as you have done a number of other questions.

And again on pages 135 and 136 Chairman GREEN calls him down again:

The CHAIRMAN. Again I get a long argument instead of an answer.

And a little later:

The CHAIRMAN. Another argument, but no answer.

And again on page 140 Chairman GREEN tried to straighten out Mr. Mondell:

The CHAIRMAN. You are not answering my question. Let me propound another one and see if I can get an answer to this?

Let me ask my colleagues just why was Mr. Frank W. Mondell evading all of the questions Chairman GREEN was asking him? It was because Chairman GREEN is one of the best-posted men in the United States on Federal taxation, and he had Mr. Mondell in a hole with reference to the positions he was taken before the committee. Instead of Mr. Mondell representing 95 per cent of the people there, it was Chairman GREEN and Minority Leader GARNER who were really representing the 95 per cent of the people of the United States, and it was Mr. Mondell who was representing a small portion of the balance. His being here on the floor of this House yesterday did not help his cause. Members here are always willing to listen to facts and to reason and to logical argument, but they do not want any "influence" exerted over them. But we will all forgive Mr. Mondell. Outside of his faults—and we all have them—he is a likable fellow. And he must be occupied about something. And he may just as well be lobbying as holding down a lame-duck job.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. UPSHAW. May I ask that the gentleman from Texas may have one minute more so that I may ask a question?

The CHAIRMAN. The time of the gentleman from Texas has expired, and the gentleman from Georgia is recognized.

Mr. RUTHERFORD. Mr. Chairman and gentlemen of the committee, as one of the new Members of the House I have listened attentively to the general discussion of the merits and demerits of this bill.

My experience as a member of both houses of the legislature of my State has clearly demonstrated to my satisfaction that no law affecting taxation can be drawn that will satisfy those having selfish purposes.

While I fully appreciate the fact that taxes are necessary to run the Government, at the same time business men know that governmental affairs should be run on an economical basis, just as successful business men operate and conduct their business.

Taxation should be approached with open minds, entirely free of political aggrandizement, with the sole purpose of serving the best interests of all the taxpayers of our country.

If we could only adopt as nearly as possible the golden rule, "Do unto others as you would have others do unto you," it would not be such a difficult task to draft and pass a tax measure that would equally distribute the burden.

While I am not particularly in favor of continuing many of the so-called nuisance taxes, I do think that in order to raise money for the support of the Government we should continue to tax luxuries and relieve legitimate business and the necessities of life as nearly as possible.

It is now generally conceded that the expenses of the National Government are being gradually reduced, but the taxes of the States, counties, and municipalities are being increased to an alarming extent, and this phase of taxation is growing burdensome.

We all know that tangible property of practically all of the States has borne and is now bearing more than its share of the burdens of taxation, and to relieve this acute situation other forms of taxation are necessary to raise additional revenue in order to lessen the tax on property.

There has been a campaign of propaganda in my State for some time to abandon the field of inheritance taxes, the argument being made that in order to induce capital to come into the State it was necessary to relieve the capitalists of this burden. I can not subscribe to this line of argument, as I do not believe that there is a large percentage of capitalists who desire to be relieved of their fair share of the burdens of taxation.

Investors are interested in a just and fair system of taxation, a system that is in the main definite and fixed and not subject to the whims of political demagogues.

The estate tax, in my opinion, is one of the forms of taxation that will not only give some relief, but it is the only tax that I know that can not be passed to the consumer. I believe that this form of taxation should never be discontinued by the Congress, especially where a fair and just credit is given the taxpayers of the different States.

If this or any future Congress should cease to provide for the estate tax, it would only be a short time before many of the States would abandon the field in a competitive struggle between the respective States to induce capital to come in. No reasonable taxpayer could consistently object to the minimum under this bill.

I am not prepared to give an intelligent argument as to where the maximum rate should begin.

While I believe in the principle of graduation, I could not consistently cast my vote for a rate that would be oppressive and calculated to confiscate estates.

We have had practically five disastrous crop years in the major portion of my State, and many of the farmers in my section have become discouraged. Failure of crops naturally affects all classes of our people.

While there is much discontent among many of our farmers, they are not here appealing for relief, as all they ask and demand is that an exact justice be done them.

Some one was so unkind as to attribute our agricultural difficulties to downright laziness. A statement was made that farmers were known to be so lazy that they would not rise when they sat on a cocklebur.

Another man who viewed his people from a different angle stated that if all the cotton grown in Georgia were woven into one sheet, that sheet would cover the entire United States and one-half of Europe; that if all the cows in Georgia were one cow, that cow could eat grass at the Equator and give milk at the North Pole; that if all the hogs in Georgia were one hog, that hog with one root could dig the Panama Canal and with one grunt could shake all the coconuts off the trees in South America. [Laughter.]

While I can not vouch for the accuracy of the latter statement, I do know that we have a great State and a great people. Georgia was the first State to prohibit the sale of rum within its borders and the importation of slaves.

Much has been said about the State of Florida and the wonderful opportunities down there. I want you to know that Georgia is so situated that those wishing to visit Florida are forced to come through our State.

I now extend you a cordial invitation to stop and look over the wonderful possibilities of our State for manufacturing, industrial, and agricultural development. [Applause.]

Mr. FREAR. Mr. Chairman, I did not intend to speak, but there is a point I believe my good friend, the gentleman from Iowa [Mr. RAMSEYER], wished brought out, and it is one I want to discuss briefly. It is a point suggested first by the gentleman from New York; and let me say in passing that the gentleman complains about the tremendous effort that is being made throughout the country to repeal the estate tax. Why, of course, there is, and it comes primarily from the city of New York. There is your brand. They have gone out from that State and organized all of these tax clubs throughout the country, and they pay for them largely from the city of New York, according to the information we obtain.

Naturally, they are trying as best they can to break down the Federal inheritance tax and then ultimately to wipe out the State inheritance tax. This is just a part of the program they have formulated. You have it marked correctly, and it carries the hall mark of the city of New York, that wants the tax repealed.

There was a statement made by the gentleman from Mississippi about a possible 4 per cent, which is true. If you have a rate of 20 per cent under this bill, it only amounts to 4 per cent if you allow the full 80 per cent credit to the various States. That is the point the gentleman from Mississippi made, and I do not know whether he brought it out clearly or not.

There is another point I wish to bring out which has not been referred to here. The gentleman from New York stated that some one in Pennsylvania would have to pay the tax in Pennsylvania and other States. Why, certainly; but the maximum direct inheritance tax in the State of Pennsylvania is 2 per cent. So it does not amount to very much, does it? Not one estate in a hundred will pay 20 per cent tax.

Mr. McKEOWN. Will the gentleman yield?

Mr. FREAR. I regret I can not yield now.

There is another question that is far beyond this one, and that is the question of determining who is going to rule this country eventually. None of us objects to wealth as wealth; but the point has been raised by the gentleman from Mississippi and by many others as to who is going to rule this country, as they have ruled other countries in times past until the crash came. A very distinguished gentleman, the father-in-law of the Speaker, a very brilliant man, made this statement in regard to it, and I am taking this quotation from my speech in the RECORD of December 12. President Theodore Roosevelt in 1906 said:

> As a matter of personal conviction, without pretending to discuss the details or formulate a system, I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on the fortunes beyond a certain amount, either given in life or devised or bequeathed beyond death to the individual—a tax so framed as to put it out of the power of the owner of one of those enormous fortunes to hand over more than a certain amount to an individual.

And here is a man in the United States Treasury who has one of the largest fortunes in this country and one of the largest in the world, who brings in this bill and demands from Congress a repeal of the inheritance tax.

The statement of Roosevelt was made nearly 20 years ago. John Wanamaker said, in June, 1921:

> No man ought to pile up money when there is no such need for it in the world. He can not take it with him beyond the grave. We have got to get nearer to God—with less Christianity and more of the real thing.

And here comes Frank Crane, about whom you read every day. He states:

> Mr. Rockefeller proves that it is possible under modern economic conditions for wealth to concentrate into the hands of a few. Are we going to allow that tendency to go unrestrained? Is government ever justified in limiting the wealth of its citizens? If one suggests the limiting of private fortunes, is he necessarily an anarchist, an upsetter, or a dangerous radical?

You have had placed upon your desks a newspaper from one of the States, in which that paper called my good friend the gentleman from Texas [Mr. GARNER] and my good friend the gentleman from Iowa [Mr. GREEN] men of socialistic, communistic, bolshevistic, and anarchistic tendencies. These statements emanate from men who are opposed to estate taxes.

Here is another statement, from Mr. Carnegie, who lived in Pittsburgh, remember, the same place from which Mr. Mellon comes:

> It is difficult to set bounds to the share of a rich man's estate which should go at his death to the public through the agency of the State, and by all means such taxes should be graduated, beginning at nothing upon moderate sums to dependents and increasing rapidly as the amounts swell until of the millionaire's hoard, as of Shylock's, at least the other half comes to the coffer of the State.

This is Carnegie asking that one-half go to the State, to the Government which enabled the deceased to acquire his estate. What better judgment do you want than that? That is a reason why we must place rates high enough to call a halt in the accumulation of colossal wealth by individuals.

Mr. BRIGGS. Mr. Chairman, a number of Federal and State officials and private citizens are no doubt interesting themselves from sincere and worthy motives in the campaign for the repeal of all Federal estate taxes. But the great drive now being engineered for the removal of all Federal estate or inheritance taxes has its origin apparently in the effort of huge fortunes in America to escape this form of taxation and to invoke in support of their efforts every conceivable argument from alleged unconstitutionality to invasion of State rights. To carry out this purpose it is evident that a very large fund has been raised and devoted to the carrying on of a very widespread and determined propaganda, with the payment of transportation and other expenses over the country of many of those who either sincerely or professionally accept such propaganda in support of the effort of great fortunes in the United States to escape the payment of estate or inheritance taxes.

This conclusion becomes more inevitable when, notwithstanding such arguments of unconstitutionality of a Federal estate or inheritance tax, it is well known to all who care to investigate that the Supreme Court of the United States has upheld the constitutionality of such taxes time and time again.

In the case of Knowlton *v.* Moore (178 U. S. 41) the Supreme Court, in an exhaustive opinion, reviewed the history of estate or inheritance taxes from a period before the beginning of the Christian era on down to modern times, and held that practically all nations of consequence had utilized such form of taxation as one of the chief sources of revenue. Great Britain to-day, with only a third to a fifth of the national wealth of the United States, collects more in estate taxes than the States and Federal Government combined.

Attention was called to the fact that the United States had begun to utilize inheritance taxes as early as 1797, or within a period of 10 years after the adoption of the Federal Constitution. Thomas Jefferson and Woodrow Wilson favored and approved such taxes.

The Supreme Court further held that it was not a direct or indirect property tax, but a duty or excise tax upon the transmission of estates and was entirely constitutional and within the power of the Federal Government to levy.

In the more recent case of New York Trust Co. and Poss, Executors, *v.* Eisner (256 U. S. 345) the Supreme Court of the United States reaffirmed the constitutionality of the estate tax and the decision announced in Knowlton against Moore, previously mentioned. The Eisner case is especially interesting in that the graduated Federal estate tax law of September 8, 1916 (39 Stat. 736) was not only upheld as constitutional but many of the very arguments still being advanced by the great fortunes seeking to escape the tax were fully considered and again reviewed, as they had been in the previous case of Knowlton against Moore, and were held by the Supreme Court of the United States to be without merit.

The Supreme Court recognized the right of a State to levy inheritance or estate taxes, if it so desires, but makes it extremely plain that this does not preclude the Federal Government from likewise making use of such form of taxation. In order, however, that there shall be no opportunity for any substantial objection to duplication of estate taxes by State and Federal Governments, the United States provided as far back as the act of 1916, before the United States became involved in the World War, that, in addition to many other specified deductions, estates should be further entitled to deduct from their gross income "such other charges against the estate as are allowed by the laws of the jurisdiction," before any estate tax was assessed.

In the present existing law, as contained in the revenue act of 1924, approved June 2, 1924, provision is made for crediting upon any Federal inheritance tax a credit for State taxes of similar character up to the extent of 25 per cent of the Federal tax.

In the proposed bill estates are allowed to take credit for the payment of any estate or inheritance taxes paid to a State up to 80 per cent of the amount of the Federal estate tax. Surely this does not indicate that the Federal Government is depriving any State, that so desires, from resorting to estate or inheritance taxes as a means of raising revenue. Nor does it coerce the States in the least degree. The tax operates on estates only, and the credit grants relief from a duplication of taxes where States also levy estate or inheritance taxes. The Federal income tax also allows deduction of State taxes from gross income, and we have heard no complaint of such deductions.

The Federal Government in the estate tax law of 1916, as well as the revenue law of 1924, and the bill now under consideration provides for an exemption entirely of all estates up to $50,000.

Numerous other exemptions are also contained in the bill and previous Federal estate tax laws.

In Texas and other community-property States, this exemption would entirely exempt from Federal estate taxes estates composed of community property up to a value of $100,000 and would entitle any estate paying a Federal tax of $500 upon the next $50,000 to a deduction or credit of any State inheritance taxes up to 80 per cent of the Federal tax.

The proposed bill practically cuts in two the Federal estate taxes levied in the revenue act of 1924; and this reduction in such taxes is a most substantial one, as the Government of the United States is now receiving throughout the Nation from such source a little more than $100,000,000 annually.

There is no question that the revenue is needed, as the United States Government is confronted with a public debt of over $20,000,000,000; and although such debt was enormously increased during the World War and has been reduced by approximately $6,000,000,000 since the armistice, yet the public debt is still enormous, and with appropriations necessary for current expenses of the Government, revenues must be obtained from some source. I have no fault to find with wealth. It is entitled, along with other property, to the protection of the Government. It should, however, be willing to bear its fair share of taxation. Certainly it has no cause for complaint against the pending bill.

But it is interesting to note that while great fortunes in the United States have received in the pending revenue measure a reduction of $98,575,000 in surtaxes and other great reductions, or more than the total reductions in normal taxes, personal exemptions, and credit for earned income—aggregating $95,000,000—in addition to sharing in such benefits, they are yet attempting, through threats and otherwise, to further escape the payment of any inheritance or estate taxes.

Resolutions adopted by some of the organizations promoting this objective frankly declare their opposition to the imposition of estate or inheritance taxes by either the State or Federal Governments. This, after all is said and done, is the heart of the opposition.

If the Federal estate tax can be eliminated, then the power of the great fortunes of America will be leveled against the various States of the Union in another drive to repeal and destroy all State inheritance or estate taxes.

The State of Texas now has an inheritance tax which can be credited upon any Federal estate tax which is assessed.

Proponents of the repeal of the Federal inheritance or estate tax have announced that it was their purpose to seek repeal of the State inheritance tax; and if these objects can be accomplished, then the revenues which may be necessary for the State and Federal Governments to obtain must, to such extent, be collected from the masses of the people in order that those possessed of great fortunes may be given further special consideration and exemption.

I believe in a fair distribution of the burdens of taxation in accordance with the ability to pay, and I shall continue to stand for economy in the conduct of the Government and for reduction of taxes as fairly and to as great an extent as can be accomplished. These reductions have averaged since the close of the World War approximately a billion dollars annually in Federal taxes.

I am not altogether satisfied with the provisions of the pending bill, as I believe it contains many inequalities and failures to apportion reductions in taxes where such reductions are really more needed; but it is the best bill which under all the circumstances can be obtained, and as it will further reduce the taxes of the American people of over $325,000,000 annually, I shall support and vote for the bill with the estate-tax provision incorporated therein. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on the paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. GREEN of Florida. A parliamentary inquiry. If this is adopted, does that eliminate section b of this bill? Can I offer an amendment to that section.

The CHAIRMAN. We have not read section b yet.

Mr. FORT. Mr. Chairman, as a believer in inheritance and estate taxes, I am opposed to the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Illinois, and I am also opposed to the amendment offered by the gentleman from Illinois. The first and only legitimate purpose of taxation is the raising of revenue sufficient to meet the purposes of the Government. The Ways and Means Committee has reported a bill which is adapted to raise the Budget figures required by the Government in the coming 12 months. For no special or social purpose, however desirable, is it proper for this House to amend the bill beyond the point which will raise the necessary revenue.

And further, if we are going into the matter of the revision of the estate-tax provisions in this bill, the amendment should go further than a mere change in rates. The fatal defect in the Federal estate tax, as it is in the pending bill and upon the statute books to-day, is that it does not proceed against the inheritance of the individual taking; that it is not graded on the degree of relationship and of amount given to a given heir, but it proceeds against the estate in gross. It is not a just estate tax. It proceeds alike in proportion to the amount against a bequest of $500 to a faithful servant, and $20,000,000 to a laughing heir.

But, pending complete revision of its basis, the tax should remain on the statute books of the United States as a declaration of Federal policy. And that for several reasons: First, it is the only way to reach the unearned increment by taxation for Federal purposes. We have had debates here on the question of increasing surtaxes because so many of the very wealthy escape payment of the surtax through evasion. Now, one of the chief of these evasions is the purchase of land and undeveloped property, hoping for development by others to increase the value, and increase the estate without increasing the income for taxable purposes.

I call the attention of the House to the fact that the 20 per cent provision in the highest bracket of the estate tax is identical in percentage with the 20 per cent surtax provision in the final brackets of the income tax and thus will reach the unearned increment accruing to any man of great wealth with the same rate of tax in the last analysis that would be levied against like annual income.

Another method by which men grown rich without being subject to income taxation is through the purchase and holding of stocks out of the earnings of which relatively small dividends are declared and the balance of corporate earnings are permitted to go to surplus account, thus materially enhancing the value of the stock.

The estate tax catches both of these methods of evasion, since it is levied upon the enhanced value either of the undeveloped property or of the stock as that value appears at the date of the death of the holder, and thus at last the Federal Government secures the tax, payment of which has been evaded from year to year. Unless this increment of value is finally taxed for Federal purposes discrimination exists against the taxpayer whose investments have been continuously producing income to him and, therefore, income tax to the Government.

One great purpose to be achieved through estate taxes is the breaking up of vast aggregated holdings of agricultural lands

or lands which might be converted for agriculture. Tenancy farming within certain limits is desirable, but in this Nation we do not want so large a proportion of our agricultural lands in the hands of a few owners as to make tenancy farming the rule rather than the exception.

On the theory of the estate tax, further, it must be borne in mind that money in the modern world is practically, except for government, the sole source of transferable power. I believe it to be contrary to the genius of our institutions that power should pass by descent. When aggregations of money in the hands of any individual reach too great a point, the power that accompanies the wealth should be and is subject to governmental limitation. It is equally true that the passage of that power should be likewise to some degree subject to the control of the Federal Government.

My final reason for belief in taxes on the passage of wealth is drawn from the future as I foresee it rather than from the precedents which have been stated to the House. The unchecked aggregation of wealth and power in the hands of individuals or small groups makes, in the last analysis, for conditions upon which the radical will not be slow to seize. I believe in the existing scheme of American economic life, I believe in the right of a man to make all the money he can make honestly, and I believe that in the enjoyment of that right he should be given a considerable measure of freedom. But because I believe in these things, I believe also that it is highly important that the Federal Government should intervene when, at death, the individual seeks to transmit his wealth and his accompanying power—not to intervene to an extent amounting to confiscation, but to such extent as is necessary to prevent the passing of too great power to perhaps unworthy hands. As it seems to me, in the assertion and maintenance of a Federal policy of such intervention rests the ultimate security of our whole social order. Whether they wish it or not, heavy graduated estate and inheritance taxes are the premium which wealthy men must pay for an insurance policy upon their right to acquire and enjoy vast wealth. [Applause.]

Mr. LOZIER. Mr. Chairman, a few days ago, in discussing this bill, I called attention to the fact that the principle of estate taxes, when reasonably applied and with proper exemptions, was not only equitable but economically sound, and if we abandon the field of Federal estate taxes great fortunes, many of which were accumulated as the result of war-time profiteering, and which are now invested in tax-exempt securities, would escape taxation of every kind.

Much of this propaganda in favor of the retirement by the Federal Government from the estate-tax field was initiated and is being carried on by those who have their fortunes invested in tax-free bonds, and who are escaping their just and fair proportion of the burdens and expenses of the Government which protected them in the accumulation of their wealth and now protects them in its enjoyment.

I now desire to discuss in detail the question of taxes, with special reference to tax-exempt securities.

THEORY OF TAXATION

In the last analysis, practically every battle for human freedom has been fought around the standard of taxation. In all ages of the world's history, in organized states, taxation has been a paramount issue. Countless revolutions have had their inception in protests against an abuse of the taxing power. To avoid unjust and oppressive taxes society has been in a state of chronic revolt since its organization.

There is no speedier or more effective method of depriving the people of the fruits of their labor than excessive and unjust taxation. In essence, taxes are a mortgage on the productive capacity of the citizen, because they are a tribute imposed on the industry, initiative, and creative power of man.

It will not be contended that all taxes are unjust or that the theory and principle of taxation is unethical or economically unsound. Burdensome as they may be at times, taxes are necessary and essential to promote the well-being of the citizen and the perpetuity of the State. All just governments, especially republics, are paupers, with no capital stock or fund to carry on its administrative functions except that collected from the people by some form or system of taxation.

In theory, at least, the government is but the agent or attorney in fact of the citizen. It can not rightfully exercise any function which has not been delegated to it, either expressly or by reasonable and necessary implications. When a government goes beyond this limit it is exploiting an embezzled power and functioning not as the servant of the people but as their autocratic master. It follows, therefore, that while the taxing power is essential for the maintenance of governments and their efficient and orderly administration, nevertheless every exercise of that power is not necessarily authorized, just, or economically sound. Under constitutional covenants and grants the power to tax is delegated by the citizen to the state and nation, but the subjects and objects of taxation, the rates and details, the policies on which a tax system may be bottomed, and the manner in which constitutional taxing powers shall be exercises are subjects on which there is a wide divergence of opinion.

Taxation is warranted on the theory that each citizen should contribute to the support of his government, which protects him in the enjoyment of his life and property and guarantees to him the exercise of civil and religious liberty. As the State protects the citizen in the enjoyment of his property and civic rights, of course, the citizen should respond by contributing to the cost of maintaining the State efficiently.

Some writers tell us that government is a social contract by which the citizen surrenders to the State certain of his natural rights and privileges, and, under certain reasonable and well-defined limitations, agrees to become obedient to the State, in consideration of the State protecting his life and property and guaranteeing to him the fruits of his labor or genius. And in order to secure stable, social, economic, and political conditions, the individual surrenders to the State certain privileges, and I may say, certain rights, which he enjoyed in a state of nature. All governments are limitations on the individual's natural rights. The individual waives the exercise of these rights, or consents that they may be restricted, in exchange for additional rights and privileges which he obtains from organized society, and which would be impossible of attainment, except by the organization of the masses into social groups called States or nations. Or to express it in another way, in order to secure and maintain stable and orderly social, civic, and political conditions, and the benefits obviously incident thereto, the citizen consents that some of his natural rights and privileges may be curtailed, and that the State may be vested with certain powers over his property and person, the exercise of which will promote the general welfare of the masses or society as a whole.

Since men were first permitted to discuss the exercise of the taxing power they have radically differed not only as to the subjects and objects of taxation but as to rates, policies, and the apportionment of taxes between different forms of property and among the several classes of people or vocational groups. It would be outside the scope of this discussion to enumerate or amplify the various theories of taxation that have been invoked by States in different periods of the world's history during which our complex civilization has been developing. Suffice to say that in early ages despotic governments proceeded on the theory that the State owned the body of the citizen or subject and was entitled to all or such part of the subject's labor and property as the monarch elected to demand. In the evolution of our civilization different systems of taxation have been devised, many of which were intended to meet existing emergencies, harmonize with then prevalent conditions, and were essentially local and temporary and were not workable except in the particular age and environment in which they were utilized. But some ancient systems or forms of taxation have survived the test of time and are now almost universally employed by states and nations. Among these are property taxes, customs, excise taxes, franchise taxes, estate taxes, and income and profit taxes. All of these methods of taxation are employed to a greater or less extent by the Federal Government and by the several States. In theory the Federal Government does not levy a direct property tax, but in reality, by indirection and circumlocution, it, in effect, does levy property taxes for Federal purposes.

Time was when our Federal and State taxes were not oppressive, but in the last decade they have increased enormously and are now exceedingly burdensome to citizens in every walk of life. The bonded indebtedness of the Federal Government and of the several States has increased rapidly since pre-war times. To meet interest on these public debts and provide sinking funds for their ultimate liquidation, it has become necessary to increase taxes, and the increase has been so rapid and so startling that the tax burden has become almost unbearable.

NATIONAL, STATE, AND LOCAL BONDED INDEBTEDNESS

The net bonded indebtedness of the States and local governments combined was $3,822,000,000, or $39 per capita, in 1912, and $8,697,000,000, or $80 per capita, in 1922.

New York has the largest State debt, $320,991,000; Massachusetts, second, with a debt of $125,046,961. Illinois has a debt of $112,071,000, while the debt of North Carolina is $105,847,600, and that of California $89,158,000. Kentucky,

Nebraska, and Wisconsin have no bonded indebtedness, but Kentucky owes $5,679,009 on outstanding warrants, while Wisconsin is indebted to its trust fund in the sum of $1,963,700. South Dakota has the highest per capita debt, $93.95, which is six times as great as the national per capita debt. The per capita debt of Oregon is $72; North Carolina, $38.87; Delaware, $36.76; North Dakota, $36.65; Massachusetts, $30.66. Time will not permit me to give the aggregate or per capita debt of other States, but, according to the Federal Trade Commission, the per capita tax was greatest in the North Atlantic, Rocky Mountain, and Pacific States, but most burdensome in agricultural communities, particularly in the wheat-raising States—

which suffered from an unprecedented price decline for their products, while the general price level remained high. Reflecting the economic distress of the agricultural population, the mercantile and bank failures in Idaho, Kansas, Nebraska, Iowa, the Dakotas, and Montana increased from 1919 to 1924 in much greater proportion than in the country as a whole. Nearly one-fourth of all the farmers in Kansas and Iowa, nearly 3 out of every 10 farmers in Nebraska, nearly 4 out of every 10 in South Dakota, over half those in North Dakota, and 5 farmers out of every 8 in Montana have either lost their properties in bankruptcy, foreclosure proceedings, or otherwise, or retained them only through the leniency of their creditors.

In 1912 the national debt was approximately $1,000,000,000. During and following the World War it increased enormously, reaching its peak on August 31, 1919, when it stood at $26,596,701,648.01. On July 31, 1925, the national debt was $20,487,237,994.31. The aggregate debt of the United States, the States, and local subdivision thereof in 1912 was approximately $5,000,000,000, which by 1922 had grown to nearly $32,000,000,000, an increase in 10 years of 546 per cent.

The per capita indebtedness of the United States was $12 in 1912, $208 in 1922, and $200 in 1923.

In 1912 the cost of government in the United States—National, State, and local, was approximately $2,500,000,000. By 1917 this cost had grown to $3,446,000,000, and by 1922 it had reached the staggering sum of $7,838,000,000, more than three times as much as in 1912, and an increase of 127 per cent from 1917 to 1922. While reliable statistics are not available as to the cost of government since 1922, it is safe to assert that the cost has increased, and in 1924 the cost of maintaining our National, State, and local governments was probably $9,000,000,000. In 1917 only one-eighth of the total tax burden was for State purposes, and this had decreased to one-ninth in 1922. In 1917 practically three-fifths of all taxes were for local purposes, while in 1922 the local taxes amounted to only two-fifths of the total tax burden. The Federal taxes in 1917 amounted to about $1,000,000,000, which was less than one-third of the whole burden, while in 1922 Federal taxes amounted to $3,600,000,000, or three and one-half times as great as in 1917. In 1922 nearly one-half of the total tax bill of the American people was for Federal purposes.

RECEIPTS AND SOURCES OF FEDERAL REVENUE

The receipts of the Federal Government from all sources for the fiscal year ending June 30, 1924, aggregated $6,787,977,955.59. Of this amount, $2,207,129,184.21 were receipts from transactions relating to the public debt and not derived from taxation. Deducting this sum, we have $4,580,848,771.38, which represents the total "ordinary receipts," including "postal revenues" of the Federal Government for the fiscal year ending June 30, 1924. On this last sum, $4,007,899,992.97 represents the total "ordinary receipts," and $572,948,778.41 represent the "postal revenues."

Incomes and profits furnished the greatest single source of revenue, the receipts therefrom being $1,841,759,316.80, while the miscellaneous internal-revenue taxes aggregated $952,530,768.41. The combined internal-revenue receipts, including taxes on incomes and profits, estates, and all other subjects of internal-revenue taxation, were $2,794,290,085.21.

The $952,530,768.41 item mentioned above as miscellaneous internal-revenue taxes, includes $102,966,761.68 collected from estates of decedents.

Excluding postal revenues and public debt transactions of the ordinary receipts of the Federal Government for the 1923–1924 fiscal year, 45.92 per cent was derived from incomes and profits and 23.75 per cent from miscellaneous internal-revenue taxes. In other words, 69.67 per cent of the ordinary receipts of the Government accrued from the internal-revenue branch of our tax system, while 13.60 per cent accrued from customs or tariff taxes. The internal-revenue and customs receipts aggregated 83.27 per cent of the entire Federal revenue. Of the other 16.73 per cent, 5.53 per cent was from foreign obligations, 2.59 per cent from other Government-owned securities, 1.17 per cent from the sale of surplus property, and 7.44 per cent from minor miscellaneous sources.

CLASSES OF TAX-FREE BONDS

The following classes of income are wholly free from Federal income tax, either normal tax or surtax:

1. Interest from obligations issued by the States, Territories, United States possessions, their political subdivisions, and the District of Columbia.

2. Interest from obligations of the United States issued prior to September, 1917.

3. Interest from all bonds issued under authority of the postal savings act of June 25, 1910.

4. Interest from securities issued under the provisions of the Federal farm loan act of July 17, 1916.

5. Salaries and wages of officers and employees of the States and their political subdivisions.

6. Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, United States possession, or any political subdivision thereof, or the District of Columbia.

7. The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities owned by such foreign governments or from interest on deposits in the United States of moneys belonging to such foreign governments or from any other source within the United States.

8. The income of churches, hospitals, charitable institutions, clubs, and a variety of organizations that are not carried on for profit.

9. The income of life-insurance companies to the extent that 4 per cent of their average legal reserve for the year exceeds the interest received by them from the tax-free securities.

In addition to these the following classes of securities are wholly free from normal Federal income tax, but have only a limited and temporary exemption from surtaxes or excess-profits taxes:

1. Obligations of the United States issued in September, 1917, or subsequently, except postal-savings bonds, which were made wholly tax free by the act authorizing them.

2. Bonds issued by the War Finance Corporation.

OUTSTANDING TAX-EXEMPT SECURITIES

On December 31, 1922, the amount of tax-exempt securities outstanding in the United States was approximately $32,000,000,000, consisting of nearly $12,000,000,000 of wholly tax-free and over $20,000,000,000 of surtaxable securities. Of the $12,000,000,000 worth of wholly tax-free obligations, $2,294,000,000 were issued by the Federal Government and $8,797,000,000 were State and local securities; $10,700,000,000 worth of these tax-exempt securities were owned by business corporations, $4,450,000,000 by 222,000 persons whose taxable incomes in 1922 averaged in excess of $10,000, and $16,770,000,000 by individuals with smaller incomes and by charitable institutions.

On the $10,700,000,000 worth of tax-exempt securities owned by business corporations, the interest amounted to $448,000,000, all of which was entirely free from taxation. Banks and trust companies held approximately $5,600,000,000 of these absolutely tax-free securities, on which they received $236,000,000 in interest; 1,492 insurance companies owned over $2,200,000,000 of these absolutely tax-free securities, on which they received $92,000,000 interest in 1922. If the income received by these corporations—exclusive of insurance companies—on these tax-exempt securities had been taxable, the revenue therefrom would have amounted to about $44,500,000. Individuals whose taxable incomes averaged over $10,000 in 1922 received on tax-exempt securities interest amounting to $176,000,000, over $97,000,000 of which was wholly tax free and more than $78,000,000 was conditionally subject to a surtax. The maximum tax on this interest, had it been taxable at the 1922 rate, would have been about $58,000,000. It is estimated that if the remaining income from these tax-exempt securities were in fact taxable, an additional $78,500,000 revenue would have accrued, making a maximum tax loss in 1922 of $181,000,000 on account of tax-exempt securities. Some competent authorities assert that the total loss in revenue on incomes from all forms of tax-exempt and partially tax-exempt bonds exceeds $300,000,000 annually. However, after July 2, 1926, approximately $20,000,000,000 of the existing mass of tax-exempt securities will be practically within the control of the Federal Government, so far as the surtax is concerned.

But I have some later statistics. The Treasury Department estimates the amount of wholly tax-exempt securities outstanding in the United States on June 30, 1925, was as follows:

State, county, city, and other local subdivisions	$13,010,000,000
Territories, insular possessions, and District of Columbia	136,000,000
United States Government	2,175,000,000
Federal land banks, joint-stock land banks, and intermediate credit banks	1,554,000,000
Total	16,875,000,000

This total should be reduced by $2,737,000,000, amount held in Treasury or in sinking funds, leaving $14,138,000,000 as the net amount of wholly tax-exempt securities outstanding June 30, 1925. This is an increase of approximately $10,000,000,000 since December 31, 1912. Nineteen hundred and twenty-four was the record year for the flotation of tax-exempt securities, the net increase for the year being $1,187,000,000, while in 1923 the net increase was nearly as much, being $1,044,000,000. Between December 31, 1923, and June 30, 1925, the volume of outstanding wholly tax-exempt securities, after deducting amounts held in Treasury and in sinking funds, increased $1,640,000,000. The par value of these securities in 1924 was four and one-third times as large as the average for the 10 years preceding the World War and the amount of wholly tax-exempt securities on July 1, 1925, was 242 per cent greater than it was on December 31, 1912, and 13.6 per cent greater than on December 31, 1923.

PROPORTION OF STATE, LOCAL, AND INDUSTRIAL BONDS

According to the Commercial and Financial Chronicle and the Harvard Committee on Economic Research, in 1912 9.79 per cent of all securities floated in the United States were issued by States or other local subdivisions of government. This percentage had grown in 1920 to 17.03 per cent, and in 1921 to 28.76 per cent, but in 1922 it fell to 21.01 per cent, and in 1923 to 20.70 per cent.

In the 11 years from 1913 to 1923, inclusive, new capital issues of securities by corporations aggregated $21,482,875,235, or an average of $1,952,988,657 annually. During the same period State, municipal, and other local securities were issued aggregating $7,097,872,611, or an average of $645,261,138 annually. But the percentage of increase for State, municipal, and local purposes was much more rapid than for corporate purposes, especially during the years 1921, 1922, and 1923, when State, municipal, and local securities were floated aggregating $3,284,083,782, or an average of $1,094,694,594 annually. During these three years corporate securities were floated aggregating $6,889,535,213, or an annual average of $2,296,511,737. However, in the 11 years from 1913 to 1923, inclusive, the total securities floated for State and local purposes was only one-third the aggregate of the securities floated for corporate purposes.

TAX EXEMPTION UNETHICAL AND ECONOMICALLY UNSOUND

It is a time-honored theory that all citizens should contribute to the support of the Government in proportion to their ability, but this formula is reversed under the policy of issuing tax-exempt securities, which, in its practical operation, means that the greater wealth the man has the less taxes he shall pay.

The policy of exempting any securities from their just proportion of the tax burden is undemocratic, unrepublican, un-American, and a vicious form of governmental favoritism. It tends to create a privileged class, which is antagonistic to the basic principles on which our Government is founded. It strikes viciously at our progressive income-tax system, in that it permits a comparatively few individuals with large incomes to escape their quota of taxes and correspondingly increases the tax burdens of those who have only moderate incomes.

To fair-minded men it is inconceivable why any class of citizens should be relieved of their just proportion of national, State, or local taxation, but there is a rapidly increasing class who by purchasing tax-free bonds not only escape taxation on their income from these bonds but at the same time secure a reduction on their surtax on incomes from other sources. No one familiar with the facts will deny that many owners of swollen fortunes are systematically investing their capital in tax-exempt securities in order to escape taxation, especially the high bracket surtaxes. Between 1917 and 1921 the number of persons reporting an income of over $300,000 decreased from 1,015 to 246. This may be accounted for in part on the theory that more men and organizations now evade income taxes than in former years. But much of the decrease is undoubtedly due to the purchase of tax-free bonds by those whose annual income is in excess of $300,000.

In every community there are men of great wealth who pay little or no taxes for national, State, or local purposes, because their wealth is invested in tax-free bonds. This condition is not wholesome and is calculated to breed discontent and socialism. When men of moderate incomes who are taxed heavily for the support of the State and Nation see their rich neighbors escaping taxation by concentrating their wealth in tax-free securities only patriotism, sound judgment, and common sense prevent the masses from turning to communism and bolshevism.

The ever-increasing supply of tax-exempt securities makes tax dodging easy, wrongfully deprives the local, State and Federal Governments of revenues conservatively estimated at from $120,000,000 to $300,000,000 annually, which are sorely needed to enable our governmental agencies to function efficiently. The system is viciously discriminatory. It indicates and nurtures communistic sentiment and socialistic projects. It discourages and penalizes individual enterprise and initiative. It relatively reduces the reward of the man of vision who, seeing far into the future, has the courage to invest his funds in commercial ventures and productive industries, in which, of course, there is always an element of risk because of varying economic conditions. It destroys the incentive of individuals and corporations to initiate new commercial and industrial activities. It makes capital indolent, unduly timid, withdraws it from the channels of commerce, and locks it in the strong box. In our complex economic system money invested in tax-exempt securities is likened to the talent buried in the earth. While it may discharge public obligations, make public improvements, and perform other useful purposes, it yields no revenue and does not aid productive industries or make the wheels of commerce and business "go round and round." It does only a part of its duty, and in return for what it does it demands unconscionable privileges and immunities. Of course, property held and actually used for education and religious or charitable purposes, and not for investment or profit, may be logically excepted from the general rule that in order to equalize tax burdens all property, tangible or intangible, should be subject to taxation.

Tax-free bonds are drone bees in the hive of capital, commerce, and industry. They create no new wealth, build no new factories, construct no new railroads, stimulate no new industries, open no new markets, build no new homes, and finance no new and far-reaching commercial activities. The beneficiaries of tax-free bonds turn a deaf ear to the ever-increasing demand of industry and commerce for new capital to develop and conserve our national resources and for the production of commodities for the support and comfort of mankind.

It is fundamentally wrong to permit certain classes or groups of citizens to habitually use capital for less than its actual economic value. When this privilege is granted to any class it automatically compels all other groups to pay for the use of capital more than its economic value. This discrimination is opposed to sound economics, business ethics, and common honesty. If a merchant habitually sells his commodities to a few persons at a loss, obviously to recoup that loss, he must increase the price of the commodities he sells to his other customers. The loss of profits on one transaction must be compensated by increased profits on other transactions. This policy is unethical and inexpedient because it exacts an excessive profit from the many in order to make up for the losses on transactions with a favored few. This principle applies to sales of the use of capital, because money is a commodity and interest is the price the borrower pays for its use. If the economic value of the loan of $1,000,000 to a person or corporation is 5 per cent per annum, then the economic value of a loan of $1,000,000 to a State or municipality is 5 per cent per annum. If we indulge the practice of lending money to a State or its political subdivisions at a rate of 1 per cent or 1½ per cent below the economic value of the money loaned, then to compensate for this loss individuals, business concerns, and public-service corporations must pay 1 per cent or 1½ per cent more than the economic value of the use of their borrowed money.

TAX EXEMPTION PENALIZES PRIVATE ENTERPRISE

The issue of tax-exempt bonds penalizes all other forms of securities, withholds capital from industrial developments, railroads, and other public utilities, except at a higher rate, which is immediately reflected in increased prices for manufactured commodities, freights, and other public-utility services. This is because higher priced capital must operate these industries and commercial agencies. This means increased cost of production, which is quickly translated into higher prices for commodities.

In permitting the issue of tax-exempt securities the law unfairly discriminates against private enterprises and in favor of governmental enterprises. Inasmuch as the income from securities issued by governmental agencies is not taxable, the lower interest rate at which they are marketed is reflected in charges for service, and is often sufficient to enable a governmental enterprise to put a competing private enterprise out of business, or at least render its operation unprofitable. If this policy continues it will unquestionably result in privately owned public-utility organizations abandoning the field to municipal plants, and after the elimination of private competition the public-service charges will undoubtedly advance and exceed the prevailing rates under competitive conditions.

TAX EXEMPTION UN-AMERICAN

Tax-exempt bonds are of exotic origin. They are contrary to the genius and spirit of our institutions. In theory at least, all men are equal before the law; that is, all have the same rights and are alike amenable to the law and entitled to its protection. Likewise, all property should be equal before the law and alike subject to the burdens incident to the maintenance of our governmental agencies.

The continued issue of tax-free securities violates the principle of equal distribution of taxation and prevents an equitable proportion of the taxes being placed on those best able to bear them. It necessarily penalizes one class of investment for the benefit of another form of investment. The average citizens—that is, the farmers and laborers, business and professional men, who follow ordinary pursuits and have moderate incomes, and who by their industry, economy, and ability build up communities and contribute to the creation of new wealth—under the present system, must bear practically the entire burden of taxation, Federal, State, and local, while the favored few escape their just part of this burden, because forsooth they have invested their idle wealth in tax-free securities and not in productive industries or tangible property. Those who contribute so largely to the social, civic, industrial, commercial, and economic life of a community, State, and Nation, and who assume the risks incident to industrial life and commercial ventures, not only pay their just proportion of the expenses of Government, but the part of such expense that should have been contributed by a few citizens who escape taxation by changing their investment into tax-exempt securities.

MENACE OF SWOLLEN FORTUNES

The multiplication of fabulous fortunes in the hands of the idle classes seriously impairs legitimate business enterprise and threatens our economic life and national well-being. This is especially true if these colossal fortunes escape taxation and are not required to contribute their just and proper proportion of the cost of maintaining our National, State, and local governments, which protect the owners in the enjoyment of their comparatively idle capital.

Following the World War, when our revenue laws were in process of revision, many beneficiaries of war-time profiteering argued that if the excess-profits tax were eliminated and surtaxes radically reduced, swollen fortunes and incomes would not seek refuge in tax-exempt securities. When Congress repealed the excess-profits tax and radically reduced surtaxes, there was no visible reduction in the demand for tax-exempt bonds. In fact, the funds released by the repeal of the excess-profits tax and by the reduction of the high-bracket surtaxes were promptly invested in tax-exempt securities, and each year a much larger proportion of our surplus capital has found refuge from taxation in securities of this character. It is questionable if the repeal of the excess-profits tax and the reduction of surtaxes have diverted much capital into industrial and commercial investment channels. On the contrary, this particular species of tax reduction has made available an ever-increasing supply of capital for investment in tax-free bonds.

As a rule, the large blocks of tax-exempt securities are owned by those who have accumulated colossal fortunes, not in the ordinary industrial enterprises and commercial ventures which are helpful to mankind, but by war-time profiteering, monopolistic manipulation of markets, or other methods of unethical speculation.

Will it be contended that our Government is powerless to reach, for the purpose of taxation, vast fortunes that are snugly hidden away in tax-free securities?

UNWISE TO LIMIT SOURCES OF FEDERAL, STATE, OR LOCAL REVENUES

The rapid increase in the cost of government, local, State, and national, is a matter of grave concern to all thoughtful students of present-day problems, in view of which it would be extremely unwise to limit either Federal or State sources of revenue. No class of property should be beyond the fair and reasonable exercise of the taxing power. In peace times, as well as in periods of national peril, the right and power to tax every class of property, tangible or intangible, must be indisputable in order that taxation may be equalized, equitably readjusted, and ultimately reduced. The power to reach every class of property, tangible and intangible, and subject it to the taxing power, is an essential element of sovereignty, and the just and moderate exercise of this power is imperative if our national ideals are to be maintained. In order to establish a just and scientific tax system no securities or other property should be placed outside the zone of taxation, and by granting immunity from taxation to any form of investment we disregard the traditions and violate the principles that permeate, underlie, and vitalize our free institutions.

BENEFITS FROM TAX-EXEMPTION PROVISION OVERESTIMATED

It is contended that to discontinue the issue of tax-exempt bonds will increase the interest rates on securities hereafter issued by States, counties, and their political subdivisions. This specious argument appeals to those who have not the time, inclination, or ability to analyze the proposition and discover its fallacy. In the last analysis the discontinuance of the issue of tax-exempt securities will not materially affect the interest rate on bonds issued by the Federal Government or States and their local subdivisions. On reflection everyone familiar with financial affairs knows that there is always a large amount of funds belonging to schools, colleges, universities, insurance companies, trust estates, and other institutions available for investment in the bonds of the United States, States, counties, and their subdivisions, even at a rate considerably below the interest on prime industrial or other high-class securities. Repudiation of public debts is practically unheard of in America. Tax-secured bonds are safe and of the highest class. The interest and sinking funds for their ultimate payment are provided by taxation on tangible and intangible property, the assessed value of which is several times the bonded indebtedness. There is practically no element of risk.

The procedure for the creation of indebtedness of this character is so simple and well established that the legality of bonds of this character is seldom questioned. It is the established policy of our courts to hold these issues valid unless the plain provisions of the Constitution and statutes have been recklessly ignored. Bond issues by States, counties, and their political subdivisions are rarely held invalid by our courts. The amount of these bond issues and the purposes for which they may be issued are matters of general knowledge and definitely established by our constitutions and statutes.

These reasons have more to do with the price at which these bonds are sold than the tax-exempt feature, and there is always an ample supply of capital seeking this, the highest and most desirable type of security, to absorb bond issues by the United States, States, counties, municipalities, road districts, drainage districts, and other political subdivisions. And bear in mind that these securities would be absorbed at an interest rate considerably below the rate earned on choice industrial, transportation, and commercial issues. There will always be a large class of investors who prefer public securities, even at a lower rate, to industrial securities bearing higher rates but subject to fluctuation on account of varying economic conditions. This exemption privilege is not adequately reflected in the price at which these bonds are marketed or in the effective interest rates, because so many bonds of this character have been issued and are now outstanding that the market is saturated, and a very considerable proportion of these securities must be sold to persons whose incomes are comparatively small and to whom the exemption privilege is of but little or no value. Competent authorities estimate that on December 31, 1922, tax-exempt securities aggregating $16,000,000,000 were held by individuals having annual taxable incomes of less than $10,000. This very clearly indicates that the bond market is so thoroughly saturated with nontaxable securities that they get only a fraction of the benefit that is supposed to accrue to them by reason of their nontaxable feature, and the fact that large quantities of these securities are being absorbed by individuals with limited incomes, to whom the exemption privilege is of little or no value, justifies the conclusion that the exemption privilege does not materially reduce the interest rate, and State and local governments are not in fact saving much, if any, interest by reason of the tax-exemption privilege, while on the other hand men of great wealth, whose fortunes are invested in these securities, are wholly or partially immune from normal taxes and surtaxes on their income from these investments.

Treasury officials all agree that the United States Government could have issued and sold their several issues of bonds at practically the same rate if they had not included the tax-exemption feature.

TAX-EXEMPTION PRIVILEGE NOT ADEQUATELY REFLECTED IN INTEREST RATES

From 1904 to 1916 State and municipal bonds were easily marketed at interest rates from one-half to 1½ per cent less than choice public utility and railroad securities, and practially the same difference obtains at the present time. Prior to the adoption of the progressive income-tax system the slight advantage enjoyed by bonds of States and municipalities was largely because they were the obligations of responsible Commonwealths or their political subdivisions, because they were bottomed on the taxing power and payable out of public revenues, because their legality was undoubted and their flotation had been sanctioned by well-understood constitutional and statutory provisions, and finally because the faith and credit of responsible governmental agencies were behind such securities.

I quote from a recent issue of the Bond Buyer, an accepted authority on municipal bonds:

Among those who have made the closest study of tax exemption and its influence on bond market values it is agreed that municipal securities have never reflected in their selling values anywhere near the full theoretical value of freedom from taxation. The reason for this is obvious. Those who buy municipals simply because they are tax exempt are in the minority. By far the bulk of the buying comes from banks, insurance companies, fraternal and benevolent orders, trust funds, small private investor accounts, and others to whom tax exemption means little and is never the deciding factor. Such buyers are influenced by the degree of real security offered by a given investment and municipal bonds offer that ultimate measure of security. It is this buying upon which the market goes up or down. But even if we concede that the few buyers who are influenced by the tax problem are a market influence to be reckoned with, a comparison of the current yield on municipals and taxable rails, public utilities, or industrials discloses a differential no greater than that which existed a dozen years ago when there was no income tax.

The difference in the average yield of public-utility bonds and municipal bonds from 1904 to 1922, inclusive, is shown by the following table:

Average yield of public utility bonds and municipal bonds from 1904–1922

	Average yield on public-utility bonds	Average yield on municipal bonds	Disparity in favor of municipal bonds
	Per cent	*Per cent*	*Per cent*
1904	4.50	3.45	1.05
1905	4.40	3.45	.95
1906	4.45	3.50	.95
1907	4.55	3.70	.85
1908	5.20	4.20	1.00
1909	4.65	3.85	.80
1910	4.60	3.85	.75
1911	4.70	4.00	.70
1912	4.70	4.00	.70
1913	4.65	4.15	.50
1914	4.90	4.25	.65
1915	4.90	4.15	.75
1916	4.85	4.00	.85
1917	4.75	3.85	.90
1918	5.75	4.55	1.20
1919	5.70	4.40	1.30
1920	6.15	4.45	1.70
1921	7.45	5.35	2.10
1922	5.55	4.20	1.35

That is to say, in the 13 years from 1904 to 1916, inclusive, the average yield of municipal bonds was approximately 1 per cent less than the average yield of public utility bonds, while in the six-year period from 1917 to 1922, inclusive, the average difference in the yield of municipal and public-utility bonds was 1.42 per cent, but undoubtedly war emergencies, postwar deflations, and incidental economic adjustments are largely responsible for this disparity in the yield of these two forms of investment in the last few years. Since the adoption of the income-tax system the spread between the yield on municipal and public-utility bonds has increased, but this is primarily due to conditions incident to unstable and at times erratic movements in the financial world, following the war and while we were passing through a period of economic readjustment. However, this divergence is largely caused by the increase in the rates on public-utility bonds and not to a decrease in the rates on municipal bonds.

Reliable statistics are not now available showing the average yield on public-utility and municipal bonds for 1923 and 1924, but the disparity between these forms of investments is not nearly so great as it should be, taking into consideration the fact that municipal bonds are tax exempt; and with the return of stable economic and financial conditions this spread will practically disappear.

The difference in the average yield of municipal bonds and railroad bonds in the 40 years from 1877 to 1916, inclusive, and from 1917 to 1922, inclusive, computed by 10-year periods, was as follows:

	Municipal bonds	Railroad bonds	Difference
	Per cent	*Per cent*	*Per cent*
1877–1886	5.02	5.14	0.12
1887–1896	3.96	4.25	.29
1897–1906	3.31	3.76	.45
1907–1916	4.01	4.13	.12
1917–1922	4.46	5.10	.64

In the 40 years from 1877 to 1916, inclusive, the average annual yield on municipal bonds was 4.07 per cent and the average yield on railroad bonds was 4.32 per cent, a difference only of one-fourth of 1 per cent, and from 1917 to 1922, inclusive, there was less than two-thirds of 1 per cent difference in the average yield of municipal and public-utility bonds. Obviously, the spread between these two forms of investment should have been much greater, in view of the tax-exempt feature of municipal bonds, and it is quite evident that the benefits that accrue to municipalities on account of their bonds being immune from taxation is more imaginary than real. Municipal bonds are not being marketed at anything like as low a rate of interest as should prevail when their tax-exempt feature is taken into consideration. Since the adoption of our progressive income-tax system the average yield on tax-exempt municipal bonds has only been thirty-nine one-hundredths of 1 per cent less than the average yield on railroad bonds for the same period.

Another comparison will emphasize the fallacy of the system of issuing tax-exempt securities. From 1907 to 1922, inclusive, the average returns from the different kinds of bonds was as follows:

	Municipal bonds	Railroad bonds	Public utility bonds
	Per cent	*Per cent*	*Per cent*
1907–1916	4.01	4.13	4.77
1917–1922, inclusive	4.46	5.10	5.89

In the 10-year period 1907 to 1916, inclusive, municipal bonds, on an average, sold on a basis to yield 0.12 per cent less than railroad bonds and 0.76 per cent less than public-utility bonds, while in the 6-year period from 1917 to 1922, inclusive, municipal bonds, on an average, sold on a basis to yield 0.64 per cent less than railroad bonds and 1.43 per cent less than public-utility bonds. Comparing the 6-year period since 1916 with the 10-year period prior to 1916, the increase in the average yield of bonds has been as follows: Municipalities, 0.45 per cent; railroads, 0.97 per cent; utilities, 1.12 per cent.

I now quote from a bulletin issued by the National City Co., a subsidiary of the National City Bank, an eminent authority on both domestic and international securities:

While the present level of tax-exempt bonds may look high in comparison to where they were selling, say, six months ago, when compared with present prices of the highest-grade underlying railroad bonds selling from a 4.35 per cent to a 4.60 per cent basis, tax-exempt bonds are still cheap. For instance, to a corporation or a bank paying the 12½ per cent Federal corporation tax a State or a city bond on a 3.90 per cent basis would be equivalent to buying a taxable bond on a 4.45 per cent basis; or a tax-exempt bond on a 4 per cent basis is equivalent to a taxable bond on a 4.57 per cent basis. To an individual paying Federal income taxes, even on incomes of $100,000 and lower, State and city bonds have never sold anywhere near the real value of their exemption. They have always been considered from point of security as ranking next to United States Government bonds.

The following table forcibly illustrates the attractiveness of tax-exempt bonds yielding 3.80 per cent to 4¼ per cent over high-grade taxable railroad bonds yielding 4.35 per cent to 4.70 per cent:

	Tax-free yield	Equivalent to corporations	Taxable yields to investors in $100,000 income class
	Per cent	*Per cent*	*Per cent*
State of Pennsylvania	3.80	4.35	6.57
Town of Stamford, Conn	3.85	4.40	6.66
City of Pittsburgh, Pa	3.90	4.46	6.74
State of Illinois	3.93	4.55	6.90
City of Baltimore, Md	3.95	4.51	6.83
New York City	4.00	4.57	7.02
City of Omaha, Nebr	4.05	4.63	7.11
State of North Carolina	4.10	4.69	7.20
City of Charleston, W. Va	4.25	4.86	7.46
Los Angeles School District	4.30	4.91	7.55

REVENUE LOSSES EXCEED INTEREST SAVING

In answer to the argument that tax-exempt bonds promote public improvements and enable local communities to secure lower interest rates on their obligations, I assert that what States and their local subdivisions save in interest they lose in taxes. The conclusion is inescapable that if we exempt one class of property or one form of investment from taxation, we automatically and inevitably increase the taxes on all other classes of property and forms of investment. It is idle to contend that we are getting something for nothing when we issue tax-free bonds. The apparent benefit in the form of a lower interest rate is lost in the higher scale of taxes that must be laid on other property to compensate for the revenue losses resulting from the issue of a great mass of tax-free securities.

If it be conceded that the tax-exempt feature does enable States and their local subdivisions to borrow money at a lower interest rate, it necessarily follows that the burden withheld from securities of this character must be placed elsewhere. If one community or class is given partial immunity from taxation, it means that the taxes remitted to that community or class must be laid on and collected from other communities and classes. Moreover, the policy of issuing tax-exempt securities automatically raises the rate of interest on all other forms of investment and takes the burden off of those best able to bear it, and who, in equity and good conscience, should carry it, and places it on the wage earner, farmer, and the ordinary business man. It relieves the capitalist who buys these bonds of taxation, but the burden he would otherwise bear is transferred to the mass of common people.

If a great city borrows money for public purposes, the people of that city get practically all the benefits from the transaction. The people outside that community and removed therefrom derive no special or peculiar advantage from the transaction, and yet by exempting the securities which represent that transaction from taxation the proportion of the tax borne by the general public is largely augmented.

Moreover, this policy of issuing tax-free bonds is not only breeding ever-increasing discontent, but to recoup the losses incident to their issue we not only increase the tax rate on other property, but we are constantly under the necessity of devising new forms of taxation, many of which are obviously unscientific and extremely vexatious, and some are opposed to the spirit, if not the letter, of our organic law. A continuation of this unethical policy will perpetuate and fasten on our people a discriminatory, uneconomic, unscientific, illogical, and in many respects un-American tax system.

If only a few States or municipalities issued bonds, these securities, because of their exemption from taxation, would doubtless command a much lower interest rate than taxable securities; but the practice of issuing tax-exempt securities is being now so extensively followed by States and their local subdivisions that the former advantage in interest rates no longer exists, except to a very negligible degree.

During the week ending June 13, 1925, 84 issues of nontaxable municipal bonds were reported sold at a price which will yield on an average 4.42 per cent. During the same week three issues of Canadian taxable bonds were marketed in the United States on a basis to yield an average of 4.98 per cent. But recently 17 offerings of high-grade taxable railway bonds were sold at prices yielding from 4.35 per cent to 4.70 per cent, there being only a nominal differential between these railroad bonds which are taxable and municipal bonds which are tax exempt.

May I say, in closing, that the prohibition of the future issue of tax-exempt securities is not an attack on the sovereignty of the States and does not deprive them of any of their constitutional privileges? I am advocating policies which, if adopted, will remove an unjust and originally unintended privilege and result in a more equal and proper distribution of the tax burden. The American people will never be satisfied with any tax system which is not based upon the principle of equality. What the people want is, in the language of Professor Seligman:

> Equality between State and Nation, equality between local and Federal bonds, equality between economic classes, equality between earned and unearned incomes, equality between rich and poor—that is the equality which we desire to achieve. The problem of tax exemption is the problem of fiscal equality; it is the problem of social justice.

[Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RAMSEYER. Mr. Chairman, I wish the attention of the House for just a few minutes. I sought this time to correct what I thought were erroneous statements made by the gentleman from New York [Mr. MILLS], one of the keenest minds of my acquaintance. He has not a dull cell in his brain. He made a passionate appeal, based on what I regard as erroneous and misleading statements. This propaganda for the repeal of the estate tax, of which he talks, has been going on to my personal knowledge for five or six years. It reached its height last fall; and I have already congratulated some members of the committee on being able to withstand the tremendous drive for the Federal estate tax repeal. Now, about the State rates—I have studied for five years the State rates. The State rates are graduated, for near relatives usually very low, then for more distant relatives higher, and then for strangers they are the highest. The highest rate for strangers is in the State of Arkansas, and I think that is 40 per cent on that portion of the estate over $1,000,000 going to strangers. They have no such estates down in Arkansas, and therefore that rate never applies, and that is true about all the States having such high rates. In the States where they have large fortunes they do not have these high rates on collateral heirs, and therefore all this talk about high rates on collateral heirs is talk about nothing. For direct heirs the highest State rate on near relatives is something like 12 per cent, but that was intended to be taken care of last year by the credit of 25 per cent allowance on the Federal tax, and will be amply taken care of in this bill if the credit of 80 per cent goes through; so that with the existing State rates every estate will get credit on practically the full amount of what it is compelled to pay to the Federal Government in the different brackets to the extent of the amount of the tax paid to the State.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. I will yield to the gentleman from New York, although he refused a while ago to yield to me. If I have made a misstatement, I yield to be corrected. Evidently my statement is correct. So this talk about estates having to pay a combined State and Federal tax of 50, 60, or 70 per cent is without foundation in fact. Another thing on which the gentleman from New York based a very passionate appeal was in respect to the duplicate and multiple taxation through the various States. That applies, I think—and if I am wrong in this I want to be corrected—only to stocks and bonds of corporations that do business in more than one State. It does not apply to any other property. Where they are subjected to more than one State tax I concede to you it is wrong. If the Federal Government could do anything to stop this multiple taxation, I would be the first to support such a measure, but this multiple taxation, whether by 2 or 16 States, would be there even though we repealed the Federal estate tax. Is not that true?

Mr. MILLS. Oh, yes; the States are to blame.

Mr. RAMSEYER. I simply wanted to get that straight. With respect to the 80 per cent credit I wish the chairman of the committee to listen to me and see whether I am not correct in what I say. Here is stock that is taxed, say, $50 in six different States, and the Federal estate tax against that bunch of stock is, say, $100. I ask now whether in State No. 1 these would not get a credit of $50—the estate is entitled to credit up to 80 per cent—and is it not possible that in State No. 2 there will be another $50 credit, so that with these various credits it would wipe out the Federal estate tax altogether? Of course, the Federal Government would not rebate what would have to be paid in the other four States.

Mr. MILLS. He could never wipe out more than 80 per cent of the Federal tax.

Mr. RAMSEYER. But in each State you give him credit.

Mr. MILLS. I know.

Mr. RAMSEYER. I am just raising the question of interpretation of that provision.

Mr. MILLS. Only up to 80 per cent.

Mr. RAMSEYER. That may be the opinion of the committee. I read that provision carefully. I am wondering whether it would not be possible where this multiple State taxation is involved it might not wipe out all that is due to the Federal Government. The gentleman thinks not. I respect his opinion, but I think that there is a nice question for the courts.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, the State proceeds upon two theories of taxation in the estate tax. One is the proportional method, which is based upon the theory of a tax for police protection, fire protection, and the protection that the Government gives to property. On that theory Pennsylvania levies a tax of 2 per cent on the amount going to near relatives, or first class, and 10 per cent on relatives outside of the first class. There are only two classes. They base their tax upon the theory of the protection which the State of Pennsylvania affords to the accumulation of that estate. New York, on the other hand, bases its theory of taxation upon the good to society, and she inaugurated the progressive system of taxation, and she reaches up into the brackets and increases the rates as the amount goes up. Now, gentlemen, it is true, as was said by the distinguished gentleman from New York [Mr. MILLS], that an estate may be taxed in several different States. It is true that a man in Massachusetts died and left a large fortune. The estate tax was imposed in every State where the corporations in which he held stock held a license to do business and in every State where they had an office to do business, and in every State where the securities were deposited at the time of his death. But, gentlemen, that does not warrant us as members of the National Congress in abolishing an estate tax as a source of revenue for the National Government. The revenue received from an inheritance tax heretofore has equaled about the amount they have distributed to the States in aid of good roads and in aid of agricultural schools, something around $110,000,000. That is the amount of money we distribute in aid to the States. Then, why is it not a fair proposition, and why is it not an economic proposition for the Federal Government to take from the estates that gather the property from the various States this tax which we return, if we want to, and allocate to the States in a way of aid to the roads and those things. The proper theory of taxation, in my judgment, is to make an allocation of specific taxes to the specific purpose for which it was levied. The allocation of the gasoline tax to the building of good roads in this country has met with the entire approval of the people of the United States, because it takes from the man who uses the roads and pays it out for the construction or maintenance of roads. Upon that theory you can allocate these taxes, but we ought not to abandon Federal tax of an estate as long as we engage in Federal aid to the States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the question is on the substitute of the gentleman from Iowa to the amendment offered by the gentleman from Illinois.

Mr. RAMSEYER. I was going to suggest that the substitute be reported, because there are gentlemen in who were not in when it was first read.

The CHAIRMAN. Without objection, the substitute will be again reported.

There was no objection.

The substitute was again reported.

The CHAIRMAN. The question is on the substitute.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. RAMSEYER), there were—ayes 75, noes 154.

So the substitute to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, may we have it again reported?

The CHAIRMAN. If there is no objection it will be again reported.

There was no objection.

The amendment was again reported.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. RAINEY), there were—ayes 82, noes 160.

So the amendment was rejected.

The Clerk read as follows:

(b) The tax imposed by this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate. The credit allowed by this subdivision shall not exceed 80 per cent of the tax imposed by this section, and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 304.

Mr. RAINEY. I present an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 301 (b) and insert:

"(b)(1) In the case of estates of persons dying after the passage of this act and before January 1, 1928, the tax imposed by this section shall be credited with the amount of any inheritance tax actually paid to any State in respect of any property included in the gross estate. The credit allowed by this paragraph shall not exceed 80 per cent of the tax imposed by this section.

"(2) In the case of estates of persons dying after December 31, 1927, the tax imposed by this section shall be credited with 90 per cent of the total amount of inheritance taxes actually paid to any State or States in respect of the property included in the gross estate: *Provided*, That in the following cases of double inheritance taxation credit for only one form of the tax shall be allowed, as follows:

"A. In the case of any State which imposes inheritance taxes in respect of real property situated both within and without its jurisdiction, any inheritance tax imposed by such State in respect of real property situated without its jurisdiction shall be excluded from the total upon which the credit is based.

"B. In the case of any State which imposes an inheritance tax or taxes in respect of all or substantially all the intangible personalty held or owned at death by a resident decedent, and at the same time imposes an inheritance tax or taxes in respect of any intangible personalty held or owned at death by a nonresident decedent, there shall be included in the total upon which the credit is based only the inheritance tax or taxes imposed by such State in respect of intangible personalty held or owned at death by nonresident decedents.

"(3) For the purposes of this subdivision the term 'inheritance tax' includes estate, inheritance, legacy, and succession taxes; the term 'State' means State, Territory, or the District of Columbia; and the term 'intangible personalty' includes stocks, notes, bonds, certificates of indebtedness, credits, and other choses in action."

Mr. RAINEY. Mr. Chairman and gentlemen of the committee, I did not draft this amendment. This is the amendment known as the Adams amendment, drafted by Dr. J. S. Adams, of Yale University, one of the greatest income-tax experts we have, and one of the greatest economists in this country. It is designed to meet, in the only way it can be met, the problem of multiple taxation, which has been discussed upon this floor, by denying the benefit of these credits to the States which engage in it.

I am aware that in the minds of many members of this committee the proposition is unconstitutional. I believe it to be constitutional. I have made some examination of the authorities upon that question. I am offering the amendment now in order that it may be printed in the RECORD and, principally, for purposes of information, so that it may be discussed in the public press and magazines where economic matters are discussed, and to bring it to the attention of the great body of economists in this country in order that we may get their reaction on this subject.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman a question?

Mr. RAINEY. Certainly.

Mr. MOORE of Virginia. I do not think there is any more doubt about its constitutionality than there is about the constitutionality of the provision carried in the bill proposing a rebate to the States of 80 per cent.

Mr. RAINEY. I agree to that.

Mr. MOORE of Virginia. Does the gentleman himself think that it is unconstitutional?

Mr. RAINEY. I do not think so.

We have only three States in the Union which so far have done anything toward solving the problem of multiple taxation. The States of Massachusetts, New York, and Pennsylvania have taken steps in that direction, and they have reciprocal laws, as I understand it, by which neither of these three States imposes taxes upon the intangibles of residents of the other two States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have one minute more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. RAINEY. In that one minute I shall not attempt to discuss the amendment, but I shall take advantage of the privilege of extending my remarks in the RECORD—a privilege which I seldom take advantage of—to discuss the legal and constitutional problems connected with it, and to print in the RECORD a brief on that subject. If there are no further remarks to be made, I am willing that it shall now come to a vote.

The CHAIRMAN. Does the Chair understand that this is offered for a vote by the committee or offered for information?

Mr. RAINEY. I want to have a vote on it, but I do not want to discuss it further at the present time.

Mr. GREEN of Iowa. Mr. Chairman, outside of the changes in the matter of the credit, I am in sympathy with the purpose and object of the amendment of the gentleman from Illinois [Mr. RAINEY]. I would support it if I were not confident that the measure is unconstitutional; and I think in a very few minutes I can explain it in such a way that my reasons will so appear to all the lawyers in the House.

You will observe that the credit is made to depend upon the nature of the laws of the particular State where the estate is located. If that State imposes taxation not only upon the intangible property of persons that are residents of that State but also on the intangible property of persons who are nonresidents of the State, then the credit is denied. In other words, the credit to be given under this amendment depends not upon anything that the decedent himself did, not upon anything that relates to the amount of his estate, not upon any other taxes that he may have paid, but wholly upon his residence and the laws of that with reference not to the estate in question but the estates of nonresidents. There is not anything in connection with his estate that measures his tax. The tax is going to be measured by the action of the State in which he resides, not even with reference to his estate, but with reference to some other estate.

Now, I think gentlemen can very easily see that no tax—at least none that we have on our statute books—was ever imposed in such a way, and I am clearly of the opinion that it is unconstitutional. I am equally clear that the credit is constitutional. We provide in the income tax for a similar, though not so extensive, a credit for any taxes paid to the several States, and as long as we have had that tax in operation, whenever a man paid an income tax in a State, he has been given allowance in determining his net income of the amount he had paid locally on income and other taxes. In this case we give credit directly on the Federal tax of the amount of the tax paid to the State.

I think this amendment ought to be voted down, because if gentlemen have the same opinion that I have, they will consider it unconstitutional. Much as I wish that something could be done to correct the evils of overlapping inheritance taxes among the several States, I am quite clear that we should not adopt an unconstitutional provision.

Mr. MARTIN of Louisiana and Mr. GREEN of Florida rose.

The CHAIRMAN. The gentleman from Louisiana [Mr. MARTIN] is recognized. He is a member of the committee.

Mr. MARTIN of Louisiana. Mr. Chairman and gentlemen, when I came to Washington some eight weeks ago to join with other members of the Ways and Means Committee in the framing of the pending revenue bill I fully expected to cast my vote in the committee for the repeal of the inheritance tax.

I am still of the opinion that sooner or later this field of taxation should be abandoned by the Federal Government and that this source of revenue should be left to the States, but the hearings and the discussions before the committee convinced me that the repeal of the tax at this time would not only fail in its purpose of aiding the States but that it would eventually force most, if not all, of the States to abandon this legitimate source of income altogether.

The example set by one State in providing in its constitution that its citizens shall not be subject to inheritance or death taxes has already created a sentiment in other States that they must abandon this field of taxation as a matter of protection.

It may be all right for a State that is reaping the benefits of an unprecedented boom in its real estate and property values to abandon estate taxes and thereby extend a cordial invitation to the rich and the wealthy to come to the State of Florida to die, to the end that their heirs and legatees may escape the payment of a tax on something they never earned, but it is all wrong to force other States not so fortunate as Florida to abandon this tax.

Just at this time the South is going through a period of development unequaled in its history. We are spending money on health and sanitation; thousands of miles of good roads are being built; our revenues can not keep pace with the remarkable development of our public-school system; and we are draining, reclaiming, and putting our swamp lands in cultivation.

To do all this we are voting and imposing special taxes until we have about reached the constitutional limit. Some of the Southern States, having reached the limit in the assessment and taxation of tangible property, are duplicating the taxes adopted by the Federal Government. Some have adopted the income tax, while others are imposing excise taxes upon cigars, cigarettes, and tobacco.

In my own State this last tax is now being urged as a means of giving much-needed assistance to our public schools.

And so, Mr. Chairman, if this march of progress and this period of development in the Southland is to continue, then we must preserve to a vast majority of the States this method of taxation; and this is what we have done in this bill.

The bill does not deprive the States of this source of revenue, but, to the contrary, it encourages the States to adopt this method of taxation. Its aim is to make the inheritance tax uniform and stable throughout the United States and prevent a competitive bidding for capital, which in the end would not only create ill will, chaos, and confusion, but would destroy the tax altogether. But as soon as uniformity and stability has been established, this tax should be abandoned by the Federal Government.

The revenue act of 1924 provided that any inheritance tax paid to a State might be credited by the taxpayer upon the Federal tax to the extent of 25 per cent. In the pending bill this credit has been increased to 80 per cent, so that any State that imposes an inheritance tax equal to or greater than the rates imposed by the Federal Government, will have preserved for itself a very substantial source of revenue.

Take the State of Louisiana, for instance.

Under its inheritance tax laws the State collected in 1924 $835,000, and in the same year its citizens paid to the Federal Government in estate taxes $908,540, making a total paid to the State and Federal Government of $1,743,840. It is safe, therefore, to say that if the State maintains its present rates on estates under $50,000 and adopts the rates carried in this bill on estates above this amount it will receive from this source $1,250,000.

If, therefore, the Congress should repeal the inheritance tax and the State of Louisiana should be forced to abandon this tax by virtue of the action of other States, then Louisiana would lose $1,250,000 in the way of revenue.

If Louisiana is to continue its progress and development, then this loss of revenue must be raised from some other sources. This can only be done by placing an additional tax upon real and other tangible property, which has already been taxed to the limit.

The maximum tax of 40 per cent carried in 1924 has been reduced to 20 per cent, and with the exemption of $50,000, together with the gradual increase in the brackets, makes the tax light and not burdensome, as will appear from the following table of rates:

Estate tax

($50,000 exempt)

	Proposed brackets	Total estate taxable
1 per cent on first	[1]$50,000	$50,000
2 per cent on the next	50,000	100,000
3 per cent	100,000	200,000
4 per cent	200,000	400,000
5 per cent	200,000	600,000
6 per cent	200,000	800,000
7 per cent	200,000	1,000,000
8 per cent	500,000	1,500,000
9 per cent	500,000	2,000,000
10 per cent	500,000	2,500,000
11 per cent	500,000	3,000,000
12 per cent	500,000	3,500,000
13 per cent	500,000	4,000,000
14 per cent	1,000,000	5,000,000
15 per cent	1,000,000	6,000,000
16 per cent	1,000,000	7,000,000
17 per cent	1,000,000	8,000,000
18 per cent	1,000,000	9,000,000
19 per cent	1,000,000	10,000,000
20 per cent on all over		10,000,000

[1] Above exemption.

In conclusion let me state that this bill is not an effort to coerce the States, but is an effort to prevent one State from

coercing others, to the end that this source of revenue may be preserved to the States and the tax itself made equal, uniform, and stable. [Applause.]

Mr. MILLS. Mr. Chairman and gentlemen of the committee, only the grave importance of this question would impel me to trespass again on the good nature of the House, but the amendment offered by the gentleman from Illinois [Mr. RAINEY]—and he deserves great credit for offering it—deals with one of the worst tax situations that exist in the United States to-day. It has nothing to do with the Federal Government, though the Federal Government has not improved the situation by superimposing an estate tax on the old complicated inheritance-tax system of the States.

Earlier this afternoon I touched very briefly on the amount of double and triple and quadruple taxes which result from the unwise action of the States in reaching out constantly to tax the property of nonresidents. Now, what the amendment of the gentleman from Illinois would do would be to say to the States, "The Federal Government gladly grants you a credit of 80 per cent of the inheritance taxes which you legitimately take from your own residents. It does not propose to grant an 80 per cent credit to any State that stealthily reaches out after the property which does not belong to it, but belongs to another State." The Federal Government is not doing this for the purpose of dictating to the States the character of their legislation, although incidentally it will influence their actions, but it is doing so because if too many States tax the same property in too many instances all of the 80 per cent credit will be taken up in every case, and therefore the Federal revenues will be impaired.

I think the proposition is absolutely constitutional on revenue grounds, because I think the Federal Government can very fairly say to the States—in order that the 80 per cent credit may not be entirely used up by the taxation of an estate a half dozen times—"you can have the 80 per cent credit only if you tax the property which properly belongs to you."

I do not expect to see the amendment adopted to-day, and I do not know that it is desirable it should be adopted; but I do think it extremely desirable that the State legislatures should know that we have something in reserve; that the American people, speaking through the National Congress, are beginning to take notice of the scandalous situation which exists in this field; and that the Congress of the United States has in the amendment presented by the gentleman from Illinois [Mr. RAINEY] a weapon which it will not hesitate to use unless the States immediately proceed to put their own house in order.

I want to say to you gentlemen that some State legislatures apparently have seen fit to instruct their Members of Congress as to what their proper attitude should be on Federal estate taxes. I say to you gentlemen that you can render no greater service in this field of taxation than to go home and tell your State legislatures that they must act promptly, with a view of establishing in the United States uniform, decent, and reasonably high estate systems of inheritance taxes in order to save this tax from growing into further disrepute; and if they do not, then they may expect the Federal Government to step into the field and to use some such weapon as the gentleman from Illinois suggests in order to compel the States to do what they should be willing to do voluntarily. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have two additional minutes, as I desire to ask him a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from New York may have two additional minutes. Is there objection?

There was no objection.

Mr. MURPHY. A few moments ago the gentleman stated that there have been cases of taxation where one share of stock has been taxed six times in six different States. I am just wondering what will happen to that share of stock if it is taxed up to the full limit in the six different States, or whether there is something in this bill that will correct that abuse.

Mr. MILLS. Well, it corrects that abuse in so far as the Federal Government is concerned by allowing the estate which has to pay these six taxes a credit up to 80 per cent of the Federal tax. In other words, let us assume that there is an estate which has to pay to the various States $80,000 in State taxes and the Federal estate tax is $100,000; under the provision of law as it now stands that estate would get a deduction of $80,000 for the tax paid to the State and would pay to the Federal Government only $20,000.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GREEN of Florida. Mr. Chairman, I have a substitute for the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Florida offers a substitute for the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Florida as a substitute for the amendment offered by Mr. RAINEY: On page 143, beginning with line 3, strike out all down to and including line 11.

Mr. GREEN of Iowa. Will the gentleman kindly yield to me so that I may endeavor to get an agreement as to time?

Mr. CHINDBLOM. Mr. Chairman, I want to make a point of order. There is some question in my mind as to whether that is properly a substitute. It looks like a perfecting amendment to the text.

Mr. GREEN of Florida. The amendment offered by the gentleman from Illinois is to strike out and add in lieu thereof, and I offer a substitute to strike out the entire section.

Mr. CHINDBLOM. Mr. Chairman, may we have the substitute again reported?

The CHAIRMAN. Without objection, the substitute will be again reported.

There was no objection.

The Clerk again read the substitute.

Mr. BLANTON. Mr. Chairman, that is clearly a substitute. I think the gentleman is hypercritical.

Mr. CHINDBLOM. I will withdraw my point of order, Mr. Chairman.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close at 4 o'clock and 45 minutes p. m.

Mr. GREEN of Florida. Mr. Chairman, I want to ask unanimous consent to have 15 minutes, as this is a very important matter to my State.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close at 4 o'clock and 45 minutes p. m. Is there objection?

There was no objection.

Mr. GREEN of Iowa. How much time did the gentleman from Florida say he desired?

Mr. GREEN of Florida. The House has been very kind to me; but this is a very important matter to my State, and I would appreciate it if I could have 15 minutes, if I need that much time, in which to discuss the proposition.

Mr. GREEN of Iowa. In that event I was mistaken as to the amount of time that would be needed. Mr. Chairman, I ask unanimous consent to set aside the agreement we have just made, because it was made under a misapprehension, as far as I am concerned.

Mr. BURTNESS. Our proposition is an entirely different proposition from the one involved here, and if a request were made that only involved this amendment we could be taken care of.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the agreement just made, to close debate on this paragraph and all amendments thereto at 4 o'clock and 45 minutes p. m., be set aside. Is there objection?

There was no objection.

Mr. GREEN of Florida. Mr. Chairman, a great writer once said: "Ill blows the wind that profits nobody." I believe that could better be substituted by the clause—"Ill fares the nation when there is an attempt to violate the Constitution and to declare null and void the constitution of a sovereign State." I will say in support of the amendment which I have just offered, said amendment purporting to give the State of Florida its rights guaranteed by the Constitution of the United States, said Constitution saying that "Representation and taxation should be apportioned among the several States." As the bill stands without this amendment it would compel my sovereign State, the great State of Florida, to return to the Federal Treasury 80 per cent more estate tax than any other sovereign State. According to the returns on estate taxation filed from January 1, 1924, to December 31, 1924, 9,338 estates were subject to tax and paid taxes, said taxes amounting to $65,900,050. It is true that my State paid less than one-fourth of one of these millions; it is true that New York State paid more than $20,000,000; Pennsylvania more than $5,000,000; New Jersey more than $5,000,000; Massachusetts almost $5,000,000. These last four States enumerated paid more than

half of the total amount returned to the Federal Treasury. Assuming that the amount of estate tax paid to the several States was equal to the amount paid by them to the Federal Treasury through the Federal estate tax, then if this bill should carry the provision which it now has and 80 per cent of these estates were credited back to the State, then you can readily see that less than $7,000,000 would be sent from these States to the Federal Treasury, whereas Florida would still be sending her 100 per cent to Washington.

I am sure that smaller States which have jumped on the band wagon with these great States, almost empires within themselves, are not aware of the far reach of these vicious provisions in the bill. For instance, taking the State of New York, now paying more than $20,000,000, reduce that 80 per cent and she will pay approximately $16,000,000 less; assuming, however, that her returns in the State will be the same as 1924 returns. Then the $4,000,000 is the amount she will send to the Federal Treasury. No wonder how she and the other three States mentioned, together with a few of the band-wagon States, are making this terrific fight to get the 80 per cent credit for their States. Under your new arrangement New York, with approximately one hundred times the wealth of the State of Florida, ten times the population of the State of Florida, will pay only eight or nine times the amount of the Federal estate tax paid by the State of Florida. These other great States will pay in proportion, of course.

The result, then, will be that in the future instead of the Federal Government collecting nearly $66,000,000 through the estate-tax medium she will collect only about $13,000,000. Then do you mean to tell me that the State of Florida and her constitution should be bartered and bought for the paltry sum of $13,000,000? If you do scrap the constitution of the State of Florida, sooner or later these same vastly wealthy States will be found scrapping the constitution of every State which has lesser power and lesser financial bearing than they have. Louisiana and other States which have their tobacco tax, the various small States which have their gasoline tax, and the various other State taxes which now repay our State treasuries will soon be confiscated, their constitutions scrapped, and them doing homage to the great financial interest of the powerful and strong States. The precedent that you are undertaking to establish to-day is so far-reaching that our Republic will face a chaotic condition, and so long as the powerful States wreak their revenge and vent their spleen upon the weaker States, taking from them their rights and constitutions, our Nation is destined to crumble. I can not believe that by your action here to-day that you are going to contribute to any such tyrannical legislation.

You gentlemen seem to have the wrong impression of the State of Florida. When you come before this great national assembly and with vile oaths denounce my people and their laws and the provision of their constitution, and further in your unjust and unfair criticism undertake to foster this unfair impression, and one of you at least say that Florida is composed of tax dodgers, jazz tippers, and bootleggers, I want to ask you, do you believe that the renowned Edison, the financial wizard, Henry Ford, the enterprising Barron Collier, the noted William Jennings Bryan, and noted writers of the Nation and many others whom the world has called great and still call great, do you believe that they are tax dodgers, jazz tippers, and bootleggers? Sir, your criticism is unfounded and unjust, and in your cooler moments I believe you will regret having criticized our distinguished citizenry in this manner. Would you call these leading business men and financial magnates fools because they go to a field which is rich for investment? You have forgotten that the State of Florida has nearly one and one-half million people, 1,200 miles of seacoast, 10,000 miles of river and lake frontage, 20,000,000 acres of arable land, and that her lumber industry, together with the naval-stores industry, yields about $50,000,000 annually; the phosphates, $25,000,000 annually; the fishing industry about $15,000,000 annually; fruit crops, $50,000,000 annually; truck crops, $25,000,000 annually; manufactured products, $150,000,000; and that her total income from all sources amounts to about $5,000,000,000 annually; that one city of less than 100,000 population had building permits of over $8,000,000 in the month of July last; that one of her banks in this same city gained $14,000,000 in less than 12 months, which was 1,700 per cent, a world record; that she has 10,000 miles of good roads and expends probably $40,000,000 annually upon her roads. That she spends $15,000 annually on the education of her youth besides her school buildings. These things you seem to overlook, and many of you would try to adhere to your once erroneous impression that Florida produced nothing except alligators and nigger babies. Now, my fellow members of the committee, it is the constitution of this State that this bill would repeal.

Your fight seems to be to either repeal our constitution or coerce our great people into amending their constitution in order to suit your views, and I will put you on notice here and now that the Sixty-ninth Congress and no other Congress will ever be able to impel the citizens of my fair State to amend their constitution and have State inheritance tax law adopted. If we desired to amend our constitution and levy a State inheritance tax, it could not be done earlier than April, 1929, but you may forget the time and the place, because Florida never will levy a State inheritance tax; and permit me to remind you that Florida has a debt-free government. You are undertaking to coerce us into passing laws to meet your views, but in turn you are going to get repealed the Federal estate law. I predict, sir, the Federal Government will retire from this field of taxation in less than four years, and the sooner it does the sooner Florida will receive her rights.

I believe Alabama suffers about the same injury as Florida suffers in this, only not quite so great. Do you remember that Alabama contributed the outstanding hero of the Spanish-American War, Captain Hobson, and also would you remember that Florida has contributed one of the largest heroes to humanity in the person of Doctor Gorrie, who invented the method of artificial ice making?

You have forgotten, apparently, that when the great war cloud overhung our Nation and the patriotic sons from every corner of the 48 States were called to defend the American flag, which shall forever wave free, that Florida also took her part in this, and that Florida mothers went to the station with their sons, pinned a flower on their uniforms, kissed their fiery cheeks—with a smile on their lips and a pain in their hearts—and sent them to be buried in Flanders fields; and suppose that these sturdy sons of Florida could swing back the portals of glory and with their battle-scarred faces peer down upon this assembly and see you about to scrap the constitution of their native State, and in so doing violate the Constitution which they shed their life's blood to defend—I believe that they, with loneliness and pain in their hearts—would exclaim in the vernacular of the Holy Writ: "The foxes have their holes, the fowls of the air have their nests, but the son of man hath not where to lay his head." But perhaps then they, with a faint smile, afterwards would say: "Sufficient unto the day is the evil thereof."

If my amendment is rejected, I have others which I shall offer, among which will be one attempting to strike out the entire estate-tax provision of this bill.

And may I say to the gentlemen on my left, the Republicans, that the President of the United States has called upon the Congress to protect the rights of the sovereign States and has admonished you that local self-government should be fostered; and may I say to you on my right, the Democrats, that when I look into your faces my chest heaves with pride and my heart throbs with content when I realize that you are scions of the worthy sires who believed in the principles of State rights, and I believe the same spark of patriotism which was found to flame in their hearts will now exert itself in your action. They never undertook to vamp the issue of State rights, but they originated and stood for the principles of State rights, and I call on you to now and here stand with me in the defense of the rights of our sovereign State.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS of Florida. Mr. Chairman and my colleagues, I appreciate what my good friend and colleague Mr. RAINEY, of Illinois, stated, namely, he admits it would be absolutely impossible to amend this bill in any particular. Alas and alack, his statement, I fear, is only too true. I shall not weary you with platitudes and attempted flights at oratory. I could not do so even if I desired. Besides, this paragraph means so much to my State I shall attempt to confine myself to that dangerous field of constitutional law and endeavor to show you the position I take on this bill is well founded.

My good friend the gentleman from Virginia [Mr. MOORE], for whom I have the highest esteem, stated that the amendment offered by Mr. RAINEY was constitutional, and therefore this amendment would be constitutional. My good friend Mr. GREEN of Iowa says that Mr. RAINEY's amendment is not constitutional, but that this amendment is constitutional.

Mr. MOORE of Virginia. May I interrupt my friend just to correct his statement? I stated if the provision in this section as it stands now is constitutional, then the Rainey amendment would be constitutional.

Mr. SEARS of Florida. I am sorry I misunderstood the gentleman from Virginia, one of the ablest gentlemen from

Virginia, and I accept the correction. I am indeed glad to note that his correction at least intimates perhaps there is a doubt as to the constitutionality of either the amendment or this paragraph. I realize when one goes into the field of constitutionality he is venturing into dangerous realms; which reminds me of what one of my colleagues said here the other day:

> I am a business man, and when a constitutional question is raised it is hard for me to reach a conclusion, especially when lawyers can not agree.

I have given this matter careful thought, and to my mind, at least, without in any degree reflecting on those who disagree with me, there is no question about the unconstitutionality of this paragraph refunding 80 per cent of the inheritance tax to the States in proportion to the amount of inheritance tax paid to the State.

The President in his message stated to the House:

> Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend or its ability to administer than from leaving the local communities to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous that the area within which it can function successfully is very limited The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations.

Certainly my Republican friends would require no higher authority.

The late President Roosevelt was also in favor of an inheritance tax, but nowhere can I find where he ever tried to use a subterfuge of raising a tax and then suggesting that the major part of it be returned to the State. This paragraph refunding 80 per cent of the inheritance tax so clearly shows on the face of same that it is a penalty or punishment and not intended for tax purposes necessary for governmental purposes that it seems to my mind no argument is necessary. It is so apparent, my colleagues, throughout this entire debate that the sole purpose, and the only purpose, of the paragraph is an effort to strike at the State of Florida and force them by national legislation to amend her constitution.

My colleague from Louisiana in his remaks just a few moments ago so stated in direct terms; and if the court should take judicial notice of the intent of Congress when this question is passed upon, if the same should be brought before them for final decision—and I assure you such will be the case—they will only have to read the hearing and the speeches made on the inheritance part of the bill in order to reach the conclusion that I am correct. I state it is an effort to hit at Florida.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SEARS of Florida. I yield to the gentleman.

Mr. GREEN of Iowa. The purpose of this amendment is to obtain, if possible, a reasonable, uniform system of inheritance taxes throughout the United States.

Mr. SEARS of Florida. Oh, certainly. Your purpose is so apparent that I am not surprised you should attempt to conceal it. Why, my good friend, the gentleman from Massachusetts [Mr. TREADWAY]—and I hold him in the highest esteem, and he is a member of the committee that prepared this bill—in his argument showed clearly that was the purpose, as did my friend, the gentleman from Iowa [Mr. GREEN].

Let me read you what Mr. TREADWAY, in his remarks which appeared in the CONGRESSIONAL RECORD of Friday, December 11, said:

> Were it not for some glaring irregularities in the laws of a few States, notably Florida, I am certain the entire Federal estate tax would have been voted out of this bill by the Ways and Means Committee.

Let me ask you why the States of Alabama and Maryland and the District of Columbia, which have no inheritance tax, are not mentioned?

No; you did not have your minds on Florida. You can state that as many times as you please, but you will have a hard time in convincing the people of the country and the courts that such was not the case.

My friends, in the child labor bill, which I voted against because I believed it was unconstitutional, when the case reached the Supreme Court of the United States, Mr. Justice Day declared the same unconstitutional and sustained the position I assumed before the House at that time, to wit, that it was not constitutional. I quote you a part of that decision:

> It was not intended as an authority to Congress to control the States in the exercise of their police power over local trade and manufacture, always existing and expressly reserved to them by the tenth amendment.

I desire to deal frankly with you, and therefore state that the paragraph that I have just quoted is not directly in point with the question before us, but I would suggest that my colleagues read the opinion of Justice Day, found in volume 247, United States Reports, pages 251 to 282. You will at least find much food for thought, and there is something in his decision which perhaps relates to the point that I have raised on the paragraph we are now considering.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS of Florida. In an effort to overcome the objection raised by Justice Day, another bill was introduced, and in that bill a tax of 10 per cent was imposed on all material manufactured by a child under a certain age. In volume 259, U. S. Reports, page 20, you will find in a condensed form the reason why the court reached that decision. On page 21, same volume, Mr. Solicitor Beck, in his argument for the plaintiff in error, stated as follows:

> Congress has described this as a tax, and whether constitutional or otherwise by reason of its incidences, it is nevertheless an excise tax.

And on page 32 Mr. William P. Bynum, for defendant in error, said:

> This is a Federal Government with a written Constitution, and if any statute, Federal or State, is not in accordance with that written Constitution, it is the duty of this court to declare such statute void. (Fairbanks v. United States, 181 U. S. 283, 285.)

Chief Justice Taft, in rendering his decision on page 37, used the following language:

> The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards.

On page 39:

> In the case at the bar, Congress in the name of a tax which on the face of the act is a penalty seeks to do the same thing, and the effort must be equally futile. So here the so-called tax is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution. This case requires, as did the Dagenhart case, the application of the principle announced by Chief Justice Marshall in McCulloch v. Maryland (4 Wheat. 316, 423) in a much-quoted passage.

On page 40:

> Should Congress in the execution of its powers adopt measures which are prohibited by the Constitution, or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land.

On page 43:

> The court there made manifest its view that the provisions of the so-called taxing act must be naturally and reasonably adapted to the collection of the tax, and not solely to the achievement of some other purpose plainly within State power.

Now, my colleagues, from the above quotations rendered by the highest authority in our land on constitutional law I have reached the conclusion that you can not assess a penalty under the guise of taxation. The decision of Chief Justice Taft, to which I have just referred, related only to commerce and an effort to control the labor of a child under a certain age. When the court reaches such a decision where our commerce is involved do you mean to tell me a State must repeal an amendment to the Constitution or they shall be penalized to the extent of 80 per cent? Do you mean to tell me where the Supreme Court of our land, the highest authority to which an individual or a State can go, will rule a law unconstitutional, a statute affecting only commerce and rights and privileges granted by the Government that they will rule to the contrary when the constitution of a State is involved?

Mr. BEGG. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. BEGG. I do not think the gentleman is arguing to the point. This proposed law does not say to Florida or to any other State you must levy an inheritance tax. This says to the individual, where your State taxes you from an inheritance standpoint, the Federal Government will remit 80 per cent of those taxes.

Mr. SEARS of Florida. Oh, the gentleman is right. I hope I made myself clear. You did not mention Florida in the bill, but every one of you who spoke on this bill unhesitatingly stated it was an effort to strike at Florida. You say in this paragraph to Florida, You pay an inheritance tax of 20 per cent, and all that you pay shall go to the Federal Treasury and be used for governmental purposes. Therefore taking it for granted—in a broad stretch of imagination—if same is equally distributed among the States, Florida would only get back one forty-eighth of the amount paid to the Government, while your State, the great State of Ohio, the State of Presidents, under the law perhaps would get back 80 per cent of the amount the Government collects. You tell me that is not discrimination! I reply, What is discrimination?

Let us be fair and honest with ourselves in arguing this question. Why longer try to conceal the purpose. You and I know that you are simply trying to make Florida change her constitution. Considering the economical administration of the laws of our State and our State government, we have no State bonded indebtedness and do not have to collect an inheritance tax to meet our expenses. Let the other States investigate the way we run Florida, and instead of trying to force us to change our constitution and cut down their expenses, give the people some relief of tax burden; but do not come to the Government with a club and pass a law trying to force a State to do that which is solely the right and privilege of the State to do. This is not the first time the question of State rights has been raised. I wish the late lamented great statesman, Mr. Prentice, was living, in order that he might more ably argue this question than myself, but I believe his State has produced other great statesmen. Quoting from him let me say if you can force Mississippi (Florida) by this unjust and unfair discrimination to amend her constitution, then—

like the mistletoe bough, which flourishes at the expense of the tree to which it is attached, till the exhausted parent dies in the greedy embrace of its ungrateful offspring, so does their construction of the executive power eat out and destroy the legislative authority upon which it was originally engrafted.

I simply desire to take a few words from that distinguished man on the Mississippi contested election case:

Sir, if you persist in denying to Mississippi that right to which she is entitled in common with every other State, you inflict upon her a wound which no medicine can heal. If you are determined to impose upon her a representation not of her choice and against her will, go on and complete the work of degradation; send her a proconsul for a governor and make taskmasters to rule over her.

Further quoting:

You tear from her brow the richest jewel which sparkles there, and forever bow her head in shame and dishonor.

I trust my colleagues will read this speech in full, for there is much in it which will uplift them and give them food for thought, and, like he of old, I would appeal to the State of Massachusetts not by this indirect way to attempt to force Florida to amend her constitution.

You may make an unfair discrimination but you can not make the people of Florida change their constitution until they get ready to do so. I will not vote for it. Now, in going down the line where are you going to stop?

In passing, I will be unfair if I did not thank my distinguished colleague Mr. RANKIN, of Mississippi, for the learned and manly stand that he has taken, and I also desire to thank my friend and colleague Mr. MCKEOWN, of Oklahoma, for his remarks on December 10, page 671. Time will not permit me to thank others who have spoken along the same lines I have spoken.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS of Florida. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SEARS of Florida. Where are you going to stop? Take the prohibition amendment and the Volstead law. Under this bill you are collecting a tax on alcohol and beverages. Under this precedent you are about to establish, say, inasmuch as the great State of New York will not enforce the national law or make any effort to do so, we will penalize you; we will give back 80 per cent of the taxes to all States that do make an honest effort to enforce the law. Why can not we say on tobacco, where, in the State of Georgia, they put 1½ per cent tax on cigarettes, we do not like your law and we are going to make Georgia change the law. What would the Representatives in this great body from the great State of New York and that wonderful State of Georgia say if you should undertake to attempt any such thing? I believe you would oppose such a proposition to the utmost of your ability, and you would find me fighting side by side with you.

Mr. BLANTON. Will the gentleman yield? I want to suggest that Florida has some compensation; they have reduced the tax on Florida water. [Laughter.]

Mr. SEARS of Florida. I thank the gentleman. But Florida does not want any compensation nor do we appeal for any sympathy. We are simply demanding our constitutional rights. I am appealing for the rights of one of the sovereign States of this Union. Your purpose, and by the speeches as stated by the hearings, is clearly shown.

Is it democracy to say what kind of a constitution we shall have if that constitution is not contrary to the Constitution of the United States? If it is, I do not understand democracy. Is it constitutional for me to say what New York and Massachusetts shall pay on inheritance taxes? If it is, then my mind has been trained along an erroneous line. I am, unfortunately, in the position of defending my State, but desiring to deal frankly with you, realizing that the amendment will not be changed and that this unjust and unfair discriminatory practice and penalty will remain in the bill so far as this House is concerned. I simply, in my humble way, present to you my views on the matter with the hope that at some future date the courts may take cognizance of my humble remarks. There are many features of this bill that I am in favor of and heartily indorse. If it had been left to me to write the bill, seven years having elapsed since the great World War, I would have reduced to the minimum this income tax, the surtax, and the inheritance tax, but before doing so I would have taken off the automobile tax, the amusement tax, and all of the aggravating war-time taxes; but, unfortunately, it was not left for me to draw up the bill, and I realize that no bill can be drawn that meets the entire approval of all of the Members of Congress. On legislative questions there must be a meeting of minds, and I am willing to meet my constituents along those lines more than half way. This, my friends, is not a legislative question, but a great constitutional question involving the right of a State, and I am simply putting myself in a position that not only my State may be protected but in the future should the constitution or the laws of your State, said constitution and said laws not being contrary to the Constitution of the United States, be attacked I can stand side by side with you fighting for the rights of your people. I wonder if it was not from the echo of the voices of the voters back home and an election approaching that this paragraph will be permitted to remain in the bill. But I shall not question your vote. Under my oath of office, my colleagues, believing as I do and as I have attempted to show you, this paragraph is absolutely unconstitutional, I would be false to myself if I voted for it, and therefore I am forced, regardless of the many good features contained in the bill, to vote against it, because it is un-American, undemocratic, and, in my humble judgment, it is unconstitutional. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Florida.

Mr. COX. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. COX. Mr. Chairman and gentlemen of the committee, I apologize to the committee for taking the floor in debate so soon after having become a Member of this body, but there is an important question involved in this provision of the bill under discussion which has not been developed in debate to my satisfaction. I am sure that there is nothing that I might say that would likely influence the Ways and Means Committee to recede from the position which it has taken, because this committee must have satisfied itself as to the constitutionality of all the provisions of the bill before offering it to the House with their unanimous indorsement. But I take this opportunity, by way of suggestion, to make a few observations for the consideration of the committee before this objectionable clause has been adopted as a part of the bill.

This provision of the bill allowing a credit to an estate to the extent of 80 per cent of the tax imposed by the Federal Government, provided the estate has paid a State inheritance tax equivalent to this sum, is clearly to my mind a violation of

that provision of the Constitution defining the powers of Congress to lay and collect a tax which shall be uniform. The power to lay a tax presupposes the power to collect it, but under this bill, while the tax is laid upon all alike, it is not within the power of the General Government to collect it from all alike. To illustrate, in a State levying a tax equal to 80 per cent of the levy made under this bill the revenue derived by the Federal Government will be 20 per cent of the levy made, whereas as to a State such as Florida, which levies no inheritance tax, the revenue derived by the Federal Government will be 100 per cent of the levy made, and so on as to all of the States of the Union.

The Congress takes cognizance of the public laws of States, and if it adopts this bill it will do so with full knowledge of the fact that it will be lacking in uniformity in its operation upon estates of different States which fall within the provision of the bill.

Certain enlightened gentlemen advocating the passage of the bill upon the floor have admitted that it was not for the purpose of raising revenue, that the General Government could well afford to get along without the tax; that the almost unanimous sentiment of the country demand the retirement of the Federal Government from this field of taxation, and that it is its purpose to retire, but not until, through the operation of the act under this provision of the bill, all the States have been forced to adopt a uniform inheritance tax law. This admission damns the provision beyond the point of forgiveness. Certainly the Government can not justify the levy of a tax that it does not need. Neither can Congress defend its adoption of a law the admitted purpose of which is to coerce the States into the adoption of a general measure which meets the views of the Congress. It is not within the power of Congress to intermeddle with the domestic affairs of States. It is not within its power to legislate for a State. Neither is it within the power of States, acting through Congress, to legislate for other States. Ours is a divided sovereignty, the General Government being sovereign only as to those objects delegated to it and the States sovereign as to those objects delegated to them. Neither is sovereign over matters delegated to each other. When the Congress through the passage of this bill undertakes to shape legislation to be adopted by States it convicts itself of an unwarranted and unconstitutional usurpation of powers which the people have delegated to their respective States. Such a measure is not within the constitutional discretion of the legislative powers of the General Government, and statements made on the floor of this House by scholarly and enlightened gentlemen who have rendered valiant services to the country that this Government expects to continue to occupy the field of estate taxes until the States shall have adopted a uniform law is the boldest declaration of an intention on the part of Congress to bring to bear the power of the Federal Government upon the States that I have yet heard made. It is a declaration in favor of the breaking down of the lines that divide the several States and compounding the whole American people into one common mass, which would, of course, mean that our Government would ultimately fail. To pass this bill with this credit provision to estates would be a wicked thing for this Congress to do, and the members of the majority party who believe in State rights ought not to permit it to be put upon the country, and certainly members of the minority party should, to the limit of their ability, resist its being done.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GREEN of Iowa. Mr. Chairman, we are now considering a portion of the bill, which I regard as a great constructive measure. Naturally, upon such a proposition minds will differ, even among those who have given the longest and closest study to matters of this nature. Let me say at this point that what the Ways and Means Committee brings to you now is the result not merely of its committee meetings, not merely of its hearings, although some of the greatest economists of the country were then present and gave the Ways and Means Committee the benefit of their study upon this question, but it is, so far as I and others are concerned, the result of the work of years, modified to some extent by the views of others whose views, I might say, I felt, by reason of their standing and experience, were entitled to careful consideration and due deference. Nor is this all. The change in our inheritance tax laws as presented by this bill has largely been brought about as a result of the movement which originated nearly two years ago. The main purpose and object of this movement was to obtain for the States the opportunity to use the inheritance tax in some substantial form for the purpose of increasing the revenues of the several States and thereby enabling the States to decrease the property tax, which is essentially a capital tax, now so heavily oppressing the farmer and other owners of real estate everywhere. For the purpose of carrying out this reform, for a great reform was really contemplated, they proposed to entirely repeal the Federal inheritance tax. While I am unalterably opposed to the repeal of the Federal interitance tax at this time, I want to say that this movement was perfectly legitimate, even granting that in all of its methods it was not entirely sound. Those who were back of this proposition in its origin were thinking men. They had studied the tax situation most carefully, although, as I think, from a somewhat narrow standpoint. They saw that no one paid so large a proportion of his income as the farmer often did, that nowhere was anyone so heavily taxed, even though his business might show nothing but a loss as a farmer; and that, instead of his taxes being in the process of being lessened, they were continually being increased and likely to be increased further unless something was done. They wanted the States to use the inheritance tax, the States that have been blindly using this oppressive property tax, when a fair tax and a just tax might be substituted for it. In this respect, I repeat, they contemplated a great reform which ought to sweep the country and would have swept the country had it not been for a most unfortunate and, as I think, very discreditable movement that sprang up in the wake of this constructive program.

As I have said, this movement began nearly two years ago, entirely legitimate, exceedingly creditable in its general purpose and object, but unfortunately there are a large number of people in this country and every other country who can look at taxation only from the standpoint of promoting their own selfish personal ends for the time being, and when it comes to the future of this great country they are like the Bourbon kings and nobility that brought on the French Revolution. They say, "After us the deluge. Let it come." These people saw, as they thought, in this movement an opportunity to get rid of all the inheritance taxes whatsoever and in this they were prompted by the example of the State of Florida which had already offered a premium for the rich to take up their residence within its borders and was advertising far and wide, long and loud, how they might escape taxation by taking up a nominal residence within that State while their business and the sources of their income were entirely without. The people who were back of this propaganda to abolish all inheritance taxes in reality had no sympathy whatever with the plans of those who really wanted to reform our tax system. Cold-blooded, narrow, selfish, they thought only of personal gain to themselves or their descendants. They cared nothing for the fact that if the estate tax was completely abolished the revenues produced by it must be found from some other source, and that its ultimate result could only be that this tax would be taken off from those who had more worldly goods in most cases than they could possibly use and certainly far more than necessary to obtain not only all the comforts but most of the luxuries of life, and placed upon the backs of those who were struggling to make a bare living. They had abundant money at their command and they spent it most lavishly in a propaganda that extended all over this country, and especially in Texas and Iowa, for reasons which are quite well understood by every Member. They combed these two States with paid organizers who persistently misrepresented the real facts and did their best to stir up opposition against all Members of this body who might conscientiously oppose the position which they were taking, and if some Members, including myself and the gentleman from Texas [Mr. GARNER], are able to retain our seats in this House it certainly will not be their fault.

There is another class of people whom I am quite ready to excuse. The completeness with which this propaganda was spread over the country, the fact that in many cases persons heard nothing but the misrepresentations which it carried, caused a large number of sincere people to form an honest prejudice against any estate tax whatever; and, unfortunately, it will never be possible on the other side to disseminate the true doctrine so widely and completely as the false theories were propagated.

I know, however, that if these persons once come fully to understand the situation their views will be changed. There are, of course, a few who claim to have made a study of the situation and still oppose any inheritance tax in any place and of any kind. Of such individuals I can only say that they are living in the Dark Ages, for this is a question that was disposed of and settled to the contrary by thinking people centuries ago.

The considerations which support the estate tax are so numerous that I will not undertake to state anything but some

of the more important at this time. It does not operate in any way to check ambition, initiative, or efficiency Nothing is more absurd than to say that it is a tax on the dead. It is not a tax on the dead; it is a tax on the living who have received something for nothing, a tax upon luck and good fortune rather than on work either of the hand or the brain. The members of the committee will remember that in the course of this debate the gentleman from New York [Mr. MILLS] showed you how in every State and in every part of this land personal property, which in ninety-nine cases out of a hundred is the principal part of all of these great fortunes, is escaping taxation during the lifetime of the owner, escaping that taxation from which the farm, the cottage, and the tenement can not escape—the property tax—and it is only upon death that it can be reached. The inheritance tax is a fair tax, for it only asks wealth to pay its fair proportion of taxes and it always leaves an abundance for the needs of those who have been the recipients of the bounty of the decedent. The stories of the hardships it has inflicted, so far as the Federal tax is concerned, have never been substantiated by any facts, even under the heavy tax of the present law. Still less is anything of that kind likely to occur under the rates of this bill. Will gentlemen say—those gentlemen who, under some mistaken impression that we are trying to coerce the several States, are opposed to some of the provisions contained in this bill—will they tell us that they are willing to continue these oppressive taxes upon the farm, the cottage, the stocks of goods, the apartment house, and other kinds of property which can not escape taxation, and where taxation is inevitably reflected in the cost of living or, in the case of the farmer, in some instances depriving him of the necessities of life, are they willing that these unscientific, crude, unjust, inequitable taxes should be permitted constantly to increase rather than that their State should use the inheritance tax? If so, if there is any gentleman of that opinion, I can only say that "Ephraim is bound to his idols; let him alone." If otherwise, if he hopes to see this condition that I pictured remedied under which, as the gentleman from New York recently stated, on an average of 30 per cent of the farmers' income is usually taken—and those of us who come from farming districts know that all of the income is sometimes taken—I ask that he join in the support of this bill.

Lest I be misunderstood at this point, because it seems to me that some gentlemen have not fully understood the purpose and object of the bill, let me explain a little more fully how the farmer and the house owner may be benefited by its provisions. We collected last year about a hundred millions through the Federal inheritance tax, notwithstanding the fact that under the act of 1924, where any State inheritance tax had been paid it was credited on the Federal tax up to 25 per cent thereof. Some States promptly availed themselves of this provision, which cost their citizens nothing. Others, with that strange apathy which sometimes prevails in State legislatures, did nothing, and I am sorry to say that my own State came within this class. But let me say to gentlemen like the gentleman from Nebraska [Mr. SIMMONS] and the gentleman from Ohio [Mr. MURPHY], for both of whom I have not only the highest respect but also an affectionate regard, that they seem to me to be missing the mark.

I do not know what will be done in States that have little or no inheritance. I hope that they will reform their taxation system, but I feel quite sure that in Nebraska, whether my friend whom I have just mentioned joins in the movement or not, that the farmers of his State will insist on taking advantage of the credit up to 80 per cent as provided in this bill, which may be given for State inheritance taxes paid, and that the legislature will take the money which they can get in this way and thereby be able to reduce the taxes which now bear so heavily upon the great farming population of that State. The plan is perfectly simple and very easy.

Mr. MURPHY. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MURPHY. Does not the gentleman think that that field ought to be exploited by the State itself as recommended by the President; and also, if the gentleman will yield, I desire to ask him to answer the question which I asked the gentleman from New York [Mr. MILLS] a moment ago. Is there anything in this law that directs the various States to create a tax system so that six taxes can be levied on one piece of property?

Mr. GREEN of Iowa. No; that is something, in my judgment, we can not reach constitutionally, but, notwithstanding, the tendency of this bill is in that direction. I hope my friend will now pardon me.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GREEN of Iowa. I regret I have not the time.

Mr. HILL of Maryland. For a question on the theory of the tax?

Mr. GREEN of Iowa. Well, make it short.

Mr. HILL of Maryland. In the case of States which have no inheritance tax at all the tendency of this regulation will be to require them to ask for them, will it not?

Mr. GREEN of Iowa. If they use good judgment and are not living in the dark ages of taxation, if they have not forgotten all the principles applying to this great subject they will probably change the laws and give to their citizens an inheritance tax. I regret I can not yield further.

I understand perfectly well that there are some who object, not to the principle of giving a credit for estate taxes, but to the figure of 80 per cent without gradations placed in the bill, and my colleague [Mr. RAMSEYER], who in general debate made such a forceful speech, indeed I might say one of the great speeches of the debate in support of the inheritance tax, thinks that the percentage of credit ought to be rated in accordance with the kind of the estate, and also that the credit of 80 per cent is too large. Possibly he is right, for this is one of the things as to which there can be no certainty and as to which the figure taken is to a certain extent arbitrary, but it always will be arbitrary and always will be a matter of theory and of indefinite determination. We took the figure of 80 per cent just as we have the general plan of estate taxes as expressed in the bill, not merely after committee meetings, not merely after hearings, but after it had been considered for more than six months by a commission of tax experts, after it had been discussed and rediscussed, argued, and reargued, considered, and reconsidered, and we think we have it about as near correct as it can be made. My colleague thinks that it is too high and gives too much credit to the several States. I must admit that he can find many instances in which his statement would be correct. I hope he will be able to see that I could find numerous instances as to which his plan would not apply correctly, and in particular, taking the bill as a whole, the greater part of the revenues under it are not produced by the great fortunes, particularly since we have so lowered the maximum tax. The small estates which, as a rule, have been accumulated within the borders of a particular State of which the owner was a resident will make up by far the greater part of the receipts. On the whole I think the figure of 80 per cent, until we have made a trial of it, must be taken as the most likely to be correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I shall have to ask for five additional minutes, which I think I should have, having the bill in charge.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Now I have reached a point where my views and many of those who are perfectly ready to support the provisions of the bill somewhat diverge, although, so far as the adoption of the bill is concerned, we are united. Some gentlemen say that they are willing to support the bill as matters now stand but that they expect and desire that the estate tax should, in the course of a few years, be abolished. I want to look further before I come to any such conclusion, although I am not prepared to say that if the States should unite on a fairly uniform system of inheritance taxes I might not be willing to accept the abrogation of the Federal inheritance tax. Just now I want more information as to what these States are willing to do. I understand that Florida is still unwilling to see the light, and I turn to consideration of conditions in that State more with sorrow than with anger, more with pity than with contempt.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. GREEN of Iowa. In a moment I will yield to my friend from Florida.

Let me say to the people of Florida and to its representatives in this House, that you never can make a really great State through colonies of tax dodgers or money grabbers; parasites and coupon cutters, jazz trippers and booze hunters. [Applause.] Your delightful climate and your natural resources are a sufficient attraction if you do not offset them by filling up your community with members of that ancient and dishonorable order of tax dodgers, who, of all citizens, are the most narrow, the most selfish, and the most unpatriotic. I congratulate those States whose patriotic citizens have not yielded to the alluring but improper inducements offered by the State of Florida. [Applause.]

Mr. LOZIER. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. LOZIER. Is it not, as a legal proposition, fundamental that the credit or rebate on taxes may be granted or withheld by the tax power as it may determine; and if granted, it may be granted upon such terms and conditions as the Government may direct? Is not that true?

Mr. GREEN of Iowa. In a general way it is, although I think it might possibly be carried too far; but the principle we have applied in this bill was so well settled heretofore that I am satisfied that there is no doubt about its constitutionality.

Mr. BLOOM. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. BLOOM. It has been asked several times of the chairman to explain how the different States can charge up their proportionate share of the estate tax to the different States.

Mr. GREEN of Iowa. The gentleman, I fear, does not understand the provision properly.

Mr. BLOOM. I think I do understand. The gentleman from Maryland [Mr. HILL] asked the question. He had asked the question of the gentleman from New York [Mr. MILLS], and he has stated that each individual State would charge the amount against the estate taxes. The gentleman from Iowa does not mean to say——

Mr. GREEN of Iowa. I did not say that.

Mr. BLOOM. That is what the gentleman from New York [Mr. MILLS] asked you, and that is what you said.

Mr. GREEN of Iowa. Here is what I stated to the committee: I said that each State could take advantage of this 80 per cent credit by levying taxes sufficient to take up that amount without any cost to its own citizens

Mr. BLOOM. No. I think the chairman is wrong there. Is it not a fact, Mr. Chairman, that a State can only assess up to 80 per cent of the assessed value of that stock in that respective State?

Mr. GREEN of Iowa. No. The gentleman does not understand the credit at all. It is simply a credit to the estate of the State taxes paid.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I do not think we ought to prolong this debate further.

Mr. HILL of Maryland. Mr. Chairman, I should like to talk on this amendment.

The CHAIRMAN. The Chair is going to declare debate on the amendment over very soon. The Chair has given very wide latitude.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on the amendment now before the House close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. BURTNESS. That was not the request, Mr. Chairman.

The CHAIRMAN. If the gentleman knows better than the Chair, just what was the request?

Mr. GREEN of Iowa. That all debate on the amendment now pending before the House close in five minutes.

The CHAIRMAN. That all debate on the paragraph and all amendments thereto close in five minutes?

Mr. GREEN of Iowa. No; I did not make that request.

Mr. GREEN of Florida. Mr. Chairman, I want to suggest that I have a half dozen amendments to offer.

Mr. GREEN of Iowa. Then, Mr. Chairman, I will change that request and ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. GREEN of Florida. I object, Mr. Chairman. I withdraw the objection.

Mr. GREEN of Iowa. Mr. Chairman, there is no objection, so I move that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this paragraph and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Maryland [Mr. HILL] is recognized for five minutes.

Mr. HILL of Maryland. Mr. Chairman, I will ask the Chair to notify me at the end of three minutes, because I would like to give two minutes of my time to the gentleman from Iowa [Mr. RAMSEYER].

The CHAIRMAN. The gentleman can not transfer his time.

Mr. HILL of Maryland. Then, Mr. Chairman, I will yield to him at the end of three minutes for the purpose of having him ask me a question.

Under the present framing of the Federal inheritance tax, in this present year, 1925, the National Government will get about $110,000,000; if the proposed measure is adopted, with the 80 per cent rebate, I should like to ask the chairman of the committee about how much revenue it is expected the Federal Government will derive from the inheritance tax the first year of the working of this new bill?

Mr. GREEN of Iowa. About the same as it does now. It will make no particular difference in the first year, for the reason that very few estates are settled the first year.

Mr. HILL of Maryland. Then the gentleman believes that in the next fiscal year after the passage of this law it will develop about $110,000,000?

Mr. GREEN of Iowa. The next calendar year, I would say.

Mr. HILL of Maryland. Then, after that it should bring in about $40,000,000; is that right?

Mr. GREEN of Iowa. No; it would not reduce so rapidly as that. The next year will see a loss of probably $20,000,000 or $30,000,000.

Mr. HILL of Maryland. How much will the Federal Government get when this act is in full operation?

Mr. GREEN of Iowa. I would say about 50 per cent, although it is difficult to say, because we can not know to what extent the States will take advantage of this provision.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the House, the present legislation in this bill is framed on antagonism to a Federal inheritance tax. In other words, the committee says the Federal inheritance tax is a bad tax and should be abolished; we are ultimately going to abolish it; but in order to coerce certain States to do what we think they should do, namely, to come out of the dark ages of the past and adopt our theory of taxation, we put in this 80 per cent theory. I now yield to the gentleman from Iowa so that he may ask me a question.

Mr. RAMSEYER. Mr. Chairman, if the gentleman will permit a statement, in general debate I suggested brackets and different percentages for credits to the States, and I have such an amendment prepared. I simply want to ask that it be put in the RECORD. I do not intend to offer it, because I am not ready to approve either the brackets or the percentages; but in order that others who will consider this bill afterwards may get the idea that is in my mind, I ask unanimous consent that it may be printed in the RECORD following the remarks of the gentleman from Maryland [Mr. HILL].

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that an amendment which he had intended to offer be printed in the RECORD following the remarks of the gentleman from Maryland. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. Mr. Chairman, I believe I have about half a minute remaining.

The CHAIRMAN. The gentleman has just about that time.

Mr. HILL of Maryland. Mr. Chairman and gentlemen, I think, leaving out all prejudice, we are working for a general scheme of taxation. This is a nonpartisan bill, and it is a nonsectional bill.

Mr. BERGER. Bipartisan.

Mr. HILL of Maryland. Well, bipartisan or tripartisan, whichever you choose. It is a nonpolitical bill.

The theory of letting the States levy their own inheritance taxes is a proper theory economically. This bill grants three-fourths, and I hope you will vote for any amendments which give to the States that right in its entirety. [Applause.]

The matter referred to by Mr. RAMSEYER follows:

Page 143, strike out line 8 and all of line 9 through the word "shall," and in line 11 strike out the period and insert in lieu thereof a comma and the following: "and shall not in any case exceed the sum of the following:

"(1) Seventy-five per cent of so much of the tax imposed by this section as is attributable to the amount of the net estate not in excess of $400,000;

"(2) Fifty per cent of so much of the tax as is attributable to the amount by which the net estate exceeds $400,000 and does not exceed $3,000,000; and

"(3) Twenty-five per cent of so much of the tax as is attributable to the amount by which the net estate exceeds $3,000,000."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Florida [Mr. GREEN] to the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I rise for the purpose of offering an amendment to this paragraph, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BURTNESS: Page 143, line 8, strike out the figures "80" and insert in lieu thereof the figures "50."

Mr. BURTNESS. Mr. Chairman, surely the splendid debate upon the various questions involved here this afternoon has convinced us more firmly than ever of the fact there are no more perplexing problems, both from an economic and a social viewpoint, than those involved in the question of levying estate or inheritance taxes.

I am rather firmly of the belief that there is justification for inheritance and estate taxes. I entertain some doubt as to whether it is a field of taxation which should be used by the Federal Government or whether it is a field which should be left to the States alone. The argument made by the gentleman from Iowa [Mr. GREEN], the chairman of the committee, was most appealing when he said on the floor the other day:

The justice of our present Federal system of taxation upon estates lies in the fact that nearly all of the great fortunes in this country have been built up not upon the resources of some small community but by virtue of the fact that under our Federal system the business through which they were made was able to draw, either directly or indirectly, profits from the whole or a large portion of the great territory that makes up our Union.

Henry Ford, as has been pointed out, has earned his large fortune not from business conducted in Michigan alone but through the sale of automobiles in every township and hamlet of the Union. The country as a whole has been responsible for this. Only by retaining a fair Federal estate tax can the people of the country generally participate in an inheritance tax against fortunes so earned.

I have offered the amendment which I have here this afternoon particularly for the reason that I doubt whether any of us are ready to announce a definite policy for the country for the future. It seems to me if we adopt the 80 per cent provision that is found in the bill—that is, allow estates credit for all State inheritance taxes paid up to 80 per cent of the Federal tax—particularly in view of the debate that has taken place upon the floor of the House, it is saying to the country as a whole that it is the intention of the Federal Government as expressed to-day to abandon within the next few years the Federal taxation of inheritances.

I doubt whether we are ready to do this. I, at least, for one am not. It may be right or it may not. We are possibly more or less under the influence of recent tremendous propaganda. I approved the 25 per cent provision that was included in the last bill and is now law. I asked then why it was not made 50 per cent so as to make it a sort of 50–50 proposition between the Federal Government and the States. Were it constitutional, I should like to see a law in which the States could not levy inheritance taxes at all, and let all of such taxes be levied by the Federal Government and then provide that the Federal Government contribute to each of the States just 50 per cent of what they collect from such State.

The amendment I have offered will not hurt the revenues, but would bring in a little more revenue. It would not lay down a specific policy that a future Congress can not change without being criticized by many people of the country. The committee has wisely retained at this time a provision for Federal estate taxes. The arguments advanced here in favor of such retention at this time, even by those opposed to the general policy, are so conclusive that they constitute a sufficient answer to the tremendous and more or less uncalled-for propaganda waged in the country for immediate repeal.

I submit if we adopt this amendment of 50 per cent we will be fair to all concerned. It will give us a little more revenue in the Federal Treasury for the retirement of debt, and Congress will not be confronted with the question two years hence or four years hence as to whether by adopting 80 per cent to-day we did not say to the business world that within four or six or eight years the Federal Government would without question withdraw entirely from this particular field of taxation.

By adopting 50 per cent instead of 80 you will leave the same incentive that the committee had in mind—the incentive to get States to pass more or less uniform inheritance tax laws with a view of getting a full benefit of such credit as may be provided in the law. The present credit of 25 per cent is in all probability a little small to create that incentive. I think it would be created by 50 per cent, and the proposal submitted seems fair, and I hope you will consider it favorably. [Applause.]

Mr. SIMMONS. Mr. Chairman, I had expected to offer a substitute for the amendment now pending before the House reducing the 80 per cent provision to 25 per cent, but I think in view of the present mental attitude of the House, my substitute would be defeated, and I will say what I have to say upon the amendment of the gentleman from North Dakota [Mr. BURTNESS], which goes part of the way to where I think the law ought to be.

I believe the law as it is now, giving a credit of 25 per cent of the taxes paid to the State, would fully correct all the inequalities that the gentleman from New York [Mr. MILLS] complains about. The gentleman from Iowa [Mr. GREEN] has said that the farmers in Nebraska will take advantage and profit by it. I think that is true.

Mr. GREEN of Iowa. I said the legislature of your State.

Mr. SIMMONS. Yes; but the farmers have some influence with the legislature. The thing I object to in this provision is that while the taxpayer per capita in Nebraska would get $1 relief per unit of value from taxes, the taxpayer per capita in New York will get $8 relief per unit of value upon his taxes. So while you are taking $1 off from the farmers in Nebraska you are taking $8 off from the same unit of value in the State of New York. That is the thing that is unfair about this proposal.

New York pays about one-third of the inheritance taxes collected by the Federal Government. If that money was all earned and accumulated in the State of New York, then this provision would be fair to the people of Nebraska and the other States; but it is not so earned and not so accumulated.

Now, for illustration, take the Ford estate. When 80 per cent is levied upon the Ford estate, when it passes into the treasury of the State of Michigan, does that mean that that money has been earned and accumulated by business in that State? It does not; and to the extent that that 80 per cent represents money accumulated in other States in the Union, to that extent you are taxing the people of one State for the benefit of another State.

If all the money goes into the Federal Treasury and all of it paid out along equitable lines by the Federal Government the entire population from which the wealth has been accumulated will receive an equitable benefit. If, as Mr. BURTNESS said, there was some way to take this tax field away from the State and place it in the hands of the Federal Government that would correct all the inequalities of distribution of taxes about which complaint is made and would make equitable distribution throughout the several States.

For that reason I believe the amendment of the gentleman from North Dakota [Mr. BURTNESS] should be supported by this committee and by Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired, all time has expired, and the question is on the amendment offered by the gentleman from North Dakota [Mr. BURTNESS].

The question was taken, and the amendment was rejected.

Mr. GREEN of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. GREEN of Florida: At the end of line 11, page 143, printed bill, add: "*Provided*, That such States or Territories as now have or may hereafter have constitutional provision prohibiting the levying of an estate tax for said State or Territory shall pay only 25 per cent of amount or amounts assessed by the Federal Government."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

Mr. GREEN of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. GREEN of Florida: At the end of line 11, page 143, printed bill, add: "*Provided*, That such States or Territories as now have or may hereafter have constitutional provision prohibiting the levying of an estate tax for said State or Territory shall pay only 50 per cent of amount or amounts assessed by the Federal Government."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

Mr. GREEN of Florida. Mr. Chairman, I also offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. GREEN of Florida: In line 8, page 143, strike out the figures "80" and insert in lieu thereof the figures "45."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The amendment was rejected.

The Clerk read as follows:

SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TREADWAY: Page 143, line 14, after the word "death," strike out the remainder of the line and insert in lieu thereof the following: "Of all real property, all intangible personal property, and such tangible personal property as was held for business purposes."

Mr. TREADWAY. Mr. Chairman, at the outset I wish to state that this is not a committee amendment. I am not offering it as a member of the Committee on Ways and Means or for the committee. At one time a very favorable consideration was given in the Committee on Ways and Means to the idea suggested by the amendment. Two very prominent lawyers in my State have called the attention of our committee to the great difficulty and trouble caused by making an appraisal of personal tangible property. Very little revenue comes from this source, but it is a very great inconvenience in making up inventory of estates. It is hoped that by the adoption of such an amendment as I have offered that difficulty may be avoided. In the hearings I filed at the request of one of the gentlemen to whom I refer a brief which I want to take the liberty of reading as it covers the question fully and with better language than I could use.

Mr. GREEN of Iowa. Could not the gentleman just put that in the RECORD?

Mr. TREADWAY. I will have to use up my five minutes of time in explaining it if I do. I am willing to have it inserted.

The CHAIRMAN. The gentleman does not have to use his time.

Mr. TREADWAY. No; but I could use it in describing the argument contained in the brief if it is not read. I realize, Mr. Chairman, that we have proceeded in a very dilatory way all day, and as one member of the committee I do not want to take any additional time. Therefore I shall accept the suggestion of the chairman of the committee that the brief on page 423 of the committee hearings be inserted as a part of my remarks.

The brief referred to is as follows:

MEMORANDUM FURNISHED BY ARTHUR H. WELLMAN, OF BOSTON, MASS.

Mr. TREADWAY. I have had sent me a memorandum with regard to estate taxes. This memorandum is from Arthur H. Wellman, of Boston, and I would like to have it go into the record at this time.

The CHAIRMAN. Without objection, it is so ordered.

The memorandum referred to is as follows:

"The estate tax should be abolished. If this is not to be done, tangible personal property should be exempt from the estate tax for the following reasons:

"I. The tax on this class of property causes undue expense and annoyance to the taxpayer, the expense and annoyance often being a greater burden than the tax itself.

"(a) Tangible personal property must be left where it was at the time of the death until a representative of the Government has had an opportunity to inspect it. This often causes loss of rent, prevents sale of real estate, etc.

"(b) An appraiser must be employed to appraise the property. As only a few appraisers are approved by the Government officials, their charges are high.

"(c) Some representative of the estate must go with the appraiser to point out the property.

"(d) The collector's office must be furnished with two copies of an itemized appraisal.

"(e) After these copies are sent the representatives of the estate must await the pleasure of the Government appraiser. This delay is often annoying and expensive.

"(f) When the Government appraiser comes a representative of the estate must go with him to point out the property.

"(g) If the Government appraiser makes changes in the list which has been sent to the collector, and he usually does, the representative of the estate is not notified of these changes, but is obliged to go or send to the collector's office to find out what they are.

"(h) The representatives of the estate, when they find the values placed by the Government appraiser, must decide whether to accept them or contest them.

"(i) If they are to be contested, proof must be furnished that the Government values are wrong. This often has to be done by experts and is expensive.

"II. Taxing tangible personal property is expensive for the Government as well as for the taxpayer, as the Government must employ appraisers.

"III. The tax on this class of property requires strangers to pry into the privacy of families at times of sorrow and is often greatly resented.

"IV. The value of tangible personal property is hard to fix. Opinions differ widely in regard to its value. Although this class of property is usually not a large portion of the entire estate, the taxing of it is the cause of a large portion of the trouble arising from the taxation of estates.

"V. Under the present system of ascertaining the value of this class of property the property is often valued far in excess of the amount the estate is able to secure from its sale. This provokes much ill feeling.

"VI. The tax on this class of property is a small proportion of the total estate tax.

"Respectfully submitted.

"ARTHUR H. WELLMAN."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

(d) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for a fair consideration in money or money's worth. The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall be deemed and held to have been made in contemplation of death within the meaning of this title.

Mr. GREEN of Florida. Mr. Chairman, I move to strike out the last word. It is not my purpose to address the committee, as my remarks have already been extended in the RECORD. When the gentleman from Iowa [Mr. GREEN] set the time, it was understood by me, and I think by the entire House, that I was to have 15 minutes instead of 5.

The CHAIRMAN. The Chair begs the gentleman's pardon; but, as far as the Chair understood, there was no request made by the gentleman to the Chair for 15 minutes. The Chair was not asked to submit such a request to the committee for consideration. The gentleman from Florida may have assumed that he was going to get 15 minutes, but he never asked anybody for it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, what motion is before the committee now?

The CHAIRMAN. The gentleman from Florida has moved to strike out the last word. The Chair does not want the integrity of the Chair to be questioned.

Mr. GREEN of Florida. Mr. Chairman, it is not my purpose to do that at all. It was entirely my misunderstanding. I thought the committee agreed on that. I beg the pardon of the Chair. At any rate, it is not my purpose to make a speech this afternoon. I merely wanted to say that the precedent we have established has been crushed down, it is true, but the matter of State rights will never be crushed.

The Clerk read as follows:

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration, in money or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the be-

quests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $50,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word in order to ask the gentleman in charge of the bill how long he expects to continue this session?

Mr. GREEN of Iowa. As I understand it, there is practically no objection to the remainder of the provisions in reference to the estate tax, except that the gentleman from Wisconsin [Mr. FREAR] wants to offer an amendment, which I think comes in about the bottom of page 175. I thought we would read that far.

Mr. HUDDLESTON. What page is he reading now?

Mr. GREEN of Iowa. Page 155.

Mr. HUDDLESTON. It is now 5.35 o'clock, and we have not got a quorum here. Is this a perfunctory business?

Mr. GREEN of Iowa. I hope my friend will not raise that point. Unless somebody wants to offer an amendment—of course, I do not want to take advantage of anybody—but I am sure nobody desires to offer anything here, except there are some committee amendments in the same form as offered in reference to the income-tax sections.

Mr. HUDDLESTON. Can the gentleman say to us who desire to leave now that there will not be any reading beyond page 175?

Mr. GREEN of Iowa. At the bottom of page 175 we will stop, and stop with that amendment.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

SEC. 307. As used in this title in respect of a tax imposed by this title the term "deficiency" means—

(1) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the executor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 308. (a) If the commissioner determines that there is a deficiency in respect of the tax imposed by this title, the executor, except as provided in subdivision (d) or (f), shall be notified of such deficiency by registered mail. Within 60 days after such notice is mailed the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as provided in subdivision (d) or (f) of this section, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until the taxpayer has been notified of such deficiency as above provided, nor until the expiration of such 60-day period, nor, if a petition has been filed with the board, until the decision of the board has become final. The executor, notwithstanding the provisions of section 3224 of the Revised Statutes, may enjoin by a proceeding in the proper court the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force.

Mr. MILLS. Mr. Chairman, I offer a committee amendment and move its adoption.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 156, line 12, after "section," insert "or in section 279 or in section 912 of the revenue act of 1924 as amended."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

(d) If the commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, such deficiency shall be assessed immediately, and notice and demand shall be made by the collector for the payment thereof. In such case the assessment may be made (1) without giving the notice provided in subdivision (a) of this section, or (2) before the expiration of the 60-day period provided in subdivision (a) of this section even though such notice has been given, or (3) at any time prior to the decision of the board upon such deficiency even though the executor has filed a petition with the board, or (4) in the case of any part of the deficiency allowed by the board at any time before the executor has filed the review bond required by section 912 of the revenue act of 1924, as amended. Upon the making of the assessment the jurisdiction of the board and the right of the executor to appeal from the board shall cease. If the executor does not file a claim in abatement as provided in section 312, the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector.

Mr. MILLS. Mr. Chairman, I have a committee amendment, which I desire to offer and move its adoption.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 157, line 17, after "the," insert "jeopardy."

Page 157, strike out lines 24 and 25, and on page 158, line 1 and line 2 through the period and insert: "(4) in the case of any part of the deficiency allowed by the board, at any time before the expiration of 90 days after the decision of the board was rendered, but not after the executor has filed a review bond under section 912 of the revenue act of 1924, as amended."

Page 158, line 2, before "assessment," insert "jeopardy."

Page 158, line 5, after "abatement," insert "with bond."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 310. (a) Except as provided in section 311, the amount of the estate taxes imposed by this title shall be assessed within four years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of five years after the return was filed.

(b) The period within which an assessment is required to be made by subdivision (a) of this section, and the period within which a proceeding in court or by distraint for collection is required to be begun by subdivision (b) of section 311, in respect of any deficiency, shall be extended (1) by 60 days if a notice of such deficiency has been mailed to the executor under subdivision (a) of section 308 and no petition has been filed with the board of tax appeals, or (2) if a petition has been filed, then by the number of days between the date of the mailing of such notice and the date the decision of the board has become final.

With a committee amendment as follows:

Page 162, strike out lines 13 to 23 and insert:

"(b) The running of the statute of limitations on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall be suspended for the period during which, under the provisions of this title, the commission is prohibited from making the assessment or beginning distraint or a proceeding in court."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 312. (a) If a deficiency has been assessed under subdivision (d) of section 308, the executor, within 30 days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond in such amount, not exceeding double the amount of the claim, and with such sureties as the collector deems necessary, conditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (e) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

With committee amendments, as follows:

Page 164, line 1, strike out "Such claim shall be" and insert "If such claim is."

Page 164, line 6, strike out "section. Upon" and insert "section, then upon."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(b) When a claim is filed and accepted by the collector he shall transmit the claim immediately to the commissioner, who shall by registered mail notify the executor of his decision on the claim. The executor may within 60 days after such notice is mailed file a petition with the Board of Tax Appeals. If the claim is denied in whole or in part by the commissioner (or, if a petition has been filed with the board, if such claim is denied in whole or in part by a decision of the board which has become final), the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated.

With committee amendments, as follows:

Page 164, line 15, strike out "If" and insert "In cases where collection has been stayed by the filing of a bond, then if".

Page 164, line 21, at the end of the line insert a new sentence: "In cases where collection has not been stayed by the filing of a bond, then if the claim is allowed in whole or in part by the commissioner (or, if a petition has been filed with the board, if such claim is allowed in whole or in part by a decision of the board which has become final), the amount so allowed shall be credited or refunded as provided in section 281, or, if collection has not been made, shall be abated."

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per cent per annum upon the amount of the claim denied, from the date of notice and demand from the collector under subdivision (d) of section 308 to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within 30 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per cent a month from the date of such notice and demand until it is paid.

With a committee amendment, as follows:

Page 164, line 22, strike out "If" and insert "In cases where collection has been stayed by the filing of a bond, then if."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(g) In cases within the scope of subdivision (d), (e), or (f), if the commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 308 of this act, instruct the collector to proceed to enforce the payment of the deficiency. Such action by the collector and the commissioner may be taken at any time prior to the decision of the board upon such deficiency even though the person liable for the tax has filed a petition with the board, or, in the case of any part of the deficiency allowed by the board, at any time before the person liable for the tax has filed the review bond required by section 912 of the revenue act of 1924, as amended, and thereupon the jurisdiction of the board and the right of the taxpayer to appeal from the board shall cease. Upon payment of the deficiency in such case the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 317.

With a committee amendment, as follows:

Page 174, strike out lines 5, 6, and 7, through the word "amended," and insert "any time before the expiration of 90 days after the decision of the board was rendered, but not after the person liable for the tax has filed a review bond under section 912 of the revenue act of 1924 as amended."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 317. (a) If the commissioner has notified the executor of a deficiency, or has made an assessment under subdivision (d) of section 308, the right of the executor to file a petition with the Board of Tax Appeals and to appeal from the decision of the board to the courts shall constitute his sole right to contest the amount of the tax, and, whether or not he files a petition with the board, no credit or refund in respect of such tax shall be made and no suit for the recovery of any part of such tax shall be maintained in any court, except as provided in subdivision (b) of this section or in subdivisions (b), (e), or (g) of section 316.

With committee amendments, as follows:

Page 174, line 21, after "section" insert "or in subdivision (b) of section 312."

Page 174, line 22, after "316" insert "of this act or in section 912 of the revenue act of 1924 as amended."

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

Committee amendment: Page 174, line 22, after the period, insert a new sentence to read as follows: "This subdivision shall not apply in any case where the executor proves to the satisfaction of the commissioner or the court, as the case may be, that the notice under subdivision (a) of section 306 or subdivision (b) of section 312 was not received by him before the expiration of 45 days from the time such notice was mailed."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read to line 9, page 175 of the bill.

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenues, and for other purposes, had come to no resolution thereon.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, December 17, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

176. A communication from the President of the United States, transmitting as supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1927, for preventing the spread of the European corn borer, $100,000 (H. Doc. No. 136); to the Committee on Appropriations and ordered to be printed.

177. A communication from the President of the United States, transmitting a draft of proposed legislation providing that the unexpended balance of the appropriation of $38,000 for the Capitol power plant, appropriated for the fiscal year ending June 30, 1925, in the deficiency act of December 5, 1924, shall remain available until June 30, 1927 (H. Doc. No. 137); to the Committee on Appropriations and ordered to be printed.

178. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination of Bellingham Harbor, Wash., with a view to the removal of Star Rock; to the Committee on Rivers and Harbors.

179. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Gastineau Channel and adjacent waters, Alaska, with a view to improving the connection with existing steamship routes; to the Committee on Rivers and Harbors.

180. A letter from the Secretary of War, transmitting report of an inspection of the several branches of the Na-

tional Home for Disabled Volunteer Soldiers, made July 1 to August 23, 1925, by an officer of the Inspector General's Department; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII:

Mr. WASON: Joint Select Committee on Disposition of Useless Executive Papers. Report on the disposition of useless papers of the second session of the Sixty-eighth Congress (Rept. No. 3). Ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4680) granting an increase of pension to Mary M. Oney; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4901) granting an increase of pension to Maria B. Twiggs; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2781) granting an increase of pension to Frederick Schultz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3391) granting an increase of pension to Charles N. Cannon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 884) granting an increase of pension to Mary M. Spriggs; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1309) granting an increase of pension to Henry P. Mooniehand; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3521) granting a pension to Patrick H. Bushnell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3523) granting a pension to Mrs. Ira Dibble; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3525) granting a pension to Sarah Louise Heinzman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3526) granting a pension to Lottie Julia Heinzman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3515) granting an increase of pension to Harriet J. Webber; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 5346) to provide for payment of moneys to the city of Hoboken, N. J., in lieu of taxes on certain property the title to which was acquired by the United States of America through proclamation of the President; Committee on Claims discharged, and referred to the Committee on War Claims.

A joint resolution (H. J. Res. 74) authorizing and directing the Secretary of the Treasury to pay to the city of Hoboken, N. J., certain sums of money in lieu of taxes which have been withheld from said city of Hoboken, N. J.; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS: A bill (H. R. 5677) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. WILSON of Louisiana: A bill (H. R. 5678) authorizing a survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillways, and for other purposes; to the Committee on Flood Control.

By Mr. EDWARDS: A bill (H. R. 5679) to prohibit the printing and sale of envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. ESLICK: A bill (H. R. 5680) for the improvement and enlargement of the Federal building and providing therein for a Federal court at Columbia, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. GARBER: A bill (H. R. 5681) providing for the purchase of a site and the erection of a public building at Fairview, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Virginia: A bill (H. R. 5682) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. WARREN: A bill (H. R. 5683) authorizing the appropriation of $10,000 for the erection of a monument or other form of memorial at Sir Walter Raleigh Fort, on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America; to the Committee on the Library.

By Mr. DRANE: A bill (H. R. 5684) to provide for a site and public building at Arcadia, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5685) to provide for a site and public building at Tarpon Springs, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. JACOBSTEIN: A bill (H. R. 5686) to create an additional judicial district in the territory embraced within the present western district of New York; to the Committee on the Judiciary.

By Mr. LAMPERT: A bill (H. R. 5687) to authorize the transfer of certain duplicate General Land Office records to the State of Wisconsin; to the Committee on the Public Lands.

By Mr. SPROUL of Illinois: A bill (H. R. 5688) repealing existing law requiring the Postmaster General to report action taken on claims of postmasters; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5689) authorizing the Postmaster General to contract for group life insurance for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. SWARTZ: A bill (H. R. 5690) to authorize the acquisition of a site and the erection of a Federal building at Shippensburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. THOMAS: A bill (H. R. 5691) granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma, where the ninety-eighth meridian crosses said Red River; to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 5692) to extend the provisions of the national bank act to the Virgin Islands of the United States; to the Committee on Banking and Currency.

By Mr. DYER: A bill (H. R. 5693) to amend section 6 of the act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, as amended; to the Committee on the Judiciary.

By Mr. FROTHINGHAM: A bill (H. R. 5694) authorizing an embargo on coal and giving the President the power to take over and run the mines in an emergency; to the Committee on Interstate and Foreign Commerce.

By Mr. FULMER: A bill (H. R. 5695) to regulate interstate shipments of cotton, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARE: A bill (H. R. 5696) to provide for the purchase of a site and the erection of a building thereon at Bamberg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. KELLY: A bill (H. R. 5697) to reduce night work in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. MILLER: A bill (H. R. 5698) to amend subdivision E of section 2 of an act entitled "An act to amend the act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended; to the Committee on Ways and Means.

By Mr. SWARTZ: A bill (H. R. 5699) to enlarge, extend, and remodel the post-office building at Lebanon, Pa., and to acquire additional land therefor if necessary; to the Committee on Public Buildings and Grounds.

By Mr. CANNON: A bill (H. R. 5700) to amend the act of May 1, 1920, entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana; to the Committee on the Judiciary.

By Mr. LEE of Georgia: A bill (H. R. 5702) for the purchase of a site for a post-office building at Calhoun, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5703) authorizing the erection of a post-office building at Rossville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5704) to provide a site and erect a public building thereon at Lafollette, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5705) to provide a site and erect a public building thereon at Rockwood, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5706) to provide a site and erect a building thereon at Lenoir City, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5707) to provide a site and erect a public building thereon at Knoxville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A bill (H. R. 5708) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 5709) to adjust the pay and allowances of certain officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. SMITH: A bill (H. R. 5710) extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation; to the Committee on the Public Lands.

By Mr. SEGER: Joint resolution (H. J. Res. 80) to establish a commission to investigate and determine what in fact constitutes an intoxicating beverage, the manufacture, sale, and transportation of which is prohibited by the eighteenth amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. ANTHONY: Joint resolution (H. J. Res. 81) proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TINKHAM: Joint resolution (H. J. Res. 82) making provision for the erection of a monument to the memory of Henry Cabot Lodge to be located in the District of Columbia; to the Committee on the Library.

By Mr. LUCE: Joint resolution (H. J. Res. 83) to authorize the completion of the memorial to the unknown soldier; to the Committee on the Library.

By Mr. FISH: Resolution (H. Res. 53) to amend Rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIAL

Under clause 3 of Rule XXII,

By Mr. DOYLE: Memorial of the Legislature of the State of Illinois, favoring an export bounty on grain, cattle, hogs, and their products, and opposing the present duty on quail imported into the United States; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 5711) granting an increase of pension to Elizabeth Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5712) granting an increase of pension to Eliza Porter; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 5713) granting an increase of pension to Oscar Traver; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 5714) granting an increase of pension to Elizabeth L. Edler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5715) granting an increase of pension to Hannah H. Layton; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 5716) granting an increase of pension to Eliza Ertel; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 5717) granting a pension to Ella G. Knox; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 5718) granting a pension to Bertie C. Nields; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 5719) to authorize the award of a medal of honor to Capt. Richard Drace White, United States Navy; to the Committee on Naval Affairs.

By Mr. CONNERY: A bill (H. R. 5720) granting a pension to Mary Downes; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 5721) granting an increase of pension to Bridget Crinigan; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 5722) granting a pension to David B. Spencer; to the Committee on Invalid Pensions.

By Mr. FLAHERTY: A bill (H. R. 5723) for the relief of William Robert Casey; to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 5724) granting an increase of pension to Harriett S. Grove; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5725) granting a pension to Martha A. Shoemaker; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 5726) for the relief of Jane Coates, widow of Leonard R. Coates; to the Committee on Agriculture.

Also, a bill (H. R. 5727) to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C.; to the Committee on Claims.

By Mr. HILL of Maryland: A bill (H. R. 5728) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. HAWES: A bill (H. R. 5729) granting a pension to Barbara Wolf; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 5730) for the relief of Albert Wood; to the Committee on Claims.

By Mr. MORTON D. HULL: A bill (H. R. 5731) for the relief of Christine Mygatt; to the Committee on Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 5732) granting a pension to Mary J. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5733) granting an increase of pension to Belle P. Wolfe; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 5734) for the relief of the Passaic Valley sewerage commissioners; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 5735) granting a pension to Eveline Jochnk; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 5736) granting an increase of pension to John Shannon; to the Committee on Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 5737) granting an increase of pension to Risby Jane McLaughlin; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 5738) granting a pension to William K. Price; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 5739) granting a pension to Elizabeth Hampton; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 5740) granting an increase of pension to Annie Kell; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 5741) granting an increase of pension to William E. Boyer; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 5742) granting an increase of pension to Maryette G. Moon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5743) granting an increase of pension to Mary M. Gray; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 5744) granting an increase of pension to Anna E. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5745) granting an increase of pension to Catherine Fielding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5746) granting a pension to Richard C. Thompson; to the Committee on Pensions.

By Mr. QUIN: A bill (H. R. 5747) for the relief of the legal representative of the estate of Haller Nutt, deceased; to the Committee on War Claims.

By Mr. RAMSEYER: A bill (H. R. 5748) granting a pension to Mary E. Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5749) granting an increase of pension to Margaret Hiller; to the Committee on Pensions.

By Mr. REED of Arkansas: A bill (H. R. 5750) for the relief of George C. Allen; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 5751) granting an increase of Pension to Olive Robbins; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 5752) granting an increase of pension to Ellen Selleck; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 5753) granting a pension to Oscar L. Hughes; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 5754) for the relief of Charles A. Mayo; to the Committee on Claims.

By Mr. SWANK: A bill (H. R. 5755) granting an increase of pension to Samaria Glenn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5756) granting a pension to Orlena Chisholm; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 5757) for the relief of P. E. Anderson & Co.; to the Committee on Claims.

Also, a bill (H. R. 5758) providing for the refund to Thomas & Pierson, of New York, N. Y., of certain duties upon abandoned goods under paragraph 10 of section 3 of the tariff act of October 3, 1913; to the Committee on Claims.

Also, a bill (H. R. 5759) granting an increase of pension to Sarah E. Sparrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5760) granting an increase of pension to Lucretia J. Cathcart; to the Committee on Invalid Pensions.

By Mr. SWOOPE: A bill (H. R. 5761) granting an increase of pension to Susanna Winter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5762) granting a pension to Sadie A. Nolf; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5763) granting a pension to Jacob L. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5764) granting a pension to Lucy J. Pope-Joy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5765) granting a pension to Elizabeth Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5766) granting a pension to Mintie A. Ashton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5767) granting a pension to Mary M. Ody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5768) granting a pension to George W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5769) granting a pension to Malinda J. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5770) granting a pension to F. A. Turpin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5771) granting a pension to Alice A. Keith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5772) granting a pension to Thomas E. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5773) granting a pension to Tempie Ballard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5774) granting a pension to Sarah Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5775) granting a pension to Merrick L. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5776) granting a pension to Evaline Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5777) granting an increase of pension to Mary A. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5778) granting an increase of pension to Mary E. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5779) granting an increase of pension to Mary Collins; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 5780) granting an increase of pension to Emma M. Sawdey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5781) granting an increase of pension to Johanna Sullivan; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 5782) for the relief of Thomas J. O'Rourke, as guardian of Katie I. O'Rourke; to the Committee on Claims.

By Mr. UPSHAW: A bill (H. R. 5783) for the relief of Gershon Brothers Co.; to the Committee on War Claims.

By Mr. VESTAL: A bill (H. R. 5784) granting an increase of pension to Henry Smith; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 5785) granting a pension to Lula E. Rowe; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 5786) for the relief of Rachel Thomas; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 5787) for the relief of J. C. Herbert; to the Committee on Claims.

Also, a bill (H. R. 5788) for the relief of Mattie D. Jacobs; to the Committee on Claims.

Also, a bill (H. R. 5789) for the relief of the estate of J. A. Galloway; to the Committee on Claims.

Also, a bill (H. R. 5790) granting a pension to Elizabeth Penland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5791) granting a pension to Charles Caperton Eans; to the Committee on Pensions.

By Mr. WELSH: A bill (H. R. 5792) granting a pension to Ella Whitaker; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 5793) granting a pension to Mary J. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5794) granting a pension to Clara Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5795) granting an increase of pension to Amanda Frothingham; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 5796) authorizing the Secretary of War to confer a medal of honor upon Maj. Gen. Omar Bundy, of the United States Army, retired; to the Committee on Military Affairs.

By Mr. WYANT: A bill (H. R. 5797) granting an increase of pension to Alice M. Fairchild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5798) granting an increase of pension to Jennie Barcley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5799) granting an increase of pension to Mary J. Beamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5800) granting an increase of pension to Mary L. Craver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5801) granting an increase of pension to Margaret C. Ebbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5802) granting an increase of pension to Fannie Akins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5803) granting an increase of pension to Mary A. Buttermore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5804) granting an increase of pension to Hester A. Brier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5805) granting an increase of pension to Mary E. Bierer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5806) granting an increase of pension to Mary L. Deemer; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5807) granting an increase of pension to Anna M. Luman; to the Committee on Invalid Pensions.

By Mr. LAMPERT: Resolution (H. Res. 52) providing for the payment of Alexander M. Fisher, formerly employed by the Select Committee of Inquiry of the United States Air Service; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

133. Petition of the Common Council of the City of Milwaukee, Wis., relating to the coal strike; to the Committee on Interstate and Foreign Commerce.

134. By Mr. CONNERY: Petition of General E. E. Hinks Post, No. 95, Department of Massachusetts, Grand Army of the Republic, protesting the proposed restoration of the Robert E. Lee mansion, and that said mansion be left as it now is; to the Committee on the Library.

135. By Mr. DOYLE: Resolution by the National Guard Association of Illinois, relative to limitation of National Guard under provisions of the national defense act; to the Committee on Military Affairs.

136. By Mr. W. T. FITZGERALD: Petition of Dr. J. M. Patterson and members of Lima Camp, No. 38, United Spanish War Veterans, requesting enactment of House bill 98, granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, Philippine insurrection, China relief expedition, widows, minor children, helpless children, and for other purposes; to the Committee on Pensions.

137. By Mr. FULLER: Petition of C. M. Weller, manager Winnebago and Boone Counties, Ill.; Chicago Motor Club; O. M. Benson, La Salle, Ill.; chairman executive board Chicago Motor Club; and J. Stanley Brown, of De Kalb, Ill., favoring McLeod amendment for repeal of all Federal automobile taxes; to the Committee on Ways and Means.

138. By Mr. GARBER: Petition of the American Drug Manufacturers' Association, in opposition to the reduction or elimination of the present tax on alcohol; to the Committee on Ways and Means.

139. By Mr. GRAHAM: Petition of the Central Labor Union of Philadelphia, Pa., urging that Congress conduct an investigation of the Bread Trust; to the Committee on the Judiciary.

140. By Mr. KVALE: Petition of sundry members of the Woman's Relief Corps, No. 3, Minnesota Auxiliary, Grand Army of the Republic, unanimously requesting that Congress enact legislation increasing the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

141. Also, petition of sundry members of Appomattox Post, No. 72, Department of Minnesota, Grand Army of the Republic, Minneapolis, unanimously requesting that veterans of the Civil

War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

142. Also, petition of sundry members of Custer Rea Circle, No. 2, Ladies of the Grand Army of the Republic, unanimously requesting that Union War veterans be granted an increase in pension to $72 per month, and that their widows be also granted an increase; to the Committee on Invalid Pensions.

143. Also, petition of sundry members of the Minnesota Reserve Officers' Association, urging that no further reduction be made in appropriation for training for any one of the components of the Army of the United States; to the Committee on Appropriations.

144. Also, petition of Julia E. F. Lobdell and 38 other members of Ida M. Everett Tent, No. 8, National Alliance, Daughters of Union Civil War Veterans, unanimously and urgently requesting an increase in pension for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

145. Also, petition of sundry members of Levi Butler Post, No. 73, Department of Minnesota, Grand Army of the Republic, unanimously requesting that Congress provide for an increase in pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

146. Also, petition of sundry members of James Bryant Post and Woman's Relief Corps, Minneapolis, Minn., in joint meeting assembled, unanimously requesting Congress to enact legislation providing for an increase in pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

147. Also, petition of sundry members of the Renville County Farm Bureau Association, Olivia, Minn., urging Members of Congress to resist any reduction in the tariff on and affecting flaxseed; to the Committee on Ways and Means.

148. Also, petition of Tent No. 4, Daughters of Civil War Veterans, St. Paul, Minn., urging that Congress enact a law providing for increased pensions for Union veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

149. Also, petition of the board of directors Minnesota Motor Trades Association and 800 members, praying that Congress eliminate the manufactures excise tax on passenger automobiles, trucks, parts, and accessories; to the Committee on Ways and Means.

150. Also, petition of sundry members of Carleton Post, No. 5, Veterans of Foreign Wars, St. Paul, Minn., asking congressional enactment of measures concerning pensions, work, and proper maintenance of hospitals or homes for deserving honorably discharged veterans of the United States military service; to the Committee on World War Veterans' Legislation.

151. Also, petition of 160 members of Mary E. Starkweather Tent, No. 1, Department of Minnesota, Daughters of the Union Veterans of the Civil War, unanimously requesting that Congress provide for an increase in pension for Union veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

152. Also, petition of sundry members of George N. Morgan Post, No. 4, Department of Minnesota, Grand Army of the Republic, St. Paul, unanimously requesting that Congress enact legislation providing for an increase in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

153. Also, petition of F. D. McMillen, commander, and 103 members of Camp No. 8, Sons of Union Veterans of the Civil War, Minneapolis, Minn., requesting for Union veterans of the Civil War and their widows an increase in pension; to the Committee on Invalid Pensions.

154. Also, petition of sundry members of the Dudley P. Chase Woman's Relief Corps, No. 10, Grand Army of the Republic, Minneapolis, Minn., unanimously requesting that Union veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

155. Also, petition of sundry members of Jacob Schaefer Woman's Relief Corps, No. 46, Grand Army of the Republic, Minneapolis, unanimously requesting that Union war veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

156. Also, petition of sundry members of Appomattox Woman's Relief Corps, No. 33, Auxiliary to the Grand Army of the Republic, Minneapolis, unanimously requesting that Union veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

157. Also, petition of sundry members of auxiliary of Camp No. 8, Sons of Union Veterans of the Civil War, Minneapolis, Minn., unanimously requesting that Union veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

158. Also, petition of sundry members of Dudley P. Chase Post, No. 22, Grand Army of the Republic, Minneapolis, Minn., unanimously requesting that Union veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

159. Also, petition of sundry members of the Fifth District Federation of Women's Clubs of Minnesota, indorsing the Permanent Court of International Justice; to the Committee on Foreign Affairs.

160. Also, petition of sundry members of Carleton Post, No. 5, Veterans of Foreign Wars, St. Paul, Minn., requesting that Congress enact legislation looking toward pensions, work, and proper maintenance of hospitals or homes for deserving, honorably discharged veterans of the United States military service; to the Committee on World War Veterans' Legislation.

161. Also, petition of 600 residents of Balaton, Minn., and vicinity, urging the entrance of the United States into the Permanent Court of International Justice; to the Committee on Foreign Affairs.

162. Also, petition of sundry members of Columbia Circle, No. 7, Ladies of the Grand Army of the Republic, Minneapolis, Minn., unanimously requesting that Union veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

163. Also, petition of the Minneapolis Civic and Commerce Association, protesting against legislation providing for per capita payments to Minnesota Indians from their tribal funds; to the Committee on Indian Affairs.

164. Also, petition of sundry members of Lizzie M. Rice Circle, No. 41, Ladies of the Grand Army of the Republic, Minneapolis, Minn., unanimously requesting that Union veterans of the Civil War and their widows be granted an increase in pension; to the Committee on Invalid Pensions.

165. By Mr. PHILLIPS: Affidavits to accompany H. R. 2488, granting a pension to James A. Holsinger; to the Committee on Invalid Pensions.

166. Also, affidavits to accompany H. R. 2487, granting a pension to Mary E. Rhodes; to the Committee on Invalid Pensions.

167. By Mr. SMITH: Papers in support of H. R. 2775, granting an increase of pension to Rose A. Strawman; to the Committee on Invalid Pensions.

168. Also, papers in support of H. R. 2771, granting a pension to Knute Westerheim; to the Committee on Pensions.

169. By Mr. SOMERS of New York: Petition of the New York State Pharmaceutical Association, numbering 3,700, urging the reduction of tax on medicinal alcohol; to the Committee on Ways and Means.

170. Also, resolutions adopted by the Central Union Label Council of Greater New York, requesting Federal investigation of the proposed Bread Trust; to the Committee on the Judiciary.

171. Also, petition of the American Automobile Association, urging the removal of all war excise taxes on motorists; to the Committee on Ways and Means.

172. By Mr. TEMPLE: Papers in support of H. R. 1554, granting a pension to Maggie E. Anderson; to the Committee on Invalid Pensions.

173. Also, evidence in support of H. R. 4372, granting a pension to Lyman E. Snider; to the Committee on Pensions.

174. Also, evidence in support of H. R. 1555, granting a pension to Laura Crawford; to the Committee on Invalid Pensions.

175. By Mr. WOODRUM: Petition of the Young Women's Christian Association, of Lynchburg, Va., petitioning Congress to enact the necessary legislation to enable the United States to become a member of the World Court; to the Committee on Foreign Affairs.

SENATE

THURSDAY, *December 17, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our God, who hast also been our fathers' God, and hast proved Thy graciousness in daily loading our lives with Thy benefits, help us to realize not only our dependence upon Thee but our obligations to our fellow men, so that in every possible way we may help to serve the welfare of mankind. Give us a keener appreciation of our obligations and enable us to be devoted to the interests closest to Thy heart. Hear us, help us, we ask in Jesus' name. Amen.

THE WORLD COURT

The VICE PRESIDENT. In accordance with the order of the Senate agreed to on March 13 last, the Chair lays before the Senate, in open executive session, the special order for this hour, namely, Senate Resolution No. 5, submitted by Mr. SWANSON, which the Secretary will read.

The CHIEF CLERK. A resolution (S. Res. 5) submitted by Mr. SWANSON March 5, 1925, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations, as follows:

Whereas the President, under date of February 23, 1923, transmitted a message to the Senate accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein), upon the conditions and understandings hereafter stated, to be made a part of the instrument of adhesion: Therefore be it

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adhesion on the part of the United States to the said protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute), and that the signature of the United States be affixed to the said protocol, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution, namely:

1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting part 1 of the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the United States shall be in no manner bound by any advisory opinion of the Permanent Court of International Justice not rendered pursuant to a request in which it, the United States, shall expressly join in accordance with the statute for the said court adjoined to the protocol of signature of the same to which the United States shall become signatory.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adhesion by the United States to the said protocol.

Mr. SWANSON obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Robinson, Ind.
Bayard	Fletcher	Lenroot	Sackett
Bingham	Frazier	McKellar	Schall
Blease	George	McKinley	Sheppard
Borah	Gerry	McLean	Shipstead
Bratton	Gillett	McMaster	Shortridge
Brookhart	Glass	McNary	Simmons
Broussard	Goff	Mayfield	Smith
Bruce	Gooding	Means	Smoot
Butler	Greene	Metcalf	Stanfield
Cameron	Hale	Neely	Swanson
Capper	Harreld	Norris	Trammell
Copeland	Harris	Oddie	Tyson
Couzens	Harrison	Overman	Wadsworth
Cummins	Heflin	Pepper	Walsh
Curtis	Howell	Phipps	Warren
Dale	Johnson	Pine	Watson
Deneen	Jones, N. Mex.	Pittman	Weller
Edge	Jones, Wash.	Ransdell	Wheeler
Ernst	Kendrick	Reed, Mo.	Williams
Fernald	Keyes	Reed, Pa.	Willis
Ferris	King	Robinson, Ark.	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present. The Senator from Virginia will proceed.

Mr. SWANSON. Mr. President, the most important question that could engage the efforts of the statesmen of the world is to devise means to prevent the occurrence of war and to effect the settlement of international differences by the rules of justice and reason and not by force. Before this all other questions fade into insignificance.

War has become so far-reaching, so destructive of life, so devastating of property that there is a universal desire to prevent its recurrence. Another war similar to the great World War, with a repetition of the horrible experiences we have just passed through, would almost destroy the world's civilization. New inventions of destruction of every kind and character make the thoughtful and patriotic view with the gravest apprehension the future of mankind, if another such frightful war should occur. War is no longer limited to armies in the field, but it has become a contest of nations with all their population and industrial forces against other nations. Such war ends only after national exhaustion. When it is concluded it is difficult to determine whether the victors or the vanquished are the great sufferers. Both lay prostrate, and it takes generations of effort to recover what was so recklessly and ruthlessly sacrificed. Thus, the prevention of war is the most important of all problems.

War is largely occasioned by contact of nations. This contact frequently produces irritation, competition, and misunderstandings, and gives opportunity for passion and prejudice to have full play. The great improvement in facilities of transportation by steam, electricity, and air have brought closer the contact of nations and thus greatly increases the opportunities for misunderstandings and conflict. When aviation is fully perfected, as it will be, the world will be almost a family of nations in daily contact, with innumerable differences and misunderstandings continuously arising. Never before in the history of the world has it become more paramount that means should be devised by which international differences can be amicably settled without resort to force. The idealist, the philanthropist, the patriot, the statesman, and all the uplifting forces of the world are struggling for the accomplishment of this great and noble purpose. All who are now engaged in this great work should be commended and not derided. If many of the plans proposed are impracticable and if many of them are so idealistic as to be very remote of accomplishment, their agitation and discussion produce a sentiment for peace which in the long run will be most potential. Those who ardently desire peace should cease contentions among themselves as to the plans and cease severe criticism of those engaged in the work and try to obtain some common plan upon which they can reasonably unite.

The great philosopher and essayist, Emerson, well said that the troubles of the world largely arise because the better are ever waging war on the good while the evil are united. If the better and the good would cease conflict between themselves and unite, the triumph over evil could be easily secured.

The history of the world in all of its varied phases has lamentably shown that this division between the better and the good has frequently resulted in the triumph of the evil. Frequently good and progressive plans for betterment are vigorously assailed by the better, so called, because in all respects these plans do not measure up to the full ideals and desires of those who wish to go further and seek perfection long before it is attainable. Frequently all is lost in this dissension between the better and the good. I hope the efforts in the world to-day directed for the preservation of peace and the creation of instrumentalities, like the World Court, to aid will not furnish a repetition of this sad story.

Mr. President, wars are occasioned by international differences which have existed from the earliest recorded history of mankind and which will arise as long as mankind exists. Treaties, parchments, and promises will not materially change human nature. Wars in the future will be more numerous and more frightful unless ways are devised to settle international differences by peaceful means instead of force. The contact of nations is daily increasing and, as previously stated, will create increasing international irritation and disputes. Steam, aviation, radio, and electric communications, foreign trade and commerce have so interwoven the nations of the world that war is no longer isolated as formerly, and when it comes it ultimately envelopes most of the nations of the world. This was forcibly illustrated in the recent World War. Who would have thought that when Austria issued her ultimatum to Serbia that in less than three years more than 2,000,000 of American soldiers would be engaged on the battle fields of Europe? War is no longer isolated, and when the conflagration starts it increases and increases until most of the world becomes included in the consuming flames.

No nation is more interested than the United States in the prevention of war and in the settlement of international differences by peaceful means instead of by force. If any future world war should arise the United States would be the greatest loser and sufferer. We have become a great creditor nation, with vast sums of money due us and with large investments scattered in every part of the world. We have the largest foreign commerce of any nation. Twenty per cent of our varied production must find access to foreign markets or else depression, loss, and bankruptcy await our productive enterprises. No one is able to estimate what immense losses will accrue to the United States by another world war.

Mr. President, however much any of us may desire national isolation the time is past when this can exist, and if possessed it can not continue. Our development has been such that all which affects the world must inevitably affect us. Our national preeminence necessarily impels this. Thus, not only high motives of humanity, justice, and right but our material self-interests demand that the United States should make every effort to secure world peace and peaceful settlement of international differences.

Who among us would have America retire, surrender her preeminence, and fail to discharge fully the duty and responsibility which comes from her preeminent position? Are we to be timid, vacillating, and frightened by our own prodigious shadow as it projects itself athwart the world? Let our strength and greatness in the material world be measured by equal power for justice, truth, and world betterment.

Mr. President, since man organized political society many methods have been devised and utilized for the settlement of international disputes. The first used was diplomacy and negotiation. This began when mankind consisted only of small tribes and clans. The person of an ambassador or negotiator traveling from clan to clan and tribe to tribe to make settlements was held sacred. Any nation that violated the sanctity of such a person was considered uncivilized. Diplomacy and negotiation have prevented many wars; and if properly conducted, they constitute one of the most potential factors in keeping the peace of the world. But diplomacy, with its secret treaties, with its false promises, and with its selfish motives, has occasioned many wars, and the many discreditable methods frequently resorted to in its prosecution have often brought diplomacy into disrepute. The provision of our Constitution requiring all treaties made by the United States to be ratified by the United States Senate compels our diplomacy to be open and direct and protects it from the secret, sinister methods which have prevailed in the diplomacy of so many nations. We can make no secret treaties; hence the largest part of our diplomacy must necessarily be open to pitiless publicity. Our fathers were wise and far-seeing in providing this constitutional requirement. American diplomacy should move along these lines—be open, frank, and direct, and engaged in no transaction which will not bear the fullest public scrutiny.

The covenant of the League of Nations requires that all treaties made by its members shall be filed with the secretary of the league and thus full publicity be given to them. Now 55 nations of the 64 nations of the world have become members of the league, and these nations are bound by honorable promise to have no secret treaties or secret understandings. This will greatly improve the diplomacy of the world, avoid suspicion, and be a most potential factor in working for world peace. Over 900 treaties and engagements have been registered and published by the secretary of the League of Nations.

The second method that has been utilized for the settlement of international disputes is arbitration and mediation. The United States was one of the earliest, and we have been one of the most earnest advocates of this method. Commencing in the Jay treaty with Great Britain in 1794, the United States has settled more than 70 important cases by arbitration and an innumerable number of pecuniary cases have been so settled. Since 1789 the world has settled about 240 important cases by arbitration.

Arbitration had been so successful that the First Hague Conference in 1898 established a Permanent Court of Arbitration, believing in so doing it had provided peaceful means for settling all international disputes. This Court of Permanent Arbitration provided for the creation of a permanent panel of arbitrators, four to be selected by each signatory to the convention, and for the purpose of arbitration each party should select two from this panel and these four should select a fifth. Forty-three nations, including the United States, became members of this Hague arbitration court and assented to its various provisions. This convention provided an amicable system of arbitration, and since the court's organization in 1899 it has disposed of 15 cases of international differences.

In addition to arbitration, The Hague convention provided for mediation between contending nations, permitting one or more friendly powers to intervene with suggestions as to settlement, which advice should have no binding force and which should not be construed as an unfriendly act by any of the parties engaged in the controversy.

In 1908 Mr. Root, then Secretary of State, negotiated 22 arbitration treaties providing for the submission to The Hague court—

> of differences which might arise of a legal nature and relating to the interpretation of treaties between the contracting parties which it has not been possible to settle by diplomacy: *Provided, however*, That the action do not affect the vital interest, independence, or honor of the two contracting parties and do not concern the interests of a third party.

The ratification of these treaties provided that the agreement for arbitration should be made by the President by and with the advice and consent of the Senate. From 1914 to 1916 Mr. Bryan, Secretary of State, negotiated treaties with 20 nations. These treaties were ratified and provided for the appointment of a commission to investigate and report within one year all disputes arising between the nations which could not be settled by diplomatic methods, the nations agreeing not to begin hostilities before the report was submitted. The nations reserved the right to act independently of the report when submitted. These treaties have been popularly known as "the treaties of inquiry," and were negotiated in the hope that if a year should intervene before beginning hostilities the controversies could in the meantime be composed. Such of the Root and Bryan treaties as have expired have been renewed.

All of these treaties, including The Hague arbitration treaties, which embraced 43 nations, were in full force at the time and during the World War but were helpless to prevent or lessen that great catastrophe. Mediation and arbitration were helpless in the presence of the terrible forces of war and destruction then threatening the world. When the World War was concluded, statesmen and the peace-loving people of the world fully realized that some other methods than those then existing must be devised to avert war and its attendant disasters.

The Hague tribunal, with the splendid work of its conferences of 1889 and 1907, had not been able to keep the peace of the world and prevent the most frightful and extensive war that has ever cursed mankind. Germany, Austria, France, England, Italy, and Japan were parties to The Hague arbitration treaties, yet they were not restrained by these from engaging in a prolonged and bloody war. The inefficiency of these treaties to meet and solve an important and serious emergency was disclosed.

When the statesmen of the world met at Versailles to negotiate peace and end the war, they realized the necessity for new machinery and created two additional methods to further peace and to restrain war. The world is indebted for the new methods to the vision, genius, persistency, and courage of Woodrow Wilson.

First. The covenant of the League of Nations was created. It contemplated that all of the nations of the world should meet annually and discuss their differences, seek to settle their disputes, and cooperate for their mutual advantage and unite as far as possible to preserve the peace of mankind. Fifty-five nations have accepted the covenant of this league and are now in a union under its terms. It is expected that Germany will soon join, and other nations are expected to follow later. When this has been done, the United States and Russia will be the only first-class powers outside of the covenant. I do not at this time purpose to discuss the league, its work, its provisions, or whether it is wise or unwise for the United States to join. The United States has determined not to unite with the league, and there is no proposition pending before the Senate for this purpose, hence any discussion of that matter at this time would be ill-timed.

In passing I can not refrain from giving expression to my own individual views and say that the League of Nations to-day is the most potential factor in the world working for world peace and betterment; that it is gaining daily in influence and power; and that the day will ultimately come when the United States will desire and be compelled to become a member.

Mr. President, the second method devised to aid peace at the Versailles conference was to provide for the creation of a world court to hear and dispose of such international disputes as could be determined by a judicial tribunal. Article 14 of the league provided:

> The council shall formulate and submit to the members of the league for adoption plans for the establishment of a Permanent Court for International Justice. The court shall be competent to hear and

determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or action referred to it by the council or by the assembly.

In compliance with this direction the council invited a committee of jurists to prepare and submit to the council the statute of the court, to be submitted also to the assembly of the league. This advisory committee of jurists consisted of 11 of the ablest and most distinguished international lawyers that could be obtained from the various nations, and included Elihu Root, who had had distinguished public service in the United States as Secretary of War, Secretary of State, and Senator, and was acknowledged as one of our ablest jurists and statesmen.

This advisory committee met at The Hague in 1920 to accomplish the work assigned. On the motion of Mr. Root it accepted as the basis for its discussion the plan of a court submitted by the delegates from America to The Hague conference in 1907. The American plan of 1907 thus became the foundation upon which the existing World Court was constructed. There were modifications, but that plan is largely the plan finally adopted, reported, and submitted by this committee to the council of the league. The council considered the plan submitted at two sessions, made some amendments, and then referred it to the assembly of the league. In the assembly it was fully examined by a subcommittee of jurists, reported to the assembly, where it was fully discussed, some amendments adopted, and the present plan unanimously approved for submission to the members of the league. The main structure of the plan reported by the advisory committee of jurists was retained in the plan approved.

Mr. President, when the assembly of the league was considering the statute of the court, considerable discussion arose and much difference of opinion existed upon the manner in which the statute should be adopted by the States concerned. Article 14 of the covenant provides:

> The council shall formulate and submit to the members of the league for adoption plans for the establishment of a Permanent Court of International Justice.

One view which was strongly pressed was that the court could and should be constituted by the vote of the assembly alone. Those advocating this course insisted that the term "members of the league" meant the assembly of the league, composed of representatives of the members. If this view had prevailed the court would have become a creature of the league, brought into existence by its will and subject to its control. The other view was that the term "members of the league" meant the separate states which had assented to the covenant of the league, and that it was both expedient and necessary that the statute of the court should be ratified by the individual states. If this course were pursued, then the court would be free and independent of the league and would be controlled by the statute bringing it into existence. The statute of the court would be separate and distinct from the covenant of the league and have no relation to it.

This latter view prevailed and the assembly directed that the statute of the court should be submitted to the members of the league for adoption in the form of a protocol, to be duly ratified and thus to express the assent of the members of the league to the statute of the court. Further to emphasize the independence of the court it was provided that the statute of the court should become operative as soon as the protocol had been ratified by a majority of the members of the league. Thus, no court could be created except by the favorable individual action of a majority of the states which were members of the league. The separation of the court and the league is further emphasized by the fact that a nation can be a member of the league and not a party to the statute creating the court, and that it may be a party to the court statute and not a member of the league.

Forty-eight states, far more than a majority required, have assented to the protocol of the World Court statute. The court is an institution absolutely distinct from the league. It derives its power from its own statute and not the covenant of the league. The league enacts no law, no rule, no regulation governing the court. The league has no power whatsoever to modify in any respect the statute of the court. It has no power to remove any of the judges, as this can only be done by a unanimous vote of the members of the court. The authority for every act that the council and assembly of the league performs in connection with the Permanent Court of International Justice is derived from the statute of the court and not from the covenant of the league.

The council and assembly have been selected by the statute of the court as agencies or instrumentalities to do certain specified acts as authorized and directed. This is the view entertained by eminent lawyers and jurists who have given the question full examination and consideration. To obviate any possible doubt that may exist as regards the position of the United States in case of favorable action upon the pending resolution, it is specified in the resolution that—

> adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligation by the United States under the covenant of the League of Nations.

Mr. President, we will next consider the organization of the court.

The court consists of 15 members—11 judges and 4 deputy judges. They are elected for a period of nine years by the Assembly and Council of the League of Nations acting independently. The judges must obtain an absolute majority of votes of each body. The members are eligible for reelection, and when a vacancy occurs the person selected fills the unexpired term only. Every nine years there must be a new election of judges.

The members are elected regardless of their nationality and must be persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices or jurisconsults of recognized competence in international law. No member of the court can exercise any political or administrative function nor act as agent, counsel, or advocate in any case of an international nature. The judges are also prohibited from participating in any case in which they have previously taken any active part whatsoever.

The council and assembly are required to elect the members of the court from a list of persons nominated by the national groups in The Hague Court of Arbitration. All members of the court of arbitration at The Hague are permitted to make nominations. The United States as a member of the court of arbitration was permitted to make nominations. It made no nominations when the first selection of judges was made, although our Government was requested to do so, but subsequently when a vacancy had to be filled our Government made nominations. Provision is made for nominations to be made by members of the league who are not members of the permanent court of arbitration upon the same conditions as are prescribed for members of the court of arbitration.

Provision is also made, where no candidate receives a majority of both the council and assembly, for a conference between the two bodies which will insure an election and prevent a deadlock.

When the election of judges was first made there were 81 men nominated, and the council and assembly were able to select without much friction or delay the 15 members of the court. The method of election has proven satisfactory and has solved the difficulty which had heretofore always prevented the creation of a world court. A world court, as suggested by the American members to The Hague conference of 1907, would have been created, except for the impossibility of agreeing upon means of selecting the judges. The same difficulty arose in the selection of judges for the prize court.

All nations being considered in international law as equal, regardless of their size, it was impossible to get the consent of the larger nations to leave the selection of judges to an assembly of all the nations. The smaller nations insisted on this right, and the larger nations refused to accede to it. Thus, no satisfactory method had heretofore been devised by which the court could secure the election of its members.

When the advisory committee of jurists met they were confronted with this same difficulty, which had wrecked the world court at The Hague in 1907. Mr. Elihu Root suggested that the council and assembly of the league could be employed by the statute creating the court as a satisfactory agency for the election of its judges. The council consists of representatives of Great Britain, France, Italy, Japan, and six other members, selected from time to time in its discretion by the assembly.

The assembly consists of the representatives of the 55 nations which have become members of the league, each nation having an equal representation in this body. Thus, Mr. Root ably argued that by requiring the judges to be elected by both the council and assembly acting as independent bodies the large and small nations would have their respective rights relatively recognized, and he strongly presented that these bodies constituted the best agencies available for the selection

of judges. He pointed out that the council and assembly of the league were largely similar to our House of Representatives and Senate; that States were represented in the House of Representatives in the proportion of their power and population; that in the Senate each State, whether large or small, was given equal representation; that by this compromise the American Constitution was made possible, and that requiring the joint action of both to effect legislation had worked splendidly. Mr. Root deserves great credit for his ability in solving this difficulty, which heretofore had always wrecked the creation of a world court.

Mr. President, it is believed that if the United States adheres to this court she should be permitted to participate on an equality with other nations in the election of judges. This is made one of the conditions of adherence, as recommended by Presidents Harding and Coolidge and Secretary Hughes, and contained in the pending resolution. As the council and the assembly, in the election of judges, act entirely under the statute of the court and not under the covenant of the league, the United States can participate in this election without involving itself in any way with the obligations of the covenant of the league. When it votes for the judges in the council and in the assembly, as it would have the right to do in each body under the reservation, its power to vote is derived from the statute of the court and not from the covenant.

If the United States sits as a member of the council and the assembly, in electing judges it can not be the council and assembly under the league, but must and would be a different body acting under the statute of the court. The United States being a member of each of these bodies for election of judges would necessarily make it a different body from the covenant, and a body under the statute of the court. As to whether the United States can do this or not is to be determined by the statute of the court, and not by the covenant of the league. If the members who have adhered to the court assent to this it can be readily done without amendment either of the covenant or the statute.

This is the view entertained by Secretary Hughes and other eminent lawyers and jurists who have thoroughly examined and considered the matter. Some opponents of the court insist that this can only be accomplished by an amendment of the statute of the court. The statute makes no provision for its amendment. An amendment can only be effected by the same process which was employed in the original promulgation of the statute. This means a new protocol must be signed and ratified by 48 States. This means great delay, if not failure. It would reopen the controversies which were settled in the existing statute. It would put the United States in the embarrassing attitude of proposing amendments to the statute to which it had never assented. It would flavor of international impudence. Eminent and able lawyers and jurists insist it can be accomplished as effectively by reservations as by amendments.

No objection could be urged to a participation by the United States in this election except by the people who are so antagonistic to the league that they do not wish the United States to associate with it in any manner whatsoever, believing contact with it means contamination.

Mr. President, the United States has officially cooperated with the league in 19 important matters which it was compelled to do in order to accomplish important international results. Unofficially the United States has cooperated with the league in innumerable matters which became necessary to enable the United States to succeed in her undertakings. We already have had contact and cooperation; in the future it must and will increase, not decrease.

Mr. President, this system of electing judges has proven its success by the ability and character of the men chosen. One of the ablest members of the court was selected from the United States without any nomination by his Government, the Hon. John Bassett Moore, one of the world's foremost international lawyers and writers. I have not the time to discuss each individual member of this court, but shall print as a part of my remarks testimonials regarding each, which will prove that the court is constituted by men of the very highest character, capacity, and ability, and worthy in every respect to discharge the high and responsible duties that appertain to this great court.

The statute provides that the compensation of the judges and expenses of the court shall be borne by the League of Nations in such manner as shall be decided by the assembly upon the proposal of the council. Again, the statute uses the assembly and council of the league as agencies for this purpose.

The court is required to hold sessions every year, unless the rules of the court provide otherwise, to commence June 15. The president may summon an extraordinary session of the court whenever necessary. The official languages are to be French and English; though the court may, at the request of the parties, order other languages. The court was located at The Hague to remove it from the political atmosphere of Geneva.

The statute and rules of the court provide for an open and fair trial of all cases pending in the court, for public rendition of judgments, the filing of the opinions of the court and dissenting opinions of the other judges, for argument both oral and written, and both oral and written evidence. The procedure described in the statute and the rules established by the court are all that could be desired for the proper protection of litigants and to give the court the confidence and esteem of the world. Ample provisions are made for notice to be given to every nation affected by any matter pending before the court. Every safeguard and every precaution has been scrupulously taken to give ample hearing and opportunity to every state concerned. Every matter that has been considered by the court has been conducted in the strictest accord with the rules and procedure governing judicial bodies of the highest standing and reputation.

Mr. President, before proceeding further I desire to consider some objections which have been persistently urged against the organization of the court.

Some have insisted that as the judges of the court are elected by the council and assembly of the league, this makes them creatures of the league and subject to its influence. As previously stated, the assembly and council of the league in this respect derive all authority for their action from the statute creating the court and not from the covenant of the league. The election and the fixing of salaries of the judges of the World Court by the council and assembly of the league are similar in many respects to the selection of our Federal judges and the fixing of their salaries. The judges of our Supreme Court are named by the President and confirmed by the Senate. Under our Constitution we have three coordinate branches of government, each free and independent of the other—the judiciary free and independent, the legislative free and independent, and the executive free and independent. Our Constitution, one of the wisest instruments ever constructed by the statesmen of the world, uses the President and Senate as agencies for the selection of our Supreme Court and other Federal judges. The makers of our Constitution did not think it necessary in order to provide for the complete independence of the Federal judiciary to provide for their election by an independent body separate from the President and the Senate, but it used the Executive and the Senate, the high branch of the legislative body, to accomplish this purpose, thinking it far preferable and that far better results would be obtained than by the creation of separate machinery to accomplish this purpose. The salaries of our Federal judges and the expenses of the courts are fixed by Congress instead of a separate body. The makers of our Constitution thought it wiser and far preferable to have salaries fixed by Congress. They did not seek to secure the independence of the judiciary by depriving Congress of this power.

How splendidly this system has worked from the beginning of our Government is disclosed by the high esteem and confidence entertained for our courts. Has the Supreme Court of the United States under the Constitution lacked any independence in the discharge of its duties? Has the fact that the President nominates and the Senate confirms and Congress fixes their compensation made them subservient to the will of the President, the Senate, or Congress? No; far from this, the decisions of our courts have repeatedly nullified acts of Congress, expressing the judgment of the courts against Congress and against the Executive. One of the striking characteristics of our Supreme Court is its independence in declaring null and void acts of Congress as contrary to the Constitution. Instead of being derelict in establishing its independence some people have thought it has gone too far in this respect.

Under our Constitution Congress has the power to prefer charges of impeachment against members of the Supreme Court and the Senate has the power to try and remove Federal judges, yet this power has had no influence upon Federal judges either of our Supreme Court or lesser courts. No such power exists in the assembly or council of the League of Nations to remove the judges of the Permanent Court of International Justice.

Congress has the power to fix the jurisdiction, to modify and change, subject to the Constitution, the various laws

governing the Federal judiciary, yet this power on the part of Congress has had no influence on the independence of our judiciary. No such power whatever exists in the council or assembly in regard to the World Court.

The President and Senate have unlimited power of selection in naming the Federal judges. The council and the assembly can only select the judges from a list of nominations made by the national groups that are members of the International Court of Arbitration. This is the method specified in the statute. Thus, Mr. President, it seems to me that the method of election and of fixing the salaries of the judges of the World Court are such as will not in any way impair its independence or in any way make it subject to outside political influences. It is less subject to political influences, control, and temptation than are the judges of our Supreme Court, and the members of that court by their independence and freedom from political control have won not only the confidence of the country but of the world. I do not believe a better system that was possible of adoption could have been devised than the one provided in the statute creating the court.

Mr. President, we will next consider the jurisdiction possessed by this court under the statute. We will first determine the parties who are competent suitors in the court.

Article 24 of the statute provides:

> Only states or members of the League of Nations can be parties in cases before the court.

The jurisdiction of the court is limited to states; private persons and corporations can not present themselves as parties to a suit. But this does not preclude a state from appearing in behalf of a private person, provided the state has the right of protection, according to international law, over such person. The court determines whether such relation exists between the state and such person.

Article 35 of the statute provides:

> The court shall be open to the members of the league and also to states mentioned in the annex to the covenant.

Fifty-five nations are at present members of the league; hence the court is open to all of these. The United States, Ecuador, and Hejaz are nations mentioned in the annex to the covenant who are not members of the league and are therefore under this provision competent suitors in the court. Under this provision the United States is a competent suitor in the court.

As it was designed to make this court a world court in which all nations could litigate their disputes, provision was made for nations other than members of the league and those named in the annex to the covenant to become suitors in the court. Article 35 of the statute contains the following provision:

> The conditions upon which the court shall be open to other nations shall, subject to the special provisions contained in treaties in force, be laid down by the council, but in no case shall such provisions place parties in a position of inequality before the court.

This provision uses the Council of the League of Nations as an agency to fix the conditions upon which nations other than members of the league and those mentioned in the annex to the covenant should be permitted to become parties, if they so desire, to cases in the court. The council, in exercising the power conferred by this statute, is controlled, first, by the special provisions contained in treaties in force, and, second, that the parties permitted to use the court shall in no case be put in a position of inequality before the court. The council derives its power from the statute and is controlled in its exercise by these provisions. The council can make no conditions which will violate these directions.

The council, on May 17, 1922, by resolution, provided that the court should be open to these states on condition that they deposit with the court a declaration accepting the jurisdiction of the court and undertake to carry out its decision in full good faith and not to resort to war against a state complying therewith. The declaration provided for could be either, particularly—limited to given disputes, or general—applicable to all disputes. The resolution further provides for acceptance in the declaration of the compulsory jurisdiction of the court if desired, similar to the right possessed by other nations. The resolution gives full effect to the principle laid down by article 35, that nonmember states must not be placed in a position of inequality before the court. The nonmember states are given access to the court upon the condition that they accept the same obligations as member states. Absolute equality is preserved.

Under this provision Afghanistan, Egypt, Germany, Mexico, Russia, and Turkey would be allowed to utilize the court for the settlement of disputes. It should be noted that the United States is made a competent suitor in the court by the protocol of the statute and not by this resolution of the council. Thus, provision has been made by which every state can become, upon equal and fair terms, a competent suitor in the court. The fair proportion of costs of the court to be paid by such nations is assessed by the court. It should be noted the League of Nations is not a competent party to a case before the court. This court is indeed a world court and is open to all nations upon fair and equal terms.

Mr. President, we will now discuss the subject matter which can properly come before the court for decision. This is one of the most important matters in connection with the court.

Nineteen states with conditions requiring mostly reciprocity have accepted the compulsory jurisdiction of the court in certain specified classes of cases. The court also has compulsory jurisdiction conferred upon it by many treaties. In a number of recent treaties provision has been made for an obligatory reference of disputes to the World Court. The peace treaty with Germany, Austria, Hungary, and Bulgaria confer on the new court jurisdiction with reference to ports, waterways, and railways. It is possessed of jurisdiction in certain international labor matters. In the treaties of peace negotiated with Austria, Hungary, and Bulgaria, it is given jurisdiction for the protection of racial, religious, and linguistic minorities. This jurisdiction is obligatory as to all the signatories to the peace treaties. The special treaties made with Czechoslovakia, Greece, Yugoslavia, Poland, and Rumania, for the protection of minorities confers jurisdiction upon this court. Thus, the rights of more than fifty millions of minority people situated in the various European countries must be determined by this court. The Lausanne treaties made with Turkey confer jurisdiction upon the court. Time will not permit me to name the numerous conventions on the liquor traffic, arms traffic, freedom of transit, air navigation, and navigation of waterways which confer obligatory jurisdiction on the court. The court has compulsory jurisdiction for the interpretation of the mandates recently approved by the council of the league. The covenant of the league has been amended providing that, except where the parties to a dispute have agreed on the tribunal without stipulating in any convention between them for a tribunal to which cases are to be referred, the court shall be the Permanent Court of International Justice. Article 27 of the statute for the court provides that when a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Permanent Court of International Justice shall be such court. This will give it a very large obligatory jurisdiction. It will be called on to interpret the various clauses and provisions contained in the covenant of the league.

The recent Locarno conference, with its five important treaties, which constitutes a great landmark in the history of the world for peace, provided that all disputes of every kind with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court for International Justice.

In the agreements made by the allied powers with Germany, which includes the so-called Dawes plan, eight possible appointments were conferred on the permanent president of the court, and these agreements give the court itself an important jurisdiction in certain classes of cases or disputes. Time will not permit me to name the numerous agreements and treaties conferring either direct, conditional, or ultimate jurisdiction upon the Permanent Court of International Justice.

I will not further discuss the compulsory jurisdiction of the court. I have only mentioned it succinctly to impress upon the Senate the importance of this court and to indicate the many great international matters which must be brought before it for decision.

If the pending resolution is ratified by the Senate, the United States will become only a voluntary suitor in the court and be governed by the provisions of the statute appertaining to voluntary jurisdiction. The voluntary jurisdiction of the court is contained in article 36, which is as follows:

> The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

Therefore, if the United States should adopt the pending resolution of ratification the court would have jurisdiction only in such matters as the United States should see proper to refer to it, unless the United States in a treaty or convention had conferred jurisdiction on the court.

In order for the court to have jurisdiction of any matter affecting the United States it would be necessary for the President of the United States to enter into an agreement with some other nation to refer the matter to the court for decision. There would be no other way for the court to obtain jurisdiction in any matter binding the United States. This agreement by the President of the United States, when made, in order to give the court jurisdiction, would have to be done by and with the advice and consent of two-thirds of the Senate. There is no way in which agreements with foreign nations can be made under our Constitution except by the President, by and with the advice and consent of the Senate. There are minor international matters absolutely within the competence of the President and upon which he can make an agreement, but under our Constitution no important agreement can be made with a foreign nation except by the President, by and with the advice and consent of the Senate. As article 36 heretofore quoted contemplates an agreement between the United States and some other nation to refer the matter to the court, it necessarily follows that the agreement must be made by the President, by and with the advice and consent of the Senate. Therefore, all important matters that go to this court for decision must be approved by two-thirds of the Senate. I am satisfied that this must be done to comply with our constitutional requirements.

President Coolidge and Secretary Hughes both appear to entertain the opinion that this is necessary and proper. On February 10 of this year the President transmitted to the Senate the international convention for the suppression of the circulation of and traffic in obscene publications and recommended that the Senate adhere to that convention. Article 15 of the convention provided that if disputes arising under the convention could not be settled by direct negotiation, then they should be referred to the Permanent Court of International Justice. In his message to the Senate and in the letter of Secretary Hughes to the President, urging adherence to the convention, both recommended that the resolution of adherence should contain the following reservation:

> That recourse to the Permanent Court of International Justice or to arbitration provided for in article 15 of the convention can be had only by agreement thereto through general or special treaties heretofore or hereafter concluded between the parties in dispute by and with the advice and consent of the Senate.

This indicates the view entertained upon this matter by the President and Secretary Hughes.

This is the view entertained by Hon. George W. Wickersham, former Attorney General of the United States, one of our ablest constitutional and international lawyers, who is one of the leading advocates of the adherence of the United States to the World Court. When before a subcommittee of the Committee on Foreign Relations, in discussing this court, he said:

> So that in giving its adhesion to a court, in accepting the provisions of the Permanent Court of International Justice on the Hughes-Harding plan, all that the United States does is to say that if and when we shall agree to submit a particular controversy to judicial determination we will send it to this court.
>
> But the United States Senate stands as a hurdle which must be got over before the controversy can go to any tribunal for arbitration or decision by judicial process.
>
> Senator SWANSON. You mean if we adopt the voluntary feature of this Permanent Court of Justice, even if we adopt it according to the Hughes recommendation, if we ever utilize the court eventually it must be done with the consent of the Senate?
>
> Mr. WICKERSHAM. Exactly. I think there can be no question about that.
>
> Senator SWANSON. There can be no question about that on a specific case.
>
> Mr. WICKERSHAM. On a specific case.

The question arose when the arbitration treaties of The Hague conference of 1907 were before the Senate as to how the reference under them should be made and by whom. The Senate in ratifying these conventions of arbitration provided:

> The United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

This fully and satisfactorily clarified any contention as to the method to be pursued in the referring of matters to the court of arbitration. The provision stipulated that it could only be done by treaty and the Constitution clearly provides that all treaties must be made by the President, by and with the advice and consent of the Senate.

The Root arbitration treaties with Great Britain and other nations to make effective The Hague convention provided:

> It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate.

So, in this resolution of ratification the provisions of the Constitution were clearly complied with and a reference in each case had to be made by the President of the United States, by and with the advice and consent of the Senate.

Mr. President, if the protocol of the statute of this court is ratified, as proposed, the people of the United States, in all matters referred to this court for decision, would have the full protection of their rights, as provided by the Constitution for foreign agreements and treaties.

I do not think it wise to deviate from our constitutional method of settling important international affairs. There has arisen among some executives a disposition to ignore the constitutional rights of the Senate in connection with foreign affairs. This should not be encouraged. Unless the agreement to refer the matter to the court was made according to our constitutional methods by the President, by and with the advice and consent of the Senate, a question of jurisdiction might be raised in the court and, besides, the question might arise that the reference was not constitutional, and thus create a less willing and cheerful acquiescence in the decision when rendered.

The question of method of reference is a domestic matter to be determined by us and does not affect the court. With a resolution providing that reference to the court shall be by special or general treaties, ratified by the Senate—to which I personally have no objection, although I think it unnecessary, because the Constitution gives ample protection—all the false clamor that has been created about the emigration question and the Monroe doctrine being put in jeopardy disappears in empty declamation and vain delusion.

Those who urge the jeopardy of the Monroe doctrine as a reason for opposing adherence to the court's statute admit that while the United States could not be bound legally in this matter except by a submission to which it assented, yet they insist that the United States might be greatly embarrassed morally in giving adherence to a court to which, by agreement, other nations might refer a matter affecting the Monroe doctrine. If adherence to the Permanent Court of International Justice would so embarrass us, we are already embarrassed to the fullest extent to which we could be embarrassed in this matter. The United States and 43 nations have agreed to The Hague convention of 1907 establishing a court of arbitration to which nations can refer for decision any and all matters that could be considered by the Permanent Court of International Justice. Any matter affecting the Monroe doctrine that could be considered by one court can be considered by the other without any greater embarrassment being incurred. If adherence to this court embarrasses us, adherence to The Hague Arbitration Court has already equally embarrassed us. The United States would assume no new embarrassments, create no new conditions affecting the Monroe doctrine by adherence to the Permanent Court of International Justice. If those who make the contention are sincere, they will strive as strongly to disconnect us from the arbitration court of The Hague as they do to prevent adherence to the World Court. But, Mr. President, we witness the remarkable inconsistency that those who most strongly antagonize the World Court are the strongest advocates of the Arbitration Court.

The United States is not and can not have the slightest embarrassment affecting the Monroe doctrine either by adherence to the World Court or the Arbitration Court.

The declaration of policy in the resolution of ratification of The Hague convention contained the statement that nothing shall—

> be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

This was merely a declaration of policy on the part of the United States and did not in any way affect the convention. It did not in any way prohibit two states from agreeing to refer to The Hague court for settlement a matter affecting the Monroe doctrine. It was only a notice that this political question could not be construed as having been abandoned in any way by the United States. Personally, I have no objection to a similar declaration upon our traditional Monroe doctrine, though it is unnecessary and would be of no value, if it will bring relief and composure to troubled minds and souls.

Mr. President, the next matter to be considered in connection with this court, after matters have been referred to it, is the principles which shall govern the court in reaching its decisions.

It should be noted that in article 36, fixing the voluntary jurisdiction of the court, it states that its jurisdiction shall comprise "all cases" which the parties refer to it. The other jurisdiction is "all matters" specially provided for in treaties and conventions in force. Where its voluntary jurisdiction is outside of treaties and conventions the term "all cases" is used. Now, the term "cases" in legal proceedings imports a state of facts which furnishes occasion for the exercise of the jurisdiction of a court of justice. The word "cases" as used in section 2, Article III, of the Constitution of the United States has been construed as a subject on which the judicial power is capable of acting and which has been submitted to it by a party in the forms required by law. It would therefore seem that the voluntary jurisdiction of the court upon cases referred to it should be those which consist of a state of facts upon which judicial opinion can be rendered. This would exclude political and indefinite questions not suitable for decision by a judicial tribunal. This fact seems to be further established by the directions to the court contained in article 28, prescribing the four principles which must govern the court in reaching its decisions. These provisions are as follows:

First. The court shall apply—

international conventions, whether general or particular, establishing rules expressly recognized by the contesting States.

This provision makes it imperative upon the court to recognize rules laid down by an instrument agreed to by both parties as binding upon them. The court's duty is limited to interpreting and applying these rules agreed upon. This is in accordance with judicial procedure and with the most elementary principles of international law and justice.

Second. The court is directed to apply—

international custom as evidence of a general practice accepted as law.

This must, of course, yield to the provisions of the first section when the parties have agreed. Where the parties have not agreed this is the principle to be applied in the decision of the case. The parties may agree to nullify a custom which has become general, and such agreement must be interpreted to control the decision. Custom is one of the great sources of international law. Conventions, agreements, and practices assented to by a large number of States afford evidence of such general practice as to constitute custom. In each case it is for the court, by examination and argument, to determine whether there is an international custom of sufficient force to be considered in the determination of the case. A court is the best body that could be utilized to settle international disputes the settlement of which must be determined by the existence of custom which amounts to international law.

The Anglo-Saxon English-speaking people have had a most happy experience in their courts determining the customs which have existed among the Anglo-Saxon people for years and giving them the force and effect of law in their decisions. The decisions of the courts preceded Parliament in fixing the rights of Englishmen and fixing their customs into law. Some of the greatest rights of liberty and property possessed by Englishmen and their descendants have been derived from their common-law courts in thus administering the law. The early acts of Parliament consisted mostly in declaring and making definite the decisions of wise and independent courts.

Third. The court shall apply—

the general principles of law recognized by civilized nations.

It should be noted that this provision provides for the principles of law recognized by civilized nations and does not limit it to international law recognized by civilized nations. It says "law" without restriction or qualification. The source of law here contemplated embraces those broad rules and maxims especially associated with the Roman and Anglo-Saxon systems of jurisprudence and which are common to the good sense, conscience, and judicial systems of the enlightened and civilized portions of mankind. As it is a world court and designed to administer international justice and law to all nations, it must necessarily embrace in its system the principles of law and justice that are world-wide. It must include the many systems of law recognized among the enlightened nations of the world. Until international law is codified and accepted by the various nations, a better method of prescribing the principles to govern the court other than the two heretofore mentioned could not be given than that expressed in this paragraph. The decisions of this court will go far toward making more definite international law and will be invaluable in assisting the codification of international law, which I hope some day to see accomplished. Of course, the law to be administered under this section will be mostly international law, as the disputes will be international. International law for more than two centuries has been growing in definiteness and in extent and has become to a large extent, like the English common law, sufficiently clear and definite to be administered by courts. There are some who contend there is no such thing as international law, and hence it is impossible to administer it. The fathers of our Constitution thought otherwise. The Constitution, Article I, section 8, enumerating the powers conferred on Congress, specifically gives the following power:

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

So, in 1787 the law of nations was definite and had grown sufficiently stable for our fathers to empower Congress to punish offenses against it. Against the contention of some in this country that there is no international law that can be administered I point to the conclusion and action of the ablest body of men ever met and who included this provision in the Federal Constitution.

The Supreme Court of the United States, commencing with Chief Justice Marshall, in some great decisions, has defined and decided matters upon international law. Since this time international law has grown greatly in scope, in usefulness, and in definiteness. There can be no question but that the court has before it under this provision ample law to render just decisions in many disputes.

Fourth. The statute provides that the court shall apply—

subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

Article 59, which controls this paragraph of this section, is as follows:

The decision of the court has no binding force except between the parties and in respect of that particular case.

In adjudicating a case a previous decision of the court can be considered, but it is not conclusive except in that particular case and can not dispose of any other case pending in the court. The court is directed to consider the judicial decisions of national courts, of other international tribunals, and of its own in reaching its conclusion.

This is in accord with the universal custom of courts. The fact that the decisions of the court are not conclusive except in a particular case may to some extent prevent decisions of the court from giving definiteness to international law. While it may to a limited degree retard this, yet it is better for this to occur than that nations should be precluded by a decision of the court in a case to which they were not parties and had no opportunity to present their views and contentions. I believe this provision is wise and ultimately will have very little, if any, deleterious effect in making the decisions of the court a great source of international law.

These are the four principles of the statute providing what the court shall apply in determining cases. These four principles are the ones which should govern judicial decisions of the court upon international matters. The principles to be applied are only those which can be used in the determination of judicial questions and are not applicable to political questions. Since the statute used the word "cases," which implies a state of facts to be decided by a judicial tribunal, and uses to settle these cases only methods which are applicable to judicial decisions, the conclusion is irresistible that the voluntary jurisdiction of the court, outside of matters of convention and treaty, is limited to questions permitting of judicial decision. It seems to me, therefore, that this tribunal, by its structure, by its jurisdiction, and by the method prescribed for deciding cases, is preeminently a judicial tribunal. It should be noted in this paragraph that there is a provision in article 38 as follows:

This provision shall not prejudice the power of the court to decide a case ex aequo et bono, if the parties agree thereto.

It should be noted in this paragraph that the jurisdiction of the court is still confined to "cases" with all the import that the term implies. This means that the parties may agree to let the court determine the "case" submitted according to the broad principles of justice and right, unrestricted by narrow legal rules and principles. In order to do this the parties must have clearly and specifically so agreed when the case is submitted, otherwise in deciding the case the court will be controlled by the provisions previously enumerated in this paragraph.

Mr. President, I have fully discussed this feature of the court because some of its opponents have insisted that the court, as constituted, has no law to administer except its own will and that it is thus a lawmaking and not a law-judging body. It is insisted that the creation of a World Court should be delayed until international law has been codified, so that the court would have a definite code or definite law to administer.

Mr. President, if we are to wait until international law is codified and becomes binding on a sufficient number of nations of the world to make it operative before we have a World Court, I am afraid we would have to wait for centuries, and that neither you nor I nor the next generation will witness the creation of a world court. International law can only be codified and made operative by treaties and international agreements and conventions. To get 48 nations of the world, the number now adhering to the World Court, to agree to this codification would be an undertaking requiring years for its accomplishment. International bodies have met and tried to codify even the law of prizes and the administration of international prize courts, but have found it impossible to do so. The condition of adherence by the United States to the World Court upon the codification of international law is to postpone the matter indefinitely, and would properly be considered a refusal.

Mr. President, it is not true that this court is left to its own will to administer law. I have fully argued the principles which must govern the court in rendering its decisions. I have discussed the provisions contained in article 36, which the court must apply in reaching its decisions. It states that the court must first apply conventions and rules expressly recognized by the contesting states; second, international custom as evidenced by general practice accepted as law; third, the general principles of law recognized by civilized nations; and, fourth, the judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law. I do not know how a court could have the principles governing its decisions better or more clearly expressed. Improvements might be made, but the directions given the court in the statute are sufficiently clear and positive to make it a judicial tribunal to administer law and not make law.

Mr. President, this voluntary jurisdiction which I have been discussing is the only jurisdiction the court would possess respecting the United States under the pending proposal for adherence, but there is another jurisdiction belonging to the court which it is now exercising and which I desire to discuss, although it would not affect us, as it has been the occasion of opposition to and criticism of this court by those unfriendly. I allude to the advisory opinions delivered by the court.

The court may give advisory opinions when requested by the council and assembly of the covenant of the league. The plan as originally recommended to the council by the committee of jurists included this provision:

> The court shall give an advisory opinion upon any question or dispute of an international nature referred to it by the council or assembly.

This provision made the giving of advisory opinions by the court imperative; it had no discretion. The statute of the court as finally recommended by the council to the assembly and by it to the various nations for adoption eliminated this provision.

Thus, the statute of the court does not mention advisory opinions, but the court after careful consideration reached the conclusion that there were certain clauses of the statute creating the court which by implication incorporated the provision of article 14 of the covenant of the league on that subject within the statute. Article 14 of the covenant is as follows:

> The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly.

The court therefore decided that it would not be justified in taking the position that it would not in any case give an advisory opinion, but that it remained for the court to determine whether it would or would not in any particular case, after consideration of the nature of the question, give an advisory opinion.

The incorporation of this provision in the statute by implication left the matter of advisory opinions within the discretion of the court.

The court adopted rigid rules governing the rendering of advisory opinions. The rules provide that the opinion shall be given by the full court after deliberation and permits the dissenting judges to attach their opinions to that of the court. The request for the advisory opinion must be in writing and state the exact question upon which the advisory opinion is asked. Notice of the request must be given to the members of the court, members of the league, nations mentioned in the annex to the covenant, and any international organization possessed of information upon the matter. Public hearings are held and full argument permitted by attorneys for parties affected.

The court reaches its conclusions by a majority vote and the opinion is read in open court. The requests for and the advisory opinions are printed and published in a special collection. In rendering advisory opinions the court conforms as near as possible to judicial procedure. The rules and action of the court exclude any proposition that advisory opinions may be rendered in an advisory sense or as advising counsel for the council and assembly of the league.

When the court was preparing its rules one of the deputy judges proposed that the proceedings on request for an advisory opinion be secret and that the opinion be communicated only to the body, council, or assembly, that asked for it. This proposition was promptly rejected on the ground that it would make the court a secret consulting agency of the league and its counsel rather than a court. In all matters coming before it it acts as a court.

Mr. President, the giving of advisory opinions by courts is no new matter. A number of Canadian courts possess jurisdiction to give advisory opinions. In England the judges have at times given opinions to the Government, and the House of Lords sitting as a court may still request judges to give such opinions. The constitutions of Colombia and Panama confer jurisdiction on the courts of their respective countries to give advisory opinions. Since 1780 the constitution of Massachusetts has provided for advisory opinions to be given by the justices of its supreme court "upon important questions of law and upon solemn occasions" at the request of either branch of the legislature, also the governor and council. These opinions are construed possibly as opinions of the justices and not as a decision of the court, though they are published in the Massachusetts Law Reports as the opinions of the court. As they are not binding as decisions of the court upon any question arising in the future, they may be considered more as the opinions of the justices than as decisions of the court. These opinions possess a judicial character.

Similarly, the opinions given by the World Court are not binding upon any case which might in the future arise. The giving of advisory opinions by the Supreme Court of Massachusetts has not in any way detracted from its dignity, influence, or ability. The decisions of this court have long been considered preeminently able among the decisions of our State courts. The constitution of New Hampshire has provided for such advisory opinions since 1784, the constitution of Maine since 1820, and the constitution of Rhode Island since 1842. In Tennessee the governor has been authorized to require the opinion of justices on certain questions since 1868, and in South Dakota since 1884. The constitution of Colorado since 1886 has imposed the duty of giving advisory opinions on the court itself, and its opinions have all the force and effect of judicial precedents. Delaware by statute since 1852 has imposed on the chancellor and judges the duty of giving opinions to the Government in certain cases and on certain questions. Alabama recently passed a statute providing that the governor or either house of the legislature may petition the justices of the supreme court on constitutional questions. The statute provides that the opinions shall not be binding, and the validity of the act has recently been confirmed by the court. In Oklahoma where the death sentence is imposed in a criminal case and no appeal from the sentence has been taken, judges of the criminal court of appeals are compelled by the statute to give an opinion to the governor whether the sentence has been imposed and whether the trial, conviction, and sentence of death have been in accordance with the law of the land.

While the practice of giving advisory opinions is not followed by our Federal Government or by a majority of our State courts, yet it is not new and has many advocates for its extension as a means of preventing litigation and of creating cooperation and uniformity within the different branches of the Government.

In 1793 President Washington and his Cabinet submitted 29 important questions to the Justices of the Supreme Court for an opinion thereon. The justices declined to give the opinion on the questions submitted, as they could see strong arguments against the propriety of deciding cases extrajudicially, and especially refused on the ground that the power given by the Constitution to the President in calling on heads of departments for opinions seems to have been expressly confined to the executive departments. The fact that President Washington

called on the Supreme Court for such opinions clearly shows that at that time it was not considered as unusual or revolutionary.

There can be no reason why the United States should refuse to adhere to the statute creating the World Court for the reason that it may, when it sees proper, give an opinion when requested to do so by the council and assembly of the league. As previously stated, these opinions are not binding when given, and they could not affect the United States under the terms proposed for ratification unless the United States was a party to the request for such an opinion. Much of the important work of the court will be in rendering these advisory opinions. There had been registered with the secretary of the league on the 1st of August, 1925, more than 900 treaties, many provisions of which the council and assembly must administer. In order to justly and legally administer some of the provisions of those treaties it is necessary that there should be legal interpretations and decisions as to their import. When a treaty has been legally and properly interpreted the council and assembly can then properly act in the matter. There are facts in these treaties which must be determined definitely before the council or assembly of the league can proceed to act or make settlements. There are definite questions of law which must be fixed before disputes can be determined by the council or the assembly. There are many judicial matters necessary to be justly and legally determined before the council or assembly can act in matters conferred upon them by the covenant and the treaties.

The Permanent Court of International Justice is a tribunal to which all these judicial matters can be properly referred, and thus enable the council and assembly to proceed in discharging their duties with legal precision and justice.

It is impossible to overstate the vast and varied matters of world-wide importance and significance that have been reposed by the many treaties in the League of Nations for settlement. Each year its power, its influence, and its great value increase. Scarcely a treaty is made now in which some disputed matter is not either referred to the league or to the court for settlement. It is imperative that there should exist a legal tribunal of high character, ability, and possessed of confidence to which these legal and judicial matters can properly be referred. It is far better for peace and justice that such questions should be settled by a court than by political bodies. To deprive it of this field specially suitable for judicial determination would be to destroy more than half of its usefulness.

Mr. President, before I conclude I shall discuss the advisory opinions rendered by the court, and I hope to convince the Senate that these opinions have been wise, just, judicial, only upon questions admitting of judicial determination, and that they have contributed to the reputation of the court and established it in the confidence and esteem of the world. I shall show that no political opinion has ever been rendered. I shall show that these opinions when rendered have been acquiesced in and have settled many acute and prolonged disputes. The decision of the court succeeded where all other efforts and methods of settlement have failed.

Mr. President, we will next examine and ascertain what sanctions are provided in the statute of the court to enforce its decisions. The statute creating the court is silent in this respect, and the court's situation is not unlike that of the Supreme Court of the United States. It depends largely, like our Supreme Court in its decisions between States of this Union, upon the compelling power of public opinion. No provision is made in our Constitution for the enforcement of a decree against a State, yet the States have invariably accepted the decisions of the Supreme Court.

The protocol to the statute contains no suggestion of force or compulsion to be used in enforcing its judgments. The court has no sheriff, no armies, no navies to execute its will. It is powerless to invoke force. The court renders its judgment and must rely upon the moral sanction of public opinion or influences entirely outside of the court for enforcement. It is believed that the inherent authority derived from a judgment rendered by a court of such high character and independent position will be accepted and carried into effect. It is believed that moral pressure will constitute an effective guaranty for the execution of the court's decrees.

The only sanctions that exist for the enforcement of the judgment of the court are to be found in the covenant of the league, and these are only binding upon its own members. They do not affect the states not members of the league. In order to relieve any apprehension that may exist in this respect the pending resolution specifically provides that adhesion by the United States to the protocol shall not be taken to involve any legal relation on the part of the United States to the league or the assumption of any obligations by the United States under the covenant of the league.

Mr. President, I have discussed the statute that controls the court, the court's origin and organization, its rules, its procedure, the competence of its suitors, the subject matter of its jurisdiction, and its sanctions. I have answered satisfactorily, I hope, the objections that have been urged and the criticisms that have been directed against the court in these respects. We will next examine the actual work of the court.

The most important of all things in connection with the court is how well, how successfully, how efficiently, how wisely, how justly has it disposed of the disputes that have come to it for decision and settlement. The judgments rendered, the opinions given, must and should be the measure of its worth. These, more than exaggerated oratory for or against it, disclose what the court is and what it offers in the future for the settlement of international differences. Judge the court by achievement, not by either fulsome compliment or partisan criticism.

Mr. President, I hope the Senate will bear with me while I describe as succinctly as possible the decisions and opinions of the Permanent Court of International Justice, believing that they furnish the best refutation of the unjust attacks and charges that have been directed against this court.

Since its organization in 1922 the court has rendered 18 judgments and opinions. I shall discuss them in the order in which they have been rendered.

The first advisory opinion of the court was rendered upon the request of the Council of the League of Nations in regard to the selection of two delegates by the Government of the Netherlands to the third session of the International Labor Conference.

Under the Versailles treaty members of the labor organizations were authorized to send to the International Labor Conference four delegates, two to be government delegates and two to be nongovernment delegates. In the selection of nongovernment delegates section 389 provides that they would be—

> chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or work people, as the case may be, in their respective countries.

The two nongovernment delegates had been named in agreement with three trade-unions in the Netherlands which, in the aggregate, had 282,000 members, but not in agreement with a Netherlands trade-union which had 218,000 members. As the trade-union not in agreement had more membership than any one of the other three unions, and almost as much as the three combined, it insisted that the two delegates named as nongovernment had not been selected in accordance with the provisions previously stated, since they had not been selected in agreement with this union.

The court unanimously concluded that in a country where there are several organizations of employers and workpeople, all of these organizations may be taken into consideration in the nomination of the employer and workpeople delegates, not merely that one which has the largest membership, even though that one may be the most representative. The action of the Netherlands Government was sustained, and the opinion was acquiesced in by all of those concerned. This decision constituted a distinct clarification of the provision and will be of great assistance in the future to govern in nominating nongovernment delegates to the international labor conference.

The second opinion of the court was rendered in pursuance of a request of the council on the question whether the international labor organizations extended to the international regulation of the conditions of labor of persons employed in agriculture.

Proper notice was given to all concerned, and after full argument and consideration the court decided that the language of the treaty of Versailles was free of any ambiguity on the point and the labor of persons engaged in agriculture were included under the competence of the international labor organization.

The third opinion rendered by the court in pursuance of a request of the council was for the court to give a supplementary opinion on the following question: Does examination or proposals for the organization and development of methods of agricultural production, and all other questions of like character, fall within the competence of labor organizations?

The court expressed the unanimous opinion that while the organizations and development of "means of production" are not committed to the international labor organizations it is not necessary for the organization to exclude totally from its consideration the effect upon production of measures which it might seek to promote for the benefit of workers. The court

found it impossible to pass upon the labor organization's competence as to "other questions of like character"; that this was entirely too indefinite and not a specific matter for decision or opinion. The court thus clearly indicated that it was not an advisory body but a deciding body.

The fourth opinion of the court was rendered in what is popularly known as the Tunis-Morocco nationality question.

France had issued decrees applicable to the French zone in Tunis and Morocco, which decrees in their application affected British subjects residing in this zone. Great Britain insisted that these decrees should not be operative against British subjects residing in the zone on account of existing treaties with France and the fact that France exercised a protectorate over Tunis and Morocco which were held under treaties with Great Britain and other nations. France insisted she had a right to issue decrees governing Tunis and Morocco as a sovereign in its own territory, and her decrees being limited in application to this territory was entirely of a domestic character and presented no question of international character whatsoever. The issue between England and France upon these decrees became very acute, produced much irritation, and was fast drifting into a most unfortunate situation.

The council of the league took cognizance of the matter and at the solicitation of Great Britain and France requested the Permanent Court of International Justice to express an opinion upon the following question: Whether the dispute referred to above is or is not by international law solely a matter of domestic jurisdiction. The dispute had become so acute and important that an extraordinary session of the court was called to consider the matter.

Although the matter was before the court for an advisory opinion, it was dealt with as if it had been a contested case between Great Britain and France, and it was elaborately presented by both Governments. The arguments before the court consumed five days and 20 meetings were held during the session of the court.

The court concluded that while a state possessed an exclusive jurisdiction in regard to nationality questions in its own territory, the question whether this extends to protected territory is a question of international law and that the situation in Tunis and Morocco being controlled by many treaties between France and Great Britain and other nations, that the dispute was not, by international law, solely a matter of domestic jurisdiction.

It should be noted that this opinion of the court was unanimous and was concurred in by the French member of the court. It should also be noted that though the decision was adverse to France, France had it entered of record that the French Government proposed to the British Government that the case be submitted on its merits to the Permanent Court of International Justice, indicating France's complete confidence in the integrity and ability of the court. After this opinion the dispute was promptly settled by Great Britain and France and the matter removed as a disturbing factor in international affairs. The question submitted to the court was strictly a matter for judicial decision and the conclusions reached, and the settlement afterwards made, evinces the competency of this court as a means of disposing of international differences. No one can tell how long the matter would have been protracted nor estimate the extent of the irritation which would have been engendered between Great Britain and France, if this court had not existed and pronounced the law covering the case, which finally settled it and was acquiesced in by all. Wars have been engendered by issues far less important than this one.

The fifth opinion given by the court was upon what is known as the Eastern Karelian question.

A treaty of peace was concluded between Finland and Russia. Articles 10 and 11 of this treaty referred to "the autonomous territory of Eastern Karelia" and confers certain rights on the Karelian population of the "Governments of Archangel and Olonetz," "which shall enjoy the national right of self-determination." At the general meeting of the peace delegates a declaration was inserted in the procès-verbal on behalf of the Russian delegation by which certain rights were guaranteed to the Karelian population of the Governments of Archangel and Olonetz.

On December 31, 1920, ratifications of the treaty were exchanged at Moscow, but the procès-verbal of the exchange does not mention the declaration made by the Russian delegation at the general meeting. The Karelian population arose in insurrection, complaining of the nonexecution of the guaranties and the Finnish Government addressed a letter to the Council of the League of Nations complaining of the failure of the Russian Government to execute its guaranties and agreements and asked the council of the league to consider the question with a view to arriving at a satisfactory solution to the two parties concerned, and also to ascertain if one of the members of the league which is in diplomatic relations with the Government at Moscow might not ascertain that Government's intentions in that respect. The Esthonian Government exchanged notes with the Russian Government and invited the latter to submit the matter to the council. The Russian Government replied that the Eastern Karelian question was to be regarded as one of a purely domestic character and insisted that the provisions of the treaty and declarations were only intended as information regarding a situation already existing.

The Finnish Government later addressed a letter to the council of the league expressing a desire that the council request the Permanent Court of International Justice to adjudicate not only upon the legal aspect of the question but also upon the other differences of opinion as to which this question had given rise. On April 21, 1923, the council decided to ask the court for an advisory opinion on the following question:

> Do articles 10 and 11 of the treaty of peace between Finland and Russia, signed at Dorpat on October 14, 1920, and the annexed declaration of the Russian delegation regarding the autonomy of Eastern Karelia, constitute engagements of an international character which place Russia under an obligation to Finland as to the carrying out of the provisions contained therein?

The question thus submitted was the interpretation of a treaty and the declarations accompanying it between two governments and was clearly a matter permitting of a judicial conclusion. Notice was given to all the members of the league, the nations mentioned in the annex to the covenant, including the United States. Notice was also given to the Russian Government. To this notice M. Chicherin, the Commissary for Foreign Affairs of the Russian Government, replied stating that the Russian Government found it impossible to take any part in the proceedings, which were without legal value, resuming the position previously taken, and repudiated the claim of the right of the League of Nations to intervene in the question of the internal situation in Karelia.

The court heard the representatives of Finland on the competence of the court to consider the matter in this situation. On July 23, 1923, the court handed down the conclusions of a majority of the court of seven judges—four dissenting. The court concluded that as it was requested to give an opinion on an existing dispute between Finland and Russia, and as Russia had never consented to any submission of the dispute, it was impossible for the court to give the opinion requested.

The court in this case very properly acted within the limitations surrounding judicial action. Its conclusions in this matter give force and dignity to its advisory opinions. In this opinion it is declared:

> The court, being a court of justice, can not, even in giving advisory opinions, depart from the essential rules guiding their activity as a court.

This opinion was not acquiesced in by the council, but it did not affect the court.

This decision clearly established that the court is not subject to the council or the assembly, but is an independent body, uncontrolled by the council or the assembly of the league, and exercises the right to give advisory opinions, and that in giving advisory opinions it will be controlled by judicial procedure and principles. This position has enhanced the reputation of the court and increased the confidence and esteem held for it as a world tribunal, free and independent.

The sixth action of the court was in a decision in the Kiel Canal case. This case arose as follows: A British steamship had been chartered by the French armament concern, loaded with war material and sought to go through the Kiel Canal to Poland in order to furnish war supplies to the Polish Government, which was then at war with Russia. Germany refused permission for the vessel to go through the Kiel Canal on the ground that it violated the neutrality which it had declared in the existing war between Russia and Poland. France and Great Britain insisted that under article 380 of the Versailles treaty the vessel was clearly entitled to have passage through the canal. Article 380 is as follows:

> The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality.

Under the treaty of Versailles jurisdiction in this matter was conferred on the court. The Council of Ambassadors had sought to take jurisdiction of the matter, but Germany pointed

out that the treaty gave jurisdiction to the court, and hence on January 16, 1923, application was made to the court by the British, French, Italian, and Japanese Governments to give judgment whether the German authorities reasonably refused free access to the Kiel Canal for this vessel. Notice was given to all the parties concerned, including Germany. As no citizen of Germany was a member of the court, Germany was entitled to name a national judge to sit in the case, and named Professor Schucking. Poland was permitted to intervene in the case.

The case was fully argued. The facts in the case were not in dispute, and the only question before the court was the interpretation of article 380 of the Versailles treaty. Germany contended that that provision only applied in time of peace and not in war, and that her neutrality obligations to Russia had not been affected by the treaty of Versailles, and as the vessel contained war material it was her duty to Russia, as a neutral, to prohibit its passage through her territory.

A majority of the court decided that the clear effect of article 380 was to make the Kiel Canal an international waterway, open equally to vessels of commerce and vessels of war belonging to nations at peace with Germany. The conduct of the Suez and Panama Canals were reviewed and demonstrated that the passage of vessels of this character in time of war was not regarded as incompatible with the neutrality of a riparian sovereign. Germany was held to have no duty to Russia to refuse access to this vessel but a definite treaty duty to permit passage through the canal. This question had been one of prolonged diplomatic discussion and agitation, but was promptly disposed of when presented to the court. The decision has been acquiesced in by all. It furnishes another illustration of the efficiency of the World Court in disposing of international disputes.

The seventh opinion given by the court is known as that of the German settlers in Poland. The opinion was occasioned by the following facts:

While Poland was a part of Germany, German colonists had entered Poland and made contracts with the German Government for public lands in Poland owned by the German Government. By the treaty of Versailles, which became operative June 10, 1920, the rights of the German Government to these lands were transferred to Poland. The Polish authorities refused to recognize the leases to these German colonists, although made prior to November 11, 1918, the date of the armistice, and although payments had been made upon the leases and the parties were entitled to deeds but had not acquired the deeds from the German Government. Under the German law these colonists could have sued the German Government and obtained deeds. Poland contended that as the title to the land had not been perfected by deeds that the Polish Government had the right to cancel the leases and contracts. The Polish authorities further refused to recognize any leases, deeds, or agreements regarding these state lands made by the German Government prior to November 11, 1918, unless the German colonists, with whom the agreements were made, had then become Polish subjects.

Poland further insisted that Germany had no authority to deal with their lands in any way after November 11, 1918, the date of the armistice. Poland passed a statute June 20, 1920, to make effective these contentions. Numerous evictions were made by the Polish Government of German colonists from these lands under this statute. The rights of a very large population were involved and great distress engendered by these proceedings. The evicted persons necessarily went to Germany.

The matter was producing great friction between Poland and Germany, and the gravest apprehensions were felt. As Poland had made certain agreements under the so-called minorities treaty of June 28, 1919, for the protection of German colonists, and had consented that the matters should be under the jurisdiction of the league, Germany brought the question to the attention of the council of the league for action and settlement. Poland insisted on its rights, as previously stated, and the matter became one of deep concern, not only as affecting the relations between Germany and Poland but as the right of minorities generally which the council of the league was under obligations to protect under treaties. A settlement of the question was dependent upon an interpretation of the provisions contained in the minorities treaty. Poland contended that it was not a matter within the competence of the council, and further insisted upon her rights of cancellation, as previously stated.

The council referred the matter to the court for decision, first, as to the competence of the council to deal with the matter under the minorities treaty, and, second, if the court should decide that the matter was within the competence of the council, to decide whether Poland had acted in these matters in accordance with her international obligations. Notice was given to all the parties concerned in the matter, and it was fully argued and considered by the court.

On September 10, 1923, the court handed down an unanimous opinion, first, holding that the council was competent to deal with the matter under paragraph 2 of article 12 of the Polish minorities treaty, and had properly exercised its competence in requesting the advisory opinion. Second, it held that the holders of the leases, while they had not gotten deeds and legal ownership, had valid and enforceable contracts for which consideration had been paid. Such holders were, therefore, said to be purchasers, and had a right to the land which under German law could be enforced in the courts; that the fact that there was a political purpose behind the colonization could not affect the rights acquired under the law; that these private rights were not affected by change of sovereignty; and that they were further protected against the annulment of them attempted by the Polish law of July 14, 1920, by the equality provisions of the minorities treaty, and that the treaty of Versailles did not diminish this protection, and that neither it nor the armistice had forbidden the Prussian state to proceed to confirm the acquired rights with the deed issued after November 11, 1918, and that the leases concluded prior to November 11, 1918, were not affected by the transfer of sovereignty and remained in force.

The court fully sustained the rights of these German holders and concluded that the position taken by the Polish Government was "not in conformity with its international obligations." This opinion was acquiesced in by Poland and she made her policy conform with the law enunciated by the court, the evictions ceased, and the persons who had been evicted were compensated. Thus, by the decision of this court a most delicate and difficult international matter was disposed of amicably.

Mr. President, it should be noted that this opinion and all previous ones were based on the interpretation of treaties and laws and were in thorough accord with judicial proceedings and decisions. The court again proved itself a most important and efficient tribunal for the settlement of large and irritating international differences. It should also be noted that this decision was made in favor of Germany's contention, although she was not a member of the league, and in opposition to Poland, a member of the league. This indicates clearly that membership in the league can in no way affect the decisions of this high court.

The eighth action of the court was an opinion upon the question of the acquisition of Polish nationality by former German citizens under article 4 of the minorities treaty. Under this article Poland agreed to make Polish nationals ipso facto of "persons of German nationality" born in her territory—

of parents habitually resident there, even if at the date of the coming into force of the present treaty they are not themselves habitually resident there.

The Polish Government contended that of the individuals of German origin born in the Polish territory—

only those can claim Polish nationality whose parents were habitually resident there both on November 10, 1920, when the treaty became effective, and on the date of birth of the individual.

Germany contended that under the clause of the treaty those German citizens ipso facto became Polish subjects whose parents were habitual residents of Poland at the date of birth of the person concerned. It was an important matter to the persons concerned in the dispute. If they were Polish subjects they were entitled to certain rights under the minorities treaty. If they were German subjects they were not entitled to these rights. There were large interests involved and there was much irritation between Germany and Poland on this question.

This matter came before the council of the league and was hotly contested there. It seemed impossible to reach a settlement. Poland insisted that the council and the league had no jurisdiction in the matter. The council of the league finally decided to refer the question to the Permanent Court of International Justice for determination on the questions, first, did the league under the treaties have jurisdiction of the matter, and, second, if the court decided it had jurisdiction, what was the proper interpretation of article 4 of the minorities treaty?

After argument and full consideration, on September 25, 1923, the court handed down a unanimous opinion holding that the league under the treaty had jurisdiction of the matter, and that article 4 of the Polish minorities treaty refers "only to the

habitual residence of the parents at the date of the birth of persons concerned," and that to allow the Polish contention that the parents of the individual must have been habitual residents not only at the birth but also on January 10, 1920, would amount to an addition to the text of the treaty, and that it would have the effect of depriving Polish nationality to the persons born in Poland of parents habitually resident there at the time simply because the parents were dead on January 10, 1920. It decided that the clause was clear and explicit and that the additional conditions contended for by Poland would require a reconstruction of the text of the treaty. This opinion established permanent nationality to Germans born there, was acquiesced in, and settled this difficult and delicate matter.

Again, in giving its opinion the court confined itself to an interpretation of the treaty, followed judicial procedure, and gave an opinion on the judicial question submitted.

The next opinion given by the court was upon what is known as the Jaworzina question, being a complicated and protracted controversy between Poland and Czechoslovakia as to the rights in that part of the territory of Spisz, where the Jaworzina district is situated. This dispute had been before the conference of ambassadors and the council of the league long and continuously and seemed impossible of settlement; finally the council, at the request of representatives of the two Governments, referred the matter to the court for an advisory opinion on the following question:

> Is the question of the delimination of the frontier between Poland and Czechoslovakia still open; and if so, to what extent; or should it be considered as already settled by a definite decision subject to the customary procedure of marking boundaries locally, with any modifications of detail which that procedure may entail?

In the settlement of this dispute between Poland and Czechoslovakia it had been decided in 1919 that a plebiscite should be held in the Spisz district which was to determine the ownership between the two nations. At the Spa conference in July, 1920, this arrangement was suspended. On July 28, 1920, a frontier line dividing the district between Poland and Czechoslovakia was decided upon by the conference of ambassadors, subject to such modifications as might later be made on the recommendation of the delimitation commission which was created, and this decision was accepted by both Poland and Czechoslovakia. On November 6, 1921, Poland and Czechoslovakia agreed to settle the question on the commune of Jaworzina within a period of six months by means of a direct and friendly agreement between the two Governments. On December 2, 1921, the conference of ambassadors directed that the Polish and Czechoslovakian Governments reach a decision by January 15, 1922, authorizing the delimitation commission to carry out the decision of July 28, 1920.

The Polish Government contended that the agreement between Poland and Czechoslovakia of November 6, 1921, and the subsequent action of the conference of ambassadors of December 2, 1921, directing that Poland and Czechoslovakia to settle, had changed the situation and destroyed the action of the ambassadors' conference of July 20, 1920, and that the matter was still open for settlement. Czechslovakia insisted that as nothing had been done under this agreement or this order and that the decision made on July 28, 1920, concurred in by Poland, was final and all that was left to effect settlement of the matter was for the delimitation commission to proceed to carry out its order. These contentions, as previously stated, were submitted by the council to the court for decision under the questions as previously stated.

After notice to all parties concerned and full argument, the court reached the unanimous conclusion that the decision of the conference of ambassadors of July, 1920, was of a final character and the agreements of Poland and Czechoslovakia were of such character as to give the decision of the conference of ambassadors the force of a contractual obligation entered into by these two Governments. The court denied the Polish contention that the decision was of a partial character, and proceeded to construe the effect of the decision. It denied the right of the conference of ambassadors, two years after the date of the formulation of its decision, to give interpretations upon the decision. It held that the undertakings of Poland and Czechoslovakia of November 6, 1921, and the action of the conference of ambassadors of December 2, 1921, did not reopen the question nor in any way affect the decision rendered in July, 1920, as nothing had been concluded under these. The court held that only the delimitation commission created by the decision of July, 1920, had been given power to vary the decision and that this power was still preserved to this commission.

The decision was acquiesced in and settled a matter which had been disturbing the relations between Poland and Czechoslovakia since the peace conference at Versailles. This opinion was upon strictly legal matters—the interpretation of treaties, agreements, and assurances issued by governmental bodies. Again the court showed its independence in denying to the conference of ambassadors, one of the most potential political bodies in the world, being the successors of the supreme council of the allied and associated powers, the right to change its final decision in an important matter.

The next matter determined by the court was a judgment in reference to concessions made in Palestine.

A Greek had obtained concessions from the Turkish Government prior to October 29, 1914, the date of the outbreak of the war between Turkey and the Allies, relating to the construction of an electric tramway and the supply of electric light and power and of drinking water in Jerusalem. On January 28, 1916, the same Greek had obtained concessions for similar undertakings at Jaffa. As a result of war, Palestine passed under the control of Great Britain. Great Britain subsequently made the treaty of Lausanne with Turkey, and on July 24, 1922, accepted a mandate for Palestine under the League of Nations.

The Greek Government made representations to the British Government, insisting that the concessions to the Greek subject should be recognized by Great Britain under the treaty of Lausanne, and under the mandate for Palestine conferred upon and accepted by Great Britain. Upon the refusal of the British Government to accede to the request made by the Greek Government, the Greek Government made application to the Permanent Court of International Justice to consider the matter, stating in its application the grounds upon which it based the claims for its citizens.

The court gave notice to the British Government and proceeded to hear the case presented. The court was composed of 11 judges, with the addition of a Greek national judge because of the fact that the permanent membership of the court did not include a Greek citizen. The question came before the court first upon the demurrer on the part of Great Britain to the application filed before the court, on the ground that the court had no jurisdiction to entertain the proceedings, first, because Great Britain had not given her consent to the jurisdiction of the court, and, second, because it was not a dispute between two states, but one between a state and a citizen of another state, and that it had not yet sufficiently developed that the dispute could not be settled by negotiation.

The matter was fully argued and considered and the judgment of the court was delivered August 30, 1924, by a majority of the court, and it was held that under article 36 of the statute the court had jurisdiction to hear and determine—

> all cases which the parties referred to it, and all matters specially provided for in treaties and conventions in force—

and that article 26 of the mandate conferred upon and accepted by Great Britain provided that—

> the mandatory agrees that if any dispute whatever shall arise between the mandatory and other member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Arbitration.

The court held that this mandate constituted a convention under the statute of the court, and that under it a dispute had arisen between Great Britain and Greece, a member of the league, which it had been impossible to settle, and that the dispute related to the interpretation of the application of the provisions of the mandate, and that while the dispute was originally between Great Britain and a citizen of Greece, when the Greek Government took up the case of one of its subjects and resorted to international judicial procedure in its behalf, the state was in reality asserting its own rights and thus it became a dispute between the two states, giving jurisdiction to the court in this respect.

The court considered protocol 12, annexed to the treaty of Lausanne, between Great Britain and Turkey, in which all concessions that had been granted by the Turkish authorities prior to October 29, 1914, were fully recognized. This provision was sufficient to bring the Jerusalem concessions under article 11 of the mandate so as to confer jurisdiction upon the court, since these concessions were negotiated prior to that date, but it did not similarly place the second group of concessions under article 11 for they were made subsequent to that date. So the court dismissed its jurisdiction as to the

Jaffa concessions and retained jurisdiction as to the Jerusalem concessions, which was to be tried later upon its merits.

This was a very important decision, as there are 11 mandates which have been given by the League of Nations in Asia, Africa, and the Pacific Ocean, and all of these mandates have practically the same provisions, giving jurisdiction to the court. We can readily see the importance of this decision, and it is of special importance to the United States since we have entered into agreements with most of these mandatory powers, conferring upon us similar rights possessed by the members of the league. The decisions of the court must necessarily in these mandates be of great importance to us in the future. It should be noted that this decision was against Great Britain, the most influential member of the league. The decision furnishes proof of the court's independence.

The eleventh matter decided by the court was an advisory opinion on the question of the Monastery of St. Naoun, regarding the fixing of the frontier between Albania and the Yugoslavian State.

Albania was created an independent state by the great powers in 1913, and the powers were engaged in fixing the boundaries of Albania when the war broke out and the work ceased. In 1919 the peace conference resumed the responsibility. After admission as a member of the League of Nations in 1919, Albania sought the assistance of the council of the league to fix and define her boundaries.

The league sent a commission of inquiry to Albania, and the conference of ambassadors at Paris, which had succeeded the supreme council of the Allies in power for settlement of peace conditions, sent a delimitation commission to consider the boundaries. Both of these commissions encountered difficulties in fixing the boundary between Albania and Yugoslavia in the region of the Monastery of St. Naoun. These disputes came before the conference of ambassadors at Paris as a body, which, as previously stated, succeeded the supreme council of the Allies in the determination of such matters. The conference of ambassadors had before it the report of the commission of inquiry of the league and the delimitation commission sent by itself. It proceeded to come to a decision after full argument and consideration of the claims of both Albania and Yugoslavia, and on December 6, 1919, allocated the Monastery of St. Naoun to Albania.

Five months later the Yugoslavian Government sought a revision of this decision and submitted the matter to the Council of the League of Nations for guidance, the conference of ambassadors being unable to agree upon a solution. Albania resisted any further interference with the settlement that had been made by the conference of ambassadors, claiming that it was final. Yugoslavia insisted that it was not final and that there should be a revision of the decision, as many pertinent facts had not been fully considered when the matter was so determined. At the request of the Yugoslavian Government the council was asked to submit to the Permanent Court of International Justice the question as to whether the decision of the conference of ambassadors of December 6, 1922, was final in fixing the frontiers between Albania and Yugoslavia.

After full argument and consideration the court handed down a unanimous opinion that the conference of ambassadors was the authorized agent of the principal allied powers, whose competence in these premises had been recognized by Albania, by Greece, and by Yugoslavia. The conference of ambassadors was therefore compelled to decide the question; and the conference having awarded the monastery to Albania by its decision of December 6, 1922, the decision was definite and final.

This opinion was adopted by the council of the league at its meeting in September, 1924, and transmitted to the conference of ambassadors. Thus this disturbing matter was promptly settled when submitted to the court for decision. Again, in this decision, as in its prior decisions, the rights of the smaller state were sustained against the larger and more powerful.

The twelfth action of the court was a decision interpreting the reparation clause in the treaty of Neuilly.

The treaty of peace between the allied powers and Bulgaria provided that all property possessed by Bulgarian nationals within the territory of the allied powers could be used to discharge the claims of any nationals of the allied powers against the nationals of Bulgaria, and in addition contained the provision that this property may also be charged "with payment of claims growing out of acts committed by the Bulgarian Government or by any Bulgarian authorities since October 11, 1915, and before the allied or associated powers entered into the war." The treaty provided for arbitrators to be appointed to settle these claims. A contention arose between Bulgaria and Greece before the arbitrators as to the terms of the treaty making provision for acts committed by the Bulgarian Government. The question arose as to whether the text of the treaty authorized claims for damage for acts committed outside the Bulgarian territory before October 11, 1915, and in particular in districts occupied by Bulgaria after her entry into the war; and also whether the text of the treaty authorized claims for damages incurred by allied claimants not only as regards their property but also as regards their person arising out of ill-treatment, deportation, internment, or other similar acts. Being unable to reach an agreement, the Bulgarian and Greek Governments decided to submit the matter for judgment of the Permanent Court of International Justice. After argument and consideration the court decided that the treaty should be interpreted as authorizing claims in respect of acts committed outside the Bulgarian territory as constituted before October 11, 1915, and that damages incurred by claims should be awarded not only as regards their property but also as regards their persons, and that reparation due on these grounds should be included in the total capital sum due from Bulgaria to Greece.

The thirteenth action of the court was the rendering of an advisory opinion upon the exchange of Greek and Turkish populations.

The peace settlement with Turkey, which was made at Lausanne in 1923, was composed of many treaties, covenants, and protocols. On January 30, 1923, Greece and Turkey entered into a convention providing for the compulsory exchange of Turkish nationals of the Greek orthodox religion established in Turkey, and of Greek nationals of the Moslem faith established in Greek territory. Article 2 of the Lausanne convention contained an exception to this compulsory exchange of nationals, which reads as follows:

> The following persons shall not be included in the exchange provided for in article 1: (a) All Greek inhabitants of Constantinople; (b) all Moslem inhabitants of western Thrace. All Greeks who were already established before October 30, 1918, within the areas under the prefecture of the city of Constantinople as defined by the law of 1912 shall be considered as Greek inhabitants of Constantinople. All Moslems established in the region east of the frontier line laid down in 1913 by the treaty of Bucharest shall be considered as Moslem inhabitants of western Thrace.

To effect the exchange a mixed commission was provided to supervise and facilitate the immigration of persons who were included, to consist of four members representing each of the parties to the treaty, and three members chosen by the Council of the League of Nations. This mixed commission was duly constituted, and in the course of its work a very serious difficulty arose because of contentions made by the Turkish Government. It should be noted that in the treaty all Greek inhabitants of Constantinople who were already established there before October 30, 1918, were excluded from the compulsory exchange. Hence, in determining whether a Greek should be compelled to be exchanged or not, the question arose as to whether a Greek was established in Constantinople prior to October 30, 1918, which was the day of the armistice with Turkey.

The Turks insisted that the word "established" in the treaty meant as established under the national law of Turkey. They further insisted that the interpretation of the word "established," and who was a Greek subject, was a domestic question and to be determined by the courts of Turkey. This contention produced a very acute situation, as many thousands of people and their entire future was involved in the determination of the question.

The mixed commission, being unable to settle the matter, appealed to the Council of the League of Nations to do so. On December 13, 1924, the council of the league asked the court to give an advisory opinion on the following question:

> What meaning and scope should be attributed to the word "established" in article 2 of the convention of Lausanne of January 31, 1923, regarding the exchange of Greek and Turkish populations in regard to which discussions have been put forward which are contained in the documents communicated by the mixed commission? And what conditions must the persons who are described in article 2 of the convention of Lausanne under the name of "Greek inhabitants of Constantinople" fulfill in order that they may be considered as "established" under the terms of the convention and exempt from compulsory exchange?

Notice of the request was sent to all members of the league, to the United States and other nonmembers named in the annex to the covenant, and to Turkey and the mixed commission. The

matter was so urgent, the situation was becoming so acute between Greece and Turkey, that an extraordinary session of the court was convened on January 12, 1925. The case was ably and fully argued by representatives of the Governments of Greece and Turkey and was fully considered by the court.

On February 21, 1925, the court delivered a unanimous opinion holding that the meaning of the word "established" was to be determined not in the abstract but as the word has been used in article 2 of the convention. This was held to be a question of international law and not a question of domestic concern between the Turkish administration and the inhabitants; that article 2 of the convention operated to withdraw persons covered by article 1 and the word "established" embraces both residence and stability, and that the term "established" had much in common with the conception of domicile in several modern languages; that the term "established" as used in the convention referred to a question of fact rather than to the legal sense of the term according to national legislation; that there is no indication that the authors of the convention had in mind any national legislation when using the term. As the word "established" was used both as applying to the Moslems in western Thrace and to the Greeks in Constantinople, it could not be construed as having reference to legislation of the Turkish Government defining the term "established." The legislation of the Turkish Government did not exist in Thrace, and hence the term "established" must be construed irrespective of any national legislation of the Turkish Government.

The court therefore did not approve the Turkish contention that the convention required a Greek to be established according to the Turkish legislation. The court held that this was no derogation to Turkish authority, as Turkey had entered into a treaty, which treaty must be interpreted. The court further decided against the Turkish contention that the Turkish municipal courts should be left to decide the question, since the convention entered into with Greece conferred that function on a mixed commission, which was alone competent to say whether any Greek inhabitant was "established." The court was unwilling to go beyond the actual controversy in interpreting article 2 of the convention, not being in possession of sufficient facts and information.

This decision has enabled the mixed commission to proceed to discharge its duties, and settled a most complex and disturbing dispute.

The fourteenth action of the court was rendered on March 26, 1925, in giving a judgment upon the request of Greece to give authoritative and detailed interpretation of the judgment it had previously rendered on September 12, 1924, upon the reparations clause in the peace treaty between Greece and Bulgaria.

Article 60 of the statute of the court provides:

> In the event of dispute as to the meaning or scope of the judgment the court shall construe it upon the request of any party.

Bulgaria made no objection to the application of Greece, and hence gave assent to the matter being considered by the court, and it compiled and submitted a memorandum commenting on the Greek contention. It developed that the contention between Bulgaria and Greece did not relate to an interpretation of the decision rendered on September 12, 1924, nor the provisions of the treaty which was submitted to the court for decision by that agreement upon which that decree had been based, but upon other provisions of the treaty not included in the agreement or decree, and the court dismissed the application, stating it had no power to go beyond the judgment rendered in the case, which judgment was limited by the agreement.

The fifteenth action of the court, March 26, 1925, was a judgment rendered in the case which has been previously mentioned regarding concessions made by the Turkish Government to a Greek citizen, which Greece had brought to the court for a decision.

As previously stated, the court overruled the objection of Great Britain as to the jurisdiction of the court, and held that it had jurisdiction and would try the case on its merits. The claim was for damages against the British Government for having granted a concession to another party, which overlapped the concession which the Turkish Government had granted the Greek citizen in whose behalf Greece was acting.

It developed in the case that the party to whom Great Britain had granted the concession had undertaken to respect the rights of the Greek citizen, and had renounced the privilege of demanding the expropriation of the Greek concession. No damages were proven as having been incurred by the Greek subject. The court rendered its opinion and held that the concessions granted the Greek subject were valid, but as he had sustained no loss by the granting of the second concession by the British Government, since the party was willing to relinquish all rights under it where it overlapped the Greek concession. The court held also that the British Government in granting the second concession overlapping the Greek concession had violated an international obligation.

The last action of the court was rendered recently in an opinion at the request of the council upon the boundary dispute between Turkey on one side and Great Britain on the other, acting for Iraq, over which nation Great Britain holds a mandate under the league. The dispute was regarding the Province of Mosul, which was claimed by both Turkey and Iraq. When Great Britain and Turkey made peace at Lausanne July 24, 1923, it was impossible for them to reach an understanding for the final disposition of the disputed territory of Mosul. The contention on this question was bitter and long protracted, and at one time it seemed as if this dispute would wreck the conference and prevent a treaty of peace. Finally Great Britain and Turkey, in article 3 of the treaty of Lausanne, reached the following agreement for the settlement of this dispute:

> The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months.
>
> In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.
>
> The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision.

Great Britain and Turkey were unable to reach any friendly arrangement to settle this dispute, as provided in this article, and hence under its provisions the matter went to the Council of the League of Nations for settlement. The council was unable to effect a satisfactory settlement between the disputing States. Turkey insisted that the matter was simply referred to the council as a mediatory or conciliatory body, and not as a deciding body; that if the council was a deciding body it must act by a unanimous vote, and that the representative of Turkey must sit and vote as a member of the council on this question. Under article 4 of the covenant, as Turkey had no representative in the council and Great Britain had one, Turkey had been invited to name one and had done so. Great Britain insisted that under the treaty the council was authorized to make a final decision in the matter, and that its decision should be by a majority and not a unanimous vote. The council requested the Permanent Court of International Justice to render an opinion as to the powers given the council under the Lausanne treaty, and if it was given the power to decide whether the representatives of Great Britain and Turkey are entitled to vote or not in the matter. When notified of the request for the opinion, Turkey telegraphed to the registrar of the court that the questions on which—

> an advisory opinion is asked are of a distinctly political character, and in the Turkish Government's opinion can not form the subject of a legal interpretation and * * * there is no need for it to be represented at extraordinary session of court.

After mature consideration, the court rendered an opinion holding that under the Lausanne treaty Great Britain and Turkey had agreed, in case they could not in nine months conclude a friendly arrangement fixing the frontier between Turkey and Iraq, that then the dispute should be referred to the council of the league; that the time indicated in the treaty for a friendly arrangement had expired without such an arrangement being concluded; hence the matter was properly before the council for settlement under the treaty.

The court, interpreting the last paragraph of article 3 of the treaty, held that it provides for a decision by the council on the frontier between Turkey and Iraq, and that it distinctly provides that the final fate of the territories shall depend upon the decision of the council.

Answering the inquiry as to the method of voting that should govern the council in rendering its decision, the court held that considering the various provisions of the covenant of the league governing the council the council should reach its decision by a unanimous vote, excluding from voting the representatives of both Turkey and Great Britain.

It should be noted that this opinion was confined to the interpretation of a treaty and the covenant of the league, which are proper subjects of judicial determination. It should also

be noted that it rejected the contention of Great Britain that the decision should be by a majority vote of the council, although Great Britain is one of the most influential members of the league. The court again exhibited its independence and fairness.

Mr. President, these are all the opinions and decisions of the court rendered up to this time that I have been able to obtain. I submit to the Senate that an examination of them discloses that the court is able, independent, painstaking, and governed by wisdom and conscientiousness. The court is pre-eminently possessed of character, capacity, courage—these are the qualities that make for greatness alike of individuals and of institutions. These decisions have confined themselves to matters that permit of judicial determination. These opinions and decisions have been most effective in settling acute, important, and dangerous international disputes. Most of the disputes settled by these opinions and decisions would have continued open to-day except for the existence of this court. The results of these opinions and decisions disclose how potential a world court is for the peace of mankind and for the settlement of international differences. We must all commend the wisdom and the statesmanship of the men who created this court and the peace-loving forethought of the 48 nations which have attached their signatures to the protocol of the statute creating the court.

It would be a deplorable day for the world if this court should be destroyed, its usefulness lessened, or confidence in it impaired. It stands as one of the shining landmarks of recent years, promotive of world peace and betterment. It discloses that in the international field the great principle of courts can be effective and can be instrumental in displacing war and settling disputes which otherwise would continue.

Private wars, feudal wars, conflict of clans, and the bloody revenge of family feuds in nations have disappeared by the creation of the courts, thus enabling law and reason to control where once force and hatred held full sway. The civilization of nations is measured by the extent that courts have superseded force and violence.

There are many who believe that courts in the international field can be made effective in abolishing war and can be as potential in the settlement of international differences as State and national courts have become in the settlement of domestic disputes.

The existing World Court is the effort of 48 nations to accomplish this. It is the first court that has ever been organized world-wide in its scope and in its aspirations. The question is submitted to us to determine whether we shall be one of the nations aiding the peace and progress of the world by adhering to this court, and thus give it our moral support and countenance, or whether we shall stand aloof and refuse to aid the world in its efforts for the settlement of international disputes by justice and law and not by force. I submit that the court in its structure, in the character of the able judges who are its members, in its provisions and its opinions and decisions, has proven itself worthy of the world's confidence and deserves the aid and maintenance of all peace-loving people.

Let us adhere and conform our practices to our preachments. For more than half a century we have been the leading advocates of a world court, and to its creation our ablest statesmen and jurists have devoted their best efforts. Are our efforts in this direction earnest and sincere, or do they consist of mere empty lip service? Is the Senate to reject a world court, assented to by 48 nations, which court has been substantially constructed on the plan of the court which at The Hague conference of 1907 the United States offered to the world? Have we no pride in establishing a reputation for consistency and sincerity? Are we to confine our efforts for a world court to pleasing platitudes in its behalf as a means for peace and the outlawry of war and to be induced by fervid eloquence to consume years and years in the fruitless chase of the will-o'-the-wisp of an ideal court through the marshes of a wrangling and contentious world? Are our fears to be appealed to and the whispering dangers to frighten us to reject adherence when the pending resolution, with its reservations, is sufficient to silence every fear, relieve every apprehension, and protect every possible right? Are we not satisfied that our President and two-thirds of the Senate are sufficient in every case to protect us from every possible danger and from the perpetration of any possible wrong? Are we to be induced to reject this court in pursuit of a court which has no existence except in the imagination of some fervid minds? Are we to abandon a substance in a wild adventure for a shadow? Are we to be misled by the flattering appeal for an American court, when reflection would convince us that if such a court was constituted it would have only one litigant, and that would be ourselves? Are we to be deceived by the opponents of this court, who purpose, if possible, to encumber the resolution of ratification with amendments which would either diminish the court's usefulness or else compel the rejection of the reservations by other assenting nations, and thus prevent our adherence?

The issue can not be evaded. It is either this court or none other. The nations which enjoy its benefits are pleased with it beyond measure and contemplate making to it no amendments, no modifications.

Mr. President, I am strongly persuaded from every moral consideration, from every material consideration, and from every political consideration of duty and responsibility, not only to ourselves but to the world, that we should adhere to this World Court, with the reservations suggested, and be one of the potential factors in shaping its destiny, in extending its usefulness, in giving wisdom to its decisions, and in making it a world temple of justice and law, where all nations can go to have their international differences and disputes decided.

Mr. WALSH. Mr. President, I desire to inquire if, in accordance with the practice rather extensively observed, the Chair has been advised that any other Senator desires to address the Senate on this subject?

Mr. CURTIS. Mr. President, if the Chair will permit me, I have made some inquiry, and I understand there is no one else who desires to address the Senate this afternoon. I had intended to ask that the pending resolution be temporarily laid aside, and that the Senate proceed to the consideration of legislative business, so Members may introduce bills, submit resolutions, and so forth.

Mr. WALSH. I did not desire to inquire particularly about this afternoon, but whether any other Senator desires to address the body on reassembling to-morrow.

Mr. BORAH. Mr. President, if the Senator desires to address the Senate to-morrow, I shall be very glad to have him do so. Otherwise, if I am in a condition to do so, though I am now suffering with a cold, I shall speak myself. It would be very agreeable to me to have the Senator speak to-morrow if he desires to do so.

Mr. WALSH. I have no desire to speak to-morrow if the Senator wishes to speak. It would be very satisfactory to me to have him address the Senate to-morrow if he is prepared to do so.

Mr. BORAH. I would prefer, if the Senator is ready, that he proceed, because it is doubtful whether I can speak to-morrow. I had intended to speak to-morrow, but am suffering somewhat from a cold; and if the Senator wishes to go ahead, he can do so.

Mr. WALSH. It will be entirely agreeable to me to leave it that way. If the Senator desires to speak to-morrow, I shall be quite agreeable to that course. I merely desire to give notice that if no one else wishes to speak on the subject to-morrow I shall ask to be heard. I feel that I should state in this connection that, for the relief of the Members of the Senate as well as myself, I have planned to divide my address into three parts and deliver only one part on one day. I shall seek a later opportunity to continue my remarks. I hope not to be obliged to detain the Senate on any one day more than an hour or an hour and a half.

Mr. BORAH. I shall follow the example of the Senator from Montana and divide my speech into several parts.

Mr. CURTIS. I move that the Senate proceed to the consideration of legislative business.

Mr. FLETCHER. Mr. President, before that is done I would like to have inserted in the RECORD a brief statement by Edward W. Bok, published in Collier's Weekly, November 28, 1925, on the subject of the World Court, and also a short letter from Mr. Myrick.

The PRESIDING OFFICER (Mr. GLASS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

JUST A BIT CURIOUS, ISN'T IT?

(By Edward W. Bok)

It is now 18 years ago that a company of distinguished Americans went to The Hague and said to a group of nations assembled there:

"We have an idea for you. You may have heard of a court that we have in America called the Supreme Court of the United States."

The nations all nodded. One nation commented: "The greatest tribunal ever set up in the world."

"Well," said the United States, "why not have a world court like it and all the nations join it; a permanent court to which a nation can go if it has a difference, just as an individual or a corporation can go to our Supreme Court?"

The nations were impressed. But the idea was too new and a bit too large.

"Let's try another kind of a court first," they said. So The Hague came to be.

"All right," said the United States, "better that than nothing. Let's all join." And everybody did, including the United States.

The Hague court didn't work out, just as the United States knew it wouldn't. So eight years afterwards the United States tried its original idea on the world once more. This time the nations saw more clearly, and the plan was accepted. But agreement on how the judges were to be selected could not be reached. So once more the world court came almost into being, but not quite.

The disputed point was referred to Elihu Root to work out. He did. So, once more, 13 years afterwards, America went back to The Hague—remember, please, for the third time. This time—in 1920—the war had been fought and the world had begun to see the greater need for such a court. Mr. Root's statute was adopted, and, with a few slight changes, the plan was accepted. The World Court came into being.

"Mr. Root's World Court," some called it.

American to the core.

Now, mark this well:

And, incidentally, don't think this an allegory or a parable. It is a recital of actual facts. For 31 years the United States worked, off and on, to get over to the nations of the world its idea of a great permanent court.

Finally, when it did, the world said: "A great idea," and 48 nations in all joined it. The big nations, too—Great Britain, France, Italy, Japan, the Netherlands—all of them.

"Great," Theodore Roosevelt said when he was President.

"Splendid," said William Howard Taft when he was President.

"Fine," said Woodrow Wilson when he was President.

"Wonderful," said Warren G. Harding when he was President.

"Very needful," said Calvin Coolidge.

Five Presidents of the United States indorsed it. Naturally; why shouldn't they? It was an American idea, and three of them had had a hand in it.

Then, what?

The United States didn't join the court. It never has.

Mind you, after all the work of its own leading men whose conception it was, who outlined its plan, who suggested the court's jurisdiction, who advocated, pressed, and urged it for 26 years—ever since 1898!

And America not a member!

Disowning its own court—its own child!

The world stood amazed.

Do you wonder?

It is just a bit curious, isn't it?

There is also another word for it.

SPRINGFIELD, MASS., *December 5, 1925.*

Hon. DUNCAN U. FLETCHER,
The Senate, Washington, D. C.

MY DEAR SENATOR: You will be intensely interested to know that by a vote of 2,089 in favor to only 1 against that number of citizens of this city, representing all phases of its life, after a public forum on the subject in our noble auditorium, under the auspices of the Young Men's Christian Association, by the above practically unanimous vote respectfully petition your good self and the whole body of Senators to put the United States into the World Court forthwith.

Personally I will add that, in my judgment, the voting men and women throughout the country favor with equal unanimity United States membership in World Court.

Very sincerely yours,

HERBERT MYRICK,
President and Editor in Chief.

Mr. SWANSON. Before we go into legislative session I want to have it understood, so there will be no question about it, that the World Court resolution continues the unfinished business in open executive session.

Mr. LENROOT and others. That is understood.

Mr. BORAH. Of course, it is understood, because that is the parliamentary result.

Mr. SWANSON. Very well.

LEGISLATIVE BUSINESS

Mr. CURTIS. I renew my motion that the Senate proceed to the consideration of legislative business. I do this because a number of Senators have bills and joint resolutions which they desire to introduce, and the Senator from Louisiana [Mr. RANSDELL] advised me that he wishes to make some remarks for a few moments on the development of waterways.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed its legislative session.

CLAIMS ON ACCOUNT OF COLLISIONS WITH UNITED STATES VESSELS (S. DOC. NO. 24)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the following claims presented by the Governments of Denmark, Sweden, and Norway against the Government of the United States on account of damages sustained by vessels owned by their nationals in collisions with vessels in the public service of the United States:

1. The claim presented by the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as a result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21* at St. Nazaire, France.

2. The claim presented by the Government of Sweden on account of the losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake Saint Clair*.

3. The claim presented by the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*.

4. The claim presented by the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*.

I recommend that appropriations be authorized to effect a settlement of these claims in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 17, 1925.*

PETITIONS

Mr. CAPPER presented a petition, numerously signed, by sundry citizens of Rice County, Kans., praying for the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes-Coolidge plan, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented a petition of sundry citizens of Cleveland, Ohio, praying for the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

Mr. BINGHAM presented a petition of 95 citizens of Yalesville, Conn., praying for the immediate participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Temple Sisterhood of the Congregation of Beth Israel, of Hartford; the Woman's Club of New Haven; the Sisterhood of Temple Israel, of Waterbury; a mass meeting of citizens of Bridgeport; a mass meeting of citizens of Middletown, and of members of the congregation of the Blue Hills Baptist Church, of Hartford, all in the State of Connecticut, favoring the participation of the United States in the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

Mr. ROBINSON of Arkansas presented a resolution adopted by students of Henderson-Brown College, of Arkadelphia, Ark., favoring the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Arkansas Department of the American Legion, favoring the passage of legislation establishing a military air service separate and independent from the Army and Navy, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Arkansas Department of the American Legion, favoring the passage of legislation providing for universal draft and training, and also the draft of capital and material in war, which was referred to the Committee on Military Affairs.

He also presented a letter and brief in the nature of a petition from F. H. Mitchell, of Washington, D. C., praying for the passage of legislation amending the war minerals relief act, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Drekolias-Avythistos Shipbuilding Co., of New York, N. Y., praying for an investigation by a committee of experts, before whom demonstrations may be given by means of a working model, of the practicability of an invention known as the "Avythistos," being a device to prevent ships from sinking, which was referred to the Committee on Naval Affairs.

He also presented the petition of Mark L. Jacobs, of Vista Heights, Hot Springs, Ark., praying for the passage of legislation to place retired enlisted men, who were called to active service and commissioned during the World War, and who were again retired after the war on pay and allowances of warrant officers, under the act of June 4, 1920, in the same status as though they had been retired from active service on July 1, 1922, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by Little Rock (Ark.) Mailers Union, No. 64, favoring the passage of legislation to reduce the postal rates which became effective in April, 1925, on newspapers, magazines, and other postal matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Arkansas Department of the American Legion, praying for the passage of legislation to establish a United States Veterans' Bureau general hospital at Hot Springs National Park, Ark., which was referred to the Committee on Finance.

Mr. PHIPPS presented petitions and telegrams and papers in the nature of petitions from L. Ward Bannister, chairman of an organized committee and sundry other citizens of Denver and Colorado; the Denver Chamber of Commerce; sundry citizens and organizations of Colorado Springs; the legislative council of the Colorado Federation of Women's Clubs; the Colorado Education Association; The Saguache Woman's Club, of Saguache; the Denver section, Council of Jewish Women; the Current Events Club, of Fort Lupton; the congregation of the First Baptist Church of Greeley; the North Side Woman's Club, of Denver; the Woman's Federated Club of Fountain Valley; the Woman's Club of Colorado Springs; Mrs. Ruth H. Spray, superintendent of peace and arbitration of the Colorado Woman's Christian Temperance Union; the brotherhood class of the City Park Baptist Church, of Denver; the board of directors of the Woman's Club of Denver; members of the Denver quarterly meeting of the Society of Friends; the Denver Association of Congregational Churches; the Republican Federation of Colorado Women, of Denver; the Lamar Business and Professional Women's Club, of Lamar; the Windsor Community Club, of Windsor; the Rocky Ford Business and Professional Women's Club, of Rocky Ford; the faculty and student body of Colorado College; the Society of Colorado Pioneers; the board of directors of the Young Women's Christian Association, of Denver; the Lions Club, of Boulder; and sundry citizens of Prowers County, all in the State of Colorado, praying for the participation of the United States in the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

He also presented the petition of the League of Nations Nonpartisan Association (Inc.), of New York, N. Y., praying for the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by members of the Church of the Brethren, of Haxtun, Colo., favoring the establishment of national peace day, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Pueblo district conference of the Methodist Episcopal Church, in the State of Colorado, opposing every policy of the Government of a militaristic nature and favoring the outlawry of war, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a regular meeting of the legislative council of the Colorado Federation of Women's Clubs, favoring the making of an appropriation of $98,396 for the venereal diseases division of the Public Health Service, which was referred to the Committee on Appropriations.

He also presented the following joint resolution of the Legislature of the State of Colorado, which was referred to the Committee on Foreign Relations:

Senate Joint Resolution 11 (by Senators Toll, Warren, Bannister, Elliott, Fairfield, Hunter, McFadecan, Coltman, and W. W. King, and Messrs. Mobley, Tempel, Bigelow, Johnson, and Moffatt) concerning the Permanent Court of International Justice

Whereas the people of the United States, by a large majority vote, have indorsed a platform advocating the participation of the United States in the Permanent Court of International Justice, and have elected a President who has declared for such participation; and

Whereas President Coolidge has defined peace as a reign of law, and has expressed his approval of the participation of the United States in the Permanent Court of International Justice as a step in the advancement of world peace: Therefore be it

Resolved by the Senate of the Twenty-fifth General Assembly of the State of Colorado (the House of Representatives concurring)—

1. This legislature commends and indorses the position of President Coolidge in supporting this policy and in advocating the fulfillment of the pledge of the platform upon which he was elected, which provides that the United States shall participate in the Permanent Court of International Justice, subject to the so-called Harding-Hughes terms.

2. The Senate of the United States is hereby urged to act promptly and favorably upon the proposal for American adherence to the Permanent Court of International Justice.

3. One copy of this resolution shall be forwarded by the clerk of the senate to the President of the United States, one to Senator WILLIAM E. BORAH, chairman of the Foreign Relations Committee of the United States Senate, and one to each Member of Congress from Colorado.

REPORT OF THE DISTRICT COMMITTEE

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 28) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia, reported it without amendment and submitted a report (No. 4) thereon.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKINLEY:

A bill (S. 1770) providing for the erection of a public building at Spring Valley, Ill.; to the Committee on Public Buildings and Grounds.

A bill (S. 1771) for the relief of Ben D. Showalter; and

A bill (S. 1772) for the relief of Francis J. Young; to the Committee on Claims.

A bill (S. 1773) granting an increase of pension to August Bell (with an accompanying paper);

A bill (S. 1774) granting a pension to George W. Wolf (with accompanying papers);

A bill (S. 1775) granting a pension to Christopher Smith (with accompanying papers); and

A bill (S. 1776) granting an increase of pension to John W. Ferris (with accompanying papers); to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 1777) granting an increase of pension to Margaret M. Baxter; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 1778) granting a pension to William Bahr; to the Committee on Pensions.

By Mr. STANFIELD:

A bill (S. 1779) granting the consent of Congress to the States of Oregon and Idaho to construct, maintain, and operate a bridge and approaches across the Snake River at a point known as Ballards Landing; to the Committee on Commerce.

A bill (S. 1780) to authorize the sale of all or part of the old Federal building and site, and to acquire a new site and construct a new building in the city of Portland, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. GREENE:

A bill (S. 1781) granting an increase of pension to Mary A. Clarke; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 1782) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

A bill (S. 1783) granting an increase of pension to Antoinette A. Darnell;

A bill (S. 1784) granting an increase of pension to George Rexford; and

A bill (S. 1785) granting a pension to Madeliene Brokaw; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 1786) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

A bill (S. 1787) for the return of $5,000 to the New Amsterdam Casualty Co.; and

A bill (S. 1788) for the relief of Gertrude Lustig; to the Committee on Claims.

A bill (S. 1789) granting an increase of pension to Virginia F. Stickney; and

A bill (S. 1790) granting an increase of pension to Eugene Lynch; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 1791) for the relief of the State of Maine (with accompanying papers); to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 1792) for the relief of Chris A. Chulufas, William Alexander, Frank M. Clark, George V. Welch, Grant W. Newton, Wm. T. Hughes, Nellie L. Tandy, Lucy V. Nelson, Frank A Gummer, Charles E. Mulliken, Leo M. Rusk, Fred Falkenburg, Meary E. Kelly, Wm. C. Hall, Rufus L. Stewart, Hugo H. Ahiff, Paul J. Linster, Ruida Daniel, Faye F. Mitchell, Dollie Miller, Alfred Anderson, Gustavus M. Rhoden, Marie L. Dumbauld, estate of Fred Moody (deceased); and

A bill (S. 1793) for the relief of William J. Greaves; to the Committee on Claims.

By Mr. BRUCE:

A bill (S. 1794) to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C.; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 1795) to provide for the prevention of duplication in reporting the number of bales of cotton on hand at the manufacturing establishments in the United States;

A bill (S. 1796) to provide a method for gathering and transmitting reports of cotton ginned and other reports regarding cotton;

A bill (S. 1797) to provide for monthly estimates of the number of bales of cotton that will be consumed in the United States and the number that will be exported; and

A bill (S. 1798) to provide for the collection of correct and reliable information on cotton acreage; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 1799) to enable persons in the United States to engage in cooperative purchasing, for importation into the United States of raw commodities, which are produced principally in foreign countries; to the Committee on Commerce.

By Mr. SHORTRIDGE:

A bill (S. 1800) to provide for cooperation with the several States in the prevention and control of drug addiction, and the care, treatment, and rehabilitation of drug addicts, and for other purposes; to the Committee on Finance.

By Mr. OVERMAN:

A bill (S. 1801) granting a pension to Sallie Radford; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 1802) to amend the act approved March 4, 1923, entitled "An act to continue the improvement of the Mississippi River and for the control of its floods" (Public, No. 528, 67th Cong.); to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 1803) for the relief of Walter W. Price; to the Committee on Claims.

A bill (S. 1804) for the purchase of a post-office site and the erection thereon of a suitable public building at Dickson, Tenn.; to the Committee on Public Buildings and Grounds.

A bill (S. 1805) authorizing the acquisition of land and suitably marking the site of the battle of Franklin, Tenn.; to the Committee on Military Affairs.

By Mr. LENROOT:

A bill (S. 1806) granting a pension to Lee A. Scalf; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 1807) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 26, township 45 north, range 8 east, of the third principal meridian;

A bill (S. 1808) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 18, township 43 north, range 9 east, of the third principal meridian;

A bill (S. 1809) granting the consent of Congress to the State of Illinois and the State of Indiana to construct, maintain, and operate a bridge and approaches thereto across the Wabash River on the State line between Illinois and Indiana, in section 21, township 3 north, range 10 west, of the second principal meridian;

A bill (S. 1810) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of La Salle, State of Illinois, in section 1, township 33 north, range 3 east, of the third principal meridian; and

A bill (S. 1811) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River, in the county of Kendall, State of Illinois, in section 32, township 37 north, range 7 east, of the third principal meridian; to the Committee on Commerce.

By Mr. PEPPER:

A joint resolution (S. J. Res. 32) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes; to the Committee on the Library.

AMENDMENT TO COTTON CROP REPORT BILL

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 956) to provide for the issuance of cotton-crop reports and ginning statistics in order to prevent speculation in cotton and fluctuations in the price thereof, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

STRENGTH AND COST OF THE NATIONAL GUARD

Mr. McKELLAR. Mr. President, I send to the desk a resolution for which I ask immediate consideration. The resolution seeks information from the War Department. I ask that it may be read.

The PRESIDING OFFICER (Mr. GLASS in the chair). The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 94), as follows:

Resolved, That the Secretary of War be, and is hereby, directed to report to the Senate at as early date as may be practicable the following information:

First. The total number of the National Guard, and how divided in the various military branches, namely, how many in the Infantry, Cavalry, Air Service, and other services.

Second. How the National Guard troops are allotted with respect to States, namely, the number of National Guard soldiers, enlisted men and officers, in each State.

Third. What States are maintaining their allotments in whole or in part.

Fourth. The several amounts of money expended in each State for its National Guard.

Fifth. How many air squadrons in the National Guard, and where located, and the numerical strength of each, officers and men.

Sixth. The total amount of money authorized by law for the National Guard during the year closing June 30, 1925, and the total amount spent during that year.

Seventh. The total amount of money spent for the Air Service in the National Guard for the year ending June 30, 1925, and the amount contemplated for the National Guard Air Service during the present fiscal year.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent for the present consideration of the resolution just read. Is there objection?

Mr. CURTIS. Mr. President, I want to ask the Senator from Tennessee a question. Has the Senator included in the resolution the amendment suggested by the chairman of the Committee on Military Affairs [Mr. WADSWORTH]?

Mr. McKELLAR. I have.

Mr. CURTIS. Then I have no objection to it.

The resolution was considered by unanimous consent and agreed to.

USE OF WHISKY, ETC., BY REPRESENTATIVES OF FOREIGN COUNTRIES

Mr. BLEASE. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 93), as follows:

Resolved, That the Assistant Secretary of the Treasury, Hon. Lincoln C. Andrews, who is in charge of the enforcement of the Volstead Act, be requested to investigate immediately and inform the Senate whether or not whisky, wine, or beer has been served by any of the foreign ambassadors, ministers, consuls, or other agents of any other countries in Washington, D. C., since the passage of the Volstead Act; and if it is now being done; and if so, with the approval of the President of the United States, or any other official whose duty it is to enforce the said law; and, further, if it is true that the recent representatives of the Italian delegation to this country in reference to the settlement of its debt to the United States were permitted to bring into this country champagne, whisky and beer, or either of them; and if so, by whose permission; and if they did, why were they not promptly arrested, as American citizens would have been?

Second. That a similar request be made of Hon. James E. Jones, Director of Prohibition.

Third. That a similar request be made of the Secretary of the Treasury.

Mr. CURTIS. I ask that the resolution may go over under the rule.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. BLEASE. Mr. President, I would like to ask the Senator from Kansas if he objects to the resolution?

Mr. CURTIS. I merely ask that it may go over under the rule until I can consider it.

Mr. BLEASE. I would like to know. I introduced the resolution for a purpose, and I want to know if the Senator objects; and if there is objection, from which party that objection comes.

The VICE PRESIDENT. The immediate consideration of the resolution is objected to, and the resolution goes over for a day.

Mr. BLEASE. The Senator has not objected, I submit. His request is not an objection under the rule.

The VICE PRESIDENT. Does the Senator from Kansas object to the present consideration of the resolution?

Mr. CURTIS. I asked that it might go over under the rule. That is all that is required.

The VICE PRESIDENT. The resolution goes over under the rule.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

Mr. FESS. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 20) reported back by me yesterday from the Committee on the Library, without amendment, providing for the filling of a vacancy on the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. KING. For information, I would like to ask the Senator whose appointment this is. Have the present members of the board suggested the name of Mr. Morrow?

Mr. FESS. Yes.

Mr. KING. I have no objection to the passage of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which now exists be filled by the appointment of Dwight W. Morrow, of New York.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE JOURNAL

Mr. CURTIS. I ask unanimous consent that the Journal of yesterday's proceedings may stand approved without reading.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? Without objection the Journal will stand approved.

GROWING SENTIMENT FOR DEVELOPMENT OF WATERWAYS

Mr. RANSDELL. Mr. President, I wish to address the Senate for a few moments in order to call the attention of this body and the country to the very rapid growth of sentiment throughout the Nation in favor of river and harbor legislation. I shall speak briefly, and during the course of my remarks shall ask to have printed in the RECORD some strong waterway utterances delivered by men very high in the councils of the dominant party.

Mr. President, in the transportation act of 1920 Congress made this broad declaration of policy:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

This paragraph may well be called the Magna Charta of interior waterways. It lifts water transportation on our canals, rivers, and lakes to the high level so long enjoyed by railways, and solemnly declares to all our officials charged with duties in connection with transportation that hereafter water and rail must receive the same treatment, and both must be preserved in full vigor.

I wish to call attention to the great convention of the National Rivers and Harbors Congress which was held in the city last week, and adopted far-reaching resolutions on the subject of water transportation that will be forcibly brought before the Senate.

When this organization had its rebirth—and for all practical purposes its birth—at the old Arlington Hotel in this city in January, 1906, nearly 20 years ago, there was very little general interest in Federal appropriations for improving the internal waterways of the Nation. River and harbor bills were enacted at long intervals, usually at least two years apart and sometimes more than that, and the appropriations for rivers which competed with railroads were entirely inadequate to secure beneficial results.

Railroads were then in their heyday; the rivers had fallen into almost universal disuse; highways had not been improved and motor transportation over roads was in its infancy. Railroads were practically the only transportation agents in the interior parts of the Union, though there was a magnificent water-borne commerce then as now on the Great Lakes and the seaboard.

Few public men in that day were bold enough to raise their voices in advocacy of improved waterways and the press of the Nation slurred viciously and continuously about the so-called "pork barrel" river and harbor bills. The improvement of harbors received liberal treatment, as they were railroad terminals at which the Nation's powerful railroads discharged and received freight to and from ocean carriers. But when efforts were made to improve canals and rivers and establish boat lines in competition with railroads a parsimonious policy was pursued.

The National Rivers and Harbors Congress made a gallant fight under extremely difficult conditions. From the very first it advocated a broad constructive policy for the improvement of all worthy rivers and harbors that were approved by the Engineer Corps of the Army and whose improvement was justified by the needs of commerce. It stood for an annual river and harbor bill carrying at least fifty millions a year instead of biennial bills aggregating very much smaller amounts. Its voice was raised, not alone in Washington but throughout the Nation, calling in clarion tones to all friends of waterways and urging them to do battle for the cause. It was almost as the voice of one crying in the wilderness. Very few heard the call, and harkened to it. But the good fight was kept up persistently and forcibly.

The organization met in annual convention at the Nation's Capital and sent forth its message to the people of America, insisting that the waterways should be improved, stressing the fact that water transportation is very much cheaper than that by rail or highway, emphasizing the point that waterways were used by mankind for thousands of years before anyone dreamed of a railroad, and that nearly all the great cities of the world where large bodies of human beings congregate were built on waterways and received the benefits of cheap water transportation.

The work of the National Rivers and Harbors Congress was supplemented by the efforts of many powerful water associations scattered throughout the Nation, each advocating local projects of great importance to their sections. Many of these local associations covered a wide area, enjoyed a large membership, and carried on a fine educational campaign in aid of improved waterways.

The battle was a long, hard one, and it seemed for years that little impression was being made. The World War demonstrated how impossible it was for the railroads to serve the Nation's needs, and but for the general use of improved highways which had rapidly sprung into existence and the quick movement of power-driven vehicles over these highways there would have been awful congestion and suffering.

It was realized then what a fatal mistake the Nation had made in not using its waterways, and people began to see

how necessary it was to do so. From that time a gradually growing public sentiment in favor of waterway improvement has gained momentum from year to year, until now the country seems ready to demand what the friends of waterways were insisting upon 20 years ago.

At a Missouri River improvement conference held in Kansas City on October 19 last, the extremely able head of the Department of Commerce, Secretary Hoover, delivered a strong address upon waterway improvements and committed himself unqualifiedly to the necessity of fully improving and using these great natural channels of transportation. Mr. Hoover is head of the department charged with the special duty of promoting commerce between the States and with foreign lands. It is the duty of his department to assist commerce in every possible way, and he emphasized correctly in that great speech—and I use the word "great" advisedly; I may even call it a waterway classic—the necessity of thoroughly improving and utilizing our three methods of transportation—highways, railways, and waterways. He made a powerful plea in favor of cheap transportation for the vast farming region of the Middle West, and insisted that only by properly improved waterways can the best results be obtained.

Mr. President, I ask that the speech of Secretary Hoover to which I have just referred may be printed in the RECORD, in full, as a part of my remarks.

The VICE PRESIDENT. Is there objection? If not, it is so ordered.

The speech referred to is as follows:

THE NEED OF INLAND WATERWAYS FOR AGRICULTURE AND INDUSTRY

(An address by Herbert Hoover, Secretary of Commerce, delivered before Missouri River Improvement Conference, Kansas City, Mo., October 19, 1925)

I have been invited by your agricultural and civic organizations to address you on the development of our inland waterways. I am glad to do so, for the subject is one in which I am deeply interested and it is one in which the Department of Commerce is enjoined in its organic act to assist and promote. I join with your advocacy of the improvement of these great rivers. I should like, however, to emphasize that our problem is not only one of a great and important Missouri segment of these rivers, but it is an even greater question, indeed one of supreme national importance and it is upon the more inclusive issue that I should like to address you to-day.

If we were to make a survey of the many great problems of progress that lie before us, the development of the whole of our internal waterways would stand at the forefront. And we have reached an entirely new era in this development. We need to take a reinventory of these resources in the light of new economic necessities, new facts, and the older forces that have been slowly crystallizing over recent years. And from them we have need to adopt an entirely new and enlarged conception of these questions.

A survey of the forces with which we have to deal to-day will assure us that if we guide our national policies rightly this decade will mark a rebirth of our inland waterways.

But their planning and construction will test our vision and our statesmanship, for we must consider their development not alone in the light of the needs of to-day but of those beyond our time and our generation.

The new setting, the new departure, in which we find ourselves develops from many causes.

Of these the most vital are the competitive difficulties in which our Middle West agriculture has been thrown by the shifting economic currents resulting from the war, and a great measure of permanent relief can be given to it through cheaper transportation. But there are involved in this question also other great national problems. There is high need of better distribution of our population in relief of the increasing congestion of our seaboard States. We must plan and provide greatly increased transportation facilities for the 40,000,000 of added population that we must serve within the next quarter of a century. And if our conceptions be broad enough and big enough we shall find in our inland waterways a measure of forward action to the solution of all these problems. Such solutions are now made possible by the development in the art of engineering our waterway improvement and the great improvement in navigation craft, and by the recovered economic strength of our country, which now permits us unhesitatingly to compass any vital reproductive enterprise.

But first and foremost, we must envisage our inland waterways as great unified transportation systems, not as isolated units. We must conceive and attack their construction as a connected whole, not as a collection of disconnected lake and river projects, which has been our habit in the past. The success and usefulness of any transportation system, whether rail or water or highway, will depend upon a broad interconnection of numbers of great cities and their agricultural and industrial hinterlands not only between themselves, but with the seaboard. Nor are the economic problems of the Middle West, such as our agricultural problems, limited to the valley of one river or tributary. They are vivid in every State and we must march to their relief as a whole, with a broad vision of their needs and the full utilization of our resources.

The topography of our country, the present and future necessities of our population, the development we have already accomplished, and above all the goodness of Providence in our natural water channels clearly define for us two such major inland waterways systems—the Mississippi system and the Great Lakes system. The completion of each of these systems within itself and their complementary completion with each other are necessary to-day in the relief of our agriculture through the cheaper transportation which they will afford and in the solution of many other national problems.

THE MISSISSIPPI SYSTEM

The Mississippi system and its tributaries form the great series of north and south and east and west arteries through 18 of our States. They are declared by our engineers to be feasible of improvement for modern water transportation for a total of 9,000 miles. There lies within these 9,000 miles two of the great trade routes of our Nation. One of them north to south across the entire Nation, the other east and west across nearly half the continent. Therefore, I visualize a great trunk waterway 1,500 miles in length up the Mississippi and Illinois from New Orleans to Chicago, and extending thence by the lakes to Duluth. I visualize an east and west waterway from above Pittsburgh to Kansas City, 1,600 miles along the Allegheny, the Ohio, the Mississippi, and the Missouri. These great trunks can ultimately be deepened to 9 feet, although your sector from St. Louis to Kansas City will need first be established at 6 feet of depth. And in addition to these main stems of 3,100 miles we need diligently complete the improvement to lesser but workable depths the 6,000 miles of tributary waterways which lie in the Tennessee, the Arkansas, the upper Missouri, the upper Mississippi, the Allegheny, the intercoastal canals, and the other tributaries. We will then have a transportation system of 9,000 miles of trunk lines and feeders complete and unified within itself.

This transportation system will greatly serve the vast heart of American agriculture. It will provide for cheaper transportation of agricultural and other bulk commodities from a great hinterland of States to the sea. It will place great commercial and industrial towns with upwards of 7,000,000 of people in the cheapest of communication with each other and with the agriculture of many States. In this conception your project for the further improvement of the Missouri between St. Louis and Kansas City has a most important setting. Of like urgent importance is the completed improvement of the Ohio from Cincinnati to Cairo and of the Mississippi and Illinois from Cairo to Chicago.

Nor is this any day dream. We aim, merely, to restore what once existed. In the days of the glory of Mississippi commerce, the river was one vast system of main channel and tributaries. It was the artery of the great valley. Vessels from the upper reaches of the Ohio voyaged uninterruptedly down to New Orleans. Louisville is as old a port of entry as New York or Philadelphia. The first customhouse returns to the United States Treasury came from Palmyra, Tenn., on the Cumberland River. St. Louis and Kansas City were great points of departure in the invasion of the West. Western rivers alone once carried a tonnage larger than was then carried along the entire American seaboard.

Then came the vast improvement in transportation through the railways, and the rivers fell into disuse, because their 3-foot craft could not compete with the iron horse. But, with deepened channels and improved equipment that we now have made feasible, our waterways can be recreated to again serve the Nation.

THE SYSTEM TWO-THIRDS COMPLETE

Our engineers advise me that of the 3,100 miles of cross-shaped main trunk system, with its four points resting on Pittsburgh, Chicago, Kansas City, and New Orleans, there are segments of less than 1,100 miles uncompleted. They advise me that of the 6,000 miles of feasible tributaries there are segments of only 1,000 miles yet to be improved. But, as the system lies to-day, many vital links are broken. Yet two-thirds of the job is already done—it awaits completion.

THE COST OF COMPLETION

Our engineers assure me that we could complete the main trunk lines for about 65 millions, the urgent work on the tributaries could be accomplished for another 35 millions, or a total of about 100 millions of dollars for this renewed, vitalized transportation system.

THE REASONS WHY WATERWAY TRAFFIC HAS BECOME CHEAPER THAN RAIL

If we give study to the situation of Mid-West agriculture, we quickly discover that the necessary increase in rail rates imposed by shift in economic values has adversely affected the farmer in his com-

petition against the lower standards of living and cheaper costs abroad. It has no less shifted the relations of industry and commerce in these great valleys.

There are many forces and facts, which now cumulate to render the transportation of many farm products cheaper by water than by rail and thus afford relief and stimulus to both agriculture and industry. Among them we would find that, while the advance in cost of labor and materials has necessitated great increases in our railway rates, yet the increased costs are less in the case of water-borne traffic than in rail traffic, because labor and material are employed in less ratio to the tonnage carried.

IMPROVED CONSTRUCTION OF WATERWAYS

But other factors have contributed even more importantly to assure reduction in the cost of water transportation to less than by rail. We have proved our ability to construct deeper channels for larger craft than of old. We have passed through the pioneer stage of engineering experiment in the construction of waterways. Our engineers have attained the highest of skill that exists in the world. We apply new labor-saving devices to the excavation of large quantities of materials and to the replacement of great works. We have developed new methods and great economies in construction of dams and canals. No experience in the outside world could furnish us with a guide to projects of the magnitude which we must undertake. But we have developed that experience and skill by which we now assuredly control the floods, equalize the stream flow, curb the currents and channels, build great dams and reservoirs. We can proceed with a certainty of step which has not hitherto been possible. To-day we are sure of our results.

IMPROVEMENTS ON CRAFT

With the deepening of channels there has been a coordinate improvement in craft. Great barges, specialized to different types of traffic, convey ten times the volume of their shallow predecessors. Diesel engines, improved steam appliances, and better loading and discharging devices have all advanced us a long distance from the old canal boats and the packet boat. But the fundamental for use of these appliances is that we shall have sufficient and reliable depths of water to make them possible of use. Without such depths our rivers are not waterways, they are drainage channels.

COMPARATIVE COST OF WATER-BORNE WHEAT

And all these forces and inventions have restored our water carriage to the cheapest of all forms of transportation for many types of goods. Broadly, if we have back loading, 1,000 bushels of wheat can be transported 1,000 miles on the Great Lakes or on the sea for $20 to $30; it can be done on a modern-equipped Mississippi barge for $60 to $70, and it costs by rail from $150 to $200. These estimates are not based upon hypothetical calculations but on the actual going freight rates. The indirect benefits of the cheaper water transportation to the former are of far wider importance than the savings on individual shipments might indicate. In those commodities where we are dependent upon exports for a market (and upon some domestic markets) the price level will be determined at the point where the world streams of that commodity join together in the great markets. Thus the price of wheat is made at Liverpool, and anything that we can save on transportation to Liverpool is in the long run that much in addition to the farmer's price. And it is not an addition solely to the actual goods which he may have shipped to that market, but it lifts the price level in our domestic market on the whole commodity in this same ratio. Thus, if we can save from 5 to 7 cents a bushel additional by the completion of the Mississippi and Great Lakes systems, we will have added a substantial amount to the income of every farmer in the Middle West.

COMPLETION OF WHOLE MISSISSIPPI SYSTEM NECESSARY FOR LOWEST RATES

But there is one vital factor which must be made effective before these services can bring their results both in rates and in service to an important part of our Middle West agriculture and industry. That is, we must make these waterways into a full and completed transportation system by joining up their broken links.

I can not insist too strongly upon the necessity of this full completion of the whole system, for every part bears a relation to every other part, no matter how remote. You in the Missouri Valley are interested in the completion of the great route up the Ohio to Pittsburgh, for you will find large traffic both east and west over this great trade route. You are interested in the improvement of every tributary, for it is in some degree a market or a source of supplies to you. For a less direct reason you are also interested in even the completion of the route from St. Louis to Chicago, for we must not underestimate the great factor in water transport of the balanced load. Without this balance your transportation costs on agricultural produce will be doubled from St. Louis and New Orleans. The completion of the segment from St. Louis to Chicago, for instance, will increase the back load of South American imports up the Mississippi and directly affect your costs of transportation downward from St. Louis to New Orleans. In other words, we can have little hope for securing the cheapest costs for our agricultural produce and your industries until we have completed this transportation system with its larger population and more diversified industry in reach. Furthermore, we must have the completed system in order to secure that volume of tonnage and variety of craft which is necessary to most economically carry the varied products and to care for the seasonal ebb and flow of goods.

There is another reason why we must have a completed Mississippi system if we would gain the cheapest transportation for our agriculture and industry. The development of our waterways obviously is of direct assistance to those producers immediately along the waterside, and incidentally the improvement in our highway transport has enlarged this zone of direct water traffic. When we were dependent on the horse and wagon for collection and distribution from the water, the region served was limited to a belt perhaps 5 or 10 miles wide. But with the new highways and the motor truck this belt has been widened many miles and has increased the population which can benefit by direct transportation.

But our object is of wider importance than the solely waterside transport. We aim to carry the benefits of cheaper transportation back into the hinterland, where goods must be gathered and distributed by rail and in which the rivers will form a connecting link of cheaper transportation, but before this can be effective the waterway link must be long enough to overcome the extra cost of loading from cars; that is, the cheaper rates of the water section must more than offset the cost of additional loading and reloading. And this only becomes possible when there are long water hauls. And we shall not have arrived at these long stretches of water in full measure until we have completed the whole Mississippi system of interconnected segments.

FUTURE NEED OF MORE TRANSPORTATION

I have said that one of the reasons which should impel us to now vigorously undertake the completion of our inland waterways is the necessity to provide more transportation facilities for the future of our country as a whole. Already our great railway gateways and terminals are showing signs of congestion. Our traffic in 25 years has grown from 114,000,000,000 ton-miles to 338,000,000,000 ton-miles, or it has nearly tripled. At a much less rate of increase we must within another quarter of a century provide for expansion in facilities to handle at least double what we are moving to-day. Our present railways will obviously be inadequate to meet that task. The expansion of railway terminals to accommodate the growth of the next quarter of a century will be accomplished at enormously increasing costs because of the increase of land values in our cities, and the waterways, because they furnish continuous terminals spread along the whole water fronts of our towns, go far to solve the problem of increased terminals and crowded streets.

Furthermore, if we would provide for the 40,000,000 of increased population that this quarter of a century will bring us, we must either build more trunk line of railways in the States which can be served by these waterway systems or we must improve our waterways to take part of the burden. I believe any study of the comparative capital outlay will show that to duplicate this completed Mississippi system by rails would cost three times as much as to complete the waterways. And they will move many goods more cheaply. Nor is this in anywise a statement that our railways must not be under constant development, for they obviously reach scores of millions of people that are untouched by the waterways, and they perform many services that our waterways can not undertake. And I may add that their improvement can only be accomplished by safeguarding to them such earnings as will enable them to provide increasing facilities and increasing efficiency.

BETTER DISTRIBUTION OF POPULATION

But there is another great problem in our national development for which we can find at least some relief if we would complete our great inland waterways systems. Industry in its efforts to find location where there is that balance between transportation of raw materials and distribution of the finished product together with the availability of labor is greatly congested in our Atlantic seaboard States. One of our great social problems to-day is this overgrowth of cities. Through the improvement of our interior waterways it will be possible to better distribute industry and population, because these waterways will make it advantageous to move much production nearer to the area of consumption. And by bringing industry nearer to the farmer we will provide a closer market to agriculture; it will stimulate a diversification of his production and create a greater diversification of occupation between the agriculture and industry to the mutual benefit of both.

CRITICISM OF THE WATERWAY PROJECTS

I should like to digress for a moment to give some answer to those who oppose the further development of our inland waterways. They have claimed that our past experimentation, even where we have completed development, has demonstrated the purposelessness of these efforts. They point to some segments of these waterways which carry

but a microscopic portion of the transportation even in their regions. It is a favorite assertion, for instance, that the 1,100-mile trunk line from St. Louis to New Orleans has proved a failure after deepening it to 9 feet, because it carries only 16 per cent as much traffic as is carried by the Illinois Central Railway alone. It is, of course, a direct answer that that route is to-day carrying traffic for 20 per cent less than the railways can afford to carry it. There is also a further answer. Before we can reap the full benefit of deepened waterways we must give time not only for the creation of modern equipment but for the shift of the grooves of trade and for the pressure of increasing traffic as a whole. But a far more important answer to this general criticism of our inland waterways is that these waterways are not yet completed into real transportation systems. And they will not be until the whole of the trunk lines are completed and the tributaries made available to feed them.

I have said that our proposed Mississippi system upon its trunk lines alone has town populations along the bank of over 7,000,000 people. But these towns and their great agricultural hinterlands are not to-day connected. They are separated by the shallow sections. If we were to work out the mathematical combinations of interconnection we would find that less than 15 per cent of these people now have the full water-borne communication with each other, which is possible in this system. In other words, from an economic point of view, the system is but 15 per cent complete, while from a physical point of view it is two-thirds complete.

I can not insist too strongly upon the necessity of this full connection and its analogy to integrated railways. If we were to break an important railway system into segments with intermediate stretches of, say narrow-gauge track at points between Chicago and St. Louis, between Kansas City and New Orleans, between Pittsburgh and St. Louis, and so on, that system would make a very poor showing—yet the Mississippi system is to-day broken into just this sort of segments. Despite all this, if at this moment we add up the total annual tonnage moving on the 2,000 miles of separate main trunk segments of the proposed Mississippi system, so far as it is completed, and compare it with the Southern Railway of 7,000 miles all connected, we find that these waterways segments carry annually 41,000,000 tons, as compared with 45,000,000 tons by this railway. If a waterway system of stretches and patches can make such a showing as this, we need summon no special courage to complete it.

RELATION OF INCREASED WATERWAYS TO THE RAILWAYS

I should like to trespass upon your time further in discussion of the relation of this problem of water transportation and that of railway transportation. Broadly, we are seeking to secure some relief to midwest agriculture by readjusting its setting in the economic world which has been upset through the necessary increase of railway rates from this great Middle West to the seaboard. It is impossible for us to call upon the railways for deep reductions of their agricultural rates in view of their increased costs of operation. We seek to provide it by a new form of transportation, and we are confident that the growth of transportation as a whole will maintain ample occupation for the railways. During these many years passed, there has been an unceasing battle between the proponents of rail and water-borne traffic. No one can read the debates over the last half century without feeling that the dominant argument for improvement of our waterways has been to club the railways in the matter of rates. On the other side, no one can study the competitive tactics of the railways against the waterways without conviction that at times they throttled water transportation by reducing railway rates below what they themselves could in honesty maintain. Regardless of the merits or demerits of the contentions, there is to-day no excuse for continuing this battle. We are faced with a period when both are needed. We have also had much emotion over joint rates, but if we have a real connected system of internal waterways, this problem will settle itself, for the day will come when the railways themselves will be seeking joint rates to meet competition with each other.

Nor do we need overstate the importance of water-borne facilities in relation to our other transportation systems—our railways and highways. Let us get into the proper setting. Taking the country as a whole the railways and highways must ever bear the major burden of our internal traffic. And there are many classes of goods which will always go by rail even parallel with the waterways. But equally wrong are those who do not accord internal waterways a great and increasing future in transportation.

And here is an old saying that is true: New transportation facilities create business. It is well proved by our new highways. At one time in our history we practically abandoned the highways and waterways for railways. The invention of the gas engine has restored our highways and multiplied their traffic ten thousand fold. Yet the total volume of passengers and goods on our railways has never been so great as now. In the same way, with greater depths and with the improvements in craft, it is possible to restore our waterways. Nor will this jeopardize the prosperity of our railways, as some predict.

THE GREAT LAKES SYSTEM

In discussion of our inland waterways I should not omit a reference to the great coordinate part of this problem; that is, the Great Lakes system. While it is of less direct interest to those of you in the Southern Missouri Valley, it will, however, form an indirect contribution to even your economic life and it is of the most vital and direct importance to your neighbors to the north and to the east and to the whole agricultural problem of the Middle West. The Great Lakes are to-day the greatest system of inland water transportation in the world. Their depths bear ships of ocean size. They have developed a vast fleet whose traffic is over 23 per cent of the ton-miles of all our railways. They are connected with the sea and the 12-foot Erie and the 14-foot St. Lawrence Canals. Ocean vessels can not move through these depths. These incomplete links to the sea require that exports and imports shall be reloaded twice and that a part of the journey shall be made in more expensively operated craft. There is thus a definite handicap on goods that would move to export and import from the Middle West to foreign countries and to the Atlantic seaboard points. All that I have said of the economic effects of disconnected or partly connected segments in the Mississippi system applies equally to our Great Lakes system. That the Great Lakes shall be opened to the sea and their ports take a direct part in the ocean trade of the world is absolutely inevitable. It is demanded by 35,000,000 people in the tributary region and can not be resisted.

Our engineers have long since demonstrated that 30-foot canals are feasible from the Lakes to the ocean. There are two possible alternative routes—the St. Lawrence and the Erie Canals. The St. Lawrence is an international route; we can only engage in it with the cooperation of Canada. Before any right conclusions can be reached as to which of these routes should be undertaken we must know the attitude of Canada, and we must determine all of the engineering and economic factors. Upon my recommendation exhaustive investigation is to-day in progress by our Government departments, with a view to determining the facts as to both routes, and we have a national commission awaiting any expression from Canada of her views. When we have the facts and conditions in hand we shall then need hammer out conclusions on the anvil of debate. But it is not my purpose to take your time discussing these alternative hypotheses based on a thousand uncertainties. One thing we do know already is that a shipway can be built. And I can say emphatically that the needs of our farmers, our manufacturers, and, indeed, the whole of the people in 18 of our States adjacent to the Lakes to-day urgently require that we provide an outlet for their deep-sea vessels to the ports of the world. And I may add that what benefits 18 States benefits all the States.

There is a further problem in our Lakes system that demands immediate solution, no matter which route we may take to the sea. Both Canada and ourselves are in urgent need that we regulate the levels of the Lakes by works at the lower end of Lake Erie. During the past three years the lowered lake levels have greatly handicapped our shipping and our Lake ports. This decreased level has been due far more to diminished rainfall than to the much-blamed Chicago diversion.

NO DELAY NEEDED IN CONSTRUCTION OF THE MISSISSIPPI SYSTEM

On the Mississippi system these engineering questions are behind us. We know what we should do. We know its vast benefits; we know it can be accomplished by a comparatively trivial cost compared to these benefits. We should go to it and have it completed within the next decade.

There is one great obstacle in the path of the completion of these great projects which is now happily removed. We have been engaged for the last 12 years in fighting a great war and in reconstruction of the damage to economic life that sprang from it. That period of reconstruction is practically over. We have emerged with an economic strength as a nation which enables us to enter upon great undertakings which will not only provide for our needs to-day but lay the foundation for progress for the next generation. Despite our losses, we rejoice in a national wealth the greatest in our history and in the history of the world. We have learned that expenditures on great reproductive works are neither a waste nor a burden upon the community. They bring a rich harvest in increasing wealth and greater happiness. They tend directly to strengthen the foundations of agriculture and industry. Even from the narrower point of view of taxation, they are an economy, for it is by such works that we increase the income available to taxation and thus reduce individual burdens.

IN CONCLUSION

I have referred from time to time to the dominating importance of these matters to the welfare of our great Middle West agriculture. I can not give too much emphasis to its necessity. As I have said, some part of the difficulties of our great Middle West agriculture has arisen from the necessary increases in freight rates to domestic and foreign markets brought about in our economic adjustments since the war. These waterways penetrate the heart of American agriculture. Water-borne traffic is peculiarly adapted to the dominant agricultural prod-

ucts of these regions. Our agriculture is based upon higher standards of living than those of our foreign competitors. If we would maintain these standards, we must omit nothing in the economies we can bring in transportation. Every cent we can save in transportation to market is an addition to the income of the farmer and an assurance that we can maintain these standards in agriculture. No one can contemplate the past and the future of our country without an earnest prayer that we shall maintain at all times the refreshing force of a strong farm population in our national life. Nor does this problem extend to agriculture alone. For if we would provide our manufacturers and our workmen with the most economic assembly of their raw materials, which they must receive from all parts of the world, and if we would provide for them the cheapest access to the world for their finished goods, we must also secure to them the cheapest transportation.

The providential possession of a network of great natural waterways, the advance of engineering science which renders feasible their completion to the cheapest form of transportation for primary goods, the moderate capital outlay required for so reproductive a work, the recovered economic strength of our Nation places us in a new era in this great project, and it bids that we provide for the increasing traffic of our country; that we set in motion the economic forces that will tend to a better distribution of our increasing population and the wider diversification of our industries, and, above all, that will contribute so greatly to overcome the difficulties of our farmers. Thus only will what God has given us become a blessing to every cottage. And God has given to us greater resources in waterways than to any other people of the earth.

Mr. RANSDELL. Mr. President, a few days later Mr. Davis, Secretary of War, delivered an excellent speech before a convention of the Mississippi Valley Improvement Association at St. Louis on the 23d of November, and he, too, dwelt upon the necessity of improving and using waterways. Mr. Davis emphasized the wisdom of friendly cooperation between railways and waterways instead of competitive rivalry. He insisted that the Nation needs all our means of transportation and called attention to the fact that Congress makes it a duty of the Interstate Commerce Commission to foster and preserve in full vigor both rail and water transportation. Mr. Davis said that in order to obtain—

the greatest good to the greatest number we must utilize our great arterial waterways and their feeders, our coastal streams and our canals, as they are completed; our lakes and our coastal rivers in cooperation with and not opposition to our railroads—

And that—

our policy should be cooperation, not competition.

Mr. President, as a waterway man whose whole congressional life of nearly 27 years has been devoted largely to flood control and waterway improvements to assist navigation, I gladly say "Amen" to Mr. Davis's suggestion of cooperation, not competition, between railways and waterways. I hope the railways will follow the advice of Mr. Davis in this respect, and as they are so much more powerful, so infinitely stronger than the waterways, I can safely promise that the water carriers will gladly cooperate with them on the basis suggested by Secretary Davis—cooperation and not competition.

That speech delivered by Mr. Davis is an excellent one, and I ask that it may be printed in the RECORD as a part of my remarks. I regard it as a real contribution to the very important subject of transportation now so interesting to the whole country.

The VICE PRESIDENT. Without objection, the speech will be printed in the RECORD.

The speech referred to is as follows:

COOPERATION, NOT COMPETITION

(Address of the Hon. Dwight F. Davis, Secretary of War, before the seventh annual convention of the Mississippi Valley Association at St. Louis, Mo., November 23, 1925)

St. Louis is at the heart of the greatest navigable river system in North America and at the heart also of a net of great railroad lines. Its past history, its present situation, show the necessity for cooperation, not competition, between railways and waterways. Your association is committed to a constructive and statesmanlike attitude on the question of waterway development. No question is more important for this future development than cooperation, not competition, between railways and waterways.

This problem is one that we have not yet satisfactorily solved. There are three parties to its solution: The railroads, the water carriers, and the shippers, which means the general public. Each party has a tendency to blame one or both for whatever is wrong. In my opinion, none of the three is blameless. Their mistake has been in their fundamental idea of the situation.

You know better than I can tell you the early history of our waterways. They were the principal means, in some cases almost the only means, by which the American people worked their way from the Appalachians to the Rockies, building a nation as they came. The winning of the West was made possible by the waterways of the West. As the Mississippi Valley was occupied its rivers developed a great and prosperous commerce. But about the middle of the last century, when the valley began to change from a frontier of plains and wilderness into an empire of industry and agriculture, the railroads crossed the eastern mountains and spread over it. They found everywhere the established river carriers. There ensued a struggle between these transportation agencies. The end of that struggle was defeat for the waterways, and it is only in the last decade that they have begun their inevitable recovery.

The root of the trouble in the past was primarily not malice but ignorance, the most common source of human ills—ignorance of fundamentals. The railroad men of those days felt that they must, with their then greater efficiency, destroy the competition of the rivers. The old river men felt that, with the greater inherent cheapness of water movement, they should be permitted and encouraged to make headway against the competition of the railroads. The public was sometimes on one side and sometimes on the other, but always with the feeling that it was involved in a struggle between natural competitors, and often trying to use one competitor to obtain unfair concessions from the other.

None of them realized the fundamental fact that rail and water transportation were not competitive but complementary; that their proper relation was not combat but cooperation; and that any other relation was abnormal, wasteful, and against the best interests of all the parties concerned.

Competition is a curious thing. A century and a half ago the industrial revolution was brought about in England by a few simple inventions, notably machines for weaving cotton cloth. Until then weaving had been done by hand. With the new machines one man could do the work that many had done before. The weavers promptly rioted, invaded factories, and destroyed the machines. They felt that if this new process were established most of them would be thrown out of work and would starve. Those rioters were not moved by evil intentions. They simply did not understand. They could see one day into the future and imagine themselves out of a particular job in a particular mill. They could not see a little further and understand that in an industrialized nation every man would still have a job, but that every man could produce many times more goods and get as his share more real wealth. The machines that they thought were their deadly competitors have become the servants of their prosperity.

The man who talks of natural competition and a finish fight between river and rail is as shortsighted as those Lancashire weavers. He sees a railroad between two cities carrying a certain amount of freight; he sees a river connecting them; he sees the possibility of the river taking the freight that now moves by rail. Then he thinks he sees the ruin of the railroad. Such a man does not see realities. He does not see that if the river can carry any particular kind of freight more cheaply than the railroad the community will save money; that this money is new capital which will produce more prosperity and more production and more goods to be transported by both the river and the railroad. In other words, he does not understand the basic law of economics, that whatever increases the wealth, prosperity, and efficiency of a community benefits all the important elements of the community.

What are the facts of the transportation situation to-day? The railroads have passed from the nineteenth century era of expansion to the twentieth century era of efficiency. They are not building new lines at the speed they did after the Civil War. Between 1910 and 1920 their total trackage increased only 5 per cent, but not all of this trackage was in use. They are seeking to do more with what they have, and in such items as miles per car per day, train-miles per locomotive are making splendid progress. Of the unfavorable factors which they must combat I take two at random—unbalanced hauls and peak loads. Suppose a road has a long, heavy eastbound movement, say, of grain, and a light return movement. At a dead loss it must haul a great number of empty cars west. Suppose it could haul its grain east part of the way and deliver it to a river carrier; suppose this meant a saving to the shippers, and therefore more purchasing power; suppose they used this purchasing power, as they would, to buy more merchandise, which would fill the cars that formerly went west empty. Would not the railroad be better off? Again, consider the peak-load problem. We all know in the past a bumper crop of Northwestern wheat or California fruit or Florida truck has taxed the railroads to their capacity and beyond. The crop is moved eventually after part of it has rotted, and farmers have had to borrow money to tide them through, and a blow has been dealt to prosperity and to purchasing power which is at once reflected in a smaller demand for general merchandise and therefore a smaller revenue for

the railroads. Would not an intelligent rail executive be glad if some agency would step in at such a moment and lift the burden of the peak movement from his overtaxed organization?

There is not the remotest danger that the river carrier will drive the rail carrier from the field. As an example, I need only point to our most extensively developed river, the Monongahela. It carries 25,000,000 tons a year, and its locks are worked to about two-thirds capacity; yet a prosperous railroad line runs on each bank. If either rail or river traffic were destroyed, there would be no benefit to the other, but only a serious loss to Pittsburgh industry and the Nation. Can anyone doubt that the same situation will exist when the commerce of the Mississippi, the Missouri, the Ohio, and their tributaries is similarly developed?

Successful river traffic is dependent on railroads. A railroad can go anywhere; it can run a spur to a factory door. But a boat can only go on the river. Except for a movement which begins and ends within trucking distance of the river bank, part of the haul must be by rail. The other part, for economy, should and will be by water only when the water movement is, proportionally, long enough so that its cheapness in line-haul outweighs the cost of transshipment. And besides this there are a multitude of cases where, by ability to grant certain privileges to give express service, to avoid rehandling, and so on, the railroad has natural advantages that neither can nor should be denied.

Railroads are and will remain the backbone of inland transportation. Efficient waterway traffic can not in most cases flourish without them. And we are coming to realize the converse, that efficient rail traffic depends on using to the limit the waterways. By reducing peak load, by balancing rail hauls, by taking the burden of low-grade traffic, by preventing car shortages, rivers can be and are becoming an essential element in the railroad's fight for efficiency. And most important, the rivers can save money to the Nation as a whole, and neither the railroads nor anyone else can avoid sharing in the resulting increased prosperity. Each should carry traffic for which, under the given conditions, it is economically best fitted; both carry jointly that for which joint carriage is most economical.

Even if such cooperation were not otherwise sound economically conditions would force its adoption. I have said that the present railroad trend is toward intensifying the traffic possibilities of existing lines rather than building new ones. But this process can not continue indefinitely. When, in the coming generation, our internal commerce shall have increased 50 per cent or 100 per cent it is evident that the present rail installations, no matter how efficiently operated, could not handle it. Before long in congested sections of the country we must face the alternative either of intensive use of our waterways or of enormous investments in new railway lines. It is a question how far and on what terms the railways could borrow the sums needed. But more important than this is the waste involved in spending billions of dollars to make a path over which commerce can move by rail when nature has given us in our great rivers natural paths which can be made ready for commerce for a few million dollars. The Mississippi, the Missouri, the Ohio, and others are equivalent as possible commerce carriers to scores of parallel rail lines. To neglect their possibilities is to throw away a gift of nature and impose on the Nation huge additional expenditures which will benefit no one.

The provision of adequate channels for the future commerce of our waterway systems—notably, those of the Mississippi Valley—is well advanced toward completion, thanks to the recent liberal policy of Congress and the activities of the Army engineers. What remains to be done is at once quite limited as to cost and extremely urgent as to its effect on commerce. The incompleted gaps in the Mississippi system, which we are closing as rapidly as funds permit, have thus far retarded the growth of traffic far out of proportion to their actual mileage, for they are weak links in what should be a continuous chain. The Ohio, for example, is, in terms of money, about 85 per cent complete. But its commerce is not 85 per cent nor 25 per cent of what it will become, for the unfinished part separates the canalized upper and middle stretches from the main Mississippi. It is like a railroad, mostly standard gauge, which has a narrow-gauge connection with other railroad systems. The same remark applies in varying degree to the Mississippi, the Missouri, and other rivers of the valley. Eliminate these narrow-gauge gaps and the system for the first time in history is ready to take its rightful place in our national economy as a great, complete, cooperative transportation facility.

It is in this way that I view the future of our internal commerce. Railways, waterways, highways—all have their sphere. All are necessary to the public, and each is necessary to the most efficient and profitable development of the others.

But how can this cooperation be attained? The best efforts of the best minds of both rail and water executives are bent toward this accomplishment, and much has been attained through the operation of the Inland Waterways Corporation, which has definitely proven that, given an equitable division of revenue to both rail and water carriers for a joint haul, the combined service will not only furnish the shipper a lower freight rate but will afford a living revenue to each carrier.

One of the most important new developments in transportation in this country is the revival of common carriage on our inland waterways. The thing which makes this significant is the tendency to closely correlate these common carriers by water with the railroads to form through routes which the public may use with the same freedom as they have heretofore used the railroads alone.

In the transportation act of 1920 Congress made this broad declaration of policy:

"It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation."

At the same time Congress directed its agent, the Interstate Commerce Commission, to so prescribe and adjust rates that the railroads may "earn an aggregate annual net railway operating income equal as nearly as may be to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation."

This same agent, the Interstate Commerce Commission, is also charged to so administer the whole body of the transportation law as to "foster and preserve in full vigor both rail and water transportation."

In doing this it may order rail rates up or down. It may order joint rail-and-water rates down but not up. It may require the railroads to join in through rates with water lines, even though the individual railroad may protest that such route deprives it of some particular haul it may otherwise receive.

It may order the division of joint rail-and-water rates on bases which please neither the rail nor the water carrier.

The commission may, and does effectually, deny railroads the right to enter into any form of unbridled competition with water carriers which aims at or might conceivably cause the destruction of valuable water service. Here there would seem to be an adequate groundwork of law which should cause common carriers by water again to occupy the field as soon as the waterways are completed and capital is assured that its investments in this field will be adequately protected. All that the railroads need to be shown is that they will profit by cooperation, not suffer by competition, and they will cooperate. All that private capital needs to be shown is that such cooperation results in profitable investments in common carriers, and capital will embark upon the enterprise.

If we are ever, then, to succeed in our broad national policy of coordinating rail and water transportation for the present, adding motor and air transportation in the future, we must face the conditions as they exist, built broadly for the greatest good of the greatest number, utilize our great arterial waterways and their feeders, our coastal streams, and our canals, as they are completed, our lakes and our coastal waters, in cooperation with and not opposition to our railways, which must always be the backbone of our unified transportation system that is to give us as nearly an ideal transportation system as the mind of thinking man can conceive. Our policy should be cooperation, not competition.

Mr. RANSDELL. Now, sir, I come to a more important individual than either the Secretary of War or of Commerce. In addition to the very favorable expressions of Secretaries Hoover and Davis, we have the views of President Coolidge. They are quite as emphatic as those of the other gentlemen. In his letter of November 13, 1925, to Hon. J. Hampton Moore, president of the Atlantic Deeper Waterways Association, President Coolidge said:

In the United States we have a natural scheme of waterways, superior to that of any other country, which when improved and connected up to serve the remote as well as the populous areas, will, it is said, justify in reduced rates and increased commerce the expenditures made upon them. The economic value of these streams has long been recognized, but their development has proceeded slowly. To render the highest service as carriers and distributors they should be joined together and standardized as to dimensions for traffic, so that the shipper would have confidence in them. When they are finally brought together in a workable system, the benefits in rates and values will be incalculable.

Mr. President and Senators, can you imagine the President of the United States making a statement like that? That sounds like the statement of my friend the senior Senator from Florida [Mr. FLETCHER], or your humble servant, or some other enthusiastic waterway man. That is what we have been saying for years: "Improve these watercourses; join them all together; give the shipper confidence in them by showing him that they are a complete, standardized, workable system, and the benefits thereof will be incalculable." I thank the Presi-

dent for those wise, true words, words which many of us have been uttering many years, but to which scant attention was paid. I hope, sirs, that Congress and the American people will take heed, now that our Chief Executive has begun to use the same language, and that his wise words are backed up by his Secretary of Commerce and Secretary of War.

The President then refers in detail to several of the leading waterway projects of the country, and concludes in this fine language:

We have the streams, and ultimately they can be improved for service. They can develop both transportation and power. They will be completed for longer hauls and intersecting routes. They will be standardized so that all sections of the country would derive advantage from them.

They are not local, Mr. President. President Coolidge shows here that they will be standardized so that every portion of this great Republic will derive benefit from them; and he concludes:

It is gratifying to note a growth in sentiment favoring coordination of various means of transportation, the railway, the highway, and the waterway. Each of these has rendered distinct service. They can render a greater service, more gratifying to the producer and consumer, as well as to the shipper, if made to assist rather than to oppose each other.

Those are wonderful and most friendly words, and again I thank the President for them.

At this point I ask that the entire letter of the President to Mr. Moore may be printed in the RECORD as part of my remarks. It is not very long and is worthy of our best attention.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, D. C., *November 13, 1925.*

To Hon. J. HAMPTON MOORE,
President Atlantic Deeper Waterways Association,
Philadelphia, Pa.

DEAR MR. MOORE: It will not be possible for me to attend the Miami convention of the Atlantic Deeper Waterways Association, to which you invite me for November 23-26.

I realize, however, that the purpose for which you assemble has a national interest, and that there is a peculiar significance in your meeting in Florida at this time when transportation is a matter of serious concern.

In the United States we have a natural scheme of waterways, superior to that of any other country, which, when improved and connected up to serve the remote, as well as the populous areas, will, it is said, justify, in reduced rates and increased commerce, the expenditures made upon them.

The economic value of these streams has long been recognized, but their development has proceeded slowly. To render the highest service, as carriers and distributors, they should be joined together and standardized as to dimensions for traffic, so that the shipper would have confidence in them. When they are finally brought together in a workable system, the benefits in rates and values will be incalculable.

At the present time the War Department, under authority of Congress, is engaging its engineers upon port, canal, and waterway improvements in all parts of the country. On the Ohio River, locks and dams are being erected to assure a 9-foot channel to the Mississippi. This great work is proceeding steadily with a view to completion in five years. The Government is also at work upon the Mississippi and Missouri, and to emphasize to commerce the value of dependable waterways is operating experimental barge lines upon the Mississippi, and the Warrior in Alabama.

Improvement works are also under way along the Atlantic seaboard, notably the new canal bisecting Delaware and Maryland, connecting up the Chesapeake Bay and waters south with the Delaware River and waters running north to New England. This great channel, free of locks, will be thrown open to the public, with a 12-foot depth, early next year.

These are some of the major improvements which evince the Federal interest in waterways.

We have the streams, and ultimately they will be improved for service. They can develop both transportation and power. They will be completed for longer hauls and intersecting routes; they will be standardized, so that all sections of the country would derive advantage from them.

It is gratifying to note a growth of sentiment favoring the coordination of various means of transportation—the rail, the highway, and the waterway. Each of these has rendered a distinct service. They can render a greater service, more satisfying to the producer and to the consumer, as well as to the shipper, if made to assist rather than oppose each other.

I wish you would extend my greetings to the convention.

Very truly yours,

CALVIN COOLIDGE.

Mr. RANSDELL. Then in his message to Congress on the 8th of this month President Coolidge made a strong statement in regard to waterway development. He called special attention to the necessity of connecting—

the Great Lakes with the ocean via the St. Lawrence or the Erie Canal and also to the Mississippi River system, including connecting channels between the Great Lakes and the "Father of the Waters."

Among many other things he said:

A modern channel connecting Chicago, New Orleans, Kansas City, and Pittsburgh should be laid out and work on the tributaries prosecuted.

President Coolidge and two members of his Cabinet, Secretaries Hoover and Davis, have heard the distant but distinct hum of the American people voicing their belief in waterway improvement and demanding of the lawmakers wise provision for the best improvement and coordinated use of highways, railways, and waterways. They realize that the time has come to cease the halting, parsimonious policy which utterly failed to make adequate provision for our great interior river and lake systems, and so far as lies in their power they are attempting to persuade Congress to do its duty.

The Constitution directs the President to advise Congress from time to time regarding measures of public policy. From his vantage point in the White House, with the eyes of the whole Nation upon him, what he says is bound to carry the greatest weight. What his counselors and advisors in the Cabinet say is also entitled to great consideration. The time is opportune for inaugurating and pushing an effective waterway program with a view to the speedy completion of the important projects.

Waterway sentiment is more favorable now than at any time during the past 20 years—aye, than at any time during the past 50 years. Waterway men should raise their voices loud and strong. They should renew their activities and work more earnestly than ever before. They should hold up the hands of President Coolidge and Secretaries Hoover and Davis in their earnest appeals on this most important topic.

Under the Constitution Congress is the only body which can provide the ways and means, the money, for carrying out the plans of the Engineer Corps and bringing to speedy completion the waterway projects needed by the Republic. Congress is willing and anxious to do what is right in this matter; but the demands upon it in other directions are so great and so loud-voiced that it must be made to understand beyond question that such is the desire of the American people. Whatever the majority of the citizens of this Republic wish will be granted by Congress, provided it becomes sure that the people are in earnest, that they know what they want, and that genuine benefits to the Nation will result therefrom.

If the waterways people throughout the land, the local associations of every kind and sort, will join hands with the National Rivers and Harbors Congress and make a long, strong pull toward the end they have desired and fought for for so many years, their goal will soon have been reached.

THE COAL SITUATION

Mr. COPELAND. Mr. President, I have been very much interested in the eloquent remarks of the Senator from Louisiana [Mr. RANSDELL]. I know how interested he is in this great waterway development. I, too, am interested, because I have a feeling that if these canals and waterways are developed, the essential foods and products which are so necessary for the maintenance of the health and happiness of the people will be delivered at lower prices.

I observe, Mr. President, that the Senator referred to the President's message and his ringing appeal for waterway development. I was very much disappointed, sir, that the President did not make some suggestion to Congress about the solution of the coal problem. That is one of the matters which must be dealt with by this Congress.

In New York City three-quarters of the population live in tenements, with no facilities for the storage of coal. They go out every morning, Mr. President, with a bucket to get coal, just as they go out every morning to get a bottle of milk or a loaf of bread. Unless there is an unceasing flow of coal, so that the people may be supplied every day, it is only a matter of a few weeks when there will be suffering and death as a result of failure of the fuel supply.

I hope, Mr. President, that Congress will not adjourn for the holidays until it has taken some constructive step looking toward the solution of this important problem. I want to impress upon my colleagues that it is important. Some of you who come from the balmy South, where the sun furnishes the heat, have no realization of the necessity of the people living

in the North; and there is a crisis which must be met. There is a situation, by reason of the strike in Pennsylvania, which makes it impossible for the people to obtain coal. Substitutes are being used, but they are being rapidly exhausted. Not for long can the people afford to pay at the rate of forty or fifty dollars a ton, which the tenement dweller must do under prevailing conditions; but even this makeshift will fail unless the strike is settled.

In this brief way, Mr. President, I desire to call the attention of my colleagues to this matter. I hope they will give thought to it, in order that, if possible, there may be worked out some plan by which relief can be given to the people, who will suffer and die if that relief is not given and given speedily.

PURPORTED RESOLUTION OF ARIZONA LEGISLATURE ON COLORADO RIVER COMPACT; ERRONEOUSLY PRINTED IN THE RECORD

The VICE PRESIDENT. The Chair lays before the Senate a telegram from the Governor of Arizona which should accompany the resolutions passed by the Legislature of Arizona and referred to the Committee on Irrigation and Reclamation on December 10. Without objection, it will be so referred.

Mr. ASHURST. Let the telegram be read.

The VICE PRESIDENT. The Clerk will read the telegram.

The Chief Clerk read as follows:

PHOENIX, ARIZ., *December 17, 1925.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

I am sending following telegram to Vice President Dawes:

"My attention is directed to page 587, CONGRESSIONAL RECORD, December 10, in which you laid before Senate what purports to be official action of the State of Arizona on House Concurrent Resolution No. 1 on Colorado River compact.

"Record on the resolution incomplete, in that it does not show that the resolution was vetoed by the Governor of Arizona, and that the RECORD does not contain such veto message. I also direct your attention to the fact that the constitution and laws of the State of Arizona make the Governor of Arizona the sole means of official communication between this State and other States and this State and the United States. Parties sending resolution to you acted in an illegal and unwarranted manner. I respectfully request you lay this telegram before the Senate."

I respectfully request this matter be laid before the Senate.

GEO. W. P. HUNT, *Governor.*

Mr. ASHURST. Mr. President, the Vice President has acted justly in laying this telegram from the Governor of Arizona before the Senate. Upon an examination of the CONGRESSIONAL RECORD of the proceedings of the Senate on Thursday, the 10th of December of this year, it will be disclosed that the Vice President, in compliance with long-established custom, handed down to the Secretary's desk a large number of resolutions and memorials adopted by various State legislatures. Amongst the various memorials and resolutions thus handed down was a document which I assume came to the Vice President by regular course of mail, which same purported to be a resolution adopted by the Legislature of Arizona; but inasmuch as that resolution was vetoed by the governor and was never passed notwithstanding such veto, the resolution of course had no proper place in the RECORD.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 18, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 17, 1925

COMMISSIONER OF LABOR STATISTICS

Ethelbert Stewart, of Illinois, Commissioner of Labor Statics, Department of Labor.

COMMISSIONER GENERAL OF IMMIGRATION

Harry E. Hull, of Iowa, Commissioner General of Immigration, Department of Labor.

COLLECTOR OF CUSTOMS

Thomas L. Walker, of Lexington, Ky., to be collector of customs for customs collection district No. 42, with headquarters at Louisville, Ky. Reappointment.

UNITED STATES MARSHAL

Richard A. Harvin, of Texas, to be United States marshal, southern district of Texas. A reappointment, his term having expired.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Second Lieut. Thomas Elton Smith, Air Service, with rank from June 12, 1925.

INFANTRY

Second Lieut. Judson MacIvor Smith, Air Service, with rank from June 12, 1925.

AIR SERVICE

First Lieut. James Milligan Gillespie, Ordnance Department (detailed in Air Service), with rank from September 13, 1919.

PROMOTION IN THE REGULAR ARMY

VETERINARY CORPS

First Lieut. James Lew Barringer, Veterinary Corps, to be captain from December 16, 1925.

POSTMASTERS

ALABAMA

Charles O. Johnson to be postmaster at Ensley, Ala., in place of R. S. Hickman. Incumbent commission expired June 4, 1924.

Thomas A. Carter to be postmaster at Grove Hill, Ala., in place of T. A. Carter. Incumbent's commission expired November 15, 1925.

Charles W. Chambers to be postmaster at Cherokee, Ala., in place of P. L. Kirsch, resigned.

ARIZONA

Charles L. Beatty to be postmaster at Nogales, Ariz., in place of C. L. Beatty. Incumbent's commission expired October 22, 1925.

Walter J. Kowalski to be postmaster at Springerville, Ariz., in place of W. J. Kowalski. Incumbent's commission expired October 25, 1925.

Katherine Upton to be postmaster at Wickenburg, Ariz., in place of M. J. Howell. Incumbent's commission expired March 3, 1924.

ARKANSAS

Garrett C. Chitwood to be postmaster at Scranton, Ark., in place of G. C. Chitwood. Incumbent's commission expired November 17, 1925.

Mary L. Beeson to be postmaster at Waldo, Ark., in place of M. L. Beeson. Incumbent's commission expired November 17, 1925.

William D. Eakes to be postmaster at Dover, Ark. Office became presidential April 1, 1924.

CALIFORNIA

Alpheus G. Sawin to be postmaster at Loyalton, Calif., in place of A. G. Sawin. Incumbent's commission expired September 5, 1922.

Uriah S. Bock to be postmaster at Maricopa, Calif., in place of F. L. Bigelow. Incumbent's commission expired May 13, 1925.

Genevieve Frahm to be postmaster at Palmdale, Calif., in place of Genevieve Frahm. Incumbent's commission expired October 3, 1925.

C. Lester Covalt to be postmaster at San Anselmo, Calif., in place of C. L. Covalt. Incumbent's commission expired November 8, 1925.

Hamilton G. Merrill to be postmaster at Paso Robles, Calif., in place of T. W. Henry, deceased.

Louis Cademartori to be postmaster at San Andreas, Calif., in place of E. S. Stroup, removed.

COLORADO

John W. Emmerson to be postmaster at Canon City, Colo., in place of J. W. Emmerson. Incumbent's commission expired August 24, 1925.

George W. Karn to be postmaster at Granada, Colo., in place of G. W. Karn. Incumbent's commission expired August 20, 1925.

Darlie R. Greigg to be postmaster at Greeley, Colo., in place of D. R. Greigg. Incumbent's commission expired December 15, 1925.

Lewis M. Markham to be postmaster at Lamar, Colo., in place of L. M. Markham. Incumbent's commission expired November 2, 1925.

John H. Kincaid to be postmaster at La Veta, Colo., in place of J. H. Kincaid. Incumbent's commission expired October 6, 1925.

James S. Grisham to be postmaster at Trinidad, Colo., in place of J. S. Grisham. Incumbent's commission expired November 2, 1925.

CONNECTICUT

Levi C. Frost to be postmaster at Milldale, Conn., in place of L. C. Frost. Incumbent's commission expired December 14, 1925.

Florence G. Perry to be postmaster at Montville, Conn., in place of F. G. Perry. Incumbent's commission expired November 15, 1925.

Nellie A. Byrnes to be postmaster at Pomfret, Conn., in place of N. A. Byrnes. Incumbent's commission expired November 15, 1925.

Robert A. Dunning to be postmaster at Thompson, Conn., in place of R. A. Dunning. Incumbent's commission expired October 11, 1925.

Lincoln Taylor to be postmaster at Stamford, Conn., in place of Robert Whittaker, deceased.

FLORIDA

Daniel C. Smith to be postmaster at Center Hill, Fla., in place of D. C. Smith. Incumbent's commission expired December 14, 1925.

Henry C. Reynolds to be postmaster at Littleriver, Fla., in place of E. L. Raby, resigned.

Clyde Bland to be postmaster at Pompano, Fla., in place of R. L. Waldron, resigned.

GEORGIA

Leila W. Maxwell to be postmaster at Danville, Ga., in place of L. W. Maxwell. Incumbent's commission expired November 21, 1925.

John H. Hendrix to be postmaster at Hawkinsville, Ga., in place of J. P. McGriff. Incumbent's commission expired June 4, 1924.

William N. Casey to be postmaster at Kingsland, Ga., in place of W. N. Casey. Incumbent's commission expired November 23, 1925.

Benjamin N. Walters to be postmaster at Martin, Ga., in place of B. N. Walters. Incumbent's commission expired November 21, 1925.

John T. Bird to be postmaster at Oxford, Ga., in place of J. T. Bird. Incumbent's commission expired February 4, 1924.

Mary E. Everett to be postmaster at St. Simons Island, Ga., in place of M. E. Everett. Incumbent's commission expired September 30, 1925.

William H. Flanders to be postmaster at Swainsboro, Ga., in place of W. H. Flanders. Incumbent's commission expired December 14, 1925.

IDAHO

Louis E. Diehl to be postmaster at Eagle, Idaho, in place of L. E. Diehl. Incumbent's commission expired August 24, 1925.

ILLINOIS

William J. Hamilton to be postmaster at Evanston, Ill., in place of W. J. Hamilton. Incumbent's commission expired November 17, 1925.

Tena S. Ecklund to be postmaster at Lamoille, Ill., in place of T. S. Ecklund. Incumbent's commission expired October 20, 1925.

Harrison T. Berry to be postmaster at Morrison, Ill., in place of H. T. Berry. Incumbent's commission expired December 14, 1925.

Orth B. Sanders to be postmaster at Roberts, Ill., in place of O. B. Sanders. Incumbent's commission expired November 8, 1925.

Frank Gandy to be postmaster at Ullin, Ill., in place of Frank Gandy. Incumbent's commission expired October 11, 1925.

Anna C. Krans to be postmaster at Altona, Ill., in place of F. C. Krans, deceased.

William H. Steinke to be postmaster at Des Plaines, Ill., in place of William Lewerenz, resigned.

INDIANA

McKinley Ayer to be postmaster at Chrisney, Ind., in place of McKinley Ayer. Incumbent's commission expired November 17, 1925.

IOWA

William H. Hall to be postmaster at Allerton, Iowa, in place of W. H. Hall. Incumbent's commission expired December 14, 1925.

Frederick W. Werner to be postmaster at Amana, Iowa, in place of F. W. Werner. Incumbent's commission expired October 20, 1925.

James F. Temple to be postmaster at Bode, Iowa, in place of J. F. Temple. Incumbent's commission expired December 14, 1925.

Albert H. Dohrmann to be postmaster at Charlotte, Iowa, in place of A. H. Dohrmann. Incumbent's commission expired October 24, 1925.

Earl M. Skinner to be postmaster at Farnhamville, Iowa, in place of E. M. Skinner. Incumbent's commission expired December 14, 1925.

Emil C. Weisbrod to be postmaster at Fenton, Iowa, in place of E. C. Weisbrod. Incumbent's commission expired December 14, 1925.

Raymond F. Sargent to be postmaster at Fonda, Iowa, in place of R. F. Sargent. Incumbent's commission expired December 14, 1925.

William Foerstner to be postmaster at High, Iowa, in place of William Foerstner. Incumbent's commission expired October 24, 1925.

John F. Cagley to be postmaster at Ionia, Iowa, in place of J. F. Cagley. Incumbent's commission expired December 14, 1925.

Martin A. Sandstrom to be postmaster at Kiron, Iowa, in place of M. A. Sandstrom. Incumbent's commission expired December 14, 1925.

Martin A. Aasgaard to be postmaster at Lake Mills, Iowa, in place of M. A. Aasgaard. Incumbent's commission expired December 14, 1925.

Carl Nielsen to be postmaster at Moorhead, Iowa, in place of Carl Nielsen. Incumbent's commission expired December 14, 1925.

Ulysses G. Hunt to be postmaster at Plymouth, Iowa, in place of U. G. Hunt. Incumbent's commission expired December 14, 1925.

KANSAS

Claude C. Wheat to be postmaster at Augusta, Kans., in place of C. C. Wheat. Incumbent's commission expired November 17, 1925.

Peter H. Adrian to be postmaster at Buhler, Kans., in place of P. H. Adrian. Incumbent's commission expired August 19, 1925.

Minnie B. Fretz to be postmaster at Canton, Kans., in place of M. B. Fretz. Incumbent's commission expired December 15, 1925.

Nathan W. Huston to be postmaster at Columbus, Kans., in place of N. W. Huston. Incumbent's commission expired November 23, 1925.

John W. Baker to be postmaster at De Soto, Kans., in place of J. W. Baker. Incumbent's commission expired December 15, 1925.

Rose B. Stapleton to be postmaster at Fulton, Kans., in place of R. B. Stapleton. Incumbent's commission expired December 15, 1925.

Fred L. McDowell to be postmaster at Garfield, Kans., in place of F. L. McDowell. Incumbent's commission expired August 19, 1925.

Porter Young to be postmaster at Great Bend, Kans., in place of Porter Young. Incumbent's commission expired September 27, 1925.

Nellie I. Morley to be postmaster at Highland, Kans., in place of N. I. Morley. Incumbent's commission expired November 9, 1925.

Lida Zimmerman to be postmaster at Otis, Kans., in place of Lida Zimmerman. Incumbent's commission expired August 24, 1925.

Essie M. Hosman to be postmaster at Potwin, Kans., in place of E. M. Hosman. Incumbent's commission expired December 15, 1925.

John H. Sunley to be postmaster at Ransom, Kans., in place of J. H. Sunley. Incumbent's commission expired August 19, 1925.

Fred D. Bush to be postmaster at Copeland, Kans., in place of Jesse Rayl, resigned.

KENTUCKY

Walter L. Prince to be postmaster at Benton, Ky., in place of W. L. Prince. Incumbent's commission expired December 14, 1925.

Ella Chelf to be postmaster at Bradfordsville, Ky., in place of D. O. Burke, resigned.

Luther G. Bernard to be postmaster at Jamestown, Ky., in place of Z. R. Hill, removed.

Maude E. Gatrell to be postmaster at Midway, Ky., in place of C. W. Parrish, resigned.

LOUISIANA

Elias C. Leone to be postmaster at Zwolle, La., in place of E. C. Leone. Incumbent's commission expired August 24, 1925.

Esther B. Dunn to be postmaster at Slaughter, La. Office became presidential July 1, 1922.

MAINE

Ella M. McKenney to be postmaster at Jackman Station, Me., in place of E. J. McKenney, removed.

MARYLAND

Lillie M. Pierce to be postmaster at Glyndon, Md., in place of L. S. Wheeler, resigned.

MASSACHUSETTS

Archibald B. McDaniels to be postmaster at Enfield, Mass., in place of A. B. McDaniels. Incumbent's commission expired August 24, 1925.

George T. McLaughlin to be postmaster at Sandwich, Mass., in place of G. T. McLaughlin. Incumbent's commission expired November 19, 1925.

Richard Lyon to be postmaster at Hubbardston, Mass., in place of H. L. Claflin, deceased.

MICHIGAN

Patrick H. Schannenk to be postmaster at Chassell, Mich., in place of P. H. Schannenk. Incumbent's commission expired July 28, 1923.

Charles Hallman to be postmaster at Iron Mountain, Mich., in place of Hugh McLaughlin. Incumbent's commission expired September 13, 1922.

George E. Meredith to be postmaster at Minden City, Mich., in place of G. E. Meredith. Incumbent's commission expired December 15, 1925.

Volney R. Reynolds to be postmaster at Waldron, Mich., in place of V. R. Reynolds. Incumbent's commission expired December 15, 1925.

John F. Krumbeck to be postmaster at Williamston, Mich., in place of J. F. Krumbeck. Incumbent's commission expired December 14, 1925.

MINNESOTA

Fred A. Shipman to be postmaster at Chokio, Minn., in place of F. A. Shipman. Incumbent's commission expired November 23, 1925.

Mary J. Anderson to be postmaster at Cyrus, Minn., in place of M. J. Anderson. Incumbent's commission expired October 6, 1925.

Chris N. Nesseth to be postmaster at Deer River, Minn., in place of C. N. Nesseth. Incumbent's commission expired November 17, 1925.

Elmer C. Hutchinson to be postmaster at Eagle Bend, Minn., in place of E. C. Hutchinson. Incumbent's commission expired November 22, 1925.

James C. Wilson to be postmaster at Grygla, Minn., in place of J. C. Wilson. Incumbent's commission expired November 17, 1925.

Stanley A. Torgerson to be postmaster at Hawley, Minn., in place of S. A. Torgerson. Incumbent's commission expired December 14, 1925.

August O. Lysen to be postmaster at Lowry, Minn., in place of A. O. Lysen. Incumbent's commission expired October 3, 1925.

William R. Gates to be postmaster at North St. Paul, Minn., in place of W. R. Gates. Incumbent's commission expired August 24, 1925.

Anton Levandosky to be postmaster at Williams, Minn., in place of Anton Levandosky. Incumbent's commission expired November 22, 1925.

John A. Oberg to be postmaster at Deer Wood, Minn., in place of O. C. Coffin, resigned.

MISSOURI

Joseph Volle to be postmaster at Harrisonville, Mo., in place of Joseph Volle. Incumbent's commission expired November 9, 1925.

Chester D. Green to be postmaster at Hume, Mo., in place of C. D. Green. Incumbent's commission expired November 19, 1925.

James A. Coder to be postmaster at Lewistown, Mo., in place of J. A. Coder. Incumbent's commission expired November 14, 1925.

Aaron D. Peterson to be postmaster at Browning, Mo., in place of J. W. Smith, resigned.

MONTANA

George S. Haynes to be postmaster at Judith Gap, Mont., in place of G. S. Haynes. Incumbent's commission expired December 14, 1925.

Harry H. Goble to be postmaster at St. Ignatius, Mont., in place of H. H. Goble. Incumbent's commission expired December 14, 1925.

NEBRASKA

Francis W. Purdy to be postmaster at Hildreth, Nebr., in place of F. W. Purdy. Incumbent's commission expired November 21, 1925.

Fred C. Armitage to be postmaster at Kenesaw, Nebr., in place of F. C. Armitage. Incumbent's commission expired October 25, 1925.

Walter Plybon to be postmaster at Salem, Nebr., in place of M. M. Mason. Incumbent's commission expired August 20, 1925.

Willard Stong to be postmaster at Syracuse, Nebr., in place of Willard Stong. Incumbent's commission expired December 14, 1925.

NEVADA

Walter S. Norris to be postmaster at Winnemucca, Nev., in place of W. H. Ayres, resigned.

NEW HAMPSHIRE

James A. Reed to be postmaster at Union, N. H., in place of J. A. Reed. Incumbent's commission expired November 19, 1925.

NEW JERSEY

Charles R. Bassett to be postmaster at Bloomsbury, N. J., in place of C. R. Bassett. Incumbent's commission expired December 14, 1925.

David Hastings to be postmaster at Boundbrook, N. J., in place of David Hastings. Incumbent's commission expired July 27, 1925.

James E. Vanderhoof to be postmaster at Denville, N. J., in place of J. E. Vanderhoof. Incumbent's commission expired November 15, 1925.

Edith D. Wikoff to be postmaster at Fanwood, N. J., in place of E. D. Wikoff. Incumbent's commission expired November 15, 1925.

William Hockenjos, jr., to be postmaster at Lake Hopatcong, N. J., in place of William Hockenjos, jr. Incumbent's commission expired December 14, 1925.

Elias H. Bird to be postmaster at Plainfield, N. J., in place of E. H. Bird. Incumbent's commission expired October 4, 1925.

Richard J. Rogers to be postmaster at Rumson, N. J., in place of R. J. Rogers. Incumbent's commission expired November 23, 1925.

William A. Cullen to be postmaster at Waldwick, N. J., in place of W. A. Cullen. Incumbent's commission expired August 5, 1925.

David C. R. Hoff to be postmaster at Neshanic Station, N. J., in place of R. E. Amerman, resigned.

Frank R. Parry to be postmaster at Wanaque, N. J. Office became presidential July 1, 1925.

NEW MEXICO

John H. Evans to be postmaster at State College, N. Mex., in place of C. L. Vaughan, resigned.

NEW YORK

Stanley D. Cornish to be postmaster at Carmel, N. Y., in place of S. D. Cornish. Incumbent's commission expired December 14, 1925.

Frederick Traudt to be postmaster at Hyde Park, N. Y., in place of Frederick Traudt. Incumbent's commission expired December 14, 1925.

William A. Henderson to be postmaster at Manhasset, N. Y., in place of C. A. Hamilton. Incumbent's commission expired August 24, 1925.

Owen W. House to be postmaster at Parish, N. Y., in place of O. W. House. Incumbent's commission expired December 14, 1925.

Edward T. Sheffer to be postmaster at Shortsville, N. Y., in place of E. T. Sheffer. Incumbent's commission expired November 9, 1925.

Norman L. Bedle to be postmaster at Spring Valley, N. Y., in place of N. L. Bedle. Incumbent's commission expired November 23, 1925.

George M. Watson to be postmaster at Scio, N. Y. Office became presidential January 1, 1925.

NORTH CAROLINA

Ollie C. McGuire to be postmaster at Zebulon, N. C., in place of L. L. Massey. Incumbent's commission expired September 5, 1922.

NORTH DAKOTA

William A. Borderud to be postmaster at Davenport, N. Dak. Office became presidential July 1, 1925.

Josephine J. Luther to be postmaster at Monango, N. Dak., in place of J. J. Luther. Incumbent's commission expired October 7, 1925.

OHIO

Fred C. Troxel to be postmaster at Apple Creek, Ohio, in place of F. C. Troxel. Incumbent's commission expired December 15, 1925.

John R. Williams to be postmaster at College Corner, Ohio, in place of J. R. Williams. Incumbent's commission expired December 14, 1925.

William S. Barhite to be postmaster at Hamler, Ohio, in place of W. S. Barhite. Incumbent's commission expired December 14, 1925.

Edwin D. Cox to be postmaster at Leesburg, Ohio, in place of E. D. Cox. Incumbent's commission expired December 15, 1925.

Bolivar C. Reber to be postmaster at Loveland, Ohio, in place of B. C. Reber. Incumbent's commission expired December 15, 1925.

William E. Lehman to be postmaster at Payne, Ohio, in place of W. E. Lehman. Incumbent's commission expired December 15, 1925.

William Schnoor to be postmaster at Put in Bay, Ohio, in place of William Schnoor. Incumbent's commission expired December 14, 1925.

Jesse Gamble to be postmaster at Shadyside, Ohio, in place of Jesse Gamble. Incumbent's commission expired December 15, 1925.

Wilbur D. Schuder to be postmaster at West Carrollton, Ohio, in place of W. D. Schuder. Incumbent's commission expired December 15, 1925.

Frank F. Perringer to be postmaster at Woodville, Ohio, in place of F. F. Perringer. Incumbent's commission expired December 15, 1925.

OKLAHOMA

Odessa H. Willis to be postmaster at Pittsburg, Okla., in place of O. H. Willis. Incumbent's commission expired September 27, 1925.

Charles W. Youngblood to be postmaster at Hanna, Okla., in place of J. D. Powell, resigned.

PENNSYLVANIA

Katherine M. Dom to be postmaster at Dawson, Pa., in place of K. M. Dom. Incumbent's commission expired August 24, 1925.

James C. Bovard to be postmaster at Marion Center, Pa., in place of J. C. Bovard. Incumbent's commission expired November 23, 1925.

Richard M. Dodson to be postmaster at Rochester Mills, Pa., in place of A. W. Richardson. Incumbent's commission expired August 24, 1925.

Margaret Patterson to be postmaster at Langeloth, Pa., in place of Roberta Beaumont, resigned.

Edwin W. James to be postmaster at Newville, Pa., in place of G. D. Frey, deceased.

Martin H. Thomas to be postmaster at Smock, Pa. Office became presidential October 1, 1923.

RHODE ISLAND

William H. Follett to be postmaster at Howard, R. I., in place of W. H. Follett. Incumbent's commission expired December 14, 1925.

SOUTH CAROLINA

William H. Lott to be postmaster at St. George, S. C., in place of S. L. Johnston. Incumbent's commission expired September 19, 1922.

TENNESSEE

Allison Z. Hodges to be postmaster at Bethpage, Tenn., in place of A. Z. Hodges. Incumbent's commission expired October 25, 1925.

TEXAS

Manley J. Holmes to be postmaster at Baird, Tex., in place of M. J. Holmes. Incumbent's commission expired November 18, 1925.

Mark A. Taylor to be postmaster at Bonham, Tex., in place of M. A. Taylor. Incumbent's commission expired October 17, 1925.

Robert L. Ginn to be postmaster at Brownsville, Tex., in place of R. L. Ginn. Incumbent's commission expired July 21, 1925.

Elmer Carlton to be postmaster at Carlton, Tex., in place of R. A. Smith. Incumbent's commission expired July 28, 1923.

Newell S. Hanna to be postmaster at Crandall, Tex., in place of A. P. Hanna. Incumbent's commission expired January 31, 1924.

Willie P. Hallmark to be postmaster at Dublin, Tex., in place of W. P. Hallmark. Incumbent's commission expired September 27, 1925.

Arthur N. Richardson to be postmaster at Electra, Tex., in place of A. N. Richardson. Incumbent's commission expired September 27, 1925.

Walter S. Yates to be postmaster at Forney, Tex., in place of W. S. Yates. Incumbent's commission expired November 18, 1925.

William C. Young to be postmaster at Garrison, Tex., in place of W. C. Young. Incumbent's commission expired November 18, 1925.

Larkin B. Richardson to be postmaster at Groesbeck, Tex., in place of J. T. Cox. Incumbent's commission expired July 28, 1923.

Matilda Akeson to be postmaster at Hale Center, Tex., in place of Matilda Akeson. Incumbent's commission expired November 18, 1925.

George W. L. Smith to be postmaster at Henderson, Tex., in place of G. W. L. Smith. Incumbent's commission expired October 17, 1925.

Charlie B. Starke to be postmaster at Holland, Tex., in place of C. B. Starke. Incumbent's commission expired November 18, 1925.

Edmond W. Corley to be postmaster at Humble, Tex., in place of D. L. Lunn. Incumbent's commission expired July 28, 1923.

Albert L. Jennings to be postmaster at Kosse, Tex., in place of E. B. Bryant. Incumbent's commission expired April 5, 1924.

Audry R. Redden to be postmaster at Ponta, Tex., in place of Robert Montgomery, resigned.

Henry B. Harrison to be postmaster at La Porte, Tex., in place of H. B. Harrison. Incumbent's commission expired August 24, 1925.

Alide Schneider to be postmaster at Marion, Tex., in place of Alide Schneider. Incumbent's commission expired August 17, 1925.

Mae Sheen to be postmaster at Mertzon, Tex., in place of Mae Sheen. Incumbent's commission expired August 20, 1925.

Lucy Breen to be postmaster at Mineola, Tex., in place of Lucy Breen. Incumbent's commission expired November 18, 1925.

Mafy L. Hardy to be postmaster at Newcastle, Tex., in place of B. B. Ward. Incumbent's commission expired March 8, 1922.

WASHINGTON

Elijah H. Nash to be postmaster at Friday Harbor, Wash., in place of E. H. Nash. Incumbent's commission expired December 14, 1925.

WEST VIRGINIA

Fanny Murray to be postmaster at Sandyville, W. Va. Office became presidential July 1, 1924.

WISCONSIN

Stanley R. Morse to be postmaster at River Falls, Wis., in place of J. A. Haddow, deceased.

George E. Alderson to be postmaster at Benton, Wis., in place of G. E. Alderson. Incumbent's commission expired December 15, 1925.

May I. Kinsey to be postmaster at Fish Creek, Wis., in place of M. I. Kinsey. Incumbent's commission expired August 24, 1925.

Wallace H. Pierce to be postmaster at Menasha, Wis., in place of W. H. Pierce. Incumbent's commission expired October 25, 1925.

WYOMING

Prince A. Gatchell, jr., to be postmaster at Buffalo, Wyo., in place of P. A. Gatchell, jr. Incumbent's commission expired May 4, 1925.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17, 1925

SECOND ASSISTANT POSTMASTER GENERAL

Warren Irving Glover to be Second Assistant Postmaster General.

THIRD ASSISTANT POSTMASTER GENERAL

Robert S. Regar to be Third Assistant Postmaster General.

ASSISTANT SECRETARY OF STATE

Robert E. Olds to be Assistant Secretary of State.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Charles MacVeagh to be ambassador extraordinary and plenipotentiary to Japan.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

Charles C. Hart to be envoy extraordinary and minister plenipotentiary to Albania.

John Van A. MacMurray to be envoy extraordinary and minister plenipotentiary to China.

Evan E. Young to be envoy extraordinary and minister plenipotentiary to the Dominican Republic.

Alfred J. Pearson to be envoy extraordinary and minister plenipotentiary to Finland.

John B. Stetson, jr., to be envoy extraordinary and minister plenipotentiary to Poland.

William S. Culbertson to be envoy extraordinary and minster plenipotentiary to Rumania.

William W. Russell to be envoy extraordinary and minister plenipotentiary to Siam.

DIPLOMATIC AGENT AND CONSUL GENERAL

Maxwell Blake to be diplomatic agent and consul general at Tangier, Morocco.

FOREIGN SERVICE

TO BE SECRETARIES, DIPLOMATIC SERVICE

Dana G. Munro.
Rudolf E. Schoenfeld.
Clifton R. Wharton.
Hamilton C. Claiborne.
Ernest L. Ives.
R. A. Wallace Treat.

TO BE CONSULS GENERAL

Charles B. Curtis.
Frank P. Lockhart.

TO BE CONSULS

Walter C. Thurston.
Harold M. Deane.
James E. McKenna.
Conger Reynolds.
Thomas H. Robinson.
Leslie E. Woods.
Gilson G. Blake, jr.
James Hugh Keeley, jr.
Carl D. Meinhardt.
Hugh S. Miller.
Sydney B. Redecker.
Harry L. Troutman.

CLASS 1

Edwin S. Cunningham.
Leo J. Kenna.
Alexander W. Weddell.

CLASS 2

Ferdinand L. Mayer.
Arthur Garrels.
Douglas Jenkins.
Ransford S. Miller.
John Campbell White.

CLASS 3

R. Henry Norweb.
George A. Gordon.
L. Lanier Winslow.
Calvin M. Hitch.
John F. Jewell.
Benjamin Thaw, jr.
North Winship.

CLASS 4

Frank C. Lee.
James B. Stewart.
Edwin C. Wilson.
Alan F. Winslow.
Joseph W. Ballantine.
Pierre de L. Boal.
Joseph E. Haven.
William L. Jenkins.
Hugh H. Watson.
Frank P. Lockhart.

CLASS 5

Wainwright Abbott.
Joseph Flack.
Frederic D. K. Le Clercq.
William C. Burdett.
H. Merle Cochran.
John P. Hurley.
Joseph E. Jacobs.
George A. Makinson.
Benjamin Reath Riggs.
Merritt Swift.
Harold H. Tittmann, jr.
Henry C. A. Damm.
John D. Johnson.
Dayle C. McDonough.
Edward I. Nathan.
Elbridge D. Rand.

CLASS 6

Charles E. Allen.
Harry F. Hawley.
Richard L. Sprague.
Dana C. Sycks.
Harold M. Deane.
Edward M. Groth.
Edmund B. Montgomery.
John F. Simons.
Clarence J. Spiker.
R. A. Wallace Treat.

CLASS 7

William W. Heard.
John J. Meily.
James J. Murphy, jr.
Rudolf E. Schoenfeld.
Albert M. Doyle.
Loy W. Henderson.
Thomas S. Horn.
Alfred T. Nester.
S. Bertrand Jacobson.
Samuel H. Wiley.
Robert S. Burgher.
Leon H. Ellis.
Waldemar J. Gallman.
Donald F. Bigelow.
Edward S. Crocker, 2d.
Nathaniel P. Davis.
Donald R. Heath.
Jack Dewey Hickerson.
Robert D. Murphy.
George P. Shaw.
John Stambaugh, 2d.

CLASS 8

Conger Reynolds.
Thomas H. Robinson.
Leslie E. Woods.
Gilson G. Blake, jr.
James Hugh Keeley, jr.
Carl D. Meinhardt.
Hugh S. Miller.
Sydney B. Redecker.
Harry L. Troutman.
James E. McKenna.

UNCLASSIFIED

Clayson W. Aldridge.
Robert L. Buell.
Selden Chapin.
Charles Henry Coster.
Miss Pattie H. Field.
Franklin B. Frost.
Harvey S. Gerry.
Durward Grinstead.
Julius C. Holmes.
Royal R. Jordan.
David McK. Key.
J. Hall Paxton.
Angus I. Ward.
Clifton R. Wharton.
David Williamson.
Stanley Woodward.
Roy W. Baker.
Allan Dawson.
John Carter Vincent.
John W. Bailey, jr.
William E. Beitz.
Julian F. Harrington.
Ellis O. Briggs.
David K. E. Bruce.
Augustus S. Chase.
Early B. Christian.
Lewis Clark.
Harry L. Franklin.
Eugene M. Hinkle.
Edward P. Lawton, jr.
John H. Lord.
William H. T. Mackie.
John H. Morgan.
W. Mayo Newhall, jr.
Lloyd D. Yates.
McCeney Werlich.

TO BE VICE CONSUL OF CAREER

J. Holbrook Chapman.
Clayson W. Aldridge.
Robert L. Buell.
Selden Chapin.
Charles Henry Coster.
Miss Pattie H. Field.
Franklin B. Frost.
Harvey S. Gerry.
Durward Grinstead.
Julius C. Holmes.
Royal R. Jordan.
David McK. Key.
J. Hall Paxton.
Angus I. Ward.
David Williamson.
Stanley Woodward.
Roy W. Baker.
Allan Dawson.
John Carter Vincent.
George R. Paschal, jr.
John W. Bailey, jr.
William E. Beitz.
Julian F. Harrington.
John H. Lord.
Albert M. Doyle.
Loy W. Henderson.
Thomas S. Horn.
Alfred T. Nester.

UNITED STATES DISTRICT JUDGES

William Clark to be United States district judge, New Jersey.

Albert W. Johnson to be United States district judge, middle district of Pennsylvania.

MEMBER UNITED STATES SHIPPING BOARD

John Henry Walsh to be a member of the United States Shipping Board for the unexpired term of six years from June 9, 1923.

POSTMASTERS

ARKANSAS

Louella Boswell, Almyra.
Willie C. Allen, Amity.
Edwin E. Blackmon, Augusta.
Adine Dimmig, Bauxite.
Wendell W. Watkins, Belleville.
Fairy K. Reynolds, Bradley.
Horace C. Hiatt, Charleston.
Marie O. Pitts, Cherry Valley.
Milton T. Knight, Chidester.
Harriet M. Shrigley, Coal Hill.
Floyd M. Carter, De Queen.
Reese D. Henry, Dierks.
Jesse F. Booth, Elaine.
Jonnie Hood, Emmet.
Thomas W. Goodson, Fouke.
George H. Mills, Garfield.
James G. Place, Gillett.
George H. Joslyn, jr., Gould.
John W. Bell, Greenwood.
Charles R. French, Harrisburg.
William J. Martin, Humphrey.
John L. Collett, Huttig.
Frederick B. Leach, Jerome.
Flavel G. Briggs, Judsonia.
Della E. Penick, Lake City.
Grant B. Sparks, Lamar.

Samuel D. Thomasson, Leachville.
Frederick W. Youmans, Lewisville.
Walter S. Edsall, Louann.
Charles A. Roberts, McNeil.
Eston G. Berry, Magazine.
Andrew I. Roland, Malvern.
Thomas D. Peck, Mammoth Spring.
Addison M. Hall, Marmaduke.
Jesse H. Shaw, Midland.
Dell W. Lee, Mineral Springs.
John W. Webb, Mountain View.
Clarence M. Fink, Newark.
Belle Armour, Newport.
Willard L. Brennan, Parkin.
Carl Brady, Peach Orchard.
Joseph S. Ottinger, Pea Ridge.
Robert Dail, Ravenden.
Claude M. Williams, Rogers.
Wiley C. King, Salem.
Charles A. Kelley, Searcy.
Oscar L. West, Shirley.
Therese N. Scott, South Fort Smith.
William R. Blakely, Sparkman.
Robert W. Barton, jr., Turrell.
Selvin T. Butler, Warren.
William T. McKinnon, Wesson.
Ed C. Sample, West Fork.
Florence F. McKinzie, Wilson.
Howell A. Burnes, Yellville.

COLORADO

M. Gladys Quinn, Stratton.

GEORGIA

Laura A. Hooks, Forsyth.

NORTH CAROLINA

James L. Talbert, Advance.
Raymond B. Wheatly, Beaufort.
Justus E. Armstrong, Belmont.
Baxter Biggerstaff, Bostic.
James B. Houser, Cherryville.
John H. Hobson, Cleveland.
Noah J. Grimes, Cooleemee.
Norman V. Johnson, Denton.
Edward A. Simkins, Goldsboro.
Edgar E. Lady, Kannapolis.
Laura M. Gavin, Kenansville.
Carl McLean, Laurinburg.
William M. Liles, Lilesville.
William J. Flowers, Mount Olive.
Edith V. Moose, Mount Pleasant.
Raphael M. Rice, Oteen.
Millard Pritchard, Pineola.
Clarence L. Fisher, Roseboro.
Hester L. Dorsett, Spencer.
Asa C. Parsons, Star.
Samuel F. Davidson, Swannanoa.
Jesse T. Price, Williamston.

OHIO

Charles N. Sparks, Akron.
Everett W. White, Albany.
William E. Bowers, Amanda.
Harry E. Kearns, Amelia.
Lessa B. Masters, Antwerp.
Varnum C. Collins, Barnesville.
Emma E. Thorne, Berea.
Lowell E. Blakeley, Botkins.
James P. Evans, Bradner.
Ora A. Ridiker, Brunswick.
William H. Neiberg, Buckeye Lake.
Horace B. Ramey, Centerburg.
Stuart N. Austin, Chardon.
Robert H. Brown, Clyde.
John W. Shisler, Dalton.
Edward E. Truesdale, Delphos.
James O. Miller, Dexter City.
James A. Barr, Dover.
Marvin P. Devore, East Columbus.
Marie Thompson, East Fultonham.
Lee Heckman, Edon.
Nelle Snediker, Fairfield.
Charles A. Saunders, Findlay.
Ellen M. Cumming, Fort Jennings.
Myron C. Cox, Fremont.
Orin Breckenridge, Grove City.
Oscar G. Cross, Hamden.
Orville R. Wiley, Hartville.
George A. Vincent, Hiram.
Charles W. Evans, Huntsville.
Robert S. Nichols, Jackson Center.
Olive B. Reed, Jacksonville.
Frank J. Reinheimer, Kelleys Island.
George H. Meek, Lakeside.
Guy E. Matthews, Liberty Center.
Stella M. Brogan, Lodi.
Carl W. Appel, Lucasville.
Sanford E. Goodell, Luckey.
Godfrey Gesen, Massillon.
Emma Fenstermaker, McClure.
Samuel F. Davis, Mendon.
Elvey E. Ely, Mount Orab.
Frank R. Jackson, Nelsonville.
John S. De Jean, Nevada.
Elizabeth L. D. Tritt, North Lewisburg.
Hattie S. Sell, North Lima.
John P. Lauer, Ottoville.
Sylvie E. Sovacool, Peninsula.
William A. Cooper, Piketon.
Lucina Byers, Poland.
Nelson P. Swank, Quincy.
Crayton E. Womer, Republic.
Owen Livingston, Richwood.
Henry F. Longenecker, Rittman.
Harry B. Miller, Rockford.
Mary B. Craig, Russells Point.
Lida R. Williamson, Seaman.
Howard H. Collins, South Zanesville.
Charles E. Kimmel, Struthers.
Howard Arnsbarger, Swanton.
Mary C. Lauer, Tiltonsville.
Hugh C. Bell, Utica.
Frank A. Gamble, Van Wert.
Charles B. Saxby, Weston.
John D. Kramer, West Alexandria.
Peter Mailendick, Whitehouse.
Frank B. James, Willard.
Edson C. Nichols, Willoughby.
Cyrus S. Daulton, Winchester.

SOUTH CAROLINA

William B. Blakeley, Andrews.
William R. Rozier, Bethune.
Irene Stuckey, Bishopville.
Tully A. Sawyer, Chesnee.
Lida E. Setsler, Cowpens.
John B. O'Neal, Fairfax.
Jesse B. Bird, Inman.
Susie J. Miller, Jefferson.
Ernest L. Isenhower, Lake City.
Joseph G. Brabham, Olar.
John W. Quick, Pageland.
Robert L. Plexico, Sharon.
William C. Stepp, Taylors.
Hattie J. Peeples, Varnville.

TEXAS

Marion C. Lucky, Balmorhea.
William H. Seidel, Baytown.
Leslie L. Cates, Ben Wheeler.
Joseph W. Taylor, Best.
Alois J. Skards, Bloomington.
Nancy Saunders, Boerne.
John C. Gee, Call.
James T. Gray, Camp Wood.
Robert H. Stone, Canadian.
Walter W. Broadhurst, Canutillo.
Herbert L. Barker, Cumby.
Sidney A. James, Encinal.
Walter T. McCarty, Enloe.
John A. Guyer, Friona.
Keziah Shields, Glen Rose.
Eva H. McCown, Grandview.
Clemons E. Littlefield, Harwood.
William M. Huddleston, Hubbard.
Arthur Treadaway, Lindale.
Fay F. Spragins, Martindale.
Mary F. Wakefield, Midway.
John E. McAllister, Mirando City.
Lola Marsh, Navarro.
Arthur C. Wahl, Odem.
Maude A. Price, Petrolia.

Edward E. Alexander, Pioneer.
Janie M. McAlpin, Port Neches.
Wilson P. Hardwick, Pottsboro.
John H. Wilson, Quanah.
James A. Carter, Richland Springs.
Denison P. Greenwade, Rochester.
Theodore Miller, Rusk.
Edmund R. Gallagher, San Diego.
Marjorie C. Ware, Seagraves.
George H. Draeger, Seguin.
James S. Bates, Slaton.
Oscar C. Lowry, South Bend.
William P. Harris, Sulphur Springs.
Morus B. Howard, Sweetwater.
Joseph W. Davis, Teague.
Thomas J. Darling, Temple.
Albert W. Henderson, Terrell.
George W. Vaughn, Texline.
Robert L. Parker, Toyah.
Landon M. Hatcher, Troy.
Jeff Potter, Tulia.
Arthur E. Foster, Venus.
Kit C. Stinebaugh, Walnut Springs.
Margaret E. Hodges, Westbrook.
Ruby E. Ambler, Ysleta.

UTAH

Roland A. Madsen, Brigham.
Anthony W. Thomson, Ephraim.
John W. Guild, Kamas.
Etta Moffitt, Kenilworth.
Leland Powell, Lehi.
Charles E. Walton, jr., Monticello.
Rufus A. Garner, Ogden.
Agnes Harrison, Standardville.
John A. Hatch, Woods Cross.

WEST VIRGINIA

Russell B. Gibson, Albright.
Charles L. Baker, Amherstdale.
Jesse D. Day, Ashland.
James H. McComas, Barboursville.
Freda W. Mason, Bayard.
Oma E. Kimes, Belleville.
Samuel L. Clark, Cass.
John J. Denham, Clarksburg.
Leander A. Lynch, Cowen.
Florence Musick, Delbarton.
Eulalia B. Wheeler, Elkhorn.
Homer C. Tennant, Fairview.
Walter B. Beale, Fireco.
George W. Sites, Freeman.
John E. Pierson, Gassaway.
Laura Y. Conner, Harpers Ferry.
Robert K. Pearrell, Hedgesville.
Rufus B. Scott, Hemphill.
Chester L. Blevins, Herndon.
George L. Carlisle, Hillsboro.
John A. Ferguson, Hollidays Cove.
Roy E. Curtis, Hundred.
Lida Steinke, Iaeger.
Ila Lawson, Jane Lew.
Columbus A. Murphy, Jenkinjones.
Juniata Amos, Leon.
William P. Jett, Lost Creek.
William M. Chambers, Maben.
James P. Peck, Mabscott.
Frederick E. Bletner, Mason.
Mary White, Matewan.
Walter B. Crickmer, McAlpin.
Calvin Shockey, McComas.
Roscoe Wilcox, McDowell.
Elmer E. Snellenberger, Panther.
Mary I. Casey, Ranson.
Kenna W. Snedegar, Renick.
Marshall C. Archer, Ripley.
Ira W. Folden, Ronceverte.
Ulysses S. Jarrett, St. Albans.
William C. Bishop, Scarbro.
Ralph C. Morton, Sharples.
Homer H. Roberts, Smithfield.
Beverley N. Burruss, Spring Hill.
Joseph C. Turley, Switchback.
Harry R. Tribou, Tams.
William H. Young, Union.

WYOMING

James J. McDermott, Arvada.
Oscar W. Stringer, Dubois.
Minnie C. Corum, Encampment.
James E. Patterson, Gebo.
William E. Lloyd, Jackson.
George R. Bringhurst, Lovell.
Frances P. Youngberg, Lyman.
Annetta V. Welsh, Midwest.
Peter B. Petrie, Opal.
Ardery Leo McFarland, Salt Creek.
Clara Wilcox, Saratoga.
Lizzie R. Moore, South Superior.
Catherine McCabe, Van Tassell.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 17, 1925

Cadet Edgar William Garbisch to be second lieutenant in the Corps of Engineers, with rank from June 12, 1925, which was submitted to the Senate December 8, 1925. (The resignation of Cadet Edgar William Garbisch, December 14, 1925, necessitates the removal of his name from the nomination list.)

HOUSE OF REPRESENTATIVES

THURSDAY, *December 17, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

"They that wait upon the Lord, shall renew their strength." We praise Thee, our heavenly Father, that in Thee we have such a refuge. By all that is tenderest in Thy promises and wisest in Thy teaching, do Thou encourage us to come to Thee. As Thy pardoning grace is like the fullness of the sea, do Thou forgive us. For the blessings of the past we thank Thee, and continue, O Lord, to reveal Thyself unto us in wisdom and in truth. May we have large conceptions of duty and a growing sense of responsibility. The Lord help us in all things to be true, honorable, and upright; the Lord set His seal upon us and keep us evermore, through Christ, our blessed Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF MEMBER

Mr. WILSON of Mississippi appeared at the bar of the House and took the oath of office prescribed by law.

COMMITTEE ON ENROLLED BILLS

Mr. CAMPBELL, from the Committee on Enrolled Bills reported that December 16 they presented to the President of the United States for his approval the following joint resolution of the following title:

H. J. Res. 67. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 1, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(b) Whoever fails to comply with any duty imposed upon him by section 304, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the commissioner or any collector or law officer of the United States or his duly authorized deputy or agent, who

desires to examine the same in the performance of his duties under this title, shall be liable to a penalty of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States.

Mr. GREEN of Iowa. Mr. Chairman, a typographical error has just been discovered on page 163, line 18, of the bill. I ask unanimous consent that the figures "274." at the close of line 18, on page 163, be changed to the figures "308."

The CHAIRMAN. Unless there is objection, the correction will be made.

There was no objection.

The Clerk read as follows:

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States.

Mr. FREAR. Mr. Chairman, I believe this to be the proper place to offer an amendment, which I now present, providing for a gift tax; and let me say in explanation that section 319, which appears in the bill, while referring to China, also refers to the case of decedents, so it seems this is the proper place, coming right after that section, as a similar provision did in the original bill.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FREAR: Page 176, after line 22, insert:

GIFT TAX

For the calendar year 1924 and each calendar year thereafter, a tax equal to the sum of the following is hereby imposed upon the transfer by a resident by gift during such calendar year of any property wherever situated, whether made directly or indirectly, and upon the transfer by a nonresident by gift during each calendar year of any property situated within the United States, whether made directly or indirectly:

One per centum of the amount of the net estate not in excess of $50,000;

Two per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

Three per centum of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

Four per centum of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

Five per centum of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

Six per centum of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

Seven per centum of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

Eight per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

Nine per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

Ten per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

Eleven per centum of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

Twelve per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $3,500,000;

Thirteen per centum of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

Fourteen per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

Fifteen per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

Sixteen per centum of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

Seventeen per centum of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

Eighteen per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

Nineteen per centum of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

Twenty per centum of the amount by which the net estate exceeds $10,000,000;

SEC. 320. If the gift is made in property, the fair market value thereof at the date of the gift shall be considered the amount of the gift. Where property is sold or exchanged for less than a fair consideration in money or money's worth, then the amount by which the fair market value of the property exceeded the consideration received shall, for the purpose of the tax imposed by section 319, be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year.

SEC. 321. In computing the amount of the gifts subject to the tax imposed by section 319, there shall be allowed as deductions:

(a) In the case of a resident—

(1) An exemption of $50,000;

(2) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 7 of the vocational rehabilitation act;

(3) Gifts the aggregate amount of which to any one person does not exceed $500;

(4) An amount equal to the value of any property transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included in the total amount of gifts made within the calendar year and not deducted under paragraph (2) or (3) of this subdivision.

(b) In the case of a nonresident—

(1) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used within the United States by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 7 of the vocational rehabilitation act;

(2) Gifts the aggregate amount of which to any one person does not exceed $500;

(3) An amount equal to the value of any property situated in the United States transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included within the total amount of gifts made within the calendar year of property situated in the United States and not deducted under paragraph (1) or (2) of this subdivision.

SEC. 322. In case a tax has been imposed under section 319 upon any gift, and thereafter upon the death of the donor the amount thereof is required by any provision of Part I of this title to be included in the gross estate of the decedent, then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of section 301, an amount equal to the tax paid with respect to such gift; and in the event the donor has in any year paid the tax imposed by section 319 with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year.

SEC. 323. Any person who within the year 1924 or any calendar year thereafter makes any gift or gifts in excess of the deductions allowed by section 321 shall, on or before the 15th day of March, file with the collector a return under oath, in duplicate, listing and setting forth therein all gifts and contributions made by him during such calendar year (other than the gifts specified in paragraph (3) of subdivision (a) and in paragraph (2) of subdivision (b) of section 321), and the fair market value thereof when made, and also all sales and exchanges of property owned by him made within such year for less than a fair consideration in money or money's worth, stating therein the fair market value of the property so sold or exchanged and that of the consideration received by him, both as of the date of such sale or exchange.

SEC. 324. The tax imposed by section 319 shall be paid by the donor on or before the 15th day of March, and shall be assessed, collected, and paid in the same manner and subject, in so far as applicable, to the same provisions of law as the tax imposed by section 301.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that if this amendment should be adopted by the House, the Clerk may be permitted to change to the proper letters or numerals for the separate provisions, because I have simply offered as an amendment the old law, substituting, however, the rates that were adopted in the inheritance tax by the committee yesterday in the proposed law. This is to make them conform to the proposed law.

Mr. CHINDBLOM. If it passes, of course, the gentleman would have no trouble about that.

Mr. FREAR. It is very considerate of a member of the committee to yield that permission with the uncertainty as to the adoption of the amendment, although I was assured in a letter I received from the State of New York this morning that by no possibility would any single vote be pried away from those who had agreed to support the report of the committee.

Mr. CHINDBLOM. Let me say that, as the gentleman from Wisconsin well knows, it is customary at the conclusion of the passage of a bill of this nature for the Clerk to be instructed to make all necessary changes of this character.

Mr. FREAR. Then I trust the members of the committee will aid me, provided this amendment should be adopted as a part of the bill.

I only wish to present this one fact: A gift tax is now law. It was offered in the last session of Congress and over $7,000,000 was collected last year under such a gift tax. The purpose is not, of course, primarily to collect money, but the gift tax is to support the estate tax, so that if a man gives his estate away in large portions two or three years prior to his death, as did Mr. Rockefeller, his estate will be obliged to pay some tax to the Government, because he has depended upon the Government in the accumulation of his wealth. In other words, it protects the estate tax, and that is its main purpose.

As I have said, $7,000,000 was collected last year, and what it would amount to in the coming years I do not know, but that is immaterial, providing it does protect the estate tax.

The committee, as I understand it, has put in a provision for gifts made two years prior to death, but you will notice that would not affect anything regarding, for instance, the Ford estate; it would not affect anything regarding the Morgan estate or regarding the estate of Rockefeller, because those estates have been given away largely long prior to death.

There is the usual exemption of $50,000 from any tax, which is provided also in the estate tax. Such gifts can be made without any tax whatsoever.

I am simply referring to the effect of the law without any argument upon it, because it has been so frequently presented to the House, and you are familiar with its purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The amendment was rejected.

Mr. GREEN of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GREEN of Florida: Strike from bill title 3 and all pertaining estate tax.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order that the amendment is not in order. Having passed these provisions, and having read them paragraph by paragraph without any amendment being offered, this amendment is not now in order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SEC. 400. (a) Upon cigars and cigarettes manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid under the provisions of existing law, in lieu of the internal-revenue taxes now imposed thereon by section 400 of the revenue act of 1924, the following taxes, to be paid by the manufacturer or importer thereof—

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 176, line 26, strike out the words "and hereafter" and insert "which on or after the expiration of 30 days after the enactment of this act are."

Mr. HAWLEY. Mr. Chairman, this is a committee amendment. The committee in preparing this bill has incorporated in it all revenue law, so that anyone receiving a copy of the new law, when enacted, will not be compelled to search through previous acts to find what existing law is.

The CHAIRMAN. The question is on the amendment.

The committee amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I ask that the gentleman from Pennsylvania [Mr. MENGES] may extend his remarks in the RECORD on the tobacco tax.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Pennsylvania [Mr. MENGES] may extend his remarks in the RECORD on the tobacco tax. Is there objection?

There was no objection.

Mr. MENGES. Mr. Chairman, I represent a district, the twenty-second of Pennsylvania, in which the sale of cigar stamps in 1923 amounted to $2,655,009.14 and in 1924 to $2,844,249.02, and from present indications the sale in 1925 will amount to over $3,000,000. In this district 630,000,000 cigars are manufactured, or approximately one-tenth of all the cigars consumed in the United States; more than are manufactured in any other single district. Five hundred million of the 630,000,000 are 5-cent cigars and amount to more than one-sixth of all the 5-cent cigars consumed in the United States.

The manufacturers of these cigars have requested me to appeal to Congress to retain the $4 per thousand tax on the class A, or the 5-cent cigars, instead of reducing it to $2.50 per thousand. The reasons advanced by those who have asked for this reduction are, first, that because of the high price of cigars consumption has been decreasing at an unprecedented rate and that it is threatening the industry. This is not the case with the 5-cent hand-made cigar of my district. The consumption of this 5-cent hand-made cigar from the twenty-second district of Pennsylvania has during the past two years increased over 10 per cent above the consumption of the previous two years, showing that what seems to be true of the cigar industry generally is not true of the hand-made cigars manufactured in my district.

Therefore, if under present revenue rates the consumption has increased and, as is evident by this increase, the quality of the product has been maintained—and the fact is the quality has been improved—then why reduce the revenue when those who pay more than one-sixth of it say they are willing to pay it, and that they have increased the consumption of their product and at the same time improved its quality.

Another reason advanced for asking for this reduction is that the manufacturers may be able to pay higher wages for labor. We think in my district that the real reason is the introduction of a machine-made cigar in place of the superior hand-made cigar. This will need and, with the saving that is made by the tax reduction, will get enormous advertising which the small manufacturer who makes a few hundred thousand cigars will not be able to give his product. In this way the hand-made product of the small manufacturer will

be drowned out of the market and the machine-made article introduced. My people say that they are willing to pay the present rate of tax, namely, $4 per 1,000, and that they can afford to do it, while they can not afford to install expensive machinery and manufacture machine-made cigars.

Another thing, if this reduction is made, the hand-made cigar maker in my district will be against the wall. More than 20,000 people, directly or indirectly, derive their daily bread from this industry. They live in their own comfortable homes. Some of them own some land, on which they raise the vegetables and much of the food consumed by the family. They are a contented, happy people, and make up a thrifty and progressive community. Are these people to be backed up against the wall by a machine?

It is true it costs less to manufacture cigars by machine than by hand. The machine-made cigar costs about $4 a thousand, while the hand-made cigar costs about $6.50 or more per 1,000, but these manufacturers are willing to pay this extra cost as well as the $4 per 1,000 revenue to preserve their industry.

But not only will it throw out of employment these thousands of cigar makers, or compel them to make a cheaper cigar, but the tobacco used in these cigars is domestic tobacco, and, as these manufacturers can not afford to install machinery and consume the tobacco locally, the cigar industry would certainly be moved from this district. The domestic market for the farmers' product would be moved out of the producing territory, where it is now consumed, to some distant exchange. Thus the profit now received by the farmer by selling locally and directly would be reaped by selling agencies.

Another thing, if this reduction is retained, and if it should not have the effect of completely destroying the industry, it will compel the manufacturer to make a "2-for-5" and a "3-for-10" cigar, reduce the wages of the laborer, and also the price of tobacco to the farmer.

This industry is financed by the earnings of the manufacturers and employees. Their investments are in their own control, and whatever is earned by the increase of this industry can be reinvested locally.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed Senate bill 41, to encourage and regulate the use of aircraft in commerce, and for other purposes.

THE REVENUE BILL

The committee resumed its session.

The Clerk read as follows:

SEC. 401. (a) Upon all tobacco and snuff manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes now imposed thereon by section 401 of the revenue act of 1924, a tax of 18 cents per pound, to be paid by the manufacturer or importer thereof.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, on yesterday those who believe as I do, and are rather independent Republican Members of the House, were treated to a very questionable compliment by the leader on the Democratic side of the House [Mr. GARRETT]. At the proper time we shall discuss questions between ourselves and those on this, the Republican, side.

I wish briefly to make a statement. The gentleman from Tennessee read an extract from the Bible and told about the punishment that was to be received by those of us who had been independent and voted our convictions at this time. I regret that the gentleman did not do the same. Last year I recall his action on this bill, and this year there has been a complete somersault by many of the gentlemen on his side of the House. I do not want my words to be accepted, I do not want my position to be considered as authority, and so I shall take the highest authority that can be found, the highest authority on the Democratic side of the House in the United States to-day, and let that judgment be read into the RECORD. The New York World, one of the great Democratic papers, speaking for the Democratic Party, has this to say in its issue of December 14, 1925. It is headed "Me, too, Democracy."

The Democratic Party in the House of Representatives has done everything that any party anywhere could do in one short week to efface itself and approximate zero in importance. It has abdicated what influence it had in the first two issues of a week-old session. • • • On Tuesday things slid further. Debate then began on the new tax bill, which borrows its surtax logic from Mr. Mellon. The Democratic Party in the House, it is only fair to say, has not entirely substituted Mr. Mellon's surtax logic for its own. Individual critics like Representative HULL and Representative RAINEY have refused to abdicate their own judgment. But on the whole the Democratic Party in the House seems to date so spellbound by the idea of a precious tax cut—anybody's tax cut so long as it happens to be made before the next congressional elections—that the party has lost all desire to make the cut as fair and as statesmanlike as possible. It has become a "me too" party on taxation, taking small pains to inquire of Mr. Mellon why, if the Mellon schedule of lower surtax rates will really bring in more revenue to the Government, as Mr. Mellon says it will, it has been necessary to set aside the sum of $98,691,720 as the amount which the Government will thereby lose.

The closing paragraph of this editorial is as follows:

There is a rôle for an opposition party in every scheme of government. This rôle does not require on the part of the opposition carping criticism of everything which the party in power happens to propose. But it does require something more than a sheeplike dash across the pasture. It does require that on major issues the opposition party has a mind of its own and courage enough to use it. When the Democratic Party in the House lies low on the two issues of gag rule and surtax rates it does little to win popular respect or to restore itself to power.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. GARRETT of Tennessee. On the gag-rule phase of it, does not the gentleman think that everything was done by the Democrats and gentlemen affiliated with them that could possibly be done?

Mr. FREAR. I do not want to exceed my 10 minutes' time, and I leave it to the principal mentor of the Democratic Party, the World, to speak for itself.

Mr. GARRETT of Tennessee. The author of that editorial was not here and the gentleman from Wisconsin was here. Does not he think that everything was done that could possibly be done?

Mr. FREAR. Let me say that in yesterday's RECORD is an interesting discussion which we all heard, and let me read that, because the gentleman took us to task. I am reading from page 939 of yesterday's RECORD:

Mr. RAINEY. And now may I mention the names of some other leaders on this side? You will recognize them as I mention them—Clark, DeArmond, James, Kitchin, Padgett, Moon, Flood, who died, all of them, at their posts of duty, fighting, all of them, during their lives, and their deaths seem untimely against the principles for which you gentlemen stand. Oh, other leaders will rise. These puny and little leaders who control now will not control always. I apologize. I had almost violated the rules and traditions of this House. I do not want to do that. I have been here too long to do that, and I apologize for calling them puny and little leaders. I apologize for that, and now, having done that, as I ought to do with my long service in this House, I apologize to the country for calling them puny and little leaders. They do not even rise to that standard.

Mr. GREEN of Iowa. Does not the gentleman think it is enough to have that in the RECORD once, without having it in twice? [Laughter.]

Mr. FREAR. I am afraid that the leader on the Democratic side did not hear it on the other occasion.

I realize the position of the distinguished gentleman who leads the minority, and his ability, and all that, but I do say that when he criticizes us, comes before the House, as he did yesterday, in the way that he did, it is unfair, because we have little voice here.

Mr. GARRETT of Tennessee. Oh, I want to correct what is evidently a misapprehension on the part of the gentleman.

Mr. FREAR. Later on, if the gentleman please.

Mr. GARRETT of Tennessee. I did not criticize the gentleman.

Mr. FREAR. It was so assumed by those of us on this side who were listening. I have talked with some distinguished gentlemen on the Democratic side, and I have said, "What does Democracy to-day mean with you?" One of them said the other day, "My God, I admit that we have no issues and no leaders to-day." Then I said, "Why is it?" And he re-

plied, "We have sold ourselves for a mess of pottage." I and my associates have stood for things which we believe to be right, and we expect to stand for them. We are not afraid of our position, either here or hereafter. We will take care of ourselves, as I said yesterday, with our own colleagues on this side, when the time comes, without any difficulty. We do not care anything about the attempt to place us in a humiliating position by putting us at the bottom of various committees. That to us only looks small and cheap, particularly when we think of it with respect to such a distinguished gentleman as my colleague, the dean of the House, the gentleman from Wisconsin [Mr. COOPER]. It does not hurt him, but it cheapens those who placed him at the bottom of his committee. I do not care what you do with me, but I assure you gentlemen that we will be found here in our places, if not in committee rooms. I say again to gentlemen on both sides that we will be here, and we will discuss matters on the floor of the House. One thing you have compelled us to do, and that is to stay here in Committee of the Whole most of the time, and we shall try to have a fair representation here a portion of the time on both sides of the aisle.

Mr. GREEN of Iowa rose.

Mr. FREAR. Does the gentleman ask me to yield to him?

Mr. GREEN of Iowa. No; I simply wanted to say that I can not longer permit this political discussion to go on.

Mr. FREAR. But the gentleman did yesterday, and I assumed in the interest of fair play and good sportsmanship that he would to-day, and I thank him kindly for doing so.

Mr. GARRETT of Tennessee. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. There is nothing before the committee at the present time.

Mr. GARRETT of Tennessee. Then, I move to strike out the last two words.

Mr. GREEN of Iowa. If the gentleman will kindly yield to me for a moment, of course, I would not object to my distinguished friend from Tennessee occupying the floor——

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. GREEN of Iowa. I simply rise to say that when the gentleman gets through I shall insist that this discussion stop and we proceed with the consideration of the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, I am rather surprised that my friend from Wisconsin [Mr. FREAR] has not a better sense of humor than he appears to have. Evidently my friend from Wisconsin does not appreciate fine irony. I really thought that I was paying the gentleman a compliment yesterday by leveling something of criticism, if it might be so called, at those who treated the gentleman so badly. I made no criticism of the gentleman and his colleague for the stand that they took. I am glad they took it. I admire their independence and courage. [Applause.]

The Clerk read as follows:

(e) Section 3392 of the Revised Statutes, as amended, is reenacted without change, as follows:

"SEC. 3392. All cigars weighing more than 3 pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, 3, 5, 7, 10, 12, 13, 25, 50, 100, 200, 250, or 500 cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000 and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: *Provided further*, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe."

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: On page 180, after line 9, insert a new subdivision to read as follows:

"(f) This section shall take effect on the expiration of 30 days after the enactment of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 401. (a) Upon all tobacco and snuff manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes now imposed thereon by section 401 of the revenue act of 1924, a tax of 18 cents per pound, to be paid by the manufacturer or importer thereof.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: On page 180, after line 17, insert a new subdivision, as follows:

"(b) Upon all unmanufactured leaf tobacco produced in the United States and hereafter sold or removed for sale to the consumer, there shall be levied, collected, and paid a tax of 8 cents per pound, to be paid by the person so selling or removing such leaf tobacco. This subdivision shall not apply to leaf tobacco sold or removed for sale to the consumer by (1) a farmer or grower of tobacco, or (2) a tobacco growers' cooperative association as defined in subdivision (f) of section 3360 of the Revised Statutes as amended."

On page 180, line 18, strike out "(b)" and insert "(c)."

Mr. HAWLEY. Mr. Chairman, the effect of this amendment on existing law is to give relief to growers of tobacco and to enlarge the market for their product in its unmanufactured form. It reduces the tax from 18 to 8 cents, as expressly stated in the amendment. It does not change existing law in any other particular, nor does it add to a tax or impose a new tax. The growers and cooperative organizations will remain untaxed, as provided in existing law.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition in favor of the amendment. I was not quite able to catch what the gentleman from Oregon [Mr. HAWLEY] said, but I understood him to say that this would make some change in respect to the grower. That is not the case, and I may have misunderstood him. Under the law as it now exists, any grower of tobacco can sell the product of his own growth in whatever way he chooses, to whomsoever he pleases, in bulk or by parcel post in any quantity without the payment of any tax whatsoever. This proposed amendment makes no change whatever in that privilege, which is now enjoyed by the tobacco producer. Furthermore, under the Kincheloe amendment, adopted in the act of 1924, tobacco cooperative associations may sell in any quantity to a consumer direct, or to whomsoever chooses to buy, without the payment of any tax whatsoever.

The theory justifying the Kincheloe amendment, of course, was that the tobacco of the farmer passing into the hands of a cooperative association generally remained the property of the farmer, and therefore it was perfectly right and legitimate and proper for it to be sold by the cooperative organization without the payment of any tax. This proposed amendment makes no change whatsoever in that. What this amendment does, to make it clear, is, it will permit any person who purchases tobacco from a producer or elsewhere to resell that tobacco in its natural state to consumers in certain quantities the size of the packages to be determined by the Treasury Department under an amendment which will be presented later by the gentleman from Oregon [Mr. HAWLEY] upon the payment of an 8-cent tax.

Mr. HAWLEY. Unmanufactured tobacco.

Mr. GARRETT of Tennessee. Unmanufactured tobacco; that is, in the natural leaf, unstemmed.

Mr. HUDDLESTON. Is that the pre-war rate?

Mr. GARRETT of Tennessee. No. Let me give some history which I think is rather interesting. Up until the tariff act of 1909, the Payne Act, there was no provision under which any person except the grower could retail leaf tobacco or tobacco in its natural state to the consumer without the payment of the same tax that was imposed upon manufactured tobacco. In the revenue act of 1909, commonly referred to as the Payne-Aldrich tariff bill, there was inserted a provision which would enable any person to buy from a farmer and resell it in retail without payment of any tax whatsoever. That continued to be the law until the revenue act of 1918, and under that a considerable retail parcel-post business, of course on a relatively small scale, was built up throughout what is known as the Black Patch——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I will ask for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chairs hears none.

Mr. GARRETT of Tennessee. Throughout what is known as the Black Patch, consisting of about 25 counties in southern Kentucky and northern Tennessee, a good-sized business grew up. But then the revenue act of 1918 came along—this proposition was not acted upon in the House. The House, when it first considered the bill, made no change in the law, but the Senate put some sort of an amendment in—I do not remember it in detail—and finally they worked out in conference a proposition and brought it back as part of the conference report, and we had no opportunity to amend it, as it had to be voted up or down as a whole, and it was the great war revenue act, providing some $4,000,000,000 of revenue. This provision so brought in as part of the conference report not only went to the extent of stopping the sale without payment of tax but it actually went to the extent of preventing a person, except the farmer himself, from selling this tobacco at retail even upon the payment of the 18-cent tax in quantities greater than 1 pound. Now, I recognize the justice of having some tax-raising revenue on manufactured tobacco and I recognize the justice of having a tax on dealing in the loose leaf, which, to a certain extent, will come in competition with the manufactured product after this loose leaf passes out of the hands of the producer, and so I am agreeable to this proposition about the 8-cent tax.

Mr. ABERNETHY. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. ABERNETHY. Does the gentleman think it is hardly fair that the committee should come in this House at this late hour without notice to anybody on the floor of the House and put a tax in here nobody has had any notice of, no hearings on the matter, not considered by the committee, or anything of that kind? Does the gentleman think it is fair to the tobacco States, one of which I in part represent, that he, as leader of this side, should get up and favor a tax that has not had any consideration, nobody knows anything about it, and have it just passed here without any consideration at all? The gentleman knows as a practical proposition that Members of this House who are not on the committee have absolutely no chance even to make a dent in this bill much less to prevent an amendment here from passing through that is far-reaching in its effect and means millions and millions of dollars to the tobacco-growing States. Does the gentleman think that is fair?

Mr. GARRETT of Tennessee. Yes; I think this amendment is fair. Let me say this to the gentleman: Before the gentleman came to Congress the House of Representatives passed precisely this same proposition except it then provided a tax of 7 cents a pound, passed it in 1920, but it did not receive consideration in the Senate. Understanding this proposition as I do, coming from a tobacco section, my own State and county producing much tobacco, it is because of my knowledge of the situation that I have arranged for this amendment to be offered. This can not injure the tobacco grower in any way, on the contrary the principal purpose behind it—a purpose which I hope shall be realized—is to enlarge the market of the producer and obtain for him a better price without in any way increasing the cost to the consumer. Now, there is very little competition for the purchase of tobacco, and knowing the amendment, understanding it as I do, I do think it is fair. I will say to my friend from North Carolina.

Mr. BROWNING. Without this amendment would local dealers have the right to sell tobacco even with the payment of the tax?

Mr. GARRETT of Tennessee. Not except in this way: The farmers now, I will say to my colleague, can pool their crops and hire an agent to sell for the pool; any individual farmer can hire you or me or anyone to sell his product, but the pool or the individual has to pay such an agent a salary. He can not work on a commission basis.

This makes no change in that law. A dealer can still work by being paid a salary, but there has been a very small business done under that privilege so far. If there is any permanence to the law which this amendment will make I look for a considerable increase in the sale of tobacco in its natural state throughout the country by parcel post through mail orders.

Mr. BROWNING. It reduces the amount of the tax from 18 cents to 8 cents?

Mr. GARRETT of Tennessee. Yes. I doubt very much whether any person other than the grower or the cooperatives, even by the payment of 18 cents, has been able to do anything under existing law. That law was so drawn in 1918 that it eliminated, even with the payment of the full tax, this competition, with foreign and domestic wholesale buyers.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ABERNETHY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized in opposition to the amendment.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I had hoped and thought that when the Committee on Ways and Means met here before the convening of the Congress and framed a bill and introduced it here on the first day of the session of the House, and proceeded to rush it through before the Christmas holidays, would not now undertake to come in at this time, without any notice to anybody who is affected by this provision, and undertake to add an additional tax here. It is done without the slightest notice to a large number of Members from States concerned.

Mr. BROWNING. The gentleman understands that under the law as it now is, without this amendment, the local dealer can not buy from the farmer without paying a tax.

Mr. ABERNETHY. I understand this, that the matter here offered involves millions of dollars and affects every tobacco grower in all the tobacco States; and I think its introduction now is not fair to the House, or to the interests involved, or to the country, or to the Members here.

It seems to me that the Committee on Ways and Means should give a hearing in this matter. It seems to me that it should go over, or something should be done so that we would have a chance to study this question to see how far-reaching it is. I do not know just what it means without careful study of the amendment. I am willing to have you pass a tax bill that is a reduction. But when you come in here to start with a proposal of a new tax on tobacco, which pays more than any other one thing in the country, now that liquor is out of the way, I must protest. It used to be whisky and tobacco. Now you propose to put an extra tax on tobacco, an extra tax which nobody understands except a few gentlemen behind the measure. [Applause.] I do hope, gentlemen, you will not put this thing through in any such manner as that. I do not think it is fair to the House.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BROWNING rose.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. BROWNING. Mr. Chairman and gentlemen of the committee, I think my good friend who has just spoken to this proposition is unduly alarmed. I have two or three tobacco counties in my district, and I believe that this amendment ought to be adopted. I do not understand that it is a new tax at all. If I understand the situation, under the law without this amendment no local dealer can buy from the farmer and build up a mail-order business and sell at all. I doubt if he has the right to sell even upon the payment of 18 cents on the pound tax which the other tobacco bears; but, on the other hand, this permits him to do that by the payment of 8 cents instead of 18 cents. It is not a tax that is going to burden the gentleman's constituents, and it is a tax that permits them to have another outlet for the sale of their products. In other words, they can sell to the local dealers, and they in turn can build up their mail-order business without the burdensome 18-cent tax, but with a burden of only 8 cents. At present they do not have that outlet for their tobacco at all.

Mr. ABERNETHY. At present they do not pay any tax at all.

Mr. BROWNING. They can not sell it. The local dealer who wants to buy from the farmer can not sell it at all to the consumer.

Mr. ABERNETHY. Is not this an extra tax of 8 cents a pound?

Mr. BROWNING. No. It permits the local dealers to buy from the farmer, and if they resell to the consumer then they have to pay 8 cents a pound.

Mr. MILLS. Mr. Chairman, will the gentleman yield there?

Mr. BROWNING. Yes.

Mr. MILLS. And if they sell to a manufacturer, then they do not pay the 8 cents a pound; only to the ultimate consumer.

Mr. BROWNING. That is true. The amendment provides the amounts and to whom they sell. They will have the privilege of selling at 8 cents a pound instead of 18 cents to the consumer.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. MONTAGUE. Does this apply only to unmanufactured tobacco?

Mr. BROWNING. Yes.

Mr. MONTAGUE. The dealer has no right, then, after purchasing from the farmer, to put this tobacco through any manipulation or anything that tends to manufacture?

Mr. BROWNING. No, sir; he does not; he sells it to the consumer in the amounts stipulated in the amendment. So I do not think that my friend from North Carolina [Mr. ABERNETHY] should object to this 8 cents when the others have to bear 18 cents.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I am surprised the committee have a heart after all. All of the aspersions which have been cast upon them are refuted by their action in proposing this amendment which reduces the tax on the tobacco "chawer." Heretofore he has had to pay a tax of 18 cents a pound; hereafter, if he is willing to chew "long green," he will have to pay only 8 cents a pound.

Mr. KINCHELOE. Will the gentleman yield?

Mr. HUDDLESTON. Not now. I made a very tearful plea the other day in behalf of the kind of people who chew tobacco and dip snuff. I got no encouragement and my heart was low in my breast, but now, behold, the committee comes and says that after all they did not know everything when they were writing this bill and that there is something which should be added to it. Whether they were convinced by my speech or not, I do not know, although I imagine they were not, but, rather, that they were convinced by their sense of justice and propriety.

They propose now to make a reduction on tobacco. The fault I find with the committee is in confining the reduction only to those who chew the "long green." If a man is of a type that he can chew tobacco right off the stalk [laughter], without any treatment whatsoever, and can twist it to suit himself, the committee has a heart for him and reduces the tax to 8 cents, but if he prefers that the manufacturer make up his twist and put a little licorice and a little flavoring in it, then he has to pay the tax of 18 cents a pound. But they do not have any thought at all for the old woman who dips snuff; they have no heart for her affairs. She still will have to pay 18 cents a pound as a tax, for you can not take the long green and make home-made snuff. What these gentlemen are really doing is they are trying to convert our good old women who now dip snuff into tobacco "chawers." That is what they are trying to do. And they do not want them to chew fine cut and fancy brands, but they want them to go to the stalk and take it off leaf by leaf and stow it away in their jaws as a quid.

Now, I appeal to the gentlemen. They are going back to pre-war taxes on many things; they are going back to reason and common sense; they are responding to the great urge that common folks ought to have some consideration. That being so, why not reduce the tax to the pre-war rate on manufactured tobacco? The tax on tobacco originated as a war measure; it was put on during the Civil War and it has come down to us from that time. It was found to be a good way to get some money with which to carry on the war; it was put on then, and afterwards the users of tobacco, being a weak and unorganized class of people, were not strong enough to have it removed, and it has been left on ever since.

Let me ask the committee, in all seriousness, do you propose to take advantage of the World War and increase this tax from 12 cents to 18 cents and leave the 18 cents on permanently? The gentleman from Oregon [Mr. HAWLEY], good-hearted man that he is, shakes his head, but the chairman of the committee remains discreetly silent and noncommittal. But I want to say this to him: While you are taking the tax off of lipsticks, soda water, and chewing gum, and reducing it on cigars, which common men do not smoke—when you are doing that, why in the name of common sense do you not bring down the tax on the people who chew tobacco and who dip snuff? There is not a Member on this floor who can offer a word in defense of retaining the war-time tax on tobacco.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOWARD and Mr. KINCHELOE rose.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order that all debate is exhausted on the amendment.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last two words.

Mr. GREEN of Iowa. Mr. Chairman, I have been, it seems to me, extremely indulgent to gentlemen on the other side in the course of debate on this bill, but we really must get through the reading of the bill.

Mr. KINCHELOE. I will say to the gentleman that I have had nothing to say upon this bill at all, and I do not expect to take but very little time now. This is a matter I am very much interested in, and I want to get some information not only from the chairman but from the expert of the Treasury in order to see its effect if adopted.

Mr. GREEN of Iowa. Does the gentleman want to see the amendment defeated?

Mr. KINCHELOE. That has nothing to do with my being recognized. I move to strike out the last two words, and I am standing on my own rights in demanding recognition.

The CHAIRMAN. The gentleman is entitled to recognition.

Mr. KINCHELOE. Mr. Chairman, I have risen here to procure some information from the Ways and Means Committee and the expert of the Treasury I see sitting here.

I happen to be the author of the existing law, which is subsection (f) on page 187.

As the gentleman from Tennessee [Mr. GARRETT] has said, any farmer has a right to sell his tobacco in the natural leaf direct to the consumer without paying any tax. My amendment, which was adopted as a part of the law during the last session of Congress and is now subsection (f) on page 187, enlarges that right, giving the cooperative-marketing associations the right to do the same thing, namely, to sell tobacco in the natural leaf direct to the consumer without paying a tax.

The tobacco "chawers" of the gentleman from Alabama [Mr. HUDDLESTON] can get all the tobacco they want now without paying a tax if they will buy it from the farmer and not from the dealer.

Mr. ABERNETHY. Will the gentleman yield?

Mr. KINCHELOE. I yield to the gentleman.

Mr. ABERNETHY. The gentleman and I have always been together on this tobacco business and I would like the gentleman to explain to me whether this proposed amendment raises a tax that does not now exist. I would like to hear the gentleman on that proposition, because I like to follow the farmer from Kentucky when I can, but it seems to me this is putting a tax of 8 cents a pound on tobacco which does not now bear any tax.

Mr. KINCHELOE. I think under the same circumstances it would now bear a tax of 18 cents.

But I want to develop further what I started out to present.

I was anxious to get for the tobacco cooperative associations the right under the law to handle this tobacco in the natural leaf to the consumer without paying a tax for two reasons. Under the old law, before my amendment was adopted, tobacco cooperative organizations were tobacco dealers. Many people have an idea that tobacco dealers pay a tax to the Government. They do not pay any tax at all except they are penalized if they violate the rulings of the department or the Commissioner of Internal Revenue.

The second reason I wanted these cooperatives exempt was because it would obviate their having to give annual reports or semiannual reports to the Commissioner of Internal Revenue at any time he requested them.

Further, I had this matter up with the Treasury six years ago and the question that arose in the tobacco section of my district was whether an aggregation of farmers would have a right to employ an agent to handle their tobacco in the natural leaf, selling it direct to the consumer, without paying a tax. This is the question I want to address to the Treasury Department. The Solicitor of the Treasury held at that time that an aggregation of farmers did have the right to employ an agent to handle their tobacco in the natural leaf direct to the consumer without paying a tax, provided they paid the agent a salary and not a commission, and the inquiry I want to propound to the Treasury Department now, or to the gentleman who knows something about it, is whether the farmers would still have that right if this amendment were adopted. If there is anyone on this side of the House who can give me the information, I would like very much to have it.

Mr. HAWLEY. There is no question but what they would have that right.

Mr. KINCHELOE. Does the gentleman get that opinion from the expert of the Treasury or from his own observation of the law?

Mr. HAWLEY. From the expert of the Treasury.

Mr. KINCHELOE. That is what I wanted to know.

Mr. HAWLEY. The Assistant Secretary of the Treasury.

Mr. KINCHELOE. Then it does not change subsection (f), which happens to be my amendment, at all, and the farmer will have the same right as he would have in that respect if this amendment were not adopted.

Mr. HAWLEY. This amendment was drafted by the Treasury Department in cooperation with the gentleman interested in this matter, for the express purpose of keeping all the rights

you now have in the law and granting further relief in the sale of leaf tobacco.

Mr. KINCHELOE. And the gentleman says, then, upon the responsibility of the experts of the Treasury, that it does not impair any right that the tobacco farmer has now under the existing law, if this amendment is adopted?

Mr. HAWLEY. It does not impair any of his rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was adopted.

Mr. HUDDLESTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment proposed by Mr. HUDDLESTON: On page 180, line 16, at the beginning of the line, strike out the figures "18" and insert in lieu thereof the figures "12."

Mr. HUDDLESTON. Mr. Chairman, my amendment reduces the tax on manufactured tobacco to what it was before the war.

In principle the tax ought to be abolished. It is a tax on the poor. It is a consumption tax. It is a tax on those least able to pay it. It is a tax which enhances the cost of living. It is a tax which increases the cost of the necessaries of life. It is a tax on a necessary article. It can not be defended except with the excuse, "we need the money." Nobody has ever said anything else in behalf of it. Nobody can ever say anything else in behalf of it.

I had hoped the committee would do something for the people who use manufactured tobacco, but they take the position if you are not a "chawer" of "long green" you are not entitled to any consideration. What is the logic of that position? If I buy a twist of tobacco with a little licorice and flavoring in it, does that make me a worse man than if I took a hand of tobacco and twisted it myself? Many men are not trained to chew tobacco straight and undefiled with sugar, licorice, or other flavor. Many men can not send away to places where they deal in leaf tobacco and buy a package. They do not know where it may be had.

I insist that we ought to go back to the pre-war tax on tobacco. I have no tobacco growers in my district. I have no manufacturers; I have no more tobacco chewers than has the average district represented on the floor. There is no political equation in this matter to me. Nobody has spoken to me about it or written me about it. Those who suffer from this oppressive tax—the great unorganized mass—are never heard from, never write to their Congressman, and never pass on to him any canned propaganda. But, gentlemen, it ought not to be necessary that the masses clamor for their rights under the penalty of being unrecognized and ignored.

The committee heard no arguments from the tobacco users. But they were pulled and hauled by a thousand selfish interests, each seeking to get theirs. And they got it. The great, unknown multitude was not represented and was not heard. The cigar manufacturer felt that the tax on cigars was hurting the sale, and so they got theirs. But the tobacco users, being mere consumers, were not considered. They were not before the committee, but their Representatives are here, and we ought to represent them. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were 43 ayes and 90 noes.

So the amendment was lost.

The Clerk read as follows:

All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine cut chewing, which has passed through a riddle of 36 meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-eighth of an ounce, three-eighths of an ounce, and further packages with a difference between each package and the one next smaller of one-eighth of an ounce up to and including 2 ounces, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including 4 ounces, and packages of 5 ounces, 6 ounces, 7 ounces, 8 ounces, 10 ounces, 12 ounces, 14 ounces, and 16 ounces: *Provided*, That snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding 20 pounds.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 181, after line 17, insert a new paragraph, as follows:

"All unmanufactured leaf tobacco sold or removed for sale or consumption (except by the grower thereof, or a tobacco growers' cooperative association as defined in subdivision (f) of section 3360 of the Revised Statutes, as amended) shall be put up in such packages (not exceeding six in number) as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

Mr. HAWLEY. The purpose of this is to give the Treasury authority to superintend packages suitable for the market and limit the number.

Mr. GRIFFIN. If the gentleman will yield, should not his amendment come at the end of paragraph on page 182 instead of page 181?

Mr. HAWLEY. No; it comes at the end of line 17, page 181, as it applies to the preceding matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was agreed to.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word. During my 11 years in Congress I have never indulged in personalities or criticized my colleagues. To each of them I accord the same privilege I demand for myself, and I believe that you are just as honest as I am, even though you differ with me.

I tried yesterday, without going out of the RECORD, to discuss the constitutionality of the paragraph refunding 80 per cent of the inheritance tax. In yesterday's RECORD—and I thought I caught his words and would have answered then, but I was not sure and did not want to do the gentleman an injustice—Mr. GREEN of Iowa, the great chairman of this committee, a gentleman I hold in the highest esteem, saw fit to take a fling at Florida, and in one of the Washington newspapers of to-day, on the front page in glaring headlines, they were reproduced. I shall not read you all that he said about the wonderful State of Florida, but just this:

"Your delightful climate and your natural resources are a sufficient attraction if you do not offset them by filling up your community with members of that ancient and dishonorable order of tax dodgers, who, of all citizens, are the most narrow, the most selfish, and the most unpatriotic. I congratulate those States whose patriotic citizens have not yielded to the alluring but improper inducements offered by the State of Florida."

Further in his remarks he said that we were filling up the State with land grabbers and bootleg runners.

Mr. Chairman, my humble little home in the land of flowers is situated on the Dixie Highway, and as I sat on my front porch during the recess watching the cars with their occupants go by hailing from the great State of Iowa, those wonderful people of intelligence, far-seeing people, going by my house to invest in my State, I knew that they were not land grabbers; I knew they were not tax dodgers; I knew they were not bootleggers or bootleg runners. Perhaps out in the State of Iowa, which I have never had the pleasure of visiting, though which I hope to visit some time, the rest of the gentleman's colleagues who have remained out there may be of the class that he describes, because he is better acquainted with the good citizenship of the State of Iowa than I. But I rise to defend those citizens from his wonderful State who have migrated to Florida. I rise to defend those intelligent people from every State who are moving to my State, and I say to the House and to the country that you can knock us as much as you please, but you can not stop them from coming. I say to you, as I said to the chambers of commerce, that I would offer a prize for the man who would write the biggest knock, because the more you knock the more they will come. Little did I dream when I made those remarks that in the Halls of Congress the same knocks and the same propaganda would be resorted to. I trust that all of the people of Iowa will not come and that some of my colleague's friends will remain out there, even though they may be bootleggers, even though they may be tax dodgers or rum runners. If any of these should come, we will try to convert them and make of them better citizens than they are. [Applause and laughter.]

The Clerk read as follows:

(f) For the purpose of this section a farmer or grower of tobacco or a tobacco growers' cooperative association shall not be regarded as a dealer in leaf tobacco in respect to the leaf tobacco produced by him or handled by such association: *Provided*, That such cooperative associations shall be required to keep available records of all purchases and sales of tobacco, such records to be open to inspection by the agents of the Government. As used in this section the term "tobacco growers' cooperative association" means an association of farmers or growers of tobacco organized and operated as sales agent for the pur-

pose of marketing the tobacco produced by its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity and quality of tobacco furnished by them.

Mr. GARRETT of Tennessee. Mr. Chairman, if I may have the attention of the gentleman from Iowa. I had an agreement with the gentleman a few moments ago, made privately, that he would not object to a unanimous-consent request that the committee return for a few moments to page 177, line 13, for the purpose of permitting the gentleman from Florida [Mr. DRANE], who was unavoidably detained in a department when we were passing on that portion of the bill, to offer an amendment and consume five minutes in the discussion of it.

Mr. HAWLEY. There is no objection to that on this side, Mr. Chairman.

Mr. GARRETT of Tennessee. Then, Mr. Chairman, I make that request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 177 to permit the gentleman from Florida to offer an amendment. Is there objection?

There was no objection.

Mr. DRANE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Mr. DRANE offers the following amendment: Under Title IV, "Tax on cigars, tobacco, and manufactures thereof," section 400 (a), page 177: In line 13, strike out the figures "$2.50" and substitute the figures "$2.00"; in line 15, strike out the figures "$4.50" and substitute therefor the figures "$3.00"; in line 18, strike out the figures "$7.00" and substitute therefor the figures "$4.50"; in line 21, strike out the figures "$10.50" and substitute therefor the figures "$6.00"; in line 24, strike out the figures "$13.50" and substitute therefor the figures "$7.50."

Mr. DRANE. Mr. Chairman, there is no use, apparently, after watching the unanimity of the Committee on Ways and Means and the apparent decision of a very large majority of the Committee of the Whole House to adopt the inheritance-tax feature of the pending bill, for me to discuss it at length. There is nothing which could be added to the argument, from the viewpoint of my State, which was not covered by my distinguished colleague [Mr. SEARS] in his masterly address upon the subject, and I will therefore content myself with saying that with all the sincerity of my nature I protest against this injustice which is about to be done to my State and to indorse in the most earnest way the remarks he has made upon the subject.

I am in entire sympathy with the amendments offered by my colleague [Mr. GREEN of Florida] touching upon the same subject. This being done, I now crave your indulgence in the time allotted me to speak on the paragraph affecting manufactured cigars.

In addition to the observations which I shall make in connection with the subject in hand I shall include as a part of my own remarks the brief prepared and submitted by the Cigar Manufacturers' Association of Tampa, my principal city. It was prepared by the leading factors in the cigar industry, men who would not mislead or misrepresent conditions, and whose truthful and very thoughtful treatment of the subject is entitled to every consideration at your hands.

Analyzing this brief, we find that the proposition I now make in the form of an amendment is not with the view to a selfish, profit-making move on the part of my constituents—they willingly and gladly paid the tax when the tax was a demand upon their patriotism—this is a proposition to so reduce the tax that they may continue in business. Unless they are given proper relief, far in excess of that proposed in the pending measure, the time will soon come when they will be forced out of the business of making the finest cigars produced in the world and have to content themselves with making such character of cigars as are manufactured in other centers, thereby becoming commonplace.

It will be observed that by reason of the exorbitant taxes levied by the Federal Government, while between the years of 1917 and 1925, both inclusive, the population of the country increased 11½ per cent, there was a decrease in total consumption of 16.3 per cent.

That during the same period there was a decrease in per capita consumption amounting to 24.6 per cent. That during the same period there was a decrease in the number of factories amounting to 27 per cent. This means that the Government, in its greed for more and more taxes, has driven nearly 4,000 factories out of business; it is gradually, but surely "killing the goose which lays the golden egg."

I represent the largest industry in my State—the cigar industry. It is located mostly in the city of Tampa. The city of Tampa is unique in this, that it stands seventh on the Treasury roll, so far as its production of revenue is concerned. New York is first, and I think Baltimore is the sixth. In the year 1924 the city of Tampa paid internal-revenue duties of $3,856,766. It paid import duties of $1,857,977. It is a city of about 140,000 people. It produced last year 450,000,000 clear Habana cigars, handmade, by the Cuban method. You see very few of them in Washington. The price of them has been forced up by taxation so high that the average man can not afford to smoke them here. In that city there are 13,000 men, women, and children who are connected directly with this industry, working from day to day. There are more than 50,000 people who are dependent upon the industry, in what it brings to them in the form of wages. The amendments which I offer are for the purpose of securing a reduction in the tax, if possible, and I am going to give you a brief résumé, if I may, of what the tax history has been.

In 1865 as a war measure the tax on manufactured cigars was placed at $6 per thousand. In 1882 it was reduced to $3 per thousand. The cigar industry throughout the United States has been built up on the rate of $3 per thousand, regardless of the quality or the price of the cigar. In 1898, for war purposes only, the rate was raised temporarily to $3.60 per thousand. Almost immediately after the Spanish-American War it was again reduced to $3 per thousand, which is the normal and proper rate, and there it remained until about October, 1917, when for war purposes, it was increased about 300 per cent. The people who are engaged in this industry did not object at that time, as a war measure, to the increase, but here, seven or eight years after the war is over, the committee in its wisdom reduces the 300 per cent by only about 20 per cent. That is a mere bagatelle and does not even take care of increase in the wages given in 1924, and again in 1925.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. DRANE. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, I suggest to the gentleman that he can extend his remarks in the RECORD. I have tried to be very liberal with the gentleman.

Mr. DRANE. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that permission already.

Mr. DRANE. Very well, Mr. Chairman, under leave to extend my remarks, I am printing a petition I received from Cigar Manufacturers' Association of Tampa, Fla.:

The cigar manufacturing industry of Tampa, Fla., through its general association, places before you its plea for survival. We use the term "survival" advisedly, for in our endeavor to uphold the standard of Tampa cigars we have absorbed taxes and increased cost of manufacture until at the present time our industry, as herewith represented, is pushed perilously near the chasm of disruption.

The cigar industry supports an immense colony of experienced cigar-factory workers in Tampa. Our actual employees exceed 13,000 men and women, and it is estimated that the number of Tampa citizens directly dependent upon the local cigar industry is fully 35,000 men, women, and children. These men and women employed in the factories have spent years—practically their lifetime—in the industry; they are, for the most part, wholly dependent upon the operation of our factories for their livelihood. The industry itself has millions of dollars invested in plants, equipment, and material, and the cigar factories form the very backbone of Tampa's industrial program and prosperity.

Tampa has for almost half a century produced cigars of a very distinct high quality; the manufacturers have developed to a fine point the production of clear Havana cigars by the same method of manufacture as used by the leading factories of Cuba, and we have, through our standard of workmanship and selection of material, increased and maintained the demand for cigars manufactured in this country as compared with cigars imported from foreign soil.

Our industry deserves Federal recognition, as it has received city and State recognition, in its relation to the development and stability of an enterprise bringing revenue to our Federal Government and employment to thousands of factory workers. We ask not for special privileges but for recognition in eliminating excessive and burdensome Federal taxes imposed upon our industry during the late World War, which is throttling our expansion and making difficult our relation with the consumer through the maintenance of our high standard of quality.

TOBACCO NO LONGER A LUXURY

While it is admitted that tobacco is often thought of and, indeed, at times, has been classed by our Government as a "luxury," there is no doubt but that the consumption of tobacco in its various forms

actually occupies the more common classification of "necessity." The cigar has proven its worth and has taken its place in the lives of those directing statesmanship, industry, and commerce; it has proven a distinct benefit to those absorbed in solving the problems of the world. Therefore its taxation should be based on its common use by the masses, rather than as a "luxury" for those of unlimited means or of spendthrift habits.

Statistics show that the main consumption of cigars comes under the existing classifications of class A and class C grades, representing principally 5 and 10 cent cigars. Smokers of these grades are forced, under existing Federal taxes, to bear an excessive tax out of all proportion of the sales value of the article.

TAXATION

The cigar industry has, through the decades, proven a most lucrative means of support for the Federal Government; we acknowledge our obligation to our Government and are willing and anxious to bear our full share of its support, but we are unable to longer carry the supertax imposed on cigars as a war measure and which, to-day, continues—eight years after conclusion of hostilities.

Following the ending of the Civil War, in 1865, a stamp tax of 86 per thousand cigars was established on the industry. This was effective until 1882, at which time it was reduced to $3 per thousand cigars. Again, in 1898, on account of the Spanish-American War, taxes on cigars were increased to $3.60 per thousand. This tax remained in effect until 1901, when, following the precedent previously established, it was decreased to $3 per thousand. This rate of $3 was then maintained until October, 1917, when, as a war measure, the tax was increased. The said internal-revenue tax now in effect is as follows:

Per 1,000 cigars	
Class A (to retail at 5 cents each)	$4
Class B (more than 5 cents, not over 8 cents)	6
Class C (more than 8 cents, not over 15 cents)	9
Class D (more than 15 cents, not over 20 cents)	12
Class E (over 20 cents each)	15

The war-revenue measure resulted in an increased taxation of 33⅓ per cent on 5-cent cigars to 400 per cent increase on sizes retailing at more than 20 cents each. Figures are herewith given from three representative Tampa factories, reflecting the following facts in comparing the present internal-revenue stamp tax with the internal-revenue tax paid prior to October, 1917:

At present rate: *Per 1,000 cigars*	
Factory A	$9.85
Factory B	10.10
Factory C	9.97
At former ($3) rate:	
Factory A	3.00
Factory B	3.00
Factory C	3.00

The last fiscal year shows an average of $6.27 internal-revenue stamp tax paid on each 1,000 cigars manufactured and sold in the United States. Tampa's average, by reason of its higher type and standard of merchandise, shows an average of $8.1[illegible] internal-revenue tax per 1,000 cigars during 1924, and this ratio has, with slight variations, been maintained since 1917. In the last several years the main items of cost of production, namely, Government taxes, raw material, and labor, have advanced greatly over the pre-war period. Internal-revenue taxes paid the Government have increased approximately 200 per cent. Tobacco imported from Cuba, and which has been the foundation of the popularity of Tampa-made cigars, has steadily advanced in price. Labor wage adjustments were made from time to time to conform with living costs, of which recent examples are the increases paid our labor in October, 1924, and again in September, 1925.

THE CIGAR INDUSTRY IN ITS RELATION TO THE GOVERNMENT AS A SOURCE OF REVENUE

In addition to the revenue stamp tax, it must be remembered that our Government further taxes the manufacture of cigars by reason of the duty imposed on the importation of tobacco from Cuba and other countries. Tampa uses a very large percentage of Cuban tobacco in the manufacture of its product; and we herewith present a schedule of Government income from its two major taxes on the industry in the Tampa district:

Year	Internal revenue	Duties
1910	$638,535	$1,377,262
1911	910,439	2,290,472
1912	854,726	1,859,039
1913	894,879	1,810,159
1914	856,565	1,780,515
1915	939,223	1,801,086
1916	1,011,988	1,887,946
1917	1,314,076	1,959,663
1918	1,984,856	1,582,770
1919	3,408,821	1,800,870
1920	2,028,469	957,071
1921	2,934,733	1,425,487
1922	3,468,840	1,933,565
1923	4,014,501	2,111,853
1924	3,856,766	1,857,977

The Government also imposes a special excise tax of 10 cents per thousand cigars on the production of cigars. This tax is burdensome and entirely uncalled for—yet it results in additional taxation on Tampa manufacturers alone of approximately $50,000 a year.

GOVERNMENT TAXES IN RELATION TO THE COST OF PRODUCTION

It is evident that the importance of the cigar and tobacco industry is frequently overlooked and, in fact, little thought is given to Federal protection and upbuilding of the manufacture of cigars. The branches of our industry covers not only the investment of millions of dollars in plants and equipment and the employment of thousands of skilled craftsmen in the trade, but the industry, as a whole, reflects into the important agricultural fields of Connecticut, Wisconsin, Georgia, and a number of other States and, in addition, supports extensive box-manufacturing plants, lithographing houses, and sundry manufacturing and supply stations furnishing the many articles needed in the proper production of cigars.

We are an important factor not only in the daily comfort and well being of the business and social life of the United States, but in the industrial field of our country, yet we are oppressed by exorbitant Federal taxation on a war-time basis which, coupled with the necessity of increasing wages and thereby the cost of production, forces Tampa manufacturers to either very materially increase prices to the consumer or to lower the quality of our product below the standard set and accepted for Tampa merchandise.

The assessment of duties on imported material, plus the existing war-time internal-revenue supertax, actually places an unbearable burden upon our industry and the consumer, for we point out the fact that the combined Federal taxes amount to approximately 20 per cent of the sales value of clear Havana cigars manufactured in Tampa. Is it humanly possible for any industry to shoulder taxes of which only the two major ones—duties and internal-revenue stamps—represents one-fifth of the total manufacturers' gross income on the article produced? Yet, the following specific figures are presented (based on the manufacture of clear Havana cigars in Tampa):

	1924 duties per 1,000 cigars	1924 internal revenue per 1,000 cigars	Percentage of invoice value
			Per cent
Factory A	$10.70	$9.85	20⅛
Factory B	8.36	10.10	17
Factory C	9.53	9.97	19½

Undoubtedly the high and excessive Government taxes, which are, of course, reflected in our sizes, quality, and prices to the consuming public, is gradually undermining the entire structure of the cigar industry in the United States, as is shown by the following tables of statistics:

Consumption of cigars for the United States

Fiscal year	Population	Total consumption	Per capita consumption
1917	102,172,845	8,266,770,593	80.90
1925	113,493,720	6,917,333,803	60.95
Increase or decrease	+11,320,875	−1,349,436,790	−19.95
Increase or decrease, per cent	+11.1	−16.3	−24.6

Unfavorable manufacturing conditions has resulted in the closing of 27 per cent of the cigar-manufacturing concerns during the seven-year period, as is shown below:

Cigar factories in operation in United States

1917: Number of cigar factories	14,576
1924: Number of cigar factories	10,628
Decrease, or 27 per cent	3,948

Cigars are manufactured upon an extremely close margin of profit—an unsafe margin from an industrial standpoint—for in times of even slight depression there are unusually heavy trade losses through the forced closing of manufacturing plants.

It is true that our industry needs the stimulus of new life; we must give the consumer an article of merit within the bounds of expenditure permitted of the masses; we must pay our workmen a moderate, commensurate wage in return for their labor; we must meet market conditions in relation to the growing of tobacco for our product; yet we are bound by definite units of sale, namely, 5 cents, 10 cents, 2 for 25 cents, 15 cents, and 3 for 50 cents, with a relatively small proportion of sizes retailing at 20 cents and over. The consumer will not accept, with any degree of satisfaction, the policy of odd-cent prices, which necessitates that the manufacturer must continually absorb minor manufacturing cost increases until the breaking point is reached and a complete revision of sale values constructed.

The two major Federal taxes are exorbitant in that no industry can prosper or survive under the burden of Government taxes to the extent of 20 per cent of the value of the factory's output. We plead that the status of our industry be recognized by Congress and that suitable and deserved relief be granted through the elimination of a very substantial portion of the war-time tax. Our obligation to our Government calls for an equitable tax for our share of the support of our Federal body, but beyond this point we ask that the burden be distributed in such a way as to permit our survival as a factor in the industrial life of our Nation.

This body therefore petitions for a 50 per cent reduction in the present rate of internal-revenue tax. While such reduction would upon the face of it be likely to result in a loss of revenue approximating one-half of the present $44,000,000 collected, it is our belief that trade and the consuming public, stimulated under the relief given, would rebound with a greater production and consumption, thus serving to make up a substantial portion of the loss of internal revenue and at the same time, no doubt, increasing the revenue from duties on imported raw material.

In petitioning for this 50 per cent reduction in taxes we are not selfishly asking this for ourselves, but do so to continue to give our consuming public cigars of high quality, to meet the increased and justified demands of our labor, and to cover the added costs of our raw material. We ask this in view of the fact that the World War emergency, which prompted the present tax on cigars, has passed, and feel that we are justified in our request, not alone due to our need but based on the precedent established by the cigar tax reductions following the conclusion of the Civil and the Spanish-American Wars.

Respectfully submitted.

CIGAR MANUFACTURERS ASSOCIATION OF TAMPA,
By A. L. CUESTA,
ENRIQUE PENDÁS,
JAS. J. FRENCH,
F. WIDMER HOBS,
A. SANTAELLA,
Committee.

TAMPA, FLA., *October 26, 1925.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. DRANE) there were—ayes 47, noes 89.

So the amendment was rejected.

The Clerk read as follows:

TITLE V.—TAX ON ADMISSIONS AND DUES

SEC. 500. (a) On and after the date this title takes effect, there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 500 of the revenue act of 1924—

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place on or after such date, including admission by season ticket or subscription, to be paid by the person paying for such admission; but where the amount paid for admission is 50 cents or less, no tax shall be imposed;

(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 5 per cent of the amount of such excess; and if sold for more than 50 cents in excess of the sum of such established price plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per cent of the whole amount of such excess, such taxes to be returned and paid, in the manner and subject to the interest provided in section 602, by the person selling such tickets.

Mr. GRIFFIN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 187, line 23, strike out all of lines 23, 24, and 25; and, on page 188, strike out all of lines 1, 2, and 3. On page 188, strike out the entire figures, beginning line 4, down to and including line 17.

Mr. GRIFFIN. Mr. Chairman, my first amendment proposes to strike out the paragraph continuing the admission tax. Now, I sincerely hope, if this amendment passes, that it will not disturb the harmony and consistency of the bill as presented. It would be a shame to ruin the splendid edifice whereby the excess-profit profiteers are remitted millions of dollars while continuing the miserable picayune taxes on the movie houses patronized by the women and school children. If you feel that you should retain the admission taxes, retain them upon those bigger houses that charge an extravagant rate of admission and let the poor people go into the movie houses without imposing any tax.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. GREEN of Iowa. Does the gentleman know of any movie show that a poor man can not see, unless he goes the first time it is produced, for 50 cents or less?

Mr. GRIFFIN. There are thousands and thousands of such places.

Mr. GREEN of Iowa. The first time they are produced; but if you wait until the second or third time you can.

Mr. GRIFFIN. Why be so solicitous about drawing a fine hair upon the cheaper amusement places? Why not let them all be completely free of taxation?

Now, what does this mean? The tax collected from amusement admissions in 1924 was $85,722,385, and in the fiscal year 1925 the admissions had dropped to $39,598,397. There is a drop of $46,000,000.

Mr. BACHARACH. Does the gentleman understand, because prior to the enactment of this law people going to the movies had to pay a tax? It was reduced, and in consequence the Government has less.

Mr. GRIFFIN. That is one reason; yes. But I wish the gentleman would not take this out of my time; there will be time to argue it afterwards. But there is another reason why this miserable picayune tax is sought to be retained, and that is found in the figures of the Treasury Department as to their army of employees required to be kept employed to collect these vicious nuisance taxes. The personnel of the revenue bureau in the fiscal year ending June 30, 1924, was 19,203, and in the fiscal year ending June 30, 1925, the personnel was 19,333, an increase of 130. Why do they not make an effort to reduce the number of employees?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIFFIN. Mr. Chairman, I ask permission to proceed for five minutes; I have two amendments here which are interrelated.

The CHAIRMAN. Does the gentleman wish to talk on both amendments now?

Mr. GRIFFIN. I have another amendment pending, and I wish to discuss both.

Mr. GREEN of Iowa. I have no objection if the gentleman will not ask for time on the other amendment.

The CHAIRMAN. Both of these amendments, the Chair understands, are classed as one; they are on the same page of the bill, are they not?

Mr. GRIFFIN. No. They are different. One relates to paragraph a (1), the other to a (2).

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. You can not collect nuisance taxes with facility. It involves a large retinue and a large clerical staff and a large army of agents. You are dependent upon the sworn statements of the parties turning over the tax, and I know there is no way of guarding against deliberate frauds in making such returns. In other words, to beat the Government out of the tax, false representation as to the attendance is frequently made.

Mr. BLOOM. Will the gentleman yield there for just one question? Who makes the false returns, the theater manager?

Mr. GRIFFIN. In a case I have in mind, it was the ticket agent who was an employee of the company.

Mr. BLOOM. The gentleman does not want the committee to understand it is the manager of the theater who makes the false return?

Mr. GRIFFIN. No; and I am glad the gentleman gave me an opportunity to correct that misapprehension. It was the case of a ticket agent, who had embezzled the collections and made false returns; and where it occurs in one case, it is likely to occur in others. The Government should not be put at the mercy of false accountings—and that seems to be inevitable, so long as we continue to impose these cheap and inconvenient nuisance taxes. The only excuse for their existence, I insist, is to keep up a powerful army of political retainers.

My second amendment relates to subdivision 2 of paragraph (a) on page 188.

It continues the tax upon the profits made by scalpers. Now, I ask you, gentlemen, what is the sense of retaining and trying to enforce a tax on the profits made from the sale of theater tickets by scalpers, stationers, and hotel clerks? Is it not small and picayune for this mighty Government to go into that sort of traffic? We might as well impose a tax on the vendors of newspapers on the street corners. There is no

income to any considerable extent to be derived from those transactions; and if you are considering the relative income from the different methods of taxation, why not raise the required revenue by shooting at the big prey—big taxpayers—who are worthy of your ammunition?

Mr. BLOOM. Mr. Chairman, will my colleague yield?

Mr. GRIFFIN. Certainly.

Mr. BLOOM. In that same paragraph the Government adds 50 per cent to what the laws of the State of New York makes a felony for doing. If anybody charges 50 cents extra for the price of a ticket, it is a crime in the State of New York; but if that man can get away with that extra money the Government gets 50 per cent of the spoils. Is not that the effect?

Mr. GRIFFIN. Yes. It encourages brigandage and practically invites violation of our State laws. I hope that both of these sections will be stricken out. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAINEY. Mr. Chairman, there is no chance for the gentleman's amendment to be adopted, of course; but in this connection I want to say that, from my viewpoint, the tax on tickets of admission to places of amusement is economically wrong. I have opposed it, always; even in war times I opposed the imposition of this tax.

If burdens are placed on the population of any country, especially tax burdens and burdens which interfere with personal liberty, they bear them better and with less resistance if their amusements are as free as they possibly can be made. All nations in the world from remote antiquity have recognized this fundamental principle, and the nations of antiquity made their amusements free to the people; and, then, they bore uncomplainingly the tremendous burdens imposed upon them by war.

I recall in this connection that when Queen Victoria died—and this illustrates the idea I have in mind—in London they proclaimed a period of mourning, to last for two weeks of time, to be evidenced, principally, by the closing of all places of amusement; and for 48 hours all places of amusement were absolutely closed. The people of that great city were deprived of that particular emotional outlet, and the disturbances throughout the city occasioned by the assembling of people outside of places of amusement was so great, there was so much disorder, mobs forming so rapidly in certain sections, that, after the expiration of 48 hours, they were compelled to lift the ban on amusements and open them all again.

And so I am supporting this amendment, in harmony with the position I have always taken, although I know it can not now be adopted. But the more burdens had better, in this bill, have been put upon the rich. It would have been better to have made them heavier and greater even upon the poor, provided this tax were removed. [Applause.]

Mr. SCHAFER. Mr. Chairman, gentlewomen, and gentlemen, I shall support this amendment, and I hope that it will pass. The Republican voters in my congressional district have repeatedly issued a mandate by extraordinarily large majorities in favor of the abolition of the excise or nuisance taxes put upon the statute books, as war measures, and have gone on record against the extraordinary reduction in the high surtax bracket and in the inheritance taxes.

We are told that this is a nonpartisan tax bill. Then, some of our good, regular Republicans from the Northwest should not hesitate about differing with the administration on the bill. They want to tax the amusements of the poor people, even moving pictures, if the rate of admission is more than 50 cents; but they carry an exemption from this tax on the legitimate, spoken drama.

It is remarkable that this exemption should be written into this so-called scientific tax bill. In my humble judgment it is as great a piece of class legislation as can be written on the statute books.

Perhaps you regular Republicans of the great Northwest, when you go back to your farmer constituents and explain to them why you wanted to continue the tax on their amusements, can explain and say, "Well, my dear friends, we gave the theater-goer some benefit. We have removed this tax on the spoken drama."

I hope this amendment will pass. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, in addition to the economic view just presented by my friend, the gentleman from Illinois [Mr. RAINEY], in reference to this particular matter, I venture to submit one other view. In the very able debate which has been had upon this bill some gentlemen who have given it the most careful study have urged upon our attention the fact that the tax systems in many of the States are very unsatisfactory and must have revision in order that the needs of the States may be more fully and fairly met. I recall that one gentleman said that the land tax has become most obnoxious and incapable of satisfactory administration, and that the States have got to find their revenue from other sources.

The view that I venture to offer is that such taxes as these admission taxes can be conveniently applied by the States should they believe it expedient, and that we ought not to retain taxes of this character, imposed simply for war purposes, at this time when so many of the States are involved in a struggle in order to raise the revenue which they sorely need and to raise it in an equitable manner. [Applause.]

Personally I can not think of any tax that can be more readily levied by a State seeking new avenues from which they may escape from present methods, which naturally invite hostility, than such taxes as we are now discussing.

I, of course, like other gentlemen, under the obligation which rests upon us, must look at this bill from the Federal viewpoint.

But we are compelled at the same time to look at it from the State point of view. Whatever we can reasonably do I think we should do to release to the States subjects of taxation which can be easily made use of by the States and which the Federal Government would not have thought of adopting or maintaining except under the pressure of war necessity.

I hope very much that at some stage of the consideration of this bill—perhaps it is too much to expect that it will happen here—regard being had for the interests of the States, taxes of this character may be stricken out of the proposed legislation.

Mr. GREEN of Iowa. Mr. Chairman, I would like to see if we can not get an agreement as to time on this matter. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 12 minutes.

The CHAIRMAN (Mr. DOWELL in the chair). The gentleman from Iowa asks unanimous consent that debate on this paragraph and all amendments thereto close in 12 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. BLOOM] is recognized for five minutes.

Mr. BLOOM. Mr. Chairman, ladies and gentlemen of the committee, at a different place in this bill I did intend to say something with reference to the amusement tax, but now that this amendment is before you I would like to call your attention to this one very important fact: This is a direct tax on the people. The other taxes which you propose to eliminate are taxes which, when they are removed, the public will not receive any benefit. When you take the taxes off of a certain article that is sold and on which a merchant makes 1 or 2 per cent when it is retailed, he is not going to retail that article for 98 cents or 99 cents. He puts that tax in his pocket. This is a tax which the public must pay; the public must pay 10 per cent of the amount paid for such admission tickets above 50 cents.

Now, Mr. Chairman and members of the committee, this is a direct tax on education, and I would like to read to you a recent decision which applies directly to this matter:

> The law provides that no speculator shall charge more than 50 cents over the price printed upon the ticket. It recently was upheld in a test case by a special constitutional court consisting of one Federal court judge and two United States district judges. The test was brought by Tyson & Bro. United Theater Ticket Agencies on the ground that theater tickets were luxuries, not necessities. The court held, in effect, that theaters are both an educational and an amusement necessity.

This, Mr. Chairman and gentlemen of the committee, is a direct tax on education, and I will bring to your notice some other facts on another amendment which I am going to introduce.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BLOOM. Yes.

Mr. GREEN of Iowa. I hope my friend does not consider prize fights educational?

Mr. BLOOM. No; and I will answer that later on.

Mr. GREEN of Iowa. The gentleman is right in part of what he said about the reduction in taxes, because we took off the tax on moving-picture theaters up to 50 cents.

Mr. BLOOM. Mr. Chairman, I decline to yield further. I will answer the question about prize fights. Prize fights are illegal and the committee was told that prize fights were illegal when Mr. Brady appeared before the committee. Let me say that this is a matter which does not concern the theater manager as much as you gentlemen think; it concerns the public; the public is paying this tax, and the theater business is being ruined, but do not think that is true only as to New York.

Do not think we are worrying in New York. I have heard gentlemen talk about New York City. Well, New York City is paying the bill, but you are not getting the drama, the pictures, the vaudeville, and operas you are supposed to have throughout the United States.

Mr. GREEN of Iowa. The gentleman knows we have taken the tax off of the drama?

Mr. BLOOM. I am not objecting to that. Yes; you are taking the tax off of the drama and that is very nice and we thank you for it, but you should go further. Why stop at the drama? Why not take it off the moving pictures, lectures, concerts, baseball, and all amusements so as to give the public a chance? Take it off of everything.

Mr. GREEN of Iowa. Why not take off the whole $800,000,000 in taxes which was asked for?

Mr. BLOOM. I was sent here to reduce taxes and that is what I am trying to do; I am only trying to reduce taxes where I know and believe they should be reduced.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LOZIER. Mr. Chairman, I fear that in our eagerness to reduce taxation we do not always give all subjects and objects of taxation equitable treatment and consideration. I favor the repeal of all taxes on automobiles and on admissions to motion-picture shows and similar places of amusement. These are war taxes, and, like most other war taxes, should not be retained in peace times, but should be wiped out; not next year, but now.

A tax on admissions is a tax on the public, a direct tax levied on the masses and largely a tax on the poor and middle classes who can not ordinarily afford other amusement. The present tax on admissions and dues produces about $33,000,000 annually. The bill we are now considering will produce approximately $29,000,000 from admissions. The proposed bill makes only a very slight reduction in the tax on admissions. Under the general scheme to reduce taxes the great mass of common people who attend motion-picture shows and similar amusements are not getting their just part of tax reduction.

Now, what is the attitude of the majority party and its Committee on Ways and Means with reference to reduction of taxes? They have made enormous reductions in income taxes, especially on incomes in the higher brackets. Wealth has been given preferential treatment. The surtax on great incomes has been cut in two—reduced one-half. Seemingly the "powers that be" have been very solicitous for the welfare of those who have great incomes and have been anxious to reduce the surtax rates on the owners of swollen fortunes, many of which were accumulated as a result of war-time profiteering or unethical industrial or commercial practices. The pending bill practically eliminates Federal inheritance or Federal estate taxes, and as a result many great fortunes invested in tax-free bonds will be handed down to the next generation practically free from transmission or succession taxes.

Income taxes in the higher brackets have been tremendously reduced. I make no war on wealth if honestly accumulated and decently utilized by its owners. But I do think that wealth should bear its just proportion of the public burdens.

It is just as important to equalize taxes as to reduce them, and any reduction should be distributed among all subjects and objects of taxation and not largely confined to one favored group. While I shall vote for the pending bill, because I believe it is the best measure that we can hope to get during the present session of Congress, nevertheless candor compels me to state that many of its provisions are manifestly inequitable and discriminatory. In order to make a tremendous reduction in income taxes, many other taxes have been retained or, at least, not proportionately reduced. Then, again, some taxes which have either been reduced or abolished entirely might well have been retained, at least in part. The proposed bill abolishes taxes on cameras and lenses, which are not necessities of life, and which last year yielded $700,000 in revenue. It also omits taxes on firearms (except pistols) and ammunition that amounted last year to $3,850,000, and taxes on photographic films and plates which last year aggregated $750,000. The bill omits taxes on automatic slot machines, which under the present law yields a revenue of $650,000. Mah-jongg sets are made tax free by the proposed bill. Works of art that last year were taxed $650,000 are tax free under the pending bill. Under the revenue act of 1924, the tax on brokers amounted to $2,000,000. The pending bill eliminates this tax, and if enacted the brokers in the great stock exchanges, who handle and gamble in stocks amounting annually in value to billions of dollars, will be relieved from the payment of even a nominal tax. It seems that the committee has not been willing to maintain the present low broker's tax of $50. The pending bill takes all taxes off of bowling alleys, pool and billiard tables, which last year produced a revenue of $2,100,000. Shooting galleries and riding academies are granted immunity from taxation by the pending bill. Under the present law the tax on yachts and pleasure sailing vessels yielded last year $300,000 in revenue. This tax has also been entirely eliminated.

Now, those in charge of this bill demand that we not only make enormous and disproportionate reductions in income taxes on swollen fortunes, but that we retain the tax on admissions to picture shows, and at the same time they wipe out all taxes on cameras, lenses, firearms (except pistols), ammunition, photographic films and plates, slot machines, mah-jongg sets, works of art, stockbrokers, bowling alleys, pool and billiard tables, shooting galleries, riding academies, and last but not least, yachts. And they tell us that this is a scientific tax bill. If giving the privileged classes preferential treatment makes a revenue measure scientific, then this is a scientific tax bill. If giving one class large bounties in the form of immunities from taxation while withholding corresponding benefits from other classes is a scientific exercise of the taxing power, then this bill is certainly a scientific measure. But the bill is not scientific or equitable in its provisions. It is a lopsided, jug handled, discriminatory, and grossly partial and inequitable bill in many particulars.

Now, in all seriousness, is not the poor man, woman, or child who attends a motion-picture show—and which, as a matter of fact, is about the only amusement they have—entitled to just as much consideration as these other classes? [Applause.]

While you are reducing taxes, why not reduce them on all classes and vocational groups equitably and fairly?

Mr. GREEN of Iowa. Does the gentleman know of any of those taxes, of which he reads a long list, which do not affect the poor man? Not more than one or two.

Mr. LOZIER. But how about riding academies, slot machines, and Mah-jongg sets? How about works of art, stockbrokers, bowling alleys, pool and billiard tables, shooting galleries, and palatial yachts? How do you help the poor man by taking taxes off of riding academies, works of art, slot machines, Mah-jongg sets, stock brokers, bowling allies, pool and billiard tables, shooting galleries and yachts? Is it your contention that the poor man is vitally interested in or will be substantially benefited by the removal of these taxes? Do you tell me that you are helping the poor man when you take off all these taxes that I have enumerated and retain the tax on automobiles and admissions to picture shows? How have you helped the ordinary man or woman by abolishing these taxes I have referred to, while imposing a tax on the poor man who, on Saturday night, after a week of toil, takes his little family to a picture show for an hour's amusement and relaxation? Oh, yes, you are very solicitous for the welfare of the poor man when you abolish taxes on many things which contribute to the pleasure of the rich, but retain taxes on the amusement of the humble classes. Then, again, neither in the revenue bill of 1924 nor in the pending bill have you made any reduction in tariff taxes—the greatest of all tax burdens that the common people have to bear.

These tariff taxes last year amounted to over $500,000,000 and will probably approximate that amount this year. But the millions that are taxed by high tariff duties were given no relief or reduction in the revenue act of 1924, and they have no reduction or relief in the pending bill. In the increased cost of their supplies, resulting from the present excessive tariff duties, the farmers and wage earners of the Nation are subjected to an exceedingly heavy burden, and it seems to me to be only just and fair that while we are reducing taxes that we reduce tariff taxes as well as taxes on great incomes.

Your bill still retains a tax on automobiles that will cost those who buy automobiles annually at least $70,000,000. Automobiles are no longer luxuries, but a necessity incident to our complex social, civic, and industrial life. Approximately 17,000,000 automobiles and 2,000,000 trucks are now in use in the United States. They are factors in the business affairs of this Nation. Farmers use 5,000,000 automobiles and trucks; 90 per cent of the physicians use automobiles in making professional calls. Up to June 30, 1925, $862,000,000 had been collected by the Federal Government in Federal taxes on automobiles. Why do you not help wipe out the automobile war tax entirely before you take the tax off of yachts, riding academies, stock brokers, slot machines, works of art, pool and billiard tables, shooting galleries and Mah-jongg sets?

The revenue bill of 1924 contained a provision granting a 25 per cent reduction on income taxes for 1924, but those who had paid tariff taxes, automobile taxes, excise taxes, occupation taxes, and admission taxes received no reduction or rebate.

Was this fair or just? Those who belonged to the income-tax paying class in 1924 received preferential treatment and got a 25 per cent reduction in their income taxes, but those who paid all other kinds of taxes secured no rebate or reduction. This is the embodiment of favoritism and the essence of special privilege. I can not understand how anyone can justify this discrimination. No doubt you will try before the present Congress adjourns to give certain classes of taxpayers—that is, the income-tax payers—an additional 25 per cent reduction in income taxes without giving to the other taxpaying classes who pay indirect taxes, tariff taxes, and excise taxes any reduction or rebate upon their taxes.

Mr. GREEN of Iowa. Has not my friend waked up to the fact that this is not a tariff bill?

Mr. LOZIER. Yes; I know it is not a tariff bill, but I also know that your Ways and Means Committee seemingly had little interest in the great masses of the American people, the common people of this country who pay taxes other than income taxes. The main purpose of the pending bill is to reduce surtaxes, especially in the high brackets, so as to relieve those who have great incomes from a just and fair proportion of the expenses of our Government. You are not rebating one single dollar of the $150,000,000 taxes that were paid by the automobile buyers and users in 1924. You will not rebate any part of the $150,000,000 paid by automobile buyers and users in 1925. You are not rebating a single dollar of the hundreds of millions of dollars paid by the masses in the form of excise taxes, tariff taxes, occupational taxes, or miscellaneous taxes; but by the act of 1924 you did rebate, to the extent of 25 per cent, the taxes paid by one class of taxpayers, namely, the income-tax payers.

I want to reduce taxes upon all subject and objects of taxation and on all vocational groups, fairly and equitably. You have given and will give rebates to one class of taxpayers only, the income-tax paying class. You have withheld and will withhold this rebate from all other classes of taxpayers. I now yield to my friend, the distinguished gentleman from Iowa.

Mr. GREEN of Iowa. We are doing away with the taxes of 2,300,000 small taxpayers. That is my answer to the gentleman.

Mr. LOZIER. Oh, in a way, by increasing the amount allowed as exemptions, but in the aggregate that reduction is insignificant when compared with the tremendous reduction in surtaxes carried by the pending bill.

Four million two hundred thousand people in the United States had taxable incomes in 1924, but the 2,300,000 persons to whom you refer paid in the aggregate only $23,000,000, or an average tax of $10 per person. According to the records of the Treasury Department, in 1924, three men had incomes of over $5,000,000. The combined income of these three men aggregated $28,000,000, on which they paid income taxes amounting to $11,000,000. Under the proposed bill, the taxes of these three men will be reduced over $5,000,000, or an average reduction of one and two-thirds million dollars each. The records also show that three other men reported incomes in 1924 of between $4,000,000 and $5,000,000. The total income of these three men was over $13,000,000, on which they paid an income tax of $4,000,000. Under the pending bill you are reducing the taxes on these three men more than $2,600,000. In other words, these six men will, under the pending bill, get a reduction in their taxes of approximately $8,000,000, or about $1,300,000 each.

These same records show that in 1924 74 persons had incomes of over $1,000,000. Of these, 36 had incomes from $1,000,000 to $1,500,000, 13 from $1,500,000 to $2,000,000, 15 from $2,000,000 to $3,000,000, 4 from $3,000,000 to $4,000,000, 3 from $4,000,000 to $5,000,000, and 3 with incomes over $5,000,000. There are 213 persons in the United States with incomes of $500,000 or more. This bill reduces the taxes of 42 men over $20,000,000, and the taxes of 213 persons $98,000,000, while it reduces the taxes of 2,300,000 small income taxpayers only $23,000,000. In other words, 213 men of great wealth get in the aggregate practically four times as much reduction as 2,300,000 average citizens.

And under your bill a person whose income is anywhere between $11,000 and $44,000 gets no reduction whatsoever in his surtaxes, but will pay the same under the proposed law as under the present law. You propose to grant a reduction in surtaxes only to those whose annual income is $44,000 or more. Is this fair? Why grant such tremendous reductions in surtaxes to those whose incomes are $44,000 or more and refuse any reduction in surtaxes to those whose annual incomes are under $44,000, especially in view of the indisputable fact that the great bulk of the Nation's business is done by men whose net annual income is less than $44,000.

The 2,300,000 small taxpayers, mentioned by the gentleman from Iowa, are persons who have incomes sufficient to place them in the class of income taxpayers. No one but persons who have taxable incomes are included in that group, but this reduction only averages about $10 for each of these 2,300,000 persons, a mere bagatelle as compared with the great reductions in the surtax of those whose annual incomes are in excess of $500,000. I am glad "Mr. Average Man" is getting even this small reduction in his income taxes. But what about the 110,000,000 people in the United States who do not belong to the income taxpaying class and who do not earn sufficient income to call for the payment of an income tax? What do you do for them? As I have already stated, of the 115,000,000 people in the United States, only about 4,200,000 have taxable incomes under the present law. Why not give some substantial reduction to the remaining 110,800,000 people in the United States?

This is not a measure to reconstruct or reform our entire tax structure or to reduce taxes on all the people, but it is obviously a bill to reduce the taxes on a comparatively small part of our population. On its face, it is primarily a bill to reduce income tax or taxes on a relatively small part of the people. It gives no substantial relief to the 110,000,000 common people who are taxed every time they turn around, and on practically everything they buy from the cradle to the grave. The bill on its face purports to be a measure designed very largely to reduce taxes on those who are fortunate enough to belong to the income-tax paying class. This purpose stands out on almost every page of the bill. It goes a long ways in reducing taxes on big incomes and luxuries, but it does little for the tens of millions of common people who earn and eat their bread in the sweat of their face, and whose incomes are never, or rarely, sufficient to make both ends meet or bring them within the class of income-tax payers. The bill does not go far enough. Many of the things it does should be done, but other things should have been done which you have left undone; and you should provide some substantial relief for those who are burdened with taxes other than on great incomes. Notwithstanding many commendable features, in the last analysis, this is a rich man's tax-reduction bill. [Applause.]

But just what has the administration and Congress done toward relieving agriculture from the economic vassalage to which it has been subjected for years by the special privileged classes? What do you propose to do to rehabilitate agriculture, the outstanding basic industry of this Nation? What legislative relief do you offer for an intolerable situation that is largely the result of discriminatory laws and which is rapidly driving the American farmers into bankruptcy? The President and Congress seem but little concerned over the farmers' plight. The leaders in this Congress on the first day of the session introduced this revenue bill making a tremendous reduction in the taxes of those who have great incomes, and this bill will be rushed through the House in record-breaking time. But no bill has been passed or even considered that will materially improve the conditions of the agricultural classes, give them equality of opportunity with other vocational groups, or reduce the unreasonable spread between the cost of the farmer's supplies and the price at which he sells his commodities. The President and Congress are seemingly indifferent to the fact that the farmer is compelled to sell his commodities at prices that will not return the cost of production, much less yield a profit. The President has ceaselessly advocated a reduction of the surtaxes of the comparatively small class of people whose wealth and prosperity place them in the income-tax-paying class, but he has said little and done nothing in the way of aiding the farmer and average citizen, who, under existing conditions, can not make both ends meet. Instead of doing so much to reduce taxes of those who have great incomes, why not enact some legislation that will help the American farmer balance his budget and earn a little surplus income on which to pay taxes. The farmers are interested not so much in reducing taxes on large incomes, as they are in earning for themselves a living income. The President, in substance, tells the farmers to work out their own salvation with fear and trembling, and the leaders in this Congress are seemingly unconcerned over the economic tension and rapidly increasing distress among the agricultural classes. The President continues to reiterate his opposition to any farm-relief legislation of a "price-fixing" character, but he is not opposed to "price-fixing" legislation applicable to other occupations. Nearly all other vocational groups have been the beneficiaries of "price-fixing" legislation that has increased their earnings and stabilized their industries. The tariff laws are "price-fixing" laws and designed to enable the manufacturer to sell his commodities at higher prices than would prevail in the ab-

sence of these tariff laws. The act creating the Federal reserve system, as to interest rates, is a "price-fixing" measure. The transportation act is a "price-fixing" law which authorizes railroads to fix freight and passenger rates on a basis that will afford a net return of 5¾ per cent on the capital investment. The several States have created public-service boards which are "fixing" the price for telephone, telegraph, electric light, gas, and other forms of public service, and every few weeks a Federal judge hands down a "price-fixing" decision. In principle and as a matter of public policy, I am opposed to "price-fixing" legislation, but inasmuch as organized business and organized labor, manufacturing concerns, railroads, banks, telephone and telegraph companies have long been enjoying the benefits of "price-fixing" legislation I do not consider it improper or uneconomic to enact legislation along safe and sane lines that will restore agriculture to the list of profitable occupations, even if the effort of such legislation is to increase and stabilize the price of farm commodities. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McKEOWN. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. The gentleman from Oklahoma offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. McKeown: Page 187, line 23, after the word "of," strike out "1 cent" and insert "2 cents"; and on page 188, line 2, after the word "is," strike out "50 cents" and insert "$1.50."

Mr. McKEOWN. Mr. Chairman, the purpose of this amendment is to raise the amount from 50 cents to $1.50. A man ought to be able to go to a theater or show tax-free where the admission is from $1.50 down. If he wants to go to a more expensive show, let him pay an additional 1 cent on each additional 10 cents charged. That would be a fair proposition. It would probably take out most of the tax, I have no doubt, but it would be fairer to let the people who want to go to shows that charge over $1.50 pay this small additional tax; and they certainly ought to be able to go tax-free to shows that charge less than $1.50.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma.

The substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment.

Mr. GRIFFIN. Mr. Chairman, there are two amendments.

The CHAIRMAN. It is all one amendment.

Mr. GRIFFIN. Then, I ask, Mr. Chairman, that the vote be divided, because they relate to two numbered paragraphs.

The CHAIRMAN. It is all in the same paragraph.

Mr. GRIFFIN. Yes; as the chairman has ruled, but they relate to two different things, and I ask that the vote may be divided.

The CHAIRMAN. The vote upon the amendment will be divided.

Mr. GRIFFIN. I ask, Mr. Chairman, that the first part of the amendment be again reported.

The amendment was again reported by the Clerk.

The question was taken; and on a division (demanded by Mr. Griffin) there were—ayes 42, noes 106.

So the amendment was rejected.

Mr. GRIFFIN. Mr. Chairman, I ask that the other amendment be reported.

The Clerk again reported the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(3) Admissions to any place of amusement, if, during the time for which the charge for admission entitles the person admitted to remain in such place, there is produced in such place exclusively a legitimate spoken drama. As used in this subdivision the term "legitimate spoken drama" means a spoken play, whether or not set to music or with musical parts or accompaniments, which is a consecutive narrative interpreted by a single set of characters all necessary to the development of the plot, in two or more acts, the performance consuming more than 1 hour and 45 minutes of time; but such term does not include a revue, burlesque, or extravaganza.

Mr. BLOOM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Bloom offers the following amendment: Page 191, line 16, insert "(4) Admissions to any concert or lecture where not more than four persons perform and where no scenery or curtain is used."

Mr. BLOOM. Mr. Chairman and ladies and gentlemen of the committee, I want to call your special attention to the amendment you have just heard read, because this is entirely apart from anything dramatic or theatrical. This amendment calls for the elimination of the tax on anything that is musical or a lecture where no costumes are used and where no scenery or curtain is used.

I would like to call the attention of the committee to an advertisement taken from the Washington Post this morning to show how this acts against education in music in this country. Chaliapin appears to-morrow night at the Washington Auditorium, and the prices of admission are $1, $1.50, and $2, up to $5, and the ad states specifically "no tax." We also have Paderewski appearing here on Monday, December 21, prices $3, $4, $5, and no tax. We have here an American Indian program at the Wardman Park Theater where the top price is $1.50 plus tax.

This is the reason for the amendment I have presented to the House. I do not want, of course, to deceive the committee or have you think there is anything Thurstonlike about this thing. The other people are appearing for a charity. It is something for which the public are paying a big price and the artist gets the money. In the case of the little artist who is trying to get up to the top, he has to pay the tax.

All your Philadelphia Symphony concerts, your Boston Symphony concerts, do not pay any tax, but let a little orchestra or band come in and play for $1 or $2 or $2.50, and they have to pay this tax.

Therefore, I hope you will adopt this amendment. It does not amount to a great deal of money. The whole thing probably would not amount to over $100,000, if that much. Perhaps the committee knows exactly what it would amount to; but I do know it will give the young, struggling artist an opportunity of coming to the front the same as Chaliapin and Paderewski.

If you will adopt this amendment you will see that it does not apply to anything theatrical; only to platform concerts and lectures. I would like to ask the chairman of the committee whether or not this provision in regard to the legitimate spoken drama has reference to grand opera, because there is not a single word spoken in grand opera, everything is sung.

Mr. MILLS. I would say to the gentleman that the paragraph was intended to include grand opera and does apply to grand opera, because grand opera falls within the definition of spoken drama set to music.

Mr. GREEN of Iowa. If the gentleman will permit, the gentleman thinks his amendment would not cost the Government much, but I want to say it would cost ten or twelve million dollars, for it would open an easy way of evading the law.

Mr. BLOOM. This only applies to the individual who goes on the stage in a dress suit, without scenery, without curtain, without any costume, and sings or talks or plays, and that does not amount to anything. You give to Chaliapin and Paderewski the opportunity to go out and give performances at $5, but the others can not secure it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

Mr. BLOOM. Under the privilege of extending my remarks I wish to add the following:

MUSIC

This is for the great army of struggling musical artists, half of whom are women, and many of whom are still in the formative period of their careers as regards their means of livelihood.

I urge that music be encouraged rather than restricted.

Music means much to the people of our country.

As education and science are not taxed and should not be taxed, then music should not be taxed. Music is the only universal language and knows no country and its cultivation should be as free as it can possibly be made.

Music should not be for the few any more than education or liberty should be for the few.

The idea of a tax on music is based upon the assumption that education should be penalized. In all matters of taxation the question should not be merely how many dollars are involved but the nature of the occupation proposed to be taxed.

All other countries have always encouraged and protected music and have always considered such a tax hurtful, impracticable, and not sufficiently productive of revenue. A tax upon music is a tax upon creativeness, refinement, taste, and culture.

If the United States is to become as great in the musical world as it is in technical skill, in manufacture, and in commerce she must encourage her musicians.

America can be to her musicians a wise or a foolish mother. She will be wise if she leaves music free of tax, because the tax on music is a tax upon civilization and culture and because the revenue from it is somewhat uncertain.

Ninety per cent of the people of this country who attend concerts have very little money. The richest people in our cities attend the concerts given by the symphony orchestras, yet there is no tax on the latter. What a disgrace to abolish the tax for an audience that attends the Boston and Philadelphia symphony orchestra concerts at Carnegie Hall, where mostly wealth is represented, and to insist upon the tax being paid by audiences that attend piano recitals, violin recitals, and song recitals of great artists, which are just as educational.

What greater proof need you have that music is a great educational force than that it is taught in our public schools, and witness also the growth of the annual music week, which has so rapidly spread among the middle and financially poor class throughout the country.

Approximately 80 per cent of all public musical events in the United States are promoted and handled on an "art for art sake" basis and is therefore nonspeculative in character. The great majority of concerts of all descriptions given all over the country are arranged by musical clubs or organizations whose only purpose is educational and cultural. Hence the tax on all concerts should be removed, as it has already on symphony orchestra concerts.

This tax on concert tickets is a tremendous burden to the thousands of concert goers, who comprise students and teachers of music principally; and I believe that music in the concert form is something so elevating to the masses that everything should be done by Congress to bring concerts within the reach of their purse.

I believe that the tax should be removed from concert tickets, because most concerts are absolutely nonmoney-making, and the tax reduction would help to lessen the deficit of the artist giving the concert and in many cases the public-spirited citizens who underwrite them.

The concerts are educational in character and should be encouraged in every way possible.

Music is the sole universal language of the world and has done more to bind together the different nationalities that make up our country than any other factor.

All scientists and doctors are agreed that the effect of music is always beneficial to human beings. The privilege of listening to good music should be made possible to everyone, and the removal of the tax will accomplish this object.

A musical concert has as its ideal the educational, artistic, and spiritual unlift of its auditors. While pleasurable, it is not intended for amusement only nor for the sort of entertainment that brings no lasting benefit.

There should be no tax on anything which tends to improve the minds and spiritual consciousness of a people in need of such cultural aids.

As music is now taught as one of the essentials in the schools, no tax should be levied on the opportunities offered pupils to extend their musical knowledge by listening to concerts in other halls than those maintained at the public cost.

As cultural development of a country depends upon that which appeals directly to the soul, and music needs no literate intermediary, therefore even the most uneducated should hear it, and they should not be taxed for the privilege.

In the smaller places an obstacle with which the local manager has to contend is the war tax. Many a contract is opposed on the contention that "the last straw which breaks the camel's back" is the one imposed by the Government. Thus a community is often deprived of having a concert.

The large amount of money spent on productions and the great element and danger of loss involved.

Let us make the theaters of the United States grow better, with no world peers. We are taxing ourselves directly for the pleasure of being both instructed and entertained.

The actor and the theater manager have always contributed cheerfully to charity. The actor during the war and since the war has furnished entertainment for the disabled soldiers. Nobody is benefited by this act and the public pays.

GRAND OPERA PANTOMIME

The New York laws do not allow the charge above 50 cents, and yet the Government says that if you can get it we want 50 per cent of what the law says you can not get.

This is a direct tax. Other taxes taken off go to the merchant, and the merchant and the public do not receive the direct benefits because it can not be divided.

In all other countries the legitimate theater is subsidized; all other countries support the legitimate theater, having a national theater. The theater is part of the great educational system of our country, and it would be unjust to discriminate against it this proposed way.

Mr. BLACK of Texas. Mr. Chairman, I move to strike out subparagraph 3, page 191.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 191, strike out all of the paragraph from line 5 to 16, inclusive.

Mr. BLACK of Texas. Mr. Chairman, I have moved the adoption of this amendment upon the general principle that I do not think in passing a law of this kind we ought to undertake to raise exemptions among those who are similarly situated to others who are covered by the bill.

The only other exemptions granted in the bill from the tax which is provided are those performances given not for profit but for public benefit, such as charitable benefits and entertainments of that kind. I read the testimony of Mr. William A. Brady before the Ways and Means Committee, who advocated an exemption of this kind, and it seems to me his whole testimony was contradictory. In one breath he argued that on account of the high railroad rates and traveling expenses the spoken drama has been eliminated from the theaters in many States. Then in another breath he said that great actors like Otis Skinner and Mrs. Fiske had to take to the field and go out to States like Arizona, Nevada, and California in order to make a living, because nobody would go to hear the classic drama which they presented in the big centers of population.

Now, that seems to me a wholly contradictory argument and simply emphasizes that the exemptions that paragraph 3 undertakes to grant will have nothing at all to do with the success of the spoken drama.

If it is not a success, if the legitimate drama no longer appeals to the taste of the American public, it is not because of the small admission tax; it is due to something else besides that. Perhaps we have lost our taste for the better things, or perhaps some of the actors think so, and are feeding us on the trashy husks when we have a capacity for far better food. At any rate, if we are to have an admission tax at all, it seems to me that it ought to apply to all theaters alike, except where the performance is for charitable purposes and the profit does not go to corporations or individuals.

In that event, the exemption is for a public purpose and can be defended on that ground.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 501. On and after the date this title takes effect there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 501 of the revenue act of 1924, a tax equivalent to 10 per cent of any amount paid on or after such date, for any period after such date, (a) as dues or membership fees (where the dues or fees of an active resident annual member are in excess of $10 per year) to any social, athletic, or sporting club or organization; or (b) as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees (not including initiation fees) of an active resident annual member are in excess of $10 per year; such taxes to be paid by the person paying such dues or fees: *Provided*, That there shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university. In the case of life memberships, a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member, but shall pay no tax upon the amount paid for life membership.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of Louisiana: Page 192, line 16, after the word "social," strike out the words "athletic, or sporting."

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I think the purpose that I have in view is entirely obvious, but it may not be amiss to make a few explanatory remarks. I desire to exempt from the payment of the tax here imposed the members of athletic clubs and sporting clubs, and by that I mean yachting clubs. I do not know that the membership of our athletic clubs belong to the "idle rich" or the "very poor." I do know, however, that in the city of New Orleans, and I suppose that is illustrative of all the cities

of the United States, there are probably 2,500 young men who belong to yacht clubs, and there are, I suppose, 1,500 young men who belong to our athletic clubs. Both the Southern Yacht Club and the Young Men's Gymnastic Club are very, very old institutions and their membership responded magnificently to the call of the country when we entered the World War. I dare say the Latin phrase mens sana in corpore sano is familiar to all of you—a sound mind in a sound body. In my judgment the athletes of this country, the boys who belong to gymnasiums and yachting clubs are closely related to our soldiers and sailors. The saying is attributed to the Duke of Wellington that the Battle of Waterloo was won on the football fields of England, and another celebrated Englishman said that the destruction of the armada began with the early operations of Francis Drake and the other English privateers down on the Spanish Main. The greatness and the glory of England on land and sea is traceable in a large way to the love of her youth for athletics and the adventurer of the sea. In other words, encourage the youth of the country to appreciate the responsibilities that devolve upon them and the necessity for being prudent and taking care of their bodies, and when the Nation calls on them on some tremendous day they will respond and do their duty as soldiers and riders of the seas. I do not know why even in war times the rapacity of the taxgatherer did not stop at athletic clubs and yacht clubs. You may gather some money from that source, but fundamentally it is unsound, it is unjust and unfair. As I said before, the boys you propose to tax do not belong to the very rich or the very poor, but they do constitute the bone and sinew of the young manhood of America, and I think it is an impositiou to impose a tax on the dues that they pay into these clubs, which after all are for the benefit of the country. I hope the proposed amendment will prevail. If it does, it will remove from the bill one of the many economic iniquities which the foes of the measure say it is cursed with in major propositions.

The CHAIRMAN. The time of the gentleman from Louisiana has expired. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

TITLE VI.—EXCISE TAXES

SEC. 600. There shall be levied, assessed, collected, and paid upon the following articles sold or leased by the manufacturer, producer, or importer a tax equivalent to the following percentage of the price for which so sold or leased—

(1) Automobile chassis and bodies and motor cycles (including tires, inner tubes, parts, and accessories therefor sold on or in connection therewith or with the sale thereof), except automobile truck chassis and bodies, automobile wagon chassis and bodies, and tractors, 3 per cent. A sale or lease of an automobile shall, for the purposes of this subdivision, be considered to be a sale of the chassis and of the body. This subdivision shall take effect on the expiration of 30 days after the enactment of this act.

(2) Pistols, except those sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, 10 per cent.

If any manufacturer, producer, or importer of any of the articles enumerated in this section customarily sells such articles both at wholesale and at retail, the tax in the case of any article sold by him at retail shall be computed on the price for which like articles are sold by him at wholesale.

The taxes imposed by this section shall, in the case of any article in respect of which a corresponding tax is imposed by section 600 of the revenue act of 1924, be in lieu of such tax.

Mr. RAINEY. Mr. Chairman, I move to strike out lines 15 to 23, inclusive, on page 194.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAINEY: Page 194, strike out all of lines 15 to 23, inclusive.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment to the amendment as a substitute:

The Clerk read as follows:

Amendment by Mr. HUDSPETH to the amendment offered by Mr. RAINEY: Page 194, line 19, after the word "tractors," strike out the figure "3" and insert the figure "1."

Mr. McLEOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. McLEOD: Page 194, in paragraph 1, amend the Hudspeth amendment by striking out the figure "1" and inserting in lieu thereof the figure "2."

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. As to the parliamentary situation. If there is an amendment now pending offered by the gentleman from Illinois [Mr. RAINEY] to which an amendment was offered by the gentleman from Texas [Mr. HUDSPETH].

The CHAIRMAN. To correct the text. The gentleman's amendment was to correct the text.

Mr. BANKHEAD. And it would not be an amendment in the third degree?

The CHAIRMAN. No.

Mr. McLEOD. Mr. Chairman and gentlemen of the committee, I am offering this all-equitable amendment in order that the taxation of a free Nation will be collected only where it is justly due.

The special motor-vehicle taxes in 1925 for the fiscal year ending June 30 totaled over $600,000,000. This includes Federal, State, and municipal taxes, and 17,000,000 motor-vehicle owners are paying this $600,000,000.

My amendment, gentlemen, will give relief only to the extent of $23,000,000, and I ask you in all fairness, Is this lone-taxed transportation entitled to this slight relief? Will we heed the wishes of the millions who are hoping that this day will give congressional tax relief to the motor vehicle. This tax opposes the fundamental policy of Congress to avoid taxing one group for the benefit of all.

I am sometimes forced to wonder, gentlemen, if the age in which we live has not developed more rapidly than some of our mental adaptations. And when I hear some of the lingering impressions, as reflected by the current discussions in this body with reference to the automobile and the tax thereon, I feel that surely this must be the case.

Turn back, if you will, with me into yesterday 20 years and see again on the streets and highways of the country a picture of the sundry and varied types of horse-drawn vehicles jogging along on their different objectives. It is a picture of the Nation in everyday work, the implements of trade and communication. I know that it would never have occurred to anyone of us to place a tax on that picture; and if in some time of stress such a tax had been placed, we would hasten to champion any movement to remove same at once.

Into that picture of yesterday has gradually projected the motor vehicle. In its early stages it was new and novel and relatively slightly used. We styled it properly a luxury and a bauble. That impression of the earlier days of the motor advent had apparently lingered when the present tax on the automobile was placed, and still lingers to cloud our viewpoint in dealing with the present situation.

Look again on these same streets and highways to-day and you see only the automobile serving the selfsame purposes, objects, and ends of the horse-drawn vehicles they displaced. Save in campaign speeches, the adherents of the once famous mule are now en route to antiquity. The smell of gasoline and the profanity of the traffic cop now displace the song of the birds we once were able to hear as we jogged along. And were Lady Godiva to make her famous ride again to-day she would no doubt of necessity be draped about the steering wheel of a motor.

It is a fact, gentlemen, sad though it may be to some of us, and full of problems yet unsolved to all of us, the automobile is our horse and buggy of yesterday, and should and must be regarded and treated in the selfsame way.

We hear references to the motoring public as if it were a class apart. Gentlemen, there is no motoring public; it is all of us. Eighteen million of us own automobiles to-day and every one of us is served day in and day out in some way by these automobiles.

This is not a tax on the automobile industry; this excise tax is paid only in the first instance by the manufacturer. The automobile industry is one of our greatest industries and is worthy of our most lenient consideration, and yet it asks nothing. It has steadily turned out better cars for less, and can no doubt continue its road to prosperity unaided by Congress.

I am speaking here to-day actually for the public, for the user of the automobile, for the farmers, as well as for the manufacturers. I have no doubt that many of the larger manufacturers of automobiles would be glad to have this matter hushed up, because the uncertainties incident to changes in a business tax must be injurious to business. Its damage to the manufacturers is primarily in sales resistance and in increased cost of bookkeeping, and they greatly fear postponement of buying because of the uncertainty as to what our action will be. But this tax must and will come off, and they are faced with the question, Shall there be one or shall there be two of these periods of uncertainty, of delayed sales? A sale of to-day's

output postponed until to-morrow is a sales cost, because to-morrow they must sell to-morrow's production. But the users of the automobile demand that it be removed, and that body to-day is a much larger class than any other body of persons that this Congress has taxed or will ever tax.

If you would know the political significance of this matter, I need only remind you that its removal will relieve some 18,000,000 persons of an amount of tax which is double the average relief proposed in the income taxes. And I need not remind this body that five times as many people will receive such relief than can be expected under the income tax. [Applause.]

If you would see and review the logic of the proposal, I need only recall to you the fact that this is a war tax, presumably a luxury tax, though actually a prejudice tax, against the most essential factor in American life to-day—transportation.

It is but one of a great number of taxes stacked onto the automobile user in every State and county in the United States. It is a tax on an every-day business vehicle, and there is no more justification in such a tax than there would be in a tax on street cars or railroad trains.

The average price of the automobile in the country to-day ranges around $800, and approximately 50 per cent of them are on the farms and in small towns.

But, gentlemen, I want to come back to what I feel is the most important factor in this matter, and that is that this tax is a tax on transportation.

Every possible means of transportation is peculiarly important in this country; the cultivation and encouragement of all manner of transportation has been one of the chief policies of the country, and it has been responsible for the fact that we are one Nation to-day, stretching from coast to coast, instead of a series of small nations, as would undoubtedly have been the case had our sections remained isolated from a lack of transportation.

The everyday facts before our eyes ofttimes escape our notice, yet it is a marvel to me that the gentleman from Oregon sits beside the gentleman from Massachusetts making laws for the most varied and extensive territory that was ever within the practical contemplation of man. Adams kneaded the Thirteen Colonies into a unit by building highways and encouraging transportation, and Jefferson guaranteed the dream of a single Nation from coast to coast when he built the Columbia Highway. And still within the memory of many Members of this body we were seeking each other's blood in the most repulsive war that one could conceive—a war between the North and the South—as it has sometimes been styled.

Some say that that awful carnage was the result of differences over the slave question, but actually it was the outgrowth of ignorance of each other, the failure to know each other and the knowledge of each other's problems and temperaments. And that ignorance existed because the North and the South were isolated for all practical purposes from each other, and, though a poet whose name I do not recall at the moment wrote—

> No more shall the war cry sever,
> Nor the winding rivers run red;
> They banished our anger forever
> When they laureled the graves of our dead—

there still exists some wounds, some rifts, some hurts, that have hindered the growth of the Nation whose progress we all desire.

But no more can such a conflict arise, because to-day North and South and East and West mingle on every highway and we know each other.

Gentlemen, the automobile has gone further toward healing our national wounds than any other factor could possibly have done.

Gentlemen, I say again that to me it is incredible that we can tax transportation, essential as it is; it is incredible to me that we can longer retain this prejudice tax on everyday business when the emergency which brought it into being has long passed.

The automobile is the guarantor of our future, and we can not, in my opinion, from either a standpoint of logic or good politics, continue to retain a tax on the automobile user, particularly when he is already staggering under an enormous burden of taxes placed by every State and county in the same unthinking manner we in this body have heretofore followed.

We can not longer retain the tax on the buggy and wagons of yesterday, and I beg you, gentlemen, to face the facts and let us remove this last vestige of this so-called war tax on the automobile regardless of what other action we may take. [Applause.]

I will submit the following figures in order that the reduction I am asking for can be more clearly understood:

$531,551,000 special motor-vehicle taxes in 1925, fiscal year ending June 30

FEDERAL		
Passenger car	$94,141,549.20	
Commercial vehicle	7,807,811.16	
Parts, tires, and accessories	22,737,384.85	
Vehicles for hire	1,865,075.43	
		$126,551,820.73
STATE		
Registration fees, including drivers' licenses	$250,000,000.00	
Gasoline taxes	140,000,000.00	
		390,000,000.00
MUNICIPAL		
Municipal taxes on the motor vehicle		15,000,000.00
		531,551,820.73

The half-billion motor tax bill shown above does not include an estimated $100,000,000 personal-property tax charge also assessed on motor owners.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAWLEY. Mr. Chairman, I expect to speak only on one phase of this discussion, and that is what the proposed amendments will cost the Treasury.

We have provided in the bill for a reduction in taxation of a little over $325,726,000, or $25,000,000 in excess of the amount that the Treasury said was the limit of safety. It has been continually insisted that the war is over; but there is a mortgage on Uncle Sam's farm of over $20,000,000,000, with an annual charge for interest and the sinking fund upon that mortgage of $1,275,000,000, which must be paid as a part of the cost of the war; and therefore we must necessarily continue, for the time until that debt is materially reduced, a portion of the taxes that were levied during the war for purposes of war expenditure.

In the present bill there is a direct reduction in taxation of $80,400,000 on automobiles, and with the refund provision that reduction is increased to $83,900,000, or 25.73 per cent of all the reduction in the bill, on that one single industry.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MORTON D. HULL. What is the reduction in the corresponding tax in the law? The reduction is to 3 per cent. What is the present rate?

Mr. HAWLEY. The rate is 5 per cent in the present law.

If the amendment of the gentleman from Michigan [Mr. McLEOD] is adopted, it will increase the reductions for automobiles to $108,825,000, or give automobiles 31 per cent of all the reductions in the bill, and it will increase the amount of the total reductions to more than $350,000,000, or $50,000,000 in excess of the amount that the Treasury thought was safe.

If we adopt the proposal of the gentleman from Texas [Mr. HUDSPETH] that will increase the amount of the total reduction to $375,636,000, and give automobiles $133,800,000 of that, or 35½ per cent of the total reduction. It will reduce the public revenue by more than $75,000,000 in excess of the Treasury estimate.

If the proposal of the gentleman from Illinois [Mr. RAINEY] is adopted, it will increase the total reduction to $400,586,000, or more than $100,000,000 beyond the limit of safety set by the Treasury after long and careful examination.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. COLLIER. You place the entire automobile tax at $550,000,000?

Mr. HAWLEY. We place it at $150,000,000, based on the estimated revenue next year.

Mr. COLLIER. Why do you increase those estimates about $30,000,000 over last year's estimate?

Mr. HAWLEY. I take the estimate of Mr. McCoy, of the Treasury Department, for the year 1926. That is the year we are dealing with primarily.

Mr. COLLIER. In other words, $30,000,000 more would come in next year than under the present tax?

Mr. HAWLEY. I am using Mr. McCoy's estimate. If we increase this deduction for automobiles by striking out all of the tax, we strike out $69,600,000 of direct tax, and to that we must add $8,825,000 for the drawback, or make a total reduction under that proposal of $76,000,000, and give the automobile industry 39.53 per cent of all the reductions in this bill. We have done nothing like that for any other industry in the country, although the necessities and deserts of many others are much the greater.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. HAWLEY. We have endeavored to balance the reductions in this bill by apportioning them where most needed, so far as circumstances permitted. There ought to have been some reduction in the capital-stock tax, but that is now impossible at the present time. To give this automobile industry this relief would leave the Treasury with a deficit of $100,000,000, and that is not sound legislation. If we give the automobile industry 40 per cent reduction, and thereby incur a great deficit in the Treasury, we shall have made a most abnormal bill. How can you defend such action when you go to the country? Other corporations paying over $1,006,000,000 in taxes during the last year will say, "Why did we not participate in this reduction, and why did you give 40 per cent of the whole reduction to one industry?"

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. If the gentleman will let me conclude my statement I will yield.

There are many other industries in this country more deserving of some relief at this time than the automobile industry is for this additional relief. It is an ungrateful task to oppose any proposed reduction. We would all be glad to see all such taxes removed. But, having given the automobile industry more than one-fourth of the total reduction proposed in the bill, it seems to me that we have gone as far as justice and equity require. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. SOSNOWSKI rose.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. SOSNOWSKI. Mr. Chairman and gentlemen of the committee, in submitting my arguments for the repeal of the excise tax on automobiles I beg to call your attention to the fact that the automobile industry of to-day is no longer an experiment, but is a permanent fixture. The automobile has become the poor man's transportation. Three-fourths of all the cars in use were sold under $800. For business the automobile is perhaps the most important carrier of all now in existence. It reaches the most isolated parts of the country, heretofore almost inaccessible.

It has shortened delivery, not only to the city business man but to the farmer in the country. It has reduced the farmer's time 80 per cent, enabling him to get his goods to market more quickly and allowing him more time in the field. It has cut down approximately 40 per cent of farm labor, of which to-day there is such a shortage. Formerly there was as much labor for the farmer to get his crops to market as there was in raising them.

Not only the farmers but the children of those living in rural communities are directly benefited by the use of the automobile as a conveyance to their schoolhouses. Consolidation of school districts has been made possible, with the substitution of bigger, more adequately staffed, graded schools for half a dozen little one-teacher shacks accommodating 10 to 20 pupils. The number of schools in the country has grown rapidly less, while the number of pupils has enlarged, and the length of the term increased—thanks to the automobile—thus enhancing educational facilities in country districts.

To-day over 3,000,000 employees are directly or indirectly employed and about 14 per cent of the population, or every seventh citizen, is dependent on the automobile industry. The wages of automobile workers are equal to or above the average of skilled workers in other industries. The reason for prosperity in the automotive industry is that automobile manufacturers are continually cutting prices and giving the purchaser a greater value for the dollar than any other industry.

The public, as well as the railroads and other interests generally, have found in the motor vehicle a more serviceable, efficient, and reliable means of transportation than any other yet developed. This method of transportation has become indispensable in the chain of rail, water, and other shipments, which to-day are largely dependent on delivery of the load by motor vehicles at terminal points.

For the Government to retain the tax on commercial vehicles that was imposed as a war measure is as unjust and unreasonable as it would be to levy a tax on ships, railroads, and other transportation agencies which to-day are not taxed. It is a direct levy on the farmer who takes his crops to market and uses a tractor for his fields, on the artisan or mechanic who lives 20 miles from the city where he can have a garden and be a double producer but must have this means of transportation to take him to his daily work. Now, seven years after the war is over, he must pay a war levy on every new car he buys, while other agencies of transportation have been relieved from this tax. And if he turns in an old car toward the purchase of a new one, no credit is allowed for the tax already paid on the old car turned in.

To say that the automobile tax is not assessed against the automobile owner is to deliver a half truth. The manufacturers to-day are merely the collection agency for the Government, collecting from some 48,000 dealers and 17,500,000 motor-vehicle owners.

And lastly, the automobile industry is the barometer of business, and must be recognized as such. It is the leading industry in the country to-day, manufactured products ranking second and the packing industry third. Thirty days' depression in the automobile business will reflect almost immediately a resultant depression in every industry in the United States, from which recovery may not be expected in less than six months' time.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, in considering these various amendments, all of which would operate either to further reduce the tax or completely take it off, it should be remembered that we have already granted a tax reduction of $80,000,000 to either the automobile industry or the purchasers of automobiles, as the case may be; and if we take it all off, we will take off an additional $69,000,000, and we may to that extent create a deficit in the Treasury next year or the following year.

Now, my contention is that on the whole the automobile tax is a pretty good tax, because it is levied on a semiluxury so largely used that it is not a class tax, at a very low rate, causing no particular burden either to the industry or to the purchaser, and yet yielding a great deal of money to the Government. I contend that the number of cars sold and the unusual prosperity of the industry indicates that the tax is not a burden, and I shall submit figures to that effect. I contend that the tax is not the controlling factor in the fixing of the price, and I shall submit figures to that effect, though, of course, in some cases it is a factor. And, finally, I shall contend that in so far as the automobile most generally in use is concerned—the Ford car—that inasmuch as Mr. Ford has a complete monopoly of the low-priced field, the inevitable rule which applies to all monopolies applies to Mr. Ford, and that the price of Ford cars is fixed irrespective of the tax even though, as gentlemen will unquestionably answer, when the actual sale is consummated the tax is added to the bill in order to call the consumer's attention to the fact that there is a tax.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. SCHAFER. Will the gentleman explain how they add that to the sale cost of the car, when you appreciate the fact that they are quoted f. o. b. factory, plus freight and excise tax?

Mr. MILLS. That is very simple. In every monopoly the price at which the monopoly article is sold is fixed by the seller at the point which will sell the greatest number of articles and bring in the maximum revenue, and that price is fixed irrespective of the tax. That is true of every monopoly. In the case of patent medicines, which are obviously monopolies, when the alcohol tax was involved the patent-medicine makers told us frankly that they absorbed the tax.

Now, let me call your further attention to the fact—and I shall a little later submit figures—that the average profit on the Ford car is probably $50 a car, and when you sell 2,000,000 cars at an average profit of $50 a car, and you have a monopoly, it is perfectly obvious that the selling price is not determined by the tax.

Mr. WEFALD. Will the gentleman yield?

Mr. MILLS. I have a great deal of material to put into the RECORD for the information of the House, and I therefore must decline to yield for the present. I want to introduce this material in order to present to the House a picture of the most extraordinary industry that has ever grown up in this country—the automobile industry. In 1920 the number of cars and trucks sold was 2,205,000; in 1922, 2,659,000; in 1923, 4,086,000; in 1925, 4,120,000; and it is estimated that the capacity of American plants in 1926 will be 4,990,000 cars per annum. The value of cars and trucks sold in the United States amounted in 1920 to $2,230,000,000, in 1924 to $2,328,000,000, and it is

estimated that that figure will be largely increased in 1925. The average price of the car sold was, in 1920, $1,013.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Chairman, I ask unanimous consent to proceed for a further five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for a further five minutes. Is there objection?

Mr. WEFALD. Mr. Chairman, reserving the right to object, I shall not object if the gentleman will answer the question I want to put to him.

The CHAIRMAN. The question is: Does the gentleman object?

Mr. MILLS. Mr. Chairman, I will answer the gentleman's question, of course, if it can be answered.

The CHAIRMAN. The Chair hears no objection.

Mr. WEFALD. The gentleman stated that in the making of Ford cars there is a monopoly?

Mr. MILLS. That is my contention.

Mr. WEFALD. I want to know if it is not a fact that this revenue bill is granting the greatest tax reduction to the man or to the family who are the owners of this monopoly?

Mr. MILLS. I do not know that that is the case.

Mr. WEFALD. Is it not a fact that it reduces Mr. Ford's taxes by 50 per cent?

Mr. MILLS. No; I do not know that that is the case. I have not examined Mr. Ford's tax return, and, as far as I am concerned, I consider it perfectly ridiculous to attempt to build the revenue system of a great Government around the personal fortune of a single individual. [Applause.]

Mr. WEFALD. Is it not a fact that this revenue bill will reduce the taxes of the Ford family to the extent of $6,000,000?

Mr. MILLS. I do not know. I am not interested in the taxes of the Ford family.

Mr. WEFALD. The gentleman has drawn the tax bill and ought to know.

Mr. MILLS. I have not attempted, I will say to the gentleman, to draw a tax bill with the view of taxing Mr. Ford or any other individual.

Mr. WEFALD. The gentleman has been dominating the Ways and Means Committee, and to-day he is dominating this House. [Laughter.]

Mr. MILLS. The gentleman does me more than justice.

Mr. WEFALD. I always want to do justice.

Mr. MILLS. Now, gentlemen, I have indicated the growth of the industry. Let me indicate to you the very remarkable fact that the average price of the car sold decreased from $1,013 in 1920 to $644 in 1924, yet during that entire period this tax was imposed. In other words, the consumer has gotten the benefit of a reduction in the price of a car amounting almost to $370 in spite of the tax, and the profits of the industry have been sufficiently great to warrant a steady reduction. These circumstances make me wonder whether the tax has been, in all cases, passed on in this falling market.

Mr. TREADWAY. Will the gentleman yield?

Mr. MILLS. I wish I could complete this statement, which is largely one of statistics, without interruption. I find that the price of the four largest makers decreased, from 1920 to 1924, by 43 per cent, and that the average price of cars during this period of war taxation decreased, for all cars sold in the United States, by over 40 per cent. I find that the capital invested in the motor industry in the United States had grown from $1,015,000,000 in 1919 to $1,691,000,000 in 1924, and that in the comparative value of manufactures for the year 1923 the motor industry easily heads the list though it is a baby industry. I find that, when we compare 1925 with 1924, the 12 largest companies during the first nine months of 1925 increased their earnings—get these figures, now—from $78,000,000 to $179,000,000.

The first nine months of 1925 showed for the 12 large companies, exclusive of the Ford Co., an increase in earnings of $101,000,000. General Motors alone showed an increase from $37,000,000 to $74,000,000 for the first nine months of 1925.

I find that the market value of the securities of these 12 companies increased from 1924 to 1925——

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MILLS. Mr. Chairman, I ask unanimous consent for an additional five minutes to complete this statement, if I may.

The CHAIRMAN. If there is no objection, the gentleman from New York is recognized for five additional minutes.

There was no objection.

Mr. MILLS. I find that the market value of these securities increased for these 12 companies from $897,000,000 to $1,994,000,000, or an increase of over $1,100,000,000 in a year; and that in spite of that fact, the earnings based on the market value of these securities increased from 8.7 per cent to 9 per cent during the year.

I find that whereas the Dodge Bros., when they originally left Mr. Ford and went into the business of manufacturing automobiles for themselves, invested $5,000,000; that a few years later, in April, 1925, they sold that original investment of $5,000,000 for $146,000,000.

Coming now to Mr. Ford, who seems to interest gentlemen in this House more than anyone else, I find that the surplus of the Ford Co. had grown from $165,000,000 on June 30, 1920, to $542,000,000 on December 31, 1924, and based on his balance sheets it is estimated that the company earned $101,000,000 in 1923 and $100,000,000 in 1924. As I say, if you assume a sale of 2,000,000 cars, that shows an average profit of $50 a car, which proves, as far as I am concerned, the point that when you have a monopoly which yields you a profit of $50 a car on a car that sells for less than $300, the tax makes no difference whatsoever.

I say that in the long run, and I pay all due respect to the promise made by Mr. Ford, which I think he will faithfully keep for the next year or two certainly, in so far as reducing the price of the car by the amount of the tax is concerned—I say in the long run, as long as the Ford Co. has a complete monopoly of the low-priced car field, the price of Ford cars will be fixed at the point at which they can sell the maximum number of cars at the maximum profit to the company, tax or no tax, and, therefore, I say that gentlemen are running off on a sidetrack when they think they are benefiting the farmer when they are taking off this tax.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLS. No; I can not. Please let me complete this statement.

It is generally assumed that when we take the tax off the consumer immediately gets the benefit. Well, we took the tax off on low-priced trucks two years ago, and I want to say for the credit of the Ford Co. that they at once gave the consumer the benefit of this reduction, along with other reductions they made on other cars at the same time; but what of the Dodge Co.? The act went into effect on June 2, 1924, taking the tax off of cheap trucks, and Dodge trucks selling for $960 were included. The tax was taken off of Dodge trucks in June, 1924, and the price of Dodge trucks was not lowered to $935 until August 17, 1925. The consumer did not get much benefit from that reduction, did he?

What is the conclusion to be drawn from all this? The conclusion to be drawn is that you need not make the obvious and first-hand assumption, "We will take this tax off, and we will immediately wipe out $15 from the average farmer or purchaser of an automobile." There are many indications that the tax in many cases has been absorbed by an enormously profitable industry—from an economic standpoint this is certainly true when a monopoly exists—and even if the consumer has in part paid the tax, all the evidence justifies the conclusion that it has not proved burdensome.

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, I do not care to discuss this question relative to any one amendment. There are one or two matters in reference to this species of taxation I do clearly want to bring before you and get into the RECORD.

When I think of automobile taxation and the committee placing a tax there, I am reminded of the incident of a gentleman who had a friend operated upon very suddenly. The news came to him in the morning that his friend was in the hospital and had been subjected to a major operation. Going to lunch he met the surgeon who performed the operation, and, in concern, he said to the surgeon, "I understand you operated on my friend So-and-So this morning." He said, "Yes; I did." "Well, what did you operate for?" "Five hundred dollars," he replied. "Yes; I know, but what did he have?" "Why, he had $500." There is no other theory upon which this tax has been placed upon the automobile industry. The men seeking revenue says, "Here is a place where we can get the money; let us get it."

You place the tax there as a war measure, and in my district alone—the sixth district of Michigan—in the years since you enacted that war measure, we have been the tax collector for the Government to the tune of about $700,000,000, the easiest money the Government ever collected in revenue.

Every member of the committee who has spoken here has said they have reduced the taxes upon the industry in this present bill by a certain amount. I think $70,000,000 in round numbers?

Mr. GREEN of Iowa. Eighty million dollars.

Mr. HUDSON. Eighty million dollars in round numbers.

My friends, they have not reduced the tax to the industry one dollar. Every dollar of that $80,000,000 has been relief to the individual taxpayer in the Nation who buys an automobile. Let us not forget that.

When I appeared before the committee in their hearings I asked for the wiping out of the three paragraphs of the automobile tax, the misfortune tax, and then the tax on trucks.

The automotive industry has brought the great modern means of transportation of the commodities of the country, whether they be from the farm or from the factory or from the store. The truck is the medium of their transportation, and every tax that was placed upon the truck went back, as a matter of taxation, upon every article that that truck carried, whether it be passengers or whether it be commodities.

Then I said reduce the tax on the passenger cars as far as you can, and I am not sure but what the committee has gone as far possibly in tax reduction as they can go at this time. I am simply here to register a protest against this species of taxation. You have just as much right and it is just as much common sense to say to every purchaser that puts a piano in his home that he shall pay a Federal tax upon it or to say to anyone who goes out and buys an article of furniture for his home that before he places that in his home he shall pay a Federal tax upon it. Gentlemen, it is nothing but a sales tax, and the reason I am speaking here this afternoon on this matter is because the chairman of the committee, that most capable gentleman [Mr. GREEN of Iowa], said we are looking toward the future and that this tax bill—a most admirable piece of legislation as it has come from the committee; I concede that—but the gentleman from Iowa said we are looking toward the future and must get a bill that will be normal.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUDSON. Mr. Chairman, I ask for three additional minutes.

Mr. GREEN of Iowa. May I say to the gentleman that I shall have great difficulty in getting three minutes for myself, and can not the gentleman simply extend his remarks?

Mr. HUDSON. This is the first time I have spoken on the bill.

Mr. GREEN of Iowa. The gentleman has a large automobile industry in his district, and, Mr. Chairman, I shall not object to three minutes.

The CHAIRMAN. If there is no objection, the gentleman may proceed.

There was no objection.

Mr. HUDSON. In my district we will contribute the revenue, in large measure, raised under whatever tax is placed in this bill.

I want to bring back again this fact: That the reduction on this tax does not go to the benefit of the industry. My colleague from Detroit asked for a tax of 2 per cent instead of 3 per cent, and that goes back to the benefit of the purchaser of the car. The gentleman from New York [Mr. MILLS] brought the figures showing the wonderful growth of the automotive industry in 20 years. Has that great industry and its growth absorbed all the wealth thus created? It has from year to year and year to year, through wonderful economies in administration, standardization of parts, reduced the price of the car to the consumer. Here in the papers of Washington of yesterday and to-day is a full-page ad that the Dodge Bros., a great business concern, has passed on to the consumer the benefits of that great organization by another great reduction in price. In the other case that has been alluded to not only do they do that, not only do they pass that down, but in some sections they have commented on the automobile industry because it is the industry of the Nation that raised the wage of the common and the skilled laborer in all factories and made possible everywhere the opportunity of laborers of the country to purchase a car with a small amount of money. [Applause.]

Mr. OLDFIELD. Mr. Chairman, I rise to support the amendment offered by the gentleman from Illinois [Mr. RAINEY], taking the 3 per cent tax off automobiles. The gentleman from New York [Mr. MILLS] in a splendid speech paid a tribute to the automobile industry in America. I want to join with him in that tribute. I think the automobile men have just a little bit more common sense and business ability than most business men in this country. They have reduced the price of cars, and I believe that industry is giving more value for their product than any other industry in America. But that is no reason why we should not take care of the purchasers of automobiles. Sixty-nine million dollars remain in the bill that will be collected from the people who purchase cars if this amendment is not adopted. You must remember that every automobile manufacturer in America signed a written statement presented to the Committee on Ways and Means which is in the hearings, that if relieved of this tax the consumers or purchasers of automobiles would get the benefit of it. In other words, if we take off $69,000,000 in this bill, the people who purchase automobiles are the ones who will get the benefit of the tax reduction. I am standing up for the people who purchase automobiles. I am not so much interested in the automobile manufacturers, for they seem to be able to take care of themselves. Why should not we take care of the purchasers of cars in America, three-quarters of whom are in the rural districts? This is a sales tax that comes largely out of the masses of the people of the country. Why not give them the benefit of it, especially in view of the fact that the automobile manufacturers say they are going to give them the benefit of the tax and are going to reduce the price of automobiles. I repeat that they are the most sensible business people in this country, and we ought to pass the Rainey amendment because there are $77,000,000 that we have taken off that no one has said anything about in this discussion. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, in speaking of the amendments before us I find it necessary to speak of my connection with the automobile provisions of the bill and to say more along that line than, under other circumstances, would be becoming.

I represent a Michigan district and am a member of the Committee on Ways and Means. Michigan is very much interested in the portion of this bill relating to taxes upon automobiles, auto trucks, accessories, and so forth. In our State a large percentage of motor vehicles produced in the country are manufactured, and our people believe Federal taxes upon them should be repealed.

While the Committee on Ways and Means was conducting hearings and while it was preparing a bill to be presented to the House, I made persistent effort to induce it to recommend repeal of all these automobile-tax provisions. The committee determined to provide for repeal of subdivision (1) of section 600, which now imposes a tax of 3 per cent on trucks; also to repeal subdivision (3), under which accessories, tires, parts, and so forth are now taxed at the rate of 2½ per cent. It refused to repeal subdivision (2), which imposes a tax of 5 per cent on automobiles and motor cycles, but it did determine to recommend a reduction of such tax to 3 per cent.

These provisions for repeal of taxes on trucks and on tires and accessories and for reduction of the tax on automobiles were the result of motions I made in the committee. I would have been pleased to have the entire automobile tax repealed, but by the time the automobile section of the bill was reached I was confident that the committee would refuse to consent to the repeal of the entire tax; hence I moved for what I believed I could get; that is, a reduction of the tax. At the meeting of the committee at which my motions were considered and passed upon, as I have stated, another member, evidently not satisfied with what I had done and tried to do, offered a motion to repeal the entire subdivision (2), which provides for the 5 per cent tax on automobiles. His motion was defeated by a large vote. I voted for his motion, but I was one of the minority.

The committee having determined to reduce the tax from 5 per cent to 3 per cent, I realized, if I may be pardoned for further speaking of my connection with it, that provision should be made for a refund to cover the amount of the reduction from 5 per cent to 3 per cent on cars on which the tax has been paid but which were in the hands of the dealer and unsold when the law went into effect. I suggested that to the committee, but my suggestion was not favorably received. On more than one occasion the committee refused positively to provide for a refund, to make any further reduction or any further consideration to automobile taxes. A majority of the committee had gone as far as they were willing to go.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, a large number of automobile manufacturers and others closely connected with the automobile industry came to Washington. As I am a member of the committee having jurisdiction of the matters in which they are interested, they came to my office,

came in a body. They are very fine gentlemen and I was pleased to meet them. Let me give you their names, as many as I can remember. There was Mr. F. J. Haynes, president of the Dodge Co.; Mr. Waterfall, vice president of the Dodge Co., and president of the Michigan Manufacturers' Association, which includes 98 per cent of the automobile industry of Michigan; John Lovett, general manager of the Manufacturers' Association; H. H. Bassett, president of the Buick Co.; Lawrence Fisher, president of the Cadillac; B. E. Hutchinson, vice president of the Chrysler Co.; S. E. Ackerman, sales manager, and H. H. Franklin, president, of the Franklin Manufacturing Co.; Alvan Macauley, president of the Packard Co.

Then there was also the secretary of the Manufacturers' Association of Flint and others who did not take active part—Mr. H. H. Rice, chairman of the taxation committee of the National Automobile Chamber of Commerce; Mr. Alfred Reeves, general manager of the chamber of commerce; Mr. Pyke Johnsen, the Washington representative of that body. One of the gentlemen whose names appear on this list said that he represented not only his own company, one of the largest in the country, but was authorized also to represent the Willys-Overland Co., the Nash Motorcar Co., the Studebaker Co.; that he had communicated with these companies and advised them fully of the compromise terms reached by the Ways and Means Committee which provided for a reduction of the tax on automobiles from 5 per cent to 3 per cent, for the extension of the 5 per cent tax 30 days after the law otherwise becomes effective, and for a refund of the amount of such reduction on all cars on which taxes have been paid but which were not sold, and so forth, and that he, in their behalf, approved that compromise. At my suggestion, these gentlemen went to see the chairman and other members of the Committee on Ways and Means.

They interviewed several members of the committee and when they returned to my office said they had been invited to appear before what might be called a subcommittee of the Committee on Ways and Means that afternoon. They went there in a body. I accompanied them. There were proposals and counterproposals, but finally an agreement was reached by which the payment of the full tax of 5 per cent should be continued for 30 days after the law would otherwise go into effect, and that the refund should be made on all taxes that had been paid on cars in the hands of the dealers at the time the law goes into effect.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SCHNEIDER. The names of the concerns whose representatives were instrumental in bringing about the compromise, which you have told us of and whose names you have given, were not the people who were paying this tax, were they?

Mr. McLAUGHLIN of Michigan. They are the manufacturers. I am glad the gentleman spoke of that, I might have overlooked it. It has been said or intimated that these gentlemen who appeared in Washington, as I have said, did not represent the entire automobile industry; did not represent the dealers or the purchasers of automobiles. They are the manufacturers, or representing the manufacturers, of more than 90 per cent of all automobiles made in the world. It is idle to say that they are not interested in their dealers, that they are not interested in prospective purchasers of automobiles. They do not sell their own cars, nor do they buy their own cars. There is not an automobile manufacturer in this country who could store two days' output of his factory. He must get them out, and he must have sales agents, and there must be buyers. The manufacturers are directly interested, and they actually and in good faith represent and are entitled to speak for dealers and purchasers.

It is impossible that these men came here to represent their own selfish interests which might, under certain circumstances, run counter to the interests of the sales agents or the purchasers. There is—there must be—a community of interest, and I regret the insinuation that these gentlemen did not fairly represent everybody in this entire proposition. [Applause.] Well, as I have said, these gentlemen in a body reached an agreement with the chairman and a number of other members of the Ways and Means Committee, and when that agreement was reached, they stated, in answer to a straightforward question put to them by the chairman of the committee, that they would not ask to have anything further done by the committee or by the Congress by way of repeal or reduction or refund of automobile taxes; they said they were entirely satisfied and would not assist or approve any movement to secure anything in this Congress in addition to what the committee had promised them.

A movement was started—it is here now—by gentlemen of the House who offer amendments, which we are now considering—one to repeal, others to provide more reduction than agreed upon by our committee and the representatives of the automobile industry.

Anticipating these motions, I asked a number of the gentlemen who had agreed to the arrangement with our committee to write me of their intention to stand to and abide by that arrangement. I said that I felt I was bound by and must speak and vote in keeping with that arrangement; and I believed other Members of the House, particularly Members from Michigan, would wish to know—were entitled to know—all about the compromise, as I called it—how it was reached—also the present attitude of manufacturers and their representatives toward it.

Soon after these automobile manufacturers and representatives left our committee room they—many of them, at least—attended a meeting of the National Automobile Chamber of Commerce in this city or in New York. After that meeting, and in response to my request for letters from them, I received this letter from Mr. H. H. Rice, chairman of the taxation committee.

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
Washington, December 16, 1925.

Hon. JAMES McLAUGHLIN,
House Office Building.

DEAR MR. CONGRESSMAN: The following is submitted in response to your request for a statement of the position of the National Automobile Chamber of Commerce with respect to the motor excise taxes.

The original presentation by the National Automobile Chamber of Commerce and allied interests before the Ways and Means Committee recorded emphatically the belief that all the war excise motor-vehicle taxes should be eliminated.

This position is still maintained by the industry, which would welcome full relief at this time.

The Ways and Means Committee, however, took the position that passenger-car taxes could only be reduced, not eliminated, at the present session and further told manufacturers appearing before them on December 2 that not even a protective floor plan could be passed for dealers' stocks on hand when the bill became a law, unless the manufacturers agreed to a 30-day extension of the act and to full approval of the bill as written.

In view of the fact that failure to protect the dealers had resulted in a slowing down of production, which, if continued, could not but seriously affect industry and the country as a whole, the manufacturers in attendance, speaking for themselves, agreed to this suggestion and on the following day recommended it to directors of the National Automobile Chamber of Commerce.

While holding that these taxes are a discriminatory levy on the buyers of automobiles which should be removed, the directors accepted the statement of the Ways and Means Committee that the relief granted in the present bill is the best possible at this time and agreed to refrain from further efforts to secure further reduction or elimination at this session of Congress.

Very truly,

H. H. RICE,
Chairman Taxation Committee.

I received other quite similar letters, each one stating that the writer was willing to abide by the compromise and would not make or approve further effort in this Congress.

DODGE BROS. (INC.),
Detroit, Mich., December 9, 1925.

Congressman J. C. McLAUGHLIN,
Washington, D. C.

MY DEAR CONGRESSMAN: Information has reached me that there is a difference of opinion relative to the automobile tax—that various organizations have different views.

My opinion to-day, as a manufacturer, is no different than when I last talked with you. At that time I believe every phase of the situation was gone over, and the result which was arrived at was, to my mind, the best arrangement possible.

In reaching my conclusion I considered the general good of the greatest number. My thought was that if the economic prosperity of the United States could be assured, that was of itself of greater value to a greater number than the percentage of tax which might be removed.

In other words, what was needed was a definite statement of position.

If there is one thing which blights business, it is uncertainty.

I believe in removing the uncertainty the greatest good would be accomplished.

Personally, I stand in the same position as when we last talked.

Yours very truly,

F. J. HAYNES.

BUICK MOTOR CO.,
DIVISION OF GENERAL MOTORS CORPORATION,
Flint, Mich., December 9, 1925.

Hon. J. C. MCLAUGHLIN, M. C.,
House Office Building, Washington, D. C.

DEAR MR. MCLAUGHLIN: I am writing this letter to you to confirm the verbal statements which we made to you and other members of the Ways and Means Committee last week to the effect that we accepted your statements that this tax reduction of 2 per cent was all that could possibly be hoped for at this time on account of the financial situation and to say also that we accepted your statement as 100 per cent truthful.

Based on the above, I told you for the Buick Co. that we would accept this and not make any further efforts to gain the entire elimination of the tax either in the House or the Senate at this time and would endeavor to get our dealers to do likewise. I want to assure you that this will be carried out as far as the Buick is concerned.

We feel that the only way a terrible let down in the automobile-manufacturing business and the accessory plants can be avoided is for the present bill to be passed exactly as proposed by the House Ways and Means Committee and at the earliest possible moment. Any undue delay in either the House or Senate will hamper the prosperity of the largest industry in this country, which, as you know, can not help but have a bad effect on general prosperity.

I certainly appreciate very much the courtesy and consideration shown us last week, especially in view of the many weeks that you have worked so hard on the bill to get it to a final reading, and only the extreme emergency as presented to you by us caused us to ask for the rebate protection in the bill.

With kindest regards, I remain,

Very truly yours,

H. H. BASSETT,
President and General Manager.

From another gentleman who attended and took part in the meeting with members of the Committee on Ways and Means I received a letter in which he, like others of his associates, says he approves and stands by the arrangement effected by them. Later, however, he wired asking me to hold his letter confidential. In reply I sent this telegram:

Letter received, also telegram asking same be confidential. Your wishes as to your letter 10th instant will be observed, but full publicity in Congress and elsewhere will be given to statements made by and on behalf of manufacturers at their meeting with Ways and Means Committee when compromise relating to refund and 30-day extension of law was reached. Michigan Members of House, including myself, made sincere and strenuous effort to induce committee to recommend entire repeal of all automobile taxes, but I feel bound, as manufacturers are certainly bound, to accept the compromise and to oppose efforts further to reduce or repeal these taxes or disregard compromise. I feel, as Michigan Members may feel, that Congress and the country, particularly Michigan, should know names of those attending the committee meeting and what they represented when compromise was made. There must be publicity, otherwise Members can not justify their opposition to motions the effect of which would be to repudiate the compromise. You know I advised manufacturers to oppose 30-day or any other extension of tax, believing their compliance with it unnecessary, but everybody present at committee meeting finally agreed to it and I feel bound by it.

J. C. MCLAUGHLIN.

Now, there is no question in the world but that men representing more than 90 per cent of the automobile business of this country, so far as manufacture is concerned, agreed to the compromise as it appears in the bill now being considered by the House. I make this statement in explanation of the automobile provisions of the bill and of the manner in which they were finally agreed to by our committee. I am bound to support the bill as it is, so shall vote against the pending amendments.

Mr. McLEOD. Will the gentleman yield for a question?

Mr. GREEN of Iowa. If the gentleman has concluded, I desire to make a motion. I move that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. How will the time be controlled?

Mr. GREEN of Iowa. By the Chair.

The CHAIRMAN. The Chair would like to say that he would like to have about five minutes, if he can. [Applause.]

Mr. BARKLEY. Mr. Chairman——

Mr. GREEN of Iowa. In view of that, I will make my motion 40 minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate and all amendments thereto close in 40 minutes.

The question was taken, and the motion was agreed to.

Mr. LAGUARDIA. But, Mr. Chairman, I have an amendment to the gentleman's amendment.

The CHAIRMAN. That will not stop the offering of an amendment.

Mr. LAGUARDIA. Certainly it does. I am not going to be taken off my feet in this way even by the chairman of the Committee on Ways and Means, and you might as well understand it. As a Member of the House, I should have an opportunity to offer an amendment to any amendment which is offered by the committee.

The CHAIRMAN. The gentleman need not get excited.

Mr. LAGUARDIA. I am not excited.

The CHAIRMAN. The Chair recognized the gentleman from Iowa [Mr. GREEN] to make a motion that all debate on this paragraph and all amendments thereto be closed in 30 minutes.

The Chair then announced that the Chair, as an individual Member of the House, would like to proceed for five minutes. Then the gentleman from Iowa [Mr. GREEN] amended his own motion and made it 40 minutes, and the Chair put that motion. The Chair did not see the gentleman from New York.

Mr. LAGUARDIA. "The gentleman from New York" was on his feet. The gentleman from Iowa can not amend his own motion. I respectfully submit, Mr. Chairman, that the gentleman from Iowa can not amend his own motion.

The CHAIRMAN. The gentleman did amend his own motion and the House adopted it.

Mr. LAGUARDIA. The gentleman from New York protests against such procedure.

The CHAIRMAN. The question is on agreeing to the motion as amended.

The motion as amended was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I desire to make a point of order. The gentleman from Iowa can not amend his own motion.

The CHAIRMAN. The question is disposed of. The gentleman from New York is out of order.

Mr. LAGUARDIA. The RECORD will show the facts.

Mr. WINGO rose.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. WINGO. Mr. Chairman, I shall support and vote for the amendment offered by the gentleman from Illinois [Mr. RAINEY], which I understand will take off all of the tax on the finished automobiles.

I am not interested in the question whether or not the manufacturers are keeping faith. The statement made by a member of the committee with reference to manufacturers keeping faith does not interest me at all. I think the manufacturers ought to be satisfied with what they have got, but those gentlemen who appeared representing the manufacturers were taking care of their own end of the tax proposition, and I think they were very diligent and got very good results.

But what about the consumer of the finished car, who has to pay the tax on the finished car regardless of what the price is at the point of manufacture? They were not authorized to represent him or speak for him. Who speaks for these men scattered throughout the Nation? Not the gentleman from Michigan alone; not the manufacturers, not the committee alone, but the Members of this House.

Now, I am in favor of the amendment for more than one reason. The first reason is this: I hope those who feel that they are bound only by the agreement with the manufacturers and are satisfied, and perhaps unintentionally producing the confusion that prevails in this Chamber, will go out of the room. They frankly admit an interest in the manufacturer, and, true to Republican practice, are not interested in the consumer. I hope they will go out of the room until those of us who do think of the consumer can discuss this question.

I want to get rid of all the nuisance war taxes. I want, as a sound proposition, to bring this Nation as quickly as I can back to the point where we shall have a simple but permanent tax system. The ultimate consumer is more interested in that than any manufacturer, because there can be no doubt but that the great majority of taxes are ultimately paid by the consuming public. I think that at least we Democrats should not hesitate to accept that doctrine. That is one of our theories.

We ought to get rid of these nuisance taxes, because we will not get a permanent tax system in this country until we do get rid of them. As to income, inheritance, and the other taxes, I want to see legislation enacted which shall be so reasonable and simple that business men and the public as a whole—at least the great majority of the public—will regard our tax policy as a settled policy. When that time comes, the manufacturers and the business people of the Nation will not be compelled, as they are now, to set aside an overlarge sum to meet tax exigencies. Then the retailer and the jobber and everybody else will be permitted to set aside a smaller amount for tax payments with a greater degree of certainty than it can be done now, and that will lower the cost of doing business and lower the cost of commodities and check the rise of prices and the increase in the cost of living. That is the reason why I want to get rid of all the nuisance taxes I can.

I dislike to disagree with the gentleman from New York [Mr. MILLS]; but in all fairness his argument was not addressed to this proposition. He made the only real argument I ever heard in favor of an excess-profits tax. If I had made his speech showing enormous profits of these industries as did Mr. MILLS, I should be denounced as a demagogue. I can not do that, but the gentleman from New York [Mr. MILLS] can ask you to "soak the rich" and accuse them of piling up great profits. He can do that and "get away with it," but I can not do it. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The gentleman from Massachusetts [Mr. TREADWAY] is recognized.

Mr. TREADWAY. Mr. Chairman, I wish only to supplement what other gentlemen have said by calling attention to the exact amount of tax paid upon the cheaper cars under the present law and under the suggested tax in the bill.

We have heard a great deal about the consumption of Ford cars and the profits which Mr. Ford has been making, and so forth. On the Ford roadster the tax now is $15.33. Under the bill as submitted the tax will be $6.14. On the Ford touring car the present tax is $16.55. Under the new law it will be $6.62. The present tax on the Ford coupe is $22.85. Under the new bill it will be $8.94.

Who is going to be unduly taxed by paying a tax of $8.94 to ride in a Ford coupe?

On the Chevrolet and the Essex, of about the same type, the tax to-day is $21.95 and the new rate is $13.17. That is on the touring car. On the sedan the present tax is $31.85, and under the bill now under consideration it has been reduced to $19.11.

We have heard a great deal about the injury that we are doing to the average man. That is the man that we are interested in. I do not care what the man pays on the higher-priced cars. It is the men of moderate means who buy the cheaper grade of cars that this question reaches, and certainly no one can claim that a man who purchases a Chevrolet sedan is going to be overtaxed at $19.11.

The Dodge touring car we have heard about to-day. Here is a page advertisement announcing the reduction in the price of the Dodge car. That reduction will mean a proportionate reduction in the tax on the car. The touring car is now taxed at $33.30. The special touring car, which is the most popular, is taxed at $36.10, and that tax is now reduced to $21.66. The special sedan is reduced from $42.56 to $25.53. In the same class with the Dodge are found the Hudson, the Nash, the Oldsmobile, the Reo, and the Buick. They come nearest to the Dodge car in cost price.

Now, this rate of 3 per cent is not on the price a man pays who buys a car to-day down on Pennsylvania Avenue; it is the cost at which the manufacturer sells that car in Detroit or other construction centers. It is not 3 per cent even on the cost to the man buying the car to-day, but it is 3 per cent of the manufacturer's wholesale price. So, as a matter of fact, you get right down to a very minimum of tax.

What do these gentlemen who are advocating the entire withdrawal of this tax confront us with? A further reduction of over $69,000,000! Will any gentleman who is advocating this reduction of $69,000,000 tell us where that $69,000,000 will be made up on the tax bill?

Mr. SCHAFER. I will tell the gentleman.

Mr. TREADWAY. I decline to yield.

Mr. SCHAFER. The gentleman asked a question and I am prepared to answer it.

Mr. TREADWAY. All right; let the gentleman answer it.

Mr. SCHAFER. Raise your inheritance tax and the high surtax rate. [Applause.]

Mr. WEFALD. And put on an excess-profits tax.

Mr. TREADWAY. Oh, that is fine, fine; but I am talking about the extra expense you are suggesting should be put on the average consumer. I claim you can not find a place where there will be less hardship than with this small tax on automobiles.

Mr. SCHAFER. Will the gentleman yield further?

Mr. TREADWAY. No; the gentleman can get his own time. Therefore $69,000,000 must be found in some other way. I say that the men who are advocating this tax reduction want to destroy the whole framework of this tax bill. We have contributed to the automobile consumer to the extent of one-fourth of the entire tax reduction, and when we have done that I say we have done all that should be asked of us.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HULL of Tennessee, Mr. KETCHAM, and Mr. SCHAFER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. HULL], a member of the committee.

Mr. HULL of Tennessee. Mr. Chairman, it has been my view as one Member from the beginning that all war taxes should be repealed during this session of Congress and under the provisions of the pending bill. [Applause.] Several alleged reasons are offered in support of the proposal to retain in chief part the present tax on admissions and autos. One reason is the usual reason that the revenue necessities do not permit the reduction. Of course, we know that in the event we should strike out these tax provisions the Ways and Means Committee, within an hour, would make some slight readjustments of the income-tax rates and take care of the situation. Certain other reasons are offered in support of these provisions in the bill. One is that during recent years the auto industry has greatly reduced the cost of autos to the American people purchasing them. I see no reason why they should be penalized by the indefinite retention of these automobile war taxes because during recent years the automobile industry, by reason of the highest state of efficiency in industry in America, have been able and willing to greatly reduce the price of the autos to the American purchasers. Another so-called reason is—and one which, I believe, was stated by the gentleman from New York [Mr. MILLS]—that they have greatly developed and expanded their business and built up profits. That is a matter which pertains to the income-tax situation rather than to the question of policy in permanently retaining these automobile war taxes. [Applause].

I reminded the committee some days ago, when they were so hastily slashing the income-tax system at both ends, that they would soon meet a situation where they would be voting to retain taxes far more burdensome than the ones they were removing, and so that situation appears here to-day. So we see, for example, the gentleman from Massachusetts [Mr. TREADWAY] after voting promptly to take $10 each off 2,300,000 persons by increasing the income-tax exemption to $3,500, now coming along and saying it is splendid to vote to retain a tax of over $15, not only on every Ford car purchased in the United States, but a still larger tax on 2,000,000 other cars, probably 1,000,000 of which are purchased by persons of small incomes.

I insist, Mr. Chairman, that there is one other consideration that this committee should not overlook, and that was my principal purpose in rising. Secretary Hoover on last Monday, in a letter, I believe, to a Senator, stated that on account of the artificial inflation of rubber prices, by a combination between the British Government and rubber producers, the American people next year will be penalized $666,000,000 in excess prices above a round profit of 36 cents a pound for the rubber. I have not seen a single editorial in the papers of this country on that point. I have seen great headlines about the paltry reduction in taxes under this bill, of $325,000,000, but not a word in the entire editorial departments of the press, and not a word in this House have I heard about that great burden of six hundred and odd million dollars that will largely be placed upon the owners of autos in this country during the next 12 months. And, by the way, if I may be permitted a moment, I introduced on last Monday a resolution providing, I think, a prompt and successful method of eliminating, by agreement, these harsh rubber and similar trade practices which are now outraging the comity of all commercial countries. But I have thus far had no response from any of the gentlemen who claim to be much interested in relieving the American people of undue burdens, except the miserable suggestion of retaliation and a trade war by Secretary Hoover. I urgently invite Congress to consider the resolution I offered. The conditions are most pressing. The people are being mulcted out of more than $700,000,000 on rubber and coffee. The administration owes it to the country to act at once, and the resolution will be pressed until the administration does act.

Mr. COLLIER. Mr. Chairman and gentlemen of the committee, I do not know whether I shall take up the five minutes allotted me because there is such demand for time. I rise for two reasons: First, to say I am in hearty sympathy with the amendment of the gentleman from Illinois; and, second, I want to disabuse the mind of any Member here, if he has any such thought in his mind, that the statistics which have been given to you by the gentleman from Oregon amount to anything at all. They are nothing but guesses and guesses by people who three years ago guessed $500,000,000 wrong, and a year and a half ago guessed $600,000,000 wrong on a proposition involving $1,800,000,000. They now come here and say there will be not a $68,000,000 deficit, not a $70,000,000 deficit, but guess there will be a $69,000,000 deficit if we adopt this amendment.

I stated at the outset of the debate the other day I was going to vote for the repeal of the automobile tax and other taxes because I believed from the testimony we had from the Treasury officials and others that every estimate of expenditures was overestimated and every estimate of taxes was underestimated. The gentleman from Massachusetts [Mr. TREADWAY] asked where you would get the $69,000,000 which would be lost as revenue in this way. I feel confident you would not have to increase any other tax because we will have that much money as a surplus in the Treasury. I want to say to the gentleman on the other side—and I am saying it honestly and sincerely—I believe if you take off the automobile tax you will still be able next June to pass your usual little resolution and give another rebate and send it back to the taxpayers next November.

I have been consistent in my opposition to this particular tax. Those of you who were here when the 1924 bill was under consideration, when the gentleman from Michigan, Mr. Clancy, made the fight, know I voted for all those reductions and would have gone further along that line.

There is one thing I feel I may have misunderstood in the remarks of my good friend, the gentleman from Michigan [Mr. MCLAUGHLIN]. If I did misunderstand him it is all right, but if I understood him correctly I want to express it clearly, that as a member of the committee I was not bound by any agreement with the manufacturers as to what tax we would or would not put upon this item.

I believe we should take into consideration the people who pay these taxes.

I would I had time to talk about one of the reasons the Secretary did not want this automobile tax taken off on account of the roads. As the gentleman from Arkansas [Mr. OLDFIELD] said, the automobiles have paid nearly $900,000,000 in Federal taxes. They have paid more than that in State and county and municipal taxes, and they should pay taxes in the State and county and municipality in the way of gasoline and other taxes because they are contributing factors in the destruction of the roads and should contribute to their maintenance; but I think they have paid their part in Federal taxes and there is no reason why there should be specifically a tax placed upon them. [Applause.]

Mr. RAINEY. Mr. Chairman, I shall endeavor not to take the five minutes in order that other gentlemen may speak who want to be heard on this amendment.

My amendment strikes out the entire tax. The position in which the committee finds itself now is not a position out of which it can not extricate itself if it wants to do so. It is perfectly apparent that the Members of this House want to take all this tax off, especially in view of the fact that the gentleman from Michigan has now read into the RECORD the statement of all the great automobile manufacturers in the country to the effect that as soon as this tax is taken off they will give every consumer the benefit of it. Therefore we are not releasing a great industry from any burden at all.

Of course the automobile industry is our greatest industry. It is the greatest industry to-day in all the world. We are producing in this country now 91 per cent of all the automobiles produced in all the world, and two years ago we were consuming 93 per cent of all the automobiles produced in all the world. At the present time we are not consuming quite as many as we produce, but almost as many. Therefore, when you vote to take all these taxes off, you are not relieving these automobile companies which my friend and colleague, the gentleman from New York [Mr. MILLS], says are prospering so much that they can afford to pay this tax, but you are relieving the consumers, the purchasers of the automobiles, and their number is legion in this country. At the present time there are in operation between 17,000,000 and 20,000,000 automobiles along the roads of this country, and the automobile industry has not reached its saturation point. It will reach its saturation point when we quit raising boys and when automobiles quit wearing out. It is going to go on, and we are going to keep on buying automobiles.

If you vote to take all these taxes off, in less than two minutes the Ways and Means Committee can remedy that situation in this bill. Of course, this bill is incorrectly drawn and you all know it now. It started out first to relieve the rich, the large income-tax payers, ignoring the principles of income taxation, which should be apportioned according to ability to pay; and after that was done then we attempted—I was not a party to it—then the committee attempted, and so have you, because you have approved so far what they have done—then they attempted to take off these nuisance taxes or these war taxes.

I remember when we put the tax on automobiles. I served on this committee at that time during the war. We put them on with the understanding, and we told not only the manufacturers and the consumers, but standing here on this floor we told the country that when the war was over we would take them off.

The war is over and has been over seven years, and if we keep faith now with the people of this country we will keep our promise and take these taxes off. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, I want to state my general position on the question of special taxes. I am for the ultimate elimination of every one of them. I hope the time will come when our Federal revenues will be limited to the sources we had before the war—the income tax, the tariff duties, and the internal-revenue taxes, which then contributed to the Federal revenue. The other taxes—on occupations, sales, admissions, dues, and so forth—I hope will all ultimately be repealed, and I think we are working toward that end.

But I want to call attention to the trend of the argument of the gentleman from Illinois [Mr. RAINEY], who has just taken his seat. He said if you do the things he wants, then the Committee on Ways and Means can go ahead—and do what? Provide other means of revenue. The committee has already approved of the bill so far; you have fixed the basis of the income taxes, you have fixed the basis of the estate taxes, and you have approved of everything else in the bill to this point. Now, are you going to wreck the structure? We would all like to remove all of these automobile taxes. But there are other taxes besides these. There remains in force a stamp tax of $46,000,000, the admissions and dues taxes of $29,000,000, and other miscellaneous taxes of $10,000,000, and all of these are special taxes imposed by reason and on account of the war. We are not going to take them all off at this time; we can not possibly remove them all. Something must be left to the future, but we have laid the basis, I believe, for the ultimate elimination of all these special taxes. Every one of the people who pay these special taxes pay them in addition to the income and estate taxes levied upon all the people of the country.

But we must maintain the structure of the bill; we must preserve the integrity of the bill. We must stay within the available surplus. You have approved everything that goes before. This is a part of the general plan. If you seek to increase by $50,000,000, $69,000,000, or $41,000,000, or even $20,000,000 the amount of reduction provided in the balance of the bill, then, as the gentleman from Illinois says, you will have to go back and change the prior provisions of the bill, and you will find that you will have to support things that you do not like.

You will be in the same position as was the committee after sitting seven weeks and discussing all these things that this committee is now debating. This is no new proposition; there has not been a proposition presented to the Committee of the Whole House that was not brought up before the Committee on Ways and Means. When you get through with all of them you will find that you have not improved very materially the proposal of the committee.

Why should you prefer one class of those yet remaining as against another class? Why should you prefer to remove the taxes on automobiles in preference to the admissions to entertainments or dues of members of clubs? Why should you prefer the automobile class to the people who are paying $46,000,000 for stamp taxes that will still remain after you have taken off the automobile tax?

Mr. BARKLEY. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BARKLEY. Do not the people who pay the automobile tax also pay the stamp taxes?

Mr. CHINDBLOM. What stamp taxes?

Mr. BARKLEY. People in the automobile industry.

Mr. CHINDBLOM. Name them.

Mr. BARKLEY. The ones who profit by this bill.

Mr. CHINDBLOM. They are not necessarily the same who are paying the stamp taxes, but they are all paying the income and estate taxes.

Mr. MADDEN. Mr. Chairman, Tom Reed once said that every Member of the House had a perfect revenue bill in his head, and that no Member of the House, with few exceptions, ever tried to make a perfect bill for the general public; but that every Member of the House tried as much as he was able to prevent the taxation of the people of his own district. So that when you got a bill at all it was a lopsided one, almost beyond recognition.

This bill provides for a $325,000,000 tax reduction. When that becomes a fact the Nation will have given the people through the action of its Government within the last three years tax reductions amounting to $1,600,000,000. [Applause.]

The automobile interests of America, whose advocates on this floor are very numerous to-day, have been relieved to the extent of 26 per cent of all the reductions carried in this bill, and if you give them the other $69,000,000 or $70,000,000, you will have created a deficit in the Treasury and you will have done an injustice to every interest except the automobile interests in America. [Applause.] The question now arises here: Are we willing to go on record with a certain declaration that our action, if we take this additional $69,000,000 of tax off the automobile interest, is in favor of a deficiency in the revenues of the Government when we need those revenues to maintain the Government? If we feel that way about it, then we will vote for the amendment of the gentleman from Illinois, my colleague [Mr. RAINEY]. If we believe in maintaining the integrity of the Government by its conduct under a systematic business plan, we will vote to reject the amendment of the gentleman from Illinois, my colleague [Mr. RAINEY]. If we believe that we should assure the American people that we mean to conduct the Government on a strictly straightforward, courageous business basis, we will reject the amendment of Mr. RAINEY or any other amendment upon this question. We have $330,000,000 reported now as the surplus in the Treasury. We are voting that surplus back to those who paid the taxes. If we vote that surplus and in addition thereto $70,000,000 more, or any other sum that you are voting back, a sum that does not exist as a surplus in the Treasury, we will be compelled later on to demand from the very people to whom you are voting it increased taxes on something else to make up this deficiency. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GREEN of Iowa. Mr. Chairman, I am not surprised that the gentleman from Illinois [Mr. RAINEY] wants to wreck this bill. That has been his purpose from the start. Nor am I surprised that some other gentlemen on his side of the aisle, thinking they see some political advantage, as they would, in wrecking the bill, have joined in this movement. My surprise is that any gentleman on our side should be so misled as to follow the leadership of gentlemen who do not want to see this bill succeed and who do not want this administration to prosper.

What do we have here as a reason for offering this amendment? They tell us that the gentlemen who made this definite agreement with me, that they would not any longer raise the question of further reductions on automobiles, were not authorized to represent the consumers. I say, with the gentleman from Michigan [Mr. MCLAUGHLIN], how absurd that statement is. They did send them here to represent them, and they had the interest of the consumer at heart as much as anyone else.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I can not yield in five minutes. Who is it here that pretends to represent the consumer? Are they those who have sent in these numerous telegrams, who have frightened some people by propaganda which has been inspired by dealers and salesmen? Mr. Chairman, I come from an agricultural district, where practically every farmer has an automobile. I have represented that district for some fourteen years. During most of that time this tax was on our statute books. Not one consumer, not one user of an automobile, not one who expected to be a purchaser, has ever said a word to me about repealing this tax. Yet some gentlemen talk here as though they represent the consumer. They do not. They represent those who have organized this propaganda from selfish interest, who are perfectly willing to see this Government deprived of the revenues that it ought to have, and are willing to take this great bill which is presented to you and see it wrecked, in order that they may make a few more dollars.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield. It is not in the interest of those who use the automobile. The people of my district, the people of all that great West which is beyond the Allegheny Mountains, and the people of the South, are vastly more interested in the Federal road aid than they are in this paltry tax. They want it continued, and the man who votes to cut this tax to nothing, as this amendment of the gentleman from Illinois proposes, is in effect saying he is perfectly willing to throw away the aid of the Government toward good roads. There is a strong movement against it now. Do you want it? The people of the West and the South want that far more than they want to be relieved from this petty tax on automobiles. Every vote that is cast in that direction endangers the Federal road aid and makes it more likely to be taken away.

Gentlemen tell us that the automobile industry has paid in more to the Treasury than the Government has paid out on roads. Granted. Is there any other industry where war taxes were placed on it that has had the subsidy given it that the automobile industry has received through Federal aid to roads? Is any other industry taken care of in a similar manner? No other industry has been preferred in the manner that the automobile industry has been. Now we are taking $80,000,000 off the automobile consumers. They get the benefit of every dollar of reduction otherwise that is contained in the bill, and yet they ask us for more. No: the automobile consumers are not asking for it. It is only those, as I have said, who seek to profit to their own selfish interests. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Michigan [Mr. MCLEOD] to the amendment of the gentleman from Texas [Mr. HUDSPETH].

The question was taken; and on a division (demanded by Mr. MCLEOD) there were—ayes 80, noes 168.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Texas [Mr. HUDSPETH].

The question was taken; and on a division (demanded by Mr. HUDSPETH) there were—ayes 91, noes 192.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois [Mr. RAINEY].

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 95, noes 188.

So the amendment was rejected.

The Clerk read as follows:

SEC. 601. (a) If any person who manufactures, produces, or imports any article enumerated in section 600, sells or leases such article to a corporation affiliated with such person within the meaning of section 240 of this act, at less than the fair market price obtainable therefor, the tax thereon shall be computed on the basis of the price at which such article is sold or leased by such affiliated corporation.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, I made the pro forma amendment for an opportunity to state for the RECORD my protest against the manner in which Members of this House were deprived of an opportunity to voice their views on a very important section of the bill now under consideration. I submit that it is bad taste, to put it mildly, for the chairman of the committee in charge of the bill to move to limit debate and then proceed to use nearly all of that time by members of his own committee in favor of his own bill. That is not sportsmanship; that is not playing straight; and I think it is highly unfair. Gentlemen, what we may say here to-day will soon be forgotten, but what you do here to-day is a matter of permanent record. Now, gentlemen, it is quite true that the party in control has a big working majority. They can ride ruthlessly over the minority and the minor minority; but, after all, this is a parliamentary body, and there should be at least a semblance and color of fair play if nothing else.

Mr. TILSON. Will my friend yield?

Mr. LAGUARDIA. Just a moment. I tried to get time all the afternoon, and now the gentleman asks——

Mr. TILSON. I know the gentleman wishes to make an accurate statement and put in the RECORD just the facts with reference to the men recognized under the 40 minutes.

Mr. LAGUARDIA. I know; I was here, Mr. Floor Leader; you can put it in the RECORD yourself. You can also put in the RECORD when the motion was made limiting time that the Member from New York tried to offer an amendment and was not recognized by the Chairman.

Mr. TILSON. May I put in the RECORD in the gentleman's time the facts?

Mr. LAGUARDIA. I refuse to yield, Mr. Chairman. Two of us can play the same game, you know. Now, gentlemen, this is the very start of the session, only the second week of the session, and if you are going to be arbitrary and cruel, let me remind the gentlemen on the majority side that after all we have some rights on the floor of this House. Now, we knew we could not pass this amendment, Mr. Chairman. Some of us were shocked when we heard a member of the committee stand up and talk about an agreement, a settlement which was made between the committee and a certain group of manufacturers at a time when Congress was not in session. [Applause.] This responsibility is not ours; but in the face of that you refused to permit Members to offer an amendment or to express their views. Now, gentlemen, I do not want to obstruct. I do not want to raise technicalities every time I have an opportunity, but other Members besides the majority know something about the rules, and I say now in the best of good humor and in all kindliness that if this condition continues—well, then, the fight is on. We will keep a quorum here and make objection to every unanimous-consent request made. We can stand it if you can. All we ask is due recognition of our rights. [Applause.]

Mr. TILSON. Mr. Chairman, in view of the fact that the gentleman from New York declined to allow me to put the facts in the RECORD as to the division of time, I ask just one minute to state the official record kept by the timekeeper at the chairman's left in regard to the 40 minutes debate allowed after debate was closed on the automobile amendment. Those occupying the floor in favor of the amendment were Mr. WINGO, Mr. HULL of Tennessee, Mr. COLLIER, and Mr. RAINEY, 5 minutes each, 20 minutes in all. Those who opposed the amendment were Mr. TREADWAY, Mr. CHINDBLOM, Mr. MADDEN, and Mr. GREEN of Iowa, 5 minutes each, 20 minutes in all. How could it be fairer? And this statement sufficiently refutes the statement of the gentleman from New York that the entire time was given to the members of the committee opposed to the amendment. [Applause.]

The Clerk read as follows:

(b) If any such person sells or leases such article whether through any agreement, arrangement, or understanding, or otherwise, at less than the fair market price obtainable therefor, either (1) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person, or (2) with intent to cause such benefit, the amount for which such article is sold or leased shall be taken to be the amount which would have been received from the sale or lease of such article if sold or leased at the fair market price.

Mr. CONNERY. Mr. Chairman and gentlemen of the committee, I can not sit here any longer and watch this iniquitous so-called nonpartisan tax bill being "railroaded" through Congress without raising my voice in vehement protest. I would be ashamed to go back and face the working men and women of the seventh Massachusetts district if I did not stand up and fight for them, even though I know that with your gag-rule and steam-roller tactics you have the majority to force through this betrayal of the American people.

When amendments were offered in this House to raise the exemption of the single man from $1,500 to $2,000 and the married men from $2,500 to $5,000 these amendments, which would benefit the majority of the people of the United States—the ordinary, everyday man and woman, in other words the "little fellows"—were defeated.

When we fought to take all the taxes off automobiles, so that the people who ride in Fords could get some of their taxes reduced, these amendments also were defeated by a large majority. But when the big multimillionaires came in with their organized propaganda, with their trainloads of tax experts, and asked you to reduce their surtaxes from 40 per cent to 20 per cent, your well-oiled administration machine slid smoothly over the rails and you gave them what they asked with a shout and a cheer.

When you did this you aided 213 men whose incomes are over $500,000 and left millions of small business and working men and women to shift for themselves and struggle along with the sop which you threw to them in the form of a very small exemption.

This has been called a nonpartisan bill. Gentlemen, when we soldiers went before the Ways and Means Committee two years ago and begged you in the name of justice to give the veterans of the United States their just deserts in the form of at least a fair adjusted compensation bill we asked for a nonpartisan bill. Did we get it? Yes; we did—not! The best we could get was a take it or leave it proposition which gives the soldier at the utmost $1,500, and he has to wait 20 years to get it. But why should you worry about the soldier? He only fights for his country, while Wall Street comes across lavishly with campaign contributions. [Applause.]

Everybody in the United States wants taxes reduced. The newspapers of the United States, through their propaganda—because all the large newspapers of the United States are controlled by the big financial interests—have been sending forth throughout the land the demand that we must reduce the surtaxes.

I am not going to have my people who work in the shoe factories of Lynn and in the mills in Lawrence and the leather industry of Peabody in these days of so-called Republican prosperity, when they are working but three days in the week, think that I am in accord with the provisions of this bill. In Lawrence they have worked so little in the mills that they do not know what a week's work looks like. When I see a provision in this Mellon tax bill which is going to save Mr. Mellon himself $800,000 on his income tax and his brother $600,000 on his I can not give it my support. I am not surprised at the Republican members of the committee, as I expect them to favor the big interests. I am sorry to see some of the Democratic members of the Ways and Means Committee giving their support to what I regard as undemocratic portions of this bill.

Mr. SCHAFER. They may have thought that they would need campaign contributions from these representatives of exempted wealth. [Laughter.]

Mr. CONNERY. I would not say that of Members on the Democratic side. [Laughter.] From my experience I will say to the gentleman from Wisconsin that the large contributions from the big financial interests of the United States always go to the Republican Party. The Democratic Party had no funds for their campaign, but a fine, big slush fund was raised for the Republicans.

Mr. SCHAFER. That might have been because they did not cooperate with them before. Perhaps they thought they would get them if they voted for this bill. [Laughter.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, I feel constrained to object.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. CONNERY. All right. I thank you, gentlemen, for your courtesy.

Mr. GREEN of Iowa. There is not a man in this House, notwithstanding all this talk that has been going on, who does not know that I have treated those in opposition to this bill with all liberality. I well remember the day when, if I undertook to make such a speech as that just delivered by the last speaker, I would have been interrupted by the Democratic leader and required to confine myself to the subject before us.

Mr. CONNALLY of Texas. When did the gentleman make such a speech as that? [Laughter.]

Mr. GREEN of Iowa. I did not say I ever made such a speech; I said, if I ever undertook to make such a speech.

The Clerk read as follows:

SEC. 700. (a) On and after July 1, 1926, in lieu of the tax imposed by section 700 of the revenue act of 1924—

(1) Every domestic corporation shall pay annually a special excise tax with respect to carrying on or doing business, equivalent to $1 for each $1,000 of so much of the fair average value of its capital stock for the preceding year ending June 30 as in excess of $5,000. In estimating the value of capital stock, the surplus and undivided profits shall be included;

Mr. BURTNESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. I have an amendment to strike out subdivision 1. Is this the proper place for me to offer it or at the end of line 21, on page 199?

The CHAIRMAN. When the Clerk gets through reading subparagraph 2.

The Clerk read as follows:

(2) Every foreign corporation shall pay annually a special excise tax with respect to carrying on or doing business in the United States equivalent to $1 for each $1,000 of the average amount of captal employed in the transaction of its business in the United States during the preceding year ending June 30.

Mr. BURTNESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BURTNESS: Page 198, line 12, strike out all of subdivision 1, lines 12 to 18, inclusive.

Mr. BEEDY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEEDY. Is it in order for me to offer an amendment at this time as a substitute for the amendment offered by the gentleman from North Dakota?

The CHAIRMAN. It will be in order after the gentleman from North Dakota has made his statement.

Mr. BURTNESS. Mr. Chairman, I feel that the proposition involved here is a very important one, and I am going to ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Chairman, the amendment which I have offered is, of course, very plain and simply eliminates the so-called capital-stock tax, which is applicable to corporations. This amendment should receive splendid support from the Ways and Means Committee, because many of the members of that committee speaking in general debate stated that the capital-stock tax is one of the taxes which should be eliminated. Even the very conservative gentleman from Massachusetts [Mr. TREADWAY]—and surely no one will regard him as irregular, even though he did submit one amendment yesterday—stated that failure to take it out in this case was an oversight. I can quote that from the RECORD if it is so desired.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BURTNESS. If the gentleman will get me more time I will be glad to yield, otherwise I must decline.

Mr. GREEN of Iowa. If the gentleman is willing to stay here until 10 o'clock to-night, he can get more time.

Mr. BURTNESS. If that is the case, what is the question?

Mr. GREEN of Iowa. What I wanted to say was that there was not any oversight about it; there was nothing discussed in the committee as much as the capital-stock tax, with few exceptions.

Mr. BURTNESS. Be that as it may, this is what the gentleman from Massachusetts [Mr. TREADWAY] actually said:

In exciting certain persons the word "corporations" is like a red flag to a bull. I am not one of those, however, who feel that every corporation is an easy mark or in the nature of things is a lawbreaker. Our business prosperity is dependent on the success of capital organized into corporate form, together with the interest and support of the wage earners employed by them. This bill is open to criticism that there is practically nothing in it directly beneficial to business carried on by corporations. In a way, I think this is an oversight.

Let us first analyze and see what this so-called capital-stock tax is. It is a tax of $1 upon each $1,000 of the "fair average value" of capital stock of corporations in excess of $5,000. In other words, it is nothing but a franchise or excise tax levied by the Federal Government, not upon profits or income, but upon the right to do business. It seems plain that if such a tax should be levied such action should on principle be by the government which grants the privilege, which is the various States; and many States do levy such a tax. Of course, all States levy a tax upon the property of the corporation, real and personal, represented by the capital, surplus, and undivided profits, and some States, like North Dakota, properly assess any corporate excess that may exist.

Perhaps the most important fact to be considered in connection with this matter is that this is a tax which is levied regardless of whether the corporation earns a large or a small return or no return whatsoever. The tax must be paid whether the corporation earns a dollar or not. In other words, it is a direct charge upon business, including that which is not successful as well as that which is prosperous. Individual income taxes and the regular corporation tax on its income need, of course, only be paid when there is a net income; but a corporation, large or small, knows at the beginning of the year that it must pay its capital-stock tax whether it does any business or not. In other words, it is a fixed charge upon the business just as much as rent, salaries, wages, fuel, light, or any other expense connected therewith. It is part of the overhead. What is the result? The capital-stock tax is included in the budget of expense. It must therefore be directly added to the cost of goods, and every business man knows that it must be collected from the public with whom he deals before his expenses are met. Of all taxes levied by the Federal Government, it is the one which must be passed on and which is passed on to the consuming public, and tends therefore to increase the cost of every commodity purchased.

There has been a good deal of discussion during the last week on the floor of the House as to what the enactment of this bill will do for the benefit of the "average man," also for the benefit of the men with relatively fair-sized incomes but who can not be regarded as men of wealth, and also for the men of wealth and the ultrarich. While the capital-stock tax concerns each and every one of all these classes, it much more concerns that tremendous number of people who are not fortunate enough to have incomes large enough so that they need file any Federal tax return. I submit that if you do adopt this amendment and repeal this tax, you will directly help that class of our people, and they constitute those entitled to our greatest concern. Generally speaking, it includes all laboring people, the man with the white-collar job, our small, struggling business men, and our farmers.

The proposition is so plain and elementary that illustrations seem unnecessary. It applies to a small corporation which may sell us our groceries, our clothing, our boots and shoes, our furniture, or our fuel in the smallest towns throughout the country. The capital-stock tax becomes part of the purchase price. It applies to the railroads of the country. The West is now confronted with a demand for higher freight rates upon our farm products, due to the claim made by the railroads that capital invested in them is not receiving a fair return. The capital-stock tax paid by such railroads is a part of the transportation cost charged directly to the farmers who ship their products over such railroads and to the people purchasing any commodity in which transportation costs is a factor. The capital-stock tax is part of the overhead expense of corporations making farm machinery, automobiles, stoves, furnaces, tools, or equipment of any kind that is used by any of our people and is paid by the ultimate consumer thereof. President Coolidge in his various speeches on questions involving taxation, economy, and thrift has often pointed out the need of remembering the people who pay indirect rather than direct taxes, and here, this afternoon, is a specific opportunity for you to do so.

The tax is wrong in principle in so far as the Federal Government is concerned, for it is a property or a capital-tax levy and assessment, and the Federal Government is not in that field. It is, of course, within the province of States to levy taxes of that sort if they so desire. I have already pointed out that it is not akin to an income tax, and it finds no parallel in any of the other taxes levied by the Government. It is in effect as much a property tax as a levy of taxes would be by the Federal Government directly upon personal property or upon farms or other real estate.

Some say it is an economical tax to collect and administer, but I submit that if the law is strictly followed such can not be the case. Remember it is a tax not upon the nominal capital of the corporation or upon the capital stock issued, but upon "the fair average value of its capital stock for the preceding year ending June 30." What a tremendous task it would be for the Internal Revenue Bureau to ascertain the fair average value of the capital stock of all the corporations of this country throughout a given year! It would be difficult to do so in the case of such as have a fixed market value from day to day. I contend it is impossible to do so in the case of the majority of corporations. The excess-profits tax against corporations was wiped out four years ago largely for the reason that it was practically impossible to determine fairly the invested capital of a corporation; yet there has been retained, in connection with the capital-stock tax, a provision almost equally difficult of administration.

There is another reason why this tax is particularly obnoxious to a great many small corporations of the country—that is, to such as most of us find in our home towns and communities. None of these have regularly employed accountants or tax experts, but attempt to get along with bookkeepers of average intelligence and ability. This provision of the law requires these enterprises to submit a tax return in addition to and separate from its income-tax return. It is required specifically for the preceding year ending June 30, a time different from that usually covered by its income-tax return, which is the calendar year. It can easily be overlooked and often is overlooked, resulting in vexatious penalties and other difficulties. It is reports of this kind which make many of our people disgusted with the Federal Government and does not help them to become better citizens in any way. It is no wonder that many of these institutions would therefore prefer the wiping out of this tax even though it meant increasing the regular corporation income tax. While I am not advocating such a step, I will say that it would be much better than the present plan, for it would at least tend to be more fair to such lines of business as yield little or no income. This suggestion is

in accordance with the well-known economist and tax expert, Doctor Seligman, who appeared before the Ways and Means Committee and said, with reference to taxes on corporations:

I should say that from every point of view, fiscal as well as economic, it would be better to have one tax and to get rid of the capital-stock tax. If you need more revenue, raise the corporate income tax; but do not keep that division and do not follow that utterly unscientific method of levying taxes on a corporation according to the amount of the capital stock.

While not directly involved in this amendment the question of corporation taxes generally is material in determining its fairness, for unless corporations are now paying their fair share of the burdens of Government this tax should perhaps not be wiped out even though it is unscientific, vexatious, and based entirely upon a wrong theory. What are the facts? In order to discuss them intelligently it is necessary to give a brief history of the rates.

With the beginning of income-tax legislation a policy was adopted of making the tax against corporations conform substantially to the highest normal rate applicable to individuals. In 1918 the tax on corporate income and the highest normal tax against individuals were both 12 per cent. In 1919 and 1920 the corporate tax was cut 2 per cent while the normal rate on individual income was cut 4 per cent, thus making the respective rates 10 per cent and 8 per cent. This was really the beginning of a spread between them. We then enacted the revenue act of 1921. The questions in connection with invested capital had become so involved and so unpopular that Congress at the urgent request of the Treasury Department, made not only by the Republican Secretary of the Treasury but also by the former Democratic Secretary of the Treasury and approved by President Wilson as well as President Harding, repealed the so-called excess-profits tax. In order to provide for the loss of revenue involved thereby the corporation tax was increased to 12½ per cent. I then pointed out the unfairness of such increase to those corporations which had not exacted large profits, but which had been content with moderate returns up to 6 or 8 or 10 per cent, and to such corporations as had not even earned that large a return.

I pointed out that their taxes would be increased just one-fourth, while Congress by wiping out the excess-profits tax was reducing the taxes on corporations which had earned much larger incomes and reducing the taxes of individual taxpayers. In 1924 we passed another revenue bill, and we then reduced the normal rates on individuals down to 2, 4, and 6 per cent, as well as gave them increases in exemptions and provided for a further credit for earned incomes. We also reduced surtaxes, but made no reduction in taxes against corporations.

Since it was announced that the surplus in the Federal Treasury would be large enough so that we can now enact revenue legislation that will mean a saving of from $300,000,000 to $350,000,000, I have thought that the time has come when relief could be given to a large number of the smaller corporations of our country competing directly with individuals and with partnerships, not alone for the interests of the persons owning such corporations, but also for the consumers who must buy their necessities from them. Those urging tremendous reductions in surtaxes have said a great deal about releasing money and capital for business enterprises. I can not for the life of me understand why there has been so much propaganda throughout the country and apparently accepted as gospel in most quarters that reduction of surtaxes would particularly help business, and that nothing has been said concerning the need for reducing corporation taxes in order to assist business. Is it not plain that the corporation tax is a direct tax upon business, while the surtax is only an indirect one? Generally speaking, surtaxes apply only to the income which reaches the individual after it has been distributed to him by a corporation or by some other form of business in which the individual has some interest. Why not reduce the burden on the business itself at least just as much as upon the surtax payer, who has an income in his hands to reinvest? In private discussions I have often asked the question why the propaganda has taken this form, but have received no satisfactory answer. I have had business men in my own State tell me that they think it would be a good plan to reduce surtaxes, and I have always told them that I would have no objection to so doing as far as possible providing we could furnish necessary relief elsewhere; but I have asked them whether they did not think it would be even better for business generally and for the consumers to try to reduce the direct charges upon business, such as the various excise taxes, sales taxes, and so forth, including reducing the corporation tax, and they have always on reflection replied "Yes."

In the bill before us I am mighty well pleased that practically all of the so-called nuisance taxes and special taxes have been eliminated. I am also pleased that it has been found possible to increase exemptions both for single persons and heads of families. I realize also that the state of the Treasury is such and the interest on our war debt so large that it is probably impossible to reduce to any great extent the tax upon corporate incomes; yet I am not at all certain that it is a wise economic policy for the country, and it surely is not a good thing for the man of small means, the average consumer, to have the spread between the highest normal rate applicable to individuals and that applicable to corporations made greater rather than smaller in this bill. Personally, I have not found that what you term here moderate income-tax payers—that is, individuals—object to the individual tax which they have to pay even under our present law, although, as suggested, I am glad to see it made smaller. A person with an income of $5,000, and with a wife and two children, under our present law pays an income tax of $25.50. Surely that is not an exorbitant amount. Under this bill his tax will be reduced to $7.83. Larger incomes are reduced relatively. As I said before, I do not object to these reductions, but I wonder whether more good might not have been accomplished by other possible reductions. With the increase of the exemptions the normal rate might well have been left at 2, 4, and 6 per cent instead of being reduced to 1½, 3, and 5 per cent, and the amount so saved given to help indirectly the consumers of the country, which I feel could be accomplished by repealing such a tax as the capital-stock tax. It was with that idea in mind that I voted here in Committee of the Whole for an amendment increasing the surtax brackets, so as to run up to 25 per cent instead of stopping at 20 per cent.

In almost every town or city you or I may visit—and this is particularly true of towns and smaller cities—there are competing firms engaged in the same or similar lines—one doing business as a corporation, another as an individual or as a copartnership. The present difference in the amount of taxes paid by such competitors is abhorrent to my sense of fairness.

The corporation, generally speaking, pays one-eighth of its net income to the Federal Government. In addition to that it pays this capital-stock tax which I am trying to wipe out; and the distinguished member of the Ways and Means Committee, the gentleman from Oregon [Mr. HAWLEY], than whom there is no abler statistician in this House, is authority for the statement that the total of the normal corporation taxes plus the capital-stock tax imposes a total rate of 13.73 per cent on the income of all business corporations. The individual or partnership engaged in such business under the present law pays a graduated normal tax of 2, then 4, then up to 6 per cent, while under the present bill the maximum limit will be 5 per cent. The rate of surtaxes is, of course, the same for both after they get into that class, for all dividends from corporations are subject to surtaxes levied against the individual stockholders. To make my point clear perhaps I should give one moderate illustration. A business concern in one of the cities of my district—such as Fargo, Devils Lake, or Grand Forks—with a business investment of $100,000, might earn a net income during the year of $10,000. If such business is operated under corporate management it will have a deduction of $2,000 and will pay one-eighth of the balance, or $1,000, as taxes to the Federal Government. If such business is conducted by one individual, say, a married man without children or dependents, his tax under the present law can not possibly exceed $190, and he would probably be entitled to a greater reduction under the earned-income provisions of the law. Under the provisions of the proposed bill the tax will remain the same as against the corporate business, but will be reduced to a figure not greater than $142.50 as against the individual. Discrepancies of this kind can not be justified; but what I want to emphasize particularly is that they are reflected in the price to the consuming public and therefore become even worse than they appear to be. In this connection let me urge again, as I did on the floor two or three years ago, that Congress, and particularly the Ways and Means Committee, continue studying the problem, with a view of determining whether it might not be practicable to impose a graduated tax upon the income of corporations, gradually increasing the rate against the corporation income as its rate of return on invested capital becomes higher and higher, much as the graduated tax and surtaxes on individuals. If that can be done practically it will not only solve the problem of unfairness but it will operate as a check on exorbitant profits, tend to avoid profiteering, and will at least compel those who do profiteer or make exorbitant profits to pay a larger proportion of the expense of the Federal Government.

In connection with the present tax on corporate income I also want to invite attention to the discrimination which exists

as between wealthy and nonwealthy and poor stockholders in the same corporation. Perhaps I can again make my point clearer by an illustration. Many of our corporations have stockholders scattered all over the country. Take, for instance, the Great Northern Railway Co. There are doubtless stockholders in that corporation who are millionaires or multimillionaires. There are others who are what we in the West would term wealthy, or at least well to do, with incomes larger than they can spend each year, and there are many others who are relatively of small means and almost poor. Some of the stock is held in trusts for widows and orphans. The competence of many people who, because of age or other reasons, are no longer able to produce anything is invested in stock of this or similar corporations. What is the result when the total income of a corporation is, as at present, subject to one specific tax? It is obvious. The income on that portion of the stock owned by the widow or the orphan or the person of small means, whose total income is much less than one which would put him into a taxpaying class at all, must as a part of the corporation pay one-eighth thereof under present rates to the Federal Government. The same rate is applicable to all alike. Hence, I again urge further study of the proposition, which I first advanced on the floor of this House in 1921, of determining whether there is not some way in which corporate income may pay taxes to the Federal Government on rates that would be fair and would be based upon the ability to pay of the individual stockholders thereof. I am glad, indeed, that during the past few weeks more serious consideration has been given by the Ways and Means Committee to this proposition than has ever been done heretofore. I was immensely interested in the news carried in the press reports at one time that the committee had adopted a provision substantially to the effect that when all stockholders consented thereto they could return as part of their individual income their proportionate share of the total income of the corporation. I found on reaching here that practical difficulties had arisen which it did not seem possible just now to iron out. But, friends, such a plan is right in principle, and I trust that with further study and consideration administrative objections thereto may be obviated.

In listening to the general debate I noted that several members of the Ways and Means Committee submitted views along the lines of those which I have expressed this afternoon. I mentioned the gentleman from Massachusetts [Mr. TREADWAY] at the opening of my remarks. The gentleman from Oregon [Mr. HAWLEY] discussed several of the propositions which I have touched upon, and on the specific amendment before us he stated that he was in favor of eliminating the capital-stock tax in this bill. The gentleman from New Jersey [Mr. BACHARACH] will surely have to vote for this amendment, in view of the statements which he made. One of the distinguished Democratic members of the committee, the gentleman from Arkansas [Mr. OLDFIELD], stated specifically that he favored the repeal of this tax and would support such an amendment. The gentleman from California [Mr. LEA], though not a member of the Ways and Means Committee, clearly brought out the evils of this form of taxation in his address under general debate. Ordinarily, I prefer to follow the committee handling the legislation. It is with considerable hesitation that I offer this amendment, and that I have offered a couple of other amendments to the bill before us; but entertaining the positive views that I do on the matter, in the interest of the people as a whole, and particularly that these views may be considered in future proceedings on this bill, I have made bold to present them to you.

I am not criticizing this measure as a whole. I shall vote for it with pleasure. I have felt that it could be improved, and that if we all vote our convictions some good changes can be made on the floor of this House.

I entertain a hazy notion that there are some things in it indicating a yielding on the part of the committee to the tremendous force of propaganda. I compliment, however, the splendid chairman of the committee [Mr. GREEN] and the distinguished ranking minority member of the committee [Mr. GARNER] upon their refusal to yield to some of the organized propaganda so unfairly directed at them personally in their own States. There are many fine reductions given to people in this measure where they are sorely needed, and I am happy to note its assured passage by this House so soon after commencing our labors. Some of the suggestions for improvement will, I believe, be adopted by the Senate and approved in conference by both Houses. Individuals with moderate incomes have been well taken care of by the measure. That is also true of those with large incomes. Vexatious nuisance taxes have been eliminated. If there is any one outstanding feature of the bill which will not be approved by the country as a whole, it is the failure to give to the stockholders of corporations, and consequently the vast consuming public, a more square deal. [Applause.]

Mr. BEEDY. Mr. Chairman, I offer an amendment as a substitute and ask that it be reported.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEEDY as a substitute for the amendment offered by Mr. BURTNESS: Page 198, line 15, after the words "fair average value of its," insert "shares of"; in line 16, after the figures "5,000," strike out the balance of line 16, and also lines 17 and 18, and insert in lieu thereof the following: "In determining the value of shares of capital stock which are unlisted and which have not been subject to bona fide sale the surplus and undivided profits shall be included."

Mr. BURTNESS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. The amendment offered by the gentleman from Maine is plainly not a substitute, but could be offered as a perfecting amendment to the text as carried now. I would suggest that he so offer it, and then both propositions can be voted upon. I am in sympathy with the amendment offered by the gentleman from Maine.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. BEEDY. I so offer it, Mr. Chairman. Before I proceed I would like to ask the gentleman from Illinois [Mr. CHINDBLOM], a member of the committee, a question. I should like to ask him if, in the deliberations of the committee, its attention was called to the effect of the Ray Consolidated Copper Co. in the Supreme Court as to the administration of this section now in question.

Mr. CHINDBLOM. I think the public hearings show that that case was discussed by one of the men that appeared before the committee.

Mr. BEEDY. In relation to the operation of this particular section. Is the gentleman sure of that; was this case mentioned before the committee?

Mr. CHINDBLOM. Yes; the Ray Consolidated case was mentioned before the committee, and I will find it for the gentleman.

Mr. BEEDY. The gentleman need not go to that trouble. I wanted to know if the committee was familiar with it.

Mr. CHINDBLOM. I have given the case some attention myself.

Mr. BEEDY. Mr. Chairman, I undertook on Saturday last to call the attention of this House to the fact that the Congress, when it wrote the original law in 1916, used the term "capital stock" in the sense of shares of capital stock. I quoted from debates indulged in by leaders on both sides of the House to show that when the legislation was being considered the term "capital stock" meant shares of capital stock. My statement has not been refuted on the floor of the House.

I have offered this amendment not to prejudice the operation of the section in question. This section, I contend, can not be put into operation with equity and fairness unless we write into it what Congress originally intended, namely, "shares of stock."

I called attention on Saturday to the fact that Congress did not fix any standard of measurement, did not say whether in determining the fair average value it should consider the earnings, capital investment, total assets, or what not. In the absence of any criterion of measurement the case went to the Supreme Court. The question was, What does this section mean? The Supreme Court said to get a fair average value of the capital stock you must take into consideration the potential capacity of the corporation for profits. I challenged any one, three, or a dozen Members to say that he or they could ever sit in a board or bureau of the Treasury Department and say what was a fair value of capital stock of a corporation, based on the criterion proposed by the Supreme Court, namely, the potential capacity of the corporation for earnings when that involved an appraisal of the corporate property. The appraisal, of course, is not practicable.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BEEDY. May I have unanimous consent for three minutes more?

The CHAIRMAN. The gentleman from Maine asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. CHINDBLOM. Will the gentleman permit a suggestion? I want to say that the effect of the Ray Consolidated case is offset in the subparagraph on page 191.

Mr. BEEDY. In my opinion that does not meet the needs of the situation. The suggestion is made frequently that we are doing a lot of injustice to business by setting up bureaus in the department which promulgate regulations having the force of law.

My friend from Massachusetts [Mr. TREADWAY] said a few days since that these rulings are always based on law; that they are not illegal.

Let me show you what these regulations mean in practice. Here are some rulings established by the Treasury Department affecting the administration of this particular section. I am quoting now from article 15, relating to form 707. In the enforcement of this law three returns have to be made, the first showing net assets, the second the value of corporate shares, and third gross earnings over a period of years. I quote from the regulation of the department applying to Exhibit A:

If the market value of the assets be established, the fair value of the capital stock is held to be not materially less than the fair market value of the net assets.

Let us come to Exhibit B in connection with which the regulations contradict themselves. The Exhibit B regulations read as follows:

The market is regarded as a factor—

And they go on to quote from the Supreme Court decision, but—

the capital stock of a corporation, its net assets, its shares of stock, are entirely different things. The value of the one bears no fixed or necessary relation to the value of the other.

So, if it develops, when they guess at the net assets of the corporation, that a tax based on the value of shares would yield less to the Government than a tax on the guessed value of net assets, two or three young clerks in the bureau would say, "We can not concede the value of the stock to be any less than the value of the net assets." But, if the returns should show the value of the stock to be in excess of the value of net assets, and business demands that both items be considered in fixing the tax, the bureau clerk says, "We will apply the regulation applicable to Exhibit B," and, in fixing the tax, they quote from the Ray Consolidated Copper Co. case that "the value of the assets and the value of the stock are two entirely different things and bear no relation to each other." Which regulation is to be applied in levying this capital-stock tax? Either one could be imposed by virtue of regulations established in a bureau of the Treasury Department and applied to suit the whim of a bureau clerk. Such a method of imposing taxes upon legitimate business is indefensible. [Applause.]

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Maine has introduced here a highly technical amendment which would be considered by the Committee on Ways and Means for hours if they thought there was anything in it. As a matter of fact, the only thing that is in his amendment is something now set forth in the regulations of the department.

Mr. BEEDY. And covering the whole field.

Mr. GREEN of Iowa. I can not yield. I only want to use two minutes. The gentleman says that under the present law it can not be operated. This is the one department, the one division, the only one down there in the administration of taxes that is current with its work. It has found it so easy to operate under this provision that it is the only one that is not behind in its work.

Mr. BEEDY. Will the gentleman yield for a question? The gentleman will not contend that is the unanimous view of the committee.

Mr. GREEN of Iowa. The unanimous view of the committee is what I stated with reference to their being current with the work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine.

The amendment was rejected.

The Clerk read as follows:

(b) The taxes imposed by this section shall not apply in any year to any corporation which was not engaged in business (or, in the case of a foreign corporation, not engaged in business in the United States) during the preceding year ending June 30, nor to any corporation enumerated in section 281, nor to any insurance company subject to the tax imposed by section 245 or 246.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. The necessity for making those returns at a different period from that when big corporation returns are made imposes a needless hardship, it seems to me, on about 200,000 little corporations. The big corporations can look out for themselves, but I like to say a word once in a while for the little fellow. Will the gentleman from Iowa please explain why we can not make that return when we make the other? Let me also add that it comes now in the middle of the year, when we little fellows are apt to be away on vacation. It is difficult to get the necessary oaths subscribed. The accounting force of a small corporation is small. Why can not this petty annoyance be saved by having a return made at the time the other return is made?

Mr. GREEN of Iowa. Mr. Chairman, this has been on the statute books for nine years. I never heard any complaint on that particular point. If it had been called to the attention of the committee when we were considering the bill we would have taken it up with the Treasury Department. Just exactly why that period is taken I would not be able to state. Some particular period had to be taken. The gentleman will remember that large corporations at least have their fiscal year terminating at various times.

Mr. LUCE. I am speaking for the little fellow.

Mr. GREEN of Iowa. Yes; and most of them, I suppose, go by the calendar year?

Mr. LUCE. Almost all of them. I would like to emphasize for the RECORD that this continued string of returns of all sorts—National, State, and local—becomes an infernal nuisance, if I may use the phrase, and we wish it could be lessened.

The Clerk read as follows:

(2) The determination by the commissioner as to the average amount of capital employed in the transaction of business in the United States by a foreign corporation shall be only prima facie evidence of the facts on which such determination was based.

Mr. DEAL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DEAL: On page 198, strike out lines 8 to 26, and on page 199, strike out lines 1 to 20.

The CHAIRMAN. The Chair thinks that we have passed that stage of the bill.

Mr. TINCHER. Mr. Chairman, I make the point of order that the amendment comes too late.

The CHAIRMAN. The gentleman from Kansas makes the point of order that the amendment is not in order.

Mr. DEAL. I think it comes down to the close of that section, Mr. Chairman.

The CHAIRMAN. The bill has been read beyond the page where this amendment would be in order, except that part of it on page 199.

Mr. DEAL. Mr. Chairman, I could not have offered my amendment until the section which it proposed to amend had been read. I contend that I have a right to offer the amendment.

The CHAIRMAN. That is true as to page 199, as the Chair stated, but as to 198 we have passed that page.

Mr. DEAL. Well, Mr. Chairman, I ask unanimous consent to go back to page 198.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to go back to the page designated and he be permitted to offer his amendment.

Mr. SPROUL of Illinois. Mr. Chairman, I want to be consistent, and I objected to returning back a day or two ago, and I object now.

Mr. DEAL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to have incorporated in the RECORD a speech by Judge Spruill, of North Carolina, before the North Carolina Pine Association on the question of capital-stock tax.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by incorporating a speech made by Judge Spruill on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

The speech referred to is as follows:

ADDRESS OF JUDGE F. S. SPRUILL, GENERAL COUNSEL, BEFORE THE NORTH CAROLINA PINE ASSOCIATION

"CAPITAL-STOCK TAX"

Twenty centuries ago the tax problem was acutely presented by a party of Herodians and Pharisees to Jesus Christ. The inquiry was made of him, "Master, is it lawful to give tribute unto Cæsar or not?" His answer is the answer that the taxpayer should make to the

government or sovereign in all time: "Render unto Cæsar the things that are Cæsar's."

It is our patriotic and necessary political duty to render unto the Government the tribute necessary for the proper maintenance and administration of the governmental affairs. This should be done cheerfully, fairly, and with recognition we are not giving but rendering a just duty.

But while this should be the attitude of the taxpayer it should not be forgotten that the Government owes to the taxpayer a corresponding duty, i. e., to make its taxation or tribute as little burdensome in amount and in method of collection as is consistent with the public welfare.

It is this thought in my mind that leads me to the deliberate opinion that in imposing upon corporations in this country a capital-stock tax the Government is not pursuing that course which renders its levy of tribute as little burdensome in amount and onerous in method of collection as is consistent with the public welfare. A change can and should be wrought which, while it would not impair the sum total of the Government's revenues, would yet greatly reduce the burden to the taxpaying corporations of the country.

The capital-stock tax was instituted as a special source of war-expense income and is denominated an excise tax. It is a levy of $1 on each $1,000 of the fair average value of the capital stock in excess of $5,000.

The Federal Government levies no direct property (ad valorem) or capitation tax. All of its sources of revenue are indirect and arise out of (1) duties, (2) imposts, (3) excise, and (4) income.

It is unnecessary to define these or any of these. Suffice it to say that capital-stock tax is classed as an excise tax.

The collection of these indirect taxes has necessitated the employment of a great army of tax gatherers, and has imposed upon the taxpayers the inevitable duty of making various and sundry sets of returns to the Government. This has resulted further in the necessary enactment of endless regulations and of ever-changing and conflicting interpretations. It has been said by one statistician that 1 man in every 10 men in the United States is, in some form or other, a Government employee.

The experiments in subjects and methods of taxation have worn the patience of a long-suffering people almost threadbare. Therefore anything that looks to simplification of the tax methods should be favorably considered.

The corporation has become the very vehicle of modern business. Ninety per cent of the country's commerce is done through the agency of corporations.

The capital-stock tax purports to be a sort of license tax for corporate activities. It is unjust in this aspect, because corporations pay already 12½ per cent of net income, while individuals pay 6 per cent of net income. This difference of 6½ per cent between the corporation and the individual is the privilege or license tax which the corporation pays for being allowed to do business as a corporation, and there can, therefore, be found, in the levying of a capital-stock tax of $1 on each $1,000 of stock, no excuse or satisfactory explanation in the theory that it is a license tax for corporate activities.

The method of assessment and collection of the capital-stock tax is neither scientific nor equitable:

(1) The tax is levied upon the estimated fair average value of the capital stock for the preceding year. The criterion for this estimate is the opinion of the commissioner. It is not controlled by, nor necessarily based upon, the data which the corporation itself shall have conscientiously furnished. It is not based upon or controlled by the book values of the corporate stock. It is literally left to the whim and caprice of the fallible man making the estimate, and it should be noted that the estimate is based upon the average value of the capital stock for the preceding year. This, in corporations of a certain class, would be greatly misleading. In a listed stock, the price which it brings in the open market from day to day and from time to time is some indication of its actual value, but in an unlisted industrial stock, which has no value unless profits be realized from the operation, an estimate based upon the preceding year is misleading. There are corporations in this association that have made large profits in one year's operation to see them lost and submerged in the succeeding year's operation.

(2) In this estimate the surplus and undivided profits of the corporation, no matter when earned, are required to be included.

(3) The estimate is presumably made annually and therefore requires data to be gathered by the section as much from matter outside as inside your return.

The capital-stock tax, therefore, no matter what the Government calls it, is a property or capital-tax levy and assessment. It is assessed and levied directly upon the value of the property which has been ascertained and fixed by the commissioner. It is not at all akin to an income tax and finds no parallel in any of the other indirect taxes levied by the Government. It is, in its last analysis, as much a capital or property tax as is the tax levied by the State government upon your farm or your solvent credits.

It is contended by the Government that this is the most economically administered and collected tax, proportionately speaking, of all the bureaus; that is to say, the boast of the Government is that it costs a little more than $300,000 to collect the eighty-odd million dollars of capital-stock tax. This is grossly misleading. If the Government contented itself with accepting the figures the corporations returned, even then this would not be true. The annual revaluation, which is imposed upon the department by this tax levy, is left out of consideration. But a more serious matter is that it leaves out of consideration the return or questionnaire required at the hands of the taxpayer. That return or questionnaire is one of the most complicated and dangerous things conceivable. It is the direct antipodes of the data of the return and questionnaire required by the income tax, and it consumes millions of dollars of time of the corporations to get them up. For illustration, there are 367,000 corporations in the United States. All have to make not only the income-tax returns but the capital-stock tax returns, which are utterly different and proceed from an exactly opposite angle. I make bold to say that there is not any operating corporation that can make up one of these returns properly in less than a day with two men, including the work of a certified tax accountant, which has to be considered. Twice 367,000 days equals 734,000 days, or over 2,000 years of 365 days each, for one of your highest-priced men; and when the Government claims that this is an inexpensive tax to collect it leaves out of view the fact that to make the returns upon which the Government estimates and levies its tax each year requires what amounts in aggregate time to 2,000 years of one high-priced employee. This leaves out of view also another element, that of constant controversy and wrangle and disagreement between the taxpayer and the Government. It leaves out of consideration the immense loss of time of the corporation in attending the hearings and the ever accruing and increasing expense of going to Washington for these hearings. I am advised that there are now pending before this tax section nearly 25,000 cases in which hearings by the section will have to be had, and we are but fairly embarked upon the consideration of this question. Five years from now they may reach your tax return and make such radical changes in it as will compel you to employ counsel and personally attend upon a Government hearing.

The income taxes paid by the corporations amount to $1,000,000,000 a year. The capital-stock tax amounts to less than $90,000,000, and yet the annoyance and expense of the latter is greater than the former, besides which, as above stated, we have the interminable controversy with the Government that is thereby begotten.

The corporations feel that of the proposed cut of $308,000,000 in the Government's revenue, $90,000,000 should be from this source, but they would rather pay enough larger per cent in income tax to make it up and send into limbo the capital-stock tax.

The Committee on Ways and Means has reported out a bill retaining this vexatious feature, but the sentiment of Congress is rapidly solidifying against it, and it becomes the duty of the corporations of America to inform their own Representatives in Congress of the status, furnishing them the necessary figures and arguments, and to urge upon them the correction of what they feel to be both an evil and a mistake in tax legislation.

Mr. DEAL. Mr. Chairman, I do not wish to discuss the question, realizing that no useful end can be accomplished by doing it. I merely wish to call the attention of the committee to the substance of this speech made by Judge Spruill. It is contended by the Internal Revenue Department that the tax is easy to collect and economical in the cost of collection.

The corporations contend that while that may be true, the cost to the corporations for making the returns, coming to Washington and appearing at hearings, cost them something like eight to ten million dollars, and that the cost to the corporation is entirely out of proportion and unreasonable, and that, therefore, they should have some consideration in this question of capital-stock tax. He further contended that the corporations would be very willing to make up the amount of taxes that would be lost by reason of striking out the capital-stock tax and adding it to the 12½ per cent tax on corporations, so that the corporation would have to make out only one income-tax return. I wanted to get that before the committee, not that it will do any good now but hoping that at some future time if we should write another tax bill the committee will have this thought before them and give it due consideration.

Mr. CHINDBLOM. If the gentleman will yield?

Mr. DEAL. I do.

Mr. CHINDBLOM. If the gentleman will permit me to make a statement, that very question was thoroughly considered by the committee, and I will say frankly there was a great deal of sympathy for the views expressed; but it means the loss of $90,000,000 or more in the first place, and the committee was doubtful that all corporations would look kindly to the increase of the profits tax, the income tax, from 12½ to 13½ or probably 14 per cent, and that it would result in a

joint attack following the change to retain the present income tax on corporations.

The Clerk read as follows:

MISCELLANEOUS OCCUPATIONAL TAXES

SEC. 701. On and after July 1, 1926, there shall be levied, collected, and paid annually, in lieu of the tax imposed by section 701 of the revenue act of 1924, a special excise tax of $1,000, in the case of every person carrying on the business of a brewer, distiller, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquor, retail dealer in malt liquor, or manufacturer of stills, as defined in section 3244 as amended and section 3247 of the Revised Statutes, in any State, Territory, or District of the United States contrary to the laws of such State, Territory, or District, or in any place therein in which carrying on such business is prohibited by local or municipal law. The payment of the tax imposed by this section shall not be held to exempt any person from any penalty or punishment provided for by the laws of any State, Territory, or District for carrying on such business in such State, Territory, or District, or in any manner to authorize the commencement or continuance of such business contrary to the laws of such State, Territory, or District, or in places prohibited by local or municipal law.

Mr. BOYLAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On pages 199 and 200, beginning with line 21 on page 199, strike out the entire line, also strike out entire section 70.

Mr. BOYLAN. Mr. Chairman and gentlemen, I assume that the purpose of the committee in inserting this section is to give encouragement to the occupation of a brewer, distiller, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquor, retail dealer in malt liquor, and manufacturer of stills. I am glad to see the committee is taking a liberal view of these occupations, and, in a measure, they are by legalizing them. I take it that this is the first indication, the first tangible indication, we have of the proposed policy of the administration of liberalizing the enforcement of the Volstead Act, because, if the committee did not put in this section providing for this tax, of course, they would have no legitimate field or basis for operation. [Laughter.]

Now, inasmuch as you might say the taxes are levied, although they are working in opposition to the law, on the other hand you could say, Why not have an occupational tax for burglars, taking the various degrees, first, second, and third? Why not have a special occupational tax for post-office robbers, hold-up men, and so on along the line? [Laughter.]

Now, we have been informed that there are no wholesale liquor dealers in the United States and that there are no retail liquor dealers in the United States. You admit, however, by levying this tax, that they are still doing business. There are many men in the city of Washington who would like to know the addresses of some of these wholesale and retail liquor dealers. [Laughter.] I would like to know whether or not the information that will be supplied through the payment of the tax will be public property.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. ARENTZ. I had occasion to ask the committee just now as to the reason for this particular section, because, before the eighteenth amendment was passed, if a man wanted to buy a still he went to the hardware store and got a permit from the revenue collector, who put a number on that still and kept track of that still. Since the eighteenth amendment was passed any man can go into a hardware store and buy it.

Mr. O'CONNELL of New York. They are buying them still. [Laughter.]

Mr. CHINDBLOM. Is the gentleman under the impression that there is a change in the tax under the new law?

Mr. BOYLAN. No. But it is asserted by people in the city of Washington that this occupation does not exist. That all liquor dealers have been put out of business. We are told that this is a wonderful bill, with a magnificent fabric, with a structure which, in its perfection, excites the admiration of the world. Here is a section that seems to be useless. Therefore it should be stricken out, because the occupations that it seeks to tax no longer legally exist in this country. Why, therefore, the necessity for this section in the bill, if it is such a perfect bill?

Mr. ARENTZ. The gentleman seems to think that if a State gives the right to these manufacturers to exist, then they will charge a thousand dollars. So the committee says.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. BOYLAN. Acting on that same theory, then, if you recognize an industry or occupation by taxing it, you recognize it as being legitimate. I am glad to see the first indication we have had in this session of a more liberal policy in the administration and enforcement of the Volstead Act. [Laughter.]

Gentlemen, I think if you will pursue this policy a little further and report favorably and pass a bill which I have introduced, which will permit the manufacture and sale of beer and ale containing 8 per cent of alcoholic content, and the sale of wines containing 10 per cent of alcoholic content, you will justify and particularly distinguish the liberality of mind of this first session of the Sixty-ninth Congress. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read to line 20 of page 222 of the bill.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to return to page 220 for the purpose of correcting a typographical error.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 220 for the purpose of making a correction in the language. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Iowa: Page 220, line 17, strike out the word "of" where it occurs the third time and insert in lieu thereof the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, in order to be sure that there is ample time for the consideration of the revenue bill to its final conclusion and a vote upon it to-morrow, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand it is the desire to have the final vote or votes before adjournment to-morrow?

Mr. TILSON. I so understand.

Mr. GARRETT of Tennessee. We sometimes, of course, simply conclude a bill in Committee of the Whole and let the vote go over until the following day. I understand that the reason for making the request is the desire to have the final vote on the bill to-morrow?

Mr. TILSON. That is true, as I understand it. A number of gentlemen have spoken to me about being away on Saturday of this week for one reason or another, and it seems to me it would be better to have a vote to-morrow.

Mr. GARRETT of Tennessee. Several gentlemen on this side have spoken to me to the same effect. If we do get this bill out of the way to-morrow, then I understand the order of business will be an appropriation bill?

Mr. MADDEN. I give notice now that as chairman of the Appropriations Committee I shall report the Treasury-Post Office bill to-morrow when the House convenes, and if this bill is out of the way, we will take it up Saturday morning.

Mr. GARRETT of Tennessee. And will Saturday probably be taken up with general debate?

Mr. MADDEN. Yes.

Mr. HOWARD. Mr. Speaker, reserving the right to object—and I have not yet—I seem to have the unanimous desire to speak a little in the morning after the manner of some of my

distinguished friends who do not pay much attention to the general subject of the bill under discussion. I would like to ask the floor leader on the other side if he would think it would be right to arrange for me to talk quite a while in the morning. [Laughter.]

Mr. TILSON. I can make no promises as to what other gentlemen will do, but personally I never refuse the gentleman the opportunity of speaking, and I do not wish to lose the privilege of hearing the gentleman.

Mr. HOWARD. Mr. Speaker, under the circumstances and in view of the fact that the leader is not in thorough accord with himself just now, I will let it go until some other time.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a couple of short articles on agriculture by Col. Harvey Jordan and Mr. Wanamaker.

The SPEAKER. The Chair wishes the gentleman would postpone his request until to-morrow. There are a number of gentlemen who usually object to the insertion of remarks other than those made by Members of the House. Perhaps there will be no objection if the gentleman will postpone his request.

Mr. FULMER. In that event, Mr. Speaker, I will withhold the request for the present.

THE REVENUE BILL

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my own remarks on the tax bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the tax bill. Is there objection?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, it is no great astonishment to me, nor, am I sure, to my progressive colleagues, to see the leaders of the Democratic Party and the leaders of the present Coolidge Republican administration in this House affectionately patting each other on the back, loudly acclaiming the action of the Ways and Means Committee for reporting the tax bill to this body as the initial business of this Congress. Republican leaders are profuse in their praise of the Democratic friends of this measure, while the Democrats are equally as gracious in their acknowledgment of this so-called new bipartisan relation. This merger of the Democratic Party and the Republican Party in everything but in name is not new. The interested parties, however, can no longer keep the truth from the public, since by their very action they have again revealed the identity of purpose of the reactionary Democratic and Republican Members of this body. Arm in arm Democrats and Republicans, who have been elected by supposedly different parties and upon widely different platforms, it seems are about to forget their trust to the voters and are now bent on doing the bidding of the same master—namely, big business—and I am afraid they have the power through this combination of Democrats and Republicans to serve these interests very well indeed.

With the progressive Members removed from important committees, such as the Ways and Means Committee, which is nominally responsible for this bill, the machinery, it evidently appears, is now set in high gear and ready for anyone who would dare to face such a steam roller as this. But, confidently, gentlemen, you may ride roughshod over the few of us who are now insisting that Congress take due cognizance of the people's rights in this matter, and who are voicing our objections to this obnoxious piece of legislation; you may pass this special-privilege tax bill, which is nothing more than the original Andrew Mellon concept in its final product, with perhaps some additional trimmings furnished by Wall Street; you may even continue to pass more of this kind of legislation, but I warn you, gentlemen, that when you again have to face the voters and appeal for their trust, they will no longer need to rely on empty promises and colorful platform pledges. But, instead, your record to-day and on other measures that may come up to-morrow will be the guide by which they will determine whether you have fully measured up to the trust so faithfully placed in you by your constituents.

I do not expect to be able to stop the stampede for this measure, and frankly confess that I do not possess that power that could match the almost magical effect of the party lash and the demands of Wall Street, but I do insist on making a few observations regarding the tax-reduction question in general, and particularly as to some of the major objectionable features of this bill which I feel should interest you.

CAUSE FOR TAX-REDUCTION TALK

What gives rise to the present so-called tax-reduction action on the part of Congress is the fact that the revenue act of 1924 is producing more revenue than what is claimed by the Ways and Means Committee and the Secretary of the Treasury to be necessary to carry on the functions of the Government. There is, it is claimed, over $300,000,000 in surplus revenue that comes into the Treasury under the existing law.

Assuming for the time being that all this amount is in excess of what the Government could judiciously use, let us see what the advocates of this bill intend to do with this surplus money. Let us see how much of this money will go toward the relief of the farmer and the wage worker of this Nation. How much of this can the small-salary man and the small-business man expect by the generosity of this body.

HOW MUCH THE FARMER, WAGE WORKER, AND GENERAL PUBLIC BENEFITS UNDER THIS PROPOSAL

It can not be said, of course, that there is no single provision in the bill worthy of support. Like in most everything, if one looks hard enough, he may see some good even in the worst of things, and so here, I confess that I have no quarrel with such provisions in the bill tending toward a reduction in tax on cigars, automobiles, trucks, and other motor vehicles, or automobile accessories, and on such other articles of general use by the public, such as cameras, lenses, jewelry, and so forth. These taxes are war taxes and also amount to sales taxes, and are invariably passed on to the public. I have taken the position all along that a sales tax is wrong, and these sales taxes and nuisance taxes should have been abolished long before this. That was my position in the last Congress when the tax question came up, and was the position taken by Progressives generally. I also approve of the reductions in the income taxes in the lower brackets, which affect those of moderate means. But this throwing a few crumbs to the multitude can not win my support to a bill otherwise full of impossible suggestions and reeking with direct and indirect attempts upon the coffers of our Treasury, designed to benefit a privileged few.

CHIEF OBJECTIONS TO THE BILL

The reduction in income and surtaxes

The biggest and most important reducing performance prescribed by this bill for the Treasury of the United States is the reduction in income and surtaxes. This alone will mean a loss to the Treasury of approximately $193,575,000, of which $98,575,000 represents the proposed reduction in surtaxes. The following table will show just how these reductions are distributed amongst the various classes of income taxpayers:

Table showing incomes of married persons with no dependents

Net income	Total tax under present law	Total tax under proposed bill	Amount by which taxes will be reduced under proposed bill
$4,000	$22.50	$5.63	$16.87
$5,000	37.50	16.88	20.62
$6,000	52.50	28.13	24.37
$7,000	75.00	39.38	35.62
$8,000	105.00	56.25	48.75
$9,000	135.00	78.75	56.25
$10,000	165.00	101.25	63.75
$11,000	225.00	131.25	93.75
$12,000	295.00	168.75	126.25
$13,000	365.00	213.75	151.25
$14,000	435.00	258.75	176.25
$15,000	515.00	311.25	203.75
$16,000	595.00	363.75	231.25
$18,000	775.00	483.75	291.25
$20,000	975.00	618.75	356.25
$22,000	1,195.00	818.75	376.25
$24,000	1,435.00	1,038.75	396.25
$26,000	1,695.00	1,278.75	416.25
$28,000	1,975.00	1,538.75	436.25
$30,000	2,275.00	1,818.75	456.25
$32,000	2,595.00	2,118.75	476.25
$34,000	2,915.00	2,418.75	496.25
$36,000	3,255.00	2,738.75	516.25
$38,000	3,615.00	3,078.75	536.25
$40,000	3,995.00	3,438.75	556.25
$45,000	4,985.00	4,368.75	616.25
$50,000	6,095.00	5,358.75	736.25
$55,000	7,325.00	6,408.75	916.25
$60,000	8,635.00	7,458.75	1,176.25
$70,000	11,535.00	9,658.75	1,876.25
$80,000	14,835.00	11,958.75	2,876.25
$90,000	18,495.00	14,358.75	4,136.25
$100,000	22,575.00	16,758.75	5,816.25
$200,000	65,575.00	41,758.75	23,816.25
$300,000	109,575.00	66,758.75	42,816.25
$500,000	199,575.00	116,758.75	82,816.25
$1,000,000	429,575.00	241,758.75	187,816.25
$2,000,000	889,575.00	491,758.75	397,816.25
$3,000,000	1,349,575.00	741,758.75	607,816.25
$4,000,000	1,809,575.00	991,758.75	817,816.25
$5,000,000	2,269,575.00	1,241,758.75	1,027,816.25

It must be interesting for the small taxpayer or the farmer or wage worker who is not even privileged to pay income taxes, because of his small earning power, to observe what a tremendous saving this bill would make to a privileged few with the one hundred thousand and million dollar incomes if the proposed cut in surtaxes from 40 to 20 per cent is put through. Is it any wonder why they are making such a persistent fight for this bill? One can fully understand the reason why Mr. Mellon came upon this unique plan, and why he so enthusiastically advocates its adoption, when you know Mr. Mellon and his brother paid $3,066,000 in income taxes this year, and under the proposed tax cut of 50 per cent it would mean a saving to them alone of $1,400,000. Why should not these gentlemen want to pass this bill? But if we are to apply the principle so oft repeated as the basis for taxation, which even our independently wealthy colleague of New York [Mr. MILLS] himself expounded the other day in his speech on this measure, namely, that each man should pay in accordance with his ability to pay, it would seem to me that it should also follow that reductions in taxes should be made for the benefit of those now in greatest need. This, I believe, estops these privileged few from making any claim to any of these moneys which is said are surplus funds of the Government. There are, I am convinced, others in this Nation more deserving of the benefits of any surplus moneys that the Government may have. I am unalterably opposed to further reductions in taxes for these multimillionaires. I am, therefore, opposed to this 50 per cent cut in surtaxes on large incomes, and I am in favor of retaining this source of revenue for the Government at the present rate of 40 per cent as the maximum.

THE REDUCTION ON ESTATE OR INHERITANCE TAXES

Another objection to this bill is the provision for the reduction in the rates on inheritance taxes on large estates.

The Federal inheritance tax does not apply to estates amounting to less than $50,000, so that the argument that it is wrong for the Government to tax this kind of income since it might affect the poor unfortunate widow, can not apply here, and it will also be noted that the rates on estates above $50,000 are graduated and are only 2 per cent on estates between $50,000 and not over $100,000; 3 per cent on estates of $100,000 and not over $150,000, and so on, increasing with the larger estates. Anyone who by inheritance comes into possession of such large fortunes should be willing to give to his country a substantial part of this unearned income, which the Nation, however, has helped his predecessors to accumulate. Such individuals can not justly complain when they give up part of something they really did not earn, and it comes with poor grace for them to now make this fight to keep the Government from taking its just share. I say that no fairer tax could be had than a tax on this kind of unearned income; I therefore oppose this attempt to lower the rates and cut the 40 per cent inheritance tax to a 20 per cent maximum. This provision of the bill now under discussion would mean an additional loss to the Treasury of approximately $70,000,000.

THE GIFT TAX PROVISION

The abolition of the gift tax not only takes away another lucrative source of revenue to the Government, but it also indirectly helps to complete the plan of those who want to abolish the Federal inheritance tax entirely as advocated by Secretary Mellon, who himself, or his family, as is generally known, are in line for such new fortune via inheritance. All of you know that we are constantly faced with the problem of tax dodging, especially when it comes to collecting inheritance taxes. We cannot always depend on the loyalty of the millionaire citizen to pay his share of taxes to his State, which helped him to accumulate his wealth.

The State of Wisconsin has recently had some experience with tax dodging when it tried to collect on the Begg's estate. With such an avenue of escape as created by this provision it will make it possible to grant away these large estates in order to escape paying inheritance taxes, and it will make it nigh impossible for the Federal Government to get its just dues.

THE INCOME-TAX PUBLICITY CLAUSE

But not only does this bill provide for tax reductions for these privileged few who get these enormous incomes, and who usually are heirs to immense estates, but it is also suggested that we abolish the income-tax publicity clause, thus permitting them to go back to the method of dealing with the Government in the dark, so far as the public is concerned. We know full well what that means. Public scrutiny on the returns of big income taxpayers may cause some of them no little embarrassment when we have men in public office like Senator COUZENS, Senator LA FOLLETTE, Senator NORRIS, Senator WHEELER, Senator WALSH, and others, as well as progressive Members in this body, who deem it necessary now and then to carry on an investigation to determine whether there are any irregularities in the Revenue Department and other governmental departments. This is particularly displeasing to Secretary Mellon and others who are now being investigated, and they would welcome the setting of the sun.

I believe it can properly be claimed that the increases in income-tax reports were partly due to the existence of this publicity clause. What objection can the honest man have toward the publicity of his income, if it deters others from making false reports or helps us to discover tax dodgers. The publicity provision of the existing revenue act is highly commendable and should by all means be retained.

CONCLUSION

Clearly from what I have thus far disclosed this bill does not represent a proper spirit toward our Treasury and the interest of the American people at large. A bill which contemplates the taking of millions of dollars from our Treasury and giving it away through tax reductions on surtaxes from 40 per cent to 20 per cent, through reductions on estate and inheritance taxes from the present maximum rate of 40 per cent to 20 per cent, through the abolition of gift taxes, all of which are entirely uncalled for at this time, and to a privileged few who already have more money than they need, and when at the same time there are millions of people in this country with earning capacities netting them a bare subsistence, who are greatest in need of assistance, if any are to have Federal aid—I say such wholesale advances upon the Nation's Treasury by these interests amount to nothing short of looting public funds. It can not merit the support of Congress.

We are told by the Ways and Means Committee, however, that in reporting this bill to us it is "complying with what the country believes to be sound business policy." They assure us that considerable sentiment, both in Congress and the country, favors these reductions on surtaxes, inheritance taxes, and the rest of the features of the bill. But I ask you, gentlemen, was any of this so-called sentiment the expression of the workers and farmers in our land? Can the committee point to a single instance of having received any such urgent requests for this legislation from farmers or workers in my district, who deemed it good policy that you make this Christmas gift to special interests out of the coffers of the United States Treasury?

Why, it is common knowledge that this so-called sentiment was largely paid newspaper articles and editorials appearing in our large dailies all over the country. I am, indeed, sorry that the Ways and Means Committee takes the newspapers so seriously as to believe that what the reactionary press of the country, which is largely owned and controlled by Wall Street, voices the sentiments of the American people. They certainly do not! But they tell us that the reduction in taxes will stimulate business, and it will give the captains of industry more capital to invest, thus bringing greater prosperity to all.

If this were true and if these reductions would result in bringing a little of this much talked-about prosperity to the needy farmers and workers of this country, it would be sufficient cause for anyone to vote for it. But what are the facts? Everyone knows that the United States to-day has more capital than any other nation in the world. Yet while big business is prosperous millions do not know what that is. Instead of carrying on greater developments in business enterprises or bettering the lot of the workers by increasing their wages and thus increasing their buying power, which is the only real way of creating better conditions in the United States, as far as the masses of farmers and workers and the small business men are concerned, big business and the financial interests of the country are ever ready to seize upon every opportunity to take any of its capital or the capital that our good friends here would now release them by tax reductions and loan it out to foreign countries at high interest rates or make other foreign investments, where the yield would be greater than by doing business here.

BIG BUSINESS LOOKING OUT FOR ITSELF

No; gentlemen, big business does not sense any moral obligation to its country and the American citizens. It is international. Profits; that comes first, their country or the welfare of the people who have helped them accumulate their fortunes is merely a secondary consideration. For example, are they not willing that this country surrender its rights to the foreign debts due us by the European nations when such cancellation of the foreign debts or the granting of easy terms to our debtors will mean the building up of new markets for loans and safe investments of their surplus moneys at exorbitant interest rates, yielding enormous profits to them at the expense of their own country and its peoples.

The farmer and the worker can not expect much from special interest which is constantly exploiting him. Nor is the farmer or wage worker particularly interested in the development of new projects or the expansion of the dominions of our financial and industrial barons in their ownership of the wealth of this Nation.

The concentration of the wealth of this Nation in the hands of a few is becoming ever more obvious day by day. Already only about 4 per cent of our population owns nearly 64 per cent of the wealth of the Nation. What the farmer and the wage-worker is interested in is not so much more jobs for more wage toilers, but better prices and better wages to better his own lot. In other words, he wants some of this prosperity that is so much talked about and promised by politicians. This can not be done, nor will it be done by a reduction in taxes for the rich who can afford to pay. You will not be giving the wage-worker or the farmer anything by reducing the taxes for the man who is earning $100,000 or a million or more every year.

WORTHY CAUSES ENTITLED TO OUR SURPLUS PUBLIC FUNDS

Gentlemen, think this over. President Coolidge in his message to Congress points out that we still have an enormous debt of $20,000,000,000 to pay. He says:

> The present interest charge—
>
> Speaking of this debt—
>
> is about $820,000,000 yearly. It would seem to be obvious that the sooner this debt can be retired the more the taxpayers will save in interest and the easier it will be to secure funds with which to prosecute needed running expenses, constructions, and improvements. This item of $820,000,000 for interest is a heavy charge on all the people of the country, and it seems to me that we might well consider whether it is not greatly worth while to dispense with it as early as possible by retiring the principal debt which it is required to serve.

I am firmly in accord with that view, but I fail to see the logic or consistency with this position on the part of the President, when in the same breath he advocates the depletion of our Treasury by favoring this tax bill. I ask you, Would it not be wiser, perhaps, to lift this $183 per capita debt now burdening every man, woman, and child in this land by using some of this surplus money obtained from taxes to retire this staggering war debt of $20,000,000,000 as soon as possible, rather than to grant these reductions as provided in this bill to people with enormous incomes, many of whom have accumulated their vast fortunes out of the war, and who are best able to pay.

Perhaps it would be better to lay aside a little of these surplus moneys as a sinking fund for the care of the victims of the last great war, or to create a mothers' pension law, to keep her from destitution and despair when fate throws her at the mercy of this cold and heartless system, wherein she must try to provide for herself and innocent babes, who often are the orphans of some man who paid the supreme price to his country, or had given his all upon the altar of the grim reaper of our industrial system—the machine and factory. Perhaps the creation of an old-age pension law, or an insurance plan for the protection of the jobless multitudes, also victims of our present selfish money-making profiteering system of production, which forces man and man to compete in the human market for a job to earn enough to sustain himself and family, should appeal to us as worthy of further consideration.

These are but a few humble suggestions how you can, if you sincerely desire, help the most needy. But I repeat, you will not give them any help by passing this special privilege bill. You will only help the rich, and at the same time "hamstringing" our Government, so that if it should be so inclined in the future it would not have these ready moneys to carry on such work of public service.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following joint resolution:

H. J. Res. 67. Authorizing payment of salaries of the officers and employees of Congress for December, 1925, on the 19th day of that month.

CLAIMS OF DENMARK, SWEDEN, AND NORWAY (S. DOC. NO. 24)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered printed and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the following claims presented by the Governments of Denmark, Sweden, and Norway against the Government of the United States on account of damages sustained by vessels owned by their nationals in collisions with vessels in the public service of the United States:

1. The claim presented by the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as a result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21* at St. Nazaire, France.

2. The claim presented by the Government of Sweden on account of the losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair*.

3. The claim presented by the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*.

4. The claim presented by the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*.

I recommend that appropriations be authorized to effect a settlement of these claims in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 17, 1925.*

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, December 18, 1925, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

181. A letter from the chief clerk of the Court of Claims, transmitting a statement of all judgments rendered by the Court of Claims for the year ended December 5, 1925, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims; to the Committee on Claims.

182. A letter from the Comptroller General, transmitting a report with reference made by the War Department to certain leather manufacturers, members of the National Saddlery Manufacturers' Association, in reimbursement of increases of wages paid to workmen when the contracts with said manufacturers did not provide therefor; to the Committee on Expenditures in the War Department.

183. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Post Office Department for the fiscal year ending June 30, 1927, pertaining to the Rural Delivery Service, $1,600,000, of which amount not to exceed $350,000 shall be immediately available (H. Doc. No. 138); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 40. A resolution directing the Secretary of State to transmit to the House of Representatives information as to which States have acted upon the child labor amendment; without amendment (Rept. No. 5). Referred to the House Calendar.

Mr. REED of New York: Committee on Education. H. J. Res. 65. For the participation of the Government of the United States in the Philadelphia conference in 1926 upon narcotic education; without amendment (Rept. No. 4). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4887) granting an increase of pension to Susan O. Adams; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4888) granting an increase of pension to Sophronia Burden; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4889) granting an increase of pension to Matilda J. Eubanks; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4890) granting a pension to Mary A. Hatton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4891) granting an increase of pension to Martha M. Henderson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4892) granting an increase of pension to Mary A. Hester; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4893) granting an increase of pension to Elizabeth M. Miller; Committtee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4894) granting an increase of pension to Sarah A. Nelson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4895) granting an increase of pension to Persiller Parmley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4896) granting an increase of pension to Eady Elizabeth Ripple; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4897) granting a pension to Elda Leota Rutherford; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4898) granting an increase of pension to Margaret A. Saunders; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4899) granting a pension to Martha Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 5808) to provide for the construction of a new building for the Patent Office, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. McDUFFIE: A bill (H. R. 5809) to establish a fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER: A bill (H. R. 5810) granting a certain right of way, with authority to improve the same by the construction, maintenance, and operation of a toll bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: A bill (H. R. 5811) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; to the Committee on Patents.

By Mr. RATHBONE: A bill (H. R. 5812) for the purchase of a site for a Federal building at Roodhouse, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CROWTHER: A bill (H. R. 5813) to increase the cost of construction of the Federal building at Fort Plain, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5814) to enlarge and extend the post-office building at Amsterdam, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5815) to enlarge and extend the post-office building at Schenectady, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WURZBACH: A bill (H. R. 5816) to refund moneys paid by States to the Federal Government for importation of quail used for propagation purposes; to the Committee on Ways and Means.

By Mr. FULMER: A bill (H. R. 5817) to increase the per diem pay of jurors in all courts of the United States; to the Committee on the Judiciary.

By Mr. EVANS: A bill (H. R. 5818) to prohibit the printing and sale of envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. IRWIN: A bill (H. R. 5819) to authorize the Secretary of the Treasury to acquire such additional land in the city of Belleville, Ill., as may be necessary for the extension and remodeling of the post-office building of said city, to cause said building to be extended and remodeled, and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. DOYLE: A bill (H. R. 5820) to admit wives of American citizens to the United States without reference to date of marriage, condition of quota, or any other provision of the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. WOODRUM: A bill (H. R. 5821) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Blacksburg, Montgomery County, Va., as may be necessary for the location of a post-office building in the said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5822) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the city of Radford, Va., as may be necessary for the location of a post-office building in the said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. LINEBERGER: A bill (H. R. 5823) to amend the Code of Laws for the District of Columbia in relation to the qualifications of jurors; to the Committee on the District of Columbia.

By Mr. CROWTHER: A bill (H. R. 5824) to enlarge and extend the post-office building at Gloversville, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WOODRUM: A bill (H. R. 5825) for the construction of a public building at Roanoke, Va.; to the Committee on Public Buildings and Grounds.

By Mr. LEAVITT: A bill (H. R. 5826) for the erection of a public building at Glendive, Mont., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5827) for the erection of a public building at Havre, Mont., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5828) for the erection of a public building at Lewistown, Mont., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: A bill (H. R. 5829) to provide for the purchase of a site and for the erection of a public building thereon at Lees Summit, State of Missouri; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5830) to provide for the purchase of a site for the erection and equipment of a suitable public building at or near the Union Railway Station at Kansas City, Mo., for a terminal post office, parcel post, and other Government services; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5831) to authorize and direct enlargements and rearrangements and renovation of the post office and courthouse building at Kansas City, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GARBER: A bill (H. R. 5832) providing for the purchase of a site and the erection of a public building at Blackwell, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of South Dakota: A bill (H. R. 5833) for the promotion of certain officers of the United States Army now on the retired list; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 5834) to amend the national motor vehicle theft act; to the Committee on the Judiciary.

By Mr. LINEBERGER: A bill (H. R. 5835) to prohibit the printing and sale of envelopes by the Post Office Department, or by any other department or agency of the Government, for the purpose of sale for the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. JARRETT: A bill (H. R. 5836) to amend the organic act of the Territory of Hawaii by adding thereto a new section to be known as section 108; to the Committee on the Territories.

By Mr. DAVILA: A bill (H. R. 5837) to extend to Porto Rico the benefits of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5838) exempting from the provisions of the immigration act of 1924 the Spanish citizens who were residents of Porto Rico at the time of the American occupation; to the Committee on Immigration and Naturalization.

By Mr. STOBBS: A bill (H. R. 5839) to provide for the purchase of a site and the erection of a public building at

Worcester, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. SPEAKS: A bill (H. R. 5840) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 5841) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. NELSON of Missouri: A bill (H. R. 5842) to provide for the purchase of a site for a post-office building at Eldon, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5843) for the erection or enlargement of a Federal building at Columbia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. NELSON of Maine: A bill (H. R. 5844) to provide for the purchase of a site and the erection of a public building thereon at Bucksport, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5845) to provide for the purchase of a site and the erection of a public building thereon at Lubec, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5846) to provide for the purchase of a site and the erection of a public building thereon at Blue Hill, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5847) to provide for the erection of a post-office building at Hallowell, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5848) to provide for the purchase of a site and the erection of a public building thereon at Pittsfield, Me.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 5849) to authorize the acquisition of a site and the erection thereon of a Federal building at Hot Springs, S. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5850) authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; to the Committee on Indian Affairs.

By Mr. BERGER: Joint resolution (H. J. Res. 84) directing the President of the United States to recognize the present Government of Russia; to the Committee on Foreign Affairs.

By Mr. LUCE: Joint resolution (H. J. Res. 85) to amend an act entitled "An act to create a Library of Congress trust fund board, and for other purposes," approved March 3, 1925; to the Committee on the Library.

By Mr. CRAMTON: Joint resolution (H. J. Res. 86) for the relief of George Horton; to the Committee on Claims.

By Mr. WURZBACH: Joint resolution (H. J. Res. 87) extending the time during which certain domestic cattle which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Ways and Means.

By Mr. BLACK of New York: Resolution (H. Res. 54) requesting the President of the United States to call a conference of attorneys general and other officials of the various States for the purpose of suggesting changes in Federal laws, and for other purposes; to the Committee on the Judiciary.

By Mr. KINDRED: Resolution (H. Res. 55) directing the Federal Trade Commission to investigate the production, distribution, and sale of flour, bread, etc., and the control of the baking and milling industries; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 5851) granting an increase of pension to Adaline Addis; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 5852) granting an increase of pension to Elizabeth Boetticher; to the Committee on Pensions.

Also, a bill (H. R. 5853) granting an increase of pension to Catherine S. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5854) for the relief of Charles G. Bartlett; to the Committee on Claims.

By Mr. BELL: A bill (H. R. 5855) for the relief of N. H. Strickland; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 5856) for the relief of Maj. Thomas J. Berry; to the Committee on Claims.

Also, a bill (H. R. 5857) for the relief of Dr. A. S. Beckwith; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 5858) for the relief of Charles Ritzel; to the Committee on Naval Affairs.

By Mr. CARTER of California: A bill (H. R. 5859) to authorize a preliminary examination and survey of the harbor of the city of Alameda, State of California; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5860) granting an increase of pension to John E. Markley; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 5861) for the relief of John Dzikowicz; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 5862) granting a pension to Mary Pratt; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 5863) appointing Charles H. Slack to the grade of chief engineer on the retired list; to the Committee on Naval Affairs.

Also, a bill (H. R. 5864) for the relief of Archibald L. Macnair; to the Committee on Claims.

Also, a bill (H. R. 5865) granting an increase of pension to Sarah E. Pegram; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 5866) for the relief of the Lehigh Coal & Navigation Co.; to the Committee on the Judiciary.

By Mr. GREENWOOD: A bill (H. R. 5867) granting an increase of pension to Myrtle C. Harrison; to the Committee on Pensions.

Also, a bill (H. R. 5868) granting an increase of pension to Charles Treece; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 5869) granting a pension to Maggie A. Farrill; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 5870) granting an increase of pension to Mary A. Cochrane, and for other purposes; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 5871) granting an increase of pension to Mary J. Runyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5872) granting an increase of pension to Mary A. Helm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5873) granting an increase of pension to Tonia Mock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5874) granting a pension to Frances C. Davie; to the Committee on Pensions.

Also, a bill (H. R. 5875) granting an increase of pension to Margaret O'Leary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5876) granting an increase of pension to Josephine C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5877) granting an increase of pension to Ida M. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5878) for the relief of Maurice E. Kinsey, of the town of Rush, Monroe County, N. Y.; to the Committee on Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 5879) granting pension to Elizabeth Lawler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5880) granting an increase of pension to Elizabeth Fuqua; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 5881) to correct the naval record of Robert F. Rife; to the Committee on Naval Affairs.

By Mr. McMILLAN: A bill (H. R. 5882) for the relief of Lieut. S. Jacobs, United States Navy; to the Committee on Claims.

By Mr. MAJOR: A bill (H. R. 5883) for the relief of John M. King; to the Committee on Military Affairs.

Also, a bill (H. R. 5884) for the relief of Joseph L. Morgan; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 5885) granting an increase of pension to Martha E. Lowery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5886) granting an increase of pension to Amelia Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5887) granting a pension to Mary L. Speer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5888) granting a pension to Margaret A. Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5889) granting an increase of pension to William S. McGaha; to the Committee on Pensions.

Also, a bill (H. R. 5890) granting an increase of pension to I. J. Howard; to the Committee on Pensions.

Also, a bill (H. R. 5891) granting a pension to Mary P. McIntire; to the Committee on Pensions.

Also, a bill (H. R. 5892) granting an increase of pension to Emma McGowen; to the Committee on Pensions.

Also, a bill (H. R. 5893) granting an increase of pension to Samuel F. Brown; to the Committee on Pensions.

Also, a bill (H. R. 5894) granting an increase of pension to Jane C. Stinnett; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 5895) granting a pension to Amanda T. Fuller; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 5896) granting an increase of pension to Charlietta A. Bloxsom; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 5897) granting an increase of pension to Thomas H. Flynn; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 5898) granting an increase of pension to Henry P. Logsdon; to the Committee on Pensions.

Also, a bill (H. R. 5899) granting an increase of pension to Minerva J. Cassady; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 5900) granting a pension to Catherine A. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5901) granting an increase of pension to Mary S. Rine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5902) granting an increase of pension to Ella Wright; to the Committee on Pensions.

Also, a bill (H. R. 5903) granting an increase of pension to John Casey; to the Committee on Pensions.

Also, a bill (H. R. 5904) granting an increase of pension to Cordelia A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5905) granting an increase of pension to Emma A. Larue; to the Committee on Invalid Pensions.

By Mr. PARKS: A bill (H. R. 5906) granting a pension to John Jackson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 5907) granting an increase of pension to Rosetta Connelly; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 5908) granting an increase of pension to Vona Dickerson; to the Committee on Pensions.

Also, a bill (H. R. 5909) granting an increase of pension to Margaret Haas; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 5910) granting an increase of pension to Elimina C. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5911) granting an increase of pension to Charles E. Hilliard; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 5912) granting a pension to Pearl Elizabeth Worley; to the Committee on Pensions.

Also, a bill (H. R. 5913) granting an increase of pension to William R. Neal; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 5914) granting an increase of pension to Jane Robinson; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 5915) granting an increase of pension to Sarah E. Zemmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5916) granting an increase of pension to Mary M. Sams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5917) to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 5918) granting a pension to Amanda A. Clary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5919) granting a pension to Sarah A. Noxon; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 5920) granting an increase of pension to Mary E. Stowell; to the Committee on Pensions.

By Mr. STROTHER: A bill (H. R. 5921) for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 5922) for the relief of Martha D. McCune; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 5923) granting a pension to Henry Webb; to the Committee on Pensions.

Also, a bill (H. R. 5924) granting an increase of pension to Martha J. Syferd; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 5925) granting a pension to Sarah E. Powell; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 5926) for the relief of Martin J. Duggan; to the Committee on Claims.

Also, a bill (H. R. 5927) for the relief of Annie Cragg; to the Committee on Claims.

Also, a bill (H. R. 5928) for the relief of Miriam E. Benjamin; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 5929) granting an increase of pension to Hepsey A. Wheelock; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 5930) for the relief of William J. Donaldson; to the Committee on Claims.

By Mr. WHITE of Kansas: A bill (H. R. 5931) granting an increase of pension to Julia M. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5932) granting an increase of pension to Sarah S. Vaughan; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 5933) granting an increase of pension to Mary M. Payne; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 5934) granting a pension to Mary Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5935) granting an increase of pension to Lucy A. Smith; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 5936) granting an increase of pension to Elizabeth Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5937) granting a pension to Christ Cribbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5938) granting an increase of pension to Annie Elizabeth Brinker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

176. By Mr. BARBOUR: Resolution of Madera County (Calif.) Chamber of Commerce, urging continuance of Federal aid to highways; to the Committee on Appropriations.

177. Also, resolution of Stanislaus County (Calif.) Development Board, favoring continuation of Federal-aid appropriations for highways; to the Committee on Apprpriations.

178. By Mr. FULLER: Petition of F. M. Lamberson and sundry citizens of DeKalb County, Ill., favoring repeal or reduction of the tax on industrial alcohol; to the Committee on Ways and Means.

179. By Mr. KINDRED: Petition of the New York State Pharmaceutical Association, favoring committee bill reducing tax on medicinal alcohol; to the Committee on Ways and Means.

180. Also, resolution adopted by large gathering of representatives of Methodist Episcopal Church, Buffalo area, Syracuse, N. Y., favoring the World Court; to the Committee on Foreign Affairs.

181. Also, petition of E. R. Squibbs & Son, of Brooklyn, N. Y., to the Congress of the United States to defeat any bills which contemplate tax changes on alcohol; to the Committee on Ways and Means.

182. By Mr. SWARTZ: Evidence in support of pension claim of Mrs. Sarah A. Heilig (H. R. 3457); to the Committee on Invalid Pensions.

183. By Mr. WYANT: Papers in support of House bill 4731 granting an increase of pension to Hester A. Brier; to the Committee on Invalid Pensions.

184. Also, papers in support of House bill 5557, granting an increase of pension to Henrietta R. Hill; to the Committee on Invalid Pensions.

185. By Mr. YATES: Petition of the Antisaloon League of America, concerning proposed tax on smuggled liquors, and advocating same; to the Committee on Ways and Means.

186. Also, petition of International Union of Steam and Operating Engineers, 2715 East Seventy-sixth Place, Chicago, Ill., praying for investigation of the Bread Trust, and to fix prices; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, *December 18, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, the author of our being and from whom all blessings flow, we want to recognize this morning in the brightness of the day our dependence upon Thee more and more. May we get away from the selfishness that prompts us to be our own interpreters of life and of duty, and so help us that in dependence upon Thy wisdom we may fulfill the highest purposes to the glory of Thy great name. For Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Federal Board for Vocational Education, transmitting, pursuant to law, a list of files no longer needed in the conduct of business and having no permanent value or historic interest, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. COUZENS and Mr. JONES of New Mexico members of the committee on the part of the Senate.

PROCEEDINGS OF THE INTERPARLIAMENTARY UNION

Mr. McKINLEY. Mr. President, the Congress is entitled to know something of the labors and results of the twenty-third conference of the Interparliamentary Union, held in our House of Representatives, October 1–7, 1925. Just before the outbreak of the World War our Congress requested the President of the United States to extend an invitation to the Interparliamentary Union to hold its annual meeting in the city of Washington. Notwithstanding the war, the act containing this request was extended in 1916, in 1917, and in 1918. In 1924 the Congress passed another resolution requesting the President to invite the Interparliamentary Union to meet in Washington in 1925. In August, 1924, the following self-explanatory invitation was presented by our United States Minister to Switzerland at the twenty-second conference of the Interparliamentary Union in the city of Bern:

To the Interparliamentary Union:

The Congress of the United States of America having, by a joint resolution approved May 13, 1924, requested the President of the United States to invite the Interparliamentary Union to hold its annual meeting for the year 1925 in the city of Washington, it affords me very great pleasure indeed, as President of the United States, to extend to the Interparliamentary Union, in pursuance of the said joint resolution, the cordial invitation of the Government and the Congress of the United States to hold its twenty-third conference in the city of Washington at such time during the year 1925 as the union may fix.

CALVIN COOLIDGE.

By the PRESIDENT:
CHARLES E. HUGHES,
Secretary of State.
WASHINGTON, *June 30, 1924.*

This invitation being accepted with no little enthusiasm, our United States group, of which I have the honor to be the president, went at the business of organizing the conference. We made Arthur Deerin Call, permanent executive secretary of our group, the director of the conference. Mr. Call's labors are most warmly appreciated by all who have been associated with the details of his work. I am particularly pleased to call attention to the fact that the expenses of the conference have been kept within the appropriation of $50,000 provided by the Congress. Counting the seven small outstanding and unadjusted claims, the total expenses of the conference, according to our director's report, have been $49,402.55. It should be added that these expenses have been made under a budget approved by the State Department and disbursed by Mr. William McNeir, chief of the Bureau of Accounts, and disbursing clerk, with the approval of the Comptroller General. An itemized account of all these expenses is available for any who may be interested to examine it.

In the light of these facts you will not expect me to apologize for presenting to the Congress this somewhat careful report, covering preliminary statements by the director relative to the nature of the Interparliamentary Union, reasons for the success of the conference, and the story of the conference, and including various remarks by Members of our own Congress. The final resolutions as adopted by the conference should, of course, appear in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD a report of the meeting of the Interparliamentary Union, held in the Hall of the House of Representatives in October last.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

TWENTY-THIRD CONFERENCE OF THE INTERPARLIAMENTARY UNION

(By Arthur Deerin Call)

The Interparliamentary Union is an agency for the promotion of international understanding, an organization with which the Congress of the United States can work without violence to any of our established policies.

The twenty-third conference of the Interparliamentary Union was quite in keeping with the aims and spirit of democratic institutions. The object of the Interparliamentary Union is the study of all questions of an international character suitable for settlement by parliamentary action. Since international treaties and understandings, any hopeful international laws, depend or should depend upon legislative action, such conferences of lawmakers are of importance, the discussions relating, as they often do, to matters of peace and war. The Interparliamentary Union may be said, therefore, to be to the legislative bodies of the world what the League of Nations is to the executive departments of governments. It aims to aid and to coordinate parliamentary action on the international plane. Its goal is the cooperation of law-making bodies in the interest of that community of nations governed by law, which has existed since states began. An unofficial clearing-house of official legislators, a get-together conference of lawmakers, the Interparliamentary Union is the world's nearest approach to a parliament of man. The twenty-third conference of the Interparliamentary Union was such a parliament.

CRITICISMS OF THE CONFERENCE

There have been a few critics holding that the twenty-third conference of the Interparliamentary Union (see Advocate of Peace, October-November, 1925), held in Washington October 1 to 7, failed in important respects.

A vital aspect of legislative procedure is freedom of discussion, candor, frankness. Here was a group of legislators concerned with legislative aspects of international relations. To be of effect their discussions should have been untrammeled by any rules save the ordinary rules of courtesy and legislative procedure. The delegates were not untrammeled. They were forbidden the privilege of talking about the Saklatvala case, about tariffs, about international debts, about immigration. These prohibitions did not take the form of official decrees, but they were none the less effective. When one of the labor members of the British Parliament expressed the conviction that all members should enjoy equal rights, and said that his labor colleagues felt a profound regret "that, in connection with this twenty-third conference, a member of this union, whose personal views we are not in agreement with, but who was entitled by every statute and article of the union to be present and to participate in the work of this conference, has been prevented from doing so," his words were met with applause. The next morning, however, a leading Washington editorial called the gentleman a "blatherskite." There was no further attempt to discuss the Saklatvala case. There was censure in the atmosphere of the conference against any discussions of tariffs, international debts, or immigration, because it was made known that these are matters of vital interest to the United States. A Belgian senator mentioned them, but no one seemed inclined to follow them with discussion. Thus frankness and candor were sometimes conspicuous by their absence. One gathered the impression at the session in Ottawa that the British delegation successfully maneuvered the conference away from any discussion of the traffic in drugs.

Then, too, there is an element of postponement in the resolutions which subtracts from their value. Eight matters were before the conference in the form of draft resolutions. In only two of them, the one relating to national minorities, the other to the reduction of armaments, was definitive action taken. One of them, relating to dangerous drugs, as we have said, was omitted altogether. The others, relating to the codification of international law, the declaration of the rights and duties of nations, the criminality of wars of aggression, European customs understanding, and the parliamentary system, got no further than recommendations for further studies. It was easy to gather the impression that too many subjects were before the conference. It is difficult to put one's finger upon precise achievements.

There were evidences that the conference was overshadowed by the League of Nations. Some of the delegates had just come from the sixth assembly at Geneva. The president of the council, in presenting the report of the secretary general, devoted a disproportionate amount of his time, not to the work of the Interparliamentary Union, but to the importance of the League of Nations. Mr. Root's address opened the way for a resolution calling for a conference of the nations in the interest of international law. Such a resolution was blocked by the friends of the league. Indeed, fear of such a resolution had moved the League of Nations to backfire such an effort. During the summer there came from the league a most astonishing circular denouncing the effort of certain members of the Interparliamentary Union as originating "in sources inimical to the League of Nations, indifferent to the Permanent Court of International Justice, and skeptical of the work of codifying international law as initiated by the league." This effort on the part of the league officials to stop the Interparliamentary Union was successful.

REPLIES TO THE CRITICS

And yet the twenty-third conference of the Interparliamentary Union was far from a failure. Never before have representatives from so many parliaments met in conference. In our judgment, the conference was right in not discussing the Indian communist of the

British Parliament. After accepting the invitation of the American group for himself and his wife, he announced through the press that he was coming to America to preach a doctrine which he knew to be distasteful to his hosts. By such conduct he had surrendered all claims as a guest. Furthermore, tariffs and policies of immigration are acute questions, particularly just now, in America. It has always been the wise policy of the Interparliamentary Union to omit discussion of such questions. That policy has proved to be not only wise, but beneficent. If the resolutions did not head definitely into actual legislation, their discussion was most profitable. All of the resolutions are in better form to-day because of the conference. As for the League of Nations, its fears of the Interparliamentary Union are as unnecessary as they are unfounded. No one in the Interparliamentary Union wishes to injure the league. Nothing in Mr. Root's speech, nothing in the efforts of the friends of international law has been calculated to counteract the efforts of the league. Quite the contrary.

The conference was treated by the press, with one or two exceptions, with kindliest consideration. A careful reading of the addresses shows that the discussions were of a very high order, free of cant and hypocrisy. The delegates averaged of a higher order of importance in their respective countries than at any previous conference. The questions discussed were significant. Invaluable acquaintances were made. The atmosphere of the conference was the atmosphere of a world parliament. Because of this gathering, foreigners have met American ladies and gentlemen, visited American cities, ridden upon American railroads, lived in American hotels, and sensed something of American art, energy, and kindliness. Many of our American people met these distinguished foreigners and caught something of the charm, of the problems, and of the aspirations of other lands. The conference was a success. A problem clearly stated is half solved. In this conference many problems were clearly stated. For that reason their solution is nearer at hand. Here was an exchange of opinions between continents. Statesmen from 41 parliaments, including our own American parliament, know each other better, appreciate more fully the issues of inequality, of class conflicts in the financial, economic, and social areas, the divergent human interests, such as the furious competitions and the national ambitions at the basis of world policies. If impatient onlookers wished that more were done, it is only necessary to remind them that it is better to do nothing than do something and do it badly. The conference was a success because of what it did not attempt to do. It was a success because of what it did.

ELEMENTS IN ITS SUCCESS

Representatives from 41 parliaments of the world, 14 of them from Latin America, convened in the House of Representatives, Washington, Thursday morning, October 1, at 10 o'clock. The Washington sessions continued through the 2d, 3d, 5th, 6th, until 1 p. m. of the 7th. The final session was held Tuesday, October 13, in the House of Commons at Ottawa, capital of Canada. The maximum number of registered delegates was 292. Accompanying these delegates were 143 ladies and secretaries. Counting the 43 members of the American group who registered and paid the registration fee, there was a grand total of 435 persons.

As a result of the conference new groups have already been formed for the parliaments of Brazil, Mexico, Cuba, Panama, and the Dominican Republic. These are the first groups to be formed within Latin America. The number of parliaments represented in this conference exceeded that of any previous conference by 15. For the first time in the history of the union a conference has been held upon the invitation of the chief executive of a government. The United States Congress appropriated $50,000 for the entertainment of these guests. The Canadian Government spent substantially the same amount. The Carnegie endowment for international peace spent many thousands of dollars for their entertainment during October 8 and 9. The War Department transferred large quantities of their luggage from the piers of New York to various hotels without compensation. The mayor's committee on reception of the city of New York met a number of the incoming boats at quarantine with radio messages of welcome and at the expense of the city transferred the incoming delegates from their steamers to their hotels. The police department of the city of New York guarded the incoming delegates, escorted them to their hotels, to the city hall, and back to their hotels. The mayor of Philadelphia and a representative committee also provided a long-to-be-remembered reception. The Pennsylvania, Baltimore & Ohio and New York Central Railroads granted reduced rates, issued special souvenir brochures, and offered the best of meals on their special trains with the compliments of the roads All of the hotels—the Hotel Pennsylvania in New York, the new Mayflower in Washington, the Waldorf-Astoria, and others in New York made every possible effort to add to the comforts of the visitors. The Pan American Union, the United States Chamber of Commerce, the Commissioners of the District of Columbia, the entire force of the United States Capitol, the women of Washington, the diplomatic and consular representatives both in Washington and in New York, the State Department in Washington, Treasury and customs officials, Members of the Senate and of the House of Representatives—these and many others contributed immeasurably to the success of the conference.

The conference met in an atmosphere of disappointment because of the failure of the Franco-American debt negotiations. Offsetting this, however, was the hope in the conference at Locarno. Too, a number of the delegates had just come from the sessions of the sixth assembly of the League of Nations in Geneva. If there appeared something of bewilderment in the early moments of the conference, it soon disappeared. The addresses by the Secretary of State, Mr. Frank B. Kellogg, and by Senator WILLIAM B. MCKINLEY, president of the American group, indeed, seemed to place the visitors quite at ease. Business got under way quickly. It was announced that the sessions were to be held from 10 to 1 and from 3 to 6 daily. The first subject for discussion was the report of Dr. Christian L. Lange, secretary general of the Interparliamentary Union. The debate upon this report lasted throughout the first session and until noon the next day, October 2.

The conference of the afternoon, October 2, following a reception by President Coolidge, met in the Hall of the Americas, Pan American Union Building. Senator CLAUDE A. SWANSON, of Virginia, rapporteur, delivered an address upon the Pan American Union. Speeches were also delivered by Senator Pedro de Alba, of Mexico; Representative José Ramon Cruells, of Cuba; Senator José Mattoso Sampaio Correa, of Brazil; Senator Ismal Cortinas, of Uruguay; Representative Ezequiel Padilla, speaker of the Mexican House of Representatives; Representative Carlos Grisanti, president of the Venezuela Congress; and Senator Bergstrom, former Minister of War of Sweden. At this session a resolution was introduced asking that the Spanish language be hereafter considered, along with English, French, and German, as an official language of the Interparliamentary Union. Under the constitution, the resolution was referred to the council for consideration.

The third session of the conference, held in the House of Representatives, was devoted to the development of international law. The subject was divided into three parts: (1) The codification of international law; (2) the declaration of the rights and duties of nations; (3) the criminality of wars of aggression. The first of these three was laid before the conference in the form of an address written by Hon. Elihu Root and read by Representative THEODORE E. BURTON, both of the United States. The second took the form of an address by Senator Henri La Fontaine, of Belgium. Senator La Fontaine's remarks aimed to aid the commission whose work is to formulate a final draft of the rights and duties of nations for the next interparliamentary conference. The third, having to do with the criminality of wars of aggression, was laid before the conference in an address by Prof. V. V. Pella, of Rumania.

Professor Pella is the author of a volume of nearly 400 pages, entitled "La Criminalité Collective des Etats et le Droit Pénal de l'Avenir." In his address he dwelt upon the collective criminality of war-waging nations, of the criminal psychology of countries and of its causes, such as criminal heredity, atavism, herd instincts. He dwelt with certain external aspects of the problem, such as race antagonism, competition, imitation, and contagion. The speaker pleaded for intellectual, economical, and political solidarity among the nations. Professor Pella's address, like his book, shows him to be a student scientifically concerned with the problem of enabling nations to check their blind impulses with the supremacy of reason. Notable addresses were also given by Mr. Gustave Gratz, former Minister of Foreign Affairs in Hungary; the head of the German group, Prof. Walter Shücking; Mr. Dennis Herbert, of the British House of Commons; Mr. Thomas Johnson, of the Irish Free State; Madame Pfülf, of the German Reichstag; Senator Osmena, of the Philippine Congress; Sir Robert Horne, former Chancellor of the Exchequer of Great Britain; Mr. Carl Lindhagen, of Sweden; Mr. Maxence-Bibie, of the French Chamber of Deputies; William Medinger, of Czechoslovakia; Giuseppe Stefano-Napolitani, of the Italian Senate; M. Falcoz, of the French Chamber of Deputies; Mr. A. Fraenkel, of Denmark; Gen. Richard Mulcahy, of the Irish Free State; and H. J. Procopé, of Finland.

The fourth session, held October 5, considered European customs understanding. The discussion was opened by Dr. Adolf Braun, of the German Reichstag. This address was discussed by Sir Arthur Shirley Benn, of Great Britain; Mr. Procopé, of Finland; Mr. Yankovitch, of Yugoslavia; Mr. William Medinger, of Czechoslovakia; Mr. P. E. Flindin, of the French Chamber of Deputies; Mr. Karl Drexel, of Austria; and Rudolf Schneider, of Germany. It was during this session that Mr. Procopé's resolution was presented and referred to the council. The original resolution, together with Mr. Procopé's substitute, appear elsewhere in these columns.

On the afternoon of October 5 the discussion turned to the reduction of armament and a report on demilitarized zones. The whole matter was opened with an address by Brig. Gen. E. L. Spears, of Great Britain. General Spears's views had been laid before the Interparliamentary Union months before the conference, with the result that the delegates were able to discuss the problem after preparation. General Spears starts with the principle that there can be no hopeful reduction of armaments until the nations are satisfied that they can be secure under such a readjustment. He proposes demilitarized zones

along national boundary lines as effective assurances of that security. He believes that no demilitarized zones can be effectively imposed except by mutual consent. He also holds that reciprocity is essential—that is to say, sacrifices and concessions required by one of the zoned states must be met by corresponding sacrifices and concession on the part of the other. Those taking part in the discussion were Dr. P. Munch, of Denmark; Sir Park Goff, of Great Britain; Senator THOMAS J. WALSH, of the United States; Mr. Simon Reynaud, of France; Mr. Alfred Gildemeister, of Germany; Mr. Kurt Grabe, of Poland; and Mr. Thomas Williams, of Great Britain. After the discussion of the demilitarized zones the conference was turned to the debate on the report of the secretary general. It was here that Mr. Jeptha B. Duncan, of Panama, pleaded for compulsory arbitration, and Mr. Axel de Vries, of Esthonia, called attention to the dangers of the Third International Conference of Moscow. Other speakers at this time were Reich, of Poland; Tinzl, of Italy; Bianchi, of Italy; Nakamura, of Japan; Mateu, of Rumania; and Kwiathowski, of Poland. It was at this time also that Lindhagen, of Sweden, brought up his three motions, systematically and unanimously turned down at Bern last year and at Copenhagen the year before, calling for a revision of the covenant of the League of Nations, for an appeal to the United States to join the League of Nations, and for a universal language. All three of these motions were subsequently defeated.

The fifth session of October 6 was devoted principally to a general debate on the reduction of armaments, participated in by Mayeda, of Japan; Zamorski, of Poland; Lukacs, of Hungary; Hudson, of Great Britain; Escoffier, of France; Sollman, of Germany; Maddison, of Great Britain; Mangabeira, of Brazil; Moloff, of Bulgaria; Brabec, of Czechoslovakia; Lindhagen, of Sweden; Pella, of Rumania; Charteris, of Great Britain; Quidde, of Germany; Rennie Smith and Sir Robert Hutchinson, of Great Britain. After this discussion the two resolutions, appearing elsewhere in these columns, were passed.

In the sixth and last session the discussions related to customs understanding. The resolutions as finally adopted were discussed by Wittert van Hoogland, of Holland; Gratz, of Hungary; Ilski, of Poland; Georgesco, of Rumania, who offered amendments to the resolutions; Semerdjieff, of Bulgaria; Bento José de Miranda, of Brazil; Lithander, of Sweden; McMaster, of Canada; BLANTON, of the United States; and Col. A. England, of Great Britain. There was also a debate upon the parliamentary system. This debate was opened by J. Hugh Edwards, of Great Britain, and continued by Schopfer, of Switzerland; Lindhagen, of Sweden; Chassaing, of France; Yepes, of Colombia; Cortinas, of Uruguay; Moore, of Great Britain; Bergman, of Sweden; Capgras, of France; and Connally, of the United States. The resolution affecting the parliamentary systems, drafted by Michaeli, of Switzerland, appearing elsewhere in these columns, was passed at this session.

It was in the light of these facts, summarized as briefly as possible, that Representative THEODORE E. BURTON was led to say at this the last of the sessions in Washington: "In many respects this has been the most notable gathering ever held in this city." and that Bronislaus Dembinski, of Poland, was moved to remark: "We have made a long step forward on the road of international progress."

General Spears, of the British group, has written of the conference: "What was really impressive was to see the unanimity with which the conference welcomed any attempt which had as its object the peaceful solution of international disputes. In this matter there was no division of opinion, no hesitation, * * * in itself a justification of the conference."

CANADIAN COLLEAGUES

The Canadian group of the Interparliamentary Union gave to the visiting delegates a vivid illustration of the energy and ability at the heart of the Canadian people. For a number of reasons Senator N. A. Belcourt and Senator C. P. Beaubien found themselves early in September faced with the problem of entertaining some 400 foreigners in five different cities within five consecutive days, and nothing in the way of organization accomplished. Within the limits of one month they laid all their plans, set up their organization, and carried every detail through to a successful issue without a hitch, and to the admiration and unalloyed pleasure of every guest.

THE NEXT CONFERENCE

The next conference of the Interparliamentary Union will probably not be held until 1927. The decision lies with the council, the governing board of the union. It now appears that in 1926 there will be a meeting of the council, made up of two members from each group, and of the six commissions. Each of these commissions consists of one representative from each of the groups. This means that with its two members upon the council and its six members of commissions each group will be represented by eight persons. The place of the meeting has not yet been determined.

STORY OF THE CONFERENCE

The outstanding events of the twenty-third conference of the Interparliamentary Union were associated with New York City, September 28 and 29; Philadelphia, September 30; Washington, October 1 to 7; New York City, October 8 and 9; Niagara Falls, October 10 and 11; Hamilton and Toronto, Ontario, October 11 and 12; Ottawa, Ontario, October 12 and 13; Montreal and Quebec, October 14 and 15.

IN NEW YORK

Headquarters of the American group of the Interparliamentary Union were opened at the Hotel Pennsylvania, New York City, Saturday, September 26, at 10 o'clock a. m., where incoming delegates registered as they arrived. The mayor's reception committee of the city of New York, led by Mr. George F. Mand, met incoming steamers bearing delegates at quarantine and conveyed them from the piers to the hotels, accompanied by official escort. September 28 the mayor's committee conveyed the delegates from the Hotel Pennsylvania to the city hall, where they paid their respects to his honor the mayor, who delivered to them an address of welcome. Following the welcome by the mayor the delegates were conveyed to the Astor Hotel, where they were given a luncheon by the League of Nations Nonpartisan Association. The English-Speaking Union gave a dinner to the members of the English delegation the same day. The executive committee of the Interparliamentary Union met in the afternoon of September 28 at the Hotel Pennsylvania and the council had a meeting the following day at 10 a. m.

September 29, at 1 o'clock, the delegates became the guests of the city of New York on a sight-seeing tour around the harbor, being conveyed to and from the Hotel Pennsylvania by an official escort of the mayor's committee. On the same day the Council on Foreign Relations gave a dinner to the officers of the Interparliamentary Union and the head of each delegation at the Harvard Club, New York City.

IN PHILADELPHIA

Wednesday, September 30, at 9.30 a. m., the delegates became the guests of the American group on its special train at the Pennsylvania Station. The party arrived at Philadelphia at 11.30 a. m., where they were met at the Broad Street Station by the mayor's committee. They were received by the mayor and shown the shrines of Philadelphia. They were then taken to Villa Nova, the home of Mr. Morris Lewis Clothier, where luncheon was served. Later in the afternoon they drove to the home of ex-Gov. William Cameron Sproul, near Chester, stopping for a short visit at Swarthmore College. At 6.30 p. m. the delegates took the special train at Chester for Washington. The dinner aboard the train was given with the compliments of the Pennsylvania Railroad. The party arrived at Washington at 9.30 p. m., where they were received at the Washington Terminal Station by a delegation from the United States Congress, assisted by the Marine Corps, the Navy Band, and the Commissioners of the District of Columbia. The delegates were taken to the Mayflower Hotel, where they remained as guests of the American group throughout their stay in Washington.

IN WASHINGTON

October 1 delegates registered at the bureau of information, at the United States Capitol, where they received their invitations, notices, and the like. The first session of the twenty-third conference opened in the House of Representatives at 10 o'clock.

The Capitol Building had been prepared and manned especially for the conference. A branch post office was opened for the benefit of the guests. There was a ticket office, an American Express Co. tourist office, and the National Metropolitan Bank of Washington served the banking needs of the delegates. Telegraph and telephone service was at their disposal. Special rooms were assigned to the various committees of the union, to the officers, and to the groups.

The Washington social program included the following:

Thursday, October 1, 1 p. m., luncheon at the Mayflower Hotel for the ladies of the delegations by Miss Julia Mattis; 4.30 to 7 p. m., tea and reception for the ladies by the League of American Pen Women at the Shoreham Hotel; 9 p. m., reception and ball for all guests by Mrs. John B. Henderson.

Friday, October 2, 2 p. m., the President of the United States received the guests at the White House. The conference of the Interparliamentary Union convened at the Pan American Union Building immediately following the reception by the President. From 4.30 to 6 p. m. there was a reception and tea for all guests by the American National Red Cross at Red Cross Headquarters.

Saturday, October 3, 4 to 6 p. m., there was a garden party for all guests at "Twin Oaks," home of Mr. and Mrs. Charles J. Bell, Woodley Lane. From 9 to 11 p. m. there was a reception for the ladies by the General Federation of Women's Clubs, 1734 N Street.

Sunday, October 4, 4.30 to 7 p. m., tea for all guests by Mrs. Thomas F. Walsh, 2020 Massachusetts Avenue.

Monday, October 5, 1 p. m., luncheon for all guests by the Chamber of Commerce of the United States, Connecticut Avenue and H Street; 4.30 p. m., reception and tea for the ladies by the National University Women's Clubs, 1634 I Street.

Tuesday, October 6, 2 p. m., the guests left the Mayflower Hotel for Mount Vernon; at 8 p. m. there was a dinner for all guests, the Secretary of State presiding, at the Mayflower Hotel.

Wednesday, October 7, 4 p. m., the delegates took the special train at the Washington Terminal Station and were conveyed by the Baltimore & Ohio Railroad to New York City. The dinner aboard the train was given with the compliments of the railroad. Arriving in New York, the party became the guests of the Carnegie Endowment for International Peace, some at the Waldorf-Astoria Hotel, some at the McAlpin Hotel, and some at the Martinique Hotel.

COOPERATION OF CARNEGIE ENDOWMENT

The program of the Carnegie endowment was as follows:

Thursday, October 8, 10 a. m., automobiles were provided and the guests were taken through the parks and parkways of New York City, through Westchester County, stopping for lunch at Briarcliff Lodge, returning to the Waldorf-Astoria Hotel at 6 p. m. At 7 p. m. there was a banquet at the Waldorf-Astoria Hotel, attended by nearly a thousand persons.

Friday, October 9, through the courtesy of the endowment, some of the guests were able to visit the stock exchange, others the Museum of Natural History, others the Metropolitan Museum.

ON TO CANADA

Saturday, October 10, the delegates were taken from the New York hotels to the Grand Central Station, from which they went by two special trains to Niagara Falls, where they arrived at 7 p. m. At 9 o'clock the delegates were shown the colored illumination of the Falls, and later the night display of the rapids below the Falls.

Sunday, October 11, farewell luncheon by the American group. At 2.35 p. m. the delegates became the guests of the Canadian group of the Interparliamentary Union and left by train for Hamilton. There was a drive through the city of Hamilton that afternoon and a dinner given by the city, after which the delegates left by train for Toronto, where they were entertained at the King Edward Hotel.

On the 12th they were given a drive through the city of Toronto and a luncheon by the government of Ontario. They arrived at Ottawa at 10.45 p. m. Monday the 12th, where they stayed at the Chateau Laurier.

Tuesday, October 13, the final session of the conference was held, lasting all day. The dinner in the evening by the Federal Parliament was another brilliant affair. Similar hospitalities were extended by the city officials at Montreal Wednesday the 14th and by the government of the Province at Quebec Thursday the 15th.

Perhaps nothing, however, pictures the international importance of the conference more than a mere reading of the names of the delegates. The "Who's Who of the Conference" follows:

WHO'S WHO OF THE XXIII CONFERENCE OF THE INTERPARLIAMENTARY UNION—ORGANIZATION OF THE CONFERENCE

Baron Theodor Adelswaerd, president of the council, senator of Sweden.

Dr. Christian L. Lange, secretary general, Geneva, Switzerland.

Dr. Leopold Boissier, assistant secretary general.

Miss Hilda Strachan, private secretary to Doctor Lange.

Senator WM. B. MCKINLEY, general chairman of the conference, president of the American group.

Arthur Deerin Call, director of the conference, executive secretary, American group.

Hon. J. Butler Wright, chairman of the budget committee, Assistant Secretary of State.

Hon. William McNeir, disbursing officer, chief, Bureau of Accounts, and disbursing clerk, Department of State.

Representative THEODORE E. BURTON, of Ohio, chairman committee on reception.

ANDREW J. MONTAGUE, of Virginia, chairman committee on entertainment.

Representative FRED A. BRITTEN, of Illinois, chairman committee on transportation and hotel accommodations.

Mrs. John Allan Dougherty, chairman ladies' committee of Washington.

INTERPRETERS

French: J. Labat.

German: Arthur F. J. Remy and Edwin Emerson.

Spanish: Antonio Llano.

AUSTRIA

(Five delegates)

Dr. Karl Drexel, member of National Assembly.

Mr. Josef Heigl, accompanied by Mrs. Heigl, member of National Assembly.

Dr. Viktor Kelnböck, member of National Assembly, former Minister of Finance.

Mr. Josef Stöckler, member of National Assembly, former Secretary of State, 1918–1920.

Dr. Erwin Waiss, member of council of Interparliamentary Union; secretary general of Austrian group; member of National Assembly; former Undersecretary of State, 1918–20.

BELGIUM

(One delegate)

Hon. Henri La Fontaine, accompanied by Mrs. La Fontaine; member of Interparliamentary Union and senatof.

BRAZIL

(Three delegates)

Dr. José Mattoso Sampaio Corrêa, with Mrs. Corrêa, senator from district of Rio de Janeiro, civil engineer.

Dr. Joao Mangabeira, with Mrs. and Master Mangabeira; deputy from State of Bahia; lawyer.

Dr. Bento José de Miranda, with Mrs. and Miss de Miranda; deputy from State of Para; civil engineer.

Mr. Joao Carlos Muniz, secretary of delegation; deputy consul for Brazil in New York; graduate in law courses from Rio de Janeiro and University of New York.

Mr. S. Britto Corrêa, secretary.

Mr. F. Bueno Brandao, secretary.

Eloise Austin, secretary.

BULGARIA

(Four delegates)

Mr. Vladimir Molloff, member of council of Interparliamentary Union; president of Bulgarian group; member of Chamber of Deputies; professor of law, University of Sofia; member of Council of Bar Association of Bulgaria; member of Bulgarian Academy of Sciences.

Mr. Nicholas Mouschanoff, member of Chamber of Deputies; former minister.

Mr. Georges Semerdjieff, secretary of Bulgarian group; member of Chamber of Deputies; chairman of committee on finances of Chamber of Deputies.

Mr. Grigor Vassilieff, member of Chamber of Deputies.

CANADA

(Nine delegates)

Hon. N. A. Belcourt, with Miss Belcourt; president of Canadian group; member of the executive committee and of the council of Interparliamentary Union; senator.

Hon. C. P. Beaubien, with Miss Beaubien; senator; attended several previous conferences of Interparliamentary Union; former president Canadian group.

Mr. J. P. B. Casgrain, with Mrs. Casgrain; senator.

Sir George Foster, with Lady Foster; senator.

Mr. Andrew McMaster, with Mrs. McMaster; ex-member of Parliament.

Hon. Smeaton White, senator.

Hon. W. B. Willoughby, senator.

Mr. L. McMeans, with Mrs. McMeans; senator.

Mr. A. H. Macdonell, senator.

Mr. L. de Montigny, secretary.

D. J. Halpin, secretary.

COLOMBIA

(Four delegates)

Mr. Roberto Botero Saldarriaga, senator; lawyer.

Mr. Antonio José Uribe, member of Congress; charter member of American Institute of International Law; member of American Academy of Political and Social Science, and many other international organizations.

Mr. J. M. Yepes, senator; lawyer.

Dr. Luis Zea Uribe, member of Congress; physician.

COSTA RICA

(Six delegates)

Mr. Antonio Facio, accompanied by Mrs. Facio; member of Congress from Limon; graduate in medicine from University of Pennsylvania; chief surgeon, United Fruit Co. Hospital at Port Limon.

Mr. León Fernández, accompanied by brother, Mr. Luis Fernández; congressman from Province of Alajuela.

Mr. Enrique Fonseca, congressman from Province of San Jose.

Mr. Carlos Leiva, accompanied by Mr. Alfred Pirie, secretary of group; congressman from Province of Cartago; lawyer.

Mr. Miguel Angel Robles, accompanied by Mrs. Robles; congressman from Province of Limon; plantation owner.

Mr. Arturo Volio, former president of congress; lawyer and capitalist.

CUBA

(Four delegates)

Mr. José Ramón Cruells, with Mrs. Cruells; representative in Cuban Congress; lawyer; former attorney general of Province of Santa Clara.

Mr. Alfonso Duque de Heredia, with Mrs. Duque; senator (serving first term) from Santiago; formerly representative for four terms; lawyer.

Mr. José Ramón Espino, with niece, Miss Diaz; representative.

Mr. Juan Rodriguez Ramirez, with his wife, Mrs. Rodriguez, mother, and sister; lawyer; representative, serving third term from Province of Matanzas; chairman of committee on finances and the budget of House of Representatives.

Mr. T. Garcia, secretary of group.

CZECHOSLOVAKIA

(Two delegates)

Dr. Jaroslav Brabec, with nephew, Mr. George Beaufort; president of group; member of the executive committee and of the council of Interparliamentary Union; senator; vice chairman of judicial committee; member of committee on foreign affairs.

Dr. Wilhelm Medinger, with daughter, Miss Medinger; member of Chamber of Deputies; acting member of council of Interparliamentary Union.

Capt. Em. V. Voska, secretary to delegation.

Otokar Nebuska, permanent secretary of group; assistant secretary of Parliament; composer and authority on music of Czechoslovakia.

DENMARK

(Twelve delegates)

Mr. Ivar Berendsen, former member Chamber of Deputies; member central committee Danish Radical Party; customs inspector; newspaper man, free lance.

Mr. A. Fraenkel, member of Chamber of Deputies.

Andr. Th. Gronborg, former member of Parliament; author and teacher.

Mr. H. P. Hanssen, acting member of council of Interparliamentary Union; member of Chamber of Deputies; former minister.

Mr. Halfdan Hendriksen, with Mrs. Hendriksen; member of Chamber of Deputies; shipowner.

Mrs. Mathilde Hauschultz, with Mrs. Signe Cleve; member of Chamber of Deputies; lawyer.

J. C. Kyed, member of Chamber of Deputies; farmer.

Mr. A. Lauesgaard, with Mrs. Lauesgaard; secretary of Danish group.

Dr. Johannes Lou, with son, Niels Henning Lou; member of Chamber of Deputies; physician.

Mrs. Elna Munch, member of the Chamber of Deputies.

Dr. P. Munch, with son, Mr. Ebbe Munch; member of Chamber of Deputies; former minister.

Mr. J. P. Sundbo, with daughter-in-law, Mrs. Sundbo; member of Chamber of Deputies; editor.

Mr. Sven Trier, member of council of Interparliamentary Union; member of Chamber of Deputies; Director of Labor Bureau.

DOMINICAN REPUBLIC

(Five delegates)

Mr. Rafael Brache, with Miss Brache; representative.

Mr. Gustavo Adolfo Diaz, president of the Senate.

Mr. Manuel J. Gomex, senator.

Mr. Francisco Perez, with Miss Perez, representative.

Rev. Father Santamaria, representative.

ESTHONIA

(One delegate)

Axel de Vries, member of Parliament.

FINLAND

(Three delegates)

Mr. Hj. J. Procopé, member of Chamber of Deputies; former Minister of Foreign Affairs.

Mr. A. Saastamoinen, member of Chamber of Deputies; former Minister to Washington.

Mr. W. Tanner, member of Chamber of Deputies; former Minister of Finance.

FRANCE

(Twelve delegates)

Mr. Maurice Bokanowski, former minister; deputy.

Mr. Beaumont, senator from l'Allier.

Mr. Capgras, deputy from Tarn-et-Garonne.

Doctor Chassaing, deputy from Puy de Dôme.

Mr. André Escoffier, deputy from Drome.

Mr. Henri Falcoz, deputy from Savoie; secretary of delegation.

Mr. Pierre Etienne Flandin, with Mme. Flandin, former Undersecretary of State for aviation; head of interallied air commission, 1917; president of first aeronautical conference in 1919.

Mr. Grinda, deputy Maritime Alps.

Dr. Fernand Merlin, president of the group; member of the executive committee and of the council of Interparliamentary Union; senator.

Mr. Maxence-Bibie, deputy from Dordogne.

Mr. Simon Reynaud, deputy from the Loire.

Mr. Thivrier, deputy from l'Allier.

GERMANY

(Twenty-seven delegates)

Mr. Franz Bartschat, member of Reichstag.

Dr. Adolf Braun, with daughter, Miss Braun; member of the Reichstag; author; journalist.

Mr. Alfred Brodauf, member of the Reichstag; judge.

Carl Diez, member of the Reichstag; Landwirt.

Prof. Richard Eickhoff, member of council of Interparliamentary Union; teacher; former deputy.

Mr. Erich Emminger, member of the Reichstag from Bavaria; former Minister of Justice.

Mr. Anton Erkelenz, member of the Reichstag; journalist.

Dr. Alfred Gildemeister, member of the Reichstag; lawyer.

Mr. Karl Hildenbrand, member of the Reichstag; former minister of Wertemburg in Berlin.

Mr. Adolf Korell, member of the Reichstag; minister of the gospel.

Mrs. Thusnelda Lang-Brumann, member of the Reichstag; teacher.

Mr. Ernst Lemmer, member of the Reichstag.

Mr. Paul Löbe, president of the Reichstag.

Mrs. Clara Mende, member of the Reichstag; former teacher.

Dr. Fritz Mittelmann, member of the Reichstag; lawyer.

Mrs. Antonie Pfülf, member of the Reichstag; teacher.

Dr. Ludwig Quidde, with Mrs. Kleinschmidt; professor of history; author and lecturer; former deputy.

Mr. Hans Rauch, member of the Reichstag; engineer.

Baron Werner von Rheinbaben, member of the Reichstag; former Secretary of State.

Dr. Kurt Rosenfeld, member of the Reichstag; lawyer.

Dr. Heinrich Schnee, with Mrs. Schnee; member of the Reichstag; former governor of German East Africa.

Dr. Rudolf Schneider, lawyer; member of the Reichstag.

Mrs. Louise Schröder, member of the Reichstag.

Dr. Walter Schücking, president of the German group; member of the council of the Interparliamentary Union; professor of law.

Mr. Wilhelm Sollmann, member of the Reichstag; editor; former Minister of Interior.

Mrs. Christine Teusch, member of the Reichstag; teacher.

Dr. Josef Karl Wirth, member of the Reichstag; former Chancellor.

Richard Boye, secretary to the German group.

GREAT BRITAIN

(Forty-one delegates)

Sir Arthur Shirley Benn, with Lady Benn; member for Plymouth since 1910; former president of British Association of Chambers of Commerce; member of International Chamber of Commerce.

Sir Robert Bird, Bart., with Lady Bird; member for Wolverhampton; business man.

Mr. R. J. G. Boothby, member of Parliament.

Mr. Edmund Brocklebank, member of Parliament.

Brig. Gen. Brooke, C. R. I., C. M. G., D. S. O., member of Parliament.

Brig. Gen. John Charteris, C. M. G., D. S. O., member for Dumfries since 1924; Times correspondent in Balkan War; D. S. M. (U. S. A.), Rising Sun (Japan), Leopold (Belgium), Croix de Guerre and Legion of Honor (France).

Maj. W. P. Colfox, with Mrs. Colfox; member of Parliament since 1918; major Royal Field Artillery.

Mr. J. B. Couper, member for Glasgow; shipping business.

Sir Henry Cowan, with Lady Cowan, and Miss Cowan; member for North Islington; chairman of W. & B. Cowan (Ltd.).

Maj. George F. Davies, with Mrs. and Miss Davies; member for Somerset; business man; served in World War, 1914–1919.

J. Hugh Edwards, member of Parliament from Wales; author and lecturer.

Col. A. England, with Mrs. England; member for Lancashire; head of Manchester business; served through war in Gallipoli, Egypt, France, and Belgium; C. M. G., D. S. O., T. D.

Capt. Arthur Evans, with Mrs. Evans; member for Cardiff, Wales.

Sir Park Goff, member of Parliament; King's messenger; member of several interparliamentary and commercial conferences.

Capt. D. M. Gunston, with Mrs. Gunston; member of Parliament; officer of Irish Guards; served through war in Irish Guards.

Capt. W. D'Arcy Hall, with Mrs. Hall; member of Parliament.

Mr. C. M. Barclay Harvey, with Mrs. Barclay-Harvey; member of Parliament.

Mr. George Harvey, member of Parliament.

Lord Hemphill, with Lady Hemphill and Hon. Martyn Hemphill; member of Parliament; lawyer.

Dennis Herbert, with Mrs. Herbert; member for Watford Division of Herts; solicitor.

Sir Robert Horne, former Chancellor of the Exchequer.

R. S. Hudson, with Mrs. Hudson; member for Cumberland; was in diplomatic service.

Sir Herbert Huntington-Whiteley, Bart., with Lady Huntington-Whiteley, and son, Eric Arthur; former member of Parliament.

Sir Robert Hutchison, with Lady Hutchison; member of Parliament; in charge of British Army of Occupation in Cologne, 1919–1922; K. C. M. G., C. B., D. S. O., D. S. M. (U. S. A.), and other foreign decorations.

T. Law, assistant secretary.

Mr. Lewis Lougher, member for Cardiff; extensively interested in shipping; member of court of governors, National Museum of Wales and University of Wales.

Sir Robert Lynn, with Lady Lynn; member of British and Ulster Parliaments; journalist; chairman Ulster educational commission.

Mr. F. Maddison, with daughter, Miss Ellen Maddison; secretary, British group; former member of Parliament; secretary of the International Arbitration League.

Lieutenant Colonel Mason, G. K. M., with Mrs. Mason; member of Parliament; served through war in France, Salonika, Serbia, Palestine; D. S. O.

J. Wardlaw Milne, with Mrs. Milne; member of Parliament; ex-member, viceroy of India's council; ex-chairman Bombay Chamber of Commerce.

Maj. Gen. Hon. Sir Newton J. Moore, with Lady Moore; member of Parliament; former prime minister of Western Australia; chairman standing orders committee, House of Commons.

Capt. T. J. O'Connor, and Mrs. O'Connor; member of Parliament; member of English bar; Fellow Royal Geographical Society; served with west African frontier force.

Mr. Wilfred Paling, member for Doncaster, Yorks, 1922–1924; coal miner until 1916; West Riding County Council, 1919.

Mr. F. W. Pethick-Lawrence, with Mrs. Pethick-Lawrence; member of Parliament; author; barrister; lecturer.

Lieut. Col. Assheton Pownall, with Mrs. Pownall and Miss Pownall; member from East Lewisham since 1918; parliamentary secretary to Minister of Labor.

Mr. Ben Riley, member of Parliament.

Mr. Samuel Roberts, with Mrs. Roberts; member of Parliament for Hereford; one of chairmen of standing committees, House of Commons.

Mr. Rennie Smith, member of Parliament.

Brig. Gen. E. L. Spears, former member of House of Commons; first British officer at the front in 1914; head of liaison work and of British military mission until after Peace Conference; C. B., C. B. E., M. C., and numerous foreign military decorations.

Col. K Vaughan-Morgan, member for East Falham, London, since 1922; director and vice chairman of Morgan Crucible Co. (Ltd.); served through war in France and Belgium.

Thomas Williams, with Secretary J. T. Rowan; member for Don Valley division, South Yorks; former coal miner.

Col. H. C. Woodcock, member for Liverpool; member of city council of Bristol; commander of battalion in 1914; served through war in command of regiments; stockbroker.

GREECE

(One delegate)

Maj. Byron Carapanayoti, M. P., ex-Minister of Communications; delegate to the Twenty-third Interparliamentary Conference.

GUATEMALA

(One delegate)

Mr. Antonio Batres Jauregui and son; member of Congress; charter member of American Institute of International Law; historian and author.

HAITI

(Two delegates)

Mr. Emmanuel James Thomas, with daughter, Miss Elvyra Thomas; president of the council of state; held many public offices in his country and represented Haiti as consul general in Mobile.

Dr. G. Beauvoir, member of council of state.

HOLLAND

(One delegate)

Baron Wittert van Hoogland, E. B. F. F., member of council of Interparliamentary Union; senator of Parliament of Holland; member of city council of The Hague; president of the labor council of The Hague.

Mr. F. N. Horn, secretary of delegation.

HONDURAS

(Two delegates)

Prof. Gustave A. Castaneda, member of Congress; teacher; author.

Mr. Venancio Callejas, president of Congress.

HUNGARY

(Six delegates)

Mr. André de Gaal, member of Parliament; former Secretary of State.

Mr. Gustavius Gratz, former member of Parliament; former Minister of Foreign Affairs.

Mr. Tibor de Kallay, member of Parliament; former Finance Minister.

Mr. Georges de Lukàcs, member of Parliament; former Minister of Public Instruction; member of the executive committee and of the council of the Interparliamentary Union.

Mr. Paul Petri, member of Parliament; state secretary to Minister of Public Instruction.

Dr. Adalbert de Poka-Pivny, with Mrs. Poka-Pivny; secretary of delegation; formerly counselor of the Ministry of Commerce.

IRISH FREE STATE

(Four delegates)

Mr. Michael Hayes, member of council of Interparliamentary Union; speaker of Dail Eireann; chairman of civil service commission.

Thomas Johnson, member of council of Interparliamentary Union; representative in Dail for Dublin; member of several commissions of Dail.

Patrick McGilligan, member of the Dail Eireann; Minister of Industry and Commerce; member of executive committee; former member of high commission for the Irish Free State in London.

Gen. Richard Mulcahy, representative in Dail Eireann since 1918; chief of staff of Irish Republican Army; made commander in chief on death of Gen. Michael Collins; chairman of commission on educational and economic conditions of the Irish-speaking areas.

ITALY

(Ten delegates)

Mr. Salvatore Barzilai, with son, Mr. Georges Barzilai; senator; lawyer; former minister.

Mr. Fausto Bianchi, deputy; lawyer.

Mr. Vittorio Buratti, accompanied by brother, Bramante Buratti; deputy; manufacturer.

Hon. Giuseppe Di Stefano-Napolitani, president of delegation; member of council of Interparliamentary Union; lawyer; senator.

Mr. Luigi Luiggi, with daughter, Miss Lusia Luiggi; senator; engineer.

Mr. Giambattista Miliani, deputy; manufacturer; former minister.

Mr. Domenico Nuvoloni, senator; lawyer.

Baron Alessandro Sardi, deputy; former Undersecretary of State; vice president of Italia-America Society.

Mr. Carlo Tinzl, deputy; lawyer; secretary on train only.

Mr. Filippo Ungaro, deputy; lawyer; secretary of Chamber of Deputies.

Mr. Luigi Nuvoloni, lawyer; secretary to delegation.

Mr. Ignazio Guzzardi, secretary.

JAPAN

(Ten delegates)

Mr. Mitsuo Hirano, with secretary, Mr. Shutaro Tomimas; member of Parliament; editor.

Mr. Hisashi Isobe, member of Parliament; lawyer.

Mr. Fusanosuke Mayeda, member of Parliament; business man.

Mr. Shigéru Morita, member of council of Interparliamentary Union; member of Parliament; lawyer.

Mr. Kaju Nakamura, member of council of Interparliamentary Union; lawyer.

Mr. Daisuké Sakai, member of Parliament.

Mr. Shunkiti Seki, member of Parliament.

Mr. Sukeichi Taguchi, member of Parliament; secretary of House of Representatives.

Mr. Masutaro Takagi, with daughter, Miss Kiyoko Takagi; member of Parliament; lawyer.

Mr. Junsaku Takatori, member of Parliament.

Mr. Hosigawa, secretary to Mr. Marita.

KINGDOM OF THE SERBS, CROATS, AND SLOVENES

(Five delegates)

Dr. Velizar Yankovitch, with Mrs. Yankovitch; member of Parliament; former Minister of Finance and Communications; president of the group.

Dr. Voislav Marinkovitch, with Mrs. Marinkovitch; member of Parliament; former Minister of Foreign Affairs.

Mr. Ljoubisha Neshitch, member of Parliament; former Undersecretary of State and minister at Prague.

Dr. Srdjan Boudisavijevitch, member of Parliament.

Mr. Nikola Preka, member of Parliament.

Mr. Veljke Drignakovitch, secretary of the delegation.

LITHUANIA

(One delegate)

Dr. A. Smulkstys, member Chamber of Deputies.

MEXICO

(Eight delegates)

Dr. Pedro de Alba, with Mrs. de Alba; senator; delegate to the Twenty-first Conference of Interparliamentary Union; physician.

Mr. Gonzals Bantista, secretary of the group.

Mr. Gilberto Fabila, representative; agricultural engineer.

Mr. Victorio E. Góngora, senator.

Mr. Manuel Hernandez Galván, representative; lawyer.

Mr. Pedro Merla, representative.

Mr. Ezequiel Padilla, president of delegation; representative; speaker of house; lawyer.

Mr. Genaro V. Vasquez, representative; lawyer; former Governor of Oaxaca.

NEWFOUNDLAND

(Six delegates)

Mr. Robert K. Bishop, senior member legislative council; business, exporting and importing and shipping; in public life since 1889, representing Newfoundland on commissions and at conferences.

Hon. Cyril J. Fox, speaker of assembly since July, 1924; barrister and solicitor; elected to House of Assembly 1919.

Mr. William J. Higgins, with Mrs. Higgins; member of the House of Assembly; Attorney General and Minister of Justice; in public life since 1913.

Hon. Sir Patrick McGrath, with nephew, Mr. Claude Fraser; president of legislative council since 1916; knighted for war work; journalist and author; represented his government on many commissions and at conferences.

Hon. Walter S. Monroe, with Mrs. Monroe; Prime Minister of Newfoundland; engaged in fisheries industries; in political life since 1923.

Hon. Alfred B. Morine, with Mrs. Morine; member of legislative council; journalist; lawyer; politician; minister without portfolio.

NICARAGUA

(Three delegates)

Mr. Santiago Callejas, with sister-in-law, Miss Mayorga; member of Senate, from Chinandega; former Minister of War and of Finance; Knight Commander, Order of Leopold II of Belgium.

Mr. Francisco Paniagua Prado, with son, Mr. Luis Paniagua; member of Senate from Leon; lawyer; former justice of Central American International Court.

Mr. J. Leopoldo Salazar, with daughter, Miss Emily Salazar; president of delegation; member of Senate from Matagalpa; coffee exporter.

Mr. Evaristo Carazo Morales, secretary of delegation.

NORWAY

(Three delegates)

Mr. Johannes Bergersen, member of Parliament.

Mr. Jon Sundby, member of council of Interparliamentary Union; member of Parliament; agriculturist.

Mr. Wefring, member of council of Interparliamentary Union; member of council of state; Minister of Foreign Affairs.

PANAMA

(Three delegates)

Mr. Julio Alemán, with Mrs. Alemán; member of National Assembly.

Mr. Jeptha B. Duncan, member of National Assembly; secretary of education, 1918–1923; professor of modern languages in National Institute of Panama; editor of The Times, daily paper published in English and Spanish; editor and publisher of English weekly.

Mr. Octavio A. Vallarino, with Mrs. Vallarino; member of National Assembly.

Mr. J. A. Zubieta, with Mrs. Zubieta; secretary to delegation; former member of city council of Panama; delegate from Panama to International Labor Congress, Washington, 1919.

PERU

(Two delegates)

Mr. Lauro A. Curletti, with Miss Curletti; senator; chairman joint congressional committee on foreign affairs; lawyer, author, lecturer.

Mr. J. F. Pazos Varela, and Miss Pazos; member of Chamber of Deputies.

Miss Cecilia Pazos, secretary of the group.

PHILIPPINES

(One delegate)

Hon. Sergio Osmena, with his wife, Mrs. Osmena; president pro tempore, senate; formerly speaker, lower house (1907–1922), and vice president, council of state.

Dr. J. S. Reyes, secretary of the delegation.

POLAND

(Ten delegates)

Dr. Bronislaus Dembinski, president of the Polish group; member of council of Interparliamentary Union; professor of history in the University of Posen (Poland); former member of Parliament and former Undersecretary of State, etc.

Jan Zamorski, member of council of Interparliamentary Union; member of Chamber of Deputies (Sejm); professor of college.

Wladislaw Kosydarski, treasurer of Polish group; member of Chamber of Deputies (Sejm).

Jan Dabski, member of Chamber of Deputies (Sejm); former Undersecretary of Ministry of Foreign Affairs.

Dr. Thaddaeus Dymowski, member of Chamber of Deputies (Sejm).

Kurt Graebe, member of Chamber of Deputies (Sejm).

Dr. Konrad Ilski, member of Chamber of Deputies (Sejm); vice president of city of Warsaw.

Rev. Otto Krajczyrski, member of Chamber of Deputies (Sejm).

Michal Kwiatkowski, member of Chamber of Deputies (Sejm).

Dr. Leon Reich, member of Chamber of Deputies (Sejm).

Stanislaus Czosnowski, secretary.

Rev. Stanislaus Sobieniowski, secretary.

Jan Stanislaus Szczerbinski, secretary; representative of Polish governmental telegraphic agency.

RUMANIA

(Five delegates)

Mr. Sever Bocu (Mr. Bocu was not present), with Mrs. Bocu and secretary; deputy; in public life for many years; prominent in Rumanian affairs since war.

Mr. Nicolae Botez, with Mrs. Botez; president of group; senator.

Mr. Canstant Georgesco, with Mrs. Georgesco; deputy; professor of economics, University of Rumania; lawyer; author of many works on economics and social questions.

Dr. Jon Mateiu, deputy since 1922; teacher, lawyer, and author.

Mrs. Mateiu, inspector for the Ministry of Social Protection and Public Health; secretary of the group.

Mr. Vespasian Pella, with Mrs. Pella; senator, in Parliament for 25 years; lawyer; journalist.

Prof. V. V. Pella, deputy; member of council of Interparliamentary Union; professor of criminal law in university; specializes in criminal law, both private and international; author of works on various aspects of crime and criminals.

SWEDEN

(Twenty-one delegates)

Mr. E. R. Abrahamson, member of first chamber.

Baron Theodor Adelswaerd, wife Baroness Adelswaerd; president of Council of Interparliamentary Union; president of Swedish group.

Mr. Sven Bengtsson, member of second chamber; proprietor.

Dr. J. Bergman, with Mrs. Bergman; member of first chamber; former university professor.

Bergstrom, with Mrs. Bergstrom; member of first chamber; former Minister of War.

Mr. J. L. Carlsson-Frosterud, member of second chamber.

Mr. Martin Fehr, member of first chamber; professor.

Mr. Eric Hallin, with son, Hon. Eric Hallin; member of First Chamber; lord of the bedchamber.

Mr. Felix Hamrin, with Miss Hamrin; member of Second Chamber; merchant.

Mr. Otto Jaerte, with Mrs. Jaerte; member of Second Chamber; chief first division of the Swedish Royal Social Board.

Mr. Edvard Larson, member of First Chamber.

Mr. Carl Lindhagen, member of First Chamber; mayor of Stockholm.

Mr. Emil Lithander, with Mrs. Lithander; member of Second Chamber; merchant.

Mr. Ernst Lundell, member of First Chamber.

Mr. C. P. V. Nilsson, member of First Chamber.

Mr. Johan Olofsson, member of Second Chamber.

Mr. Oscar Olsson, member of First Chamber; lecturer.

Mr. J. Palsson, member of First Chamber.

Mr. David Pettersson, member of Second Chamber; former Minister of Agriculture.

Mr. Algot Sjöstrom, member of Parliament.

Mr. Ivar Vennerstrom, member of Second Chamber; editor.

Mr. Frederik Johannesson, secretary to delegation.

Mr. Kurt Walles, assistant secretary.

Miss Engstrom, secretary to Baron Adelswaerd.

SWITZERLAND

(Two delegates)

Dr. Paul Usteri with daughter, Mrs. Loosli; member of council of Interparliamentary Union; member of Council of Switzerland.

Mr. Sidney Schopfer and his sister, Madam Ellen de Kernay; member of council of Interparliamentary Union; deputy of congress; lawyer; acting president of delegation.

URUGUAY

(One delegate)

Hon. Ismael Cortinas with Mrs. Cortinas; senator.

VENEZUELA

(Two delegates)

Mr. Luis Churión, president of Chamber of Deputies; former Minister of Foreign Affairs; former secretary to Washington legation; author.

Dr. Carlos Grisanti with Misses Margarita and Ana Teresa Grisanti; president of Congress; lawyer; professor of law in university; former president of federal court.

Mr. J. A. Olavarria Matos with Mrs. and Miss Matos; secretary to delegation.

UNITED STATES OF AMERICA

The officers and executive committee of the American group of the Interparliamentary Union:

OFFICERS

President: Senator WILLIAM B. MCKINLEY.

Vice presidents: Representative ANDREW J. MONTAGUE, Virginia; Representative HENRY W. TEMPLE, Pennsylvania; Representative WILLIAM A. OLDFIELD, Arkansas.

Treasurer: Representative ADOLPH J. SABATH, Illinois.

Secretary: Representative JOHN J. MCSWAIN, South Carolina.

Executive secretary: Arthur Deerin Call, 613 Colorado Building, Washington, D. C. (telephone, Main 7409). Cable address, "Ampax, Washington."

EXECUTIVE COMMITTEE

Senator WILLIAM B. MCKINLEY, Illinois, ex officio chairman; Representative FRED BRITTEN, Illinois; Representative THEODORE E. BURTON, Ohio; Representative HENRY ALLEN COOPER, Wisconsin; Senator JOSEPH T. ROBINSON, Arkansas; Senator CLAUDE A. SWANSON, Virginia; Senator CHARLES CURTIS, Kansas; Representative JAMES C. MCLAUGHLIN, Michigan; Representative TOM CONNALLY, Texas; Representative JOHN E. RAKER, California.

Delegates registered from United States as of October 2, 1925.

(Forty-three delegates)

SENATORS

SIMEON D. FESS, Ohio; Washington only; WILLIAM B. MCKINLEY, Illinois; CLAUDE A. SWANSON, Virginia.

REPRESENTATIVES

ERNEST R. ACKERMAN, New Jersey; Washington only; A. W. BARKLEY, Kentucky; L. M. BLACK, New York; THOMAS L. BLANTON, Texas; Washington only; FRED A. BRITTEN, Illinois; THEODORE E. BURTON, Ohio; CLARENCE CANNON, Missouri; EDMUND N. CARPENTER, Pennsylvania; EMANUEL CELLER, New York; New York only; CARL R. CHINDBLOM, Illinois; ROSS A. COLLINS, Mississippi; Washington, doubtful; New York and Ohio; TOM CONNALLY, Texas; F. CORDOBA DAVILA; EDWARD E. DENISON, Illinois; FINIS J. GARRETT, Tennessee; ALLARD H. GASQUE, South Carolina; Washington only; THOMAS HALL, North Dakota; JOHN PHILIP HILL, Maryland; Washington only; LISTER HILL, Alabama; HOMER HOCH, Kansas; Washington, possibly; New York and Ohio; GRANT M. HUDSON, Michigan; Washington only; MORTON D. HULL, Illinois; LAMAR JEFFERS, Alabama; Washington only; FIORELLO H. LAGUARDIA, New York; J. CHARLES LINTHICUM, Maryland; JOHN J. MCSWAIN, South Carolina; OGDEN L. MILLS, New York; ANDREW J. MONTAGUE, Virginia; Washington only; WILLIAM A. OLDFIELD, Arkansas; STEPHEN G. PORTER, Pennsylvania; GEORGE J. SCHNEIDER, Wisconsin; J. H. SINCLAIR, North Dakota; Washington only; JOHN B. SOSNOWSKI, Michigan; all sessions; HENRY W. TEMPLE, Pennsylvania; MAURICE H. THATCHER, Kentucky; J. Q. TILSON, Connecticut; C. B. TIMBERLAKE, Colorado; J. M. WAINWRIGHT, New York; RICHARD YATES, Illinois; F. H. ZIHLMAN, Maryland.

INTERPARLIAMENTARY UNION CONFERENCE OPENING ADDRESS

(By Frank B. Kellogg, Secretary of State of the United States of America, House of Representatives, October 1, 1925, at 10 o'clock)

Mr. President and members of the Interparliamentary Union: It is a notable event when delegates from the parliaments of 41 self-governing nations meet for the first time in convention in the Capital in one of the first Republics established in the eighteenth century. It shows that in this remarkable age the attention of the world is centered upon the study of self-government. Probably in no period in history has there been greater expansion of democratic government, a more decided trend toward liberal views, and a greater awakening of the people for participation in government, than since the close of the Great War. The end of the eighteenth century and the beginning of the nineteenth was a notable period in the growth of western civilization, because it was the period in which came the greatest development in self-government. Parliamentary government was not, of course, unknown in the eighteenth century. The British constitution was a conspicuous example of such governments, but, prior to the American Revolution and the French Revolution, the governments of the world were in the main monarchies, in some cases tempered in degree by parliamentary control. The fact remains, however, that even during the first decade of the nineteenth century there were only two republics in the world, the Swiss Republic and the United States. To-day nearly all countries of the world are either representative democracies or constitutional monarchies with parliamentary control. Following the American and the French Revolution, there was an almost universal movement against absolute monarchy, growing out of aspiration of the people for greater participation in government. This was notably true of the Western Hemisphere, for between 1810 and 1825 there swept over that vast continent of Central and South America a general uprising of the people, a demand to be released from the autocratic colonial control of the Old World and for the establishment of self-governing democracies or monarchies.

As a result of this wonderful degree of unanimity of sentiment among the people and of their combined action, there were established in substantially all the central and South American countries representative democracies very similar in their construction to that of the United States. It is also true that, in spite of the suppression of the French Revolution and in spite of the reactionary influence of the Napoleon régime which followed, there were in Europe also a great awakening of the people and an advance in liberal ideas of government. The history, however, of the last 100 years demonstrates that the pathway of representative democracies and parliamentary governments is beset with many difficulties. Many nations have undergone long and painful struggles, disorders, and revolutions before reaching that stability necessary to the prosperity and happiness of the people. But in spite of difficulties the last hundred years have revealed a wonderful growth in democratic spirit, in self-reliance and capacity for self-government, and in the education of the masses of the people in the duties and obligations incident thereto, and once more the Western Hemisphere has taken a leading part. In no part of the world has progress been greater than in Central and South America. You represent countries with varying economic conditions, many races with widely different political histories and traditions, and one of the prime objects of your organization is, I understand, to further the cause of peace—a noble aspiration which will find sympathy in millions of hearts after the devastation of the great world conflict. Nothing can be more stimulating to the advancement of liberal ideas or will contribute more certainly to peace than for members of the various parliaments and legislative bodies to meet as you are doing to exchange views on your respective problems. The permanent peace of the world depends on the spread of knowledge and the proper understanding of each other's problems.

The principal causes of war are national ambitions, national jealousies, and racial hatreds. Knowledge and acquaintance remove suspicions and intercourse softens animosities. Universal peace has been the dream of statesmen for ages, but no one has yet found a specific. The cure must come from the hearts and understanding of the people. They must be taught to think in terms of peace; they must realize that there are better means of adjusting international disputes than the arbitrament of war. Arbitration and judicial settlements have a conspicuous place and are powerful instruments for peace, but there must be more than treaties and conventions; there must be the spirit of tolerance and a willingness to submit to arbitration or judicial settlements. How many nations have been plunged into war by a false sense of patriotism!

The extension over the world of true representative democracies where the voice of the people may be made effective in shaping the destinies of nations is undoubtedly a very powerful instrument in the maintenance of peace, but unfortunately all history teaches us that even this is not always effective. To make it effective the people themselves must study and understand the problems of government, the relation of nations to each other; they must acquire an appreciation of the obligations of citizenship and these principles should be taught to the youth of every land. Parliamentary government, used in its broad sense as including all forms of representative democracies, is to-day facing as grave problems as at any time within the memory of any man now living. There are forces at work for the disintegration of orderly representative government and for the establishment of class rule which may well give us serious thought. I am not an alarmist, and I have absolute confidence in the intelligence and the patriotism of the people of all those nations who have reared and maintained the marvelous institutions of the twentieth century, but I can not be blind to the forces which are working in many of the self-governing countries for the destruction of really representative government and the establishment of class tyranny. It is not sufficient to label a government a democracy and simply provide for majority rule. A government must be stable, must insure the protection of law to minorities as well as to majorities, the maintenance of individual liberty, the protection of property, freedom of religious belief and worship, freedom of the press, maintenance of the home, an equal opportunity for individual enterprise and initiative. There may be a tyranny of the majority as arbitrary and as detrimental to human liberty as the tyranny of monarchs. Some of the darkest pages of human history have been written under the guise of liberty.

I am aware that one of the questions which has invited the attention of the Interparliamentary Union in the past, and still is a burning question in some countries under a republican form of government, is protection of minorities. I have no mind to touch upon this delicate and controversial subject. I can only say in passing, without assuming to hold up the Constitution of the United States as an example to all the world or as containing all the wisdom of government, that the framers of our Constitution did not leave to the representatives of the people in Congress assembled the sole protection of the rights of minorities. They placed in the written Constitution prohibitions upon the power of Congress and in the Bill of Rights guarantees of liberty for the humblest citizen, irrespective of racial origin or religious belief, as well as for the wealthy and powerful, and by the Constitution itself established a Supreme Court with full power to protect all citizens in those rights and to declare void any legislative or executive act infringing upon them. I know there are many in this country who are restive under the restraint of these constitutional protections and demand unlimited power for Congress, but I believe the experience of 140 years has demonstrated the wisdom of the constitutional provision and I have absolute confidence that the people of the United States will never sweep away those guarantees of liberty.

Whether a government has a written constitution or not, these principles for the guarantee of individual liberty underlying all representative democracy must be maintained if self-government is to survive. Stability of government, security for the person, the right to labor and to enjoy the fruits of industry, protection of property and of equal opportunity are necessary for the highest advancement of the human race. The genius of enterprise, of invention, or learning can not thrive under a government that is too weak or too vacillating to insure protection. Education, in its highest sense, which fits a man for citizenship and participation in government, can take place only where there is guaranteed security for the fruits of education. Not only, as I have said, must there be a sense of the responsibility of individual citizenship, but there must be equally a high sense of responsibility by the represenatives of the people. The high ideal of government is that the representatives of the people shall be free to act for the greatest benefit to the whole people. This can not be accomplished where representatives are torn by factions and are not morally free to use their best judgment.

There is another phase of legislative responsibility, which I should like to mention in passing, and that is the growing practice of nations to submit treaties to parliaments or to some branch of their legislative bodies for ratification. Under our form of government, and that of many other countries, this is obligatory, and the present tendency among European countries is to follow this practice. Under the British constitution, to be sure, the government in power has the right to make a treaty, which may be ratified by the King without the authority of the Parliament; but, especially since the war, this practice has been abandoned, and all treaties of importance are submitted to the House of Commons; in France a certain class of treaties must be ratified by both the Senate and the Chamber of Deputies. This is generally true in Central and South America. I believe the adoption of this practice by parliamentary governments is a wise step toward the maintenance of peace. There has been, at times, criticism of the American Government that treaties negotiated by the President can become valid only when ratified by the Senate. I think it has always been considered in this country a very wise provision. Treaties between nations often, in fact usually, affect the intimate life, business, and economic interests of the people. They are often, and should always be, powerful instruments for the maintenance of peace, but many times in history secret treaties and alliances have been the cause of war. The more the people know about their own governments the better for them and for the stability of the world. Why should not some representatives of the people have a right to pass upon the treaties, which shall be made between the nations?

Permit me, on behalf of the Government and the people of the United States, to extend to you a sincere and cordial welcome. It is a most enlightening and momentous occasion when the representatives of the world's parliaments meet to discuss the problems of government, to lend their influence to the passage of wise and beneficent laws, which are so necessary to the stability and the peace of the world and the advancement of civilization.

ADDRESS OF WELCOME BY SENATOR WILLIAM B. MCKINLEY, PRESIDENT OF THE AMERICAN GROUP

Mr. President, colleagues, and friends, in behalf of the American group I welcome you most heartily to the thirty-sixth anniversary and to the twenty-third conference of the Interparliamentary Union.

We are glad that you are with us. We treasure the memories of those guests of ours at the twelfth conference in our midst, 21 years ago; but we recall especially just now how through the years many of us of America have been immeasurably benefited and charmed by the choice friendships and the boundless hospitalities from your groups across the seas. For your countless unforgetable courtesies we thank you every one. While we can not repay, we must assure you—and I am proud here also to speak for our Canadian colleagues, who have so kindly cooperated to make your visit to these shores a pleasure and a profit—we must assure you that we are comforted because you have so graciously accepted our invitation, because you are here, and we open wide to you not only our hearths but our hearts. We aim to leave no stone unturned to make your stay among us a worthy expression of our common hope.

As a result of your visit, you will discover increasingly that we, of the Congress of the United States, believe in the Interparliamentary Union.

BECAUSE OF ITS PAST

We believe in it because of its past, which at least is secure.

The Interparliamentary Union has modified the thoughts of men. Its history is a history of practical persons bent upon the pursuit of attainable ideals.

For a generation it has stood for the principle of arbitration of disputes between nations. Following 1892, largely upon the initiative of our late and lamented Lord Weardale, it labored in behalf of a permanent arbitration tribunal until that tribunal became a fact. In no small way it influenced the calling of the first Hague conference. A resolution, adopted at our Brussels meeting in 1895, served that conference in 1897 as the basis for its discussions relative to an international organization for the furtherance of international arbitration.

How in 1904 the Interparliamentary Union prevailed upon President Roosevelt of the United States to take the initiative in the calling of the second Hague conference has often been told. The draft treaty of arbitration drawn up by this body in London in 1906 became the basis of discussion at the second Hague conference in 1907.

It is not necessary in this presence to recall the labors of the Interparliamentary Union in behalf of a third Hague conference and of a Permanent Court of International Justice.

There is not only history, there is a veritable romance in the efforts of the union to develop its own organization, to provide for a permanent office and a paid secretary general, to increase its support, financial and moral, from the parliaments of the world, and to promote a friendlier international understanding.

Some of the results have been tangible. It is proper to note that there were 12 groups represented at Stockholm in 1921, 26 at Vienna in 1922, 26 at Copenhagen in 1923, and 26 at Bern and Geneva in 1924, with 211 delegates. When we think of the costs of travel, of the depreciated currencies abroad, and of the many distresses following the World War, it is peculiarly encouraging to report at this our twenty-third conference 41 countries, represented by a total of 292 delegates. You from the Eastern Hemisphere will join with me in expressing our special gratification that representatives of 14 Latin American Republics are with us.

Evidently not only is the past secure; there is evidence of a substance and of a value to the present.

BECAUSE OF ITS PURPOSES

We believe in the Interparliamentary Union because of its purposes. While all of these purposes are not fixed and unchangeable, we shall continue to believe in arbitration as a practicable and civilized method of settling disputes between nations. We shall always believe in the judicial settlement of controversies between states. As members of parliaments we are concerned to know more of the relations between our legislative bodies and foreign policies. We crave that light and leading which can come only from intercourse with our fellow parliamentarians. We would know more of each other's conditions precipitated by the World War, of the mandated territories, of the minorities, of the economic, financial, and health problems, of the League of Nations and its Permanent Court of International Justice, of passports and customs, of international production and transportation, of the achievements and failures of diplomacy, of social and colonial problems, of armaments and of the traffic in munitions of war, of demilitarized zones, and particularly of the all-important efforts to restate, amend, reconcile, and promote the principles of international law, without which there can be no peace or justice between the nations of the world. The only agency regularly and permanently organized for parliamentarians collectively to promote that intercourse essential to these high matters is the Interparliamentary Union.

In no small sense, therefore, the interests of all peoples are affected by our aims, as set forth in our constitution, "to unite in common action the members of all parliaments * * * to secure the cooperation of our respective states in the firm establishment and the democratic development of the work of international peace and cooperation between nations * * * to study all questions of an international character suitable for settlement by parliamentary action."

Through all these purposes runs a golden thread, a thread of reason, strengthened by an abiding faith that out of our honesty of discussion and better understanding nations may enjoy increasingly that peace which inevitably reigns where justice prevails under law.

BECAUSE OF ITS CHALLENGE

Thus the future of our Interparliamentary Union is a challenge to every parliament of the world. Our work has just begun. We are a nonpartisan body concerned with the international problems of to-day in the light of a better to-morrow. It is not unreasonable to expect that we shall become more and more, albeit unofficially, a "parliament of parliaments."

With all the differences between us—differences in language, in religion, in politics, in local conditions—we know that there are problems common to us all by virtue of the fact that we are upon the same earth, deriving our motives from the same great springs of action, sensing our goal with certain purposes and interests, similar and enduring.

We of the Interparliamentary Union, especially we who have been with it through the many years, owe to it a great debt of gratitude. Without it certain deeply cherished friendships could not have been possible. Because of it, its studies, its discussions, its acquaintanceships, we have been able to serve our own constituencies, we hope, with a richer intelligence. In any event, because of it we are challenged to advance the cause of international righteousness with a firmer purpose and a finer nobility.

Since we believe in the Interparliamentary Union because of its history, which is secure; because of its purposes, which are clear; and because of its future, standing as a challenge to every parliament in the world, we welcome you all, friends of many lands, to this the twenty-third conference of the Interparliamentary Union.

The Codification of International Law

(Read by Hon. THEODORE E. BURTON at the session of the Interparliamentary Union, Saturday, October 3, 1925)

(By Elihu Root, rapporteur)

Codification, so called, of international law has a special importance at this time, because it is necessary in order to enlarge the service rendered by the Permanent Court of International Justice as one of a group of related institutions which, taken together promise to facilitate the preservation of peace to a degree never before attained.

These institutions are in their early stages and there is unmistakable indication, both by the expression and action of many of the most powerful governments, and in the speech and writing of the most competent and experienced students of international affairs, and in the exhibition of general public interest, that the civilized world is turning its hopes for the future toward their development. These institutions are three.

(1) An automatic system providing for immediate general conference whenever serious irritation arises between nations, whether it be upon conflicts of policy or misunderstanding or resentment.

(2) An established system providing for the determination, by a permanent and competent court, of questions of legal right arising between nations.

(3) An established system to facilitate and regulate arbitration, which will bring the opinion of impartial arbitrators, selected by the parties, to bear upon controverted questions not strictly or wholly justiciable in their nature.

The first of these is supplied within the limits of its membership by the League of Nations. The second is supplied for the benefit of the whole world by the Permanent Court of International Justice. The third is supplied for the whole world by the continuing organization of the original Hague court of arbitration established by the first Hague conference in 1899. It will be observed that the first of these institutions affords opportunity for conciliation, for the friendly expression of outside opinion, for the cooling effect of deliberation, for a realization of other points of view, and for reflection upon the results of braving the public opinion of the world.

All three of the institutions afford opportunity for dispelling misunderstanding and suspicion by the ascertainment and determination of facts through such commissions or investigations as may be adapted to the particular requirements of the several institutions. It is also to be observed that the existence of the League of Nations, with its essential feature of ever-ready conference, is a distinct advantage not only to its members but to nations which are not members of the league. Whenever a question arises which, for example, affects the United States or Germany, the fact that 50 nations have in operation the machinery through which they are able to thresh out among themselves their views and possible differences upon the subject makes the prompt and satisfactory solution of the question between all nations, including the United States and Germany, comparatively simple.

These three institutions are not antagonistic or mutually exclusive. Each contributes its part toward the application of a practical theory of the way to prevent war, which the world is now engaged in trying to put into effect. That theory proceeds upon the following considerations:

War results from a state of mind, and in these modern times that has to be the state of mind of a people. Governments may promote or governments may allay such a state of mind, but we have reached a point where war can not be successfully carried on unless it gratifies the feelings of the great body of the people of the country.

Controversies and quarrels between nations are certain to come. There will be conflicting interests, disputes, differing understanding of facts, differing opinions of what is right and just, irritation and resentment over what the people of each country deem to be the refusal of justice by the people of the other. There will be by each country suspicion and apprehension as to the purposes of the other. Mere agreements not to have these things happen are futile. They result from the nature of man and they can not be controlled at will.

The time for the useful application of whatever force, moral, or physical, we may rely upon to prevent war is when that state of mind has arisen. No previous agreements or declarations against war, made at a time when there was nothing to fight about, have any substantial effect when the quarrel comes. Practically all modern wars have been made in the face of solemn agreements for perpetual peace.

Previous agreements by other nations to exercise compulsion to prevent war are not much better. If carried out, they would themselves bring on war and the only effect would be upon the alignment of nations engaged in the war. But the world has learned that in modern war the victors suffer about as much as the vanquished, and few nations can be depended upon to subject themselves voluntarily to the disaster of going to war because of a previous general agreement for the purpose of preventing some other country from going to war with somebody else. No country can carry on a war unless its people at that very time want war. No government can constrain its own people to go to war in the future when they do not wish to go, and no generation can effectively bind a future generation to fight against its will. The motive is not sufficiently compelling to create and hold together an alliance for purposes of compulsion. A single great power might compel peace, but a Pax Romanum implies a Roman imperium.

The great difficulty in settling international quarrels has ordinarily arisen from the fact that the only alternative has been war or a surrender which would mean humiliation. This difficulty is increased by the continually advancing democratic control over foreign affairs; because the people of each country are apt to see only one side of the controversy; to assume that their own country is completely right; and to regard any concession whatever by their government as a betrayal. It is popular in every country for the press to stress chiefly the arguments in that country's favor. Accordingly the public in every country is always misinformed by a part of the press. To dispose of such an international controversy without war it seems necessary to find a way which will avoid humiliation and correct public misjudgment.

The conclusion is that the most effective method of dealing with the state of mind which leads to war is not by any mere negative but by a counter affirmative, consisting of a substitute for decision by war in the form of decision by proof and reason.

The three institutions above enumerated afford this substitute, and they afford it in such varied forms as to be adaptable apparently to every conceivable situation. This mode of treating the subject has not been evolved by any individual mind. It is not anybody's theory.

Considering the discussions in The Hague conference of 1899 and in its committees in which was wrought out the organization of the court of arbitration at The Hague.

Considering the discussion in the second Hague conference in 1907 and its committee in which were produced the framework of a Permanent Court of International Justice and complete provision for an international prize court.

Considering the multitude of negotiations between foreign offices before and after these conferences, the multitude of arbitration treaties signed and discussed in national legislatures, and rejected or confirmed, and the many draft treaties for the permanent court framed and discussed by foreign offices.

Considering the discussion in the peace conference of Paris at the close of the Great War, in which was adopted the definition of justiciable questions and in which it was made the duty of the Council of the League of Nations to take up the task of finding a plan for a permanent court which could be agreed upon by the nations.

Considering the discussions in the commission convened at The Hague from many countries by the council of the league, and which produced the plan for the permanent court.

Considering the discussions upon that plan and the amendments to it in the council and assembly of the league.

Considering the discussions of the plan by the great majority of all the nations of the earth who became parties to the treaty accepting it.

Considering the extensive use of these three institutions in the disposal of international controversies under the troubled and excited conditions of Europe during the past five years and the beneficient results which have been accomplished.

It is apparent that these institutions are an evolution from the practical necessities of international life worked out by the continuous effort of many most competent and experienced men, approaching the

subject from the points of view of all nations, and finally coming to agreement upon what is at once practicable and useful for the prevention of war.

In considering the utility of a Permanent Court of International Justice there is a common tendency on the part of those who have not studied the subject thoroughly to underestimate the importance among the causes of war of controversies about legal rights. Such controversies are important in three different ways: First, as being the real thing about which nations go to war; second, as being the origins from which arise irritation and resentment and the kind of popular misrepresentation and abuse and insult which make other peoples ready to fight because they are angry; and, third, as being pretexts by which governments and war parties in governments may secure popular support for war which they really seek to wage for entirely different reasons. There is danger also of forgetting that the value of a court is not to be measured solely by the cases it decides, but also by the vastly greater number of cases which are settled because the court is there to decide. There is frequently a failure to appreciate one essential distinction between the work of a conference and the work of a court. Immediate conference is the only mode of dealing with flagrant cases of conflicting policies in which war is imminent, but the method of conference is the method of negotiation. Time out of mind the world has been negotiating for the prevention of war, and each negotiation, successful or unsuccessful, begins just where all the others have begun. Every case in court, however, begins not where the last case began but where the last case ended.

Th judgment of the court may be binding only upon the parties, but the general acceptance of the court's decision will be continually building up a body of agreement which narrows the field of controversy between nations and prevents future controversies. The conference deals only with particular situations. The court is an instrument of international progress toward the government of the world by law. Most serious in considering this subject is the mistake of those who expect human institutions to be born full grown, who condemn The Hague Court of Arbitration, and the Permanent Court of International Justice, and the League of Nations within its own membership, and all the international conferences of the postwar period, because they have not already stopped all wars. These people would have the clock begin by striking 12. Immediately after planting an acorn they would dig it up and throw it away because it is not already an oak. They fail to understand that all international progress is the result never of compulsion but always of a process, and that the process has to go on in the minds and feelings of many widely different nations, and therefore it must be slow. Although you can not change human nature, you can change standards of conduct, but always gradually, never violently. If you see clearly and rightly the path of international progress, the first important question is not, What is the complete and perfect system which should be attained. The first important question is, How many steps along that path can all these nations, differing in interests and circumstances and traditions, and modes of thought and feeling, be brought to agree upon now? That is the first thing to ascertain, and when it is ascertained, although it may be possible to get immediate agreement upon only one step, the part of wisdom is to get that step agreed upon and put it into effect. Get your institution out of the realm of theory into that of fact, and then if you are right your fact will immediately begin to change the way in which men think. These three institutions, for conference, for judicial decision, and for arbitration, are still in their infancy, but they have made extraordinary development in the last 30 years, and the simple fact of their existence is already changing the way in which mankind thinks and feels about the disposition of international controversy without war.

Article 36 of the statute establishing the Permanent Court of International Justice limits the jurisdiction of the court, unless extended by agreement of the parties, to questions arising under treaties and under international law, and the court is therefore excluded from the decision of the great number and variety of questions not now covered by international law. The limitation was necessary because upon so many subjects the nations had long been unable to agree upon what the law ought to be. These disagreements had arisen from the differing characteristics and conditions of the different nations. Sometimes they came from different modes of thought and feeling; sometimes they came from conflicting interests; and upon such subjects every rule proposed has always found some nation which conceived that it would be injured and its rivals would be benefited by the adoption of such a rule. We can all agree upon the principles of international law, but it has been exceedingly difficult to secure agreement upon the rules which will adequately and properly apply those principles. To authorize a court not merely to apply the rules of international law, but to make those rules and then apply them, would be to authorize the court to overrule the nations themselves in their contention as to what the law ought to be, to establish rules to which the nations have not consented, and thus to deprive international law of one of its essential characteristics as a body of accepted rules.

The difficulty of giving to an international court jurisdiction without limit was encountered when the international prize court treaty was framed in the second Hague conference of 1907. That treaty provided that if there were a treaty between the parties the treaty provisions should govern, but that "in the absence of such provisions the court shall apply the rules of international law. If no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity." When the treaty came up for ratification it was met by the objection that there were so many different views in so many different nations about what constituted justice and equity that under this authority no one could tell what law was to be applied to conduct and no one could know by what law to regulate his conduct. Accordingly a new conference of maritime nations was called, and it met in London in 1908.

There for months the representatives of Germany, the United States, Austria-Hungary, Spain, France, Great Britain, Italy, Japan, the Netherlands, and Russia discussed unsettled questions as to what the law ought to be within the field appropriate to a prize court, and they adopted a declaration containing 71 articles concerning blockade in time of war, contraband, unneutral service, destruction of neutral prizes, transfer of a neutral flag, enemy character, convoy, resistance to search, and compensation. The operative clause of the provision was in these words: "The signatory powers are agreed that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law." Some questions relating to naval war remained still unsettled.

To illustrate the nature of all such proceedings, I quote from the official report presented to the conference by that admired and beloved master of international law, M. Louis Renault. The report says:

"The questions of the program are all settled except two, concerning which explanations will be given later. The solutions have been deduced from the various views or different practices and correspond to what may be called the "media sententia." They do not always harmonize absolutely with the views peculiar to each country, but they do not shock the essential ideas of any. They should not be examined separately, but as a whole, otherwise one runs the risk of the most serious misunderstandings. In fact, if one considers one or more isolated rules, either from the belligerent or the neutral point of view, he may find the interests with which he is especially concerned have been disregarded by the adoption of these rules; but the rules have their other side. The work is one of compromise and a mutual concession. Is it, as a whole, a good work?

"We confidently hope that those who study it seriously will answer affirmatively. The declaration substitutes uniformity and certainty for the diversity and the obscurity from which international relations have too long suffered. The conference has tried to reconcile in an equitable and practical way the rights of belligerents and those of neutral commerce; it is made up of powers placed in very unlike conditions, from the political, economic, and geographical points of view. There is, on this account, reason to suppose that the rules on which these powers are in accord take sufficient account of the different interests involved, and hence may be accepted without disadvantage by all the others."

It needs no argument to show that the appropriate and necessary way to reach conclusions as to what the law ought to be is the way followed in the conference of London and described by M. Renault; the way of consideration, discussion, reconciliation of conflicting views on the part of the direct representatives of the nations, and not by the arguments of counsel in a particular case before a court created not to make law but to apply it.

Upon such considerations the jurisdiction of the permanent court was limited to the application of law, and if we would broaden the usefulness of the court we must broaden the field of law which the court is competent to apply to controversies between nations.

The admirable conduct of the court during these few early years of its existence, its conformity to the highest ideals of judicial dignity and propriety, the universal confidence which it has inspired, the unquestioning respect which has been paid to its decisions, the long series of questions which it has removed from the field of irritating dispute, have already made the court an established fact which enters into the consideration of every nation in the treatment of every international controversy. It has already made the rules of international law more substantial and valuable, because now they can not be finally thrust aside by the mere denial or neglect of an interested party. Already the world is becoming familiar with the idea of judicial decision upon international questions, and already the world is beginning to think that way. Already in many countries sensible people are coming to realize that here is a reasonable alternative to the proposals of the demagogue and the follies of hysteria. Plainly it is important now to enlarge the scope of the court's jurisdiction by enlarging the law which the court is authorized to apply.

All this is covered when we now use the term codification of international law. The process is not properly codification in the sense

in which the term is used to apply to municipal law. What is called for now, and what we mean when we speak of codification of international law, is the making of law, and the necessary process is described in the report of Louis Renault, which I have quoted. The ordinary codifier has to deal with existing law created by the dictum of superior power. He has to systematize, classify, arrange, and state clearly what he finds to be already the law, and if there be doubt it is to be resolved by appeal to the same superior power. The task now before the civilized world is to make law where law has not yet existed, because of a lack of agreement upon what it ought to be. The process is necessarily a process of agreement quite different in its character from the process of codification and declaration by superior authority. Codification, properly so-called, is, however, a necessary incident in this law-making process, because to extend the law without duplication or confusion we must know definitely what the law already is; and so far as the law-making process reaches conclusions the statement of those conclusions may be called codification, although the process by which the conclusions are reached must necessarily be entirely different from the process of codification.

We have gradually come into a method of making international law quite different from the slow general acceptance of the rules adopted in particular concrete cases, by which the law was originally created. The changes in the conditions of civilized life during the past century have been so extensive and so much more rapid than the growth of international law in the old way, that the law has been falling behind and becoming continually less adequate to cover the field of international contacts. The declaration of Paris upon the close of the Crimean War in 1856 was a new departure in the making of international law by a conventional statement of rules and an appeal to the nations generally for an official acceptance of the rules thus stated. The three neutrality rules of the treaty of Washington of 1871 were an attempt to determine by convention what should be the law to guide the tribunal in the Geneva arbitration upon the Alabama case. The Geneva conventions, The Hague conventions, contain numerous provisions established between the parties by conventional agreement in reliance upon general acceptance to give them the quality of law as distinct from mere agreement. To that conventional method we must now look for the extension of international law.

Several things should be said about this undertaking.

It is necessarily a slow and difficult process. It will require patience and good temper, and learning, and distinguished ability and leadership. The differences of opinion and of interests among the nations which have long prevented the establishment of further rules of international law can not be disposed of in a day. There is, however, ground for hope that the changes of conditions may have changed the attitude of many nations upon many questions, so that progress may be made now where progress never could be made before.

The work must ultimately be accomplished by official representatives of the nations acting under the instructions of their several governments. It is only results attained in that way which can secure consideration and ratification. The work, however, can not be done ab initio by official representatives. Their work must be preceded by and based upon the painstaking preparation wrought out by individuals and unofficial organizations; the work of such men as Field and Bluntschli and Fiore; such work as the codification of the laws of peace prepared by the American Institute of International Law and submitted to the governing board of the Pan American Union on the 2d of March, 1925; such work as that of the Institut de Droit International, which made the achievements of the first Hague conference possible. Such work must be done in preparation. Without it official conferences will be helpless; partly because they have not the time; partly because a large number of their membership will naturally be composed of men of affairs who have not the learning and the aptitude for scientific research necessary to laying the foundation for agreement; and partly because the freedom and frankness of discussion and mutual concession necessary for the reconciliation of views are difficult to secure among official delegates acting under instructions and obliged to get governmental authority for every position they state.

Because the process must be a slow one, because official action must be preceded by long and laborious preparation on the part of private individuals and organizations, no time ought to be lost in getting to work systematically. It is now 18 years since the second Hague conference in its final act recommended the calling of a third conference, and declared it to be "very desirable that some two years before the probable date of the meeting a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference; of ascertaining what subjects are ripe for embodiment in an international regulation, and to prepare a program which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested."

It is now five years since the advisory committee of jurists, which met at The Hague in 1920, on the invitation of the League of Nations, and worked out the plan for the Permanent Court of International Justice, made to the league the following recommendation:

"I. That a new conference of the nations in continuation of the first two conferences at The Hague be held as soon as practicable for the following purposes:

"1. To restate the established rules of international law, especially, and in the first instance, in the field affected by the events of the recent war.

"2. To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war and the changes in the conditions of international life and intercourse which have followed the war.

"3. To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

"4. To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

"II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare, with such conference or collaboration inter sese as they may deem useful, projects for the work of the conference, to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable.

"III. That the conference be named 'Conference for the Advancement of International Law.'

"IV. That this conference be followed by further successive conferences at stated intervals, to continue the work left unfinished."

It will be perceived that these recommendations describe the law-making process by agreement preceded by extensive unofficial preparation.

After a delay, which has illustrated the general truth that no proposal for international action can prevail suddenly, the work of preparation has been begun in ways which show that the time is ripe for effective action.

On the 26th of April, 1923, the fifth International Conference of American States, held at Santiago, Chile, provided for a commission of jurists to meet for the codification of international law at Rio de Janeiro during the year 1925 at a date to be fixed by the Pan American Union upon consultation with the Government at Brazil.

On the 2d of January, 1924, the Pan American Union, by resolution, requested the American Institute of International Law to prepare a codification of the international law of peace for the consideration of the commission which was to meet at Rio. On the 2d of March, 1925, a codification of the international laws of peace, prepared by the American Institute, was laid before the governing board of the Pan American Union, by Secretary Hughes, and was ordered by that board to be transferred to all the American governments, with a view to its submission to the commission of jurists at Rio de Janeiro.

In September, 1924, the League of Nations adopted a resolution providing for the appointment of a committee of jurists for a progressive codification of international law. This committee included eminent jurists from Argentina, Belgium, China, Czechoslovakia, England, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Salvador, Spain, Sweden, Turkey, and the United States of America. The committee met at Geneva on the 1st of April, 1925, and appointed subcommittees among which were distributed 11 topics selected by the general committee for preliminary examination, with a view to a report to the council as to which questions appear to be sufficiently ripe for action and what procedure should be followed in preparation for conferences for their solution. The International Law Association, the Institut de Droit International, the Société de Législation Comparée, the Institut Ibérique de Droit Comparé, the American Institute of International Law, the Union Juridique Internationale, the American Society of International Law, and the Comité Maritime International were invited to collaborate with the committee.

These two independent proceedings are not exclusive or competitive. They are contributory to a common end. They exhibit a general sense that the time has come when there should be no further delay in the necessary preparation for a general international conference, which shall make more definite and certain and comprehensive the body of law by which international conduct is to be ruled.

As a declaration of war brings to the soldier the opportunity for which his life has been a preparation, so this call from both sides of the Atlantic presents the occasion for which all these societies, learned in international law, exist. It is for such an opportunity as this that they have been preparing, some of them for 70 years past. Now is their time to justify. Of course, they will justify with ardor and devotion, and there will be no more avoidable delay, no more hesitation.

REMARKS ON CODIFICATION OF INTERNATIONAL LAW—MEETING OF INTERPARLIAMENTARY UNION, SATURDAY, OCTOBER 3, 1925, FOLLOWING THE READING OF THE ARTICLE BY MR. ROOT

(By THEODORE E. BURTON)

It would be superfluous for me to add any extended remarks to Mr. Root's admirable paper, to which we have all listened with interest and profit. The statement is made with all the authority and force which he possesses that the time has come for the codification of international law.

He specifies conference, judicial settlement, and arbitration, with all three of which we are fortunately familiar, as the effective means of settling controversies between nations without a resort to arms. He devotes his chief attention to judicial settlement and speaks of the Permanent Court of International Justice, established and in successful operation at The Hague, as "an instrument of international progress toward the government of the world by law."

In the strict technical, and therefore narrow, sense, codification would only include a statement in the form of a code of existing principles of the law of nations. In the broad sense, it means not merely the statement of existing rules in the form of law, but the formulation of other rules from the principles generally recognized. Upon such additions we should all agree. In this connection it may be said that unbalanced attention has been given to international agreements relating to the conduct of war as compared with those for the prevention of war. It has been very generally maintained that national policies which involve the right to declare war and kindred questions are not proper subjects for control by international law, but propositions are now pending and may be considered at this conference for the outlawry of war, and unquestionably it is most desirable that the scope of international agreements should be so broadened as to minimize the possibility of warfare.

Is codification desirable and is it possible? Codification is desirable because it would promote peace and international cooperation; would make possible a readier adjustment of controversies between nations as to their respective rights; would render that which is now vague and only partially accepted definite, clear, and binding.

The great changes which we generalize under the term "progress of of the world," the painful lessons of the Great War, and the rapid development of new problems all alike demand codification. It is a most praiseworthy aspiration to establish international law which may govern the conduct of nations in the same manner in which municipal law seeks to govern the conduct of individuals.

The burning question for the future is: Shall there be a reign of law or a reign of force? Civilization demands it, and if civilization is to survive there must be a reign of law.

Is codification possible? This is an era of closer contact between nations. In the last 30 years there have been numerous gatherings, and negotiations have been conducted in which most salutary results have been achieved. Among the most notable of these are The Hague conferences of 1899 and 1907, the League of Nations, the Washington conference of 1921 and 1922, the periodical meetings under the auspices of the Pan American Union, to which reference was made by Mr. Root, and last, but not least, the assembling now, for the twenty-third time, of this Interparliamentary Union.

The disposition to abate claims of individual nations for the larger benefits of universal welfare has been very plainly manifested and has made a profound impression. There is a deep-seated and most influential conviction that such a cataclysm as that through which the world has recently passed must be avoided by the strength of all the intellectual and moral forces which the world can muster.

How can codification be accomplished? A great American statesman, speaking on the resumption of specie payments, which had been suspended during the Civil War, said: "The way to resumption is to resume." I would like to paraphrase his dictum, which contains a wholesome moral: "The way to codification is to codify."

What is the rational method to pursue? It is universally agreed that there should be preliminary meetings of jurists and experts, who shall give elaborate study to the problems involved. Their conclusions may be presented either to a conference representing the largest possible number of nations, or perhaps be directly transmitted to the respective governments. In any event, their work must be reviewed and approved by the political authorities of the nations which they represent. It is essential that established organizations for the consideration of these subjects, such as the various institutes of international and comparative law, should collaborate. This union by a committee or committees, can perform a most important part. Periodical meetings should follow.

The work is already well begun. Allow me to call attention to that which has been accomplished by the Pan American Union, composed of the diplomatic representatives of the 21 American republics and holding regular meetings in Washington, under the presidency of the Secretary of State of the United States. The union has arranged for conferences of all these republics at several capitals in the New World.

Codification has been recommended at conferences at Mexico City in 1902 and at Rio de Janeiro in 1906, but definite action was taken in accordance with a resolution of April 26, 1923, of the Fifth Pan American meeting at Santiago. In accordance with this resolution, the American Institute of International Law was requested to codify the law of nations, and that the results of its deliberations might be submitted to a forthcoming conference of jurists, composed of two members from each of the American republics, to meet at Rio de Janeiro for the purpose of codification.

THE PAN AMERICAN UNION

(By Senator CLAUDE A. SWANSON, of the United States, at the third session of the conference of the Interparliamentary Union, Pan American Union Building)

Mr. Chairman and members of the Interparliamentary Union, I am persuaded that to such an organization as this, representing the legislative assemblies of the world, every movement which has for its purpose closer international cooperation and better understanding between nations, and which seeks to promote peace by enlarging the pursuits that pertain to peace, must be a matter of profound interest, since its work is in full accord with the purpose which occasioned the establishment of this great international body.

For a period of more than three decades an international organization, whose central office is situated in Washington, has been in operation, whose work possesses a deep significance for all of us, and to whose activities I desire to call your attention. This pleasant duty has fallen to my lot mainly because of the fact that the central office of the organization being located in Washington, it has probably been possible for me to follow its activities somewhat more closely than my Latin-American colleagues. I have thus been placed in a peculiarly favorable position to estimate the larger significance of the work undertaken by the Pan American Union, and it is to certain general aspects of this work that I desire to call your special attention.

As early as 1826 plenipotentiaries of Peru, Mexico, Central America, Colombia, and the United States met in conference to consider important matters of special interest to the nations of the Western Hemisphere, to strengthen their friendship, to encourage between them larger commerce and intercourse. It is conceded that the idea of this conference originated with Simon Bolivar, the eminent soldier-statesman, one of the world's great outstanding figures, a rare combination of courage, capacity, and character. His efforts were warmly supported by Henry Clay, then Secretary of State for the United States and one of her most distinguished and influential public men. This conference perfected no permanent organization. The principle of inter-American cooperation was kept alive by international conferences between groups of American states held in 1847, 1850, 1864, and 1877.

It was not, however, until 1881 that the plans of another Pan American conference took definite form. The then eminent Secretary of State for the United States, the Hon. James G. Blaine, realized the importance of bringing the Republics of the American Continent in closer touch with one another and of developing between them a spirit of international cooperation which would contribute toward the solution of their common problems. As he visualized the situation, the first step was the establishment of closer commercial ties, and with this end in view he arranged for the assembling of the first Pan American conference, officially known as the First International Conference of the American States. Although he had originally planned to hold this conference in 1882, circumstances made it necessary to postpone the holding of the conference until 1889. The invitations were extended in pursuance of an act of Congress, which also appropriated funds for defraying the expenses of the conference. Whereas the conference which it was proposed to hold in 1882 was to be confined solely to a consideration and discussion of the methods of preventing war between the nations of America, the program of the conference, when it eventually assembled, on October 2, 1889, had been considerably broadened. Not only was the preservation of peace and the promotion of the prosperity of the American states included in the subjects to be considered, but also the establishment of regular and frequent communication between the American states; the adoption of laws to protect patents, copyrights, and trade-marks; definite plan of international arbitration; and the consideration of other matters relating to the welfare of the several countries. All the governments of the American Continent were represented at the conference with the exception of the Dominican Republic.

Without burdening you with further details of this first conference, there were two significant results to which I desire to call special attention. First, the determination to hold Pan American conferences at stated intervals; and second, to establish a permanent central office or bureau, which should function as the permanent organ of this conference. The recommendation for the organization of a central bureau was approved on March 29, 1890. Under the terms of this recommendation an organization was established, under the title of "International Union of American Republics," for

the prompt collection and distribution of commercial data and information. The union was to act through a bureau called "The Commercial Bureau of the American Republics," the purpose of which was to serve as "a medium of communication and correspondence for persons applying for information with regard to matters pertaining to the commerce of the American republics." The report of the committee adopted by the first conference is the original charter of the bureau, and under the terms of this document the bureau was under the direct control of the Secretary of State of the United States. In practice it was found that this provision of the charter to a large extent nullified the international character of the bureau as intended by the first conference.

Accordingly, at the instigation of the Secretary of State of the United States, the Hon. Richard B. Olney, a special committee of the diplomatic representatives of Latin America was appointed on April 1, 1896, which recommended the creation of an executive committee of five members, the chairman of which was to be the Secretary of State of the United States, and the other four members to be taken in rotation from the Latin-American countries. This committee was to act as a board of supervision of the administration of the bureau.

On March 18, 1899, this executive committee of five members, in addition to having advisory powers, was given the power to appoint the director, secretary, and permanent translators of the bureau; to fix their salaries; and to dismiss them whenever it was deemed advisable to do so. This was the second change in the original charter and the one that made the bureau international in character, as was intended by the first conference.

At the second international conference of American states the name of the bureau was changed from "The Commercial Bureau of the American Republics" to "The International Bureau of the American Republics." The resolution adopted at this conference provided that the bureau should be under the management of a governing board composed of the Secretary of State of the United States, as chairman, and the diplomatic representatives of all the governments represented in the bureau and accredited to the Government of the United States of America.

At the third international conference no fundamental change was made in the organization of the bureau; but at the fourth conference, held at Buenos Aires in 1910, the scope of the organization was further enlarged and the name changed to that of "Pan American Union." At the same time the name of the organization of American countries which support the Pan American Union was changed to "Union of American Republics" instead of "International Union of American Republics."

The bureau was first established as the commercial bureau of the American Republics, but with each successive conference its functions have been constantly enlarged, its organization more carefully integrated, and, what is more important, its influence in the international life of the American Republics constantly strengthened. From its early beginning as a commercial bureau it has developed into a full-fledged "Pan American Union," whose activities extend far beyond the commercial field, affecting the cultural and moral relations between the Republics of the American Continent as well as their commercial ties.

At the present time the Pan American Union embraces the 21 Republics of the American Continent and is under the direction of a governing board, composed of the Secretary of State of the United States and the ambassadors and ministers of the Republics of Latin America. The chairman of the board, under the terms of a resolution adopted at the fifth international conference of American states, is elected each year. The board meets on the first Wednesday of each month to consider matters of common interest to the Republics of the American Continent.

Although no attempt is ever made to use compulsion, it is inevitable that, by reason of the fact that on the first Wednesday of each month the ambassadors and ministers of the Latin-American Republics assemble with the Secretary of State of the United States to consider matters of common interest, there should develop a spirit of continental solidarity, an atmosphere of international good feeling, which has meant so much to the preservation of cordial relations between the Republics of the American Continent and to the amicable settlement of such disputes as have arisen.

In addition to the splendid work performed by the Pan American Union, the five conferences held have been productive of most beneficial results. These conferences have resulted in conventions for the exchange of official, scientific, literary, and industrial publications; for establishing the status of naturalized citizens who again take up their residence in the country of origin; for the settlement of pecuniary claims; for the patent of inventions, designs, and industrial models; for protecting trade-marks; for publicity of certain documents; for uniformity of nomenclature; for classification of merchandise, and treaties to avoid or prevent conflict between the American states.

The sphere of activity of the Pan American Union may, for purposes of convenience, be classified as follows:

I. ACTIVITIES AFFECTING THE RELATIONS BETWEEN THE GOVERNMENTS OF THE AMERICAN REPUBLICS

The Pan American Union, as the permanent organ of the Pan American conferences, is intrusted with the duty of securing the ratification of and giving effect to the treaties, conventions, and resolutions adopted by the Pan American conferences. From an international standpoint, this is a most important function, inasmuch as one of the great dangers confronting all international conferences is the absence of a permanent organization to give effect to the conclusions reached by such assemblies. In this respect the Pan American Union has performed a most important service. It would carry us too far afield to enumerate the many agreements reached at the Pan American conferences, further than those previously mentioned, and it is sufficient for our present purposes to emphasize the fact that the Pan American Union has spared no effort to give effect to the many conclusions reached by the Pan American conferences. The record of achievement in this respect is most encouraging.

II. ACTIVITIES INTENDED TO SECURE CLOSER COMMERCIAL AND FINANCIAL RELATIONS BETWEEN THE REPUBLICS OF AMERICA

Since the date of its establishment the Pan American Union has served as a great center of information, not only for the governments of the Republics of America, but also for individual citizens who desire data relative to commercial and financial opportunities. Equipped with a well-organized commercial section, financial section, and statistical bureau, the union is ever ready to furnish complete and accurate information. In furtherance of this purpose the union also publishes each month a special "Commerce, industry, and finance" series.

III. ACTIVITIES DESIGNED TO PROMOTE CLOSER CULTURAL TIES BETWEEN THE REPUBLICS OF AMERICA

The Pan American Union is equipped with a well-organized educational section, which is kept in close touch with educational developments in every section of the American Continent. The best experience of Europe and America is thereby placed at the disposal of governments and educational institutions. In addition thereto the educational division aims to encourage the interchange of professors and students between the Republics of the American Continent, and furnishes to students accurate data relative to conditions of admission, courses of study, and cost of living in the countries in which such students may wish to pursue advanced work. In furtherance of this purpose, the union also publishes a monthly special "educational" series, intended to place at the disposal of the governments and peoples of the American Continent the most recent advances in educational organization and method. Constant effort is also made to encourage the inclusion of the history and progress of the American Republics in the schools of the American Continent.

IV. ACTIVITIES INTENDED TO PROMOTE THE PROGRESS OF PUBLIC HEALTH AND HYGIENE

There is established at the Pan American Union a Pan American sanitary bureau, whose services are placed at the disposal of public-health officers throughout the American Continent, and which serves as a clearing house of information relative to all matters affecting public health and hygiene. The sanitary bureau publishes a monthly bulletin intended specially for public-health officers. In addition the union publishes monthly a popular series dealing with "public hygiene and child welfare," intended to educate public opinion to the requirements and necessities of public sanitation.

V. ACTIVITIES INTENDED TO BE OF SPECIAL SERVICE TO THE AGRICULTURAL DEVELOPMENT OF THE REPUBLICS OF THE AMERICAN CONTINENT

Inasmuch as agriculture is the basic industry of all the Republics of America, and especially of the Latin-American Republics, the union publishes monthly a special "agricultural" series, in which the most recent information relative to agricultural advance is set forth and placed at the disposal of agriculturists throughout the American Continent

VI. GENERAL ACTIVITIES

In addition to the more specialized activities, the Pan American Union publishes at stated intervals monographs and pamphlets intended to make the Republics of the American Continent better known to one another. A monthly bulletin is published in English, Spanish, and Portuguese, which contains detailed information relative to the agricultural, industrial, and financial development of the Republics of America. In addition, pamphlets are published descriptive of each of the countries and of their capital cities. A general guide for Latin-American tourists in the United States and for visitors from the United States to Latin America has recently been published. Each year a series of pamphlets reviewing the commerce of each of the countries is also issued.

Through these publications closer acquaintance, closer cultural ties, and closer commercial relations are fostered.

It will be seen from this recital that the Pan American Union devotes itself primarily to the development of the spirit of cooperation between the American Republics, and that its most effective activities are designed to place the best experience of each of the Republics at the disposal of all. Not only is the spirit of mutual helpfulness thus fostered but the essential community of interests and problems is strongly emphasized. In no case is any attempt made either to bring pressure to bear or to use compulsion in securing action. Through constant united action, however, a continental "esprit de corps" is gradually developed which is of incalculable value, even in the settlement of purely political question pending between the Republics. The established habit of united action has gradually developed a viewpoint under which any question pending between two or more Republics assumes a continental character and importance.

An outstanding illustration of this spirit of continental solidarity and the beneficial relations flowing from this policy of united action in the solution of purely political problems confronting the American Governments is the settlement in 1914 of the controversy between the United States and Mexico, through the mediation of Argentina, Brazil, and Chile. Initiated by these Governments, as expressly stated, "for the purpose of serving the interests of peace and civilization on our (the American) continent, and with the earnest desire to prevent any further bloodshed, to the prejudice of the cordiality and union which have always surrounded the relations of the Governments and the peoples of America," the discussions at Niagara Falls resulting from this offer of mediation averted what threatened at one time to become a serious clash between Mexico and the United States.

Furthermore, the offer and acceptance of the mediation of the three sister Republics served to emphasize the principle of American policy, that disputes between any two republics of the American Continent are a matter of real interest to all, and that political questions shall be settled by peaceful means rather than by a recourse to force. This principle, at the Fifth International Conference of American States, was embodied in a treaty for the prevention of conflicts between the American States, providing for the arbitration of any disputes that may arise between the nations of the American Continent.

There is gradually developing a distinctly American system, not in any sense antagonistic to any other part of the world, but designed to emphasize the unity of interest and the unity of problems of the American Republics. Such a spirit can not help but contribute toward the development of good feeling on the American Continent toward the maintenance of a "Pax Americana" and may well serve as an example to the world at large.

I desire to emphasize that there does not exist the slightest antagonism between the work of the Pan American Union and that of the League of Nations. In the first place, the League of Nations has carefully refrained, out of deference to the traditional policy of the American Republics, from addressing itself to distinctly inter-American problems.

Furthermore, the activities of the league are largely political in character, in the sense that the covenant of the league sets up a definite machinery for the prevention of aggressive warfare. The Pan American Union, on the other hand, is not intended to deal with distinctly political questions. Its purpose is to develop the spirit of service between the American Republics in the hope and with the thought that the development of such a spirit of cooperation will make it relatively easy amicably to settle any differences that may arise. The fact that 17 of the Latin-American Republics are members of the League of Nations does not affect the functions or the scope of activities of the Pan American Union.

The governments and peoples of the Latin-American Republics look to the Pan American Union for a type of concrete service which they do not and can not obtain from any other source. Even if the United States were to enter the league, the usefulness of the Pan American Union would remain unchanged. The spirit of continental solidarity which the Pan American Union has constantly fostered does not involve the slightest antagonism to Europe or to any other section of the world. It simply means that the American Republics, by reason of their conditions, their geographical situation, and the community of ideals which have dominated their political development, are in a position to give to the world an example of international helpfulness and international solidarity which means a real service to humanity. The Pan American Union is a potential organization promotive of the peace, progress, and good will of mankind.

FAREWELL ADDRESS

NIAGARA FALLS, N. Y., *October 11, 1925.*

The following addresses reflect the spirit of the delegates following the conference and entertainment in the United States. They were given at a luncheon at which the delegates were turned over to the representatives of the Canadian Parliament. Senator WILLIAM B. MCKINLEY, president of the American group, presided.

(Stenographic report)

SENATOR M'KINLEY'S ADDRESS

My friends and fellow lawmakers of 40 countries, for the time being, but we hope not for long, you are leaving the confines of the United States. We trust you have enjoyed yourselves. [Loud applause.] We hope you will soon be back. [Applause.]

We of the United States modestly admit we have a great country. Let me tell you what I understand to be a true story:

In the Southern States is the State of Georgia. In Georgia are located two large and thriving cities—Savannah, a city perhaps 200 years old, on the Atlantic Ocean, and Atlanta, a city in the interior that has sprung to prominence within the last few years. It is admitted that the city of Atlanta is well satisfied with itself. Not long since, the Commercial Club of Atlanta gave a dinner. To that dinner some men from Savannah were invited. The speakers from Atlanta admitted that they had a very wonderful city, and some of them said that if Atlanta had been located on the ocean there would have been a city perhaps as large as New York. When the time came for the Savannah man to speak he said: "Gentlemen of Atlanta, I have listened with interest to your talk. I have noted your statement that if your city were on the ocean, as is Savannah, you would have a most wonderful city. Gentlemen, if you will lay a pipe line from Atlanta to the sea and suck as hard as you can blow, you certainly will have the most wonderful of all cities." [Laughter.]

Several hundred years ago strong men from England, and Holland, and France, and Spain, and Italy, and other countries came to America, liked this fair land, and took it away from the North American Indians.

Doctor Lange, from Norway, corrects me and says that it was 1,000 years ago America was discovered by his people.

Be that as it may, we now have 115,000,000 of inhabitants. Should I seem to be boasting, I hasten to admit that these inhabitants or their forbears came from some of the 40 countries represented here to-day. With apologies to the delegates from Ireland, I make bold to confess that my grandfather came from Ireland, from the county of Donegal—

"From the county of Donegal,
Where they eat potatoes, skins and all"—

and are glad to get them.

This has been a wonderful two weeks you have spent with us, and I know that the getting together of so many lawmakers from so many countries, all for a common purpose, will have much to do toward bringing peace and good will to this troubled world.

For your last three days of entertainment in New York you are indebted to Dr. Nicholas Murray Butler, president of Columbia University and head of the Carnegie Endowment for International Peace. There is no little work connected with the arrangements for the entertainment of 400 people for two weeks. We of the American group of the Interparliamentary Union fully appreciate that we are indebted to many for their fine cooperation, particularly to the mayor and various societies of the city of New York; to the mayor and many persons of the city of Philadelphia; to the Chamber of Commerce of the United States; to the Pan American Union; to the Pennsylvania, the Baltimore & Ohio, and the New York Central Railroads; to the Mayflower Hotel, of Washington; the Waldorf-Astoria, the Hotel Pennsylvania, and the McAlpin Hotel, of New York; and last, but not least, to the Niagara Hotel, in which we are. They have all been so hearty in their cooperation that it has appeared to be a pleasure to them to help and to honor us.

But, ladies and gentlemen, there is always a master mind controlling; and if your visit has been made pleasant, the credit should largely go to Mr. Arthur Deerin Call. [Loud and prolonged applause.] He began his labors a year and a half ago. For eight months he has labored daily to make our conference a success. [Hear! Hear!] Mr. Call is the secretary of the American Peace Society and editor of the Advocate of Peace. His work as executive secretary of the American group of the Interparliamentary Union is a labor of love for the cause, given, as we say in this country, "free, gratis, for nothing, without any charge." In a moment I am going to ask him how he does it.

Before doing that, however, permit me to add that we are about to turn you over to the representatives of the Canadian Government, our neighbor on a border of 3,000 miles, and with whom we have been at peace for over 100 years. But perhaps I should make this reservation; I have heard of some "bootlegger wars" having broken out recently along the border. [Laughter.]

I have told you the United States contains 115,000,000 people. In closing I want to tell you a story that is old in America, of the summer hotel that was close to a lake or pond where the bullfrogs made a great deal of noise. An inhabitant of the locality came to the hotel and said, "I want to sell you 100 dozen frogs' legs." The proprietor said, "We can not use 100 dozen frogs' legs, but we could use perhaps 10 dozen. You bring them in to-morrow." The next day he came with 10 frogs' legs. The proprietor said, "Why, I told you I wanted 10 dozen frogs' legs." "Well," he said, "you see it is this way: I thought from the noise they made that there were easily 100 dozen frogs out there."

[Laughter.] Now, the Canadian Dominion has perhaps ten millions of people, but from their ability to carry out and carry through projects I am sure you will think they have at least 115,000,000.

I am now going to ask Mr. Arthur Deerin Call how he does it. [Applause.]

REMARKS BY MR. ARTHUR DEERIN CALL, DIRECTOR OF THE CONVENTION

Mr. Chairman, officers of the Interparliamentary Union, ladies and gentlemen, the train leaves at 2.35. [Laughter.] It is important that you should have your baggage somewhere in sight, so that the porter of this hotel will get it. After this luncheon we shall adjourn and go immediately to the front of the hotel, where we shall have a group picture taken. We hope, therefore, you will all go immediately after the luncheon to the sidewalk and look your prettiest, because we want a group picture of you all.

Now, that is the way I do it. I do not know any other way to do it. [Laughter.]

You know that when your friends are going away it is always difficult to realize it. When they are with you their presence seems very real and quite permanent. It is difficult for us to realize that you are soon to leave us.

I think it ought to be made perfectly clear, here and now, that the success of this conference has not been due to any one person. It has been due first to the Interparliamentary Union itself. Without it we could, of course, have had no conference at all. Without it and its president and its secretary general and its executive committee and its council we should have got nowhere. Without the United States Congress we could not have begun. Without the President of the United States we could not have advanced. Without Senator McKINLEY [applause] we could have done nothing of this sort. Without the vast army of helpers, people laboring unseen and unsung, Capitol employees, secretaries, stenographers, an army of people who have done this work for the love of the work—we could have done nothing of what has been done. Last but not least, we could have done nothing of this kind had it not been for you.

To work with you has been a joy. Many have come to me and said "Aren't you tired? Won't you be glad to get rid of us? Oh, I am so sorry for you!" They are quite mistaken. The only feeling that I have had during the entire performance is first a sense of regret that the work has not been done better; and, secondly, a feeling of profound, unforgettable pleasure that I have been permitted to be with you through these wonderful days. [Loud applause.]

Senator McKINLEY. Ladies and gentlemen, it is my great pleasure now to present to you Baron Adelswaerd, your president.

REMARKS BY BARON ADELSWAERD, PRESIDENT OF THE COUNCIL, INTERPARLIAMENTARY UNION

Ladies and gentlemen, we have now arrived at the sad moment of parting, and this is, I am sorry to say, the last time I am to address myself to our dear president, Mr. McKINLEY. We have had many speeches during these weeks, and I myself have been rather occupied with those; so I will not say many words this time. We have already been told that we have to be ready very soon. To tell you the feelings we have in parting with you is not easy. I can not easily find just the right words in which to express these feelings of great gratitude and to tell you how sad we are to part with you. We are so thankful for all you have done for us during these weeks. Let us hope that the work that has been done in this conference may be as good as all the banquets and all the receptions we have been given here. If it is, then I think we ought to be well satisfied. I simply express on behalf of the members of the Interparliamentary Union who have taken part in this conference our hearty thanks to our American friends, and ask that our eminent secretary general, Dr. Christian Lange [applause], will say a few words. I am sure he will express what we are feeling much better than I am able to do. In fact, he represents the Interparliamentary Union from many points of view as much as I do and perhaps more.

Senator McKINLEY. Doctor Lange.

ADDRESS BY DR. CHR. L. LANGE, SECRETARY GENERAL

Mr. Chairman, ladies and gentlemen, you will easily understand that I rise on this occasion with a certain hesitation and some diffidence. I remember that some 20 years ago, when I was present at an international congress in my own country, I met there an old and worthy citizen of Boston, an eminent lawyer, I was told. At one of the great banquets we had on that occasion he partook very freely of what was offered, both solid and fluid, and at last he became so elated that he rose to speak, and made a very jolly and entertaining speech. He seemed very happy still when my wife and I met him at the cloak room, and at a certain moment he turned round to us and asked, "Do you think this is my coat?"

The next morning he was in a different mood, and he took me by the arm and said to me: "There are three things which I thoroughly hate, and those are eating, drinking, and making speeches."

Now, ladies and gentlemen, I have thoroughly enjoyed the eating to-day. The American Nation, in its wisdom, has seen to it that I shall not have to regret any drinking [laughter]; but as to making a speech, that is really on this occasion a rather difficult task. I shall consider myself simply as being one of those pieces of luggage which will now be handed from the hospitable hands of the American group to the hospitable hands of the Canadian group.

On looking back now on those 14 days we have passed in the United States, I think I have, in the first place, a relatively easy task in expressing—indeed, it has been already admirably expressed by our president—our gratitude for the reception we have had here. We are profoundly grateful to the representatives of the American group who have taken this matter in hand. [Applause.] In the first place, to President McKINLEY, always genial, always calm, never disturbed, and always full of common sense; always able to find the right word in every situation. I do not know whether you realize that Mr. McKINLEY finds himself at the present moment in the middle of a political campaign, in which he has to go round a country—the State of Illinois—of some, is it, Senator, nine or thirteen million inhabitants?

Senator McKINLEY. Seven millions.

Mr. LANGE. Well, you see my European ignorance. Seven million—that is the population of Belgium; it is the population of the Netherlands. And he has to address the whole of that population. Nevertheless, he has found the time not only to come to our meetings, not only to take part in the functions, but also to watch behind the scenes to see that everything should go so smoothly and so well as he was intent on having it go.

Alongside of him was Mr. Call, whose enormous task nobody can realize who has not had the task of organizing a conference. I think that sufficient has been said about his labors, but let us just for one moment realize what it means for the organizer to have at a particular moment the representatives of 40 nations rolling toward him in mighty waves, and then to try to lead those nations into peaceful channels and find rooms and beds and seats at the table for each and all of them. Of necessity, ladies and gentlemen, in any large organization as this there has to be a scapegoat, on whose head the sins of everybody can be visited. I am rather accustomed to be the scapegoat in another sphere, in the matter of preparing and organizing the work of our conference, and I am glad now to find a brother scapegoat in Mr. Call. I trust that when on our wanderings in the desert, where the scapegoats are to be sent out, when we meet there we shall both be glad to be in a place where "the wicked cease from troubling and the weary are at rest."

Ladies and gentlemen, it is impossible to name all those who have been behind us and helping us, but may I single out just two names, because the bearers of them are present. Congressman McSWAIN [Hear! Hear! and applause] has been from the first day of our arrival in New York a leading star. His tall figure and his kind face have always been in evidence, and he has always been ready to help and to advise. Then, among those active behind the scenes was Senator BURTON'S secretary, Mr. Fenton, who has been an efficient and devoted worker in all the organizing work of the conference.

Now, ladies and gentlemen, I come to the second part of my task, and here my difficulty comes in. For a fortnight, perhaps the most crowded fortnight in my life, I have been talking shop, I have been writing shop, I have been organizing shop, and if I were given to dreams at all I should certainly have been dreaming shop. To-day, during a quiet morning walk along the rapids of the Niagara, I have tried to get to a higher standpoint, just to have an outside look at that shop inside which I have been working. I must say it did not look from above just a nice little, dainty shop; it looked rather like a large, bustling affair, in which different interests, different points of view, and different convictions were expressed. And I think that is just the thing which is the characteristic, and should be the characteristic, of our interparliamentary conferences. Every opinion honestly stated, every opinion courteously expressed, should have a hearing in these meetings. Mind, ladies and gentlemen, our conferences are not only international, but if I may coin a word—I doubt whether it exists in the English language—they are also, and should be, "interopinional." Within every nation there may be different points of view. Not only do we see here the meeting and the contrast of continents and of nations—of America and Europe and Asia and Australia, of the British Empire and the German Empire, of France and Italy and Belgium and all the different states—but also within each group we have, and we should have, we must have, different points of view on the questions which are put under discussion; not only the points of view of the political parties—Socialist, Radical, Liberal, Conservative—but also points of view from principles which have nothing or little to do with party politics, properly speaking—the free-trade point of view, the protectionist point of view, the prohibitionist point of view, and the antiprohibitionist, the majority point of view, the minority point of view.

I think it is a very great service indeed rendered to the cause of our union that the American group helped us to organize this con-

ference and to give it a world-wide echo by the fact that it met in a world capital, and that it therefore found a hearing which we had not always been able to obtain at former sittings of our union. I am not going to consider the weight of each of these different points of view. Personally, I am fond of citing the words of the wise old French philosopher Montaigne: "Je m'avance vers celuy qui me contredict"—"I advance toward him who contradicts me." There is something to learn, there is something to realize, from the viewpoints, from the interests of other people. To help us to do that is really one of the great missions of this union.

And what are the impressions gathered from all these different declarations and speeches which we have heard?

Certainly the first and the strongest impression is one of "confusion, wild and stirring"; but I think that if we realize that the world is in travail, that problems are raised which are difficult of solution, and which demand devoted work for their solution, we should be able to enlist as coworkers women and men of widely divergent points of view, because we may be able to teach them how to move forward, nevertheless, toward a common aim. The French saying goes: "La vie est bien triste. Soyons gais"—"Life is sorely sad. Let us be of good cheer." Let the good cheer be one of our contributions toward the improvement of human relations.

There is another saying which I met for the first time in my youth, now some 35 years ago, in a poem of the great American poet, James Russell Lowell, which seems to me appropriate on this occasion. He says somewhere:

"For humanity sweeps onward: where to-day the martyr stands,
On the morrow crouches Judas with the silver in his hands;
Far in front the cross stands ready and the crackling fagots burn,
While the hooting mob of yesterday in silent awe return
To glean up the scattered ashes into History's golden urn."

Mind, ladies and gentlemen, humanity sweeps onward. But it will not sweep onward if we do not push it on. We want the enthusiasm of the martyrs, we want the work of rebels and reformers, in order to lift the world up and out of the present chaos of the strife of opinions; we also want the steadying effort of sober-minded, cool-headed men and women. I think that the greatest service, after all, which has been rendered by the American group in uniting us at their Capitol in Washington is that we have been enabled to send out a message of hope to the world. After all, there is a will to improvement, there is a will for better conditions. If I should sum up in one word the message we have been enabled by our American friends to send out, it would be found in the closing words of the greatest poem of modern times, Goethe's Faust: "Wir heissen Euch hoffen"—"We bid you hope.' [Loud applause.]

Senator MCKINLEY. I always leave out an important part of my talk. We were met last night at the railroad station by the representatives of the city government of Niagara and the representatives of the business men's association here, and we have been entertained by them royally up to this hour, and we thank them. [Applause.]

Ladies and gentlemen, I now turn this meeting over to the very distinguished representative of the Canadian Government, Senator Belcourt.

ADDRESS OF SENATOR N. A. BELCOURT, OF CANADA

Senator MCKINLEY, it is not altogether with unmixed feelings that I accept from you the guardianship of the distinguished wards coming from so many nations, whom you have during the last 10 days so well and royally entertained. The pleasure which has been mainly yours, and which is to be mine from now until the end of the conference, is somewhat mitigated by the danger which I see facing me, that the task may be beyond my power. Everyone will admit that it was an audacious program which we Canadians set ourselves to accomplish in bringing 400 delegates through five of the cities of eastern Canada in five days. I am afraid that our desires have been, perhaps, in excess of our means. In the name of the Canadian delegates, I take this renewed opportunity of expressing the profound gratitude which we shall always entertain for the magnificent hospitality which it has been our privilege and honor to share with your guests from all parts of the world.

Notwithstanding a frontier marked only by an imaginary line, without the slightest evidence of force for more than 3,000 miles, we have lived side by side for more than a century in perfect peace [applause]; we have solved, to the satisfaction of both, all international difficulties, and we have given to the world the magnificent example of peace never for one instant interrupted. We are all Americans. We all have American duties, and the greatest of them all is the common duty and purpose, which we must pursue with constant courage and hope, the establishment of the reign of perfect democracy, because democracy is the essential base upon which depends the future of your state as well as of our own, and because this continent offers democracy the best, perhaps the last, opportunity for its real success.

The economic and social interests of the United States and Canada in each other have always been great. They have largely increased during recent years, and in the near future they will become greater still. The economic boundary limitations between the two countries are growing less, while the political boundaries remain in effect. The permanence of the latter is, on both sides of the border, generally accepted as desirable and definite. An extension of American economic and social unity seems as desirable as it is inevitable.

You Americans and we Canadians both admit that we have also on this continent a common destiny and a common mission, which in many respect imposes upon both of us national as well as international duties and obligations. In the larger field of world internationalism there is a growing rapprochement between the British Empire and your great Republic, and there is developing on both sides of the line a deeper sense of your solidarity and ours in all matters of world concern. We Canadians, because of our double origin and double culture, because of the qualities and genius which we have inherited from our respective mother countries, England and France, can be, as we wish to be, interpreters—a real trait d'union between these two great civilized powers and your own powerful country, and we can thereby contribute in no small degree to the sacred causes of world peace. [Loud applause.]

Mr. CALL. Now, ladies and gentlemen, do not forget the picture, immediately following this, in front of the hotel. The train will not go until we get to it, but we shall have to be there pretty soon.

Senator MCKINLEY, in good Irish form, "Good-bye, and God bless us all." [Applause.]

APPENDIX

RESOLUTIONS ADOPTED BY THE CONFERENCE OF INTERPARLIAMENTARY UNION, WASHINGTON, D. C., OCTOBER 1-7, 1925

FIRST COMMISSION

The development of international law

Resolutions presented on behalf of the permanent committee for the study of juridicial questions

I

THE CODIFICATION OF INTERNATIONAL LAW

Rapporteur: Hon. Senator Elihu Root, former Secretary of State (United States of America).

The Twenty-third Interparliamentary Conference,

While greeting with satisfaction the labors undertaken by the committee of experts called together by the League of Nations to indicate the questions of international law suitable for progressive codification, and also expressing its satisfaction because of the work already accomplished, as well as that in prospect by the Pan American Union and all other organizations engaged in the same laudable work,

Nevertheless considers that the best method to follow would consist in establishing a general and constructive plan for such codification based on the progress made during recent years, with a view to defining the fundamental conditions of the régime of peace to be instituted between the nations, to providing for the judicial settlement of disputes which constitute a threat to that régime, and to the application, if necessary, of methods of execution and of sanction,

And invites the committee for the study of juridical questions to present proposals for this purpose to a forthcoming conference of the union.

These proposals would eventually be submitted to an international conference of nations called for the purpose of effectuating the codification of international law.

II

DECLARATION OF THE RIGHTS AND DUTIES OF NATIONS

Rapporteur: M. H. La Fontaine, vice president of the Belgian Senate, president of the Belgian group.

The Twenty-third Interparliamentary Conference considering, on the one hand,

That a declaration of the rights and duties of nations, regarded as members of the international community, would prove a powerful factor in promoting among them the sense of order, of international justice, and of responsibility;

And that, on the other hand, the insertion of such a declaration in a future code of international law would help to establish the fundamental principles of that law;

Requests the committee for the study of juridical questions to prepare a draft declaration which could be submitted to an ensuing conference of nations. In addition to political and juridical conditions, it would also be desirable to take into account economic conditions guaranteeing the right of nations to existence.

III

THE CRIMINALITY OF WARS OF AGGRESSION AND THE ORGANIZATION OF INTERNATIONAL REPRESSIVE MEASURES

Rapporteur: M. V. V. Pella, professor at the University of Bucharest, member of the Rumanian Parliament.

The Twenty-third Interparliamentary Conference,

Having heard the report of M. V. V. Pella,

Realizing the possibility of a collective criminality of states and believing that that criminality should be studied from a scientific standpoint in order to determine the natural laws governing it and to decide upon methods for its prevention and suppression,

Resolves,

To institute a permanent subcommittee within the committee for the study of judicial questions—

a. To undertake the study of all the social, political, economic, and moral causes of wars of aggression and to find practical solutions for the prevention of that crime;

b. To draw up a preliminary draft of an international legal code.

For this purpose the conference calls the attention of the subcommittee to the principles laid down by M. V. V. Pella in his report and summarized in the annex to the present resolution.

This annex follows:

1. The international legal code must apply to all nations.

2. Measures of repression should apply not only to the act of declaring a war of aggression, but also to all acts on the part of individuals or of bodies of persons with a view to the preparation or the setting in motion of a war of aggression.

3. The principle should be recognized that individuals, independently of the responsibility of states, are answerable for offenses against public international order and the law of nations.

4. The offenses committed by states or by individuals should be laid down and penalties provided for in advance in enactments drawn in precise terms. International repression should be founded on the principle nulla poena sine lege.

5. It would be desirable to indicate clearly in the general part of the preliminary draft of the international legal code the material, moral, and unjust elements in an international offense, and in that way to determine the conditions of constraint, necessity, and lawful defense in the sphere of international law.

6. Causes which may aggravate or diminish the responsibility of states must similarly be determined with special reference to the case of provocation, reparation of injury, repetition of the offense, and premeditation.

7. In the event of there being two or more criminal states, special provision should be made for repressive measures in the case of complicity or partnership in a criminal design revealed by the conclusion of offensive alliances.

8. The sanctions imposed should be of two kinds:

A. SANCTIONS APPLICABLE TO STATES

(a) Diplomatic sanctions: Warning that diplomatic relations will be broken off; revocation of the exequatur granted to the consuls of the guilty state; withdrawal of the right to benefit by international agreements.

(b) Legal sanctions: Sequestration of property belonging to nationals of the guilty state in the territory of the other states; withdrawal from these nationals of the rights of industrial, literary, artistic, scientific, and other property; prohibition to appear as a party in the courts of the associated states; deprivation of civil rights.

(c) Economic sanctions: Application to the guilty state of measures depriving it of the advantages resulting from the economic solidarity of the nations and severing it from the economic life of the world by means of blockade, boycott, embargo, refusal to furnish foodstuffs or raw material, increased customs, duties on products coming from the guilty state, refusal to grant loans, refusal to allow the securities of the delinquent state to be quoted on the stock exchange, prohibition to use means of communication.

(d) Resort to armed force.

B. SANCTIONS APPLICABLE TO INDIVIDUALS

(a) Warning.
(b) Fine.
(c) Admonition.
(d) Prohibition of residence.
(e) Incapacity in the future to hold diplomatic functions abroad.
(f) Imprisonment.
(g) Exile.

9. Provision must be made in the special part of the preliminary draft of the International Legal Code for all positive or negative acts which are regarded as prejudicial to international public order.

Penalties will thus have to be provided for the following offenses:

A. OFFENSES COMMITTED BY STATES

(a) The international crime of aggressive war.

(b) Violation of demilitarized zones.

(c) Nonfulfillment of the obligation to submit serious disputes to the Permanent Court of International Justice in cases in which that court has compulsory jurisdiction.

(d) Military, naval, air, industrial, and economic mobilization in the event of a dispute arising.

(e) Preparing or permitting to be prepared on its territory attacks directed against the internal security of another state or aiding or abetting bands of evildoers making raids on the territories of other states.

(f) Interference by one state in the internal political struggle of another by supplying grants of money or giving support of any kind to political parties.

(g) The mere unjustified threat of a war of aggression, a procedure which in the past took the form of an ultimatum.

(h) Raising effectives or arming beyond the limits laid down in conventions or treaties.

(i) Maneuvers or mobilizations carried out for purposes of military demonstration or preparation for war.

(j) Violation of the diplomatic immunity of foreign representatives.

(k) Counterfeiting of money and bank notes and any other disloyal acts committed or connived at by one state for the purpose of injuring the financial credit of another state.

B. OFFENSES COMMITTED BY INDIVIDUALS

(a) Declaration by a sovereign of a war of aggression.

(b) Abuse of his privileges by a diplomatic agent for the purpose of committing acts which are in flagrant contradiction to the fundamental principles of international public order, or which constitute acts preparatory to a war of aggression.

(c) International military offenses and all other acts performed in time of war which are contrary to the rules and customs of international law.

(d) Ordinary common-law offenses committed by foreign armies in occupied territories (massacre, pillage, rape, theft, etc.).

(e) Dissemination of false news liable to endanger peace.

10. The Permanent Court of International Justice must have power to adjudicate upon all international crimes and offenses.

11. With a view to the proper working of the International Legal Code, provision should be made at the permanent court for an international public prosecutor's department and a chamber before which offenders can be arraigned.

12. The preliminary investigations and the preparation of the evidence should be intrusted to ad hoc commissions of inquiry set up to discharge legal police duties.

13. Offenses committed by states shall be heard and determined by the chambers of the permanent court in combined session.

14. Cases in which individuals are the responsible parties should be dealt with in a special criminal chamber set up in accordance with article 26 of the statute of the court. This chamber would have jurisdiction over all international offenses committed by individuals and all offenses which by their nature would not come within the jurisdiction of the national courts.

15. The court shall pronounce judgment both on the public accusation and on the claims for compensation filed by the injured states prejudiced by the international offense.

16. In the case of violent aggression the Council of the League of Nations will take urgent counter police measures.

The Council of the League of Nations shall also have jurisdiction in regard to the execution of the decisions of the Permanent Court of International Justice.

It will indicate the methods by which these decisions are to be executed.

17. In order to reconcile the idea of general security with the special needs of individual states all states members of the League of Nations should be declared to be under a virtual obligation to take part in carrying out sanctions.

This obligation would become operative in the case of each state only from the moment that the Council of the League of Nations called upon it to take part in repressive measures, and indicated to it the sanctions which it was bound to apply.

The part which each state will take in the carrying out of sanctions will be decided by the council, which will have regard to the geographical, political, and economic position of each state. The council will decide, by reference to the nature of the dispute, which states are to intervene immediately. Should the necessity arise, other states would also be called upon to apply the sanction.

18. States which have been called upon by the Council of the League of Nations to apply sanctions and which have refused to participate or do not participate loyally in putting the sanctions into effect shall also be liable under the international legal code.

SECOND COMMISSION

EUROPEAN CUSTOMS UNDERSTANDING

Resolutions presented on behalf of the permanent committee for the study of economic and financial questions

Rapporteur: Herr Adolf Braun (of Franken), member of the German Reichstag.

After discussing the feasibility of a "European customs union," Mr. Procopé, of Finland, submitted a substitute resolution, afterwards passed by the conference, as follows:

Considering that it would be of the greatest importance for good relations between European states, and thus contribute to guarantee the peace of the world, if the economic barriers at present dividing these states would, as far as possible, be abolished.

Considering, further, that such measures probably, in any case in the long run, would contribute to create a steady and more extensive

market for the products of European agriculture and industry, and therefore also to decrease the cost of production and the unemployment in Europe.

Considering, on the other hand, that the question if and how such measures could be realized ought to be subject to a very close study, with due regard to the different economic conditions in different countries,

The conference requests the committee for economic and financial questions to appoint a special subcommittee, whose duty it will be, after hearing of the national groups, to study the question as to what could be done to abolish or diminish the economic barriers existing between European states, and to present a report on this matter to a subsequent conference.

THIRD COMMISSION

NATIONAL MINORITIES

(Discussed and adopted, Britain and the United States not voting, at the session in Ottawa, October 13, 1925)

Resolutions presented by the permanent committee for the study of ethnic and colonial questions

Rapporteur: Dr. Paul Usteri, former Conseiller aux Etats (Switzerland). Substitute: Baron E. B. F. F. Wittert van Hoogland, member of the First Chamber of the Dutch Parliament.

I

Seeing that there exist in most European states mixed populations comprising majorities and minorities of race, language or religion;

Seeing that these conditions are liable at times to create difficult and intricate problems which it is essential to solve as far as possible by direct agreement between the majority and the minority;

Seeing that the resolution of the twenty-first conference recommending the institution of paritative commissions for the solution of minority problems has not received the desired consideration,

The twenty-third interparliamentary conference, in the interest of European peace and of good understanding between majorities and minorities in states having a mixed population,

Again calls the attention of the groups to the services which might be rendered in countries with minority problems by paritative commissions composed of an equal number of representatives of the majority and of one or other of the minorities and adapted to the conditions and to the various needs of the country, with the task of suggesting just solutions of the questions under dispute with a view to appeasing conflicts.

In the opinion of the conference paritative commissions might with advantage pursue their work either within local divisions or in conjunction with the central institutions of the state, according to the nature of the question to be treated.

II

Seeing that the International Court of Justice at The Hague, founded in 1921, enjoys general confidence and esteem,

Seeing that the Council of the League of Nations has already applied to that court for the solution of contestations relating to the situation of minorities, by soliciting its advice on disputed points; seeing that the treaties now in force provide for the reference of contested questions relating to the interpretation or the application of existing minority treaties to the International Court of Justice, at the request of one of the states represented on the Council of the League of Nations,

The twenty-third interparliamentary conference expresses its desire that all contested questions suitable for such reference, and particularly those relating to the interpretation and the application of minority treaties, should be referred by the council to the International Court of Justice, whether for its advice on litigious points or for a definite solution.

FIFTH COMMISSION[1]

THE REDUCTION OF ARMAMENTS

Resolutions presented on behalf of the permanent committee for the reduction of armaments

I

DEMILITARIZED ZONES

Rapporteur: Brig. Gen. E. L. Spears, C. B., C. B. E., M. C. (Great Britain).

A

The twenty-third interparliamentary conference, recalling the beneficial results for the cause of peace of the establishment of demilitarized zones, and particularly of the treaty of 1817 between the United States and the British Empire;

Seeing that every measure calculated to avoid immediate contact between opposed military forces would avert the danger of frontier incidents and help to create a greater sense of security on either side, thus making a considerable reduction of armaments possible,

Calls attention to the very special importance which the creation of demilitarized zones on exposed frontiers, under the auspices of the League of Nations, would have,

And recommends for the consideration of the groups of the union the declaration and statement of principles annexed to the present resolution, which might serve as a basis for the drafting of special conventions providing for the establishment of particular zones.

The interparliamentary bureau is requested to transmit the present resolution with its annexes to the groups and the governments of the countries represented within the union.

B

The interparliamentary committee for the reduction of armaments is empowered to place itself at the disposal of groups desirous of entering upon reciprocal negotiations, with a view to the conclusion of treaties providing for the establishment of demilitarized zones along their frontiers.

II

PLANS AND METHODS FOR THE REDUCTION OF ARMAMENTS

Rapporteur: Dr. P. Munch, former Minister of Defense (Denmark).

The twenty-third interparliamentary conference,

Recalling the resolutions of preceding conferences and insisting strongly upon the urgency of a reduction of armaments for all nations;

Noticing with the greatest regret that of late years the military expenditure of most countries shows a serious increase;

Realizing on the other hand, the necessity of giving to the nations a feeling of security,

Asks the groups of the union to consider every practical means of creating such a mutual feeling of security between the nations.

The conference believes that one of those means—and one of the most important—would be a general reduction of armaments. It therefore insists on the urgency of a thorough examination of methods for the reduction of armaments and begs the permanent committee for the study of these questions to appoint a subcommittee among its members to draft a technical scheme for a general reduction of armaments.

This subcommittee shall examine the two schemes presented to the preceding conference, and any other suggestions brought forward in the course of the present conference. It may call in experts.

Documents annexed to Resolution II on demilitarized zones

I

DECLARATION

The Interparliamentary Union calls the attention of the governments to the institution of demilitarized zones. It also recommends to the careful study of its groups the report presented by its committee for this question.

The conclusions of that report are:

That the vital problem now facing Europe is that of security;

That so long as that problem has not been solved disarmament can not be obtained.

Europe will not disarm so long as distrust of neighbors and fear of the future subsist, for those feelings inevitably drive the nations, desirous though they be of peace, to remain armed. The crushing burden of armaments forms an obstacle not only to economic recovery, but also—and this is more serious—carries the nations imperceptibly but with certainty toward new conflicts and fresh disasters.

The Interparliamentary Union sees in the institution of demilitarized zones the possibility of creating in many cases that sense of security essential to the peace of nations. The creation of such zones is compatible with any individual plan for peace and for security, and can also, in the absence of such arrangements, constitute a basis for more extensive agreements.

The existence of the League of Nations makes possible conceptions hitherto unattainable; it would be culpable not to seek to explore all the possibilities of peace created by that new and great outcome of human thought.

Thus a new conception of the frontier can be entertained. In the past certain frontiers were a source of constant danger; frontier incidents were always to be feared, and the origin of an act of provocation or even of aggression was difficult to ascertain.

The League of Nations can intervene between the peoples and can declare that whosoever violates a zone established between them commits an international crime to which the entire world may be witness.

In no country does the common law allow the individual to take his own vengeance, no matter what may be his provocation. Similarly, no provocation should justify a nation in taking the law into its own hand and violating an international agreement, as, for instance, a convention establishing a demilitarized zone. That nation must appeal to arbitration as the individual appeals to the judge.

It is unavoidable that the creation of a zone should entail mutual concessions, but these concessions will be limited by the fact that every zone will be freely agreed upon and that no zone will be established entirely to the cost of one country. The countries concerned must not forget that they gain the greatest of all benefits—that of peace.

[1] The fourth commission's report on dangerous drugs was not discussed or acted upon by the conference.

The Interparliamentary Union has examined the most difficult cases and has arrived at the conclusion that if the parties concerned show good will and are firmly resolved to succeed there is no case impossible of solution.

It is not proposed to thrust any measure on any party. Suggestions have been made; agreements must rest with those concerned.

We wish, however, to utter a solemn warning to those who may neglect this great possibility for peace. War is now a disaster which affects the whole of mankind. He who, by neglecting any means proffered to him, allows mankind once again to be overtaken by that catastrophe would run the risk of finding himself the object of the world's censure.

II

DEMILITARIZED ZONES

Proposed general regulations prepared by the committee for the reduction of armaments

GENERAL PROVISIONS

1. In demilitarized zones.

(a) No fortifications may be retained or constructed.

(b) No armed forces, whether permanent or temporary, may be maintained or assembled, nor may any military maneuvers of any sort be executed.

(c) No contrivance of any kind to facilitate mobilization may be retained or constructed.

Military and naval aircraft, without distinction of nationality, are forbidden to cross a zone.

2. Demilitarized zones shall be policed exclusively by a police force, which must not be militarily organized and which shall be subordinate to the civil authorities of the country only.

3. The numerical strength of the police and their arms shall form the subject of special agreements. The members of that police force shall have only the personal weapons necessary for police work. It should be a recognized principle that the police force must be large enough to be able to suppress even serious disturbances without having recourse to reinforcements from without the zone. Should there be a difference of opinion, the general commission provided for in article 5 shall be the judge.

THE CONTROL OF DEMILITARIZATION

5. The League of Nations is requested to nominate a general commission, having its seat in Switzerland, for demilitarized zones. The commission shall be competent for all questions relating to the application and the interpretation of treaties concerning demilitarized zones. It shall order investigations with regard to the different zones and shall make the necessary decisions based on the results of those investigations.

The general commission shall have power to nominate a commission of control for each zone. The commission shall be able, if it considers it necessary, to transfer the seat of the commission of control within the zone either as a permanent or as a temporary measure.

7. Each commission of control is to be composed of a president and two assessors. Each member must belong to a different nationality. They must not be nationals of the countries immediately concerned (zone states) or be engaged in their service. In order to insure a constant quorum, a deputy and a vice deputy shall be appointed for every member of the commission.

The members of each commission of control shall be nominated from lists of candidates presented, in the case of the president and of his substitutes, by the Permanent Court of International Justice; and in the case of the assessors and of their substitutes, by the government of each of the zone states. Three candidates shall be proposed for each post.

9. The members of the general commission and of the commissions of control shall enjoy the privileges and immunities of diplomatic representatives in the performance of their duties.

10. The general commission may appoint, either permanently or temporarily, experts and other assistants.

11. Immediately on receiving a complaint the general commission may, by a simple majority, order an investigation on the spot. Such an investigation must take place if one of the zone states so requests.

12. The governments of the two demilitarized zones are each entitled to send at their own expense delegates to every investigation.

13. The control commissions shall submit a report to the general commission. The latter shall call upon the governments of the zones concerned to express their views on the report within a reasonable lapse of time. On the expiration of this period the general commission shall give its decision. The government of the zone to which the decision relates may appeal to a court of arbitration.

14. In urgent cases the control commissions may order the immediate redress of the grievance. In this case the decision must be unanimous. The government of the zone concerned shall, however, have the right to appeal to the general commission, and in the second instance to a court of arbitration.

15. In urgent cases, if a zone state finds that the police forces at its disposal within the demilitarized zone of its territory are insufficient to maintain public order, and considers it necessary to call in supplemental police forces, it shall be obliged to lodge a formal notification of this measure with the general commission, in the exceptional event of its not having been able to do so in advance. The supplemental force is not, however, to exceed a maximum number equal to one-third of the regular police force, without the preliminary consent of the general commission.

Should the general commission not approve the use of the supplementary police force notified, the zone government concerned shall be entitled to submit the matter to the Permanent Court of International Justice at The Hague, which court may, by means of a provisional injunction, request a restriction of the force concerned, or the withdrawal of the measures adopted.

16. Should a zone state believe itself unable to maintain order with police forces and consider it necessary to send troops into the demilitarized zone of its territory, it must obtain the previous consent of the general commission. For this purpose it shall accurately indicate the number, composition, and equipment of the troops to be employed. The commission may approve the measure, if necessary after certain modifications, or it may refuse its consent.

In the event of modifications being asked for, or of the commission refusing its consent, the states concerned may submit the matter to the Permanent Court of International Justice at The Hague.

17. The procedure provided for in the foregoing paragraphs shall not prevent the zone state concerned from coming to an agreement with the general commission as to the extent and duration of the measure proposed, even after an appeal has been lodged with the Permanent Court of Justice.

18. Without losing sight of the general principles laid down in articles 15 to 17, special provision may be made with regard to particular zones on the basis of an agreement between the zone states.

19. If the government of a zone state raises objections to an order or a decision of the general commission in cases other than those covered by articles 15 to 17, it may appeal to the verdict of a court of arbitration. This court shall be composed of four members, two of whom shall be appointed by the plaintiff government and two by the general commission, and of a chairman appointed by the president of the Permanent Court of International Justice.

20. The zone states shall consult together as to supplementary measures to be taken by one or other of them to create a sense of security on both sides of the zone, specially with regard to the application of the principles laid down in Article I.

SIXTH COMMISSION

THE PARLIAMENTARY SYSTEM—THE PRESENT CRISIS IN THAT SYSTEM AND ITS REMEDIES

Resolution presented by M. H. Micheli, conseiller national (Switzerland)

The twenty-third interparliamentary conference.

Having examined the report of M. Horace Micheli, conseiller national (Switzerland);

Considering the crisis through which the parliamentary system is now passing in almost every country, the criticism and even the attacks to which it is subjected from the most diverse quarters;

Considering, on the other hand, that the Interparliamentary Union is the international institution best qualified to discuss that criticism and, in so far as it may prove justified, to find remedies, and also to refute the attack directed against the very existence of the parliamentary system as the protector of public liberty;

Requests the committee for the study of political and organisation questions, after having instituted an inquiry among the national groups, to study the parliamentary system in the different countries and to present a report to a subsequent conference.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 17, 1925, the President approved and signed the joint resolution (S. J. Res. 1) to continue section 217 of the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, No. 506, 68th Cong.), approved February 28, 1925, in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a petition of sundry members of the Topeka Radio Club, of Topeka, Kans., praying for the making of adequate appropriation for the advancement of radio communication, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Kansas State Nurses' Association at Topeka, Kans., favoring the participation of the United States in the Permanent Court of Interna-

tional Justice under the terms of the so-called Harding-Hughes-Coolidge plan, which was ordered to lie on the table.

Mr. COPELAND presented a memorial, numerously signed, by sundry citizens of Jefferson County, N. Y., remonstrating against the participation of the United States in the Permanent Court of International Justice, which was ordered to lie on the table.

Mr. JONES of Washington presented petitions of the Democratic Women's Club; the Plymouth Girls' Club; the Seattle Texas Club; the City Federation Colored Women's Club; the Rainier Noble Post, No. 1, American Legion; the Daughters of Pioneers of Washington; Seattle City-Wide Democratic Women's Club; members of Chapter A. O. P. E. O.; the City Federation of Women's Clubs; the Women's King County Republican Club, all of Seattle; and the Western Washington Woman's Christian Temperance Union, all in the State of Washington, praying for the passage of legislation establishing a universal salute to the national flag, which were referred to the Committee on Military Affairs.

REPORT OF THE PUBLIC LANDS COMMITTEE

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1423) to relinquish the title of the United States to the land in the donation claim of the heirs of J. B. Baudreau, situate in the county of Jackson, State of Mississippi, reported it without amendment.

COLUMBIA RIVER BRIDGE

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with amendments the bill (S. 1267) to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and I submit a report (No. 5) thereon. I ask unanimous consent for the present consideration of the bill. It merely extends the time about a year for the completion of the bridge.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 4, after the word "and," to strike out "approach" and insert "approaches"; in line 5, before the words "of navigation," to strike out "interest" and insert "interests"; at the end of line 5 to strike out "the" and insert "a"; in line 8, after the numerals "1920," to insert "which has heretofore been extended by act of Congress approved January 30, 1924"; and in line 9, after the word "hereby," to insert "further," so as to make the bill read:

Be it enacted, etc., That the time for the completion of the construction of the bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near a point within 2 miles westerly from Cascade Locks, in the county of Hood River, State of Oregon, authorized by the act of Congress approved February 3, 1920, which has heretofore been extended by act of Congress approved January 30, 1924, be, and the same is hereby, further extended to February 15, 1927.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 1812) for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 1813) for the relief of H. C. Magoon; to the Committee on Claims.

A bill (S. 1814) granting an increase of pension to Charles Adams (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 1815) granting an increase of pension to Thomas S. Garen; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 1816) granting an increase of pension to Dona B. Simonton; to the Committee on Pensions.

By Mr. GERRY:

A bill (S. 1817) to establish a children's court in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. GEORGE:

A bill (S. 1818) for the relief of Lillie F. Evans; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 1819) for the relief of Edward F. Weiskopf; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 1820) for the promotion of prevocational education; to the Committee on Education and Labor.

A bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom; and

A bill (S. 1822) to provide for the establishment of a dairying and livestock experiment station at Dalhart, Tex.; to the Committee on Agriculture and Forestry.

A bill (S. 1823) for the relief of H. L. Roberts & Co. and Thomas C. Edwards; and

A bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 1825) to extend the provisions, limitations, and benefits of section 4 of an act entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the war with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases," approved May 1, 1920; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 1826) to promote forest conservation, to extend the national forests, to raise a revenue from forest products, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. PHIPPS:

A bill (S. 1827) granting an increase of pension to Adelaide R. Haldeman (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy; to the Committee on Naval Affairs.

A bill (S. 1829) to promote the production of sulphur upon the public domain; to the Committee on Public Lands and Surveys.

A bill (S. 1830) authorizing the construction of additional hospital facilities for the port of New Orleans, La.; to the Committee on Public Buildings and Grounds.

A bill (S. 1831) to establish an air mail service between the city of New Orleans, La., and the Panama Canal Zone; to the Committee on Post Offices and Post Roads.

A bill (S. 1832) making appropriation for the construction and equipment of a light vessel for The Passes at the entrances to the Mississippi River, La.; to the Committee on Appropriations.

By Mr. HARRELD:

A bill (S. 1833) providing for the construction of a sanatorium and hospital at Claremore, Okla., and providing an appropriation therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 1834) providing for remodeling, repairing, and improving the Pawnee Indian school plant, Pawnee, Okla., and providing an appropriation therefor; to the Committee on Indian Affairs.

By Mr. SWANSON:

A bill (S. 1835) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River; to the Committee on Military Affairs.

A bill (S. 1836) for the improvement of Mulberry Creek, Lancaster County, Va., and the channel connecting the said creek with the Rappahannock River;

A bill (S. 1837) to provide for the examination and survey of Mathews Creek, Mathews County, Va., and of the channel connecting the said creek with East River, Mathews County, Va.;

A bill (S. 1838) to provide for an examination and survey of Nomini Bay and Creek, Westmoreland County, Va., and channel connecting the same with the Potomac River;

A bill (S. 1839) to provide for an examination and survey of Mill Creek, Middlesex County, Va., and of the channel connecting said creek with Rappahannock River, Va.;

A bill (S. 1840) to provide for an examination and survey of Carters Creek, Lancaster County, Va., and of the channel connecting the said creek with Rappahannock River, Va.;

A bill (S. 1841) to provide for an examination and survey of Beach Creek, Lancaster County, Va., and of the channel connecting the said creek with Rappahannock River, Va.;

A bill (S. 1842) to provide for an examination and survey of channel leading from Oyster, Northampton County, Va., to the Atlantic Ocean; and

A bill (S. 1843) to provide for an examination and survey of Starlings Creek, Accomac County, Va., and of the channel connecting said creek with Pocomoke Sound; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 1844) for the relief of the owner of the steamer *Squantum;*

A bill (S. 1845) for the relief of the owner of the derrick lighter *November;*

A bill (S. 1846) for the relief of the owner of the barge *Albany;*

A bill (S. 1847) for the relief of the owner of the barge *Katie Tracy;*

A bill (S. 1848) for the relief of the owner of the scow *Sisters;*

A bill (S. 1849) for the relief of the owner of the scow *Bell;*

A bill (S. 1850) for the relief of the owner of scow *65 H;*

A bill (S. 1851) for the relief of the owner of scow *No. 74;* and

A bill (S. 1852) for the relief of the owner of the steam lighter *Victor T;* to the Committee on Claims.

By Mr. KING:

A bill (S. 1853) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. GOODING:

A bill (S. 1854) to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 1855) granting pensions to certain Indians of the Sioux Nation and to widows of such Indians; to the Committee on Pensions.

A bill (S. 1856) amending further an act providing for the withdrawal from public entry lands needed for town-site purposes in connection with irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. UNDERWOOD:

A bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. McKINLEY:

A bill (S. 1858) authorizing the Secretary of Agriculture to pay one-half the cost of the bridge authorized to be constructed across the Mississippi River connecting the county of Carroll, Ill., and the county of Jackson, Iowa; to the Committee on Agriculture and Forestry.

By Mr. HARRIS:

A bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 1860) for the relief of F. G. Proudfoot; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 1861) to reinstate Victor Iago Morrison as a major in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 1862) authorizing an appropriation to the Harrisburg Real Estate Co.; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 1863) for the relief of Carrol A. Dickson; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 1864) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army; to the Committee on Military Affairs.

A bill (S. 1865) granting a pension to John P. Gray; and

A bill (S. 1866) granting an increase of pension to Israel W. Bennett; to the Committee on Pensions.

FISHING INDUSTRY IN THE COLUMBIA RIVER

Mr. STANFIELD submitted the following resolution (S. Res. 95), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the fishing industry in the Columbia River is of large and major importance, giving employment to approximately 10,000 people; and

Whereas the annual catch of salmon in the Columbia River approximates 40,000,000 pounds, of a value in excess of $12,000,000; and

Whereas the Federal Power Commission has granted a permit to the Washington Irrigation & Development Co. for the development of hydroelectric power in the Columbia River at a point near Priest Rapids; and

Whereas the natural spawning area of the Columbia River lies above Priest Rapids, where it is proposed to construct a dam to develop the hydroelectric power mentioned; and

Whereas a dam constructed across the Columbia River at this point without proper provision for the protection of the spawning area will result in the destruction of approximately one-half of all the natural spawning area in the Columbia River; and

Whereas destruction of a large part of the spawning area in the Columbia River will result in the destruction of the fishing industry in the said river and, in turn, result in destroying the means of livelihood of a large number of citizens and cause serious financial loss to the capital invested in the fishing industry in that river: Therefore be it

Resolved, That a committee of three be appointed by the Vice President to investigate the terms and conditions of the permit granted by the Federal Power Commission to the Washington Irrigation & Development Co., and also investigate the effect the proposed development under such permit will have upon the fishing industry in the Columbia River. And be it

Resolved further, That the said committee is hereby authorized, during the Sixty-ninth Congress, to send for persons, books, papers, subpœna witnesses, administer oaths, hold hearings at the Capitol in Washington, and to employ a stenographer at a cost of not exceeding 25 cents per 100 words to report such hearings as may be had before such committee, the expense thereof to be paid out of the contingent fund of the Senate, and that committee may sit during any session or recess of Congress. And be it further

Resolved, That said committee shall make report of its findings to the Senate of the Sixty-ninth Congress.

USE OF WHISKY, ETC., BY REPRESENTATIVES OF FOREIGN GOVERNMENTS

Mr. CURTIS. Mr. President, upon yesterday I asked that the resolution offered by the Senator from South Carolina [Mr. BLEASE] go over under the rule. I now move that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 93), submitted yesterday by Mr. BLEASE, is as follows:

Resolved, That the Assistant Secretary of the Treasury, Hon. Lincoln C. Andrews, who is in charge of the enforcement of the Volstead Act, be requested to investigate immediately and inform the Senate whether or not whisky, wine, or beer has been served by any of the foreign ambassadors, ministers, consuls, or other agents of any other countries in Washington, D. C., since the passage of the Volstead Act, and if it is now being done; and if so, with the approval of the President of the United States, or any other official whose duty it is to enforce the said law; and, further, if it is true that the recent representatives of the Italian delegation to this country in reference to the settlement of its debt to the United States were permitted to bring into this country champagne, whisky, and beer, or either of them; and if so, by whose permission; and if they did, why were they not promptly arrested, as American citizens would have been?

Second, That a similar request be made of Hon. James E. Jones, Director of Prohibition.

Third. That a similar request be made of the Secretary of the Treasury.

PROPOSED INVESTIGATION OF ST. ELIZABETHS HOSPITAL

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent that Senate Resolution 84, providing for the election of a committee of the Senate to investigate all matters concerning the operation and maintenance of the St. Elizabeths Hospital, submitted by me on the 10th instant, which was then ordered to lie on the table, be now referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

DECEMBER 26, 1925, A LEGAL HOLIDAY IN DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, I ask unanimous consent for the present consideration of Senate Joint Resolution 28 now on the calendar.

Mr. ROBINSON of Arkansas. Let the joint resolution be read before consent to its consideration is given, or let a statement be made respecting it.

The VICE PRESIDENT. The clerk will read the joint resolution, for information.

The Chief Clerk read the joint resolution (S. J. Res. 28) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia, as follows:

Resolved, etc., That Saturday, December 26, 1925, be, and the same is hereby, declared a legal holiday in the District of Columbia for all purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. JONES of Washington. I think the joint resolution had better go to the calendar.

The VICE PRESIDENT. It is on the calendar at present.

Mr. CAPPER. It is on to-day's calendar.

Mr. JONES of Washington. I ask that it may go over.

The VICE PRESIDENT. Objection is made, and the joint resolution remains on the calendar.

Mr. JONES of Washington subsequently said. Mr. President, I understand the joint resolution that was called up a moment ago by the Senator from Kansas [Mr. CAPPER] does not create a permanent national holiday for the District of Columbia, but simply takes care of the situation that comes about by reason of Christmas falling on Friday. Therefore I withdraw my objection to the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I want to have an explanation of the joint resolution, or I want it read first.

The VICE PRESIDENT. The joint resolution will be again read.

The Chief Clerk again read the joint resolution.

Mr. CAPPER. Mr. President, the President has issued an Executive order closing all of the departments of the Government on Friday and Saturday of next week. All other Government employees except those of the District of Columbia will receive pay for those two holidays. The District Commissioners sent this measure in, prepared by the corporation council, including the employees of the District government for that day, the same as all other Government employees.

Mr. SMOOT. We have so many holidays now, and we pay out so much for holidays, not only to Government employees in the District, but to the District employees as well, that something should be done to limit it. I take for granted, of course, that what the Senator has said is correct, that the President has issued a proclamation making Saturday next a legal holiday. I suppose the object of that was so that all the employees of the District of Columbia would have Friday, Saturday, and Sunday as holidays. If they did not have the holidays that they already have, I would not speak of it; but it does seem to me that we are going mad on the question of holidays—30 days leave of absence, 30 days sick leave, half holiday for every Saturday during the summer months with the demand that it be made to apply all the year through.

Mr. OVERMAN. According to the joint resolution the President has already issued a proclamation making Saturday the 26th a holiday.

Mr. SMOOT. But it does not apply to the employees of the District of Columbia. The proclamation covers all of the employees of the Government, but it does not cover the employees of the District of Columbia, and I think certain employees in the navy yard. They are left out. I suppose it would be unjust to grant a holiday to all of the Government employees in the District of Columbia and not include any of the employees of the navy yard, and it may be unjust to those who are employed by the District government. But if such a provision is made for the District of Columbia, it ought to be made for every State.

I merely wanted to take this occasion to say, and I will be satisfied now with saying, that it does seem to me we are going mad on the question of holidays and leave of absence and sick leave and now half-day holidays. We now get very little over 10 months' labor out of the employees of the United States. I wanted to say that much at this time. This is only another step, just another step, in the wrong direction.

Mr. NORRIS. Mr. President, may I make an inquiry of the Senator from Kansas?

Mr. CAPPER. Certainly.

Mr. NORRIS. The inquiry I am about to make has not anything to do perhaps with the merits, but it seems to me that we ought not to apply a different rule to one set of employees than to another set. They all ought to be treated alike. But this question arises in my mind: As I understood it, the Senator said the President by Executive order had made a certain day a holiday. I was wondering if there is any doubt about the President having authority to do that. Under what law does he do it?

Mr. CAPPER. The custom has been heretofore to declare a half holiday on the day before Christmas.

Mr. NORRIS. That may be. I am asking just as a matter of information—it has not anything to do with this particular case—if the President has authority to declare Saturday of next week a holiday, and, if so, why he could not declare every day a holiday and make it legal? I was wondering what authority he had.

Mr. CAPPER. The constitutional lawyers will have to pass on that question, I will say to the Senator from Nebraska. I can not pass on it.

Mr. SMOOT. I want the Senator from Kansas to understand that I am not opposed to a reasonable holiday or reasonable leave of absence. For instance, during the summer time as chairman of the Building Commission I took occasion to ascertain the temperature in all the temporary buildings that we have here to see under what conditions the Government employees were working. I found that the temperature in the buildings themselves was about 2 degrees higher than it was outside of the buildings. During those extremely sultry days of July and August last I knew that it was unwise for Government employees to work in those buildings more than four hours in the morning, so during all those days the employees were discharged for the afternoon but were paid in full by the Government. It was proper that that should be done, because they were working under conditions which were almost unbearable. The quicker we get the Government employees out of those shacks the better it will be for all concerned. I have not yet figured out what it cost the Government to pay those employees during the time to which I have referred when it was next to impossible for them to work.

Mr. NORRIS. Mr. President, I suggest that the remedy for the situation described by the Senator from Utah is to move the Capital into a decent climate. [Laughter.]

Mr. SMOOT. The Senator from Utah never suggests anything which would be an impossibility if he knows it to be such.

Mr. FLETCHER. We might have a Capital in the mountains in the summer and another in Florida for the winter.

Mr. NORRIS. There would be no room for the Capital in Florida now.

Mr. SMOOT. I recognize the great ability of the Senator from Florida [Mr. FLETCHER] to advertise his State.

Mr. FLETCHER. Florida does not need advertising.

Mr. SMOOT. Even though it may not, the Senator from Florida never misses an opportunity to do so, and I congratulate him.

Mr. President, inasmuch as this proposed legislation applies only to the District employees and to navy-yard employees, I suppose the only right thing to do now is to pass the joint resolution. I hope that hereafter, however, there will be a little more attention given to the needs of the Government than to those of some special interest which may desire another play day.

Mr. CAPPER. Mr. President——

Mr. KING. Mr. President, I desire to ask the Senator from Kansas [Mr. CAPPER] a question, if I may do so.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CAPPER. I yield.

Mr. KING. I should like to ask the Senator whether this measure is so comprehensive as to release certain employees—for instance, policemen and watchmen and other employees of the Government who are responsible—from any duty whatever upon the holiday proposed?

Mr. CAPPER. The joint resolution will apply to per diem employees of the District government.

Mr. KING. It will not release the employees to whom I have referred from active duty?

Mr. CAPPER. Not at all.

Mr. KING. That would be inadvisable, because if certain employees were to be freed from rendering any service whatever injury might result to the District and to District property.

Mr. CAPPER. All of the departments here in Washington will be closed on Saturday, regardless of any action we may

take concerning the joint resolution. If passed, the joint resolution will simply put all the employees on the same basis and will pay a few thousand of them their per diem, as 55,000 others will be paid whether we pass the joint resolution or not.

Mr. HALE. Mr. President, I have an amendment which I desire to offer to the resolution.

The VICE PRESIDENT. The Senator from Maine offers an amendment to the joint resolution, which will be stated.

The CHIEF CLERK. It is proposed to add at the end of the joint resolution the following proviso:

Provided, That all employees of the United States Government in the District of Columbia and employees of the District of Columbia shall be entitled to pay for this holiday the same as on other days.

Mr. HALE. Mr. President, the reason for the amendment is that the joint resolution which is now under consideration would not, as it now stands, apply to employees in the navy yard in Washington; and my amendment, if adopted, would simply take care of those employees and put them on the same basis with the other employees who will be covered by the joint resolution.

The House Committee on the District of Columbia has already acted on the proposition embraced in my amendment, and has approved it. If the amendment were not adopted, instead of the President granting a boon to certain employees he would be penalizing them by taking away from them a day's work for which they would not receive pay.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGES OF REFERENCE

Mr. McNARY. Mr. President, on December 8 I introduced the bill (S. 717) to amend section 9 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914. By mistake I caused it to be referred to the Committee on Interstate Commerce. After further study and reflection I am convinced that it should go to the Committee on the Judiciary. I ask that the Committee on Interstate Commerce be discharged from further consideration of the bill, and that it be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

On motion of Mr. WADSWORTH, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 1655) authorizing a preliminary examination and survey of Humboldt Bay, Calif., and it was referred to the Committee on Commerce.

COMMITTEE SERVICE

On motion of Mr. ROBINSON of Arkansas, it was—

Ordered, That Mr. BRATTON be assigned to service upon the Committee on Territories and Insular Possessions.

THE WORLD COURT

The VICE PRESIDENT. Morning business is closed.

Mr. LENROOT. I move that the Senate proceed in open executive session to the consideration of Senate Resolution No. 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, in open executive session, resumed the consideration of the resolution.

Mr. LENROOT. Mr. President, I shall speak to-day very briefly upon but one phase of the subject before the Senate, and that only in a general way.

There is much propaganda coming to Senators upon both sides of this question, and it will undoubtedly increase as the days go by. I have no doubt that legitimate criticism can be made of some of the propaganda in favor of the court, but I do know that much of the propaganda in opposition to it is misleading and that alleged statements of fact are made in reference to it that have not the slightest foundation. To illustrate, I hold in my hand a little pamphlet, which I assume every Senator has received, entitled "Catechism of the World Court." "Americans must understand just what kind of court it is proposed to have the United States join."

In the catechism I find that after referring to The Hague tribunal the question is asked—

> What is the difference between these two world courts?—A. The old world court is a real, regular, independent court.

In another answer it is said:

> There is in existence an old, real, regular world court.

I know that no Member of this body would undertake to make that statement to the Senate and the country, because every Senator knows that statement is absolutely untrue.

I shall make just one more reference to this pamphlet with regard to the advisory opinion of the court in what is commonly called the Morocco case:

> In a dispute regarding citizenship in Tunis and in Morocco the new court advised the league to the effect that questions of citizenship were not domestic questions but international questions.

Of course, every Senator who has read the opinion knows that there was no such advice given at all; in fact, the advice was exactly the contrary, but the court did hold that if two nations had made a treaty or agreement with reference to that question their contract would govern the relationship.

I shall not spend further time on that except to say that everything that has come to me in favor of the World Court has borne the name or the title of its sponsors. This pamphlet has no sponsors and I am not surprised at that, because no citizen of the United States who desires the good opinion of his fellowmen would dare sponsor such a misrepresentation as that.

Then, we constantly read, Mr. President, in the newspapers opposed to the court, editorials to the effect that this court has been created by the league, is the agent of the league, and is owned by the league. The statement is constantly made that the covenant of the League of Nations is the constitution of the court and that the court has no jurisdiction outside of the covenant of the League of Nations. It is because of these very misleading statements that I wish to discuss, as briefly as I may, principally the question of the origin of this court and whether or not it is absolutely independent in the performance of its functions of the League of Nations.

The fact is, as every Senator knows, that this court is American in its origin; and the general outline, with the exception of the election of judges, the payment of their expenses, and references to the League of Nations was first proposed by American statesmen many years ago. It was first proposed at the First Hague Peace Conference in 1899, in President McKinley's administration. In his instructions to our delegates to that conference Secretary Hay said:

> Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent states, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

At that time the United States presented a plan for a permanent court to The Hague conference. That conference did not provide for a permanent court, as we all know, although arbitrations were provided for, and there was created what was called a permanent court of arbitration, but which, in fact, is not a court at all.

At the Second Peace Conference at The Hague in 1907 the United States again urged the creation of a permanent court of international justice and Secretary Root issued to our delegation the following instructions:

> It should be your effort to bring about in the second conference a development of The Hague tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and who would devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. The judges should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented. The court should be of such dignity, consideration, and rank that the best and ablest jurists will accept appointment to it and that the whole world will have absolute confidence in its judgments.

I invite a comparison of the statute which I shall discuss with these principles of a world court laid down by Secretary Root in 1907.

The second peace conference failed to provide such a court solely because the delegates could not agree upon the method of electing the judges.

The mere fact that the existing statute was recommended for adoption by the League of Nations should neither commend nor condemn it, but the court's statute should be examined and judged by what it is. I realize, Mr. President,

that there are some who are so prejudiced against the League of Nations that they can conceive of no good possibly coming out of it. Mr. President, nearly nineteen hundred years ago the question was asked: "Can any good thing come out of Nazareth?" The reply was: "Come and see." So, whatever opinion may be entertained with reference to the League of Nations, we may well say, so far as this one recommendation is concerned by it with regard to the permanent court, "Come and see."

While it is true that the statute in its present form was recommended by the league, it had no power to give life to the court, and it never could have come into being by its action. That required the separate action of the states who were members of the league; and the nations not members but named in the annex to the covenant of the league, of which the United States is one, had the privilege of joining it upon the same terms as members of the league. As Senators know, 48 nations have adhered to the protocol establishing the court; and it is their action, and theirs alone, that has vitalized it into existence.

I therefore wish to briefly examine the organic act which establishes the court, and then consider the question of its independence, and especially whether it has any such relationship to the League of Nations as makes it dependent upon the league in the performance of its duties.

First, with regard to the judges:

Article 2 of the court statute reads:

> The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices or are jurisconsults of recognized competence in international law.

I think it will be admitted that language could not be more comprehensive to secure an independent body of judges who in the performance of their duties bear allegiance to no country, but only to the law of truth and justice.

As a judge of the court an Englishman will violate the oath of office he takes if he permits his decisions to be influenced in favor of Great Britain by the fact that he is an Englishman. A great American, John Bassett Moore, is one of the judges, but no one who knows him would believe for a moment that his nationality would influence his decisions.

Upon that point we have in the decisions of the court itself one or two very striking illustrations of the independence of the judges. Take the Morocco case, to which I referred a moment ago. France was one of the contending parties. There is a national of France on the Permanent Court of International Justice; and yet that judge, that Frenchman, joined in the unanimous opinion of the court against France.

While it is true that the judges are elected by the Council and Assembly of the League of Nations, acting separately, this has nothing to do with their independence, any more than an honest judge would allow his decisions to be influenced by the fact that one of the parties in a suit before him had voted for him.

It should be remembered in this connection that the Council and Assembly of the League of Nations have not an unrestricted choice in election of judges, but they are nominated by the Court of Arbitration at The Hague, and the league can make no selection except from the persons so nominated. And may I say in passing that although we are not a member of the League of Nations, nor have we yet adhered to the World Court statute, we to-day have a right to participate in the nomination of these judges.

Finally, on this point, the 11 judges and 4 deputy judges elected are men of great ability as international lawyers, and each has received distinguished honors in his own country by reason of his learning and public service. If any question shall hereafter be raised regarding the standing, the ability of these judges, we shall be glad to discuss that question when it comes up.

Second. The powers and duties of the court are defined by the statute creating in the court, and none others can be exercised. There is a mistaken idea quite prevalent that the court is dependent not on the statute but on the covenant of the League of Nations for a part of its jurisdiction. In support of this contention it is said that the court statute makes no mention of advisory opinions and that it is the covenant of the league which confers such jurisdiction. The fact is that article 36 of the statute expressly provides that the jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The covenant of the league is such a treaty or convention; and as the request for advisory opinions is a matter that is specially provided for in it, therefore, under article 36 of the statute, the court has jurisdiction to render such opinions. But such jurisdiction is not confined to rendering advisory opinions to the League of Nations. If the United States and Great Britain should enter into a treaty and in it provide that either party might request an advisory opinion from the court as to the interpretation of any clause in the treaty, the court would without question have the same right to render an advisory opinion in that case as has the League of Nations.

We have a Pan American Union. Suppose we should provide by treaty between all of the states on the Western Hemisphere that with reference to some subject matter of that treaty the Pan American Union should have the right to request the World Court to render an advisory opinion. It would have the same right to do so that it now has to render an advisory opinion to the League of Nations.

The statute establishing the court is complete in itself and is the constitution of the court. It can no more exercise powers not conferred expressly or by implication by that instrument than our Congress can exercise powers not conferred upon it by the Constitution of the United States.

Third. The court is absolutely independent in the performance of its functions. I have already referred to the fact that the judges, as such, owe no allegiance to the country of which they are nationals; but it is said that the court is the agent and servant of the League of Nations. This assertion is based for the most part upon two facts:

1. That the council and assembly of the league elect the judges; and

2. That the salaries of the judges and other expenses of the court are paid through the league.

While this is a fact—and I personally wish it might be otherwise, and I shall refer to that a little later—I contend that it in no way affects the independence of the court.

I think no one will contend that the Supreme Court of the United States is not absolutely independent of both the executive and legislative branches of our Government. Its judges are appointed by the President and confirmed by the Senate, and the Senate, sitting as a court of impeachment, has the right to remove them. Will anyone say that because of this fact the Supreme Court of the United States is subservient to or is the agent of the President and Senate? No one would dare so assert, because the recorded history of the court would confound him.

No Justice of the Supreme Court can receive any compensation for his services except as it is appropriated for by Congress. In other words, the Justices of our Supreme Court are as dependent upon Congress for their salaries as are the judges of the World Court upon the League of Nations for their salaries. Will anyone say that our Supreme Court is subservient to or is the agent of Congress because its justices are dependent upon it for their salaries? The decisions of the court setting aside acts of Congress as unconstitutional are a complete answer. Indeed, Mr. President, it is worthy of note that most of the complaint of the Supreme Court of the United States is not that they are influenced in their decisions by the fact that they are appointed by the executive branch, their salaries are appropriated for by Congress, and that they are subservient to them. Most of the complaint against that court of late years has been that they are too independent; that they pay too little attention to the acts of Congress and too often find what we do to be invalid because contrary to the Constitution. So I contend that it can not be said that either the election of judges of the World Court or the payment of their salaries affects in any way the independence of the court.

I anticipate, Mr. President, that it may be said that inasmuch as they must be reelected, their terms being for nine years, that will affect their independence; and yet, Mr. President, I anticipate that most of the Senators who may urge that view are in favor of the election of judges in the United States as against appointment by the Executive. In most of our States we do so elect them. In many of the States they are elected through party nomination. Is there any question about the independence of the courts of this country? How often have you heard, Mr. President, that a judge in the performance of his functions is actuated by the fact that he is nominated by a political party or elected by their votes?

But, further, the court by its own action has conclusively shown its independence of the League of Nations. An advisory opinion was asked of it by the council of the league in a dispute

between Russia and Finland. Russia was not a member of the league and declined to consent to the jurisdiction of the court to render such advisory opinion. For that reason the court declined the request of the league and refused to give the advisory opinion asked for. This is the familiar Eastern Karelia case, and sometimes is termed the fifth advisory opinion of the court, though in fact it was not an advisory opinion at all in the ordinary sense, but an opinion giving reasons for refusing to comply with the request.

While I am upon this point, Mr. President, this opinion conclusively determines that the United States, if it shall ratify this protocol, will not only not be bound in any way by any advisory opinion, but none can be rendered by the court where our interests or our rights are the issue. I want to read just a paragraph of the advisory opinion in the Eastern Karelia case. The court said:

> There has been some discussion as to whether questions for an advisory opinion, if they relate to matters which form the subject of a pending dispute between nations (members of the league), should be put to the court without the consent of the parties. It is unnecessary in the present case to deal with this topic.

Note that the court in this case even refused to decide the question as to whether they could give an advisory opinion when the question was solely between two members of the league, where, by joining the league, they had consented to the request by the council for such advisory opinion.

> The opinion, which the court has been requested to give, bears on an actual dispute between Finland and Russia. As Russia is not a member of the League of Nations, the case is one under article 17 of the covenant. According to this article, in the event of a dispute between a member of the league and a state which is not a member of the league, the state not a member of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, and, if this invitation is accepted, the provisions of articles 12 to 16 inclusive—

That includes article 14, relating to advisory opinions—

> shall be applied with such modifications as may be deemed necessary by the council. This rule, moreover, only accepts and applies a principle, which is a fundamental principle of international law, namely, the principle of the independence of states. It is well established in international law that no state can, without its consent, be compelled to submit its disputes with other states either to mediation or to arbitration or to any other kind of pacific settlement. Such consent can be given once and for all in the form of an obligation freely undertaken, but it can, on the contrary, also be given in a special case apart from any existing obligation. The first alternative applies to the members of the league who, having accepted the covenant, are under the obligation resulting from the provisions of this pact dealing with the pacific settlement of international disputes. As concerns states not members of the league, the situation is quite different; they are not bound by the covenant. The submission, therefore, of a dispute between them and a member of the league for solution, according to the methods provided for in the covenant, could take place only by virtue of their consent. Such consent, however, has never been given by Russia. On the contrary, Russia has, on several occasions, clearly declared that it accepts no intervention by the League of Nations in the dispute with Finland. The refusals, which Russia had already opposed to the steps suggested by the council, have been renewed upon the receipt by it of the notification of the request for an advisory opinion. The court, therefore, finds it impossible to give its opinion on a dispute of this kind.

Not only is that the opinion, but I do not think any lawyer would question the correctness of the court's opinion as a matter of international law.

True, it is said that the recent opinion in the Mosul case, pending between Turkey and Great Britain, in which the court rendered its twelfth advisory opinion a few weeks ago, modified this opinion; but a reading of that opinion shows conclusively that there is absolutely nothing contradictory between the holding in that case and the holding in the Eastern Karelia case, because that question was not in any way involved in the Mosul advisory opinion. In that case Turkey had submitted to the jurisdiction of the council, and, in fact, it did not object to the jurisdiction of the court, so far as parties were concerned, basing its objection on the ground that the dispute was not one judicial in its nature, but was a political question. The court examined that question and found that the dispute was judicial, involving, and involving only, the interpretation of a treaty.

I therefore submit, Mr. President, that it can not be successfully contended that the court is not an absolutely independent body, as all courts of justice should be. I submit, further, that the only effect of a contention that it is not an independent body would be to impugn the motives of the men who have been elected as judges of this court, and assume that they would violate their oaths of office and serve the nations of which they happen to be citizens or subjects, rather than to follow and declare the law.

It is said by some of our opponents that we now have a World Court in the Court of Arbitration at The Hague, and that no other is necessary. The answer is that the so-called Court of Arbitration at The Hague is not a court at all. It is nothing but a panel from which arbitrators may be chosen. These judges have no fixed tenure, and there are no rules laid down with reference to their conduct, except as to procedure. They can no more be called a court than a panel of jurors, drawn as they are drawn everywhere in the United States, can be called a court.

Further than that, Mr. President, I have heard The Hague Arbitration Court very highly praised, and I join in that praise; and, of course, Senators know that this World Court does not in anywise displace The Hague international tribunal. It merely provides one additional method for the settling of disputes. But when I hear the method for the selection of judges of that tribunal so highly praised by some of the opponents of the World Court, I wonder if they have carefully examined the provisions under which arbitrators are chosen under The Hague tribunal.

Note this, that if two nations agree to submit a dispute to arbitration, they may agree upon arbitrators selected from this panel. If they can not agree, then other powers are selected to select them. If then they can not agree, what happens? I read from article 45:

> If, within two months' time, these two powers can not come to an agreement, each of them presents two candidates taken from the list of members of the permanent court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

In every arbitration where decision is made by a majority vote the umpire is the judge, his vote decides every case, and in this Hague tribunal, if the nations are unable to agree upon arbitrators, the umpire must be selected by lot. In other words, these gentlemen who so highly praise this method apparently are entirely content, if we submit a case to arbitrators and we can not agree as to who the judge shall be who will decide our rights and our interests in that dispute, that he shall be chosen by the throwing of dice or the flipping of a coin.

Some of our opponents also tell us that if we join the World Court we shall be compelled to submit to that court the interpretation of the Monroe doctrine, the question of immigration, the settlement of the foreign debt to the United States, and similar questions. It is hard to be patient with those who make this contention. I think it a fair statement that no one should venture to express an opinion as to the powers of this court unless he had first read the statute creating it—and, of course, I am not referring to any Senator, because all Senators have read the statute—and I do not think that anyone who has read the statute can fairly make the statement. Let me read the article relating to jurisdiction:

> ART. 36. The jurisdiction of the court comprises all cases which the parties refer to it.

That is the first clause, and clearly, unless a nation expressly consents to refer a matter to the court, it can not secure jurisdiction under that clause. No one can ever hale us into this court without our consent, either being given generally in a treaty or expressly in a particular case.

The next and last clause of the article reads:

> And all matters specially provided for in treaties and conventions in force—

Under this clause we might by treaty with another nation agree to refer to the court any dispute hereafter arising, but unless we expressly agree by action in a particular case or by entering into a treaty to refer a matter to the court, it can acquire no jurisdiction over us.

This means that the court could never pass upon the Monroe doctrine, immigration, the settlement of foreign debts, or any other question affecting our rights and interests without our consent.

True, there is an optional clause which, if accepted by any nation, will confer compulsory jurisdiction upon the court in certain matters; but that clause must, to be binding, be accepted separately and in express terms, and, as it is not proposed that the United States accept the clause, it is not material to our discussion.

Some of our opponents take the position that codification of international law should precede the establishment of a world court. That such codification is very desirable I freely grant. I hope progress may be made in that direction. But, Mr. President, it is a task that must be performed a little at a time, and complete codification can not be effected within the next 50 years. I undertake to say that no Senator within the sound of my voice will live to see the day when there will be complete codification of international law. The practical difficulties in the way are too numerous.

Although not codified, however, international law does exist, has been recognized over and over again by our own Supreme Court, and it is being constantly applied by every civilized court in the world. It came into being and it has had its growth very much like the common law of England, which came to us; but that its growth has been so slow, compared with the development of the common law, has been due to the fact that there has been no international court to interpret it. Next to codification, the World Court, with the most eminent jurists of the world as its judges, will be an effective means for the development of international law, to be observed by all the nations of the world.

Mr. President, there are to my mind defects in this statute. There are many things I would like to see different. For instance, I am sorry that the election of judges is left to the League of Nations, not because I fear the action of that electoral body, but if the League of Nations should not be a permanent institution, if it should be abandoned, all the machinery for the election of judges will have disappeared and new machinery will have to be created. The same can be said with regard to the payment of salaries and other expenses of the court. But, Mr. President, the League of Nations might go out of existence to-morrow, and it would not affect the jurisdiction of the court or its power. The only effect would be that the members of the court would have to perform their duties without compensation until some other method had been provided, and when their terms expired the vacancies could not be filled until some other method was devised. But if that should come to pass, does any Senator question that the nations who have now adhered to the statute would not find another means for electing judges and paying their salaries? Of course not.

Then there are other things I would like to see differently. For instance, in a dispute between two nations, if only one of the nations, or neither of them, has a national sitting as a judge of the court, the nation or nations having the dispute may select a national of their own to sit with the court. It seems to me that provision is a little contrary to the strict idea of a court of justice, but it is there. Certainly it is not such an objection as should prevent us from adhering to it. Indeed, so far as these defects are concerned, they are much more likely to be remedied if we adhere than if we do not.

Without going into detail further, and in concluding my remarks, it may properly be asked if we adhere to the court what obligations will be imposed upon us by so doing? I answer just one—the payment of our proportionate share of the expenses of the court—which will amount to about $35,000 per year. There is no other obligation whatever incurred; absolutely none. While this is to me clear on the face of the statute, the proposed reservations remove any possible doubt on that subject. There is no obligation upon us to enforce the judgments of the court, for no sanctions are provided for in the court statute, and the only enforcing power is that of public opinion. Of course, if we in any particular matter agree to the submission of a case to the court, we will be morally obligated to abide by the judgment.

Mr. President, in this connection it is urged by some of the opponents that article 13 of the covenant of the League of Nations, because it provides for sanctions for the enforcement of the decisions of the council, and the amendments which have later been made but which, I believe, have not as yet been ratified, of decisions of the court, that that is an insuperable objection to our adhering to the statute. Mr. President, again I say the covenant of the League of Nations is nothing but a treaty—a treaty in this case between 55 nations. If any 2 or 50 nations desire to agree among themselves that they will assist each other in enforcing a decision of the Permanent Court of International Justice where there has been default upon the part of a nation that has voluntarily submitted to it, it is none of our business. Certainly we could not be affected unless we had submitted a case to the court and after submitting it refused to be bound by its decision.

Next, it may be asked, what benefits will we receive if we adhere to the court? Frankly I answer, none, except as we are interested in the peace of the world, and this is a step in the direction of peace—a short step, I admit, but it is in the right direction. The court is open to us now to the same extent that it will be if we join it, so we gain no direct material advantage by so doing. There is one indirect advantage in our having the right to participate in the election of judges of the court which we do not now have, and, so participating, it will help to insure the continued high character and ability of the men selected as judges.

We should adhere to the court, because we will thereby give the indorsement and encouragement of the most powerful nation in the world to an instrument for peace. Without the World Court the small and weak nations of the world must submit to the decision of disputes by political representatives of powerful nations, to arbitration, or fight. There is no forum of justice in which their cases may be tried. To illustrate, Germany is disarmed and helpless from a military standpoint. In disputes with other nations she must submit to the decision of the League of Nations, a political body, to arbitration, or to the World Court, a judicial body, whose judges are elected without regard to nationality. She must do one or the other of these things or fight. She can not make war, and it is therefore no wonder that Germany, although not yet a member of the court, has participated in cases before it to a greater extent than any other power. This is because in this forum right is greater than might, and it is the only international body in existence where this is true.

I do not doubt that before this debate is concluded we will be asked many, many times, What can the court do to prevent war? They undoubtedly will ask us to point to some war that has occurred which in our opinion could have been prevented by the existence of such a court as this. Mr. President, I am not one who believes that any formula can abolish war or that any declaration that war shall be a crime and outlawed can abolish war. I am not one who believes that any instrumentality that may be set up by all the nations of the world can itself abolish war. There is only one way, in my judgment, that war can be abolished in this world, and that is through the people of the different nations of the world instead of having suspicion and distrust and hate toward each other, supplanting those sentiments by feelings of friendship, accord, and good will.

Now, how do those feelings, those sentiments of hate, occur? If a nation desires, because it is strong and powerful, to acquire additional territory, or desires to exploit a weaker people and has no regard for the public opinion of the world, I frankly admit the court could not prevent war upon the part of such a nation. But, Mr. President, how are those feelings of hate and distrust and suspicion created? Oftentimes we have to go back a long way to find the real primary cause of a war. It may be found in some little interpretation of a treaty causing irritation between two peoples, which, if left undecided, may go on and on, exactly as in the human system one may have a scratch upon the skin. Properly taken care of, the scratch will be cured within a day or two, but left without attention it may become a festering sore, septic poisoning may set it, and the patient dies.

Exactly so with nations. We may have this cause of irritation and unfriendliness reaching way back to some trivial matter that a court of justice could decide, just as this court has in many cases in its advisory opinions and in its judgments. It has decided these cases which, perhaps not of major importance in themselves, if left undecided would have caused a constantly growing bitterness between the nations, whereas in every case except one—the recent case of Turkey—the opinions and the judgments of the court have been accepted by all the nations involved.

Then, I want to say one word with regard to political parties upon this question. I am one who has always believed since I have been in public life that where any matter of principle is involved concerning which a Senator or a Representative has deep convictions he is not bound by the declarations of his party platform. I have always felt, however, that his dissent should be made known at the earliest possible moment. But as to mere matters of policy, if there is to be any such thing as party government in the United States—and I am one who believes the United States can not successfully function without party government—if there is to be any such thing as party government, when a political party makes an explicit and solemn declaration with regard to a great question before the American people, I submit that all doubt on the part of the members of that party should be resolved in favor of the declaration of the party. The Republican Party has spoken in explicit terms upon this question

of the World Court. This was the plank in our last Republican platform:

The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step in this direction we indorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge.

Mr. President, could language be more explicit than that? Furthermore, Mr. President, there have seats on this side of the aisle to-day 22 Senators who occupied seats in that convention, who were present when this plank was adopted, and no word of dissent was raised by one of them concerning it.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LENROOT. I yield.

Mr. HARRELD. I hope the Senator from Wisconsin does not include me in that statement. I was a member of the committee on resolutions of the convention and did lift my voice on this question.

Mr. LENROOT. In the convention?

Mr. HARRELD. In the meeting of the committee on resolutions.

Mr. LENROOT. Mr. President, of course I do not pretend to say what the Senator from Oklahoma did, but inasmuch as he did not carry his dissent to the floor of the convention, I will assume that he accepted the action of the committee on resolutions. Of course, however, every Senator will decide his own view with reference to the matter for himself.

Mr. HARRELD. My only object in making the statement is that I did not want the matter left without making my position absolutely clear.

Mr. LENROOT. Mr. President, as to the Democratic platform upon this subject, I will read it, so that it may be in the RECORD. The Democratic platform provided:

It is of supreme importance to civilization and to mankind that America be placed and kept on the right side of the greatest moral question of all time, and therefore the Democratic Party renews its declaration of confidence in the ideal of world peace, the League of Nations and the World Court of Justice, as together constituting the supreme effort of the statesmanship and religious conviction of our time to organize the world for peace.

There is one clause, as Senators will observe, upon which both parties are in accord. The Democratic Party in its last platform still stood for our joining the League of Nations, while the Republican Party is opposed to that, but upon the question of the World Court both parties agreed.

In conclusion, Mr. President, this statute, as I have said, is an instrument for peace. It may not do very much, but it is an instrument to which the nations may appeal and have a settlement of petty quarrels, if you choose, that unless settled may ultimately lead to war. This court is a body that at least promises something in the future toward world peace, and as such, in my judgment, it should have the indorsement of the United States of America. That we are interested in the peace of the world no one can deny. More than 50,000 graves of American boys in France, 200,000 ex-service men crippled and shattered in health, and an internal indebtedness of $20,000,000,000 loudly proclaim the interest of the United States in the peace of the world.

Mr. President, I believe that the conscience of America indorses this World Court, both parties have indorsed it, and I am confident that when we shall reach a vote upon the question the necessary two-thirds majority of the Senate will vote for it.

Mr. BORAH obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Dale	Hale	McMaster
Bingham	Deneen	Harreld	McNary
Blease	Edge	Harris	Mayfield
Borah	Edwards	Harrison	Means
Bratton	Ernst	Heflin	Metcalf
Brookhart	Fernald	Howell	Neely
Broussard	Ferris	Johnson	Norris
Bruce	Fess	Jones, N. Mex.	Oddie
Butler	Fletcher	Jones, Wash.	Overman
Cameron	Frazier	Kendrick	Pepper
Capper	George	King	Phipps
Copeland	Gillett	La Follette	Pine
Couzens	Glass	Lenroot	Pittman
Cummins	Goff	McKinley	Ransdell
Curtis	Gooding	McLean	Reed, Pa.
Robinson, Ark.	Shortridge	Trammell	Watson
Robinson, Ind.	Simmons	Tyson	Wheeler
Sackett	Smith	Underwood	Williams
Schall	Smoot	Wadsworth	Willis
Sheppard	Stanfield	Walsh	
Shipstead	Swanson	Warren	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, the portions of the able addresses of the Senators who have preceded me in which they expressed their horror of war and their desire to be helpful in accomplishing something in the way of peace I agree with entirely. I do not think, however, that anything is to be gained by continuing the discussion of that particular phase of this interesting subject. I take it that every sane man and wholesome woman is desirous of peace and should like to be helpful in accomplishing something in the way of bringing it about. We shall not differ here in the Senate Chamber, and I take it there will not be much difference of view in the country, upon that subject. If there be a difference of view, it is as to the method by which to effectuate our great desire.

My purpose to-day, Mr. President, is to confine my remarks to the sole question of what is the relationship of this tribunal of which we are asked to become a member to the political institution known as the League of Nations. There has been such difference of opinion in regard to this question and the facts so variously stated that it seems advisable at this time and in the very beginning of this debate to determine that relationship. This is of interest not only to those who do not wish to become identified with the League of Nations through the court and who feel by reason of their view with reference to the league that they are entitled to examine this question most carefully, but it is of interest also to another class who believe that the relationship which this court sustains, as we believe, to the league will be detrimental to the court itself, not because it is the league, but because that relation sustained to any political body would be hurtful, and in the end destructive of the tribunal as an efficient instrument in the cause of peace and in the substitution of law and justice for politics and force in international affairs. So by reason of the convictions which some of us entertain with reference to becoming identified with the league, and by reason of the belief that, whether it is the league or any other political institution, the relationship which the court bears to it is of supreme importance, I propose to confine my remarks to that one question to-day, and at least present the question as I see it.

I wish to say, too, in the beginning, Mr. President, that if I shall be able to sustain the proposition for which I contend to-day, I shall do it solely upon the record and from the lips of those who are ardent supporters of this court, so called. Knowing full well that my colleagues and the country understand my views with reference to the league, and knowing full well that I would be charged, as intimated by the Senator who has preceded me, with prejudice against anything which comes from the league, I shall confine my remarks to-day, so far as the facts are concerned, to the actual statements found in the record and to the language of those who are advocating before the country our adherence to this court. I may have some views of my own deduced from the record and from the statements of the supporters of the court and some conclusions to offer later in the debate. But to-day I shall confine myself almost wholly to what may be called the admissions and confessions of the advocates of the court. I shall not assume, in other words, to offer very many, if any, views of my own, but rather to put before the Senate and the country what seems to me the indisputable record and the views of those who can not be charged with being prejudiced against the court.

As a text, as it were, from one of the advocates of the court, I invite attention to the language of Judge de Bustamente, who is a member of the court at the present time. He has written a book, entitled "The World Court." This book is being circulated by the advocates of the court; it has been sent free to hundreds and thousands of people throughout the United States, and a copy of it came to me. I presume its statements are satisfactory to the advocates of the court. He says:

Any tempest that beats down on the league will inevitably react on the court.

He is discussing here the relationship of the court to the league, its dependence upon the league.

Suppose another general war were to break out in Europe, lasting for several years and ending with a new peace treaty, which, by the

familiar hazard of conflict, might not be influenced by the same considerations that ruled the Paris Peace Conference. All the tremendous progress implied in world-wide justice might vanish, carried down by the destruction of another institution, more easy to overwhelm, but, perhaps, not less lamentable.

We have, therefore, not only the question of the relationship to the league, for the reasons which I have stated, but we have another question of what will be the effect upon the court if it sustains a relationship to a political institution which may be changed or warped or disarranged or disorganized by any political storm that sweeps over Europe. This member of the court freely admits that such is the relationship of the court to the league—that the political conditions which affect the league will affect the court. No statement could more effectively concede the relationship, the close relationship, of the court to this political body and the effect of such relationship on the court.

Let us first inquire, Mr. President, what was the intent and purpose of those who had to do with the framing of the statute which brought the court into existence? It will help us greatly if we can know the purpose and the design of the architects, what they had in view, and the task which they believed had been imposed upon them.

The men who sat upon that committee of jurists, such as Mr. Root, Lord Phillimore, and M. Bourgeois, from France, were men capable of carrying into effect any task which was imposed upon them; and knowing the design and purpose of these men, we shall more accurately and more safely arrive at a conclusion as to the kind of work which they finally delivered and termed "the World Court." What was their understanding?

They did not go into conference for the purpose of creating a court separate and independent from the league. They did not go into conference, whatever their views previously may have been, for the purpose of creating a world tribunal independent of this political institution. They went into conference for the purpose of performing the task which had been imposed upon them, and that was to create an organ, a component part, a legal department, of the League of Nations. Will anyone doubt that men of their ability would be able to accomplish what they desired to do in this respect? If this court is not a department of the league, if it is not a legal division of the League of Nations, then it is because they failed in the effort and the design which they had in view when they entered upon their work.

May I pause to read?

The secretary general of the league, in writing to the jurists inviting them to serve upon this committee, advised them as follows:

> The court is to be the most essential part of the organization of the League of Nations.

This was the plain and unmistakable plan which the jurists accepted when they became members of this committee.

And so, accepting this instruction, they deviated not at all from the task which was imposed upon them, and stated many times during the discussions while the statute was being formed and in the report afterwards that they were limited and constrained by the task which had been imposed upon them and which they undertook in good faith to carry out. Whatever functions and powers the court was to have it was to be as a part of the league system.

M. Bourgeois, speaking of this in the discussions, said:

> The court must have at hand a political organization, first, to supply it with the law which it is to apply, and, second, to give it the necessary authority and, if need be, sanction. Similarly, the league itself must have at hand a court of law for the administration and interpretation of its laws and regulations. The political phase of the league will be as dependent upon the legal phase as the legal phase is upon the political.

Certainly no thought other than creating a department of the league was entertained by the leading committeeman representing the Government of France. They were engaged in completing the system by giving it a legal department to interpret the league's "laws and regulations."

Again, he says in the discussions:

> May I be permitted to state why the Council of the League of Nations considers the two institutions as complementary, one to the other, as of necessity being organized at the same time and as being unable, as long as they wish to preserve their existence, to do without each other?
>
> Finally, there is a last point of view which we must take in order to envisage the necessary relations between the League of Nations and the International Court of Justice, and the close solidarity which exists and which will always exist to an increasing degree between their two actions.

So they went into conference for the purpose of creating one of the departments of the league, one of which was the council, another the assembly, another the department of labor, and still another, the court or the legal department, and they dealt with the subject upon that theory and no other.

Mr. Root, in the discussions, said:

> We must first consider that this new court must be provided for as a part of the system of which the League of Nations is a part. We can not accept the invitation of the council and recommend a plan for a court which is not going to form a part of the system of the League of Nations.

It is immaterial what might have been the views of Mr. Root heretofore, and before this debate closes I shall undertake to quote from his public speeches in support of the proposition that many of the views which he entertained were surrendered by reason of the fact that he understood that he was performing a specific task. He understood here what his duty was to the body which had selected him, and he proceeded to perform it. He said plainly we must form and recommend a plan for a court which will fit into the league system, form a part of it. Shall we doubt that Mr. Root understood this court was to be a part of the league, one of its divisions? Mr. Root was and is an advocate of the league, and he did not likely find his task disagreeable.

The reporter of the committee, after the work was drawing to a close, said:

> This court is to be the judicial organ of the League of Nations, and can only be created within this league.

There, Mr. President—and I might quote further from the discussions and from views expressed—was the view which they entertained with reference to the work which was cut out for them; and, I repeat, if they did not make it a legal department of the league it was not because they did not intend to, but through inability to do so. They certainly strove in an earnest, sincere way to carry out that program.

So, Mr. President, after they had performed their labor they looked upon their work and said it was good, and they stated that they had performed their task in accordance with their instructions and had made the court a league court, a department of the system.

A great deal has been said with reference to the claim that the election of the judges by the league was made necessary because there was no other way by which to achieve it. I am sure the Senator from Wisconsin [Mr. LENROOT] would not agree with that, because he has here a resolution providing another method. So they contemplated another method, and Mr. Root said in a public speech after his return home that there could have been another method devised. The real reason they did not consider another method is stated in the report which they made when they reported the statute to the council. I quote:

> The new court, being the judicial organ of the League of Nations, can only be created within the league. * * * As it is to be a component part of the league it must originate from an organization within the league and not from a body outside of it.

They evidently did not feel free to seek another method by which to elect the judges in pursuance of what they understood to be their duty. The court, being a component part of the league, must necessarily be created from within it, and its judges must be elected by the league and not by somebody outside of the league.

Later in the report, speaking of the publicity of the proceedings of the court, the committee in its report to the council said:

> Nevertheless, as the court is a component part of the League of Nations, it is clear that it is the duty of the court registrar to inform the members of the league of the application through the secretary general of the league, who is the natural channel of communication between the members of the league and the various organizations—the assembly, the council, and the court of the League of Nations.

Now, let us seek further views on this point.

The Senator from Wisconsin referred to the fact that certain propaganda had come to his notice, in which it was declared that the court was an agent of the league, and he found fault with the fact that no one had seen fit to sponsor this communication. But, Senators, I will give to the Senator from Wisconsin that exact language from one who is in a position to know, and who can not be considered unfriendly to this court.

Dr. James Brown Scott accompanied Mr. Root as a counselor and adviser when he went forward for the purpose of

helping to organize the court. As we all know, Doctor Scott has been a lifelong advocate of peace measures, an advocate of an international court, and a student of and author on international law. He says, speaking of this in a written communication after his return home:

> The court is the agent of the league, and therefore is intimately connected with it.

Having been present when the organization was created and when the statute was framed, and knowing the design and purpose of those who had the work to do, and being somewhat competent to judge, he uses the exact language which some one has used in the propaganda which is here criticized, that the court is the agent of the league. As we shall proceed I think we will be able to demonstrate that he was eminently correct.

Judge Loder, who was the first president of the court, and who is now an associate justice upon the court, has written an article in which he undertakes to show that the court is free in the formation of its opinions—a matter which I shall discuss later.

I want to call attention to the language of Judge Loder as to the relationship of this court to the league, leaving the other proposition, as to how far that leaves the court wholly independent, to another phase of the discussion:

> The court * * * occupies within the League of Nations—

Says Judge Loder—

> a place similar to that of the judicature in many States, which is an integral part of the State and depends upon the national legislature as regards all that concerns its constitution, its organization, its powers, its maintenance.

Whatever may be his view as to the independence of the court in the formation of its opinions, he leaves no doubt as to the proposition that the court is an integral part of the league, just the same as a State supreme court is a part of the State government.

I read briefly and without comment some further statements. Sir Eric Drummond, secretary of the league, has stated:

> The definite establishment of the court completes the organization of the league.

Mr. Hagerup, of Norway, when he reported the statute of the court to the assembly December, 1920, said:

> This is the first step which will lead to the entry of the United States into the league.

In one of the latest publications of the information section of the League of Nations, the Secretariat, a booklet entitled "The League of Nations, January, 1920–June, 1925," will be found these words:

> For a clear understanding of the actual record of the league it is perhaps necessary to give a few essential indications upon the organizations. The main organs are the assembly, the council, and the permanent secretariat with the two essential wings, the Permanent Court of International Justice and the international labor organization.

Ex-Governor Sweet, of Colorado, in his statement lately made said:

> Senator BORAH declares that the Permanent Court of International Justice is not a world court but is a League of Nations court. I agree with the Senator that it is a League of Nations court. It is a department of the league and an instrument created by it.

Governor Sweet is an ardent advocate of our entrance into the court and also an ardent supporter of the League of Nations.

Sir Robert Horne, publicly speaking before the Interparliamentary Union, 1925, remarked that—

> Although the United States does not formally take part in the League of Nations, yet he was glad to say she appears likely to give her adhesion to one of the most important functionaries of the league, the International Court of Justice.

I shall not at this time read further from these statements, although one could well fill a volume. It is too late, Mr. President, for the advocates of the court to contend that this court is not a league court, a department of the league, a part of the league system. The record is made from their own lips. We take their own construction. We accept their judgment. It is not our contention alone; it was first their contention.

Mr. President, all one needs to do in order to find out the exact relationship of this court to the league is to turn, first, to the covenant, and, secondly, to the statute iself. There are some 22 sections of the statute which tie the court into the league. Some of these provisions are of minor importance; some of them are of major importance. Some of them are incidental; some of them are dominating and controlling, but taken as a whole leaves no doubt that the committee of jurists carried out its work in good faith and created a court which was one of the departments of the league.

Let us take up now some of the relationships of the league and the court, and discuss them a little more fully. I do not want to content myself with the mere statement that that relationship exists. I shall want to show, if I can, by the language of the covenant and of the statute, and the action of the court, that no other view is entertained. I venture to make the assertion at this point that never until the campaign began to take the United States into the court was there any language used upon the part of those in authority indicating that the court was anything else than a department of the league, that it was a league court.

First, the league elects the judges; it pays the judges; it fixes the salary of the judges; it fixes the salaries of all the employees of the court; it fixes the pensions of the judges. These provisions some will consider of minor importance. Therefore let us take up a most important relation. The league may call upon this court at any time for advice or counsel upon any dispute or any question which the council or the assembly of the league see fit to submit to it. It makes it the consulting legal adviser of the league, which the league alone controls.

There is not a word in the statute authorizing advisory opinions, or authorizing the court to act as counsel and adviser of the league. If the court should perform its functions according to the statute to which we are asked to adhere, it would have no power to consult and advise with the league. It would not be authorized to give advice in the nature of advisory opinions. Will it be said that a tribunal which may be called upon by a political body to advise and counsel is not bound and tied into that political body? Will it be said that it is not a coordinate department in the league system?

If we find that the sole authority for the advisory opinions and the sole authority to call for them are in the covenant of the league, upon what possible theory can it be contended that this court is not a part of the league and bound by the covenant as its constitution, as the Supreme Court of the United States is bound by the Federal Constitution?

May I turn again to Judge de Bustamante, from whom I read a moment ago? In discussing the question of advisory opinions, and whence the authority is derived, and also the obligation of the court to perform, we find a most illuminating statement. He first calls attention to the fact that the language of article 14 is construed in the French language to mean "will give" an advisory opinion, and then calls attention to the fact that according to the English view it is "may give" an advisory opinion. After proceeding with this discussion he says:

> The word "may," in the sense in which it is used here, implies the grant of an additional function for the new organism, but that does not mean that the exercise of this function is in the discretion of the court. The idea is not that the court may refuse to give the advisory opinions which are asked, but that the council and the assembly may or may not ask for them. These bodies are given power to ask for the opinions, but the permanent court has not the power to give them when it wishes to do so, as an act of grace, or to refuse them for any reason whatever.
>
> The treaty of Versailles simply placed the court, for the creation of which article 14 provides, at the disposition of the league as a consulting body. It is useless to argue whether this task is or is not compatible with the judicial function, or to assert that it compromises the court's prestige and future; it is not a question of arguing about article 14, but of applying it; and these reasons are not strong enough to modify it.
>
> What is the subject matter of the opinions? "Any dispute or question referred to it by the council or by the assembly" are the precise words of article 14 of the covenant.

There is the view of one member of the court, which view I understand is entertained by three other members of the court at the present time. The judge tells us that the court is not at liberty to disregard the covenant—that it is binding upon the court and mandatory. What relationship of the court to the league does that create?

Bear in mind, my friends, that the view here entertained is that the league alone has the power to ask for these advisory opinions; second, that it is not within the discretion of the court to refuse; third, that those opinions may be asked upon any question or dispute; and, fourth, that a majority of the court may render the opinion.

This is the most important function of the court so far, and we are asked to adhere to a statute and content ourselves

with what is in the statute, not being a member of the council or the assembly, and leave it exclusively to another body to call for advice or an opinion upon any question or dispute, and a majority of the court may advise or counsel upon that particular subject. We would be a member of the court, and that court would be bound to obey the league and give opinions upon all questions.

Can it be said, in all fairness, that this does not constitute the court the legal adviser and counselor of the league? Observe the language of the judge "consulting body." Much wrath has been exhibited toward some of us because we have said the court is the adviser and counselor of the league. This member of the court declares it to be the "consulting body" of the league. How would you establish a closer relationship? It may be said—and that I shall discuss at a later day—that in the Eastern Karelia case the court declined by a majority to render an opinion upon a particular question submitted. It ought to be said, however, that the court declined by a majority decision only and that a strong minority contended otherwise. Furthermore, the controlling proposition in that case was not the one which I am here discussing but the controlling proposition, and the one upon which the decision turned and upon which a majority finally settled it, was the fact that Russia was not a member of the league and not a signatory of the statutes. Without that, if I can read the record—and I have something more—a majority of the court would have taken jurisdiction of the matter, notwithstanding the fact that it involved political matters of the most momentous character.

Let us consider these advisory opinions briefly from another viewpoint. I think even if I were an advocate of the league I should hesitate long before pinning my faith to a judicial tribunal which could be called upon by a political institution to advise and counsel with reference to the multitudinous things which may arise in the politics of Europe in the coming years. That was the view of some of the learned jurists who framed the statute and organized the court.

Mr. Root opposed the advisory function very earnestly. He declared that in his opinion it constituted "a violation of all juridicial principles." I feel that this strong statement, coming from one not given to exaggerations in discussing public questions, is well worthy of our consideration. We are supposed to be adhering to a court. As a matter of fact, we are adhering to an institution the larger portion of whose business is in "violation of all juridicial principles."

When we take into consideration the numerous political questions, and the complex nature of them, concerning which this court may be called upon to advise, and of which we will be a member, how is it possible for us to keep that other pledge—that is, to stay out of the politics of Europe?

Take the last case which has been before the court in an advisory capacity, that of Mosul. No one knows where that controversy may end, and Great Britain claims the right to call upon the league to enforce the judgment of the court by military force. We being a member of the court, in what different attitude are we toward the politics of Europe when sitting as a member of the court advising upon these matters than if we were sitting as a member of the council of the league advising upon them? Indeed, sir, I say in all frankness that if these opinions are to continue I would prefer to sit upon the council, where my vote might stop everything, than to be a member of the court and advise, where our vote, assuming we have one, may amount to nothing and where a majority may render an opinion.

I do not want, if we are going to make an effort to stay out of the politics of Europe, to conceal the fact that the power which directs the court is a power in which we have no voice.

Judge John Bassett Moore, now a member of the court, in discussing advisory opinions, declared that—

> The giving of advisory opinions in the sense of opinions having no obligatory character, either on actual disputes or on theoretical questions, is not an appropriate function of a court of justice.
>
> That the exercise of such a function is at variance with the fundamental design of a permanent court of international justice, which was to advance application between nations of the principle and the method of judicial decision.
>
> That the emission either on actual disputes or on theoretical questions of opinions avowedly having no binding force would tend not only to obscure but also to change the character of the court.

In other words, Mr. President, as I understand Judge Moore, the acting in an advisory capacity to a political institution must ultimately undermine and destroy the dignity and character and competence of a court when it comes to perform its real judicial functions.

> That the emission of such opinions would necessarily diminish the opportunities for exercise by the court of its judicial function since, if the opinions were treated by the court as binding upon it, they would tend to preclude the subsequent submission of disputes for decision, while if treated as mere utterances and freely discarded they would inevitably bring the court into disrepute.

Again, upon another occasion he said:

> Admittedly these advisory opinions are inconsistent with and potentially destructive of the judicial character with which the court has been invested.

Whether we view these advisory opinions as indicating the relationship which the court bears to the league or whether we view them in their ultimate effect upon the court, it does seem to me that we ought to pause before becoming a member of a body which exercises a power at the command of a body of which we are not a member. I can perfectly understand why the Senator from Wisconsin [Mr. LENROOT] is not disturbed about these advisory opinions. He is an ardent supporter of the League of Nations. And I can perfectly understand the consistency and the logic of the able Senator from Virginia [Mr. SWANSON].

Mr. LENROOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. LENROOT. I am sure the Senator does not wish to misrepresent me. The Senator ought to know I have never been a supporter of the League of Nations as at present constituted. I voted against it when it was presented here, and voted only for it with the Lodge reservations.

Mr. BORAH. I do not care to discuss the Lodge reservations, but if we had gone into the League of Nations with the Lodge reservations, that would have been the last that there would ever have been heard of the Lodge reservations. In the practical workings of the league they would mean but little.

Mr. LENROOT. That is the Senator's opinion.

Mr. BORAH. We would have been in and, as Viscount Grey said when he returned from the United States to Great Britain after he served a short time here as ambassador:

> Let them come in with the reservations. After they are in they will amount to nothing.

I understand the Senator from Wisconsin was an advocate, of course, of the reservations. I did not think I was misrepresenting him. I do not understand the Senator is opposed to the league. He simply wants reservations.

Now, another proposition which I want to call to the attention of the Senate is this. The court statute makes no provision for an amendment to the statute. The sole amending power is the League of Nations, the council, and the assembly; that is, all initiative must be found there. I see the able Senator from Montana [Mr. WALSH] shakes his head, and that always causes me to hesitate. I should not say the sole amending power, but I do not believe the Senator from Montana will contend that the amending power is with the council; that these amendments must be initiated.

Mr. WALSH. I did not understand the Senator.

Mr. BORAH. I say the league, represented through the council, claims the right to amend the statute.

Mr. WALSH. I do not so understand it.

Mr. BORAH. Then I will proceed to show it. In the first place, the statute itself of course makes no provision for an amendment. Naturally the power which created it, through whose initiative it came into existence, would be presumed to have the power to amend. But, in addition to that, when the Geneva protocol was put out and ratified by 47 nations, that Geneva protocol imposed upon the court obligations and duties unknown to the statute itself. This was in practical effect an amendment. It did not technically change the statute, but it imposed duties upon the court not provided in the statute. No one contended in the council or the assembly, and no one contended in opposition to it, that the league did not have the power to impose a duty upon the court not provided for in the statute. For instance, according to the Geneva protocol the court was called upon to advise subcommittees of arbitration which the Geneva protocol proposed to set up, or to provide for setting them up, not imposing upon it the power and duty to render judicial determination of matters and controversies provided by treaty, but imposing upon it the duty and obligation of advising and counseling the subarbitration committees which the Geneva protocol provided for. May I read the language of the protocol?

Subdivision (c), paragraph 2, Section IV, provides:

After the claims of the parties have been formulated, the committee of arbitration, on the request of any party, shall, through the medium of the council, request an advisory opinion upon any points of law in dispute from the Permanent Court of International Justice, which in such case shall meet with the utmost possible dispatch.

So, Mr. President, here is a duty unknown to the statute. They did not propose to amend the statute. There was no proposition to amend the statute. The league claimed the right, as the author and father of this institution, to say to it what functions it should perform. But the peculiar part of it is that the court was made the legal adviser of a subarbitration committee, not the legal adviser now of the council and the assembly or the League of Nations, but of an arbitration committee which might be set up to arbitrate any particular question arising in the multitudinous controversies in Europe.

I venture to say the authority of the league to impose this duty was never questioned. Mind you, Mr. President, at the last assembly of the League of Nations a distinguished representative, I think from Holland, proposed an amendment to the covenant by which additional duties were to be imposed upon the court. Why did they put that aside? They stated frankly that the United States was about to enter the court and at this time it would be unwise to impose upon the court new duties and obligations—not by reason of amendment of the statute but by reason of an authority coming from the league itself. I will call attention in a few moments to another amendment.

If the Senator from Montana [Mr. WALSH] is correct—and no one in this body has a higher regard for his ability than I have—there will be no objection to this kind of a reservation or amendment:

The adherence of the United States to the statute of the World Court is conditioned upon the understanding that no jurisdiction shall be exercised by or conferred upon and no duties or service shall be performed by or imposed upon or required or requested of the court other than such as now provided for in the statute of the court unless the statute is amended in due form and such amendment ratified by every nation signatory to the protocol of adherence to the statute of the court.

If the sole authority of the court to act is the statute, let us cut out the possibility of the League of Nations imposing new obligations upon it. The Hughes resolution provides that the statute shall not be amended unless they have our consent. What is the difference about that? If the league may impose new duties, if the league may impose new functions, if it may call upon the court for additional work, how are we protected by saying that the statute shall not be amended? If the amendment is offered in good faith—and I do not doubt that, considering its source—then there can be no question that the sole amending power, the sole power to add new duties, should be confined to the amendment of the statute. In using the word "amend" I mean to impose functions and duties not found in the statute, which amounts to an amendment.

My able friend, the Senator from Virginia [Mr. SWANSON], said upon yesterday that there was no power to enforce the judgments of the court, that their enforcement rested upon the power of public opinion, something as the enforcement of the judgments of the Supreme Court against States rests upon the power of public opinion. That is not the contention of the league. The league contends that it has the power under articles 12, 13, and 16 to enforce the opinions of the court.

Mr. SWANSON. If the Senator will permit me, I will say that in my remarks, if he read them, I admitted that between the members of the league there was a sanction contained in the covenant by which they agreed to abide by judicial decisions to which they have submitted. I took the position that there was no sanction except what was contained in the covenant of the league and not in the statute of the court. I admit that as between the members of the league there is a sanction, but if we do not propose to be a member of the league and had a reservation saying we assumed no obligations under it, I took the position that there would be no sanction in the court otherwise so far as the United States was concerned.

Mr. BORAH. The position of the Senator is that the United States could not be called upon to furnish military force to enforce a judgment of the court?

Mr. SWANSON. Absolutely, not unless we were a member of the league, which we are not.

Mr. BORAH. Very well, we will discuss it from that standpoint. Suppose that we sit as a member of the court, or after adhering to the statute take part in rendering an advisory opinion, which advisory opinion is to be enforced by the league, the advisory opinion relating to the interests of two parties who are members of the league.

Let us take the case just as he has suggested it and consider that it applies only to members of the league. Nevertheless, Mr. President, we are sitting advising the league, as councilors of the league, and the judgment which they render is to be enforced by military power.

Mr. WALSH. Mr. President, will the Senator from Idaho suffer an interruption there?

Mr. BORAH. I yield.

Mr. WALSH. I inquire of the Senator what he means by the United States sitting as a member of the court?

Mr. BORAH. What I mean is that after we join we shall be a member of the court.

Mr. WALSH. A member how? The court consists of 11 judges.

Mr. BORAH. But we would be one of the adherents of the statutes, a member of the court.

Mr. WALSH. One of what?

Mr. BORAH. One of the members of the court.

Mr. WALSH. Not at all. After we subscribe to the protocol, of course, how do we sit as a member of the court?

Mr. BORAH. After we adhere to the protocol, I assume that we shall have precisely the same relation to the court as France has.

Mr. WALSH. And as every other nation.

Mr. BORAH. Exactly.

Mr. WALSH. Exactly.

Mr. BORAH. That is my position.

Mr. WALSH. Yes; but that is what the Senator means by sitting as a member of the court.

Mr. BORAH. Yes; that is what I mean.

Mr. WALSH. I supposed the Senator referred to the judges.

Mr. BORAH. I did not mean the United States as a Government would be sitting there; I meant that we should have our representative there. We adhere to the statute and become a part of the court.

Mr. WALSH. But that is just the point. Have we any representative there? All of the nations subscribing—some 50 of them—elect 11 judges. One of them may be a national of the United States and he may not be; there can not be any more than one.

Mr. BORAH. Suppose, then, that we have no member at all; but suppose we adhere to the statute, then we are responsible for everything which takes place under the statute. Consequently, so far as I see, we arrive at the same destination.

Mr. WALSH. The Senator from Idaho and I, of course, would not agree on that. The Senator states it as an absolute fact, but, of course, my position is that we do not assume any responsibility whatever.

Mr. BORAH. The significance of this court becomes more and more apparent as we proceed.

Mr. SWANSON. Mr. President, let me ask the Senator this question: If two members of the league were to agree to submit a question to the Permanent Court of Arbitration——

Mr. BORAH. That is an entirely different proposition.

Mr. SWANSON. I contend it is not different. Two members of the league, let us say, have agreed to submit a proposition to the permanent court of arbitration; they have agreed in the covenant that they will abide by the decision. If they fail to abide by an arbitration or a judicial decision, the same sanction which applies in that case would apply in the case of this court. We have adhered to the permanent court of arbitration, as have 43 other nations. If a case is submitted to that court by two members who are members of the League of Nations, and they do not abide by the decision, the same sanctions of the league would apply to them which would apply to the World Court.

Mr. BORAH. I do not agree with the Senator from Virginia.

Mr. SWANSON. All the Senator has to do is to read the articles of the covenant. I always thought the Senator did not understand the covenant very well, else he would not be so bitterly opposed to it.

The VICE PRESIDENT. Will Senators please observe Rule XIX—that when interrupting a speaker they shall request the Chair to make the inquiry of the speaker as to whether or not he will consent to be interrupted.

Mr. SWANSON. Mr. President, I shall be glad to do so, but it will sometimes retard the business of the Senate.

The VICE PRESIDENT. When a Senator interrupting starts speaking before the Chair has an opportunity to inquire whether the Senator who has the floor yields to an interruption,

the Chair has no opportunity whatever to carry out the rule, which he is desirous of doing.

Mr. BORAH. Mr. President, let us get back to the beginning of this question of sanctions and follow it up a little more carefully. Then perhaps we can arrive at a conclusion as to where the power to enforce a judgment or opinion lies. In the first place, I call attention to the language of the judge from whom I have been quoting. After discussing the question of the enforcement of the judgments of the court, and calling attention to the fact that some people claim that they should be enforced by public opinion alone, he says:

> There is a third possibility, and the current is turning in this direction. Since all or almost all the nations and their colonies and self-governing dominions now form one social organism for certain joint purposes, this organism, which must have force and authority, might well assume the duty of enforcing the judgments of the Permanent Court of International Justice in case the defeated nation resists the decision.
>
> The covenant of the League of Nations provides this joint sanction.

Then he goes on to say that—

> In the second session of the assembly, in 1922, these articles—

Referring to articles 12, 13, and 15—

> and others were amended so as to add, wherever arbitration was mentioned, the words, "or solution or judicial decision."
>
> Thus the result of this amendment would be to make all the league sanctions identical, by making the sanctions now provided for arbitral decisions applicable to judicial decisions as well. This is the logical arrangement; it would give to the permanent court in the covenant a definitive situation as to the sanctioning power; undoubtedly this would have been done at the Paris conference when the final form of the covenant was drafted, if the court had been from the beginning one of the institutions the framers had in mind. * * * It is very desirable that this situation should be cleared up, and that the execution of decisions by joint will and action should be assured.

There is now pending, although not ratified by all the nations, an amendment proposed by the assembly and the council which includes along with the word "arbitration" the words "or solution or judicial decision," the intent and purpose being to leave no doubt as to the contention that the duty devolves upon the league of enforcing the opinions of the court. If there is any doubt now, that doubt is in process of being removed. The plan is to make the league the sheriff of the court.

Mr. SWANSON. If the Senator will permit me to interrupt him——

Mr. BORAH. Wait just a moment.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I will yield in a moment. This, Mr. President, applies to advisory opinions the same as judgments rendered in a judicial action, so to speak. Now I yield to the Senator.

Mr. SWANSON. If the Senator will permit me, as I understand, under the original covenant of the league, which was binding between its members and nobody else—it was not binding on us—the words "judicial opinion" were not included as one of the matters upon which sanctions should be enforced. As the Senator has properly said, it has been amended, so that now, as between members of the league, if a judicial opinion is rendered by the Permanent Court of International Justice there is a sanction of the league to enforce it. But that is a treaty, a covenant, between the 55 nations that have ratified the league. As we are not members of the league, a judicial opinion of the court has no sanction upon us. I hope I have made that clear to the Senator.

Mr. BORAH. Turkey is not a member of the league.

Mr. SWANSON. No; but, Mr. President——

Mr. BORAH. Wait a moment.

Mr. SWANSON. If the Senator will permit me——

Mr. BORAH. Just a moment.

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. BORAH. Mr. President, what happened with reference to Mosul. A great deal has been said about that, and it furnishes a fine illustration of how politics and law mix in this situation. In the first place, Mosul is one of the fruits of the secret treaties which were concealed from the President of the United States when we entered into communication with the Allies. Great Britain and France agreed to divide up certain territory after the war was over. They had some trouble among themselves. Mosul went to Great Britain. France, however, thought that she ought to have had it, and so they entered into a contract upon the side to divide the oil. But there came another nation which had originally owned the country, and that was Turkey. Turkey was not a member of the league, and is not a member now. A controversy arose as to whether this particular territory should go to Turkey or to Great Britain, or rather under a British mandate, which is in practical effect the same thing. At the conference at Lausanne it was agreed that the matter should be sent to the council, where Turkey was assured she could sit for the purpose of that controversy and that, as her vote would be necessary in order to make the decision unanimous, she could always protect herself. So a deadlock occurred, and they called upon the court.

The court held, first, that the council was an arbitral body, and, secondly, that the vote had to be unanimous, but that could be accomplished by refusing Turkey and Great Britain the right to vote. So we come to the point that the territory goes finally to Great Britain. Turkey, as I have said, is not a member of the League of Nations, and yet, Mr. President, the case was discussed and a partial agreement arrived at that notwithstanding that fact the judgment of the court, together with that of the council, was to be enforced by military power against a nation which was not a member of the league.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. Yes; I yield.

Mr. SWANSON. I have the full opinion in that case before me. I do not know whether the Senator has it or not.

Mr. BORAH. Mr. President, I do not care about that opinion. I am not discussing the merits of the decision. I am referring to it only to illustrate the matter of sanctions.

Mr. SWANSON. No——

Mr. BORAH. Wait a moment. I do not want to be detained here by the reading of a long opinion.

Mr. SWANSON. I am not going to read it.

Mr. BORAH. What I say is this, that the court was called upon to render an advisory opinion, not a judicial determination between two parties who had submitted it, but an advisory opinion against a nation which was not a member of the league and which protested against the court taking jurisdiction, but, after the opinion was rendered, the council proceeded to approve it, and then, when Turkey still protested, it was proposed by military power to enforce the judgment against a nonmember nation.

Mr. SWANSON. Now, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. SWANSON. I made a statement in regard to that case yesterday. Turkey had agreed——

Mr. BORAH. Wait a moment. Mr. President, I do not desire to go into all that at this time. If the Senator will confine himself to the question of whether or not it was proposed to enforce a judgment against a nonmember state or a judgment which was rendered which affected a nonmember state, I will not object to the interruption.

Mr. SWANSON. If the Senator will permit me, I will get to that.

Mr. BORAH. Mr. President, I think I will not yield, because I do not desire at this time to go further into that controversy. I am interested only in illustrating sanctions.

Mr. SWANSON. I hope the Senator will not decline to yield.

The VICE PRESIDENT. The Senator from Idaho has the floor and does not yield. The Senator from Idaho will proceed.

Mr. SWANSON. I will not ask the Senator to yield, if he does not wish to do so.

Mr. BORAH. I do not want to take the time to discuss the merits of the decision. This news dispatch says:

> Facing the threat of hostilities with Turkey over the Mosul area in the Near East, Great Britain this afternoon consented to accept the Franco-Belgian proposals for the pooling of military and naval forces for a league international army and fleet to make the decisions of Geneva and The Hague court respected.

Mr. President, it is true if we were not a member of the league the United States could not be called upon for its proportion of the military force to enforce the judgment of the court. That is not the question which I am arguing. What I am saying is if we adhere to the statute under which the court operates and that court renders an opinion, although it may be an advisory opinion, that opinion can be enforced against not only members of the league but nonmembers of the league as well. That is the contention of the league and that is the contention of the dominant members of the league.

M. Bourgeois, in discussing this matter at the time of the organization of the court, said:

Finally, there is a last point of view which we must take in order to envisage the necessary relations between the League of Nations and the International Court of Justice, and the close solidarity which exists and which will always exist to an increasing degree between their two actions. I approach here briefly the decisive problem of sanction. What would be the efficacy, what would be the reality, of a sentence of justice if it did not find in a strong organization of international institutions what one calls in a technical term "the executory of these decisions"? The covenant foresees several degrees of sanction—juridicial sanction, diplomatic sanction, economic sanction, and, as a last resort and within limits very closely confined, military sanction.

As I said a moment ago, this has been made more certain and definite by the amendment which has been proposed to include judicial decisions.

Lord Phillimore, during the proceedings of the commission, said:

The court must have behind it the material force. * * * If a decision was resisted by any state, the League of Nations should intervene. * * *

M. Politis, an earnest advocate of the court, in his book on International Justice, speaking of this court says:

Article 13 gives the council the right to intercede for the purpose of insuring respect for a judgment, even when the maximum execution of such judgment does not imperil peace. * * * This sanction applies to all arbitrations between members of the league, and still more to the decisions of the Permanent Court of International Justice. * * * The new form of article 13 of the covenant, wherein the Permanent Court of International Justice is specifically mentioned, leaves not the slightest doubt on the subject.

There can be no doubt that it is now contended, both upon the part of the league and of the court, or at least members of it, that the power which is to be depended upon to execute the judgments of the court is the League of Nations. And I contend that these judgments which are to be executed by the league may be advisory opinions and that the execution may be against nonmember states.

One other question which I shall not discuss at length, but to which I call attention, is the fact that the league controls the accessibility to this court. That is to say, only members of the league and states mentioned in the annex can use the court except upon such terms and conditions as the League of Nations specifies.

In 1922, I think it was, the league provided the method and manner in which the court should be open to the use of other states than those that were members of the league. Among the conditions established by the league was the following:

The Council of the League of Nations reserves the right to rescind or amend this resolution, which shall be communicated to the court; and on the receipt of such communications by the registrar of the court, and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the court.

After specifying the terms upon which states other than members of the league and those mentioned in the annex might use the league court, the league makes special reservation reserving the right to cancel or rescind the right to use the court. A court which no one save league members may use without the consent of the league seems to me to be a league court. The statute of the court expressly provides that the right to use the court shall be fixed by the league. How completely they made that a league court!

Finally, Mr. President, we have this situation: The league creates the court. It fixes the salaries of the judges. It pays the judges. It provides for the increase of the number of judges. It pays the salaries of the employees of the court. It is the advisor and counselor of the court, not by reason of the statute but by reason of the covenant of the league. Its judgments and opinions are to be enforced by the league. The league controls the accessibility to the court. No one not a member of the league can use the court other than upon the conditions provided for by the league. If the league breaks down, the court must go. As said by Judge Loder, it depends upon the league for its constitutional powers and for its maintenance, the same as a State court depends upon the State government.

Now, none of these relationships are changed or sought to be changed by the reservations in the resolution which we are now discussing. After this resolution is passed, if it is, and we shall have adhered to the court under its authority, the judges will still be elected by the league, paid by the league, pensioned by the league, and the number increased by the league. The league will still be calling upon the court for counsel and advice. The league will still claim the right to enforce the opinions of the court. The league will still determine who shall use the court. These relationships are all left intact after these reservations shall have been adopted just as they are now. There is no proposition here to change any of these relationships. That ought to be thoroughly understood throughout the country.

Just a word, Mr. President, with reference to the closing remarks of the Senator from Wisconsin [Mr. LENROOT] as to political parties and the obligation which we owe in this particular situation by reason of the fact that a plank in the Republican platform declares in favor of the court.

If I may be permitted to say so, personally that does not reach me at all. I took occasion, as soon as the platform was published, to announce publicly that I should not be bound by that platform in that particular; and during the campaign that position was made known. When some of the associations in the East who were in favor of the court and the league wrote me asking me my position, I replied that I should not be bound by the platform; and that letter was published. So, as far as I am individually concerned, I do not feel any embarrassment in the situation. At a later date I shall discuss the two propositions as to our obligation to remain out the political affairs of Europe and at the same time to indorse or to adhere to a court; but now I want to say this, and this only:

I do not believe there is a Senator in this Chamber who, in a serious and solemn matter of this kind, would think of voting for it, if it did not represent his convictions and did not on its merits command his support, simply because it was indorsed in a political platform. That would be to say, Mr. President, that although a Senator thought the court ineffective in the cause of peace, and although he thought the court injurious to his country and menacing to his Government, nevertheless he would vote for it because it was found in a political platform.

I do not assume that any Senator here will vote against his convictions on a great issue like this because of a declaration in the platform. It comes at best on a question of this moment to this: Is it a wise or unwise, a safe or unsafe proposition? It is too serious a question to be disposed of in a political convention which gave not a moment to its discussion or consideration after it reached the convention.

We are here to determine the question of whether we think it is wise, whether we think it is safe for our country and in the interest of peace, to adhere to this court; and by that we will be governed, and by nothing else, in my opinion. I do not feel, therefore, that I am any less embarrassed than the other Senators. I venture to say that when the vote is cast, each Senator will vote his convictions and not his party's platform. Mr. President, if a man could be found who, notwithstanding he believed this proposal unwise, unpatriotic, and a menace to his country, would still vote for it because his party's platform declared in its favor, he would be the slimiest party slave that ever wriggled his way through the United States Senate.

Mr. WALSH obtained the floor.

Mr. NORRIS. Mr. President, may I make a suggestion before the Senator from Montana proceeds?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I do.

Mr. NORRIS. I should like to ask the Senator from Idaho if he will not ask that the reservations that he has shall be printed in bill form so that Senators can have them on their desks?

Mr. BORAH. If the Senator from Montana will pardon me just a moment, I will read two other reservations which I have:

The adherence of the United States to the statute of the World Court is conditioned upon the understanding that no force or economic sanction shall at any time be used or employed to enforce the judgments, decrees, or opinions of the court.

The adherence of the United States to the statute of the World Court is conditioned upon the understanding that nothing contained in the statute shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon or interfering with or entangling itself in the political questions or policy or internal administration of any foreign state; nor shall anything contained in the said statute be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

Mr. WALSH. Mr. President, before proceeding I ask unanimous consent that there be printed in the RECORD the opinion of the court in the Mosul case, to which reference has been made.

The VICE PRESIDENT. Is there objection? If not, it is so ordered.

The matter referred to is as follows:

NINTH SESSION

(Extraordinary)

Present: MM. Huber, president; MM. Loder, former president; MM. Weiss, vice president; Lord Finlay, MM. Nyholm, MM. Altamira, MM. Anzilotti, judges; MM. Yovanovitch, MM. Beichmann, MM. Negulesco, deputy judges.

ADVISORY OPINION NO. 12

Frontier between Turkey and Iraq

On September 19, 1925, the Council of the League of Nations adopted the following resolution:

"The Council of the League of Nations, having been seized of the question of the frontier between Turkey and Iraq by application of article 3, paragraph 2, of the treaty of Lausanne, decides, for the purpose of elucidating certain points of law, to request the Permanent Court of International Justice to give an advisory opinion on the following questions:

"(1) What is the character of the decision to be taken by the council in virtue of article 3, paragraph 2, of the treaty of Lausanne; is it an arbitral award, a recommendation, or a simple mediation?

"(2) Must the decision be unanimous or may it be taken by a majority? May the representatives of the interested parties take part in the vote?

"The permanent court is requested to examine these questions, if possible, in an extraordinary session.

"The council requests the Governments of Great Britain and Turkey to be at the disposal of the court, for the purpose of furnishing it with all relevant documents or information. It has the honor to transmit to the court the minutes of the meetings of the council at which the question of the frontier between Turkey and Iraq has been examined.

"The secretary general is authorized to submit the present request to the court, together with all the relevant documents, to explain to the court the action taken by the council in the matter, to give all assistance necessary in the examination of the question, and, if necessary, to take steps to be represented before the court."

In pursuance of this resolution the secretary general of the League of Nations submitted to the court on September 23, 1925, a request for an advisory opinion in the following terms:

"The secretary general of the League of Nations, in pursuance of the council resolution of September 19, 1925, and in virtue of the authorization given by the council, has the honor to submit to the Permanent Court of International Justice an application requesting the court, in accordance with article 14 of the covenant, to give an advisory opinion to the council on the questions which are referred to the court by the resolution of September 19, 1925.

"The secretary general will be prepared to furnish any assistance which the court may require in the examination of this matter, and will, if necessary, arrange to be represented before the court."

In conformity with article 73 of the rules of court, the request was communicated to the members of the League of Nations, to the states mentioned in the annex to the covenant, and to Turkey. At the same time members of the league were informed that, having regard to the nature of the questions put, and their possible bearing on the interpretation of the covenant, the court would no doubt be prepared favorably to receive an application by any member to be allowed to furnish information calculated to throw light on the questions at issue. The notifications to Great Britain and Turkey were further based on the principle laid down in the rules of the court, in accordance with which a question referred to the court for advisory opinion is communicated to governments likely to be able to supply information in regard to it.

The Council of the League of Nations having requested the court to examine the questions set out above, if possible, in an extraordinary session, and having informed the court that it would be glad to receive the opinion asked for by a date which would enable it to proceed with the examination of the affair at its own next session commencing on December 7, 1925, the president of the court decided, by virtue of the powers conferred upon him by article 23 of the court's statute, to summon an extraordinary session of the court, beginning on October 22, 1925.

Following upon the notification above mentioned the Turkish Minister for Foreign Affairs sent to the registrar of the court the following telegram, dated October 8:

(Translation)

"I have the honor to acknowledge receipt of your telegram 26th September. Turkish Government, whilst having greatest esteem and respect for the International Court of Justice, as it has stated on many occasions, is convinced that the questions mentioned in Council of League of Nations' request dated September 19, and in regard to which court's advisory opinion is asked, are of a distinctly political character and, in the Turkish Government's opinion, can not form the subject of a legal interpretation. Powers intrusted to council in Mosul dispute under final text of article 3, Lausanne treaty, and previous declarations of the late Lord Curzon which led to adoption by Turkey of that article exclude all possibility of an arbitration. Further, the fact that council has itself felt necessity of asking court for advisory opinion as to nature of powers possessed by it under article 3 above mentioned demonstrates correctness my Government's views. British representative having, for his part, declared before council that previous undertakings given by his Government in regard to this point no longer hold good, the intention thus officially manifested resolves the question in regard to which, moreover, no doubt could subsist. Feel my duty call court's attention to the fact that my Government has also clearly and adequately explained its views regarding request submitted by council and latter's competence. My Government also considers there is no need for it to be represented at extraordinary session of court for consideration of above-mentioned request, having already made known its opinion on the subject. Request you to inform court of foregoing.

"TEWFIK ROUCHDY,

"*Minister Foreign Affairs, Turkey.*"

His Britannic Majesty's Government, for its part, filed with the registry on October 21 a "memorial" on "the question of the frontier between Turkey and Iraq." The court also heard the information furnished orally by the representative of the British Government—the Attorney General, Sir Douglas Hogg—in the course of the hearings held on October 26 and 27.

The two governments directly concerned had, furthermore, sent to the court complete collections of the acts and documents relating to the conferences of Lausanne and Constantinople and also collections of documents relating to the so-called Mosul question. Lastly, the Turkish Government was good enough, subject to the reservations made in the telegram set out above, to reply to certain questions which the court had already seen fit to put to it before the hearings.

In addition to the evidence produced by the interested parties, the court has had before it the dossier sent by the secretary general of the League of Nations, together with the council's request, and also certain additional documents and information which the secretary general was good enough to furnish at the request of the court. (See list in annex.)

I

The court must, in the first place, indicate the circumstances which induced the council of the League of Nations to ask for an advisory opinion on the questions set out in the request.

During or as a result of the war of 1914–1918, the British forces occupied the Turkish Vilayets of Bagdad and Basra, and at least a large part of the Vilayet of Mosul; Great Britain subsequently set up a civil administration there. When in 1920 the supreme council allotted the mandates contemplated in article 22 of the covenant of the League of Nations, Great Britain received, amongst others, the mandate for "Mesopotamia, including Mosul." (Declaration by Mr. Lloyd George in the House of Commons, April 29, 1920; see Hansard, 1920, vol. 128, pp. 1469–1470.)

In the peace treaty signed at Sevres on August 10, 1920, the frontiers of Turkey "with Mesopotamia" are laid down as follows:

"(3) With Mesopotamia:

"Thence in a general easterly direction to a point to be chosen on the northern boundary of the Vilayet of Mosul, a line to be fixed on the ground; thence eastward to the point where it meets the frontier between Turkey and Persia, the northern boundary of the Vilayet of Mosul modified, however, so as to pass south of Amadia."

This treaty, however, was never ratified.

In consequence of the events which took place in Turkey in 1922, the powers entered into fresh negotiations with that country, which were opened at Lausanne on November 20, 1922, and resulted in the signature, on July 24, 1923, of the peace treaty which came into effect on August 6, 1924. During these negotiations the question, amongst others, of the frontier between Turkey and Iraq (which name had been substituted for Mesopotamia) was reopened.

Thus, on January 23, 1923, Lord Curzon said, at a plenary meeting of the territorial and military commission, that "among the matters requiring to be laid down in the form of articles in the treaty of peace * * * was the determination of the southern frontier of the Turkish dominions in Asia," i. e., between these dominions and Syria and Iraq. The question was brought before the commission because a private "exchange of views and notes" had "led to no result."

A discussion followed in the course of which His Excellency Ismet Pasha and afterwards Lord Curzon set out the views of their respective Governments. As these views appeared irreconcilable, Lord Curzon eventually proposed, on behalf of the British Government, to refer the question of the frontier between Turkey and Iraq "to inde-

pendent inquiry and decision"—by the League of Nations—and declared that his Government would abide by the result. Lord Curzon concluded by formally "inviting the Turkish delegation to accept this proposal."

At the following meeting, however, Ismet Pasha stated that he could not accept the proposal in question, adding that "the delegation of the Government of the grand national assembly could not allow the fate of a great region like the Vilayet of Mosul * * * to be made dependent upon any arbitration.

Lord Curzon at once replied, explaining what, in his view, if Turkey had accepted his proposal, would have been the procedure adopted by the Council of the League of Nations, a procedure to which Turkey had just refused to submit. In this speech, upon which the two Governments directly concerned place different constructions, Lord Curzon was at pains to demonstrate, amongst other things, the perfectly equal treatment which Turkey would have received before the council. He added that if Turkey persisted in her refusal he would be obliged on behalf of his Government "to act independently" under article 11 of the covenant of the League of Nations.

Ismet Pasha having repeated that he could not "concur in the proposal to submit the solution of the Mosul question to arbitration," Lord Curzon stated that he would "take without delay" the action which he had previously indicated.

Accordingly, on January 25, 1923, he addressed to the secretary general of the League of Nations a letter in which he requested the latter to be good enough to place upon the agenda of the council session which was about to open in Paris "the case of the disputed frontier between the Turkish dominions in Asia Minor and the mandated territory of Iraq."

The secretary general complied with this request and the council considered the matter at a sitting held on January 30, 1923. On that occasion Lord Balfour made a statement on behalf of the British Government to the effect that the proposal unsuccessfully made by Lord Curzon at Lausanne, according to which "the League of Nations should be asked to use its good offices to determine the frontier," would be renewed, and that only in the event of the failure of this further step, and in order to avert "the dangers which failure might bring in its train," would the British Government desire to "invoke article 11 of the covenant" in order that the league "might take any action that might be deemed wise and effectual to safeguard the peace of nations."

Lord Balfour took this opportunity to explain that "if the contingency of which he had spoken arose," article 17 of the covenant "would certainly be one of the articles invoked," but that under the very terms of that article Turkey would be received "as a member of the league on complete and absolute equality with all other members."

The council contented itself with noting Lord Balfour's statement.

On the following day, January 31, the commission on territorial and military questions of the conference of Lausanne held another plenary meeting. Lord Curzon merely stated on that occasion that "the decision of this dispute" regarding Iraq had been "referred * * * to the inquiry and decision of the Council of the League of Nations."

Some days later, on February 4, 1923, a private meeting between the principal delegates at the conference took place in Lord Curzon's room. The allied powers had, at this time, drawn up and communicated on January 29 to the Turkish delegation a draft peace treaty, dated January 31; then, on February 3, they had sent to the same delegation a document setting out what further concessions they were prepared to make. At the meeting of January 31 the Turkish delegation had asked for eight days in which to reply. The time allowed was, however, fixed to expire on February 4.

The draft treaty contained an article (No. 3) regarding the frontiers with Syria and Iraq according to which the latter frontier was to consist of "a line to be fixed in accordance with the decision to be given thereon by the Council of the League of Nations."

In its written reply to these proposals, which was made on the day agreed upon, the Turkish delegation expressed the opinion that, for the sole purpose of preventing the Mosul question from constituting an obstacle to the conclusion of peace, this question should be excluded from the program of the conference in order that it might, within the period of one year, be settled by common agreement between Great Britain and Turkey.

At the private meeting held on February 4 Lord Curzon stated in regard to this reply that he was no longer able to consent to any alteration of the wording of the treaty in regard to Mosul, since the matter had already been referred to the League of Nations and was now in the hands of that body. He was, however, prepared to suspend the result of his appeal to the league for a period of one year. This would enable the two Governments to examine the matter by direct and friendly discussion. Should, however, the two Governments fail to reach a direct understanding the intervention of the league would be resorted to in the manner originally proposed.

According to notes taken by the British secretary, but which do not constitute an authoritative record, except in so far as the views expressed on the British side are concerned, Ismet Pasha then stated that he "accepted Lord Curzon's proposals regarding Mosul"; these proposals were embodied in a draft declaration, the first paragraph of which was as follows:

"In regard to article 3, paragraph 2, of the treaty of peace, His Majesty's Government declare their intention not to invite the Council of the League of Nations to proceed to the determination of the frontier between Turkey and Iraq until the expiration of a period of 12 months from the date of ratification of the present treaty."

On the other hand, according to information supplied to the court by the Turkish Government, Ismet Pasha's acceptance of Lord Curzon's proposals only related to the maintenance of the status quo during the period allowed for attempts to arrive at a friendly settlement.

However that may be, as no agreement in regard to the Allies' proposals as a whole could be reached at the private meeting of February 4, the meeting came to an end in face of this difficulty, and the conference of Lausanne was interrupted for more than two months.

When the conference resumed its labors on April 23, 1923, it had before it a letter from Ismet Pasha, dated March 8, 1923, forwarding the modifications proposed by the Turkish Government in the draft treaty handed on January 29 by the allied delegations to the Turkish delegation. This letter mentioned with reference to Mosul the written Turkish reply of February 4; it also contained the following passages: "As regards Part I (political clauses) * * * there is no substantial modification. Territorial questions are settled in accordance with the proposals of the allied powers." The counterproposals annexed to the letter of March 8 contained the following provisions for the determination of the frontier between Turkey and Iraq:

"The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within 12 months from the coming into force of the present treaty.

"In the event of no agreement being reached, the dispute shall be referred to the Council of the League of Nations."

On April 24, the British delegate, Sir Horace Rumbold, at a plenary meeting, alluded to this proposal and to the declaration "of this kind" which the British Government had been prepared to make at the time of the suspension of negotiations on February 4; he added, however, that that declaration was dependent upon a reciprocal undertaking that the status quo would be preserved during the contemplated period of 12 months, and that, provided a clause to that effect was inserted in the Turkish amendment, the British delegation would be prepared to accept that amendment, subject to discussion with Ismet Pasha in regard to the exact duration of the time allowed for the Turco-British negotiations.

It was not, however, until the following June 26 that Sir Horace Rumbold was able, with the assent of Ismet Pasha, to announce that the British and Turkish delegations had agreed—in the course of private meetings and negotiations—to propose for adoption by the conference the following clause in regard to the frontier of Iraq:

"The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months from the coming into force of the present treaty.

"In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

"The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision."

On July 11, it was agreed that the period of nine months provided for should begin to run, not on the date of the coming into force of of the treaty, but at the expiration of the time allowed for the evacuation of the territories occupied by the Allies; and, on July 24, the treaty was signed, its third article substantially embodying the clause set out above.

The negotiations designed to fix by friendly arrangement the frontier between Turkey and Iraq, began at Constantinople on May 19, 1924, and continued until June 9 of that year. They were unsuccessful, and Sir Percy Cox, the British delegate, when their failure was apparent, invited the Turkish delegate to agree upon the terms of a "joint declaration referring the question to the League of Nations" under article 3 of the treaty of Lausanne. Fethy Bey, the Turkish delegate, did not, however, feel able to comply with this invitation, "as the instructions of his Government, did not authorize him to discuss the terms of the proposed declaration." Whereupon, Sir Percy Cox stated, that, "failing a joint reference, His Majesty's Government would itself refer the matter to the League of Nations," though it hoped "that the Turkish Government would associate itself with it in taking this step."

It was in these circumstances that the British Government, on August 6, 1924, sent to the secretary general of the League of Nations a letter asking that the following question should be placed on the agenda of the next council meeting:

"Frontier of Iraq. Article 3 (2) of the treaty signed at Lausanne on July 24, 1924."

The secretary general complied with this request and informed the Turkish Government of his action by a letter dated August 9. In the same letter he reminded that Government of the communication addressed to the League of Nations by the British Government on January 23, 1923, and he attached to his letter a copy of that communication, of the minutes of the council meeting of January 30, 1923, and of article 17 of the covenant.

In its reply, dated August 25, the Turkish Government stated that it agreed in principle to the inscription of the question on the agenda of the council.

The latter decided, on August 30, to send a telegram "inviting the Turkish Government to be represented on a footing of equality at its discussions" and informing that Government that consideration of the question would be postponed until the arrival of the Turkish representatives.

In these circumstances it was not until September 20 that the council was able to begin the examination of the question, Fethy Bey, the Turkish representative, taking his seat at the council table.

As early as this meeting the parties used different expressions when describing the rôle which the council would have to play in the matter. Whilst, according to Lord Parmoor, the British representative, the council was to "act as arbitrator," Fethy Bey merely referred to the submission of the question to an "impartial examination" by the council. At a subsequent sitting, on September 25, the representatives of the parties, at the request of M. Branting, the rapporteur, explained how they understood the reference to the council provided for in article 3 of the treaty of Lausanne. Lord Parmoor stated that the British Government "regarded the treaty as placing the council in the position of an arbitrator, whose ultimate award must be accepted in advance by both parties." Fethy Bey, on the other hand, stated that the Turkish Government "recognized the full powers of the council as conferred upon it by article 15 of the covenant." Whereupon the rapporteur stated that the replies would seem "to show that the parties were both willing to recognize the council's decision, one of them through arbitration and the other under article 15 of the covenant." Since, however, there was a difference of opinion as to the subject of the dispute to be settled, he proposed that the discussion should be adjourned in order to enable him "to consider, in consultation with the two parties, the preliminary question of the precise duties of the council."

The discussion was resumed on September 30. M. Branting then read a report in which he gave an account of conversations which he had had with Lord Parmoor and Fethy Bey. The former had reminded him that "his Government accepted in advance the council's decision regarding the frontier between Turkey and Iraq." The latter, in reply to the question whether "he could, on behalf of his Government, now give an undertaking to accept the council's recommendation," had replied "that on this point there was no disagreement between his Government and the British Government." On the basis of these statements the rapporteur felt able to announce that "the doubts which might have arisen in regard to the * * * rôle of the council" had been "removed," and suggested, in order that proceedings might be commenced, the appointment of a commission of inquiry.

The council adopted this suggestion. In the resolution passed to this effect the following passage appears:

"Having heard the statements of the representatives of the British and Turkish Governments, who undertook on behalf of their respective governments to accept in advance the decision of the council on the question referred to it."

Lord Parmoor and Fethy Bey stated that they accepted this resolution.

The members of the commission of inquiry were appointed on October 31, 1924, and the commission filed its report with the secretariat of the League of Nations on July 16, 1925. The council therefore had to consider the conclusions of this report at the session held by it in September, 1925.

In an introductory report M. Undén, the rapporteur, laid stress, firstly, on the footing of equality on which the parties were placed before the council, and secondly, on the agreement as to the council's rôle recorded in the resolution of September 30, 1924. A discussion then ensued at the meetings of September 3 and 4, 1925, between the British and Turkish representatives, Mr. Amery and Tewfik Rouchdy Bey, upon the merits of the question of the frontier line between Turkey and Iraq. At the conclusion of this discussion the rapporteur proposed, at a private meeting at which the delegates of the parties were present, that the council "should appoint a subcommittee to examine the question and make a report." The council decided accordingly, and the president "reminded the parties that they had before the council placed their cause solemnly in the hands of the League of Nations, of which the council formed part, and that they were awaiting from the council that justice which it would endeavor to grant them."

It was by the report of the subcommittee thus appointed—of the proceedings of which no record, if any were kept, has been communicated to the court—that the proposal to refer to the court the questions to which this advisory opinion is intended to reply was, on September 19, 1925, laid before the council. The adoption of the resolution by which the council decided in accordance with this proposal was preceded by an exchange of views between the British and Turkish representatives, in the course of which Mr. Amery maintained that what was intended by article 3, paragraph 2, of the treaty of Lausanne "was an arbitral decision given on the broad merits of the case," whereas, according to Tewfik Rouchdy Bey, "the only possible procedure" was "to reach solution with the consent of the parties through the good offices of the council," and not to resort "to a decision given by the council without their consent."

II

Before proceeding to examine the questions put to it by the council, the court wishes to observe that it intends strictly to confine itself to consideration of these questions, without in any way prejudging the merits of the problem before the council; nothing in the present opinion, therefore, is to be interpreted as anticipating the solution of that problem.

* * * * * * *

The first question put to the court regards the nature of the "decision to be reached" by the council under article 3, paragraph 2, of the treaty of Lausanne. In order to be able to reply to it, that article must be analyzed, with a view to discovering any factors which may determine the nature of the decision. The explanatory phrase following the question indicates that the nature of the functions to be undertaken by the council must be defined, having particular regard to the effect that its decision is intended to produce in relation to the parties; that is to say, whether it is designed to be binding upon them or whether, on the contrary, this is not the case.

The mission which the court has to fulfill is to interpret a treaty provision, namely, article 3, paragraph 2, of the treaty of Lausanne, which runs as follows:

"From the Mediterranean to the frontier of Persia, the frontier of Turkey is laid down as follows:

"(1) With Syria:

"The frontier described in article 8 of the Franco-Turkish agreement of the 20th of October, 1921;

"(2) With Iraq:

"The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months.

"In the event of no agreement being reached between the two governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

"The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision."

The court must therefore, in the first place, endeavor to ascertain from the wording of this clause what the intention of the contracting parties was; subsequently it may consider whether—and if so, to what extent—factors other than the wording of the treaty must be taken into account for this purpose.

The court is of opinion that in signing article 3, paragraph 2, of the treaty of Lausanne the intention of the parties was, by means of recourse to the council, to assure a definitive and binding solution of the dispute which might arise between them, namely, the final determination of the frontier. The court feels bound to adopt this interpretation for the following reasons:

Article 3, which forms part of the section of the treaty devoted to "Territorial clauses," is intended to lay down the frontier of Turkey from the Mediterranean to Persia. It draws a distinction between two different sections of this frontier: (1) That separating Turkey from Syria, a frontier already described in the Franco-Turkish agreement of October 20, 1921, the line of which is maintained; (2) that which is to separate Turkey from Iraq, a frontier to be laid down in friendly arrangement between Turkey and Great Britain within nine months, failing which the dispute is to be referred to the Council of the League of Nations. Although one of the sections of the frontier still remains to be determined whilst the other is already defined, it is clear that the object of this article is to establish a continuous and definitive frontier. Not only are the terms used ("lay down," "fixer," "déterminer") only to be explained by an intention to establish a situation which would be definitive, but, furthermore, the very nature of a frontier and of any convention designed to establish frontiers between two countries imports that a frontier must constitute a definite boundary line throughout its length.

It often happens that at the time of the signature of a treaty establishing new frontiers certain portions of these frontiers are not yet determined, and that the treaty provides certain measures for their determination. In this way article 2 of the treaty of Lausanne, which is intended to lay down the frontier of Turkey from the Black Sea to the Ægean, and which, as regards the greater part of the frontier line, gives topographical indications, leaves the determination of a portion of the Greco-Turkish frontier to the decision of the boundary commission set up under article 5. It is, however, natural that any article designed to fix a frontier should, if possible, be so interpreted that the result of the application of its provisions in their entirety should be the establishment of a precise, complete, and definitive frontier.

These conclusions, which may be deduced from an examination of the first subparagraph 2 of article 3 alone, are confirmed by an analysis of subparagraphs 2 and 3. Subparagraph 2 provides that in the event of no agreement being reached between the two States concerned within the time mentioned the dispute shall be referred to the council. Although these terms, taken by themselves, do not expressly indicate the nature of the action to be undertaken by the council, there does not seem to be any doubt that for the settlement of a dispute only two alternatives present themselves—agreement between the parties, arrived at either directly or through a third party, or else decision by the intervention of a third party. Now, the successive application of these two methods is precisely what is provided for under article 3, and for the reasons already set out and drawn from the very nature of frontiers it must be concluded that the parties when signing that article contemplated intervention by a third party—the council—as a result of which a definitive solution would be reached.

Even, if there were any possible doubt in regard to the meaning of the first two subparagraphs of paragraph 2 of the article, this would be dissipated by the terms of the third subparagraph. By this clause, the British and Turkish Governments undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place, which might modify in any way the present state of the territories of which the final fate will depend upon that decision. This, therefore, is a temporary settlement, pending a definitive settlement. The latter will be effected by the "decision to be reached," or, according to the protocol of July 24, 1923, relating to the evacuation of the Turkish territory occupied by the British, French, and Italian forces, by the "determination of the frontier." Again, this decision may be either an agreement between the parties or, failing such agreement, the solution given by the council. Now, a decision on which the final fate of the territories in question depends can only be a decision laying down in a definitive manner the frontier between Turkey and Iraq, binding upon the two states. This interpretation of the third subparagraph, which is indicated by the terms therein employed, is entirely in accordance with the conclusions drawn from the preceding subparagraphs and from article 3, as a whole.

In the last place, it must be ascertained whether any other articles of the treaty of Lausanne are calculated to throw any light upon the scope of article 3. In this connection, special regard must be had to article 16, which has been cited both by Turkey and by Great Britain in support of their respective contentions. In the eyes of the court, this article, under which Turkey "renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down (prévues) in the present treaty," seems rather to furnish an argument in favor of the definitive character of the decision to be reached. The frontier of Iraq, though still remaining to be determined in accordance with article 3, is, notwithstanding, a frontier laid down (prévue) by the treaty, since there is no doubt that the expression "laid down" (prévue) can include both frontiers already defined and frontiers, which have yet to be determined by the application of methods prescribed in the treaty. The fact that, in a treaty, certain territories are indicated as ceded, or that rights and title to these territories are renounced, even though the frontiers of them are not yet determined, has nothing exceptional about it. For instance, all treaties of cession, in which provision is made for plebiscites, offer examples of the same kind. The same also applies to treaties, which entrust the determination of certain frontiers to an international commission or to the decision of a third party. In such cases the renunciation of rights and title is suspended until the frontier has been determined, but it will become effective, in the absence of some other solution, in virtue of the binding decision.

The other articles in the treaty of Lausanne which bestow powers on the Council of the League of Nations, though they have been cited by the two Governments concerned, can hardly have any bearing on the interpretation of article 3 from the point of view now under consideration, for they relate to situations very different from that under contemplation in that article.

Since the court is of opinion that article 3 is in itself sufficiently clear to enable the nature of the "decision to be reached" by the council under the terms of that article to be determined, the question does not arise whether consideration of the work done in preparation of the treaty of Lausanne (les travaux préparatoires), would also lead to the conclusions set out above. Nevertheless, it may be well also to consider article 3 and the construction which the court has placed upon it, in the light of the negotiation at Lausanne, for the Turkish Government has cited certain facts connected with those negotiations in support of its adverse opinion.

In the discussion which took place before the council on September 19, 1925, Tewfik Rouchdy Bey drew attention to a passage in the speech made by Lord Curzon at the meeting of January 23, 1923, in the course of which he had said:

"I do not know what it [the council] will do; but my point is that the Turkish delegation will be there just like ourselves, and when the two cases have been stated you will get the most impartial examination which it is possible to secure. Further, article 5 of the covenant provides that the decision of the council upon which the Turkish Government will be represented will have to be unanimous, so that no decision can be arrived at without their consent."

This passage, however, even if it is held that the preparatory work (travaux préparatoires) can be taken into account, in the court's opinion, can not be used to interpret article 3. It should in the first place be observed that this passage forms part of a speech formulating a proposal which was rejected by the Turkish delegation; but if the passage had at that time been understood in the sense in which Tewfik Rouchdy Bey now wishes to read it, this rejection is difficult to understand. And, moreover, at the time when Lord Curzon made his first proposal to the effect that, failing agreement, the disputed question should be settled by the League of Nations, article 3 did not yet exist, even in draft form. Turkey at that time had not accepted any obligation in regard to reference of the question to the League of Nations, nor had she accepted any invitation under the terms of article 17 of the covenant. By the adoption of article 3 during the second phase of the Lausanne conference and five months after Lord Curzon's speech the legal position was fundamentally modified, and it is not therefore possible to interpret this article by reference to statements relating to the situation previously existing, more especially since neither in the drafts for article 3, submitted on either side, nor in correspondence or records or proceedings belonging to that period which have been brought to the knowledge of the court was mention made, notwithstanding its importance, of the question of the consent of the parties to the solution to be recommended by the council.

But, assuming that a study of the preparatory work (travaux préparatoires) led to the conclusion that article 3 should be interpreted as though it had been adopted, subject to the condition that the council could not arrive at any solution without the consent of the parties, the action of the council would, in effect, be reduced to simple mediation. Now, this conclusion, which would eliminate the possibility of a definite decision capable, if necessary, of replacing agreement between the parties, would be incompatible with the terms of article 3, the interpretation of which, as indicated both from a grammatical and logical point of view as well as from that of the rôle assigned to that article in the peace treaty, has been set out above.

Nor is it possible to argue against the interpretation adopted by the court on the ground that the first draft for article 3, paragraph 2, prepared by the Allies, expressly stated that the frontier line should be "fixed in accordance with the decision to be given thereon by the Council of the League of Nations," whereas the Turkish counterproposal employed in its second paragraph a less precise wording: "The dispute shall be referred to the Council of the League of Nations," a wording that corresponds to the second subparagraph of paragraph 2 of the article as finally adopted, the terms of which had necessarily to be altered in consequence of the insertion of the clause providing for an amicable settlement. It should be pointed out that the Turkish counterproposal in no way excluded a definitive decision by the council, and that in his letter of March 8, 1923, Ismet Pasha described the Turkish counterproposals regarding territorial questions as in conformity with the proposal of the allied powers. It should also be observed that subparagraph 3 of the final draft of article 3, paragraph 2, in which reference is made to a "decision to be reached," a "decision" on which will "depend" the "final fate" of certain territories, appears in neither of the two drafts referred to. This clause, the scope of which has already been considered when analyzing article 3, hardly admits of an interpretation which would deprive "the decision to be reached" by the council of its definitive character. For the same reasons it renders it impossible to deduce from the divergence between the two drafts any arguments against the binding force of the decision.

The facts subsequent to the conclusion of the treaty of Lausanne can only concern the court in so far as they are calculated to throw light on the intention of the parties at the time of the conclusion of that treaty. The question put to the council seems to refer solely to the interpretation of article 3 of the treaty; obligations which may have been assumed after the conclusion of the treaty, or facts which may have had some influence in regard to the existence or nature of engagements entered into under the treaty, would therefore seem to be outside the scope of the question submitted by

the council. Moreover, the council, by keeping the questions put to the court exclusively within the domain of article 3, appears itself to adopt the standpoint that article 3 is still at the present time applicable in its entirety.

In the court's opinion this view is well founded; it considers that the attitude adopted by the British and Turkish Governments after the signature of the treaty of Lausanne is only valuable in the present respect as an indication of their views regarding the clauses in question. In this connection the exchange of views which took place between the parties at the meetings held by the council between September 20 and 30, 1924, inclusive, is of especial importance. But the statements made by the rapporteur, M. Branting, and which were confirmed by the unanimous vote of all members of the council, including the British and Turkish representatives, show that there was no disagreement between the parties as regards their obligation to accept as definitive and binding the decision or recommendation to be made by the council with a view to fixing the frontiers.

For it can not be assumed that the representatives of the parties would have declared that they accepted the solutions to be given by the council as definitive if in their view this constituted a new undertaking going beyond the scope of the obligations entered into under article 3 of the treaty. The fact that they have accepted beforehand the council's decision upon the question now before it may therefore be regarded as confirming the interpretation which in the court's opinion flows from the actual wording of the article.

In its telegram to the court of October 8 the Turkish Government adduced as an argument in favor of the correctness of its contentions the fact that the council itself had felt constrained to ask the court for an advisory opinion as to the nature of the powers derived by it from article 3 of the treaty of Lausanne. This argument appears to rest on the following principle: If the wording of a treaty provision is not clear, in choosing between several admissible interpretations, the one which involves the minimum of obligations for the parties should be adopted. This principle may be admitted to be sound. In the present case, however, the argument is valueless, because, in the court's opinion, the wording of article 3 is clear. Moreover, the attitude of the council in the matter is sufficiently explained by a natural desire not to set aside the views of one of the parties as to the rôle of the council without previously obtaining the court's opinion upon this legal question.

The same telegram states that "the British representative having for his part declared before the council that the previous undertakings given by his Government in regard to this point no longer hold good, the intention thus officially manifested resolves the question, in regard to which, moreover, no doubt could subsist." The court, however, can not admit that the declaration made by Mr. Amery at the council meeting of September 19, 1925—which is no doubt the declaration referred to in the passage quoted—bore the meaning which the Turkish Government endeavors to read into it.

For this declaration does not affect the rights and obligations following from article 3 of the treaty of Lausanne; it only refers to the undertakings which Lord Parmoor and Mr. Amery himself had given during the previous deliberations of the council, and only contemplates the event that Turkey—after the court's opinion had been given—would persist in her refusal to recognize any obligation to accept in advance the council's decision. It was only in this contingency that Mr. Amery reserved for Great Britain the same liberty of action as was claimed by the Turkish Government.

* * * * * * *

The court, by an examination of the scope of article 3, paragraph 2 of the treaty of Lausanne, has thus arrived at the conclusion that that clause is designed to provide for a definitive settlement of the frontier. It will now proceed more closely to consider, with reference to the explanatory phrase appended to the first of the questions put, what the nature of this decision may be.

If the word "arbitration" is taken in a wide sense, characterized simply by the binding force of the pronouncement made by a third party to whom the interested parties have had recourse, it may well be said that the decision in question is an "arbitral award."

This term, on the other hand, would hardly be the right one, if the intention were to convey a common and more limited conception of arbitration, namely, that which has for its object the settlement of differences between states by judges of their own choice and on the basis of respect for law (Hague Convention for the Pacific Settlement of International Disputes, dated October 18, 1907, article 37). It appears, in fact, that according to the arguments put forward on both sides before the council, the settlement of the dispute in question depends, at all events for the most part, on considerations not of a legal character; moreover, it is impossible, properly speaking, to regard the council, acting in its capacity of an organ of the League of Nations, as will be hereinafter described, as a tribunal of arbitrators.

For this reason the court feels that it should not attach any importance either to certain consequences which legal doctrine endeavors to deduce from the idea of arbitration or to certain rules of procedure adopted by courts of arbitration themselves, though both have been cited by the British Government. It will rather seek the answer to the question before it in considerations which seem peculiarly appropriate to the present case.

The covenant of the League of Nations, while it in no way restricts the liberty of the parties to intrust any dispute whatever that may arise between them to arbitration, refers in article 13 to the more limited conception of arbitration, and the council, whose first duty is to dissipate or settle political disputes, is never considered in the covenant as exercising the functions of arbitrator within the meaning of that article.

Nevertheless, the court holds that this fact does not prevent the council from being called upon, by the mutual consent of the parties, to give a definitive and binding decision in a particular dispute.

Though it is true that the powers of the council, in regard to the settlement of disputes, are dealt with in article 15 of the covenant, and that, under that article, the council can only make recommendations, which, even when made unanimously, do not of necessity settle the dispute, that article only sets out the minimum obligations which are imposed upon states and the minimum corresponding powers of the council. There is nothing to prevent the parties from accepting obligations and from conferring on the council powers wider than those resulting from the strict terms of article 15, and, in particular, from substituting by an agreement entered into in advance, for the council's power to make a mere recommendation the power to give a decision which, by virtue of their previous consent, compulsorily settles the dispute.

Nor are precedents lacking of cases in which the parties have undertaken beforehand to accept a recommendation by the council, and this, in effect, is tantamount to intrusting it with the power of decision.

Thus, in the Upper Silesian question, which, moreover, was alluded to by the British representative at the council meeting of September 19, 1925, the powers represented on the supreme council invited "the recommendation of the Council of the League of Nations" as to the line to be laid down (decision of August 12, 1921, Official Journal of the League of Nations, second year, No. 9, p. 982) and "solemnly" undertook "to accept the solution recommended by the Council of the League of Nations." (Note from M. Briand dated August 24, 1921, op. cit. Nos. 10–12, p. 1221:) The latter in its turn adopted (on October 12, ibid) "a recommendation," which it transmitted to the president of the supreme council.

Similarly, in the protocol of Venice of October 13, 1921, concerning the delimitation of the frontier between Hungary and Austria, the latter power undertook to accept "the decision recommended by the Council of the League of Nations." (Treaty series of the League of Nations, Vol. IX, p. 204.)

Since the object of article 3, paragraph 2, of the treaty of Lausanne, is, as has been shown above, to bring about a definitive and binding settlement of the frontier, it follows that the decision which the council has to take under that article can not be regarded as a mere recommendation within the meaning of article 15 of the covenant. Such a recommendation, in fact, would not settle the dispute; moreover, it might result in placing in a position of inferiority a State which was not in possession of the territory which would be allotted to it by the frontier recommended; for, in the event of the council's recommendation being in its favor, this State would not have an actual right to insist upon the cession of the territory in question.

But the fact that the "decision to be reached" by the council under article 3 of the treaty of Lausanne can not be described as a recommendation within the meaning of article 15 of the covenant does not imply that the applicability of the latter article is excluded in the present case. For the various and more extensive powers conferred by the parties in this case on the council merely complete the functions which it normally possesses under article 15. In agreeing to refer the dispute to the Council of the League of Nations the parties certainly did not lose sight of the fact that the powers of mediation and conciliation of the council form an essential part of the functions of that body. If such a procedure fails, the council will make use of its power of decision. And in actual fact it would appear that the council's efforts to settle the dispute in question have hitherto been made on these lines.

III

The second question put to the court is whether the decision of the Council of the League of Nations, to which the matter was referred under article 3, paragraph 2, of the treaty of Lausanne, must be unanimous or may be taken by a majority, and whether the representatives of the interested parties may take part in the vote.

* * * * * * *

In order to reply to this question it should be observed in the first place that article 3, paragraph 2, of the treaty of Lausanne refers to the Council of the League of Nations; that is to say, to the council

with the organization and functions conferred upon it by the covenant. The dispute has not been referred to one or more persons as such, but to the council.

Now, the council, in accordance with article 4 of the covenant and the resolution adopted by the council on September 21, 1922, which was approved by the assembly on the 25th of the same month, consists of representatives appointed by four great powers, who are entitled to permanent seats upon it, and by six other members selected by the assembly. It may also include representatives of states invited to sit at the council table by reason of the interest which they may have in some question upon its agenda; it is under this provision that in the present case the council itself has invited a representative of Turkey to sit with it.

It is, therefore, composed of representatives of members—that is to say, of persons delegated by their respective governments—from whom they receive instructions and whose responsibility they engage.

In a body constituted in this way, whose mission is to deal with any matter "within the sphere of action of the league or affecting the peace of the world," observance of the rule of unanimity is naturally and even necessarily indicated. Only if the decisions of the council have the support of the unanimous consent of the powers composing it will they possess the degree of authority which they must have. The very prestige of the league might be imperiled if it were admitted, in the absence of an express provision to that effect, that decisions on important questions could be taken by a majority.

Moreover, it is hardly conceivable that resolutions on questions affecting the peace of the world could be adopted against the will of those amongst the members of the council who, although in a minority, would, by reason of their political position, have to bear the larger share of the responsibilities and consequences ensuing therefrom.

Again, the rule of unanimity, which is also in accordance with the unvarying tradition of all diplomatic meetings or conferences, is explicitly laid down by article 5, paragraph 1, of the covenant on the following terms—

"except where otherwise expressly provided in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting."

No exceptions to this principle are made other than those provided for in the covenant itself and in the peace treaties of which it constitutes the first part. The treaty of Lausanne is not one of these treaties.

As regards the exceptions contained in the covenant, it is clear that the present case does not fall within the scope of the second paragraph of article 5 (questions of procedure). In the absence, therefore, of an express provision to the contrary in article 3, paragraph 2, of the treaty of Lausanne, the rule of unanimity applies in regard to the question before the council.

The representative of the British Government has contended that the clause in article 5 of the covenant only contemplates the exercise of the powers granted in the covenant itself. The court can not accept this view. Article 5 states a general principle which only admits of exceptions which are expressly provided for, and this principle, as has already been stated, may be regarded as the rule natural to a body such as the Council of the League of Nations. The fact that the present case concerns the exercise of a power outside the normal province of the council clearly can not be used as an argument for the diminution of the safeguards with which, in the covenant, it was felt necessary to surround the council's decisions.

On the other hand, no one denies that the council can undertake to give decisions by a majority in specific cases, if express provision is made for this power by treaty stipulations. That this is the case is confirmed by, amongst other things, articles 44 and 107 of the treaty of Lausanne, which have been cited on one side and the other in support of their respective contentions. The court, therefore, regards these articles as tending rather to confirm the view which it has taken.

In support of the contention that the decision may be taken by a majority, the principle generally accepted in the case of arbitral tribunals, in accordance with which such tribunals as a rule decide by a majority, has also been invoked; and it has been argued that the main reason for the application of this principle is that it would often prove impossible to obtain any decision if unanimity were required. The court has already explained why it can not admit arguments and principles drawn from the theory and practice of arbitration in the limited sense of the term. In particular it should be observed that though certain arguments used by the representative of the British Government might be regarded as well founded in the case of arbitrators appointed ad hoc and not forming a permanent body, they do not, on the other hand, apply in a case where the parties have had recourse to a body already constituted and having its own rules of organization and procedure. Unless a contrary intention has been expressed, the interested parties are in such cases held to have accepted such rules.

* * * * * * *

Unanimity, therefore, is required for the decision to be taken by the Council of the League of Nations in virtue of article 3, paragraph 2, of the treaty of Lausanne, with a view to the determination of the frontier between Turkey and Iraq. The question has now to be considered whether the representatives of the interested parties may take part in the vote.

In this connection it should be observed that the very general rule laid down in article 5 of the covenant does not specially contemplate the case of an actual dispute which has been laid before the council. On the other hand, this contingency is dealt with in article 15, paragraphs 6 and 7, which, whilst making the limited binding effect of recommendations dependent on unanimity, explicitly state that the council's unanimous report need only be agreed to by the members thereof, other than the representatives of the parties. The same principle is applied in the cases contemplated in paragraph 4 of article 15 of the covenant and in the first of the three paragraphs, which, in accordance with a resolution of the second assembly, are to be inserted between the first and second paragraphs of that article.

It follows from the foregoing that, according to the covenant itself, in certain cases, and more particularly in the case of the settlement of a dispute, the rule of unanimity is applicable, subject to the limitation that the votes cast by representatives of the interested parties do not affect the required unanimity.

The court is of opinion that it is this conception of the rule of unanimity which must be applied in the dispute before the council. It is hardly open to doubt that in no circumstances is it possible to be satisfied with less than this conception of unanimity, for if such unanimity is necessary in order to endow a recommendation with the limited effects contemplated in paragraph 6 of article 15 of the covenant, it must a fortiori be so when a binding decision has to be taken.

The question which arises, therefore, is solely whether such unanimity is sufficient or whether the representatives of the parties must also accept the decision.

The principle laid down by the covenant in paragraphs 6 and 7 of article 15 seems to meet the requirements of a case such as that now before the council just as well as the circumstances contemplated in that article. The well-known rule that no one can be judge in his own suit holds good.

From a practical standpoint, to require that the representatives of the parties should accept the council's decision would be tantamount to giving them a right of veto, enabling them to prevent any decision being reached; this would hardly be in conformity with the intention manifested in article 3, paragraph 2, of the treaty of Lausanne. Lastly, it may perhaps be well to observe that since the council consists of representatives of states or members, the legal position of the representatives of the parties upon the council is not comparable to that of national arbitrators upon courts of arbitration.

The votes of the representatives of the parties are, therefore, not to be taken into account in ascertaining whether there is unanimity. But the representatives will take part in the vote, for they form part of the council, and, like the other representatives, they are entitled and are in duty bound to take part in the deliberations of that body. The terms of paragraphs 6 and 7 of article 15 of the covenant and of the new clause to be inserted in article 16 clearly show that in the cases therein contemplated the representatives of the parties may take part in the voting, and that it is only for the purpose of determining whether unanimous agreement has been reached that their votes are not counted. There is nothing to justify a further derogation from the essential principles of unanimity and of the equal rights of members.

For these reasons the court is of the opinion:

1. That the "decision to be taken" by the Council of the League of Nations in virtue of article 3, paragraph 2, of the treaty of Lausanne, will be binding on the parties and will constitute a definitive determination of the frontier between Turkey and Iraq.

2. That the "decision to be taken" must be taken by unanimous vote, the representatives of the parties taking part in the voting, but their votes not being counted in ascertaining whether there is unanimity.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this 21st day of November, 1925, in two copies, one of which is to be placed in the archives of the court and the other to be forwarded to the Council of the League of Nations.

(Signed) MAX HUBER, *President.*
(Signed) A. HAMMARSKJOLD, *Registrar.*

Mr. WALSH. Mr. President, I shall not take it at all amiss to be interrupted at any time during the course of my remarks by any Senator who desires to interrogate me, either for the purpose of securing information or for discussion. I believe that in no other way can the questions at issue and the differences that may exist with reference to them be so completely elucidated. At the same time I shall trust to the fairness of Senators not to prolong the discussion unduly and thus break the course of the argument, or endeavor to incorporate in the midst of my remarks any speech of their own.

Before proceeding with the regular discussion which I had intended to begin this afternoon, I want to advert to a few matters to which attention was paid by the distinguished chairman of the Committee on Foreign Relations, who has just addressed the Senate.

The Senator opened his remarks by calling attention to the fact that the very erudite and able work of Judge de Bustamente, a member of the court, had been widely circulated, and doubtless at the expense of the friends of adherence. I have no doubt that that is correct. I have not the slightest doubt that it has been widely circulated and paid for by those who are friendly to the adoption of the resolution now pending any more than I have any doubt that another book, a copy of which I hold in my hands, entitled "The United States Senate and the International Court," by Frances Kellor, was paid for and is being circulated in equal numbers by those who are opposed to the World Court.

Miss Kellor is not, as Judge de Bustamente is, an international lawyer of great renown. This is her second work upon this general subject, the first consisting of two large volumes which were devoted not only to the World Court but to the League of Nations. It, with a book by Prof. Manley Hudson, was reviewed recently in the Nation. I think it will be recognized on all hands that the Nation has never been particularly friendly to the League of Nations, to put the case mildly. I read from that review by Lewis S. Gannett some extracts, as follows:

> Why is it that the National Council for the Prevention of War and the League of Women Voters and thousands of church societies urge so passionately that we join the World Court as a great step toward world peace? Why is it that others are so alarmed lest by joining it we somehow compromise our purity and postpone the great day of good will on earth? I have read patiently Manley Hudson's plea for the court and Frances Kellor's attack upon it, and still I do not know.
>
> It is not much as a court. The nations of this cautious, selfish, overvictorious allied world of ours made it, and they no longer even pretend to wear halos. None of them was willing to give it much power, and they have been timorous about referring important matters to it; but it has acted reasonably and expeditiously whenever it has had a chance. Even Miss Kellor admits that, and she has such a magnificent bitterness against the league and all its works that when she admits anything good about them she is extraordinarily convincing. The court, in the East Karelia case, even showed a bold independence of the league that gave it birth. In that dispute between Russia and Finland it declared itself incompetent to judge, Russia having refused to appear before it. That, it seems to me, was a splendid and deserved rebuke to the council of the league, which ignored, as the league has always resolutely ignored, the fundamental flaw in its own constitution—its failure to include Germany and Russia as equal partners.
>
> * * * * * * *
>
> The court is better than the league. No political chancellery dictates to any of its judges. The Hague conferences were unable to build a permanent court because the little nations and the big could not agree upon a method of electing judges satisfactory to both; the league constitution, with its two bodies—one in which, as in our Senate, all the States are equally represented and one in which the great powers preponderate—offered a compromise solution.
>
> The powers nominate by geographical groups, and both assembly and council must vote for a judge before he is chosen. If Germany, Russia, and the United States were to participate in the choice, it would seem to be as good a compromise as can be devised. Some compromise there must be; it is nonsense to insist that Liberia and Siam and Panama stand upon an absolute par with the great empires of the world. The facts that the court is thus a creation of the league and that the league sometimes turns to it for advisory legal opinions need not upset one's equilibrium, even though one is convinced that for the United States to join the league at this juncture would help chain Europe further to the prison of Versailles. Nor need the fact that the European nations have been slow to trust their troubles to the court destroy faith in the court or lead one to suppose that a different court would be better. The world will still be made up of the same nations, even if we should start afresh upon the basis of the old Hague treaties.

Reference was made to the comment of Judge de Bustemante in his work, and the possibility that some great cataclysm in Europe might ensue and the whole machinery through which the court came into being would be wiped out, and it would be left stranded. The states of Europe in a general way have subsisted for some centuries, and really, Mr. President, I do not believe anybody at this time need be deeply exercised about the disappearance from the field of international action of the League of Nations. We used to hear in this body day after day, time after time, on occasion after occasion, that the league was dead, that it had not any existence, that it was gone, that the election of 1920 in the United States disposed of the whole thing; but it seems to have more than the nine lives of a cat, and is to-day, as has been stated here, a more vigorous institution than at any time before in its history of six years and gives promise of having longevity equal to that of most of the states of the world.

Reference has been made by the distinguished Senator, in this connection, to what was said in the course of the deliberations of the committee of jurists which prepared the statute of the World Court as to the relation which it was to bear to the league, and that it was an organ of the league, or an agency of the league, or a part of the political organization of the league. So far as I am concerned, I am not at all troubled about this court being an organ of the league. That is not a matter that really deeply concerns any of us. The question is, Is it such a court, of whatever body it is an organ, that international controversies may be safely intrusted to it for determination, that is to say, such controversies as are resolvable upon legal principles?

If I were going to discuss that matter, I should say, What is the difference what view M. Bourgeois expressed when the statute of the court was under consideration and the committee were endeavoring to frame it? He had his own peculiar view about it. The members of the committee, my recollection is, with 11 in number. Other members may have had quite a different opinion about the matter. We must judge of their work by what they laid before us, not by what they said. The Supreme Court of the United States has repeatedly said debates in this body, or in that at the other end of the Capitol, afford very little basis upon which the court can judge as to what was the meaning of acts passed by Congress.

Thus, in the case of Lapina *v.* Williams (232 Supreme Court Reporter) I find the following:

> Counsel for petitioner cites the debates in Congress as indicating that the act was not understood to refer to any others than immigrants. But the unreliability of such debates as a source from which to discover the meaning of the language employed in an act of Congress has been frequently pointed out.

About a dozen decisions of the Supreme Court of the United States are cited in that connection. So that really we need not concern ourselves very much as to what M. Bourgeois thought about whether there was any relation to the league, or whether there was not any relation to the league, in the statute which they then prepared.

The views of Mr. Root, however, and the views of Judge John Bassett Moore, are perhaps of more consequence to us and more persuasive. It is true that both of those gentlemen, when the subject of advisory opinions first came before them for consideration, expressed the views to which the Senate has listened as quoted by the Senator from Idaho. But some water has gone over the dam since that time. Mr. Root's comment was quoted in an effort to establish the proposition that the court is not a world court but a league court. Mr. Root, whatever may have been his views at one time as to any specific provision of the statute, is to-day one of the most earnest advocates of adherence by the United States to the protocol and has been so ever since he returned. I hold in my hand a speech which he delivered before the American Society for International Law on the 26th day of April, 1923, in which he reviewed the entire statute and commended it as a splendid piece of work, and the court as having before it undoubtedly a most creditable history. I refer particularly in this connection to a subdivision in his speech which is entitled "A world not a league court," in which he shows why it is a world court and not a league court.

As to Judge Moore, I have sent to my office—because I did not expect this matter to come up—for a compilation of essays by Judge Moore, one of which deals with this subject of the Permanent Court of International Justice, in which in the same way he commends it as a most worthy institution, and the conclusion must necessarily be drawn from what he says about the matter that he thinks the United States ought to give it its support, notwithstanding the feature he once criticized but which he finds no longer objectionable.

We were told by the Senator from Idaho that this jurists' committee was created for the purpose of arranging for a court which would be a league court, which would be an organ of the league, that they took their instructions from article 14, and that they religiously endeavored to comply with it. I shall show, in the course of my general discussion, that, on the contrary, in three important particulars they departed from the suggestions of article 14. I need not remind you, Mr. President, that article 14 simply provides for the creation of a World

Court which shall have jurisdiction only of such cases as the parties respectively submit to it. You well know that, disregarding that injunction, the jurists' committee endeavored to give to the court compulsory jurisdiction, and when the matter came before the assembly and the council, the committee was criticized upon the ground that it had departed from the instructions of article 14.

Mr. BORAH. And they struck it out.

Mr. WALSH. Exactly; I am going to talk about that later. Just now I content myself with the argument that the jurists' committee followed scrupulously the direction of the covenant; that they did not is indisputable.

Now, as to the amendment of the statute, said by the Senator to have been effected by the league, I scarcely expected from the Senator from Idaho the suggestion to this body that without an express provision in a treaty in relation to its amendment or modification, a treaty can be amended or changed without the consent of every nation signatory to it, any more than a contract between two individuals, or a half a dozen parties can be changed without the consent of all.

We will sign a treaty, if we sign at all, promulgated on the 16th day of December, 1920; not July, 1919, but December 16, 1920. That can be changed only as therein provided, or according to the established principles of international law, by the consent of every nation signatory to it.

Reference was made in support of the contention that the league had amended and could amend the statute to the fact that some additional jurisdiction was to be given to the court by the Geneva protocol of October 2, 1924. It will be recalled that that protocol provided for the outlawry of war, and denounced aggressive war as an international crime. That was approved by the assembly of the league upon a draft made, as I shall show afterwards, by two distinguished statesmen of Europe, aided by an eminent American. This was a proposed treaty signed by the representatives at Geneva, but needing the ratification of the various countries, when it would become a treaty between them.

As has been shown, under the provisions of article 36, whenever parties enter into a treaty providing that the construction of any particular provision of that treaty shall be referred to the Permanent Court of International Justice, the court takes jurisdiction of it. There was no amendment of the statute of the court. The statute provides for just exactly such a condition, and I shall show that that provision of the statute has been availed of in nearly 30 different treaties to confer jurisdiction upon the Permanent Court of International Justice pursuant to that clause in article 36. The treaty to be entered into giving life to the Geneva protocol would fall in the same category had it been ratified.

Reference was made, Mr. President, to the alleged sanctions or means through which judgments of the court are enforced. There are provided no sanctions whatever in the statute to which we are asked to subscribe, as I shall hereafter show. It is a matter of no consequence to us whatever what sanctions there are in the covenant of the League of Nations. Those sanctions apply only, as has been shown, to the members of the league, and they apply just exactly as well, as was said by the Senator from Virginia [Mr. SWANSON], to the decisions made by the Permanent Court of Arbitration, to which we are a subscribing Nation, as to the judgments of the Permanent Court of International Justice. So that if we are in any wise whatever morally bound to help enforce any judgment rendered by the Permanent Court of International Justice, we have been bound ever since 1899 in exactly the same way with reference to the judgments of the Permanent Court of Arbitration.

Here are the provisions of the covenant in relation to the sanctions:

ART. 12. The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

Now, under that provision two nations could agree to submit their disputes to the Permanent Court of Arbitration, the old Hague court established by the convention of 1899. Then article 13 provides:

The members of the league agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the league which complies therewith. In the event of any failure to carry out such an award, the council shall propose what steps should be taken to give effect thereto.

That provision of the covenant applies, as will be seen, equally to the judgments of the Permanent Court of Arbitration and the Permanent Court of International Justice. So we do not change the situation in the slightest degree by subscribing to the protocol, because we are already bound, if we are bound at all, and I insist we are not bound to anything.

I pass now to a discussion of the subject as I had contemplated entering upon it.

Mr. President, the consequence and the consequences of the step we are invited to take by the resolution before us has been magnified out of all reason by the friends and the foes alike of the World Court, or rather by the overardent friends and the implacable enemies of the League of Nations.

The latter assert—cry from the housetops in season and out of season—that to subscribe to the protocol by virtue of which the Permanent Court of International Justice exists is to enter the league by an indirect route or back-door portal. The former, in numbers not a few, with only vague ideas of the relation the two institutions bear to each other or the limitations under which the court functions, conceive that if they are not identical, at least the one is but an antechamber through which it becomes necessary to pass, and it is relatively easy to pass into the league. Others emotionally inclined, possessed of a wholesome horror of war and fervently looking to its outlawry—like dueling, piracy, the slave trade, and private feuds—indulge the belief that through it, strengthened by the support of the United States, all international controversies are to be resolved and the sword forever sheathed.

I shall essay at the outset the ungracious task of dispelling the illusions, pleasing on the one hand and unduly disquieting on the other. We shall get nowhere in this discussion unless we clearly appreciate the issue before us, and we shall excite hopes and expectations doomed to disappointment or stimulate unreasoning and groundless fears by our action unless we can succeed in making perfectly plain its significance.

Upon a dispassionate consideration of the proposal submitted to the Senate by the late President Harding in the month of February, 1923, now nearly three years ago, the acceptance and approval of which are contemplated in the resolution under debate, it will appear that we bind ourselves to nothing, absolutely nothing, by the ratification of the treaty as he proposed, save that we agree to contribute toward the expense of maintaining the court, a perfectly trifling consideration. We enter into no covenant to do or refrain from doing anything. We would continue to enjoy, should the treaty, or protocol as it is called, be ratified, every right as a sovereign nation we now enjoy. We do not undertake to submit to the court any controversy in which we may become involved, we assume no responsibility for any decision it may make or promulgate or for the enforcement of any judgment it may render. As we incur no obligations by adhering to the protocol, we acquire no rights. We may, if we see fit to do so now, resort to the court for a determination of our rights in any controversy we may have with another nation. Our right in that regard is neither expanded nor restricted by ratification of the protocol. I repeat that we obligate ourselves to nothing by the treaty or protocol.

The covenant of the League of Nations embraces undertakings of the most serious import. Any nation might well hesitate about subscribing to it, though no existing impediment may appear, having in mind the impossibility of anticipating serious situations that might arise in the more or less distant future rendering compliance on its part embarrassing in the extreme. It may be a matter of surprise to some, from much that has been said and written on the subject it will be a surprise to many, to learn that neither the present Chief Executive of the Nation nor his amiable and complaisant predecessor has, through their advocacy of adherence to the protocol, sought to commit us to any of the obligations of the covenant or to lead us into the outskirts of the league. It is to the following brief article, and to that alone, that it is proposed we become a party, namely:

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

Consequently they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.

The present protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretariat of the League of Nations.

The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league.

The statute of the court shall come into force as provided in the above-mentioned decision.

Executed at Geneva in a single copy, the French and English texts of which shall both be authentic.

That is the agreement that some Senators are afraid of. That is the agreement that carries with it all these tremendous risks of which we have heard.

Appended to it, as therein stated, and necessarily an integral part of it, is the statute or constitution of the court, to which reference is made. That statute consists of three chapters, the first dealing with the organization of the court—the number of judges, the method of their selection, and so forth; the second with the competency of the court—that is to say, as it would be expressed in the terminology of our law, the jurisdiction of the court; and, third, procedure. One would scarcely expect under these titles to find provisions in the nature of obligations on the part of the signatory powers, nor does he, not even as to causes to be submitted to the court nor proceedings looking to the enforcement of its judgments. I shall undertake later a more complete analysis of the statute. For the present purpose I remark that under it a signatory nation is at liberty to submit any controversy in which it may be involved to the court, and it is equally at liberty not to submit, just as it sees fit. Article 36 of the statute provides that—

the jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The court accordingly has no jurisdiction to proceed in any case unless the parties have theretofore agreed that it may determine the same. The court, contrary to reckless statements widely published, has no power, it is invested with no authority, should the United States adhere to the protocol, to hale it before the bar of that tribunal. It must come of its own volition or the court is impotent as to it.

In this situation lies the complete answer to the suggestion that, should we adhere to the protocol, the Monroe doctrine will come before the court or may come before the court for adjudication. It will only if the United States consents to submit it, not otherwise. It may even now be dealt with by the court if it is conceivable that the United States should agree to bring before it a controversy involving that doctrine. The authority of the court to deal with that or any other question will be in no manner affected by any action that may be taken in respect to the resolution before us. It is asserted, however, that the Monroe doctrine may be involved in a controversy submitted by two other nations. If so, those nations, being members of the league, may now submit such a controversy to the court. The situation is not changed in the least by our becoming subscribers to the protocol. But it is said that in that event we should be morally bound to uphold the judgment of the court. I confess I find it impossible to understand what is meant by our being morally bound when we have obligated ourselves in no way to enforce the judgment of the court. If it should now take cognizance of a cause and render an opinion in which the Monroe doctrine came under review, we should be quite free to protest or take any other course that might seem to us justifiable, and so we are equally free should we become subscribers to the protocol. But, whatever peril we may be in should such a contingency arise, it is neither different nor greater than that to which we have been subject since we subscribed to the treaty creating the old Hague court, the Permanent Court of Arbitration, in 1899, 26 years ago. Any two nations signatory to the treaty by which that court was created may submit to it such a suppositious controversy involving the Monroe doctrine. We were not alarmed in 1899 lest the Monroe doctrine should be shattered through a world court. Why should we now be timorous? The Monroe-doctrine argument is not an argument against the particular World Court under consideration, it is an argument against any world court.

It will be noted from the jurisdictional clause quoted above that the court may hear not only any cause which by special agreement the parties may lay before it but likewise any matters which the parties by treaty or convention may have agreed shall be submitted to its arbitrament. Since the court began functioning in 1922 a great number of treaties have been entered into containing stipulations to the effect that if there should arise any differences between the parties thereto, either over the construction or interpretation of the same or the rights of the parties respectively under them or any of them, the matters in difference should be presented to the court for adjudication. And no inconsiderable number of cases thus far entertained by the court have come before it upon such stipulations. But it will be observed that it is not by virtue of the protocol to which it is proposed the United States shall subscribe but pursuant to some other treaty between the parties that a compulsory jurisdiction, if it may be so termed, is assumed, the protocol simply vesting the court with authority to hear cases arising under such other treaties or conventions. The United States has entered into no such treaty or convention. It may do so in the future, whether favorable or unfavorable action is taken on the resolution before us, and with exactly the same effect.

The statute does indeed provide that any nation signatory to the protocol may, on subscribing to it or at any time subsequent thereto, bind itself by a separate undertaking to submit to the court any dispute with another falling under any one of four classes, namely:

(a) The interpretation of a treaty.

(b) Any question of international law.

(c) The existence of any fact which if established would constitute a breach of an international obligation.

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The undertaking may be unconditional or upon condition of reciprocity; that is to say, it shall be effective only as against other nations assuming the like obligation. It is not proposed that the United States shall subscribe to such separate convention. None of the great powers have done so save France, which recently—a most commendable evidence of her pacific disposition—gave her adherence to this undertaking to submit any and all disputes of the character indicated which may arise between her and any other nation to the abitrament of the court, such other nation having similarly bound itself. But as stated, it is not proposed that the United States do so; that is, go as far as France—often charged with being militaristically inclined—has willingly gone toward the pacific settlement of international controversies.

I hope that it has been made altogether clear that the United States remains perfectly free, should it become a subscriber to the protocol, as it is now free to submit or not to submit any cause, whatever its nature, to the court; and that it remains free, as it is now free, from any compulsory process the purpose of which is to bring it before the court. We obligate ourselves neither to seek the court for the solution of any disputes we may have with any other nation nor to go there with any such on either the request or the demand of any other power.

What responsibility do we assume with reference to judgments rendered by the court? What pledge do we make with reference to any judgment that may be rendered against the United States, assuming we do agree in the future to submit and do actually submit a specific controversy to the court for adjudication? Into what undertaking do we enter looking to the enforcement of judgments of the court in controversies between other nations or in causes to which our country may be a party? None; absolutely none in any case and for the very good reason that the statute makes no provision whatever for the enforcement of the decrees of the court. It contemplates that when two self-respecting nations solemnly enter into a compact to submit their differences to the court, actually do so, and the court renders its decision, it will be observed without the necessity of resorting to compulsion of any kind. Is there any among us who doubts that the United States would, under such circumstances, come through, however bitter the dose might be? Is it not revoltingly pharisaical on our part to imagine that other nations would act a less honorable part than would our own? But whether they would or would not, it is no affair of ours. We bind ourselves in no manner to enforce or to assist in enforcing obedience by a recalcitrant State.

Some critics of the court, assiduously searching for reasons or excuses for their opposition, profess to believe the effort represented by the establishment of the tribunal under discussion to be futile for the want of any provision for coercing obedience to its decrees. It is quite likely that these same critics would denounce any system that might be devised or proposed through the ingenuity of jurists and statesmen, the heirs of those who through the ages have struggled with the

problem of world peace. Captious animadversion of this character emanates from the hopelessly inveterate and reactionary mind that oracularly declares there have always been wars, and always will be, and cites Scripture to support the apothegm, from the military class, easily reaching the conclusion that in the natural order they are indispensable, from the inconsiderable but not uninfluential few who profit by war and by preparation for war, either directly or indirectly, and by those outside the military profession, who are enamored of the pride, pomp, and circumstance of war in which they may gloriously figure.

Our own history furnishes abundant ground for the belief that provisions for the enforcement of the decrees of a world court, hearing only such controversies as are submitted to it by the voluntary action of the disputant nations, are entirely superfluous. The Supreme Court of the United States is invested with the power to hear and decide controversies between the States of the Union, a jurisdiction it has frequently exercised, hearing boundary controversies alone to the number of 23. No provision has ever been made by law for the enforcement of a judgment of that court in such cases, and yet its decision in any such has never been disregarded, though not infrequently the dispute has given rise to the most intense feeling and bitter discussion in the contending States respectively. Indeed, so powerfully did public opinion support such adjudications a century and a quarter had passed before the court was confronted seriously with the question of whether there resided anywhere in the Federal Government the power to enforce a judgment against a State pronounced by the Supreme Court, and though it then asserted that it was not thus impotent, it did not point out how it could make effective against a recusant State its judgment, and eventually a settlement was effected rendering it unnecessary to put the question to actual test.

Madison, Ellsworth, and Marshall all concurred in the view that there was not found and that there should not be in the Constitution any provision through which the Supreme Court could enforce its mandate against a State. Perhaps if the crucial test had come in the early history of the court, when it was the object of no little suspicion and much rancorous partisan criticism, the necessity for coercive authority would have become manifest; but not now, and so long as the court shall maintain in the affections of the American people the place it holds and has earned by its record of usefulness and justice, no State will dare brave the opinion of our country by disobedience or disregard of the judgments of the great tribunal which crowns our judicial system.

The Permanent Court of International Justice has made a splendid beginning. So fair, so just have been its rulings thus far that acquiescence has followed in every instance without even protest and without criticism of consequence.

Perhaps I may be pardoned for reiterating that we bind ourselves to nothing by subscribing to the protocol, as has been demonstrated; neither does any other nation that has preceded us as a signatory or that may come after us. It simply sets up a court to which the nations may resort, if they are so minded. If they prefer to settle their quarrels in the old way, in the way of beasts and savages, they may continue to do so. Yea, if any nation party to the quarrel insists upon appealing to the god of battles, if there be such a god, it may do so without let or hindrance, so far as the court, the statute, or the protocol is concerned. It is not even pledged thereby not to let slip the dogs of war. Accordingly, the organization of the court is but a feeble, halting step toward the goal of the outlawry of war, and yet there are those who would, if they could, restrain this great peace-loving Nation from giving to that step the countenance of its approval. The reasons advanced for their opposition will become later the subject of review and comment. For the present my purpose is to point out how vain is the hope that through the establishment of the court war is to be abolished.

The wildest expectation we may indulge in connection with it is that controversies between nations which, otherwise, would be allowed to fester and irritate until their cumulative influence made war an inevitable sequence may be adjusted as they arise and thus armed conflict be averted.

Reference has been made to a large class of treaties entered into since the war containing stipulations under which the parties agree to bring before the Permanent Court of International Justice any differences that may arise between them under the same or under specific covenants thereof. The treaties lately negotiated at Locarno bind the governments concerned similarly, thus laying the basis for a broadened activity of the court that, wisely pursued, will add to its prestige and, thus, increase the number of voluntary submissions and render less likely resistance to its decisions.

The controversies that may come before the court are limited not only by the requirement that the consent of the parties be secured but by the character of such controversies. It is only such as are dependent upon some question of law or mixed question of law and fact with which the court may, or perhaps it is more accurate to say will, deal; controversies that are judicial in character, as it is expressed, rather than political. Unfortunately most wars are the outgrowth of disputes, such as a court is not fitted to resolve and ought not to attempt to resolve.

By its very constitution as a court it is restricted to the consideration of such only as involve the determination of questions of law or fact, and possibly the character and measure of reparation for a wrong. The Spanish-American War, for instance, had its origin in a controversy in no sense judicial—that is to say, appropriate to trial by a court. The War of 1812, on the contrary, sprang in the main from causes particularly appropriate for judicial consideration, whether Great Britain had the right under international law to board American vessels and take from them deserting seamen owing her allegiance. If Spain should demand that Great Britain vacate Gibraltar, it would give rise to a controversy purely political, assuming the demand was based on the view that dominion over the rock was unjustly wrested from her. But if Spain should contend that Great Britain had agreed by treaty to surrender that stronghold or that, having acquired possession by virtue of a treaty by which the period of her right to occupy was limited and that it had expired, the dispute would be legal in character, to be determined by a study of the instrument, guided in its interpretation by well-established rules of law.

China is demanding the abrogation of treaties in which she was inveigled or forced to enter by which her right to exact customs duties on imports was limited and the collection of the same reposed in certain foreign governments. If they refused to accede to her demands, a court could not help her, however just might be her insistence. The court must enforce the law and the law is the treaty. Her quarrel is purely political.

Some years ago the United States forbade pelagic sealing in Bering Sea, the extermination of the Pribilof Islands herd being threatened, and subjected to confiscation any ship engaged in it. Our cutters seized Canadian, Japanese, and Russian sealing vessels operating contrary to the law. Their governments protested, insisting that our law violated their rights. We urged that the Bering Sea was closed water and under our exclusive jurisdiction, not open sea in which all nations have equal rights. We urged further that the home of the seals being on islands owned by us, they were our property. The controversy was purely legal, namely, Is the Bering Sea territorial water or a part of the open ocean? Is the United States the owner of the seals bred on islands belonging to it in that sea? The controversy was referred to arbitrators who decided against us on both propositions. The controversy continued, however; we were not content to see the seals becoming extinct, but it continued as a political controversy. We could settle it only by war or by a treaty. A court could do nothing for us. Agreeably to our policy we adjusted our differences by a treaty with the nations most directly interested who shared our apprehensions as to the future of the herd.

In Pearcy *v.* Stranahan (205 U. S. 257) it was held that whether the Isle of Pines is a part of the territory of Cuba or of the United States is a political question to be determined by the executive department of the Government, not a judicial question to be decided by the courts.

The distinction between a justiciable and a nonjusticiable controversy is made clear by the Mosul affair, on the nature of which some comments in the press make it advisable to dwell.

The Lausanne treaty brought about the dismemberment of Turkey, as a consequence of the war, following as a sequence of that sanguinary conflict, registering the exactions of the allies with respect to that country as the Versailles treaty did in the case of Germany with which Turkey was associated as a belligerent. The revolutionary spirit rife among the subjects of Turkey in Arabia and contiguous territory was stimulated by Great Britain during the war and on the assurance of being given an independent government they flocked to the standard of Allenby.

In redemption of this promise the Kingdom of Iraq was set up by the treaty of Lausanne under the protectorate of Great Britain. It was found impossible, however, to agree upon whether the Villayet of Mosul, a region taking its name from

the principal town within it, having oil-producing potentialities, should remain a part of Turkey or be included within the infant Kingdom of Iraq. By the treaty mentioned Turkey and Great Britain agreed to allow the Council of the League of Nations to say where the line should be drawn. It need not be said that the dispute was purely political, determinable by the application of no rules of law, but rather by consideration of the desires of the people residing in the area in question on the principle of self-determination, on geographical and topographical facts, on transportation facilities, on economical questions, and so forth. The council appointed a commission to inquire into the question, aided by a study on the ground. That commission consisted of one Hungarian, a celebrated geographer; a Belgian, an international lawyer; and a Swedish diplomat, the member first mentioned a subject of a country allied with one party to the dispute, the second of a country allied with another, and the third coming from a neutral country. The commission reported recommending that if Great Britain would agree to accept a mandate for 25 years over the whole of Iraq, Mosul should become a part of its territory; if not, it should go to Turkey. That country then protested against action in conformity with the report or any other action not assented to by Turkey, asserting in that connection that Lord Curzon, British Foreign Secretary, had asserted that as under Article V of the covenant Turkey would be entitled to representation on the council ad hoc and unanimity was required, no determination could be arrived at not satisfactory to her. This view being controverted before the council it submitted to the court two inquiries, strictly legal, namely:

(1) What is the character of the decision to be taken by the council in virtue of article 3, paragraph 2, of the treaty of Lausanne? Is it an arbitral award, a recommendation, or a simple mediation?

(2) Must the decision be unanimous or may it be taken by a majority? May the representatives of the interested parties take part in the vote?

To these the court answered:

(1) That the "decision to be taken" by the Council of the League of Nations in virtue of article 3, paragraph 2, of the treaty of Lausanne, will be binding on the parties and will constitute a definitive determination of the frontier between Turkey and Iraq.

(2) That the "decision to be taken" must be taken by a unanimous vote, the representatives of the parties taking part in the voting, but their votes not being counted in ascertaining whether there is unanimity.

It is offered in excuse for this detailed reference to the affair that among other gross misrepresentations concerning the court, appearing while the questions referred to were under consideration, in editorials in a newspaper read by most Members of the Senate, the statement was made that the court in question is not a court but an agency for the resolution of political questions, in support of which general asserveration it was asserted that the court was then wrestling with the purely political problem of whether Mosul should go to Great Britain or to Turkey.

I do not care whether that decision is right or whether it is wrong; the court was called upon to decide no political question whatever.

Mr. BORAH. I did not contend that it was.

Mr. WALSH. The Senator was telling us in connection with his remarks about the Mosul case about the court deciding all these multitudinous controversies that will arise, political and otherwise, between the countries of Europe, leaving the impression that subscribed to the newspaper statements that the court was giving Mosul to Great Britain.

Mr. BORAH. Mr. President, the Senator and I have not disagreed at all with reference to the Mosul matter, except for the fact that the Senator does not seem to lay very much stress upon the secret treaty by which this territory was first divided.

Mr. WALSH. Why should I?

Mr. BORAH. I do not know why the Senator should consider it.

Mr. WALSH. Of course that is good enough to talk about on the hustings; but we are talking about what the court did, what went to the court, and what the court decided.

Mr. BORAH. Exactly; and I do not disagree with the Senator at all.

Mr. WALSH. I beg pardon; let me interrupt by saying that I have no doubt that secret treaties existed, and that before they went into this matter France and Great Britain had agreed to divide up this territory.

Mr. BORAH. Exactly.

Mr. WALSH. But how does that affect the question as to what it was that went before the court, and what the court decided?

Mr. BORAH. It affects it in this way—that they set out to carry out a secret treaty.

Mr. WALSH. Who set out?

Mr. BORAH. The parties in interest; and in violation of the agreement made by Lord Curzon with Turkey, by which Turkey was to take a place there and submit the matter to the council, they finally arrived at the destination upon which they had first determined.

Mr. WALSH. Let me ask the Senator from Idaho, if he was a member of that court, called upon to render a judicial decision, whether he would pay any attention to what it was alleged Lord Curzon said or whether he would apply the rule that a written contract can not be invalidated or changed by parol testimony.

Mr. BORAH. But the court does not refer to that proposition at all in its decision. If so, I have not seen it.

Mr. WALSH. What difference does it make whether it does or not?

Mr. BORAH. It does make a difference. The court does not refer to that proposition.

Mr. WALSH. Suppose it does not. I take it that if it is not mentioned the court did not refer to it because it was so plain, so indisputable, that it was not believed that even the Senator from Idaho would controvert the rule and its applicability.

Mr. BORAH. Mr. President, the Senator can indulge in remarks of that kind if he desires, but they have little relevancy here. The Senator from Idaho does not claim to be the lawyer that the Senator from Montana is, and I pay great deference to any judgment he may render upon any question, but here is the proposition:

Lord Curzon entered into an understanding with the Turkish authorities by which the Turkish authorities consented to take a place in the league for the purpose of determining this matter. They went in upon the theory that their vote would be necessary in order to arrive at a final conclusion. There was no way by which the judgment could be made unanimous except by their consenting, and upon that theory they went in. There was no dispute that Lord Curzon made the agreement. There was no contention that that was not the understanding, and the court refers to it not at all in any report I have seen. It did not undertake to say that it was an oral agreement in contravention of a written agreement, and so I think it did have an effect upon the situation.

Mr. WALSH. I do not agree to that at all. I think any self-respecting court would say: "This is a matter that we can not enter into at all."

Mr. BORAH. If the court had said: "This was an oral agreement in contravention of a written agreement, and therefore we can not pay any attention to it," then I could understand perfectly the legal position of the court; but the court does not refer to that at all.

Mr. WALSH. It did not refer to it because it was not necessary.

Mr. SWANSON. Mr. President, will the Senator yield? The court does refer to it, as you will see if you will read the whole opinion. The whole opinion is there. Lord Curzon's statement was before the court. The court states that that statement was made in an offer of compromise which was rejected by Turkey, and that this treaty was not signed until about two months afterwards; and it is stated in the opinion, as you will see if you will read the RECORD. It was all before the court, as the opinion shows.

Mr. WALSH. The Senator from Virginia refreshes my recollection on it.

Mr. SWANSON. It is all there.

Mr. BORAH. I have not seen the copy that the Senator has here, but the copy which was made public and printed in the papers did not refer to it at all.

Mr. SWANSON. If the Senator will permit me, the opinion was not published in full. A partisan statement of the opinion was published in the papers. Not satisfied with that, I had to telegraph to get the entire opinion, which I received about last Friday, and asked to have it printed in the RECORD so that the matter could not be misrepresented or misunderstood. I will admit that what the Senator states is in accordance with the partisan statements given out by newspaper press associations antagonistic to Great Britain; but all this matter—Lord Curzon's statement, the entire transaction—was considered and a full, deliberate opinion rendered.

I should like to say in this connection, too, that Great Britain insisted that there must be a majority vote of the council and

Turkey insisted that there must be a unanimous vote, she voting. They considered the various phases and portions of the covenant of the league and reached the conclusion that the matter must be decided by a unanimous vote of the 10 nations; that the 10 reputable, sovereign, independent nations that constituted the council must be unanimous. Next, Turkey insisted that their action was simply a matter of conciliation and mediation; that they were not a deciding body, but a mediating body. They took the treaties and interpreted them and reached the conclusion that the council was a deciding body and ought to reach the decision that I have stated.

Mr. BORAH. I have not found any fault with the decision of the court.

Mr. SWANSON. If the decision of the court is all right, why bring in extraneous matters to discredit the court?

Mr. BORAH. I have not brought in any extraneous matters to discredit the court. I was citing the proposition to the effect that the decision of the court against a nonmember of the league was sought to be enforced by the league. That is the only contention I was making with reference to the Mosul case.

Mr. SWANSON. But does not the Senator think that if Turkey agreed to submit the matter to the council under a treaty the council ought to consider what is wise and reach a decision?

The Senator speaks about Turkey being a nonmember of the league. Turkey became for the purposes of that dispute, if the Senator will permit me, a member of the league under article 4; and on account of the fact that she was a member, quoad that question she became a member of the league, a member of the council, and sat under article 4 as a member of the league and council as to that question.

Mr. BORAH. You can not take that part of the agreement which brought Turkey into the league and refuse consideration of that part which brought her in—the Curzon agreement.

Mr. SWANSON. Oh, if the Senator will permit me, the covenant of the league provides that where there is a dispute between members of the league and nonmembers, they can be invited or by agreement can become members quoad that question. Turkey was sitting on the council and consequently was practically a member of the league quoad that question.

Mr. BORAH. If you take into consideration the fact that she was on the council for that particular case you certainly would have to take into consideration the terms and conditions on which she became a member.

Mr. WALSH. Mr. President, I want to direct the Senator's attention now to the matter in connection with which the Mosul incident became the subject of comment by him, namely, the enforcement by the league of a judgment of the court against a nonmember. Upon what authority does the Senator say that the court is going to send a military force against Turkey?

Mr. BORAH. I never said that the court was going to; I said the league was going to.

Mr. WALSH. The league?

Mr. BORAH. All I have is the newspaper statements.

Mr. WALSH. Of course that is all the Senator has.

Mr. BORAH. Exactly. What else has the Senator?

Mr. WALSH. The council has been in session and has adjourned.

Mr. BORAH. The matter is not settled yet.

Mr. WALSH. It is not settled; but the council has been in session and the council has adjourned.

Mr. BORAH. And it can convene again at any time it wants to.

Mr. WALSH. Why, of course it can convene again; but how does the Senator know what the council will do?

Mr. BORAH. As I say, all I know is what the press dispatches say.

Mr. WALSH. The press dispatches tell the Senator what the council is going to do, do they?

Mr. BORAH. They reported what the council had before them and the propositions which they were considering, and one of the propositions which they had before them and were considering was the enforcement of this judgment.

Mr. WALSH. Well, they did not do it.

Mr. BORAH. They have not done it yet; no. The matter is not settled yet.

Mr. WALSH. So we can not really accept the proposition that the League of Nations is going to send an armed force to enforce this judgment.

Mr. BORAH. No; but we can accept what I said, and that is that the nations concerned agreed upon a program by which it was to be enforced by military power.

Mr. WALSH. Yes; but the Senator was discussing the enforcement of the decrees of the court.

Mr. BORAH. Exactly.

Mr. WALSH. And he was endeavoring to establish that the decrees of the court are enforced, and he was obliged to say that the decrees of the court are enforced by the League of Nations, not by the court; and he undertook to quote from a newspaper report as to what the council was going to do, when the council adjourned without doing anything. That is the situation.

Mr. BORAH. But the question is not yet settled. The council can convene at any time, and will do so when occasion requires.

Mr. WALSH. Certainly.

Mr. BORAH. And the nations concerned, according to the report, have agreed that they will pool their military interests, if necessary, to enforce that judgment.

Mr. WALSH. What nations have agreed to that?

Mr. BORAH. Great Britain and Belgium and France and other nations concerned.

Mr. WALSH. Of course, the Senator perfectly understands that that is propaganda sent out to induce Turkey to accede to the judgment.

Mr. BORAH. Oh, no; I do not perfectly understand it.

Mr. WALSH. I do, if the Senator does not.

Mr. BORAH. How does the Senator know that it is propaganda?

Mr. WALSH. That is my judgment about it.

Mr. BORAH. Exactly. And that is all it is.

Mr. WALSH. Just the same as the Senator's judgment is that the council is going to proceed as the newspapers predict it will.

Mr. BORAH. No; Mr. President, I did not exercise any judgment. I quoted what purported to be a fact, represented by responsible news agencies to be a fact, that a certain agreement and understanding had been arrived at upon the theory that the league would enforce the judgment. It was not my judgment. It was the statement of a fact reported by a responsible party.

Mr. WALSH. I think we understand the situation now.

The court has never been asked to deal with any but judicial questions; it has never attempted to do so, and it has no authority to entertain any other. That it is so restricted is beyond serious question. A tribunal might be called a court and yet be invested with authority other than judicial, but unless expressly so clothed it follows from its name that it has judicial powers only. Blackstone says that—

> Courts of justice are instituted to protect the weak from the insults of the strong by expounding and enforcing those laws by which rights are defined and wrongs prohibited.

And again:

> The function of a court is to examine the truth of the fact and to determine the law upon that fact.

Mr. President, a display on the part of the people of the United States of confidence in the rectitude of the court, such as would be implied in the adoption of the resolution before us, would contribute naturally to its prestige, stimulate the submission of controversies to it, and promote the readier acceptance of its decisions. That is why some people oppose the resolution; they are chagrined at the success of the court, for no reason except that it had its origin in the League of Nations. If, however, there be cautious or timid souls who withhold their support of the court because the statute makes no provision for enforcing its decrees, they may be reassured by the fact that the League of Nations, under provisions of the covenant, may constrain its members, if constraint be necessary to observe, a feature, however, which need not here be discussed, seeing that the United States is not a member of the league, and consequently not amenable to the covenant to observe which members of the league—comprising some 55 nations, including all great powers save this Republic, Germany, and Russia—have bound themselves. In all reasonable probability Germany will join and leave us isolated, except for the companionship of the soviet state and a few others of minor consequence.

Note that by these definitions the court must decide cases before it upon the law, not upon political considerations. This idea is tersely expressed by the Supreme Court of the State of Illinois as follows:

> The province of a court is to declare the law and to apply it to controversies before it by some appropriate proceeding.

It is believed that no different conception of a court is entertained by any enlightened nation. It is alike the view of the

Roman and the English law. But we are not left to any doubtful inference from the fact that the tribunal is called a court. The history back of its organization demonstrates that it is in fact such. Certainly since the calling of the First Hague Conference in 1899, if not long before, the institution of a tribunal for the resolution of disputes between nations justiciable in character on the basis of law and not of political expediency or haphazard choice has been a live question before institutes of international law and the prolific subject of discussion at meetings of such associations, and in the secular press as well as law journals. Our representatives at the Second Hague Conference were specially enjoined by the then Secretary of State, Hon. Elihu Root, to urge upon it that steps be taken for the establishment of such a tribunal, which was to supplement, not to supplant, the Permanent Court of International Arbitration set up by the first of The Hague conferences. The wisdom of such a course was well-nigh universally recognized, but it was found impossible to agree upon the method of selecting the judges of the international court. Notwithstanding, a plan was drawn up for such a court bearing a striking resemblance to the statute of the Permanent Court of International Justice, to be submitted to the nations interested whenever in the future an agreement should be reached on how the judges should be chosen. Statesmen and international lawyers of renown assembled at Paris at the Peace Conference following the cessation of hostilities in the great World War harbored the hope that the work of that conference would be crowned by the establishment of such a court. Italy actually presented a plan for such an institution. Some of the advisers of the American delegation were insistent upon having incorporated in the treaty a statute based upon the work of the Second Hague Conference, heretofore referred to, for a world court of justice to take cognizance of justiciable disputes between nations, and came away disappointed, if not chagrined and resentful, that that course was not pursued. Ex-Senator Root criticized the original draft severely because of its omission in that regard.

The task of dividing up the territories of the vanquished powers and organizing new states through which the power of their late foes would be curbed proved so engrossing to the representatives of the Allies that they wisely, as I think, while recognizing the need of an international court, made provision for more deliberate consideration of the details of the proposal later on. President Wilson, skeptical as he was of the interposition of lawyers in any attempt to adjust international controversies, fell in readily with that idea. It was a happy thought. The atmosphere was anything but congenial, surcharged as it was with the fierce passions engendered by the war, and reeking with the selfish schemes of multitudes who had no thought but that to the victors belong the spoils. So the peacemakers—God save the mark—having created a purely political institution the League of Nations, for the adjustment of differences between nations, charged it with the duty of setting up a Permanent Court of International Justice, and while Article XIV of the covenant of the league provides that the court so to be established should have jurisdiction of any controversy the parties may agree to submit to it, there can be no doubt that it was not intended that it should take cognizance of political controversies, the league itself being quite appropriate to the settlement of such and equally inappropriate to the settlement of those justiciable in character. And the same general language in the statute must be understood in the same restricted sense. So Justice Baldwin, for the Supreme Court of the United States, pointed out in Rhode Island *v.* Massachusetts that "though the Constitution does not in terms extend the judicial power to all controversies between two or more States, yet it in terms excludes none whatever may be their nature or subject." Nevertheless, the court can not take cognizance of a dispute between States political in character rather than juridical.

The further history of the effort leading up to the organization of the Permanent Court of International Justice, to which reference will be made later, leaves no room for doubt that the distinguished lawyers who collaborated in the preparation and perfection of the statute and the eminent statesmen who reviewed their work and submitted the completed constitution of the court for the approval of the powers understood the general language of the grant of jurisdiction to be subject to the restriction heretofore indicated. Accordingly, it was provided therein that the judges of the court "should possess qualifications required in their respective countries for appointment to the highest judicial offices," or that they should be "jurisconsults of recognized competence in international law." They went further and provided that in the determination of causes before them they should apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states.

2. International custom, as evidence of a general practice accepted as law.

3. The general principles of law recognized by civilized nations.

4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Inasmuch as the rule by which the court is so governed is wholly inapplicable to the resolution of controversies political in character and entirely appropriate to determination of justiciable disputes, it is necessarily restricted to the consideration of the latter class.

It is said, however, that the very article last above quoted, article 38, vests the court with the power to entertain political disputes. It reads:

This provision shall not prejudice the power of the court to decide a case ex aequo et bono, if the parties agree thereto.

Such a contention would not be seriously advanced by anyone familiar with the terminology of the law. If there is any one proposition that is settled in American or English law it is that courts have no power to determine political controversies. Yet under both relief is granted to which a party may appear to be entitled ex aequo et bono. The elementary works teach that the action for money had and received lies for money which ex aequo et bono the defendant should refund. The expression simply means "in equity and good conscience" or "in justice and good dealing." (Bouvier.) Boards of arbitration, which, as stated in Blood *v.* Bates (31 Vt. 147–150), are not courts, decide ex aequo et bono. When the Duke appealed to the Jew to forgive to Antonia a moiety of the principal of the debt, "glancing an eye of pity on his losses," he asked leave to decide the case before him ex aequo et bono. The commissions of foreign lands coming to our Capital to adjust the loans made of the United States during and immediately subsequent to the war urged that ex aequo et bono they should be relieved in part from their obligation. The clause in question does not expand the jurisdiction of the court.

It merely relieves it of the obligation felt by the "strict court of Venice" to follow the law, however harsh may be the judgment to which it leads The parties may, if they see fit to do so, unite its hands. Perhaps the newspaper reporter, presumably unlearned in the law, may be excused for raising a hue and cry against the court as a political organ and not a court being empowered to decide ex aequo et bono if the parties, not the League of Nations, so stipulate. One is shrewdly led to suspect, however, that his observations were inspired by some one who knows better and by some one who knows that 25 years ago we joined in setting up the Permanent Court of International Arbitration, the tribunal generally referred to in the past as The Hague court, which not only has power to decide causes which may be submitted to it (unless the parties stipulate otherwise) ex aequo et bono, but may entertain causes which are nonjusticiable—that is, political in character—as well as those presenting legal questions only. It was that the latter might be segregated that the effort was made at the Second Hague Conference to set up a purely judicial body.

I am not to be understood that though a court has no power to decide political controversies courts are never actuated by political considerations. Everyone agrees that when they do they violate their oaths and disgrace their offices. The only guaranty there is against such transgressions is in the character of the men elevated to the bench and in a wholesome public opinion that sustains the righteous and condemns the unjust judge. Whether we may safely confide in the rectitude of the men now constituting or likely hereafter to constitute the Permanent Court of International Justice is reserved for consideration later.

Let me repeat, though it be damned iteration, that we undertake nothing by adhering to the protocol; that we acquire no rights we do not now enjoy; that the court can hear no cause to which we or any other nation are a party except by consent; and that it can hear no dispute between nations that is political in character, the kind that is most fruitful of wars.

I now address myself to the relationship between the court and the league. Despite any objection to the pending resolution heretofore considered or others less tenable hereafter to be canvassed, there is but one real ground of opposition, namely, that the court was instituted on the initiation of the league, which may secure some access of prestige by our indorsement of its offspring. The two institutions—the league and the court—while they are associated, are built and rest

upon two separate treaties, the former upon the treaty of Versailles, promulgated June 28, 1919, of which the covenant of the league is the initial article, and the other upon the protocol of signature of the Permanent Court of International Justice, bearing date December 16, 1920, a separate treaty altogether. The court is organized and it functions by virtue of no provisions in the treaty of Versailles, but by virtue of its own statute or constitution, to which life is given by the treaty (protocol) of December 16, 1920.

The treaty of Versailles and the statesmen responsible for it recognized the desirability of an international court of justice to which justiciable controversies might go, just as the statesmen assembled at The Hague conference recognized the wisdom of the creation of a similar tribunal supplementary to the Permanent Court of Arbitration, which they had set up, seeing that it might entertain controversies of a political character. The covenant of the League of Nations will be searched in vain for any provision telling how the court of justice contemplated by it should be organized, and the provision concerning the jurisdiction it should have, as set forth in Article XIV of the covenant, heretofore quoted, must, as will hereafter be shown, be considered only as in the nature of a recommendation to the council of the league, which was charged with the preparation of a draft of a constitution or statute for such a court. The only authority conferred upon the league or any branch of the league by the covenant was to draw up and submit, not to the league for its approval and adoption, but to the members of the league, to the several states comprising it, a new treaty setting up the court being contemplated, as was in effect subsequently entered into. I deem it important that the terms of Article XIV be kept in mind and accordingly reproduce it here. It reads:

> The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly.

I repeat that the court looks to the protocol and the accompanying statute for its powers and procedure, and not to the covenant. It is the former alone to which we are asked to subscribe. The statute or constitution of the court was, indeed, after having been drafted by a committee of eminent jurists, as hereafter told, and amended by the action of both branches of the league, submitted for the signature of the nations interested, but it became effective only by virtue of the signatures to the protocol submitting it. The situation would have been in no respect different had some institute of international law drafted the statute and caused to be opened up negotiations as a result of which the protocol was signed by governments in sufficient number to bring the court into being. I am sure that no Senator who believes a World Court to be desirable will avow, however he may feel, any antipathy to the one now functioning because the statute was drafted by or under the auspices of the league any more than if it was drafted by the American Society of International Law. What difference does it make to us by whom it was drafted if there is no valid objection to the instrument itself, or none of such weight as ought to cause its rejection? In due course I shall attempt a critical analysis of the statute, but for the present I am concerned only in the question of how intimately it is associated with the league.

The council, proceeding to the task imposed upon it by Article XIV, recognizing that its members were politicians rather than international lawyers, called to its aid a committee of eminent jurisconsults to prepare a draft of a statute. It disregarded the fact that the United States had rejected the treaty of Versailles as well as the covenant and requested Hon. Elihu Root to serve on the committee. He accepted the invitation and rendered conspicuous service in its work. He had long been associated in the effort to establish a court of justice before which causes appropriate for judicial determination might be heard and decided upon the law rather than upon consideration of political expediency. He had, as heretofore stated, as Secretary of State, eloquently impressed upon our delegates to the Second Hague Conference the urgent necessity for such a tribunal and charged them with the duty of securing, if possible, the establishment of it as an achievement of the conference. It would be meaningless here to recite the qualifications individually of the other members of the committee. Suffice it to say that they were all eminent in the field of international law. Most of them had been in one way or another associated with earlier efforts to establish a court such as that whose foundation they were now called upon to build. Like the convention which framed our Constitution, the committee did not regard the limitations on its work which the call under which it assembled sought to impose.

Article XIV, it will be remembered, proposed a plan which was to be submitted for the approval only of the members of the league. The committee reported one to be submitted not only to the members of the league for approval and signature but to states mentioned in the annex to the covenant, whether members of the league or not, including the United States. Article XIV provided that the court should be competent to hear any dispute of an international character, which would, of course, include controversies between a state and a citizen of another state, or possibly suits between individuals presenting a question of international law. The committee draft restricted causes that might be brought before the court to those between states or members of the league, thus opening the way to the court for members of the British Empire, quite likely against even the "parent" country. It gave to the court compulsory jurisdiction over four classes of cases, covering substantially the whole field of justiciable controversies, while Article XIV contemplated that it should have jurisdiction only of causes voluntarily submitted. In at least three important particulars the draft reported by the committee differed in respect to the jurisdiction the court should have from the outline found in Article XIV. The draft of the statute accompanying the report of the committee was subjected to the scrutiny of both the council and the assembly of the League of Nations, by which it was amended, without disturbing its general framework, the most important change being that the compulsory jurisdiction feature was eliminated, and instead the signatory nations were accorded an option to subscribe to the compulsory jurisdiction or not, as they saw fit.

It was a source of great disappointment to many of the ardent friends of the judicial settlement of international disputes that the nations, and particularly the great powers, were unwilling to agree to submit to the court all justiciable controversies in which they should be involved, and the failure in that respect is not infrequently urged in the United States in criticism of the statute and the court, as a rule emanating from the very persons who would most loudly protest were it possible under the statute to summon this Nation to answer nolens volens before any world court.

As heretofore stated, 23 nations in all have signed the optional clause giving the court compulsory jurisdiction, France among them, but no other leading nation has, and it is not proposed that the United States shall.

By another important change made by the two branches of the league the court was given jurisdiction to hear "all matters specially provided for in treaties and conventions in force." This has proven a fruitful source of activity for the court. Not only the Versailles treaty, but not less than 20 negotiated since contain stipulations requiring controversies arising under specific provisions of such treaties to be submitted to the court for resolution. As so finally perfected it was appended to the protocol of signature and became the vital part of a new treaty between the nations signatory to it. It is accordingly to the statute of the court one must look for the jurisdiction it may exercise, not to the covenant of the League of Nations or to the Versailles treaty. I repeat the court is not a creature of the covenant or of the Versailles treaty, but of the protocol to which the pending resolution proposes the United States shall subscribe and to the protocol only, a treaty which came into existence in 1920, 18 months after the Versailles treaty and after the League of Nations had been launched.

By the statute the council and the assembly of the league are constituted electoral bodies by which the judges of the court are chosen, one of the conditions upon which the United States subscribes to the protocol, as set forth in the resolution before us, being that when those bodies are engaged in making a choice the United States shall be entitled to participate. We attend when that business is before either body; we retire when it is finished. We participate in none of its deliberations or proceedings save such as relate to the choice of judges.

When the committee of jurists set about the task for which it was assembled, it faced the rock upon which the Second Hague Conference split in its effort to set up an international judicial tribunal, namely the method by which the judges were to be selected. The great powers balked at the application of the principle of equality in the choice. They asserted that it was absurd that Honduras or Liberia should have the same voice as Great Britain or the United States, and they protested that a majority of small states, representing only a small fraction of the people of the world, might impose upon

the powers a candidate unacceptable to some or all of them. The genius of Mr. Root came to the rescue. He proposed that the judges be elected by the council and the assembly of the league, a majority of both branches being requisite for a choice.

It will be recalled that all members of the league, 55 in number, the great and the small, are equally represented in the assembly, the great powers only in the council, 10 in number, 4 permanently—Great Britain, Italy, France, and Japan—and the others selected annually by the assembly. The idea secured acceptance without serious opposition, was carried into the completed draft, and is now a feature of the statute. The principle of this solution must command universal approval—that is, the making of the choice by two electoral bodies, one in which all or substantially all of the nations shall be represented, the other in which only the leading powers shall be represented.

It will be borne in mind that the committee of jurists who proposed this plan was comprised of men most of whom had been struggling for years with the problem then before them. None of them had the ingenuity to devise any plan which even he himself thought better. No one on this side of the water has ventured seriously to propose anything different in principle. Two distinguished members of this body, impressed with the antagonism aroused against the league and yielding to a desire to accommodate themselves to it, proposed in substance the election of judges not by the council and the assembly of the league but by two electoral bodies which for convenience may be denominated A and B, A being constituted substantially as is the assembly of the league, of representatives of all nations signatory to the protocol, and B of representatives of certain leading powers identical with or approaching identity to those having membership in the council, a device which avoided the hated name of the league but left the substance of the machinery for the election in every material particular unchanged.

The idea of proposing to the 50 nations, approximately, that have already subscribed to the protocol that the statute be so amended that electoral bodies quite identical in their composition be set up merely to appease a sentiment eventually appeared even to its proponents so preposterous that it is understood they now both concur in the wisdom of the arrangement wrought out so happily by the committee of jurists on the initiative of the distinguished member from America. The committee found at hand a world organization convenient for its purpose and made it an agency to accomplish the end that had theretofore been unattainable.

In the same way, when it came to making provision for the payment of the salaries of the judges and meeting the other expenses of the court, use was made of the league treasury to which the 55 nations being members of that organization contribute upon a plan worked out on a basis deemed by them to be equitable, each paying in the same proportion as it does to the treasury of the International Postal Union. So it was agreed that out of the fund so assembled the expenses of maintaining the court should be met.

It may be sufficiently accurate for ordinary purposes to say that the judges of the court are elected by the league and paid by the league, but the actual facts are that the money comes from the members of the league, except for inconsequential states identical with the states signatory to the protocol, and that the electors of the judges are representatives of the same states. This tendency to utilize the machinery of the league to accomplish ends in which all nations are interested, social, humanitarian, sanitary, and the like, grows with the passing years.

Whatever problem faces the world requiring concert of action, the idea immediately presents itself to those countries having membership in the league to utilize it. Why set up a multiplicity of independent organizations through which all nations may work for the suppression of the traffic in opium, in women and children, in circulation of obscene literature, the traffic in arms, or for the codification of international law? So reason the advocates of efficient means for the betterment of mankind, not affected with a settled hatred of the league. It has come to such a pass that the United States must work with the league in such fields as those mentioned or have no part whatever in them. Fortunately the Department of State has come to realize the alternative which confronts us in that regard and the ignominy of holding aloof from such world movements, with the result that the repugnance once so distinctly in evidence of associating with that organization in any enterprise, however commendable, is fading away, a subject to be dwelt upon later.

In one other particular the statute associates the court with the league. A controversy was precipitated before the jurists' committee over the number of judges of which the court should be composed, another phase of the conflict between the few great powers and the many small states, the latter apprehensive that with a very limited number of judges no citizen of any of them would ever be chosen. The result was a compromise on 11, with a provision that the number might at any time be increased to 15 on the proposal of the council of the league, concurred in by the assembly—that is, by the concurrence of all of the powers and of the leading powers. That, I may say, notwithstanding any assertion to the contrary, is the only case in which the council or the assembly can modify the statute of the court in any particular whatever. They can increase the number of judges from 11 to 15. With substantial accuracy it may be said that the only relation between the court and the league is that the judges are chosen by the council and the assembly and paid out of the treasury of the league.

Among many perfectly reckless statements made in opposition to the resolution before the Senate it is asserted that by reason of this arrangement the court is controlled by or more or less under the domination or influence of the league. In the first place, the league, as such, has no controversies before the court, and can, under the statute, have none. It can neither be a suitor nor a party before the court. The controversies there heard are between states which may or may not be members of the league. It has never been heard, by counsel or otherwise, before the court in connection with any decision or opinion, for that matter, the court has been called upon to render. It has no interest in any such opinion or decision, however profound may be the interest of any individual members. Even in the matter of advisory opinions, to be the subject of some extended comment in a later address, the conclusion at which the court arrives is a matter of perfect indifference to the league as such. Such opinions are requested in connection with some pending or potential controversy with which the league is or may be called upon to deal. The views expressed by the court may be of immense concern to certain nations members of the league, but the organization itself must ordinarily, if not always, be entirely indifferent as to the result.

In the case of the matter on which the court was last asked for an advisory opinion, namely, whether the league was empowered by the convention between Turkey and Great Britain to make such an adjustment as the commission appointed by the league recommended, those two countries were deeply interested in the outcome, but it would have been wholly improper in the league to take sides, and it is inconceivable that it should take sides and endeavor either openly or secretly to influence or control the court in its decision. Regardless of that consideration which ought to dispose of the contention it is unthinkable that the league should in any wise control the action of the court, even if it desired to do so simply because it, so to speak, elects the judges and pays them. If it is to be assumed that the men so elevated, chosen as judges of the most august tribunal in the world, will or may be influenced by dread of defeat through the machinations of the league should they aspire to a second election, or that their pay may be stopped if they rule contrary to what is expected of them by that organization, the idea of the organization of any kind of a world court may as well be abandoned. Except a life tenure shall be granted the same peril is inherent in any plan for a world court, and the disturbing influence of the salary would remain under almost any that could be devised.

But why indulge in any such outrageous assumption or supposition? It is quite likely that under any other plan for a world court, had such been successfully set on foot, most of the men now sitting as judges of the Permanent Court of International Justice would have been chosen as members of the court so set up. In all probability some of them at least would be, and there is no reason for believing that the others would be men of higher character. The argument is an argument, as many others put forward are, not against this particular World Court but against any world court.

A sudden admiration has been developed among opponents of adherence for a Third Hague Conference to establish a world court. But it tried once and failed, and failed because no one had thought, apparently, of a plan in principle like that developed by the jurists' committee for the selection of the judges. Assuming the nations now supporting the court were willing to scrap it and join in setting up another, would the judges be free from temptations of the character indicated to which the members of the court now functioning are subject? If we indulge such ungenerous and unjust suspicions about the judges of any possible world court, of course we should hold aloof from any and let the world go hang.

But who are these judges who are subject to the domination, the control, or the influence of the league upon the considera-

tions canvassed or any others? Certainly not John Bassett Moore. Not even the most uncompromising irreconcilable will dare assert that in the discharge of his duties he ever has been or ever will be swayed by any improper influence or unworthy motive. Had the present Chief Justice of the United States or his predecessor been selected as one of the judges of the Permanent Court of International Justice, or any man at the American bar whose name might be seriously considered in connection with the place, would any doubt trouble the mind of any citizen of this country about him? Yet some of us are ungenerous and unjust enough to suspect that judges coming from other nations would be less scrupulous than one owing allegiance to the United States; that while our State Department would not venture to insult him by expressing any desire it might have touching any controversy before the court, except publicly at its bar in the presence of the court, the foreign office of any other nation would not hesitate to approach privately and improperly a judge being a national of such country, or that without suggestion from that source his decision would be in conformity with its interests and desires. Such a pharasaical attitude I am proud to say finds a very limited indorsement among the American people. I protest that the League of Nations does not and will not, and in the nature of things can not, control or influence the decisions or opinions of the Permanent Court of International Justice.

The purpose of this address was to make clear that the court rests on its own bottom, that it has its foundation not in the treaty of Versailles or in the covenant of the League of Nations, but is built upon a separate treaty we are asked to approve, promulgated December 16, 1920; that by that treaty we assume no obligations whatever, either under the Versailles treaty or the covenant of the League of Nations or otherwise; that our status toward the league is in no wise affected by adherence contemplated by the pending resolution; that we acquire no rights by adhering and incur no risk of any kind; that the idea that all controversies between nations likely to lead to war will go before the court, and that it with our support will usher in an era of perpetual peace is a delusion, the fact being that by adhering to the protocol we take but a feeble, halting step in the direction of promoting world peace, as said by a Frenchman, a polite gesture. Staggering as it may seem, there are those who maintain we should not even make a gesture toward cooperation to that end.

Having tried to make clear what the court is not, I shall in a later address tell what the court is, how it is constituted, and how it functions, and in another I shall endeavor to meet some of the more common objections to our giving it the moral support of this Nation, whose people are haters of war and passionately attached to the cause of peace. I have failed in my purpose if I have not demonstrated that the league and the court are different institutions, acting in entire independence of each other, that there is occasion neither for hopes nor fears that we are going in or are getting into the league by subscribing to the protocol; that all either the friends of the league may hope from action favorable on the resolution or its foes fear is that it would be evidence that the insensate hatred of the league undergoing progressive amelioration was in its decline and that the time is approaching when dispassionate consideration may be given to the relation our country should bear to that organization through which the nations generally find it most convenient to deal with problems vitally affecting the welfare of their own people respectively, a satisfactory solution of which requires concurrent action on the part of all of them.

LEGISLATIVE SESSION

The Senate resumed its legislative session.

DEBT SETTLEMENTS WITH FRANCE AND ITALY—CORRECTION

Mr. SMOOT. Mr. President, I notice an error in the different leading papers of the country in articles giving an account of what I stated in the discussion on the debt of Italy and France. The newspapers state that I made this statement:

> What happened when the Caillaux committee came over here and made a gesture of a settlement? At that time the franc was about 12¾ cents. I made the statement then in conference that unless a settlement were made there would be but one result, that their financial affairs would be unbalanced and unsafe and that the franc would decline.

Of course that is an error on the part of the press reporters. What I did say was this:

> What happened when the Parmentier commission came over here and made a gesture of a settlement? At that time the franc was at about 12¾ cents.

In other words, I do not want it understood by the American people that I said that Mr. Caillaux stated that the French people did not intend to pay, or virtually repudiated their obligation. I did, however, say that Mr. Parmentier, when he was here in 1922, made a statement before the commission that France did not consider that she owed America anything. Of course the very fact that the franc is not 12¾ cents to-day, and was not when Mr. Caillaux came over, goes to show that the error was made in the papers, and the RECORD so shows.

I did not want Mr. Caillaux to feel that I had made any such statement, for he had made a public statement before he came to America that France acknowledged her debt to the United States, and that he and his commission were coming here to settle it, but no question of terms was ever mentioned by Mr. Caillaux, nor did he or any other member of his commission at any time make the statement that France did not owe the Government of the United States the principal amount shown and published by our Treasury Department.

ADJOURNMENT UNTIL MONDAY

Mr. JONES of Washington. Mr. President, some Senators have expressed a desire that when the Senate adjourns to-day it adjourn to meet on Monday. If there is any Senator who is prepared to go on to-morrow, and desires to do so, I understand it will be perfectly agreeable to the Senate to adjourn until to-morrow. Otherwise, I shall submit a unanimous-consent request that when the Senate adjourns to-day it adjourn until Monday.

Mr. WALSH. I shall offer no objection to that course, but I give notice that on Monday I shall continue my address to the Senate.

Mr. JONES of Washington. I submit that request.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Senator from Washington submits a proposed unanimous-consent agreement that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. BRUCE. Mr. President, I do not want to object to such a proposition; but I should like to know just why the Senator from Washington proposes it. What special reason does he think there is for an adjournment until Monday.

Mr. JONES of Washington. If there is any Senator who desires to go on to-morrow, I shall not press the request.

Mr. BRUCE. No; I just wanted to know the reason. I thought the Senator had in mind some special reason why the public interests would not suffer by our adjourning. I do not know that they would ever suffer, for that matter; but I thought perhaps the Senator had some special matter in mind.

Mr. JONES of Washington. No; I have not.

Mr. BRUCE. None at all?

Mr. JONES of Washington. No; none at all.

Mr. BRUCE. Very well. I shall not object.

Mr. JONES of Washington. I hope the Senator will not be suspicious of my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request proposed by the Senator from Washington? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate, under the order previously made, adjourned until Monday, December 21, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 18, 1925

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Ogden H. Hammond, of New Jersey, to be ambassador extraordinary and plenipotentiary of the United States of America to Spain.

UNITED STATES MARSHALS

Albert White, of Alaska, to be United States marshal, first division, District of Alaska, vice George D. Beaumont, term expired.

Charles D. Jones, of Alaska, to be United States marshal, second division, District of Alaska, vice Morris W. Griffith, deceased. (Mr. Jones is now serving under appointment by the court.)

Lynn Smith, of Alaska, to be United States marshal, fourth division, District of Alaska, vice Gilbert B. Stevens, term expired.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Rear Admiral Arthur L. Willard to be a rear admiral in the Navy from the 5th day of June, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Rear Admiral Henry H. Hough to be a rear admiral in the Navy from the 16th day of September, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Rear Admiral Harley H. Christy to be a rear admiral in the Navy from the 27th day of November, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Rear Admiral Noble E. Irwin to be a rear admiral in the Navy from the 2d day of December, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Thomas J. Senn to be a rear admiral in the Navy from the 23d day of February, 1925.

Capt. Richard H. Leigh to be a rear admiral in the Navy from the 4th day of June, 1925.

Capt. George W. Laws to be a rear admiral in the Navy from the 4th day of June, 1925.

Capt. George C. Day to be a rear admiral in the Navy from the 18th day of July, 1925.

Capt. Luke McNamee to be a rear admiral in the Navy from the 16th day of November, 1925.

Commander Ralph M. Griswold to be a captain in the Navy from the 5th day of January, 1925.

Commander Gilbert J. Rowcliff to be a captain in the Navy from the 23d day of February, 1925.

Commander James P. Lannon to be a captain in the Navy from the 24th day of May, 1925.

The following-named commanders to be captains in the Navy from the 4th day of June, 1925:

Henry C. Dinger (additional number in grade).

Rufus Z. Zogbaum, jr.	Henry G. S. Wallace.
Roe R. Adams.	Ralph P. Craft.
Adolphus Staton.	David A. Weaver.
Neil E. Nichols.	Otto C. Dowling.
Frederick R. Naile.	

Commander Charles W. Early to be a captain in the Navy from the 27th day of June, 1925.

Commander Julius C. Townsend to be a captain in the Navy from the 18th day of July, 1925.

Commander Wilson Brown, jr., to be a captain in the Navy from the 16th day of August, 1925.

Commander Robert Henderson to be a captain in the Navy from the 26th day of August, 1925.

The following-named commanders to be captains in the Navy from the 16th day of September, 1925:

Joseph O. Fisher (additional number in grade).

William T. Conn, jr.

The following-named commanders to be captains in the Navy from the 2d day of October, 1925:

Roscoe C. Davis (additional number in grade).

William D. Puleston.

The following-named commanders to be captains in the Navy from the 16th day of November, 1925:

Walter S. Anderson.

Henry D. Cooke.

The following-named commanders to be captains in the Navy from the 23d day of November, 1925:

Samuel M. Robinson (additional number in grade).

William W. Smyth.

Commander William J. Giles to be a captain in the Navy from the 1st day of December, 1925.

Lieut. Commander Edmund D. Almy to be a commander in the Navy from the 17th day of October, 1924.

Lieut. Commander Newton H. White, jr., to be a commander in the Navy from the 2d day of December, 1924.

Lieut. Commander Richard F. Bernard to be a commander in the Navy from the 1st day of January, 1925.

Lieut. Commander Richmond K. Turner to be a commander in the Navy from the 4th day of January, 1925.

Lieut. Commander John W. Rankin to be a commander in the Navy from the 5th day of January, 1925.

Lieut. Commander Henry F. D. Davis to be a commander in the Navy from the 8th day of January, 1925.

Lieut. Commander Oscar Smith to be a commander in the Navy from the 8th day of January, 1925.

Lieut. Commander Henry T. Markland to be a commander in the Navy from the 19th day of February, 1925.

Lieut. Commander William R. Smith, jr., to be a commander in the Navy from the 23d day of February, 1925.

The following-named lieutenant commanders to be commanders in the Navy from the 12th day of April, 1925:

Joseph J. Broshek.

Frank J. Wille.

Eugene E. Wilson.

Lieut. Commander John F. Connor to be a commander in the Navy from the 15th day of May, 1925.

Lieut. Commander Herman E. Welte to be a commander in the Navy from the 24th day of May, 1925.

The following-named lieutenant commanders to be commanders in the Navy from the 4th day of June, 1925:

Abel T. Bidwell.	Harold W. Boynton.
Walter K. Kilpatrick.	Edward J. Foy.
Clyde G. West.	George H. Emmerson.
Harry B. Hird.	Harry A. Badt.
Francis W. Rockwell.	Sydney M. Kraus.
Charles C. Ross.	Howard M. Lammers.
Archer M. R. Allen.	Francis J. Comerford.
Howard H. Crosby.	William C. Owen.
Francis Cogswell.	James M. Irish.
Charles H. Davis.	Paul E. Speicher.
Arthur S. Carpender.	James L. Kauffman.
Robert A. Burg.	William D. Brereton, jr.
Harrison E. Knauss.	William R. Munroe.

Lieut. Commander Albert M. Penn to be a commander in the Navy from the 27th day of June, 1925.

Lieut. Commander William F. Gresham to be a commander in the Navy from the 27th day of June, 1925.

Lieut. Commander Paul H. Bastedo to be a commander in the Navy from the 17th day of July, 1925.

Lieut. Commander Philip Seymour to be a commander in the Navy from the 18th day of July, 1925.

Lieut. Commander Frank R. Berg to be a commander in the Navy from the 16th day of August, 1925.

Lieut. Commander Stuart O. Greig to be a commander in the Navy from the 2d day of October, 1925.

Lieut. Commander James C. Van de Carr to be a commander in the Navy from the 4th day of October, 1925.

Lieut. Commander William J. Larson to be a lieutenant commander in the Navy from the 5th day of June, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Alfred P. H. Tawresey to be a lieutenant commander in the Navy from the 1st day of July, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander John H. Buchanan to be a lieutenant commander in the Navy from the 9th day of July, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Herman A. Spanagel to be a lieutenant commander in the Navy from the 21st day of July, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Frank L. Lowe to be a lieutenant commander in the Navy from the 30th day of August, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Theodore D. Westfall to be a lieutenant commander in the Navy from the 12th day of September, 1924, to correct the date from which he taxes rank as previously nominated and confirmed.

Lieut. Commander Andrew H. Addoms to be a lieutenant commander in the Navy from the 16th day of September, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander George B. Wilson to be a lieutenant commander in the Navy from the 17th day of October, 1924, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. William K. Harrill to be a lieutenant commander in the Navy from the 4th day of November, 1924.

Lieut. Alfred H. Balsley to be a lieutenant commander in the Navy from the 16th day of November, 1924.

Lieut. William E. Malloy to be a lieutenant commander in the Navy from the 27th day of November, 1924.

Lieut. Greene W. Dugger, jr., to be a lieutenant commander in the Navy from the 2d day of December, 1924.

Lieut. Commander John M. Creighton to be a lieutenant commander in the Navy from the 16th day of December, 1924,

to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Charles D. Swain to be a lieutenant commander in the Navy from the 17th day of December, 1924.

Lieut. Edmund W. Burrough to be a lieutenant commander in the Navy from the 18th day of December, 1924.

Lieut. Albert H. Rooks to be a lieutenant commander in the Navy from the 23d day of December, 1924.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of January, 1925:

Byron B. Ralston.

Stanley L. Wilson.

Lieut. Thomas N. Vinson to be a lieutenant commander in the Navy from the 4th day of January, 1925.

Lieut. Herbert J. Ray to be a lieutenant commander in the Navy from the 5th day of January, 1925.

Lieut. Commander Charles E. Rosendahl to be a lieutenant commander in the Navy from the 5th day of January, 1925, to correct the date from which he takes rank as previously nominated and confirmed.

The following-named lieutenants to be lieutenant commanders in the Navy from the 8th day of January, 1925:

John G. Moyer.

Robert W. Hayler.

Lieut. Archibald N. Offley to be a lieutenant commander in the Navy from the 22d day of January, 1925.

Lieut. Richard L. Conolly to be a lieutenant commander in the Navy from the 30th day of January, 1925.

Lieut. William A. Corn to be a lieutenant commander in the Navy from the 1st day of February, 1925.

Lieut. Thomas L. Nash to be a lieutenant commander in the Navy from the 16th day of February, 1925.

The following-named lieutenants to be lieutenant commanders in the Navy from the 19th day of February, 1925:

Edwin T. Short.

William A. Teasley.

Lieut. John B. W. Waller to be a lieutenant commander in the Navy from the 23d day of February, 1925.

Lieut. Thomas J. Doyle, jr., to be a lieutenant commander in the Navy from the 13th day of March, 1925.

Lieut. Alexander R. Early to be a lieutenant commander in the Navy from the 21st day of March, 1925.

Lieut. Vincent A. Clarke, jr., to be a lieutenant commander in the Navy from the 26th day of March, 1925.

Lieut. Kemp C. Christian to be a lieutenant commander in the Navy from the 28th day of March, 1925.

The following-named lieutenants to be lieutenant commanders in the Navy from the 12th day of April, 1925:

Philip W. Yeatman.

William J. Hart, jr.

Lieut. Charles F. Martin to be a lieutenant commander in the Navy from the 22d day of April, 1925.

Lieut. Allan W. Ashbrook to be a lieutenant commander in the Navy from the 15th day of May, 1925.

Lieut. Raymond A. Deming to be a lieutenant commander in the Navy from the 24th day of May, 1925.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of June, 1925:

Charles T. S. Gladden.	Charles H. Mecum.
Robert A. Dyer, 3d.	Rudolph F. Hans.
William A. Heard.	Wilder DuP. Baker.
George T. Howe.	Jesse H. Smith.
Lewis H. McDonald.	Harold J. Nelson.
Thomas F. Downey.	Ralph O. Davis.
George S. Arvin.	Martin Griffin.
Frank P. Thomas.	Malcolm W. Callahan.
Francis K. O'Brien.	Stuart D. Truesdell.
Marion Y. Cohen.	Robert W. Cary.
Thomas C. Slingluff.	Lloyd J. Wiltse.
Thomas C. Latimore.	Paul W. Fletcher.
Karl F. Shears.	Joseph C. Arnold.
Leon O. Alford.	Robert P. Luker.
Robert C. Starkey.	William H. Porter, jr.
Charles A. MacGowan.	Wallis Gearing.
Oliver O. Kessing.	Lewis J. Stecher.
John F. Moloney.	Harry J. Reuse.
John H. Brown, jr.	Haiden T. Dickinson.
Ralph G. Pennoyer.	Lynde D. McCormick.
Walter D. Snyder.	Arthur C. Davis.
Morris J. Lenney.	Walter A. Hicks.
Benjamin S. Killmaster.	Arthur D. Struble.
James E. Boak.	Warner P. Portz.

Lieut. Benjamin F. Perry to be a lieutenant commander in the Navy from the 24th day of June, 1925.

The following-named lieutenants to be lieutenant commanders in the Navy from the 27th day of June, 1925:

Richard W. Bates.

Louis R. Moore.

Lieut. Gerard H. Wood to be a lieutenant commander in the Navy from the 17th day of July, 1925.

Lieut. Melville C. Partello to be a lieutenant commander in the Navy from the 18th day of July, 1925.

Lieut. Robert O. Glover to be a lieutenant commander in the Navy from the 16th day of August, 1925.

Lieut. Archie E. Glann to be a lieutenant commander in the Navy from the 4th day of September, 1925.

Lieut. John C. Lusk to be a lieutenant commander in the Navy from the 2d day of October, 1925.

Lieut. Scott Umsted to be a lieutenant commander in the Navy from the 16th day of November, 1925.

Lieut. John P. Millon to be a lieutenant in the Navy from the 14th day of December, 1922, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. James D. Brown to be a lieutenant in the Navy from the 16th day of December, 1922, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Alfred Doucet to be a lieutenant in the Navy from the 19th day of December, 1922, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. James MacDonnell to be a lieutenant in the Navy from the 26th day of December, 1922, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Everest A. Whited to be a lieutenant in the Navy from the 31st day of December, 1922, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Samuel E. Lee to be a lieutenant in the Navy from the 6th day of January, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. George T. Campbell to be a lieutenant in the Navy from the 8th day of January, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Frank Kinne to be a lieutenant in the Navy from the 16th day of January, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Frank Kerr to be a lieutenant in the Navy, from the 19th day of January, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Elmer J. McCluen to be a lieutenant in the Navy from the 1st day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Cornelius J. O'Connor to be a lieutenant in the Navy from the 2d day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Warwick M. Tinsley to be a lieutenant in the Navy from the 9th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Francis P. Brewer to be a lieutenant in the Navy from the 16th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. John F. Piotrowski to be a lieutenant in the Navy from the 26th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. William K. Johnstone to be a lieutenant in the Navy from the 8th day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Emmette F. Gumm to be a lieutenant in the Navy from the 18th day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Clarence H. Fogg to be a lieutenant in the Navy from the 1st day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. George C. Neilsen to be a lieutenant in the Navy from the 10th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Thomas G. Shanahan to be a lieutenant in the Navy from the 11th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. George Schneider to be a lieutenant in the Navy from the 26th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Frank V. Shepard to be a lieutenant in the Navy from the 27th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Abram L. Broughton to be a lieutenant in the Navy from the 9th day of May, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Harry F. Gray to be a lieutenant in the Navy from the 1st day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. (Junior Grade) Walter M. Blumenkranz to be a lieutenant in the Navy from the 8th day of June, 1923.

Lieut. Francis E. Matthews to be a lieutenant in the Navy from the 8th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Philip H. Taft to be a lieutenant in the Navy from the 13th day of June 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Henry L. Burmann to be a lieutenant in the Navy from the 16th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Arthur P. Spencer to be a lieutenant in the Navy from the 20th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. John S. Hawkins to be a lieutenant in the Navy from the 23d day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Charlie S. East to be a lieutenant in the Navy from the 29th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Reuben F. Davis to be a lieutenant in the Navy from the 30th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of December, 1924:

Charles H. Gordon.
Theron S. Hare.
Robert H. Barnes.
Frank R. Wills.
Rudolph Oeser.
William M. McDade.
John C. Redman.
Ewell K. Jett.
Rudolph P. Bielka.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of January, 1925:

William R. Dolan.
Thomas O. Brandon.
Maxemillian B. De Leche.
James R. Harrison.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of January, 1925:

Roger K. Hodsdon.
Alfred G. Scott.
Howard L. Clark.
Ernest V. Abrams.
Lloyd K. Cleveland.
Raymond St. C. Beckel.
William N. Thornton.
Burton E. Rokes.
Donald R. Comstock.
Andrew M. Harvey.
Edgar V. Carrithers.

Lieut. (Junior Grade) Ove P. O. Hansen to be a lieutenant in the Navy from the 15th day of February, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of March, 1925:

Ashton B. Smith.
George Walker.

Lieut. (Junior Grade) Frederick A. Smith to be a lieutenant in the Navy from the 15th day of March, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 22d day of April, 1925:

Wallace H. Gregg.
James P. McCarthy.
William G. Dow.
John P. Bowling.
Albert McI. Wright.
Fred J. Barden.
Herbert H. Taylor.
Ralph W. Floody.
George K. G. Reilly.
Charles R. Will.
Joseph A. Guard.
Glenn S. Holman.
Ralph L. Lovejoy.
James S. Warner.
James C. Taylor.
William M. M. Lobrano.
Jackson R. Tate.
Alan F. Winslow.
Milton P. Wilson.
Charles R. Price.
Thomas J. Bay.
Harold B. Herty.
Samuel S. Fried.
Paul L. Mather.
Floyd J. Nuber.
Charles H. K. Miller.
Edwin C. Millhouse.
Leon G. DeBrohun.
Paul G. Wrenn.
Clarence L. Waters.
Myron T. Richardson.
Paul G. Haas.
Harold W. Alden.
John A. Sedgwick.
Clarence H. Pike.
Howard W. Bradbury.
George E. Twining.
Charles C. Ferrenz.
Henry L. Naff.
Clyde A. Coggins.
Sidney L. Huff.
George E. Kenyon.
Hugo F. Sasse.
Carl E. Wiencke.
James M. Fernald.
Maurice A. O'Connor.
Albert R. Buehler.
Thomas F. Hayes.
Benjamin C. Purrington.
Harold J. Walker.
Arthur H. Small.
James H. Foskett.
Malcolm D. MacGregor.
James J. McGlynn.
Joseph H. Sayfried.
Donald McK. Weld.
Irvin M. Hansen.
Floyd Gills.
Edward R. J. Griffin.
Albert L. Prosser.
William L. Hickey.
Russell D. Bell.
Joseph W. Mullally.
James B. Bliss.
Robert W. Boughter.
Otto F. Johanns.
Harry Redfern.
John F. Wegforth.
Frederick L. Farrell.
Benjamin S. Henderson.
Clifford B. Schiano.
William B. Coleman.
Elder P. Johnson.
Robert F. Stockin.
Florentine P. Wencker.
Ralph W. Bowers.
Harry D. Goldy.
Anton L. Mare.
John D. Murphy.
William L. Travis.
Cyril E. Taylor.
Robert E. Permut.
Harold B. Corwin.
John A. Pierson.
Joseph S. Donnell, jr.
Emanuel Taylor.

Lieut. (Junior Grade) Karl Sommerfield to be a lieutenant in the Navy from the 1st day of May, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 2d day of May, 1925:

Laurence Bennett.
Albert M. Van Eaton.
George C. Weldin.
Harold J. Bellingham.
John E. Gabrielson.
Walter O. Roenicke.

Lieut. (Junior Grade) Nelson H. Elsenhardt to be a lieutenant in the Navy from the 9th day of May, 1925.

Lieut. (Junior Grade) Sumner C. Cheever to be a lieutenant in the Navy from the 10th day of May, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of June, 1925:

John L. Albice.
Meinrad A. Schur.
William W. Behrens.
Russell C. Bartman.
Harold R. Holcomb.
Joseph E. Jackson.
Forrest A. Rhoads.
Lewis R. McDowell.
Raymond A. McClellan.
Nullet F. Schneider.
Gordon T. House.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1925:

Roscoe F. Good.
Thomas H. Robbins, jr.
Joseph H. Severyns.
Roscoe H. Hillenkoetter.
George M. Dusinberre.
Raymond W. Holsinger.
Henry S. Dunbar, jr.
Paul Miller.
Virgil E. Korns.
William E. A. Mullan.
Frank Rorschach, jr.
George H. Dana.
William B. Goggins.
Kendall S. Reed.
Raymond C. Ferris.
Moultrie Moses.
Emmet P. Forrestel.
Horatio G. Sickel, 4th.
Clarence J. Ballreich.
Clarence V. Lee.
William Sinton.
Abel C. J. Sabalot.
Asel B. Kerr.
Reinhard C. Moureau.
William I. Leahy.
Allen P. Mullinnix.
Henry S. Nielson.
Earl LeR. Sackett.
Edmund T. Wooldridge.
Charles B. Momsen.
Donald T. Whitmer.
Roger Brooks.
Ernest W. Litch.
Edgar P. Kranzfelder.
Burton L. Hunter, jr.
William H. Galbraith.
Sam L. La Hache.
Norman R. Hitchcock.
Warner U. Hines.
Thomas A. Gaylord.
John P. Curtis.
Charles H. Murphy.
Edward E. Pare.
Herbert C. Rust.
Charles S. Beightler.
William W. Fife.
Peter F. Hunt.
Robert D. Threshie.
Mead S. Pearson.
Oberlin C. Laird.
Thomas S. Combs.
Clarence F. Swanson.
Lewis Corman.
George P. Kraker.
Edwin F. Conway.
Robert E. Robinson, jr.
Chester L. Walton.
Delmer S. Fahrney.
Kenneth E. Brimmer.
John N. Kelty.
Harold E. Peifer.
Lemuel P. Padgett, jr.
Marcy M. Dupre, jr.
Elwood M. Tillson.
Marion E. Crist.
Alexander J. Couble.
Alva J. Spriggs.
John W. Marts, jr.
Donald R. Osborn, jr.
Benton W. Decker.
La Rue E. Lawbaugh.
Warner W. Angerer.
Richard S. Morse.
William A. P. Martin, jr.
Richard Highleyman.
Walter H. Roberts.
George A. Seitz.
John Perry.
Felix L. Baker.
Harold R. Parker.
Leo B. Schulten.
Frederick V. Barker.
Hugh E. Haven.
Brook S. Mansfield.
Robert E. Melling.
Frederick B. Kauffman.
Frederick C. Sachse.
Ernest E. Stevens.
George C. Haeberle.
John B. Longstaff.
George E. Rosenberry.
Karl J. Christoph.
Lunsford Y. Mason, jr.
Frederick W. McMahon.

Carroll L. Tyler.
Jack E. Hurff.
Robert Holmes Smith.
Charles B. Gary.
John F. Gillon.
Eugene W. Kiefer.
Rockwell J. Townsend.
John E. Whelchel.
Dudley M. Page.
Charles C. Hartman.
Alf O. R. Bergesen.
Henry N. Mergen.
Barnett T. Talbott.
Frank C. L. Dettmann.
Robert P. Erdman.
Edward H. McMenemy.
Paul R. Heineman.
Ellsworth D. McEathron.
Maurice E. Curts.
Winfield S. Cunningham.
Eugene F. Burkett.
Earl R. DeLong.
Jerome F. Donovan, jr.
Clyde W. Smith.
Francis Taylor.
Robert Bolton, jr.
Herbert G. Hopwood.
James H. Chadwick.
Augustus J. Wellings.
Stanley E. Martin.
James B. Donnelly.
Samuel W. Canan.
John P. Vetter.
Thomas B. Brittain.
Harold C. Fitz.
Royal W. Abbott.
Fridthjof W. Londahl.
Robert W. Bockius.
Harry Corman.
Richard R. Hartung.
Frank W. Schmidt.
Lyman S. Perry.
Robert H. Hargrove.
Maurice Van Cleave.
Carleton C. Champion, jr.
Charles R. Skinner.
Drayton Harrison.
Fred B. Avery.
Allen Hobbs.
William H. Buracker.
Charles T. Wootten.
Oscar A. Weller.
Walter H. Weed, jr.
Lawrence W. Curtin.
Theodore G. Haff.
Jennings B. Dow.
Samuel H. Arthur.
Dixwell Ketcham.
Mark H. Crouter.
Cato D. Glover, jr.
Harold F. Fick.
Charles M. Huntington.
Frank M. Maichle.
Oliver W. Gaines.
Harry H. Hill.
Royal A. Houghton.
Darrough S. Gurney.
Paul W. Steinhagen.
Robert C. Warrack.
Douglass P. Johnson.
Joseph T. Talbert.
William H. Wallace.
Beverly A. Hartt.
Maurice E. Hatch.
Joseph U. Lademan, jr.
Benjamin P. Ward.
John F. Rees.
Valentine M. Davis.
Robert P. Cunningham.
Charles C. Anderson.
Charles D. Edmunds.
James B. Carter.
Jesse B. Goode.
John B. Mallard.
James L. Wyatt.
Clarence McM. Head.
John M. Thornton.
William H. Hutter.
Roy W. M. Graham.
William J. Strother, jr.
Stephen C. Dougherty.
Julian McC. Boit.
Francis B. Stoddert.
John W. Higley.
John F. Crowe, jr.
William G. Tomlinson.
John E. Gingrich.
Emanuel C. Beck.
William A. Swanston.
Edwin H. Tillman, jr.
Frederick J. Cunningham.
Francis P. Old.
Paul S. Slawson.
Norman B. Hopkins.
Melvin H. Bassett.
Maurice E. Browder.
Forrest M. O'Leary.
Martin J. Gillan, jr.
Edmond P. Speight.
Raleigh B. Miller.
Charles B. McVay, 3d.
Carroll T. Bonney.
James R. Tague.
William A. P. Thompson.
Harris C. Aller.
Richard H. Cruzen.
George W. Mead, jr.
Hugh W. Turney.
George D. Morrison.
Harry D. Power.
Howard C. Rule, jr.
Thomas S. Thorne.
Willard M. Downes.
Myron A. Baber.
Austin K. Doyle.
Hugh D. Lyttle.
George H. Gregory.
Charles R. Woodson.

Lieut. (Junior Grade) Marshall A. Anderson to be a lieutenant in the Navy from the 11th day of June, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 16th day of June, 1925:

Elmer S. Stoker.
John B. Lyon.

Lieut. (Junior Grade) Campbell Cleave to be a lieutenant in the Navy from the 17th day of June, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 24th day of June, 1925:

William E. Miller.
Charles M. Abson.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 27th day of June, 1925:

James H. Doyle.
Harry E. Padley.

Lieut. (Junior Grade) Neill D. Brantly to be a lieutenant in the Navy from the 1st day of July, 1925.

Lieut. (Junior Grade) Charles D. Murphey to be a lieutenant in the Navy from the 4th day of July, 1925.

Lieut. (Junior Grade) Elmer F. Helmkamp to be a lieutenant in the Navy from the 18th day of July, 1925.

Lieut. (Junior Grade) William P. Hepburn to be a lieutenant in the Navy from the 1st day of August, 1925.

Lieut. (Junior Grade) Charles L. Surran to be a lieutenant in the Navy from the 11th day of August, 1925.

Lieut. (Junior Grade) Philip R. Kinney to be a lieutenant in the Navy from the 24th day of September, 1925.

Lieut. (Junior Grade) Harold Coldwell to be a lieutenant in the Navy from the 1st day of October, 1925.

Lieut. (Junior Grade) William G. Livingstone to be a lieutenant in the Navy from the 1st day of November, 1925.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1924:

Ernest H. Webb.
Logan McKee.
John A. Upshur.
Walter P. Ramsey, jr.
Ward C. Gilbert.
Edward C. Kline.
Wiley N. Hand.
Thomas C. Brownell.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1925:

Ruthven E. Libby.
John J. B. Fulenwider.
Robert N. Hunter.
Richard W. Dole.
Harvey T. Walsh.
Wilson P. Cogswell.
Peter G. Hale.
Adelbert F. Converse.
William L. Ware.
William A. Finn.
Robert E. Blue.
Adolph E. Becker, jr.
Bruce B. Adell.
Harry T. Smith.
Alvin I. Melstrom.
Lysle E. Ellis.
Henri H. Smith-Hutton.
John C. Lester.
Woodson V. Michaux.
John H. Schultz.
Roger E. Nelson.
Herbert E. Regan.
Warren K. Berner.
Clarence E. Voegeli.
John J. Pierrepont.
Harold G. Hazard.
Walter E. Zimmerman.
Leon J. Huffman.
John S. Harper.
Ralph C. Kephart.
Ralph R. Gurley.
Milton E. Miles.
William S. Parsons.
Harold D. Baker.
Cornelius S. Snodgrass.
Raymond A. Hansen.
Bradford E. Grow.
Kenneth L. Forster.
Edwin A. Taylor.
John R. Hume.
Armand J. Robertson.
Charles L. Ashley.
James E. Craig.
Thomas B. Dugan.
Thomas M. Stokes.
George W. D. Covell.
Alfred R. Taylor.
William J. Sebald.
Alan R. McCracken.
Paul H. Wiedorn.
Otto C. Wierum.
George P. Hunter.
Arthur LeR. Hamlin.
Harold F. Pullen.
Archibald E. Uehlinger.
David J. Studabaker.
Donald S. Evans.
Charles J. Cater.
Tom B. Hill.
Carl F. Espe.
Ehrwald F. Beck.
John H. Leppert.
George E. Nold.
Fulwar S. Halsell.
William F. Jennings.
Jesse R. Wallace.
Hubbard F. Goodwin.
William L. Holm.
Bradford Bartlett.
Joyce C. Cawthon.
Corydon H. Kimball.
John A. Hollowell, jr.
Ellwood E. Burgess.
Thomas J. Raftery.
John J. O'Donnell, jr.
Henry L. Shenier.
Edward C. Forsyth.
Robert L. Johnson.
Robert E. Blick, jr.
Hyman C. Rickover.
Humphrey W. Toomey.
Albert L. Toney.
Howard R. Healy.
Lucien Ragonnet.
Marion E. Murphy.
Preston S. Tambling.
George W. Bauernschmidt.
Frank T. Watkins.
Clarence L. C. Atkeson, jr.
John M. Higgins.
James P. Clay.
Edward C. Metcalfe.
Francis M. Adams.
Robert B. Rothwell.
Wilfred J. Holmes.
Roy R. Darron.
John P. Whitney.
Anthony L. Danis.
Arthur A. Clarkson.
Harry C. Garrison.
Frederick B. Vose.
Frank R. Walker.
Hugh H. Goodwin.
Albert V. Kastner.
Robert W. Morse.
Thomas F. Christie, jr.
Donald R. Eldridge.
Earl V. Sherman.
Edmonston E. Coll.
John Connor.
George F. Watson.
Charles C. Phleger.
James B. McVey.
Rogers Elliott.
Frank C. Sutton.
Douglas P. Stickley.
Perry M. Fenton.
Herschel A. Smith.
Harold E. Parker.
Maurice J. Strong.
Willard J. Suits.
Owen Rees.
John A. Smith.
Marion N. Little.
Edward J. O'Kane.
Frederick L. Riddle.
Whitaker F. Riggs, jr.
Henry F. MacComsey.

Howard E. Orem.
Eugene E. Elmore.
Clarke H. Lewis.
Howard L. Jennings.
Alvin L. Becker.
Robert McC. Peacher.
Edward R. Frawley.
William L. Freseman.
Donald H. Johnston.
George E. Palmer.
Lloyd D. Follmer.
Walter E. Gist.
Edward R. Gardner, jr.
Robert W. Bedillion.
Austin S. Keeth.
Edgar A. Cruise.
Edward A. Solomons.
Herbert S. Duckworth.
William B. Holden.
John S. Hedrick.
Charles J. McWhinnie.
Isaiah Olch.
Samuel K. Groseclose.
Leo P. Pawlikowski.
Ignatius J. Haley.
Michael J. Malanaphy.
William B. Ault.
Vernon O. Clapp.
Russell G. Sturges.
Robert Hall Smith.
Robert B. Higgins, jr.
Bates H. Johnston.
Howard D. McIntosh.
Aaron R. Lyon.
William B. Terrell.
David B. Justice.
Lowe H. Bibby.
Eaton A. Boothe.
John E. French.
William S. Campbell.
Charles F. Hooper.
Clifford M. Alvord.
Emory P. Hylant.
Thomas C. Ryan, jr.
Thomas T. Beattie.
Charles O. Humphreys.
Charles A. Dodge.
Valvin R. Sinclair.
Augustus D. Clark.
Edward B. Arroyo.
Horatio D. Smith.
Peter J. Neimo.
Howard B. Hutchinson.
Henry L. Parry.
John P. Cady.
Edwin E. Woods.
Edward H. Pierce.
John E. Murphy.
William R. Terrell.
Thomas H. Ochiltree.
John E. Stephens, jr.
Charles M. Furlow, jr.
Harold T. Dawson.
Leon J. Manees.
James E. Baker.
Rudolf L. Johnson.
Arthur L. Pleasants, jr.
Herbert E. Berger.
Roland P. Kauffman.
Worthington S. Bitler.
Alexander F. Junker.
Delbert S. Cornwell.
Byron S. Anderson.
Kenneth O. Ekelund.
Karl A. Thieme.
Charles A. Havard.
Alfred R. Mead.
George R. Cooper.
George T. Boldizsar.
Harry Keeler, jr.
Charles O. Comp.
Malcolm M. Goussett.
Vernon Huber.
Sherman R. Clark.
Halstead S. Covington.
Horace B. Butterfield.
Thomas A. Cory.
Hubert W. Chanler.
Raymond H. Tuttle.
Frank Akers.
William B. Whaley, jr.
Henry J. Schmidt.
Robert C. Strong, jr.
Edward R. Durgin.
Frederick J. Eckhoff.
Robert A. Knapp.
Louis D. Libenow.
Henry E. Eccles.
Beverly E. Carter.
James A. McBride.
James G. Sampson.
Harry St. J. Butler.
Thomas H. Kehoe.
Hugh W. Hadley.
Gerald U. Quinn.
Robert A. J. English.
Thomas Aldred.
William C. Cross.
Frederick S. Hall.
Malcolm W. Pemberton.
John M. Cox, jr.
Edward B. Curtis.
Carlos J. Badger.
John L. Pratt.
Richard C. Scherrer.
Mellish M. Lindsay, jr.
Charles D. Garvin.
Joseph B. Dunn.
Clarence L. Atkinson, jr.
Francis B. Johnson.
Hallock G. Davis.
Matthew S. Q. Weiser.
Hugh W. Lindsay.
Harold R. Stevens.
William V. Saunders.
William P. Davis.
John P. Bennington.
William F. Hurt.
Carlton C. Dickey.
Luther B. Stuart.
Ralph Earle, jr.
John L. Nestor.
Charles W. Crawford.
John P. W. Vest.
John Y. Dannenberg.
Albert K. Morehouse.
Kenmore M. McManes.
George L. Menocal.
Donald W. Gardner.
Richard S. Waggener.
Ralph H. Wishard.
Alfred J. Homann.
Walter W. Rockey.
Daniel W. Harrigan.
Francis J. Mee.
Albert E. Chapman.

Chief Machinist Wilfred G. Lebegue to be an ensign in the Navy from the 25th day of February, 1925.

Chief Boatswain Henry Plander to be an ensign in the Navy from the 25th day of February, 1925.

The following-named boatswains to be ensigns in the Navy from the 25th day of February, 1925:

Howell Hedrick.
Paul S. Crandall.
James J. Cunningham.
George H. Charter.
Charles J. Naumilket.

The following-named midshipmen to be ensigns in the Navy from the 4th day of June, 1925:

Harry E. Hubbard.
Clifford J. Collins.
William H. Benson.
Ernest S. L. Goodwin.
Charles H. Anderson, jr.
Clifton G. Grimes.
William C. Straub.
William J. Marshall.
Henry Crommelin.
Daniel Stubbs.
George L. Todd.
James B. Harlow.
Edward H. Edmundson.
Dundas P. Tucker.
Frederick K. Loomis.
Martin R. Peterson.
Edward N. Parker.
Ernest M. Eller.
Richard G. Voge.
Robert L. Dyer.
William P. McGirr.
Paul W. Hord.
Willis H. Pickton.
William A. Eaton.
Austin W. Wheelock.
Stanley P. Moseley.
Edward K. Walker.
Richard A. Larkin.
Linburn H. Burkhead.
Wilbur N. Landers.
Fremont B. Wright.
John H. Sides.
Delbert A. Ross.
Carlton H. Moore.
Harold V. B. Madsen.
Victor D. Long.
James M. Robinson.
Alexander Sledge.
Schuyler N. Pyne.
Philip S. Creasor.
Redfield Mason.
Thomas B. McMurtrey.
John W. Murphy, jr.
Robert L. Adams.
David Goldenson.
Lewis Wallace.
Thomas M. Brown.
William Sihler.
Leslie F. Hoag.
Claire C. Seabury.
William H. Beers, jr.
John H. Long.
Willis A. Lent.
Horace G. Trainer.
George L. Purmort.
Sherry T. McAdam, jr.
Edmund B. Taylor.
Paul A. Hartzell.
John L. Melgaard.
Robert E. Cronin.
Elmer C. Buerkle.
Charles D. McDaniel.
Waldo Tullsen.
Francis J. Thomas.
David R. Hull.
Thomas C. Thomas.
Morgan A. Powell.
Eugene E. Paro.
John A. Charlson, jr.
Richard E. Elliott.
James A. McNally.
John R. van Nagell.
William C. Latrobe.
Fred C. Billing.
Bruce D. Kelley.
Morton C. Mumma, jr.
David A. Hurt.
Jeane R. Clark.
Byron C. Wanglin, jr.
Chester C. Smith.
David M. Tyree.
Homer O. Dahlke.
Dwight M. Allgood.
William B. Colborn.
De Vere L. Day.
Jackson S. Champlin.
Terrence R. Cowie.
James M. Miller.
Alexander Jackson, jr.
Philip D. Compton.
Lee T. Weston.
George W. Bains.
James S. Smith, jr.
Eugene D. Sullivan.
Frederick B. Warder.
Stanton H. Harcourt.
William G. H. Lind.
John H. Spiller.
Joe W. Stryker.
Cecil B. Gill.
William B. Howard, jr.
Stephen A. Hammond, jr.
George L. Phillips.
Persifor F. Gibson, jr.
Malcolm G. Dunlop.
John W. Brennan.
Franklin W. Slaven.
Franklin D. Karns, jr.
Charles F. Miller.
Stirling P. Smith.
Horace W. Blakeslee.
Anthony L. Rorschach.
George C. Wright.
Harry N. Lyon.
Aubrey G. Lanston.
Robert H. Gibbs.
Ernest St. C. von Kleeck, jr.
Wallace S. Newton.
Richard E. Nellis.
Clarence C. Ray.
Clarence E. Haugen.
Charles H. O'Neil.
Rodmon D. Smith.
Wilfred B. Goulett.
Harman B. Bell, jr.
Kenneth V. Dawson.
Lermond H. Miller.
William H. Putnam.
Harold C. Pound.
Willard K. Goodney.
Frank S. Timberlake.
Joseph W. Ludewig.
Merle Van Metre.
James P. Knowles.
Knowlton Williams.
Douglas E. Smith.
William C. Schultz.
Herbert McNulta, jr.
Herbert P. Rice.
Cameron Briggs.
William L. Messmer.
Henry T. Brian.
Fred C. Barnhart.
Harry A. Simms.
John D. Reppy.
Charles V. Broadley.
Thelman Lester.
William J. O'Brien.
Jesse C. Sewell.
Edward L. Schleif.
John F. French.
Monroe Y. McGown, jr.
Everett P. Newton, jr.
Harry F. Miller.
Thomas Burrowes, jr.
Claude A. Dillavou.
Lewis S. Parks.
Donald C. Beard.
Roland W. Charles.
Clinton H. Sigel.
Alwin D. Kramer.
Roger B. Nickerson.
Edmund Tweedy.
Frank A. Munroe, jr.
John S. Blue.
Richard H. Gingras.
Thomas G. Reamy.
George E. Fee.
Donald D. Parke.
Theodore W. Johnson, jr.

Francis R. Stolz.	James O. Banks, jr.
Charles A. Bond.	George F. O'Keefe.
Ralph P. Kimzey.	Herman E. Schieke.
John H. Broadbent.	John G. Moore.
Clement R. Criddle.	Shane H. King.
Richard W. Reither.	Robert I. Coleman.
Frederick F. Sima.	Aubrey B. Leggett.
Arthur H. Graubart.	Alexander C. Thorington.
Charles E. Tolman, jr.	George B. Fowler.
Glenn M. Cox.	John J. Houriban.
Frederick N. Kivette.	Joseph Leicht.
Ira E. Hobbs.	Thomas M. McGraw.
Hubert T. Waters.	William G. Beecher, jr.
William O. Gallery.	Charles S. Silsbee.
Harold O. Larson.	Tillett S. Daniel.
Lew W. Roberts.	Charles M. Ryan.
John O. Lambrecht.	Austin C. Behan.
Donald C. Varian.	Harold F. Dearth.
Carleton C. Hoffner.	James B. O'Hara.
Harry H. Henderson.	David G. Greenlee, jr.
Charles S. Weeks.	Hamilton L. Stone.
George C. Hirst, jr.	Charles F. Chillingworth, jr.
William L. Wright.	Joseph H. Nevins, jr.
Rex S. Caldwell.	George J. King.
William L. Turney.	Richard Davis, jr.
Russell S. Smith.	William H. Standley, jr.
Albert E. Jarrell.	Frank P. Tibbitts.
Robert N. Allen.	John G. Brown.
John B. Robertson, jr.	Adolph Hede.
James D. Taylor, 3d.	Harold H. Pickens.
Thomas H. Tonseth.	Walter S. Mayer, jr.
Creighton K. Lankford.	Linwood S. Howeth.
James B. Cash.	Warren P. Mowatt.
Everett E. Mann.	Carter A. Printup.
John J. Laffan.	James R. Hanna.
Roland B. Vanasse.	Cecil L. Blackwell.
William R. Headden.	Theodore Wolcott.
Eugene S. Lee.	Carroll D. Reynolds.
Paul C. Crosley.	Harry L. Ferguson, jr.
James M. Hicks.	Bennett W. Wright.
Robert S. Clark.	Robert N. Gardner.
George J. Dufek.	Joseph M. Scruggs.
John G. Blanche, jr.	Samuel D. Simpson.
Edward L. Beck.	George F. Kershner.
John M. Scott.	Frank D. Owers.
Carl H. B. Morrison.	Ashby J. Badger.
William H. Truesdell.	Walter B. Davidson.
Vernon D. Wickizer.	Joseph M. Carson.
Lee F. Sugnet.	Reginald C. Johnson.
Haralson F. Smith.	Herbert E. Schonland.
Kenneth C. Hurd.	Francis B. McCall.
Warren W. Johnson.	William S. Howard, jr.
John H. Griffin.	Byron B. Loomis.
James H. Carrington.	John B. Brown.
Malcolm D. Sylvester.	William S. Veeder.
Howard T. Orville.	Thomas C. Parker.
Oliver F. Naquin.	Joseph E. Wilson.
John W. Steele.	George Gellhorn, jr.
James W. Haviland, 3d.	Harvey N. Marshall.
John M. Miller.	Frederick P. Williams.
William L. Benson.	William B. Krieg.
Waldeman N. Christensen.	Andrew E. Harris.
Hunter Wood, jr.	William W. Agnew, jr.
Clyde F. Malone.	Max H. Bailey.
Joseph H. Wellings.	John E. Florance.
Barton E. Bacon, jr.	John G. Hughes, jr.
Watson T. Singer.	Charles S. McKinney.
John S. Day.	Clarence E. Gregerson.
Donald A. Bush.	Lynn C. Petross.
John B. Cleland, jr.	Martin J. Drury.
Harry Wagner.	Arthur R. Quinn.
John B. Poore.	Virgil F. Gordinier.
George A. Leahey, jr.	John G. Johns.
Raymond R. Lyons.	Edward D. Crowley.
William A. New.	Clifford L. McAuliffe.
William W. Graham, jr.	Thomas J. Kimes.
John F. Goodwin.	John R. Lawrence.
Cornelius M. Sullivan.	Graham C. Gill.
Brenton H. Field.	Roy R. Ransom.
Fremont B. Eggers.	Marvin J. West.
John S. Chitwood.	George P. Biggs.
Fred R. Stickney.	Percy H. Lyon.
Reuben T. Thornton, jr.	Norman W. Sears.
Edward G. Muth.	Jack P. de Shazo.
Julian B. Jordan.	James V. Query, jr.
Paul M. Clyde.	Charles W. Truxall.
Clyde M. Jensen.	Richard A. Guthrie.
Thomas J. McGeoy.	Benjamin May, 2d.
Albert S. Moore.	Walter C. Ford.
Edward A. McFall.	Bennett S. Copping.
Phillip H. FitzGerald.	David C. Dreier.
Harry B. Heneberger.	John H. Lewis.
Warren F. Porter.	Paul M. Lion, jr.
Robert J. K. Mensing.	Julian J. McShane.
Thompson F. Fowler.	Frank L. Durnell.
Robert N. McFarlane.	William H. Shahan.
Edwin R. Swinburne.	Donald A. Peterson.
Karl H. Nonweiler.	William K. Rhodes.
Ronald M. MacKinnon.	William Culbert.
John F. Delaney, jr.	Rene S. Wogan.
William K. Thompson.	Winthrop E. Terry.
Alexander MacIntyre.	John C. Hammock.
Edwin V. Brant.	Gordon B. Rainer.
Gelzer L. Sims.	Henry H. Love.
David G. Roberts.	Warren B. Sampson.
Hugh P. Thomson.	Robert G. Norman.
Arthur B. Thompson.	William Kirten, jr.
Arthur D. J. Farrell.	Lewis M. Markham, jr.
Paul B. Tuzo, jr.	George F. Mahoney.
James M. Smith.	Isaac S. K. Reeves, jr.
Thomas J. Hickey.	Alfred J. Benz.
William E. Hank.	Clanton E. Austin.
George R. Phelan.	Frank W. Fenno, jr.
Cecil L. Smith.	Richard K. Gaines.
Ralph A. Sentman.	Robert C. Palmer.
Ernest J. Davis.	Julian K. Morrison, jr.

Medical Inspector Charles N. Fiske to be a medical director in the Navy, with the rank of captain, from the 5th day of April, 1925.

Medical Inspector John J. Snyder to be a medical director in the Navy, with the rank of captain, from the 17th day of April, 1925.

Medical Inspector Richmond C. Holcomb to be a medical director in the Navy, with the rank of captain, from the 30th day of June, 1925.

Surg. Frank E. Sellers to be a medical inspector in the Navy, with the rank of commander, from the 5th day of April, 1925.

Surg. Edward H. H. Old to be a medical inspector in the Navy, with the rank of commander, from the 17th day of April, 1925.

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 30th day of June, 1925:

Paul R. Stalnaker.	Edward C. White.
Thurlow W. Reed.	Edward U. Reed.

Surg. Edgar L. Woods to be a medical inspector in the Navy, with the rank of commander, from the 1st day of September, 1925.

Passed Asst. Surg. William R. Levis to be a surgeon in the Navy, with the rank of lieutenant commander, from the 5th day of June, 1924.

Passed Asst. Surg. Howard E. Gardner to be a surgeon in the Navy, with the rank of lieutenant commander, from the 5th day of December, 1924.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1925:

Frederick L. McDaniel.	Travis S. Moring.
John H. Chambers.	Lynn N. Hart.
Joel J. White.	Robert H. Collins.
Lyle J. Roberts.	James A. Fields.
Frederick R. Hook.	James F. Hooker.
Percy W. Dreifus.	Deane H. Vance.
Ladislaus L. Adamkiewicz.	Brython P. Davis.
William H. H. Turville.	James E. Potter.
Gilbert H. Mankin.	Joseph H. Durrett.
Benjamin F. Norwood.	Morton D. Willcutts.
Robert P. Henderson.	Philip S. Sullivan.
Eben E. Smith.	Paul T. Crosby.
James W. Ellis.	Julius F. Neuberger.
John M. McCants.	Clarence J. Brown.
George P. Carr.	William W. Behlow.
Lewis W. Johnson.	Arthur H. Dearing.
Harold S. Sumerlin.	Robert B. Miller.
John M. Huff.	Paul M. Albright.
Walter M. Anderson.	James E. Houghton.
Robert T. Canon.	Roger M. Choisser.
Sterling S. Cook.	Walter A. Fort.
Bertram Groesbeck, jr.	Felix P. Keaney.

Frank W. Ryan.
Paul V. Greedy.
Leslie B. Marshall.
Robert P. Parsons.
John G. Powell.
Harry B. LaFavre.
Raymond B. Storch.
Otto W. Grisier.
Martin L. Marquette.
Joseph E. Malcomson.
Hutchens C. Bishop, jr.
Wilfred M. Peaberdy.
Claude E. Brown.
Lewis G. Jordan.
Jack S. Terry.
Albert N. Champion.
John L. Frazer, jr.
Harold E. Ragle.
Horace R. Boone.
Stephen R. Mills.
James A. Brown.
Rollo W. Hutchinson.
George A. Eckert.
Ransom H. Holcomb.
Hardy V. Hughens.

The following-named citizens of the States indicated opposite their names to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 4th day of June, 1925:

Fred D. Heegler, a citizen of California.
Frederick A. Hemsath, a citizen of Massachusetts.
James R. Fulton, a citizen of Washington.
Herman D. Scarney, a citizen of New Jersey.
Harry L. Goff, a citizen of Pennsylvania.
Ralph H. Hofler, a citizen of North Carolina.
Clifford A. Swanson, a citizen of Michigan.
Harry V. Thomas, a citizen of Illinois.
John Q. Adams, a citizen of Virginia.
John N. C. Gordon, a citizen of Kentucky.
James C. Drybread, a citizen of Indiana.
Frank M. Townsend, jr., a citizen of Michigan.
Frederick S. Foote, a citizen of California.
Bernard S. Pupek, a citizen of New York.
Harold W. Naeckel, a citizen of Iowa.
John D. Keye, a citizen of North Dakota.
Henry W. Patton, a citizen of Tennessee.
Baxter A. Livengood, a citizen of North Carolina.
Elmer G. Wakefield, a citizen of Arkansas.
Marion T. Rosser, a citizen of Virginia.
Newman K. Bear, a citizen of California.
Gunnar Jelstrup, a citizen of North Dakota.
Walter S. Mountain, a citizen of Pennsylvania.
Ocie B. Morrison, jr., a citizen of Virginia.
John P. Brady, a citizen of Michigan.
Edward E. Jones, a citizen of Utah.
Robert F. Hague, a citizen of Michigan.
Raymond C. Lindholm, a citizen of California.
Clamor H. Gavin, a citizen of Idaho.
David W. Lyon, jr., a citizen of Ohio.
Hugo O. G. Wagner, a citizen of Missouri.
Ebon B. McGregor, a citizen of Indiana.
Rufus A. Schneiders, a citizen of Wisconsin.
Harold M. F. Behneman, a citizen of California.
Carroll O'Rourke, a citizen of Indiana.
Adolphus A. Berger, a citizen of Missouri.
Charles G. McCormack, a citizen of Missouri.
Melvin D. Abbott, a citizen of Michigan.
John R. Phillips, a citizen of Indiana.
Samuel J. Roberts, a citizen of Missouri.
Hurschell D. Kindell, a citizen of Indiana.
Ray W. Oldenburg, a citizen of Colorado.
Willard B. Pierce, a citizen of Minnesota.
Anthony E. Reymont, a citizen of Illinois.
Bruce V. Leamer, a citizen of Nebraska.
Hanford Phillips, a citizen of Missouri.
Bartholomew W. Hogan, a citizen of Massachusetts.
Benjamin R. Ross, a citizen of Indiana.
LeRoy F. Farrell, a citizen of Massachusetts.
Ralph R. Ploughe, a citizen of Indiana.
Louis A. Hitzeman, a citizen of Missouri.
Sobisca S. Hall, a citizen of West Virginia.
David L. Beers, a citizen of Ohio.
Clark T. Alexander, a citizen of Colorado.
David O. Zearbaugh, a citizen of Indiana.

The following-named citizens of the States indicated opposite their names to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 5th day of June, 1925:

Harold O. Cozby, a citizen of Texas.
James H. McGranahan, a citizen of Minnesota.

The following-named passed assistant dental surgeons to be dental surgeons in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1925:

Louis F. Snyder.
John E. Herlihy.
Charles C. Bockey.
Clark E. Morrow.
Lou C. Montgomery.
Joseph A. Tartre.
James I. Root.
Harold A. Daniels.
Paul W. Yeisley.
Lawrence E. McGourty.
Hubert J. Lehman.
Howard R. McCleery.
James C. Lough.
Sidney M. Akerstrom.
Errol W. Willett.
DeWitt C. Emerson.
Robert S. Maxwell.
Robert S. Davis.
Charles C. Tinsley.
Hubert F. Delmore.
Harold A. Badger.
Spry O. Claytor.
David L. Cohen.

Daniel W. Ryan, a citizen of Iowa, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 21st day of August, 1925.

William R. Burns, a citizen of Pennsylvania, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 2d day of December, 1925.

Pay Director Thomas H. Hicks to be a pay director in the Navy, with the rank of rear admiral, from the 25th day of May, 1925.

Pay Inspector Ray Spear to be a pay director in the Navy, with the rank of captain, from the 25th day of May, 1925.

Pay Inspector Cuthbert J. Cleborne to be a pay director in the Navy, with the rank of captain, from the 10th day of July, 1925.

Paymaster William G. Neill to be a pay inspector in the Navy, with the rank of commander, from the 14th day of January, 1925.

Paymaster Benjamin H. Brooke to be a pay inspector in the Navy, with the rank of commander, from the 10th day of July, 1925.

Paymaster Harry E. Collins to be a pay inspector in the Navy, with the rank of commander, from the 26th day of July, 1925.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1925:

Ralph W. Swearingen.
William V. Fox.
Charles L. Austin.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenants, from the 31st day of December, 1924:

Letcher Pittman.
Archie B. McKay.
Charles T. Flannery.
Josephus M. Lieber.
Carl L. Biery.
Harry H. Hines.
Frank Humbeutel.
Harrison W. McGrath.
Robert H. Whitaker.
Calvin W. Schaeffer.
Harry C. Mechtoldt.
Charles W. Fox.
Everett W. Brown.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 1st day of January, 1925:

William H. Phillips.
John L. H. Clarholm.
George H. Crofut.
Matthew T. Betton.
John Ball.
Carl W. Seitz.
Percy Briggs.
Lamar Lee.
Andrew C. Shiver.
Theodore W. S. Runyon.
Joseph G. Hagstrom.
Cyrus B. Kitchen.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 1st day of February, 1925:

Edward W. Hawkes.
Earl F. Codding.
Charles D. Kirk.
Charles S. Bailey.

Assistant Paymaster Clark H. Miley to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 15th day of February, 1925.

Assistant Paymaster Guy J. Cheatham to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of March, 1925.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 15th day of March, 1925:

Harold T. Smith.
Charles J. Lanier.
John H. Davis.

Assistant Paymaster David W. Robinson to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of May, 1925.

Ensign Reed T. Roberts to be an assistant paymaster in the Navy, with the rank of ensign, from the 1st day of May, 1925.

The following-named midshipmen to be assistant paymasters in the Navy, with the rank of ensign, from the 4th day of June, 1925:

James P. Dowden.
Paul J. Kiel.
Philip White.
Preston G. Locke.
Robert L. Grove.

Pay Clerk Don L. Merry to be an assistant paymaster in the Navy, with the rank of ensign, from the 11th day of June, 1925.

Chaplain Robert D. Workman to be a chaplain in the Navy, with the rank of captain, from the 25th day of August, 1924.

Chaplain Edward A. Duff to be a chaplain in the Navy, with the rank of captain, from the 11th day of September, 1925.

The following-named chaplains to be chaplains in the Navy, with the rank of commander, from the 3d day of November, 1924:

William A. Maguire.
William N. Thomas.

Chaplain Ernest L. Ackiss to be a chaplain in the Navy, with the rank of commander, from the 5th day of January, 1925.

Chaplain Maurice M. Witherspoon to be a chaplain in the Navy, with the rank of commander, from the 3d day of November, 1924.

Chaplain Thomas L. Kirkpatrick to be a chaplain in the Navy, with the rank of commander, from the 11th day of September, 1925.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant commander, from the 6th day of June, 1925:

Edward Ellsberg.
Robert W. Ferrell.
Donald Royce.
Gordon W. Nelson.
Fred M. Earle.
Edward L. Cochrane.
George C. Manning.
Adrian R. Marron.
Joseph L. McGuigan.
John I. Hale.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant commander, from the 30th day of June, 1925:

Robert N. S. Baker.
William Nelson.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of lieutenant (junior grade), from the 3d day of June, 1925:

Leonard Kaplan.
Francis H. Whitaker.
Harry W. Pierce.
Nicholas A. Draim.
Leslie A. Kniskern.
Leland D. Whitgrove.
Bernard E. Manseau.
John A. Sweeton.
Carlyle L. Helber.
Dale Quarton.
Henry A. Ingram.
Edward C. Craig.
Alden R. Sanborn.
Milo R. Williams.
Irving L. Lind.

The following-named ensigns to be assistant civil engineers in the Navy with the rank of lieutenant (junior grade), from the 3d day of June, 1925:

Henry P. Needham.
Beauford W. Fink.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of June, 1924:

John W. Thrunk.
Benjamin B. Johnson.
George M. Coryell.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of July, 1924:

George L. Kennedy.
Lewis W. Adkins.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of August, 1924:

William G. Baker.
John A. Muelchi.
George J. Duck.
Frank Harder.
John J. Smith.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 21st day of October, 1924:

Claude Tucker.
Conrad Motz.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of November, 1924:

William J. Smith.
Walter C. Fitzpatrick.

Boatswain Albert E. Baker to be a chief boatswain in the Navy, to rank with but after ensign, from the 20th day of February, 1924.

Boatswain Frederick W. Filbry to be a chief boatswain in the Navy, to rank with but after ensign, from the 20th day of December, 1924.

Boatswain Forest A. Cole to be a chief boatswain in the Navy, to rank with but after ensign, from the 20th day of January, 1925.

Boatswain Hubert George to be a chief boatswain in the Navy, to rank with but after ensign, from the 24th day of March, 1925.

Boatswain Walter J. Daly to be a chief boatswain in the Navy, to rank with but after ensign, from the 21st day of April, 1925.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of May, 1925:

Robert C. West.
Farrell N. C. Overall.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 20th day of June, 1925:

Herman C. Fredericks.
John T. Sunderman.

Gunner Carl J. Nerdahl to be a chief gunner in the Navy, to rank with but after ensign, from the 2d day of July, 1923.

Gunner Alvin W. McCoy to be a chief gunner in the Navy, to rank with but after ensign, from the 20th day of August, 1924.

Gunner Frederick G. Weilenmann to be a chief gunner in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

Gunner Fred Jordan to be a chief gunner in the Navy, to rank with but after ensign, from the 14th day of November, 1924.

Gunner George A. Cruze to be a chief gunner in the Navy, to rank with but after ensign, from the 20th day of November, 1924.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 20th day of December, 1924:

Robert W. Morrison.
Harrison H. Blevins.

Gunner George A. Collette to be a chief gunner in the Navy, to rank with but after ensign, from the 20th day of January, 1925.

Gunner Edwin C. Jepson to be a chief gunner in the Navy, to rank with but after ensign, from the 11th day of July, 1925.

Machinist Axel E. Tangren to be a chief machinist in the Navy, to rank with but after ensign, from the 15th day of November, 1923.

Machinist Eduard G. Jahnke to be a chief machinist in the Navy, to rank with but after ensign, from the 24th day of March, 1924.

Machinist Robert Farris to be a chief machinist in the Navy, to rank with but after ensign, from the 1st day of June, 1924.

Machinist Zemp W. Cornwell to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of July, 1924.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 20th day of September, 1924:

Raymond O. Deitzer.
Mark A. Savelle.

Machinist Frank D. Butler to be a chief machinist in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 20th day of December, 1924:

Joseph J. Ouwelant.
Paul L. Henneberg.

Machinist Henry W. Price to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of March, 1925.

Machinist George L. McMullen to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of April, 1925.

Machinist John A. Lowe to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of May, 1925.

Machinist Burr W. Sommer to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of July, 1925.

Machinist Douglas H. West to be a chief machinist in the Navy, to rank with but after ensign, from the 1st day of September, 1925.

Carpenter Samuel Butrick to be a chief carpenter in the Navy, to rank with but after ensign, from the 24th day of September, 1923.

Carpenter Lars J. Larson to be a chief carpenter in the Navy, to rank with but after ensign, from the 20th day of April, 1924.

Carpenter Milton DeMilt to be a chief carpenter in the Navy, to rank with but after ensign, from the 20th day of September, 1924.

Carpenter Paul J. Lynch to be a chief carpenter in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

The following-named carpenters to be chief carpenters in the Navy, to rank with but after ensign, from the 20th day of November, 1924:

Gustave A. Gillgren.
Harry C. Klopp.

Carpenter David Somers to be a chief carpenter in the Navy, to rank with but after ensign, from the 12th day of March, 1925.

Carpenter William J. Kennedy to be a chief carpenter in the Navy, to rank with but after ensign, from the 28th day of March, 1925.

Carpenter William H. Berry to be a chief carpenter in the Navy, to rank with but after ensign, from the 20th day of May, 1925.

Pharmacist Carson A. Nelson to be a chief pharmacist in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

Pharmacist Herbert S. Lansdowne to be a chief pharmacist in the Navy, to rank with but after ensign, from the 20th day of November, 1924.

Pay Clerk Cabell R. Berry to be a chief pay clerk in the Navy, to rank with but after ensign, from the 14th day of September, 1922.

Pay Clerk John J. MacDonald to be a chief pay clerk in the Navy, to rank with but after ensign, from the 20th day of February, 1924.

Pay Clerk James F. Yoes to be a chief clerk in the Navy, to rank with but after ensign, from the 20th day of July, 1924.

Pay Clerk Edward W. Hume to be a chief pay clerk in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 20th day of December, 1924:

Arthur H. Fletcher.
Thomas S. Lowry.
John P. Wilson.
Alma E. Salm.
Raymond C. Ball.

Pay Clerk Arthur S. Wrenn to be a chief pay clerk in the Navy, to rank with but after ensign, from the 21st day of December, 1924.

Pay Clerk John J. McGrath to be a chief pay clerk in the Navy, to rank with but after ensign, from the 20th day of January, 1925.

Pay Clerk Dale A. Palmer to be a chief pay clerk in the Navy, to rank with but after ensign, from the 19th day of February, 1925.

Pay Clerk George W. Dean to be a chief pay clerk in the Navy, to rank with but after ensign, from the 20th day of February, 1925.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 20th day of March, 1925:

Carlile Reid.
Harry L. Creswick.

Pay Clerk Archie J. McDaniel to be a chief pay clerk in the Navy, to rank with but after ensign, from the 28th day of March, 1925.

Pay Clerk Chauncey J. Buckley to be a chief pay clerk in the Navy, to rank with but after ensign, from the 6th day of April, 1925.

Pay Clerk James A. Harris to be a chief pay clerk in the Navy, to rank with but after ensign, from the 6th day of May, 1925.

Pay Clerk Crawford T. Folsom to be a chief pay clerk in the Navy, to rank with but after ensign, from the 28th day of May, 1925.

Pay Clerk Norris D. Whitehill to be a chief pay clerk in the Navy, to rank with but after ensign, from the 5th day of September, 1925.

Lieut. Joseph H. Hoffman to be a lieutenant commander in the Navy from the 5th day of June, 1924.

Lieut. (Junior Grade) John W. Dillinder to be a lieutenant in the Navy from the 15th day of July, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of July, 1925:

Lannis A. Parker.
Harold F. Hale.

Lieut. (Junior Grade) Harold J. Kircher to be a lieutenant in the Navy from the 1st day of June, 1925.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of December, 1924:

Kenneth R. Hall.
Cecil Paine.
Hiram P. Shaw.

Passed Asst. Surg. Park M. Barrett to be a surgeon in the Navy, with the rank of lieutenant commander, from the 5th day of December, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18, 1925

ASSISTANT SECRETARY OF THE TREASURY

Lincoln C. Andrews to be Assistant Secretary of the Treasury.

DIRECTOR OF THE BUREAU OF MINES

Scott Turner to be Director Bureau of Mines.

MEMBER OF THE BOARD OF CHARITIES OF THE DISTRICT OF COLUMBIA

William J. Kerby to be member of the Board of Charities, District of Columbia.

COAST AND GEODETIC SURVEY

Byron Williams to be junior hydrographic and geodetic engineer.

UNITED STATES DISTRICT JUDGE

Fred M. Raymond to be United States district judge, western district of Michigan.

UNITED STATES ATTORNEYS

Fred Cubberly to be United States attorney, northern district of Florida.

Paul W. Kear to be United States attorney, eastern district of Virginia.

UNITED STATES MARSHALS

Clarence G. Smithers to be United States marshal, eastern district of Virginia.

S. Green Proffit to be United States marshal, western district of Virginia.

Hugh L. Patton to be United States marshal, district of Wyoming.

POSTMASTERS

ALABAMA

Charles O. Johnson, Ensley.
Thomas A. Carter, Grove Hill.

FLORIDA

Walter R. McLeod, Apopka.
Fred H. Gibbons, Archer.
John H. McLain, Auburndale.
James E. Still, Bonifay.
Charles W. Pierce, Boynton.
Latrelle W. Greason, Brewster.
Grace M. Mashburn, Caryville.
Fred Brett, Crestview.
Charles A. Miller, Crystal River.
Frank Dean, Delray.
Edna F. Hope, Dunedin.
Glenna J. Pedrick, Dunnellon.
Elwyn B. C. Nichols, Ellenton.
Pauline F. Colley, Florence Villa.
Fred W. Jacques, Fort Lauderdale.
Wesley S. Moe, Fort Pierce.
Jesse E. Franklin, Glen Saint Mary.
James T. Phillips, Greenville.
Walter O. Brooks, Gulfport.
Emma S. Fletcher, Havana.
Louis F. Randall, Hialeah.
William H. Downing, High Springs.
Wylie L. Buchanan, Hopkins.
William L. Bryan, Jasper.
James L. Richbourg, Laurelhill.
John F. Stunkel, Leesburg.
John H. Hildreth, Live Oak.
Daniel H. Petteys, McIntosh.
Florence M. Wackerle, Melbourne.
Daniel H. Laird, Millville.
John H. Collins, Milton.
David S. Simpson, Mount Dora.
Edna L. Goss, Mulberry.

Nathan J. Lewis, Newberry.
Charlotte E. Henry, Nocatee.
Walter N. Gray, Okeechobee.
Goldie B. Helm, Oneco.
Ethel C. McPherson, Passagrille.
Henry A. Drake, Port St. Joe.
Louis B. Ritch, Raiford.
Dudley H. Morgan, River Junction.
Abraham H. Lasher, Safety Harbor.
Charles M. Loy, Stuart.
Bessie T. Austin, Sulphur Springs.
Harriet R. Bishop, Tampashores.
Annie B. Locke, Titusville.
Arthur L. Stevens, Waldo.
Lonie M. Watkins, Webster.
George W. Smith, West Palm Beach.

GEORGIA

Leila W. Maxwell, Danville.
John H. Hendrix, Hawkinsville.
William N. Casey, Kingsland.
Benjamin N. Walters, Martin.
John T. Bird, Oxford.
Mary E. Everett, St. Simons Island.
William H. Flanders, Swainsboro.

ILLINOIS

Hazel Hayes, Armington.
Charles C. Hamilton, Arthur.
Henry E. Petersen, Ashkum.
John P. Kopp, Baldwin.
Carl M. Crowder, Bethany.
Nancy Jamison, Biggsville.
Matthew G. Yarnell, Bowen.
Fred Wilson, Broughton.
Tice D. Mason, Browns.
Harold M. Brown, Brownstown.
Myrtle A. Blackward, Bush.
James E. Voorhees, Bushnell.
Ralph W. Colver, Cherry.
John Reineke, Cissna Park.
John A. Bateman, Clay City.
J. H. Shaefer, Cross Point.
Mae E. Laughery, Cuba.
Bertha I. Askey, Dakota.
Edward J. Tabor, Earlville.
Joseph D. Nutt, East Alton.
Mercy Thornton, Elkville.
Chalon T. Land, Enfield.
Nellie T. Lindstrom, Fairview.
William W. Harbert, Findlay.
William C. Borger, Freeburg.
Charles W. Meier, Freeport.
Elizabeth Titter, Glen Carbon.
Lewis M. Crow, Grand Tower.
Maurice E. Murrie, Grayslake.
James F. Mill, Hillsdale.
Leslie K. Valentine, Hinckley.
Frank P. Cowing, Homewood.
Lora Johnson, Hudson.
William E. Ford, Karnak.
James F. Harrison, Leaf River.
George F. Dickson, Little York.
Clyde F. Clester, Loda.
Anna C. Boyer, Logan.
Anna E. Paramore, Loraine.
Lela Killips, Lyons.
James M. Pace, Macomb.
Bailey H. West, Makanda.
William L. Beebe, Manito.
Ellis H. Jones, Minooka.
Emily M. Erickson, Mount Greenwood.
Ruth J. Hodge, Mundelein.
Samuel E. Shelton, Nason.
Junius A. Beger, Nauvoo.
William J. Thornton, Nebo.
Harvie D. Harris, New Boston.
Edwin L. Griese, Northbrook.
Joseph L. Przyborski, North Chicago.
William D. Abbaduska, Odell.
Edzard Johnson, Oglesby.
Robert B. Ritzman, Orangeville.
James W. Alexander, Patoka.
Mary E. Lister, Percy.
Albert S. Tavenner, Polo.
Jefferson Louk, Prairie City.
Ralph R. Larkin, Prairie du Rocher.
Willis M. Hoag, Princeville.
Emma H. Howe, Ravinia.
Edna G. Mallette, Reynolds.
Willis J. Huston, Rochelle.
Harry L. Johnson, Rockport.
Herman B. Schmidt, Roselle.
Charles G. Brainard, Round Lake.
Forrest E. Mattix, St. Elmo.
Harry E. Gemmill, Shannon.
William C. Kelley, Simpson.
William H. Conkling, Springfield.
Homer J. Spangler, Stanford.
William Faster, Strasburg.
Katherine Maloy, Summit.
John W. Vangilder, Sumner.
Polona H. Callaway, Tallula.
John E. Miller, Tamms.
Elijah Williams, Tonica.
Arthur W. Shinn, Toulon.
Fred S. Edwards, Troy.
Olin L. Browder, Urbana.
Priscilla Crandal, Ursa.
Hervey E. Broaddus, Varna.
Roy C. Tarrant, Versailles.
August Treu, Villa Park.
Fred E. Schroeder, Warrensburg.
Jay B. Hollibaugh, Waynesville.
Lizzie M. Burch, Western Springs.
William C. Ohse, Yorkville.

IOWA

John Daly, Alta Vista.
Frank J. Wuamett, Alvord.
Oltman A. Voogd, Aplington.
Harriette Olsen, Armstrong.
Arthur A. Dingman, Aurelia.
Harry R. Grim, Belle Plaine.
Gayle A. Goodman, Birmingham.
Henry W. Pitstick, Boyden.
Anton C. Jaeger, Brandon.
Wheaton A. MacArthur, Burt.
Earle Miller, Cantril.
Gustav H. Hackmann, Clermont.
Edward W. Teale, Davis City.
Robert B. Light, Deep River.
Edna B. Wylie, Derby.
Ernest T. Greenfield, Douds.
William C. Rolls, Dow City.
Herman Ternes, Dubuque.
Edwin T. Davidson, Duncombe.
Andrew N. Jensen, Elk Horn.
Ole A. Cragwick, Ellsworth.
Amel F. Wunn, Everly.
Dean Taylor, Fairfield.
James E. Carr, Farmington.
Charles S. Parker, Fayette.
John A. Martin, Floyd.
E. Ray Morrell, Grand River.
Arthur M. Burton, Grinnell.
Walter B. Luke, Hampton.
John H. Nicoll, Harris.
Clyde E. Wheelock, Hartley.
William S. Ferree, Hillsboro.
Nettie B. Mullan, Hopkinton.
Louis H. Severson, Inwood.
Fred O. Parker, Ireton.
Jesse O. Parker, Keosauqua.
Joseph F. Higgins, Keswick.
Lillian M. Cochran, Lake City.
Jessaline M. Weinberger, Ledyard.
Irene Goodrich, Lehigh.
Winfield Cash, Leon.
Benjamin F. Shirk, Linn Grove.
Walter E. Prouty, Lockridge.
Thomas E. Halls, Lucas.
Charles F. Brobell, Lytton.
Austin C. McKinsey, Maquoketa.
Purley Jennison, Maynard.
John P. McNeill, Melcher.
Roy L. Day, Melrose.
George Kraft, Melvin.
W. Serenus Peterson, Missouri Valley.
Hugh L. Smith, Montezuma.
Charles P. McCord, Nevada.
Bruce C. Mason, New Market.

Everett H. Moon, New Providence.
George W. Graham, Oakville.
James E. Graves, Osceola.
Theodore E. Templeton, Paton.
Fred H. Seabury, Pisgah.
Oscar Smith, Plainfield.
Oscar M. Green, Prescott.
George A. Fox, Quimby.
Alva V. Gillette, Randolph.
George A. Bennett, Redfield.
Carroll A. Richardson, Renwick.
Matilda Johnson, Ridgeway.
Nettie Lund, St. Ansgar.
William W. Simkin, Salem.
William H. Moore, Shelby.
George J. Bloxham, Sheldon.
Alfred Jones, Shenandoah.
Allan Mailenburg, Sioux Center.
William H. Jones, Sioux City.
Andrew Maland, Slater.
Elsie N. Morgan, Smithland.
Grace Severson, Soldier.
William N. Horn, South English.
Henry A. Falb, West Bend.
Eric L. Ericson, Story City.
Arthur T. Briggs, Sutherland.
Leona B. Garrison, Swea City.
Howard W. Edwards, Tingley.
Mayme L. Petersen, Titonka.
Clifford C. Clardy, Valley Junction.
Howard D. Peckham, Villisca.
Donald C. Gearhart, Washta.
B. Frank Jones, Waukee.
Charles W. Tyrrell, Waverly.
Roy O. Kelley, Westside.
Seth B. Cairy, Whittemore.
Elsie Lowe, Woodburn.
Pauline W. Hummel, Yale.

KENTUCKY

Bell Gray, Corbin.

LOUISIANA

Leo A. Turregano, Alexandria.
Lee O. Taylor, Bogalusa.
Florence L. Harris, Bonami.
John B. Smith, Cheneyville.
Charles C. Subra, Convent.
Henry Johnson, Cravens.
Ernest B. Miller, Denham Springs.
John S. Pickett, Fisher.
Elias F. Kelly, Gilbert.
James O. Adams, Good Pine.
Marian E. Thomas, Grand Cane.
Mamie S. Kiblinger, Jackson.
Mrs. Edwin L. Lafargue, Marksville.
James H. Leech, Mer Rouge.
Sallie D. Pitts, Oberlin.
Sylvester J. Folse, Patterson.
Helen W. Allen, Peason.
Ada Allums, Plain Dealing.
John A. Burleigh, Port Barre.
Ida H. Boatner, Rochelle.
William S. Montgomery, Saline.
Monroe Erskins, Sikes.
Delsa G. Hudgens, Slagle.

MICHIGAN

Patrick H. Schannenk, Chassell.
Charles Hallman, Iron Mountain.
George E. Meredith, Minden City.
Volney R. Reynolds, Waldron.
John F. Krumbeck, Williamston.

MINNESOTA

Thorwald O. Westby, Avoca.
Cora O. Smith, Bayport.
John N. Peterson, Beltrami.
Arthur B. Paul, Big Falls.
Elmer E. Putnam, Big Lake.
Adolf Wernicke, Bingham Lake.
Ross Knutson, Bird Island.
Edward H. Hebert, Bricelyn.
Anna E. Baker, Brownton.
Alice G. Doherty, Byron.
Ida M. Strawsell, Callaway.
Benjamin Baker, Campbell.
Mabel L. Markham, Clear Lake.
Frank H. Nichols, Comfrey.
Emil A. Voelz, Danube.
Delmar J. Carruth, Danvers.
Alwyne A. Dale, Dover.
August Wenberg, Dunnell.
Louis A. Dietz, Easton.
William O'Brien, Eden Valley.
Frank H. Beyer, Elgin.
George H. Emmons, Emmons.
John Lohn, Fosston.
Matilda Blodgett, Ghent.
Frank H. Griffin, Good Thunder.
Herbert L. Day, Graceville.
Albert Myhre, Grand Meadow.
Charles L. Engelhorn, Greenbush.
Genevra E. Ristvedt, Hanley Falls.
Dwight C. Jarchow, Harris.
Henry W. Koehler, Hector.
Charles E. Cater, jr., Herman.
Myrtle M. Rogness, Hills.
Ambrose Holland, Holland.
Erna H. Benjamin, Kasota.
Anton Malmberg, Lafayette.
Elmer W. Thompson, Lismore.
Charles S. Jameson, Littlefork.
Ida Dickerson, Lucan.
Emil M. Blasky, Mahnomen.
Fred E. Joslyn, Mantorville.
Lawrence B. Setzler, Maple Plain.
Haldor G. Johnson, Minneota.
Ernest G. Haymaker, Motley.
Edward F. Koehler, Mound.
Ole Kleppe, Newfolden.
Louis E. Olson, Nicollet.
Winnifred L. Batson, Odessa.
George W. Shipton, Ogilvie.
Arvid J. Lindgren, Orr.
Minot J. Brown, Owatonna.
Nels J. Amble, Peterson.
Lee M. Bennett, Pillager.
George H. Tome, Pine Island.
Anna Barnes, Randall.
Amelia J. Rajkowski, Rice.
David L. Williams, Rochester.
Minnie W. Hines, Roosevelt.
James E. Ziska, Silver Lake.
Elia S. Engelsen, Storden.
Gertrude A. Muske, Swanville.
Frank B. Clarine, Tamarack.
George E. Brockman, Triumph.
August W. Petrich, Vernon Center.
Iver Tiller, Wanamingo.
Ole N. Aamot, Watson.
Laurence A. Weston, Waubun.
Pearl C. Heigl, Winsted.
Mathias J. Olson, Wolverton.
Charles Lindsay, Woodstock.

MISSOURI

Harvey R. Imboden, Arcadia.
Margaret E. Matson, Barnard.
Robert M. Tirmenstein, Benton.
Henry C. Oehler, Bismarck.
Samuel F. Wegener, Blackburn.
Bethel W. Elserman, Branson.
Constant A. Larson, Bucklin.
Lea K. Glines, Calnsville.
Walter A. Brownfield, Calhoun.
Earl M. Mayhew, Callao.
Henry H. Haas, Cape Girardeau.
Edward Burkhardt, Chesterfield.
Edgar H. Intelmann, Cole Camp.
Henry E. Martens, Concordia.
Bessie A. Grotjan, Dalton.
Charles E. Leach, Deepwater.
Abraham L. McElvain, Elmo.
Edward Beall, Eolia.
Ross A. Prater, Essex.
John W. McGee, Ewing.
Orville J. White, Fairfax.
Robert C. Wommack, Fair Grove.
S. Harvey Ramsey, Flat River.
Warren D. Berkey, Fortuna.
Frederick D. Williams, Fulton.

Frederick M. Harrison, Gallatin.
Lola L. Shumate, Gilliam.
Henry A. Scott, Gilman City.
Robert C. Remley, Grain Valley.
Gordon E. Guiles, Green Castle.
Charles F. Boon, Greentop.
Grace C. Moore, Holland.
Thomas E. Sparks, Holliday.
John R. Wiles, Jamesport.
Harry F. Gurney, Kidder.
Jacob B. Marshall, La Monte.
Edward Baumgartner, Linn.
Dwight A. Dawson, Lowry City.
Charles L. Farrar, Macon.
Lulu M. Williams, Marston.
Enoch W. Brewer, McFall.
Nathan J. Rowan, Meta.
John Kerr, Newburg.
Robert L. Jones, New Cambria.
Fred E. Hart, Norwood.
Mattie D. Farmer, Pomona.
Edward E. Whitworth, Poplar Bluff.
Roy D. Eaton, Powersville.
Earl A. Blakely, Revere.
Phillip M. Beesley, Robertsville.
J. Herbert Hunter, Russellville.
William M. Johns, Sedalia.
Asbury L. Williams, Seymour.
Washington D. Barker, Shelbina.
George W. Hendrickson, Springfield.
John S. Gatson, Vandalia.
Joseph O. Bassett, Vienna.
Orville H. Hamsted, Walnut Grove.
William H. Jackson, Winfield.

NEW HAMPSHIRE

Sarah J. Moore, Alstead.
Waldo C. Varney, Alton.
Harry B. Burtt, Amherst.
Thomas J. Donovan, Ashuelot.
Warren W. McGregor, Bethlehem.
Reuben S. Moore, Bradford.
Ambrose P. McLaughlin, Bretton Woods.
Fred A. Hall, Brookline.
Albert A. Bennett, Center Harbor.
Arthur H. Wilcomb, Chester.
Ernest L. Abbott, Derry.
Reginald C. Stevenson, Exeter.
Arthur W. Sawyer, Franconia.
Edward E. Cossette, Gonic.
Arthur G. Roble, Hooksett.
Anna B. Clyde, Hudson.
Ben O. Aldrich, Keene.
George E. Danforth, Nashua.
Harriette H. Hinman, North Stratford.
Frank J. Aldrich, Pike.
Daniel A. Abbott, Salem.
Edna C. Mason, Tamworth.
Alfred S. Cloues, Warner.
Chester B. Averill, Warren.
Harry E. Messenger, West Lebanon.

NEW MEXICO

John H. Evans, State College.

NORTH CAROLINA

Ollie C. McGuire, Zebulon.

NORTH DAKOTA

Elizabeth Multz, Alice.
Clifford E. Kelsven, Almont.
Michael J. Wipf, Alsen.
John Brusven, Barton.
Niels E. Sorteberg, Bowdon.
Clara J. Leet, Brocket.
Harold R. McKechnie, Calvin.
Laura A. Kline, Crystal.
Belle Elton, Deering.
Otto S. Wing, Edmore.
Meeda McMullen, Forest River.
Jacob Omdahl, Galesburg.
Rose M. Morrison, Granville.
Albert E. Thacker, Hamilton.
William C. Forman, jr., Hankinson.
Chester A. Revell, Harvey.
Olaf N. Hegge, Hatton.
Hattie E. M. Dyson, Haynes.
Edwind L. Semling, Hazelton.
Tom S. Farr, Hillsboro.
Norton T. Hendrickson, Hoople.
Elizabeth I. Connelly, Hurdsfield.
Samuel N. Rinde, Lankin.
Ruth L. Gibbons, Lawton.
Edith M. Will, Leith.
Mathew Lynch, Lidgerwood.
Dorothea L. Haugen, Maddock.
Anton M. Jacobson, Makoti.
James F. Dunn, McClusky.
Carl Quanbeck, McVille.
Lorena S. McDonald, Medora.
Charles P. Thomson, Minto.
James A. Elliott, New England.
John A. Halberg, Park River.
Bennie M. Burreson, Pekin.
John J. Mullett, Perth.
John H. Gambs, Pettibone.
Harry Solberg, Portland.
Bernard E. Rierson, Regan.
Ernest C. Lebacken, Reynolds.
Edmund C. Sargent, Ruso.
Donald G. McIntosh, St. Thomas.
Mons K. Ohnstad, Sharon.
Wanzo M. Shaw, Sheldon.
Jennie E. Smith, Steele.
Cornelius Rowerdink, Strasburg.
Lydia R. Schultz, Tappen.
Elizabeth M. Gillmer, Towner.
Mary E. Freeman, Verona.
Elmer H. Myhra, Wahpeton.
Will H. Wright, Woodworth.
Goldia J. Smith, Zahl.
Henry Walz, Zeeland.

OKLAHOMA

Charles W. Youngblood, Hanna.
Odessa H. Willis, Pittsburgh.

RHODE ISLAND

Ralph Chapman, Esmond.
John C. Sheldon, Hillsgrove.
Beatrice M. Kelly, Little Compton.
Walter A. Kilton, Providence.
Lyra S. A. Cook, West Barrington.

SOUTH CAROLINA

Lewis J. Goodman, Clemson College.
Paul M. Davis, Donalds.
Lemuel Reid, Iva.

HOUSE OF REPRESENTATIVES

FRIDAY, *December 18, 1925*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, again Thou hast given voice to the day, and Thy hand, so mighty and yet so gentle, is upon us. We would respond to Thy claim. Open our minds and hearts to a knowledge of Thyself, for to know Thee is life eternal. This is the gift of the Father of us all, who is the light and the glory forever. As life is so often difficult and discipline is hard, open our lives for the reception of Thy wisdom and direct them with its nourishment. Thus may they be as treasures held in trust for God and our fellow men. May the sense of fear or dejection have no rule over us. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASES

The SPEAKER laid before the House a communication from the Clerk of the House of Representatives, transmitting the contested-election case of William I. Sirovich *v.* Nathan D. Perlman, from the fourteenth district of the State of New York, which was read and, with accompanying papers, referred to the Committee on Elections No. 1 and ordered printed.

The SPEAKER also laid before the House a communication from the Clerk of the House of Representatives, transmitting the contested-election case of Warren Worth Bailey *v.* Ander-

son H. Walters, from the twentieth district of the State of Pennsylvania, which was read and, with accompanying papers, was referred to the Committee on Elections No. 2 and ordered printed.

The SPEAKER also laid before the House a communication from the Clerk of the House of Representatives, transmitting the contested-election case of H. O. Brown v. R. A. Green, from the second district of the State of Florida, which was read and, with accompanying papers, was referred to the Committee on Elections No. 3 and ordered printed.

THE PRICE OF RUBBER

Mr. TILSON. Mr. Speaker, I ask unanimous consent to make a brief statement preparatory to submitting a request for unanimous consent.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to make a brief statement. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, during a good part of yesterday the membership of the House discussed the automobile industry. The debate revolved around the question whether we should take off the tax on automobiles or retain it. It resulted in taking off a considerable part of the tax and retaining a substantial part, but the combined amount of the tax taken off and the tax retained is but a small fraction of what that great industry and the users of the product of that industry are paying on account of the excessive prices of crude rubber. These prices are caused by monopolistic restrictions of the exportation of that article from the producing countries.

In 1922 the price of crude rubber was about 25 cents per pound. It was claimed by the producers that this was too low and that production would be discouraged. A price-fixing body was formed and it was agreed that 15 to 18 pence was a fair price—30 to 35 cents in our money. By 1925 the price had reached 35 cents. But it appeared so easy to put up the price by restrictive methods adopted that instead of remaining at the "fair price" of 30 or 35 cents it continued to soar.

Let me give the House a few figures. The average price of crude rubber in February, 1925, was 36 cents. In March it was 41 cents; in April, 43.6; in May, 58.4; in June, 77.3.

Then there was a great jump—in July the average price of crude rubber was $1.03. Here it seems that the price exacted temporarily overshot the mark and there was a slump in August to 83 cents. In September it was up to 88 cents; in October, 98 cents; and in November, the last complete month, the average price of crude rubber was $1.09½.

Let me illustrate what this excess above a fair price means. The amount of rubber used this year in this country is figured and closely estimated at 860,000,000 pounds. At the price declared fair this would mean about $300,000,000. With the average growth of the business in 1927 the total use of rubber should be about 900,000,000 pounds. At the "fair" price this would cost $324,000,000. The cost of the excess price over a fair price would be the difference between this sum and $1,000,000,000, or, in round numbers, $700,000,000 in excess of what our rubber requirements should cost at the "fair" price.

Let us consider for a moment what these figures mean. Upon one article alone the excess price we are paying is more than the entire amount of what all the countries that owe us are paying annually on their national debt.

In the Sixty-seventh Congress the Department of Commerce was authorized to investigate this subject with a view to considering the possibilities of increasing the rubber supply. Considerable valuable information has been gathered by that department. This House and the country should know more about this important question of such vital importance to the American people.

I submit at this point, for printing in the RECORD, an address by Secretary Hoover on the subject of fixing prices on raw materials imported into the United States by means of foreign combinations.

The matter referred to is as follows:

FOREIGN COMBINATIONS NOW FIXING PRICES OF RAW MATERIALS IMPORTED INTO THE UNITED STATES

(An address by Hon. Herbert Hoover, Secretary of Commerce, delivered before the Chamber of Commerce, Erie, Pa., October 31, 1925)

I wish, upon this occasion, to discuss a matter of considerable gravity in our foreign trade.

Foreign controls of production and price have been created in a number of important raw materials, which, because of our inability to produce, we must depend upon purchasing abroad. The combinations to which I refer have been set up either directly by legislation of foreign governments or indirectly by government patronage. This sort of control of production and price exists to-day in coffee, silk, nitrates, potash, rubber, quinine, iodine, tin, sisal, some dyestuffs, quicksilver, certain tanning extracts, and some other things. To demonstrate that this is not an inconsequential matter requires only the recitation of the fact that we expend, annually, about $800,000,000 for imports now subject to such controls. They amount, practically, to trade war, and the time has arrived when we require either disarmament or defense.

Three years ago I pointed out this incipient growth and the many dangers which lay in such activities, both to the consumer and producer and, above all, from the larger view of world interest and progress. At that time my statement was discounted by some, for we were assured by their sponsors that the purpose of these controls was merely to temporarily stabilize industry and trade over the disturbed postwar period, and that the consumer would actually benefit as well as the producer.

But these combinations have continued to increase in numbers, and some of them have demonstrated all the dangers which I then anticipated and more. The time has arrived when a full, frank discussion of the whole subject is desirable, for true and effective judgment as to the course of action that should be taken by nations can only be formed by a hammering of the facts upon the anvil of debate.

At the outset I wish to emphasize that in this discussion I am not criticizing any foreign government or its nationals. I have, perhaps, had a unique post of observation, and I therefore have infinite sympathy for the economic difficulties of all governments during these years. But the world is rapidly gaining stability, and measures which may have been necessary to statesmen distraught with the problems of readjustment can now be reconsidered.

Moreover, it could also be said that the buyer of a commodity has an inalienable right to argue at the price even when his friends are the sellers. He has a right to consider all these things from his own point of view without any implication of unfriendliness or criticism, for there are two parties in these matters—buyers and sellers—not one party. But, far above this, if a man sees his friends pursuing courses which can only lead to mutual disaster to themselves or the community in which we all live, he is a poor friend who does not say so and say it frankly; and it is equally true among nations.

The economic distortion during the war made controls necessary on a hundred commodities in order to prevent hoarding and profiteering and to stimulate production by guaranteed prices. These controls were intended solely to stimulate production, not to restrict it, and were dissolved at the end of the war; while those now current are, with a few exceptions, the creation of the last few years and for the purpose of increasing price levels through limiting production. They plainly revolve around the monopoly possible over certain raw materials which temporarily or permanently are dominantly produced within the confines of a single nation and upon which the 50 other nations of the world are dependent for their standards of living and comfort. In no case does any one country possess the total supply of any one of these commodities, but in many cases they possess sufficient that when mobilized they can control the price.

Various legal forms of these price controls have been devised, but in all cases they depend upon governmental action of some kind, and their method is either to restrict exports or to establish a unity in selling against the competition of the buyers. I believe in all cases these controls make the same prices to their own citizens as they do to foreigners, but likewise in all these cases their home consumption is but a small percentage of their total production.

These international monopolies have a very wide difference from governmentally created domestic monopolies. In all modern governments where we do create a monopoly we likewise regulate its prices and profits in order to protect the consumer. In these international monopolies the consumer has no voice at all.

We as a government have set up no such controls, and through the Sherman Act we prevent our citizens from doing it. The so-called Webb-Pomerene Act is not for this purpose. We have clung tenaciously to the belief that economic progress must depend upon the driving force of competition. The only thing of the nature that has ever been seriously proposed in our country was certain measures of agricultural relief which in themselves did not partake of this character, for they contained the benevolent aspect of proposing to fix a higher price to our home consumers than to foreigners and to thus bless the foreigner with cheaper food.

The problem that faces the world, and possibly the more serious problem, is not alone the commodities that are now controlled but the spread of these ideas. There are many other raw materials whose sources are so situated that they could also be controlled by action of a single government. The price of wool could be controlled by governmental action within the British Empire. The prices of oil, cotton, and copper could be controlled for many years by similar governmental action in the United States. Tea and jute could be controlled by India; antimony and tungsten by China; nickel and asbestos by Canada.

But an even greater danger lies in the fact that if we conceive a spread of these ideas largely into international commerce then it is perfectly practicable under Government patronage for controls to be established by cooperation of producers in several countries and thus steel, vegetable oils, and a long list of other commodities can be brought quickly into this menacing vision.

Moreover, if these combinations now extant prove successful over even limited periods of years the tendencies of all producers when in difficulty will be to press their governments to try these devices for even temporary relief. No government can sit still and deny to its own citizens these privileges of profiteering from the foreigner while they suffer from such action of others.

Unless a halt is called we are likely to see these ideas become established as a regular phenomenon in international commerce.

Any inspection of the list of the present controlled commodities will indicate that few of them actually originate in the great industrial nations, that is, the United States, Great Britain, Germany, France, Italy, Belgium, Czechoslovakia, Austria, Holland, etc. It is true that some of them have been organized in their colonies and some of them participated in by their citizens.

We are, of course, a large producing as well as consuming nation in raw materials, and we have it within our powers to retaliate, so that we could take care of ourselves if the world is to develop this form of international relation. The industrial countries of Europe, however, have little of such resources and the growth of these methods can only lead to further retardation of their recovery. And if we, the strongest of all nations, enter upon such programs of creating combinations we will have given strength to forces of evil in the commercial world which generations could not remedy.

An easy-going and tolerant world, anxious above all things to keep down international friction, might let these controls in international trade continue—objectionable as they are—if their conduct in every case had been merely to secure a reasonable profit to the producer. But some of them have advanced prices far beyond this point and again demonstrate that inherent quality of all combinations in restraint of trade—that no unregulated monopoly is ever content with the reasonable but always seeks to justify the unreasonable on some grounds or other.

Under a special direction from Congress the Department of Commerce has made an exhaustive investigation of these combinations, and I may cite two or three as showing this particular tendency. The uniform expression of the managers of the rubber control in the East Indies up to 8 months ago was that the industry sought only from 30 to 35 cents per pound for their product, and our investigation showed they could earn about 25 per cent on the capital invested when rubber brings that price. It is to-day over $1 per pound and production is still being restricted. It is said that previous losses of the growers must be recouped. The same might be said by our wheat, cotton, oil, and copper producers. Likewise the assertion of the coffee industry over years since the war was that stabilization was sought only at roughly 12 cents per pound. It has recently been lifted as high as 32 cents and is to-day 22 cents, with a great surplus of supplies in its possession.

That this difference between "reasonable" and "high" prices is not trivial in its monetary implication to our consumers is perhaps indicated by the fact that this margin alone over the whole list is to-day costing us upward of $300,000,000 per annum. And it is not our people who are alone concerned, but every other consuming nation in the world.

THE ECONOMIC RESULTS OF SUCH CONTROLS

From an economic point of view we have two parties to consider in all interchange—the consumer and the producer. High prices stifle consumption, and when we stifle consumption we do two things—reduce the standards of living of the consumer and in the long run tend to reduce the business of the producer. The consumer at once seeks every device to get larger use out of a smaller quantity, and he turns, consciously or unconsciously, to the use of substitutes. The demand for substitutes stimulates every genius to discover and exploit them. I am not talking of adulteration. For instance, the coffee drinker abstracts the last drop from his beans and turns to tea and cocoa. We thus reduced our consumption of coffee by 20 per cent during the past year. The rubber user patches his automobile tires and recovers old rubber to use it again. Every chemical laboratory starts on a search for better methods of rubber reclamation. The tin user turns to galvanized iron and glass containers. The farmer demands of his government that it shall produce synthetic nitrates. On the production side the whole world goes searching for other sources of supply outside the controlling country. High profits stimulate production wherever possible in other quarters.

If all these forces be carried to the extreme, the combined result may ultimately bring some of these controls in a crash around the entire industry-producers, manufacturing consumers, and distributers alike.

There is here a danger often overlooked, for the distributer and manufacturing consumer of these commodities is compelled to carry large stocks of raw materials in transit, in factory reserve, and in process of manufacture. The manufacturers' commitments to his trade for forward orders compel him to bear a large loss during the rise in prices, and if prices break he must offer his goods based upon price of raw materials of the day. Thus the ablest managed manufacturing or distributing business is in constant jeopardy from forces they can not themselves control.

The very erection of these controls is an invitation to the entire consuming world to fight militantly for its existence. The length of time that any particular control can last against these forces no doubt depends upon the degree of need for any particular commodity and the other possible sources and the possibility of substitutes. These forces can probably break the control of any agricultural product in a few years, for many alternative sources of production exist. Advance in synthetic production of some chemicals will perhaps remedy these combinations. Others might be more difficult to meet. However, these pressures operate very slowly, and in the meantime I assume that these facts being well known to the controlling nations, they calculate on reaping such a harvest as will compensate them for the ultimate possible demoralization of their producing industry.

INTERNATIONAL RELATIONS INVOLVED

From a political point of view (and I am not speaking of domestic politics but of international relations) these actions and their reactions are alive with danger. As long as our international commerce is based upon the higgling of producers and merchants in a market whose floor is the free flow of supply and demand, their sorrows and exultations do not affect national emotion. It may be that if these controls had never existed prices might temporarily go as high or higher, but in such an event there would be the quick response of increased production, with its relief to price, and in any event there would be no national feeling over such natural courses of trade. Instead of this we see to-day continued restriction and above all the arousal of national feeling of injury.

The moment that a government directly or indirectly fosters or establishes these combinations then that government has taken the responsibility for the prices. Whether these prices be reasonable or high, the populations of the consuming countries direct their attention upon the selling government and the matter becomes one of national emotion among all consumers. These peoples at once appeal to their government for action, that it should use its great powers for their protection. Every day for the past year our Government departments have had to deal with exactly this thing. And at once we have higgling of merchants, lifted to the plane of international relations, with all of its spawn of criticism and hate.

Our foreign offices will thus sooner or later become the bargainers in the market, and the negotiations of each of them are backed by a fine lot of rooters for the home team. In the long run it will not even have that softening good will of sportsmanship, for the fixing of prices can not be based on altruism. The world will never go to war over the price of anything. But these actions can set up great malignant currents of international ill will.

WHAT IS THE REMEDY?

The question naturally arises as to what we, a Nation great both as a consumer and a producer, who have so far resolutely refused either to set up such combinations in our products or to allow our citizens to create them, should do in these circumstances. We can not allow this situation to go unheeded. There are several alternative courses of action.

We could resolutely set ourselves to reduce consumption in every article that is so controlled. We could stimulate the use and manufacture of substitutes. We could induce our citizens to go abroad to other regions and establish rival production. We could prohibit the extension of credit to countries where such controls are maintained. We could request the rest of the consuming world to join with us in these campaigns. It might be that such activities would bring about an everlasting lesson to the whole world. But this is trade war, and we want to live in trade peace.

Alternatively we could say to ourselves that we will revise the whole of our traditional national policy of competition as the base of production and that we will legislate and encourage the establishment of these combinations for our own producers with the view of getting back compensating amounts from helpless consumer nations. Our sources are so varied and our people so ingenious that we could probably reap a rich harvest in the final balance in holding up the rest of the world.

Alternatively again, we might say to ourselves that these combinations are inevitable, and they will be continuing phenomena; that therefore we, being a great consumer, will set up defenses by authorizing our merchants and manufacturers to buy these commodities through a single agent and thus meet the issue of a single seller with a single buyer. For the organized consumer has ever proven stronger than the producer and we could win out in such a battle. No doubt such a course implies that we must set up distasteful regulation that would provide for protection of our consumer as against this single middleman.

Another alternative which has been suggested is that the consumer nations of the world should secure by international agreements the same rights which they would secure in a domestic monopoly; that prices should be regulated under circumstances that the consumer has an equal voice with the producer.

But I have no liking for any actions of this sort, for they are either destructive of the one hope of the world—progressive production—or they are a recognition of the permanent establishment of these policies in the future international commerce. They contemplate international trade in an atmosphere of contention and dispute instead of peaceful cooperation. The problem should be met on the ground of what in the long run will produce good will and prosperity to the entire world, for no single nation can disassociate its prosperity from the prosperity and good will of all of them.

The world is emerging from the chaos of the war, and these governmental measures are no longer justifiable, since the producers of the world may look forward to more stable times. We are also at the point where the whole consuming world is being driven toward destructive courses to protect itself from exploitation by these controls. Therefore the time has come when a solution of this problem is both urgent and more feasible.

I am convinced that the sound solution does not lie in any of the alternatives I have outlined; they are all in the nature of last resorts. They recognize trade war. I believe the solution does lie in the willingness of statesmen throughout the world to recognize the consequences of government controlled production and price, and to meet the issue in the only way it should be met; that is, abandonment of all such governmental action.

Mr. TILSON. In my judgment a good purpose will be served by directing the appropriate committee of this House to investigate concerning this matter and report with its recommendations to the House.

Mr. HULL of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I yield.

Mr. HULL of Tennessee. Mr. Speaker, I am in hearty sympathy with the gentleman's proposal. I rise to call attention to the fact that under almost a precisely similar combination with respect to coffee, a monopoly combination, the American people are now paying around 100 per cent extra profit on coffee. Does not the gentleman think it would be appropriate to take similar action in that respect.

Mr. TILSON. The gentleman is entirely correct in what he says about coffee. If the monopolistic restrictions and restraint of international trade, things that would be crimes if done in connection with domestic matters, continue and work successfully in the case of rubber, it will be worked in regard to coffee and other articles which are not produced in this country.

Mr. CONNALLY of Texas. How much did the gentleman say this excess price over the fair price was costing the people of the United States?

Mr. TILSON. About $700,000,000 a year.

Mr. CONNALLY of Texas. Is it not true that the British justify this practice on account of our prohibitive tariff on importations from abroad, and are taking this method to retaliate upon the people of the United States?

Mr. TILSON. Oh, we have never——

Mr. CONNALLY of Texas. Is not that what they claim?

Mr. TILSON. We never have prohibited the exportation of anything we produce in this country.

Mr. CONNALLY of Texas. But is not that the basis of British practice; is not the avowed purpose of Great Britain to retaliate on the United States for a prohibitive tariff?

Mr. TILSON. No; the purpose is to get all that the rubber producers can get by one method or another out of their rubber.

Mr. CHINDBLOM. Is this limited to the United States of America?

Mr. TILSON. No; but the House should understand that we use fully 70 per cent of all the rubber produced in the world, and that Great Britain produces about 70 per cent of all the rubber in the world or at least controls the production and export of it.

Mr. CHINDBLOM. But her treatment in this matter is not limited to the United States.

Mr. TILSON. Oh, no; it is not a matter directed at any one country, but we happen to be the chief sufferer.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. RAYBURN. Has the gentleman introduced a resolution?

Mr. TILSON. I am going to offer one and ask for its immediate consideration. Mr. Speaker, I now offer the following resolution, which I send to the desk and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Resolution 56

Whereas crude rubber is an essential commodity to the people of the United States and to the manufacturers of products thereof for their use; and

Whereas the use of rubber products is rapidly increasing and they are daily becoming more and more a vital necessity in the lives of our people, who are entirely dependent upon importations of crude rubber from abroad; and

Whereas the production and supply of rubber for the United States is artificially controlled and the price dictated by a monopoly created and operating beyond our borders, and upon this monopolistic control the price has reached an excessive figure, wholly unjustified by the economic situation or the normal laws of supply and demand; and

Whereas a continuance of this situation seriously threatens the well-being of the American people:

Resolved, That the Committee on Interstate and Foreign Commerce be and it is hereby authorized and empowered to investigate, by subcommittee or otherwise, the means and methods of the control of production and exportation of crude rubber, and its effects upon the commerce of the United States, both as to supply and to price, and to report to the House its findings and recommendations thereon.

Mr. TILSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, is it going to take any discussion?

Mr. TILSON. No.

Mr. GARRETT of Tennessee. Oh, yes, Mr. Speaker, it will. I reserve the right to object.

Mr. GREEN of Iowa. I would like to know if there is to be any discussion of the matter.

Mr. GARRETT of Tennessee. Yes; we will want a little time on the resolution.

Mr. GREEN of Iowa. I suggest that it be withdrawn for the present.

Mr. TILSON. Very well. I ask that the resolution be printed, and I give notice now that I shall call it up to-morrow morning.

Mr. GARNER of Texas. Mr. Speaker, does it not seem to the gentleman, as the majority leader, that this matter is of sufficient importance to go to the committee that really has jurisdiction of this particular question, which is the Committee on Ways and Means? I am not seeking any labor and I do not expect to be here, but I do think that some committee ought to give this some cross-current thought before we are called upon to vote upon it.

Mr. TILSON. If referred by unanimous consent it would go to the Interstate and Foreign Commerce Committee, which, as I understand, would have undoubted jurisdiction.

Mr. GARRETT of Tennessee. As a matter of fact both gentlemen are wrong in respect to the parliamentary situation. If it is to be referred to the committee——

Mr. SNELL. It should go to the Committee on Rules.

Mr. GARRETT of Tennessee. If it is to be referred to a committee at all. I do not think there is any disposition on this side to object to the consideration of it. We just want a little time for discussion.

Mr. TILSON. I so understood the gentleman. For that reason I now ask that it be printed and yield the floor with the understanding that it will be called up at the first opportunity.

Mr. RAYBURN. Before the gentleman takes his seat—I am a member of the committee to which this is supposed to be referred—does not the gentleman think that that is a mighty busy committee that he is referring this to?

Mr. TILSON. It is a very fine committee, composed of able men, and I believe that it is the appropriate committee to consider this very important matter.

The SPEAKER. The gentleman from Connecticut withdraws the resolution for the present and gives notice that he will call it up to-morrow morning.

THE REVENUE BILL

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further

consideration of the revenue bill for 1926, with Mr. BURTON in the chair.

The Clerk read the title of the bill.

The Clerk continued the reading of the bill, as follows:

(4) On and after the enactment of the revenue act of 1926, on all distilled spirits which are diverted to beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage there shall be levied and collected a tax of $6.40 on each proof gallon and a proportionate tax at a like rate on all fractional parts of such proof gallon, to be paid by the person responsible for such diversion. If a tax at the rate of $2.20, $1.65, or $1.10 per proof or wine gallon has been paid upon such distilled spirits, a credit of the tax so paid shall be allowed in computing the tax imposed by this paragraph.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: On page 224, after line 5, insert a new paragraph as follows:

"(b) On and after the enactment of the revenue act of 1926 there shall be levied and collected on denatured alcohol 1 cent a gallon or fraction thereof. Each manufacturer or producer of denatured alcohol shall make monthly returns under oath in duplicate and pay the taxes herein imposed to the collector for the district in which the principal denaturing plant of such manufacturer or producer is located, containing such information as the commissioner, with the approval of the Secretary, may prescribe by regulation."

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman from South Dakota yield to me for a moment while I submit a unanimous-consent request?

Mr. WILLIAMSON. Yes.

Mr. GREEN of Iowa. I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in one hour.

Mr. RAINEY. Mr. Chairman, reserving the right to object, I want to say to my colleague that we are getting along with this bill unusually well. This is the only controversial feature that is left.

Mr. GREEN of Iowa. May I ask whether 1 hour and 15 minutes would be enough?

Mr. RAINEY. Make it an hour and a half; and I think the time ought to be divided.

Mr. GREEN of Iowa. How much did my committee colleague say?

Mr. RAINEY. An hour and a half.

Mr. GREEN of Iowa. Then I wish to modify my request, Mr. Chairman, and make it an hour and a half.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the debate on this paragraph and all amendments thereto be limited to an hour and a half.

Mr. CONNALLY of Texas. Reserving the right to object, how will the time be divided?

Mr. GREEN of Iowa. By the Chair, I assume.

Mr. GARRETT of Tennessee. Mr. Chairman, may I suggest to the gentleman that it will simplify the matter very much if the gentleman from Iowa control half the time and the gentleman from Illinois [Mr. RAINEY] the other half.

Mr. GREEN of Iowa. Very well. Let the gentleman from Illinois control half the time and I the other half.

Mr. GARNER of Texas. Mr. Chairman, let me say there are a number of gentlemen on this side in favor of this provision in the bill. I assume that the gentleman from Iowa will take note of and consider that situation if he gets half the time in favor of the provision in the bill.

Mr. GREEN of Iowa. I suggest that the gentleman from Illinois control one half of the time, to be allotted to those who are opposed to the provision as it stands in the bill, and that I control the other half, to be allotted to those who favor the provision in the bill, and that the debate be confined to the provision.

The CHAIRMAN. The gentleman from Iowa submits a further proposition, that one half the time be controlled by himself and the other half be controlled by the gentleman from Illinois [Mr. RAINEY], and that the discussion be confined to this clause of the bill; and further that the gentleman from Illinois yield his time to those who favor the amendment and the gentleman from Iowa yield his time to those in opposition to it.

Mr. CHINDBLOM. Reserving the right to object, Mr. Chairman—I shall not object—I wish it to be understood that it shall not stand as a precedent. Let me add with reference to the control of the time by members of the committee, that——

Mr. GREEN of Iowa. So far as that is concerned, I will be glad to get rid of that part of the proposition. I hope the gentleman from Illinois will let me waive that.

The CHAIRMAN. Is there objection to the request by unanimous consent as supplemented?

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, I would like to proceed for 10 minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. RAINEY. Reserving the right to object, Mr. Chairman, I would like to offer a substitute for the amendment of the gentleman from South Dakota and have it read for information.

The CHAIRMAN. The gentleman from Illinois makes the request——

Mr. GARRETT of Tennessee. Mr. Chairman, I desire to make a parliamentary inquiry——

The CHAIRMAN. The gentleman will state it——

Mr. GARRETT of Tennessee. So that we can see just where we are. Do I understand that the request of the gentleman from Iowa as originally put was agreed to—that is, that he control half the time and the gentleman from Illinois [Mr. RAINEY] control half the time?

The CHAIRMAN. The Chair so understands.

Mr. GARRETT of Tennessee. Does the gentleman from South Dakota desire to proceed within that time, or independent of it?

Mr. WILLIAMSON. I want 10 minutes. I do not care whether it is taken out of that time or not.

Mr. RAINEY. Is the gentleman favoring the bill?

Mr. WILLIAMSON. I am offering an amendment.

The CHAIRMAN. The gentleman from South Dakota will have to obtain time either from the gentleman from Illinois or from the gentleman from Iowa.

Mr. GREEN of Iowa. He should get it from the gentleman from Illinois, because he is opposed to the provision as it stands in the bill.

Mr. RAINEY. I will give the gentleman five minutes.

Mr. WILLIAMSON. I desire 10 minutes.

Mr. RAINEY. Then I will give the gentleman 10 minutes.

The CHAIRMAN. The gentleman from South Dakota is recognized for 10 minutes.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the House, the amendment I have offered is in conformity with the language used in the bill in section 903, levying a tax on cereal beverages. I have endeavored to make the language conform to the language of the bill, so that there can be no objection to it on that ground.

The main reason for placing a tax of 1 cent a gallon on denatured alcohol is for the purpose of aiding prohibition enforcement. That is the only excuse and the only reason I have to offer for requesting that this amendment be incorporated in the bill.

Under existing conditions the Department of Internal Revenue is without adequate means of supervising or controlling the manufacture of denatured alcohol. As all of you know, bonded manufacturing plants engaged in the business of denaturing alcohol can withdraw pure alcohol under existing law from the distillery without the payment of a tax under rules and regulations prescribed by the internal revenue office. Under the law passed in 1913 the independent manufacturers of denatured alcohol can operate their plants throughout the country practically without restriction and without supervision, since neither the agents of the Internal Revenue Department nor of the Prohibition Unit have any right to go upon the premises, even for purposes of inspection. The purpose of placing a tax of 1 cent per gallon on denatured alcohol is to give permission to the prohibition agents and the agents of the Internal Revenue Bureau to go on the premises for inspection. I do not believe that 1 cent a gallon is sufficiently large to seriously interfere with the manufacture of denatured alcohol or to restrict its use in industry, and I believe it would go a long way toward restraining the activities of the plants that are producing alcohol for bootleg purposes.

Mr. McREYNOLDS. May I inquire of the gentleman if the prohibition enforcement service approves this amendment?

Mr. WILLIAMSON. I understand it is desired by the Prohibition Enforcement Unit and is approved by Gen. Lincoln C. Andrews.

I want to call your attention to the luncheon address made yesterday by Mr. Emory R. Buckner, United States district attorney at New York, to the Aldine Club of that city, as re-

ported in the Washington Post this morning. In this address he makes the declaration that at least 40,000,000 gallons of poisoned alcohol had gone into the bootleg trade within the last year. Whence is this 40,000,000 gallons obtained? Certainly not from the bonded warehouses or places licensed by the Internal Revenue Department. It was obtained from people who run independent plants and who manufacture denatured alcohol and sell it for bootlegging purposes only. General Andrews, testifying before the Committee on Ways and Means, at page 1082 of the hearings, has this to say with reference to this tax:

Mr. CRISP. What do you think about repealing the tax on denatured alcohol?

Mr. ANDREWS. I would be very glad—in fact, I am here to ask you to put a tax on denatured alcohol of, say, 1 cent a gallon, which will give us excise supervisory authority, so that we may control better the uses of denatured alcohol. We feel that a tax of 1 cent a gallon will not in any way interfere with the development of industry, in which we are equally interested, and yet it will give us that close supervisory authority.

Gentlemen, if we are going to enforce the prohibition law in this country—and I take it the Congress is backing every movement looking toward the better enforcement of the prohibitory law—we shall be compelled to put a tax upon denatured alcohol, so as to give the Internal Revenue Department and the Prohibition Service authority to go upon the premises of these independent producers and see to it that no part of that denatured alcohol is disposed of and sold for illicit purposes.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. GREEN of Iowa. May I ask, in all kindness and sincerity, why my friend does not present an amendment of this kind to the proper committee, to the Judiciary Committee, and have an amendment made to the prohibition law which would enable this inspection to be made, instead of bringing it in here and affecting a great commercial industry?

Mr. WILLIAMSON. Well, I do not think it makes any difference where it is presented. It is estimated that 1 cent a gallon will raise approximately $600,000 in internal revenue in the form of a tax, and therefore it is clearly an amendment which is within the purview of this bill and it properly belongs here. Such an amendment could not properly be considered by the Judiciary Committee. I admit that the purpose of my offering the amendment is mainly to secure better prohibition enforcement, and I know of no amendment that would effect the purpose more effectively than this one. It is the same character of legislation exactly as is resorted to in this bill for the regulation of the sale of cereal beverages.

Mr. GREEN of Iowa. Why should a man who is engaged in a perfectly legitimate business be taxed in this manner instead of putting it in the law at the proper place?

Mr. WILLIAMSON. Because there are too many to-day who are engaged in the business for illegitimate purposes; in fact, a very considerable proportion—40,000,000 gallons, according to Buckner—of the denatured alcohol was used within the last 12 months for illicit purposes and not for proper commercial purposes.

Mr. KINDRED. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. KINDRED. If the gentleman's amendment should prevail and the Treasury Department should be able to exercise supervision—which may be a good thing—over denatured alcohol, does the gentleman believe for one moment that that would lessen the consumption of the enormous amount of denatured alcohol now used by rum runners and bootleggers?

Mr. WILLIAMSON. There is no possible question about it. It would not only limit the output, but it would put an end to the output for illegitimate purposes, because the Internal Revenue Department could then check up on the amount of denatured alcohol made by these manufacturers and where and for what purposes used. If it goes to rum runners and bootleggers, then the Internal Revenue Department would have an opportunity to prosecute them and put them where they belong. That is the purpose of the amendment.

Mr. KINDRED. But are not the profits made by the rum runners and bootleggers so great that nothing would affect them?

Mr. WILLIAMSON. No, sir; that is not true. We are checking, limiting, and reducing every day the amount of alcohol used for beverage purposes, and if this amendment is adopted, it will permit the Internal Revenue Department to further restrict the amount of denatured alcohol now going to rum runners and bootleggers; it will make it more difficult for the men engaged in rum running and selling poisoned booze to get this denatured alcohol from independent producers. It would not only mean a further restriction but would go a long way toward putting an end to the sale of illicit booze, which, according to the press reports, killed 511 people in the city of New York alone in the first 11 months of this year. That is the number of people killed this year by poisoned booze in only one city in this country. Most of this character of liquor is made from denatured alcohol secured from the independent manufacturers throughout this country. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. RAINEY. Mr. Chairman, how much time does the gentleman yield back?

The CHAIRMAN. One minute.

Mr. HUDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report for information, as there is an amendment pending.

The Clerk read as follows:

Amendment proposed by Mr. HUDSON: On page 222, title 9, tax on distilled spirits and cereal beverages, beginning with line 23, strike out all of lines 23 and 24, on page 222, and all of lines 1 to 25, inclusive, on page 223, and all of lines 1 to 5, inclusive, on page 224.

Mr. RAMSEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. My inquiry is whether it is not the better practice, or really the practice of the House, to dispose of amendments as they are offered?

The CHAIRMAN. This amendment was read for information only, to be called up at a later time.

Mr. GREEN of Iowa. Most of the Members have understood that there is to be a vote on all of these amendments at 1 o'clock.

The CHAIRMAN. The debate commenced at 25 minutes after 11.

Mr. GREEN of Iowa. Most of the Members understand that a vote will occur on all of these amendments at about 1 o'clock.

Mr. RAMSEYER. If that is the understanding, of course, I shall not object and make a point of order.

Mr. GREEN of Iowa. I hope the gentleman will not.

Mr. RAMSEYER. I did not so understand it.

The CHAIRMAN. Does the gentleman from Iowa desire to speak at this time?

Mr. GREEN of Iowa. No. The gentleman from Michigan, being opposed to these provisions of the bill, should get his time from the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Most of the time is now taken, but a little later I may be able to yield some time to the gentleman from Michigan.

Mr. WILLIAMSON. Mr. Chairman, I did not understand whether the amendment offered by the gentleman from Michigan was offered as a substitute or as a separate amendment.

Mr. GREEN of Iowa. It is a separate amendment, as I understand.

The CHAIRMAN. It is offered as a separate amendment.

Mr. RAINEY. Mr. Chairman, I desire to offer at this time another amendment and to have it reported for information. I move to strike out, on page 223, from line 1 to line 19, inclusive.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment proposed by Mr. RAINEY: On page 223, strike out all of the matter beginning with line 1 down to and including line 19.

The CHAIRMAN. Does the gentleman from Illinois desire recognition?

Mr. RAINEY. I yield myself 10 minutes, Mr. Chairman.

Gentlemen of the committee, in 10 minutes it will not be possible for me to discuss with any degree of detail the question involved in my amendment. In brief, my amendment restores the tax on pure grain alcohol to $2.20 a gallon, the rate at which it now stands in the law. The amendment which has just been read for information and which increases the tax on denatured alcohol 1 cent a gallon, upon the theory it will lead to a supervision of the uses of denatured alcohol, will be absolutely unavailing. It simply adds that much cost to the industries of this country without accomplishing anything.

How can a gallon of denatured alcohol be followed from the point of its withdrawal to the point of its consumption, in an automobile for antifreezing purposes where they only use 2 quarts at a time and need only buy that amount, or in the little

manufacturing establishments over the country which are manufacturing perfumes in small quantities? It can not be done.

What I am trying to do is to permit the law to stand just where it is, and this is the proposition which meets with the approval of the Anti-Saloon League of America, and it is the only proposition discussed in their letter to the members of the Ways and Means Committee. I am not going to read the letter now because I have not time, but at this point I will print it in the RECORD:

THE ANTI-SALOON LEAGUE OF AMERICA,
Washington, D. C., December 12, 1925.

Hon. HENRY T. RAINEY, M. C.,
Washington, D. C.

DEAR MR. RAINEY: In my last letter it was stated that such further information as we had concerning the reduction of the alcohol tax would be furnished you. The legislative committee of the Anti-Saloon League took the following action on December 5:

"As an organization, we are not concerned with the question of taxation as such, but since, in our judgment, it is probable that the reduction of the present tax on grain alcohol will become the occasion for an increase in the amount of alcohol diverted for illegal purposes, we are opposed to any reduction unless and until the prevention of such diversion is thoroughly safeguarded."

It is manifest that if alcohol is to be more widely distributed by the lowering of the tax, that greater safeguards should be thrown around it to prevent diversions. Those who want the reduction in the tax should be willing either to have larger discretionary power given to the officers to reject applications for permits from persons whom they believe to be securing them for the purpose of violating the law, or, on the other hand, to have written into the law the conditions which will prevent the gross violations that have occurred in recent years. It is unfair to hold officers responsible for these violations relating to permits without giving them the authority to prevent them. Those who want the reduction in the alcohol tax should consent to this if they are to be given the advantage of the many millions that will accrue to the trade if the tax is reduced.

It is noted that the proposed revenue bill carries a nominal tax upon the manufacture of cereal beverages. This will help to better control this source of illegal supply. Attention is called to the desirability of placing a small tax on the manufacture of malt and malt sirups for the manufacture of alcoholic home brews in violation of law. The Government has no control over these malt sirups now, but a tax on them would be helpful from the standpoint of supervision. Large numbers of small shops are springing up selling these malt sirups with sufficient instructions to indicate how the illicit home brew can be made. Unless it is controlled, it will result in gross violations of the law which are hard to handle after the supply is located in private residences.

Please give these matters your careful consideration.

Yours cordially,

W. B. WHEELER.

I want to call attention to some startling things that are happening in this country at the present time, which threaten the stability of the entire prohibition act. I am compelled to deal with figures, but I shall do so only hitting the high spots and giving the facts I have obtained as a result of my study. In an appendix to my speech I will print letters I have received from officials of the Government and others which will sustain the position I take.

The withdrawals of denatured alcohol, figured in wine gallons, have increased from 22,388,824 wine gallons in 1921, which is the first year of the operation of the Volstead Act and the eighteenth amendment, to 81,808,273 gallons in the fiscal year 1925, while during the same period of time the withdrawals of tax-paid proof gallons of pure grain alcohol from bonded warehouses have decreased from 26,275,969 gallons to 8,547,518 gallons during the fiscal year 1925.

Pure grain alcohol withdrawals have decreased under the supervision of the officials in that department until now the amount of pure grain alcohol withdrawn just barely covers—there may be some of it used improperly—but it barely covers the amount that is used legitimately in the industry. The great drug manufacturers of this country—all of them—have signed a statement, which I shall put in the RECORD, opposing this reduction. They have always opposed the cheapening of intoxicating liquors and the cheapening of alcohol.

In Canada they have followed our example, and impose a tax of $2.20 on grain alcohol withdrawn, which we now propose to reduce. In England they charge $16 a gallon on grain alcohol withdrawn, and Canada is partly wet and England is entirely wet; but I ought to state in fairness that in England they charge the same amount on distilled spirits withdrawn.

An investigation by the Senate discloses the fact—and it was developed some years ago—that at that time at least 6,000,000 wine gallons of denatured alcohol—and this all comes out absolutely free—was used illicitly in the manufacture of bootleg whisky.

A study of the figures which I shall put in the RECORD discloses that in 1921, when men addicted to the drink habit were hunting around for something to drink and were drinking extracts and all that sort of thing, there was probably little more denatured alcohol withdrawn than could be used in industry at that time.

You do not hear of any more deaths from the drinking of denatured alcohol. There are few deaths now, because the business of renaturing denatured alcohol is now under the control of men with large amounts of capital invested in the industry. Within the last three months in the Long Island district alone they have captured and destroyed stills intended to renature formula No. 6, the most poisonous formula of all. They captured one of them last week. These are stills which involve the erection of alcohol or distillation towers, and which would cost many thousands of dollars to build, probably $50,000 or $60,000 under ordinary circumstances, but possibly more than that when they have got to be built in the nighttime and in a secretive way; and there is not anything at the present time that can be denatured that can not be renatured.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. RAINEY. I can not yield; I have so little time.

It can all be renatured, and these expensive stills almost completely, and perhaps completely, renature the most poisonous of our denaturing formulas.

Of this amount withdrawn, 34,000,000 gallons is specially denatured, and 46,000,000 gallons is completely denatured. The figures I have been able to obtain from my study almost correspond with the figures which have just been read.

If we withdrew this amount of denatured alcohol, allowing to automobiles which are now operated in the wintertime, as they were not a few years ago, 2 quarts for each antifreezing mixture, and we now have other antifreezing mixtures more efficient than alcohol, but assuming that every antifreezing mixture is made up of alcohol, and assuming that every car of the 17,000,000 or 18,000,000 cars in operation in the various sections of this country where there are freezing temperatures use this alcohol—assuming all that, and that is a violent assumption, indeed, we only use at the present time about 32,000,000 wine gallons of denatured alcohol for use in antifreezing mixtures. This leaves a remainder of 49,808,273 gallons unaccounted for. Assuming that the business of manufacturing varnishes and lacquers has increased and requires more denatured alcohol, and assuming that the legitimate use to-day of denatured alcohol, other than for antifreezing mixtures—and this is a violent assumption I assure you, indeed—amounts to the entire output of denatured alcohol in 1921, then we have left over 27,000,000 wine gallons of denatured alcohol unaccounted for. But wine gallons are gallons of 190° proof, and in order to get the proof gallons after it has been watered and sent through the denaturing processes you have got to multiply that figure by 2; and if you do that, you have over 55,000,000 of proof gallons of denatured alcohol finding its outlet through the bootleg channels of this country.

This statement does not mean much unless you compare it with the normal withdrawal of distilled liquors in pre-Volstead times from the bonded warehouses.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I yield myself two additional minutes.

In 1918 the entire withdrawal of distilled liquors for beverage purposes from bonded warehouses amounted to only 91,000,000 gallons. In other words, we now have almost two-thirds as much denatured proof gallons of alcohol finding its way out into the country through illicit channels for beverage purposes as the entire withdrawal for 1918.

Now, what is the conclusion. If you make proof gallons of grain alcohol $1.10 cheaper than they are now—they can be bought now wholesale for $5 a gallon and in carload lots they can be purchased for $4 a gallon. This proposition in the bill reduces the price $1.10 or makes the price of alcohol $3.90 per tax-paid proof gallon.

I have here, and I should have deducted this a while ago, the entire amount of wine gallons of denatured alcohol captured by the Government and destroyed. I have that here in terms of wine gallons, but in terms of proof gallons it only amounts to 3,000,000 gallons a year. In other words, deducting the amount destroyed, will still leave over 50,000,000 gallons of

denatured alcohol that beyond question finds its way into bootleg channels.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. I yield myself one-half minute, Mr. Chairman, to complete this statement.

You can buy now denatured alcohol for 65 cents a gallon, but it costs something to renature it, and when you renature it you must count in the incidental expenses of capture and destruction of stills and all that sort of thing. The experts on these things whom I have consulted tell me it will be just as cheap for bootleggers to buy pure grain alcohol and simply put in water, sugar, and flavoring extract as to pay 50 or 60 cents for denatured alcohol and renature it.

In other words, you are going to make available, if the bill is adopted without my amendment, for bootleg purposes the pure grain alcohol at what it costs to buy denatured alcohol and renature it, figuring this immense cost of erecting stills and the losses which occur when they are destroyed. You can follow the pure grain alcohol to the distribution point, but there will always be the temptation to start illicit drug operations, and then there is above all and connected with it inseparably the advertising that the bootleggers will get out of it. They can say to the customers, "Look how cheap pure grain alcohol is. We are no longer renaturing alcohol, but giving you the pure alcohol," and they can then obtain the confidence of the consumers in the country, and with this advertising given bootleggers in the country we can expect a much greater illicit alcohol consumption, whether it is pure grain alcohol or denatured alcohol, if this tax goes into effect. [Applause.]

APPENDIX

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
OFFICE OF FEDERAL PROHIBITION COMMISSIONER,
Washington, December 4, 1925.

Hon. HENRY T. RAINEY,
House of Representatives.

MY DEAR CONGRESSMAN RAINEY: In accordance with your request, I submit the following figures showing the total production of alcohol in proof gallons, the quantity tax paid in proof gallons, and the quantity denatured, in wine gallons, during the fiscal years 1920 to 1925, inclusive:

Fiscal year	Total production (proof gallons)	Tax paid (proof gallons)	Denatured (wine gallons)
1920	98,436,170	22,639,355	28,836,350
1921	85,068,776	26,275,969	22,388,824
1922	79,906,101	16,391,489	33,345,747
1923	122,402,849	10,763,613	57,565,142
1924	135,897,725	9,382,302	67,687,295
1925	166,165,517	8,547,518	81,808,273

The term "wine gallons" here used means an actual gallon of alcohol of the proof at which distilled, usually 190°, or 95 per cent. The proof gallons are determined from the number of gallons which would result from a reduction of the wine gallons to 100 proof, that being the basis for tax purposes. Assuming the quantity in wine gallons denatured in 1920 to be of 190 proof, the number of proof gallons denatured would be found by multiplying 28,836,350 (wine gallons) by 1.9 (the number of proof gallons in each wine gallon).

Sincerely yours,

JAMES E. JONES,
Director of Prohibition.

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
OFFICE OF FEDERAL PROHIBITION COMMISSIONER,
Washington, December 12, 1925.

Hon. HENRY T. RAINEY,
House of Representatives,

MY DEAR CONGRESSMAN RAINEY: Pursuant to your request, I am giving you herewith the quantity of completely denatured alcohol and specially denatured alcohol produced during the fiscal years 1920 to 1925, inclusive.

Fiscal year	Completely denatured	Specially denatured
1920	13,528,402.99	15,307,947.18
1921	12,392,595.02	9,996,229.90
1922	16,193,523.60	17,152,224.31
1923	27,128,229.54	30,436,913.14
1924	34,602,003.72	33,085,202.04
1925	46,983,969.88	34,824,303.25

This table should be considered in connection with the figures furnished you in letter of December 4, where the entire denatured-alcohol production was given as one item with no subdivision.

The steady increase in the production of completely denatured alcohol may be largely attributed to the use in automobile radiators as antifreeze solution. The increase follows the approximate increase curve of the number of automobiles in service from year to year. It is common knowledge that more cars and trucks are used in winter weather now than several years ago. It has been estimated that the amount of denatured alcohol so used in the calendar year of 1924 was approximately 32,000,000 gallons. The increase in specially denatured alcohol is attributed in a large part to the development and use of specially denatured alcohol by industries which had before used pure tax-paid alcohol.

It will be observed that the industrial depression of the years 1920 and 1921 was reflected in the use of specially denatured alcohol. There has been a large development of legitimate industry since the World War, which accounts for substantial increases in this item, notably dyes, organic chemicals, and artificial silk. The production of artificial leather and automobile lacquer finishes also account for a part of the increase.

In certain formulas of specially denatured alcohol representing between 15 and 20 per cent of the special denatured production, there has been some fraud in connection with the recovery by distillation and use of the recovered product for beverage purposes. These formulas are known as the odorless formulas, and were developed largely for the use of the toilet goods industries.

Sincerely yours,

JAMES E. JONES,
Director of Prohibition.

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
OFFICE OF FEDERAL PROHIBITION COMMISSIONER,
Washington, December 14, 1925.

Hon. HENRY T. RAINEY,
House of Representatives.

MY DEAR MR. RAINEY: I am in receipt of your letter of December 11, 1925, asking to be advised as to the quantities of bootleg whisky, high-powered beer, and illicit wines that were captured by prohibition-enforcement officers during the fiscal years 1924 and 1925.

In reply I am giving you in the following tabulation the figures requested:

	Fiscal year 1924	Fiscal year 1925
Number of wine gallons of distilled spirits seized	1,672,743.81	1,102,787.65
Number of wine gallons of malt liquor seized	5,379,528.03	7,040,537.30
Number of wine gallons of wine seized	339,993.33	569,921.50

Sincerely yours,

JAMES E. JONES,
Director of Prohibition.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, December 12, 1925.

To Mr. Stokes.
From Chemical Division.
Subject: Denatured alcohol.

The following is being supplied in response to your request for memorandum in behalf of the Hon. HENRY T. RAINEY, Representative in Congress, in reply to his inquiry of December 11, concerning denatured alcohol.

The production of denatured alcohol in the United States has increased steadily since 1921. The attached table shows the production by fiscal years from the inception of the denatured alcohol law (June 7, 1906) to June 30, 1925.

The use of denatured alcohol in the United States as a substitute for gasoline or even as a supplemental fuel for internal-combustion engines has not as yet attained any importance.

No statistical data are available concerning the use of denatured alcohol in antifreeze solutions in automobile radiators. A study made by the Bureau of Internal Revenue covering the calendar year 1924 estimated that the number of gallons of nonfreeze solution necessary for the automobiles in the United States in that year was 32,443,836. The inclosed charts prepared in the Bureau of Internal Revenue show the methods used in arriving at this figure. The estimated increase in consumption during 1924 as compared with 1923 was 14 per cent, with an increase in the number of automobiles in operation of 10 per cent.

Other factors accounting for a noticeable increase in the consumption of denatured alcohol during recent years are marked increases in the production of rayon and pyroxylin lacquers.

C. C. CONCANNON,
Chief Chemical Division.

Denatured alcohol produced in the United States, years ended June 30, 1907, to June 30, 1925

Fiscal years:	Total denatured alcohol produced, wine gallons
1907	1,780,276.33
1908	3,321,451.73
1909	4,556,418.85
1910	6,079,027.10
1911	6,881,129.86
1912	8,094,515.00
1913	9,831,658.54
1914	10,404,975.59
1915	13,986,468.77
1916	46,679,106.38
1917	55,679,597.63
1918	50,163,016.09
1919	38,270,939.59
1920	28,836,350.17
1921	22,388,824.92
1922	33,345,747.91
1923	57,565,142.68
1924	67,687,295.76
1925	81,808,273.00

(Denatured alcohol law enacted June 7, 1906.)

AMERICAN DRUG MANUFACTURERS ASSOCIATION,
Washington, D. C., December 9, 1925.

MY DEAR CONGRESSMAN: Section 900 of Title IX of the revenue bill of 1926 provides for the reduction in the tax on pure alcohol by taking off 55 cents per proof gallon on January 1, 1927, and 55 cents per proof gallon on January 1, 1928.

This will cut the tax in half on the latter date and will, when it becomes fully effective, deprive the Government of upward of $10,000,000 annually.

The members of the American Drug Manufacturers Association are unequivocally opposed to the reduction in this tax, and I am instructed to urge you to carefully consider this matter, to the end that you will oppose such reduction and take the necessary steps to have the sections of the bill providing for it stricken therefrom.

For your information I attach hereto a carefully prepared statement of the position of this assosciation and its members with reference to this very important matter.

Very truly yours,

CARSON P. FRAILEY, *Secretary.*

MEMBERS OF THE AMERICAN DRUG MANUFACTURERS' ASSOCIATION

(Corrected to December 9, 1925)

The Abbott Laboratories, Chicago, Ill.; Armour & Co., Union Stock Yards, Chicago, Ill.; Bauer & Black, 2500 South Dearborn Street, Chicago, Ill.; W. J. Bush & Co., 370 Seventh Avenue, New York, N. Y.; Citro Chemical Co., Maywood, N. J.; The Cutter Laboratory, Berkeley, Calif.; Davies, Rose & Co., 22 Thayer Street, Boston, Mass.; Digestive Ferments Co., 920 Henry Street, Detroit, Mich.; The Dow Chemical Co., Midland, Mich.; The Drug Products Co., 156 Meadow Street, Long Island City, N. Y.; Fairchild Bros. & Foster, Washington and Laight Streets, New York, N. Y.; Fritzsche Bros., 82 Beekman Street, New York, N. Y.; Hance Bros. & White (Inc.), Philadelphia, Pa.; J. L. Hopkins & Co., 135 William Street, New York, N. Y.; Hynson, Westcott & Dunning, Baltimore, Md.; Johnson & Johnson, New Brunswick, N. J.; Lederle Antitoxin Laboratories, 511 Fifth Avenue, New York, N. Y.; Eli Lilly & Co., Indianapolis, Ind.; Lloyd Bros., Court and Plum Streets, Cincinnati, Ohio; McIlvaine Bros. (Inc.), Philadelphia, Pa.; Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Mo.; Maltbie Chemical Co., 246–250 High Street, Newark, N. J.; Maywood Chemical Works, Maywood, N. J.; The Wm. S. Merrell Co., Cincinnati, Ohio; John T. Milliken & Co., St. Louis, Mo.; Monsanto Chemical Works, St. Louis, Mo.; H. K. Mulford Co., Philadelphia, Pa.; National Drug Co., 4679 Stenton Avenue, Philadelphia, Pa.; Nelson, Baker & Co., Detroit, Mich.; New York Quinine & Chemical Works, 152–154 William Street, New York, N. Y.; Norvell Chemical Corporation, 90 John Street, New York, N. Y.; Norwich Pharmacal Co., Norwich, N. Y.; Parke, Davis & Co., Detroit, Mich.; The E. L. Patch Co., 38 Montvale Avenue, Stoneham, Mass.; S. B. Penick & Co., 115–117 Fulton Street, New York, N. Y.; Chas. Pfizer & Co., 81 Maiden Lane, New York, N. Y.; Pitman-Moore Co., Indianapolis, Ind.; Powers-Weightman-Rosengarten Co., Philadelphia, Pa.; Roessler & Hasslacher Chemical Co., 709–717 Sixth Avenue, New York, N. Y.; Sanbury & Johnson, 87 Maiden Lane, New York, N. Y.; G. D. Searle & Co., 4611–4617 Ravenswood Avenue, Chicago, Ill.; Sharp & Dohme, 307 West Pratt Street, Baltimore, Md.; Bacteriological Laboratories of G. H. Sherman, M. D., Detroit, Mich.; E. R. Squibb & Sons, 80 Beekman Street, New York, N. Y.; Frederick Stearns & Co., Detroit, Mich.; R. J. Strasenbrugh Co., 195 Exchange Street, Rochester, N. Y.; Swan-Myers Co., Indianapolis, Ind.; Tailby-Nason Co., 364–372 Congress Street, Boston, Mass.; Tilden Co., New Lebanon, N. Y.; A. M. Todd Co., Kalamazoo, Mich.; The Upjohn Co., 223 East Lovell Street, Kalamazoo, Mich.; Henry K. Wampole & Co. (Inc.), Philadelphia, Pa.; Wm. R. Warner & Co., 113–127 West Eighteenth Street, New York, N. Y.; The Wilson Laboratories, 4221–4225 South Western Boulevard, Chicago, Ill.; The Zemmer Co., Pittsburgh, Pa.

AMERICAN DRUG MANUFACTURERS' ASSOCIATION,
Washington, D. C., October 19, 1925.

STATEMENT OF THE AMERICAN DRUG MANUFACTURERS' ASSOCIATION IN OPPOSITION TO THE REDUCTION OR ELIMINATION OF THE PRESENT TAX ON ALCOHOL

The proposal to reduce or eliminate the tax on pure undenatured alcohol was inaugurated and is being sponsored by the proprietors of so-called patent medicines. Generally speaking, such so-called patent medicines are widely advertised direct to the public and are designed for resale in original packages at arbitrarily fixed prices.

The members of the American Drug Manufacturers' Association, who manufacture 90 per cent of the prescription medicines for use by physicians and druggists, are unequivocally opposed to the reduction of the tax on alcohol.

This association is representative of manufacturers of medicines sold upon doctors' prescriptions as distinguished from so-called patent medicines.

Since the enactment of the national prohibition act members of associations representing manufacturing pharmacists have endeavored to keep from their ranks those who desire to carry on bootlegging operations under the guise of manufacturing pharmacy.

The constitution of the American Drug Manufacturers' Association provides that any member who obtains a wholesale liquor dealer's permit forthwith ceases to be a member of the association.

For many years manufacturing pharmacists have maintained, at the expense of millions of dollars, extensive staffs of highly trained chemists, pharmacists, biologists, and botanists to produce standard products of high quality and purity for the use of physicians and druggists.

To reduce the tax on alcohol and thus invite the manufacture of prescription medicines by promiscuous unskilled firms and persons incapable of maintaining scientific control of crude material and finished product will result in a flood of impure, unstandardized medicines, thus menacing public health.

The maintenance of the present high standards of purity and quality of prescription medicines means the difference between life and death in tens of thousands of cases every year.

The present tax on pure undenatured alcohol has proved an almost insurmountable barrier to obtaining and diverting of such alcohol to illegitimate purposes. It makes the cost too high. Reducing or eliminating the tax will open the gates to bootlegging and greatly increase this evil.

We are convinced that it is not the tax-paid pure undenatured alcohol that is being diverted to bootlegging purposes. In support of this statement we have only to invite your attention to the numerous newspaper reports of poisonous liquors which are being sold by bootleggers, which, upon analyses by various boards of public health and other Federal, State, and municipal authorities, show that such concoctions have been manufactured from tax-free denatured alcohol from which the bootlegger has not taken the trouble to remove the poisonous or unpotable denaturant.

It must be conceded that at the present time bootleggers use the cheap tax-free denatured alcohol, which requires considerable manipulation to make such tax-free alcohol suitable for their illegitimate purposes. Reduction or elimination of the tax will enable those engaged in bootlegging operations to obtain pure undenatured alcohol at a much lower cost, which will make it unnecessary for the bootlegger to buy denatured alcohol and pay the additional cost of manipulation in order to make it suitable for his purposes. Consequently, the bootlegger would use the pure undenatured alcohol to make his synthetic whiskies and other intoxicating liquors, thus making it more difficult for those in charge of prohibition enforcement as shown by the following excerpt from a statement for press release and made on January 18, 1924, by the Federal Prohibition Commissioner:

"It is true that a part of these so-called perfume formulas are recovered and converted to illicit uses in certain sections of the country where control is difficult, but it should be apparent to all that control is rendered easier when a moonshiner is forced to an illicit distillation process to make potable alcohol rather than the mere addition of water to pure alcohol."

It must be borne in mind that completely and specially denatured alcohols are withdrawn tax free, and in further support of the contention that at the present time the bootleggers use the tax free completely and specially denatured alcohols, attention is directed to the testimony of a high official of the Prohibition Unit, at the hearings before a subcommittee of the Committee on the Judiciary of the United States Senate, Sixty-eighth Congress, second session, on H. R. 6645, held on December 18, 1924.

The testimony herein quoted will be found on pages 16, 17, and 18 of the RECORD:

"OFFICIAL. * * * I have been a good many years in the bureau and I am trying to give you the result of my experience, but I am not infallible. About 30,000,000 gallons was produced and withdrawn as completely denatured alcohol. That has been to a large extent used legitimately, although we know that there has been some completely denatured manipulated into very dangerous and low-grade liquors. Our laboratories have received numbers of samples showing the use of completely denatured alcohol with the wood alcohol and kerosene and pyridin still present.

"SENATOR. How much of that?

"OFFICIAL. I had estimated that of the total completely denatured alcohol production possibly 1,000,000 gallons went astray. All of it did not go through the use of the completely denatured product. The bureau has had cases reported to it where alcohol has been taken out of industrial alcohol plants and denaturing plants presumed to be completely denatured alcohol, but through error, or possibly connivance, the denaturants were not present.

"SENATOR. How much?

"OFFICIAL. I had estimated that from completely denatured alcohol altogether there were probably 1,000,000 gallons that got on the market in that way. It may be very much less.

"SENATOR. Is that your best judgment?

"OFFICIAL. Yes; it is.

"SENATOR. That is one-sixth of the total of the alcohol which you think got out. You think 6,000,000 gallons got out and this is 1,000,000 of the 6,000,000 and that was alcohol which was presumed and intended by the department to be completely denatured?

"OFFICIAL. Yes.

"SENATOR. Very well; that leaves 5,000,000 gallons. Now, where did that leak occur?

* * * * * * *

"SENATOR. Well, speaking now about this new use of alcohol; you have given us to understand that the alcohol just used is specially denatured, I suppose so that its properties will not be interfered with in the uses to which it is to be put. How much of that character of alcohol is put out?

"OFFICIAL. There is somewhat less than 30,000,000 gallons for the fiscal year about which I was talking at that time. It is slightly over 30,000,000 for the past fiscal year, the figures of which have just been compiled.

"SENATOR. How much of that 30,000,000 gallons has gone astray?

"OFFICIAL. I believe of that 30,000,000 gallons probably between 4,000,000 and 5,000,000 gallons have gone astray.

"SENATOR. So that is one of the large sources of this 6,000,000-gallon leak?

"OFFICIAL. Yes."

* * * * * * *

The claim is being made that the tax on pure undenatured alcohol comes within the classification of nuisance taxes. However, it is our understanding that the Secretary of the Treasury has defined a nuisance tax as one that "is not a nuisance to pay, but a nuisance to collect," and certainly there is no difficulty in the collection of this tax, regardless of its amount. In this connection we desire to point out that during the last fiscal year the Government received upward of $20,000,000 from this tax source. The tax is indirect and places no appreciable burden upon the ultimate consumer.

In 1917 the tax on pure undenatured alcohol was increased from $1.10 per proof gallon to $2.20 per proof gallon. The increased tax has been denominated as a war tax, and the argument has been advanced that being a war tax it should be repealed. In 1917, prior to the enactment of the national prohibition act, it was unquestionably a war tax. However, since the enactment of the national prohibition act it has become a necessary tax, which has proved a safeguard against the obtaining and diverting of pure undenatured alcohol to illegitimate purposes.

The reduction or elimination of the tax on pure undenatured alcohol will bring no real saving to the general public. Patent medicines, selling at $1, contain from 2 to 12 per cent alcohol, according to the testimony of the representative of the patent-medicine interests before the Ways and Means Committee. Based on an average of 10 per cent this means about 1 ounce of alcohol in the average $1 patent medicine. The proposed reduction of the tax would amount to less than 2 cents per ounce of alcohol, and the elimination of the tax to less than 4 cents per ounce of alcohol. Consequently, the reduction or elimination would not reduce the price to the public, for the obvious reason that the reduction in cost is too small to warrant a reduction in price.

The same is true of prescription medicines. The average 4-ounce prescription, selling for 75 cents, contains less than one ounce of alcohol, a saving, if the tax is reduced, of less than 2 cents, and, if eliminated, a saving of less than 4 cents. No one can conscientiously maintain that the prescriptions would be reduced in price from 75 cents to 73 cents or from 75 cents to 71 cents.

The American Drug Manufacturers' Association is, therefore, unequivocally opposed to the reduction or elimination of the tax on pure, undenatured alcohol, and at the annual meeting of the association, held in New York, April 20–23, 1925, the following resolution was unanimously adopted:

"Whereas it has been suggested to the drug trade that it should attempt to secure the elimination of the tax on nonbeverage alcohol; now, therefore, be it

"*Resolved*, That it is the sense of the American Drug Manufacturers' Association, in annual meeting assembled, that the present tax on nonbeverage alcohol should not be removed or reduced for the following reasons:

"First. That the tax has become a safeguard against the diversion of nonbeverage alcohol to illegitimate purposes, and its reduction or removal would, undoubtedly, let down the bars of prohibition enforcement to an extent that would be exceedingly demoralizing.

"Second. That those who now divert tax-free specially denatured alcohol to illegitimate purposes would undoubtedly attempt to obtain pure alcohol by operating under the guise of pharmaceutical manufacturers.

"Third. That the promiscuous manufacturing of alcoholic medicinals by the unskilled would be greatly encouraged, thus flooding the country with low quality, untested, and dangerous alcoholic medicinals which would be a menace to the public health.

"Fourth. That there would be no reduction in price of alcoholic medicinals to the ultimate consumer.

"Fifth. That the tax is indirect and places no appreciable burden upon the ultimate consumer.

"Sixth. That the Government would be deprived of revenue amounting to approximately $20,000,000 annually, without any compensating advantage to the Government or to the ultimate consumer, and this loss in revenue would have to be met by a direct tax of some kind."

Respectfully submitted.

AMERICAN DRUG MANUFACTURERS' ASSOCIATION,
CARSON P. FRAILEY, *Secretary*.

Mr. GREEN of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. CRISP] to use as he may desire.

Mr. CRISP. Mr. Chairman, I would like to have the Chair call my attention when I have consumed eight minutes. Mr. Chairman and gentlemen of the House, may I ask your indulgence to make a personal reference? I have always been a sincere advocate of the prohibition law. Before I came to Congress I was on the bench in Georgia and had the reputation of being one of the severest judges in my sentences on violation of the prohibition law of any judge in my State. I voted for the eighteenth amendment. I have voted for every law to strengthen prohibition, and I will not to-day vote for any law that in my judgment weakens the enforcement of the prohibitory law. I am its friend. [Applause.]

It is with regret that I find myself again differing with my distinguished colleague [Mr. RAINEY], who is one of the real leaders on my side of the House. But only a sense of justice and fair play to many thousand taxpayers in this country who are engaged in legitimate industry compels me to do so. I shall not deal in statistics, but I am going to tell you something of the history of this provision in the bill appertaining to its consideration by the Ways and Means Committee.

In 1918 when Congress had to pass a law raising $6,000,000,000 of taxes to aid in the prosecution of the war we had to tax everything. Among the additional taxes placed in the revenue bill was a doubling of the tax on all forms of alcohol. The tax on pure grain alcohol was increased from $1.10 to $2.20 a gallon, and it may interest you to know that at the time the increase was put on Mr. Wheeler, for whom I have the highest respect and I am always glad to confer with him on legislation on this subject, opposed increasing the tax on alcohol from $1.10 to $2.20 on the ground that he did not think the Government should raise revenue from alcohol. My authority for this statement is Doctor Dinwiddie, who is the legislative chairman of the National Christian Temperance Union, and at the time the tax was increased was the legislative representative of the Anti-Saloon League, and Mr. Wheeler was its counsel. Mr. Dinwiddie favors this reduction of the tax on alcohol as recommended by the committee.

After the war we began to reduce all war taxes, and there was a movement on foot to reduce this tax. In every tax bill since then there has been hearings before the Ways and Means Committee in which it was urged that this tax be reduced. Therefore there was no snap judgment taken on anybody in this bill reducing it. When the Ways and Means Committee met October 19 and commenced the consideration of this bill, gentlemen who advocated the reduction of this tax were given a hearing. It is purely a war tax. Mr. Wheeler called me over

the phone and said that his organization was not making any fight or taking any hand in the reduction of this tax, because he did not believe prohibition was involved. He did say that he would like to have a tax on cereal beverages.

Mr. RAINEY. Will my colleague yield?

Mr. CRISP. I will.

Mr. RAINEY. Would my colleague be willing to read a statement of the Anti-Saloon League——

Mr. CRISP. No, no; the gentleman can read that in his own time. Mr. Wheeler stated that he did want for prohibition enforcement a nominal tax on cereal beverages, because that tax would give the Prohibition Unit the right to superintend the manufacture of beer and require all manufacturers of beer to take out a permit. The committee inserted in this bill a tax on cereal beverages of one-tenth of 1 cent a gallon, not for revenue purposes, but to give the Prohibition Unit a supervision and control in the interest of prohibition enforcement. During the hearings before the committee Mr. Wheeler sat in the committee room and made no objection to the reduction of the tax from $2.20 to $1.10 per gallon on alcohol, and made no protest and did not ask to be heard. We would have gladly heard him, and I understood at the time, from most reliable sources, he stated he did not care to be heard.

There were certain chemical manufacturers whose attitude was purely selfish who appeared before the committee and opposed the reduction of the tax. They were opposing it principally on economic reasons, and prohibition was not injected. The Committee on Ways and Means had General Andrews, of the Prohibition Enforcement Unit before it, and other officials of the Prohibition Unit. General Andrews in his first appearance stated to the committee that he thought if they reduced this tax to $1.10 it would tend to aid and benefit prohibition enforcement, because he said it is undoubtedly true that more alcohol is being used to-day than heretofore, and yet the withdrawals from the Treasury Department were less. His inference and conclusions were that on account of the tax many of the users of this alcohol were buying it from illegitimate and illicit producers of alcohol because they could get it cheaper. If the tax was reduced they would probably buy from reputable and legal distillers. General Andrews appeared before us later and said that he might be wrong as to that, although he did not retract it entirely; but he stated that so far as prohibition enforcement was concerned it could be enforced just as well with $1.10 a gallon as with $2.20 a gallon, and that prohibition was not affected by the reduction, and that he, as chief of the prohibition forces of the United States, had no objection to its reduction. General Andrews again appeared before the Committee on Ways and Means. He was accompanied by some of his advisors, and we informed them of the provisions of the bill dealing with this subject. He said so far as the Prohibition Unit was concerned they were entirely satisfied and that we had given him all of the authority he wanted. Mr. Chairman, many crimes have been committed in the name of liberty. These selfish chemical manufacturers, who lost their fight on its economic strength, then went out and tried to wave the prohibition flag in order to stampede prohibitionists and make them under the name of prohibition, when prohibition is in no way involved, do an injustice to many thousands of taxpayers of the United States. [Applause.]

As a prohibitionist, I will not be a jumping jack for any man. [Applause.] I voted for that provision in the bill, and it simply repeals an obnoxious war tax, placed on for war purposes. To-day there are only two or three war taxes on the statute books that have not been reduced since the war, and this is one of them. This is a legitimate industry. This alcohol is used for scientific purposes, for the manufacture of extracts, for the manufacture of proprietary medicines—the poor man's medicines—and it is used for many lawful purposes. I do not want it diverted. The Treasury Department has plenary power to make all rules and regulations it sees fit for the withdrawal of alcohol; and if the regulations are not correct, I hope the Prohibition Unit will change them and make them so airtight that this alcohol can not be withdrawn for illegal purposes, and if they find they have not authority to make regulations to bring this about I will stand here and support legislation giving them the authority to do it. But I do not want my friends to be misled under the guise that prohibition is involved, because it is not. It is a question of whether you will repeal an obnoxious war tax and give tax relief to the druggists and many thousand lawful industries.

I reserve the remainder of my time.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the bill of the following title:

S. 1267. An act to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks, in the State of Oregon.

THE REVENUE BILL

The committee resumed its session.

Mr. RAINEY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, this measure that we are considering is a measure for the raising of revenue for the efficient prosecution of the Government of the United States. Yesterday a proposal was made before the committee for the reduction on one feature of the bill in order that 17,000,000 people of the United States might have a further reduction in their taxes. I think almost every member of the committee on Ways and Means rose to the defense of the measure and said it was impossible to yield any further in the reduction of taxes at this time. I am loath this morning to appear in support of an amendment to this measure that has been so carefully thought out by such an efficient committee, but if we are so desperately in need of revenue, why take the revenue off an article at this time amounting to $12,000,000 which will not benefit a single consumer directly in these United States? If we are to provide revenue in the bill, let us provide revenue, but let us not take it off an article where there is no particular request for this reduction. I have spent the time to take these hearings and go through them page by page on this particular feature of the bill.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. For a question.

Mr. GREEN of Iowa. I want the gentleman to yield for a correction. The Treasury estimates are that this reduction will make a difference of only $8,000,000.

Mr. HUDSON. Your schedule, I think, gives it $10,000,000 to $12,000,000. The Internal Revenue Department says that the receipts from this tax last year were $20,000,000. I think that must take in something else besides this item.

Mr. COOPER of Ohio. I have a letter from Mr. Blair that says that the receipts from that one item last year amounted to $27,000,000.

Mr. GREEN of Iowa. Who wrote that letter?

Mr. COOPER of Ohio. Mr. Blair, the Commissioner of Internal Revenue.

Mr. GREEN of Iowa. Then Mr. Blair had better look at his figures again.

Mr. RAINEY. If the gentleman will permit, the withdrawals last year of tax-paid proof gallons amounted to 8,547,418 gallons, at $2.10 a gallon.

Mr. HUDSON. Put the amount at 8,000,000 gallons. One gentleman says $8,000,000, another says $12,000,000, and the internal-revenue collector says $27,000,000. Seemingly there is a wide difference of opinion, but it is a source of revenue. As I started to say, I do not know how many members of the Committee of the Whole have read the hearings on this feature, but I have read them over twice, and I say to you frankly that the gentlemen who appeared before the committee asking for this reduction were the manufacturers of proprietary or so-called patent medicines. What was their plea? You come here to-day asking relief for that group, when you denied yesterday relief to a group of 17,000,000 people who every time they go out and buy a method of transportation, whether it is their own car or as a rider in a bus or a truck, must pay an additional revenue to the Government because of this bill. And yet you turn about to-day and ask that we accept this bill that will contribute into the pockets largely of the manufacturers of Swamp Root, the Elixir of Life, Lydia E. Pinkham—God bless her, if she ever lived—and Father John, and Pond's Extract, and a host of other like patent medicines which are getting their profits out of the gullible public. Are we here to protect that kind of a manufacturing industry?

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. McREYNOLDS. I want to inquire if Mr. Bigelow, the attorney for Parke, Davis & Co., did not draw the amendment that the gentleman offers?

Mr. HUDSON. No; he did not. He may have drawn a similar amendment. I drew the one I have offered. I do not know whether it suits Mr. Bigelow or not.

The action of yesterday was predicated on the statement that we needed revenue. The action of to-day is predicated on the statement of my friend from Georgia [Mr. CRISP], to whom I want to pay as high a compliment as I could possibly pay. I love the gentleman from Georgia, as every other Member of this House does. He says it was placed there as a war measure, and when placed there there was no objection on the part of anybody, because it was said we must have revenue. I want to call the attention of the gentleman from Georgia to the fact that when that tax was placed there—and he quoted a certain gentleman—at that time the gentleman from Georgia [Mr. CRISP] had not voted with the Members of this House for the eighteenth amendment. It was a different situation from what we have to-day.

You say you could not remit further of the auto tax, a war measure, but now you can remit $12,000,000 of a war measure, when the only people who are asking for it are those people whose products should not be placed on the markets of this country.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. BLANTON. How does the gentleman's colleague from Michigan [Mr. CRAMTON] stand?

Mr. MILLS. Mr. Chairman, will the gentleman tell the committee who pays this tax?

Mr. HUDSON. Yes. The people who manufacture the articles.

Mr. MILLS. Is it not a fact that, except in the case of the patent medicines, they very frankly admitted that the tax was passed on to the retailer?

Mr. BLANTON. How does our other gentleman from Michigan stand on this, Mr. CRAMTON?

Mr. HUDSON. The gentleman had better consult Mr. CRAMTON.

Mr. BLANTON. Are we a unit on this matter or are we divided? [Laughter.]

Mr. HUDSON. I have read every page of the hearings in reference to this matter, and nowhere is it proven that one dollar of the reduction will be handed back to the consumer. That is the testimony. Who asks for the reduction? Shall this House give relief to a group of manufacturers, advertisements of whose products no reputable magazine or even daily papers will longer carry, when they can not give further relief to the individual taxpayer, as when you buy a common, ordinary Ford automobile?

Mr. MILLS. Will my friend yield again?

Mr. HUDSON. I wish the gentleman would not ask it. I have but one minute.

What difference would it make in the price to the consumer? Not one witness before the committee would face the issue. Gentlemen of this committee, you might as well place a tax on the products of this class of production so high as to practically put them out of business on the same ground of public health. I am not a Christian Scientist, but I am enough of a Christian Scientist to believe that this legislation ought not to make it easier to put these fake nostrums before the public. "Six bottles for $5; positively guaranteed to cure. Mr. Blank, of Cross Roads, was saved; was saved and brought back to happy days of health after taking six bottles."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUDSON. May I have three minutes more?

Mr. RAINEY. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes.

Mr. RAINEY. I yield to the gentleman one minute.

Mr. HUDSON. Will the gentleman from Iowa give me a minute?

Mr. GREEN of Iowa. I give the gentleman one minute.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. HUDSON. May I read this letter under date December 17, signed by L. C. Andrews, Assistant Secretary of the Treasury? Here it is:

TREASURY DEPARTMENT,
Washington, December 17, 1925.

Hon. GRANT M. HUDSON,
House of Representatives.

MY DEAR CONGRESSMAN HUDSON: In reply to your letter of December 15, concerning the action of the Ways and Means Committee in reducing the tax on distilled spirits. This action was not taken upon recommendations of the Treasury Department. In fact, it was taken before the matter came to the attention of the Secretary. As I explained to the committee, its effect on law enforcement is problematical and the department does not wish to influence the action of the committee from this point of view. The only objection, from the Treasury standpoint, would be on the question of loss of revenue. As a result of enforcement activities the cost of bootleg alcohol has already advanced from about $2 a gallon to a point where it costs even more than tax-paid pure alcohol. This materially changes the conditions from those existing at the time I was before the committee, and illustrates the difficulty of attempting to foretell what effect the reduction in the tax may have from the point of view of law enforcement.

Very truly yours,

L. C. ANDREWS,
Assistant Secretary.

Mr. Chairman, I beg of this House not to support the proposition to reduce the tax on this item at this time. We need this revenue thus provided to build hospitals for our needy and sick World War veterans.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRISP. Mr. Chairman, I yield five minutes to my colleague from Georgia [Mr. UPSHAW].

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. UPSHAW. Mr. Chairman and gentlemen, having fought side by side with the gentleman from Michigan [Mr. HUDSON] who has just addressed the House, when we were driving saloons out of his great State, I am quite sure he will agree that I honestly think the wet and dry issue does not enter into this question. If I thought it did, everybody knows that I would put up a tax wall so high that the devilish bootlegger and his more devilish patron could neither climb over it nor scratch under it. I am supporting the committee on this question purely from the standpoint of encouraging and guarding legitimate business. I am supporting them with the honest conviction that the prohibition question does not enter into it and should have no part in this debate. In fact, the essence of the argument is on the other side. For instance, if a man is engaged in the business of stealing automobiles, he would naturally take the risk on a Packard, or a Cadillac, or on a Reo, made in the gentleman's home city of Lansing, rather than on a Ford. And if a man can renature denatured alcohol and have in his hand a commodity that is worth just twice as much, then his temptation is twice as great to engage in the devilish business.

I was also informed—the papers said it—that General Andrews, the new director of prohibition enforcement, had recommended this reduction. I knew nothing of his change of position until we heard the letter read from General Andrews. The press said that when he appeared before the committee he had expressed himself in favor of this reduction, and I decided that in face of his position and the vigorous way in which he had taken hold of his stupendous task we ought to give his judgment a vote of confidence. If we make a mistake, we will be quick to correct it. As to Mr. Wheeler, there is no keener, cleaner, and truer man on the American Continent, so far as my observation goes. I usually rejoice to agree with him. But this is simply an honest difference on an economic question. Anyway, the House will agree, and the wet press likewise, that the gentleman from Georgia does his own thinking, and at this time he simply finds himself at honest variance of opinion with some of his prohibition friends. But the "wets" are also divided. So there you are. The truth is there is an overwhelming desire in this House to indorse the action of the Ways and Means Committee, which arrived at its conclusion after carefully weighing the evidence on both sides.

But there are other sane reasons for my supporting this reduction. First, this extra tax now being removed is a war tax, and we should not allow an unnecessary war tax to penalize legitimate business in peace time. When this war tax was imposed the druggists and manufacturers of commercial and domestic commodities with an alcohol basis absorbed the extra cost without getting an extra profit. This thing has gone on for seven years, and it is manifestly unfair to a large and worthy part of our commercial life. If this reduction is made, the public using these articles every day will soon reap the benefit of reduction.

This is my final word: A great and powerful Government like the United States of America ought not to be afraid to properly guard and encourage a legitimate business, a business that touches homes all over America not only in patent medicines, if you please, but in countless proprietary articles of domestic and commercial use containing an alcoholic base. The United States of America ought to be big enough, fair enough, and brave enough to protect a legitimate business without being afraid that some lurking lion in the form of a

bootlegger and his patrons shall be crouching by the wayside or hiding behind a corner.

Let us do our duty in protecting a legitimate business.

Mr. HUDSON and Mr. BLANTON rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. UPSHAW. No; I am sorry, but my time is about gone, and I must decline to yield. Let us do our duty in protecting manufacturer, retailer, and consumer, because it is right, and then take care of the devilish bootlegger—the enemy of the flag, the enemy of the Constitution, the enemy of God and the enemy of man, by using the strong arm of the law of this mighty Nation. [Applause.]

Mr. CRISP. Mr. Chairman, did the gentleman from Georgia use all of his time?

The CHAIRMAN. All but 20 seconds.

Mr. UPSHAW. Mr. Chairman, I yield back the balance of my time to the gentleman from Georgia [Mr. CRISP].

Mr. GREEN of Iowa. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am a dyed-in-the-wool prohibitionist. I am the kind who practice what they preach. I helped to drive the liquor traffic from many counties in Texas. And I have helped to make it an outlaw in this Nation. You will find me standing on guard with the other strong prohibitionists of this House, at all times ready to combat and fight back any and all attempts that may come to weaken or destroy our present laws.

But the Ways and Means Committee provision in this bill does not in any way affect our prohibition laws, and in supporting the committee I have joined with me such true and tried prohibitionists as our colleague from Maine [Mr. HERSEY], and our colleague from Michigan [Mr. CRAMTON], and last but not least our colleague from Georgia [Mr. UPSHAW].

It is just as much a violation of the law, and carries with it just as great a penalty, to sell alcohol for beverage purposes when it is taxed $1.20 per gallon as it is when it is taxed $2.40 a gallon, or $240 a gallon.

What we prohibitionists want is law enforcement. Just why is not this law enforced? Is it because we have not yet furnished the President, upon whom is placed the responsibility and constitutional duty of strictly enforcing it, with all of the facilities that it is within our power to give him? If this is so, then we are to blame until we give him such facilities. I am one who is willing to give him everything he needs.

On the first day of this session, immediately after the Sixty-ninth Congress convened, I introduced the following House Joint Resolution No. 5, to wit:

IN THE HOUSE OF REPRESENTATIVES,
December 7, 1925.

Mr. BLANTON introduced the following joint resolution, which was referred to the Committee on the Judiciary and ordered to be printed:

Joint resolution authorizing and directing the President to use and employ the Army and Navy, the militia of the several States, and the resources of the Government in suppressing all smuggling into the United States of intoxicating liquors, narcotics, and aliens, and to suppress the insubordinate rebellion now being waged by those in authority in several States and large cities of the United States against the fundamental laws of the Republic, to the end that the President may obey the Constitution of the United States by faithfully executing the laws

Whereas in purposed disregard and violation of the fundamental laws of the Nation organized bands of rich and influential conspirators of national and international prominence are engaged in the nefarious business of unlawfully smuggling intoxicating liquors, narcotics, and aliens into the United States; and

Whereas thousands of American laborers are now unable to obtain employment and are without means and opportunity of earning a livelihood for their families, and said smuggled aliens are constantly robbing them of jobs as same become available thus taking from the mouths of American wives and little children the necessities of life; and many of such smuggled aliens are lawless thugs and anarchists who hate all forms of civilized government, and whose policy and purpose here is to tear down and destroy rather than to build up, and whose presence, acts, and whereabouts our Government has no means of checking or keeping any record thereof; and

Whereas by reason of the fact that on our north the boundary between the United States and Canada is 3,979.7 statute miles, and (counting tidal shore line, unit measure 1 statute mile) on our east the Atlantic coast is 11,679 miles, and on our south the Gulf coast is 6,418 miles, and the boundary between the United States and Mexico is 1,993 miles (sinuosities of river counted), and on our west the Pacific coast is 3,765 miles, it is impossible with civil officers alone to properly police and guard such borders, and it is impossible for civil authorities alone to stop such law violations, which are becoming so prevalently stupendous as to bring our fundamental laws into national and international disrepute, and to seriously menace our institutions; and

Whereas in certain States and in certain large cities like New York, Philadelphia, and Baltimore some of the local authorities are in open rebellion and insubordination against the eighteenth amendment to the Constitution of the United States and the laws passed by Congress in enforcement thereof, and such authorities not only fail and refuse to enforce such laws and to cooperate with the Government in enforcing same but also they, by their public actions, invite citizens to ignore, belittle, and violate same at will and in open defiance of the Constitution and laws of the United States Government, permit scores of unlawful saloons to be run daily in such cities, unlawfully selling intoxicating liquors to thousands of citizens, and civil officers of the United States take their lives in their hands whenever they attempt to arrest any of said offenders, numerous civil officers of the Government having been ruthlessly murdered while performing such duties, and in many instances local officers of cities have resisted Government officers in making arrests; and

Whereas section 8 of Article I of the Constitution of the United States directs Congress to make rules for the government and regulation of the land and naval forces, and to provide for calling forth the militia to execute the laws of the Union; and

Whereas section 2 of Article II of said Constitution constitutes the President of the United States the Commander in Chief of the Army and Navy and of the militia of the several States when called into actual service of the United States; and

Whereas section 3 of Article II of said Constitution provides that the President shall have the laws of the United States faithfully executed; and

Whereas the "bootleggers" of the world know that many of our revenue cutters are old, slow, and obsolete, few capable of making 12 knots per hour, and such bootleggers are operating boats of greater speed, while our Navy owns destroyers capable of making 25 knots per hour and owns numerous submarine chasers, many being surplus, and many of which can make 18 knots per hour, and which cost the Government over ten times the price at which our Navy has been offering them for sale, and many being suitable for use in suppressing smuggling; and

Whereas we now have in our Army over 11,590 officers and 116,663 enlisted men, and we now have in our Navy over 7,783 officers and 86,242 enlisted men, and we now have in our Marine Corps over 1,132 officers and 20,300 enlisted men, upon whose hands the monotonous routine of peace time always hangs heavily, and which aggregate force, maintained and paid through burdensome taxation of the people, could promptly suppress all unlawful smuggling into the United States, and all rebellious defiance of our Government and its Constitution and laws of the United States, without impairing the morale of such forces or the security of our country; and

Whereas using the Army and Navy in suppressing smuggling and rebellious defiance of our Government and laws would save the people the expense of furnishing them other amusement, such as sending a great fleet on trips to Panama; and

Whereas the mere passage of this resolution authorizing the President to use the Army and Navy will immediately strike terror into the hearts of all offenders and cause such crimes to stop: Therefore be it

Resolved, etc., That the President be, and he is hereby, authorized and directed to use and employ the entire naval and military forces of the United States including the militia, the entire facilities of the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, the entire facilities of the Inland and Coastwise Waterways Service, and the resources of the Government, or so much of any of the above as he may deem necessary, in suppressing all such unlawful smuggling into the United States, and in suppressing all such rebellious defiance of our Government and its Constitution and laws, and to enable the President to bring such insubordinate law violations to a successful termination, and to faithfully execute the laws of our Republic as required of him by the Constitution, all of the resources of the country are hereby pledged by the Congress of the United States.

And, Mr. Chairman, I did not stop there. Because the newspapers are continually charging that this high executive officer and that is patronizing bootleggers; that this Senator and that Congressman is doing likewise; that this big Army officer and that big naval officer is violating the prohibition laws, and that this employee and that of the Government conspires daily with bootleggers in defying this law. Hence, to cover that phase of the situation, on the first day of this session just as soon as the Sixty-ninth Congress convened, I intro-

duced in the House of Representatives the following House Joint Resolution No. 6, to wit:

IN THE HOUSE OF REPRESENTATIVES,
December 7, 1925.

Mr. BLANTON introduced the following joint resolution; which was referred to the Committee on the Judiciary and ordered to be printed:

Joint resolution constituting it cause for impeachment and removal from office, and dishonorable discharge from the service, and discharge from Government employment, respectively, for any executive officer, member of the judiciary, Senator, Representative in Congress, officer or enlisted man in the Army, Navy, and Marine Corps, or any employee of the Government of the United States, to purchase intoxicating liquors from a "bootlegger" (as that term is commonly understood), or to manufacture, sell, or transport intoxicating liquors within, or to import the same into, the United States for beverage purposes, or to conspire with any person to violate the eighteenth amendment to the Constitution of the United States and laws passed in enforcement thereof

Whereas every executive officer, member of the judiciary, Senator, Representative in Congress, officer and enlisted man in the Army, Navy, and Marine Corps, and employee of the Government of the United States has taken the oath that he will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that he will bear true faith and allegiance to the same; and

Whereas the said Constitution of the United States provides that "the manufacture, sale, or transportation of intoxicating liquors within, or the importation thereof into, the United States for beverage purposes is hereby prohibited": Therefore be it

Resolved, etc., That it shall be cause for impeachment and removal from office of any executive officer, member of the judiciary, Senator and Representative in Congress, and it shall be cause for dishonorable discharge from the service of any officer and enlisted man in the Army, Navy, and Marine Corps, and it shall be cause for the discharge from the employment of the United States Government of any employee of the Government, respectively, for any executive officer, member of the judiciary, Senator, Representative in Congress, officer or enlisted man in the Army, Navy, and Marine Corps, or any employee of the United States Government to purchase intoxicating liquors from a "bootlegger" (as that term is commonly understood), or to manufacture, sell, or transport intoxicating liquors within, or to import the same into, the United States for beverage purposes, or to conspire with any person to violate the eighteenth amendment to the Constitution of the United States or laws passed in enforcement thereof.

And, Mr. Chairman, I did not stop there. Because the complaint is heard almost daily within the District of Columbia that we are better to foreigners than our Government is to its own people; that it will not let Americans possess liquor, or import it, or sell it, yet under the immunity that is granted to representatives of foreign countries, we permit some of such representatives to bring large supplies of choice liquors into the United States from abroad, and then some of them dispense it, and even sell it, at will here in Washington. This situation called for special action. Therefore, on the first day of this session, just as soon as the Sixty-ninth Congress convened, I introduced in the House the following House Joint Resolution No. 8, to wit:

IN THE HOUSE OF REPRESENTATIVES,
December 7, 1925.

Mr. BLANTON introduced the following joint resolution; which was referred to the Committee on Foreign Affairs and ordered to be printed:

Joint resolution prohibiting officials of the United States from issuing permits to any diplomatic representative, secretary of embassy or legation, counselor of embassy or legation, military attaché, naval attaché, commercial attaché, consul, agent, commissioner, or special envoy of any foreign country accredited to and residing in the United States that would authorize any of them, or any member of their official family, to import into, transport within, possess, or dispense in the United States any intoxicating liquors for beverage purposes in violation of the eighteenth amendment to the Constitution of the United States and enforcement laws thereof

Whereas all highly civilized countries of the world now recognize under international law that respect for the local law does not curtail the functions of a minister, and that all diplomatic representatives should obey the laws of the country to which they are accredited; and

Whereas the eighteenth amendment to the Constitution of the United States provides that "the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited"; and

Whereas it is manifestly unjust to the 110,000,000 people of the United States to deny to them the use of intoxicating liquors and at the same time issue special permits to numerous foreigners in the United States to use it at will: Therefore be it

Resolved, etc., (1) That hereafter no official of the United States Government shall issue any permit to any diplomatic representative, secretary of embassy or legation, counselor of embassy or legation, military attaché, naval attaché, commercial attaché, consul, agent, commissioner, or special envoy of any foreign country accredited to the United States and residing therein, that would authorize any of them, or any member of their official family, to import into, transport within, possess, or dispense in the United States, intoxicating liquors for beverage purposes, in violation of the terms of the eighteenth amendment to the Constitution of the United States, and laws passed in enforcement thereof.

(2) That any such foreign representative who violates, or who knowingly permits any member of his official family to violate any of the provisions of the said eighteenth amendment to said Constitution, or laws passed in enforcement thereof, shall be deemed persona non grata to the United States, and promptly following any such violation, determined to the satisfaction of our Department of State, the President of the United States shall cause the Secretary of State to notify such foreign country that such representative of it is persona non grata, and passports shall be promptly delivered to such offender for his safe return to his own country.

I stand ready and willing, Mr. Chairman, to vote for and help to pass each one of the foregoing resolutions. With them passed into law the President then would have no excuse whatever for not having our prohibition laws strictly enforced. With these facts placed before our new colleagues here in the House, I take it that none of them can question my stand for prohibition when I support the Ways and Means Committee. But let me get back to this specific provision of the bill.

Mr. Chairman, if you were to increase this tax from $2.20 to $4.40 per gallon you would not stop the withdrawal of a single gallon of alcohol in the United States. [Applause.] It is going to be withdrawn. It is not a question of taxing it out of existence, and for that reason I am with the other gentleman from Michigan [Mr. CRAMTON], who has not spoken but who is an outstanding prohibitionist, and I am with the committee. They have studied this question, and the distinguished chairman of the Ways and Means Committee is not in favor of the violation of the prohibition law. He does not approve of this howl around the country about violating the prohibition law.

There are just two violations of law that are preached as being popular. One is to violate income tax payments and the other is to violate prohibition. I want to say to those two classes of violators, that, if they claim to be Republicans, that they are not Lincoln Republicans. I wish they could get back to the teachings of Abraham Lincoln on that question. Let me read you what that great President of the people said. These are the words of Abraham Lincoln:

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation. Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, in spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation, and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

[Applause.]

That is what we want to preach respecting prohibition and that is what we want to demand with respect to tax payments to the Government. But on this tax question now before us I am with the gentlemen who are on this committee and with my friend from Michigan [Mr. CRAMTON].

Mr. HUDSON. Will the gentleman yield for a question?

Mr. BLANTON. Yes; I yield gladly to my other friend from Michigan.

Mr. HUDSON. Is the gentleman authorized to speak for the gentleman from Michigan [Mr. CRAMTON]?

Mr. BLANTON. No; but if this were a question involving prohibition, I know the gentleman from Michigan well enough to know that he would leave the committee work he is now doing and would be here on this floor demanding what he be-

lieved would protect prohibition, and he being absent I know therefore that it does not affect prohibition. [Laughter.]

But before I close, Mr. Chairman, since we are to finally pass this new tax law to-day, I want to say this about it: You will remember that after Robert A. Stuart, State senator from Fort Worth, Tex., had gone to Waco, in the district of our colleague [Mr. CONNALLY], and had gone to Coleman, in my district, and there represented that we had treated him with discourtesy when he came to Washington, and accused us of standing for socialism and departing from the teachings of Thomas Jefferson and other leaders in Democracy because we would not repeal the estate tax, he reappeared here the other day and came before our entire delegation in Congress, Senators and Representatives, and in the presence of newspaper reporters we made him admit that he had misrepresented the facts to our constituents, that none of us had treated him or any other Texas man with discourtesy, but that we had been courteous to them and gave them a courteous hearing.

I have just seen the Fort Worth Star-Telegram, published in his home city, for December 15, 1925, and it devotes practically a whole column on its front page and practically a full column on its fourth page, headed by box-car headlines running entirely across the top of the front page, "Stuart scores Congressmen for tax action." And I never in my life saw so many misrepresentations crowded into two columns. If we just had him back here before our delegation again, we could make him make ten times as many withdrawals as he made here the other day. He says we are hiding behind Woodrow Wilson and William G. McAdoo for our position on estate taxes. That is the fairest statement he made. But, in answer to his charge that we stood for socialism and had departed from the teachings of Thomas Jefferson, we cited him George Washington, Thomas Jefferson, William Jennings Bryan, Woodrow Wilson, William G. McAdoo, and the last National Democratic platform. He said that I "appealed to array the masses against the owners of property in Texas." This is an absolute falsehood. I have never done so. And he had no foundation whatever for making the statement. I have the absolute confidence of property owners in Texas, who could buy him out ten thousand times. He said that "Congressman BLANTON referred to the estates of Swift & Co. and of Armour & Co.," and, like the demagogue that he is, he proceeded to defend the 3,500 people working for these two packing houses. This statement of his was another absolute falsehood, for nowhere, at no time, did I in his presence ever mention either Swift & Co. or Armour & Co.

When he testified here before the Ways and Means Committee, R. A. Stuart said:

> We have not come here to try to enlighten you gentlemen on the inheritance tax or the repeal of the inheritance tax law, but we have come here simply to let you people know how the people of the great State of Texas feel about the repeal of this law.

He assumed a whole lot when he assumed that he knew more about how the people of Texas feel than we 18 Members of Congress know, when we are the specially selected representatives of these people, and we know our constituents, and he does not know them at all.

We made him admit that when he came here in October that special interests paid his expenses. We made him admit that special interests paid for the banquet he and his associates gave here at the Raleigh; we made him admit that when he went to Austin to attend the so-called unofficial session of the legislature that his expenses were paid by private interests; we made him admit that when he came here the other day his expenses were paid by special interests. And we then gave him to understand that we could not be influenced by a paid propagandist against the interests of the people we represent.

This bill cuts taxes over half—in two. After it becomes the law a man who earns only $3,500, if married, will pay no tax; and a married man with four children under 18 who makes as much as $5,100 will pay no tax, for he has an exemption of $3,500, and an additional exemption of $400 for each child. A single man who makes not over $1,500 will pay no tax. And the maximum surtax is only 20 per cent on an income of $100,000,000.

As to the estate tax which seems to have worried Stuart so much, a man who dies and leaves a private estate of $50,000 will pay no estate tax. If he dies and leaves an estate of $100,000, and it is community property, he will pay no estate tax whatever. If he dies and leaves an estate of $200,000, and it is community property, he would pay an estate tax of only $500, and then his executor could deduct from that any estate tax he may have paid Texas up to 80 per cent of the Federal tax. Are these provisions so very extortionate? Why certainly not. Senator Stuart simply got caught and he is mad. But he will get in a good humor.

Mr. RAINEY. Mr. Chairman, I believe I have 10 minutes remaining.

The CHAIRMAN. Yes; 10 minutes.

Mr. RAINEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA]. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, as a member of the Committee on Alcoholic Liquor Traffic, appointed two days ago, I suppose I should say that I speak as an expert on this subject. The distinguished gentleman from Georgia [Mr. UPSHAW] assured you in the beginning of his remarks that he was an avowed and sincere dry, and there is no doubt as to that. Therefore he desires to reduce the tax on alcohol. I am an avowed, politically and personally, wet, and I do not believe there is any doubt about that. What I am seeking to do is to establish an easily recognizable line of demarkation between honest efforts to modify the law by lawful legislative means, and assistance, subsidy and comfort to the bootlegging industry of the country. I am against reducing the tax on alcohol and choice liquor.

I fail to see how the subject of alcohol can in any way be separated from prohibition enforcement. It can not. Only a few pages back in this bill you have provided for a small tax on narcotics, and the purpose of that is not to raise revenue but to give the Government control and supervision over the narcotic traffic. That law has been very useful and that is the only law the Federal Government has to control and curb the sale of narcotics. It has enabled the Government to send unscrupulous men to jail. Why, gentlemen, it is not necessary to be a wet or dry; it is not necessary to be a chemist or an economist to see what the lowering of this tax on alcohol and liquor will do. By reducing taxes here Congress is giving the bootlegging industry of this country a subsidy of several million dollars. I would not be a bit surprised if the bootleggers of New York, in appreciation of the efforts in their behalf of the distinguished gentleman from Georgia [Mr. UPSHAW], will market a special Upshaw blend of pure hootch.

Gentlemen, this provision does not only refer to alcohol but it refers to whisky, to brandy, cognac, and to all sorts of distilled liquors. Everyone who has given the subject thought and honest study knows that drug stores are allowed a certain quota each month. Immediately this quota is taken from many of the drug stores by bootleggers, who serve the pure stuff to their choice patrons, and the drug store man—not all of them but a large number—replaces this pure whisky with synthetic, poisoned stuff, which he sells to his trade. Surely the bootlegger will not give his patrons the benefit of this tax reduction to his customers. Only a small percentage of alcohol and liquors released and tax-paid finds its way and destination through lawful channels.

Mr. UPSHAW. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. UPSHAW. As the gentleman has announced that he is not only politically and personally wet, I wish to say that if the bootleggers were to do the fool thing of issuing an Upshaw brand that the gentleman from Georgia would request them to leave it in New York for the gentleman from New York.

Mr. LAGUARDIA. And the "gentleman from New York" will endeavor to have some to offer to the gentleman from Georgia when he comes to New York.

Mr. UPSHAW. And the "gentleman from Georgia" will respectfully decline.

Mr. LAGUARDIA. We will see when the time comes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield four minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I think the case we now have under discussion was closed, so far as argument is concerned, when the gentleman from Georgia [Mr. CRISP] concluded his remarks. He covered the entire subject, and the rest of us can only supplement what he said.

I want to call attention to the fact that one of the principal reasons why the large users of alcohol want to retain a tax on alcohol is that their percentage of profits is based upon their gross cost. That is a pure business proposition, and that is one of the reasons, and the principal reason, why this movement to retain a war tax on alcohol was made before the Ways and Means Committee.

For the information of my friend the gentleman from Michigan [Mr. HUDSON] I want to say that Lydia Pinkham was a real person residing in the State of Massachusetts. She

started in a very humble way, and she and her descendants built up a large business, employing several hundred persons. The descendants of Lydia Pinkham are leading citizens of the city of Lynn, which is represented here so ably by my colleague, the gentleman from Massachusetts [Mr. CONNERY]. There are no better citizens in eastern Massachusetts to-day than the descendants of this good Samaritan who first gathered herbs herself to use in the manufacture of what later became the so-called Lydia Pinkham proprietary medicines and who went about doing good among her neighbors. [Applause.]

The gentleman from Michigan also said he wanted to tax all proprietary medicines out of sight. What a ridiculous attitude to take, because the health of the public is protected against fraudulent or unhealthful proprietary medicines by the pure food and drugs act! The pure food and drugs act requires the formulas of these medicines to be known to the department.

Mr. HUDSON. Will my friend yield?

Mr. TREADWAY. Certainly.

Mr. HUDSON. Is it not a fact that there is no reputable magazine to-day that will carry the advertisements of the patent medicines?

Mr. GREEN of Iowa. Oh, no.

Mr. HUDSON. Oh, yes.

Mr. TREADWAY. I do not think that is any criterion. The people of this country are protected under the pure food and drugs act, and the gentleman from Michigan will not deny that statement.

Mr. GREEN of Iowa. Does the gentleman know of a magazine of good standing that will not carry the advertisement for Listerine?

Mr. HUDSON. That is not the same thing at all.

Mr. TREADWAY. I can not allow the gentleman to take all of my time.

Further, in reference to the pharmaceutical preparations, there is a division among the pharmaceutical wholesalers as to whether they wish this tax reduced. I hold in my hand a bunch of telegrams from many States of this Union and from pharmaceutical manufacturers advocating the removal of this tax to the point where the Ways and Means Committee reports it. Therefore I say that with the interests of the people thoroughly protected, as they are under the pure food and drugs act, with the pharmaceutical people themselves urging us to make this reduction for the benefit of the public, and with General Andrews confirming the fact that the question of prohibition enforcement is not involved, we should remove this tax as reported by the Ways and Means Committee. [Applause.]

Mr. CRISP. Mr. Chairman, I yield the remaining five minutes I have at my disposal to the gentleman from Tennessee [Mr. MCREYNOLDS].

Mr. MCREYNOLDS. Mr. Chairman and gentlemen of the committee, I am very much surprised to see these gentlemen undertake to make this a wet and dry proposition. Of course, it is readily understood for what purpose that is done, and if you will permit a personal allusion, I want to say I am personally and officially dry and always ready to vote for any matter which will aid in the enforcement of the prohibition laws or against any measure which will retard their enforcement. Of course, it is evident why this issue is made. It is made because they feel if this charge is made some weak Members of this House will flee to cover like rats in a barnyard.

What is the issue, and between whom? It is between the American Drug Companies Association, gentlemen, with a membership of 55, and the retailers' associations throughout this country, of 53,000 people, including those in your little town, the proprietary medicine manufacturers, the extract people, and the scientific people all on the other side. Since the American Drug Co. Association lost their fight before the committee they have undertaken to revive the fight in the form of a wet and dry fight before this House.

Mr. Andrews, head of the Prohibition Unit, says this reduction is satisfactory, and a few days ago Mr. Wayne B. Wheeler said to me over the phone that this was not a wet and dry proposition, but that he did want restrictions. As explained to you by the gentleman from Georgia [Mr. CRISP], there is no question but what the Treasury Department has the right to place these restrictions.

Who represented the American Manufacturers' Association before the committee? It was Mr. Sailer. The committee could not understand why, when they were paying so much tax on alcohol, they wanted it retained, and after pushing him he admitted to this statement.

Mr. BARKLEY. Will the gentleman yield?

Mr. MCREYNOLDS. I am sorry I have not the time.

Mr. Sailer stated he would like to see the tax retained because it was not costing them one penny and was passed on to the consumer.

Mr. O'CONNELL of New York. Who is Mr. Sailer?

Mr. MCREYNOLDS. Mr. Sailer is a representative of the American Drug Companies Association, and you will find that testimony on page 1065 of the hearings.

Mr. HUDSON. Will the gentleman yield?

Mr. MCREYNOLDS. I am sorry I have not the time.

That was his position, but later he admitted that if this tax was taken off they would have to sell their product at a 20 to 25 per cent loss, but the committee has taken care of that proposition. If the consumer used it, it was all right with them. This proposition is evident that they know it requires a great deal of money to engage in this character of business while alcohol is so high, and their profit is greater because of the percentage basis on which they sell their medicine. Again it stops competition. These are the selfish reasons, and the speeches which have been made on the floor of this House are following the lobbyists who have been passing for the past three days through the House Office Building making the same argument, representing Parke, Davis & Co. and other large manufacturers of this type.

They say that this reduction will not reach the people. Why will it not reach the people? You buy iodine and you see marked on it 84 per cent alcohol, and the same thing is true of other drugs of that character. I have two letters here from two retail druggists of the city of Washington, one on Pennsylvania Avenue and one at Maryland Avenue and Second Street. These are men of high standing, and represent that class which furnish the consumer. They might be called dirt farmers, because they are behind the counter. Here is what one of them says:

I refer to such items as—

Sweet spirits of niter: Alcohol content, 92 per cent. Now sells 20 cents ounce. Would sell 15 cents.

Spirits of camphor: Alcohol content, 85 per cent. Now sells 15 cents ounce. Would sell 10 cents.

Aromatic spirits of ammonia: Alcohol content, 66 per cent. Now sells 15 cents ounce. Would sell 10 cents.

And so on through a long list of similar preparations of high alcohol content—

Tincture iodine: Alcohol content, 83 per cent. Now sells 15 cents ounce. Will sell 10 cents.

Tincture iron: Alcohol content, 64 per cent. Now sells 15 cents ounce. Will sell 10 cents.

And so on through a long list of tinctures, also a long list of elixirs, liniments, and flavoring extracts, such as lemon, orange, almond, vanilla, and all with high alcohol content. It is the person of moderate means, the wage earner, that must depend upon these time-proven remedies of worth for the relief of the minor ailments to which the human body is susceptible. This is taken from a statement furnished by Mr. Augustus C. Taylor, a retail druggist, at Second Street and Maryland Avenue NE., also vice president of the National Association of State Boards of Pharmacy. The other letter to which I desire to refer is from Mr. Frank T. Stone, retail druggist, 1210 Pennsylvania Avenue, this city, and president of the National Association of Retail Druggists. He says that a reduction of 15 to 20 per cent could be made upon the class of articles heretofore mentioned; also, that a material reduction could be made in the price of a large number of prescriptions where alcohol is used as a preservative or medicament, in some cases as much as 25 per cent. Many of these articles reach every home in the land. From these statements are we not justified in reaching the conclusion that this reduction of the tax on alcohol, which is a war tax, will reach the consumers? Mr. Chairman, I shall vote to sustain the committee's report, believing that it is in the interest of the great mass of the people of this country.

Mr. GREEN of Iowa. Mr. Chairman, I yield four minutes to the gentleman from Illinois [Mr. IRWIN].

Mr. IRWIN. Mr. Chairman and gentlemen of the committee, I have been a practitioner of medicine for 33 years. I have practiced among the farmers, among the coal miners, among the people in the small towns and small communities. I want to say, my friends, that I am going to vote for this bill reducing the taxes on alcohol for the following reason: We have hospitals all over this great country. They are permitted by regulation of the Treasury Department to use alcohol without paying the tax. But I want to say that although a great many patients of physicians are admitted into the hospitals for treatment, there are a great many who never get into the hos-

pitals—a great many among the farmers and outlying sections and the smaller towns. As one example, there is the alcohol rub, which we find very beneficial.

Mr. RAINEY. That is a denatured alcohol?

Mr. IRWIN. We are using grain alcohol, medicated, as we say.

The point I want to make is that there are thousands of people who can not go to the hospitals and benefit by that wise provision of the Treasury Department of using the alcohol without a tax. That is a commendable regulation. But the people who are unable to get into the hospital, the people who live out in the rural sections, they do not get the benefit of this Treasury regulation——

Mr. RAINEY. There is no tax on the alcohol the gentleman is describing.

Mr. IRWIN. There is a tax on grain alcohol and that is what is principally used.

Mr. RAINEY. This alcohol rub is a special denatured alcohol.

Mr. IRWIN. I have the information from the physicians who buy grain alcohol that a great deal of it is used for that purpose. I believe that we ought to be as just to the sick men and sick women away out on the plains and away from the hospitals as we are to those in the hospitals.

If you go into a drug store and buy iodine or Listerine or spirits of camphor they tell you that the price has gone up on account of the tax on alcohol. I believe we ought to be fair with these people, especially the sick people. I have listened the last few days here and heard gentlemen propose amendments in the interest of the people in their district. Gentlemen who represent the tobacco growers, and gentlemen who represent the cigar manufacturers, and gentlemen who represent the automobile industry, all want something for the benefit of the people of their district. That is all right. It is their business. They were elected by the people of their districts for the purpose to look after the interests of those districts. Now this provision in the bill does not especially apply to my district but it applies to every district in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I fully appreciate the hard and splendid work the Ways and Means Committee have performed in preparing this bill. I want to support the Ways and Means Committee. Up to this time I have voted for the bill, as we have taken it up, but I was a little bit concerned as to why the tax on alcohol had been reduced to a pre-war basis, and the war tax on other commodities retained. I believe it is unfortunate that the prohibition question has been injected into the debate. That is not an issue at all. [Applause.] I always thought, when prohibition was written into the Constitution, that, thereafter, it would be a question of law enforcement. The gentleman from Georgia [Mr. UPSHAW] talked about five minutes telling the House that he was for the reduction in tax on alcohol, and, yet, he never said one word why he was for it.

Mr. UPSHAW. The gentleman from Georgia did say why.

Mr. COOPER of Ohio. I wanted to know why the tax on alcohol had been reduced, and a few days ago I wrote to the Secretary of the Treasury, Mr. Mellon, and also to Mr. Blair, Commissioner of Internal Revenue.

I received a letter from Mr. Blair, which I shall read to the House:

TREASURY DEPARTMENT,
Washington, December 17, 1925.

Hon. JOHN G. COOPER,
House of Representatives.

MY DEAR MR. COOPER: At the time the proposed reduction in the tax on alcohol was before the Ways and Means Committee the Bureau of Internal Revenue, so far as I know, was not asked for an opinion. I am assuming that your letter of the 9th is a request for my personal views, and my reply, therefore, is on that basis.

The tax on pure alcohol, at the rate of $2.20 per gallon, now yields the Government a revenue of, approximately, $27,000,000. The reduction of this tax to $1.10 would cut this revenue, practically, in two, thus resulting in a loss of revenue of from $12,000,000 to $15,000,000 per year. The cost to the Government of collecting this additional revenue would be nothing, because it is as easy to collect $2.20 per gallon as it it is $1.10. Personally, I am doubtful whether the ultimate consumer will save anything by the proposed reduction.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. I can not yield now.

Mr. HUDSON. I merely want to know what the amount of the loss of revenue is.

Mr. COOPER of Ohio. From $12,000,000 to $15,000,000. My good friend Judge CRISP, from Georgia—and he is one of the finest men in the House—did not tell the House why he is for this provision. But he injected the prohibition question into it. Why put the tax on alcohol back to a pre-war basis of $1.10 a gallon? Only yesterday—and I helped do it—the tax on automobile buyers of this country was fixed at $69,000,000 a year. I can not go back home to my folks, to the farmer who buys a Ford, to the poor man who rides around in an automobile, and say to them that I voted to place a tax of $69,000,000 on the people who buy automobiles and yet voted to put the tax on alcohol back to the pre-war basis. There is no doubt in my mind that if this provision in the bill carries it will be easier for the bootlegger and the illicit whisky dealer to secure alcohol and sell it in violation of law. They talk about these patent medicines and concoctions being sold cheaper if the tax on alcohol is reduced. There is too much sale of patent medicines of high alcoholic content to-day. Alcohol rub was mentioned here a few moments ago as one of the concoctions which would be sold cheaper if the tax on alcohol is reduced. Some people are buying alcohol rub by the bottle and drinking it; and, of course, if we reduce the tax to $1.10 a gallon, the man who sells those concoctions is going to sell them cheaper, and there will be more of that stuff drank.

I have some telegrams here from people in my State who are engaged in the manufacture of medicine. This one is from Cincinnati, Ohio, and is as follows:

CINCINNATI, OHIO, *December 11, 1925.*

Hon. JOHN G. COOPER, M. C.,
Washington, D. C.:

We use quantities of alcohol in manufacturing, and protest against the reduction of tax, account of disrupting established prices, encouraging illegitimate industries, loss of proper and needed revenue by Government.

LLOYD BROS., PHARMACISTS (INC.).

I have another one here from the same place, which reads as follows:

CINCINNATI, OHIO, *December 11, 1925.*

Hon. JOHN G. COOPER,
Care House of Representatives, Washington, D. C.:

This company, as manufacturer of 97 years' standing, is opposed to proposed reduction tax on pure alcohol, because it favors unlawful and unfair competition. This is proved by admitted diversion of tax-free alcohol to-day, which is denatured but is very cheap. The high tax on pure undenatured is a barrier against diversion, and the proposed reduction of this indirect tax would lose many times the revenue that the ultimate consumer might save. We respectfully urge that provisions for reduction be stricken from the revenue bill before the House.

THE WILLIAM S. MERRELL CO.

I do not agree with those who are advocating tax reduction on alcohol and who claim that it will be a direct saving to the ultimate consumer of medicine.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield to no man in my devotion to the prohibition cause, unless possibly it be to my distinguished friend and committee colleague, the gentleman from Georgia [Mr. CRISP], who unites with me in my position on this amendment. For 40 years or more in season—and I fear some people think out of season—I have advocated prohibition and supported it. I am doing so now. Let me say in all candor to gentlemen who, thinking they are speaking in the interest of prohibition, are opposed to this committee bill—and they are taking that position conscientiously, I have no doubt—that there is nothing that tends so much to make prohibition odious, that tends so much to arouse a spirit in opposition to it, as this practice of maintaining laws that punish the innocent along with the guilty. [Applause.] We have had here a war tax on alcohol. Before the war the tax was half of what it is now, and the bill proposes to restore the former rates. We have started on a measure which I have thought would be a great constructive measure and mark the lines for future revenue bills. Will any gentleman say to me that we ought not to begin with our reductions first on the necessaries of life? Will any gentleman say that there is anything more necessary than medicines, than pharmaceutical preparations?

Yet some gentlemen want to levy a heavy tax upon those who are using alcohol for legitimate purposes, in order to reach those who are violating the law.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MILLS. Does the gentleman think that anyone can justify as a matter of principle reducing the tax on automobiles, which are a semiluxury, and maintaining it 1,000 per cent on medicines that are a necessity?

Mr. GREEN of Iowa. Certainly not. There is no way in which it can be justified.

Mr. HUDSON. Is it not in the first instance a reduction to the people direct and in the other instance not to the people?

Mr. GREEN of Iowa. Oh, no; the gentleman is entirely in error. In both cases it will be, for instance, a tax on a business which is passed on to the ultimate consumer.

Mr. HUDSON. But your hearings do not show that.

Mr. GREEN of Iowa. The tax is passed on to the people, and the gentleman in talking here said he would be perfectly willing to tax those people who prepare what he calls patent medicines, and also all of their proprietary medicines so necessary in ordinary life, like Listerine——

Mr. HUDSON. Oh, no; the gentleman should not misquote me.

Mr. GREEN of Iowa. The gentleman's provision would have that effect. The gentleman was perfectly willing to put a tax on them. That is the effect of his provision—to double the war tax on what is an absolute necessity of life. We have to have medicines. Who mostly pays this tax? Certainly the poor man or the man of moderate means; the people in general, who use the most of the articles taxed. With the wealthy man it does not amount to anything. He does not care whether there is a tax on alcohol or not. When the poor man has to go and get a prescription filled at the druggists, when a hospital needs alcohol for its charity patients, when it has been prescribed for a sick person, when it must be used in different forms of medicine—and there are a thousand different uses for such remedies—he has to pay this tax out of the meager pittance that he is receiving, when he has only about enough for the necessities of life, and this is a foremost necessity.

Some gentlemen this morning asked the reason why we reduced the tax. I answer, for the same reason we reduce any tax, to take the burden off of the people. It is one of the first taxes that ought to be reduced, a tax on an absolute necessity of life, necessary for the poor especially, because they can not always go to a physician and pay the high price that is necessary in order to get a physician's perscription, so that sometimes they have to resort to some of these so-called patent medicines, which I know personally have a valuable use.

Now, Mr. Chairman, something has been said about the amount of this tax. How much time have I?

The CHAIRMAN. The gentleman has used five minutes.

Mr. GREEN of Iowa. Something has been said about the amount of this tax and the amount of the reduction. I suggest that the commissioner should read his own report before he has some letter written for him by some subordinate who does not want this tax taken off. But I do not care what the amount of it is. It is a tax that ought to come off; a war tax on a necessity.

What are gentlemen seeking to do here? They want to turn this revenue measure into a prohibition measure. As I look at it, what they are seeking to do will not help prohibition but harm it by retaining this tax on innocent people in the hope they may reach a few guilty ones. They want to do this not through the proper committee but through the Committee on Ways and Means. They should do it through the Committee on the Judiciary. And if gentlemen went to the Judiciary Committee they would acknowledge frankly that the proper way to reach this matter would not be by a tax at all, but by some provision that would give the prohibition authorities the power to enforce the law more effectively. If anybody sees fit hereafter to go to the Judiciary Committee seeking to amend the prohibition law they will find that I will support them in all necessary amendments to reach those seeking to evade or violate the law as earnestly as I am trying here to prevent improper amendments to this bill.

I have been instructed by the committee to offer a committee amendment to this provision. I send it to the Clerk's desk and ask that it be read.

The CHAIRMAN. The Clerk will report the committee amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Committee amendment offered by Mr. GREEN of Iowa: Page 224, at the end of line 5, strike out the quotation marks and after line 5 insert two new paragraphs, as follows:

"(5) The internal revenue tax imposed by this subdivision upon distilled spirits heretofore or hereafter imported into the United States shall, under regulations prescribed by the commissioner, with the approval of the Secretary, be collected and deposited in the same manner as other internal revenue taxes, except that such collection and depositing shall be by the collector of customs instead of by the collector of internal revenue. Such tax shall be in addition to any customs duty imposed under the tariff act of 1922 or any subsequent act.

"(6) Distilled spirits smuggled or brought into the United States unlawfully shall, for the purpose of this subdivision, be held to be imported into the United States, and section 3334 of the Revised Statutes, as amended, shall be applicable to any sale thereof."

Mr. RAINEY. Mr. Chairman, of course I have no objection to the gentleman's amendment. Was it read just now for information?

Mr. GREEN of Iowa. I offer that amendment. I do not think it is necessary for me to take any time in explaining it. I may say, in a word, however, that the purpose of this amendment arises out of the fact that some very singular or technical decisions, as it seems to me, have been made by the Department of Justice, with the result that liquors that come in from foreign countries are sold by the United States marshal, when they are confiscated, without being required to pay the tax. The object of this amendment is simply to oblige all liquor of that kind which has been imported contrary to our laws to pay the tax. It is purely technical in its nature, and it has been unanimously reported by the committee.

Now, unless there is some further question, I do not care to take up more time; but I think, Mr. Chairman, that inasmuch as this is a perfecting amendment, it should be voted on first.

While I have the floor I want to speak of another matter which was overlooked but which is very important.

CAPITAL STOCK TAX, SECTION 700

On page 199, subdivision (d) of division (2) is new; it provides:

(1) The determination by the commissioner as to the fair average value of the capital stock of a domestic corporation shall be only prima facie evidence of the facts on which such determination was based; and * * *

The hearings before the Ways and Means Committee showed that in the Seventh Circuit of the Circuit Court of Appeals the court was giving such a construction to the provisions of the law with reference to the assessment of the capital stock tax, as to make the decision of the commissioner final thereon, and prevent any review by the courts of the question of whether the facts in the case were sufficient to sustain the assessment made under this tax. Such was not the intention of Congress, and as the remedy of certiorari has proved to be insufficient to obtain relief from that situation for those affected by this holding, the committee considered that the intent of Congress should be expressed in unmistakable terms.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from South Dakota [Mr. WILLIAMSON] should be acted upon first.

Mr. CONNERY. Mr. Chairman, will the gentleman yield to me a moment to make just one brief statement?

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. KETCHAM. Has the gentleman any information that he can give to the committee as to any understanding from men who are interested in the remission of this tax, that if granted the price would be lowered to the consumers?

Mr. GREEN of Iowa. Yes. We have had that assurance, especially from the manufacturers of flavoring extracts, which are used in every family. If the tax is remitted, a reduction will be made.

Mr. WILLIAM E. HULL. Listerine has not paid any tax since the war. They get all their alcohol free of tax, and have done so since the war.

Mr. GREEN of Iowa. They must be using denatured alcohol.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SUMMERS of Washington. Does the gentleman think that a flavoring extract costing 15 cents would be reduced in price to the consumer?

Mr. GREEN of Iowa. If it is not so, there is not any use in taking off any of these taxes.

Now, Mr. Chairman, I do not care to take up any time on this.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that my amendment be again reported.

Mr. CONNERY. Mr. Chairman, a parliamentary inquiry: Considering that I have been trying to get time to speak in favor of the Lydia E. Pinkham concern, of Lynn, Mass., and have been unable to get even one minute from the chairman of the committee, would it be in order to raise a point of order so that I might get an opportunity to say that Mrs. Lydia E. Pinkham was not a mythical person. She was a real person, greatly beloved and respected by her friends and neighbors, a woman who was responsible for great good throughout this country. She is not now living, but her descendants are A No. 1 respectable citizens of the city of Lynn, and the Lydia E. Pinkham concern has the highest of reputations not only in Lynn but throughout the entire United States. [Applause.]

The CHAIRMAN. The Chair would say that the gentleman has already made the statement he desired, and therefore his inquiry is really not a parliamentary inquiry. [Laughter.]

There are four amendments offered. Two of them would be termed perfecting amendments. The amendment offered by the gentleman from South Dakota [Mr. WILLIAMSON] and the amendment offered by the gentleman from Iowa [Mr. GREEN] are perfecting amendments. There are two further amendments to strike out.

The Chair would suggest that the proper order in which these should be voted upon would be as follows: First, the amendment offered by the gentleman from South Dakota, and next the amendment proposed by the gentleman from Iowa, and third, the amendment proposed by the gentleman from Illinois [Mr. RAINEY], which strikes out part of the paragraph, and fourth, the amendment offered by the gentleman from Michigan [Mr. HUDSON], which strikes out the whole of the paragraph.

Mr. HUDSON. Would it be in order to state the difference between the Rainey amendment and the Hudson amendment?

The CHAIRMAN. The Chair will state that a sufficient time has elapsed since the introduction of those amendments to warrant the Chair in suggesting that the first amendment be again read. Without objection, the Williamson amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Dakota.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMSON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided, and the Chair announced that the noes had it.

So the amendment was rejected.

The CHAIRMAN. The next amendment will be reported, the amendment offered by the gentleman from Iowa [Mr. GREEN].

The Green amendment was again read.

The amendment was agreed to.

Mr. RAINEY. Mr. Chairman, my amendment has been read for information only so far. I now offer it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Rainey amendment was again read.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 41, noes 182.

So the amendment was rejected.

The CHAIRMAN. The next vote is on the amendment offered by the gentleman from Michigan [Mr. HUDSON], which the Clerk will report.

The Hudson amendment was again read.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(b) The tax shall, without assessment by the commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per cent a month from the time when the tax became due until paid.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. Many of the speakers who have discussed this bill have admitted that the tax on cereal beverages was put in not as a revenue producer but for the purpose of giving the prohibition enforcement unit the privilege of going in and inspecting breweries at any and all times. If that be true, it would seem to me that this section, minus the tax feature, should have been referred to the Judiciary Committee, and, if essential to the enforcement of prohibition, it should be incorporated in the Volstead Act.

I realize it is useless to offer an amendment to strike these two sections out—sections 903 and 904. I know better than to ram my head up against a stone wall. The steam roller seems to be working very efficiently and I have no desire to be flattened out.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. GREEN of Iowa. That is not correct. It is to the advantage of those who are doing a legitimate business to have some inspection made and have the tax collected as it ought to be collected, as well as to collect any other tax that might be due the Government, if any of their competitors are making the so-called high-powered beer. It will prevent evasion of taxes and penalties by those who are making beer with an alcoholic content above one-half of 1 per cent.

Mr. KNUTSON. The gentleman will admit, will he not, that this provision was put into the bill primarily for the purpose of giving the prohibition enforcement office the power to inspect breweries at any and all times.

Mr. GREEN of Iowa. No; I will not admit that. It was put in for the purpose of getting revenue, both from those who are complying with the law and from those who are not complying with the law.

Mr. KNUTSON. How much revenue will this section produce?

Mr. GREEN of Iowa. Directly about $60,000 and indirectly, I hope, a good many thousand dollars more.

Mr. KNUTSON. Sixty thousand dollars is a small amount in a bill of this character. Why single out the manufacturers of cereal beverages for this tax? Why not also impose a tax on the manufacturers of other beverages? There are other manufacturers that should pay a tax. The gentleman has in mind several, and so have I. Why single out the manufacturers of cereal beverages? They are all losing money at the present time.

Mr. GREEN of Iowa. No. There are a good many manufacturers, I will say to the gentleman, who are not losing money.

Mr. KNUTSON. Well, all that I know anything about are losing money, and this will place a considerable burden on them.

Mr. GREEN of Iowa. There will be no particular burden on the legitimate manufacturer; the burden will reach the man who is operating illegitimately, and I hope we shall be able to tax him very highly.

Mr. KNUTSON. The fact remains, nevertheless, Mr. Chairman, that the object this seeks to attain should be incorporated into the enforcement law and not in a revenue law.

The pro forma amendment was withdrawn.

The Clerk read as follows:

TITLE X.—BOARD OF TAX APPEALS

SEC. 1000. Title IX of the revenue act of 1924 is amended to read as follows:

"TITLE IX.—BOARD OF TAX APPEALS

"MEMBERSHIP OF BOARD

"SEC. 900. The Board of Tax Appeals (hereinafter referred to as the 'board') is hereby continued as an independent agency in the executive branch of the Government. The board shall be composed of 16 members, except that such limitation shall not be held applicable to any member holding office under an appointment made before the enactment of the revenue act of 1926, in accordance with the law in force prior to the enactment of such act."

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. As I understand, the provision with reference to the Board of Tax Appeals is one paragraph, and the Clerk will read right through before it is proper to offer an amendment?

The CHAIRMAN. I think it is within the discretion of the Chair to decide that question; but if the chairman of the committee suggests that and there is no objection to that course being pursued, the Chair will hold that the whole of this title, from page 226 to page 239, be read.

The Clerk read as follows:

TITLE X.—BOARD OF TAX APPEALS

SEC. 1000. Title IX of the revenue act of 1924 is amended to read as follows:

"TITLE IX.—BOARD OF TAX APPEALS

"MEMBERSHIP OF BOARD

"SEC. 900. The Board of Tax Appeals (hereinafter referred to as the 'board') is hereby continued as an independent agency in the executive branch of the Government. The board shall be composed of 16 members; except that such limitation shall not be held applicable to

any member holding office under an appointment made before the enactment of the revenue act of 1926, in accordance with the law in force prior to the enactment of such act.

"SEC. 901. Each member of the board shall be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. Members of the board, appointed after the enactment of the revenue act of 1926, shall hold office during good behavior, except that any member may be removed by the President, after notice and opportunity for public hearing, for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. Each member shall receive salary at the rate of $10,000 per annum.

"SEC. 902. No member of the board taking office after the enactment of the revenue act of 1926 shall be permitted to practice before the board for a period of four years after leaving office; except that a member removed from office in accordance with section 901 shall not be permitted at any time to practice before the board.

"ORGANIZATION AND PROCEDURE

"SEC. 903. The board shall at least biennially designate a member to act as chairman. The board shall have a seal which shall be judicially noticed.

"SEC. 904. The board and its divisions shall have such jurisdiction as is conferred on them by Title II and Title III of the revenue act of 1926 or by subsequent laws. The board is authorized to impose a fee in an amount not in excess of $10 to be fixed by the board for the filing of any petition for the redetermination of a deficiency after the enactment of the revenue act of 1926 and for the hearing of any proceeding pending at the time of such enactment.

"SEC. 905. A majority of the members of the board or of any division thereof shall constitute a quorum for the transaction of the business of the board or of the division, respectively. A vacancy in the board or in any division thereof shall not impair the powers nor affect the duties of the board or division nor of the remaining members of the board or division, respectively.

"SEC. 906. (a) The chairman may from time to time divide the board into divisions of one or more members, assign the members of the board thereto, and in case of a division of more than one member, designate the chief thereof. If a division, as a result of a vacancy or the absence or inability of a member assigned thereto to serve thereon, is composed of less than the number of members designated for the division, the chairman may assign other members to the division or direct the division to proceed with the transaction of business without awaiting any additional assignment of members thereto. A division shall hear and decide any proceeding instituted before the board and any motion thereon assigned to such division by the chairman.

"(b) In case of a decision by a division of two or more members, the decision and the findings of fact made in connection therewith shall (except as provided in subdivision (d)) become the decision and the findings of the board within 30 days after such decision by the division, unless within such period the chairman has directed that such decision shall be reviewed by the board.

"(c) In case of a decision by a division of one member, the decision and the findings of fact made in connection therewith shall not become the decision or findings of the board until reviewed by the board.

"(d) In case of a decision by a division (regardless of the number of members thereof) dismissing any proceeding on the ground that the proof is clearly insufficient to sustain the allegations of the petition or to entitle the petitioner to any relief, the decision shall not become the decision of the board until reviewed by the board.

"(e) No rehearing shall be granted the taxpayer in any proceeding either pending any review by the board of the decision of a division in such proceeding or after the decision of the board in such proceeding; except in case a proceeding on review before the courts, as hereinafter in this title provided, is remanded for rehearing before the board.

"(f) A decision of the board shall be held to be rendered upon the date that the amount of the deficiency having been determined by the board, an order specifying such amount has been entered in the records of the board.

"(g) If the board dismisses a petition its decision shall, for the purpose of Titles II and III of the revenue act of 1926, be considered as its decision that the deficiency is the amount determined by the commissioner.

"(h) The findings of the board made in any decision prior to the enactment of the revenue act of 1926 shall, notwithstanding the enactment of such act, continue to be prima facie evidence of the facts therein stated.

"SEC. 907. (a) Notice and an opportunity to be heard shall be given to the taxpayer and the commissioner and a decision shall be made as quickly as practicable. Hearings before the board and its divisions shall be open to the public and shall be stenographically reported. The board is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the board and to other persons and agencies. The proceedings of the board and its divisions shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the board may prescribe and in accordance with the rules of evidence applicable in courts of equity of the District of Columbia.

"(b) It shall be the duty of the board and of each division to make findings of fact and a decision in each case before it, and report thereon in writing; except that the findings of fact and report thereon may be omitted in case of a decision dismissing any proceeding upon motion either of the taxpayer, the commissioner, or the board. Whenever the board deems it advisable, the report shall contain an opinion in writing in addition to the findings of fact and decision.

"(c) All reports of the board and all evidence received by the board and its divisions, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the board in any proceeding has become final the board may, upon motion of the taxpayer or the commissioner, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the board or any division; or the board may, on its own motion, make such other disposition thereof as it deems advisable.

"(d) The board shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the board therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

"(e) The principal office of the board shall be in the District of Columbia, but the board or any of its divisions may sit at any place within the United States. The times and places of the meetings of the board and of its divisions shall be prescribed by the chairman with a view to securing reasonable opportunity to taxpayers to appear before the board or any of its divisions, with as little inconvenience and expense to taxpayers as is practicable.

"(f) The Secretary of the Treasury shall provide the board with suitable rooms in courthouses or other buildings when necessary for hearings by the board, or any division thereof, outside the District of Columbia.

"WITNESSES

"SEC. 908. For the efficient administration of the functions vested in the board or any division thereof, any member of the board, or any employee of the board designated in writing for the purpose by the chairman, may administer oaths, and any member of the board may examine witnesses and require, by subpœna ordered by the board or any division thereof and signed by the member, (1) the attendance and testimony of witnesses, and the production of all necessary returns, books, papers, documents, corresponence, and other evidence, from any place in the United States at any designated place of hearing, or (2) the taking of a deposition before any designated individual competent to administer oaths under this act. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

"SEC. 909. (a) Any witness summoned or whose deposition is taken under section 908 shall receive the same fees and mileage as witnesses in the courts of the United States. Such fees and mileage and the expenses of taking such deposition shall be paid as follows:

"(1) In the case of witnesses for the commissioner, such payments shall be made by the Secretary out of any moneys appropriated for the collection of internal-revenue taxes.

"(2) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the board, by the party at whose instance the witness appears or the deposition is taken.

"(b) This section shall take effect as of June 2, 1924, in the case of fees, mileage, or expenses accrued prior to, but remaining unpaid at the time of, the enactment of the revenue act of 1926.

"EXPENDITURES AND PERSONNEL

"SEC. 910. The members of the board shall receive necessary traveling expenses and expenses actually incurred for subsistence while traveling on duty and away from their designated stations, subject to the same limitations in amount as are now or may hereafter be applicable to the Board of General Appraisers. The employees of the board shall receive their necessary traveling expenses, and expenses actually incurred for subsistence while traveling on duty and away from their designated stations, in an amount not to exceed $5 per day. The board is authorized in accordance with the civil service laws to appoint, and in accordance with the classification act of 1923 to fix the compensation of such employees, and to make such expendi-

tures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary efficiently to execute the functions vested in the board. All expenditures of the board shall be allowed and paid, out of any moneys appropriated for the purposes of the board, upon presentation of itemized vouchers therefor signed by the chairman. All fees received by the board shall be covered into the Treasury as miscellaneous receipts. Section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the board when the aggregate amount involved does not exceed the sum of $25.

"FRIVOLOUS APPEALS TO BOARD

"SEC. 911. Whenever it appears to the board that proceedings before it have been instituted by the taxpayer merely for delay, damages in an amount not in excess of $500 shall be awarded to the United States by the board in its decision. Damages so awarded shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax.

"COURT REVIEW OF BOARD'S DECISION

"SEC. 912. (a) The decision of the board may be reviewed by a circuit court of appeals, or the Court of Appeals of the District of Columbia, as hereinafter provided, if a petition for such review is filed by either the commissioner or the taxpayer within 90 days after the decision is rendered.

"(b) Such courts are authorized to adopt rules for the filing of such petition and the conduct of proceedings upon such review and, until the adoption of such rules, the rules of such courts relating to appellate proceedings upon a writ of error, so far as applicable, shall govern.

"(c) No such review by a taxpayer shall be allowed unless, prior to the expiration of such period, he has filed with the board a bond (in addition to any other undertakings required by the court) in a sum fixed by the board not exceeding double the amount of the deficiency (as determined by the board) and with sureties approved by the board, conditioned upon the payment of the deficiency as finally determined, together with interest thereon.

"SEC. 913. (a) Such decision may be reviewed—

"(1) In the case of an individual, by the circuit court of appeals for the circuit whereof he is an inhabitant, or if not an inhabitant of any circuit, then by the Court of Appeals of the District of Columbia.

"(2) In the case of a person (other than an individual), except as provided in paragraph (3), by the circuit court of appeals for the circuit in which is located the office of the collector of internal revenue to whom such person made the return, and in case such person made no return, then for any circuit in which is located the office of a collector of internal revenue to whom such person should have made the return.

"(3) In the case of a corporation which had no principal place of business or principal office or agency in the United States, then by the Court of Appeals of the District of Columbia.

"SEC. 914. (a) The circuit courts of appeals and the Court of Appeals of the District of Columbia shall have exclusive jurisdiction to review the decisions of the board (except as provided in section 239 of the Judicial Code, as amended); and the judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari in the manner provided in section 240 of the Judicial Code, as amended.

"(b) Upon such review, such courts shall have power to affirm or, if the decision of the board is not in accordance with law, to modify or to reverse the decision of the board, or if there has been prejudicial error by the board in ruling upon the admissibility of evidence, to remand the case to the board for rehearing; but on no other ground shall a case be remanded for the taking of further evidence.

"SEC. 915. (a) The circuit courts of appeals, the Court of Appeals of the District of Columbia, and the Supreme Court shall have power to impose damages, in addition to interest, in any case where the decision of the board is affirmed and it appears that the petition was filed merely for delay.

"(b) The board is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record.

"SEC. 916. (a) The decision of the board shall become final—

"(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

"(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the decision of the board has been affirmed or the petition for review dismissed by the circuit court of appeals and no petition for certiorari has been duly filed; or

"(3) Upon the denial of a petition for certiorari, if the decision of the board has been affirmed or the petition for review dismissed by the circuit court of appeals; or

"(4) Upon the expiration of 30 days from the date of issuance of the mandate of the Supreme Court, if such court directs that the decision of the board be affirmed or the petition for review dismissed.

"(b) If the Supreme Court directs that the decision of the board be modified or reversed, the decision of the board rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of 30 days from the time it was rendered, unless within such 30 days either the commissioner or the taxpayer has instituted proceedings to have such decision corrected to accord with the mandate, in which event the decision of the board shall become final when so corrected.

"(c) If the decision of the board is modified or reversed by the circuit court of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the decision of the board rendered in accordance with the mandate of the circuit court of appeals shall become final on the expiration of 30 days from the time such decision of the board was rendered, unless within such 30 days either the commissioner or the taxpayer has instituted proceedings to have such decision corrected so that it will accord with the mandate, in which event the decision of the board shall become final when so corrected.

"(d) If the Supreme Court orders a rehearing; or if the case is remanded by the circuit court of appeals to the board for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the decision of the board rendered upon such rehearing shall become final in the same manner as though no prior decision of the board had been rendered.

"(e) As used in this section—

"(1) The term 'circuit court of appeals' includes the Court of Appeals of the District of Columbia;

"(2) The term 'mandate,' in case a mandate has been recalled prior to the expiration of 30 days from the date of issuance thereof, means the final mandate."

Mr. GREEN of Iowa. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 226, strike out lines 14 to 26, inclusive, and page 227, lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SEC. 901. (a) Members of the board shall be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. Members of the board may be removed by the President, after notice and opportunity for public hearing, for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. Each member shall receive salary at the rate of $10,000 per annum.

"(b) The terms of office of all members who are to compose the board prior to June 2, 1926, shall expire on June 1, 1926. The terms of office of the 16 members first taking office after such date shall expire, as designated by the President, four at the end of the eighth year, four at the end of the tenth year, four at the end of the twelfth year, and four at the end of the fourteenth year after June 2, 1926. The terms of office of all successors shall expire 14 years after the expiration of the terms for which their predecessors were appointed, but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor.

"SEC. 902. A member of the board removed from office in accordance with subdivision (a) of section 901 shall not be permitted at any time to practice before the board."

Mr. GREEN of Iowa. Mr. Chairman, the change, which this amendment makes in the bill, is with reference to the tenure of office of the members of the Board of Tax Appeals. As provided in the bill originally, they were to be appointed for life, but the amendment provides for initial terms of 8, 10, 12, and 14 years, and, thereafter, for 14 years.

The committee made this change after very careful study and consideration, with the understanding that this was practically acceptable to all Members of the House who have given the matter careful consideration.

Mr. EDWARDS. Will the gentleman yield for a question?

Mr. GREEN of Iowa. I will do so with pleasure.

Mr. EDWARDS. The amendment provides, as I understand, that a man who is removed from the board can not practice before the board?

Mr. GREEN of Iowa. That is true, if he is removed for cause.

Mr. EDWARDS. Suppose a member resigns from the board; is there any limitation as to his practicing before the board?

Mr. GREEN of Iowa. No; there is no limitation in that event.

Mr. EDWARDS. As to when he shall practice before the board?

Mr. GREEN of Iowa. No.

Mr. BLANTON. Will the gentleman yield to me?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. I will say to the gentleman that none of them will resign; the terms of some might expire, but none will resign.

Mr. GREEN of Iowa. I will say to my friend from Texas that, whether or not this provision is incorporated in the bill, he will find that some will resign, and he can mark my word on that.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MOORE of Virginia. I am in accord with most of the modifications which the gentleman has suggested, but I would like to ask him whether he has considered that all of the great administrative boards that are now functioning are made up on a bipartisan basis. For instance, the law provides that not more than so many members of the Tariff Commission shall be of the same political party; there is a similar provision with reference to the Interstate Commerce Commission; with reference to the Board of Customs Appeals in New York; I think with reference to the Federal Trade Commission; and with reference to the Shipping Board. This is the solitary exception. I quite understand that this board has semijudicial functions, but that is true of many of the other boards, for instance, the Interstate Commerce Commission, and that commission is certainly of as much importance as the board with which we are now dealing.

Might it not be wise that the same principle which has been expressed in the other statutes should be expressed in the present bill. I do not think I shall offer an amendment, but it appears that it would be exactly in line with what we have done heretofore to provide that, say, not more than 9 of the 16 members shall be drawn from the same political party.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes more in order that I may reply to the gentleman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Chairman, I have great respect and deference for the opinion of my friend, the gentleman from Virginia, but in this particular case I think it would be a great mistake to insert any such provision as the gentleman suggests. The gentleman will remember that the provision in the bill is that they shall be appointed solely on account of fitness for the position.

Mr. MOORE of Virginia. Does not the gentleman think that——

Mr. GREEN of Iowa. Will the gentleman kindly permit me to conclude, and then I will be pleased to yield further.

If we once start on this political feature, then we are going to have political appointments on this board, and of all things I want to avoid, the principal one is that no appointment should be made on this board for political reasons. Nobody knows the politics of most of the members on the board at present. Nobody has ever been asked about his politics when he was being considered for appointment on the board. We all know there are Democrats on the board and there are Republicans on the board, but nobody has inquired about their politics, and I do not think anybody ever should inquire about that. We want men appointed on this board solely on the ground of their fitness, because the matters they consider are highly technical and of the greatest importance, both to the taxpayer and the Government.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. JACOBSTEIN. Does not the gentleman want to get away from the situation that has developed in the Shipping Board and in the Tariff Board?

Mr. GREEN of Iowa. Yes; that is it exactly. We want to get away from what is occurring now on the Tariff Board and the Shipping Board.

Mr. MOORE of Virginia. Of course, every President, properly regarding the duties attaching to his office, considers the matter of fitness in making up these other boards. That is to be assumed. I was only talking about the precedent established through a period of a long number of years with reference to all the great administrative boards. This board will not deal with questions of any more importance than the Interstate Commerce Commission. That commission does not decide a single important rate case without affecting the people of the country to the extent of hundreds of millions of dollars for an indefinite number of years; yet we have written into the existing statute that creates that commission such a provision as I am alluding to, and we have done it in the other statutes creating other commissions, and it seems rather singular it should not be done in this bill.

Mr. GREEN of Iowa. My friend would not think of ever saying that the judges of the court should be appointed half from one party or a certain proportion from one party and the balance from the other?

Mr. MOORE of Virginia. Of course, I would not.

Mr. GREEN of Iowa. This is a great court. The men upon this board are compelled to decide every day the greatest variety of legal questions that one can imagine, and in my judgment the board should be free from all matters of politics.

Mr. SABATH. That is what the gentleman from Virginia contends.

Mr. MOORE of Virginia. I am not wishing to make the board political. I am only trying to get the gentleman to consider what the reason is, or whether there is any good reason, having established a precedent, for failing to follow it now.

Mr. GREEN of Iowa. I do not know whether there was any good reason for doing what was done at that time, but I am quite sure there is a good reason for the position we are taking now.

Mr. MOORE of Virginia. I shall not offer any amendment on the subject.

Mr. LOZIER, Mr. JACOBSTEIN, and Mr. SUMNERS of Texas rose.

Mr. GREEN of Iowa. I yield first to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. In view of the fact that the members of this board by reason of the high, exalted, and very important positions they will occupy, and by reason of the efficiency that they will have and will acquire, and which is necessary for the faithful performance of their duties, does not the gentleman believe it would be a wise public policy to write into this bill a provision that members who resign from this board shall not be permitted to practice before that tribunal within, say, four years.

Mr. GREEN of Iowa. If the gentleman wants to fix things so we can not get any good men on the board, that would be one way of doing it.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. JACOBSTEIN. What is the precedent for 14 years, or is there any?

Mr. GREEN of Iowa. I can not say that there is any precedent, but I think that is the term of office of judges in your own State, and that is one thing we thought of.

Mr. BLANTON. One appointment would mean a lifetime, because twice 14 is 28.

Mr. GREEN of Iowa. Not if we get the young men whom we need for these positions, where men have to work night and day, as they have to do on this board.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman with pleasure.

Mr. SUMNERS of Texas. I want to direct the chairman's attention a little more fully to the same matter raised by the question propounded about the number of years provided for in this amendment during which these different classes of officers are to hold office. It is a fact, I believe, that these are judicial offices.

Mr. GREEN of Iowa. So the President said and so everyone regards them.

Mr. SUMNERS of Texas. And they are appointed by the President with the advice of the Senate?

Mr. GREEN of Iowa. With the advice and consent of the Senate.

Mr. SUMNERS of Texas. And the power is given to the President to remove them. Does not the gentleman believe, whatever may be the precedents, that the question of the removal of a high judicial officer ought to be submitted to the Senate before it becomes final? They are appointed by the President by and with the consent of the Senate, and it seems to me, as a matter of sound governmental policy, the question of their removal ought to be submitted to the same sources from which they receive their existence.

Mr. GREEN of Iowa. Of course, the gentleman knows how that would result. That would result in—I was going to use

the term "wrangle" but perhaps that is not a very proper term to use in reference to such a dignified body as the Senate—but it would result in an interminable controversy before that body. We need efficient men on this board and men who will work; and if there is some man on this board who will not work or who is not performing his duties properly or is incompetent, I want to see the President take him off of the board.

Mr. EDWARDS. Mr. Chairman, the Committee on Ways and Means is to be congratulated for striking out the life-tenure provision in connection with the creation of this tax board of 16 members. In my judgment the committee has done well in striking out the provision for two reasons. In the first place, I do not believe the Congress has any constitutional right or authority to create such a life-tenure tax board. In the second place, if it is not unconstitutional, it is certainly un-American and unwise. I am against the idea of creating new boards, new commissions, new positions, and new salaries, on general principle. We are here for the purpose of trying to reduce taxation. We are not going to make any substantial headway in the reduction of the expenses of the country or the reduction of taxes until we quit creating new positions, new boards, new commissions, and until we have abolished a great number of existing useless commissions and useless salaries. [Applause.] The country is looking to us for relief. We are trying to do business in peace time under war taxes.

Some Member has referred to "Mr. Average Man." There is an effort to mislead "Mr. Average Man" as to what reductions he is getting out of this bill. If "Mr. Average Man" does not look out he is going to find himself in the position of the fellow who fell into the hands of a lawless band up in the State of Maine and was lynched. A wag placed a placard on his breast and then left him hanging there. The placard said, "I am in statu quo."

The people from around about the country gathered and viewed the situation, but they could not make out this Latin: "Statu quo." They sent for the justice of the peace, the wise man of the community, to come over and interpret the Latin. The old justice came over, with his dictionary, viewed the remains, took in the situation, and said: "That is Latin, and the best I can make out of it is it means, in this case, 'I am in a hell of a fix.'" [Laughter.]

Mr. BEEDY. I would like to ask the gentleman if he has not laid the scene in the wrong State; did not that occur in Georgia? [Laughter.]

Mr. EDWARDS. No; for the sake of the story, it occurred in the State of Maine.

Mr. BEEDY. No one up there ever gets into that situation.

Mr. GREEN of Iowa. The gentleman from Georgia is mistaken as to the added expense. The provision for a filing fee will more than take care of it.

Mr. EDWARDS. This bill proposes to pay a salary of $10,000 each for the 16 members of the board. I say to the distinguished gentleman from Iowa that we never will make any real progress toward tax reduction until we reduce the expense of the Government.

Mr. GREEN of Iowa. We will never collect the tax if you do not sustain this board.

Mr. EDWARDS. You do not need such a large board, if you do away with the officious agents who stir up tax questions and then keep them pending and pending and pending for the purpose of keeping themselves in positions and drawing their salaries. The big task is being imagined in this thing. The collection of the income tax is not such a whale of a job if you will put men there who will stay on the job and look after the thing and conduct it in a businesslike way, cutting out a lot of useless requirements and red tape. [Applause.]

This bill is remarkable in that nearly every speaker who has expressed himself—and there have been many of them—has found fault with the bill in some particular, and yet the fact remains that although we have tried time and again to get amendments to the bill that would make material reductions, not a single amendment of that character has been adopted.

Like many other Members of the Congress, I am pledged to tax reductions all down the line, and have voted for every amendment that has been offered that would make additional reductions.

We have often heard the question asked as to how taxes can be reduced as long as the cost of government is high? How in the name of truth can the cost of government be reduced if we go on creating commissions and boards, all of which will enormously add to the overhead expenses of the Government? If we will abolish a great number of useless commissions, boards, and bureaus, instead of creating others, and stop a lot of sinecure salaries that are being paid out for no material benefit to the Government, we will be traveling along the right road toward economy, as well as to effect real tax reductions that can follow.

You are seeking to raise, through the revenue bill, over $3,000,000,000, while the reductions amount to only about $325,000,000, which is approximately 10 per cent of the tax levy you are attempting to make.

The country is struggling along under war taxes in peace time, and we expect the people to be prosperous under such conditions. We might as well expect a man to swim with a millstone about his neck. The people need relief and this Congress has promised to give relief. This is the sop you hand them. You make the bulk of deductions on incomes of over $100,000, and you do little for the man whose income is less than $50,000.

You have had an opportunity to amend this bill and make the exemptions for married persons, $5,000, and for single persons $2,500, but the amendments were overwhelmingly voted down by the Republicans and the exemptions are left in the bill at $3,500 for married persons and at $1,500 for single persons. You fix it, in this bill, so that every person making a gross income of $5,000 and above must make returns regardless of whether their net incomes are up to the taxable amount or not. Many people make gross incomes of $5,000 and yet do not make $3,500 net. They are to be annoyed and the country put to the expense of requiring these thousands and millions of returns to be made. The blanks and returns are not simplified under this bill. That has been the source of much criticism. The returns are complicated. They are hard to make out, and they are expensive to the tax payers and to the Government. Then the annoying features, of which we have heard much complaint, of nothing being final or definite even when the return is made by a Government agent or expert. A gentleman told me recently that his 1919 return was dug up and a "busybody" tax sleuth demanded all of his books and records, which he had fortunately preserved. This expert(?) when he had nosed through all the records demanded approximately $4,500 additional tax from this gentleman. It was not paid, but what happened? This busy business man had to employ counsel, and an accountant and spend his time and money for the purpose of defending his own integrity and to prevent a grave injustice and wrong being done him. What was the result? When the whole thing had been concluded, after weeks and months of suspense, work and delay, it was found in Washington that there was due the Government about $17. This cost that tax payer nearly $1,000 to say nothing of the lost time and annoyance. It probably cost the Government that much. It is not determined, I presume, that even this case after all the investigating, can be considered as finally closed, because some other agent who wants to make a record and keep himself in a job might turn up and start another investigation. This is just one of hundreds of such cases and you know this is true. There should be some system to the thing and when a return is made the burden should be on the Government to show fraud before a case can be reopened.

The war, which is charged with causing these high taxes that are annoying the American people, has been over seven years. We are still paying war taxes and burdened with war debt, notwithstanding the fact that foreign powers owe us approximately $12,000,000,000. It is proposed to give these powers 62 years in which to pay up. The American people are giving peoples of other nations who owe us a long period of time in which to pay what is due us, and for what? In order that the people of the other nations might not be sorely burdened with high taxes necessary to produce the money with which to pay us. We are asked to continue high taxes upon the American people that we might meet our war debt in a period of something like 20 years. It is not right, and if we would string this war debt out and let future generations pay a great part of—for God knows the present generation has already done more than its share in financing the war and in standing the deflations after the war that cost more than the war—we could in that event get back to something like pre-war taxation and relieve our people of heavy burdens in this regard. I favor taking as long to discharge our war debt as we are giving other nations, and of taking a lot of these war-tax burdens from the shoulders of the American people.

Every auto, little, big, or medium, has to bear its tax, and the buyer pays the tax. There is just no end of taxes. If it was the income tax, the surtax, the inheritance tax, the capital-stock tax, the auto tax, we might not howl so much, but you forget there are municipal taxes, school taxes, State taxes, county taxes, and occupation or business taxes, and all kinds of taxes. Then there is the tariff tax that levies taxes

upon everything almost that is used, even to the socks on our feet and the caskets in which our dead are laid to rest.

If we would require nations that owe us to pay up, we could pay up also, and these burdensome taxes could be relieved.

An effort has been made to make "Mr. Average Man" believe he is the chief beneficiary of the bulk of the reductions carried in this bill. "Mr. Average Man" will hardly be misled in this regard, for he will know the truth when tax-paying time comes around, and will find he is in "statue quo" so far as this bill is concerned.

If this war debt was extended over a period of 60 years instead of 20 years we could make a cut in this bill, in my judgment, of $500,000,000, and next year another cut; in the next few years get back to something like normal conditions in so far as taxes are concerned. The country is going to be woefully disappointed in this bill, and the fault lies with the majority party. I am not willing to go back to my people and have them ask me why I didn't speak out in their behalf for relief. I want to be able to say truthfully to them that I did all I could to effect tax reductions all down the line. [Applause.]

I wish to have printed as a part of my remarks a letter from Mr. C. H. Dorsett on the capital-stock tax, which is as follows:

SAVANNAH, GA., *December 9, 1925.*

Hon. C. G. EDWARDS,

House of Representatives, Washington, D. C.

DEAR MR. EDWARDS: The tax bill will occupy your attention for some days. I have not yet seen a copy of it.

It is not necessary that I should in order to bring this matter to your attention.

I preferred to write to you rather than to have discussed the matter with you.

The object is relief from onerous and misdirected taxation.

You are familiar with the history and working of this company. This, the old Chatham Real Estate & Improvement Co., now Chatham Savings & Loan, Atlantic Savings & Trust, J. M. Rogers, president; Southern Savings & Loan, H. C. Brinkman, president, all work upon about the same plan.

There is a capital stock, upon which dividends are paid 6 and 7 per cent.

The savings department pays 5 per cent on savings, compounded quarterly, and 6 per cent on amounts over $100 which are deposited for a year or longer. This interest is remitted quarterly to the depositors.

This company does not lend outside of this county.

In our relations to the public we should not be classed with banks in fixing a tax.

Ours is a duplex relation; it is beneficent, more so than a purely savings bank. We not only seek to and do educate and induce the people to save, but we induce them to use their savings and the savings of others to get homes and to keep them.

We make it easy for them to do this by a plan of repayment (amortization), the fairest and easiest I have ever known of after trying to find the best plan.

The plan is made possible by using our capital deposits and repayments.

We have been in successful operation since 1887, chartered by the legislature when Gen. W. W. Gordon represented Chatham.

I have been president for 30 years. In that time all of the losses of the company amount to less than $500.

This shows how safely money can be loaned here upon real estate.

In a former tax bill certain benefits were given to mutual building loan associations because of their mutuality.

Likewise were favored mutual savings banks in which the rate of interest paid on savings depends upon the success of the institution.

In the degree that certainty is more desirable than uncertainty where your income from deposits and the number of months you must pay installments on your house before you own; to that extent is our plan better for the beneficiary whether he be stockholder, depositor, or borrower.

The benefits are mutual, in the fact that we divide our profits by paying the very best interest it is possible on savings and by giving them the lowest rate, longest time, and easiest plan by which to acquire homes.

In the old-line building and loan associations the money for a loan was bid for, and the amount realized was often distressingly small. There is no such uncertainty in our plan, and the time during which the borrower has to pay the monthly installments is fixed by contract.

During 1924 we paid $3,650.67 on a capital of $120,000—more than 3 per cent—taxes to city, State, and county, and Federal.

For 1925 the Federal tax, including the tax on capital, will be $895, or about three-quarters of 1 per cent.

A beneficent institution like this should not be taxed at all and is certainly entitled to as much consideration as theater tickets, automobile accessories, etc.

Yours very truly,

C. H. DORSETT, *President.*

Mr. GARRETT of Tennessee. Mr. Chairman, I am of course very much gratified that the Committee on Ways and Means has taken upon itself the reconsideration of this question and come to the conclusion that it is wise and proper to alter the provision as originally brought before the House and change the term of the members of the tax board as proposed in the bill from life tenure to a period of 14 years. It will be remembered that on Saturday last while general debate was being had on this bill I stated to the Committee of the Whole that it was my purpose, unless some member of the committee should offer an amendment changing that, that I myself proposed to do so. Since that time I have conferred with different members of the Ways and Means Committee on both sides of the Chamber and the result has been the amendment which has just been offered by the gentleman from Iowa [Mr. GREEN]. I repeat that I am very much gratified. I regard the principle of life tenure as a bad principle as applicable to officials of this character, and I shall certainly oppose life tenure for other officials of a similar character in boards that may be proposed in future bills. [Applause.]

Let me say this. I should have preferred 12 years rather than 14 years, but this is a compromise and I make no serious objection to it. I think in view of what has been said in private discussion that I should say this. I hardly feel disposed to offer an amendment myself, but I am inclined to think that this language on the question of removal probably goes beyond the ligitimate power of the Congress. This provides for removal by the President only and that for only particular causes, although, of course, I suppose it would not interfere with the constitutional power of the Congress to impeach. I have had a pretty well-defined idea that under the precedents, both the legal decisions, that is the decisions of the courts, and the practice of executive bodies and the acquiesence of legislative bodies therein, that the appointing authority, when it is the President, would have the constitutional power to discharge at any time. It will be remembered by many gentlemen that President Wilson vetoed the Budget bill because while it gave the President the power to appoint, it did not give him the power to remove.

I thought the President was probably right about that, although I deemed the Budget matter of such importance that I voted to pass it over his veto, notwithstanding I thought that that point was well taken; but that did not create a lifetime position. I know the gentleman has followed the precedent in the cases creating the Board of Appraisers and the Board of Customs Appeals.

Mr. GREEN of Iowa. And in some other instances, I think.

Mr. GARRETT of Tennessee. Perhaps in some other instances, but I have always thought that to make a mistaken precedent of yesterday the law of to-day is a bad policy. Really, I believe that that language ought to be omitted from the bill.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. EDWARDS. Why such a large number on this court? Why not 6 or 8 or 10 instead of 16?

Mr. GARRETT of Tennessee. My understanding is that it has been found that they really do need the 16 men. The gentleman from Georgia will understand that under the law as it now exists, and has existed since 1924, they could have appointed 28 men if they chose to do so, but they have never appointed that number. Sixteen is the largest number. Of course, it was provided that after June 2, 1926, the number should consist of just seven members, but my understanding is that the experience down there has convinced others, and I do not think there is any reason to question their good faith about it, that in view of the tremendous amount of business that is piled up on the board—old cases reaching back to 1917 and 1918—that they do really need this number.

Mr. GREEN of Iowa. The gentleman understands that that is the number now serving on the board, but that their terms expire next June. While the board is practically current with its work, appeals are coming in there in tremendous number. I understand something between 1,000 and 2,000 a month are piling up, and with any less men than they have now the board would be in a very short time hopelessly swamped, and taxpayers would be pounding on the doors of Congress and demanding that their cases be heard.

Mr. GARRETT of Tennessee. Mr. Chairman, I simply reiterate my gratification that the committee itself has agreed on this proposition of 14 years instead of life tenure.

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, I am rather surprised at the nature of the speech that has just been delivered by the gentleman from Georgia [Mr. EDWARDS]. When I look at the shape of his head I should expect a different kind of speech, but I quite appreciate his point of view. I, too, am somewhat opposed to unnecessary multiplication of bureaus, and when the creation of this board was suggested I thought that I would make it a part of my business to see what the board is doing. During the four years and a half that I have been in Washington I have been discouraged to find upon occasion evidences of a great deal of inefficiency, but if ever the Government took a step the result of which was to put more business into Government, it was in the creation of this Board of Tax Appeals. I have spent some time in learning how the voluminous and important work of this board was being conducted. In the first place, let me say that I think we make a great error in Government policy; in fact, we put a premium upon dishonesty and inefficiency when paying public servants inadequate salaries. I commend the membership of this committee for the courage it shows at this time when we are reducing taxes, by proposing to raise the salaries of these men on the Board of Tax Appeals to an approximately adequate standard.

The personnel of this board is one of which the entire membership of this House should be proud. We should keep them in the Government service. Perhaps I can shed a little light upon the question asked by the gentleman from Georgia as to the number of men on this board. Originally there were 12 members. Work began to pile in on the board until it was found impossible to keep up with the work even by working nights, Sundays, and holidays. Three additional appointments were made to assist in expediting the work. The board now consists of 15 members. Since the board was created there have been filed with it 9,156 appeal cases. The board has disposed of 4,123 cases, and there are now ready for trial approximately 1,732 cases, so that there is before the board three months' work in the aggregate.

If the gentleman will examine the decisions of the board, he will perceive they assumed the form of court decisions. I may add that these decisions are now being cited in some of our highest courts as authority. The cases coming before the board involve such amounts of money as to make it very important that we keep high-grade men on the board. I think a proper salary has that tendency, although some men may differ with me.

Mr. McKEOWN rose.

Mr. BEEDY. I would like to answer any questions the gentleman may ask, but I have some statistics that I want to get into the RECORD first. The average case coming before this board involves an amount upward of $15,000.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BEEDY. May I have five minutes more?

The CHAIRMAN. The gentleman from Maine asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BEEDY. The total amount of money involved in the cases passed on by this board since its organization is $152,000,000.

If you examine the Attorney General's report for the fiscal period ending June 30, 1924, you will see that if you total the civil cases commenced in the northern and southern districts of California; northern, southern, and eastern districts of Illinois; the district of Indiana; the northern and southern districts of Ohio; the district of Minnesota; the eastern district of Wisconsin; the District of Massachusetts; the district of Vermont; the northern, southern, eastern, and western districts of New York; the district of New Jersey; eastern, western, and middle districts of Pennsylvania; district of Maryland; district of Delaware; eastern and western districts of North Carolina; and the eastern district of Louisiana, you have 8,419 civil cases presented before the district courts in question; and yet before this one Board of Tax Appeals there have been brought 8,417 cases.

Now, in adjudicating the cases in these district courts 54 judges were employed, while the work of this Board of Tax Appeals was handled by 12 or 15 men. This is a wonderful service rendered to the public. Now, how does the board do its work? The chairman divides this board up into field divisions. Suppose there are 15 or 20 tax cases which people in Georgia wish to take to the board; the chairman will send four members of the board to sit there in Georgia, and thus save the litigants the expense of traveling to Washington. Every case is considered by each member of the field division of the board. When a decision is reached by the field division it is mimeographed. It is then taken up by the full board in Washington. After further careful consideration a final decision is reached, which is the unanimous decision of the full board. These decisions are bound and made available for future reference.

I hope nobody who has given this matter a second thought entertains the slightest doubt of the wisdom of continuing this Board of Tax Appeals on a salary of $10,000 per annum for each member.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BEEDY. Yes.

Mr. McKEOWN. Why extend the term beyond 10 years? Would not the fact that they do render judicial opinions and settle questions—will not that settle those questions in 10 years, so that there will no longer be any confusion? May not the matter settled down to the point where they will have no work?

Mr. BEEDY. But when we see the work continually piling up before this board that thought does not seem to carry much weight. In January next the Commissioner of Internal Revenue is sending out about 7,500 new deficiency letters.

Mr. McKEOWN. But they will not have to work so hard.

Mr. BEEDY. The volume of cases may increase.

Mr. McKEOWN. Then we will have to increase the number of members on the board?

Mr. BEEDY. There is no proposition to increase the membership at the present time. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. SUMNERS of Texas. I object.

Mr. COLLINS. I object.

Mr. GREEN of Iowa. Then, Mr. Chairman, I will modify my request and make it 30 minutes.

Mr. McKEOWN. I have an amendment to offer.

The CHAIRMAN. The gentleman from Iowa amends his request and makes it 30 minutes.

Mr. McKEOWN. I have an amendment which I wish to offer.

Mr. GARRETT of Tennessee. That is on another paragraph. The gentleman will have an opportunity to talk on it.

Mr. GREEN of Iowa. Mr. Chairman, will the Chair kindly submit the request?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the debate on this amendment and all amendments thereto close in 30 minutes. Is there objection?

Mr. BRAND of Georgia. Reserving the right to object, Mr. Chairman, I do not know what this amendment is. Will this prevent my introducing an amendment to section 801? I reserve the right to object.

Mr. GREEN of Iowa. That has been passed over long ago.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINCHER rose.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I have not occupied any time during the discussion of this bill on the floor, but I wish to take the time now to say that I am glad the Committee on Ways and Means have offered this amendment. Like my distinguished friend from Tennessee [Mr. GARRETT], I am opposed to life tenure in offices of this kind. However, I do believe that this work is of such a nature that the committee is entirely right in proposing to give the members of this board sufficient tenure of office to render the board entirely independent and assured of a term of office long enough to enable them to go over this work entirely independently and fearless of any risk.

On a question of whether or not the Senate should have any power with reference to the removal of the officers, as I understand it, there is a case pending now in the Supreme Court which, if decided in favor of the executive branch of the Government, would settle the question for all time, that the President probably could remove, regardless of the length of the term. Perhaps this is a class of boards where the President should have the power to remove. I would be inclined to oppose an amendment which would give to the Senate any say in the matter, for the reason that it might be found necessary to remove members of that board when the Senate was not in session, and the further reason, whether we like to say it or not, that two or three personal friends in that body might hold

up action on the part of the Executive in cases where it might be very necessary to have a removal.

I want to compliment the Committee on Ways and Means for bringing before this Congress and making it possible to pass before the expiration of the first two weeks of a session of Congress a bill to carry out the mandate of the people who elected us Congressmen as their Representatives.

I want to compliment the minority members of this committee as much as the majority members upon the fact that in the Sixty-ninth Congress we are not repeating the experience of the Sixty-eighth Congress and trying to settle economic questions along political lines or for the purpose of making party issues. [Applause.] Congress has proven that it will respond to the mandate of the people, and all the Members, regardless of party, are subject to the compliment for having obeyed that mandate.

This is a great piece of legislation, a piece of legislation which more than 7,000,000 majority of the voters of the United States decided they wanted at the last election, a piece of legislation we pledged, regardless of party, to give them. I say all of the Members are to be commended regardless of the comments of some newspapers that we are not giving it to them as a party issue.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. GARRETT of Tennessee. The gentleman said the people decided, by more than 7,000,000 majority, that they wanted it. The gentleman does not mean to say that those who voted in the minority did not want it, does he?

Mr. TINCHER. No.

Mr. GARRETT of Tennessee. In other words, the gentleman does not mean to say that those who supported the Democratic ticket in that election did not favor this legislation?

Mr. TINCHER. No; because your platform pledged this tax reduction as well as the platform of the Republican Party. The point I want to make is that the country and the Congress are to be complimented on the fact that we are here to-day carrying out the mandate of the people instead of haggling over some plan that was adopted by some political caucus. They decided they did not want economic questions settled in that way at the last election, and this legislation proves that the Congress is carrying out that mandate, and I think all of the Members deserve commendation for it.

Mr. UPSHAW. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. UPSHAW. In all good humor I will suggest to the gentleman that when he mentions a majority of 7,000,000 he inadvertently or purposely suggests partisanship. If the Democratic platform stood for the same thing, then it is an American victory and not a Republican victory. Hurrah for the people! [Laughter.]

Mr. TINCHER. We have not adopted anybody's individual plan, a plan that was indorsed by some caucus, but we are carrying out the mandate of the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, as one Democrat I want to express my appreciation of the courtesy and efficiency with which the chairman of this committee has brought this bill thus far in its progress.

I am very glad, indeed, that the committee has agreed not to submit life tenure to the Congress. I arose, however, to direct the attention of the House to a governmental fallacy involved in this bill which previous experience has demonstrated to be a dangerous fallacy.

Without regard to who now occupies the White House it is a fact that the experience of men in the realm of popular government has demonstrated that such powers as are given the Executive in this bill can not continue to be given to the Executive without bringing upon the Government all the ills that the governments of kings brought to the people in days gone by.

We are creating judicial offices by this bill. They are not technically judicial offices, perhaps, but in fact they are and we are giving to the executive branch of the Government the power to remove their occupants. In all the experience under our system of Government the removal of judicial officers short of the expiration of the terms for which they were appointed has been left to the legislative houses of the Government. That has been the general policy. Of course, the enumeration of certain grounds upon which these commissioners may be removed and the declaration that these are the only grounds upon which removal can be had will not affect the power to impeach given to the Houses of Congress by the Constitution. I am not discussing that.

We are in a remarkable back swing in this country. In every conflict between the legislative and executive branches of the Government popular opinion, it is true, has rallied to the support of the executive branch of the Government, but in a great Government like this we must know that the President of the United States can not discharge the duties which are being conferred upon that office. These duties and powers are being given to the executive organization, to the executive branch of the Government.

We create by this bill officers who are to sit in judgment in conflicts between the Government and the taxpayers. Under our system, generally speaking, we do not remove judicial officers except upon impeachment by the House and trial before the Senate. That was the only expressly provided method under the Constitution of the Federal Government and in so far as I know under the constitution of the State. That was not developed as anybody's theory with reference to government; it grew out of centuries and centuries of experience, during which the power of the Executive of removal was demonstrated to be too great a power for the Executive, the one person, to possess, and yet in this bill we violate whatever of philosophy there is in our system, and disregard all we have learned through experience by giving to the Executive branch of the Government the power to remove a judicial officer without submitting that action for the advice and approval of the Senate, a legislative branch made up of 96 representatives of the people.

Now, I quite understand, gentlemen, that I can not change this purpose of the committee. I understand how everything is working here, and I am not going to offer an amendment; but I believe that I perform a service, worth the five minutes I have occupied, by arresting your legislative procedure and requesting you to consider as the governmental policy which we are adopting—and I make these observations seriously, gentlemen—as to the drift of governmental power in this country. You can not put the power in the hands of any human being God has ever created that we are putting into the hands of the Chief Executive of the American Republic and not bring upon the people abuses and tyrannies akin to those which resulted under the rule of kings in the days gone by. [Applause.] It can not be done. The power herein given to the single Executive over the tenure of office of those whose duties are judicial is too great. These officers are appointed by and with the advice and consent of the Senate and that advice and consent ought to be necessary for their removal.

If the advice and consent of the Senate is necessary to appoint, certainly it ought to be necessary to remove. If the Executive is not to be intrusted with the entire power to fill the office he ought not to be intrusted with the entire power to make the office vacant. That is the point I make, not to this provision in this bill merely, but to this whole policy of unnecessarily shifting governmental control away from the legislative branch of the Government and increasing the governmental powers of the executive branch of the Government beyond that which practical experience in government has demonstrated the executive branch of government can not be intrusted to exercise.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, these sections—901 and 900—as originally drawn provide for life tenure of office for the members of the Board of Tax Appeals whose removal from office may be effected by the President only for inefficiency, neglect of duty, or malfeasance in office. This is a radical departure from the established legislative policy of our Government and method of selecting officers to serve on such boards. Never before, as far as I have been able to discover, has it been undertaken to give executive officers of the Government life tenure of office. Our judges, of course, serve during good behavior, but this is expressly provided for in the Constitution. And the very fact that the Constitution confers life tenure upon the Federal judiciary and on no other officers in the other departments of the Government is sufficient to warrant us in concluding that life tenure elsewhere was condemned by the builders of our form of Government, and hence contrary to the spirit of our supreme law. Strengthening this provision of the Constitution is the fact that Congress has never before conferred life tenure of office on any officer. All this is conclusive evidence that while the Constitution does not expressly deny life tenure of office it carries an implied restriction against it, and that this construction of the Constitution is borne out by the legislative history of the country. Offices are not created for the convenience and support of the officers, but rather for the express purpose of serving the general welfare of the people,

and the method of the selection of these officers and the fixation of their terms of office should be that method which will best serve this aim.

Our Government is one for the people and should be responsive to them at all times. The only argument put forth for life tenure of office is one contrary to this principle of government that argument which urges that life tenure of office renders the officer independent of the people and their influence; that it takes away his responsibility to them, enables him to do as he wishes or as he thinks best. The same argument carried out to its conclusion would show that life tenure would make the officer haughty and domineering in the discharge of his duties, and surely insensitive to the public will.

The majority should rule and its mandate be obeyed, and not be set aside by the officer whose tenure of office may cause him to be beyond the reach of the people, for this does life tenure accomplish. The life holding of offices under our Government could bring on a condition in which it mattered not what might be the wish of the people—if it were contrary to the beliefs of the officers, the people's will would receive slight consideration at the hands of such officers, and our form of government could become as dictatorial a one as ever existed in history. The people should always have the privilege of removing an officer who has proved a failure, yet there has been no known act justifying his removal.

We elect a President for four years, who is the executive head of the Government, charged with the enforcement of its laws. He is elected by and receives his commission from the people. His hands, therefore, should not be tied with a fixture of the terms of responsible officers of the Government in such a manner that he is unable to carry out his express duty. When a term of office is fixed at a certain period another officer may be either elected or appointed. Not so in life tenure of office or long tenure of office. An officer serving for life may neglect his duties and still serve on. This neglect of duty may work as much against governmental interests as duty wrongfully performed, and the people have a right to demand and expect of its employees not merely competency but fidelity and attention to the duties of their positions. The term of service is only the means for the accomplishment of the public welfare, which is the supreme object of any office. Public office is not created for any dispensation of charity, nor for a fortress wherein the members of an ultraconservative party can place their ultraconservative representatives, intrenched so that they can keep back the tide of progress; nor is it a normal school for the propagation of party politics. It is or should be a trust for public good. The honor, the interest, and the safety of the people require, and it is their right to have, in every public place an official worthy and competent, one representing the will of the people.

One other phase to the question of making the tenure of the members of the Board of Tax Appeals life ones is that this board and its creation is more or less in the line of experimental legislation. We may have reasons to discontinue its duties in the future. The functions of the board may not work out in exactly the manner intended. But we will have created a number of governmental wards whose salaries we can not get rid of even though we may want to install another or a better system of handling these tax appeals. This lawmaking body should refrain from making any provision of office tenure that will afterwards embarrass us in revision of the system of which the office is a part.

Mr. Jefferson well stated the objections to life tenure in his letter to Samuel Kercheval, dated July 12, 1816. Part of this letter is as follows:

> • • • A government is republican in proportion as every member composing it has his equal voice in the direction of its concerns by representatives chosen by himself, and responsible to him at short periods, and let us bring to the test of this canon every branch of our Constitution.
>
> In the judiciary the judges of the highest courts are dependent on none but themselves. In England, where judges were named and removable at the will of an hereditary executive, from which branch most misrule was feared, and has flowed, it was a great point gained, by fixing them for life, to make them independent of that executive. But in a government founded on the public will this principle operates in an opposite direction and against that will. There, too, they were still removable on a concurrence of the executive and legislative branches. But we have made them independent of the Nation itself. They are irremovable, but by their own body, for any depravities of conduct, and even by their own body for the imbecilities of dotage. (The Writings of Thomas Jefferson, vol. 10, p. 38.)

And again in Mr. Jefferson's letter to William T. Barry, dated July 2, 1822, he emphasized his objection to life tenure. A part of this letter is as follows:

> We already see the power, installed for life, responsible to no authority—for impeachment is not even a scarecrow—advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign part.
>
> Let the future appointments of judges be for four or six years, and renewable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative Houses. That there should be public functionaries independent of the Nation, whatever may be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency. (Writings of Thomas Jefferson, vol. 15, p. 388, letter to William T. Barry, dated July 2, 1822.)

It is my candid opinion that the tenure of judges would have long ago been fixed for a term of years instead of for good behavior had it not been for the difficulties incident to an amendment to the Constitution.

Mr. Ashley, of Ohio, perhaps too strongly states the case of judicial usurpation in a speech delivered in the House in February, 1869. I quote this speech, however, merely for the purpose of giving his views on the tendency of the Federal judiciary:

> Mr. ASHLEY, of Ohio. Mr. Chairman, next to the danger inseparable from the use and abuse of Executive power is the danger to be apprehended from judicial usurpation and judicial corruption. The history of judicial usurpations in the United States is a history running over many years of judicial "sapping and mining." The judicial power is all the more dangerous because ever silent and insidious. In all ages and countries its most diabolical crimes have been committed in the sacred name of justice and of law. Jefferson was right when he declared that—
>
> "The germ of dissolution of our Government was in the constitution of the Federal judiciary, an irresponsible body—for impeachment is scarcely a scarecrow—working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless steps over the field of jurisdiction. The foundations are already deeply laid by their decisions for annihilation of constitutional State rights and the removal of every check, every counterpoise, to the engulfing power of which themselves are to make a sovereign part. An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates by a crafty chief judge.
>
> "It has proven that the power of declaring what the law is ad libitum by sapping and mining slyly and without alarm the foundations of the Constitution can do what open force would not dare to attempt."

If this Tax Appeals Board is created and the members are permitted to serve during good behavior or for a long period of time, it will only be a short time before this body will be setting aside the judgment of the legislative branch of the Government on questions of legislation; and the partisan press and party leaders whose views this board will reflect, will declare their actions to be finalities and point to its immaculate wisdom and purity. Statutes will be enacted which they will declare inoperative and this "august tribunal" will be referred to as if endowed with a wisdom unknown to the rest of mankind on tax questions.

These are officers belonging to the executive branch of the Government, so let us refuse to give them life tenure, or a long term, amounting to the same, which would restrain the President (charged with the enforcement of our laws) from enforcing them. This we will do if we take from him the power of selecting competent officers who are in sympathy with him and his ideas of law enforcement.

These two sections as written by the committee undertake to take away from the President or from the President and Senate the right of removal except in cases enumerated in them. They do this in two ways, first by fixing the tenure of members of this board during good behavior, and second, by providing that a member of it can not be removed except for inefficiency, neglect of duty, or malfeasance in office. By so doing our Constitution is being violated, or at least this is my opinion

as I read the legislative history of our country and the decisions of our courts.

The President of the United States is charged with the enforcement of our laws. He is the head of the executive branch of the Government. He is given the right to appoint by and with the advice and consent of the Senate and in the same breath the power to remove is partially taken away from him. To illustrate, the present Chief Executive, charged with the enforcement of the laws, makes the appointment of these 16 members of this board, and he may feel that they are conducting themselves as officers in an eminently proper manner. Shortly his successor will be elected and he may be convinced that the members of this board are conducting themselves as officers in an entirely improper way and still he is not permitted, if the language of these sections is held constitutional, to remove these officers, except for inefficiency, neglect of duty, or malfeasance in office. This is an attempted limitation upon his power of removal that I think the Congress has no right to impose upon him.

I believe that the weight of opinion—legislative, judicial, and historical—holds that the Constitution gives the President the right to remove, or it gives the President the right to remove, by and with the advice and consent of the Senate. The first discussion that I have been able to find on this subject appears in the Federalist, and it was to the effect that the President, by and with the consent of the Senate, had the right to remove a public officer. Kent's Commentaries, Jurisprudence of the United States, page 310, volume 1, third edition, in discussing this power, is in part as follows:

"The consent of the Senate," the Federalist observes, "would be necessary to displace as well as to appoint"; and he goes on to observe that "those who can best estimate the value of a steady administration will be most disposed to prize a provision which connects the official existence of public men with the approbation or disapprobation of that body, which, from the great permanency of its own composition, will in all probability be less subject to inconstancy than any other member of the Government." But the construction which was given to the Constitution by Congress, after great consideration and discussion, was different. In the act for establishing the Treasury Department the Secretary was contemplated as being removable from office by the President. The words of the act are, "That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office, the assistant shall act," etc. This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as of decisive authority in the case. It applies equally to every other officer of Government appointed by the President and Senate whose term of duration is not specially declared. (Kent's Commentaries, Jurisprudence of the United States, p. 310, vol. 1, 3d ed.)

Mr. Pomeroy, in his Constitutional Law, page 432, on the power of removal, looks upon the subject as did Kent and is of the opinion that the legislative branch of the Government construed the Constitution as giving the President the right to remove a public officer:

* * * his authority to appoint was limited in express terms, but his authority to remove was not limited at all, and Congress had no power to interpolate a limitation upon the general executive functions, which the Constitution does not expressly, or by any necessary implication, contain. To these considerations it was added, that without the power to remove, the President would be shorn of half of his independent authority; that he would be under a responsibility for the proper execution of the laws, without any means of enforcing his will upon officers who might, perhaps, be incompetent or untrustworthy. In short, that it would often happen that an officer should be removed for a cause not sufficient for an impeachment, and that the President is the proper person to judge of the nature and sufficiency of such causes. (Pomeroy's Constitutional Law, p. 432, "Power of removal.")

Hart, in his Actual Government as Applied under American Conditions, American Citizens series, page 282, takes the same position as does Pomeroy and Kent:

The power of the President to remove at his discretion applies to all officers whom he appoints, except to United States judges. Constitutionally, the President appoints judges, foreign ministers, and consuls, and all other except inferior officers; Congress decides where the line is drawn between higher and inferior.

The debate on the power of removal in 1789 turned on the question whether the removal of officers is an incident of their appointment (in which case removal must be approved by the Senate), or is a part of the President's general duty faithfully to execute the laws of the United States.

This important decision, once made, was adhered to for nearly 80 years. In 1867 the two-thirds majority of Congress passed over the President's veto a tenure-of-office bill, under which the consent of the Senate was practically required for the removal of Cabinet ministers and other presidential appointees. President Johnson attempted to test the constitutionality of this statute by suspending Secretary Stanton. In 1869, when President Grant came in, the most important part of the act was repealed, and in 1885 the rest of it; so that the country has returned to the earlier practice. (Actual Government as Applied under American Conditions, by Hart; American Citizen series.) (Presidential removals, p. 282.)

The first decision of the Supreme Court that I find on this subject is Ex parte Hennan (13 Pet. 269). This case was quoted with approval by the court in Blake *v.* United States (103 U. S. Repts. p. 232):

"This power of removal from office was a subject much disputed and upon which a great diversity of opinion was entertained in the early history of this Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was whether the removal was to be by the President alone or with the concurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of the office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment." And also quoted with approval opinions from various Attorneys General that the President had constitutional right to remove public officers other than judges. (Blake *v.* United States, 103 U. S. Repts. p. 232.)

It will be seen that the court held that the right of the President to remove with the consent of the Senate had never been questioned. In other words, that it was settled that the Senate and the President, both constituting the appointing power, had the right at any time to remove a public officer (other than judges). Mr. Webster took the position that the President alone did not have the right to remove an officer unless the consent of the Senate was secured. It was the opinion that in all cases of removal by the President the actual consent of the Senate was secured, because the President would send in the name of an officer to take the place of the one sought to be removed, and when the Senate confirmed the appointment this constituted the joint action of the President and the Senate. In a speech made on the 16th day of February, 1835, his position was as follows:

It is the President and the Senate and not the President alone who holds power of appointment; and, therefore, according to the true construction of the Constitution, it should be the President and the Senate, and not the President alone who hold the power of removal.

He takes this position because it has been the practice of all of our Presidents not to issue an order removing an individual from public office, but merely to send in the name of a successor, who, when confirmed by the Senate, relieves the previous appointee.

It will be seen from the foregoing statements that it was the settled opinion that either the President had the constitutional right to remove or that the President, with the advice and consent of the Senate, had the constitutional right to remove, and that this right could not be taken away from him and the Senate. It is my opinion that the prevailing thought was that the President himself had the right to remove. The first legislative restriction upon this power was enacted during the administration of President Andrew Johnson and was the result of a snarl between him and the Congress when the tenure of office act was passed, which cut down the right of the President to remove officers unless the consent of the Senate was secured.

The most recent opinion on this subject is found in the case of Wallace *v.* United States (257 U. S. Repts. p. 541). On page 545 of this report we find the following:

The first legislative restriction upon this power was enacted March 3, 1865, by the very provision we are here considering (13 Stat. 489), which subsequently became 1230, Revised Statutes. Thereafter, on July 13, 1866, Congress took away altogether the power of the President to dismiss an officer of the Army or Navy in time of peace, except in pursuance of a court-martial sentence or in commutation thereof (ch. 176, 14 Stat. 92). After that, in the controversy between President Johnson and the Senate, the tenure of office act was passed, which cut down the power of the President to remove civil officers. (Act of March 2, 1867, c. 154, 14 Stat. 430.) The validity of these acts has never been directly passed on by this court in any case. The question has been expressly saved. (Parsons *v.* United States, 167 U. S. 423, 339.)

While, thus, the validity and effect of statutory restrictions upon the power of the President alone to remove officers of the Army or Navy and civil officers have been the subject of doubt and discussion, it is settled (McElrath *v.* United States, 102 U. S. 426; Blake *v.*

United States, 103 U. S. 227; Keyes v. United States, 109 U. S. 336; Mullan v. United States, 140 U. S. 240) that the President, with the consent of the Senate, may effect the removal of an officer of the Army or Navy by the appointment of another to his place, and that none of the limitations in the statutes affects his power of removal when exercised by and with the consent of the Senate. Indeed the same ruling has been made as to civil officers. (Parsons v. United States, 167 U. S. 324, U. S. Repts. vol. 257; Wallace v. United States.)

From the foregoing it seems to me reasonably clear that this Congress has no right or power to pass an act conferring life tenure upon officers in the executive branch of the Government. Neither has it the right to impose upon the Executive or the Executive and the Senate arbitrary methods of removal of officers in the executive branch of the Government.

The President of the United States is the head of the executive branch of this Government. The President of the United States appoints certain officers, by and with the advice and consent of the Senate, and the power to appoint gives the President the power to remove; if not the power to him to remove, certainly, by and with the advice and consent of the Senate, he possesses this power to remove. This committee is undertaking by this amendment to limit and restrict this power of the President or the power of the President and the Senate. We have no right to do this under our Constitution.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. COLLINS. Not right now, if the gentleman will pardon me.

We are attempting to take away the power of the President to remove except for three certain enumerated reasons. The President of the United States may be satisfied with the membership of this board; they may please him, but the President who is to succeed him has the equal right to be pleased. It is his duty to enforce our laws, the same as it is the duty of the present President to enforce them, and if we begin a system of long tenure of office, it puts beyond the President of the United States the power to enforce our laws.

Mr. McSWAIN. Will the gentleman yield?

Mr. COLLINS. Pardon me just a moment, and then I will yield to the gentleman.

From the standpoint of public policy, a term of years reasonable in length should be fixed by the membership of this board, an adequate salary provided and the restrictions as to removal should be eliminated. The President and his successors in office should be permitted to function so as to carry out the will of the people who elect them, and they should not be hampered in this by officers beyond their control. Offices are not created for the benefit of those who fill them, but for the public convenience. Democracy should always quickly respond to the will and judgment of the people.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HILL of Alabama. Mr. Chairman and gentlemen of the committee, I am opposed to the provision in this bill which gives a life tenure of office to the Board of Tax Appeals. The gentleman from New York [Mr. MILLS] said in his remarks in general debate on last Saturday that he favored this provision because he wanted to protect the board. I am opposed to this provision because I want to protect the people. Our fathers brought to this continent certain great principles of civil liberty born of oppression, of suffering, and of human anguish, and upon these principles they founded this American Republic. One of these great principles was limited tenure of office. After 150 years, in which this Government has grown and prospered and become the envy and the admiration of a watching world, we are asked to forsake this great principle. What reason dictates it? What object requires it? What situation compels it? We know that human nature is the same to-day as it was the day this great principle had its birth. Men unrestrained still, as Thomas Jefferson said, throw an anchor ahead and grapple further hold for future advances of power. Placed in office, they still seek to enlarge their jurisdiction. They still grow arbitrary, arrogant, and despotic, all the while reaching out for more and more power. Shall we now remove the restraints of limited tenure, so wisely imposed upon these human perversities? Shall we leave them free to go their way? Ah, gentlemen, life tenure breeds and nurtures autocracy. It is the womb of despotism.

Gentlemen seek to justify this provision for life tenure by saying that if this board be not a court it is indeed analogous to one. I challenge the analogy. The purposes, the functions, and the duties of this board are in many respects different from those of one of our courts. Furthermore, when the courts of this Government were created they entered no new field. Their pathway had been ordained for them by the common law, and that way had been illuminated for them by custom and by precedent. This board enters a vast new field. There is no law to direct it, no precedent to guide it, no custom to point the way. It is not a court but a board, and there are none of the great traditions of the Anglo-Saxon judiciary to restrain it. And yet we are asked to remove the greatest restraint for a public officer known to man—the plumb line that holds him true—limited tenure of office.

Gentlemen are so eager in their desire to secure life tenure for the members of this board that they give us no protection from the failings and the weaknesses of old age. What are we to do when these members, broken in health, become weak in mind and palsied in intellect? How are we to get rid of the halt, the lame, and the blind? The bill makes no provision for the removal of these members when age has rendered them incapable of service. Verily, the creators of this proposition say, "that which we have joined together let no man put asunder."

Ah, gentlemen, this proposal to provide life tenure for the members of this board is contrary to the spirit and the genius of our Government. It undermines the structure of our free institutions. It strikes at the very heart of the Republic. Carried to its logical conclusion, it means autocracy, despotism, and tyranny. Let us strike it from this bill or announce that the words, "a government of the people, by the people, and for the people" are but barren sounds and that democracy has been stifled and time has barred appeal. [Applause.]

Mr. BRAND of Georgia. Mr. Chairman, I have an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BRAND of Georgia moves to amend as follows:

In line 21, page 226, strike out the words "for inefficiency, neglect of duty, or malfeasance in office, but for no other cause."

Mr. GREEN of Iowa. Mr. Chairman, I do not understand whether this is an amendment to the amendment or not.

Mr. BRAND of Georgia. No, sir; this is an amendment to section 901, and, Mr. Chairman, I particularly want your attention.

I have no objection, and think it is very proper, not to rely upon the power of the Senate to impeach, but to give to the President the power to remove these officers; but the trouble, Mr. Chairman and gentlemen of the committee, is that you confine the President to three reasons in order to get rid of an unsatisfactory member of this board. What are those reasons? First, inefficiency, and then neglect of duty or malfeasance in office, but for no other cause.

I think you tie the hands of the President by providing only these three disqualifications. A man may be efficient, he may not neglect his duty, and he may not do anything corrupt or wrong, and yet be wholly unfit to be a judge on this board, and wholly unfit to discharge the duties of the board. I think you ought to strike out the words "for inefficiency, neglect of duty, and malfeasance, and for no other cause," thus giving the President authority to remove one if he becomes for other reasons unfit to continue in office.

The point I wish to stress is that the power given the President to remove ought to be plenary power to remove for any sufficient cause.

The vice in section 901, which I have offered to eliminate is confined to removal for inefficiency, neglect of duty, or malfeasance in office, and does not give the President power to remove one, for instance, who is temperamentally unfit for the office.

I respectfully submit that the President should not be limited in his authority to remove for inefficiency, neglect of duty or malfeasance in office. This limitation should either be stricken out of the section or if it is to remain in the section, it ought to be broadened so as to include any other cause which might appear to the President to be sufficient cause for removal. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOZIER. Mr. Chairman, this bill as originally reported by the Committee on Ways and Means creates a Board of Tax Appeals of 16 members, gives them a life tenure and a salary of $10,000 per year. It seems to me that this provision is extremely vicious and indefensible. Life tenure in office is un-American, un-Democratic, and un-Republican. It is contrary to our scheme of government and to the genius and spirit of our institutions. I am not prepared to admit that all wisdom and efficiency abide in the membership of this board. There never will be a time in the history of this Nation when we will have 16 men so efficient, able, and capable that there are not hundreds—yes; thousands—of other

men in the United States with equal ability and just as able to efficiently discharge the duties of this position. If this board is to be created and its members hold office for life, you create an office-holding aristocracy and destroy the incentive for young men to qualify themselves for this service. This proposal is the essence of bureaucratic government and, as Archibald Allison said nearly 100 years ago, in discussing conditions in France, that tyranny may be exercised by bureaus as well as by kings and autocrats.

To contend that these men should be kept in office for life is to concede that our form of government and our system of education are failures. In this great Nation no man ever becomes so capable or efficient but that many, many more men are available with equal ability.

It is no reflection on our State and Federal judges, nor on the judges of the Supreme Court of the United States to say that just as able, efficient, and capable lawyers practice before these courts as the judges themselves. No man or set of men have a monopoly on efficiency or ability to render satisfactory public service. I am glad that the committee had the good judgment and common sense to propose an amendment eliminating the provision for life tenure. I am sure that Congress is not ready to commit this Nation to the policy of perpetuating men in office for life. And I shall support the committee amendment which eliminates the provision in the pending bill providing for life tenure of the members of this board.

May I call your attention to another provision, which is not improved by the proposed committee amendment. Section 902 of the pending bill provides that, if members of this board resign, they shall not be permitted to practice before the board for a period of four years after leaving office. That was and is a wise and wholesome provision. It will prevent members of this board from practicing before the board within four years after leaving office. The importance of this provision can not be overestimated. By reason of the importance of this board and the tremendous amounts involved in cases submitted to it, its members will acquire a nation-wide prominence and influence, and, after serving on the board for a few years and becoming thoroughly familiar with every detail and phase of the law relating to taxation, they will be tempted to resign and accept employment from the great business concerns of the Nation and represent them, as attorneys, before the same board of which they had recently been members. In this way, avenues will be opened up to these members by which, by resigning, they can sell their ability, experience, and knowledge of the tax laws to the big business concerns of the Nation and, in return for this service, receive salaries amounting to, possibly, $50,000 or $100,000 annually. Their services would be sought by great commercial and industrial organizations who have cases pending before this tax board and who are anxious to avail themselves of the extensive knowledge on these subjects possessed by these former members of the board. In other words, the amendment makes their term of office 14 years, but, if they want to resign, they can sell their services to great corporations and individuals who have important cases pending before this board and who covet the advantage of being represented by an attorney who has had long experience on the board before which he is to appear as their attorney. The bill, as originally reported, prohibited members from practicing before this Board of Tax Appeals for a period of four years after leaving office. The committee amendment does not contain that prohibition and, under its provisions, a member of this board can resign and, immediately, begin practicing before the board of which he was so recently a member.

Mr. GREEN of Iowa. So can a judge of the bench.

Mr. LOZIER. Yes; but the conditions are very different. The Board of Tax Appeals will pass upon questions involving many, many millions of dollars. Big corporations will be glad of the opportunity of securing the services of an ex-member of this board. As members of this board men will acquire great efficiency and familiarity with every phase and detail of taxation, and as a result great reputations, which will enable them to resign from the board and immediately command enormous fees in practicing before this board. The Government places them in these important positions and educates them until they become experts in every phase of taxation. The Government makes them efficient, and then after the Government has educated them and made them efficient, and after they have acquired great reputations as members of this board, they can abandon the Government, resign from these positions, and go into private practice and probably command salaries ten times as much as their salary as members of the Board of Tax Appeals. And in their practice the knowledge acquired as members of the board will give them a tremendous advantage and a prestige that they can easily coin into great wealth. Now, after giving them a tenure of 14 years and providing that they can only be removed for inefficiency, neglect of duty, or malfeasance in office, it is not unreasonable to prohibit them from practicing before the board for four years after they leave office. I insist that this is wholesome public policy, and the provision in the bill as originally reported should be retained. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, the reasons which impelled the Committee on Ways and Means originally to provide for a life tenure and now to suggest a comparatively long tenure are very obvious. We have not created a court; we have created a body with the powers of a court to decide a particularly difficult class of cases involving sums that run into the hundreds of millions of dollars. I remember that my friend, Doctor Adams, told me he is advising in a case to-day where a single point of law involves $16,000,000 one way or the other.

Now, if these men were judges, they would not need protection from political pressure; but not being judges, but looked upon as administrative officers, I think it is fair to say that they are now being subjected to political pressure. They are being subjected to political pressure in cases involving millions of dollars which ought to be decided on their merits. They are very difficult cases. The only way to effectively protect these men, since you will not surround them with the dignity and the unapproachability of a court, is to give them a long enough term so that they will feel that security which will protect them in resisting any kind of pressure, political or otherwise. That is the reason why the tenure of office should not be less than 14 years.

There is another reason. Do you gentlemen realize that on our old committee on appeals and reviews, which corresponds to our present board, out of which the present board grew, we had no less than four chairmen in four years? There was a maximum number of 21 members on that board. We had 16 resignations in four years, or a turnover of 25 per cent a year. We have had no less than seven Solicitors of Internal Revenue in seven years, a position which is somewhat analogous to this one, because the Solicitor of Revenue is the one man in the entire Government that is called upon to pass upon the legal aspect of these difficult tax cases in the first instance.

Doctor Adams, who has as much experience in tax administration as any man in the country, says:

> The important thing is to give those men appointments for good behavior.
>
> All that I want to say to you gentlemen is that this is real. There is just one way in which you can stop this pernicious draining off of the very best talent in the Government service and that one way is a long tenure of office.
>
> Just the other day a man who is making $8,000—a young man of great promise and great ability—was requested by some people to permit his name to be mentioned as a candidate for the Board of Tax Appeals. He is a fine fellow in all respects, his brain and his physique and everything else about him. He said, "I will go down there and give my life to that. I do not care about salary if I can be certain that I will be kept there."
>
> That is the opinion of 19 tax men out of 20. I have seen more brilliant brains come into the Treasury Department and leave it in the course of a year or 18 months than you would think possible. But the drain goes on, and the one thing that would stop it and keep about 80 per cent of the better men is long tenure of office, the assurance that they will not, after they get along to 40, 45, or 50 years of age, be thrown out into the world to make new connections, to start all over again.
>
> I want to say one thing more: There is not any possible question of doubt that the British administration of the income tax is superior to our own. Nobody who has looked into it, I think, will disagree with that conclusion.
>
> The CHAIRMAN. I entirely agree with you.
>
> Doctor ADAMS. I am interested to know that you do, Mr. GREEN. I think that that can not be denied—not in every respect, of course. We beat them in some things, but on the whole theirs is very superior to our administration. I am convinced there is just one explanation of it. They give their men a life career. They dignify the position, and the man goes there to stay. That is his life's work, and it results in an absolutely different temper in the administration, a different atmosphere.

That, gentlemen, is the kind of atmosphere that should prevail in the settlement of this class of cases. That is the kind of atmosphere with which the Committee on Ways and Means

wants to surround the Board of Tax Appeals. That is the kind of atmosphere that I think will be created, even under the terms of the present committee amendment.

The gentleman from Mississippi [Mr. COLLINS], who spoke a few moments ago, questioned the limitation on the President's right of removal. Surely the gentleman would not want to leave a great board in a position where if a President of a different political faith came in resignations would be requested and we would have a new Board of Tax Appeals—whether it was a Democratic or a Republican administration. There could not be anything more unfortunate, and rather than see that I would wipe out the Board of Tax Appeals to-day. [Applause.] To make it a political board is to ruin it from top to bottom.

There are good and sufficient precedents for declining to give the President power to remove without cause. In the case of the Board of General Appraisers, which, in my judgment, does not correspond in dignity or in power or importance with the Board of Tax Appeals, you will find in the law the very same words which you put in this law. In the case of the members of the Railroad Labor Board you will find the precise language which is in the law creating the Board of Tax Appeals. In the case of the Federal Farm Loan Board, in the case of the Federal Reserve Board, in the case of the Federal Trade Commission, in the case of the Federal Interstate Commerce Commission, in the case of the United States Tariff Commission, in the case of the United States Shipping Board, and in a number of other cases which I do not care to enumerate to-day, you will find that the President may not remove except for cause.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. COLLINS. Has the gentleman read the case of Wallace *v.* United States, 257?

Mr. MILLS. Oh, no; and I am not going to deny for a moment that there is a constitutional question involved here, but it is just as fair for me to-day to say to the gentleman, in the light of these precedents, that this is constitutional as it is for the gentleman to submit his opinion that it is unconstitutional. No one will know which one of us is right until the Supreme Court has rendered its decision in the matter.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired. There are three amendments pending. The first is the amendment of the committee to strike out certain language on pages 226 and 227. The next is an amendment to perfect the text by the gentleman from Georgia [Mr. BRAND], and the third is an amendment offered by the gentleman from Mississippi [Mr. COLLINS]. The vote will first be taken on the amendment of the gentleman from Georgia [Mr. BRAND] to perfect the text, which for the information of the committee the Clerk will again report.

The Clerk again reported the Brand amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The vote will now be taken upon the amendment of the gentleman from Mississippi [Mr. COLLINS] to the committee amendment, which the Clerk will again report.

The Clerk again reported the Collins amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment of the committee to strike out certain language of the bill. The Clerk will again report the committee amendment.

The Clerk again reported the committee amendment.

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry. Debate is closed upon the amendment, but is it out of order to offer an amendment to the amendment?

The CHAIRMAN. The gentleman would have the right to offer an amendment to the amendment without further debate.

Mr. McKEOWN. I just have to offer the amendment from the reading of the committee amendment, because we have not got it in print.

The CHAIRMAN. The gentleman will have to send it up in writing.

Mr. McKEOWN. That is impossible, in view of the fact that the committee amendment is not in our possession, and if the Chair will permit me to state the proposition, there are three grounds on which these men may be removed. I call attention of the chairman of the Committee on Ways and Means to the fact that after you change the language "during good behavior" you ought to put in as a ground of removal lack of good behavior, because it is during good behavior in the original appointment. I am trying to offer an amendment to include as an additional ground the lack of good behavior as one of the causes of removal.

The CHAIRMAN. The question is on the committee amendment.

Mr. GARRETT of Texas. Mr. Chairman, I ask unanimous consent to ask the chairman of the Committee on Ways and Means a question.

Mr. GREEN of Iowa. Mr. Chairman, I want to be courteous to my friend, but all time has expired.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he be permitted to interrogate the chairman of the Committee on Ways and Means. Is there objection?

There was no objection.

Mr. GARRETT of Texas. Mr. Chairman, under the amendment offered by the chairman of the committee, I understand, now, that if adopted—which it will likely be—a member of the board may resign and begin practice before the board immediately if he so desires.

Mr. GREEN of Iowa. The same as any other judge, and you can not get any competent man to take the office if you put that provision in, unless we grant them life tenure—just the same as the judges in the gentleman's State and as the judges in my own State. They can appear before the judges of the same circuit.

Mr. GARRETT of Texas. Does not the gentleman think that at least to a limited degree they should not be allowed to practice before the board—say, in a case that was pending before the board at the time of their resignation?

Mr. GREEN of Iowa. If they did anything of that kind they would be promptly disbarred. They are not permitted to do that now. Two members of the board have resigned already, but they are not permitted to do any such things. I say not permitted, but that is not fair, because they have never asked to do anything of the kind. On one occasion, when it was found out that even a similar question had once come before the member while he was on the board, he at once withdrew from the case, as he ought to.

Mr. GARRETT of Texas. I take it, then, from the answer of the chairman to my first question, that the only way that you can get men to serve on this board or start to serve upon it is to hold out the inducement that they may resign and proceed to practice before the board.

Mr. GREEN of Iowa. The gentleman does not state my position fairly. You can not get good men if you cut them off from the means of making a living for several years after their terms expired.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the leave granted has been exhausted.

Mr. GARRETT of Texas. The gentleman's point of order is not well taken, because there was no limit upon the leave.

The CHAIRMAN. Oh, yes. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. GARRETT of Texas) there were—ayes 200, noes 10.

So the amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Iowa offers a committee amendment, which the Clerk will report.

Mr. McKEOWN. I would like to know what became of my amendment.

The Clerk read as follows:

Committee amendment: Page 230, line 22, strike out all after "damages" down to and including the comma in line 23.

Mr. GREEN of Iowa. This is simply to correct a clerical error.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from Iowa offers another committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 230, line 9, at the end of the line insert four new sentences, to read as follows: "Any taxpayer may appoint a person as his agent in the District of Columbia to receive notices of deficiency under Title II or Title III of the revenue act of 1926, and to receive all pleadings, orders, notices, and process in respect of proceedings before the board. Such taxpayer shall file with

the board a certified copy of the power of attorney appointing any such agent and a certified copy of the written consent of such person to act as such agent. During the period during which any such power of attorney is in effect, the mailing of notice under Title II or Title III of the revenue act of 1926 to such agent shall, for the purpose of the revenue act of 1926, be considered as mailing to the taxpayer, and service upon such agent, in accordance with rules prescribed by the board, of pleadings, orders, notices, and process in respect of proceedings before the board shall be considered as service upon the taxpayers. Any such power of attorney shall be held to be in effect until a certified copy of the revocation thereof, or a notice of the death or inability to serve or the resignation of such agent has been filed with the board."

Mr. GREEN of Iowa. Mr. Chairman, this amendment is in the interest of the taxpayer. It is not required that an agent in the District of Columbia be appointed, but in case the commissioner desires, he may have an agent in the District of Columbia. That is for the accommodation of persons living far away, as in Alaska, or Hawaii, or places like that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLS. Mr. Chairman, I offer a committee amendment and move its adoption.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 235, strike out lines 4 to 11, inclusive, and insert:

"(c) Despite the provisions of sections 274 and 308, such review shall not operate as a stay of assessment or collection of the amount of the deficiency determined by the board unless prior to the expiration of 90 days after the decision of the board is rendered the taxpayer has filed with the board a bond in a sum fixed by the board, not exceeding double the amount of such deficiency and with surety approved by the board, conditioned upon the payment of the deficiency as finally determined, together with any interest or additional amounts assessed in connection therewith, and any addition to the tax in case of delinquency provided for in section 3176 of the Revised Statutes, as amended.

"(d) In cases where assessment or collection has not been stayed by the filing of a bond, then if the amount of the deficiency determined by the board is disallowed in whole or in part by the court, the amount so disallowed shall be credited or refunded to the taxpayer as provided in section 281 of the revenue act of 1926, or, if collection has not been made, shall be abated.

"(e) Nothing in subdivision (c) shall be construed as relieving the petitioner from making or filing such undertakings as the court may require as a condition of or in connection with the review."

Mr. MILLS. Mr. Chairman, this amendment is made in conformity with other administrative changes which I explained to the committee in connection with the right of the taxpayer on appeal, where he is either unable to file a bond or elects not to file the bond but to pay the tax instead.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I desire to ask a question as to this provision which the gentleman from New York has offered in regard to the bond, that it shall not be more than double. Is it obligatory that some bond be required and given? Can those requiring the bond waive the giving of the bond if they wish to?

I have known cases where the bond might have been required and in the first instance was required, but was found to be onerous and practically impossible, and when the circumstances were made known the demand for the bond was not insisted upon. It was waived altogether. Now, must a bond be given in some amount?

Mr. MILLS. I will say to the gentleman that all of these changes which have been made have been to remove that particular hardship from the taxpayer. It is true that he must file a bond if he wants to save a penalty, but if he is not willing to file the bond he will pay the tax and still have the right of appeal.

Mr. McLAUGHLIN of Michigan. Under no circumstances can the giving of the bond be waived?

Mr. MILLS. Except by paying the tax.

Mr. McLAUGHLIN of Michigan. And beginning suit to get his money back.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. CHINDBLOM. The provision with respect to the bond does not require any specific amount. There may be a bond for costs, a bond in such an amount as the board may fix.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. SABATH. I think my colleague is mistaken. I think the amendment provides for double the amount of the bond.

Mr. CHINDBLOM. Not in excess of twice the amount of the deficiency.

Mr. SABATH. What will the board do? Will it not demand at all times double the amount of the bond?

Mr. CHINDBLOM. It is discretionary with the court.

Mr. GREEN of Iowa. Like any other court, it is expected that it will be reasonable.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to offer an amendment to subdivision (b).

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment by Mr. McLAUGHLIN of Michigan: Page 230, line 16, after the word "advisable," insert the following words: "or when requested by the commissioner."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it has been noticed that few if any amendments except those offered by the committee have gone through. I tried to get the chairman of the committee to offer this amendment for me. He refused, so I have to do it myself.

This is a matter of great importance, but it is likely that many of the Members present have not appreciated it. This subdivision relates to the filing of decisions and findings of fact by the Board of Tax Appeals. They must render decisions and make findings of fact. In addition to decisions and findings of fact, they may file opinions in writing outlining and telling how and why they reached their decision; that is, they may, but are not required, to write or file opinions; they may file or refuse to file written opinions. This section makes it optional with the board as to whether or not there shall be made and filed written opinions. My amendment, if adopted, will make it necessary for the board to make and file opinions in writing if the Commissioner of Internal Revenue shall ask it to do so.

If the bill becomes law as here printed the result will be that a great mass of decisions will come down; findings of fact will be filed which will practically be of no use whatever to the commissioner, to his assistants, to officials, or employees of the bureau, who will constantly or frequently be considering and finding it necessary to reach conclusions in other cases involving similar although perhaps not identical facts. And taxpayers, their accountants and legal advisers, throughout the country will know nothing, have no way of learning anything, of the reasons or the reasoning of the board of appeals in reaching its decisions. It will, of course, be known that on a certain state of facts the board made a decision in favor of a taxpayer or in favor of the Government, but that information standing alone will in most cases be of little if any value. The reports of every appellate court in this country contain not only a statement of facts in every case decided by the court, but a more or less full discussion of the facts and of the law applicable to them; that is, the argument and the reasons of the court for reaching its conclusion.

If this bill be not amended as I suggest there will be a statement of the facts, a decision of the court, but there will be no reasons for that decision. The board, if asked by the commissioner to do so, should file an opinion, practically as is done in every appellate court.

Mr. GREEN of Iowa. That is the same as in any court.

Mr. McLAUGHLIN of Michigan. I hear what the gentleman from Iowa says, that that is the same as in any court; but sometimes a supreme court will hand down a very brief opinion and cite a previous opinion on all fours with the one at bar, but that is not really a failure or refusal to file its reasons. This bill as it stands now simply authorizes the board, if it wishes to do so, to make a statement of fact and say, "We find for the taxpayer," or against him, to file that, and not another word in connection with it. It seems to me that written opinions in important, basic, fundamental cases will be invaluable; that in order to have a system and code of law worked out, as we have reason to expect by this Board of Tax Appeals, it ought, at least when requested by the commissioner, to file its opinions and give its reasons, so they will be a guide to other officials in the bureau who, previous to these cases going to the board, must decide these matters, and be a guide and of assistance to taxpayers, accountants, and lawyers engaged in tax work throughout the country. Otherwise we are going only part way, and a very small way indeed, in estab-

lishing a system, a real system, by which these tax problems may be solved and collection of taxes simplified.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. NEWTON of Minnesota. What is the practice now? Are they compelled to give any opinion at all?

Mr. McLAUGHLIN of Michigan. I understand they make and file a written opinion only when they wish to do so.

Mr. MILLS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will yield to the gentleman. I believe I state the situation accurately.

Mr. NEWTON of Minnesota. Has there been any abuse of the privilege they now have?

Mr. MILLS. The law now provides that they only have to give an opinion in cases involving $10,000 or more. The members of the Board of Tax Appeals pointed out to us that that was a perfectly unreasonable provision, because there were some cases involving $10,000 or more——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. MILLS. The gentleman from Michigan has yielded to me. The members of the board stated to the committee that there might be cases involving $10,000 or more in which no real question of law was involved, whereas there might be a $500 case involving a question of law that would affect a great mass of cases. The actual practice in the Board of Tax Appeals has been to write opinions in all cases whether they were below $10,000 or above $10,000.

Mr. NEWTON of Minnesota. What objection can there be to an amendment such as the gentleman from Michigan has offered? Here is the commissioner with a matter that is very important and he feels that an opinion is necessary. What objection can there be to such an amendment?

Mr. GREEN of Iowa. The commissioner does not want any such provision here, and he has said nothing about it.

Mr. NEWTON of Minnesota. But that does not answer the question as to what objection there can be to such an amendment?

Mr. MILLS. Why the commissioner? Why not the taxpayer?

Mr. McLAUGHLIN of Michigan. I do not think it would be right to permit every taxpayer to put upon the board the burden of writing an opinion in his case; but if the commissioner, who is at the head of this bureau, thinks it is advisable or necessary, I think he ought to have the right to ask it.

Mr. MILLS. The commissioner is in no better position than the taxpayer when he comes before the board; they are both litigants and have equal rights. He is not superior to the taxpayer in any way.

Mr. McLAUGHLIN of Michigan. I have made my statement, and I think the amendment ought to be adopted.

The question was taken, and the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 230, after the word "procedure," in line 6, strike out "other than rules of evidence," and in line 7, after the word "prescribe," strike out the balance of the paragraph.

Mr. McKEOWN. Mr. Chairman, this amendment leaves the power entirely with the board to prescribe its rules and procedure and without taking into consideration the rules of evidence applicable in courts of equity of the District of Columbia. When you created the Interstate Commerce Commission you left the Interstate Commerce Commission free to make its own rules and regulations. In creating this board you ought to leave it free to adopt its own rules and regulations; but what do you do under the bill as it is now? You put in the rules of evidence and you put in there the equity rules of the District of Columbia; and here is a business man who lives in San Francisco or a business man who lives in Boston or a business man who lives in Chicago and has on his pay roll an expert certified public accountant, a man on his own pay roll who knows more about his business than 10 lawyers could learn in 10 months, and yet that accountant is confronted with court procedure and certain rules. Let the board provide its own rules and make them uniform, and let them make their rules of equity uniform. When I suggested they put in the rules of equity adopted by the Supreme Court of the United States for the first time I learned that the court construes that there are no general rules of equity, but that equity follows the rules of law in the different States, and for that reason they could not afford to put in the equity rules of the Supreme Court of the United States.

Gentlemen, this language simply means that you give the lawyers and certified public accountants of the District of Columbia the overreach on all the lawyers and certified public accountants throughout the Nation. If you want to do that, you will do it with your eyes open now, because I am calling your attention to this language.

While I am on my feet I want to call the attention of the House to another matter I thought ought to be in this bill. You have changed the language of your bill. You said these men should be in office during good behavior.

Mr. GREEN of Iowa. That is not the language.

Mr. McKEOWN. I beg the gentleman's pardon; the bill provided that they should be appointed by the President with the consent of the Senate during good behavior. If I am incorrect about that, I want to be corrected.

Mr. GREEN of Iowa. I thought the gentleman was talking about the amendment.

Mr. McKEOWN. So, if they were to be appointed during good behavior, when you change it and give them a limited tenure, then you ought to put in there as one reason for removal, in addition to inefficiency, malfeasance, and so forth, lack of good behavior. I charge that under this bill as it stands now and as written a man can be the most efficient man in the United States, he can be the finest presiding officer and the finest judge, and he can carouse around at night and disgrace his profession, and yet the President can not take him off that board. I do not believe the moral people of this country are willing to submit to such a proposition with reference to public officers.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. Now, gentlemen, let me show you how far this may go. I will show you how far it has gone in the past. When Benjamin Harrison was President of the United States a certain delegation of men came here from a certain southern State and presented to Benjamin Harrison the name of a very brilliant lawyer for appointment as Federal judge in the South, one of the most prominent Republicans at that time in the Southland. Benjamin Harrison said:

I can not appoint you, sir, although you have a great reputation as a lawyer. Yet as a man you do not bear the reputation for moral character sufficient to be appointed to the office of Federal judge.

[Applause.]

Under this provision, no matter what the conduct of the judge might be, you have not here any means by which you can remove him so long as he does not violate the three provisions mentioned in the bill.

Mr. WOOD. Mr. Chairman and members of the committee, the most important public problem of this generation is economy and taxes. The problems of public economy and taxes are always to the forefront in every government, and have been since governments have existed, but they have become acute since the World War and because of it. Five years of World War not only destroyed absolutely the accumulations of the thrift of centuries, but it bred in the present generation extravagant ideas and contemptuous disregard of the value of money. It saddled upon the backs of the peoples of every nation—not only the belligerent nations but even those which maintained neutrality—debts and operating expenses which it will take generations to pay even with the strictest private and public economy.

The situation in the United States is without parallel in its history. During the four years 1916 to 1920 the expenditures of the United States Government were 50 per cent greater than the total cost of running the Government during the 127 years from the beginning of George Washington's administration in 1789 to the third year of Wilson's administration in 1916. Practically all of the Federal taxes directly and indirectly levied upon the people to-day are collected for the pur-

pose of meeting in some way the debts and obligations fastened upon this Government during those four years, all of which were under Democratic administration.

SCANDALOUS WASTE NOT NECESSARY TO WIN WAR

The Democratic Party attempts to enter a defense by claiming it was necessary to incur these debts and expend those billions "in order to win the war." That is not altogether true. To win the war it was necessary to purchase immense quantities of all kinds of supplies and materials, to build ships and camps, to provide munitions, ordnance, and other military equipment. But it was not necessary, in order to win the war, to contract for scandalous quantities of supplies far beyond all possible need of the greatest Army the United States could enlist and send to Europe. For example:

It was not necessary, in order to win the war, to contract for 41,000,000 pairs of shoes for only 3,500,000 men; 13 pairs per man.

It was not necessary, in order to win the war, to buy 945,000 saddles for only 86,000 cavalry horses; 11 saddles per horse.

It was not necessary, in order to win the war, to purchase 2,850,853 halters, or more than seven for each four-footed animal owned by the Government at that time.

It was not necessary, in order to win the war, to buy 1,637,000 horse brushes, or over four for every horse and mule owned by the Government.

It was not necessary, in order to win the war, to buy 2,033,204 nose bags, or more than five for every horse and mule owned by the Government.

It was not necessary, in order to win the war, to purchase 1,148,364 horse covers, or three for every horse and mule owned by the Government.

It was not necessary, in order to win the war, to buy 712,510 complete sets of spur straps, or 36 sets apiece for every officer in the Army.

It was not necessary, in order to win the war, to purchase 149,456,511 bread cans for only 3,500,000 men; 49 cans per man.

It was not necessary, in order to win the war, to purchase $21,000,000 worth of ambulance harness, when our entire ambulance service in this country and Europe was motorized.

Yet the billions of dollars expended in the above-enumerated graft go to make up the tremendous total of war cost which the Democratic Party now says was justified. It should ever be kept uppermost in the minds of every American taxpayer that his present Federal tax burdens are due to the billions squandered by the Democratic Party during its administration.

Take another angle: The War Department expended between the dates of April 6, 1917, and June 1, 1919—which covers the entire period of the war and seven months after the armistice—the sum of $14,544,000,000. How much of that expenditure helped to win the war? The following helps answer the question and exposes the falsity of the Democratic claim:

The Ordnance Department spent $3,991,000,000 and obtained 72 cannon.

It expended $176,000,000 on nitrate plants, coke ovens, and picric acid plants, and received no nitrates, no product of the coke ovens, and no picric acid.

It spent $116,000,000 for poison gas and obtained no gas.

It spent $355,917,000 for shells and obtained exactly 6,000.

It expended $330,780,000 for larger shells and obtained none.

It spent $127,661,000 for terminals and docks at which no ship was ever tied up.

It spent $200,000,000 on powder plants and produced no powder.

It spent $1,051,511,000 for airplanes and there was not a single fighting machine ever delivered in France.

It entered into verbal contracts for ships without any regard for guaranty as to delivery, price, or quality. Neither was there any provision providing for the cancellation of work in the event the war ceased. All told, the Democratic administration ordered 2,288 ships, of which only 450 were delivered before the armistice. Nearly 2,000 were delivered in the latter part of 1919, a year after the war closed, and 473 were delivered in 1920. This orgy of extravagance and graft cost the American taxpayer $4,000,000,000.

Obviously none of these expenditures were necessary to win the war, because they produced no equipment or material that was used in the war.

This was the legacy which the Democratic Party left to the taxpayers of the United States, and until the last penny of the billions of debt saddled on the backs of the American people by the Democratic administration is paid the scandalous manner in which that debt was incurred will be a live issue with the taxpaying public. There is no virtue or logic in the plea of the Democratic Party to-day that the waste, profligacy, fraud, incompetency, and criminal negligence, evidenced in the expenditure of those billions, was necessary in any way to win the war or preserve the integrity of the United States.

DEMOCRATS CONTINUE EXTRAVAGANCE

The Democratic Party advances another argument which is as false as the plea that the waste of tens of billions of dollars was necessary to win the war. It is that the economy brought about under the Republican administration since March 4, 1921, has been due to the natural cessation of governmental activities necessary to the conduct of the war. In other words, it is being claimed that the natural demobilization of war activities is accountable for the decrease in public expenditures, rather than a rigid program of economy set on foot by the Republican Party and severely adhered to by the Republican administration.

The question suggests itself that if this were true, why were not the war activities of the Government demobilized during the period between the armistice and the expiration of the Democratic administration, March 4, 1921, a period covering approximately two years and a half? The records of the Government show the Democratic executives, together with their underlings, who filled every Federal department to overflowing, refused to release their easy hold on immense appropriations and on tens of thousands of Federal jobs until they were compelled to do so by legislation enacted by the Republican Congress. Two years after the war was over Democratic Cabinet officers and their bureau chiefs were requesting appropriations of Congress of equal or greater size than they had requested during the days we were actually engaged in armed conflict.

REPUBLICANS COMPEL ECONOMIES

It is true that the reduced expenditures of the Government since March, 1921, are due in no small measure to the demobilization of war activities, but it is equally true that the Democratic Party, although it had ample opportunity for two years and a half to make this demobilization, did not do so. It was not until the Republican Party came into full control of both executive and legislative branches of the Government that war jobs began really to be abolished, war powers actually curtailed, expenses slashed, and congressional appropriations materially reduced. It was not until the Republican executives came into power in March, 1921, that the program of economy in the various departments and bureaus replaced the program of waste which had run riot during the entire Wilson administration.

Even then it required tremendous pressure upon the part of President Harding and his successor, President Coolidge, together with their Cabinet members and the Budget Bureau, to compel the Democratic bureau chiefs still holding jobs to release their hold on personnel and appropriations, and to face about and endeavor to see how much money they could save, rather than how much they could spend, and how many employees they could dispense with without injury to the service, rather than how many "worthy Democrats" they could add to the public pay roll.

FAR-REACHING RESULT OF G. O. P. PROGRAM

The result of the economy program immediately put into effect by the Republican administration was little short of marvelous. For the fiscal year ending June 30, 1921, all but three months of which were under Democratic administration, the executive departments of the United States expended $5,538,000,000, in round numbers. For the fiscal year ending June 30, 1922, the first complete year under Republican administration, the executive departments expended $3,795,000,000, or a straight slash of nearly $2,000,000,000 in the routine expenditures of the executive departments of the Government within 12 months after the Republican Party came into their control.

While this decrease in the routine expenditures was taking place, the Republican administration simultaneously began reducing the interest-bearing public debt, and also refunding a large portion of it at a lower rate of interest. On March 4, 1921, the interest-bearing public debt was a few millions in excess of $24,000,000,000. To-day the interest-bearing debt is a few millions less than $20,000,000,000; so that under this Republican administration our interest-bearing public debt has been reduced at a rate averaging $1,000,000,000 a year. The interest charges on the public debt average 4 per cent, or $40,000,000 for every billion dollars of the outstanding debt. The reduction of the debt, therefore, since March 4, 1921, has reduced the fixed interest charges of the Government $160,000,000 annually. In fact, the public debt has been decreased so rapidly during the last four years that Democratic leaders are now saying the decrease is too rapid, that Secretary

Mellon's financial policy is paying off our debt too quickly; that there should be a readjustment, spreading the payments of our indebtedness over a much longer period and thereby keeping the Nation under tremendous interest charges for another half century. The average man and the average woman, who have to daily solve the problem of making both ends meet, will hesitate a long time before adopting this new theory of the Democratic Party, namely, that you can get out of debt too soon.

UNPRECEDENTED TAX REDUCTIONS MADE POSSIBLE

With the decrease in public expenditures there was a corresponding decrease in appropriations made by the Congress, and at the same time a decrease in Federal taxes, for it has been the policy of the Republican administration to share all decrease in governmental costs with the taxpayer. Since the Republican Party came into control, there have been two Federal-tax reductions, one enacted by the Republican Congress in the summer of 1921 and one by the Republican Congress in the spring of 1924. These two reductions, in the aggregate, cut Federal taxes, approximately, $2,000,000,000 a year. A third Federal-tax reduction bill is now being formulated. It is conservatively estimated this bill will reduce Federal taxes another $350,000,000 a year. This is in addition to the two reductions already noted.

Recently I read a dispatch in the eastern newspapers from Mexico, Mo., giving an account of an address delivered before the Missouri Democrats of the ninth congressional district by Senator REED of Missouri. According to the news dispatch, Senator REED predicted the proposed new tax bill would be defeated. He is quoted as saying that—

the Republican Party reduces taxes from the top down, but the Democratic party, the friend of the masses, would reduce taxes from the bottom up.

"SOAKING THE RICH" DEMOCRATIC BUNCOMBE

Expressed in modern slang, this is "old stuff." It is a variation of the threadbare demagogy preached for so many years by the late William J. Bryan. It is a variation of the demagogy preached for centuries by everyone who sought to climb into popular esteem by denouncing the rich and posing as a friend of the poor. It is the repetition of the theory that, in order to promote the interests of the man of modest means, it is necessary to persecute the man of immense wealth. "Soaking the rich" has been a favorite pastime of political charlatans since the dawn of history. The only tangible effect of this policy has been to hurt the poor.

You are all familiar enough with history to recall one or two outstanding examples. During the French Revolution taxes were levied in order to "soak the rich," with the result that the wealthy of France fled to other countries, there to remain and assist in upbuilding the business, industry, and commerce of other nations. It is a fact that many of the wealthy French came to the United States at that time and remained here to help develop this country.

A more recent example is that of Russia, where the result of attempting to soak the rich has been the impoverishment of the peasantry of that once great nation. By appealing to class prejudice and ignorance and hatred, by promising a millennium for the poor, the Bolsheviki leaders gained the approval of the masses for a program which called for the confiscation of the land, the property, the money, and the jewels of the nobility and the wealthy. But the appetite of confiscation once whetted was not to be satisfied with the confiscation merely of the property of the very rich. Without taking your time to trace the series of tragic events covering a period of four years, suffice it to say that the doctrine of "soaking the rich," which their senior Senator so glibly advocates to the cohorts of Missouri Democracy, wound up in Russia by the confiscation of the grain and the cattle of the peasantry. There, at least, the demagogue has had the courage of his conviction in that he has carried his theory to the logical conclusion. As a result, Russian villages and communities to-day are governed by a council of what is known as "poor peasants." The "poor peasants" of Russia are those who for one reason or another do not have, and never have had, any property, never had engaged in any business, or been interested financially or otherwise in the management of any industry. They are composed almost wholly of the ne'er-do-wells, the vodka drinkers, the wastrels, the village loafers, the chronic kickers. This is the class of Russians who now occupy the seats of authority and formulate the financial policies of their respective communities. The result is Russia as it is to-day, the most tragic spectacle ever recorded on the pages of human history; complete stagnation and prostration of all industry, commerce, and agriculture, with millions of people doomed to untold years of misery, destitution, and starvation. This is the logical and inevitable result of the fiscal policies which find advocacy in this country in the persons of such Democratic spokesmen as Senator REED of Missouri and Representative OLDFIELD.

THE REPUBLICAN THEORY

It is the theory of the Republican Party that in the reduction of taxes each citizen, regardless of his wealth, should be relieved of some of the burden. In the first tax bill, written by the Republican Congress in 1921, the exemptions for the man of a small salary were increased. In addition, a multitude of special war taxes upon merchandise and commodities, all of which were paid by the ultimate consumer, were wiped out. It is estimated by tax experts, that of the total reduction of over a billion dollars which that bill made possible, 70 per cent came off the shoulders of the man of an income of less than $5,000 a year. By the repeal of excess profits taxes, a reduction of surtaxes and certain corporation taxes, the man of wealth was relieved, and with his relief business was relieved.

The second tax bill, passed by the Republican Congress in the spring of 1924, followed the same general lines as the first one. Additional relief was granted the taxpayer with a small income, and, also, the taxpayer with the large income.

The Republican Party has held that heavy taxes upon the man of wealth and upon corporations strangle business, act as a dead weight to commerce, and slow down the wheels of industry, all of which reacts directly to the injury of the wage earner, the agricultural producer, and the small business man.

In a speech in New York, last year, President Coolidge said:

A farmer ships a steer to Chicago. His tax, the tax on the railroad transporting, and of the yards where the animal is sold, go into the price of the animal to the packer. The packer's tax goes into the price of the hide to the New England shoe manufacturer. The manufacturer's tax goes into the price to the wholesaler, and the wholesaler's tax goes into the price to the retailer, who in turn adds his tax in the price to the purchaser. So it may be said that if the farmer ultimately wears the shoes he pays everybody's taxes from the farm to his feet.

DEMOCRATIC THEORY DISPROVED

These facts effectually dispose of the Democratic theory that if you lay a heavy tax upon business and upon corporations, and upon wealth in general, only business and corporations and the rich pay the tax, and the poor man escapes. The plain truth is, that the rich and the corporations and the business interests are able to pass the tax on to the ultimate consumer, who in every case is the wage earner or farmer, but he has no way to pass the tax on.

Furthermore, it has been proved beyond a doubt that the heavier the tax levied on wealth, the more wealth endeavors to escape all taxes by investing in tax-exempt securities. As a result of the high surtaxes, men of wealth have been investing in tax-exempt securities to the amount of over $1,000,000,000 a year. The latest figures compiled as of July 1, 1925, disclose the fact that there is outstanding to-day over $20,000,000,000 in tax-exempt securities.

In the early days of our income tax law—in 1915 and 1916—before heavy surtaxes were imposed on large incomes, 30 per cent of the income tax revenue of the United States was paid by men with incomes of over $100,000. In 1921, in which year there was a surtax running as high as 63 per cent, less than 5 per cent of the total income revenue of the Government was paid by men with incomes of over $100,000. Yet in the interim the number of millionaires in the United States had quadrupled, and the number of men with incomes of $100,000 and over had been multiplied many times.

There is no disputing the fact that high surtaxes drive men of large incomes to invest their money in tax-exempt securities in order to escape paying any income tax. What is a tax-exempt security? It is the rich man's friend. A tax-exempt security means a State or local bond upon which the buyer pays no tax to either local, State, or Federal Government, but upon which he draws a reasonable rate of interest. Who pays the interest? The taxpayer of the municipality, road or school district, county or State, which issues the bond. So that, boiled down, the tax-exempt security exempts the rich man from all taxes and increases the taxes upon the business man, the wage earner, and the farmer.

Furthermore, it must be remembered that for every Federal dollar rich men escape paying, another dollar is added to the Federal tax which the wage earner, the small business man, and the farmer must pay, for the Federal Government must have its revenue, and if by a mistaken policy of high surtaxes it drives the men of wealth into escaping all Federal taxes, the men of small means must make up the difference.

PRE-WAR BASIS OF EXPENSES IMPOSSIBLE

Democratic leaders in an effort to befuddle the public and deprive the present administration of the credit of the greatest reduction in public expenditures and taxes ever made by any established government in a corresponding period, are drawing a comparison between the expenditures of to-day and those of 1915 and 1916, when the Democratic administration was in power. They say those were days of peace and these are days of peace; that the Democratic Party in those days was able to operate the Government with vastly fewer Federal employees than the Republican Party is doing to-day; that the cost of operating the Government in those days of peace was tremendously smaller than it is to-day under Republican administration. The demagogy and hypocrisy of this argument can be exposed in a minute. For example:

In 1915 and 1916 there was no Veterans' Bureau, which to-day employs in round numbers 30,000 workers, and expends $400,000,000 annually for the aid and relief of ex-service men. The cost of running the Veterans' Bureau to-day is more than 50 per cent of the total cost of running all the Government during the days of 1915 and 1916. Is there any Democrat who argues that in event his party were restored to power, it would desire, even if it could, to wipe out the Veterans' Bureau, discharge the employees, and eliminate its expenditures?

In 1915, the public debt was only $969,000,000, and the annual interest charges were only $23,000,000. To-day, our public debt is approximately $20,000,000,000, and our annual-interest charges are approximately $900,000,000, or almost as much as the entire public debt itself in 1915. In order to retire the public debt in 1915, the Democratic administration was putting by $60,000,000 a year. In order to retire the present public debt, the present administration is putting by $500,000,000 a year.

Our public-debt interest charges, plus the retirement fund, to-day amounts to almost twice the total cost of running all the Government in 1915. The public debt must be retired, and, in order that it may be retired, a sinking fund must be created and maintained. The interest on the public debt must be paid, and to do these things money must be raised by taxes and appropriated out of the public funds. The Democratic Party, were it restored to power, could not eliminate either of these two fixed charges amounting to $1,300,000,000 a year, unless they repudiated our national debt and let the interest thereon go by default.

And so examples might be continued indefinitely, but these suffice to show there is neither honesty nor reason, candor nor logic, in the arguments now being advanced by Democratic Party leaders to the effect that the Government is not being run as efficiently and as economically in these days of peace under Republican régime as it was in the days of peace under Wilson's administration.

HOW DEMOCRATIC PAPER VIEWS POLITICAL HUMBUG

One of the most conspicuous Democrats engaged in peddling this political humbug is Representative OLDFIELD, who, in his capacity as chairman of the Democratic Congressional Committee, has toured the United States trying to find somewhere upon the cold and desolate Democratic hearthstone some faint spark of political hope, some glowing ember of party unity and vitality. The best advices are that his search has been in vain. And the reason is that Representative OLDFIELD, like Senator REED of Missouri and other Democratic leaders, have nothing to offer except insincere criticisms of the splendid administration now in charge of our Federal Government. And as an example of the impression such tactics are making upon the thinking Democrats I quote you an editorial from the Herald, a Democratic daily newspaper of Denison, Tex., on August 19, last:

As a Democrat and a supporter always of the Democratic ticket, we are in duty bound to indorse every word of Congressman OLDFIELD'S address, Monday night, in which he flayed the President and denounced the Republican administration in unmeasured terms. If we did not assume that attitude we would not have a single argument on which to base a claim for the offices.

As a citizen, uninfluenced by considerations of politics, we can not withhold approval of the President's determination to lower the tax rate and reduce Government expenses at all hazards despite the obstacle sought to be thrown in the way by department heads who base efficiency on the amount of money they spend. And even as a Democrat of the old school, we are unable to look very stern at the President when his efforts to decentralize Government at Washington and shift it back to the States are brought to our attention. When we recall that that is Simon-pure Jeffersonian Democracy, the placing of sovereign power where it properly belongs, somehow we are unable to see the horns on the Coolidge brow pointed to by Mr. OLDFIELD.

Another matter that puzzles—we might say mystifies—to a degree is the record of history that in the great centralization scheme which embraced the creation of numberless commissions and bureaus charged with the duty of inquiring into and inspecting every department of private life on orders issued from Washington the Democratic Party took the lead. That was some of the same liberalism Mr. OLDFIELD tells us we must return to if we capture the next Congress and elect a Democratic President two years later. Honestly, do we want that sort of a legislative program or principles enthroned just for the sake of getting on the inside and looking out for a while?

COOPERATION HAS BROUGHT SUCCESS

It is a statement well within the facts that the successful program of public economy which has marked the administration of our Federal Government during the last four years has been due to the 100 per cent cooperation that has existed between Republican executives at the head of the various departments and the Republicans in control of Congress. It is a cooperation which has elicited the public tribute of President Coolidge and Director Lord of the Budget Bureau. The concrete evidence of this cooperation is found in the fact that during the four years the Budget Bureau has been in operation it has requested appropriations in the amount of $15,882,209,836, and the Congress has appropriated only $218,060,674 less than the Budget Bureau requested. In other words, the difference between what the Budget Bureau and the heads of the various departments thought and what Congress thought would be necessary to run the Government amounted to only 1.37 per cent on the basis of the Budget Bureau's original requests. It is very doubtful if any large business corporation would show that close a parallel between the estimates of its various executive officers.

DEMOCRATIC CONGRESS WOULD DESTROY TEAMWORK

It is important to keep in mind that this teamwork would disappear in the event of the election of a Democratic Congress. A Democratic Congress would mean Democratic control of the House Committee on Appropriations and the Senate Committee on Finance. It would give the Democratic Party the opportunity to fight the Budget Bureau and the Republican executives at the heads of the various departments. They could do this in one of two ways—either by reducing appropriations for executive departments far below the Budget Bureau's request in order to make a false show of public economy, but in point of fact in order to hamstring and hamper the administrative agencies of the Government, or they could do it by loading down appropriation bills with pork-barrel amendments.

That there is good reason to believe Democratic control of Congress would result in a concerted effort to discredit the Budget Bureau and the entire budgetary system of handling our Federal finances is found in the fact that President Wilson vetoed a Budget law passed by the Republican Congress during the last two months of his administration. Notwithstanding his veto was based purely upon technical grounds, it was sustained by the Democratic leaders in the House. Out of a total number of votes in the House sustaining the veto and killing the Budget law, all but three were cast by Democrats, and practically every Democratic leader either voted to sustain the veto or did not vote at all. In other words, the Democratic leaders were not found supporting the Budget law.

OPPOSITION TO BUDGET HEREDITARY

This attitude of hostility to the budgetary system of public finance is hereditary with the Democratic Party. The first proposition to establish a Federal Budget system came from President Taft in the form of suggestion to the Congress, which at that time was Democratic. The proposal to have an orderly method of handling our public finances so outraged the Democratic pork-barrel viewpoint that every appropriation bill passed by that Democratic Congress contained the proviso that no money appropriated in the bill was to be expended under any budgetary plan. The following year the Democrats secured control of the executive branch of the Government, and for six years they retained complete control of both the executive and the legislative branches. Notwithstanding the fact that during these years there was a demand for a Budget system in Federal financing, neither the Democratic President nor the Democratic Congress made any effort to establish such a system. It was not until the Republican Congress, elected in 1918, came into power that the Budget law was passed, only to be vetoed by the Democratic President and his veto sustained by reason of the solid front put up by the Democratic leaders in the House of Representatives.

Furthermore, during the last four years there have been numerous attacks upon the Budget system by Democrats not only on the floor of Congress but through the columns of the

public press. All of these things justify the belief and fear that the control of Congress by the Democrats would mean serious injury to the Budget plan now in vogue, and the complete wrecking of the economy program which the Republican administration has so successfully carried on.

FEDERAL ADMINISTRATION SETS EXAMPLE

It is highly essential not only to the Federal Government but to local and State governments that the splendid program of public economy now being successfully prosecuted by the Federal administration be maintained. There is a crying need for its continued example.

Immediately following the war the total amount of taxes collected in the United States showed that the Federal Government collected 60 per cent and State and local governments 40 per cent. Under the tax-reduction program of the Republican Party this situation now is practically reversed. To-day State and local governments collect nearly 60 per cent of all taxes collected in the United States, while the Federal Government collects only 40 per cent.

According to the United States Census Bureau general property taxes levied and collected for State and local purposes are 160 per cent higher to-day than they were 10 years ago. Moreover, during the same period there has been an increase of 79 per cent in the assessed valuation of property upon which these taxes are levied. Despite this tremendous increase in taxes raised on a basis of an increase of 79 per cent in property valuation, the State and local revenues thus obtained did not keep pace with the increase in expenditures, and so in a frantic attempt to find enough money to pay for the growing extravagances all sorts of special taxes have been levied upon business, the use of gasoline, licenses, and so forth.

In terms of real money State and local taxes have increased $3,286,000,000 in the last 10 years—an increase equal to the total amount of money necessary to run our Federal Government. In 1924 State and local taxes totaled an enormous sum in excess of $5,000,000,000. Yet even this volume of revenue has been wholly inadequate to pay the bills incurred by our State and local governments, and in order to obtain still more money they have been borrowing at an average rate of over a billion dollars a year. Since 1912 State governments have increased their bonded indebtedness 142 per cent and local governments over 200 per cent. The most reliable available data show that at the present time State and local governments are borrowing money on bonds at an average rate of $150,000,000 a month. All this is taking place while the Federal Government under Republican administration is decreasing its expenses, its taxes, and its public debt.

FIGURES REFUTE GOVERNOR SMITH'S CLAIM

In this connection, the Democratic Governor of New York recently created a mild sensation by claiming the comparison between the increased cost of State governments and the decreased cost of the Federal Government is unfair. He alleged the unfairness exists in that the increased cost of State and local governments is due to their making public improvements which were arbitrarily held up during the war period.

Without presuming to impugn the sincerity of Governor Smith it may be stated that his assumption is not based upon facts. Unfortunately for his argument the United States Census Bureau has just completed issuing a report upon the finances of our State governments for the year ending June 30, 1924, and giving comparison with the years 1923 and 1917.

These reports show that with but one exception—the State of Montana—the routine expenditures of our State governments have tremendously increased since 1917. The census reports define routine expenditures as those expenses incurred in the daily operation and administration of government, exclusive of any public improvements, such as the construction of roads, school buildings, other public buildings, and other permanent improvements which add to the permanent assets of a State.

This survey of the United States Census Bureau shows that the average increase in the expenses of the routine administration of our 48 States between 1917 and 1924 was 114.7 per cent. In other words, during that period of time the routine expenses of our State governments has more than doubled.

Nor can Governor Smith find any solace in the figures which show that the routine expenditures of the State of New York for the year ending June 30, 1924, were $11 per capita, while in 1918, which is the year given in the census report for his State, the routine expenditures were $5.51 per capita, or an increase of 99.6 per cent.

The cost of public improvements is aside and in addition to the routine expenditures. Therefore none of this doubling of the cost of the operation of the State of New York can be charged to the construction of any improvement that was held up during the war. I herewith present table showing the actual routine expenditures of each State for the year ending June 30, 1924, the per capita routine expenditure for 1924, and also for 1923 and 1917, together with the percentage of increase of the per capita expenditure of 1924 over 1917:

Total showing routine expenditures (strictly maintenance and operation, exclusive of all public improvement costs and expenses adding to permanent assets of State) of States for year ending June 30, 1924. Also same expressed on per capita basis and comparative per capita of like expenditures for years 1923 and 1917, together with percentage of increase 1924's per capita expenditures were over 1917

(All data taken from official figures issued by the United States Bureau of the Census)

State	Actual expenditures for year ending June 30, 1924	Per capita expenditure for 1924	Per capita expenditure for 1923	Per capita expenditure for 1917	Increase of 1924 over 1917
					Per cent
Arizona	$5,255,930.00	$13.56	$12.29	[1] $10.02	35.3
Arkansas	8,539,353.00	4.68	3.92	[1] 2.46	90.2
California	54,551,389.00	14.14	12.89	[1] 7.18	96.9
Colorado	10,446,065.00	10.41	9.89	5.53	88.2
Connecticut	16,955,183.00	11.38	11.61	7.13	59.6
Delaware	3,763,890.00	16.18			
Florida	6,818,328.00	5.55	6.94	3.83	44.8
Georgia	14,314,036.00	4.73	4.07	2.48	90.7
Idaho	3,942,209.00	8.24	7.70	5.30	55.4
Illinois	80,909,987.00	11.84	5.39	3.62	227
Indiana	22,928,956.00	7.57	7.02	4.28	76.8
Iowa	24,144,564.00	9.74	11.52	[1] 4.53	115
Kansas	39,941,271.00	22.17	6.22	[1] 3.65	507.3
Kentucky	24,508,641.00	9.93	7.87	[1] 4.55	118.2
Louisiana	13,588,339.00	7.29	7.24	3.50	108.2
Maine	10,191,167.00	13.09	14.47	8.56	52.9
Maryland	14,361,072.00	9.47	9.09	5.49	72.4
Massachusetts	42,259,149.00	10.29	8.99	6.64	54.9
Michigan	38,316,462.00	9.53	10.68	[1] 7.25	31.4
Minnesota	31,030,056.00	12.34	13.43	8.15	51.4
Mississippi	10,843,348.00	6.04	5.53	2.54	137.7
Missouri	27,358,399.00	7.92	7.18	3.31	139.2
Montana	4,904,325.00	7.82	9.29	[1] 8.46	
Nebraska	8,140,123.00	6.06	6.12	3.86	56.9
Nevada	2,037,435.00	26.32	22.82	10.98	139.7
New Hampshire	4,492,602.00	10.02	10.92	5.50	82.1
New Jersey	38,152,229.00	11.19	11.46	6.85	64.2
New Mexico	3,924,318.00	10.45	8.44	5.13	103.7
New York	120,004,829.00	11.00	10.03	[2] 5.51	99.6
North Carolina	15,745,898.00	5.79	5.10	1.96	195.4
North Dakota	7,461,398.00	11.04	12.25	[1] 5.78	91
Ohio	29,930,919.00	4.85	5.63	[1] 2.50	38.5
Oklahoma	12,609,626.00	5.78	5.57	[1] 3.20	80.6
Oregon	9,198,381.00	11.06	12.04	5.90	87.4
Pennsylvania	73,804,277.00	8.07	7.34	3.32	143
Rhode Island	5,894,205.00	8.82	8.55	5.71	54.4
South Carolina	9,268,200.00	5.26	4.50	[1] 1.82	189
South Dakota	6,871,913.00	10.44	11.88	[1] 5.90	76.9
Tennessee	11,289,550.00	4.70	4.31	2.69	74.7
Texas	39,561,321.00	7.92	7.70	[1] 4.59	72.5
Utah	6,736,811.00	13.92	13.67	8.41	65.5
Vermont	4,429,659.00	12.57	13.18	[1] 9.36	34.2
Virginia	21,064,431.00	8.71	8.65	3.96	119.9
Washington	19,050,928.00	13.13	12.87	5.28	148.6
West Virginia	9,908,096.00	6.34	6.53	[1] 2.72	133
Wisconsin	25,348,960.00	9.20	9.68	[1] 6.04	52.3
Wyoming	3,551,464.00	16.47	16.70	11.59	42.1
Average United States	1,001,465,258.00	9.00	8.17	4.19	114.7

[1] For these States the per capita expenditure is based on the year 1918, instead of 1917.

[2] Montana's per capita expenditure for 1924 was less than for 1917, and showed a decrease of 7.5 per cent.

PUBLIC EXTRAVAGANCE A LOCAL DISEASE

These facts show that public extravagance has come to be a local disease. It can no longer be charged as a vice practiced by the Federal Government away off at Washington, far removed from the control of the people. Our Federal Government, to the contrary, is the only unit of government within the United States which is steadily reducing its routine expenses, steadily decreasing its rate of taxes, and steadily cutting down its public debt and interest charges. The problem of taxes has, therefore, become a matter of local self-government. Bond issues and tax levies which are burdensome are being authorized by local authorities—your neighbors and mine—elected directly by the people, between whom and the taxpayers there stands no middle man or intricate governmental machinery.

Every community knows where this money goes. Evidences of its prodigal expenditure are seen on every hand, in every city, in every town and village, and throughout the rural districts. Villages are no longer content to be villages. They must take on city airs and attempt metropolitan luxuries at the expense of the rural pocketbook. We long since have left the simplicity and the economy that formed the bulwark of our forefathers.

For example, the little red schoolhouse has either disappeared from the rural landscape or remains deserted, dilapidated and degenerated into an implement shed, or a shelter for cattle. In its place we have erected a consolidated school at

great expense, and then in order that it may be attended we have established at an additional expense school bus lines.

In order to keep pace with the alleged educational culture of this age of jazz and radio, we now see to it that our farm boys receive their physical training, not before and after school hours doing chores and thereby keeping down the overhead expenses of the farm, but during the school hours in the gymnasium of our new township consolidated school, or on the newly constructed athletic grounds.

Our girls no longer learn "housekeeping" in the homes and at the same time lift the burden from the tired and worn shoulders of their mothers. It is no longer known as housekeeping. It has assumed a new dignity, under the title of "domestic science," and is imparted in a specially constructed laboratory of the consolidated school, generally at the hands of so-called experts who, themselves, never kept house.

Is this progress or is it extravagance? That is the real question to be decided before one can assert that the increased taxes made necessary by these new methods are justifiable or unjustifiable. The value of public service depends not so much upon its cost as upon its return. The cost per pupil of our public-school system has increased from $33 in 1910 to nearly $90—almost 200 per cent. But this money is well spent, provided our children are receiving a 200 per cent better education than they did 15 years ago; provided our schools are turning out pupils 200 per cent better equipped to become self-supporting citizens, an honor to their family and credit to their community, and an element of virile strength to their Nation.

Again, the old courthouse has been found to be unsightly and undesirable, and so a new one is built and charged to the taxpayers. It is a magnificent edifice to which the public may come and pay its taxes, file its mortgages, and try its criminals. Most likely, also, it has been discovered by our social-welfare workers that the housing of our criminals is not in keeping with the more refined methods of present-day civilization, and so we have added another load to the back of the taxpayer in order to build finer jails for that class of our citizenry which it is decided should be confined for the public good.

We are spending upon our rural highways fifteen times as much money as we spent 15 years ago, an average increase of 100 per cent per year. If it is worth this increase to be lifted out of the mud, either from the standpoint of convenience, recreation, or economics, then the money is well expended. But here, again, one must apply the test of whether the multiplicity of pleasures and distractions made possible by these modern improvements have really added to the character of our people, or whether it has weakened the moral fiber within them, distorted their vision, and made them seekers of the vanities of life rather than the fundamentals. The test to be applied to the increasing cost of local and State governments is whether or not it is helping us to erect a better, a stronger, and a more enduring government, one whose institutions embody those high ideals which are the safeguard of a free people.

PROBLEM MUST BE FACED

This is a problem particularly for the rural sections to study and to which they must make answer, for upon them falls disproportionately the heaviest burden of this tremendous increase in governmental costs. More and more is tangible property bearing the burden of taxes, and tangible property is by and large found largely in the agricultural communities. The late Secretary of Agriculture, Henry Wallace, in the last report he wrote, stated that in 1922 farm property paid in interest and taxes the stupendous sum of $2,000,000,000 every year, and he phrased it graphically as follows:

> In 1922 the value of the wheat, oats, and tobacco crops, and one-half of the entire potato crop in addition were taken from the farmer to pay his taxes and interest. In that year, although cotton was very high in price, taxes and interest consumed the entire value of the cotton crop, plus two-thirds of the value of the entire wheat crop.

Clearly in view of this the farmer, whether he be a landowner or a tenant, must give the most serious attention to the problem of governmental expenditures, and he must, as the only alternative to bankruptcy, take a more active and constant interest not only in the selection of his local and State officials but also in the manner in which they perform the daily routine of their offices, for it is his crops which these tax-assessing, tax-gathering, and tax-spending officials are eating up.

This is a representative Government in which we get the sort of officials and the character of administration we deserve.

Precious blood has been shed and countless treasure expended in order to assure every citizen the right of franchise, the right of a voice in his Government. This contest for a guaranteed representation in public affairs began on the plains of Runnymede, when the first inroads were made upon what had been theretofore regarded as sacred royal prerogatives. It is a contest which has been waged intermittently throughout the centuries which have intervened.

APATHY OF VOTERS A MENACE

Yet it is a fact, at once startling and full of menace, that in but few, if any, of our elections do even a bare majority of our citizens go to the polls and exercise the right of suffrage.

In the presidential election of 1920 only 48 per cent of the eligible citizenship voted. In the last presidential election 50.77 per cent of our eligible citizenship voted. This was the average in the 48 States. In the States of the "solid South" the number ran ridiculously low—Alabama casting only 13 per cent of its total eligible vote; Georgia, 11 per cent; Louisiana, 12 per cent; Mississippi, 12 per cent; and South Carolina only 6 per cent. It should be kept in mind that presidential elections, as a rule, mark the high tide of active interest in public affairs. Election figures show that in State, county, and municipal elections, as well as in congressional elections during the off years, the percentage of eligible citizens who vote is very much lower than in presidential years. Three-fourths of the United States Senate are elected by less than one-third of the eligible citizenship of their respective communities. Ninety per cent of the total membership of the United States House of Representatives are elected by less than half of the eligible citizenship of their respective districts.

If we are to remain a Government in which the people rule, this condition must be changed. An analysis of the causes back of it discloses the fact that the indifference of a large percentage of the voters is due to their belief that it is the form, rather than the substance of government, that counts; that we are ruled by formulas, rather than by individuals, by machinery, rather than by human beings.

This is a wholly erroneous and dangerous position. No government is automatic. Eternal vigilance is the price of good government so long as the human equation enters into the conduct of our public affairs. Our duties as citizens not only require us to vote on election day, but require us to keep in personal touch with the work of those officials who are elevated to office and clothed with authority for a brief time. And if we are not sufficiently interested either to vote or take an active interest in public affairs between elections, then we do not have any legitimate ground to complain, no matter what the character of our Government, or of the men in charge of it. Those who do not vote have no right to complain of bad laws enacted, of good laws which are not enforced, and of public money which is squandered. So long as human nature remains as it is, the indifference of upright, substantial, property-owning, law-abiding citizens to their public affairs will become the opportunity of the demagogue, the grafter, the law violator, the alien agitator—those who would loot the Public Treasury, as well as those who would determine and destroy our American institutions.

PARTY RESPONSIBILITY ESSENTIAL

The best way, the surest way, in fact, under our form of government, the only way to arouse the interest of indifferent citizenship in public affairs is through active party organization. No better proof of this need be cited than the fact that in those States where there is no party rivalry, those States which are politically lopsided, where party organization is loose and inefficient—it is there one finds the greatest percentage of indifferent citizens, the greatest percentage of stay-at-home voters, and as a corollary, the most inefficient and extravagant governments.

On the other hand, the official election returns clearly demonstrate that the largest percentage of votes are polled in those States where party rivalry is keen, those States which are nip and tuck between the two old parties, those States in which the party organization is always on its toes, in which there is no cessation of party labor between election days, those States in which every legitimate and honest instrumentality is used by the political parties to arouse the interest of the citizen and get him to vote. Furthermore, by and large, it is the most hotly contested States from a political standpoint that are most honestly and most efficiently governed, because there is always a strong militant minority on watch to take advantage of any mistakes the majority party may make.

It is the duty of every citizen to belong to a political party. The necessity of party loyalty, party organization, and work within the party can not be overestimated. Under our form of government we are a government of parties, which receive

their commission from the people and are held responsible by the people for the conduct of public affairs. Our political parties go before the people in biennial and quadrennial elections to make an accounting.

There is no other way in which our Government can be administered. Those who go outside of the two political parties to form blocs, cliques, and groups not only fritter away their strength and influence but they contribute to the breakdown of party system, which is essential to our democratic form of government. For if a party's ability to carry out its policies be destroyed by the destruction of party loyalty and party solidarity, then its responsibility for government is destroyed, and the people can not hold individuals and cliques to an accounting.

PRESIDENT COOLIDGE'S STATEMENT OF CASE

President Coolidge, in an address to the District of Columbia League of Republican Women, clearly stated the case when he said:

> It is necessary to have party organization if we are to have effective and efficient government. The only difference between a mob and a trained army is organization, and the only difference between a disorganized country and one that has the advantage of a wise and sound government is fundamentally a question of organization. * * *
>
> I do not know of anyone who has represented the real ideals of America any better than those who were loyal to their party, either on one side or the other. Men of the type of Lincoln and Grant, no less than the type of Cleveland and Wilson, have been loyal to their party and have desired party support and party government for the purpose of giving an efficient administration.

The truth of President Coolidge's statement that the difference between disorganized government and sound government is one of party organization is strikingly illustrated by the difference in conditions between the United States and European countries since the armistice. The Governments of Europe have been in the valley of indecision for the past seven years, due largely to the fact that they are in the grasp of minority groups and blocs. Rarely since the armistice has there been in any one nation in Europe one party of sufficient strength and virility to obtain undisputed control of its government and maintain itself in power long enough to outline, enact, and carry into effect any well-defined policy. To the contrary, practically every new ministry set up in any European government has been compelled to make compromises and concessions to powerful factions and blocs in order that it might be continued in power from day to day. These coalitions served merely the opportunity of the moment. They were dictated wholly by personal and political expediency instead of consideration for national welfare.

On the other hand, the United States has been a government of two political parties, a majority party and a minority party. Whatever the name of the party in control, by virtue of popular decision at the polls, under our system of government the right of the majority party to outline its policies and operate the Government consistent with those policies, always has been recognized. Upon it rested the responsibility of orderly and progressive government.

The party which happened to be in the minority, instead of attempting to break down the responsibility of the majority party, rather intensified the public inclination to hold the majority party strictly accountable for carrying out its pledges.

FACTIONALISM LEADS TO NATIONAL DISASTER

The United States has progressed farther along the road to reconstruction and readjustment of economic conditions to a normal basis than any other government of the world since 1918, and it has done so because we have been unusually free from successful attempt at factional and group government.

Few greater misfortunes could befall this country in these times of gigantic problems of national and international import than to have our public energy wasted in contests between blocs, classes, and groups. Such a contingency would mean the end of our strong nationalism, of our virile government, and of our continuous and substantial progress.

Finally, it should be said that it is not a sign of political independence or mental integrity to attempt to break down party organization. Rather it is an exhibition of individual egotism, sectional or selfish desires, or the outbreak of inherent opposition to that discipline which is necessary in all orderly organizations, and certainly in all orderly governments. Those who seek to disorganize political parties in order that they may reap personal benefits and preferment, would, in event they were elevated to official position, disorganize our Government. It is axiomatic in public life quite as well as it is in business life, that those who can not take orders and execute them are not possessed of inherent ability to give orders.

And, by and large, those who object to party organization and party discipline are possessed of a spirit of rebellion against all disciplinary influences which underlie the home, society, business, finance, industry, commerce, as well as stable government.

The Republican Party needs no encomiums; its record speaks for itself; it has stood the test of time and severest trial. For nearly 70 years it has survived the attack of its adversaries. With each and every encounter it has proven its adherence to those fundamental principles of government that must endure if our Government is to endure. These fundamental principles are as immutable as truth. In consequence it has been, and is, and let us hope will ever remain, the greatest political agency for good ever devised by man. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition on the amendment. I would like to have the attention of the gentleman from Iowa [Mr. GREEN] on this amendment. It looks to me like the gentleman from Oklahoma [Mr. MCKEOWN] has presented an amendment here that is worthy of very serious consideration.

I do not understand, I will say very frankly, why it is that the committee provides for the rules of evidence applicable in a particular court, namely, the court of the District of Columbia, to apply in this case. There has been no explanation of that by the committee, and I would like to know the reason for it. It seems to me it is a very serious proposition.

Mr. GREEN of Iowa. That was done in order that those who wanted to know would have some place to go to find out about the rules. The rules of the court of the District of Columbia are those prescribed by the Supreme Court of the United States, and they are followed in equity practice throughout the whole country. If the amendment of the gentleman from Oklahoma [Mr. MCKEOWN] should prevail, nobody would know what kind of rules were going to prevail in the board.

Mr. GARRETT of Tennessee. It leaves it where the board itself would make the rules.

Mr. GREEN of Iowa. But nobody would know what they were.

Mr. GARRETT of Tennessee. You have it in there now that they will make rules?

Mr. GREEN of Iowa. The gentleman does not understand the amendment. This does not refer to the rules of procedure. It is the practice in admitting evidence. The court could not write a treatise on evidence.

Mr. MOORE of Virginia. Where will the gentleman find the rules of evidence pertaining to courts in the District of Columbia?

Mr. GREEN of Iowa. In those prescribed by the United States Supreme Court.

Mr. MOORE of Virginia. Is the gentleman sure of that? I am sure there are rules of evidence in effect in the District of Columbia that never have been sanctioned by the Supreme Court.

Mr. GREEN of Iowa. They are the rules of practice and the rules of procedure in the district courts.

Mr. MOORE of Virginia. No; I am not confused; they are the rules of evidence that are simply effective in the District of Columbia.

Mr. GREEN of Iowa. If my friend will pardon me, I think he is confusing this matter with the rules that prevail as to some particular item of evidence. This pertains to the reception of evidence.

Mr. MOORE of Virginia. I am strongly in favor of this portion of the bill, but I wish to have it made as workable as possible. I hope before it is finally dealt with that the point I have mentioned will be considered and another point will be considered, and that point arises under subsection (b) in section 914, page 236.

I think that subsection is so drawn that it may unduly and unnecessarily protract procedure. I do not care to comment on it further, but I invite the attention of my friend to that subsection so that he can after a while come to the conclusion that it can be drawn in such a way as to avoid the results that I anticipate as possible.

Mr. BRIGGS. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BRIGGS. Is it not true that the Board of Tax Appeals has been functioning with practically universal satisfaction without the adoption of this provision as to rules of procedure in the Supreme Court?

Mr. GREEN of Iowa. Quite true; but now there can be no appeal. If the decision is adverse and the taxpayer wants the

decision of a higher court he has to back up, go to the commissioner and pay the tax. Then he must sue to get it back. We want to put this in a position of the ordinary rules of evidence in taking an appeal.

Mr. BRIGGS. Are you not making it more difficult for the taxpayer by providing that he is to act under the form and rules of the Supreme Court of the District of Columbia? They do not require that in the Interstate Commerce Commission.

Mr. GREEN of Iowa. There can be no broader rule than that in equity cases as it admits everything that will affect the results.

Mr. NEWTON of Minnesota. What would be the objection to provide that it shall be according to the equity practice prevailing in the United States courts?

Mr. MILLS. The gentleman from Minnesota does not understand the situation.

Mr. NEWTON of Minnesota. I am trying to understand it, but I do not want to get into the condition where the whole country is subjected to rules of equity in the District of Columbia.

Mr. MILLS. Mr. Chairman, we have now provided in the bill that an appeal may be had from the decision of this board to the circuit court of appeals. We have deprived the taxpayer of the right to go to the district court. It is absolutely essential in order that the circuit court of appeals may be able to pass on the record of the Board of Tax Appeals that there should be certain definite rules governing the admission of evidence. The question at once arose as to what should be the rules of the board. It was suggested that the board might develop its own rules. That would have implied a duty on the part of the board to write a treatise on evidence. The second proposition was the one suggested by my friend from Minnesota. Why not adopt the rules of evidence prevailing in the United States courts? We then found that Congress had said that the rules in the United States courts should be laid down by the Supreme Court of the United States. But the Supreme Court of the United States has said the rules of evidence in equity cases should be governed by the same determining factors as at common law. We then looked up what the rules of evidence were in the United States district courts at common law, and we discovered that they applied the rules of the particular State in which they were located.

So, having completed the circle, we found that if we adopted the proposition suggested by the gentleman from Minnesota [Mr. NEWTON] we would have adopted for the Board of Tax Appeals 48 different rules of evidence, depending upon in which State a division of the board might be sitting at the time at which it took the evidence. Let me remind the gentleman from Minnesota that even though we might have a division of the board taking testimony and trying a case in his State, the decision of the board does not become binding in a good many cases until the entire board has passed upon it, and that the decision in every case is the decision of the board. Can you imagine the confusion that would arise in the case of the taxpayer who had a case to try before the Board of Tax Appeals coming here to try the case in Washington, under such circumstances, with no single set of rules, but 48 different rules?

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MILLS. We selected the District of Columbia simply to enable the taxpayers to know where they would stand and the board would know where it would stand, and so that there would be a uniform practice governing the trial of all cases before the board instead of 48 different rules. I yield.

Mr. NEWTON of Minnesota. I have never practiced before the equity courts of the District of Columbia, but it is my understanding, from talk with lawyers who have practiced, that the rules here are somewhat different from the rules of practice and procedure prevailing in some of the States. It occurred to me that most of the lawyers in the country are wholly unfamiliar with the rules prevailing in the District of Columbia, but that they do have some conception of the rules prevailing in other States than their own.

Mr. MILLS. I would say to the gentleman that if he desires to move to substitute the State of New York for the District of Columbia, I would be perfectly satisfied.

Mr. NEWTON of Minnesota. And I think in Minnesota we would probably be a little better off than with the rules of the District of Columbia.

Mr. MILLS. Exactly; and as long as each of us would be in favor of his own State, we selected the District of Columbia, which ought to satisfy all.

Mr. GREEN of Iowa. Mr. Chairman, I move that all debate upon this amendment and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MCKEOWN) there were—ayes 10, noes 190.

So the amendment was rejected.

The Clerk read as follows:

TITLE XI.—GENERAL ADMINISTRATIVE PROVISIONS

LAWS MADE APPLICABLE

SEC. 110. All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this act.

Mr. ARNOLD. Mr. Chairman, I move to strike out the last word. I am in entire accord with the action of the committee in limiting the tenure of office of the members of the Board of Tax Appeals, and in that connection I ask unanimous consent to extend my remarks in the RECORD, upon the bill generally.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ARNOLD. Mr. Chairman, I desire further to express my views as to some of the provisions in the pending tax bill. We have been told on this floor that this bill is formulated with the idea of making it a permanent peace-time measure. If so, there are some features of the bill that I do not think are wise for a permanent peace-time measure.

All forms of taxation, from whatever source, are burdensome, and it is the duty of Congress in making permanent peace-time legislation to distribute that burden fairly and equitably among the taxpayers of the country so as to give the greatest possible measure of relief to the people with the least disturbance to business consistent with raising the vast revenues for governmental functions. I am a believer in strict economy in governmental affairs as well as in individual business affairs and personal habits. Any tax measure that raises more revenue than is needed in conducting the business affairs of the Nation economically administered is unjust and unwarranted.

We have some of the financial burdens of the great World War still with us and these obligations must be met and reduced gradually in addition to raising a sufficient amount of revenue to take care of the ordinary running expenses of the Government. Future generations will reap whatever benefits America received from the great World War and should help bear the financial burdens of that war. The present generation, having borne the burdens incident to the conduct of that war and on the field of action, should be relieved, as far as relief can consistently be granted, of the financial burdens growing out of the war.

There are some on this floor who have advocated a tax measure that would raise enough revenue from this source to defray the ordinary running expenses of the Government and the retirement of the public debt in 25 years. With those who believe that the present generation should inaugurate a program and contribute to the revenue of the Nation to the extent of extinguishing the public debt in 25 years in addition to the ordinary running expenses of the Government I do not agree. We have made settlements with many of our foreign debtors and we have extended to those foreign powers a period of something like 62 years within which they may fund their indebtedness to this country incurred by moneys advanced and credit extended for the conduct of the war. During this period the current interest and payments on the principal will be coming into our Federal Treasury, which may be applied in reducing our own public debt.

But it seems to me that we owe it to our own people to be at least as generous with them as we are to foreign peoples, and I think that a revenue measure designed to meet the running expenses of the Government economically administered, together with a sufficient amount to gradually discharge our national debt within a period of 62 years, is the proper basis for action in framing this peace-time revenue measure.

This has been termed a tax-reduction measure, and it is a tax-reduction measure; and it is more. It is also a tax-shifting measure. Is the reduction fairly and equitably applied, and is the burden equitably shifted? The normal income rates have been reduced, and every taxpayer from the least to the greatest will receive corresponding benefits by reason of this reduction.

How about the surtaxes? I want to call your attention to the fact that in the reduction of our surtaxes great partiality

has been shown. I call your attention to that class of income-tax payers whose net incomes range in the brackets between $10,000 and $44,000 a year. This is the great middle class of men in the business, industrial, and financial circles of American life. No reduction whatever in surtaxes has been granted this class of taxpayers. These taxpayers represent the bone and sinew of the business, commercial, and industrial life of America, and they receive no benefits whatever through a reduction of surtaxes, while the income-tax payers having incomes of $45,000 and more are given a liberal reduction in their surtaxes, as all of those whose net incomes extend from $45,000 and up are given a graduated reduction in surtaxes ranging from 1 to 50 per cent.

As the bill now stands the man whose net income is $100,000 and over gets a reduction of 50 per cent on his surtax. The maximum surtax under the revenue bill of 1924 was 40 per cent, and that maximum applied only to incomes above $500,000. By the present bill that 40 per cent maximum is cut in two and begins to apply to incomes of $100,000 and over. Why we should relieve the fellows at the top whose net incomes are $100,000 and over by a 50 per cent reduction in their surtaxes and not relieve the fellows whose net incomes range from $10,000 to $44,000 by any reduction whatever in surtax is more than I am able to understand.

I do not believe it is fair; I do not believe it is equitable; I do not believe it is just. When we were considering the revenue bill of 1924 Mr. Mellon, Secretary of the Treasury, recommended a maximum surtax rate of 25 per cent. If it was fair and just and equitable, if it was the only scientific method in 1924, what conditions have intervened that would make it unfair, inequitable, unjust, and unscientific in 1926? We should have gone further and graduated the surtax from 20 per cent on net incomes of $100,000 to a maximum of 25 per cent, the figures set by the Secretary of the Treasury in 1924, and made that maximum of 25 per cent apply to all incomes of $300,000 and over. Surely the man whose net income is $300,000 and over should not object to paying a maximum surtax of 25 per cent, since the benefits received by him under a munificent Government have made possible his enormous prosperity, and he can well afford to contribute liberally to his Government.

But it is argued that when the 25 per cent maximum is added to the normal tax rate it is unjust and oppressive. I beg to call your attention to the fact that few men whose income is above this figure pay the full normal taxes. Their investments are largely in corporate stocks and in partial or wholly tax-exempt securities. The individual taxpayer having such investments does not pay the normal tax on dividends received from corporations or the interest received from partial or wholly tax-exempt securities. Dividends from corporations are not subject to the normal tax in the hands of the individual taxpayer; neither is income derived from partial or wholly tax-exempt securities. So on income-tax payers having that class of investments the surtax is not superimposed upon the normal tax, and the surtax is the only tax paid on income derived from such sources.

It seems to me that if we are building a scientific tax bill and if our object in building this tax bill is to relieve business as far as possible so that the business life of America will suffer as little as possible thereby, we should give greater consideration to that class of men whose net incomes range from $10,000 to $44,000 and give them some benefits by making a reduction in their surtax rates, as the bill provides for the men with the greater incomes. This we have not done and I do not believe it is fair to this great middle class of men in our business, commercial, and industrial life. This class is as much entitled to our consideration as the men having incomes in the higher brackets.

By extending this surtax up to a 25 per cent maximum on net incomes ranging from $100,000 to $300,000 and over would have raised sufficient revenue to make possible the elimination of some of the direct taxes, which are wholly the outgrowth of the war. We have reduced the tax on automobile passenger cars from 5 to 3 per cent. That is commendable, but we should have gone further than that and have eliminated this tax entirely as we eliminated the special tax on trucks and automobile accessories, on cameras, photographic films and plates, jewelry, and stamp taxes on deeds and conveyances and powers of attorney. The automobile is no longer a luxury in the business life of America. The tax placed upon the automobile was a war tax solely and was justifiable at that time as necessary to raise sufficient revenue for properly carrying on the war. If this is to be a peace-time measure there is no necessity for continuing a war tax on automobiles. We should also have eliminated the tax on admissions and dues as we have eliminated the miscellaneous occupational taxes.

When these special war-time taxes have served their purpose, when the country is back to a peace-time basis and we are are drafting a revenue bill as a peace-time measure, we should eliminate all those war-time taxes and get down to a workable income-tax system where every man will contribute fairly and equitably in accordance with his ability to pay.

I speak to you of these things because I feel that in the readjusting of our taxing system we have not done it in a manner as fairly and equitably as it should have been done. I have no desire, and I do not believe the Members of this House have any desire, to punish men of great wealth and large incomes, or impose upon them unjust burdens through the graduated income-tax system; but we are acting here somewhat as a jury for the American people, with power and authority not only to decide but to initiate as well, and we should not lose sight of the fact that it is our duty to readjust this tax burden in such manner that every man shall bear his just share of the burden according to his ability to pay and with as little business friction as possible.

I wish that more of the people throughout the country were receiving incomes in the higher brackets. I would like to see prosperity in the greatest measure visit and dwell in every American home. I do not believe it is an injustice to men of wealth and big affairs, but, of course, it is the natural tendency of men to endeavor to be relieved of burdens of taxation whenever and wherever it can be done. The powers in control of this House have gone, in my judgment, entirely too far in the interest of big business when they have reduced by half the surtax on incomes of $100,000 and over, and did not give the middle class of fellows, whose incomes range from $10,000 to $44,000, any relief whatever from our present surtax rates.

Neither am I in entire accord with the bill on the estate-tax provisions. Under the law of 1924 the maximum estate tax was 40 per cent on all estates in excess of $10,000,000. In the present bill that has likewise been cut in two, and the maximum estate tax in this proposed bill is 20 per cent on all estates of $10,000,000.

This is not an unjust tax, as in the revenue bill of 1924 and in the present bill there is an exemption on all estates of $50,000 and under; that is, an estate that does not exceed $50,000 bears no part of the estate tax. From $50,000 up under the present bill there is a graduated tax of from 1 to 20 per cent. I would also favor making a graduated tax up to 25 per cent maximum, graduating the rate from 20 per cent on estates of $10,000,000 to 25 per cent on estates of $50,000,000, and on all estates in excess of $50,000,000 make the 25 per cent maximum rate apply. I am drawn to this conclusion largely by reason of the fact that there is an enormous amount of securities outstanding that are wholly tax exempt in the State and Nation.

These wholly tax-exempt securities are largely in the hands of estates of $50,000 and over, and as the holders of such securities pay no return on the income therefrom to the Federal Government through the income-tax system, the only way to make such securities contribute to the finances of the Government is through an estate tax. Of course, the estate tax applies to all estates of $50,000 and over regardless of the character of the estate, yet the right to inherit being distinctly a right created by law, there should be no objections on the part of anyone who has done nothing toward earning the estate inherited to having such estate contribute a reasonable amount to the Government that has made possible this accumulation.

As a counterpart to this estate tax should be a gift tax applying with the same rates as are applied to the estate tax. Without a gift tax the owners of large estates may break up their estates at any time prior to two years preceding death by bestowing the estate on the objects of their bounty and thus evade the estate tax. This bill entirely eliminates the gift tax. We are told that the reason it eliminates the gift tax is because of the difficulty of administration. This seems to me to be a very weak excuse for the entire repeal of the gift tax. Surely Congress can work out a workable administrative plan whereby the gift tax can be made effective, in conjunction with the estate tax, to prevent evasion and circumvention of estate and inheritance taxes.

As it is now, with the gift tax eliminated, what may be the course of action of owners of big estates? We will soon see when this law goes into effect estates transferred to trust companies or corporations, organized to manage and control the estate for the beneficiaries, and the estate having thus been transferred prior to death, nothing would be left of the estate at death on which an estate tax might operate. You have opened up an avenue of evasion that in my judgment will largely nullify the estate tax.

I am aware of the fact that there is some sentiment in this country to do away with the Federal estate tax entirely. The

men who advocate doing away with the Federal estate tax now urge that this field be left to the States alone. That is but a subterfuge to get rid of the estate tax entirely, both Federal and State. There are two or three States that have no estate or inheritance tax; one or two have repealed this form of tax on the theory that by so doing it will be a magnet for drawing men of wealth from the States that have an inheritance or estate tax to their State. Florida is a notable example of this. By constitutional amendment they have provided against any estate or inheritance tax and are now filling the papers with alluring advertisements—

Come to Florida, the land of opportunity and sunshine, and make your permanent home and avoid estate and inheritance taxes.

If the Federal Government should abandon this field of taxation there would be a wild scramble among the several States of the Union to repeal their State inheritance and estate taxes on the theory that it would be necessary in order to keep wealth within their own boundaries. This competition would in the end result in forcing the States to abandon the estate and inheritance tax field entirely. Threats of men of affairs to migrate to a more favorable clime from an inheritance and estate tax standpoint would stampede State legislatures into a hasty repeal of all estate and inheritance taxes.

Any man who is in favor of an estate and inheritance tax at all must realize that those who advocate the Federal Government's abandoning this field of taxation are making a thrust at the very existence of the estate and inheritance taxes, both State and Federal, and their object is the complete strangulation and the death knell of any form of estate and inheritance taxes.

Of course, there is duplication under the present law of Federal and State inheritance and estate taxes. When a State inheritance and estate tax is superimposed upon the Federal inheritance and estate tax, it makes an unjust burden, but we have provided in this bill that the State where the property is located at death shall receive a credit of 80 per cent of the tax due the Federal Government. This will, to a large extent, eliminate duplication of this form of taxation. This is a very wise provision in the pending bill, as it largely relieves the injustice and inequality under the present law. But if we are to have an estate and inheritance tax in this country, either by the States themselves or by the Federal Government, the Federal Government must not abandon the field, for by abandoning the field it means the end in the not far distant future of this character of taxation entirely.

I simply make these suggestions on this present tax bill in an honest endeavor to assist in working out a fair, just, and equitable system for raising Federal revenue, that all taxpayers from the least to the greatest may share the burden fairly and equitably.

Legislation is more or less a matter of compromise. We do not all get what we want, we do not always get what we think our people ought to have or what we believe to be for the best interest of the country generally, and in such cases, when we can not get what we think is best for the general interest of the country, we have to accept the best we can get.

So far as the bill's raising the exemption for unmarried persons from $1,000 to $1,500 and for married persons from $2,500 to $3,500, and the reduction of the normal taxes on all classes of taxpayers, I am in hearty accord. I wish we could go further and incorporate in the bill provisions I have suggested.

The tax burdens of the American people are becoming more critical each year. State, county, and local taxes have been pyramiding year after year, and the end is not yet. As long as the people are content to vote taxes on themselves in State and local affairs, they will have to pay. Tax reduction can only be brought about by curtailment of public expenditures.

I am pleased that we have been able to give relief in great measure to the people in the field of Federal taxation. Since the war we have made sweeping reductions. We should have more economy in State and local affairs and closer cooperation between the Federal and State taxing bodies, with a view of reducing taxation in all forms, both in State and Nation, to the lowest possible limit. The direct property-tax system prevailing in most States, and especially in my own State of Illinois, should be reformed so that all classes of property, real and personal, tangible and intangible, would bear its just proportion of the tax burden. This, coupled with strict economy in local governmental and municipal affairs, will give the overburdened taxpayers some measure of relief they so justly deserve. That, however, is a matter that must be worked out by the several State and local authorities. With that feature of taxation the Federal Government, of course, has no control.

The Clerk read as follows:

SEC. 1101. The commissioner, with the approval of the Secretary, is authorized to prescribe all needful rules and regulations for the enforcement of this act.

Mr. DEAL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DEAL: Page 239, line 19, strike out section 1101.

Mr. DEAL. Mr. Chairman, two years ago when the revenue bill was under consideration I offered an amendment identical with the one just offered to the present revenue bill. It was overwhelmingly voted down, and I expect the same fate awaits the amendment just offered. What would happen, if, perchance, it were not voted down? Would our Government cease to function? Would the people refuse to pay taxes? Would they rebel because Congress did its duty? I have no doubt that the distinguished gentleman from Iowa [Mr. GREEN] would say that the Internal Revenue Department would be unable to collect taxes and that chaos and disorder would obtain.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DEAL. Yes.

Mr. GREEN of Iowa. I would not say that. It would be perfectly easy to collect taxes, but the taxpayer would be absolutely defenseless. He would not know what he was doing.

Mr. DEAL. My answer to the suggestion is that he is absolutely defenseless and never knows what he is doing under these rules and regulations and that our republican form of Government existed for 100 years without Congress having delegated to the Internal Revenue Department this blanket grant of power to make rules and regulations that have the binding force of law. Our taxes were paid. The Government functioned nicely. We waged three major wars and a number of minor wars and our debts were paid promptly and without difficulty. I have here a copy of the tariff act of 1922, consisting of 146 pages of law written and passed by Congress. Here are the rules and regulations that were written by the Internal Revenue Department bearing upon customs regulations, and this book consists of 683 pages of written law. Look at it. I have here the Treasury decisions under the internal revenue laws of the United States, involving rules and regulations, a book containing 1,253 pages. This is as much law as any that a Congress has enacted, because the violation of any section or paragraph of these rules and regulations is subject to the same penalties of fines and imprisonment as any section or paragraph of a law written by this Congress. Yet American citizens have not the opportunity of knowing what is contained in these rules and regulations. When we introduce a bill in the House it is referred to a committee. The committee has hearings. It summons witnesses. It considers the bill, amends it, and reports it back to the House. We consider it on the floor. The bill is debated and read line for line. Every Member has the privilege of offering amendments, which are debated and voted upon, and the public has the opportunity to know what is contained in the proposed law, but the rules and regulations written by the Internal Revenue Department are prepared in secret, no hearings are had, no person may appear and protest for or against them. There are no debates.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DEAL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEAL. The people do not even know that there is such a code of laws, for the violation of which, or any part of which, one may be imprisoned. I do not know what is contained in these rules and regulations. We know, however, that there have been hundreds of millions of dollars collected illegally from the taxpayers of the United States as the result of these rules and regulations, and the taxpayer has had no protection, and no recourse other than to pay the money and then be denied the use of it, his money, until Congress could pass adequate legislation for its return.

If we continue to delegate these rules and regulations to the Treasury Department, where will it end? We have here 2,200 pages of law written under the form of rules and regulations, with no one single section of which is any Member on this floor familiar. It is time to stop this practice and stop delegating these unlimited powers to the executive branch of our

Government. The Constitution does not give any body or person other than the legislative body the right to make laws, and we should not delegate the lawmaking power.

I hear gentlemen on this floor inveighing against the oppressions imposed by taxes on the common people, but I have not heard any stand here and protest against the destruction of the rights and privileges and liberties guaranteed to all of the people by the Constitution.

Cæsar Augustus became weary of being elected Consul of Rome, and so he requested the vacillating and debased and corrupt Roman Senate to declare him Emperor for life. The Roman Senate passed such a resolution and it is said that when a senator was asked why they had thus betrayed the rights of the people he replied that some one had made the motion and the rest were afraid to vote against it.

It seems that this is the case with our Congress. The administrative branch of the Government sends down a bill including vast delegations of power and we yield to it. Who knows when a President may, like Cæsar Augustus, grow weary at the prospect of reelection and demand that Congress declare him President for life? I know of no better words in which to express the tragedy of this blanket grant of power than the little bit of doggerel:

I sometimes think too many laws just tempt us all to break 'em,
And yet we keep on paying men to think 'em up and make 'em.
If we had fewer rules and laws to tell us what we couldn't,
It seldom would occur to us to do the things we shouldn't.

[Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DEAL. Mr. Chairman, may I have a word with the chairman of the committee? I would like to ask him a question.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. DEAL. Can the gentleman give a little time for the discussion of this subject? I would like to hear the opinions of gentlemen of the House on this subject, even though they may disagree with me and perchance ridicule my views. I know there are some who do not approve of this grant of power and would like to discuss the matter, and then, through the RECORD, I desire to place before the American people this willing surrender of power by Congress to the executive branch of the Government.

Mr. GREEN of Iowa. I trust the gentleman will excuse me. This question has been up for debate in all our revisions of the tax laws.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 229, line 2, after the word "act," strike out the period and add the following: "which rules and regulations shall be promulgated and public to all applicants, and all such rules and regulations and amendments thereof shall be annually reported to the Congress."

Mr. McSWAIN. Mr. Chairman, I am not aware of any more practical means of prescribing some permanency in the rules than this. The commissioner under the present system can change the rules, and he can change them any instant he wants to, and he may do so even when the taxpayer is before him. Who is the commissioner? It is not the commissioner himself who authorizes these changes but two or three hundred people acting for him. It is like the boy in college who failed on the same questions for three successive years, and when asked why, after the last trial, he had failed to answer the questions, said, "The darned fool professor raised his cirriculum on me." [Laughter.]

But if we prescribe that these rules and regulations shall be published annually and put in the form of law, so that they can be examined, that will partially satisfy the demand of our distinguished friend and old-time American patriot from Virginia [Mr. DEAL]. At least we shall not be in the position of a client of mine, who was tried and convicted and sent to the Federal penitentiary for leading a cow across an imaginary line, when there was no law on the subject nor published regulation which his lawyer could find. It was merely a regulation prescribed by some inspector acting under the authority of the Department of Agriculture, who decided that there should be a line, a penalty line, beyond which you could not drive a cow except by permit. Now, any man could foresee that under that it would be in the power of any Secretary of Agriculture to make a man a criminal and send him to the penitentiary for doing so simple and inoffensive a thing. I think, therefore, my colleague from Virginia is right, and I think this is surely a reasonable proposition, to which no Member can fairly object, and would tend to safeguard the rights and interests of citizens.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) Any oath or affirmation required by the provisions of this act or regulations made under authority thereof may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States.

SEC. 1103. Section 3176 of the Revised Statutes, as amended, is amended to read as follows:

Mr. RUBEY. Gentlemen of the committee, I realize that you are trying to get through with this bill at the very earliest possible moment, therefore I am not going to take up your time by making a long speech. I am pleased to be here when we have before the House what is called a unanimous-consent bill—that is, a bill that is nonpartisan. We, upon this side of the House, have given our hearty support to the principle of tax reduction. We have offered some amendments. We have tried to increase the surtax rate, the inheritance-tax rate, and indeed we have attempted to increase the income-tax rates of those who are so fortunately situated in their possessions of this world's goods that to them the payment of taxes to support a great government is not a burden but really should be a pleasure. We have tried to restore the gift tax, which is the safeguard of the inheritance tax. Our amendments, however, have all been promptly voted down by you gentlemen upon that side. We have aided you very materially in the speedy passage of this bill, and yet our friends upon that side of the House will attempt to take entire responsibility for its passage. There is no doubt about that.

My friend from Indiana [Mr. WOOD] said he was so glad to see us all join so harmoniously. I am afraid that when the fall of the year comes next year he, in his official position as national chairman of the congressional committee of his party, will be telling the folks what his party did in the way of reducing the taxes of the country. He will forget to tell them how his heart overflowed with joy as he witnessed the two great parties working so harmoniously together to relieve the tax burdens.

To tax or not to tax, unhappily that is not the question. We must tax. Ever since governments were instituted among men they have had to be supported by some form of tax. This, the greatest Government on earth to-day, must be supported and will be supported by a system of taxation levied upon and paid by her citizens. How best can we levy this tax; how can the money so necessary to defray governmental expenses be raised so as to place the burden fairly and equitably? That is the fundamental question in the formulation and the consideration not only of this measure but should be the supreme consideration in the framing of all tax levies. Upon 115,000,000 of people residing in this great expanse of territory, lying between the two great oceans on this Western Continent, this burden must be placed. We must bear in mind that this great Commonwealth is constituted of 48 imperial States; that each State is composed of its counties; that within those counties are the cities, towns and villages, townships and school districts. We must realize that in each of those subdivisions there is levied a certain and a sure tax burden that every citizen therein must meet. With taxes levied in States, counties, cities, school districts, and all other subdivisions Congress has nothing whatever to do. The Congress is called upon to pass tax legislation that applies to the Nation as a whole.

This Government levies no property tax. The principal sources to which it must look for its funds are the tax on incomes, including the excess-profits tax, tax on imports (customs duties), tax on tobacco, and other items considered as nonessentials or harmful in their natures, all collected through what is denominated the Internal Revenue Department. To these have been added in recent years the excise taxes of the war period, the inheritance tax, and the gift tax, and a few other sources which I do not recall at this moment.

From every section of the country has come the demand upon Congress that taxes be reduced, and in compliance with that demand this bill is about to be passed by this House. In this connection it is well to call the attention of the country to the fact that a very erroneous impression is abroad in the land that the passage of a tax reduction bill by Congress will

greatly lessen the tax burdens that now rest upon the great masses of the American people. Except tariff taxes, the taxes that are levied in States, counties, cities, school districts, and other subdivisions are the taxes that bear most heavily upon citizens of moderate means. The taxes reduced in this bill affect those who are well to do—the rich—and, indeed, the greatest relief is brought to the multi-millionaire. Only the reduction in this bill of such taxes as were passed at the beginning of the World War to obtain the funds to enable the successful conduct of that gigantic struggle, and known as war taxes, will reach down to all the people and bring relief to the great masses. The American people responded without complaint and bravely met these burdens. More than seven years have passed into history since this Great War ended. A great many of those so-called war taxes, sometimes called nuisance taxes, have been repealed, and all of them that are burdensome to the people should be wiped off the statute books at once. Every form of tax where the citizen or the corporation upon which the tax is levied can pass the tax on to some one else should be repealed.

While the war is ended, and money is no longer needed for war purposes, we must bear in mind that it has left behind it a great war debt, the principal and interest we must pay, and which we will pay. Certain taxes were levied during the war which bore more or less heavily upon those citizens most fortunately situated, who had great wealth, who were most able to pay, and who could pay without feeling it as a great burden. Great fortunes were made not only during the war, but prior to our entry, after it began in Europe. As a direct result of the war, and continuing down to these very hours, great sums of wealth have been amassed, such as have never before been equalled in our own history nor in the history of the world. The Congress of the United States when called upon to meet the great war burden very justly sought by legislation to place a reasonable part of the tax burden upon those who had profited and were continuing to profit by the war. The debt is ours; it must be paid; it will be paid. It is nothing but right that those of great wealth should continue to pay the burdens placed upon them during the war and so help to pay off the war debt and the interest thereon. The excess-profits tax has in this bill been greatly reduced. This is wrong; it should not have been reduced. The inheritance tax, too, has been greatly reduced, and with that I am not in accord. The gift tax, which is, indeed, a safeguard to the inheritance tax, has been repealed. It should be restored to the bill.

I am in hearty accord with that provision of the inheritance tax in the bill which will protect each State and permit a certain part of the estate taxes collected in each State to be retained by it. This provision in the bill will mean that several hundred thousand dollars will annually be paid into the treasury of my own State of Missouri.

I was, indeed, delighted with that part of the President's message to Congress where he took the position that our great national debt should be paid within a reasonable length of time, and should not be prolonged over a great, long period of years.

The greatest step ever taken in taxation in this country was when we adopted the income constitutional amendment, and as a result of it we were able to place upon our statute books the income tax law. It is the fairest method of taxation known to man: He pays, and he only, who has the ability to pay. Best of all, it is a graduated income tax—the greater the income the higher the rate of income collected. The income taxes in the United States are, indeed, small when compared with those collected in other countries. In France a man with an income of $1,000 pays $48, while in England and in the United States he is not assessed. In France, if his income is $2,000, he pays $174.55, in England $67.50, and in the United States nothing; but I have not the time to go on. I skip to $5,000 incomes. In France he pays $838.75, in England $787.50, while in the United States a citizen who has an income of $5,000 pays the very moderate tax of $37.50. No one wants to levy such income taxes in the United States as are levied in France, or in England, or in other countries where enormous income taxes are assessed. If, however, we are to follow the President's view, as expressed in his message, and get rid of our national debt within a reasonable time—and, as I said before, I am in hearty accord with him in that view—we should make some moderate increases in our income-tax rate. In 1924 there were 25,677 taxpayers in the United States with incomes ranging from $40,000 to $100,000. There were 5,694 with incomes from $100,000 to $5,000,000.

The United States is the wealthiest Nation in the world, and with our income tax, with our surtax, with our excess-profits tax, with our inheritance tax, and with other just and equitable means of taxation we can gradually reduce our great debt, meet our interest, and place no great burden upon anyone. [Applause.]

Mr. ALLGOOD. Mr. Chairman, before Congress convened this fall I saw a statement in the papers that a tax measure was being framed and now since I have seen the performance that has taken place here in the passage of this bill, since I have seen the steam-roller tactics that have been used, since I have seen more than 50 amendments offered to the bill voted down, I am of the opinion that the word "framed" is certainly well used when applied to this bill.

The claim is made that it is a nonpartisan bill, but it seems to me to be a Republican bill. [Applause from the Republican side.] Yes; I knew that you Republicans would take credit for it. It is just like the former speaker, the gentleman from Missouri [Mr. RUBEY], said, you Republicans will take credit for it at the time of the coming elections, especially when your leaders look around for campaign contributions. At that time they will seek out these people who have been relieved of the high surtax, the 42 millionaires who have been relieved of $20,000,000 annually. They will know who they are, and they will know where to get their campaign funds, and they will get them by the millions. I am not criticizing these millionaires for it, because it is exactly what I expect them to do. I want this House and the people of this Nation to know that this is a Republican measure, and that the Republicans are going to take credit for it. [Applause.]

It is a measure that the country is not demanding, and it can not be justified. Let us see why it can not be justified. There appeared a few days ago this headline in a great New York newspaper, "Wall Street will give millions."

This paper states that employees of big business will receive bonuses of $75,000,000, which is $25,000,000 more than was received by them last year. Big business must be prospering under the present tax bill, which the Democrats enacted in the last Congress, or they would not be giving away millions of dollars in gifts. The article goes on and says that the bonuses or gifts which big business throughout the country will make will amount this year to more than $250,000,000. Big business is prospering under the present tax law. This article says that Mack Trucks (Inc.) has ordered a 25 per cent dividend. This dividend alone aggregates millions of dollars. The Cerro de Pasco Copper Co. has declared an extra dividend of $1 a share, which is a cool million for stockholders. Brokers have never done such a collossal business as they have done in the last 12 months. There were, for instance, two days in November when more than 3,000,000 shares of stock were dealt in in a single day on the exchange. There has been nothing like this in the number of deals since the days of the Northern Pacific corner, in 1901. Since war days there has been no such distributions of dividends and special dividends as in the last two weeks.

Household Products, which manufactures Castoria, is making a Christmas gift of 50 cents a share to its stockholders. This alone amounts to $600,000 in dividends. Wrigley Chewing Gum will give an extra half dollar a share to its stockholders. This amounts to $200,000. In 1924 William Wrigley, jr., proved to be a big asset to the Republican Party, but was a startling disappointment to his country in 1925. In 1924 he made the largest contribution that was made in the Nation to the Republican Party for campaign funds and in turn reduced his income tax from $865,815 in 1924 to the pitiful sum of $2,681 in 1925. It is a self-evident fact that he does not need this bill passed for his protection; however, there are 3,000 other millionaires who will be relieved of paying $80,000,000 of income taxes annually by the passage of this bill. The Standard Oil Co. on the 12th of December declared a dividend of $153,506,099, the highest record ever set, an increase of $3,117,542 over last year. The railroads of the country, on account of high freight rates, are making more and more money and declaring big dividends. Practically all of the manufacturing groups are prosperous and declaring big dividends. And yet you come and say to big business, "Oh, we should give you much money."

I state again that there is no economic reason for this bill, and yet you say it is a nonpartisan bill. It is not. It is purely a Republican bill, written in behalf of the millions of the big interests of this country. If the Democrats were in power and tried to enact a nonpartisan tax bill, you would see what would happen. They would not get anywhere with it. I can understand why the Republicans are for this bill with all their might and main, because their party favors the rich and supports measures that are favorable to them as against measures for the working classes, who produce the wealth of the Nation. But, for the life of me, I can not understand why the Democrats in this House favor this unjust tax law.

I wish to call to mind that there are more than 90,000,000 of people in this Nation who are too poor to pay an income tax because economic conditions for them are so bad, because the cost of living is so high, because the natural expenses in maintaining the necessities of living for families are so great, because the distribution of wealth is so unequal, and because the wages paid them are so low, and because farmers' crops are each year subjected to prices fixed by gamblers and speculators, which practice should be stopped by this Congress. Will you help do it? Ninety millions of people are waiting for an answer. You have taken care of the rich in this bill, and in future legislation we will see if you expect 90,000,000 of people who are less favored with wealth to take care of themselves.

The indirect taxes collected by Republican administrations through high tariffs are burdensome, and in many instances the direct taxes assessed and collected in the city, county, and State have been so greatly increased in the last few years that these 90,000,000 of people in the United States are submerged below the point of being able to pay an income tax, and if I could have had my way the first bill that would have received consideration by this Congress would not have been a bill for the relief of the millionaires but for the relief of the masses of people. Not only have you taken care of the rich, but you have tenderly cared for those who deal in mahjongg sets, smokers' articles, automatic slot machines, bowling alleys, pool and billiard tables, shooting galleries and riding academies, tobacco manufacturers, use of yachts and opium dispensers by relieving them of all taxes. Yes; you turn them "scot free" when you pass this bill. These devices and products are instrumental in forming idle, expensive, and vicious habits in the lives of thousands of American youths. The four and one-half million dollars of which you relieve them would go a long way in financing a department of education in the President's Cabinet.

The debt of this Nation is more than $20,000,000,000 and the interest on this is more than $800,000,000 a year. It should be paid as soon as possible in order to stop this immense interest charge. The passage of this bill will continue this debt for years and years and enable millionaire bondholders to collect many more millions of dollars in interest from our Government. This debt was made at a time when our Government had its back to the wall, when more than 4,000,000 of men, young men, were taken for the defense of the country at a dollar a day, at a time when 6,000,000 of farmers and their families were called upon to produce without profit the necessities of food and clothing, not only for our Nation and its armies but for the allied nations that were fighting for the life of our civilization.

It was at this time that an orgy of profiteering sprang up and millionaires were made overnight. And it is my contention, here now, that these profiteers should pay to the upkeep of this Government in accordance with the profits they have made and are making out of the people in their distress. These profiteers are able to pay and should be made to pay. I am not leaving my Democratic friends of the committee by voting against this measure. They are leaving me. I am standing on the Democratic principles where they placed my feet, when we defeated the Mellon tax bill, two years ago. This bill is an iniquitious bill and much worse than the proposed Mellon bill of two years ago in that it cuts the surtax on the millionaires from 40 per cent to 20 per cent, while Mr. Mellon two years ago requested that it be reduced to only 25 per cent.

This bill relieves 42 men of paying $20,000,000 in taxes annually. These men are multimillionaires, and in an attempt to make this bill popular the committee says, "We will relieve 2,300,000 small taxpayers, who pay $10 or less, of their taxes." Let us see how much democracy there is in this proposition. Forty-two men are relieved of an average of $500,000 each, as against 2,300,000 men who are relieved of $10 each. You are giving to 42 men, by this bill, practically as much as you give to 2,300,000 taxpayers and it is not right. The distribution is unfair and unjust.

I am trying to keep my record straight. I want to be consistent.

Last year in Congress when the salaries of the Congressmen were raised, I thought with the Nation in debt and with 90,000,000 of our people having to struggle for an existence, that I could make out on the salary I was being paid, and I voted against the increase of my salary. To-day if I was considering this tax bill from a personal and selfish standpoint I would vote for it, because I pay an income tax and it would give me a reduction. I hold and I contend that I owe my first allegiance to the good of my country rather than to the millionaires and the big interests of the Nation. If the tax bill that we passed in 1924 is a Democratic measure then this is not a Democratic measure. Men may and do change, but the fundamental principles of taxation are the same yesterday, to-day, and forever, in that those who have profited most by the laws of the Nation and have been allowed and permitted to accumulate vast fortunes, and these fortunes have been protected by the laws, that they are the ones that should contribute most toward the running expenses and the paying of the debts of this Nation. I can see that this measure is going to be enacted. It is going to pass by an overwhelming majority, because all the Republicans on the Ways and Means Committee and all the Democrats on this committee with the exception of the gentleman, Mr. RAINEY of Illinois, are standing by this measure. I want to congratulate Mr. GREEN, the Republican chairman of this committee. He is the greatest general of them all. He would have made McKinley, Reed, and Cannon look like corporal guards. He is not only able to lead his own forces, but he has conjured the opposition and is leading the Democrats, too.

It seems to me that it has come to the point where we have committee rule in this House instead of majority rule. This committee of 25 men has brought a bill here. They have defied Mr. RAINEY, who is a member of the committee, each and every Member of the House, who is not a member of the committee, to change any part or section of it. Probably more than 50 amendments, many of which would have perfected the bill and made it a fairer and juster bill, have been introduced by Congressmen who were not on the committee, but regardless of the merits of these amendments each and every one of them have failed.

When I saw the amendment increasing the surtax on incomes over $100,000 fail to carry, then I sought to give relief to the smaller income taxpayers and voted to increase the exemption on single men from $1,500 to $2,500, and on married men from $3,500 to $5,000. The manufacturers of automobiles stated in the hearings that if they were relieved of excise taxes on cars that they would in return reduce their prices and give the buyer of automobiles this reduction. I voted that the 3 per cent excise tax which is added to the prices by the manufacturer and which the purchaser pays be stricken from the bill, but these and all of the other amendments were rejected. You say this is a nonpartisan bill, but wait until the Democrats wish to take up the tariff measure for repeal so that the high cost of living and the excessive prices on the necessities of life may be reduced, and see how you will utterly fail to get nonpartisan or nonpolitical action on a measure that affects every home in the Nation.

Try to get nonpartisan action on a bill to give the South equal representation on the Interstate Commerce Commission, so that we of the South can have an equalization of freight rates, and you will find that the Republicans in this House will have their eyes closed to your measures.

Try to get an amendment to the Federal farm loan act whereby the farmer, whose land is the best collateral in the Nation to-day, can have a reduction of interest rate in keeping with that enjoyed by the industries of this Nation, and the ears of the Republicans will be deaf to your appeal.

You have not been content with giving relief to big business in this country in this bill, but you span the seas and give exemptions to the Standard Oil Co. and the American Tobacco Co. to millions of dollars of business which they are doing in China. Strange, indeed, that you should be so solicitous of these giant corporations in their service of the heathen Chinese while you forget the toiling masses at home.

You can judge for yourself whether the economic conditions of the farmers of this Nation are good by the fact that the mortgage debt of the farmers is four times as great in 1925 as it was in 1920. Up to 1920 the Federal farm loan banks had loaned $3,692,424. By 1925 this burden on the farmer had increased to the enormous sum of $1,148,738,000, while during the same period the farmers had borrowed from the life-insurance companies more than a billion dollars. Farmers of this Nation are not able to declare dividends, but are burdened with millions and millions of interest charges.

As long as I stay in Congress I propose to work and vote for the people who toil. [Applause.]

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate on that motion has been exhausted.

Mr. SCHAFER. Then, Mr. Chairman, I move to strike out the last two words.

I am also going to vote against this so-called nonpartisan tax bill. I desire at this time to make a few observations——

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order the gentleman is not talking to his motion.

The CHAIRMAN. The gentleman will have to proceed in order.

Mr. SCHAFER. Mr. Chairman, I do not think it fair for the chairman of the committee to make that point of order when his distinguished colleague——

The CHAIRMAN. The gentleman will have to proceed in order.

Mr. SCHAFER. Well, I will get you later.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. The gentleman has moved to strike out the last two words. He has a right to speak on those two words. If those two words that are to be stricken out will eliminate the meaning of the section, I am inclined to believe he has a right to speak for the purpose of testing the meaning of the proviso——

The CHAIRMAN. The Chair is ready to rule. The Chair told the gentleman from Wisconsin he would be obliged to speak in order. The gentleman took his seat as soon as he was required to speak in order. The Clerk will read.

The Clerk read down to and including line 7, page 258.

Mr. HILL of Washington. Mr. Chairman and members of the committee, I expect to vote for this bill on its final passage. However, it occurs to me that certain reductions have been made in surtaxes which are unwarranted by the conditions of the country. I have endeavored by my vote to sustain certain amendments offered in that respect, but the amendments have failed.

I appreciate the fact that this is now a through train and no other passengers are being taken aboard, and I am simply asking for this time, Mr. Chairman, in order that I may avail myself of the privilege of extending my observations in the RECORD.

The Clerk read down to and including line 2, page 265.

Mr. GARDNER of Indiana. Mr. Chairman and gentlemen of the committee, this bill has been thoroughly discussed by members of the Ways and Means Committee and by other Members of the House. And I do not know that I can add anything of material benefit to what has been said, yet I am glad to have the opportunity of expressing my views on this important measure. We are informed by members of the Ways and Means Committee that this bill was prepared as a nonpartisan, peace-time measure. It is a sign of progress when the members of this committee, or a majority of them, can get together and report a measure of such importance to the country, as this bill is, as a nonpartisan measure. My way of thinking about taxation in any form is that it should be the purpose of those framing the laws of taxation to so frame such laws as will equalize the burden as nearly as possible and place that burden on the taxpayer in proportion to his ability to bear such burden, and with as little injury to his business as can possibly be done. I would like to see the burden of taxation placed in such a way that it will do as little injury as possible to legitimate business.

I am glad to see the reductions in taxation this bill proposes to make. And I am for reducing the taxes as much as can be done and still defray the necessary expenditures of the Government economically administered. This bill as a whole, in my opinion is a good bill, and I am sure it is the best bill that can be passed at this time, and I am going to support it. Yet there are some provisions in the bill that I would much prefer to have changed. It is the great middle class of people who are the bone and sinew of this Nation, and it is that class who do more for the Nation's prosperity than any other class of people. And I feel that this class of people have not received the consideration they should have received in this bill.

This bill reduces the normal tax on the first $4,000 taxables from 2 per cent to 1½ per cent, on second $4,000 taxables from 4 per cent to 3 per cent, and on the balance of taxables from 6 per cent to 5 per cent. It increases the personal exemption of $1,000 allowed in the present law in cases of single persons to $1,500, and in cases of married persons and heads of families from $2,500 to $3,500. I approve of this change, and I am sure that it is a change that persons of small incomes are entitled to receive. But I think this personal exemption should have been increased in cases of single persons to $3,000, and in cases of married persons and heads of families to $5,000. Many a small taxpayer is now struggling for a financial existence, and the small amount that he is required to pay, in many instances, means more to him than the payment made by some larger taxpayer means to the larger taxpayer. It has been said that it is necessary for everyone to pay some tax to the Federal Government in order that he may feel that he has a "stake" in his Government.

This does not appeal to me as being a logical statement. I do not think you can make a man love his government more by taxing him. And, besides, I know of no man, whether he makes a tax return or not, who is escaping the burden of this taxation. If he buys an automobile, it matters not how low in price, a Federal tax is added to his purchase price. And in many ways as a consumer he pays the Federal tax that is passed down to him by the taxpayer who has a larger income. So it does not appear to me that there is any danger of any man losing interest in his government on account of not being sufficiently taxed to remind him that he is a part of his government. In addition to that, as has been stated on this floor in this discussion by Mr. GARNER, of the Ways and Means Committee, it costs about 13 cents on each dollar to collect the taxes on the taxpayers whose incomes do not exceed $5,000. And if the exemptions were raised, as I have indicated, a material reduction could be made in the cost of collecting the revenues, and probably the clerical assistance required to take care of this class of income-tax returns could be materially reduced. I would favor making this increase in the exemptions allowed even though by so doing we would be unable to reduce the taxes on the larger taxpayer as much as this bill is doing.

Another change I would like to have seen made in this bill is that of the surtax. The maximum surtax rate in the 1924 law was 40 per cent on all incomes in excess of $500,000. The maximum surtax rate provided for in this bill is 20 per cent on all incomes in excess of $100,000. On an income in excess of $44,000 and not more than $46,000, a reduction of 1 per cent is made. From this point on incomes in excess of $44,000 the rate of reduction is graduated from 1 per cent up to 20 per cent in the case of an income of $100,000.

This bill makes no reduction from the present law on the surtaxes of the taxpayers whose incomes are from $10,000 to $44,000. Again this great middle class of taxpayers are not receiving the reduction that is given those taxpayers whose incomes come within the higher brackets. I can see no reason why the reduction of from 40 per cent to 20 per cent should be made to those taxpayers whose incomes are within the higher brackets and no reduction made to those taxpayers whose incomes are within the brackets from $10,000 to $44,000. While it is true that those taxpayers receive a reduction in the normal tax, yet I feel that they should also receive a reduction in the surtaxes if we are able to grant such a great reduction to those taxpayers whose incomes are within the higher brackets. I think that these smaller-tax payers should have had a reduction in this tax even though by so doing we would have been unable to have reduced the taxes in the higher brackets the per cent that they are being reduced in this bill.

Another injustice that I think this bill should have corrected is the tax on the small corporation. Small corporations, many of them barely existing, are subjected to a much higher tax than the individual or the partnership making the same income. I think that the corporation tax of 12 cents should have been either taken off entirely or the small corporation should have been permitted to file a tax return the same as a partnership does, or, in some way, given a relief that it needs and deserves.

This bill has eliminated many of the war-time measures, and I wish more of them had been eliminated. It reduces the taxes on automobiles from 5 per cent to 3 per cent, and has eliminated the taxes on automobile tires, parts, and accessories. I would favor abolishing the automobile tax entirely. If these changes, as I have suggested, had been made in this bill I think the bill would have been better and the burden of taxation more evenly adjusted.

Much discussion has been had on the estate tax, and much propaganda has been published against this provision in this tax bill. This bill makes a material reduction on the estate tax from the provisions of the present law. This bill and the present law allows an exemption of $50,000, and by reason of that exemption no estate can be taxed under the Federal law that is not worth more than $50,000. The estate tax provided for in this bill has a graduated tax of 1 per cent on estates not in excess of $50,000 to a maximum of 20 per cent on all estates in excess of $10,000,000. The maximum in the present law is 40 per cent on estates in excess of $10,000,000. This bill also provides that a credit be given to any estate for taxes actually paid to any State or Territory or to the District of Columbia not in excess of 80 per cent of the Federal tax. I am unable to see why this is not as fair and just a form of taxation as any form of income tax. An estate goes to a person who, probably, in most cases has not helped to earn that estate, and I see no reason why any man who is to receive a $100,000 estate as an inheritance can not afford to contribute $500, which he would contribute after taking out his $50,000 exemp-

tion. I feel that the man receiving the $100,000 estate can bear this burden, if it be a burden, easier than a small taxpayer can, who probably works for a salary that is just large enough to bring him within the provisions of the law and just large enough to take care of himself and family by depriving themselves of all the luxuries of life.

One very objectionable feature of this bill, in my opinion, as it was originally introduced, was the appointment of the 16 members of the Board of Tax Appeals for a life tenure in office. I am glad the committee has agreed to change this life tenure to a term of 14 years. In my judgment, it should have been changed to a term of at least not more than 10 years.

I realize, judging from the discussions on the bill and the votes that have been taken on amendments offered to the bill, that the bill in its present form is going to pass the House, and I am going to vote for the bill on its final passage, whether any of these changes I have suggested have been adopted or not. I have suggested them, feeling that they would be an improvement to this bill as a peace-time measure, and I regret that they can not be adopted at this time, and I sincerely hope that in some future consideration of this subject these changes I have suggested may have the necessary consideration and adoption.

The Clerk read as follows:

ENFORCEMENT OF TAX LIENS

SEC. 1127. Section 3207 of the Revised Statutes, as amended, is reenacted, without change, as follows:

"SEC. 3207. (a) In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed in a district court of the United States to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest to the payment of such tax. All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein. And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States."

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word in order to ask the Chairman a question. I notice under section 3207, as amended, opportunity is given the taxpayer or any other person interested in the real estate to have an adjudication of the matter of the lien. In the case of the distraint of personal property by the internal-revenue collector, what opportunity has the taxpayer to intervene and have the matter adjudicated prior to having his personal property seized and taken from him?

Mr. GREEN of Iowa. He has not any. He has the right to enter a suit for refund. There is no change in that respect. The law is the same as it has been for a good many years, except he has a better opportunity to sue for a refund than he had before.

Mr. CONNALLY of Texas. Let me ask the gentleman if the committee considered the matter of personal property in connection with this provision giving the taxpayer recourse to the courts with respect to real estate?

Mr. GREEN of Iowa. Oh, yes. They can not distrain until he has had an opportunity to appeal to the Board of Tax Appeals, and then if he gives bond he can continue his appeal to the Circuit Court of Appeals.

Mr. CONNALLY of Texas. His recourse, though, is on the matter of fixing the tax and not on the matter of the seizure of the property.

Mr. GREEN of Iowa. They can not seize the property until he has had an opportunity to go to the Board of Tax Appeals.

Mr. CONNALLY of Texas. But if for any reason the tax is assessed without his knowledge or consent, he has no recourse?

Mr. GREEN of Iowa. None; except to enter suit for refund, but I can not imagine how the tax could be assessed without his knowledge.

The Clerk read as follows:

(b) Sums offered in compromise under the provisions of section 3229 of the Revised Statutes and section 35 of Title II of the national prohibition act, sums offered for the purchase of real estate under the provisions of section 3208 of the Revised Statutes, and surplus proceeds in any distraint sale, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for costs and charges of the distraint and sale, shall be deposited with the Treasurer of the United States in a special deposit account in the name of the collector making the deposit. Upon acceptance of such offer in compromise or offer for the purchase of such real estate, the amount so accepted shall be withdrawn by the collector from his special deposit account with the Treasurer of the United States and deposited in the Treasury of the United States as internal-revenue collections. Upon the rejection of any such offer the commissioner shall authorize the collector, through whom the amount of such offer was submitted, to refund to the maker of such offer the amount thereof. In the case of surplus proceeds from distraint sales the commissioner shall, upon application and satisfactory proof in support thereof, authorize the collector through whom the amount was received to refund the same to the person or persons legally entitled thereto.

Mr. BEEDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEEDY: Page 271, after line 21, insert a new section to read as follows:

"COMPROMISES

"SEC. 1129. Section 3229 of the Revised Statutes is amended by adding at the end thereof a new sentence to read as follows: 'Any such compromise may be for an amount less than could be collected from the taxpayer if in the opinion of the commissioner and the Secretary the collection of the full amount of the claim of the Government would not be in the best interests of the public.'"

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEEDY. If the chairman please, and you, gentlemen of the committee, I do not intend to take up the time of the House at this stage in discussing the amendment. Everybody knows that this was the provision of the law in former times and that the present bill does not give the solicitor any discretionary power in this respect. I am perfectly well aware of the point of view of some men that to repose such a discretion in the department opens the door to unwise and perhaps unfair practices.

I think the committee itself would have inserted this provision in the present bill if particular circumstances did not exist at this time. On the whole, I offer the amendment because there is a demand for it by legitimate business and on the part of concerns where to pay the full tax would mean throwing them into bankruptcy; and I say, in my humble opinion, on the whole I think such a provision is more helpful than harmful.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the amendment is not germane because it seeks to amend a statute that the bill does not refer to. You can not repeal a statute by a bill that does not refer to that statute. In my opinion the amendment is not germane.

The CHAIRMAN. Does the gentleman from Maine desire to discuss the point of order?

Mr. BEEDY. No.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 1200. (a) The following parts of the revenue act of 1924 are repealed, to take effect (except as otherwise provided in this act) upon the enactment of this act, subject to the limitations provided in subdivision (b):

Title II (called "Income tax") as of January 1, 1925;

Part I of Title III (called "Estate tax");

Part II of Title III (called "Gift tax") as of January 1, 1926;

Title IV (called "Tax on cigars, tobacco, and manufactures thereof");

Title V (called "Tax on admissions and dues"), effective on the expiration of 30 days after the enactment of this act;

Title VI (called "Excise taxes") except subdivision (2) of section 600;

Subdivision (2) of section 600 (being the tax on certain automobiles), effective on the expiration of 30 days after the enactment of this act;

Title VII (called "Special taxes"), effective on June 30, 1926;

Title VIII (called "Stamp taxes"), effective on the expiration of 30 days after the enactment of this act; and

Sections 1004, 1005, 1006, and 1007, subdivision (a) of section 1008, sections 1009, 1010, 1011, 1012, 1014, 1018, 1019, and 1020, subdivisions (a) and (b) of section 1021, subdivision (c) of section 1025, and sections 1026, 1027, 1028, 1029, 1030, and 1031 (being certain administrative provisions).

Mr. HAWLEY. Mr. Chairman, I offer two perfecting amendments.

The Clerk read as follows:

Committee amendment: Page 272, line 9, after the parenthesis and before the semicolon, insert "except section 400."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 272, after line 9, insert a new paragraph as follows:

"Section 400 (being the tax on cigars and cigarettes) effective on the expiration of 30 days after the enactment of this act."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 272, line 7, after the semicolon insert: "*Provided also,* That said Part II of Title III (called the gift tax) shall not apply to any transfer by gift made during the period between January 1, 1924, and June 2, 1924," and as to said period Part II, Title III, is hereby repealed.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order that the amendment is not germane to the place where it is offered nor to anything in the bill except that part which refers to the gift tax, and that was passed over two or three days ago.

Mr. BARBOUR. Mr. Chairman, on page 272 is a repeal of the gift tax in the present law. The provision is on page 272 that the gift tax shall be repealed on January 1 of that year. My amendment goes back and repeals the retroactive part; that is, the period between January 1 and June 2, 1924. It merely extends the operation of the repeal.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard further?

Mr. GREEN of Iowa. No.

The CHAIRMAN. The Chair thinks the proposed amendment, the repeal not only of the gift tax on January 1, 1926, but also as to 1924, is in order. The Chair overrules the point of order.

Mr. BARBOUR. Mr. Chairman and members of the committee, there have been a large number of amendments proposed to this bill and about the only ones that have been adopted are amendments offered by the Committee on Ways and Means perfecting the text of the bill. Here is an amendment to which I wish to call the serious attention of the members of this committee. It proposes to repeal the retroactive feature of the gift tax. You will recall that when we adopted the gift tax in 1924 it went into effect on June 2, and it contained the provision that, during the calendar year of 1924 and each subsequent calendar year, the tax should be effective; that is, it went back to the 1st of January, 1924, and this amendment proposes to repeal it as to the period between January 1 and June 2 of that year. Secretary Mellon in his statement before the Ways and Means Committee, discussing the gift tax, said that a large number of people were caught and were compelled to pay the tax who made their gifts without any knowledge that this law had been enacted, or that the tax would be imposed. It is for the purpose of relieving the injustice that these people have suffered and had placed upon them by the present act that I offer this amendment.

Mr. LANHAM. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. LANHAM. Is it not true as a matter of fact that the greater portion of the revenue derived from the gift tax was derived on gifts made during that period?

Mr. BARBOUR. I would not be surprised if that was true. I tried to get the exact figures, but up to the present time have been unable to do so. Secretary Mellon stated in his testimony before the Ways and Means Committee that during the first year the gift tax was in effect there was about $7,000,000 collected. I have heard the statement made here on the floor during the debate that it would amount to seven and a half million. I tried to get from the Internal Revenue Bureau the amount that was collected in that five-month period between January 1 and June 2, 1924, but have been unable to get those figures because the bureau has not as yet replied to my request for the information.

It is the retroactive part of the present law that I am asking to have repealed. Justice Story, in his work on Constitutional Law, says that retroactive laws are usually unjust, and in this case it seems to me that this provision of the law is particularly unjust because it places a tax on people who did not know at the time when they made the gifts that there was any tax to be placed upon them.

I have personal information as to a particular case, which is probably similar to a number of other cases and illustrates how this feature of the gift tax operates. In February, 1924, practically four months before the law went into effect, a parent transferred certain properties to her sons, daughters, and minor grandchildren by gift. The property that went to the minor grandchildren was transferred in trust. She had at that time, I am reliably informed, no knowledge whatsoever of this law, which three or four months later went into effect, or of the tax which it imposed. Since that time the Internal Revenue Bureau has made a demand upon her for a tax amounting to more than the share of her estate which she kept for herself. The donees of the gift can not pay, because a large part of the gift is now in trust and the title had passed before the law became effective. The trustee can not pay, because some of the beneficiaries of the trust are minors and they can not consent to a readjustment of the gift in order that this tax may be paid from the property transferred.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GREEN of Iowa. Mr. Chairman, what the gentleman is trying to do is to offer an amendment which in itself is retroactive.

Mr. BARBOUR. Yes; to correct the retroactive feature of the present law.

Mr. GREEN of Iowa. The gentleman wants to make it retroactive.

Mr. BARBOUR. Yes.

Mr. GREEN of Iowa. Of course; and it is made principally for the benefit of one large estate, where some people were trying to evade the estate tax and got caught by the gift tax; and of all of the amendments that have been offered this is one that should be defeated.

Mr. BARBOUR. Mr. Chairman, I wish to deny the statement made by the gentleman from Iowa that this gift was made for the purpose of evading the estate tax. The gentleman knows nothing about the case at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. FISH. Mr. Chairman, I move to strike out the first two words—"general provisions."

Mr. Chairman and gentlemen of the House, I am glad of an opportunity to cast my vote for this nonpartisan revenue bill reducing the taxes of the people by approximately $325,000,000. I am glad that my Democratic colleagues from New York State have had a change of heart and have been converted to sound principles of taxation and to the support of the surtax reduction, as I believe, with one exception, they were unanimously against that proposal in the last Congress. I congratulate them for listening to public opinion and for jumping on board the band wagon in view of the fact that New York State pays approximately one-fourth of all the Federal income taxes and an even higher percentage of the surtaxes.

This great tax relief bill has been made possible by the notable economies in Federal expenditures practiced by the Coolidge administration, in spite of the views to the contrary expressed by Governor Smith at the governors' conference in Maine last summer. The people have faith in President Coolidge and believe in his sincerity of purpose in trying to cut down the Federal expenditures. In my opinion, the President is stronger to-day with the people as this tax reduction bill is being passed than at any other time since he took office. He has inspired business men, both small and great, with confidence and assured them if they attend to their business lawfully that they will not be harassed by restrictive laws. The result has been that the general prosperity of the country has been promoted and that the United States is in the midst of an era of unprecedented prosperity. The American wage earner is employed and is better paid, better housed, better fed, and better clothed not only than those of any other nation but of any previous time in the United States. What more, in the name of common sense, can be expected of any administration, for it has reduced taxes, encouraged business, put money in the pocketbooks of the wage earner, and, above all, made for a contented and prosperous people. The Republican administration offers a continuation of prosperity, orderly progress, and peace at home and abroad, and can be depended upon to reduce taxes further if consistent with the public welfare.

Mr. SCHAFER. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. FISH. I will say to the gentleman from Wisconsin——

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. FISH. I just want to express my thanks to the gentleman from Wisconsin for letting me get as far as I did. [Laughter.] In the remaining time I shall discuss the provisions of the bill.

Mr. LaGUARDIA. Mr. Chairman, in all fairness to the gentleman from Wisconsin [Mr. SCHAFER] and to the ruling made in respect to him a few moments ago, I must make the point of order that the gentleman is not speaking to his amendment.

Mr. FISH. Mr. Chairman, I am talking on the provisions of the bill.

The CHAIRMAN. The gentleman will proceed in order.

Mr. FISH. Mr. Chairman, there is one feature in the bill which must appeal to the sound common sense of the American people, and that is the elimination of the publicity clause. The main purpose of providing for this provision originally was to prevent tax dodging, but it has not served its purpose as it is utterly impossible to detect tax evasion as long as tax-exempt securities are issued, losses written off, and a host of other loopholes applicable within the law. When the income taxes were first published a year ago there was considerable excitement and curiosity, but this year it was already an old story, and the public realize how little can be ascertained from the figures given out. The general impression seems to be that the published details of the income taxes not only serves no useful purpose, but provides a sucker list for every crooked promoter, blackmailer, burglar, bootlegger, and plain busybody to ply his or her nefarious trade. I know of no provision in this tax-relief bill I shall vote for with more genuine pleasure than the elimination of the publicity clause, as it is un-American and encourages snooping and prying into other people's personal and financial affairs.

I am heartily in favor of reducing the high surtaxes made necessary by the war, but totally out of place in times of peace. It seems to me that if the surtax is reduced to 20 per cent, with 5 per cent additional as normal tax, that it would constitute a fair and reasonable assessment on big incomes. I believe it would be unwarranted and oppressive in peace times to tax any citizen more than 25 per cent of his income; any higher tax would amount, practically, to confiscation.

The purpose of this bill is to reduce the taxes equitably all along the line for all classes of taxpayers and to do away with most of the so-called nuisance taxes. The biggest beneficiaries under this bill are those whose incomes are under $10,000 and those who pay the high surtax, although all classes come in for a substantial reduction. The reduction in the high inheritance taxes from 40 to 20 per cent, and so on down on a proportional basis, is also a step in the right direction during times of peace and prosperity.

It is highly gratifying to vote for this bill in its entirety as I represent a State which pays such a large proportion of all the Federal taxes, and a congressional district which stands second to none in the amount of income taxes paid into the Treasury of the United States.

This bill is one of the most carefully drawn tax-relief measures that has been presented to Congress since I have been a member and affords relief from the burdens of taxation on an equitable basis to rich and poor alike, and I believe its passage will accomplish much to promote and stimulate wide-spread prosperity throughout the country. [Applause.]

Mr. O'CONNOR of New York. Mr. Chairman, I move to strike out the two words, "this act," in line 17, page 272. The gentleman who preceded me [Mr. FISH] said something about the Democratic delegation from New York having jumped on the band wagon. We are not on any new band wagon. We take the same position this year that we took in the last Congress with reference to income tax reduction. We are for such a system of tax reduction as will lift the burden most equitably off the greatest number.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order that the gentleman is not talking to his amendment.

Mr. O'CONNOR of New York. We would prefer to have seen a real income tax bill come in here, such as only the Democratic Party could bring into the House, and when the gentleman from New York [Mr. FISH] leaped off the band wagon on the 150 "discharge rule"——

Mr. GREEN of Iowa. I make the point of order, Mr. Chairman, that the gentleman is not in order.

Mr. O'CONNOR of New York. The Democratic delegation of New York, consistent with its position on income tax reduction, stood on the same old band wagon and voted against the abolition of that rule, and you have not heard the last on it from us yet.

Mr. GREEN of Iowa. Mr. Chairman, I insist that the gentleman is not in order.

The CHAIRMAN. The gentleman from New York is out of order.

Mr. O'CONNOR of New York. And when this act was being considered——

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. O'CONNOR of New York. When this act was being considered and about to come before the Sixty-ninth Congress——

Mr. GREEN of Iowa. Mr. Chairman, the gentleman is defying the ruling of the Chairman and is not proceeding to talk about his amendment.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. O'CONNOR of New York. I am talking about this revenue act, which is not entirely satisfactory to the Democratic minority of New York. In it you can not possibly have reached a real peace-time basis of taxation in this country.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order. I think it should be enforced.

Mr. O'CONNOR of New York. Mr. Chairman, I am talking about this income tax act now pending before the House.

The CHAIRMAN. The gentleman will confine himself to the amendment pending before the committee.

Mr. JONES. He offered an amendment to strike out the words "this act."

The CHAIRMAN. The gentleman's discussion must be confined to the striking out of the words which he offered to strike out.

Mr. JONES. He specifically designated "this act." Those are the words.

Mr. O'CONNOR of New York. I designated "this act" on line 17 of page 272.

The CHAIRMAN. The gentleman's remarks must be confined to the text.

Mr. O'CONNOR of New York. I am doing that by proposing to strike out those two words and send it back to a Democratic Party, which has always stood as the champion of real tax reduction, or even to the Democratic delegation in New York. We could write a tax reduction bill which would be a real tax reduction. When you go before the country next fall and tell the people that for all time you are going to assess them 25 per cent on their incomes in the inequitable way you have bracketed the percentages in this bill, you must know what the result will be. Such a bill does not completely represent the theory of the Democratic Party, and it certainly does not completely reflect the hopes and desires of the Democratic delegation from the State of New York. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF INTERNAL REVENUE

SEC. 1201. (a) There is hereby created in the Department of the Treasury the office of general counsel for the Bureau of Internal Revenue. The general counsel shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $10,000 per annum. He shall perform such duties as are now required under the internal revenue laws to be performed by the Solicitor of Internal Revenue, or as may be prescribed by the Secretary or required by law. Commencing at such time as the general counsel first appointed under this section qualifies and takes office, the office of Solicitor of Internal Revenue in the Department of Justice shall cease to exist.

Mr. WEFALD rose.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. WEFALD. I move to strike out the four last words, "shall cease to exist."

The CHAIRMAN. The gentleman will proceed to show cause why that should be changed.

Mr. WEFALD. Mr. Chairman, I moved to strike out the last four words of the paragraph, "shall cease to exist," and I shall endeavor to prove that the Republican Party and the Democratic Party, because they grievously sinned in drafting this bill, as I believe, in a not very distant future, "shall cease to exist." There must be a new deal politically in this land of ours, because, to my mind, the drafting of this revenue measure and the stamping of it a nonpartisan measure shows that to all intents and purposes the two major parties have become one and the same. An opposition party that ceases to oppose will cease to exist, and a majority party, charged with administer-

ing the welfare of the people, that so utterly fails to discharge that function and that so completely serves those interests that thrive and fatten upon levying tribute upon the people, shall also cease to exist. I speak as a Representative of next to the smallest minority party represented in this House. My party is as yet too small to influence the procedure here, but I want to voice my own and my party's opposition to this iniquitous measure, and I hope to get a respectful hearing in spite of the fact that the House is now restless and the debate near to an end.

BAND WAGON OR HEARSE?

It would be much easier to jump on the band wagon and vote for this bill than to oppose it. The most powerful propaganda that was ever unloosened in favor of any proposition, except the propaganda that took us into the war, has so misled the bulk of the people that those who never have paid any Federal income tax will feel that even their burdens will be lightened by the passage of this bill.

You men on the majority side think you are riding a band wagon when you run the steam roller over us who oppose you. The gentleman from New York [Mr. FISH] who just recently spoke chided his Democratic colleagues from New York, who support this bill, that they are jumping on the band wagon. To me it appears that you are all riding a hearse, for your sins will find you out and you will all eventually pay the penalty; the ground is already cracking under your feet and your band wagon will fall in. There must be a new alignment politically in this country of ours and may you hasten that day by the work you do here to-day when you pass this unjust bill.

THE SPOKESMAN FOR WEALTH

The debate on this bill in this House has centered around one single man. He has borne the brunt of the fight made for it, he has defended it—and successfully—against all attacks and some of the attacks have been fierce and bitter. This man is the gentleman from New York [Mr. MILLS]. He domineered the Ways and Means Committee; he now dominates the House; he is the direct representative in this House of Secretary Mellon and the administration. He represents the millionaire class, he represents them ably; he is the "boss" of this House, and this House deserves to have a "boss." He is brilliant, he has dazzled this House with his brilliancy and perhaps the Nation; so effectively has he argued here that the most radical gentleman here admits that after listening to the persuasive arguments he stands upon this floor as a "perplexed philosopher." He has not hypnotized me like that. It has been said in this debate that this is a scientific tax measure; to my mind there is nothing scientific about it except the way the wool has been pulled over the eyes of the Democratic membership of the Ways and Means Committee that gave in against their best judgment and bound their party to support this bill. The other day—during this debate—I asked the gentleman from New York [Mr. MILLS] a question to which he gave me no direct answer.

HE WALKED ALL AROUND THE QUESTION

Up until that time he had answered all questions directly, but that question he did not answer. He pleaded ably against the striking off of the automobile tax and boldly stated, taking Mr. Ford for an example, that Mr. Ford and the Ford interests had a monopoly in the making of their certain type of cars and that it would not change the price the consumers have to pay for these cars whether there is a tax or not. He admitted the existence of a monopoly; but when I asked him "If it is not a fact that this revenue bill is granting the greatest tax reduction to the man or family who are the owners of this monopoly," he answered that he did not know. I asked him if it is not a fact that this bill reduces Mr. Ford's taxes by 50 per cent. He did not know; he had not examined Mr. Ford's tax return. I asked him if it is not a fact that this revenue bill will reduce the taxes of the Ford family to the extent of $6,000,000. He answered he did not know; he was not interested in the taxes of the Ford family. I wish to state my own personal view and the position of the Farmer-Labor Party of Minnesota on this revenue measure, and that is that it is an unholy and iniquitous measure formulated in the interest of monopoly and the ultra rich and that it does not, as the gentleman from New York [Mr. MILLS] pleaded, safeguard the income tax and the estate tax, but that it is so drawn that it is intended to kill both the income and estate taxes and pave the way for a flat sales tax in the near future.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WEFALD. Mr. Chairman, under my right to extend my remarks, which is the only way most of us here can reach our people, I shall give my views quite extensively.

MR. MILLS PROVED THAT FORD HAS A MONOPOLY—WHOLE INDUSTRY IN SAME CLASS

The gentleman from New York has conclusively proved that the Ford Co. is in itself a monopoly, but with his figures he has also proved that the whole automobile industry is in that class. The 12 largest companies increased their earnings during the first nine months of 1925 from $78,000,000 to $179,000,000. These 12 companies had the market value of their securities increased in a single year from $887,000,000 to $1,994,000,000, and in spite of this the earnings, based on the market value, increased from 8.7 per cent on $897,000,000 to 9 per cent on $1,994,000,000. This means an added profit for the companies of over $100,000,000 and an added burden on the people in the same amount. The Dodge Bros. investment of $5,000,000 a few years ago grew into $146,000,000 this year when the company changed hands. The Ford Co.'s surplus had grown from $165,000,000 on June 30, 1920, to $542,000,000 on December 31, 1924. The Ford Co. earned $101,000,000 in 1924 and $100,000,000 in 1925. Few monopolies can do better than this. They certainly have an earning power that shows them entitled to carry a fair tax load. The gentleman from New York says that whether there is a tax or not the price of automobiles will be the same. If this is the case, then that part of the tax on automobiles that has been reduced is a clear gift to the automobile makers and that is then a tax reduction. That has been credited to the consumer but is in reality a gift to the automobile maker. If reduction of the automobile tax will not reduce the price paid for automobiles by the consumer then no part of this tax should be stricken off. These big concerns pay only the flat corporation tax of 12½ per cent. This bill reduces automobile taxes by $46,400,000, indeed a fine gift if it goes to the automobile makers. Of this amount, then, the Ford Co. receives a tax reduction of $20,000,000 based on a production of 2,000,000 cars, for the reduction in tax on a Ford car is about $10. There is also taken off $9,000,000 in taxes on trucks, and Ford must get his share of that.

$22,300,000 TAX REDUCTION TO THE FORD FAMILY IF MR. MILLS IS RIGHT

Due to publicity of income-tax returns we know that the Ford Motor Co. this year paid a tax of $16,493,160, indicating an income of about $132,000,000. If reduction of these automobile taxes do not reduce the price of automobiles, then the earnings of the Ford Co. will be swelled by $20,000,000 next year, due to tax reduction. We also know that Henry Ford paid personal income tax of $2,608,806 and Edsel Ford a personal tax of $2,158,055, making a total of $4,766,861. This bill cuts surtaxes in two, so there will be a saving on these two personal income taxes of about $2,300,000, or if this is added to the $20,000,000 that will be paid less on Ford cars, the saving to the Ford family will be, not as I said $6,000,000, but $22,300,000, and I have conclusively proved that this bill gives the biggest tax reduction to those who enjoy monopoly. There are others than Ford; his company is only used as an illustration.

AN EXCESS-PROFITS TAX SHOULD TAKE THE PLACE OF THE AUTOMOBILE SALES TAX

It is conclusively shown that if this tax was actually paid by the manufacturers it would be a just tax. For that reason I favor taking the tax on automobiles off altogether and, instead, write into the law an excess-profits tax, or graduate the corporation income tax so that it will fall heavier in proportion on the Ford Co. than it will on the little Ford dealer out in the small country towns, if he makes enough to pay any income taxes. There is to my mind no reason why a person driving a Ford should pay any tax at all that the driver of a lumber wagon does not pay.

If reduction of automobile taxes does not reduce the price of automobiles, then if the tax is taken off the Government loses the tax and the tax reduction goes into the pockets of the automobile makers, for the consumer pays the tax to the manufacturer and the manufacturer hands it over to the Government. To the mind of the ordinary buyer of an automobile the automobile manufacturer stands in the rôle of a tax collector. Under the present law a person buying a Ford touring car pays the price of the car plus $16.55 tax.

Mr. Ford turns the $16.55 over to the Government. If when this bill becomes a law next year the Ford car sells for the same total price, but he only turns $6.62, the tax under this bill, over to the Government, Mr. Ford gets $9.93 more for his car than he did this year. Why should Mr. Ford or the other automobile manufacturers be tax collectors for Uncle Sam? But suppose that Mr. Ford feels like increasing the price of his car, and the other manufacturers do the same, up goes the tax on automobiles, for the tax is based upon a percentage—in this bill 3 per cent—of the wholesale price of the car. It is a sales tax pure and simple—the bigger the sales, the higher the price of

the car, the higher the tax. If this tax was based upon the only honest principle of taxation—that the percentage of the tax increased with the ability to pay the tax—then the tax would be levied at a higher percentage on the high-priced cars than on the cheap ones; but the tax in this bill will be 3 per cent on all makes. The relation of the automobile manufacturer as collector to the Government is like the relation of robber barons to the medieval kings. The kings said to the barons, "You can rob all you like, but you must give up some of the loot." Uncle Sam says to the automobile manufacturers, "You can charge the people whatever you think is fair for the cars you sell them, but you must hand over to me 3 per cent of what you tax them." Under this bill we hand back to the automobile makers $3,500,000, which is the tax paid under the old law on cars that can not be turned off to the people before the new law takes effect, another conclusive evidence that the automobile tax does not hit the automobile maker. It is important for your tax scheme for the future that this tax be continued in order to wean the people to a sales tax that, as soon as you dare to make the complete change, will take the place of the income tax and estate taxes. You have been very careful not to eliminate the sales taxes.

SALES TAXES WILL BRING IN 30 PER CENT OF FEDERAL TAXES

It is true that you have eliminated many such, but they are the ones that bring the least money and which it costs the most to collect. You have reduced sales and nuisance taxes to the amount of $60,261,000, but you continue such taxes in the amount of $536,839,000. You will under this bill collect about 30 per cent of the total taxes as sales taxes. The whole weight of the sales tax is borne by the person outside the sales counter; the person on the inside bears no part of it. This, more than one-half billion dollars, direct sales tax, added to the four billion indirect tax imposed by the high-protective tariff is surely a great burden for the people to bear. The tax burden of the people is lightened very little; in the matter of sales tax you remit enough of that so as to make the people a per capita reduction of about 50 cents apiece, but you will collect from them during the next year a direct sales tax amounting to $5 apiece.

PRESENT LAW GOOD ENOUGH—PROPOSED LAW ONLY FOR THE RICH

This bill does not lighten the burden of the poor, the 65 per cent of the people that own 5 per cent of the Nation's wealth. It does not materially lighten the burdens of the middle class, the 33 per cent that own 30 per cent of the wealth; but it cuts in two the tax burdens of the rich, the 2 per cent that own 65 per cent of the wealth of the Nation.

The ordinary wage earner pays no tax under the present law; he does not earn enough to come even into the lowest bracket; the farmer has neither paid any Federal income tax for many years; his business is one of continual losses. The present tax law is a good and wise law; it was passed after a thorough deliberation. It makes the rich bear a just part of the common tax burden. When we passed that law we closed up some of the holes where the tax dodgers slipped through; we wrote a gift-tax clause into it that made it possible to enforce the provisions of the estate tax and we provided publicity of income-tax returns, not as full and open as it ought to be, but yet a very material weapon with which to throw fear into some of the big tax dodgers. This publicity feature was instrumental in bringing into the Treasury $35,000,000 more in taxes this year than the year before, in spite of the fact that we very materially reduced the tax rates.

INCOME-TAX PUBLICITY SHOWED THE GAMBLERS WERE PROSPEROUS

This publicity feature besides giving us some idea of personal incomes also threw light on how certain professions and businesses prospered as compared with the year before. We find that the big gamblers in stocks and grain had a fine year. That king of gamblers, J. P. Morgan, in 1925 paid a tax of $574,379, indicating a net income of around $1,250,000, while in 1924 he paid only $98,643, which would mean a net income of about $275,000. Another gambler, Otto Kahn, also showed a nice gain in his income. This year he paid a tax of $184,983, which indicates his income had risen from about $400,000 last year to $800,000 this year. It might well be contended that the publicity clause in the income tax law this year might have something to do with the increased taxes these gentlemen paid; but if not, the people of the country are entitled to know that these gentlemen fared so well during the last year. The former king of the Chicago wheat pit, James A. Patten, came through this year with a tax of $425,328, indicating a net income of about $1,000,000, while last year he paid no income tax at all. Either he was entitled to pay his honest share of taxes, or the people are entitled to know how profitable the gambling business is. Stock exchange gamblers are close to the top on the tax lists in all collection districts. We also know from the fact that we have publicity that some people pay less tax than they did before. We admit that those who paid increased taxes do not like to have people know how well they are doing, but those who pay less may not like it either. Yet we have a right to know, and we ought to know; it is our business to know. Take the sad case of William K. Wrigley, the chewing-gum magnate of Chicago. In 1924 Mr. Wrigley paid a personal tax of $836,565, while in 1925 he paid a tax of only $2,644.

IT PAID HIM WELL TO TURN FROM RADICALISM

You charge that publicity of income-tax returns hurts business, yet this business of Mr. Wrigley is in a flourishing condition. He explained himself, according to the newspapers, when the publicity clause of the tax law made returns open for inspection in September last, that the Treasury Department had allowed him to charge off losses running back to 1914. We have a right to know that the law is administered in such a manner and we have a right to speculate on why these losses were not charged off the year before. That year that Mr. Wrigley put up money for the campaign for the presidency of a so-called "radical" and paid close to a million dollars in taxes, when he came into the regular Republican fold again his taxes dropped to $2,644.

INCOME-TAX PUBLICITY KILLED IN THIS BILL

You have killed the publicity feature in this bill, and for that reason above any other reason I will vote against this bill. You say that you do not like the light of publicity in income-tax matters; I say that light of publicity is just as necessary for the healthy economic life of the people in order that its Government that is sustained by taxes might function properly and equitably as sunlight is necessary for our physical life. We want to know on whose shoulders the tax load is placed; we want to know which industries reap the greatest profits; we want to know who evade paying the taxes, and we want to know how the tax laws are enforced; we want to know who obtain favors at the hand of the Government, not only as far as the present administration is concerned, but for generations to come, as administrations come and go; we want to make it a permanent law of the land. The publicity feature of the present law was written into it by the Progressives; I for one do not want to retrogress.

WHY INCOME-TAX PUBLICITY MUST GO AND WHY I WANT IT

How the different classes of income taxpayers paid during the year is shown by table issued by the Treasury Department, although it gives Congress much less detailed information than it did in 1924. Taxpayers are not now listed by States.

Up to September 30, 1924—for the year 1924—6,608,079 persons filed returns that had incomes of less than $5,000, or 464,344 persons less than filed returns the year before. Publicity did not make earnings increase in the lowest brackets. For the same period, in the class whose income was from $5,000 to $50,000, 669,074 filed returns, or 59,811 more than the year before. Incomes of $50,000 to $100,000 were 15,634, or 3,182 more than the year before; those of $100,000 to $300,000 were 4,921, an increase of 1,281; and those with incomes of $300,000 or over were 773, an increase of 231. The number of taxpayers earning less than $5,000 had decreased by 7 per cent, the $5,000 to $50,000 class had increased by 9 per cent, the $50,000 to $100,000 increased by 20 per cent, the $100,000 to $300,000 increased 26 per cent, and the tax-paying class paying on incomes of $300,000 or over had increased by 30 per cent. Surely it can not be said that publicity hurts business. These tables show that the rich are getting richer and the poor are getting poorer, and I think the poor ought to know. The gentleman from New York [Mr. MILLS] represents the viewpoint of the ultra rich, those whose tax-paying class increased in number from 26 per cent to 30 per cent. He has in this bill killed the publicity feature of the present law. I represent the comparatively poor, those who bear the tax burdens of indirect taxes. I feel it my duty to cry out to them as a voice that cries in the night about the true situation.

When I look upon these statistics and then look upon the tax rates and the other provisions of this bill it appears to me as though the Committee on Ways and Means had literally followed the scriptural injunction when it says:

> For whosoever hath, to him shall be given, and he shall have more abundance; but whosoever hath not, from him shall be taken away even that he hath.

I begin to understand this scripture passage now.

THE SUBSTANTIAL TAX REDUCTIONS ARE ONLY FOR THE RICH

The propaganda has gone out that you are now writing a tax bill that will reduce taxes and lighten the tax load of the people,

In this House some one has coined the phrase "Mr. Average Man," to illustrate who will enjoy the big tax reduction you are about to make. But the real tax reductions are extended only to the rich and to those who enjoy monopoly. You reduce income taxes by $193,575,000. You reduce taxes by increasing personal exemptions to the extent of $42,000,000. You reduce the normal tax by $46,000,000 and give credit for earned income to the extent of $7,000,000. These items total $95,000,000 and they are shared in by the rich as well as by those of small incomes, yet you talk of these reductions as all accruing to the small taxpayers. The personal exemptions have been increased from $1,000 to $1,500 for single persons and from $2,000 to $3,500 for married persons. The saving in tax payment due to increased personal exemptions is the biggest savings given to those of small incomes. But the rich get the benefit of these exemptions as well. The credit on earned incomes, 25 per cent up to $20,000, benefits a person with a $4,000 income very little, but the rich, whose income is great, absorb the full benefit of this manner of tax reduction. The reduction in the flat rate, which is one-half per cent of the first $4,000 taxable income, benefits a married person with a $4,000 income very little; the high incomes get the full benefit of it. The 1 per cent reduction on the next $4,000 taxable income benefits a married person with an income below $7,500 nothing; the high incomes get the full benefit of it. The 1 per cent reduction in the flat rate on incomes over the first taxable $8,000 benefits a married person with an income of less than $11,500 nothing, but the high incomes get the full benefit of this reduction. To get the full benefit of the increased personal exemptions, plus all reductions in the flat rate, plus the limit of credit for earned income, a person's income must be $20,000 or more. Secretary Mellon and Henry Ford will get the full benefit of these credits and reductions, so why speak of these as the relief from tax burdens extended to the people of small incomes only?

THIS TAX BILL WRITTEN FOR THE BENEFIT OF ONLY 213 MEN

You have in this bill reduced surtaxes by about $100,000,000; yet only those whose income is over $44,000 will receive any benefit from this reduction. The surtax rate is left as it is in the present law on incomes ranging from $10,000 to $44,000. The gentleman from Illinois [Mr. RAINEY], who should go down in history as one of those who made a glorious fight for the people in this House, stated that a little over 3,000 men in the United States get reduction in taxes amounting to $100,000,000, and that out of the men so favored 42 men get a tax reduction of $20,000,000. Out of the tax reductions accruing to men of small incomes, 2,300,000 men get a tax reduction of about $20,000,000. Mr. RAINEY charged that this bill is written for the benefit of 213 men in the United States, these 213 being the men who during 1924 paid 40 per cent surtax on their incomes—not on their whole income, but on that part of their income that exceeded $500,000 a year after all imaginable credits and reductions had been allowed. For the sake of the relief of these men from their just share of the tax burdens, we here deliberately wreck our income-tax system and shift the burdens of taxation from the shoulders of the rich and strong and onto the shoulders of those who already bear the burdens of the indirect taxes. These men loosened that terrible propaganda knows the Mellon tax-reduction propaganda, a propaganda in a sense even more damnable than the World War propaganda, for while the World War propaganda brought us into a war that saddled the tremendous debt load on us that we now stagger under and for the payment of which we are now taxing ourselves, the Mellon tax-reduction propaganda has gone into every corner of the land and poisoned the minds of the people against Congress, so they are now clamoring for Congress to pass a tax bill that will take away from the shoulders of the millionaires, the monopolists, the profiteers, the traitors that profited by the war, that share of the burden of paying for the war that Congress, after thorough deliberation, had put upon their shoulders. And they were not taxed as heavily as they should have been, at that.

SHOULD I HELP TO ADD STONES TO THE BURDENS OF THE POOR?

It takes some courage to vote against this bill, but I shall vote against it and take the consequences. Should I vote for this bill I could never look the honest farmers in the face who have toiled for years now and lost money on their business operations. I do not think that a dozen farmers in my district have had incomes large enough to pay any kind of Federal income tax. In fact, I asked every meeting that I addressed this year that if there were any persons in the audience that had paid any kind of Federal income tax to raise their hands, but not a single person responded. Nor could I vote for this bill and look an honest laboring man in the face who never earned enough to pay any income tax and who staggers under the high cost of living and is loaded down with all kinds of indirect taxes. The gentleman from New York [Mr. MILLS] represents the men who demand this revenue bill with the reductions accruing to them thereunder. I represent the toilers, producers, and consumers upon whose shoulders heavily rests the burdens of our society. Should I help to heap still bigger burdens on them.

THOSE WHO SHOUTED FOR THE "MELLON PLAN"

But I feel that I also should think of middle-class people, who are better situated than the farmers and the laborers. I should think of those who have been shouting the loudest for the Mellon plan of tax reduction. The small-town merchants, bankers, professional men in agricultural communities are not making much money any more. Under this bill a married man with no dependents, with an income of $4,000, will save over the 1924 law $16.87; one with a $10,000 income will save $63.75. The higher the taxes go the bigger the saving. There is a $356.25 saving on a $20,000 income, or about six times the saving that accrues to a $10,000 income and twenty-one times the saving on a $4,000 income. From $20,000 to $60,000 the savings run in an even proportion, but from this point up the savings increase rapidly as the size of the income increases.

ONE MAN WILL SAVE AS MUCH AS WILL 60,500 OTHER MEN

A man with a $100,000 income will save $5,816.25, or seventeen times the saving on a $20,000 income. It will take 363 incomes of $4,000 to effect as much saving as one income of $100,000. An income of $200,000 gets about five times the saving that a $100,000 income gets. An income of $500,000 saves $82,816.25, or fourteen times as much as the $100,000. The man with an income of $1,000,000 saves $187,816.25, or two thousand nine hundred and eighty times that of a $10,000 income or over eleven thousand times that of a $4,000 income. The man with a $5,000,000 income saves $1,027,816.25, or as much as 60,500 men having $4,000 incomes. The combined income of 60,500 small-town merchants who earned $4,000 apiece would total $242,000,000. Yet a man with an income of $5,000,000 will save as much on his taxes alone as would the 60,500 men whose earning is $4,000. The 42 men whose tax saving will total $20,000,000 will enjoy an average saving of $475,000. I am measuring tax reductions under this bill with a measuring stick that those who have a small income can understand.

BILL CRIPPLES ESTATE TAX, WITH INTENT OF KILLING IT

Mr. Chairman, this bill reduces the estate-tax rates so as to cripple that most just of all taxes. Those in whose favor the income tax law is being crippled are still more determined to cripple and eventually kill the inheritance tax. The present law with a 40 per cent rate on inheritances of $10,000,000 will hit, if they die, the 213 men whose incomes under the present law pay taxes in the 40 per cent bracket. These are the men that would especially be hit by the present law, their estates each going over $10,000,000. This is a tax that can not be shifted. That is why this tax is feared more than any other kind of tax. If income taxes can be saddled back onto the people this tax can not. These 213 men own more than $3,000,000,000 in wealth. The present law would take a goodly share of these big fortunes, fortunes that can not be said to be earned. It would, of course, pay these men well to spend many millions of dollars on propaganda looking to the repeal of this tax. They can afford to bribe every daily newspaper in the land to sing the praise of Mr. Mellon and his tax-reduction plan.

MONEY SPENT IN PROPAGANDA WILL NET MILLIONAIRES BIG RETURN

When these men put their money into the American Bankers' League and put on their three-year program of organizing tax clubs in practically every county in the land, they knew they would get their money back with interest. They could afford to pay Mr. Frank Mondell well to spread misleading propaganda through the leading cities of our land, for they knew they would receive their money back with interest. In my congressional district there is probably not a half dozen of those bankers that have spent much time in organizing tax clubs with a special view to doing away with the inheritance tax whose estate would pay any inheritance tax at all to the Federal Government. For the first $50,000 are exempt, and they would get no relief under this bill, for this bill levies the same size of inheritance tax on estates up to $200,000 as does the present law. My constituents shall not say that I do not look after their interests when I vote against this bill. But a $1,000,000 estate will save $27,500; a $5,000,000 saves $475,500; a $10,000,000 estate saves $1,207,500; and a $50,000,000 one saves $9,207,500. I wish the able pleas in favor of strengthening the estate tax made in this House during this debate by the gentleman from Iowa [Mr. RAMSEYER] and the gentleman from Illinois [Mr. RAINEY] could be read by every voter in the land, and the next Congress would come back with a mandate

from the people that would be respected, even here, to place the tax burdens on the shoulders of those who best can bear them and also to do something toward distributing a part of the swollen fortunes, that if allowed to grow unhindered will soon menace the Government itself. Why should poor devils who own not the roof over their heads nor the pillows they sleep on nor as much ground as their shadows cover be unduly excited and concerned over an inheritance tax that hits only those whom it is a blessing to hit, the salvation of whose souls depends on their being divorced of part of their "mammon"? Yet those same "poor devils" become excited with the Mellon propaganda as dispersed by the insidious tax clubs.

TAX CLUBS CLUBBED A FEW

The country at large should know to what extent the representatives of the tax clubs have gone to intimidate those members of the Ways and Means Committee that were known to favor adequately high income-tax rates and the retention of an inheritance tax with equally adequate rates. I blush with shame for my country when I read the hearings on this bill and found how these skunks especially paid attention to the gentleman from Iowa [Mr. GREEN], chairman of the committee, and the gentleman from Texas [Mr. GARNER], ranking minority member. It is not the fault of either Mr. GREEN or Mr. GARNER that this bill is in its present form. They sacrificed much in order, as they believed, they would safeguard the income tax and inheritance tax as a part of the permanent tax law of the land. I shall not blame them; they did the best they could, and it would be a loss to the country should these men be retired to private life and leaders of the Iowa and Texas tax clubs be sent here to take their places; they have been threatened—as have other gentlemen—even after they agreed to the compromise that gives us only a semblance of an income and inheritance tax law; but had they had intelligent districts, like the one I represent, behind them, these two men would have submitted a minority report and reported out a bill with teeth in it, made a fight for principle that the country would always have remembered, came back in the next Congress and forced the passage of a real tax law in the interest of the people. Of course—

The one who fights and runs away,
Will live to fight another day.

But I have since youth believed with the poet that says:

Fight for what is good and fair;
Die for it, if need be;
Life, then, is not hard to bear;
Death can not defeat thee.

BOSS-RIDDEN CONGRESS SELLS OUR CHILDREN AND CHILDREN'S CHILDREN INTO INDUSTRIAL SLAVERY

Oh, for a little of the spirit of '76 in our national life again. This bill is selling our children and our children's children into industrial slavery to these millionaires, these owners of monopoly who have fooled us into thinking that this iniquitous law we here propose is essential to our well-being. Much more than the shifting of the tax load is involved in the humiliation of the American people through what is happening in Congress, in the House of Representatives during the so-called "debate" on this measure. It has not been a debate. The confessions of impotence—due to outside pressure on them—of GREEN of Iowa and GARNER of Texas have been pathetic to listen to. The scholarly discourse of RAMSEYER on the inheritance tax seemed not to interest but a handful of Members. The blistering denunciations of RAINEY seemed to affect Republicans no more than the sprinkling of water on a duck's back affects a duck. This bill will not have a sentence changed in it by way of amendment; only once were those in charge of it afraid that an amendment might be voted into it; that was when amendments proposing reductions in the automobile-tax rates or the abolishment of this tax altogether was proposed. But when the vote was taken only two or three regular Republicans stood up in favor of the amendments on a division of the House. Sullenly and silently has the rank and file of regular Republicans, when amendments were proposed, watched the gentleman from New York [Mr. MILLS] to see whether he made the sign of "thumbs up" or "thumbs down." As he signaled, they voted. Should the gentleman from Illinois [Mr. RAINEY] by way of amendment have proposed the Ten Commandments, they would have been rejected, but should the gentleman from New York [Mr. MILLS] have proposed a second crucifixion of Christ it would have passed strong.

DEMOCRATS AFRAID OF BATTLE SURRENDER

When I contemplate and ponder upon the supine surrender of the great Democratic Party in this matter of making a revenue law, I wonder if Woodrow Wilson, whom the men of this great party yet profess to love, has lived in vain. The militant progressive Democratic Party has become decadent and stand pat. Here is what Wilson said about standpatters:

The world has always neglected standpatters. And, therefore, the standpatter does not excite my indignation; he excites my sympathy. He is going to be so lonely before it is all over.

And these men are those who carry on the traditions of the Democratic Party to whom Wilson said:

I doubt if any age was ever more conscious of its task or more unanimously desirous of radical and extended changes in its economic and political practice.

Yet, the Democratic Party in Congress, because it is afraid of battle, wants to turn back the hand of the clock of time. We are supposed to be now writing a tax bill that will be the permanent law of the land, and the Democratic Party justifies its position when it meekly fell in line on tax reduction for those of smaller incomes and smaller fortunes by throwing a few crumbs to the poor. The Democratic Party was in control of the Nation's affairs when we got in the blighting World War. It is being blamed, unjustly, for the dire results that followed for America; yet the Democratic Party in Congress, being forced through fear of battle to agree to the unjust reduction in the taxes of the rich, was willing to throw a few more crumbs to the poor and was willing to write even a worse bill than the one before us by reducing taxes to such a point that the payments of our war debt would be extended over a period of 62 years, thereby causing the American people to pay through added interest twice as much in liquidating the war debt as the Republican plan calls for. All because of immediate expediency, because it would be going the Republican Party one better in tax reduction, and because it might turn the tide of the next election. But such a policy would be fraught with disaster.

A WRONG LAW DOES NOT ALTER THE FACTS

The people will get their eyes opened before the next election. The men who fought the war must be taken care of. Their bill will be constantly increasing, and it must be met. Those who made millions out of the war should now pay millions toward paying for the war and the changed conditions following the war with increased expenditures. But, above all, the law we now pass out in the form of a permanent tax law should place a limit on how high our great fortunes can be built. This law should be an expression of the facts we now face. Because we pass out a wrong law it does not alter the facts; the facts are here, stern and real. This law should be the basic law of our land, because it should deal with the basic facts underlying our whole social structure; it should apportion the burdens of government justly and fairly, set a limit to rapacious greed, and open the door of opportunity to the weak by holding the strong in check. This bill is not written to fit present-day economic conditions; this bill will do nothing to correct that abuse of power that our financial giants have usurped through favoritism by law and laxness of law enforcement. The mind that has been thinking of tariff for revenue only, thinking of taxes as taxes for revenue only, helps to pass a law that would fit conditions before the Civil War and not the after World War conditions, with the long span of years intervening, with all its inventions and developments that have so radically changed our economic structure and our whole mode of living. Here is something Woodrow Wilson said that fits in fine to-day:

Sometimes when I think of the growth of our economic system it seems to me as if, leaving our law just about where it was before any of the modern inventions or developments took place, we had simply at haphazard extended the family residence, added an office here and a workroom there, and a new set of sleeping rooms there, built up higher on our foundations, and put out little lean-tos on the side, until we have a structure that has no character whatever. Now, the problem is to continue to live in the house and yet change it.

With us the problem to-day is how to continue to live in our house and yet change it; I sometimes think that Wilson saw his mission just in doing this, but the catastrophe of the war blasted his plans and blocked his attempts. Should not the Democratic Party undertake to redeem Woodrow Wilson's promise and rise to the height of his vision? If we do not soon begin to change our house the while we live in it, some day it will not answer to our purpose and we will have to tear it down over our heads to build a new one; this bill will hasten that day. Under this bill the American people surrender the whole house to the captains of finance and will themselves have to move out in the lean-tos.

BIG BUSINESS IS YET THE MASTER OF OUR GOVERNMENT

From those who champion this bill on the Republican side of the House and from those on the Democratic side of the House that acquiesce in it has come not one single word about the rights or the interests of the people. Yet this is Congress, charged with looking after the interests, the welfare, and the rights of the people. No note has been sounded here but "money" and "business" and "prosperity" and "investments" and "dividend," just as though this Congress sits here only in the capacity of a board of directors for private corporations. Congress has ceased to be a parliament. The opposition has ceased to oppose. The lion and the lamb lie down together. Those who speak here for 51 per cent of the wealth of the land outvote the rest. You Democrats have eaten every promise you made the people of this land and that your great leaders made for you. With every vote on every amendment offered on this bill the Republicans slap your face and you foolishly grin over it. I am sorry for you; your heart is right, but you were afraid of giving battle to the Coolidge myth with the 7,000,000 votes majority behind it. So your leaders on the Ways and Means Committee surrendered when the big business experts came and took charge and flattered them by promising them to share in the doubtful honor that would flow partly to them by calling this bill a nonpartisan proposition.

You Democrats have forgotten what Woodrow Wilson said, speaking about how Congress does business for the people:

Suppose you go to Washington and try to get at your Government. You will find that while you are politely listened to, the men really consulted are the men who have the biggest stake—the big bankers, the big manufacturers, the big masters of commerce, the heads of railroad corporations and steamship corporations. Every time it has come to a critical question these gentlemen have been yielded to, and their demands have been treated as the demands that should be followed as a matter of course.

And again:

The masters of the Government of the United States are the combined capitalists and manufacturers of the United States.

THE PEOPLE STAND ON THE OUTSIDE AND LOOK IN THROUGH THE WINDOW

What do you think Woodrow Wilson would have said if he had stood outside and looked through the window when your Democrats sat in the Ways and Means Committee and surrendered the rights of the people and your own right to lead the fight for the people? Here is something he said that is at this time particularly in point:

It is a mere statement of fact that the people have stood outside and looked on at their own Government, and that all they have had to determine in past years has been which crowd they would look at—whether they would look on at this little group or that little group who had managed to get control of affairs in its hands.

The people standing outside to-day looking on see two little groups of nearly one mind charmed by the brilliancy of one man, by the oracle answers of experts, and overawed because the combined capital of the country strikes at them in the dark behind the screen of the tax clubs. I vote against this bill, for I say, with Woodrow Wilson:

I do not want a smug lot of experts to sit down behind closed doors and play Providence to me.

I came fresh from the people. I know that while many of them have been misled by the Mellon tax-reduction propaganda, they have not all lost all their senses yet.

OUR INDUSTRIAL RULERS KNOW THEIR BUSINESS

You Democrats know that when Andrew Mellon speaks to us he speaks for the combined wealth of our industrial rulers; he speaks for the Fords, the Rockefellers, the Morgans, and the rest. He speaks seemingly wise words, and you think he knows his business, their business, and he does; but we are charged with the people's business. There is a wide difference there. I believe, as Wilson did, that—

you can not, by putting together a large number of men who understand their business, no matter how large it is, make up a body of men who will understand the business of the Nation as contrasted with their own interests * * *. They are honest men, they have just as much right to express their views as I have to express mine or you to express yours, but it is just about time that we examined their views for ourselves and determined their validity.

These rulers of ours know that they know their own business, they know a lot that the rest of us do not know, but they take it—

for granted that our ignorance would wreck the prosperity of the country.

THE RANK AND FILE FORGOTTEN

I quote Woodrow Wilson to you Democrats because you seem to have forgotten him, yet his words ring as true to-day as when he was fighting that fight that made the common people pin their faith on him. Listen:

A nation is as great, and only as great, as her rank and file.

And in the making of this bill we have forgotten the rank and file absolutely.

WOODROW WILSON ON LIGHT AND PUBLICITY

Publicity of tax returns has been killed in this bill. Democrats on the Ways and Means Committee agreed to it and many Democrats voted to uphold the recommendations of that committee in Committee of the Whole House where there is no record kept of a man's vote. On no question did Woodrow Wilson speak with more clearness than on the question of seeking the light in politics and business, about publicity. He speaks about purifying politics by bringing it out in the open, beginning with selection of men for public places in the full light of day. Then he says:

The process of capital must be as open as the processes of politics. Those who make use of the great modern accumulations of wealth, gathered together by the dragnet process of the sale of stocks and bonds, and piling up reserves, must be made responsible for their business methods * * * so that the hand that makes correction shall easily reach them and a new principal of responsibility be felt throughout their structure and operation. Our honest politicians and our honest corporation heads owe it to their reputations to bring their activities out into the open. You know there is temptation in loneliness and secrecy. Let the dark out of the cellar.

What about his statement? Does it not sparkle with the power of a thousand-candle electric lamp?

Publicity is one of the purifying elements of politics. The best thing you can do with anything that is crooked is to lift it up where people can see that it is crooked, and it will either straighten itself out or disappear. Nothing checks the bad policies of politics as public pressure. You can not be crooked in the light. I do not know whether it has ever been tried or not, but I venture to say, purely from abstraction, that it can not be done.

This, of course, applies with equal force to business as to politics, and the great tribune meant it that way. In no place is publicity so absolutely essential as in the matter of tax returns. In publicity of tax returns will the American people only be able to see how our combinations of wealth prosper and thrive and what tribute we have to pay to them. The last place on earth where those combinations of wealth will allow the light of publicity to be thrown is on their tax returns. They are now in control of the Government. They always expect to be in control of it. They will spend money on newspapers to carry their propaganda to mislead the people and spend money to elect men to Congress to do their bidding and place the man of their choice in the Presidency and see to it that he place the administrative machinery of the Government in the hands of men of their own group or at least with their viewpoint.

THE THIEVES IN OUR HOUSE HAND US OUT A CHRISTMAS PRESENT

They are in our house and we are outside looking in. Woodrow Wilson, speaking on how our Government had fallen into the hands of business, flamingly asked the people, and especially the Democrats:

Are you going to say: "You didn't get into the house in the right way, but you are there, God bless you; we will stand out here in the cold and you can hand us out something once in awhile?"

That is just what we say here and now. They are going to hand out to a few of us a $10 reduction in income tax and a 50-cent reduction per capita on sales tax and take back five dollars and a half from each of us, while the 42 men who control the destiny of this Nation through propaganda have Congress vote each of them a Christmas present of $475,000. Every so-called "consideration" given the rank and file of our citizenry in this bill—I will not say the average man, for that term has been prostituted in this debate—has been prompted by philanthropy, by pity. The 42 men that we make a present of $20,000,000—or rather the 3,000 men that we hand over $100,000,000 to—in tax reductions say, "Why these poor people deserve a Christmas present, too; so we will give them all 50 cents apiece to remember us by and we will give a few of those who have shouted themselves hoarse for the Mellon plan $10 apiece; that should satisfy them—ah, this will be a wonderful Christmas! Only the approaching holidays with the feeling of good will that then takes possession of the hearts of men was responsible for any tax reductions to the rank and file; had this bill been written after the New Year it might have been a worse bill yet.

I do not want to be legislated for through pity; I do not want to legislate for the people through pity; I want to see justice done; and I want to do justice. I have a conscience, I feel the spirit of the Declaration of Independence whisper in my heart. I defy you Republicans and you Democrats in your unholy alliance against the interests and the rights of the people. I vote against this bill, even if I shall be the only Member of the House to do so. They can beat me for reelection if they can fool the people of my district, but they can not make me sell my convictions, sell my soul!

THE LAWS OF MOSES SUPERSEDED BY THE LAW OF ANDREW MELLON

Never in the course of human history has the name of one man been synonymous of wealth and power like that of Andrew W. Mellon, Secretary of the Treasury. To mention his name is all that is needed to bring to the front the power and magnitude of modern American industrialism. Placed in his powerful office of Secretary of the Treasury by President Harding and continued in that position by President Coolidge, he is the spokesman of that mysterious, awe-inspiring, ever-growing, ever-grasping thing we call capital that keeps industry going and fattens on it, and which we have come to look upon as the source of our happiness and our daily bread; this inscrutable thing that now seems to take the place of God. Like Moses of old came out of the mists and the thunders that hung over Mount Sinai with the tablets of the law to a thoughtless and pleasure-loving people, comes Andrew Mellon out of the Treasury of the United States with new tablets of the law, upon one of which is engraved, "Thou shalt give to the people just a semblance of tax reduction." And upon the other—in letters of fire—it reads, "Thou shalt give the big combinations of capital and industry all the tax reduction they ask." This is the sum of the Mellon tax reduction. Congress falls prostrate upon its face and hastens to comply.

THE LAW IS SET ASIDE THAT MR. MELLON MAY HOLD HIS OFFICE

In order that this high priest of "big business," this apostle of monopoly might be able to officiate in the holy of holies of wealth, the United States Treasury, the law of the land, designed to safeguard its sanctity against corruption by private interest, the law of the land is being flagrantly violated. Section 8 of the original act creating the Treasury Department says:

And be it further enacted, That no person appointed to any office instituted by this act shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase for himself or another in trust for him any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating any business in the said department other than what shall be allowed by law; and if any person shall offend any of the prohibitions of this act he shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half of the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

THE FRAMERS OF THE CONSTITUTION ARE BACK NUMBERS NOW

This safeguarding statute is said to have been drafted by George Washington's Attorney General, Randolph, in council with Thomas Jefferson, Alexander Hamilton, John Jay, John Adams, and George Washington. But these men would cut no figure to-day. They were not practical men like Mr. Mellon; they were only idealists. In 1847 an opinion was rendered by Nathan Clifford, of Maine, then Attorney General under President Polk, that this prohibition extended to both the offices in the Treasury Department originally named, and to those subsequently created.

GRANT BOWED TO THE LAW THAT MELLON SPURNS

In 1869 President Grant named A. T. Stewart, of New York, to be Secretary of the Treasury. When it was called to the President's attention that Mr. Stewart was ineligible by reason of his being a big merchant and obviously "engaged in trade and commerce," President Grant sent a message to the Senate calling attention to the fact that it had been pointed out to him that his Secretary of the Treasury, although approved and confirmed by the Senate, was ineligible to hold the Treasury portfolio due to the inhibition of the law against Mr. Stewart, and asked by joint resolution of both branches of Congress that Mr. Stewart be exempted from the operation of this law. The Senate refused to even consider it; Mr. Stewart resigned and President Grant appointed another man, George S. Boutwell, against whom the legal restrictions did not apply. President Grant did not feel he was above the law, but then he had not received a 7,000,000-vote majority; he had only won the Civil War and saved the Union. But combinations of capital had not become bold enough at that time to demand of those who were elected to the Presidency that they set aside the law of the land and turn the Treasury of the United States over for private exploitation.

MR. MELLON INELIGIBLE TO BE SECRETARY OF THE TREASURY

This law is, in spite of all, in full force and effect to-day and constitutional. If ever a man lived, that by reason of his business activities would be ineligible to be Secretary of the Treasury that man is Mr. Mellon, whose far-flung business activities cover practically the whole of the United States and enter into practically every line of business in which money is to be made; he is said to be one of the very wealthiest men in America. His activities in business have extended all the way from whisky distilling to a world-wide monopoly in the making of aluminum ware. If his business interest had never been any but the Aluminum Co. of America, that alone would disqualify him from being Secretary of the Treasury and from making recommendations to Congress as to what tax laws should be passed. Listen, now! This one statement forever disqualifies him:

This company really consists of A. W. Mellon and R. B. Mellon. Of course, Mr. A. W. Mellon resigned as a member of the board of directors when he went into the Government, and we now have six directors instead of seven. When he has finished his work in Washington, he will again become a member of the board of directors.

HIS ALUMINUM "SURPLUS" IS TAX EXEMPT

This statement was made before the Federal Trade Commission by Arthur V. Davis, president of that corporation. A report of the Federal Trade Commission states that 60 per cent of the outstanding stock of this company is owned "by the board of directors, Maria T. Hunt and A. W. Mellon." Moody's Manual quotes the capital stock outstanding at $18,729,600, and the surplus at $92,153,861; the surplus being tax exempt. Yet Mr. Mellon rails at "tax-exempt securities."

ALUMINUM PROFITS 1,000 PER CENT A YEAR

According to that champion of the common people, the gentleman from Illinois [Mr. RAINEY], in facts set out in his speech on the Mellon tax plan in 1924 all the money ever put into this gigantic monopoly, the Aluminum Co. of America, was $20,000. Reinvested profits have brought the stock of the company up to $20,000,000, with a surplus of $18,729,600 and profits as high per year as 1,000 per cent of the original investment.

FORDNEY-M'CUMBER TARIFF BILL GAVE HIM MORE THAN HE ASKED

The president of this company, when the Fordney-McCumber tariff law was being written—while Mr. Mellon was Secretary of the Treasury—went before the Ways and Means Committee that was writing the tariff bill and asked that the protective tariff be raised from 2 cents a pound, as it was under the Underwood bill, to 7 cents a pound, which would affect every difference in the labor cost of production. The Republican Party gave him 9 cents a pound, in spite of the fact that the Mellon representative had admitted that at the time they had a complete monopoly in the United States and had effected a world-wide price agreement.

Is it any wonder that, having had his company built up by aid of the tariff, a tariff law that he with others of his kind dictated, Mr. Mellon now wants to dictate a tax law of such a kind as to let him forever enjoy the fruit of the high protective tariff law? He is not so much to blame that can get away with it as is Congress, that lets him hold the office, by reason of which he dictates to Congress what Congress shall do.

MELLON CORPORATIONS SCIENTIFIC ARRANGEMENT FOR TAXATION PURPOSES

The business interest of the American Aluminum Co. is world-wide and includes mines, manufacturing plants, wholesale establishments, railroads, and power and public utilities companies, many of them giants in their own size; all told, the Federal Trade Commission refers to 57 separate corporations "owned or controlled" by Mr. Mellon's aluminum company, under different names and organizations, by reason of which the suspicion that the people have for a "trust" is disarmed and all benefits that can accrue from tax evasion may follow. This is the new science of business, the reflection of which is the scientific tax bill.

The Mellon interests own two other basic lines of industries, with numerous and wealthy subsidiaries, The Gulf Oil Corporation, and the Standard Steel Co. These enterprises

certainly constitute "trade and commerce," and Mr. Mellon still owns them. These are prosperous like the aluminum company. The Standard Steel Co., a year ago, had an outstanding capital of $24,000,000 and surplus and reserves of $26,683,884. A fine arrangement for taxation purposes. Among the big financial institutions of the land are the Mellon National Bank, the Union Savings Bank, and the Union Trust Co. They buy and sell public securities. The diversification of industrial interests could hardly be further extended in one individual.

ANDREW MELLON MOST POWERFUL FACTOR IN THE POLITICAL HISTORY OF THE NATION

Yet this man holds aside from the power he wields as controlling force in the Mellon industries and financial interests, a still vaster power, and has imposed upon him multitudinous duties as Secretary of the Treasury. In his capacity as Secretary of the Treasury he is sworn to look after the welfare of the country as a whole—but must not his own welfare and the welfare of his class conflict with the public welfare?

As Secretary of the Treasury he is ex officio chairman of the Federal Reserve Board that controls the credit of the country. He is ex officio chairman of the Federal Farm Loan Board that lends money on farm lands in competition with private loaning interests. He is chairman of the World War Foreign Debt Commission that is to make settlements with the debtor countries in Europe, in which settlements the interests of the private bankers and the interests of the American people are bound to run at cross purposes. He is chairman of the War Finance Corporation that lends millions in such a manner as to benefit private banking institutions.

Under him as Secretary of the Treasury sits the Budget Bureau that determines how much money Congress will be allowed to vote from year to year. The Internal Revenue Bureau that collects the taxes, allows rebates and refunds, and can practically interpret the tax laws as it pleases. The customs service, the Comptroller of the Currency with its supervision over banks, the Coast Guard, the Bureau of Printing and Engraving, the Public Health Service, a branch of the Secret Service, and the prohibition enforcement, in which now every majority Member of Congress is interested by way of patronage in appointment in the service. Is there any financial interest in the land that officially his fingers do not touch? Is there any Member of Congress of the majority party who, when the tax bills and tariff laws are written, will not feel, in one way or another, his ever-present influence? He has the power the law intended to prohibit, and he exercises it to the full degree, to his own profit and to the profit of the profiteering class.

HE RAILS AGAINST TAX-EXEMPT SECURITIES, BUT HE LIKES TAX-EXEMPT "UNDIVIDED PROFITS"

After four years of Mr. Mellon in the United States Treasury as guardian angel of the financial destinies of the American people, the corporations of America are evading surtaxes on total undivided profits that are said to exceed $35,000,000,000. Yet he rails against so-called tax-exempt securities that are issued for the purpose of establishing publicly owned public utilities, by which the people can break the strangle hold of the trusts, that they do not bear their share of the tax burdens, to the detriment of private business enterprises.

As an example of how this is done, the distribution of profits and the storing away of profits where taxes will not hurt them can be taken, one of the Mellon corporations—the Gulf Oil Corporation. As reported by Moody & Poor, for the year ended December 31, 1924, the company had a net profit of $19,166,795, of which about one-third was distributed, leaving $12,643,565 undistributed, which escaped the surtax. This was only for a single year. Up to December 31, 1924, the Gulf Oil Corporation had accumulated surplus profits of $78,093,941, which escaped surtaxes. The company had also set aside as a "depreciation reserve" a total of $127,567,979, which escaped surtaxes, a grand total of $205,651,920 of surtax-exempt profits, nearly double the outstanding capital of $108,952,000. In 1922 the Gulf Oil Corporation declared a stock dividend of 200 per cent, amounting to $80,000,000 of new stock created out of profits. As a stock dividend, it paid no tax whatever, while if it had been distributed as a cash dividend, like small corporations do, it would have been subjected to both the flat tax and the surtaxes.

THE REASON FOR THE MELLON TAX PLAN

It would seem to me that even a blind man can see why the Mellon tax-reduction plan. It is easy to understand why Mr. Mellon demands reduction of surtaxes for the rich. If this bill is followed two years from now with one that will entirely abolish surtaxes, then the rich men can draw out the surplus and cash in the stock dividends without loss and without paying taxes and invest in entirely new and unrelated enterprises if they wish. This is what Mr. Mellon means when he speaks of "releasing capital for new investment in new industries." Yes; money so released can be put into foreign securities drawing usuriously high interest, and Uncle Sam can be made to guarantee the securities.

MR. MELLON A DELIVERER FROM HIGH TAXES FOR THE BIG CORPORATIONS

Mr. Mellon has, indeed, been a deliverer from high taxes for the big corporations of the United States. He has worked the repeal of the excess-profits tax. He has substituted a flat corporation tax, alike for big and small corporations, for the gradual tax that progressively rose with the size of the profits. He has made it possible for corporations to evade surtaxes by not distributing profits as cash dividend. He has made possible the distribution of surplus in stock dividends, which leaves the surplus in the corporation's treasury and puts it out of reach of the income-tax collector entirely, while it adds to the burden the people must bear as "watered stock." He has been instrumental in getting the highest individual tax rates reduced from 72 per cent in 1920 to 50 per cent in 1921, and in this bill Congress gives in and reduces the highest surtax rate to 20 per cent, even to a lower figure than Mr. Mellon asked.

TAX NOT AS HEAVY AS SUPPOSED ON BIG INCOMES

In the administration of the income tax law under Mr. Mellon the highest incomes, upon which the law placed the highest tax rates, for one reason or another, have not paid as high a rate of tax as has been paid by some whose incomes required a lower rate of tax. The incomes of $1,000,000 and over, based upon the tax payments made in that bracket and upon the number of taxpayers, paid only an average rate of tax of 35.02 per cent, while incomes from $500,000 to $1,000,000 paid 35.81 per cent and incomes from $300,000 to $500,000 paid 37.27 per cent average. This year the high rate under the law was 50 per cent. For the year 1923 incomes of $150,000 to $300,000 paid an average tax rate of 23.83, $300,000 to $500,000 paid 25.42, $500,000 to $1,000,000 paid 26.81, while incomes of $1,000,000 and more paid only 23.53. The high tax rate this year was the same as the year 1922—50 per cent. If an income of $1,000,000 or more, with the tax rate specified in law at 50 per cent, pays only a rate of 23.53 per cent, what per cent of the tax will it actually pay when the rate is fixed by law at 20 per cent, as is being done in the passage of this bill?

THE TREASURY DEPARTMENT A LAW UNTO ITSELF—TAX REFUNDS $1,293,842,187 IN FOUR YEARS

The Treasury Department is a law unto itself in the interpretation of this law. The body of this law was originally written by Treasury experts. The consequence was that it was full of "jokers" and "loopholes." Even in the present debate it has cropped out that the Ways and Means Committee, that technically is supposed to write the tax law, did not understand exactly certain phases of it. The Treasury Department makes certain rulings from time to time that are followed as precedents. The effect of these rulings seems to be always to favor the big taxpayers. Big taxpayers can refuse to pay the assessed tax and invariably they can make compromise settlements.

The ordinary taxpayer, and I believe the average Congressman, can not understand why such tremendous sums of money after they have been paid in as taxes are paid back to big corporations or rich individuals as "refunds," or how "abatements," or credit before the tax is paid, can reach such tremendous figures as they do. Under the régime of Mellon while the tax rate established by law has steadily fallen the actual tax rate paid has fallen still more on big incomes and the amounts paid back in refunds and allowed as abatements have steadily risen. To ponder on this is enough to lose confidence in any government as an agency to mete out justice as between rich and poor. We well know that the big corporations and the rich individuals in our country hire the shrewdest and sharpest lawyers that money can hire, nearly all of them trained in the Treasury Department as experts, and after these have done their best the Treasury Department under Mellon's administration have made refunds and abatements that are staggering. The total of refund and abatement for the year 1922 was $230,505,724; for 1923, $440,173,211; for 1924, $471,277,837; and for 1925, so far, $151,885,415; making a total of $1,293,842,187. These deductions from taxes due went practically all to the big fellows; the little fellows were not much involved.

THOSE WHO HAVE OVERPAID THEIR TAXES ARE FOR COOLIDGE, "ECONOMY," AND THE MELLON TAX PLAN

Is it any wonder that there was plenty of money in the Republican campaign fund that was used to elect Members of Congress pledged to the Coolidge plan of economy, but above all to the Mellon plan of tax reduction? It looks like a case of

"casting your bread upon the water, that it might come back to you." Congress has repeatedly been asked to make deficiency appropriations, running some years as high as $150,000,000.

Among those who have "overpaid" the Government and were refunded were two Mellon corporations. The aluminum company was refunded $555,102.53 and the Gulf Oil Corporation $200,000 in tax refunds.

J. P. Morgan was "refunded" $147,202.15 in one item and $16,103.48 in another.

Edward T. Stotesbury was "refunded" $144,944.97.

Libby, McNeil & Libby, one of the big packers, "got back" $1,988,201.

Swift & Co. was "refunded" $1,010,427.49.

Jos. T. Ryerson & Sons was "refunded" $1,018,015.

Willys-Overland Co., $555,690.08.

MELLON PLAN CALLS FOR SECRECY BUT FOR NO PUBLICITY

The Mellon plan includes not only no publicity, but it also calls for secrecy. Mr. Mellon evidently does not believe in much light being thrown into the Treasury counting room; he does not believe like Woodrow Wilson did in "taking the dark out of the cellars." One of Mr. Mellon's great corporations, the Gulf Oil Corporation, was the beneficiary of a tax settlement done in secret, just before Mr. Mellon took over the office of Secretary of the Treasury. It had to be settled before Mr. Mellon took office; a matter that would have taken a big staff of experts a long, long time to determine was to say lumped off. Speaking in the United States Senate, Senator ASHURST, of Arizona, said about this matter:

The investigation showed that in the case of the Gulf Oil Corporation an opinion rendered by the then Solicitor of the Bureau of Internal Revenue was used to reach back and give the company's lessees depletion for the years 1916 and 1917. That was all done in secret. The amount saved to the company was $849,000; quite an item. The public was not aware of that ruling until 1922.

It seems that all refunds are made after secret hearings. I shall certainly vote against this bill, that will close up the window in the present law, that threw a faint glimmer of light over income-tax returns, and will again draw the blinds of secrecy over it as tight as it ever was before. From every angle that I can see the Mellon plan I condemn it! My vote shall never uphold such a satanic scheme for the shifting of the tax burden onto the poor.

MR. MELLON HAS PASSED UP HIS OPPORTUNITY TO SERVE THE COMMON PEOPLE

To Mr. Mellon came an opportunity, such as has come to few Americans, to do something for the common people, to lighten their loads, but he has been responsible for adding stones to their burdens. His recommendations to Congress have all been one-sidedly in favor of those who possess wealth and power; his administration of his office will long be remembered by the evasions of taxes of the favored few and by the billions of dollars paid back or allowed as credits in refunds and abatements.

A person might speculate on what would have happened, holding office, as Mr. Mellon does, in violation of law, had his recommendations to Congress been such as to favor the weak and the struggling, those who can least afford to pay taxes, had he been as successful in having Congress follow such recommendations and had the administration of his office so signally benefited these as it now has the rich, what would the financial and industrial leaders have done to him. Would he have been impeached? Heaven knows!

In spite of his ineligibility and his clearly demonstrated favoritism he holds his high office, and the membership of this House, with the exception of a handful of men, lie prostrate in the dust before him. Let us hope that in the Senate the fires of liberty are yet burning upon the high altar.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(d) It shall be the duty of the commission to investigate and report upon the operation, effects, and administration of the Federal system of income and other internal taxes and upon any proposals or measures which in the judgment of the commission might be employed to simplify or improve the operation or administration of such system of taxes; and to make and report upon such other investigations in respect of such system of taxes as the commission may deem necessary.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. MOORE of Virginia. I do so for the purpose of asking a question, although I know the House is impatient to vote. At the outset of the discussion we listened to very able speeches from the gentleman from New York [Mr. MILLS] and the gentleman from Tennessee [Mr. HULL], stressing the unsatisfactory condition of the tax systems in various States, and particularly in their relation to the tax system of the Federal Government. Now, this commission, which I think is very wisely proposed, is directed to make investigations of the Federal tax system in all its features. I would like to ask the chairman of the committee or some member of the committee, in order to have a statement from him in the RECORD, whether it is contemplated that this commission will look into the relations between the Federal tax system and the State tax systems, so that we may have a full picture presented to us, as far as possible, when the commission makes its report.

Mr. GREEN of Iowa. I will state to the gentleman from Virginia that in what is called the "basket clause" at the end this provision was put in so as to enable the commission to make as wide investigations as they thought proper of all matters in any way pertaining to the Federal tax system.

The Clerk read as follows:

REFUND OF AUTOMOBILE TAX

SEC. 1204. (a) Where prior to the effective date of the repeal of subdivision (2) of section 600 of the revenue act of 1924 any article subject to the tax imposed by such subdivision has been sold by the manufacturer, producer, or importer to a dealer, and is on such date held by a dealer and intended for sale, there shall be refunded to the manufacturer, producer, or importer an amount equal to 2 per cent of the price for which such article was sold by him, or, if the tax has not been paid, an amount equal to such 2 per cent shall be credited against the tax in respect of such article.

Mr. GARRETT of Tennessee. Mr. Chairman, I want to ask the gentleman from Iowa [Mr. GREEN], or some gentleman on that side, a question about this provision. I notice it provides for a refund of the tax to the manufacturer, producer, or importer, even though the car has been sold to a dealer who, presumably, has paid the tax and is holding it for sale. Why do you not refund it to the dealer as well as to the manufacturer, producer, or importer?

Mr. GREEN of Iowa. It has seemed to us that that was the only way we could make it. I will state to the gentleman that later in the bill there is a provision which gives the dealer a right of action against the manufacturer for the tax.

The Clerk read as follows:

(d) When the refund or credit provided for in this section has been allowed to the manufacturer, producer, or importer, he shall remit to the dealer to whom was sold the article in respect of which the refund or credit was allowed so much of that amount of the tax corresponding to the refund or credit as was paid or agreed to be paid by the dealer. Upon the failure of the manufacturer, producer, or importer to make such remission he shall be liable to the dealer for damages in the amount of three times the amount thereof, and the court shall include in any judgment in favor of the dealer in any suit for the recovery of such damages costs of the suit and a reasonable attorney's fee, to be fixed by the court.

Mr. HAWLEY. Mr. Chairman, I offer a perfecting committee amendment.

The CHAIRMAN. The gentleman from Oregon offers a perfecting committee amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 278, after line 23, insert a new section to read as follows:

"REFUND OF CIGAR TAX

"SEC. 1205. (a) In the case of all cigars and little cigars in original and unbroken statutory packages held and intended for sale by any person on the effective date of the repeal of section 400 of the revenue act of 1924, including those in customs custody or in transit from the insular possessions of the United States, which on such date have affixed thereto stamps purchased at the rates of tax imposed by section 400 of the revenue act of 1924, there shall be allowed a refund equal to the difference between the tax imposed by such section and the tax imposed by section 400 of this act.

"(b) No refund shall be allowed under this section unless claim therefor is presented within 60 days after the effective date of the repeal of section 400 of the revenue act of 1924. No refund shall be made to any person if the claim is for an amount less than $10.

"(c) The commissioner, with the approval of the Secretary, shall adopt such rules and regulations and shall prescribe and furnish such blank forms as may be necessary to carry this section into effect."

The committee amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to make such changes in section numbers and references as the amendments adopted during the progress of the bill through the committee necessitate.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

The Clerk read as follows:

SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

SEC. 1205. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. SCHAFER. Reserving the right to object, on what subject?

Mr. TILSON. On the general subject of the bill, but not confined to the paragraph just read.

Mr. WEFALD. Mr. Chairman, reserving the right to object, is that same right to be extended to everybody and to all party leaders? [Laughter.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WEFALD. Mr. Chairman, I object.

The CHAIRMAN. The gentleman's objection comes too late.

Mr. TILSON. Mr. Chairman, in the midst of the joyful Christmas season I congratulate the House upon its being permitted to play the role of Santa Claus. The revenue bill, which this House is about to pass, is the Christmas present of the House of Representatives to the American people.

We began its consideration the second day of the present session, thereby establishing a new record for promptness in the consideration of an important measure. The Ways and Means Committee had considered it for almost two months prior to the opening of the session. Highly trained experts of the Treasury had been working on the necessary data for an even longer time. The result is an excellent bill. I might say in the language of the old song,

> This is the way I have long sought,
> And mourned because I found it not.

You will not expect me to say that this is a perfect bill, for there is no such thing as a perfect bill, except in the mind of a single individual. If you or I were permitted to write an entire tax bill without aid, advice, or even a suggestion of any other person, a perfect bill would be the result. That is, it would be perfect in the estimation of you or me. The bill that we are about to pass and send to the Senate is a product of the combined wisdom of 25 honest, independent-thinking men, all earnestly striving to give the country the best tax law possible. Fifteen of these men belong to one of the great political parties, and 10 of them belong to the other, but they have not divided along party lines. They have had such help as the best experts in the country, those who are best informed as to the actual workings of our tax laws, have been able to give.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. SCHAFER. Does the leader of the Republican Party, then, put approval upon independent thinking in the House?

Mr. TILSON. The "leader of the Republican Party" has never found fault with any one for independent thinking, provided it is independent and thinking. [Laughter.]

It seems to be a practice of so many Members on both sides that it may almost be said to have become a custom for a Member to point out at this stage of his speech his individual objection to the bill. I shall not conform to this custom. There are points in this bill which I should have left out of my "perfect bill." I should have made good any revenue lost by such changes by additions made at the proper place in the bill. I shall not, however, stop now to point out the changes that I should have made. During the discussion of previous tax bills, especially the one passed in 1924, when I was a member of the Ways and Means Committee, I stated frankly and as fully as I could my own views as to provisions that I thought should be eliminated, and those I thought should be added to the law as it then stood. Some of the changes I then advocated are in the present bill, and some of them are not. In future tax revisions, if the opportunity should come to me, I shall seek in a proper way to have such changes made. Under the present circumstances, however, I regard it as the best service I can render to my country to vote for the bill as it is now before us in its entirety.

I wish to congratulate the Members of this House upon both sides of the aisle upon the manner in which all have united in the consideration of this bill. Partisan differences have been left out just as far as possible, and yet I feel that those in charge of the bill, on both sides, have not only shown themselves to be sound legislators, but also good politicians, for in my judgment it would have been very bad politics on either side to have opposed the general principles embodied in this bill.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Connecticut may be extended for three minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Opportunity has been given to the Congress to extend relief to taxpayers on the internal-revenue burdens, and I would like to ask the gentleman now if there will be any chance to consider relief to taxpayers on the tariff taxes. [Applause.]

Mr. TILSON. Well, we shall cross that bridge when we reach it. For the present I should be afraid to discuss the question, lest I be called to order by some of our friends who are watching so closely to see whether we conform to the rules. [Laughter.]

Mr. GARRETT of Tennessee. The gentleman had permission to proceed out of order.

Mr. TILSON. Seriously speaking, I do not believe that we shall consider, at least for some time to come, the matter referred to by my friend from Tennessee.

I wish to thank the Members on my own side of the aisle for their loyal support of the Ways and Means Committee in protecting this bill from amendments which under the circumstances would have been dangerous to its integrity, even though as individual propositions they might be wise.

We are soon to separate for the Christmas recess. I wish the entire membership of this House all the happiness of the joyous season and hope that we may return after the holidays to continue our labors in the same spirit that has prevailed thus far in our deliberations. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. RAINEY] may have permission to address the committee for five minutes.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for five minutes. [Applause.]

There was no objection.

Mr. RAINEY. Mr. Chairman, at last, after all these years, I find myself in accord with the gentleman from Connecticut [Mr. TILSON], the majority leader of this House. This bill is, in his language, a great "Christmas present." There never has been anything like it in the history of taxing bills in all the centuries in the history of any nation. There never have been "Christmas presents," if that is what you call them, handed out like these.

There are 42 men in the United States who will get a "Christmas present" out of this bill of $20,000,000. There are 214 men in the United States who will get a "Christmas present" out of this bill of over $60,000,000, and those are the 214 men, and the only 214 men, who paid the 40 per cent surtax in this country. And 2,300,000 taxpayers get Christmas presents, too; and you congratulate yourselves upon that also, I suppose. They get Christmas presents of $10 apiece.

What magnificent liberality that is as we go home to spend the Christmas holidays. I wish I could quote hymns as the majority leader can quote them, but I agree with him that at last he and you, gentlemen on the Republican side, who have imposed this taxing outrage upon the people of the country have at last found "the way you long have sought."

It is always easy, and it offers a splendid defense as elections approach, to say, "This bill is not what I wanted; it contains propositions I would not be in favor of, but it contains so many propositions that I would be in favor of that it is the best thing I can get, and therefore I now vote for it." With that magnificent and courageous statement which the majority leader has now made, you can all go home, every one of you, and whenever anybody objects to giving 42 men $20,000,000 of tax reduction you can simply say, "I was not for it, but it was in the bill, and there were so many good features in it I had to vote for it."

When they say to you, "Why did you not give some 'Christmas presents' to the real business men of this country, the men whose incomes are under $44,000?"—when they say to you, "Why did you not give them some Christmas presents, as you are distributing Christmas presents in this bill? They are the men who do the business of this country, and you have given them nothing, absolutely nothing," you can say to them, and it

makes a complete defense, "This bill is not exactly as I would have drawn it, but there were so many good features in it that on the whole I voted for it."

In that way you can be on either side. When you make that kind of a statement it enables you to be on all sides of every question, when you are confronted with what you have done here.

What a magnificent Christmas present you Republican leaders have given the people of the United States! You have permitted them indefinitely in the future to pay war taxes on their admissions. What a magnificent Christmas present you have given the people of the country who buy automobiles! You have kindly permitted them to continue paying war taxes on the purchases they make, and you have continued indefinitely through the future years these very irritating, oppressive sales taxes and stamp taxes. But you were compelled to do it in order to give to the great surtax payers of the country and the very rich the Christmas presents they demanded from the Republican side of this Chamber. How generous you have been to the bootleggers of the country—those who defy the laws! You have given them cheaper raw material and better raw material out of which to manufacture their product. How kind you have been to the customers of bootleggers! You have given them a Christmas present also. You have given them the assurance that the stuff they buy from bootleggers may be pure.

There is one commendable feature in this bill. It is the provision which assures the selection of a commission to continue the study of taxing problems in the future and to suggest amendments to the present law. But this commission is to serve without pay. You have placed upon them in this bill a tremendous burden. You have not given them any Christmas presents, but, as a result of their labors, suggestions may be made which the party in control may hereafter, if its leaders are courageous enough to defy the multimillionaires of the country, be able to incorporate into the law.

This bill which you denominate a collection of Christmas presents will not prove satisfactory when the people of the country find out how they have been betrayed and what this bill really accomplishes in its reductions.

I want to thank the Progressives and the courageous Republicans on the other side of the House who have supported the amendments I have offered. And now I want to thank my fellow Democrats for the help they have given me on this floor. All but a mere handful on this side have voted for the fundamental amendments I have suggested. The Democratic Party has made its record on this bill. It has made it in opposing in Committee of the Whole the objectionable features to which I have called attention. I thank my colleagues on this side of the House for the splendid assistance they have given me in the speeches they have made supporting my amendments, and in their votes on the floor.

I have done the best I could to keep the flags flying. I may not have made a good fight, but to the best of my ability I have kept the faith.

I am against the bill. I can qualify. I propose now to move to recommit the bill to the Ways and Means Committee with instructions to report it out immediately with amendments which I shall incorporate in my motion. In these amendments I propose to raise the maximum surtax rates to 25 per cent, graduating the rates on incomes from $100,000 up to incomes of $150,000 so that the incomes above $150,000 will pay a surtax rate of 25 per cent, and I propose to graduate the estate taxes in my amendments leaving the taxes as they stand in the bill on estates up to $10,000,000 and graduating the taxes above that by $10,000,000 jumps until estates of over $50,000,000 shall pay 25 per cent on as much of these estates as exceed $50,000,000. These two amendments will give us substantially enough saving in this bill to take all the taxes off of automobiles, and I shall also in my motion to recommit, include the removal of all the taxes on automobiles. This will give an opportunity to Democrats on this side of the Chamber to make a record which I believe to be in harmony with the principles of the Democratic Party. It will enable courageous Republicans on the other side to make their record also, and I expect to have an aye-and-nay vote on my motion to recommit in order that gentlemen on both sides of this Chamber who are not afraid of mutimillionaires, may have an opportunity to say so. This will be a record vote which will hereafter enable the electors of this country in the approaching elections to obtain information as to how their Representatives in Congress stand on these propositions. [Applause.]

The Clerk concluded the reading of the bill.

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GREEN of Iowa. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RAINEY. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RAINEY. I am.

The Clerk read the motion to recommit, as follows:

Mr. RAINEY moves to recommit the bill to the Committee on Ways and Means with instructions to report the same back immediately with the following amendments:

Strike out lines 4, 5, and 6, on page 36, and insert:

"Twelve thousand three hundred and sixty dollars upon net incomes of $100,000; and upon net incomes in excess of $100,000 and not in excess of $110,000, 20 per cent in addition of such excess.

"Fourteen thousand three hundred and sixty dollars upon net incomes of $110,000; and upon net incomes in excess of $110,000 and not in excess of $140,000, 23 per cent in addition of such excess.

"Sixteen thousand four hundred and sixty dollars upon net incomes of $120,000; and upon net incomes in excess of $120,000 and not in excess of $130,000, 22 per cent in addition of such excess.

"Eighteen thousand six hundred and sixty dollars upon net incomes of $130,000; and upon net incomes in excess of $130,000 and not in excess of $140,000, 23 per cent in addition of such excess.

"Twenty thousand nine hundred and sixty dollars upon net incomes of $140,000; and upon net incomes in excess of $140,000 and not in excess of $150,000, 24 per cent in addition of such excess.

"Twenty-three thousand three hundred and sixty dollars upon net incomes of $150,000; and upon net incomes in excess of $150,000, in addition 25 per cent of such excess."

Strike out lines 1 and 2 on page 143 and insert:

"Twenty per cent of the amount by which the net estate exceeds $10,000,000 and does not exceed $15,000,000;

"Twenty-one per cent of the amount by which the net estate exceeds $15,000,000 and does not exceed $20,000,000;

"Twenty-two per cent of the amount by which the net estate exceeds $30,000,000 and does not exceed $40,000,000;

"Twenty-three per cent of the amount by which the net estate exceeds $30,000,000 and does not exceed $40,000,000;

"Twenty-four per cent of the amount by which the net estate exceeds $40,000,000 and does not exceed $50,000,000;

"Twenty-five per cent of the amount by which the net estate exceeds $50,000,000."

On page 194 strike out lines 15 to 23, inclusive.

On page 277, line 15, strike out the figure "2" and insert the figure "5," and in line 17 of the same page strike out the figure "2" and insert the figure "5."

Mr. RAINEY. Mr. Speaker, I move the previous question.

Mr. JONES. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES. Is it in order to demand a division of the motion?

The SPEAKER. Not on a motion to recommit. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Before the Chair submits the motion he will recognize the gentleman from Illinois, chairman of the Appropriations Committee, to present a privileged report.

TREASURY AND POST OFFICE DEPARTMENT BILL

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 5959, Rept. No. 7) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes, which, with accompanying papers,

was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS reserved all points of order on the bill.

THE REVENUE BILL

The SPEAKER. The question is on the motion of the gentleman from Illinois to recommit the bill.

Mr. RAINEY. Mr. Speaker, we might as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 267, not voting 14, as follows:

[Roll No. 5]

YEAS—147

Abernethy	Drane	Lampert	Rainey
Allgood	Driver	Lankford	Rankin
Almon	Edwards	Larsen	Rathbone
Arnold	Eslick	Lee, Ga.	Reed, Ark.
Aswell	Evans	Lindsay	Romjue
Auf der Heide	Fisher	Linthicum	Rouse
Ayres	Fletcher	Little	Rubey
Barkley	Frear	Lowrey	Sabath
Beck	Fulmer	Lozier	Sanders, Tex.
Bell	Gambrill	Lyon	Schafer
Berger	Gardner, Ind.	McKeown	Schneider
Black, N. Y.	Garrett, Tenn.	McMillan	Sears, Fla.
Bland	Gasque	McReynolds	Shallenberger
Bowling	Gilbert	McSwain	Sinclair
Brand, Ga.	Goldsborough	McSweeney	Smithwick
Briggs	Green, Fla.	Major	Somers, N. Y.
Browne	Greenwood	Mead	Steagall
Browning	Griffin	Milligan	Stevenson
Busby	Hammer	Montague	Swank
Byrns	Hare	Mooney	Taylor, Colo.
Canfield	Hastings	Moore, Ky.	Thomas
Cannon	Hawes	Moore, Va.	Tillman
Carew	Hayden	Morehead	Tucker
Carss	Hill, Ala.	Morrow	Underwood
Carter, Okla.	Hill, Wash.	Nelson, Mo.	Upshaw
Chapman	Howard	Nelson, Wis.	Vinson, Ky.
Collins	Huddleston	Norton	Voigt
Connally, Tex.	Hudspeth	O'Connell, N. Y.	Warren
Connery	Hull, Tenn.	O'Connor, La.	Weaver
Cooper, Wis.	Jacobstein	O'Connor, N. Y.	Wefald
Crosser	Johnson, Tex.	Oldfield	Weller
Cullen	Kemp	Oliver, Ala.	Whitehead
Davey	Kincheloe	Oliver, N. Y.	Wilson, Miss.
Davis	Kindred	Parks	Wingo
Dickinson, Mo.	Kunz	Prall	Woodrum
Dickstein	Kvale	Quayle	Wright
Douglass	LaGuardia	Quin	

NAYS—267

Ackerman	Denison	Irwin	O'Connell, R. I.
Adkins	Dempsey	James	Parker
Aldrich	Dickinson, Iowa	Jenkins	Patterson
Allen	Dominick	Johnson, Ill.	Perkins
Andresen	Doughton	Johnson, Ind.	Perlman
Andrew	Dowell	Johnson, S. Dak.	Phillips
Appleby	Dyer	Johnson, Wash.	Porter
Arentz	Eaton	Jones	Pou
Bacharach	Elliott	Kahn	Pratt
Bachmann	Ellis	Kearns	Purnell
Bacon	Esterly	Keller	Ragon
Bailey	Fairchild	Kelly	Ramseyer
Bankhead	Faust	Kerr	Ransley
Barbour	Fenn	Ketcham	Rayburn
Beedy	Fish	Kiefner	Reece
Beers	Fitzgerald, Roy G.	Kiess	Reed, N. Y.
Begg	Fitzgerald, W. T.	Knutson	Reid, Ill.
Bixler	Fort	Kopp	Robinson, Iowa
Black, Tex.	Foss	Kurtz	Robsion, Ky.
Blanton	Fredericks	Lanham	Rogers
Bloom	Free	Lazaro	Rowbottom
Bowles	Freeman	Lea, Calif.	Rutherford
Bowman	French	Leatherwood	Sanders, N. Y.
Box	Frothingham	Leavitt	Sandlin
Boylan	Fuller	Lehlbach	Scott
Brand, Ohio	Funk	Letts	Sears, Nebr.
Brigham	Furlow	Lineberger	Seger
Britten	Gallivan	Luce	Shreve
Brumm	Garber	McClintic	Simmons
Buchanan	Garner, Tex.	McDuffie	Sinnott
Bulwinkle	Garrett, Tex.	McFadden	Smith
Burdick	Gibson	McLaughlin, Mich.	Snell
Burtness	Gifford	McLaughlin, Nebr.	Sosnowski
Burton	Glynn	McLeod	Speaks
Butler	Golder	MacGregor	Spearing
Campbell	Goodwin	Madden	Sproul, Ill.
Carpenter	Gorman	Magee, N. Y.	Sproul, Kans.
Carter, Calif.	Graham	Magee, Pa.	Stalker
Chalmers	Green, Iowa	Magrady	Stedman
Chindblom	Griest	Manlove	Stephens
Christopherson	Hadley	Mansfield	Stobbs
Clague	Hale	Mapes	Strong, Kans.
Cleary	Hall, Ind.	Martin, La.	Strong, Pa.
Cole	Hall, N. Dak.	Martin, Mass.	Strother
Collier	Hardy	Menges	Summers, Wash.
Colton	Haugen	Merritt	Sumners, Tex.
Connolly, Pa.	Hawley	Michaelson	Swartz
Cooper, Ohio	Hersey	Michener	Sweet
Cox	Hickey	Miller	Swing
Coyle	Hill, Md.	Mills	Swoope
Cramton	Hoch	Montgomery	Taber
Crisp	Hogg	Moore, Ohio	Taylor, N. J.
Crowther	Holaday	Morgan	Taylor, Tenn.
Crumpacker	Hooper	Morin	Taylor, W. Va.
Curry	Houston	Murphy	Temple
Darrow	Hudson	Nelson, Me.	Thatcher
Davenport	Hull, Morton D.	Newton, Minn.	Thayer
Deal	Hull, William E.	Newton, Mo.	Thompson
Thurston	Updike	Watson	Wilson, La.
Tilson	Vaile	Welsh	Winter
Timberlake	Vare	Wheeler	Wolverton
Tincher	Vestal	White, Kans.	Wood
Tinkham	Vincent, Mich.	White, Me.	Woodruff
Tolley	Vinson, Ga.	Whittington	Wurzbach
Treadway	Wainwright	Williams, Ill.	Wyant
Tydings	Walters	Williams, Tex.	Yates
Underhill	Wason	Williamson	

NOT VOTING—14

Anthony	Flaherty	King	Watres
Boies	Harrison	Peavey	Zihlman
Doyle	Jeffers	Peery	
Drewry	Kendall	Sullivan	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Peavey (for) with Mr. Kendall (against).

Until further notice:

Mr. Watres with Mr. Peery.
Mr. Flaherty with Mr. Doyle.
Mr. King with Mr. Harrison.
Mr. Boies with Mr. Sullivan.
Mr. Zihlman with Mr. Drewry.
Mr. Anthony with Mr. Jeffers.

Mr. HARRISON. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HARRISON. The bells rang in my office but once. There is something the matter with the bell.

The SPEAKER. I am afraid that the gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

Mr. GREEN of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 390, nays 25, answered "present" 1, not voting 12, as follows:

[Roll No. 6]

YEAS—390

Ackerman	Cole	Garrett, Tex.	Kindred
Adkins	Collier	Gasque	Knutson
Aldrich	Colton	Gibson	Kopp
Allen	Connally, Tex.	Gifford	Kunz
Almon	Connery	Gilbert	Kurtz
Andresen	Connolly, Pa.	Glynn	Lanham
Andrew	Cooper, Ohio	Golder	Lankford
Appleby	Cox	Goldsborough	Larsen
Arentz	Coyle	Goodwin	Lazaro
Arnold	Cramton	Gorman	Lea, Calif.
Aswell	Crisp	Graham	Leatherwood
Auf der Heide	Crosser	Green, Iowa	Leavitt
Ayres	Crowther	Greenwood	Lee, Ga.
Bacharach	Crumpacker	Griest	Lehlbach
Bachmann	Cullen	Griffin	Letts
Bacon	Curry	Hadley	Lindsay
Bailey	Darrow	Hale	Lineberger
Bankhead	Davenport	Hall, Ind.	Linthicum
Barbour	Davey	Hall, N. Dak.	Little
Barkley	Davis	Hammer	Lowrey
Beedy	Deal	Hardy	Lozier
Beers	Dempsey	Hare	Luce
Begg	Denison	Harrison	Lyon
Bell	Dickinson, Iowa	Hastings	McClintic
Bixler	Dickinson, Mo.	Haugen	McDuffie
Black, N. Y.	Dickstein	Hawes	McFadden
Black, Tex.	Dominick	Hawley	McKeown
Bland	Doughton	Hayden	McLaughlin, Mich.
Blanton	Douglass	Hersey	McLaughlin, Nebr.
Bloom	Dowell	Hickey	McLeod
Boles	Driver	Hill, Ala.	McMillan
Bowles	Dyer	Hill, Md.	McReynolds
Bowling	Eaton	Hill, Wash.	McSwain
Bowman	Edwards	Hoch	McSweeney
Box	Elliott	Hogg	MacGregor
Boylan	Ellis	Holaday	Madden
Brand, Ga.	Eslick	Hooper	Magee, N. Y.
Brand, Ohio	Esterly	Houston	Magee, Pa.
Briggs	Evans	Hudson	Magrady
Brigham	Fairchild	Hudspeth	Major
Britten	Faust	Hull, Tenn.	Manlove
Browning	Fenn	Hull, Morton D.	Mansfield
Brumm	Fish	Hull, William E.	Mapes
Buchanan	Fisher	Irwin	Martin, La.
Bulwinkle	Fitzgerald, Roy G.	Jacobstein	Martin, Mass.
Burdick	Fitzgerald, W. T.	James	Mead
Burtness	Fletcher	Jenkins	Menges
Burton	Fort	Johnson, Ill.	Merritt
Busby	Foss	Johnson, Ind.	Michener
Butler	Fredericks	Johnson, S. Dak.	Miller
Byrns	Free	Johnson, Tex.	Milligan
Campbell	Freeman	Johnson, Wash.	Mills
Canfield	French	Jones	Montague
Cannon	Frothingham	Kahn	Montgomery
Carew	Fuller	Kearns	Mooney
Carpenter	Fulmer	Keller	Moore, Ky.
Carter, Calif.	Funk	Kelly	Moore, Ohio
Carter, Okla.	Furlow	Kemp	Moore, Va.
Chalmers	Gallivan	Kendall	Morgan
Chapman	Gambrill	Kerr	Morin
Chindblom	Garber	Ketcham	Morrow
Christopherson	Gardner, Ind.	Kiefner	Murphy
Clague	Garner, Tex.	Kiess	Nelson, Me.
Cleary	Garrett, Tenn.	Kincheloe	Nelson, Mo.

Newton, Minn.	Rogers	Summers, Wash.	Vincent, Mich.
Newton, Mo.	Romjue	Sumners, Tex.	Vinson, Ga.
Norton	Rouse	Swank	Vinson, Ky.
O'Connell, N. Y.	Rowbottom	Swartz	Wainwright
O'Connell, R. I.	Rubey	Sweet	Walters
O'Connor, La.	Rutherford	Swing	Warren
O'Connor, N. Y.	Sanders, N. Y.	Swoope	Wason
Oldfield	Sanders, Tex.	Taber	Watres
Oliver, Ala.	Sandlin	Taylor, Colo.	Watson
Oliver, N. Y.	Scott	Taylor, N. J.	Weaver
Parker	Sears, Nebr.	Taylor, Tenn.	Weller
Parks	Seger	Taylor, W. Va.	Welsh
Patterson	Shallenberger	Temple	Wheeler
Perkins	Shreve	Thatcher	White, Kans.
Perlman	Simmons	Thayer	White, Me.
Phillips	Sinnott	Thomas	Whitehead
Porter	Smith	Thompson	Whittington
Pou	Smithwick	Thurston	Williams, Ill.
Prall	Snell	Tillman	Williams, Tex.
Pratt	Somers, N. Y.	Tilson	Williamson
Purnell	Sosnowski	Timberlake	Wilson, La.
Quayle	Speaks	Tincher	Wilson, Miss.
Quin	Spearing	Tinkham	Wingo
Ragon	Sproul, Ill.	Tolley	Winter
Ramseyer	Sproul, Kans.	Treadway	Wolverton
Ransley	Stalker	Tucker	Wood
Rathbone	Steagall	Tydings	Woodruff
Rayburn	Stedman	Underhill	Woodrum
Reece	Stephens	Underwood	Wright
Reed, Ark.	Stevenson	Updike	Wurzbach
Reed, N. Y.	Stobbs	Upshaw	Wyant
Reid, Ill.	Strong, Kans.	Vaile	Yates
Robinson, Iowa	Strong, Pa.	Vare	
Robsion, Ky.	Strother	Vestal	

NAYS—25

Beck	Frear	Morehead	Sears, Fla.
Berger	Green, Fla.	Nelson, Wis.	Sinclair
Browne	Howard	Rainey	Volgt
Carss	Huddleston	Rankin	Wefald
Collins	Kvale	Sabath	
Cooper, Wis.	LaGuardia	Schafer	
Drane	Lampert	Schneider	

ANSWERED "PRESENT"—1

Allgood

NOT VOTING—12

Abernethy	Flaherty	Peavey	Zihlman
Anthony	Jeffers	Peery	
Doyle	King	Sullivan	
Drewry	Michaelson		

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Abernethy (for) with Mr. Allgood (against).
Mr. Michaelson (for) with Mr. Peavey (against).

Until further notice:

Mr. Anthony with Mr. Peavey.
Mr. Zihlman with Mr. Drewry.
Mr. Flaherty with Mr. Doyle.
Mr. King with Mr. Sullivan.

The result of the vote was announced as above recorded.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that all Members shall have five legislative days in which to extend their own remarks on the bill. That will give them two days after they come back from the Christmas holidays.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members shall have five legislative days in which to extend their own remarks on the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

THE REVENUE BILL

Mr. GREEN of Florida. Mr. Speaker, I feel that the interest of the one and one-half million people in the State of Florida again impels me to rise to enter their protest against the passage of this iniquitous revenue bill which carries with it the repeal of the constitution of my great State, Florida.

The gentleman from Connecticut [Mr. TILSON] has just spoken at length on the bill and emphasizing the point that a great Christmas present has been given the taxpayers of the Nation, but he neglected to tell you that this bill carries the large present to the few wealthy taxpayers and that this bill also carries with it the constitution of a sovereign State, Florida.

The bill carries with it that which is built of blood, the rights of a State. This State right is sequestered through the greed of gold by a powerful majority herein held by the political faith of the gentleman from Connecticut. I do not believe the people of the Nation will appreciate Florida's constitution as a Christmas present, especially when the present was taken and not given, and be it understood that we have not given it but that your controlling party has taken it away from us.

When you have returned to your homes for the gaiety and frolic, or, better, the quietude and thankfulness of the yuletide, may you be forced to realize that your pleasure is ill afforded by the woes of a sovereign State, and I trust that your God of gold will visit your iniquities to your succeeding political generations.

I shall cast my district's vote against your bill.

Mr. SINCLAIR. Mr. Speaker, the theory upon which this revenue bill is written seems to be that to relieve the extreme rich of a part of their taxes will result in benefit to the poor and a lessening of their tax burdens. It is claimed by those responsible for this bill that the greater the number of citizens who participate in the payment of taxes the deeper will be the respect for Government, and the more intense the patriotism of the people. Further, that the repeal of the inheritance tax will promote thrift and industry. It is contended that this tax discourages the amassing of great fortunes and their investment in industrial enterprises, because at the death of the owner the Government collector steps in and takes such a large share as to cripple the business. Let us see just how much reason there is for these claims.

THE WIDESPREAD BURDEN OF TAXATION

If it is true that patriotism and respect for Government are proportionate to universal and widespread taxation, then we should expect to find the most stable governments among the tax-burdened countries of Europe. Such is not the case. As a matter of fact, this theory was exploded years ago in the French Revolution, and more recently, in the Russian Revolution. In both these countries, the taxes were so widely spread and heavy on all the people, and not in proportion to the property owned, as finally to bring about the downfall of the Government. As far as patriotism is concerned, I do not think anyone contends that it can be measured in terms of money. The heroes and defenders of our country have come from all walks of life—those who pay large taxes, small taxes, and many who pay no taxes at all. The fallacy of the argument that taxes should be spread over as many of our people as possible is quite apparent.

INHERITANCE TAX

I do not believe that there has been a business man who has been deterred in his efforts to build up a fortune, if he had the ability to do so, by the thought that upon his death a part of his estate would have to go to the Government. On the contrary, I would believe that he has put forth an even greater effort to increase the size of his enterprise in order that, after the deductions have been made, his heirs might be the recipients of a sizeable fortune. A man who has the ability and opportunity to expand his business to a point where it will be affected by inheritance taxation is not going to refrain from doing so by reason of what may happen to it along this line after he is gone. Nor need one feel deep concern for the heirs, inasmuch as they had no part in the accumulation of the fortune through their own thrift or industry. Even after the Government has taken its just share, the ample balance represents no toil, business perspicacity, or ability on their part, but is a handsome gift. When we reflect that $50,000 is exempt from inheritance tax, and that only 12 per cent is levied upon estates of $1,000,000 it can hardly be held that this tax offers much discouragement to the building up of a fortune.

INCOME TAX THE MOST EQUITABLE

A sound and scientific method of taxation should be the foundation of our revenue system. No better or more equitable plan has ever been devised than the graduated income tax. It is based on the principle of levying the burden in accordance with ability to pay. In other words, the larger income one earns, the heavier will be his contribution to government. It is the only tax which can not be passed along to some one else.

So long as we are burdened with a large war debt, it will be necessary to levy high taxes in this country for many years to come. The only question to be determined is the fairest method of raising them. In my opinion, the largest part of this tax should come from those having the greatest incomes. The chief beneficiaries of the late war were those who amassed wealth through it, and are to-day enjoying inflated incomes therefrom. It is only fair that they should pay, in taxes, in proportion to the benefits derived. It can hardly be termed a hardship upon anyone receiving an income above $100,000 annually to have to contribute one-fourth, or even one-half, of that income in support of Government. He can afford to do this far more easily than can the man who pays indirect taxes upon many of the things he has to buy for himself and his family. Until the war debt of $20,000,000,000 is paid off, we must expect to continue some of the so-called war taxes. We can not return to a permanent peace-time system of taxation as long as nearly one-third of the total Federal tax collected has to go to pay interest on the war debt.

REDUCTIONS

The present bill proposes to reduce taxes for the coming year approximately $326,000,000. This is acomplished chiefly by reductions in the following items:

Admissions and dues	$4,000,000
Gift taxes	2,000,000
Cigars	12,000,000
Alcohol	4,000,000
Jewelry	8,000,000
Deeds and conveyances	4,000,000
Automobiles, trucks, and accessories	84,000,000
Income taxes	194,000,000
Sundry items	14,000,000
Total	326,000,000

In addition to the above items, the inheritance tax has been reduced from 40 per cent to 20 per cent. It is not probable that this will affect the revenues for 1926 from this source, but it is expected eventually that the reduction will amount to as much as $70,000,000 annually. This can be easily understood when it is remembered that estates are seldom settled in a shorter period than from three to five years from the death of the owner. I maintain that this change is a backward step in our system of taxation. This tax ought to be continued at the present rate, to be in line with the policy of nearly every other civilized government. Their experience has proven that it is a most equitable and fair means of raising revenue. Further, for a number of years, there has been such a tax in many of our States, but at widely divergent rates. In order to establish uniformity throughout the Nation, so that no one section can offer any undue inducement for persons of wealth to come there to live, the present rate of 40 per cent should be maintained.

Reference to the above schedule discloses the fact that the biggest reductions are in automobiles, trucks, and accessories, and in income taxes. The tax upon automobiles should be wiped out entirely. The automobile has become a necessity in the business life of our people, and for no one more than the farmers. There is no just reason why this article should be taxed any more than other machinery. It is a tax directly borne by the consumer. There are nearly 4,000,000 automobiles sold every year in the United States. At least three-fourths of them are the medium-priced type of car on which the purchaser will have to pay a tax of from $15 to $30 each. I submit that it is unfair to the farmers to compel them to pay taxes on their automobiles when 214 wealthy persons in the United States are given a reduction of $60,000,000 in their income taxes. These individuals enjoy incomes in excess of $100,000 each. The payment by each of them of his share of the $60,000,000 means less to him than does the $15 or $30 levy on the farmer who perhaps has no income at all, but does need a Ford car on his farm. I do not have any constituents with $100,000 incomes, who will benefit through the provisions of this bill. I do, however, have thousands of farmers and business men driving medium-priced cars, who are entitled to relief which this measure does not give them. In my judgment, it would have been more just to have allowed the $60,000,000 to stand against the 214, and have removed the $70,000,000 from the automobile users. There are few families in my State who will not have to contribute to this fund if it is allowed to operate during the next few years.

PROPOSED PLAN NO AID TO FARMER OR COUNTRY BUSINESSMAN

It is true that a slight reduction has been made to small income-tax payers by raising the exemptions on single persons to $1,500 and on married persons to $3,500. However, this little concession is more than offset by the objectionable features of the bill. It continues war-time rates for the future on admissions and dues; also the oppressive sales and stamp taxes on various and sundry articles. It retains the unjust tax of $70,000,000 annually on automobiles. But it does relieve a few wealthy surtax payers and reduces the inheritance tax on big estates. While the average income payer gets a reduction of $5 or $10 on his tax, this is infinitesimal as compared with the cut made to big surtax payers.

The desired goal to be attained in a system of taxation is to reduce the number of taxpayers, rather than increase them. Every dollar of taxation that the average family is relieved from paying adds to the consumptive power of the Nation. In consequence, a reduction of $300,000,000 in taxes now borne by the average citizen would be of far greater benefit to business and industry than the reduction of a similar amount upon large fortunes and estates. The former would add just that amount to the purchasing ability of the people of the necessities of life, while the latter will contribute little or nothing to that end.

Mr. TAYLOR of West Virginia. Mr. Speaker, under the leave granted for the extension of remarks on the passage of H. R. 1, the tax bill, I am constrained to say a few words in behalf of the more than 200,000 automobile owners of my State.

The pending tax bill cuts the excise tax on automobiles, tires, and accessories from 5 to 8 per cent. I was one of the few who favored the elimination of this tax entirely, because I believe that the automobile owners of my State are already greatly overtaxed, as I shall attempt to show.

In the first place, we pay the excise tax when the car is purchased and we continue to pay it on tires and accessories. We pay a gross sales tax, imposed by the State. We pay a valuation tax yearly. We pay a yearly minimum license tax of $13 per short ton weight on automobiles and 60 cents per 100 pounds in excess of that weight. We pay a tax of 3½ cents on each gallon of gasoline we buy. Practically every magisterial district of the State has issued bonds for road improvement, and a levy is laid in the various counties for interest and sinking fund on these bonds. The State has in addition issued $50,000,000 in bonds for the State roads and bridges and our State levy is made higher to partly take care of this added expenditure. We pay $1 for a driver's license, and if our driver's card is lost or destroyed, as sometimes happens, we pay $1 for a duplicate. This year we were required to pay a certificate of title tax of $1. Succeeding legislatures, with a mania for taxation, may impose other taxes. For this reason I voted to eliminate the excise tax so far as it relates to automobiles, tires, and accessories.

Mr. ROBINSON of Iowa. Mr. Speaker, there are not many subjects in which we, as a people, are more vitally interested than in that of taxation. We pay taxes not as a matter of pleasure or desire, but as a matter of right and duty, and there is no such thing as a popular or welcome tax to those who have it to pay. The taxes we pay at home on our farms, our homes, and other property; that is, the direct taxes, are the ones we feel the most and are the ones that are a real burden to us. With all of these, Congress and the National Government have nothing whatever to do. We must work with these burdens within our own States, and I am glad to know that my State, Iowa, is trying to reduce taxation by the only method there is that will work; that is, by reducing expenses wherever it can be done without serious injury to the public affairs. We all want good schools, good roads, good State institutions, the unfortunate cared for, the unlawful restrained, crime prevented, and where it can not be prevented, then punished. We all want a proper administration of all our public affairs, and this we can not have without paying for it. In 1924 the Iowa State Legislature passed a budget bill creating a budget system. Some one has defined the budget as a system or method of worrying about your expenses before you made them instead of afterwards, and I think it is rather a sensible definition.

I am hoping that our State budget law will to some extent be as successful in its field as the National Budget law is in national affairs. Our National Government must chiefly raise the funds for its operation by various taxes, such as income tax, tariff on goods brought to this country from other countries, internal-revenue tax, and certain special excise taxes levied on business and by estate or inheritance taxes. National taxation was largely reduced by our last Congress and much relief afforded thereby. We have now come to a place in our business affairs where another large reduction in taxation can be made, and we should congratulate ourselves and the administration because of this condition, brought about by good business methods and economy and a lessened expenditure in our national business affairs.

The tax reduction bill, H. R. 1, which we are now considering, seems to have been accepted by the country as a whole as an acceptable measure. If authority were mine to write the bill, I would change some of the rates and schedules, but I am willing to accept it as the combined judgment of the Ways and Means Committee, composed of many leaders from both political parties and headed by Congressman WILLIAM R. GREEN, of Iowa, who so well represents his district and the Middle West in his viewpoint on taxation matters. My personal desire has been that if any favoritism be shown or any advantage given it be to the small taxpayer, who from the very nature of things should be given first consideration, for say what you will regarding equality of taxation, the fact remains that a man can out of a large income pay a large tax much more easily than he can pay a small tax out of a small income. Out of a surplus of income what may seem to be a very heavy tax can more easily be paid than can a very small tax out of an income that is needed for living and support of a family. Each should do his share, but I believe the large income should take the large share, and it has been doing it and will continue to so do under this bill.

The man of large income should be treated fairly, but out of his abundance he must pay a larger proportion as one of the

duties and obligations and even privileges that go with success. I am not opposed to capital; I am not opposed to large fortunes rightly made and properly administered and used—I am their friend, but it must always be remembered that certain responsibilities and certain burdens are the privileges and obligations of success.

In the last five years our national expenditures have been reduced from about six and a half billion dollars to about three and a half billion, a record of sensible, sound economy in governmental administration, of which we may well be proud. The world never before witnessed such a reduction during so short a period of time. President Coolidge has attempted to make economy popular and has succeeded to a marvelous extent, and Congress has been sincere and helpful in holding down expenses and appropriations. Because of this, naturally and rightly the rates of income and estate taxation should be reduced at this time. I am not arguing for present rates either in surtax or estate taxation. I believe they are too high and should be reduced, but I do not want to see our people misled by a wonderful propaganda which has been spread over this country for reduced surtax and omission of estate taxation, which might carry us to the other extreme. It is very common now on the part of those arguing for reduced surtax rates to compare the amount of large income now given in by individuals for taxation with that given in during the years just preceding our entry into the World War and in the years of inflation during and just after the war, and claiming that surtaxes have driven capital out of business and is destroying large incomes. This conclusion, I think, is not warranted by the facts. During the period mentioned some were in receipt of large excessive profits and no doubt the large excessive incomes are somewhat reduced both in number and in amount. Let us hope so.

The business situation the last few years would make it so. Earnings have been less and there have been tremendous losses to write off and the natural ingenuity of men, business men, and their able legal advisers, would make it natural that these very large incomes would become fewer in number. Some say, what difference does it make—taxation is all passed on to the consumer so that he pays the high rates eventually. This is a favorite statement for those who are active for extreme reduction. I think it is only partly correct. Corporations now have a flat income tax rate of 12½ per cent. That is, out of every $8 they make, they must pay $1 as income tax to our National Government. Large production is almost entirely in the hands of corporations. This is necessarily so. Large activity in business of every kind is conducted by organizations which we have named corporations. That is, association of people together under a corporate name. One reason for this is individuals die, move away, change their form of work, but corporations go on indefinitely, even though the ownership and the officiary may change, and the work or business is continuous and not destroyed by individual change. I have no doubt that corporations, partnerships, and individuals who are producers attempt to pass on to the consumer their taxes, both income and other taxes, just as they do the other costs of production and business; just as they do wages, insurance, and all other items of expense and, speaking generally, succeed in so doing. These items all enter into the cost of production and are ultimately paid by the consumer, and rightly so.

The surtax we are now considering reducing has no application to the corporation. It is the individual who pays the surtax in his private capacity. Will you tell me how the individual large income-tax payer can pass on his tax to the consumer? The man of large wealth with large personal income arising from dividends, from interest, from purchase, and sale of stocks and bonds and real estate, from fixed investments, how does he pass on his income tax, and to whom? This is the person affected by the high surtax. He can not pass it on. It can not be done. He has it to pay and does pay it out of an abundance. It is sometimes claimed that large fortunes are going into tax-exempt securities. This can be true only in part and investigations and reports do not, generally speaking, support this claim. But if it were true who is receiving the benefit of the lower interest rate caused by tax-exempt bonds? Is it not the borrowing sections of our country? Personally, I believe in all property bearing its fair share of taxation and consequently I am opposed to the issuance of tax-exempt securities. But I am not at all sure that it is harmful to Iowa, just at this time, when we are borrowing so much money, for I think no one will question that we receive a lower interest rate than we otherwise would, but be this as it may, these tax-exempt securities are being issued. We tried to stop it in the last Congress but failed and if they are issued they will be bought. Does it make very much difference to us who buys them? It takes 100 cents of somebody's money to buy a dollars worth of them and they are just as tax exempt in one person's hands as in another's and money paid for their purchase is just as much taken out of active business in the one case as in the other.

To me the statement that large fortunes are going into tax-exempt securities, consequently the surtax should be greatly decreased, is not convincing. The statement is made that a tax can be so burdensome that it will either be avoided or evaded. This may well be accepted as truth, but who can say just where that point is? It is also claimed that the income tax is now so burdensome that men will not engage in new enterprises, because if they prove to be profitable the Government takes such a large share of the profit, and if they prove unsuccessful the owner stands the loss, so that the inducement to venture does not exist. Doubtless there is some degree of truth in this. What about the other side of the question? It has been recently stated by one who was arguing for tax reduction that one of America's wealthiest men has turned his new investments entirely into new enterprises from which he expected no dividend for years; that they made no money to divide now, but were developing, and by the time they would become profitable he expected the surtax rate to be so reduced that it would not seriously divide the profits. It has been stated that most of the profits for a number of years in some of our large business enterprises, such as the Ford Automobile Co., have been retained in the business to avoid the high tax that would come to the individual stockholders in case of distribution of profits, and that much of the large expansion and success of these great businesses has been brought about by this retention of profits and is to the advantage of all of us.

Some of our good Iowa people are active in a movement to bring about the repeal of the national estate tax. I am not in sympathy with this movement and think they are mistaken in their action at this time. The principal reason given is that this form of taxation may be saved for the State; but we now have one State, by an amendment to its State constitution, forever prohibiting any such form of taxation and others doing the same thing by law, with the danger that if the national estate tax is repealed other States will follow suit. If this is a right method of taxation, should it not be uniform, the same in every State? Should an invisible boundary line change both exemption and rates or entirely do away with the tax? Does not this necessarily mean a national tax, with credit to the State? Our large estates are generally the result of interstate transaction, our small estates the result of business within the State. The Ford Motor Co. is located in Michigan; but what State in the Union has not contributed to its business and the accumulation of the very wonderful fortune of its owners? A national estate tax would therefore distribute in much fairer proportion than State inheritance or State estate-tax laws the benefits derived from such estates. Inheritance or estate taxation has some things in its favor. It does not take effect until a man departs and leaves his property behind and can no longer use it. He personally does not have to worry about its payment. It does not affect small estates. When a man dies and leaves an estate of size the Government says: "We protected you and your property during your lifetime. We gave you the opportunity to make good use of it; you prospered; you acquired; you saved. It costs a lot of money to run this Government, to do for you what we did. Now that you no longer need this property, now that you are through with it and the ownership is about to change, we think before it passes on to anyone else that the Government should have a part and share in it."

This share should not be excessive, and it should be taken with all care and consideration for the property involved. The kind of property should control the method and time of payment, and in no event should it destroy business, manufacture, or investment by requiring what could not be reasonably done in the way of distribution or payment, but it should meet the conditions as they are and make terms of payment that will not be a hardship. The larger the estate the larger should be the percentage and proportion that will go to the Government. It should not apply to small estates; they are needed by the heirs, the widow, and children. Our present law entirely exempts the first $50,000 and is only 1 per cent on the next $50,000. I would increase this exemption to $100,000. I think our present rates on larger estates are excessive and should be reduced. But that it should be a continuing part of our taxing system and that an equitable division, which, in my judgment, would be about one-half, should go to the National Government and one-half to the State government. Some of the advantages of estate taxation are very apparent.

First. It is taking from one who has gone where he can no longer use it with consequent relief to the living.

Second. It will assist in checking the building up of enormous estates to be passed on from one generation to another with the harmful tendencies caused thereby and incline the owner to make distribution and division and use of the estate during his lifetime.

Third. It will help keep the door of opportunity open to succeeding generations by preventing the complete absorption of our industries into great continuing fortunes or estates.

Fourth. In preventing tax evasion by one national law applying the same in every State in the Nation. We now have an instance of a certain State, Florida, by an amendment to her constitution forever prohibiting a State inheritance tax, the purpose apparently being to induce persons of great wealth to make Florida their legal residence, to the harm and injury of other States unless they shall do likewise. And there are other States now doing or proposing to do the same thing by statute. Is it not the purpose of such State legislation as this, to attract and encourage the removal of capital from States having such taxes, to those who do not have them, and does it not mean that a national estate or inheritance tax of a reasonable amount which would be the same in every State, is the fair and right method of meeting this condition? Is it not either a national estate tax or none, for the States that have a tax of this nature will hardly continue to drive capital to States that do not levy such a tax?

The large estates are not in Iowa; the large incomes are not in Iowa. It is to our selfish interest to have the National Government continue to collect from income and from estate taxes as large a part of its expenses as is proper and right. We would not be unfair but we must face the facts. The large fortunes, incomes, and estates are not held in Iowa, although we contribute our full share to their making. We in Iowa paid an income tax last year of about $11,000,000. New York State paid about $500,000,000; Pennsylvania paid about $189,000,000; Illinois paid about $159,000,000; Massachusetts and Michigan each paid about $100,000,000.

That is, New York paid forty-five times as much as Iowa; Pennsylvania paid seventeen times as much; Illinois paid fourteen times as much; Massachusetts and Michigan each paid about nine times as much as did Iowa. This is to their credit. I would not penalize them for it. I would rather encourage them to keep on, and I hope the day will come when Iowa will pay a larger proportion than it now does, because if we have the larger income we can then well afford to pay the larger tax; perhaps even better afford to pay it than we can now afford to pay what we do. I want always to look at these public affairs from a broad viewpoint. I do not want what is sometimes called the "township viewpoint." But there are business matters, not matters of great general principles, but business matters in which we may very well have our own State point of view and look after our own State interests, for if we do not, no one will do it for us. In any decision on these taxation matters I desire always to consider how it will affect my country as a whole, but also to carefully consider how it will affect my own State. This may have an element of selfishness in it. Perhaps it has, but I think it is justifiable. What difference does it make to an estate whether the tax it pays be levied by the State or the Nation? Some will answer that there should not be both. And my reply would be the only way I see of bringing about uniformity and fairness and removing double taxation is by a national law, with the same rate, the same exemptions, the same terms of payment, administered alike in every State, and with no State offering a place of refuge by an entire removal of this form of taxation. Some one has defined taxation as "the process by which money is collected from the people to pay the salaries of the men who do the collecting. The surplus is used to pay the salaries of the men the people elect to decide how much shall be collected from them." This is a pleasantry, but, seriously speaking, there will probably never be a tax bill that will please us all; there never will be a business condition that will be entirely satisfactory. There will always be some dissatisfaction so long as it takes less time to spend a dollar than it does to earn one; but, on the whole, as business legislation must necessarily be a matter of give and take, a concession of some things in order to receive others, I shall gladly vote for this bill, believing it to be a good one, and that the small taxpayer will be greatly benefited thereby.

Mr. COLLINS. Mr. Speaker, the time that was allotted to me in the debate on the tax bill I used in discussing that provision of this bill which undertook to give life tenure of office to the members of the Board of Tax Appeals, which phase of the bill was later changed to 15 years. This provision also restricted the right of removal of these officers. I felt that this subject was of sufficient importance to acquaint the Members of this House with the fact no such restriction could be imposed, and that the President, or the President and the Senate, have the constitutional right to remove public officers in the executive branch of the Government. I did not have time to discuss the subject fully and consider any of the general features of the bill as well. There are many objections to the bill, all of which I shall not undertake to enumerate, but shall refer to a few of the more glaring and important ones.

Every Member of this House is anxious to see brought about a real tax reduction. There is no diversity of opinion here. We are all in accord except on the methods of this reduction. Some wish certain taxes eliminated and others retained, while other members want a different set eliminated and yet others retained. The majority membership of the House wish to eliminate those taxes now borne by the very rich and to retain those carried by the man of ordinary means.

This bill retains certain sales taxes, taxes that were passed in the stress of war, and these should be repealed. It retains a major part of the tax on automobiles and this is huge, for there are 20,000,000 automobile owners in this country who will continue to pay these taxes as they purchase automobiles. The automobile manufacturer does not pay, he passes it on to the purchasing public. The efforts of a few Members of this House to make the public believe that prosperous automobile manufacturers are paying the automobile tax are futile; as every man finds out the truth when he buys an automobile and is required to pay it himself.

The tax on admission to places of amusement where the charge is over 50 cents is retained. This tax is surely a nuisance and should go. It is like imposing a tax on the mental improvement of the people, like imposing a tax on schools and colleges. The theater and the cinema are of educational and cultural value to the public and their stimulating help is much needed in our economic and educational life.

There is some reduction in the normal tax paid on incomes, and this does apply alike to all income-tax payers. It benefits over 2,300,000 persons. These 2,300,000 persons get a total tax reduction of $20,000,000. Surtaxes, however, on incomes between $10,000 and $44,000 remain the same. In other words, taxpayers whose incomes range from $10,000 a year to $44,000 a year receive no surtax reduction whatsoever. But a surtax reduction is lavishly given to those whose incomes are above $44,000. These are the persons who receive tender consideration from the Members of this House. Less than 3,000 persons get a tax reduction of $100,000,000, while 42 of this number get a tax reduction of $20,000,000. In other words, 42 of our richest men receive at the hands of the committee as much tax reduction as do 2,300,000 of our smallest taxpayers.

If surtaxes are to be reduced, why should not they be reduced equally on all classes of taxpayers? Why should the very rich be given consideration and the man of average means be ignored?

There is another feature of the bill that is, perhaps, the most objectionable, and that relates to inheritance taxes. It is claimed that the bill reduces this class of tax from 40 to 20 per cent maximum. But this statement is not literally true, for it is provided that the taxpayer in making his return is allowed a credit upon these taxes of the amount of any inheritance tax paid to his State up to 80 per cent of the Federal tax. In consequence, the States are forced to pass inheritance tax laws sufficiently high to consume the 80 per cent, which will go into the treasuries of the various States. There are three States, to wit, South Carolina, Alabama, and Florida, that have no inheritance tax laws, and this provision will require these States to enact them in order to secure the benefits of these provisions of the bill. If they refuse to pass inheritance tax laws all of the inheritance taxes collected from estates in these States will go into the Federal Treasury.

Most of the States now have inheritance tax laws sufficiently large to consume the 80 per cent, and their revenues will be increased but slightly, if any. The Federal revenues from this source will sink into nothingness. About $110,000,000 was collected during the calendar year 1925 by the Federal Government from taxes on estates. This law changes the rates from 40 to 20 per cent maximum, and this will reduce this amount to about one-half, and since the Federal Government gets only 20 per cent of this and the States get 80 per cent of it, we find that the Federal Government will collect in the future only about $11,000,000 and the States, with one exception, will be benefited slightly, if at all. New York State, of course, will receive very large benefits from this law, for considerably over one-half of the collections from inheritance taxes will go to that State. I have tried as best I could to locate the domicile of the wealthier persons who died during the last calendar year, and I found that about four out of five of them resided in the State of New York. The property they left was not earned in that State, but was chiefly earned from

all sections of the country. The owners of railroads in the country, the larger manufacturers, and the bigger businesses of all kinds largely reside in New York State. Their wealth was not created there, and it seems unfair to the rest of the States to permit this one State to secure this almost exclusive source of revenue. This Congress should not grant this unfair advantage. The State of New York could in time collect sufficient taxes from this source to meet the needs of a very large share of the cost of its State government. These are the main objections I have to this bill, but they are of sufficient moment to cause me to vote against it.

RUBBER

Mr. TILSON. Mr. Speaker, this morning I submitted a resolution and asked for its immediate consideration; but there having arisen some discussion concerning it, the matter was laid aside, with the understanding that it would be called up at the first opportunity. Since that time I have conferred with the chairman of the Committee on Rules and other members of that committee, including the distinguished minority leader [Mr. GARRETT of Tennessee], and have decided to slightly modify the resolution, reintroduce it, and ask that it be referred to the Committee on Rules.

LEAVE OF ABSENCE

Mr. DOYLE, by unanimous consent, was granted leave of absence, until further notice, on account of important business.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1267. An act to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks in the State of Oregon; to the Committee on Interstate and Foreign Commerce.

S. 41. An act to encourage and regulate the use of aircraft in commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

LEAVE TO PRINT

Mr. UPSHAW. Mr. Speaker and gentlemen, on the 16th of last September I had the honor of helping to celebrate the birthday of our honored colleague, Congressman EDGAR HOWARD, who was the first secretary of William J. Bryan and is now a statesman in his own right. In his beautiful home town of Columbus, Nebr., I found this genial dispenser of quaint humor and mellow philosophy to be a prince in his own domain. I spoke there on "America's moral mission to humanity." I ask unanimous consent to extend my remarks in the RECORD by printing that speech, which is comparatively brief and deals with national questions.

Mr. BERGER. Mr. Speaker, is there anything about prohibition in that speech? [Laughter.]

The SPEAKER. The Chair is not advised.

Mr. UPSHAW. How could a man speak in the home State of William Jennings Bryan without mentioning something about his great work? [Applause.]

Mr. BERGER. The gentleman has plenty of opportunities for making speeches in the House here without bringing in any from Omaha.

Mr. HOWARD. Mr. Speaker, may I have unanimous consent for one-half of a minute in which to ask my distinguished friend from Wisconsin to withdraw his objection? The address of Mr. UPSHAW out there on that occasion pictured me as an angel with four wings. I would like to see it in the RECORD. [Laughter.]

Mr. BERGER. Then, Mr. Speaker, I withdraw the objection. [Applause.]

AMERICA'S MORAL MISSION TO HUMANITY

Mr. UPSHAW. Mr. Speaker, for the sake of giving the address and the occasion its proper local setting, the headlines and the illuminating introduction are given as they appeared in Mr. HOWARD'S sprightly paper, the Columbus Daily Telegram, which is as follows:

CONGRESSMAN UPSHAW CALLS ON ALL LOYAL AMERICANS TO OBSERVE EIGHTEENTH AMENDMENT IN EXPOSITION SPEECH—GEORGIA SOLON DECLARES WETS WILL "NEVER GET A SMELL" OF LEGISLATION—2,000 AT FAIR HEAR ADDRESS

Pleading for preservation of the old-fashioned Bible-reading American home, urging a political alliance of the West and the South, and denouncing with all the force and fire of an exceptionally fluent vocabulary the "wets" and the liquor traffic, Congressman WILLIAM D. UPSHAW, of Atlanta, Ga., recognized leader of the "drys" in the National Congress, spoke to Mid-Nebraska Exposition visitors in Frankfort Park last night.

Congressman UPSHAW'S address, "America's Moral Mission to Humanity," was the first of two speeches to be given during the exposition, presenting the two sides of the question of constitutional prohibition. The Georgia solon spoke most ably for the proponents last night. To-night the opponents of the eighteenth amendment and the Volstead law will have their inning when Congressman JOHN PHILIP HILL, of Baltimore, leader of the anti-Volstead forces in the Congress, will speak on "The Constitution."

Fully 2,000 people, some of whom came for a distance of many miles, heard the "Georgia Cyclone" champion the cause of constitutional prohibition last night. But the southern statesman went further than simply to make a prohibition speech. He also pleaded for a reawakening of true family life and adherence to the highest American ideals, and proposed a political alliance between the West and the South "for the sake of economic symmetry and moral prowess." He was introduced by Congressman EDGAR HOWARD, whose guest he was while in the city.

Speaking from the same stand from which William Jennings Bryan made his last speech in Columbus, Congressman UPSHAW paid a beautiful word tribute to the Commoner as the great moral leader of political America and standard bearer of national sobriety.

Declaring that the eighteenth amendment was not "slipped over on anyone" but was written into the Constitution after generations of education and with the overwhelming ratification of the States, Mr. UPSHAW said, "and certainly when our Government has outlawed a stuff as mean and devilish as liquor by due constitutional process every patriot, regardless of former predilection and alignment, ought to practice constitutional sobriety."

He called upon President Coolidge to give the world a moral thrill by "smashing every illicit jug and breaking every intoxicating bottle in official Washington," and declared that those Members of Congress who drink liquor should "quit drinking the liquor outlawed by the Constitution or resign and go home."

Digressing from his text a moment to make reference to the appearance of his colleague, Congressman JOHN PHILIP HILL, on the same platform to-night, Mr. UPSHAW said good-naturedly, "I hope you will give my genial friend, Mr. HILL, as great a crowd and as fine a hearing as you have given me. Mr. HILL glories in the fact that he is as wet as I am dry. It is really a great and gracious thing to give a leading wet an opportunity to speak to a great, fine crowd like this, for the wets—bless their hearts—will never get anything else except an opportunity to speak; they will never get a smell of legislation in their favor from now till judgment day."

ADDRESS OF CONGRESSMAN WILLIAM D. UPSHAW AT MID-NEBRASKA

In his address on "America's Moral Mission to Humanity," at the Mid-Nebraska Exposition, Congressman WILLIAM D. UPSHAW, of Atlanta, Ga., said in part:

Ladies and gentlemen, neighbors of my honored colleague, Congressman EDGAR HOWARD, and fellow Americans, coming to the heart of Nebraska for this high day of patriotic fellowship and industrial progress, it is natural and inevitable that I should gather a double measure of inspiration from two great facts—first, that this is the home city and this the natal day of my golden-hearted friend and colleague, Congressman EDGAR HOWARD, whose name is the synonym of legislative vigilance in Washington, and whose meteoric introduction to the Wittenagemot of the Nation, even during his first term in Congress, made him the pulverizing terror of the reactionaries and the witty and genial comfort of all real progressives, regardless of lines of sectional or political cleavage.

To be invited to help celebrate the progress of your great Commonwealth and the birthday of EDGAR HOWARD, first secretary of Nebraska's immortal William J. Bryan, and now patriot and statesman in his own right by the grace of God, is one of the most gratifying honors that has come to me since Columbus discovered America—and Columbus, Nebr., was given its regnant place in the sun.

The other great thought that causes the tides of inspiration to ride to me on every breeze is the fact that I am in the old home State of the Great Commoner—the stainless Christian statesman, whose eloquent championship of economic justice, the rights of the masses, and vital Christianity made him a sun-crowned mountain peak along the shores of the world's moral scenery. As we stand to-day in the radiant aftermath of his beautiful home going, falling, as he did, on the far-famed firing line in behalf of the truth he loved so well, it seems even yet that the celestial glow of "sunset and evening star" is upon us, speaking to our very souls, influencing our very thinking, and calling us to nobler personal and national living.

"As over the hilltops, the valleys, and plains,
Though the sun hath departed, a glory remains"—

Even so the martyr-like death of William J. Bryan throws back its mellow radiance of faith and love upon the sky of the Nation and the

world, making a zone of light, thank God, in which the youth of his own Nebraska, the youth of our own America, will walk like conquering legions of Christian knighthood through "the restless tide of years."

COMMONER INSPIRES THEME

And this very contemplation largely inspires the theme of this hour, "America's moral mission to humanity," for, somehow, I would find myself unable to proceed on any subject so soon after his translation, that was not in consonance with the principles and the ideals of your great friend and mine. For, let us remember as we contemplate the life of Nebraska's first citizen and the greatest American of his time, that, after all, when the mists have cleared away and history has made its unbiased appraisal, William J. Bryan will be remembered not merely as the Nation's greatest political orator of two centuries but as the great moral leader of political America—the leader who put conscience and character into parties and platforms, and who, linking his superb genius and his transcendent gifts to his God-fearing character, was great enough to tower above the ruins of three presidential defeats and stand at the time of his death—not with the garnered fruition of political ambitions but the kingly conqueror of adversity and the spiritual inspiration of all mankind. As Grady said of Gladstone, our own "Gladstone of America" at the time of his death seemed "half human and half divine" as the light of the Better World was beating on his glorious face. Verily, may I say it to the young men of the State that was his home so long, if William J. Bryan bent from his lofty eminence at the foot of the cross with the faith of a little child, who are you, O young man, that you should refuse to build with him your own life's pyramid upon the Rock of Ages?

FELLOWSHIP OF THE SOUTH AND WEST

Before entering into a detailed discussion of the subject announced allow me to indulge in a frank and honest felicitation—a mutual felicitation, if you please, upon the natural fellowship that now exists—and should exist in larger measure, between the South, from which I come, and the West, where you live and reign, I trust, in increasing prosperity and happiness. If the United States of America has a vital mission to perform toward humanity everywhere, that mission can be best executed if the forces that make our own Nation great are kept in balance for the sake of economic symmetry and moral prowess. I do not intend to get away one inch from that great bedrock of legislative righteousness to which all political creeds must professedly do homage—"Equal rights to all and special privileges to none," but I do declare that the surest guaranty of the ultimate and permanent triumph of that full-orbed national justice must inevitably come from the strong handclasp of the peoples and the sections whose comradeship of ideals and of interests must inevitably make an identity of righteous objective. From certain high and worthy sources we have heard vigorous indictment of legislative "blocs" in Congress as if they offered dire danger to orderly governmental procedure. Frankly, I am not afraid of "blocs" in Congress, and still more frankly, I belong to one or two of them myself.

They are the essence of common sense, the law of logic and the natural line of legislative battle. Without any apology I belong to the agricultural bloc—yes; and the labor bloc—and the Lord knows, and everybody else knows that I belong to the prohibition bloc. And I stand ready at all times to give a reason for the faith that is in me. How on earth can the farmers who have been promised so much and received so little at the hands of Congress ever expect to get anywhere with favorable legislation if they and their friends do not stand together for the legislative emancipation of the basic industry of the Nation? And with capital organized as it ought to be organized for the sake of carrying on the great industries of the Nation—capital that so often forgets that there would be no industrial progress at all if it were not for the work of the man in overalls—how can labor expect to guarantee its own protection and its own opportunity before the march of capitalistic demands and monopolistic systems if the working man—I mean the man who toils every day with his hands—does not call his comrades and all who sympathize with his worthy aspirations to make common cause for his defense? This is as natural as loyalty itself. Of course, I believe in intellectual freedom and voting independence, and I have never allowed any man or set of men to do my thinking or my voting for me. I only mean that my usual bent of mind and inclination of heart are to redeem on the floor of Congress my first campaign pledge to give always the benefit of the doubt to the man in overalls and the man between the plough handles as the twin builders of our civilization. But my record will show that while I have been loyal to this vital principle as a rule of action, I have tried always to help the man in overalls to remember that he would have no job at all were it not for the activities of well-directed capital.

SOUTHERN AND WESTERN ALLIANCE NATURAL

Having said this much in absolute frankness, I wish to add without hesitation or equivocation that a sane alliance between the South and the West is as reasonable and as natural as the law of affinity—as natural as the fact that "sparks do upward fly." The East—the rich and powerful East seems often to forget in its legislative demands that without the cotton of the South and the grain of the West the very arteries of its commerce would cease to function and financial depression would reign from Boston and New York to Chicago. And when the great congested centers of a largely foreignized population seek to dominate both of our great political parties they should be spanked into wakeful and grateful memories. They should be reminded that there would be no bread on their boards, no meat in their smokehouse, and no clothes on their backs if the South and the West were to withhold the bounties of their fields and farms. This position is not narrow. It is simply a loyal application of the doctrine of "safety first." And when the South and the West, so largely Anglo-Saxon and so fundamentally American, unite their moral as well as their economic forces they will be able to steady the fevered pulse of this restless Nation and guarantee the early triumph of the highest ideals of our national life.

AMERICA'S REGENERATION THE FIRST ESSENTIAL

If Emerson was right when he declared that "America is God's last best national effort in behalf of the human race" (and all that is best within us is stirred with patriotic pride as well as humility with that lofty contemplation and responsibility), then God knows spiritual and moral regeneration must begin at home and triumph at home before we can successfully carry our national evangel to humanity everywhere. It is America's mission to teach the world the practical meaning of Christian civilization. It is ours to teach that civilization does not exist and government is not maintained in order that men may clip coupons and count their cash; that civilization does not exist and governments are not maintained in order that railroads may belt the continent like nerves of steel; that civilization does not exist and governments are not maintained in order that factories may turn their wheels to the music and march of progress; for all the factories and all the farms and all the industries of the Nation, if sold on the Capitol steps in Washington tomorrow at high noon, would not bring a single dollar if it were not for the boys and girls that give them their value. These material concrete things that we are accustomed to call wealth have no intrinsic value in themselves; theirs is only a related value—a value that comes wholly from their relation to humanity; and humanity gathers its truest value, or rather I should say, expands to its highest value only when spiritual ideals produce the moral character that is stalwart and enduring.

We have absolutely misread the meaning of our civilization if we go our length only for commercial success and that type of education which only touches the mind of man. Recently I spoke to 2,000 men in one auditorium, not one of whom got up and left before I finished. They were in a great Federal prison. There were men before me who had supposed they were drinking at the Pierian spring of real civilization. They had won college honors and had been crowned heroes in the mimic contests of the stadium and the forum. They had won diplomas from the greatest colleges and universities of the land. But they had forgotten God. They had reveled in learning the languages but they had not learned the language of Zion. They had studied science, astronomy, and biology, but they had never allowed the light from the Star of Bethlehem nor the fragrance of the rose of Sharon to illumine and transform their hearts. They had forgotten, because of godless teachers, or maybe godless parents, that education without religion is like a flower without fragrance—like a statue without a soul.

THEY STARTED WRONG

These poor educated men behind the bars had started wrong. Perhaps it was in a home where God's name was never honored and the voice of prayer was never heard; or perhaps it was in a schoolroom where some foolish and irreverent teacher put question points after spiritual truths that are supreme. Under such influences they missed the lofty and inspiring concept of human origin and destiny. For, you teach a child that he came from an inert protoplasm, a wallowing tadpole, a grinning ape, or a jumping monkey, and that child, with the tides of human nature beating him downward, will want to do groveling, muddy, monkeylike things; but, on the other hand, if you teach a child that he came from the creative hand of the God of the universe—put the Star of Bethlehem in the child's life and plant the great truth of spiritual regeneration in his soul—and that child, with appetite for the immortal, will never be content to stand anywhere except on the shining heights of a God-fearing and victorious manhood.

"FOR GOD AND COUNTRY"

That clarion salaam that rings out on the campus of a great American college during their commencement fellowship carries the essence and the spirit of that patriotism that is shot through and through with reverence and religion. Of course, we understand that no nation can be or should be Christian by governmental edict. Our fathers came to these friendly shores of freedom to get away from every phase and form of religious coercion, and to put into practice that basic doctrine of Roger Williams and his spiritual forbears—separation of church and state, liberty of conscience and freedom of soul. But we must remember the beautiful verities that George Washington taught in his farewell address to Congress and the American people—that morality is essential to our highest national

progress, and that the purest morality must come from "pure and undefiled religion."

This is a good time and a good place to utter to the youth and the homes of Nebraska and America the ringing call of the Great Commoner, "Back to the Bible—back to its old-fashioned truths—back to its old-fashioned faith—back to a holy reverence to the Sabbath—

"That blest day to mortals given—
To turn our thoughts from earth to Heaven."

If we allow the thoughtless, the selfish, and the godless, who are money-mad and pleasure-bent to bring to our beloved land the hideous irreverence of Europe's continental Sabbath—if we fail to hear the music of church bells on Sabbath morning, and answer that call as an echo from the bells of Heaven ringing in the far-away towers of eternity—if we allow commercialized amusements and politics and gross materialism to stifle the "still, small voice" of God and leave our sanctuaries empty and our family altars forgotten, we need not murmur if our youth become little more than refined barbarians and our country's future "be cast into hell with the nations that forget God."

DANGEROUS LEADERSHIP OF OUR LEADERS

If I could have my dearest wish to-day, my prayerful wish for our youth who are, as Jacob Riis said, "The to-morrow of the Republic," it would be to see our political, social, and commercial leaders all clean, sober, God-fearing citizens, for if our leaders are unclean, irreverent, and godless, and if they are supported by the parents of our children, who can blame impetuous youth for following so-called illustrious leadership and going straight to the devil?

I love to remember the safe and wholesome words of my old-fashioned Christian father around our family altar: "My sons, I will never knowingly vote for any man to whom I could not point my son as a moral example."

SHOCKING PROFANITY AMONG PUBLIC MEN

I am not an alarmist; neither am I a prude or a Puritan in the offensive acceptance of those terms; but for the sake of the American youth we love, I protest against the shocking profanity among so many public men. I do not make this protest as a preacher—for I am only a plain, every-day sinner saved by grace—but as a God-fearing citizen and lawmaker, I echo the spirit of Gen. George Washington's warning when, in July, 1776, he issued the following general order to the Revolutionary Army:

"The general is sorry to be informed that the foolish and wicked practice of profane swearing, a vice heretofore little known in an American Army, is growing into fashion. He hopes the officers will, by example as well as influence, endeavor to check it, and that both they and the men will reflect that we can have little hope of the blessings of heaven on our arms if we insult it by our impiety and folly. Added to this, it is a vice so mean and low, without any temptation, that every man of sense and character detests and despises it."

I call on every young man and every political civic leader who believes in the "Father of his Country" to follow Washington's advice and refrain from the profanity that debases man and dishonors God.

LAW AND CONSTITUTIONAL SOBRIETY—PARTY WARNING

And certainly when our Government has, after generations of education and agitation, outlawed a stuff as mean and devilish as liquor by due constitutional process, every patriot, regardless of former predilection and alignment, ought to practice constitutional sobriety. Those unpatriotic men who put their depraved appetites above the Constitution of their country perhaps breathe a sigh of relief since William J. Bryan died; but stay there—not so fast! For I swing out the red lantern of warning to my party and my country! I write that warning on the "burnished ceiling" of our national sky: "Politicians who put local party success above moral principle and who love the liquor outlawed by our Constitution better than the sober democracy for which Bryan fought so long, shall not lay impious hands upon the sacred instrument which he helped to enact"—and I "swear by all the gods I know"—I declare in the name of the God he served, and in the name of the millions of homes around which he helped to build the breastworks of constitutional prohibition, that those "wet" unpatriotic, unconstitutional politicians shall not trample with unholy feet upon the "vocal dust" in William J. Bryan's grave. If, while he lived, one blast from his clarion horn was worth ten thousand men, I solemnly declare to the defiant "wets" of America that that new grave in historic Arlington will wake ten million patriots to guard its sacred ideals and lead to glorious vindication and coronation the eternal truths for which he lived and fought and died.

"Wet" politicians may vote down his principles in San Francisco and hoodlum hordes of foreignized un-American devotees of the Bowery and the bottle may howl him down in Madison Square Garden, but his principles of constitutional prohibition and national sobriety will dance over the graves of his detractors and hold high carnival among the everlasting hills of God.

TIME FOR PRESIDENTIAL DYNAMICS

I have full faith in the personal moral integrity of Calvin Coolidge. I believe that as a man he is absolutely incorruptible; and I believe that he personally and officially desires to see the eighteenth amendment and its supporting statutes observed and enforced. I am glad to believe that he has come to that high ground taken by President Harding in his memorable Denver speech, when he declared that he had come to the conviction that it was his duty and the duty of all officials to personally obey our prohibition law as a patriotic duty and as a proper example to the present and future citizenship of America. But I frankly believe—I might say I desperately believe—that the time has come for vigorous presidential dynamics in the White House of this Nation. As a patriotic American, anxious for the safety of the youth of my country and anxious concerning America's moral mission to all mankind, I want to see my President—patriot and churchman as he is—give the Nation and the world a moral thrill by smashing every illicit jug and breaking every intoxicating bottle in official Washington. I rejoice to believe that Congress is overwhelmingly dry. I have said so in every speech I have made, calling for the few who do violate the law to quit drinking the liquor outlawed by the Constitution of this country or resign and go home. But everybody knows that the standard of sobriety among many officials is still painfully low; and if I were President of a Nation that has outlawed a thing as devilish as liquor by due governmental process, I would use the Executive guillotine on the official head of every man under my appointment who set an unsafe, an unpatriotic example before the youth of America.

Furthermore, if I were president of a nation engaged in the greatest moral experiment which any organized government has ever known, I would request the Secretary of State to address a cordial, diplomatic letter to every government represented in Washington, pointedly stating our position and asking them to forego the privileges of diplomatic immunity which allows them to haul through the streets of the Nation's Capital and serve with tantalizing display at social functions the intoxicating liquors which are constitutionally denied to American citizens. Much as we would regret the necessity, this great country of ours, with its sober and lofty ideals, can afford to get along without diplomatic intercourse with any nation that does not sympathize with our moral ideals or that makes a flagrant abuse of diplomatic immunity. The eyes of the world are on America. In vain have we helped to strike the shackles of military autocracy from the upward struggling nations of the earth, if we fail now to prove our moral strength and power in this mighty battle for the soul of the Nation; but if we win in America's great evangel to humanity, the moral leaders of the nations that watch us from across the sea will gird their loins afresh for the conflict; they will strike their harps of hope anew and follow the stainless flag of America up that great Appian Way along which humanity must climb to the beauty and glory of a sober world.

Finally, would you build your children into stable, God-fearing citizens? Then, don't send your children to Sunday school. Do better than that—go and carry them with you. Don't send your children out into the world to face temptation in these testing times having to say, "I never heard my father or mother pray." For, from the altar of the old-fashioned Christian home where father, mother, and children read God's word and kneel and pray every day, must come that vital, God-fearing, victorious citizenship that will save America and help America to save the world.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 6 minutes p. m.) the House adjourned until tomorrow, Saturday, December 19, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

184. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation authorizing the Secretary of the Treasury to accept a correctionary deed to the United States of land used in common with the Pennsylvania, New York & Long Island Railroad for post office purposes; to the Committee on Public Buildings and Grounds.

185. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation transferring a strip of land on Fayette Street, at the southeast corner of the Federal building site, to the city of Baltimore; to the Committee on Public Buildings and Grounds.

186. A letter from the Chief of the United States Bureau of Efficiency, transmitting report showing the publications issued by the Bureau of Efficiency during the fiscal year 1925, the cost of preparation, printing, and paper, and total number distributed; to the Committee on Printing.

187. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment for the Joint Committee on Printing, fiscal year 1926, in the sum of $7,500 (H. Doc. No. 139); to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 79. A joint resolution to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia; with an amendment (Rept. No. 6). Referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN: Committee on Appropriations. H. R. 5959. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes; without amendment (Rept. No. 7). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 1694) granting an increase of pension to Charles H. Ubert; and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARBER: A bill (H. R. 5939) providing for the purchase of a site and the erection of a public building at Newkirk, Okla.; to the committee on Public Buildings and Grounds.

By Mr. HALL of North Dakota: A bill (H. R. 5940) increasing the limit of cost of a Federal building at Jamestown, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER of New York: A bill (H. R. 5941) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. LAGUARDIA: A bill (H. R. 5942) limiting penalty for violation of the ninety-sixth article of war; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 5943) to provide for the purchase of a site and the erection of a public building at Wadena, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNELL of New York: A bill (H. R. 5944) to purchase a site for the erection of a post-office building in the section of the Borough of Queens, City of New York, N. Y., known and designated as South Ozone Park; to the Committee on Public Buildings and Grounds.

By Mr. ANDRESEN: A bill (H. R. 5945) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 5946) to provide for the erection of a public building at Paris, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5947) to provide for the erection of a public building at Booneville, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5948) to provide for the erection of a public building at De Queen, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5949) to provide for the erection of a public building at Nashville, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5950) to provide for the erection of a public building at Ashdown, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. GREENWOOD: A bill (H. R. 5951) for the erection of a public building at Linton, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND: A bill (H. R. 5952) to amend section 1339 of the Compiled Laws of Alaska, 1913; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky: A bill (H. R. 5953) providing for a mine rescue station and equipment at Pineville, Ky.; to the Committee on Mines and Mining.

By Mr. BOYLAN: A bill (H. R. 5954) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 5955) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 5956) to provide a site and erect a building thereon at Rutherford, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5957) to provide a site and erect a building thereon at Ridgewood, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5958) to provide a site and erect a building thereon at Englewood, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. MADDEN: A bill (H. R. 5959) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. DICKSTEIN: A bill (H. R. 5960) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. CURRY: A bill (H. R. 5961) granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 5962) for the improvement of San Joaquin River and Stockton Channel, Calif.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5963) providing for the improvement of Pinole Shoals and Mare Island Channel and turning basin, Calif.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5964) providing for a channel 10 feet deep and of varying widths in the Sacramento River, Calif., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5965) to modify the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes"; to the Committee on Flood Control.

By Mr. BRITTEN: A bill (H. R. 5966) to fix an annual salary schedule applying to custodian employees in the United States Federal Building, Chicago, Ill.; to the Committee on the Civil Service.

By Mr. WINGO: A bill (H. R. 5967) for the improvement of the post office and Federal court building at Texarkana, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. COLTON: A bill (H. R. 5968) to provide for the erection of a public building at Price, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5969) to authorize the erection of a Federal building at Ephraim, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5970) to provide for the purchase of a site and the erection of a public building at Ogden, in the State of Utah, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HALE: A bill (H. R. 5971) to provide for the purchase of a site and the erection thereon of a public building in the town of Exeter and State of New Hampshire; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5972) to provide for the erection of a public building in the city of Somersworth and State of New Hampshire on the site already acquired for that purpose; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5973) to acquire by purchase, condemnation, or otherwise additional land for the Federal building in the city of Manchester and State of New Hampshire, and to construct an addition thereon; to the Committee on Public Buildings and Grounds.

By Mr. GALLIVAN: A bill (H. R. 5974) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. CONNERY: A bill (H. R. 5975) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. WELLER: A bill (H. R. 5976) to amend the penal code; to the Committee on the Judiciary.

By Mr. BERGER: A bill (H. R. 5977) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. ROY G. FITZGERALD: A bill (H. R. 5978) to relieve persons in the military and naval services of the United States during the war-emergency period from claims for overpayment at that time not involving fraud; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 5979) to require national banks to maintain armed guards for the prevention of robberies; to the Committee on Banking and Currency.

By Mr. HARE: A bill (H. R. 5980) providing a Federal highway fund; to the Committee on Ways and Means.

By Mr. KELLY: A bill (H. R. 5981) to enable the Postmaster General to make contract for the transmission of mail by aircraft at fixed rates per pound; to the Committee on the Post Office and Post Roads.

By Mr. HILL of Maryland: A bill (H. R. 5982) to provide for the appointment of a leader of the Army music school; to the Committee on Military Affairs.

By Mr. NEWTON of Missouri: A bill (H. R. 5983) to amend section 9 of the "trading with the enemy act"; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBSION of Kentucky: A bill (H. R. 5984) to provide for the erection of a public building at Barbourville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5985) to provide for the erection of a public building at Harlan, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5986) to provide for the erection of a public building at Corbin, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5987) to aid in the repair and construction of a highway from Somerset, Ky., to Mill Springs National Military Cemetery; to the Committee on Roads.

Also, a bill (H. R. 5988) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. MORIN: A bill (H. R. 5989) providing for care of graves of British soldiers in Greenwood Cemetery, Fort Worth, Tex.; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 5990) for the erection of a Federal building at Dallas, Dallas County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 5991) authorizing the adjustment of the boundaries of the Black Hills and Harney Forests, and for other purposes; to the Committee on the Public Lands.

By Mr. OLIVER of New York: Joint resolution (H. J. Res. 88) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

By Mr. SABATH: Joint resolution (H. J. Res. 89) to investigate the charges against the bread combination; to the Committee on the Judiciary.

By Mr. PURNELL: Joint resolution (H. J. Res. 90) to provide a site for the erection of a building of service for the Mothers Memorial Foundation at Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BLANTON: Joint resolution (H. J. Res. 91) to abolish during peace time all court-martial trials in the Army and Navy of the United States; to restore to Hon. William Mitchell his proper rank, pay, allowances, and standing in the United States Army; and to punish those who have conspired to ruin and disgrace him; to the Committee on Military Affairs.

By Mr. SWEET: Joint resolution (H. J. Res. 92) directing the Chief of the Board of Engineers of the Army to reestimate the cost of constructing a 30-foot depth ship canal from the Hudson River to Lake Ontario, based upon present-day figures; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolution (H. Res. 57) providing additional compensation for the clerks and messenger to the Judiciary Committee; to the Committee on Accounts.

By Mr. TILSON: Resolution (H. Res. 58) authorizing an investigation of the crude-rubber industry; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 5992) granting a pension to May Messick Jaehnig; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 5993) granting an increase of pension to Annie M. Mort; to the Committee on Invalid Pensions.

By Mr. BOWLES: A bill (H. R. 5994) granting an increase of pension to Mary A. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bll (H. R. 5995) granting a pension to Frances E. Bull; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 5996) for the relief of the Moran Towing & Transportation Co.; to the Committee on Claims.

By Mr. COLE (by request): A bill (H. R. 5997) to authorize the Secretary of War to settle certain claims of W. H. Banfield & Sons (Ltd.), of Toronto, Canada, and for other purposes; to the Committee on Military Affairs.

By Mr. COLTON (by request): A bill (H. R. 5998) for the relief of Joseph Thorpe; to the Committee on Claims:

Also, a bill (H. R. 5999) for the relief of J. W. Neil; to the Committee on Claims.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 6000) granting a pension to Ella Swinburn; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 6001) granting an increase of pension to Susan A. Owens; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 6002) granting an increase of pension to John A. Rafter; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 6003) for the relief of Charles B. Beck; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 6004) granting a pension to Orba A. White; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 6005) to allow and credit the accounts of Walter P. M. Young, formerly commissioned officer of the United States Army, the sum of $540 representing overpayment of allotment by the United States Government; to the Committee on Military Affairs.

By Mr. GAMBRILL: A bill (H. R. 6006) for the relief of Joseph S. Carroll; to the Committee on Naval Affairs.

By Mr. GLYNN: A bill (H. R. 6007) granting an increase of pension to Joseph Barrett; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 6008) granting an increase of pension to Ella F. Buzzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6009) granting an increase of pension to Julia Blanche Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6010) granting an increase of pension to Amy M. Heath; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 6011) granting an increase of pension to Elizabeth Geiger; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 6012) granting a pension to Maggie Garner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6013) for the relief of Stanislaus Siemek; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 6014) granting an increase of pension to William E. Armstrong; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 6015) to correct the Marine Corps record of Roy W. Saam; to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 6016) to correct the military record of James Holder; to the Committee on Military Affairs.

By Mr. JARRETT: A bill (H. R. 6017) for the relief of Fred R. Nugent; to the Committee on Military Affairs.

By Mr. JOHNSON of Indiana: A bill (H. R. 6018) granting an increase of pension to Rachel A. Lough; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 6019) granting a pension to Jennie E. Wynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6020) granting a pension to Jennie Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6021) granting a pension to Emma Smitley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6022) granting an increase of pension to Matilda J. Jarvis; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 6023) granting an increase of pension to Juliana K. Dapp; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 6024) for the relief of W. J. Bryson; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 6025) granting a pension to Josephine P. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6026) granting an increase of pension to Levi E. Hinckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6027) granting a pension to Sarah A. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6028) granting a pension to Selma Creswell; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 6029) granting a pension to George H. Klein; to the Committee on Pensions.

By Mr. MAGEE of New York: A bill (H. R. 6030) granting a pension to Mary K. Dellow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6031) granting a pension to Cora A. Vibbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6032) granting a pension to Mary E. Garrett; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 6033) granting an increase of pension to Palmetto Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6034) granting an increase of pension to Josephine Benscoter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6035) granting a pension to Sarah A. Doebler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6036) granting a pension to Fannie S. Nuss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6037) granting an increase of pension to Mary Withers; to the Committee on Pensions.

Also, a bill (H. R. 6038) granting a pension to Alice L. Hanson; to the Committee on Pensions.

By Mr. MAJOR: A bill (H. R. 6039) granting an increase of pension to Joseph T. Butler; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 6040) for the relief of Michael J. Bauman; to the Committee on Claims.

Also, a bill (H. R. 6041) for the relief of John L. Hoffman; to the Committee on Claims.

By Mr. MICHENER: A bill (H. R. 6042) for the relief of Ralph W. Neelands; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 6043) granting a pension to Reuben E. Kerns; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 6044) granting an increase of pension to Nancy A. Compton; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 6045) granting an increase of pension to Huldah Bone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6046) granting an increase of pension to Eliza J. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6047) granting an increase of pension to Caroline Brindley; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 6048) granting an increase of pension to Margret B. Kerr; to the Committee on Invalid Pensions.

By Mr. OLIVER of New York: A bill (H. R. 6049) granting an increase of pension to Mary D. Fisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6050) granting an increase of pension to Cecilia Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6051) granting an increase of pension to Mary E. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6052) granting a pension to Isabella Lee Horn; to the Committee on Pensions.

Also, a bill (H. R. 6053) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

Also, a bill (H. R. 6054) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

Also, a bill (H. R. 6055) for the relief of John Tully; to the Committee on the Civil Service.

Also, a bill (H. R. 6056) for the relief of Dudley M. Winthrop; to the Committee on War Claims.

Also, a bill (H. R. 6057) for the relief of George Bolko & Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 6058) for the relief of Edward Joseph Costello; to the Committee on Military affairs.

By Mr. PARKS: A bill (H. R. 6059) granting an increase of pension to Mary C. Nutt; to the Committee on Pensions.

By. Mr. PATTERSON: A bill (H. R. 6060) granting an increase of pension to Susan B. Fisher; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 6061) granting an increase of pension to Jennie Walker; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 6062) for the relief of the estates of T. T. Garrard, J. W. Reid, Alexander T. White, M. G. Horton, Alexander W. Chastain, James White, L. R. White, and Daugherty White; to the Committee on War Claims.

By. Mr. SCHAFER: A bill (H. R. 6063) for the relief of Paul Wallerstein; to the Committee on Military Affairs.

Also, a bill (H. R. 6064) granting a pension to Michael Bibus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6065) granting a pension to Fred Bronson; to the Committee on Pensions.

Also, a bill (H. R. 6066) for the relief of Edward N. Rice; to the Committee on Military Affairs.

Also, a bill (H. R. 6067) to credit crews of *Harvard* and *Yale* with services performed; to the Committee on Pensions.

Also, a bill (H. R. 6068) for the relief of Maj. F. Ellis Reed; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 6069) for the relief of Julia Haley; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 6070) granting an increase of pension to Ann Eliza Byrne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6071) granting an increase of pension to Nancy J. Welch; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 6072) to remove the charge of desertion and grant an honorable discharge to Charles P. Phillips; to the Committee on Military Affairs.

By Mr. TINCHER: A bill (H. R. 6073) granting an increase of pension to Rebecca Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6074) granting an increase of pension to Mary E. Tullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6075) granting a pension to Anzonetta Hooker; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 6076) granting a pension to Elizabeth M. Hinds; to the Committee on Pensions.

By Mr. VOIGT: A bill (H. R. 6077) granting a pension to John M. Chambers; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 6078) granting an increase of pension to Melvina Marshall; to the Committee on Invalid Pensions.

By Mr. WALTERS: A bill (H. R. 6079) granting a pension to Annie M. Bowman; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 6080) for the relief of J. M. Hedrick; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 6081) granting a pension to Mary E. Haydock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6082) granting an increase of pension to Benbow M. Bright; to the Committee on Pensions.

Also, a bill (H. R. 6083) granting an increase of pension to William B. Raper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6084) granting an increase of pension to Albert C. Nesbitt; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 6085) granting an increase of pension to Martha A. Cox; to the Committee on Invalid Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 6086) to relinquish the title of the United States to the land in the donation claim of the heirs of J. B. Baudreaux, situate in the county of Jackson, State of Mississippi; to the Committee on the Public Lands.

Also, a bill (H. R. 6087) to reinstate Joe Burton Coursey in the West Point Military Academy; to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 6088) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

187. By Mr. CONNERY: Petition of Division 5, Ancient Order of Hibernians, Charleston, Mass., protesting against the entry of the United States into a world court; to the Committee on Foreign Affairs.

188. By Mr. GARBER: Resolution by the members of the United Spanish War Veterans, of Shawnee, Okla., indorsing the act relative to laws governing the payment of pension bills; to the Committee on Pensions.

189. By Mr. KINDRED: Petition of the Central Union Label Council of Greater New York, favoring a Federal investigation of proposed Bread Trust; to the Committee on the Judiciary.

190. Also, petition of the Fred W. Lange Trucking Co., of New York, protesting against the passage of a bill intended to place the operation of motor trucks under the jurisdiction of the utility commission; to the Committee on Interstate and Foreign Commerce.

191. By Mr. MACGREGOR: Petition of the Older Boys' Conference of Western New York, urging the United States to adhere to the Permanent Court of International Justice; to the Committee on Foreign Affairs.

192. By Mr. SNELL: Petition of sundry representatives of the Methodist Episcopal Church, Buffalo area, N. Y., favoring the adherence of the United States to the World Court; to the Committee on Foreign Affairs.

193. By Mr. WOODRUM: Petition of the Young Women's Christian Association, of Roanoke, Va., petitioning Congress to pass the necessary legislation to carry America into the World Court; to the Committee on Foreign Affairs.

